

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 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]