

COPY

1540

FILED
U.S. DISTRICT COURT
DISTRICT OF KANSAS

2003 MAR 13 P 1:07

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
TOPEKA, KANSAS

1
2
3
4 UNITED STATES OF AMERICA,)
----- Plaintiff,)

RALPH L. DELOACH
CLERK
BY *[Signature]* DEPUTY
AT TOPEKA, KS.

5 vs.)

) Case No.
) 00-40104-01/02

6 WILLIAM L. PICKARD and)
7 CLYDE APPERSON,)
8 ----- Defendants.)

9 VOLUME X TRANSCRIPT OF THE TESTIMONY OF
10 GORDON TODD SKINNER
11 HAD DURING JURY TRIAL
12 BEFORE
13 HONORABLE RICHARD D. ROGERS
14 and a jury of 12
15 on
16 February 12, 2003

17 APPEARANCES:

18 For the Plaintiff: Mr. Gregory G. Hough
19 Asst. U.S. Attorney
20 290 Federal Building
21 444 Quincy Street
22 Topeka, Kansas 66683

23 For the Defendant: Mr. William Rork
24 (Pickard) Rork Law Office
25 1321 SW Topeka Blvd.
Topeka, Kansas 66612

For the Defendant: Mr. Mark Bennett
(Apperson) Bennett, Hendrix & Moylan
5605 SW Barrington Court S
Topeka, Kansas 66614

Court Reporter: Kelli Stewart, RPR, CRR, RMR
Nora Lyon & Associates
1515 South Topeka Avenue
Topeka, Kansas 66612

COPY

1541

I N D E X

FILED
U.S. DISTRICT COURT
DISTRICT OF KANSAS

Certificate-----

2003 MAR 13 P 1:06
1702

RALPH L. DELOACH
CLERK

BY _____ DEPUTY
AT TOPEKA, KS.

W I T N E S S

	PAGE
ON BEHALF OF THE GOVERNMENT:	
GORDON TODD SKINNER	
Cross Examination by Mr. Bennett (Cont'd)	1543
Redirect Examination by Mr. Hough	1673
Recross Examination by Mr. Rork	1688
Redirect Examination by Mr. Hough	1699
Recross Examination by Mr. Rork	1699

E X H I B I T S

DEFENDANT APPERSON EX. NO.:	OFFERED	ADMITTED
A-3	1554	1554

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 THE COURT: Would the attorneys
2 approach the bench for just a moment.

3 (THEREUPON, the following
4 proceedings were held at the bench and
5 outside of the hearing of the jury).

6 THE COURT: As you know, I've been
7 studying P-31, which is an exhibit you wanted.
8 I've decided not to admit that because of not
9 enough basis there in foundation. So that can
10 be admitted some other way, but I-- I will not
11 admit that.

12 MR. HOUGH: Thank you, Judge.

13 MR. BENNETT: Is that all?

14 THE COURT: Yes, that's it.

15 MR. RORK: Judge, can I leave it with
16 the Court because I have some other documents
17 that go with it.

18 THE COURT: That's fine.

19 MR. RORK: Just to show I haven't
20 altered it.

21 (THEREUPON, the bench conference was
22 concluded and the following proceedings
23 were held within the hearing of the
24 jury).

25 THE COURT: Yes, sir, you may

1 proceed.

2

3

GORDON TODD SKINNER,

4

called as a witness on behalf of the

5

Government, having been previously sworn, and

6

testified as follows:

7

CROSS-EXAMINATION

8

BY MR. BENNETT:

9

Q. Mr. Skinner, I want to start off this morning

10

asking you some questions about the incident

11

that occurred at Harrah's casino on I believe

12

it was January the 9th of 2000. Are you

13

familiar with that?

14

A. Yes.

15

Q. Okay. On that evening, as I understand it, you

16

were detained at Harrah's; is that correct?

17

A. No.

18

Q. Okay. What-- well, tell me what-- what time

19

did you arrive at Harrah's?

20

A. I don't recall.

21

MR. HOUGH: Judge, we'll object.

22

This line of questioning is irrelevant and

23

immaterial. The witness has admitted the

24

ultimate misdemeanor conviction, and that is

25

all that is irrelevant-- or that is all

NORA LYON & ASSOCIATES, INC.

1515 S.W. Topeka Blvd., Topeka, KS 66612

Phone: (785) 232-2545

FAX: (785) 232-2720

1 relevant for impeachment purposes.

2 MR. BENNETT: Judge, we submit that
3 it's-- under 608(b), that it's-- it is relevant
4 and, plus, it's been talked about on direct
5 examination and it's been talked about on cross
6 examination by Mr. Rork. And I-- I think--
7 well, we would submit it's proper.

8 THE COURT: Well, you're right it's
9 been talked about a great amount, but it's
10 beginning to get repetitious. I think that's
11 perhaps the problem. But I'm going to allow
12 you to go ahead, but let-- let's just not wear
13 this out.

14 Q. (BY MR. BENNETT) On that occasion, Mr.
15 Skinner, January the 9th of 2000, did you
16 advise the staff at-- or one of the members of
17 the staff at Harrah's that you were a Secret
18 Service agent?

19 A. No.

20 Q. Have you seen the report that was prepared by
21 Charles Grinstead, Agent Grinstead?

22 A. Yes, Chuck Grinstead, yes.

23 Q. And does he indicate in there that you-- that
24 he had interviewed individuals that-- that told
25 him that you had represented yourself as a

1 Secret Service agent?

2 MR. HOUGH: Judge, we'll object.
3 This-- under 608(b), attempting to go at this
4 extrinsically is inappropriate. It's
5 inappropriate.

6 MR. BENNETT: Well, Judge, can we
7 approach the bench, Your Honor?

8 THE COURT: Yes, you may.

9 (THEREUPON, the following
10 proceedings were held at the bench and
11 outside of the hearing of the jury).

12 MR. BENNETT: Judge, on direct
13 examination Mr. Hough asked Mr. Skinner about
14 this situation, and Mr. Skinner responded on
15 direct examination. And once the door is
16 opened, it would be our position or my position
17 that-- that the door is opened and that I can
18 inquire on-- it's proper cross examination.
19 It's not even, I would submit, 608(b) at this
20 point, although I think 608(b) authorizes it.
21 This is cross examination on something that was
22 opened up by the Government.

23 MR. HOUGH: Judge, we would beg to
24 differ. The record will reflect, and
25 correctly, that on direct examination there was

1 no inquiry as to the underlying facts of the
2 matter at Harrah's. The record unequivocally
3 shows that I was-- that I asked Mr. Skinner
4 about the fact of the conviction, he indicated
5 yes, he indicated that it was a misdemeanor.
6 The record is clear on that.

7 None of the specific underlying facts
8 were gone into at all upon direct examination.
9 And what counsel is attempting to do now is to
10 prove up those facts with some-- something
11 extrinsic to the situation, a third party's
12 report, which is hearsay. Whether it's known
13 or unknown to Mr. Skinner doesn't matter, it's
14 still a hearsay report. And he's still trying
15 to prove up extrinsically the underlying facts,
16 which is inappropriate under 608(b).

17 MR. BENNETT: Well, Judge, it's
18 always been my understanding that once the door
19 is opened on direct examination, that then it's
20 opened. It's not just partially open, it's
21 opened.

22 THE COURT: You're-- you seek to put
23 in the conviction?

24 MR. HOUGH: That's correct. Judge,
25 where he's going is, if the Court will recall,

1 Mr. Bennett proffered this same exact tactic to
2 the Court through a line of cases early, early
3 on in the trial indicating that this was an
4 appropriate way of cross examining. The Court
5 analyzed that whole series of cases and entered
6 an order declining to recognize what was
7 proffered as being appropriate cross
8 examination.

9 What counsel is attempting to do here is
10 to get around that order in the same manner
11 that he originally proffered. The proffer
12 originally was if a witness admits a conviction
13 on direct examination, on cross we can go into
14 the whole-- the whole facts of the matter, we
15 can go into the entire conduct. And he
16 submitted these cases to the Court. The
17 Government submitted a response to that line of
18 cases. The Court then ruled no, that's not a
19 correct interpretation of this line of cases.
20 And it's the same argument he's making now,
21 it's the same argument this Court overruled
22 during this trial.

23 MR. BENNETT: Well, Judge, I-- I beg
24 to disagree with Mr. Hough. And I-- I think it
25 is appropriate, and particularly in view of the

1 fact that he-- he has inquired into that
2 matter, as has Mr. Rork. And Mr. Rork inquired
3 at some length in it.

4 I-- again, I-- we're-- the Defendant that
5 I represent has not had an opportunity up to
6 this point to make inquiry about this incident
7 and-- and other matters. And I-- and I think
8 it-- if-- I would again respectfully suggest
9 that that's part of the reasons-- one of the
10 reasons that I had asked for a severance,
11 again, was so that I'm not, in effect, tied or
12 have a ball and chain on me so far as-- as
13 being able to fully present Mr. Apperson's
14 defense. And I recognize that it's been gone
15 into and I-- and I-- I don't quarrel with that.

16 THE COURT: All right.

17 MR. HOUGH: Judge, the-- the
18 Government's objection would be, as
19 well-founded, this line of questioning is
20 inappropriate whether the Defendant were tried
21 alone, with Mr. Pickard or with a dozen other
22 people.

23 THE COURT: I'm-- I can't change
24 the-- the problem of a conspiracy and-- and
25 severance, in severing that.

1 MR. BENNETT: I understand that,
2 Judge.

3 THE COURT: It's difficult to get
4 around and-- but it causes us some problem as
5 well, but-- well, I'm going to allow you to go
6 ahead, but I don't want you to wear it out.
7 He's admitted his conviction and-- of a
8 misdemeanor, and I'm going to allow it. I will
9 allow you to go ahead.

10 MR. BENNETT: While we're up here,
11 though, Judge, if I could ask; in the course of
12 this examination, I intended to have him
13 identify the-- the indictment and the judgment
14 that was entered by the Court and offer those
15 as exhibits. And I-- I would preoffer them at
16 this point to see if there's any objection, if
17 there's any problem with it. I-- I don't--

18 MR. HOUGH: Judge, that is even more
19 classic extrinsic evidence than what's going on
20 now.

21 THE COURT: I'm not going to allow
22 you to do that.

23 MR. BENNETT: All right. I--

24 (THEREUPON, the Court and Mr. Haley
25 confer).

1 THE COURT: Well, Pat thinks the
2 Judgment of Commitment can come in under 609.
3 So we'll-- we'll allow just the commitment.

4 MR. BENNETT: All right. But not
5 the-- not the indictment, is that what you
6 said?

7 THE COURT: Right. That's exactly
8 right.

9 MR. BENNETT: And I would-- I do have
10 it marked, and I would proffer the indictment
11 for-- for the record and--

12 THE COURT: All right, fine.

13 MR. BENNETT: -- and for any future
14 purposes.

15 THE COURT: And I'll refuse it.

16 MR. BENNETT: All right.

17 THE COURT: All right. Let's go
18 ahead.

19 (THEREUPON, the bench conference
20 was concluded and the following
21 proceedings were held within the
22 hearing of the jury).

23 Q. (BY MR. BENNETT) Mr. Skinner, on that occasion
24 at the casino, did you indicate to Dennis
25 Degan, the Kansas Gaming Inspector, that you

1 would provide a Kansas driver's license, but
2 would-- and your name, but refused to provide
3 any other information because you were-- you
4 had-- because of your federal clearance as a
5 Treasury agent?

6 A. No. But I would like to answer that. I said
7 under Reg 6-A, which I'm very familiar with, of
8 Treasury regulations that all I was required to
9 give was my driver's license, my name and birth
10 date. And under Reg 6-A, that's the correct
11 situation. And they kept pushing me. And
12 you've got to realize that I was standing--
13 they pulled me, while I had a \$6,000 bet on the
14 table, from the craps table. And they're
15 claiming they can hear this stuff clearly while
16 we have 17 slot machines that were counted by
17 the private eyes that we sent in there, they
18 could not record something.

19 And the next thing that you've got to
20 realize, I had 18 trips to that casino that I
21 had consecutively won on, and that casino
22 wanted rid of me, okay? So you-- you guys have
23 made a big deal about this, but there's a
24 problem here.

25 Q. So --

1 A. If you want me to tell the whole story, I will
2 tell the whole story.

3 Q. So your answer to my question is no--

4 A. No.

5 Q. -- right?

6 A. No.

7 Q. That's a simple answer.

8 A. Well--

9 Q. Did you indicate to a young lady who was a
10 security officer up there by the name of Stacy
11 Hartner that due to your federal clearance, you
12 were not allowed to give out your address or
13 allow her to see your address?

14 A. These names of the people don't mean anything
15 to me, so I can't answer you yes or no.

16 Q. Well--

17 A. I don't know.

18 Q. Forget the name. Did you-- did you indicate
19 that to a female security officer at the
20 casino?

21 A. No.

22 Q. All right. Did you indicate to another member
23 of the casino staff that you were with the
24 Secret Service Department of the Treasury and
25 that the other people with you were with the

1 Secret Service?

2 A. No.

3 Q. Now, as a result of that incident, were you at
4 some point charged with an offense?

5 A. Yes, I was.

6 Q. All right. And was that charge eventually
7 disposed of by way of a plea of some type?

8 A. Yes.

9 Q. All right. I want to show you what I've had
10 marked as Defendant's Exhibit A-3 and ask you
11 if you recognize that?

12 A. Actually I don't recognize it, but I will
13 acknowledge that it exists. I may have even
14 signed it, but my lawyer took care of it.

15 Q. All right.

16 A. Actually, I don't ever remember seeing this, to
17 tell you the truth.

18 Q. Well, it-- take a look at the caption of it,
19 is-- does that refer to the case--

20 A. Yes, yes, yes, yes.

21 Q. -- that you were--

22 A. Yes, it's definitely the case, I've just never
23 seen this before.

24 Q. All right. You don't dispute that this
25 judgment was entered, do you?

1 A. This is-- this is true and accurate.

2 Q. All right.

3 MR. BENNETT: Judge, I would offer
4 Exhibit A-3.

5 THE COURT: All right. That will be
6 admitted.

7 Q. (BY MR. BENNETT) Now, once you were charged,
8 you were then released, were you not, on some
9 kind of a recognizance or order of the court?

10 A. I was-- I voluntarily came in on a summons, I
11 was never in custody, and I signed an OR bond
12 that was set by O'Hara and I left.

13 Q. By Judge O'Hara?

14 A. Yes.

15 Q. All right. And he entered an order setting
16 certain conditions of the release, did he not?

17 A. Yes.

18 Q. And I want to show you what's been previously
19 marked and I believe admitted as Defendant's
20 Exhibits P-23. Do you recognize that, sir?

21 A. Yes, I recognize this from Mr. Rork handing it
22 to me.

23 Q. All right. And is that the order that set the
24 conditions of release?

25 A. Yes.

1 Q. And read, if you will, into the record what the
2 first condition of release is.

3 A. The-- the Defendant-- I'm sorry, "The Defendant
4 shall not commit any offense in violation of
5 federal, state or local law while on release in
6 this case."

7 Q. All right. And did you indicate at some point
8 to the Court, either directly or through your
9 attorney, that you would abide by that
10 condition?

11 A. Yes. Definitely by signing it I would have
12 done that.

13 Q. All right. And did you abide by that
14 condition?

15 A. No, I couldn't even count the number of
16 federal, state and local laws I broke.

17 Q. All right. I appreciate your candor.

18 A. Try to make it fast.

19 Q. Give me your best recollection of the number of
20 laws that you had broke.

21 A. Oh, my goodness. I mean, speeding violations.

22 Q. Well, let's-- let's throw out the speeding.

23 I'm not interested-- what felony violations did
24 you commit while you were on those-- that
25 release?

1 A. I would need a staff of lawyers to tell me this
2 one, but I will do the best I can, okay?

3 Q. All right.

4 A. I'm not trying to cover anything up, it's just
5 I'm going to have to do the best I can. Money
6 laundering, concealing an LSD lab, concealing
7 my involvement in a conspiracy with William
8 Leonard Pickard and Clyde Apperson and others
9 involved in narcotics operations, Title 21
10 violations, possession of firearms, even though
11 I was doing it via the Daisy chain, to where I
12 was telling people what to do, but I wasn't
13 holding them, although I think I actually did
14 pick up a case of one of them twice, so--

15 Q. Did you say a case of them?

16 A. A case-- no, a case meaning a case around the
17 weapon.

18 Q. Okay. I'm--

19 A. Okay.

20 Q. And on that occasion, are you-- are you saying
21 that-- that they were yours, but they weren't
22 in your actual physical possession; is that
23 what you're saying?

24 A. No, they actually belonged to Graham Logan
25 Kendall, but they were in my physical

1 possession for just a brief time as I moved
2 them from one spot to the next. I don't think
3 I actually touched the metal weapon itself.

4 Q. All right. Possession of firearms. Go on with
5 your list.

6 A. Okay. Okay. Let's see what the dates are on
7 this. According to Pottawatomie, I was in
8 possession of stolen speakers, and all of the--
9 because I'm now charged with that. So
10 according to Pottawatomie, I was in possession
11 of stolen speakers and the derivatives of all
12 of that and such and such. I can explain that
13 or I can just leave that. What do you want me
14 to do?

15 Q. No, go ahead just with your list. Go ahead
16 with your list, you don't need to go into all
17 of it.

18 A. Right. Right. Let me see here. Under the
19 money laundering, you're going to have to give
20 all cash transactions that would have broke
21 FINCEN and Treasury regulations. Can I just
22 umbrella that under money laundering.

23 Q. All right.

24 A. Okay. The production of counterfeit checks
25 that went to William Leonard Pickard.

1 Q. Okay. And when you say counterfeit checks--

2 A. They were completely fictitious, made-up
3 cashier's checks.

4 Q. How many of those, two, more than two?

5 A. More than two.

6 Q. How many?

7 A. I don't know.

8 Q. More than ten?

9 A. I don't know.

10 Q. You have no idea of the number?

11 A. No. I mean, I just don't-- I don't remember.

12 Q. All right. Go ahead.

13 A. I'm being honest with you. Rigging around
14 regular 6-A and skirting around the rules of
15 Reg 6-A at the casinos. I don't remember this
16 specifically, but probably the consumption of
17 title-- of Schedule I drugs.

18 Q. Such as?

19 A. I would have to think about this time. The
20 time would be from the date I signed this until
21 I go before and he-- the Honorable Judge Rogers
22 gives me the \$10,000 fine?

23 Q. (Nods head up and down).

24 A. Is that the time we're talking about?

25 Q. Well, I--

1 A. I've got to know.

2 Q. That-- as I understand it, the period of
3 release would be from the time that you were--

4 A. Until the final--

5 Q. -- appeared before Judge O'Hara until you
6 entered your plea.

7 A. Okay. That's why I'm asking you, I'm just
8 needing help on time schedule here.

9 MR. HOUGH: Judge, we'll object to
10 this. This is repetitive and redundant to
11 specific questions Mr. Bennett asked this
12 witness yesterday.

13 MR. BENNETT: Judge, I didn't ask him
14 anything about this yesterday. I asked him
15 about drugs and parties, gatherings yesterday.
16 I didn't ask him one question about this
17 yesterday.

18 MR. HOUGH: Well, he asked him about
19 drug use in the period of 1998 to 2000, Judge,
20 and that's where we're at on this, because
21 these are events that occurred after January
22 the 9th of 2000, so it's cumulative.

23 THE COURT: Well, it seems to me
24 we've worked this over enough. We know he
25 entered a-- we know he entered a plea and we

1 know that he was fined and what-- what else are
2 you trying to get out of him now?

3 MR. BENNETT: Well, Judge, what I'm
4 trying to get out of him is that at the-- that
5 he, in effect, made an agreement with the Court
6 that he violated and that that goes to his
7 credibility.

8 THE COURT: You've-- you've done
9 that. Now, what else are we doing?

10 MR. BENNETT: That's all we're doing,
11 Judge.

12 THE COURT: All right. Go ahead.

13 A. Effectively in-- I would have been guilty of a
14 bribe.

15 THE COURT: I-- I don't know where
16 you're going now. Would you take over and ask
17 some questions?

18 MR. BENNETT: Well, now I'm a
19 little-- I'm confused, Judge, because I don't
20 know if you were indicating I could go ahead
21 with this line of questioning or if-- if you
22 were indicating I couldn't go ahead with-- and
23 I think-- I think his answer as I-- his-- is in
24 regard to this line of questioning, and I'm not
25 sure if I'm supposed to proceed with it or not.

1 MR. HOUGH: Judge, certainly he can--
2 the witness can continue to answer the question
3 about other violations of law that would have
4 occurred while he was on bond. But our
5 specific objection was a rehash of the drug use
6 during the period of '98, '99, 2000. I thought
7 the Judge-- I thought you sustained the
8 objection.

9 THE COURT: Yes, I did.

10 MR. BENNETT: I-- and I intended to
11 go on away from the drugs.

12 THE COURT: All right.

13 Q. (BY MR. BENNETT) Go ahead, Mr. Skinner, you--
14 the bribe that you made reference to was in
15 response to the general question that I asked
16 you about the crimes that you committed; is
17 that correct?

18 A. Correct. Yes, yes, that's correct, sir.

19 Q. Okay. What bribe are you talking about?

20 A. Well, it's a strange bribe because it's not a
21 bribe and it is a bribe, so that's why I'm
22 saying it's a bribe, because I'm being
23 forthcoming here. I gave-- in order-- I was
24 trying to get rid of all of these weapons and I
25 was-- and instead of giving money, I gave some

1 of these weapons to a head of a corporation.

2 That would have effectively have been a bribe.

3 Q. All right. What else in the list of--

4 A. Interchange-- I-- from the bad car accident,
5 the other person in the car, the woman could
6 not take their-- we had identical prescriptions
7 and they couldn't take their prescriptions and
8 I ended up taking their prescriptions, which is
9 a federal narcotics violation, but I was doing
10 it because I was in serious pain from the
11 accident.

12 Q. All right. What else?

13 A. Anything and all things that were involved with
14 moving the LSD lab, just-- I would like to
15 stipulate whatever-- however many violations
16 occurred with that.

17 Q. All right. You're talking about the move of it
18 from Ellsworth to Wamego?

19 A. That's correct.

20 Q. And that was during the period of time that you
21 were under these conditions on this?

22 A. That's correct. Also, breaking and entering
23 of-- of someone else's controlled property.

24 Q. What else?

25 A. Do you mean on-- on the controlled property I

1 broke into?

2 Q. No. What else on the list of felonies?

3 A. Well, I-- I got to make sure that's a felony.

4 When I cut the-- my control over something had
5 been given up by me giving the keys over to
6 William Leonard Pickard and Clyde Apperson and.
7 When I broke into the lab, that would have been
8 breaking and entering.

9 Q. Okay. What else?

10 A. Potentially, although I don't remember doing
11 this-- no, I always gave correct-- when I was
12 reporting to the Court, I always gave correct
13 information of where I was at and where my next
14 trip was to be.

15 Q. You say you did give correct--

16 A. I always did, yes. Yeah, I'm just--

17 Q. Well, that's not a violation.

18 A. I know, but I'm just making sure, I'm thinking
19 that one through, because you've asked me a
20 tough question and I've told you.

21 Q. Anything else that you can remember?

22 A. Well, I didn't file taxes correctly.

23 Q. When you say you didn't file taxes correctly,
24 what do you mean?

25 A. Didn't file taxes for income, didn't pay taxes

1 during that time period. I also got around the
2 sales tax.

3 Q. Which tax?

4 A. The sales tax.

5 Q. Did you misreport income?

6 A. No, never misreported income.

7 Q. Did you just not report?

8 A. I never reported income.

9 Q. Well, never is a long time.

10 A. When I tell you never, I'm saying from the time
11 I was born that I knew about, now some people
12 would file taxes for me, but I didn't know it,
13 but I never reported income, period, in my life
14 since the moment I was born to this day.

15 Q. Did you report any of this income that-- or
16 this money that you have told us earlier that
17 you stole?

18 A. No. Again, that would go under never reporting
19 income, so--

20 Q. Okay.

21 A. I'm not trying to stall the Court here, I'm
22 just trying to catch any possible violation I
23 have here.

24 Q. Well, I-- if you-- we can go on. If you think
25 of something else--

1 A. Okay. Then--

2 Q. -- that you want to throw back on the list--

3 A. Okay. That will make it faster.

4 Q. -- we'll do that.

5 A. Okay.

6 Q. You're not a medical doctor, are you, sir?

7 A. No, I'm not.

8 Q. You haven't attended any medical school, have
9 you?

10 A. Nope.

11 Q. You don't have any type of a medical degree, do
12 you?

13 A. Nope. No.

14 Q. Now, you indicated on direct examination that
15 in-- at some point in time you misrepresented
16 yourself as a medical doctor; is that correct?

17 A. That's correct.

18 Q. And when was that?

19 A. It would have been the summer of the year 2002.

20 Q. What-- 2002?

21 A. Yes.

22 Q. Okay. And where was that?

23 A. Seattle, Washington.

24 Q. And when you say you misrepresented yourself as
25 a doctor, what were the circumstances?

1 A. Well, the first problem I had is-- is that I--

2 MR. HOUGH: Well, Judge, we'll object
3 to the exact circumstances, that's irrelevant.
4 The fact of the incident is all that's relevant
5 for this purpose.

6 MR. BENNETT: May we approach, Your
7 Honor?

8 THE COURT: Yes, you may.

9 (THEREUPON, the following
10 proceedings were held at the bench and
11 outside of the hearing of the jury).

12 MR. BENNETT: Judge, I-- so you know
13 where I'm going or-- and to consider his
14 objection, it's-- the incident that I'm aware
15 of is the incident in which Mr. Skinner
16 represented himself to at least ten
17 individuals-- or eight individuals that he was
18 a medical doctor, he prescribed
19 prescription-only medications for them and then
20 appeared in court and represented to the judge
21 that he was a medical doctor. And those are
22 the things that-- that's where I'm going with
23 this line of questioning. And I think it goes
24 to his credibility and to impeach his
25 credibility. The fact that he has

1 misrepresented himself, that he's told people,
2 even a court, that he's a doctor licensed to
3 practice medicine is, I think, extremely
4 relevant.

5 MR. HOUGH: Judge, as we indicated in
6 the objection, the fact of those incidents is
7 all that's appropriate for purposes of
8 impeachment. What he's asking the witness is
9 to tell him the extrinsic proof of a collateral
10 matter to use that to impeach the witness,
11 which is totally inappropriate under 608(b).
12 Recall, there's no conviction. 609 would not
13 be applicable. Asking this witness for the
14 whole story and the extrinsic proof be handed
15 to counsel of a collateral matter for purposes
16 of impeachment is inappropriate. He can ask,
17 as he has, "You misrepresented yourself to be a
18 doctor?" He can ask, "You misrepresented
19 yourself to more than one person, and you did
20 it in court?" That would be the appropriate
21 manner in which that impeachment should occur.

22 But to ask for the witness to give him
23 the extrinsic proof of the entire collateral
24 matter for purposes of impeachment is
25 inappropriate.

1 MR. BENNETT: Well, Judge, I will
2 accept what Mr. Hough is suggesting, and I'll
3 ask the questions that way. I--

4 MR. HOUGH: Well, if he's going to
5 ask those three questions that I--

6 THE COURT: Go ahead.

7 MR. HOUGH: That's not objectionable.

8 THE COURT: That will take care of
9 it.

10 MR. BENNETT: Thank you.

11 (THEREUPON, the bench conference
12 was concluded and the following
13 proceedings were held within the
14 hearing of the jury).

15 Q. (BY MR. BENNETT) How many individuals did you
16 indicate to that you were a medical doctor?

17 A. I have no idea.

18 Q. More than ten?

19 A. Yes.

20 Q. Okay. And--

21 A. Can I be allowed to ask to your-- answer your
22 first question?

23 Q. Well, no, you can't.

24 A. Wow, boy.

25 Q. Well, you can't. So you-- you mis-- as I

1 understand it, you misrepresented yourself as a
2 licensed doctor to more than ten people, as a
3 medical doctor?

4 A. I misrepresented myself as Doctor Gordon
5 Skinner, my father's name.

6 Q. All right.

7 A. And I had asked permission to do such.

8 Q. Who--

9 A. I had a security problem.

10 Q. All right.

11 A. Yeah.

12 Q. You-- when you told those people, more than
13 ten, that you were a medical doctor, that was a
14 lie. Correct?

15 A. Yes. I went into a building and I had to rent
16 it under my father's name, and I had security
17 problems because--

18 Q. Now, Mr. Skinner, if you could just answer my
19 questions--

20 A. Fine.

21 Q. -- we'll get along a lot faster.

22 A. Okay.

23 Q. And I think everybody is interested in moving
24 quicker than--

25 A. Go for it.

1 Q. -- than we have. Did you represent to those
2 people that you were operating a medical clinic
3 in Seattle?

4 A. No.

5 Q. Did you offer medical services to those people
6 that you represented yourself as a medical
7 doctor to?

8 A. If a person was in some sort of emergency
9 situation or where their doctor couldn't see
10 them and they had a given item, I would help
11 them out for free. And I would even pay for
12 their prescription.

13 Q. Now, would you answer the question?

14 A. I have. Yes.

15 Q. Did you represent to them and provide that you
16 could provide medical services to them?

17 A. Very limited medical services, yes.

18 Q. But the answer is yes?

19 A. Yes.

20 Q. All right. And Mr. Skinner, with regards to
21 these patients or individuals that you offered
22 these medical services to, did you offer to
23 provide them with written prescriptions for
24 prescription-only medications?

25 A. No, they were called-in prescriptions.

1 Q. Well, what do you mean they were called-in
2 prescriptions?

3 A. I didn't write the prescriptions.

4 Q. All right. You called a pharmacy?

5 A. Yes.

6 Q. And represented yourself to the pharmacy as a
7 medical doctor?

8 A. Yes.

9 Q. That was a lie?

10 A. Yes.

11 Q. And did you then ask the pharmacy or authorize
12 the pharmacy to issue prescriptions for these
13 patients?

14 A. Nonscheduled prescriptions, yes.

15 Q. They were prescription-only medications, were
16 they not?

17 A. But they were not scheduled. We're talking
18 things like antibiotics and steroidal-type
19 items.

20 Q. Things that a person couldn't go in and just
21 buy over-the-counter without a prescription?

22 A. That's not true, actually. Three of the
23 prescriptions I wrote were-- or that I called
24 in you could have bought right from the
25 counter.

- 1 Q. How many?
- 2 A. Three. You could have bought right
- 3 over-the-counter.
- 4 Q. All right. How many total did you-- did you
- 5 call in?
- 6 A. I don't know, maybe 15, 16, I don't recall.
- 7 Q. So if-- if you're correct in that figure, 15 or
- 8 16, then there were 12 or 13 that the people
- 9 couldn't get without a prescription. Correct?
- 10 A. They could have got it over the Internet
- 11 without a prescription.
- 12 Q. They could not have gone into the pharmacy and
- 13 got that prescription without you having done
- 14 what you did, would you agree with that?
- 15 A. On some of the items, yes, but I don't know
- 16 that it was 13. For example, I wrote a
- 17 prescription for dextromethorphan, which is
- 18 over-the-counter. I didn't write it, I called
- 19 in for imodium, only under its generic name,
- 20 and for another item under its generic name,
- 21 which are over-the-counter items.
- 22 Q. Now, Mr. Skinner, in addition to representing
- 23 to these patients that you were a medical
- 24 doctor, did you ever go to court with one of
- 25 those patients?

1 A. Yes, sir.

2 Q. And what was the purposes for your going to
3 court?

4 A. I was concerned about-- when I called in--
5 well, I will give the entire background.

6 Q. Well--

7 A. I mean, if you're going to ask me a question,
8 either I can say it--

9 Q. I will withdraw the question.

10 A. Okay. Good.

11 Q. You're in court, did you represent to the judge
12 in that court that you were a medical doctor?

13 A. Yes.

14 Q. That was a lie, wasn't it?

15 A. Absolutely.

16 Q. At the hearing before the court where you
17 represented yourself as a doctor, did you
18 provide the Court with a resume or a curriculum
19 vitae as setting out any of your alleged
20 qualifications?

21 A. No, just a-- no to your question.

22 Q. During that time that you were-- was that in--
23 that was in Seattle whenever all of this
24 occurred?

25 A. Correct.

1 Q. And over what period of time did it occur?

2 A. Thirty days, something like that.

3 Q. All right.

4 A. Sixty days. I remember while I was living
5 there, the building thought I was a doctor.

6 Q. Did you ever while you were engaged in that
7 conduct indicate to any licensing authority
8 that you were-- or representative of any
9 licensing authority that you were a medical
10 doctor in some other country?

11 A. No. My father was the one that was going
12 before the medical licensing people, not
13 myself--

14 Q. Did you ever--

15 A. -- in person.

16 Q. -- indicate to an investigator that-- for the
17 licensing board or for the-- to the King County
18 prosecutor that-- or an investigator for the
19 King County prosecutor, that you were licensed
20 in England?

21 A. Specifically name the prosecutor.

22 Q. Gary Urnsdorf (phonetic).

23 A. He's the specific one that I said no, I had no
24 medical license to. Also showed him my
25 immunity papers and I asked him to call the

1 DEA, of which he did.

2 Q. All right.

3 A. I don't care what his report says.

4 Q. I'm sorry?

5 A. I don't care what his report says, there's
6 three sheriffs that were-- that were witnesses
7 to this.

8 Q. You don't care what whose report says?

9 A. His report says.

10 Q. "His" being Gary Urnsdorf?

11 A. Yes.

12 Q. What did it say?

13 A. I don't know, somewhere you've read this from,
14 so--

15 Q. At the time, Mr. Skinner, that you were
16 negotiating your plea in the false
17 impersonation charge that-- or the charge
18 that's represented by the judgment, Exhibit
19 A-3, did you make known to the prosecutor the
20 fact that you were in possession of an illegal
21 LSD lab?

22 A. No.

23 Q. Did you make known to the prosecutor that you
24 were in possession of LSD?

25 A. No.

1 Q. Did you make known to the prosecutor that you
2 were in possession of ergocristine?

3 A. No.

4 Q. Why did you conceal that?

5 A. Well, I consider that a fairly serious crime to
6 be walking in with someone that I would not
7 call that I am on good terms with and say, "Oh,
8 by the way, I have an LSD lab." It was a
9 serious Title 21 violation.

10 Q. Okay. You thought it was a-- a crime and--

11 A. I didn't think, I know that's a crime.

12 Q. Okay. And what was your understanding, if you
13 had one, as to what the potential penalty for
14 that crime was?

15 MR. HOUGH: Objection, Judge, penalty
16 matters are not for the consideration of the
17 jury.

18 THE COURT: I will sustain it.

19 Q. (BY MR. BENNETT) Had any of your
20 co-conspirators indicated to you what the
21 potential penalty was?

22 MR. HOUGH: Objection, Judge, the
23 same objection. The penalty matters are not
24 appropriate for the jury.

25 MR. BENNETT: Judge, it's been

1 testified to, Page 90, Line 1 of his direct
2 testimony and at page I believe it's 437 of his
3 direct testimony. And so I would submit that
4 it's-- it's-- it's proper if--

5 MR. HOUGH: That does not make it
6 appropriate for it to be heard before the jury,
7 Judge.

8 THE COURT: Would the attorneys
9 please approach the bench.

10 (THEREUPON, the following
11 proceedings were held at the bench and
12 outside of the hearing of the jury).

13 MR. HOUGH: Judge, the reference at
14 Page 90 is right there. The witness was not
15 asked by me as to sentencing matters, the
16 witness answers regarding the statement about
17 Alfred Savinelli. So the fact remains that
18 inquiry of the witness specifically regarding
19 sentencing matters is not appropriate. We
20 can't control it when he blurts something like
21 that out nonresponsive to the question.

22 MR. BENNETT: There's-- there's
23 another--

24 THE COURT: Where are you going with
25 this one? What's your purpose?

1 MR. BENNETT: The purpose is to show
2 that-- that he knew and that he-- he said that
3 he was-- he knew it was a serious crime and he
4 didn't-- he didn't reveal it and--

5 THE COURT: All right. You-- you got
6 that in. Now, what? What are we doing now?

7 MR. BENNETT: Well, I-- Judge, I-- I
8 believe that it's relevant to the-- the nature
9 or extent of the seriousness and-- and his
10 concealment of that is--

11 THE COURT: Well, what-- what you're
12 doing, you're trying to put in what your
13 clients might be facing and-- and that's not
14 within the Court and that's--

15 MR. BENNETT: No, I-- Judge, I-- I
16 really am not offering it for that purpose, I
17 mean, it-- it's--

18 MR. HOUGH: Judge, there could be no
19 other purpose. The specific sentence that is
20 elicited here by counsel is we get put away for
21 life. Well, the only reason they're offering
22 this is so the jury will think poor Clyde
23 Apperson, poor Pickard, they're facing life in
24 prison. That is the only reason this is being
25 offered. There's no facade around that.

1 That's by the plain statement in the record
2 where they're going with this, and that's
3 inappropriate.

4 MR. BENNETT: There is one other
5 citation, one other page, Judge, Page 431. And
6 at-- and I-- the question was, "Now you talked
7 about how much money it took you to get out of
8 your little thing." And Mr. Pickard indicates,
9 "It was more than money, it was the risk of
10 your life lived and all of our-- all of your
11 friends." That's in quotes. And then Mr.
12 Hough asked, "Do you recall that on the tape?"
13 The answer is, "Right." And Mr. Hough asked,
14 "What is he talking about?" And the answer is,
15 "Well, he was saying that had it gone bad
16 enough, you know, we could all be sitting in
17 prison for life."

18 MR. HOUGH: Well, Judge, that's Mr.
19 Pickard's statement on tape.

20 MR. RORK: No, it isn't, that's Mr.--

21 MR. HOUGH: Well, the question he
22 just read is in direct quotes from a statement
23 of Pickard on tape.

24 MR. BENNETT: It is Pickard's
25 statement. But my point is, Judge, that he's

1 aware or was aware of when he was withholding
2 all of this information from Pretrial Services,
3 from the prosecutor, from the-- getting his
4 plea, that he was-- he knew what the potential
5 problem was and he was willing to conceal that
6 in order to avoid that. And it goes to-- to
7 credibility. I-- that's all I can---

8 MR. HOUGH: Judge, as the Court noted
9 earlier this time at the bench, the fact that
10 the witness was aware there were serious
11 consequences is already out there through this
12 line of questioning. To fish around for the
13 term "life imprisonment" in front of the jury
14 is totally inappropriate.

15 MR. BENNETT: Judge, I-- I'm-- I
16 didn't fish around for it. This came out on
17 direct when Mr. Hough was asking the questions.

18 MR. HOUGH: It came about in the
19 manner we discussed, is asserted nonresponsive
20 to the question which was before the witness,
21 one, "Mr. Savinelli was upset, why?" And then
22 the example Mr. Bennett gave, it was a
23 statement directly by Mr. Pickard, which the--
24 was on tape. So to throw out poor Mr.
25 Apperson, poor Mr. Pickard, they're looking at

1 life imprisonment - and that's the sole purpose
2 for this - and it's inappropriate.

3 MR. RORK: Judge, all I would say on
4 behalf of Mr. Pickard was the first statement
5 was, "Why was Mr. Savinelli mad about moving
6 the lab and mad at Mr. Pickard?" And then the
7 response was by Mr. Skinner, "Savinelli said
8 they would go to prison for life."

9 The second one dealt with, "What did Mr.
10 Pickard mean when he said this is more than
11 money, it's our life and liberty?" Mr. Skinner
12 said, "He means we would be in prison for
13 life." That was the context of the statements
14 for however the Court wishes to interpret it.
15 I just want to make the context correct for
16 you.

17 MR. HOUGH: My point exactly.

18 THE COURT: Well, there's-- I'm not
19 sure you can go ahead and do what you're-- what
20 you're trying to do here. Now, there is
21 another thing at which we could-- when you're
22 talking to somebody who has been given a deal,
23 you're talking to somebody that's been given a
24 deal, you can get into sentencing--

25 MR. HOUGH: Right.

1 THE COURT: -- as part of that and
2 that-- that's apparently not what you're doing.

3 MR. BENNETT: No, Judge, I'm not.
4 Because the deal he made didn't have anything
5 to do with this, so I-- I would be up front
6 with the Court, I don't think that that's a
7 basis to get it in, because that's not the deal
8 that--

9 MR. RORK: For that basis.

10 MR. BENNETT: -- that we were talking
11 about. So that didn't enter into his decision
12 to make the deal, I--

13 THE COURT: What question is pending
14 now? Refresh my memory.

15 MR. BENNETT: I'm not real sure,
16 Judge.

17 MR. HOUGH: Well, the question was to
18 the effect of what you and your
19 co-conspirators--

20 MR. BENNETT: Co-conspirators.

21 MR. HOUGH: -- believed the sentence
22 was for this, and the answer is life
23 imprisonment.

24 MR. RORK: That's what he would say.

25 THE COURT: Well, I-- I'm going to--

1 to deny your right to ask-- ask that question.
2 You may come back later and get it in some
3 other way, but-- on another affair, but
4 that's--

5 MR. BENNETT: Well, I've made my
6 record and-- and that's--

7 THE COURT: Well, this-- this seems
8 to me we're getting-- we're really getting into
9 this here, but-- we're getting life
10 imprisonment in.

11 MR. BENNETT: Well, I-- I understand.

12 THE COURT: And you're talking about
13 credibility and you're talking about something
14 that-- that the law doesn't like. I mean,
15 putting it in front of the jury this kind of
16 thing, but--

17 MR. BENNETT: I understand the
18 Court's ruling.

19 THE COURT: Okay.

20 MR. BENNETT: We'll obviously abide
21 by it.

22 THE COURT: All right. Well, let's--
23 let's go ahead and--

24 (THEREUPON, the bench conference
25 was concluded and the following

1 proceedings were held within th.
2 hearing of the jury).

3 MR. BENNETT: Judge, I'm going to
4 move into another area.

5 THE COURT: All right.

6 MR. BENNETT: And it's going to be a
7 rather lengthy area, it's kind of early for a--
8 a recess, but--

9 THE COURT: Well, why don't-- why
10 don't we go for another 15, 20 minutes here.

11 MR. BENNETT: All right.

12 Q. (BY MR. BENNETT) Mr. Skinner, over the years
13 that you've been involved in these various
14 illegal activities that you have told us about,
15 you've found it to be necessary to be kind of
16 quick-witted and untruthful, haven't you, on--
17 on a general basis?

18 A. Yes.

19 Q. Okay. And you've found it necessary to make up
20 stories and lie in order to cover yourself and
21 avoid discovery and arrest on a number of
22 things. Correct?

23 A. Yes.

24 Q. And in order-- and you have made up stories to
25 stay out of trouble and out of jail, haven't

- 1 you?
- 2 A. No.
- 3 Q. You haven't ever?
- 4 A. It's-- you've got to structure the question, I
5 don't know what to do.
- 6 Q. Well, have-- have you made up stories in an
7 attempt to stay out of jail?
- 8 A. No, I don't think I've been in a situation like
9 that.
- 10 Q. All right. You've lied for many years about a
11 lot of things, haven't you?
- 12 A. Yes.
- 13 Q. And you've developed an ability to look someone
14 in the eye and lie to them when you're
15 confronted about illegal activity, haven't you?
- 16 A. Yes.
- 17 Q. And that's been a regular practice of you-- on
18 your part, hasn't it?
- 19 A. Yes.
- 20 Q. And you've lied in the past to conceal your
21 drug use from authorities, haven't you?
- 22 A. Give me a time frame.
- 23 Q. Well, from the time that you're age 19 to the
24 present.
- 25 A. I don't know that I can answer it. I would

- 1 have to think a long time about that one, so--
- 2 Q. Well, we're going to take a break here in a few
- 3 minutes and you can think about it and we'll
- 4 come back.
- 5 A. By the way, I have something to add to your
- 6 other list. Potentially the manufacturing of
- 7 fake ID.
- 8 Q. Oh, on the felonies list--
- 9 A. Yes, yes.
- 10 Q. -- that while you were--
- 11 A. Right. Right.
- 12 Q. -- on release on bond?
- 13 A. Right.
- 14 Q. Okay. Let me find my notes and we'll add that.
- 15 You've lied in the past to conceal your
- 16 possession or control of illegal drug
- 17 manufacturing equipment, haven't you?
- 18 A. Yes.
- 19 Q. And you've lied to conceal the existence of an
- 20 illegal drug manufacturing?
- 21 A. Yes.
- 22 Q. All right. You've lied to conceal your
- 23 involvement in dismantling and moving illegal
- 24 drugs or drug-making equipment, haven't you?
- 25 A. Yes.

1 Q. And you've lied to people that you've stolen
2 money from, haven't you, to cover it up?

3 A. Yes.

4 Q. And then after stealing hundreds of thousands
5 of dollars, you in effect lied to the IRS when
6 you didn't report it, didn't you?

7 A. I'm not for sure of that, I would have to get a
8 lawyer to give me an opinion on that. And
9 also, I need to further address that there is
10 some sort of a legal theory that says that if
11 it's illegally gotten gains, any crime that's
12 committed after may not be a theft. So if it
13 was stealing drug money, that may not have been
14 a crime. The stealing may not have been a
15 crime. I've heard this legal theory.

16 Q. Well, whether it's a crime or not, you've lied
17 to cover it up, haven't you?

18 A. Correct, that I will-- yes.

19 Q. All right. And when you get right down to it,
20 Mr. Skinner, you're willing to lie whenever you
21 feel it will benefit you, aren't you?

22 A. That is not true.

23 Q. You-- you lie when it won't benefit you, do you
24 mean?

25 A. No.

1 Q. You do lie when it will benefit you, don't you?

2 A. You-- you have wonderful operating conditions.

3 Yes. I love your operation there.

4 Q. I appreciate the compliment, Mr. Skinner.

5 A. You're on a mission as I remember.

6 Q. Only-- well, no. You're willing to lie to get
7 out of trouble, aren't you?

8 A. Yes.

9 Q. And you're willing to lie to stay out of jail,
10 aren't you?

11 A. I don't know about that one.

12 Q. Well, you lied when you told the judge that you
13 would abide by all of those conditions. And
14 that was to stay out of jail, wasn't it?

15 A. I need to-- I need to ask a lawyer before I
16 answer these questions, okay? I have the right
17 to counsel on these questions.

18 Q. Well--

19 A. And I'm confused about this issue here.

20 MR. BENNETT: Judge, can we approach?

21 THE COURT: Well, do we need to?

22 Let's go ahead and try to answer his questions.

23 THE WITNESS: Okay.

24 THE COURT: And move this along.

25 A. I mean, I assume, yes, I lied, but I would-- I

1 would like to have talked to a lawyer before I
2 answered that, yes.

3 Q. All right. But your answer is yes, you're
4 willing to lie to stay out of jail?

5 A. Under some sort of strange thing, yes.

6 Q. All right. And when it comes to going to jail,
7 you're willing to do about anything to stay
8 out, aren't you?

9 A. No, that's not true.

10 Q. Mr.-- Mr. Skinner, you're willing to lie to the
11 Court on occasion, aren't you?

12 A. Again, I would like the access to a lawyer, but
13 I'm going to answer it yes to get this thing
14 going fast.

15 Q. All right.

16 MR. BENNETT: Judge, I-- if we could,
17 this is a place we could break.

18 THE COURT: Ladies and gentlemen,
19 let's take 15 minutes at this time and we'll
20 come back. Mr. Bailiff.

21 (THEREUPON, a recess was had).

22 THE COURT: All right, Mr. Bennett,
23 you may continue.

24 Q. (BY MR. BENNETT) Mr. Skinner, I want to show
25 you what's been marked as Government's Exhibit

1 801. And that's entitled Confidential Source
2 Agreement, is it not?

3 A. Yes.

4 Q. And you entered into that agreement on October
5 the 18th or signed it on October the 18th?

6 A. Yes.

7 Q. And that is your signature, is it not, there
8 about two-thirds of the way down?

9 A. Yes, both signatures.

10 Q. All right. And what's the first paragraph-- or
11 the first sentence of that agreement provide?

12 A. "I will provide truthful information at all
13 times."

14 Q. All right. And then what does Paragraph 3, how
15 does it read?

16 A. "I will abide by all-- by the instructions
17 given to me, will not take any independent
18 action, and I will not engage in any unlawful
19 acts for which I may be subject to prosecution,
20 except as specifically authorized by
21 representatives of the DEA."

22 Q. Okay. You violated those-- that Paragraph 1
23 and Paragraph 3, didn't you?

24 A. I lied to the DEA and No. 3 I violated, yes.

25 Q. Okay. You lied to the DEA. Who with the DEA

1 did you lie to?

2 A. Karl Nichols.

3 Q. All right. And what did you lie about?

4 A. The nature of the ET and--

5 Q. All right.

6 A. I may have made some other technical error with
7 him, but I would have to think about it for a
8 second.

9 Q. And you say that-- that you did violate
10 Paragraph 3?

11 A. Yes.

12 Q. And in what way? Did you engage in unlawful
13 acts?

14 A. Yes.

15 Q. What unlawful acts did you engage in while you
16 were participating in this confidential source
17 agreement?

18 A. The situation in Washington and then we get to
19 this thing of whether-- you know, Judge
20 Parker's ruling on a sacrament versus not
21 being, we get into that area. And then a third
22 thing would be-- let me have some time to think
23 here. Oh, I think it's a-- also an unlawful
24 act to lie to a federal agent. So it would go
25 back to No. 1.

1 Q. All right.

2 A. I believe any misrepresentation to a federal
3 agent is a felony, but I would have to talk to
4 a lawyer to verify that.

5 Q. All right. And you lied to Karl Nichols about
6 the possession of any-- about withholding or
7 not withholding-- let me back up. You lied to
8 Agent Nichols when you told him that you had
9 turned over all the ergocristine that there
10 was, didn't you?

11 A. No, that's not correct.

12 Q. You didn't?

13 A. Nope.

14 Q. Okay. Well, we'll come back to that. Let me
15 ask you some questions now about the trip
16 that-- the Chicago incident that you testified
17 about on direct or cross by Mr. Rork, that trip
18 that was taken in May, I believe, you said the
19 early part of May.

20 A. Yes.

21 Q. Do you recall that?

22 A. Yes.

23 Q. Now, before we get to the trip itself; prior to
24 the Chicago trip, was there any ET or
25 ergocristine located at the Ellsworth site?

1 A. I have no direct proof of that.

2 Q. Well, do you--

3 A. As-- as--

4 Q. Do you have any knowledge?

5 A. Yes. As a co-conspirator, Leonard Pickard and
6 Clyde Apperson told me there was all of the
7 precursors. They did-- we had a conversation
8 that we are running out of some of the items,
9 and specifically ET was one of them, and then
10 there was some other specific items that Clyde
11 said to Leonard we're needing filters and such.

12 Q. Had you ever seen any ergocristine or ET at the
13 Ellsworth site prior to this trip in May of--

14 A. Yes.

15 Q. When?

16 A. Let me-- purportedly by my co-conspirators--

17 Q. When-- Mr. Skinner, my question is, did you see
18 any? And then my question was-- and you said
19 yes, and then my question was when?

20 A. When I helped move the lab into the site. I
21 was told these are cans.

22 Q. Well, wait a minute, wait a minute wait just a
23 minute. I'm asking you about prior--

24 A. That would be prior to May. I'm answering
25 correctly.

1 Q. All right. You're talking about the movement
2 into the Ellsworth site; is that what you're
3 talking about?

4 A. That's the question you've asked. You've asked
5 prior to May.

6 Q. All right. I've misunderstood you, go ahead.

7 A. Okay. When we were moving it in, they said--
8 Clyde and both Leonard said this is the ergot
9 tartrate cans, and that was when I saw it.

10 Q. Where was it?

11 A. Well, it started off in a truck that Clyde had
12 rented and his name was on the rental of it,
13 and it ended up going down the stairs and it
14 ended up in the inner-- or the second to the
15 inner sanctum of the lab.

16 Q. How much was there?

17 A. I don't know. Cans.

18 Q. You saw cans?

19 A. They were different shaped cans, they were
20 squattier cans. Sorry, that's a bad word.
21 They were short and fat.

22 Q. All right. Kind of like me?

23 A. No.

24 Q. All right. They were shorter and the diameter
25 was larger than the ones that were recovered at

1 the Wamego site?

2 A. Yes.

3 Q. But you don't know how many there were?

4 A. No.

5 Q. Were they packaged in some way?

6 A. They were in some sort of a Rubbermaid
7 container as I remember, but, boy, I'm really
8 stretching to go back, you know.

9 Q. All right. On that occasion-- or strike that.
10 Did you ever see any ET or ergocristine at any
11 other time at the Ellsworth site, other than
12 what you've just told us, other than the
13 occasion that you've just told us?

14 A. My problem is I can't answer the question. I'm
15 not being difficult, I can't answer that
16 question properly because--

17 Q. Well--

18 A. -- I can't identify ergotamine tartrate in a
19 can or ergocristine.

20 Q. So the answer is you don't know?

21 A. I don't know. I'm sorry, that's right, I was
22 told-- I don't know.

23 Q. When was it that-- that you went on this
24 Chicago trip, was that--

25 A. Approximately May the 4th, May 5th.

1 Q. All right. And you recited the individuals
2 that were on that trip, and I'm not going to
3 ask you to do it again. But Clyde Apperson was
4 not on that trip, was he?

5 A. No, he was not on that trip.

6 Q. And you indicated that a meeting occurred that
7 was, you understood, to be with regards to
8 ergotamine tartrate?

9 A. Correct.

10 Q. And the meeting took place in--

11 A. Ritz Carlton Watertower, I believe.

12 Q. All right. And how did you learn of that
13 meeting?

14 A. From-- William Leonard Pickard told me in
15 advance and then told me after and said the
16 negotiations went semi-all right.

17 Q. Who was involved in the meeting?

18 A. A man that we will call, quote, the ET man,
19 Leonard Pickard. And someone else may have
20 been at the table, it was hard to see. And it
21 looked like another person left at the same
22 time that-- I was a long distance away, but it
23 looked like another person left with, quote,
24 the ET man. And they went out a different
25 direction than I was familiar with being able

NORA LYON & ASSOCIATES, INC.

1515 S.W. Topeka Blvd., Topeka, KS 66612

Phone: (785) 232-2545

FAX: (785) 232-2720

1 to leave. I'm not familiar with the
2 Watertower.

3 Q. Well, where was this so-called meeting held?

4 A. In the lobby of the Ritz Carlton, which is not
5 the first floor like it would normally be, it
6 was up quite high in the Watertower complex.

7 Q. Public area?

8 A. A public area in the Ritz Carlton.

9 Q. All right.

10 A. I don't know if you would call that public
11 area, but--

12 Q. Well, it was a public lobby. Right?

13 A. Yeah, you had to go up-- you may have had to
14 have gotten through security to get there
15 actually. I'm not being difficult, I'm just
16 trying to remember how the Ritz Carlton--

17 Q. All right. Well, in any event, there were how
18 many people at the table that you say the ET
19 man was at?

20 A. Well, to the best of my knowledge three. It
21 was hard to see, but I could definitely see
22 Leonard and the ET man.

23 Q. Where were you seated?

24 A. I was seated in what would be traditionally
25 called the-- where you would just sit and get

1 little snacks. And it was-- it was a circular
2 marble thing that was quite elegant. And I was
3 seated-- you know, and I can draw it out for
4 you, I mean--

5 Q. Well, I don't think we need that. I just want
6 to know in relation to where these other
7 individuals were seated where were you seated?

8 A. Approximately 40 to 50 feet away. I mean, I'm
9 guessing.

10 Q. And was anyone with you?

11 A. Yes.

12 Q. And who was that?

13 A. At one point William Wynn, Krystal Cole and
14 Roxanne Barbat.

15 Q. Wynn, Cole and Barbat?

16 A. Yes.

17 Q. And were they with you when you indicate this
18 meeting-- you observed this meeting?

19 A. One of them was with me the whole time with her
20 back to it. The other two came down and they
21 could see-- they actually saw the people, they
22 looked over and they said, "What's Leonard
23 doing?" And I said--

24 Q. Who was-- who was with you the whole time that
25 had the back to--

1 A. That would have been Roxanne Barbat.

2 Q. Okay.

3 A. And then William Wynn. And William knows
4 Leonard well, so as soon as he saw Leonard over
5 there, he said, "What's going on?" And I just
6 said, "Oh, don't worry about it, it's just a
7 business transaction."

8 Q. Did you ever meet-- you said, "Don't worry
9 about it, it's a business transaction?"

10 A. To William Wynn.

11 Q. Okay. Did you ever meet the person or-- that
12 you claim Mr. Pickard was meeting with?

13 A. I have never met the ET-- quote, ET man in my
14 life that I know about.

15 Q. Well, was-- are you-- are you telling us that
16 the person-- that this was the ET man or was
17 this some-- somebody else?

18 A. Well, I believe it was the ET man and I've had
19 confirmation of it since then.

20 Q. All right. Did--

21 A. And I had a picture that came from William
22 Leonard Pickard and he said this is the ET man,
23 and he said this is the same guy whose had
24 plastic surgery, you know, I mean, so--

25 Q. Did you identify this person who was in this

1 meeting to the DEA?

2 A. Yes, I did, in a long string of many multiple
3 photos within about-- and I may be
4 exaggerating, so I would-- less than five
5 seconds, I was able to identify the face.

6 Q. How many photos were you shown?

7 A. I don't know, but it was multiple. I mean, it
8 wasn't one or two, it was a number of them.

9 Q. Well, more than ten?

10 A. I would say ten, eight, I don't know.

11 Q. All right. Somewhere between five and ten?

12 A. I would like-- I would like to see the record
13 to see it. I signed on it.

14 Q. Well, I-- it hasn't been provided to me or
15 otherwise I would show it to you.

16 A. Well--

17 Q. But do you-- you picked somebody out and
18 pointed-- and identified that person as being
19 the person that was in the meeting?

20 A. Right.

21 Q. Is that right?

22 A. The reason I can't tell you the number of
23 photos is because as soon as I saw it, I didn't
24 look at the other photos, I said, "This is it."

25 Q. I -- I'm-- we're beyond the number of photos.

1 A. Okay. Very good.

2 Q. You identified one of the photos, said, "This
3 is the guy"?

4 A. That is, quote, the ET man.

5 Q. Okay.

6 A. Yes.

7 Q. And what's his name?

8 A. The ET man.

9 Q. You were not provided with a name?

10 A. I don't know legally what I'm to do here, so--

11 Q. Well, legally you're to answer the question
12 unless there's an objection and the Court tells
13 you not to..

14 THE COURT: That's correct. And
15 you--

16 THE WITNESS: I'm sorry.

17 THE COURT: If you know the man's
18 name, give it to him.

19 A. Miller.

20 Q. (BY MR. BENNETT) Miller?

21 A. Yeah.

22 Q. What's his first name?

23 A. Jim, I believe. I'm sorry.

24 Q. And is it Miller M-I-L-L-E-R or Mueller
25 M-U-E-L-L-E-R or do you know?

1 A. I don't know. I-- I purposefully tried to not
2 look at this kind of information so that I
3 wouldn't get contaminated.

4 Q. Clyde Apperson wasn't present, either sitting
5 at your table or at the other table or any
6 other table in that lobby on that occasion, was
7 he?

8 A. That's correct.

9 Q. To your knowledge, he wasn't even in Chicago,
10 was he?

11 A. That's correct.

12 Q. Now, did you observe any money change hands at
13 that meeting?

14 A. No.

15 Q. You never observed any ET or any ergocristine
16 transferred to anyone at that meeting, did you?

17 A. That's correct.

18 Q. You never even-- you never saw any ET or
19 ergocristine on that occasion, did you?

20 A. That's correct.

21 Q. Then as I understand it from your earlier
22 testimony, there was-- you saw a couple of
23 boxes at the Ellsworth site sometime shortly
24 thereafter; is that correct?

25 A. Yes.

1 Q. Did you open the boxes?

2 A. No.

3 Q. Do you know what was in the boxes?

4 A. No. Only by--

5 Q. You-- I'm asking you of your own knowledge, do
6 you know what was in the boxes?

7 MR. HOUGH: Well, Judge, we'll
8 object. His own knowledge can be based upon
9 comments of both Mr. Apperson and Mr. Pickard
10 to him.

11 MR. BENNETT: Judge, he can ask that
12 on recross examination-- or on redirect
13 examination.

14 MR. HOUGH: Judge, the form of that
15 question is inappropriate. The witness can
16 answer based upon his collective knowledge from
17 co-conspirators.

18 THE COURT: Well, overruled, go
19 ahead.

20 MR. BENNETT: Is there a question
21 before the witness now or is there a-- is there
22 a-- I'm asking the court reporter, Judge.

23 (THEREUPON, the following
24 question was read back by the reporter:

25 "Q. You-- I'm asking you of your own

1 knowledge, do you know what was in the
2 boxes?").

3 Q. (BY MR. BENNETT) Go ahead and answer. Do you
4 know of your own knowledge what was in the
5 boxes?

6 A. (Pause).

7 Q. You didn't open them. Right?

8 A. Only because-- boy. Leonard and Clyde told
9 me--

10 Q. Now, just a minute. I asked you of your own
11 knowledge.

12 MR. HOUGH: Well, Judge he can-- if
13 that is the answer to the question, his own
14 knowledge is based upon what co-conspirators
15 told him, that is the appropriate answer.
16 Counsel cannot cut that off if he doesn't want
17 to hear it.

18 THE COURT: Well, go ahead and answer
19 it.

20 A. Because of what was told to me by Clyde
21 Apperson and Leonard Pickard, and even Clyde to
22 verify it, he said that in the tapes, he said,
23 "Do you remember these boxes that I told you
24 about?" If you remember that, this is where,
25 yes, they numerous times told me that there was

1 ergotamine tartrate in these boxes.

2 Q. (BY MR. BENNETT) There wasn't ergotamine
3 tartrate in those boxes, was there?

4 A. Turns out that according to everyone--

5 Q. Just-- was there or wasn't there?

6 A. You know, to this day I don't know except for
7 what my co-conspirators told me, and then what
8 my other co-conspirators in the Federal
9 Government tell me.

10 Q. And you and the Federal Government are
11 co-conspirators?

12 A. The way things are going around here, I'm not
13 for sure, so--

14 Q. I will stick with that answer. Mr. Skinner,
15 the lab was moved from Ellsworth to Wamego.
16 Correct?

17 A. True.

18 Q. And that was done, as I recall your testimony,
19 by you, Mr. Matias.

20 A. Lupe.

21 Q. Lupe. Mr. Guinan.

22 A. Got it.

23 Q. Mr.--

24 A. Hobbs.

25 Q. -- Hobbs and your father?

1 A. Correct, and myself.

2 Q. And yourself, right. And that occurred when?

3 A. Something like July 17th, I'm doing my best,
4 I'm foggy on these dates.

5 Q. Okay. And on that occasion when it was moved,
6 did you see these two boxes that you were
7 talking about earlier?

8 A. Yes.

9 Q. And where were the two boxes when you saw them?

10 A. The same place that Clyde told me they would
11 be, next to the treadmill, about four feet or
12 six feet away from the treadmill on the-- what
13 was called the living quarters area.

14 Q. And when you saw them, what did you do with
15 them?

16 A. Well, they went up into the truck.

17 Q. All right. Were the boxes sealed or were they
18 opened?

19 A. One of them was definitely sealed and I'm not
20 for sure about the other one, but they looked
21 sealed.

22 Q. They went up into the truck and then where did
23 the truck go?

24 A. Well, it got stuck in the mud.

25 Q. Well, after it got stuck and you got it

1 unstuck, where did it go?

2 A. Well, I mean, I wasn't there, but it eventually
3 ended up at Wamego.

4 Q. All right. And you were there when it arrived?

5 A. I'm not for sure of that. There were lots of
6 trips that went back and forth.

7 Q. And when it arrived, did you-- whether you were
8 there at the time it arrived or shortly
9 thereafter, did you conduct a search of the
10 truck to find the-- the two boxes?

11 A. No.

12 Q. Did you ask someone else to do that?

13 A. No.

14 Q. What did you do, if anything, with regards to
15 those two boxes?

16 A. I said, "Please go look through everything and
17 find the two boxes." The trucks had already
18 been unloaded, the truck was unloaded.

19 Q. And where had it been-- where had the items it
20 had been unloaded from been placed?

21 A. In the Lester building, out in the road in
22 front of the Lester building and some of it was
23 put down inside of the actual missile base
24 itself.

25 Q. Who did you send to look for it?

1 A. I think I sent everyone. Everyone being
2 Michael Hobbs, Gunnar Guinan and possibly Lupe.

3 Q. Was it found or were they found?

4 A. Yes, they were found.

5 Q. And when-- where were they when they were
6 found?

7 A. I don't know where they were found at, they
8 just came and gave me the boxes.

9 Q. And what did you do with the boxes?

10 A. Shoved them up in the ceiling in the Liebert
11 room.

12 Q. Right then, that same time?

13 A. No, maybe an hour later, two hours later, I
14 don't know.

15 Q. And did you shove them up in the ceiling in the
16 boxes or did you take the cans out of the
17 boxes?

18 A. I shoved them up in the ceiling in the boxes.
19 It was hard.

20 Q. All right. And--

21 A. There's plenty of clearance there because of
22 the room.

23 Q. And this would have been sometime in mid July,
24 sometime after the 17th?

25 A. Yes, yes.

1 Q. And how long did they remain up in the ceiling?

2 A. I'm not for sure.

3 Q. Well, would-- did they-- were they taken out of
4 the ceiling at some time?

5 A. Yes.

6 Q. Who took them out of the ceiling?

7 A. Myself.

8 Q. And approximately when was it--

9 A. I don't know.

10 Q. Let me finish the question.

11 A. Sorry.

12 Q. Approximately when was it in relation to the
13 walk-through on the 27th of October or that--
14 yeah, the 27th of October.

15 A. I don't recall honestly.

16 Q. When you took them out, whenever you took them
17 out, what did you take them out for?

18 A. There was a-- I was trying to get a count,
19 because there was an inconsistency in the
20 count. Eventually I got it rectified.

21 Q. Well, a count of what?

22 A. How many cans.

23 Q. Did you open the boxes?

24 A. Yes, to-- to identify how many cans.

25 Q. And after you opened the boxes, how many cans

1 did you count?

2 A. I believe it was 39 full cans and a fractional
3 can. And this is the best memory I have
4 because, remember, one of the problems you have
5 with this is that there were cans of ET, that I
6 thought was ET, found in the lab that were
7 already taken out of the boxes. And there were
8 approximately 20 of those, 19 were full, not
9 opened and one had been opened. And they went
10 up as a single item. So if you're confused
11 about my testimony, some boxes went up and then
12 some single cans went up there.

13 Q. Do you mean the second time?

14 A. What do you mean the second time?

15 Q. Well, you said you put the two boxes up when--
16 when you first found them and whoever brought
17 them to you brought them to you. Right?

18 A. Yeah, I don't know which time, but I mean,
19 eventually within, you know, a day they all
20 were up above that Liebert.

21 Q. But then you said you took them down and-- as I
22 understand your testimony, and then you counted
23 them; is that right?

24 A. Yeah, at some point I was trying to rectify and
25 make sure the numbers were right.

1 Q. And then after you counted them, you came up
2 with the figure of 39 full ones and one
3 partially full?

4 A. I hoped that was what I first came up with.
5 I-- I just can't remember.

6 Q. And then you put them all back up in the
7 ceiling?

8 A. That's right.

9 Q. In the box or out of the box?

10 A. I think in the box.

11 Q. Or boxes, I guess.

12 A. In the boxes.

13 Q. And you have no idea when that was?

14 A. No. I mean, I probably would have counted the
15 next day or the third day. I mean, we had a
16 more serious problem. We were trying to move
17 an LSD lab.

18 Q. Well, within-- within a week of the--

19 A. Yes, yes, yes.

20 Q. -- 17th?

21 A. If the 17th is the date of the move, within a
22 week, yes.

23 Q. And then how long did they remain up in the
24 ceiling that second time?

25 A. I'm not for sure.

1 Q. Well, give us an approximation.

2 A. I-- you know, a month, two months,
3 two-and-a-half months, I can't tell you. I
4 mean, there's records that I could look at and
5 then I could tell you to the day.

6 Q. When did they go back up in the ceiling in
7 relation to the walk-through on October the
8 27th?

9 A. I don't know that-- I don't know that they came
10 out of the ceiling for the walk-through, I'm
11 not for sure.

12 Q. You say you don't know if they came out of the
13 ceiling for the walk-through; is that what
14 you're saying?

15 A. Right, yeah, I'm not for sure. They may have
16 been up in the ceiling for the walk-- which
17 walk-through are we talking about?

18 Q. I'm talking about October 27th.

19 A. Okay, okay, okay. I thought you meant
20 walk-through where pretrial services/probation
21 walked through the facility.

22 Q. I apologize.

23 A. I was very confused about that.

24 Q. We'll try and solve the confusion.

25 A. Okay. How-- ask the question again.

1 MR. BENNETT: Could you read it back?

2 (THEREUPON, the following

3 question was read back by the reporter:

4 "Q. You say you don't know if they came
5 out of the ceiling for the walk-through;
6 is that what you're saying?").

7 Q. (BY MR. BENNETT) The October 27th
8 walk-through.

9 A. They were definitely out of the ceiling for the
10 walk-through.

11 Q. All 40 cans?

12 A. Yes, all 39 and partial can.

13 Q. And a partial. And the-- the partial you put
14 on the stereo; is that right?

15 A. Correct.

16 Q. Where were the rest of them?

17 A. In the pit were some of them. And then in the
18 Quonset hut, there was a box that was in a
19 Saltillo box. I just recalled that in the last
20 24 hours.

21 Q. Some were in the pit?

22 A. The pit is what the military called it. We
23 will call it the bathroom on the--

24 Q. Well--

25 A. Yeah.

1 Q. And-- and some were in the Quonset hut?

2 A. Yes, in a sealed--

3 Q. And you say you just remembered that?

4 A. In the last 24 hours, yes.

5 Q. Was that after you talked to your
6 co-conspirators?

7 A. Yeah, my co-conspirators helped refresh my
8 memory, so--

9 Q. Okay. I-- how did they know that that's where
10 they were if you only put one can out for the
11 walk-through?

12 A. Because I showed them where it was at, I had
13 just forgotten.

14 Q. When-- when-- you showed them where it was at
15 when?

16 A. Well, they were suiting up and they couldn't
17 deal with it because they were trying to undo
18 all of these things, the green cans, so they
19 couldn't go look at it. So when they got a
20 break later in the day, I showed them the other
21 cans from the pit and I showed them the box in
22 the Quonset hut that had the ET in it.

23 Q. Okay. So-- and this is-- when you say when
24 they were suiting up, do you mean for the
25 walk-through?

1 A. No.

2 Q. Okay.

3 A. I-- I don't-- I don't know-- for the
4 walk-through, I don't know where they were
5 sitting. They were probably in this Saltillo
6 tile box, I just don't recall.

7 Q. When-- this October 27th walk-through, the only
8 can that was--

9 A. That they saw, period, was the partially filled
10 one on the stereo.

11 Q. All right. Did you tell them on that day,
12 "Hey, I've got 30 more-- 39 more of these
13 cans"?

14 A. No, I did not tell them that.

15 Q. Why not?

16 A. Well, they didn't ask.

17 Q. Was it your intention to withhold some of that
18 ET or ergocristine, whatever was in those cans,
19 from the Government at that time?

20 A. No.

21 Q. Well, you did, though, didn't you?

22 A. Yes.

23 Q. But you hadn't thought about it at that point,
24 at the time of the walk-through?

25 A. No, I had more serious problems. I had a bunch

1 of people that are skeptical if I had a LSD
2 lab.

3 Q. Why did you only set one can out if you had 39
4 cans?

5 A. Well, I was told to be very careful with any
6 evidence that was put out until the search
7 warrant was done correctly.

8 Q. Well, who told you that?

9 A. They had problems when they arrived, and this
10 is why they wanted to know the ownership, the
11 chain of ownership.

12 Q. Oh. I said-- my question was, who told you
13 that?

14 A. I can't--

15 Q. "Don't set it all out until the search
16 warrant-- time for the search warrant"?

17 A. I can't recall which DEA agent told me.

18 Q. It was a DEA agent, though?

19 A. I believe it was a DEA agent. I didn't see
20 their badge and I didn't see their card, I was
21 told that they were.

22 Q. All right.

23 A. A lot of people showed up that I had never saw
24 in my life.

25 Q. All right. So you had one can that you had set

1 out for them. You didn't set the other 39 out
2 because they told you, in effect, be careful,
3 don't set everything out?

4 A. No, they said don't open up anything, period,
5 don't do anything, we can only do a
6 walk-through as it exists.

7 Q. All right. But when did they tell you that?

8 A. I don't know.

9 Q. Well, at the time they told you that, that one
10 can wasn't out on the stereo, was it?

11 A. I think it was.

12 Q. How-- how did it end up out there on the
13 stereo?

14 A. As soon as I arrived in Wamego two days prior
15 or three days prior, I popped it right up there
16 and put it on the stereo.

17 Q. Put it right out there in broad daylight?

18 A. It wasn't too much broad daylight in a missile
19 base.

20 Q. Well, you put it right out there where anybody
21 that walked through could see it?

22 A. If you could get through a 47-ton door that was
23 made to withstand a nuclear blast, I will give
24 you that.

25 Q. That wasn't my question.

1 A. There wasn't anyone to see it.

2 Q. Except the DEA. Right?

3 A. Except for the DEA and Graham Kendall.

4 Q. Okay. Now, we've got the walk-through and then
5 a search warrant. Right?

6 A. Yes.

7 Q. Okay. The search warrant was on the 31st, they
8 served it. Right?

9 A. I assume that's the date, I don't have it in
10 front of me.

11 Q. Do you know whether or not in any application
12 or affidavit for a search warrant there was any
13 reference made to this one can that you just
14 fortuitously set out there for them?

15 A. I'm sorry, I don't recall this.

16 Q. Where was the-- where was the-- the one can,
17 the partial can on the 31st when they served
18 the search warrant?

19 A. I don't think it ever moved from the top of the
20 stereo.

21 Q. Stayed there, right there?

22 A. That's right.

23 Q. Where were the other 39 cans at the time the
24 search warrant was served?

25 A. Okay. Some of them were in the pit, some of

1 them were in the Saltillo tile marble thing up
2 in the Quonset hut, and some of them were in my
3 wife's parents' house.

4 Q. All right. So you moved them, some of them,
5 between the 27th of October when the
6 walk-through occurred and the 31st when the
7 search warrant occurred; is that right?

8 A. No.

9 Q. Well, you just told us a minute ago that on the
10 27th on the walk-through the one can was out,
11 the 39 cans were over in this carton or
12 whatever it was?

13 A. No, I didn't say the 39 cans were there, you
14 said that.

15 Q. Well, how many were over there?

16 A. Ten in the Saltillo tile thing.

17 Q. Okay. Well, then where were the other 30 cans,
18 29 cans?

19 A. I think three were in the pit, and the balance
20 were over in my wife's parents' house.

21 Q. How did they get over to your wife's parents'
22 house?

23 A. Mike Hobbs and myself and my wife moved them
24 over sometime before this walk-through.

25 Q. When before the walk-through?

1 A. I don't know, it's a matter of-- there's a
2 hotel bill, because we put-- we put Mike in the
3 hotel to stay there a night before we moved
4 them into her house, because we didn't want her
5 parents seeing, so we had to wait until they
6 left to go to work at the university.

7 Q. Why did you move those cans off the base, the
8 missile silo or site and over to Emily Ragan's
9 parents' residence?

10 A. Yes.

11 Q. Why?

12 A. I was not for sure of how I was going to
13 resolve this whole issue.

14 Q. And you were going to steal them, weren't you?

15 A. Do you mean from your client and Mr. Pickard?

16 Q. You were going to steal them from somebody.

17 A. Do you mean from Mr. Pickard and Mr. Apperson?

18 Q. Did you steal them?

19 A. I'm asking you, did they belong to Mr. Pickard
20 and Mr. Apperson?

21 Q. Well, let me ask you this, Mr. Skinner; after
22 you took them, did you ever tell-- prior to
23 January of 2001, did you ever tell Karl Nichols
24 that you had 24 cans or 26 cans of ET or
25 ergocristine that you had taken out of that--

1 off that site and secreted at your parents' or
2 in-laws'?

3 A. Not to the best of my memory. I believe I lied
4 to him about the situation.

5 Q. That's exactly--

6 A. Well, I would need to look at the report to
7 know the date.

8 Q. Which report to determine what date?

9 A. When I corrected and told him that I had them,
10 so-- I don't know if--

11 Q. Well, we're going to go through that.

12 (Reporter interruption). I'm sorry. Did you
13 finish your answer?

14 A. Yeah.

15 Q. We're going to go through that probably right
16 after the lunch break. You don't know when it
17 was?

18 A. No. I mean, I just don't. You would have to
19 show me the reports.

20 Q. Do you remember telling Karl Nichols that-- at
21 any time that you had turned over all the ET
22 that there was?

23 A. I don't recall that, it's possible I told him.

24 Q. You just don't recall one way or the other?

25 A. That's correct.

1 Q. All right. Well, we'll dig the reports out
2 here and we'll go through them. So at the time
3 of the search warrant, how many cans of ET were
4 at the-- on the missile site?

5 A. Thirteen and then a quarter can, you know, a
6 partially-filled can is the best of my memory.
7 I did the reverse math.

8 Q. Okay. Thirteen full cans and a partial can?

9 A. Correct.

10 Q. The thirteen cans were found during-- as a
11 result of the search warrant. Correct?

12 A. Fourteen cans.

13 Q. Thirteen and-- thirteen plus?

14 A. Right.

15 Q. They were found as a result of the search
16 warrant. Correct?

17 A. I guess, yes. I mean, they-- I gave them to
18 them.

19 Q. Well, you didn't give them to them, they came
20 and seized them with a search warrant, didn't
21 they?

22 A. I don't know the legal stuff here, so I can't
23 tell you what is seized and what I'm giving to
24 someone. I don't know the difference, sorry.

25 Q. Neither Mr. Pickard or Mr. Apperson were in

1 Wamego at the time of the walk-through, were
2 they?

3 A. Not that I know about.

4 Q. And they weren't there when the search warrant
5 was served, were they?

6 A. Not that I know about.

7 Q. How was it that-- how was this walk-through
8 arranged? I mean, what-- what precipitated it
9 or what prompted it?

10 A. The Sacramento meeting and then the phone calls
11 in Northern California precipitated the
12 walk-through.

13 Q. Did you volunteer that or did they request that
14 they be allowed to do that?

15 A. I believe I volunteered it. I was having a
16 problem, they just didn't believe me, period,
17 that there was a lab there. So not only did I
18 volunteer--

19 Q. When you say they-- they just didn't believe
20 you, were they aware of your propensity to lie
21 at the time that these discussions were going
22 on?

23 A. No. My credibility with the Government was
24 impeccable, that wasn't a problem. They
25 couldn't believe--

1 Q. It was what?

2 A. My credibility with the Government was
3 impeccable.

4 Q. Because you didn't tell them about all your
5 background and all the illegal things that you
6 had been involved in. Correct?

7 A. No. When I spoke to the Government agents, I
8 always gave correct information. So now let me
9 finish, you didn't allow me to finish the first
10 question. Could you have it read back to me.

11 (THEREUPON, the following
12 question was read back by the reporter:
13 "Q. When you say they-- they just
14 didn't believe you, were they aware of
15 your propensity to lie at the time that
16 these discussions were going on?").

17 A. The problem was-- the reason they didn't
18 believe is they couldn't believe that this
19 massive of an LSD lab existed, period, in the
20 world. They just couldn't believe it.

21 Q. (BY MR. BENNETT) Well, when you say--

22 A. The scale was too vast.

23 Q. Well, when you said that your credibility with
24 the Government was impeccable, it was
25 impeccable because you had not told them about

1 all the illegal activity that you had been
2 engaging in, would you agree?

3 A. No, I wouldn't agree. And they believed enough
4 to shut down 173 out of 174 operations down
5 worldwide to bring in a team. That's how much
6 they believed. That came from Zack Zajak's
7 mouth.

8 Q. Well, you did not know-- or did not provide
9 them or let them know about your past, did you,
10 your illegal activities?

11 MR. HOUGH: I'm going to object--

12 A. I disagree, I disagree.

13 MR. HOUGH: There was background done
14 by Washington and--

15 MR. BENNETT: Well, now, Judge, I'm
16 going to object to the comments by counsel.

17 MR. HOUGH: (Reporter interruption)
18 -- knew and counsel is aware of this.

19 MR. BENNETT: Can we approach?

20 MR. HOUGH: That they would have
21 known prior to making the agreement.

22 THE COURT: Yes, you may.

23 MR. BENNETT: Judge--

24 (THEREUPON, the following
25 proceedings were held at the bench and

1 outside of the hearing of the jury).

2 MR. BENNETT: Judge, I-- Judge, I
3 strongly object to counsel getting up and
4 making a speech about what the Government knew
5 or they didn't know. I'm asking questions of
6 this witness about what he knows and what
7 happened. And for the Government to get up and
8 start, in effect, trying to bootleg in some
9 information is-- it's improper. He can object,
10 and I don't have any problem with him objecting
11 and taking it up. But for him to go off on
12 what he just did, I-- I strongly object to.

13 MR. HOUGH: Judge, what's
14 inappropriate is a question that is asked
15 knowing the premise is wrong. Counsel is as
16 aware as anyone that before cutting an immunity
17 deal, the Department of Justice in Washington,
18 D.C., did a background check on Mr. Skinner and
19 were aware of what they were getting into prior
20 to the signatures on the agreement that the
21 Court has ultimately recognized and given a
22 judicial immunity order for.

23 MR. BENNETT: Judge, that's just not
24 correct.

25 MR. HOUGH: That's the bottom line.

1 MR. BENNETT: That's just not
2 correct. I don't know what they did and what
3 they didn't do. I'm not a part of the
4 Government, I'm not a part of the U.S.
5 Attorney's Office. And I have never been and I
6 was not at any meeting or was-- I haven't been
7 provided with any documents that indicate there
8 was any background check done, polygraph or
9 anything else. I've asked for it, but I
10 haven't gotten it.

11 MR. HOUGH: Judge, we know that's not
12 true, because counsel-- both counsel have tried
13 to bootstrap in the polygraph examination that
14 was conducted and the Court issued orders in
15 limine regarding the polygraph.

16 MR. BENNETT: Well, that polygraph--

17 MR. HOUGH: The bottom line here is
18 that counsel asked the question knowing that
19 the FBI-- or that the DEA would have done or
20 did a background of this witness prior to
21 entering an immunity agreement.

22 MR. BENNETT: Judge, I--

23 MR. HOUGH: And asking the witness
24 whether or not he would know about that, his
25 basis of knowledge may or may not encompass

1 that. The fact is that counsel knew or should
2 know.

3 MR. BENNETT: I categorically deny
4 that I knew any of that, Judge. And as far as
5 this polygraph is concerned, that didn't have
6 anything to do with his background, that had to
7 do with whether or not he withheld ET after the
8 fact.

9 THE COURT: Well, I-- I don't know
10 what-- what he knew and you know what-- what
11 they had done, but he wouldn't necessarily
12 know. So I will overrule your objection and
13 you may go ahead.

14 MR. RORK: Well, Judge, I would
15 just--

16 THE COURT: It's about time to take a
17 break.

18 MR. BENNETT: Yeah.

19 MR. RORK: And I would just ask that
20 counsel, again, be admonished not to make
21 personal statements about what the Government
22 did or didn't do and just say objection and a
23 basis. That's what got him and I with you at
24 odds earlier this week.

25 MR. HOUGH: Well, Judge, that was the

1 basis.

2 THE COURT: All right. We'll let's
3 not get into that.

4 (THEREUPON, the bench conference
5 was concluded and the following
6 proceedings were held within the hearing
7 of the jury).

8 THE COURT: Ladies and gentlemen,
9 let's break for lunch. I will see you back
10 here at 1:30. Mr. Bailiff.

11 (THEREUPON, a luncheon recess was had).

12 THE COURT: All right. Mr. Bennett,
13 you may proceed.

14 MR. BENNETT: Thank you.

15 Q. (BY MR. BENNETT) Mr. Skinner, I want to talk
16 to you now some more about the search and the
17 ET or ergocristine, whatever it was, that was
18 seized on October the 31st. Just prior to the
19 search warrant, how much ET or ergocristine was
20 on the missile base at any-- anywhere on the
21 missile base, not one location or another, but
22 if it was more than one, how much did that
23 total?

24 A. You're talking about the tall cans, nothing
25 that was in the trash bags or nothing that--

1 Q. That's right, that's right.

2 A. Okay. The tall cans that we've identified.

3 Q. Right.

4 A. Thirteen tall cans with a fractional fourteenth
5 can is the best of my memory.

6 Q. All right. Thirteen cans, one of which was
7 still on the stereo. Right?

8 A. I believe so.

9 Q. All right. And where-- help me again, where
10 was the rest of it?

11 A. Some of the cans were in the pit that I showed
12 up here, which is now underneath the bathroom.

13 Q. All right.

14 A. And then the rest were up in the Quonset hut
15 building in a wooden crate that had Saltillo
16 tiles and marble tiles and granite tiles.

17 Q. And were all of those-- the one that was on the
18 stereo, the ones that were in the pit and the
19 ones that were up in-- with the tile or the
20 tile boxes, were those all found in the course
21 of that search?

22 A. Yes.

23 Q. All right.

24 A. What-- what search?

25 Q. The search warrant.

1 A. Okay. Yes.

2 Q. Okay. And on that day-- that was October the
3 31st of 2000. Correct?

4 A. If you're telling me that, I don't know.

5 Q. Well, I'll tell you that, I will represent that
6 to you.

7 A. Okay.

8 Q. Now, on that same day, Karl Nichols asked you
9 if there was any more ergocristine or ET on the
10 base, didn't he?

11 A. I do not recall that.

12 Q. Well, let me-- let me hand you a report that
13 shows the date of preparation being April 10th,
14 2001, and bears what I believe is Karl Nichols'
15 signature, bearing a date of April 11th. And
16 I'll hand that to you and if that-- ask you if
17 that will refresh your recollection.

18 A. (Pause).

19 Q. I will call your particular attention, maybe it
20 will help you--

21 A. Please may I just have time to read the whole
22 thing?

23 Q. Sure, read the whole thing.

24 A. Yes, I've finished.

25 Q. All right. Now, does that help refresh your

1 recollection as to whether or not Mr. Nichols
2 on October the 31st asked you whether or not
3 there was any other ergocristine in your
4 possession?

5 A. Yeah, the other-- do you mean ET, ergotamine
6 tartrate?

7 Q. All right. ET. Does that refresh your
8 recollection?

9 A. Yes.

10 Q. He did ask you that, didn't he?

11 A. No, one of them asked me, one of the DEA agents
12 asked me.

13 Q. All right. And your answer was no, you didn't
14 have any more, didn't you?

15 A. That's correct.

16 Q. And that was a lie, wasn't it?

17 A. That's a lie.

18 Q. And at that point in time, you had secreted 26
19 cans somewhere else, hadn't you?

20 A. Correct.

21 Q. And when had you secreted the other 26 cans?
22 We were talking about that this morning, do you
23 have any better recollection of--

24 A. No.

25 Q. -- when it was?

1 A. No.

2 Q. It was sometime between the time you moved the
3 lab from Ellsworth to Wamego and this date of
4 this search warrant, though. Right?

5 A. Yes.

6 Q. Okay. So sometime between July and the end of
7 October. Right?

8 A. Yeah, or-- definitely before October 12th.

9 Q. All right.

10 A. So we can narrow it down, because I wasn't even
11 in the State of Kansas.

12 Q. Why did you lie to them?

13 A. Number of reasons. The first reason was I had
14 intended-- I didn't-- I didn't know what was
15 going to happen with-- they got pretty excited
16 when the first few cans showed up and then they
17 got real excited when the crate showed up that
18 day. And next thing is, I didn't know-- I
19 wanted the ability to-- and I had spoke to
20 Agent Nichols about this, about being able to
21 cram this down the throat of the back-up
22 chemist of an organization. And another
23 situation is--

24 Q. Well, wait a minute, wait a minute, let me
25 interrupt you here for a minute?

1 MR. HOUGH: Well, Judge, we'll
2 object. We would ask that the witness be able
3 to conclude his answer before counsel
4 interrupts him.

5 MR. BENNETT: I just want to ask him
6 a question about what he just said in the
7 course of this, Your Honor, I--

8 MR. HOUGH: Well, he wasn't finished,
9 Judge.

10 THE COURT: Why don't you go ahead
11 and finish and then-- and then you can ask.

12 A. And one of the reasons that the ET was sitting
13 there is in case I got killed, I wanted my wife
14 to have some sort of a back-up plan, even
15 though I was prohibited from selling this, she
16 would not have been under the circumstance of
17 my death.

18 Q. (BY MR. BENNETT) Did you tell me in-- in your
19 answer did you say that you had talked to Agent
20 Nichols about using some of this substance that
21 you had secreted away to try and--

22 A. No, he didn't know it was secreted. I told him
23 that I knew where there was ET or EC in this
24 case.

25 Q. On the 31st?

1 A. No.

2 Q. All right.

3 A. Sometime in the next few months. I don't know
4 when I told him.

5 Q. Well, look at that report that I just gave you.
6 On November the 13th of 2000, did Agent Nichols
7 interview you at the Oakland DEA office?

8 A. Yes.

9 Q. And during that interview, did Agent Nichols
10 tell you that he had been contacted by a
11 co-worker--

12 A. Yes.

13 Q. -- who joked that he, the co-worker, was in
14 possession of approximately ten kilograms of
15 ergotamine tartrate?

16 A. Yes.

17 Q. And when he-- when Agent Nichols told you that,
18 who did you understand the co-worker to be?

19 A. I have no idea. It was just a joke.

20 Q. It was a joke?

21 A. Yeah. I mean, it says it was a joke. A
22 co-worker who joked with him.

23 Q. Okay. All right.

24 A. Called him up and played a joke on him.

25 Q. But he didn't identify who the co-worker was?

- 1 A. He actually may have said who it was.
- 2 Q. All right.
- 3 A. He was telling the story to Lynn Beshear
- 4 (phonetic) is what I remember.
- 5 Q. After he told you this story, what was your
- 6 response, if any?
- 7 A. Well, I said that I have-- I know where more ET
- 8 is at or I can--
- 9 Q. All right.
- 10 A. -- produce it.
- 11 Q. And did you tell him how much more ET you
- 12 knew-- ET you knew was in existence?
- 13 A. I gave him an approximation, I didn't know
- 14 exactly.
- 15 Q. What was the approximation?
- 16 A. According to this, it was like 19 cans.
- 17 Q. And when you refer to "according to this," are
- 18 you referring to the report that I gave you a
- 19 minute ago?
- 20 A. Yes.
- 21 Q. Are you using that to refresh your
- 22 recollection?
- 23 A. Right.
- 24 Q. And what did you tell him with regards to that
- 25 package and what might be happening with it?

1 A. Well, I mean, I'm going off of this. I mean, I
2 can try to do it from memory.

3 Q. Well, you can refresh your recollection, if you
4 need to. If you don't need to, just tell me.

5 A. I remember telling him that it was in the
6 middle of the United States, I believe I told
7 him it was St. Louis specifically.

8 Q. That was a lie, wasn't it?

9 A. Yeah, absolutely.

10 Q. All right.

11 A. And that it was in a safe zone being watched
12 carefully.

13 Q. That was a lie, wasn't it?

14 A. No, it was being watched because if there would
15 have been a breach, it would have been
16 immediately known by the family.

17 Q. Well, you told him it was under surveillance,
18 didn't you?

19 A. Yeah, but in my opinion, it was under
20 surveillance.

21 Q. Sitting in your in-laws' house?

22 A. They would have certainly said something if
23 there would have been a break-in.

24 Q. Did they know, did your in-laws know?

25 A. No. No clue whatsoever.

1 Q. So they weren't watching over it?

2 A. No, but this was a bedroom that was never used.
3 It was her bedroom and it was solely hers.

4 Q. All right. Then during that same debriefing,
5 is that when you told him it was somewhere in
6 the middle of the United States?

7 A. Correct.

8 Q. Then did you-- were you interviewed again on
9 November 27th and 28th by Agent Nichols?
10 Paragraph 6.

11 A. Yes.

12 Q. All right. And on that occasion, what did you
13 tell him about this ET?

14 A. That two persons were willing to deliver it or
15 speak to him about it.

16 Q. Was that the truth or was that a lie?

17 A. It was the truth.

18 Q. Who were the two people that were willing to
19 deliver it or provide information about it?

20 A. Well, I don't know if both of them would have
21 delivered it, but Emily and-- that was my wife,
22 and Mike Hobbs.

23 Q. They were willing to--

24 A. Emily was not willing to deliver it, but she
25 was willing to assist in getting it to them.

1 Q. All right.

2 A. She was pregnant, it wouldn't have been wise
3 for her to have been making that trip.

4 Q. Did you indicate to Agent Nichols at that time
5 who the two individuals were?

6 A. No.

7 Q. Why not?

8 A. Because it would have given off too much of a
9 trail, and I had seen how excited they get
10 about-- when they hear ET is somewhere.

11 Q. "They get excited," do you mean the DEA?

12 A. The DEA, they get pretty wild about it.

13 Q. And then did you have another conversation with
14 Agent Nichols on December 22nd, 2000?
15 Paragraph 7.

16 A. I'm reading it, yes. Yes.

17 Q. And that was not an in-person meeting, was it?

18 A. No, it was a phone call.

19 Q. All right.

20 A. Calling from Tucson, Arizona.

21 Q. And what did you tell Agent Nichols?

22 A. That there was a person that was willing to
23 basically deliver it and facilitate it.

24 Q. Well, the report indicates, does it not, that
25 you advised him that one of the potential