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W I T N E S S

ON BEHALF OF GOVERNMENT: PAGE

MICHAEL BRIAN HOBBS

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MICHAEL BRIAN HOBBS,
called as a witness on behalf of the Plaintiff,
was sworn, and testified as follows:

DIRECT-EXAMINATION

BY MR. HOUGH:

Q. Good morning, sir.

A. Good morning.

Q. Would you please tell us your name and spell
your last name for the record?

A. Michael Brian Hobbs, that's H-O-B-B-S.

Q. Sir, you're here today--

MR. RORK: Excuse me, Mr. Pickard and
I would ask that we could perhaps move the
screen so we can see the witness.

THE COURT: Yes.

Q. (By Mr. Hough) Sir, you are here today
pursuant to a court order, a subpoena. Is that
right?

A. That's correct.

Q. Do you have any type of an agreement or
understanding with the prosecution in return
for your testimony?

A. Yes. As far as I know I have an immunity
agreement.

Q. And would you describe your understanding of

1 that?

2 A. Basically, anything I say here that may tend to
3 incriminate me in this instance will not.

4 Q. Okay. And is that in the form of an oral
5 understanding, or is there some written
6 document?

7 A. There's a written document.

8 Q. Okay, and--

9 A. I believe it's a proffer.

10 Q. And?

11 (THEREUPON, there was a conversation
12 in low tones between Mr. Hough and Agents
13 Nichols and Hanzlik.)

14 Q. Did you hire an attorney and get some type of a
15 written proffer agreement at some point in
16 time?

17 A. No, I just seen my name in a document.

18 Q. Okay. Was it in the form of a police report,
19 or was it in the form of something else?

20 A. It was a written document that Todd Skinner
21 had.

22 Q. Okay. Are you referring to the immunity
23 agreement that Mr. Skinner had?

24 A. Yes.

25 Q. You did not personally get anything in addition

1 to that. Correct?

2 A. That's correct.

3 Q. Okay. Sir, in the last ten years, have you
4 used any type of a controlled substance other
5 than a prescription medicine?

6 A. Yes, I have.

7 Q. And would you describe that for us, please?

8 A. Do you want me to just go through the list?

9 Q. Please.

10 A. Let's see. There's marijuana, hashish, LSD,
11 MDA, MDMA, DMT, 5-MEO, cocaine, let's see,
12 morphine, coffee, let's see. There are
13 probably more. LSD. That's the ones that come
14 to mind.

15 Q. Okay. And when was the last time that you used
16 some controlled substance other than by a
17 prescription, prior to testifying today?

18 A. Let's see, I drank alcohol last night, smoked
19 marijuana as I was leaving my house.

20 Q. How long ago was that?

21 A. That was three days ago.

22 Q. Okay, and that's the last use of a controlled
23 substance, then?

24 A. Yes.

25 MR. BENNETT: Judge, could we

1 approach the bench, please?

2 THE COURT: Yes, you may.

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

6 MR. BENNETT: Judge, as I understand
7 the witness, he has no immunity agreement.
8 That's what I think I heard him say.

9 MR. HOUGH: That's correct. He has
10 no immunity agreement.

11 MR. BENNETT: I think for the record
12 that the Court ought to instruct the witness or
13 advise the witness of his potential exposure
14 before he goes ahead and testifies. It's not
15 my job to protect him, but I was a little
16 startled when he said he's relying on some
17 agreement that was made with Skinner, as I
18 understand it.

19 MR. HOUGH: Judge, we have told him
20 that he would not be prosecuted for the
21 information that he provided in court relative
22 to this conspiracy and that he's in no trouble
23 as a result of that, and he's certainly not at
24 any exposure for casual drug use that would
25 have occurred in the state of California,

1 consistent with his testimony, that occurred
2 three days ago. And, frankly, our line of
3 inquiry regarding this matter is over.

4 MR. RORK: Well, Judge, I would just
5 ask on behalf of Mr. Pickard that the
6 government make that clear, then, for the jury
7 or for him that he's not being prosecuted for
8 anything he's saying here today rather than
9 leave him hanging.

10 MR. HOUGH: I can do that.

11 MR. BENNETT: Judge, what I don't
12 want to do is end up being precluded from
13 exploring fully anything and everything illegal
14 or potentially illegal that he has been
15 involved in, whether it has to do with this
16 conspiracy or some other potential illegal
17 activity. It's my position that I ought to be
18 able to fully examine him, and I don't want to
19 be put in a position of having to be foreclosed
20 by virtue of there being some contention by
21 either the government or the witness that he's
22 not-- he doesn't have any immunity for this
23 and, therefore, wants to exercise his 5th
24 Amendment. I think it would be improper for me
25 to ask him questions that would result in that

1 type of response from him about a 5th Amendment
2 privilege.

3 MR. HOUGH: Judge, I can make the
4 record more clear when we step back down that
5 he won't be prosecuted for his personal drug
6 usage and that he won't be prosecuted for the
7 information that he has provided relative to
8 this LSD lab, and that should cure Mr.
9 Bennett's concerns.

10 MR. BENNETT: Well, it will cure them
11 if I'm-- if what that means is I'm not going to
12 be foreclosed from a full cross-examination of
13 him with regard to any involvement that he's
14 had in any drug activity, whether it's moving
15 labs, or moving precursor, or whatever it might
16 be.

17 MR. HOUGH: Well, I think that within
18 the ten year-- I mean, within the realm of
19 relevance, my question to the witness was back
20 ten years. I think that counsel is free to
21 explore that.

22 MR. RORK: And, Judge, I would just
23 add that perhaps the government should just
24 indicate to him that there's an agreement that
25 references testimony in this case, that absent

1 a serious capital offense, there would be no
2 prosecution, and just make it that simple or
3 that widespread.

4 MR. HOUGH: Well, it's not that
5 widespread. It's limited to personal drug use
6 and the information that he's provided relative
7 to the LSD lab.

8 MR. BENNETT: Well, see--

9 MR. RORK: That's the problem.

10 MR. BENNETT: -- that's limiting it
11 now, and if he has been involved in some other
12 LSD lab or some mescaline manufacturing or some
13 DMT manufacturing, MDMA, or whatever it might
14 be on this base or any other base or in
15 conjunction with Mr. Skinner or anybody else, I
16 think I ought to be able to ask those
17 questions. Now, from what I hear--

18 THE COURT: Well, doesn't look to me
19 like the government's going to foreclose you
20 from asking any questions.

21 MR. HOUGH: No.

22 MR. BENNETT: With that last comment,
23 I thought he was.

24 MR. HOUGH: No.

25 MR. BENNETT: He was saying, well,

1 personal drug use and anything in regards to
2 this situation, and so that's my concern. I
3 mean, I'd like to hear the man's testimony, but
4 if I don't want to then be somehow cut off from
5 going into any other potential transgressions
6 he's been involved in with Mr. Skinner or
7 anybody else.

8 MR. RORK: And, Judge, so you can
9 know, there is some information relative to him
10 with Mr. Skinner in manufacturing MDA and those
11 5-MTs and other entheogens.

12 MR. HOUGH: We have no intention of
13 prosecuting him for that, and we will clarify
14 that when we go back.

15 THE COURT: All right. Well, let's
16 go ahead.

17 MR. BENNETT: Okay.

18 (THEREUPON, there was a conversation
19 in low tones between the Court and the
20 Bailiff.)

21 THE COURT: Are you satisfied with
22 going ahead?

23 MR. HOUGH: Yes, sir.

24 THE COURT: All right, you may
25 proceed.

1 Q. (By Mr. Hough) Mr. Hobbs, in spite of the fact
2 that you don't have your own separate written
3 agreement, you have been informed that you will
4 not be prosecuted for any personal drug use or
5 personal drug manufacture relative to your
6 testimony here today. Correct?

7 A. That's correct.

8 Q. And we have also informed you that you will not
9 be prosecuted for any information that you have
10 provided and will provide in this trial
11 relative to this LSD lab. Correct?

12 A. That is correct.

13 Q. Okay, thank you. Now, you indicated your
14 personal drug use a moment ago. Has any of
15 that personal drug use affected your ability to
16 understand the questions that I'm asking?

17 A. No, sir.

18 Q. Has any of it affected your ability to
19 communicate answers in return to questions or
20 informed thoughts?

21 A. No.

22 Q. Now, you understand my questions now?

23 A. Yes, I do.

24 Q. Can you tell us, sir, do you know a man named
25 Todd Skinner?

- 1 A. Yes, I do.
- 2 Q. Can you tell us how you met Mr. Skinner?
- 3 A. We both grew up in the same home town, in
4 Tulsa, Oklahoma. My ex-wife was a masseuse,
5 and he was one of her clients, and we all went
6 out to dinner, and eventually I started working
7 for Gardner Springs.
- 8 Q. And what is Gardner Spring?
- 9 A. Gardner Springs is owned by his mother,
10 Katherine Magrini, and they manufacture coiled
11 springs.
- 12 Q. When did you meet Mr. Skinner, approximately?
- 13 A. Approximately 1990.
- 14 Q. And how soon thereafter did you start working
15 at Gardner Springs?
- 16 A. Probably about a year after that.
- 17 Q. And at some point in time, then, did you move
18 to Kansas to work at Gardner Springs?
- 19 A. Yes, I did.
- 20 Q. When was that?
- 21 A. That was when we first took over the facility,
22 approximately '96, end of '96.
- 23 Q. So was there actually a viable Gardner Springs
24 business going on at Wamego?
- 25 A. Yes, there was.

1 Q. During what period of time?

2 A. It took a while to convert it to a usable
3 facility, so probably about '98 is when we were
4 fully operational.

5 Q. And how long did it maintain operations?

6 A. Approximately two years.

7 Q. What was your job at Gardner Springs?

8 A. I began there in the shipping and receiving
9 warehouse, moved on to a driver, and then,
10 after we took over the site in Wamego, I spent
11 a lot of time on the road just converting-- I'm
12 sorry-- just transporting materials back and
13 forth.

14 Q. And what types of vehicles did you use for this
15 transportation?

16 A. Ryder trucks mostly.

17 Q. And was it unusual for there to be other Ryder
18 trucks other than the one that you would have
19 been driving, for instance, more than one Ryder
20 truck there at the Wamego site hauling stuff in
21 and out?

22 A. Normally it was only one unless we had a lot
23 of-- we would bring the wire for the springs on
24 huge stacks, and if the weight got too much, we
25 would get a separate truck.

1 Q. And by the time that you moved to Wamego--
2 strike that. When did you actually move to
3 Wamego with Gardner Springs?

4 A. You know, I was halfway in between Wamego and
5 Tulsa most of the time, had a place to stay at
6 both locations.

7 Q. When did you obtain a place to stay in Wamego?

8 A. Approximately July of '97.

9 Q. And where was that at?

10 A. That was at the site in Wamego.

11 Q. So you stayed at the missile base--

12 A. Yes.

13 Q. -- or converted missile base?

14 A. (Witness nods head up and down.)

15 Q. Did you also eventually get a residence, a
16 rental house in Wamego, or did you always stay
17 at the missile base?

18 A. I had a residence in Manhattan.

19 Q. And when did you get the place there in
20 Manhattan?

21 A. Let's see. It would have been around August,
22 September of '97.

23 Q. After you met Mr. Skinner, did you meet a man
24 named William Pickard or Leonard Pickard?

25 A. Yes, I did.

1 Q. Did you know him by the name William Pickard or
2 Leonard Pickard, or what name did you know him
3 by?

4 A. Leonard Pickard.

5 Q. And can you tell us when it was that you met
6 Mr. Pickard and how?

7 A. I met him-- Mr. Skinner had a place in Stinson
8 Beach, and he had a vehicle that he wanted me
9 to bring to the Pan Pacific Hotel in San
10 Francisco, so I drove a vehicle to the Pan
11 Pacific, and that's where I met Mr. Pickard.

12 Q. Do you recall about when that was?

13 A. Sometime in '98.

14 Q. When you arrived at the Pan Pacific Hotel in
15 '98, tell us what happened.

16 A. I walked up to the door to deliver the keys,
17 and Mr. Skinner introduced me to Mr. Pickard.

18 Q. Where in the Pan Pacific did this occur?

19 A. In the penthouse, I believe it was out on the
20 balcony.

21 Q. Describe the meeting and the introduction if
22 you would, please.

23 A. Skinner just said that I should meet Pickard
24 and that I would probably be seeing him in the
25 future, just pretty brief introduction.

1 Q. Did you stay there a while?

2 A. No.

3 Q. Was Mr. Pickard alone at the time?

4 A. There was one other person in the room. I
5 don't know if they were together or it was a
6 guest of Skinner's.

7 Q. And would you describe this other person?

8 A. To the best of my recollection, it was a
9 Caucasian female, blond hair, kind of a small
10 build.

11 Q. Did you later learn who she was?

12 A. No.

13 Q. Okay. So after meeting Mr. Pickard at the
14 Stinson Beach area in '98, after the meeting,
15 did you leave, did you stay? What happened?

16 A. I left.

17 Q. When would have been the next time that you
18 recall meeting Mr. Pickard again?

19 A. That would be at the Albuquerque airport.

20 Q. And when was that?

21 A. That must have been six or eight months later.

22 Q. And what was the purpose for you being there at
23 the Albuquerque airport?

24 A. I had flown in there from Tulsa to pick up a
25 rental car that had to be returned to Oklahoma

1 City. It was my understanding that Pickard had
2 important meetings to go to, and that the
3 rental car was nearly overdue, and it needed to
4 be returned, and he couldn't do it, so Skinner
5 asked me--

6 Q. Who told you that, Mr. Skinner?

7 A. Yes.

8 Q. Okay. I'm sorry. Go ahead.

9 A. Skinner asked me if I would do it, and I told
10 him I would, so I was off.

11 Q. So how did you get then from Tulsa to
12 Albuquerque?

13 A. I flew.

14 Q. And when you got to Albuquerque, what happened?
15 Describe the meeting.

16 A. I had met Pickard in the airport. He gave me
17 the keys, and--

18 Q. Did he give you any instructions?

19 A. He just said that it needed to be returned to
20 Oklahoma City.

21 Q. Did he tell you where he was going or what he
22 was doing, and why he couldn't return it
23 himself?

24 A. No. I didn't ask, and he didn't say.

25 Q. Did Mr. Pickard indicate how long the truck had

1 been leased and what the purpose was that it
2 needed to be returned?

3 A. I think there's a 30 day limit--

4 MR. BENNETT: Judge, just a minute.
5 I'm going to object. I think we were talking
6 about a car, and then Mr. Hough switched it to
7 a truck, and--

8 THE WITNESS: It was actually a
9 pickup truck.

10 THE COURT: All right. Thank you.

11 THE WITNESS: A rental pickup truck.

12 Q. (By Mr. Hough) Thank you. Continue, please.

13 A. I'm sorry. What was the next question?

14 Q. So your understanding was it needed to be
15 returned to Oklahoma City. Correct?

16 A. That's correct.

17 Q. Did you drive it, then, from Albuquerque to
18 Oklahoma City?

19 A. Yes, I did.

20 Q. And do you recall returning it, where you
21 returned it to?

22 A. It was-- I can't remember exactly which rental.
23 I think it was Hertz rental near the airport in
24 Oklahoma City.

25 Q. Do you recall what type of a truck it was?

1 A. It was a little, maybe a Nissan, just a small,
2 small sized pickup truck.

3 Q. Did it have any cargo in it?

4 A. No. It was completely empty.

5 Q. During the time at Stinson Beach, did you see
6 Mr. Pickard at all again other than just the
7 initial meeting?

8 A. At that point, no. Later on.

9 Q. About how much later on? Do you recall when?

10 A. There was-- I think it was late in '99. Mr.
11 Skinner had rented a residence there in Stinson
12 Beach, and he had his children out there, and
13 so I was out there helping him watch the kids,
14 and that's when Pickard came out to the house
15 and stayed.

16 Q. How long was he there?

17 A. Maybe five to seven days, approximately a week.

18 Q. Did you interact much with him while he was
19 there?

20 A. Very little. I think I was off with the kids,
21 and--

22 Q. Did Mr. Skinner, that you saw, interact much
23 with Mr. Pickard while he was there?

24 A. Yeah, I believe so.

25 Q. Do you recall seeing Mr. Pickard at all in

1 Santa Fe, New Mexico, in '99?

2 A. Yes, I do.

3 Q. And can you describe any events in the spring
4 of '99 that you recall?

5 A. We had gone to Santa Fe to go to an art show to
6 pick up art.

7 Q. We being who?

8 A. Myself, Todd Skinner, Gunnar Guinan, and
9 Guadalupe.

10 Q. Okay.

11 A. And we were there for the art show, and Pickard
12 came to the house one day.

13 Q. Tell us what exactly you were looking for at
14 the art show, if anything.

15 A. We were-- we bought Saticillo tile, and basically
16 just looking for art pieces to go inside the
17 missile base.

18 Q. How long did you stay in Santa Fe, do you
19 recall?

20 A. I couple of weeks. It was kind of a vacation
21 as well.

22 Q. Tell us-- okay, and where did you and the other
23 three men stay?

24 A. Let's see. When we first got there, we stayed
25 with Mr. Skinner at his-- the residence he had

1 rented, and eventually we got our own place for
2 about a week.

3 Q. Where was that in relationship to where Mr.
4 Skinner's place was?

5 A. It was across town a ways, probably seven
6 miles.

7 Q. Do you recall what region of Santa Fe this was
8 in?

9 A. Let's see. The place we had was near downtown,
10 and his place was a bit nicer. It was up on a
11 hill. I don't-- I'm not sure what the region
12 is called there.

13 Q. And tell us what happened during this period of
14 time in '99 when you were in Santa Fe, other
15 than looking for the artwork and the tile, if
16 anything?

17 A. Let's see. I guess it was a vacation as well,
18 so-- in the daytimes, we'd go to the art shows
19 and try to find what we were looking for, and
20 in the evenings, just hang out around town,
21 have dinner, maybe go to a bar, have a drink.

22 Q. Who was paying the bills there? Was everyone
23 paying their own, or was someone picking up all
24 the bills, or do you recall?

25 A. Skinner had footed a lot of the bills, but we

1 also paid our own way in the evenings.

2 Q. Do you recall in June of '99 being at a house
3 in the Las Campanas region of Santa Fe?

4 A. Yes, I do.

5 Q. And who was there with you, if you recall?

6 A. Skinner and Pickard.

7 Q. And what was the purpose for you being there?

8 A. There was a cargo trailer that was there that
9 we were going to move to a different location.

10 Q. Do you recall the color of the cargo trailer?

11 A. Yes. It was white, it was six by ten.

12 Q. And do you recall why it needed to be moved?

13 A. I wasn't sure.

14 Q. Whose idea was it to go move it?

15 A. Skinner had asked me to help him out.

16 Q. And what did Lupe and Mr. Guinan do while you
17 and Mr. Pickard and Skinner were there?

18 A. They were at the second residence we had
19 rented. It was near downtown.

20 Q. When you went to the residence, did you
21 actually see this trailer there?

22 A. Yeah, it was parked right outside in the
23 driveway there.

24 Q. And when you got there, what happened?

25 A. Pulled the truck around, loaded the trailer up,

1 and then that's pretty much it. I followed Mr.
2 Skinner to a separate location.

3 Q. What was Mr. Pickard doing?

4 A. He followed us as well.

5 Q. So there were three separate vehicles?

6 A. That's correct.

7 Q. Whose idea was it, if you know, to move the
8 trailer?

9 A. Skinner is the one who asked me if I would do
10 it, so I'm assuming it was his.

11 Q. And when you got there to hook the trailer up,
12 who was calling the shots, if anyone?

13 A. I don't think anyone was. I mean, I was
14 working for Skinner, so he was, you know, just
15 helping me hook the trailer up.

16 Q. What was Mr. Pickard doing while you and Mr.
17 Skinner were hooking the trailer up?

18 A. I don't really recall. I think it was just
19 kind of so quickly that we pretty much just
20 pulled up there, hooked it up, and took off.

21 Q. Once it was hooked up-- well, strike that. Did
22 you ever go into the residence or see inside of
23 the residence there?

24 A. No.

25 Q. And was the trailer in front of, or behind, or

1 to the side of the residence, if you recall?

2 A. In the front.

3 Q. And after it was hooked up, what did you do
4 with it?

5 A. We drove it to a house that was in Rancho de
6 Canada in Santa Fe as well.

7 Q. And then what happened?

8 A. We pulled it down the hill and into the garage
9 and left it there locked up.

10 Q. Did anyone ever tell you what was in the
11 trailer?

12 A. No, they didn't.

13 Q. Did you ever have any conversation with anyone
14 about opening or unloading the trailer?

15 A. Yeah. Skinner told me once we pulled in there
16 not to open it.

17 Q. Did he tell you why?

18 A. He just said there was dangerous things in
19 there.

20 Q. Did you go around or look into the trailer at
21 all while you were there?

22 A. I did not look in it. I did go around it
23 several times as we were pulling it into the
24 garage. It barely fit in there.

25 Q. Did you notice anything unusual about it?

1 A. There was definitely strange smells coming from
2 it of a chemical nature, I guess.

3 Q. Okay. How would you describe those?

4 A. Maybe-- I guess what it reminded me of was
5 opening the cabinet under the kitchen sink
6 where I store, you know, household cleaning
7 products and that kind of thing.

8 Q. Okay. And what happened to that trailer, if
9 you know?

10 A. Eventually, it was moved from that location to
11 a storage unit.

12 Q. Do you recall when this was in relationship to
13 it being moved into this residence as you have
14 described in June of '99?

15 A. It was shortly after that, maybe a month after
16 that.

17 Q. So July, August '99?

18 A. July, August.

19 Q. And did you go to the residence where you had
20 parked this trailer to move it?

21 A. Yes.

22 Q. Did you go alone?

23 A. Yes, I did.

24 Q. And where did you come from to get there?

25 A. I believe at that time I was in Kansas, Wamego.

1 I flew out of Kansas City into Albuquerque and
2 took a shuttle to there, where there was a
3 truck that we had left behind, so I used the
4 truck to pull the trailer.

5 Q. And where was the truck at?

6 A. At the house in Rancho de Canada, where the
7 trailer was.

8 Q. Was anybody staying in or living in that house,
9 to your knowledge?

10 A. Yes. Mr. Kendall, Graham Kendall had been
11 staying there.

12 Q. For the whole month and a half?

13 A. I'm pretty sure he was there most of the time,
14 yes.

15 Q. Who paid for your airfare from Kansas out
16 there?

17 A. That was Skinner.

18 Q. And did he pay it in advance, or reimburse you,
19 or do you recall?

20 A. He paid for it in advance.

21 Q. And when you got to the residence, tell us what
22 happened. This is July, August '99 when you
23 got back there the second time to move it?

24 A. Right, yeah. It was pretty cut and dried, just
25 pulled up there, attached the trailer to the

1 truck, pulled it over to the storage unit that
2 I had rented previously, and backed the trailer
3 in and left it.

4 Q. Did anyone meet you at the residence?

5 A. No.

6 Q. Do you recall anyone giving you any directions
7 at that time?

8 A. No.

9 Q. Do you recall having any conversation with Mr.
10 Apperson when you went out there that second
11 time?

12 A. Not at that time, no.

13 Q. When, then, did you?

14 A. There was a time about a month later where I
15 had gone back to the storage unit and pulled
16 the trailer back to the house where I was to
17 meet Apperson.

18 Q. Okay, tell us about that, then. After you had
19 moved this into the storage unit, did you just
20 leave it there?

21 A. Yeah, it stayed there, and then it was moved
22 back, I believe, as a security measure, because
23 I think for some reason Skinner didn't want
24 Pickard to know that he had pulled this trailer
25 away from the house, that he supposed we had it

1 sitting in there for a while. This was
2 supposed to be there the whole time.

3 Q. The house Mr. Kendall was at?

4 A. Right. It was supposed to be there the whole
5 time but, apparently, Skinner felt it wasn't
6 very-- let's see -- I don't remember the word
7 that-- he wasn't very trustful of Pickard, so
8 he wanted to move it away to a separate
9 location that he didn't know about.

10 Q. Okay. So, then, how much later was it after
11 the trailer with the chemical odors was moved
12 into the storage facility that you moved it
13 back out to the house?

14 A. That was about two weeks. Wasn't very long.

15 Q. And what were you doing during that two weeks?

16 A. I was in Santa Fe, living there.

17 Q. And where were you living in relationship to
18 where that storage facility was?

19 A. Pretty close. I was staying with a friend of
20 mine that I had met there and--

21 Q. When you say pretty close, how close?

22 A. I'd say six blocks.

23 Q. Was it within eyesight from this place?

24 A. Yes.

25 Q. And the place where you were staying with a

1 friend was an apartment?

2 A. Yes.

3 Q. And was it on some floor other than the ground
4 floor?

5 A. Yeah, it was on the second story.

6 Q. And from the balcony on the second story, could
7 you see the storage unit?

8 A. I could see the facility, not the unit itself.

9 Q. Okay, and then a couple weeks later when you
10 moved it out of the storage facility, did
11 someone tell you to do that?

12 A. Yes, that was Skinner.

13 Q. And what did he tell you about moving it out of
14 there? What were your instructions or
15 directions from him?

16 A. I was to get the trailer and pull it back to
17 the house at Rancho de Canada, where I would
18 meet Apperson, who would have a truck, and he
19 was going to transfer the contents from the
20 trailer into the truck that he had rented,
21 which we did.

22 Q. That actually occurred?

23 A. That did occur.

24 Q. When you moved the trailer out of the storage
25 shed, did you still notice that chemical odor?

1 A. Yeah. It had kind of maybe built up in there a
2 bit, so when I first popped it open--

3 Q. Pretty strong?

4 A. Yeah.

5 Q. And then were you alone when you hooked up to
6 the truck and moved it to the house?

7 A. Yes, I was.

8 Q. Was Mr. Kendall still staying in that house?

9 A. Yes, he was.

10 Q. And when you arrived at the house, did Mr.
11 Apperson meet you there?

12 A. Yes.

13 Q. And what happened then?

14 A. We opened the door to his truck.

15 Q. What kind of truck did Mr. Apperson have?

16 A. It was a Ryder truck.

17 Q. How-- a big box truck, or what?

18 A. Maybe 15 foot, 15 to 18 foot.

19 Q. Okay.

20 A. So--

21 Q. And after you opened the back-- did you help
22 him, or did he open the back of it himself?

23 A. He opened the back, and I handed him the keys
24 to the trailer--

25 Q. Uh-huh.

- 1 A. -- which had swinging doors, and he opened
2 that, backed his truck right up to the trailer
3 and just started putting things into the truck.
- 4 Q. Did you help him do that?
- 5 A. No.
- 6 Q. Why not?
- 7 A. We had walkie-talkies. We were in
8 communication on the radio, and I was standing
9 down the road so I could inform him if there
10 was any cars, any traffic coming up the road.
- 11 Q. Who provided the walkie-talkies?
- 12 A. That would be Skinner, I guess.
- 13 Q. You say you guess. Why do you guess?
- 14 A. I mean, they were at the house. That's where I
15 got them from.
- 16 Q. Whose idea was it?
- 17 A. As far as I know, they belonged to him.
- 18 Q. Whose idea was it to use the walkie-talkies?
- 19 A. That was Skinner.
- 20 Q. Was Mr. Skinner there when Mr. Apperson was
21 unloading out of the trailer into the Ryder
22 truck?
- 23 A. No. As far as I can remember, I think he was
24 in Kansas at the time, Wamego.
- 25 Q. And if the walkie-talkies were in the house and

1 Mr. Skinner was in Kansas, whose idea was it
2 when you and Mr. Apperson were there together
3 to go in and get the walkie-talkies and for you
4 to go up the road and be the lookout man?

5 A. Skinner is the one who told me where they were
6 and that we should do it that way.

7 Q. When did he tell you that if he wasn't there?

8 A. That was before I had left.

9 Q. Did you have any discussion with Mr. Apperson
10 about that?

11 A. Yeah, as I handed him the walkie-talkie, I
12 informed him of what I was going to do.

13 Q. And what did he say?

14 A. He said it sounded like a great plan.

15 Q. How long did it take Mr. Apperson to get these
16 items unloaded, and what were you doing while
17 he was doing that?

18 A. For about maybe 25 minutes, 25 to 30 minutes, I
19 was just walking down the road. It was a
20 gravel road. I was just kind of standing at
21 the point where I could see where both roads
22 come up.

23 Q. Did you see any traffic?

24 A. No.

25 Q. Did you have any communication with Mr.

1 Apperson on the walkie-talkies while that was
2 occurring?

3 A. No, I didn't.

4 Q. How did you know when to come back to the
5 house?

6 A. He started the truck up and turned on the
7 lights.

8 Q. And when he did that, what happened?

9 A. He proceeded to turn around and come down the
10 road, and he said he was going off.

11 Q. Did he tell you where he was going, what he was
12 going to do?

13 A. He was going to meet Pickard at the Holiday
14 Inn, I believe, in Santa Fe.

15 Q. Did he tell you why?

16 A. No.

17 Q. Did you have an understanding of why he was
18 meeting Mr. Pickard after unloading these
19 items?

20 A. No, I didn't.

21 Q. Did you have an understanding of what it was
22 that Mr. Apperson had moved out of the trailer
23 into the rental truck?

24 A. I had no idea.

25 Q. After he had left, what did you do?

1 A. I stayed the night at the house there, and the
2 next day I'd met Pickard at the hotel, at the
3 Holiday Inn.

4 Q. Prior to that and after Mr. Apperson had left
5 in the rental truck, did you look in or look at
6 this trailer that Mr. Apperson had unloaded?

7 A. Yes, I did. I had to shut the doors. They
8 were still open.

9 Q. Was it empty, or were there things in it?

10 A. It was completely empty.

11 Q. And the odor that you have described, was it
12 still in there?

13 A. Yes, it was still apparent.

14 Q. While Mr. Apperson was doing the unloading, did
15 you hear any sounds at all, I mean, could you
16 hear him loading and unloading items?

17 A. The only thing I remember hearing was kind of a
18 metal on metal sound, like some kind of a tank.

19 Q. Okay.

20 A. Helium tank or something.

21 Q. Is the man that you are testifying about, Clyde
22 Apperson, is he in the courtroom today?

23 A. I actually don't see him.

24 Q. Can you describe for us the man you know as
25 Clyde Apperson?

1 A. I've only seen him a few times.

2 (THEREUPON, there was a conversation
3 in low tones between Mr. Hough and the Clerk.)

4 A. He's probably around 45, dark hair--

5 Q. When you--

6 A. -- large build.

7 Q. Did he have any facial hair or glasses during
8 this period of time?

9 A. He had a mustache. I don't recall if he had
10 glasses or not.

11 Q. Did you know him by the name Clyde Apperson or
12 by some other name?

13 A. He was always referred to as Mr. C.

14 Q. Let me show you what's been caused to be
15 admitted in this case as Government's Exhibit
16 313A and identified as a photograph of Clyde
17 Apperson, also known as C. Do you recognize
18 that?

19 A. Yeah.

20 Q. Is that the man that you know?

21 A. It is.

22 Q. And you do not see this man in the courtroom
23 today or anyone that appears to be like him?

24 A. I don't.

25 Q. If you were to imagine him with glasses and

1 without the mustache and beard, would that be
2 of assistance?

3 A. I'm sure it would change his appearance.

4 Q. Okay. Did you ever see Mr. Apperson clean
5 shaven, with shorter hair, for instance, and
6 with glasses?

7 A. No.

8 Q. This gentleman seated here, does he look
9 familiar to you at all, the man looking down
10 writing here?

11 A. I guess, actually, if you cut his beard and put
12 glasses on him, that could be Apperson.

13 MR. HOUGH: Your Honor, for the
14 record, we would ask that Mr. Apperson look up
15 so that the witness could see him, please.

16 THE COURT: Would you look up,
17 please.

18 DEFENDANT APPERSON: (Complies.)

19 THE COURT: Thank you.

20 THE WITNESS: Yeah, I believe that
21 could be him.

22 Q. (By Mr. Hough) Does he look substantially
23 different than when you saw him during this
24 period of time in 1999 in Santa Fe?

25 A. He looks different, yes.

1 Q. Now, you indicated that the next day after Mr.
2 Apperson had unloaded these items out of the
3 trailer into the rental truck and drove off,
4 that the next day you met with Mr. Pickard at
5 the Holiday Inn. Do you recall saying that?

6 A. Yes, I do.

7 Q. And would you describe for us, please, what
8 happened there at the Holiday Inn?

9 A. Pickard and I left and went to a storage unit
10 that I had rented that he had some personal
11 items in.

12 Q. Did you have any conversation with Mr. Pickard
13 about Mr. Apperson, where he was going, what he
14 was doing?

15 A. Yes. He mentioned that they were headed to New
16 York, headed to the East Coast.

17 Q. And when you went, then, to the storage unit,
18 did you go with Mr. Pickard?

19 A. Yes, I did.

20 Q. And what happened there?

21 A. We opened the unit, and he grabbed a few of his
22 things out of there, and I had pulled the
23 trailer along with me, and he had asked me if I
24 would load all of his things into this trailer
25 and that I was going to bring them to the

1 facility in Wamego.

2 Q. How big was this rental unit that had Mr.
3 Pickard's things in it?

4 A. I believe it was six by ten, the same size as
5 the trailer.

6 Q. And where was it in relationship to the storage
7 unit that you had had this white trailer parked
8 at?

9 A. Maybe four miles apart, and--

10 Q. When was it that Mr. Pickard had had you rent
11 this storage unit for him?

12 A. That was probably two months prior when we were
13 there for the art show.

14 Q. Okay. Did you later go back to the storage
15 unit and get those items like he had told you?

16 A. Yeah. The next day I went and loaded
17 everything up.

18 Q. What types of items do you recall seeing?

19 A. Pretty much his personal items, computer stuff,
20 just like files, paperwork, clothing,
21 suitcases, just seemed like all personal items.

22 Q. Do you recall seeing any non personal items,
23 like a gas cylinder?

24 A. There was a gas cylinder, yeah, like the helium
25 tank, like the one I heard in the trailer.

1 Q. And where was Mr. Pickard when you were loading
2 these items up?

3 A. He had already left.

4 Q. Did he leave with Mr. Apperson?

5 A. I didn't see him leave with Apperson. I had
6 just assumed that they were travelling
7 together.

8 Q. And what happened then after you had loaded
9 these items into the trailer?

10 A. I left driving a truck that was pulling the
11 trailer and drove to Wamego, Kansas.

12 Q. When you got to Wamego, Kansas, what did you
13 do?

14 A. Pulled the trailer around inside the gated
15 area, locked it up, and handed the key to Mr.
16 Skinner, who was there at the time.

17 Q. Did you drive from Santa Fe to Wamego alone?

18 A. Yes.

19 Q. Do you recall being in Santa Fe and, during
20 this period of time that you're talking about,
21 being asked to purchase items like latex gloves
22 and the like?

23 A. Yes. At one point, that was part of my job, I
24 guess, there for Mr. Skinner was buying
25 groceries, doing shopping runs, and as I was

1 going out one day, Pickard was there, Pickard
2 and Apperson, and he had asked me to pick some
3 things up, and that was some plastic storage
4 tubs and boxes and latex gloves, and there were
5 a few other things, too.

6 Q. Do you recall when that was in relationship to
7 you picking up that trailer?

8 A. It was previous to that.

9 Q. So it was before the trailer?

10 A. That's right.

11 Q. And how much before you going with Mr. Skinner
12 and Mr. Pickard to get this trailer that
13 smelled of the chemicals, a day, a week?

14 A. A week.

15 Q. Were you ever told why Mr. Pickard wanted those
16 items?

17 A. No.

18 Q. And when you returned with those items, was Mr.
19 Pickard pleased, or were you asked to do
20 something else?

21 A. Yeah. There was-- I brought back some
22 cardboard boxes and, apparently, they weren't
23 the right size. I had to go back and get
24 larger size boxes.

25 Q. Now, after you dropped this off with Mr.

1 Skinner, did you stay at Wamego?

2 A. Yes, I did.

3 Q. How long did you stay in Wamego then?

4 A. I think I was back and forth to Tulsa quite a
5 few times briefly after I showed up there.

6 Q. Again, hauling the wire that you have described
7 previously?

8 A. Right. I would bring the wire to Wamego and
9 then we had the machinery there to bend it into
10 springs, and we would bring them back down to
11 the warehouse in Oklahoma, the shipping and
12 receiving side.

13 Q. Who was in charge at the Wamego place?

14 A. That would be Mr. Skinner.

15 Q. Did he have all the keys and make all the
16 decisions there during that period of time?

17 A. Yes, he did.

18 Q. Back in June of '99 when you met with Mr.
19 Skinner and Mr. Pickard at the house in Santa
20 Fe, do you recall Lupe being there?

21 A. Yeah, he was there.

22 Q. And do you recall what, if anything, Lupe was
23 asked to do?

24 A. Now, he didn't go at the time we went to pick
25 up the trailer. It was previous to that, and--

1 Q. So this was sometime prior to meeting Mr.
2 Pickard and Mr. Skinner in front of this house
3 and hooking up the trailer and driving off?

4 A. Correct.

5 Q. Okay. And what do you recall about that?

6 A. I brought Lupe to a cafe in Santa Fe where I
7 met Skinner and Pickard, and they had some work
8 for him at the house. I guess they had made
9 some kind of messes, and they were trying to
10 get him to clean up, clean things up.

11 Q. Did you have any understanding or did you
12 overhear them telling him what it was that they
13 were expecting him to do?

14 A. Something about some tile work that they wanted
15 him to chip out and replace.

16 Q. And do you recall him being paid or any
17 negotiation about payment about that?

18 A. No. If he was paid, I never knew about it.

19 Q. Were you there the whole time that the
20 conversation occurred with Lupe?

21 A. At least for half of it.

22 Q. Okay. And so to your knowledge, did Lupe go to
23 the house and do this tile work?

24 A. As far as I know, yes, he did.

25 Q. And did you see or hear anyone give him

1 directions, specifically, about that?

2 A. The only thing I saw that was a little bit out
3 of the ordinary was Skinner handing him a
4 Valium. He said he should take it.

5 Q. Any idea why?

6 A. I mean, now I can formulate an opinion. I
7 would say there may have been a lab there.

8 Q. Upon what would you base that opinion?

9 A. Just because he was handing him Valium, which
10 would counteract the effect if he was to get
11 dosed.

12 Q. With what?

13 A. With LSD.

14 Q. And when was it in relationship-- how much
15 before you going there to get this trailer with
16 Mr. Skinner and Mr. Pickard was it that Lupe
17 was given the Valium and sent into the place, a
18 day, a couple of days?

19 A. It was probably a week and a half.

20 Q. So then chronologically, then, Lupe going in
21 and getting Valium, you being asked by Mr.
22 Pickard to get these latex gloves and boxes and
23 things, and you getting there and meeting Mr.
24 Apperson, hooking up-- or excuse me. Strike
25 that-- you meeting Mr. Skinner and Mr. Pickard

1 hooking up the trailer, what was the chronology
2 there, if you could walk us through that,
3 please?

4 A. Let's see. I guess the first thing would be
5 Lupe being dropped off at the cafe and asked to
6 clean up a mess they made, and then I went and
7 got the boxes and the storage tubs and the
8 gloves.

9 Q. About how long after that did you do that?

10 A. Maybe four or five days.

11 Q. Okay. And then--

12 A. And then another week later, that's when we
13 went to go pick up the trailer.

14 Q. Okay. Now, the trailer that you then delivered
15 to Mr. Skinner at the Wamego site and turned
16 the keys over to him, did you ever see or know
17 what became of the trailer?

18 A. No, I didn't.

19 Q. How soon after that, then, did you return to
20 Tulsa, if you recall?

21 A. Pretty soon after that. There had been quite a
22 bit of production at the Wamego site, and they
23 were needing some of the parts in the shipping
24 department for Gardner Spring, so I took off
25 for Tulsa probably-- I think it was probably

1 the next day after I got a good night's sleep.

2 I just hoofed it down to Tulsa.

3 Q. A lot of driving.

4 A. (Witness nods head up and down.)

5 Q. Did you ultimately then move to Santa Fe?

6 A. Yes, I did.

7 Q. About when did that occur?

8 A. Let's see. That would have been in 2000,
9 approximately February of 2000.

10 Q. After you had been there a while, in about July
11 or August of 2000, do you recall getting a call
12 from Mr. Skinner?

13 A. Yes, I do.

14 Q. When you were in Santa Fe, were you working for
15 Gardner Springs still, or had you quit?

16 A. No. I had quit. I was painting for a living
17 there.

18 Q. Okay. And when you got the call from Mr.
19 Skinner in July, August 2000, what happened?

20 A. He seemed kind of panicked, and he said that he
21 was in a tight spot and that he really needed
22 my help.

23 Q. Did he describe what the tight spot was?

24 A. Yeah. Eventually, he flew me there, and we met
25 and talked in person, and so--

1 Q. What kinds of things did he tell you about the
2 tight spot that caused you to agree to come
3 help him out?

4 A. He had informed me that Tim Schwartz had passed
5 away.

6 Q. Who's Tim Schwartz?

7 A. Tim Schwartz was a guy that owned another
8 missile silo in Ellsworth County in Kansas.

9 Q. Had you ever met Tim Schwartz?

10 A. Yes, I had, a few times.

11 Q. And had he been to Mr. Skinner's place, the
12 Atlas E in Wamego from time to time?

13 A. Yeah, that's where we had met.

14 Q. How many times did you see him there?

15 A. I saw him there twice.

16 Q. Did you ever know Tim Schwartz to be involved
17 in any type of criminal activity at all?

18 A. Outside of maybe controlled substance use.

19 Q. Did you ever know him to be involved in
20 distribution or manufacture of LSD at all?

21 A. No.

22 MR. RORK: Judge, I object to the
23 foundation. He doesn't indicate that he's ever
24 known where Mr. Schwartz lives and what he does
25 in his spare time and how much time he does it

1 and all those requirements.

2 THE COURT: See if you can develop it
3 more.

4 Q. (By Mr. Hough) How often did you see Mr.
5 Schwartz?

6 A. Twice.

7 Q. Did you ever have conversations with Mr.
8 Skinner about Mr. Schwartz?

9 A. No.

10 Q. And did Mr. Schwartz, other than-- strike that.
11 Did you ever see Mr. Schwartz use some
12 controlled substance as you saw?

13 A. Yes, I did.

14 Q. And like what?

15 A. Marijuana.

16 Q. Where was that at?

17 A. That was in Wamego.

18 Q. At the Atlas E base?

19 A. At the Atlas E.

20 Q. Did you ever know him to be involved with
21 anything other than marijuana?

22 A. Not that was controlled, no.

23 Q. Okay, and would you have any reason to believe
24 that he would have any involvement in LSD?

25 MR. RORK: Judge, again, I would just

1 object--

2 A. No, I don't.

3 MR. RORK: -- based on the form and
4 lack of foundation and sufficient knowledge,
5 two times.

6 THE COURT: Overruled.

7 Q. (By Mr. Hough) Now, Mr. Skinner, you
8 indicated, told you that Tim Schwartz had died?

9 A. Yes.

10 Q. And what else did he tell you about this death
11 that caused you to come to Kansas?

12 A. He said that he had some things that were there
13 that he needed to extract.

14 Q. There being where?

15 A. In Ellsworth at Tim Schwartz's place.

16 Q. Okay.

17 A. And he mentioned that Tim's father was trying
18 to get in there just to see what was going on
19 there, and that he wanted to retrieve some
20 things before that happened.

21 Q. Did he give you any indication of what it was
22 that he needed to retrieve or why it was that
23 he needed to get in there before Tim's father
24 got in there?

25 A. He never flat out said that there was a lab

1 there, and I agreed to it just because it
2 seemed like he was in a panic situation and
3 needed help.

4 Q. Did you consider yourself good friends with Mr.
5 Skinner at the time?

6 A. Yes, I did.

7 Q. So then did you come from Santa Fe to Wamego
8 and meet with Mr. Skinner about that?

9 A. I flew from Santa Fe-- actually, Albuquerque to
10 Tulsa, where I met with Skinner, and the two of
11 us drove to Wamego from there.

12 Q. And did you have a discussion along the way as
13 to the urgency?

14 A. Yeah, we talked a little bit about it.

15 Q. What do you recall being discussed?

16 A. The one thing that just made me assume that it
17 may have been something to do with a lab was he
18 kept saying the word nano-technology.

19 Q. In what context?

20 A. Let's see. Gosh, I can't remember the exact
21 wording he used, but basically he wanted us to
22 go there and to extract-- I can't remember
23 exactly how he put it. I just-- for some
24 reason, that word sticks out in my memory.

25 Q. At that time, July, August of 2000, prior to

1 going to the Atlas F, did you have any idea
2 that there was an LSD lab?

3 A. I just had suspicions, but nothing to prove it.

4 Q. And your suspicions were based on what?

5 A. Just the secrecy surrounding the white trailer,
6 the smell that was emanating from it.

7 Q. Whose secrecy was it that--

8 A. Just the way we had moved the trailer, Skinner
9 was in front of me, Pickard was behind me. To
10 my knowledge, that was in case-- that was so a
11 police officer couldn't get in between there to
12 pull me over.

13 Q. So it was three vehicles in tandem going from
14 the residence after you had hooked up, over to
15 the other place?

16 A. That's correct.

17 Q. Okay. Well, once you got, then, to Kansas did
18 you agree to assist Skinner to fix this
19 problem?

20 A. Yes, I did.

21 Q. And what happened?

22 A. We had a truck that belonged to Gardner
23 Springs. It's a moving truck.

24 Q. Well, let's back up. When you arrived in
25 Kansas, did you all go straight to the place in

1 Wamego where Mr. Skinner--

2 A. Yes, we did.

3 Q. And did you meet anyone else there?

4 A. Yes. Gunnar Guinan was there, and Lupe was
5 there as well.

6 Q. And did you-- how soon after you arrived was it
7 that you went over to the Atlas F?

8 A. That wasn't until the next day.

9 Q. Did the four of you have any discussions about
10 what you were going to do the next day?

11 A. I think Todd was on the phone most of that
12 morning, and then the first thing he said is,
13 "We're just going to go there for an inspection
14 to check the place out."

15 Q. Do you recall, if you know, who he was on the
16 phone with?

17 A. No, I don't know.

18 Q. Didn't tell you?

19 A. No.

20 Q. So did you go over there then for the
21 inspection?

22 A. Yes, we did. We left that afternoon.

23 Q. Did the four of you go together?

24 A. Yes-- or not in the same vehicle.

25 Q. So you took more than one vehicle?

1 A. Yeah. We had the truck, the Gardner Springs
2 truck, and then Skinner had his own vehicle
3 that we had drove from Tulsa to Wamego.

4 Q. Prior to going, did you get any supplies?

5 A. Not that trip.

6 Q. Then all four of you went together for this
7 inspection?

8 A. Yes.

9 Q. And tell us what happened.

10 A. We got there. The whole place was gated off
11 and locked, and so Skinner had some of the
12 keys, so he started going through some of the
13 locks. Some of the locks we didn't have keys
14 to, and so Skinner had bolt cutters that we
15 used to cut through the locks to gain entry.

16 Q. Was this a vertical or a horizontal, like the
17 Wamego silo?

18 A. No, it's vertical.

19 Q. And did you access down into the vertical
20 thing?

21 A. Yes, we did, not-- yeah, we went down, down
22 below.

23 Q. Was it the area inside that?

24 A. Where the missile was?

25 Q. Yeah.

1 A. No, it wasn't the actual silo we went into. It
2 had water in the bottom. It's a pretty long
3 drop. There's not any stairs that go down
4 there even.

5 Q. And did Mr. Skinner have the keys to the inside
6 area of it, or did you have to cut those locks?

7 A. We cut a lot of locks there that were inside.

8 THE COURT: Mr. Hough.

9 MR. HOUGH: Sir.

10 THE COURT: Let's take a break at
11 this time. Ladies and gentlemen, let's take
12 about a 15-minute break, then we'll come back.
13 Mr. Bailiff.

14 THE BAILIFF: All rise. Stand in
15 recess for 15 minutes.

16 (THEREUPON, a recess was had.)

17 THE COURT: Mr. Hough, you may
18 continue.

19 MR. HOUGH: Thank you, Your Honor.

20 Q. (By Mr. Hough) Sir, let me show you what has
21 been caused to be marked and admitted in this
22 case as Government's Exhibit 672. It's been
23 identified as a rental agreement with Storage
24 USA in New Mexico, in Santa Fe, 875 West San
25 Mateo Road. It is dated September the 13th of

1 1999 at 4:37 p.m. Take a moment and look at
2 that document and, if you would, please,
3 familiarize yourself with it.

4 A. Yeah, it looks familiar.

5 Q. And describe for the jury, if you would,
6 please, what that document represents.

7 A. This is the rental agreement for the storage
8 unit where I had taken the trailer from the
9 house on Rancho de Canada, and this is where I
10 stored the trailer for that short time.

11 Q. So for purposes of putting your testimony in
12 context, that would have occurred, then,
13 sometime in September of '99?

14 A. Yeah, I guess my time line is a little off. It
15 says September 13th.

16 Q. Okay. So the events that you testified about
17 relative to the trailer, its movement, the
18 loading and the unloading, that would have
19 occurred sometime after that date. Is that
20 fair?

21 A. No, actually, it was a little bit before,
22 because we got-- we did all that, we got the
23 trailer to Rancho de Canada, and then after
24 that is when I rented the unit there.

25 Q. Within a week?

1 A. Yes, to the best of my memory.

2 Q. Okay. Now, before the break you were talking
3 about Mr. Schwartz's Atlas F silo. Okay? Let
4 me show you on the screen there a series of
5 photographs that have been admitted into
6 evidence in this case and identified as
7 photographs of the Atlas F. Take a moment and
8 look at these if you would, please. These are
9 photographs taken by Lupe of the area beginning
10 with Exhibit 313 B. Let's see if we can get
11 the lighting correct, that mood lighting fixed.
12 Do you recognize that, sir?

13 A. Yes. That looks like the site in Ellsworth.
14 Looks like the front entrance to the site in
15 Ellsworth.

16 Q. Okay, and Exhibit 313 C, do you recognize that
17 doorway?

18 A. Yes, I do. That's at the same site in
19 Ellsworth.

20 Q. And where is it in relationship to the front
21 door there, 313 B that I just showed you?

22 A. That would be inside, down the stairs, yeah,
23 just down the stairs. There was a-- I wouldn't
24 call it a spiral staircase, but it did circle
25 around as the stairs kept going down. That

1 door was near the bottom of the stairs.

2 Q. I'll show you 313 D. Do you recognize--

3 A. That's the spiral looking staircase I was
4 talking about.

5 Q. Okay, and 313 E?

6 A. Yeah, that looks familiar. That's the door at
7 the bottom of the stairs.

8 Q. The times that you were there-- strike that.
9 The time that you were there with Mr. Skinner
10 that you started talking about when you went
11 with Mr. Guinan and Mr. Hobbs (sic) in July,
12 August of 2000, was that chain there as it is
13 depicted in the photograph?

14 A. It was there until we cut it off.

15 Q. And how did you cut that off?

16 A. With an electric grinder.

17 Q. And who did that?

18 A. That was Skinner.

19 Q. Okay. What were you doing while he was doing
20 that?

21 A. We were gathering up some items that were up a
22 few floors up, that were just more like
23 personal items.

24 Q. Okay. In the Atlas F, do you recall a room
25 with a treadmill?

1 A. Yes, I do.

2 Q. Where was it in relationship to the room where
3 the lab equipment was?

4 A. It was above, in the-- there was, I guess, what
5 appeared to be housing in the upper floors, and
6 the lab was all the way down at the bottom of
7 the stairs behind the door that was chain
8 locked.

9 Q. Okay. Now, when you first went there to survey
10 the situation with Lupe, Gunnar, and Skinner,
11 when you entered the building, describe what
12 you saw and what happened.

13 A. I had been in a few other silos before, and it
14 was similar, maybe a bit nicer. You walk down
15 the stairs. There were a few bedrolls in
16 around the upper floors, clothing, computers.
17 We had tried to cut the chain with a bolt
18 cutters, but it wouldn't cut.

19 Q. Chain on the door we just talked about?

20 A. That's right. And so Todd went to a room and
21 brought back this grinder and started grinding
22 on the chain, and before that happened, he said
23 that the first thing we were going to do is
24 start clearing out the upper floors, so we
25 started just putting things in boxes, getting

1 ready to move them.

2 Q. What type of things?

3 A. Just the same kind of things I mentioned
4 before, clothing, suitcases, computers, disk
5 player, CDs.

6 Q. And were you there when that chain came off the
7 door and the door was opened?

8 A. No. At that-- I mean, I was in the building,
9 but not right there.

10 Q. And did you subsequently look into that area or
11 go into there?

12 A. Yes, I did.

13 Q. And describe that.

14 A. There was a dimly lit hallway and another
15 doorway, and outside that doorway there were
16 metal canisters. There weren't any white
17 lights, they were all red lights, and it was
18 just pretty much cluttered up.

19 Q. Describe the metal canisters, if you would,
20 please.

21 A. They were round, black, I'd say probably five
22 gallon canisters with what appeared to be
23 chemicals.

24 Q. Do you recall any chemical names on them?

25 A. I remember seeing a methyl. That's the only

1 thing I can recall.

2 Q. Do you recall how many of the canisters you
3 saw?

4 A. Approximately ten.

5 Q. And were these behind the large blast doors?

6 A. They were behind the door that was chained
7 shut.

8 (THEREUPON, there was a conversation
9 in low tones between Mr. Hough and the Clerk.)

10 Q. And did you notice any odors?

11 A. Yeah, I did. Chemical odor.

12 Q. How would you compare it to the chemical odor
13 you had smelled on that trailer of Mr. Apperson
14 in Santa Fe previously?

15 A. They probably compare.

16 Q. Did Mr. Skinner give you any instructions as
17 that door was opened and you went in there?

18 A. Eventually, when the second door was opened, he
19 was the only one that went in, carried in a
20 bottle of bleach, and he told us all to stay
21 back.

22 Q. Did he ultimately come back out?

23 A. Yes, he did.

24 Q. About how long was he in there before he came
25 back out?

1 A. Just a few minutes.

2 Q. What did he say and do, and how did he act?

3 A. I don't know. He seemed kind of upset that it
4 was-- he said it was dirty in there.

5 Q. And at that point, did you have a chance to
6 look into that room?

7 A. Not at that point.

8 Q. Shortly thereafter, did you?

9 A. Shortly thereafter.

10 Q. And describe for us as best you can what you
11 saw.

12 A. There was glassware. Pretty much reminds me of
13 the movie Frankenstein, where the guy had a
14 laboratory set up, just with the curly glass, a
15 lot of glass, maybe some flasks.

16 Q. Had you ever seen anything like that before
17 other than on TV?

18 A. No.

19 (THEREUPON, there was a conversation
20 in low tones between Mr. Hough and the Clerk.)

21 Q. After observing that in there, did you have
22 some idea of what that was, what was going on?

23 A. I formulated my own opinion at that point.

24 Q. And it was what?

25 A. LSD lab.

1 Q. Why?

2 A. Once again, Skinner had started passing out
3 Valium to all the people present.

4 Q. Why?

5 A. At that point, he went ahead and told us that
6 there was a possibility that we could be dosed
7 with LSD.

8 Q. And your understanding of taking the Valium in
9 relationship to that was what, if anything.

10 A. I guess it would just countereffect, counteract
11 the effects of the LSD.

12 Q. Let me show you what's been caused to be
13 admitted into evidence in this case as
14 Government Exhibit 33 and identified as a
15 photograph of some five-gallon black containers
16 taken from a vehicle driven by Mr. Apperson in
17 November of the year 2000. Do you recognize
18 the black metal containers in there at all
19 similar to what you have described in your
20 testimony?

21 A. That appears to be the same ones.

22 Q. After you had been given the Valium by Mr.
23 Skinner-- strike that. I'll show you what's
24 been caused to be marked Government's Exhibit
25 468 and admitted into evidence in this case and

1 identified as items of glassware and chemical
2 containers that were taken from that same
3 vehicle driven by Mr. Apperson in November of
4 2000. Do you recognize any of these items here
5 and here (indicating), the glassware items as
6 similar to what you saw?

7 A. They are.

8 Q. And all these metal five-gallon containers
9 shown in the photograph (indicating), are they
10 also similar to what you saw?

11 A. Yes, they are.

12 Q. After you were then given the Valium by Mr.
13 Skinner, as well as Mr. Guinan and Lupe getting
14 those Valium, what happened?

15 A. At that point, Todd decided to go ahead and
16 close that door and instructed us all to stay
17 out of there.

18 Q. Did he say why?

19 A. He just-- I guess he was upset just because of
20 how dirty he thought it was in there.

21 Q. Was he actually-- had you been around him
22 enough to know what he was like when he was
23 unhappy, upset?

24 A. Yes, I had.

25 Q. And that's the way he was acting at the time?

1 A. Yes.

2 Q. Did he give any indication whether or not he
3 had been in there or had some other expectation
4 of the condition of the place prior to that
5 day?

6 A. No.

7 Q. After he locked the doors and told you guys not
8 to go into that room, what happened?

9 A. At that point, he told us we should go ahead
10 and gather everything in the above-- up above
11 in that floor up there, and went ahead and
12 loaded up the truck with all that stuff. Mr.
13 Skinner took off to go. He drove down to
14 Oklahoma to pick up his father, and we were all
15 to meet back at the site in Wamego the next
16 morning.

17 Q. And did you, Mr. Guinan, and Lupe then load
18 that truck that day?

19 A. Yes, we did.

20 Q. And what time of day was it, then, when you
21 attempted to depart or departed the Atlas F?

22 A. It was around seven o'clock.

23 Q. And what kind of conditions were there?

24 A. It had started raining out, and so we decided
25 we should go ahead and take off because there

1 were so many dirt roads we had to pull out
2 onto.

3 Q. What happened?

4 A. Well, we tried to pull out, and the rain
5 started coming down so hard that the roads were
6 muddy, and the truck ended up in a ditch, and
7 we were stuck there overnight. We just walked
8 back to the site there and slept there
9 overnight.

10 Q. How did you ultimately get out of there?

11 A. The next morning, Gunnar took off on foot,
12 because the only vehicle we had there was the
13 truck that was stuck, so Gunnar took off. He
14 was going to go to the first house he could
15 find and just try to call a wrecker to come
16 pull us out. Ultimately, it ended up that the
17 person's house he went to was a farmer who had
18 a huge farm-- piece of farm equipment that he
19 thought he could easily pull us out, which it
20 did.

21 Q. And did he then come to the site and pull you
22 guys out?

23 A. He did.

24 Q. And what happened next?

25 A. After that, we were on our way, and we took off

1 and we went to Wamego to meet with Skinner and
2 his father.

3 Q. What happened when you got there?

4 A. I think we beat them back, so went ahead and
5 unloaded the truck and--

6 Q. Where did you unload these items to?

7 A. It was above ground in the building that we
8 called the Lester building.

9 Q. And what types of containers had you put these
10 personal items and effects into?

11 A. At this point, we just off loaded them into the
12 building.

13 Q. When you took them out of the location at the
14 lab site near Ellsworth, near Carneiro, Kansas,
15 what types of containers were they in going
16 into the truck?

17 A. At that point, we weren't using any containers.
18 We just had loose things in there that we just
19 threw off the truck.

20 Q. Where in the Lester building did you end up
21 putting those when you off loaded them?

22 A. At that point, we just moved them to the side
23 out of the way. Eventually, we started moving
24 things into these green military bins. There
25 were some in the photo you showed me.

1 Q. We'll go back to Exhibit 468. You're talking
2 about these green military boxes there?

3 A. That's correct.

4 Q. Or boxes of that nature?

5 A. Yes.

6 Q. Thank you. After you had done that, what
7 happened next?

8 A. Skinner showed up with his father. At that
9 point, we made a run into town and grabbed some
10 supplies, including mops, sponges, plastic
11 bags, bleach, and that's about all I can
12 remember.

13 Q. And then what happened?

14 A. And then we left together, the five of us,
15 which would be myself, Skinner, Guinan, Lupe,
16 and Skinner's father. We drove to the
17 Ellsworth site.

18 Q. How many vehicles?

19 A. Two.

20 Q. Was one of them the big Gardner Springs truck
21 you have described?

22 A. Yes, it was.

23 Q. And what happened, then, when you arrived at
24 the Atlas F?

25 A. At that point, we started to go down. There

1 were still quite a few things upstairs, and we
2 just kept on loading the truck. We went down
3 and got the metal canisters, the black round
4 metal canisters that you pointed out on the
5 photo, loaded those up.

6 Q. What were you loading them into?

7 A. We brought both five gallon plastic buckets and
8 a few of the large green containers, which is
9 where the black canisters went, into the green
10 military containers.

11 Q. Anything else?

12 A. I think that was pretty much another full load,
13 so we had to go back to Wamego to unload.

14 Q. Were you given any instructions about how to
15 handle these items or what you should do?

16 A. We had latex gloves we were wearing. That's
17 pretty much all the protection we had.

18 Q. Did Mr. Skinner give you any instructions about
19 using protection as you were handling these
20 items?

21 A. Yeah. He said we should be careful, we
22 definitely should not open anything, and just
23 try to keep gloves on so we don't get exposed
24 to anything.

25 Q. Did you then dismantle and pack away these

1 items out of the lab?

2 A. Eventually, we did get to that.

3 Q. How did that occur?

4 A. In the beginning, it was Skinner and his father
5 were mainly inside dismantling. They would
6 carry it out into a larger room where we had
7 more room to work, and just piece by piece, we
8 would put things into either five gallon--
9 mostly five gallon buckets, just one piece at a
10 time, and then we'd carry the things upstairs
11 and load them into the green containers that
12 were in the truck.

13 Q. Did this take pretty much all of the day?

14 A. Yes, it did. It was a very lengthy process.

15 Q. And after you had filled the truck, what
16 happened?

17 A. Just as the truck would get full, we would go
18 to Wamego and off load it.

19 Q. How many trips did you make that day, if you
20 recall, or was there more than one?

21 A. There were several days. I think we did maybe
22 two trips a day, sometimes only one.

23 Q. You indicated that Mr. Skinner had given you
24 guys some Valium that first day. Did you or
25 anyone else in your presence take any of that

1 while you were working in and around the lab?

2 A. Yes.

3 Q. Describe that for us, please.

4 A. It was pretty much just an open container, a
5 few different ones, there were Valium and
6 hydrocodone, and pretty much if we started
7 feeling funny, they were there, if we felt like
8 we were getting high, needed to come down.

9 Q. Did that happen to you at all while you were
10 there?

11 A. No. I may have noticed some mild effects, but
12 it just could have been from insomnia.

13 Q. What type of mild effects did you feel?

14 A. I guess it would be the beginning stages of an
15 LSD trip, just--

16 Q. For those of us that are unaware of what that's
17 like, how would you describe it?

18 A. Heart rate increases. I guess heightened
19 awareness. That's pretty much all I remember.

20 Q. Was it similar-- now, you indicated earlier
21 that you had tried LSD before.

22 A. (Witness nods head up and down.)

23 Q. Was this similar to what you had previously
24 experienced at the beginning of an LSD
25 experience?

1 A. Similar.

2 Q. Okay. Now, you talked about loading these
3 items into the green military boxes as shown
4 here in Exhibit 468. Now, once those military
5 boxes-- strike that. Once all of the contents
6 were loaded into the truck, and you had come
7 back to Wamego, where were those military boxes
8 placed?

9 A. Looks like right where they are now. Maybe-- I
10 can't tell which--

11 Q. And this has been previously identified as the
12 inside of the Lester building. Is that what
13 you're talking about?

14 A. That's correct, at the Wamego site.

15 Q. Okay. Let me show you now Government's Exhibit
16 No. 6, which has been entered into evidence in
17 this case and identified as an aerial view of
18 the Wamego site, and previously this building
19 has been identified as the Lester building. Is
20 that what you're talking about?

21 A. That is the building.

22 Q. Okay. After all of these items in the military
23 boxes were unloaded there at the Lester
24 building, where within the Lester building were
25 they placed?

1 A. To the-- one of the walls. I can't remember
2 which direction it is. They were all stacked
3 up against the walls.

4 Q. When you walked in, was it to the right, left,
5 back?

6 A. To the right.

7 Q. Okay, and did you ever see the contents of
8 those boxes, that lab set up, or unloaded in
9 Wamego ever?

10 A. No.

11 Q. Did you ever see any type of laboratory set up
12 at Wamego while you were there?

13 A. No, sir.

14 Q. During the course of the movement, did anyone
15 other than you, to your knowledge, feel the
16 effects of the LSD?

17 A. Yeah. Mr. Guinan, I think, was probably hit
18 the heaviest.

19 Q. Describe your observations, if you would,
20 please.

21 A. The only time I saw him was the next day after
22 this had occurred, and he was still pretty much
23 out of it. I don't know if it was from being
24 sedated after he had gotten high, but he was
25 very incoherent, didn't look like he was having

1 much fun.

2 Q. What do you mean by that?

3 A. Just very spaced out. He was having trouble
4 putting sentences together.

5 Q. How long did that last?

6 A. Approximately from the point I saw him, which
7 was the next morning, until that evening.

8 Q. So a day?

9 A. A day.

10 Q. And did you know when it was that he first
11 started feeling the effects?

12 A. Yeah. He had later told me that he had left
13 the Ellsworth site and was driving the truck
14 while Todd and his father was following in
15 Todd's car, and right as they were pulling off
16 the highway to get into Wamego, he started
17 feeling the effects, and he mentioned it to
18 Skinner and his father, who is a doctor, and so
19 I guess they sedated him at that point.

20 Q. After the items arrived at Wamego and were
21 there in the Lester building, do you recall Mr.
22 Skinner having you and maybe others go through
23 that stuff and look for some Pringles like
24 cans?

25 A. Yeah. That was on one of the first trips.

1 Q. Describe that for us, please.

2 A. There were two wooden crates, and the contents

3 of the crates were silver cans, looked just

4 like Pringles cans, almost like the same

5 height, maybe a little bit thicker.

6 Q. Talking about Pringles potato chips?

7 A. That's right.

8 Q. Okay?

9 A. And they had plastic lids on them. They were

10 sealed.

11 Q. Did you ultimately find them?

12 A. Yeah, we did. As soon as we got back, that's

13 one of the first things Skinner was looking for

14 on the truck, and we got them off the truck,

15 and we took them inside the facility, not above

16 ground but below ground, and we took the

17 containers out of the wooden boxes, and we

18 moved them into a secret little corner of

19 Skinner's bedroom closet.

20 Q. Let me show you what's been admitted into

21 evidence in this case as Government's Exhibit

22 57 and identified previously as Pringles type

23 cans. To your knowledge, is that the cans

24 you're talking about?

25 A. That is them.

1 Q. About two weeks later, do you recall being at
2 the missile base in Mr. Skinner's bedroom and
3 seeing the cans again?

4 A. Yes, I do.

5 Q. Tell us about that, please.

6 A. He wanted to move them out of there. He wasn't
7 quite sure where he was going to go with them,
8 and for some reason he wanted to get them out
9 of there pretty quickly, and so we got a big
10 suitcase, and we loaded them into a suitcase,
11 which we then carried over to a hotel in
12 Manhattan, and Mr. Kendall was with us. He
13 rented a room at the Holiday Inn there, and I
14 stayed overnight with the suitcase at the
15 Holiday Inn.

16 Q. In Manhattan?

17 A. In Manhattan.

18 Q. And then what happened?

19 A. The next morning I was picked up by Skinner and
20 his fiancee.

21 Q. What was her name?

22 A. Emily Reagan.

23 Q. And then what happened?

24 A. We decided that the best place to put them
25 would be in Emily's bedroom in a footlocker.

1 Q. And then what happened?

2 A. We went to the house where no one was home and
3 carried the suitcase in, and we opened up the
4 footlocker and put most of the cans inside the
5 footlocker.

6 Q. Do you recall how many cans there were?

7 A. Gosh, if I had to guess, I'd say somewhere
8 around 25.

9 Q. Were you able to get all of them into the
10 footlocker?

11 A. No. There was a few that didn't fit in there.

12 Q. Did you secure the footlocker?

13 A. Yeah, we did. We shut it and put a lock on
14 there, and we also put some epoxy type glue
15 around the edges where it shut together so we
16 would know if anyone has been in there when we
17 came back to open it.

18 Q. Did you know what was in those Pringles like
19 cans?

20 A. Not at that point, no.

21 Q. Did you return the footlocker to its original
22 place in the house?

23 A. Yes, we did. There was-- it was pretty much at
24 the foot of her bed with a television on top of
25 it.

1 Q. And the remaining two cylinders or Pringles
2 cans, what happened to them?

3 A. We put those up in the top of her closet in the
4 bottom of a box that had been sitting there for
5 years and never had moved.

6 Q. When was the next time you saw that footlocker?

7 A. That would be when I returned to Kansas from--
8 I flew from Tucson, Arizona, to Kansas City,
9 took a shuttle over here to Topeka, actually,
10 and then I had someone drive me out to
11 Manhattan to pick up the footlocker.

12 Q. Was this in January of the year 2001?

13 A. That sounds right, yes.

14 Q. And what was it that caused you to come back to
15 Kansas then from Tucson?

16 A. At that point, I guess arrangements had been
17 made to turn the footlocker over to the DEA.

18 Q. How did you know that?

19 A. This is all information I got from Skinner.

20 Q. What did he tell you about that?

21 A. He told me that it was a precursor for making
22 LSD, and that it needed to be turned in, and so
23 he asked me if I would go pick it up, and I
24 agreed to do it.

25 Q. After you then flew into Kansas City, how did

1 room from there, and I called up another person
2 who was a missile base owner here in Kansas,
3 who Mr. Skinner is friends with, as well as
4 myself, and he came and picked me up and gave
5 me a ride out to Manhattan to actually recover
6 the footlocker.

7 Q. How much money was it that you brought from
8 Tucson to Topeka to pay these bills, if you
9 recall?

10 A. It was \$10,000.

11 Q. And you indicated you had a conference call
12 with Mr. Skinner. What was the call about?

13 A. He had some things to discuss with his
14 attorney, and then he also just discussed what
15 bills to pay with Mr. Nicholson (sic).

16 Q. This trunk you're talking about, let me show
17 you what's been caused to be marked
18 Government's Exhibit 699 and admitted into
19 evidence in this case. Do you recognize that?

20 A. Yes, I do.

21 Q. Is that the trunk you're talking about?

22 A. That's the one or one just like it.

23 Q. So after the gentleman drove you to the
24 Manhattan residence, what happened?

25 A. I knocked on the door. Emily's brother was

1 there, and I guess Todd had called previously
2 and told him that I was going to be coming to
3 pick up the footlocker. So we arrived there,
4 knocked on the door, brother answered, and I
5 went inside, opened the garage door. My friend
6 pulled in and opened the trunk, and got the
7 footlocker, put it in the trunk, and took off.

8 Q. Did you tell anyone why you were in Kansas was
9 to pick up this precursor for LSD?

10 A. No, I didn't.

11 Q. Now, what did you tell them was the purpose of
12 being in town?

13 A. I had money to bring to pay bills, and then
14 also, I think what we told both the driver and
15 Emily's brother is that there were some wedding
16 gifts in this footlocker.

17 Q. And so then you got the footlocker, and what
18 did you do with it?

19 A. Loaded it into the trunk, shut the trunk, and
20 drove back to my hotel room at AmeriSuites.

21 Q. What happened to the remaining two cans.

22 A. The remaining two cans I was supposed to get as
23 well, but I left those behind.

24 Q. How come?

25 A. Just spaced it off. I didn't remember they

- 1 were there.
- 2 Q. Okay.
- 3 A. And I was just trying to get in and out of
- 4 there.
- 5 Q. When was it that you realized that you'd
- 6 forgotten them and left them behind?
- 7 A. When we were almost back to Topeka, and at that
- 8 point, I didn't feel like making this person
- 9 make another round trip just for those two
- 10 canisters. I felt like they were in a safe
- 11 enough spot that they would still be there.
- 12 Q. And so what happened?
- 13 A. So I was dropped at my hotel room, went-- let's
- 14 see-- I went over to the Amtrak station and got
- 15 a train ticket. The next morning I went and
- 16 hopped on the train and took the train from
- 17 Topeka down to Tucson.
- 18 Q. Taking the footlocker with you?
- 19 A. Yes.
- 20 Q. Then what happened?
- 21 A. I was met at the Tucson Amtrak station by Mr.
- 22 Skinner and turned the footlocker over to him.
- 23 Q. Did you tell him about forgetting the two cans?
- 24 A. Yes, I did.
- 25 Q. And how did that play out?

1 A. I mean, of course, I should have gotten them.
2 It was my mistake, but he said we could deal
3 with it eventually. He was just happy that I
4 had gotten the rest of it there in one piece.

5 Q. Did you know what happened to the footlocker
6 after you delivered it?

7 A. As far as I know, Mr. Skinner hopped on another
8 train and carried it to San Francisco and
9 turned it in.

10 Q. Let me show you now what's been marked
11 Government's Exhibit 674 and admitted into
12 evidence in this case, identified as a Ryder
13 truck receipt in your name. Take a moment and
14 look at that, if you would, please, and see if
15 you can tell us if that means anything to you.

16 A. Yeah. This is a truck that I rented in San
17 Rafael, California.

18 Q. When was that?

19 A. The date is November of '99.

20 Q. And what was the purpose of your renting that
21 truck?

22 A. That would be to move-- we had rented a house
23 in Stinson Beach, and we were moving-- we had
24 been carrying things, just personal items to
25 this house that we were renting just like--

1 let's see-- we brought a few beds, furniture,
2 stereo system, and just personal things,
3 clothes, whatnot.

4 Q. And it indicates a period of time November 7 of
5 '99 to November 14 of '99 as the rental time.
6 Is that correct?

7 A. Yes, it is.

8 Q. And then after you loaded these items up around
9 San Rafael, California, what did you do?

10 A. We drove south from there. We went and stayed
11 with a friend of Todd's in Santa Barbara
12 overnight, and then we kept driving on to the
13 midwest, went down to Barstow, cut across I-40,
14 and then back up to Kansas.

15 Q. Did you go through New Mexico on that trip?

16 A. Yes, we did.

17 Q. Now, let me show you Government's Exhibit 510
18 that has been admitted into evidence in this
19 case. It's been identified as a piece of mail
20 addressed to you that was found in the Ryder
21 truck driven by Mr. Apperson on November 6 of
22 2000 at the time of his arrest. Take a moment
23 and look at that, if you would, please.

24 A. (Witness complies.)

25 Q. Do you recognize that?

1 A. It's just a piece of mail. I've seen something
2 similar to this. I don't know about this exact
3 thing.

4 Q. Can you tell us why Mr. Apperson would have
5 that in his possession on November the 6th of
6 2000?

7 A. I can't explain that. I don't know.

8 Q. When was the last time that you spoke with Mr.
9 Pickard prior to your testimony here today?

10 A. Probably two weeks ago.

11 Q. And how did that occur?

12 A. I don't think I understand. I mean, he called
13 me.

14 Q. Okay, he called you at your residence?

15 A. Yes.

16 Q. Did you have a conversation with him?

17 A. Yes, I did.

18 Q. How long did the conversation last?

19 A. It was brief.

20 Q. How long, approximately?

21 A. A few minutes.

22 Q. Did your-- do you have caller ID on your phone?

23 A. Yes, I do.

24 Q. And did you look at the caller ID after the
25 conversation terminated?

1 A. Yes, I did.

2 Q. And did it tell you where the call was coming

3 from?

4 A. The call was coming from the Bay area, from

5 Natasha.

6 Q. Natasha whom?

7 A. I'm not sure what the last name is.

8 Q. Did you-- was there any recording at all in the

9 phone call immediately prior to you being

10 connected with Mr. Pickard, any type of a

11 recorded message?

12 A. Not that I know of.

13 Q. Okay. And during conversation, did you discuss

14 your testimony here?

15 A. No.

16 Q. Did you discuss Mr. Skinner?

17 A. He told me that he had been arrested in

18 Seattle.

19 Q. Did he make any comments about that?

20 A. Not really. He just asked me if I had heard

21 about it.

22 Q. Were you surprised that you got this phone call

23 from Mr. Pickard?

24 A. Sure.

25 Q. Prior to this phone call two weeks ago, when

1 was the last time you had spoken with Mr.
2 Pickard?

3 A. I don't recall.

4 Q. I mean, had it been a week, a month, a year?

5 A. Been a while. I'm not sure when the last time
6 was before that.

7 Q. Had it been over a month?

8 A. Over a month.

9 Q. Over a year?

10 A. No.

11 Q. Do you recall the circumstances around the
12 prior conversation?

13 A. I don't.

14 Q. Was it a telephone call or a face-to-face
15 meeting?

16 A. Let's see. The last time-- I can't remember
17 the last time I saw him-- would have been face
18 to face.

19 Q. You don't recall where that was?

20 A. I guess it must have been Santa Fe when I
21 unloaded the-- when I was loading up the
22 storage unit into the white trailer to pull to
23 Wamego.

24 Q. At the conclusion of the conversation, did you
25 form a belief of the purpose of the call from

1 Mr. Pickard, why he had called you?

2 A. From what I gather, he was just trying to gain
3 some sympathy.

4 Q. When was the last time you saw Mr. Skinner?

5 A. That would be in Oregon, probably six to eight
6 months ago.

7 Q. Do you feel like you owe Mr. Skinner anything
8 at all?

9 A. I think it's probably the other way around.

10 Q. Why is that?

11 A. Well, first of all, I'm several thousand
12 dollars in debt because of him, renting trucks
13 and not returning them, and there were actually
14 promises of payments, even from previous to any
15 of this thing happening. He already owed me
16 back pay. So I'm probably \$20,000 in the hole.

17 Q. So you don't feel you owe Mr. Skinner anything?

18 A. Not one bit.

19 Q. Does your testimony here have anything to do
20 whatsoever with any relationship that you may
21 or may not have with Mr. Skinner?

22 A. No.

23 Q. Do you have any concerns about offering your
24 testimony here today?

25 A. I'm just here to tell the truth.

1 Q. And you have testified regarding Mr. Pickard.
2 Is he in the courtroom today?

3 A. Yes, he is.

4 Q. Would you point to him and identify him for the
5 jury and the record?

6 MR. RORK: Well, Judge, again,
7 there's no question as to the identity of Mr.
8 Pickard.

9 THE COURT: All right, thank you.

10 MR. HOUGH: May I have just a moment,
11 Judge?

12 THE COURT: Yes, sir.

13 (THEREUPON, there was a conversation
14 in low tones between Mr. Hough and Agents
15 Nichols and Hanzlik.)

16 MR. HOUGH: That's all the questions
17 I have for the witness, Judge. Now may be an
18 appropriate time for lunch.

19 THE COURT: Yes. Ladies and
20 gentlemen, we'll now recess until 1:30, and if
21 you will be back here at that time, we will
22 hear further testimony. Mr. Bailiff.

23 THE BAILIFF: All rise. Stand in
24 recess until 1:30.

25 (THEREUPON, a recess was had.)

1 THE COURT: All right, Mr. Rork.

2 MR. RORK: Thank you, Judge.

3 CROSS-EXAMINATION

4 BY MR. RORK:

5 Q. Good afternoon, Mr. Hobbs.

6 A. Afternoon.

7 Q. You understand by the government's questions
8 asked of you earlier today that the testimony
9 that you're providing, you're not going to be
10 charged with any offenses or crimes about what
11 you have to say here. Do you understand?

12 A. Yes, I understand.

13 Q. And I want to direct your attention back to
14 August of 2000 when Mr. Skinner and you were at
15 the Wamego missile base and these items are in
16 the green military boxes, some of the items you
17 testified had been brought back from this
18 Ellsworth location to Wamego. Do you recall
19 that testimony?

20 A. Yes, I do.

21 Q. And do you recall after sometime in August of
22 2000 having a long talk with Mr. Skinner at the
23 Wamego missile base about those items and who
24 owned them?

25 A. No, I sure don't.

1 Q. Do you recall an indication of Mr. Skinner
2 indicating to you around August of 2000 that he
3 had wanted to move those to Nevada?

4 A. Yes, I do.

5 Q. And how did that come about? Do you recall
6 that conversation?

7 A. We were at the mall in Manhattan. His wife--
8 fiancée, I'm sorry-- was making wedding plans.

9 Q. That would be Emily Reagan?

10 A. Emily Reagan, and we were just walking in the
11 mall, and he asked me if I was interested in
12 moving the whole thing, and at that point, I
13 wasn't really interested.

14 Q. And did he indicate to you that he, being Mr.
15 Skinner, that he owned the whole thing and
16 needed to move to Nevada?

17 A. He never claimed ownership, but he did say that
18 he was thinking about moving it.

19 Q. And was he thinking about moving it to Nevada?

20 A. Yeah, I think he said somewhere near the Nevada
21 California border.

22 Q. In Gardner Springs, the business in Tulsa, when
23 you worked there, can you describe, in other
24 words, like how many employees were involved in
25 that business there?

1 A. In Tulsa there were probably 35 to 40.

2 Q. And do you know how many pieces of equipment
3 were in there?

4 A. There were several different pieces of
5 equipment. There was everything from packaging
6 machinery to hand machines that would put coils
7 on extension springs.

8 Q. And was it like the size of-- like, you have
9 been to Wamego, so there's-- and in Topeka and
10 Manhattan was it the size of a Quik Shop
11 building or bigger than that?

12 A. About the same size.

13 Q. About the same size as a Quik Shop building.
14 And when you were paid there, was that on a
15 weekly or monthly basis, do you recall?

16 A. Weekly.

17 Q. And did you receive a paycheck?

18 A. Yes, I did.

19 Q. And do you recall, that paycheck, I assume
20 continued while you worked at Gardner Springs
21 until some period of time you didn't any longer
22 receive a paycheck.

23 A. That's correct.

24 Q. And would that have been a time period when you
25 were mainly working for Mr. Skinner out of the

1 Wamego location?

2 A. Shortly after that. There were times as I was
3 traveling back and forth, when I was doing work
4 for Gardner Springs is what I would get paid
5 for, yeah.

6 Q. That's when you would receive a check then?

7 A. Correct.

8 Q. And other times you would be paid cash by
9 Skinner?

10 A. There were pretty much times I would have
11 expense money if I was traveling for him and
12 with him.

13 Q. And the springs and the manufacturing that went
14 on at the missile base in Wamego, did that not
15 just consist of about three pieces of
16 equipment?

17 A. There were three pieces of machinery for
18 bending the steel, then there's just all the
19 associated tooling and different parts.

20 Q. And the piece of equipment about the size of
21 the area that you're sitting in or smaller?

22 A. Close to this size, yes. Some were smaller,
23 some were bigger.

24 Q. And those pieces of equipment, was there about,
25 other than the tools that were needed to bend

1 items, that was about basically what the spring
2 equipment manufacturing consisted of at Wamego?

3 A. Yes, it is. Each piece of machinery also had a
4 spool, unspooled wire, fed it into the machine.

5 Q. And you indicated that one time when you had
6 come out to Stinson Beach and taken a vehicle
7 out to Mr. Skinner, he had stayed in a
8 penthouse. Do you recall that?

9 A. Yes, I do.

10 Q. Do you recall, during the course of your
11 association with Mr. Skinner, he frequently
12 stayed in penthouses and expensive locations?

13 A. Yes, he did.

14 Q. And did you ever rent some of those penthouses
15 for him under your name or check in for him
16 under your name?

17 A. Never in the penthouse, but there were homes
18 that I rented.

19 Q. And where were those homes at that you rented
20 for Mr. Skinner?

21 A. The one in Stinson Beach I rented, and there
22 was a property in Bolinas, California, that I
23 rented.

24 Q. And that would be for, like, a couple of weeks
25 or a month or something?

- 1 A. Short period of time, yes.
- 2 Q. And then he would have them rented in your
3 name?
- 4 A. Yes.
- 5 Q. When you indicated that Skinner had called you
6 in Albuquerque and asked you to come back to
7 Kansas to help him out of this situation he
8 said he was in sometime in July of August of
9 2000, when was the last time you had worked for
10 Mr. Skinner in any capacity prior to that
11 point, approximately?
- 12 A. Approximately maybe six months before that.
- 13 Q. And in that six-month time period, I would
14 assume that you didn't have any day-to-day or
15 frequent contact with Mr. Skinner.
- 16 A. Just sporadically.
- 17 Q. And so when you arrived in Tulsa, that's where
18 Skinner met you. Is that right?
- 19 A. That's correct.
- 20 Q. And then as you indicated, he drove you to
21 Wamego first where you had some discussions?
- 22 A. Correct.
- 23 Q. And then you testified this morning that he
24 indicated, "Well, let's first go down here to
25 Ellsworth to do an inspection," is more or less

1 how you described it. Do you agree?

2 A. I agree.

3 Q. Did Mr. Skinner happen to tell you that he had
4 been down to this Ellsworth site just a day or
5 two before you arriving in Tulsa to meet him?

6 A. He didn't mention it, no.

7 Q. Did Mr. Skinner happen to mention to you how
8 many occasions he had been at this Ellsworth
9 facility in the days and months before you had
10 arrived back there?

11 A. I didn't ask, and he didn't say.

12 Q. And as you know Mr. Skinner, in your
13 association with him, he pretty much went and
14 did what he more or less wanted to, did he not?

15 A. I'm sorry. Could you say that again?

16 Q. He pretty much did or went where he wanted to,
17 did he not?

18 A. Sure.

19 Q. He didn't have anything tying him down like a
20 job or--

21 A. His kids.

22 Q. And those kids lived with his spouse or former
23 spouse most of the time?

24 A. It was shared custody, yeah. They would both
25 have periods where they would spend time with

1 the kids.

2 Q. And then other than that, he pretty much went
3 and travelled about quite frequently?

4 A. Just like the rest of us, that's true.

5 Q. And when he went down there after this
6 inspection, you don't know how many times Mr.
7 Skinner had been to that location and how many
8 items of anything he had taken down there
9 before you arrived do you?

10 A. The only indication I have is that he had keys
11 to the place.

12 Q. And he indicated he had keys to the place, and
13 did he tell you that he had actually changed
14 some locks down there at that location prior to
15 you being there?

16 A. No. I just assumed it was him that put the
17 locks on since he had the keys. That may or
18 may not be true.

19 Q. And when you were down there and went down
20 there for these four or five days and removed
21 the items you have indicated, this Gardner
22 Springs truck that was used, was it like a
23 blank truck, or did it have any writing on it?

24 A. It was blank.

25 Q. It was blank?

1 A. Yes.

2 Q. And when the farmer was asked to pull you out,
3 do you recall what was told to the farmer?

4 A. Just said we slipped off in the ditch. It got
5 rainy. He said it had happened to him before.
6 He didn't really ask any questions.

7 Q. Do you recall whether or not there was any
8 conversation about who you were, where you were
9 from, or anything?

10 A. No, not that I recall.

11 Q. When you were at the Wamego site, do you recall
12 that there was cameras and a lot of security
13 features at that location at Wamego?

14 A. No. The only thing I'm aware of was a small
15 plant that had a camera inside it somewhere,
16 and then there was a VCR, I believe, that was
17 connected to it, to record.

18 Q. And do you recall-- so the time that you came
19 back in June of-- or August of 2000 to Wamego,
20 you had not been there for six or seven months
21 prior to that point in time?

22 A. That's correct.

23 Q. Do you know whether or not Mr. Skinner
24 indicated to you if he installed any security
25 system or cameras at the missile base in your

1 absence?

2 A. No.

3 Q. Mr. Skinner has previously indicated and
4 provided to us a list of about 163 drugs and
5 different compounds, some prescription, some
6 not, some legal, some not, that he has ingested
7 over a period of time. During your time at the
8 Wamego missile base, did you see on frequent
9 occasion Mr. Skinner handing out drugs to other
10 people?

11 A. On a few occasions, yes.

12 Q. And on those occasions, did you know of Mr.
13 Skinner, did he indicate to you that he had had
14 prior experience in the manufacture of DMT?

15 A. No.

16 Q. Did Mr. Skinner indicate to you or share with
17 you that he had prior experience and knowledge
18 of how to manufacture MDMA and other compounds?

19 A. No.

20 Q. Do you recall during the period of time that
21 you were at this Wamego missile base what's
22 been referred to as Ayahuasca parties?

23 A. Yes, I do.

24 Q. And did that occur on quite a frequent
25 occasion?

1 A. Maybe when I wasn't there. I saw probably two
2 or three occasions.

3 Q. And you indicated in your testimony you had
4 been to some silos before. Other than the
5 Ellsworth location and the Wamego location,
6 what other silos had you been at in Kansas, do
7 you know?

8 A. There's one-- I can't remember the town, but a
9 man named Ed Peden owns a real estate company
10 called Twenty First Century Castles.

11 Q. The one in Dover?

12 A. Dover, that's it.

13 Q. Any other ones?

14 A. Yeah, there's one in Denver.

15 Q. And what was the occasion of being at that one,
16 do you know?

17 A. This was before the Wamego site was secured,
18 while he was still looking at different
19 options.

20 Q. And do you remember when that would have been,
21 like, 1995 or 1994?

22 A. It was pretty early on, yeah, probably '95.

23 Q. And this Mr. Peden with the Twentieth Century
24 Castles, when there was conversation earlier
25 this morning between you and Mr. Hough about

1 this gentleman and the individual that went to
2 Manhattan, are you aware Mr. Skinner has
3 previously identified that individual's name
4 that helped recover these cans as Mr. Peden?
5 That would be the same individual, would it
6 not?

7 A. Yes, it's the same person.

8 Q. And Mr. Peden was the one that drove to Emily
9 Reagan's house in Manhattan and then drove into
10 the garage and had the garage door shut, at
11 which time you then loaded the items in, and
12 then opened the garage door, and you left. Is
13 that correct?

14 A. That's correct.

15 Q. And after November of 2000, do you recall being
16 with Mr. Skinner in Tucson, Arizona?

17 A. Yes, I do.

18 Q. And that was in the early part of 2001?

19 A. Early part of 2001.

20 Q. And were you working for him at that point in
21 time?

22 A. Not really working for him, just kind of living
23 in the same house.

24 Q. And who else was living there?

25 A. Mr. Guinan, Emily Reagan, and Krystal Cole, and

1 Lupe lived there for a short period.

2 Q. And while you were there during that period of
3 time, do you recall seeing what's been referred
4 to as a river of MDMA around?

5 A. I did see MDMA, yes.

6 Q. In what kind of quantities, and in what nature?

7 A. The only quantities I saw is what he had given
8 me.

9 Q. He being Skinner?

10 A. Skinner had given to myself, just a single
11 dosage size.

12 Q. And then you indicated after the Tucson contact
13 with Mr. Skinner, you then last saw him in
14 Oregon, the state of Oregon?

15 A. Yes?

16 Q. And would that have been at some storage
17 locations Mr. Skinner had rented there?

18 A. That's correct.

19 Q. And do you know if he rented those storage
20 locations in Oregon-- that would have been
21 sometime in 2001. Right?

22 A. That's when-- the last time I saw him. Let's
23 see. It was rented late in 2000, probably
24 November of 2000.

25 Q. So it was about November of 2000 that this

1 Oregon storage location was rented by Mr.
2 Skinner?

3 A. Yes.

4 Q. And that would have been about the last time, I
5 mean, it was rented in November of 2000, but
6 sometime after the Tucson, Arizona, period of
7 time, you then again saw Mr. Skinner in Oregon
8 in 2001 by this storage house?

9 A. That's true.

10 Q. And do you mind telling what the purpose of
11 that contact was or--

12 A. Yeah. He called me up. I was living in
13 California already, and I had some of my
14 personal belongings in the storage unit, and I
15 had been trying to get up there forever and
16 never could connect with him, because he had
17 all the keys. So he was on his way up through
18 Northern California going to the storage unit,
19 and so I rode up there with him and recovered
20 my belongings.

21 Q. And didn't happen to recover any more money
22 that Mr. Skinner owed you?

23 A. No.

24 Q. And direct your attention back to July and
25 August of 2000 at the Wamego missile base, do

1 you recall an occasion when Krystal Cole was on
2 the phone to Skinner and talking about some
3 packages of MDMA to her had been intercepted?

4 A. I wasn't around during that time.

5 Q. You weren't around there?

6 A. No.

7 Q. And as far as the living quarters in the
8 missile base, you talked about this hidden room
9 in Skinner's closet or hidden location in
10 Skinner's closet where some items were placed.
11 Do you know if that was above the ceiling or
12 below the ground?

13 A. Above the ceiling.

14 Q. Do you recall any secret room in the living
15 quarters of the missile base that's in the
16 floor part that's removable that has a large
17 area?

18 A. No.

19 Q. You haven't seen anything of that nature?

20 A. There is a large area that's under where--
21 directly under where the missile would take off
22 from. There's a blast tunnel that goes down
23 pretty far under ground.

24 Q. And is there a hidden door that goes to that,
25 or just a wide open door?

1 A. Usually it's all wide open. We had placed
2 metal plates across it because we had set a
3 sound system up on top of that. It's kind of
4 like a stage area.

5 Q. And so if the metal plates were in place and
6 someone wasn't familiar with that location with
7 the sound stage on in, they wouldn't know that
8 this tunnel and large area were underneath
9 there, then, automatically, would they?

10 A. No.

11 Q. And did Skinner ever tell you that these cans
12 that he had you get in this trunk out of this
13 house in Manhattan were worth \$100,000 a can?

14 A. No, he didn't.

15 Q. And did he ever tell you anything about that he
16 had at one point in time four boxes of these
17 cans? Did he ever tell you that?

18 A. No, he didn't.

19 Q. All you ever saw, then, during the time that
20 you talked about was two boxes?

21 A. Two wooden crates.

22 Q. And I understand you talked with Mr. Pickard
23 about Mr. Skinner's arrest in Washington. Had
24 you been aware that was for impersonating a
25 doctor and writing prescriptions?

1 A. I later found that out.

2 Q. During the time that you knew Mr. Skinner, did
3 he ever represent himself as a medical doctor
4 to other people and write prescriptions here in
5 Kansas or elsewhere?

6 A. No, not that I know of.

7 Q. If I could have just a second.

8 (THEREUPON, there was a conversation
9 in low tones between Mr. Rork and Defendant
10 Pickard.)

11 Q. Mr. Hobbs, did you tell me what time period
12 that was when you were walking in the Manhattan
13 mall and this conversation about moving items
14 to Nevada took place?

15 A. Let's see. That would have been maybe October
16 of 2000.

17 Q. All right, sometime after August of 2000 when
18 the items had been moved from Ellsworth to
19 Wamego?

20 A. Yes.

21 Q. And then sometime prior to the arrest on
22 November 6, 2000, of Mr. Pickard?

23 A. Yes, that's correct.

24 MR. RORK: Thank you, sir. I have no
25 further questions at this time. Mr. Bennett

1 may, or Mr. Hough may.

2 THE COURT: Mr. Bennett.

3 CROSS-EXAMINATION

4 BY MR. BENNETT:

5 Q. Mr. Hobbs, you indicated, I believe, that Mr.
6 Skinner had provided you with MDMA, an illegal
7 drug. Is that right?

8 A. That is correct.

9 Q. What other illegal drugs did he provide you
10 with during the time you knew him other than
11 MDMA?

12 A. Many prescription drugs.

13 Q. Well, when you say he provided you with
14 prescription drugs, were those prescribed by a
15 doctor?

16 A. Prescribed by a doctor to him, which he then
17 passed on to me.

18 Q. Okay, just give me an idea or give the jury an
19 idea of what kinds of drugs.

20 A. Valium, hydrocodone.

21 Q. Any illegal drugs or substances in addition to
22 MDMA that he provided you with at any time?

23 A. Yes, there was MDA, MDMA, and then MMDA, which
24 are just analogs of the same basic thing.

25 Q. Anything else?

1 A. As far as illegal drugs, no, I don't think
2 anything else was actually scheduled.

3 Q. All right.

4 A. Except, actually, DMT is probably scheduled.

5 Q. You say DMT is probably scheduled?

6 A. DMT.

7 Q. When you say probably scheduled, do you mean
8 illegal to possess?

9 A. I'm not sure what its status is.

10 Q. All right, anything else that you can think of?

11 A. That's all that I can think of.

12 Q. All right. You told us about being out at
13 Stinson Beach with Mr. Skinner back in '99. Do
14 you recall that testimony?

15 A. Yes, I do.

16 Q. Mr. Apperson wasn't there, was he?

17 A. No, he wasn't.

18 Q. Okay. Now, you testified in response to some
19 of-- a series of questions by Mr. Hough that
20 it's your understanding that you have immunity
21 from any illegal activity related to your
22 testimony. Correct?

23 A. That's correct.

24 Q. Do you have an understanding or an opinion or a
25 belief as to what the potential penalty would

1 be for whatever those illegal-- those
2 violations were if you did not have the
3 immunity?

4 MR. HOUGH: Judge, we'll object. The
5 penalty is irrelevant and inflammatory.

6 THE COURT: Well--

7 MR. BENNETT: Judge, can we approach
8 the bench?

9 THE COURT: Yes, you may.

10 MR. BENNETT: I thought we resolved
11 this issue.

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

15 MR. BENNETT: I thought a couple days
16 ago that the Court indicated that this was
17 proper when it goes to the issue of immunity
18 and the witness testifying, and I thought that
19 the Court had indicated that it was proper and
20 appropriate, that it was not a penalty-- an
21 improper inquiry into the penalty. I'm not
22 asking about the penalty of-- to these
23 defendants, but I think the Court had
24 previously ruled on it.

25 THE COURT: I think we said that

1 quite often courts have held that if you're
2 talking about the immunity and you're
3 questioning about their credibility and so
4 forth about the immunity, you can ask a
5 question like that. Otherwise, it is not
6 allowed.

7 MR. BENNETT: I agree.

8 MR. HOUGH: Judge, our position is
9 that it's irrelevant and it's inflammatory and
10 under 403 it should be barred.

11 THE COURT: Now, I know why you're
12 doing it.

13 MR. HOUGH: Judge, that--

14 THE COURT: You're trying to get the
15 penalty in here in front of the jury, but I
16 suppose if there's a way you can do it, why,
17 it's not necessary-- so I'm going to overrule
18 the objection and allow you to go into it.

19 Q. (By Mr. Bennett) You can go ahead and answer
20 the question. Do you remember what the
21 question was?

22 A. I certainly do. I guess if you're asking me if
23 DMT-- if there are consequences to possessing
24 it, I guess we're all going to be in trouble,
25 because it's something that naturally occurs in

1 the human brain.

2 Q. Well, that's really not my question, and if you
3 want the reporter to read it back, I can have
4 her read it back.

5 MR. HOUGH: Well, Judge, we'll
6 object. This is argumentative. Counsel may
7 not be satisfied with the answer, but it is an
8 answer that the witness has sincerely given,
9 and it's responsive.

10 THE COURT: Well, do you think you
11 understand the question?

12 THE WITNESS: I think so.

13 THE COURT: All right. You can ask
14 another question if you want to.

15 Q. (By Mr. Bennett) Well, my question is, Mr.
16 Hobbs: Do you have an opinion or a belief as
17 to what the-- if you did not have the immunity,
18 what the penalty would be for whatever you've
19 done?

20 A. Yeah, I think it's probably way too harsh.

21 Q. Well--

22 THE COURT: If you don't know what it
23 is, well, just say so and, you know, or--

24 A. I know there are penalties, for example, for
25 smoking marijuana, at least here. Where I'm

1 from, there's not.

2 Q. Well, do you not know what the penalty is? Is
3 that what you're saying?

4 A. It depends on specifically what your're talking
5 about.

6 Q. Well, I'm talking about anything you've
7 testified with regards to that you think you
8 needed immunity for or that you have received
9 immunity for.

10 A. There are probably some things I said that
11 would get me in trouble if I did not have
12 immunity.

13 Q. My question is: Do you know what the penalties
14 are?

15 A. No, I'm not familiar with the exact--

16 Q. All right, if you don't know-- excuse me. I
17 don't mean to step on your answer. Go ahead.

18 A. Go ahead. What I'm trying to say is I'm not
19 sure what exactly, how the law reads.

20 Q. If you don't know, that's all you need to say.

21 A. I don't know.

22 Q. All right, we got there eventually. Now, you
23 told us during your previous examination about
24 Mr. Skinner contacting you and asking you to
25 move the white trailer that was parked at the

1 residence in-- was it Las Campanas?

2 A. In that region of Santa Fe.

3 Q. In that area?

4 A. Yes.

5 Q. And at that time, you then went ahead and moved
6 it. Is that right?

7 A. That's correct.

8 Q. And Mr. Apperson wasn't involved in that, was
9 he?

10 A. He was not present.

11 Q. Okay. And as I understand it, Skinner, Mr.
12 Skinner is the individual that contacted you,
13 wanted you to do that, and you carried out his
14 directions or requests. Is that right?

15 A. That's correct.

16 Q. Now, I want to go to the laboratory when you
17 moved the items from Ellsworth to Wamego. Do
18 you recall that testimony?

19 A. Yes, I do.

20 Q. And at that time, as I understand it, you went
21 out to the Ellsworth site, you loaded up the
22 items, and then moved them to Wamego. Correct?

23 A. That's correct.

24 Q. Excluding the time that it took to actually
25 move them from Ellsworth to Wamego, how long

1 did it take you to load the items into the
2 truck or trucks that you moved them in?

3 A. It took quite some time, probably 20 hours.

4 Q. Okay, and that's over a several day period of
5 time?

6 A. Yeah, it is. We had breaks in between.

7 Q. All right, and then as I understand it, this
8 truck or trucks would be driven to Wamego, and
9 then you would-- you unloaded the items. Is
10 that right?

11 A. That's correct.

12 Q. And did it take you 20 hours to unload the
13 items?

14 A. I'd say altogether it probably took 20 hours
15 for the actual physical labor part.

16 Q. Of unloading them?

17 A. Unloading and loading, everything except the
18 driving.

19 Q. All right. I want to back up, then, because I
20 think earlier you said 20 hours to load, but
21 are you now saying 20 hours to load, exclude
22 the driving, you get to Wamego, and you unload
23 them, and that takes a total of 20 hours? Is
24 that right?

25 A. Yes. You've got everything there except

1 actually physically dismantling things.

2 Q. All right, you're just talking about the
3 loading and the unloading.

4 A. The loading and the unloading. I thought
5 that's what you were talking about.

6 Q. Yeah, it is. I just want to make sure I
7 understand it. A total of 20 hours, about ten
8 hours loading and ten hours unloading?

9 A. You're talking about just carrying the things
10 up the stairs, putting them in the truck, and
11 taking them off the truck.

12 Q. Okay, thank you. And when this transfer was
13 made that you were talking about that you--
14 that occurred, you and Mr. Apperson, when you
15 said Mr. Apperson unloaded the truck and put
16 items in-- or unloaded the trailer and put the
17 items into the truck, that took about 25
18 minutes?

19 A. It was a very short period of time, yes.

20 Q. Now, the move from-- of the lab from Ellsworth
21 to Wamego, Mr. Apperson wasn't involved in
22 that, was he?

23 A. That's correct.

24 Q. At the time that you moved or were in the
25 process of moving the lab from Ellsworth to

1 Wamego, did you have any conversation with Mr.
2 Skinner, or did he have a conversation with you
3 or in your presence about any intentions of
4 turning this lab in to the DEA?

5 A. No.

6 Q. Did he ever indicate to you-- and I think you
7 have answered this somewhat with regards to Mr.
8 Rork, one of Mr. Rork's questions-- but did he
9 ever indicate to you that it was his intention
10 or his desire to move the lab to Nevada?

11 A. Yes, he did mention that.

12 Q. All right. And what did he tell you about
13 that?

14 A. He just asked me if I was willing to drive it.

15 Q. Willing to what, drive it?

16 A. Drive the trailer.

17 Q. Containing the lab?

18 A. Containing the lab.

19 Q. To somewhere in Nevada?

20 A. That's correct.

21 Q. Did he tell you where?

22 A. He just said somewhere near the Nevada
23 California border.

24 Q. And did he tell you why he wanted to move it to
25 Nevada?

- 1 A. He didn't say.
- 2 Q. He just asked you, and your response was what?
- 3 A. No.
- 4 Q. And that was the end of it then?
- 5 A. That was the end of it.
- 6 Q. Now, you told us about seeing the wooden boxes.
- 7 Do you recall that?
- 8 A. Yes, I do.
- 9 Q. And where did you first see that?
- 10 A. The first time I saw them was taking them off
- 11 of the truck. I guess I was maybe upstairs or
- 12 something when they were loaded onto the truck.
- 13 Q. And do you remember which trip it was that you
- 14 saw them coming off the truck?
- 15 A. Yeah, it was the second trip we made. After we
- 16 got stuck in the ditch, unloaded that, then we
- 17 came back with Todd and his father.
- 18 Q. And that was the time, then, when that load got
- 19 to Wamego that you saw the boxes?
- 20 A. That's correct.
- 21 Q. And how many boxes were there?
- 22 A. There were two wooden crates.
- 23 Q. All right, and can you describe or demonstrate
- 24 about the size of those two boxes?
- 25 A. Maybe three foot tall by a foot wide.

- 1 Q. Okay. And how deep, or how--
- 2 A. Maybe a foot and a half by a foot by three or
- 3 four feet tall.
- 4 Q. About a foot by a foot and a half by--
- 5 A. Three and a half.
- 6 Q. Three and a half?
- 7 A. Approximately.
- 8 Q. Okay, and were those boxes, when you saw them,
- 9 were they opened or were they secured in some
- 10 way?
- 11 A. One of them was all the way nailed shut or
- 12 stapled shut or something. The other one
- 13 looked like it had already been opened.
- 14 Q. All right, and what was it about the box that
- 15 made it look like it had already been opened.
- 16 A. The wood, the piece of wood that was on the
- 17 top, the nails were pulled back. It wasn't all
- 18 the way sealed.
- 19 Q. Were you able to look in or tell what the
- 20 contents of either of those boxes were on that
- 21 first occasion when you saw them?
- 22 A. Not until we moved them inside.
- 23 Q. And were they moved directly from coming off
- 24 the truck, were they moved inside?
- 25 A. Yes.

1 Q. And when you say inside, you mean into where?

2 A. Into Mr. Skinner's bedroom closet.

3 Q. All right.

4 A. Where we'd stashed them up overhead.

5 Q. And when you say you stashed them up overhead,
6 you mean just the boxes with their contents, or
7 were the boxes opened and their contents
8 stashed?

9 A. The boxes were opened and the silver Pringles
10 like cans were put up there individually.

11 Q. You and Mr. Skinner did that?

12 A. Yes.

13 Q. Anybody else involved in that?

14 A. No.

15 Q. About when would that have been, then? You
16 were moving this lab in July of 2000?

17 A. Yes.

18 Q. So it would have been the second trip, whenever
19 it was, in 2000?

20 A. Yes.

21 Q. Is that right?

22 A. That's correct.

23 Q. And then I believe your testimony was you saw
24 the cans again about two weeks later?

25 A. It was pretty soon after that that we moved it

1 to the hotel room.

2 Q. All right.

3 A. And eventually to Ms. Reagan's residence.

4 Q. Tell me how that came about. What prompted you
5 to get involved in taking the cans down or out
6 of the ceiling or wherever they were and doing
7 something else with them?

8 A. I'm not sure what prompted it. He said, "Hey,"
9 Mr. Skinner said, "I need a favor. I need you
10 to just take this suitcase and sit with it
11 overnight at the hotel room."

12 Q. And when he said take the suitcase, had he
13 already taken the cans down, or did you help
14 him do that?

15 A. I helped him do that.

16 Q. All right, and you took those down and put them
17 in a suitcase, and he asked you to what, go and
18 sit with them?

19 A. Yes.

20 Q. Did he tell you why he wanted you to sit with
21 them?

22 A. No, he didn't.

23 Q. Did he tell you-- I think you testified earlier
24 Skinner said he wanted to get them out quickly
25 and put in the suitcase. Did he tell you what

1 the urgency was?

2 A. I'm not sure what the urgency was.

3 Q. Did he tell you that he was withholding those
4 from the government?

5 A. No, he didn't say that.

6 Q. Did he tell you what the reason was for
7 secreting them, for taking them out of the
8 ceiling, putting them in a suitcase, you going
9 to the hotel and sitting with them and then
10 taking them and putting them in Emily Reagan's
11 bedroom?

12 A. He didn't say, and I didn't ask.

13 Q. Okay. Were you curious?

14 A. I was curious.

15 Q. But you just didn't ask?

16 A. I figured he would just give me some bogus
17 answer anyway, so didn't waste my time.

18 Q. Was that kind of his practice to give bogus
19 answers on occasion?

20 A. I have seen him do that, yes.

21 Q. So you get over to Emily Reagan's, and you told
22 us you put them in a footlocker, some of the
23 cans, and some of the cans in the closet. Is
24 that right?

25 A. That's correct. Two would not fit in the

1 footlocker.

2 Q. Do you know how many cans there were total?

3 A. I'm guessing 26.

4 Q. Okay, and what's the basis for your guess that
5 it was 26?

6 A. I mean, I never just took a physical count. I
7 just saw them as they were going into the
8 suitcase and into the footlocker. That's just
9 the best number I can come up with.

10 Q. All right. To your knowledge, were those cans
11 ever in Missouri?

12 A. The first time I saw them was in Kansas, and
13 that's it.

14 Q. Do you know of anyone who maintained
15 surveillance on the cans for an extended period
16 of time, several days or more?

17 A. No, I don't.

18 Q. Did you maintain surveillance on the cans for
19 any period of time other than while you were
20 sitting with them at the hotel?

21 A. Only to take them from Kansas down to Tucson.

22 Q. Okay, and when you took them from Kansas to
23 Tucson, that lasted-- that was when?

24 A. That was July of 2000-- no, probably January of
25 2001.

1 Q. All right, and that was a trip on a train?

2 A. That's right.

3 Q. And where was the footlocker or suitcase,
4 whatever they were in-- what were they in on
5 the train?

6 A. On the train, they were in a footlocker.

7 Q. All right.

8 A. Like the picture we saw.

9 Q. All right.

10 A. Same thing.

11 Q. And where was the footlocker while you were
12 taking this train trip?

13 A. I rented a sleeper cabin and kept it with me
14 the whole time.

15 Q. Okay, and the trip lasted what, a couple days?

16 A. A couple of days.

17 Q. Other than that, those two days and the day you
18 sat with it in the hotel room, that would be
19 the extent of your--

20 A. Relationship with the cans.

21 Q. -- looking after the footlocker. Right?

22 A. That's correct.

23 Q. Okay. Now, during the course of this, you
24 looking after this substance or whatever was in
25 those cans, was it your understanding or belief

1 that it belonged to Mr. Skinner?

2 A. Sure.

3 Q. Okay. I mean, he indicated, did he not, that
4 these were his?

5 A. He never came out and said, "These are mine,"
6 but--

7 Q. He conducted himself--

8 A. -- I assumed it.

9 Q. He conducted himself in such a way that they
10 appeared to be his. Right?

11 A. Yes. It seemed like he had control of them.

12 Q. Now, Mr. Rork asked you about this situation in
13 Oregon. Was there anything else involved in
14 the meeting that you had with Skinner in Oregon
15 other than just getting some of your items out
16 of his storage space?

17 A. No.

18 Q. Your-- you had had articles of yours
19 intermingled with things of his for some period
20 of time. Correct?

21 A. That's correct.

22 MR. BENNETT: And there wasn't--
23 well, strike that. That's all I have, Your
24 Honor.

25 THE COURT: Mr. Hough?

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REDIRECT EXAMINATION

BY MR. HOUGH:

Q. Mr. Hobbs, when Mr. Rork was asking you questions, you indicated that the Ellsworth site, an Atlas F, when you first went there, that Mr. Skinner had the keys. Do you recall saying that?

A. Yes.

Q. Did he have all the keys?

A. No.

Q. And to the area where the lab was, did he have the keys to that?

A. No.

Q. And how was access gained to that area?

A. We tried cutting with bolt cutters. They didn't work, so he got out the grinder, to grind through the chain link. One of the links came off, and then the rest of the chain came off.

Q. Mr. Skinner give you any reason to believe that all of the items there in the Atlas F that you were moving out were his?

A. No. I wasn't quite sure who they belonged to. At one point, I think I even asked him, "Is this a robbery," half-way joking.

1 Q. But, so, and the point is that you had no
2 reason to believe it was his stuff, in fact,
3 you thought he may have been taking it from
4 someone?

5 A. That's correct.

6 Q. Part of that being because he didn't even have
7 the keys to get into the place?

8 A. Exactly.

9 Q. You also answered Mr. Rork indicating that you
10 recalled a plant with a camera in it. Do you
11 recall that?

12 A. Yes, I do.

13 Q. The transition of the questioning was such that
14 I wasn't sure whether you indicated seeing that
15 near Salina in the Atlas F or in Wamego. Where
16 was it?

17 A. It was at the Atlas F, and it was moved to
18 Wamego with everything else.

19 Q. In one of the military boxes?

20 A. Yes.

21 Q. Thank you. And Mr. Rork asked you about
22 Ayahuasca parties at the Wamego location. Are
23 we talking about 300 or 400 people?

24 A. No.

25 Q. What are you talking about, an Ayahuasca party?

1 A. Very, very small gatherings. There's usually
2 one person who's a facilitator who stays sober
3 in case someone gets into a serious mental
4 condition or falls or something, and then
5 usually maybe four or five people.

6 Q. And is this something that is just, in your
7 presence when it occurred, a recreational
8 thing, people wanting to get high and bang off
9 the walls and break stuff?

10 A. No, it was actually more like being in church.

11 MR. RORK: I would indicate in his
12 situation, Mr. Hobbs indicated it occurred one
13 or two times when he was there. He didn't know
14 how many times it occurred when he wasn't
15 there.

16 MR. HOUGH: I'm trying to figure out
17 what the objection is, Judge.

18 THE COURT: I'm not sure what the
19 objection is.

20 MR. RORK: He was asking about when
21 all these had occurred. I was digging into the
22 foundation, when he was saying all these
23 occurred, not in the context of all the time,
24 but limited to the times Mr. Hobbs had
25 testified to was my objection.

1 THE COURT: I'll overrule the
2 objection. You may go ahead.

3 MR. HOUGH: Thank you.

4 Q. (By Mr. Hough) Your understanding of the
5 Ayahuasca sessions that occurred there was
6 based on your participation two or three times.
7 Is that your testimony?

8 A. Yes.

9 Q. And had there been other times when you had
10 been present at other locations for an
11 Ayahuasca session, or was this it?

12 A. As far as Ayahuasca goes, that was it.

13 Q. Okay. Both Mr. Rork and Mr. Bennett asked you
14 about the number of crates and the number of
15 cans, Pringles cans. Do you recall that?

16 A. Yes, I do.

17 Q. You indicated that you believed there were 26
18 cans.

19 A. I'm not positive on that. Don't hold me to
20 that. That's just the best my memory serves
21 me.

22 Q. Do you recall seeing, when you were putting the
23 cans in the ceiling, any cans that were not in
24 the crates already, and were there other cans
25 in addition to the two crates?

1 A. Not that I know of, no.

2 Q. Do you think that you saw all of the cans
3 there, or were you and Mr. Skinner together
4 from the time that the cans came out of the
5 crate until they were up in the ceiling, or did
6 you come in as he was doing that, or how did
7 that work?

8 MR. RORK: Judge, I'd just object to
9 the form of the question as compound. He asked
10 three different things, and the answer, I
11 think, is significant.

12 MR. HOUGH: Did you understand the
13 question?

14 A. Yes, I do, and I can, I guess, answer by saying
15 that I wasn't there when they were carried
16 inside. He had come above ground where we were
17 unloading the truck, and he asked me to come
18 down, and one of the crates was already
19 partially opened, so it could have been him
20 that opened it. I didn't say, "Hey, did you
21 open this, because it's already open." It was
22 just obvious someone had already been in it.

23 Q. Okay, and was the ceiling area opened in your
24 presence, or was it already open when you got
25 down there?

1 A. It had already been opened.

2 Q. So it's possible there were already some cans
3 in there by the time you got down there?

4 A. Sure.

5 Q. You indicated under questioning by Mr. Bennett
6 that Mr. Skinner had in the past provided you
7 with MDMA, MDA, MMDA, and DMT. Do you recall
8 that?

9 A. Yes, I do.

10 Q. And you also indicated the prescription drugs
11 Valium and hydrocodone. Do you recall that?

12 A. Yes.

13 Q. As to the Valium and the hydrocodone, other
14 than you being given that when you were
15 handling this LSD lab, moving it from the Atlas
16 F to the Atlas E so that you wouldn't get sick
17 or overdosed, did he give you Valium and
18 hydrocodone, or was that the only occasion?

19 A. There was an occasion right as we were going
20 into a meeting with the DEA that I was really
21 nervous, and that I actually had a prescription
22 of Valium at one time, and so I knew it was
23 safe for me, and so he said, "Here. Would this
24 help?" I said, "Sure," and I took it.

25 Q. And as to the MDMA, MDA, MMDA, and DMT, was Mr.

1 Skinner just doling this stuff out all the
2 time, or how was it that he came to give you
3 those items?

4 A. There was a few occasions where I was going out
5 maybe to a dance club or to do something
6 recreational that he offered it to me, and
7 there were other times when it's just a few,
8 small group at the missile base.

9 Q. And the times at the missile base and the small
10 groups, was that similar to the Ayahuasca
11 sessions that you described earlier, or was
12 that some other type of a thing?

13 A. It was similar to that, it was just like coming
14 together, bonding, sharing, you know. Trying
15 to work through problems pretty much.

16 Q. Other witnesses have indicated taking these
17 types of substances as a sacrament or as a
18 spiritual vehicle, if you will. Did you take
19 them for that purpose, or just purely for
20 recreational, to get the high?

21 A. No, not for recreation at all. Sacrament is a
22 good way to describe it. Like I said, it's
23 like going to church. It has been used, you
24 know, in that way for many thousands of years.

25 Q. Mr. Bennett asked you about the movement of the

1 white trailer at the Las Campanas area of Santa
2 Fe. Do you recall him asking about that and
3 indicating that Mr. Apperson was not present
4 then?

5 A. Yes.

6 Q. Is that the same white trailer, though, that
7 Mr. Apperson later unloaded into the Ryder
8 truck while you were acting as the lookout with
9 the walkie-talkies?

10 A. Yes, that's true.

11 Q. Mr. Bennett asked you about it taking Mr.
12 Apperson 25, 30 minutes to unload that trailer
13 into the Ryder truck versus 20 hours over
14 several days that you were unloading the items,
15 loading and unloading the items at the Atlas F
16 to the Atlas E. Do you recall that?

17 A. Yes, I do.

18 Q. And all of the things that you found in that
19 Atlas F that were loaded up and moved
20 subsequently to the Wamego Atlas E, would they
21 all have fit in the white trailer that was
22 unloaded at Santa Fe? Would it all have fit in
23 that, had it not been in the military boxes?

24 A. Now, that would change the answer. I don't
25 know if it would or not. I mean, it's hard to

1 tell. If it did, it would be very full.

2 Q. Okay. And did the 20-hour time frame that you
3 gave us include the time going down the
4 hallways and up the stairs at the Atlas F?

5 A. Yes, just doesn't include the time it took to
6 take everything apart and get it all into the
7 boxes. That seemed to take up the most, the
8 bulk of the time we were there.

9 Q. It did or did not include that time?

10 A. It did not include that time.

11 Q. Okay. And when Mr. Skinner got ahold of you
12 and-- strike that. After the laboratory was
13 moved from the Atlas F near Carneiro or
14 Ellsworth County over to the Atlas E at Mr.
15 Skinner's place in Wamego, was Mr. Skinner--
16 how was he? Was he happy about that being
17 there, nervous, what?

18 A. He was nervous. I think Tim Schwartz's father
19 was really pressing to get in there. Seemed
20 like he didn't have enough time, so he was
21 really pushing the thing along.

22 Q. And after it was all unloaded and it was at
23 Wamego, did he still seem uneasy, or did that
24 subside, or was it-- how did that play out?

25 A. He seemed to be more relaxed after it all got

1 there.

2 Q. And after the lab was unloaded at Wamego, are
3 you aware of a time that Mr. Apperson or Mr.
4 Pickard were at the Wamego location after that
5 lab had been unloaded?

6 A. Only what I saw in the papers where they had
7 been arrested.

8 MR. BENNETT: Well, now, Judge, I'm
9 going to object to what he saw in the paper.

10 THE COURT: Well, sustained.

11 Q. (By Mr. Hough) Were you aware of them coming,
12 or either one of them coming to or being at
13 Wamego, Salina, or that area, in Kansas at all,
14 between the time that the lab was moved from
15 the Atlas F to the Atlas E and before the
16 arrest November 6?

17 A. No.

18 Q. Were you in Kansas during that period of time?

19 A. No.

20 MR. HOUGH: Thank you. Nothing
21 further.

22 THE COURT: Anything further?

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

25 MR. BENNETT: I have nothing further,

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Your Honor.

THE COURT: All right, you may step down and be excused.

A. Thank you.

THE COURT: You may call your next witness.

MR. HOUGH: Your Honor, we would ask the witness be permanently excused.

THE COURT: I'm willing to do that.

(THEREUPON, the following proceedings were not ordered transcribed.)

COPY

134

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

3 C E R T I F I C A T E

4 I, Roxana S. Montgomery, Certified
 5 Shorthand Reporter in and for the State of
 6 Kansas, do hereby certify that I was present at
 7 and reported in machine shorthand the
 8 proceedings had the 19th day of February, 2003,
 9 in the above-mentioned court; that the
 10 foregoing transcript is a true, correct, and
 11 complete transcript of the requested
 12 proceedings.

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

17 IN WITNESS WHEREOF, I have hereunto set
 18 my hand and official seal at Topeka, Kansas,
 19 this 21st day of Feb., 2003.

20
 21 Roxana S. Montgomery

22 Roxana S. Montgomery

23 Certified Shorthand Reporter

24

25