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INDEX FOR JULY 30, 2008

VOLUME 8 OF _____

M A S T E R I N D E X

CHRONOLOGICAL AND ALPHABETICAL INDEX OF WITNESSES

WAYMOND ANDERSON, CALLED BY THE PETITIONER

DIRECT EXAMINATION RESUMED BY MR. MIRI

2

EXHIBITS

(NONE OFFERED)

1 CASE NUMBER: BA086745
2 CASE NAME: PEOPLE VS. WAYMOND ANDERSON
3 LOS ANGELES, CA. WEDNESDAY, JULY 30, 2008
4 DEPARTMENT C-130 HON. WILLIAM C. RYAN, JUDGE
5 REPORTER: RONALD KIM, CSR NO. 12299
6 APPEARANCES: THE DEFENDANT BEING PRESENT WITH COUNSEL,
7 DAVID L. BERNSTEIN, ATTORNEY AT LAW; LAURA JANE
8 KESSNER, DEPUTY DISTRICT ATTORNEY, REPRESENTING THE
9 PEOPLE OF THE STATE OF CALIFORNIA.

10

11 (Prior proceedings were reported and are
12 not included herein.)

13

14 **MS. KESSNER:** I heard from counsel that we'll have
15 Garcia in the morning.

16

THE COURT: We'll get him finished.

17

18 **MS. KESSNER:** Get him finished with Drasin, and
19 then Shomer is the eyewitness ID. I don't have a report
20 yet. It may come, and it may not, and we'll just have to
wait until --

21

THE COURT: I've heard Dr. Shomer testify in a
22 dozen cases. I know what he's going to say.

23

MS. KESSNER: Well, I don't know.

24

THE COURT: No disrespect, Mr. Bernstein, but I
25 know what Dr. Shomer's going to say.

26

27

(A pause in the proceedings.)

28

1 **THE COURT:** We're in session again on People
2 versus Waymond Anderson, BA086745. Mr. Anderson is
3 present with Mr. Bernstein. The People are represented
4 by Ms. Kessner.

5 Mr. Bernstein, you were examining
6 Mr. Anderson when we broke.

7 Mr. Anderson, you understand you're still
8 under oath?

9 **THE WITNESS:** Yes, sir.

10

11

WAYMOND ANDERSON,

12 having been previously sworn by the Petitioner, was
13 recalled to the stand and testified further as follows:

14

15 **THE COURT:** Mr. Bernstein.

16

17

DIRECT EXAMINATION (Resumed)

18 **BY MR. BERNSTEIN:**

19 **Q** You mentioned that you were arrested on
20 January 29, 1994?

21 **A** Yes, sir.

22 **Q** And were interviewed by Detectives Anderson
23 and King --

24 **A** Yes, sir.

25 **Q** -- at the Van Nuys Police Department?

26 **A** Yes, sir.

27 **Q** And the interview was at least partially
28 tape recorded according to you; correct?

1 **A** The interview was four hours, but they only
2 taped a certain portion of the interview.

3 **THE COURT:** Would that be partial?

4 **THE WITNESS:** Yes, sir.

5 **THE COURT:** So the answer to the question is --

6 **THE WITNESS:** Partial, yes.

7 **Q (By Mr. Bernstein)** The tape which we
8 previously marked as People's 6 which hopefully
9 we'll do a little bit better on our audio-visual
10 demonstration today, I'd like to play for you, and
11 tell me if you recognize that tape from that
12 particular day.

13 **A** Yes, sir.

14 **THE COURT:** Was it marked as 6 in this hearing, or
15 6 as part of the return?

16 **MS. KESSNER:** 6 in this hearing, People's 6.

17 **MR. BERNSTEIN:** And I think the transcript's
18 marked as 6-A, 7-A?

19 **MS. KESSNER:** Yes.

20 **THE COURT:** You have a transcript?

21 **MR. BERNSTEIN:** Yes, I do, Your Honor.

22

23 (A pause in the proceedings.)

24

25 **THE COURT:** Okay.

26 **MS. KESSNER:** It's all been marked.

27 **THE COURT:** Give it to Mr. Anderson. He can hand
28 it to me. Thank you.

1 **MR. BERNSTEIN:** Let's see.

2

3 (The tape was played.)

4

5 **Q (By Mr. Bernstein)** Mr. Anderson, do you
6 recognize any portions of that tape, any of the
7 things that we've just heard?

8 **A** Yes, sir.

9 **Q** And that was at least part of the
10 conversations that you had with the police detectives on
11 January 29, 1994?

12 **A** Yes, sir.

13 **Q** You're telling us there were other parts of
14 that conversation as well?

15 **A** Yes, sir.

16 **Q** When did they occur?

17 **A** Before the tape went on and when I asked
18 him to stop the tape.

19 **Q** All right. And I noticed also that your
20 request to tape was stopped sometime in the middle?

21 **A** Yes, sir.

22 **Q** What was discussed when the tape was off?

23 **A** I told them, when the tape was off, because
24 they kept asking me about J.D. The focus of what they
25 wanted to know that morning was all about the Hawkins
26 family, and they told me before the tape was on that
27 their focus was the Hawkins family. That's what
28 Detective King said to me.

1 When I told them to turn the tape off, I
2 told them that J.D. Hawkins was part of the
3 (unintelligible) brothers.

4 **THE COURT REPORTER:** Was a part of what?

5 **THE WITNESS:** (Unintelligible) brothers.

6 **THE COURT REPORTER:** What was that?

7 **THE WITNESS:** Arellano. It's a cartoon out of
8 Mexico. They're in San Diego, and he was not to be
9 played with.

10 **Q (By Mr. Bernstein)** Can you spell that.

11 **A** I don't know how to spell that.

12 **THE COURT:** I know how it's spelled. Felix
13 Arellano out of Tijuana?

14 **THE WITNESS:** Yes, sir.

15 **Q (By Mr. Bernstein)** All right. So did
16 anything else go on in the conversation between you
17 and the detectives during that period in the middle
18 of the interview when the tape was off?

19 **A** Detective King was the nice one. He told
20 me he knew individuals in the entertainment business, and
21 he told me he had a son too.

22 **THE COURT REPORTER:** I'm sorry. Slow down please.

23 **THE WITNESS:** He told me my wife and son was safe
24 and that he was going to offer me a golden opportunity.

25 **Q (By Mr. Bernstein)** Well, we heard some
26 of that on the tape you were saying.

27 **A** Right, but he described to me on the tape,
28 and he talked about blessings that I described earlier

1 before the lunch break.

2 Q Okay. And there was some conversation, you
3 say, before the tape went on?

4 A Yes.

5 Q Between you and both detectives?

6 A Yes, sir. Detective Anderson just sat
7 there. Detective King did all the talking.

8 Q This was in the conversation that was not
9 recorded?

10 A Yes, sir.

11 Q Okay. And what's the gist of that?

12 A He told me that he had been working with
13 the D.E.A. and the F.B.I. on Hawkins, and he knew that I
14 had nothing to do with the murder and that Floyd Anderson
15 was still in custody for the murder of Robert Wellington.

16 Q Okay. But when the tape was on, the
17 detective gave you the impression that he didn't know who
18 J.D. Hawkins was; right?

19 A They didn't know who J.D. Hawkins was
20 before the tape even came on. He told me that when he
21 (unintelligible) --

22 **THE COURT REPORTER:** I'm sorry. You need to slow
23 down. Say that again.

24 **THE WITNESS:** I'm sorry.

25 **THE COURT REPORTER:** Say that again.

26 **THE WITNESS:** When he first got there, within five
27 to seven minutes, they were talking about J.D. Hawkins.
28 They wanted me to give his name, which is Jerry Hawkins.

1 **Q** **(By Mr. Bernstein)** But, again, I say in
2 the recorded portions of the conversation --

3 **A** I had --

4 **THE COURT REPORTER:** I'm sorry. Can you wait
5 until the question is finished please.

6 **Q** **(By Mr. Bernstein)** In the recorded
7 portion of the conversation, it sounded like they
8 didn't know who J.D. Hawkins was?

9 **A** Exactly.

10 **Q** Do you have any idea why they would pretend
11 not to know?

12 **MS. KESSNER:** Objection. Calls for speculation.

13 **THE COURT:** The question was do you have any
14 reason to know? Overruled. Do you know why they
15 pretended not to know? Don't guess. Do you know?

16 **THE WITNESS:** I don't know, sir.

17 **Q** **(By Mr. Bernstein)** Were there any
18 further conversations after the tape was shut off?

19 **A** Yes, sir.

20 **Q** Okay. Were those between both detectives
21 or one or the other or --

22 **A** From both detectives. He let me call my
23 wife.

24 **Q** Yes.

25 **A** He bought me McDonald's, Detective King.
26 He sent someone to get me McDonald's. And I ate the
27 McDonald's, and he told me that the prosecutor on this
28 case was a cop's prosecutor, meaning that anything they

1 asked her to do, she would do.

2 Q Anything that the police asked her to do --

3 A She would do, that she was a cop's
4 prosecutor, and he asked me would I be willing that he
5 could arrange for me -- he said I could either spend the
6 rest of my life in jail, or I could be inconvenienced for
7 a couple of days, and he could arrange for Floyd Anderson
8 and I to be put together in a holding tank.

9 Q In a holding tank where?

10 A In this building here.

11 Q In the court house?

12 A Yes, sir.

13 Q Did he say how he could arrange that?

14 A He didn't say how, but it would happen.

15 Q And which detective are we talking about
16 here?

17 A Detective King.

18 Q Okay. On the portions of the tape that we
19 heard, they didn't acknowledge that they knew you had any
20 informant history. Did they acknowledge that on the
21 portions of the conversations that we didn't hear?

22 A Yes, sir.

23 Q Okay. Can you be specific. What did they
24 tell you what they knew of your informant history?

25 MS. KESSNER: Objection. Compound.

26 THE COURT: Sustained. Pick a question. Which
27 one do you want him to answer?

28 Q (By Mr. Bernstein) What did they tell

1 you about knowing you were an informant?

2 **MS. KESSNER:** Objection. Compound as to that.

3 **THE COURT:** Sustained. Why don't you start with
4 Anderson and then go to King.

5 **Q (By Mr. Bernstein)** Detective Anderson,
6 did he indicate any awareness of your previous
7 informant history?

8 **A** He did not.

9 **Q** But Detective King did?

10 **A** Yes, sir. He told me he had spoken to all
11 of my handlers, the people who -- they were like
12 supervisors or a handler of an informant.

13 **THE COURT:** Supervisors or handler of an
14 informant.

15 **THE WITNESS:** And that I've been asked by the
16 F.B.I. not to reveal any names in the court room but --

17 **THE COURT:** When did the F.B.I. ask you to do
18 that?

19 **THE WITNESS:** Sunday morning.

20 **THE COURT:** This past Sunday?

21 **THE WITNESS:** Yes, sir.

22 **THE COURT:** Who did you speak with from the
23 F.B.I.?

24 **THE WITNESS:** They told me not to say their names.

25 **THE COURT:** I'm ordering you to answer the
26 question. Who did you speak with from the F.B.I.

27 **THE WITNESS:** Gigi Joyner.

28 **THE COURT:** Who else?

1 **THE WITNESS:** Danny Chung.

2 **THE COURT:** Did they come to see you at the jail?

3 **THE WITNESS:** They came to see me at the hospital.
4 They've been for the last nine months.

5 **THE COURT:** Okay. They came to see you at what
6 hospital? This past Sunday?

7 **THE WITNESS:** No. I was hospitalized last week
8 when you ordered --

9 **THE COURT:** You said they came to see you on
10 Sunday.

11 **THE WITNESS:** That was the last time I saw them.

12 **THE COURT:** Okay. And did you talk to them on
13 Sunday?

14 **THE WITNESS:** Yes, sir.

15 **THE COURT:** They came to see you at the jail?

16 **THE WITNESS:** Yes, sir.

17 **THE COURT:** Okay. And then they saw you when you
18 were in the hospital?

19 **THE WITNESS:** Yes, sir.

20 **THE COURT:** Okay. Go ahead.

21 **Q (By Mr. Bernstein)** I don't think I
22 understand. These agents asked you not to reveal
23 the names of your L.A.P.D. handlers?

24 **A** Yes, sir, as well as, I guess, the L.A.P.D.
25 guys that are supposed to be coming here. If you want me
26 to say the names, I will.

27 **Q** I'm confused. L.A.P.D. guys were supposed
28 to testify here?

1 **A** I guess Steve Strong is the name I wasn't
2 supposed to say.

3 **THE COURT:** Who's the person?

4 **THE WITNESS:** Steve Strong.

5 **THE COURT:** Strong?

6 **THE WITNESS:** Yes, sir.

7 **THE COURT:** S-t-r-o-n-g?

8 **THE WITNESS:** Yes, sir.

9 **Q (By Mr. Bernstein)** He was one of your
10 L.A.P.D. handlers?

11 **A** Yes, sir.

12 **Q** And this was in the 1980's?

13 **A** Yes, sir, all the way to '92. He's retired
14 now.

15 **Q** All right.

16 **THE COURT:** Did they tell you why they didn't want
17 you to mention his name?

18 **THE WITNESS:** It's an open investigation.

19 **THE COURT:** That's what they told you?

20 **THE WITNESS:** That and that they didn't like to be
21 exposed to what was going on.

22 **THE COURT:** And what was it that would be exposed?

23 **THE WITNESS:** Recently, I was asked by the -- what
24 I was told by the City of Los Angeles if I kept saying
25 that David Mack and Raphael Perez --

26 **THE COURT:** You were asked by the City of L.A.?

27 **THE WITNESS:** Yes, sir.

28 **THE COURT:** And what did they ask you to do about

1 David Mack and Rafael Perez?

2 **THE WITNESS:** That if I kept saying that David
3 Mack and Rafael Perez was responsible for the murder of
4 Biggie Smalls, I would never get out of jail and --

5 **Q (By Mr. Bernstein)** Did they tell you
6 anything else?

7 **A** Yes, sir.

8 **THE COURT:** Well, wait a minute. Who from the
9 City of L.A. told you that?

10 **THE WITNESS:** Don Vincent.

11 **THE COURT:** Who?

12 **THE WITNESS:** Don Vincent.

13 **THE COURT:** Is he a police officer?

14 **THE WITNESS:** He's a deputy city attorney.

15 **THE COURT:** Tom Vincent.

16 **THE WITNESS:** Don, D-o-n.

17 **THE COURT:** D-o-n Vincent?

18 **THE WITNESS:** Yes, sir.

19 **THE COURT:** And when did you speak with him?

20 **THE WITNESS:** I don't know the dates, sir, but it
21 was maybe --

22 **THE COURT:** Recently?

23 **THE WITNESS:** I testified in Christopher Wallace's
24 deposition in -- I think it was last August.

25 **THE COURT:** Did he tell you on the record during
26 the deposition?

27 **THE WITNESS:** No, sir. It was meetings that took
28 place between himself and the Los Angeles Times.

1 **THE COURT:** Were you present at the meeting?

2 **THE WITNESS:** No, sir.

3 **THE COURT:** Then how do you know that he said
4 that?

5 **THE WITNESS:** Because I talked to him over the
6 telephone from Corcoran State Prison.

7 **THE COURT:** You spoke to Don Vincent from Corcoran
8 State Prison?

9 **THE WITNESS:** Yes, sir.

10 **THE COURT:** Do you know when that was?

11 **THE WITNESS:** I don't know the dates, sir. It was
12 before the deposition.

13 **THE COURT:** How much before the deposition?

14 **THE WITNESS:** Maybe three months, four months.

15

16 (A pause in the proceedings.)

17

18 **THE COURT:** And he told you that, if you didn't
19 stop saying that David Mack and Rafael Perez were
20 responsible for the murder of Biggie Smalls, whose
21 correct name is Christopher Wallace --

22 **THE WITNESS:** Yes, sir.

23 **THE COURT:** -- that you would never get out of
24 prison?

25 **THE WITNESS:** Yes, sir.

26 **THE COURT:** Was anyone else present on the
27 conversation as far as you know when he said that to you?

28 **THE WITNESS:** No, not that I know. He was at his

1 office.

2 **THE COURT:** He said that to you over the
3 telephone?

4 **THE WITNESS:** Yes, sir.

5 **THE COURT:** Was anyone else present at your end?

6 **THE WITNESS:** My counselor was there.

7 **THE COURT:** Your counselor heard your half of the
8 conversation, or were you on the speaker phone?

9 **THE WITNESS:** I was on the phone, but he was
10 sitting in the office. I'm sure he did because when I --

11 **THE COURT:** What's your counselor's name?

12 **THE WITNESS:** It was -- I call him J.J.

13 **THE COURT:** And he was present and heard this?

14 **THE WITNESS:** Yes, sir.

15 **THE COURT:** Okay. Let me see.

16

17 (A pause in the proceedings.)

18

19 **THE COURT:** Now, you said the F.B.I. agents came
20 to see you last Sunday but that that wasn't the first
21 time. They also saw you when you were in County U.S.C.
22 last week?

23 **THE WITNESS:** Yes, sir.

24 **THE COURT:** How many times have they come and seen
25 you since this hearing has begun?

26 **THE WITNESS:** Ever since I've got here, they've
27 been -- for months. I mean, the day I arrived, the next
28 day they were there.

1 **THE COURT:** And what did you talk about when they
2 came to see you?

3 **THE WITNESS:** Suge Knight.

4 **THE COURT:** I'm ordering you to answer my
5 questions.

6 **MS. KESSNER:** Suge Knight. I said Suge Knight.

7 **THE COURT:** Oh, Suge Knight?

8 **THE WITNESS:** Yes, sir.

9 **THE COURT:** Okay.

10 **THE WITNESS:** The Los Angeles Times --

11 **THE COURT:** You were about to mention the Los
12 Angeles Times. What about the Times?

13 **THE WITNESS:** I received volumes of documents.

14 **THE COURT:** From whom?

15 **THE WITNESS:** John Phillips.

16 **THE COURT:** Well, what does that have to do -- I
17 don't understand the connection with that and the Los
18 Angeles -- the Los Angeles Times provided you with
19 documents?

20 **THE WITNESS:** The city gave him documents, and he
21 provided -- he gave me the documents -- they gave him the
22 documents to bring with him to prison.

23 **THE COURT:** The city gave the L.A. Times documents
24 and the L.A. Times provided them to you, somebody at the
25 Times?

26 **THE WITNESS:** Yes, sir.

27 **THE COURT:** What did the documents pertain to?

28 **THE WITNESS:** The documents were of the deposition

1 of Mario Hammonds.

2 **THE COURT:** I'm sorry. The deposition of who?

3 **THE WITNESS:** Mario Hammonds.

4 **THE COURT:** They were the transcripts of the
5 deposition?

6 **THE WITNESS:** Yes, sir.

7 **THE COURT:** And is that involving the Christopher
8 Wallace lawsuit?

9 **THE WITNESS:** Yes, sir.

10 **THE COURT:** Okay. Go ahead.

11 **THE WITNESS:** There were documents of someone
12 named Yami Christie.

13 **THE COURT:** Well, was that part of the deposition?

14 **THE WITNESS:** It was another deposition.

15 **THE COURT:** Of?

16 **THE WITNESS:** Of Yami Christie.

17 **THE COURT:** Yami Christie.

18 **THE WITNESS:** Yes.

19 **THE COURT:** So you were given transcripts of --

20 **THE WITNESS:** The whole case of Christopher
21 Wallace.

22 **THE COURT:** Okay. Of Mario Hammonds and --

23 **THE WITNESS:** Kenneth Boagni.

24 **THE COURT:** Yami Christie. Basically, they gave
25 you all the deposition transcripts they had?

26 **THE WITNESS:** Yes, sir.

27 **THE COURT:** Why did the Times give them to you?

28 **THE WITNESS:** They were trying to disqualify Perry

1 Sanders.

2 **THE COURT:** Who was what? A lawyer?

3 **THE WITNESS:** Yes, sir.

4 **THE COURT:** Okay.

5 **THE WITNESS:** They were trying to disqualify Perry
6 Sanders from the Christopher Wallace case.

7 **THE COURT:** Did that lawyer ever represent you?

8 **THE WITNESS:** Perry Sanders?

9 **THE COURT:** Yeah.

10 **THE WITNESS:** No. They represented Christopher
11 Wallace's family.

12 **THE COURT:** Okay.

13 **THE WITNESS:** And --

14 **THE COURT:** Okay. Mr. Bernstein, I've gotten a
15 little off the track here. I'm just trying to chase this
16 down as best I can, try and understand it.

17 **MR. BERNSTEIN:** I'll see if I can make it more
18 clearer for all of us.

19 **Q** This deposition that you gave in the
20 Christopher Wallace case, you were in prison at the time?

21 **A** Yes, sir.

22 **Q** Up in Vacaville?

23 **A** Yes, sir.

24 **Q** Do you recall when the --

25 **A** No. I was at Corcoran when I did the
26 deposition.

27 **Q** I'm sorry. Corcoran. Yes.

28 **A** Yes, sir.

1 **Q** Do you recall about when that was?

2 **A** It was August of last year, I believe.

3 **Q** Was it continued several times before you
4 finally had it?

5 **A** Yes, sir.

6 **Q** And was this Chuck Phillips, was he an L.A.
7 Times reporter?

8 **A** Yes, sir. He's been fired.

9 **Q** But he came to visit you in advance of the
10 deposition?

11 **A** Several times. I received threatening
12 letters.

13 **THE COURT:** Who did?

14 **THE WITNESS:** I did.

15 **Q (By Mr. Bernstein)** From who?

16 **A** Suge.

17 **Q** Suge Knight?

18 **A** Yeah.

19 **Q** Was Suge Knight in prison with you?

20 **A** No.

21 **Q** How did you get these threatening letters?

22 **A** They were brought in by Chuck Phillips.

23 **Q** Chuck Phillips gave you threatening letters
24 that he said were from Suge Knight?

25 **A** They were kites. They call them kites.

26 **Q** Kites. Can you describe that for me.

27 **THE COURT:** Was Chuck Phillips in prison?

28 **THE WITNESS:** No, sir.

1 **THE COURT:** Kites are normally written
2 transactions between prisoners; right?

3 **THE WITNESS:** Right, but this kite -- what Suge
4 sent me was rolled up in paper like a prisoner would do
5 it, and it was smuggled into the Corcoran visiting room.
6 I turned all the kites over to the F.B.I.

7 **Q (By Mr. Bernstein)** What was the nature
8 of the threats in these kites?

9 **A** They were telling me something about a
10 lawyer by the name of Harrison who represented David
11 Mack.

12 **Q** What was the lawyer's name?

13 **A** Harrison, Harris or Harrison, something
14 like that.

15 **Q** Yes.

16 **A** Was -- he's a former U.S. prosecutor. He
17 was going to sign a deposition saying that Perry Sanders
18 offered him money to have David Mack lie, and they told
19 me the threats were --

20 **THE COURT:** Who offered to have David Mack lie?
21 Who offered whom money?

22 **THE WITNESS:** They were going to say that Perry
23 Sanders offered Mr. Harris money to get David Mack to
24 just get on the stand and plead the Fifth to being
25 involved in the Christopher Wallace murder.

26 **THE COURT:** Which presumably put the spotlight on
27 Mack?

28 **THE WITNESS:** Exactly.

1 **THE COURT:** And off whoever it is on now?

2 **THE WITNESS:** Right.

3 **THE COURT:** Is that what your understanding was?

4 **THE WITNESS:** Well, they were trying to -- it was
5 all a lie, sir.

6 **THE COURT:** I understand that. All I'm trying to
7 find out is what your understanding of the motivation was
8 for even doing that.

9 **THE WITNESS:** They were trying to discredit me.
10 They said that they wanted to -- the exact word was to --
11 it was a legal word. To -- where Perry Sanders wouldn't
12 be eligible to be on the case anymore.

13 **THE COURT:** Disqualify.

14 **THE WITNESS:** Disqualify, yeah.

15 **THE COURT:** Mr. Bernstein.

16 **Q (By Mr. Bernstein)** Did they say why they
17 wanted Perry Sanders disqualified?

18 **A** The city was mad because of the judgment
19 that they got of a million dollars, and this all goes
20 back to Mr. Longo on my case, but there was a cell phone
21 used in a --

22 **Q** Let's back up a little bit.

23 **A** Uh-huh.

24 **Q** Do you know whether Mr. Smalls -- or I
25 should say Mr. Wallace was killed about?

26 **A** Yes, sir.

27 **Q** When?

28 **A** March 9, 1997.

1 Q Where were you at the time?

2 A I was at N.C.C.F.

3 Q Was that before or after your trial in this
4 the matter?

5 A It was before my trial.

6 Q Okay. You heard that Mr. Wallace had been
7 murdered, I guess, while you were at Wayside?

8 A I talked to Mr. Wallace the day of his
9 murder.

10 Q He came to visit you?

11 A No. I talked to him on the cell phone.

12 Q Did you know him personally?

13 A Yes.

14 Q All right. When did you hear he'd been
15 killed?

16 A The following morning.

17 Q Did the L.A.P.D. come and interview you
18 about that at some point not long after?

19 A F.B.I. and L.A.P.D. came and picked me up.

20 Q Picked you up where?

21 A I was at the county jail.

22 Q In Wayside?

23 A Yes, sir.

24 Q Where did they take you?

25 A To Parker Center.

26 Q And they questioned you about the Wallace
27 murder?

28 A Yes, sir.

1 **Q** And how did they know to question you, or
2 do you know?

3 **MS. KESSNER:** Objection. Calls for speculation.

4 **THE COURT:** Sustained.

5 **Q (By Mr. Bernstein)** All right. Did they
6 tell you why they thought you knew anything about
7 the murder?

8 **MS. KESSNER:** Objection. Calls for hearsay.

9 **THE COURT:** Well, no, not to answer that question.
10 That's a yes or no question.

11 Sir, did they tell you or no?

12 **THE WITNESS:** What happened?

13 **THE COURT:** Without telling me what they said,
14 just answer the question yes or no. Did they say why
15 they were talking to you?

16 **THE WITNESS:** I contacted them.

17 **THE COURT:** Okay.

18 **Q (By Mr. Bernstein)** By phone from --

19 **A** Yes.

20 **Q** Okay. And in response to your contact,
21 they came and picked you up and questioned you?

22 **A** When they found out it was me
23 (unintelligible) --

24 **Q** I'm sorry. Can you repeat that.

25 **A** When they found out that it was me, they
26 came instantly.

27 **Q** Okay. And did they conclude that you knew
28 anything, or did they tell you that they thought you knew

1 anything?

2 **MS. KESSNER:** Objection. Calls for hearsay and
3 relevance.

4 **THE COURT:** Overruled.

5 **THE WITNESS:** Yes, they did. Detective Poole.

6 **Q (By Mr. Bernstein)** Who's that, first of
7 all?

8 **A** One of the detectives that was on the case.

9 **Q** L.A.P.D.?

10 **A** Yes, sir.

11 **Q** Is that Russell Poole?

12 **A** Yes.

13 **Q** All right.

14 **A** He knew that I knew what happened with the
15 murder, but they said, when they picked me up, they were
16 going to keep me for a couple of hours, and for many
17 years, they have been trying to find out information
18 about Death Row Records, and I knew everything about
19 Death Row Records.

20 **MS. KESSNER:** Objection. Nonresponsive.

21 **THE COURT:** Sustained.

22 **MS. KESSNER:** Motion to strike.

23 **THE COURT:** Stricken.

24 **Q (By Mr. Bernstein)** All right.

25 **THE COURT:** Let's try something that's remotely
26 relevant to this case.

27 **Q (By Mr. Bernstein)** The next time you
28 talked to the police about this case --

1 **A** Uh-huh.

2 **Q** -- was in -- now, we're back in 1994?

3 **A** Uh-huh.

4 **Q** That first interview was January 29, 1994,
5 the one we heard?

6 **A** Yes.

7 **Q** Okay. And you were telling us that you had
8 some conversations with the detectives that weren't
9 reported on that day?

10 **A** Yes.

11 **Q** And that they were going to put you, you
12 say, in the same cell with Floyd Anderson?

13 **A** Yes.

14 **Q** For what purpose?

15 **A** To retrieve information about the murder of
16 Robert Wellington.

17 **Q** Did you retrieve anything -- or, first of
18 all, were you put in the same cell with Mr. Anderson?

19 **A** I was booked into -- after I agreed to do
20 what Detective King had asked me to do, before he booked
21 me in, he had told me all the information about the case,
22 all the names involved.

23 He told me that anything that I did learn
24 from Floyd in the tank, I had to say that I knew before I
25 went into the tank, or it can be some, he said, like a
26 gifted or crafty lawyer could get him off. So he said
27 anything that -- if Floyd told me anything, I had to say
28 that I knew the information before I went in the tank

1 with Floyd.

2 And he said that, once I was transferred
3 down to -- I guess it's called an arraignment in
4 municipal court, that Floyd would be in the tank that
5 morning, and when I arrived to the court building that
6 morning, I was taken away like instantly by a deputy, and
7 I was placed in a tank, and in that tank was Floyd
8 Anderson by himself.

9 **Q** All right. Again, we're talking about this
10 building, this --

11 **A** Yes, sir, it was. It was in another
12 division, but it was where I was arraigned at.

13 **Q** In this building?

14 **A** Yes, sir.

15 **Q** And you were in the tank alone with Floyd?

16 **A** Yes, sir.

17 **Q** About how many days after this interview
18 did that occur?

19 **A** I was arrested on Saturday, and I was
20 arraigned that Monday or Tuesday, whatever, so it's three
21 days later --

22 **Q** All right.

23 **A** -- two days later.

24 **Q** And you got some information from Floyd at
25 that time?

26 **A** Yes, sir.

27 **Q** About how long were you in the tank with
28 him?

1 **A** An hour and 15 minutes, hour and a half
2 maybe.

3 **Q** And then he talked to you freely about --

4 **A** Openly. I went in right at him and told
5 him, you know, what the hell is all this about. He asked
6 me did I give up anything about drugs in my interview. I
7 said I didn't say anything, which I didn't.

8 I tried to step around those questions from
9 Detective Anderson, and he told me about checks and
10 somebody named Punch, the same name that the detectives
11 kept asking me about that owed some money, and he asked
12 me did I remember the beating at the record store.

13 And I vividly remembered somebody getting
14 beat up at the record store. I just didn't -- it wasn't
15 important to me when I was there so -- they were so
16 crazy. They were always up to something.

17 **Q** Okay. Did he tell you about the -- did he
18 allege any facts about the murder itself, the murder of
19 Robert Wellington?

20 **A** Yes. He said that Little T -- I mean,
21 himself, Yonie, Gumby and Preston, Gina and like seven of
22 them. He said it was two truckloads that went over
23 someplace on the east side is how he described it, and he
24 said that a home was blown up and that they had set a
25 house on fire.

26 **Q** Did he give you any further details than
27 that if you recall?

28 **A** I can't recall now, but as soon as I found

1 out the things he told me in the tank, I was taken to the
2 county jail after my arraignment, and I was supposed to
3 call Detective King.

4 And I called Detective King and told him
5 everything that Floyd had told me, and he told me, well,
6 remember what I told you. Anything that Floyd told you
7 was said to you outside that tank, and then he told me we
8 have a bigger problem.

9 Q Detective King said that?

10 A Yes, sir.

11 Q Did he say what the bigger problem was?

12 A Yes. My -- the family had hired Charles
13 Lloyd's wife, Ansylene Abraham to represent me.

14 Q And why was that a bigger problem?

15 A Because, now, for the police to interview
16 me, an attorney would be present, and since I had an
17 attorney, he told me to tell me my attorney that I wanted
18 to talk to his detectives. He told me that, if I got the
19 information, I would go home.

20 Q Did he say that, if your attorney
21 consented, you could talk to the detectives?

22 A Yes.

23 Q Did your attorney consent?

24 A Once I told her what I did for the Los
25 Angeles Police Department -- her husband, Charles Lloyd,
26 was also a former police officer. He was Mack Johnson's
27 best friend and patrol partner so he agreed to let me
28 speak with him.

1 **Q** Where's Mack Johnson?

2 **THE COURT:** He agreed?

3 **THE WITNESS:** Well, I should say she agreed, but
4 he was also involved. He was semi-retired at the time.

5 **THE COURT:** Well, was he retired or not? Was he
6 still working for the police department?

7 **THE WITNESS:** No -- I mean, Charles Lloyd was an
8 attorney. He was working with his wife on my case. So
9 him and Mack got together with his wife, and when I told
10 them what I did, they all agreed that I could talk to the
11 detectives.

12 **Q** **(By Mr. Bernstein)** And did you?

13 **A** Yes. Because I believed I was going to go
14 home.

15 **Q** So then you had a second meeting with
16 Detective Anderson?

17 **A** Yes, and Spears.

18 **Q** Okay. Was that the first time you met
19 Detective Spear?

20 **A** Yes, sir.

21 **Q** Was anyone else present at that meeting?

22 **A** Ms. Abraham was.

23 **Q** That was your attorney?

24 **A** Yes, sir.

25 **Q** Anyone else?

26 **A** No. I think there was a deputy in the
27 room. I'm not sure. I can't recall right now.

28 **Q** Okay. You were questioned by a man or a

1 woman? Do you recall?

2 **A** It was Detective Anderson.

3 **Q** And they questioned you?

4 **A** I believe so.

5 **Q** All right. You told them a story that was
6 apparently quite different from the one you told on
7 January 29; is that right?

8 **A** Yes, sir, because he told me I would go
9 home if I got the information.

10 **Q** And you gave him some information that you
11 got from Floyd basically?

12 **A** Yes, sir. He told me at the Van Nuys jail
13 that I knew how the game worked, meaning when --

14 **Q** Floyd told you this?

15 **A** No. Detective King told me this.

16 **Q** At the Van Nuys jail?

17 **A** Yes.

18 **Q** At the time of the first interview?

19 **A** Right.

20 **Q** Yes. Okay.

21 **A** So I had to create a story of what took
22 place with the information, and that's exactly what I
23 did.

24 **Q** You said you couldn't say that you got the
25 information from Floyd while you were in the jail?

26 **A** Yes, sir.

27 **Q** The story would have to be --

28 **A** That I had the information before I went in

1 the tank with Floyd.

2 Q So, in fact, those were Detective King's
3 instructions to you?

4 A Yes, sir.

5 Q Floyd gave you this information about the
6 crime, and then you related it --

7 A Yes.

8 Q -- at this second meeting?

9 A Yes, sir.

10 Q Did you add things of your own?

11 A Yes, sir. I just wanted to go home.

12 Q Well, do you recall what parts you added?

13 A I don't even remember. I only had known
14 what Floyd had told me about the crime. I've never been
15 over where the crime took place and didn't know any of
16 the people involved.

17 Q Did you know if Floyd's information was
18 accurate about the crime?

19 A I only can recall what he was telling me.
20 I believed him.

21 Q All right.

22 **THE COURT:** What did he tell you again?

23 **THE WITNESS:** That they'd blown up a house,
24 something about checks, dope being stolen --

25 **THE COURT:** Well, not something about. What did
26 he say as close to word for word as you recall? Don't
27 paraphrase. Just tell me what he said.

28 **THE WITNESS:** If I recall correctly, Your Honor,

1 he said that this guy, Punch, had stolen some checks and
2 that dope had come up missing.

3 I asked him how much dope. He said it
4 wasn't important, if I remember. He said the checks were
5 more money than the dope was, and then he told me about
6 the two truckloads of people that went over to the home.

7 **THE COURT:** The two truckloads consisted of --
8 again, give me the list.

9 **THE WITNESS:** Gina.

10 **THE COURT:** Tina?

11 **THE WITNESS:** Gina.

12 **THE COURT:** Gina with a G?

13 **THE WITNESS:** Yes.

14 **THE COURT:** Okay.

15 **THE WITNESS:** T; Yonie, who also is known as
16 Little Man; Preston, Wade --

17 **THE COURT:** Preston, who's Preston?

18 **THE WITNESS:** J.D.'s brother.

19 **THE COURT:** Who?

20 **THE WITNESS:** J.D. Hawkins' brother.

21 **THE COURT:** Preston Hawkins.

22 **THE WITNESS:** Yes, sir.

23 **THE COURT:** What's Wade's name?

24 **THE WITNESS:** I only know him as Wade. He goes by
25 K.P. also.

26 **THE COURT:** Yonie is Little Man.

27 **THE WITNESS:** Right.

28 **THE COURT:** Do you know what Yonie's name is?

1 **THE WITNESS:** Keith Durham.

2 **THE COURT:** What is it?

3 **THE WITNESS:** Keith Durham.

4 **THE COURT:** What about T?

5 **THE WITNESS:** T is Floyd.

6 **THE COURT:** Is who?

7 **THE WITNESS:** Wade Anderson, and he was there
8 himself too.

9 **THE COURT:** And Gina? What's her name?

10 **THE WITNESS:** Gina Hawkins. She's a --

11 **THE COURT:** What's her relationship to J.D.
12 Hawkins and Preston?

13 **THE WITNESS:** Sister.

14 **THE COURT:** Of which?

15 **THE WITNESS:** Of both of them. Of the Hawkins.
16 She's Gina Hawkins.

17 **THE COURT:** Preston and --

18 **THE WITNESS:** J.D. --

19 **THE COURT:** -- J.D. are brothers?

20 **THE WITNESS:** Yes, sir.

21 **THE COURT:** Okay. Anyone else that you can
22 recall?

23 **THE WITNESS:** That's all I can recall right now,
24 Your Honor, but it was two black Ford Explorer trucks.

25 **Q (By Mr. Bernstein)** So these people,
26 according to what Floyd told you, these people went
27 over in these two trucks?

28 **A** Yes. Right.

1 Q And they burned down this house?

2 A They were looking for a guy by the name of
3 Punch, who I now know as Norman Franklin.

4 Q All right.

5 A And he said they ran in with machine
6 guns --

7 Q Uh-huh.

8 A -- and they blew the house up.

9 Q Okay. What name -- did they say if anyone
10 was hurt or killed?

11 A He said that a person was burned to death,
12 but I wasn't worried about it.

13 Q Why was he not worried?

14 A He said that the prosecutor in the case,
15 Anne Ingalls, had had a former case with him, and she had
16 gotten in trouble or something about some guns.

17 Q Floyd said this?

18 A Yes, sir.

19 Q Is that -- Anne Ingalls had prosecuted him
20 previously?

21 A Yes, some type of gun case she was involved
22 in.

23 Q So why was she not worried about it?

24 A He said because she would be taken off the
25 case or be disqualified or -- I don't remember his exact
26 words. It was something to that effect.

27 Q And his opinion is that earlier case would
28 disqualify her from handling this case?

1 **A** Exactly.

2 **Q** Well, sometime after your second meeting
3 with the police and with your attorney present, did you
4 have a preliminary hearing?

5 **A** Yes, I did.

6 **Q** So they didn't release you at that point?

7 **A** No. It was agreed upon after I retrieved
8 the information between Ms. Abraham and the police and
9 the district attorney, Anne Ingalls, that they were not
10 going to put forth any evidence at the preliminary
11 hearing because at that point I was assisting them with
12 their investigation.

13 **Q** But then the preliminary hearing was
14 scheduled?

15 **A** Yes, sir.

16 **Q** And it took place?

17 **A** Yes, sir.

18 **Q** And you and Floyd were co-defendants?

19 **A** Yes, sir.

20 **Q** Who was prosecuting it?

21 **A** Anne Ingalls.

22 **Q** And were you bound over for trial?

23 **A** Yes, sir. Both of us were.

24 **Q** Okay. But when you went to trial, Floyd
25 was not with you anymore?

26 **A** Floyd's been released and is now free.

27 **Q** Do you know how or why that happened?

28 **A** I don't understand it myself.

1 **Q** Okay.

2 **A** I should say that I had never been in jail
3 before in my life, and I went from a 5,000 square foot
4 home in Calabasas --

5 **MS. KESSNER:** Objection, nonresponsive.

6 **THE COURT:** I'll let him answer.

7 You can finish.

8 **THE WITNESS:** I went from a 5,000 square foot home
9 in Calabasas to a cell infested with rats and roaches,
10 and I started to break -- have a nervous breakdown.

11 So I went 1368. Doctors -- Ms. Abraham
12 thought that I was acting bizarre so she told me she was
13 going to have me seen by some doctors, and I just lost
14 it.

15 **MS. KESSNER:** Objection, nonresponsive and
16 narrative.

17 **THE COURT:** Overruled.

18 You can finish.

19 **THE WITNESS:** And so Detective King told me that,
20 if I didn't man up, that I would spend the rest of my
21 life in prison and I was going to take the blame for this
22 case. That's the point of the lineup. It wasn't that I
23 refused to stand at the lineup. It was that the doctor
24 said I couldn't stand at the lineup.

25 **MS. KESSNER:** Objection. Narrative and
26 nonresponsive.

27 **THE COURT:** Sustained. Everything after "the
28 doctor said" is stricken.

1 **Q** **(By Mr. Bernstein)** All right. This was
2 after the preliminary hearing?

3 **A** Yes, sir.

4 **Q** Detective King said you should man up?

5 **A** Yes.

6 **Q** But hadn't you done everything he had asked
7 you to do?

8 **A** I did everything and above.

9 **Q** Was he asking to you do anything else?

10 **A** Yes.

11 **Q** What was that?

12 **A** They wanted to take me out to show him all
13 of the houses of J.D. Hawkins. They wanted me to take
14 him to San Diego, and they thought that -- Ms. Ingalls
15 had said that whoever the witnesses identified in the
16 lineup was who she was going to prosecute, and they
17 believed that the witnesses, once I was in the lineup
18 with Durham, Durham would be identified and that they can
19 get him to flip on the rest of the people involved in
20 this case.

21 **Q** Did you know Durham? Before the fire, did
22 you know him?

23 **A** Yes.

24 **Q** How?

25 **A** The record store, and he went to school
26 with my sister.

27 **Q** And he had a nickname did you say?

28 **A** Little Man and Yonie.

1 Q Both Little Man and Yonie were Keith
2 Durham?

3 A Yes.

4 Q All right. So this lineup never took
5 place?

6 A No, sir.

7 Q Your understanding was a plan was for a
8 lineup to have both of you in it?

9 A Yes, sir.

10 Q And Anne Ingalls had arranged for that?

11 A Yes, sir.

12 Q And had you attempted any suicide or
13 anything like that?

14 A Yes, sir. I was in the psych ward at that
15 point.

16 Q So did that have anything to do with you
17 being declared incompetent?

18 A Yes, sir.

19 Q How long were you incompetent?

20 A 9, 11 months, 12 months.

21 Q And was Ms. Abraham representing during all
22 that time?

23 A Yes, sir.

24 Q All right. Do you know when you were
25 declared competent again, about when?

26 A '96, '95. I think late '95.

27 Q Well --

28 A I'm not sure of the date.

1 **Q** Do you know when you went to trial?

2 **A** Yes. It was in '97, I believe in October
3 or August.

4 **Q** Of 1997. All right.

5 **A** Yes.

6 **Q** Who was your attorney by then?

7 **A** David Herriford.

8 **Q** What happened to Ms. Abraham?

9 **A** She wanted \$250,000 to represent me at
10 trial. I didn't have the money.

11 **Q** It seems a little steep. Did you get
12 another attorney?

13 **A** Well, I was fortunate enough to be assigned
14 a public defender by the name of Mark Zuckman. He was a
15 great man. He took a special interest in my case, and
16 after he listened to the interviews, he said that he knew
17 that I had nothing to do with the crime because the
18 information in the tapes matched the -- had actually what
19 had happened in the crime.

20 So he told me that he was going to focus on
21 getting the death penalty dropped, and once he got the
22 death penalty dropped, he was going to get into this
23 case.

24 **Q** How did he know what you said at those
25 interviews didn't match the facts of the crime?

26 **A** I guess he had read the police reports and
27 read the file and listened to the tapes. It was exactly
28 what he said to me. He came and visited me at Wayside.

1 **Q** At some point he was not on your case
2 anymore, and you got Mr. Herriford; right?

3 **A** Well, he got -- yes. Mark got disqualified
4 from my case because there was an informant by the name
5 of -- a jailhouse informant by the name of Paul Luziano.

6 He contacted the district attorney's office
7 and said that he -- I had him write a letter or
8 something, and it was ridiculous because I know how to
9 write very well, but he was represented by the public
10 defender's office too. And so Mark was one that had to
11 be taken off the case, and so I didn't have an attorney.

12 **THE COURT:** Did he represent this -- also
13 represent this informant?

14 **THE WITNESS:** No. I think the informant was
15 represented by the public defender's office also.

16 **THE COURT:** What does that have to do --

17 **THE WITNESS:** They said it caused a conflict.

18 **THE COURT:** Wait a minute. Let me ask my
19 question.

20 Does Zuckman -- or this informant informing
21 as to your case?

22 **THE WITNESS:** Yes, sir.

23 **THE COURT:** I see. Okay.

24 **THE WITNESS:** So it caused a conflict since he was
25 represented by the Public Defender's office also. So
26 after he got taken off my case, I was assigned to the
27 alternate public defender, and no disrespect, but her
28 elevator just didn't go all the way up.

1 **Q** **(By Mr. Bernstein)** Do you remember her
2 name?

3 **A** I don't remember her name.

4 **Q** How long was she on your case?

5 **A** Three weeks at the most.

6 **Q** And then what happened?

7 **A** I got contacted by Preston Hawkins, and he
8 told me that he was sorry for what has been happening to
9 me and that they were going to look out for me.

10 **Q** Preston Hawkins. This is J.D.'s brother;
11 right?

12 **A** Yes, sir.

13 **Q** He visited you in jail or called you or
14 what? You called him? What happened?

15 **A** Somehow they had gotten my wife's new phone
16 number, and she told me that he had called so I returned
17 the phone call back from jail.

18 **Q** And in this phone call, he said they were
19 willing to take care of you?

20 **A** Yes, sir.

21 **Q** Did he explain what he meant by that?

22 **A** Yes, sir. He had a male cousin by the name
23 of Ricky Ross who was represented by David Herriford, and
24 that's how I found out about David Herriford.

25 **Q** Ricky Ross?

26 **A** Yes.

27 **Q** Was that someone you informed against
28 earlier?

1 **A** No. That's not the Ricky. That's another
2 Ricky Ross called Freeway Rick. That's not him. His
3 name is Ricky Ross too.

4 **Q** Just a coincidence?

5 **A** Yes.

6 **Q** All right. So --

7 **THE COURT:** Well, given the time, can we break
8 right here?

9 **MR. BERNSTEIN:** Sure.

10 **THE COURT:** We'll pick this up tomorrow at 10:30.
11 We'll see you tomorrow.

12 Mr. Bernstein and Ms. Kessner, would you
13 both approach.

14
15 (A discussion was held off the record.)

16
17 (Whereupon the proceedings were concluded.)

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

DEPARTMENT C-130 HON. WILLIAM C. RYAN, JUDGE

PEOPLE OF THE STATE OF CALIFORNIA,)
)
PLAINTIFF,)
)
VS.) CASE NO. BA086745
)
WAYMOND ANDERSON,)
) REPORTER'S
DEFENDANT.) CERTIFICATE
)

I, RONALD H. KIM, OFFICIAL REPORTER OF THE
SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY
OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING
PAGES 1 THROUGH 41, COMPRISE A FULL, TRUE AND CORRECT
TRANSCRIPT OF THE PROCEEDINGS AND TESTIMONY TAKEN IN THE
ABOVE-ENTITLED CAUSE ON JULY 30, 2008.

DATED THIS 30TH DAY OF JULY, 2008.


_____, CSR #12299, RPR.
RONALD KIM, OFFICIAL REPORTER