

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

0001

1           IN THE UNITED STATES DISTRICT COURT  
2                       FOR THE DISTRICT OF KANSAS  
3                               TOPEKA, KANSAS  
4    UNITED STATES OF AMERICA, )  
   ----- Plaintiff,) )  
5    )  
   vs.                                        ) Case No.  
6    ) 00-40104-01/02  
7    WILLIAM L. PICKARD and                )  
   CLYDE APPERSON,                         )  
   ----- Defendants.                 )

8  
9                               VOLUME I  
10                            TRANSCRIPT OF TRIAL  
11                               BEFORE  
12                            HONORABLE RICHARD D. ROGERS  
13                               and a jury of 12  
14                               on  
15                               January 13, 2003

12 APPEARANCES:

13  
14 For the Plaintiff: Mr. Gregory G. Hough  
15                               Asst. U.S. Attorney  
16                               290 Federal Building  
17                               444 Quincy Street  
18                               Topeka, Kansas 66683  
19  
20 For the Defendant: Mr. William Rork  
21                               (Pickard)               Rork Law Office  
22                               1321 SW Topeka Blvd.  
23                               Topeka, Kansas 66612  
24  
25 For the Defendant: Mr. Mark Bennett  
26                               (Apperson)             Bennett, Hendrix & Moylan  
27                               5605 SW Barrington Court S  
28                               Topeka, Kansas 66614  
29 Court Reporter:     Jana L. Willard, CSR, RPR  
30                               Nora Lyon & Associates  
31                               1515 South Topeka Avenue  
32                               Topeka, Kansas 66612

24

25

0002

1           THE COURT: Good morning. I think  
2 we're ready to start, to commence, to begin, to  
3 get ready for United States versus Pickard and  
4 Apperson and this is Case No. 00-40104-01. I  
5 think I'll have the attorneys announce your  
6 appearances and then we'll do it again when we  
7 bring the jury in.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

8 MR. HOUGH: May it please the Court.

9 THE COURT: Yes, sir.

10 MR. HOUGH: Your Honor, the  
11 government appears through Assistant United  
12 States Attorney Greg Hough.

13 MR. RORK: Your Honor, if the Court  
14 please, William Leonard Pickard appears in  
15 person and by and through counsel, Billy Rork.

16 MR. BENNETT: May it please the  
17 Court, Your Honor, Mr. Apperson appears in  
18 person and by his court appointed-- or by his  
19 retained attorney, Mark Bennett and Zach Luea,  
20 who I believe the Court knows from the last  
21 trial I had in here is here. He's my  
22 paralegal, law clerk. And he'll be in and out  
23 because he's going to school, Judge. But he'll  
24 be here a good portion of the time.

25 THE COURT: All right. That's fine.

0003

1 MR. HOUGH: Judge, as Mr. Bennett  
2 mentioned that that brings to mind that the  
3 government would request in this case that we  
4 be allowed to use two case agents in the  
5 matter. The Court's rule normally is one. In  
6 this case we have a lot of evidence and a case  
7 agent from California and a lot of evidence and  
8 a case agent from Kansas. We would request  
9 that the Court relax that rule and allow us to  
10 use two case agents during the course of this  
11 trial.

12 THE COURT: All right. The Court is  
13 willing to do that and I will allow you two  
14 case agents.

15 MR. HOUGH: Thank you.

16 THE COURT: And that will get that  
17 matter out of the way. All right. One formal  
18 thing we have filed is the defendants' motion  
19 to dismiss based on a violation of the Speedy  
20 Trial Act 18 U.S.C. Section 3161 and following  
21 statutes. The defendants contend that the time  
22 period for trial under the Act has expired and  
23 they argue the Court should dismiss the present  
24 indictment with prejudice. The Court has  
25 carefully reviewed the defendant's motion and

0004

1 I'm now prepared to rule. We have studied this  
2 matter carefully and closely and I'm going to  
3 overrule and deny this motion to dismiss. And  
4 we will issue a formal order shortly on this,  
5 which will set up our calculations on this  
6 matter and I see no problem under the Speedy  
7 Trial Act. So that will be my motion-- that  
8 will be my ruling on that particular motion.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

9           Now, we have another-- some informal  
10 matters that have been filed. We have a motion  
11 in limine concerning Pickard's statement that  
12 was made in this case and I am going to take  
13 that under advisement. But, Mr. Hough, I'm  
14 going to instruct you not to refer to that in  
15 any way as far as the selection of the jury is  
16 concerned and the voir dire. So that will take  
17 care of that. Now, is there anything else that  
18 anyone wants to talk about?

19           MR. HOUGH: Judge, as to that motion,  
20 I got it and I got the joint motion in limine  
21 both this morning when I walked in here, so  
22 obviously I haven't had a chance to respond.  
23 Would the Court like a formal response from the  
24 government on either of these or is this a  
25 matter the Court will rule on later when it

0005

1 issues its order or what is the Court's  
2 preference on that?

3           THE COURT: Well, I think if  
4 necessary if you want to present one why, of  
5 course, you can. I think what we would do  
6 would be to select the jury and then take up  
7 any of these matters that will take a little  
8 more time before we get started and send the  
9 rest of-- the Army of men and boys that we have  
10 here, send them on home and be prepared to  
11 proceed. So that is where we'll be.

12           Now-- now, Mr. Bennett, you have also  
13 raised-- go ahead, I think you know what I'm  
14 going to turn to.

15           MR. BENNETT: Well, I'm not sure what  
16 you're going to refer to, Judge. But I had  
17 talked to Mr. Haley last week about the  
18 preemptory challenges. And under the Rule--  
19 under Rule I believe it's 24 a defendant is  
20 allowed ten and the government six, as I  
21 recall. And Mr. Haley had indicated that there  
22 was a possibility-- or that the Court would  
23 consider granting the defendants more than ten  
24 preemptories since there's two defendants and I  
25 would ask that the Court allow us 18

0006

1 preemptories total between the two of us with  
2 us being allowed to share those or use those,  
3 but neither party being able to use more than  
4 ten total out of the 18. We-- this is a case,  
5 particularly with regard to Mr. Apperson, that  
6 there's-- from what I've seen there's going to  
7 be a tremendous amount of evidence presented in  
8 this case, 75 percent of it which has nothing  
9 to do with Mr. Apperson. And I would ask that

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

10 in the interest of justice that the Court allow  
11 a total of 18 with neither defendant being  
12 allowed to exercise more than ten of the 18.

13 MR. HOUGH: Judge, we'd object to  
14 that. I've tried a lot of cases here in front  
15 of this Court, Judge Saffels, God rest his  
16 soul; Judge Crow. Ten has always worked in two  
17 defendant cases. There's no reason that this  
18 should be any exception. And under the  
19 Pinkerton Doctrine, as the Court is well aware,  
20 the evidence in this conspiracy case the jury  
21 can apply equally to both defendants.

22 MR. BENNETT: Well, Judge, I think  
23 the Rule allows the Court, in its discretion,  
24 to grant more than ten to the combined  
25 defendants and that's what we're asking. And I

0007

1 don't have anything else to add.

2 THE COURT: Well, let me say first  
3 I'm going to-- I understood you were also going  
4 to renew your motion for severance and I'm  
5 going to overrule and deny that, unless there's  
6 something new that I do not know. And next, as  
7 far as the preemptory challenges, we are going  
8 to give the defendants six each or 12  
9 collectively as to the jury panel. And we are  
10 giving each party one each for alternates,  
11 which will mean that the defendants will get  
12 two and the government gets one. And outside  
13 of that, I will deny all of the other requests  
14 for changes in the plan that we have originally  
15 handed to you. So that will take care of that  
16 matter. And, now, is there anything else?

17 MR. RORK: Judge, not that we can't  
18 take up after the jury. It would just have to  
19 do with renewing the motions and some other  
20 matters, some housekeeping matters, but nothing  
21 that can't wait.

22 THE COURT: Yes, we'll take those up  
23 after we get a jury selected in this case.  
24 Let's see if I have anything else here that--  
25 there was a motion by Mr. Apperson of-- and

0008

1 there's a housekeeping order to address a  
2 motion that remains pending on the docket  
3 sheet. The Court considers a motion for time  
4 to file additional motions filed by Defendant  
5 Apperson on August 29th as moot and I'll make  
6 that ruling.

7 MR. BENNETT: Judge, I have just one  
8 other question.

9 THE COURT: Yes, sir.

10 MR. BENNETT: How many alternates

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

11 does the Court propose to--  
12 THE COURT: Four.  
13 MR. BENNETT: Four.  
14 THE COURT: That would give us 16 in  
15 all up there listening to this case. Now,  
16 there was also a motion by Mr. Pickard upon the  
17 government's demand-- in the Pickard case for  
18 the government's demand for names and addresses  
19 for witnesses pursuant to Federal Rules of  
20 Criminal Procedure 12.3(a)(2). And the  
21 government was there seeking the names and  
22 addresses of witnesses that the defendant  
23 intends to rely upon in establishing the  
24 defense of public authority. Having reviewed  
25 the file, the Court believes the defendant has

0009

1 adequately complied with the government's  
2 demand and accordingly the Court finds that  
3 this demand is moot and it will therefore be  
4 ordered that the government's demand for  
5 additional names and addresses of witnesses  
6 pursuant to that statute will be denied as  
7 moot. So that will take care of that.

8 MR. HOUGH: Judge, I would note that  
9 prior to the Court taking the bench I discussed  
10 that matter with Mr. Rork and he's agreed to  
11 give me a final list of the witnesses he plans  
12 on using. And apparently he had it dictated,  
13 it just hasn't been produced.

14 THE COURT: All right. That's  
15 perfectly agreeable with the Court. That can  
16 be done. All right. Do you have something  
17 else, Mr. Rork?

18 MR. RORK: Judge, I just have a  
19 comment. I indicated to Mr. Hough and others I  
20 had been sick all weekend, but I had dictated  
21 three additional witnesses. He wants me to put  
22 together a whole list of everybody and I'll get  
23 that done tonight.

24 THE COURT: All right. Well, maybe  
25 we're ready to start now with bringing in the

0010

1 jury and seeing how rapidly we can move along  
2 with the selection of the jury. Would you  
3 bring the jurors in. All right. It's been  
4 suggested we take a short recess because it's  
5 going to take them some time to bring all the  
6 people up here. And so let's take about a  
7 five-minute recess here.

8 (THEREUPON, a short recess was  
9 had).

10 THE COURT: Good morning, ladies and  
11 gentlemen of the jury. I believe this is the

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

12 largest group I've ever had in the-- in this  
13 courtroom and this is the largest courtroom  
14 that-- that we have.

15 We are going to need to pick a jury for  
16 the case of United States versus Pickard and  
17 Apperson and this is Case No. 00-40104-01. I'm  
18 going to have the attorneys announce their  
19 appearance again and-- so that you'll know who  
20 they are. Would the attorneys please announce  
21 their appearance here?

22 MR. HOUGH: May it please the Court,  
23 Your Honor, the government appears through  
24 Assistant United States Attorney Greg Hough.  
25 Seated with me at counsel table is Carl Nichols

0011

1 of the DEA and Roger Hanzlik of the DEA.

2 THE COURT: All right. Thank you.

3 Mr. Rork.

4 MR. RORK: Your Honor, if the Court  
5 please, William Leonard Pickard appears in  
6 person and through counsel, Billy Rork. Thank  
7 you, Your Honor.

8 MR. BENNETT: May it please the  
9 Court, defendant Clyde Apperson appears in  
10 person and by his attorney Mark Bennett and my  
11 law clerk Zach Luea.

12 THE COURT: All right. Thank you.  
13 Ladies and gentlemen of the jury, it's my  
14 understanding that you're here for the first  
15 time-- at least most of you are here for the  
16 first time. And let me say to you, although  
17 you've been told this several times before I'm  
18 sure by my clerk, that you are in a United  
19 States District Court for the District of  
20 Kansas and this is a trial court for the  
21 federal system. And we have trial judges in  
22 Kansas in Wichita, Topeka, and Kansas City.  
23 And above this Court is the 10th Circuit Court  
24 of Appeals and it is the Court that meets in  
25 Denver and consists of ten or more judges who

0012

1 sit in panels of three to decide whether the  
2 trial courts made the proper decisions on  
3 evidence and other matters as they try cases.  
4 They are not trial courts though, they are  
5 appellate courts. And they then write opinions  
6 in regard to the matters that took place down  
7 in the lower court.

8 A trial court, in the federal system,  
9 tries criminal cases that arise under the  
10 federal law. They try civil cases that arise  
11 under the federal law. And the trial courts  
12 also try diversity cases which are cases that

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

13 arise under the state law where a citizen of  
14 one state is suing a citizen of another state.  
15 And this law was-- and this duty was adopted  
16 many, many years ago at the time of the  
17 starting of this nation because in those days a  
18 citizen of New York being sued by a citizen  
19 from Massachusetts in a Massachusetts' court,  
20 for example, would be like two countries trying  
21 each other or being against each other and  
22 that's the reason we have diversity  
23 jurisdiction in the federal courts. Because if  
24 you're a citizen of one state trying a citizen  
25 of another state you can go to a federal court

0013

1 and do that. And the federal courts in those  
2 cases apply the state law rather than the  
3 federal law. In all other cases we apply the  
4 state law.

5 As we go through this case and the  
6 selection of the jury I'll be giving you  
7 cautionary instructions and explaining things  
8 to you. And I need to tell you that it's  
9 estimated that this case may take six weeks to  
10 try, so that will give you some idea and-- as  
11 to where we are and why this is-- is a case  
12 that's going to take considerable time and  
13 later we will advise you why this case is  
14 taking the length of time that it is taking.

15 Now, as I say as we go through the  
16 selection of the jury we ask certain questions.  
17 The Court will first question you about your  
18 background and history and then the attorneys  
19 will ask questions. And we do this to enable  
20 the attorneys who have certain preemptory  
21 challenges. And preemptory challenges simply  
22 mean that they can exercise and ask you to step  
23 down, exercise their preemptory challenge,  
24 simply because they think they might find  
25 another juror that might be more friendly to

0014

1 their case. So if you're asked to step down  
2 don't let it bother you because it has nothing  
3 to do with anything greatly important, it just  
4 has to do with an inclination or a thought  
5 upon-- the thought of the attorney that they  
6 might find another juror who might be more  
7 friendly to their case. So do not worry about  
8 that situation.

9 Now, we will first call 12 jurors and put  
10 those jurors in the witness-- in the box up  
11 here, the jury box, and then we'll start with  
12 telling them and giving them information. And  
13 when I talk to the jury up here I'd like to

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

14 have all of you listen back there because there  
15 can be a great changing from the front to the  
16 back and the back to the front in a criminal  
17 case because of many reasons. Because perhaps  
18 someone being excused for cause or perhaps  
19 because of preemptory challenges. So would you  
20 first swear in all the jurors to answer  
21 questions.

22 (THEREUPON, the entire jury pool is  
23 sworn in).

24 MS. HILL: The first name that I call  
25 will take the first seat in the top row.

0015

1 Ronald Kahmeyer, Kari Meyers. If you'll take  
2 the seat next to him. Brenda Hodgkiss, Carol  
3 Beldzig, Phillip Figgs, Roberta Andrews.

4 The next one that I call if you will take  
5 the first seat in the bottom row down here.

6 Joe Lapping, Annette Gude, Stacey Bell, Emanuel  
7 Arnold, William Wagemaker, Ramona Boxley.

8 Those of you who are kind of sitting in  
9 the aisle and out in the doorway, if you want  
10 to come in you can now take the front row.

11 THE COURT: All right. I believe  
12 we're now all inside the jury (sic) room. Now,  
13 ladies and gentlemen, and those of you up here  
14 and back here, let me tell you a little bit  
15 about this case. And then later on the  
16 opening-- when we have the opening statements  
17 made by the attorneys they will tell you much  
18 more than I'm going to tell you right now, but  
19 you'll have a cursory look at the case at this  
20 time.

21 Now, members of the jury panel, this is a  
22 criminal case. This case is before the Court  
23 upon an indictment issued by a grand jury. The  
24 indictment contains two counts or charges. In  
25 count one the grand jury charges that from on

0016

1 or about late August 1999 to on or about  
2 November 6th, 2000, in the District of Kansas  
3 the defendants, William Leonard Pickard and  
4 Clyde Apperson, did knowingly and willingly  
5 combine, conspire, confederate, and agree with  
6 each other and with other persons whose  
7 identities are unknown to the grand jury to  
8 manufacture, distribute, and dispense ten grams  
9 or more of a mixture or substance containing a  
10 detectable amount of lysergic acid  
11 diethylamine, commonly referred to as LSD, a  
12 schedule one controlled substance in violation  
13 of Title 21 United States Code Section 846.

14 In count two the grand jury charges that

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

15 on or about November 6th, 2000, in the District  
16 of Kansas the defendants, William Leonard  
17 Pickard and Clyde Apperson, did knowingly and  
18 willfully possess with intent to distribute ten  
19 grams or more of a mixture or substance  
20 containing a detectable amount of lysergic acid  
21 diethylamine, LSD, a schedule two controlled  
22 substance in violation of Title 21 United  
23 States Code, Section 841(a)(1).

24 Now, each defendant has entered a plea of  
25 not guilty to each count contained in the

0017

1 indictment. A plea of not guilty places into  
2 issue every material element of the crimes  
3 charged and places the burden upon the United  
4 States to establish by the evidence to a jury's  
5 satisfaction beyond a reasonable doubt every  
6 material allegation of the offenses charged.

7 The jury should remember at all times  
8 that an indictment is but a formal method of  
9 accusing a defendant of a crime. It is not  
10 evidence of any kind against the defendant. It  
11 does not create any presumption or permit any  
12 inference of guilt. It is a mere charge or  
13 accusation. Nothing more and nothing less.  
14 This case was initiated with an information  
15 filed by the government.

16 All right. That's a brief look at the  
17 charges in this case. Then, as I say, you'll  
18 be furnished with more information as we-- as  
19 we go along. I've mentioned that-- we tell you  
20 this and we're now going to ask you certain  
21 questions which will enable the Court to  
22 determine whether any prospective juror should  
23 be excused for cause. And also, as I said, to  
24 enable counsel for the parties to exercise  
25 their individual judgments with respect to

0018

1 preemptory challenges, that is challenges for  
2 which no reason need be given.

3 I've already told you that this case is  
4 expected to take six weeks. I hope it does not  
5 take that long and I'll be trying to move it  
6 along for a more rapid conclusion and hoping to  
7 get the case to the jury in an earlier time  
8 than that.

9 Now, I've read and summarized the  
10 indictment for you. And let me ask of all the  
11 people up here, has anyone read or heard  
12 anything about this case? Anything-- have you  
13 heard at all anything about this case?

14 Now, we've had the attorneys introduce  
15 themselves and they'll be the people

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

16 responsible for furnishing the day-to-day  
17 evidence that will go along here. Let me ask  
18 you, do you know any of the attorneys for the  
19 government or any of the attorneys who are  
20 appearing here or the defendants or any of the  
21 other prospective case agents who are here, are  
22 you acquainted with any of those people? All  
23 right. And I assume you've had no business or  
24 any dealings with any of these attorneys at  
25 all?

0019

1 All right. Now, I would like to ask you  
2 some individual questions and-- but first let  
3 me ask you some joint questions here. Have any  
4 of you ever served as a juror in a criminal or  
5 civil case or as a member of a grand jury in  
6 either federal or state courts? Let's see, I'm  
7 getting some hands here so let me find out  
8 first, Mr. Kahmeyer, am I close?

9 A. Kahmeyer.

10 THE COURT: All right. What was your  
11 situation in answer to that question?

12 A. It was a federal trial for perjury.

13 THE COURT: And was that in Kansas or  
14 some other place?

15 A. Yes, it was in this courthouse.

16 THE COURT: And how long ago was  
17 that?

18 A. It's probably been five years ago.

19 THE COURT: All right. I do not need  
20 to know how that case came out, but let me ask  
21 you, did the jury reach a verdict in that case?

22 A. Yes, it did.

23 THE COURT: Now, was there anything  
24 about that experience that would make it  
25 difficult for you to be completely fair and

0020

1 impartial in a case like this?

2 A. I don't believe so.

3 THE COURT: All right. Now, let's  
4 see the next-- I had some other hands here.  
5 Yes. Let's see, Ms. Beldzig.

6 A. Yes, sir.

7 THE COURT: What was your situation?

8 A. I was picked for a jury duty in Finney County  
9 and we came to a decision.

10 THE COURT: Was that a criminal case?

11 A. I believe it was.

12 THE COURT: Yes. And anything about  
13 that that would bear on this case here, have  
14 any implications at all?

15 A. I don't think so, sir.

16 THE COURT: All right. And, Mr.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

17 Figgs, did you have your hand up? Let's see,  
18 was there another-- yes, sir, up here on the  
19 front row, Mr. Arnold?

20 A. Yes, Your Honor.

21 THE COURT: What was your situation?

22 A. I was with the U.S. Army at the time so it was  
23 a general court martial overseas in Germany.

24 THE COURT: And that was in the  
25 service when you were in the service?

0021

1 A. Yes, Your Honor.

2 THE COURT: And did the-- did that  
3 general court martial reach a verdict?

4 A. Yes, it did.

5 THE COURT: And you served upon that  
6 general court martial?

7 A. Yes, I did.

8 THE COURT: All right. Anything  
9 about that-- that's very comparable, of course,  
10 to what we're doing here. And anything about  
11 that that would make it difficult for you to be  
12 fair and impartial here?

13 A. No, Your Honor.

14 THE COURT: All right. Now, let's  
15 see, do we have any other hands up? All right.  
16 Each case, of course, is a different case and  
17 I'm happy to hear you say that there was  
18 nothing in your past experience that would make  
19 it difficult for you to serve-- to serve here.

20 Now, let me also ask all of you, have you  
21 or any member of your family or any close  
22 friend ever been employed by a law enforcement  
23 agency? Have you been a sheriff or a deputy  
24 sheriff or anything like that? And in the  
25 service, anything to do with the military

0022

1 police that you-- did you have any experience  
2 there? Yes.

3 A. (Mr. Arnold) Again, my wife's brother is a  
4 policeman in Germany.

5 THE COURT: All right. And anything  
6 about that that would make it difficult for you  
7 to be fair and impartial?

8 A. No, Your Honor.

9 THE COURT: All right.

10 MS. HILL: Judge, you have another  
11 one.

12 THE COURT: I'm sorry.

13 A. (Ms. Bell) I'm not sure if this counts, but my  
14 cousin-- my husband's cousin is a police  
15 officer in Topeka, but I don't--

16 THE COURT: Do you talk with him or  
17 discuss cases or anything like that?

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

18 A. No, sir.

19 THE COURT: And you think that would  
20 make no impact at all on what you're doing  
21 here?

22 A. No, sir.

23 THE COURT: All right. Thank you.  
24 Now, let me also ask you, has any member of the  
25 panel-- any member of this group ever been

0023

1 involved in a criminal matter in any court that  
2 concerned yourself, any member of your family,  
3 or close friend, either a defendant, a witness,  
4 or a victim, have any of you been in that sort  
5 of a situation?

6 MS. HILL: Judge, you have two.

7 THE COURT: What's your situation?

8 A. (Ms. Hodgkiss) My son was in a-- in the  
9 courthouse in Shawnee County.

10 THE COURT: Tell me, what does he do  
11 or did you say-- I didn't quite catch what he  
12 does.

13 A. Right now he's in prison.

14 THE COURT: All right. So he was in  
15 a criminal case?

16 A. Yes.

17 THE COURT: Did that involve drugs?

18 A. That's not what he's there for, but it could  
19 have.

20 THE COURT: All right. Now, is  
21 there-- do you have any problem with that--  
22 because of the possible connection with drugs,  
23 any problem serving or being completely fair or  
24 impartial in a case like this?

25 A. No, I don't believe so.

0024

1 THE COURT: All right. And let's see  
2 there was another hand. Yes, sir.

3 A. (Mr. Lapping) I was a witness in a murder case  
4 in Lyon County.

5 THE COURT: And that was a case where  
6 you testified, was that right?

7 A. Yes.

8 THE COURT: And did the jury reach a  
9 verdict in that case, as you recall?

10 A. Yes, sir.

11 THE COURT: All right. And anything  
12 about that that would make it difficult for you  
13 to be fair and impartial here?

14 A. I don't believe so.

15 THE COURT: All right. And was there  
16 any other hands up there. All right. I  
17 believe we've caught all of those. And as you  
18 note in our instructions this case does involve

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

19 narcotics. And is there anyone that-- up here  
20 that may have an increased sensitivity, for  
21 example, to any kind of a narcotics case,  
22 anything that would make you have a view  
23 perhaps different than the ordinary citizen on  
24 this question, do we have any problems there at  
25 all? Yes, sir.

0025

1 A. (Mr. Lapping) Yes, sir, you do have one.

2 THE COURT: All right.

3 A. I'm very opposed to that and deal with it  
4 somewhat in Emporia.

5 THE COURT: Now, let me ask you-- I  
6 think almost everyone is opposed-- that I know  
7 is opposed to narcotics. But is that something  
8 that you could not listen to the evidence,  
9 decide this case based on the evidence and the  
10 instructions of the Court, would that be any  
11 problem for you? Could you listen to the  
12 evidence and decide the case based on the  
13 evidence?

14 A. I'm not sure.

15 THE COURT: What's that?

16 A. I'm not sure.

17 THE COURT: Well, I need to have you  
18 do your best, of course, and regardless of  
19 which way you might go on something like this  
20 you will-- of course, once we get all the  
21 evidence in I will instruct you in regard to  
22 the law with written instructions and do you  
23 think you could follow the instructions of the  
24 Court in regard to what the law is?

25 A. Yes, sir.

0026

1 THE COURT: You think you could do  
2 that? All right. Now, let me ask all of you,  
3 if you're selected to sit on this case would  
4 you be able to render a verdict solely on the  
5 evidence presented at the trial and in context  
6 of the law as I give it to you in my  
7 instructions, disregarding any other ideas,  
8 notions, or beliefs about the law you may have  
9 encountered in reaching the verdict? Any of  
10 you have any particular problem about that?  
11 All right, thank you.

12 Now, is there any member of the panel who  
13 has any special disability problem that would  
14 make it difficult or impossible for you to  
15 serve on this jury? I'm telling you all that  
16 we will recess-- we'll go about an  
17 hour-and-a-half and then we'll recess. We will  
18 try to let you go not later than 4:30 because  
19 many of you have a long ways to go. And let me

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

20 make another suggestion and that would be to  
21 all of you, I see we're listed possibly for  
22 some snow maybe Wednesday and I might suggest  
23 that all of you pack a suitcase and put it in  
24 your car in the event-- so you would have it  
25 ready in the event you would need to stay

0027

1 overnight here. We would be happy to furnish  
2 all your quarters and everything and-- but you  
3 might think about bringing a suitcase. Now,  
4 after my questions, do my questions suggest to  
5 you any other reason, whether I've touched on  
6 it or not why you could not listen to the  
7 evidence and reach a verdict based upon the  
8 evidence and the instructions of the Court?  
9 Any of you have any problems on that? All  
10 right.

11 I will-- let me ask you a few more  
12 individual questions here now. And starting  
13 with you, Mr. Kahmeyer. Let me find your  
14 occupation here. Now, Mr. Kahmeyer, you're  
15 listed as a benefit specialist. Explain that  
16 to me, if you would, please.

17 A. I work for the Department of Veteran's Affairs  
18 here in Topeka. We have a centralized human  
19 resources office and we handle benefits for all  
20 employees all over the country that work for  
21 the Veteran's Administration. Basically health  
22 insurance, life insurance, payroll issues,  
23 things like that.

24 THE COURT: And how long have you  
25 been in that line of work?

0028

1 A. I've been with the VA for about 18 months.

2 THE COURT: And are you married?

3 A. Yes, sir.

4 THE COURT: And what is your wife's  
5 occupation?

6 A. She works for Kansas Gas Service as a contracts  
7 administrator.

8 THE COURT: All right. And do you  
9 have children?

10 A. Yes, I have two.

11 THE COURT: All right. And in  
12 response to the other questions now, you're in  
13 no way involved in law enforcement in that  
14 particular job are you, the Veteran's  
15 Administration work?

16 A. No.

17 THE COURT: All right. And I'm not  
18 sure-- how long has your wife been in her  
19 occupation?

20 A. Over 20 years.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

21 THE COURT: All right.  
22 A. Twenty-three years, something like that.  
23 THE COURT: All right. Thank you.  
24 Mrs. Meyers, you're a secretary. And tell me,  
25 where do you work?  
0029  
1 A. I work for the Perry Carpet Shack.  
2 THE COURT: And how long have you  
3 been in that line of work?  
4 A. Three-and-a-half years.  
5 THE COURT: And I assume you do  
6 regular general secretary duties. Is that  
7 correct?  
8 A. Yes.  
9 THE COURT: All right. And are you  
10 married?  
11 A. Yes.  
12 THE COURT: And what is your  
13 husband's occupation?  
14 A. He's a machinist at AMR Garage Doors in  
15 Lawrence.  
16 THE COURT: And do you have children?  
17 A. Yes.  
18 THE COURT: All right. Mrs.  
19 Hodgkiss, you're from Meriden?  
20 A. Yes, sir.  
21 THE COURT: And what is your  
22 occupation?  
23 A. I'm a housewife.  
24 THE COURT: All right. And what is  
25 your husband's occupation?  
0030  
1 A. My husband builds tires for Goodyear.  
2 THE COURT: You said he was retired?  
3 A. He builds tires.  
4 THE COURT: Oh, builds tires.  
5 A. For Goodyear.  
6 THE COURT: And how long has he been  
7 in that line of work?  
8 A. Eighteen years.  
9 THE COURT: And do you have children?  
10 A. Yes, sir, but they're all grown.  
11 THE COURT: All right. Ms. Beldzig,  
12 what is your occupation? You don't have an  
13 occupation listed here. What is your  
14 occupation?  
15 A. I am self-employed with Avon.  
16 THE COURT: All right. And how long  
17 have you been in that line of work?  
18 A. Fifteen years.  
19 THE COURT: And are you married?  
20 A. Yes, I am.  
21 THE COURT: And what is your

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

22 husband's occupation?  
23 A. He is a contract custodian.  
24 THE COURT: All right. And do you  
25 have children?  
0031  
1 A. Yes, sir.  
2 THE COURT: All right. Mr. Figgs,  
3 you're a teacher and tell me where do you teach  
4 and what do you teach?  
5 A. I teach at Sabetha High School. I teach junior  
6 English.  
7 THE COURT: And how long have you  
8 been a teacher?  
9 A. Eleven years.  
10 THE COURT: All right. And are you  
11 married?  
12 A. I am not.  
13 THE COURT: All right. Mrs. Andrews,  
14 you live in Topeka? Mr. Figgs, you come from  
15 Sabetha, I'm correct on that?  
16 A. Yes.  
17 THE COURT: And, Mrs. Andrews, you're  
18 a secretary/treasurer tell me for what company  
19 and how long have you done that?  
20 A. I've been doing that for 15 years. My husband  
21 and I own the company, it's Andrews Asphalt and  
22 Construction here in Topeka.  
23 THE COURT: That's your husband's  
24 occupation. And what does that company do?  
25 A. We lay asphalt roads, parking lots, driveways.  
0032  
1 THE COURT: All right. And do you  
2 have children?  
3 A. Yes, five.  
4 THE COURT: All right. Mr. Lapping,  
5 you're from Emporia?  
6 A. Yes, sir.  
7 THE COURT: And you're in the real  
8 estate business?  
9 A. Yes, sir.  
10 THE COURT: And how long have you  
11 been in that business?  
12 A. Oh, most of my life. I don't have a broker's  
13 license, but I buy and sell real estate for  
14 myself personally.  
15 THE COURT: And have you had any  
16 other occupation in your life?  
17 A. Yeah, I spent about twenty years in the motel  
18 business along with it.  
19 THE COURT: All right. And are you  
20 married?  
21 A. Yes, sir.  
22 THE COURT: And what is your wife's

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

23 occupation?  
24 A. Just a housewife.  
25 THE COURT: All right. Mrs. Gude?  
0033  
1 A. Gude.  
2 THE COURT: All right, thank you.  
3 You're a teacher at Olsburg?  
4 A. I'm a teacher in Manhattan. I live in Olsburg.  
5 THE COURT: All right. And where do  
6 you teach there?  
7 A. Theodore Roosevelt--  
8 THE COURT: All right.  
9 A. -- Elementary.  
10 THE COURT: And how long have you  
11 been a teacher and what do you teach?  
12 A. I teach title one reading. So I have 50 first  
13 through third graders throughout the day and  
14 I've taught for 22 years.  
15 THE COURT: All right, thank you.  
16 And are you married?  
17 A. Yes.  
18 THE COURT: And what is your  
19 husband's occupation?  
20 A. He's a teacher for Kaw Valley Schools,  
21 Rossville/St. Mary's.  
22 THE COURT: And do you have children?  
23 A. Yes, two girls.  
24 THE COURT: All right, thank you.  
25 Mrs. Bell, you're also a teacher?  
0034  
1 A. Yes.  
2 THE COURT: And where do you teach?  
3 I notice you live in Topeka.  
4 A. I teach at Shawnee Heights Middle School. I  
5 teach math. I've taught one year there. And  
6 three years, sixth grade in Emporia.  
7 THE COURT: All right, thank you.  
8 And are you married?  
9 A. Yes, sir.  
10 THE COURT: And what is your  
11 husband's occupation?  
12 A. He is an e-mail administrator at Blue Cross  
13 Blue Shield of Kansas.  
14 THE COURT: All right, thank you.  
15 Mr. Arnold?  
16 A. Yes, Your Honor.  
17 THE COURT: I notice you're listed as  
18 a building manager explain that to me, would  
19 you, please?  
20 A. I work for the libraries on Kansas State  
21 University, building manager. I'm part of the  
22 department of administration there at the  
23 libraries. My job is to provide all building

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

24 services, that's physical facilities, manage it  
25 and coordinate it along with the other

0035

1 departments on the university.

2 THE COURT: And you live in Junction  
3 City?

4 A. Yes, sir.

5 THE COURT: And are you married?

6 A. Yes, sir.

7 THE COURT: And what is your wife's  
8 occupation?

9 A. She works in accounting at Kansas State  
10 Foundation, Kansas State University Foundation.

11 THE COURT: And do you-- do you have  
12 children?

13 A. Yes, sir.

14 THE COURT: All right. Mr.  
15 Wagemaker?

16 A. Yes, Your Honor.

17 THE COURT: You live in Topeka and  
18 you're-- you work in computer systems. Tell  
19 me, where do you work?

20 A. I'm a computer systems developer for Burlington  
21 Northern Santa Fe Railroad for the accounting  
22 department.

23 THE COURT: And how long have you  
24 been with the railroad?

25 A. Seven years.

0036

1 THE COURT: And are you married?

2 A. Yes, I am.

3 THE COURT: And what is your wife's  
4 occupation?

5 A. She's a housemaker.

6 THE COURT: And do you have children?  
7 Did I ask you that?

8 A. Yes.

9 THE COURT: Okay, thank you. Mrs.  
10 Boxley, where do you work?

11 A. I work at Goodyear in Topeka.

12 THE COURT: And how long have you  
13 been there?

14 A. I've been there nine months now.

15 THE COURT: Are you married?

16 A. No, sir.

17 THE COURT: All right. And-- all  
18 right. Now, I've asked you general questions  
19 about your occupations. Do any of you have any  
20 special responsibilities in your occupations  
21 that might bear somewhat on a case like this?  
22 Is there any sort of a situation like that?  
23 All right, hearing none. I think I'll ask all  
24 of you once again if you're selected to serve

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

25 is there any reason you could not be completely  
0037

1 fair and impartial in a trial of this case, any  
2 problems at all? All right. Yes, sir?

3 MR. BENNETT: Judge, can we just  
4 approach the bench?

5 THE COURT: Yes, you sure may.

6 (THEREUPON, the following  
7 proceedings were had at the bench out of the  
8 hearing of the jury panel).

9 MR. BENNETT: Judge, I may not even  
10 need to ask this, but when it comes to the voir  
11 dire by the defendants with the Court's  
12 permission I'll go first with the voir dire.  
13 But we don't mean to change the order of the  
14 trial by doing that. If that's all right.

15 THE COURT: That's perfectly all  
16 right with me. And, Mr. Hough, I'm going to  
17 call upon you now to see what questions you  
18 ask.

19 MR. HOUGH: Thank you, Judge.

20 (THEREUPON, the following  
21 proceedings were had before the jury panel).

22 THE COURT: Mr. Hough, would you like  
23 to proceed.

24 MR. HOUGH: Thank you, Judge.

25 VOIR DIRE EXAMINATION

0038

1 BY MR. HOUGH:

2 Q. Good morning, ladies and gentlemen. I'm Greg  
3 Hough, I'm an Assistant United States Attorney  
4 and I represent the prosecution in this matter.

5 As the Court indicated our job right now  
6 is to choose 12 of you from the mass to  
7 determine the facts and the evidence in this  
8 case. As jurors your job would be to listen to  
9 the evidence in the form of testimony and look  
10 at exhibits to determine what is true, what, in  
11 fact, the evidence is, apply that to the law  
12 that the judge gives you and then make a  
13 decision. Is everyone comfortable with that?

14 The prosecution, as well as the defense,  
15 are entitled to a fair trial in a criminal  
16 case. Is everyone comfortable with that  
17 concept? The prosecution, as well as the  
18 defendants, are seeking justice in this matter.  
19 If you are asked to serve as a juror in this  
20 case would you be able to set aside any  
21 personal opinions that you have and return a  
22 verdict that is just, according to the law that  
23 the judge gives you? Everyone comfortable with  
24 their ability individually to do that? Okay.

25 During jury selection it's the only time

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

0039

1 that we as attorneys have an opportunity to  
2 have anything near a conversation with you as  
3 jurors. So, please, if you have a response to  
4 a question that myself or one of the defense  
5 attorney asks please follow through with that.  
6 Because once a jury is impaneled, it's  
7 inappropriate for the attorneys to have a  
8 conversation with you at all. An appearance of  
9 impropriety would occur if one of us were to  
10 discuss anything with you once you're impaneled  
11 as a juror. So please take the opportunity to  
12 answer our questions now.

13 You may be asked personal questions  
14 during jury selection. Rest assured that we're  
15 not trying to unduly pry into your private  
16 life. We're just trying to get enough  
17 information so that we can make intelligent  
18 decisions on you as jurors. If you're not  
19 asked to serve, please accept our thanks in  
20 advance for your willingness to be here today.  
21 And I can assure that we'll make every effort  
22 to do this in a professional manner.

23 I'd like first to follow up on some of  
24 the questions that the Judge asked and some of  
25 the answers that you gave, if that's okay.

0040

1 Mr., is it Kahmeyer?  
2 A. That's correct.  
3 Q. Sir, you indicated that about five years ago  
4 that you served on a perjury jury, do you  
5 recall that?  
6 A. Yes, sir.  
7 Q. What was the name of the defendant's in that  
8 case?  
9 A. It was Robert Stephan.  
10 Q. Okay. And during the course of that trial was  
11 Mr. Bennett, who represents Mr. Apperson,  
12 involved in any of that that you would have  
13 seen or been a part of?  
14 A. He's the attorney. Is that correct? Is that  
15 what you're asking?  
16 Q. Mr. Bennett, who represents Mr. Apperson here.  
17 Was he involved in that at all?  
18 A. I don't remember.  
19 Q. What you saw?  
20 A. I don't remember him.  
21 Q. Okay. You indicated, sir, that you have two  
22 children?  
23 A. Yes.  
24 Q. Could you tell me their ages, please?  
25 A. Yes. My son is 15 and my daughter is 13.

0041

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

1 Q. Thank you. You indicated that you've been  
2 working at your present job for 18 months. Is  
3 that correct?  
4 A. That's right.  
5 Q. And where did you work prior to that, sir?  
6 A. I worked for Tele Tech.  
7 Q. And what is that?  
8 A. Tele Tech is a communications company. They  
9 handle things for GTE Communications. It's a  
10 call center basically.  
11 Q. And what was your specific duty then?  
12 A. I was in sales and customer service at  
13 different times.  
14 Q. And how long did you work there?  
15 A. Approximately two years.  
16 Q. Prior to that, where were you employed?  
17 A. I was a salesman for Hamel Steel Company based  
18 out of Wichita.  
19 Q. And for how long?  
20 A. It was about eleven years.  
21 Q. Okay. And what type of a product was it that  
22 you were selling then in that job?  
23 A. It was industrial scale equipment.  
24 Q. Thank you. Ms. Meyers, you indicated that  
25 you're a secretary at Perry Carpet, correct,

0042

1 and that you've been there three years?  
2 A. Three-and-a-half.  
3 Q. Okay. And where were you employed prior to  
4 that?  
5 A. Southwestern Bell.  
6 Q. For how long?  
7 A. I believe it was right at seven months.  
8 Q. Okay. And prior to that, how were you  
9 employed?  
10 A. I was a dental assistant.  
11 Q. In Lawrence or in Topeka?  
12 A. I worked part-time for a pedadontist here in  
13 Topeka, which is a child's dentist. And also I  
14 worked for a general dentist in Lawrence for  
15 almost three years and then moved to Denver.  
16 Q. Working for a child's dentist, did you just get  
17 tired of listening to all that screaming?  
18 A. No. It's hard work.  
19 Q. Thank you, ma'am. You indicated that you have  
20 children, could you tell me their ages?  
21 A. I have two daughters, one is eight and one is  
22 two.  
23 Q. Eight and two?  
24 A. Yes.  
25 Q. Thank you very much. Ms. Hodgkiss, I believe

0043

1 that you indicated to the Court that you had a

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

2 son who was in prison?  
3 A. Yes.  
4 Q. I'm sorry about that. And I'm sorry that I  
5 have to ask you a further question about that.  
6 When was it that that occurred?  
7 A. He was sentenced last year.  
8 Q. Last June?  
9 A. Last year. I want to say September.  
10 Q. Okay. Is it something you're comfortable  
11 talking about in this type of a form? Would  
12 you be more comfortable stepping up to the  
13 bench and discussing it there if I were to ask  
14 you anymore questions about it?  
15 A. I'm fine with it.  
16 Q. Okay. What was it that he was convicted of?  
17 A. Drinking and driving. He drove with the head  
18 lights off, he had a passenger in the car, he  
19 did hurt two people very seriously.  
20 Q. So he was in a car wreck?  
21 A. Yeah, uh-huh, he was in a car wreck.  
22 Q. Were the passengers in the vehicle with him the  
23 ones that were hurt or were in the other  
24 vehicle?  
25 A. No the passenger had seat belt marks on him,  
0044  
1 but the other two were hurt quite severely.  
2 They lived, but they were hurt very badly.  
3 Q. Now, the Shawnee County district attorneys  
4 handled that prosecution. Is that right?  
5 A. Yes, sir.  
6 Q. Your son had an attorney?  
7 A. Yes, sir.  
8 Q. Do you recall that attorney's name?  
9 A. Mr. Ambrosio.  
10 Q. Okay. And anything at all about the experience  
11 that your son had going through the criminal  
12 justice system that might make you sympathetic  
13 to someone who is charged with a crime?  
14 A. No.  
15 Q. Anything at all about your personal experience  
16 that might cause you to have hard feelings  
17 against law enforcement officers or against  
18 prosecutors?  
19 A. Maybe.  
20 Q. Okay. And that's as a result of your personal  
21 experience with your son, correct?  
22 A. Yeah.  
23 Q. How old is your son?  
24 A. He will be 21 in February.  
25 Q. You hired Mr. Ambrosio or were part of his  
0045  
1 hiring?  
2 A. Yes.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

- 3 Q. So you were then involved in the discussions  
4 between your son and him and the case to some  
5 degree?  
6 A. A little. To a little degree, but yes.  
7 Q. Do you think as a result of that that it would  
8 be difficult for you to give the prosecution in  
9 this case a fair trial?  
10 A. No, because ours wasn't set up as a jury. This  
11 was just handled between attorneys, district  
12 attorney and judges.  
13 Q. Did your son enter a guilty plea?  
14 A. Yes, he signed a plea agreement.  
15 Q. Okay.  
16 A. I think is what it was.  
17 Q. You indicated that something about that might  
18 cause you some hard feelings, but you think  
19 that in spite of those hard feelings that you'd  
20 be able to give the prosecution a fair trial?  
21 A. Yeah, I think it's just a lot of  
22 misunderstanding because nobody really  
23 explained the process to us. We were kind of  
24 blind and stupid and we probably still are  
25 where law is concerned. I mean, you know, this  
0046  
1 wasn't nothing that was planned, it was an  
2 accident and we just kind of got thrown right  
3 into it. I mean, we're still reeling from it.  
4 Q. Sure. Do you maintain contact with your son  
5 since he's been in prison?  
6 A. Yes, sir, I do.  
7 Q. And where is he incarcerated?  
8 A. He is at Toronto. It's a work camp, honor camp  
9 I think is what--  
10 Q. And it's located where?  
11 A. It's in Toronto, Kansas. It's located out  
12 there on some-- in some forest. I know how to  
13 get there, but I can't tell you.  
14 Q. Thank you. Ms. Beldzig, you indicated that you  
15 served on a jury in Finney County?  
16 A. Yes, sir.  
17 Q. How long ago was that?  
18 A. 1991.  
19 Q. And you indicated that that jury did make a  
20 decision?  
21 A. Yeah.  
22 Q. What was the charge against the person, do you  
23 recall?  
24 A. Truthfully, I do not remember.  
25 Q. Okay. Do you remember if it was a drug case?  
0047  
1 A. No, it was not.  
2 Q. Okay. You don't recall whether it was a rape,  
3 robbery, murder, burglary, or if it was a civil

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

- 4 lawsuit, two people suing each other over  
5 money?
- 6 A. It was criminal, but I don't remember the  
7 logistics of it.
- 8 Q. Okay. How long did you live in Finney County?
- 9 A. Five years.
- 10 Q. Okay. So you'd have been living there in '86,  
11 '87, and '88?
- 12 A. We moved there in '90 to '95.
- 13 Q. Okay. My math went the wrong way, I'm sorry.
- 14 A. No problem.
- 15 Q. Okay. Thank you. You indicated that you do  
16 have children. How many children do you have?
- 17 A. Two, sir.
- 18 Q. And their ages, please?
- 19 A. Sixteen and twenty-one.
- 20 Q. Thank you. Mr. Figgs, you indicated that  
21 you're an English teacher at Sabetha High  
22 School?
- 23 A. Yes.
- 24 Q. Where were you educated, sir?
- 25 A. Baker University in Baldwin city.
- 0048
- 1 Q. And do you have like a master's or advanced  
2 degree?
- 3 A. Not yet. I'm working on a master's.
- 4 Q. Okay. Thank you, sir. Ms. Andrews, you  
5 indicated you have five children, could you  
6 tell me their ages, please?
- 7 A. Yes. I was afraid you were going to ask that.  
8 41, 37, 36, 34, 32.
- 9 Q. That's very good.
- 10 A. I can do grandkids easier now.
- 11 Q. Thank you. Ms. Boxley, you indicated that you  
12 work at Goodyear?
- 13 A. Yes, sir.
- 14 Q. And that you've been there nine months?
- 15 A. Yes, sir.
- 16 Q. Where did you work prior to that?
- 17 A. I was a co-director at Victoria's Secret.
- 18 Q. A co-director?
- 19 A. Assistant manager.
- 20 Q. Okay. Thank you. And how long.
- 21 A. Four years.
- 22 Q. Here in Topeka?
- 23 A. Uh-huh.
- 24 Q. Okay. Is the markup on that stuff pretty good?
- 25 A. Yeah.
- 0049
- 1 Q. Thank you. I'd always suspected that. Mr.  
2 Wagemaker, how long have you worked with  
3 Burlington Northern Santa Fe Railroad?
- 4 A. Seven years.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

5 Q. Okay. And the ages of your children, please?

6 A. Seven, four, and two in two weeks.

7 Q. Two months?

8 A. Two in two weeks. She'll be two, my youngest  
9 daughter.

10 Q. Okay. Mr. Arnold, you indicated that you had  
11 participated in an Army court martial, can you  
12 tell me what the allegations were?

13 A. I believe it was unpremeditated murder.

14 Q. Unpremeditated murder. And how long ago was  
15 that?

16 A. 1981, I believe, in Germany.

17 Q. Very good, thank you. You indicated that you  
18 have children, sir, what are the ages of your  
19 children?

20 A. Twenty-two and twenty-seven.

21 Q. Thank you. Ms. Bell, you indicated that your  
22 husband's cousin is a police officer?

23 A. Yes, sir.

24 Q. Where at?

25 A. Topeka Police Department.

0050

1 Q. Okay. Do you have any idea what section?

2 A. I have no idea about anything, other than he  
3 works for the police department.

4 Q. Okay. Well, that's safe then. You indicated  
5 that you're a middle school math teacher. Is  
6 that correct?

7 A. Yes, sir.

8 Q. And that your husband works for Blue Cross Blue  
9 Shield in the computer department?

10 A. Yes, he's the e-mail administrator.

11 Q. How long has he had that job?

12 A. About two years.

13 Q. Okay. Do you all have children?

14 A. No, sir.

15 Q. Okay. Thank you. Ms. Gude. Is that correct?

16 A. (Juror shakes head up and down).

17 Q. Okay. You indicated that you are an elementary  
18 teacher. Is that correct?

19 A. Yes.

20 Q. And your husband is also a teacher?

21 A. Uh-huh, at the high school.

22 Q. What does he teach?

23 A. Vocational agriculture.

24 Q. Where at?

25 A. Rossville, St. Mary's, Kaw Valley.

0051

1 Q. Okay. You indicated you had two children, what  
2 are their ages?

3 A. Fifteen and thirteen.

4 Q. Thank you. Mr. Lapping, you indicated that you  
5 were a witness to a murder in Lyon County?

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

6 A. I was a witness at the trial. I didn't witness  
7 the murder.

8 Q. Okay. And how long ago was that?

9 A. Oh, I don't know. It was the Reverend Bird  
10 trial.

11 Q. It's been a day or two.

12 A. It's been a day or two.

13 Q. Okay. Anything at all about that situation  
14 that would make it difficult for you to sit in  
15 judgment of a witness in this case?

16 A. No, I don't think so.

17 Q. Okay. Were you a witness for or against Mr.  
18 Bird's prosecution?

19 A. I was a witness for the prosecution.

20 Q. Okay. That was a very celebrated case, a lot  
21 of publicity. Anything at all about your--  
22 anything at all about that case at all that  
23 makes you uncomfortable being asked to be part  
24 of the judicial system in this matter?

25 A. No, I don't think so.

0052

1 Q. Okay. Thank you. Do you have any children?  
2 A. Two.  
3 Q. And their ages?  
4 A. Forty-three and forty-four.  
5 Q. Thank you. Do any of you have any problems  
6 that are weighing so heavily on your mind right  
7 now, any type of a family issue or other thing  
8 that would make it difficult for you to give  
9 your full attention to the facts of this case  
10 for the next six weeks. Yes, ma'am. Ms.  
11 Boxley?

12 A. Yes. I mean, it's not anything that hopefully  
13 can't be resolved, but I'm a single foster mom  
14 and right now I'm having an issue with day  
15 care. I was lucky to find someone today, but I  
16 normally work second shift so that's when my  
17 child care provider is available.

18 Q. Okay. To a great degree, as far as timing, the  
19 times that you need to get here or leave as a  
20 rule, if you talk to the Court about those type  
21 of scheduling matters they can work with or  
22 around it. Is there any type of an issue right  
23 now with the day care?

24 A. Just trying to-- this week the provider I have  
25 is able to keep him, but starting next week

0053

1 she's back in school at Washburn. She takes  
2 day classes in order to accommodate me in the  
3 evening. So only trying to find a day care if  
4 I'm selected. As soon as I secure one it's not  
5 a problem. But getting someone to watch him in  
6 the daytime.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

7 Q. Okay. Mary Beth is who you would want-- the  
8 lady that swore you in, is who you would want  
9 to keep in contact with with any type of those  
10 type of scheduling matters. Okay?

11 A. Okay.

12 Q. Thank you. Anyone of you have any problems  
13 hearing or understanding what I have been  
14 saying? Usually my voice projects well enough  
15 and it's not a problem, but I want to make  
16 certain. Any of you under a doctor's care at  
17 the present time? Yes, ma'am. Ms. Hodgkiss?

18 A. I'm--

19 Q. Are you comfortable talking about it?

20 A. Yes, it's fine. I'm a diabetic and I have a  
21 heart problem.

22 Q. How often do you have to consult with your  
23 physician about those?

24 A. Doctor Goldridge maybe once a year now. Doctor  
25 Sedhev I see every month.

0054

1 Q. Are you on any medications for that?

2 A. Yes, sir.

3 Q. Do those medications make it difficult for you  
4 to concentrate sometimes?

5 A. No.

6 Q. Okay. The-- anything at all about those--  
7 being diabetic, having a heart problem, taking  
8 those medications that would make the schedule  
9 that the Court described from 9 to noon and 1  
10 to 4:30 difficult for you?

11 A. No, sir.

12 Q. Okay. Was there anyone else? Any of you  
13 presently taking any prescription medication,  
14 other than what Ms. Hodgkiss has just  
15 indicated. Yes, sir, Mr. Wagemaker?

16 A. Lipitor.

17 Q. Anything about that that makes it difficult for  
18 you to concentrate or give your full attention  
19 to any matter for a period of time?

20 A. No problems there.

21 Q. Okay. Anyone else? Yes, sir, Mr. Lapping?

22 A. I take Lodiene.

23 Q. I'm not familiar with that, what is that for?

24 A. Arthritis.

25 Q. Okay. Does it have any side effects that make

0055

1 you uncomfortable, make your attention span  
2 shorter?

3 A. It don't seem to, no.

4 Q. Okay. Thank you. Anyone else? Yes, ma'am,  
5 Ms. Meyers?

6 A. I'm not sure if this falls under this place. I  
7 am scheduled for a sonogram on Thursday and a

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

8 doctor's appointment on the 23rd to find out  
9 when my hysterectomy is going to be scheduled.  
10 At this point I don't have any details, but  
11 here shortly.

12 Q. Do you know what time your doctor's appointment  
13 is the 23rd?

14 A. 10 o'clock.

15 Q. In the morning?

16 A. No, my sonogram is at 10, my doctor's  
17 appointment is at 9:30. So my sonogram is  
18 Thursday the 16th at 10, my doctor's  
19 appointment is at 9:30 on the 23rd.

20 Q. So the sonogram is the 16th and on the 23rd is  
21 the doctor's appointment?

22 A. Yes.

23 Q. And what time is the doctor's appointment?

24 A. 9:30.

25 Q. Are those the types of appointments that you

0056

1 could reschedule if you were chosen as juror in  
2 this case?

3 A. I could probably reschedule the sonogram. The  
4 doctor's appointment-- it's a fairly urgent  
5 matter. It's not going to be something I can  
6 put off too much longer. I'm waiting to enroll  
7 in my second semester of classes too. The 27th  
8 is when school starts. So I'm really kind of  
9 up in the air with everything until I find out  
10 how far I can be held off or if it needs to be  
11 something done right away.

12 Q. So it's possible there may be a surgery  
13 imminent. Is that correct?

14 A. Yes, I definitely have to have surgery. It's  
15 just a matter of how urgent it's going to be.  
16 I'd like to wait until summertime to do it, but  
17 whether or not my body is going to let me do  
18 that I don't know.

19 Q. But as you sit here today, you have no reason  
20 to believe that in the next six weeks that that  
21 surgery would occur?

22 A. I would hope not. It's a painful-- I mean,  
23 it's kind of hit and miss. I don't know. I  
24 would like to think no.

25 Q. Okay. And you indicated that you're waiting to

0057

1 go enroll for school, what kind of classes are  
2 you taking?

3 A. I'm taking night class at Highland Community  
4 College, they have an outreach in Perry. I'll  
5 be taking chemistry and my schooling classes.

6 Q. What type of degree are you studying towards?

7 A. I'm going after my associates in science and  
8 then on into dental hygiene, hopefully.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

- 9 Q. At Johnson County Community College?  
10 A. Yes.  
11 Q. Okay. Thank you. Have any of you ever been  
12 treated for any type of a mental disease or  
13 mental treatment whatsoever? Have any of you  
14 ever been treated for alcohol or drug  
15 addiction? Has anyone been involved in any  
16 prior court actions, suing someone or being  
17 sued by someone for something? Yes, sir.  
18 Start here with Mr. Wagemaker.  
19 A. Small claims court.  
20 Q. When was that?  
21 A. October of this past year.  
22 Q. And what was that about?  
23 A. Gave \$300 for a down payment for some work to  
24 be done, work was never done, and the money has  
25 never been returned. Filed in small claims.  
0058  
1 Q. Did you get the money back or a judgment?  
2 A. The judgment was for me, yes. I have not  
3 received the money yet. There was-- the  
4 judgment was awarded and then I did an aid and  
5 execution and then that never appeared and  
6 currently there's a bench warrant for the other  
7 individual.  
8 Q. Okay. Anything about that situation that gave  
9 you any bad feelings about the judicial system?  
10 A. No.  
11 Q. You understand that that's something totally  
12 unrelated to what will occur here?  
13 A. Yes, sir.  
14 Q. Okay. Thank you. Anyone else? Yes, Ms.  
15 Meyers?  
16 A. I was involved in a three-party lawsuit against  
17 a convenience store that settled in mediation.  
18 I believe it settled in '89. And then my  
19 husband was involved in a work comp settlement.  
20 Q. What was the lawsuit against the convenience  
21 store about?  
22 A. Discrimination, sexual harassment.  
23 Q. Was that as a result of your employment there  
24 at one time?  
25 A. Yes.  
0059  
1 Q. Okay. And you sued them or they sued you for  
2 sexual harassment?  
3 A. There was myself and two other women that sued  
4 that particular convenience store.  
5 Q. Okay. And where was this convenience store  
6 located?  
7 A. Perry, Kansas.  
8 Q. Thank you. Is there anyone else? Have any of  
9 you at any point in the past demonstrated

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

10 against the government of the United States or  
11 the State of Kansas on any of its policies?  
12 Have any of you had any judgments or liens  
13 filed against you by the IRS?

14 The Judge asked about employment in law  
15 enforcement. And, Ms. Bell, you indicated that  
16 your husband's cousin worked in law  
17 enforcement. Anyone else have any family  
18 members or close friends that are employed by  
19 law enforcement. Yes, sir, Mr. Arnold?

20 A. My brother-in-law is a Polavar in Germany.

21 Q. Is that an MP?

22 A. No, it's a German policeman.

23 Q. Do you discuss his job with him at all or do  
24 you have much contact with him?

25 A. My wife does most of the talking because it's

0060

1 mostly in German, so I'm usually not a party to  
2 the conversation other than hello.

3 Q. So that's kind of a safe way to deal with your  
4 in-laws. I'm going to remember that. Thank  
5 you. Anything at all about your brother-in-law  
6 working in law enforcement, do you discuss with  
7 her what he's told her about his job at all?

8 A. Not usually, no.

9 Q. So it would have no bearing whatsoever on this  
10 case, correct?

11 A. No.

12 Q. Okay. Thank you. Anyone else? Yes, sir, Mr.  
13 Lapping?

14 A. Just friends down at Emporia I know.

15 Q. How good a friends would they be, someone you  
16 see daily or every other day or just  
17 occasionally?

18 A. Once a week or accidentally meet them on the  
19 street.

20 Q. Do you ever discuss their work with them?

21 A. No.

22 Q. So nothing at all about your relationship with  
23 them would affect your decision making in this  
24 case?

25 A. I just am acquainted with several of them down

0061

1 there.

2 Q. Thank you. Anyone else? As the Court  
3 indicated this indictment alleges a violation  
4 of the drug laws, specifically conspiracy to  
5 manufacture and distribute LSD and actual  
6 possession with intent to distribute LSD. Do  
7 any of you have any personal bias against  
8 people just because they are accused of  
9 trafficking in controlled substances that would  
10 be difficult for you personally to deal with in

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

11 this case? Thank you.  
12 Any of you have any biases for or against  
13 law enforcement that would make it difficult  
14 for you to believe the testimony of a law  
15 enforcement officer? Have any of you had an  
16 occasion in your personal life to form an  
17 unfavorable opinion of a law enforcement  
18 officer?

19 Has anyone now or formerly been employed  
20 in drug treatment type work or drug treatment  
21 related work? Have any of you ever had or been  
22 required to attend drug or alcohol treatment?

23 A. (Ms. Gude) As a co-dependent Alanon.

24 Q. Anything at all about that that would make it  
25 difficult for you to sit in judgment in a drug

0062

1 trafficking case?

2 A. No.

3 Q. Thank you. Has anyone been convicted of a  
4 crime, other than a simple traffic matter, like  
5 speeding? Any of you have a family member or a  
6 close friend that has been, other than what  
7 we've discussed?

8 A. (Ms. Hodgkiss) Yeah, I had a daughter that was  
9 arrested for drugs.

10 Q. Okay. When was that?

11 A. Maybe four-- no, about six years ago maybe.

12 Q. For the record, you're Ms. Hodgkiss, correct?

13 A. Uh-huh.

14 Q. Did she go to jail as a result of that?

15 A. No, I don't think so. I think she got  
16 probation or something. I don't have anything  
17 to do with her. I haven't seen her in probably  
18 two years now.

19 Q. How old is she?

20 A. She must be 28.

21 Q. And you indicated that you don't see her  
22 anymore. Is that correct?

23 A. No, I don't even know where she's at.

24 Q. Is that as a result of this drug arrest or was  
25 that something that occurred before?

0063

1 A. I don't know why. I mean, we seen her once and  
2 then she has a habit of showing up when she  
3 wants something, so-- you know, right now I  
4 think she probably doesn't want anything.

5 Q. Okay.

6 A. That's the only way I can judge it. We don't  
7 know why she--

8 Q. Thank you for your candor, I appreciate it,  
9 ma'am. Anyone else? Yes, sir, Mr. Kahmeyer.  
10 Is that correct?

11 A. That's correct. My two brother-in-laws,

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

12 they've both been in trouble. One for assault  
13 and the other one I think was for bad checks.

14 Q. Either of them have to go to jail over them?

15 A. Yes, they both did.

16 Q. Did you discuss those situations and  
17 circumstances with them?

18 A. No, I tried to stay out of it.

19 Q. Okay. Any-- did you disagree with them having  
20 to go to jail over those situations?

21 A. No, sir.

22 Q. Okay. Anything at all about that that would  
23 have caused you to have a bad opinion of the  
24 law enforcement officers and prosecutors that  
25 handled that?

0064

1 A. No, because I wasn't really involved in it. I  
2 mean, they live in a different state and I just  
3 really didn't have much involvement with it at  
4 all.

5 Q. Okay. Do you know whether or not they were  
6 convicted of those crimes?

7 A. Yes, sir, I believe they were.

8 Q. Okay. And where was it that those occurred?

9 A. Those were in Dickinson County.

10 Q. Thank you, sir. Any of you, for whatever  
11 reason, find it difficult to believe the  
12 testimony of a law enforcement officer, such as  
13 a DEA agent? Any of you find it difficult to  
14 believe the testimony of a state police  
15 officer, such as a Kansas Highway Patrolman or  
16 a local law enforcement officer?

17 During the course of the criminal case it  
18 would not be unusual for myself to ask a  
19 question and one of the defense attorneys to  
20 object to it or vice versa and for the Judge to  
21 rule, sustain an objection and evidence be  
22 excluded or a question be stricken. That's  
23 just something that happens from time to time  
24 in a criminal trial. Assuming that that were  
25 to occur, any of you have any reservations

0065

1 about your ability to disregard-- if the Judge  
2 were to say, well, that objection is sustained,  
3 move on, disregard what it was that one of the  
4 parties was trying to get to that was not  
5 appropriate? Everyone comfortable with their  
6 ability to do that? Okay.

7 Do any of you have any family members or  
8 close friends that you know use controlled  
9 substances? Any of you had a family member or  
10 friend in the past has suggested to you that  
11 you should try some controlled substances,  
12 marijuana, cocaine, or anything like that?

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

13 Yes, sir, Mr. Arnold?  
14 A. Oh, yeah, I had friends, relatives when I was  
15 younger in school that asked me to try  
16 different stuff or-- you know.  
17 Q. Any of those people wind up on the wrong side  
18 of the law as a result of those circumstances?  
19 A. Not that I can remember or recall.  
20 Q. Okay. You don't recall any of them getting  
21 caught?  
22 A. No.  
23 Q. Did you agree or disagree with them offering  
24 that up?  
25 A. Offering me drugs?  
0066  
1 Q. Yes.  
2 A. I disagreed at the time, yes, I did.  
3 Q. Okay. And now that you've had children and  
4 you've raised your family, would you agree with  
5 the decision that you made then?  
6 MR. RORK: Your Honor, I'd object to  
7 the inference playing on the children's mind  
8 and the inference the prosecution is trying to  
9 obtain in that regard as improper.  
10 THE COURT: I do not see any problem.  
11 Overruled.  
12 Q. (BY MR. HOUGH) Do you recall the question,  
13 sir?  
14 A. (Mr. Arnold) No, I didn't know if you finished  
15 it.  
16 Q. Now, that you've had an opportunity to raise  
17 your family would you agree with the decision  
18 that you made then when you were offered those  
19 drugs, that you made the right choice?  
20 A. Yes.  
21 Q. Okay. Thank you.  
22 A. (Mr. Figgs) Sir, you asked about controlled  
23 substances.  
24 Q. Yes.  
25 A. I have a close friend that I consider drinks  
0067  
1 too much.  
2 Q. Okay. Has it caused problems within the  
3 family?  
4 A. Oh, some misintentions, I suppose.  
5 Q. Been any drug treatment or alcohol treatment  
6 involved with that individual?  
7 A. I think some.  
8 Q. Anything at all about that personal situation  
9 that might make it difficult for you as a juror  
10 to sit in judgment in a drug trafficking case  
11 such as this?  
12 A. No.  
13 Q. Thank you. Any of you believe marijuana should

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

14 be legalized? There is a lot of groups, most  
15 of them on the west coast, that advocate the  
16 legalization of marijuana and the legalization  
17 of drug laws?

18 MR. RORK: Your Honor, I again object  
19 to the characterization of, quote, a lot of  
20 them on the west coast. There happens to be  
21 Colorado, there happens to be Alaska. There  
22 are about seven states that have legalized it.  
23 And I think Mr. Hough is trying to give an  
24 inference of this individual being, quote, from  
25 the west coast.

0068

1 THE COURT: Limit it somewhat, would  
2 you, please?

3 Q. (BY MR. HOUGH) Any of you agree with the  
4 groups that advocate the legalization of  
5 marijuana or any other controlled substance?  
6 Thank you.

7 For years there has been publicity about  
8 the war on drugs. A lot of tax money from the  
9 federal government and the state and local  
10 governments is spent each year enforcing the  
11 laws against drug traffickers. Do any of you  
12 as taxpayers disagree with the allocation of  
13 your money to prosecute individuals who break  
14 the drug trafficking laws, anyone at all?

15 The Judge read the indictment to you,  
16 ladies and gentlemen. Very briefly what the  
17 case we believe the evidence would show  
18 involves is an agreement to manufacture LSD and  
19 there were some search warrants out in Wamego,  
20 Kansas and arrests by the highway patrol and  
21 seizure of an LSD lab and LSD in the area of  
22 Wamego, Kansas. This all occurred in October,  
23 November of the year 2000. Did any of you hear  
24 anything about or read anything about that at  
25 that time? Yes, ma'am, Ms. Meyers?

0069

1 A. I recall hearing something about it. I believe  
2 it was an underground silo in the Wamego area  
3 in all the newspapers. That's the only thing I  
4 heard about in that area.

5 Q. That's the case. How many newspaper articles  
6 do you recall reading?

7 A. I don't even take the paper subscription. It  
8 was probably more something that I saw on  
9 Channel 27 out of Topeka. You know, it was--

10 Q. Okay.

11 A. I just remember because it's such a small area,  
12 small town that it kind of jumped out at me.

13 Q. What do you remember hearing?

14 A. I remember that it was in an underground silo

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

15 and that it was-- there was quite a bit of--  
16 you know, it was a big, big deal and I guess it  
17 had been going on for quite sometime. That's  
18 what sticks out in my mind about it.

19 Q. Okay. If the evidence in the case were  
20 inconsistent with what you heard on that news  
21 report, would you be able to set aside that  
22 news report and decide this case based solely  
23 on the evidence?

24 A. Most definitely.

25 Q. Okay. Mr. Kahmeyer, did you raise your hand

0070

1 too?

2 A. Yes, I did. I remember hearing about the case.

3 I don't really remember specifics.

4 Q. And what did you remember hearing generally?

5 A. Just that there was a lab that was busted in--  
6 somewhere north of Topeka, northwest of Topeka.

7 Q. Okay. You don't recall any-- I'm sorry. You  
8 don't recall any specifics of the news  
9 coverage?

10 A. Not really. I mean, I scan the news, but I  
11 didn't-- I don't remember who was involved or--  
12 I don't really remember too much about it.

13 Q. Do you have any family members or close friends  
14 that live in that area that you talked to about  
15 the case?

16 A. No.

17 Q. Assuming that the evidence in the case that you  
18 hear is inconsistent with what the news put  
19 out, would you be able to set aside whatever  
20 the news told you and decide this case based  
21 solely on the evidence?

22 A. Yes, sir.

23 Q. Thank you. Ms. Meyers, would the same be true  
24 of you?

25 A. Yes.

0071

1 Q. Mr. Figgs?

2 A. I just remember something about a drug lab at a  
3 silo. It was something I read somewhere.

4 Q. Okay. How long ago do you recall hearing or  
5 reading about that?

6 A. Well, it sounds crazy, but I think I've read it  
7 in the last two or three days. I think there  
8 was something in the Topeka paper maybe. It  
9 seems new to me.

10 Q. Do you recall the specifics of the article?

11 A. I just read the first few sentences of it, I  
12 didn't read the whole thing.

13 Q. Okay. If during the course of the case any  
14 additional publicity is either on TV or the  
15 newspaper or other media source, the Judge, I

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

16 believe, will instruct you that you should  
17 completely disregard and ignore it. I mean, if  
18 you see that in the newspaper, don't look at  
19 it. If it's on TV, change the channel. Don't  
20 go out and seek information on the case. Would  
21 you be able to do that?

22 A. Certainly.

23 Q. Would everyone be able to do that? Okay.

24 Okay. Ms. Gude?

25 A. I teach with people from Wamego and it's been

0072

1 mentioned, but I never read anything on it or  
2 heard it on the news, but it's just mentioned  
3 in saying that, you know, we had a drug bust in  
4 Wamego and that was all, you know, I can  
5 remember about it.

6 Q. Do you think that because you teach there that  
7 there might be some special pressure on you in  
8 deciding the case, going back to your job at  
9 the conclusion of the case regardless of what  
10 the verdict was?

11 A. I can't imagine.

12 Q. Okay. What types of things were discussed that  
13 you recall?

14 A. Just mentioned that they had had a drug bust  
15 there. And I probably followed it up, well,  
16 we've had them in Fostoria. I mean, we had a  
17 meth lab up there too, so--

18 Q. And I'd ask you the same questions that I've  
19 asked the other jurors. Would you be  
20 comfortable basing your decision on the  
21 evidence from the witness stand and in the form  
22 of the exhibits and setting aside anything that  
23 might come to mind later about those  
24 discussions?

25 A. Yeah. Because I'm sure nothing more was said

0073

1 than there was a drug bust. I mean, I can't  
2 remember anything else that was ever said.

3 Q. Okay. Would you be able to follow the Court's  
4 request that you not listen to any news  
5 articles or read any newspaper articles about  
6 the case?

7 A. Yes. Yeah.

8 Q. Okay. Television and some novels have lots and  
9 lots of law and order type, crime type shows  
10 right now. How many of you watch those types  
11 of shows Monday through Friday on TV? A few of  
12 you do. You understand that what you see there  
13 on TV is not the reality that you'll see in the  
14 courtroom, is everyone comfortable with that?  
15 We will not solve this case in an hour allotted  
16 time slot with five commercials. And a lot of

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

17 the perceptions that people get about how  
18 attorneys or prosecutors should behave, how  
19 judges should rule come from TV shows. Is  
20 everyone comfortable that this may be  
21 different, but that this is what matters, is  
22 everyone comfortable with that? Okay.  
23 Likewise, stereotypes the TV shows about  
24 someone that is charged with a crime what they  
25 should look like, what they should act like,

0074

1 the way they should behave, the amount of money  
2 they have, whatever, do all of you understand  
3 that those types of stereotypes have no purpose  
4 and they have no bearing on this case, is  
5 everyone comfortable with that? Okay. Thank  
6 you.

7 In a criminal case such as this  
8 ultimately you'll be asked by the prosecution  
9 to return a verdict of guilty. Ultimately  
10 you'll be asked by the defense to return a  
11 verdict of not guilty. Any of you have any  
12 moral or religious type beliefs that would make  
13 it impossible for you to return a verdict of  
14 guilty if the evidence supported it? Any of  
15 you feel, as you sit there today, that you may  
16 have some level of embarrassment to return or  
17 to not return, for that matter, a verdict of  
18 guilty in a criminal case?

19 The Judge's role, among other things, in  
20 a criminal case is to give the jurors the law  
21 in the form of instructions. Usually he'll  
22 read them from the bench as he has read the  
23 indictment. And during the course of this  
24 case-- but as to legal matters what the law is,  
25 you as jurors have no option about believing

0075

1 what the Judge tells you, you have to believe  
2 that. Even if you disagree, you have to follow  
3 what the judge tells you the law is. Are there  
4 any of you that would find it difficult to do  
5 that? Any of you that would be willing,  
6 pursuant to your oaths, to set aside any  
7 disagreement you would have with what the Judge  
8 tells you the law is and follow the law that he  
9 gives you, will everyone do that? Thank you.

10 In a criminal case the only evidence that  
11 you can consider is that that either comes from  
12 the witness stand or is admitted in the form of  
13 evidence or stipulations of the parties. You  
14 can't go out and do an independent  
15 investigation of your own looking at witnesses  
16 or exhibits independent of what occurs in this  
17 courtroom. Is everyone comfortable with that?

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

18 MR. RORK: Well, Your Honor, if the  
19 Court please, I object to the characterization  
20 that the only evidence they can consider is  
21 what they bring in here. I understand that  
22 they can't go out and do their own  
23 investigation, but the juror is free to ask  
24 themselves what evidence the government didn't  
25 present in also considering the burden that you

0076

1 will instruct them on. So only in that regard  
2 do I object.

3 MR. HOUGH: Well, Judge, that's not  
4 true so we'd ask that the objection be  
5 overruled.

6 THE COURT: Well, I'll overrule the  
7 objection. Go ahead.

8 Q. (BY MR. HOUGH) Ladies and gentlemen, in a  
9 criminal case defendants have a Constitutional  
10 right that they don't have to testify and they  
11 do not have to present any evidence whatsoever.  
12 That's an absolute right. Is everyone  
13 comfortable with that right? Do any of you  
14 think that by golly, you know, you're charged  
15 with the crime, you ought to have to come  
16 explain it? Okay. Thank you.

17 Now, on the other hand assuming that one  
18 or both of these defendants decide that they  
19 are going to present evidence, would each of  
20 you as jurors consider that evidence, that  
21 testimony, whatever they were to choose to  
22 present, if they did, along with all of the  
23 evidence that had been presented? Would  
24 everyone do that? Each piece of evidence  
25 should be considered in the context of all of

0077

1 it. Everyone understands that. Thank you.

2 Are any of you homeowners? Everybody,  
3 okay. Ms. Bell, do you own a home with your  
4 husband?

5 A. Yes, I do.

6 Q. And so you possess that together?

7 A. Yes.

8 Q. Okay. And your home is-- well, strike that.  
9 While you and your husband possess this home  
10 together, you don't have it with you here  
11 today, right?

12 A. No, sir.

13 Q. Nor does he have it where he is today, correct?

14 A. No, sir.

15 Q. But as homeowners you possess it because you  
16 control, you own it, fair?

17 A. Correct, yes.

18 Q. The law recognizes that possession of an item

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

19 can either be sole or joint, either one person,  
20 for instance, owning a home alone or joint,  
21 such as you and your husband owning the home  
22 together. You understand that the law  
23 recognizes that in a criminal case when you're  
24 dealing with controlled substances, as well as  
25 a home, for instance, more than one person can

0078

1 together possess an item, are you comfortable  
2 with that?

3 A. Yes, sir.

4 Q. Is everyone comfortable with that? Likewise  
5 the law recognizes that possession can be  
6 actually constructively, you collectively  
7 possess that house where it sits right now and  
8 I'm actually possessing this pen in my hand  
9 right now. Do you understand that?

10 A. Yes, sir.

11 Q. Is everyone comfortable with that? Likewise in  
12 a criminal case where the allegations are that  
13 individuals possessed controlled substances,  
14 the law recognizes that that possession can  
15 either be actual or constructive just like the  
16 difference between Ms. Bell's house and my pen.  
17 Everyone comfortable with that? Okay.

18 And if the Court were to instruct you as  
19 to the law in that regard and indicate very  
20 similar to what we've just said here, would  
21 everyone be comfortable with that?

22 I'd like to read the list of proposed  
23 witnesses that may be called on behalf of the  
24 prosecution in this case. If any of you  
25 recognize any of those names, would you raise

0079

1 your hand. Trooper Brian K. Smith of the  
2 highway patrol. Trooper J.T. O'Grady of the  
3 highway patrol. Bill Taylor or Eric Taylor  
4 from Pottawatomie County. Officer Matthew  
5 Pfrang with the Wamego Police Department.  
6 Ralph Sorrell of the Leavenworth Police  
7 Department. Sergeant Paul Schliffke  
8 Pottawatomie County Sheriff's Office. Gordon  
9 Todd Skinner. Agent Arthur Hubbard of the DEA.  
10 Curtis Nicholson or Cheryl Nicholson. Dan  
11 Augustine from DEA. Or David Marlow of DEA.  
12 Maurene Clete (spelled phonetically) from the  
13 DEA. Gunner Guinan, Michael Hobbs, Guadeloupe  
14 Matias, David Haley, Alfred Savinelli, John  
15 Halprin, David Jung from Boston, Trais  
16 Kliphuis, Deborah Harlow, David White of the  
17 Drug Enforcement Administration, Dan Tuey of  
18 the Drug Enforcement Administration, Deborah  
19 Lehman, Rostom Dagazian, Daniel Rivera, Tim

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

20 McKibben, Jim Toliver. Thank you.  
21 Do any of you make a practice of reading  
22 either High Times magazine or Rolling Stone  
23 magazine? Any of you read it-- any of you ever  
24 read either one?

25 Ms. Andrews, assume for a minute, if you

0080

1 will, three people decide that they are going  
2 to commit a crime, any crime, it doesn't  
3 matter. Okay. And those three people diagram  
4 it out and decide how they're going to do it,  
5 what they're going to do. And they actually  
6 commit the crime. Okay. And those three  
7 people never tell anyone at all, other than  
8 themselves, what's going on and what occurred.  
9 Okay. Now, at some point in time there is a  
10 victim, somebody finds out that a crime has  
11 been committed and law enforcement then goes to  
12 investigate that crime. Assuming these three  
13 people still have never told, how do you  
14 suppose that the law enforcement would find out  
15 about how that crime was committed?

16 A. (Ms. Boxley) Are you talking to me?

17 A. (Ms. Andrews) As a result of what they do and  
18 the circumstances.

19 Q. One of those circumstances might be if one of  
20 the three decided to talk?

21 A. True.

22 Q. Would that be fair?

23 A. True.

24 Q. Would you agree that unless one of the three  
25 told police what the conversations had been

0081

1 that there would be no way for the police to  
2 know about those conversations, would that be  
3 fair?

4 A. That would be fair.

5 Q. Okay. Would everyone agree with that, that in  
6 a criminal case it's not unusual that that  
7 happens? Individuals get together, a crime is  
8 committed, one person at some point for  
9 whatever reason comes forward. It's not  
10 unusual that that person that comes forward is  
11 in some manner rewarded by either a reduced  
12 charge or an immunity agreement or something.  
13 Does anyone not understand that? Does anyone  
14 disagree with the criminal justice system in  
15 some manner rewarding that person in some way  
16 for giving evidence about a crime? Anyone  
17 disagree with that practice? Ms. Beldzig,  
18 you've got one of those looks like I'm just not  
19 sure.

20 A. Truthfully, I'm not. If you do the crime, you

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

21 should do the time.  
22 Q. Okay. Would you agree that there are certain  
23 circumstances where a crime is committed and  
24 police know a crime has been committed and you  
25 have the victim, but no idea who did the crime.

0082

1 Would you agree that there are circumstances  
2 like that?  
3 A. Yes, sir.  
4 Q. Okay. And in those types of circumstances if  
5 one of the individuals that committed that  
6 crime were to come forward and offer some  
7 information about it, would you agree that that  
8 person should be rewarded in some manner being  
9 willing to do that?  
10 A. Truthfully, no. There's too much rewarding in  
11 this system.  
12 Q. How would you then-- assuming that in that  
13 example that those three people none of the  
14 three of them ever decided to tell anyone about  
15 how their crime was committed, how would you  
16 believe then that that crime could ever be  
17 solved?  
18 A. I don't think that it ever would be solved.  
19 Q. Okay. In the criminal justice system sometimes  
20 immunity agreements, proffer agreements are cut  
21 by prosecutors and law enforcement officers  
22 with people so that crimes can be solved for  
23 that very reason, you understand that?  
24 A. Yes.

25 MR. RORK: Well, Your Honor, again I

0083

1 would object to the characterization of that  
2 question because only the government in a  
3 federal case can make those offers. He said  
4 sometimes and it improperly infers that the  
5 defense can. And only the government can offer  
6 those type of agreements to individuals to  
7 testify. So in that regard, I object to the  
8 characterization.

9 MR. HOUGH: Judge, the prosecution  
10 offers them sometimes, sometimes they do not.  
11 That was the form of the question.

12 THE COURT: All right. Overruled.  
13 Go ahead.

14 Q. (BY MR. HOUGH) So, Ms. Beldzig, I'm concerned.  
15 Do you think that that should never be done or  
16 that sometimes it's okay and sometimes it's not  
17 or--  
18 A. It should be one way or the other. Yes or no.  
19 You know, there shouldn't be any gift.  
20 Q. Okay. In this case an individual came forward  
21 and provided information, the individual was

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

22 given immunity in return for that information  
23 and that individual will not be prosecuted.  
24 Okay. That's the way that the DEA first became  
25 involved in the case. Based upon what you have

0084

1 just told us, would it be impossible for you to  
2 fairly consider that witnesses' testimony  
3 because they were granted immunity?

4 A. Yes, sir.

5 Q. Okay. Thank you very much, ma'am.

6 MR. HOUGH: Judge, we'd ask Ms.  
7 Beldzig be removed for cause.

8 MR. RORK: Well, Judge, we would  
9 object to having her removed for cause. I  
10 don't think that she's indicated that she could  
11 not fairly and impartially decide the case  
12 irrespective of that opinion.

13 MR. BENNETT: We'd join in that  
14 objection, Your Honor.

15 MR. HOUGH: Judge, Ms. Beldzig was  
16 very honest and she said because of her  
17 personal belief she would disregard the  
18 testimony of that witness. For that reason,  
19 the cause challenge is appropriate.

20 THE COURT: I believe the Court will  
21 ask you to step aside.

22 A. (Ms. Beldzig) Thank you, sir.

23 MR. HOUGH: Thank you for your  
24 honesty, ma'am.

25 MS. HILL: The Court will call

0085

1 Annetta Anstaett to take the place of the juror  
2 that just stepped aside.

3 THE COURT: I believe we're going to  
4 have you take the place of the other juror, but  
5 I think what we'll do right now-- I see some--  
6 I'm losing some of my jurors in back, I believe  
7 I will-- I believe we'll now recess at this  
8 time until 1:30. And I'm going to ask all of  
9 you to step aside until 1:30. And we will  
10 continue with the selection of the jury at that  
11 time. And when you all come back, the 12 of  
12 you will be replaced in your-- where you are  
13 now and we'll then ask you some further  
14 questions, Mrs. Anstaett and then we'll  
15 continue with this process until we select a--  
16 get a jury and alternates selected.

17 So with that now let me say to all of  
18 you, please be very careful about not  
19 discussing this case with anyone, allowing  
20 anyone to discuss the case with you, do not  
21 form or express any opinion about the case  
22 until you're actually a juror back in your jury

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

23 room. And also be careful about talking to  
24 anyone out in the hall or anything because you  
25 cannot tell who may or may not be witnesses and

0086

1 it might cause some real problems if we would  
2 allow you to talk. So be careful about talking  
3 to anyone and eventually you'll have-- when you  
4 get to be a juror you'll have a badge on so  
5 they'll stay away from you. But they do not  
6 know that at this time. All right, Mr.  
7 Bailiff, let's recess until 1:30.

8 (THEREUPON, a luncheon recess  
9 was had).

10 THE COURT: All right. We brought up  
11 another juror and I have not asked you any of  
12 the general questions. Let me ask you on-- did  
13 you hear the questions that we've asked and we  
14 asked questions-- first, let me ask you, what  
15 is your occupation?

16 A. (Ms. Anstaett) I'm retired.

17 THE COURT: What did you do?

18 A. Beg your pardon?

19 THE COURT: What was your occupation?

20 A. I was a manager of a small credit union here in  
21 Topeka.

22 THE COURT: All right. And how long  
23 were you in that line of work?

24 A. Sixteen years.

25 THE COURT: And are you married?

0087

1 A. I'm widowed.

2 THE COURT: All right. And did you  
3 have children?

4 A. Yes, I did, six.

5 THE COURT: And I asked several  
6 questions to the other prospective jurors. I  
7 had asked them if they had served as a juror in  
8 a criminal or civil case, what's your situation  
9 on that?

10 A. Over the years I've served three times.

11 THE COURT: In criminal cases?

12 A. Two of them were criminal and one was civil.

13 THE COURT: And let me ask you,  
14 anything about that that-- first, did the  
15 jurors-- did the jury reach verdicts in those  
16 cases?

17 A. Yes, sir.

18 THE COURT: And anything about that  
19 that would make it difficult for you to be  
20 completely fair and impartial on this case?

21 A. I don't believe so.

22 THE COURT: All right. And I also  
23 asked whether or not you or a close friend had

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

24 ever been employed in a law enforcement agency?  
25 A. Well, it's not a law enforcement agency, but my  
0088

1 granddaughter's husband is an MP in the  
2 National Guard.

3 THE COURT: I see. And I assume  
4 that's somewhat of a law enforcement position.  
5 Do you discuss any of his cases with him or  
6 anything like that?

7 A. No, sir.

8 THE COURT: All right. There's  
9 nothing there that would disturb you then in  
10 serving as a juror in this case?

11 A. No.

12 THE COURT: All right. And have you  
13 or any member of your family or close friend  
14 had any situation that relates to the use or  
15 possession of illegal drugs or narcotics, any--

16 A. No, sir.

17 THE COURT: Nothing like that at all.  
18 And if you're selected to sit on this case,  
19 would you be able to render a verdict solely on  
20 the evidence presented at the trial and under  
21 the instructions of the Court?

22 A. Yes, sir.

23 THE COURT: Would you have any  
24 problems with that?

25 A. No, sir.

0089

1 THE COURT: And do you have any  
2 special disabilities that would make it  
3 difficult for you to sit on the jury?

4 A. No, sir.

5 THE COURT: All right, fine. And any  
6 questions that I've asked you that would call  
7 your attention to any other situation that you  
8 have that-- in your background that might make  
9 it difficult to be completely fair and  
10 impartial?

11 A. No, sir.

12 THE COURT: All right. And is-- tell  
13 me just a little bit about your children.

14 A. Well, I have one daughter that's lived in  
15 Alaska since 1968. I have a son that lives in  
16 Aurora, Colorado that's in computer technology.  
17 I have a son that lives in Havensville who is  
18 retired from the Navy after 20 years. And I  
19 have a-- I forget where I was. I have a  
20 daughter that lives in-- just across the road  
21 from me. And I have another daughter that  
22 lives in Carbondale. And then I have a  
23 daughter that lives here in Topeka.

24 THE COURT: You have a remarkable

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

25 memory. All right. I think that will take  
0090  
1 care of the questions. And, Mr. Hough, I think  
2 I'll go back to you and you can ask any further  
3 questions of this prospective juror and then  
4 continue, if you had not completed your  
5 examination of the other jurors.  
6 MR. HOUGH: Thank you, Your Honor.  
7 Q. (BY MR. HOUGH) Good afternoon, ma'am. Is your  
8 name pronounced Anstaett.  
9 A. Anstaett.  
10 Q. Long E, silent A.  
11 A. Yes.  
12 Q. Ma'am, you indicated that you're a widow.  
13 Sorry. Your husband, how was he employed when  
14 he was living?  
15 A. He worked for the gas service company for 42  
16 years.  
17 Q. Thank you. And where do you presently reside?  
18 A. At rural Carbondale.  
19 Q. Carbondale. Do you do any public service type  
20 work or anything like that? You indicated that  
21 you're retired, do you have any of those types  
22 of activities you're involved in?  
23 A. I'm active in the church, VFW, and 4-H.  
24 Q. Thank you. Were you able to hear all the  
25 questions that I asked the panel right before  
0091  
1 lunch?  
2 A. Yes, sir.  
3 Q. Okay. Sometimes I don't know whether or not my  
4 voice carries out here and I'm not looking out  
5 here, so there's no way of me knowing. Any of  
6 the questions that I asked that you would have  
7 answered that the other panel members did or  
8 did not answer?  
9 A. I don't believe so.  
10 Q. Okay. Do you have any family members or close  
11 friends that have ever been convicted of  
12 anything other than a simple traffic ticket?  
13 A. No, sir.  
14 Q. Are you presently under a doctor's care for  
15 anything at all?  
16 A. No, sir.  
17 Q. Taking any prescription medication?  
18 A. No, sir.  
19 Q. Okay. Do you recall right before the break the  
20 question that I asked Ms. Andrews, the  
21 hypothetical question about three people  
22 involved in a criminal deal?  
23 A. Yes.  
24 Q. And in that situation, that hypothetical  
25 situation, one person decided to talk about the

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

0092

1 crime that that group of three had committed,  
2 do you recall that?

3 A. Right.

4 Q. And in those types of situations it's not  
5 uncommon for the one who talks to get some  
6 leniency in return for their cooperation, do  
7 you understand that?

8 A. Right.

9 Q. And the law recognizes that prosecutors can  
10 enter plea agreements to reward people to do  
11 that or grant immunity, for example, for people  
12 who do that, you understand that that is an  
13 accepted practice?

14 A. Yes, sir.

15 Q. Do you have any problem with that concept  
16 generally?

17 A. No, sir.

18 Q. Okay. The lady that left right before the  
19 break, Ms. Beldzig, indicated that she  
20 completely disagreed with that practice, that  
21 principle. Anyone else on the panel that feels  
22 that way? Okay. In the type of a situation  
23 that I've just described it's not uncommon for  
24 the person who comes forward and gives  
25 information to have a criminal history, so

0093

1 you're dealing with someone that you're giving  
2 leniency to that in the past may have committed  
3 some other crime, may have been in some other  
4 civil lawsuit, matters which are or are not  
5 resolved. Does anyone have any fundamental  
6 disagreement with giving a deal of leniency to  
7 that type of person just because they may have  
8 a prior criminal record? Do you understand  
9 that it's, in certain times, certain  
10 situations, not uncommon for an individual  
11 who's committed a crime once to commit a crime  
12 again and this time decide to cooperate? Does  
13 that make sense? Does that not make sense to  
14 anyone? By the same deal it's not uncommon in  
15 a drug trafficking situation for such a person  
16 who comes forward with information, because  
17 they're dealing with drugs, to have at some  
18 point in time also used the drugs, particularly  
19 the drugs that they're making. Does that make  
20 sense? Does that not make sense to anyone?

21 Ladies and gentlemen of the jury, we  
22 would submit that in this case that is the type  
23 of testimony that you will hear. An individual  
24 named Gordon Todd Skinner will testify. Mr.  
25 Skinner, we believe will testify that he was

0094

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

1 part of a criminal enterprise with Mr. Apperson  
2 and Mr. Pickard. Mr. Skinner has been given  
3 immunity in return for his testimony. Anyone  
4 that would just absolutely not believe Mr.  
5 Skinner's testimony because he has an immunity  
6 agreement? Understand that an immunity  
7 agreement means that he will not be prosecuted  
8 for the LSD conspiracy that he testifies about  
9 in return for his testimony.

10 Mr. Skinner also prior to entering the  
11 immunity agreement and after had been involved  
12 in criminal activities and he would admit that  
13 he had been involved in criminal activities.  
14 Any of you that just absolutely would not  
15 believe the testimony of Mr. Skinner because of  
16 those circumstances? Additionally, Mr. Skinner  
17 will testify that in the past he has used  
18 drugs. He may testify that he's used LSD  
19 before. He may testify that he's used other  
20 drugs with other people. But that at the time  
21 that he testifies before you he hasn't and he  
22 hasn't for some period of time.

23 Now, we believe that the Court would tell  
24 you that those are all factors to consider when  
25 a witness testifies. Are they a drug user or

0095

1 abuser, do they have a criminal past and does  
2 that criminal past include the types of things  
3 that would make you wonder if a person was  
4 telling you the truth, and do they have some  
5 type of an agreement or incentive to testify  
6 and does that agreement give them an incentive  
7 to tell truth or does it give them an incentive  
8 to lie to you. Does everyone understand that?  
9 Okay.

10 Would each of you consider each of those  
11 things individually as factors in determining  
12 whether Mr. Skinner or any other witness has  
13 told you the truth? Would everyone agree that  
14 that would be appropriate? Is there anyone  
15 that would disagree with that? Is there anyone  
16 that believes that a person in that situation  
17 that has an immunity agreement to testify that  
18 requires truthful testimony that has in the  
19 past, prior to their testimony, been involved  
20 in criminal activity and used drugs, do any of  
21 you believe that you just absolutely,  
22 positively should not believe anything that  
23 that person has told you? Is there anybody  
24 that feels that way? It's okay to feel that  
25 way, but we need to know if you do. Okay. Are

0096

1 any of you fishermen or fisherwomen. Mr.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

2 Kahmeyer, what do you fish for?

3 A. Anything I can catch. No, bass.

4 Q. Increases the stringer that way, doesn't it?

5 A. Mostly bass I would say.

6 Q. Do you use artificial bait or live bait?

7 A. Artificial.

8 Q. Do you ever use live bait at all?

9 A. Very rarely.

10 Q. By analogy, using live bait-- you're familiar  
11 with the practice of using live bait, live shad  
12 or fishing off the coast of Florida for the  
13 large mouth bass there at Lake Okeechobee?

14 A. Sure.

15 Q. Using the live bait, by analogy, would be  
16 similar to law enforcement officers using a  
17 fellow criminal in an investigation of  
18 criminals. Do you see that? Because when  
19 the-- for instance, the bass strikes at the  
20 hooked shad, for instance, he just thinks it's  
21 another bait fish. He doesn't realize there's  
22 a hook in there until he's hooked.

23 A. Right.

24 Q. Okay. He has no reason to suspect that there  
25 is anything out of the ordinary, you understand

0097

1 that?

2 A. Uh-huh.

3 Q. And by the same token in criminal  
4 investigations it's rare for people involved in  
5 criminal activity to knowingly invite a law  
6 enforcement into their den, the den where they  
7 are committing their crime or planning their  
8 crime, would you-- you understand that?

9 A. Yes.

10 Q. So the practice of using live bait, if you  
11 will, or a person involved in criminal activity  
12 already to get them in as bait is a common  
13 practice. You understand what I'm saying?

14 A. Right.

15 Q. Because many times in a criminal enterprise law  
16 enforcement can't penetrate so they use  
17 confidential informants. They involve people  
18 who are already involved in criminal activity  
19 that they have caught, for whatever reason,  
20 that provide them information and are willing  
21 to go in and help the police as confidential  
22 informants or confidential sources. Are you  
23 with me?

24 A. Uh-huh.

25 Q. Does everyone understand what I'm saying? The

0098

1 law recognizes that as an accepted practice.

2 Does anyone disagree with that practice?

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

3 Anyone think that police just absolutely should  
4 never do that?

5 We believe, ladies and gentlemen, that  
6 the evidence in this case may show you that  
7 that is exactly what happened with Mr. Skinner.  
8 After he cut his immunity agreement and  
9 indicated that he was part of a criminal  
10 enterprise with Mr. Apperson and Mr. Pickard,  
11 Mr. Skinner then, at the behest of law  
12 enforcement, made some telephone calls, had  
13 some meetings with these defendants. Now,  
14 again-- and you will be instructed, we believe,  
15 that that is a routine and common law  
16 enforcement practice. Any of you have any  
17 disagreement with the use of that type of  
18 practice? Do all of you understand that a  
19 criminal agreement, criminal enterprise, a  
20 criminal conspiracy is by its very nature  
21 characterized by its secrecy? People involved  
22 in criminal activity don't broadcast and let  
23 people in that they absolutely can't trust  
24 because if they do they go to jail. Does every  
25 one understand that? So many times the only

0099

1 way those get investigated is by an insider  
2 coming forward. Okay.

3 Given the circumstances that I've just  
4 described, would every one agree that they  
5 should look very carefully at the testimony of  
6 Mr. Skinner. Everybody agree with that?

7 MR. RORK: Well, Judge, I'd object to  
8 the inference of the government, they should  
9 look closely at the testimony of Mr. Skinner,  
10 when, in fact, you're going to instruct them to  
11 look cautiously at the testimony of the  
12 confidential informant.

13 THE COURT: Of course, the Court has  
14 an instruction on this too which I will give at  
15 the close of the case.

16 MR. HOUGH: I understand that, Judge.  
17 I'm inquiring if the jury would be willing to  
18 follow that instruction that's the purpose of  
19 the inquire.

20 THE COURT: Okay. Go ahead.

21 MR. HOUGH: Thank you.

22 Q. (BY MR. HOUGH) Would everyone agree that they  
23 should look carefully at Mr. Skinner's  
24 testimony or anyone in that circumstance? In  
25 situations such as that law enforcement take

0100

1 extra steps in an attempt to corroborate what  
2 these witnesses say.

3 MR. BENNETT: Judge, I'm going to

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

4 object to this. He's making either an opening  
5 statement or a closing argument. It's an  
6 improper question and I object to it.

7 MR. HOUGH: Judge, it's not an  
8 improper question. I'm entitled to inquire of  
9 the jury and their ability not only to follow  
10 the Court's instructions, but to see if they  
11 have any biases or prejudices in these types of  
12 situations.

13 THE COURT: I think they've all said  
14 they're willing to follow the Court's  
15 instructions. And so I think you are starting  
16 to go too far into things that will come later  
17 in the case.

18 MR. HOUGH: Thank you, Judge.

19 Q. (BY MR. HOUGH) Other individuals in this case,  
20 such as Alfred Savinelli, such as Trais  
21 Kliphuis, two individuals that I referenced  
22 earlier when I named the list of witnesses and  
23 others, have what is known as a proffer  
24 agreement. It's similar to an immunity  
25 agreement. But the proffer agreement is that

0101

1 they proffer or offer what their testimony  
2 would be, the prosecution then looks at that  
3 and makes a determination of whether or not  
4 it's something worth giving something in return  
5 for and that occurred here. In return for  
6 their testimony they will not be prosecuted for  
7 their involvement in this case, some knowing,  
8 some unknowing. That would be for you to  
9 determine in listening to their testimony.

10 The difference, Mr. Skinner actually went  
11 to the Department of Justice in Washington,  
12 D.C. and cut a formal immunity agreement. This  
13 is an informal proffer agreement that the other  
14 witnesses, the other three or four, have with  
15 the U.S. Attorney's Office. Now, because the  
16 force and effect of the agreements are very  
17 similar, are there any of you that would have  
18 any problems considering those witnesses'  
19 testimony just based upon that agreement?  
20 Would any of you just discredit their testimony  
21 because they cooperated with the government I  
22 guess is the bottom line. Mr. Lapping, you  
23 look concerned?

24 A. I'm listening.

25 Q. Okay. Thank you, sir. You have no

0102

1 disagreement with the concepts?

2 A. No.

3 Q. Thank you. As the Court mentioned earlier, the  
4 jury's job is to consider all the evidence, the

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

5 testimony, and the exhibits. The evidence that  
6 is admissible, nothing just in a vacuum.

7 In a criminal case the burden is always  
8 on the prosecution. The burden is beyond a  
9 reasonable doubt. It's not beyond any doubt.  
10 It's not beyond all doubt. It's beyond a  
11 reasonable doubt. You can have a doubt and  
12 vote guilty as long as it was not a reasonable  
13 doubt. The Judge will instruct you as to what  
14 exactly the law describes a reasonable doubt to  
15 be. Anyone disagree with the proposition that  
16 the burden is on the prosecution and not on the  
17 defendants? Everyone agree with that? Okay.  
18 Everyone willing to follow the Court's  
19 instruction on what that burden is?

20 Also, in a criminal case defendants are  
21 presumed innocent. As the defendants sit here  
22 today no evidence has been presented. You've  
23 been read an indictment, which tells you what  
24 the formal charge returned by the grand jury  
25 against these two men is, but no evidence has

0103

1 been presented. And as they sit here they are  
2 clothed in that presumption because no evidence  
3 has been presented whatsoever. If at the  
4 conclusion of the evidence, evidence sufficient  
5 to prove beyond a reasonable doubt those  
6 allegations, then the burden would be on you as  
7 jurors to determine whether a guilty or not  
8 guilty verdict were returned. Do any of you  
9 disagree with those principles generally? Any  
10 of you think the burden ought to be on the  
11 defendants to have to present some evidence?

12 Ladies and gentlemen, on behalf of the  
13 prosecution we thank you for your willingness  
14 to serve.

15 MR. HOUGH: Your Honor, we pass the  
16 panel for cause.

17 THE COURT: Mr. Bennett.

18 MR. BENNETT: May it please the  
19 Court.

20 THE COURT: Yes, sir.

21 MR. BENNETT: Counsel.

22 VOIR DIRE EXAMINATION

23 BY MR. BENNETT:

24 Q. Good afternoon, ladies and gentlemen. The  
25 first thing I want to say is reiterate what Mr.

0104

1 Hough indicated to you early on in the  
2 examination. This is going to be the only  
3 opportunity for us to address you directly  
4 until we get into the arguments and the opening  
5 statements. But throughout the rest of that

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

6 time we can't talk to you, we shouldn't talk to  
7 you, we're not going to talk to you. And we're  
8 not going to say good morning, we're not going  
9 to say good afternoon, we're not going to say  
10 what about those Hawks, or anything like that.  
11 So the first thing I want to make sure is will  
12 any of you be offended in any way if we see you  
13 in the hallway and we turn our back or we walk  
14 away or we shy away from you, we don't say  
15 anything? You all will understand why that is,  
16 won't you? You won't penalize our clients or  
17 the attorneys for doing that, will you? And we  
18 both instructed-- we've all instructed our  
19 clients, whether it's the DEA or the government  
20 or either of the defendants, that they  
21 shouldn't acknowledge or say anything to you,  
22 shouldn't even nod to you. So I just want to  
23 get that up front so there's no problem later  
24 on.

25 Now, Mr. Lapping, I wanted to ask you a  
0105

1 couple of questions. I've got a lot of  
2 questions for the jurors, but we'll start with  
3 you, that's-- you're number one, right up  
4 front. And you had indicated earlier that you  
5 had some pretty strong feelings, I think I'm  
6 using my words not yourself, but some strong  
7 feelings about drug use and illegal drug use  
8 and distribution. Is that correct?

9 A. That's correct.

10 Q. And do you at this time have a state of mind  
11 with regards to drug use or allegations of drug  
12 use that you would require the defendants to  
13 offer some evidence to dispel this allegation  
14 or charge that's been made against them with  
15 regards to drug use?

16 A. No. I understand the burden of proof is on the  
17 prosecution.

18 Q. All right. And if the prosecution were to fail  
19 to establish that burden of proof or meet their  
20 burden of proof, would you have any hesitancy,  
21 Mr. Lapping, to vote not guilty even though  
22 this was a case that involved the allegation of  
23 drug possession or intent to distribute?

24 A. No, I don't think so.

25 Q. Well, you say I don't think so. I know

0106  
1 sometimes that's just a way of speech.

2 A. No.

3 Q. But do you have some feeling, even though it  
4 may just be a--

5 A. No. If they don't prove to me that it  
6 happened, why that's their job.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

7 Q. Thank you. Ms. Bell, I believe you'd indicated  
8 that your husband's cousin was a police  
9 officer, but I didn't hear, do you know the  
10 name of that police officer?

11 A. Yes, his name is Darren Campbell.

12 Q. Darren Campbell?

13 A. Yes.

14 Q. But you didn't know what his position was or  
15 what his job duty was?

16 A. I see him at Thanksgiving, that's about the  
17 extent of what I know.

18 Q. All right. Mr. Arnold, you said, I believe,  
19 that you'd served on a court martial before?

20 A. Yes, sir.

21 Q. Is that on one occasion or more than one?

22 A. It was more than one.

23 Q. Can you give me your best idea of how many it  
24 might have been?

25 A. Two to be exact.

0107

1 Q. Okay.

2 A. One for that murder case and the other one  
3 was-- I can't recall. It was typical court  
4 martial.

5 Q. You were a member of the court martial board?

6 A. Yes, I was.

7 Q. Were you the law officer on that court martial  
8 or were you the just a member of the court  
9 marshall?

10 A. I was a member of the panel like a jury, they  
11 called it a panel in the military.

12 Q. A panel of what three or--

13 A. Six.

14 Q. All right.

15 A. Three officers and three noncommissioned  
16 officers.

17 Q. Were you an officer or noncommissioned officer?

18 A. Noncommissioned officer.

19 Q. All right. Did the court martial that you  
20 served on have what I'm referring to as a law  
21 officer or a legal advisor to advise you as to  
22 the law in your deliberations?

23 A. Yes, sir.

24 Q. And I'm not familiar enough to know, does that  
25 law officer sit with you while you deliberate

0108

1 or does he give you the legal explanation or  
2 the law prior to you deliberating?

3 A. Just like-- basically like this court here.  
4 The Judge read the law as it pertained to the  
5 case and then we deliberated.

6 Q. And during the time that you were sitting as  
7 the court martial-- or on the court martial,

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

8 would the law officer or the legal officer-- if  
9 objections were made, would he advise the panel  
10 how to-- what the ruling should be or how they  
11 should rule on those questions of law?

12 A. If you're referring to in the case of a  
13 prosecution or defense?

14 Q. Yes.

15 A. Let me think. It's been such a long time. I  
16 believe they may have.

17 Q. All right. And you understand, do you not,  
18 that the Code of Military Justice and the rules  
19 and the laws that exist under that do not  
20 govern a trial such as we're having here?

21 A. Yes, I do.

22 Q. And could you divorce from your mind, put out  
23 of your mind anything that the law officer or  
24 the legal officer may have advised you or the  
25 panel that you were on with regards to ruling

0109

1 on objections that might have been made or as  
2 to what the law was that governed the case that  
3 you were deliberating on?

4 A. Yes, I can.

5 Q. All right. In both of those cases did the  
6 court martial reach a verdict?

7 A. Yes, they did.

8 Q. Can you recall now whether those verdicts were  
9 guilty or not guilty?

10 A. I don't think it's classified now, but one case  
11 it was guilty and in the other case it was not  
12 guilty.

13 Q. Okay. And, again, I'm not that familiar with  
14 the court martialing procedure. I was in the  
15 military, but thankfully I didn't appear before  
16 a court martial. But does that require a  
17 unanimous verdict by the members of the panel?

18 A. Yes, it does.

19 Q. In order for a guilty verdict to be returned?

20 A. Yes, it does.

21 Q. That's another-- that leads to a question I  
22 might ask of the panel as a whole. I believe  
23 you understand that in this case the jurors in  
24 determining their verdict in order to find the  
25 defendant not guilty or to find the defendant

0110

1 guilty it has to be a unanimous verdict, do you  
2 all understand that? Is there anyone that  
3 disagrees with that that thinks, well, it ought  
4 to be-- a majority ought to be good enough or  
5 two-thirds? Anybody that disagrees with the  
6 requirement of unanimity? Can each of you, if  
7 you're selected to sit as jurors in this case,  
8 abide by that and if not-- and vote for

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

9           whatever verdict you think is appropriate under  
10           the instructions of the Court, whether it's  
11           guilty or not guilty? Anyone that can't do  
12           that? Ms. Meyers--

13       A. Yes.

14       Q. -- I believe that you indicated that you had--  
15           and I didn't get the dates, but you have an  
16           appointment for a sonogram and an appointment  
17           to see a doctor sometime in the near future.  
18           Is that correct?

19       A. Yes. A sonogram is this coming Thursday and  
20           the doctor's appointment is Monday the 20th.

21       Q. Monday the 23rd?

22       A. 20th.

23       Q. 20th.

24       A. Sorry.

25       Q. And if you're selected to sit as a juror in

0111

1           this case what-- what will be your situation if  
2           the doctor says you need to go have something  
3           done right now?

4       A. I'm assuming that they're waiting to see the  
5           results of the test on Thursday. I don't know.  
6           I know that-- you know, I know what I deal with  
7           on a day-to-day basis, but I'd like to have it  
8           postponed through my semester so I could at  
9           least get my semester finished if nothing else.  
10          But I probably won't know anything until it's  
11          done.

12       Q. Let me ask you this, let's assume that you're  
13           selected on the jury, we try this case for  
14           however long we try it four weeks, six weeks,  
15           eight weeks, whatever it takes, and you're back  
16           in the jury room and you're deliberating and  
17           your condition worsens, would that-- and you  
18           need to see the doctor or have the surgery,  
19           whatever it might be, would that cause you to--  
20           assuming the vote is seven to one-- or eleven  
21           to one one way or the other and you're the one  
22           would that-- would your condition and the need  
23           to see the doctor or to have the surgery cause  
24           you to change your vote so that you're with the  
25           rest of the group?

0112

1       A. No.

2       Q. Okay. You could bring the problems-- you would  
3           bring the problem to the Court's attention--

4       A. Right.

5       Q. -- and let the Court deal with it? But you  
6           wouldn't change your verdict just as a result  
7           of that situation?

8       A. No.

9       Q. All right. Now, there's-- I know you've been

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

10 asked by the Judge and I think by Mr. Hough,  
11 but I just want to make sure if any of you have  
12 any knowledge of this case through the media.  
13 And the Judge indicated that it involved an  
14 allegation of conspiracy to manufacture LSD and  
15 possession with intent to distribute. Mr.  
16 Hough elaborated on that a little bit. But  
17 this is an allegation that arises out of a  
18 situation that occurred at a missile base, a  
19 decommissioned atlas missile base near Wamego  
20 Kansas on or about-- well, in early November of  
21 2000. And throwing in that information about  
22 the missile base, did any of you recall anymore  
23 about it now than what you've indicated  
24 earlier?

25 Mr. Figgs, I think that you had indicated  
0113

1 that you'd seen something or heard something in  
2 the last two or three days?

3 A. I think I saw something recently about it.

4 Q. Do you recall any of the particulars of what  
5 you read or saw? I don't want you to tell me  
6 what they are, I just want to know if you  
7 recall any of the particulars.

8 A. One thing.

9 Q. And without telling me what that one thing is,  
10 is that something that would take evidence to  
11 prove or disprove what you recall?

12 A. It wouldn't be significant at all.

13 Q. All right. Anyone else that has any  
14 recollection or knowledge of-- from any source,  
15 news, any media source about anything other  
16 than what-- yes.

17 A. (Ms. Meyers) Just what I stated before, yeah,  
18 just the silo and Wamego.

19 Q. Is there anything about that that-- that you  
20 have a specific recollection of what you read  
21 or what you heard?

22 A. No.

23 Q. Let's assume in the course of this trial that  
24 you hear something or there's some piece of  
25 evidence that jogs your memory and then you

0114  
1 begin-- you remember more specifics about  
2 that-- what you read or seen, is that then  
3 something-- can you disregard totally whatever  
4 it was that you recall that you heard and base  
5 your verdict in this case solely on the  
6 evidence that you hear from that witness stand  
7 and the exhibits that Judge Rogers allows into  
8 the trial?

9 A. Yes.

10 Q. Mr. Kahmeyer?

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

11 A. Yeah, I feel the same way.  
12 Q. Kahmeyer?  
13 A. Kahmeyer.  
14 Q. Same way you say?  
15 A. Yes, as her.  
16 Q. Okay. Does anybody on this jury panel that has  
17 discussed this case with anyone either at any  
18 time prior to today or after you got here today  
19 and learned what you were-- what the case was  
20 going to involve, anybody that's had any  
21 discussion with anyone else, be they people--  
22 other people on the jury panel as a whole or in  
23 the jury pool as a whole or anyone else? I see  
24 no hands so I assume that no one has discussed  
25 it.

0115

1 Anything about the type of the case that  
2 would cause any of you to have a preconceived  
3 idea or a prejudice with regards to what the  
4 outcome of the case should be? Do you all  
5 understand and accept the fact that there can  
6 be two sides to every story, anybody that  
7 disagrees with that?

8 Now, has anyone on this panel expressed  
9 an opinion to anyone else as to what the  
10 outcome of this lawsuit should be?

11 Now, the length of the case-- and the  
12 Court has indicated to you, I believe, six  
13 weeks and he has indicated that he's going to  
14 try and keep it moving so that six weeks is it,  
15 but is there anybody that could not serve for  
16 more than six weeks if it turns out that it  
17 takes more than six weeks to try the case?  
18 Eight weeks, nine weeks. Anybody who, for  
19 whatever the reason be it physical, personal,  
20 business, job oriented-- related, that could  
21 not sit for that full time whatever it may end  
22 up to be? Optimistically we hope it's six  
23 weeks. I've been in a lot of these trials over  
24 the years and it doesn't always work out that  
25 way. So all of you could serve if selected?

0116

1 All right.

2 Mr. Hough touched on the presumption of  
3 innocence, but I want to ask you again. Do  
4 each of you understand that Mr. Apperson, Mr.  
5 Pickard are both presumed innocent at this  
6 time? If I were to-- or if the Judge were to  
7 say all right, ladies and gentlemen, you've  
8 heard all you're going to hear from the  
9 lawyers, go back in the jury room right now and  
10 deliberate and cast your vote, is there anyone  
11 on this jury who would vote guilty? Would

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

12 everyone of you-- or let me ask it this way, is  
13 there anyone on the jury who would not vote not  
14 guilty? You understand right now that both  
15 defendants are innocent and you have to hear  
16 some evidence and you have to be persuaded  
17 beyond a reasonable doubt that the defendants  
18 are guilty before you can find them guilty.

19 Now, also I want to ask you there's two  
20 defendants, but do you understand that each  
21 defendant is-- even though they're being tried  
22 together that each defendant is entitled to a  
23 separate consideration by you as to his guilt  
24 or innocence? Anyone that disagrees with the  
25 fact that-- with that principle that they're

0117

1 both entitled to separate considerations and,  
2 in effect, a separate trial although you're  
3 hearing all the evidence at one time? Anybody  
4 disagree with that? Anyone on the jury that  
5 feels that if we find one defendant guilty the  
6 second one must be guilty? Can you give Mr.  
7 Apperson and Mr. Pickard complete and total  
8 separate consideration whether the evidence is  
9 the same or the evidence is different or the  
10 evidence is-- well, whether it's the same or  
11 different? You can do that.

12 And do all of you feel like you're  
13 capable intellectually of making that  
14 distinction and determination and that you can  
15 listen to the evidence and consider it as to  
16 how it applies or doesn't apply to one  
17 defendant versus the other? Anybody can't do  
18 that?

19 Now, you also indicated in response to  
20 Mr. Hough's questions that you understand that  
21 the government has the burden of proving the  
22 defendant guilty beyond a reasonable doubt.  
23 You understand that means each defendant  
24 separately? Do you also understand-- or let me  
25 withdraw that. When the Court instructs you as

0118

1 to what the elements of the crime are, that is  
2 each-- every crime has more than one element to  
3 it. There are certain things that-- or  
4 elements that make up the crime. And the Court  
5 is going to, I believe, instruct you that not  
6 only must you be satisfied that the defendant  
7 is guilty beyond a reasonable doubt, but that  
8 it's the government's burden to prove each and  
9 every element of the crime to your satisfaction  
10 beyond a reasonable doubt. That if there's  
11 four elements in it you have to be satisfied  
12 that each of those four elements has been

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

13 proved to you beyond a reasonable doubt or if  
14 there's ten you have to be satisfied that  
15 there's ten that have been proven. Anybody  
16 that disagrees with that? Can each of you and  
17 will each of you follow the Court's instruction  
18 in that regard whether you agree with it or  
19 disagree with it? Anybody that can't do that?

20 Let's assume, Mr. Lapping, that you go  
21 back and you have heard all the evidence and  
22 the Court instructs you, you go back to  
23 consider your verdict and the Court has  
24 instructed you that there's six elements to the  
25 crime that have to be proven. And you're

0119

1 satisfied that they've proved five of them  
2 beyond a reasonable doubt. And they've come--  
3 well-- they've done a-- it's a 50/50 on the  
4 sixth one and you're not satisfied that that  
5 element has been proved. Could you and would  
6 you, sir, return a verdict of not guilty?

7 A. If that's the way I was instructed that all six  
8 had to be satisfied.

9 Q. Right. And I don't-- I'm not trying to  
10 instruct you on what the law is. The Judge is  
11 going to do that. But if the Judge instructs  
12 you to do that, what you're telling me is that  
13 you can do that?

14 A. I can do that. I'll do whatever he tells me.

15 Q. Anybody on the jury panel feel that since the  
16 defendant is charged with a crime that he must  
17 be guilty of something? I see no hands. You  
18 understand that just the fact that he's charged  
19 doesn't-- should not be considered by you in  
20 arriving at your verdict? Can each of you  
21 follow that principle? Anybody that can't? Is  
22 there anyone on this jury that believes that a  
23 law enforcement officer, a drug enforcement  
24 agent, a Kansas Highway Patrol trooper, a  
25 Pottawatomie County Sheriff's Officer, a Wamego

0120

1 Police Department Officer, anyone on the jury  
2 feel that a law enforcement officer's  
3 testimony, just because of the fact that he's a  
4 law enforcement officer, is more credible or  
5 should be given greater weight than anyone  
6 else's that might appear and testify, anybody  
7 feel that? Can each of you and will each of  
8 you, in considering the testimony of all  
9 witnesses in this case, judge the testimony of  
10 every witness, including law enforcement  
11 officers, by use of the same yardstick and  
12 measure it by the same yardstick?

13 Now, Mr. Hough told you a lot about Mr.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

14 Skinner and I anticipate that the Court will  
15 give each of you a series of instructions with  
16 regard to how you should judge that testimony  
17 of Mr. Skinner. Mr. Hough has indicated that  
18 the testimony is probably going to be he's a  
19 drug user, that he was given immunity, that he  
20 has a criminal past, that he has some incentive  
21 to testify. I believe the testimony is going  
22 to indicate also, in addition to those things,  
23 that Mr. Skinner has been untruthful in the  
24 past, has a history of lying to individuals and  
25 to law enforcement officers. The Court will

0121

1 give you, as I said earlier, a series of  
2 instructions addressing those-- I believe  
3 addressing those factors and how you should  
4 judge or consider testimony from someone with  
5 that type of a background. Can each of you and  
6 will each of you follow those instructions  
7 regardless of whether or not you agree with  
8 them? Is there anyone that can't do that? Is  
9 there anyone on the jury that believes that  
10 someone with that type of a background is not  
11 entitled to have their testimony considered?

12 Has anyone discussed this case in your  
13 presence that you were maybe not a participant,  
14 but any of you, whether it's here or out in  
15 Wamego or at school or wherever it might be,  
16 any meetings whatsoever where there's been a  
17 discussion in your presence about this case or  
18 the alleged facts of this case?

19 Has anyone on this panel ever voiced an  
20 opinion that anyone involved in a drug  
21 violation should be punished regardless of the  
22 circumstances surrounding the incident, anyone  
23 on the panel have such an opinion state?

24 Ms. Andrews, at the present time do you  
25 have an opinion as to what the outcome of this

0122

1 case should be?

2 A. No.

3 Q. Mr. Lapping, do you have an opinion?

4 A. No.

5 Q. Anyone on the jury have an opinion at this  
6 point in time what the outcome of this lawsuit  
7 should be at this time? Is there anyone on the  
8 jury that has any animosity towards either Mr.  
9 Apperson or Mr. Pickard or Mr. Rork?

10 Anybody on this panel belong to the  
11 Fraternal Order of Police? Any neighborhood  
12 watch group members on the panel? Any  
13 anti-drug group members on the panel?

14 MR. BENNETT: That's all I have, Your

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

15 Honor. I pass the jury for cause.  
16 MR. RORK: Judge, would you like to  
17 take a break now or-- mine may take a while.  
18 THE COURT: Well, we might take a--  
19 let's take a ten-minute break at this time and  
20 then we'll proceed. Ladies and gentlemen of  
21 the jury, let's break for about ten minutes.  
22 Remember my admonitions about not discussing  
23 the case. Mr. Bailiff.  
24 (THEREUPON, a short recess was  
25 had).

0123

1 THE COURT: All right. You may  
2 proceed.  
3 MR. RORK: Thank you, Your Honor. If  
4 the Court, please, and counsel.  
5 VOIR DIRE EXAMINATION  
6 BY MR. RORK:  
7 Q. You probably thought you'd been asked all the  
8 questions that could possibly be asked, but  
9 hopefully I may prove that wrong. But voir  
10 dire is a French term that means to tell the  
11 truth. And that's all we're trying to do is to  
12 put you under the microscope now to tell the  
13 truth. And then all of us are going to try to  
14 decide which of the jurors, the 12 people we  
15 think are going to be fair and impartial.  
16 That's all that we ask for. And in that  
17 determination some of the questions that I  
18 have, as the government asked you, may be  
19 personal and it's not meant to embarrass you,  
20 but it's being done to help assist in that  
21 regard. And if there's any questions that you  
22 would prefer to answer up at the bench, please  
23 feel free to do so.  
24 But, for instance, Mrs. Anstaett, you  
25 indicated that your husband had worked for a

0124

1 long time, 42 years, at the Gas Service  
2 Company?  
3 A. That's right.  
4 Q. And if you're back in the jury room and Mr.  
5 Kahmeyer is selected as a juror and you find  
6 out that his wife had worked at Kansas Gas  
7 Service for a number of years, do you see how  
8 that fact could be something that may affect?  
9 A. I don't believe so. I don't know her at all.  
10 Q. And if it would come up during deliberations  
11 that all of a sudden you found out that you  
12 knew her and, for instance, she had made a  
13 claim against your husband while she worked  
14 there at the gas service company, do you think  
15 that might be something that would affect your

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

- 16 ability to be fair and impartial?  
17 A. No, sir.  
18 Q. But if it happened, do you realize that during  
19 the course of this proceeding you could give a  
20 note to the Judge's bailiff and say I need to  
21 talk to the Judge, there's something that's  
22 come up that might affect my ability to be fair  
23 and impartial?  
24 A. Yes, sir.  
25 Q. And would you do that?  
0125  
1 A. Yes, sir.  
2 Q. And in that particular case I believe you  
3 indicated that you had served on three juries  
4 before?  
5 A. Over the years.  
6 Q. Over the years?  
7 A. Forty years.  
8 Q. And you've been through this process where it's  
9 probably a lengthy process and you have to hear  
10 the questions that are asked, correct?  
11 A. Yes.  
12 Q. And during the course of the trial-- Mr. Hough  
13 and Mr. Bennett have talked to you about the  
14 presumption of innocence and you've heard that  
15 before, haven't you?  
16 A. Yes, sir.  
17 Q. And do you realize that the presumption of  
18 innocence not only exists right now as we talk,  
19 but it exists and continues throughout this  
20 case until you've heard all the evidence and  
21 until the Judge then instructs you on what  
22 findings you should make?  
23 A. Yes, sir.  
24 Q. And would you agree also, Mr. Lapping, that  
25 it's not going to be unusual for you, since the  
0126  
1 government goes first you may hear some  
2 evidence and you may think to yourself, well,  
3 what are we doing here, I can't believe that  
4 we're even having a trial; I mean, that's human  
5 nature to form initial opinions, is it not?  
6 A. Yeah. Probably so, yes.  
7 Q. And there's nothing wrong with that. Because  
8 you can feel that way, but you're going to  
9 continually remind yourself, well, I may feel  
10 that way now, but I've got to hear all the  
11 evidence before I reach a final decision and  
12 would you do that?  
13 A. Yes, sir.  
14 Q. And I believe, Ms. Gude, you're a teacher. Is  
15 that correct?  
16 A. Yes, I am.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

17 Q. And you said the indication that you were in  
18 the Kaw Valley Rossville area?  
19 A. No, I teach in Manhattan. My husband teaches  
20 in Kaw Valley.  
21 Q. And where do you live?  
22 A. Olsburg.  
23 Q. And is that in what school district?  
24 A. Thirty minutes north of Manhattan.  
25 Q. Do you recall recently there's been some

0127

1 controversy in Rossville about the school  
2 members and the like?  
3 A. Yeah. With the whole situation of the  
4 consolidation.  
5 Q. And that's been a pretty popular subject, has  
6 it not?  
7 A. Yes.  
8 Q. And the fact that I represented the school  
9 board members that the Judge threw out the case  
10 against them, would that have any affect on  
11 your opinion here?  
12 A. If you hadn't told me that I wouldn't have even  
13 known.  
14 Q. But I'm telling you that because it may come up  
15 during the proceedings. But regardless of  
16 that, do you understand that that's not related  
17 with this case?  
18 A. Yes.  
19 Q. And the Judge in that case had to listen to all  
20 the evidence and consider all the laws and then  
21 make a decision that he believed was correct,  
22 you understand that?  
23 A. Yes.  
24 Q. And sometimes those decisions aren't very  
25 popular, are they?

0128

1 A. No.  
2 Q. And in this particular case do you think you  
3 have the jury fortitude to make a decision that  
4 you may not believe is popular?  
5 A. Yes.  
6 Q. And why is that?  
7 A. That's my job as a citizen.  
8 Q. And as a teacher you have-- a lot of times you  
9 have the students in the classroom and you ask  
10 a question and do you ever have somebody throw  
11 their hand up real fast?  
12 A. The students I teach don't volunteer answers.  
13 I pry them out of them.  
14 Q. Did you ever student teach in older classes?  
15 A. Yes.  
16 Q. And just because someone raises their hand the  
17 first doesn't mean they have the right answer,

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

18 does it?  
19 A. No.  
20 Q. And have you ever had to discipline older  
21 students?  
22 A. I never taught anything over fourth grade.  
23 Q. Never have. Are the kids fourth grade and  
24 under pretty good?  
25 A. They're the kind I like.  
0129  
1 Q. Stacey, you were a teacher too?  
2 A. (Ms. Bell) Yes, sir.  
3 Q. And do you have older students that you teach?  
4 A. I teach seventh grade students, so 12, 13 years  
5 old.  
6 Q. And that's kind of about the age where they  
7 might question authority a little bit?  
8 A. Yes, sir.  
9 Q. And have you ever had an occasion where  
10 something happened in your class that didn't  
11 occur in your presence, but you had to make a  
12 decision over who did what?  
13 A. Yes, sir.  
14 Q. And what do you do when you try to make a  
15 decision in that regards?  
16 A. I listen to both sides and any witnesses that  
17 may have also seen the event occur. And if I  
18 can't make a decision, then I turn it over to  
19 an administrator. That's what we're supposed  
20 to do. But most of the time I try to handle  
21 things in my own classroom. It looks better  
22 that way.  
23 Q. And have you ever considered what the witnesses  
24 have said and then come to a decision that you  
25 believe was right and then later on found out  
0130  
1 you made the wrong decision?  
2 A. No.  
3 Q. Never have. And in this particular case if  
4 you're selected as a juror, do you understand  
5 that you won't be able to turn it over to  
6 anybody else, you'll have to make the final  
7 decision?  
8 A. Yes, sir.  
9 Q. And when you teach math, if you give math it's  
10 kind of a subject where there is an answer and  
11 if you give a problem-- a math problem it can  
12 be decided, can it not?  
13 A. Yes.  
14 Q. Most of the time. I mean, two plus two is  
15 four?  
16 A. Correct, that math.  
17 Q. And a lot of times they talk about multiple  
18 choice questions and you have to make what's

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

19 the most right answer. Like four equals three  
20 plus one, two plus two, four plus zero and then  
21 you have to consider what's the most right  
22 answer, have you ever had those type of word  
23 problems?

24 A. Yes.

25 Q. And in this particular case if you're selected  
0131

1 as a juror you're not going to be doing math  
2 questions, but you're going to have to add up  
3 the evidence that the government presents and  
4 you're going to have to decide whether or not  
5 that evidence compels you strongly enough to  
6 believe the government has proven their case  
7 beyond a reasonable doubt, can you do that?

8 A. Yes, sir.

9 Q. And if Mr. Pickard elects, at the conclusion of  
10 the government's evidence, to hold you to  
11 consider those burdens of proof and puts on no  
12 evidence, will you hold that against him?

13 A. No, sir.

14 Q. Do you believe that Mr. Pickard will have to  
15 take the witness stand in this case and tell  
16 you over and over I didn't do what the  
17 government says I did in order for you to vote  
18 not guilty?

19 A. Can you repeat it one more time?

20 Q. Sure. Do you believe that Mr. Pickard would  
21 have to take the witness stand and tell you I  
22 did not do what the government says I did?

23 A. No, sir.

24 Q. So you feel comfortable in the fact-- a lot of  
25 people believe that if somebody doesn't testify

0132

1 then they must be guilty.

2 A. I don't agree with that.

3 Q. You know in talking to your students and being  
4 around them that some people are better public  
5 speakers than others?

6 A. Yes, sir.

7 Q. And some people say things that more or less  
8 cause them more problems if they hadn't said  
9 anything to begin with?

10 A. Correct.

11 Q. Kind of like putting your foot in your mouth?

12 A. Yes, sir.

13 Q. And just because someone may put their foot in  
14 their mouth doesn't mean they committed an  
15 illegal offense, does it?

16 A. Correct.

17 Q. The government talked about that they were-- it  
18 was common place to enter into, at their  
19 discretion, plea negotiation. But when you're

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

20 deciding what weight to give the testimony of  
21 Mr. Skinner, the fact that he's avoiding a  
22 30-year sentence, that is something that you'll  
23 be told about, you would be able to use that--

24 MR. HOUGH: Objection, Judge.  
25 There's no evidence and there will be no

0133

1 evidence that would be the sentence.  
2 Additionally, the jury's consideration of  
3 sentencing matters is totally inappropriate.  
4 That is a matter solely for the consideration  
5 of the Court.

6 MR. RORK: Judge, I understand that.  
7 And as part of this plea bargain there will be  
8 a copy of the sentencing guidelines and he was  
9 told he would not be prosecuted and in not  
10 being prosecuted he avoided a penalty I think  
11 the jury will be entitled to know of.

12 THE COURT: Well, I don't want to get  
13 into sentencing in any way. So I'll sustain  
14 the objection. The Court has the duty of  
15 sentencing.

16 Q. (BY MR. RORK) You'll be told and questions of  
17 Mr. Skinner will be had to concern what weight  
18 and credit to give his testimony. And do you  
19 believe that-- in fact, you're going to be the  
20 lie detector test on the witnesses. You're  
21 going to decide what's the truth and what isn't  
22 the truth. Do you feel comfortable doing that?

23 A. (Ms. Bell) Yes, sir.

24 Q. And even though that might affect someone  
25 else's life to a great extent, you would do

0134

1 that?

2 A. Yes, sir.

3 Q. And do you believe there are situations where  
4 someone could take that witness stand, swear to  
5 tell the truth, and then look you in the eye  
6 and lie through their teeth?

7 A. Yes.

8 Q. I mean, you don't really believe, do you, that  
9 everyone that's going to take this witness  
10 stand, whether it's for the defense or for the  
11 prosecution, is going to tell you the truth, or  
12 do you believe that?

13 A. I would hope that they would, but that's why  
14 they have perjury, so--

15 Q. Sure. And you understand that the prosecution  
16 is also the someone who elects to determine  
17 whether to file perjury against a witness?

18 A. Yes, sir.

19 Q. And I think you'll be shown in this trial an  
20 agreement that Mr. Skinner entered into that he

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

21 was to follow as to what his conditions were  
22 and then you'll be told what those conditions  
23 are and you'll be able to decide whether or not  
24 he has followed his agreement. And if someone  
25 doesn't follow an agreement they've entered

0135

1 into, isn't that just one of the factors that  
2 common sense tells you you would use to  
3 determine whether they were telling you truth  
4 today?

5 A. Yes, sir.

6 Q. And there are a lot of other factors in your  
7 common sense that you could use to see if  
8 someone was telling the truth, is there not?

9 A. Yes, sir.

10 Q. And would you do that in this case if you were  
11 selected?

12 A. Yes, sir.

13 Q. Do you believe that someone in a particular  
14 case has to have a written agreement, in order  
15 to be working for the government there must be  
16 some type of signed agreement?

17 A. I really don't know I guess.

18 Q. Well--

19 THE COURT: I might say that's a very  
20 complicated legal question and I'm going to  
21 ask-- ask you not to ask that.

22 MR. RORK: Well, Judge, I was leading  
23 up to the public authority defense that I was  
24 going to inquire about.

25 MR. HOUGH: Your Honor, we would

0136

1 object.

2 THE COURT: You asked a legal  
3 question, though, about.

4 MR. HOUGH: Judge, we'd object. It's  
5 a complicated legal premise. The Court will  
6 instruct the jury specifically if it's  
7 appropriate at a later time.

8 Q. (BY MR. RORK) Well, you know there are  
9 occasions where people contact law enforcement  
10 and volunteer information without having  
11 entered into any agreement, do you not?

12 A. (Ms. Bell) Yes, sir.

13 Q. And that's not uncommon, is it?

14 A. No, sir.

15 Q. Mr. Arnold, you realize when you served on  
16 those court martials that the people that were  
17 charged with the commission of an offense, as  
18 the Judge has told you, that means nothing,  
19 it's just the instrument which gets them before  
20 you to help you decide on whether they're  
21 guilty or innocent of the charge?

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

22 A. Yes, I do.  
23 Q. And when you were considering those-- the  
24 evidence in the trials that you were on, was it  
25 not uncommon for you to formulate an opinion  
0137  
1 from time to time as you heard the evidence  
2 without coming to a final decision?  
3 A. Could you repeat that again, I'm not quite sure  
4 I followed you?  
5 Q. In a court martial does the prosecution put  
6 their case on first?  
7 A. Yes, they do.  
8 Q. And so as the prosecution puts their case on  
9 and you hear some things, it wouldn't be  
10 unusual for you to think, well, this person  
11 charged must be guilty of this offense?  
12 A. Probably not.  
13 Q. Probably not?  
14 A. No.  
15 Q. But, again, you would keep an open mind, in the  
16 event that you did believe someone may be  
17 guilty of something, until you heard all of the  
18 evidence presented and until the Court has  
19 instructed you on the law, would you not?  
20 A. Yes.  
21 Q. And if you were back in the jury room and you  
22 were deliberating and you had been in this  
23 process before and other jurors looked for you  
24 to help, would you share your common knowledge  
25 and experience in how you used the other cases  
0138  
1 to assist you?  
2 A. No.  
3 Q. You wouldn't?  
4 A. No.  
5 Q. I mean, why not?  
6 A. Because I would just have to-- as far as the  
7 laws in that case is concerned, I wouldn't use  
8 that case in another case.  
9 Q. And that's a good example of even though people  
10 may tend to lean to you for support you know  
11 enough to tell them, hey, that was a different  
12 case this is this one, the two aren't the same,  
13 correct?  
14 A. Yes.  
15 Q. But you can see how it would be reasonable that  
16 another juror deliberating may look for you to  
17 guidance?  
18 A. I can assume that, yes.  
19 Q. And you can also see, as you frankly indicated,  
20 you would remind that, yes, I may have been on  
21 another case, but that's different than what  
22 we're here for, right?

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

- 23 A. Right.
- 24 Q. And if there were issues that came up while the  
25 jury was deliberating and you didn't know what  
0139
- 1 to do, you understand that you can ask the  
2 Judge or send a note to the Judge to ask for  
3 guidance and direction?
- 4 A. Yes, I would.
- 5 Q. And did you have to do that on any of the cases  
6 that you were on?
- 7 A. Fortunately, no.
- 8 Q. You didn't have to. And how long were you in  
9 the military?
- 10 A. Twenty years, sir.
- 11 Q. Twenty years?
- 12 A. Yes, sir.
- 13 Q. And so the fact that you were in the military  
14 and that's a government run program, do you  
15 think that fact in and of itself should keep  
16 you from being a juror in this case since the  
17 government is the one that's saying a crime  
18 took place?
- 19 A. No, sir.
- 20 Q. And even though you were in the military and  
21 employed by the government, you were still able  
22 to set that aside in the decision that you  
23 rendered, whether it was guilty or not guilty,  
24 and you just looked at the evidence that was  
25 presented and the instructions you were given  
0140
- 1 and then you came to a decision that you  
2 believed was appropriate under the  
3 circumstances, did you not?
- 4 A. Yes, sir.
- 5 Q. And would you do that here if you were selected  
6 as a juror?
- 7 A. Yes, I would, sir.
- 8 Q. Do you believe that you're in the state of mind  
9 that you would want a juror to be in if you  
10 were on trial here in the next several weeks?
- 11 A. I didn't understand that. Could you repeat it?
- 12 Q. Do you think you're in the state of mind right  
13 now as a juror that you would want a juror to  
14 be in if you were on trial?
- 15 A. I think so, yes.
- 16 Q. And do you think that you can give the time and  
17 attention to this case in deciding the guilt or  
18 innocence of Mr. Pickard as you would to a  
19 family member or someone close to you?
- 20 A. Yes.
- 21 Q. And would you do that in this case?
- 22 A. Yes.
- 23 Q. And do you believe that just because a law

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

24 enforcement officer testifies and gives you  
25 evidence, that that law enforcement testimony

0141

1 is not subject to your scrutiny under common  
2 sense?

3 A. I don't think I'd agree with that.

4 Q. I mean, you don't have to accept it for face  
5 value. You can, but you don't have to.

6 A. No.

7 Q. And, in fact, you understand that some  
8 government witnesses, police officers and  
9 others, they're trained in how to testify in  
10 court, you realize that, don't you?

11 A. Yes, I do.

12 Q. And that various people have training and some  
13 witnesses that are going to come in here  
14 haven't ever testified before?

15 A. Yes, I understand.

16 Q. And so you'll be able to-- there may be  
17 inconsistencies or things that are said that  
18 aren't right or wrong, but you'll be able to  
19 use your common sense in trying to determine if  
20 an inconsistency is a result of a lie or the  
21 result of something else, would you not?

22 A. I would try to, sir.

23 Q. And in this case like me there's thousands and  
24 thousands of pages of reports and photographs  
25 and items and if I forget to do something in

0142

1 this case, present some evidence, you're not  
2 going to hold that against Mr. Pickard, are  
3 you?

4 A. No.

5 Q. And you realize in the course of the  
6 proceedings that maybe you are a participant in  
7 there's going to be some mistakes made?

8 A. I can imagine, but I'm not sure.

9 Q. What was the burden in the military, whatever  
10 you called it, what did you have a--

11 A. It was a general court martial.

12 Q. And what did they say like burden is it 50/50  
13 or is it beyond a reasonable doubt in a court  
14 marshal too?

15 A. It's beyond a reasonable doubt.

16 Q. And did the court or the head people define for  
17 you what a reasonable doubt was?

18 A. Yes, the Judge read the law to us that  
19 pertained to the case and the prosecution and  
20 defense just like you would in normal civilian  
21 court.

22 Q. In state courts they don't give a definition of  
23 a reasonable doubt. They just can't do it.

24 But here in federal court you will be given a

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

25 definition of reasonable doubt. So then you  
0143  
1 were able to use your common sense and the  
2 Court's instructions and try to arrive at a  
3 decision that you believed met all of those,  
4 weren't you?  
5 A. Yes.  
6 Q. Do you believe, Mr. Wagemaker, that anyone  
7 charged with a defense, you, me, or Mr.  
8 Pickard, are entitled to a vigorous defense?  
9 A. Yes, I do.  
10 Q. And do you believe that's appropriate?  
11 A. Yes, I do.  
12 Q. Do you think that you could hold the government  
13 to the burden of proof that you would want them  
14 to be held to if you were on trial?  
15 A. Yes.  
16 Q. Will you do that in this case?  
17 A. Yes.  
18 Q. And you indicated that you're a computer system  
19 analysis. Is that correct?  
20 A. System developer.  
21 Q. And I'm kind of computer illiterate. But you  
22 know in a computer when you put into it, I  
23 guess you get out what you put in, right?  
24 A. Yes.  
25 Q. And you can manipulate a computer to say what  
0144  
1 you want it to say, can't you?  
2 A. Yes. It always does what it's instructed,  
3 nothing different.  
4 Q. But it's only what you put in is what it gets  
5 out, correct?  
6 A. Yes.  
7 Q. And in this particular case you're not going to  
8 have the benefit of everything being in the  
9 computer, there's going to be a lot of he said,  
10 she said, we said. But do you think you can  
11 use your common experience-- common sense and  
12 normal life experience and be fair and  
13 impartial in this case?  
14 A. Yes.  
15 Q. The fact that it's alleged to be drugs  
16 involved, that by itself, you may not like  
17 drugs, you may be offended against drugs, but  
18 still you can put that aside and render a  
19 verdict in this case in accordance with the  
20 evidence that's presented and the instructions  
21 the judge gives you, can't you?  
22 A. Yes, I can.  
23 Q. I mean, we all have to do stuff we don't like  
24 every day, don't we?  
25 A. Sometimes, yes.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

0145

1 Q. And in this particular case-- I mean, I don't  
2 think you just woke up a couple weeks ago and  
3 thought, oh, good, I got my jury notice. And,  
4 you know, the thing about that is, though,  
5 that's one of-- it's got to be one of the most  
6 important rights that any of us as individuals  
7 have that don't exist in a lot of other  
8 countries, don't you agree?

9 A. I totally agree with you.

10 Q. And so even though it might not be on your top  
11 ten list of things to do, you're willing to  
12 commit in this case, if you're selected as a  
13 juror, to pay attention to all the matters that  
14 are before you just as you would want somebody  
15 to do if you were on trial, wouldn't you?

16 A. Yes, that's my duty as a citizen.

17 Q. And we believe some of the evidence would show  
18 you here that Mr. Pickard has provided  
19 information to the government before and even  
20 been over in Afghanistan doing some work for  
21 the state department in Afghanistan. And, you  
22 know, right now Afghanistans aren't our best  
23 friends, are they?

24 A. Not exactly.

25 Q. And the fact that that information will be

0146

1 offered for you to consider, you're not going  
2 to voice or base your final opinion on this  
3 case just because of something that's going  
4 wrong with another country at this time, are  
5 you?

6 A. That's correct, no.

7 Q. But you're still going to listen to the facts  
8 and listen to the evidence and then give it  
9 what weight you believe appropriate, aren't  
10 you?

11 A. As instructed by the Judge, yes.

12 Q. And that's the whole key because the Judge  
13 doesn't instruct you through the major part  
14 until the very end as to a lot of the  
15 instructions. He'll give you some like he did  
16 initially, he may gave you some throughout the  
17 case. But the heart of all the instructions  
18 are going to come at the end, so you have to  
19 wait until then to receive them and that's why  
20 you have to wait until then to formulate a  
21 final opinion. It kind of makes sense, doesn't  
22 it?

23 A. Yes.

24 Q. And just like there are rules in what you have  
25 to do at work, you understand there are rules

0147

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

1 in this procedure that must be followed?

2 A. Yes.

3 Q. I mean, the government, as they indicated,  
4 wants to have a fair trial and they make  
5 objections to issues they don't think are fair  
6 and the defense does the same thing as you've  
7 seen since this morning, have you not?

8 A. Yes, sir.

9 Q. And the Judge, I believe, will instruct you at  
10 the close of all the case that any ruling he's  
11 made, any statements that he's let in or not  
12 let in, you know, you aren't to consider that  
13 in the guilt or innocence of Mr. Pickard.  
14 Those are just rulings he believes he's been  
15 called upon to make and he's saying that his  
16 rulings in any way don't affect how you should  
17 rule. Do you agree with that instruction if  
18 you're given it?

19 A. Yes.

20 Q. And, you know, it's not a matter of how many  
21 times the defense makes an objection or how  
22 many times the prosecution wins an objection,  
23 is it?

24 A. No, it's not.

25 Q. It's a matter of-- after you've listened to all

0148

1 of the factors and Court has made whatever  
2 rulings it's made, it's then when you're back  
3 there in that jury room and talking to the  
4 other jurors that the whole issue comes into  
5 play of guilt or innocence, isn't it?

6 A. Yes, it is.

7 Q. And you haven't been on a jury before. And I  
8 assume if you're back there and you're with Mr.  
9 Kahmeyer and Ms. Anstaett and I think Mr.  
10 Arnold did the court martial and I thought  
11 there was one more prior juror person, if  
12 you're back there, for instance, and believe it  
13 may happen and one of those people tell you,  
14 wait a minute, you've never been on a jury, you  
15 don't know what you're doing, that may happen.  
16 And if it does, do you understand you are free  
17 to reserve and preserve any opinion you want,  
18 as long as it's a reasonable one and will you  
19 be able to stand your ground even in the face  
20 of criticism from other jurors?

21 A. Yes, I will.

22 Q. And if they're looking at the clock and saying,  
23 hey, it's ten to five and there's snow out  
24 there, eleven other people are voting the way  
25 you aren't voting, are you going to change your

0149

1 mind just to accommodate them?

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

2 A. I would not.

3 Q. But would it surprise you that some people end  
4 up doing that and then tell the lawyers later,  
5 well, I just changed my mind, I hope that  
6 didn't affect anything?

7 A. Humans, no, it wouldn't surprise me.

8 Q. And you realize that once you come back out  
9 here with your verdict you can't change it; I  
10 mean, we're done, that's what your verdict is?

11 A. I understand that, sir.

12 Q. And do you believe that you can commit the time  
13 to this case that would be needed over the next  
14 several weeks without being distracted from  
15 losing work at your job or other things in that  
16 regard?

17 A. I have no problem, sir.

18 Q. And do you believe that you're in a state of  
19 mind that you would want a juror to be in if  
20 you were on trial?

21 A. Yes.

22 Q. Has any member of the juror panel here ever  
23 been wrongfully accused of something that you  
24 had-- not in court, but at work or play,  
25 school, at home been wrongfully accused of

0150

1 something that you didn't do and would admit  
2 it? Let's take you, Mr. Arnold. When you were  
3 accused that way you had to explain yourself,  
4 didn't you?

5 A. Yes, sir.

6 Q. And sometimes you could talk until you were  
7 blue in the face and the people wouldn't change  
8 their opinion that you did what they say you  
9 did?

10 A. In some cases, yes, sir.

11 Q. But you knew deep down what you did, don't you?

12 A. Yes, I did.

13 Q. And you can always say, well, I don't care what  
14 you think, I know what happened and I can't  
15 change your mind, right? But you realize in  
16 this case that once you make a decision in this  
17 case, you can't then come back a couple weeks  
18 later and say, hey, wait a minute, I don't  
19 think I made the right decision, you understand  
20 that?

21 A. Yes, I understand.

22 Q. So you're going to take all the time you need  
23 and not be hurried by anything to arrive at a  
24 decision here so you won't be coming back in a  
25 few weeks and saying maybe I didn't do the

0151

1 right thing, aren't you?

2 A. Yes.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

3 Q. And, Ms. Bell, you kind of indicated you agreed  
4 with that analysis about being wrongfully  
5 accused of something?

6 A. Yes, sir.

7 Q. And sometimes no matter how hard you try to  
8 explain something to somebody you couldn't  
9 convince them that you were wrongfully accused,  
10 could you?

11 A. No.

12 Q. And you understand now some of the facts of why  
13 we have rules like the burden of proof and the  
14 presumption of innocence because it's for those  
15 cases. We don't have to prove, we being Mr.  
16 Pickard or anybody charged with a defense, we  
17 don't have to prove anything, it's up to the  
18 prosecution to prove it. And that should be  
19 the way it should be, isn't it?

20 A. Yes, sir.

21 Q. And Ms., I can't read my handwriting, Meyers  
22 and it's just like the procedure that you're  
23 going through and you have it set up. You're  
24 going to rely upon the opinion of someone else  
25 to tell you what may be physically necessary

0152

1 for you, aren't you?

2 A. Uh-huh.

3 Q. And sometimes you have the benefit and the  
4 option to obtain a second opinion, don't you?

5 A. Yes, sir.

6 Q. And in this particular case you realize if  
7 you're selected as a juror you're not going to  
8 be able to-- not going to have two different  
9 juries trying this case, it's just going to be  
10 one?

11 A. Right.

12 Q. And do you believe that you can give the time  
13 and attention to this case that would be  
14 necessary in that regard, even with the  
15 pressing of your medical concerns?

16 A. I'd like to think so, yes.

17 Q. But do you believe that if, for instance, you  
18 couldn't go to that appointment this Thursday  
19 and you had to cancel it, would that affect  
20 your ability as wanting to remain as a  
21 prospective juror?

22 A. My appointment Thursday, no. Long-term, yes,  
23 it could affect-- it could affect me  
24 physically, yes.

25 Q. And if you were selected as a juror and then

0153

1 you couldn't go to your appointment and then  
2 you came to the point that you believed, hey,  
3 wait a minute this is weighing so much on my

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

4 mind, I'm going to have to ask the Judge to  
5 excuse me and use one of the alternate jurors,  
6 would you do that?

7 A. If it got to be a conflict with what was  
8 happening in the courtroom?

9 Q. Yes.

10 A. Yes, I would.

11 Q. Because that would be something that you would  
12 want somebody to do if you were on trial, you'd  
13 want to make sure--

14 A. Correct.

15 Q. -- they were devoting all their time?

16 A. Yes.

17 Q. And, for instance, one of us may elect-- decide  
18 for you maybe not to put you in that dilemma  
19 and may ask to have you removed from the jury  
20 panel. And as was indicated to you that  
21 doesn't mean anything personally against you,  
22 does it?

23 A. No.

24 Q. And do you believe that if someone takes a  
25 juror off, for instance, whether it's the

0154

1 prosecution or the defense, are you going to  
2 consider who excludes somebody from sitting on  
3 this trial in trying to determine the guilt or  
4 innocence of Mr. Pickard?

5 A. No.

6 Q. Because, again, those are some of the factors  
7 that can come up-- you know, they're going to  
8 come up, but it's just another example of  
9 something that doesn't have anything to do with  
10 the ultimate issues you face?

11 A. Right.

12 Q. And will you attempt to keep everything else,  
13 similar to that example, that may arise during  
14 this trial that may affect your fairness or  
15 impartiality, but if it doesn't fall in what  
16 the Court has instructed you to consider, will  
17 you exclude it?

18 A. Yes.

19 Q. For instance, I believe the Judge may instruct  
20 you that during the course of the testimony you  
21 may hear evidence about other crimes that  
22 haven't been charged or other bad acts, but you  
23 may believe those have occurred, but Mr.  
24 Pickard isn't charged with those and so you  
25 shouldn't give any weight to that other

0155

1 information; I mean, if that happens.

2 A. Right.

3 MR. HOUGH: Well, Judge, I'll object.  
4 There's a specific instruction on what the jury

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

5 can consider such evidence for and it can be  
6 considered under certain circumstances.

7 THE COURT: Yes. And the Court will  
8 instruct you in regard to that. Go ahead.

9 MR. RORK: Thank you, Your Honor.

10 Q. (BY MR. RORK) And, for instance, maybe you  
11 don't like topless dancers, but if there's a  
12 lot of evidence in this case that these  
13 individuals are in topless bars doing a lot of  
14 activities, just because they're visiting  
15 topless bars and that isn't something that you  
16 would do, isn't a factor that would make you  
17 believe that they're guilty of an offense, is  
18 it?

19 A. No.

20 Q. And if there's a lot of bad language used in  
21 this particular case, foul language, the fact  
22 that someone may use language that you wouldn't  
23 want used around you or yours doesn't mean that  
24 they committed an offense, does it?

25 A. No.

0156

1 Q. So you realize there may be some factors that  
2 come out in this case that you may not like  
3 about individuals, but those factors, unless  
4 you're told by the Judge you should consider  
5 them, you just have to keep not liking them and  
6 not letting them influence your decision?

7 A. Right.

8 Q. And would you do that?

9 A. Yes.

10 Q. And, Mr. Kahmeyer, you indicated that you were  
11 a salesman for one period of time, right?

12 A. That's correct.

13 Q. And as a salesman's job, any of those that have  
14 done that, your obligation is trying to get  
15 somebody to buy what you have to sell?

16 A. That's correct.

17 Q. And in this particular case the government in  
18 their burden of proof is, in essence, trying to  
19 get you to buy what they have to sell?

20 A. Okay.

21 Q. I mean, you've sat on a jury trial before,  
22 right?

23 A. Right.

24 Q. And the other jurors that you sat on, the  
25 government gave you a bill of goods and said

0157

1 here's what we say the facts are and then at  
2 the conclusion of the government's case and/or  
3 the defense case, you decided whether or not to  
4 buy what they had to sell, didn't you?

5 A. That's correct.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

6 Q. And in this particular case can you do that?

7 A. Yes, sir.

8 Q. Now, some of us like me I'm a sucker. I don't  
9 even answer those phone calls because I can be  
10 talked into practically buying anything at  
11 times. So I wouldn't make a very good juror,  
12 would I?

13 A. I believe you could as long as you considered  
14 the evidence.

15 Q. And in that particular case do you think  
16 there's anything that you heard from any of the  
17 questions that have been presented so far and  
18 what little of the evidence you've been  
19 provided that would in any way affect your  
20 ability to be fair and impartial throughout  
21 this case?

22 A. I'm sure that I could be fair and impartial.

23 Q. And if something came up during the course of  
24 these next several weeks' time and you believed  
25 that affected your impartiality to the extent

0158

1 that you couldn't set it aside, whether it was  
2 against the defense or the prosecution, would  
3 you inform the Court of that as you'll be  
4 instructed to do?

5 A. Yes, sir.

6 Q. I mean, you recall earlier this morning when  
7 the-- Ms. Beldzig indicated she didn't believe  
8 anyone should be given free ride on a crime and  
9 she was excused for cause?

10 A. Right.

11 Q. And it was that openness that she provided that  
12 allowed the parties to-- and then the judge to  
13 make a ruling. And if she hadn't told us that  
14 information we wouldn't have known it, would  
15 we?

16 A. No, sir.

17 Q. And her opinion that she had in that regard may  
18 very well have affected what verdict she  
19 entered in this case at the end of the  
20 proceeding without anybody knowing, may it not  
21 have?

22 A. It could have.

23 Q. And can you think of anything that you would  
24 have in that regard of-- any factor that may  
25 affect your ability here to continue to be fair

0159

1 and impartial?

2 A. No.

3 Q. I know, Ms. Hodgkiss, you've been asked a lot  
4 of questions in consideration in this regard.  
5 But in this particular case do you believe that  
6 you can give the time and attention that you

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

- 7 would want to be given if you were or one of  
8 your loved ones was on trial?
- 9 A. Yes, sir.
- 10 Q. And would you do that?
- 11 A. Yes, sir.
- 12 Q. And just because your son was involved in a  
13 situation-- all of us can make mistakes, can't  
14 we?
- 15 A. Yes, sir.
- 16 Q. We're human, aren't we?
- 17 A. Yes, sir.
- 18 Q. And, in fact, law enforcement officers are  
19 human, aren't they?
- 20 A. Yes, sir.
- 21 Q. And just because someone wears a uniform  
22 doesn't give them anymore credibility than  
23 those of us that don't, does it?
- 24 A. No, sir.
- 25 Q. And you understand that the Judge will inform  
0160
- 1 you that it's up to you to decide what weight  
2 and credit to give any witness that takes this  
3 witness stand and would you do that?
- 4 A. Yes, sir.
- 5 Q. And do you believe that you could use your  
6 common sense and understanding in trying to  
7 determine why a particular witness would say  
8 what they would say?
- 9 A. Yes, sir.
- 10 Q. And, you know, it never fails me that-- you  
11 know, that's why the Judge tells you that an  
12 indictment is just a means of getting the issue  
13 before a jury. It means nothing. That's why  
14 you're told the presumption of innocence  
15 remains from now until you go back to the jury  
16 room and deliberate. It means what the state's  
17 said-- or the government said didn't happen.  
18 And that's because the defendant or an accused  
19 person has no obligation to present evidence.  
20 But when they do it always seems like the  
21 government says, well, you should listen to  
22 what they have to say, they're charged, and you  
23 should consider their motivation. Well, you  
24 understand no one gets to elect who gets  
25 charged or not, that's up to the government,  
0161
- 1 isn't it?
- 2 A. Yes, sir.
- 3 Q. And just as you didn't really get elected to  
4 voluntarily come in here today, you got a  
5 notice in the mail telling you to be here,  
6 didn't you?
- 7 A. Yes, sir.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

8 Q. And, likewise, Mr. Pickard got a notice, an  
9 indictment, telling him that he needed to go  
10 before a jury for them to determine whether he  
11 did anything the government says he did,  
12 correct?

13 A. Yes, sir.

14 MR. HOUGH: Well, Judge, we'll object  
15 as an incorrect procedural statement.

16 MR. RORK: I guess he didn't get an  
17 indictment then.

18 THE COURT: Well, I'll sustain the  
19 objection. Go ahead.

20 Q. (BY MR. RORK) In the trial that you were  
21 involved in, Mr. Kahmeyer, was there anything  
22 known as an affirmative defense?

23 A. To be honest with you, I don't recall.

24 Q. For instance, if Mr. Pickard was charged with  
25 murder, killing someone, and he put on

0162

1 self-defense, he said, yeah, I did this  
2 killing, but it was the result of I had to, and  
3 then the Judge instructed you that the  
4 defendant has put on a defense that you have to  
5 consider, could you do that?

6 A. I'm not sure I understand your question.

7 Q. Well, sometimes in a case where a person is  
8 charged with a crime they said, yes, I did what  
9 the government says I did, but here's the  
10 justification or reason why I did it. And then  
11 the Judge instructs you and says, you know, Mr.  
12 Kahmeyer and other jurors, Mr. Pickard says he  
13 agreed he did what the government says, but  
14 here's why he did it and you have to decide if  
15 the reason he did it was lawful, could you do  
16 that?

17 A. Yes, sir.

18 Q. And would any of you other jurors have a  
19 problem with the fact that if someone admits  
20 they did what the government says, but they did  
21 so under the authority of the law that the  
22 Court instructs you, would any of you have a  
23 problem in making consideration to see if that  
24 defense was probable? I see kind of some  
25 puzzled looks like Ms. Andrews. You understand

0163

1 there are a lot of crimes where people are  
2 charged with an offense and the facts alleged  
3 are admitted, but then you as a juror have to  
4 decide whether there's any defense to those  
5 charges, would you be willing to do that?

6 A. Yes.

7 Q. And just because someone admits that they did  
8 what the government says they've done doesn't

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

- 9 mean they violated the law until you've  
10 listened to the judges instructions and  
11 determined that for yourself, does it?  
12 A. That's correct.  
13 Q. And do you believe that you could give the time  
14 and attention to this case that you would want  
15 to have if one of your five children were on  
16 trial here?  
17 A. Yes.  
18 Q. And do you agree that the burden of proof and  
19 the presumption of innocence and all the rules  
20 of this procedure are as important for Mr.  
21 Pickard as it would be for me or you or anybody  
22 we care about?  
23 A. Yes, sir.  
24 Q. Do you believe that someone accused of an  
25 offense has the right to a vigorous defense?  
0164  
1 A. Yes.  
2 Q. And during the course of this proceeding if I  
3 do something that offends you or if I do  
4 something that you think isn't correct, are you  
5 going to hold that against Mr. Pickard in your  
6 deliberations or are you going to hold it  
7 against me?  
8 A. Against you.  
9 Q. And that's what I would expect you to do and I  
10 thank you. Because I may make mistakes in this  
11 trial. I may not do some things that you wish  
12 I would have done. But you have to understand  
13 you have to follow the Court's instructions and  
14 put in what the evidence has shown and you'll  
15 do that, won't you?  
16 A. Yes.  
17 Q. Mr. Figgs, how old are the people that you  
18 teach?  
19 A. Seventeen and eighteen primarily.  
20 Q. So you get the real good ones then. And a lot  
21 of those are discipline problems-- some of them  
22 can be?  
23 A. Very few.  
24 Q. And of the very few that you've had, have you  
25 ever had to judge one of the students and make  
0165  
1 a decision about whether or not an incident has  
2 occurred?  
3 A. Certainly.  
4 Q. And have you ever done that and then later  
5 found out you made the wrong decision?  
6 A. Very seldom, but perhaps once or twice.  
7 Q. Once or twice it happened, didn't it?  
8 A. Uh-huh.  
9 Q. And it's kind of like going somewhere or being

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

10 out at the mall or being on vacation and seeing  
11 the back of someone you think that you know,  
12 hey, Charlie and you get up there and it isn't  
13 Charlie. Has that ever happened to you?

14 A. Certainly.

15 Q. In this particular case circumstances like that  
16 I guarantee are going to happen during the  
17 course of this trial, but that's why we wait  
18 until the end until all the facts have been  
19 presented so you have all the time you need and  
20 you don't have to make a rushed judgment, you  
21 agree with that, don't you?

22 A. Yes.

23 Q. Is there anything about the process that you  
24 considered in this particular case that you  
25 feel would affect your ability to be fair and

0166

1 impartial?

2 A. No. I think I can be fair and impartial.

3 Q. And you understand that with the rules and the  
4 procedures the prosecution goes first. Just  
5 like I had to be last today, the third one to  
6 ask you questions. I don't make the rules, but  
7 I have to follow them. You need to answer them  
8 out loud or the court reporter puts down nod of  
9 head.

10 A. Oh, yes.

11 Q. The fact that the prosecution goes first, it  
12 may not be uncommon for you to form opinions  
13 and beliefs about Mr. Pickard's guilt or  
14 innocence and wonder what the heck we're doing  
15 here maybe?

16 A. Well, I wouldn't form a final opinion until I'd  
17 heard everything.

18 Q. Exactly. And that's what we're asking you to  
19 do is to withhold making the final opinion  
20 because the government is going to put on what  
21 they have for you to consider and that may be  
22 all the evidence you have anyway. But still  
23 you're not to make a final opinion until you've  
24 heard it all, will you do that?

25 A. Certainly.

0167

1 Q. And, Ms. Boxley, the same thing with you,  
2 you've got your situation where you've been  
3 where you're at now for about, what, nine  
4 months?

5 A. Yes, sir.

6 Q. And the fact that you may be gone for a couple  
7 months, you don't think will affect your-- will  
8 weigh so heavily on your mind that you just  
9 think, oh, man I have to get out of here  
10 somehow?

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

- 11 A. No.
- 12 Q. And if it did, though-- if, for instance, you
- 13 know, you get some pressure from work and they
- 14 say, hey, Boxley, when you coming back, you're
- 15 doing all the dog work when you get back here,
- 16 that may affect your fairness and impartiality?
- 17 A. If they told me that, yeah.
- 18 Q. They wouldn't. But do you realize some juror
- 19 cases jurors have come to the courts and said,
- 20 hey, I'm having so much home or work trouble I
- 21 have to get out of here?
- 22 A. Yes.
- 23 Q. And so if something like that were to happen
- 24 during the course of this procedure, would you
- 25 let us know and just under the theory that you
- 0168
- 1 don't want to do anything that would affect
- 2 your fairness and impartiality?
- 3 A. Yes.
- 4 Q. And you're to use your common sense. I mean,
- 5 any of us that have worked in the public
- 6 business know the public is always right, can't
- 7 do any wrong?
- 8 A. Yes.
- 9 Q. And here that isn't going to fly because you're
- 10 the one that's going to have the final decision
- 11 on who's right or wrong?
- 12 A. Correct.
- 13 Q. It doesn't matter what I say or Mr. Hough says
- 14 or Mr. Bennett. In fact, I believe the Judge
- 15 will instruct you that statements of counsel
- 16 aren't evidence and they aren't to be
- 17 considered by you and you look at the evidence
- 18 and decide what is or isn't. And will you take
- 19 that upon yourself, just like you would want a
- 20 juror to do if you were accused of something?
- 21 A. Yes.
- 22 Q. Is there any reason that-- because of the fact
- 23 that the government tries to paint this case
- 24 like, you know, it's a bad thing from the
- 25 beginning that would affect your fairness or
- 0169
- 1 impartiality until you've heard all the
- 2 evidence presented and then been instructed
- 3 about the law?
- 4 A. No, there's not.
- 5 Q. And you know the government has the resources
- 6 of various agencies to assist them. They're
- 7 not like you or me, we just can't tell somebody
- 8 to go out and do something.
- 9 MR. HOUGH: Objection, Judge. The
- 10 defendant has the same subpoena power as the
- 11 government and had the same access to

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

12 investigators.

13 MR. RORK: Judge, there are limits on  
14 investigators for appointed counsel. We don't  
15 have the DEA, IRS, or other state agencies.

16 THE COURT: There's no reason for you  
17 people to consider this anyway, so let's  
18 proceed on.

19 Q. (BY MR. RORK) For instance, just because the  
20 government calls 65 witnesses and the defendant  
21 calls four witnesses, the number of witnesses  
22 the government calls doesn't have anything to  
23 do with the guilt or innocence of Mr. Pickard,  
24 does it?

25 A. No, it depends on what they say.

0170

1 Q. Exactly. And you can call 40 people to say  
2 something and you're not going to measure the  
3 guilt or innocence of somebody just by the  
4 number of witnesses one person calls, are you?

5 A. No, I'm not.

6 Q. I mean, for instance, if the government calls  
7 40, 50 witnesses, are you going to make the  
8 defendant call 40 or 50 witnesses just to be on  
9 an even keel with them?

10 A. No.

11 Q. And you can see a situation where the  
12 government may call 40 or 50 witnesses and the  
13 defendant may only call four or five and it's  
14 the evidence that decides the guilt or  
15 innocence and not the number of witnesses,  
16 isn't it?

17 A. That's correct.

18 Q. Is there anybody here on the jury panel that  
19 knows any of the other jurors sitting here  
20 right now or anybody outside out there that  
21 hasn't been called yet? All right, Mr.  
22 Kahmeyer, if that comes up and they're called  
23 up here in the panel will you let us know about  
24 it then?

25 A. Yes, sir.

0171

1 Q. And I think-- Mr. Lapping, I don't know if you  
2 were waiting for me to get on.

3 A. No, I know one of the ladies back there.

4 Q. So if that person happens to come up later on  
5 and they're questioned, will you let us know  
6 then?

7 A. Oh, yeah.

8 MS. HILL: Mr. Rork, you have another  
9 one.

10 Q. (BY MR. RORK) Mrs. Andrews, you know somebody  
11 too?

12 A. Uh-huh.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

13 Q. So if that person is called up here after some  
14 of the jurors are excused, will you let us know  
15 about that?

16 A. Yes.

17 Q. I'm sure the government would be thrilled to  
18 know first.

19 A. Okay.

20 Q. One more, I'm sorry. Ms. Anstaett?

21 A. I met someone I used to know several years ago,  
22 just met her out in the hall. I haven't seen  
23 her for several years.

24 Q. And that's not an uncommon experience. And if  
25 that person gets called up here to the panel,

0172

1 will you let us know about that then?

2 A. Yes.

3 Q. Because I'm sure you're going to be questioned  
4 on it. Do you know, Ms. Bell, that  
5 brother-in-law of yours or cousin-in-law,  
6 Darren Campbell, does he work in the detective  
7 division?

8 A. I don't know anything other than he works for  
9 the police department.

10 Q. Okay. But you've seen him on Thanksgiving you  
11 indicated, right?

12 A. Yes.

13 Q. And you know when we get with family we can  
14 kind of let our hair down, those of us that  
15 have hair, we can kind of let our hair down and  
16 be people?

17 A. Yes.

18 Q. And police officers, like you and me, they're  
19 people, aren't they?

20 A. Yes.

21 Q. And you're not going to give any more weight to  
22 a person's testimony just because they may be a  
23 law enforcement officer?

24 A. Correct.

25 Q. You don't have to accept anything any witness

0173

1 says until it meets your definition of  
2 credibility, correct?

3 A. Correct.

4 Q. And you'll do that, won't you?

5 A. Yes, sir.

6 Q. Is there anything that's been asked of the jury  
7 panel by any of the parties that would lead you  
8 at this time to believe that's anything that  
9 would affect your continued ability to remain  
10 as a juror for the next six to eight weeks or--  
11 so seeing no sign of that.

12 MR. RORK: Judge, I would pass the  
13 panel for cause. Thank you.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

14 THE COURT: I believe we're now ready  
15 to start with preemptory challenges and the  
16 first preemptory challenge belongs to the  
17 government.

18 MR. HOUGH: Thank you, Your Honor.  
19 We would ask that Mrs. Hodgkiss be excused with  
20 our thanks.

21 THE COURT: All right. You may step  
22 down. The clerk will call another juror.

23 MS. HILL: Ronald Gocken if you'll  
24 just take Ms. Hodgkiss' place.

25 THE COURT: Is your name Mr. Gocken?

0174

1 A. Gocken.

2 THE COURT: And you're an electrician  
3 from Manhattan. Is that correct?

4 A. Right.

5 THE COURT: And how long have you  
6 been in that line of work and what other  
7 employment have you had, if any?

8 A. I've been in this line about 15 years and then  
9 for 19 years before that I worked for a camper  
10 factory over in Junction City.

11 THE COURT: All right. In your  
12 electrician work are you self-employed or do  
13 you work for a company?

14 A. I work for a company.

15 THE COURT: And what company is that?

16 A. V and V Electric.

17 THE COURT: And are you married?

18 A. Yes.

19 THE COURT: And what is your wife's  
20 occupation?

21 A. She's a bookkeeper for Manhattan Meat.

22 THE COURT: And do you have children?

23 A. Yes.

24 THE COURT: How many children do you  
25 have and what are their ages?

0175

1 A. One son, he's 27.

2 THE COURT: All right. Now, we asked  
3 certain other questions here and I'll just--  
4 and I'm sure you heard those and if any of them  
5 captured your attention, let me know. But my  
6 questions had to do first what's your situation  
7 on law enforcement, have you spent any time in  
8 law enforcement at all?

9 A. No, sir.

10 THE COURT: All right. And we had  
11 another question about-- now, have any member  
12 of your family or close friends been employed  
13 in law enforcement where you had a very close  
14 relationship?

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

15 A. No.  
16 THE COURT: And have you ever served  
17 as a juror in a criminal or a civil case?

18 A. Yes.  
19 THE COURT: You said?

20 A. Yes.  
21 THE COURT: And what sort of a case  
22 was it, was it a criminal case?  
23 A. Yes, a child abuse case last summer.

24 THE COURT: And did you actually  
25 serve on the jury in that case?

0176

1 A. Yes, I did.  
2 THE COURT: And did the jury reach a  
3 verdict in that case?

4 A. Yes, it did.  
5 THE COURT: And where did that take  
6 place in state or federal court?

7 A. It was in Manhattan in the county court there.

8 THE COURT: And have any member of  
9 your family been involved in a criminal matter  
10 in any court that concerned yourself or has a  
11 close friend been a defendant, a witness, or a  
12 victim at all?

13 A. No, not that I know.  
14 THE COURT: And has any member of  
15 your family had any experience involving the  
16 possession of illegal drugs or narcotics, any  
17 problem that way?

18 A. No, sir.  
19 THE COURT: All right. Thank you.  
20 If you're selected to sit on this case, will  
21 you be able to render a verdict solely on the  
22 evidence presented at trial and in the  
23 instructions of the Court?

24 A. I believe so, yes.  
25 THE COURT: Do you have any problems

0177

1 that way at all?

2 A. No.  
3 THE COURT: And let me also ask you,  
4 can you decide this case based upon the  
5 evidence that you're going to hear from the  
6 witness stand and the instructions of the  
7 court, does that bring any problems to you?

8 A. No. No, sir.  
9 THE COURT: Do you know of any other  
10 reason why you could not be completely fair and  
11 impartial, any at all?

12 A. No reason that I can think of, no.  
13 THE COURT: All right. Mr. Hough,  
14 would you like to question this witness.

15 MR. HOUGH: Yes, Your Honor.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

16

## EXAMINATION

17

BY MR. HOUGH:

18

Q. Good afternoon, sir. Were you able to hear all the questions that I asked the panel previously when you were back here?

19

20

21

A. Not completely, no, sir. My hearing is not 100 percent.

22

23

Q. Okay. Are you able to hear fine the way I'm talking right now?

24

25

A. Yes.

0178

1

Q. If you're chosen to be a juror in this case, witnesses that would testify would testify from that witness stand, they have a microphone up there similar to this one, if there were to come a point in time that they were not talking into that microphone where you could hear them well enough, would you be comfortable telling, raising your hand having the court address the witness to get them to talk into that microphone?

2

3

4

5

6

7

8

9

10

11

A. That's the only way I'll know what they're saying.

12

13

Q. You understand that it's set up to accommodate that type of a situation?

14

15

A. Uh-huh.

16

17

Q. Do you wear any type of a hearing aid apparatus?

18

19

A. I have some, but they're not working properly at the time so they're at home.

20

21

Q. Are you under any doctors care for any type of a situation at present?

22

23

A. Just high blood pressure is all. Other than that, that's it.

24

25

Q. Are you taking medication for the high blood pressure?

0179

1

A. Yes.

2

Q. Does it affect your ability to concentrate or to think clearly?

3

4

A. No, sir.

5

Q. Okay. Have you or anyone close to you ever been the victim of a crime?

6

7

A. Not that I can think of.

8

Q. Okay. You indicated you were on a jury?

9

A. Yes, sir.

10

Q. Now, you indicated it was a criminal case?

11

A. Yes, sir.

12

Q. Were you the foreman of that jury?

13

A. No, sir.

14

Q. And were you satisfied with the job that the prosecution did in that case?

15

16

A. Yes, sir.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

17 Q. Anything about the prosecution's presentation  
18 that would make you uncomfortable with the  
19 prosecution in this case, even though they're  
20 totally unrelated?  
21 A. No, sir, nothing I can think of.  
22 Q. Did that case take a very long time to try, was  
23 it two, three days, a week?  
24 A. Two, three days, yeah, it wasn't very long.  
25 Q. Just one person accused?

0180

1 A. Yes.  
2 Q. Was it a man or a woman?  
3 A. Man.  
4 Q. He was represented by an attorney?  
5 A. Yes.  
6 Q. The trial was in Manhattan?  
7 A. Yes.  
8 Q. And the attorney, in your estimation, did the  
9 best that they could with what they had?  
10 A. Yes.  
11 Q. At the conclusion of that trial, after you'd  
12 rendered your verdict, was there anything at  
13 all about that having actually been part of the  
14 process that made you unhappy with the jury  
15 process?  
16 A. No, sir.  
17 Q. Earlier I talked to the panel about the  
18 government's use of informants in criminal  
19 investigations, were you able to hear that?  
20 A. Yes. I heard most of it, yes.  
21 Q. You understand that a criminal agreement, a  
22 criminal enterprise is something that is a  
23 secret enterprise, by in large, would you agree  
24 with that?  
25 A. Probably is. I mean, it's not known to the

0181

1 public what you're doing at the time or it  
2 wouldn't serve any purpose.  
3 Q. Exactly. And criminals would not broadcast it  
4 to people outside of their group, correct?  
5 A. Correct.  
6 Q. There would be a lot of times and a lot of  
7 things that went on in a criminal enterprise  
8 that no one would know unless they were a part  
9 of it, correct?  
10 A. Correct.  
11 Q. A lot of crimes that were committed that would  
12 not be found out unless somebody in that  
13 enterprise came clean?  
14 A. Right.  
15 Q. Okay. You understand that people don't come  
16 clean for nothing, you understand that?  
17 A. Right.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

18 Q. So in return for that, as an investigative  
19 tool, there are plea agreements and immunity  
20 agreements, you understand that?

21 A. Right.

22 Q. You understand they are a part of and an  
23 approved part of the criminal justice system?

24 A. Yes.

25 Q. Are you personally comfortable with the use of  
0182

1 them?

2 A. It's the only way we have of finding things out  
3 that we need to find out.

4 Q. That's absolutely correct. And if in this case  
5 individuals testify that have an immunity  
6 agreement, for instance, or a plea agreement,  
7 would you consider that as one factor in  
8 determining whether or not they're telling the  
9 truth, would you do that or would you just  
10 exclude their testimony completely because of  
11 the simple fact that they had made an agreement  
12 with the prosecution?

13 A. Well, you have to weigh what they've been  
14 saying. It's part of the deal.

15 Q. Exactly. Now, at the end of the case after all  
16 of the evidence has been in, and we anticipate  
17 around 800 pieces of physical evidence and we  
18 anticipate around 40 witnesses, if at the  
19 conclusion of that each one of the witness'  
20 statements looked at together dovetails in and  
21 makes sense, corroborates each other and makes  
22 sense in light of the evidence and proves to  
23 you, beyond a reasonable doubt, the crimes that  
24 are charged here, would you be able to return a  
25 guilty verdict?

0183

1 A. If everything was in line like it's supposed to  
2 be.

3 Q. You understand that in any case your  
4 expectation as a juror is to determine the  
5 truth from the evidence, would you agree with  
6 that?

7 A. Right.

8 Q. Would you agree that no two people in any given  
9 circumstance are going to say the exact same  
10 thing about an event, would you agree with  
11 that?

12 A. It's not normal if they do.

13 Q. Okay. So would you agree that-- let me back  
14 up. Have you ever been a member of a  
15 partnership or had some type of a partnership  
16 like agreement with a business or a friend or  
17 anything like that?

18 A. Well, yes.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

19 Q. Okay. And within that type of an agreement  
20 were you responsible for certain things and the  
21 other people in your agreements were  
22 responsible for certain things and you each did  
23 your certain things and they were good for the  
24 whole of the agreement, is that the way it  
25 worked?

0184

1 A. That should be the way it works.

2 Q. You understand that in a criminal enterprise  
3 it's very much the same way or may be very much  
4 the same way?

5 A. I would think so.

6 Q. Okay.

7 A. If you expect it to work.

8 Q. So if the Judge were to instruct you that in a  
9 criminal enterprise that if people are  
10 knowingly part of a criminal enterprise and  
11 someone else who's also part of that enterprise  
12 does something and that something that they do  
13 is in furtherance of the criminal enterprise or  
14 agreement and it's something that's reasonably  
15 foreseeable or that you would expect to be done  
16 in furtherance of the criminal enterprise, that  
17 everybody that is a party to that agreement is  
18 responsible for that, would you agree with that  
19 if you were so instructed to?

20 A. I would think so, yes.

21 Q. Kind of a common sense thing?

22 A. Right.

23 Q. It may be one of the few times when the law  
24 makes common sense, but you would agree that  
25 that would make sense?

0185

1 A. Uh-huh.

2 Q. And if you were instructed that way, you'd be  
3 able to follow that, correct?

4 A. Right, if that's the way we were told to do it.

5 Q. Can you imagine a situation where when parties  
6 to an agreement carried on that agreement for a  
7 period of years and then all of a sudden one  
8 party to the agreement said I want out, that  
9 the other members of that agreement might be  
10 unhappy, would that make sense to you to?

11 A. I would think so.

12 Q. And in judging the way that those jolted  
13 parties to the agreement reacted to what the  
14 person that withdrew said or did, would you  
15 consider that they may have those types of hurt  
16 feelings or bitterness?

17 A. Yes.

18 Q. Do you think, sir, that you could give the  
19 prosecution in this case a fair trial?

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

20 A. I think so, yes, sir.  
21 Q. Do you think you could likewise give both of  
22 these defendants a fair trial?  
23 A. I don't know why not.  
24 Q. Okay. And if at the end of this trial the  
25 evidence just didn't make sense, it didn't add

0186

1 up, you would be able to, in good conscience,  
2 say these men are innocent, do you think you  
3 could do that?

4 A. Whatever the evidence shows.  
5 Q. But by the same token, if at the end of your  
6 jury service you look at this evidence, all 800  
7 pieces of it and the testimony of those  
8 witnesses, and say, you know, the Judge has  
9 given me these instructions on the law and the  
10 elements of the crime and it makes sense and  
11 it's reasonable and I have no doubt, would you,  
12 given your makeup, your psychological, your  
13 moral, religious makeup, be able to return a  
14 guilty verdict?

15 A. If everything lines up, that's the way it has  
16 to be.

17 Q. Thank you.

18 MR. HOUGH: Pass for cause, Judge.

19 THE COURT: Mr. Bennett.

20 EXAMINATION

21 BY MR. BENNETT:

22 Q. Do you pronounce your name Gocken, sir?

23 A. Gocken.

24 Q. Mr. Gocken, how would you handle or sort out  
25 testimony from a witness if the evidence

0187

1 establishes that the witness provided  
2 information in return for consideration on any  
3 potential charges against him and the evidence  
4 also established, to your satisfaction, that  
5 the witness had lied to the government agents  
6 during the course of his purported cooperation,  
7 how would you handle that type of a situation  
8 intellectually?

9 A. If everything shows that he has lied, what else  
10 can you do.

11 Q. Well--

12 A. That's-- you know, I mean--

13 Q. When you say what else can you do, what do you  
14 mean?

15 A. If it shows he's lied, I mean, you have to say  
16 he's lied. I mean, you have to say he's  
17 guilty.

18 Q. Excuse me, I don't mean to keep stepping on  
19 your answers. I apologize. Go ahead and  
20 finish.

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

21 A. I'd say if it's proven that he's lied, I mean  
22 all you can do is say that he's guilty at that  
23 point.

24 Q. No, I'm talking about now the informant, the  
25 individual that's cooperating.

0188

1 A. Oh, okay.

2 Q. If the evidence establishes that he cooperates  
3 and provides information in return for  
4 consideration, but the evidence also  
5 establishes that he has lied to the agents that  
6 he was providing information to on about some  
7 of the things that he told them, how would you  
8 handle that as a juror?

9 A. Well, it sounds like he wasn't a very credible  
10 witness if he's going to tell you a lie.

11 Q. All right. Would you consider that in testing  
12 his credibility and whether or not he should or  
13 shouldn't be believed?

14 A. Right, you have to consider the whole thing.

15 Q. Okay. And would you do that in this case if  
16 that proved to be the situation?

17 A. Certainly.

18 Q. In response to some of Mr. Hough's questions  
19 you indicated that you understood that  
20 informants were necessary in order to make  
21 cases otherwise you couldn't-- you might not  
22 know about what-- what was going on, correct?

23 A. Right.

24 Q. But you would expect those informants to be  
25 totally 100 percent truthful in providing the

0189

1 information, wouldn't you?

2 A. Well, that's the idea of it.

3 Q. Now, the Court is going to give you some  
4 instructions, it's going to read to you a lot  
5 of instructions when it comes time for-- just  
6 before you go out to deliberate. And the Court  
7 is going to tell you what the law is and what  
8 law you are to apply to the facts. And it's  
9 been my experience in 42 years of doing this  
10 that sometimes jurors don't agree with what the  
11 Court tells them the law is and/or they don't  
12 agree that it should be that way. If the Court  
13 instructs you in this case as to what the law  
14 is and you disagree with it or you think the  
15 Court is wrong, would you still follow the  
16 Court's instructions and apply the law that the  
17 Court gives you whether you agree with it or  
18 not?

19 A. It's the law. If he gives you the law, you  
20 have to follow it.

21 Q. All right. And something that you heard in

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

22 some other venue or in some other state court  
23 trial as to what the law is or what the burden  
24 of proof is or any of that, you could disregard  
25 that and base your verdict solely-- or your

0190

1 consideration solely on the law that Judge  
2 Rogers gives you in the course of this trial.  
3 Is that correct?

4 A. Yes.

5 Q. All right. I don't think anybody asked you,  
6 although the earlier jurors were asked, have  
7 you read or heard anything about this case?

8 A. I did last night or yesterday afternoon in the  
9 paper, yes.

10 Q. All right. You saw something in the paper  
11 yesterday you say?

12 A. Yes.

13 Q. And I don't want you to tell us what you read,  
14 but was there anything about what you read that  
15 caused you or led you to form some preliminary  
16 opinion or idea about what this is all about or  
17 what happened?

18 A. No. It was just-- it wasn't that-- I mean, the  
19 story wasn't all that, you know, precise. It  
20 just got some general, you know, notions on it.

21 Q. All right. And that was in the-- what  
22 newspaper was it?

23 A. The Manhattan Mercury.

24 Q. All right. And that was yesterday's edition of  
25 the Manhattan Mercury?

0191

1 A. The Sunday edition.

2 Q. Was it a front page story?

3 A. No. It was just in the front section, but it  
4 was on the second page.

5 Q. In the course of this trial if you were to hear  
6 evidence that or testimony that differed from  
7 what you read in the paper, would you accept  
8 what the paper-- what you read in the paper,  
9 whatever it might have been, or would you make  
10 your verdict-- or reach your verdict based on  
11 what you hear here under oath?

12 A. Whatever I hear in here.

13 Q. All right. Do you have any opinion, Mr.  
14 Gocken, at this time of what the outcome of  
15 this lawsuit should be?

16 A. None whatsoever.

17 Q. Have you, at any time, voiced an opinion to  
18 anyone, family members, friends, co-workers of  
19 what the verdict should be?

20 A. No.

21 Q. I believe one of the witnesses who is going to  
22 testify is a gentleman by the name of Bret

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

23 Nicholson and I believe he's an electrician.  
24 Do you know Mr. Nicholson?

25 A. Not by name.

0192

1 Q. All right. Is there anything about the fact--  
2 assuming that he testifies and assuming he's an  
3 electrician, would the fact that he's an  
4 electrician and you're an electrician cause you  
5 to judge his credibility or his testimony by  
6 any yardstick, other than what you test anyone  
7 else?

8 A. No.

9 Q. Sometimes they sound like silly questions, but  
10 you have to ask them to make sure. I learned a  
11 long time ago you don't just assume things. Do  
12 you know of any reason, Mr. Gocken, why you  
13 could not sit as a completely fair and  
14 impartial juror in this matter if you're  
15 selected?

16 A. Not that I can think of.

17 Q. If selected could you and would you treat each  
18 defendant independently in your consideration?

19 A. Yes.

20 Q. And you understand that the verdicts could be  
21 different as to the two defendants, you know,  
22 and that doesn't cause you a problem?

23 A. No, sir.

24 Q. Okay. That's all I have.

25 MR. BENNETT: Pass that juror for

0193

1 cause, Your Honor.

2 THE COURT: Mr. Rork, I'm going to  
3 allow you to start and if--

4 MR. RORK: It won't be very long,  
5 Judge.

6 THE COURT: My wife is expecting me  
7 to take her to the inaugural tonight.

8 MR. RORK: I'll use your pictures  
9 if--

10 MR. HOUGH: Judge, can I suggest we  
11 recess now.

12 MR. RORK: I only have three  
13 questions.

14 THE COURT: Let's finish this  
15 witness. And it will take me 30 minutes to get  
16 my tux on.

## EXAMINATION

17 BY MR. RORK:

18 Q. Mr. Gocken, the fact that the government may  
19 have 800 exhibits and the defense may just have  
20 four exhibits, that isn't something that's  
21 going to cause you to vote guilty or innocent,  
22 is it?  
23

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

24 A. No, sir.

25 Q. And when you were on your prior jury service,

0194

1 you realize that questions we ask of the  
2 government witnesses are testimony for the  
3 defense just as much as witnesses we call,  
4 aren't they?

5 A. Yes.

6 Q. And the fact that in this particular case if  
7 someone is caught committing a crime and then  
8 makes a deal with the government, that's just  
9 one factor you consider in what weight to give  
10 their testimony, correct?

11 A. Correct.

12 Q. And you understand that when the other  
13 questions that the government was objecting to  
14 me asking about what resources we had, I can't  
15 go out and get a witness out on the street and  
16 say, hey, come here I'll give you immunity from  
17 prosecution, come here and testify, we can't do  
18 that, only the government, can you understand  
19 that?

20 A. Right.

21 MR. RORK: Thank you, sir. Judge, I  
22 pass Mr. Gocken for cause.

23 THE COURT: All right. Thank you. I  
24 believe that's all we'll do today and we will  
25 now recess until 9:30 in the morning. And if

0195

1 you'll be back here and take your present  
2 positions and I'm sorry that I have to ask all  
3 the rest of you to come back, but we'll try to  
4 continue through this and I hope dismiss most  
5 of you pretty early tomorrow. But we will  
6 continue this process of questioning. So with  
7 that-- and to all of you remember you're not to  
8 discuss the case with anyone, allow anyone to  
9 discuss the case with you, do not form or  
10 express any opinion about the case until the  
11 matter is finally referred to you and you are a  
12 juror back in the jury room. So we'll see you  
13 here then at 9:30 in the morning. Mr. Bailiff,  
14 will you recess the Court.

15

16

17

18

19

20

21

22

23

24

# Pickard LSD Case/Court Transcripts

Provided by <http://www.NeuroSoup.com>

25  
0196

1 UNITED STATES OF AMERICA )  
2 ) ss:  
3 DISTRICT OF KANSAS )

4 C E R T I F I C A T E

5 I, Jana L. Willard, Certified Shorthand  
6 Reporter, in and for the State of Kansas, do  
7 hereby certify that I was present at and  
8 reported in machine shorthand the proceedings  
9 had the 13th day of January, 2003, in the  
10 above-mentioned court; that the foregoing  
11 transcript is a true, correct, and complete  
12 transcript of the requested proceedings.

13 I further certify that I am not attorney  
14 for, nor employed by, nor related to any of the  
15 parties or attorneys in this action, nor  
16 financially interested in the action.

17 IN WITNESS WHEREOF, I have hereunto set  
18 my hand and official seal at Topeka, Kansas,  
19 this day of 2004.

20  
21  
22  
23  
24  
25

Jana L. Willard  
Certified Shorthand Reporter