

1 Q. Did you set foot on the premises where
2 11 Mr. IW resides?
3 12 A. No.
4 13 Q. You did not?
5 14 A. No.
6 15 Q. Did you use telephoto equipment to look
7 16 into those premises?
8 17 A. No.
9 18 Q. You did not?
10 19 A. The closest film was shot probably from
11 20 across the street.
12 21 Q. It was shot into the premises?
13 22 A. Yeah, from a van to his house, across
14 23 the street.
15 24 Q. Using what type of lens?
16 25 A. Regular 20-powered lens. It's on a
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1 1 standard -- a 20- to 25-power lens on a standard
2 2 camcorder.

3 3 Q. So no film was shot other than from
4 4 across the street?

5 5 A. Well, from across the street but at
6 6 other places like Starbucks, a gymnasium, and I
7 7 believe other places that he went to, shopping.

8 8 Q. Let me rephrase that.

9 9 A. Restaurants.

10 10 Q. Any film that you took which went in
11 11 through his windows was taken from across the
12 12 street, is that correct?

13 13 A. Yeah.

14 14 MS. HARRIS: I have no further
15 15 questions.

16 16 A. Standing in front of a window where
17 17 anyone could see it.

18 18 BY MS. HARRIS:

19 19 Q. And you did not use a telephoto lens
20 20 or any magnifying equipment, is that your
21 21 statement?

22 22 A. No, there was never any need for
23 23 telephoto lens. On a standard camcorder they
24 24 will zoom out to 25-power. With a standard lens
25 25 without attachable lens I can read license plates

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1 a block and a half away.

2 Q. Does it zoom out? Does it zoom out
3 automatically or did you set the lens to zoom out?

3 A. Usually -- well, you zoom back and
4 forth. You have to man the equipment back and
5 forth. I don't know of anything that's auto
6 focus other than a 35 millimeter camera.

7 Q. Do I understand that you don't regard
8 the zoom lens set to a telescopic length to be a
9 telescopic lens, is that correct?

10 A. No, there's lenses you can put on
11 there, I mean if you need a greater distance,
12 but there's no privacy issue with it because
13 anybody could see what I could see if they are
14 standing beside my van or behind me or anywhere
15 in the general area.

16 Q. You say they could see what was on
17 that film, anyone could see that -- let me
18 finish. You're not letting me finish my
19 questions, sir.

20 Is it your testimony that anyone standing
21 in front of Mr. IW's house could see those
22 close-ups of his face through his curtains
23 without using any kind of magnifying equipment,
24 is that your testimony?

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1 1 A. Never saw him behind any curtains.
2 2 Each time he was photographed he was against --
3 3 nose to nose up against the window, looking out
4 4 the windows. Anyone could see that.

5 5 Q. Anyone could see that, what we saw on
6 6 the video without magnifying equipment --

7 7 A. Correct.

8 8 Q. Let me finish, please. Is it your
9 9 testimony that anyone standing on the street
10 10 in front of Mr. IW's house would see the same
11 11 kind of picture we saw of him in his house
12 12 without any kind of magnification?

13 13 A. Correct, probably even better if they
14 14 were closer.

15 15 Q. If they were closer?

16 16 A. Yeah, if they were standing in front
17 17 of his house. The closest I was was directly
18 18 across the street, directly across from his
19 19 driveway.

20 20 MS. HARRIS: I have no further
21 21 questions. Thank you.

22 22 Later in depo

23 23 MS. HARRIS: We're back on the record.

24 24 I'm looking at Mr. IW being viewed by what
25 25 I believe is a telephoto lens and we're right

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1 1 up at the window. A detective could not possibly
2 2 have been standing in the street to get that shot.

3 3 I am saying on the record that I believe
4 4 that this film that we're watching right now
5 5 was taken through telephoto lens or that the
6 6 detective was standing on the premises because
7 7 it's right up against the window, and no one
8 8 standing at a distance is going to see in that
9 9 detail. A camera keeps moving forward to capture
10 10 him there.

11 11 And you can say what you see, Miss Opponent,
12 12 when you want to on the record.

13 13 MS. OPPONENT: I'm just seeing
14 14 Mr. IW standing by his window. Can we fast
15 15 forward to him doing something?

16 16 MS. HARRIS: I think the doctor should
17 17 see this, that he is standing at the window for a
18 18 considerable amount of time looking outside.

19 19 MS. OPPONENT: Objection to the
20 20 characterization of "considerable amount of time."
21 21 The doctor can reach his own conclusion.

22 22 MR. EYE: Same shot from inside the
23 23 van.

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