

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

SAMUEL A. PERRONI,

Petitioner,

vs.

MARK A. FAJARDO, M.D., ET AL,

Respondents.

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) Case No. BS159430
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DEPOSITION OF RALPH HERNANDEZ

Tuesday, May 3, 2016

11:47 A.M.

Westin Bonaventure Hotel

Room No. 3064, Blue Tower

404 South Figueroa Street

Los Angeles, CA 90071

JOB NO. 127564

REPORTED BY:

Christine Kwon-Chang

CSR No. 12143, RPR, CRR

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17 Also Present:

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I N D E X

WITNESS: RALPH HERNANDEZ

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EXHIBITS

EXHIBIT	DESCRIPTION	PAGE
A	Supplemental Autopsy Report	12
B	Sheriff's Department Supplemental Report	28
C	Compaint Report	29
D	Document Entitled "Continuation Sheet"	36

WITNESS INSTRUCTED NOT TO ANSWER

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I N D E X (CONTINUED)

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I N D E X (CONTINUED)

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1 LOS ANGELES, CALIFORNIA;

2 TUESDAY, MAY 3, 2016, 11:47 A.M.

3

4 MR. PERRONI: Why don't you swear the witness?

5

6 RALPH HERNANDEZ,

7 having been first duly sworn was examined and

8 testified as follows:

9 MR. PERRONI: Before we start, we had a

10 stipulation for Corina.

11 Do you want to attempt the same

12 stipulation --

13 MS. BIRENBAUM: Other than the evidentiary

14 objections, the rest of the stipulation is fine.

15 I will withdraw my -- any agreement

16 about objections.

17 MR. PERRONI: Okay. So you're going to -- you

18 want -- notwithstanding the rules, you're saying that

19 you can reserve your objections to anything other than

20 the form and privilege, you still want to object to

21 everything?

22 MS. BIRENBAUM: Please don't harass me on the

23 record. I'm telling you I want to raise all

24 objections I'm legally entitled to raise on the

25 record.

1 MR. PERRONI: Okay. So you just basically do
2 the same stipulation, only on objections, just put
3 there's no stipulation as to objections.

4 Then let me see here -- all right. One
5 last thing before we get going.

6 This is for the reporter.

7 Let's go off the record for a second.

8
9 (Brief recess.)

10
11 EXAMINATION

12 BY MR. PERRONI:

13 Q Would you please state your name for the
14 record?

15 A Yes.

16 My first name is Ralph. My last name is
17 Hernandez.

18 Q Before we get started -- my name is Sam
19 Perroni.

20 Before we get started, I have a couple
21 things to tell you to help us get through this
22 deposition as easy as we can.

23 A Okay.

24 Q First of all, I have a profound hearing
25 disability which requires me to use this realtime

1 reporting to be able to follow answers sometimes and
2 things that are said in there.

3 So there may be a delay between what you
4 say and the next question or whatever. You just bear
5 with me on that.

6 A No worries.

7 Q All right. Item Number 1.

8 Item Number 2, I'm going to try to ask
9 you clear questions, but if I ask you a question that
10 you don't understand, all you've got to say is, "I
11 don't understand," and I'll re-ask it.

12 A Fair enough.

13 Q Is that good enough?

14 A (No audible response.)

15 Q And lastly -- let's see. I've lost my
16 train of thought here.

17 This deposition is just like you're in
18 the courtroom.

19 Have you ever given a deposition before?

20 A Yes.

21 Q Okay. Have -- and so you know it's just
22 like in a courtroom. You're under oath, subject to
23 the penalty of perjury, and the whole deal?

24 A Yes.

25 Q Okay. Let's proceed.

1 A Okay.

2 Q All right. Can you please tell me where
3 you're employed?

4 A I'm employed by the Los Angeles -- well,
5 I'm employed for the County of Los Angeles, the
6 Sheriff's Department.

7 Q Okay. And what do you do for the
8 Sheriff's Department?

9 A Well, I'm a deputy sheriff assigned as a
10 homicide investigator.

11 Q Okay. And how long have you been a
12 homicide investigator?

13 A Eight years now -- eight years.

14 Q Eight years.

15 How many other homicide detectives are
16 there in your bureau now?

17 A We're probably in the neighborhood of
18 75, maybe 80. We're a little short right now.

19 Q Okay. All right. So that we're playing
20 on the same field here, all right, I want to make sure
21 we understand each other.

22 Could you give me your definition of a
23 homicide?

24 MS. BIRENBAUM: Objection.

25 Not relevant.

1 That's not an objection that stops you
2 from answering the question. You can go ahead and
3 answer.

4 THE WITNESS: Okay. Homicide is death at the
5 hands of another.

6 BY MR. PERRONI:

7 Q All right. Death at the hands of
8 another.

9 Let me catch up with you here.

10 A Sure.

11 Q Now, would you agree with me that that
12 does not necessarily indicate that a crime has been
13 committed?

14 MS. BIRENBAUM: Not relevant.

15 THE WITNESS: Yes.

16 BY MR. PERRONI:

17 Q So you could have the death of -- at the
18 hands of another and have it not be a crime?

19 MS. BIRENBAUM: Calls for speculation, but --

20 THE WITNESS: Say it again. Sorry, Sam.

21 BY MR. PERRONI:

22 Q All right. So you can have the death of
23 one person at the hands of another and it not be a
24 crime?

25 A Yes.

1 Q Are you familiar with autopsy reports?

2 I mean in your work, do you review a lot
3 of autopsy reports?

4 MS. BIRENBAUM: Vague and ambiguous.

5 THE WITNESS: Even if you object, I'm going to
6 answer no matter what?

7 MS. BIRENBAUM: No.

8 Unless I instruct you not to answer.

9 THE WITNESS: Okay. You'll point me to go?

10 Sorry about that.

11 Yes, I am familiar in general with
12 autopsy reports.

13 BY MR. PERRONI:

14 Q And you reviewed a lot of them?

15 A Reviewed, yes.

16 Q A lot of autopsies reports --

17 MS. BIRENBAUM: Vague and ambiguous.

18 THE WITNESS: Sorry.

19 I couldn't put a number to it. I've
20 seen quite a few.

21 BY MR. PERRONI:

22 Q That's good enough. Quite a few is good
23 enough.

24 In your review of those autopsy reports,
25 have you seen the words that death is undetermined?

1 MS. BIRENBAUM: Do you understand the question?

2 THE WITNESS: I do, yes.

3 MS. BIRENBAUM: You can answer it unless I
4 instruct you not to answer.

5 He should have told you that in his
6 general instructions.

7 If you understand the question --

8 THE WITNESS: I was waiting.

9 MS. BIRENBAUM: Yes.

10 THE WITNESS: Have I seen the word
11 "undetermined"?

12 BY MR. PERRONI:

13 Q Yes.

14 A Yes.

15 Q And what does that mean to you?

16 A It means that the coroner -- give me a
17 second.

18 It means that the coroner could not
19 determine a specific either cause of death or manner
20 of death.

21 Q Now, let me show you what I have marked
22 for identification to your deposition as Petitioner's
23 Exhibit A.

24 Why don't you just take a look at that
25 for a minute?

1 (Exhibit A was marked for
2 identification.)

3
4 (Witness reviewed document.)

5
6 BY MR. PERRONI:

7 Q Have you seen Petitioner's Exhibit A
8 before today?

9 A Yes.

10 Q And for the record, I'm identifying it
11 as the Supplemental Autopsy Report for Wagner,
12 Natalie, also known as Wood, Natalie.

13 In Petitioner's Exhibit A, it says that
14 you were present in a meeting that occurred on January
15 the 20th, 2012.

16 You have any reason to doubt that?

17 MS. BIRENBAUM: Is your question does he have
18 any reason to doubt the words you've just questioned
19 him about, or as he reviewed it in the report?

20 BY MR. PERRONI:

21 Q Do you have any doubt that the report
22 says that, that you were present at a meeting that
23 occurred on January the 20th, 2012?

24 Might just look at the front page.

25 A The front?

1 Q Yeah.

2 A Okay. Yes.

3 Q And is that true?

4 A Yes.

5 Q It also says that Detective Lowe called
6 for the meeting.

7 Are you familiar with that?

8 A Are you asking me if that's what it says
9 in the report?

10 Q Yes.

11 A Yes. That's what it says.

12 Q Is that true?

13 MS. BIRENBAUM: Calls for investigatory
14 privilege under Evidence Code Section 1040.

15 I'm going to instruct the witness not to
16 answer.

17 BY MR. PERRONI:

18 Q Now, you were a detective with the
19 Homicide Bureau on January the 24th, 2012; correct?

20 A Yes.

21 Q And I've been told that Detective Lowe
22 is retired.

23 Is that correct?

24 A Yes.

25 Q Where does he live?

1 MS. BIRENBAUM: I'm going to object that that
2 seeks privileged information and the addresses of
3 county employees who are retired and current peace
4 officers is privileged, and I'm going to instruct the
5 witness not to answer.

6 BY MR. PERRONI:

7 Q Now, the evaluation report states that
8 the report of Paul Miller had been retrieved from
9 Department of Coroner microfilm archives, page 1
10 there.

11 Does it say that?

12 A The report says that, yes.

13 Q Okay. Is that true?

14 MS. BIRENBAUM: Calls for speculation.

15 It also seeks investigatory information
16 and violates the privileges of Evidence Code Section
17 1040.

18 I'm going to instruct the witness not to
19 answer.

20 BY MR. PERRONI:

21 Q Now, this thing also says that Paul
22 Miller was present at that meeting.

23 Is that correct?

24 MS. BIRENBAUM: Is the document correct that it
25 says Mr. Miller? Is that your question?

1 Your question is now this thing also
2 says Paul Miller was present at that meeting; is that
3 correct?

4 The question as phrased is vague and
5 ambiguous, if it refers to the document or not.

6 BY MR. PERRONI:

7 Q So you may answer now.

8 MS. BIRENBAUM: Do you understand the question?

9 THE WITNESS: No.

10 I don't know if you're talking about is
11 the document correct, or is it correct that Paul
12 Miller was there.

13 BY MR. PERRONI:

14 Q Well, there's two questions there,
15 you're right, and the first one is is the document
16 correct?

17 Does the document say that?

18 A The document says that.

19 Q Is that true?

20 MS. BIRENBAUM: I'm going to assert the
21 privilege of Evidence Code Section 1040 and instruct
22 the witness not to answer.

23 BY MR. PERRONI:

24 Q You know if Paul Miller was a member of
25 the staff of the Coroner's Office or the Sheriff's

1 Department on January the 24th, 2012?

2 A He was not an employee of the Sheriff's
3 Department, and I certainly don't believe he was an
4 employee of the Coroner's Office either. To my
5 knowledge, he was not.

6 Q Now, the document says that at the
7 meeting a copy of Paul Miller's report was given to
8 Paul Miller and the Los Angeles County Sheriff's
9 Department.

10 Is that correct?

11 A The document I believe says that.

12 Q It's in that first paragraph. Take your
13 time.

14 A Sorry.

15 Q It's okay. Take your time.

16 A Yes, it says that.

17 Q Is that true?

18 MS. BIRENBAUM: Same objections as the
19 privilege in Evidence Code Section 1040.

20 Instruct the witness not to answer.

21 MR. PERRONI: Anna, this is so inappropriately
22 obstructive for you to do this.

23 MS. BIRENBAUM: Have you read Evidence Code
24 Section 1040, sir?

25 MR. PERRONI: I'm putting you on notice again

1 one more time about the bad faith involved in
2 objecting to things like this that are a matter of
3 public record.

4 MS. BIRENBAUM: The Coroner's report is a
5 matter of public record?

6 BY MR. PERRONI:

7 Q Do you know where Paul Miller is?

8 MS. BIRENBAUM: Excuse me, sir.

9 I asked you a question. You refused to
10 answer it.

11 To make the deposition go more
12 expeditiously, would you like me to have a standing
13 objection, and we can have some shorthand as to the
14 privilege of Evidence Code Section 1040, which I
15 presume you have read?

16 I know you're not licensed in
17 California, but I presume you have reviewed our
18 Evidence Code and you're familiar with the provisions
19 of Evidence Code Section 1040.

20 So would you like me to have shorthand
21 where I say, "Privileged, 1040," something to that
22 effect, sir, to address your time concerns?

23 BY MR. PERRONI:

24 Q Do you know where Paul Miller lives?

25 A No.

1 Q Do you know if Paul Miller's report is
2 now in the files of the Los Angeles County Sheriff's
3 Department?

4 MS. BIRENBAUM: Objection.

5 Vague and ambiguous. It also seeks an
6 inventory of items that are in the Sheriff's
7 Department's records, and the county is not required
8 to provide that under Haynie, H-A-Y-N-I-E, v. Superior
9 Court, 26 Cal.4th 1061.

10 Instruct the witness not to answer.

11 BY MR. PERRONI:

12 Q Petitioner's Exhibit A to your
13 deposition also says that Detective Rubino, Detective
14 Hecht, Chief Craig Harvey of the Operations Bureau,
15 along with Miller, attended the meeting; correct?

16 A It says that, yes.

17 Q Who is Detective Rubino?

18 MS. BIRENBAUM: Objection.

19 Not relevant.

20 THE WITNESS: He's another homicide
21 investigator at our office.

22 BY MR. PERRONI:

23 Q Does he still work there?

24 A Yes.

25 Q How about Detective Hecht?

1 A Hecht, yes.

2 Q Oh, okay. How do you spell that?

3 A Hecht, Peter Hecht.

4 Q Hecht.

5 How about him, is he --

6 A Yes. He's at our office.

7 He's a homicide investigator.

8 Q And he's still working there?

9 A Yes.

10 Q Okay. And Chief Craig Harvey of
11 Operations Bureau, does he still work there?

12 A I think he retired, but he's at the
13 Coroner's Office, so I'm not sure.

14 Q So he's with the Coroner's Office?

15 A (No audible response.)

16 Q All right. Are you still assigned to
17 the Natalie Wood investigation?

18 MS. BIRENBAUM: Objection.

19 Seeks information protected by Evidence
20 Code 1040.

21 I'm going to instruct the witness not to
22 answer.

23 MR. PERRONI: Did you instruct him not to
24 answer that one?

25 MS. BIRENBAUM: Yes. I just said that.

1 BY MR. PERRONI:

2 Q The report says that Dr. Thomas Noguchi
3 was present at that January 24th, 2012, meeting;
4 correct?

5 A Correct. Sorry.

6 Q Is that true?

7 MS. BIRENBAUM: Evidence Code Section 1040 says
8 that it's privileged information.

9 Instruct the witness not to answer.

10 BY MR. PERRONI:

11 Q Do you know if Dr. Thomas Noguchi was
12 employed by the Coroner's Office on January the
13 20th -- January 24th, 2012?

14 A He was retired.

15 I don't know if he was hired back in any
16 capacity.

17 Q So you don't know if he was consulting
18 for the Coroner's Office or anything like that?

19 A I was told he was doing training, but I
20 don't remember if it was at the Coroner's Office or
21 for U.S.C., at the Coroner's Office.

22 Q Okay. All right. Thank you. I
23 appreciate that.

24 A Sure.

25 Q What did Dr. Noguchi say at that

1 meeting, if anything?

2 MS. BIRENBAUM: Objection.

3 Seeks privileged information protected
4 by Evidence Code Section 1040.

5 Instruct the witness not to answer.

6 MR. PERRONI: By the way, for purposes of this
7 deposition, are you representing this witness?

8 MS. BIRENBAUM: Yes, I am, sir.

9 BY MR. PERRONI:

10 Q At the January the 24th, 2012, meeting
11 what did Paul Miller say?

12 MS. BIRENBAUM: Same objection.

13 Under the privilege of Evidence Code
14 Section 1040, instruct the witness not to answer.

15 BY MR. PERRONI:

16 Q Paul Miller take a copy of his report
17 with him when he left the meeting?

18 MS. BIRENBAUM: Same objection as to Evidence
19 Code Section 1040.

20 Instruct the witness -- give me a moment
21 to reread the question, please.

22 I'm going to instruct the witness not to
23 answer.

24 BY MR. PERRONI:

25 Q The report says that there was another

1 meeting on March the 2nd, 2012; correct?

2 A The report says that.

3 Q Is that true?

4 MS. BIRENBAUM: Objection.

5 Seeks privileged information under
6 Evidence Code Section 1040.

7 Instruct the witness not to answer.

8 BY MR. PERRONI:

9 Q Did you attend the meeting on March the
10 2nd, 2012?

11 MS. BIRENBAUM: Same objection.

12 Under Evidence Code Section 1040, I'm
13 going to instruct the witness not to answer.

14 BY MR. PERRONI:

15 Q Who else was present at the meeting?

16 MS. BIRENBAUM: Same objection.

17 Under Evidence Code Section 1040,
18 instruct the witness not to answer.

19 BY MR. PERRONI:

20 Q Can you tell me what was discussed at
21 that meeting?

22 MS. BIRENBAUM: Same objection under Evidence
23 Code Section 1040.

24 I'm again going to invite counsel if he
25 has not reviewed that code section, because he didn't

1 respond to my question earlier about that, to please
2 review the section so that we can ensure that the
3 witness's time is used appropriately here.

4 I'm going to instruct the witness not to
5 answer.

6 BY MR. PERRONI:

7 Q On page 2 of the Supplemental Report,
8 which is Exhibit A to your deposition, it lists
9 certain items that the coroner at the time -- and
10 you'll have to forgive me. I have no clue as to how
11 to pronounce his name.

12 A Noguchi.

13 Q No, the coroner at the time, the one
14 with the name that's about a mile long.

15 MS. BIRENBAUM: It starts with the F.

16 THE WITNESS: We use his first name,
17 Lakshmanan, or some people call him Dr. L.

18 BY MR. PERRONI:

19 Q Why don't you spell that real quick for
20 her so she'll have that?

21 And you referred to him as Dr. L?

22 A Some people do.

23 Q Oh, good. I'm going to refer to him as
24 Dr. L.

25 A Lakshmanan is spelled

1 L-A-K-S-H-M-A-N-A-N.

2 Q All right. It lists items that Dr. L
3 evaluated; correct?

4 A Look at page 2.

5 A Are you referring to the first paragraph
6 only?

7 Q Yes.

8 A I see.

9 Q Well, it might start on the paragraph
10 before.

11 A Correct.

12 Q It says, "Documents evaluated by the
13 current."

14 A It lists -- it -- I'm sorry.

15 The question again is --

16 Q My question was, does it list some items
17 that were evaluated by Dr. L?

18 A It states that Dr. L reviewed the items
19 listed in the paragraph.

20 Q Okay. Well, over here it uses the word
21 "evaluated" on the first page at the bottom.

22 A I'm sorry.

23 Q It's okay.

24 A It states that Dr. L evaluated -- I
25 mean --

1 Q Right.

2 A Evaluated --

3 Q These items?

4 A -- these items, yes.

5 Q One of the items, I believe it's Item
6 Number 3, it says "Photographs"?

7 A It states photographs, yes.

8 Q Okay. You are familiar with the 1981
9 files in the Natalie Wood death?

10 MS. BIRENBAUM: Vague and ambiguous.

11 THE WITNESS: Yes.

12 MR. PERRONI: Okay.

13 THE WITNESS: Sorry.

14 BY MR. PERRONI:

15 Q In those files, there are photographs?

16 A Yes.

17 Q And of the photographs, were there
18 photographs taken by the Los Angeles County Sheriff's
19 Department?

20 MS. BIRENBAUM: Objection.

21 Vague and ambiguous.

22 Are we still in the 1981 file? Your
23 question was incomplete as phrased.

24 BY MR. PERRONI:

25 Q She did instruct you -- she didn't

1 instruct you not to answer, so my question was, are
2 the photographs still in the file?

3 MS. BIRENBAUM: In 1981 is my question.

4 Your question as phrased, I object it's
5 vague and ambiguous.

6 If the witness understands your
7 question, he's welcome to answer it.

8 THE WITNESS: I need to know if you're talking
9 about the 1981 portion of the investigation or the
10 portion of the reinvestigation, the reopened.

11 BY MR. PERRONI:

12 Q The 1981 investigation is what I'm
13 talking about now, just 1981.

14 A Okay.

15 Q Are the photographs still in the file?

16 A Yes.

17 Q Okay. And were the photographs taken by
18 the Los Angeles County Sheriff's Department?

19 I think you answered yes to that?

20 A Yes.

21 Q Were there photographs in that file
22 taken by the Coroner's Office?

23 A Yes.

24 Q Now, it refers to the list here. It
25 refers to he evaluated a complaint report

1 Number 081-008981873490; correct?

2 MS. BIRENBAUM: Vague and ambiguous as to "it."

3 If you can answer the question, please
4 do.

5 THE WITNESS: The report states it?

6 BY MR. PERRONI:

7 Q Yes.

8 A Yes, the report states it.

9 Q Okay. Let me show you -- let me show
10 you what's been marked as Petitioner's Exhibit B to
11 your deposition.

12

13 (Exhibit B was marked for
14 identification.)

15

16 BY MR. PERRONI:

17 Q Are you familiar with that document?

18 A Yes.

19 Q Okay. What is that?

20 A This is a --

21 Q Well, I didn't mean to confuse you.

22 Is page 1 of that document familiar to
23 you?

24 Let's do it that way.

25 A Yes. This is page 1.

1 Q All right. Now, I'm interested in
2 some -- some things at the top of it. That's why I
3 only copied page 1.

4 At the top of this document, it refers
5 to two file numbers, and at the end of the file
6 numbers, it says "New" and then "Old"; correct?

7 A Correct.

8 Q All right. Let me show you page 1 of
9 what I've marked as Petitioner's Exhibit Number C.

10

11 (Exhibit C was marked for
12 identification.)

13

14 BY MR. PERRONI:

15 Q Are you familiar with that?

16 A Yes.

17 Q All right. Is that what is referred to
18 on Petitioner's Exhibit B as the "old" file number?

19 You see what I mean?

20 A It's not the old report, per se, but
21 they changed the last three digits of the file number.

22 Q Right. That's what I'm trying to get
23 at.

24 That one right there is what this is
25 calling the "old" one?

1 MS. BIRENBAUM: Misstates testimony.

2 BY MR. PERRONI:

3 Q Just look at B and tell me.

4 Is he referring to the number that's on
5 there on Exhibit C as the "old" file?

6 MS. BIRENBAUM: Objection.

7 Vague and ambiguous. Asked and
8 answered. Misstates testimony.

9 THE WITNESS: But I can answer?

10 MS. BIRENBAUM: You can answer if you
11 understand the question.

12 THE WITNESS: Yeah, I think I do.

13 Yes, it's referring to this file number
14 in the first report of this case.

15 BY MR. PERRONI:

16 Q Right.

17 And are you familiar with who -- whose
18 handwriting that is?

19 A I believe it to be that of Deputy Kroll.

20 Q Now, does Deputy Kroll still work for
21 the Sheriff's Department?

22 A I believe he's deceased.

23 Q Okay.

24 A And long retired.

25 Q Now, the -- on Exhibit B, it refers to a

1 "new" number there; correct?

2 A Correct.

3 Q All right. And the new number is file
4 number -- was that just a change from the old number
5 to the new number?

6 MS. BIRENBAUM: Vague and ambiguous.

7 THE WITNESS: Yes.

8 BY MR. PERRONI:

9 Q Do you know why that was done?

10 A I believe so.

11 Q Tell me what you think -- what you know.

12 A It's just the last three digits is a
13 statistical code which refers to the incident and
14 classifies the incident.

15 Anna, I'll explain this.

16 MS. BIRENBAUM: If it does not waive any
17 investigatory privileges, feel free to do so, please.

18 THE WITNESS: Not at all.

19 If you have a -- let's just say a
20 robbery.

21 BY MR. PERRONI:

22 Q Right.

23 A You're going to have a code.

24 Q Gotcha.

25 A If it's an armed robbery, it's going to

1 be a particular code.

2 Q I've gotcha.

3 A If it's a strong-arm robbery, it's going
4 to be another particular code. We use a lot of codes.

5 Q Okay.

6 A If they classified this a specific
7 classification initially, then they believe that their
8 investigation -- not necessarily in this case.

9 Q Right.

10 A But in general, if the conclusion of the
11 investigation finds it should have been classified
12 differently, then that statistical code is what would
13 change.

14 Q Okay. Right.

15 A Along with the classification line.

16 Q Gotcha.

17 A Which is --

18 Q All right. So what was classification
19 490?

20 A I don't know what it was back then.

21 Q Okay. What is it today?

22 MS. BIRENBAUM: Not relevant.

23 If it doesn't reveal any investigatory
24 privileges, you can answer the question.

25 THE WITNESS: Sorry. Back -- now?

1 I don't think we have 490. I'm not even
2 sure.

3 BY MR. PERRONI:

4 Q Okay. So you have no idea what 490 was
5 back then?

6 A I'd be guessing based off of the '81
7 investigation.

8 MS. BIRENBAUM: Right.

9 BY MR. PERRONI:

10 Q Well, that's okay. I'll take a guess.

11 MS. BIRENBAUM: You want a guess?

12 THE WITNESS: I think what it meant back then
13 might have been person dead when the cause is not
14 known yet.

15 BY MR. PERRONI:

16 Q Okay.

17 A Definitively.

18 Q Got it.

19 A Now it's 496.

20 Q Okay. All right. So now, let's take a
21 look at Petitioner's Exhibit B.

22 What does 496 refer to?

23 A Now it would be "Person Dead, Unknown
24 Causes" -- now today it would be "Person Dead, Unknown
25 Causes."

1 Q Okay.

2 A Back then --

3 Q You can guess again.

4 MS. BIRENBAUM: Counsel should have cautioned
5 you not to guess on the record, but if you feel a need
6 to guess on the record, he gave you instructions here.

7 If you want to guess, give a guess.

8 THE WITNESS: I believe back then it meant
9 "Person Dead, Accidental Drowning."

10 BY MR. PERRONI:

11 Q Okay. And why do you believe that?

12 A Because of the change of the
13 classification line.

14 Q Okay. And the classification line is
15 which line on Petitioner's Exhibit B?

16 A The letter C right below the date is
17 that line, is classification (indicating).

18 Q Okay. Now, let's talk about this --
19 this line that says "Action Taken:

20 Inactive/Investigation Made/CC Number 81-15167

21 Assigned." Let's just take the first one.

22 "Inactive," what does "Inactive" mean?

23 MS. BIRENBAUM: Vague and ambiguous.

24 THE WITNESS: In here it means that they are
25 inactivating the case at the conclusion of their

1 investigation.

2 BY MR. PERRONI:

3 Q And what does the word "Investigation
4 Made" mean?

5 A It simply refers to the fact that there
6 was an investigation conducted.

7 Q Of the case?

8 A Yeah. Yes.

9 Q Okay. And "CC Number 81-15167
10 Assigned," that means coroner's -- go ahead.

11 A Yeah, coroner's number, sir.

12 Q "Assigned."

13 So what it's saying is that coroner
14 assigned a case number of 81-15167?

15 A Yes.

16 Q Is Duane Rasure deceased?

17 A Duane Rasure is deceased, yeah.

18 Q And how about Roy Hamilton, is he still
19 living?

20 A I don't think he is either.

21 Q Okay. He doesn't work for the
22 department for sure; right?

23 A For sure he doesn't.

24 Q Okay. Now, you're familiar with the
25 original autopsy report in Coroner's Case

1 Number 81-15167 for Natalie Wagner, also known as
2 Natalie Wood?

3 A Yes.

4 Q Let me show you what I've marked for
5 identification purposes as Hernandez -- oops, spelled
6 your name wrong -- Exhibit D.

7

8 (Exhibit D was marked for
9 identification.)

10

11 BY MR. PERRONI:

12 Q Take a look at that and tell me if you
13 recognize that.

14

15 (Witness reviewed document.)

16

17 MS. BIRENBAUM: Do you need the court reporter
18 to repeat the question pending?

19 THE WITNESS: No.

20 Do I recognize it?

21 I don't think I ever saw this report
22 prior to today.

23 BY MR. PERRONI:

24 Q Prior to today?

25 A This two-page report right here

1 (indicating).

2 Q You've never seen --

3 A I don't think so.

4 Q -- Petitioner's Exhibit D, as in "dog"?

5 A Correct.

6 Q That's interesting.

7 A Yeah, it is.

8 Q So I've been told that it's not part of
9 the autopsy report that's in the Sheriff's Department
10 files.

11 So would you agree with that?

12 A Can I answer it?

13 MS. BIRENBAUM: Yeah.

14 THE WITNESS: Yes.

15 BY MR. PERRONI:

16 Q Do you know of any reason why?

17 MS. BIRENBAUM: Calls for speculation.

18 THE WITNESS: Can I answer it?

19 MS. BIRENBAUM: If --

20 THE WITNESS: I don't know.

21 Get a copy of this.

22 MS. BIRENBAUM: I think counsel sent me an
23 angry e-mails asking me why I didn't produce them, I
24 think.

25 MR. PERRONI: Did you say something

1 substantive?

2 MS. BIRENBAUM: No.

3 I said you could apologize for the
4 e-mails you sent me demanding that I produce something
5 and making insinuations that I was withholding
6 documents.

7 MR. PERRONI: When was that?

8 MS. BIRENBAUM: A few days ago -- over the
9 weekend, I believe.

10 Never mind. I shouldn't have made the
11 comment. I'll withdraw what I said.

12 MR. PERRONI: That you were withholding
13 documents?

14 MS. BIRENBAUM: Yes.

15 MR. PERRONI: Because you didn't give me this
16 (indicating)?

17 MS. BIRENBAUM: Yes.

18 MR. PERRONI: Well, it came out of the
19 coroner's files.

20 I need to use the restroom.

21 MS. BIRENBAUM: Are we off the record, sir?

22 MR. PERRONI: We can go off the record.

23 MS. BIRENBAUM: Now we are off the record.

24

25 (Brief recess.)

1 MR. PERRONI: We'll go back on the record.

2 MS. BIRENBAUM: Yes.

3 BY MR. PERRONI:

4 Q So when I asked you a question if you
5 had ever seen Petitioner's Exhibit D, you had a
6 disgusted look on your face.

7 MS. BIRENBAUM: Calls for speculation.

8 BY MR. PERRONI:

9 Q Can you tell me why?

10 MS. BIRENBAUM: Opinion -- calls for an
11 opinion.

12 But answer -- you can answer about an
13 alleged look on your face.

14 THE WITNESS: Let me preface this by saying I
15 went through the whole file, and I never saw this
16 (indicating).

17 And I don't know why we didn't get this
18 from the Coroner's Office.

19 BY MR. PERRONI:

20 Q Which leaves you disgusted?

21 MS. BIRENBAUM: Calls for speculation.

22 THE WITNESS: But I can answer?

23 MS. BIRENBAUM: You can answer.

24 THE WITNESS: Annoyed is a better word.

25

1 BY MR. PERRONI:

2 Q Annoyed?

3 A Yes.

4 Q Have you been the lead detective on this
5 thing since November the 18th, 2011, when they had the
6 press conference?

7 MS. BIRENBAUM: I'm going to object on Evidence
8 Code Section 1040 as privileged information.

9 MR. PERRONI: You know what, Anna, you know
10 that that does not have any application to the
11 questions that I'm asking, so why do you keep
12 objecting on that basis and instructing the witnesses
13 not to answer?

14 Whether or not he is a lead investigator
15 in a case, that has been all over the news for 35
16 years and is not protected by the Evidence Code, and
17 you know it.

18 Now, I'm going to ask that you cease and
19 desist. I'm asking it on the record.

20 MS. BIRENBAUM: I'm going to ask -- I didn't --
21 if you'll review what I stated, I did not instruct him
22 not to answer, sir.

23 You've just given me a monologue about
24 my bad faith when I didn't give any instructions not
25 to answer, sir.

1 So if you'd like to continue to attack
2 me personally on the record, please go ahead and use
3 my witness's time for that.

4 BY MR. PERRONI:

5 Q Are you still assigned to the Natalie
6 Wood investigation?

7 A Yes.

8 Q Have you been assigned to it the entire
9 time since it was, quote "reopened," close quote?

10 A Yes.

11 Q Who else has been assigned to it?

12 A Retired Detective Kevin Lowe.

13 Q And anyone else?

14 A Assigned to assist us, Detectives Rubino
15 and Hecht.

16 Q Detectives Rubino and Hecht?

17 A Yes.

18 Q The two we talked earlier -- by the way,
19 that's H-E-C- --

20 A H-T.

21 Q -- H-T.

22 What kind of name is that?

23 A I don't know.

24 MS. BIRENBAUM: Not relevant. Not reasonably
25 calculated to lead to the discovery of any admissible

1 evidence here.

2 MR. PERRONI: Ease up, Anna, would you, please?

3 MS. BIRENBAUM: Counsel, please keep this
4 professional.

5 Between the attacks and the jokes on the
6 record and the telling me to ease up and give up, it's
7 sexist. It's crossing a line, sir.

8 Can you please keep this professional
9 and let's move forward?

10 BY MR. PERRONI:

11 Q You're familiar enough with autopsy
12 reports to know that that is an autopsy report form
13 from the Los Angeles County Medical Examiner's
14 Coroner's Office?

15 A Exhibit D?

16 Q Exhibit D.

17 A Yes.

18 Q What is a suspicious death, Detective?

19 MS. BIRENBAUM: Calls for speculation.

20 THE WITNESS: But I can answer?

21 MS. BIRENBAUM: It also calls for an expert
22 opinion, but you can answer.

23 THE WITNESS: The best explanation would be
24 when somebody dies -- it's hard to explain -- during
25 suspicious circumstances or the -- the

1 circumstances -- circumstances surrounding somebody's
2 death is suspicious in nature.

3 BY MR. PERRONI:

4 Q And suspicious from what standpoint?
5 From violence?

6 MS. BIRENBAUM: Same objections.

7 BY MR. PERRONI:

8 Q Let's do it this way.

9 Would a suspicious death be a death that
10 may be due to violence?

11 MS. BIRENBAUM: Calls for speculation.

12 THE WITNESS: That's one of the avenues that
13 that investigation could lead to.

14 BY MR. PERRONI:

15 Q Yes.

16 A We're talking in generalities?

17 Q I'm talking in detective work. Okay?

18 I mean -- I mean, that is not like an
19 unusual jargon "suspicious death"?

20 A No, it's not unusual.

21 Q What I'm trying to do is I'm just trying
22 to see if I can -- if certain things fit within that,
23 and my question, and I'll ask it again, is: Will a
24 death that may be due to violence constitute a
25 suspicious death?

1 MS. BIRENBAUM: Not relevant to this petition
2 for disclosure of documents.

3 BY MR. PERRONI:

4 Q Would a death that may be due to
5 violence constitute a suspicious death?

6 MS. BIRENBAUM: Same objection.

7 It's also not relevant.

8 THE WITNESS: Yes. Yes.

9 BY MR. PERRONI:

10 Q All right. You've got Exhibit B in
11 front of you there?

12 A Yes.

13 Q That is the first page of the -- I'll
14 call it the "Rasure Narrative." Okay?

15 Is that a fair way to describe it?

16 A Sure.

17 Q Okay. You have examined everything that
18 is in both of these files, right, the one that was
19 labeled the "old" file and the one that was labeled
20 the "new" file and referred to in Exhibit B?

21 A Oh, you -- you mean the two file
22 numbers?

23 Q I'm not trying to confuse you here.

24 What I'm asking -- what I'm asking is,
25 in connection with those two file numbers, you have in

1 your work, you have reviewed everything that was in
2 those files?

3 A Yes.

4 But it's the same file. It's the same
5 file.

6 Q Right. Okay.

7 So there's one single file now. Both of
8 them have been merged together?

9 MS. BIRENBAUM: Misstates prior testimony.

10 THE WITNESS: They were never separate files.

11 BY MR. PERRONI:

12 Q Okay. The numbers --

13 A The file number is just a police report
14 number.

15 Q And it was changed. Okay. Got it. All
16 right.

17 Now, is it fair to say that as of
18 December the 11th, 1981, that the case was closed?

19 MS. BIRENBAUM: Vague and ambiguous.

20 THE WITNESS: It's dated December 11th, but I
21 can't sit here and tell you that without a fact (sic)
22 that it was closed on December 11th.

23 BY MR. PERRONI:

24 Q All right. That's fair enough.

25 Is it fair to say that the case was

1 closed sometime?

2 A Yes.

3 Q Okay. Now, at the time it was closed,
4 based on your review of both of these files, was there
5 ever a concrete and definite prospect that a homicide
6 occurred?

7 MS. BIRENBAUM: Objection.

8 Misstates testimony. It's also not
9 relevant to a petition for release of records in this
10 case. Also seeks an expert's opinion -- seeks an
11 opinion --

12

13 (Brief interruption.)

14

15 MR. PERRONI: Why don't we stop here for a
16 second?

17 MS. BIRENBAUM: You want to go off the record?
18 Sure.

19

20 (Brief recess.)

21

22 MR. PERRONI: We're back on.

23 MS. BIRENBAUM: I'm also going to add that this
24 seeks information that's protected by the
25 investigatory privilege, and I'm going to instruct the

1 witness not to answer.

2 MR. PERRONI: You sure you want to do that?

3 MS. BIRENBAUM: Are you asking me if I'm sure
4 about the legal advice I'm providing my client, sir?

5 MR. PERRONI: I'm --

6 MS. BIRENBAUM: Or are you trying to threaten
7 me?

8 MR. PERRONI: I'm saying are you sure you want
9 to instruct him not to answer that question?

10 MS. BIRENBAUM: As I understand the question
11 posed, it is my legal analysis that it violates the
12 investigatory privilege.

13 I'm going to instruct the witness not to
14 answer that question.

15 BY MR. PERRONI:

16 Q All right. Detective, is it fair to
17 say, based on your review of these files, that at the
18 time the file was closed in 1981, that there was not a
19 concrete and definite prospect that someone might be
20 prosecuted for a crime?

21 MS. BIRENBAUM: I'm going to raise my same
22 objections, vague and ambiguous, as well as that it
23 violates investigatory privilege as phrased.

24 If you can rephrase it to not violate
25 the investigatory privilege, sir, please feel free to

1 do so.

2 But as the question is phrased, I need
3 to instruct the witness not to answer with all due
4 respect.

5 BY MR. PERRONI:

6 Q All right. Detective, in December of
7 1981 -- or let's do it this way.

8 At the time that that file was closed,
9 it was closed that it was an accident?

10 MS. BIRENBAUM: Are you asking if he knows what
11 happened in 1981?

12 He lacks foundation. There's no
13 foundation laid that he could even answer that
14 question.

15 THE WITNESS: I'm sorry. Restate the question.

16 BY MR. PERRONI:

17 Q It's okay, Detective.

18 At the time the file was closed in 1981,
19 it was closed as an accidental drowning; correct?

20 MS. BIRENBAUM: Calls for an opinion. Calls
21 for speculation. I'm also going to assert the 1040
22 privilege.

23 If the witness can't answer it without
24 revealing things that are the subject of the current
25 investigation, I'm going to need to instruct him not

1 to answer, but I don't want to stymie your deposition
2 at all, sir.

3 THE WITNESS: It's your wording.

4 I wasn't there in 1981. She's correct.

5 BY MR. PERRONI:

6 Q Well, you've reviewed the files, and I
7 just want to know if you know.

8 MS. BIRENBAUM: So --

9 BY MR. PERRONI:

10 Q But she's telling you not to answer,
11 so --

12 MS. BIRENBAUM: I actually did not say that,
13 sir.

14 I said if you could phrase it in a way
15 that's not infringing on the current investigation, we
16 can look at that -- I'm trying to help you out, sir.

17 You have accused me of interfering with
18 your deposition --

19 MR. PERRONI: No offense, Anna, but I could
20 never phrase a question that would be satisfactory to
21 you, and I'm not going to try.

22 I'm going to ask my questions of this
23 witness, and I want this witness to answer.

24 BY MR. PERRONI:

25 Q And my question to you was -- you

1 reviewed the files.

2 Was the file closed or not closed as an
3 accidental drowning?

4 MS. BIRENBAUM: Could you repeat the question
5 for the witness?

6

7 (The record was read by the
8 reporter as follows:

9 "Question: And my
10 question to you was -- you
11 reviewed the files.

12 "Was the file closed
13 or not closed as an
14 accidental drowning?")

15

16 THE WITNESS: I can testify to what the report
17 states. I can't testify to what was done back in
18 1981. It's just your wording.

19 Does the report state that?

20 Yes, it does.

21 BY MR. PERRONI:

22 Q And so is it fair to say that there was
23 no evidence that was in that file that would lead you
24 to believe that homicide was committed?

25 MS. BIRENBAUM: Again, calls for speculation.

1 It's vague and ambiguous. It also is a violation of
2 Evidence Code Section 1040 and seeks privileged
3 information.

4 As such, I need to instruct the witness
5 not to answer.

6 BY MR. PERRONI:

7 Q Did you see anything in the file that
8 would suggest to you that a homicide was committed?

9 MS. BIRENBAUM: Same objection, that it seeks
10 information that is protected by the privileges of the
11 Evidence Code, and I need to instruct the witness not
12 to answer based on the fact this is an active
13 investigation.

14 BY MR. PERRONI:

15 Q Does the file even suggest that anyone
16 was suspected of homicide back in December of 1981?

17 A Can you restate that question? I don't
18 think it's so clear.

19 Q All right. Is there anything in the
20 file that you reviewed that would suggest that anyone
21 was even suspected of committing a homicide in 1981?

22 MS. BIRENBAUM: Objection.

23 Vague and ambiguous. I can't understand
24 if you're asking about the 1981 file or the 2011 file
25 with this question.

1 If you understand, you could answer, but
2 I can't understand the question.

3 THE WITNESS: What I understand you're asking
4 me is that is there anything in this file that would
5 suggest that somebody believed that possibly there
6 could have been a suspect and this could have been a
7 murder.

8 Am I correct?

9 BY MR. PERRONI:

10 Q Well, homicide. Doesn't even have to be
11 a murder.

12 A Okay. Homicide, am I correct, that's
13 what you're asking me?

14 Q Uh-huh.

15 A I'd be speculating on what any of the
16 people in this report, witnesses or investigators,
17 were thinking other than what I know is stated, that
18 the investigators closed it out as an accidental
19 drowning.

20 Q Okay. Well, I'm not asking what they
21 were thinking. I'm asking you, based on all of your
22 years of experience -- let me stop here.

23 How many homicide investigations have
24 you participated in? Hundreds?

25 A Assigned or assisted, maybe over a

1 hundred, maybe more.

2 Q Okay. Well, I'm asking you, based on
3 what you saw on that file, is there anything in there
4 that would suggest that a homicide was committed?

5 MS. BIRENBAUM: This seeks privileged
6 information under Evidence Code Section 1040, and
7 instruct the witness not to answer.

8 BY MR. PERRONI:

9 Q Based on your review of that file, is
10 there anything in there that would suggest to you that
11 there was a suspect in a homicide?

12 MS. BIRENBAUM: Same objections. Same
13 instructions.

14 BY MR. PERRONI:

15 Q Have you ever talked to an author by the
16 name of Suzanne Finstad?

17 A Yes.

18 Q When did you talk to her?

19 A I don't recall dates. I don't recall
20 dates.

21 Q Well, I know. You don't have to give me
22 a date. Just give me an estimate.

23 How many years ago?

24 A During the reinvestigation, as recent as
25 this year.

1 Q As recent as what?

2 A This year.

3 Q Okay. What did you talk about?

4 MS. BIRENBAUM: This potentially seeks
5 information that pertains to the investigation. As
6 such, it is privileged under Evidence Code Section
7 1040.

8 If it can be answered without revealing
9 any privileged information, witness is free to answer.

10 If the question invades the privilege,
11 I'm going to instruct him not to answer.

12 THE WITNESS: I think it does invade.

13 MS. BIRENBAUM: Okay.

14 MR. PERRONI: I'm going to to wait until it
15 gets up because I don't understand what was said here.

16 BY MR. PERRONI:

17 Q You said you think it invades the
18 privilege?

19 A Yes.

20 Q What kind of privilege?

21 A Under the Evidence Code.

22 Q Yeah?

23 A And protected, an open and active
24 investigation.

25 Q An open and active investigation. Okay.

1 That's why you're refusing to answer?

2 A Yes.

3 Q And Suzanne Finstad is an author.

4 A That is her occupation, yes.

5 Q Yes. And she's still an author?

6 A I don't know that, but --

7 Q Okay. But you wouldn't disagree with
8 that?

9 A She probably is. I don't know that.

10 Q Okay. How many times have you talked to
11 her?

12 MS. BIRENBAUM: Vague. Overbroad.

13 THE WITNESS: Can I consult with you? Because
14 I just feel like we're opening a door here.

15 MS. BIRENBAUM: Okay. If the question cannot
16 be answered without revealing investigatory
17 privileges, I need to instruct the witness not to
18 answer the question.

19 THE WITNESS: I'm not going to answer.

20 BY MR. PERRONI:

21 Q All right. Have you ever talked to a
22 fellow with Vanity Fair by the name of Sam Kashner?

23 A That I can answer.

24 No. I've spoken to so many people, not
25 necessarily as part of the investigation, but people

1 have called and, you know -- I don't think I ever
2 talked to him, and I couldn't be a hundred percent,
3 but I'm pretty sure I never talked to him.

4 Q How about a person by the name of Marti
5 Rulli?

6 A That is --

7 MS. BIRENBAUM: It seeks information that is
8 privileged under the open investigation privilege.

9 I'm going to instruct the witness not to
10 answer.

11 BY MR. PERRONI:

12 Q Do you know who Marti Rulli is?

13 A Yes.

14 Q Okay. Have you talked to any other
15 authors that you could think of?

16 MS. BIRENBAUM: Objection.

17 Overbroad. Related to Natalie Wagner or
18 in general? The question does not make that clear.

19 MR. PERRONI: Related to Natalie Wagner and her
20 death.

21 MS. BIRENBAUM: And if you can answer that
22 question without invading the investigatory privilege,
23 please do so.

24 If you cannot do so, I'll instruct you
25 not to answer.

1 THE WITNESS: And you're talking about authors,
2 people who write books?

3 BY MR. PERRONI:

4 Q Yes.

5 A No. Unh-unh. No others.

6 Q In discovery -- and I won't mark it as
7 an exhibit, but I want to ask you.

8 In discovery I was provided with a fax
9 cover sheet (indicating). That's from the Los Angeles
10 County Sheriff's Office to Suzanne Finstad, and it's
11 dated in 2003.

12 Are you familiar with that fax?

13 A I've seen it before, yes.

14 Q Okay. Is there -- is there documents
15 attached to it?

16 A This is all we had.

17 Q You just had the fax?

18 A The cover sheet, yes.

19 Q So you don't know what was attached to
20 it?

21 A No.

22 Q Have you given anyone anything from the
23 file on Natalie Wood's death -- and when I say "file,"
24 I'm talking about the old files or the new files.

25 Have you given anyone information or

1 documents out of those files other than -- other than
2 any other agencies in Los Angeles or people that you
3 are working with in the investigation?

4 Do you want me to ask it again?

5 MS. BIRENBAUM: I'm going to object. It's
6 vague and ambiguous.

7 Maybe we can maybe break it down a
8 little bit.

9 MR. PERRONI: Anna, I'll take care of it.

10 MS. BIRENBAUM: It's a huge question.

11 BY MR. PERRONI:

12 Q Have you given Suzanne Finstad anything
13 out of the files of Natalie Wood's investigation?

14 A No.

15 Q Have you given Sam Kashner anything out
16 of the files of Natalie Wood's investigation?

17 A No.

18 Q Have you given Marti Rulli anything out
19 of the files?

20 A No.

21 Q And when I say "anything," I'm talking
22 about either orally or documents, e-mail --

23 MS. BIRENBAUM: This is a new question now.

24 You're now giving a new definition, just
25 to clarify.

1 BY MR. PERRONI:

2 Q When I'm saying "anything," I'm talking
3 about have you given, for instance, Marti Rulli any
4 information out of the files?

5 It could be oral. It doesn't have to be
6 given or a document.

7 MS. BIRENBAUM: This is leading to a path that
8 comes into the investigatory privilege, and if the
9 witness can't answer it without breaching -- without
10 revealing information that is privileged, I'll
11 instruct you not to answer.

12 To the extent he can answer without
13 revealing privileged information based on this new
14 definition that hadn't been given with the previous
15 five questions --

16 THE WITNESS: I think I could answer.

17 MS. BIRENBAUM: Okay.

18 THE WITNESS: Yes. Yes.

19 BY MR. PERRONI:

20 Q Yes?

21 And what have you given her?

22 A I don't recall. Specifically, I don't
23 recall.

24 Q So was it orally?

25 A Yes.

1 Q Okay. It would be over the telephone?

2 A I don't recall because we did have a
3 personal meeting with her.

4 Q Okay. How about e-mails? Give her any
5 information in any e-mails?

6 A No.

7 Q Okay. Now, I want to be specific about
8 this.

9 What you gave her, was it documents or
10 was it just oral information?

11 A Oral. No documents.

12 Q No documents?

13 A No.

14 Q So it was oral information?

15 A Correct.

16 Q Okay. And was it information that was
17 gained since November the 18th, 2011?

18 MS. BIRENBAUM: To the extent that this
19 interferes with the investigatory privilege, I'll
20 instruct the witness not to answer.

21 If he can answer without breaching the
22 privilege.

23 THE WITNESS: I don't think so. I don't think
24 so. I don't recall.

25

1 BY MR. PERRONI:

2 Q Do you know if anyone else in the
3 department gave either Suzanne Finstad, Sam Kashner,
4 or Marti Rulli anything out of these files since you
5 have been assigned to this case?

6 MS. BIRENBAUM: Objection. Overbroad.
7 Objection. Compound.

8 Also, could breach the investigatory
9 privilege, but if the witness can answer without
10 breaching that privilege, he can answer.

11 THE WITNESS: It's broad. Your question is
12 broad.

13 BY MR. PERRONI:

14 Q Okay. What I'm asking is, do you know
15 if anyone has given anything out of the investigative
16 files in this case to Suzanne Finstad?

17 A What do you mean by "investigative
18 file"?

19 Documents? Because that's what's in the
20 file.

21 Q I'm talking about documents or oral
22 information, anything out of these files.

23 Has anyone -- do you know of anyone in
24 the department that has given her anything out of
25 these files?

1 A Here's the issue with your question.

2 Here is the issue with your question.

3 Q Okay.

4 A There's one thing about my knowledge of
5 the investigation.

6 Q Right.

7 A And there's another thing what's in the
8 file and what's officially documented.

9 Q Okay.

10 A It's one thing for me to go over
11 officially documents and telling them what's in a
12 report.

13 Q Right.

14 A Which is what I believe you're asking
15 me, which no, I have not told anyone.

16 But if you're talking about my knowledge
17 of the investigation, have I shared some things, yes.

18 Q Okay.

19 A And that's why your questions are not
20 fair.

21 Q Okay. But -- but -- I guess you and I
22 are not communicating because what I'm asking here
23 is --

24 A It's vague.

25 Q Do you know if anyone else in the

1 department has given Suzanne Finstad anything out of
2 the files?

3 This is personal knowledge.

4 MS. BIRENBAUM: Objection.

5 You're so overbroad.

6 Based on anything?

7 BY MR. PERRONI:

8 Q I'm just asking, do you know?

9 A To who? Given to who?

10 Q Suzanne Finstad.

11 A Actual documents out of the file?

12 Q Or information.

13 A What kind of information?

14 Q Anything about the files.

15 I don't know because, you see, they
16 won't give me the files, so I don't know how to ask
17 this other than that you can either give somebody
18 files or you can tell somebody what's in a file.

19 MS. BIRENBAUM: So you're asking -- because the
20 witness doesn't understand your question and we're at
21 an impasse --

22 MR. PERRONI: No, we're not at an impasse,
23 Anna, and I need for you to butt out.

24 MS. BIRENBAUM: I'll butt out, but my witness
25 is telling you that he doesn't understand your

1 question.

2 MR. PERRONI: Let me start over.

3 BY MR. PERRONI:

4 Q Do you have personal knowledge of anyone
5 in the department giving Suzanne Finstad any
6 information out of these files, the files on Natalie
7 Wood's death?

8 MS. BIRENBAUM: Objection.

9 Overbroad. Vague and ambiguous. Calls
10 for speculation.

11 BY MR. PERRONI:

12 Q You're shaking your head.

13 A Yeah. I don't feel like answering the
14 question because it is -- it is vague and ambiguous.

15 And you're talking about exactly what's
16 in a report, if that's being shared is different than
17 somebody's knowledge of an investigation.

18 Do you understand the difference?

19 Q Okay. What's in a report is different
20 from somebody's knowledge of the investigation?

21 A Correct.

22 Q Okay. But isn't it information
23 irrespective of whether it's somebody's knowledge or
24 not?

25 A It's not the same as why we're here,

1 sir. We're here for a Public Records Act request.

2 Q Right.

3 And we're also here because your
4 attorneys have imposed the investigatory privilege,
5 privacy, et cetera, et cetera.

6 And what I'm trying to do is determine
7 whether their defenses are viable. It's not just my
8 Public Records Act, which she would like for it to be.

9 It's whether or not their defenses are
10 viable, and so this is in connection with the
11 investigatory exemption.

12 I beg to differ with her about what's
13 privileged and what's not privileged in connection
14 with a Public Records Act case and the investigatory
15 exemption.

16 And so what I'm trying to do is, I'm
17 trying to find out if you all have waived anything by
18 giving things to people who don't have a reason to
19 know about it --

20 MS. BIRENBAUM: Okay. Since we're --

21 BY MR. PERRONI:

22 Q -- other than they are trying to get
23 information from you?

24 MS. BIRENBAUM: Since we're at an impasse and
25 since these questions --

1 MR. PERRONI: Let me start over.

2 MS. BIRENBAUM: Excuse me, sir. I'd like a
3 chance to try to resolve this matter without you
4 further harassing my client here.

5 So since we're at an impasse -- could
6 you please give me the chance to finish my sentence,
7 sir?

8 I would like to ask you to -- so that we
9 can expedite this matter, I'd again like to ask that
10 you provide me with any legal cases, authority,
11 anything to show that an oral conversation, because
12 that seems to be what you're getting at, would waive
13 the investigatory privilege.

14 And then you and I can meet and confer
15 about that and the defenses in this case.

16 Harassing my client on the record in a
17 deposition is an entirely differently matter, sir, and
18 I'd like that you ask questions that are proper and
19 respect my client, an active officer with the L.A.
20 County Sheriff's Department's time so he can go back
21 to his active duties.

22 So if we can get a question on the
23 record and move forward, I'd appreciate that, sir.
24 And if you want to meet and confer over the law, you
25 and I can do so separately.

1 BY MR. PERRONI:

2 Q Let me try this again.

3 I asked you a series of questions about
4 what you did personally. Now I'm trying to get at
5 what you know -- what you have personal knowledge of
6 that other people in your department have done.

7 And my question specifically to you is,
8 do you know if anyone in the department has given
9 Suzanne Finstad any information out of the files?

10 A Okay. No.

11 Q Okay. How about -- go ahead.

12 MS. BIRENBAUM: You answered the question.

13 THE WITNESS: No.

14 But I'm under perjury here -- under
15 oath, and I'm just trying to think of -- I believe she
16 was afforded -- I think she was one of the authors.

17 And the problem is I'm not sure, and so
18 that's why some of your questions are also unfair, but
19 I believe she was one of the authors who gained access
20 to the file when it was closed and inactive.

21 BY MR. PERRONI:

22 Q Okay.

23 A And I couldn't tell you without a doubt
24 who allowed her that access.

25 Q Okay.

1 A And I couldn't tell you it was her that
2 was given access back then.

3 Q Okay.

4 A Yeah.

5 Q All right. That's fair enough.

6 Now, how about since November the 18th,
7 2011, do you know if anyone in the department has
8 given Suzanne Finstad any information out of the file?

9 A No. No.

10 Q You don't know of anyone?

11 A (No audible response.)

12 Q The witness is shaking his head.

13 You need to say "yes" or "no."

14 A I said no.

15 MS. BIRENBAUM: You asked two questions.

16 BY MR. PERRONI:

17 Q Okay. Now, how about the same question
18 for Marti Rulli.

19 Since November the 18th, 2011, do you
20 know if anyone in the department has given Marti Rulli
21 any information out of the investigative file on
22 Natalie Wood's death?

23 A And when you say "anything," we're
24 talking oral also?

25 Q We're talking oral or documents.

1 A Here's the thing. Marti Rulli was a
2 part of the investigation.

3 Q Right. I know that.

4 A Somebody that -- let's see -- this
5 gives --

6 MS. BIRENBAUM: So we're going to be getting
7 into the investigatory privilege here, so I'm going to
8 have to instruct the witness not to answer the
9 question unless there's some way you can cut the
10 question down here.

11 This definition is so broad.

12 BY MR. PERRONI:

13 Q My question is not what they gave her.
14 My question is do you know if anyone gave her any
15 information out of the file?

16 MS. BIRENBAUM: I'm going to, again, instruct
17 the witness not to answer under the Evidence Code
18 under this definition of "anything."

19 THE WITNESS: I could explain if you want me
20 to.

21 MS. BIRENBAUM: If you feel you can explain
22 without waiving any privileges in the interest of
23 trying to move this deposition forward and meet and
24 confer and work in good spirits, that's fine.

25 But if you believe it's going to

1 compromise the investigation in any way, the Evidence
2 Code is California law.

3 THE WITNESS: Yeah. It's --

4 MS. BIRENBAUM: We're going to need to assert
5 the Evidence Code on that particular question.

6 MR. PERRONI: You ought to tell McSweeney
7 that -- and Carrier they need to go back to 3:00 and
8 4:00 because --

9 MS. BIRENBAUM: It's now 1:15, and I'm going to
10 need a lunch break at some point, so if you intend to
11 keep going much longer, we'll need to discuss having a
12 lunch break.

13 MR. PERRONI: Well, Anna, if you need a lunch
14 break, all you've got to do is say so.

15 All I'm telling you is you probably
16 ought to tell McSweeney and Carrier if they show up
17 here at 2:00 o'clock and 3:00 o'clock, we'll not be
18 ready for them.

19 It's your people. You can handle them
20 any way you want.

21 You want to take a break for lunch or
22 not?

23 MS. BIRENBAUM: How much longer do you estimate
24 you have with this witness for questioning?

25 MR. PERRONI: Well, let's see, the way you're

1 obstructing things, probably another hour.

2 MS. BIRENBAUM: Do you need a break at this
3 time?

4 THE WITNESS: I mean, I just want to get the
5 heck out of here. I've got stuff to do.

6 MS. BIRENBAUM: Then let's keep going.

7 MR. PERRONI: Sorry.

8 THE WITNESS: Well. All right.

9 MR. PERRONI: All right. I've got a job to do
10 too.

11 MS. BIRENBAUM: If you have any more insults,
12 you can just get them all out at once to me instead of
13 continuing to taking my witness's time.

14 MR. PERRONI: Are you going to take lunch or
15 not?

16 MS. BIRENBAUM: My client would like to keep
17 going. Keep going.

18 MR. PERRONI: Okay.

19 MS. BIRENBAUM: Unless you did want time to
20 raise those different --

21 BY MR. PERRONI:

22 Q Are you familiar -- are you familiar
23 with what has been disclosed to me in this case -- in
24 this California Public Records Act case?

25 Are you familiar with what I've been

1 given?

2 MS. BIRENBAUM: Objection.

3 Vague and ambiguous.

4 THE WITNESS: From the 1981 sheriff's file, I
5 prepared those documents that they gave you.

6 BY MR. PERRONI:

7 Q You're the one who prepared it?

8 A Correct.

9 Q Okay. So you are familiar with the
10 photographs that I've received?

11 A Yes.

12 Q And you're familiar with the
13 investigator notes I received?

14 A Oh, those investigators, yes.

15 Q Okay. All right.

16 A I was thinking --

17 Q If you need to look at them, I've got
18 them here. All right?

19 And also, are you familiar with the --
20 of course we've already said you're familiar with the
21 two complaint files I'll call them -- not two.

22 The original one and the new one when
23 the number was changed, you're familiar with those;
24 right?

25 A Yes.

1 Q And you're familiar with the phone
2 messages that I was given; right?

3 A Yes.

4 Q And you're familiar with the copy of the
5 autopsy report that I was given that --

6 A The one from our file, yes.

7 Q Right, out of your file.

8 And let's see here.

9 Do you by any chance know or recognize
10 the handwriting on these notes that were given to me?

11 Do you know what I'm talking about here?

12 Like, for instance, let me just show you
13 one page here.

14 This is my Document Control Number 0278.

15 Can you identify the handwriting
16 (indicating)?

17

18 (Witness reviewed document.)

19

20 THE WITNESS: No.

21 BY MR. PERRONI:

22 Q All right. Let me show you -- let me
23 show you something else and see if we can -- all
24 right. Here's Page Number 260.

25 Can you identify that?

1 (Witness reviewed document.)

2

3 THE WITNESS: You mean whose handwriting this
4 is?

5 BY MR. PERRONI:

6 Q Yeah.

7 A No.

8 Q And if you're familiar. Okay.

9 Are you familiar with Rasure's
10 handwriting?

11 A No.

12 Q You are?

13 A No.

14 Q Oh, no?

15 A I've seen his notes, but I couldn't tell
16 you I'm familiar with his handwriting.

17 Q Okay. All right. I was just trying to
18 get an idea of who actually wrote these notes.

19 Do you know?

20 A I do.

21 Q Okay. Why don't you tell me then. Who
22 wrote them?

23 A I need to see them.

24 Q Okay. Here, let me -- all right. I've
25 got them in two different sections here. Let me do

1 this.

2 All right. This first one starts right
3 there (indicating).

4 A I believe this is going to be Hamilton's
5 because his name comes first.

6 Q Okay. It says Hamilton Rasure, and
7 because his name is first, you think that's Hamilton?

8 A Yes.

9 Q Okay. Now, just thumb through there and
10 see if the handwriting changes, and if you know who
11 wrote what.

12 A Well, do you know when it changes?
13 Because that would help.

14 Do you know when it changes?

15 Q Let's see here. Keep going. And -- all
16 right.

17 Now, I put the phone messages in between
18 the autopsy report.

19 A Oh, that's where?

20 Q And let's just take this out there.

21 A Yeah, take that out.

22 Q Right there (indicating).

23 A This is Rasure's, and that's labeled
24 Number 1. That's Rasure's first notebook in this
25 case.

1 Q Okay.

2 A He has another one.

3 Where does the other one start?

4 Q All right.

5 A There should be another like this kind
6 of cover sheet.

7 Q Another one like that, another page?

8 A Uh-huh.

9 Q Let's take this out here.

10 I don't remember ever seeing another
11 page like that one. Why don't you thumb through that
12 and see if you can find it.

13 Let's go off the record for a second so
14 we don't have to get all this.

15

16 (A discussion was held off
17 the record.)

18

19 MR. PERRONI: All right. Now we're back on the
20 record.

21 THE WITNESS: This is labeled Number 2.

22 BY MR. PERRONI:

23 Q All right.

24 A See the writing and the style?

25 Q Refer to the number at the bottom of the

1 page, will you?

2 A Yeah.

3 Zero -- Document Control Number, 0293.

4 Q Okay. And that's who again?

5 A This should be Rasure's second book on
6 this.

7 Q Okay.

8 A Continuation of his notes.

9 Q All right. And then go back to that
10 number you referred to a minute ago, that one right
11 there (indicating).

12 Call that number off.

13 A Yeah, this is Document Number 242, and
14 this is the face -- or the first page of Rasure's
15 first notebook.

16 Q All right. And then back here at the
17 very beginning, read that document control number off
18 for me and tell me -- whoops one more time.

19 A A few more times.

20 Q Keep going.

21 A Document Control Number 099, and this is
22 Hamilton's -- first page of his notebook on this case.

23 Q Okay. Now, you put together this
24 information that we've just identified for me?

25 A Yes.

1 Q All right. What else wasn't given to
2 me --

3 MS. BIRENBAUM: Objection.

4 Vague and ambiguous. Overbroad.

5 BY MR. PERRONI:

6 Q -- that's in the '81 file, by the way?

7 A What else was not given to you?

8 Q Right, that's in the '81 file.

9 What's in the '81 file that wasn't given
10 to me?

11 MS. BIRENBAUM: Assumes facts not in evidence.

12 If you can answer without breaching the
13 investigatory privilege, feel free to do so.

14 THE WITNESS: I can answer.

15 I don't -- I don't recall what else we
16 did not give you.

17 I think we did not give you photos of
18 Natalie herself.

19 BY MR. PERRONI:

20 Q Okay.

21 A Is that right?

22 Q Of the remains?

23 A Correct.

24 Q Over at Catalina Island?

25 A Well, just photos of her remains; is

1 that correct?

2 Q No. You didn't give me those.

3 A Yeah.

4 Q What else?

5 MS. BIRENBAUM: Objection.

6 Overbroad.

7 THE WITNESS: I think you got everything else.

8 I don't --

9 BY MR. PERRONI:

10 Q Let me show you a Response to
11 Interrogatory Number 13 propounded to the -- to the
12 Los Angeles County.

13 See the names of those people
14 (indicating)?

15 MS. BIRENBAUM: I'm going to object that this
16 line of questioning violates the Hainey case,
17 H-A-I-N-E-Y, and I'm going to instruct the witness not
18 to provide an inventory of documents.

19 THE WITNESS: Yes, I see the names.

20 BY MR. PERRONI:

21 Q Okay. That's been identified, the
22 interrogatories, as statements of those witnesses.

23 Will you accept that?

24 A No.

25 It says name -- please identify the name

1 of the witnesses.

2 Q Right.

3 Well, I don't have the other page there,
4 but I'm just telling you, the question was: What
5 other statements of what other witnesses are in that
6 file besides the one you gave me?

7 And that's the answer they gave me.

8 MS. BIRENBAUM: I'm going to object to the form
9 of the questions. It calls for speculation.

10 THE WITNESS: What is your question though?

11 BY MR. PERRONI:

12 Q My question is, is that correct?

13 Are those witness statements still in
14 that 1981 file that was closed?

15 A I think we gave you everything, all the
16 statements from 1981.

17 Q Okay. Well, I can assure you I didn't
18 get them from those people, so maybe that's just an
19 oversight. Well --

20 A Did you print out all of Rasure's
21 report?

22 Q Say that again.

23 A Did you print out all of Rasure's
24 report?

25 Q I have it here.

1 MS. BIRENBAUM: Could we go off the record for
2 a moment?

3

4 (A discussion was held off
5 the record.)

6

7 BY MR. PERRONI:

8 Q Okay. So --

9 MS. BIRENBAUM: Are we on or off?

10 BY MR. PERRONI:

11 Q You pronounce his name "Rasure"? Like a
12 "racer"?

13 MS. BIRENBAUM: Sir, are we on or off the
14 record? On or off the record?

15 MR. PERRONI: We could go off for this.

16 MS. BIRENBAUM: Right.

17

18 (A discussion was held off
19 the record.)

20

21 (Lunch recess.)

22

23 MR. PERRONI: Back on the record.

24 BY MR. PERRONI:

25 Q Detective, I think I've -- I think I've

1 answered my own question here about the names in this
2 Response to Interrogatory Number 13, but just to make
3 sure, the report that's dated December the 11th, 1981,
4 that we've identified the first page of, okay, it --
5 it to -- to me it's a narrative, and then at
6 particular points, they talk about witnesses that they
7 talk to.

8 A Yes.

9 Q Okay. All right. And it goes on for
10 several pages; right?

11 A Yes.

12 Q Okay. What I was trying to get at is,
13 in the file, are there any -- the '81 file, okay,
14 before 2011, are there any other statements that are
15 in there besides the statements in that running
16 narrative?

17 A Only if they are in the notebook,
18 which -- only if they are in the notebooks, which you
19 have.

20 Q Okay. Right.

21 A But I don't think so.

22 There may be something in the notebook
23 that's not in the report.

24 Q Right.

25 A That is possible. I just don't recall

1 because it was so long ago.

2 Q Well, I -- I used to be a federal
3 prosecutor.

4 A Uh-huh.

5 Q And the FBI agents did what were called
6 "Memorandums of Interview," and if a witness signed
7 something, then it was called a "Signed Statement" or
8 a "Statement."

9 And so what I'm trying to find out is,
10 is there anything else other than that narrative
11 report that was done that is labeled as Exhibit B?

12 MS. BIRENBAUM: Object based on Hainey versus
13 Superior Court and instruct the witness not to answer
14 as he is not entitled to an inventory of what's in the
15 records.

16 BY MR. PERRONI:

17 Q Okay. All right. Let's do it -- let's
18 do this.

19 Is there anything in the 1981 file prior
20 to 2011 that reflects whether that file was sent to
21 the prosecuting attorney's office?

22 A Is there anything in there that states
23 that it went to the prosecutor's office?

24 Q Right.

25 A No.

1 Q Okay. Now, since November the 18th,
2 2011, are you -- do you have an active homicide
3 investigation going on concerning Natalie Wood's
4 death?

5 MS. BIRENBAUM: Objection.

6 Vague and ambiguous.

7 THE WITNESS: We have an open and active
8 investigation in regards to the death of Natalie Wood
9 is how I would phrase it.

10 BY MR. PERRONI:

11 Q Okay. Well, I'm asking though, is it a
12 homicide investigation?

13 MS. BIRENBAUM: Objection.

14 Seeks information protected under
15 Evidence Code Section 1040.

16 BY MR. PERRONI:

17 Q In connection with the investigation,
18 since November the 18th, 2011, have you developed any
19 suspects of a homicide in Natalie Wood's death?

20 MS. BIRENBAUM: Objection.

21 Seeks privileged information protected
22 from disclosure by Evidence Code Section 1040.

23 I'm going to instruct the witness not to
24 answer.

25 And next question, please, sir.

1 BY MR. PERRONI:

2 Q All right. Do you -- as one of the
3 homicide investigators on the case since November the
4 11th, 2011, have you personally identified any
5 suspects of a homicide in connection with Natalie
6 Wood's death?

7 MS. BIRENBAUM: I'm going to instruct the
8 witness -- object and instruct the witness not to
9 answer pursuant to Evidence Code Section 1040.

10 BY MR. PERRONI:

11 Q Now, you understand this question
12 doesn't ask you to identify suspects. It just asks
13 you do you have any.

14 A I understand the question, sir.

15 MS. BIRENBAUM: And if you believe that there's
16 any way you can answer the question without going
17 around the privilege --

18 THE WITNESS: I can't answer your question.

19 BY MR. PERRONI:

20 Q Okay. You're refusing to based on this
21 Evidence Code?

22 A On my advice from counsel and under my
23 knowledge of the code, yes.

24 Q Right. Okay.

25 Now, since 2011 -- November the 18th,

1 2011, to your knowledge, have any of the files
2 concerning the investigation of Natalie Wood's death
3 been referred to the prosecuting attorney's office?

4 MS. BIRENBAUM: Objection.

5 Seeks privileged information. Evidence
6 Code Section 1040. I'm going to instruct the witness
7 not to answer.

8 BY MR. PERRONI:

9 Q Your attorney in answers to the petition
10 in this case has asserted that it would be an invasion
11 of personal privacy to disclose the records that I
12 want.

13 Do you have any knowledge of whose
14 personal privacy we're talking about?

15 A I believe so.

16 Q All right. Whose?

17 MS. BIRENBAUM: I'm going to raise the Evidence
18 Code Section 1040 objection again and instruct the
19 witness that if he can't answer it without revealing
20 privileged information, I'd instruct him not to
21 answer.

22 BY MR. PERRONI:

23 Q Your attorney has also raised the
24 defense that the investigative files since November
25 the 18th, 2011, contains preliminary drafts, notes, or

1 other interagency memoranda.

2 Is that true?

3 A Say that again.

4 That stuff is in the file after post
5 November 2011?

6 Q Right.

7 Since November the 18th, 2011 --

8 A That's an open and active investigation.
9 All that information is part of that.

10 Q Yeah, but my question is, does it
11 contain preliminary drafts, notes, or other
12 interagency memoranda?

13 MS. BIRENBAUM: I'm going to object based on
14 Evidence Code 1040 and also the Hainey case, it's
15 seeking an inventory, and instruct the witness not to
16 answer if there's no way to answer without revealing
17 privileged information.

18 BY MR. PERRONI:

19 Q Have you obtained the probate file for
20 Natalie Wood in your investigation?

21 MS. BIRENBAUM: Objection.

22 Overbroad.

23 And I can let him answer as to the '81
24 but not the 2011. You haven't given a time frame, so
25 unless you want me to tell him not to answer at all,

1 there needs to be a time frame put on it.

2 BY MR. PERRONI:

3 Q Does the file indicate that the probate
4 file was examined in 1981?

5 A No.

6 Q Since November the 18th, 2011, have you
7 examined the probate file?

8 MS. BIRENBAUM: I'm going to raise the Section
9 1040 objection again and instruct the witness not to
10 answer.

11 BY MR. PERRONI:

12 Q Have you seen the probate file?

13 MS. BIRENBAUM: Same objections. Same
14 instructions unless it can be answered without --

15 BY MR. PERRONI:

16 Q Do you know if anyone in the Homicide
17 Bureau has either obtained or seen the probate file?

18 MS. BIRENBAUM: Vague and ambiguous.
19 Overbroad. Unlimited as to date. Calls for
20 speculation also.

21 If you can answer the question.

22 THE WITNESS: The answer's no.

23 BY MR. PERRONI:

24 Q The answer's no.

25 And of course I'm talking to the probate

1 file concerning Natalie Wood.

2 A I understand.

3 Q All right. And your answer's still the
4 same?

5 A Still no, yes.

6 Q Okay. All right. Have you had the
7 occasion to check to see if the probate file is closed
8 for Natalie Wood?

9 MS. BIRENBAUM: I'm going to -- to the extent
10 it seeks confidential -- I'm sorry. Strike what I
11 just said.

12 To the extent it seeks information from
13 the 2011 investigation, I'll instruct the witness not
14 to answer.

15 But if you can answer, have you had the
16 occasion to check to see if the probate file is closed
17 for Natalie Wood without --

18 THE WITNESS: Was that the question, if I have
19 had occasion?

20 BY MR. PERRONI:

21 Q Yes -- since -- anyone. Since
22 November 18th, 2011, has anyone in the department or
23 anyone working on this investigation for Natalie Wood
24 checked to see if the probate file was closed?

25 A No, not to my knowledge.

1 Q Okay. Since November the 18th, 2011,
2 have any of the files, including the 1981 file, been
3 disclosed to the district attorney?

4 MS. BIRENBAUM: Evidence Code Section 1040
5 privilege, and I'm going to instruct the witness not
6 to answer.

7 BY MR. PERRONI:

8 Q Since the November the 18th, 2011, have
9 you conducted over a hundred interviews?

10 MS. BIRENBAUM: Objection.

11 Vague and ambiguous.

12 Can you repeat the question for the
13 witness?

14 THE WITNESS: I've conducted many interviews.

15 BY MR. PERRONI:

16 Q Okay.

17 A Are we talking about -- sorry.

18 Q The reason why I asked a hundred, and
19 I'll ask it again here, since November the 18th, 2011,
20 have over a hundred interviews been conducted in
21 Natalie Wood's investigation?

22 MS. BIRENBAUM: Investigatory privilege.
23 Instruct the witness not to answer.

24 BY MR. PERRONI:

25 Q Since November the 18th, 1981 (sic),

1 have you or anyone in the Homicide Bureau obtained any
2 signed statements of witnesses in the Natalie Wood
3 investigation, of course?

4 MS. BIRENBAUM: Sorry. My -- I wanted to
5 reread the question. The data has stopped.

6 MR. PERRONI: Okay. I'll repeat it.

7 BY MR. PERRONI:

8 Q Since November the 18th, 2011, have you
9 or anyone else in the Detective Bureau in connection
10 with the Natalie Wood death investigation obtained any
11 signed statements from witnesses?

12 MS. BIRENBAUM: Investigatory privilege.
13 Evidence Code Section 1040. Instruct the witness not
14 to answer.

15 BY MR. PERRONI:

16 Q Since November the 18th, 2011, can you
17 tell me what you've obtained from the Coroner's
18 Office?

19 MS. BIRENBAUM: Objection.

20 Vague and ambiguous.

21 BY MR. PERRONI:

22 Q In the Natalie Wood investigation, of
23 course.

24 MS. BIRENBAUM: As to that, it violates
25 Evidence Code Section 1040. It's privileged, and I'll

1 instruct the witness not to answer.

2 BY MR. PERRONI:

3 Q To make sure we're clear on this, I'll
4 ask the question again.

5 Since November the 18th, 2011, in the
6 Natalie Wood investigation, what have you obtained
7 from the Coroner's Office?

8 MS. BIRENBAUM: I'm also going to add, in
9 addition to my Evidence Code Section 1040 privilege
10 objection, that it asks for an inventory contrary to
11 Hainey.

12 I will instruct the witness not to
13 answer.

14 BY MR. PERRONI:

15 Q Since November the 18th, 2011, in the
16 Natalie Wood investigation, have you or the bureau
17 gone to Hawaii or anyone in the bureau gone to Hawaii?

18 MS. BIRENBAUM: The objection is it's
19 overbroad. It calls for speculation.

20 But if you can answer it without giving
21 away the privilege, you can answer the question.

22 THE WITNESS: It's already out there that my
23 partner Kevin Lowe and I went to Hawaii twice.

24 BY MR. PERRONI:

25 Q When you say it's already out there, how

1 did it get out there?

2 MS. BIRENBAUM: Calls for speculation.

3 BY MR. PERRONI:

4 Q Do you know?

5 A Yeah. We were ambushed. We were
6 ambushed.

7 Q You were ambushed by whom?

8 A Correct.

9 First time was CBS "48 Hours." I don't
10 know who told them we would be out there.

11 And the second time I think it was them
12 again, but it was more the owner of the boat who
13 ambushed us.

14 Q All right. Okay. You went to Hawaii in
15 connection with Natalie Wood's investigation. And
16 when you went there, you say you were ambushed by CBS
17 "48 hours."

18 When you say "ambushed," you mean they
19 came and they took pictures of things?

20 A They took -- it looked like they were
21 taking video of us, and it ended up on television.

22 A second time, a friend of the owner of
23 the boat took our picture -- our pictures, and I don't
24 know where that ended up, but it ended up somewhere --
25 either in a show or -- yeah.

1 Q Did you tell them to leave? When she
2 showed up, did you tell them to leave?

3 A Of course not.

4 Q Okay. And you were on Mr. Nelson's
5 yacht?

6 A And they were on public property.

7 Q And what's that? The marina?

8 A Correct.

9 Q So --

10 A The first time.

11 Q I'm sorry?

12 A The first time.

13 Q The first time --

14 A They were on public property, and we
15 were on the boat.

16 Q You were on the boat.

17 And the public property was the marina
18 pier or dock or what?

19 A We have no police powers to tell them to
20 leave from that nor legal reason to tell them to
21 leave, but essentially the marina, yes.

22 Q I'm trying to get where you were though.

23 A I'm trying to explain it to you.

24 Q And you said the public property was the
25 marina pier dock. "We had no police powers" -- "the

1 marina."

2 What's the -- was the boat -- and we're
3 talking about the Splendor now.

4 Was it tied up at a dock?

5 A The first time?

6 Q Yes.

7 A Yes.

8 Q Okay. And the second time, where was
9 the boat?

10 A It was -- I don't know what you call it,
11 but it was out of the water and propped up. I'm sure
12 there's a boat term for it.

13 I --

14 Q Like maybe he was doing some cleaning on
15 it?

16 A Oh, they were doing repairs, yeah.

17 Q Okay. Since November the 18th, 2011,
18 has the Homicide Bureau of the Sheriff's Department
19 employed any consultants in connection with the
20 Natalie Wood investigation?

21 A No.

22 Q Okay. Why don't you hand me those right
23 there? I'm going to check one thing.

24 Were you present at any of the press
25 conferences that took place?

1 MS. BIRENBAUM: Objection.

2 Vague and ambiguous.

3 Do you think you can answer it without
4 revealing any investigatory privilege?

5 BY MR. PERRONI:

6 Q Were you present at any of the press
7 conferences that took place in connection with the
8 Natalie Wood investigation?

9 A No.

10 Q Okay. Just a few more questions here,
11 and then I'll let you go.

12 During the course of this
13 investigation -- since November the 18th, 2011, in the
14 Natalie Wood investigation, who did you report to?

15 A To Lieutenant John Corina and to Captain
16 Dave Smith.

17 Of course, we've had different captains
18 now, but --

19 Q Right.

20 Now, remind me, is Captain Smith still
21 there?

22 A No. He retired.

23 Q He retired.

24 Where does he live?

25 MS. BIRENBAUM: Privileged information. Law

1 enforcement addresses are protected from disclosure
2 even after retirement.

3 Instruct the witness not to answer.

4 BY MR. PERRONI:

5 Q Well, I think I'm finished. Thank you
6 very much, and I'm sorry that this took so long.

7 A Okay.

8 Q I hope you get your personal stuff taken
9 care of.

10 Good luck.

11 A Good luck to you, Sam.

12 Q Nice to meet you.

13 MS. BIRENBAUM: The same stip with the ten
14 days.

15

16 (Whereupon, at 11:44 a.m.,
17 the proceedings were concluded.)

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DECLARATION UNDER PENALTY OF PERJURY

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I, Ralph Hernandez, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken May 3, 2016; that I have made such corrections as appear noted on the Deposition Errata Sheet, attached hereto, signed by me; that my testimony as contained herein, as corrected, is true and correct.

Dated this ___ day of _____,
20__ at _____,
California.

RALPH HERNANDEZ

DEPOSITION ERRATA SHEET

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RALPH HERNANDEZ

DATED

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES)

3
4 I, Christine Kwon-Chang, CSR 12143, Certified
5 Shorthand Reporter, do hereby certify:

6 That prior to being examined, the witness named
7 in the foregoing deposition was by me duly sworn;

8 That said deposition was taken down by me in
9 shorthand at the time and place named and thereafter
10 transcribed under my direction;

11 I further certify that I am neither counsel
12 for, nor related to, any party to said proceedings,
13 not in any way interested in the outcome thereof.

14 I declare under penalty of perjury under the
15 law of the State of California that the foregoing is
16 true and correct.

17
18 Dated: May 17, 2016

19
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21 _____
22 Christine Kwon-Chang
23 CSR No. 12143, RPR, CRR
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