

# Pickard LSD Case/Court Transcripts

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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF KANSAS

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5           UNITED STATES OF AMERICA,           )  
6           ----- Plaintiff,)           )  
7           vs.                                    )    Case No.  
8    )    00-40104-01/02

9           WILLIAM L. PICKARD and            )  
10          CLYDE APPERSON,                    )  
11          ----- Defendants.)

12

13                                   VOLUME XXII  
14                                   TRANSCRIPT OF TRIAL  
15                                   BEFORE  
16                                   HONORABLE RICHARD D. ROGERS  
17                                   and a jury of 12  
18                                   on  
19                                   March 3, 2003

20

21           APPEARANCES:

22

23           For the Government:   Mr. Gregory G. Hough  
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45                                   I N D E X  
46           Certificate ----- 3068

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48                                   W I T N E S S

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50           ON BEHALF OF PLAINTIFF:                                   PAGE

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KRYSTAL COLE

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Voir Dire Examination by the Court 2969

7

KARL NICHOLS

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Cross-Examination by Mr. Rork 2973

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Cross-Examination by Mr. Bennett 3066

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1 (THEREUPON, the following proceedings  
2 were had out of the presence of the jury  
3 panel.)

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1 BY THE COURT:

2 Q. All right, if you will be seated there, let me

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3 ask a few questions, and then I'll ask Mr.  
4 Jackson to ask you some questions. Now, first  
5 I understand that you have been subpoenaed by  
6 Mr. Rork on behalf of Mr. Pickard. Is that  
7 correct?

8 A. Yes.

9 Q. And I also understand that you have requested  
10 counsel to represent you to determine if you  
11 need to exercise your Fifth Amendment right  
12 against self-incrimination.

13 A. Yes.

14 Q. Is that correct?

15 A. (Witness nods head up and down.)

16 THE COURT: All right. And you have  
17 filled out a financial affidavit, and we have  
18 sworn you to the truth of the statements  
19 contained in that financial affidavit. Now, I  
20 have examined the affidavit, and I believe that  
21 you are entitled to appointment of counsel, so  
22 I will now appoint Mr. Michael Jackson, who  
23 practices in this Court, to represent you. You  
24 can-- you will need perhaps to confer with Mr.  
25 Jackson, and then we will have further

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1 proceedings concerning your testimony, for  
2 example, your right to take the Fifth Amendment  
3 and other things, depending upon the advice he  
4 might give you and the situation he might think  
5 that you have. Now, Mr. Jackson, you haven't  
6 had a chance to talk to her, have you?

7 MR. JACKSON: Only briefly, Your  
8 Honor.

9 THE COURT: Would you like to-- why  
10 don't we just adjourn now, and you go take her  
11 to another room and talk to her if that's what  
12 you would like to do. Or would you? I don't  
13 know if you know anything about her background  
14 or history of anything else. Do you want some  
15 time to talk to her?

16 MR. JACKSON: Your Honor, it appears  
17 like she will be refusing to answer any  
18 questions based on her Fifth Amendment right,  
19 but I certainly could spend some more time with  
20 her.

21 THE COURT: Well, I'm just trying to  
22 find out-- I wasn't sure what you had been able  
23 to accomplish in the time we called you over  
24 here. Mr. Rork.

25 MR. RORK: If I could have five

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1 minutes with Mr. Jackson, I can kind of tell  
2 him what I want to ask so he'll have an idea of  
3 what to ask her, if the Court will allow that.

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4 THE COURT: That's probably the best  
5 way to handle it. Why don't you just step down  
6 and sit in the back of the court room, and why  
7 don't the two of you talk so you can have a  
8 little more information? I'm going to recess,  
9 and you can call me back whenever you're ready,  
10 and we'll try to take care of these other  
11 matters. Mr. Bailiff.

12 THE BAILIFF: All rise. Court will  
13 stand in recess subject to call.

14 (THEREUPON, a recess was had.  
15 WHEREUPON, the following proceedings were had  
16 in the presence of the jury panel.)

17 THE COURT: All right, ladies and  
18 gentlemen, I apologize to you for the delay.  
19 We had an unexpected problem that we got taken  
20 care of, so I think we're ready to go now. Mr.  
21 Rork, you may continue.

22 MR. RORK: Thank you, Your Honor.

23 KARL NICHOLS,  
24 called as a witness on behalf of the Plaintiff,  
25 having been previously sworn, testified as

2973

1 follows:

2 CROSS-EXAMINATION (Contd.)

3 BY MR. RORK:

4 Q. Sir, I want to direct your attention back. I  
5 believe we were at the time period of around  
6 October 27, 2000 is the date you indicated that  
7 yourself and other agents arrived at the Wamego  
8 missile base after the activities that took  
9 place in Sacramento, California, and Tulsa,  
10 Oklahoma from October 17th up to that point in  
11 time. Do you recall that, generally?

12 A. Well, nothing had happened in Tulsa at that  
13 point. What had happened generally was we had  
14 met with Mr. Skinner in Sacramento. Based on  
15 his information to us, we did the undercover  
16 recordings in the Berkeley area to Mr. Pickard,  
17 and then we did the undercover meeting in Marin  
18 County, California with Mr. Pickard on the  
19 23rd, and then on the 27th we arrived in  
20 Kansas, we arrived at the missile base.

21 Q. And when the decision was made to go to the  
22 missile base, how was that made and by whom?

23 A. Well, it was-- at least initially I assessed  
24 what Mr. Skinner had told us on the 17th and  
25 18th. I went back to my bosses. I told them

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1 what had transpired during the meeting, what I  
2 thought of the information, what I thought we  
3 should do with that information. And at first  
4 it was to verify what Mr. Skinner had told us

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5 and verify it by undercover telephone calls,  
6 then an undercover meeting. And based on the  
7 meeting and the content within that undercover  
8 meeting, at that point, I believed Mr. Skinner  
9 was in a relationship with Mr. Pickard and  
10 quite possibly Mr. Apperson to manufacture LSD.  
11 And based on what Mr. Skinner had told us in  
12 the interviews on the 17th and 18th of October,  
13 we felt-- I felt that it was necessary to  
14 pursue this investigation, to come out to  
15 Kansas and determine if Mr. Skinner in fact did  
16 have an LSD laboratory sitting in his missile  
17 base, if it was in storage, and if we could  
18 further the investigation of Mr. Pickard and  
19 Mr. Apperson.

20 Q. Did Mr. Skinner advise you at that point in  
21 time reference the judgments that had been  
22 entered against him and the reason he had  
23 purchased the missile base, or was it when you  
24 arrived in Kansas that he told you about the  
25 missile base facts?

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1 MR. HOUGH: Judge, we'll object.  
2 This has all been asked and answered last  
3 Thursday.

4 MR. RORK: Judge, the only thing I'm  
5 asking, not going into that area again, but  
6 just when was he told that, before he came to  
7 Kansas or after was the nature of the question.

8 THE COURT: All right, go ahead.

9 A. I know during the 17th and 18th he told us of  
10 some of his past history. I don't remember how  
11 much of that he told us. I know at-- by the  
12 27th, there was a question in our minds whether  
13 he actually owned the missile base. So by the  
14 time we came out here-- by the time we came out  
15 here, there was a question in our minds whether  
16 he was truly the owner of the base or not. And  
17 so when we arrived at the missile base on the  
18 27th, there was at first a document provided to  
19 us by Mr. Graham Kendall. That was-- we  
20 actually-- Agent Hubbard and I took Mr. Kendall  
21 down to the local bank to have the document  
22 notarized, and that document was to allow Mr.  
23 Skinner to allow us on the property.

24 Q. Mr. Hubbard and you?

25 A. Yes.

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1 Q. And that's when you represented yourself either  
2 as potential buyers or as somebody that was  
3 going to do a chemical test or something?

4 A. Well, I think Mr. Skinner represented us as  
5 potential buyers or persons from Environmental

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6 Protection, some type of an environmental firm,  
7 and we played along with that.

8 Q. And when you say that before you had arrived  
9 out there, there was some question, had you  
10 told Mr. Skinner when you were coming out  
11 there? I mean, you testified Thursday you had  
12 indicated to him you were going to come out  
13 there, and he knew that you were going to come  
14 out there to look at the base. Correct?

15 A. That's correct. We wanted to see the base. We  
16 wanted to verify his information.

17 Q. And there weren't any law enforcement officers  
18 from your investigation that were sent out  
19 there to accompany Mr. Skinner before you and  
20 Hubbard and everybody arrived on the 27th, was  
21 there?

22 A. No. That's true. There was not.

23 Q. And so after you arrived there on the 27th and  
24 the circumstances involved where you then  
25 obtained the notarized consent to be on the

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1 property, you then did what's been referred to  
2 as the walk-through, and we were in the area  
3 where you were describing the missile base and  
4 where this canister was sitting up on the  
5 stereo last Thursday. Do you recall that?

6 A. I do recall there were a number of issues we  
7 addressed prior to doing the walk-through then,  
8 and addressed those issues with both Mr. Hough  
9 and a prosecutor out in California, Ms. Silano.

10 Q. And those dealt with the authority of Skinner  
11 for you to be on the property and then go  
12 through this walk-through?

13 A. That's true.

14 Q. And then after those issues had been discussed  
15 and that activity was taken, you then went  
16 through the walk-through that you've described  
17 up to this point in time. And the area where  
18 you walked into the tunnel where you entered  
19 the missile base, at the end of that was this  
20 stereo system and on that stereo system there  
21 was a can of what was represented to you to be  
22 ET. Do you recall that?

23 A. Generally, I recall it. It wasn't a tunnel.  
24 It was the missile bay, so it's 20 feet, 40  
25 feet wide, I don't know, 80 feet long, so it's

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1 a very large space.

2 Q. But it's round?

3 A. No.

4 Q. It's not?

5 A. It's square, rectangular.

6 Q. And did you make inquiry of Mr. Skinner when

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7 you saw this can and looked through what you  
8 said was the opaque lid and seen the  
9 substance-- excuse me-- when you were pointed  
10 out to this can, I mean, did somebody point it  
11 out to you, or did you see it and ask what it  
12 was?

13 A. No, Skinner pointed it out to me. He said it  
14 was-- "Here's a can of ET."

15 Q. Did you ask him where that can came from and  
16 how it got to be in that location?

17 A. I vaguely recall that I did. "Where did you  
18 get this? How come you didn't tell us about  
19 it? What's it doing out here? Why did you put  
20 this here?"

21 Q. And what did he tell you?

22 A. He told us that he knew we were looking for and  
23 wanted to see evidence of the lab, and he felt  
24 that the ET-- showing us the can of the ET  
25 would prove to us that he did in fact have

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1 possession of the laboratory, at least part of  
2 it, and he did have possession of ET. I don't  
3 recall where he told us he got it from, and I  
4 don't know if he was that specific, because he  
5 had also been told at that point that we did  
6 not want him searching, we did not want him  
7 bringing things out to us, we were going to do  
8 a walk-through of the property to see that, if  
9 he did in fact have some command or control of  
10 the property beyond what he had told us and  
11 beyond what we had already found prior to  
12 entering the property.

13 Q. Prior to him pointing this can of ET out to  
14 you, do you recall or can you tell us what  
15 discussions did Mr. Skinner relate to you about  
16 the presence or existence of any ET at the  
17 missile base in Wamego before your arrival?

18 A. I believe he had told me that he had-- he had  
19 the laboratory, he had ET. He described the  
20 cans as tall, cylindrical, aluminum pop-top  
21 cans. I don't recall him telling me a number  
22 of how many he had, but just that he had these  
23 cans.

24 Q. And would that, with the existence of what you  
25 just indicated, be something that would be of

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1 significance that would have been put in either  
2 one of the reports that had been prepared of  
3 the debriefing October 17th and 18th?

4 A. You know, I don't recall if it was put in the  
5 report. Was it of significance? It might have  
6 been. It might have been of significance--  
7 more significance that he had-- just that he

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8 was in possession of an LSD laboratory, that  
9 this would be a part of the laboratory as he  
10 explained it to us.

11 Q. So when you saw this can and it had an opaque  
12 lid, there have been some photographs shown of  
13 that, and let's say you have in front of you  
14 what's kind of a cylindrical pitcher, but did  
15 you then pick up the can to look through the  
16 lid? Or describe for me how you observed what  
17 the contents were that somehow looked familiar  
18 to you if it wasn't completely full?

19 A. Well, I stood up over the can. It was sitting  
20 on the stereo, and I just looked at the top of  
21 the can (demonstrating). I could see there was  
22 a powder sitting on the ring inside the opaque  
23 lid. I could see it was a creamy colored  
24 powder. And given what Mr. Skinner had  
25 already-- had previously described to me that

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1 these cans of ET were tall, cylindrical pop-top  
2 type cans, that there was-- that there was ET  
3 or some type of-- well, he said ET, contained  
4 in those cans. After looking at the powder, it  
5 was something that was similar in color,  
6 texture to ET that I had previously seen when I  
7 was a chemist in the San Francisco DEA  
8 laboratory.

9 Q. And was not that ET that you had previously  
10 seen in the San Francisco laboratory generally  
11 in dark brown vials and smaller containers than  
12 these Pringle-type cans?

13 A. I think the ET I saw was in a brown glass  
14 container, brown glass jar, at least 500 grams,  
15 and maybe it was a kilogram.

16 Q. And then you had occasion to pour it out of the  
17 brown glass jar to see what the substance  
18 looked like?

19 A. I don't recall that I specifically poured it  
20 out, but I do recall that I looked at it.

21 Q. And so when he was showing you that can and  
22 then you stood up and looked at it as you have  
23 described, did Mr. Skinner indicate to you at  
24 that time that he had a number more of those  
25 items around the property anywhere?

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1 A. Yeah. I believe he indicated he had more, that  
2 this was but a sample of the ET, a sample of  
3 the cans, but I don't remember if he told us  
4 specifically how many there were or if he just  
5 said he had cans of ET.

6 Q. And the only ones that were present at that  
7 time would have been Skinner, Hubbard, and  
8 yourself, and McKibben?

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9 A. And John Zajac.  
10 Q. And McKibben was also one that's testified  
11 here, being the chemist and what his background  
12 was?  
13 A. Yes, it is.  
14 Q. So all together there were five of you there?  
15 A. Yes.  
16 Q. And that was more or less as you have described  
17 last week into the first part of the activity  
18 and before you then went from that location out  
19 to either the Quonset hut or the Lester  
20 building, was it not?  
21 A. Yes, from what I recall. We walked through the  
22 missile base first to see that, and then we  
23 walked out to either the Quonset hut or the  
24 Lester building. I don't recall which one we  
25 saw first.

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1 Q. And do you recall what else you saw inside,  
2 anywhere inside the missile base that was items  
3 of either Spectrum Chemicals or something else  
4 to do with the laboratory that was represented  
5 to you by Skinner to have something to do with  
6 it during this walk-through?  
7 A. At that point, no, I don't.  
8 Q. Do you recall some type of a refrigerator or  
9 something with contents that were inside a  
10 refrigerator that were represented as having  
11 something to do with the missile base-- I mean  
12 with the lab?  
13 A. Well, I saw that, but not until much later, not  
14 until the 31st.  
15 Q. Okay. So on the 27th you didn't see those  
16 items then?  
17 A. That's correct.  
18 Q. And do you recall seeing on the 27th anything  
19 else inside then that was represented to be a  
20 part of the laboratory Skinner had talked  
21 about?  
22 A. No, I don't recall seeing anything else.  
23 Q. And then you go outside and you go into the  
24 Quonset hut and into the Lester building. Is  
25 that correct?

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1 A. That's correct.  
2 Q. And on October 27, 2000, do you recall when you  
3 entered the Lester building whether all the  
4 green military containers were still stacked up  
5 against the wall, or some of them had been  
6 removed and were sitting out on the floor?  
7 A. The bulk of them were stacked up against the  
8 wall. There were-- from what I remember, there  
9 were 120 containers stacked up against the

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10 wall, stacked up five high and the length of  
11 one side of the building. There were a couple  
12 of other containers-- and a couple could be as  
13 many as five or six other containers-- that  
14 were stacked along-- no, I shouldn't say  
15 stacked. They were placed along the opposite  
16 side of the building. And those-- of those 120  
17 containers, Mr. Skinner told us that 30 to 40  
18 of them-- and I can't remember the exact  
19 number-- contained the laboratory. He pointed  
20 out where the laboratory-- which containers  
21 contained the laboratory, but they were all  
22 stacked up. All of them that he pointed to  
23 were stacked up against the wall.

24 Q. And the ones that he pointed stacked up against  
25 the wall, did he give you a demonstration or

2985

1 any indication of what was necessary and how to  
2 open those to look inside on that date?

3 A. No, he did not.

4 Q. Of the ones, the five or six that were stacked  
5 up on the floor, did he open those and show you  
6 anything inside them of any substance to do  
7 with this laboratory?

8 A. No, he did not, and we specifically told him we  
9 would not be looking into anything. We were  
10 merely there to see what was at the missile  
11 base, in other words, did-- was there a missile  
12 base, was it-- did it fit with what he had told  
13 us of the missile base, were the green metal  
14 containers there-- he had described green metal  
15 containers to us in the October 17th and 18th  
16 meeting-- and was this another step of  
17 verification I could say in an affidavit that,  
18 yes, I had been to the property, yes, I had  
19 seen green metal containers as he had described  
20 to us in the October 17th and 18th meeting, and  
21 did at that point I believe there was some  
22 probable cause to believe there was an LSD  
23 laboratory stored at Mr. Skinner's missile  
24 base.

25 Q. Do you recall when you went inside the missile

2986

1 base prior to going to the Lester building,  
2 that you had seen any room that had a bar  
3 across it and that was locked, or did you enter  
4 all the rooms?

5 A. Well, if you're talking about Mr. Kendall's  
6 room, I generally recall that was open. I  
7 don't recall that being locked. But I recall  
8 that there were a bunch of personal items in  
9 the room. The place was a mess. There were  
10 clothes, there was bedding, there was a

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11 mattress in there. There might have been food,  
12 half-eaten food in there. I recall it being  
13 open.

14 Q. That's fine. I just didn't know if you came  
15 across a room that was locked and you weren't  
16 allowed to enter, or basically you went around  
17 where you wanted to, where you were led to.

18 A. I believe that we saw all the rooms in the  
19 missile base.

20 Q. When you're back at the Lester building, was  
21 there anything shown in the Lester building or  
22 the Quonset hut that was represented by you of  
23 any interest that was noted in this walk-  
24 through on the 27th?

25 A. Well, sure. The 120 metal containers, or the  
2987

1 30 or 40 metal containers would be of interest  
2 to us.

3 Q. Anything else? Like, were there any cans of  
4 chemicals from Spectrum or anything of that  
5 nature shown to you?

6 A. Well, there was a helium cylinder in the Lester  
7 building, a large commercial grade helium  
8 cylinder. There might-- I believe there were  
9 some notes, handwritten notes Mr. Skinner said  
10 were Mr. Pickard's. There weren't too many  
11 other items that I recall. It was basically a  
12 storage area with these 120 metal containers in  
13 the Quonset hut. There were a few additional  
14 metal containers, certainly no more than ten.  
15 And then in the Quonset hut there was a bunch  
16 of mechanical equipment that appeared to me to  
17 be used for the missile base and the general  
18 operation of the missile base.

19 Q. Did Mr. Skinner relate to you in this piece of  
20 paper in what was represented as Pickard's  
21 handwriting where that had come from or how  
22 that had gotten there, where it was that he  
23 showed it to you?

24 A. He did, and I-- he did at the time, and I just  
25 don't recall what he said.

2988

1 Q. And what if anything significant was on the  
2 piece of paper, that you recall may have been  
3 on that piece of paper that you saw that day?

4 A. There was some handwriting. I don't recall  
5 beyond that.

6 Q. Other than what the contents were, you don't  
7 recall that either?

8 A. I don't recall at all, no.

9 Q. Do you recall something similar to that  
10 handwriting was obtained and then seized when  
11 the search warrant was being served on October

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- 12 31, 2000?
- 13 A. I believe the item was seized. I don't
- 14 remember if it was seized on October 31st or
- 15 November 18th, the period when the search
- 16 warrant was executed the second time, but I
- 17 believe it was seized. I just don't recall
- 18 specifically.
- 19 Q. One of those times it would have been seized
- 20 then?
- 21 A. Yes.
- 22 Q. Do you also recall on the 27th, sir, seeing a
- 23 five-gallon can of methyl alcohol labelled with
- 24 the chemical company name, Spectrum Chemical?
- 25 A. Yeah, I do. In fact, that was out in the shed,
- 2989
- 1 out in the Lester building. And I believe when
- 2 I did the affidavit for the search warrant that
- 3 I included that in the search warrant.
- 4 Q. And did Mr. Skinner tell you, do you recall,
- 5 where that can came from and how it was at the
- 6 location it was when you were there on the
- 7 27th?
- 8 A. Yeah. I recall that he said it was one of the
- 9 cans he had taken from the laboratory in Salina
- 10 as he moved it from Salina to Wamego.
- 11 Q. And as-- how long do you think all five of you
- 12 would be there on the 27th? After you did the
- 13 preliminary stuff about the consent to be on
- 14 the property and the like, when you returned
- 15 and actually started walking through, how long
- 16 do you think you all were there on the 27th?
- 17 A. Oh, I would think it was more than half an
- 18 hour, less than an hour. Just a guess, in that
- 19 time frame.
- 20 Q. And other than Mr. Kendall, the only other
- 21 person that, I believe, would have been on the
- 22 property at that time would have been Mr.
- 23 Skinner.
- 24 A. Mr. Kendall was not on the property when we did
- 25 the walk-through. Mr. Kendall had left the
- 2990
- 1 property and was not present when we did the
- 2 walk-through.
- 3 Q. Was it your understanding when Mr. Kendall left
- 4 the property that he was not going to be
- 5 returning for some time?
- 6 A. That was my understanding.
- 7 Q. And do you recall what he was told for the
- 8 purpose of him not being able to come back for
- 9 a long time?
- 10 A. No, because I didn't tell him that. I don't
- 11 know what Mr. Skinner told him.
- 12 Q. And so after you're done and the agents are

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13 there, then the only one that remains there is  
14 Mr. Skinner, and law enforcement discuss  
15 matters and elect to leave. Correct?

16 A. Yes, that's correct.

17 Q. And I believe there has been prior testimony  
18 that you were given what was represented as the  
19 only key to the Lester building, and it was  
20 locked, and law enforcement kept the key.

21 A. We were back on the property the 28th, and I  
22 don't recall if I took the key on the 27th or  
23 the 28th, but one of those two days I took the  
24 key.

25 Q. And when you left the property on the 27th,  
2991

1 until law enforcement arrived back on the 28th,  
2 was there any monitoring of the property at  
3 that point in time to see and keep track of who  
4 came and who went?

5 A. No.

6 Q. When you came back on the 28th, was that the  
7 point in time then when law enforcement would  
8 have been on the property continuously until  
9 November 7th, 2000?

10 A. No. Law enforcement was not on the property or  
11 observing the property continuously until  
12 October 31st, after we did the search warrant.

13 Q. When you arrived-- were you there when the  
14 search warrant was executed October 31st?

15 A. Yes, I was.

16 Q. And when you arrived there on the 31st, the  
17 military containers-- the testimony-- you were  
18 here-- the testimony indicated Mr. Skinner and  
19 others had moved those from various locations  
20 against the wall and that there was 30 to 40 of  
21 those military containers set out on the floor  
22 in a certain manner. Is that correct?

23 A. Yes, that's correct, and I was there when Mr.  
24 Skinner moved those containers.

25 Q. And when do you recall Mr. Skinner moved those  
2992  
1 containers?

2 A. The 28th of October.

3 Q. And who else would have been there on the 28th  
4 of October when Mr. Skinner moved those?

5 A. Agent Hubbard, Agent Zajac, and chemist Mr.  
6 McKibben.

7 Q. McKibben. And do you recall what directions  
8 were given to Mr. Skinner as would relate to  
9 the removal of those green containers from the  
10 wall on the 28th to the location where they  
11 were placed at that time?

12 A. Well, I saw in the containers-- I saw that they  
13 were, I'm guessing, several hundred pounds,

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14 300, 400 pounds each. I saw that they were  
15 stacked five high and that if, in fact, there  
16 was a lab contained in those containers, and if  
17 it were an LSD lab, there was-- I knew in my  
18 mind there was absolutely no way we could drive  
19 a forklift in a fully encapsulated suit and  
20 remove those containers from the wall safely.  
21 So given that, I talked with Mr. Skinner about  
22 moving the containers down to the floor so it  
23 would ease a future search of those containers  
24 if we needed it, and if we had a-- if we had a  
25 search warrant. So I was present with Mr.

2993

1 Skinner and the others when Mr. Skinner used  
2 the forklift and pulled those containers down  
3 from the wall and placed them on the ground.  
4 We did not open any of the containers. They  
5 were placed there so that when the agents came  
6 back in, when we came back in and did a search  
7 warrant, if that was granted to us, that we  
8 would be able to easily open up the containers  
9 and minimize the risk to agents, the risk from  
10 tripping, falling that might occur with any  
11 other movement of these containers.

12 Q. And what did you specifically tell or others  
13 tell Mr. Skinner as far as it would relate to  
14 which containers should be removed and where  
15 they should be and the like? Do you recall  
16 what was said?

17 A. Well, he told us which containers he believed  
18 contained the lab, and based on that, we-- he  
19 drove the forklift. He wouldn't allow us to  
20 drive the forklift because he was concerned  
21 about our abilities in driving the forklift--  
22 none of us really had that much experience with  
23 that-- that in pulling especially the top  
24 container off the stack, because there was only  
25 about three or four inches of clearance up

2994

1 there, that we might somehow damage the rafters  
2 of the building and that might somehow cause  
3 the roof of the building to collapse. So he  
4 drove the forklift and we directed him to place  
5 them on the floor. We placed them in an  
6 orderly fashion. I believe that they were--  
7 there were three rows of containers. It could  
8 have been two rows of containers, but I believe  
9 there were three rows of containers stacked--  
10 laid out the length of the building, and there  
11 was certainly enough space between each of  
12 those containers for agents to pull the lids  
13 from them when we executed the search warrant,  
14 to be able to walk around those containers with

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15 sufficient space without causing any damage to  
16 our suits, the fully encapsulated suits.

17 Q. And was there any reason why you just didn't  
18 wait until the warrant and then have that work  
19 done?

20 A. Yeah, absolutely. We were-- Mr. Pickard in the  
21 undercover meeting on October 23rd had made a  
22 very specific point to Mr. Skinner that Mr.  
23 Pickard's wife was pregnant, she was due to  
24 deliver some time in early November. He wanted  
25 to set up the laboratory prior to her delivery

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1 and then go back to California to be present at  
2 her delivery. We knew-- I knew, I relayed to  
3 the other agents that our time was limited in  
4 the ability to analyze or to look at this  
5 laboratory, and especially it was limited  
6 because of the boxes being stacked up against  
7 the wall. That would be somewhat a waste of  
8 time for us to be present in the laboratory or  
9 to be suited up and have the whole group out in  
10 Wamego waiting for us to move all the boxes  
11 down onto the ground, that-- as I recall, the  
12 actual movement of the boxes took the better  
13 part of the day on Saturday. It took probably  
14 eight hours to move all of those boxes down  
15 onto the ground, and given that, it was much  
16 more efficient for us to move them down onto  
17 the ground than to be-- have everybody-- with  
18 four of us there than to have a group of 15 or  
19 20 agents out there waiting for us to forklift  
20 the boxes down onto the ground. So it was a  
21 decision that I made at the time, after seeing  
22 the boxes.

23 Q. So other than the time from when Mr. Skinner  
24 was at the base after he left California and  
25 before your arrival, when the law enforcement

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1 wasn't present, and then from the time of your  
2 arrival on the 27th until you left and then  
3 came back on the 28th, then when was the next  
4 time after you were done with this eight hours  
5 or so of work on the 28th that law enforcement  
6 next returned to the missile base for any  
7 purpose?

8 A. On the 29th.

9 Q. And so from the time you left on the 28th until  
10 the time you left on the 29th, again, there  
11 wasn't any monitoring or control over who came  
12 or who went in and out of the missile base, was  
13 there?

14 A. There wasn't any control over who came and went  
15 from the missile base, but I did have the key

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16 to the Lester building at that point.  
17 Q. What was represented to you by Mr. Skinner as  
18 being the only key?  
19 A. Yes.  
20 Q. And so when you came back on the 29th, what was  
21 the purpose and how long were you there?  
22 A. The purpose was to interview Mr. Skinner, and  
23 he had additional information he wanted to  
24 provide to us that might show some ownership of  
25 the property. We had-- Agent Hubbard and I had  
2997

1 intended to go out there, just be there for a  
2 few minutes, get the information and leave, and  
3 we ended up spending, I think, about five hours  
4 with Mr. Skinner interviewing him about the--  
5 about the information he had and then about  
6 just other aspects of the investigation.  
7 Q. And did Mr. Skinner provide you any other  
8 records or other items at that-- on the 29th  
9 that he represented came out of the military  
10 boxes or anywhere from the base?  
11 A. He did provide us with some items that, as I  
12 recall, came from somewhere in the base. They  
13 were not items that came from the-- at least  
14 not the military containers in the Lester  
15 building.  
16 Q. And after you left there then for that period  
17 of time, about five hours, there were no law  
18 enforcement left there until law enforcement  
19 returned some time, which was when next after  
20 the time you were there on the 29th.  
21 A. The agents may have been out there. Agent  
22 Hubbard and Zajac along with the chemist Mr.  
23 McKibben may have been out there on the 30th.  
24 I don't recall, and I don't particularly know  
25 because I was here in Topeka writing the

2998  
1 affidavit for the search warrant.  
2 Q. And if there would have been other agents out  
3 there, they would have gone out there on the  
4 30th for some purpose. As the lead case agent,  
5 that would be some information that would be  
6 related to you at some point in the  
7 investigation.  
8 A. It could have been. It could have been their  
9 purpose for being out there. I'm not sure.  
10 Q. And the warrant that you were applying for on  
11 the 30th was the warrant for looking into the  
12 missile base and for items reference what has  
13 been described as what was taken on October  
14 31st, 2001, referred to as a warrant and also  
15 as a sneak-and-peek. Is that correct?  
16 A. It was a search warrant, and it was what we

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17 have called a sneak-and-peek warrant. We did  
18 it to look into the containers, to look through  
19 the missile base to verify what Mr. Skinner had  
20 told us, that there was indeed an LSD  
21 laboratory contained within the military boxes,  
22 that Mr. Skinner's information was accurate.  
23 So, yes, there was a search warrant done. We  
24 called it sneak-and-peek because we were then  
25 going to close up the containers and allow the  
2999

1 investigation to proceed so that Mr. Skinner  
2 could meet with Mr. Pickard and Mr. Apperson if  
3 they showed up, and he could present those  
4 containers and the rest of the laboratory to  
5 Mr. Pickard and Mr. Apperson, and they could  
6 then do what they-- basically, what they  
7 pleased with it. We were hoping that they  
8 would set up a laboratory at the missile base.

9 Q. And that was based somewhat on information Mr.  
10 Skinner had initially provided to you in the  
11 October 17 and 18 debriefing. Correct?

12 A. It was based on information Mr. Skinner had  
13 provided to us, and then the operation to set  
14 it up at the missile base was a plan that we  
15 had come up with, with Mr. Skinner, with the  
16 approval of my supervisors and supervisors here  
17 in the Kansas City office, to set up an  
18 undercover operation.

19 Q. Well, didn't Mr. Skinner in fact tell you  
20 October 17th and 18th that this lab was being  
21 stored there and it was going to be set up and  
22 put into operation at Wamego? Didn't he tell  
23 you that then, or do you recall?

24 A. I don't recall if he said it was going to be  
25 set up there. What I recall is in the  
3000

1 conversation with him, that as a potential  
2 operation, undercover operation, we might be  
3 able to set it up, and there might be three  
4 areas within the missile base where we could  
5 set it up-- or I shouldn't say we set it up--  
6 that it could be used by Mr. Pickard and Mr.  
7 Apperson to set up a laboratory, and there were  
8 three-- there were three large spaces that he  
9 felt, Mr. Skinner felt, were reasonably secure  
10 locations within the missile base that Mr.  
11 Pickard and Mr. Apperson might like. I do  
12 recall some concern on Mr. Skinner's part that  
13 Mr. Pickard and Mr. Apperson may not be happy  
14 with him because of events that had transpired  
15 over the past nine months, and they may not  
16 trust him, and they may not want to have the  
17 laboratory set up at Wamego. I recall after

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18 the fact and reviewing the undercover tapes, it  
19 became pretty clear to me, pretty evident to me  
20 that Mr. Skinner minimized how angry Mr.  
21 Pickard and Mr. Apperson were with him for some  
22 of the events that had transpired over the last  
23 nine months.

24 Q. And when you were at the missile base on  
25 October 31st, that was where we have seen an

3001

1 exhibit showing what's been referred to as 13  
2 Pringle-like cans were found. Is that correct?

3 A. I don't recall if it's one exhibit. There were  
4 in total 13-- I believe in total there were 13  
5 cans seized.

6 Q. And you didn't see those when you were there on  
7 October 27th during the walk-through. Is that  
8 correct?

9 A. I saw the one can, the one open can. I did not  
10 see the remaining cans until October 31st.

11 Q. And what if any conversation do you recall with  
12 Mr. Skinner from October 27th to October 31st  
13 concerning the existence of these 13 cans or  
14 any other cans of ET?

15 A. I believe he told us after we saw the one can,  
16 questioned him about that, that there were  
17 additional cans. I don't recall a specific  
18 number on how many additional cans of this same  
19 type, of the tall, cylindrical, Pringle-like  
20 can. He also advised us there were some  
21 shorter, fatter cans that also allegedly  
22 contained-- at some point in the past,  
23 contained ergotamine tartrate, what he believed  
24 to be ergotamine tartrate, and this was  
25 information that was told to him by either or

3002

1 both Mr. Pickard and Mr. Apperson, and that  
2 during his cleanup of the lab in Salina, in the  
3 Atlas F missile base, that he had seen the  
4 shorter, fatter cans and had moved those cans  
5 from Salina to Wamego, and they were somewhere  
6 contained in the metal containers.

7 Q. And what did Mr. Skinner specifically tell you  
8 if anything about what was then determined on  
9 October 31st these 13 cans that were seized  
10 from wherever they were seized? What did he  
11 tell you where they had been between October  
12 27th and October 31st?

13 A. At that point, I don't believe he told me where  
14 they had specifically been other than that they  
15 had been moved from Salina, from the Atlas F to  
16 his missile base, the Atlas E.

17 Q. Did he indicate to you that he had hidden these  
18 up in a secret compartment in his closet in the

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19 missile base?

20 A. No, he did not.

21 Q. Did you at the time you were on the missile  
22 base at any particular point in time ever go  
23 look up into the secret closet or roof space  
24 that he has testified to?

25 A. No, I did not.

3003

1 Q. What if anything did Mr. Skinner tell you on  
2 October 31st relative to what we now know were  
3 26 other cans of ET? He didn't tell you  
4 anything, did he?

5 A. At that point, no, he did not.

6 Q. And at that point on the 31st of October you  
7 didn't know that there were 26 other cans  
8 similar in nature to what had been seen on  
9 October 27th and then seized on October 31st  
10 that were in Manhattan in Emily Reagan's  
11 residence?

12 A. Well, what I did know, and what he had told us  
13 before we went into the lab was that there were  
14 four boxes of cans and that some of those  
15 boxes, although they were empty, were in the  
16 lab and that they might show the source of the  
17 ET.

18 Q. Did you find four boxes?

19 A. I have to back up. I don't know if he told me  
20 there were four boxes. He said there were  
21 additional boxes. We found-- yes, we found one  
22 box in the-- actually, in one of the metal  
23 containers. We found a box in the Quonset hut  
24 that was empty. We found another box in the  
25 Quonset hut that was full and had ten

3004

1 containers in it. And there was a fourth box  
2 down in the-- actually in the missile base in  
3 what Mr. Skinner is calling his bedroom.

4 Q. And was it empty?

5 A. That was empty as well.

6 Q. On October 31st, 2000, had there been any of  
7 the transformers put on the telephone poles or  
8 any of the microphones that Skinner referenced  
9 put on the property at that point in time?

10 A. No. Those didn't come until a couple of days  
11 later. We were out doing a search warrant at  
12 the-- excuse me-- doing a search warrant at the  
13 site. We were not installing any other  
14 equipment. That didn't come until--

15 Q. Until later?

16 A. -- until later, either the 2nd or the 3rd of  
17 November, and I don't recall specifically.

18 Q. And whenever that occurred, can you tell--  
19 where did you put these microphones that in the

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20 period of time Mr. Skinner would-- excuse me--  
21 either whistle or say, "Call me," or something  
22 like that? Where were those microphones placed  
23 at inside the missile base?

24 A. They were in what I have described as Graham  
25 Kendall's bedroom, his living space. They were

3005

1 in the room that had the door that could be  
2 locked. It was a fuel control center. I don't  
3 remember what Mr. Skinner called it, but it was  
4 a small, angular room.

5 Q. Do you know where it was in relation to  
6 photographs that kind of depict a tile in the  
7 bathroom and stuff like that?

8 A. Yes.

9 Q. And where would that have been?

10 A. Well, as you come in the missile bay, if you  
11 come in the large room where the missile would  
12 have been stored, there's a room as large, if  
13 not larger, than that to the right. And at the  
14 back, toward the back of that room was the--  
15 that fuel control center that Mr. Kendall's  
16 bedroom-- what was Mr. Kendall's bedroom at  
17 that point.

18 Q. And when you say, "fuel control center," would  
19 that be the one where the TV monitors were? Is  
20 that what you mean?

21 A. No.

22 Q. Okay.

23 A. Not at all.

24 Q. Okay. So the one where the field-- or the TV  
25 monitors were was a completely different room

3006

1 than Mr. Kendall's?

2 A. That was down in the living space of the  
3 missile base. This was up in actually what I  
4 guess I would call a working space close to  
5 where the missile would have been.

6 Q. So Kendall's room would have been not in the  
7 living quarters where Mr. Skinner mainly  
8 resided then?

9 A. That's correct.

10 Q. Were there any other microphones put anywhere  
11 other than that location that's been referred  
12 to as Mr. Kendall's room?

13 A. No.

14 Q. So any times that Mr. Skinner is indicating on  
15 the tapes, "Call me," or doing the signal for  
16 calls to be made, he would have to have been  
17 then in close proximity to the working area  
18 versus down in the living area?

19 A. Yeah. Mr. Skinner would come down into the  
20 base. He would pass by the door of that room.

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21 He knew that the equipment was somewhere nearby  
22 that. He knew we were going to use that. We  
23 had intended to use that room as a setup place  
24 for the laboratory. So he would walk by that  
25 room. He would say things, "I need a phone

3007

1 call." He would pass by the door three or four  
2 times on occasion, and it would be an  
3 indication to me to call him at the missile  
4 base. I have to say that at the time that the  
5 cameras were installed, we had a video warrant  
6 for the location, and a video warrant differs a  
7 little bit from a wiretap. We were able to  
8 visually see what was going on. We had an  
9 order to see what was happening within that  
10 room, and if there was additional things on the  
11 base that happened that we could see from that  
12 room, we could watch. We were in process-- I  
13 was in process of writing a wiretap so we could  
14 listen to any conversations that transpired if  
15 Mr. Skinner were not present. We had a consent  
16 from Mr. Skinner, and this is something that  
17 we're allowed to do in DEA if an individual  
18 consents to the monitoring of a conversation.  
19 It doesn't have to be both parties, but if one  
20 party consents to the monitoring of a  
21 conversation, we can do that without a warrant.  
22 So when Mr. Skinner would come down into the  
23 base, he would walk by that room, and I could  
24 see him present in the near vicinity. I would  
25 then plug in the jacks, plug in the cords to

3008

1 the jacks so then I could hear what Mr. Skinner  
2 was saying. And there are occasions where I  
3 heard Mr. Skinner saying, "I need a phone call.  
4 Please call me here. I need to talk with you,"  
5 subjects such as that. There really was  
6 minimal conversation recorded on those tapes.  
7 There was-- really nothing was happening down  
8 in the missile base at the-- in that area at  
9 that time.

10 Q. And there was nothing that would have stopped  
11 or prohibited Mr. Skinner from having Mr.  
12 Apperson or Mr. Pickard come down into that  
13 room and then engage in any conversation they  
14 wanted to.

15 A. It wouldn't have, but it might have looked  
16 funny. There wasn't-- it wasn't a living space  
17 for Mr. Skinner. It wasn't someplace where he  
18 necessarily hung out. It was at that point a  
19 room that was clean, was void of any other  
20 items in there. It was just an empty space.  
21 There were certainly other areas within the

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22 missile base that were much more comfortable,  
23 carpeted, had some amenities to them. So it  
24 would seem that it would be an odd place for  
25 Mr. Skinner to stand and wait for Mr. Apperson

3009

1 or Mr. Pickard, but it wouldn't have prevented  
2 him from doing that.

3 Q. You didn't give any directions, "Don't go in  
4 that room and have conversations," is what I  
5 meant.

6 A. Well, if-- I don't recall specific directions  
7 on not telling him that, but if-- or I may have  
8 said something, "If you could get them in that  
9 room and have a conversation with them there,  
10 that would be great, because then we could  
11 monitor it. Then we could record it by video,  
12 and we could see the conversations. We could  
13 understand what was happening." And I have to  
14 say that Mr. Skinner did not know where we had  
15 placed the monitors, the video recorder-- the  
16 cameras or the microphones within the base.  
17 And in fact, he thought that we had microphones  
18 and cameras all over the base. He was sorely  
19 disappointed during the undercover meetings  
20 when I told him that, no, in fact we didn't  
21 have cameras in the locations where he was. We  
22 didn't have cameras up inside the storage shed,  
23 and we didn't have cameras or microphones down  
24 in the living quarters of the missile base.

25 Q. How did Skinner know then to walk by this door

3010

1 and say, "Call me," if he didn't know any  
2 locations?

3 A. I didn't say he didn't know any locations. He  
4 knew some of them. I mean, he knew the one  
5 was-- because that was the room we intended for  
6 him to use or to direct Mr. Pickard and Mr.  
7 Apperson to set up a laboratory. That was one  
8 of the three locations that he had told us  
9 about that might be suitable for the undercover  
10 operation. It might be suitable for putting a  
11 laboratory into and securing. And given the  
12 layout of the base, that seemed the most  
13 logical place. The other location he, Mr.  
14 Skinner, had talked about was the blast tunnel  
15 for the rocket, and that was covered with a  
16 several thousand pound lid or stage and  
17 reasonably inaccessible. So we made the  
18 determination that that was not-- that missile  
19 blast area was not a place to put the lab or  
20 not a place where an undercover operation  
21 should be set up and run.

22 Q. And at least Skinner then knew in the area

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23 where he whistles or says, "Call me," that you  
24 had audio and video capacity at that location.  
25 Correct?

3011

1 A. I don't know whether he knew, but he believed  
2 that we did, yes. And we did have some audio  
3 and definitely had video capacity in that  
4 location.

5 Q. And in his belief that he did-- when you  
6 testified just earlier that you indicated it  
7 would have been nice if he could engage them in  
8 conversation in there so it could be recorded  
9 video and audibly, Skinner knew there was video  
10 and audio at that location as exhibited by his  
11 behavior when he would say, "Call me."

12 A. Yes.

13 Q. How long were you there on the 31st during the  
14 period of time that's been testified to as this  
15 examination of items in the military containers  
16 and then taking samples and putting the items  
17 back?

18 A. Well, I believe I would concur with Agent  
19 Sorrell that we were there from dark to dark.  
20 We went in under the cover of darkness. We  
21 were concerned about the local community, that  
22 they might-- they might see us, they might see  
23 our vehicles, they might see that there was  
24 something unusual happening at the base, that  
25 we might have visitors at the base and people

3012

1 we did not want to, and that might jeopardize  
2 our undercover operation. So we went in there  
3 under the cover of darkness, we left under the  
4 cover of darkness. We were there pretty much  
5 the entire day. It took-- it took almost the  
6 entire day to process the laboratory as we  
7 processed it. It was-- initially, we had to go  
8 through the setup of all our equipment, we had  
9 to get everybody prepped, ready to go. We got  
10 people in there. We had to find items that  
11 were relevant to the lab. We had to do a quick  
12 run-through of the lab first before we seized  
13 anything. And then as we went through the  
14 process of seizing it, it took a long time in  
15 part because it's a hazardous situation. We  
16 didn't want to cause any undue contamination to  
17 the area. And we didn't-- certainly didn't  
18 want to harm any of ourselves.

19 Q. And then had the camper been set up over there  
20 on the property for the Wildlife and Parks guy  
21 at that point in time or not?

22 A. No, that wasn't set up until-- again, I don't  
23 remember the exact date when the video stuff

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24 was installed, video camera and microphone was  
25 installed, but somewhere around the 2nd or 3rd

3013

1 of November.

2 Q. Whenever that was, then that was set up. Do  
3 you recall at this point in time, around  
4 November 3rd, any contact by the Wamego Police  
5 Department reference what were all the DEA  
6 doing there and the conversations that the DEA  
7 would have had with anybody at Wamego Police  
8 Department?

9 A. At that point, no, I don't remember-- I don't  
10 recall any contact. There may have been. It's  
11 not unusual in an undercover operation doing  
12 surveillance for a local police department to  
13 approach an agent in a vehicle. It's not  
14 unusual at all. So it could have happened. I  
15 don't know whether it did.

16 Q. Were you aware around November 3rd, 2000, that  
17 time period, that everybody in Wamego in the  
18 cafes and elsewhere were aware that the DEA was  
19 at the missile base doing some type of  
20 undercover operation?

21 MR. HOUGH: Well, Judge, we'll  
22 object. That's nothing more than speculation.

23 MR. RORK: Judge, I have witnesses  
24 that are going to testify and have a follow-up  
25 question. Whatever you want.

3014

1 THE COURT: As of now, I'll sustain  
2 the objection. Go ahead.

3 Q. (By Mr. Rork) Did you or anybody in the DEA  
4 advise the Wamego Police Department that the  
5 operation that was undercover was so seek  
6 secret that even Janet Reno hadn't been told  
7 about it?

8 A. Well, Janet Reno may have known about it, but I  
9 don't know. I can't vouch for what the Chief  
10 of the Criminal Division told his boss. But we  
11 were very concerned about leaks that might  
12 happen that might jeopardize the operation and  
13 because it was a very small community, around  
14 4,000 people in Wamego, and because of the high  
15 profile nature of a decommissioned nuclear  
16 missile silo and the fact that Mr. Skinner  
17 owned it, we were concerned about any spread of  
18 word, and so we did not tell the local  
19 authorities we were there for fear that if we  
20 did, that might compromise the investigation.  
21 And I have to say that I believe, seeing the  
22 newspaper reports after the fact, that that  
23 would very likely have happened given the loose  
24 lips that both the Wamego Police Department and

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25 Pottawatomie County Sheriff's Office had with  
3015

1 talking to the reporters.

2 Q. And were you aware at this point in time that  
3 Mr. Skinner had represented to people in the  
4 Wamego community that the manufacturing going  
5 on at this missile base was top secret work for  
6 the government, or were you not aware of that?

7 A. You know, I don't believe I was aware of that  
8 until later on. What Mr. Skinner had told me  
9 is he was manufacturing springs for Gardner  
10 Spring at the base at some point there, that  
11 some of these springs might have been used in  
12 items the government might purchase, but I  
13 don't think I found out or heard that story  
14 about springs being manufactured for top secret  
15 government contracts.

16 Q. And had Mr. Skinner indicated to you in  
17 information about his standing in the community  
18 or his reputation of the business that he had  
19 hired local law enforcement officers to affirm  
20 the fact that this base was manufacturing top  
21 secret items, or did he tell you that?

22 A. No. I don't recall him telling me that. What  
23 I recall him telling me is that he did hire  
24 local police officers and sheriff's officers  
25 for security at the base. Whether he said

3016

1 anything about production of springs that were  
2 used in top secret government contracts, I  
3 don't recall that. He may have told me that at  
4 some point well after the search warrant was  
5 executed. He may, or some of the local  
6 community may have said that. And I know at  
7 some point the story came out, but I don't  
8 believe at the point we did the search warrant  
9 or the point we set up the undercover operation  
10 that I had any knowledge of that story.

11 Q. And at this point in time, and from October  
12 17th through about November 2nd or 3rd of 2000,  
13 you were aware of Mr. Skinner's impersonation  
14 of a federal officer based upon information he  
15 had told you. Is that correct?

16 A. Based upon information he had told me and based  
17 upon information we got from the prosecutor,  
18 from Mr. Hough, who did prosecute him.

19 Q. And did you happen to look through the Secret  
20 Service file which had various references to  
21 this activity at this point in time, November  
22 3rd, 2000?

23 A. No. That file was not available to me. I was  
24 merely concerned that, yes, he had been  
25 convicted of a misdemeanor for the

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1 impersonation or the false identification, but  
2 the fact that he was convicted was sufficient  
3 for me.

4 Q. And have you looked at the contents of that  
5 Secret Service file up to this point in time to  
6 determine any prior reference to LSD  
7 manufacturing or labs going on there?

8 A. I have, and I believe there's an accusation in  
9 there, and it's an unsubstantiated accusation  
10 that there-- Mr. Skinner had given one dose of  
11 LSD to a young woman.

12 Q. Are you confusing that LSD dose for one woman  
13 being the accusation in the DEA report by Agent  
14 Thrower versus the Secret Service telephone  
15 interview with KBI Agent Brandau? Do you  
16 recall those two different occurrences?

17 A. I may be confusing the Walt Thrower report. I  
18 don't know of the telephone conversation.  
19 There may be, but you'd have to show it to me.  
20 I don't recall it.

21 Q. And had Mr. Skinner advised you at this point  
22 in time when you're in Wamego up to November  
23 3rd, 2000 that he had or any of his employees  
24 at the missile base had gone with a local law  
25 enforcement officer and purchased several types

3018

1 of firearms to bring back to the base? Had  
2 that been made known to you at this point?

3 A. It may have been. I don't recall when that was  
4 brought to my attention. I don't recall  
5 specifically when it was brought to my  
6 attention.

7 Q. And after the November 2nd or November 3rd  
8 video authorization, would that have been about  
9 the time period in this sequence of events that  
10 law enforcement would then have continuously  
11 been at the property in some form or fashion?

12 A. Yes, we were on the property or at the property  
13 and had surveillance of the property from  
14 October 31st through the point we left the  
15 property some point in late November of 2000.

16 Q. And with respect to the agents being outside of  
17 the missile base in various locations sometime  
18 on November 5th or November 6th, do you know  
19 when and how that decision was made to put them  
20 there?

21 A. Yeah, absolutely. Mr. Skinner had met with Mr.  
22 Apperson and Mr. Pickard, and after Mr.  
23 Apperson and Mr. Pickard had gone through the  
24 missile base and they had opened up the storage  
25 containers, the metal containers in the shed

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1 and saw that there was an LSD laboratory or saw  
2 that there was their laboratory in the shed,  
3 that they told Mr. Skinner they were going to  
4 go rent a truck and that they would return to  
5 the missile base and load the items into the  
6 truck, that they did not want Mr. Skinner  
7 renting a truck, they did not want his  
8 involvement in that, they did not want him on  
9 the property. And based on that conversation,  
10 after Mr. Pickard and Mr. Apperson left and  
11 went to Topeka, we established surveillance by  
12 placing agents onto the property. I know there  
13 was one agent in particular who was sitting up  
14 on top of the missile bay, on the roof of the  
15 missile bay or the sliding top, and he was  
16 watching the activities that would have  
17 transpired at the front of the shed. There  
18 were two other agents, and it was my  
19 understanding at the time that they were off in  
20 the field toward the rear of the shed, and they  
21 were observing the activities that might have  
22 happened in that vicinity. So it was a  
23 conscious decision to place agents onto the  
24 property with the cover of darkness so that  
25 they might observe any activities that happened

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1 on the property when Mr. Apperson and when Mr.  
2 Pickard returned to the missile base and if  
3 they did arrive with a truck.

4 MR. RORK: Do you want me to  
5 continue, Your Honor?

6 THE COURT: Yes. I would just like  
7 to go on until twelve o'clock.

8 MR. RORK: Okay.

9 Q. (By Mr. Rork) And there was also the video  
10 that has been testified to, capability set up  
11 on that transformer on a telephone pole that  
12 was in use at that time, was there not?

13 A. There was video capability, but that  
14 transformer and that camera sitting in the  
15 transformer box or container did not have a  
16 complete view of the site. The site sits on a  
17 hillside. The transformer was at a much lower  
18 location closer to the road, Columbian Road and  
19 Say Road, or close to the entrance to the  
20 missile base on the outer fence. The view from  
21 that camera was uphill, and it was-- we were  
22 not able to see the entire property. In fact,  
23 we were able to see just basically the road  
24 leading up to the property or leading up to the  
25 missile base itself.

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1 Q. And do you recall when in nature to these

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2 events that the microphones that had been  
3 consented to by Mr. Skinner had been placed in  
4 the location you've described?

5 A. Well, Mr. Skinner never really consented to the  
6 installation of the microphones. It was  
7 something that I had obtained an order to  
8 install the video cameras and the microphones  
9 in the small room, Mr. Kendall's living space.  
10 That occurred-- and again, I don't recall  
11 specifically whether it was the November 2nd or  
12 November 3rd-- but what I do recall  
13 specifically is that we were really under a  
14 time crunch, that we were having-- I won't say  
15 technical problems installing it, but we were  
16 concerned that we were going to get the items  
17 installed soon enough so that they would work  
18 and that we could monitor in that room.

19 Q. So just whenever it was installed then, at that  
20 point in time Mr. Skinner had been informed  
21 that he had consent to listen to conversations  
22 if he was one of the parties to the  
23 conversations. Correct?

24 A. I believe so.

25 Q. And at this point in time, after late November

3022

1 when everybody leaves the base, Mr. Skinner had  
2 not advised you reference the location of  
3 these, what was later determined to be 26 cans  
4 of ET that were present or they have been  
5 testified to in Manhattan, did he?

6 A. He had not advised me of the location of the  
7 cans. What he had told me, and I believe it  
8 was somewhere around the 13th of November,  
9 after I told him about a conversation I had  
10 with one of my coworkers, one of my classmates  
11 from the DEA academy when he called to play a  
12 joke on me, that he in fact had ten cans of ET  
13 sitting in his storage locker, or whatever the  
14 joke was, I don't recall specifically, but I  
15 had relayed that joke to Mr. Skinner, and Mr.  
16 Skinner advised me, well, there was another  
17 individual who had ET in a location, a secured  
18 location, and that at some point that person  
19 might want to turn that ET over, or somehow we  
20 may be able to do an undercover operation and  
21 get that ET.

22 Q. In fact, do you recall at some point in time  
23 around April 10, 2001 you prepared a five-page  
24 report reference supplemental information  
25 regarding two Ergocristine seizures?

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1 A. I do recall I prepared the report at the  
2 request of Mr. Hough.

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3 Q. And so when you were talking to Mr. Skinner  
4 sometime on November 13, 2000 at the Oakland  
5 DEA office and related what you indicated  
6 circumstances, didn't Mr. Skinner also tell you  
7 that this 19 cans of suspected ET might soon be  
8 shipped, and he would try to provide you with  
9 shipping information so the package could be  
10 intercepted?

11 A. Yeah. Generally, that's what I'm saying about  
12 the undercover operation, that somehow we might  
13 be able to intercept the package. And what I  
14 recall was he said there were approximately 19  
15 cans, he believed there were 19 cans, he wasn't  
16 sure, couldn't recall the exact number of cans,  
17 but it was generally in that neighborhood of  
18 numbers.

19 Q. And then do you recall again on or about the  
20 end of November, toward the 27th or 28th,  
21 speaking with Mr. Skinner when he advised you  
22 that there were two persons who may be willing  
23 to speak with you and provide information, one  
24 as a cooperating source and the other about  
25 just telephonic information about the suspected

3024

1 ET and how to get it?

2 A. Generally, yes.

3 Q. And then later on in the end of December,  
4 around the 22nd of time-- the 22nd of December,  
5 Mr. Nichols-- or Mr. Skinner calling you and  
6 advising then that one of those two potential  
7 cooperating sources wished to speak with you  
8 and that this person was willing to work as a  
9 cooperating source about this suspected ET, and  
10 you arranged a meeting for January 5, 2001 to  
11 meet with that new source?

12 A. Generally, I remember that, that conversation,  
13 yeah.

14 Q. And then on January 5, 2001, do you recall  
15 meeting with Mr. Skinner and this potential  
16 cooperating source at the Oakland DEA office,  
17 and once you were introduced to this source,  
18 after you interviewed this potential source,  
19 you determined that he or she had no  
20 information relative to the location of this  
21 suspected ET?

22 A. Yes.

23 Q. And then after that January 5th introduction  
24 and determination of no relevant information,  
25 would this source you interviewed, the next

3025

1 contact would have been about Friday, January  
2 12, 2001 where Mr. Skinner calls you and again  
3 advises that the unidentified person felt it

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4 was too risky to have the ET in the place where  
5 it could be stolen or sold to another party,  
6 and he was going to attempt to have you meet  
7 that person in the following week?

8 A. Yes, I generally remember the conversation.

9 Q. And then after a while, a couple, three days  
10 later on or about January 15th, Skinner calls  
11 back and advises that the unidentified person  
12 would be bringing the ET with them to a meeting  
13 with you, and this unidentified person and a  
14 second person had been maintaining surveillance  
15 on the location where the suspected ET was  
16 stored somewhere in the central part of the  
17 U.S. Do you recall that?

18 A. Yes.

19 Q. And then there would have been-- after that  
20 January 15th contact there would have been a  
21 phone call on January 16th with Mr. Skinner,  
22 with the potential meeting arranged for about  
23 January 18th, and then the January 18th meeting  
24 was rescheduled until about January 19th, at  
25 which time, on or about January 22nd, 2001 is

3026

1 when Skinner delivered to you the first of 24  
2 cans of suspected ET in Oakland. Is that about  
3 right?

4 A. I generally remember the conversations, the  
5 phone calls, the arrangements that were being  
6 made to bring this ET or substance to me. At  
7 that point, if-- and I suspected at that point,  
8 if the cans Mr. Skinner was talking about,  
9 which I-- if I recall correctly he described as  
10 similar to the cans we had seized-- if they  
11 were in fact similar to what we had seized,  
12 that the substance contained in those cans was  
13 very likely Ergocristine, and Ergocristine was  
14 not a controlled substance nor a regulated  
15 substance. So, yes, I generally remember those  
16 conversations and the events that transpired.

17 Q. And then do you recall even based on that  
18 conversation you just indicated, Skinner  
19 indicated that he needed to get with his  
20 attorney and determine if his bringing in the  
21 cans of ET or assisting in that regard would  
22 violate his immunity agreement in any manner?  
23 Do you recall that?

24 A. I do.

25 Q. And on about January 22nd, 2001, after Mr.

3027

1 Skinner left and until he returned February  
2 22nd, 2001, he didn't indicate to you that  
3 there was still two other cans similar in  
4 nature to those 24 he had brought to your

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5 office that day, did he?

6 A. No, he did not.

7 Q. And the first you knew about the two other cans  
8 in existence from the January the 22nd delivery  
9 of 24 cans dealt with about February 22nd or  
10 24th when he brought in the two other cans. Is  
11 that correct?

12 A. I believe the date was February 21st.

13 Q. Twenty-first?

14 A. I believe in one of the reports there was an  
15 inadvertent mistake where they said February  
16 22nd, but I believe the actual date was  
17 February 21st.

18 Q. Was February 21st. And did you have occasion  
19 prior to November 6 of 2000 to determine the  
20 number and location of properties that Mr.  
21 Skinner had under his control other than the  
22 Wamego missile base?

23 A. You're asking me about residences he may have  
24 had under his control?

25 Q. Yeah, other places like in Bolinas or Tucson or  
3028 anywhere.

1 A. Well, we did-- as a normal course of  
2 interviewing and establishing Mr. Skinner as an  
3 informant, we did do some background checks on  
4 him. And whether we had done a property search  
5 on him at that point, I don't know. I don't  
6 recall. We may have, and so I may have known  
7 that there were additional properties where Mr.  
8 Skinner might have rented or leased or even  
9 possibly owned, although that to me is  
10 doubtful, given his financial situation and the  
11 bankruptcy that he had pending against him.

12 Q. And at least, whatever those other properties  
13 he may have leased in his name or other  
14 persons' names, you didn't have occasion for  
15 him to point those out to you or tell you about  
16 them that you recall?

17 A. No.

18 Q. Do you have occasion to remember whether or not  
19 Mr. Skinner related to you or took you first to  
20 any storage areas that Mr. Skinner had rented  
21 under his name or under his control?

22 A. No, I didn't. And at that point it wasn't  
23 really the concern. The concern was to find  
24 the LSD laboratory, to verify what Mr. Skinner  
25

3029 had told us was that he had contact with Mr.  
1 Pickard and Mr. Apperson and that given that  
2 contact, that Mr. Pickard and Mr. Apperson  
3 wanted their LSD lab back, they wanted to meet  
4 with Mr. Skinner, and that the laboratory was  
5

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6 located at the Wamego missile base. So it was  
7 my job at the time to verify that what he had  
8 told us was in fact something verifiable,  
9 actionable, and credible.

10 Q. And as part of your verifying this actionable,  
11 credible information, do you recall in the  
12 report that may be mistakenly dated February  
13 22nd, 2001 and might be actually February 21st,  
14 2001 Mr. Skinner telling you that during the  
15 search of the Atlas missile base in Wamego,  
16 Kansas, that you and the agents did not remove  
17 several bottles of chemicals that could be used  
18 to manufacture DMT, including O-X-A-L-Y-L  
19 chloride, tetrahydrofuran (THF), Indole,  
20 I-N-D-O-L-E, and other unknown chemicals? Do  
21 you recall that?

22 A. I do recall that. And, you know, it would not  
23 have been Mr. Skinner's job to decide what  
24 chemicals, what substances were or were not  
25 removed from the laboratory. That would have

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1 been the job of the agents who were present  
2 there. And I have to say that I was not  
3 present during the second search, during the  
4 November 18th through-- I think it's the  
5 November 22nd search that was done, so I don't  
6 know what decision was made, why it was made,  
7 and whether those substances were found and  
8 whether they were-- it was determined or  
9 decided they would or would not be taken.

10 Q. Well, can you tell me or direct my attention to  
11 any DEA reports, narratives written by you or  
12 anybody else prior to February 22, 2001 that  
13 references information that Skinner had  
14 provided before that date regarding these  
15 chemicals and them being in the military boxes  
16 that weren't searched? Can you lead me to that  
17 point, sir?

18 A. Well, from what I understand is that these  
19 chemicals were not in the military boxes, that  
20 they were somewhere in the missile base itself.  
21 And was there a report of that? There may have  
22 been in the general sense that Mr. Skinner said  
23 Mr. Pickard was supposed to manufacture some  
24 DMT for Mr. Savinelli and [name omitted], I  
25 believe, and that there may be some chemicals

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1 for the manufacture of those substances either  
2 at the missile base or somewhere on the missile  
3 base property. Do I-- I don't recall  
4 specifically where that might be, and I can  
5 certainly look over the lunch hour for any  
6 report that might show that.

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7 Q. Sure. I appreciate it. And did Mr. Skinner  
8 happen to relate to you from October 17th, 2000  
9 to February 22nd, 2001 how many times he had,  
10 himself, manufactured DMT or other substances?

11 A. I don't recall him telling me about manufacture  
12 of DMT. He may have told me about the  
13 manufacture of GHB or gamma hydroxy butyrate.  
14 And I will give you the spelling of that. So  
15 that's my answer. I don't recall any other  
16 specific discussion about manufacture of  
17 substances.

18 Q. What do you recall about GHB, and what's its  
19 effect and the like?

20 A. Well, GHB is a-- it's a neurotransmitter or  
21 similar to a neurotransmitter, and it is a--  
22 generally a central nervous system depressant.  
23 It's in some respects similar to alcohol,  
24 although it doesn't quite have the effect of,  
25 well, what we typically associate with being

3032

1 drunk. It's a depressant, and in substantial  
2 quantities or significant quantities, it  
3 basically causes a person to go into a short-  
4 term coma, and combined with alcohol, which is  
5 commonly done or occasionally done, can result  
6 in death. And there have been a number of  
7 deaths associated with GHB and alcohol use or  
8 GHB and other drug use. One of the problems  
9 with this substance and a lot of substances  
10 when you mix it, you get a synergistic effect.  
11 In other words, the effect is much more  
12 significant than the effect of one substance or  
13 what might be seen as combining two substances.  
14 If I take GHB and I know it's a central nervous  
15 system depressant and I know it's going to  
16 knock me out, and I take alcohol, I might not  
17 think that the two of them combined would cause  
18 me to die, because I know what the effects of  
19 GHB are independent of what the effects of  
20 alcohol would be. So--

21 Q. For the court reporter's information, that's  
22 No. 112 on Mr. Skinner's list marked as P-20,  
23 and it's called GHB, and then it has the colon  
24 and all them words you said, and then it says,  
25 "and all isomers and analogs thereof." Do you

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1 know what "isomers and analogs thereof" of GHB  
2 would be?

3 A. No, I'm not quite sure what Mr. Skinner is  
4 talking about. You know, it could be an isomer  
5 or analog of it.

6 Q. And the list that has been marked and  
7 introduced into evidence of Mr. Skinner's that

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8 he's testified to in great detail, can you tell  
9 us with respect to the information he provided  
10 you from October 17th through October 31, 2000,  
11 did he go through and make up a list similar to  
12 that to give to you for your informational  
13 purposes?

14 A. No. Generally, he told me he was a drug user,  
15 that he had used a number of substances, and  
16 generally, when I interview an informant or a  
17 person who might be cooperating, I'm not  
18 necessarily concerned about all the substances  
19 they've ever used in their life. It's  
20 sufficient for me to-- for them to tell me,  
21 "Hey, I've used certain drugs. I am either on  
22 them right now," or "I'm not on them, and I can  
23 stay away from them during my time that I  
24 cooperate."

25 Q. And from October 17th, 2000 until November 7th,  
3034

1 2000, can you tell us, did Mr. Skinner submit  
2 to a UA daily for analysis of any controlled  
3 substance or alcohol?

4 A. He did not.

5 Q. During the period of time from October 17th  
6 through November 3rd, 2000, did Mr. Skinner  
7 consent to the examination of any bodily fluids  
8 on a daily or other basis to determine  
9 existence or presence of controlled substances?

10 A. No, and it's not my job to do that, nor would I  
11 even want to do that.

12 Q. And you know people can be on controlled  
13 substances that may not visibly show any sign  
14 at all during the period of time that you have  
15 contact with them. Isn't that correct?

16 A. They could be. They could be on prescription  
17 substances. They could be on whatever other  
18 substances. They could be.

19 Q. And did Mr. Skinner indicate to you in this  
20 period of time from October 17, 2000 to  
21 November 3, 2000 any of his use and  
22 participation in what's been referred to as  
23 Ayahuasca that you recall?

24 A. He may have. I don't know. It would have  
25 been-- it would have been at some point prior  
3035

1 to him coming to us, at some point prior to him  
2 cooperating with the government that he had use  
3 of that. So he may have told me, I just don't  
4 recall. I know he did tell me about drug  
5 usage.

6 Q. Did Mr. Skinner happen to share with you  
7 between October 17, 2000 and November 7, 2000  
8 his use and/or distribution of what is known as

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- 9 MDMA or Ecstasy?
- 10 A. You know, I don't recall. He may have talked  
11 about that, but if he did tell me about it, it  
12 was in insubstantial quantities. I mean, it's  
13 not like he was distributing kilos of Ecstasy.  
14 It might have been a few tablets here and there  
15 to people or a capsule or two of Ecstasy to  
16 somebody. It was in the scope of somebody  
17 wanted to try it. He provided them a small  
18 amount of Ecstasy.
- 19 Q. You don't recall any conversations in this  
20 period of time from October 17, 2000 through  
21 November 3, 2000 of Mr. Skinner and a friend of  
22 his by the name of Krystal Cole and her  
23 involvement in MDMA and him?
- 24 A. No, I don't recall any conversation like that.  
25 MR. RORK: Judge, I believe that if I

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- 1 could utilize the noon hour, I could probably  
2 wrap up my cross-examination pretty quickly.  
3 There may be a few items that I need to look  
4 at. If I could go ahead and recess now, if it  
5 was all right.
- 6 THE COURT: How much more time do you  
7 think you're going to need?
- 8 MR. RORK: Maybe about five minutes.
- 9 THE COURT: Why don't you go ahead  
10 and finish up?
- 11 MR. RORK: That's what I needed to  
12 check on. If I could just have a few minutes,  
13 I've got to--
- 14 THE COURT: Or if you want to come  
15 back afterwards, we can go ahead and do that.
- 16 MR. RORK: If I could do that, Judge,  
17 if I could look at some transcripts, there  
18 might be some things. It might take me about  
19 15 minutes.
- 20 THE COURT: All right, let's just  
21 recess at this time. Ladies and gentlemen,  
22 let's recess for lunch, and we'll come back at  
23 1:30. Mr. Bailiff.
- 24 THE BAILIFF: All rise. Court will  
25 stand in recess until 1:30.

3037

- 1 (THEREUPON, a recess was had.  
2 WHEREUPON, following the recess, a conference  
3 in chambers was had, which has been transcribed  
4 and is contained in a separate binder.)
- 5 THE COURT: All right, the jurors are  
6 all present. You may continue.
- 7 MR. RORK: Thank you.
- 8 Q. (By Mr. Rork) Agent Nichols, do you recall  
9 when you initially talked with Mr. Skinner he

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10 advised you among other things that there was  
11 an understanding the LSD lab that was stored at  
12 the Wamego missile base was going to be set up  
13 and running here in Wamego? Do you recall  
14 that?

15 A. I don't recall that, no.

16 Q. Do you recall testifying in a grand jury  
17 November 8, 2000 of these arrests and advising  
18 the grand jury that the contact with the  
19 informant was so that he could transfer a  
20 laboratory over to Pickard and Apperson and  
21 they could begin the process of manufacturing  
22 LSD? Do you recall making that statement?

23 A. Well, if I can look at the transcript. In  
24 general, I would probably say yes, but I would  
25 like to look at the transcript first to be

3038

1 sure.

2 Q. Bottom of page 10, top of page 11, the November  
3 8th proceedings.

4 A. Appears to be my testimony and appears to be  
5 what I said, and I think that is consistent  
6 with what he had told us in the beginning and  
7 what ultimately happened, that Mr. Skinner was  
8 in possession of the laboratory at the time,  
9 and he transferred possession to Mr. Skinner--  
10 to excuse me-- Mr. Pickard and Mr. Apperson.

11 Q. And do you recall in one of the recorded  
12 conversations by the telephone that in one of  
13 the narrations by Mr. Skinner calling from the  
14 base indicating that he had told you there was  
15 a ten percent chance they would not set up at  
16 the missile base in Wamego, or words to that  
17 effect?

18 A. In a telephone conversation?

19 Q. Yes.

20 A. I don't remember any telephone conversation  
21 like that. If you could show the transcript to  
22 me, I'd be happy to review that, but I recall  
23 no conversation like that. There may have been  
24 a conversation between Mr. Skinner and me about  
25 that situation, that he wasn't entirely certain

3039

1 Mr. Pickard and Mr. Apperson would set up a  
2 laboratory at the missile base, but there was,  
3 to my knowledge, absolutely no conversation on  
4 the telephone.

5 Q. Well, what I'm talking about is on some of the  
6 records that we have thereon, and they'll show  
7 telephone conversation, and then before-- at  
8 the end of the telephone conversation there's  
9 still talk by Skinner. He may not be talking  
10 to Mr. Pickard, but the talk where Skinner

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11 continues is still on the recording, is it not?  
12 Do you recall some of those?

13 A. I recall there are tapes where Mr. Skinner may  
14 still be talking. I recall absolutely no  
15 conversation. I transcribed all of the tapes.  
16 Now, if there is a tape that's transcribed that  
17 does have that on there, I don't recall it. If  
18 you can show it to me, I would be happy to  
19 review it.

20 Q. Do you recall during the time that you were in  
21 Wamego, there was a person there on the  
22 premises at one time like Brett Nichols or  
23 Brett Nicholson?

24 A. Well, both Brett Nicholson or Curtis Brett  
25 Nicholson and Cheryl Nicholson were on the

3040

1 property on the 4th of November, and they were  
2 there to move some generators for Mr. Skinner.

3 Q. And did you know or were you provided any  
4 information about Mr. Skinner about the step-  
5 daughter, Wadina Newman?

6 A. Mr. Skinner at some point-- and I don't  
7 remember if it was before that meeting or after  
8 it-- talked to me about Brett Nicholson's step-  
9 daughter, Wadina, who was a dancer in one of  
10 the local clubs, and that Mr. Pickard-- at  
11 least Mr. Pickard and possibly Mr. Pickard and  
12 Mr. Apperson knew Wadina, had seen her dance,  
13 had been at the clubs.

14 Q. Are you aware that Wadina had also traveled to  
15 California with Mr. Skinner to babysit his  
16 children on more than one occasion?

17 MR. HOUGH: Well, Judge, we'll  
18 object. Who babysat Mr. Skinner's kids is  
19 irrelevant.

20 MR. RORK: Judge, it may be, but I  
21 have a follow-up question. I can get to it.  
22 But it establishes that he knew her.

23 THE COURT: Oh, go ahead.

24 MR. RORK: He said go ahead.

25 THE WITNESS: I'm sorry. Go ahead

3041

1 and answer the question, Your Honor?

2 THE COURT: Yes, sir.

3 A. I don't recall Mr. Skinner telling me that  
4 specifically, but what he did tell me is that  
5 Mr. Nicholson was a longtime employee of Mr.  
6 Skinner and that a number of family members of  
7 Mr. Nicholson were also employees of Mr.  
8 Skinner, so that's entirely possible.

9 Q. (By Mr. Rork) And do you recall any  
10 information in your investigation where this  
11 Wadina Newman had reported to local law

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12 enforcement in 1997 or 1998 coinciding with the  
13 reports of the DEA or KBI that she had seen  
14 Skinner producing LSD?

15 A. No, I have no information about that.

16 Q. I'm going to show you the transcript that I did  
17 have unmarked until now, but it's page 16 of  
18 the one-- I think it's N-something-17-- that  
19 deals with the November 4th date, and there's  
20 an underlined part of the transcription. I  
21 guess that's in between telephone calls or  
22 something, or is that the wire that Mr.  
23 Skinner's wearing that day?

24 A. Well, this is the-- this is the conversation as  
25 Mr. Pickard and Mr. Apperson are leaving the

3042

1 base in the afternoon of the 4th to get the  
2 rental truck. And at some point, Mr. Skinner  
3 came back to the base and called me, and the  
4 conversation that we're talking about is the  
5 conversation he had with me by telephone, and  
6 in here it does say, "Remember I told you I  
7 thought there was a ten percent chance that  
8 they were going to grab what they were looking  
9 for and leave the rest of the shit behind."

10 Q. And so does that refresh your recollection then  
11 whether or not he made that statement?

12 A. I recall this. You know, I recall transcribing  
13 it, I recall it on the tape, and I recall Mr.  
14 Skinner told us there was a possibility that  
15 Mr. Pickard and Mr. Apperson would not want to  
16 be at the Wamego site, that they would want to  
17 take it somewhere else. And in fact, he said  
18 that they didn't know the lab was at the Wamego  
19 site, that he had purposely kept that knowledge  
20 from them because he was concerned that they  
21 might come and try and take the lab from him  
22 before we were able to get there.

23 Q. So when I said that telephone conversation, you  
24 were referencing a telephone conversation  
25 between Mr. Skinner and Pickard, and now that

3043

1 you've refreshed your recollection, it's a  
2 telephone conversation between Mr. Skinner and  
3 yourself.

4 A. Yes.

5 Q. Do you recall during the period of time from  
6 your arrival on about October 27, 2000 until  
7 the events of the November 7, 2000 a  
8 Pottawatomie County Sheriff Officer coming out  
9 to the missile base to attempt to serve a  
10 search warrant for purposes of recovering some  
11 stolen property?

12 A. I'm sorry. From October--

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13 Q. Whenever you arrived out there. I forget the  
14 date.

15 A. The 27th or even the 31st? I don't  
16 particularly remember that. I think the-- it  
17 could have happened. I'm not denying that it  
18 didn't happen, but I think the real focus and  
19 the real attempt came after Mr. Apperson and  
20 Mr. Pickard's arrest, and especially after Mr.  
21 Apperson's arrest as we had the man hunt for  
22 Mr. Pickard, that there was-- there were a  
23 number of law enforcement personnel at the base  
24 and that there was conversation about the  
25 possibility of stolen equipment.

3044

1 Q. You don't recall a Deputy Riatt, R-I-A-T-T,  
2 specifically requesting DEA permission to  
3 execute the search warrant between October 27th  
4 and November 3rd, 2000-- excuse me, November  
5 7th, 2000 and being advised that he needed to  
6 wait until your investigation was over before  
7 he could do so?

8 A. I don't recall that at all.

9 Q. And there would have been other DEA agents at  
10 or around the military base that could have had  
11 conversation with Deputy Riatt other than  
12 yourself?

13 A. There could have been. L. D. Matthews, who was  
14 the supervisor at the time, was out there for  
15 most if not all of the investigation, the  
16 undercover transaction, so-- and he would have  
17 been the person to deal with the local law  
18 enforcement and any problems that might arise  
19 or questions that might arise. I mean, he was  
20 the supervisor there.

21 Q. But you don't specifically recall that  
22 occurring before the arrest then?

23 A. No, I don't.

24 Q. When you had talked about-- when I was asking  
25 you a series of questions about Mr. Skinner

3045

1 arriving at your location in Oakland, I think  
2 it was early 2001, and introduced you to a  
3 cooperating source who believed they had some  
4 information on the ET for which you then after  
5 discussions determined that he did not have,  
6 who was that individual?

7 A. Krystal Cole.

8 Q. And as the result of these activities of Mr.  
9 Skinner and the withholding of the ET in the  
10 manner in which the other 26 cans were finally  
11 brought to your office, was he not deactivated  
12 as a CS on or about April of 2001?

13 A. You know, I don't remember the specific date

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14 Mr. Skinner was deactivated. Sometime in 2001,  
15 sometime in that period or possibly June 2001,  
16 and I don't remember the specific date.

17 Q. Are you--

18 A. But it wasn't-- you know, he was deactivated  
19 because he really wasn't providing us any  
20 actionable information. The case was done at  
21 that point, well before that. The case was  
22 done basically in the end of November-- or by  
23 November 7th the case was done.

24 Q. Can you tell me what if any investigation you  
25 have conducted reference the two LSD chemists

3046

1 that Skinner said he knew initially, one in  
2 Nepal and one being someone named Mark?

3 MR. HOUGH: Judge, we'll object to  
4 ancillary investigations that may or may not be  
5 going on unrelated to this case.

6 THE COURT: What was your question  
7 again?

8 MR. RORK: "What if any investigation  
9 have you undertaken regarding the LSD chemists  
10 that Skinner initially said he knew, one in  
11 Nepal and one named Mark?" I don't know what  
12 the specifics of it was.

13 MR. HOUGH: Judge--

14 THE COURT: Does it have anything to  
15 do with this case?

16 MR. RORK: I just wanted to see if  
17 they corroborated and found anything out was  
18 all.

19 THE COURT: I'll sustain the  
20 objection.

21 Q. (By Mr. Rork) Are you familiar with the fact  
22 Mr. Skinner, in his discussions with you from  
23 October 17th to the present, that he reported  
24 to you that he had in fact made DMT before?

25 MR. HOUGH: Judge, we'll object.

3047

1 It's been asked and answered earlier today and  
2 Thursday.

3 MR. RORK: Judge, I've asked about  
4 MDMA and I've asked about other items. I  
5 haven't asked about DMT.

6 MR. HOUGH: Judge, I think the record  
7 will reflect that Thursday and this morning  
8 this--

9 THE COURT: Can you answer the  
10 question?

11 THE WITNESS: Can you ask the  
12 question again? I'm not sure of the timing,  
13 the time frame of it.

14 Q. (By Mr. Rork) The time frame would be: Are

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15 you familiar in your discussions with Mr.  
16 Skinner from October 27-- or October 17 when  
17 you said you first talked to him to the present  
18 time, not limited to then, but that he had told  
19 you he had manufactured DMT and other items?  
20 A. Yes, he told me he had manufactured DMT and  
21 other items, specifically DMT, Mescaline, and  
22 GHB. DMT and Mescaline he manufactured as a  
23 kid or attempted to manufacture as a kid. GHB,  
24 which is a very simple process mixing a couple  
25 of chemicals together and just sticking it on a

3048

1 pot in the kitchen, that he manufactured in  
2 the-- I'm going to say mid 1990s, and I believe  
3 he told me this around August of 2001.

4 Q. And did you ever make any phone calls to  
5 disprove or prove these attempts or actual  
6 manufactures that you have just referred to?

7 A. Yes.

8 Q. And who would that have been to?

9 A. I called-- he said that-- Mr. Skinner said that  
10 he had been at the house of Dennis Zigrang,  
11 Z-I-G-R-A-N-G, and with Mr. Zigrang's son they  
12 had attempted the manufacture of, I believe it  
13 was DMT, and that at some point, Mr. Zigrang  
14 came home and caught them in the middle of  
15 doing that. I don't know if Mr. Zigrang was  
16 aware of what they were manufacturing, but he  
17 saw chemicals there, he was suspicious of that,  
18 and he told Mr. Skinner that it was not  
19 acceptable, that he better knock it off. And  
20 so I did talk to Mr. Zigrang about that.

21 Q. With your contact from Mr. Skinner from the  
22 time period you have indicated before to  
23 today's date, are you aware of him being  
24 stopped or detained with a large amount of  
25 narcotics found on his person or in his vehicle

3049

1 by federal authorities and he was then not  
2 arrested, charged, or cooperated with them?

3 A. Am I aware that Mr. Skinner was stopped?

4 Q. Yes.

5 A. With a large amount of narcotics in his  
6 possession?

7 Q. Yes, stopped or detained.

8 A. No. I mean, do you have a time frame on that?  
9 Is this--

10 Q. Based upon information Skinner provided to you,  
11 whatever time frame when he was providing you  
12 information.

13 A. No. I have no record of that. There isn't  
14 anything in the-- well, let me back up. There  
15 was a point where Mr. Skinner was stopped as he

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16 was crossing the border from Mexico. I believe  
17 it was into Tucson, Arizona. And he was  
18 stopped. I would have to review the records.  
19 I don't recall the exact reason why he was  
20 stopped, and I don't recall if it was narcotics  
21 or alcohol. But he was stopped, and if I  
22 recall, the authorities had him dump out the  
23 alcohol onto the ground. I would have to check  
24 my notes, but I do recall that.

25 Q. Would it take very long to check your notes, or  
3050

1 do you want to wait until a break?

2 A. Well, I can-- I believe I have a report on the  
3 computer, so if I can have a minute or two, I  
4 will check that.

5 MR. HOUGH: Your Honor, may we  
6 approach?

7 THE COURT: Yes, you may.

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

11 MR. HOUGH: Your Honor, if memory  
12 serves me correctly, the incident Mr. Rork just  
13 asked about would have occurred in about 1986  
14 when Mr. Skinner was pulled over and told to  
15 dump out some booze. It didn't result in a  
16 conviction. It's got no impeachment value at  
17 all. So we would object to that. We would  
18 also, just as a prophylactic measure, given  
19 where the questioning appears to be going, ask  
20 the Court to reaffirm its ruling as to the  
21 facts of the Worthy matter and counsel not ask  
22 about those facts that resulted in ultimately  
23 Mr. Skinner's cooperation in New Jersey. So  
24 that would be our objection and also asking the  
25 Court to reaffirm its prior order.

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1 MR. RORK: And, Judge, I just wanted  
2 to make sure whether it was alcohol or drugs,  
3 because it's a significant matter from the  
4 information I was provided, one.

5 MR. HOUGH: It occurred in '86. It  
6 didn't result in a conviction.

7 MR. RORK: I don't know when it  
8 occurred, Judge.

9 THE COURT: I'm going to sustain the  
10 objection.

11 MR. RORK: Judge, he's not making an  
12 objection. He's just telling you that's the  
13 time period. I don't know when the time period  
14 is. The government obviously knows more than I  
15 do because I have no report on that, and that's  
16 why I was asking it. The conversations--

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17 MR. HOUGH: Judge, my understanding  
18 of the border stop was it was in '86. And  
19 counsel is aware of Mr. Skinner's criminal  
20 history because that's all been disclosed, so  
21 we would ask that that objection be sustained  
22 and this moved on.

23 MR. RORK: Judge, I asked about  
24 narcotics, and he said-- first he said no.  
25 Then he said, "Let me back up." Then he said

3052

1 it may have been narcotics or may have been  
2 alcohol. If he says alcohol, I intend to go  
3 on. If he says narcotics, I intend to ask him,  
4 "When was it?"

5 MR. HOUGH: Judge, he just indicated  
6 that he recalled Mr. Skinner being stopped and  
7 told to pour out the bottle of alcohol.

8 MR. RORK: He said if he was right.

9 THE COURT: I'm going to sustain the  
10 objection. Let's move on, on these things.  
11 We've spent a lot of time here.

12 MR. RORK: I'm almost done here, but  
13 the matter on the Worthy matter, I intend to  
14 ask him some other questions, but I believe Mr.  
15 Hough--

16 THE COURT: This aggravates me  
17 terribly. The witness says no, then he starts  
18 screwing around and saying, "Well, maybe there  
19 was something else." I wish he would say "yes"  
20 or "no."

21 MR. RORK: I don't want to violate  
22 the Court's order, but I assumed you had  
23 advised him about the Worthy. I don't intend  
24 to ask that specifically, so I don't want to  
25 say, "except for Worthy," but have you not

3053

1 advised him the whole time not to answer on  
2 that? I'm not trying to trick him or nothing.

3 MR. HOUGH: Well, I'm probably going  
4 to want to advise him about the Worthy thing to  
5 make sure that he knows.

6 THE COURT: Sustained is my ruling,  
7 so let's not.

8 (THEREUPON, the bench conference was  
9 concluded and the following proceedings  
10 were had within the hearing of the jury  
11 panel. WHEREUPON, there was a conversation in  
12 low tones between Mr. Hough and the witness.)

13 Q. (By Mr. Rork) I'll go ahead and ask you some  
14 other questions, or can you-- are you at a  
15 stopping point there?

16 A. Yeah, just-- I don't think I have it on this  
17 computer. We're not really supposed to put

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18 reports of informants onto--  
19 MR. HOUGH: Well, the objection, my  
20 understanding, was sustained--  
21 THE COURT: You're right.  
22 MR. HOUGH: --so that report would be  
23 over.  
24 THE COURT: Go to something else.  
25 MR. RORK: Judge, I thought that's

3054

1 what we went up there for.  
2 THE COURT: Well, it's sustained.  
3 Q. (By Mr. Rork) One of the questions that comes  
4 up into play, do you recall Mr. Skinner  
5 testifying about his being in Heidelberg,  
6 Germany, at some point in time? Do you recall  
7 that?  
8 A. I do.  
9 Q. And did Mr. Skinner relate to you about any  
10 contact he had with the NATO operations while  
11 he was living in Heidelberg, West Germany?  
12 A. NATO operations?  
13 Q. Yeah.  
14 A. My understanding, he was going to school.  
15 Q. And in Vegas there was a mention of a man by  
16 the name of General Seligman. And did Mr.  
17 Skinner relate to you the relationship of why  
18 he-- his relationship with General Seligman and  
19 why he had a lot of generals around him?  
20 A. Well, my understanding is-- was Seligman is a  
21 family friend, and that's-- and that he was out  
22 as a-- out in Las Vegas with Mr. Skinner for a  
23 vacation.  
24 Q. To your knowledge, has Skinner been paid or  
25 compensated in any form for his testimony in

3055

1 this case or related to this case?  
2 A. The general answer is no, he has not been paid.  
3 He has not requested any payment for anything  
4 he has done in this case, and in fact, he's  
5 tried to refuse payment from me. There was one  
6 occasion, February 14th of 2002, Mr. Hough  
7 wanted Mr. Skinner to review reports generated  
8 in this case, and because Mr. Skinner was no  
9 longer an informant, no longer under the  
10 informant system, and there was a time frame  
11 Mr. Hough set to have that review done, in  
12 order to get Mr. Skinner up to the U.S.  
13 Attorney's Office-- the U.S. Attorney's Office  
14 would not fund the travel-- we funded it  
15 through DEA, and we funded the airline ticket  
16 and his hotel stay.  
17 Q. During the course of your discussion with Mr.  
18 Skinner, did he advise you of any of his

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19 cooperation in the program known as Operation  
20 Greenback?

21 MR. HOUGH: Well, Judge, we'll  
22 object. That's irrelevant.

23 MR. RORK: May we approach, Judge?

24 THE COURT: Yes, you may.

25 (THEREUPON, the following proceedings

3056

1 were had at the bench out of the hearing  
2 of the jury panel.)

3 MR. RORK: Judge--

4 THE COURT: What is Operation  
5 Greenback?

6 MR. RORK: I don't know, Judge. That  
7 was my first question was, "Did he advise you  
8 of it?" And if his answer is, "Yes," my next  
9 question was, "What is it?" The information I  
10 have-- that must be the information Mr. Hough  
11 hasn't given to me. That's why I've got to ask  
12 him the questions. Maybe he knows.

13 MR. HOUGH: Judge, if this is a  
14 discovery fishing expedition, it is  
15 inappropriate. We have made full discovery,  
16 and there's no knowledge that we have regarding  
17 any cooperation under that moniker. However,  
18 if, for instance, the New Jersey matter was  
19 known by that moniker or if, for instance, the  
20 matter in Jamaica was known by that moniker,  
21 the Court has standing orders on those matters.  
22 So we would ask the Court to reaffirm those and  
23 unless counsel has some good-faith basis for  
24 believing that there is something else out  
25 there that we don't know about, it would be

3057

1 inappropriate to further this line of  
2 questioning.

3 MR. RORK: Judge, and if that's what  
4 it is, then he's been instructed not to talk  
5 about it. I don't know. And, yes, I have a  
6 good-faith basis, but I don't have a good-faith  
7 basis of what it is that Mr. Hough's  
8 representing that's what it is. But I'll move  
9 on. But I don't know if that's what it is.

10 MR. HOUGH: Well, I don't know. If  
11 it is the Worthy matter, if it's the moniker  
12 for the Worthy matter, I wouldn't know that.  
13 If it's the moniker for the matter in Florida,  
14 I wouldn't know that either.

15 THE BAILIFF: What is your good-  
16 faith basis?

17 MR. RORK: Some information provided  
18 to me about disclosures of Skinner with  
19 activities other than Worthy, other than Miami,

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20 other than Panama, that he's been an agent for  
21 the U.S. government in the relevant time  
22 period, and he told Mr. Nichols that, that  
23 haven't been provided to me is the basis.

24 MR. HOUGH: What was the source of  
25 it?

3058

1 MR. RORK: A source of information  
2 close to Mr. Skinner. I can't reveal it to  
3 you. I can reveal it to the Court in camera,  
4 but I don't intend to reveal it at this point  
5 in time.

6 THE COURT: If we know nothing more  
7 about this, I'm going to sustain the objection.  
8 Let's go on to something else.

9 MR. RORK: Well, but if the  
10 government knows anything about it, I'd ask  
11 that you order him to provide the information  
12 to me then.

13 THE COURT: He said he didn't order  
14 anything. Do you want to call him on it? What  
15 are you doing.

16 MR. RORK: No, but he's the one that  
17 made the relevant basis, so that's why I  
18 thought maybe he knew something about it.

19 MR. HOUGH: Well, Judge, see, this is  
20 just-- all this is a fishing expedition. If we  
21 go back there, he could say, "What about  
22 Operation Bozo," or, "What about Operation  
23 Clown," or, "What about Operation Judge  
24 Rogers?" I mean, the list is endless. A party  
25 has to have a good-faith basis for proffering

3059

1 up a question. You can't just throw things out  
2 in a fishing expedition manner during the  
3 trial.

4 MR. RORK: I do, Judge, have a  
5 good-faith basis. So I guess I would like to  
6 visit with you in camera. I need to tell you  
7 what those are, Judge, so you can make a  
8 ruling.

9 THE COURT: I don't know what they  
10 are, that's for sure. I've never heard of  
11 them, and it may be back 20 years. I don't  
12 have the slightest idea. I thought we had some  
13 rules about how far you go back.

14 MR. RORK: I know you did. I know  
15 you did.

16 THE COURT: I'm going to sustain the  
17 objection. Let's go on.

18 (THEREUPON, the bench conference was  
19 concluded and the following proceedings  
20 were had within the hearing of the jury

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21 panel.)

22 Q. (By Mr. Rork) Mr. Hobbs had testified that  
23 during a travel he had with Mr. Skinner, on  
24 whatever occasion he indicated it, that Mr.  
25 Skinner had talked about narco-terror or narco-

3060

1 drugs or something of that nature. Did Mr.  
2 Skinner ever relate to you as him being  
3 involved as a government agent or agent in  
4 narco-terrorism?

5 A. First of all, I don't remember Mr. Hobbs  
6 talking at all, testifying at all about  
7 traveling with Mr. Skinner and talking about  
8 narco-terrorism.

9 MR. HOUGH: Well, Judge, we agree.  
10 We object. This question assumes facts not in  
11 evidence.

12 MR. RORK: Judge, the question I  
13 asked dealt with did he talk about  
14 narco-something, and Mr. Hobbs couldn't  
15 remember what the narco was. And that's what  
16 my reference to the question is.

17 THE COURT: If you don't know  
18 something, say you don't know it, please.  
19 Don't wander all over Hogan's goat here. Let's  
20 go ahead.

21 A. You know, my answer is I don't know. I never  
22 heard that in testimony. I never heard that  
23 before.

24 Q. (By Mr. Rork) And Mr. Skinner--

25 A. I don't know where that question is coming

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1 from. I didn't hear any testimony like that.

2 Q. Mr. Skinner testified also in his testimony  
3 that he had funding and had done brokering of  
4 moneys in eastern Europe. Do you recall him  
5 indicating to you, he being Mr. Skinner, that  
6 he had four bank accounts during this time with  
7 you at the DDR?

8 A. At some point he told me he was exchanging  
9 money for other students when he was in  
10 Germany, when he was going to school there. I  
11 don't recall him saying he had a bank account  
12 to me. I do recall him saying he had a bank  
13 account in the DDR during testimony where he  
14 had about, I don't know, \$50 in the account,  
15 something like that.

16 Q. But during the period of time that you were  
17 with Mr. Skinner and in the course of your  
18 investigation, did he reveal to you that from  
19 October 17th of 2000 until the present time  
20 that you have had contact with him he had  
21 another account in the DDR with more money than

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22 that?

23 A. Not to my knowledge, no. I don't recall  
24 anything like that.

25 Q. You don't recall him making that statement?

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1 A. He could have, I just don't recall it.

2 Q. Do you recall Skinner making a statement to you  
3 during the period of time he was cooperating  
4 with you that-- representing that he had-- that  
5 he was the head of the entire worldwide LSD  
6 system and had veto power over it?

7 MR. HOUGH: Judge, we'll object.

8 There is absolutely no evidence of record of  
9 that.

10 MR. RORK: Judge, that may not be the  
11 evidence of record, but I'm asking the agent a  
12 question concerning things that may not be in  
13 the reports, as a lot of other things that have  
14 come out that aren't in the reports.

15 THE COURT: I'm going to sustain the  
16 objection.

17 Q. (By Mr. Rork) Do you recall Mr. Skinner made  
18 some conversations to you initially as you put  
19 in your report that the Brotherhood of Eternal  
20 Love philosophy was the supposed one of the  
21 reasons why he differed with the actions of Mr.  
22 Pickard? Do you recall that statement?

23 A. I do.

24 Q. And did that pique your interest because of any  
25 involvement you had had with the Brotherhood of

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1 Eternal Love previously?

2 A. What do you mean by involvement?

3 Q. Did you have an investigation that you  
4 undertook with the Brotherhood of Eternal Love  
5 around 1974?

6 A. Mr. Rork, I was ten years old in 1974, so, no,  
7 I did not have an investigation of the BEL.

8 Q. It could have been any time after you were a  
9 DEA chemist or when you were an investigating  
10 officer that you had any investigation, a trial  
11 with the Brotherhood of Eternal Love.

12 MR. HOUGH: Judge, we'll object.

13 It's irrelevant and immaterial.

14 THE COURT: Sustained.

15 Q. (By Mr. Rork) You've testified that this was  
16 the first LSD laboratory you had ever seen. Do  
17 you remember that?

18 A. Yes, I do.

19 Q. And this was the first occasion where someone  
20 has been received the type of immunity that Mr.  
21 Skinner had received. Is that correct?

22 A. It's the first time I've ever dealt with

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23 anybody who had immunity. I dealt with a  
24 number of other people who had proffers or who  
25 just came in and talked to me, so it's-- but

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1 it's the first time I ever dealt with anybody  
2 who had an official immunity letter from the  
3 Department of Justice.

4 Q. Why did you leave the DEA office from the  
5 forensic chemist side, the laboratory, to  
6 become an agent?

7 MR. HOUGH: Objection. Irrelevant.

8 THE COURT: Sustained.

9 Q. (By Mr. Rork) How long were you a DEA-- in the  
10 laboratory before you became an agent?

11 A. I was a forensic chemist for four years from  
12 January of 1988 until January of 1992.

13 Q. And during that period of time, had you ever  
14 seen a substance referred to as ET in a  
15 cylinder-like can as the one Mr. Skinner had  
16 pointed out for you that was sitting on the  
17 stereo October 27th?

18 MR. HOUGH: Objection. Asked and  
19 answered. Judge, the witness said he stood  
20 over it and looked at it.

21 MR. RORK: And, Judge, I wasn't  
22 asking him about seeing it then. I asked him  
23 if he had seen one before that day he stood  
24 over it and looked at it. That was my  
25 question.

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1 THE COURT: I'll sustain the  
2 objection.

3 Q. (By Mr. Rork) What disciplinary action if any  
4 did you take per Mr. Skinner and his handling  
5 of the ET in the manner as would relate to any  
6 cooperation agreement he entered into with you?

7 A. I reprimanded him. I told him that the  
8 information would be presented to Mr. Hough,  
9 that a determination would be made whether his  
10 immunity agreement would stand, whether he had  
11 violated that immunity agreement, and that the  
12 decision was at that point with Mr. Hough and  
13 based upon the conversations I had with him.

14 Q. Other than having Mr. Kendall removed from the  
15 premises in the manner you have described, was  
16 he ever interviewed after that occasion or  
17 given any interview that you know of?

18 MR. HOUGH: Objection. Irrelevant.

19 MR. RORK: Well, Judge, he lived  
20 there for two years. I want to know if he was  
21 interviewed, and if he did, what if anything he  
22 may have said.

23 MR. HOUGH: Judge, it's irrelevant

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24 two years later, and whatever he said would be  
25 hearsay.

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1 MR. RORK: Judge, he's on my witness  
2 list.

3 THE COURT: Well, answer the question  
4 if you know it.

5 A. I talked to Mr. Kendall a couple of times.  
6 Have I interviewed him? No, I have not.

7 Q. (By Mr. Rork) And do you know whether or not  
8 you generated any reports from your talking  
9 with him, those DEA-6s?

10 A. I have not.

11 MR. RORK: Your Honor, if we could  
12 take the afternoon break at this time, I'm  
13 almost done. There were some items I didn't  
14 get to because of the noon one.

15 THE COURT: Ladies and gentlemen,  
16 let's recess for 15 minutes. We'll call you  
17 back. Mr. Bailiff.

18 THE BAILIFF: All rise. Court will  
19 stand in recess for 15 minutes.

20 (THEREUPON, a recess was had.)

21 THE COURT: Are you-- did you close?

22 MR. RORK: Yes, Judge, I just  
23 unloaded my stuff.

24 THE COURT: All right, Mr. Bennett.

25 (WHEREUPON, the testimony of Karl

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1 Nichols upon cross-examination by Mr. Bennett  
2 has been transcribed and is contained in a  
3 separate binder.)  
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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, Roxana S. Montgomery Certified  
6 Shorthand Reporter in and for the State of  
7 Kansas, do hereby certify that I was present at  
8 and reported in machine shorthand the  
9 proceedings had the 3rd day of March, 2003, in  
10 the 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

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Roxana S. Montgomery  
Certified Shorthand Reporter