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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

CHRISTOPHER P. AIELLO, P.C., a  
Professional Michigan Corporation,

Plaintiff/Counter-Defendant;

vs.

Case No. 00-020759-CK  
Hon. Robert Templin

CHRISTINE LYNN MORRISON,

Defendant/Counter Plaintiff  
and Third Party Plaintiff;

vs.

CHRISTOPHER P. AIELLO, Individually,

Third Party Defendant.

-----/

Proceedings had and testimony taken in  
the above-entitled matter before HONORABLE ROBERT TEMPLIN,  
Oakland County Circuit Court, at 1200 N. Telegraph, Pontiac,  
on Monday, August 20, 2001.

APPEARANCES:

CHRISTOPHER P. AIELLO, P.C.  
26393 Dequindre  
Madison Heights, Michigan 48071  
(By: Aaron D. Geyer, Esq.)

Appearing on behalf of Plaintiff/  
Counter-Defendant  
and Third Party Defendant Christopher P. Aiello

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DANIEL J. HENRY, JR.  
DOUGLAS A. MCKINNEY  
JOSEPH SLAVEN  
34197 Doreka  
Fraser, Michigan 48026  
(By: Mr. Daniel J. Henry, Jr., Esq.)

Appearing on behalf of Defendant/Counter-Plaintiff  
and Third Party Plaintiff Christine Morrison

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1

Monday, August 20, 2001

2

Pontiac, Michigan

3

4

- - -

5

MR. HENRY: Good morning,

6

your Honor, when we closed on Friday,

7

Mr. Aiello's counsel was going to move a number

8

of items into the record, reportedly from the

9

domestic relations case --

10

MR. GEYER: Can I interrupt

11

you for one second?

12

MR. HENRY: Sure.

13

MR. GEYER: I believe I can

14

head you off real quickly.

15

MR. HENRY: Okay.

16

MR. GEYER: I am changing

17

game plan. I am not going to do that.

18

MR. HENRY: You're not going

19

to move those into --

20

MR. GEYER: At this point for

21

this witness, no.

22

MR. HENRY: All right.

23

You're going to do it later?

24

MR. GEYER: Yes, sir.

25

MR. HENRY: Okay. That

1 MR. MCKINNEY: Nothing  
2 further, your Honor.

3 THE COURT: Any further,  
4 Mr. Geyer?

5 MR. GEYER: No. Thank you.

6 THE COURT: You may step  
7 down. You may call your witness.

8 MR. HENRY: Yes, your Honor.  
9 I call Jason Spencer, he's across the hall. May  
10 I step out and get him?

11 THE COURT: Sure.

12 (Witness is brought into the  
13 courtroom.)

14 THE COURT: You may be seated.

15 J A S O N S P E N C E R,  
16 called as a witness, and sworn by the Clerk,  
17 testified:

18 Direct Examination

19 BY MR. HENRY:

20 Q. Mr. Spencer, would you tell the jury your full  
21 name and business address, please?

22 A. Jason Bernard Spencer. My business address is  
23 13417 Eight Mile Road.

24 Q. Speak up, please, so I can hear.

25 A. I am sorry. My business address is 13417 Eight

1 Mile Road, Warren, Michigan.

2 Q. Thank you. And what do you do?

3 A. I manufacture starters, alternators, automotive  
4 parts.

5 Q. I want to turn your attention to the years of  
6 February 10, 1997, through May 1st, 1998,  
7 approximately a 15-month period of time.

8 A. Okay.

9 Q. At that time, where were you working?

10 A. I worked for Bill's Suburban Starter and  
11 Alternator, Incorporated.

12 Q. And who owns that corporation?

13 A. Edward Michael Hannaford.

14 Q. And Mr. Hannaford, is he Miss Morrison's  
15 ex-husband at this point in time?

16 A. Yes, he is.

17 Q. What did you do for Mr. Hannaford, for the  
18 business?

19 A. I was a shop foreman. I ran the shop, sales  
20 manager personnel director. I pretty much ran  
21 the whole shop.

22 Q. And how many hours a week, on average, did you  
23 work?

24 A. Approximately 70.

25 Q. Who opened the business?

1 A. No, no. Mr. Aiello did not ever call me.

2 Q. Did anyone in Mr. Aiello's law office on behalf  
3 of Mr. Aiello, ever telephone you?

4 A. No, they did not.

5 Q. Had Mr. Aiello telephoned you, what would have  
6 you told --

7 MR. GEYER: Objection,  
8 speculation, and objection, leading.

9 MR. HENRY: I'll rephrase the  
10 question.

11 BY MR. HENRY:

12 Q. What was it about Mr. Hannaford's business that  
13 Miss Morrison wanted you to discuss with her  
14 attorney?

15 MR. GEYER: Objection,  
16 hearsay.

17 THE COURT: You have may have  
18 an answer.

19 MR. HENRY: Thank you, your  
20 Honor.

21 THE WITNESS: The amount of  
22 cash that came in through the door would be the  
23 biggest thing, because Mr. Hannaford didn't  
24 report all his income.

25 BY MR. HENRY:

1 Q. And did you tally the bill of sales at Bill's  
2 Suburban?

3 A. Yes, I did.

4 Q. And was that done on a daily basis?

5 A. Yes, it was.

6 Q. What was the operating hours of the business on  
7 Monday through Friday?

8 A. Monday through Friday, it was 9:00-6:00.

9 Q. Saturdays?

10 A. Saturday it was 9:00-5:30.

11 Q. And was it open on Sundays?

12 A. Yes, also 10:00-2:00.

13 Q. 10:00-2:00?

14 A. Yes.

15 Q. Were the sales in volume, any different on  
16 Saturdays than they were Monday through Friday,  
17 on the average?

18 A. No, Monday through Saturday was pretty consistent  
19 everyday.

20 Q. And how long were you the operating manager of  
21 that business, from what time frame to what time  
22 frame?

23 A. April of '94 'til May of '98.

24 Q. And throughout that time you kept those hours,  
25 more or less, 70 hours a week, more or less?

1 A. Yes.

2 Q. How many employees were there?

3 A. About 12, on average. I mean, it would vary, you  
4 know. It might dip to 10 or nine, but it might  
5 go up to 14, but probably at 12, on average.

6 Q. Were those hourly employees?

7 A. Yes.

8 Q. How were you compensated?

9 A. When I was shop foreman, I was salaried.

10 Q. Had you worked for Bill's Suburban prior to  
11 that?

12 A. Yes, I was.

13 Q. When did you begin working for Bill's Suburban?

14 A. August of 1987.

15 Q. And at that time, were you hourly in 1987?

16 A. Yes, I was. I was an hourly employee.

17 Q. And when did you become a salaried employee?

18 A. April of '94.

19 Q. Can you tell me on average, what the total  
20 receipts would be, or a range of total  
21 receipts on a daily basis, Monday through  
22 Saturday?

23 MR. GEYER: Objection,  
24 relevance.

25 THE COURT: Overruled. Go

1 ahead and answer.

2 MR. HENRY: Thank you, your  
3 Honor.

4 THE WITNESS: The average  
5 sales per day would be about \$2,200.00 in cash,  
6 or C.O.D. payments, which would be either cash,  
7 check, or credit card, and approximately, \$600.00  
8 in accounts receivable a day, which would be a  
9 customer that pays at the end of the month.

10 BY MR. HENRY:

11 Q. And sales were paid for by, again, checks --

12 A. Checks.

13 Q. -- personal checks?

14 A. Personal checks, as well as business checks, or  
15 business checks, credit card, Visa, Master Card,  
16 or cash.

17 Q. And those average sales, again, were --

18 A. The average sales a day were about \$2,200.00.  
19 The cash, of which was approximately \$1,500.00;  
20 the checks and credit card portion, made  
21 approximately \$700.00. And the accounts  
22 receivable would approximately be \$600.00 daily.

23 Q. Would the accounts receivable be over and above  
24 the \$2,200.00 a day?

25 A. Yes, yes.

1 Q. So, you'd make \$2,200.00 plus \$600.00. That's  
2 \$2,800.00, approximately?

3 A. Right, we wouldn't see the \$600.00 until the  
4 end of the month for each day, but --

5 Q. Why was that?

6 A. Because they were paid at the end of the month.  
7 The accounts receivable would be customers that  
8 bought in higher volume and had a credit line  
9 with us, so they could come in and just pick up a  
10 starter or alternator and take it back to their  
11 shop, install it. And then at the end of the  
12 month, we would send them a billing statement and  
13 then they would pay the statement fee. If they  
14 ordered 10 for the month, they would pay whatever  
15 the 10 amounted to.

16 Q. And they were invoiced of a monthly basis?

17 A. Correct.

18 Q. Well, when you give me an average of daily  
19 activity, and that's the taking of the billings  
20 at the end of the month and averaging them over a  
21 30-day month, correct?

22 A. Yes.

23 Q. It would be \$600.00 a day, on average?

24 A. Yes, yes.

25 Q. Okay. Were there business documents to assist in

1 the recording of sales?

2 A. Yes.

3 Q. Okay.

4 MR. HENRY: I would like to  
5 have this marked as an exhibit.

6 (Whereupon Exhibit T was  
7 marked for identification.)

8 BY MR. HENRY:

9 Q. Mr. Spencer, I am going to hand you three or four  
10 pages that have been stapled together, and ask  
11 you if you can identify those documents as  
12 represented to you.

13 A. Yes, each document was used on a daily basis at  
14 Bill's Suburban.

15 Q. And that's just a representation of the kind of  
16 documents used in the business; isn't that  
17 correct?

18 A. Yes.

19 Q. They were used on a daily basis?

20 MR. GEYER: Could we be a  
21 little bit more leading, your Honor? Objection.

22 THE COURT: Objection  
23 sustained.

24 MR. HENRY: I'd move for the  
25 admission of Exhibit T.

1 THE COURT: Overruled. You  
2 may have an answer.

3 THE WITNESS: One of the  
4 services also provided by Bill's Suburban, is we  
5 also did installations there, too. So a customer  
6 had their option of buying a part, or  
7 having their car worked on by us.

8 And a garage repair order is  
9 a document that they would fill out when they  
10 would bring their car in to signify the problem  
11 they were having -- if they wanted a system  
12 check out -- and then from there, we would find  
13 out what was wrong with the vehicle, call them  
14 back, and complete the work.

15 MR. HENRY: That's what --

16 MR. GEYER: Excuse me. I  
17 don't think he can cut off his own witness.

18 MR. HENRY: Well, I didn't  
19 want him to be long winded, I was trying to  
20 conserve the time of the Court. I apologize, I  
21 didn't mean to cut off my witness.

22 BY MR. HENRY:

23 Q. When you tally those records together, what do  
24 you end up with on a daily basis?

25 A. The numbers that I had said earlier about

1           \$2,200.00 a day, and the cash, or C.O.D.  
2           transactions, and about \$600.00 in accounts  
3           receivable. And they would be put on to a form  
4           at the end to keep track of, similar to this one  
5           -- or this one, exactly (indicating).

6           Q. And there is a form in that packet that  
7           represents the summary of sales?

8           A. Yes.

9           Q. Okay. And this is a form that you would utilize  
10          as the store manager?

11          A. Every day.

12                           MR. GEYER: Your Honor,  
13                           again, can we have Counsel be a little less  
14                           leading, please?

15                           THE COURT: If you would.

16                           MR. HENRY: Sure, your Honor,  
17                           I apologize. It is my desire to keep things  
18                           moving here.

19                           MR. GEYER: Your Honor, can  
20                           the answer be stricken from the leading questions  
21                           that has been objected to?

22                           THE COURT: It will be  
23                           stricken.

24           BY MR. HENRY:

25           Q. Are those records maintained by Bill's Suburban?

1 A. Yes, they were.

2 Q. As a regular course of it's business?

3 A. When I was there, yes.

4 Q. When you were there, being up until --

5 A. Up until the time I left in May of '98.

6 Q. And in the year's time, in one calendar year's  
7 time, how many records would be generated by  
8 Bill's Suburban?

9 A. Fifteen thousand, or better.

10 Q. Would those records that were obtained by the  
11 business, include the daily summary sheet?

12 MR. GEYER: Your Honor,  
13 leading question, again.

14 MR. HENRY: That's not a  
15 leading question.

16 THE COURT: Overruled, you  
17 may have an answer.

18 Q. And would those records include the retention of  
19 the daily summary of sales document --

20 A. For each day of operation, yes.

21 Q. Did Mr. Hannaford throw away many documents?

22 A. No, he did not.

23 Q. How did he store them?

24 A. He boxed them up in similiar storage boxes that's  
25 behind you (indicating). And he would label

1           them, you know, the quantity -- not the quantity,  
2           but the dates -- from what they were, the year--  
3           and he would store them, usually, in the rafters  
4           of the business.

5           Q.    Did you ever see more than daily receipts of  
6           cash; that is, the daily cash sales? Did you  
7           ever see any more cash than that while you worked  
8           there?

9           A.    Yes

10          Q.    What's the largest amount of cash you've ever  
11          seen, at least, through the business-- the  
12          largest quantity of cash you've ever seen at  
13          Bill's Suburban?

14          A.    I witnessed a briefcase full of money that was --  
15          it was supposed to be a million dollars in it.  
16          Did I count it? No.

17          Q.    A briefcase with a million dollars of cash in it?

18          A.    Yes.

19          Q.    Did Mr. Hannaford ever give you any cash?

20          A.    Yes, he did.

21          Q.    How much cash did he give you at any one time?

22          A.    I received -- the largest amount of cash I  
23          received from him, was a \$10,000,00 cash loan.

24          Q.    And that was all in cash?

25          A.    Yes.

1 Q. No check?

2 A. No check.

3 Q. Did you sign a promissory note?

4 A. No, I did not.

5 Q. And he lent you that money for what purpose?

6 MR. GEYER: Objection,  
7 relevance.

8 THE COURT: You may have an  
9 answer.

10 THE WITNESS: I borrowed the  
11 money to purchase -- for part of a down payment  
12 on my house.

13 BY MR. HENRY:

14 Q. Did Mr. Hannaford pay you by business check?

15 A. Yes, he did.

16 Q. Did he also pay you in cash?

17 A. Yes, he did.

18 Q. What percentage of your check was cash versus  
19 check?

20 A. Approximately -- in the beginning of being shop  
21 manager I was -- the majority was cash, and when  
22 I left it was about three-quarters check,  
23 one-quarter cash.

24 Q. Do you know why he paid you in cash?

25 MR. GEYER: Objection,

1 speculation.

2 THE COURT: Overruled, you  
3 may have an answer, if he knows.

4 THE WITNESS: To avoid paying  
5 worker's comp insurance, and to avoid the  
6 federal taxes -- FICA taxes -- and things like  
7 that, that he would have to match.

8 BY MR. HENRY:

9 Q. Did he pay other employees cash, if you know?

10 A. Yes, he did.

11 Q. When you first began to work there in 1987,  
12 how did he pay you?

13 A. All cash.

14 Q. And that was as an hourly employee?

15 A. Yes?

16 Q. How old were you when you began working there?

17 A. Sixteen, seventeen.

18 Q. So you were still in high school?

19 A. Yes, I was.

20 Q. And what did you do, initially, when you first  
21 started working there?

22 A. I would tear down the most basic part of the job  
23 function.

24 Q. Did Mr. Hannaford ever tell you about what you  
25 had to do with the cash, that is, as far as the

1 Internal Revenue Service was concerned?

2 A. Not report it.

3 Q. He told you not to report it?

4 A. Yeah.

5 Q. Was that true right on through your employment?

6 A. Yes.

7 Q. Did you ever see Mr. Hannaford with a large  
8 quantity of cash in his possession other than  
9 this briefcase that you've referred to?

10 A. Several times.

11 Q. And what would you see?

12 A. On a daily basis when the cash was counted out of  
13 the register it was put into an envelope, and the  
14 envelope was marked with the day and the quantity  
15 in it, and then it was put into a safe. He had a  
16 floor-mounted safe with a big slit in it. He  
17 would slide the envelope in the safe. Well, he  
18 was the only one that had access to the  
19 combination. Once a week or whenever it may be,  
20 he would open the safe up, and he'd take the  
21 envelopes out and cross-check them against the  
22 daily summary sheets. He had to make sure -- I  
23 would make sure that the sheet balanced -- and he  
24 would make sure that the cash balanced that was  
25 listed on the sheet, so there would be several

1 May of '98?

2 A. Yes.

3 Q. Well, if someone had sought those business  
4 records, they were available?

5 A. Yes.

6 Q. Had you received a telephone call from Mr.  
7 Aiello, would you have discussed what you've  
8 discussed today in court with him?

9 MR. GEYER: Objection,  
10 it assumes facts not in evidence.

11 MR. HENRY: The facts are  
12 right there, he just testified.

13 THE COURT: Overruled, you  
14 may have an answer.

15 THE WITNESS: Yes.

16 BY MR. HENRY:

17 Q. And why would you have told this information to  
18 Mr. Aiello?

19 A. If he would ask the question, I'm not -- I wasn't  
20 going to lie. If he asked me how much cash was  
21 coming into the business, I would have told him.

22 Q. Any questions he would have asked, you would have  
23 told him the truth; is that what you're saying?

24 A. Yes.

25 Q. But that call, you never received that call?

- 1 Q. Would you consider Miss Morrison a close friend?
- 2 A. Not a close friend, acquaintance.
- 3 Q. How often would you say that the two of you
- 4 associated?
- 5 A. Because of the lawsuit, probably weekly.
- 6 Q. Do you discuss both your lawsuit and her lawsuit
- 7 regularly?
- 8 A. I would say no.
- 9 Q. Well, what do you typically discuss?
- 10 A. When I see her: How's it going, you know. How
- 11 you holding up, because she's -- she's pretty
- 12 distraught.
- 13 Q. Do you ever talk about Christine's child, about
- 14 Ashley?
- 15 A. Yes.
- 16 Q. Do you know how often Christine saw Ashley in the
- 17 last three years?
- 18 A. She was unable to see Ashley.
- 19 Q. That's not what I asked you. Do you know how
- 20 often she has seen Ashley in the last three years?
- 21 A. Not very frequently.
- 22 Q. If I told you it was less than 10 times, would
- 23 you agree with me?
- 24 A. Probably be accurate.
- 25 Q. Do you know how many times she's called to speak

1 question, it is not the correct -- he could have  
 2 done that when the witness was on the stand.  
 3 THE COURT: I'll sustain the  
 4 objection.  
 5 MR. HENRY: Thank you, your  
 6 Honor.  
 7 MR. GEYER: Well, Counsel went  
 8 into a superseding cause analogy, and that's exactly  
 9 where I'm going also.  
 10 MR. HENRY: Because it was  
 11 opened by Mr. Geyer, that's why I went into that  
 12 earlier.  
 13 MR. GEYER: But I'm following  
 14 his lead.  
 15 MR. HENRY: But now he's going  
 16 into -- he could have done when we had the witness  
 17 on the stand.  
 18 THE COURT: Objection sustained.  
 19 MR. HENRY: Thank you, your  
 20 Honor.  
 21 MR. GEYER: No further questions.  
 22 FURTHER REDIRECT EXAMINATION  
 23 BY MR. HENRY:  
 24 Q. One last question, professor, how long have you been  
 25 teaching torts?

1 minutes to twelve, gentlemen.  
 2 MR. HENRY: We have that one  
 3 matter of business with Mr. Spencer, who I believe  
 4 is here. We can excuse the jury and take that  
 5 matter.  
 6 THE COURT: And you want to take  
 7 care of that now?  
 8 MR. HENRY: Let me check and see  
 9 if he's there across the hall. I had told him to be  
 10 here.  
 11 MR. AIELLO: Do you want to let  
 12 the jury go, your Honor?  
 13 THE COURT: We're going to wait  
 14 and see if Mr. Spencer's here.  
 15 MR. HENRY: Mr. Spencer is here,  
 16 your Honor.  
 17 THE COURT: Members of the jury,  
 18 you may be excused for lunch until 1:30.  
 19 (Jury is dismissed for lunch.)  
 20 MR. HENRY: Mr. Spencer, if you  
 21 would take the witness stand. You're still under  
 22 oath.  
 23 Your Honor, I represented to the  
 24 Court yesterday, I believe it was at the break where  
 25 we brought Professor Keenan into the courtroom, that

1 MR. GEYER: No, no, no. Judge --  
 2 MR. HENRY: I'll ask it a  
 3 different way then.  
 4 BY MR. HENRY:  
 5 Q. Professor, how often does superseding cause appear  
 6 in a case --  
 7 MR. GEYER: Asked and answered.  
 8 MR. HENRY: No, it was  
 9 stricken. I just want to make sure --  
 10 THE COURT: You may have an  
 11 answer.  
 12 THE WITNESS: Superseding cause  
 13 is an extremely rare event. A whole lot of people  
 14 get run over by trucks on highways than get run over  
 15 by airplanes. For purposes of a hypothetical, an  
 16 illustration with my students I use, maybe one out  
 17 of every two hundred cases. All the other cases are  
 18 intervening cause situations.  
 19 MR. HENRY: Thank you,  
 20 Professor, I have nothing further.  
 21 MR. GEYER: Nothing further.  
 22 THE COURT: You may be excused.  
 23 THE WITNESS: Thank you, your  
 24 Honor, counsel, ladies and gentlemen.  
 25 THE COURT: Well, it's twelve

1 Mr. Spencer had reported to me that Mr. Aiello had  
 2 threatened him in the hall outside this courtroom,  
 3 and the Court asked me to have Mr. Spencer appear to  
 4 address that directly, since I only have what  
 5 Mr. Spencer told me. I ask the Court to ask  
 6 Mr. Spencer the questions, so the Court understands.  
 7 J A S O N S P E N C E R,  
 8 recalled as a witness, and previously sworn,  
 9 testified:  
 10 DIRECT EXAMINATION  
 11 BY THE COURT:  
 12 Q. What transpired here, Mr. Spencer, as far as  
 13 Mr. Aiello is concerned?  
 14 A. Well, after we had broke for lunch, I walked out in  
 15 the hallway and I was directly behind Mr. Aiello,  
 16 and as I exited the doorway here, Mr. Aiello turned  
 17 to me and put his, you know, finger in my face,  
 18 approximately six inches away, and --  
 19 MR. AIELLO: I object, your  
 20 Honor, this is a lie. Your Honor, this is the most  
 21 fabricated story I've ever --  
 22 THE COURT: Sit down and shut  
 23 up, or you're going to be across the street.  
 24 MR. AIELLO: Yes, your Honor.  
 25 THE COURT: Oh, I've sent

1 attorneys across the street before, and you might be  
2 about the fifth one, so just sit down and be quiet  
3 until it's your turn to speak.

4 MR. AIELLO: Okay.

BY THE COURT:

Q. Proceed.

7 A. He told me that he was going to take the transcript  
8 and he's going to send it directly to the IRS, to  
9 see to it personally that I be prosecuted and sent  
10 to jail. And I didn't respond to him verbally, and  
11 he just kept -- he was backing up and talking to  
12 me and then he walked away. And then we went to  
13 lunch, and twice more he -- at lunch -- he said  
14 something to me right before we reconvened.

15 Q. Where was this at lunch, in the cafeteria?

16 A. Out the -- not the -- after we had left and ate  
17 lunch, he came outside the hall, the hallway behind  
18 the metal detectors. I was out there, and he came  
19 out of the courtroom here and walked down the  
20 hallway, and when he got about five paces away from  
21 me, he kind of stiffened up mechanically, and  
22 was -- like I say, he was -- every other step he  
23 would say I-R-S as he passed me by, and then he went  
24 past me to where the bathrooms are, where you turn  
25 that corner, and turned around and directly came

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1 Q. Thank you. Did you and I have a discussion -- you  
2 and I, side by side -- about actions to being taken  
3 against Mr. Spencer?

4 A. You and I --

5 MR. HENRY: I object, your  
6 Honor, he's leading.

7 THE WITNESS: You and I were  
8 talking, and if they overheard our conversation, if  
9 they were eavesdropping onto our conversation, I  
10 hold them in contempt our court. I was talking to  
11 my attorney, and I was walking out of here, your  
12 Honor. If Mr. McKinney or Mr. -- whatever his name  
13 is --

14 BY MR. GEYER:

15 Q. At any point in time, did you ever point your finger  
16 at Mr. Spencer and say "I-R-S"?

17 A. No, absolutely not.

18 MR. GEYER: Nothing further of  
19 the witness.

20 MR. HENRY: I would like  
21 Mr. Spencer to retake the stand for a moment.

22 THE COURT: Okay.

23 MR. HENRY: May I ask him a  
24 question, your Honor?

25 THE COURT: Sure.

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1 back again.

2 When he came back the second  
3 time, he stopped and said that he was going to, you  
4 know, see to it that I was criminally prosecuted,  
5 and he was going to make sure that, you know, that I  
6 was going to get in trouble and something. And  
7 that's -- I didn't -- I really didn't say anything to  
8 him, and I just left it at that. And I informed Mr.  
9 McKinney and Mr. Henry immediately about the  
10 hallway, and then I later informed Mr. McKinney  
11 about the one -- the second -- the two other times  
12 out here. I just -- I felt that he was trying to  
13 threaten me and intimidate me.

14 THE COURT: Mr. Geyer?

15 MR. GEYER: Can I call  
16 Mr. Aiello to the stand?

17 THE COURT: Sure.

18 CHRISTOPHER AIELLO,  
19 recalled as a witness, and previously sworn,  
20 testified:

21 REDIRECT EXAMINATION

22 BY MR. GEYER:

23 Q. Mr. Aiello, you're still also under oath. Did you  
24 make any threatening allegations to Mr. Spencer?

25 A. No, you were standing right next to me.

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1 REDIRECT EXAMINATION

2 BY MR. HENRY:

3 Q. When Mr. Aiello first spoke to you, was Mr. Geyer  
4 present?

5 A. He was still in this courtroom.

6 Q. So it was a conversation just between the two of  
7 you?

8 A. Yeah, we were the only two in the hallway.

9 Q. Was Mr. Geyer present when he walked by you and --

10 A. No, he was not.

11 Q. -- said in a mechanical step, "I-R-S"?

12 A. No, he was not.

13 Q. Was Mr. Geyer by you when you had the third  
14 conversation about --

15 A. No, Mr. Geyer was nowhere to be seen.

16 Q. Thank you.

17 MR. GEYER: Your Honor, may I  
18 take the stand?

19 THE COURT: Sure.

20 MR. GEYER: Would you like  
21 Mr. Aiello to examine me?

22 THE COURT: It doesn't matter.

23 AARON GEYER,  
24 called as a witness, and sworn by the Court,  
25 testified:

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