

1 A. No, I have not.

2 Q. Now, that tape that we're talking about right now,
3 [REDACTED] can you
4 tell me, have you reviewed the tape which I provided to you,
5 the Blue Vanities tape?

6 A. Yes, I have.

7 Q. In fact, you gave me a receipt several weeks ago
8 for providing that Blue Vanities tape to you, which has been
9 marked Defendant's Exhibit 200, did you not?

10 A. I--

11 Q. You want to look at this?

12 [REDACTED] May I approach the witness, Your
13 Honor?

14 THE COURT: You may.

15 (THEREUPON, an off-the-record discussion was
16 had between [REDACTED])

17 THE COURT: Counsel, wait a minute. If there's
18 some debate --

19 [REDACTED] Your Honor --

20 THE COURT: -- take it up here, please.

21 [REDACTED] -- the government has raised an issue
22 as to whether this is the same tape. [REDACTED] thinks there's
23 something under here. I said I would remove the sticker to
24 assure [REDACTED] it's the same.

25 THE COURT: Okay.

[REDACTED]

1 [REDACTED] When you gave it to us it had a number
2 on it. It may still be under there; I don't know if it is
3 or isn't.

4 [REDACTED] Well, pull it off and see.

5 [REDACTED] I'm just telling you that it's not
6 exactly the same as when you gave it to us. It may be the
7 same tape. I can't prove that.

8 THE COURT: Proceed.

9 BY [REDACTED]

10 Q. And, [REDACTED] did you review the tape in light of
11 our contention that this tape contained the same loop with
12 which you have charged [REDACTED] as containing underage
13 material?

14 A. If that's your contention, yes. I saw one of the
15 loops on there.

16 Q. Okay. And isn't it true that "Patsy Learns To
17 Play" is the same loop that you have [REDACTED] charged with?

18 A. Well, the title on the one that [REDACTED] is
19 charged with is different.

20 Q. Okay. Other than the title, isn't it the exact
21 same material?

22 A. It appears to be when I looked at it, yes.

23 [REDACTED] Your Honor, may I have permission to
24 show to the jury that this "Patsy Learns To Play" on this
25 tape which was purchased at a local video store is the same
[REDACTED]

1 THE COURT: All right.

2 [REDACTED] It's going to have to be cued up to
3 the appropriate point. I can go on with my questioning
4 because that's going to delay the jury.

5 THE COURT: All right.

6 BY [REDACTED]

7 Q. But [REDACTED] when you reviewed that portion of
8 the tape, it was your determination that it had the same
9 individual in it that you have given an opinion is under
10 age?

11 A. Yes, [REDACTED]

12 Q. And that particular segment is a European segment,
13 is it not?

14 A. I don't know if it is or not.

15 Q. Isn't that how it's identified?

16 A. Identified where?

17 Q. On the tape itself.

18 A. On the government's exhibit?

19 Q. And on our exhibit.

20 A. On the government's exhibit I think it's just
21 called "Teenage Tricks" at the beginning. I don't think
22 there's a reference --

23 Q. And so other than --

24 A. -- to "European."

25 Q. -- the difference in the title they're the same

[REDACTED]

1 tape; is that what you're telling the jury?

2 A. They appear to be the same contents, yes.

3 Q. The same person in there who you contend is under
4 age?

5 A. Yes, [REDACTED]

6 Q. And that Blue Vanities tape was not seized from
7 [REDACTED] home, was it?

8 A. No, it was not.

9 Q. Okay. And you haven't taken it as evidence and
10 charged anyone with possession of that, have you?

11 A. No, I don't know where it came from.

12 Q. Now, in Tape No. 3 which you've played for the
13 jury, the individual that you contend is under the age of 18
14 was basically sunbathing, was she not?

15 [REDACTED] Judge, just so the record is clear,
16 can we refer to exhibits by exhibit number? I believe she's
17 probably talking about 17-C.

18 [REDACTED] It would be 17-C, Your Honor. I
19 apologize.

20 THE COURT: Very well.

21 BY [REDACTED]

22 Q. And what is the title of 17-C, [REDACTED]

23 A. On -- in the handwriting on the tape?

24 Q. That's correct.

25 A. I would have to look at it. I don't have all
[REDACTED]