

1 cooperating sources wished to speak with Agent
2 Nichols?

3 A. I mean, I'm telling you what I remember versus
4 the report.

5 Q. Okay. Well, who was the person that was
6 willing to deliver it or speak with?

7 A. Michael Hobbs.

8 Q. Hobbs?

9 A. Yes.

10 Q. Had you discussed that with Mr. Hobbs?

11 A. Yes.

12 Q. And then did-- during that phone conversation,
13 did Mr. Nichols or Agent Nichols arrange with
14 you to meet that person that was going to
15 cooperate and the meeting set for January the
16 5th?

17 A. I mean, that's what it says. I don't remember
18 that specifically.

19 Q. You don't remember that?

20 A. But I believe the report is correct.

21 Q. Okay. Then on January the 5th of 2001, did you
22 make-- meet with Agent Nichols? Paragraph 8.

23 A. Yeah, I mean, this-- this-- this isn't the--
24 the report's not the way that my memory is on
25 this.

1 Q. Well, tell us what your memory is.

2 A. Well, my memory is that Michael Hobbs was
3 always going to be the one that was delivering
4 this.

5 Q. Well, did-- on January the 5th, 2001, did
6 Nichols meet with you and the potential
7 cooperating source as is indicated in Paragraph
8 8?

9 A. I don't remember this. I mean, I see it, but I
10 don't remember it. I'm sorry.

11 Q. All right. Let's move on then. On Friday,
12 January 12th, did you have another conversation
13 with Agent Nichols?

14 A. Yes.

15 Q. And do you recall that?

16 A. Yes.

17 Q. And that was a-- a phone call, was it not?

18 A. Yes.

19 Q. And what did you advise Agent Nichols?

20 A. Basically I said I want to get rid of this ET
21 as fast as possible.

22 Q. Did you say you wanted to get rid of it, you
23 personally?

24 A. Basically I said it was time-- yeah, I said it
25 was time that it get-- that it was removed from

1 the system.

2 Q. Didn't you tell Agent Nichols that the
3 unidentified person wished to provide
4 information as to the location of the suspected
5 ET?

6 A. That's what it says.

7 Q. All right. And didn't you advise Agent Nichols
8 that that person had told you that he felt it
9 was too risky to have the suspected ET at a
10 place where it could be stolen or sold?

11 A. That's true.

12 Q. All right. And that was on January the 12th.
13 Correct?

14 A. Yes.

15 Q. And then on January the 15th of 2001, did you
16 have another phone conversation with Agent
17 Nichols?

18 A. Yes.

19 Q. And what did you tell Agent Nichols on January
20 the 15th?

21 A. Basically I told him that it was in St. Louis
22 and it was going to be moved via airplane, even
23 though it doesn't say that here, to Las Vegas
24 and then it would be moved to Oakland via
25 airplane so that it could be moved as fast as

1 possible.

2 Q. You indicated, did you not, to Agent Nichols
3 that the unidentified person and a second
4 person had been maintaining surveillance on the
5 location where the ET was stored?

6 A. Yes.

7 Q. And--

8 A. I don't remember saying that, but I remember
9 saying that it was secured.

10 Q. You don't-- wouldn't quarrel with the report,
11 would you?

12 A. No, I'm just saying I don't remember saying
13 that.

14 Q. All right. And you also told Agent Nichols
15 that both individuals had determined that it
16 was still there. Correct?

17 A. That's true.

18 Q. And you then indicated to Agent Nichols, did
19 you not, that these two unidentified people
20 would secure the ET and bring it to Agent
21 Nichols?

22 A. Correct.

23 Q. And who were the two unidentified persons that
24 you told Nichols-- who were you referring to
25 when you told Nichols that two unidentified

1 people would bring it to him?

2 A. Mike Hobbs, and I didn't know who I was going
3 to be able to use as the other person because I
4 was worried about this package not being able
5 to be delivered. This-- I was very nervous
6 about the delivery of this. Because if this
7 disappeared, this was going to create huge
8 problems.

9 Q. At the request of Agent Nichols, you then
10 agreed that the meeting for the delivery of the
11 ET would occur in either Las Vegas, Nevada, or
12 somewhere near Oakland, California. Correct?

13 A. Oakland, California, is what I said.

14 Q. Okay. Las Vegas--

15 A. I said Las Vegas, Nevada would be the transfer
16 spot.

17 Q. Then that was on January the 15th. Correct?

18 A. Yes.

19 Q. And then on January 16th, did you contact Agent
20 Nichols again?

21 A. Yes.

22 Q. And what did you tell him on that occasion?

23 A. That the person that was moving it was
24 unwilling to do it because they had a fear of
25 being arrested, which was true.

- 1 Q. And who was that?
- 2 A. Mike Hobbs was unwilling to do it, he didn't
3 have immunity. And we were getting legal
4 advice that I was the only one that had
5 production immunity. And not only that, that
6 this had to be controlled out of Main Justice,
7 Washington, D.C., for reasons that the lawyers
8 had determined.
- 9 Q. Did you then speak with Agent Nichols on the
10 evening of January the 18th, 2001?
- 11 A. That's what it says.
- 12 Q. All right. You don't dispute it, do you?
- 13 A. No.
- 14 Q. And then on-- during that conversation, did you
15 advise Nichols that you had rescheduled the
16 meeting with the unidentified source for
17 January 22nd, 2001?
- 18 A. Yes.
- 19 Q. And did you meet with Agent Nichols or was
20 there a meeting with Agent Nichols on January
21 the 18th?
- 22 A. No.
- 23 Q. And then, Mr. Skinner, on January 22nd, did you
24 meet-- of 2001, did you meet with Nichols?
- 25 A. Yes.

1 Q. And what happened on that occasion?

2 A. I walked right into a federal building with a
3 huge trunk and no one said a word to me, and I
4 took it up to the floor and handed it over to
5 Agent Nichols.

6 Q. And what was in the trunk?

7 A. I wasn't quite for sure, but it turned out to
8 be 24 cans. I was-- I was a little off on the
9 number, but it turned out to be the right
10 number.

11 Q. And Agent Nichols then interrogated you,
12 debriefed you about that, did he not?

13 A. Yes.

14 Q. And at that time you admitted to him that you
15 had been the person in control of the ET the
16 entire time, didn't you?

17 A. Correct.

18 Q. That's the first time that you told him between
19 October 31st of 2000 and January 22nd of 2001,
20 that's the first time that you told him you had
21 withheld 24 cans of ET or ergocristine,
22 whatever it was?

23 A. Correct.

24 Q. And all-- up until that time, you had attempted
25 to mislead him about who had it and where it

1 was. Right?

2 A. That's correct.

3 Q. And at that time during that debriefing, you
4 stated, did you not, to Agent Nichols that you
5 had no more ET in your possession?

6 A. That's correct.

7 Q. And that wasn't true, was it?

8 A. That's correct.

9 Q. Then at some point later, Mr. Skinner, did
10 Agent Nichols indicate to you that the
11 Government questioned whether or not you had
12 been truthful when you told him that you didn't
13 have any more ET?

14 A. Yeah, I think maybe Arthur did, not Karl.

15 Q. Arthur Hubbard?

16 A. Yes, I think.

17 Q. But somebody indicated to you, "Hey, we-- we
18 still don't think you've come clean"?

19 A. No, they said this is becoming a bigger and
20 bigger problem.

21 Q. All right. And as a result of that, they
22 scheduled a meeting with you on February the
23 21st, 2001.

24 A. Can I see that report?

25 Q. Yeah.

1 A. Thank you. Yeah, the dates seem to be correct.

2 Q. And I'm going to hand you what is--

3 A. Do you want that back?

4 Q. -- a report that has the date prepared on it of
5 2-21, 2001. Again, it's signed by Karl Nichols
6 and the date of his signature in this instance
7 is March the 19th. It's a three-page report
8 and it bears Bates stamps No. 3721, 3722 and
9 3733 (sic). That's one of the two, but there's
10 two sets of Bates stamps on it.

11 MR. HOUGH: Judge, may we approach?

12 THE COURT: Yes you may.

13 (THEREUPON, the following
14 proceedings were held at the bench and
15 outside of the hearing of the jury).

16 MR. HOUGH: Judge, the report that
17 he's showing the witness is the report of the
18 meeting in February of '01 relative to a
19 polygraph examination. This Court has
20 previously ruled all of that is inadmissible.
21 And we would ask the Court to reaffirm its
22 prior rulings that counsel not elicit any
23 evidence direct, indirect, intentionally or by
24 mistake or accident in any way relative to
25 polygraph examinations in this matter.

1 MR. BENNETT: Judge, I'm not going to
2 say anything about a polygraph examination. I
3 know what the Court's ruling is and I will
4 abide by it, but I gave that report to him to
5 refresh his recollection. As the Court will
6 recall, the question was, "Did you meet with
7 them? Did they express some concern and did
8 you meet with them?" All I'm going to ask him
9 was what occurred at that meeting without-- and
10 I'm not asking him with regard to the
11 polygraph. The report's indication of what
12 occurred at that meeting is he turned over two
13 more cans of ET and there was no polygraph
14 administered.

15 MR. HOUGH: Well, Judge, that can be
16 asked without showing this witness the report.
17 Showing the witness the report with the word
18 "polygraph" all the way throughout it is
19 intended and designed to do nothing more than
20 to intimidate and harass this witness.

21 MR. BENNETT: Judge, I'm not trying
22 to--

23 MR. HOUGH: If counsel-- if counsel
24 wants to ask, "You met at a separate date, they
25 questioned whether or not there was any more ET

1 and you produced two more cans," you can do
2 that without showing him the report, which has
3 got "polygraph" stamped all over it.

4 MR. HALEY: I would note that the
5 witness asked to see the report.

6 MR. BENNETT: That's my point.

7 MR. HALEY: That's how he got it.

8 MR. HOUGH: Well, our position is
9 that the witness referring to the report and
10 any questions relative to the issue of the
11 polygraph is inadmissible.

12 MR. BENNETT: Judge, I will represent
13 to the Court as an officer of the Court I'm not
14 going to ask him about the polygraph. I'm not
15 asking and I don't intend to expect him to
16 say--

17 THE COURT: I'm going to overrule
18 your objection and he asked for the report and
19 you can go ahead, but don't-- just stay away
20 from that.

21 MR. HOUGH: Judge, our concern is is
22 that if he asks an open question, "What
23 happened that day?" The truthful answer
24 implicates the polygraph.

25 MR. BENNETT: Well, Judge, I'm not

1 going to ask the open question. If Mr. Hough
2 wants to go up and whisper in the witness' ear
3 and tell him not to say anything about the
4 polygraph, that's fine with me.

5 THE COURT: Why don't you do that.

6 MR. HOUGH: Judge, how about if I
7 write a note and the court reporter hands it to
8 him so that-- my concern is that I walk over
9 there and say something to the witness in front
10 of the jury and the jury thinks we're hiding
11 something.

12 THE COURT: Well, write him a note
13 and have somebody hand it to him.

14 MR. HOUGH: Can I have a-- Judge,
15 here is the note that I would propose that the
16 court reporter hand to Mr. Skinner.

17 THE COURT: That's fine, show it to
18 Mark and--

19 MR. HOUGH: Did you see it?

20 MR. BENNETT: (Nods head up and
21 down).

22 MR. RORK: (Nods head up and down).

23 (THEREUPON, the bench conference
24 was concluded and the following
25 proceedings were held within the

1 hearing of the jury).

2 THE WITNESS: I understand, Your
3 Honor. Thank you.

4 Q. (BY MR. BENNETT) All right, Mr. Skinner, I-- I
5 think you asked to see the report for the
6 purpose of refreshing your recollection as to
7 the date; is that correct?

8 A. Yes.

9 Q. And did you meet with Agent Nichols and
10 possibly someone else on February 21st?

11 A. Yes. It was-- my lawyer was present, Agent
12 Nichols was present, just myself in the lobby
13 of the hotel. And in an upper room, there were
14 many, many DEA agents that had flown in from
15 different regions--

16 Q. All right.

17 A. -- and Washington, D.C.

18 Q. All right. And where was that meeting?

19 A. At a hotel outside of the Kansas City airport
20 area.

21 Q. Okay. And on that occasion, what occurred with
22 regards to any other ET or the turnover of any
23 other ET?

24 A. There was two cans of ET that Michael Hobbs had
25 left that was overflow that you couldn't put in

1 the trunk that was in a doll case. And I
2 turned them over to Agent Nichols in front of
3 my lawyer. Against my lawyer's wishes.

4 Q. And that was after you had previously told
5 Nichols that there wasn't any more?

6 A. That's true.

7 Q. Okay. And then subsequent-- at any time
8 subsequent to that turnover of those two cans
9 of ET, did Agent Nichols or anyone else on
10 behalf of the Government indicate to you that
11 they still had concerns about whether or not
12 you had been totally truthful with them?

13 A. Yes. Do you want the report back?

14 Q. Oh, yeah. Mr. Skinner, was that all of the ET
15 that you had, ET or ergocristine, the 13 cans,
16 13 plus cans, the 24 cans and the two cans?

17 A. If that adds up to 39 and a fractional can.

18 Q. And a part.

19 A. Yes.

20 Q. And that's all there was; is that correct?

21 A. That's all there was.

22 Q. All right. Mr. Skinner, do you have-- not at
23 this time, but at any time during the years
24 1998, '99, 2000, 2001--

25 A. Hold on a second, okay.

1 Q. '98.

2 A. Okay.

3 Q. Did you have any bank accounts in any names
4 other than yourself, other than your true name,
5 Gordon Todd Skinner?

6 A. I don't believe so, no.

7 Q. Okay. Did you have any money in any accounts
8 off-shore in your name?

9 A. No.

10 Q. Did you have any--

11 A. Wait a minute, wait a minute. I have an
12 account that sits in the DDR, which became
13 Germany, this was when it was East Germany,
14 where I was forced into doing an obligatory
15 exchange from when I was 18 years old. I
16 couldn't leave the country without leaving the
17 money there, it was about \$12.

18 Q. Other than that, do you have any money in your
19 name or any other name in any off-shore
20 accounts during that period of time that I've
21 asked you about?

22 A. No.

23 Q. Now, you told us early on in your testimony
24 about some aliases that you had used. Do you
25 remember that testimony?

1 A. Yes, I do.

2 Q. And I believe that you told us that you used
3 the aliases James Young, Charles Fletcher,
4 Gerald Terrance Finnigan?

5 A. Gerard.

6 Q. I'm sorry?

7 A. Gerard Terrance Finnigan.

8 Q. Gerard Terrance Finnigan. And P.C. Carroll.

9 A. Patrick Charles Carroll.

10 Q. And in the course of that examination, you said
11 there might be others, but you couldn't
12 remember. I mean, you told us about Gordon
13 Todd Rothe and Todd Rothe, but you said there
14 might be some others and you couldn't remember
15 for sure. Are there others that you used?

16 A. I can't remember them. I seem to remember
17 there being a couple of-- a couple others left,
18 and they're probably obvious and they're
19 sitting in a report and I just don't remember
20 them, I'm sorry.

21 Q. All right. And then on page-- in that
22 testimony, you indicated that-- that, "The
23 names were used so that no one would know who I
24 was and when I was doing anything illegal or
25 anything that I didn't want to be traced."

1 What illegal things were you doing when you
2 used the name James Young?

3 A. Well, that was used more as a joke. So I
4 wasn't doing anything illegal with James Young.
5 James Young is the name of a Rolls Royce
6 aluminum coach builder, and it was done as a
7 joke for a friend.

8 Q. What were you doing illegal when you used the
9 name Charles Fletcher?

10 A. Trafficking in marijuana.

11 Q. And when were you trafficking in marijuana?

12 A. Let's see, '86, '87, '88.

13 Q. And where were you trafficking-- trafficking in
14 marijuana?

15 MR. HOUGH: Judge, we'll object.
16 This is marijuana trafficking '86 through '88,
17 it's remote in time and it has no impeachment
18 value and is subject to a prior orders of the
19 Court.

20 MR. BENNETT: Well, Judge, I think it
21 goes to the man's--

22 MR. HOUGH: Judge, it's res judicata.
23 You've already ruled on this issue.

24 THE COURT: Well, it's very, very
25 remote, I'm going to sustain the objection.

1 Q. (BY MR. BENNETT) What-- other than that, what
2 did you use the name Charles Fletcher for?

3 A. To drive around on a-- I actually had a
4 license.

5 Q. Anything illegal?

6 A. Nothing that I remember.

7 Q. What were you doing illegal when you used the
8 name Gerard Finnigan?

9 A. The same thing. And also, I don't know if it
10 was illegal, but that's the-- when I had a
11 vessel, that was the name that I piloted the
12 vessel under.

13 Q. Is that the vessel that was the subject of this
14 seizure?

15 A. Subject to-- it wasn't a seizure, it was an
16 agreed-upon relinquishing of it.

17 Q. All right. Was that vessel used in any illegal
18 activity?

19 A. Not one bit of illegal activity.

20 Q. What were you engaging in that was illegal when
21 you used the alias P.C. Carroll?

22 A. It would be-- I don't think-- it could have
23 been used when I was trafficking marijuana, but
24 mainly it was around the ship situation.

25 Q. Anything else?

1 A. Not that I remember.

2 Q. Did you use the name Todd Rothe at any time
3 with regards to anything that was illegal?

4 A. No, because I didn't know I was going to marry
5 my wife at that time.

6 Q. Now, you also in your answer said doing
7 anything illegal or anything that you didn't
8 want to be traced and to move through areas
9 without the Government or anyone being able to
10 follow you. Is that during the same period of
11 time that you're talking about?

12 A. Yes.

13 Q. Okay. You told us in your cross-- or in your
14 direct examination, and maybe it was Mr. Rork's
15 cross, that the metal building, I think you
16 call it the Lester building.

17 A. The square one?

18 Q. The-- the--

19 A. The one with the--

20 Q. The metal one. Not the Quonset hut.

21 A. Okay. Good, okay. The Lester.

22 Q. Okay. I think you told us that that was built
23 with drug proceeds or paid for with drug
24 proceeds; is that right?

25 A. Let's say 90 percent of the money was drug

1 proceeds.

2 Q. How much did the building cost?

3 A. I think it was 40,000, 38,000, I can't remember
4 the exact amount. Between 37,000 and 41,000.

5 Q. But-- go ahead. I'm--

6 A. I'm finished.

7 Q. Okay. But about 90 percent or 35, 36, \$37,000?

8 A. And if it turns out that it was less than that,
9 don't get upset. I mean, it could have been
10 with 80 percent drug money. I'm doing the
11 best.

12 Q. Mr. Skinner, I'm not going to get upset with
13 you. I just want to know the facts.

14 A. Okay. I'm ball-parking it here.

15 Q. Agreed it's a ball-park figure.

16 A. I actually seem to remember that the initial
17 payment may have been like 7,000 or something,
18 and that was legitimate money. I can't
19 remember. But the employees took care of this.

20 Q. Now, did you tell us on your-- during your
21 examination that you used your attorney, Tom
22 Haney, to launder money?

23 A. This is more of a joke-- kind of a joke. It
24 turns out that he was involved, but he didn't
25 know it.

1 Q. Okay.

2 A. And it was just a small amount of money of
3 \$500. I had to buy a marker back and he went
4 over and went to another thing and got the
5 \$500. It was like a 40 or \$60,000 marker. He
6 had no clue what he was doing.

7 Q. All right.

8 A. I made that clear then and I've made that clear
9 the whole way through.

10 Q. All right. You just used him or took advantage
11 of him?

12 A. No. He was standing behind me and we were
13 wanting to go to dinner and I said, you know,
14 in order for me to buy this marker, someone has
15 got to go get it. And I handed him some \$100
16 bills and he went and got the chips and I
17 bought the marker back.

18 Q. And it was totally innocent on his part?

19 A. He had no clue, he was totally-- didn't even--
20 and I doubt he even knows to this day what
21 happened.

22 Q. You told us about the two Bank of America
23 checks that were forged checks and you
24 indicated that you did some of the forgery.

25 A. Yes.

1 Q. What-- what-- how did you go about forging
2 these two checks?

3 A. There's--

4 MR. HOUGH: Judge, we'll object.
5 That's irrelevant and it's collateral.

6 MR. BENNETT: Judge, it's-- was asked
7 on direct examination.

8 MR. HOUGH: He was not asked how he
9 forged the checks, because that's irrelevant.
10 That he forged them is relevant, and that's
11 been asked and answered.

12 THE COURT: Well, I'm going to allow
13 you to go ahead.

14 Q. (BY MR. BENNETT) Just tell us, and I don't
15 want a long story. Just tell me what you did
16 in the participation of the forging of these
17 checks.

18 A. Okay. First of all, we got bank paper stock
19 and I ordered that through a paper supply
20 company and then we scanned in real Bank of
21 America checks that were for lesser amounts.
22 And then I had the block type for the Federal
23 Reserve reading machines for the electronic
24 clearance. And we would go in and I would
25 change the bottom of the checks. And then

1 anything that needed to be changed on the front
2 of the check would be done. And there are two
3 ways, one way to do it was to do it completely
4 automated, which made a less quality check.
5 The better quality check was to do it through
6 multiple steps to where you would use a
7 typewriter that had a special font, Selectric
8 III, where you would use a special font ball.
9 And then we would actually stamp the numbers up
10 on the top that would say official check or
11 cashier's check, and those numbers would
12 coincide with the block letter-- the letter--
13 Federal Reserve numbers.

14 Q. Were these cashier's checks?

15 A. The problem is that during this period the word
16 official check, cashier's check and money order
17 all became interchangeable--

18 Q. Interchangeable.

19 A. -- within the banking industry, so all-- we're
20 going to stipulate to all of the above.

21 Q. Okay. It was one of those anyway?

22 A. Correct. I mean, it was-- every month they
23 were changing the rules on how these things
24 looked.

25 Q. How much-- what was the amounts of the two

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checks?

A. I-- I've said between 176,000 and let's say 190 something thousand.

Q. Okay.

A. And then 150,000.

Q. Three of them?

A. No.

Q. Or the one was between 176 and 190?

A. And 190.

Q. And the other one was 150?

A. Yes.

Q. All right. In answer to one question that I think I asked and-- and that somebody else asked, you indicated you could care less about the rules of your pretrial release. What did you mean by that?

A. As long as I didn't trigger anything, I had bigger problems to deal with, and that was the most important thing. I didn't want to offend the Court, I didn't want to get caught doing anything wrong, but I had bigger issues that I had to deal with.

Q. That was more important to you than the fact that it was an order of the Court?

A. Under the circumstances that I was in, I needed

1 to try to balance out. This whole thing has
2 been a balancing act for me.

3 Q. All right. But answer-- would you just answer
4 my question.

5 A. It cannot be answered with a yes or no.

6 Q. Well, it was a Court order, wasn't it?

7 A. Yes.

8 Q. Okay. And you could care less about it given
9 the overall situation?

10 A. The word "care less," I had to balance within
11 the system.

12 Q. Well, you used the term you could care less
13 about it, did you not?

14 A. I probably in error used that word and now wish
15 I hadn't have.

16 MR. BENNETT: Judge, I think I'm
17 within 30 minutes of being through, but I-- and
18 I know it's a little early, but I would like to
19 look through some notes that I've got in a
20 transcript and then I think I can close this up
21 pretty quickly.

22 THE COURT: All right. Ladies and
23 gentlemen, let's recess now for 15 minutes and
24 then we'll come back. Mr. Bailiff.

25 (THEREUPON, a recess was had).

1 MR. BENNETT: Judge, could we
2 approach the bench?

3 THE COURT: Yes, you can.

4 (THEREUPON, the following
5 proceedings were held at the bench).

6 MR. BENNETT: Judge, I'm pretty close
7 to being finished, but what I wanted to check
8 with the Court before I proceed was with regard
9 to the Court's ruling about punishment. And
10 what-- what I'm proposing to do is ask Mr.
11 Skinner what his understanding was of any
12 potential sentence would be if-- or what the
13 parameters might be if he didn't work out this
14 deal, if he didn't get the immunity. And
15 it's-- it's, in effect, "What did you get in
16 return for the--" I mean, immunity, I know he
17 said that, but, "What did you get or what was
18 your understanding of what you were getting in
19 return for your cooperation or your testimony?"
20 And I-- I'm not sure where-- I heard what the
21 Court said, but I-- I don't think it was
22 really--

23 THE COURT: Yeah.

24 MR. BENNETT: -- quite in that
25 context.

1 MR. HOUGH: Judge, our position is
2 consistent with what we've previously said,
3 that that is inappropriate, for one. For two,
4 under Rule 403, prejudice substantially
5 outweighs any probative value whatsoever. The
6 witness has testified ad nauseam about all of
7 the various crimes that he would have been
8 immunized from.

9 The only reason to throw this in front of
10 the jury certainly at this point at the end of
11 the cross examination, as it is now proffered,
12 is to leave the impression of, "Oh, poor
13 pitiful defendants, they're facing life
14 imprisonment." Under 403, this should be
15 barred.

16 MR. BENNETT: Well, Judge--

17 MR. RORK: And may I just say, Judge,
18 on behalf of Mr. Pickard, again, I think the
19 benefits of what he derived is not he's going
20 to have-- (reporter interruption). He's not
21 going to have to serve any time and he's so
22 knowledgeable of the laws and the 21 U.S.C.s
23 and the 18 U.S.C.s. I mean, he's aware that
24 he's not going to have to serve any time.

25 MR. BENNETT: Well, Judge, I-- I

1 just-- I-- I just would reiterate what I've
2 said previously, I guess, that I think it goes
3 directly to this man's credibility. He's sat
4 up here now and has testified that he's a liar
5 and that he lies to benefit himself and he lies
6 to stay out of jail and he-- he would do
7 anything to avoid jail. And-- and it would be
8 our position that he's subject to this
9 questioning. I'm not going to go into it in
10 any great detail other than to ask him
11 something to the effect, "What was your
12 understanding, if you have one, of what the
13 potential sentence was if you were-- if you
14 didn't work this deal out and you were charged
15 and convicted."

16 MR. HOUGH: Judge, let's be realistic
17 and look down the road. Where this would put
18 us, if you allow it, is the closing argument of
19 both Defendants, "Mr. Skinner said he was
20 facing life imprisonment. He said he was a
21 member of this conspiracy. Do not sentence
22 these Defendants to life imprisonment."

23 MR. BENNETT: Well, I'm not going--

24 MR. HOUGH: That is exactly where
25 this is going, whether directly or by

1 inference.

2 MR. BENNETT: I'm certainly not going
3 to make that argument and--

4 MR. RORK: And, Judge, I just need to
5 add one more thing. Judge, the other thing
6 that you also got to consider is, I have a
7 total of - and I may be wrong - but 23
8 assertions by Mr. Skinner of crimes of Mr.
9 Pickard that you ruled the Government was not
10 supposed to go into, which in his responses-- I
11 recognize they have little control over him.

12 But again, Judge, it shows his knowledge
13 of how to manipulate the system. And this
14 isn't in retribution or in fairness, but it's,
15 again, a balancing factor for the Court to
16 consider his knowledge, his know-how. And we
17 have Mountain View, we have passport fraud, we
18 have labs, we have-- I mean, we have an ungodly
19 amount of assertions that he's made, clearly
20 indicating he knows what he was doing and he
21 knows what he bargained for and he knows what
22 he's getting. That's the only purpose we would
23 want it, not because I'm going to argue Mr.
24 Pickard is going to do life with the sentence.
25 I'm going to argue Mr. Skinner's knowledge.

1 You can order us not to say that in closing,
2 I'm not worried about that.

3 MR. HOUGH: Judge, he can still make
4 those arguments without the Court allowing a
5 violation of Rule 403.

6 THE COURT: Well, the problem is, how
7 do you do what you want to do with Skinner to
8 show what he was getting and so-- without
9 violating the idea to put in front of the jury
10 what these men are going to get? That's the
11 only problem I see. I think we think that as
12 far as Skinner is concerned, putting it in, I
13 don't--

14 MR. RORK: Yes.

15 THE COURT: Isn't that what your--

16 MR. HALEY: That's what I've found.

17 THE COURT: And I think that's--
18 that's what our research has found.

19 MR. BENNETT: And, this-- or this
20 is-- this same issue was-- came up in Mr.
21 Henderson's case and I was-- and my position
22 was determined to be correct, but I-- I know
23 that's not-- I didn't mean to suggest that's
24 somehow binding in this case, but it's the
25 same--

1 MR. HOUGH: Judge-- I'm sorry.

2 MR. BENNETT: -- situation.

3 MR. HOUGH: If you look at what he
4 has stated, he wants to show the jury the
5 benefit of the bargain Skinner got. If that is
6 indeed sincerely the purpose of the inquiry, it
7 has been accomplished by the laundry list of
8 crimes Skinner admitted on cross examination by
9 both Mr. Bennett and Mr. Rork that he was now
10 immunized from. And I've got the list down
11 there. There's about 14 different crimes.

12 THE COURT: Well, difficult question.
13 If you had some way you could ask the question
14 without disrupting the law on-- on the other
15 side, because there are a number of cases
16 that-- that do what you want to do with someone
17 who's been given a bargain.

18 MR. BENNETT: Well, Judge, I-- I
19 just-- my-- my proposal, at least what I'm
20 playing with in my head is to just ask him,
21 "What was your understanding of the potential
22 consequences or penalty, whatever, of-- of your
23 activity if-- if you had not worked-- had not
24 bargained this out."

25 THE COURT: Well, I believe I'm going

1 to let you do that, because I think that's--
2 but don't take it any further.

3 MR. BENNETT: No, I won't.

4 THE COURT: All right.

5 (THEREUPON, the bench conference was
6 concluded and the following proceedings
7 were held).

8 THE COURT: All right, I believe you
9 can bring them in, bring the jury in.

10 (THEREUPON, the following
11 proceedings were held in the presence of
12 the jury).

13 THE COURT: All right. We're all
14 present. You may proceed.

15 Q. (BY MR. BENNETT) Mr. Skinner, at the time you
16 were negotiating your immunity in this case,
17 what was your understanding of the potential
18 penalty in this matter if you didn't work out
19 an immunity agreement?

20 A. Well, Mr. Haney never told me about the
21 potential problem and it made no difference if
22 immunity agreement couldn't be done, because I
23 was under the impression a murder had been
24 committed and the system had to end. It made
25 no difference what deal the Government gave me.

1 Q. All right. Is what you're saying you had no
2 understanding or no opinion as to what the
3 potential penalty was?

4 A. No, I'm saying--

5 MR. HOUGH: Objection, Judge, it's
6 been asked and answered.

7 THE COURT: Well--

8 MR. BENNETT: I just want to make
9 sure I understand his answer, Judge.

10 A. I told you my lawyer never advised me.

11 MR. BENNETT: All right. That's all
12 I have, Judge, release the witness.

13 THE COURT: Go ahead.

14 MR. BENNETT: Let me-- not release
15 the witness, Judge. I do want him to remain
16 available for the remainder of this trial,
17 please.

18 THE COURT: All right.

19 MR. RORK: And, Judge, I would just
20 indicate that Mr. Hough has reflected we could
21 contact him and he would make arrangements to
22 get Mr. Skinner to reappear.

23 MR. HOUGH: That's right, Judge.
24 There will be a nominal fee. (Laughter).

25 REDIRECT EXAMINATION

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BY MR. HOUGH:

Q. Mr. Skinner, Mr. Rork asked you about the acquisition of laboratory equipment and chemicals during your 1990 self-research on psychedelic drugs. Do you recall that?

A. Yes.

Q. Was this the same lab equipment and chemicals that were found at Wamego in October, November, of the year 2000?

A. No.

Q. What happened to that lab equipment and chemicals?

A. Of what year?

Q. During the '90s self-research that you described.

A. We-- we didn't use lab equipment during the '90s.

Q. Okay. Did you ever own any of the types of equipment and chemicals that were found in this LSD lab by the DEA?

A. I had some beakers and stuff when I was between 15 and 20, and flasks and some, you know, automatic stirring heat plates and such, but I didn't have the advanced kind of equipment that was in there, no.

1 Q. What became of that equipment?

2 A. Gave it away to friends and-- long gone. I
3 mean--

4 Q. You talked about-- strike that. None of those
5 items wound up in this LSD lab that you were
6 holding for the Defendants?

7 A. That's correct.

8 Q. You described on cross examination by Mr. Rork
9 what you called research into entheogens and
10 psychedelic drugs. Do you recall that?

11 A. Yes.

12 Q. Now, to research would connote PhDs, MDs, at
13 Pfizer labs, Bayer, in a sterile environment.
14 Is that what you're referring to?

15 A. No. I'm talking about where we would simply
16 have a small scale and we would figure out from
17 what we did in the kitchen from a natural plant
18 or from a synthetic substance, we would then
19 sit around in a living room or nature and we
20 would observe the effects. This wasn't any
21 sort of formal research like that.

22 Q. So two or three maybe people using drugs--

23 A. Maybe as many as--

24 Q. -- one or two watching --

25 MR. RORK: Excuse me, Your Honor. I

1 would ask that he not ask leading and
2 suggestive questions. He can ask him--

3 MR. BENNETT: We would join.

4 MR. HOUGH: Judge, this is redirect
5 following up on the cross and we're trying to
6 speed this process along, if we could have some
7 latitude.

8 THE COURT: Well, go ahead, but try
9 to make them so that he's giving the answer.

10 MR. HOUGH: Thank you. Was that-- is
11 that question okay, Judge?

12 THE COURT: Yes.

13 MR. HOUGH: Would you please read the
14 question?

15 (THEREUPON, the following
16 questions and answer was read back by
17 the reporter:

18 "Q. So two or three maybe people using
19 drugs--"

20 "A. Maybe as many as--"

21 "Q. -- one or two watching--").

22 A. It could be up to six to eight people could
23 have been using it.

24 Q. (BY MR. HOUGH) And that was--

25 A. But it was more common to have a smaller group

1 than larger group.

2 Q. And one or two people watching, taking notes?

3 A. Or just making sure everything was all right.

4 Q. All right. You were asked by Mr. Rork on cross
5 examination about synthesizing DMT. Do you
6 recall that?

7 A. Yes.

8 Q. Is that as complicated a process as
9 manufacturing LSD?

10 A. No comparison. LSD is much more complicated to
11 synthesize.

12 Q. When did this DMT manufacturing occur?

13 A. I think I was 17 years old when I finally got a
14 true DMT crystallization that fit the bill of
15 sale that was right.

16 Q. And how old are you now?

17 A. 38.

18 Q. So 21 years ago?

19 A. Yeah. I had been trying and maybe some of it
20 had been successful, but I wasn't for sure from
21 13, but I-- I nailed it when I was 17.

22 Q. And the equipment that you used to do that, was
23 any of that found in this laboratory?

24 A. No.

25 Q. You discussed your entheogen use during your

1 cross examination by Mr. Rork. Do you recall
2 that?

3 A. Yes.

4 Q. This entheogen use, did you ever discuss this
5 with Mr. Pickard?

6 A. Yes.

7 Q. To your knowledge, did Mr. Pickard use
8 entheogens as well?

9 A. Occasionally.

10 Q. Did you ever discuss with or in the presence of
11 Mr. Apperson your entheogen use?

12 A. Yes.

13 Q. And to your knowledge, did Mr. Apperson ever
14 use entheogens as well?

15 A. Yes.

16 Q. Were either or both of Mr. Apperson and Pickard
17 members of this same entheogen community?

18 A. Tangentially, yes.

19 Q. You were asked about your LSD usage
20 specifically by both Mr. Rork and by Mr.
21 Bennett. Do you recall that?

22 A. Yes.

23 Q. To your knowledge, did Mr. Apperson ever use
24 LSD?

25 A. Yes.

1 Q. And to your knowledge, did Mr. Pickard ever use
2 LSD as well?

3 A. Yes.

4 Q. You were asked about the period October 31st
5 through November 4th of 2000 and your being at
6 the Wamego site. Do you recall that?

7 A. What was it, the 4th of November?

8 Q. Yes.

9 A. Okay. Yeah.

10 Q. And you stated on cross examination by Mr. Rork
11 and Mr. Bennett that law enforcement were
12 coming and going from the Wamego site at all
13 hours of the night and day. Do you recall
14 that?

15 A. Yes.

16 Q. During that period of time, did you have access
17 to the Lester building where the lab was while
18 law enforcement were in and out between October
19 31st and November 4th?

20 A. No.

21 Q. Did you make any attempt to go in there during
22 that period of time--

23 A. No.

24 Q. -- without law enforcement assistance?

25 A. Even with law enforcement assistance, no.

1 Q. And you were asked on cross examination about
2 those green military boxes that were in the
3 Lester building. Do you recall that?

4 A. Yes.

5 Q. Is it possible for one man alone to get the lid
6 off and open one of those boxes?

7 A. The word possible is yes. Is it likely, no.

8 Q. Why?

9 A. They have a very tight seal. They were made to
10 drop out of the back of military planes and
11 parachute down and take the impact for supplies
12 in war applications. So they're very
13 heavy-duty and they have air pressure release
14 and they have these incredibly difficult
15 mechanisms to get them opened.

16 Q. You were asked on cross examination about
17 cameras and their locations at the base, the
18 surveillance cameras at Wamego.

19 A. Yes.

20 Q. And how effective were those cameras, to your
21 knowledge, in low light, such as at night?

22 A. Not very effective.

23 Q. And to your knowledge, did the camera system
24 work at night when the agents were there?

25 A. I don't know. I seem to remember there was a

1 major failure in it.

2 Q. You were asked about the chemicals used to make
3 DMT being left behind at the Wamego site by the
4 DEA. Do you recall that?

5 A. Yes.

6 Q. Were those chemicals-- where were those
7 chemicals immediately prior to being at the
8 Wamego site?

9 A. Atlas F in Ellsworth.

10 Q. And can you describe for us the history of
11 those chemicals?

12 A. Okay. I would like just a second to
13 reconstruct it. Okay. The first person's name
14 that is clear is Ganga White had been asking
15 everyone for a large amount of higher quality
16 DMT. Ganga White was the former head of the
17 un-- UDV, and the one that had been handed the
18 subpoena by Customs, then eventually was put
19 before a grand jury.

20 He asked for and had been asking for two
21 years for a synthesis of DMT that was high
22 quality. He also was on the-- the reason he
23 was needing DMT was he was making synthetic
24 ayahuasca that was liquid and not telling
25 people that it was synthetic. He had had a

1 major failure in obtaining it because just days
2 before the Nicky lab got busted, Nick Sam's
3 land got busted in Vancouver, Mr. White was
4 supposed to take a couple kilograms of DMT.
5 And that blew up and we all talked about that
6 at the Stinson house when Leonard and the large
7 group people for the ethnobotany group got
8 together.

9 Ganga then, with an unknown behind him,
10 who had obtained a lot of the chemicals or some
11 part of the chemicals or a formula, I don't
12 know what, contacted Alfred because Alfred knew
13 a man named Peter Rabbit. Peter Rabbit is a
14 long-term-- that's not his real name, but it's
15 his code name, I don't know his real name.
16 He's an associate of both Joel Kramer, Alfred
17 and I don't think he knows Ganga. And Peter
18 Rabbit could synthesize it.

19 So the entire amount of stuff was sent to
20 Alfred, plus Alfred then obtained whatever
21 chemicals were missing, which I believe was
22 indole or something like that, or he got the
23 wrong form of indole or showed up with a load,
24 whatever, I'm just doing this from memory. So
25 he had to get another indole source. Peter

1 Rabbit's wife said, "No way, you're not
2 synthesizing it. You pushed your luck too
3 much."

4 So the entire amount was turned over to
5 the Santa Fe LSD lab, to William Leonard
6 Pickard. And Leonard messed around and didn't
7 bother to make the DMT forever, and this was
8 putting incredible pressure on the community
9 because we had made promises and the whole bit.
10 And eventually Ganga gave up. And that's the
11 reason, I was told, not directly by Ganga--

12 Q. By who?

13 A. Kramer indicated to me that there was-- the
14 \$80,000 transaction was to go into the market
15 and finance a complete synthesis of the DMT.
16 At the same time there was so much pressure
17 that-- Ganga got the \$80,000 and I mean the
18 same four-day period that he got the 80,000
19 from me at the Stinson house that I stole from
20 Leonard's box of money that had little hearts
21 on the \$100 bills that came from Petaluma Al, I
22 was instructed that I needed to come up with a
23 small amount of DMT just to satisfy Alfred.
24 And I believe I bought five ounces,
25 approximately, and I paid \$2,000 an ounce of

1 what would be considered low quality DMT. And
2 that had to go as just an immediate down
3 payment to Alfred.

4 That was then transported to Albuquerque
5 then Santa Fe. And in Santa Fe at Las Campanas
6 in one of the things, both Leonard, Clyde and
7 myself fluffed up this low quality DMT so that
8 -- fluffing it up, it was-- it had an oil-- a
9 lower chemical vernacular, it had oil trapped
10 in it. And we put it in a coffee grinder that
11 was already in the casita and then we put it in
12 a darker brown bottle and capped it off.

13 And-- and then as I understand it, it was
14 given to Alfred and Alfred accepted it and he
15 realized that was the beginning of the
16 production of the DMT.

17 Q. And then how did that get from Santa Fe to the
18 Atlas F?

19 A. The DMT was given to Alfred. The stuff that
20 had been sitting around forever was in the
21 truck that Clyde Apperson drove to-- that was--
22 that was rented in his name that he drove from
23 Santa Fe to the Atlas F site. And I remember
24 seeing these items being unloaded, because they
25 were different. They were in a different tub.

1 And I remember specifically remember them being
2 unloaded. And then they ended up going from
3 there, when they packed the entire lab down, to
4 the atlas-- the Atlas E facility in Wamego.

5 Q. Okay. Both Mr. Bennett and Mr. Rork asked you
6 about the counterfeit cashier's check, stealing
7 checks and monies from Mr. Pickard. Do you
8 recall that?

9 A. Yeah.

10 Q. What was the source of monies?

11 A. It was illegal drug proceeds from the sale of
12 LSD.

13 Q. You were asked by Mr. Bennett about your
14 possessory interest in that Atlas F site near
15 Carneiro, Kansas, and that it began when the
16 keys were transferred over to you by Mr.
17 Schwartz. Do you recall that?

18 A. Yes.

19 Q. At what point did that interest in you having
20 those keys end?

21 A. When I handed them over to Clyde and Leonard,
22 and especially when I was banned from the state
23 due to my problems with being indicted for the
24 problems at the casino--

25 Q. Banned by whom?

1 A. -- here. By both Clyde and Leonard.

2 Q. Regarding the Wamego site, when did you acquire
3 it in relationship to first meeting Mr.
4 Pickard?

5 A. I acquired it in '96, before I met him.

6 Q. And when did you meet Mr. Apperson in
7 relationship to meeting Mr. Pickard?

8 A. Later.

9 Q. In November of the year 2000, did you transfer
10 your possessory interest in that Lester
11 building at Wamego to Mr. Apperson and Mr.
12 Pickard?

13 A. Yes, because there was only one key. And when
14 I handed that key - which was on the tape -
15 over to him, the interest that I had and
16 control of that building was ceased.

17 Q. You were asked by both Mr. Rork and Mr. Bennett
18 about your prior work as a confidential
19 informant in Miami, Florida. Do you recall
20 that?

21 A. Yes.

22 Q. Was the target of that investigation a fellow
23 member of the entheogen community?

24 A. No.

25 Q. You were asked questions on cross examination

1 about the locations of the ET on both October
2 the 27th and October the-- or 31st of the year
3 2000. Do you recall that?

4 A. Yes.

5 Q. How was it that you knew, sir, that there
6 should be 40 cans of ET?

7 A. There were four boxes and Clyde Apperson told
8 me that there were ten per box. And he told me
9 that 20 kilos was coming in and Pickard told me
10 there was 20 kilos. And it was just a
11 tide-over, it was just a Band-Aid. And it was
12 one of the things that happened at the Ritz
13 Carlton that he's a little bit upset with. He
14 was looking for a larger shipment, but that was
15 the best he could get as a Band-Aid to continue
16 operations. Even though this is a huge amount
17 by other people's standards, it was a Band-Aid
18 by our standards.

19 Q. During cross examination, you admitted freely
20 that you lied to the judge in Seattle,
21 Washington. Do you recall that?

22 A. Yes.

23 Q. And you admitted that you lied to the judge
24 about the bond conditions to conceal this LSD
25 lab. Do you recall that?

1 A. I don't know if I lied to the judge, I just
2 signed a paper. The judge didn't say do you
3 have-- I never was asked that question or-- you
4 know, yes, I mean I lied by signature.

5 Q. Okay. Have you lied to us, this Judge, this
6 Court?

7 A. Not even a little bit.

8 Q. And--

9 A. No to answer the question.

10 Q. And based upon all of the questions that you
11 were asked on cross examination during the last
12 several days, anything about that change the
13 comments that we heard on the tapes by Mr.
14 Apperson and Mr. Pickard that this was their
15 lab and this was their ET?

16 A. No. How could I have done that? How could I
17 have changed the voices?

18 MR. HOUGH: Thank you.

19 MR. RORK: Well, Judge, excuse me. I
20 would object to the reference of the question.
21 The jury could decide what they said, not what
22 Mr. Hough said.

23 MR. HOUGH: The objection is not
24 timely, Judge.

25 MR. RORK: Well, I was standing up.

1 THE COURT: Well--

2 MR. HOUGH: I have no further
3 questions.

4 THE COURT: All right.

5 MR. RORK: I have a few, Your Honor.

6 THE COURT: Get lined out there,
7 however you want to.

8 RE CROSS EXAMINATION

9 BY MR. RORK:

10 Q. Mr. Skinner, when Mr. Hough asked you if you
11 recall that you had indicated that in
12 Washington you had lied to the judge, just a
13 few minutes ago. Do you recall that?

14 A. Yes, I do.

15 Q. And, in fact, what happened was you appeared at
16 a closed proceeding where there were-- for a
17 juvenile hearing and you were in a courtroom
18 seated in a half-moon circle carrying a-- a
19 metal briefcase, seated next to a lawyer on
20 your left, and there was a young lady on your
21 right, the sister of the girl for the detention
22 hearing. The judge was sitting up there like
23 Judge Rogers is, and he called the proceedings
24 together to indicate this is a hearing to
25 determine the custody and status of this young

1 girl who had arrived. And this is on June 2nd,
2 2002. Do you recall that?

3 A. If you say that's the date, I will accept it.

4 Q. And the judge has indicated this girl was
5 picked up the night before--

6 MR. HOUGH: Well, Judge, we'll object
7 to this. This is beyond the scope and it's
8 irrelevant. It's also 608(b) matters.

9 MR. RORK: Judge, I'm just asking him
10 about what he's saying to the judge when he's
11 sitting there looking him in the eye, like he's
12 been sitting here looking at the jury in the
13 eye.

14 THE COURT: Well, I'm just hoping
15 that we will limit our--

16 MR. RORK: Yes.

17 THE COURT: -- our redirect--

18 MR. RORK: I've got five--

19 THE COURT: -- and recross to what--
20 what we've covered.

21 MR. RORK: I will, Judge, five
22 minutes.

23 THE COURT: All right. Go ahead.

24 Q. (BY MR. RORK) And the judge indicated that this
25 girl had been picked up for distributing MDMA.

1 Do you recall that?

2 A. Yes.

3 Q. And in regards to whether or not she was to be
4 detained, he inquired of you and specifically
5 asked you, as you sat at this table, he said,
6 "Mr. Gordon T. Skinner, are you a doctor?" Do
7 you recall that?

8 A. Yes. I don't know if he asked me if I was a
9 doctor.

10 Q. But he--

11 A. I-- I at least represented myself as a doctor,
12 but I wasn't under sworn oath.

13 Q. Have you seen the video?

14 A. Yes.

15 Q. And then you indicated to him that you were a
16 doctor and he asked for credentials, and you
17 handed to your attorney who handed it to the
18 prosecutor who handed to the judge credentials
19 that represented you were a doctor. Do you
20 recall that?

21 A. Yes.

22 Q. And you sat there and looked at that judge in
23 this courtroom and represented to him facts
24 that you wanted him to consider in relation to
25 what should happen to this young lady, did you

1 not?

2 A. Yes.

3 Q. And you sat here in this courtroom the last
4 several days telling this jury items you want
5 them to believe, have you not?

6 A. Yes.

7 Q. And with respect to these chemicals that were
8 found in these green military boxes on-- excuse
9 me, that weren't found in these green military
10 boxes on October 31, 2000, do you recall it was
11 when you were sitting with Mr. Sorrell, Mr.
12 Hanzlik and Mr. Nichols on February 22, 2001,
13 and when you were being inquired as to all of
14 these 24 cans of ET that had just been brought
15 in, you indicate, oh, by the way, you know
16 these green military containers that were in
17 the Lester building, you did not seize at the
18 time of the search this DMT lab and all the
19 chemicals I asked you about previously. Do you
20 recall that's when you first told them about
21 it?

22 A. No, that's not the case at all.

23 Q. So if there's a report from Mr. Nichols,
24 Sorrell and Mr. Hanzlik dated February 22,
25 2001--

1 A. I would like to see the report.

2 Q. Okay. I will give it to you.

3 A. You have a tendency to change words.

4 Q. I will be glad to show it to you, sir. And
5 I'll hand you the first paragraph, and that's
6 what I want you to look at. And I'm going to
7 stand by you.

8 A. Why?

9 Q. Here's the first paragraph. And it's a report
10 which says Hanzlik and Sorrell were there, and
11 it's by Mr. Nichols and it's dated February 22,
12 2001, does it not?

13 A. Yep.

14 Q. The first paragraph says, "The CS stated--"

15 MR. HOUGH: Judge, we'll object to
16 counsel reading the report.

17 Q. (BY MR. RORK) Well, read what it says.

18 MR. HOUGH: Or the witness reading
19 the report into the record. This report could
20 only be used to refresh the witness'
21 recollection. If it does, fine. If not, fine.

22 Q. (BY MR. RORK) Okay. Have you read it?

23 A. This-- hold just a second. If you hand me
24 something, wait. Okay. I've read it.

25 Q. All right.

1 A. I would like to keep it if you're going to ask
2 me questions or I would like to have you make a
3 copy of it if you're going to ask me questions
4 off of it.

5 Q. I'm going to ask you one question and that is,
6 does that report not reflect that on February
7 22nd, 2001, you tell Sorrell, Hanzlik and
8 Nichols that they forgot the chemicals and did
9 not find and did not know that these chemicals
10 we've discussed were in the green military
11 boxes?

12 A. I'm sorry, I disagree with that. That they
13 knew-- I don't know if Ralph and Roger, but the
14 DEA definitely knew that there were chemicals
15 left behind, and there was a struggle over it
16 and I complained bitterly that they were not
17 removed on the day that I left post the
18 processing of this lab.

19 Q. And that's your recollection?

20 A. Oh, I-- it's not my recollection, I'm 100
21 percent positive.

22 Q. And so you pointed out this lab to them then on
23 October 31, 2000, or any day thereafter and
24 said, "Hey, this is the lab and the chemicals
25 to make DMT, make sure you take them"?

1 A. No, this is-- this is once the situation of
2 when-- after Leonard had been arrested, I was
3 saying get these chemicals out of there. And
4 there's more than one DEA agent that knows that
5 I was saying it. You know, I don't really get
6 this stuff. There was a struggle to have me
7 moved out of there by different agencies.

8 Q. Well, they should all be paraded in here and
9 say that then, shouldn't they?

10 A. If you want to do that, that's your business,
11 not mine.

12 Q. And this date of February 22, 2001, was the
13 second occasion, a month after you had brought
14 in 24 cans of ET and forgot to tell them about,
15 and now had brought in the additional two cans.
16 Right?

17 A. I don't know that.

18 Q. About that time period, would you agree?

19 A. If you say it, I will agree. If you'll show me
20 the reports, then I will agree with you.

21 Q. And Mr. Hough indicated on redirect that they--
22 you've said that after October 31, 2000, you
23 had no further access to that Lester building;
24 is that correct?

25 A. October 31st year 2000.

1 Q. Absolutely.

2 A. Okay. And then be very specific with your
3 question.

4 Q. And you were just asked about nine-and-a-half
5 minutes ago that on October 31, 2000,
6 thereafter you had no access to that Lester
7 building without any law enforcement officers
8 being there. Do you recall that question?

9 MR. HOUGH: Judge, we'll object.
10 That misstates the question. It was between
11 October the 31st and November the 4th.

12 MR. RORK: Judge, I said after
13 October 31st. I will limit it to-- just to
14 November 4th, if that will please the
15 Government.

16 MR. HOUGH: That would be within the
17 scope, Judge.

18 THE COURT: Well--

19 Q. (BY MR. RORK) From October 31st to November
20 4th of 2000, you've indicated you had no
21 further access to the Lester building without
22 law enforcement. Correct?

23 A. That's correct. It was a contaminated site, it
24 was-- no one was allowed in there without a
25 blue suit on.

1 Q. And, gee, that's just where they happened to
2 find these-- some of these cans of ET that had
3 been placed there by you, hidden elsewhere
4 prior to October 31st. Correct?

5 A. I don't believe that's the case at all, sir.

6 Q. And with respect to the October 31st date,
7 2000, that's a date you first told--

8 A. Go ahead. October what?

9 Q. October 31st, 2000.

10 A. Okay.

11 Q. When they're doing the search.

12 A. Okay.

13 Q. That's the date you produced all these 39 cans
14 of ET--

15 A. No.

16 Q. -- and showed them you had them?

17 A. No.

18 Q. And this \$80,000 that you're talking about, as
19 you made notes to write out responses to Mr.
20 Hough's questions just a few minutes ago, is
21 this the same \$80,000 that the White Lotus
22 Foundation has a judgment and lien pending
23 against you, that they're attempting to seize
24 that Porsche you have transferred title to?

25 A. No.

1 Q. Different 80,000?

2 A. No. They have a judgment, but they're not
3 attempting to do anything.

4 Q. And I'm sure they went to-- walked in some
5 court in New York and said, "Hey, give us an
6 \$80,000 judgment for drug money," I'm sure they
7 did that, did they not?

8 A. They went into Pottawatomie and they were very
9 fearful of doing this. And their first lawyer
10 withdrew because the first lawyer told Thomas
11 D. Haney--

12 MR. RORK: Well, Judge, I would
13 object to--

14 A. No, no, you asked me a question. I'm allowed
15 to finish it.

16 MR. RORK: I'm sorry, Judge. If he's
17 going to answer hearsay and that person is
18 going to be here, that's fine.

19 MR. HOUGH: Well, Judge, the witness
20 is entitled to answer the question propounded.
21 Counsel may not like that answer.

22 MR. RORK: Judge, I would love the
23 answer.

24 MR. HOUGH: It's out there.

25 MR. RORK: Judge, I would love the

1 answer entirely if the person who said it is
2 going to be here and can be asked questions in
3 front of the jury. That's my objection.

4 MR. HOUGH: Well, then, Judge,
5 counsel should not propound questions the
6 answer to which cannot be given.

7 MR. RORK: And, Judge, you know this
8 witness will give any question and make any
9 answers he wants to fit into the compartment
10 anyway.

11 THE COURT: Well, let's go on to
12 something else and-- there are many other
13 witnesses going to come here and decide all of
14 these things that people are arguing over.

15 Q. (BY MR. RORK) And all we have to base today at
16 this moment - is to weigh the fact as you've
17 indicated you lied to the judge in Seattle, you
18 lied by your signature with respect to the bond
19 of pretrial release and all the other lies -
20 that your testimony over the last several days
21 is the truth is your word; is that correct?

22 A. Yes.

23 MR. RORK: Thank you, sir. Judge, I
24 have no further questions.

25 THE COURT: Mr. Bennett.

1 MR. BENNETT: Judge, in the spirit of
2 limiting the cross examination-- or the
3 redirect or recross, I have no questions.

4 THE COURT: Thank you.

5 MR. HOUGH: Judge, I have--

6 THE COURT: You're a gentleman and a
7 scholar.

8 MR. HOUGH: I have one question
9 limited to Mr. Rork's questions, Judge.

10 REDIRECT EXAMINATION

11 BY MR. HOUGH:

12 Q. Sir, Mr. Rork asked you about a DMT lab
13 referenced in that February 22 report. Was
14 it-- was there a laboratory or was it just some
15 chemicals for DMT.

16 A. It was just chemicals.

17 Q. Was it all the chemicals to manufacture?

18 A. No.

19 MR. HOUGH: Thank you.

20 MR. RORK: Well, Judge, that was two
21 questions, but I'm just going to look at the
22 report real quick.

23 RECROSS EXAMINATION

24 BY MR. RORK:

25 Q. Mr. Skinner, what the report said was that the

1 officers did not remove several bottles of
2 chemicals that could be used to manufacture
3 DMT. Correct?

4 MR. HOUGH: Well, Judge, we'll object
5 to what the report says. The report can only
6 be used to refresh the witness' recollection.

7 Q. (BY MR. RORK) The items that you said were in
8 the lab, Mr. Skinner, were items that you told
9 the agents that could be used to make DMT; is
10 that correct?

11 A. Yes.

12 MR. RORK: Thank you. That's all,
13 Judge.

14 THE COURT: All right. If there's
15 nothing further, you may step down.

16 MR. BENNETT: Judge, the only thing
17 with regard to him, and I just want to make
18 sure, I would like him to remain available
19 throughout the remainder of this, if-- we may
20 want to call him back.

21 THE COURT: Well, he certainly
22 doesn't need to stay here.

23 MR. BENNETT: No, I--

24 MR. HOUGH: If Mr. Bennett is wanting
25 to pay for his motel, Judge, he can stay.

1 MR. BENNETT: I just want him
2 available, that's all I'm asking, Judge. So if
3 we want him, we can get him.

4 MR. HOUGH: My understanding is that
5 he's under subpoena by the defense, Judge, so
6 that should not be a problem.

7 THE COURT: All right. You may-- you
8 may step aside.

9 THE WITNESS: Thank you.

10 MR. HOUGH: Your Honor, frankly,
11 given how cross examination had gone, we did
12 not anticipate finishing this early. Our next
13 witness is not available until in the morning.
14 May we recess an hour early today, please?

15 THE COURT: Yes, let's-- that will be
16 agreeable. I'm sure the jury will have no
17 objection. Ladies and gentlemen, let's now
18 recess and adjourn until 9:30 in the morning.
19 We'll see you at that time. Mr. Bailiff.

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1 UNITED STATES OF AMERICA)
2 DISTRICT OF KANSAS) ss:

C E R T I F I C A T E

3
4 I, KELLI STEWART, Certified Shorthand
5 Reporter in and for the State of Kansas, do
6 hereby certify that I was present at and
7 reported in machine shorthand the proceedings
8 had the 12th day of February, 2003, in the
9 above-mentioned court; that the foregoing
10 transcript is a true, correct, and complete
11 transcript of the requested proceedings.

12 I further certify that I am not attorney
13 for, nor employed by, nor related to any of the
14 parties or attorneys in this action, nor
15 financially interested in the action.

16 IN WITNESS WHEREOF, I have hereunto set
17 my hand and official seal at Topeka, Kansas,
18 this 13th day of March, 2003.

19
20 Kelli Stewart

KELLI STEWART

Certified Shorthand Reporter