

1 BE -- OR THIS THERAPY OF SOME TYPE -- A THING THAT WAS
2 SUPPOSED TO HELP HIM BECAUSE THIS EAR, IT WAS BAD, AND
3 THEY WANTED TO GET HIM HELP. AND HE WASN'T HEARING THE
4 WORDS CORRECTLY WHEN YOU SPOKE TO HIM. SO IN FACT, WHEN
5 HE WAS SPEAKING HE WASN'T SPEAKING CORRECTLY BECAUSE HE
6 WASN'T HEARING IT CORRECTLY.

7 Q DID SHE EVER TELL YOU THAT THIS CAUSED SOME
8 PROBLEMS BETWEEN THE FAMILY OR CAUSED ANY TYPE OF TENSION
9 IN THE FAMILY, HIS HEARING PROBLEM?

10 A SHE THOUGHT THAT THE REASON THAT CHRISTOPHER
11 WASN'T LISTENING TO HER WAS BECAUSE HE COULDN'T HEAR HER
12 CORRECTLY AND THAT'S WHY HE WASN'T MINDING HER. SHE WAS
13 DISCIPLINING HIM.

14 Q I BELIEVE THAT YOU TESTIFIED EARLIER THAT
15 WHEN SUSAN DISCUSSED HER PROBLEMS WITH LOUIS AND WANTING
16 TO LEAVE THAT YOU SUGGESTED THAT SHE GET A DIVORCE OR
17 RESTRAINING ORDER; IS THAT CORRECT?

18 A CORRECT.

19 Q AND ON WHAT BASIS WOULD SUSAN NEED A
20 RESTRAINING ORDER, ON WHAT BASIS DID YOU MAKE THAT
21 SUGGESTION TO HER?

22 A SHE WANTED TO KEEP LOUIS AWAY FROM THE KIDS
23 AND KEEP LOUIS AWAY FROM HER. AND SHE SAID THAT IF SHE
24 WERE TO GET A REGULAR DIVORCE AND MOVE A MILE WITHIN HIS
25 OR WHATEVER, IF IN THE SAME CITY, THAT HE WOULD CONSTANTLY

1 COME OVER TO TRY AND RECONCILE WITH HER, TO TRY AND SEE
2 THE KIDS. AND SHE DIDN'T WANT HIM TO HAVE ANY CONTACT
3 WITH THE KIDS. SO SHE GAVE NO REASONING BEHIND THAT
4 EITHER. SHE GAVE NO REASON AS TO WHY SHE DIDN'T WANT HIM
5 TO HAVE CONTACT, JUST THAT SHE WANTED HIM OUT OF HER LIFE,
6 OUT OF THE KIDS' LIFE, START OVER, NEW.

7 AND THAT'S WHEN I SAID, "GET A RESTRAINING
8 ORDER. GET A DIVORCE LIKE EVERY OTHER NORMAL COUPLE DOES
9 AND GO ON WITH LIFE." AND THIS WAS UNHEARD OF TO HER.

10 Q DO YOU KNOW WHEN THE FIRST TIME WAS -- OR CAN
11 YOU GIVE ME A TIME REFERENCE WHEN SHE DISCUSSED THIS
12 DIVORCE AND GETTING LOUIS OUT OF HER LIFE, WHEN THE FIRST
13 TIME WAS THAT SHE DISCUSSED THAT WITH YOU?

14 A I DON'T WANT TO SAY A YEAR BEFORE SHE LEFT,
15 BUT I WOULD SAY AT LEAST A GOOD NINE MONTHS BEFORE SHE
16 LEFT.

17 Q WHEN YOU'RE AROUND LOUIS AND SUSAN, WHEN THEY
18 WERE TOGETHER, WAS LOUIS AFFECTIONATE TOWARDS SUSAN?

19 A YES.

20 Q WAS SUSAN AFFECTIONATE TOWARDS LOUIS?

21 A I'M SORRY?

22 Q WAS SUSAN AFFECTIONATE TOWARDS LOUIS
23 RECIPROCALLY?

24 A YES.

25 Q I BELIEVE YOU TESTIFIED TOWARDS THE END THAT

1 SUSAN BEGAN TO GO TO HER GRANDMOTHER'S ON THE WEEKEND. IS
2 THAT A CORRECT STATEMENT?

3 A YES.

4 Q DID SHE EVER INDICATE TO YOU THAT SHE DIDN'T
5 WANT TO SPEND -- SHE WAS GOING ON THE WEEKEND BECAUSE SHE
6 DIDN'T WANT TO SPEND THE TIME AT HOME, OR DID SHE INDICATE
7 WHY AT ALL, ANY REASON WHY SHE DIDN'T, WHY SHE WAS GOING
8 THERE ON THE WEEKENDS?

9 A HER INDICATION TO ME WAS THAT SHE WAS GETTING
10 MORE MONEY FROM HER PARENTS ON A MORE FREQUENT BASIS THAN
11 BEFORE. MY ASSUMPTION AGAIN WAS FOR HER DRUG HABIT. I
12 HAVE NO -- SHE GAVE ME NO IDEA IF SHE WAS SAVING IT, IF
13 THAT IS WHAT SHE WAS DOING. SHE HAD GIVEN ME NO CLUE TO
14 THAT. IT WAS SPENT AS FAST AS SHE GOT IT.

15 Q DID YOU GET AN INDICATION FROM SUSAN OR DID
16 SHE EVER TELL YOU THAT SHE DIDN'T WANT TO SPEND TIME
17 AROUND LOUIS?

18 A NO, NEVER. IN FACT, SHE WOULD SAY ON THE
19 DAYS THAT SHE COULDN'T GET THE DRUG RIGHT AWAY, GET COKE,
20 SHE WOULD SAY HOW MUCH SHE DISLIKED HIM, AND THAT YET
21 AFTERWARDS WHEN SHE WAS HIGH AND EVERYTHING WAS FINE,
22 LOUIS WAS AN OKAY GUY.

23 OVER AT HER RESIDENCE SHE WAS AFFECTIONATE
24 TOWARDS HIM. THERE WAS NO TENSION BETWEEN THOSE TWO AS
25 THOUGH SHE WAS DISLIKING WHAT THE SITUATION HAD ENTAILED

1 THERE. SHE WAS ABSOLUTELY -- WOULD LOOK HAPPY AND
2 CONTENTED AND EVERYTHING WAS FINE.

3 Q WHEN YOU WOULD TALK TO HER WHEN SHE HADN'T
4 DONE EITHER COCAINE OR CRYSTAL METH, DID SHE COMPLAIN TO
5 YOU ABOUT LOUIS DURING THOSE TIMES THAT YOU CAN RECALL
6 WHEN WASN'T HIGH ON CRYSTAL METH?

7 A YES.

8 Q AND WHAT DID SHE TELL YOU WERE HER
9 COMPLAINTS?

10 A SHE COMPLAINED ABOUT EVERYTHING. SHE
11 COMPLAINED THAT HE WOULD TAKE HER CAR AND HAVE IT
12 COMPLETELY DETAILED, THE WHOLE INSIDE OF THE CAR, AND SHE
13 DIDN'T LIKE THAT. THE SEATS WERE TOO SLIPPERY. SHE
14 COMPLAINED OF HIS SEXUAL TOYS THAT HE HAD, THAT SHE DIDN'T
15 LIKE TO PARTICIPATE IN. SHE COMPLAINED THAT HE WORKED TOO
16 HARD, THAT WHAT WAS THE BIG DEAL ABOUT BEING AN ATTORNEY.
17 SHE COMPLAINED THAT SHE HAD TO DO THE HOUSEWORK, THAT SHE
18 DIDN'T WANT TO DO THE HOUSEWORK.

19 SHE WASN'T HAPPY ABOUT THE ENTIRE LIFESTYLE
20 THAT SHE HAD AT THOSE TIMES. SHE DIDN'T LIKE ALL OF A
21 SUDDEN THE PLACE SHE WAS LIVING. SHE DIDN'T LIKE TAKING
22 CHRISTOPHER, HAVING TO TAKE HIM TO THERAPY AND GOING AND
23 PICKING HIM UP, THINGS OF THAT NATURE. IT REALLY GOT HER
24 DOWN.

25 Q AT ANY TIME WHEN YOU WERE SPEAKING TO SUSAN

1 IN THE LAST MONTH PRIOR TO HER LEAVING OR EVEN WITHIN --
2 LET'S NARROW IT DOWN TO THAT LAST WEEK WHEN YOU SAID THAT
3 SHE CONTACTED HER AUNT, DID SHE EVER SPECIFICALLY TELL YOU
4 SHE WAS GOING TO GO TO HER AUNT'S HOUSE?

5 A SHE WAS EITHER GOING -- YES, SHE SAID SHE WAS
6 EITHER GOING TO HER AUNT'S -- OR SHE WAS GOING TO HER
7 AUNT'S IN RIVERSIDE OR SHE WAS GOING TO HER GRANDMA'S.
8 SHE WAS GOING TO GO TO ONE OR THE OTHER THAT WEEK PRIOR TO
9 LEAVING.

10 Q AND SHE WAS GOING TO GO THERE FOR WHAT
11 PURPOSE? WAS SHE GOING THERE TO STAY THERE OVERNIGHT?

12 A NO. NO, THAT'S NOT THE IMPRESSION THAT I
13 GOT. SHE WAS GOING TO GO TAKE THE KIDS FOR A COUPLE OF
14 HOURS, VISIT, COME HOME, OR SPEND THE NIGHT AND THEN COME
15 HOME. NOTHING FOR AN EXTENDED PERIOD OF TIME LIKE WHAT
16 HAPPENED OR WHATEVER, WHEREVER SHE WENT AFTER SHE LEFT.
17 IT WASN'T ANYTHING LIKE THAT, LIKE SHE WAS LEAVING FOR
18 GOOD. SHE WAS GOING UP THERE AND THEN COMING BACK.

19 MS. BRAWNER: I DON'T HAVE ANY FURTHER QUESTIONS.
20

21 FURTHER EXAMINATION

22 BY MR. HANLEY:

23 Q YOU SAID THAT HER GRANDMA GAVE HER MONEY?

24 A YES.

25 Q AGAIN, THAT IS WHAT SUSAN TOLD YOU?

1 A YES.

2 Q YOU NEVER WENT WITH SUSAN DOWN TO HER
3 GRANDMOTHER'S IN LAKE ELSINORE?

4 A NO.

5 Q YOU ALSO SAID THAT AT ONE POINT IN TIME SHE
6 WAS GOING TO HER GRANDMA'S ONE, TWO AND THEN THREE TIMES A
7 WEEK?

8 A IT VARIED.

9 Q IT VARIED FROM ONE TO THREE TIMES A WEEK?

10 A CORRECT.

11 Q AGAIN, THAT IS WHAT SUSAN TOLD YOU?

12 A CORRECT. SHE WOULD CALL ME BEFORE SHE WAS
13 LEAVING.

14 Q SHE WOULD CALL YOU TO SAY "I'M GOING TO MY
15 GRANDMA'S," AND THEN SHE WOULD CALL YOU WHEN SHE GOT BACK?

16 A OR THE NEXT DAY.

17 Q YOU ALSO SAID THAT SHE STARTED GOING ON
18 WEEKENDS INSTEAD OF DURING THE MIDDLE OF THE WEEK AT ONE
19 PERIOD OF TIME TO HER GRANDMA'S?

20 A CORRECT.

21 Q AGAIN, WAS SUSAN CALLING YOU AND TELLING YOU
22 SHE WAS GOING TO HER GRANDMA'S ON THE WEEKEND?

23 A CORRECT.

24 Q AT ONE POINT IN TIME YOU SAID SHE HAD CONTACT
25 WITH HER GRANDMA EVERY OTHER DAY. DO YOU RECALL THAT

1 TESTIMONY?

2 A CORRECT.

3 Q AND, AGAIN, THAT WAS SOMETHING SUSAN WAS
4 TELLING YOU?

5 A CORRECT. OR I WOULD COME TO HER HOUSE AND
6 SHE WOULD BE HANGING UP TO SOMEBODY SAYING "GOOD-BYE" AND
7 SAYING "THAT WAS MY GRANDMA" OR "THAT WAS MY PARENTS"
8 OR --

9 Q THERE WERE OCCASIONS THAT YOU WENT TO HER
10 HOUSE WHERE SHE WOULD BE HANGING UP THE PHONE AND TELLING
11 YOU THAT WAS HER GRANDMOTHER OR THAT WAS HER PARENTS,
12 CORRECT?

13 A CORRECT.

14 Q DID YOU NOT TALK TO THEM AT ANY TIME?

15 A NO, SIR.

16 Q YOU ALSO SAID THAT THERE WERE A NUMBER OF
17 EXAMPLES OF THINGS THAT SUSAN SAID ABOUT LOUIS THAT YOU
18 NOW BELIEVE ARE NOT TRUE. CAN YOU TELL ME WHAT THEY ARE?

19 A THINGS TO THE EFFECT THAT HE WAS HOOKED WITH
20 THE MAFIA, THAT HE HAS MAFIA CONNECTIONS, THAT HE WOULD
21 TRY AND HUNT HER DOWN AND FIND HER AND TAKE THE CHILDREN
22 AWAY FROM HER, THAT HE WAS -- I DON'T WANT TO SAY TIGHT.
23 THAT HE WAS CHEAP WITH HIS FINANCES.

24 Q ANYTHING ELSE THAT YOU CAN RECALL AS YOU SIT
25 HERE TODAY? YOU MENTIONED THE MAFIA CONNECTION

1 DISCUSSION. HE WAS CHEAP WITH FINANCES. ANYTHING ELSE
2 THAT YOU CAN RECALL, AS YOU SIT HERE TODAY, THAT SUSAN
3 WOULD TELL YOU ABOUT LOUIS THAT YOU NOW BELIEVE NOT TO BE
4 TRUE?

5 MR. PLATT: AS BEST YOU CAN RECALL.

6 BY MR. HANLEY:

7 Q ALL I'M ASKING FOR IS YOUR BEST RECOLLECTION.

8 A I'M TRYING TO DIG THROUGH MY HEAD.

9 Q TAKE YOUR TIME.

10 A THE THINGS ABOUT HIM AND THE DRUG HABIT AS
11 FAR AS WHAT THE CONSUMPTION OF THE DRUGS WHEN THEY WOULD
12 DO THEM TOGETHER.

13 Q WHAT SPECIFICALLY ABOUT THE CONSUMPTION?

14 A WELL, LOUIS WOULD GO AND GET IT AND BRING IT
15 HOME. AND THEN LOUIS WOULD USUALLY COME DOWN TO MY VIDEO
16 STORE AND PICK UP 10 OR 12 ADULT FILMS. AND DURING THE
17 TIME THAT HE WAS GONE, SUSAN WOULD GO INTO WHAT THEY GOT
18 AND TAKE PART OF IT OUT SO LOUIS WOULDN'T KNOW THAT SHE
19 HAD SOME, AND LOUIS WOULD THINK THAT HE CONSUMED MORE THAN
20 WHAT HE ACTUALLY DID.

21 Q THIS IS WHAT SHE TOLD YOU AFTERWARDS?

22 A YEAH. THIS IS WHAT HER STORY WAS TO ME
23 AFTERWARDS, AND HOW DUMB LOUIS WAS THAT HE DIDN'T KNOW HOW
24 MUCH HE HAD, HOW HE WASN'T A PROVIDER FOR HER, THINGS OF
25 THOSE NATURE, SMALL THINGS, OF HIS ATTITUDE, AND HOW HE

1 REACTS TO A SITUATION THAT I NEVER KNEW BECAUSE I WASN'T
2 AROUND THEM. AND THEN TOWARDS THE END AS I WAS AROUND
3 LOUIS AND SUSAN MORE TOGETHER THAN JUST SUSAN, I SAW THESE
4 THINGS -- HE DIDN'T ACT THIS WAY.

5 Q STARTING WITH THE FIRST ONE, THE MAFIA
6 CONNECTION DISCUSSION, YOU DIDN'T BELIEVE THAT WHEN SHE
7 FIRST TOLD YOU?

8 A NO, NOT AT ALL.

9 Q AND YOU NEVER BELIEVED THAT?

10 A NO.

11 Q THAT HE WAS CHEAP ABOUT FINANCING, THAT IS
12 SOMETHING SHE TOLD YOU BEFORE AND THAT YOU CAME TO
13 UNDERSTAND LATER WAS NOT TRUE?

14 A EXACTLY.

15 Q WHAT DO YOU BASE YOUR CHANGE OF OPINION ON
16 THAT HE WAS NOT CHEAP WITH FINANCES?

17 A EVERY TIME THAT SUSAN -- THAT I WAS THERE,
18 THAT SUSAN ASKED HIM FOR MONEY OR ASKED HIM TO GET
19 SOMETHING, IT WAS "YES." HE DIDN'T HESITATE. HE
20 DIDN'T -- SHE WAS IN CHARGE OF THE FINANCES. WHAT SHE
21 WANTED SHE GOT. IF SHE WANTED -- IF SHE FELT THAT SHE
22 NEEDED SOMETHING FOR THE CHILDREN OR FOR HERSELF OR FOR
23 THE HOUSE OR SOMETHING, LOUIS COULD HAVE CARED LESS. IT
24 WAS LIKE, "OKAY, WE'LL GO OUT AND BUY IT." IT DIDN'T HAVE
25 TO BE APPROVED BY LOUIS.

1 THERE WERE A COUPLE OF OCCASIONS WHERE SHE
2 WOULD GO TO HIM AND SAY, "I NEED THIS CERTAIN AMOUNT OF
3 MONEY FOR SOMETHING," AND LOUIS WOULD TURN AROUND WHEN I
4 WAS STANDING THERE AND SAY, "OF COURSE, GO AHEAD."

5 Q AND YOU DON'T RECALL ANY OCCASION WHERE THE
6 SUBJECT OF FINANCES CAME UP IN LOUIS' PRESENCE WHERE LOUIS
7 EVEN SAID ANYTHING CLOSE TO "NO"?

8 A EXACTLY.

9 Q THAT LEADS YOU THEN TO BELIEVE THAT WHEN SHE
10 SAID THAT HE WAS CHEAP WITH FINANCES THAT HE REALLY
11 WASN'T?

12 A EXACTLY.

13 Q AND THAT IS SOMETHING THAT YOU DISCOVERED
14 BEFORE SHE LEFT?

15 A TOWARDS THE END.

16 Q HOW FAR TOWARDS THE END, WITHIN A WEEK?

17 A NO.

18 Q MONTH, TWO MONTHS?

19 A NO.

20 Q EARLIER?

21 A I WOULD SAY THE LAST SIX MONTHS.

22 Q WITHIN THE LAST SIX MONTHS THEN, YOU
23 DISCOVERED THAT HER REPRESENTATION PRIOR TO THAT TIME,
24 THAT HE WAS CHEAP WITH FINANCES, WEREN'T ACCURATE?

25 A EXACTLY.

1 Q NOW, THE THIRD THING YOU MENTION WAS THE DRUG
2 HABITS AND HIS CONSUMPTION. "SHE," BEING SUSAN, EXPRESSED
3 TO YOU SOMETHING ABOUT THIS CONSUMPTION THAT YOU LATER
4 FOUND OUT TO BE UNTRUE; IS THAT CORRECT?

5 A EXACTLY.

6 Q NOW, AS PART OF THAT YOU MENTION LOUIS WOULD
7 COME DOWN TO YOUR VIDEO STORE AND PICK UP 10 TO 12 ADULT
8 FILMS, AND THAT WAS ACCURATE?

9 A CORRECT.

10 Q HE DID THAT ON ON MORE THAN ONE OCCASION?

11 A CORRECT.

12 Q MORE THAN FIVE OCCASIONS?

13 A NO.

14 Q SOMEWHERE BETWEEN ONE AND FIVE?

15 A CORRECT.

16 Q WHAT ABOUT THE DRUG CONSUMPTION IS IT THAT
17 SHE SAID THAT YOU LATER FOUND OUT TO BE UNTRUE?

18 A LOUIS WOULD SAY WHAT HIS DRUG CONSUMPTION WAS
19 OF A PARTICULAR NIGHT, LET'S SAY, WOULD SAY HOW MUCH THEY
20 HAD USED THAT NIGHT.

21 Q HE WOULD TELL YOU THAT?

22 A RIGHT, JUST IN GENERAL CONVERSATION. "HEY,
23 WE DID THIS MUCH. WATCHED TEN ADULT MOVIES. DAH, DAH,
24 DAH, DAH. WE WERE UP ALL NIGHT."

25 Q GIVE ME A SPECIFIC EXAMPLE OF WHAT YOU RECALL

1 THAT HE TOLD YOU?

2 MR. PLATT: IF YOU RECALL.

3 BY MR. HANLEY:

4 Q THE ONLY THING WE WANT IS YOUR RECOLLECTION.

5 A I CAN'T GIVE AN EXACT AMOUNT. HE WOULD COME
6 DOWN AND GIVE ME AN AMOUNT THAT HE HAD CONSUMED WITH
7 SUSAN.

8 Q AND AS YOU SIT HERE TODAY, YOU DON'T RECALL
9 ANY AMOUNT HE SAID?

10 A NO, NOT AN EXACT AMOUNT.

11 Q DO YOU RECALL THE GIST OF THE CONVERSATION,
12 WHAT WAS SAID IN GENERAL?

13 A IN GENERAL IT WAS HOW MUCH HE CONSUMED AND
14 HOW THEY WATCHED THESE FILMS AND MAYBE THE NEW VIBRATOR
15 THAT THEY USED, AND THEY STAYED UP UNTIL 2:00 O'CLOCK IN
16 THE MORNING.

17 Q HE WOULD TELL YOU THESE THINGS?

18 A EXACTLY. AND THEN I WOULD TALK TO SUSAN AT A
19 LATER DATE AND SAY, "HEY, I HEARD YOU AND LOUIS DID THIS
20 TOGETHER. YOU WATCHED THESE MOVIES AND THE NEW PLAY TOY."
21 AND SHE WOULD SAY, "WELL, LOUIS -- WE REALLY DIDN'T DO IT
22 ALL TOGETHER BECAUSE WHEN HE CAME DOWN TO GET THE MOVIES
23 FROM THE VIDEO STORE, I TOOK A HALF A GRAM OUT AND HID IT
24 FROM HIM" OR SO TO SPEAK. OR "I TOOK SO MUCH OUT AND HID
25 IT FROM HIM SO AFTER HE FINALLY FELL ASLEEP I WOULD STILL

1 HAVE SOME LEFT."

2 Q WHAT DRUG WERE YOU TALKING ABOUT?

3 A COCAINE.

4 Q AND THIS HAPPENED HOW MANY TIMES?

5 A THREE TO FOUR.

6 Q DO YOU RECALL, AS YOU SIT HERE, IN THOSE
7 THREE TO FOUR OCCASIONS, THAT YOU HAD THIS DISCUSSION OF
8 ANY CONSUMPTION, ANY AMOUNT WAS DISCUSSED WHERE LOUIS SAID
9 "WE HAD SO MUCH, WE HAD THIS MUCH," ANYTHING YOU RECALL
10 BEING DISCUSSED?

11 A TO BE HONEST, I DON'T RECALL AN EXACT AMOUNT.
12 IT WOULD BE A GUESS.

13 Q SO WHAT YOU UNDERSTOOD FROM HER AND WHAT YOU
14 UNDERSTOOD FROM LOUIS ARE TWO DIFFERENT THINGS CONCERNING
15 THE CONSUMPTION OF THE DRUG --

16 A EXACTLY.

17 Q -- THE AMOUNT?

18 A EXACTLY.

19 Q YOU ALSO SAID THAT HIS ATTITUDE AND REACTIONS
20 WERE EXPRESSED TO YOU BY SUSAN ONE WAY AND YOU LATER FOUND
21 OUT THAT WAS NOT ACCURATE?

22 A CORRECT.

23 Q CAN YOU GIVE ME ANY SPECIFIC EXAMPLES OF
24 ATTITUDES OR REACTIONS THAT YOU ARE REFERRING TO?

25 A OKAY. YES. AN EXAMPLE WOULD BE HIS

1 RELATIONSHIP WITH THE CHILDREN. IN THE BEGINNING I NEVER
2 SAW LOUIS WITH HIS CHILDREN. I JUST WASN'T AROUND IN THE
3 EVENING TIME OR ANY OF THAT SORT.

4 Q SUSAN TOLD YOU ABOUT WHAT HIS RELATIONSHIP
5 WAS?

6 A EXACTLY.

7 Q AND YOU FOUND OUT LATER IT WASN'T THAT WAY?

8 A RIGHT, EXACTLY.

9 Q ANYTHING ELSE BESIDES THE RELATIONSHIP WITH
10 THE CHILDREN IN TERMS OF ATTITUDE OR REACTIONS THAT SHE
11 TOLD YOU WAS ONE WAY AND YOU DETERMINED TO BE ANOTHER WAY?
12 AND BEFORE I ASK YOU THIS QUESTION, BY THE WAY, THAT THING
13 WITH THE CHILDREN, THAT IS SOMETHING THAT YOU OBSERVED
14 OVER A PERIOD OF TIME BEFORE SUSAN LEFT, CORRECT?

15 A CORRECT.

16 Q SO MY NEXT QUESTION: IS THERE ANYTHING ELSE
17 IN ATTITUDE OR REACTIONS THAT SUSAN WOULD TELL YOU ABOUT,
18 ABOUT LOUIS THAT YOU HAD LATER DETERMINED OR DISCOVERED
19 NOT TO BE ACCURATE?

20 A HIS SEXUAL ACTIVITY, I GUESS, IS SOMETHING
21 THAT DID A TURNAROUND. HER ATTITUDE WAS THAT ALL THAT WAS
22 ON HIS BRAIN WAS SEX. AS I GOT TO KNOW LOUIS AND WE
23 INTERACTED IN THE EVENING HOURS WITH LOUIS AND SUSAN AT
24 THEIR RESIDENCE, IT WASN'T -- LOUIS COULD CARRY ON AN
25 INTELLIGENT CONVERSATION WITHOUT BRINGING UP SEX, WITHOUT

1 BRINGING UP THE WORD "SEX," WITHOUT ENGAGING IN IT RIGHT
2 AWAY OR THOSE TYPES OF THINGS. THE WAY SUSAN MADE IT
3 SOUND AS FAR AS LOUIS' OPINION WAS, THAT WAS HIS CONSTANT
4 24-HOUR GOAL.

5 Q AND WHAT YOU DISCOVERED IN YOUR CONVERSATIONS
6 WITH HIM, HE DIDN'T BRING IT UP WITH YOU?

7 A NOT AT ALL OR ANYBODY AROUND US OR AT ANY
8 TIME OTHER THAN WHEN HE WOULD TALK ABOUT WHEN THEY DID
9 THIS LARGE AMOUNT OF COCAINE AND HAD SEX FOR 12 HOURS OR
10 SOMETHING.

11 Q OTHER THAN THAT, THERE WAS NO OTHER TIME HE
12 BROUGHT IT UP?

13 A NOT ONE.

14 Q SO THAT LED YOU TO BELIEVE THAT WHAT SUSAN
15 WAS SAYING WAS NOT ACCURATE?

16 A CORRECT.

17 Q BY THE WAY, DO YOU HAVE ANY NOTES IN YOUR
18 PURSE THAT YOU MADE?

19 A JUST NOTES THAT I WROTE.

20 Q COULD WE SEE THOSE, PLEASE?

21 A THIS ONE JUST HAS A PHONE NUMBER AND
22 DIRECTIONS. (INDICATING)

23 Q TO HERE?

24 A NO, TO MY GIRLFRIEND'S HOUSE.

25 Q YOU HAVE HANDED ME TWO PIECES OF PAPER WHICH

1 HAVE HANDWRITING ON BOTH SIDES. IT LOOKS LIKE IT CAME OUT
2 OF A STENOPAD.

3 A THAT'S WHAT I WROTE MY NOTES ON PRIOR, THE
4 ORIGINAL.

5 Q BOTH OF THESE HAVE YOUR HANDWRITING ON BOTH
6 SIDES OF THE -- COULD YOU COPY THESE SO WE COULD ATTACH
7 THEM TO THE DEPOSITION? IS ALL THE HANDWRITING ON THIS
8 YOURS?

9 A CORRECT.

10 Q ARE YOU POSITIVE?

11 A POSITIVE.

12 Q IS THERE A DIFFERENT PEN USED HERE?

13 A NO.

14 Q WHEN DID YOU WRITE THESE TWO DIFFERENT PAGES?

15 A AFTER BARBARA HAD ASKED ME TO WRITE DOWN
16 EVERYTHING THAT -- FROM WHAT MY NOTES HAD SAID BEFORE ONCE
17 I ARRIVED AT MY PARENTS' HOUSE HERE IN ORANGE COUNTY. SO
18 I STARTED TO WRITE DOWN SOME THINGS. AND I HAD FOUND MY
19 DECLARATION. AND THEN I WROTE DOWN SOME NOTES TO MYSELF
20 AS FAR AS WHAT I COULD REMEMBER, AS FAR AS POINTS FROM MY
21 OTHER NOTES THAT I HAD WRITTEN A NUMBER AGO.

22 Q AGAIN, I MAY HAVE MISSED IT, DO YOU RECALL
23 WHEN YOU DID THAT?

24 A IT WAS RIGHT BEFORE I GAVE THIS DECLARATION.

25 Q I AM TALKING ABOUT THESE NOTES IN MY HANDS.

1 A OH, A WEEK FROM -- I GOT IN HERE SATURDAY.
2 SUNDAY.

3 Q THIS PAST SUNDAY?

4 A A WEEK AGO SUNDAY.

5 Q SO A WEEK AGO YESTERDAY?

6 A RIGHT.

7 Q YESTERDAY.

8 NO, YESTERDAY WAS MONDAY.

9 Q SUNDAY WAS THE 11TH.

10 A RIGHT, THE 4TH.

11 Q SO MARCH 4TH WOULD HAVE BEEN THE DATE?

12 A THE NIGHT OF THE 4TH, THE MORNING OF THE 5TH.

13 Q I NOTE ONE OF THE NOTES HERE SAYS, QUOTE,
14 PHONE CALLS TO JULIANNA. THAT'S PLURAL. YOU ONLY MADE
15 ONE PHONE CALL?

16 A ONLY ONE.

17 Q ALSO THERE IS A NOTE HERE THAT, QUOTE, "LOUIS
18 AND SUSAN ARGUED BECAUSE NO FOOD IN HOUSE," EXCLAMATION.
19 HOUSE CLOSED, QUOTE. DO YOU RECALL SUCH AN ARGUMENT?

20 A RIGHT. WHEN I HAD BABY-SAT FOR SUSAN I
21 WATCHED CHRISTOPHER AND LISA FOR HER. THERE WAS AN
22 ARGUMENT BETWEEN LOUIS AND SUSAN. LOUIS HAD CALLED ME ON
23 THE PHONE AND TOLD ME TO FIX MYSELF ANYTHING I WANTED IN
24 THE HOUSE, TO EAT ANYTHING I WANTED. AND I WENT TO THE
25 CUPBOARDS AND THERE WAS ABSOLUTELY NOTHING ON THE

7 1 CUPBOARDS. THERE WASN'T A CAN OF SOUP, A CAN OF JUICE OR
2 ANYTHING.

3 WHEN LOUIS CAME HOME HE SAID, "WHAT DID YOU
4 HAVE?" I SAID, "LOUIS, THERE IS NOTHING IN YOUR HOUSE TO
5 EAT. THERE IS ABSOLUTELY NOTHING." AND LOUIS AND SUSAN
6 HAD GOTTEN INTO A FIGHT OVER THAT BECAUSE THERE WAS NO
7 FOOD.

8 Q WERE YOU PRESENT DURING THE FIGHT?

9 A NO, SUSAN HAD TOLD ME.

10 Q SUSAN TOLD YOU ABOUT A FIGHT?

11 A RIGHT, BECAUSE LOUIS HAD COME HOME AND I
12 DIDN'T WANT TO CAUSE A FIGHT. BUT HE SAID, "WHAT DID YOU
13 EAT?" AND I SAID, "THERE IS NOTHING TO EAT IN YOUR
14 HOUSE." AND THE NEXT DAY SUSAN HAD SAID I GOT HER IN
15 TROUBLE BECAUSE I HAD TOLD LOUIS.

16 Q THIS NOTE HERE "DAY BEFORE CRYSTAL USE," IS
17 THAT THE EVENT YOU DESCRIBED THE AFTERNOON BEFORE SHE LEFT
18 AT THE VIDEO STORE?

19 A WHAT DOES IT SAY?

20 Q "DAY BEFORE/CRYSTAL USE."

21 A USING CRYSTAL THE DAY BEFORE SHE LEFT.

22 Q THAT'S THE EVENT YOU DESCRIBED?

23 A THAT'S THE EVENT I MUST HAVE HAD IN MY HEAD
24 WHEN I WROTE THAT. THOSE ARE LITTLE MEMO NOTES TO ME.

25 Q THERE IS A NOTE HERE, "HUNTINGTON

1 BEACH/CONNECTION."

2 A HUNTINGTON BEACH.

3 Q YOU DESCRIBED THAT, I BELIEVE, ALREADY
4 RELATING TO HER DRUG CONNECTION; THAT IS YOUR REFERENCE?

5 A CORRECT.

6 MR. HANLEY: PERHAPS WE CAN COPY THOSE AND WE'LL
7 GIVE YOU THE ORIGINAL AND MAKE COPIES AND ATTACH THEM TO
8 THE DEPOSITION.

9 MR. PLATT: YOU WILL MAKE COPIES FOR ALL OF US?

10 MS. BRAWNER: YES.

11 MR. HANLEY: I HAVE NO MORE QUESTIONS.

12 MR. PLATT: BEFORE WE QUIT, I WOULD LIKE TO LOOK AT
13 THOSE NOTES IN THE MEANTIME.

14
15 FURTHER EXAMINATION

16 BY MR. PLATT:

17 Q WAS THE REASON THERE WAS NO FOOD IN THE HOUSE
18 BECAUSE SUSAN SPENT THE MONEY ON DOPE?

19 A COCAINE.

20 MR. HANLEY: OBJECTION. NO FOUNDATION FOR THAT.

21 MR. PLATT: I HAVE NOTHING ELSE.

22 (DISCUSSION OFF THE RECORD)

23 MR. HANLEY: BACK IN A MINUTE.
24
25

FURTHER EXAMINATION

BY MS. HANLEY:

Q MISS BLACK, YOU HAVE IN YOUR HANDS NOW COPIES OF YOUR NOTES. AND AS YOU LOOK AT THEM THEY ARE IN THE ORDER OF THE FRONT PAGE AND THE SECOND PAGE AND THEN THE FRONT PAGE AND THEN THE SECOND PAGE OF EACH OF THE TWO PAGES OF NOTES; IS THAT CORRECT?

A CORRECT.

Q AND THOSE ARE COPIES OF YOUR NOTES?

A CORRECT.

MR. HANLEY: I WOULD LIKE THEM MARKED, THAT DOCUMENT, AS EXHIBIT 2 FOR THE DEPOSITION, PLEASE.

(DEFENDANTS' EXHIBIT 2 WAS MARKED FOR IDENTIFICATION BY THE CERTIFIED SHORTHAND REPORTER AND IS ATTACHED HERETO.)

MR. HANLEY: THAT'S IT FOR ME.

MR. PLATT: I HAVE NOTHING FURTHER.

MS. BRAWNER: NO FURTHER QUESTIONS.

MR. HANLEY: MAYBE FOR THE RECORD WE CAN PUT THE STIPULATION ON THERE THAT WE WILL AGREE TO RELIEVE THE COURT REPORTER OF HER OBLIGATIONS UNDER THE CODE RELATING TO THE DEPOSITION AND MAKE ARRANGEMENTS FOR THE ORIGINAL TO BE SENT DIRECTLY TO KIM BLACK. ALONG WITH IT THERE WILL BE INSTRUCTIONS FROM THE COURT REPORTER RELATING TO YOUR READING AND REVIEWING YOUR DEPOSITION. ALSO ENCLOSED

1 WILL BE A SELF-ADDRESSED STAMPED ENVELOPE TO RETURN IT
2 DIRECTLY TO BARBARA BRAWNER AFTER YOU HAVE HAD A CHANCE TO
3 READ AND REVIEW IT. WE WOULD LIKE YOU TO ACCOMPLISH THAT
4 WITHIN 30 DAYS.

5 IS THAT AGREEABLE FOR YOU?

6 MR. PLATT: FROM THE DAY YOU RECEIVE IT.

7 THE WITNESS: FINE.

8 MR. HANLEY: AND WE WOULD STIPULATE THAT IF IT'S
9 NOT RETURNED WITHIN 30 DAYS, THEN A CERTIFIED COPY CAN BE
10 USED IN LIEU OF A ORIGINAL IN ANY PROCEEDING IN THIS
11 ACTION. YOU CAN SIGN IT UNDER PENALTY OF PERJURY. THERE
12 WILL BE A PAGE INDICATING YOUR SIGNING UNDER PENALTY OF
13 PERJURY.

14 MR. HANLEY: I THINK THAT'S IT.

15 MR. PLATT: SO STIPULATED.

16 MS. BRAWNER: SO STIPULATED.

17 (WHEREUPON IT WAS STIPULATED BY AND
18 BETWEEN COUNSEL THAT THE PROVISIONS OF
19 2025(Q)(1) AND 2025(S)(1) MAY BE WAIVED.)

20 (DEPOSITION CONCLUDED AT 4:30 P.M.)
21
22
23
24

25 _____
KIMBERLY ANN BLACK

STATE OF CALIFORNIA)
)
COUNTY OF)

I AM THE WITNESS IN THE FOREGOING
DEPOSITION. I HAVE READ THE FOREGOING DEPOSITION AND
HAVING MADE CHANGES AND CORRECTIONS AS I DESIRE, I
CERTIFY THAT THE SAME IS TRUE OF MY OWN KNOWLEDGE,
EXCEPT AS TO THOSE MATTERS WHICH ARE THEREIN STATED UPON
MY INFORMATION OR BELIEF, AND AS TO THOSE MATTERS,
I BELIEVE IT TO BE TRUE.

I DECLARE UNDER PENALTY OF PERJURY THAT THE
FOREGOING IS TRUE AND CORRECT.

EXECUTED ON _____

AT _____,

CALIFORNIA.

KIMBERLY ANN BLACK

STATE OF CALIFORNIA)
) SS.
COUNTY OF ORANGE)

I, JOANNE CASTRO, CSR NO. 6944, DO HEREBY
CERTIFY:

THAT PRIOR TO BEING EXAMINED, THE WITNESS
NAMED IN THE FOREGOING DEPOSITION, KIMBERLY ANN BLACK,
WAS DULY SWORN TO TESTIFY THE TRUTH, THE WHOLE TRUTH, AND
NOTHING BUT THE TRUTH;

THAT SAID DEPOSITION WAS TAKEN BEFORE ME AT
THE TIME AND PLACE THEREIN SET FORTH, AND WAS TAKEN DOWN
BY ME IN SHORTHAND AND THEREAFTER TRANSCRIBED INTO
TYPEWRITING UNDER MY DIRECTION AND SUPERVISION; AND I
HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT OF THE
DEPOSITION IS A FULL, TRUE AND CORRECT TRANSCRIPT OF MY
SHORTHAND NOTES SO TAKEN.

I FURTHER CERTIFY THAT I AM NEITHER COUNSEL
FOR NOR RELATED TO ANY PARTY TO SAID ACTION, NOR IN
ANYWISE INTERESTED IN THE OUTCOME THEREOF.

IN WITNESS WHEREOF, I HAVE HEREUNTO
SUBSCRIBED MY NAME ON THIS 3RD DAY OF APRIL,
19 90.

Joanne Castro
CERTIFIED SHORTHAND REPORTER
FOR THE STATE OF CALIFORNIA,
CSR NO. 6944

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DECLARATION OF KIMBERLY A. BLACK

I, KIMBERLY A. BLACK, declare and state as follows:

I have personal knowledge of the facts stated in this declaration, except those stated on information and belief, which facts I believe to be true. I am competent to testify to all of the facts stated herein, and if called upon by any court, I could and would so testify.

I first became acquainted with SUSAN and LOUIS ZAHARIAS in the summer of 1986 and became close friends with SUSAN about December of 1986 and remained close friends until the time of her disappearance. We talked to each other quite often with SUSAN visiting me at least three (3) to seven (7) times per week. SUSAN was using cocaine right up to the time of her disappearance and I could tell from the quantities that she had in her possession that her habit was growing during the period of our friendship. In September of 1987, SUSAN also began using crystal meth. She confided in me that, because of her drug usage, the family finances were terrible and she wasn't paying the bills on time or not paying them at all. On several occasions, she asked to borrow \$50.00 to \$75.00 from me for a week or two at a time.

She also confided in me that she was secretly getting money from her parents for her personal use and the money was not to be used for LOUIS or the children. Her parents sent the money, as well as letters, to SUSAN through her grandmother in Lake Elsinore, and later to the private post office box SUSAN maintained. SUSAN told me she always insisted on going to her

1

DEPOSITION OF Kimberly Ann Black
DATE: March 13, 1990
Dependent EXHIBIT 1
FOR IDENTIFICATION
JOANNE CASTRO

1 grandmother's without LOUIS so that she could pick-up the money
2 and letters that had been sent there.

3 SUSAN also told me her parents had agreed to help her
4 financially and they would give her any amount of money to keep
5 her away from LOUIS, however, she wouldn't be allowed to live
6 with her parents, as they wouldn't take LOUIS' children into
7 their home.

8 One week before SUSAN disappeared, she came to see me
9 everyday and was worried because LOUIS' mother was coming to stay
10 with them and would be taking over her job of housekeeping and
11 financing and SUSAN was worried about her things being searched
12 and LOUIS finding out that she was not paying any of the bills.
13 She also told me the week before she disappeared, she was waiting
14 for more money from her parents.

15 After SUSAN disappeared, LOUIS asked me if I would
16 telephone SUSAN's parents to ask of her whereabouts. I called
17 SUSAN's parents in Oklahoma, within a day or two of her
18 disappearance, and spoke with her sister, JULIANA. She was very
19 rude and laughed at me when I asked if she had heard from SUSAN.
20 She told me that they hadn't heard from her in months. I asked
21 if I could leave a message for SUSAN and she said there would be
22 no point in writing it down, that if SUSAN called, she would
23 remember to tell her.

24 I declare under penalty of perjury that the foregoing is
25

26 ///

27 ///

1 true and correct.

2 Executed this 15th day of August, 1988, at Newport Beach,
3 California.

4 
5 KIMBERLY A. BLACK

- * Smoke Cig. Behind Lewis back
 - * Bounce checks to everyone - don't tell Lewis she would cash.
 - * Secret mailbox
 - * Bills sent to mailbox instead of home address -
 - * Lewis didn't force her to work.
 - * Garnet Grant house take Eleanor to receive \$18 - w/o Lewis knowing
 - * Parents hated Lewis
 - * Reward and contacted Aunt for help in Riverside -
 - * Hated Lewis w/ help Susan
 - * exp witnessed drug abuse
 - * Day before capital case
 - * Didn't pay bills / used it for drugs
 - * Huntington bet connection
 - * Out to car w/ neighbors kids
- INCAE

DEPOSITION OF Kimberlin Ann Black

DATE: March 13, 1990

Dependent EXHIBIT 2
FOR IDENTIFICATION
JOANNE CASTRO

- * Argument / Stop babysitting other kids -
- * Mafia / no contact with friends Lewis would find her
- * Driving around looking for drugs daily - no ~~sex~~ therapy for Christopher -
- * Rx finance truck. tell Lewis ^{on kill} make a fool of himself.
- * Upset about mother cleaning house / about going into bedroom
- * Watched kids Lewis called sd fix something to eat / nothing in house to eat - house was dirty
- * Scale was covered - Susan denied it
- * Couple of times w/ Lewis only -
- * June 87 Susan owned up to

her problems - ~~too~~ promised to
quit - next day had some

* Did call family collect from
home

* Sister came to visit when Lewis
went to take bar exam Lewis
wasn't to know - Lewis asked her
to go with - she wouldn't because
of her sister coming

* Lewis loved her.

* Lewis relationship w/
Christopher was special. The
child

* Christopher hated Susan -
He sd - freq. to her face -
no yelling. Susan didn't hit
him in my presence. She
didn't care for him either

* Take loan on car to pay
debts when Susan admitted
problem

* Doing preg w/ Lisa - wanted
me to do it when I was preg.

* Lewis & Susan argued
because no father house!

* Didn't like Lewis in preg.

* Told her she looked terrible
& to get help.

* Phone calls to Juliana

* Lewis trusted her w/ \$\$\$
Susan went to L.A. to get
his OK direct.