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12 in front of it, I can just proceed numerically.

13 THE COURT: You may.

14 MR. RORK: Judge, with respect to
15 Paragraph No. 1, Mr. Pickard does indicate that
16 there were a necessity for two vehicles. I
17 guess the first proffer I would make, Judge, in
18 responding to the Government's proffer, I must
19 advise the Court that Mr. Pickard's proffer
20 that he wants me to present is that Mr. Todd
21 Skinner owned this silo or storage facility in
22 Wamego, Kansas, and lived there.

23 Mr. Skinner is a financial-- industrial
24 tool manufacturing engineering part company
25 heir out of a major industrial firm in

0003

1 Oklahoma. One of Mr. Skinner's residences was
2 this underground silo converted into a
3 multi-purpose storage/housing residential area.
4 Mr. Skinner had contacted Mr. Pickard, whom Mr.
5 Pickard had come to know from Mr. Pickard's
6 involvement in drug research and-- and various
7 clandestine activities in his position at UCLA.

8 Mr. Skinner had asked Mr. Pickard to
9 assist him with moving items. Mr. Pickard was
10 aware that there had been items such as a grand
11 piano and large furniture items, there was
12 supposed to be a number of industrial equipment
13 items needed to be moved. Mr. Pickard would
14 then proffer that he asked Mr. Apperson to help
15 move these industrial equipment items and was
16 going to pay him-- they would be paid good
17 money to help Mr. Skinner, since he was a
18 millionaire.

19 Mr. Pickard traveled up here. Mr.
20 Apperson-- Mr. Pickard's proffer would be that
21 when he was-- looked at these hundreds of
22 military-type containers in what's been
23 described as basically a warehouse full of
24 items, he inspected some that weren't tightly
25 sealed in the absence of Mr. Apperson. And Mr.

0004

1 Pickard and Mr. Skinner at that time were
2 examining some of the large number of items to
3 be moved.

4 Mr. Pickard would proffer that at that
5 time, based upon all of his knowledge and prior
6 history and his government research, that it
7 was-- apparently it was some type of lab
8 equipment. Mr. Pickard indicated he got into
9 an argument with Mr. Skinner about whether it
10 should be given to the DEA or destroyed, in the
11 absence of Mr. Apperson. Mr. Pickard then
12 decided not to cause any trouble with this

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13 heavy-- much more physical-type individual who
14 said that the-- the person who owned the
15 equipment had committed suicide and asked Mr.
16 Pickard's help to-- to move it from the
17 premises.

18 Mr. Pickard with his specialty in drug
19 labs and chemicals and equipments, and what
20 have you, dumped out items of chemicals on the
21 property and then took the sealed containers
22 and loaded them in the vehicle. He then left
23 that location. His intent was to destroy the
24 items and not turn them in to the DEA, so Mr.
25 Skinner would be after him. Mr. Pickard having

0005

1 previously had a relationship with the
2 government in doing this type of activity.

3 Then proceeding to the proffer, Judge,
4 back down on No. 2, Mr. Pickard indicates that,
5 yes, he did flee, he doesn't believe Mr.
6 Apperson fled. But Mr. Pickard, knowing what
7 was in there and the trouble he may be in,
8 panicked and fled, and that he was found where
9 it said he was found.

10 With respect to information No. 3, the--
11 he-- he denies that there was, based upon,
12 again, his experience in government research
13 and approved government contact, he denies that
14 there was a complete LSD laboratory. His
15 proffer would be that it was apparent that
16 there were equipment that could be used in a
17 laboratory and that equipment was not in any
18 stage of production, obviously had not been
19 used for some time. And-- but he would agree
20 that there were-- under 3-A, there was
21 glassware. Under 3-B, there was some type of
22 chemical, he didn't know what they were without
23 testing them. He denies in C-1 that there
24 would have been by-products or evidence of
25 prior cooks, unless that would be whatever the

0006

1 chemicals were that he dumped out.

2 With respect to E, the methyl alcohol, he
3 proffered that it may have been methyl alcohol.
4 But with respect to F, helium, there may have
5 been helium. There was a container there, but
6 he doesn't know whether it was helium or it was
7 empty. With respect to G, Judge, and I think
8 that's going to be of consideration for you and
9 the release, he agrees that he knows what ET
10 is, I don't know how to pronounce what the full
11 name of it is, but he doesn't know if that-- he
12 never saw any powder substance and he doesn't
13 know if any powder substance was, in fact, ET.

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14 And not knowing what powder substance was
15 there or not, because there were multiple
16 sealed containers, tightly sealed and wrapped
17 and not available to easy opening or access, he
18 would just disagree with the Government
19 calculation under G-5, 15 million doses and 150
20 million street value. Based again on Mr.
21 Pickard's government research, approved
22 government contacts and extensive international
23 knowledge of the drug trade, he would estimate
24 that if, in fact, it was the chemical the
25 Government says it was, and if it was capable

0007

1 of producing the Government's yields, it would
2 have no more than a \$2 million street value at
3 boast-- at most.

4 With respect to 5-A, he does not have
5 large sums of money. With respect to G-6, 7
6 and 8-- G-6 and 7, A through F, he has no
7 dispute with those-- that information.

8 With respect to No. 4, Judge, on Page 3
9 of Mr.-- Mr. Pickard indicates that, yes, they
10 did have walkie-talkies as they were traveling
11 in tandem and to use a cellular phone is more
12 expensive. And he, like any other people when
13 they move, use those walkie-talkies to
14 communicate while traveling.

15 With respect to No. 5, Judge, 5-A, B, Mr.
16 Pickard does indicate that he did have false
17 documents, false passports, all obtained on the
18 Internet by access. He wants me to proffer to
19 Your Honor that as a part of his research in
20 his facility and the staff of UCLA, he
21 contacted the House Banking Committee through a
22 prominent law firm in California. He offered
23 to set up a database and began, himself, the
24 production of these passports, identification
25 cards and credit cards.

0008

1 And in return, give the government the
2 database so the government could use that in
3 discovering people that were-- that were doing
4 this for false purposes, and that he-- and that
5 people like mom and pop that may just come in
6 and want to get a passport or official-looking
7 document to travel in hostile foreign countries
8 to America, they weren't too concerned with
9 those, they were more concerned with people
10 that were using them for illegal purposes,
11 credit cards primarily-- and that that
12 information had been approved by a member of
13 the House Banking Committee and the government
14 had been fully apprised as to what he was doing

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15 and his assistance was to help the government
16 catch people using those illegally.

17 The attorney for the law firm in
18 California had sent a 40-page memorandum to the
19 House Banking Committee and had set forth these
20 proffers about how this information was going
21 to be turned over to the government.

22 With respect to Paragraph 9, Judge, he
23 has no information other than that Mr.
24 Apperson, that he knows, did take his family on
25 a vacation overseas. With respect to No. 10,

0009

1 he does have a letter-- two letters he wants me
2 to proffer to the Court, but I would-- the
3 Government has one that was taken from the
4 search of Mr. Pickard's present wife yesterday,
5 which is a one-page letter from Terrance
6 Hallaman (phonetic), the district attorney for
7 San Francisco, who knows Mr. Pickard.

8 Another letter I have to offer in
9 addition to No. 10, Judge, would be a letter
10 from David Presty (phonetic), the professor of
11 neurobiology at the University of California
12 dated November 14, 2000, indicating Mr.
13 Pickard's work with the chemicals, drug abuse,
14 international meetings and the extensive
15 knowledge of drug activity and assistance of
16 Mr. Pickard to the government. I will offer
17 those at the conclusion of my proffer for you
18 to consider in conditions of release.

19 Mr. Pickard also advises me that there
20 was a letter given to his attorney in San
21 Francisco, Michael Stupantian (phonetic), which
22 I don't have, and Mr. Stupantian was here from
23 Lord--

24 THE DEFENDANT: Lord Niepath
25 (phonetic), Lord Niepath, long-time member,

0010

1 British Parliament.

2 MR. RORK: A Lord Neipath, a
3 long-time member of the British Parliament for
4 30 years, that letter from Lord Niepath which
5 Mr. Pickard had been working with drug abuse,
6 identification of drug trade and-- and other--
7 dealing with international drug trade and-- and
8 identification of drug trafficking for the
9 United Kingdom, the United States and Britain,
10 and that Mr. Pickard had been instrumental in
11 the number of years of helping identify and
12 assist the government in-- in targeting
13 international drug trade.

14 I don't have that letter to give to you,
15 Judge, but I will proffer that when I can

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16 obtain it, I will provide it to the Court and
17 opposing counsel.

18 With respect to Mr. Pickard's substantial
19 criminal history, Judge, starting with 11, Mr.
20 Pickard recognizes that he did have a child,
21 and No. 11-A was arrested. 11-B in 1964. And
22 11-C, those three occurrences resulted in him
23 being given two years of psychiatric assistance
24 rather than any incarceration. On 11-D, he was
25 arrested for a violation of parole for leaving

0011

1 the state without permission, but wasn't
2 arrested for any new offense.

3 With respect to No. E, Judge, that was an
4 arrest which-- in 1976, which was thrown out
5 because there was no case. With respect to No.
6 F, that similarly was a case that was thrown
7 out and there was no arrest-- or excuse me, in
8 F, that was the case where he served six months
9 in jail 23 years ago, not one year, six months.
10 With respect to G, that was an arrest that was
11 thrown out because there was no evidence.

12 THE COURT: Excuse me, Mr. Rork.
13 Was it a three-year sentence, however, under
14 Paragraph F on Page 6 of the Government
15 proffer?

16 MR. RORK: Judge, he was sentenced to
17 six months with three years' probation.

18 THE COURT: That was the original
19 sentence or that was the sentence that was
20 served?

21 MR. RORK: That was the sentence that
22 was originally imposed, that he had to do six
23 months and then was given three years'
24 probation.

25 THE COURT: Proceed, please.

0012

1 MR. RORK: Your Honor, with respect
2 to Paragraph G, the 20-year arrest, Mr. Pickard
3 indicates that was thrown out for no evidence,
4 someone just said he had done something that
5 was (INAUDIBLE). With respect to H, he wasn't
6 arrested on June 11, 2000, he believes that was
7 June 11, 1980. And it was, again, somebody
8 that had made some statements against him that
9 was thrown out with no evidence.

10 With respect to I, he was arrested when
11 his grandfather died. He was a deputy sheriff,
12 he had a pair of brass knuckles that he was
13 transporting somewhere and didn't realize it
14 was illegal. That's what "I" consisted of, and
15 it was thrown out. With respect to J, he does
16 agree that he did use one of the aliases that

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17 he's charged with here and did serve the time
18 indicated.

19 With respect to K, that was an offense
20 that was related to J, all arising out of the
21 same occurrence for using the same name that he
22 gave for J. With respect to L, he-- he agreed
23 that he was working with the government, but he
24 disagrees that the case was dismissed because
25 of any civil defense issue. He advised me that

0013

1 the charges were originally filed in state
2 court based upon his working with the
3 government. And then some problems that
4 occurred, somebody elected to file it in
5 federal court, the judge dismissed the Court in
6 federal court and found that it was forum
7 shopping, it was remanded back down to state
8 court. He served four years' imprisonment.

9 And when he was released from prison,
10 they said you can go to trial or you can plead
11 no contest and get time served, as this matter
12 had been going on for that period of time in
13 the appellate process. He then pled no contest
14 instead of it going back to the court or trial
15 and he got credit for time served.

16 With respect to Item No. 12, Mr.
17 Pickard's wife of the last few months is the
18 lady whose name is there under 12-A. It's not
19 an alias, that was her maiden name. Under
20 12-B, he agrees she was arrested-- or not
21 arrested because they seized \$27,000 cash from
22 her, and that was money given by Mr. Skinner,
23 this millionaire from Oklahoma whom Mr. Pickard
24 was helping out, for her tuition.

25 After the money was seized, Mr. Pickard

0014

1 would proffer that Mr. Skinner then wrote
2 Natasha a check for \$27,000, and that check was
3 deposited with Berkley College for tuition and
4 related expenses.

5 With respect to 12-C, Mr. Pickard agreed
6 that his wife, who is nine months pregnant, did
7 visit him in jail and hopes that-- hopes she
8 visits him again if he continues to be
9 incarcerated. With respect to 13, Judge, Mr.
10 Pickard indicates that he did advise that his
11 wife was Deborah Harlow, he didn't want the
12 jail officials contacting his nine-month
13 pregnant wife about to deliver and causing her
14 too much anxiety. And he doesn't recall
15 indicating to the law enforcement in the
16 interview that she was, in fact, his wife, but
17 she had been his wife, he agreed.

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18 He disagrees that that relationship ended
19 in 1995, he advises that it-- they lived at
20 Harvard until 1997 when he finished school.
21 And with respect to occasions when he visits
22 the child, he visits the child as much as he
23 can, but it's obvious that whenever him and Ms.
24 Harlow get together, she spends most of the
25 time disparaging him for the past relationship

0015

1 versus encouraging visitation.

2 And with respect to Paragraph No. 2,
3 Judge, under 14, Page 8, he does advise that it
4 is what happened, he did-- he telephoned Ms.
5 Harlow and advised that he had been-- a friend
6 help move the industrial equipment, that
7 supposedly whoever owned it before had
8 committed suicide, and he agrees with the rest
9 of the information in that proffer of the
10 government.

11 And, Judge, he would like to-- in
12 regards-- I don't know how you want to proceed,
13 I know that's a lot of information provided in
14 the proffer. He would also like to make a
15 short statement to the Court that he is adamant
16 about making, if the Court would allow that
17 as-- as a means of a proffer of other things he
18 wants you to know to consider in whether or not
19 he should be released.

20 THE COURT: I will, but I want to
21 cover some things first.

22 MR. RORK: Okay.

23 (THEREUPON, the statement given by
24 Mr. Pickard was previously transcribed
25 and is contained in a separate binder,

0016

1 WHEREUPON, the following proceedings
2 were had).

3 MR. RORK: If I may close, Your
4 Honor, at this time I would just like to hand
5 to your bailiff the two letters I referred to a
6 couple minutes ago, I gave to Mr. Hough and a
7 copy-- one of which is reflected in their
8 proffer as being seized from the home of Mr.
9 Pickard's wife, and the other one being a
10 letter from Doctor Presty. And I know it's not
11 time for argument, Judge, but I just want to
12 close my-- my proffer with the fact that I
13 believe that I can propose to the Court in
14 closing arguments a combination of conditions
15 that you may consider in whether or not we've
16 overcome the rebuttable presumption.

17 (THEREUPON, the remaining
18 proceedings were not ordered

