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Defendant and Cross-Complainant *pro se*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CENTRAL DISTRICT**

KENDRICK MOXON

Plaintiff,

v.

GRAHAM BERRY,

Defendants.

GRAHAM E. BERRY, an individual;

Cross-Complainant,

v.

KENDRICK L. MOXON, an individual;

Cross-Defendant.

Case No. BC429217

**DEFENDANT AND CROSS-
COMPLAINANT'S APPENDIX NO. I
OF EXHIBITS AND REQUEST FOR
JUDICIAL NOTICE FILED AS PART OF
THE UNVERIFIED ANSWER AND
VERIFIED COMPULSARY CROSS-
COMPLAINT HEREIN.**

Action filed: January 5, 2010

[Filed concurrently with: (1) Judicial Council
of California Form MC-701 (C.C.P. §391.7;
(2) Appendix No. II of Exhibits [Exhibits B-
D]; (4) Appendix No. III of Exhibits
[Exhibits E-J] ; Unverified answer and
verified cross-complaint]

EXHIBIT 13

MILLER & COMPANY
REPORTERS

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1 Q And has he -- has he always lived there?
2 A Oh, yeah, since he born, yes.
3 Q How many children do you have?
4 A Three.
5 Q And so -- and am I correct that your children
6 are Michael, Vanessa and Ana Marina?
7 A Yes.
8 Q And how old is Vanessa?
9 A 21.
10 Q How old is Ana Marina?
11 A 17 years old.
12 Q And where does Vanessa live?
13 A She's living right now in my mother's house,
14 Eloisa.
15 Q And that is the house that's on 25th Street?
16 A Yes.
17 Q And for how long has Vanessa lived at your
18 mother's house?
19 A Oh, already one year. One year.
20 Q Why was it that Vanessa began living at your
21 mother's house?
22 A March last year.
23 Q Why was it that she moved? How come it was
24 decided that she would live there as opposed to the
25 house on Urban Avenue?

1 A Well, that's what I knew. They told me that.
2 Q Who told you that?
3 A I heard the court. They didn't have the
4 fingerprints at the court.
5 Q Who said that?
6 A The police -- no, the prosecutor. That lady,
7 the prosecutor.
8 Q Is your son represented by a lawyer in the
9 current criminal proceedings?
10 A The first one, she was a lady, the first one.
11 Q And was the first lawyer from the public
12 defender's office?
13 A Yes.
14 Q Is that lawyer still representing your son?
15 A No, not right now.
16 Q Who is representing your son currently in
17 these proceedings?
18 A It's a man. Now it's a man. Thomas.
19 Q Thomas who?
20 A I don't know his last name.
21 Q Is Thomas, whatever his last name may be, a
22 private attorney?
23 A Yes.
24 Q Okay. Who is paying the bill?
25 A My husband and my mother-in-law. It's her

1 favorite grandson.

2 Q Has anyone offered to help pay that bill?

3 A No.

4 Q How was the lawyer who is currently
5 representing your son located?

6 A Oh, Michael did. He told us from jail that
7 he's a good lawyer.

8 Q Do you know how Michael identified this lawyer
9 as someone who could represent him?

10 A How Michael?

11 Q How did he learn of this lawyer? How did he
12 find this lawyer?

13 A I think from the guys, the same -- the boys
14 who stay there at jail, I think.

15 Q Other people who were in jail?

16 A Yeah, uh-huh.

17 Q When was the last time before January of this
18 year that Michael was arrested?

19 A The last time before -- can you please ask --

20 Q Let me try it this way: --

21 A Yeah.

22 Q -- How many times has Michael Hurtado been
23 arrested?

24 A Oh, about that. This was the first time he
25 really got arrested. But before that he got arrested

1 A Nothing. Nothing until the problem.
2 Q Okay. And when you say "until the problem,"
3 what do you mean by that?
4 A This kind of problem we have now, finding that
5 Mr. Berry is a bad guy, like, he likes young kids,
6 likes molesting young people.
7 Q Now, who told you that Mr. Berry likes young
8 kids?
9 A Well, the people who came home, Mr. Eugene.
10 Q Mr. Eugene?
11 A Yeah, the detective.
12 Q Okay. Did anyone else tell you that Mr. Berr
13 liked young kids other than Mr. Eugene?
14 A Only Mr. Eugene.
15 Q Okay. And is Mr. Eugene's name actually
16 Eugene Ingram?
17 A Yes.
18 Q And Mr. Ingram came to your home?
19 A Yeah. He came with another guy that I don't
20 know the other guy -- I didn't know nobody that day.
21 was home, and he came with this guy to speak to my
22 husband and myself about this matter.
23 Q Was Michael Hurtado home when Mr. Ingram and
24 the other man came to your house?
25 A No. I wish he can be there, but, no.

1 (INFORMATION REQUESTED: _____
2 _____
3 _____
4 _____.)

5 BY MS. MATTHAI:

6 Q Okay. So Mr. Ingram and another gentleman
7 come to your house for a meeting; correct?

8 A Yes.

9 Q Did they call first or did¹ they just arrive?

10 A No, they just appeared there.

11 Q Was the other gentleman's name Mr. Moxon?

12 A No, no, another guy because most was a blond
13 guy. This one wasn't blond.

14 Q What did the gentleman other than Mr. Ingram
15 look like?

16 A They look European, like Turkish. I don't
17 know.

18 Q Do you have any notes or written information
19 that would have the name of the gentleman that came to
20 the house with Mr. Ingram?

21 A I can't say.

22 Q Approximately how long were Mr. Ingram and the
23 other gentleman at your house that day?

24 A Oh, boy. Maybe at most an hour.

25 Q Before Mr. Ingram and Mr. -- and the other

gentleman came to your house that day, had your son
2 Michael Hurtado told you anything bad about Graham
3 Berry?
4 A No, he never said anything about him.
5 Q Before Mr. Ingram and the other gentleman came
6 to your house, had Michael Hurtado made any statement
7 to you about having sex with Graham Berry?
8 A Who said that?
9 Q Had Michael Hurtado said anything to you --
10 A Oh, no. ;
11 Q -- about having a sexual relationship with
12 Graham Berry?
13 A No.
14 Q Did -- before Mr. Ingram and the other
15 gentleman came to your house, did you know anything at
16 all about Mr. Berry other than the fact that he had
17 represented Michael Hurtado in connection with that
18 restraining order?
19 A No. I only met him, like I told you, at
20 court.
21 Q Now, Michael Hurtado was arrested as a result
22 of possession of drug paraphernalia; is that correct?
23 A I heard something like that.
24 Q Did you ever go to any of the court
25 appearances in connection with the arrest for drug

1 paraphernalia?

2 A I remember more about my sister problem -- I
3 went twice -- but about this, I don't remember. I
4 don't think so.

5 Q Did you ever have any conversation with
6 Mr. Berry about the charges resulting from the arrest
7 for possession of drug paraphernalia?

8 A Not that I know.

9 Q So at the point when Mr. Ingram and the other
10 gentleman arrive at your house, the only thing you know
11 about Mr. Berry is that he represented your son on the
12 restraining order involving your sister?

13 A Yeah.

14 Q Now, what did Mr. Ingram and the other
15 gentlemen tell you about Mr. Berry when they came to
16 your house?

17 A They gave us -- they show us a lot of papers
18 where they say a lot of things about Mr. Berry that
19 they're follow -- from New York -- they are
20 investigating him from New York because New York -- I
21 don't know, second floor -- I don't know what -- it's,
22 like, he have -- he has this kind of problem, like,
23 liking young kids, 14, 12, 13 years old kids. That's
24 what they told us.

25 Q So am I correct that Mr. Ingram and this

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1 gentleman told you that they were investigating
2 Mr. Berry in New York with regard to liking young kids?

3 A Yeah, that's what they said to us and show us
4 a video where Mr. Berry is talking maybe to the police,
5 talking about my son. And they want us to keep the
6 video, but we didn't want the video. We said no.
7 Talking to the police, I think, about my son.

8 Q When Mr. Ingram and the other gentleman told
9 you about the investigation in New York, did they tell
10 you that that was something that was currently
11 happening?

12 A No. I think it happened years ago or months
13 ago. They were investigating him for a long time.

14 Q And Mr. Ingram and this other gentleman played
15 a videotape while they were at your house?.

16 A The first time, no. The second time they
17 come, I think Mr. Ingram brought it, and he put it to
18 us.

19 Q We'll get to the second time in a minute.
20 Let's try to stick with the first meeting first.

21 They come to your house. They tell you that
22 Mr. Berry is being investigated for, quote, "liking
23 boys." What did you understand they meant by that?

24 A By molesting young kids.

25 Q So Mr. Ingram and this other gentleman came

1 your house and told you that Graham Berry was a child
2 molester; correct?

3 A Sounds like it, yeah.

4 Q What else did they tell you about Graham Berry
5 in that first meeting?

6 A That I know, straight to what I told you
7 about, that problem.

8 Q That he was a child molester?

9 A And that maybe that's why at the same time he
10 was taking advantage of Michael, because Michael has
11 problems, you see?

12 Q So is Mr. Ingram and/or the gentleman that was
13 with him suggesting to you that Mr. Graham -- excuse
14 me -- that Mr. Berry may have taken advantage of
15 Michael Hurtado because he was a younger man?

16 A He had a mental problem, but I don't know what
17 kind of mental problem. But I think he has some
18 because he has been since eight years old in special
19 classes. Since 8 to 19 years old, he was in special
20 classes.

21 Q But it was Mr. Ingram and the gentleman with
22 him that suggested that maybe Mr. Berry had taken
23 advantage of Michael?

24 A Yes.

25 Q Did -- do you recall anything else that was

1 that Graham Berry was a child molester and that he may
2 have taken advantage of Michael Hurtado, and they that
3 day took you to Mr. Wager?

4 A Yes.

5 MS. PAQUETTE: Objection. Misstates her
6 testimony.

7 BY MS. MATTHAI:

8 Q Was it the same day that they told you that
9 Graham Berry was -- let me rephrase that. Withdraw
10 that question.

11 Was it on the first day that they came to your
12 house and told you that Graham Berry was a child
13 molester and may have taken advantage of Michael
14 Hurtado that they took you to see Mr. Wager?

15 A I only know --

16 Q Was that all on the same day?

17 A I think so.

18 Q Okay.

19 A I think so. It was the first day when they
20 came.

21 Q Now, how many times has Mr. Ingram, been to
22 your house?

23 A Three, four times.

24 Q What happened on the second occasion that he
25 came to your house?

1 said or suggested by Mr. Ingram and the gentleman with
2 him at the time of this first meeting?

3 A Do I remember anything?

4 Q Do you remember anything else that was said?

5 A I don't understand this. What they say?

6 Q Sure. What I'm looking for was whether there
7 was anything else said by Mr. Ingram and the other
8 gentleman at the time of the first meeting at your
9 house?

10 MS. PAQUETTE: Other than what you've told
11 her.

12 MS. MATTHAI: Right.

13 THE WITNESS: No. That's what -- that's the
14 main thing.

15 MS. MATTHAI: Right.

16 THE WITNESS: That's the main thing.

17 BY MS. MATTHAI:

18 Q After Mr. Ingram and the other gentleman left
19 your house that first time, did you have any discussion
20 with Michael Hurtado about their visit?

21 A After, but before that -- can I talk?

22 Q Sure.

23 A Before that, when they came, they took us to a
24 lawyer.

25 Q Okay.

1 A They want us to see a lawyer because of this
2 matter.
3 Q All right. And who did they take you to?
4 A To who?
5 Q Yes.
6 A To Mr. Wagon.
7 Q Donald Wager?
8 A Yes.
9 Q Let's see if we can get some time frame here,
10 or try.
11 When was it that Mr. Ingram and the other
12 gentleman first came to your house?
13 A Oh, see, what month, what day, no, no idea.
14 Q But -- well, did Mr. Ingram and the other
15 gentlemen ask you and your husband to go see Mr. Wager?
16 A Yes.
17 Q Did they ask that you have Michael Hurtado go
18 with you to Mr. Wager's office?
19 A Yes.
20 Q Did you take Michael Hurtado when you went --
21 well, let me withdraw that question.
22 Did you go see Mr. Wager?
23 A The first day these people came home, yes, we
24 went to see that lawyer, the first day.
25 Q So they came to your house. They told you

1 A Oh, I leave it to my husband. I don't know.

2 Q You mentioned, however, that Mr. Ingram
3 brought a video; correct?

4 A I remember, yeah, he did -- well, yes.

5 Q Did he play the video while he was at your
6 house?

7 A Yes. And only my husband and myself saw it.

8 Q Okay. What was on the video?

9 A Oh, just Mr. Berry talking, Mr. Berry sitting
10 in a chair like this talking maybe to police, or I
11 don't know to who, about Michael -- about Michael.

12 Q So it showed Mr. Berry sitting in a chair
13 speaking about Michael?

14 A Yeah, something like that. But it was so
15 much, so --

16 Q How was Mr. Berry dressed in this video?

17 A Okay. Like a man dressed well.

18 Q In a suit?

19 A I think so.

20 Q What was he saying about Michael Hurtado?

21 A I don't know. I didn't want to see that, but
22 I know I start looking at it, and forget it.

23 Q Okay.

24 A We didn't keep the video either.

25 Q Was the video left with you?

1 A No. He wants to keep us, but we didn't want
2 it. We said, "Forget it. Take it."

3 Q When Mr. Graham -- excuse me.
4 When -- strike that too.

5 When Mr. Ingram left your house after that
6 second visit, did he take the videotape showing Graham
7 Berry with him?

8 A Yes, he took it.

9 Q On the second visit, was anyone with
10 Mr. Ingram?

11 A No, by himself.

12 Q On the second visit, did both you and your
13 husband meet with Mr. Ingram?

14 A Yes.

15 Q Did Michael meet with Mr. Ingram on the second
16 visit?

17 A Let me see. Second visit? No. Maybe third.

18 Q All right. What do you remember Mr. Ingram
19 saying during the second visit at your house?

20 A Always the same matter, you know, talking
21 about the problem about Berry. "No. He cannot do
22 that," like, for some -- I can say no more.

23 Can I start talking?

24 Q Yeah. I want to know what he said during the
25 second meeting. So you can tell me anything that he

1 said or any conversation that occurred during the
2 second meeting with Mr. Ingram at your house.

3 A Only that the matter is about this man. They
4 were investigating him from New York, and all with the
5 same talking like that.

6 Q Always centering around this idea that Graham
7 Berry was a child molester?

8 A Yeah.

9 Q And suggesting that maybe Graham Berry had
10 taken advantage of Michael Hurtado?

11 A Yes.

12 Q Have you had any conversations with Michael
13 Hurtado with regard to his relationship with Graham
14 Berry?

15 A My husband -- most of the talking, my husband.

16 Q Have you had any conversation with Michael
17 Hurtado about his relationship with Graham Berry?

18 A I couldn't, no. Maybe -- no, I never spoke
19 anything to my son about this. I didn't know this kind
20 of stuff.

21 Q Did Michael Hurtado ever at any time up to the
22 present tell you that he was molested by Graham Berry?

23 A No, he didn't say anything, nothing.

24 Q Did Michael Hurtado tell you at any time up to
25 the present that he had sex with Graham Berry?

1 Q Did you hear anything about a Mr. Mike
2 McIntyre from Mr. Ingram?
3 A No. That I know of.
4 Q Have you ever met a gentleman named Mr. Moxon?
5 A Moxon? Yes.
6 Q On how many occasions have you met with
7 Mr. Moxon?
8 A Maybe three.
9 Q When was the first time you met with
10 Mr. Moxon?
11 A Oh, the first time we saw -- we went to see
12 Mr. Wager.
13 Q Was Mr. Moxon at Mr. Wager's office when you
14 went there?
15 A Yeah.
16 Q So did the meeting occur with both Mr. Moxon
17 and Mr. Wager?
18 A Yeah.
19 Q Who were all of the people present at that
20 first meeting with Mr. Wager?
21 A Oh, my husband. The names I can't remember.
22 My daughter Vanessa, myself, and that guy I told you
23 don't remember his name. The boy -- the guy, the Cub
24 writer, the poet. He was there too.
25 Q The friend of yours that was there when

1 Mr. Ingram first came?

2 A Yeah, yeah.

3 Q And he's the Cuban gentleman?

4 A Yes.

5 Q And he's a writer?

6 A Well, he writes books, yeah.

7 Q Okay. What was discussed at the meeting at
8 Mr. Wager's office?

9 A Oh, only about this matter, that if he wants
10 Michael to be represented by him. ;

11 Q And what was discussed about the reasons
12 that -- well, let me rephrase that.

13 Was it your understanding that at the time you
14 went to the meeting in Mr. Wager's office that Michael
15 was being represented in the drug paraphernalia
16 possession charges by Graham Berry?

17 A What, the first one?

18 Q Let me try again.

19 When you first went to see Mr. Wager --

20 A Oh, yes.

21 Q -- did you understand that Michael Hurtado :
22 was being represented in the criminal case by
23 Mr. Berry?

24 A By that time?

25 Q Yes.

2 A I think so, yeah, he was represented by
3 Mr. Berry at that time, yeah.
4 Q And Mr. Ingram took you to Mr. Wager's office
5 to see whether Mr. Wager would take over the
6 representation; correct?
7 A Yeah. I think so.
8 Q And was there any discussion at the meeting in
9 Mr. Wager's office as to who would pay for Mr. Wager's
10 services?
11 A Nobody spoke about paying, no.
12 Q Have you ever been billed for any of the
13 services of Mr. Wager?
14 A No.
15 Q Has Michael Hurtado been billed for any of the
16 services of Mr. Wager?
17 A Not that I know.
18 Q Do you know of anyone who has paid any money
19 to Mr. Wager for his representation of Michael Hurtado?
20 A No, I don't know.
21 Q How long did the meeting in Mr. Wager's office
22 last?
23 A I think it was a half hour, 45 minutes.
24 Q Was Michael Hurtado there?
25 A No, he wasn't at home. Never home.
Q During the meeting in Mr. Wager's office, was

1 it agreed that Mr. Wager would become Michael Hurtado's
2 counsel?

3 A Yeah, that's the main thing, yeah.

4 Q Who told Michael Hurtado that Mr. Wager would
5 now be his lawyer?

6 A I think my husband.

7 Q Do you know whether Mr. Wager ever met with
8 Michael Hurtado?

9 A Not the first time. I think the second time.

10 Q Were you present when Mr. Wager met with
11 Mr. Hurtado?

12 A No, my husband took him, leave him alone.

13 Q On how many occasions that you're aware of did
14 Michael Hurtado meet with Mr. Wager?

15 A That I don't know. I know the first one I
16 know. The others, no.

17 Q Did -- what is your understanding of what the
18 status of what was happening in the criminal case was
19 at the time you went to Mr. Wager's office?

20 A What did I understand?

21 Q Yeah, what did you understand was happening?

22 A Well, what I thought that maybe he exchange
23 sex for paying -- for money, or something like that --
24 that I heard about it. That get me scared, you know.
25 I said, "What, my son? What's going on with my son

1 doing things like that?" you know, because I thought --
2 Q Okay.
3 MS. PAQUETTE: Well, she's -- you might want
4 to explain.
5 THE WITNESS: You know what I mean?
6 My husband --
7 MS. PAQUETTE: Okay.
8 THE WITNESS: I didn't say it right. I'm
9 sorry.
10 MS. PAQUETTE: She's talking about the drug
11 paraphernalia.
12 THE WITNESS: Oh, not the --
13 MS. MATTHAI: That's okay. We'll sort this
14 all out. Don't worry.
15 Q When you first went to see Mr. Wager -
16 A Okay.
17 Q -- did you know that there were drug
18 paraphernalia possession charges pending against
19 Michael Hurtado?
20 A No.
21 Q What did you understand that Mr. Wager was
22 going to be representing Michael in or about?
23 A I think the matter of Mr. Berry taking
24 advantage of a problem boy -- a boy who had problems,
25 something like that.

1 Q All right. Did -- did Michael Hurtado ever
2 tell you that Graham Berry had taken advantage of him?

3 A Michael told me? No, he never said anything.

4 Q Has Miguel Hurtado ever told you that Michael
5 has told Miguel that Graham Berry took advantage of
6 him?

7 A No. My husband is quiet too. No.

8 Q Has anyone other than Eugene Ingram suggested
9 to you that Graham Berry has taken advantage of Michael
10 Hurtado?

11 A No. Eugene is the one -- is the one who talk
12 everything to us.

13 Q Has anyone ever told you that your son has
14 received money for sex?

15 A I don't know. That's what I was thinking
16 because -- do you mean -- that is, Michael took money
17 from Mr. Berry for sex?

18 Q From anyone.

19 A I only know that Michael had money sometimes.
20 From where, I don't know.

21 Q Okay.

22 A And I don't know if it was from this guy,
23 Berry.

24 Q Okay. Had -- let me ask you this: Did
25 Mr. Ingram tell you that Mr. Berry had paid Michael fo

1 BY MS. MATTHAI:

2 Q And what was your understanding of what
3 Mr. Wager would be doing for Michael as of the time of
4 that first meeting?

5 A Maybe defending him.

6 Q And defending him in what?

7 A The case he has with my sister, the second
8 time, yeah.

9 Q Was Michael arrested once or twice involving
10 the restraining order?

11 MS. PAQUETTE: If you know.

12 THE WITNESS: I know one, but the other one,
13 don't know.

14 BY MS. MATTHAI:

15 Q Have you seen Mr. Wager more than once?

16 A Twice, twice.

17 Q When was the second time that you saw
18 Mr. Wager?

19 A Oh, he went home.

20 Q Okay. He went to your house?

21 A Yeah, to pick Michael.

22 Q And he picked Michael up at your house?

23 A Yeah.

24 Q Did you have any conversation with Mr. Wager
25 on the day that he picked Michael up from your house?

1 A No. I was upstairs. I saw him.

2 Q Did you know where they were going after
3 Mr. Wager picked him up?

4 A No. But maybe about business, those kind of
5 business for defending him.

6 Q When was it that Mr. Wager picked up Michael
7 to go to court?

8 MS. PAQUETTE: If you know.

9 THE WITNESS: No, I don't know.

10 BY MS. MATTHAI:

11 Q Is the only time that you talked to Mr. Wager
12 when you went to his office on that first occasion?

13 A The first time?

14 Q Yes.

15 A A little, because my husband is the one who
16 make all the talking.

17 Q What I want to know is whether the only time
18 that you talked to Mr. Wager was when you went to his
19 office that one time?

20 MS. PAQUETTE: Well, I think what she's sayin'
21 is maybe --

22 THE WITNESS: Do you mean the first time?

23 MS. MATTHAI: Yes.

24 THE WITNESS: Oh. "Hello. How are you?"
25 Things like that.

1 Q Yeah.

2 A No, he never said anything.

3 Q Have you ever asked Michael whether or not he

4 did have sex with Graham Berry?

5 A I asked, but he don't say anything.

6 Q Has your husband talked to Michael about

7 whether or not he had sex with Graham Berry?

8 A I think so.

9 Q Has your husband told you what was said?

10 A He keep it between them, between them, not me.

11 Q Do you know whether Michael Hurtado has ever

12 had any kind of sexual relation with Graham Berry?

13 A If I know? No.

14 Q Did -- am I correct that when Mr. Ingram first

15 came to your house, Mr. Ingram told you that Graham

16 Berry had taken advantage of Michael Hurtado?

17 A It can be possible.

18 Q And when I say "taken advantage of," I mean

19 that Graham Berry had molested or made unwanted sexual

20 advances to Mr. Hurtado?

21 A Something like that.

22 Q Did -- did Mr. Ingram ever ask that you go to

23 any law enforcement agencies with regard to the claims

24 that Graham Berry had molested or made improper sexual

25 advances to Mr. Hurtado?

1 A You mean to see a lawyer?
2 MS. PAQUETTE: No, to see the police.
3 BY MS. MATTHAI:
4 Q To see a policeman or a sheriff?
5 A A policeman? No.
6 Q But Mr. Ingram did ask you to see a lawyer on
7 this issue?
8 A Yes.
9 Q And Mr. Ingram asked you to see Mr. Wager;
10 correct?
11 A Yes.
12 Q Did Mr. Ingram also ask that you speak to
13 Mr. Moxon about these issues?
14 A Yeah.
15 Q You were present with Mr. Moxon at Mr. Wager's
16 office; correct?
17 A Yes.
18 Q Have you spoken with Mr. Moxon on other
19 occasions?
20 A I saw him the first time my boy was in court,
21 only that first time.
22 Q And was that in January of this year?
23 A Yes.
24 Q Was Mr. Ingram also present in court on that
25 occasion?