

PEOPLE OF THE STATE OF CALIFORNIA,  
PLAINTIFF,  
VS.  
KEVIN PERELMAN,  
DEFENDANT.

COPY

SEP 14 2018

Sherri R. Carter, Executive Officer/Clerk  
By: Silva Duduyan, Deputy

FOR THE DEFENDANT: LAW OFFICE OF SEYMOUR I. AMSTER  
BY: SEYMOUR I. AMSTER, ATTORNEY  
18017 CHATSWORTH STREET, SUITE 337  
GRANADA HILLS, CALIFORNIA 91344

HILDA GUTIERREZ, CSR 12714, RPR  
OFFICIAL COURT REPORTER

1 CASE NUMBER: 7VW04099-01  
2 CASE NAME: PEOPLE VS. KEVIN PERELMAN  
3 DEPARTMENT 113 HON. ERIC P. HARMON, JUDGE  
4 VAN NUYS, CALIFORNIA THURSDAY, MARCH 8, 2018  
5 APPEARANCES: (AS HERETOFORE NOTED)  
6 REPORTER: ANN MARIE CIZIN, CSR NO. 5491  
7 TIME: A.M. SESSION  
8

9 APPEARANCES:

10 DEFENDANT, KEVIN PERELMAN, PRESENT WITH HIS  
11 COUNSEL, SEYMOUR AMSTER, PRIVATE COUNSEL;  
12 KARINE PHILIPS, DEPUTY CITY ATTORNEY,  
13 REPRESENTING THE PEOPLE OF THE STATE  
14 OF CALIFORNIA.  
15

16 THE COURT: KEVIN PERELMAN. HE'S BEFORE THE COURT,  
17 OUT OF CUSTODY.

18 MR. AMSTER: SEYMOUR AMSTER FOR THE DEFENDANT.

19 MS. PHILIPS: KARINE PHILIPS FOR THE PEOPLE.

20 THE COURT: THE MATTER IS HERE TODAY, 2 OF 10. IT  
21 WAS -- THERE IS A MOTION TO CONTINUE BY BOTH SIDES TO  
22 APRIL 4TH AS 0 OF 10, WHICH SHALL BE GRANTED.

23 THEN THERE IS A MOTION TO CONSOLIDATE, FILED  
24 BY THE PEOPLE, MARCH 8.

25 YOU HAVE A COPY OF THAT?

26 MR. AMSTER: I DO, YOUR HONOR.

27 THE COURT: EITHER SIDE WISH TO BE HEARD ANY  
28 FURTHER?



1 MR. AMSTER: I WILL SUBMIT AND OBJECT.

2 MS. PHILIPS: PEOPLE SUBMIT, YOUR HONOR.

3 THE COURT: MOTION TO CONSOLIDATE IS GRANTED. SO  
4 THE CASE -- ONE SECOND.

5 THE CASE THAT IS 190 IS CONSOLIDATED INTO  
6 THE CASE THAT IS 099 PER THE RULES OF COURT. I THINK IT  
7 GOES INTO THE LOWER CASE NUMBER.

8 MS. PHILIPS: IT DOES, YOUR HONOR.

9 THE COURT: BOND FOR THE CASE ENDING IN 190 IS  
10 EXONERATED.

11 MS. PHILIPS: BUT TO BE CLEAR, THE CONDITION THAT  
12 THE COURT ORDERED LAST TIME REMAINS IN EFFECT?

13 THE COURT: YES. THE CONDITIONS ARE STILL THE  
14 SAME. THE BOND ON THE CASE ENDING IN 099 IS 35,000; ON  
15 THE CASE ENDING IN 190, ONLY \$100. SO I'M SATISFIED THAT  
16 THAT'S A SUFFICIENT AMOUNT.

17 THE CONDITIONS OF BOND PRETRIAL WERE  
18 ARTICULATED IN THE CASE ENDING IN 099 LAST TIME AND THEY  
19 REMAIN, AS DOES YOUR BOND. SO LET ME BE CLEAR, YOU SHALL  
20 RETRAIN FROM CONTINUING TO OFFER A CARD TO A PERSON AFTER  
21 THEY HAVE DECLINED IT, AND REFRAIN FROM PLACING THEM ON  
22 THE GROUND, AND OBEY ALL LAWS. THAT'S THE ORDER.

23 SEE YOU BACK APRIL 4TH, 2018.

24 IS THERE A CONSOLIDATED COMPLAINT?

25 MS. PHILIPS: NOT AS OF YET, YOUR HONOR. I MAY  
26 HAVE A WITNESS ISSUE THAT WILL NECESSITATE THE DISMISSAL  
27 OF A COUNT DUE TO THE OFFICER'S EXTENDED I.O.D. I WANT TO  
28 ADDRESS IT ONCE INSTEAD OF REPEATEDLY.

1 THE COURT: IN THE CONSOLIDATION ALL THE COUNTS  
2 WILL BE MOVED INTO THE NEW COMPLAINT.

3 MS. PHILIPS: THANK YOU.

4 THE COURT: APRIL 4TH, 0 OF 10, TIME WAIVED.

5 MR. AMSTER: TIME WAIVED, YOUR HONOR. OFFERING A  
6 STIPULATION TO A REASONABLE PEOPLE'S CONTINUANCE.

7 THE COURT: THAT'S THE ORDER.

8 MS. PHILIPS: THANK YOU.

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10 (PROCEEDINGS CONCLUDED.)

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1 CASE NUMBER: 7VW04099-01  
2 CASE NAME: PEOPLE V. KEVIN PERELMAN  
3 VAN NUYS, CALIFORNIA APRIL 4, 2018  
4 DEPARTMENT 113 ERIC P. HARMON, JUDGE  
5 COURT REPORTER: DOMINICA HOTCHKISS, CSR NO. 12805  
6 TIME: 9:11 A.M.

7 APPEARANCES: DEFENDANT, KEVIN PERELMAN, PRESENT WITH HIS  
8 COUNSEL, SEYMOUR AMSTER, PRIVATE COUNSEL;  
9 KARINE PHILIPS, DEPUTY CITY ATTORNEY,  
10 REPRESENTING THE PEOPLE OF THE STATE OF  
11 CALIFORNIA.

12  
13 P R O C E E D I N G S  
14

15 THE COURT: NO. 10 IS KEVIN PERELMAN.

16 MR. AMSTER: YES, YOUR HONOR. MAY WE APPROACH?

17 (SIDEBAR CONFERENCE HELD OFF THE  
18 RECORD.)

19 THE COURT: WE HAVE KEVIN PERELMAN. HE'S PRESENT.  
20 HE'S WITH HIS LAWYER, MR. AMSTER. MS. PHILIPS REPRESENTS  
21 THE PEOPLE.

22 THE MATTER'S HERE TODAY ZERO OF TEN. THERE'S  
23 A NEW COMPLAINT FILED.

24 DOES THE DEFENSE HAVE A COPY OF THIS?

25 MR. AMSTER: YES, YOUR HONOR.

26 THE COURT: DOES HE WAIVE FORMAL READING OF THE  
27 AMENDED INFORMATION, OR COMPLAINT RATHER, STATEMENT OF  
28 RIGHTS, ENTER A PLEA OF NOT GUILTY, AND DENY EVERYTHING?

1 MR. AMSTER: YES, YOUR HONOR.

2 THE COURT: NOT GUILTY PLEAS ARE ENTERED;  
3 DENIALS'S ARE ENTERED.

4 WE'LL HAVE A JURY TRIAL SEVEN OF TEN NEXT  
5 WEEK, WEDNESDAY, APRIL 11.

6 SIR, IF YOU ARE SEEKING NEW COUNSEL, MAKE  
7 SURE THEY'RE HERE, READY TO GO ON THAT DATE. THAT IS APRIL  
8 11TH, 8:30 A.M. WE'LL SEE ALL PARTIES THAT DAY.

9 ANYTHING ELSE?

10 MS. PHILIPS: NOTHING FURTHER, YOUR HONOR.

11 MR. AMSTER: NOT THAT I CAN THINK OF.

12 (PROCEEDINGS CONCLUDED.)

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1 CASE NUMBER: 7VW05190-01/7VW04099-01  
2 CASE NAME: PEOPLE VS. KEVIN PERELMAN  
3 VAN NUYS, CALIFORNIA MONDAY, MAY 14, 2018  
4 DEPARTMENT 113 HON. ERIC HARMON, JUDGE  
5 REPORTER: HILDA GUTIERREZ, CSR 12714, RPR  
6 APPEARANCES: (AS HERETOFORE MENTIONED)  
7 TIME: 2:11 P.M.  
8

9 (THE FOLLOWING PROCEEDINGS WERE  
10 HELD IN OPEN COURT:)  
11

12 THE COURT: THIS IS NUMBER 1, KEVIN PERELMAN,  
13 7VW04099. HE'S PRESENT. HE IS WITH HIS LAWYER  
14 MR. AMSTER. MS. PHILIPS REPRESENTS THE PEOPLE. IT'S  
15 HERE TODAY FOR 402S.

16 I AM GOING TO ORDER A PANEL OF 35 JURORS  
17 FOR TOMORROW MORNING, 11:00 A.M.

18 MR. AMSTER: DO YOU WANT US --

19 THE COURT: COME AT 10:30 IN CASE THERE ARE ANY  
20 LAST-MINUTE ISSUES.

21 I WANT THE JURORS AT THE DOOR AT  
22 11:00 A.M.

23 35 IS THE MOST THEY WILL GIVE US. MAYBE  
24 AT THE LAST MINUTE, IF THEY HAVE MORE, THEY WILL GIVE US  
25 MORE. BUT RIGHT NOW WE WILL JUST ORDER 35 FOR 11:00  
26 A.M.

27 WHAT IS THE TIME ESTIMATE?

28 MR. AMSTER: FOUR DAYS.

1 MS. PHILIPS: FOUR TO FIVE, DEPENDING ON HOW MUCH  
2 COURT TIME WE GET.

3 THE COURT: OKAY. AND HOW MANY PEOPLE WITNESSES?

4 MS. PHILIPS: PROBABLY ABOUT FIVE, YOUR HONOR.

5 THE COURT: ALL RIGHT. AND WHO ARE THEY?

6 MS. PHILIPS: IT'S GOING TO BE AT LEAST TWO  
7 CIVILIANS. I AM HAVING ISSUES WITH MY THIRD.

8 IT WILL BE MR. TERRANCE SCROGGIN --  
9 T-E-R-R-A-N-C-E, S-C-R-O-G-G-I-N -- AND ANOTHER NEIGHBOR  
10 BY THE NAME OF -- I WILL SPELL IT -- Y-R-U-H-A-M, LAST  
11 NAME K-O-T-E-L. HE'S ELDERLY AND WOULD REQUIRE THE  
12 SERVICES OF A FARSI INTERPRETER. HE'S THE ONE THAT IS  
13 OF FAILING HEALTH. I AM NOT SURE THAT HE'S GOING TO  
14 MAKE IT AT ALL. AND THEN WE HAVE MR. BAILEY BARNARD,  
15 B-A-I-L-E-Y, B-A-R-N-A-R-D. AND ONE OF TWO CIVILIAN  
16 WITNESSES, EITHER LINDA CANNON, C-A-N-N-O-N, OR BRITTANY  
17 DUFFY, D-U-F-F-Y. AND THEN FROM LAPD, OFFICER SEAN --  
18 HIS FIRST NAME IS CHARLES, BUT HE GOES BY SEAN D-I-N-S-E  
19 AND BRENT RYGH, R-Y-G-H.

20 THE COURT: DOES ANYBODY ELSE NEED AN INTERPRETER  
21 OTHER THAN --

22 MS. PHILIPS: MR. KOTEL, NO.

23 THE COURT: ANY DEFENSE WITNESSES?

24 MR. AMSTER: POTENTIALLY JUST THE DEFENDANT, YOUR  
25 HONOR.

26 THE COURT: OKAY. ANY VIDEO OR AUDIO THAT EITHER  
27 SIDE IS SEEKING TO INTRODUCE?

28 MS. PHILIPS: YOUR HONOR, THERE ARE TWO 9-1-1 --



1 AT LEAST TWO 9-1-1 CALLS. AT THIS TIME, THE PEOPLE  
2 AREN'T GOING TO BE SEEKING TO INTRODUCE THOSE. THERE  
3 ARE ALSO HOURS UPON HOURS OF BODY-WORN CAMERA FOOTAGE  
4 FROM DIFFERENT OFFICERS' BODY WORN. ON ONE OCCASION, I  
5 BELIEVE, THERE ARE FIVE OR SIX OFFICERS; ON ANOTHER  
6 OCCASION THERE ARE AT LEAST TWO.

7 I TURNED EVERYTHING OVER AT THIS POINT. I  
8 DO NOT INTEND TO USE ANY OF IT.

9 THE COURT: DEFENSE.

10 MR. AMSTER: AT THIS POINT WE'RE NOT GOING TO  
11 OFFER ANY IN CASE IN CHIEF. I AM HOPING THE DOORS WILL  
12 OPEN DURING CROSS-EXAMINATION.

13 THE COURT: WE DO NEED A TRANSCRIPT FOR THE AUDIO  
14 PORTION THAT WILL SOUGHT -- THE PARTIES WOULD SEEK TO  
15 HAVE INTRODUCED.

16 MR. AMSTER: IN AN ABUNDANCE OF CAUTION, I HAVE  
17 HAD THE 9-1-1 TRANSCRIBED. BUT DUE TO THE VOLUME OF THE  
18 BODY-WORN FOOTAGE, IT'S IMPOSSIBLE REALLY.

19 THE COURT: ANY DEFENDANT STATEMENTS THAT THE  
20 PEOPLE SEEK TO INTRODUCE?

21 MS. PHILIPS: I DON'T BELIEVE SO, YOUR HONOR.

22 THE COURT: ALL RIGHT. ANY -- COUNT 1 IS  
23 MARCH 21ST THROUGH AUGUST 2ND. IT'S ALLEGED TO BE A  
24 VIOLATION OF PENAL CODE SECTION 370, 372.

25 COUNT 2 IS ALLEGED TO BE MAY 18, 2017,  
26 422.

27 MS. PHILIPS: YOUR HONOR, WITH REGARD TO  
28 COUNTS 3, 4, AND 5, I WOULD BE SEEKING TO DISMISS THOSE

1 AT THIS TIME.

2 THE COURT: 3, 4, AND 5?

3 MS. PHILIPS: CORRECT.

4 THE COURT: THAT'S GRANTED, THE MOTION TO  
5 DISMISS 3, 4, AND 5 BY THE PEOPLE.

6 STILL KEEP THE SAME NUMBERS, THOUGH.

7 MS. PHILIPS: THAT'S WHAT I WAS TOLD. I ACTUALLY  
8 INQUIRED REGARDING THAT WITH YOUR CLERK, AND THAT WAS  
9 WHAT WAS PREFERABLE.

10 THE COURT: 6 IS BETWEEN AUGUST 3RD, 2017. AND  
11 9-20-2017 IS 370, 372.

12 COUNT 7, AUGUST 18, 2017, ALLEGED TO BE  
13 A 242 BATTERY.

14 COUNT 8, ALLEGED TO BE 9-20-2017,  
15 VIOLATION OF THE MUNICIPAL CODE, 28.01.

16 COUNT 9, MARCH 6, 2018, VIOLATION OF --

17 MS. PHILIPS: ACTUALLY, I'M SORRY. 3-21.

18 THE COURT: BETWEEN 3-21-2017 AND 3-6-2018, A  
19 VIOLATION OF 28.01.01.

20 DO YOU HAVE A COPY OF THAT MUNICIPAL CODE,  
21 OF THOSE TWO, OF THE LANGUAGE?

22 MS. PHILIPS: I SHOULD, YOUR HONOR. IF NOT, I  
23 CAN GIVE IT TO THE COURT LATER THIS AFTERNOON.

24 THE COURT: I PROBABLY NEED A JURY INSTRUCTION  
25 FOR IT.

26 MS. PHILIPS: YES.

27 THE COURT: DO YOU HAVE ONE ALREADY?

28 MS. PHILIPS: DOWNTOWN HAS BEEN WORKING ON IT.



1 THE COURT: OKAY.

2 MR. AMSTER: I WOULD OBVIOUSLY ASK FOR THE JURY  
3 INSTRUCTION AS SOON AS I CAN FOR MY REVIEW.

4 THE COURT: ALL RIGHT. LET'S GO TO THE 402S.  
5 LET'S START WITH THE PEOPLE.

6 GO AHEAD.

7 MS. PHILIPS: ONE MOMENT. I WAS GRABBING THE  
8 SECTION.

9 THE COURT: LET'S TABLE THAT FOR NOW. DON'T  
10 WORRY ABOUT IT. I WILL LOOK IT UP, AND THEN WE WILL  
11 TALK LATER ABOUT IT.

12 MS. PHILIPS: OKAY.

13 THE COURT: WHAT ARE THE 402S?

14 MS. PHILIPS: YOUR HONOR, AS EVERYTHING ELSE  
15 ABOUT THE CASE, IT'S UNTRADITIONAL. MY BIGGEST CONCERN,  
16 TO BE HONEST, YOUR HONOR, IS WITH REGARD TO ALL OF THE  
17 CONSPIRACY THEORIES THAT SURROUND MR. PERELMAN'S WEB  
18 SITE. AS YOUR HONOR CAN SEE, HE'S WEARING A T-SHIRT  
19 THAT IS REFLECTIVE OF THAT. A FEW MOMENTS AGO HE GAVE A  
20 GENTLEMAN SEATED IN THE AUDIENCE HIS BUSINESS CARD THAT  
21 EXPLAINS HIS THEORY. MY BIGGEST CONCERN IS THAT THE  
22 JURORS MAKE THE DECISION IN THIS CASE, WHATEVER IT MIGHT  
23 BE, INSIDE THE COURTROOM BASED UPON ADMISSIBLE EVIDENCE  
24 AND NOT ANYTHING ELSE.

25 SO MY FIRST AND FOREMOST 402 WOULD BE  
26 REGARDING ANY CONTACT OR ANY DISSEMINATION OF THOSE  
27 CARDS OR DISCUSSION OF THE WEBSITE WITHIN EARSHOT OF ANY  
28 POTENTIAL JURORS IN THE CASE BECAUSE I JUST FEEL THAT

1 THAT WOULD PRECLUDE US FROM TRYING THIS FROM ADMISSIBLE  
2 EVIDENCE WITHIN THE COURTROOM.

3 THE COURT: THIS ORDER APPLIES TO NOT ONLY THE  
4 DEFENDANT BUT THE PEOPLE'S WITNESSES. THE DEFENDANT,  
5 THE LAWYERS, AND THE WITNESSES ARE ORDERED NOT TO  
6 COMMUNICATE IN ANY WAY, SHAPE, OR FORM WITH THE  
7 PROSPECTIVE JURORS NOR ARE THEY TO COMMUNICATE IN ANY  
8 WAY, SHAPE, OR FORM WITH THE SEATED JURORS AND  
9 ALTERNATES. THE INTEGRITY OF THE PROCESS DEPENDS UPON  
10 THAT. SO HE IS TO HAVE NO CONTACT, WHATSOEVER, WRITTEN  
11 OR OTHERWISE, VERBAL, NON-VERBAL. ANY SORT OF  
12 COMMUNICATION AT ALL. WRITTEN, AS I MENTIONED.

13 I CANNOT READ WHAT HIS T-SHIRT SAYS. IS  
14 IT RELEVANT TO THE CASE?

15 MR. AMSTER: I WOULD -- OKAY. FOR THE RECORD, IT  
16 SAYS, "WORLDWIDE CAMPAIGN TO REMOVE ME FROM SOCIETY  
17 SINCE CHILDHOOD." AND IT GIVES THE WEBSITE. BASICALLY,  
18 HIS NAME SAYING TARGET DOT COM.

19 THE COURT: I MISSPOKE. IT'S NOT REALLY A  
20 T-SHIRT. IT'S A POLO SHIRT WITH A COLLAR AND TWO  
21 BUTTONS.

22 ALL RIGHT. LET ME -- I WILL LOOK INTO  
23 THAT ISSUE.

24 ANYTHING ELSE?

25 MS. PHILIPS: AGAIN, NOT TO BELABOR THE POINT,  
26 YOUR HONOR, BUT MY CONCERN IS HE MAY NOT BE TALKING  
27 DIRECTLY TO THE JURORS, BUT IF THEY'RE OUTSIDE OF THE  
28 COURTROOM, WAITING TO BE CALLED IN AND THERE ARE OTHER

1 PARTIES WHO ARE NOT JURORS BUT THEY'RE BEING HANDED  
2 BUSINESS CARDS AND THEY'RE BEING TOLD VARIOUS CONSPIRACY  
3 THEORIES, I THINK EVEN BEING -- THOSE THINGS SHOULDN'T  
4 BE DISCUSSED WITHIN EARSHOT OF OUR JURORS OR POTENTIAL  
5 JURORS.

6 THE COURT: HE'S TO NEITHER SAY NOR DO ANYTHING  
7 THAT COULD POSSIBLY INFLUENCE THE PROSPECTIVE JURORS,  
8 INCLUDING MENTIONING ANYTHING TO ANYBODY ELSE THAT IS  
9 WITHIN EARSHOT. I THINK THAT IS PRETTY CLEAR.

10 I AM GOING TO ADMONISH THE JURORS THAT  
11 THEY'RE TO HAVE NO CONTACT WITH HIM, WITH THE LAWYERS,  
12 WITH THE OTHER JURORS -- I'M SORRY -- WITH THE OTHER  
13 WITNESSES.

14 MS. PHILIPS: I -- I BELIEVE THE COURT ALSO, FROM  
15 WHAT I RECALL FROM OUR PRIOR TRIAL, DOES ADMONISH THEM  
16 NOT TO CONDUCT THEIR OWN RESEARCH, VISIT WEBSITES --

17 THE COURT: I READ -- WHEN THE JURORS ARE SEATED,  
18 I WILL READ 101. AND THEN I ALSO, AT THE END OF THE  
19 VOIR DIRE, THE FIRST SEATING, THE FIRST SESSION, I READ  
20 PARTS OF 101 TO THE PROSPECTIVE JURORS. I DON'T THINK  
21 IT WILL BE A PROBLEM. I THINK EVERYBODY UNDERSTANDS  
22 THAT WHATEVER ISSUES HE MIGHT WANT TO BRING TO  
23 EVERYBODY'S ATTENTION, THAT CANNOT BE DONE WITH  
24 PROSPECTIVE JURORS OR SEATED JURORS OR ALTERNATES. HE  
25 UNDERSTANDS THAT. SO I AM NOT WORRIED ABOUT.

26 ANYTHING ELSE?

27 MS. PHILIPS: THE ONLY OTHER -- AGAIN, IT'S NOT  
28 REALLY A 402 ISSUE, BUT IT'S TO DO WITH POTENTIAL FIRST



1 AMENDMENT DEFENSES. AGAIN, THERE IS -- THERE ARE SOME  
2 ELEMENTS OF FREE SPEECH THAT ARE IMPLICATED IN THESE  
3 ACTIVITIES. SPECIFICALLY, THE PLACING OF THE BUSINESS  
4 CARDS UPON THE VEHICLES AND THEN, SEPARATELY, THE  
5 LITTERING OF THE BUSINESS CARDS THROUGHOUT PUBLIC AND  
6 PRIVATE PROPERTY.

7 WITH REGARD TO THAT, AND AGAIN PERHAPS  
8 THIS IS NOT THE TIME TO ADDRESS IT, BUT I DID WANT TO  
9 FLAG IT FOR THE COURT THAT THERE MAY NEED TO BE EITHER  
10 INSTRUCTIONS OR SOME CONSIDERATION OF THE SCOPE OF THE  
11 DEFENSE THAT IS APPROPRIATE BASED UPON THE LAW IN THESE  
12 AREAS.

13 MR. AMSTER: IF I MAY, SO WE CAN PINPOINT WHERE  
14 WE'RE GOING, I THINK THE LAW GOES TOWARD LITTERING OR  
15 RUBBISH IF YOU PROVE SOMETHING HAS NO VALUE AND YOU ARE  
16 DOING IT FOR THE PURPOSE OF STREWING GARBAGE OR WASTE ON  
17 THE STREET.

18 IF YOU ARE EXERCISING YOUR FREE AMENDMENT  
19 RIGHT TO PUBLISH WHAT YOU BELIEVE IS LEGITIMATELY  
20 TRUE -- MAYBE THE REST OF THE WORLD MAY NOT THINK IT'S  
21 LEGITIMATELY TRUE, BUT I DON'T THINK THAT MATTERS. IF  
22 YOU HAVE THE STATE OF MIND THAT YOU THINK IT'S  
23 LEGITIMATELY TRUE, YOU HAVE THE RIGHT TO PUBLISH IT.  
24 THAT'S WHERE WE'RE GOING TOWARD. WE'RE NOT GOING TO GO  
25 TRY TO PROVE A CONSPIRACY. BUT IF HE HAS THE STATE OF  
26 MIND THAT HE BELIEVES THE CONSPIRACY, THEN THE QUESTION  
27 IS HE HAS THE RIGHT TO EXERCISE HIS FREE AMENDMENT RIGHT  
28 AND THE GOVERNMENT HAS THE RIGHT TO RESTRICT IT WITHIN

1 THE LINES OF THE FIRST AMENDMENT.

2 I THINK THE CLOSEST POINT -- SO IF WE  
3 THROW SOMETHING DOWN ON THE GROUND FOR PURPOSES OF  
4 THROWING IT ON THE GROUND AND LITTERING, YES. IF WE'RE  
5 THROWING IT ON THE GROUND FOR COMMUNICATION, NO. THAT'S  
6 WHAT WE'RE GOING TO BE EXPLORING IN THIS CASE.

7 THE COURT: IN TERMS OF THE 422, I AM CONFIDENT  
8 THAT THE STATUTE SURVIVES THE FIRST AMENDMENT  
9 CHALLENGES. WE NEED NOT TALK ABOUT THAT.

10 MR. AMSTER: I DON'T SEE A FIRST AMENDMENT  
11 CHALLENGE TO THE 422 OR ASSAULT. I AM NOT GOING THERE  
12 ON THOSE TWO COUNTS. I DON'T THINK -- I DON'T CARE WHAT  
13 YOUR FIRST AMENDMENT RIGHT IS. I DON'T. NO.

14 THE COURT: ORIGINALLY, WHEN THE STATUTE CAME  
15 OUT, PEOPLE CHALLENGED IT, AND THEY STILL DO HERE AND  
16 THERE. BUT IN THIS CASE, I DON'T THINK IT'S APPLICABLE.

17 I AM LOOKING AT 370, 372.

18 MR. AMSTER: I ACTUALLY THINK ONCE THE FACTS COME  
19 OUT, AND WE WILL HAVE TO DEAL AND SEE WHAT THE FACTS ARE  
20 AS THEY COME OUT, THEN MAYBE WE MIGHT HAVE TO HAVE A  
21 LEGAL DISCUSSION ON WHERE WE WANT TO GO WITH 370 AND 372  
22 AND HOW WE'RE GOING TO PHRASE THE JURY INSTRUCTION, AND  
23 GO FROM THERE.

24 THE COURT: ARE COUNTS 1 AND 9 BASED ON THE SAME  
25 CONDUCT OR ... OR DO WE HAVE A 370, 372 AT SOME POINT  
26 DURING THAT TIME? OR MULTIPLE ONES?

27 MS. PHILIPS: IT'S THROUGHOUT. 370 AND 372 ARE  
28 THROUGHOUT. COUNTS 1 AND 6 -- BASICALLY, IT'S ALL A

1 CONTINUAL COURSE OF CONDUCT WITH REGARD TO THE NUISANCE  
2 ACTIVITY. THERE ARE JUST DIFFERENT WITNESSES TO IT, AND  
3 SOME THAT CARRY THROUGHOUT ALL OF IT. AND THAT IS JUST  
4 THE PUBLIC NUISANCE AS IT PERTAINS TO THE EFFECT THAT  
5 EITHER LITTERING OR CARD-PLACING ACTIVITIES -- IT  
6 SURROUNDS THOSE FACTORS AND HOW THAT HAS IMPACTED THE  
7 COMMUNITY.

8 THE COURT: THE ISSUE IS GOING TO BE IN ADDITION  
9 TO THE POSSIBLE FIRST AMENDMENT DEFENSE, WHICH WE WILL  
10 TALK ABOUT IN A MOMENT, THE ACTS THAT COMPRISE THE  
11 DIFFERENT ALLEGED CRIMINAL OFFENSES. FOR EXAMPLE,  
12 BETWEEN 3-21-2017 AND 8-2-2017, IT'S ALLEGED THAT THE  
13 PUBLIC NUISANCE, BY WAY OF 370 AND 372, WAS COMMITTED.  
14 AND YOU ARE SAYING THERE ARE A BUNCH OF DIFFERENT ACTS  
15 THAT COULD POSSIBLY COMPRISE THAT. RIGHT?

16 MS. PHILIPS: RIGHT.

17 THE COURT: AND THERE NEEDS TO BE UNANIMITY BY  
18 THE JURY AS TO EXACTLY WHICH ACT THEY BELIEVE THE  
19 DEFENDANT COMMITTED OR DID NOT COMMIT. BUT WE CAN GET  
20 TO THAT LATER.

21 BUT IN TERMS OF THE PRESENTATION OF THE  
22 EVIDENCE, YOU ANTICIPATE CALLING WITNESSES THAT WILL SAY  
23 BETWEEN THAT TIME THEY SAW THE DEFENDANT DO WHAT?

24 REMEMBER. I DON'T KNOW ANYTHING ABOUT THE  
25 CASE.

26 MS. PHILIPS: SO WHAT THEY WILL TESTIFY TO IS  
27 THAT THEY PERSONALLY WITNESSED MR. PERELMAN PLACING  
28 HUNDREDS AND THOUSANDS OF BUSINESS CARDS ON CARS,



1 THROWING THEM ON STREETS, THROWING THEM ON SIDEWALKS,  
2 AND THROWING THEM ON THEIR PRIVATE PROPERTY. AND  
3 CARRYING FORWARD FROM THERE, ON TWO OCCASIONS -- WELL,  
4 ON ONE OCCASION, WHEN SOME OF THOSE CARDS WERE COLLECTED  
5 AND RETURNED TO HIM, HE BECAME ENRAGED AND MADE A  
6 CRIMINAL THREAT. ON ANOTHER INSTANCE, WHEN HE WAS  
7 CONFRONTED ABOUT THE ENVIRONMENT IMPACTS OF THE  
8 LITTERING AND HOW IT WAS UPSETTING AND SO FORTH, THAT  
9 TURNED INTO A BATTERY.

10 THE COURT: OKAY.

11 MR. AMSTER: IF I CAN RAISE -- ONE, I GUESS ONE  
12 OF THE THINGS THAT HAS BEEN FOCUSED ON ME IS THE TERM  
13 "LITTERING." IF THIS IS OR NOT WILL HAVE TO BE A  
14 QUESTION OF FACT FOR THE JURY TO DETERMINE. SO I  
15 GUESS -- WE HAVE TO BE COGNIZANT, AT LEAST WITH POLICE  
16 OFFICERS, IF THE POLICE OFFICERS USE THE CONCLUSIONARY  
17 TERM "LITTERING." THEY CAN DESCRIBE THE ACTS. THEY CAN  
18 DESCRIBE WHAT THEY KNOW. BUT I THINK WHEN WE HAVE A  
19 STATUTE THAT IS TRYING TO DETERMINE LITTERING, WE CAN'T  
20 HAVE -- THAT DOESN'T -- IT NOW TURNS INTO A LEGAL  
21 DEFINITION FOR THE JURY TO DECIDE IF THIS IS LITTERING  
22 OR NOT.

23 I AM NOT SO SURE WE'RE GOING TO HAVE A LOT  
24 OF DISPUTE AS FAR AS WHAT THE CONDUCT WAS. AGAIN, I  
25 BELIEVE IT GOES TO STATE OF MIND WHEN WE DETERMINE HOW  
26 TO INSTRUCT THE JURY AND WHAT THE JURY CAN DETERMINE.

27 THE COURT: ALL RIGHT. IN TERMS OF THE LEGAL  
28 CONCLUSION, DID THE POLICE WITNESS ANY SORT OF



1 DISCARDING OF BUSINESS CARDS?

2 MR. AMSTER: THEY CERTAINLY WITNESSED  
3 CIRCUMSTANTIAL EVIDENCE. I DON'T KNOW IF THEY ACTUALLY  
4 SAW THROWING DOWN -- AT LEAST DISTRIBUTION. CLEARLY,  
5 THEY SAW DISTRIBUTION. I DON'T KNOW IF I CAN SAY  
6 CLEARLY THEY SAW THROWING DOWN BUSINESS CARDS ON THE  
7 GROUND.

8 MS. PHILIPS: I AGREE WITH THAT. THEY DEFINITELY  
9 SAW HIM PLACING IT ON CARS.

10 THE COURT: IN TERMS OF THE TERMINOLOGY, I  
11 DON'T -- IF -- YOUR POINT IS THAT "LITTERING," THAT  
12 WORD, FOR EXAMPLE, IS A LEGAL CONCLUSION THAT WHEREBY  
13 THE WITNESS ASSUMES A STATE OF MIND AND ALSO ASSUMES  
14 THAT THE COMPLETED CRIME HAS BEEN COMMITTED. TO ME, IF  
15 THE PROSECUTOR WANTS TO CHARACTERIZE SOMETHING AS  
16 LITTERING, I THINK THAT IS FINE. I WON'T REFER TO ANY  
17 OF THE ACTS BY THE DEFENDANT AS LITTERING BECAUSE I  
18 THINK THAT IS A CONCLUSION, AND THAT IS FOR THE JURY TO  
19 DECIDE.

20 AS FAR AS THE OTHER WITNESSES, WE WILL  
21 JUST SEE HOW IT GOES IF THEY'RE TALKING -- IF THEY'RE  
22 SEEING THROWING PAPER ON THE GROUND OR LITTERING. I  
23 DON'T THINK IT'S SO INFLAMMATORY THAT WE WOULD HAVE TO  
24 MAKE IT -- I WOULD HAVE TO MAKE IT A RULING AT THE  
25 OUTSET THAT SOMEBODY CAN'T SAY SOMETHING BECAUSE -- I  
26 MEAN, WE'RE NOT TALKING ABOUT MURDER. WE'RE TALKING  
27 ABOUT THE OTHER END ON THE SPECTRUM, LITTERING. NOT TO  
28 MINIMIZE IT, BUT I DON'T THINK IT'S GOING TO INFLAME THE

1 PASSION OF THE JURY IF ONE WITNESS ERRONEOUSLY SAYS  
2 LITTERING AND WE WOULD HAVE TO HEAR AN OBJECTION AND I  
3 WOULD SUSTAIN THE OBJECTION.

4 I WON'T REALLY GET INTO THE TERMINOLOGY  
5 JUST YET. BUT WHAT I WANT TO FOCUS ON IS, IF THERE IS  
6 GOING TO BE A FIRST AMENDMENT DEFENSE, WHICH YOU ARE  
7 SUGGESTING THERE IS, THEN WE NEED TO HAVE SOME CASE LAW  
8 AS TO WHAT --

9 MR. AMSTER: IT'S GOING TO BE VERY MINIMAL. ALL  
10 THAT I BELIEVE IS GOING TO BE NECESSARY IS THE  
11 DEFENDANT'S INTENT TO SAY HE BELIEVES THERE IS A  
12 CONSPIRACY AGAINST HIM, AND THAT IS WHY HE'S CREATING  
13 THE CARDS. THAT'S IT.

14 MS. PHILIPS: I BELIEVE THERE IS CASE LAW, AND I  
15 PULLED SOME OF THE CASE LAW. AGAIN, I APOLOGIZE BECAUSE  
16 MY UNDERSTANDING WAS 402S WERE GOING TO BE TOMORROW. SO  
17 I HAVE THE CASE LAW, BUT I DON'T HAVE IT. IF WE CAN  
18 ADDRESS IT MAYBE FIRST THING TOMORROW, BUT I WILL, AT  
19 LEAST, FLAG THE CASES FOR THE COURT.

20 ALSO, IN 28.01 OF THE LOS ANGELES  
21 MUNICIPAL CODE, SPECIFICALLY FOR THAT SECTION THAT DEALS  
22 WITH THE DISTRIBUTION OF HANDBILLS AND PLACING THOSE  
23 ONTO PASSENGER VEHICLES, THERE IS CASE LAW THAT  
24 ADDRESSES FIRST AMENDMENT DEFENSES TO THAT ONE. IT'S  
25 NOT PURELY COMMERCIAL SPEECH. SO THAT IS WITHIN THE  
26 STATUTE ITSELF. SO THERE -- MY POSITION WOULD BE THAT  
27 ALTHOUGH THERE IS SOME CONSTITUTIONAL PROTECTION -- I  
28 THINK THAT IS MORE FOR THE ONE-OFF SITUATION. BUT WHEN

1 YOU ARE LITERALLY WALKING OUT TO YOUR CAR DAILY,  
2 SOMETIMES MULTIPLE TIMES A DAY, REMOVING THE SAME CARD  
3 THAT'S BEEN PLACED THERE OVER AND OVER AND OVER FOR  
4 YEARS, ALTHOUGH WE'RE ONLY DEALING WITH A PERIOD OF  
5 MONTHS, BUT REALLY IT'S BEEN YEARS SINCE HE WAS FIRST  
6 PLACED ON PROBATION FOR DOING THE EXACT SAME THING, I  
7 THINK THAT GOES BEYOND ANY OF THE CASE LAW THAT IS  
8 STATED IN 28.01 OR ANYTHING ELSE THAT I FOUND.

9 IN 28.01.1 WHICH DEALS WITH DISTRIBUTION  
10 THAT'S ONTO A STREET OR SIDEWALK, THERE IS NO SUCH  
11 PROTECTION. AND THE CASE LAW THAT I FOUND, ON THE  
12 CONTRARY, STATES THAT THE FIRST AMENDMENT DOES NOT  
13 EXTEND TO GIVING YOU THE RIGHT TO THROW THINGS, WHETHER  
14 YOU CALL IT LITTERING OR DISTRIBUTING OR PLACING WHICH  
15 ARE ALL WORDS WITHIN THOSE STATUTES. THERE IS NO SUCH  
16 PROTECTION WHEN IT COMES TO PUBLIC STREETS OR SIDEWALKS  
17 OR PRIVATE PROPERTY.

18 I HAVE THE CASE LAW. I WOULD BE HAPPY TO  
19 GIVE IT TO THE COURT AND BE MORE PREPARED TO ARGUE IT  
20 FIRST THING TOMORROW. BUT IF THE COURT WANTS AT LEAST  
21 THE CITATIONS --

22 THE COURT: SURE. GO AHEAD.

23 MS. PHILIPS: THERE IS *PEOPLE V. HORTON*, AND THAT  
24 IS 9 CAL.APP. 3D, SUPP 1. IN THAT CASE, YOUR HONOR,  
25 THAT --

26 THE COURT: JUST GIVE ME THE CITES, AND I WILL  
27 READ THEM ALL.

28 MS. PHILIPS: THERE WAS ONE THAT SPECIFICALLY



1 DEALT WITH LITTERING, AND THAT IS THE ONE THAT I AM  
2 TRYING TO FIND, IN TERMS OF ACTUALLY HAVING THE MATERIAL  
3 ON THE STREETS.

4 I CAN'T FIND THE PINPOINT CITE, YOUR  
5 HONOR. BUT IT WAS A SHORT CASE. I CAN GET THAT TO THE  
6 COURT AFTER OUR NEXT RECESS. AND TO COUNSEL.

7 MR. AMSTER: OKAY.

8 MS. PHILIPS: OF COURSE.

9 MR. AMSTER: IF I CAN SAY ONE THING, YOUR HONOR?  
10 THE COURT: SURE.

11 MR. AMSTER: JUST FOR CLARIFICATION, THE  
12 DEFENDANT WAS NEVER PUT ON PROBATION. HE WAS DIVERTED.

13 MS. PHILIPS: I APOLOGIZE. THAT IS CORRECT.

14 MR. AMSTER: RIGHT. AND I KNOW YOU DID NOT DO IT  
15 INTENTIONALLY.

16 MY FEELING IS, THOUGH, BECAUSE THERE WAS  
17 DIVERSION AND I FEEL THERE IS POTENTIAL FOR THE  
18 DEFENDANT GETTING ON THE STAND, UNLESS SOMEHOW THE DOORS  
19 OPEN BY A RESPONSE TO A QUESTION, WHAT HAS HAPPENED  
20 PREVIOUSLY SHOULD NOT COME OUT.

21 THE COURT: WHEN YOU SAY "WHAT'S HAPPENED  
22 PREVIOUSLY," WHAT DO YOU MEAN?

23 MR. AMSTER: CONVICTION.

24 THE COURT: YEAH. I THINK ANY MENTION OF THE  
25 COURT PROCEEDINGS THEMSELVES SHOULD NOT BE MENTIONED.

26 IN TERMS OF THE PRIOR ACTS THAT FORMED THE  
27 BASIS FOR THOSE CRIMINAL PROCEEDINGS, THOSE MAY BE  
28 RELEVANT DEPENDING, BUT WE WOULD NEED LIVE WITNESSES.



1 MR. AMSTER: OKAY. MY THOUGHT WOULD BE TO  
2 POSSIBLY HOLD BACK IF WE NEED TO GO INTO THE PRIOR ACTS  
3 BECAUSE I THINK IF THE DEFENDANT TAKES THE STAND, I  
4 DON'T THINK THAT IS GOING TO BE THE ISSUE.

5 THE COURT: YOU MEAN THAT HE WILL ADMIT TO THE  
6 PRIOR ACTS?

7 MR. AMSTER: OR HE WILL NOT ADMIT TO THE CURRENT  
8 ACTS. I DON'T THINK THERE IS GOING TO BE A PROBLEM WITH  
9 THE ADMISSION OF THE CONDUCT. IT MIGHT JUST BE HOW WE  
10 VIEW THE CONDUCT.

11 THE COURT: ARE THERE -- BEFORE THE ALLEGED  
12 INCIDENTS IN THIS CASE, ARE THERE OTHER INCIDENTS FROM  
13 BEFORE THAT FORMED THE BASIS OF THAT OTHER CRIMINAL  
14 COMPLAINT? I MEAN, THAT'S WHY IT WAS A CRIMINAL  
15 COMPLAINT. RIGHT?

16 MS. PHILIPS: THAT'S CORRECT, YOUR HONOR.

17 THE COURT: HOW LONG AGO WAS THAT?

18 MS. PHILIPS: THAT WAS IN '13.

19 THE COURT: 2013?

20 ARE YOU GOING TO CALL ANY WITNESSES TO  
21 TESTIFY AS TO THOSE INSTANCES OR --

22 MS. PHILIPS: NOT IN MY CASE IN CHIEF. AGAIN,  
23 DEPENDING UPON THE SCOPE OF THE DEFENSE CASE, THAT COULD  
24 OPEN THE DOOR. BUT IT'S NOT IN MY CASE IN CHIEF. NO.

25 THE COURT: ALL RIGHT. ANYTHING OTHER THAN THE  
26 FIRST AMENDMENT ISSUES THAT NEED TO BE DISCUSSED?

27 MS. PHILIPS: NOT BY THE PEOPLE, YOUR HONOR.

28 MR. AMSTER: NOT BY THE DEFENSE.

1                   THERE IS ONE MORE THING I WANT TO DISCUSS.

2           THE COURT:   SURE.   GO AHEAD.

3           MR. AMSTER:   I WOULD LIKE TO KNOW, SO I HAVE IT,  
4   WHAT IS THE COURT'S TENTATIVE SCHEDULE AS WHEN WE'RE  
5   SUPPOSED TO BE HERE ON EACH DAY SO I DON'T FORGET.

6           THE COURT:   TOMORROW, WEDNESDAY --

7           MR. AMSTER:   TOMORROW IS TUESDAY.

8           THE COURT:   TUESDAY, RATHER, IS GOING TO BE, FOR  
9   THE LAWYERS, 10:30.

10          MR. AMSTER:   OKAY.

11          THE COURT:   JURY, 11:00.   WEDNESDAY, 10:30 FOR  
12   THE JURY.

13          MR. AMSTER:   THURSDAY, I BELIEVE, WE DISCUSSED  
14   1:30.

15          THE COURT:   THURSDAY WILL BE 1:30 TO 4:00.  
16   FRIDAY WILL BE 1:30 TO 4:30.   AND THEN --

17          MS. PHILIPS:   I'M SORRY.   1:30 TO 4:30, YOUR  
18   HONOR?

19          THE COURT:   YES.

20          MR. AMSTER:   YOU ARE LOOKING FOR US TO LEAVE A  
21   LITTLE EARLY ON THURSDAY?

22          THE COURT:   YES.

23          MR. AMSTER:   OKAY.

24          THE COURT:   AND THEN MONDAY, IF NEED BE, WILL  
25   BE -- I AM HANDLING TWO COURTS ON MONDAY.   IT WILL BE  
26   1:30.

27          MR. AMSTER:   OKAY.

28          MS. PHILIPS:   TO 4:30, YOUR HONOR?

1 THE COURT: YES.

2 MR. AMSTER: I MIGHT TRY TO PUT A PRELIMINARY  
3 HEARING THAT SHOULD BE SHORT OVER TO MONDAY. IF FOR  
4 SOME REASON SOMETHING CHANGES ...

5 THE COURT: MY THOUGHT IS THAT THE JURY SHOULD BE  
6 CHOSEN TOMORROW. NOW IT'S ONLY SIX PREEMPTORIES AND  
7 ELIMINATE CHALLENGES. I TYPICALLY HAVE BEEN ABLE TO  
8 CHOOSE A JURY IN A DAY AND AT LEAST DO OPENING  
9 STATEMENTS OR READ SOME INSTRUCTIONS AT THE VERY LEAST.  
10 PROBABLY NO WITNESSES TOMORROW. AND THEN ON  
11 WEDNESDAY -- I'M SORRY. YEAH. ON WEDNESDAY, WITNESSES  
12 AT 10:30.

13 MR. AMSTER: OKAY. AND I -- IN MY MIND, I WOULD  
14 THINK WE WILL BE ABLE TO ADHERE TO THE SCHEDULE. ONE  
15 NEVER KNOWS.

16 THE COURT: OKAY. I HOPE YOU WILL BE HERE TO  
17 JOIN US.

18 MR. AMSTER: I WILL CERTAINLY HAVE THE INTENT TO  
19 LIVE UP TO THAT SCHEDULE.

20 THE COURT: I HAVE SO MANY CASES THAT I REALLY  
21 HAVE TO MOVE IT EFFICIENTLY. AND FOUR TO FIVE DAYS IS  
22 ABOUT THE AMOUNT OF TIME NECESSARY TO TRY A CASE LIKE  
23 THIS.

24 SO THIS IS WHAT WE WILL DO. WE WILL CALL  
25 TOMORROW FOR 35 JURORS, AND WE WILL HAVE THEM SIT IN THE  
26 AUDIENCE. AND I WILL DO A GENERAL VOIR DIRE THAT IS  
27 LIMITED. THERE IS A WHITE SHEET THAT HAS FIVE  
28 QUESTIONS, AND EVERYBODY WILL BE GIVEN ONE OF THOSE.



1 AND I THANK THEM PROFUSELY. I TALK ABOUT LANGUAGE  
2 ISSUES, TALK ABOUT HEARING ISSUES, AND THEN I WILL HAVE  
3 THE FIRST 18 BE SEATED. AND THEN AFTER THAT, I GO  
4 THROUGH, ONE BY ONE, WITH THEM ON THE BIOGRAPHICAL  
5 INFORMATION.

6 THE GENERAL LEGAL PRINCIPLES ARE THE  
7 PEOPLE'S BURDEN OF PROOF, THE PRESUMPTION OF INNOCENCE,  
8 THE DEFENDANT'S CONSTITUTIONAL RIGHT NOT TO TESTIFY.

9 AND THEN I GIVE THE PARTIES A CHANCE TO  
10 DISCUSS MATTERS THAT GO TO BIAS AND FOR-CAUSE  
11 CHALLENGES.

12 IN A CASE LIKE THIS, HOW MUCH TIME ARE THE  
13 PARTIES REQUESTING? PEOPLE? PER SIDE.

14 KEEP IN MIND. THIS IS FOR THE FIRST 18.  
15 AFTER YOU USE YOUR PREEMPTORIES OR FOR-CAUSE CHALLENGES,  
16 THEN AT THAT TIME WE WILL REPLENISH WITH SEVEN MORE.  
17 AND I WILL GIVE YOU MORE TIME. BUT FOR THE FIRST 18,  
18 HOW MUCH TIME?

19 MR. AMSTER: OFF THE RECORD?

20 THE COURT: IT'S ON THE RECORD.

21 MS. PHILIPS: 15 MINUTES, YOUR HONOR.

22 THE COURT: LET'S SAY 10 MINUTES A SIDE. IF  
23 THERE IS A -- IF THERE IS AN ISSUE AND IT'S A BIG DEAL,  
24 THEN EVERYBODY CAN JUST ASK TO APPROACH, AND I CAN  
25 CONSIDER MORE TIME. BUT I THINK IN A MISDEMEANOR CASE,  
26 10 MINUTES IS ENOUGH.

27 THEN, LIKE I SAID, YOU WILL GET ABOUT A  
28 MINUTE PER PERSON REPLENISHED. THERE WILL BE SEVEN



1 MORE. AND, HOPEFULLY, WE WILL GET THE JURORS.

2 AND THEN TWO ALTERNATES FOR A CASE THIS  
3 LONG SHOULD BE OKAY.

4 I AM GOING TO LOOK INTO WEARING A SHIRT  
5 THAT MIGHT INFLUENCE THE JURY. SO JUST, IF YOU COULD,  
6 HAVE THE DEFENDANT WEAR -- BRING TWO SHIRTS, ONE IF HE  
7 WANTS STUFF ON IT AND THE OTHER THAT DOESN'T. BECAUSE  
8 IF THE RESEARCH THAT I DO REVEALS HE COULD BE ORDERED  
9 NOT TO WEAR A SHIRT THAT MIGHT PREJUDICE THE JURY, THE  
10 ORDER WILL BE THAT HE NOT WEAR THAT SHIRT AND THAT HE  
11 WEAR ANOTHER SHIRT. IN THE ABSENCE OF THAT, IT WILL BE  
12 A COUNTY BLUE SHIRT. SO I AM SURE HE WOULD RATHER WEAR  
13 HIS OWN THAN THE COUNTY BLUE. IT WILL COME WITH THE  
14 INSTRUCTION THAT THE DEFENDANT IS NOT IN CUSTODY, AND  
15 THEY'RE NOT TO INFER ANYTHING.

16 BUT MY SUSPICION IS THAT THE COURT DOES  
17 HAVE THE POWER TO LIMIT WHAT YOU SAY ON YOUR SHIRT IN  
18 FRONT OF A JURY, JUST AS I WOULD IF THERE WERE VICTIM  
19 FAMILIES HERE. THERE IS CASE LAW AS TO THAT.

20 SO JUST BRING TWO SHIRTS.

21 MR. AMSTER: AS I THINK, WE SHOULD PROBABLY --  
22 THE DEFENDANT SHOULD BE HERE AT 10:30.

23 THE COURT: YES.

24 MR. AMSTER: SO WE CAN ADDRESS THAT ISSUE AT  
25 10:30 BEFORE THE JURY COMES UP.

26 THE COURT: YES. THAT IS THE ORDER.

27 ALL RIGHT. IF THERE IS NOTHING ELSE, SEE  
28 EVERYBODY TOMORROW AT 10:30.

1 MR. AMSTER: THANK YOU.

2 MS. PHILIPS: THANK YOU, YOUR HONOR.

3 THE COURT: 10:30.

4 (THE PROCEEDINGS WERE CONCLUDED.)

5

6 (THE MATTER WAS CONTINUED TO

7 TUESDAY, 05-15-18, AT 10:30 A.M.

8 FOR FURTHER PROCEEDINGS.)

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1 CASE NUMBER: 7VW05190-01/7VW04099-01  
2 CASE NAME: PEOPLE VS. KEVIN PERELMAN  
3 VAN NUYS, CALIFORNIA TUESDAY, MAY 15, 2018  
4 DEPARTMENT 113 HON. ERIC HARMON, JUDGE  
5 REPORTER: HILDA GUTIERREZ, CSR 12714, RPR  
6 APPEARANCES: (AS HERETOFORE MENTIONED)  
7 TIME: 11:13 A.M.  
8

9 (THE FOLLOWING PROCEEDINGS WERE  
10 HELD IN OPEN COURT:)  
11

12 THE COURT: THIS IS KEVIN PERELMAN. HE'S PRESENT  
13 IN COURT. HE'S COMING FORWARD. HE'S OUT OF CUSTODY.  
14 HE'S WITH HIS ATTORNEY MR. AMSTER. MS. PHILIPS  
15 REPRESENTS THE PEOPLE. THE JURORS ARE GOING TO MAKE  
16 THEIR WAY OVER. THE PROSPECTIVE JURORS I SHOULD SAY.  
17 BEFORE THEY COME INTO THE COURTROOM, I  
18 WANTED TO ADDRESS THE ISSUE FROM YESTERDAY.

19 YESTERDAY, THE DEFENDANT WORE THE SAME  
20 SHIRT HE'S WEARING TODAY WHICH THE COURT INDICATED IS  
21 DISRUPTIVE TO THE PROCESS IN THAT IT IS ESSENTIALLY  
22 PLEADING A DEFENSE TO THE JURY WITHOUT HAVING THE  
23 DEFENDANT TAKE THE STAND AND BE SUBJECT TO  
24 CROSS-EXAMINATION. IT HAS A TARGET ON IT.

25 IS HE CHOOSING TO ATTEMPT, AT THIS TIME,  
26 TO WEAR THAT DURING THE PROCEEDING?

27 MR. AMSTER: I THINK HE WILL COMPLY WITH ANY  
28 ORDER THE COURT GIVES.

1 THE COURT: THE COURT'S ORDER IS THAT HE SHOULD  
2 WEAR ANOTHER SHIRT. DID HE BRING ONE?

3 MR. AMSTER: YES. HE BROUGHT ONE.

4 THE COURT: PLEASE.

5 WHY DON'T WE TAKE A MINUTE. GO TO THE  
6 REST ROOM. WHEN YOU COME BACK, LET THEM KNOW, AND I  
7 WILL RECALL THE MATTER.

8 THANK YOU.

9 MR. AMSTER: COULD WE HAVE A QUICK CONFERENCE OFF  
10 THE RECORD.

11 THE COURT: SURE.

12

13 (A BRIEF RECESS WAS TAKEN.)

14

15 THE COURT: ALL RIGHT. WE'RE BACK ON THE RECORD  
16 IN THE PERELMAN MATTER. HE'S HERE WITH HIS LAWYER. THE  
17 PEOPLE ARE REPRESENTED. THE JURORS ARE MAKING THEIR WAY  
18 OVER.

19 IT SHOULD BE NOTED, FOR THE RECORD, THAT  
20 MR. PERELMAN HAS CHANGED HIS SHIRTS INTO ONE THAT IS  
21 A -- FREE OF ANY WRITING.

22 THANK YOU, SIR, FOR COMPLYING WITH THE  
23 COURT'S ORDER.

24 IN ORDER TO GIVE A FAIR TRIAL TO BOTH  
25 SIDES, I HAVE TO MAKE SURE BOTH SIDES PLAY BY THE RULES.  
26 YOU ARE PLAYING BY THE RULES. I WILL MAKE SURE BOTH  
27 SIDES DO THAT.

28 ALL RIGHT. MS. PHILIPS, YOU WANTED TO PUT



1 SOMETHING ON THE RECORD?

2 MS. PHILIPS: I DID, YOUR HONOR, JUST AS A MATTER  
3 OF FORMALITY. THERE IS AN INDIVIDUAL IN THE COURTROOM  
4 THAT I BELIEVE IS ASSOCIATED WITH MR. PERELMAN, WHICH  
5 OBVIOUSLY THE PEOPLE HAVE NO ISSUE WITH EXCEPT THAT WE  
6 WOULD BE MAKING A MOTION TO EXCLUDE ANY POTENTIAL  
7 WITNESSES.

8 THE COURT: AND DO YOU HAVE ANY POTENTIAL  
9 WITNESSES IN THE COURTROOM?

10 MR. AMSTER: NOT -- BESIDE THE DEFENDANT, NO.  
11 BUT IF I CAN MAKE AN INQUIRY?

12 THE COURT: SURE.

13 MR. AMSTER: WE HAVE NO IDEA WHO THE PERSON IS.

14 THE COURT: HERE IN THIS --

15 MR. AMSTER: GIVE ME A SECOND.

16

17 (COUNSEL CONVERSE.)

18

19 THE COURT: MA'AM, ARE YOU HERE, IN THIS COURT,  
20 ON THIS MATTER?

21 OH, IT'S A SIR. GO AHEAD.

22 THE WITNESS: THE GENTLEMAN HAS A WEBSITE. HE  
23 POSTED THIS PROCEEDING ON THE WEBSITE.

24 THE COURT: NOT A PROBLEM. WELCOME.

25 MS. PHILIPS: THANK YOU, YOUR HONOR.

26 AND THEN WITH REGARD TO THE ISSUE THAT WE  
27 RAISED YESTERDAY DURING THE 402S, SPECIFICALLY AS IT  
28 PERTAINS TO A POTENTIAL FIRST AMENDMENT DEFENSE TO

1 DISTRIBUTING AND CARDS AND SPECIFICALLY LITTERING THEM  
2 ON THE STREET, I DID WANT TO PROVIDE THE COURT AND  
3 COUNSEL AUTHORITY WITH REGARD TO THAT NOT BEING  
4 PROTECTED BY THE FIRST AMENDMENT AND THAT CITIES,  
5 ACCORDING TO THE SUPREME COURT, ARE WITHIN THEIR RIGHTS  
6 TO ENACT LAWS THAT PROHIBIT STREET LITTERING. AND FOR  
7 THAT PROPOSITION, THE PEOPLE CITE SUPREME COURT CASE  
8 OF *SCHNEIDER VERSUS NEW JERSEY*. THAT IS 308 U.S. 147  
9 AT 162. AND THAT IS CITED AGAIN IN *CITY COUNCIL OF*  
10 *LOS ANGELES VERSUS TAXPAYERS FOR VINCENT*, AND THAT IS  
11 466 U.S. 789 AT 808 AND 809.

12 MR. AMSTER: IF I MAY, YOUR HONOR?

13 THE COURT: YES.

14 MR. AMSTER: I AM NOT IN AGREEMENT WITH THE  
15 PEOPLE'S INTERPRETATION OF THOSE LAWS -- OF THE CASES.  
16 AND JUST BRIEFLY, IF I MAY JUST STATE.

17 SO THE SUPREME COURT CASES BASICALLY STATE  
18 THAT, YES, THE CITY IS ENTITLED TO RESTRICT THE USE --  
19 REDUCE FREE SPEECH. BUT, ONE, THE MOST PROTECTED TYPE  
20 OF FREE SPEECH IS LEAFLET HANDOUTS. BASICALLY, THE LAW  
21 JOURNALS ON POINT TALK ABOUT THAT. THIS IS REALLY AT  
22 THE BEGINNING OF THE FOUNDATION OF OUR COUNTRY, TALKING  
23 ABOUT COMMON SENSE AND THOMAS PAINE, THAT WE HAVE BEEN A  
24 COUNTRY THAT HAS ALLOWED THE DISTRIBUTION OF PAMPHLETS.  
25 THEREFORE, THE GOVERNMENT CAN RESTRICT IT BUT MUST DO SO  
26 WITHIN A PROPER WAY. AND LITTERING IS NOT CONSIDERED A  
27 SUBSTANTIAL REASON TO RESTRICT.

28 IF YOU NOTICE HOW THE STATUTES ARE, THEY

1 TALK ABOUT RUBBISH. THE STATUTE THAT THE PEOPLE ARE  
2 UTILIZING IN THIS CASE ARE NOT DIRECTED TOWARD FREE  
3 SPEECH. THEY'RE DIRECTED TOWARD LITTERING, AND I THINK  
4 THAT IS WHAT IS GOING TO BE THE BIG ISSUE TOWARD  
5 RUBBISH.

6 SO THE MOST PROTECTED OF ALL FREE SPEECH  
7 THAT I THINK THE COURT WILL LOOK AT WILL BE THE ASPECT  
8 OF PAMPHLET OR HANDING OUT THINGS. AND THE MOST  
9 PROTECTED PLACE IS A PUBLIC PLACE. AS YOU GET AWAY FROM  
10 IT BEING A PUBLIC PLACE -- AND PUBLIC PLACES ARE MOST  
11 DEFINED AS THE PUBLIC STREETS. THESE ARE OPEN TO  
12 EVERYBODY, FOR THE PUBLIC. PUBLIC PARKS. THIS IS WHERE  
13 WE ALLOW THE MOST AMOUNT OF FREEDOM OF SPEECH.

14 NOW THE PEOPLE CITED THE *HORTON* CASE  
15 YESTERDAY WHICH WAS NOT ON POINT BECAUSE IT TALKED ABOUT  
16 THE RIGHT TO ASSEMBLE, BUT IT ALSO TALKED ABOUT THE  
17 RIGHT OF FREE SPEECH AT A SCHOOL CAMPUS. THAT IS NOT  
18 CONSIDERED AN ABSOLUTE PUBLIC PLACE. THEREFORE, I AM  
19 JUST LETTING THE COURT KNOW THAT BECAUSE WE BELIEVE THAT  
20 OUR DEFENSE IS WITHIN THE FIRST AMENDMENT AND THE  
21 INTERPRETATION OF THE MUNICIPAL CODES THAT THEY'RE  
22 UTILIZING TO TRY TO SUPPRESS FREE SPEECH. THOSE  
23 STATUTES ARE CREATED FOR LITTERING AND TRASH WHICH HAS  
24 NO VALUE. THEREFORE -- AND THIS IS REALLY GOING TO COME  
25 DOWN TO JURY INSTRUCTIONS.

26 THE LAW ALLOWS THE COURT TO INTERPRET A  
27 STATUTE IN A WAY THAT IS CONSTITUTIONALLY VALID, NOT TO  
28 HAVE THE STATUTE INTERPRETED IN A WAY THAT IS

1 CONSTITUTIONALLY INVALID. IF WE HAVE JURY INSTRUCTIONS  
2 THAT CAUSE THE JURY TO INTERPRET THAT STATUTE TO A  
3 SUPPRESSION OF FREE SPEECH, THEN THE COURT IS HAVING  
4 THOSE STATUTES INTERPRETED IN A CONSTITUTIONALLY INVALID  
5 WAY. I BELIEVE THAT IS WHAT THE CRITICAL ASPECT OF THIS  
6 CASE IS. THIS DOES NOT GO TO THE ASSAULT OR THE  
7 CRIMINAL THREATS. THAT IS AN ENTIRELY DIFFERENT MATTER.

8 THE COURT: THE FACTUAL BASIS IS THE ALLEGATION  
9 THAT WHATEVER THE ITEMS WERE, WHETHER THEY BE POLITICAL  
10 SPEECH, COMMERCIAL SPEECH, TRASH, WHATEVER THE ITEMS  
11 WERE, THAT THEY WERE LEFT ON THE GROUND OR --

12 MS. PHILIPS: YES, YOUR HONOR.

13 SO WHAT IS AT ISSUE HERE -- THEY'RE  
14 BUSINESS CARDS. THEY'RE ALWAYS BUSINESS CARDS. AND  
15 THEY'RE BUSINESS CARDS THAT DIRECT THE RECIPIENTS TO HIS  
16 WEBSITE WHERE HE THEN LISTS HIS VARIOUS CONSPIRACY  
17 THEORIES. THESE BUSINESS CARDS ARE PLACED ALL OVER  
18 CARS, THEY'RE DROPPED ON THE STREET, THEY'RE DROPPED ON  
19 THE SIDEWALK, THEY'RE DROPPED ON PRIVATE PROPERTY, AND  
20 THEY'RE DROPPED ON PUBLIC PROPERTY BY THE HUNDREDS AND  
21 THOUSANDS. THAT'S THE ISSUE.

22 ALTHOUGH I AGREE WITH COUNSEL THAT, YES,  
23 THERE ARE FIRST AMENDMENT PROTECTIONS, PERHAPS  
24 DEFINITELY TO IN-PERSON HANDING CARDS TO WILLING  
25 RECIPIENTS, YES, THAT IS THOMAS PAINE. THAT IS COMMON  
26 SENSE. THAT IS OUR CONSTITUTION. YES. THAT IS  
27 ABSOLUTELY PROTECTED. THEN WE GET INTO THE GRAY AREAS.  
28 ARE YOU ALLOWED TO PUT THEM ON PEOPLE'S CARS? ARE YOU



1 ALLOWED TO PUT THEM EVERY DAY? ARE YOU ALLOWED TO PUT  
2 THEM THERE MULTIPLE TIMES A DAY, DAY AFTER DAY AFTER  
3 DAY, THE SAME CARS? I THINK THAT IS GRAYER.

4 I THINK THE LITTERING IS ABSOLUTELY  
5 CLEAR-CUT BECAUSE YOU CAN'T -- AND THAT IS WHAT  
6 YESTERDAY'S CASE WAS CITED FOR, WHICH WAS A PUBLIC  
7 NUISANCE CASE. THERE, THE TRAFFIC LAWS STILL APPLY EVEN  
8 IF YOU ARE ENGAGING IN FIRST AMENDMENT PROTECTED SPEECH,  
9 WHICH THOSE STUDENTS CLEARLY WERE.

10 IN THIS INSTANCE, YES, PERHAPS THERE IS  
11 PROTECTED FIRST AMENDMENT SPEECH IN THOSE BUSINESS  
12 CARDS, BUT THAT DOESN'T GIVE THE DEFENDANT CARTE BLANCHE  
13 TO LITTER THEM AND THROW THEM ALL OVER PUBLIC STREETS.  
14 IF THAT WERE THE CASE, OUR STREETS WOULD BE LITTERED  
15 WITH TRUMP, ANTI-TRUMP, AND EVERY OTHER IMAGINABLE  
16 POLITICAL SORTS OF PAPERS EVERYWHERE. TO FOLLOW THAT  
17 ARGUMENT, WE WOULD HAVE TO ALLOW IT ALL.

18 SO THE PEOPLE'S POSITION AND THAT, I  
19 BELIEVE, OF THE SUPREME COURT IN THE CASES THAT THE  
20 PEOPLE HAVE CITED ARE THAT, YES, YOU CAN HAND OUT  
21 LEAFLETS, BUT THERE ARE LIMITATIONS. AND LITTERING THEM  
22 THROUGHOUT THE STREETS ARE CERTAINLY BEYOND THAT. AND  
23 CITIES, ACCORDING TO THE SUPREME COURT, ARE WITHIN THEIR  
24 POWER TO REGULATE THAT WHEN IT COMES TO ACTUAL THROWING  
25 OF THOSE THINGS ONTO PUBLIC STREETS.

26 MR. AMSTER: IF I MAY RESPOND?

27 THE COURT: SURE. GO AHEAD.

28 MR. AMSTER: WE ARE IN A FASCINATING TIME TO HAVE

1 THIS ARGUMENT RIGHT NOW BECAUSE WE ARE IN THE POLITICAL  
2 SEASON. AND I DON'T THINK YOU CAN GO AROUND ANY PLACE  
3 WITHOUT SEEING, ACCORDING TO THE PEOPLE'S DEFINITION,  
4 LITTERING BY JUDICIAL CANDIDATES, BY PUBLIC OFFICIALS,  
5 BY EVERYONE.

6 AND SO THE PERFECT THING IS LET'S TAKE  
7 PUBLIC AREAS AND FENCES WHERE WE SEE A PLACARD THAT WAS  
8 PUT ON BY A CANDIDATE. NOTHING CAN BE DONE ABOUT THAT  
9 DURING THE ELECTION SEASON. BUT THERE IS A STATUTE THAT  
10 WITHIN 30 DAYS AFTER THE ELECTION IS OVER, IT MUST BE  
11 REMOVED. NOT ALWAYS ENFORCED, BUT THAT IS THE STATUTE.  
12 WHY? BECAUSE AT THE MOMENT THE ELECTION IS OVER, THIS  
13 IS NO LONGER FREE SPEECH. IT'S NOW NOT NECESSARY  
14 BECAUSE THE PURPOSE FOR IT HAS ENDED. AS LONG AS THE  
15 DEFENDANT HAS A PURPOSE, HE HAS THE RIGHT TO DISTRIBUTE.  
16 AND THE GOVERNMENT CANNOT SAY "WELL, SUFFICIENT  
17 DISTRIBUTION IS TWO TIMES OR THREE TIMES OR FOUR TIMES."  
18 NO. THAT IS RESTRICTING FREE SPEECH. HE HAS -- IF HIS  
19 INTENT IS TO DISTRIBUTE IT BECAUSE HE BELIEVES THAT HE  
20 NEEDS TO PROTECT HIMSELF FROM GOVERNMENT CONDUCT, THEN  
21 THAT -- TO ENFORCE THE STATUTE THAT WAY THEN IS  
22 RESTRICTING HIS FIRST AMENDMENT RIGHT.

23 SO OUR POSITION IS AS LONG AS HE'S  
24 DISTRIBUTING IT WITH THE INTENT TO COMMUNICATE HIS  
25 MESSAGE, THAT IS FINE. IF HE'S JUST THROWING IT ON THE  
26 GROUND BECAUSE IT'S GOT NO VALUE TO HIM, OUT OF  
27 FRUSTRATION BUT NOT TO DISTRIBUTE, THAT THEN COMES UNDER  
28 THE PUBLIC NUISANCE STATUTES. AND WE BELIEVE THIS IS A

1 FACTUAL ISSUE FOR THE JURY TO DECIDE, NOT FOR THE  
2 JUDICIARY TO RESTRICT OUR GOOD CITIZENS FROM DETERMINING  
3 WHAT THIS IS OR NOT.

4 THE COURT: ALL RIGHT. LET ME EXAMINE THOSE  
5 CASES, AND THEN WE WILL BROACH THE SUBJECT AGAIN. I  
6 DON'T THINK IN THE NEXT 30 MINUTES EITHER THIS -- EITHER  
7 OF THESE TWO LAWYERS HERE ARE GOING TO BE ADDRESSING THE  
8 JURY. SO IT'S NOT ESSENTIAL THAT I RULE ON IT RIGHT  
9 AWAY AND I WILL LOOK AT THESE -- THESE CASES AND BE BACK  
10 WITH YOU AT 1:30.

11 SO I THINK SHE'S TAKING ROLL RIGHT NOW.

12 ONE MOMENT.

13 THE CLERK: EVERYONE IS HERE.

14 THE COURT: ALL OF THE JURORS ARE PRESENT  
15 OUTSIDE. IS THERE ANY REASON WHY THEY CANNOT NOW BE  
16 BROUGHT IN? PEOPLE?

17 MS. PHILIPS: NO, YOUR HONOR.

18 THE COURT: DEFENSE?

19 MR. AMSTER: NO.

20 THE COURT: ALL RIGHT. WE CAN BRING IN THE  
21 JURORS AT THIS TIME.

22

23 (PROSPECTIVE JURORS WALKED INTO THE COURTROOM.)

24

25 THE COURT: ALL RIGHT. WELCOME, LADIES AND  
26 GENTLEMEN.

27 WE'RE ON THE RECORD IN THE MATTER OF THE  
28 PEOPLE VERSUS KEVIN PERELMAN, 7VW04099. ALL OF THE

1 PROSPECTIVE JURORS ARE HERE.

2 WELCOME, EVERYONE.

3 THE RECORD SHOULD REFLECT THAT EVERYONE  
4 HAS A SMILE ON THEIR FACE AND IS GENERALLY ENTHUSIASTIC  
5 ABOUT JURY DUTY.

6 THANK YOU VERY MUCH, BY THE WAY, FOR  
7 RESPONDING TO YOUR SUMMONS AND COMING TO JURY DUTY. ON  
8 BEHALF OF ALL OF THE JUDGES OF THE SUPERIOR COURT, THANK  
9 YOU FOR YOUR DEDICATION IN THIS MATTER.

10 I AM GOING TO TALK TO YOU A LITTLE BIT  
11 ABOUT WHAT YOU ARE HERE FOR IN JUST A FEW MINUTES. I  
12 WILL INTRODUCE THE PARTIES. I WILL TELL YOU WHAT  
13 EVERYBODY WANTS TO KNOW, WHICH IS HOW LONG YOU NEED TO  
14 BE HERE.

15 HOW MANY PEOPLE ARE NOT GETTING PAID  
16 TODAY? WELL, YOU GET PAID A LITTLE BIT, THE 14 DOLLARS,  
17 BUT NOT GETTING PAID BY WORK.

18 OKAY. AGAIN, I AM JUDGE ERIC HARMON.  
19 THIS IS THE SUPERIOR COURT, DEPARTMENT 113. AND YOU  
20 HAVE BEEN SUMMONED TO SERVE AS PROSPECTIVE JURORS IN A  
21 CRIMINAL CASE. OKAY. SO WHAT DOES THAT MEAN? WELL,  
22 THAT MEANS THAT WE NEED A BIG POOL OF PEOPLE FROM WHICH  
23 TO CHOOSE 12 JURORS AND 2 ALTERNATES TO SERVE AS FAIR  
24 AND IMPARTIAL JUDGES OF THE FACTS IN A CRIMINAL MATTER.

25 WHO HERE HAS BEEN A JUROR BEFORE?

26 OKAY. A FEW PEOPLE.

27 WHO HAS BEEN TO THIS POINT BUT NEVER ANY  
28 FURTHER?



1                   OKAY. WHO DOESN'T WANT TO BE HERE?

2                   I WILL SAY THIS. THIS IS PROBABLY THE  
3 12TH TRIAL THIS YEAR. I HAVE PROBABLY DONE IN THE LAST  
4 TWO YEARS MAYBE 50. IN THE LAST FIVE YEARS, PROBABLY  
5 150 TRIALS. AND WHEN IT'S ALL DONE, IF YOU ARE SEATED  
6 AS A JUROR AND YOU GET TO HEAR THE EVIDENCE AND LISTEN  
7 TO THE LAWYERS AND YOU ACTUALLY DELIBERATE, ALMOST EVERY  
8 JUROR THAT I HAVE SPOKEN WITH SAYS IT'S BEEN A  
9 WORTHWHILE EXPERIENCE. ALMOST EVERY SINGLE PERSON.  
10 THEY SAY IT'S A GREAT WAY TO GIVE BACK. IT'S A SPECIAL  
11 THING THAT WE HAVE, THIS RIGHT TO A JURY TRIAL.

12                   HOW MANY PEOPLE ARE FROM A COUNTRY  
13 ORIGINALLY OTHER THAN THE UNITED STATES?

14                   AND IN THOSE COUNTRIES, HOW MANY PEOPLE,  
15 IF YOU KNOW, DO NOT HAVE THE RIGHT TO HAVE A JURY TRIAL?

16                   I SEE ONE HAND. ANYBODY ELSE?

17                   JURY TRIALS ARE RARE. MOST PEOPLE IN THE  
18 WORLD -- HOW MANY PEOPLE ARE ON THE PLANET?

19                   A VOICE: SEVEN AND A HALF BILLION.

20                   THE COURT: MOST OF THOSE PEOPLE LIVE IN A SYSTEM  
21 WHERE THERE IS NO RIGHT TO A JURY TRIAL. IF YOU THINK  
22 ABOUT IT, IN CHINA, INDIA, IN RUSSIA -- IN MANY, MANY  
23 PARTS OF THE WORLD, YOU DON'T HAVE THIS RIGHT TO A JURY  
24 TRIAL. IN SOME PLACES YOU DO. WE GOT THIS RIGHT FROM  
25 THE ENGLISH TRADITION AND THE FRENCH TRADITION. SO WE  
26 HAVE IT HERE, AND THEY HAVE IT IN OTHER PLACES AROUND  
27 THE WORLD. BUT MOST OF THE PEOPLE IN THE WORLD DON'T  
28 ENJOY THE LIBERTY AND THE PROTECTIONS THAT WE HAVE.

1 I LIKE TO THINK ABOUT IT LIKE THIS. FOR A  
2 FEW HUNDRED YEARS, MANY PEOPLE HAVE COME BEFORE US AND  
3 HAVE FOUGHT AND HAVE DIED TO MAKE SURE THAT THIS COUNTRY  
4 IS WHAT I CONSIDER TO BE STILL THE GREATEST COUNTRY ON  
5 EARTH. YOU MAKE IT REAL WHEN YOU COME TO DO YOUR JURY  
6 DUTY. YOU MAKE THIS RIGHT TO A JURY TRIAL MEAN  
7 SOMETHING. OTHERWISE, IT'S JUST A, YOU KNOW, A WRITING  
8 ON A PIECE OF PAPER. THIS IS WHERE THE RUBBER MEETS THE  
9 ROAD, SO TO SPEAK, WHERE WE GET MEMBERS OF THE COMMUNITY  
10 TO SIT AND LISTEN TO THE EVIDENCE, NO EXPERIENCE IS  
11 NECESSARY, AND, IN THE END, JUST BE FAIR AND BE  
12 IMPARTIAL AND RENDER A VERDICT ACCORDING TO THE LAW AND  
13 THE FACTS.

14 CAN EVERYBODY HEAR ME? ANYBODY HAVE  
15 DIFFICULTY HEARING ME?

16 DOES ANYBODY HAVE DIFFICULTY UNDERSTANDING  
17 THE ENGLISH LANGUAGE?

18 OKAY. WE WILL GET TO YOU IN ONE SECOND,  
19 MA'AM.

20 BEFORE I CAN ASK YOU QUESTIONS ABOUT  
21 YOURSELF, WHICH IS WHAT THIS PROCESS IS ABOUT, I NEED TO  
22 HAVE EACH OF YOU TAKE AN OATH TO TELL THE TRUTH. SO AT  
23 THIS TIME I AM GOING TO ASK YOU ALL TO PLEASE STAND AND  
24 RAISE YOUR RIGHT HAND.

25 THE CLERK: DO YOU AND EACH OF YOU UNDERSTAND AND  
26 AGREE THAT YOU WILL ACCURATELY AND TRUTHFULLY ANSWER,  
27 UNDER PENALTY OF PERJURY, ALL QUESTIONS PROPOUNDED TO  
28 YOU CONCERNING YOUR QUALIFICATIONS AND COMPETENCY TO

1 SERVE AS A TRIAL JUROR IN THE MATTER PENDING BEFORE THIS  
2 COURT, AND THE FAILURE TO DO SO MAY SUBJECT YOU TO  
3 CRIMINAL PROSECUTION? IF YOU UNDERSTAND AND AGREE,  
4 PLEASE SAY I DO.

5 VOICES: I DO.

6 THE CLERK: THANK YOU.

7 THE COURT: THANK YOU.

8 YOU CAN BE SEATED.

9 SO AS I MENTIONED, THIS IS A CRIMINAL  
10 CASE. AND I WILL TALK TO YOU MORE ABOUT WHAT THE CASE  
11 INVOLVES IN A MOMENT. AND I WILL HAVE THE LAWYERS  
12 INTRODUCE THEMSELVES IN A MOMENT.

13 WHAT I AM PRETTY SURE YOU WANT TO KNOW  
14 RIGHT NOW IS HOW LONG DO I HAVE TO BE HERE. WELL, RIGHT  
15 NOW IT'S 20 TO NOON. IN 20 MINUTES, NO MATTER WHAT, WE  
16 ARE BREAKING FOR LUNCH. SO THERE IS THAT.

17 EVERYBODY WILL BE ORDERED TO RETURN AT  
18 1:30. AT THAT TIME, WE'RE GOING TO START THE PROCESS OF  
19 VOIR DIRE OR *VOIR DIRE*, DEPENDING ON HOW YOU LIKE TO  
20 PRONOUNCE IT. *VOIR DIRE* IS FRENCH, BUT I AM NOT FRENCH,  
21 SO I SAY VOIR DIRE. WHAT THAT MEANS IS IT'S A  
22 GIVE-AND-TAKE BETWEEN US ABOUT YOUR ABILITY TO BE FAIR  
23 AND IMPARTIAL. NOT WHETHER YOU ARE -- YOU WOULD BE A  
24 REALLY GREAT JUROR. JUST ARE YOU ABLE TO FOLLOW THE  
25 LAW, AND ARE YOU ABLE TO RENDER A JUST VERDICT. THAT'S  
26 ALL WE'RE LOOKING FOR.

27 IN ORDER TO CHOOSE A FAIR JURY, WE GO  
28 THROUGH THIS PROCESS THAT MOST LIKELY WILL TAKE US

1 THROUGH THE END OF TODAY. AND IF YOU ARE CHOSEN AS A  
2 JURY, ONE OF THE LUCKY 12 OR 2 ALTERNATES, THEN YOU CAN  
3 EXPECT TO BE ON THIS CASE FOR ABOUT FIVE DAYS. SO THAT  
4 WOULD BE TODAY, WEDNESDAY, THURSDAY, FRIDAY, AND MAYBE A  
5 LITTLE BIT OF MONDAY.

6 THAT IS THE AMOUNT OF TIME THAT THE  
7 LAWYERS TELL ME IT WILL TAKE TO TRY THIS CASE. OKAY.  
8 IF YOU ARE NOT CHOSEN AS A JUROR, THEN YOU WILL GO BACK  
9 TO THE JURY ASSEMBLY ROOM HOPEFULLY TODAY AND HOPEFULLY  
10 YOU WILL BE EXCUSED FROM YOUR JURY DUTY.

11 HAS ANYBODY HERE -- DOES ANYBODY REMEMBER  
12 THE WAY WE USED TO DO JURY DUTY LIKE 20 OR 30 YEARS AGO?  
13 WHO SAT AS A JUROR A LONG TIME AGO?

14 DO YOU REMEMBER IT USED TO BE TWO WEEKS.  
15 YOU WOULD COME AND BRING A BOOK, AND YOU WOULD SIT IN  
16 THE JURY ASSEMBLY ROOM, AND THEY WOULD CALL YOU INTO THE  
17 ROOM LIKE THIS, ASK YOU QUESTIONS. IF YOU WERE SEATED  
18 AS A JUROR, YOU WOULD HEAR THE CASE. IF NOT, YOU WOULD  
19 GO BACK TO THE JURY ASSEMBLY ROOM AND WAIT AGAIN TO BE  
20 CALLED OUT FOR TWO WEEKS. SOMETIMES YOU COULD SIT AS A  
21 JUROR, RENDER A VERDICT, GO BACK TO THE JURY ASSEMBLY  
22 ROOM, AND THEN THEY WOULD SEND YOU OUT TO DO ANOTHER  
23 ONE. TWO WEEKS WAS THE TIME THAT YOU WERE ON. WE  
24 CHANGED ALL OF THAT. HOPEFULLY, IT'S ONE DAY NOW IF YOU  
25 ARE NOT CHOSEN. IF YOU ARE CHOSEN, OBVIOUSLY WE CANNOT  
26 DO A CRIMINAL TRIAL IN ONE DAY.

27 SO I AM NOT SAYING CONSIDER YOURSELF  
28 LUCKY. BUT MAYBE YOU SHOULD CONSIDER YOURSELF LUCKY.



1 MY PLEDGE TO YOU IS THAT I WILL DO THIS AS  
2 EFFICIENTLY AS POSSIBLE, KEEPING IN MIND THAT BOTH SIDES  
3 DESERVE A FAIR TRIAL. WHEN I SAY WE WILL BE IN SESSION  
4 FOR THE NEXT FIVE DAYS, YOU DON'T HAVE TO COME ALL DAY  
5 EVERY DAY.

6 WHO HERE TAKES CARE OF CHILDREN OR THEY  
7 HAVE TO TAKE CARE OF ELDERS OR -- ANYBODY?

8 I SEE A FEW HANDS OVER HERE.

9 I AM SENSITIVE TO THAT. THE WORK HOURS  
10 THAT WE HAVE HERE ARE -- WILL BE AS FOLLOWS IF YOU ARE  
11 CHOSEN AS A JUROR, AND WE WILL -- WE WILL GO OVER THESE.  
12 AND MAYBE I WILL BE ABLE TO GIVE THESE TO YOU IN WRITING  
13 LATER, IF YOU ARE CHOSEN AS A JUROR. TODAY WE'RE GOING  
14 TO GO UNTIL 4:30 AFTER WE COME BACK FROM THE LUNCH  
15 BREAK. AND THEN TOMORROW WE WILL BEGIN AT 10:30 AND GO  
16 TO NOON. AND THEN ON THURSDAY, FRIDAY, AND MONDAY, WE  
17 WILL START AT 1:30. SO YOU WON'T BE IN SESSION ON  
18 THURSDAY, FRIDAY, AND MONDAY UNTIL 1:30. SO NOT IN THE  
19 MORNING. THE REASON FOR THAT IS, ON FRIDAYS, I PLAY  
20 GOLF IN THE MORNING, AND I DON'T WANT ANYTHING TO  
21 INTERFERE WITH IT.

22 (LAUGHTER.)

23 NO. ON FRIDAY WE -- TOMORROW WE HAVE 23  
24 CASES. THE NEXT DAY 26. YOU GET THE POINT. THIS ISN'T  
25 ALL THAT WE'RE DOING. WE HAVE OTHER CASES. AND NEXT  
26 WEEK I AM HANDLING THIS COURT AND ANOTHER COURT. SO ON  
27 MONDAY I WILL HAVE 50 CASES BEFORE I GET TO YOU. SO  
28 THAT IS THE REASON WE CAN'T JUST BE IN SESSION FROM 8:30

1 TO 4:30 AND KNOCK IT OUT AND HAVE ALL OF THE JURORS GO  
2 ABOUT YOUR REGULAR LIFE IN TWO OR THREE DAYS. I CAN  
3 ONLY GIVE YOU THAT MUCH COURT TIME BECAUSE WE HAVE OTHER  
4 MATTERS. THAT IS MY PROBLEM. IT'S NOT YOUR PROBLEM,  
5 BUT I WANT YOU TO KNOW THAT IT EXISTS.

6 ALL RIGHT. LET ME NEXT PROCEED TO THE  
7 INTRODUCTION OF THE LAWYERS AND THEIR RESPECTIVE CLIENT.  
8 WE WILL START WITH THE DEFENSE.

9 MR. AMSTER, SIR, WOULD YOU LIKE TO  
10 INTRODUCE YOURSELF.

11 MR. AMSTER: GOOD MORNING, EVERYONE. MY NAME IS  
12 SEYMOUR AMSTER. I AM THE ATTORNEY FOR MR. PERELMAN.

13 MR. PERELMAN, WHY DON'T YOU STAND UP.

14 THE COURT: THANK YOU BOTH.

15 FOR THE PEOPLE, GO AHEAD, MS. PHILIPS.

16 MS. PHILIPS: GOOD MORNING, LADIES AND  
17 GENTLEMEN. MY NAME IS KARINE PHILIPS. I WORK FOR THE  
18 LOS ANGELES CITY ATTORNEY'S OFFICE, AND I AM THE  
19 PROSECUTOR IN THIS CASE.

20 THE COURT: THANK YOU.

21 DOES ANYBODY RECOGNIZE THE DEFENDANT? HIS  
22 LAWYER? THE CITY ATTORNEY? ANY OF THE COURT STAFF?

23 ALL RIGHT. I AM GOING TO READ --

24 MA'AM, ALL THE WAY IN THE BACK, YOU  
25 RECOGNIZE SOMEONE. CAN YOU READ US THE LAST FOUR DIGITS  
26 OF YOUR JUROR IDENTIFICATION BADGE, PLEASE.

27 PROSPECTIVE JUROR 1121: 1121.

28 THE COURT: 1121?

1 PROSPECTIVE JUROR 1121: UH-HUH.

2 THE COURT: WHO DID YOU RECOGNIZE?

3 PROSPECTIVE JUROR 1121: THE GIRL NEXT TO YOU.

4 THE COURT: YOU RECOGNIZE THE JUDICIAL ASSISTANT.  
5 HOW DO YOU KNOW HER?

6 PROSPECTIVE JUROR 1121: WE USED TO BE NEIGHBORS.

7 THE COURT: OKAY. WOULD THAT AFFECT YOU IN ANY  
8 WAY IN THIS CASE?

9 PROSPECTIVE JUROR 1121: NO.

10 THE COURT: ALL RIGHT. THANK YOU FOR BEING  
11 HONEST. YOU CAN HAVE A SEAT. THANK YOU.

12 ANYBODY ELSE?

13 HAS ANYBODY ELSE EVER BEEN IN THIS  
14 COURTROOM BEFORE?

15 NO?

16 OKAY. GOOD.

17 THESE ARE THE PEOPLE WHO MIGHT BE  
18 WITNESSES IN THE MATTER. I AM GOING TO READ TO YOU  
19 THEIR NAMES. THEY'RE THE POSSIBLE WITNESSES. JUST  
20 BECAUSE YOU KNOW ONE OF THESE PEOPLE DOESN'T MEAN THAT  
21 YOU ARE DISQUALIFIED. I JUST WANT TO KNOW IF YOU KNOW  
22 SOME OF THESE PEOPLE, AND THEN THE ATTORNEYS WILL FOLLOW  
23 UP.

24 FIRST, THERE IS TERRANCE SCROGGIN. NEXT  
25 THERE IS THE LAST -- THE FIRST NAME I AM NOT EXACTLY  
26 SURE HOW TO PRONOUNCE. IT'S Y-R-U-H-A-M -- YRUHAM  
27 KOTEL -- K-O-T-E-L. THEN BAILEY BARNARD, LINDA CANNON,  
28 BRITTANY DUFFY, OFFICERS SEAN DINSE AND BRENT RYGH.

1 DOES ANYBODY KNOW ANY OF THOSE PEOPLE?

2 NO? OKAY.

3 WE'RE OFF TO A GOOD START.

4 THE NEXT STEP INVOLVES CHOOSING 12 PEOPLE  
5 TO GO INTO WHAT WE CALL THE BOX. IT SOUNDS OMINOUS, BUT  
6 IT'S NOT. IT WILL BE SIX ON THE TOP AND THEN THE NEXT  
7 SIX BELOW. AND THEN THESE TWO ON THE END WILL REMAIN  
8 OPEN. AND THEN WE WILL GO 13, 14, 15, 16, 17, AND 18.  
9 SO THOSE WILL BE THE FIRST 18 PROSPECTIVE JURORS. AND  
10 THEN AFTER YOU ARE SEATED, WE WILL GO THROUGH SOME OF  
11 THE BIOGRAPHICAL INFORMATION.

12 DOES EVERYBODY HAVE A WHITE SHEET? DID  
13 YOU GET ANY HANDOUTS COMING IN?

14 WE WILL GET TO THOSE AFTER LUNCH.

15 SO NOW, IF WE COULD, I WILL HAVE THE  
16 JUDICIAL ASSISTANT PLEASE CALL 18 SETS OF NUMBERS.

17

18 (DISCUSSION BETWEEN THE CLERK AND THE COURT.)

19

20 THE COURT: JUROR 4885, WHERE ARE YOU? 4885?  
21 THE LAST FOUR DIGITS OF YOUR YOUR IDENTIFICATION.

22 MA'AM, YOU ARE LUCKY NUMBER 1. WELCOME.  
23 IF YOU WILL BE SEATED IN SEAT 1.

24 THE CLERK: JUROR 2 IS GOING TO BE 2211.

25 NUMBER 3 IS 9367.

26 NUMBER 4, 3967.

27 NUMBER 5, 6498. 6498.

28 THE COURT: 6498. YOUR INITIALS ARE CS.





1 THINKING YOU ARE IN THE FREE AND CLEAR. HIGH FIVING  
2 EACH OTHER.

3 THIS IS NOT SET IN STONE, MEANING THAT  
4 IT'S NOT PERMANENT, AND IT'S NOT A GUARANTEE THAT YOU  
5 WILL BE THE LUCKY 12 AND THE FIRST TWO WILL BE THE TWO  
6 ALTERNATES. THIS IS A FLUID PROCESS. WHAT THAT MEANS  
7 IS ONCE WE START ASKING YOU QUESTIONS, IT MIGHT BE  
8 APPARENT THAT THERE IS -- THAT ONE OF YOU IS UNFAIR OR  
9 THAT THERE IS A CHALLENGE THAT IS MADE AGAINST ONE OF  
10 THE JURORS AND THEY'RE EXCUSED. HAPPENS ALMOST IN EVERY  
11 CASE. AND WHEN THAT HAPPENS, YOU WILL BE THANKED AND  
12 EXCUSED. DON'T TAKE IT PERSONALLY. SOMETIMES IT HAS TO  
13 DO WITH MATTERS THAT ARE BEYOND YOUR CONTROL. AND YOU  
14 WILL GO BACK TO THE JURY ASSEMBLY ROOM, AND MOST LIKELY  
15 YOU WILL BE DONE. WE'RE NOT GOING TO GET TO THAT  
16 PORTION UNTIL THIS AFTERNOON.

17 THEN IF YOU ARE SEATED OUT THERE, THAT'S  
18 WHEN YOU COME OFF THE BENCH AND YOU WILL BE SUBSTITUTED  
19 INTO THE CHAIR THAT THEY VACATED. TYPICALLY, IT COMES  
20 FROM THE 13 THROUGH 18. YOU WILL BE THE JURORS THAT  
21 COME IN HERE UNTIL BOTH SIDES AGREE TO THE 12 JURORS OR  
22 UNTIL THEY HAVE EXHAUSTED ALL OF THEIR CHALLENGES.  
23 THAT'S WHEN WE HAVE THE 12 SET. AND THEN WE DO THE SAME  
24 THING FOR THE ALTERNATES. WE FIND TWO ALTERNATES. AND  
25 I WILL EXPLAIN TO THE ALTERNATES WHAT YOUR JOB WILL BE  
26 IN LISTENING TO THE EVIDENCE.

27 HAS ANYBODY HERE EVER BEEN AN ALTERNATE  
28 JUROR?

1                   OKAY. SO THAT IS -- HOW FREQUENTLY IS AN  
2 ALTERNATE SUBSTITUTED IN? I WILL SAY ONCE THE JURY IS  
3 SEATED AND WE START TO HEAR THE TESTIMONY, IF SOMEBODY  
4 BECOMES SICK OR UNABLE TO GO FORWARD, THEN MAYBE IN 30  
5 PERCENT OF THE TIME, 25 PERCENT OF THE TIME AN ALTERNATE  
6 MIGHT HAVE TO COME IN. DEPENDS ON THE LENGTH OF THE  
7 CASE. IN A TWO- OR THREE-DAY CASE, THE ALTERNATE  
8 USUALLY DOESN'T COME IN. IN A WEEK-LONG CASE, MAYBE ONE  
9 HAS TO COME IN. IN A MONTH-LONG CASE, YEAH. WE CHOOSE  
10 MORE ALTERNATES.

11                   OKAY. SO WE'RE GOING TO -- WHEN WE COME  
12 BACK, WE'RE GOING TO START WITH JUROR NUMBER 1. AND I  
13 WILL GIVE YOU THAT SHEET OF PAPER THAT WILL EXPLAIN TO  
14 YOU WHAT EXACTLY I NEED TO HEAR FROM YOU:

15                   WHERE YOU LIVE, GENERALLY SPEAKING. "THE  
16 VALLEY." YOU CAN SAY THE CITY THAT YOU LIVE IN. JUST  
17 GENERALLY.

18                   WHAT YOU DO FOR A LIVING;  
19                   IF YOU ARE MARRIED, SINGLE, DIVORCE;  
20                   WHAT YOUR SPOUSE DID OR DOES FOR A LIVING;  
21                   WHAT YOUR CHILDREN WHO ARE GROWN, WHAT  
22 THEY DO FOR A LIVING;

23                   AND WHETHER YOU HAVE SAT ON A JURY BEFORE.  
24 AND WHETHER THEY -- WHETHER THAT JURY WAS CIVIL OR  
25 CRIMINAL.

26                   THESE ARE THE QUESTIONS THAT THE CODE  
27 REQUIRES THAT I ASK YOU. THE REASON THAT THEY -- IT  
28 REQUIRES THAT IS BECAUSE WE WANT TO SEE IF YOU ARE IN A

1 LINE OF WORK THAT HAS ANYTHING TO DO WITH THIS CASE.  
2 SO, FOR EXAMPLE, IF THE CASE INVOLVES PLUMBING AND  
3 SOMEBODY IS A PLUMBER HERE, I WANT TO KNOW THAT BECAUSE  
4 MAYBE YOU HAVE SPECIALIZED KNOWLEDGE THAT MIGHT CAUSE  
5 YOU TO BE UNFAIR TO ONE SIDE OR THE OTHER. THAT IS  
6 TYPICALLY THE REASON WHY WE ASK THOSE QUESTIONS.

7 AFTER THAT, I WILL GIVE YOU SOME  
8 INSTRUCTIONS ON HOW TO DO YOUR JOB, THE PRESUMPTION OF  
9 INNOCENCE, THE BURDEN OF PROOF, AND I WILL READ TO YOU  
10 THE CHARGES THAT THE PEOPLE HAVE FILED AGAINST THE  
11 DEFENDANT.

12 THIS CASE, AS I SAID, IS A CRIMINAL MATTER  
13 THAT INVOLVES ALLEGATIONS THAT KIND OF DEAL WITH, IN A  
14 REMOTE WAY, THE INTERNET. OKAY. SO MY ORDER TO YOU,  
15 NOW THAT YOU ARE PROSPECTIVE JURORS, IS THAT YOU NOT USE  
16 THE INTERNET IN ANY WAY IN CONNECTION WITH THIS CASE,  
17 EITHER ON YOUR OWN OR AS A GROUP. YOU CAN USE THE  
18 INTERNET HOWEVER YOU WOULD LIKE, OTHERWISE, FOR YOUR OWN  
19 PERSONAL USE. BUT DON'T USE IT TO DO ANY RESEARCH ABOUT  
20 ANY OF THE PARTICIPANTS OR ANY OF THE LITIGATION THAT IS  
21 GOING ON HERE. OKAY?

22 SO JUST TO BE CLEAR, I AM NOT TELLING YOU  
23 NOT TO USE THE INTERNET BECAUSE THAT WOULD CAUSE MASS  
24 HYSTERIA, AND EVERYBODY WOULD HAVE A MENTAL BREAKDOWN.  
25 I DON'T KNOW IF IT WOULD BE POSSIBLE. I AM JUST TELLING  
26 YOU DO NOT USE IT IN CONNECTION WITH THIS CASE. DON'T  
27 GO ON THE INTERNET AND GOOGLE JUDGE HARMON. DON'T --  
28 THERE IS NOTHING INTERESTING THERE THAT I KNOW OF. WHEN



1 IT'S ALL SAID AND DONE, YOU CAN. YOU CAN GOGGLE  
2 WHATEVER YOU WANT. BUT DURING THE PENDENCY OF THIS  
3 CASE, IT'S VITAL THAT YOU NOT USE THE INTERNET IN ANY  
4 WAY IN CONNECTION WITH THIS MATTER.

5 I KNOW IT SOUNDS OBVIOUS, BUT WE'VE HAD  
6 EVERYTHING HERE FROM PEOPLE ATTEMPTING TO LIVE STREAM.  
7 I DIDN'T KNOW WHAT LIVE STREAMING WAS UNTIL A PERSON  
8 TRIED TO DO IT. THIS WAS A YEAR OR TWO AGO. PEOPLE TRY  
9 TO GO ON INSTAGRAM OR TWITTER OR ANYTHING ELSE THAT  
10 PEOPLE UNDER 25 WOULD KNOW HOW TO USE, AND THEY TRY TO  
11 POST THINGS ABOUT THE MATTER. WE HAD AN INSTAGRAM POST  
12 OF THIS COURTROOM AND OF THE PARTICIPANTS HERE. THESE  
13 ARE ALL THINGS WE CANNOT DO. THE REASON FOR THAT IS  
14 BECAUSE THE --

15 OUR SYSTEM OF JUSTICE REQUIRES THAT ALL OF  
16 THE PROCEEDINGS BE DONE IN OPEN COURT WITH BOTH OF THE  
17 PARTIES BEING GIVEN A CHANCE TO SEE WHAT IS HAPPENING.  
18 IT WOULD BE UNFAIR TO EITHER OF THE PARTIES IF THE  
19 JURORS DID ANY OTHER RESEARCH OUTSIDE OF THE COURTROOM  
20 BECAUSE THEY WON'T HAVE HAD -- WOULD NOT HAVE HAD A  
21 CHANCE TO EXAMINE THAT EVIDENCE AND SCRUTINIZE THAT  
22 EVIDENCE. SO THE EVIDENCE THAT YOU RECEIVE AS JURORS IS  
23 ONLY WHAT HAPPENS HERE IN THIS COURTROOM.

24 NEXT, IT'S VITALLY IMPORTANT, AND I SAY  
25 THIS IN EVERY CASE, AND IT'S IMPORTANT HERE AS WELL THAT  
26 YOU NOT COMMUNICATE WITH EACH OTHER OR WITH ANYBODY ELSE  
27 ABOUT ANYTHING THAT HAS TO DO -- ANYTHING THAT HAS TO DO  
28 WITH THIS CASE. AGAIN, YOU CAN BE FRIENDLY WITH ONE

1 ANOTHER. YOU CAN GO OUT TO LUNCH. YOU CAN TALK ALL YOU  
2 WANT ABOUT EVERYTHING UNDER THE SUN. HOWEVER, NOTHING  
3 THAT INVOLVES THIS CASE CAN BE DISCUSSED. OKAY? YOU  
4 CAN'T DO THAT WITH THE OTHER JURORS NOR CAN YOU DO IT  
5 WITH YOUR FRIENDS, FAMILY MEMBERS, SPIRITUAL ADVISORS,  
6 OR ANYONE ELSE.

7 SO, AGAIN, YOU CAN CARRY ON WITH YOUR  
8 ORDINARY LIFE AS YOU SO CHOOSE, BUT DO NOT TALK ABOUT  
9 THE CASE WITH ANYBODY. THAT INCLUDES EVEN SAYING  
10 ANYTHING INNOCUOUS OR HARMLESS TO EITHER OF THE TWO  
11 ATTORNEYS OR THE DEFENDANT OR THE WITNESSES. SO WHEN  
12 YOU ARE EXCUSED, YOU MIGHT SEE SOME OF THEM IN THE  
13 HALLWAY. THEY'RE UNDER MY STRICT ORDERS NOT TO SAY A  
14 WORD TO YOU, EVEN ABOUT THINGS UNRELATED TO THE CASE.  
15 SO IF ONE OF THEM WANTED TO SAY IT'S A BEAUTIFUL DAY,  
16 THAT WOULD BE IN CONTRAVENTION OF MY ORDER BECAUSE  
17 SOMETIMES WE DON'T KNOW WHAT THEY'RE TALKING ABOUT. YOU  
18 DON'T KNOW WHAT THEY'RE TALKING ABOUT. AND IT WOULD  
19 APPEAR TO BE IMPROPER. SO YOU CAN'T TALK TO THEM, AND  
20 THEY CAN'T TALK TO YOU.

21 IF SOMEONE ATTEMPTS TO TALK TO YOU ABOUT  
22 ANYTHING, A PARTY TO THIS CASE, THE DEFENDANT,  
23 WITNESSES, ANYTHING LIKE THAT, PLEASE TELL THE BAILIFF  
24 IMMEDIATELY. OKAY? IT'S VERY IMPORTANT THAT THEY NOT  
25 HAVE ANY CONTACT WITH YOU AND YOU NOT HAVE ANY CONTACT  
26 WITH THEM. THAT IS THE INTEGRITY OF THE PROCESS THAT I  
27 AM TRYING TO UPHOLD.

28 ALL RIGHT. WHEN WE COME BACK, I WILL DO

1 LESS TALKING. AND THE TALKING I DO DO WILL BE VERY  
2 POIGNANT ABOUT GETTING TO KNOW YOU AND GETTING TO KNOW  
3 WHETHER YOU CAN BE A FAIR JUROR IN THIS MATTER. UNTIL  
4 THAT TIME, 1:30, PLEASE ENJOY YOUR LUNCH. WHEN YOU  
5 RETURN, GATHER OUTSIDE THE COURTROOM. DON'T COME IN.  
6 WHEN YOU DO COME BACK IN, WE WILL START THIS PROCESS.

7 THE ADMONISHMENT THAT I GAVE TO YOU ABOUT  
8 NOT FORMING OR EXPRESSING ANY OPINION ABOUT THE CASE,  
9 THAT STILL HOLDS. DON'T DO ANY RESEARCH. I KNOW I  
10 SOUND LIKE A BROKEN RECORD, EVEN THOUGH WE DON'T HAVE  
11 RECORDS ANYMORE. I UNDERSTAND THAT, BUT IT'S SO VITALLY  
12 IMPORTANT TO GET A FAIR TRIAL IN THIS MATTER THAT NOBODY  
13 DO RESEARCH ON THE INTERNET, EITHER ON YOUR OWN OR AS A  
14 GROUP.

15 THANK YOU VERY MUCH. SEE EVERYONE AT  
16 1:30.

17  
18 (PROSPECTIVE JURORS WALKED OUT OF THE COURTROOM.)  
19

20 THE COURT: ALL RIGHT. THE RECORD SHOULD REFLECT  
21 ALL OF THE PROSPECTIVE JURORS HAVE LEFT.

22 ANYTHING BY EITHER SIDE?

23 MR. AMSTER: YES, YOUR HONOR.

24 THE COURT: GO AHEAD.

25 MR. AMSTER: I JUST WANTED TO GIVE THE CITATION  
26 ON THE FREE SPEECH ISSUE. SO IT'S LOVELL, L-O-V-E-L-L,  
27 VERSUS *CITY OF GRIFFIN*. THE CITE IS 303 US 444.

28 THE COURT: 444?

1 MR. AMSTER: YES.

2 THE COURT: ALL RIGHT. SO NOTED. I WILL LOOK AT  
3 THAT OVER LUNCH.

4 SIR, YOU ARE ORDERED TO RETURN AT 1:30.

5 SEE EVERYBODY THEN.

6 MS. PHILIPS: THANK YOU, YOUR HONOR.

7

8 (THE NOON RECESS WAS TAKEN.)

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1 CASE NUMBER: 7VW05190-01/7VW04099-01  
2 CASE NAME: PEOPLE VS. KEVIN PERELMAN  
3 VAN NUYS, CALIFORNIA TUESDAY, MAY 15, 2018  
4 DEPARTMENT 113 HON. ERIC HARMON, JUDGE  
5 REPORTER: HILDA GUTIERREZ, CSR 12714, RPR  
6 APPEARANCES: (AS HERETOFORE MENTIONED)  
7 TIME: 1:39 P.M.  
8

9 (THE FOLLOWING PROCEEDINGS WERE  
10 HELD IN OPEN COURT:)  
11

12 THE COURT: THIS IS THE PEOPLE VERSUS PERELMAN.  
13 HE'S HERE. THE PEOPLE ARE REPRESENTED. THE JURORS ARE  
14 IN THE HALLWAY. THEY'RE ALL HERE. WE WILL CALL THEM  
15 IN, IN ONE MINUTE.

16 THE COURT WAS EXAMINING THE CASE LAW  
17 THAT WAS CITED BY BOTH SIDES. AND IF I UNDERSTAND IT  
18 CORRECTLY, THERE REALLY NEED NOT BE ANY -- LET'S START  
19 WITH THIS. I EXAMINED *MEMBERS OF CITY COUNCIL VERSUS*  
20 *TAXPAYERS FOR VINCENT* WHICH IS THE SUPREME COURT  
21 CASE, 466 U.S. 789; *PEOPLE VERSUS HORTON*, WHICH WAS  
22 9 CAL.APP. 3RD SUPP 1; AND THEN THE ONE THAT IS  
23 *SCHNEIDER VERSUS STATE OF NEW JERSEY*, WHICH IS  
24 308 U.S. 147. AND THEN *LOVELL VERSUS CITY OF GRIFFIN*,  
25 303 U.S. 444.

26 I DON'T KNOW THE FACTS FROM THIS CASE, BUT  
27 FROM WHAT THE PARTIES ARE TELLING ME, DEFENDANT WAS  
28 HANDING OUT BUSINESS CARDS. THE BUSINESS CARDS HAD ON

1 THEM -- BY BUSINESS CARD, TWO BY ONE PIECES OF PAPER.  
2 RIGHT?

3 MR. AMSTER: SO WE'RE GOOD, NORMALLY DOESN'T MAKE  
4 A DIFFERENCE. THEY ARE A BUSINESS CARD FORMAT, BUT I  
5 DON'T WANT THEM INTERPRETED AS BUSINESS CARDS  
6 ADVERTISING BUSINESS.

7 THE COURT: THAT'S WHAT I WAS GETTING TO. ON THE  
8 CARD, PAPER CARD WAS INFORMATION DIRECTING PEOPLE TO HIS  
9 WEBSITE.

10 MR. AMSTER: CORRECT, YOUR HONOR.

11 THE COURT: AND THE WEBSITE IS SOMETHING THAT HE  
12 CONSTRUCTED FOR THE PURPOSES OF, IN HIS MIND, LETTING  
13 THE WORLD KNOW, THE FORCES AGAINST HIM.

14 MR. AMSTER: AND I THINK IT'S IMPORTANT ON THE  
15 "FORCES AGAINST HIM," THAT INCLUDES GOVERNMENT CONDUCT.

16 THE COURT: OKAY. AND THE ALLEGATION HERE ISN'T  
17 THAT THE OR THE DEFENSE, I SHOULD SAY, ISN'T THE STATUTE  
18 BY ITSELF IS UNCONSTITUTIONAL.

19 MR. AMSTER: OKAY. I DON'T HAVE THE EXACT  
20 WORDING OF THE NEW STATUTE. I APOLOGIZE. IF I CAN JUST  
21 LOOK AT IT, BECAUSE I DON'T THINK THAT IS MY POSITION.

22 THE COURT: IT'S THE PEOPLE'S CONTENTION THAT THE  
23 CRIMINAL ACT IS PUTTING IT ON THE CAR? OR HANDING IT TO  
24 THE PERSON? OR --

25 MS. PHILIPS: IT'S NEVER BEEN A HANDING. IT'S  
26 NEVER BEEN A HANDING. IT'S AT LEAST AS WE'RE ALLEGING  
27 IT IN THIS COMPLAINT. THE ISSUE -- THE TWO COUNTS THAT  
28 PERTAIN TO THE BUSINESS CARDS IN THIS CASE, THE FIRST

1 PERTAINS TO HIM PLACING THEM ONTO CARS, WHICH IS THE  
2 28.01 AND THE POINT ONE ONE IS DROPPING THEM THROUGHOUT  
3 THE STREET.

4 THE COURT: WHAT IS THE 370 IN COUNT 1?

5 MS. PHILIPS: IT'S THE IMPACT THAT THAT DUMPING  
6 HAS HAD UPON THE MEMBERS OF THE COMMUNITY ON AN ONGOING  
7 CASE.

8 THE COURT: IT MIGHT BE 654.

9 MS. PHILIPS: CORRECT.

10 THE COURT: BUT IT'S THE SAME ACTS THAT  
11 CONSTITUTE COUNT 1 AND THE COUNTS THAT DEAL WITH 28.01.1  
12 AND 28.01. RIGHT?

13 MS. PHILIPS: CORRECT.

14 THE COURT: OKAY.

15 MR. AMSTER: IF I MAY, YOUR HONOR?

16 THE COURT: SURE. GO AHEAD.

17 MR. AMSTER: SO THE CONCEPT OF A HANDBILL IS  
18 MORE -- SO "HANDBILL" IS DEFINED AS ANY HANDBILL,  
19 DODGER, COMMERCIAL ADVERTISING CIRCULAR ONWARD -- AND  
20 OTHER THINGS. THIS IS ABOUT -- THE STATUTE CAN BE  
21 INTERPRETED TO BE DESIGNED FOR COMMERCIAL FREE SPEECH OR  
22 REGULAR FREE SPEECH.

23 SO AS THE STATUTE IS ON ITS FACE, NO.  
24 IT'S NOT UNCONSTITUTIONAL IF IT'S RESTRICTING COMMERCIAL  
25 FREE SPEECH. IT IS UNCONSTITUTIONAL IF IT'S RESTRICTING  
26 THE DISTRIBUTION OF ITEMS IN A PUBLIC PLACE FOR THE  
27 PURPOSE OF PURE FREE SPEECH, I AM GOING TO CALL IT, NOT  
28 ASSOCIATED WITH COMMERCIAL.

1                   AND THAT IS WHY IT'S OUR BELIEF -- AND  
2 THAT'S WHY WE NEED THE FACTS -- WE BELIEVE IT CANNOT BE  
3 USED TO RESTRICT. AS FAR AS THE LITTERING GOES, I THINK  
4 THE *SCHNEIDER VERSUS NEW JERSEY* CASE, I THINK THAT'S  
5 RIGHT ON POINT, SAY LITTERING IS NOT GOING TO BE A  
6 REASON FOR A MUNICIPALITY TO CREATE A STATUTE. I THINK  
7 THAT THE GRAY AREA IS A VEHICLE. WE BELIEVE THAT A  
8 VEHICLE THAT IS PARKED IN A GARAGE OR PARKED ON PRIVATE  
9 PROPERTY AND ONE CANNOT GET ANY TYPE OF MATERIAL  
10 ATTACHED TO IT, A VEHICLE ON A PUBLIC STREET CANNOT GET  
11 COMMERCIAL -- THE GOVERNMENT CAN RESTRICT, BUT THE  
12 GOVERNMENT CANNOT RESTRICT THE PLACEMENT ON THE VEHICLE  
13 THAT IS SITTING ON A PUBLIC STREET BY SOMEBODY WHO IS  
14 EXERCISING THEIR FREE SPEECH RIGHTS.

15                   SO NO. IT'S NOT UNCONSTITUTIONAL ON ITS  
16 FACE. IT CAN BE INTERPRETED FOR GOOD REASON, BUT IT IS  
17 UNCONSTITUTIONAL IF IT'S GOING TO BE ALLOWED, AND THAT'S  
18 WHERE THE JURY INSTRUCTIONS COME IN, IF IT'S GOING TO BE  
19 ALLOWED TO RESTRICT THE USE OF FREE SPEECH.

20                   THE COURT: WELL, THE -- THE KEY PART TO ME, IN  
21 *SCHNEIDER*, IS WHEN THE COURT SAYS -- THEY'RE TALKING  
22 ABOUT A STATUTE THAT IS ENACTED, IN PART, TO DISCOURAGE  
23 THE DISTRIBUTION OF LEAFLETS BECAUSE THE DISTRIBUTION  
24 NECESSARILY INEVITABLY RESULTS IN THE PERSON WHO IS  
25 RECEIVING THAT LITERATURE THROWING IT TO THE GROUND AND  
26 LITTERING. AND THEY SAID IT'S NOT ENOUGH TO SAY, AS A  
27 MUNICIPALITY, THAT WE'RE CONCERNED WITH LITTERING AND,  
28 AS A RESULT, WE'RE GOING TO KEEP -- WE'RE GOING TO KEEP



1 YOU FROM HANDING THEM OUT IN THE FIRST PLACE.

2 IN THIS CASE, THEY SAID THIS  
3 CONSTITUTIONAL PROTECTION DOES NOT DEPRIVE THE CITY OF  
4 ALL POWER TO PREVENT STREET LITTERING. THERE ARE  
5 OBVIOUSLY WAYS AMONG THESE PUNISHMENT OF PERSON WHO  
6 THROW THESE ON THE STREETS.

7 IN THIS CASE, WHAT I THINK WE'RE DEALING  
8 WITH IS NOT THAT HE'S BEING CHARGED WITH THE INEVITABLE  
9 RESULT OF PASSING THEM OUT, WHICH IS HAVING THEM BE  
10 THROWN TO THE GROUND, BUT INSTEAD HE HIMSELF IS  
11 PERSONALLY THROWING THEM TO THE GROUND. REGARDLESS OF  
12 THE TYPE OF SPEECH THAT IS INVOLVED, WHETHER COMMERCIAL  
13 OR PURELY POLITICAL, THERE IS A GOVERNMENTAL INTEREST IN  
14 CURTAILING THAT SO THAT IT -- THE DISTRIBUTION OF IT SO  
15 THAT A PUBLIC INTEREST IS SERVED. I GUESS A BETTER WAY  
16 OF SAYING IT: THERE ARE LIMITS. YOU CAN'T BACK A DUMP  
17 TRUCK INTO THE CORNER OF VAN NUYS AND BURBANK AND DUMP  
18 OUT, YOU KNOW, "IMPEACH THE PRESIDENT" IF THAT'S WHAT  
19 SOMEONE WANTED TO DO. IT WOULD BE A LAWFUL EXERCISE OF  
20 THE CITY'S POWER TO CRIMINALIZE MASS DUMPING OF PAPER  
21 REGARDLESS OF WHAT IT SAID.

22 NOW IT WOULD BE ILLEGAL TO SAY YOU CAN  
23 DUMP "SUPPORT THE PRESIDENT" AND "NOT SUPPORT THE  
24 PRESIDENT" -- I'M SORRY. TO REGULATE THE CONTENT OF  
25 WHAT IS BEING DUMPED WOULD RUN AFOUL OF THE FIRST  
26 AMENDMENT, BUT JUST THE DUMPING OF IT WOULD NOT BE.

27 SO HERE I DON'T -- I THINK IT'S JUST THE  
28 MANNER IN WHICH IT'S BEING PLACED AND NOT THE CONTENT

1 THAT IS BEING REGULATED. SO THERE IS NO FIRST AMENDMENT  
2 PROTECTION TO THE DUMPING OR OF THE PLACING ON A CAR.

3 I WOULD -- NOW IF HE WANTS TO TAKE THE  
4 STAND AND SAY THAT "IT WASN'T IN MY MIND TO DUMP THIS  
5 ON THE GROUND AND LITTER, INSTEAD IT WAS MY INTENT" --  
6 WHILE IT'S PRETTY MUCH IRRELEVANT BECAUSE IT'S A GENERAL  
7 INTENT CRIME, AT LEAST THE 28.01 AND 28.01 THOSE ARE  
8 GENERAL INTENT CRIMES. IF HE WANTS TO TAKE THE STAND  
9 AND SAY WHAT HIS MENTAL STATE WAS, THAT IS FINE. BUT IN  
10 TERMS OF GETTING AN INSTRUCTION THAT SAID THAT THE FIRST  
11 AMENDMENT IS A DEFENSE TO THESE, I DON'T BELIEVE THAT  
12 THERE IS SUFFICIENT LEGAL JUSTIFICATION TO GIVE SUCH AN  
13 INSTRUCTION.

14 MR. AMSTER: IF I MAY BE HEARD.

15 THE COURT: SURE.

16 MR. AMSTER: OKAY. I WOULD LIKE TO GO STEP BY  
17 STEP. OKAY. I THINK THE FIRST PLACES -- WE TALKED  
18 ABOUT THE TESTIMONY, WHICH I AM SATISFIED FOR THAT.

19 I DON'T THINK WE'RE AT THE STEP NOW OF  
20 MAKING A FINAL CONCLUSION WHAT THE JURY INSTRUCTIONS ARE  
21 GOING TO BE.

22 THE COURT: AGREED.

23 MR. AMSTER: I WOULD LIKE TO WAIT FOR THAT. I  
24 DON'T THINK I AM GOING TO BE LOOKING FOR A JURY  
25 INSTRUCTION THAT SAYS THE FIRST AMENDMENT IS COMPLETELY  
26 FINDING THESE ACTS PROPER. I AM MORE LOOKING OF  
27 TECHNICALITY.

28 THAT'S WHERE I AM AT. THAT IS OKAY.

1           THE COURT:   OKAY.   OKAY.   ALL RIGHT.   SO AT THIS  
2 TIME, WE WILL LET THE JURORS IN.   I WILL HELP THE  
3 BAILIFF GREET THEM.

4  
5           (PROSPECTIVE JURORS WALKED INTO THE COURTROOM.)  
6

7           THE COURT:   ALL RIGHT.   WELCOME BACK, LADIES AND  
8 GENTLEMEN.   WE'RE ON THE RECORD IN THE PEOPLE VERSUS  
9 PERELMAN.   HE'S HERE WITH HIS LAWYER.   THE PEOPLE ARE  
10 REPRESENTED.   ALL OF THE PROSPECTIVE JURORS ARE HERE.  
11 AND SORRY FOR THE DELAY.

12                   ALL RIGHT.   TO REMIND YOU OF WHAT WE'RE  
13 DOING, WE'RE TRYING TO CHOOSE A JURY OF 12 PEOPLE AND 2  
14 ALTERNATES.   THAT JURY NEEDS TO BE FAIR AND IMPARTIAL.  
15 SO WE NEED TO ASK YOU QUESTIONS TO MAKE SURE YOU ARE  
16 FAIR AND IMPARTIAL.   AND WE'RE GOING TO GO THROUGH EACH  
17 PERSON HERE IN THE FIRST 18.   WHEN I AM DONE, EACH  
18 ATTORNEY WILL HAVE ABOUT 10 MINUTES TO DISCUSS WITH THAT  
19 PANEL OVER THERE THE SAME ISSUES.   AND THEN WE WILL HAVE  
20 A CHANCE TO START DISMISSING SOME OF THE PROSPECTIVE  
21 JURORS AND HOPEFULLY HAVE A JURY IN THE NEXT TWO HOURS.

22                   WE'RE GOING TO TAKE A BREAK IN ROUGHLY AN  
23 HOUR.   AND I DON'T THINK WE WILL BE DONE BY THEN, BUT  
24 HOPEFULLY WE WILL BE CLOSE.

25                   EVERYONE HAVE A WHITE SHEET?   YES?   OKAY.

26                   JUROR NUMBER 1, MA'AM, ANSWER THE  
27 QUESTION, THE BIOGRAPHICAL INFORMATION.   YOU DON'T HAVE  
28 TO STAND UP.   YOU CAN SIT.

1  
2 (JURY VOIR DIRE NOT INCLUDED HEREIN.)  
3

4 (UNRELATED CALENDAR MATTERS WERE HEARD.)  
5

6 THE COURT: BACK IN THE RECORD IN OPEN COURT.

7 EVERYBODY IS HERE. WE'RE GOING TO CALL IN  
8 THE JURY AT THIS TIME.  
9

10 (IN THE PRESENCE OF THE JURY:)  
11

12 THE COURT: ALL RIGHT. SIR, COME FORWARD AND  
13 TAKE A SEAT IN FRONT OF NUMBER 2. RIGHT DOWN THERE, THE  
14 FIRST ONE DOWN BELOW.

15 MA'AM, IF YOU WANT TO COME DOWN, YOU WILL  
16 BE ALTERNATE NUMBER 1.

17 THE COURT: WE'RE ON THE RECORD. ALL OF THE  
18 JURORS ARE HERE. AND THE ALTERNATES ARE HERE.

19 BEFORE WE BEGIN, I AM GOING TO DESCRIBE  
20 FOR YOU HOW THE TRIAL WILL BE CONDUCTED AND EXPLAIN TO  
21 YOU WHAT YOU AND I AND THE ATTORNEYS WILL BE DOING  
22 DURING THIS TIME.

23 WHEN I REFER TO THE PEOPLE, I AM REFERRING  
24 TO MS. PHILIPS WHO IS THE ATTORNEY WHO IS TRYING THIS  
25 CASE ON BEHALF OF THE PEOPLE OF THE STATE OF CALIFORNIA.  
26 SHE'S FROM THE CITY ATTORNEY'S OFFICE. WHEN I REFER TO  
27 DEFENSE COUNSEL, MR. AMSTER, I MEAN THE ATTORNEY WHO IS  
28 REPRESENTING THE DEFENDANT.

1                   NOW THE TRIAL WILL PROCEED AS FOLLOWS.  
2 PEOPLE MAY PRESENT AN OPENING STATEMENT. THE DEFENSE IS  
3 NOT REQUIRED TO PRESENT AN OPENING STATEMENT. BUT IF HE  
4 CHOOSES TO DO SO, HE MAY GIVE IT EITHER IMMEDIATELY  
5 AFTER THE PEOPLE'S OPENING STATEMENT OR AT THE BEGINNING  
6 OF THE DEFENSE CASE. THE PURPOSE OF AN OPENING  
7 STATEMENT IS TO GIVE YOU AN OVERVIEW OF WHAT THE  
8 ATTORNEYS THINK THE EVIDENCE WILL SHOW.

9                   NEXT, THE PEOPLE WILL OFFER THEIR  
10 EVIDENCE. EVIDENCE USUALLY INCLUDES WITNESS TESTIMONY  
11 AND EXHIBITS. AFTER THE PEOPLE PRESENT THEIR EVIDENCE,  
12 THE DEFENSE MAY ALSO PRESENT EVIDENCE BUT IS NOT  
13 REQUIRED TO DO SO. BECAUSE THE DEFENDANT IS PRESUMED TO  
14 BE INNOCENT, THE DEFENDANT DOES NOT HAVE TO PROVE THAT  
15 HE IS NOT GUILTY.

16                  AFTER YOU HAVE HEARD ALL OF THE EVIDENCE  
17 AND THE ATTORNEYS HAVE GIVEN THEIR FINAL ARGUMENTS, YOU  
18 WILL GO BACK INTO THE -- I WILL INSTRUCT YOU ON THE LAW  
19 THAT APPLIES TO THE CASE. AND AFTER YOU HAVE HEARD THE  
20 ARGUMENTS, YOU WILL GO BACK INTO THE JURY ROOM AND  
21 DELIBERATE.

22                  OUR SYSTEM OF JUSTICE REQUIRES THAT TRIALS  
23 BE CONDUCTED IN OPEN COURT WITH THE PARTIES PRESENTING  
24 EVIDENCE AND THE JUDGE DECIDING THE LAW THAT APPLIES TO  
25 THE CASE. IT'S UNFAIR TO THE PARTIES IF YOU RECEIVE  
26 ADDITIONAL INFORMATION FROM ANY SOURCE BECAUSE -- ANY  
27 OTHER SOURCE, I SHOULD SAY, BECAUSE THAT INFORMATION MAY  
28 BE UNRELIABLE OR IRRELEVANT, AND THE PARTIES WILL NOT



1 HAVE HAD AN OPPORTUNITY TO EXAMINE AND RESPOND TO IT.

2 YOUR VERDICT MUST BE BASED ONLY ON THE  
3 EVIDENCE THAT IS PRESENTED DURING TRIAL IN THIS COURT  
4 AND THE LAW THAT I PROVIDE TO YOU.

5 DURING THE TRIAL, DO NOT TALK ABOUT THE  
6 CASE OR ABOUT ANY OF THE PEOPLE OR ANY SUBJECT INVOLVED  
7 IN IT WITH ANYONE, NOT EVEN YOUR FAMILY, FRIENDS,  
8 SPIRITUAL ADVISORS, OR THERAPISTS.

9 YOU NEED WATER?

10 JUROR NO. 2: I HAVE WATER.

11 THE COURT: YOU WANT TO TAKE A BREAK OR --

12 JUROR NO. 2: I NEED TO STAND UP.

13 THE COURT: IF YOU WANT TO STAND UP, YEAH. LET'S  
14 PUT THIS ON PAUSE. IF YOU WANT TO GO OUTSIDE JUST  
15 MOMENTARILY, JUST COME BACK IN WHEN YOU ARE READY. I  
16 WILL TELL SOME JOKES. I DON'T HAVE MANY JOKES. THE  
17 JOKES I DO HAVE --

18 YOU HAVE A JOKE?

19 JUROR NO. 10: I HAVE A QUESTION.

20 THE COURT: SURE. GO AHEAD.

21 JUROR NO. 10: I AM DIABETIC. SOMETIMES MY SUGAR  
22 LEVEL -- USUALLY IT WON'T, BUT IT CAN DIP. IT CAN GO  
23 LOW. IN WHICH CASE I HAVE TO EAT SOMETHING VERY  
24 QUICKLY.

25 THE COURT: JUST RAISE YOUR HAND.

26 JUROR NO. 10: IF I CAN HAVE A GRANOLA BAR.

27 THE COURT: YOU CAN EAT IT AT ANY TIME.

28 JUROR NO. 10: I JUST DIDN'T WANT --

1 THE COURT: I WANT TO MAINTAIN THE DIGNITY OF THE  
2 PROCEEDING. SO I DON'T ENCOURAGE EVERYBODY TO BRING  
3 FOOD AND EAT, BUT YOU HAVE A MEDICAL NEED. SO GO AHEAD.  
4 WHENEVER IT IS NECESSARY, JUST EAT.

5 JUROR NO. 10: MOST LIKELY IT WON'T HAPPEN.

6 THE COURT: IT WON'T BE A SIGN OF DISRESPECT.  
7 DON'T WORRY ABOUT IT. JUST DO IT. IF YOU NEED TO TAKE  
8 A BREAK, JUST RAISE YOUR HAND, AND WE WILL TAKE A BREAK.

9 JUROR NO. 2: THANK YOU.

10 THE COURT: BUT DON'T TAKE A BREAK JUST TO HEAR  
11 MY HILARIOUS JOKES.

12 ALL RIGHT. NOW ALL OF THE JURORS ARE HERE  
13 AND THE ALTERNATES ARE HERE.

14 THE PART THAT I WAS ALLUDING TO IS DON'T  
15 SHARE INFORMATION ABOUT THE CASE IN WRITING, BY E-MAIL,  
16 BY TELEPHONE, INTERNET, OR BY ANY OTHER MEANS OF  
17 COMMUNICATION.

18 YOU MUST NOT TALK ABOUT THESE THINGS WITH  
19 OTHER JURORS UNTIL YOU BEGIN DELIBERATING. AS JURORS,  
20 YOU MAY DISCUSS THE CASE TOGETHER ONLY AFTER ALL OF THE  
21 EVIDENCE HAS BEEN PRESENTED, THE ATTORNEYS HAVE  
22 COMPLETED THEIR ARGUMENTS, AND I HAVE INSTRUCTED YOU ON  
23 THE LAW. AFTER I TELL YOU TO BEGIN YOUR DELIBERATIONS,  
24 YOU MAY DISCUSS THE CASE ONLY IN THE JURY ROOM AND ONLY  
25 WHEN ALL OF THE JURORS ARE PRESENT.

26 YOU MUST NOT ALLOW ANYTHING THAT HAPPENS  
27 OUTSIDE OF THE COURTROOM TO AFFECT YOUR DECISION.

28 DURING THE TRIAL, DO NOT READ, LISTEN TO,

1 OR WATCH ANY NEWS REPORT OR COMMENTARY ABOUT THE CASE  
2 FROM ANY SOURCE.

3 DO NOT USE THE INTERNET OR A DICTIONARY,  
4 IN ANY WAY, IN CONNECTION WITH THIS CASE, EITHER ON YOUR  
5 OWN OR AS A GROUP.

6 DO NOT INVESTIGATE THE FACTS OR THE LAW OR  
7 DO ANY RESEARCH REGARDING THIS CASE.

8 DO NOT CONDUCT ANY TESTS OR EXPERIMENTS OR  
9 VISIT THE SCENE OF ANY EVENT INVOLVED IN THIS CASE. IF  
10 YOU HAPPEN TO PASS BY THE SCENE, DO NOT STOP OR  
11 INVESTIGATE.

12 IF YOU HAVE A CELL PHONE OR OTHER  
13 ELECTRONIC DEVICE, KEEP IT TURNED OFF WHILE YOU ARE IN  
14 THE COURTROOM AND DURING JURY DELIBERATIONS. AN  
15 ELECTRONIC DEVICE INCLUDES ANY DATA STORAGE DEVICE.

16 IF SOMEONE NEEDS TO CONTACT YOU IN AN  
17 EMERGENCY, THE COURT CAN RECEIVE MESSAGES THAT IT WILL  
18 DELIVER TO YOU WITHOUT DELAY.

19 DURING THE TRIAL, DO NOT SPEAK TO A  
20 DEFENDANT, A WITNESS, A LAWYER, OR ANYONE ELSE  
21 ASSOCIATED WITH THEM.

22 DO NOT LISTEN TO ANYONE WHO TRIES TO TALK  
23 TO YOU ABOUT THE CASE OR ABOUT ANY OF THE PEOPLE OR ANY  
24 SUBJECTS INVOLVED IN IT. IF SOMEONE ASKS YOU ABOUT THE  
25 CASE, TELL HIM OR HER YOU CANNOT DISCUSS IT. IF THAT  
26 PERSON KEEPS TALKING TO YOU ABOUT THE CASE, YOU MUST END  
27 THE CONVERSATION.

28 IF YOU RECEIVE ANY INFORMATION ABOUT THIS

1 CASE FROM ANY SOURCE OUTSIDE OF THE TRIAL, EVEN  
2 UNINTENTIONALLY, DO NOT SHARE THAT INFORMATION WITH ANY  
3 OTHER JUROR. IF YOU DO RECEIVE SUCH INFORMATION OR IF  
4 ANYONE TRIES TO INFLUENCE YOU OR ANY OTHER JUROR, YOU  
5 MUST IMMEDIATELY TELL THE BAILIFF.

6 KEEP AN OPEN MIND THROUGHOUT THE ENTIRE  
7 TRIAL. DO NOT MAKE UP YOUR MIND ABOUT THE VERDICT OR  
8 ANY ISSUE UNTIL AFTER YOU DISCUSS THE CASE WITH THE  
9 OTHER JURORS DURING DELIBERATIONS.

10 DO NOT TAKE ANYTHING I SAY OR DO AS AN  
11 INDICATION OF WHAT I THINK ABOUT THE FACTS, THE  
12 WITNESSES, OR WHAT YOUR VERDICT SHOULD BE.

13 DO NOT LET BIAS, SYMPATHY, PREJUDICE, OR  
14 PUBLIC OPINION INFLUENCE YOUR DECISION.

15 YOU MUST REACH YOUR VERDICT WITHOUT ANY  
16 CONSIDERATION OF PUNISHMENT.

17 I WANT TO EMPHASIZE THAT YOU MAY NOT USE  
18 ANY FORM OF RESEARCH OR COMMUNICATION, INCLUDING  
19 ELECTRONIC OR WIRELESS RESEARCH OR COMMUNICATION TO  
20 RESEARCH, SHARE, COMMUNICATE, OR ALLOW SOMEONE ELSE TO  
21 COMMUNICATE WITH YOU REGARDING ANY SUBJECT OF THE TRIAL.  
22 IF YOU VIOLATE THIS RULE, YOU MAY BE SUBJECT TO JAIL  
23 TIME, A FINE, OR OTHER PUNISHMENT.

24 WHEN THE TRIAL HAS ENDED AND YOU HAVE BEEN  
25 RELEASED AS JURORS, YOU MAY DISCUSS THE CASE WITH  
26 ANYONE. BUT UNDER CALIFORNIA LAW, YOU MUST WAIT AT  
27 LEAST 90 DAYS BEFORE NEGOTIATING OR AGREEING TO ACCEPT  
28 ANY PAYMENT FOR INFORMATION ABOUT THE CASE.

1                   YOU WILL BE GIVEN NOTEBOOKS TOMORROW.   AND  
2   YOU WILL BE ABLE TO TAKE NOTES.   DO NOT REMOVE YOUR  
3   NOTEBOOKS FROM THE COURTROOM.   YOU MAY TAKE YOUR NOTES  
4   INTO THE JURY DELIBERATION ROOM DURING JURY  
5   DELIBERATIONS.

6                   I DON'T NEED TO DISCOURAGE YOU FROM TAKING  
7   NOTES, BUT IF YOU DO DECIDE TO TAKE NOTES, HERE ARE SOME  
8   THINGS TO CONSIDER.

9                   NUMBER 1, NOTETAKING MAY TEND TO DISTRACT  
10   YOU.   IT MAY AFFECT YOUR ABILITY TO LISTEN CAREFULLY TO  
11   THE EVIDENCE AND TO ALL OF THE TESTIMONY AND TO WATCH  
12   THE WITNESSES AS THEY TESTIFY.

13                  NUMBER 2, THE NOTES ARE FOR YOUR OWN  
14   INDIVIDUAL USE TO HELP YOU REMEMBER WHAT HAPPENED DURING  
15   THE TRIAL.   PLEASE KEEP IN MIND THAT YOUR NOTES MAY BE  
16   INACCURATE OR INCOMPLETE.

17                  AT THE END OF THE TRIAL, YOUR NOTES WILL  
18   BE COLLECTED AND DESTROYED.

19                  I WILL NOW EXPLAIN THE PRESUMPTION OF  
20   INNOCENCE AND THE PEOPLE'S BURDEN OF PROOF.

21                  THE DEFENDANT HAS PLED NOT GUILTY TO THE  
22   CHARGES.   THE FACT THAT A CRIMINAL CHARGE HAS BEEN FILED  
23   AGAINST THE DEFENDANT IS NOT EVIDENCE THAT THE CHARGE IS  
24   TRUE.

25                  YOU MUST NOT BE BIASED AGAINST THE  
26   DEFENDANT JUST BECAUSE HE'S BEEN ARRESTED, CHARGED WITH  
27   A CRIME, OR BROUGHT TO TRIAL.

28                  A DEFENDANT IN A CRIMINAL CASE IS PRESUMED



1 TO BE INNOCENT. THIS PRESUMPTION REQUIRES THAT THE  
2 PEOPLE PROVE A DEFENDANT GUILTY BEYOND A REASONABLE  
3 DOUBT. WHENEVER I TELL YOU THE PEOPLE MUST PROVE  
4 SOMETHING, THEY MUST PROVE IT BEYOND A REASONABLE DOUBT.

5 PROOF BEYOND A REASONABLE DOUBT IS PROOF  
6 THAT LEAVES YOU WITH AN ABIDING CONVICTION THAT THE  
7 CHARGE IS TRUE.

8 THE EVIDENCE NEED NOT ELIMINATE ALL  
9 POSSIBLE DOUBT BECAUSE EVERYTHING IN LIFE IS OPEN TO  
10 SOME IMAGINARY OR POSSIBLE DOUBT.

11 IN DECIDING WHETHER THE PEOPLE HAVE PROVED  
12 THEIR CASE BEYOND A REASONABLE DOUBT, YOU MUST  
13 IMPARTIALLY COMPARE AND CONSIDER ALL OF THE EVIDENCE  
14 THAT WAS SUBMITTED TO YOU THROUGHOUT THE ENTIRE TRIAL.

15 UNLESS THE EVIDENCE PROVES THE DEFENDANT  
16 GUILTY BEYOND A REASONABLE DOUBT, HE'S ENTITLED TO AN  
17 ACQUITTAL AND YOU MUST FIND HIM NOT GUILTY.

18 YOU MUST DECIDE WHAT THE FACTS ARE IN THIS  
19 CASE. IT'S UP TO ONLY -- I'M SORRY. YOU MUST USE ONLY  
20 THE EVIDENCE THAT IS PRESENTED IN THE COURTROOM.  
21 EVIDENCE IS SWORN TESTIMONY OF WITNESSES, THE EXHIBITS  
22 ADMITTED INTO EVIDENCE, AND ANYTHING ELSE I TELL YOU TO  
23 CONSIDER AS EVIDENCE.

24 THE FACT THAT THE DEFENDANT WAS ARRESTED,  
25 CHARGED WITH A CRIME, OR BROUGHT TO TRIAL IS NOT  
26 EVIDENCE OF GUILT.

27 NOTHING THAT THE ATTORNEYS SAY IS  
28 EVIDENCE. IN THEIR OPENING STATEMENTS AND CLOSING

1 ARGUMENTS, THE ATTORNEYS WILL DISCUSS THE CASE, BUT  
2 THEIR REMARKS ARE NOT EVIDENCE AND THEIR QUESTIONS ARE  
3 NOT EVIDENCE. ONLY THE WITNESSES' ANSWERS ARE EVIDENCE.

4 THE ATTORNEYS' QUESTIONS ARE SIGNIFICANT  
5 ONLY IF THEY HELP YOU TO UNDERSTAND THE WITNESSES'  
6 ANSWERS. DO NOT ASSUME THAT SOMETHING IS TRUE JUST  
7 BECAUSE ONE OF THE ATTORNEYS ASKS A QUESTION THAT  
8 SUGGESTS IT IS TRUE.

9 DURING THE TRIAL, THE ATTORNEYS MAY OBJECT  
10 TO QUESTIONS ASKED OF A WITNESS. I WILL RULE ON THE  
11 OBJECTIONS ACCORDING TO THE LAW. IF I SUSTAIN AN  
12 OBJECTION, THE WITNESS WILL NOT BE PERMITTED TO ANSWER.  
13 AND YOU MUST IGNORE THE QUESTION. IF THE WITNESS DOES  
14 NOT ANSWER, DO NOT GUESS WHAT THE ANSWER MIGHT HAVE BEEN  
15 OR WHY I RULED AS I DID.

16 IF I ORDER TESTIMONY STRICKEN FROM THE  
17 RECORD, YOU MUST DISREGARD IT AND MUST NOT CONSIDER THAT  
18 TESTIMONY FOR ANY PURPOSE.

19 YOU MUST DISREGARD ANYTHING YOU SEE OR  
20 HEAR WHEN THE COURT IS NOT IN SESSION, EVEN IF IT IS  
21 SAID OR DONE BY ONE OF THE PARTIES OR WITNESSES.

22 THE COURT REPORTER IS MAKING A RECORD OF  
23 EVERYTHING THAT IS SAID DURING THE TRIAL. IF YOU DECIDE  
24 THAT IT IS NECESSARY, YOU MAY ASK THAT THE COURT  
25 REPORTER'S RECORD BE READ TO YOU. YOU MUST ACCEPT THE  
26 COURT REPORTER'S RECORD AS ACCURATE.

27 YOU ALONE MUST JUDGE THE CREDIBILITY OR  
28 THE BELIEVABILITY OF WITNESSES. IN DECIDING WHETHER THE

1 TESTIMONY IS TRUE AND ACCURATE, USE YOUR COMMON SENSE  
2 AND EXPERIENCE.

3 YOU MUST JUDGE THE TESTIMONY OF EACH  
4 WITNESS BY THE SAME STANDARD, SETTING ASIDE ANY BIAS OR  
5 PREJUDICE YOU MAY HAVE. YOU MAY BELIEVE ALL, PART, OR  
6 NONE OF ANY WITNESS'S TESTIMONY. CONSIDER THE TESTIMONY  
7 OF EACH WITNESS AND DECIDE HOW MUCH OF IT YOU BELIEVE.

8 IN EVALUATING A WITNESS'S TESTIMONY, YOU  
9 MAY CONSIDER ANYTHING THAT REASONABLY TENDS TO PROVE OR  
10 DISPROVE THE TRUTH OR ACCURACY OF THAT TESTIMONY. AMONG  
11 THE FACTORS THAT YOU MAY CONSIDER ARE:

12 HOW WELL WAS THE WITNESS ABLE TO SEE,  
13 HEAR -- I'M SORRY. HOW WELL COULD THE WITNESS SEE,  
14 HEAR, OR OTHERWISE PERCEIVE THE THINGS ABOUT WHICH THE  
15 WITNESS TESTIFIED?

16 HOW WELL WAS THE WITNESS ABLE TO REMEMBER  
17 AND DESCRIBE WHAT HAPPENED?

18 WHAT WAS THE WITNESS'S BEHAVIOR WHILE  
19 TESTIFYING?

20 DID THE WITNESS UNDERSTAND THE QUESTIONS  
21 AND ANSWER THEM DIRECTLY?

22 WAS THE WITNESS'S TESTIMONY INFLUENCED BY  
23 A FACTOR SUCH AS BIAS OR PREJUDICE, A PERSONAL  
24 RELATIONSHIP WITH SOMEONE INVOLVED IN THE CASE, OR A  
25 PERSONAL INTEREST IN HOW THE CASE IS DECIDED?

26 WHAT WAS THE WITNESS'S ATTITUDE ABOUT THE  
27 CASE OR ABOUT TESTIFYING?

28 DID THE WITNESS MAKE A STATEMENT IN THE

1 PAST THAT IS CONSISTENT OR INCONSISTENT WITH HIS OR HER  
2 TESTIMONY?

3 HOW REASONABLE IS THE TESTIMONY WHEN YOU  
4 CONSIDER ALL OF THE OTHER EVIDENCE IN THE CASE?

5 DID OTHER EVIDENCE PROVE OR DISPROVE ANY  
6 FACT ABOUT WHICH THE WITNESS TESTIFIED?

7 DID THE WITNESS ADMIT TO BEING UNTRUTHFUL?  
8 WHAT IS THE WITNESS' CHARACTER FOR  
9 TRUTHFULNESS?

10 HAD THE WITNESS BEEN CONVICTED OF A  
11 FELONY?

12 HAD THE WITNESS ENGAGED IN OTHER CONDUCT  
13 THAT REFLECTS ON HIS OR HER BELIEVABILITY?

14 WAS THE WITNESS PROMISED IMMUNITY OR  
15 LENIENCY IN EXCHANGE FOR HIS OR HER TESTIMONY?

16 DO NOT AUTOMATICALLY REJECT TESTIMONY JUST  
17 BECAUSE OF INCONSISTENCIES OR CONFLICT. PEOPLE  
18 SOMETIMES HONESTLY FORGET THINGS OR MAKE MISTAKES ABOUT  
19 WHAT THEY REMEMBER. CONSIDER WHETHER THE DIFFERENCES  
20 ARE IMPORTANT OR NOT. ALSO TWO PEOPLE MAY WITNESS THE  
21 SAME EVENT YET SEE OR HEAR IT DIFFERENTLY.

22 IF YOU DO NOT BELIEVE A WITNESS' TESTIMONY  
23 THAT HE OR SHE NO LONGER REMEMBERS SOMETHING, THAT  
24 TESTIMONY IS INCONSISTENT WITH HIS OR HER STATEMENT ON  
25 THAT SUBJECT.

26 IF YOU DECIDE THAT A WITNESS DELIBERATELY  
27 LIED ABOUT SOMETHING SIGNIFICANT IN THIS CASE, YOU  
28 SHOULD CONSIDER NOT BELIEVING ANYTHING THAT WITNESS

1 SAYS. OR IF YOU THINK THE WITNESS LIED ABOUT SOME  
2 THINGS BUT TOLD THE TRUTH ABOUT OTHERS, YOU MAY SIMPLY  
3 ACCEPT THE PART THAT YOU THINK IS TRUE AND IGNORE THE  
4 REST.

5 YOU MAY BE PERMITTED TO SEPARATE DURING  
6 RECESSES AND AT THE END OF THE DAY. I WILL TELL YOU  
7 WHEN TO RETURN. PLEASE REMEMBER. WE CANNOT BEGIN THE  
8 TRIAL UNTIL ALL OF YOU ARE IN PLACE. SO IT'S IMPORTANT  
9 TO BE ON TIME.

10 REMEMBER. DO NOT TALK ABOUT THE CASE OR  
11 ABOUT ANY OF THE PEOPLE OR ANY SUBJECT INVOLVED IN IT  
12 WITH ANYONE, INCLUDING OTHER JURORS.

13 DO NOT RESEARCH, SHARE INFORMATION, OR  
14 TALK TO EACH OTHER OR TO ANYONE ELSE ABOUT ANY SUBJECT  
15 CONNECTED TO THIS CASE. AND DO NOT USE ANY FORM OF  
16 ELECTRONIC OR WIRELESS COMMUNICATION TO DO ANY OF THOSE  
17 THINGS EITHER.

18 DO NOT MAKE UP YOUR MIND OR EXPRESS ANY  
19 OPINION ABOUT THE CASE OR ANY ISSUE CONNECTED WITH THIS  
20 CASE UNTIL AFTER YOU HAVE DISCUSSED THE CASE WITH THE  
21 OTHER JURORS DURING DELIBERATIONS.

22 ONE MOMENT.

23 THAT CONCLUDES THE PRELIMINARY  
24 INSTRUCTIONS. I WILL GIVE THAT TO YOU IN WRITING LATER.

25 WE'RE GOING TO -- I WANT TO SHARE WITH YOU  
26 A LITTLE BIT MORE INFORMATION ABOUT OUR SCHEDULE, AND  
27 THEN WE WILL BREAK FOR THE DAY, AND I WILL ORDER YOU TO  
28 RETURN TOMORROW AT 10:30.



1                   INSTEAD OF BREAKING UP THE ATTORNEYS'  
2 ARGUMENTS OR OPENING STATEMENTS, RATHER, AND MAKING THEM  
3 DO THAT RIGHT NOW AND WAITING FOR THE WITNESSES TO COME  
4 IN TOMORROW, THEY WILL JUST GIVE THEIR OPENING  
5 STATEMENTS TOMORROW, AND THEN YOU WILL HEAR THE  
6 WITNESSES RIGHT AFTER THAT AT 10:30.

7                   THIS IS THE SCHEDULE THAT I ALLUDED TO  
8 EARLIER SO YOU CAN PLAN YOUR LIFE.

9                   ONE SECOND.

10                  FIRST, THE COURT'S TELEPHONE NUMBER, IN  
11 CASE YOU ARE LATE IS -- AND YOU CAN TAKE OUT YOUR PHONE  
12 FOR THIS PURPOSE, BUT PLEASE DON'T PHOTOGRAPH ANYTHING.

13                  ALL RIGHT. WE ARE DEPARTMENT 113, AND THE  
14 NUMBER HERE IS 818-989-6813. THAT'S 818-989-6813. SO  
15 IF YOU ARE RUNNING LATE, PLEASE CALL US BECAUSE WE  
16 CANNOT BEGIN UNTIL EVERYBODY IS HERE.

17                  ALTERNATE JUROR 1: WHAT WAS THE NUMBER AGAIN?

18                  THE COURT: 818-989-6813.

19                  TOMORROW IS WEDNESDAY. WE ARE GOING TO  
20 START AT 10:30 TOMORROW. I ONLY HAVE 23 CASES TOMORROW  
21 MORNING. AND THEN WE WILL START AT 10:30 SHARP. WE  
22 WILL GO TO NOON. AND THEN WE WILL GO FROM 1:30 TO 4:30  
23 TOMORROW. SO TOMORROW WILL BE A FULL DAY. THAT IS AS  
24 MUCH COURT TIME AS WE'RE GOING TO BE ABLE TO GET.

25                  REMEMBER. THE MORE COURT TIME WE GET, THE  
26 FEWER DAYS THERE ARE. SO I TRY TO -- TRY TO ENCOURAGE  
27 THAT.

28                  THURSDAY WE WILL NOT BE IN SESSION IN THE

1 MORNING. OKAY. IT WILL BE 1:30 TO 4:00. STOP A LITTLE  
2 EARLY AND START A LITTLE LATE.

3 AND THEN FRIDAY IS 1:30 TO 4:30 AS WELL.

4 MONDAY IT'S 1:30 TO 4:30 BECAUSE, AS I  
5 MENTIONED, I AM NOT TRYING TO MAKE YOU FEEL SORRY FOR  
6 ME, BUT I HAVE 50 CASES THAT DAY.

7 SO IF YOU DO A YELP REVIEW OF ME -- THERE  
8 IS NO SUCH THING. IF THERE WERE, DON'T GO ON YELP.  
9 THAT WAS A BAD JOKE.

10 SO THAT IS THE DAY THAT I THINK THE  
11 ARGUMENTS WILL BE DONE AND THE MATTER WILL BE SUBMITTED  
12 TO YOU. MOST LIKELY ON MONDAY. IF NOT SOONER.

13 NOW WHEN IT'S SUBMITTED TO YOU, YOU  
14 DELIBERATE. AND THE LENGTH OF TIME THAT YOU DELIBERATE  
15 IS UP TO YOU. IT COULD BE 10 MINUTES, 10 HOURS, 10  
16 DAYS, 10 WEEKS. HOPEFULLY NOT 10 WEEKS. THAT IS  
17 SOMETHING THAT WOULD HAPPEN IN FLORIDA. HERE, IT'S  
18 NORMALLY LEFT TO YOU, AND IT'S RELATIVELY A SHORT PERIOD  
19 OF TIME. I CAN'T SAY YOU ARE GOING TO BE DONE ON MONDAY  
20 BECAUSE I DON'T KNOW IF YOU ARE GOING TO BE DONE WITH  
21 YOUR DELIBERATIONS. DOES THAT MAKE SENSE?

22 SO THE ADMONISHMENT THAT I READ TO YOU  
23 EARLIER ABOUT NOT USING THE INTERNET, THAT I KEEP  
24 REPEATING OVER AND OVER, REMEMBER THAT. DON'T USE THE  
25 INTERNET.

26 DON'T TALK ABOUT THE CASE AMONG YOURSELVES  
27 OR ANYBODY ELSE. AND DON'T COME TO A CONCLUSION OR FORM  
28 AN OPINION IN YOUR HEAD AS TO ANYTHING THAT IS GOING ON

1 AND DON'T SHARE THAT OPINION WITH ANYBODY ELSE. OKAY?

2 WITH THAT, I WILL ORDER EVERYBODY BACK  
3 TOMORROW AT 10:30, RIGHT OUTSIDE THESE DOORS.

4 ANY QUESTIONS ABOUT SCHEDULING OR  
5 ANYTHING? NO?

6 NUMBER 2, GO AHEAD.

7 JUROR NO. 2: TOMORROW IS 10:30. THURSDAY IS?

8 THE COURT: THURSDAY IS 1:30 TO 4:00.

9 JUROR NO. 2: OKAY.

10 THE COURT: NOT IN SESSION IN THE MORNING.

11 FRIDAY, NOT IN SESSION IN THE MORNING. IT'S 1:30 TO  
12 4:30. AND THEN ON MONDAY, THE SAME THING.

13 TOMORROW IS REALLY THE ONLY DAY THAT WE'RE  
14 GOING TO BE IN SESSION IN THE MORNING.

15 JUROR NO. 2: THANK YOU.

16 THE COURT: ALL RIGHT. AND NUMBER 5?

17 JUROR NO. 5: HOW LATE CAN WE BE?

18 THE COURT: I'M SORRY?

19 JUROR NO. 5: HOW LATE CAN WE BE?

20 THE COURT: HOPEFULLY NOT LATE AT ALL BECAUSE  
21 LITERALLY WE ALL SIT AND WAIT.

22 JUROR NO. 5: TOMORROW, I AM GOING TO PULL MY  
23 DAUGHTER OUT OF SCHOOL BECAUSE THAT'S WHAT IT IS.

24 THE COURT: OKAY.

25 JUROR NO. 5: THURSDAY I AM GOING TO PULL HER OUT  
26 AN HOUR EARLY.

27 THE COURT: OKAY. HOW OLD IS SHE?

28 JUROR NO. 5: FOUR. SHE GOES FROM 8:30 TO 1:30.

1 I WAS GOING TO PULL HER OUT AN HOUR EARLY. BUT  
2 TOMORROW, NO SCHOOL.

3 THE COURT: NO SCHOOL.

4 JUROR NO. 5: OKAY.

5 THE COURT: IS SHE A GOOD STUDENT?

6 JUROR NO. 5: SHE'S IN PRE-SCHOOL. MONTESSORI  
7 SCHOOL. I HOPE SO.

8 THE COURT: IT'S UNFORTUNATE. A LOT OF THESE  
9 THINGS, ESPECIALLY IF YOU ARE CARING FOR A CHILD OR AN  
10 ELDER, JURY DUTY IS VERY DISRUPTIVE. AND WE APPRECIATE  
11 THE FACT THAT YOU ARE MAKING SACRIFICES, AND SHE'S  
12 MAKING A SACRIFICE.

13 JUROR NO. 5: MY 21 MONTH OLD, AND MY MOTHER.  
14 SHE'S 80. SHE CAN HANDLE THAT. BUT SHE DOESN'T DRIVE.  
15 SO I CAN'T HAVE HER ON SCHOOL DUTY.

16 THE COURT: WHERE WILL THE FOUR YEAR OLD BE?

17 JUROR NO. 5: AT HOME.

18 THE COURT: WITH YOUR MOM?

19 JUROR NO. 5: YES.

20 THE COURT: THANK YOU FOR DOING THAT. AND THEN  
21 HOPEFULLY WE WILL BE DONE WITH THIS CASE IN A FEW DAYS,  
22 AND YOU WILL BE DONE.

23 JUROR NO. 5: AM I IN THE CLEAR FOR THREE YEARS  
24 INSTEAD OF JUST ONE?

25 THE COURT: I DON'T KNOW IF I HAVE THAT POWER. I  
26 WILL SAY, I DON'T SEE MANY REPEAT OFFENDERS AMONG THE  
27 JURORS. ONCE YOU DO IT -- AND I'VE BEEN DOING THIS FOR  
28 FIVE YEARS. I THINK YOU ARE PRETTY MUCH IN THE FREE AND

1 CLEAR.

2 BUT I CAN'T CONTROL FEDERAL EITHER BECAUSE  
3 THEY DO THEIR OWN THING.

4 ALL RIGHT. THANK YOU. HAVE A GREAT  
5 EVENING. SEE EVERYBODY TOMORROW AT 10:30.

6 (COURT WAS ADJOURNED AT 3:54 P.M.)

7

8 (THE MATTER WAS CONTINUED TO  
9 WEDNESDAY, 05-16-18, AT 10:30 A.M.  
10 FOR FURTHER PROCEEDINGS.)

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1 CASE NUMBER: 7VW05190-01/7VW04099-01  
2 CASE NAME: PEOPLE VS. KEVIN PERELMAN  
3 VAN NUYS, CALIFORNIA WEDNESDAY, MAY 16, 2018  
4 DEPARTMENT 113 HON. ERIC HARMON, JUDGE  
5 REPORTER: HILDA GUTIERREZ, CSR 12714, RPR  
6 APPEARANCES: (AS HERETOFORE MENTIONED)  
7 TIME: 10:47 A.M.  
8

9 (THE FOLLOWING PROCEEDINGS WERE  
10 HELD IN OPEN COURT:)  
11

12 THE COURT: WE CAN BRING IN THE JURORS ON THE  
13 TRIAL MATTER.  
14

15 (IN THE PRESENCE OF THE JURY:)  
16

17 WELCOME BACK, LADIES AND GENTLEMEN. SORRY  
18 TO KEEP YOU WAITING.

19 IS IT COLD IN THE HALLWAY?

20 VOICES: YES.

21 THE COURT: SO THERE IS A FIRE ALARM GOING OFF,  
22 IT'S COLD IN THE HALLWAY, AND WAY TOO HOT IN HERE.  
23 WELCOME TO VAN NUYS.

24 WE'RE BACK ON THE RECORD.

25 ALL OF THE PARTIES ARE PRESENT. THE  
26 JURORS ARE PRESENT. THE ALTERNATES ARE HERE. WE'RE SET  
27 TO BEGIN.

28 WE WILL START WITH OPENING STATEMENTS LIKE



1 I EXPLAINED YESTERDAY. WE WILL START WITH THE PEOPLE.

2 MS. PHILIPS, GO AHEAD.

3 MS. PHILIPS: THANK YOU, YOUR HONOR.

4 GOOD MORNING, LADIES AND GENTLEMEN. GLAD  
5 YOU ALL MADE IT SAFELY.

6 SO LIKE THE JUDGE DESCRIBED TO YOU  
7 YESTERDAY, THE OPENING STATEMENT IS MY OPPORTUNITY TO  
8 GIVE YOU A BIT OF A PREVIEW OF WHAT I BELIEVE THE  
9 EVIDENCE WILL SHOW. SO IT'S NOT LIKE WHAT YOU SEE ON  
10 TV. I AM NOT GOING TO GIVE SOME BRILLIANT ARGUMENT  
11 ABOUT EVERYTHING TO DO WITH THE CASE. NOW IS NOT THE  
12 TIME. WHAT WE SEE ON TV, YOU WILL NOTICE AS YOU SIT  
13 HERE FOR THE NEXT FEW DAYS, IS VERY DIFFERENT. THIS IS  
14 WHY MY TEENAGERS WON'T WATCH TV SHOWS WITH ME THAT HAVE  
15 TO DO WITH THE COURT BECAUSE I'M ALWAYS SAYING "THAT  
16 DOESN'T REALLY HAPPEN," AND THEY FIND IT ANNOYING.

17 THE OPENING IS A CHANCE FOR ME TO GIVE YOU  
18 A BIT OF A PREVIEW. THE REASON FOR THAT IS BECAUSE  
19 SOMETIMES WITNESSES HAVE TO COME OUT OF ORDER. THAT IS  
20 GOING TO HAPPEN TODAY. OUR FIRST WITNESS -- PEOPLE HAVE  
21 DOCTOR APPOINTMENTS AND WHATNOT. SOMETIMES THIS  
22 HAPPENS. SO THIS IS AN OPPORTUNITY TO GIVE YOU A ROAD  
23 MAP. SO IF AND WHEN THAT HAPPENS, YOU KIND OF KNOW WHAT  
24 IS HAPPENING.

25 SO WHAT IS THIS CASE ABOUT? THIS CASE IS  
26 ABOUT THE DEFENDANT IN THIS CASE, MR. PERELMAN, AND  
27 MR. PERELMAN'S BELIEF THAT HE IS THE VICTIM OF A MASS  
28 CONSPIRACY BY THE FBI, NSA, LAPD, THE CORN INDUSTRY,

1 BLACK PEOPLE, GAY PEOPLE -- COUNTLESS GROUPS WHO HE  
2 BELIEVES ARE GANG STOCKING HIM AND TARGETING HIM FOR  
3 REMOVAL FROM SOCIETY. SO WHAT HE DOES IS HE PRINTS UP  
4 BUSINESS CARDS BY THE THOUSANDS AND THROWS THEM  
5 THROUGHOUT THE STREETS AND PLACES THEM ON CARS. AND  
6 THIS HAS BEEN GOING ON FOR MANY, MANY, MANY MONTHS, AND  
7 THE NEIGHBORS ARE EXASPERATED BY THIS. SOME ARE  
8 CONCERNED FOR THE ENVIRONMENT. OTHERS ARE SICK OF  
9 SEEING THEM EVERYWHERE. THEY PAY A LOT OF MONEY TO LIVE  
10 IN THEIR NEIGHBORHOOD AND DON'T WANT TO DEAL WITH THIS  
11 DAY IN AND DAY OUT.

12 SO THE EVIDENCE WILL SHOW THAT IN MAY OF  
13 LAST YEAR ONE OF HIS NEIGHBORS WHO WAS FRUSTRATED PICKED  
14 UP A BUNCH OF THESE CARDS THAT HAD BEEN TOSSED ALL OVER  
15 THE STREETS AND PLACED THEM ON THE DEFENDANT'S PATIO  
16 TABLE. WELL, THE DEFENDANT DIDN'T LIKE THIS, AND HE  
17 CONFRONTED MR. SCROGGIN, THE NEIGHBOR, AND BASICALLY  
18 THREATENED TO SLICE HIM OPEN. MR. SCROGGIN TOOK THAT  
19 THREAT PRETTY SERIOUSLY. HE FELT THAT HE WAS IN DANGER.  
20 HE FELT THAT THE DEFENDANT COULD CARRY OUT THIS THREAT  
21 SO HE CALLED THE POLICE. POLICE CAME OUT AND TOOK A  
22 REPORT, TOOK PHOTOS. YOU WILL HEAR FROM THOSE  
23 WITNESSES.

24 YOU WILL HEAR THAT LATER LAST YEAR IN  
25 AUGUST OR SO, ANOTHER NEIGHBOR, MR. BAILEY BARNARD WAS  
26 COMING HOME FROM WORK AND AGAIN OBSERVED THE DEFENDANT  
27 PLACING CARDS ON VEHICLES, THROWING THEM ON THE STREETS,  
28 AND WENT UP TO HIM AND SAID "HEY, YOU HAVE TO KNOCK THIS

1 OFF. COME ON. PLEASE STOP." AND, AGAIN, THE DEFENDANT  
2 DID NOT TAKE KINDLY TO THIS. THIS TIME A PHYSICAL  
3 ALTERCATION ENSUED. HE SWUNG AT MR. BARNARD. THEY  
4 ENDED UP FALLING TO THE GROUND. HE SWUNG HIS CAMERA AT  
5 HIM, HITTING HIM IN THE FACE, AND MR. BARNARD ACTUALLY  
6 SUSTAINED INJURIES, AND YOU WILL SEE PHOTOS OF THOSE  
7 INJURIES.

8 YOU WILL HEAR FROM A FEW OTHER NEIGHBORS  
9 REGARDING WHAT IMPACT THIS HAS HAD UPON THE COMMUNITY AS  
10 A WHOLE, UPON THEIR NEIGHBORHOOD. AND YOU WILL HEAR  
11 FROM THE POLICE OFFICERS WHO HAVE BEEN DEALING WITH  
12 NUMEROUS CITIZEN COMPLAINTS REGARDING THIS.

13 AND AFTER YOU HAVE HEARD ALL THE EVIDENCE  
14 AND THE ARGUMENT AND THE LAW IN THIS CASE, I WILL ONCE  
15 AGAIN BE TALKING TO YOU, REQUESTING YOU RETURN A VERDICT  
16 OF GUILTY ON ALL COUNTS.

17 THANK YOU.

18 THE COURT: THANK YOU.

19 MR. AMSTER, SIR, WOULD YOU LIKE TO GIVE AN  
20 OPENING STATEMENT AT THIS TIME?

21 MR. AMSTER: I WOULD, YOUR HONOR.

22 GOOD MORNING, LADIES AND GENTLEMEN.

23 IT'S NOT EASY TO LIVE IN A FREE SOCIETY.  
24 IT'S NOT EASY FOR US TO DEAL WITH OTHERS WHO ARE  
25 DIFFERENT THAN OURSELVES. BUT THEN THAT IS OUR  
26 CONSTITUTION.

27 SO WHAT THIS CASE IS BASICALLY GOING TO BE  
28 ABOUT IS THE DISTRIBUTION OF AN ITEM SUCH AS THIS THAT

1 BASICALLY SAYS, AN INTERNET CITE AND "WORLDWIDE CAMPAIGN  
2 TO REMOVE ME FROM SOCIETY SINCE CHILDHOOD. FOR DETAILED  
3 SITUATIONS," AND IT GIVES THE E-MAIL, THE INTERNET  
4 ACCESS CITE.

5 WHAT YOU WILL SEE FROM THE EVIDENCE  
6 PRESENTED IS THIS IS NOT FOR COMMERCIAL PURPOSES IN ANY  
7 WAY WHATSOEVER. THIS IS NOT FOR THE ADVERTISEMENT OF A  
8 BUSINESS. THIS IS NOT FOR THE SELLING OF AN ITEM. IT'S  
9 NOTHING. IT'S ONLY TO EXERCISE AND COMMUNICATE WHAT  
10 KEVIN PERELMAN GENUINELY BELIEVES.

11 AND, YES, THIS HAS ANNOYED INDIVIDUALS IN  
12 THE COMMUNITY. BUT INSTEAD OF IGNORING, INSTEAD OF  
13 GOING ON WITH A DAILY ROUTINE, INSTEAD OF DEALING WITH  
14 SOMEBODY WHO IS DIFFERENT THAN THEMSELVES, THEY HAVE  
15 CHOSE TO BECOME CIVILIAN VIGILANTES AND TO TRY TO DO  
16 SOMETHING ABOUT IT AND TO DO EVERYTHING THEY CAN TO LIE,  
17 TO STOP KEVIN FROM LAWFULLY DOING WHAT THE FIRST  
18 AMENDMENT ALLOWS HIM TO DO.

19 AS YOU WILL HEAR, IT WAS ON THE PATIO  
20 SOMEBODY INVADED. IT WAS A CONTACT SOMEBODY INVADED.  
21 YOU SEE, WE BELIEVE THAT THE FACTS WILL SHOW THAT THESE  
22 CIVILIANS HAVE TRIED TO ENGAGE THE GOVERNMENT TO HAVE  
23 HIM STOPPED, BUT THEY COULD NOT DO IT. SO, THEREFORE,  
24 THEY KNEW THEY MUST TRUMP UP A CASE, COME UP WITH LIES  
25 ABOUT HIM THREATENING THEM, COME UP WITH LIES ABOUT A  
26 BATTERY SO THEY CAN SOMEHOW GET THE GOVERNMENT TO STOP  
27 HIS RIGHTFUL EXERCISE OF FREE SPEECH.

28 IT IS NOT EASY TO BE AN AMERICAN. IT IS

1 NOT EASY TO HAVE THE FIRST AMENDMENT. IT IS NOT EASY  
2 FOR US TO DEAL WITH PEOPLE DIFFERENT FROM OURSELVES.  
3 EACH OF US HAVE TO DECIDE: DO WE ALLOW THE GOVERNMENT  
4 TO SUPPRESS, OR DO WE MOVE FORWARD? BECAUSE NOW, UNTIL  
5 THE END OF THIS CASE, YOU ARE THE GOVERNMENT.

6 THANK YOU.

7 THE COURT: THANK YOU.

8 WOULD YOU LIKE TO CALL YOUR FIRST WITNESS?

9 MS. PHILIPS: YES, YOUR HONOR.

10 THE PEOPLE CALL LINDA CANNON.

11 IF I MAY HAVE A MOMENT.

12 THE COURT: SURE.

13 MS. PHILIPS: THANK YOU.

14

15 LINDA CANNON,  
16 HAVING BEEN CALLED TO THE STAND, WAS SWORN AND TESTIFIED  
17 AS FOLLOWS:

18 THE COURT: STEP FORWARD.

19 THE WITNESS: TELL ME WHERE.

20 THE COURT: OVER HERE.

21 TURN AND RAISE YOUR RIGHT HAND.

22 THE WITNESS: OKAY.

23 THE CLERK: MA'AM, DO YOU SOLEMNLY STATE THAT THE  
24 TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE  
25 THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND  
26 NOTHING BUT THE TRUTH, SO HELP YOU GOD?

27 THE WITNESS: YES.

28 THE CLERK: PLEASE HAVE A SEAT IN THE WITNESS

1 STAND.

2 THE WITNESS: NEVER BEEN IN ONE OF THESE.

3 THE CLERK: YOU CAN ADJUST THE MICROPHONE SO WE  
4 WILL BE ABLE TO HEAR YOU, PLEASE.

5 THANK YOU.

6 THE COURT: PLACE YOUR PURSE DOWN ON THE GROUND  
7 THERE.

8 AND PLEASE STATE AND SPELL YOUR FIRST AND  
9 LAST NAME.

10 THE WITNESS: IT'S LINDA CANNON. L-I-N-D-A,  
11 C-A-N-N-O-N.

12 THE COURT: TURN THE MICROPHONE ON.

13 ALL RIGHT. GO AHEAD.

14

15 DIRECT EXAMINATION

16 BY MS. PHILIPS:

17 Q GOOD MORNING, MS. CANNON.

18 A GOOD MORNING.

19 Q ARE YOU A LITTLE NERVOUS?

20 A (LAUGHTER.)

21 Q IS THIS YOUR FIRST TIME ON THE WITNESS  
22 STAND?

23 A IT IS.

24 Q OKAY. SO I AM JUST GOING TO ASK A FEW  
25 QUESTIONS. I WILL START WITH AN EASY ONE.

26 ARE YOU FAMILIAR WITH THE AREA NEAR  
27 21620 BURBANK BOULEVARD IN WOODLAND HILLS?

28 A UH-HUH. YES.



1 Q YES? I AM GOING TO ASK YOU TO ANSWER  
2 "YES" OR "NO" BECAUSE THE LADY IN FRONT OF YOU IS TAKING  
3 DOWN ALL OF YOUR ANSWERS.

4 AND HOW LONG HAVE YOU BEEN FAMILIAR WITH  
5 THAT AREA, MA'AM?

6 A 30 YEARS.

7 Q OKAY. AND IF I CAN, FOCUS YOUR ATTENTION  
8 TO A TIME FRAME FROM MARCH 2017 TO MARCH OF THIS YEAR.  
9 HAVE YOU HAD OCCASION TO OBSERVE ANY ACTIVITY THAT YOU  
10 PERCEIVED AS A NUISANCE?

11 A YES.

12 Q CAN YOU DESCRIBE THAT FOR US, PLEASE,  
13 MA'AM.

14 A JUST LITTERING. A LOT OF LITTERING.

15 MR. AMSTER: OBJECTION.

16 THE WITNESS: OKAY.

17 MR. AMSTER: LEGAL CONCLUSION.

18 THE COURT: SUSTAINED.

19 NEXT QUESTION.

20 MR. AMSTER: MOTION TO STRIKE THE ANSWER.

21 THE COURT: STRICKEN.

22 Q BY MS. PHILIPS: CAN YOU DESCRIBE WHAT IT  
23 IS YOU'VE SEEN.

24 A HUNDREDS OF BUSINESS CARDS.

25 Q WHAT TYPES OF BUSINESS CARDS ARE THOSE  
26 THAT YOU HAVE SEEN?

27 A WHITE WITH KEVIN PERELMAN'S NAME ON IT.

28 Q AND WHERE HAVE YOU SEEN THOSE BUSINESS

1 CARDS, MA'AM?

2 A IN -- ALL OVER MY NEIGHBORHOOD, INSIDE MY  
3 COMPLEX, OUTSIDE MY COMPLEX. AROUND THE PARKS.

4 Q AND WHEN YOU HAVE SEEN THOSE BUSINESS  
5 CARDS IN THOSE LOCATIONS, WHERE HAVE THEY BEEN  
6 SPECIFICALLY?

7 A THE STREET.

8 Q AND WHEN YOU SAY THE STREET, IS IT ON  
9 PUBLIC STREETS? IS IT ON SIDEWALKS? WHERE IS IT?

10 A ALL. IN ALLEYS. SIDEWALKS. STREETS. ON  
11 CARS.

12 Q AND HOW FREQUENTLY WOULD YOU SAY YOU WOULD  
13 SEE THOSE CARDS?

14 A ALMOST EVERY DAY.

15 Q AND DURING WHAT TIMES OF DAY WOULD YOU SEE  
16 THEM?

17 A WELL, I WALK MY DOG A COUPLE OF TIMES A  
18 DAY, IN THE MORNING AND MID AFTERNOON. AND I WAS ALWAYS  
19 PICKING THEM UP.

20 Q AND WHY WOULD YOU PICK THEM UP, MA'AM?

21 MR. AMSTER: OBJECTION. RELEVANCE.

22 THE COURT: OVERRULED.

23 GO AHEAD.

24 THE WITNESS: I -- LITTERING IS A PET PEEVE OF  
25 MINE.

26 Q BY MS. PHILIPS: WHAT WOULD YOU DO WITH  
27 THE CARDS ONCE YOU PICKED THEM UP?

28 A PUT THEM IN THE PURSE THAT I WAS CARRYING.

1 Q AND IF YOU HAD TO, OVER THAT YEAR, HOW  
2 MANY CARDS WOULD YOU ESTIMATE HAVE YOU PICKED UP OFF THE  
3 STREETS?

4 A THAT I PICKED UP, OVER A HUNDRED.

5 Q HAVE YOU EVER OBSERVED OTHER NEIGHBORS  
6 ALSO PICKING UP THOSE CARDS?

7 A YES.

8 Q AND HOW -- WHAT IS IT ABOUT THE CARDS  
9 BEING ON THE STREET THAT BOTHERS -- WELL, THAT DISTURBS  
10 YOU?

11 MR. AMSTER: OBJECTION. RELEVANCE.

12 THE COURT: OVERRULED.

13 GO AHEAD.

14 THE WITNESS: IT'S LITTERING. IT'S LITTERING.  
15 IT'S MAKING A MESS OF OUR NEIGHBORHOOD.

16 Q BY MS. PHILIPS: HAVE YOU HAD OCCASION --  
17 WHAT, IF ANYTHING, HAVE YOU DONE AS A RESULT OTHER THAN  
18 PICKING UP THE CARDS?

19 A I HAVE NOTICED -- NOTIFIED OUR LOCAL PO,  
20 THE OFFICER TO SEE WHAT COULD BE DONE.

21 Q SO YOU CONTACTED -- WOULD THAT BE  
22 OFFICER SEAN DINSE?

23 A UH-HUH.

24 Q IS THAT "YES," MA'AM?

25 A YES.

26 Q THANK YOU.

27 IS HE THE SENIOR LEAD OFFICER FOR YOUR  
28 AREA IN WOODLAND HILLS?

1 A YES.

2 Q HAVE YOU SHARED WITH HIM BASICALLY YOUR  
3 OBSERVATIONS AND WHAT YOU HAVE JUST DESCRIBED TO THE  
4 JURY?

5 A I SHARED WITH HIM A PARTICULAR INCIDENT  
6 WHERE I LITERALLY SAW HUNDREDS OF CARDS BEING THROWN OUT  
7 OF HIS CAR ON A VERY WINDY DAY.

8 Q WAS THAT IN APRIL OF LAST YEAR, MA'AM?

9 A YES, IT WAS.

10 Q CAN YOU PLEASE TELL US WHERE YOU WERE WHEN  
11 YOU OBSERVED WHAT YOU JUST DESCRIBED?

12 A I WAS WALKING BACK TO MY PLACE SOUTHBOUND  
13 ON OWENSMOUTH. AND AS I SAID, IT WAS A PARTICULARLY  
14 WINDY DAY. SANTA ANAS. AND HE JUST WAS THROWING --  
15 HE -- HE -- ALMOST CAME TO A STOP. AND HE WAS LITERALLY  
16 THROWING HUNDREDS OUT OF HIS CAR TOP. IT WAS A  
17 CONVERTIBLE.

18 Q LET ME STOP YOU.

19 YOU -- YOU OBSERVED A VEHICLE?

20 A YES.

21 Q AND DID YOU OBSERVE WHO WAS DRIVING THAT  
22 VEHICLE?

23 A NO. BUT IT WAS -- I'VE SEEN THE VEHICLE.  
24 IT IS PARKED IN FRONT OF OUR COMPLEX QUITE OFTEN.

25 Q IS THERE ANYTHING DESCRIPTIVE ABOUT THE  
26 VEHICLE?

27 A UH-HUH.

28 Q IS THAT "YES"?

1           A           YES. IT'S GOT BLACK DECALS AND BUMPER  
2 STICKERS ON IT.

3           Q           WHAT DO THOSE DECALS AND STICKERS SAY?

4           A           WELL, THEY HAVE HIS NAME, YOU KNOW, AND  
5 GOT -- I CAN'T REMEMBER EXACTLY WHAT THEY SAY, BUT THEY  
6 DO HAVE HIS NAME AND HIS WEBSITE.

7           Q           WHEN YOU SAY -- WHO ARE YOU REFERRING TO  
8 WHEN YOU SAY "HIS"?

9           A           KEVIN PERELMAN.

10          Q           ON THAT OCCASION IN APRIL, HOW MANY CARDS  
11 DID YOU SEE THROWN OUT OF THE TOP OF THAT VEHICLE?

12          A           HUNDREDS.

13          Q           AND WHAT HAPPENED TO THOSE CARDS?

14          A           THEY -- IT WAS -- THEY JUST FLEW  
15 EVERYWHERE. IT WAS VERY WINDY.

16          Q           AND DID YOU COLLECT THOSE CARDS?

17          A           NO.

18          Q           AND WHY NOT?

19          A           IT WAS DANGEROUS.

20          Q           AND WHERE DID -- WHY WAS IT DANGEROUS?

21          A           BECAUSE IT WAS ON OWENSMOUTH WHICH IS KIND  
22 OF A BUSY STREET. I WAS WALKING MY DOG. IT WAS A LOT.  
23 THERE WAS A LOT, AND THEY WERE FLYING. THEY WERE FLYING  
24 ALL OVER THE PLACE.

25          Q           SO WHEN YOU INDICATED YOU PICKED UP  
26 HUNDREDS OF CARDS OVER THAT ONE-YEAR PERIOD, THAT  
27 DOESN'T INCLUDE THESE HUNDRED --

28          A           NO.

1 Q -- THAT FLEW OUT ON THAT PARTICULAR  
2 OCCASION?

3 A NO.

4 Q ARE YOU PERSONALLY ACQUAINTED WITH  
5 MR. PERELMAN?

6 A I HAVE NEVER SEEN HIM EXCEPT FOR, YOU  
7 KNOW, HIM DOING THAT -- THROWING HIS -- HIS CARDS OUT OF  
8 HIS WINDOW.

9 Q AND YOU HAVE NEVER BEEN CONTACTED BY THE  
10 FBI OR NSA TO TARGET MR. PERELMAN?

11 MR. AMSTER: OBJECTION.

12 THE COURT: OVERRULED.

13 THE WITNESS: NO, I HAVE NOT.

14 MS. PHILIPS: THANK YOU.

15 NOTHING FURTHER.

16 THE COURT: CROSS-EXAMINATION.

17

18 CROSS-EXAMINATION

19 BY MR. AMSTER:

20 Q I WOULD LIKE TO MARK A THREE-BY-FIVE CARD  
21 AS DEFENSE A.

22 THE COURT: SO MARKED.

23 MR. AMSTER: MAY I APPROACH THE WITNESS?

24 THE COURT: YES.

25

26 (DEFENSE EXHIBIT A WAS MARKED FOR IDENTIFICATION.)

27

28 Q BY MR. AMSTER: MA'AM, I AM PLACING



1 DEFENSE A IN FRONT OF YOU.

2 IS THAT SIMILAR TO THE CARDS YOU HAVE  
3 DESCRIBED THAT YOU PICKED UP AND YOU SAW THROWN OUT OF  
4 THE WINDOW?

5 A YES. VERY SIMILAR.

6 Q WOULD YOU SAY THERE IS ANY DIFFERENCE ON  
7 EXHIBIT A AS TO THE CARDS THAT YOU SAW ON THE STREET  
8 THAT YOU PICKED UP.

9 A I DON'T RECALL THE "DETAILED SITUATION,"  
10 BUT MOST OF THE ONES THAT I PICKED UP ARE CARDS CARS  
11 HAVE DRIVEN OVER. THEY'RE DIRTY. IN THE GUTTER.

12 Q TO YOUR RECOLLECTION, AS YOU SIT HERE  
13 RIGHT NOW, IS THERE ANYTHING ON THE CARDS THAT YOU  
14 PICKED UP THAT YOU CAN REMEMBER THAT IS DIFFERENT THAN  
15 WHAT IS ON THE CARD PLACED IN FRONT OF YOU AS EXHIBIT A?

16 A I DIDN'T NOTICE THE -- FOR "DETAILED  
17 SITUATIONS" ON THE OTHER CARDS.

18 Q AND WHAT DID YOU NOTICE ON THE OTHER  
19 CARDS?

20 A I CAN'T TELL YOU. I HAVE A SINKFUL OF  
21 THEM.

22 Q I UNDERSTAND. YOU SAID DETAILED ITEMS.  
23 WHAT DO YOU MEAN "DETAILED ITEMS"?

24 A NO. DETAILED SITUATIONS.

25 Q OKAY. CAN YOU PLEASE EXPLAIN TO ME WHAT  
26 YOU MEAN BY "DETAILED SITUATION"?

27 A I DON'T RECALL THOSE WORDS ON THE OTHER  
28 CARDS THAT I PICKED UP.

1 Q CAN YOU GIVE ME ANYTHING, ANY WORDS YOU DO  
2 REMEMBER ON THE OTHER CARDS?

3 A YEAH. KEVINPERELMANTARGET.COM. CAMPAIGN  
4 TO REMOVE HIM FROM SOCIETY SINCE CHILDHOOD.

5 IT'S ALSO ON HIS CAR.

6 Q ANYTHING ELSE YOU REMEMBER BEING ON THOSE  
7 OTHER CARDS?

8 A I REMEMBER IT WAS KEVINPERELMANTARGET.COM.  
9 I DON'T REMEMBER WORDS BEING ACROSS ON THEM.

10 Q ANYTHING ELSE?

11 A SOME OF THEM ARE ARE NOT -- OKAY. THIS IS  
12 A MATTE FINISH EITHER. I CANNOT TELL.

13 Q OKAY. SO YOU CAN'T REMEMBER ANY OTHER  
14 WORDING EXCEPT WHAT YOU HAVE ALREADY TESTIFIED TO. IS  
15 THAT CORRECT?

16 A CORRECT.

17 Q OKAY. THANK YOU.

18 MAY I APPROACH THE WITNESS?

19 THE COURT: YES. BOTH SIDES CAN APPROACH AT ANY  
20 TIME HERE ON OUT WITHOUT FURTHER PERMISSION.

21 MR. AMSTER: THANK YOU.

22 Q BY MR. AMSTER: NOW YOU ARE FAMILIAR WITH  
23 THE CAR, VEHICLE THAT HAS LETTERING ON IT THAT HAS KEVIN  
24 PERELMAN; CORRECT?

25 A TWO CARS. YES.

26 Q TWO CARS THAT HAS LETTERING ON IT THAT SAY  
27 "KEVIN PERELMAN"?

28 A KEVIN PERELMAN TARGET.

1 Q THERE ARE TWO VEHICLES?

2 A THERE ARE TWO VEHICLES.

3 Q CAN YOU DESCRIBE BOTH VEHICLES?

4 A THEY'RE BOTH BLACK.

5 Q OKAY.

6 A AS FAR AS MAKE AND MODELS, I DON'T -- I AM  
7 NOT A CAR PERSON. I CAN'T TELL YOU THAT.

8 Q OKAY. ANY OF THE CARDS THAT YOU HAVE  
9 PICKED UP OFF THE STREET THAT YOU HAVE TAKEN POSSESSION  
10 OF, DID YOU EVER PLACE THEM ON A VEHICLE THAT SAYS  
11 "KEVIN PERELMAN" ON IT?

12 A NO, I DID NOT.

13 Q OKAY. WHAT DID YOU DO WITH THE CARDS THAT  
14 YOU PICKED UP FROM THE STREET?

15 A I PUT THEM IN MY -- I CARRY A BAG WITH MY  
16 DOGGIE BAGS AND STUFF. I PUT THEM IN THAT.

17 Q OKAY. WHAT DID YOU DO WITH THEM?

18 A I WOULD BRING THEM HOME AND THROW THEM IN  
19 MY SINK, IN THE BAR.

20 Q OKAY. NOW YOU STATED THAT YOU CONTACTED  
21 THE POLICE DEPARTMENT. CORRECT?

22 A I MESSAGED, THROUGH FACEBOOK, DINSE.

23 Q AND AFTER YOU MADE CONTACT, DID THE -- DID  
24 YOU STILL NOTICE THAT CARDS WERE STILL BEING  
25 DISTRIBUTED?

26 A YES.

27 Q AND DID THAT LEAVE YOU FRUSTRATED?

28 A I JUST PICK THEM UP.

1 Q OKAY. YOU HAD NO EMOTIONAL RESPONSE TO  
2 CONTACTING THE POLICE SEEING THAT THE CONDUCT WAS STILL  
3 CONTINUING?

4 A I DID CONTACT THE POLICE, AFTER I HAD BEEN  
5 PICKING THEM UP FOR MONTHS, BEFORE I CONTACTED THE  
6 POLICE.

7 Q OKAY. AND AFTER YOU CONTACTED THE POLICE,  
8 THAT DID NOT RESOLVE THE SITUATION. CORRECT?

9 A FOR A LITTLE BIT IT DID.

10 Q OKAY. AND FOR A PERIOD OF TIME IT STARTED  
11 AGAIN?

12 A UH-HUH.

13 Q IS THAT "YES"?

14 A YES.

15 Q OKAY. AND DID THAT -- DID THAT CREATE ANY  
16 TYPE OF FRUSTRATION TO YOU?

17 A YES.

18 MR. AMSTER: OKAY. NO FURTHER QUESTIONS.

19 THE COURT: THANK YOU. ANY FURTHER REDIRECT?

20 MS. PHILIPS: VERY BRIEFLY, YOUR HONOR.

21

22 REDIRECT EXAMINATION

23 BY MS. PHILIPS:

24 Q MA'AM, AT THE TIME YOU CONTACTED OFFICER  
25 DINSE, DID YOU ALSO SEND ANY PHOTOGRAPHS OF CARDS?

26 A I DID.

27 MS. PHILIPS: YOUR HONOR, I AM HOLDING IN MY HAND  
28 WHAT IS GOING TO BE MARKED PEOPLE'S 1 AND 2 FOR

1 IDENTIFICATION.

2 THE COURT: SO MARKED.

3

4 (PEOPLE'S EXHIBIT 1 AND 2 WERE  
5 MARKED FOR IDENTIFICATION.)

6

7 Q BY MS. PHILIPS: MA'AM, CAN I GET YOU TO  
8 TAKE A LOOK AT THAT CARD -- I'M SORRY -- AT THAT PHOTO.

9 A YEAH.

10 Q THAT'S WHAT HAS BEEN MARKED PEOPLE'S 1 FOR  
11 IDENTIFICATION. IS THAT A PHOTOGRAPH THAT YOU FORWARDED  
12 TO OFFICER DINSE?

13 A NO.

14 Q SO THAT IS NOT YOUR HANDWRITING.

15 A THAT IS NOT MY HAND. I HAVE ACRYLIC  
16 NAILS.

17 Q DO YOU RECOGNIZE THE CARD DEPICTED IN THAT  
18 PHOTO?

19 A OH, YEAH.

20 Q IS THAT -- WELL, CAN YOU DESCRIBE HOW IT  
21 IS YOU RECOGNIZE THAT PHOTO OR WHAT IS DEPICTED IN THE  
22 PHOTO?

23 A I'VE JUST PICKED UP ENOUGH OF THEM. THERE  
24 IS NO -- THE ONE HE JUST SHOWED ME HAD MORE LETTERING  
25 DOWN HERE THAN I WAS UNFAMILIAR WITH.

26 Q SO THEN ARE THESE CARDS THE ONES THAT  
27 LOOKED LIKE THE ONES THAT YOU HAD PICKED UP PREVIOUSLY?

28 A YES. UH-HUH. I DO HAVE PICTURES OF THE

1 ONE I SENT TO SEAN, BUT THOSE ARE NOT -- THAT IS NOT MY  
2 HAND.

3 Q I AM PLACING BEFORE YOU PEOPLE'S 2 FOR  
4 IDENTIFICATION.

5 A UH-HUH.

6 Q DO YOU RECOGNIZE THAT PHOTO?

7 A NO. I RECOGNIZE THE CARD. THIS IS MORE  
8 OF THE CARD THAN THE ONE HE PRESENTED TO ME.

9 Q OKAY. SO WOULD IT BE FAIR TO SAY THAT THE  
10 CARDS DEPICTED IN PEOPLE'S 1 AND 2 MORE ACCURATELY  
11 DEPICT THE HUNDREDS YOU HAVE PICKED UP?

12 A THOSE DO. YES.

13 MS. PHILIPS: FOR THE RECORD, YOU WERE POINTING  
14 AT PEOPLE'S 1 AND 2.

15 THE WITNESS: YES.

16 MS. PHILIPS: THANK YOU.

17 NOTHING FURTHER.

18 THE COURT: ANY RECROSS?

19 MR. AMSTER: NO.

20 THE COURT: MA'AM, YOU MAY STEP DOWN.

21 PLEASE DO NOT DISCUSS YOUR TESTIMONY WITH  
22 ANY OTHER WITNESSES. YOU ARE FREE TO GO.

23 THE WITNESS: OKAY. THANK YOU.

24 THE COURT: WOULD THE PEOPLE LIKE TO CALL ANOTHER  
25 WITNESS?

26 MS. PHILIPS: YES. THE PEOPLE CALL TERRANCE  
27 SCROGGIN.

28 IF I MAY HAVE A MOMENT TO RETRIEVE HIM.



1 THE COURT: YES.

2

3 TERRANCE SCROGGIN,  
4 HAVING BEEN CALLED TO THE STAND, WAS SWORN AND TESTIFIED  
5 AS FOLLOWS:

6 THE COURT: SIR, RAISE YOUR RIGHT HAND AND BE  
7 SWORN.

8 DO YOU SOLEMNLY STATE, UNDER PENALTY OF  
9 PERJURY, THAT THE TESTIMONY YOU ARE ABOUT TO GIVE IN THE  
10 CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE TRUTH,  
11 THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU  
12 GOD?

13 THE WITNESS: I DO.

14 THE COURT: PLEASE BE SEATED.

15 SIR, PLEASE STATE AND SPELL YOUR FIRST AND  
16 LAST NAME.

17 THE WITNESS: MY FIRST NAME IS TERRANCE,  
18 T-E-R-R-A-N-C-E; LAST NAME IS SCROGGIN, S-C-R-O-G-G-I-N.

19 THE COURT: YOU MAY INQUIRE.

20 MS. PHILIPS: THANK YOU, YOUR HONOR.

21

22 DIRECT EXAMINATION

23 BY MS. PHILIPS:

24 Q GOOD MORNING, MR. SCROGGIN.

25 A GOOD MORNING.

26 Q HOW ARE YOU, SIR?

27 A I AM FINE.

28 Q OKAY. OKAY. SIR, I AM GOING TO ASK YOU

1 SOME QUESTIONS REGARDING AN INCIDENT THAT OCCURRED LAST  
2 YEAR.

3 A OKAY.

4 Q I WILL START WITH AN EASY ONE. ARE YOU  
5 FAMILIAR WITH THE LOCATION OF 21620 BURBANK BOULEVARD?

6 A UNIT 18. YES.

7 Q AND HOW IS IT THAT YOU ARE FAMILIAR WITH  
8 THAT LOCATION, SIR?

9 A BECAUSE I AM ON THE BOARD AND I LIVE  
10 THERE.

11 Q AND, SIR, HOW LONG HAVE YOU LIVED THERE?

12 A SINCE ITS INCEPTION. 1983.

13 Q AND, SIR, AGAIN FOCUSING YOUR ATTENTION TO  
14 THE PERIOD OF ABOUT MARCH OF 2017 TO MARCH 2018, DID YOU  
15 HAVE ANY OCCASION TO COME INTO CONTACT WITH THE  
16 INDIVIDUAL IN UNIT 18?

17 A I DID.

18 Q AND WHO WOULD THAT BE, SIR?

19 A THAT WOULD BE -- THE ACTUAL DATE I CAN'T  
20 GIVE YOU. BUT IT WAS WHEN HE WAS OUT IN THE MIDDLE OF  
21 THE STREET, THROWING THESE CARDS DOWN.

22 Q AND WHEN YOU SAY "HE," WHO ARE YOU  
23 REFERRING TO, SIR?

24 A I'M SORRY. I CAN'T HEAR WELL.

25 Q WHO ARE YOU REFERRING TO, SIR, WHEN YOU  
26 SAY "HE"?

27 A KEVIN PERELMAN, UNIT 18.

28 Q LET ME DIRECT YOUR ATTENTION TO MAY 18,

1 2017. DID YOU HAVE OCCASION TO COME ACROSS ANYTHING  
2 THAT WAS ON THE GROUND OUTSIDE OF THAT LOCATION?

3 A YOU MEAN THE INNUMERABLE CARDS THAT HE HAS  
4 LAID ABOUT AND LOWERED THE PROPERTY VALUES OF BOTH HIM  
5 AND US? YES.

6 MR. AMSTER: OBJECTION. NO EXPERTISE. NO  
7 FOUNDATION. "LOWERED THE PROPERTY VALUES."

8 THE COURT: AS TO THE PROPERTY VALUE, THAT IS  
9 SUSTAINED. EVERYTHING ELSE CAN REMAIN.

10 GO AHEAD.

11 Q BY MS. PHILIPS: SIR, ON THAT DATE IN MAY  
12 OF LAST YEAR, CAN YOU PLEASE DESCRIBE WHERE AND  
13 APPROXIMATELY HOW MANY CARDS YOU OBSERVED?

14 A BY THE TIME I HAD COLLECTED THEM, THERE  
15 WERE OVER 50, AND THEY WERE STILL EVERYWHERE.

16 Q AND WHERE WERE THOSE 50 CARDS THAT YOU  
17 COLLECTED?

18 A WHERE DID I COLLECT THEM?

19 Q YES. WHERE DID YOU COLLECT THEM FROM?

20 A ON THE STREET, IN FRONT OF THE 21650  
21 BUILDING, IN FRONT OF THE MET WHICH IS RIGHT NEXT DOOR  
22 GOING EAST.

23 Q AND YOU SAID YOU COLLECTED OVER 50?

24 A EASY.

25 Q AND WHEN YOU WERE DONE COLLECTING,  
26 APPROXIMATELY HOW MANY COULD YOU STILL OBSERVE?

27 A I JUST HAD A HANDFUL. THAT'S ALL I CAN  
28 TELL YOU. A BIG HANDFUL.

1 Q AND ONCE YOU HAD THAT HANDFUL, WERE THERE  
2 ANY OTHERS THAT WERE REMAINING OUTSIDE?

3 A OH, YES. I JUST GOT TIRED.

4 Q AND APPROXIMATELY HOW MANY WERE STILL, IF  
5 YOU CAN APPROXIMATE, REMAINING AFTER YOU PICKED UP THE  
6 OVER 50?

7 A I CAN'T APPROXIMATE. NUMEROUS.

8 Q WOULD YOU SAY OVER 20?

9 A OH EASY.

10 Q OVER 50?

11 A PROBABLY.

12 Q AND WHEN YOU SAY THAT IT WAS IN FRONT OF  
13 THE COMPLEXES, WAS IT IN THE STREET? WAS IT ON THE  
14 SIDEWALK? WHERE WERE THE CARDS?

15 A IT WAS ON THE STREETS. IT WAS ON THE  
16 SIDEWALKS. IT WAS ON JULIANA PLACE.

17 Q I'M SORRY. WHERE?

18 A THE STREET BETWEEN ME AND THE MET,  
19 WOODLAND OAKS, IS ON THE WEST SIDE. THE MET IS ON THE  
20 EAST SIDE. SIDEWALKS GO ON ALONG BURBANK. AND THEY  
21 WERE EVERYWHERE.

22 Q COULD YOU SEE WHAT WAS ON THOSE BUSINESS  
23 CARDS?

24 A JUST KEVIN PERELMAN SOMETHING OR OTHER.

25 Q AND WHAT, IF ANYTHING, SIR, DID YOU DO  
26 WITH THE CARDS THAT YOU PICKED UP?

27 A I WAS DISGUSTED. I WALKED BACK TO HIS  
28 UNIT. I KNOCKED ON HIS DOOR. I RAN HIS DOORBELL. HE

1 DID NOT ANSWER. SO I JUST DROPPED THEM ON THE GROUND  
2 JUST LIKE THEY WERE HIS.

3 Q AND ARE YOU -- WAS IT ON THE GROUND, SIR,  
4 OR WAS IT THE TABLE?

5 A I CAN'T REMEMBER WHICH ONE IT WAS ON.

6 Q WHAT, IF ANYTHING, HAPPENED NEXT?

7 A OH, I WALKED BACK DOWN THE SIDEWALK GOING  
8 EAST. IT WAS A SHORT WALK. AND I MET MY NEIGHBOR ON  
9 THE CORNER. HE'S ALSO A MEMBER OF WOODLAND OAKS  
10 CONDOMINIUM ASSOCIATION, AND WE WERE TALKING AND ALONG  
11 COMES PERELMAN AND HE ASKED, "DID YOU GUYS DO THAT?"

12 AND WE LOOKED AROUND. AND HE WALKED OUT  
13 IN THE MIDDLE OF THE STREET, PULLED OUT CARDS, AND BEGAN  
14 PUTTING THEM ON THE GROUND. THIS IS ON JULIANA PLACE.  
15 I WALKED OUT THERE, AND I SAID, "YOU CAN'T DO THIS."

16 Q LET ME STOP YOU FOR A MOMENT, SIR.

17 SO IMMEDIATELY AFTER YOU RETURNED TO THE  
18 CARDS AND LEFT THEM SOMEWHERE ON MR. PERELMAN'S --

19 A PATIO.

20 Q -- PATIO, AT THAT POINT YOU SAID YOU  
21 WALKED BACK TOWARD BURBANK BOULEVARD?

22 A NO. I WALKED EAST STRAIGHT DOWN THE  
23 SIDEWALK TO JULIANA PLACE. BURBANK IS THIS WAY.  
24 JULIANA IS THIS WAY.

25 Q OKAY. SO -- AND THAT IS WHERE YOU  
26 ENCOUNTERED ANOTHER NEIGHBOR?

27 A OH, YES.

28 Q AND CAN YOU DESCRIBE -- FIRST OF ALL, DO

1 YOU SEE MR. PERELMAN IN COURT TODAY?

2 A SAY AGAIN?

3 Q DO YOU SEE MR. PERELMAN IN COURT TODAY?

4 A OH, YES.

5 Q CAN YOU PLEASE POINT HIM OUT FOR THE  
6 RECORD?

7 A THE GENTLEMAN SITTING TO THE RIGHT OF THE  
8 GRAY-HAIRED GUY. HE'S CLEAN SHAVEN TODAY.

9 THE COURT: INDICATING MR. PERELMAN FOR THE  
10 RECORD.

11 NEXT QUESTION.

12 MS. PHILIPS: THANK YOU.

13 Q BY MS. PHILIPS: CAN YOU PLEASE DESCRIBE  
14 MR. PERELMAN'S DEMEANOR AS HE APPROACHED YOU ON THAT  
15 DAY?

16 A WELL, WHEN I WAS OUT ON THE STREET?

17 Q WHEN HE APPROACHED -- WHEN HE FIRST MADE  
18 CONTACT WITH YOU AND YOUR NEIGHBOR. IS THAT CORRECT?  
19 WAS THAT THE FIRST?

20 A HE WALKED BY US. HE WALKED BY US INTO  
21 JULIANA STREET, PULLED OUT CARDS, AND BEGAN THROWING  
22 THEM ON THE GROUND.

23 Q AT WHAT POINT DID HE ASK "DID YOU DO  
24 THIS?"

25 A OH, AS HE WAS WALKING OUT ONTO THE STREET.  
26 HE LOOKED AT THE TWO OF US AND SAID, "DID YOU DO THAT?"

27 AND, AGAIN, I JUST, KIND OF, LOOKED UP IN  
28 THE AIR.

1 Q DID YOU, AT THAT POINT, HAVE ANY IDEA WHAT  
2 HE MIGHT BE REFERRING TO?

3 A OH, YES. HE MEANT THE CARDS ON HIS PATIO.

4 MR. AMSTER: OBJECTION. CALLS FOR SPECULATION.

5 THE COURT: SUSTAINED.

6 MR. AMSTER: MOTION TO STRIKE.

7 THE COURT: STRICKEN.

8 NEXT QUESTION.

9 Q BY MS. PHILIPS: HOW LONG AFTER YOU HAD  
10 LEFT THE CARDS ON THE PATIO DID MR. PERELMAN MAKE  
11 CONTACT AND MAKE THAT COMMENT TO YOU?

12 A WITHIN FIVE MINUTES.

13 Q ARE YOU AWARE IF MR. PERELMAN HAS ANY  
14 CAMERA POINTED AT HIS PATIO THAT ARE VISIBLE?

15 A I HAVE NO IDEA.

16 Q AND AFTER MR. PERELMAN MADE THAT COMMENT  
17 TO YOU, AS HE WALKED BY, HOW LONG AFTER DID YOU SEE HIM  
18 DEPOSITING CARDS ON THE STREET?

19 A WITHIN SECONDS.

20 Q AND HOW MANY CARDS WOULD YOU ESTIMATE --  
21 DID HE THROW THEM? DID HE DROP THEM?

22 A HE WAS DROPPING THEM.

23 Q HOW MANY, FOR THE RECORD?

24 MS. PHILIPS: YOUR HONOR, THE WITNESS WAS  
25 GESTURING WITH AN OPEN HAND.

26 THE WITNESS: YEAH. THROWING, OPENING HIS HAND.

27 MS. PHILIPS: DROPPING MOTION.

28 Q BY MS. PHILIPS: SIR, HOW MANY WOULD



1 YOU -- WOULD YOU APPROXIMATE HOW MANY CARDS DID HE DROP?

2 A HE ONLY DROPPED TWO OR THREE.

3 Q AND AT THAT POINT YOU SAID YOU APPROACHED  
4 HIM?

5 A YES, I DID.

6 Q AND WHAT, IF ANYTHING, DID YOU SAY?

7 A I JUST WALKED RIGHT OUT IN FRONT OF HIM,  
8 AND I TOLD HIM, "YOU CAN'T DO THIS. YOU DON'T OWN THIS  
9 PROPERTY."

10 Q AND WHAT, IF ANYTHING, HAPPENED NEXT?

11 A OH, THEN HE SAID, "IF YOU TRY TO DO THIS  
12 ONE MORE TIME, I WILL SLICE YOU OPEN."

13 HE LOOKED AT ME AND SAID, "I WILL SLICE  
14 YOU OPEN."

15 Q AND HOW FAR AWAY FROM YOU WAS HE WHEN HE  
16 SAID THIS?

17 A PROBABLY ABOUT TWO FEET.

18 Q WHAT, IF ANYTHING, DID YOU FEEL AT THAT  
19 MOMENT WHEN HE SAID THIS TO YOU?

20 A I FELT HE MEANT IT. I WAS THREATENED.

21 Q WERE YOU AFRAID?

22 A OF COURSE. I AM ALSO A COMBAT VETERAN.  
23 MR. AMSTER: MOTION STRIKE.

24 THE COURT: STRICKEN. IT'S NOT RELEVANT.

25 MR. AMSTER: CAN YOU ADMONISH THE WITNESS NOT TO  
26 HOLD UP HIS CAP AND SHOW IT TO THE JURY.

27 I WOULD LIKE TO MAKE A MOTION AT SIDE BAR  
28 RIGHT NOW.

1 THE COURT: ONE MOMENT. WE CAN DO THAT AT THE  
2 BREAK.

3 WE WILL HEAR THE MOTION AT SIDE BAR.

4 MR. AMSTER: THEN, YOUR HONOR, I WOULD LIKE THE  
5 CAP ENTERED IN AS A COURT EXHIBIT SO HE DOESN'T LEAVE  
6 WITH IT.

7 THE COURT: LET'S DO THIS. SIR, IF YOU WILL JUST  
8 PLEASE TAKE THE CAP AND PUT IT UNDER YOUR SEAT.

9 THE RECORD WILL REFLECT IT'S A BLUE  
10 BASEBALL STYLE THAT SAYS "ARMY VETERAN."

11 THE COURT IS RULING AT THIS TIME THAT THAT  
12 PARTICULAR FACT ISN'T RELEVANT TO THE JURY'S  
13 DETERMINATION.

14 NEXT QUESTION, PLEASE.

15 Q BY MS. PHILIPS: SIR, WERE YOU AFRAID THAT  
16 THE DEFENDANT WOULD CARRY OUT HIS THREAT?

17 A YES.

18 Q AND IS THAT WHY YOU CALLED THE POLICE?

19 A EXACTLY WHY I CALLED THE POLICE.

20 Q AND DID THE POLICE ARRIVE?

21 A YES, THEY DID.

22 Q AND DID YOU BASICALLY TELL THEM EVERYTHING  
23 YOU HAVE TOLD US HERE TODAY?

24 A I DID.

25 MS. PHILIPS: THANK YOU, YOUR HONOR.

26 NOTHING FURTHER.

27 THE COURT: CROSS-EXAMINATION.

28 MR. AMSTER: THANK YOU, YOUR HONOR.

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CROSS-EXAMINATION

BY MR. AMSTER:

Q SIR, I AM PLACING DEFENDANT'S A IN FRONT  
OF YOU. DO YOU SEE DEFENDANT'S A?

A I SEE THE CARD. AND IT IS A CARD THAT I  
HAVE SEEN MANY TIMES.

Q SO THE CARDS THAT YOU DESCRIBED IN YOUR  
TESTIMONY TODAY, WERE THEY SIMILAR OR EXACTLY THE SAME  
AS THE CARD THAT IS --

A EXACTLY THE SAME.

Q OKAY. THANK YOU.

CAN YOU GIVE ME AN APPROXIMATE DATE  
OR TIME WHEN YOU FIRST STARTED NOTICING CARDS LIKE  
EXHIBIT A AROUND YOUR NEIGHBORHOOD?

A IT HAD BEEN GOING ON FOR AN INDEFINITE  
TIME. I CANNOT TELL YOU.

Q OKAY. NOW YOU ARE A MEMBER OF THE BOARD.  
CORRECT?

A I AM.

Q OKAY.

A I AM SECRETARY.

Q YOU'RE THE SECRETARY.

ALL RIGHT. HAVE THERE BEEN ANY COMPLAINTS  
BY ANY RESIDENTS IN THE COMPLEX YOU ARE ON THE BOARD ON  
AT ANY TIME DURING A BOARD MEETING?

A YES. THERE HAD BEEN.

Q OKAY. WOULD YOU SAY NUMEROUS?

1 A NO. I WOULD NOT SAY NUMEROUS.

2 Q OKAY. IS THIS -- IS THIS -- THE TOPIC OF  
3 THE CARD DISTRIBUTION BY MR. PERELMAN, HAS THIS BEEN A  
4 TOPIC BY YOU AND YOUR BOARD MEMBERS?

5 A YES. WE SAID SOMETHING.

6 Q OKAY. HAVE YOU HAD FORMAL DISCUSSIONS  
7 ABOUT IT?

8 A NO.

9 Q OKAY. HAVE -- HAS THERE BEEN CONTACT BY  
10 YOU WITH THE POLICE PRIOR TO THE INCIDENT ON THE DATE  
11 THAT YOU DEPOSITED THE CARDS ON MR. PERELMAN'S PROPERTY?

12 A ONE OTHER TIME.

13 Q OKAY. AND YOU CONTACTED THE POLICE AND  
14 THIS DID NOT RESULT IN THE STOPPING OF THE CARD  
15 DISTRIBUTION?

16 A PARDON? I DID NOT SAY I CONTACTED THE  
17 POLICE. A POLICEMAN CONTACTED ME.

18 Q OKAY. SO ALL RIGHT. YOU HAVE NEVER  
19 PERSONALLY CONTACTED THE POLICE EXCEPT ON THIS ONE DATE  
20 WHEN YOU -- WHEN YOU DISTRIBUTED THE CARDS ON  
21 MR. PERELMAN'S PATIO?

22 A CORRECT.

23 Q OKAY. NOW -- BUT YOU HAVE HAD CONTACT  
24 WITH MR. PERELMAN DIRECTLY BY YOU. CORRECT?

25 A YES.

26 Q ABOUT HOW MANY TIMES?

27 A MAYBE THREE.

28 Q OKAY. AND ON EACH OF THESE OCCASIONS, YOU

1 HAVE EXPRESSED YOUR ANNOYANCE WITH HIM FOR DISTRIBUTING  
2 THE CARDS?

3 A OF COURSE.

4 Q OKAY. AND YOU FELT THAT THE PROPER THING  
5 FOR YOU TO DO TO STOP THE DISTRIBUTION OF THE CARDS WAS  
6 TO MAKE PERSONAL CONTACT WITH MR. PERELMAN AND NOT TO  
7 CONTACT LAW ENFORCEMENT?

8 A CORRECT.

9 Q OKAY. AND LET'S TALK ABOUT THE FIRST  
10 CONTACT YOU HAD WITH MR. PERELMAN. HOW DID THAT HAPPEN?

11 A SIDEWALK, I THINK.

12 Q OKAY. AND DID YOU APPROACH HIM IN A FAST  
13 PACE?

14 A I DON'T BELIEVE SO.

15 Q OKAY. IS IT NOT CORRECT THAT ACTUALLY  
16 THAT FIRST TIME YOU WERE VERY ANGRY AND YOU HEATEDLY  
17 SAID TO HIM, "YOU HAVE TO STOP THIS"?

18 A OKAY. I WILL GO WITH THAT.

19 Q ALL RIGHT. WAS YOUR FACIAL EXPRESSION ONE  
20 OF AN ANGRY MANNER?

21 A PROBABLY.

22 Q AND YOU WOULD CONSIDER YOURSELF IN PRETTY  
23 GOOD CONDITION. CORRECT?

24 A NO.

25 Q OKAY.

26 A I AM 100 PERCENT DISABLED.

27 Q ALL RIGHT. BUT ISN'T IT CORRECT THAT WHEN  
28 YOU MADE THAT APPROACH TO MR. PERELMAN, YOU SAW HIM STEP

1 BACK AND HE LOOKED LIKE HE WAS AFRAID OF YOU FOR A  
2 MOMENT?

3 A NO.

4 Q ALL RIGHT. NOW TELL ME ABOUT THE SECOND  
5 TIME YOU APPROACHED HIM.

6 A BY THE WAY, HE IS TALLER THAN I AM. HE'S  
7 IS HEAVIER THAN I AM.

8 MR. AMSTER: THERE IS NO QUESTION PENDING, YOUR  
9 HONOR. CAN WE STRIKE THAT.

10 THE COURT: STRICKEN.

11 NEXT QUESTION.

12 Q BY MR. AMSTER: TELL ME ABOUT THE SECOND  
13 TIME YOU APPROACHED HIM.

14 A I HAVE NO IDEA.

15 Q OKAY. NOW ON THE THIRD -- THE THIRD TIME  
16 YOU APPROACHED HIM WAS THIS TIME ON THE PATIO. CORRECT?

17 A NO. NEVER ON THE PATIO. HE WOULD NOT  
18 ANSWER THE DOOR.

19 Q OKAY. SO YOU WENT UP AND HE DID NOT  
20 ANSWER THE DOOR. CORRECT?

21 A CORRECT.

22 Q YOU HAD COLLECTED SOME OF THE CARDS.  
23 CORRECT?

24 A HANDFUL OF HIS CARDS. YES.

25 Q AS A RESULT OF COLLECTING THOSE CARDS AND  
26 HIM NOT ANSWERING THE DOOR, YOU THEN PUT THEM -- YOU  
27 DROPPED THEM ON THE GROUND AROUND HIS PLACE?

28 A I THINK SO.

1 Q OKAY. AND THAT WAS BASICALLY AN EMOTIONAL  
2 REACTION TO HIS DISTRIBUTION OF THE CARDS. CORRECT?

3 A I WAS RETURNING THEM.

4 Q OKAY. NOW YOU ARE RETURNING THEM. DID  
5 YOU DROP THEM ON THE GROUND?

6 A I DROPPED THEM ON THE PATIO.

7 Q OKAY.

8 A HE DID.

9 Q I AM NOT TALKING ABOUT HIM. I AM TALKING  
10 ABOUT YOU.

11 YOU DROPPED THEM ON THE PATIO. HOW DID  
12 YOU DROP THEM ON THE PATIO?

13 A (DEMONSTRATING.)

14 Q OKAY. YOU ARE HOLDING YOUR HAND IN A WAY  
15 THAT I WOULD SAY IS HOLDING SOMETHING. YOU RELEASED  
16 THEM?

17 A I RELEASED THEM.

18 Q WHERE DID THEY GO WHEN YOU RELEASED THEM?

19 A ON THE PATIO.

20 Q ON WHAT?

21 A ON THE PATIO.

22 Q ON THE GROUND OF THE PATIO?

23 A NO. PATIO IS NOT ON THE GROUND. IT'S ON  
24 THE PATIO.

25 Q OKAY. WHAT DID THEY LAND ON?

26 A I HAVE NO IDEA. I DON'T REMEMBER.

27 Q OKAY. SO THIS PATIO, DID YOU HAVE TO  
28 REACH OVER A BARRIER TO DROP THEM?



1           A           I WALKED UP ON HIS PATIO. RANG HIS  
2 DOORBELL. KNOCKED ON HIS DOOR. RANG HIS DOORBELL.  
3 KNOCKED ON HIS DOOR. NO ANSWER. I DROPPED THEM ON THE  
4 GROUND.

5           Q           OKAY. AND YOU DON'T CONSIDER THAT  
6 LITTERING?

7           A           I DON'T WHAT?

8           Q           YOU DON'T CONSIDER THAT LITTERING?

9           A           NO.

10          Q           OKAY. YOU WERE ON HIS PRIVATE PROPERTY AT  
11 MOMENT YOU DID THAT. CORRECT?

12          A           YES -- NO. IT'S COMMUNITY PROPERTY. THE  
13 PATIO BELONGS TO THE HOA.

14          Q           OKAY. SO --

15          A           MY PATIO BELONGS TO HOA.

16          Q           OKAY. SO YOU DROPPED CARDS IN RESPONSE TO  
17 HIS DISTRIBUTION OF CARDS ON PROPERTY OWNED BY THE HOA?

18          A           CORRECT.

19          Q           PROPERTY THAT ALL OF THE RESIDENTS OF THE  
20 HOA HAVE THE RIGHT TO ENJOY WITHOUT LITTER ON IT?

21          A           WELL, OF COURSE.

22          Q           OKAY. WHAT WAS THE PURPOSE OF YOU DOING  
23 THIS?

24          A           I RETURNED THEM.

25          Q           OKAY. YOU WERE UPSET?

26          A           WELL, I WAS VERY TIRED OF PICKING UP HIS  
27 STUFF. YES.

28          Q           YOU WERE UPSET?

1           A           NO. I WAS TIRED OF HIM PICKING UP -- OF  
2 PICKING UP AFTER HIM.

3           Q           OKAY. YOU WANTED THIS TO STOP. CORRECT?

4           A           I WANTED IT TO STOP. I WAS DEAD COLD.  
5 SORRY.

6           Q           YOU WANTED HIM TO STOP ON THAT DATE.  
7 CORRECT?

8           A           I WANTED IT TO STOP FOREVER.

9           Q           EXACTLY. AND SO WITH THAT IN MIND, AT  
10 SOME POINT HE THEN APPROACHES YOU AS YOU ARE TALKING TO  
11 ANOTHER BOARD MEMBER. CORRECT?

12          A           NO. NOT CORRECT.

13          Q           OKAY. YOU ARE TALKING TO A BOARD MEMBER  
14 AT SOME POINT. CORRECT?

15          A           NO. I WAS NOT TALKING TO A BOARD MEMBER.  
16 EVER.

17          Q           JUST A NEIGHBOR?

18          A           IT WAS A NEIGHBOR.

19          Q           OKAY. AND AT THAT POINT YOU SEE THAT HE  
20 PUTS MORE CARDS ON THE GROUND. CORRECT?

21          A           CORRECT.

22          Q           AND YOU SAY TO HIM AGAIN, "YOU CAN'T DO  
23 THAT"?

24          A           I DID SAY THAT.

25          Q           AND YOU ARE FRUSTRATED AGAIN THAT YOU  
26 ARE -- WHAT YOU ARE TRYING TO DO IS NOT STOPPING HIM.  
27 CORRECT?

28          A           THAT IS CORRECT.

1 Q AND YOU ARE AWARE THAT IF HE'S CONVICTED  
2 OF A CRIME, THAT THE COURT CAN STOP HIM FROM DOING IT.  
3 CORRECT?

4 A NO.

5 Q OKAY. YOU ARE NOT AWARE THAT IF SOMEHOW  
6 GOVERNMENT GETS AUTHORITY ON HIM, THEY CAN TRY TO STOP  
7 HIM FROM DOING THIS CONDUCT?

8 A NO.

9 Q OKAY. THAT'S WHY YOU NEVER CALLED THE  
10 POLICE?

11 A I WASN'T -- I COULDN'T BE BOTHERED CALLING  
12 THE POLICE.

13 Q I SEE. YOU FELT IT WAS BEST TO TAKE IT ON  
14 YOURSELF?

15 A YES. I WAS A BOARD MEMBER.

16 Q I SEE. AS A BOARD MEMBER, YOU FELT YOU  
17 HAD AUTHORITY TO TAKE THIS ON YOURSELF?

18 A YES.

19 Q OKAY. AND TO DO WHATEVER IS NECESSARY TO  
20 RESOLVE THIS PROBLEM?

21 A NO.

22 Q OKAY. NOW HAVE YOU AT ANY TIME, SINCE THE  
23 INCIDENTS YOU HAVE DESCRIBED, EVER PLACED ANY OF THESE  
24 CARDS ON HIS VEHICLE?

25 A NO.

26 Q OKAY. HAVE YOU DONE ANYTHING TO VANDALIZE  
27 ANY OF HIS VEHICLES?

28 A NO.

1 Q OKAY. NOW EXACTLY WHERE WERE YOU STANDING  
2 WHEN HE CONFRONTED YOU AND SUPPOSEDLY SAID "I WILL SLICE  
3 YOU OPEN"?

4 A IN THE MIDDLE OF JULIANA STREET.

5 Q OKAY. AND YOU WERE STANDING THERE WITH  
6 WHOM?

7 A NO ONE.

8 Q OKAY.

9 A EXCUSE ME. I WAS STANDING THERE WITH THE  
10 DEFENDANT.

11 Q OKAY. THE NEIGHBOR YOU HAD BEEN TALKING  
12 TO IS NO LONGER THERE?

13 A HE WAS THERE.

14 Q OKAY. HOW FAR AWAY WAS HE FROM YOU AT  
15 THAT TIME?

16 A PROBABLY 30 FEET.

17 Q OKAY. AND WHAT WAS HIS NAME?

18 A CAN'T GIVE IT TO YOU.

19 Q YOU CAN'T REMEMBER HIS NAME?

20 A NEVER KNEW IT.

21 Q NEVER KNEW IT. OKAY.

22 NOW HAVE YOU HAD ANY PROBLEMS WITH YOUR  
23 MEMORY IN THE PAST COUPLE OF YEARS?

24 A NOT THAT I KNOW OF.

25 Q FAIR ENOUGH.

26 NOW I BELIEVE YOU STATED YOU MADE THE  
27 REMARK, "YOU DON'T OWN THIS PROPERTY." CORRECT?

28 A I SAID, "YOU DON'T OWN THIS STREET,

1 PROPERTY." YES.

2 Q OKAY. WHAT DID YOU MEAN BY THAT?

3 A HE DOESN'T OWN THE STREET.

4 Q OKAY. SO YOU WERE -- WHEN YOU SAID "YOU  
5 DON'T OWN THIS PROPERTY," YOU WERE REFERRING TO THE  
6 STREET?

7 A SAY WHAT?

8 Q WHEN YOU SAY "YOU DON'T OWN THIS  
9 PROPERTY," YOU WERE REFERRING TO THE STREET?

10 A YES.

11 Q IN YOUR OPINION, WHO DOES OWN THE STREET?

12 A THE CITIZENS OF LOS ANGELES.

13 Q JOINTLY?

14 A YES. IT WOULD BE JOINTLY.

15 Q SO YOU DON'T BELIEVE HE'S A CITIZEN OF  
16 LOS ANGELES IN YOUR MIND?

17 A THAT DOESN'T MATTER.

18 Q MY QUESTION WAS YOU SAID TO HIM, "YOU  
19 DON'T OWN THE STREET."

20 AND I BELIEVE YOUR RESPONSE WAS: "THE  
21 CITIZENS OF LOS ANGELES."

22 SO YOU BELIEVE HE'S SUBHUMAN, NOT A  
23 CITIZEN OF LOS ANGELES. CORRECT?

24 MS. PHILIPS: OBJECTION. ARGUMENTATIVE.  
25 MISSTATES HIS TESTIMONY.

26 THE COURT: SUSTAINED.

27 NEXT QUESTION.

28 Q BY MR. AMSTER: DO YOU BELIEVE HE'S A

1 CITIZEN OF LOS ANGELES OR NOT?

2 A I DON'T KNOW. HAS HE VOTED?

3 Q I SEE. SO IN YOUR MIND -- SO YOU  
4 DISTINGUISH BETWEEN THE TERM "CITIZEN" AND "RESIDENT"?

5 MS. PHILIPS: OBJECTION. RELEVANCE, YOUR HONOR.

6 MR. AMSTER: GOES TO BIAS.

7 THE COURT: OVERRULED.

8 GO AHEAD.

9 Q BY MR. AMSTER: YOU DISTINGUISH BETWEEN  
10 "CITIZEN" AND "RESIDENT." DON'T YOU?

11 A I WOULD THINK SO. YES.

12 Q OKAY. SO YOU BELIEVE THAT SOMEBODY WHO IS  
13 NOT A CITIZEN BUT IS A RESIDENT HAS LESSER RIGHTS. IS  
14 THAT FAIR?

15 A STREET PEOPLE YOU MEAN?

16 Q I AM JUST SAYING SOMEBODY WHO IS A  
17 RESIDENT AND NOT A CITIZEN HAS LESSER RIGHTS. CORRECT?

18 A NO.

19 Q OKAY. SO WHY DO YOU DISTINGUISH BETWEEN  
20 SOMEBODY WHO IS A CITIZEN AND JUST A RESIDENT?

21 MS. PHILIPS: OBJECTION. MISSTATES HIS  
22 TESTIMONY.

23 THE COURT: OVERRULED.

24 GO AHEAD.

25 THE WITNESS: BECAUSE HE WAS THROWING CARDS DOWN.

26 Q BY MR. AMSTER: SO BECAUSE HE'S THROWING  
27 CARDS DOWN, HE'S NOT A CITIZEN IN YOUR MIND?

28 A NO. HE IS A PERPETRATOR.

1           Q           HE'S A PERPETRATOR. SO BECAUSE HE'S  
2   THROWING CARDS DOWN, HE HAS LESSER RIGHTS THAN OTHER  
3   INDIVIDUALS IN YOUR MIND?

4           A           NO ONE HAS LESSER RIGHTS THAN ANY OTHER  
5   INDIVIDUAL. JUST HE'S SUPERSEDED OTHER PEOPLE'S RIGHTS.

6           Q           OKAY.

7           A           I AM ALSO A RESIDENT OF THIS CITY.

8           Q           OKAY. BUT MY QUESTION GOES BACK TO WHY  
9   DON'T YOU FEEL THAT HE'S A CITIZEN AND HAS A JOINT RIGHT  
10  TO THAT STREET?

11          A           HE IS A CITIZEN, AND HE HAS JOINT RIGHTS,  
12  BUT HE MAY NOT EXERCISE MY RIGHTS. THAT WAS MY STREET  
13  TOO.

14          Q           OKAY. SO YOU FEEL THAT SINCE HE'S  
15  INTERFERING WITH YOUR RIGHTS, YOU HAVE THE RIGHT TO DO  
16  SOMETHING ABOUT IT?

17          A           I HAVE NO RIGHT TO DO ANYTHING ABOUT IT  
18  EXCEPT TO TELL HIM STOP DROPPING THE CARDS.

19          Q           AND THAT MEANS THAT YOUR PROPER ACTION WAS  
20  NOT GOING TO THE POLICE. CORRECT?

21          A           AT THAT TIME, YES.

22          MR. AMSTER: OKAY. NOTHING FURTHER.

23                       HOLD ON A SECOND.

24          THE COURT: I'M SORRY?

25          MR. AMSTER: ONE SECOND.

26          THE COURT: YES.

27

28                       (COUNSEL CONFERS WITH CLIENT.)



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Q BY MR. AMSTER: AT THE TIME WHEN YOU LEFT  
THE CARDS ON HIS PATIO AND HE APPROACHED YOU, WAS HE  
TRYING TO TALK TO YOU?

A HE DID NOT APPROACH ME. HE WALKED BY ME.  
MS. PHILIPS: OBJECTION. CALLS FOR SPECULATION.  
THE COURT: OVERRULED.

Q BY MR. AMSTER: DID HE -- SO HE WALKED BY  
YOU?

A CORRECT.

Q QUICKLY?

A YES.

Q OKAY. AND SO ONLY MOMENTARILY WERE THE  
TWO OF YOU COMMUNICATING?

A WE DID NOT COMMUNICATE.

Q OKAY. AND -- OKAY. WAS HE TRYING TO TALK  
TO YOU?

MS. PHILIPS: OBJECTION. VAGUE AS TO TIME.

THE WITNESS: YOU WANT ME TO GUESS?

THE COURT: OVERRULED.

Q BY MR. AMSTER: DID YOU OBSERVE -- DID YOU  
HEAR ANY SOUNDS THAT CAME FROM HIS MOUTH THAT SOUNDED  
LIKE HE WAS TRYING TO EXPLAIN HIMSELF TO YOU?

A NO.

Q OKAY. DID YOU HEAR ANY SOUNDS COMING FROM  
HIS MOUTH THAT YOU CUT HIM OFF AND STARTED TALKING?

A NO.

Q SO THIS ENCOUNTER AFTER THE -- AFTER THE

1 PATIO WAS VERY BRIEF AND QUICK?

2 A IT WAS IMPOSSIBLY BRIEF AND QUICK.

3 MR. AMSTER: THANK YOU. NOTHING FURTHER.

4 THE COURT: ANY FURTHER REDIRECT?

5 MS. PHILIPS: YES.

6

7 REDIRECT EXAMINATION

8 BY MS. PHILIPS:

9 Q SIR, WHEN MR. AMSTER WAS ASKING YOU  
10 QUESTIONS REGARDING WHERE SPECIFICALLY THE CARDS WERE  
11 DROPPED, YOU SAID YOU DIDN'T RECALL EXACTLY WHERE ON THE  
12 PATIO THAT OCCURRED, SIR. IS THAT CORRECT?

13 A I DID NOT RECALL EXACTLY WHERE.

14 MS. PHILIPS: I AM APPROACHING, YOUR HONOR, WITH  
15 WHAT'S BEEN MARKED PEOPLE'S 3, 4, 5, AND 6.

16

17 (PEOPLE'S EXHIBITS 3, 4, 5, AND 6 WERE  
18 MARKED FOR IDENTIFICATION.)

19

20 Q BY MS. PHILIPS: SIR, YOU PREVIOUSLY  
21 TESTIFIED THAT WHEN THE POLICE ARRIVED --

22 THE COURT: THOSE ARE ALL PHOTOGRAPHS?

23 MS. PHILIPS: YES, YOUR HONOR.

24 THE COURT: GO AHEAD.

25 Q BY MS. PHILIPS: YOU TESTIFIED THAT WHEN  
26 YOU CALLED THE POLICE ON THE DATE OF THE INCIDENT, THEY  
27 ARRIVED?

28 A YES.

1 Q AND YOU SPOKE WITH THEM?

2 A YES.

3 Q AND DID YOU DIRECT THEM TO THE DEFENDANT'S  
4 APARTMENT, UNIT NUMBER 18?

5 A I DID.

6 Q I AM SHOWING YOU WHAT'S BEEN MARKED AS  
7 PEOPLE'S 3 FOR IDENTIFICATION.

8 SIR, CAN YOU HAVE A LOOK AT THAT PHOTO FOR  
9 ME.

10 A OKAY.

11 Q DO YOU RECOGNIZE WHAT IS DEPICTED IN THAT  
12 PHOTO?

13 A I DO.

14 Q WHAT IS DEPICTED, SIR?

15 A WELL, THE NUMBER 18 WHICH HAPPENS TO BE  
16 HIS UNIT.

17 Q AND NOW I AM GOING TO SHOW YOU WHAT'S BEEN  
18 MARKED AS PEOPLE'S 4 FOR IDENTIFICATION. DO YOU  
19 RECOGNIZE WHAT IS DEPICTED IN THAT PHOTO?

20 A YES, I DO.

21 Q AND LET ME BACK UP FOR A MOMENT.

22 WHEN THE OFFICERS ARRIVED ON THE DATE IN  
23 QUESTION, DID YOU ESCORT THEM TO THE DEFENDANT'S UNIT?

24 A NO.

25 Q DID YOU POINT OUT WHERE IT WAS?

26 A YES.

27 Q OKAY. AND DOES THE PHOTOGRAPH -- DOES  
28 WHAT IS DEPICTED IN WHAT YOU ARE HOLDING IN YOUR HAND,

1 PEOPLE'S 4 FOR IDENTIFICATION, DOES THAT LOOK ABOUT WHAT  
2 IT -- WHAT THE DEFENDANT'S PATIO LOOKED LIKE THE DATE OF  
3 THE INCIDENT?

4 A YES. IT DOES.

5 Q AND DO YOU SEE ANY BUSINESS CARDS ON THAT  
6 PATIO TABLE?

7 A THERE ARE A WHOLE BUNCH ON THERE. THAT  
8 MUST BE WHERE I PUT THEM.

9 Q DOES THAT LOOK LIKE APPROXIMATELY THE  
10 NUMBER OF CARDS THAT YOU PICKED UP ON THAT DATE?

11 A YES.

12 Q I AM SHOWING YOU WHAT'S BEEN MARKED AS  
13 PEOPLE'S 5 FOR IDENTIFICATION.

14 A THESE ARE THEY.

15 Q AND BY THAT, YOU MEAN WHAT, SIR?

16 A THESE ARE KEVIN PERELMAN'S CARDS.

17 Q AND I AM SHOWING YOU WHAT'S BEEN MARKED AS  
18 PEOPLE'S 6.

19 DO YOU RECOGNIZE WHAT IS DEPICTED IN THAT  
20 PHOTO?

21 A YEAH. THESE ARE THE CARDS I BROUGHT BACK.

22 Q AND THAT LOOKS LIKE AN ACCURATE DEPICTION?

23 A YEP.

24 Q THANK YOU, SIR.

25 THE OTHER TWO TIMES PRIOR TO THIS INCIDENT  
26 THAT YOU CONTACTED THE DEFENDANT REGARDING HIM DROPPING  
27 HIS CARDS, DID ANY OF THOSE RESULT IN THE DEFENDANT  
28 THREATENING YOU?

1 A NO.

2 Q DID HE COMMIT ANY CRIMES ON THOSE DATES?

3 A NO.

4 MR. AMSTER: OBJECTION. CALLS FOR SPECULATION.

5 THE COURT: OVERRULED.

6 Q BY MS. PHILIPS: SO ON THOSE PRIOR  
7 INCIDENTS, WHY IS IT THAT YOU CHOSE NOT TO CALL THE  
8 POLICE?

9 A I FELT THAT IT WAS ENOUGH TO TELL HIM TO  
10 STOP DOING IT.

11 Q THANK YOU.

12 AND WHEN MR. AMSTER WAS ASKING YOU  
13 QUESTIONS, SIR, YOU INDICATED THAT IN THOSE OTHER TIMES  
14 THE DEFENDANT NEVER STEPPED BACK AWAY FROM YOU OR  
15 APPEARED TO BE IN FEAR. IS THAT CORRECT?

16 A NO. WOULD WHY HE?

17 Q I APOLOGIZE FOR BEING RUDE, BUT, SIR, HOW  
18 OLD ARE YOU?

19 A 75.

20 Q AND YOU INDICATED THAT YOU ARE DISABLED,  
21 SIR?

22 A 100 PERCENT.

23 Q AND WHAT DOES THAT MEAN, SIR?

24 A THAT MEANS THAT THE VA HAS LABELED ME AS  
25 100 PERCENT DISABLED.

26 Q AND, AGAIN, WITHOUT GETTING INTO TOO MANY  
27 SPECIFICS, IS IT PHYSICAL DISABILITY?

28 A MENTAL AND PHYSICAL. COMBINED.

1 Q AND PHYSICALLY SPEAKING, WOULD YOU  
2 DESCRIBE THE DEFENDANT AS BIGGER THAN YOU?

3 A DEFINITELY.

4 Q DID YOU THINK HE WAS PROBABLY STRONGER  
5 THAN YOU?

6 A YES.

7 Q DID YOU THINK THAT HE WAS PROBABLY CAPABLE  
8 OF CARRYING OUT THE THREAT THAT HE MADE AGAINST YOU?

9 A OF COURSE.

10 Q IS THAT THE REASON WHY, ON THIS PARTICULAR  
11 OCCASION, YOU DID DECIDE TO CALL THE POLICE?

12 A YES.

13 Q WITH REGARD TO THE NEIGHBOR THAT YOU WERE  
14 SPEAKING TO WHEN THE DEFENDANT APPROACHED YOU AND ASKED  
15 IF YOU HAD DONE THAT, IS THAT NEIGHBOR ALSO AN OLDER  
16 PERSON?

17 A OLDER THAN ME, WHICH IS HARD.

18 Q SIR, WHEN MR. AMSTER WAS ASKING YOU ABOUT  
19 WHETHER YOU FEEL THAT THE DEFENDANT HAS LESSER RIGHTS,  
20 DO YOU FEEL THAT HE HAS LESSER RIGHTS THAN ANYBODY?

21 A NO.

22 Q DO YOU FEEL HE HAS MORE RIGHTS THAN  
23 ANYONE?

24 A HE HAS NO MORE RIGHTS THAN ANYONE.

25 MS. PHILIPS: THANK YOU. NOTHING FURTHER.

26 THE COURT: ANY FURTHER RECROSS?

27 MR. AMSTER: YES, YOUR HONOR.

28 THE COURT: GO AHEAD.

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RECROSS-EXAMINATION

BY MR. AMSTER:

Q SIR, I AM PUTTING EXHIBIT 4 IN FRONT OF  
YOU.

A YES.

Q NOW IS THAT MR. PERELMAN'S PATIO?

A THAT IS -- THAT IS MR. PERELMAN'S PATIO  
OUTSIDE HIS UNIT, THE ONE OWNED BY HOA.

Q OKAY. AND THAT IS THE -- AND THAT IS THE  
PATIO WHERE YOU PUT THE CARDS?

A IT IS CERTAINLY THE PATIO WHERE I PUT THE  
CARDS.

Q OKAY. AND DID YOU WALK ONTO THE PATIO OR  
DID YOU REACH OVER, I GUESS, THE --

A I WALKED ON THE PATIO. REMEMBER? I RANG  
HIS DOORBELL. I KNOCKED ON HIS DOOR. I RANG HIS  
DOORBELL. I KNOCKED ON HIS DOOR, AND THEN I PLACED  
THEM.

Q OKAY. I AM NOW PLACING IN FRONT OF YOU  
EXHIBIT 6. DO YOU SEE EXHIBIT 6?

A I DO.

Q DOES THAT -- ON THERE ARE BUSINESS CARDS  
ON A TABLE?

A THAT IS BUSINESS CARDS OF MR. PERELMAN ON  
THE TABLE OF MR. PERELMAN.

Q OKAY. DOES THAT LOOK LIKE HOW YOU PLACED  
THE BUSINESS CARDS THERE?



1 A I THINK SO.

2 Q OKAY. WELL, DO YOU HAVE A MEMORY OF  
3 PLACING THE BUSINESS CARDS ON THE TABLE OR NOT?

4 A NOT REALLY. SORRY.

5 Q OKAY. SO --

6 A I KNOW I PUT THEM SOME PLACE.

7 Q SO YOU DON'T HAVE A TRUE MEMORY OF EXACTLY  
8 WHERE YOU PUT THEM?

9 A NO.

10 Q OKAY. AND -- ALL RIGHT. NOW YOU STATED  
11 THAT YOU HAVE -- YOU HAVE BEEN DIAGNOSED WITH MENTAL AND  
12 PHYSICAL DISABILITY BY THE VETERAN'S ADMINISTRATION?

13 A CORRECT.

14 Q TELL ME ABOUT THE MENTAL.

15 A PTSD.

16 Q DOES THAT CAUSE YOU AT TIMES TO  
17 HALLUCINATE?

18 A NO.

19 Q OKAY. TO POSSIBLY RELIVE THINGS?

20 A SAY -- I HAVE A HEARING PROBLEM BECAUSE OF  
21 THE WAR.

22 Q PTSD, DOES THAT CAUSE YOU TO BE  
23 OVEREMOTIONAL AT TIMES?

24 A YES.

25 Q OKAY. NOT IN CONTROL OF YOURSELF.  
26 CORRECT?

27 A NO.

28 Q OKAY. WELL --

1           A           I'M TAKING ANGER MANAGEMENT AND I'M IN  
2 CLASSES AT THE -- SO I HAVE IT UNDER CONTROL.

3           Q           SO YOU ARE TAKING ANGER MANAGEMENT CLASSES  
4 BECAUSE YOU ARE PTSD?

5           A           UH-HUH.

6           Q           YES?

7           A           YES.

8           Q           WHEN DID YOU START THESE ANGER MANAGEMENT  
9 CLASSES?

10          A           PROBABLY ABOUT FOUR YEARS AGO.   MAYBE --  
11 NO.   I STARTED IT ABOUT -- SINCE 2012.

12          Q           OKAY.   AND YOU ARE STILL GOING TO THEM.  
13 CORRECT?

14          A           I AM.

15          MR. AMSTER:   OKAY.   NOTHING FURTHER.

16          THE COURT:   ANY FURTHER REDIRECT?

17          MS. PHILIPS:   NO, YOUR HONOR.

18          THE COURT:   SIR, THANK YOU VERY MUCH.   YOU ARE  
19 EXCUSED.

20                       DON'T DISCUSS YOUR TESTIMONY WITH ANY  
21 OTHER WITNESSES.   YOU ARE FREE TO LEAVE.

22          THE WITNESS:   I WILL NOT.

23          THE COURT:   THANK YOU.

24          THE WITNESS:   I AM LEAVING AND GOING HOME.

25          THE COURT:   THANK YOU.

26                       ANY OTHER WITNESSES?

27          MS. PHILIPS:   NOT UNTIL 1:30, YOUR HONOR.

28          THE WITNESS:   HAVE A NICE DAY.

1 THE COURT: THANK YOU.

2 LADIES AND GENTLEMEN, WE'RE GOING TO  
3 ADJOURN AT THIS TIME AND COME BACK AT 1:45. 1:45.

4 REMEMBER THE ADMONISHMENT. DON'T FORM OR  
5 EXPRESS AN OPINION ABOUT THE CASE. DON'T DO RESEARCH  
6 ABOUT THE CASE.

7 AND I WILL SEE EVERYBODY BACK AT 1:45.

8 YOU CAN PLEASE LEAVE YOUR NOTEBOOKS ON THE  
9 CHAIR. DON'T TAKE THEM WITH YOU.

10

11 (OUTSIDE THE PRESENCE OF THE JURY:)

12

13 THE COURT: ALL RIGHT. RECORD SHOULD REFLECT ALL  
14 OF THE JURORS HAVE LEFT. AND THE ALTERNATES HAVE LEFT.

15 YOU WANTED TO MAKE A MOTION?

16 MR. AMSTER: MOTION FOR MISTRIAL, YOUR HONOR. I  
17 THINK SHOWING OF THE CAP WAS --

18 THE COURT: GO AHEAD. I'M JUST MAKING SURE HE  
19 DIDN'T LEAVE THE CAP.

20 MR. AMSTER: OKAY.

21 THE COURT: YOU THINK THE SHOWING OF THE CAP  
22 WAS --

23 MR. AMSTER: I THINK IT WAS PREJUDICIAL. IT DID  
24 NOT HAVE TO OCCUR.

25 YOU KNOW WHAT? OKAY.

26 THE COURT: I DON'T THINK IT'S PREJUDICE. IN  
27 FACT, IT HELPED YOU EVENTUALLY FLESH OUT THE FACT THAT  
28 HE HAS PTSD.

1 MR. AMSTER: IN GOOD FAITH, AT THE TIME I DID NOT  
2 KNOW I WAS GOING TO GET THERE WHEN I MADE THE MOTION.  
3 SO I WITHDRAW THE MOTION BECAUSE I DID GET THERE, AND IT  
4 WOULD HAVE GOTTEN OUT.

5 THE COURT: SO NOTED.

6 ANYTHING ELSE?

7 THE CASE ON THE FIRST AMENDMENT AND  
8 BUSINESS CARDS OR FLIERS IS *KLEIN VERSUS THE CITY OF*  
9 *SAN CLEMENTE* WHICH IS 9TH CIRCUIT CASE. IT'S 584 F.3RD  
10 1196. IT JUST DEALS WITH THE CONSTITUTIONALITY OF THE  
11 SAN CLEMENTE MUNICIPAL CODES, PROHIBITION AGAINST  
12 SOLICITATION. IT'S A GOOD READ. I DON'T KNOW IF IT  
13 APPLIES IN THIS CASE. HERE, IT'S BEEN ESTABLISHED  
14 ALLEGATIONS RELATING TO BUSINESS CARDS BEING THROWN OUT  
15 OF A CAR OR LEFT IN DIFFERENT PLACES AND NOT NECESSARILY  
16 PLACED ON WINDSHIELDS OF CARS. I DON'T THINK WE'VE  
17 GOTTEN TO THAT. THERE MIGHT HAVE BEEN MENTION OF THAT.  
18 TO THE EXTENT THAT THAT FACTUAL SCENARIO  
19 ARISES AND THERE NEEDS TO BE FURTHER LEGAL DISCUSSION  
20 ABOUT THE FIRST AMENDMENT PROTECTION, THAT CASE  
21 ADDRESSES IT.

22 MR. AMSTER: IF I MAY, YOUR HONOR, I DID DO SOME  
23 FURTHER RESEARCH LAST NIGHT. IT'S ON MY FLASH DRIVE. I  
24 CAN ADDRESS IT NOW IN A SECOND.

25 THE COURT: SURE.

26 MR. AMSTER: OKAY.

27 THE COURT: WHAT IS IT ABOUT?

28 MR. AMSTER: WELL, OKAY. LET'S START HERE. THE

1 SECTION I FOUND ON THE MUNICIPAL CODE, FIRST OF ALL,  
2 THAT WE'RE DEALING WITH, THE 28.001, IS UNDERNEATH THE  
3 MUNICIPAL CODE SECTION FOR ADVERTISING.

4 OKAY. SO THE SECTION OF THE MUNICIPAL  
5 CODE THAT TALKS ABOUT -- IT'S ALL ABOUT ADVERTISING.  
6 THEN AT LEAST THE MUNICIPAL CODE I WAS LOOKING AT GOES  
7 INTO HANDBILLS DISTRIBUTION. AND THE FOOTNOTES ATTACHED  
8 TO IT SAYS THE FOLLOWING: "THE FREEDOM OF PRESS  
9 GUARANTEED BY THE FIRST AMENDMENT OF THE FEDERAL  
10 CONSTITUTION AND MADE APPLICABLE TO THE STATES BY THE  
11 14TH AMENDMENT HAS NO APPLICATION TO THE DISTRIBUTION OF  
12 HANDBILLS ON THE STREETS FOR PURELY COMMERCIAL  
13 ADVERTISING."

14 IT CITES *VALENTINE VERSUS CHRESTENSEN*,  
15 316 U.S. 52. THEN *JAMISON VERSUS TEXAS*, 318 U.S. 413;  
16 *MURDOCK VERSUS PENNSYLVANIA*, 319 U.S. 105. IT ALSO  
17 SAYS, "THE RULE AS REGARDS PURELY COMMERCIAL ADVERTISING  
18 IS THE SAME UNDER ARTICLE 1, SECTION 9 OF THE CALIFORNIA  
19 CONSTITUTION." AND IT CITES IN RE PORTFILL WHICH I CAN  
20 GO ON FURTHER.

21 AND THEN IT TALKS ABOUT A CITY ORDINANCE  
22 MAKING IT "UNLAWFUL TO DEPOSIT ADVERTISING MATERIAL IN  
23 OR ON MOTOR VEHICLES PARKED ON A STREET DOES NOT VIOLATE  
24 THE CONSTITUTIONAL GUARANTEES OF FREEDOM OF SPEECH OF  
25 THE PRESS AND DOES NOT CONSTITUTE AN ARBITRARY AND  
26 UNREASONABLE RESTRAINT ON THE CONDUCT OF A LAWFUL  
27 BUSINESS."

28 AND IT CITES ANOTHER CASE ORDINANCE

1 READING -- ADVERTISING MATERIAL.

2 MY WHOLE POINT IS THIS IS TALKING ABOUT  
3 COMMERCIAL SPEECH. AND UNLESS THE PEOPLE CAN SHOW THAT  
4 IN ANY WAY THIS IS RELATED TO BUSINESS, THIS IS NOT WHAT  
5 THE STATUTE WAS ENACTED FOR. AND THAT IS WHY WE KEEP  
6 SAYING -- IT CANNOT BE USED FOR THE PURPOSE THEY'RE  
7 USING IT FOR, AND LITTERING IS NOT A PUBLIC NUISANCE  
8 BECAUSE THE U.S. SUPREME COURT CASES BASICALLY SAID THAT  
9 LITTERING IS -- THE PICKING UP OF TRASH IS ONE OF THE  
10 THINGS THAT THE GOVERNMENT HAS TO DO IN RELATION TO THE  
11 FREEDOM OF PRESS. WE'RE JUST TAKING A VERY STRONG  
12 POSITION THAT THE STATUTE WAS DESIGNED TO ONLY DEAL WITH  
13 COMMERCIAL PURPOSES, AND THAT WAS HOW IT HAS ESCAPED ANY  
14 CONSTITUTIONAL CHALLENGE.

15 SO THE CITY ATTORNEY'S OFFICE, MICHAEL  
16 FEUER, WHO CONSIDERS HIMSELF, I THINK, A FIRST AMENDMENT  
17 ADVOCATE IS NOW UTILIZING THIS STATUTE FOR A PURPOSE  
18 THAT IT WAS NOT INTENDED FOR TO RESTRAIN THE FREEDOM OF  
19 PRESS. AND I JUST HOPE THAT HE HAS BEEN PERSONALLY  
20 COMMUNICATED ON THIS BECAUSE I AM NOT SO SURE HE WOULD  
21 AGREE TO IT.

22 MS. PHILIPS: I DON'T APPRECIATE THE VEILED  
23 THREAT, BUT I WILL ADDRESS THE ISSUE.

24 THE ISSUE HERE, YOUR HONOR, IS, FIRST OF  
25 ALL, IF IT'S AS COUNSEL SUGGESTS WHAT IS AN UNAUTHORIZED  
26 ABRIDGEMENT OF THE FIRST AMENDMENT RIGHT IS ANY  
27 REGULATION THAT IS NOT CONTENT NEUTRAL. HAD THIS BEEN  
28 WRITTEN ONLY TO PROHIBIT COMMERCIAL SPEECH, IT WOULD

1 HAVE LOST CONTENT NEUTRALITY, AND IT WOULD HAVE FAILED  
2 ON CONSTITUTIONAL GROUNDS FOR THAT PURPOSE.

3 THIS IS A CONTENT-NEUTRAL STATUTE. IT HAS  
4 BEEN INTERPRETED BY CASE LAW, INCLUDING *KLEIN*, TO STATE  
5 THAT WHEN THERE IS A PURELY COMMERCIAL PURPOSE, THAT THE  
6 PROHIBITION IS OKAY AND THAT FIRST -- THOSE PROTECTIONS  
7 DO NOT APPLY.

8 AND AS I INDICATED TO THE COURT, I DO  
9 BELIEVE THERE IS GRAY AREA AS IT PERTAINS TO SOMETHING  
10 THAT ISN'T PURELY COMMERCIAL AS IT IS IN THIS CASE.

11 DOES MR. PERELMAN HAVE A PURPOSE TO DIRECT  
12 PEOPLE TO HIS WEB SITE SO THEY CAN READ HIS VARIOUS  
13 CONSPIRACY THEORIES? YES. IS IT TRUE THAT IF ENOUGH  
14 PEOPLE ARE DRIVEN TO A WEB SITE THERE IS A COMMERCIAL  
15 PURPOSE AND THERE CAN BE ADVERTISING AND OTHER FINANCIAL  
16 GAIN TO BE HAD FROM THAT? YES. DOES MR. PERELMAN KNOW  
17 THAT BEING A COMPUTER EXPERT? I SUSPECT YES. IS THAT  
18 GRAY AREA IN THE LAW? I CONCEDED THAT FROM THE GET-GO.

19 WHERE I COMPLETELY DISAGREE WITH COUNSEL  
20 IS AS IT PERTAINS TO 28.01.1. THAT DEALS NOT WITH THE  
21 PLACEMENT OF CARDS ON VEHICLES BUT DEALS WITH DROPPING  
22 AND DEPOSITING ANY HANDBILLS ON ANY STREETS, SIDEWALK,  
23 OR PARK.

24 I WOULD POINT OUT TO THE COURT THAT IN  
25 THAT LAMC SECTION THERE IS NO -- NO FOOTNOTE, NOT WITH  
26 REGARD TO ANY CASE OR ANYTHING ELSE. THAT IS STRICTLY  
27 PROHIBITED BEHAVIOR. THAT DOES NOT GET FIRST AMENDMENT  
28 PROTECTION.



1 THE CASES THAT I CITED TO THE COURT AND  
2 THAT THE COURT REFERENCED TO YESTERDAY, *SCHNEIDER* AND  
3 THE SECOND CASE, BOTH SPECIFICALLY STATE THAT THE  
4 SUPREME COURT HAS HELD THAT STATES DO HAVE AN INTEREST  
5 IN PROTECTING AGAINST LITTERING. AND THE WAY TO ENFORCE  
6 THAT IS NOT TO CURTAIL DISTRIBUTION BUT, ON THE  
7 CONTRARY, TO ENACT LAWS AGAINST LITTERING WHERE PEOPLE  
8 ACTUALLY DROP CARDS. AND THAT IS EXACTLY WHAT THE  
9 DEFENDANT IS ACCUSED OF. THAT'S EXACTLY WHAT THE  
10 EVIDENCE SHOWS.

11 IT'S NOT THAT HE DISTRIBUTED THEM, OTHERS  
12 DROPPED THEM, HE FAILED TO PICK THEM UP, OR THE OTHER  
13 FACTUAL SCENARIOS. NOR IS THIS A STATUTE THAT  
14 PROHIBITED DISTRIBUTION IN AN EFFORT TO CURTAIL  
15 LITTERING. NO. THIS IS DIRECTLY A LITTERING STATUTE  
16 THAT IS EXACTLY WHAT THE SUPREME COURT SAID THE STATE  
17 COULD AND SHOULD DO TO PROHIBIT THE LITTERING. AND THAT  
18 IS TO PUNISH THE LITTERER. IN THIS CASE, THE DEFENDANT.

19 MR. AMSTER: IF I MAY, YOUR HONOR?

20 THE COURT: LET ME DO THIS. I AM GOING TO CALL A  
21 FEW MORE CASES. WE HAVEN'T REACHED THE END OF THE  
22 ARGUMENT.

23 READ THE CASE THAT I CITED, *KLEIN VERSUS*  
24 *CITY OF SAN CLEMENTE*. AND THEN THE OTHER CASE THAT I  
25 WAS EXAMINING WAS A CASE THAT TALKED ABOUT HOW APPELLATE  
26 COURTS ANALYZE THE FIRST AMENDMENT ISSUE LATER ON; *IN RE*  
27 *GEORGE T.*, 33 CAL 4TH AT 620.

28 SO ESSENTIALLY WE HAVE COMMERCIAL AND

1 NON-COMMERCIAL SPEECH. WE HAVE WHAT PEOPLE HAVE  
2 CHARACTERIZED AS PLACING THEM ON WINDSHIELDS. AND WHAT  
3 PEOPLE HAVE CHARACTERIZED AS THROWING THEM ON THE  
4 GROUND, THROWING THEM OUT OF A CAR. THESE ARE ALL  
5 DIFFERENT FACTORS THAT GO INTO THE ANALYSIS. BUT THOSE  
6 TWO CASES READ TOGETHER GIVE US AN IDEA HOW WE'RE GOING  
7 TO APPROACH IT HERE. AND THEN WE WILL HAVE MORE  
8 DISCUSSION LATER.

9 SEE EVERYBODY AT 1:45.

10 MR. AMSTER: IF I CAN JUST DO ONE THING. THERE  
11 IS NO VEILED THREAT. I DON'T PLAN ON SAYING ANYTHING  
12 ABOUT THIS PROSECUTOR TO MICHAEL FEUER AT ANY TIME. I  
13 NEVER PLANNED TO.

14 MS. PHILIPS: PLEASE DO.

15 THE COURT: SO NOTED. SO NOTED.

16 THANK YOU. 1:45.

17 (THE NOON RECESS WAS TAKEN.)  
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28

1 CASE NUMBER: 7VW05190-01/7VW04099-01  
2 CASE NAME: PEOPLE VS. KEVIN PERELMAN  
3 VAN NUYS, CALIFORNIA WEDNESDAY, MAY 16, 2018  
4 DEPARTMENT 113 HON. ERIC HARMON, JUDGE  
5 REPORTER: HILDA GUTIERREZ, CSR 12714, RPR  
6 APPEARANCES: (AS HERETOFORE MENTIONED)  
7 TIME: 1:54 P.M.  
8

9 (THE FOLLOWING PROCEEDINGS WERE  
10 HELD IN OPEN COURT:)  
11

12 THE COURT: BRING THE WITNESS IN?

13 MS. PHILIPS: YES.

14 THE COURT: WELCOME BACK, LADIES AND GENTLEMEN.

15 ALL OF THE JURORS ARE HERE. THE  
16 DEFENDANT, MR. PERELMAN, IS HERE. MR. AMSTER IS HERE.  
17 THE PROSECUTOR IS IN THE HALLWAY. SHE'S COMING IN NOW  
18 WITH THE WITNESS.

19 WOULD YOU LIKE TO CALL ANOTHER WITNESS?

20 MS. PHILIPS: YES, YOUR HONOR. THANK YOU.

21 THE PEOPLE CALL BRITTANY DUFFY.

22 THE COURT: ALL RIGHT. MA'AM, STEP FORWARD.  
23

24 BRITTANY DUFFY,  
25 HAVING BEEN CALLED TO THE STAND, WAS SWORN AND TESTIFIED  
26 AS FOLLOWS:

27 THE CLERK: MA'AM, WOULD YOU PLEASE RAISE YOUR  
28 RIGHT HAND.

1 STAND.

2 THE WITNESS: SORRY.

3 THE CLERK: THANK YOU.

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

8 THE WITNESS: I DO.

9 THE CLERK: THANK YOU.

10 PLEASE HAVE A SEAT IN THE WITNESS STAND.

11 MA'AM, IF YOU COULD STATE AND SPELL YOUR  
12 FIRST AND LAST NAME FOR THE RECORD, PLEASE.

13 THE WITNESS: FIRST NAME BRITTANY,  
14 B-R-I-T-T-A-N-Y; LAST NAME DUFFY, D-U-F-F-Y.

15 THE COURT: YOU MAY INQUIRE.

16 MS. PHILIPS: THANK YOU, YOUR HONOR.

17

18 DIRECT EXAMINATION

19 BY MS. PHILIPS:

20 Q GOOD AFTERNOON, MS. DUFFY.

21 A GOOD AFTERNOON.

22 Q I AM GOING TO START WITH SOME EASY  
23 QUESTIONS. ARE YOU FAMILIAR WITH THE AREA OF  
24 21620 BURBANK BOULEVARD IN WOODLAND HILLS?

25 A I AM.

26 Q AND HOW IS IT THAT YOU ARE FAMILIAR WITH  
27 THAT AREA?

28 A I USED TO LIVE RIGHT THERE ON BURBANK AND

1 OWENSMOUTH, IN THE MET APARTMENTS.

2 Q AND APPROXIMATELY WHEN DID YOU MOVE INTO  
3 THE MET APARTMENTS?

4 A THAT WAS DECEMBER 2016.

5 Q AND WHEN YOU MOVED IN SHORTLY THEREAFTER,  
6 DID YOU BEGIN TO NOTICE ANYTHING AROUND THE  
7 NEIGHBORHOOD?

8 A TRAILS OF CARDS, BUSINESS CARDS, AND THEY  
9 WOULD ALWAYS BE FACE DOWN. AND I GOT CURIOUS, AND I  
10 PICKED ONE UP, AND I SAW THE KEVIN PERELMAN SPIEL THAT  
11 IT SAYS, AND HE WOULD LITERALLY LEAVE TRAILS OF THEM  
12 AROUND THE BLOCK. I WOULD TAKE THE BUS TO WORK EVERY  
13 DAY. SO IT WOULD BE ALL ALONG MY COMMUTE, ALL ALONG THE  
14 CARS. EVERY DAY.

15 Q AND WHAT WOULD THAT -- WOULD THAT BE  
16 DURING THE TIME FRAME OF ROUGHLY MARCH 2017 THROUGH  
17 MARCH 2018?

18 A I MOVED OUT OF THE AREA IN JULY OF 2017.  
19 SO I CAN'T SPEAK ANYTHING PAST THAT.

20 Q SO THEN FROM MARCH 2017 UNTIL YOU MOVED  
21 OUT, HOW FREQUENTLY WOULD YOU SEE THE CARDS?

22 A ALMOST EVERY DAY. IF I NOTICED A DAY OR  
23 TWO WENT BY WITHOUT CARDS, I, KIND OF, LIKE, "WHOA.  
24 WHERE IS KEVIN? IS HE OKAY?"

25 Q HOW MANY CARDS WOULD YOU OBSERVE WHEN YOU  
26 DID SEE THEM?

27 A I WANT TO SAY -- ON MY WALK FROM MY  
28 DOORSTEP TO THE BUS STOP, I WANT TO SAY MAYBE 40 TO 60.

1 MAYBE MORE.

2 Q AND HOW LONG WOULD THAT WALK BE FROM YOUR  
3 DOORSTEP TO THE BUS STOP?

4 A UNDER HALF A MILE.

5 Q AND WHAT, IF ANYTHING, WOULD YOU DO WHEN  
6 YOU SAW THESE CARDS?

7 A AT FIRST I JUST BRUSHED OFF AND DIDN'T DO  
8 ANYTHING. AFTER A WHILE, I STARTED PICKING THEM UP  
9 BECAUSE IT'S A PUBLIC NUISANCE.

10 MR. AMSTER: OBJECTION. CALLS FOR A CONCLUSION.

11 THE WITNESS: I GOT TIRED OF LOOKING AT THEM.

12 THE COURT: SUSTAINED.

13 THE WITNESS: SO I WOULD START PICKING THEM UP.  
14 AND I ALSO WENT A LITTLE VIGILANTE AND TOOK THEM OFF  
15 CARS PARKED ALONG THE STREET.

16 THE COURT: HIS OBJECTION IS NON-RESPONSIVE.  
17 YES?

18 MR. AMSTER: I AM NOT GOING TO MAKE AN OBJECTION.  
19 I THINK THE NEXT QUESTION WILL BRING IT IN.

20 THE COURT: ALL RIGHT. THE ANSWER REMAINS.

21 THE WITNESS: SORRY.

22 Q BY MS. PHILIPS: OKAY. SO IN THAT TIME  
23 PERIOD, APPROXIMATELY HOW MANY CARDS DID YOU COLLECT?

24 A AT LEAST OVER A HUNDRED.

25 Q WHAT, IF ANYTHING, DID YOU DO WITH THOSE  
26 CARDS?

27 A I THREW THEM AWAY.

28 Q WHY DID YOU PICK THEM UP?

1 MR. AMSTER: OBJECTION. RELEVANCE.

2 THE COURT: OVERRULED.

3 THE WITNESS: TRYING TO CLEAN UP THE COMMUNITY.

4 IT WAS A MESS. LIKE IT WAS A NICE AREA I MOVED INTO.

5 AND THEN JUST SEEING ALL THE CARDS ALL OVER JUST BROKE

6 MY HEART A LITTLE BIT. IT'S AN EYESORE.

7 Q BY MS. PHILLIPS: IF YOU ARE AWARE, WOULD  
8 IT BE FAIR TO SAY THAT A MAJORITY OF YOUR NEIGHBORS FELT  
9 THE SAME WAY?

10 THE WITNESS: OH, YES.

11 MR. AMSTER: OBJECTION. CALLS FOR HEARSAY.

12 THE COURT: SUSTAINED.

13 MR. AMSTER: MOTION TO STRIKE.

14 THE COURT: SUSTAINED.

15 Q BY MS. PHILIPS: ARE YOU AWARE OF HOW YOUR  
16 NEIGHBORS FELT ABOUT THIS SITUATION?

17 A I CAN'T SAY PERSONALLY BECAUSE I DON'T  
18 KNOW THEM PERSONALLY BECAUSE I FELT --

19 MR. AMSTER: OBJECTION. OBJECTION AFTER I --

20 THE COURT: SUSTAINED.

21 NEXT QUESTION.

22 Q BY MS. PHILIPS: ALL RIGHT. SO YOU PICKED  
23 UP THESE CARDS BECAUSE YOU SAID YOU DIDN'T LIKE THE  
24 MESS. IS THAT CORRECT?

25 A RIGHT.

26 Q AND ON ANY OCCASION DID YOU CONTACT THE  
27 POLICE DEPARTMENT REGARDING THESE CARDS?

28 A NOT FORMALLY, BUT I DID CONTACT OFFICER



1 DINSE.

2 Q DINSE, D-I-N-S-E?

3 A ON FACEBOOK THROUGH A FRIEND. THEY SHOWED  
4 ME HIS FACEBOOK AND SAID I MIGHT WANT TO CONTACT HIM.

5 Q WAS IT YOUR UNDERSTANDING THAT OFFICER  
6 DINSE WAS THE SENIOR LEAD OFFICER FOR THAT AREA?

7 A I DID NOT KNOW THAT, BUT HE LET ME KNOW  
8 THAT HE HAD BEEN WORKING --

9 MR. AMSTER: OBJECTION. CALLS FOR HEARSAY.

10 THE COURT: SUSTAINED.

11 NEXT QUESTION.

12 Q BY MS. PHILIPS: WHAT WAS YOUR PURPOSE IN  
13 CONTACTING OFFICER DINSE ON HIS FACEBOOK PAGE?

14 A TO SEE IF THEY KNEW WHAT WAS GOING ON OR  
15 IF THERE WAS ANYTHING TO SOLVE THE SITUATION.

16 Q AND DID YOU ALSO PROVIDE ANY PHOTOGRAPHS  
17 TO OFFICER DINSE?

18 A I DID.

19 Q AND WERE THOSE PHOTOGRAPHS THAT YOU HAD  
20 PERSONALLY TAKEN?

21 A YES, SIR -- YES, MA'AM.

22 Q WHAT DID THEY DEPICT?

23 A I WOULD -- I MIGHT HAVE EVEN SENT A VIDEO  
24 OR TWO, BUT, LIKE, ME STANDING IN THE STREET, AND YOU  
25 CAN SEE A TRAIL OF CARDS OR A PILE OF CARDS OR A PILE OF  
26 CARDS ON THE SIDEWALK OR, YOU KNOW, SIDEWALK WITH A  
27 BUNCH OF CARDS OR CARS WITH A BUNCH OF CARDS.

28 Q BEAR WITH ME FOR JUST ONE MOMENT.

1           A           UH-HUH.

2           Q           I AM GOING TO SHOW YOU WHAT'S PREVIOUSLY  
3 BEEN MARKED PEOPLE'S 1 FOR IDENTIFICATION.

4                       DO YOU RECOGNIZE WHAT IS DEPICTED IN THAT  
5 PHOTO?

6           A           THAT IS THE BUSINESS CARDS THAT HE WOULD  
7 LITTER EVERYWHERE.

8           Q           HOW IS IT THAT YOU RECOGNIZE THAT  
9 PHOTOGRAPH?

10          A           I TOOK IT.

11          Q           IS THAT YOUR FINGER?

12          A           THAT IS MY FINGER.

13          Q           THAT IS YOUR THUMBNAIL?

14          A           MY THUMBNAIL.

15          Q           MYSTERY SOLVED.

16                      AND I AM SORRY. YOU SAID THESE WERE TWO  
17 OF THE CARDS THAT YOU PERSONALLY PICKED UP?

18          A           YES.

19          Q           AND THEN DID YOU EVER -- DID YOU EVER HAVE  
20 OCCASION TO ACTUALLY SEE MR. PERELMAN IN POSSESSION OF  
21 THE BUSINESS CARDS?

22          A           I HAD SEEN HIM PUTTING THEM ON CARS. AND  
23 THEN HE HAD THEM IN HIS POCKET, AND HE'D DROP THEM AS HE  
24 WAS WALKING. I HAD SEEN THAT ON A COUPLE OF OCCASIONS.  
25 YES.

26          Q           WAS THAT DURING THE TIME PERIOD OF MAY  
27 THROUGH JULY 2017?

28          A           YES, MA'AM.

1 Q WHEN YOU WERE TESTIFYING ABOUT HIM WITH  
2 THE CARDS, WERE YOU MOTIONING TO ME WHAT WAS THE POCKET  
3 AREA?

4 A HE -- YES. HE WOULD NORMALLY -- HE WAS  
5 WEARING LIKE A -- NOT A TRENCH COAT, BUT A VERY BIG  
6 OVERCOAT KIND OF DEAL. IT LOOKED LIKE HE HAD IT IN THE  
7 POCKETS OF THE COAT.

8 Q AND YOU ACTUALLY OBSERVED HIM REMOVE THE  
9 CARDS FROM THAT POCKET THAT YOU JUST DESCRIBED AND DROP  
10 THE CARDS?

11 A YES.

12 Q AND WHERE WERE YOU WHEN THIS HAPPENED?

13 A I WAS PARKED IN A VEHICLE ON THE STREET.

14 Q AND WHERE DID THE CARDS LAND?

15 A ON THE GROUND.

16 Q WOULD THAT BE ON THE PUBLIC STREET? ON THE  
17 SIDEWALK?

18 A SIDEWALKS.

19 Q AND DO YOU RECALL WHAT STREET THAT WAS?

20 A OWENSMOUTH. RIGHT PAST, I WANT TO SAY,  
21 BURBANK WHEN IT TURNS INTO A DEAD-END, CUL-DE-SACS.

22 Q HAVE YOU EVER SEEN MR. PERELMAN'S  
23 VEHICLES?

24 A YES. I HAVE ONLY SEEN THE ONE. I DON'T  
25 KNOW -- YOU SAID "VEHICLES." I DON'T KNOW "VEHICLES."

26 Q FAIR ENOUGH. WHICH VEHICLE HAVE YOU SEEN?

27 A IT WAS A BLUE SUV WITH HIS LOGO AND  
28 EVERYTHING ON THE SIDE. IT HAD A LICENSE PLATE THAT

1 SAID "SMEARED," AND THEN HE CHANGED IT TO "TARGETED."

2 Q AND WHILE WE ARE ON THE TOPIC, DO YOU SEE  
3 MR. PERELMAN IN COURT TODAY?

4 A I THINK THIS MIGHT BE HIM. IT'S ALWAYS  
5 BEEN DARK, AND HE'S BEEN -- HE WORE DISGUISES A COUPLE  
6 OF TIMES.

7 Q WHAT DO YOU MEAN BY THAT?

8 A ONE TIME I SAW HIM WEARING LIKE AN 80'S  
9 AFRO WIG AND THEN LIKE A CHINAMAN'S HAT.  
10 (DEMONSTRATING).

11 Q OKAY. ON THOSE TWO OCCASIONS, WHAT WAS HE  
12 DOING?

13 A I JUST SAW HIM WALKING, DOING HIS PATROL,  
14 AS I CALLED IT.

15 Q AND HOW MANY TIMES HAVE YOU -- WOULD YOU  
16 ESTIMATE THAT DURING THAT TIME FRAME, FROM MARCH TO JULY  
17 OF 2017, YOU OBSERVED HIM ON PATROL AS YOU MENTIONED?

18 A I WOULD SAY MAYBE SIX TIMES.

19 Q OF THOSE TIMES HOW MANY TIMES DID YOU SEE  
20 HIM DROPPING CARDS?

21 A HE SEEMED TO BE VERY DISCREET ABOUT IT. I  
22 ONLY SAW HIM ONCE OR TWICE.

23 MS. PHILIPS: THANK YOU. NO FURTHER QUESTIONS.

24 THE COURT: CROSS-EXAMINATION.

25

26 CROSS-EXAMINATION

27 BY MR. AMSTER:

28 Q GOOD AFTERNOON, MA'AM.

1           A           GOOD AFTERNOON.

2           Q           I AM PLACING IN FRONT OF YOU EXHIBIT A.  
3 DOES EXHIBIT A LOOK LIKE A CARD SIMILAR TO THE ONES THAT  
4 YOU DESCRIBED HERE THIS MORNING OR THIS AFTERNOON?

5           A           IT DID NOT HAVE ALL OF THIS DOWN HERE AT  
6 THE BOTTOM. IT JUST HAD THIS TOP PART.

7           Q           OKAY.

8           A           IT JUST HAD THE WEB SITE AND "GLOBAL  
9 EFFORT TO REMOVE ME FROM SOCIETY SINCE CHILDHOOD" OR  
10 SOMETHING LIKE THAT, BUT IT DID NOT HAVE THE BOTTOM  
11 PART.

12          Q           IT DIDN'T HAVE ANYTHING ELSE ON IT EXCEPT  
13 WHAT YOU JUST DESCRIBED?

14          A           YES. IT WAS PRETTY MUCH THIS.

15          Q           OKAY. SO DESCRIBING WHAT YOU ARE DOING  
16 BECAUSE WE DON'T HAVE A PICTURE --

17          A           OKAY. I'M SORRY. YES, IT DIDN'T HAVE THE  
18 "FOR DETAILED SITUATIONS, KEVINPERELMANTARGET.COM."  
19 THAT WAS LACKING ON THE CARDS THAT WAS PICKING UP.

20          Q           OKAY. NOW YOU SAID AT TIMES YOU WOULD SEE  
21 HIM DROP CARDS ON THE STREET. CORRECT?

22          A           YES, SIR.

23          Q           WAS THIS AROUND A PARK?

24          A           NO.

25          Q           OKAY. WAS IT -- WHAT STREETS? DO YOU  
26 REMEMBER?

27          A           I HAD SEEN HIM SPECIFICALLY ON OWENSMOUTH  
28 BY BURBANK WHERE THE MET APARTMENT CENTER IS.

1 Q OWENSMOUTH IS A STREET THAT IS WALKED ON  
2 BY MANY PEOPLE. CORRECT?

3 A YES.

4 Q OKAY. AND ALSO A LOT OF VEHICLE TRAFFIC  
5 AS WELL?

6 A YES.

7 Q PROBABLY KIND OF HARD TO PARK THERE AT  
8 TIMES?

9 A YES.

10 Q OKAY. AND ON BURBANK -- YOU SAID  
11 OWENSMOUTH AND BURBANK?

12 A YES.

13 Q BURBANK ALSO IS A STREET WHERE A LOT OF  
14 PEOPLE WALK ON THE SIDEWALKS?

15 A YES.

16 Q OKAY. WITH VEHICLE TRAFFIC AS WELL.  
17 CORRECT?

18 A YES.

19 Q OKAY. YOU SAID THAT AT SOME POINT YOU SAW  
20 OFFICER DINSE'S FACEBOOK?

21 A YES, SIR.

22 Q OKAY. WAS THIS A POLICE FACEBOOK?

23 A PERSONAL. AS FAR AS I KNOW, IT'S  
24 PERSONAL.

25 Q OKAY. SO YOU SAW HIS PERSONAL FACEBOOK.

26 A I WAS REFERRED TO IT.

27 Q OKAY. SO SOMEBODY IN THE COMMUNITY  
28 REFERRED YOU TO THE OFFICER'S PERSONAL FACEBOOK. TO

1 YOUR RECOLLECTION, DID IT SAY ANYTHING THAT HE WAS A  
2 POLICE OFFICER?

3 A YES, IT DID.

4 Q OKAY. AND DID IT HAVE HIS PHONE NUMBER,  
5 TO YOUR RECOLLECTION, TO THE POLICE DEPARTMENT?

6 A I DID NOT CHECK.

7 Q OKAY. DID IT SEEM TO SAY ANYTHING ABOUT  
8 INDIVIDUALS' MENTAL ISSUES?

9 A I DID NOT NOTICE.

10 Q OKAY. WAS THERE ANY PARTICULAR REASON WHY  
11 YOU WENT TO HIS PERSONAL FACEBOOK AND NOT CONTACT HIM OR  
12 SOMEBODY ELSE AT THE POLICE DEPARTMENT?

13 A BECAUSE BEFORE I TOOK THE TIME AND EFFORT  
14 TO GO DOWN TO THE POLICE DEPARTMENT, I JUST WANTED TO  
15 RUN IT BY SOMEONE, YOU KNOW, NONCHALANTLY, JUST TO SEE  
16 IF THERE WAS ANYTHING THAT COULD BE DONE ABOUT IT.

17 Q I BELIEVE YOU USED THE TERM "BECAME  
18 VIGILANTE" WHEN YOU TOOK THEM OFF THE CARS. CORRECT?

19 A YES.

20 Q AND YOU ARE UTILIZING THAT AS A CITIZEN  
21 THAT WAS BEING ACTIVE TO RESPOND TO WHAT YOU FELT WAS A  
22 THREAT IN THE COMMUNITY?

23 A A NUISANCE. THERE IS NO THREAT WITH  
24 BUSINESS CARDS. A NUISANCE, YES.

25 MR. AMSTER: OKAY. NOTHING FURTHER, YOUR HONOR.

26 THE COURT: ANY FURTHER REDIRECT?

27 MS. PHILIPS: ONE QUICK QUESTION, YOUR HONOR.

28

## REDIRECT EXAMINATION

1  
2 BY MS. PHILIPS:

3 Q WHEN YOU USED THE TERM "VIGILANTE," OTHER  
4 THAN TAKING THE CARDS OFF OF THE VEHICLES, AND YOU  
5 SAID -- WHAT DID YOU DO WITH THOSE CARDS?

6 A FOR A WHILE, I COLLECTED THEM AND  
7 EVENTUALLY THREW THEM AWAY ONCE I SAW HOW MANY I HAD. I  
8 THOUGHT, "THIS IS OUT OF CONTROL."

9 Q DID YOU EVER DO ANYTHING ELSE WITH THOSE  
10 CARDS OTHER THAN THROW THEM AWAY?

11 A I DID NOT.

12 MS. PHILIPS: THANK YOU.

13 THE COURT: ANY FURTHER RECROSS?

14

15 (COUNSEL CONFERS WITH CLIENT.)

16

17 MR. AMSTER: NOTHING FURTHER, YOUR HONOR.

18 THE COURT: THANK YOU.

19 YOU MAY STEP DOWN. THANK YOU.

20 THE WITNESS: THANK YOU.

21 THE COURT: DO NOT DISCUSS YOUR TESTIMONY WITH  
22 ANY OTHER WITNESSES. THANK YOU.

23 THE WITNESS: I DON'T EVEN KNOW ANY OTHER  
24 WITNESSES.

25 THE COURT: THANK YOU.

26 THE WITNESS: THANK YOU.

27 THE COURT: NEXT WITNESS.

28 MS. PHILIPS: THE PEOPLE CALL OFFICER SEAN DINSE.



1  
2 CHARLES DINSE,  
3 HAVING BEEN CALLED TO THE STAND, WAS SWORN AND TESTIFIED  
4 AS FOLLOWS:

5 THE COURT: SIR, IF YOU WANT TO STEP FORWARD.  
6 STAND OVER HERE.

7 RAISE YOUR RIGHT HAND TO BE SWORN, PLEASE.

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

12 THE WITNESS: YES, I DO.

13 THE CLERK: THANK YOU.

14 PLEASE HAVE A SEAT IN THE WITNESS STAND.

15 SIR, IF YOU WOULD PLEASE STATE AND SPELL  
16 YOUR FIRST AND LAST NAME FOR THE RECORD.

17 THE WITNESS: CHARLES DINSE. C-H-A-R-L-E-S,  
18 D-I-N-S-E.

19 THE COURT: AND YOU MAY INQUIRE.

20 MS. PHILIPS: THANK YOU.

21

22 DIRECT EXAMINATION

23 BY MS. PHILIPS:

24 Q GOOD AFTERNOON, OFFICER.

25 A GOOD AFTERNOON.

26 Q EVEN THOUGH YOUR FIRST NAME IS CHARLES,  
27 WHAT DO MOST PEOPLE CALL YOU?

28 A SEAN, MA'AM.

1           Q           DIRECTING YOUR ATTENTION TO MARCH OF 2017  
2 CAN YOU PLEASE TELL THE LADIES AND GENTLEMEN OF THE JURY  
3 WHAT YOUR POSITION AND ASSIGNMENT WERE ON THAT DATE?

4           A           AT THAT TIME I WAS CURRENTLY ASSIGNED AS A  
5 SENIOR LEAD OFFICER WITH THE LAPD TOPANGA DIVISION.

6           Q           WHAT IS A SENIOR LEAD OFFICER AT LAPD?

7           A           SENIOR LEAD OFFICER IS A POSITION ABOVE A  
8 TRAINING OFFICER THAT IS DIRECTED TO BE RESPONSIBLE FOR  
9 A SPECIFIC AREA. THAT ASSIGNMENT, THAT SPECIFIC AREA I  
10 ADDRESS IT OR I RESPOND TO A CAPTAIN. THE CAPTAIN  
11 EXPECTS ME TO BE RESPONSIBLE FOR NEIGHBORHOOD WATCH, TO  
12 BE RESPONSIBLE FOR CRIME PREVENTION, TO BE RESPONSIBLE  
13 FOR ONGOING NEWS AND ISSUES AND ANY OTHER ISSUES THAT  
14 WOULD ARISE IN THAT BASIC AREA.

15          Q           HOW LONG HAVE YOU BEEN A SENIOR LEAD  
16 OFFICER FOR THE LAPD?

17          A           I HAVE BEEN A SENIOR LEAD OFFICER FOR TEN  
18 YEARS.

19          Q           IN THAT CAPACITY, SIR, DID YOU HAVE  
20 OCCASION TO RESPOND TO A LOCATION AT 21620 BURBANK  
21 BOULEVARD?

22          A           YES.

23          Q           AND IS THAT LOCATION WITHIN THE CITY AND  
24 COUNTY LIMITS OF LOS ANGELES?

25          A           IT IS.

26          Q           AND DIRECTING YOUR ATTENTION TO THE DATE  
27 OF MAY 18, 2017, WERE YOU WORKING IN YOUR CAPACITY AS A  
28 SENIOR LEAD OFFICER FOR THE WOODLAND HILLS AREA?

1           A           YES, I WAS.

2           Q           ON THAT SPECIFIC DATE DID YOU RESPOND TO  
3 THE 21620 BURBANK BOULEVARD LOCATION?

4           A           YES.

5           Q           AND WHY IS IT THAT YOU RESPONDED THERE,  
6 SIR?

7           A           REGARDING AN ISSUE WITH A GENTLEMAN BY THE  
8 NAME OF KEVIN PERELMAN.

9           Q           AND IS KEVIN PERELMAN SOMEBODY YOU HAD  
10 BEEN ACQUAINTED WITH PRIOR TO MAY 18, 2017?

11          A           YES.

12          Q           AND IN WHAT -- HOW -- WHAT WAS IT THAT  
13 FIRST DREW YOUR ATTENTION TO MR. PERELMAN?

14          A           I HAD STARTED RECEIVING NUMEROUS  
15 COMPLAINTS REGARDING A BUSINESS CARD WITH KEVIN  
16 PERELMANTARGET.COM BEING LITTERED ALL OVER THE SPECIFIC  
17 AREA OF JULIANA PLACE, WHICH IS RIGHT THERE AT THAT  
18 ADDRESS, JULIANA PLACE AND BURBANK, AND OTHER SHOPPING  
19 CENTERS, PARKS, AND THE SURROUNDING AREA OF WOODLAND  
20 HILLS WITHIN MY BASIC CAR AREA AND KIND OF EVERYWHERE.

21          Q           IF YOU HAD TO APPROXIMATE, APPROXIMATELY  
22 HOW MANY COMPLAINTS HAD YOU RECEIVED?

23               MR. AMSTER: I AM GOING TO OBJECTION. IT'S  
24 SERIOUSLY BEYOND.

25               THE COURT: SUSTAINED.

26                       NEXT QUESTION.

27          Q           BY MS. PHILIPS: ON THE SPECIFIC DATE OF  
28 MARCH 18, DID YOU RESPOND TO THAT LOCATION?

1 A YES.

2 Q WHOM DID YOU ENCOUNTER?

3 A KEVIN PERELMAN.

4 Q DID YOU ALSO ENCOUNTER A GENTLEMAN BY THE  
5 NAME OF TERRANCE SCROGGIN?

6 A YES.

7 Q FOR THE RECORD, DO YOU SEE KEVIN PERELMAN  
8 IN COURT TODAY?

9 A I DO.

10 Q CAN YOU PLEASE POINT HIM OUT AND DESCRIBE  
11 HIS ATTIRE.

12 A HE'S SEATED TO THE RIGHT OF COUNSEL,  
13 WEARING A GRAY LONG-SLEEVED SHIRT.

14 THE COURT: INDICATING MR. PERELMAN FOR THE  
15 RECORD.

16 NEXT QUESTION.

17 Q BY MS. PHILIPS: ON YOUR WAY TO THE  
18 LOCATION AT BURBANK BOULEVARD, DID YOU ON THAT DATE  
19 OBSERVE ANY BUSINESS CARDS YOURSELF?

20 A YES.

21 Q WHERE AND APPROXIMATELY HOW MANY DID YOU  
22 OBSERVE?

23 A THERE WERE WELL OVER 100 BUSINESS CARDS IN  
24 AND AROUND THAT AREA ON CARS AND ON THE STREET.

25 Q AND WHEN YOU ARRIVED AT THE LOCATION, WERE  
26 YOU ABLE TO SPEAK WITH MR. SCROGGIN?

27 A YES.

28 Q AND DID HE EXPLAIN TO YOU WHAT HAD

1       TRANSPIRED BETWEEN HIMSELF AND MR. PERELMAN?

2           A           YES.

3           Q           AND WERE YOU DIRECTED TO UNIT NUMBER 18 OF  
4       THAT APARTMENT COMPLEX?

5           A           YES, I WAS.

6           Q           AND DID YOU PERSONALLY PROCEED TO THAT  
7       UNIT?

8           A           YES.

9           Q           AND DID YOU TAKE SOME PHOTOGRAPHS ON THAT  
10      DAY?

11          A           YES, I DID.

12          Q           I AM PLACING BEFORE YOU WHAT HAS BEEN  
13      PREVIOUSLY MARKED PEOPLE'S 3 FOR IDENTIFICATION. DO YOU  
14      RECOGNIZE THAT PHOTO, SIR?

15          A           YES.

16          Q           IS THAT ONE YOU PERSONALLY TOOK?

17          A           YES.

18          Q           DOES THAT DEPICT THE OUTSIDE -- THE  
19      ENTRANCE TO THE OUTSIDE PATIO AREA OF MR. PERELMAN'S  
20      UNIT?

21          A           THAT'S CORRECT. NUMBER 18.

22          Q           THANK YOU.

23                      PLACING BEFORE YOU WHAT HAS BEEN MARKED AS  
24      PEOPLE'S 4 FOR IDENTIFICATION. DO YOU RECOGNIZE THAT  
25      PHOTO?

26          A           YES, I DO.

27          Q           IS THAT ALSO ONE YOU PERSONALLY TOOK OF  
28      UNIT NUMBER?

1           A           YES, I DO.

2           Q           WHAT DOES THAT DEPICT, SIR?

3           A           NUMEROUS BUSINESS CARDS ON TOP OF A TABLE  
4 OUTSIDE OF KEVIN PERELMAN'S DOOR, FRONT DOOR.

5           Q           IS THAT WHERE THE BUSINESS CARDS WERE WHEN  
6 YOU FIRST OBSERVED THEM?

7           A           YES.

8           Q           AND DID MR. SCROGGIN INDICATE TO YOU THAT  
9 HE HAD PLACED THOSE BUSINESS CARDS THERE AFTER  
10 COLLECTING THEM?

11          A           YES.

12          MR. AMSTER:  OBJECTION.  HEARSAY.

13          THE COURT:  SUSTAINED.

14                    NEXT QUESTION.

15          MR. AMSTER:  MOTION TO STRIKE.

16          THE COURT:  SUSTAINED.  I MEAN, STRICKEN.

17                    GO AHEAD.

18          Q           BY MS. PHILIPS:  HOW IS IT THAT YOU CAME  
19 TO -- WHY IS IT THAT YOU CHOSE TO TAKE A PHOTOGRAPH OF  
20 THOSE PARTICULAR BUSINESS CARD?

21          MR. AMSTER:  I AM GOING TO OBJECT.  CALLS FOR  
22 HEARSAY.

23          THE COURT:  OVERRULED.

24          THE WITNESS:  MR. SCROGGIN TOLD ME HE PLACED THEM  
25 THERE.

26          MR. AMSTER:  OBJECTION, YOUR HONOR.  MOTION TO  
27 STRIKE.

28          THE COURT:  THE -- THE OBJECTION IS OVERRULED.

1 LADIES AND GENTLEMEN, THE -- THAT  
2 STATEMENT IS TO BE CONSIDERED BY YOU ONLY FOR THE  
3 PURPOSE OF DETERMINING WHY THIS WITNESS DID WHAT HE  
4 CLAIMS HE DID NEXT, NOT FOR THE TRUTH OF WHAT WAS STATED  
5 EARLIER, MEANING NOT FOR THE FACT THAT MR. SCROGGIN SAID  
6 THAT HE PLACED THEM THERE BUT ONLY TO GIVE YOU AN IDEA  
7 OF WHAT HE DID NEXT.

8 GO AHEAD.

9 MS. PHILIPS: THANK YOU, YOUR HONOR.

10 Q BY MS. PHILIPS: PLACING BEFORE YOU WHAT  
11 HAS PREVIOUSLY BEEN MARKED PEOPLE'S 5 FOR  
12 IDENTIFICATION, DO YOU RECOGNIZE THAT PHOTO, SIR?

13 A YES, I DO.

14 Q DID YOU TAKE THAT PHOTO?

15 A YES, I DID.

16 Q AND WHY DID YOU TAKE THAT PHOTO?

17 A BECAUSE IT WAS A BUSINESS CARD WITHIN THAT  
18 STACK OF CARDS THAT WERE ON THE TABLE OUTSIDE OF KEVIN  
19 PERELMAN'S RESIDENCE, UNIT NUMBER 18.

20 Q FINALLY, I AM SHOWING YOU WHAT'S BEEN  
21 MARKED PEOPLE'S 6 FOR IDENTIFICATION. DO YOU RECOGNIZE  
22 THAT PHOTO?

23 A YES.

24 Q WOULD IT BE FAIR TO SAY IT'S A DIFFERENT  
25 ANGLE OF THE SAME CARDS ON THE TABLE THAT YOU PREVIOUSLY  
26 TESTIFIED TO?

27 A YES. THAT IS CORRECT.

28 Q DID YOU PERSONALLY TOUCH ANY OF THE CARDS

1 PRIOR TO PHOTOGRAPHING THEM?

2 A NO.

3 Q THIS IS HOW THEY WERE ARRANGED?

4 A THAT'S HOW THEY WERE ARRANGED.

5 Q THANK YOU, SIR.

6 DIRECTING YOUR ATTENTION TO MARCH OF 2017,  
7 DID YOU HAVE OCCASION TO BE CONTACTED ON YOUR FACEBOOK  
8 PAGE BY BRITTANY DUFFY?

9 A YES.

10 Q THAT FACEBOOK PAGE, WAS THAT A PERSONAL  
11 PAGE THAT YOU USE FOR YOUR PERSONAL LIFE, OR IS THAT A  
12 POLICE ACTIVITY-RELATED FACEBOOK PAGE?

13 A IT'S A POLICE-RELATED ACTIVITY PAGE,  
14 MA'AM.

15 Q IS IT UNCOMMON FOR YOU TO RECEIVE  
16 COMMUNICATIONS FROM COMMUNITY MEMBERS REGARDING VARIOUS  
17 POLICE-RELATED MATTERS ON THAT FACEBOOK PAGE?

18 A ACTUALLY I RECEIVE -- ALL OF MY MESSAGES  
19 THAT COME THROUGH THERE ARE POLICE RELATED. YOU KNOW,  
20 TYPES OF QUESTIONS OR CONCERNS OR ISSUES.

21 Q SO WHEN BRITTANY DUFFY REACHED OUT TO YOU  
22 VIA THAT FACEBOOK PAGE IT WAS NOTHING OUT OF THE  
23 ORDINARY --

24 A NO.

25 Q -- IN YOUR COURSE OF WORK?

26 WERE YOU LIKEWISE CONTACTED BY LINDA  
27 CANNON?

28 A YES.



1           Q           AND DO YOU RECALL IF THAT WAS VIA FACEBOOK  
2 OR VIA TELEPHONE?

3           A           THAT I DON'T RECALL.

4           Q           WAS THAT ALSO WITH REGARD TO MR. PERELMAN?

5           A           YES.

6           Q           DIRECTING YOUR ATTENTION TO THE TIME FRAME  
7 OF MARCH 2017 THROUGH MARCH 2018. NOW I AM ASKING ABOUT  
8 YOUR PERSONAL OBSERVATIONS. ON HOW MANY OCCASIONS WOULD  
9 YOU ESTIMATE --

10                   WELL, LET ME ASK IT THIS WAY. DURING THAT  
11 TIME FRAME, HAD YOU SEEN OR COME ACROSS MR. PERELMAN'S  
12 BUSINESS CARDS STREWN ABOUT YOUR BASIC CARE AREA?

13           MR. AMSTER: I AM GOING TO OBJECT TO THE TERM  
14 "BUSINESS CARD" IN THE QUESTION.

15           THE COURT: OVERRULED.

16                   GO AHEAD.

17           THE WITNESS: BETWEEN WHAT SPECIFIC DATES?

18           Q           BY MS. PHILIPS: A YEAR PERIOD FROM  
19 MARCH TO MARCH 2017, 2018?

20           A           IT SEEMED LIKE A LOT OF TIMES WHEN I WAS  
21 OUT IN THE FIELD, DURING THAT TIME FRAME, I WOULD COME  
22 ACROSS A BUSINESS CARD, IF NOT MULTIPLE BUSINESS CARDS  
23 OF KEVIN PERELMAN IN AND AROUND THE AREA OF JULIANA  
24 PLACE AND BURBANK BOULEVARD, WARNER CENTER PARK,  
25 SHOPPING CENTER. MULTIPLE TIMES. I CAN'T EVEN TELL YOU  
26 HOW MANY TIMES IN THE FIELD, ON MY PATROL, THAT I WOULD  
27 COME ACROSS THOSE CARDS.

28           MR. PHILIPS: THANK YOU. NOTHING FURTHER.

1 THE COURT: CROSS-EXAMINATION.

2

3 CROSS-EXAMINATION

4 BY MR. AMSTER:

5 Q OFFICER, I AM PLACING IN FRONT OF YOU  
6 EXHIBIT A. DOES EXHIBIT A SEEM TO BE A CARD SIMILAR TO  
7 THOSE THAT YOU HAVE DESCRIBED THAT YOU HAVE SEEN, I AM  
8 GOING TO CALL IT, IN THE WOODLAND HILLS AREA?

9 A YES.

10 Q OKAY. AND DO YOU HAVE ANY RECOLLECTION OF  
11 ANY OF THE CARDS THAT YOU HAVE SEEN IN THE WOODLAND  
12 HILLS AREA CONTAINING ANYTHING ON THEM OTHER THAN WHAT  
13 IS ON EXHIBIT A?

14 A ACTUALLY, IN THIS CARD I HAVE SEEN JUST  
15 THE TOP PORTION OF IT. BUT NOT THE BOTTOM PORTION OF  
16 IT.

17 Q OKAY. SO LET'S SAY THERE HAVE BEEN TWO  
18 TYPES OF CARDS THAT YOU OBSERVED?

19 A YES.

20 Q ONE WITH JUST THE TOP PORTION, ONE WITH  
21 ALL OF THE INFORMATION ON EXHIBIT A, BUT THERE HAS NOT  
22 BEEN ANY CARD THAT HAS CONTAINED ANY OTHER INFORMATION  
23 EXCEPT THOSE TWO SCENARIOS YOU HAVE STATED?

24 A YES. THAT IS CORRECT.

25 Q I AM PLACING IN FRONT OF YOU EXHIBIT 6. I  
26 BELIEVE YOU TESTIFIED THAT YOU TOOK A PHOTOGRAPH OF  
27 EXHIBIT 6?

28 A YES.

1 Q OKAY. AND YOU TOOK THAT PHOTOGRAPH  
2 BECAUSE YOU WERE DIRECTED TO THAT AREA BY MR. SCROGGIN?

3 A YES.

4 Q AND MR. SCROGGIN WAS ABLE -- PRIOR TO  
5 THAT, DID MR. SCROGGIN GIVE YOU INSTRUCTIONS THAT HE  
6 LEFT THE BUSINESS CARDS ON THE -- ON A TABLE ON PATIO?

7 A YES.

8 Q OKAY. AT ANY TIME, DID HE SAY TO YOU THAT  
9 HE JUST REACHED OVER, LIKE, THE BALCONY AND DROPPED THEM  
10 DOWN?

11 A I DON'T RECALL.

12 Q OKAY. DID HE STATE TO YOU THAT -- DID  
13 MR. SCROGGIN STATE TO YOU THAT HE WALKED ONTO THE PATIO?

14 MS. PHILIPS: OBJECTION. CALLS FOR HEARSAY.

15 THE COURT: OVERRULED.

16 GO AHEAD.

17 THE WITNESS: I BELIEVE THAT MR. SCROGGIN ADVISED  
18 ME THAT HE WENT TO THE DOOR.

19 Q BY MR. AMSTER: OKAY. AND THEN AFTER HE  
20 WENT TO THE DOOR, DID MR. SCROGGIN DESCRIBE THAT NOBODY  
21 ANSWERED THE DOOR?

22 A I DON'T RECALL. I RECALL HIM SAYING HE  
23 WENT TO THE DOOR.

24 Q OKAY. AND THEN AFTER HE WENT TO THE DOOR,  
25 DID HE DESCRIBE TO YOU HOW THE CARDS GOT ONTO THE PATIO?

26 A THAT HE PLACED THEM THERE.

27 Q OKAY. AND DID HE SAY HE WALKED ONTO THE  
28 PATIO TO PLACE THEM THERE?

1           A           YES.

2           Q           OKAY.  AND DID HE SAY THAT HE DROPPED THEM  
3   ONTO THE TABLE BY PUTTING HIS HAND OVER A BARRIER, OR  
4   DID HE JUST WALK UP TO THE TABLE AND PLACE THEM DOWN?

5           A           I DON'T KNOW THE SPECIFICS OF HOW HE  
6   PLACED THEM ON THE TABLE.

7           Q           OKAY.  NOW THE BUSINESS CARDS THAT YOU  
8   HAVE SEEN, YOU SAID YOU HAVE SEEN THEM AT SHOPPING  
9   MALLS?

10          A           YES.

11          Q           AN AREA WHERE THE PUBLIC FREQUENTS?

12          A           YES.

13          Q           OKAY.  AS WELL AS ON PUBLIC STREETS.

14   CORRECT?

15          A           YES.  THAT IS CORRECT.

16          MR. AMSTER:  OKAY.  I AM GOING TO MARK SOME  
17   PHOTOGRAPHS AS NEXT IN ORDER.

18          THE COURT:  B, AS IN "BOY."

19          MR. AMSTER:  OKAY.  DEFENDANT'S B, AS IN "BOY."  
20   DEFENDANT'S C --

21          THE COURT:  EXHIBIT.  EXHIBIT B --

22          MR. AMSTER:  ALL OF THEM.

23          THE COURT:  NO.  THE CLERK IS INDICATING THAT  
24   THEY SHOULD BE REFERRED TO AS AN EXHIBIT.

25          MR. AMSTER:  I'M SORRY.  OKAY.  SO EXHIBIT B,  
26   EXHIBIT C, I AM MARKING EXHIBIT D, AND I AM MARKING  
27   EXHIBIT E.  ALL OF THEM PHOTOGRAPHS.

28          THE COURT:  SO MARKED.

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(DEFENSE EXHIBITS B, C, D, AND E WERE  
MARKED FOR IDENTIFICATION.)

Q BY MR. AMSTER: I AM GOING TO RETRIEVE  
THIS ONE AND PLACE THESE HERE.

OFFICER, IF YOU COULD JUST FLIP THROUGH B  
THROUGH E, JUST TO PUT THEM IN YOUR MEMORY.

A I AM FINISHED, SIR.

Q OKAY. ON THE DATE THAT YOU HAD CONTACT,  
MAY 18, WITH MR. PERELMAN, AT ANY TIME DID HE DIRECT YOU  
TOWARD HIS VEHICLE?

A THAT I DON'T RECALL.

Q OKAY. DO YOU RECALL EVER SEEING  
BUSINESS -- WITHDRAW THE QUESTION.

LOOKING AT EXHIBIT D, AS IN "DAVID," DO  
YOU SEE IN THAT PHOTOGRAPH WHERE THERE ARE SOME BUSINESS  
CARDS OR CARDS IN THE SIDE WINDOW?

A YES.

Q OKAY. AT ANY TIME WERE YOU DIRECTED TO  
OBSERVE THAT VEHICLE WITH THOSE CARDS IN IT ON MAY 18TH?

A DIRECTED? I DON'T KNOW WHO DIRECTED ME.

Q DID MR. PERELMAN EVER DIRECT YOU TO GO TO  
HIS VEHICLE AND LOOK AT WHAT HAD HAPPENED TO HIS  
VEHICLE?

A I DON'T RECALL.

Q OKAY. ALL RIGHT. SO YOU DON'T KNOW IF  
YOU DID OR YOU DID NOT. FAIR?

1           A           I DON'T RECALL. YEAH. IN REGARD TO  
2 DIRECTION, I DON'T RECALL IF ANYONE DIRECTED ME  
3 SPECIFICALLY TO LOOK AT THOSE VEHICLES.

4           Q           OKAY. DO YOU REMEMBER SEEING THOSE  
5 VEHICLES ON MAY 18?

6           A           THEY MAY HAVE BEEN THERE. I DON'T RECALL.

7           Q           OKAY. DO YOU -- OKAY. YOU -- YOU HAVE NO  
8 MEMORY IF YOU WERE ASKED TO LOOK AT THEM, OBSERVE THEM,  
9 OR ANYTHING ELSE?

10          A           NO.

11          Q           OKAY. AND SO WE'RE CLEAR ON THIS, YOUR  
12 STATEMENT IS YOU ARE NOT SAYING "NO, I ABSOLUTELY DID  
13 NOT SEE THEM" OR "YES, I ABSOLUTELY DID." IT'S JUST  
14 THAT "I DON'T KNOW." "I DON'T REMEMBER"?

15          A           IT WAS REGARDING DIRECTION. ADVISED  
16 DIRECTION. I DON'T RECALL IF ANYONE HAD DIRECTED ME TO  
17 THAT VEHICLE.

18          Q           OKAY. DO YOU REMEMBER OBSERVING THAT  
19 VEHICLE?

20          A           I MIGHT HAVE.

21          Q           OKAY. BUT AT THIS POINT, YOU DON'T HAVE A  
22 SPECIFIC RECOLLECTION OF OBSERVING THAT VEHICLE?

23          A           NO. I DID NOT.

24          Q           OKAY. JUST SO WE'RE CLEAR, YOU ARE NOT  
25 SAYING YOU ABSOLUTELY DID NOT, YOU ARE NOT SAYING YOU  
26 ABSOLUTELY DID. YOU JUST DON'T HAVE ANY RECOLLECTION OF  
27 THAT?

28          A           SPECIFICALLY YES. I DON'T HAVE ANY

1 RECOLLECTION AS TO THAT VEHICLE. BUT IF THOSE PICTURES  
2 ARE OF A VEHICLE THAT WAS IN THE AREA, THEN I MAY HAVE  
3 SEEN IT. YES.

4 Q OKAY. MAY HAVE SEEN IT, BUT ONLY JUST TO  
5 GLANCE OR OBSERVE LIKE ANY OTHER VEHICLE YOU MIGHT HAVE  
6 SEEN IN THE AREA?

7 A WELL, SPECIFICALLY, HIS VEHICLE BECAUSE  
8 IT'S GOT A MAGNET ON THE SIDE THAT SAYS,  
9 "KEVINPERELMANTARGETED.COM," AND A LICENSE PLATE THAT  
10 SAYS "TARGETED." SO IT STANDS OUT.

11 Q RIGHT.

12 A THAT'S WHY IT WOULD BRING ATTENTION. IT  
13 WOULD BRING ATTENTION TO IT BECAUSE OF THOSE REASONS.

14 Q OKAY. WHAT I AM ASKING IS IF YOU REMEMBER  
15 LOOKING AT A VEHICLE THAT YOU FELT WAS ASSOCIATED WITH  
16 KEVIN PERELMAN ON MAY 18, 2017.

17 A I AM SAYING I PROBABLY DID.

18 Q OKAY. BUT AT THIS POINT, YOU DON'T HAVE A  
19 RECOLLECTION OF WHAT YOU OBSERVED?

20 A NO.

21 Q AND YOU DON'T HAVE A RECOLLECTION OF WHY  
22 YOU MIGHT HAVE BEEN DIRECTED TO OBSERVE IT?

23 A WELL, IF I HAD, IF I HAD TO LOOK AT IT  
24 IT'S BECAUSE OF THOSE REASONS. THE MAGNET ON THE SIDE,  
25 THE LICENSE PLATE, AND IF THERE WERE BUSINESS CARDS ON  
26 IT, THERE WERE BUSINESS CARDS ON IT.

27 Q OKAY. BUT YOU DON'T REMEMBER -- OKAY. AT  
28 THIS POINT YOU DON'T REMEMBER IF THERE WERE -- IF YOU

1 WERE DIRECTED OR IF YOU OBSERVED THE VEHICLE WITH  
2 BUSINESS CARDS ON IT AS DEPICTED IN EXHIBIT D, AS IN  
3 "DAVID"?

4 A NO.

5 Q OKAY.

6

7 (COUNSEL CONFERS WITH CLIENT.)

8

9 MR. AMSTER: I HAVE NO FURTHER QUESTIONS.

10 THE COURT: ANY FURTHER REDIRECT?

11 MS. PHILIPS: NO, YOUR HONOR.

12 THE COURT: SIR, YOU MAY STEP DOWN.

13 PLEASE DO NOT DISCUSS YOUR TESTIMONY WITH  
14 ANY OTHER WITNESSES. YOU ARE FREE TO GO.

15 THE WITNESS: THANK YOU, YOUR HONOR.

16 MS. PHILIPS: SUBJECT TO RECALL.

17 THE WITNESS: THANK YOU, YOUR HONOR.

18 THE COURT: NEXT WITNESS.

19 MS. PHILIPS: PEOPLE CALL OFFICER BRENT RYGH.

20 MR. AMSTER: I'M SORRY. I DIDN'T --

21 MS. PHILIPS: OFFICER RYGH.

22

23 BRENT RYGH

24 HAVING BEEN CALLED TO THE STAND, WAS SWORN AND TESTIFIED  
25 AS FOLLOWS:

26 THE COURT: SIR, RAISE YOUR RIGHT HAND TO BE  
27 SWORN.

28 THE CLERK: DO YOU SOLEMNLY STATE THAT THE



1 TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE  
2 THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND  
3 NOTHING BUT THE TRUTH, SO HELP YOU GOD?

4 THE WITNESS: I DO.

5 THE CLERK: THANK YOU.

6 PLEASE HAVE A SEAT IN THE WITNESS STAND.

7 SIR, IF YOU WOULD PLEASE STATE AND SPELL  
8 YOUR FIRST AND LAST NAME FOR THE RECORD.

9 THE WITNESS: BRENT RYGH. B-R-E-N-T, R-Y-G-H.

10 THE COURT: YOU MAY INQUIRE.

11 MS. PHILIPS: THANK YOU, YOUR HONOR.

12

13 DIRECT EXAMINATION

14 BY MS. PHILIPS:

15 Q GOOD AFTERNOON.

16 A GOOD AFTERNOON.

17 Q WOULD YOU PLEASE TELL THE LADIES AND  
18 GENTLEMEN OF THE JURY WHAT YOU DO FOR A LIVING.

19 A I AM A LOS ANGELES POLICE SENIOR LEAD  
20 OFFICER.

21 Q AND SO IS YOUR POSITION SIMILAR TO  
22 OFFICER DINSE WHO JUST LEFT THE COURTROOM?

23 A YES. IT'S EXACTLY THE SAME BUT WE COVER  
24 SLIGHTLY DIFFERENT AREAS.

25 Q SO WOULD IT BE FAIR TO SAY THAT  
26 OFFICER DINSE COVERS WOODLAND HILLS, EAST OF TOPANGA,  
27 AND YOU COVER WOODLAND HILLS, WEST OF TOPANGA?

28 A EXACTLY THAT.

1           Q           HOW LONG HAVE YOU BEEN A SENIOR LEAD  
2 OFFICER?

3           A           FOR 11 YEARS.

4           Q           AND IN THAT CAPACITY, SIR, HAVE YOU EVER  
5 COME ACROSS BUSINESS CARDS OR CARDS WITH THE NAME OF  
6 "KEVIN PERELMAN" ON THEM?

7           A           YES. MANY TIMES.

8           Q           APPROXIMATELY HOW MANY TIMES?

9           A           IN EXCESS OF 25.

10          Q           AND IN THOSE 25 PLUS TIMES THAT YOU HAVE  
11 COME ACROSS THEM, APPROXIMATELY HOW MANY CARDS HAVE YOU  
12 OBSERVED?

13          A           I WOULD HAVE TO -- I WOULD HAVE TO GUESS  
14 BUT CERTAINLY OVER 1,000 CARDS.

15          Q           WHERE HAVE YOU SEEN THOSE CARDS?

16          A           PREDOMINANTLY IN THE AREA OF WARNER CENTER  
17 PARK AND NEAR THE INTERSECTION OF BURBANK AND JULIANA.

18          Q           AND IN THOSE AREAS, WHERE SPECIFICALLY  
19 HAVE YOU SEEN THOSE CARDS? WAS IT ON STREETS?  
20 SIDEWALKS? WHERE WAS IT?

21          A           BOTH ON THE STREETS, SURROUNDING CARS AND  
22 ON THE SIDEWALK. AND QUITE FREQUENTLY ALSO IN THE  
23 STREET AT THE END OF THE CUL-DE-SAC ON JULIANA.

24          Q           AND HAVE YOU BEEN ABLE TO SEE WHAT IS  
25 WRITTEN ON THOSE CARDS?

26          A           YES. THE CARDS ALL CONTAIN THE  
27 INFORMATION WITH MR. PERELMAN'S WEB SITE, STATING HIS  
28 NAME, KEVIN PERELMAN, "TARGET" AND REFERRING FOLKS TO A

1 PARTICULAR WEBSITE.

2 Q IN YOUR CAPACITY AS SENIOR LEAD OFFICER,  
3 HAVE YOU RECEIVED MULTIPLE COMPLAINTS IN REGARD TO THOSE  
4 CARDS FROM CITIZENS?

5 A YES. IN SEVERAL DIFFERENT METHODS,  
6 SEVERAL DIFFERENT SOURCES AND METHODS.

7 Q WHAT SOURCES AND METHODS HAVE THOSE BEEN?

8 A I'VE BEEN FLAGGED DOWN WHILE IN THE AREA  
9 OF THE PARK AND IN THE AREA OF JULIANA PLACE BY PEOPLE  
10 JUST PASSING BY. I HAVE RECEIVED NUMEROUS PHONE CALLS  
11 FROM THE AREA AND OTHER AREAS AS FAR AWAY AS BURBANK AND  
12 THOUSAND OAKS WITH PEOPLE INQUIRING AS TO WHETHER  
13 MR. PERELMAN WAS A PROBLEM. I HAVE ALSO RECEIVED A  
14 LARGE NUMBER OF PHONE CALLS TO MY SENIOR LEAD OFFICE,  
15 OFFICER'S CITY CELL PHONE AND MY DESK PHONE.

16 Q HAVE YOU EVER BEEN CONTACTED -- I'M SORRY.  
17 DO YOU HAVE A FACEBOOK ACCOUNT THAT IS ASSOCIATED WITH  
18 YOUR SENIOR LEAD OFFICER PROFILE?

19 A YES.

20 Q AND HAVE YOU BEEN CONTACTED ON THAT AT ANY  
21 TIME WITH REGARD TO MR. PERELMAN'S CARDS?

22 A YES, I HAVE. I'VE BEEN INVOLVED IN QUITE  
23 A FEW DIFFERENT DISCUSSIONS ON SOCIAL MEDIA, PRIMARILY  
24 FACEBOOK, REGARDING THE ACTIVITIES OF MR. PERELMAN AND  
25 THE PRESENCE OF BUSINESS CARDS.

26 Q HAVE YOU EVER PERSONALLY SEEN MR. PERELMAN  
27 DROP CARDS ONTO THE STREETS AND SIDEWALKS?

28 A NO.

1 Q APPROXIMATELY HOW MANY CONTACTS BETWEEN  
2 THE PHONE CALLS, FACEBOOK -- HOW MANY CONTACTS HAVE YOU  
3 RECEIVED?

4 A FOR THE SOCIAL MEDIA, IT'S HARD TO  
5 QUANTIFY BECAUSE YOU DON'T KNOW HOW MANY USERS YOU ARE  
6 INTERACTING WITH. IT WOULD BE IN EXCESS OF 50. BUT I  
7 DON'T KNOW HOW MANY MORE THAN THAT. FLAGGED DOWN FROM  
8 PEOPLE PASSING BY, PROBABLY 15. AND PHONE CALLS WOULD  
9 BE 30 TO 40.

10 MS. PHILIPS: THANK YOU. NOTHING FURTHER.

11 THE COURT: CROSS-EXAMINATION.

12 THE WITNESS: YOUR HONOR, IF IT'S APPROPRIATE I  
13 WOULD LIKE TO CLARIFY.

14 THE COURT: OKAY. HE'S ASKING TO CLARIFY A  
15 QUESTION. WE WILL HAVE IT BE RE -- WE WILL -- SORRY.  
16 WE WILL HAVE IT BE DIRECT EXAMINATION AND ASK HIM IF HE  
17 WANTS TO CLARIFY SOMETHING.

18 Q BY MS. PHILIPS: YOU WANTED TO CLARIFY  
19 SOMETHING?

20 A JUST ONE OF YOUR QUESTIONS WAS WHETHER I  
21 HAD PERSONALLY SEEN MR. PERELMAN DISTRIBUTE THE CARDS ON  
22 SIDEWALKS OR CITY STREETS, AND MY ANSWER TO THAT WAS NO  
23 AND IT REMAINS NO. BUT I DID PERSONALLY OBSERVE  
24 MR. PERELMAN DEPOSIT CARDS ONTO CARS BY THE WINDOW  
25 WEATHER STRIPPING. I THOUGHT THAT WAS GOING TO BE A  
26 FOLLOW-UP QUESTION SO I DIDN'T CLARIFY. I'M SORRY.

27 MS. PHILIPS: THANK YOU.

28 THE COURT: CROSS-EXAMINATION.

1 MR. AMSTER: THANK YOU.

2

3 CROSS-EXAMINATION

4 BY MR. AMSTER:

5 Q OFFICER, I AM PLACING IN FRONT OF YOU  
6 EXHIBIT A. AND I DON'T FEEL SO BAD YOU ARE TAKING OUT  
7 YOUR GLASSES.

8 A IT'S GETTING TO BE THAT TIME FOR ME.

9 Q ALL RIGHT. WOULD YOU -- YOU SEE  
10 EXHIBIT A?

11 A YES.

12 Q OKAY. WOULD YOU SAY EXHIBIT A IS SIMILAR  
13 TO CARDS THAT YOU HAVE SEEN THAT YOU HAVE DESCRIBED HERE  
14 TODAY?

15 A YES.

16 Q OKAY. HAVE YOU SEEN ANY CARDS THAT WERE  
17 DIFFERENT IN WRITING, IN ANY WAY, THAN WHAT YOU SEE IN  
18 FRONT OF YOU IN EXHIBIT A?

19 A YES.

20 Q AND HOW -- HOW WERE THE CARDS YOU HAVE  
21 SEEN DIFFERENT?

22 A I RECALL SOME CARDS THAT WERE SIMILAR IN  
23 NATURE BUT HAD SOME DIFFERENT COLOR PRINTING TO THEM.

24 Q OKAY. WHAT ABOUT THE WORDING? ANY  
25 RECOLLECTION OF DIFFERENT WORDING?

26 A I DO NOT RECALL.

27 Q OKAY. SO TO THE BEST TO YOUR  
28 RECOLLECTION, EXHIBIT A IS -- YOU ARE 80 PERCENT SURE

1 THAT EXHIBIT A IS -- HAD THE CONTENTS OF THE CARDS YOU  
2 SAW?

3 IF YOU WANT TO TAKE IT UP TO 90, THAT IS  
4 FINE.

5 A I DON'T KNOW ABOUT A PERCENTAGE. BUT THIS  
6 CARD IS CONSISTENT WITH THE NATURE OF ALL THE CARDS THAT  
7 I HAVE SEEN IN THE PAST.

8 Q ALL RIGHT. THAT IS FAIR ENOUGH.

9 ALL RIGHT. SO YOU -- YOU TESTIFIED THAT  
10 YOU'VE SEEN THE PLACEMENT OF CARDS ON VEHICLES.

11 A YES.

12 Q AND WERE THOSE VEHICLES PARKED IN THE --  
13 ON PUBLIC STREETS?

14 A YES.

15 Q OKAY. YOU STATED THAT YOU HAVE SEEN CARDS  
16 AT WARNER CENTER PARK?

17 A YES.

18 Q AND THAT IS A PARK THAT IS OPEN TO THE  
19 PUBLIC?

20 A YES.

21 Q AND FREQUENTED BY THE PUBLIC. CORRECT?

22 A YES.

23 Q AND YOU HAVE ALSO SEEN THE CARDS ON THE  
24 INTERSECTION OF BURBANK AND JULIAN?

25 A YES.

26 Q AND THAT IS ALSO AN AREA OPEN TO THE  
27 PUBLIC?

28 A YES, SIR.

1 Q FREQUENTED BY THE PUBLIC AS WELL?

2 A YES, SIR.

3 MR. AMSTER: NO FURTHER QUESTIONS.

4 THE COURT: ANY FURTHER REDIRECT?

5 MS. PHILIPS: JUST A POINT OF CLARIFICATION.

6

7 REDIRECT EXAMINATION

8 BY MS. PHILIPS:

9 Q WHEN YOU ARE TALKING ABOUT SEEING THE  
10 CARDS AT THE PARK AND ON THE STREETS, WOULD THAT BE --  
11 WHERE WOULD THE CARDS BE? WOULD THEY BE ON THE  
12 SIDEWALKS AND STREETS?

13 A BOTH ON THE SIDEWALKS AND THE STREETS AND  
14 THE EASEMENT GRASS AREA IN BETWEEN THE TWO.

15 MS. PHILIPS: THANK YOU.

16 NOTHING FURTHER.

17 THE COURT: ANY RECROSS?

18 MR. AMSTER: NO, YOUR HONOR.

19 THE COURT: SIR, YOU MAY STEP DOWN DOWN.

20 PLEASE DO NOT DISCUSS YOUR TESTIMONY WITH  
21 ANY OTHER WITNESSES.

22 YOU ARE FREE TO GO. THANK YOU.

23 THE WITNESS: THANK YOU.

24 THE COURT: NEXT WITNESS.

25 MS. PHILIPS: MAY WE APPROACH.

26 THE COURT: SURE. ON OR OFF?

27 MS. PHILIPS: PREFERABLE ON.

28

1 (OUTSIDE THE PRESENCE OF THE JURY:)

2

3 THE COURT: WE ARE OUTSIDE THE PRESENCE OF THE  
4 JURORS.

5 GO AHEAD.

6 MS. PHILIPS: THANK YOU.

7 YOUR HONOR, I WAS CONTACTED BY WITNESS --  
8 I AM GOING TO SPELL IT -- Y-R-U-H-A-M, KOTEL, K-O-T-E-L,  
9 BY SOMEBODY PURPORTING TO BE HIS SON. R-O-M-Y WAS THE  
10 SPELLING HE GAVE ME. HE SAID THAT HIS FATHER IS OLD,  
11 WHICH I KNEW. HE WAS BORN IN 1936. I THINK BY MOST  
12 STANDARDS, THAT IS OLD. AND HE IS TELLING ME THAT DAD  
13 CAN'T COME TO COURT.

14 THE COURT: OKAY.

15 MS. PHILIPS: HE DID SAY THAT HE RECEIVED THE  
16 SUBPOENA. HE'S NOT DENYING THAT. I, OF COURSE, WOULD  
17 HAVE PREFERRED TO HAVE KNOWN THIS SOONER. HE'S SAYING  
18 THAT HIS HEALTH HAS TAKEN AN UNFORTUNATE TURN, AND HE  
19 WILL NOT BE ABLE TO JOIN US TODAY.

20 I AM NOT GOING TO ASK THE COURT TO ISSUE A  
21 BODY ATTACHMENT, BUT I AM IN A BIT OF QUANDARY BECAUSE  
22 MY NEXT WITNESS IS NOT AVAILABLE UNTIL 1:30 TOMORROW.

23 THE COURT: YOU SHOULD CONTACT THEM AND TELL THEM  
24 TO COME IN TODAY.

25 MS. PHILIPS: HE'S AT WORK. BUT I WILL.

26 THE COURT: WE WILL GIVE HIM A BREAK. YOU CAN  
27 CALL HIM AND TELL HIM TO COME OVER. AND THEN YOU WILL  
28 BE DONE?



1 MS. PHILIPS: I WILL BE DONE.

2 THE COURT: AND THEN WE PROBABLY CAN GET THE  
3 DEFENDANT ON THE STAND. IF NOT BY THE END OF THE DAY,  
4 TOMORROW AFTERNOON.

5 OKAY. I AM GOING TO GIVE THEM A 30-MINUTE  
6 BREAK.

7 THE COURT: ALL RIGHT. WE'RE BACK IN OPEN COURT.

8 WE'RE GOING TO TAKE A BREAK FOR 30  
9 MINUTES. 3:15. AND THEN WHEN WE RETURN, WE WILL RESUME  
10 THE CASE.

11 REMEMBER. DON'T FORM OR EXCESS ANY  
12 OPINION ABOUT THE MATTER. DO NOT COMMUNICATE WITH EACH  
13 OTHER OR ANYBODY ELSE AND DON'T DO ANY RESEARCH ON THE  
14 INTERNET OR ANY PLACE ELSE.

15 I WILL SAY THIS. THE CASE IS MOVING  
16 FASTER THAN WE ANTICIPATED. SO I THINK THE MATTER WILL  
17 PROBABLY BE SUBMITTED TO YOU PERHAPS BY TOMORROW.

18 ALL RIGHT. SO WE'RE NOT GOING TO BE DONE  
19 TODAY BUT MOST LIKELY BY TOMORROW OR THE NEXT DAY.

20 ALL RIGHT. SEE EVERYBODY IN 30 MINUTES.

21 THANK YOU.

22

23 (A BRIEF RECESS WAS TAKEN.)

24

25 (OUTSIDE THE PRESENCE OF THE JURY:)

26

27 THE COURT: ON PERELMAN, HE'S HERE. HIS LAWYER  
28 IS HERE. THE PEOPLE ARE REPRESENTED. THE JURY IS

1 COMING BACK IN 15 MINUTES.

2 DID YOU GET A HOLD OF THE WITNESS?

3 MS. PHILIPS: I DID, YOUR HONOR. UNFORTUNATELY,  
4 HE'S TELLING ME HE WORKS SO FAR AWAY THAT HE COULDN'T  
5 GET HERE BEFORE 5:00.

6 THE COURT: WHERE IS HE?

7 MS. PHILIPS: HE SAID WESTWOOD.

8 THE COURT: WESTWOOD DOESN'T TAKE TWO HOURS TO  
9 GET HERE. WE HAVE AN HOUR AND A HALF.

10 ALL RIGHT. LET'S DEAL WITH THE OTHER  
11 ISSUE, WHICH IS JURORS -- BOTH JURORS 6 AND 11 HAVE TOLD  
12 THE BAILIFF THAT INDEPENDENTLY THEY HAVE, ON THEIR WAY  
13 IN FROM THE PARKING STRUCTURE, SEEN BUSINESS CARDS OR  
14 CARDS SIMILAR TO THE ONES BEING LITIGATED IN THIS MATTER  
15 STREWN ABOUT.

16 SO MY INTENTION WOULD BE TO HAVE EACH ONE  
17 OF THEM COME IN SEPARATELY AND MAKE SURE THAT THEY  
18 HAVEN'T COMMUNICATED THIS TO ANYBODY ELSE, INSTRUCT THEM  
19 IT'S NOT TO AFFECT THEIR JUDGMENT IN ANY WAY, AND THEN  
20 GO FORWARD.

21 I DON'T -- THE COURT'S ORDER WITH RESPECT  
22 TO THE DISTRIBUTION OF MATERIALS RELATING TO THIS CASE  
23 IS AS FOLLOWS. THE DEFENDANT IS ORDERED NOT TO  
24 DISCLOSE -- NOT TO HAND OUT OR TOSS ONTO THE GROUND ANY  
25 BUSINESS CARDS OF THE NATURE THAT ARE BEING LITIGATED  
26 RIGHT NOW.

27 I AM NOT SETTING IT FOR AN OSC. WE'RE NOT  
28 LITIGATING WHETHER OR NOT HE DID IT. JUST GOING

1 FORWARD, THAT IS THE COURT'S ORDER.

2 ANYTHING ELSE BY EITHER SIDE? PEOPLE?

3 MS. PHILIPS: NO, YOUR HONOR. OBVIOUSLY, WE'RE  
4 CONCERNED AND WOULD LIKE TO MAKE SURE THAT THE INTEGRITY  
5 OF THE PROCEEDING IS MAINTAINED, BUT I AM SURE YOUR  
6 HONOR WILL DO THAT.

7 THE COURT: DEFENSE.

8 MR. AMSTER: NO, YOUR HONOR.

9 THE COURT: OKAY.

10 MR. AMSTER: EXCEPT I AM GOING TO HAVE A  
11 DISCUSSION WITH MY CLIENT.

12 THE COURT: SO NOTED.

13 THEN DO YOU WANT TO TAKE A WITNESS OUT OF  
14 ORDER?

15 MR. AMSTER: THE ONLY WITNESS I CAN TAKE OUT OF  
16 ORDER, I DON'T WANT TO. I KNOW BUT --

17 THE COURT: WE HAVE AN HOUR AND A HALF OF COURT  
18 TIME.

19 MR. AMSTER: MY PROBLEM IS I DON'T THINK IT'S  
20 FAIR.

21 THE COURT: I GOT IT. IT'S FINE.

22 MR. AMSTER: I KNOW HIS HONOR WANTS US TO MOVE  
23 THIS FORWARD.

24 THE COURT: I UNDERSTAND.

25 MS. PHILIPS: GIVEN HOW QUICKLY IT'S GONE, YOUR  
26 HONOR, I HONESTLY DON'T THINK MR. BAILEY WILL TAKE MORE  
27 THAN 20 MINUTES TOMORROW ONCE WE FINALLY GET TO HIM.

28 AND I DO APOLOGIZE.

1 THE COURT: I MEAN, THE CHOICES ARE IF HE'S NOT  
2 COMING ON HIS OWN FREE WILL, THEN I CAN DEEM YOU TO HAVE  
3 RESTED. BUT I DON'T WANT TO DO THAT. I ALSO DON'T WANT  
4 HIM TO THINK HE'S IN THE DRIVER SEAT BECAUSE I AM NOT  
5 GOING TO WAIT FOR ANYBODY AGAIN. AS YOU KNOW, COURT  
6 TIME IS PRECIOUS. AND THE JURORS, THEIR TIME IS  
7 PRECIOUS. SO I DON'T WANT TO HAVE SOMEBODY HOLD US AT  
8 THEIR MERCY BECAUSE WE HAVE TWO, FOUR -- 14 PEOPLE  
9 WAITING -- 18 PEOPLE WAITING.

10 WHY DON'T WE DO THIS. WHY DON'T WE -- AT  
11 3:15 WE WILL ADDRESS THE ISSUES RELATING TO JUROR 6  
12 AND 11. AND THEN I WILL CALL THE ENTIRE PANEL IN AND  
13 TELL THEM IF THEY DO SEE ANY INFORMATION AT ANY PLACE,  
14 THEY'RE NOT TO CONSIDER IT FOR ANY REASON, AND THEY'RE  
15 NOT TO PICK IT UP AND HANDLE IT OR ANYTHING LIKE THAT.

16 THEN WE WILL TALK ABOUT JURY INSTRUCTIONS.

17 MS. PHILIPS: COULD WE PERHAPS, I GUESS, ONCE  
18 AGAIN REITERATE THAT THEY'RE NOT TO GO ON TO THE  
19 WEB SITE?

20 THE COURT: SURE. YEAH. IT'S THE ADMONISHMENT.  
21 THERE IS NO SUSPICION THAT ANYBODY HAS BEEN ON THE  
22 WEB SITE. SO I WILL JUST MAKE SURE.

23 MS. PHILIPS: ACTUALLY, WOULD THE COURT MIND  
24 INQUIRING AS TO THAT?

25 THE COURT: NO.

26 MS. PHILIPS: AS TO -- AS OF THE TWO PEOPLE WHO  
27 OBVIOUSLY OBSERVED THE CARD. THEY'VE OBVIOUSLY SEEN IT  
28 DIRECTS THEM TO A WEBSITE. IF WE CAN JUST GO THE EXTRA

1 STEP.

2 THE COURT: THERE IS NO REASON TO BELIEVE THAT  
3 ANYBODY HAS BEEN TO THE WEBSITE.

4 MS. PHILIPS: THAT IS TRUE.

5 THE COURT: SEE EVERYBODY IN TEN MINUTES.

6 MS. PHILIPS: THANK YOU.

7

8 (A BRIEF RECESS WAS TAKEN.)

9

10 THE COURT: ON THE RECORD IN THE PERELMAN MATTER.  
11 HE IS HERE. HIS LAWYER MR. AMSTER IS HERE.

12 MS. PHILLIPS IS HERE.

13 IF YOU WOULD ASK JUROR NUMBER 6 TO COME  
14 IN.

15 ALL RIGHT. WELCOME, JUROR 6. YOU CAN  
16 COME SIT IN YOUR SEAT, IF YOU WOULD LIKE.

17 ALL RIGHT. WELCOME, MA'AM.

18 THE RECORD SHOULD REFLECT THAT JUROR  
19 NUMBER 6 IS THE ONLY JUROR HERE.

20 YOU INDICATED TO THE BAILIFF, MA'AM, THAT  
21 ON YOUR WAY IN FROM THE COURT -- FROM THE PARKING AREA,  
22 RATHER, TO THE COURT, YOU SAW SOME CARDS THAT WERE  
23 SIMILAR TO THE ONES THAT WE'RE TALKING ABOUT IN THIS  
24 CASE?

25 JUROR NO. 6: YES. ACTUALLY, WHEN I WAS COMING  
26 TO MY CAR, AFTER YOU ANNOUNCED BREAK AND AFTER I CAME  
27 FROM THE BREAK. TWO INSTANCES.

28 THE COURT: DID YOU STOP AND PICK THEM UP?

1 JUROR NO. 6: NO.

2 THE COURT: BUT YOU COULD SEE ON THE -- FROM  
3 WHERE THEY WERE ON THE GROUND THAT THEY WERE SIMILAR TO  
4 THE ONES WE ARE TALKING ABOUT HERE?

5 JUROR NO. 6: (NODS HEAD UP AND DOWN.)

6 THE COURT: YOU ARE SHAKING YOUR HEAD YES?

7 JUROR NO. 6: YES.

8 THE COURT: ALL RIGHT. DID YOU SEE WHO PUT THEM  
9 THERE?

10 JUROR NO. 6: NO.

11 THE COURT: IN THIS MATTER, THAT FACT THAT YOU  
12 SAW THEM CAN'T BE USED IN ANY WAY. INSTEAD YOU ARE TO  
13 FOCUS ONLY ON THE EVIDENCE THAT IS BEING PRESENTED ABOUT  
14 THE DATES IN QUESTION. ALSO YOU CAN'T USE IT AGAINST  
15 THE DEFENDANT OR -- USE IT AGAINST HIM OR IN HIS FAVOR  
16 IN ANY WAY.

17 JUROR NO. 6: OKAY. I UNDERSTAND THAT.

18 THE COURT: DID YOU TALK TO ANY OTHER JURORS  
19 ABOUT THIS FACT?

20 JUROR NO. 6: NO, I DID NOT.

21 THE COURT: THANK YOU.

22 IF YOU CONTINUE TO NOT TALK ABOUT IT, I AM  
23 GOING TO TALK TO SOME OF THE OTHER JURORS AND BRING  
24 EVERYBODY IN. SO IF YOU WILL GO INTO THE HALLWAY, AND  
25 WE WILL CALL EVERYBODY IN, IN ONE MOMENT.

26 JUROR NO. 6: OKAY.

27 THE COURT: REMEMBER. DON'T TALK ABOUT THIS  
28 INCIDENT.

1 JUROR NO. 6: SURE.

2 THE COURT: IF WE CAN HAVE JUROR 11 AS WELL.

3 JUROR 11 IS HERE. WELCOME, SIR. IF YOU  
4 WILL JUST TAKE YOUR SEAT THERE.

5 JUROR NO. 11: CERTAINLY.

6 THE COURT: THE BAILIFF TOLD ME YOU HAD SPOKEN  
7 WITH HER ABOUT HAVING SEEN SOME CARDS SIMILAR TO THE  
8 ONES WE'RE TALKING ABOUT HERE IN THIS COURTROOM. YOU  
9 SAW THESE IN BETWEEN THE AREA OF THE PARKING GARAGE AND  
10 THE COURT. IS THAT RIGHT?

11 JUROR NO. 11: IN THE PARKING GARAGE.

12 THE COURT: IN THE GARAGE ITSELF?

13 YOU ARE SHAKING YOUR HEAD?

14 JUROR NO. 11: YES.

15 THE COURT: WHEN DID YOU SEE THIS?

16 JUROR NO. 11: TODAY, ON THE WAY BACK FROM THE  
17 LUNCH BREAK.

18 THE COURT: DID YOU STOP AND PICK THEM UP?

19 JUROR NO. 11: THEY WERE FACE DOWN. THERE WAS A  
20 ROW ABOUT 20 OR 30 FEET APART. AND I WAS WALKING ALONG.  
21 AND I SAW THEM SPACED EVENLY. AND I DID. I PICKED ONE  
22 UP, AND I LOOKED AT IT.

23 "OH MY GOD. WHAT WE'RE TALKING ABOUT  
24 HERE."

25 THE COURT: I SEE. DID YOU KEEP IT OR --

26 JUROR NO. 11: I THREW IT AWAY. PUT IT IN THE  
27 TRASH CAN BY THE STAIRS.

28 THE COURT: DID YOU TALK TO ANY OF THE OTHER

1 JURORS ABOUT THIS ISSUE?

2 JUROR NO. 11: NO. ABSOLUTELY NOT.

3 THE COURT: SO THIS IS THE COURT'S ORDER GOING  
4 FORWARD. DON'T TALK TO ANYBODY ELSE ABOUT THIS ISSUE.  
5 THE SECOND THING IS YOU CAN'T LET THE FACT THAT YOU HAVE  
6 SEEN THESE CARDS INFLUENCE YOU IN ANY WAY, IN THIS CASE.  
7 INSTEAD YOU ARE TO FOCUS ENTIRELY ON THE ISSUES THAT  
8 HAVE COME UP ON THE DATES ALLEGED BY THE PEOPLE.

9 JUROR NO. 11: ABSOLUTELY.

10 THE COURT: OKAY. SO THE FACT THAT YOU SAW CARDS  
11 OF THIS NATURE CAN'T BE USED AGAINST THE DEFENDANT, AND  
12 IT CAN'T BE USED IN HIS FAVOR EITHER.

13 SO WHAT I AM GOING TO DO, I AM GOING TO  
14 HAVE THE REST OF THE JURORS COME IN. YOU CAN JUST KEEP  
15 YOUR SEAT. I AM GOING TO ASK THEM IF ANYBODY ELSE HAS  
16 SEEN ANY OTHER CARDS. AND IF SO, I WILL HAVE TO ASK  
17 EVERYBODY TO LEAVE, AND WE WILL DO IT MORE ONE ON ONE  
18 WITH THEM.

19 STAY WHERE YOU ARE.

20 AND WE CAN BRING IN THE REST OF THE  
21 JURORS.

22

23 (IN THE PRESENCE OF THE JURY:)

24

25 THE BAILIFF: WE HAVE ONE MORE COMING, YOUR  
26 HONOR.

27 THE COURT: SO NOTED. THANK YOU.

28 ALL OF THE JURORS AND THE ALTERNATES ARE



1 HERE. ONE MOMENT.

2 SO WE HAVE ONE ISSUE BEFORE WE DEAL WITH  
3 THE REST OF THE DAY. HAVE ANY OF THE JURORS OR  
4 ALTERNATES SEEN, OUTSIDE OF THIS COURTROOM, ANY CARDS  
5 SIMILAR TO THE CARDS THAT WE'RE TALKING WITH IN THIS  
6 CASE? IF SO, RAISE YOUR HAND.

7 ANYBODY SEE --

8 JUROR NO. 1: I NEVER SAW THEM.

9 THE COURT: OKAY. OTHER THAN THE PEOPLE I HAVE  
10 SPOKEN WITH BEFORE, OKAY. IF YOU DO HAPPEN TO SEE ANY  
11 CARDS, DO NOT PICK THEM UP. DO NOT READ THEM.

12 OKAY. IF YOU RECEIVE ANY INFORMATION  
13 ABOUT THIS CASE OUTSIDE OF THE TRIAL, EVEN  
14 UNINTENTIONALLY, DO NOT SHARE WITH OTHER JURORS EITHER.  
15 JUST NOTIFY THE BAILIFF THAT YOU HAVE SEEN SUCH  
16 INFORMATION. OKAY?

17 YOU CANNOT USE THIS INFORMATION, IF YOU DO  
18 SEE IT, AGAINST EITHER SIDE. ALL RIGHT. YOU ARE TO  
19 DECIDE THIS CASE SOLELY ON THE EVIDENCE THAT IS  
20 PRESENTED IN THIS CASE, NOTHING HAVING TO DO WITH  
21 ANYTHING YOU SEE OUTSIDE OF THE COURTROOM. SO NOTHING  
22 THAT YOU SEE CAN BE USED AGAINST MR. PERELMAN OR IN HIS  
23 FAVOR. ALL RIGHT.

24 THE -- WE'RE STILL AHEAD OF SCHEDULE. THE  
25 PARTIES TELL ME THEY ANTICIPATE WE WILL BE DONE WITH THE  
26 CLOSE OF TESTIMONY BY TOMORROW. WE HAVE NO FURTHER  
27 WITNESSES TODAY FOR YOU. SO AT THIS TIME, I AM GOING TO  
28 LET YOU GO HOME AND ORDER YOU TO RETURN TOMORROW AT

1 1:30. 1:30 P.M.

2 NOW REMEMBER THE ADMONISHMENT. DON'T FORM  
3 OR EXPRESS ANY OPINIONS ABOUT THE CASE. DON'T TALK TO  
4 EACH OTHER. DON'T DO ANY RESEARCH. IN THIS CASE, THERE  
5 IS EVIDENCE RELATING TO A WEBSITE. DO NOT GO TO THAT  
6 WEBSITE. OKAY. DO NOT GO TO THAT WEBSITE OR ANY OTHER  
7 WEBSITE IN CONNECTION WITH THIS CASE.

8 ALL RIGHT. ENJOY YOUR AFTERNOON. AND WE  
9 WILL SEE EVERYBODY TOMORROW AFTERNOON AT 1:30 P.M.  
10 SHARP. 1:30 P.M.

11 THANK YOU.

12 YOU CAN LEAVE YOUR NOTEBOOKS ON YOUR  
13 CHAIR. THANK YOU.

14

15 (OUTSIDE THE PRESENCE OF THE JURY:)

16

17 THE COURT: ALL OF THE JURORS HAVE LEFT AND THE  
18 ALTERNATES HAVE LEFT.

19 IT'S PROBABLY NOT IN THE BEST INTEREST OF  
20 THE DEFENSE TO HAVE ANY CARDS DISTRIBUTED BY HIM OR  
21 ANYBODY ELSE ASSOCIATED WITH HIM. IT'S NOT GOING TO  
22 HELP THE CASE FOR YOU. WITHOUT POINTING ANY FINGERS OR  
23 MAKING ACCUSATIONS OR SETTING OSC. IT'S JUST NOT GOING  
24 TO HELP. I DON'T SEE HOW THAT POSSIBLY COULD ASSIST  
25 ANYBODY IN THEIR DEFENSE.

26 MR. AMSTER: I AM NOT GOING TO DISAGREE WITH THE  
27 COURT.

28 THE COURT: AND I WASN'T DIRECTING THIS AT YOU.

1 MR. AMSTER: I KNOW YOU WERE NOT. I KNOW YOU  
2 WERE NOT.

3 THE COURT: ALL RIGHT. SO WHAT I WOULD LIKE TO  
4 DO WITH THE HOUR THAT WE HAVE LEFT -- WE HAVE ANOTHER  
5 MATTER THAT I NEED TO ATTEND TO AND BRIEF. IS IT -- IT  
6 MIGHT BE -- WE MIGHT BE ABLE TO DEAL WITH IT WITHOUT  
7 HAVING THE PARTIES MOVE, AND THEN WE WILL TALK ABOUT  
8 INSTRUCTION.

9 OFF THE RECORD ON THIS MATTER.

10

11 (UNRELATED CALENDAR MATTERS WERE HEARD.)

12

13 THE COURT: BACK ON THE RECORD IN THE PERELMAN  
14 MATTER.

15 THE -- I HAVE LOOKED THROUGH THE CALCRIM,  
16 AND IT DOES NOT APPEAR AS THOUGH 370 HAS A PATTERN  
17 INSTRUCTION. RIGHT? DOES EITHER SIDE HAVE A PROPOSED  
18 INSTRUCTION FOR 370?

19 MS. PHILIPS: I COULD CERTAINLY PREPARE ONE THIS  
20 EVENING, YOUR HONOR, JUST TO MIMICK THE LANGUAGE IN THE  
21 CODE, ALTHOUGH IT OBVIOUSLY IS OVERINCLUSIVE IN TERMS OF  
22 THE ALLEGATIONS, ALL OF WHICH ARE IN THE CONJUNCTIVE IN  
23 THE COMPLAINT AND IN THE DISJUNCTIVE IN THE STATUTE.

24 SO I DON'T KNOW IF THE COURT WOULD LIKE ME  
25 TO ONLY LEAVE IN THE PEOPLE'S THEORY, WHICH IS THAT "THE  
26 DEFENDANT WILLFULLY AND UNLAWFULLY MAINTAINED AND  
27 COMMITTED" -- "OR COMMITTED A PUBLIC NUISANCE BY ACTS  
28 WHICH WERE OFFENSIVE TO THE SENSES SO AS TO INTERFERE

1 WITH THE COMFORTABLE ENJOYMENT OF LIFE AND PROPERTY BY  
2 AN ENTIRE COMMUNITY OR NEIGHBORHOOD OR BY A CONSIDERABLE  
3 NUMBER OF PERSONS."

4 OR IF THE COURT WOULD LIKE ME TO LEAVE IN  
5 EVERYTHING AND AFTER THE CONCLUSION OF THE CASE, STRIKE  
6 WHATEVER PORTIONS ARE DEEMED UNNECESSARY.

7 THE COURT: SOMEBODY IS AT THE DOOR. I CAN'T SEE  
8 WHO IT IS.

9 IT'S GOING TO REQUIRE A LITTLE BIT OF WORK  
10 TO COME UP WITH AN INSTRUCTION BECAUSE WHAT YOU JUST  
11 READ WON'T BE SUFFICIENT BECAUSE NO JUROR WILL BE ABLE  
12 TO BE MAKE SENSE OUT OF THAT. THERE ARE SO MANY TERMS  
13 IN THERE THAT WOULD HAVE TO BE DEFINED. THERE IS  
14 "ELEMENT." THERE IS "INTENT."

15 MS. PHILIPS: I BELIEVE MS. GLOSSOM FROM MY  
16 OFFICE ALSO HAD A SIMILAR CHARGE IN THIS COURT A MONTH  
17 OR TWO AGO. PERHAPS I CAN IMPOSE UPON HER TO SHARE THE  
18 COPY THAT THE COURT FOUND ACCEPTABLE IN THAT.

19 THE COURT: I DON'T THINK I HAD A PUBLIC  
20 NUISANCE.

21 ONE MOMENT.

22  
23 (CONVERSATION BETWEEN THE JUDGE AND THE BAILIFF.)  
24

25 THE COURT: ALL RIGHT. THE BAILIFF HAS INFORMED  
26 ME -- ONE SECOND.

27 THE BAILIFF HAS INFORMED ME THAT JUROR  
28 NUMBER 2 HAS RETURNED TO COURT AND SAID THAT SHE HAS A

1 PRE-PLANNED VACATION FOR TOMORROW AND THAT SHE IS NOT  
2 ABLE TO ATTEND AND THAT SHE ONLY INFORMED THE COURT  
3 AFTER HER HUSBAND INDICATED IT MIGHT BE A GOOD IDEA TO  
4 DO SO.

5 SO WE HAVE TWO EXTRA. IF YOU WANT TO  
6 STIPULATE WE CAN -- BECAUSE WE'RE MOVING FASTER THAN WE  
7 ANTICIPATED. WE CAN STIPULATE SHE CAN BE RELEASED AND  
8 SUBSTITUTED AT RANDOM BY ONE OF THE TWO ALTERNATES.

9 YOU WANT TO AGREE TO THAT, PEOPLE?

10 MS. PHILIPS: FINE, YOUR HONOR.

11 THE COURT: DEFENSE?

12 MR. AMSTER: HERE IS MY POSITION ON THIS. I  
13 DON'T HAVE ANY PROBLEM WITH EXCUSING, HER BUT I WOULD  
14 LIKE THE COURT TO MAYBE CONSIDER AN OSC, BUT IT CAN BE  
15 DISCHARGE IF SHE E-MAILS OR FAXES OR SOMETHING TO SHOW  
16 SHE ACTUALLY HAD A PREPAID VACATION.

17 THE COURT: SHE HAS SOMETHING.

18 MR. AMSTER: OKAY. THEN I WILL STIPULATE. I'M  
19 DONE.

20 THE COURT: OKAY. SO WHY DON'T YOU ASK IF -- YOU  
21 WANT TO SEE WHAT SHE HAS?

22 MR. AMSTER: NO. I WILL TAKE WHOEVER COURT  
23 OFFICIAL'S WORD FOR IT. I JUST WANTED TO MAKE SURE.

24 THE COURT: OKAY. AS LONG AS BOTH SIDES HAVE  
25 STIPULATED AND AGREED TO HER RELEASE, THEN WE CAN BRING  
26 HER IN. I WILL TELL HER NOT TO DISCUSS THE CASE.

27 BOTH SIDES STIPULATE? PEOPLE?

28 MS. PHILIPS: YES.

1 THE COURT: DEFENSE?

2 MR. AMSTER: YES. I AM NOT GOING TO SAY BON  
3 VOYAGE.

4

5 (OUTSIDE THE PRESENCE OF THE JURY:)

6

7 THE COURT: ALL RIGHT. JUROR NUMBER 2 IS HERE.

8 MA'AM, YOU'VE INDICATED TO THE BAILIFF  
9 THAT YOU HAVE A VACATION?

10 JUROR NO. 2: I AM SO EMBARRASSED.

11 THE COURT: THAT IS FINE. THE PARTIES HAVE  
12 AGREED THAT YOU CAN BE RELEASED FROM THE MATTER. SO  
13 YOUR JURY DUTY IS DONE. YOU NEED TO GO BACK TO THE JURY  
14 ASSEMBLY ROOM. THEY WILL PROCESS YOU OUT.

15 IT'S VERY IMPORTANT THAT YOU NOT DISCUSS  
16 THE CASE IN ANY WAY WITH ANYBODY, ANY OF THE SITTING  
17 JURORS OR ANYBODY ELSE. DON'T GO ON SOCIAL MEDIA.  
18 DON'T COMMUNICATE IN ANY WAY UNTIL THIS CASE IS OVER.  
19 OKAY?

20 JUROR NO. 2: OKAY. THANK YOU SO MUCH.

21 THE COURT: OKAY. THANK YOU. GOOD LUCK TO YOU.

22 MR. AMSTER: OFF THE RECORD?

23 THE COURT: YES.

24

25 (OFF-THE-RECORD DISCUSSION.)

26

27 THE COURT: NOW WE'RE BACK ON THE RECORD.

28 WE'RE TALKING ABOUT 370 AND THE FACT THAT

1 WE DON'T HAVE A MODEL INSTRUCTION FOR IT. I DON'T KNOW  
2 IF THERE IS ONE IN CALJIC. CALCRIM DOESN'T HAVE ONE.  
3 CALJIC DOESN'T HAVE ONE.

4 ONE SECOND.

5 MS. PHILIPS: MY INTERNET IS INCREDIBLY SLOW. IS  
6 THERE ANY CHANCE THAT THERE IS A CIVIL JURY INSTRUCTION  
7 THAT COULD PERHAPS MIRROR IT CLOSELY ENOUGH TO BE  
8 INSTRUCTED ON NUISANCE?

9 THE COURT: LET'S GO OFF THE RECORD ON THE TRIAL  
10 MATTER.

11

12 (UNRELATED CALENDAR MATTERS WERE HEARD.)

13

14 THE COURT: BACK ON THE RECORD.

15 WHAT I WILL DO WITH -- I AM LOOKING AT  
16 PUBLIC NUISANCE, PRIVATE NUISANCE IN THE CIVIL CONTEXT.  
17 AND THE PUBLIC NUISANCE IS DEFINED IN CALIFORNIA CIVIL  
18 CODE 3479, AND THEN IN THE ANNOTATED SECTION IT HAS  
19 CASES THAT TALK ABOUT INSTRUCTIONS. SO I WILL REFER THE  
20 PARTIES TO THOSE, AND YOU CAN COME UP WITH WHAT YOU  
21 BELIEVE TO BE AN ADEQUATE VERDICT FORM, AND THEN WE CAN  
22 LITIGATE THAT TOMORROW.

23 422 IS SPECIFIC INTENT. AND IT'S ALSO A  
24 PATTERN INSTRUCTION, WHICH IS 1300. SO THAT'S COUNTS 1  
25 AND 2.

26 COUNT 3 WAS DISMISSED. COUNT 4 WAS  
27 DISMISSED. COUNT 5 WAS DISMISSED.

28 COUNT 6 IS AN ALLEGATION RELATING TO

1 370, 372.

2 MS. PHILIPS: SAME AS COUNT 1.

3 THE COURT: SAME AS COUNT 1. SO WE'RE GOING TO  
4 NEED A PROPOSED INSTRUCTION AS TO THAT.

5 MS. PHILIPS: AND I APOLOGIZE, YOUR HONOR.  
6 APPARENTLY, I WAS MISTAKEN. THE TRIAL THAT MY COLLEAGUE  
7 DID WAS IN FRONT OF JUDGE SCHNEIDER.

8 THE COURT: DOES SHE HAVE THE --

9 MS. PHILIPS: SHE DOES.

10 THE COURT: OKAY. COUNT 7 IS A 242. WHICH IS A  
11 GENERAL INTENT CRIME. AND THE SUBSTANTIVE OFFENSE IS  
12 960, SIMPLE BATTERY.

13 COUNT 8 IS 28.01 AND COUNT 9 IS 28.01.01.

14 MS. PHILIPS: I DON'T -- SHE IS SENDING OVER  
15 SOMETHING WITH REGARD TO THOSE THAT I CAN SHARE PERHAPS  
16 IN THE MORNING WITH COURT AND COUNSEL.

17 THE COURT: YEAH. THAT IS FINE. AS FAR AS THE  
18 FACTS THAT MAKE THIS UP, THERE IS GOING TO BE UNANIMITY  
19 AS REFERRED TO EARLIER. 370 AND IN COUNT 1 AND  
20 DIFFERENT FROM COUNT 6, AND THAT INVOLVES A DIFFERENT  
21 PERIOD OF TIME. CORRECT?

22 THE COURT: WHO ARE THE WITNESSES THAT TESTIFIED  
23 TO COUNT 1?

24 MS. PHILIPS: COUNT 1 WOULD HAVE BEEN  
25 MR. SCROGGIN, MS. CANNON, AND MS. DUFFY ONLY AS UNTIL  
26 JULY WHEN SHE MOVED.

27 THE COURT: ALL RIGHT.

28 MS. PHILIPS: AND THEN OFFICERS DINSE AND RYGH.



1 THE COURT: ARE COUNT 6 OR COUNT 1?

2 MS. PHILIPS: THAT WOULD BE TRUE FOR ALL OF  
3 THEM, WITH THE EXCEPTION OF MS. DUFFY. IN OTHER WORDS,  
4 ALL OF THOSE PARTIES WOULD BE FOR COUNT 1 AND 2.  
5 MS. DUFFY WOULD BE ONLY AS TO COUNT 1, AS COUNT 1 ENDS  
6 ON AUGUST 2ND, 2017.

7 THE COURT: COUNT 6 YOU SAID IT'S SCROGGIN,  
8 CANNON --

9 MS. PHILIPS: RYGH, DINSE.

10 THE COURT: AND THEN WHAT EXACTLY IS THE THEORY  
11 OF THAT?

12 MS. PHILIPS: THAT BY DEPOSITING THE CARDS  
13 THROUGHOUT THE NEIGHBORHOODS, THAT A SIGNIFICANT NUMBER  
14 OF PERSONS WITHIN THE COMMUNITY WERE -- IT WAS OFFENSIVE  
15 TO THEIR SENSES AND INTERFERED WITH THE COMFORTABLE  
16 ENJOYMENT OF THEIR PROPERTY.

17 THE COURT: AND THEN THE 422 AND THE 242 ARE  
18 RELATIVELY SELF-EXPLANATORY.

19 COUNT 8 IS THE 28.01 AND WHAT IS -- WHAT  
20 ARE THE FACTS AS TO THAT?

21 MS. PHILIPS: THAT SPECIFICALLY BUSINESS CARDS OR  
22 CARDS LEFT ON VEHICLES.

23 THE COURT: AND COUNT 9?

24 MS. PHILIPS: IS SPECIFICALLY CARDS THAT ARE  
25 UNLAWFULLY CAST, THROWN, OR DEPOSITED ONTO ANY STREET,  
26 SIDEWALK, OR PARK.

27 THE COURT: THE BUSINESS CARDS LEFT ON VEHICLES,  
28 THOSE FACTS GO ONLY TO COUNT 8 AND NOTHING ELSE.

1 CORRECT?

2 MS. PHILIPS: CORRECT.

3 THE COURT: AND SO I WILL NEED TO SEE MODEL  
4 INSTRUCTIONS FOR 8 AND 9 AS WELL.

5 MS. PHILIPS: YES.

6 THE COURT: AND THEN WE CAN GO OVER THOSE  
7 TOMORROW, I GUESS.

8 AS FAR AS THE BUSINESS CARDS LEFT ON  
9 VEHICLES, THE CASE THAT I MENTIONED, AS TO THAT TYPE OF  
10 CONDUCT, THE *SAN CLEMENTE* ONE SEEMED TO SUGGEST THAT  
11 THAT CONDUCT MIGHT BE PROTECTED.

12 MS. PHILIPS: WELL, YOUR HONOR, I DID READ THE  
13 CASE OVER LUNCH. THAT WAS THE CASE WHERE THE PLAINTIFF  
14 BROUGHT A SUIT FOR INJUNCTIVE RELIEF AGAINST THE CITY.  
15 AND ALTHOUGH IT APPEARS THAT THE STATUTE IS SIMILARLY  
16 WORDED, I DO BELIEVE THAT IT WAS FACT SPECIFIC AND THAT  
17 THE COURT, IN THAT INSTANCE, REMANDED THE CASE BACK TO  
18 THE DISTRICT COURT BECAUSE THE PEOPLE -- WELL, THE *CITY*  
19 *OF SAN CLEMENTE* HAD FAILED, ACCORDING TO THEM, TO SHOW A  
20 NEXUS BETWEEN THE FACTS AND THE PURPORTED FUNCTION,  
21 ANTILITTERING FUNCTION OF THAT PARTICULAR STATUTE.

22 I BELIEVE THAT -- FIRST OF ALL, I FOUND  
23 ANOTHER CASE, P-R-I-G-M-O-R-E VERSUS --

24 MR. AMSTER: P-R-I-G --

25 MS. PHILIPS: M-O-R-E *VERSUS CITY OF REDDING*.

26 MR. AMSTER: REDDING.

27 MS. PHILIPS: REDDING, R-E-D-D-I-N-G; 211,  
28 CAL.APP. 4TH, 1322.

1 MR. AMSTER: AND I AM TERRIBLY SORRY. I WAS NOT  
2 ABLE TO GET THE FULL CITE OF THE *CITY OF SAN CLEMENTE*.

3 THE COURT: ALL RIGHT. IT SEEMS WE HAVE WORK.  
4 LET'S RECONVENE TOMORROW AND TALK ABOUT ISSUES.

5 SEE EVERYBODY AT 1:30 SHARP.

6 MS. PHILIPS: 1:30.

7 THE COURT: SEE EVERYBODY AT 1:30.

8 (COURT WAS ADJOURNED AT 3:54 P.M.)

9  
10 (THE MATTER WAS CONTINUED TO  
11 THURSDAY, 05-17-18, AT 1:30 P.M.  
12 FOR FURTHER PROCEEDINGS.)  
13  
14  
15  
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28

1 CASE NUMBER: 7VW05190-01/7VW04099-01  
2 CASE NAME: PEOPLE VS. KEVIN PERELMAN  
3 VAN NUYS, CALIFORNIA THURSDAY, MAY 17, 2018  
4 DEPARTMENT 113 HON. ERIC HARMON, JUDGE  
5 REPORTER: HILDA GUTIERREZ, CSR 12714, RPR  
6 APPEARANCES: (AS HERETOFORE MENTIONED)  
7 TIME: 1:34 P.M.  
8

9 (THE FOLLOWING PROCEEDINGS WERE  
10 HELD IN OPEN COURT:)  
11

12 THE COURT: IN THE MATTER OF KEVIN PERELMAN.  
13 HE'S HERE. HE'S COMING FORWARD. HE'S WITH HIS LAWYER  
14 MR. AMSTER. AND MS. PHILIPS FOR THE PEOPLE.

15 THE JURORS ARE IN THE HALLWAY, AND WE CAN  
16 REPLACE THE MISSING JUROR AND BRING IN THE WITNESS.  
17

18 (IN THE PRESENCE OF THE JURY:)  
19

20 THE COURT: ALL RIGHT. WELCOME BACK, LADIES AND  
21 GENTLEMEN. ALL OF THE JURORS ARE HERE. THE ALTERNATES  
22 ARE HERE. WE HAVE ONE JUROR MISSING. THAT IS JUROR  
23 NUMBER 2. WE'RE GOING TO REPLACE NUMBER 2 WITH AN  
24 ALTERNATE.

25 SO REMEMBER WHAT I SPOKE OF IN VOIR DIRE.  
26 YOU NEVER KNOW WHEN YOUR NUMBER MIGHT BE CALLED. WE'RE  
27 GOING TO REPLACE JUROR 2 WITH ALTERNATE 1 OR 2.

28 WE'RE REALLY HIGH TECH IN THIS COURTROOM.

1 THE WAY WE REPLACE IT IS BY WRITING IT DOWN ON A SMALL  
2 POST-IT AND SHAKING IT UP, AND THEN WE WILL SEE WHO THE  
3 JUDICIAL ASSISTANT CHOOSES AT THIS TIME.

4 7692. 7692. THAT IS YOU, MA'AM. YOU ARE  
5 NOW JUROR NUMBER 2.

6 WE ARE IN THE PEOPLE'S CASE IN CHIEF. IF  
7 YOU REMEMBER, THEY'RE CALLING, I BELIEVE, THEIR FINAL  
8 WITNESS.

9 MS. PHILIPS.

10 MS. PHILIPS: THANK YOU, YOUR HONOR.

11 THE PEOPLE CALL MR. BAILEY BARNARD.

12

13 BAILEY BARNARD,

14 HAVING BEEN CALLED TO THE STAND, WAS SWORN AND TESTIFIED  
15 AS FOLLOWS:

16 THE COURT: YOU WANT TO STEP FORWARD AND BE  
17 SWORN, SIR.

18 SIT DOWN AND RAISE YOUR RIGHT HAND.

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

23 THE WITNESS: I DO.

24 THE COURT: IF YOU WILL PLEASE BE SEATED.

25 STATE AND SPELL YOUR FIRST AND LAST NAME.

26 THE WITNESS: BAILEY BARNARD. B-A-I-L-E-Y,  
27 B-A-R-N-A-R-D.

28 THE COURT: MS. PHILIPS, YOU MAY INQUIRE.

1 MS. PHILIPS: THANK YOU, YOUR HONOR.

2

3 DIRECT EXAMINATION

4 BY MS. PHILIPS:

5 Q GOOD AFTERNOON, MR. BARNARD.

6 A GOOD AFTERNOON.

7 Q HOW ARE YOU, SIR?

8 A I AM WELL. HOW ARE YOU?

9 Q I AM WELL. THANK YOU.

10 SIR, I AM GOING TO FOCUS YOUR ATTENTION  
11 BACK TO AUGUST 18 OF 2017. AT THAT TIME WERE YOU  
12 FAMILIAR WITH THE LOCATION AT 21620 BURBANK BOULEVARD,  
13 IN WOODLAND HILLS?

14 A NO.

15 Q WERE YOU FAMILIAR WITH THAT GENERAL AREA?

16 A I LIVED NEARBY.

17 Q AND DID ANYTHING UNUSUAL OCCUR ON  
18 AUGUST 18 OF LAST YEAR?

19 A YES.

20 Q WHAT WAS THAT, SIR?

21 A I ENCOUNTERED MR. PERELMAN ON THE STREET  
22 THERE.

23 Q AND WHERE WERE YOU WHEN YOU ENCOUNTERED  
24 MR. PERELMAN?

25 A IT WAS BURBANK BOULEVARD, NEAR JULIANA  
26 STREET.

27 Q AND WHEN YOU FIRST OBSERVED MR. PERELMAN,  
28 WHAT DID YOU SEE?

1           A           I SAW HIM THROWING BUSINESS CARDS ON THE  
2 STREET AND PLACING THEM IN CAR WINDOWS.

3           Q           AND DO YOU RECALL APPROXIMATELY WHAT TIME  
4 OF DAY IT WAS?

5           A           IN THE EVENING.   MAYBE SIX O'CLOCK.

6           Q           AND WHERE WERE YOU COMING OR GOING TO?

7           A           I WAS COMING HOME FROM WORK.

8           Q           PRIOR TO AUGUST THE 18TH, HAD YOU EVER  
9 SEEN MR. PERELMAN BEFORE?

10          A           NO.

11          Q           AND HOW IS IT THAT YOU CAME TO BELIEVE  
12 THAT THE PERSON YOU WERE SEEING ON THAT DAY AT THAT TIME  
13 WAS, IN FACT, MR. PERELMAN?

14          A           BECAUSE OF ALL THE BUSINESS CARDS THAT HAD  
15 BEEN ALL OVER THE NEIGHBORHOOD ALL THE TIME. I SAW  
16 SOMEONE DROPPING THEM, AND I PUT TWO AND TWO TOGETHER.

17          Q           WHAT DID YOU DO, IF ANYTHING, WITH REGARD  
18 TO MR. PERELMAN?

19          A           I ASKED IF HE WAS KEVIN PERELMAN. HE  
20 TURNED AND SAID YES. I ASKED HIM TO STOP LITTERING.  
21 AND WE HAD AN ENGAGEMENT FURTHER FROM THERE.

22          Q           PRIOR TO CONTACTING MR. PERELMAN ON AUGUST  
23 THE 18, HAD YOU HAD OCCASION TO OBSERVE HIS BUSINESS  
24 CARD?

25          A           YES. THEY HAD BEEN ALL OVER THE  
26 NEIGHBORHOOD SINCE I LIVED IN WOODLAND HILLS.

27          Q           WHEN WAS THAT? WHEN DID YOU MOVE?

28          A           FEBRUARY 2016.

1 Q FROM THE TIME YOU MOVED FROM WOODLAND  
2 HILLS IN FEBRUARY 2016, HOW MANY BUSINESS CARDS WOULD  
3 YOU APPROXIMATE YOU HAD SEEN?

4 A THOUSANDS.

5 Q WHERE?

6 A THE ONES I HAD SEEN WERE MARYLEE STREET  
7 AROUND WARNER PARK. OCCASIONALLY AT THE RALPH'S PARKING  
8 LOT NEARBY, ON VENTURA AND TOPANGA, AND THEN VARIOUS  
9 PLACES ALL OVER THE TOWN.

10 I WAS SURPRISED HOW FAR AWAY I WOULD SEE  
11 THEM.

12 Q WHEN YOU WOULD SEE THEM, WHERE WOULD THEY  
13 BE LOCATED?

14 A MOSTLY ON THE GROUND AS WELL AS CAR  
15 WINDOWS.

16 Q THE ONES YOU WOULD SEE ON THE GROUND,  
17 WOULD THOSE BE ON THE STREETS, ON THE SIDEWALKS? WHERE?

18 A EVERYWHERE. LARGELY ON THE SIDEWALK AND  
19 PARKS AND IN THE DRIVEWAYS IN MY COMMUNITY WHERE I LIVED  
20 AS WELL.

21 Q AND DO YOU LIVE IN THE SAME COMMUNITY AS  
22 MR. PERELMAN?

23 A I DON'T BELIEVE SO.

24 Q AND WHAT, IF ANYTHING, HAVE YOU DONE  
25 UPON -- LET ME BACK UP FOR A MOMENT.

26 HOW IS IT THAT YOU IDENTIFIED THE BUSINESS  
27 CARDS AS BELONGING TO MR. PERELMAN?

28 A HIS NAME IS ON THERE.



1 Q AND I AM GOING TO ASK YOU TO HAVE A LOOK  
2 AT WHAT HAS PREVIOUSLY BEEN MARKED PEOPLE'S 1 FOR  
3 IDENTIFICATION.

4 FORGIVE ME. THE PHOTO IS A BIT BLURRY.  
5 BUT TELL ME IF YOU CAN MAKE OUT WHAT IS DEPICTED IN THE  
6 PHOTOGRAPH.

7 A KEVINPERELMANTARGET.COM.

8 Q IS THAT CARD ESSENTIALLY SIMILAR TO THE  
9 THOUSANDS YOU DESCRIBED PREVIOUSLY?

10 A YES.

11 Q AND WHAT, IF ANYTHING, HAVE YOU DONE UPON  
12 OBSERVING THESE CARDS?

13 A AT FIRST I -- WE JUST LEFT THEM, MY WIFE  
14 AND I. AND FOLLOWING THE ALTERCATION IN AUGUST, WE  
15 STARTED TAKING ACTION BY PICKING THEM UP OFF THE STREET  
16 OURSELVES AND EVEN PICKING THEM OFF THE CARS.

17 Q SO PRIOR TO AUGUST 18 YOU DID NOTHING UPON  
18 SEEING THESE CARDS?

19 A I THINK AT ONE POINT I PICKED UP ONE TO  
20 SEE WHAT THE WEBSITE SAID.

21 Q AT ANY POINT DID YOU CONTACT LAW  
22 ENFORCEMENT REGARDING THE CARDS?

23 A YES. INITIALLY -- I FORGET THE DATE --  
24 BUT BEFORE AUGUST I CALLED THE TOPANGA DIVISION TO FILE  
25 A COMPLAINT ABOUT ALL THE CARDS BEING AROUND THE  
26 NEIGHBORHOOD.

27 Q AND AT SOME POINT DID YOU COME INTO  
28 CONTACT WITH SENIOR LEAD OFFICER SEAN DINSE?

1           A           YES, I DID.

2           Q           WAS THAT BEFORE OR AFTER AUGUST 18?

3           A           I BELIEVE IT WAS AFTER.

4           Q           FOCUSING YOUR ATTENTION BACK ONTO  
5 AUGUST 18, AT THAT POINT, SIR, YOU HAD MENTIONED THAT  
6 YOU CAME UPON THE DEFENDANT WHERE?

7           A           IT WAS ON BURBANK BOULEVARD, NEAR JULIANA  
8 STREET.

9           Q           AND PRIOR TO APPROACHING THE DEFENDANT,  
10 HOW LONG DID YOU OBSERVE HIM WITH THE CARD -- DROPPING  
11 THE CARDS?

12          A           THAT DAY ONLY VERY BRIEFLY I HAD SEEN HIM  
13 AND THEN APPROACHED HIM.

14          Q           DO YOU KNOW APPROXIMATELY HOW MANY CARDS  
15 HE DROPPED THAT YOU SAW?

16          A           IN THE MOMENT I SAW HIM DROPPING, IT MIGHT  
17 HAVE BEEN FIVE OR TEN. BUT BEHIND HIM -- THERE WAS  
18 DOZENS OF THEM ON THE STREETS BEHIND HIM AS THOUGH HE  
19 HAD JUST BEEN DROPPING A TRAIL OF THEM.

20          Q           APPROXIMATELY -- HOW FAR WERE THE CARDS  
21 BEHIND HIM THAT YOU COULD SEE?

22          A           I DON'T RECALL. I JUST REMEMBER SEEING AN  
23 IMMEDIATE TRAIL BEHIND HIM, MAYBE 50 FEET, BUT I  
24 DIDN'T -- I DIDN'T LOOK CLOSELY AROUND THE NEIGHBORHOOD  
25 AT THAT POINT.

26          Q           AND YOU SAID ON THAT DAY BEHIND HIM THERE  
27 WERE SEVERAL DOZENS?

28          A           YES. ESTIMATE.

1 Q OKAY. AND WHAT WAS YOUR PURPOSE IN  
2 APPROACHING MR. PERELMAN ON THAT DATE?

3 A I GUESS I WAS JUST TRYING TO REASON WITH  
4 HIM, TO SEE IF I COULD GET INSIGHT AS TO WHY HE WAS  
5 DOING THIS, AND HOPEFULLY CONVINCE HIM TO STOP LITTERING  
6 PART OF MY NEIGHBORHOOD.

7 Q HOW DID THAT GO?

8 A NOT PARTICULARLY WELL.

9 Q WHAT HAPPENED NEXT?

10 A AFTER SPEAKING WITH HIM AND ASKING HIM TO  
11 STOP LITTERING THE CARDS, HE BECAME VERY PROGRESSIVE AND  
12 ANIMATED, STARTED RANTING AND RAVING, AND I CONTINUED  
13 JUST TO INSIST TO PLEASE STOP LITTERING, AND IT  
14 ESCALATED FROM THERE. AT ONE POINT WE WERE -- HE WAS  
15 WALKING TOWARD ME, AND I WAS WALKING BACKWARD. HE -- HE  
16 THREATENED TO, I THINK, BLOW MY HEAD OFF OR BLOW MY  
17 BRAINS OFF IF I CAME INTO HIS HOME. I DIDN'T KNOW WHERE  
18 HIS HOME WAS. I WASN'T SURE WHAT THAT MEANT.

19 AND I ASKED HIM TO STOP LITTERING. I WAS  
20 AFRAID BECAUSE HE WAS ANIMATED. BEFORE LONG, HE STRUCK  
21 ME AND THREW A PUNCH, AND IT HIT ON THE SIDE OF MY FACE,  
22 AND WE FELL ON THE FLOOR, AND WE SCUFFLED ON THE GROUND  
23 A LITTLE BIT.

24 Q I AM GOING TO STOP YOU.

25 WHEN YOU FIRST WENT UP TO MR. PERELMAN,  
26 HOW WOULD YOU DESCRIBE YOUR DEMEANOR IN APPROACHING HIM?

27 A I TRIED TO BE VERY CALM ABOUT IT. HAVING  
28 LOOKED AT HIS WEBSITE AND RECOGNIZING THAT PERHAPS THERE

1 WAS SOME MENTAL ISSUES THERE, I DIDN'T WANT TO BE TOO  
2 AGGRESSIVE. AT FIRST I JUST ASKED HIM IF HE WOULD STOP  
3 LITTERING THE CARDS. AND PRETTY QUICKLY HIS BEHAVIOR  
4 BECAME AGGRESSIVE. HE WAS RANTING AND RANTING AND SUCH.

5 Q DID YOU -- DID YOU MAKE ANY OTHER  
6 STATEMENT OTHER THAN ASKING HIM TO REFRAIN FROM DROPPING  
7 THE CARDS AROUND THE NEIGHBORHOOD?

8 A NOT REALLY. I MEAN, I THINK AT ONE POINT  
9 I TRIED TO ASK WHY. AND I WAS CONFUSED BY THE RESPONSE.  
10 BUT I DO RECALL REPEATEDLY SAYING, "PLEASE STOP  
11 LITTERING," "PLEASE STOP LITTERING," "PLEASE STOP  
12 LITTERING."

13 Q AND APPROXIMATELY HOW LONG AFTER THIS  
14 INITIAL ENCOUNTER DID THE DEFENDANT APPEAR TO GET, I  
15 THINK YOU SAID, ANIMATED AND AGGRESSIVE?

16 A RIGHT. VERY QUICKLY. I MEAN, WITHIN 30  
17 SECONDS.

18 Q COULD YOU DESCRIBE HIS DEMEANOR AT THAT  
19 POINT?

20 A VERY FLUSTERED. HE WAS -- HE WAS MORE  
21 VIVID. HE WAS TALKING VERY FAST AND RANTING ABOUT MY  
22 INVOLVEMENT IN VARIOUS CONSPIRACIES OR SOMETHING, AND HE  
23 WAS, I GUESS, AGGRESSIVE AND WALKING TOWARD ME AND KIND  
24 OF SWEATY AND JUST JITTERY. BUT LOUD AS WELL.

25 Q I'M SORRY?

26 A HE WAS LOUD AS WELL AND AGGRESSIVE. AND  
27 HE RAISED HIS VOICE.

28 Q AND THAT WAS MY NEXT QUESTION. WHAT WAS

1 THE LEVEL OF HIS VOICE AT THIS POINT?

2 A PRETTY QUICKLY GOT TO THE POINT OF  
3 SHOUTING AND MAKING ACCUSATIONS AT ME.

4 Q AND AT THE POINT THAT IT ESCALATED INTO  
5 WHAT YOU JUST DESCRIBED WITH THE RAISED VOICE AND SO ON,  
6 WHERE WERE YOU AT THAT POINT?

7 A WE WERE STANDING ON THE SIDEWALK ON  
8 BURBANK BOULEVARD.

9 Q IS THAT WHERE THE -- IS THAT WHEN YOU  
10 INITIALLY BEGAN THE CONVERSATION OR WAS HE MOVING?

11 A INITIALLY HE WAS -- HE WAS WALKING AWAY  
12 FROM ME, AND I SAID, "HEY, ARE YOU KEVIN PERELMAN?"  
13 HE TURNED AROUND AND WALKED TOWARD ME.  
14 AND THEN WE STARTED SPEAKING, AND HE CONTINUED WALKING.  
15 AND I, SORT OF, WALKED BACKWARD AND, SORT OF, BESIDE HIM  
16 AND IN FRONT OF HIM AS WE WERE WALKING BACK. AND THE  
17 CONVERSATION CONTINUED THERE, AND I STARTED TO BACK  
18 AWAY, AND HE KEPT WALKING TOWARD ME.

19 Q AND WHAT HAPPENED NEXT?

20 A THAT'S WHEN HE WAS -- HE GOT VERY, VERY  
21 ANIMATED AND AGGRESSIVE AND THREATENED TO "BLOW MY HEAD  
22 OFF," "BLOW MY BRAINS" -- I FORGET -- AND HE THREW A  
23 PUNCH.

24 Q WHAT, IF ANYTHING, DID YOU SAY IMMEDIATELY  
25 PRECEDING HIM THREATENING HARM TO YOU?

26 A I THINK MY RESPONSE WAS SOMETHING LIKE "I  
27 AM NOT ENTERING YOUR HOUSE. I DON'T EVEN KNOW WHERE YOU  
28 LIVE."

1 Q AND AT THAT POINT DID YOU KNOW WHERE HE  
2 LIVED?

3 A NO.

4 Q AND WHEN YOU TOLD HIM THAT YOU DIDN'T KNOW  
5 WHERE HE LIVED, DID THAT DE-ESCALATE THE SITUATION AT  
6 ALL?

7 A NO. HE WAS -- HE WAS VERY WOUND UP, I  
8 THINK, AT THAT POINT AND I -- AT THAT POINT, I KIND OF  
9 GOT THAT SOMETHING WAS VERY WRONG AND THIS WASN'T GOING  
10 TO GO WELL.

11 "PLEASE STOP LITTERING."

12 I TRIED TO CALM DOWN. AT THAT POINT HE  
13 STRUCK ME.

14 Q CAN YOU DESCRIBE FOR US HOW IT WAS THAT HE  
15 STRUCK YOU?

16 A SO HE TOOK A SWING. I BELIEVE IT WAS HIS  
17 RIGHT HAND, AND IT KIND OF HALF-LANDED ON THE SIDE OF  
18 FACE, AND HE THREW HIS WEIGHT AND FELL ON TOP OF ME. AT  
19 THAT POINT HE WAS STILL HITTING AND PUNCHING AND  
20 GRABBING AT ME. I TRIED TO RESTRAIN HIM TO KEEP HIM  
21 FROM PUNCHING ME BECAUSE HE WAS ON TOP OF ME. AND I HAD  
22 LANDED BACKWARD AND HAD HURT MY BACK.

23 Q I AM GOING TO STOP YOU.

24 HOW LONG -- WHAT WERE THE WORDS?

25 A I BELIEVE HE SAID, WITHOUT USING  
26 EXPLETIVES, "I WILL BLOW YOUR F-ING HEAD OFF IF YOU COME  
27 INTO MY HOME."

28 Q WHEN HE SAID THAT, WERE YOU ABLE TO GET

1 OUT THE WORDS THAT YOU DIDN'T KNOW WHERE HE LIVED BEFORE  
2 HE HIT YOU?

3 A YEAH. IT WAS A BLUR. I DON'T REMEMBER  
4 EXACTLY. "HEY, MAN. I DON'T EVEN KNOW WHERE YOU LIVE."  
5 I THINK ONE MOMENT OF THAT IS WHEN THE PUNCH CAME.

6 Q AND DID IT LAND SQUARELY OR I BELIEVE --  
7 I APOLOGIZE. I SHOULD HAVE INDICATED THIS  
8 FOR THE RECORD. WHEN YOU WERE TALKING ABOUT IT EARLIER,  
9 IT SEEMED THAT YOU USED YOUR RIGHT HAND TOWARD THE  
10 OPPOSITE SIDE OF YOUR FACE IN, KIND OF, A GRAZING  
11 MOTION?

12 A HIS RIGHT HAND, I THINK, AND IT WAS MORE  
13 LIKE HIS ARM. HE TRIED TO THROW A PUNCH AND HIT ME IN  
14 THE NECK HERE, BUT THEN HE WAS FALLING FORWARD, AND HE  
15 FELL ON TOP OF ME.

16 Q FOR THE RECORD, THE WITNESS WAS INDICATING  
17 WITH HIS HAND TOWARD THE SIDE OF HIS FACE, WITH THE ARM  
18 MAKING CONTACT WITH THE SIDE OF HIS CHIN.

19 WOULD THAT BE ACCURATE?

20 A YES. AND IT KNOCKED MY GLASSES OFF AS  
21 WELL.

22 Q IT KNOCKS -- YOU WERE WEARING YOUR GLASSES  
23 AT THE TIME?

24 A YES.

25 Q DID YOU, AT ANY POINT PRIOR TO THIS, MAKE  
26 ANY THREATENING REMARK TO THE DEFENDANT?

27 A NO. I HAD NEVER SPOKEN TO HIM BEFORE.

28 Q ON THIS DATE PRIOR?

1           A           NO.   CERTAINLY NOT.   IT WAS JUST ABOUT THE  
2 LITTERING.

3           Q           OTHER THAN THE LITTERING, DID YOU HAVE ANY  
4 ISSUES WHATSOEVER WITH MR. PERELMAN PRIOR TO THE 18TH?

5           A           NO.   I DIDN'T KNOW ANYTHING ABOUT HIM  
6 OTHERWISE.

7           Q           WHEN YOU FELL TO THE GROUND -- LET ME BACK  
8 UP FOR A MOMENT.

9                       PHYSICALLY SPEAKING, HOW DO YOU AND  
10 MR. PERELMAN COMPARE GIVEN RELATIVE SIZE AND HEIGHT?

11          A           I THINK HE'S MAYBE ABOUT MY SAME HEIGHT.  
12 HEFTIER.   MAYBE HEAVIER.

13          Q           AND WHEN YOU WERE ON THE GROUND,  
14 APPROXIMATELY HOW MANY TIMES DID THE DEFENDANT SWING AT  
15 YOU?

16          A           I DON'T KNOW.   SEVERAL AT LEAST.   IT  
17 WAS -- LIKE WRESTLING.   I WAS ON MY BACK, AND HE'S JUST  
18 KIND OF DOING THIS, AND I TRIED TO GRAB HIM TO KEEP HIM  
19 FROM STOPPING.   I THINK I GOT HIM IN A HEADLOCK TO  
20 RESTRAIN HIM, TO KEEP HIM FROM HITTING ME.   AND THAT  
21 LASTED FOR -- I DON'T KNOW -- A MINUTE OR TWO.

22          Q           DURING THAT MINUTE OR TWO ON THE GROUND,  
23 OTHER THAN RESTRAINING -- ATTEMPTING TO RESTRAIN HIM IN  
24 A HEADLOCK, DID YOU TRY -- WERE YOU ATTEMPTING TO HIT  
25 HIM BACK AT ANY POINT?

26          A           I DON'T THINK SO.   I THINK ALL OF IT WAS  
27 DEFENSIVE, JUST TRYING TO, YOU KNOW, RESTRAIN HIM AND/OR  
28 GET HIM OFF ME.   HE'S BIGGER THAN ME, AND HE WAS ON TOP



1 OF ME, AND I COULDN'T MOVE. IT HAPPENED QUICKLY. IT  
2 WAS A BLUR, THE ACTUAL SKIRMISH AS WELL.

3 Q WHAT HAPPENED?

4 A AFTER THAT MINUTE OR TWO, WE WERE BOTH  
5 TIRED, AND HE WAS -- ACTUALLY GOT OFF OR MAYBE I WAS  
6 MAYBE ABLE TO PUSH HIM OFF. WE STOOD. AND I COULDN'T  
7 FIND MY GLASSES. I AM NEARSIGHTED, AND I CAN'T SEE VERY  
8 WELL WITHOUT THEM. I WAS CONFUSED BY THAT, AND I WAS  
9 LOOKING AROUND FOR MY GLASSES. AND SHORTLY AFTER -- HE  
10 HAD A BIG CAMERA, LIKE DSLR OR CANNON, ON SHOULDER  
11 STRAPS, AND HE SWUNG THAT AT ME, AND IT GLAZED MY ARM.  
12 DIDN'T HIT ME VERY BADLY. AND THEN I THINK -- I THINK  
13 AFTER THAT, HE -- HE CALLED THE POLICE PRETTY QUICKLY,  
14 AND I WAS VERY TIRED AND FLUSTERED AND SEARCHING AROUND  
15 ON THE GROUND FOR MY GLASSES, LITERALLY ON MY HANDS AND  
16 KNEES FOR THEM BECAUSE I COULDN'T SEE. I THINK HE  
17 CALLED THE POLICE.

18 SHORTLY AFTER THAT, HE RAN INTO A GATE  
19 NEARBY, UP A SET OF STEPS THAT WE HAD FALLEN ON THAT  
20 WERE NEXT TO THE SIDEWALK, RAN UP THOSE INTO A GATE AND  
21 INTO THE -- INTO THE AREA BEYOND THE GATE. AND THEN A  
22 FEW MINUTES LATER, I THINK I WAS -- I HAD CALLED THE  
23 POLICE AT THAT POINT OR WHILE ON THE PHONE WITH THE  
24 POLICE, I SAW HIS CAR WITH THE BIG TARGET LOGO ON IT  
25 COME AROUND THE CORNER AND SPEED AWAY.

26 Q I AM GOING TO BACK YOU UP.

27 SO WHEN THE DEFENDANT FIRST HIT YOU, WHERE  
28 WERE YOU WHEN THAT OCCURRED?

1           A           WE WERE ON BURBANK STREET, AND IT WAS --  
2 IT WAS NEXT TO THAT SET OF STEPS THAT HE RAN UP SHORTLY  
3 AND WENT TO THE POINT WHERE WE WERE ON THE SIDEWALK  
4 WHERE HE HIT ME, AND I FELL BACK ONTO THE STEPS, AND  
5 THAT'S WHAT HURT MY BACK.

6           Q           HOW FAR AWAY WERE YOU FROM THE GATE THAT  
7 HE LATER RAN INTO?

8           A           THE STEPS WERE MAYBE 10 OR 15 FEET. SO  
9 SORT OF AT THE BASE OR EARLY PART OF IT. I THINK BY THE  
10 TIME WE WERE ROLLING AROUND, WE HAD GONE UP ON THE  
11 STAIRS A LITTLE BIT.

12          Q           AT THE TIME THAT YOU WERE HIT, DID THAT  
13 GATE OR THE LOCATION HAVE ANY SIGNIFICANCE TO YOU?

14          A           NO. WE WERE JUST AT THE SIDEWALK AT THAT  
15 POINT. I DIDN'T REALIZE THAT WAS HIS HOME OR ANYTHING.

16          Q           WHEN WAS THE FIRST TIME THAT YOU HAD ANY  
17 INKLING THAT COULD HAVE BEEN THE ENTRANCE TO HIS HOME?

18          A           AFTER THE ALTERCATION, WHEN HE THEN WENT  
19 INTO THE GATE.

20          Q           AND JUST SO WE'RE CLEAR, THE OTHER SIDE OF  
21 THE GATE, IS THAT INTO AN APARTMENT COMPLEX?

22          A           YEAH. LIKE THE OUTSIDE AREA OF AN  
23 APARTMENT COMPLEX. IT'S LIKE THE GATED ENTRANCE TO GET  
24 INTO THE COURTYARD AREA, I GUESS.

25          Q           AND DO YOU KNOW WHERE WITHIN THAT COMPLEX  
26 THE DEFENDANT LIVED?

27          A           NO.

28          Q           AND YOU STILL DON'T KNOW?

1 A NO.

2 Q AND YOU MET -- WHEN YOU FELL BACKWARD, DID  
3 YOU FALL CLOSER TOWARD THE GATE OR AWAY FROM THE GATE?

4 A BACK TOWARD IT.

5 Q TOWARD THE GATE?

6 A UH-HUH.

7 Q DID YOU AT ANY POINT TRY TO PRECLUDE THE  
8 DEFENDANT FROM GOING INTO THE GATE?

9 A NO.

10 Q AFTER YOU GOT TO YOUR FEET BUT BEFORE THE  
11 DEFENDANT SWUNG HIS CAMERA AT YOU, WERE ANY WORDS  
12 EXCHANGED THAT YOU RECALL?

13 A I DON'T THINK SO. WE WERE CATCHING OUR  
14 BREATH. I THINK I ASKED HIM IF HE SAW MY GLASSES, AND  
15 HE SAID "F- YOU" TO ME. I DON'T RECALL OTHER WORDS.

16 Q FROM YOUR PERSPECTIVE, WAS THERE ANYTHING  
17 FURTHER PROVOCATIVE PRIOR TO THE CAMERA BEING SWUNG?

18 A WHAT DO YOU MEAN "PROVOCATIVE"?

19 Q DID YOU MAKE ANY ACTIONS? DID YOU MAKE  
20 MOVES TOWARD HIM? DID ANYTHING ELSE HAPPEN INTERVENING?

21 A NO. NOT REALLY. NOT THAT I RECALL.

22 Q SO JUST ASKING FOR YOUR GLASSES WAS ALL  
23 THAT YOU RECALL?

24 A RIGHT.

25 Q AND YOU INDICATED THAT AT SOME POINT YOU  
26 CALLED THE POLICE?

27 A YES.

28 Q AND DID THEY ARRIVE?

1           A           YES.

2           Q           ROUGHLY, HOW LONG AFTER DID THEY ARRIVE?

3           A           10, 15 MINUTES. I WAITED FOR A WHILE  
4 THERE ON THE SIDEWALK.

5           Q           AND WHEN THEY ARRIVED, DID YOU TELL THEM  
6 WHAT HAD HAPPENED?

7           A           YES.

8           Q           AND WHERE DID YOU GO AFTER THE POLICE  
9 DEPARTED?

10          A           I WENT HOME.

11          Q           AND AT SOME POINT DID YOU HAVE OCCASION TO  
12 SEE WHETHER YOU SUSTAINED ANY INJURIES FROM THE  
13 ALTERCATION?

14          A           YEAH. SO MY BACK WAS VERY SORE, AND SO I  
15 TOOK MY SHIRT OFF, AND MY WIFE LOOKED AT IT. SHE WAS  
16 SHOCKED AT THE NUMBER OF SCRATCHES AND BRUISES, AND SHE  
17 TOOK PICTURES OF IT JUST TO HAVE THEM.

18          MS. PHILIPS: YOUR HONOR, I AM HOLDING IN MY HAND  
19 PHOTOGRAPHS THAT I AM GOING TO MARK PEOPLE'S NEXT IN  
20 ORDER. THAT WILL BE PEOPLE'S 7, PEOPLE'S 8.

21          THE COURT: SO MARKED.

22          MS. PHILIPS: PEOPLE'S 9, 10, AND 11.

23  
24          (People's Exhibits 7, 8, 9, 10, 11, AND 12 WERE  
25 MARKED FOR IDENTIFICATION.)

26  
27          MS. PHILIPS: AND 12.

28                       WITH THE COURT'S PERMISSION, AFTER THEY'RE

1 IDENTIFIED, MAY I USE THE OVERHEAD?

2 THE COURT: YES.

3 MS. PHILIPS: THANK YOU.

4 Q BY MS. PHILIPS: SIR, I AM PLACING BEFORE  
5 YOU WHAT'S BEEN MARKED PEOPLE'S 7 FOR IDENTIFICATION.  
6 DO YOU RECOGNIZE THAT?

7 A YES.

8 Q WHAT DOES THAT DEPICT?

9 A BIG SCRAPE ON MY RIGHT ELBOW.

10 Q AND PRIOR TO THE ALTERCATION WITH  
11 MR. PERELMAN, DID YOU HAVE ANY INJURIES TO ANY PART OF  
12 YOUR BODY?

13 A NO.

14 Q AND DID YOU HAVE ANY PAIN TO ANY PART OF  
15 YOUR BODY?

16 A PRIOR TO THAT, NO.

17 Q AND DO YOU BELIEVE THAT YOU SUSTAINED THAT  
18 INJURY AS A RESULT OF THE SCUFFLE?

19 A YES.

20 Q I AM SHOWING YOU NOW WHAT'S BEEN MARKED  
21 PEOPLE'S 8. DO YOU RECOGNIZE THAT PHOTO, SIR?

22 A YES.

23 Q WHAT DOES THAT DEPICT?

24 A THAT'S A PICTURE OF MY BACK WITH A SCRAPE  
25 OR BRUISE ON IT.

26 Q AND IT'S PROBABLY NOT THE BEST LIGHTING.  
27 I AM GOING TO SHOW YOU NUMBER 9. DO YOU RECOGNIZE THAT  
28 PHOTO?

1           A           YES.

2           Q           AND WHAT DOES THAT DEPICT?

3           A           SAME SPOT ON MY BACK.  A LITTLE CLEARER  
4 IMAGE OF THE SAME SCRAPE OR BRUISE.

5           Q           WHEN YOU ARE REFERRING TO A SCRAPE OR  
6 BRUISE, SPECIFICALLY WITH REGARD TO YOUR BACK, DID YOU  
7 HAVE ANY INJURIES PRIOR TO THE ALTERCATION TO THAT PART  
8 OF YOUR BODY?

9           A           NO.

10          Q           AND WHAT -- DID YOU ALSO FEEL PAIN IN  
11 THOSE AREAS?

12          A           YES.

13          Q           CAN YOU PLEASE, USING THIS PEN, INDICATE  
14 WITH A CIRCLE ANY AREA OR AREAS OF THAT PAIN?

15                      IS IT NOT WORKING?

16          A           IT'S NOT REALLY WORKING.

17          Q           LET'S TRY A DIFFERENT PEN.  I'M SORRY.  
18                      THE PERMANENT ONES WORK A BIT BETTER.  
19 LET'S GIVE THAT A WHIRL.

20                      IF YOU COULD, SIR, MAYBE IF YOU COULD  
21 CAREFULLY TURN AROUND, APPROXIMATELY HOW MANY AREAS OF  
22 YOUR BACK WERE INJURED?

23          A           SO THAT'S THE MAIN ONE THERE.  THERE WERE  
24 SOME OTHER SORE AREAS TOO.  MY RIBS WERE ALSO BRUISED OR  
25 SORE FOR SEVERAL WEEKS AFTER THIS.

26          Q           DO YOU -- WERE THERE PHOTOGRAPHS -- WHAT  
27 PART OF YOUR RIBS?

28          A           SO JUST KIND OF UP AND DOWN THE SIDE.  I

1 DIDN'T HAVE ANY VISIBLE BRUISES THERE. I DON'T THINK.

2 Q SO OBVIOUSLY NO PHOTOS?

3 A I GUESS NOT.

4 Q I AM PLACING BEFORE YOU PEOPLE'S 10. DO  
5 YOU RECOGNIZE THAT PHOTO, SIR?

6 A YES.

7 Q WHAT DOES THAT DEPICT?

8 A A SCRAPE ON -- THE BIG RED MARK ON THE  
9 LEFT SIDE OF MY NECK.

10 Q HOW DO YOU BELIEVE THAT WAS SUSTAINED?

11 A DURING THE ALTERCATION.

12 Q IS THAT THE SIDE OF YOUR HEAD THAT THE  
13 PUNCH LANDED ON?

14 A YES.

15 Q AND WITH REGARD TO THAT PART OF YOUR BODY,  
16 WERE THERE ANY VISIBLE INJURIES PRIOR TO THE  
17 ALTERCATION?

18 A NO.

19 Q WHERE HAD YOU BEEN EARLIER?

20 A THAT DAY?

21 Q YES.

22 A I WAS AT WORK.

23 Q NOTHING CRAZY HAPPENED?

24 A NOTHING CRAZY. OFFICE JOB. AT A DESK  
25 MOST OF THE DAY.

26 Q PLACING BEFORE YOU WHAT'S BEEN MARKED  
27 PEOPLE'S 11, DO YOU RECOGNIZE THAT, SIR?

28 A YES.

1 Q WHAT IS THAT A PHOTO OF?

2 A RIGHT ELBOW WITH SCRAPE AND PRETTY  
3 PROMINENT BRUISE ON IT.

4 Q AND WERE THERE BRUISES THAT DEVELOPED  
5 LATER THAT ARE IN THE SAME AREAS AS THESE?

6 A YEAH. THE OTHER ONES IN THE PHOTO -- THEY  
7 GOT DARKER OVER A PERIOD OF A WEEK OR TWO.

8 Q WHERE WERE THOSE BRUISES LOCATED?

9 A THE PLACES THAT THE PICTURES INDICATE.

10 Q IS THIS THE SAME ARM THAT WAS DEPICTED IN  
11 THE FIRST PHOTO THAT I SHOWED YOU, PEOPLE'S 7?

12 A YES. I THINK SO. I THINK THEY'RE BOTH MY  
13 RIGHT ARM.

14 Q AND I AM GOING TO SHOW YOU FINALLY WHAT'S  
15 BEEN MARKED PEOPLE'S 12. AND -- LET ME ASK YOU IF YOU  
16 RECOGNIZE THE PHOTO FIRST.

17 A YES. IT'S MY BACK.

18 Q AND THERE -- IF I COULD JUST GET YOU TO  
19 INDICATE MAYBE WITH X'S THE EXACT AREAS WHERE THE  
20 SCRAPES AND BRUISES ARE.

21 A I THINK THAT MIGHT BE ONE TOO.

22 Q DID YOU SEEK MEDICAL TREATMENT FOR ANY OF  
23 THESE, SIR?

24 A NO. THEY WERE FAIRLY TOPICAL SCRAPES AND  
25 BRUISES, ALTHOUGH MY RIBS HURT FOR SEVERAL WEEKS. I DID  
26 HAVE THEM LOOKED AFTER. BRUISED RIB. IT WENT AWAY FOR  
27 A FEW WEEKS.

28 Q SIR, AFTER -- AFTER AUGUST THE 18TH, DID



1 YOU HAVE OCCASION TO SEE ANY MORE BUSINESS CARDS --

2 A YES.

3 Q -- OF THE DEFENDANT?

4 A YES.

5 Q WHERE AND WHEN DID THAT OCCUR?

6 A THROUGHOUT THE PERIOD FROM, I MEAN, AUGUST  
7 PROMINENTLY THROUGH MARCH, BUT I STILL SEE THEM TODAY,  
8 AND IT'S ALL AROUND WARNER PARK, WHICH IS AN AREA I  
9 FREQUENT IN WALKING MY DOGS OR JOGGING IN THE PARK.  
10 THAT'S WHERE I'VE SEEN THEM MOSTLY.

11 Q FROM THE PERIOD AUGUST 2017 THROUGH MARCH  
12 2018, WHAT, IF ANYTHING, DID YOU DO UPON SEEING THE  
13 CARDS?

14 A MY WIFE AND I WOULD COLLECT THE CARDS  
15 WHENEVER WE WOULD SEE THEM ON THE GROUND AND PICK THEM  
16 UP AND KEEP THEM FOR EVIDENCE IN CASE WE NEEDED THEM.

17 Q AND HOW MANY CARDS HAVE -- WOULD YOU  
18 APPROXIMATE YOU COLLECTED?

19 A SEVERAL HUNDRED, IF NOT COUPLE THOUSAND.

20 Q AND OF THOSE CARDS, DID YOU KEEP ANY?

21 A YES.

22 Q DID YOU BRING THEM WITH YOU TODAY?

23 A I DID.

24 Q MAY WE SEE THOSE, PLEASE.

25 A YES. THEY'RE IN THIS BAG HERE. I HAVE A  
26 FOLDER IN THERE AS WELL.

27 MR. AMSTER: CAN WE HAVE A BREAK, YOUR HONOR?  
28 THERE MIGHT BE OTHER THINGS. I WOULD LIKE TO LOOK

1 THROUGH OR IDENTIFY IT AND NOT --

2 THE COURT: LET'S IDENTIFY IT, AND WE WILL  
3 DISCUSS THE ADMITTANCE OF THAT LATER.

4 YOU ARE MARKING THE BAG AND ITS CONTENTS?

5 MS. PHILIPS: PEOPLE'S NEXT IN ORDER, WHICH I  
6 BELIEVE IS 13.

7 THE COURT: SO MARKED.

8

9 (PEOPLE'S EXHIBIT 13 WAS MARKED FOR IDENTIFICATION.)

10

11 MS. PHILIPS: THANK YOU.

12 Q BY MS. PHILIPS: SIR, THE CARDS IN THIS  
13 BAG, THEY WERE COLLECTED DURING WHAT TIME FRAME?

14 A WE ONLY STARTED COLLECTING AFTER THE  
15 ALTERCATION, AFTER AUGUST 18 THROUGH ABOUT MARCH OR SO,  
16 AND THEN WE, KIND OF, GAVE UP.

17 MS. PHILIPS: THANK YOU. NOTHING FURTHER.

18 THE COURT: CROSS-EXAMINATION.

19

20 CROSS-EXAMINATION

21 BY MR. AMSTER:

22 Q SIR, YOU MOVED INTO THE WOODLAND HILLS  
23 AREA IN FEBRUARY OF 2016?

24 A CORRECT.

25 Q OKAY. AND FROM FEBRUARY 2000 -- YOU  
26 STARTED SEEING CARDS SHORTLY AFTER YOU MOVED INTO THE  
27 AREA?

28 A IMMEDIATELY AFTER. THEY HAD ALREADY BEEN

1 THERE.

2 Q FROM THE PERIOD FEBRUARY 2016 TO  
3 AUGUST 18, 2017, YOU NEVER HAD ANY CONTACT WITH  
4 MR. PERELMAN?

5 A NO.

6 Q OKAY. NOW DURING THAT PERIOD OF TIME, DID  
7 YOU EVER CONTACT LAW ENFORCEMENT?

8 A I -- I HAD CALLED THE TOPANGA DIVISION TO  
9 COMPLAIN ABOUT THE CARDS.

10 Q OKAY. AND DID YOU GO IN TO MAKE A REPORT?

11 A NO. IT WAS JUST OVER THE PHONE.

12 Q JUST OVER THE PHONE. OKAY.

13 NOW -- AND YOU WENT AND LOOKED AT HIS  
14 WEBSITE; CORRECT?

15 A YES.

16 Q AND ON THAT WEBSITE DID YOU SEE THAT  
17 MR. PERELMAN WAS TALKING ABOUT A WORLDWIDE CONSPIRACY  
18 AGAINST HIM?

19 A YES.

20 Q AND YOU BELIEVE THERE WAS A WORLDWIDE  
21 CONSPIRACY AGAINST HIM; CORRECT?

22 A NO.

23 Q YOU BELIEVED HE WAS MENTAL AND OF SOUND  
24 MIND; CORRECT?

25 MS. PHILIPS: OBJECTION. RELEVANCE.

26 THE COURT: OVERRULED.

27 GO AHEAD.

28 Q BY MR. AMSTER: YOU BELIEVE HE WAS MENTAL

1 AND OF SOUND MIND?

2 A NO.

3 Q DID YOU THINK THERE MIGHT BE SOMETHING OFF  
4 WITH HIM MENTALLY?

5 A YES.

6 Q OKAY. LET ME UNDERSTAND THIS. YOU FEEL  
7 THAT THERE WAS SOMETHING WRONG ABOUT HIM MENTALLY. YOU  
8 DO NOT CONTACT LAW ENFORCEMENT. YOU FIND HIM ON THE  
9 STREET. AND YOU THINK THE PROPER THING FOR YOU TO DO IS  
10 TO APPROACH HIM AND CONVINCE HIM NOT TO CONTINUE ON WITH  
11 HIS MENTAL ILLNESS OF PASSING OUT CARDS. IS THAT  
12 CORRECT?

13 A NO. I DIDN'T BRING UP MENTAL ILLNESS AT  
14 ALL. I JUST ASKED HIM TO STOP LITTERING.

15 Q SO YOU APPROACH HIM, HAVING LOOKED AT HIS  
16 WEBSITE, NOT THINKING THAT THIS MAN MIGHT BE A LITTLE  
17 OFF?

18 A COULD YOU REPHRASE THE QUESTION, PLEASE.

19 Q OKAY. YOU LOOKED AT HIS WEBSITE?

20 A CORRECT.

21 Q YOU HAD SOME INFORMATION ABOUT WHAT HIS  
22 THOUGHT PATTERN WAS; CORRECT?

23 A CORRECT.

24 Q YOU HAD PLENTY OF OPPORTUNITY TO CONTACT  
25 LAW ENFORCEMENT; CORRECT?

26 A YES, AND I DID.

27 Q BUT YOU NEVER WENT IN TO MAKE A REPORT.  
28 CORRECT?

1 A CORRECT.

2 Q OKAY. AND WITH ALL OF THIS INFORMATION,  
3 YOU FELT YOUR BEST COURSE OF ACTION WAS TO CONFRONT HIM  
4 DIRECTLY ABOUT IT?

5 A I WASN'T SURE I CONSIDERED IT THE BEST  
6 COURSE OF ACTION. I THOUGHT I MIGHT BE ABLE TO REASON  
7 WITH HIM.

8 Q YOU THOUGHT YOU WOULD BE ABLE TO REASON  
9 WITH HIM. IS THAT WHAT YOU SAID?

10 A YES.

11 Q AND WHEN YOU FIRST ASKED --  
12 ARE YOU A TRAINED THERAPIST?

13 A NO.

14 Q OKAY. DO YOU HAVE ANY THOUGHT -- ANY  
15 TRAINING WHATSOEVER ON HOW TO DEAL WITH SOMEBODY WHO  
16 MIGHT BE MENTALLY ILL?

17 A I'VE HAD FRIENDS GO THROUGH SOME MENTAL  
18 EXPERIENCES BUT CERTAINLY NOT ON A PROFESSIONAL LEVEL.

19 Q AND YOU FELT THAT WITH YOUR FRIENDS THE  
20 PROPER THING TO DO WAS TO CONFRONT THEM ABOUT THEIR  
21 BEHAVIOR BECAUSE YOU WOULD HAVE THE ABILITY TO REASON  
22 THEM OUT OF THEIR MENTAL ILLNESS?

23 A SOMETIMES TALKING THROUGH PROBLEMS CAN  
24 HELP.

25 Q AND YOU FELT THAT TALKING THROUGH KEVIN'S  
26 PROBLEMS WITH HIM WOULD HELP?

27 A MAYBE IT WOULD STOP THE LITTERING WAS MY  
28 HOPE.

1 Q DID YOU EVER THINK THAT YOUR BEST COURSE  
2 OF ACTION WAS NOT TO ENGAGE?

3 A I AM NOT SURE I CONSIDERED IT.

4 Q THAT'S RIGHT. AND YOU WEREN'T REALLY  
5 CONSIDERING WHAT YOU WERE DOING THAT DAY, WERE YOU?

6 A I JUST SAW A GUY LITTERING AND THOUGHT I  
7 WOULD ASK HIM TO STOP.

8 Q AND THAT UPSET YOU?

9 A I'M SORRY?

10 Q THAT UPSET YOU, SEEING ALL OF THAT LITTER  
11 IN THE NEIGHBORHOOD, DIDN'T IT?

12 A SURE.

13 Q OKAY. AND SO -- AND YOU TAKE PRIDE IN A  
14 NEIGHBORHOOD BEING CLEAN. DON'T YOU?

15 A SURE. I THINK ANYONE DOES.

16 Q YOU THINK IT'S IMPORTANT?

17 A UH-UH.

18 Q I AM NOT TALKING ABOUT ANYONE. I AM  
19 TALKING ABOUT YOU.

20 A YES. I DID.

21 Q AND YOU FELT IT WAS YOUR DUTY TO KEEP YOUR  
22 NEIGHBORHOOD SO CLEAN THAT YOU WOULD PICK UP THESE  
23 CARDS; CORRECT?

24 A UH-HUH.

25 Q IS THAT "YES"?

26 A YES. THAT IS YES.

27 Q OKAY. NOW AS YOU WERE GOING THROUGH THE  
28 NEIGHBORHOOD AND PICKING UP THESE CARDS, DID YOU PICK UP

1 OTHER LITTER?

2 A YEAH. I'VE PICKED UP TRASH BEFORE.

3 Q OKAY. YOU WERE PICKING UP HIS LITTER AND  
4 OTHER LITTER?

5 A MOSTLY HIS.

6 Q OKAY. BUT YOU ARE PICKING UP OTHER LITTER  
7 TOO?

8 A I WOULDN'T SAY I WAS CONSISTENTLY DOING  
9 THAT. I HAVE PICKED UP A COUPLE OF PIECES OF TRASH  
10 BEFORE WHEN THEY ARE NEAR A GARBAGE CAN.

11 Q SO YOU ARE OBSESSED?

12 A I WOULDN'T SAY OBSESSED.

13 Q YOU JUST SAID YOU WEREN'T PICKING UP OTHER  
14 LITTER. YOU WERE PICKING UP HIS CARDS. SO YOU WERE  
15 TARGETING HIM?

16 A I WOULDN'T SAY "TARGET."

17 Q AS YOU WERE GOING THROUGH THE NEIGHBORHOOD  
18 AND YOU SAW LITTER IN THE NEIGHBORHOOD, WERE YOU PICKING  
19 UP OTHER LITTER TOO?

20 A NO.

21 Q NO. YOU WERE ONLY PICKING UP HIS LITTER?  
22 YOU WERE ONLY --

23 A IS THAT A QUESTION?

24 Q YES. YOU WERE ONLY PICKING UP HIS LITTER?

25 A YES.

26 Q DID YOU KNOW IF HE WAS WATCHING YOU?

27 A NO.

28 Q IS IT POSSIBLE THAT HE WAS?

1           A           YEAH.

2           Q           IS IT POSSIBLE THAT LOOKING -- NOW LOOKING  
3 THROUGH HIS ENTIRE WEBSITE, THINKING THERE IS A  
4 WORLDWIDE CONSPIRACY AGAINST HIM AND HIM SEEING THAT  
5 ONLY YOU ARE PICKING UP HIS LITTER, DID YOU EVER THINK  
6 YOU WERE PUTTING HIM IN THE FRAME OF MIND THAT YOU WERE  
7 PART OF THE CONSPIRACY?

8           A           I DIDN'T CONSIDER THAT.

9           Q           YOU DIDN'T CONSIDER ANYTHING, DID YOU?

10          A           THERE IS LOTS OF THINGS I CONSIDERED.

11          Q           BECAUSE YOU WERE MAD, ANGRY, AND UPSET,  
12 THAT IS HOW YOU APPROACHED HIM THAT DAY, WASN'T IT?

13          A           NO.

14          Q           YOUR VOICE WAS RAISED, WASN'T IT?

15          A           NO. I TRIED TO BE VERY CALM AS I RECALL.

16          Q           WAS YOUR VOICE RAISED?

17          A           IT MAY HAVE BEEN AT ONE POINT.

18          Q           WHEN YOU FIRST ASKED HIM TO STOP, HE  
19 REFUSED. CORRECT?

20          A           I NEVER ASKED HIM TO STOP.

21          Q           OKAY.

22          A           I ASKED HIM TO STOP LITTERING, NOT STOP  
23 PHYSICALLY MOVING.

24          Q           OKAY. YOU ASKED HIM TO STOP LITTERING.  
25 DID HE SAY, "OKAY. I AM GOING TO STOP"?

26          A           NO.

27          Q           DID HE GIVE YOU ANY INDICATION HE WAS  
28 GOING TO CHANGE HIS BEHAVIOR?



1           A           NO.

2           Q           BUT YOU CHOSE NOT TO DISENGAGE AT THAT  
3 POINT, DIDN'T YOU?

4           A           CORRECT.

5           Q           YOU CHOSE, KNOWING THAT YOU HAD REVIEWED  
6 THE WEBSITE OF SOMEBODY WHO FELT THERE WAS A WORLDWIDE  
7 CONSPIRACY, WHO MIGHT HAVE SEEN YOU PICK UP THINGS AND  
8 BE PART OF IT AND REFUSE IT THAT YOU WOULD STILL  
9 CONTINUE TO ENGAGE?

10          A           I AM NOT SURE I CONSIDERED ALL OF THAT. I  
11 DIDN'T THINK MUCH. I JUST WANTED THE MAN TO STOP  
12 LITTERING.

13          Q           THAT'S RIGHT. YOU WEREN'T CONSIDERING  
14 ANYTHING, WERE YOU?

15          A           "CONSIDERING ANYTHING." IT'S A VERY BROAD  
16 QUESTION. THERE ARE LOTS OF THINGS THAT WENT THROUGH MY  
17 HEAD THAT I DID CONSIDER. BUT I DIDN'T CONSIDER  
18 SPECIFICALLY MAYBE I AM BEING PART OF WHAT THIS GUY  
19 PERCEIVES AS A CONSPIRACY.

20          Q           WERE YOU EVER CONSIDERING THAT YOUR  
21 CONDUCT WAS IRRATIONAL?

22          A           NO.

23          Q           WHERE WOULD A RATIONAL INDIVIDUAL CONTACT  
24 SOMEBODY THAT THEY THINK MIGHT BE OFF AND PUT THEM IN  
25 THE ZONE OF DANGER?

26          A           REPHRASE THE QUESTION, PLEASE.

27          Q           WHY WOULD A RATIONAL MAN EVER CONTACT  
28 SOMEBODY THAT THEY MIGHT THINK MIGHT HAVE A MENTAL

1 PROBLEM AND PUT THEMSELVES IN THE RISK OF DANGER? WHY  
2 WOULD YOU DO THAT?

3 A TRYING TO IMPROVE MY COMMUNITY.

4 Q TO WHAT?

5 A IMPROVE MY COMMUNITY.

6 Q TO IMPROVE YOUR COMMUNITY BECAUSE YOUR  
7 COMMUNITY IS IMPORTANT TO YOU. ISN'T IT?

8 A YES.

9 MS. PHILIPS: OBJECTION. ASKED AND ANSWERED.

10 THE COURT: OVERRULED. OVERRULED.

11 Q BY MR. AMSTER: AND SO, THEREAFTER, ON  
12 THIS DAY, WHAT WAS A PRIMARY IMPORTANCE TO YOU WAS TO  
13 STOP HIS ACTION TO IMPROVE YOUR COMMUNITY?

14 A YES.

15 Q BUT ARE YOU FAMILIAR WITH NEIGHBORHOOD  
16 COUNCIL MEETINGS?

17 A YES.

18 Q DID YOU EVER CHOOSE TO GO TO A  
19 NEIGHBORHOOD COUNCIL MEETING AND MAKE A PUBLIC COMMENT  
20 ABOUT THIS?

21 A NO. I HAD NOT.

22 Q OKAY. SO YOU NEVER -- DID YOU EVER DO  
23 ANYTHING TO ENLIST COMMUNITY SUPPORT ON THIS?

24 A I HAVE SPOKEN WITH NEIGHBORS ABOUT IT.

25 Q OKAY. AND DID YOU EVER ENLIST THOSE  
26 NEIGHBORS TO GO WITH YOU TO THE POLICE DEPARTMENT?

27 A NO.

28 Q OKAY. SO -- AND YOU NEVER -- I BELIEVE

1 YOU STATED YOU NEVER WENT TO THE NEIGHBORHOOD COUNCILS  
2 TO ENLIST THEM TO GO TO THE POLICE DEPARTMENT?

3 A NO.

4 Q SO DID YOU GO TO ANY GOVERNMENT AUTHORITY  
5 WHATSOEVER TO ENLIST THEM TO HELP YOU WITH YOUR  
6 PROBLEM -- WITH THIS ISSUE?

7 A I THOUGHT CALLING THE POLICE WAS FILING A  
8 COMPLAINT, AND THAT WAS ENLISTING A GOVERNMENT AGENCY TO  
9 AID IN THE PROBLEM.

10 Q WHEN DID YOU MAKE THAT CALL TO THE POLICE?

11 A I AM NOT SURE EXACTLY. SEVERAL MONTHS  
12 AFTER AUGUST.

13 Q WHEN DID YOU GET A CALL BACK FROM THE  
14 POLICE?

15 A THEY NEVER CALLED BACK. THEY SAID THEY  
16 WOULD NOTE IT.

17 Q AND DID YOU EVER GET ANY INDICATION FROM  
18 THE POLICE THAT THEY WERE TAKING ACTION ON YOUR  
19 TELEPHONE CALL?

20 A THE PERSON I SPOKE WITH ON THE PHONE SAID  
21 THEY WERE AWARE OF MR. PERELMAN AND THE CARD.

22 Q DID YOU EVER GET ANY CONTACT FROM THE  
23 POLICE AFTER YOU MADE THAT INITIAL CONTACT THAT THEY  
24 WERE DOING SOMETHING ABOUT THE PROBLEM?

25 A NO.

26 Q DID YOU EVER MAKE A FOLLOW-UP CALL TO THE  
27 POLICE?

28 A NO. I DON'T THINK SO.

1           Q           SO YOU FELT INSTEAD OF MAKING A FOLLOW-UP  
2 CALL TO THE POLICE, INSTEAD OF ENGAGING ANY COMMUNITY  
3 SUPPORT, YOUR BEST COURSE OF ACTION WAS TO CONFRONT HIM  
4 PERSONALLY?

5           A           I AM NOT SURE I THOUGHT IT WAS THE BEST  
6 COURSE OF ACTION. I SAW AN OPPORTUNITY TO TALK WITH THE  
7 MAN ABOUT THE BUSINESS CARDS.

8           MR. AMSTER: OKAY. NOW WHAT IS MY NEXT IN ORDER?

9           THE COURT: "F." I AM NOT SURE, THOUGH.

10          THE CLERK: YES.

11          THE COURT: IT'S "F."

12

13                   (DEFENSE EXHIBIT F WAS MARKED FOR IDENTIFICATION.)

14

15          Q           BY MR. AMSTER: I AM PLACING IN FRONT OF  
16 YOU EXHIBIT F. DO YOU SEE THIS?

17          A           YES.

18          Q           IS THAT AROUND THE AREA WHERE THE  
19 CONFRONTATION OCCURRED?

20          A           I THINK THE CONFRONTATION WAS CLOSER TO  
21 THE SIDEWALK THAN THAT.

22          Q           AND THAT IS A PICTURE OF YOU; CORRECT?

23          A           IT IS.

24          Q           AND YOU ARE LOOKING DOWN, ARE YOU NOT?

25          A           YES.

26          Q           WHAT ARE YOU LOOKING DOWN?

27          A           I AM LOOKING AT MY GLASSES, I THINK.

28          Q           OKAY. IS THAT AFTER THE ALTERCATION?

1 A YEAH.

2 Q OKAY.

3 A I BELIEVE SO.

4 Q AND YOUR SHIRT, WHERE IS IT IN DISARRAY?  
5 DOES IT APPEAR -- SHOW ME -- POINT ON THAT PICTURE WHERE  
6 THE SHIRT IS IN DISARRAY?

7 A IT'S UNTUCKED.

8 Q OTHER THAN UNTUCKED?

9 A I DON'T KNOW. IT LOOKS WRINKLED. IT  
10 LOOKS LIKE A SHIRT.

11 Q OKAY. AND NOW ARE YOU AWARE WHERE THAT  
12 GATE LEADS TO?

13 A NO. I WASN'T UP TO THAT POINT. ONCE  
14 MR. PERELMAN WENT IN THERE, I WAS.

15 Q SO YOU -- AT SOME POINT YOU LEARNED THAT  
16 MR. PERELMAN, BY YOUR OBSERVATION, LIVED AT THAT AREA?

17 A YES. AFTER HE WENT IN THROUGH THE GATE.

18 Q I SEE. SO IS IT FAIR TO SAY THAT YOU  
19 LEARNED THAT ALTERCATION OCCURRED NEAR WHERE  
20 MR. PERELMAN LIVED?

21 A YES.

22 Q OKAY. DID YOU EVER PARK YOUR CAR PRIOR TO  
23 THIS ALTERCATION TO SEE WHERE MR. PERELMAN LIVED?

24 A NO.

25 Q OKAY. SO LET'S GO BACK OVER THIS. CAN  
26 YOU GIVE ME THE NEAREST CROSS-STREETS, NOT THE ADDRESS,  
27 JUST THE NEAREST CROSS-STREETS WHERE YOU LIVED ON THE  
28 DATE OF THIS INCIDENT?

1           A           IT'S TOPANGA AND MARYLEE.

2           Q           HOW FAR IS TOPANGA AND MARYLEE FROM THE  
3 PLACE OF THIS ALTERCATION?

4           A           QUARTER MILE.   HALF A MILE.   NOT FAR.

5           Q           OKAY.   AND NORMALLY DO YOU HAVE ANY REASON  
6 WHY TO STOP YOUR VEHICLE AROUND TOPANGA AND JULIANA  
7 OTHER THAN TO DETERMINE WHO WAS LEAVING THE CARDS?

8           A           I WAS ON MY WAY HOME FROM WORK, AND I  
9 TURNED ONTO BURBANK ON MY WAY HOME FROM WORK.

10          Q           OKAY.   AND YOU TURNED ONTO BURBANK.   AS  
11 YOU TURNED ONTO BURBANK -- OKAY.   SO LET'S START HERE.  
12 ABOUT WHAT TIME OF THE DAY WERE YOU -- OKAY.   I AM  
13 SORRY.   WITHDRAW THE QUESTION.

14                   WERE YOU TRAVELING NORTHBOUND ON TOPANGA?

15          A           I'M SORRY.   WHAT TIME OF DAY WAS IT?

16          Q           I THREW TWO QUESTIONS.   SO I AM GOING TO  
17 STOP.

18                   ALL RIGHT.   IS IT FAIR TO SAY THAT YOU  
19 WORK SOME PLACE IN THE WEST LOS ANGELES AREA?

20          A           YES.

21          Q           GENERALLY.   OKAY.   SO I WOULD ASSUME THAT  
22 TO GET HOME, YOU TOOK THE SAN DIEGO FREEWAY, AND THEN  
23 YOU GOT ON WHATEVER -- I WILL CALL IT THE VENTURA  
24 FREEWAY HEADED TO TOPANGA?

25          A           CORRECT.

26          Q           AT SOME POINT YOU GOT OFF TOPANGA?

27          A           CORRECT.

28          Q           AND WHAT TIME OF DAY?

1           A           IN THE EVENING ABOUT SIX O'CLOCK OR SO, I  
2 THINK.

3           Q           OKAY. AND DID YOU ENCOUNTER TRAFFIC OR  
4 NOT ON THE FREEWAY?

5           A           I DID.

6           Q           OKAY. SO YOU ARE TRAVELING NORTHBOUND ON  
7 TOPANGA. CORRECT?

8           A           YES. NORTH OR EAST.

9           Q           OKAY. TOWARD THE 118?

10          A           YES.

11          Q           OKAY. AND AS YOU ARE DRIVING DOWN  
12 TOPANGA, WERE YOU THE ONLY VEHICLE ON THAT STREET?

13          A           NO.

14          Q           WOULD YOU CONSIDER TOPANGA ONE OF OUR  
15 MAJOR THOROUGHFARES IN THE VALLEY?

16          A           YES.

17          Q           SO -- AND WOULD YOU SAY THIS WAS A BUSY  
18 TIME OF THE DAY?

19          A           YES.

20          Q           ALL RIGHT. YOU ARE TRAVELING DOWN TOPANGA  
21 AT A BUSY TIME OF THE DAY, AND WHAT CAUSES YOU TO BRING  
22 YOUR CAR TO A STOP PRIOR TO GETTING HOME?

23          A           MY WIFE WAS WALKING THE DOG AND SEES  
24 MR. PERELMAN LITTERING.

25          Q           OKAY. LET'S BREAK THAT DOWN. WHAT DID  
26 YOU SEE FIRST? FIRST OF ALL, HAD YOU HAD ANY  
27 COMMUNICATION FROM YOUR WIFE THAT SHE WAS WALKING THE  
28 DOGS AND WHERE SHE WAS?

1           A           I THINK SHE MAY HAVE SENT ME A TEXT  
2 MESSAGE, SOMETHING ALONG THE LINES "I SAW CRAZY GUY  
3 THROWING THE CARDS."

4           Q           OKAY. SO YOU RECEIVED A TEXT FROM YOUR  
5 WIFE IF YOU SAW "THE CRAZY GUY THROWING THE CARDS"?

6           A           YES.

7           Q           OKAY. NOW IS THAT THE FIRST TIME YOU AND  
8 YOUR WIFE HAD REFERRED TO MR. PERELMAN AS "THE CRAZY  
9 GUY" TO EACH OTHER?

10          A           NO.

11          Q           OKAY. SO -- AND WHEN YOU AND YOUR WIFE  
12 USED THE TERM "CRAZY GUY," DO YOU BASICALLY UTILIZE THAT  
13 FOR SOMEBODY WHO YOU DON'T THINK IS ALL MENTALLY THERE?

14          A           YES.

15          Q           OKAY. SO IT'S FAIR TO SAY THAT PRIOR TO  
16 THIS INCIDENT YOU AND YOUR WIFE WERE OF THE OPINION THAT  
17 MR. PERELMAN WAS NOT ALL THERE?

18          A           CORRECT.

19          Q           OKAY. SO DID NOT YOUR WIFE TELL YOU  
20 SPECIFICALLY WHERE OR GIVE YOU SOME INFORMATION AS THAT  
21 YOU ARE DRIVING DOWN TOPANGA YOU, KIND OF, KNOW WHERE  
22 YOUR WIFE IS WALKING THE DOGS?

23          A           YES. I GENERALLY KNOW WHERE SHE WALKS THE  
24 DOGS.

25          Q           WAS IT YOUR INTENT TO GO TO WHERE SHE WAS  
26 WALKING THE DOGS AND STOP AND START WALKING THE DOGS  
27 WITH HER?

28          A           NO. SHE HAD ALREADY GOTTEN HOME AT THAT



1 POINT.

2 Q OKAY. YOU ARE NOW DRIVING DOWN TOPANGA,  
3 AND BEFORE YOU REACHED BURBANK BOULEVARD, WITH THE  
4 KNOWLEDGE THAT YOUR WIFE IS ALREADY AT HOME.

5 A YEAH. CORRECT.

6 Q OKAY. NOW -- AND YOU HAD GOTTEN THE TEXT  
7 THAT SHE HAD SEEN THE CRAZY GUY THROWING THE CARDS?

8 A UH-HUH.

9 Q YES?

10 A YES.

11 Q OKAY. AND IN PREVIOUS CONVERSATIONS WITH  
12 HER, HAD SHE EVER INDICATED TO YOU THAT SHE WAS UPSET  
13 ABOUT SOMEBODY THROWING CARDS IN THE AREA SHE LIVED?

14 A NOT VIA TEXT MESSAGE. CERTAINLY WE LIVE  
15 TOGETHER AND WE TALK ABOUT THE THOUSANDS OF CARDS THAT  
16 WE SEE.

17 Q OKAY. BUT YOU HAVE HAD CONVERSATION WITH  
18 HER AND SHE HAS INDICATED TO YOU, KNOWING SOMEBODY AS  
19 WELL AS YOU DO, THAT SOMETHING IS BOTHERING HER?

20 A YES.

21 Q SO WHEN YOU RECEIVED THAT TEXT, YOU  
22 REALIZE OR CAME TO THE ASSUMPTION THAT SHE WAS BOTHERED  
23 BY WHAT SHE HAD SEEN?

24 A YES.

25 Q AND SINCE YOUR WIFE WAS BOTHERED, YOU WERE  
26 BOTHERED A LITTLE BIT THAT SHE WAS NOW UPSET ABOUT  
27 SOMETHING?

28 A I AM NOT SURE IF IT -- THAT IT BOTHERED

1 ME. IT WAS JUST RECOGNIZED. "OH MY GOSH. THERE IS  
2 THIS ACTUAL GUY WHO WAS THROWING THE CARDS" BECAUSE WE  
3 HAD NEVER SEEN HIM BEFORE.

4 Q SO WHEN YOUR WIFE MIGHT BE UPSET OR  
5 EMOTIONAL, THAT DOESN'T GET TO YOU AND BOTHER YOU IN  
6 SOME WAY THAT YOU ARE DISTURBED THAT YOUR WIFE IS UPSET?

7 A I THINK YOU ARE MISCHARACTERIZING. SHE  
8 DIDN'T SAY "OH MY GOD. CRAZY GUY IS THERE. YOU HAVE TO  
9 STOP." SHE SIMPLY INDICATED "HEY, I SAW THAT GUY  
10 THROWING THE CARDS."

11 Q COULD IT BE INTERPRETED THAT SHE WAS  
12 ANNOYED, UPSET AND THAT SOMETHING WAS BOTHERING YOUR  
13 WIFE SO, THEREFORE, AS A CARING HUSBAND, YOU ARE  
14 BOTHERED BECAUSE SHE'S BOTHERED?

15 A YES.

16 Q OKAY. NOW SO YOU ARE DRIVING ON THE  
17 STREET. YOU ARE BOTHERED. OKAY. IT'S A BUSY STREET.  
18 WHAT CAUSES YOU TO STOP YOUR CAR ON THIS BUSY STREET  
19 BEFORE YOU GET HOME TO YOUR WIFE?

20 A WELL, I TURNED OFF TOPANGA AT THAT POINT  
21 TO DRIVE ON BURBANK TO GO HOME. AND I JUST DROVE  
22 FARTHER, IF HE WAS STILL THERE. AND SURE ENOUGH. HE  
23 WAS.

24 Q OKAY. YOU DRIVE OFF OF TOPANGA -- OKAY.  
25 YOUR NEAREST CROSS-STREETS ARE TOPANGA AND MARYLEE.  
26 CORRECT?

27 A CORRECT.

28 Q AND YOU ARE SAYING YOUR NORMAL ROUTE TO

1 GET HOME IS TO GO DOWN TOPANGA AND THEN TO RETURN ON  
2 BURBANK?

3 A YES. THERE ARE TWO ENTRANCES TO OUR CONDO  
4 COMPLEX. ONE IS ON BURBANK.

5 Q OKAY. SO YOU TURN. YOU ARE ON BURBANK.  
6 AGAIN, BURBANK IS ONE OF OUR MAJOR THOROUGHFARES IN THE  
7 VALLEY. CORRECT?

8 A YES.

9 Q OKAY. SO YOU DRIVE DOWN THE STREET AND  
10 WHAT HAPPENS?

11 A SO I SAW MR. PERELMAN AND I -- I DROVE A  
12 LITTLE BIT PAST AND PARKED MY CAR OR I -- I AM NOT SURE  
13 IF I DROVE PAST, BUT I PARKED MY CAR WITH THE INTENT OF  
14 SPEAKING WITH HIM.

15 Q NOW THIS IS THE FIRST TIME YOU HAD EVER  
16 ACTUALLY SEEN MR. PERELMAN. CORRECT?

17 A YES.

18 Q HOW DID YOU KNOW IT WAS MR. PERELMAN?

19 A I SAW HIM THROWING CARDS ON THE STREET.

20 Q OKAY. AND WHERE DID YOU SEE HIM THROWING  
21 CARDS?

22 A ON BURBANK.

23 Q OKAY. SO YOU SEE HIM THROWING CARDS AND  
24 YOU PARK YOUR CAR. AND THEN WHAT HAPPENS?

25 A AND THEN I GOT OUT OF THE CAR. AND I  
26 WASN'T TOO FAR BEHIND HIM. AND I SAID, "HEY, ARE YOU  
27 KEVIN PERELMAN?"

28 Q OKAY. HOW FAR BEHIND WERE YOU?

1           A           I AM NOT SURE. 25, 30 FEET MAYBE.

2           Q           OKAY. YOU ARE 25, 30 FEET. AND YOU SPEAK  
3 IN A LOUD-ENOUGH VOICE SO HE CAN HEAR YOU; CORRECT?

4           A           CORRECT.

5           Q           OKAY. AND YOU ASK THE QUESTION AND THEN  
6 WHAT HAPPENS?

7           A           HE TURNED AROUND, AND HE, KIND OF, STORMED  
8 TOWARD ME. AND HE WAS PRETTY QUICKLY RANTING ABOUT  
9 CONSPIRACIES.

10          Q           OKAY. SO HERE YOU ARE ON THE STREET. YOU  
11 HAVE SAID SOMETHING TO HIM. YOU KNOW ABOUT HIS WEBSITE.  
12 YOU KNOW THAT HE'S THROWING CARDS. AND HE STARTS COMING  
13 TOWARD YOU. AND YOU CHOOSE AT THAT MOMENT NOT TO  
14 DISENGAGE. YOU STAY. IS THAT CORRECT?

15          A           CORRECT.

16          Q           AND YOU THINK THAT IS THE RATIONAL THING  
17 TO DO AT THAT MOMENT?

18          A           IT SEEMED RATIONAL AT THE TIME. YES.

19          Q           OKAY. ALL RIGHT. SO NOW THIS MAN IS  
20 STORMING TOWARD YOU. AND WHAT DO YOU DO?

21          A           I ASKED HIM TO STOP LITTERING.

22          Q           SO YOU ASKED SOMEBODY TO STOP LITTERING,  
23 STORMING TOWARD YOU, THAT YOU AND YOUR WIFE HAVE  
24 DESCRIBED AS CRAZY, AND YOU FELT THAT THAT WAS THE  
25 PROPER MOVE TO DO?

26          A           IT WAS -- I DON'T KNOW IF IT WAS THE  
27 DEFINITIVE PROPER MOVE, BUT A MOVE THAT SEEMED LOGICAL  
28 AT THE TIME.

1 Q DID YOU TAKE A DEFENSIVE POSITION  
2 WHATSOEVER TO PROTECT YOURSELF AT THAT MOMENT IN CASE IT  
3 GOT PHYSICAL?

4 A NO.

5 Q SO IN YOUR MIND YOU HAD NO FEELING  
6 WHATSOEVER THAT THIS INTERACTION WITH HIM IS NOT GOING  
7 TO GET PHYSICAL IN ANY WAY?

8 A IT DIDN'T OCCUR TO ME AT FIRST.

9 Q OKAY. AND LET ME BE CLEAR. YOU HAD ALL  
10 OF THIS KNOWLEDGE THAT YOU BELIEVE HE'S A CRAZY MAN,  
11 THAT HE THINKS ABOUT WORLDWIDE CONSPIRACIES, THAT HE'S  
12 WALKING TOWARD YOU FAST, AND YOU ARE TELLING HIM TO STOP  
13 AND HE'S NOT, AND YOU DON'T THINK IT'S -- AND YOU DON'T  
14 DO ANYTHING TO PROTECT YOURSELF, THAT IT'S GOING TO GET  
15 PHYSICAL?

16 A NOT IMMEDIATELY. NOT UNTIL HE GOT VERY  
17 AGGRAVATED.

18 Q OKAY. NOW YOU GET VERY AGGRAVATED. TELL  
19 ME --

20 A IT'S UNTIL HE GOT VERY AGGRAVATED.

21 Q I SEE. AT NO POINT YOU RAISED YOUR VOICE?

22 A I MAY HAVE. I DON'T REMEMBER  
23 SPECIFICALLY.

24 Q SO YOU DON'T HAVE A SPECIFIC RECOLLECTION  
25 OF WHAT HAPPENED?

26 A I HAVE SOME SPECIFICS, BUT I DON'T RECALL  
27 EVERYTHING PRECISELY. I DON'T HAVE A PHOTOGRAPHIC  
28 MEMORY.

1 Q I SEE. SO YOU DON'T REMEMBER IF OR NOT  
2 YOU RAISED YOUR VOICE?

3 A NO.

4 Q OKAY. AND YOU ARE NOT SAYING -- IT'S  
5 POSSIBLE THAT YOU RAISED YOUR VOICE WHEN DEALING WITH  
6 SOMEBODY WHO YOU THINK IS IRRATIONALLY LITTERING THE  
7 NEIGHBORHOOD WHICH YOU THINK IS IMPORTANT WHO HAS UPSET  
8 YOUR WIFE?

9 A YES. IT'S POSSIBLE I RAISED MY VOICE.

10 Q OKAY. AND DO YOU BELIEVE THAT YOU RAISED  
11 YOUR VOICE AS HE WAS COMING TOWARD YOU?

12 A NO. I DON'T THINK IT WAS UNTIL HE WAS --  
13 HE WAS IN MY FACE THAT WE STARTED TO HAVE MORE OF AN  
14 ARGUMENT.

15 Q OKAY. NOW HE'S IN YOUR FACE HAVING AN  
16 ARGUMENT. OKAY. SO LET ME UNDERSTAND THIS. YOU ARE  
17 ENGAGING IN AN ARGUMENT WITH SOMEBODY YOU THINK IS  
18 CRAZY, AND YOU DON'T THINK TO DISENGAGE AND GET BACK  
19 INTO YOUR CAR?

20 A NO. I GUESS NOT. I WAS CAUGHT UP IN THE  
21 MOMENT.

22 Q WHAT DO YOU MEAN BY BEING "CAUGHT UP IN  
23 THE MOMENT"?

24 A I WAS TRYING TO CONVINCE HIM TO STOP  
25 LITTERING.

26 Q YOU WERE NOT IN CONTROL OF YOURSELF, WERE  
27 YOU?

28 A I DON'T THINK THAT IS ACCURATE.

1 Q YOU FELT THAT THE PROPER THING FOR YOU TO  
2 DO, AS A FAMILY MAN AND AS A HUSBAND, IS TO ENGAGE WITH  
3 THIS INDIVIDUAL ON THE STREET WHO YOU FEEL IS CRAZY, WHO  
4 HAS COME TO YOU FAST, AND YOU DON'T THINK THE PROPER  
5 THING IS TO DISENGAGE, TO GET HOME TO POSSIBLY BE THE  
6 HUSBAND?

7 A I AM NOT SURE I UNDERSTAND THE QUESTION.

8 Q YOU WERE ACTING IRRATIONALLY. YOU WERE  
9 NOT THINKING ABOUT YOU OR YOUR FAMILY. ALL YOU CARED  
10 ABOUT WAS TO TRY TO STOP THIS THING BY YOURSELF WITHOUT  
11 ENGAGING THE COMMUNITY?

12 A NO. I DON'T THINK THAT IS ACCURATE. I  
13 MEAN, OBVIOUSLY I AM CONCERNED WITH MYSELF AND MY FAMILY  
14 ALL THE TIME. THAT IS A MAIN CONCERN OF MINE. BUT MY  
15 CONCERN AT THAT MOMENT WAS HOPEFULLY TO GET THIS GUY TO  
16 STOP LITTERING.

17 Q AGAIN, YOU FELT YOU WERE THE BEST PERSON  
18 TO DO THAT INSTEAD OF SEEKING OUT GOVERNMENT AUTHORITY?

19 A NO. I DIDN'T THINK I WAS THE BEST PERSON,  
20 BUT I SAW AN OPPORTUNITY. I THOUGHT I WOULD TRY TO TALK  
21 TO HIM AND REASON WITH HIM.

22 Q OKAY. NOW WE HAVE HIM IN YOUR FACE,  
23 YELLING AT YOU. OKAY?

24 A UH-HUH.

25 Q IS THAT A YES?

26 A YES.

27 Q WHAT IS THE NEXT THING THAT HAPPENS?

28 A HE HIT ME.

1 Q HE HIT YOU.

2 ANYTHING HAPPEN BETWEEN THE POINT OF HIM  
3 YELLING AND HITTING YOU?

4 A THE YELLING TOOK PLACE FOR QUITE A WHILE  
5 AS WE WERE WALKING, AND THEN WE STOPPED IN THE AREA OUT  
6 FRONT OF THE STEPS, AND THEN HE THREATENED TO BLOW MY  
7 HEAD OFF IF I WENT INTO HIS HOME, AND THEN HE HIT ME.

8 Q SO HE'S WALKING TOWARD THOSE STEPS?

9 A YES. HE WAS WALKING TOWARD THEM ON THE  
10 SIDEWALK.

11 Q AND YOU HAVE NOW -- AND THE STEPS HE WAS  
12 WALKING TOWARD YOU IS TOWARD WHERE THIS DOOR IS?

13 A YES. IT WAS AT THE BASE OF THOSE STAIRS  
14 DOWN THERE.

15 Q OKAY. WHERE YOU LATER LEARNED WHERE HIS  
16 RESIDENCE IS?

17 A CORRECT.

18 Q HE'S WALKING TOWARD HIS RESIDENCE, AND YOU  
19 ARE FOLLOWING HIM.

20 A NO. I WAS NOT FOLLOWING HIM. I DIDN'T  
21 KNOW HE WAS WALKING TOWARD HIS RESIDENCE.

22 Q OKAY. WHAT BUSINESS DO YOU -- DO YOU KNOW  
23 ANYBODY IN THAT BUILDING?

24 A NO.

25 Q OKAY. WAS YOUR CAR PARKED IN THE AREA OF  
26 THAT BUILDING?

27 A IT WAS A BLOCK OR SO DOWN THE STREET.

28 Q DOWN THE STREET THE OTHER WAY?



1           A           YEAH. I THINK SOUTH ON BURBANK WHERE I  
2 INITIALLY SAW HIM.

3           Q           OKAY. AND YOU HAVE NO LEGITIMATE REASON  
4 TO GO TO THAT BUILDING, DO YOU?

5           A           NO.

6           Q           OKAY. SO WERE YOU DIRECTING HIM TOWARD  
7 THAT BUILDING?

8           A           NO.

9           Q           SO HE'S WALKING TOWARD THAT BUILDING.  
10 CORRECT?

11          A           HE WAS WALKING ON BURBANK TOWARD ANY  
12 BUILDING ON THAT STREET.

13          Q           BUT HE ENDS UP BY THAT GATE. CORRECT?

14          A           ON THE SIDEWALK OUT FRONT IS WHERE WE HAD  
15 THE ALTERCATION.

16          Q           SO AS HE'S HEADING TOWARD THAT GATE, YOU  
17 ARE WALKING IN THE SAME WAY. CORRECT?

18          A           BY THE TIME HE GOT TO THE GATE, I WAS  
19 ALREADY ON THE GROUND. I HAD GOTTEN UP AFTER, TO LOOK  
20 FOR MY GLASSES.

21          Q           WHAT DIRECTION WERE THE TWO OF YOU  
22 WALKING? TOWARD THAT GATE OR NOT?

23          A           NO. I WAS WALKING ON THE SIDEWALK WHICH  
24 WOULD BE NORTH ON BURBANK. THERE ARE PATHS LEADING UP  
25 TO THE BUILDING ON BURBANK.

26          Q           HE WAS NOT WALKING TOWARD THE GATE NOW YOU  
27 ARE SAYING. WHICH IS IT?

28          A           WE WERE WALKING ON THE SIDEWALK. THAT'S

1 WHAT I HAVE ALWAYS INDICATED.

2 Q I UNDERSTAND. BUT A SIDEWALK GOES IN TWO  
3 DIRECTIONS. CORRECT?

4 A CORRECT.

5 Q YOU WERE WALKING -- HE WAS WALKING TOWARD  
6 HIS GATE, AND YOU WERE WALKING RIGHT BEHIND HIM.  
7 CORRECT?

8 A I DIDN'T RECOGNIZE HE WAS WALKING TOWARD  
9 HIS GATE. HE WAS WALKING DOWN THE SIDEWALK.

10 Q HE WAS -- OKAY. BUT YOU ENDED UP, IN THE  
11 END, BY THE GATE. CORRECT?

12 A YES. AFTER THE ALTERCATION.

13 Q OKAY. BUT HE WAS WALKING TOWARD THE GATE.  
14 CORRECT?

15 A NO. WE WERE ON THE SIDEWALK. HE WASN'T  
16 DIRECTLY WALKING TOWARD THE GATE. HE HAD NOT GONE UP  
17 THE PATH TOWARD THE GATE.

18 Q LET'S START AGAIN.

19 THE TWO OF YOU ARE YELLING AT EACH OTHER.  
20 DO YOU START WALKING OR NOT?

21 A I WASN'T YELLING. WE WERE ON THE SIDEWALK  
22 IN FRONT OF THIS PATH, AND HE WAS FACING ME.

23 Q WHO WAS IN FRONT OF THE PATH?

24 A WE BOTH WERE. HE HAD WALKED PAST, AND  
25 THERE ARE PATHS ALL THE TIME. I DIDN'T RECOGNIZE THAT  
26 WAS HIS HOME AND HE WAS GOING TO BE TURNING IN THERE.

27 Q OKAY. BUT YOU -- NOW YOU REALIZE IT WAS  
28 TOWARD THE VICINITY OF HIS HOME?

1           A           YEAH. I MEAN, AFTER HE HIT ME AND THEN HE  
2 WENT INTO THE GATE.

3           Q           OKAY. NOW YOU TURN ON BURBANK BOULEVARD  
4 ORIGINALLY. CORRECT?

5           A           CORRECT.

6           Q           YOU SAW HIM ON BURBANK BOULEVARD  
7 ORIGINALLY. CORRECT?

8           A           CORRECT.

9           Q           YOUR INITIAL INTERACTION WITH HIM WAS ON  
10 BURBANK BOULEVARD. CORRECT?

11          A           CORRECT.

12          Q           THIS GATE RIGHT HERE, WHAT STREET IS THAT  
13 ON?

14          A           I BELIEVE IT'S ON BURBANK.

15          Q           OKAY. HOW FAR AWAY FROM YOUR INITIAL  
16 INTERACTION?

17          A           INITIAL INTERACTION WAS FURTHER UP THE  
18 BLOCK. HE WAS WALKING TOWARD ME, AND I WAS WALKING  
19 BACKWARD. SO THE INITIAL INTERACTION WAS UP THE BLOCK.

20          Q           HE'S WALKING TOWARD YOU. YOU ARE WALKING  
21 BACKWARD. AND YOU ARE WALKING, AND HE'S WALKING IN THE  
22 DIRECTION TOWARD THAT GATE. CORRECT?

23          A           YES.

24          Q           AND NOW YOU ARE WALKING BACKWARDS, AND  
25 NOTHING IS STOPPING YOU FROM SAYING "I HAVE HAD ENOUGH.  
26 I AM GETTING BACK IN MY CAR. I AM OUT OF THIS"?

27          A           THAT OCCURRED TO ME JUST ABOUT THE POINT  
28 HE HIT ME.

1 Q THEN THIS FINALLY OCCURRED TO YOU?

2 A YES.

3 Q OKAY. HE HITS YOU. AND HE DOESN'T MAKE A  
4 FULL-LANDING PUNCH ON YOU. CORRECT?

5 A NO.

6 Q OKAY. THEN WHAT HAPPENS?

7 A SO HE THREW HIS WEIGHT FORWARD WITH A  
8 PUNCH AND FELL ON TOP OF ME.

9 Q OKAY. WHAT DID YOU DO TO EXIT YOURSELF  
10 FROM -- AWAY FROM HIM AND GET --

11 A I WAS TRYING TO RESTRAIN HIM BECAUSE HE  
12 CONTINUED HITTING ME.

13 Q I SEE. SO WHILE THIS IS HAPPENING AND  
14 COMES TO THE END, YOU HEAR HIM CALL THE POLICE.  
15 CORRECT?

16 A YES. AFTER THE -- THE ALTERCATION.

17 Q AND AFTER YOU HEAR HIM CALL THE POLICE,  
18 KNOWING THAT THE POLICE HAVE ALREADY BEEN NOTIFIED, YOU  
19 THEN CHOOSE TO CALL THE POLICE. CORRECT?

20 A YES. AFTER I FOUND MY GLASSES.

21 Q I SEE.

22 A THAT WAS MY PRIMARY CONCERN BECAUSE I  
23 COULDN'T SEE ANYTHING.

24 Q NOW OKAY. BUT YOU ARE STANDING UP HERE.  
25 CORRECT?

26 A CORRECT.

27 Q OKAY. SO WHERE IS YOUR CELL PHONE AT THAT  
28 MOMENT?

1           A           IN MY POCKET, I SUPPOSE.

2           Q           OKAY. AND IT REMAINED IN YOUR POCKET  
3 DURING THE WHOLE ALTERCATION?

4           A           YES. YOU KNOW, I TOOK IT OUT, AND I  
5 WAS -- I WAS GOING TO FILM THE ALTERCATION, BUT I DIDN'T  
6 ACTUALLY FILM IT.

7           Q           WHEN DID YOU TAKE IT OUT?

8           A           WHILE WE WERE SPEAKING AT ONE POINT, WHEN  
9 HE GOT VERY AGGRESSIVE.

10          Q           OKAY. AND WHERE WAS -- AND WHEN DID YOU  
11 PUT IT BACK INTO YOUR POCKET?

12          A           I DON'T REMEMBER.

13          Q           OKAY. AND SO YOU HAD ACCESS TO YOUR CELL  
14 PHONE AFTER HE SWUNG AT YOU, BUT YOU FELT YOUR BEST  
15 COURSE OF ACTION WAS TO FIND YOUR GLASSES FIRST BEFORE  
16 CALLING THE POLICE?

17          A           YEAH. I COULDN'T SEE ANYTHING. I MEAN, I  
18 WASN'T SURE IF HE WAS GOING TO CHARGE OR ATTACK ME  
19 AGAIN. I WAS INCAPACITATED WITHOUT MY GLASSES ON.

20          Q           I'M SORRY. YOU DIDN'T THINK THAT YOUR  
21 BEST COURSE OF ACTION WAS MAYBE WITHDRAW SEVEN OR EIGHT  
22 FEET AWAY FROM HIM, CALL THE POLICE, AND PUT YOURSELF IN  
23 A SAFE POSITION BEFORE THEY GET THERE, SINCE YOU THOUGHT  
24 YOU WERE IN FEAR OF HIM, BEFORE LOOKING FOR YOUR  
25 GLASSES?

26          A           I GUESS NOT. WITH SOMEONE WITH GLASSES,  
27 WHEN THEY FALL OFF, THE FIRST INSTINCT IS FIND YOUR  
28 GLASSES SO YOU CAN SEE AGAIN.

1 Q SO YOU CAN'T DO ANY PHYSICAL ACTIVITY  
2 WHATSOEVER WITHOUT WEARING YOUR GLASSES?

3 A NO. I MEAN, I JUST COULDN'T SEE. MY  
4 REACTION WAS TO PUT THEM ON, SO I CAN SEE.

5 Q DO YOU WORK OUT?

6 A OCCASIONALLY I JOG WITH MY DOGS. YES.

7 Q DO YOU ALSO WEAR YOUR GLASSES WHEN YOU  
8 JOG?

9 A YEAH.

10 Q OKAY. NOW IT IS YOUR TESTIMONY THAT AT NO  
11 TIME PRIOR TO AUGUST 18 DID YOU EVER PARK IN THE  
12 VICINITY OF WHAT YOU NOW KNOW IS DAVID -- KEVIN  
13 PERELMAN'S RESIDENCE TO TRY TO FIGURE OUT WHERE HE  
14 LIVED?

15 A NO.

16 Q OKAY. AT ANY TIME DURING THE TIME YOU  
17 FIRST HAD CONTACT WITH HIM ON AUGUST 18 TO THE TIME THAT  
18 THE ALTERCATION ENDED, DID YOU EVER PRESS YOUR BODY UP  
19 AGAINST HIS?

20 A NO. PRIOR TO AUGUST 18.

21 Q ON AUGUST 18, DURING THE ALTERCATION, SO  
22 AT THE TIME THAT YOU FIRST MADE CONTACT WITH HIM, WHEN  
23 YOU GOT OUT OF YOUR CAR AND YOU ASKED HIM, KEVIN  
24 PERELMAN, TO THE TIME THAT THE TWO OF YOU SEPARATED  
25 AROUND HIS GATE, DID YOU EVER PRESS YOUR BODY UP AGAINST  
26 HIS?

27 A NO. NOT THAT I RECALL.

28 WHAT DO YOU MEAN PRESS MY BODY AGAINST

1 HIM? WE WERE IN CLOSE QUARTERS, TALKING TO HIM.

2 Q PRIOR TO HIM TAKING A SWING AT YOU, DID  
3 YOU EVER PRESS YOUR BODY AGAINST HIM?

4 A NO. NOT THAT I RECALL.

5 Q DID YOU EVER MAKE A STEP TOWARD HIM?

6 A I AM -- NOT THAT I RECALL.

7 Q OKAY. DID YOU EVER BLOCK HIS PATH MOVING  
8 FORWARD?

9 A I WOULDN'T SAY I BLOCKED IT.

10 Q WHAT WOULD YOU SAY YOU DID?

11 A HE WAS WALKING TOWARD ME, AND I WAS  
12 WALKING BACKWARD SO I CAN CONTINUE SPEAKING WITH HIM.

13 Q OKAY. SO HE'S WALKING TOWARD YOU. AND AS  
14 HE'S WALKING TOWARD YOU, YOU ARE STAYING IN FRONT OF  
15 HIM?

16 A I WAS WALKING BACKWARD.

17 Q AT THAT POINT ISN'T IT CORRECT HE ASKED,  
18 "LET ME GET ON MY WAY"?

19 A I DON'T RECALL HIM SAYING THAT.

20 Q YOU DON'T RECALL.

21 DO YOU THINK BECAUSE HE WAS WALKING TOWARD  
22 YOU AND NOT STOPPING THAT HE WANTED TO GET AWAY FROM  
23 YOU?

24 A HE CONTINUED ENGAGING ME VERBALLY.

25 Q DID YOU THINK THAT HE WANTED TO GET AWAY  
26 FROM YOU?

27 A I DON'T KNOW.

28 Q OKAY. DO YOU NORMALLY WALK BACKWARD?

1           A           NO.

2           Q           OKAY. SO IT WOULD BE FAIR TO SAY THAT YOU  
3 WERE WALKING BACKWARD TO KEEP HIM AT EYE CONTACT SO YOU  
4 COULD KEEP TALKING TO HIM?

5           A           CORRECT.

6           Q           OKAY. AND YOU WERE DOING THAT TO MAKE  
7 SURE THAT HE COULDN'T GET AWAY FROM YOU. CORRECT?

8           A           I DID IT SO I COULD CONTINUE SPEAKING WITH  
9 HIM.

10          Q           SO THAT YOU COULD -- SO YOU DID IT TO  
11 CONTINUE TO MAKE SURE THAT YOU COULD INTERACT WITH HIM?

12          A           YES.

13          Q           AS I AM SURE WE ARE ALL LEARNING,  
14 REMEMBERING LETTERS IS NOT MY FORTE. SO I WOULD LIKE TO  
15 MARK EXHIBITS G, H, I, J, ALL PHOTOGRAPHS.

16                THE COURT: SO MARKED.

17

18                    (DEFENSE EXHIBITS G, H, I, J WERE  
19                    MARKED FOR IDENTIFICATION.)

20

21          Q           BY MR. AMSTER: I AM GOING TO PLACE  
22 EXHIBITS G THROUGH J IN FRONT OF YOU. I AM GOING TO ASK  
23 YOU TO LOOK AT THEM FIRST. DO NOT MAKE ANY COMMENT.  
24 AND ONLY WHEN I ASK A QUESTION, SAY ANYTHING.

25                    LOOK THROUGH EACH ONE.

26                    HAVE YOU SEEN THEM?

27          A           I HAVE NOW.

28          Q           DID YOU CAUSE THE INJURIES DEPICTED IN



1 THOSE PHOTOGRAPHS?

2 A I DON'T KNOW.

3 Q OKAY. DO YOU RECOGNIZE THOSE PHOTOGRAPHS  
4 OF KEVIN PERELMAN?

5 A I DIDN'T SEE HIS FACE. IT LOOKS LIKE ARMS  
6 AND LEGS.

7 Q DOES IT LOOK CONSISTENT?

8 A SURE.

9 Q OKAY. AND SO ON THE DATE THAT YOU HAD THE  
10 ALTERCATION WITH HIM, IS IT A POSSIBILITY THAT YOU  
11 CAUSED THOSE INJURIES?

12 A IT'S NOT A POSSIBILITY THAT I CAUSED THEM.  
13 IT MAY HAVE BEEN CAUSED BY THE ALTERCATION, BUT I DIDN'T  
14 PHYSICALLY HIT HIM OR KICK HIM OR DO ANYTHING TO HIM IN  
15 THOSE AREAS.

16 Q OKAY. YOU DON'T KNOW HOW THOSE INJURIES  
17 OCCURRED?

18 A NO.

19

20 (COUNSEL CONFERS WITH CLIENT.)

21

22 MR. AMSTER: I HAVE NOTHING FURTHER AT THIS TIME.

23 THE COURT: REDIRECT.

24 MS. PHILIPS: BRIEFLY, YOUR HONOR.

25

26 REDIRECT EXAMINATION

27 BY MS. PHILIPS:

28 Q I FORGOT TO ASK YOU A REALLY EASY

1 QUESTION EARLIER.

2 A OKAY.

3 Q DO YOU SEE KEVIN PERELMAN IN THE COURTROOM  
4 TODAY?

5 A YES.

6 Q CAN YOU PLEASE IDENTIFY HIM.

7 A HE'S OVER THERE IN THE WHITE-COLLARED  
8 SHIRT.

9 THE COURT: INDICATING MR. PERELMAN FOR THE  
10 RECORD.

11 MS. PHILIPS: THANK YOU.

12 Q BY MS. PHILIPS: WHEN MR. AMSTER WAS  
13 ASKING YOU ABOUT THE WEBSITE, YOU INDICATED THAT YOU HAD  
14 HAD OCCASION TO HAVE A LOOK AT IT?

15 A YES.

16 Q DID YOU READ EVERY WORD ON IT?

17 A CERTAINLY NOT.

18 Q WOULD IT BE FAIR TO SAY IT'S  
19 EXTRAORDINARILY LENGTHY?

20 A YES.

21 Q IF YOU HAD TO GIVE A PERCENTAGE, WHAT  
22 PERCENTAGE OF THE WEBSITE DID YOU ACTUALLY READ?

23 A ONE OR TWO PERCENT. NOT VERY MUCH.

24 Q AND BASED UPON THE PERCENTAGE THAT YOU  
25 SAW, YOU TESTIFIED THAT YOU DON'T -- YOU ARE NOT A  
26 PSYCHOLOGIST. RIGHT?

27 A NO.

28 Q AND YOU DON'T HAVE ANY TRAINING IN THAT

1 REGARD?

2 A NO.

3 Q SO THAT WAS JUST YOUR LAYPERSON'S OPINION  
4 AS TO WHAT YOU SAW ON THE WEBSITE, THAT WHOEVER THE  
5 AUTHOR WAS MIGHT BE A BIT OFF?

6 A YES.

7 Q DID YOU HAVE REASON TO BELIEVE, WHEN YOU  
8 FIRST APPROACHED MR. PERELMAN TO ASK HIM TO STOP  
9 LITTERING, THAT HE WOULD VIOLENTLY ATTACK YOU?

10 A NO.

11 MS. PHILIPS: THANK YOU. NOTHING FURTHER.

12 THE COURT: FURTHER RECROSS?

13 MR. AMSTER: NO, YOUR HONOR.

14 THE COURT: SIR, YOU MAY STEP DOWN.

15 PLEASE DO NOT DISCUSS YOUR TESTIMONY WITH  
16 ANY OTHER WITNESSES. YOU ARE FREE TO GO.

17 THE WITNESS: THANK YOU.

18 THE COURT: THANK YOU.

19 ANY FURTHER WITNESSES BY THE PEOPLE?

20 MS. PHILIPS: NO, YOUR HONOR.

21 THE COURT: SUBJECT TO THE ADMISSIBILITY OF THE  
22 EXHIBITS, DO THE PEOPLE REST?

23 MS. PHILIPS: YES, YOUR HONOR.

24 THE COURT: LADIES AND GENTLEMEN, WE'RE GOING TO  
25 TAKE A TEN-MINUTE BREAK. TEN-MINUTE BREAK. RESUME AT  
26 3:00 P.M.

27 SEE EVERYBODY AT 3:00 P.M. SHARP.

28 REMEMBER THE ADMONISHMENT.

1 I WILL SEE EVERYBODY IN TEN MINUTES.

2 THANK YOU.

3

4 (OUTSIDE THE PRESENCE OF THE JURY:)

5

6 THE COURT: THE RECORD SHOULD REFLECT ALL OF THE  
7 JURORS HAVE LEFT, AND THE ALTERNATE HAS LEFT.

8 ANY OBJECTION TO PEOPLE'S 1 THROUGH 12?

9 MR. AMSTER: NO, YOUR HONOR.

10 THE COURT: ANY OBJECTION TO ANY OF THE DEFENSE  
11 EXHIBITS?

12 MS. PHILIPS: YOUR HONOR, IT WAS 1 THROUGH 13.

13 THE COURT: ONE THROUGH 13, RATHER.

14 ANY OBJECTION TO 1 THROUGH 13?

15 MR. AMSTER: I DON'T -- SO I DON'T HAVE AN  
16 OBJECTION TO 13, BUT AT SOME POINT I DO THINK WE HAVE TO  
17 DUMP IT, LOOK THROUGH IT, AND MAKE SURE THERE IS NOTHING  
18 IN THERE THAT DOESN'T PERTAIN TO THE CASE.

19 THE COURT: OKAY.

20

21 (PEOPLE'S EXHIBITS 1 THROUGH 13 WERE  
22 ADMITTED INTO EVIDENCE.)

23

24 MS. PHILIPS: OKAY.

25 MR. AMSTER: IT'S RELEVANT, AND I DON'T FEEL LIKE  
26 DOING IT RIGHT NOW.

27 THE COURT: AS TO DEFENSE'S EXHIBITS, ANY  
28 OBJECTION?

1 MS. PHILIPS: WELL, YOUR HONOR, I DO HAVE A  
2 FOUNDATIONAL OBJECTION. I DON'T THINK A FOUNDATION HAS  
3 BEEN LAID. I AM ASSUMING IT WILL BE FOR G THROUGH J.

4 THE COURT: A THROUGH F WILL BE ADMITTED.

5

6 (DEFENSE EXHIBITS A THROUGH F  
7 WERE ADMITTED.)

8

9 THE COURT: G, H, I, AND J LACK FOUNDATION. THEY  
10 NEED TO BE -- NEEDS TO BE ESTABLISHED BY COMPETENT  
11 EVIDENCE. I AM ASSUMING THAT THAT MIGHT BE DONE IN  
12 DEFENSE'S CASE IN CHIEF.

13 THEY WILL REMAIN MARKED BUT NOT IN  
14 EVIDENCE.

15 ANY DEFENSE MOTION AT THIS TIME?

16 MR. AMSTER: YES, YOUR HONOR.

17 I'M SORRY. I KNOW WHAT THE CHARGES ARE.  
18 BUT I JUST KEEP FORGETTING TO BRING MY COMPLAINT. SO I  
19 DO HAVE A MOTION PURSUANT TO PENAL CODE SECTION 1118.1  
20 AS TO ALL OF THE CHARGES. BUT WITH THE EXCEPTION OF THE  
21 ASSAULT AND THE CRIMINAL THREAT, I JUST DON'T THINK THE  
22 PEOPLE HAVE MET THE BURDEN IN REGARD TO PENAL CODE  
23 SECTION 370 AND 28.01, WHICH I THINK ARE THE OTHER  
24 COUNTS.

25 THE COURT: THE OBJECTION OR THE MOTION IS  
26 RESPECTFULLY DENIED. I DO BELIEVE THERE IS SUFFICIENT  
27 EVIDENCE, IF BELIEVED BY THE JURY, TO STAND A CONVICTION  
28 IN THIS MATTER BEYOND A REASONABLE DOUBT. I WILL PERMIT

1 THE MATTER TO PROCEED AT THIS TIME.

2 NOW THERE WILL BE A DEFENSE. IS THAT  
3 RIGHT?

4 MR. AMSTER: YES.

5 THE COURT: OKAY. SO WHEN WE COME BACK IN A FEW  
6 MINUTES, IF YOU CAN FORMALLY REST ON THE RECORD.

7 MS. PHILIPS: YES, YOUR HONOR.

8 THE COURT: AND YOU CAN CALL YOUR WITNESS.

9 AFTER MR. PERELMAN, DO YOU HAVE ANY  
10 FURTHER WITNESSES?

11 MR. AMSTER: NO.

12 THE COURT: ANY REBUTTAL DO YOU THINK?

13 MS. PHILIPS: HARD TO SAY, BUT I DON'T THINK SO.

14 THE COURT: OKAY. WE WILL JUST GO TO 4:00 AND  
15 THEN SEE WHERE WE ARE. AND I AM STILL WORKING ON THE  
16 INSTRUCTIONS.

17 SEE EVERYBODY IN A FEW MINUTES.

18 MS. PHILIPS: YOUR HONOR, I DID SUBMIT TO THE  
19 COURT AND TO COUNSEL MY THREE SPECIAL INSTRUCTIONS.

20 THE COURT: I SAW THAT. TWO AND THREE ARE OKAY.  
21 THE SPECIAL INSTRUCTIONS ARE -- I JUST WENT TO THE CAJI  
22 INSTRUCTION WHICH IS CIVIL AND BASICALLY MODELED IT  
23 AFTER THAT. DISREGARDED THE ONE YOU GAVE.

24 I WILL SHOW THOSE TO YOU AT THE END OF THE  
25 DAY.

26 MS. PHILIPS: THANK YOU, YOUR HONOR.

27 MR. AMSTER: I ALSO PREPARED SPECIAL  
28 INSTRUCTIONS.

1 THE COURT: WE WILL GO THROUGH THEM LATER.

2

3 (A BRIEF RECESS WAS TAKEN.)

4

5 THE COURT: IN THE PERELMAN MATTER. HE'S HERE.

6 HE'S COMING FORWARD.

7

8 SIR, YOU WANT TO GET YOUR LAWYER AND BRING  
9 HIM IN.

10

THE PEOPLE ARE REPRESENTED.

11

MR. AMSTER IS NOW HERE.

12

WE CAN BRING IN THE JURY AT THIS TIME.

13

(IN THE PRESENCE OF THE JURY:)

14

15

ALL RIGHT. ALL OF THE JURORS ARE BACK.

16

17 THE ALTERNATE IS HERE. WE WERE IN THE PEOPLE'S CASE IN  
18 CHIEF.

19

20 ARE THERE ANY MORE WITNESSES OFFERED BY  
21 THE PEOPLE?

22

MS. PHILIPS: NO.

23

THE COURT: DO THE PEOPLE REST?

24

MS. PHILIPS: WE DO, YOUR HONOR.

25

26 THE COURT: PEOPLE HAVING REST, WOULD DEFENSE  
27 LIKE TO CALL A NEW -- WOULD DEFENSE LIKE TO CALL A  
28 WITNESS AT THIS TIME?

29

MR. AMSTER: YES, YOUR HONOR.

30

THE COURT: GO AHEAD.

31

MR. AMSTER: I WOULD LIKE TO CALL THE DEFENDANT,

1 KEVIN PERELMAN.

2 THE COURT: ALL RIGHT, SIR.

3

4 KEVIN PERELMAN,  
5 HAVING BEEN CALLED TO THE STAND, WAS SWORN AND TESTIFIED  
6 AS FOLLOWS:

7 THE COURT: FOLLOW THE INSTRUCTIONS OF THE  
8 BAILIFF.

9 ALL RIGHT, SIR. RAISE YOUR RIGHT HAND AND  
10 BE SWORN.

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

15 THE DEFENDANT: I DO.

16 THE CLERK: PLEASE BE SEATED.

17 PLEASE STATE AND SPELL YOUR FIRST AND LAST  
18 NAME FOR THE RECORD.

19 THE DEFENDANT: KEVIN PERELMAN.

20 THE CLERK: SPELL THAT FOR THE RECORD.

21 THE DEFENDANT: K-E-V-I-N.

22 THE COURT: LAST NAME.

23 THE DEFENDANT: P-E-R-E-L-M-A-N.

24 THE COURT: YOU MAY INQUIRE.

25 MR. AMSTER: THANK YOU, YOUR HONOR.

26

27

28



## 1 DIRECT EXAMINATION

2 BY MR. AMSTER:

3 Q SO I AM MARKING TWO MORE PHOTOGRAPHS. I  
4 THINK MY NEXT IN ORDER ARE -- IT WOULD BE K AND L.

5 THE COURT: SO MARKED.

6 MR. AMSTER: OKAY. THANK YOU.  
78 (DEFENSE EXHIBITS K AND L WERE  
9 MARKED FOR IDENTIFICATION.)  
1011 Q BY MR. AMSTER: MR. PERELMAN, YOU HAVE  
12 BEEN PRESENT DURING THE PROCEEDINGS IN THIS CASE?

13 A YES.

14 Q OKAY. DID YOU SEE AN INDIVIDUAL WHO  
15 TESTIFIED TODAY, I BELIEVE, WHO IDENTIFIED HIMSELF AS  
16 BAILEY BARNARD?

17 A YES. HE WAS HERE.

18 Q OKAY. WAS THERE A TIME THAT YOU HAD AN  
19 INTERACTION WITH HIM?

20 A YES. THAT'S CORRECT.

21 Q OKAY. AND ABOUT WHAT TIME OF DAY DID THAT  
22 INTERACTION FIRST START, TO THE BEST OF YOUR  
23 RECOLLECTION?24 A TO THE BEST OF MY KNOWLEDGE, IT WAS LATE  
25 AFTERNOON. I AM GUESSING 4:00 OR 5:00 P.M.26 Q ALL RIGHT. WHAT WAS THE FIRST THING THAT  
27 OCCURRED THAT BROUGHT YOUR ATTENTION TO MR. BARNARD?

28 A I WAS WALKING HOME FROM THE PARK. AND

1 WHEN I GOT TO THE MET THAT SURROUNDS MY COMPLEX TO MY  
2 HOUSE, WITH ENDLESS THINGS DONE TO ME BY THE ENTIRE  
3 COMPLEX, HE SHOWS UP WITH AN ELEVATED VOICE.

4 Q OKAY. STOP.

5 WHAT DO YOU MEAN "HE SHOWS UP?" DESCRIBE  
6 TO ME HOW HE SHOWS UP.

7 A I AM ON THE SIDEWALK. I AM PASSING OUT  
8 CARDS -- CARDS ON THE CARS THAT ARE PARKED IN PATTERNS  
9 OF TWO. FOR EXAMPLE, TWO RED CIVICS, TWO WHITE JEEP  
10 CHEROKEES, TWO BLACK PICKUPS TOGETHER, PARKED ONE IN  
11 FRONT OF THE OTHER. TO TRY TO NORMALIZE THE SITUATION,  
12 WHICH MEANS CREATE AWARENESS OF WHAT IS GOING ON AND  
13 EXPLAIN THAT EVERYTHING THESE PEOPLE HAVE BEEN TOLD  
14 ISN'T TRUE ABOUT ME -- IT STARTED WAY BEFORE, TEN YEARS  
15 BEFORE THE CARDS EVER EXISTED.

16 Q ALL RIGHT. SO LET'S START -- CONCENTRATE  
17 ON MR. BARNARD. SO MR. BARNARD SHOWS UP. HOW DOES HE  
18 APPROACH YOU?

19 A HIS VOICE IS SEMI-ELEVATED. NOT SCREAMS,  
20 BUT NOT CALM. I KNOW THAT, LIKE USUAL, HE'S NOT GOING  
21 TO BE THE TYPE OF PERSON THAT I CAN HAVE A RATIONAL,  
22 SANE DISCUSSION WHETHER HE FEELS I AM CRAZY OR NOT,  
23 BASED ON MY BELIEFS OF WHAT IS GOING ON.

24 Q OKAY. AND SO DO YOU HEAR WHAT HE SAYS TO  
25 YOU?

26 A I CANNOT RECALL THE FIRST INTRODUCTION OF  
27 WHAT HE SAYS. I THINK IT MIGHT BE, "WHY DO YOU PASS OUT  
28 THE CARDS?"

1 Q OKAY. AND WHAT WAS YOUR REACTION TO THAT?

2 A MY REACTION?

3 Q YOU WALKED TOWARD HIM? WALK AWAY?

4 A NO. I -- I DIDN'T WALK TOWARD HIM. I  
5 DIDN'T WALK AWAY. I WAS, KIND OF, STANDING THERE. I  
6 BELIEVE I PROBABLY SAID SOMETHING TO THE EXTENT OF, "I  
7 WOULD LOVE TO TELL YOU BUT MOST LIKELY YOU ARE EITHER  
8 NOT GOING TO COMPREHEND IT OR, IF YOU ARE INVOLVED, YOU  
9 ARE NOT GOING TO WANT ME TO TALK ABOUT IT."

10 HE PROCEEDED TO, AT ONE POINT, START TO GO  
11 INTO A STATE OF NORMALITY OR NON-AGGRESSION AS IF HE WAS  
12 GOING TO LISTEN.

13 Q SO THEN?

14 A SORRY.

15 Q "HE GOES INTO THE STATE OF NORMALITY OF  
16 GOING TO LISTEN."

17 DESCRIBE TO ME HOW FAR AWAY THE TWO OF YOU  
18 ARE FROM EACH OTHER AT THIS MOMENT.

19 A VERY CLOSE. HE'S PROBABLY WITHIN A FOOT.  
20 HE'S NOT UP AGAINST ME OR ANYTHING. HE'S NOT PRESSING  
21 HIS BODY AGAINST ME AT THAT POINT. HE'S JUST -- LIKE A  
22 NORMAL -- LIKE TWO PEOPLE WOULD STAND, TALKING TO EACH  
23 OTHER.

24 Q OKAY. AND THEN WHAT HAPPENED?

25 A AT THAT POINT, I PROCEED TO DO -- AND THIS  
26 HAPPENS OVER AND OVER WITH PEOPLE -- TO POINT OUT THE  
27 BLATANTLY OBVIOUS, THOUSANDS AND THOUSANDS OF PHOTOS OF  
28 VIDEOS OF THESE THINGS BEING DONE TO ME, OF THE CARS

1 SEMI CLOSE TO HIM, PROBABLY 50 FEET OF CARS IN TWOS,  
2 WHICH I CAN'T REMEMBER WHICH MODELS THOSE WERE AT THE  
3 TIME BUT, FOR EXAMPLE --

4 Q OKAY. JUST CONCENTRATE.

5 SO YOU START EXPLAINING TO HIM WHAT IS  
6 GOING ON, WHAT IS AROUND YOU TO SHOW HIM WHAT IS GOING  
7 ON. WHAT DOES HE DO IN RESPONSE TO THAT?

8 A INSTANTLY, WHEN HE REALIZES I CAN  
9 RATIONALLY, FACTUALLY AND SHOW HIM WHAT IS RIGHT IN  
10 FRONT OF HIM, HE CHANGES FROM TELLING ME WHAT IS GOING  
11 ON TO "YOU ARE A PARANOID SCHITZO." EXACTLY WHAT THE  
12 TOPANGA LAD DIVISION HAS BEEN TELLING EVERYONE BEFORE  
13 29.

14 Q SO WHAT HAPPENS AFTER HE SAYS THAT?

15 A HIS VOICE GETS ANGRY, ELEVATED. HE STARTS  
16 SEMI YELLING.

17 Q WHAT DID YOU DO IN RESPONSE TO THAT?

18 A I START WALKING AWAY.

19 Q OKAY.

20 A I START WALKING ACTUALLY TOWARD MY PLACE.

21 Q OKAY. AS YOU WALK TOWARD YOUR PLACE, TELL  
22 ME WHAT HAPPENS.

23 A HE PRESSES HIS -- FIRST, I THINK HE PULLS  
24 OUT HIS CELL PHONE AND PUSHES THE RECORD BUTTON AND PUTS  
25 IT A FEW INCHES IN FRONT OF MY FACE. HE STARTS YELLING  
26 VERY LOUDLY, "WHY DO YOU DO THIS?" WHY DO YOU DO THAT?  
27 WHY DO YOU DO THIS OTHER THING? I CAN'T SPECIFICALLY  
28 REMEMBER WHAT THE SENTENCES WERE.

1 Q WHAT DO YOU DO IN RESPONSE TO THAT?

2 A I DID SAY SOMETHING LIKE "IF YOU EVER GO  
3 IN MY HOUSE" -- I CAN'T REMEMBER THE EXACT WORDS BECAUSE  
4 OF SOME OF THE BREAKING AND ENTERING SETUP. THEY TRY TO  
5 SET ME UP OR FRAME ME BACK AND -- WITH A GIRL NAMED  
6 KELLY HATCHER.

7 Q GO ON. WHAT HAPPENS?

8 A I CONTINUE TO WALK AWAY. FOR 30 YARDS HE  
9 PUSHES HIS BACK AGAINST MINE AS I AM TRYING TO WALK AWAY  
10 FROM HIM. HIS CELL PHONE IS IN MY FACE.

11 Q OKAY. LET'S STOP FOR A SECOND.

12 YOU ARE WALKING TOWARD THE GATE OF YOUR  
13 PLACE. CORRECT?

14 A CORRECT.

15 Q AND HE'S WALKING, AND HE'S IN FRONT OF  
16 YOU?

17 A HE'S TO MY LEFT SIDE LIKE RIGHT HERE,  
18 PUSHING HIS BODY AND CELL PHONE AND LIKE THIS.

19 Q OKAY. SO HE'S GOT HIS FACE TOWARD YOU AND  
20 HIS CELL PHONE FACED TOWARD YOU?

21 A CORRECT. YELLING.

22 Q AND HE'S WALKING BACKWARDS?

23 A NO. HE'S WALKING WITH ME.

24 Q OKAY. HE'S WALKING WITH YOU. GO ON.

25 A WE GET ABOUT TEN YARDS FROM THE GATE TO MY  
26 COMPLEX. AND HE SAYS, "IS THIS WHERE YOU LIVE?"

27 AND I SAY TO HIM, "YOU PROBABLY KNOW WHERE  
28 I LIVE SINCE HALF THE WORLD KNOWS WHERE I LIVE."

1 Q WHAT -- WHAT HAPPENS THEN?

2 A HE THEN RUNS UP TO THE GATE, PUTS HIS BODY  
3 AGAINST THE GATE WITH HIS ARMS OUT LIKE THIS.

4 Q OKAY. HOLD ON A SECOND. LET'S DESCRIBE  
5 THAT. YOU HAVE PUT BOTH OF YOUR ARMS FULLY STRETCHED  
6 OUT.

7 A YES. THAT'S CORRECT.

8 Q OKAY. GO ON.

9 A IT'S A LITTLE HAZY BUT I BELIEVE I SAID,  
10 YOU KNOW, "GET OUT OF MY WAY NOW," OR, "GET OUT OF MY  
11 WAY," OR, "YOU NEED TO GET OUT OF MY WAY." SOMETHING  
12 SAYING "GET OUT OF MY WAY."

13 Q IS THAT BECAUSE YOU WANTED TO GET ENTRY  
14 INTO THE PLACE WHERE YOU LIVED?

15 A CORRECT. I WANTED TO GET AWAY FROM HIM.

16 Q OKAY. AND SO THEN WHAT HAPPENS?

17 A I PROCEEDED TO GRAB MY KEYS BECAUSE THESE  
18 ARE KEY-LOCK TOWNHOUSES. PUT IT IN THE KEYHOLE OR REACH  
19 TOWARD THE KEYHOLE. I NEVER GOT TO THAT POINT. HIS  
20 HAND COMES DOWN AND HITS THE KEYS OUT OF MY HAND.

21 Q AND THEN WHAT HAPPENS?

22 A AFTER THAT, I DID, IN SEMI-FEAR, KNOW THAT  
23 THIS GUY WAS NOT GOING TO LET ME GET AWAY FROM HIM. AND  
24 I THREW A PUNCH WHICH NEVER CONNECTED.

25 Q OKAY. WAS THAT TO PROTECT YOURSELF?

26 A CORRECT.

27 Q OKAY. AND THEN WHAT HAPPENS?

28 A AFTER THAT, HE KIND OF GRABBED ME, AND WE

1 GRAPPLED FOR A COUPLE OF MINUTES ON THE GROUND AND  
2 BASICALLY ROLLED AROUND.

3 Q AND THEN WHAT HAPPENS?

4 A AFTER THAT, HE GETS UP. HE KICKS THE  
5 CAMERA WHICH WAS NEVER SWUNG AT HIM, AND HE IS -- HE IS  
6 REGURGITATING A CONVERSATION FROM THE DAY BEFORE OF A  
7 GROUP OF HIS FRIENDS THAT GO TO THE PARK SMOKING WEED IN  
8 A BONG WHO KEPT ASKING ME ABOUT MY LIFE, AND I TOLD THEM  
9 ABOUT THE 2013 INCIDENT WHERE THE STARBUCKS SECURITY --

10 Q KEEP CONCENTRATING. CONCENTRATE.

11 OKAY. SO YOU TELL HIM ABOUT AN INCIDENT  
12 AT THE PARK WITH FRIENDS OF HIS.

13 A CORRECT.

14 Q AND DOES HE ACKNOWLEDGE FRIENDS OF THEM?

15 A NO. I DON'T TELL HIM ANYTHING ABOUT THE  
16 PEOPLE.

17 Q THEN AT SOME POINT ARE YOU ABLE TO GET  
18 INSIDE OF YOUR -- INSIDE THE GATE?

19 A OKAY. AFTER HE GETS UP, HE KICKS THE  
20 CAMERA. HE ONCE AGAIN PROPS HIS BODY UP AGAINST THE  
21 FENCE. I REALIZE, BECAUSE I DEAL WITH THESE TYPES OF  
22 PEOPLE ALL DAY AND NIGHT, 24/7, WHICH IS VERY STRANGE TO  
23 ME BEFORE THE CARS EXISTED, THAT HE HAS BASICALLY SHOWN  
24 HIS PERSONALITY, HIS TRUE COLOR.

25 Q TELL ME WHAT HAPPENS.

26 A I THEN DECIDE ENOUGH IS ENOUGH, AND I PICK  
27 UP THE PHONE. AND I CALL THE POLICE BEFORE IT GETS A  
28 LOT WORSE.

1           Q           I SEE. DOES HE DO ANYTHING IN RESPONSE TO  
2 YOU CALLING THE POLICE?

3           A           AT THAT POINT HE GETS AWAY FROM THE GATE.  
4 HE BACKS DOWN AND, IN FEAR, PICKS UP THE PHONE AND CALLS  
5 THE POLICE AS WELL BECAUSE HE WANTS A RECORD --

6           Q           OKAY.

7           A           -- AS WELL.

8           Q           LET'S NOT ASSUME WHAT HE WANTS.

9                       AND THEN AFTER YOU CALL THE POLICE, DO YOU  
10 THEN EVENTUALLY GO INSIDE YOUR RESIDENCE TO WAIT FOR THE  
11 POLICE?

12          A           I STAND OUT THERE FOR A FEW MINUTES. AND  
13 THEN I THINK TO MYSELF BECAUSE THESE PEOPLE WORK  
14 TOGETHER BASED ON THE NEIGHBORHOOD WATCH GROUP DIRECTED  
15 AT ME, WHICH I HAVE ON THE FRONT OF MY WEBSITE HE -- THE  
16 DISCOVERY OF IT.

17          Q           JUST TELL ME WHAT YOU DO.

18          A           HE -- THEY WORK TOGETHER. AND I WAS, SORT  
19 OF, NERVOUS THAT NOW HE MIGHT CONTACT SOMEONE ELSE TO  
20 FINISH THE JOB, IF THAT MAKES SENSE, PROVOKE ME, AND  
21 THEN WORK WITH THE POLICE. I GO BACK IN MY HOUSE. HE  
22 SAYS TO ME, "OH, YOU ARE ON THE RUN AGAIN."

23                       AND THEN I DECIDE, EVEN THOUGH I CALLED  
24 9-1-1, BECAUSE I KNOW FOR ME 9-1-1 TAKES SEVERAL HOURS,  
25 TO DRIVE DOWN TO THE POLICE STATION TO MAKE SURE THAT  
26 THIS IS A SOLID FIVE REPORT WITH NO -- WITH THEM DOING  
27 THEIR USUAL I-AM-NOT-GOING-TO-PUT-THIS-IN-THE-REPORT-  
28 TYPE THING.



1 Q SO YOU GO TO THE POLICE. SO YOU DRIVE TO  
2 THE POLICE STATION TO FURTHER MAKE A REPORT ON THE  
3 INCIDENT?

4 A CORRECT. AT THE POLICE STATION.

5 MS. PHILIPS: OBJECTION. NO QUESTION PENDING.

6 MR. AMSTER: CORRECT.

7 THE COURT: SUSTAINED.

8 NEXT QUESTION.

9 Q BY MR. AMSTER: FROM THE -- SO WHEN YOU  
10 DRIVE DOWN TO THE POLICE STATION YOU DON'T SEE  
11 MR. BAILEY ANYMORE THAT DAY?

12 A NO.

13 Q OKAY. I AM PLACING IN FRONT OF YOU  
14 EXHIBIT --

15 YOU KNOW WHAT, YOUR HONOR? IF IT'S OKAY,  
16 I WOULD LIKE TO PUBLISH THESE ON THE ELMO.

17 THE COURT: SURE.

18 Q BY MR. AMSTER: I HAVE PLACED EXHIBIT F IN  
19 FRONT OF YOU. AND IT'S UP ON THE ELMO.

20 DID YOU CAUSE THAT PICTURE TO BE TAKEN?

21 A YEAH. I TOOK THAT PICTURE.

22 Q OKAY. TELL ME. DID THAT PICTURE OCCUR  
23 BEFORE OR AFTER THE ALTERCATION?

24 A RIGHT AFTER WE BOTH GOT UP. I CALLED THE  
25 POLICE. HE GOT UP -- HE REMOVED HIMSELF FROM THE KICK  
26 AND WENT AND KICKED MY CAMERA FOR SOME REASON, PROBABLY  
27 BECAUSE OF OFFICER TORO'S (PHONETIC) THREAT. IF YOU  
28 EVER TAKE A PICTURE OF PERSON, I WILL EXERCISE THE LAW

1 IN MY OWN WAY.

2 Q FOR WHAT PURPOSE DID YOU TAKE THE PICTURE?

3 A PROOF THAT THIS PERSON WHO JUST ATTACKED  
4 ME OR CONFRONTATION HAPPENED TO MY PROPERTY FROM SOMEONE  
5 WHO BASICALLY FOLLOWED ME HOME.

6 Q OKAY. DID YOU SUSTAIN INJURIES DURING  
7 THIS ALTERCATION WITH MR. BAILEY?

8 A YEAH. NOTHING MAJOR. SCRAPES AND  
9 BRUISES.

10 Q OKAY. I AM PUBLISHING EXHIBIT G. DO YOU  
11 SEE EXHIBIT G IN FRONT OF YOU? IT'S ON THE SCREEN.

12 A I CAN'T -- THE SCREEN IS NOT VERY GOOD. I  
13 CAN'T --

14 Q OKAY. IS -- SHOWING YOU EXHIBIT G, IS  
15 THIS A PICTURE OF INJURIES THAT YOU SUFFERED ON THAT  
16 DATE?

17 A YES. CORRECT.

18 MR. AMSTER: YOUR HONOR, IS IT OKAY -- THE SCREEN  
19 IS NOT GOOD -- IF I JUST SHOW EACH OF THEM AND THEN  
20 PUBLISH THEM ON THE SCREEN?

21 THE COURT: YES.

22 Q BY MR. AMSTER: ALL RIGHT. I AM SHOWING  
23 YOU EXHIBIT H. IS THAT INJURIES YOU SUSTAINED FROM THAT  
24 DAY?

25 A THAT'S CORRECT.

26 Q I AM SHOWING YOU EXHIBIT I. IS THAT  
27 INJURIES THAT YOU SUSTAINED FROM THAT DAY?

28 A YES. CORRECT.

1 Q I AM SHOWING YOU EXHIBIT J. ARE THOSE  
2 INJURIES THAT YOU SUSTAINED ON THAT DAY?

3 A YES.

4 Q WE ALREADY PUBLISHED G. THERE IS H.  
5 THERE IS I. AND THERE IS J.

6 I WANT TO ASK A FURTHER QUESTION ON J.

7 ON J, I SEE A SCRAPE MARK ON YOUR FOOT.  
8 IS THAT CORRECT?

9 A YEAH. IT LOOKS LIKE A SCAB.

10 Q A SCAB. OKAY. AND THE SCAB IS FROM  
11 INJURIES YOU SUSTAINED THAT DAY?

12 A CORRECT.

13 Q WERE YOU WEARING SHOES?

14 A I WAS WEARING SANDALS. LIKE BIRKENSTOCK.  
15 BIRKENSTOCK SANDALS.

16 MR. AMSTER: OKAY. I AM -- IF IT'S OKAY -- MAYBE  
17 I SHOULD HAVE ASKED. I AM PUBLISHING EXHIBIT K. IS  
18 THAT OKAY?

19 THE COURT: YES.

20 Q BY MR. AMSTER: OKAY. I AM PLACING  
21 EXHIBIT K IN FRONT OF YOU. DO YOU RECOGNIZE EXHIBIT K?

22 A YES.

23 Q WHAT IS EXHIBIT K?

24 A IT IS A GOOGLE AERIAL OR GOOGLE EARTH  
25 AERIAL PHOTO OF MY COMPLEX WITH THE MET COMPLEX  
26 SURROUNDING THE LOCATION OF THESE EVENTS ON BURBANK AND  
27 JULIANA.

28 Q OKAY. DID YOU THEN TAKE AN EXHIBIT -- DID

1 YOU THEN TAKE A PHOTOGRAPH SIMILAR TO EXHIBIT K AND  
2 OUTLINED WHEN THESE EVENTS OCCURRED?

3 A YEAH. I DO THIS ON MY -- ON THESE DAILY  
4 EVENTS AND PUT THEM UP ON MY WEBSITE.

5 Q I HAVE NOW PUBLISHED EXHIBIT L.

6 CAN YOU PLEASE -- YOU HAVE MADE -- I AM  
7 PUTTING EXHIBIT L IN FRONT OF YOU. ON THIS, YOU HAVE  
8 SOME CIRCLES, RED CIRCLES ON IT. CORRECT?

9 A YES.

10 Q OKAY. CAN YOU -- SO THE FIRST RED  
11 CIRCLE -- THE FIRST RED CIRCLE, WHAT DOES THAT  
12 REPRESENT?

13 A CAN YOU AT LEAST POINT OUT WHICH CIRCLE  
14 YOU ARE REFERRING TO?

15 Q OKAY. SO THE CIRCLE THAT IS FURTHEST TO  
16 THE LEFT.

17 A OKAY. THAT IS -- THAT IS THE LOCATION  
18 THAT BAILEY PARKED HIS CAR THE NEXT DAY AND WAITED --  
19 WAITED FOR ME RIGHT AFTER I WENT OUT TO TAKE A WALK,  
20 WHICH I USUALLY DO, AND THEY DON'T LIKE ME TAKING WALKS  
21 BEFORE CARDS WERE PASSED OUT. AND AS I CAME BACK AROUND  
22 TO COME BACK FROM MY WALK, HE GOT OUT OF HIS CAR IN  
23 FRONT OF ME, HE COUGHED TWICE WHICH IS ONE OF THEIR  
24 CRYPTIC TACTICS, WHICH THEY WERE DOING TO ME AT THE  
25 OFFICE I WAS FIRED FROM.

26 Q CONCENTRATE ON MR. BAILEY.

27 SO THE FIRST CIRCLE IS WHERE YOU OBSERVED  
28 BAILEY WATCHING YOU THE NEXT DAY. IS THAT CORRECT?

1           A           CORRECT.

2           Q           OKAY. SO LET'S --

3           A           AND THEN THERE WAS A WITNESS.

4           Q           OKAY.

5           A           HIS FRIEND.

6           Q           FINE. OKAY. NOW. NOW THE SECOND CIRCLE,

7 DID YOU WRITE ON THE SECOND CIRCLE "LOCATION BAILEY

8 FOLLOWED ME PRESSING HIS BODY UP AGAINST MINE TO THEN

9 BLOCKING MY ENTRANCE"? IS THAT WHAT THIS SECOND CIRCLE

10 IS?

11          A           I WROTE THESE, BUT I HAVE -- YES.

12 CORRECT. THAT IS THE GATE TO MY COMPLEX.

13          Q           OKAY. SO THAT CIRCLE IS RIGHT AROUND

14 WHERE YOUR GATE IS?

15          A           CORRECT.

16          Q           OKAY. AND THEN WE HAVE A THIRD CIRCLE

17 FURTHER TO THE RIGHT WHERE YOU PUT "LOCATION WHERE

18 BAILEY APPROACHED ME."

19          A           CORRECT.

20          Q           OKAY. AND SO WHERE THAT CIRCLE IS IS

21 WHERE BAILEY APPROACHED YOU?

22          A           CORRECT.

23          Q           OKAY. AND SO -- AND THEN YOU HAVE ON THIS

24 DIAGRAM A BLUE LINE WITH ARROWS POINTING IN THE

25 DIRECTION OF YOUR -- WHERE YOUR GATE IS FROM WHERE

26 BAILEY FIRST APPROACHED YOU. IS THAT SUPPOSED TO

27 SIGNIFY THE PATH THAT THE TWO OF YOU TOOK?

28          A           CORRECT. THE WALK OR AS WHERE HE PUSHED

1 HIS BODY TOWARD MY GATE.

2 Q OKAY. DURING THE COURSE OF THIS TRIAL,  
3 DID YOU SEE AN INDIVIDUAL BY THE NAME OF MR. SCROGGIN  
4 TESTIFY?

5 A YES. CORRECT.

6 Q OKAY. AND I BELIEVE MR. SCROGGIN  
7 TESTIFIED ABOUT SOME EVENTS THAT HAPPENED ON MAY 18,  
8 2017?

9 A I CAN'T REMEMBER THE EXACT -- YEAH. I  
10 THINK IT MIGHT HAVE BEEN THE 16TH.

11 Q OKAY. ALL RIGHT. SO TELL ME. ON THAT  
12 DATE AT SOME POINT, ARE YOU IN YOUR APARTMENT AND YOU  
13 HEAR A KNOCK ON THE DOOR?

14 A NO. THERE WAS NEVER A KNOCK.

15 Q OKAY. SO AT SOME POINT ARE YOU IN YOUR  
16 APARTMENT AND SOMETHING DRAWS YOUR ATTENTION TO  
17 SOMETHING?

18 A I HEAR A -- AS I AM FIXING MY FIREWALL  
19 WHICH IS CONSTANTLY HACKED BY THEM VIOLATING MY  
20 PRIVACY --

21 Q GO ON.

22 A I HEARD A THUD, NOT LOUD BUT SOMETHING HIT  
23 THE GROUND ON MY PORCH.

24 Q WHAT DO YOU DO IN RESPONSE TO THAT?

25 A I OPEN THE DOOR, AND I WALK OUT, AND THERE  
26 WERE CARDS ALL OVER THE GROUND JUST LIKE HIS NEIGHBOR  
27 WHO I HAVE ON VIDEO.

28 Q JUST CONCENTRATE ON MR. SCROGGIN.

1           A           SORRY.

2           Q           THERE ARE CARDS ALL OVER THE GROUND ON  
3 YOUR PORCH?

4           A           PORCH.

5           Q           OKAY. WHAT DO YOU DO IN RESPONSE TO THAT?

6           A           I THINK I COME OUT THE DOOR. AND HE --

7           Q           "HE" BEING WHOM?

8           A           SCROGGIN WITH A FRIEND, AND HE'S TALKING  
9 ABOUT NOTHING REALLY SUPER MEAN, BUT HE'S KIND OF  
10 TALKING TO ME IN A BELITTLING WAY. I DON'T KNOW WHAT  
11 THAT GUY DOES WHILE THEY'RE CONSTANTLY TRYING TO GET  
12 ANYTHING OR FIND OUT THIS OR FIND OUT THAT OR TRY TO GET  
13 ME TO GIVE THEM CONFESSIONS OR THINGS LIKE THAT, WHICH  
14 WAS ANNOYING.

15          Q           OKAY. WHAT DO YOU DO IN RESPONSE TO THAT?

16          A           I HAD A -- I ALWAYS HAVE -- I HAVE A  
17 POCKET KNIFE ON ME I USE FOR DIFFERENT THINGS. AND I  
18 ACTUALLY TOOK IT OUT, AND I, SORT OF, HELD IT UP HOPING  
19 I COULD SCARE THIS GUY, JUST GET HIM AWAY FROM ME WITH  
20 THE GROUPS THAT WILL NOT LEAVE ME ALONE.

21          Q           AND THEN WHAT HAPPENS?

22          A           I SIT IN MY HOUSE FOR A WHILE. I CONTINUE  
23 TO DO WHAT I AM DOING. AND ABOUT 15 MINUTES LATER, I  
24 THINK TO MYSELF, I AM GOING TO GO TAKE A WALK, BUT I AM  
25 PROBABLY GOING TO BE MET WITH -- EVERY SINGLE WALK I  
26 TALK WITH GROUPS COMING OUT. AND THAT'S THAT. SO WHEN  
27 I GET -- OR DO YOU WANT ME TO --

28          Q           SO YOU GET OUTSIDE AND YOU START TAKING

1 YOUR WALK. WHAT HAPPENS?

2 A CORRECT. AS I GET OUTSIDE THE GATE, THERE  
3 ARE CARDS ALL OVER MY CAR. AND THIS IS A NORMAL THING  
4 FOR YEAR AFTER YEAR. IN EVERY CRACK, HUNDREDS AND  
5 HUNDREDS AND HUNDREDS, NOT A FEW CARDS LIKE, YOU KNOW,  
6 WE WILL PUT A CARD ON YOUR CAR, LIKE YOU PUT A CARD ON  
7 MY CAR, BUT JUST THE ENTIRE CAR.

8 Q LET ME STOP YOU FOR A SECOND. I WANT TO  
9 PUBLISH EXHIBIT D.

10 IS -- THIS EXHIBIT D, IS THAT A PHOTOGRAPH  
11 OF YOUR VEHICLE?

12 A YES. THAT IS CORRECT.

13 Q IS THAT A PHOTOGRAPH OF WHERE THERE ARE  
14 CARDS THAT ARE PLACED ON YOUR VEHICLE?

15 A YES. THAT IS CORRECT.

16 Q AS YOU HAVE DESCRIBED?

17 A UH-HUH.

18 Q IS THAT YES?

19 A YES.

20 Q DID YOU PUT THOSE CARDS ON YOUR VEHICLE?

21 A NO.

22 Q OKAY. AND SO SOMEBODY YOU DON'T -- OKAY.  
23 SO SOMEBODY ELSE OTHER THAN YOU PUT THOSE CARDS IN THE  
24 VEHICLE?

25 A YES. TYPES OF THINGS LIKE THAT FOR 17  
26 YEARS.

27 Q OKAY. AND SO THIS HAS HAPPENED REPEATEDLY  
28 TO YOUR CAR?



1           A           ENDLESSLY. CAR SLASHING, TIRE SLASHING.

2       "HOMO." "FAGGOT."

3           Q           WHAT DO YOU MEAN "HOMO," "FAGGOT"?

4           A           THEY SPIT ON MY CAR EVERY DAY. I HAVE  
5 YEARS OF THESE PHOTOS.

6           Q           OKAY. JUST AT THE MET. I WANT TO KNOW  
7 WHAT HAS HAPPENED AT THE MET. SO AT THE MET, YOU HAVE  
8 CONTINUOUSLY HAD BUSINESS CARDS PLACED ON YOUR CAR LIKE  
9 THAT. YOU'VE HAD YOUR TIRES SLASHED THERE?

10          A           CORRECT. RIGHT IN FRONT OF SCROGGIN'S  
11 HOUSE.

12          Q           OKAY. YOU'VE HAD PEOPLE WRITE ON YOUR CAR  
13 "HOMO"?

14          A           "HOMO." "I LIKE DICK." I AM LIKE OJ  
15 WHICH I THINK GOES BACK TO 20 YEARS WORKING AT UNIVERSAL  
16 STUDIOS.

17          Q           OKAY. OKAY. IS IT FAIR TO SAY THAT WHILE  
18 YOUR CAR HAS BEEN AT THE MET, PEOPLE HAVE WRITTEN THINGS  
19 THAT HAVE BEEN DEROGATORY TOWARD YOU ON IT?

20          A           ENDLESSLY.

21          Q           OKAY. I AM PLACING IN FRONT OF YOU  
22 EXHIBITS B, C, AND E.

23                   CAN YOU BRIEF -- DID YOU TAKE THE  
24 PHOTOGRAPHS IN B?

25          A           YES.

26          Q           WHAT -- IS THAT YOUR CAR?

27          A           YES. THE SAME DAY.

28          Q           WHAT IS THE PURPOSE OF TAKING THOSE

1 PHOTOGRAPHS?

2 A JUST TO SHOW WHAT THESE PEOPLE'S BEHAVIORS  
3 WERE, WHICH THEY TRY TO REVERSE ON ME.

4 Q OKAY. JUST TELL ME WHAT IS IN THE  
5 PICTURE.

6 A THE PICTURE IS JUST LIKE THE OTHER CAR.  
7 THERE ARE CARDS ON THE CAR, ON THE GROUND, AND THE TOP.  
8 NOT NECESSARILY IN THE DOORJAMBS, BUT I AM NOT SURE  
9 BECAUSE THE PICTURE IS SMALL.

10 Q OKAY. THOSE ARE CARDS THAT YOU DID NOT  
11 PUT THERE?

12 A CORRECT.

13 Q OKAY. AND EXHIBIT C, IS THAT A SERIES OF  
14 PHOTOGRAPHS OF YOUR VEHICLE?

15 A YES. THAT IS THAT NIGHT, THE SAME  
16 PICTURE -- ALL THE PICTURES WERE THE SAME TIME. IT'S  
17 JUST A CONTACT SHEET.

18 Q SO WHEN YOU SAY THAT NIGHT, THAT NIGHT  
19 WHEN YOU HAD THE INTERACTION WITH MR. SCROGGIN?

20 A CORRECT.

21 Q AND WHAT WERE YOU TRYING TO SHOW BY TAKING  
22 THESE PHOTOGRAPHS?

23 A I AM TRYING TO ESTABLISH THAT THEIR  
24 ARGUMENT IS THAT, ACCORDING TO THEM, I AM A TROLL, AND I  
25 AM MAKING THEM FOLLOW ME FROM PLACE TO PLACE TO --

26 Q I JUST WANT -- I WANT YOU TO CONCENTRATE.  
27 WAS THERE SOMETHING ON THE VEHICLE YOU WERE  
28 PHOTOGRAPHING THAT YOU WANTED TO RECORD? THERE ARE

1 CARDS ON THE PHOTOGRAPH?

2 A YEAH. THEY WERE EXERTING PROVOKING  
3 BEHAVIORS.

4 Q OKAY. DID -- ARE YOU SHOWING THAT SOMEONE  
5 OTHER THAN YOU PLACED CARDS ON YOUR CAR?

6 A YES. CORRECT.

7 Q I AM PLACING EXHIBIT E IN FRONT OF YOU.  
8 DO YOU SEE THAT?

9 A YES.

10 Q IS THAT A PICTURE OF YOUR CAR?

11 A YES.

12 Q IS THAT A PICTURE OF YOUR CAR FOR YOU TO  
13 RECORD THAT CARDS HAVE ALWAYS BEEN PLACED ON YOUR CAR?

14 A CORRECT.

15 Q THOSE ARE CARDS PLACED ON YOUR CAR THAT  
16 YOU DID NOT DO?

17 A CORRECT.

18 Q OKAY. AND YOU ARE SAYING THESE  
19 PHOTOGRAPHS WERE TAKEN NEAR AT THE TIME OF THE INCIDENT  
20 WITH MR. SCROGGIN?

21 A WITHIN PROBABLY THE SAME -- WITHIN HOURS,  
22 PROBABLY. IT'S HARD TO KEEP TRACK OF THE AMOUNT OF  
23 PHOTOS.

24 Q THESE --

25 A BUT THAT DAY I WENT OUT AND TOOK IT. I  
26 CAN'T REMEMBER THE TIME FRAME.

27 Q OKAY. NOW YOU COME OUT. YOU OVERHEAR  
28 MR. SCROGGIN TALKING TO SOMEONE. THEN WHAT HAPPENS

1 THEREAFTER?

2 A OKAY. I -- ABOUT 15 MINUTES LATER, WHICH  
3 THEY DO NOT LIKE ME DOING, I TRY TO GET SOME EXERCISE,  
4 TAKE SOME -- TAKE A WALK. AS I EXIT THE GATE TO MY  
5 COMPLEX, SCROGGIN IS THERE. HE'S TALKING TO SOME OTHER  
6 PEOPLE. I SEE THE CAR ACROSS FROM ME, RIGHT ACROSS FROM  
7 HIM, ACROSS FROM ME. AND SCROGGIN RUNS UP TO MY FACE  
8 ABOUT ONE INCH AWAY FROM MY FACE. HE IS SCREAMING AT  
9 THE TOP OF HIS LUNGS. I CANNOT RECALL WHAT HE WAS  
10 SAYING BECAUSE I KEPT CUTTING HIM MID SENTENCE, SAYING,  
11 "YOU NEED TO STOP." AND HE SAYS SOMETHING AGAIN. I  
12 SAY, "YOU NEED TO STOP," KIND OF KNOWING THEY REFUSE TO  
13 ADDRESS THE ISSUE.

14 Q SO YOU WANT HIM TO STOP BEING CLOSE TO YOU  
15 AND TALKING TO YOU IN THE MANNER THAT HE IS. CORRECT?

16 A MORE THAN THAT, I WANT THEM TO STOP DOING  
17 THESE THINGS TO MY CARS, HAVING PEOPLE PROVOKE ME.

18 Q DID YOU BELIEVE THAT MR. SCROGGIN WAS  
19 PLACING THE CARDS ON YOUR CAR?

20 A I CANNOT TELL YOU IF SCROGGIN -- I THINK  
21 ACTUALLY IT MIGHT BE HIS NEIGHBOR, NUMBER 2, GREG KONECK  
22 (PHONETIC) WHICH I ACTUALLY HAVE VIDEO OF HIM.

23 Q OKAY. YOU HAVE VIDEO OF HIM PLACING CARDS  
24 ON YOUR CAR?

25 A NO. I HAVE VIDEO OF HIM CRAMMING THINGS  
26 IN THE CRACKS LIKE NEWSPAPER. I THINK HE STOLE THE  
27 ANTENNA.

28 Q HAVE YOU EVER --

1           A           PUT CAT LITTER.

2           Q           HAVE YOU EVER SEEN MR. SCROGGIN AND KONECK  
3 TALK?

4           A           THEY'RE NEIGHBORS, ONE AND TWO.

5           Q           HAVE YOU EVER SEEN THEM TALK?

6           A           NO.

7           Q           OKAY. NOW MR. SCROGGIN IS CLOSE TO YOU.  
8 HE'S YELLING AT YOU. YOU ARE TELLING HIM TO STOP. THEN  
9 WHAT HAPPENS?

10          A           OKAY. I PROBABLY -- I DON'T KNOW HOW MANY  
11 TIMES; MAYBE FIVE -- TOLD HIM TO STOP. I THEN PROCEED  
12 TO GO TAKE A WALK. THE LAST THING THAT COMES OUT OF HIS  
13 MOUTH WHICH HAS BEEN A HISTORY OF HIM APPROACHING ME AND  
14 SAYING THINGS LIKE THIS, "YOU GET BACK IN YOUR HOUSE."

15          Q           OKAY. AND HOW DO YOU RESPOND?

16          A           I RESPOND WITH THEM CONSTANTLY PROVOKING  
17 ME, NOT SUPER ANGRY BUT STERNLY SAYING, "IF YOU DON'T  
18 LET ME TAKE A WALK, I WILL CUT YOU DOWN."

19          Q           AND WHAT DID YOU MEAN BY THAT?

20          A           WHAT I MEANT WAS "LEAVE ME ALONE. GET  
21 AWAY FROM ME. I DON'T WANT TO HURT YOU. I AM TRYING TO  
22 GO TAKE MY WALK." BUT THE PITPULL KEEPS COMING AFTER  
23 ME. "PLEASE LEAVE ME ALONE. GET THE HELL OUT OF HERE.  
24 LEAVE."

25          Q           DID YOU MEAN YOU WANTED TO BE VIOLENT?

26          A           NO. I NEVER WANTED TO HURT HIM OR ANYONE  
27 ELSE.

28          Q           YOU JUST WANTED TO TAKE YOUR WALK?

1           A           CORRECT.  WHICH IS -- THIS IS DONE EVERY  
2 DAY.

3           Q           ALL RIGHT.  I AM PLACING IN FRONT OF YOU  
4 EXHIBIT A.  IS THIS ONE OF THE CARDS THAT YOU HAVE  
5 DISTRIBUTED, OR IS THAT A CARD -- IS THAT SIMILAR TO A  
6 CARD YOU HAVE DISTRIBUTED?

7           A           YES.  EVEN POLICE STATION.

8           Q           OKAY.  NOW YOU HAVE A WEBSITE.

9           A           CORRECT.

10          Q           IS THAT A WEBSITE FOR BUSINESS PURPOSES IN  
11 ANY WAY WHATSOEVER?

12          A           ABSOLUTELY NOT.  I CAN'T IMAGINE HOW I CAN  
13 MAKE MONEY WITH THAT.

14          MR. AMSTER:  OKAY.  NOTHING FURTHER.

15          THE COURT:  CROSS-EXAMINATION.

16          MS. PHILIPS:  YES, YOUR HONOR.

17

18                       CROSS-EXAMINATION

19 BY MS. PHILIPS:

20          Q           SO, MR. PERELMAN, ON OR ABOUT AUGUST 18 OF  
21 LAST YEAR WHEN YOU HAD THIS INTERACTION WITH, AS YOU  
22 DESCRIBED IT, MR. BARNARD, DO YOU RECALL TESTIFYING  
23 ABOUT THAT WHEN YOUR ATTORNEY WAS ASKING YOU QUESTIONS,  
24 SIR?

25          A           WE JUST TALKED ABOUT SCROGGIN.

26          Q           BEFORE THAT.  EARLIER.

27          A           OH, YEAH.

28          Q           YOU REMEMBER TALKING ABOUT MR. BARNARD?

1           A           UH-HUH.  YES.

2           Q           SO WHEN YOU WERE TESTIFYING ABOUT THAT,  
3 YOU SAID WHEN YOU FIRST ENCOUNTERED HIM ON THE SIDEWALK,  
4 YOU WERE PLACING CARDS ON CARS.  RIGHT?

5           A           CORRECT.

6           Q           YOU WERE ALSO DROPPING THEM ON THE GROUND,  
7 WERE YOU NOT, SIR?

8           A           I DISTRIBUTE CARDS FOR PEOPLE TO BE AWARE  
9 AND HOPE --

10          Q           SIR, LISTEN TO MY QUESTION.

11          THE DEFENDANT:  -- STOP PROVOKING --

12          MR. AMSTER:  YOUR HONOR, HE WAS --

13          THE COURT:  OBJECTION.  NON-RESPONSIVE.

14          MS. PHILIPS:  YES.

15          THE COURT:  SUSTAINED.

16                      NEXT QUESTION.

17          MS. PHILIPS:  MOVE TO STRIKE.

18          THE COURT:  STRICKEN.

19                      NEXT QUESTION.

20          Q           BY MS. PHILIPS:  SIR, OTHER THAN PLACING  
21 CARDS ONTO THE VEHICLES, WERE YOU ALSO DROPPING CARDS ON  
22 THE GROUNDS?

23          MR. AMSTER:  I OBJECT TO THE TERM "DROPPING."  
24 THAT IS A CONCLUSORY STATEMENT IF HE'S NOT ALLOWED TO  
25 EXPLAIN.

26          THE COURT:  OVERRULED.  EXPLAIN.

27          THE DEFENDANT:  I BASICALLY --

28          Q           BY MS. PHILIPS:  YES, YOUR HONOR.

1 A YES.

2 Q HOW MANY CARDS DID YOU DROP THAT DAY?

3 A PROBABLY NOT TOO MANY.

4 Q WHAT IS "NOT TOO MANY" IN YOUR MIND?

5 A TEN.

6 Q HOW MANY DO YOU USUALLY DROP A DAY?

7 A I DON'T INTENTIONALLY DROP ANY AT WILL. I  
8 TRY TO GET THEM TO THE PEOPLE SO THEY CAN READ THE  
9 WEBSITE.

10 Q WHEN PEOPLE SAY NO, THEN YOU DROP THEM ON  
11 THE GROUND ALL OVER THE PLACE, DO YOU NOT?

12 A ABSOLUTELY NOT.

13 Q BUT YOU -- YOU JUST TOLD US YOU DID?

14 MR. AMSTER: OBJECTION. MISSTATES THE EVIDENCE.

15 THE COURT: OVERRULED.

16 GO AHEAD, SIR.

17 THE DEFENDANT: I CANNOT RECALL THE SPECIFIC  
18 EVENTS OF THAT DAY, BUT I CAN TELL YOU THE GENERAL  
19 EVENTS WHICH HAPPENED EVERY DAY. PROVOKING BEHAVIORS.

20 MS. PHILIPS: THAT IS NOT MY QUESTION, YOUR  
21 HONOR.

22 MR. AMSTER: I THINK THAT IS RESPONSIVE. HE'S  
23 EXPLAINING.

24 THE COURT: OVERRULED.

25 GO AHEAD.

26 THE DEFENDANT: EVERY DAY I AM MET WITH ANGER AND  
27 RAGE AND HOSTILITY, NOT ABOUT THE CARDS BUT KEVIN BEING  
28 A RAT. AND SO --



1 Q BY MS. PHILIPS: BUT NO ONE EVER SAYS  
2 THAT. MR. BARNARD NEVER CALLED YOU RAT. HE JUST --

3 A IT WAS SAID BEFORE THE CARDS EXISTED.

4 MS. PHILIPS: OBJECTION. NON-RESPONSIVE, YOUR  
5 HONOR. MOVE TO STRIKE.

6 THE COURT: SUSTAINED. STRICKEN.

7 NEXT QUESTION.

8 Q BY MS. PHILIPS: ON THAT DAY, SIR, WHEN  
9 YOU ENCOUNTERED MR. BARNARD, ISN'T THE ONLY THING THAT  
10 HE SAID TO YOU, "PLEASE STOP LITTERING THESE CARDS  
11 ALREADY"? DIDN'T HE SAY THAT TO YOU?

12 MR. AMSTER: OBJECTION. COMPOUND QUESTION.

13 THE COURT: OVERRULED.

14 GO AHEAD.

15 THE DEFENDANT: CAN YOU REPEAT THE QUESTION.

16 Q BY MS. PHILIPS: ON AUGUST 18, WHEN  
17 MR. BARNARD APPROACHED YOU, ISN'T IT TRUE THAT HE DIDN'T  
18 CALL YOU ANY NAMES? ALL HE SAID WAS "PLEASE STOP  
19 LITTERING THESE CARDS"?

20 A ABSOLUTELY NOT.

21 Q HE NEVER TOLD YOU TO STOP LITTERING THE  
22 CARDS?

23 MR. AMSTER: OBJECTION.

24 THE DEFENDANT: HE ASKED ME WHY I PASSED OUT THE  
25 CARDS.

26 Q BY MS. PHILIPS: OKAY. HE ASKED YOU WHY  
27 YOU DROPPED THESE CARDS ALL OVER HIS NEIGHBORHOOD?

28 MR. AMSTER: OBJECTION.

1 THE DEFENDANT: NO.

2 MR. AMSTER: MISSTATES.

3 THE COURT: OVERRULED. HE'S ANSWERED NO.

4 GO AHEAD.

5 Q BY MS. PHILIPS: OKAY. SO ON THAT DAY WE  
6 CAN AGREE THAT YOU DROPPED TEN CARDS, ACCORDING TO YOUR  
7 TESTIMONY?

8 A SURE.

9 Q OKAY. AT SOME POINT YOUR TESTIMONY WAS  
10 THAT MR. BARNARD TRIED TO HAVE A CONVERSATION WITH YOU,  
11 YOUR WORDS WERE, IN A NON-AGGRESSIVE, NORMAL WAY THAT HE  
12 WAS GOING TO LISTEN?

13 A I TRIED TO HAVE A CONVERSATION.

14 Q IS THAT RIGHT?

15 THE COURT: I'M SORRY. WE CAN'T TALK OVER ONE  
16 ANOTHER.

17 GO AHEAD.

18 Q BY MS. PHILIPS: WASN'T THAT YOUR  
19 TESTIMONY EARLIER, THAT THERE WAS A PERIOD OF  
20 NON-AGGRESSION AND NORMALITY?

21 A CORRECT. HE APPEARED TO ME AGGRESSIVE,  
22 AND I STATED TO HIM THAT I WOULD LOVE TO HAVE A  
23 CONVERSATION WITH HIM. AND I WOULD, BUT HE APPEARED IN  
24 A VERY ANGRY STATE. BUT WE THEN PROCEEDED OR HE STARTED  
25 TO TONE DOWN HIS BEHAVIOR AND START TO ALLOW ME TO  
26 SPEAK. BUT NOT FOR VERY LONG.

27 Q SO ABOUT THESE CARS PARKED IN TWO?

28 A CORRECT. WHICH I HAVE A TON OF EVIDENCE

1 WHICH ARE INADMISSIBLE TO THE COURT.

2 Q SO IF -- SO IN YOUR MIND, IF THERE ARE  
3 CARS PARKED IN TWOS, THIS IS PART OF THIS CONSPIRACY BY  
4 THE GOVERNMENT TO MAKE EVERYBODY THINK YOU ARE A  
5 PARANOID SCHIZOPHRENIC?

6 A I CANNOT GIVE YOU SPECIFICS OF THEIR  
7 REASONING BEHIND WHAT THEIR CONVERSATION WOULD BE. ALL  
8 I CAN DO IS TRY TO PUT THE PUZZLE PIECES TOGETHER OF WHY  
9 PEOPLE ARE TRYING TO GANG STALK ME 'CAUSE STALK ME WHICH  
10 DOES HAPPEN AND GET TOGETHER -- IF PEOPLE DON'T KNOW  
11 WHAT THAT MEANS, TO TAKE TURNS PROVOKING SOMEONE UNTIL  
12 THEY CAN GET A REACTION BASED ON THE DEATH THREAT OF MY  
13 COLLEAGUE AT 29.

14 "WE ARE USING THE SYSTEM AGAINST YOU, AND  
15 I HAVE GIVEN YOU ENOUGH ROPE TO HANG YOURSELF WITH."

16 Q AND THIS MAKES SENSE TO YOU?

17 A IT DOESN'T MAKE ANY SENSE TO ME.

18 Q OKAY.

19 SO THIS IS WHAT YOU WERE EXPLAINING TO  
20 MR. BARNARD?

21 A NO. ABSOLUTELY NOT. I WAS SIMPLY TRYING  
22 TO SHOW HIM WHAT EXACTLY WAS IN FRONT OF HIM. AND IF HE  
23 WAS CIVILIZED, HE COULD -- I WOULD EVEN HAVE WALKED DOWN  
24 THE STREET WITH HIM, POINTING OUT EVENTS THAT  
25 STATISTICALLY COULD NOT HAPPEN, LIKE WINNING A LOTTERY  
26 100 TIMES IN A ROW.

27 Q SO TWO SIMILAR CARS PARKED TOGETHER IS THE  
28 SAME AS WINNING THE LOTTERY?

1 A HOW ABOUT 20 A DAY?

2 Q OKAY. OKAY. SO YOUR TESTIMONY IS THAT HE  
3 STUCK A CELL PHONE IN YOUR FACE?

4 A YEAH. HE PUSHED THE RECORD BUTTON AND  
5 STUCK HIS CELL PHONE IN MY FACE.

6 Q ISN'T IT TRUE, SIR, THAT YOU ARE THE ONE  
7 THAT USUALLY RECORDS THESE THINGS?

8 A I DID.

9 Q BUT THIS TIME --

10 A THEN IT CHANGED BECAUSE THEY GOT MAD AND  
11 NOW MY STUDIO PHOTOGRAPHY CAMERA HAS BECOME A  
12 SELF-DEFENSE CAMERA TO TRY TO STOP WHAT IS GOING ON  
13 WHICH THE POLICE REFUSE TO TAKE THE PROOF.

14 Q SO YOU HAVE A PHONE?

15 A I'M SORRY?

16 Q YOU HAVE A PHONE. RIGHT?

17 A CORRECT.

18 Q AT LEAST ONE. RIGHT?

19 A OH, YEAH.

20 Q AND YOU HAD THAT IN YOUR POSSESSION ON  
21 THIS DATE. RIGHT?

22 A YES.

23 Q AND YOU CERTAINLY COULD HAVE PULLED IT OUT  
24 AND TAKEN A VIDEO -- RIGHT? -- OF THIS GUY.

25 A SURE.

26 Q PULLING --

27 A I COULD HAVE PUSHED THE RECORD BUTTON WHEN  
28 HE CAME UP TO ME.

1 Q AND YOU DO THAT CONSTANTLY ON A DAILY  
2 BASIS AND PUT THOSE ON YOUR WEBSITE, DO YOU NOT?

3 A AFTER THE ARREST. YES.

4 Q WELL, WAY BEFORE THE ARREST TOO. RIGHT?

5 A NOT REALLY.

6 Q REALLY?

7 A NOT REALLY.

8 Q NOTHING ON YOUR WEBSITE FROM 2013, '14 --

9

10 (MULTIPLE SPEAKERS.)

11

12 THE COURT: WE HAVE TO DO QUESTION-AND-ANSWER  
13 SESSION.

14 GO AHEAD.

15 Q BY MS. PHILIPS: IF I WERE TO PULL UP YOUR  
16 WEBSITE RIGHT NOW, YOU ARE TELLING ME THERE WOULDN'T BE  
17 A VIDEO FROM 2013?

18 A NO. THERE IS VIDEO FROM 2013.

19 Q THANK YOU.

20 AND '14?

21 A THERE IS -- THERE ARE YEARS OF VIDEO.

22 Q RIGHT. BUT NOT A SINGLE VIDEO OF WHAT  
23 HAPPENED WITH MR. BARNARD. IS THERE, SIR? "YES" OR  
24 "NO."

25 A NO.

26 Q THANK YOU.

27 A I DON'T WANT TO HAVE TO.

28 Q NOW YOU WERE SAYING, AS YOU WERE WALKING

1 DOWN BURBANK BOULEVARD, YOU BELIEVE THAT MR. BARNARD  
2 KNEW WHERE YOU LIVED? IS THAT YOUR TESTIMONY?

3 A CORRECT.

4 Q AND THAT IS BECAUSE -- THESE ARE YOUR  
5 WORDS -- HALF THE WORLD KNOWS WHERE YOU LIVE?

6 A CORRECT.

7 Q ARE WE BEING FIGURATIVELY OR LITERAL?

8 A NO. LITERALLY.

9 Q SO LITERALLY HALF THE WORLD KNOWS WHERE  
10 YOU LIVE? HALF OF US KNOW WHERE YOU LIVE?

11 A I CAN'T --

12 MR. AMSTER: YOUR HONOR --

13 THE COURT: WHAT IS THE OBJECTION?

14 MR. AMSTER: COMPOUND.

15 THE COURT: OVERRULED.

16 GO AHEAD. YOU CAN ANSWER, SIR.

17 THE DEFENDANT: THE STATEMENT -- I AM NOT BEING  
18 LITERAL. LIKE A SPECIFIC NUMBER, LIKE 3.5 BILLION POINT  
19 00015. I AM BEING APPROXIMATE THAT THERE IS AN  
20 EXTREMELY LARGE NUMBER OF PEOPLE THAT DO KNOW ME DUE TO  
21 THE PEOPLE I HAVE WORKED WITH AT UNIVERSAL STUDIOS, THE  
22 WES CRAVEN JOB, THE MODERN VIDEO FILM JOB FOR THE POWER  
23 RANGERS CREW. THE THINGS I AM NOT ALLOWED TO BRING INTO  
24 THIS COURTROOM DID ESCALATE THIS SITUATION. I HAD NO  
25 CONCEPT IT WAS GOING ON MY ENTIRE LIFE UNTIL TURNING 29,  
26 FINDING OUT WITH THESE THREATS TO ME THAT EVERYONE I  
27 WENT -- PEOPLE WERE IN ANGRY RAGE AND STILL ARE, AND  
28 IT'S NOT ABOUT THE WEBSITE OR CARDS. AND THE MORE I

1 FIND OUT AND THE MORE SIMPLE, CIVILIZED CONVERSATIONS I  
2 HAVE WITH SOMEONE ASKING MY BENEFIT AT COFFEE SHOPS, ALL  
3 SORTS OF THREATS THAT I BETTER NOT TALK AND MASS GROUP  
4 SHOWING UP IN ANGRY RAGE. I CANNOT -- IT'S VERY  
5 DIFFICULT TO BELIEVE, AND IT WAS VERY DIFFICULT FOR ME  
6 TO BELIEVE AT FIRST.

7 MS. PHILIPS: THAT IS FINE. I THINK YOU MORE  
8 THAN ANSWERED THE QUESTION.

9 THE DEFENDANT: BUT IF YOU GO TO THE WEBSITE,  
10 THERE IS SO MUCH UNDENIABLE PROOF WHICH PEOPLE WOULD  
11 HAVE TO HAVE FAITH.

12 MS. PHILIPS: THERE IS NO QUESTION PENDING.

13 THE COURT: ALL RIGHT. THIS IS A GOOD PLACE TO  
14 STOP.

15 LADIES AND GENTLEMEN, WE'RE GOING TO  
16 ADJOURN FOR THE DAY. 1:30 SHARP TOMORROW.

17 REMEMBER THE ADMONISHMENT. DON'T FORM OR  
18 EXPRESS ANY OPINION ABOUT THE CASE. DON'T DO ANY  
19 RESEARCH. DO NOT GO TO ANY WEBSITE IN CONNECTION WITH  
20 THIS CASE.

21 ENJOY YOUR EVENING.

22 I WILL SEE EVERYBODY BACK AT 1:30. THANK  
23 YOU.

24  
25 (OUTSIDE THE PRESENCE OF THE JURY:)

26  
27 THE COURT: ALL RIGHT. THE RECORD SHOULD REFLECT  
28 THAT ALL OF THE JURORS HAVE LEFT.

1                   8:30 A.M. FOR THE LAWYERS. AND WE WILL GO  
2 THROUGH THE INSTRUCTIONS, AND THEN YOU WILL BE FREE  
3 UNTIL 1:30. SO 8:30 A.M.

4                   SIR, YOU ARE ORDERED TO APPEAR AT THAT  
5 TIME.

6                   HAVE A GOOD EVENING.

7                   MS. PHILIPS: THANK YOU, YOUR HONOR.

8                   (COURT WAS ADJOURNED AT 3:59 P.M.)

9  
10                   (THE MATTER WAS CONTINUED TO  
11 FRIDAY, 05-18-18, AT 8:30 A.M.  
12 FOR FURTHER PROCEEDINGS.)

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