

1 been marked as Defendant's Exhibit 200, can you tell me what
2 it says on the cover of the tape?

3 A. On the back?

4 Q. On the bottom left-hand --

5 A. This here (indicating)?

6 Q. Right.

7 A. Sure. It says, "A Presentation of Filmfare Video
8 Labs, Incorporated, 401 Northeast Ravenna Boulevard,
9 Suite 156, Seattle, Washington, 98115. All models are
10 18 years or older. Not to be sold to minors."

11 Q. And [REDACTED] have you had the opportunity to
12 compare the footage on Defendant's Exhibit 200, "Patsy
13 Learns To Play," with Government's Exhibit 17-A, the footage
14 with which you've charged [REDACTED]

15 A. Yes, I have.

16 Q. And does that appear to be identical and the same?

17 A. At the beginning of this one, the defendant's
18 exhibit, it says -- I believe it says "Scandinavia
19 Erotica."

20 Q. Yes.

21 A. And then those words are not on the tape that
22 [REDACTED] is charged with. And then at the end on this -- on
23 Defendant's Exhibit 200, the actual words "The End" show and
24 then it kind of fades out and then there's two little words
25 at the bottom which I can't make out. There's those two

[REDACTED]

1 differences. Plus the title on this one is "Patsy Learns To
2 Play" and the one on Government's Exhibit 17-A is titled
3 "Teenage Tricks."

4 Q. So aside from the titles being different, is the
5 content, specifically the model which you contend is under
6 the age of 18, the same?

7 A. Appears to be, yes.

8 Q. And where does Defendant's Exhibit 200 appear to
9 have been purchased?

10 A. Purchased?

11 Q. Yes.

12 A. I don't know.

13 Q. Is it dated?

14 A. Well, I mean, it's got a price tag up in the
15 right-hand corner, if that's the date, [REDACTED] maybe February
16 of [REDACTED] and maybe 17 is the 17th. I don't know what their
17 numbering system is.

18 Q. And does Defendant's Exhibit 200 appear to be a
19 compilation of various adult material, "Blond Mink," which
20 is "1f-1m." The next scenario being "Best of Serena, 5f-2m,
21 Serena." Next one, "Irish Lass" from a production company
22 called "Collection." Next one, "Country Swing" from a
23 production company called "Danish Erotica." The next one,
24 "Play With Me, 1f-1m, SE." "Woman Of Desire, 2f, SE."
25 "Patsy Learns To Play, 2f-3m, SE #293, Euro." "Cucumber

[REDACTED]

1 Madness, 1f-1bm"; "Candy Girls" is the production company.
2 "The Lesbian Scene, 2f"; "Dream" is the production
3 company. "Girl Scout Nookies, 2f-1m"; "Eruption" is the
4 production company. "Tender, Naughty, and Nice, 2f"; "Baby
5 Dolls" is the production company. "Ready Teddy, 1f-1m";
6 "GG" is the production company. And "Promise Her Anything,
7 1f-1m"; "GG," the production company.

8 A. Yeah, I believe those are the titles on there.

9 Q. And, [REDACTED] how is one to know if they purchase
10 this Blue Vanities tape which says "All models are over the
11 age of 18, not to be sold to minors," that [REDACTED] is
12 going to opine that one of the girls in "Patsy Learns To
13 Play" is less than 18 years of age? How can we protect
14 ourselves, so to speak?

15 A. Can I see the box again? There's a little type of
16 disclaimer on there.

17 Q. [REDACTED] complies.)

18 A. Thank you. You want me to answer now?

19 Q. Yes.

20 A. On the spine of this box, there's a little --
21 there's a disclaimer put around here. I need to open it to
22 read it. And it says, "This product and all graphical
23 materials associated with it are exempt from the
24 requirements of 18 U.S.C. Section 2257 because all visual
25 depictions of sexually-explicit conduct appearing therein


[REDACTED]

1 were made before July 3, 1995."

2 If you go to 18 U.S.C. Section 2257 in the code book,
3 that's, to paraphrase, because I can't remember all the
4 words from memory, it talks about I believe it's sometime in
5 1990 they made it a law that companies had to keep little
6 index cards or some sort of an inventory of the ages of
7 people in videos or any type of image, you know, magazines,
8 photos to prove that they were over the age of 18. This
9 here is saying that they are exempting themselves from that
10 for whatever reason, so they're not guaranteeing the ages on
11 here, in my opinion, by this exemption that they've put on
12 this box.

13 Q. Well, that's your analysis, but if someone goes
14 into an adult bookstore and it says, "All participants are
15 over the age of 18, not allowed for sale to minors," and it
16 is from Blue Vanities, which is an existing adult video
17 production company, how does one have knowledge that you're
18 not going to give an opinion that someone in one of those
19 flicks is under the age of 18? Are you saying no one can
20 buy adult pornography?

21 A. No, I'm not saying that. I'm saying on this
22 specific box, which you've labeled as Defendant's
23 Exhibit 200, it has a disclaimer on there from the producer
24 of this compilation saying that they're not guaranteeing
25 what the ages are on here, so --



1 Q. Is that --

2 A. That's how I'm interpreting it --

3 Q. That's how you interpret it.

4 A. -- if you read 18 U.S.C. 2257. So I guess I'd
5 educate myself on, I want to know what that is before I buy
6 this thing, because I don't want to be in violation of the
7 law.

8 Q. So you think that when someone goes to a video
9 store and it says, "All participants are under the age of
10 18" that they can't rely upon that, reasonably rely upon it
11 and they have to pull out a statute book and try to
12 understand what that statute says?

13 A. Well, I think it's the owner's responsibility to
14 know the legality of things, yeah.

15 Q. And so what you're saying, [REDACTED] is that all
16 adult video material should be outlawed, so to speak, and
17 that one cannot safely purchase it?

18 A. No, that's not what I'm saying. I'm talking about
19 this specific exhibit with this specific disclaimer on
20 there, put on there by the company I guess to cover
21 themselves in case things like this happen.

22 Q. Now, that's a big company, and you're contending
23 that, what is the name of that, "Patsy Learns To Play"?

24 A. "Patsy Learns To Play."

25 Q. "Patsy Learns To Play" has --

[REDACTED]

1 [REDACTED] Object to the form of the question,
2 Judge. We don't know if it's a big company or a little
3 company or a medium company.

4 THE COURT: Sustained.

5 [REDACTED] It's assuming facts not in evidence.

6 THE COURT: Sustained.

7 BY [REDACTED]

8 Q. [REDACTED] You are holding Defendant's Exhibit 200,
9 and at the same time you are contending that the footage in
10 there regarding "Patsy Learns To Play" depicts someone under
11 the age of 18. Can you tell me why you're not prosecuting
12 the Blue Vanities Company as opposed to an unsuspecting
13 purchaser who has relied upon the fact that the people in
14 the flick are all over the age of 18?

15 A. I don't know that Blue Vanities isn't being
16 investigated. I think I mentioned yesterday, I haven't
17 heard of Blue Vanities. I don't know where they're
18 located.

19 Q. [REDACTED] I'm going to --

20 [REDACTED] May I approach the witness, Your
21 Honor?

22 THE COURT: You may.

23 BY [REDACTED]

24 Q. I am going to show you what has previously been
25 provided to the government and yourself as the government's
[REDACTED]

1 agent which is Defendant's Exhibit 201, Blue Vanities
2 Catalog of Adult Videotapes, and ask you if you can identify
3 that for the jury, please.

4 A. Yes, this is a catalog we got about a week and a
5 half ago, made a copy of from your office.

6 Q. Okay. And what is set forth in Defendant's
7 Exhibit 201?

8 A. What is it?

9 Q. Yes.

10 A. It's titled Blue Vanities Catalog of Adult
11 Videotapes.


12 Q. And how many adult videotapes, best estimate, are
13 listed in that catalog as being distributed by Blue
14 Vanities?

15 A. Well, I don't know. I mean, if they're in the
16 catalog and you can buy it from them, I would imagine they
17 distribute all of them.

18 Q. Okay. And how many do you think are in that
19 catalog, Defendant's Exhibit -- that you have before you?

20 A. 201. A quick guess, 150 maybe, if there's --
21 maybe 150, maybe a few more. I don't know. I guess they go
22 by numbers, let's see. No. Okay, I'd say about 150,
23 because the numbers aren't chronological. Okay.

24 Q. Okay. So Defendant's Exhibit 200, the Blue
25 Vanities tape, is certainly only a small portion of the



1 adult videotapes which are set forth in the Blue Vanities
2 catalog which has been marked as Defendant's Exhibit 201;
3 isn't that true?

4 A. If tape 80 is in there, yes. This is tape 80, I
5 guess.

6 Q. Here is tape 80 on page 13. And what's the
7 category that tape 80 falls into in the catalog for Blue
8 Vanities adult videotapes?

9 A. It says at the top "Peep Show Loops."

10 Q. Okay. So when I asked you yesterday if you knew
11 what "peep show loops" were, you said you didn't know. Have
12 you looked at Defendant's Exhibit 201 at such time as I gave
13 it to you for copying several weeks ago?


14 A. I think yesterday you asked me what "loops" were
15 and I described "loops." I don't think you asked me what
16 "peep show loops" were.


17 Q. Okay. But that's how it's categorized, as "peep
18 show loops"?

19 A. In this magazine it is, yeah.

20 Q. And are there other adult videos that fall into
21 that category in the Blue Vanities catalog?

22 A. They've got other tapes listed in that category.
23 I don't know what's on them. I haven't seen them.

24 Q. May I see the catalog for just a minute,
25 



1 A. Sure.

2 Q. [REDACTED] I also asked you yesterday whether you were
3 familiar with the production company called Climax.

4 A. I thought you referred to it as Color Climax.

5 Q. When you had an opportunity to look at Defendant's
6 Exhibit 201 and copy it, did you see that many of the adult
7 videos were done by that production company?

8 A. I saw the word "climax" in there. Like I said,
9 without looking at the videotapes, I don't know what's
10 contained on them.

11 Q. And Color Climax also?

12 A. I believe so.

13 Q. And in Government's Exhibit 17-E, you have
14 [REDACTED] charged with a tape called [REDACTED]
15 [REDACTED] do you not?

16 A. -E, yeah, I believe so.

17 Q. -E. And, [REDACTED] I'd like to direct your attention
18 to page 21, tape 82, "Teenage Swingers" by Color Climax and
19 ask you if that isn't one in the same.

20 A. Tape 22? Tape 82.

21 Q. Excuse me, [REDACTED] it would be "Group Sex" on
22 that same --

23 A. Okay. Tape 82?

24 Q. Yes.

25 A. There's a title on here labeled "Group Sex," yes.

[REDACTED]

1 Q. And, [REDACTED] have you had the opportunity to
2 compare the Defendant's Exhibit 236, Blue Vanities' footage
3 "Group Sex, Climax" with the footage with which you have
4 charged [REDACTED] in Government's Exhibit 17-E?

5 A. No, I have not.

6 [REDACTED] Your Honor, may we approach?

7 THE COURT: Yes.

8 (The following proceedings were had at the bench
9 by Court and counsel out of the hearing of the jury:)

10 THE COURT: Go ahead.

11 [REDACTED] Your Honor, this is the exhibit which
12 has the same footage as that with which the defendant is
13 charged in 17-E which came into the defendant's possession
14 just yesterday. I'm asking that [REDACTED] compare the
15 footage and render an opinion as to whether it is in fact
16 the same as that with which he is charged or not.

17 [REDACTED] We would object. We haven't been
18 given proper disclosure of that. We can't investigate
19 whether the tape is authentic, whether it's been tampered
20 with, whether it's been added to the tape at some point
21 after it was produced, or any of those matters. It simply
22 is a violation of the disclosure order.

23 THE COURT: I will take up an offer of proof on
24 the matter at this time if you care to.

25 [REDACTED] Your Honor, if the --
[REDACTED]

1 THE COURT: What the number, 200?

2 [REDACTED] It is 236. If the defense were
3 allowed to introduce Defendant's Exhibit 236 into evidence,
4 which is a Blue Vanities tape of "Classic Vintage Stag
5 Films, Arcade Nudes & Strippers, '70s and '80s," and
6 "European Peep Show Loops," which includes "Group Sex,
7 3f-2m, TA, Climax, No. 1509," the Court would find that this
8 tape in which it is set forth that all models are 18 years
9 or older, not to be sold to minors was recently purchased by
10 the defendant at a legitimate adult bookstore and is
11 currently being sold through Blue Vanities. And, Your
12 Honor, it is the defense's position that this goes -- is
13 relevant as to the defendant's knowledge or the lack thereof
14 that the tape with which he is charged, specifically 17-E,
15 contains material with individuals under the age of 18.

16 THE COURT: Okay. The offer is noted and rejected
17 at this time.

18 (THEREUPON, the following proceedings continued in
19 the hearing of the jury:)

20 BY [REDACTED]

21 Q. [REDACTED] after you made the determination as to
22 Government's Exhibit 17-E containing underage material, did
23 you conduct a survey of adult manufacturers and bookstores
24 and video stores in order to determine whether or not the
25 same material with which you had charged the defendant was
[REDACTED]