

IN THE COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY

STATE OF FLORIDA,
Plaintiff,

vs

Case No: 99-21857
MMANO-E

ROBERT S. MINTON,
Defendant.

PROCEEDINGS: Trial for Charge of Battery

BEFORE: Hon. Robert J. Morris
County Court Judge

DATE: May 23, 2000

PLACE: Criminal Justice Center
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Clearwater, Florida 33762

REPORTED BY: Pamela Jenkins, VR
Court Reporter

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COPY

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and

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C O N T E N T S

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
FRANK OLIVER	8	42	63	69
ROBERT S. MINTON	72	118	161	--

EXHIBITS

	For ID	In Evidence
Defendant's Exhibit No. 1A,B C Photographs	85	86
Defendant's Exhibit No. 5 "Fair Game Policy"	13	14
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P R O C E E D I N G S

1
2 THE COURT: Counsel approach for a second.
3 I've just something for you all to be looking at during
4 the course of the day.

5 MR. DENIS DE VLAMING: Jury instructions?

6 THE COURT: I am taking no position. This
7 is just a think-piece, for you all to kind of go through,
8 we like this. we don't like this. Just something for you
9 to be thinking about when we get to the charging
10 conference.

11 Is there anything that we need to do
12 before we get underway this morning?

13 MR. DENIS DE VLAMING: I just need to get
14 Ms. Rivellini. My brother is in another courtroom. We
15 can start without him. He has got a pre-trial.

16 THE COURT: That's fine. Take your time.
17 We are fine. Let me know when you are ready. Is
18 everybody ready go.

19 MS. RIVELLINI: We are actually still
20 waiting on the first witness. I would like to take a
21 moment to clarify. I think that I am still having trouble
22 understanding your ruling from the proffer yesterday
23 morning and I do not want to do anything that you are
24 going to take in violation of that proffer. We are all
25 here to run a clean trial. So if I could ask you what

1 you are specifically letting in, and you recall what you
2 absolutely heard and do not want to hear again. I plan
3 getting in from Mr. Oliver his background, and his
4 training and experience in Scientology in the general
5 mode. Going over the courses that he took, and some the
6 training he took without going into the whole heart of
7 what he believes as a Scientologist. I plan on going
8 into his experience with the Office of Special Affairs
9 and the way he was taught to carry out what he knows to
10 be the "Fair Game Policy". And I plan to bring out the
11 "Fair Game Policy" and its subsequent cancellation, and
12 how it was still used in lieu of that cancellation.

13 I plan in getting into the reward system,
14 points and certificate, how you can lose those. And how
15 testifying contrary to what Scientology deems to be
16 proper would result in a demotion of Scientologist in
17 OSA. I planned on bringing out evidence of the carrying
18 out of "Fair Game" in the videos tapes he watched. Not
19 to formulate an opinion, but to point out specific
20 instances of "Fair Game". For instance, that's a twin,
21 that's this, that's that, and I was taught to carry out
22 those exact drills.

23 THE COURT: I think what you would like me
24 to do is basically, tell you what to ask. I can't do
25 that, of course. What I said would be appropriate, I did

1 not accept him as an expert for the reasons that I
2 explained. So his background information is marginally
3 relevant. Obviously, there has got to be some
4 explanation as to why he is in a position to know what he
5 knows. But because you are not qualifying him as expert
6 I don't expect to go on in tremendous detail about every
7 course that he took, everything he did, everything he
8 knows.

9 I expect that you are going to establish that
10 he was a member of the Church of Scientology, that he
11 knows what the "Fair Game Policy" is, how he knows of his
12 personal knowledge "Fair Game Policy", what the "Fair
13 Game Policy" exactly is, what the expressed policy is in
14 other words. And what penalties, if any, there may be
15 for violations for church members carrying out the "Fair
16 Game Policy". I wrote that down then, and I read from my
17 notes now. That's exactly verbatim what I said last
18 time.

19 Beyond that I will leave it to your good
20 judgment and to stay within the parameters and I will
21 rely on Mr. Tyson to jump up when he thinks you have
22 strayed and I will make that call when, and if those
23 happen.

24 MS. RIVELLINI: Do you have any problem me
25 asking him if he saw evidence of "Fair Game" being

1 carried out in the videos, and if so, what those --

2 MR. TYSON: Judge, that is an expert
3 opinion.

4 THE COURT: It is.

5 MS. RIVELLINI: Judge, the way I see it is
6 this, and you can tell me how you feel about it, if Mr.
7 Oliver were a football player and he practiced on a team
8 for years, left that team and then watched a game and
9 could say, "Oh, look they carried out what we used to do
10 as the A to Z plan." Or, "Look they carried out such a
11 play." That's the analogy that I make, rather than him
12 having expertise, and making an expert opinion, but just
13 identifying, "Oh, look, we used to wear red jerseys,
14 there's a red jersey."

15 MR. TYSON: Judge, this isn't a NFL show
16 and color announcer. This a court of law where someone
17 needs to qualified as an expert before they can render
18 those types of opinions.

19 THE COURT: I agree with Mr. Tyson. I
20 think if there is going to be a connection made in this
21 regard, that's what closing argument is all about. Okay.

22
23 MS. RIVELLINI: I am going to find out if
24 my witness is here yet. If I could just go check?

25 THE COURT: That's fine, take your time.

1 Bring in the jury.

2 (Whereupon, the jury was brought in.)

3 THE COURT: Good morning ladies and
4 gentlemen of the jury. As you recall we ended last night
5 with the State resting. This is the time in the trial
6 where the Defendant has an opportunity to make a
7 presentation should the Defendant choose to do so. You
8 will recall that the Defendant has no obligation to do
9 anything. Okay?

10 Mr. de Vlaming, how would you like to
11 proceed?

12 MS. RIVELLINI: Judge, the defense would
13 call Mr. Frank Oliver.

14 (Whereupon, the witness was sworn.)

15 Whereupon,

16 FRANK OLIVER,
17 a witness, was called for examination by counsel for the
18 Defendant, and having been duly sworn, and was examined
19 and testified as follows:

20 DIRECT EXAMINATION

21 BY MS. RIVELLINI:

22 Q Good morning, would you tell us your name
23 please?

24 A My name is Frank Oliver.

25 Q And what city do you live in?

1 A I live in Miami, Florida.

2 Q How long have you lived there?

3 A I lived there since 1979.

4 Q What do you do for a living?

5 A I am a graphic designer.

6 Q How long have you been doing that?

7 A About ten years.

8 Q At one point were you also a member of the
9 Church of Scientology?

10 A Yes, I was.

11 Q What years were you a member of the Church of
12 Scientology?

13 A I joined Scientology in June of 1986. I was a
14 member until 1992.

15 Q Were you also a graphic designer artist while
16 you were a member?

17 A Yes, I did that part-time as well.

18 Q Did you also do some graphic art design for
19 them while you were a member?

20 A In 1989 I was doing some graphic for the Office
21 of Special Affairs.

22 Q You mentioned the Office of Special Affairs, do
23 you call that OSA?

24 A Yes, we do.

25 Q All right, and you were particularly a member

1 of OSA?

2 A I was recruited for OSA in late 1989 and I
3 worked as an investigations officer in OSA until I left
4 in 1992.

5 Q When you were a member were you actually member
6 down in Miami?

7 A Yes, I was, and in California as well.

8 Q So you did some traveling for the church?

9 A Yes.

10 Q Was that for some training?

11 A Yes, it was for upper level training as an
12 investigations officer.

13 Q Can just anybody become a member of OSA or do
14 you have to go through any particular courses?

15 A No, they recruit specific individuals for the
16 Office of Special Affairs, it's not something that you
17 join within the organization. They have to select you
18 and qualify you in order to become a member of the Office
19 of Special Affairs.

20 Q Is it a way of working your way up the ranks?

21 A Yes, it is.

22 Q What kind of things do you learn when you
23 become a member of OSA?

24 A I learned that organization perceives that it
25 has a great number of enemies in the world. When I went

1 out to Los Angeles I also learned that many of the things
2 that are done by the Office of Special Affairs are not
3 known to the general membership of the Scientology. A lot
4 of the activities are kept in secret.

5 Q What exactly is the purpose of the Office of
6 Special Affairs?

7 A That is a little bit of a difficult question
8 because there is a stated purpose and then there is an
9 actual purpose.

10 Q What is the stated purpose?

11 A The stated purpose is to handle the legal and
12 public relations of the Church of Scientology as it
13 perceived by the public.

14 Q What is the actual purpose?

15 A The actual purpose is to investigate and to
16 impede the forward progress of any tries to stop
17 Scientology or to criticize Scientology.

18 Q That's the actual purpose?

19 A That's the actual policy of the investigation
20 division of the Office of Special Affairs, yes.

21 Q Does that policy have a name, or did it have
22 name that you learned?

23 A It's actually the stated, it's like the product
24 of the Office of Special Affairs. It's like, what it
25 does. Every single department in Scientology has like,

1 it's product or what it does, it's description. That
2 would be the description of the Office of Special
3 Affairs.

4 Q Was there -- not a code name, but a special
5 name that you understood codified those policies?

6 A There were different policies that we operated
7 under Scientology. And when you are doing a specific
8 thing then that has -- then that is referred to as
9 something. A lot of the activities that we were involved
10 in, confidential operations, operations against
11 individuals that we targeted, that came under a policy
12 that was called "Fair Game".

13 Q "Fair Game", is that actually a written policy?

14 A Yes, it was.

15 Q And was something that you relied upon when you
16 were a member of Church of Scientology?

17 A That is just something that you had to do. I
18 mean that's what you are assigned to do.

19 MS. RIVELLINI: Your Honor, may I approach
20 the witness please?

21 THE COURT: You may.

22 BY MS. RIVELLINI:

23 Q Mr. Oliver, I'm going to show you two documents
24 that have previously been marked as Defense Exhibit for
25 identification, numbers and 5 and 6. I am going to ask

1 you to take a look at them and tell me if you recognize
2 what they are?

3 A This is --

4 Q Just tell me first if you recognize what both
5 documents are?

6 A Yes, I recognize both documents.

7 Q Now, could you tell me what the documents are?

8 A Okay. This one here that says, "Penalty for
9 Lower Conditions." If someone is --

10 Q Before describing the contents, can you tell me
11 if you know what it is?

12 A Yes, I do know what it is.

13 Q What would you call this?

14 A That's a policy letter on penalties for lower
15 conditions, it's "Fair Game". It talks about how to
16 treat someone that has been classified as an enemy of the
17 organization. They are subject to the "Fair Game
18 Doctrine".

19 Q This is actually a written policy of "Fair
20 Game"?

21 A Yes, it is an excerpt of "Fair Game" is in that
22 section there.

23 (The documents hereinafter
24 referred to were marked as
25 Defendant's Exhibits Nos. 5

1 and 6 for identification.)

2 BY MS. RIVELLINI:

3 Q Is this something that you have had a chance to
4 review and highlight?

5 A Yes.

6 Q And who wrote this "Fair Game Policy"?

7 A L. Ron Hubbard.

8 Q Were you required to read this during your
9 tenure at OSA?

10 A Yes, you are required to read it and know the
11 policy, not just read it. You have to have an
12 understanding of it and be able to apply anything that
13 you read.

14 MS. RIVELLINI: Judge, at this time I
15 would like to introduce what has previously marked for
16 identification Defendant's Exhibit Number 5, and go over
17 the portion described by the witness with the jury.

18 MR. TYSON: Judge, I would have a standing
19 objection.

20 THE COURT: It will be admitted and so
21 marked.

22 (The document heretofore
23 marked as Defendant's
24 Exhibit No. 5 for
25 identification was received

1 into evidence.)

2 MS. RIVELLINI:

3 Q First tell me, Mr. Oliver, who is "Fair Game"
4 applied to?

5 A It's applied to anyone who is considered an
6 enemy of the organization or identified as a suppressive
7 person of the organization.

8 Q Is suppressive person synonymous with enemy
9 then?

10 A Yes.

11 Q Can you describe exactly what the "Fair Game
12 Policy" is and how it is used?

13 A Basically, if someone is categorized as being
14 suppressive person and they are subject to "Fair Game"
15 the gloves are off so to speak, just about anything can
16 be done to the individual because they are viewed by the
17 organization as being a person who is trying to impede
18 the goals and purpose of Scientology.

19 Q And if you can read the screen can you tell us
20 exactly "Fair Game Policy" order is?

21 A Well, it says here an "SP Order" which is a
22 Suppressive Person Order on someone is "Fair Game". That
23 person is now subject to "Fair Game". It says there,
24 they may be deprived property, or injure by any means, by
25 any Scientologists without any discipline of the

1 Scientologists. If for example, someone in the
2 organization has been decreed to be "Fair Game" or
3 someone outside of the organization --

4 Q I am going to ask you speak a little bit
5 louder.

6 A Okay. If someone within the organization or
7 outside the organization has been categorized as a
8 suppressive person and they are subject to "Fair Game"
9 just about anything done to them without any fear of
10 retribution by the organization to the person doing that
11 to them.

12 Q Okay.

13 A For example if they were cheated in some way,
14 then you are not subject to any of the ethics of the
15 organization as having done anything wrong, because that
16 person has been classified as "Fair Game".

17 Q What else does it tell you that you can do to a
18 suppressive person?

19 A They can be tricked, sued, lied to, or
20 destroyed. That pretty much opens the door, you can do
21 just about anything to the person.

22 Q Okay, there is a line in there that says a
23 Scientologist can do anything to any of these individuals
24 without any discipline of that Scientologist. Is
25 discipline something that is common?

1 A Throughout different levels of the
2 organization, discipline varies from someone losing a
3 position maybe, even something much more severe.

4 Q Is there a place where people who are
5 disciplined go to?

6 A Yes. If you are a member of the Sea
7 Organization, which is an internal organization within
8 Scientology, it's like a fraternal organization that runs
9 Scientology.

10 Q Is that the organization that is down in
11 Clearwater?

12 A Yes, Flag Land Base. Those people can be sent
13 to what is called the RPF, which stands for
14 Rehabilitations Project Force. It is basically a gulag,
15 or boot camp where they send dissidents or people that
16 have failed at something, too. They send them there to
17 pretty much anything they want them to do. You are
18 subjected to harsh treatment, corporal punishment, manual
19 labor.

20 Q Is Scientology essentially based upon rewards
21 and punishments?

22 A Yes, it is.

23 Q So when it says, "Not to be subject to any
24 discipline." That is understood by the members?

25 A Correct.

1 Q All right. You actually were a member of OSA
2 and you actually followed this policy?

3 A Yes, we did.

4 Q It specifically says, "May be tricked, sued, or
5 lied to, or destroyed." Were you taught certain skills
6 on how to trick, sue, lie, or destroy individuals?

7 A Within the Office of Special Affairs some of
8 the training that we received, that we drilled, were
9 things that an ordinary member of the organization
10 wouldn't know about, however anyone within the Office of
11 Special Affairs would know about what we were taught.

12 Q When you say drilled, what do you mean by
13 drilled?

14 A When you drill it means that you receptively go
15 over something with someone else, maybe a twin that they
16 hook you up with, so that you have two people.

17 Q A twin?

18 A A twin is let's say for example, if you and I
19 were in the Office of Special Affairs and we were going
20 to have to do this project, you and I would twin, we
21 would get together and I would practice on you and you
22 would practice on me until we both had a full
23 understanding of what we going to do.

24 Q Would these practice drills go on for big
25 complex points to carry out, or for a variety of events?

1 A It could be something small, it could be
2 something within in group of individuals. It wouldn't
3 necessarily be a -- we wouldn't have fifty people
4 drilling on something. Normally, it is something that
5 would happen within an academy, a teaching setting, if
6 you will. It would be for smaller groups.

7 Q Was this constantly going on?

8 A Yes.

9 Q So you learned specifically from the directors
10 in OSA how to trick?

11 A We learned several different techniques. They
12 teach you things, and they have names for them. For
13 example, if they wanted me to go in somewhere and
14 impersonate someone, or say that I was someone that I
15 wasn't, that's called a suitable guise. And they
16 actually showed you how to do a suitable guise. How to
17 go in and say that you are somebody else. Or how to ask
18 a question without them thinking that you are really
19 digging for information on someone.

20 Q You also mentioned that one of your duties
21 while you were in OSA is to carry out investigations.
22 Would you tell us a little bit about that?

23 A Anyone identified by the organization as an
24 enemy the first action that is taken is intelligence
25 gathering. That's used -- there are different methods

1 that they teach you gather intelligence on an individual.
2 Some are legal, some are not.

3 Q What would be an example of something that you
4 would want to find out about a critic?

5 A If for example there was someone that was
6 identified as a critic that was saying something against
7 Scientology the first thing that would be done would be a
8 complete check on the person, what they called an ODC,
9 which stands for Overt Data Collection. What that is,
10 you would get all the information on the individual,
11 name, address, you would obtain their social security
12 number. You would check all court records. Any kind of
13 information that would be publically available would be
14 in ODC.

15 Q And that would be something that you would
16 actually go after?

17 A Yes, I did many of these. There was something
18 also called a CDC, which is Covert Data Collection. CDC
19 were obtained by other individuals that had access to
20 private information on individuals. We would obtain
21 credit card information, all your credit information,
22 copies of your phone bills, private investigators would
23 be hired, and they would go through your garbage. They
24 would talk to your neighbors. They would talk to your
25 friends. They would previous employers.

1 Q What about travel arrangements?

2 A We would try and obtain any information there
3 was on the individual and if they were put on, if we were
4 running a surveillance operation where we were actually
5 watching the individual, we would try and find out
6 exactly what they were doing and when they were doing it.
7 There was even a document that was sent down from senior
8 management to us that listed all the airlines on it, and
9 showed us how to obtain information on an individual by
10 using the frequent flyer miles programs of major
11 airlines. You would pretend that you would be that
12 individual, you would call up and give the name and
13 social security number and the airlines would provide you
14 with all that person's travel, itinerary, anything that
15 they might currently have on the record. You would just
16 pretend that you are that person and say, "Yeah, I want
17 to know how many frequent flier miles I have." And they
18 would say, "You just got an extra thousand for your trip
19 you are taking next week." "Oh, yeah, can I confirm that
20 with you." They would give you all the information and
21 we would have the intelligence information in the subject
22 that we were trying to get the information on.

23 Q So you learned how to obtain itinerary
24 information for travel?

25 A Absolutely.

1 Q For example, when someone was going to arrive
2 in an airport?

3 A Yes.

4 Q You mentioned that you sometimes hire outside
5 personnel, what kind of people would you hire?

6 A The actual hiring of private investigators was
7 done by the senior management of the Office of Special
8 Affairs in conjunction with the attorneys at the church.

9 Q Were you actually taught how to use them as an
10 in-between from Scientology?

11 A Well, the way that it works is this, the
12 private investigator should, in essence, work for an
13 attorney, however, within the Scientology organization
14 that was not the way it was done. They were paid by the
15 attorneys but the actual people running the operations
16 and giving the marching orders to the investigators were
17 the people in the Office of Special Affairs. Some of the
18 training I received when I went to Los Angeles was on how
19 to run a PI, or private investigator. We were actually
20 given a check sheet, if you will, of the project that we
21 were going to do. It delineates on there exactly which
22 things we want the private investigator to do. The
23 private investigator is given a description of what his
24 targets are and he reports back to me, and I would write
25 reports, send them up to senior management, and there

1 were different people in my capacity doing this with
2 different private investigators.

3 Q Why are these outside sources used, and why are
4 the lawyers used as shields?

5 A The organization itself, it would be deemed
6 inappropriate in any other setting, that an organization
7 like a church, if you will, would be doing an
8 investigation on someone. So a shield needs to be
9 created in order to justify the investigation of a
10 private individual. So they bring in the attorneys and
11 say we need so many PI's, we need some investigators from
12 inside the organization to obtain intelligence
13 information on a private individual. How can we do this?
14 Well, this is one way we can do it.

15 Q Is that more for public relations?

16 A Completely.

17 Q Who is really in charge?

18 A The Office of Special Affairs, actually the Sea
19 Org. senior management is in charge.

20 Q How long did you actually practice in the
21 Office of Special Affairs?

22 A Two years.

23 Q During those two years was there ever any
24 discretion on your part about what you might do and carry
25 out?

1 A No, you can come up with an idea, but you have
2 to go up the chain of command to make sure that they want
3 you to do, your idea may be great, or your idea cannot be
4 so great. So everything has to get cleared with whoever
5 your senior is, or whoever is right above you. And maybe
6 even several steps above that.

7 Q So while you were in the Office of Special
8 Affairs if you wanted to go check out where someone was,
9 could you just leave the building and go check it out, or
10 would you have to clear it first?

11 A No, I would have to be given instructions,
12 check this person out, and then I would check them out.
13 If I discovered that someone was saying something about
14 the organization I would have to write a report, send it
15 up the line, and they would tell me what to do next.

16 Q Why work under that strict of a policy, was
17 there some benefit of doing that, did you actually get
18 some rewards?

19 A Well, if you do what you are told, naturally
20 you move up. Your statistics, you are measured in the
21 organization by statistics, just like you would anywhere
22 else. You do good, your statistics go up, you are
23 regarded better. If your statistics are up you are
24 rewarded with more time for study, maybe more time for
25 spiritual counseling that they call. If you are in the

1 Sea Organization, which is their internal fraternal
2 organization, it's run like a military organization, you
3 may be, if your statistics are going up, then maybe you
4 are given liberty that weekend and you can actually go
5 out, or do something outside of the organization.

6 Q Okay, at one point I take it that these rewards
7 were extremely important to you?

8 A Yes, they were.

9 Q You took it to heart, you found it very
10 important?

11 A Yes, I did.

12 Q Now, for example in a workplace your rewards
13 might be based on money?

14 A Yes.

15 Q Is that fair?

16 A Yes.

17 Q Maybe if you do well for a year, you get a
18 raise at the end of the year?

19 A Correct.

20 Q Is that how it was in Scientology?

21 MR. TYSON: Judge, I am going to object to
22 this continual line of leading questions here. I'd ask -
23 - it has gone on for quite awhile now.

24 THE COURT: Sustained.

25 BY MS. RIVELLINI:

1 Q In Scientology is the reward system more on an
2 annual long-term basis, or is based on something more
3 quickly?

4 A Yeah, it's sporadic and it's pretty much, what
5 have you done today kind of thing. What have you done
6 this week kind of a thing. If you do something that is
7 instantly then you are rewarded pretty much at the same
8 time. Cumulatively it may help you ultimately move up in
9 the organization.

10 Q How are these point systems or these statistics
11 charted?

12 A It's different for each different department.
13 If for example --

14 Q How is for OSA, for example?

15 A Okay, if the Office of Special Affairs there
16 are about a dozen statistics that measure our performance
17 when you are in the Office of Special Affairs, they could
18 be identifying threats to the organization, could be one
19 statistic. Number of threats against the organization
20 that we do a successful operation against. Number of
21 inches of positive writing in the newspaper. A negative
22 statistic would be number of inches of negative writing
23 in the newspaper about the organization. Number of
24 operations carried out successfully. Number of national
25 -- let's say there are different categories for our

1 enemies of Scientology, they could be local, regional, or
2 national. If someone that is nationally attacking the
3 organization gets downgraded to someone who is not doing
4 it nationally any longer, maybe they are just identified
5 as a local, then those statistics go down. Your personal
6 statistics go up. This person is being neutralized in
7 some way.

8 Q Is that something that you continuously worried
9 about?

10 A That was how my performance was measured.

11 MR. TYSON: Judge, may we approach?

12 THE COURT: You may.

13 (Whereupon, a bench conference was held
14 outside the hearing of the jury.)

15 MR. TYSON: Judge, based on your prior
16 ruling you said that you were going to let him say that
17 he was a member Scientology, the "Fair Game Policy" say
18 what it is, the penalties and violations. You said that
19 you were not going to let them put the religion on trial.
20 He said everything that he needs to say. From here on
21 out it is cumulative, and they are putting the religion
22 on trial. He has already said that they can be lied on,
23 trick, cheated, sued. It's all cumulative from here on
24 out.

25 MS. RIVELLINI: Judge, the "Fair Game

1 Policy" and I didn't read it. We are just talking about
2 specifically the words punishment and points. I thought
3 that was one of the things that could get into.

4 MR. TYSON: Judge, there is a limit to it.
5 You said that it was very limited. I sat there, let them
6 put it all out there according to your ruling. I am
7 suggesting that they should be done by now.

8 THE COURT: I have a strong tendency to
9 agree with Mr. Tyson. You are well into this, and well
10 beyond, frankly, what I envisioned.

11 MS. RIVELLINI: Judge, that is where I
12 don't understand where you are drawing the line, and why
13 I tried to clarify. If you are saying the line is drawn
14 then I will move on.

15 THE COURT: I am saying that you are close
16 to the line. And you need to move through this and get
17 to something that's more directly relevant.

18 MS. RIVELLINI: Okay. May I approach the
19 witness, Judge?

20 THE COURT: Yes.

21 BY MS. RIVELLINI:

22 Q Mr. Oliver, you testified that this is a policy
23 that you practiced while you were in OSA organization?

24 A Yes.

25 Q And you have also said that you recognized a

1 second document here.

2 A Yes.

3 Q Can you take a look at it and tell me what the
4 document is called?

5 A It's called the "Cancellation of Fair Game."

6 Q This is something that you also read and
7 practiced and understood while you were in Scientology?

8 A Yes.

9 MS. RIVELLINI: Judge, at this time I
10 would move the second document, what has previously been
11 marked for identification as Exhibit Number 6 for the
12 Defense and ask that it be entered into evidence.

13 THE COURT: Mr. Tyson?

14 MR. TYSON: I have an outstanding
15 objection.

16 THE COURT: It will be admitted and so
17 marked.

18 (The document heretofore
19 marked as Defendant's
20 Exhibit No. 6 for
21 identification was received
22 into evidence.)

23 MS. RIVELLINI:

24 Q This document, Mr. Oliver, is called
25 "Cancellation of Fair Game"?

1 A Correct.

2 Q Could you go ahead and read that to me?

3 A It says, "This PL" which means policy letter --

4 Q Well, actually the practice of --

5 A Oh. "The practice of declaring people "Fair
6 Game" will cease. "Fair Game" may not appear on any
7 ethic order, it causes bad public relations. This PL,
8 which stands for policy letter, does not cancel any
9 policy on the treatment or the handling of an "SP".

10 Q Who wrote this?

11 A That was also written by L. Ron Hubbard.

12 Q And that done obviously before he died?

13 A Yes.

14 Q And he has since died?

15 A Yes.

16 Q Do you remember about what year that was?

17 A 1986, I believe.

18 Q Tell me how it is if that says it cancels "Fair
19 Game" that you actually practiced "Fair Game" while you
20 were in the Office of Special Affairs?

21 A The way that it is actually written, if you
22 take a good look at it, says that it doesn't cancel any
23 policy on the treatment or handling of a suppressive
24 person, all it basically does is eliminate the badge of
25 "Fair Game". So we are not to call it "Fair Game" any

1 longer. Nor is it supposed to appear on any document
2 as "Fair Game". However, there are still policies in
3 place how someone that is declared a suppressive person
4 is treated, and that is basically "Fair Game". We just
5 can't call it that any longer.

6 Q It is still practiced then?

7 A Of course.

8 Q Even well after that was issued?

9 A All that says is to stop calling it "Fair Game"
10 and that they can't -- that "Fair Game" cannot appear on
11 an ethics order, but the things that you can do someone,
12 it says it does not cancel any policy on the treatment or
13 the handling of an SP. The treatment of an SP --

14 Q Suppressive person?

15 A Yeah, a suppressive person, as defined in "Fair
16 Game" is not canceled, just the name "Fair Game".

17 Q Who can actually change a policy in
18 Scientology?

19 A L. Ron Hubbard.

20 Q How about once he has passed on, can any policy
21 be changed?

22 A There are policies written, the first policy
23 that is in every single document, every single course in
24 Scientology is called keeping Scientology working. It
25 appears on the front of every single course that you do

1 in Scientology. In there it delineates that no one has
2 the authority to change policy, but L. Ron Hubbard.

3 Q So if a written document were to come out in
4 the '90's after he has passed on, which would rule?

5 A It couldn't come out. No one can rewrite the
6 bible today. So no -- according to the dogma of
7 Scientology, unless L. Ron Hubbard comes back to life
8 again, no one can rewrite the policy of the Church of
9 Scientology, but L. Ron Hubbard.

10 Q Okay, if a written document were to be sent
11 around it would not have the effect that this --

12 A No, they would investigate who was issuing an
13 illegal order, or creating a policy letter without issue
14 authority.

15 MS. RIVELLINI: Judge, if I may have a
16 moment?

17 THE COURT: You may.

18 BY MS. RIVELLINI:

19 Q Now the terms suppressive person and enemy are
20 used as being synonymous?

21 A Yes.

22 Q What exactly makes somebody a suppressive
23 person?

24 A Anyone that has committed an act that is
25 contrary to or against the beliefs of the Scientology

1 organization.

2 Q So if I didn't believe in Scientology that
3 would SP necessarily?

4 A No, not unless you actually shared that view
5 with someone, or made it public, or did something to the
6 organization.

7 Q Would Mr. Minton be considered a suppressive
8 person?

9 A According Scientology, he would.

10 Q Are the practices and beliefs of Scientologists
11 supposed to be kept in --

12 MR. TYSON: Judge, objection, a continuing
13 objection. And I would ask if we can approach?

14 THE COURT: Please approach.

15 (Whereupon, a bench conference was held
16 outside the hearing of the jury.)

17 MR. TYSON: Judge, are we over the line
18 yet?

19 MR. DENIS DE VLAMING: Judge, in the
20 proffer she asked him, and I think she is doing a pre-
21 emptive question. He asked him whether not he signed a
22 non-disclosure form and cross examined on that.

23 MR. TYSON: I am not getting into that.

24 MR. DENIS DE VLAMING: Oh, you are not.

25 MR. TYSON: Not unless she does. I only

1 got into because you did.

2 MS. RIVELLINI: Judge, you did tell us
3 that we could go towards Mr. Howd's reasons to be
4 completely honest in his testimony. I was going to ask
5 him if he signed a non-disclosure form when he was a
6 member of the Office of Special Affairs.

7 MR. TYSON: Judge, the reason why I
8 crossed examined him is because they brought all that up.
9 My initial position was that they were going to put the
10 religion on trial, and it's relevant, and I think we are
11 way past that now.

12 THE COURT: I agree with everything you
13 said, but what Ms. Rivellini said that she wants to do is
14 get testimony and demonstrate a basis as to why Mr.
15 Howd's testimony would be less than truthful. I cannot
16 prohibit her from doing that.

17 MR. TYSON: I don't think it is allowable
18 to have one witness to testify on another witness'
19 truthfulness. I think that is exactly what she is going.

20 THE COURT: I don't think she is going to
21 do that.

22 MS. RIVELLINI: No.

23 THE COURT: I think she is going to
24 demonstrate that there may be policies that would
25 motivate him to do that, and I do not believe that she

1 will go beyond that. Am I correct?

2 MS. RIVELLINI: That's correct. My next
3 question was going to be, did you sign a non-disclosure
4 form, and would you have been able to come out and say
5 anything against Scientology that was not prescribed to
6 you, and is there a penalty for doing so.

7 MR. TYSON: I am just wondering how far,
8 because we just keeping further and further.

9 THE COURT: Your points are very well
10 taken. But I am going overrule the objection on this
11 point.

12 BY MS. RIVELLINI:

13 Q Mr. Oliver, are most of the policies of
14 Scientology supposed to remain internal?

15 A Yes, there is a great deal of information,
16 according to the organization, maintained confidential.

17 Q Did you actually have to sign a form stating
18 that you would keep everything a secret, a non-disclosure
19 form?

20 A When I joined the Office of Special Affairs, a
21 non-disclosure form, and a complete life history on my
22 part was required.

23 Q And tell me what that form required of you?

24 A The non-disclosure required that I not divulge
25 any of the secret information that I would be privy to

1 the Office of Special Affairs under penalty of, I
2 believe, it is a million dollars per infraction.

3 Q Were there also penalties from the organization
4 itself about your rank?

5 A You would be -- if you violated those policies
6 you would be subjected to the internal ethics of the
7 ethics practices of the organization. You are subject to
8 lose any ranking that you had, any position, your
9 certificates, and the organization felt that your
10 spiritual freedom was at stake as well, if didn't have
11 access or availability Scientology practices.

12 Q If you were still a member of the Office of
13 Special Affairs or when you were still a member of the
14 Office of Special Affairs, if you were called in to
15 testify would you be free to testify?

16 MR. TYSON: Objection, your Honor.

17 THE COURT: Sustained.

18 BY MS. RIVELLINI:

19 Q Mr. Oliver, would there have been a penalty --

20 MR. TYSON: Objection, your Honor.

21 THE COURT: Let her finish her question.

22 BY MS. RIVELLINI:

23 Q Based upon the non-disclosure form that you
24 signed if you had come into court, or any arena and
25 testified contrary to what Scientology wanted you to,

1 based on that form would there be a penalty for doing so
2 freely?

3 A Yes.

4 MR. TYSON: Objection, your Honor.

5 THE COURT: Overruled.

6 THE WITNESS: Yes.

7 MS. RIVELLINI: Judge, may I have a
8 moment.

9 THE COURT: You may.

10 MS. RIVELLINI: Judge, may we approach?

11 THE COURT: Yes.

12 (Whereupon, a bench conference was held
13 outside the hearing of the jury.)

14 MR. DENIS DE VLAMING: We are about
15 through. The only other area that I wanted Ms. Rivellini
16 to ask is as to what happened on the tape. There is a
17 policy of "Fair Game" that they want to have them labeled
18 as criminals. I think that you heard that in the
19 proffer. I think it goes right to the defense of
20 allowing the touching so that he could be arrested and
21 declared a criminal. She wasn't sure whether you would
22 permit that area of inquiry. It would be brief, but I
23 think it goes to the heart of the defense.

24 MR. TYSON: That is his opinion, and that
25 is going straight to what is in the province of the jury.

1 MS. RIVELLINI: It's not an opinion, it's
2 a fact.

3 THE COURT: It sounds to me like it is
4 part and parcel of the "Fair Game Policy", and to the
5 extent that it is I will overrule, but let's make sure we
6 understand what we are doing. You are merely going to
7 elicit information from him that the "Fair Game Policy"
8 includes efforts to have someone as a criminal.

9 MR. DENIS DE VLAMING: That's fine.

10 MS. RIVELLINI: Correct. The only other
11 question that I had planned on asking him, because they
12 made a point during Mr. Howd's testimony that "Fair Game"
13 is not currently in place, and not being used, is if he
14 knows -- how recently he knows "Fair Game" has been used.
15 And if he has personal knowledge about it. And that goes
16 to them contacting his family as recently as within a
17 week ago. Because it goes to impeach Mr. Howd's
18 testimony.

19 MR. TYSON: Judge, it is prejudicial.
20 That's hearsay as the contacting his family.

21 MS. RIVELLINI: The fact that he knows a
22 call was made goes to his knowledge that "Fair Game" is
23 still being implemented and it contradicts what Mr. Howd
24 testified.

25 MR. TYSON: Judge, that is highly

1 inflammatory to the jury.

2 THE COURT: I agree with Mr. Tyson. You
3 are not going to go there for the reasons that he just
4 stated.

5 BY MS. RIVELLINI:

6 Q Mr. Oliver, in line with the "Fair Game
7 Policy" and the labeling of someone as an enemy,
8 suppressive person, or a critic, telling about the
9 understanding that you have about criminality comes into
10 place, and why it is important that someone is labeled a
11 criminal?

12 A There is different policies within the
13 organization where "Fair Game" and the practices "Fair
14 Game" are delineated, it's not just limited to this one
15 particular policy letters. There are other policies
16 within the organization.

17 Q Tell me what it means to be labeled by
18 Scientology, not what it means out common knowledge?

19 A Any one who attacks Scientology is a criminal
20 according to Scientology.

21 Q Is that a word that is used over and over
22 again?

23 A Yes, if a minister were to speak out against
24 Scientology he would be labeled a criminal, and if he
25 didn't have a crime they would dig into his past and find

1 one. No matter who.

2 Q It is important for Scientology to expose a
3 critics crimes?

4 A Absolutely.

5 Q Were you taught to do this?

6 A Yes.

7 Q How would you go about it?

8 A Using investigative technique. We would obtain
9 any kind of information that would be on an individual,
10 his background. We would talk to neighbors, we would
11 have private investigators sent out. We would obtain any
12 kind of information that would either prove that the
13 person had been a criminal, link them to criminal
14 activity, or if that failed then to try and create
15 criminal activity.

16 Q Would you stop until you had created that
17 criminal activity?

18 A I saw things done when I was in the Office of
19 Special Affairs, which I personally didn't participate
20 in, however, I did see them done, I did hear of them when
21 I was in the Office of Special Affairs, and the higher
22 the threat level of the individual, the subject was, the
23 more efforts that would be expended on proving that that
24 person was a criminal.

25 Q If you were told to manufacture a crime, to

1 make that critic a criminal, okay if that was your job
2 that day --

3 MR. TYSON: Objection, your Honor.

4 THE COURT: Overruled.

5 BY MS. RIVELLINI:

6 Q If that was your job that day and the event
7 were about to end and you had not completed that task,
8 would there be sanctions?

9 A There would sanctions on anyone who accepts
10 that task and not complete it successfully. I was
11 fortunate that I was never placed in a position of having
12 had to do it. I felt bad for anyone that was in that
13 position, people that I saw that were subjected to having
14 to do that.

15 Q Is that why you left the church?

16 A That was one of many pivotal reasons why I left
17 the organization.

18 Q Okay, when you left were you handed a document?

19 A I tried to leave the organization the right way
20 through using their own policy, however, in the end I was
21 handed a document by Scientology, it was as Suppressive
22 Person Declare.

23 Q What does that mean?

24 A I was declared an enemy of Scientology because
25 I wanted to leave the organization for that reason.

1 MS. RIVELLINI: Judge, if I may have just
2 a moment.

3 THE COURT: Okay.

4 MS. RIVELLINI: Judge, that's all I have.

5 THE COURT: Mr. Tyson, cross examination?

6 MR. TYSON: Judge, if I could have a
7 moment.

8 CROSS EXAMINATION

9 BY MR. TYSON:

10 Q How are you doing, Mr. Oliver?

11 A Very good, sir.

12 Q Now, you left there in 1992, right?

13 A Correct, sir.

14 Q Does this book look familiar to you?

15 A Yes, I have seen that book before.

16 MR. TYSON: Judge, may I approach?

17 THE COURT: You may.

18 BY MR. TYSON:

19 Q You have seen this book before?

20 A Yes, sir.

21 Q What is that chapter on?

22 A That says, "Suppressive Acts, Suppression of
23 Scientology, and Scientologists."

24 Q That's what we are talking about here, right?

25 A Yes, sir.

1 Q I want you to look into the chapter and tell me
2 what the last thing it says in there is, starting with
3 "nothing"?

4 A It says, "Nothing in this policy letter shall
5 ever or under any circumstances justify any violation of
6 the laws of the land or --"

7 MS. RIVELLINI: Judge, I am going to
8 object to him reading it without it being entered into
9 evidence first, and then being published to the jury.

10 MR. TYSON: Judge, I can enter a copy it.
11 I have a copy. That's not my book.

12 THE COURT: Okay.

13 MS. RIVELLINI: We would ask that he go
14 ahead and do it.

15 MR. TYSON: I will go ahead and do it now.

16 THE COURT: Okay.

17 MS. RIVELLINI: Judge, under the rule of
18 completeness we would ask that the entire section be
19 entered, not the entire book.

20 MR. TYSON: Judge, I am offering it only
21 to impeach him as to whether that policy does still
22 exist, that's all I am offering it for.

23 THE COURT: Okay. I am going to accept
24 what has selected from that book to use for feature. So
25 your objection is overruled.

1 BY MR. TYSON:

2 Q Mr. Oliver, I want you to look at this, this is
3 a same thing as that photocopy? Can you give me the book
4 back?

5 THE COURT: Mr. Tyson, that is Exhibit
6 Number?

7 MR. TYSON: Number 7.

8 THE COURT: Okay, State's Exhibit Number
9 seven is admitted into evidence.

10 (The document hereinafter
11 referred to was marked and
12 State's Exhibit No. 7 for
13 identification and was
14 received into evidence.)

15 BY MR. TYSON:

16 Q Mr. Oliver, please look at 7, that is in
17 evidence. Read that please to the jury?

18 A It says, "Nothing in this policy letter shall
19 ever, or under any circumstances justify any violation of
20 the laws of land, or intentional illegal wrongs. Any
21 such offenses shall subject the offender to penalties
22 prescribed by law, as well as ethics injustice actions."

23 Q Now, that says that you can't do anything
24 illegal, right?

25 A Yes.

1 Q Were you aware of that?

2 A I see this document, and I see what it says.

3 Q When was the last time you have seen that
4 document -- you have never seen that document, have you?

5 A I don't recall ever seeing this particular
6 document.

7 MR. TYSON: Judge, may I approach the
8 witness?

9 BY MR. TYSON:

10 Q Mr. Oliver, you don't know Richard Howd, do
11 you?

12 A No, sir, I don't.

13 Q And you have never been in the Clearwater
14 office, have you?

15 A Yes, I have.

16 Q Were you stationed there?

17 A No.

18 Q When were you there?

19 A In Clearwater?

20 Q Uh-huh.

21 A The last time I was inside Flag, the Flag Land
22 Base was in 1990, I believe. It may have been '91.

23 Q Is it fair to say that you no longer
24 Scientologists?

25 A No, that is not fair to say.

1 Q Could you tell me why on February 6th of this
2 year you were shining a laser light pen, similar to this
3 one, with a laser dot in their face when you were across
4 the street from them in Clearwater?

5 MS. RIVELLINI: I am going to object to
6 him testifying. The facts are not in evidence. I think
7 he first has to ask him if, in fact, he was doing so, and
8 then ask him why?

9 THE COURT: Objection overruled.

10 BY MR. TYSON:

11 Q I'll repeat it, why are you showing the laser
12 light pen -- you do admit that you did that, right?

13 A No, I don't recall shining it anyone's eyes,
14 sir.

15 Q Shining it around their face and their camera?

16 A No, I remember shining it specifically into
17 someone's camera, who was videotaping.

18 Q With their eye right behind, which means that's
19 right where their face is, doesn't it?

20 A No, they were holding it down around their
21 waist.

22 Q If I showed you a video, would that maybe help
23 you?

24 A It might, it's been some time.

25 Q Let me ask you this, Mr. Oliver, have you ever

1 given them the finger?

2 A Sure.

3 Q What does that mean?

4 A That means that I don't like them.

5 Q Does it mean, fuck you?

6 A It might.

7 Q Is it fair to say that the average person that
8 when you give somebody the finger it means fuck you, is
9 that fair to say?

10 A Yeah, if someone did it to me, I would know
11 what it would mean, and I would probably do it right
12 back.

13 Q That would be a provocative act, wouldn't you
14 agree, something that would provoke people?

15 A If somebody did that to me I would consider it
16 provocative.

17 Q Also a laser light pen in their face would be
18 provocative, too, wouldn't it?

19 A It might.

20 MR. TYSON: Judge, I can mark this State's,
21 Exhibit Number 8 for identification.

22 THE COURT: Okay.

23 (The video hereinafter
24 referred to marked as
25 State's Exhibit No. 8 for

1 identification.)

2 MR. TYSON: Judge, if I can publish it to
3 the jury?

4 THE COURT: Are you admitting that into
5 evidence.

6 MR. TYSON: Yes, Judge.

7 THE COURT: Any objection?

8 MS. RIVELLINI: No, sir.

9 THE COURT: Okay, it will be admitted and
10 you can publish it.

11 (The video heretofore
12 marked as State's Exhibit
13 No. 8 for identification
14 was received into
15 evidence.)

16 MS. RIVELLINI: Judge, I am going to
17 assume that there are no other contents other than what I
18 have viewed.

19 MR. TYSON: Judge, may we approach on
20 that?

21 THE COURT: Approach.

22 (Whereupon, a bench conference was held
23 out of the hearing of the jury.)

24 MR. TYSON: There is a little bit of him
25 picketing, but if the jury wants to see that tape we can

1 bring them back and let them look just at the portion.

2 MS. RIVELLINI: I couldn't remember what
3 else was on there. We looked about five videos.

4 MR. DENIS DE VLAMING: Judge, I have never
5 seen this.

6 MR. TYSON: He gave them the finger.

7 MS. RIVELLINI: Right, and then shining
8 the light.

9 MR. TYSON: The laser light in the face.

10 MS. RIVELLINI: Right.

11 MR. TYSON: And then he just walking
12 around picketing. I will stop it, and I will stop at the
13 laser light, and then if they want to see the video again
14 we can bring them into court and play that relevant
15 section. I just can't edit it this quick.

16 MS. RIVELLINI: Is there anything else on
17 the video besides him even picketing?

18 MR. TYSON: No.

19 MS. RIVELLINI: The whole video is only a
20 couple of minutes?

21 MR. TYSON: It's not even that long, about
22 thirty seconds.

23 THE COURT: Are you okay with that?

24 MS. RIVELLINI: Yes. I just didn't know
25 if there was any second part to the video.

1 (Whereupon, the video was played for
2 jury.)

3 BY MR. TYSON:

4 Q You are giving them the finger, aren't you?

5 A Yes, I am.

6 Q That's you with a laser pen, isn't it?

7 A Yes, I believe so.

8 Q Is Mr. Minton with you?

9 A Yes.

10 Q You are across the street from the
11 Scientologists?

12 A Yes.

13 Q They are not up in your face with the video,
14 are they?

15 A No, they aren't.

16 Q It is going right in the camera, isn't it, Mr.
17 Oliver?

18 A Yes, it is.

19 Q And your testimony is that the camera is down
20 to their side?

21 A I believe he had it down by his waist.

22 Q You are flashing it all around, wouldn't it be
23 fair to assume that you got it in his face?

24 A No, sir.

25 Q I didn't see the Scientologists picking on

1 anybody there, were they?

2 A Not at that particular moment, no, sir.

3 Q You're messing with them though, aren't you?

4 A If that is how you choose characterize it, sir.

5 Q Laser light in somebody's face, that's not a
6 good thing, right?

7 A No.

8 Q If I put it in the Judge's face I am going out
9 of here in handcuffs. Would you agree?

10 A Yeah, but I haven't shined it anyone's face.

11 Q You just shined it at them?

12 A I didn't shine it in anyone's face. I was very
13 clear when I was doing it in anyone's eyes. I wouldn't
14 want that done to me.

15 Q Would it be safe to assume that the average
16 person may be provoked with somebody doing that?

17 A They may be.

18 Q Okay. Your intention was to provoke them,
19 wasn't it?

20 A No, it wasn't. I objected to being videotaped.

21 Q Let's talk about that. Wait a second. If I
22 play it back, Mr. Bunker, part of your group is holding a
23 videotape on them, isn't he?

24 A Uh-huh.

25 Q Do you want to see it again?

1 A No, I don't need to see it again.

2 Q Okay, but you object to them videotaping you,
3 but it's okay for your group to videotape them? Is that
4 what you are telling this jury?

5 A The technique of videotaping is someone that --
6 from my understanding you can do freely in this country,
7 however, I don't need my life chronicled.

8 Q So is it fair to say that when you do it, you
9 are doing it freely, but when they do it they are
10 chronicling your life?

11 A No, not particularly in that, no, not at all.

12 Q Nobody forced you to be in Clearwater? It's a
13 free country, but you don't have to be here, do you?

14 A I can if choose to be.

15 Q Absolutely. You can be on any street you want.
16 Okay, can you provoke people when you are doing that
17 though?

18 A Define provoke.

19 Q Messing with them, stirring them up, egging
20 them on, looking for a fight. Did you do that?

21 A No, I don't go around looking for a fight, sir.

22 Q Is it fair to say that you went to them when
23 you gave them the finger, didn't you?

24 A No, I was responding what had been done to me
25 just before that, which wasn't shown.

1 Q Okay. Much like we all have clips of videos,
2 right. We will get into that later. You were shining
3 the laser light at them though, right?

4 A I was shining it into the camera of the person
5 recording me.

6 Q Now, have you ever received any money either
7 directly, or indirectly from Mr. Minton?

8 A I believe we went out to dinner and Mr. Minton
9 bought everybody in the restaurant dinner that night. I
10 think that would be direct.

11 Q You are involved in the Lisa McPherson civil
12 suit, aren't you?

13 A Yes, I am.

14 Q And you plan on testifying for the Lisa
15 McPherson family, I guess is the best way to describe
16 that?

17 A Actually, no.

18 Q What do you plan on doing there?

19 A I am a legal consultant on that case.

20 Q Are you being paid for that?

21 A No, I am not.

22 Q Okay. But the case is being funded by Mr.
23 Minton, isn't it?

24 A I believe so.

25 Q Mr. Minton is paying for a third party to sue

1 the Church of Scientology, isn't he?

2 MS. RIVELLINI: Judge, I am going to object
3 if the answer calls for hearsay.

4 MR. TYSON: He has already basically
5 answered it, Judge.

6 THE COURT: Objection overruled.

7 BY MR. TYSON:

8 Q Mr. Minton is funding a third party to sue the
9 Scientologists, isn't he?

10 A I believe so.

11 Q Okay. The Lisa McPherson Trust, do you have
12 any knowledge about that at all?

13 A Yes, I am on the advisory board.

14 Q You are on the advisory board. That Trust is
15 funded by Mr. Minton, isn't it?

16 A Yes, it is.

17 Q And that Trust in turn is funding the civil
18 suit, isn't it?

19 A I don't know that to be a fact.

20 Q Well, you are on the board, where is the money
21 going?

22 A Sir, I don't know that for a fact.

23 Q I don't quite understand your answer.

24 A I haven't --

25 Q You said that you don't know for a fact, is

1 this working --

2 A No, not at all, I haven't seen any
3 documentation of that sort, so I can't honestly answer
4 the question. My capacity is an advisory capacity.

5 Q I am not talking about documentation. I am
6 talking about day-to-day talk around the Lisa McPherson
7 Trust as to where that money is going. How many people
8 are involved in that?

9 A There may be a dozen or so. I am not there
10 everyday. I live in Miami.

11 Q I understand that, you understand the gist of
12 my question though?

13 A You are asking me to speculate on something
14 that I have no first-hand knowledge of.

15 Q Let's leave at that then. Basically, you have
16 told this jury that you are trained in dirty tricks.
17 That is basically what you are telling them, right?

18 A I was trained in specific investigative
19 technique.

20 Q You can call it that if you want. You don't
21 mind if I call them dirty tricks, do you?

22 A I don't know, would you categorize what I did
23 as a dirty trick?

24 Q Putting a laser light on somebody.

25 A Is that a dirty trick?

1 Q If you are trying to provoke them it is.

2 A You are assuming that I was trying to provoke
3 them.

4 Q Have you ever met Richard Howd before?

5 A I don't believe I know Mr. Howd.

6 Q You don't know anything about Mr. Howd?

7 A Only what I have heard thus far.

8 Q Hearsay, right, all you have heard is from
9 other people talking about him?

10 A In the courtroom here, too.

11 MR. TYSON: Judge, if I could have a
12 moment please.

13 THE COURT: Yes.

14 BY MR. TYSON:

15 Q You say the church brings in attorneys to mess
16 with people, is that what you said?

17 A No, I didn't say that.

18 Q What do they bring them in for?

19 A The attorneys that I worked with for the Church
20 of Scientology are in-house counsel. Moxon, Kobrin.

21 Q When you were involved in these activities, or
22 alleged activities that you testified to, you chose to be
23 involved in those, didn't you?

24 A It was what I was required to do as a member of
25 the Office of Special Affairs.

1 Q Well, I am required to be here in court today,
2 but you know what, I can turn around and walk right out
3 the door.

4 A True.

5 Q I can quit my job the same as you can quit your
6 job, right?

7 A I --

8 Q But you made a choice, didn't you? If that is
9 even true and this stuff even happened, that would have
10 been your choice to that kind of stuff, wouldn't it?

11 A Yes.

12 Q And as far as illegal activities, you are
13 saying that you were never involved in any. Is that what
14 you are telling this jury?

15 A Yes.

16 Q Okay. You are not going to dime yourself out,
17 are you?

18 A Nope.

19 Q Of course not, of course not. So any illegal
20 activities that you are telling this jury about is stuff
21 that other people may have told you?

22 A No, not exactly right, sir.

23 MR. TYSON: That's all I have, Judge.

24 THE COURT: Redirect?

25 MS. RIVELLINI: Yes, sir, but we need to

1 approach before we do that.

2 THE COURT: Okay.

3 (Whereupon, a bench conference was held
4 outside the hearing of the jury.)

5 MS. RIVELLINI: Judge, I believe Mr. Tyson
6 clearly opened the door for me to get out the point that
7 there have been ramifications for him leaving the church,
8 and that, in fact, he has been followed and harassed. He
9 asked him, "Well, they didn't go around provoking you,
10 did they? They didn't do anything to you, did they?"
11 And, in fact, he asked, "If you didn't like it, you could
12 just leave and walk out?" Like there would be no
13 repercussions, and in fact, there have been.

14 MR. TYSON: Judge, there wasn't any
15 response to him saying he couldn't leave. I didn't open
16 any door there. I was very careful about that. I didn't
17 mention the videos, I didn't mention what Mr. Minton did
18 on the videos and whether that was "Fair Game" what he
19 did. I kept the door very tight so that we wouldn't get
20 in that part.

21 MS. RIVELLINI: He wasn't responding to
22 questions that I asked him. He was responding to
23 questions asked of him by the prosecutor.

24 THE COURT: Give me a for example. If you
25 go into this line of questioning, what do you expect to

1 get him to say that he hasn't otherwise already said?

2 MS. RIVELLINI: He asked him if what he
3 was doing, standing out there picketing was just because
4 he hates Scientologists and the fact is that they didn't
5 do anything to provoke you, and in fact, they have done
6 things to provoke him. Also, Judge, he specifically
7 said, "When you were there you were there of your own
8 free will, and you could have just left, just like I
9 could quit my job." And that is not the case. And he is
10 misleading them by leaving them on that point.

11 MR. TYSON: He has already testified about
12 RPF, whatever that stuff is, he has already been there.
13 It's all what you put out.

14 MS. RIVELLINI: It was upon your line of
15 questioning. I didn't ask him if he was there of his own
16 freewill.

17 MR. TYSON: I went no further than yours
18 was.

19 THE COURT: I am going to let you hit it
20 real brief. Real briefly.

21 MS. RIVELLINI: That's all I need. That's
22 all I need.

23 THE COURT: I don't want to dwell on it,
24 because we have already gone way far beyond it. Let me
25 make sure that I understand what it is you expect to get

1 out.

2 MS. RIVELLINI: I plan on asking him, "The
3 prosecutor asked you, if you were there of your own
4 freewill." "Yes, I was." And when you stopped liking
5 what was going on, you tried to leave? Just like the
6 prosecutor said you could? "Yes, I did." And you
7 weren't allowed to leave peacefully, were you? "No."
8 So, in fact, it is not just like Mr. Tyson leaving his
9 job, you, in fact, were harassed? "Yes, I was."

10 MR. TYSON: In 1992. Relevance, and I
11 didn't do anything else other than to comment on the fact
12 that he didn't have to do anything that he wanted to do.
13 He said that he didn't do any of those activities.

14 MS. RIVELLINI: You asked him specifically
15 --

16 THE COURT: We are going further and
17 further. He can say yes, he was harassed. And I don't
18 want to hear about what those harassments were.

19 MS. RIVELLINI: That's why I phrased it
20 that way, so I could cut it off just there.

21 THE COURT: I don't want to hear all the
22 gory stories.

23 MR. TYSON: Judge, I would ask if he
24 starts going into it that you would interrupt so that I
25 don't look like I am trying to hide anything.

1 MS. RIVELLINI: That's fine with me.

2 THE COURT: She is not going to do it.

3 MS. RIVELLINI: If he responds further
4 than I've asked then I have no problem with how you
5 conduct the courtroom. But I would only the question the
6 way that I just phrased.

7 MR. TYSON: My question is that she may
8 ask a very simple question, he may just ramble on.

9 THE COURT: Okay. That's fine.

10 MS. RIVELLINI: I don't know if you want
11 to argue that at the bench. He entered only one page of
12 a document.

13 THE COURT: I've already ruled. Do you
14 want to argue that again?

15 MS. RIVELLINI: You ruled that only he had
16 to enter it. I would like to enter it under the rule of
17 completeness. And we can either argue that now, or come
18 back up.

19 MR. TYSON: I don't know how it is
20 completeness, Judge. He just testified it is for the
21 limited purpose of showing that they have -- showing that
22 they can't do anything illegal. I didn't go into any of
23 the policy. I did nothing about that.

24 THE COURT: Is there anything in that
25 document that you find to be relevant to the issue that

1 Mr. Tyson was addressing, other than the portion that he
2 used?

3 MS. RIVELLINI: Yes, sir, on page 883
4 where it talks suppressive acts, anybody who does those
5 things, any person who agrees that would do such thing, a
6 suppressive act, out of self-interest, only to the
7 detriment of all others they cannot be granted the rights
8 ordinarily accorded rational beings. So this paragraph
9 within its own policy completely contradicts that you
10 can't do someone. They don't even treat them like a
11 human being.

12 THE COURT: But his paragraph pertained to
13 violations of the law. I am not sure those two things
14 are congruous.

15 MS. RIVELLINI: Judge, I think if you look
16 at one versus the other, to take just his portion out of
17 context is completely misleading as to what their real
18 policy is, which is if you don't treat someone like a
19 rational human being --

20 THE COURT: So you want to enter just one
21 page?

22 MS. RIVELLINI: I will be happy to limit
23 it to that.

24 MR. TYSON: I will object to that. It is
25 putting the religion on trial. It's obvious from the

1 motions in limine.

2 THE COURT: I am drawing the line.

3 MR. TYSON: They keep going and going and
4 going.

5 THE COURT: I am going to let you put that
6 one page in, and I am let you ask that one question. If
7 he goes beyond, yes, I was harassed, then I will
8 interject and stop it.

9 MS. RIVELLINI: I will be happy to ask it
10 as a leading question.

11 REDIRECT EXAMINATION

12 BY MS. RIVELLINI:

13 Q Mr. Oliver, the prosecutor asked you if you
14 disliked Scientology or Scientologists, and you told him
15 no?

16 A Yes, that is true.

17 Q Okay, but then you expressed that you have gone
18 out and picketed and some things against Scientology.
19 How do you reconcile that?

20 A I don't have anything against Scientologists, a
21 lot of them don't really know what goes on within the
22 organization itself. My problem, if you will, or my
23 concern is the abusive practices of the organization as
24 deemed and carried out and told to be done by the
25 management. Individual Scientologists I have no qualm

1 with them. A lot of people are my friends in Scientology
2 that I can't talk to anymore because of the situations.

3 Q So is it fair to say that the anger, or the
4 discontent that you seem to express on that video is not
5 with the people, but with the policies?

6 A Absolutely. It's with their abusive and
7 hurtful policies. Not with the individuals. Some of
8 them don't even know what is really going on in there,
9 they don't.

10 Q You weren't trying to mislead this jury?

11 A Not in any way.

12 Q Now, Mr. Tyson showed you the last paragraph of
13 a policy.

14 MS. RIVELLINI: If I can approach the
15 witness?

16 THE COURT: Yes, ma'am.

17 BY MS. RIVELLINI:

18 Q Just one other page from that policy, and it's
19 in Defendant's Exhibit Number 9 for purposes of
20 identification. Can you just take a look at it, and take
21 a look at the cover page to see where it comes from. Do
22 you recognize that chapter?

23 A Yeah.

24 (The document hereinafter
25 referred to was marked as

1 Defendant's Exhibit No. 9
2 for identification.)

3 BY MS. RIVELLINI:

4 Q Okay, turn directly to the page that I have
5 pointed out and highlighted. Can you just read the
6 highlighted paragraph and tell me if you understand what
7 it means?

8 A It says --

9 Q Read it to yourself and tell me if you
10 understand it?

11 A I understand it.

12 MS. RIVELLINI: Judge, at this point I
13 would like to enter into evidence only page 883 from the
14 same chapter that the prosecutor entered the page from.

15 THE COURT: Mr. Tyson?

16 MR. TYSON: I would renew my relevance
17 objection, Judge.

18 THE COURT: I understand it will admitted
19 as Defense Exhibit Number?

20 MS. RIVELLINI: Number 9.

21 THE COURT: Number 9. Okay.

22 MS. RIVELLINI: And only this section will
23 be published to the jury and entered it into evidence.

24 THE COURT: You may go ahead and publish
25 it.

1 (The document heretofore
2 marked as Defendant's
3 Exhibit No. 9 for
4 identification was received
5 into evidence.)

6 MS. RIVELLINI:

7 Q Would you go ahead and read the highlighted
8 portion from page 883, from the Chapter of Suppressive
9 Acts?

10 A It says, "Suppressive Acts are clearly those
11 covert, or overt acts knowingly calculated to reduce or
12 destroy the influence, or activities of Scientology or
13 prevent case gains, or continued Scientology successes,
14 and activity on the part of a Scientologist. As persons
15 or groups that would do such a thing act out of self
16 interest, only to the detriment of all others. They
17 cannot be granted the rights ordinarily accorded rational
18 beings."

19 Q And you said that you understood that
20 paragraph?

21 A Yes, I do.

22 Q Is there anything in that paragraph that
23 contradicts what you learned as "Fair Game"?

24 A No. It's just phrased nicely.

25 Q In fact, the prosecutor showed you that this is

1 dated 1991, correct?

2 A Yes.

3 Q Could anything that is written here directly
4 conflict or change "Fair Game" as it was done by L. Ron
5 Hubbard?

6 MR. TYSON: Judge, I am going to object.
7 He is incompetent to answer that question. He has been
8 out of the organization for eight years. How he would
9 even know about this. He has never seen this before.

10 THE COURT: Sustained.

11 BY MS. RIVELLINI:

12 Q From what you learned when you were involved so
13 heavily in Scientology, from what you learned can a
14 policy later after L. Ron Hubbard died be changed?

15 A No, it can't. That one, in fact, you showed me
16 didn't seem to be written by L. Ron Hubbard. It was
17 another author listed underneath the name on the bottom.

18 Q That makes a big difference?

19 A Big difference.

20 Q The fact that it says that people who commit
21 suppressive acts that they cannot granted ordinarily
22 accorded rational beings. Is that essentially saying
23 that you don't treat them like they are humans?

24 A That is how I interpret it.

25 Q Now, the prosecutor kind of made the connection

1 in your involvement in Scientology and his job here with
2 the State of Florida. When you were in Scientology, no
3 one forced you to become a member?

4 A No one forced me to become a member.

5 Q Okay, no one forced you at the time you were
6 there to stay a member, is that right?

7 A No one forced me to stay a member.

8 Q And for a while you liked being a member?

9 A Yes.

10 Q You even have a tattoo and it meant a lot to
11 you?

12 A Yes.

13 Q At some point to you did that change?

14 A Yes, it did.

15 Q Did you try to take the steps that were taught
16 to you to properly leave the church?

17 A Yes, I did.

18 Q When you tried to do that were there any
19 repercussions?

20 A Yes, there were.

21 Q In fact, it is not just like for Mr. Tyson if
22 he were to quit his job, and he said he could walk out
23 the door. You couldn't just walk out the door and say
24 that I am done with you all and never hear from them
25 again?

1 A I could, and suffer the consequences, sure.

2 Q So there were consequences when you left the
3 church?

4 A Yes, there were.

5 MS. RIVELLINI: Judge, that's all I have.

6 THE COURT: Mr. Tyson, anything further?

7 REXCROSS EXAMINATION

8 BY MR. TYSON:

9 Q You do recognize that book there, right?

10 A Yeah, I've seen that book.

11 Q So Mr. Hubbard, he is dead?

12 A Yeah, he's dead.

13 Q Are you sure, we are not talking about Elvis
14 being alive? He is dead, right?

15 A As far as I know, sir, he is dead.

16 Q That's the typical book that you all have in
17 Scientology?

18 A It's typical, yeah.

19 Q Now, you said the reason for activities, you
20 are not mad at the people, but the policies, but you
21 aimed the laser light at the people, right?

22 A Yeah, a particular security guard, yes.

23 Q That's a person, right?

24 A Excuse me?

25 Q That is a person though, right?

1 A Correct.

2 Q And for lack of a better term, I am not going
3 to claim ignorance here, but I really don't know that
4 much about Scientology, I really don't. I don't know
5 that much about you guys. That's why I say Scientology
6 and anti-Scientology. I am not trying to offend you when
7 I say that. But your message for lack of a better way to
8 describe it, to simply it would be anti-Scientology?

9 A No, I wouldn't say that. I don't have a
10 problem with people being Scientologists.

11 Q I am talking about anti-Scientology policies.
12 I mean that is why you are picketing and protesting, to
13 get your message out against Scientology, you want to
14 expose them, right?

15 A I want to expose the abusive practices.

16 Q Okay, fair enough. Let me ask you this
17 question, how is shining a laser light on them sending a
18 message to the rest of the public that you want to expose
19 their policies, tell the jury that?

20 A That particular person that was filming me --

21 Q I asked you a question, how does that send your
22 message to the public, your protest, if I go to a car
23 dealership I get a lemon, I am out in front holding a
24 sign, right, that's protest, right? I am shouting in the
25 street, they're bad. Okay? They are bad, that is why

1 you are holding signs, right?

2 MS. RIVELLINI: Judge, there hasn't been a
3 question. I am going to ask that he stop editorializing
4 and just phrase one simple question.

5 THE COURT: Mr. Tyson, please ask your
6 questions.

7 BY MR. TYSON:

8 Q You were there to protest to get your message
9 out, aren't you?

10 A Correct.

11 Q And your message that you want to get out is
12 to the public, isn't it?

13 A No, not necessarily. It's also to the
14 Scientologists.

15 Q For them too, but also to the public, would it
16 be fair to say them, too?

17 A Well, whatever public would be there at 10:30
18 at night, or 11:00, whatever time it was.

19 Q You picket during the day too, right?

20 A Yes, I do.

21 Q And speaking of nighttime, there's not a lot of
22 people there at night. I mean it's 12:00 at night you
23 are doing that laser pen, isn't that?

24 A There are a lot of people walking in and out,
25 they were all Scientologists.

1 Q My question to you is, you have a message that
2 you want to get out, how is putting a laser light on an
3 individual, on a person, aiming it right at them in the
4 camera, how is that getting your message out?

5 A It wasn't. The picket sign in my other hand
6 was getting the message out.

7 Q That's right it wasn't, was it?

8 MR. TYSON: No further questions.

9 THE COURT: Any further questions of this
10 witness?

11 MS. RIVELLINI: Juste a moment, Judge.

12 No, sir.

13 THE COURT: Thank you, sir. Please step
14 down.

15 (Whereupon, the witness was excused.)

16 THE COURT: We are going to take a fifteen
17 minute recess. We will be adjourned until 10:15.

18 (Brief break)

19 (Whereupon, the jury was brought in.)

20 THE COURT: Counsel for the Defendant
21 please call your next witness.

22 MR. DENIS DE VLAMING: Yes, your Honor, at
23 this time Bob Minton would like to take the stand in his
24 own defense.

25 (Whereupon, the witness was sworn.)

1 THE COURT: Please proceed.

2 Whereupon,

3 ROBERT MINTON,

4 The Defendant, was called for examination by counsel in
5 his own behalf, and having been previously duly sworn,
6 was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. DENIS DE VLAMING:

9 Q Tell us your name?

10 A Bob Minton, M-I-N-T-O-N.

11 Q Mr. Minton, where do you live?

12 A I live in Sanddown, New Hampshire, and Boston,
13 Massachusetts.

14 Q Tell us your age?

15 A Fifty-four.

16 Q What do you do for a living?

17 A I have retired. I retired about seven years
18 ago. I previously was involved in an investment banking
19 business that was active in the trading of Third World
20 debt instruments.

21 Q It suffices to say, you were successful in that
22 endeavor, financially successful?

23 A Yes, sir. I did achieve some degree of
24 financial success, and reached a level where I wanted to
25 pursue other interests outside of working.

1 Q Is one of those interests somewhat the subject
2 of what this trial has at least revolved around?

3 A Yes, a couple of years after I retired I did --
4 the Church of Scientology's actions on the Internet were
5 brought to my attention and it has been since that time a
6 fairly consuming part of my activities.

7 Q By consuming part of your activities, has it
8 taken you literally around the world?

9 A Yes, not only around the world, but
10 particularly here in the United States I have traveled
11 all over the country and met former Scientologists,
12 former high ranking Scientologists. I am currently in
13 dialogue with large numbers of current Scientologists.
14 I've been to Europe, to Germany as guest of the German
15 government to discuss how their view, and out views here
16 in the United States coincide and to learn from the
17 experience, because they have had a lot more experience
18 dealing with Scientology under their democratic form of
19 government than we have.

20 Q Mr. Tyson made a comment in his opening that
21 you do not like Scientologists. Is that accurate?

22 A It's not accurate. There a number of people at
23 the top of Church of Scientology who I believe are
24 directing the abusive and deceptive practices of
25 Scientology. And you know, I am not particularly

1 enamored with them, and I don't particularly think there
2 is much chance to rehabilitate them any time in the near
3 future. But the rank and file Scientologists, which
4 certainly ninety-five percent Scientologists at least are
5 extremely nice decent people. Some of the nicest people
6 -- I have said in speeches that I have given at various
7 conferences that the nicest people that I have ever known
8 have been Scientologists. Most of them now are former
9 Scientologists. But the Sea Organization and the Office
10 of Special Affairs are the sections within Scientology
11 that I have a lot of problems with.

12 Q Very briefly, what is your purpose in coming to
13 Clearwater and doing these protests and speaking out, and
14 so forth?

15 A The principle purpose of me coming here to
16 Clearwater, and I think I maybe need to just back up a
17 little bit to tell you how I have come here to
18 Clearwater.

19 Q Okay.

20 A If that is acceptable. There has never been an
21 organization that was specifically set up to expose the
22 deceptive and abusive practices of Scientology. There
23 have been many organizations who have been in this sort
24 of anti-cult area that have been established and who
25 Scientology has made their enemy. The most recent was

1 the Cult Awareness Network, which was a very large
2 national group that was exposing the abusive practices of
3 all cults.

4 The Church of Scientology took it on as
5 their own project to destroy this organization, and did
6 so successfully after nine years of very serious and
7 expensive litigation on behalf against the Cult Awareness
8 Network. So what Scientology has essentially done is
9 sued all of the organizations that have ever been set up
10 out of existence and they did that with the Cult
11 Awareness Network.

12 Having been involved in this anti-cult
13 movement for a little over five years now I wanted to set
14 an organization here in Clearwater to specifically expose
15 Scientology's deceptive and abusive practices, right here
16 in their own back yard. Getting the message out to the
17 public, but to local city government people who have been
18 embracing the Church of Scientology in a way that hasn't
19 been seen in these parts for twenty-five years.

20 In the last couple of years that there
21 have been some serious changes in the way the government
22 has embraced Scientology. And to communicate to the
23 young Sea Org. members who you see going around the
24 streets of Clearwater.

25 Q Those are the ones in uniform?

1 A Yes, that's correct. And to work with current
2 Scientologists here in Clearwater who have the goal of
3 reforming from inside the organization, but they don't
4 have the political power within the organization to do
5 that. They realize that they need external help to
6 reform this organization's deceptive and abusive
7 practices. And they have come to me to help them, and
8 the organization that I helped set up here.

9 Q Let me stop you here. Does that organization
10 have a name?

11 A Yes, it is called the Lisa McPherson Trust.

12 Q Did that involve someone, the death of a
13 Scientology member by that name?

14 A Yes.

15 Q Is that who it was named after?

16 A Yes, it was in honor of Lisa McPherson, who was
17 a young woman who was thirty-six years old. She spent
18 eighteen years or so of her life in Scientology. She
19 ended up being --

20 MR. TYSON: Judge, may I object briefly.
21 I don't mind Mr. de Vlaming asking some of his questions,
22 but he is testifying --

23 THE COURT: Objection sustained.

24 BY MR. DENIS DE VLAMING:

25 Q The organization that you started for the

1 purpose you just told the jury is the Lisa McPherson
2 Trust, correct?

3 A Correct.

4 Q Were you privy to watch some video in this case
5 while this trial proceeded yesterday?

6 A Yes, I did.

7 Q You heard it?

8 A I saw it all.

9 Q We heard you on the video, Mr. Minton, talk
10 about Lisa McPherson and where she was, and other things
11 of that nature, is that correct?

12 A Yes, I did.

13 Q And did you yourself bring a lawsuit involving
14 Lisa McPherson?

15 A No, I did not.

16 Q Had that begun before you had come into town to
17 start the Lisa McPherson Trust?

18 A Several years before, in fact the lawsuit, Lisa
19 McPherson died on December 5, 1995, and I believe the
20 family's lawsuit against the Church of Scientology was
21 filed in -- sometime in '96. I believe it was before the
22 middle of the year, I'm not sure when it was actually
23 filed.

24 Q And when had you started coming into town to
25 form this organization?

1 A We started to try to setup in Clearwater as
2 early as September of '99, but we didn't get to
3 Clearwater for a variety of reasons until January of this
4 year.

5 Q Have you been able, however, based upon your
6 success in your previous profession to help fund the Lisa
7 McPherson Trust and its goals that you just said?

8 A Yes, I have.

9 Q Now, on the basis of that, Mr. Minton, has that
10 caused you some, for lack of a better term, problems with
11 the Office of Special Affairs, or the practices of the
12 Church of Scientology?

13 A Well, I have had a lot of problems with the
14 Church of Scientology and the Office of Special Affairs
15 for a lot of years now. But clearly, the Lisa McPherson
16 case and my funding of it is according to the New York
17 Times, the reason Scientology hates me the most.

18 Q Are you, for lack of a better term, enemy
19 number one to the Church of Scientology, to your
20 knowledge?

21 A Several newspapers and NBC Dateline, for
22 example, have referred to me that way.

23 Q Now, do you from time to time, and you have
24 already told us other things that you do to get out the
25 message, but do you as one of them, protest up and down

1 the public sidewalk of The Fort Harrison Hotel, where the
2 alleged spiritual headquarters are located?

3 A Yes, I do.

4 Q And when you come to town do you bring placards
5 from time to time to get out the message?

6 A Yes, I do.

7 Q Who do you hope to reach by doing that?

8 A A combination, it depends on the particular
9 time, and the place, and where, and what message is on
10 the sign. It can be current Scientologists, it can be
11 the public, it can be the OSA people even, who are out
12 there generally hassling you.

13 Q To your knowledge, have you been investigated
14 by the church, your background, you life?

15 A Yes, I have. The Church of Scientology didn't
16 have folders on me, PC folders they call them, which they
17 have on their own members, because their own members
18 confess everything and it's put in a folder. So the way
19 they had to deal with me is create the same information
20 they have on their own members on me. So then they could
21 apply the same type of policies that they would apply
22 against their own members on me. And they started
23 investigating me sometime in the summer of 1997, which
24 was the first time I gave money to the Estate of Lisa
25 McPherson, to her attorneys, so that they could prosecute

1 the case -- or continue prosecuting the case against
2 Scientology.

3 Q Mr. Minton, did you hear the testimony, the
4 witness that testified just before you took the stand?

5 A Yes, I did.

6 Q Did you hear him describe what the term "Fair
7 Game", did you hear him testify as far as that?

8 A Yes, I did.

9 Q Based upon your treatment at the hands of the
10 church, have you been labeled, to your knowledge, "Fair
11 Game" and treated as such?

12 A Yes, without any doubt. Without any doubt.

13 Q Now on the 31st of October, of last year, 1999,
14 did you fly into Clearwater?

15 A Into Tampa.

16 Q Into Tampa?

17 A Yes.

18 Q Was your stated purpose to come to the Lisa
19 McPherson Trust and perform the duties that that
20 organization has?

21 A Well, not at that time. Stacy Brooks was
22 meeting me in Tampa. She flew, I believe, from Atlanta
23 and we met here in Tampa. Ms. Brooks had been looking
24 for office space in Clearwater during September and
25 October. We had in every major office building in

1 downtown Clearwater -- we were eventually rejected for
2 office space. Not because of lack of any financial wear-
3 with-all to pay for the office, but because in each and
4 every instance the Church of Scientology, which was
5 following me around all the time then, were going to
6 these office building and providing booklets like they
7 provided to the prosecutors office on all the individuals
8 involved in this Lisa McPherson Trust, and persuaded
9 these office buildings that we were troublemakers, that
10 they shouldn't rent to us, that there will be pickets
11 outside of their building by the Church of Scientology
12 and they all refused to rent to us. So there were also
13 people who were called by the Assistant City Manager's
14 office in Clearwater suggesting that they should not be
15 dealing with Stacy Brooks, Bob Minton, or Jesse Prince.
16 We believe that this was due to pressure by the Church of
17 Scientology on these officials.

18 Q Was that purpose for coming into town, to try
19 to shore up a place for the Lisa McPherson Trust?

20 A Well, the purpose was to try to find a place.
21 At that stage we were not able to because even though
22 some of these buildings were a third empty, nobody had a
23 lack of space, it's just they wouldn't let us rent
24 because of these reasons. I decided the only way we
25 could go forward down here was to buy a building. So I

1 had came -- Ms. Brooks had been down here the week
2 before, she had looked at some available buildings
3 downtown, and since we were going to have to act quickly
4 in terms of concluding a deal, I came down here to try to
5 strike a deal to buy an office building for the Lisa
6 McPherson Trust.

7 Q When you landed in Tampa was there anybody
8 there to meet you?

9 A Yes, when you go from the gate you take a
10 shuttle bus, not a shuttle bus, a train. And as soon as
11 the door opened I walked out and there is two
12 Scientologists, well, two ladies which I subsequently
13 determined were Scientologists, but they said to me when
14 I had taken maybe three steps off the shuttle, "Bob
15 Minton, what are you doing in our town?" I immediately
16 assumed that they were Scientologists, because throughout
17 my life before, until I got in this battle, strangers
18 never walked up to me and mentioned me by name, or said
19 anything to me like that. So I said to them at the time,
20 "Maybe this used to be your town, but I am here to help
21 liberate this town." And that was reported in the
22 newspapers.

23 Q Did you thereafter rent a vehicle to leave
24 Tampa International?

25 A Yes, I did.

1 Q And as you left Tampa International was Stacy
2 Brooks with you?

3 A Yes, we were in the car together.

4 Q Was there a time, Mr. Minton, when you realized
5 that you were being followed?

6 A There was.

7 Q About where were you or when did you --

8 A Just coming out the parking lot of the rental
9 car place, there was a van there. At various times, just
10 to put this in perspective, at various times when I have
11 come to the airport, you know, Tampa police officers have
12 been there to meet and see whether we were being
13 followed. This particular time we hadn't taken any
14 particular precautions about -- of any security nature.
15 And you know being followed by the Church of Scientology
16 is something that I am pretty accustomed to. You sort of
17 develop an eye to spot these people. The way they
18 typically do it, they have two cars who are following
19 you. And they go back and forth. Sometimes will pass
20 you. But we saw this van who was behaving in strange
21 way, and he wasn't inside the Hertz or Avis place, he was
22 just kind of lurking at the exit of it. Sure enough that
23 car proceeded behind us. Not at close distance. I just
24 assumed that was one of the cars that would be in the
25 cavalcade of cars that might be following us.

1 Q Was there a time that you saw a white vehicle
2 that you later determined was being operated Richard Howd
3 after you left Tampa International?

4 A Yes, that was somewhere on Gulf to Bay, before
5 the split, you know, where Cleveland Street goes one way,
6 and I guess, Court Street, if you continued straight, you
7 go down Court Street, I believe.

8 Q Is that when you realized that you were being
9 followed by Mr. Howd?

10 A I didn't know Mr. Howd's name at the time, but
11 I said Stacy Brooks, I said, "Hey, that's the Ybor City
12 guy who is following us."

13 MR. DENIS DE VLAMING: May I approach the
14 witness?

15 THE COURT: Yes, you may.

16 BY MR. DENIS DE VLAMING:

17 Q Mr. Minton, let me show you what has been
18 marked as Defendant's Exhibits 1A, B, and C, and tell me
19 whether you can recognize -- first of all tell me what
20 you can recognize of those exhibits? Just yes or no
21 whether you can?

22 A Yes, I can.

23 (The photographs
24 hereinafter referred to
25 were marked as Defendant's

1 Exhibits No. 1A, B and C
2 for identification.)

3 BY MR. DENIS DE VLAMING:

4 Q Were they taken while you were present?

5 A They were, and I believe I am the one who took
6 the pictures.

7 MR. DENIS DE VLAMING: At this time I
8 would offer into evidence Defendant's Exhibits 1A, B, and
9 C.

10 THE COURT: Any objection?

11 MR. TYSON: No.

12 THE COURT: They will be admitted and so
13 marked.

14 (The photographs heretofore
15 marked as Defendant's
16 Exhibits No. 1A, B and C
17 for identification was
18 received into evidence.)

19 BY MR. DENIS DE VLAMING:

20 Q Whose vehicle was that?

21 A That was the car that Mr. Howd was driving that
22 day.

23 Q Tell the jury why it was taken in this
24 particular position, and if you can testify as what is in
25 the background, tell us some landmarks there?

1 A Okay, that's the -- when you go towards the
2 Bellevue Biltmore Hotel, you go around a large curve to
3 the left, and so as you are progressing along there is a
4 big curve to the left to go into the Bellevue Biltmore.
5 And just at that fork there is a road called Alexander
6 Road, which forks down to the right. That is on Alexander
7 Road, the van that you see there in the top left part of
8 the picture that appears to be going into the Bellevue
9 Biltmore.

10 Q Were you going to be staying at the Bellevue
11 Biltmore Hotel?

12 A Yes, I was.

13 Q Did the driver of this vehicle, Mr. Howd, did
14 he follow you from Gulf to Bay to where you were going to
15 be staying?

16 A Just to clarify, there's a little sequence
17 issue here.

18 Q Go ahead, tell us about it.

19 A We were on our way to the Bellevue Biltmore
20 from the airport and because we were being followed we
21 decided to go The Fort Harrison Hotel and do a picket.
22 The reason we decided to do that in response to being
23 followed is that, you know, we didn't want these guys
24 working for Scientology, or Scientology who we knew they
25 were reporting, to think that we were intimidated or

1 scared by their harassing tactics of constantly following
2 us. And we went to the parking lot across the street
3 from The Fort Harrison Hotel on Fort Harrison Avenue,
4 parked the car. Actually I dropped Ms. Brooks off at the
5 front of The Fort Harrison Hotel and I drove around to
6 the parking lot to park. Then I came over with a camera
7 and Ms. Brooks was out with the picket sign and I was
8 just taking photographs of her. From there we left and
9 went to the Belleview Biltmore and from The Fort Harrison
10 Hotel, yes, we were followed by two cars. And in order
11 to take -- I did try to take some evasive action around
12 the area of Morton Plant Hospital and turn right off of -
13 - at South Fort Harrison Avenue there. And turned right
14 into some of the back streets behind and around Morton
15 Plant Hospital in an attempt to a lose them, because I
16 didn't want them following us to the hotel.

17 Q Did you know at that time that they knew you
18 were staying there already?

19 A No, I didn't. So on the way we ended up
20 getting back on South Fort Harrison Avenue to go up to, I
21 believe it is Belleview, or Biltmore, I forget what the
22 name of the street is there, but you make a right past
23 their golf course and you go down to where the Belleview
24 Biltmore Hotel is. So as we rounded that big curve there
25 is Mr. Howd standing out in the street up against --

1 somewhere near where that van is, probably just a little
2 bit to the right. He is standing there in the street
3 there with his camera pointed right at the car as we came
4 around the corner.

5 Q Was that before or after this photograph was
6 taken? It must have been before this photograph was
7 taken?

8 A Yes, that was before.

9 Q Did you then go into the Bellevue, or did you
10 make a turn?

11 A We turned into Alexander Road and parked behind
12 his car. Then I got out and took pictures, because the
13 pictures that -- the reason that I was interested in
14 taking pictures inside his car is he had all the picket
15 signs of the picketers who were there, who spontaneously
16 appeared with picket signs provided by Mr. Howd when
17 Stacy Brooks showed up in The Fort Harrison that
18 afternoon as we were on our way from the airport.

19 Q Did you while you were there also take a
20 photograph of his license plate?

21 A I did, yes.

22 Q And at that point in time you didn't know Mr.
23 Howd, or know his name?

24 A No, I didn't.

25 Q So you wanted to at least preserve it by the

1 license plate that you took?

2 A Yes, I wanted to at least be able to find out
3 who this was who was following us.

4 Q Was there a second car involved in following
5 you?

6 A Yes.

7 Q Do you remember the color of that car?

8 A I just remember it was an older Volvo. And I
9 can't remember the color right now. Now that car was
10 only following us from The Fort Harrison, it didn't --

11 Q Was there a woman in that car?

12 A Yes, there was.

13 Q Did you end up taking her picture?

14 A Yes, I did.

15 Q Is this the woman that was following you in the
16 second car?

17 A Yes.

18 Q We see that same post in there, was that taken
19 on or about the same time these photographs were taken of
20 the car?

21 A Soon thereafter. The reason being is that she
22 wasn't there when we first got there. Her car wasn't
23 there. We subsequently found out from the guard at
24 Belleview Biltmore gatehouse that she had gone in through
25 gatehouse and come out again -- and subsequently came

1 out. When she came out she then came up and parked there
2 on Alexander Road as well.

3 Q Did she get out of her car, obviously?

4 A She did, yes, and that's when I took that
5 picture.

6 Q Any dialogue between you and her, or you and
7 Mr. Howd? Did you talk back and forth, or were they
8 saying anything?

9 A I don't think there was anything of consequence
10 that I particularly remember.

11 Q Mr. Minton, when you talked to member of the
12 Office of Special Affairs and you ask them questions, be
13 it about Lisa, or any of the doctrines of the Church of
14 Scientology, did they ever give you an answer?

15 A No, not in response to any question. I mean
16 give --

17 MR. TYSON: I object to the relevance of
18 this. I don't know what this has to do with the battery
19 that night. I'm not sure where we are going here.

20 THE COURT: Counsel approach.

21 MR. DENIS DE VLAMING: Judge, I will move
22 on unless you want us to still approach.

23 THE COURT: Objection sustained. Please
24 move on. Thank you.

25 BY MR. DENIS DE VLAMING:

1 Q Mr. Minton, you made a comment that you
2 recognized him as the man you had seen in Ybor City a few
3 minutes ago. Had you seen Mr. Howd before once he got
4 out of that vehicle? Had you recognized him?

5 A Yes, I did recognize him. First I recognized
6 him from having appeared in Ybor City, sometime I believe
7 it was December '97.

8 Q Were you there having something to do with
9 educating about or protesting, however you want to put
10 it, the practices of Scientology?

11 A Yes, I was.

12 Q That was your purpose of being in Ybor City?

13 A Yes, I was there together with a group of maybe
14 a dozen people.

15 Q Did Mr. Howd appear there and photograph you as
16 well, and videotape you?

17 A He did, yes.

18 Q Have you brought with you photographs of Mr.
19 Howd videotaping you on that occasion?

20 A Yes, I did.

21 Q Let me show you what has been marked as
22 Defendant's Exhibit 12 and 13 for identification,
23 specifically number 12, are you in that photograph?

24 A Yes, I am.

25 Q Is Mr. Howd in that photograph?

1 THE COURT: They will be admitted and so
2 marked. Thank you.

3 (The document heretofore
4 marked as Defendant's
5 Exhibits Nos. 12 and 13 for
6 identification were
7 received into evidence.)

8 BY MR. DENIS DE VLAMING:

9 Q Did you later that evening, of October 31,
10 1999, did you go to woman's house named Benetta
11 Slaughter?

12 A Yes, I did.

13 Q Was Ms. Brooks there?

14 A She was.

15 Q And I think we saw that videotape that Mr.
16 Tyson had played about her property and so forth?

17 A Yes.

18 Q What was you purpose, Mr. Minton, of going to
19 Ms. Slaughter -- and very briefly, who is she?

20 A Benetta Slaughter is the president of a company
21 called AMC Publishing, which is where Lisa McPherson
22 worked, first in Dallas, and then Benetta Slaughter moved
23 the company to Clearwater, and Lisa McPherson moved here
24 with here. Benetta Slaughter is the single person within
25 the Church of Scientology who is most responsible for

1 driving Lisa McPherson crazy.

2 Q Did you believe there was any activity going on
3 in her house when you over there that evening?

4 A Yes. What -- the last picture of Lisa alive is
5 a picture at a Halloween party at Benetta Slaughter's
6 house. Apparently, from what I had heard --

7 MR. TYSON: Objection.

8 BY MR. DENIS DE VLAMING:

9 Q Don't go into what you heard.

10 THE COURT: Sustained.

11 BY MR. DENIS DE VLAMING:

12 Q Did you believe there was some function going
13 on when you went over there, when you recently went
14 there, did you think there was a function going on?

15 A A Halloween function we thought was going on.

16 Q When you go there what did you learn?

17 A It was the night before, on Saturday, not the
18 Sunday.

19 Q And just to shorten things, as on Mr. Tyson's
20 tape that he played, you made comments about that, there
21 is the tent that was there for the party the night
22 before, and so forth?

23 A That's correct, yes.

24 Q What was your purpose then in staying there and
25 filming the way that you did? Why did you do that?

1 A Ms. Brooks was -- she was amazed at the size of
2 Benetta's house. Ms. Brooks was in Scientology for a
3 very long time at the upper levels and she never saw the
4 types of money that Scientologists made by using Sea Org.
5 staff members to work.

6 Q So you wanted to film the --

7 MR. TYSON: Objection, leading.

8 MR. DENIS DE VLAMING: I didn't finish.

9 THE DEFENDANT: Rephrase it if you will.

10 Can I correct it? I think I said something incorrectly
11 there.

12 BY MR. DENIS DE VLAMING:

13 Q I will.

14 A I didn't mean Sea Org staff members. I meant
15 public Scientologists, some of which are in the Sea
16 Organization.

17 Q So the purpose was to photograph the grounds?

18 A Yes.

19 Q But what the grounds there encompass?

20 A Yes.

21 Q Did you go on the private property?

22 A No.

23 Q You stayed either on the right-of-way or on
24 public property?

25 A That's correct.

1 Q There is one part on there, Mr. Minton, where
2 it seems as if we hear a gate make a clanking sound.
3 What was that?

4 A Yeah, at the very back of the property there
5 was a gate that was partially open. It had a big chain
6 on it with a lock on the chain. I was -- at one stage I
7 was holding the camera up along the top of the gate, and
8 you know, I hit the gate and chain, which was sort of
9 bunched up dropped down and clanked against the thing.
10 The door opened a little bit, simply because it was, you
11 know, it was just chained, it wasn't chained tight. You
12 could open it.

13 Q You never intruded into her property?

14 A No.

15 Q I think we hear you say something on that video
16 to the effect of spontaneous picket, or something. What
17 is that? What did you do?

18 A Well, what I was referring to by spontaneous
19 picket is Scientology refers to things -- like the picket
20 that they had in front of the church that day when Stacy
21 Brooks went out there and picketed, they said this was a
22 spontaneous picket by church members, who were supplied
23 the picket signs by Richard Howd out of his car. You
24 can't get terribly spontaneous with that. So that's --
25 it was just kind of a joke.

1 Q A take off on that?

2 A Yeah.

3 Q And you walked up and down a little bit, and
4 then ultimately left. Did you ever try to go on the
5 property to ring the doorbell, knock on the door,
6 anything like that?

7 A No.

8 Q So there is nothing off that video that would
9 establish that you intruded onto the property, the
10 physical property?

11 A No.

12 Q After that was there a decision made to go the
13 Church of Scientology property at The Fort Harrison?

14 A Again this -- yes, a decision was made. At
15 some stage during that film I referred to the van. I
16 said the van went down the street.

17 Q Yes.

18 A That turned out to be one of the private
19 investigators or OSA people who were following us. That
20 van as it turned out was parked at the end of that dead-
21 end street where Benetta Slaughter lived. The way we
22 found that out is when we went to leave we had to go down
23 to that end to turn around and go out. The van hurriedly
24 left as we came down there. Eventually, we met up on
25 Belcher, where Belcher intersected with Benetta

1 Slaughter's road, which it was mentioned on the videotape
2 what the name of that road was. I don't recall it. But
3 the van had gone, it was a street that was sort of
4 catacorner across from Benetta Slaughter's road on the
5 other side of Belcher, and the van had gone in there with
6 another car. The van was facing in, and the other car
7 was facing out. The other car that was facing out was
8 parked on the side of the road and flashed its lights,
9 you know, towards us, it seemed. Seemingly just to taunt
10 us, that you know, here is another car load here. So
11 again I said if they are going to all this trouble to
12 these guys follow us all night let's just go down The
13 Fort Harrison and do another quick picket before we go
14 back to the hotel.

15 Q Mr. Minton, when that starts you and Stacy
16 Brooks are walking towards a building, which is not The
17 Fort Harrison building and a van appears to come around
18 and jump out of the way. Do you remember that part?

19 A I do.

20 Q Tell us about how that occurred?

21 A You know, I really wasn't paying a lot of
22 attention, which is probably why -- I don't know how it
23 occurred, other than the fact that I wasn't paying
24 attention and this was alley way which a van came out of.
25 I just wasn't paying attention.

1 Q You don't -- do you know what the Flag insignia
2 is?

3 A I don't remember whether it had that or not.

4 Q Then you go and do the picket in front of the
5 Scientology building and it was captured by Ms. Brooks as
6 well as the others on videotape?

7 A Right, we have seen all of those tapes.

8 Q And are they fairly accurate as far as far as
9 what occurred?

10 A Yes.

11 Q Let's go back a little bit of time, Mr. Minton,
12 to establish in part what your state of mind was at the
13 time that this incident occurred around the corner
14 between you and Mr. Howd and you are saying, "Hit me one
15 more time."

16 A Yes.

17 Q That area?

18 A Yes.

19 Q And then what you did after that until the time
20 you put the placard out.

21 A Uh-huh.

22 Q Was there an incident about the manner in which
23 a member of the Office of Special Affairs act towards you
24 when you are criticizing the church in that quorum that
25 occurred back in Boston the year before?

1 MR. TYSON: Objection, relevance, Judge.

2 THE COURT: Overruled.

3 THE DEFENDANT: Yes.

4 BY MR. DENIS DE VLAMING:

5 Q Is that in part how you were treated -- did
6 that impact you on how Mr. Howd was acting towards you at
7 the time on the assault on you and later your actions
8 towards him?

9 A It did.

10 Q And, Mr. Minton, have you viewed what has been
11 marked Defendant's Exhibit 10 for identification, and I
12 will just tell you that purports to be the Boston
13 incident, have you seen this?

14 A Yes, I have.

15 (The videotape hereinafter
16 referred to was marked as
17 Defendant's Exhibit No. 10
18 for identification.)

19 BY MR. DENIS DE VLAMING:

20 Q Are you in this video?

21 A I am.

22 Q Does it accurately reflect what happened and
23 what was said at the time it was happening?

24 A It does.

25 MR. DENIS DE VLAMING: Your Honor, I would

1 offer into evidence Defendant's Exhibit Number 10.

2 THE COURT: Any objection?

3 MR. TYSON: Same objection I had,
4 relevance, Judge.

5 THE COURT: Objection overruled. It will
6 be admitted and so marked.

7 (The videotape heretofore
8 marked as Defendant's
9 Exhibit No. 10 for
10 identification was received
11 into evidence.)

12 MR. DENIS DE VLAMING: May I publish it to
13 the jury?

14 THE COURT: Yes, you may.

15 BY MR. DENIS DE VLAMING:

16 Q Mr. Minton, what I am going to do at this point
17 in time, and I want you to understand the purpose of
18 this, it is going to be segments, okay, and they are
19 going to fade out. If you need to say anything based upon
20 that segment okay, just give me a sign and I will --

21 MR. TYSON: Judge, I would prefer that he
22 ask questions.

23 MR. DENIS DE VLAMING: I will do it that
24 way.

25 THE COURT: Okay.

1 MR. DENIS DE VLAMING: I am going to stop
2 it after each segment then and do it that way.

3 (Whereupon, the videotape was played for
4 the jury.)

5 BY MR. DENIS DE VLAMING:

6 Q First of all, what time of day was this, and
7 tell us the location where this was shot?

8 A This is on Beacon Street in Boston, the corner
9 of Beacon and Harriford Street. The Church of
10 Scientology's Org as they call it, organization. And
11 it's about 3:00 in the afternoon.

12 Q Approximately, how long did this particular
13 picket take place, in time?

14 A Gosh, I mean it was really short, fifteen
15 minutes, ten minutes, something like that.

16 Q Was there a time when it began to escalate
17 until the where ambulance was called and you were then
18 accused of a crime? Did it start to escalate to that
19 direction?

20 A Jesse Prince and I arrived there and started
21 picketing in front of the church and it escalated the
22 second two guys from the Church of Scientology, Kevin
23 Hall and Frank Offman ran out the front door and started
24 screaming at us. I mean Frank Offman mainly screaming at
25 me. And the other guy, Kevin Hall, mainly photographing

1 and talking with Jesse.

2 Q Okay, I am going to identify Offman in a
3 minute. Is that the one that is going to be, for lack of
4 a better term, yelling at you, or in your face?

5 A Yes.

6 Q And who was the one holding the video camera at
7 the end? What is his name?

8 A His name is Kevin Hall.

9 Q What is he in the Church of Scientology, do you
10 know?

11 A Well, he is a minister, but he's OSA, he is in
12 charge of their department for dealing with psychiatric
13 groups. He heads a up the activities of a group called
14 CCHR, which is Citizens Commission on Human Rights, which
15 is Scientology main group to attack psychiatry, which
16 they feel is one of their major enemies.

17 MR. DENIS DE VLAMING: Let's go ahead and
18 take the next segment.

19 (Whereupon, the videotape was played for
20 the jury.)

21 BY MR. DENIS DE VLAMING:

22 Q Okay, now in particular in that segment, the
23 Black man, what is his name?

24 A Jesse Prince.

25 Q Is he a member of the Lisa McPherson Trust, or

1 does he somehow do some work for them?

2 A Yes, he does. He was formerly the number two
3 man in the Church of Scientology worldwide.

4 Q And now he is on?

5 A On the board of the Lisa McPherson Trust.

6 Q In that segment we see this man, what appears
7 to be, and the video will speak for itself, blocking Mr.
8 Offman?

9 A Yes.

10 Q What was going on at that point in time? What
11 was Offman trying to do at that time?

12 A Well, Offman had been right at me, and yelling
13 and screaming, and you know Jesse could see that Offman
14 was getting really heated there. He was trying to keep
15 him away from me.

16 (Whereupon, the videotape was played for
17 the jury.)

18 BY MR. DENIS DE VLAMING:

19 Q The walking backwards --

20 A Yes.

21 Q As you are walking forwards --

22 A Yes.

23 Q Okay. How did that occur, and what
24 significance on your state of mind as far now bringing it
25 to Clearwater did that have on you?

1 A Well, you can't move. You are just -- you have
2 got a guy who is right on top of you. It -- you know,
3 it's like claustrophobia, you are just locked in there.
4 You can't -- if you turn around he will get on the other
5 side in front of you. You turn around again he gets back
6 where he was. That's the state of siege that these guys
7 have done on occasion to me when I am picketing.

8 Q Now we see Mr. Offman being like bumped up onto
9 a planter, and then we hear a voice saying, "Did you get
10 that, did you get that? Call them now." Is that an
11 OSA's voice, or that your group's voice?

12 A That's Kevin Hall's voice.

13 Q Kevin Hall is from Church of Scientology?

14 A Right.

15 Q Saying, "Did you get that, did you get that?"

16 A Yeah.

17 (Whereupon, the videotape was played for
18 the jury.)

19 BY MR. DENIS DE VLAMING:

20 Q Was that indicative of which Offman conducted
21 himself toward you that day?

22 A Yes.

23 (Whereupon, the videotape was played for
24 the jury.)

25 BY MR. DENIS DE VLAMING:

1 Q Is that your voice, "Did you see that guy hit
2 me?" Was that your voice?

3 A Yes, that was my voice.

4 (Whereupon, the videotape was played for
5 the jury.)

6 BY MR. DENIS DE VLAMING:

7 Q What had he done just then?

8 A He knocked my camera down.

9 Q Had you done anything to him at that point in
10 time?

11 A No.

12 Q Is that the minister from OSA?

13 A That's right, yes. Offman is also a minister.

14 (Whereupon, the videotape was played for
15 the jury.)

16 BY MR. DENIS DE VLAMING:

17 Q Were the police called?

18 A They were.

19 Q By OSA, Church of Scientology side?

20 A Yes. No, actually I called them. I am
21 standing there talking on the cell phone. I called them.

22 Q And when they got there this fellow, Offman,
23 had -- we hear a stick hit the ground?

24 A Yes.

25 Q What was that stick made out of?

1 A Balsa wood.

2 Q A light wood? When we see you go like that to
3 him, was that a piece of balsa wood?

4 A Yes, that's right.

5 Q Was the ambulance called in that situation?

6 A It was, yes.

7 Q Did it take that man that was in your face
8 before away?

9 A It did, yes.

10 Q Did he ever hit the ground or fall as if he was
11 injured?

12 A No.

13 Q But he complained of injury and asked to
14 hospitalized?

15 A Yes, he did, and they stiffed the ambulance for
16 the charges.

17 MR. TYSON: Judge, we need to approach on
18 this.

19 THE COURT: Approach, please.

20 (Whereupon, a bench conference was held
21 outside the hearing of the jury.)

22 MR. DENIS DE VLAMING: I didn't know he
23 was going to say that.

24 MR. TYSON: If I had a witness do that you
25 would throw this case out right now.

1 MR. DENIS DE VLAMING: Well, he wouldn't
2 do that.

3 THE COURT: Probably not, but I understand
4 your --

5 MR. TYSON: You better believe that he
6 would be jumping down -- He would tear me apart.

7 THE COURT: Mr. Tyson, are you here for a
8 reason other than to tell me what I might do in another
9 circumstance?

10 MR. TYSON: Yes, Judge, I'm sorry. Sorry,
11 I apologize, I lost my temper a little bit.

12 THE COURT: What would you like me do?

13 MR. TYSON: Judge, I would like for you to
14 instruct the jury, and I'd like you to instruct the
15 witness to answer the question and no other question.
16 I'd like to apologize for what I said.

17 THE COURT: That's all right. I have no
18 problem instructing the jury or the witness. Okay.

19 Ladies and gentlemen of the jury you are
20 to disregard the last comment made by the witness. Mr.
21 Minton, please answer the questions only.

22 THE DEFENDANT: I'm sorry, your Honor.

23 THE COURT: That's all right. Please
24 proceed.

25 BY MR. DENIS DE VLAMING:

1 Q Let me show you what has been marked as
2 Defendant's Exhibit Number 11 for identification. Do you
3 recognize that?

4 A I do, yes.

5 (The photograph hereinafter
6 referred to was marked as
7 Defendant's Exhibit No. 11
8 for identification.)

9 BY MR. DENIS DE VLAMING:

10 Q Were you present when it was taken?

11 A I was.

12 Q Are you in the photograph itself?

13 A I am.

14 MR. DENIS DE VLAMING: At this time, your
15 Honor, I would offer into evidence Defendant's Exhibit
16 11.

17 THE COURT: Any objection?

18 MR. TYSON: No.

19 THE COURT: It will be admitted and so
20 marked.

21 (The photograph heretofore
22 marked as Defendant's
23 Exhibit No. 11 for
24 identification was received
25 into evidence.)

1 BY MR. DENIS DE VLAMING:

2 Q Was this photograph taken sometime during the
3 time that this video was also taken?

4 A It was.

5 Q What does it depict?

6 A It depicts Mr. Offman just sort of up like this
7 just forcefully making a point of screaming in my face.

8 Q Let's go back now to October 31st, and let's
9 specifically go to you and Mr. Howd and the manner in
10 which that picket took place. The video will speak for
11 itself. But I want you to tell the jury what happened as
12 you rounded that corner, and I think you here say the
13 statement, "What if I pull this out of hour hand?" Or
14 whatever that is, do you know that area of the tape?

15 A Yes.

16 Q Tell us what was happening then and then put it
17 into focus about what had happened earlier, and your
18 state of mind?

19 A Well, you know, Mr. Howd was -- this had been
20 going on all day, this effort by them to intimidate
21 myself and Ms. Brooks into stopping the activity we were
22 trying to do, namely to protest against Scientology.

23 Mr. Howd, as you've seen on the videos, his
24 close, his close proximity, you know whenever he's around
25 me during the day with that camera. He's at my hotel, you

1 know, when I came to Clearwater that weekend, the weekend
2 of October 31st, the Friday, I learned that the Church of
3 Scientology had followed my 14 year old daughter to Long
4 Island and this is -- I have been constantly, since 1997,
5 under siege by these people. I do not wish to shuddered
6 into silence which is what they want me to be, shuddered
7 into silence. Their top executives, their number two man,
8 their number three man, the head of OSA, they have
9 pleaded with me, they have put agreements in front of me
10 to settle my differences with Scientology, but most
11 importantly, to stop giving money for this Lisa McPherson
12 case.

13 Q Mr. Minton, I guess that begs the question, if
14 Mr. Howd as Mr. Offman was in your space so to speak, why
15 not just walk off, why not just walk across the street
16 and get away from him?

17 A That's the point that I am trying to get to,
18 that's what they you want to do. They want you to go
19 away and stop being a critic of Church of Scientology.
20 It is my right as an American citizen to demonstrate
21 against something that I see is wrong. The abusive and
22 deceptive activities, that they perpetrate within this
23 OSA.

24 Q Let's get back to around the corner then.
25 Okay, we see what we see as far as how close he was.

1 Tell me what happened when you rounded the corner?

2 A You know he was close, I am holding this sign
3 like this. I've got my left hand out on that sign. The
4 strap is right there. I put my thumb on the strap like
5 this, "What if I take this out of your hands?" Then I
6 turned away. In the videotape what you see when I turned
7 away is something causes me to turn around and say, "Oh,
8 you think so." You know, there was -- I can't imagine
9 that I turned --

10 Q The video will speak for itself. Okay. Then
11 you say, "Oh, you think so." You turn towards him.

12 A Yeah.

13 Q And then what does he do that causes this sign
14 to buckle?

15 A Howd comes pushing into me with his camera
16 right into that sign that causes it to buckle, not crack,
17 but you know, because it is foam cord, it doesn't break.
18 It cracks the spine of it, sort of. You know, as far as
19 I am concerned he was assaulting me. You know there is
20 no reason to think on my part, given the stuff that has
21 gone on with these guys before in Boston and elsewhere,
22 you know, there is no reason to think that these guys are
23 not going to do the same thing.

24 Q Is that what caused you to say what you did on
25 tape, and that is, "You are assaulting me." You were

1 accusing him of assaulting of you?

2 A Yes.

3 Q This is State's Exhibit Number 1 in evidence,
4 and is this the placard?

5 A It is, yes.

6 Q Were you holding it so the red hands were out?

7 A Yes, that's right.

8 Q Was this the area, the creased area that Howd
9 had hit?

10 A It would appear so.

11 Q This wasn't there in the photographs before
12 that?

13 A No, it wasn't.

14 Q After that happened, after you said, "You
15 assaulted me, you assaulted me." We hear you say, you
16 walk back to the corner and say, "It's time to call the
17 police." Or words to that effect?

18 A Yeah.

19 Q Correct?

20 A Yes.

21 Q And we see you take out your cell phone?

22 A Right.

23 Q Were you calling the police?

24 A I was.

25 Q Why were you calling the police at that point?

1 A Well, it had just gotten out of hand. You
2 know, it was getting out of hand. They were coming after
3 me and coming after me, it was out of hand, and I wanted
4 the police to come there. The police come there and they
5 stop them from doing this.

6 Q As you began to make the call we see you step
7 off the curb and head across the street, or north. Why
8 were you going in that direction?

9 A First of all the car is parked over there
10 behind the Peace Memorial Presbyterian Church.

11 Q Your car?

12 A Yes, my car. And so I am crossing the street
13 number one, to get away from him. Number two, to be able
14 to talk in private to the police.

15 Q Okay, and as you started to leave and go back
16 to your car for that purpose what did you notice behind
17 you?

18 A Howd.

19 Q And what were your thoughts at that point as to
20 why he would continue to follow you off that property?
21 What was your thought process then?

22 A That he could be coming to do the same thing
23 that Offman did.

24 Q And when you picked the sign up, I think the
25 words were, "Don't you follow me." I am paraphrasing,

1 the video will be the best. Do you recall making that
2 statement?

3 A Yes.

4 Q And your intentions at the time that you held
5 the sign saying, "Don't you follow me." Were what?

6 A To keep him away from me.

7 Q Did you ever mean to hurt the man?

8 A No.

9

10 Q Based upon him coming in contact with the sign,
11 were you surprised that he went to the ground?

12 A Yes, I was really surprised.

13 Q Did you see a familiar pattern as far as the
14 calling of ambulances and that type of thing?

15 A I wasn't watching that side of it very much,
16 because the police car came fairly quickly, so I was
17 talking to the police officer, but yes, I did see the
18 ambulance show up.

19 Q Just like Boston?

20 A Right.

21 Q Based on that incident, Mr. Minton, was there
22 an injunction filed against you to keep you away from
23 almost twenty areas of church property around the city?

24 A Yes, there was.

25 Q Is it still effect to keep you away from those

1 areas a certain distance?

2 A Yes. First there was a temporary restraining
3 order that was filed ex parte, which means without any
4 notice to the party. And so they got a rather wide
5 ranging 450 feet away from every Scientology property in
6 Clearwater.

7 Q But there is currently an injunction in place
8 that went through system, correct?

9 A Yes. That original temporary injunction was
10 modified once a hearing was held.

11 Q I don't need you to go into details, Mr.
12 Minton. I am just asking you, there is one in effect.
13 Was it the same way from Howd, or stay away from Howd, as
14 well as all church properties, whether he was on them or
15 not? What did they ask for?

16 A Scientology asked for an injunction to stay
17 away from all Scientology properties. I didn't ask for
18 anything, but the court granted an injunction to keep
19 Howd 20 feet away from me. And me 10 feet away from
20 Scientology properties.

21 Q All Scientology properties in the city,
22 correct?

23 A The major ones, yes.

24 Q Were there lines painted by Scientologists to
25 make sure that you kept 10 feet away?

1 MR. TYSON: Objection, relevance, Judge.

2 THE DEFENDANT: Yes.

3 THE COURT: How is it relevant, Mr. de
4 Vlaming?

5 MR. DENIS DE VLAMING: Just as a follow up
6 to the injunction.

7 THE COURT: Objection overruled.

8 BY MR. DENIS DE VLAMING:

9 Q Mr. Minton, based upon the manner in which you
10 have been treated at the hand of this organization have
11 you stopped getting the word out?

12 A No, sir.

13 MR. DENIS DE VLAMING: That's all I have.

14 THE COURT: Cross examination, Mr. Tyson?

15 CROSS EXAMINATION

16 BY MR. TYSON:

17 Q So you can still picket in Clearwater, correct?

18 A That's correct.

19 Q And you can still picket in front of The Fort
20 Harrison?

21 A No, I can't.

22 Q Why not?

23 A There's no point on that sidewalk that's 10
24 feet away from the building.

25 Q That's not the issue today. Mr. Minton, is it

1 fair to say that you and your followers have an abiding
2 hatred of the Church of Scientology?

3 A First of all, Mr. Tyson, I don't have any
4 followers. Secondly --

5 Q Mr. Prince or Mr. Oliver, or Stacy Brooks --

6 A I am not a cult leader.

7 Q I didn't say that you were.

8 A I have no followers. I have people who share
9 the same viewpoint concerning Scientology. To answer the
10 second part of your question first, I have no hatred
11 towards the Church of Scientology and its members. I do
12 not hate their belief system. I find it to be an
13 extremely colorful belief system among new age religions.

14 Q Do you recognize it as a legitimate religion?

15 A No, I don't.

16 Q You say that you have a right to demonstrate,
17 correct?

18 A Correct.

19 Q Do they have a right to practice what they
20 believe as their religion?

21 A They do. But they don't have a right to
22 practice the type of investigative services that the
23 Office of Special Affairs carries out.

24 Q I didn't ask you that question. Do they have a
25 right to practice their religion?

1 A They do.

2 Q Has the church ever sued you?

3 A No, it hasn't.

4 Q So all of this time the church has never once
5 sued you personally, correct?

6 A That's correct.

7 Q But you have financed a civil suit against
8 them, which you are not even a party to, wouldn't that be
9 correct?

10 A I am going to explain what finance means.

11 Q Let me clarify, I am asking the questions here.
12 Does the Lisa McPherson Trust give money --

13 A No.

14 Q How does Mr. Dandar in the civil suit, do you
15 provide directly or indirectly any money to him to help
16 him go through the suit?

17 A I have given money to the family of Lisa
18 McPherson to pay Mr. Dandar the expenses of prosecuting a
19 lawsuit, which is extremely expensive, and the family
20 doesn't have the money to get the truth out about what
21 happened to Lisa McPherson.

22 Q Fair enough. So, whether directly or
23 indirectly you are helping to finance the civil suit
24 against the Church of Scientology, is that correct?

25 A Approximately a year and a half after it

1 started, yes, I did start at the suggestion of one of the
2 Church of Scientology lawyers.

3 Q I am not trying to play games with you. The
4 answer to that would be, yes, you are financing it,
5 correct?

6 A I really think that it is important to
7 characterize what financing is. I am giving the money to
8 them to do it. They don't have to pay me any interest,
9 they don't have to do anything if they lose the case. If
10 they win the case --

11 Q Okay. I am not trying to put words in your
12 mouth. You give them money, whether you expect anything
13 in return or not, you are giving them money to further
14 the suit?

15 A Absolutely.

16 Q Let's talk about that Boston video. It's
17 rather inflammatory?

18 A Yes.

19 Q It is, isn't it?

20 A Yes.

21 Q Mr. Howd isn't there, right?

22 A He's not.

23 Q The two middle-aged women, and this about a
24 year before the incident occurred at The Fort Harrison
25 that we are doing here today?

1 A This Boston incident, yes.

2 Q 1998, somewhere around 1998?

3 A September '98, I think it was.

4 Q It's about a year prior to this incident?

5 A That's right.

6 Q Mr. Howd is not there. The two middle age
7 women that we see on the videotapes that are in evidence
8 at The Fort Harrison are not there either, are they?

9 A No.

10 Q The gentleman, the tall guy who has got his
11 hands in his pockets at The Fort Harrison?

12 A No, he is not there.

13 Q Mr. Minton, based on that altercation there,
14 now before you go there to demonstrate you have to notify
15 the police beforehand?

16 A No.

17 Q You don't have to notify anybody beforehand?

18 A No.

19 Q At one time did you have to notify anybody
20 before you would go there to protest, after this
21 occurred?

22 MR. DENIS DE VLAMING: Objection,
23 clarification. Do you mean in Clearwater?

24 MR. TYSON: No, Boston.

25 BY MR. TYSON:

1 Q Before you go to Boston are you required --
2 have you ever been required to notify the police or the
3 Scientologists before you come picket?

4 A The prosecutor dropped this case in Boston on
5 the condition that for 120 days I would give the Church
6 of Scientology in Boston an hour notice before coming to
7 picket.

8 Q So it was an agreement to try and resolve that
9 situation somehow, is that fair to say?

10 A Yes, that's right.

11 Q Now, we see somebody narrating that. Is that
12 Mark Bunker doing that?

13 A It is, yes.

14 Q Now, obviously he is not narrating while it's
15 happening. This film was pieced together?

16 A That's right.

17 Q Does Mr. Bunker work for you, or does he
18 receive money directly or indirectly from you, whether
19 out of your pocket, or the Lisa McPherson Trust?

20 A He works for the Lisa McPherson Trust, yes.

21 Q Do you fund that?

22 A I among others fund it, but I am the principal
23 contributor.

24 Q When you say the principal funder of that, can
25 you tell what percentage that would be?

1 A Seventy-five percent.

2 Q And Mr. Prince is in the video. Does he get
3 any money from the Trust, or from you at all?

4 A He does, he is a paid employee of the Trust.

5 Q It is fair to say that that tape is edited and
6 narrated, isn't it?

7 A Yes.

8 Q We just saw there are little clips of it?

9 A Yes.

10 Q What was the purpose of making that, because
11 you have had that for awhile, right? Why did you make
12 that and narrate the tape, why was it done?

13 A I believe Mr. de Vlaming instructed Mr. Bunker
14 to make it.

15 Q And there's more footage that the jury hasn't
16 seen, isn't there?

17 A There is, yes.

18 Q And, in fact, on that footage, isn't true that
19 we don't see that you were calling them fucking ass
20 holes?

21 A That's correct.

22 Q Isn't it true that on that video the jury
23 hasn't seen you calling them, excuse my language, cock
24 sucking little motherfuckers?

25 A I don't think I did. I don't think I did.

1 Q Is it possible?

2 A A lot of things were said out there on that
3 sidewalk.

4 Q So when you watch this tape it is really not
5 that fair of depiction of what happened, there are only
6 statements by the people from Scientology that you have
7 on the tape. There are a lot of statements that you made
8 and Mr. Prince made that jury hasn't had the opportunity
9 to hear, wouldn't it be fair to say?

10 A There are a lot of statements that they made
11 that the jury didn't have a chance to hear either.

12 Q Fair enough. But there are a lot that you said
13 --

14 A That's correct. That's correct.

15 Q -- and Prince said that's not on there?

16 A That's correct.

17 Q In and of themselves they are extremely
18 inflammatory, wouldn't you agree?

19 A Uh --

20 Q The statements that you and Mr. Prince made
21 were very inflammatory, wouldn't you agree with that?

22 A Well, I want to characterize something here
23 because --

24 Q If you call somebody a cocksucker, is that
25 inflammatory or not?

1 A Did you hear on the videotape when they accused
2 Jesse Prince of fucking my twelve year old daughter? Did
3 you hear that too?

4 Q I am the one who is asking the questions.

5 A I'm sorry.

6 Q I get to ask them. Mr. de Vlaming asked the
7 questions.

8 A There were a lot of inflammatory statements
9 made.

10 Q Let me finish. Mr. de Vlaming got to ask the
11 questions, you provided the answers. If I had an
12 objection I objected, approached the bench, the Judge
13 made a call. I get to ask the questions now.

14 A I'm sorry.

15 Q I don't want to get contentious. On that
16 video, Mr. Prince is on there. He is protesting with you
17 that day, right?

18 A That's correct.

19 Q Doesn't he say while he is there to the
20 Scientologists, which we don't see on this video, "I
21 fucked your mother." Doesn't he tell people, "I fucked
22 your mother." That is a favorite phrase of his, isn't
23 it? "I fucked your mom, and I'm you daddy."

24 A Yeah, he did say that to Frank Offman.

25 Q We didn't see that on your tape, did we?

1 A No.

2 Q Would it be fair to say that when somebody
3 tells somebody, "I fucked your mother." That they would
4 be mad? Would it be fair to say that?

5 A The purpose of Mr. Prince -- obviously, it was
6 inflammatory and it wasn't encouraging Mr. Offman to be
7 civilized either, but Mr. Prince was trying to get Offman
8 on him and not on me, to get him off of me.

9 Q The question was, isn't that inflammatory when
10 you --

11 A It is inflammatory, there's no doubt about
12 that.

13 Q Would it make somebody mad? It would make
14 somebody, wouldn't it?

15 A It wasn't making him mad.

16 Q That guy was pretty upset?

17 A He was upset before. He was upset the second
18 he walked out the door.

19 Q Calling somebody a fucking asshole, or saying
20 somebody fucked your mother, that may set somebody off,
21 wouldn't it?

22 A Not him.

23 Q So, I guess would it be fair to say Mr. Minton
24 that you guys were there provoking them, but we don't see
25 that in the video? We just see your sanitized version

1 that is narrated? The jury doesn't have the full benefit
2 of knowing exactly what happened there?

3 A Mr. Tyson, when we went there we went there
4 with the intention of picketing, having a peaceful
5 picket.

6 Q That's not my question. The jury has seen a
7 sanitized version of what happened that day. There's a
8 lot more that happened and isn't true that you were there
9 to provoke them by calling them cock suckers, mother
10 fuckers, I fucked your mother, isn't that true?

11 A Mr. Tyson, that is so far from the truth.

12 Q So if you weren't doing that, you weren't
13 calling those names to provoke them?

14 A Absolutely not.

15 MR. TYSON: Judge, may I have a moment?

16 THE COURT: Yes, you may.

17 BY MR. TYSON:

18 Q Okay, Mr. Minton, let's talk about the
19 picketing activities, okay. Would you agree that when
20 somebody is protesting or picketing that they are not
21 allowed to do whatever they want? Is that a fair
22 statement?

23 A That is correct, yes.

24 Q So if I was to picket outside a car dealership
25 because they sold me a lemon, would it be fair to say it

1 wouldn't be picketing if I was going to the dealership at
2 night?

3 A I'm sorry, say that again.

4 Q Would it be fair to say that if I was picketing
5 a dealership during the day I would be getting my message
6 out. Would it be really picketing if I went there at
7 night and let's say damaged their cars with my picket
8 sign, that wouldn't be picketing, would it? Just because
9 you have a picket sign in your hand doesn't mean that you
10 are picketing?

11 A No, it wouldn't be smart to go to their place
12 at night and that, no, or effective.

13 Q You want a crowd there, don't you, when you are
14 picketing? I mean you want to have as many people as you
15 can to hear your message?

16 A That's the ideal, yes.

17 Q So making obscene gestures while you are
18 picketing, would that be effective picketing? Is that
19 lawful picketing in your mind?

20 A It's lawful picketing. Whether it is effective
21 is probably doubtful.

22 Q You have that picket sign in your hand, do you
23 think it would be fair for you to make at the car
24 dealership racially offensive remarks if they have a
25 Black mechanic or a Black car salesman there?

1 MR. DENIS DE VLAMING: Judge, may we
2 approach?

3 THE COURT: Please approach.

4 (Whereupon, a bench conference was held
5 outside the hearing of the jury.)

6 MR. DENIS DE VLAMING: Your Honor, the
7 record doesn't know this, but now it will, there are two
8 African American jurors on this jury. I think to ask a
9 question as to whether or not any kind of hypothetical
10 whether or not it would be racist to picket a business of
11 bad automotive -- whatever it is, is totally improper.

12 MR. TYSON: Judge, I was going to go
13 through different religions, ages, Jewish, Black, if
14 their White, if they Christian, give him a whole list to
15 see what Mr. Minton has to say. Because according to him
16 he knows what lawful picketing is, and that's what he is
17 doing.

18 MR. DENIS DE VLAMING: Aren't we getting
19 far afield from the incident.

20 MR. TYSON: We are far, Denis, and you are
21 the one that started this.

22 MR. DENIS DE VLAMING: I object to this
23 area.

24 THE COURT: I'm uncomfortable with the
25 area. I appreciate the objection. But you have given me

1 a decent reason why I should let you do it, and please be
2 respectful. Don't take it any farther afield than this
3 trial has clearly gotten.

4 MR. TYSON: I will.

5 MR. DENIS DE VLAMING: Judge, is the Court
6 going to allow him to ask about racism?

7 THE COURT: Thank you.

8 BY MR. TYSON:

9 Q Mr. Minton, would you agree that if you found
10 somebody prowling around in your living room in the dark
11 and they have got a picket sign in their hand, that
12 doesn't mean they are picketing? Would that be a fair
13 statement?

14 A If you found somebody prowling around in your
15 living room?

16 Q In your living room at night, you wake up and
17 there they are, I am picketing?

18 A That would be --

19 Q First amendment right, I am picketing?

20 A It's not their right.

21 Q So there are certain time, manner, and place
22 limitations on picketing, would you agree with that?
23 For lawful picketing, time, manner, and place?

24 A I wouldn't see that time is a particular issue.
25 Manner, I wouldn't see as a particular issue. Place, you

1 know, is obviously an issue in the example you gave.

2 Q Now, we see you in your video, and this the one
3 that Stacy Brooks took, you walking up to The Fort
4 Harrison Hotel at 10:30 at night on October 31st.
5 Obviously, you are there. I am not trying to put words
6 in your mouth, and I talked to Mr. Oliver about this, and
7 I am not trying to belittle your cause, but I don't know
8 that much about either organization, so when I say anti-
9 Scientologists, just take it for what it is worth when I
10 say that.

11 A I will take it --

12 Q You are trying to get that type of message out?

13 A I will strongly object to anti-Scientologists,
14 I am not going to let you adopt that in characterizing me
15 as anti-Scientologists.

16 Q I don't want to mis-state what your purpose is.
17 You know, I don't care what you are picketing for.

18 A We are a Scientology watch-dog group.

19 Q Okay. That's fair enough. So as Scientology
20 watch dog group when you are walking up there with your
21 sign, as you are walking up to the building, what message
22 are you giving out the public, because you want the
23 public to hear the message, when you call those people
24 cockroaches?

25 A Well, I'll give you an example --

1 Q No, I just asked you a question. What kind of
2 message are you sending out. You are walking up with the
3 sign saying, "Go ahead and run like cockroaches." What
4 kind of --

5 A Like the cockroaches that fed off of Lisa
6 McPherson's body is what I said.

7 Q Sir, you analogizing those people as
8 cockroaches, what message are you sending?

9 A The messages I said is they were scurrying like
10 the cockroaches that fed off of Lisa McPherson's body, on
11 the cockroach feeding sites inside that hotel they were
12 going into.

13 Q What message were you sending to the public
14 when you said that?

15 A There were no public on that sidewalk.

16 Q But you felt a need to say that anyway? Wasn't
17 it true that you said it to provoke them?

18 A No, it wasn't to provoke. They don't even know
19 what happened to Lisa McPherson.

20 Q Sir, you are shown on one of the tapes that
21 have seen earlier back on February 6, 2000. I guess it
22 is a little after midnight. You are there with Frank
23 Oliver, and he has the laser pen, and you are standing
24 right beside him when he is doing it?

25 A Right.

1 Q And you are picketing to get your message out
2 and he is with you. What kind of message is being sent
3 at that point in time to further your cause?

4 MR. DENIS DE VLAMING: Judge, I am going
5 to object the question. Does he mean Mr. Oliver's
6 conduct, or of his conduct?

7 MR. TYSON: Judge, they were together
8 doing it. There was a group doing this. There always is
9 a group doing this. If the Scientologists are group when
10 they are against them, then he is a group when he is
11 against Scientologists.

12 MR. DENIS DE VLAMING: Judge, the basis of
13 my objection, your Honor, is it calls for a conclusion if
14 he is asking him what another person is doing, or what is
15 in the mind of the other person.

16 THE COURT: I didn't understand his
17 question to do that, but to the extent that you feel the
18 need to rephrase it, please do that.

19 BY MR. TYSON:

20 Q What kind of message are you sending when your
21 group is out there shining a laser light at people, how
22 are you furthering your message, sir?

23 A I just want to explain one thing to you to
24 answer your question, what Mr. Oliver was doing had
25 nothing to do with me. I didn't tell Mr. Oliver to bring

1 a laser light, I don't even know what a laser light is,
2 Mr. Tyson.

3 Q You saw me in court with it in court earlier,
4 right?

5 A Yes, I saw the red dot up here. Now I know
6 when a camera is pointed at somebody a red light hits
7 them too.

8 Q No, wait a second. That's a little bit
9 different. That points right on the person.

10 A No, I am not minimizing what a laser light is.
11 I am just saying now I understand what that means. But
12 Mr. Oliver, you know, I had nothing to do with Mr. Oliver
13 using that laser light. It is not something that I would
14 have done.

15 Q So you are distancing yourself from on that
16 occasion. That wouldn't be what you would do?

17 A Everybody has a right to handle their own view
18 of protest. I am not telling Mr. Oliver what to say. He
19 doesn't tell me what to say. Ms. Brooks doesn't tell me
20 what say. Mr. Bunker doesn't tell me what to say. My
21 sign had two messages on it.

22 Q Sir, you said as a group, your whole defense is
23 as a group the Scientologists are harassing you?

24 A The Scientologists as a group are harassing me.

25 Q Now, as a group anything that one Scientologist

1 does, like Mr. Offman up there from Boston, he is painted
2 with the same brush here in this courtroom as you painted
3 Mr. Howd. Okay, let me finish my question.

4 How is that Mr. Oliver is with your group, your
5 group against the group, how is that sending out the
6 message?

7 A Mr. Howd and Mr. Offman are interchangeable,
8 they are part of the Office of Special Affairs. They are
9 different than Lisa McPherson, they are different than
10 any other public Scientologists. They are in a group
11 that is designed to go after people they consider
12 enemies.

13 Q It almost sounds as if you think of them as
14 machines, robots, is that what you are saying? Is that
15 the way you think of them, or do you think of them as
16 people?

17 A Like I said, I've got a lot a good friends who
18 used to be OSA, and former Scientologists are among the
19 nicest people that I have ever known in my life.

20 Q I am not talking about former Scientologists.

21 A I don't believe that those Scientologists are
22 fully in control of their actions. I believe that their
23 actions are being controlled by someone else.

24 Q So, basically they don't know any better, and
25 you are there to tell them what they need to think?

1 A They don't think for themselves, they follow
2 the policies, that's the nature of OSA.

3 Q And your job is tell them what to think, that
4 they don't need to think that way, they have got to think
5 differently?

6 A You know, getting across to OSA is not part of
7 my message by and large. Getting across to those people
8 -- it's too, you are not going to break through that
9 shell to OSA. Our message is not designed to get to OSA.

10 Q Sir, what type of message do you send when you
11 are protesting, when you go the Church of Scientology and
12 start taunting the members, what is your message that you
13 are putting out there? What is your message to the
14 public that you are trying to get out?

15 A Which members are you talking about taunting?
16 The OSA members that are on the sidewalk in front of the
17 hotel that night?

18 Q The ones that you are telling run and hide.

19 A Those are all Sea Org members too.

20 Q So does that make them "Fair Game"?

21 A No, they are not "Fair Game". But they are
22 part and parcel of the policies that go on within that
23 organization that are wrong.

24 Q According to you?

25 A According to common acceptable behavior. I've

1 always said if the Church of Scientology wants to be
2 treated like a church they need to act like a church. I
3 don't have any problems with their beliefs. I have
4 problems with their actions.

5 Q Their beliefs don't conform with yours then you
6 have problem with it, would that be fair to say?

7 A No, this is not what I am saying. You know,
8 would you like for me tell you their beliefs so that you
9 can make that decision yourself? I don't have any
10 problems with their beliefs. I have a problem with their
11 actions.

12 Q Sir, I get to ask the questions. What kind of
13 message did you sent, what kind of message are you
14 putting out, because that is why you have got the sign.
15 What kind of message do you send when you tell church
16 members that you have had sex with their mother? What
17 kind of message are you trying to send out when you are
18 protesting?

19 A No message.

20 Q There's none. In fact, that's provoking them,
21 isn't it?

22 A It could be provocative, yes.

23 Q Could be?

24 A Yes.

25 Q That is some heavy-duty stuff now when you are

1 talking about having sex with somebody's mother, and
2 that's not the way you are saying it on the tapes.
3 That's not the way you say it. Is it fair to say that I
4 had sex with your mom, right?

5 A That's right.

6 MR. DENIS DE VLAMING: I object, this has
7 been asked and answered. This is the second time we have
8 gone over this.

9 MR. TYSON: Judge, we are going over now
10 the message that is being sent out, his lawful protest.

11 THE COURT: Objection is overruled.

12 BY MR. TYSON:

13 Q Sir, it is message of hate, isn't it?

14 A No.

15 Q It's not?

16 A I don't put out any messages of hate toward
17 Scientology.

18 Q But you will agree that it is a message or
19 provocation, isn't it?

20 A The quote that you are referring to, there was
21 no Scientologist even around.

22 Q I'm talking about Boston?

23 A I didn't say that.

24 Q Jesse Prince is saying that, and he is with
25 you? You made other statements and then you cocksuckers,

1 fucking assholes, motherfuckers. Provocative statements,
2 wouldn't you agree?

3 A The way Mr. Offman was attacking me, he was all
4 of those things.

5 Q Now, you went to Benetta Slaughter's house at
6 night time, correct?

7 A Correct.

8 Q And that is so Stacy Brooks could see what a
9 nice house she had, right?

10 A That was one of the purposes. The principle
11 purpose was to picket this Halloween party.

12 Q Wouldn't you agree that when you start going to
13 somebody's resident where their family is that is a
14 provocative act also, and that will provoke people?

15 A I'm trying to think whether it has provoked my
16 wife, my children when they were followed.

17 Q Sir, you have already testified to that with
18 Mr. de Vlaming. Now it's my turn. Now it's my turn.
19 This isn't a one-way street, you don't get say how they
20 provoked and you didn't do anything.

21 A Benetta Slaughter, as was stated by Mr. de
22 Vlaming, she is not a high-ranking official of Church of
23 Scientology. She is a public Scientologist.

24 Q All the more reason not to go to her house?

25 A Not in my opinion.

1 Q Not in your opinion, a lot of things are not in
2 your opinion, are they, Mr. Minton? It's either your way
3 or the highway, isn't that true?

4 A That's not true, Mr. Tyson.

5 Q Now, you went to Ms. Slaughter's house at
6 night. Now whether you think that she did something
7 wrong or not, you still went to her house at night where
8 she lives?

9 A That's correct.

10 Q That's correct. And one of the reasons you
11 said is so that Stacy Brooks could see her house?

12 A Yes.

13 Q The other reason that's on the tape is a
14 spontaneous picket, right? That's what you said on the
15 tape?

16 A Right.

17 Q I saw one car drive down the road on that tape.
18 What kind of message were you delivering in your picket
19 when you are standing in front of that woman's house at
20 10:00 at night, a Sunday night?

21 A That spontaneous picket and the purpose of
22 taking any photograph of it was to document it.

23 Q You could have went during the day, and in
24 fact, it's easier to see during the day, isn't it?

25 A That's right.

1 Q It looks like a pretty nice house, I would like
2 to see it. The problem is you got it when it's dark.

3 A Right.

4 Q You could have easily went there during the
5 day, you are down here in Clearwater all the time, aren't
6 you?

7 A At that time, no, I wasn't. I mean, I did come
8 that day, yes. I had not been here, until we set this
9 office up in January I was not down here all the time.
10 And I'm still not down here all the time, I spend at
11 least half a month away from here.

12 Q You went there that night, would it be fair to
13 say that when you realized -- your intent also was you
14 said that they had a Halloween party, you said that you
15 wanted to go there, would it be fair to say that if they
16 were having that party there your purpose would have been
17 to picket those people in their private residence at a
18 party?

19 A That's correct.

20 Q It sort of begs the question then when you go
21 there and it's all dark, why didn't you just leave?

22 A Excuse me?

23 Q Why didn't you just leave? The people that you
24 are there to picket aren't there.

25 A We just took pictures. I don't really see

1 anything wrong with that.

2 Q I know you don't. You see something wrong when
3 they follow you, but you see nothing wrong when you go in
4 front of The Fort Harrison and make statements
5 analogizing them as cockroaches, and you go to their
6 private residences at night, you don't see anything wrong
7 with that, do you?

8 A I don't.

9 Q Is it fair to say, Mr. Minton, that when you
10 conducted those type of activities, and the words you say
11 against their church members, that they are going to keep
12 an eye out on you? Wouldn't that be common sense? They
13 would want to know when you are coming? I mean you are
14 going to people's houses?

15 A No, I don't think that is ordinary behavior.

16 Q So you don't think that it is ordinary behavior
17 for them to protect their church members?

18 A Yes, I think it is reasonable to have security
19 in Clearwater. Yes.

20 Q I mean the Pope has to switch guard, he is
21 protected.

22 A Yes.

23 Q He has intelligence?

24 A Yes.

25 Q So it is not unusual for religions to protect

1 people. I mean ever since the beginning of time people
2 have fought about religion, haven't they?

3 A They have fought about religion.

4 Q So actually it is a good idea to keep an eye on
5 you if you are coming after them, wouldn't you agree?

6 A You know, I haven't gone after any
7 Scientologists.

8 Q Mr. Minton, you didn't expect that that tape of
9 Benetta Slaughter's house would end up in this courtroom
10 today, did you?

11 A No, I didn't.

12 Q In fact, you don't want it in this courtroom
13 today, do you?

14 A I never objected to it.

15 Q You don't want anybody to see the activities
16 that you are up to, do you?

17 A They are here. You know, we didn't object to
18 having any of these videotapes. They accurately
19 reflected what happened.

20 Q So it's all right, no matter what you do as it
21 accurately reflects what happened?

22 A I didn't say that, Mr. Tyson, you are putting
23 words in my mouth.

24 MR. TYSON: Judge, may I have a moment?

25 THE COURT: Yes.

1 BY MR. TYSON:

2 Q I'm going to get off of this Benetta Slaughter
3 thing. But just to wrap this up, it's fair to say that
4 you were there in hopes of having some type of
5 altercation or contact with somebody at that residence,
6 weren't you?

7 A Altercation, no. Contact, yes. Contact with
8 the people that we expected to be there, which would have
9 been several hundred Scientologists.

10 Q Uninvited contact at their personal residence,
11 right? It was uninvited, you didn't have an invitation?

12 A We weren't on her property, or in her house, or
13 inside the gate. We were on the public street, you know,
14 in the bypass that goes along the side of her house.

15 Q So that's fine then? At least Mr. Minton
16 didn't get onto the property of the Belleview Biltmore,
17 did he, he stayed outside the property?

18 A You've got the name wrong, you mean Mr. Howd.

19 Q Mr. Howd, I'm sorry. You are up at the fence,
20 you are opening her gate?

21 A I am not opening her gate, I made that real
22 clear that I didn't open her gate, it was chained.

23 Q Have you ever notified the Clearwater police
24 when you are going to picket at The Fort Harrison or any
25 other properties of Scientology?

1 A I have.

2 Q In fact, would it be fair to say that Detective
3 Tom Miller at one point would be a contact for you to let
4 him know when you were coming? I'm not trying to put
5 words in your mouth.

6 A To let me know what?

7 Q So you can let them know when you are coming,
8 or you are in town?

9 A The Clearwater Police Department has advised in
10 the past that Scientology, their view towards me is so
11 bad that they would like to know sometimes.

12 Q There is nothing wrong with having a contact
13 person there, nothing at all. You feel that you are
14 threatened by these people and you want to get your word
15 out.

16 A The Clearwater police have received threats
17 concerning me about -- from Scientology they think.

18 Q There is nothing wrong with calling the police
19 and letting them know that you picketing there, is it
20 fair to say that, because you are exercising your first
21 amendment right to free speech?

22 A Correct.

23 Q And you do have contacts there, you can either
24 call the Clearwater Police Department, or Detective Tom
25 Miller, who you know. I don't know how well you know

1 him. That's not really the point. But there is contact
2 there just for you make sure if you think there is going
3 to be a problem that the police can standby?

4 A I have got to clarify because in October,
5 sometime in early October the City of Clearwater started
6 disallowing -- they disbanded the department that
7 monitored Scientology. And Tom Miller was part of that.

8 Q Sir, I'm not asking you a question.

9 A They don't want anymore calls about this.

10 Q They didn't disband 911, did they?

11 A No.

12 Q Okay.

13 A I'm not going to call --

14 THE COURT: Gentlemen, gentlemen. Let
15 each other finish, the court reporter can only take down
16 one of you at a time, please.

17 THE DEFENDANT: You said that they didn't
18 disband 911. I am not going to call 911 just because I
19 am going to go show up to picket. And the Clearwater
20 Police Department that they don't like to receive these
21 annoying phone calls. They consider them annoying.

22 BY MR. TYSON:

23 Q Sir, they are there on numerous occasions
24 though when pickets are occurring, aren't they?

25 A Only -- they have typically only been there

1 when there was organized picketing. For example, the
2 only organized that has been done in front the Church of
3 Scientology here in Clearwater has been December 1999,
4 December 1998, December 1997, March 1997, and March 1996.
5 Those are the only organized pickets that have ever been
6 done where the Clearwater Police Department came out
7 there.

8 Q On October 31st, that was a Sunday night?

9 A It was.

10 Q You got there about 10:30 or so?

11 A Approximately, I don't know the time.

12 Q Is it fair to say not a lot of foot traffic
13 around to get your message out to, or vehicle traffic,
14 there is some, but not a lot, is there?

15 A That's right, not a lot.

16 Q You were there on October 31st, the night of
17 this incident, at The Fort Harrison, when you were there,
18 I believe one of those women, and I don't know which one,
19 called you a bigot, right?

20 A Yes, sir.

21 Q Did they call you any other names besides that?

22 A I don't think so.

23 Q Just a bigot?

24 A Yes.

25 Q By the tapes, and you can correct me if I am

1 wrong, it doesn't appear that they are really raising
2 their voices, it's more of a conversational tone, would
3 you agree with that?

4 A That's right.

5 Q The only person who is loud is you, isn't that
6 correct?

7 A That's correct.

8 Q And Mr. Howd doesn't say a word that I can
9 recollect?

10 A No.

11 Q In fact, most people that are there are pretty
12 polite to you, they are just telling you to go home,
13 would you agree with that?

14 A Yes.

15 Q So the night of October 31, 1999, is no where
16 near, it is the other side of the spectrum from Boston in
17 1998, isn't it?

18 A It's not.

19 Q Okay. Now, we had two middle-aged women there,
20 right?

21 A Correct.

22 Q And there is a guy that just stands there with
23 his hands in his pockets, the tall guy?

24 A Right.

25 Q And mainly the women are just telling you go

1 home, and go away?

2 A Correct.

3 Q Isn't it true that when you were there nobody
4 threatened you?

5 A I consider Mr. Howd's behavior threatening.

6 Q Do you consider your behavior right before you
7 got there at Ms. Slaughter's house threatening?

8 A Do I consider whose behavior?

9 Q Your behavior before you got there, when you
10 were at Ms. Slaughter's house at night, on Sunday night,
11 do you consider that threatening?

12 A No.

13 Q No one told you anything other than to go home,
14 did they?

15 A That's right.

16 Q Nobody called you a cockroach, did they?

17 A No.

18 Q Nobody called you a murderer, or an adulterer,
19 or any other name, or a bigot, did they?

20 A No.

21 Q Do me a favor and stick out your arm, your
22 right arm, straighten it. How far would say that you can
23 reach?

24 A Twenty-four inches, thirty inches.

25 Q Extend it all the way now.

1 A That's not the way it was, it was this way.

2 Q How far can you reach now, you can get me at
3 quite a distance can't you?

4 A Yes.

5 Q And you know when you are looking at the
6 videotape Mr. Howd is close sometime, pretty close?

7 A Yes.

8 Q But also when you look at those videotapes you
9 see you walking down the sidewalk and -- let's put the
10 tapes together now, like I say we are talking this NFL
11 reverse-angle stuff, and you were intentionally walking
12 in front of him, don't you? You change course?

13 A No, there was that one time on the sidewalk in
14 front of The Fort Harrison that it appeared like that
15 happened, either I was moving or he was moving, it could
16 have been both of us.

17 Q All right. When you hit Mr. Howd you had to
18 turn and lunge at him to get him, didn't you?

19 A I didn't think that I lunged.

20 Q Well, the video will speak for itself, won't
21 it?

22 A Yes.

23 Q And after you hit him, you walked away?

24 A I did.

25 Q Now, on that video the first words out of your

1 mouth to the police before you had time to really reflect
2 is he walked into that sign. He didn't walk into that
3 sign at all, did he?

4 A Not after I saw the videotape, but Ms. Brooks
5 said, I heard her say that he walked into the thing, and
6 that's the first thing that I said.

7 Q Now, Ms. Brooks said that he walked into the
8 sign, but you are the one has the sign doing the hitting,
9 right? So you would have been in good position that he
10 didn't walk into sign either, wouldn't you?

11 A At the time I thought I was pushing, not
12 hitting.

13 Q Okay. But when you review the videotape would
14 you agree that he didn't walk into the sign, that you hit
15 him?

16 A A combination of the -- I mean he is making
17 forward progress and the sign is coming towards him.

18 Q Okay. He's got that video camera up to his eye
19 when you hit him, doesn't he?

20 A Yes.

21 Q And is it a free country, it is free for you to
22 protest, right? Is it free for him to walk behind you in
23 the street, even if he goes off the Scientology sidewalk
24 that in front of Scientologist's place, he can do that,
25 can't he? It's a free country.

1 A Under the circumstance, you know, I don't think
2 he should have been doing it. I was -- he had been in my
3 face with the camera.

4 Q Do you think that you should have hit him?

5 A I tried to push him away. It is what it was on
6 the camera.

7 Q But your story to the police -- you didn't
8 expect Officer Beaudette to be right there, I mean he is
9 right on you?

10 A I wasn't looking, no.

11 Q You didn't know he was there?

12 A No.

13 Q As he comes around, he gets there pretty quick,
14 doesn't he?

15 A Yes.

16 Q Within fifteen/twenty seconds, maybe?

17 A I mean he was there really quick.

18 Q So you agree that you wouldn't enough time to
19 really reflect on making something up, so you just said
20 he walked into the sign?

21 A Yes, that's what I said. That's what I said to
22 him on the videotape.

23 Q Isn't it true that you made that up when you
24 told him that?

25 A No, I didn't.

1 Q You were walking in front of The Fort Harrison,
2 and I notice when you are walking in front, this is the
3 front of The Fort Harrison, I notice every once in awhile
4 you want to go down that side street where it is dark.
5 We watch you walk down the side street with the sign and
6 back?

7 A Yes.

8 Q At one point you walk down the street there two
9 -- one is Jessica Burns, and I don't know the other
10 middle aged woman's name, they are there, they are
11 telling you to go home. There's a guy with his hands in
12 his pockets?

13 A Right.

14 Q You talk to them there. They are in front of
15 the building though originally, and they walk around with
16 you?

17 A Yes, they did.

18 Q Then your walking down the front, and then you
19 go walking around the side, just you and Mr. Howd.

20 A Uh-huh.

21 Q Just you and Mr. Howd, and as soon as you turn
22 around the side of that building that's when you say,
23 "How about if I grab that strap?" It's only you and him
24 around there when you did that, isn't that true?

25 A That's true, it wasn't just around the corner,

1 it was the second window.

2 Q Are we talking about five feet, ten feet?

3 A Twelve feet.

4 Q All right, a little further than this. It was
5 only you and him around that corner at that time, wasn't
6 it?

7 A That's right.

8 Q What type of message during your protest were
9 you sending out when you walked around that corner
10 holding that protest sign with Mr. Howd, and reached for
11 that strap, what kind of message were you sending out in
12 your protest, your lawful protest?

13 A For Mr. Howd to get that camera out of my face.

14 Q And you had to do it where no one else would
15 see you, didn't you?

16 A The camera, I am holding the sign like this,
17 the strap is right on my thumb almost. I catch it with
18 my thumb there. I don't even grab it. It doesn't pull
19 his camera down, there's now a single downward thing in
20 his camera. I am not pulling it, it is in my thumb.
21 Then I turn around and leave.

22 Q Is it fair to say that you didn't have to round
23 the corner of the building to do that?

24 A At that particular moment I was going to leave.

25 Q And leave Stacy behind?

1 A No. She would come, we are only fifty feet
2 across the street at the Presbyterian Church parking lot.

3 Q It is fair to say since this trial was coming
4 up both of sides have seen these videos at least a
5 zillion times?

6 A Yes.

7 Q I know I have. When Stacy is filming she is
8 lagging behind at that time too, there is nobody blocking
9 her, you should be able to hear something on her video?
10 Nobody blocks her at all, do they?

11 A No.

12 Q But you waited to tell Mr. Howd about that at
13 the opportune moment when you go around the corner, don't
14 you? You didn't want Ms. Brooks to film that, did you?

15 A I didn't know where Ms. Brooks was. I didn't
16 know where the other camera guy, Crock was either. I
17 didn't know the policeman was there on the corner. I am
18 not looking around to see where everybody else is.

19 Q When you go around that corner, it is fair to
20 say that you knew you were alone with Howd at that time,
21 didn't you?

22 A Yes, I did. I mean Howd and I were there, I
23 didn't see who was behind me.

24 Q Mr. Minton, when somebody approaches you and
25 reaches for you it's a natural reaction to move your arm

1 away, isn't it?

2 A I didn't reach for Mr. Howd.

3 Q You said, "What if I grab that strap?" Do you
4 got a strap in your hands?

5 A I think you are exaggerating something that is
6 a thumb on a strap.

7 Q But you grabbed his strap, didn't you?

8 A No, I didn't grab the strap.

9 Q What did you grab?

10 A I touched the strap.

11 Q So you just touched the strap after you told
12 him, "What if I take this out of your hand?"

13 A Right.

14 Q Would you consider that an offensive move on
15 your part, you are on the offense when he has got this up
16 to his face?

17 A It was a demand to get sort of to get this
18 camera out of my face. That's really what it was.

19 Q Have you ever heard the term, Mr. Minton, and
20 people -- video cameras are everywhere nowadays, people
21 are filming their kids, they go to sporting events, and
22 while they are filming they are looking through one,
23 almost looking through eye of a straw. And somebody
24 says, "Did you get that?" "Well, no, I didn't see that,
25 I had the camera up to my eye." Even though they are

1 filming it, you are at a unique disadvantage when you
2 have got a camera up to your eye as to what is going on,
3 wouldn't you say that? It's like looking at the world
4 through a straw, isn't it?

5 A Yes.

6 Q So, Mr. Howd was at a disadvantage when you are
7 taking those offensive steps towards him, aren't you --
8 isn't he, he is very much at a disadvantage?

9 A I don't think so.

10 MR. TYSON: Judge, may I have moment?

11 THE COURT: Yes.

12 BY MR. TYSON:

13 Q Mr. Minton, we talked about it being a natural
14 reaction if somebody reaches for you to put your arm out.
15 Would you agree that that is a natural reaction? It's
16 not unusual, I mean that happens.

17 A Not necessarily.

18 Q Not necessarily. It's a fair reaction, it's
19 not an unusual reaction is it?

20 A No.

21 Q Okay. And not being an unusual reaction you
22 still at that point taking the second affirmative, and
23 offensive step to back him against that wall, don't you?

24 A I think if you look at the video, Mr. Tyson,
25 you have got the sequence incorrect. That is not what

1 happens.

2 Q It will speak for itself, won't it?

3 A It will.

4 Q I believe it will.

5 A I believe you will see I turned away, took a
6 step forward, and then I turn around and say, "Oh, you
7 think so."

8 Q It is clear on that video, wouldn't you agree,
9 Mr. Minton, that you were on the offensive at that point
10 in time once you round that corner?

11 A No, sir, I don't think so.

12 Q Mr. Howd has got this camera up to his face
13 when you round the corner and all he has got is this,
14 that's all he's got. You are not trying to tell me that
15 he was on the offensive, are you?

16 A He was on the offensive, he was on the
17 offensive by being in my face.

18 Q Okay. But when you do it it's different. Your
19 activities are different. When you go to people's houses
20 it is different. Is that what you are telling the jury?

21 A No, I'm not telling them that, and I'm not
22 saying that -- I don't think I am on trial here for going
23 to Benetta Slaughter's house.

24 Q You are on trial here because you committed a
25 battery, and your defense is --

1 MR. DENIS DE VLAMING: Judge, I object to
2 the characterization of counsel, because he committed a
3 battery. That's for the jury to determine, not this
4 lawyer.

5 THE COURT: Objection sustained.

6 MR. DENIS DE VLAMING: Thank you.

7 BY MR. TYSON:

8 Q Mr. Minton, you are on trial here today, right?

9 A Yes.

10 Q And you are on trial for the charge of battery?

11 A Yes.

12 Q And throughout the trial you have been trying
13 to put the religion of Scientology on trial as your
14 defense saying that they have been provoking you. Isn't
15 that true? I mean you had Mr. Oliver here --

16 A Can I answer the question?

17 MR. DENIS DE VLAMING: Objection, Judge.

18 THE COURT: Sustained.

19 BY MR. TYSON:

20 Q Answer the question.

21 THE COURT: Do you want to rephrase the
22 question.

23 BY MR. TYSON:

24 Q Mr. Minton, this whole trial you have been
25 trying to put the religion of Scientology on trial as

1 your defense, the "Fair Game Policy", isn't that true?

2 A No, we haven't been trying to put the Church of
3 Scientology on trial.

4 Q But you found it necessary to produce Mr.
5 Oliver as a witness to testify about the alleged "Fair
6 Game Policy" back when he was there seven or eight years
7 before this even occurred. You did proffer him up here
8 as a witness, and he did testify. And he testified, sir,
9 that the church could provoke you, sue you, among other
10 things, right?

11 A Uh-huh, yes.

12 Q Now we know that the church hasn't sued you.
13 But you have financed a suit -- given money to the family
14 to sue the church.

15 A To continue the suit.

16 Q You have provoked them by calling them names,
17 which is not on your video that you have produced here.
18 You are provoking them on October 31, 1999. You weren't
19 putting your message out there, were you? You were there
20 to provoke them, you were there to pick a fight, you were
21 to get another video like Boston that you could parade
22 around and go, "Look what they did to me." Isn't that
23 why you were there?

24 A That is absolutely incorrect.

25 MR. TYSON: Judge, may I have a moment?

1 THE COURT: Yes.

2 MR. TYSON: That's all I have.

3 THE COURT: Any redirect?

4 MR. DENIS DE VLAMING: I just have a
5 question.

6 REDIRECT EXAMINATION

7 BY MR. DENIS DE VLAMING:

8 Q Mr. Minton, when Mr. Tyson asked you whether or
9 not the Catholic Church has a policy to protect its Pope
10 you said yes. Do you know any religion, other than
11 Scientology that has a policy to silence its critics?

12 A The Moonies.

13 Q That's a cult?

14 A It is.

15 MR. DENIS DE VLAMING: That's all I have.

16 MR. TYSON: I have no question, Judge.

17 THE COURT: Thank you sir, please step
18 down.

19 (Whereupon, the witness stood aside.)

20 THE COURT: It's approximately ten minutes
21 after twelve. It is as good a time as any to take a
22 break for lunch. Does anybody disagree with that?

23 MR. DENIS DE VLAMING: No, Judge.

24 THE COURT: Is an hour sufficient for
25 everyone? We are okay with an hour? Let's round it off.

1 Let's just be back here at ten minutes after one and
2 proceed from there. Okay, we are adjourned for lunch.

3 (Whereupon, court was recessed for lunch
4 from 12:10 to 1:10 p.m.)

5 THE COURT: Counsel for Defendant, where
6 do we go from here?

7 MR. DENIS DE VLAMING: Judge, we are going
8 to rest. We can go through instructions.

9 THE COURT: That's probably a good thing
10 to do. Okay, so you are going to rest, and you would
11 probably like to do that in the presence of the jury or
12 not?

13 MR. DENIS DE VLAMING: And we can go right
14 into our closings as far as I am concerned.

15 THE COURT: That sounds good. Have you
16 all had a chance to review the instructions that I gave
17 you?

18 MR. TYSON: Yes, Judge, I have them.

19 THE COURT: That being the case, Mr. de
20 Vlaming, do you want to go first and comment on them?

21 MR. DENIS DE VLAMING: Yes, Judge, I don't
22 have -- I want to let Ms. Rivellini take a look at this
23 and see if I missed anything. I think the Court
24 chronicled it correctly, with the exception I don't see
25 any single fact evidence that was introduced about common

1 scheme or plan, and therefore we are not requesting it.
2 So are you?

3 MR. TYSON: No.

4 MR. DENIS DE VLAMING: No.

5 THE COURT: Nobody wants it, that
6 certainly makes that it easy. I am going to move a
7 couple of things around in here. Nobody cares too much
8 about the order I would imagine, but after the battery
9 charge I would do the self -- the lawful use of non-
10 deadly force instruction right there. I'd follow the
11 battery charge with that.

12 Then, of course, I have taken out the part
13 about the Defendant not testifying, because that clearly
14 is not the case here.

15 MR. DENIS DE VLAMING: Correct.

16 THE COURT: What about weighing the
17 evidence? Do you all want all those items in? I circled
18 a few that may be questionable, 6,8,9, and 10.

19 MR. TYSON: Judge, I would like 6 to be
20 in.

21 THE COURT: I can understand that. I can
22 understand that. I will leave 6 in.

23 MR. TYSON: I don't believe that we have
24 an inconsistent statement that we are aware of, 8,9 and
25 10 are out?

1 THE COURT: 8,9, and 10 out?

2 MR. DENIS DE VLAMING: 8 is inconsistent.
3 statements, no convictions -- you are right 8, 9, and 10
4 out.

5 THE COURT: 8,9, and 10 are out. Okay.

6 MR. DENIS DE VLAMING: Judge, I think
7 Defendant's statements --

8 THE COURT: I took that out also.

9 MR. DENIS DE VLAMING: Oh, you did?

10 THE COURT: Yes, I did. I knew there was
11 something else that I took out and I couldn't find it.
12 But there were no out of court statements that I am aware
13 so I see no need to give that instruction unless, Mr.
14 Tyson, you saw something or heard something we didn't.

15 Anything else?

16 MR. TYSON: You are taking out the
17 Williams' Rule, correct?

18 THE COURT: I am, yes, because both of you
19 have asked me to.

20 MR. DENIS DE VLAMING: Judge, quite
21 obviously the closing argument statement that is what you
22 give in advance of closing arguments, obviously not as a
23 jury instruction at the time you give the rest of them.

24 THE COURT: You must have an earlier
25 edition. That's not part of mine, and you are right.

1 That is absolutely correct.

2 MR. DENIS DE VLAMING: Judge, I haven't
3 tried a case this Court, do you send the instructions
4 back or not?

5 THE COURT: I do.

6 MR. DENIS DE VLAMING: You do.

7 THE COURT: I am going to have these
8 changed as per what we have just discussed, my judicial
9 assistant is standing by to do that now. I will have
10 them changed. I will give each of you copies as changed.
11 I will give one copy to go back with the jury when they
12 retire.

13 MR. DENIS DE VLAMING: Okay, do you have
14 them read it while you read it, or not?

15 THE COURT: No, I do not. I read it to
16 them. I then explain to them, I then explain to them
17 after I am through that I realize they don't do these
18 things everyday, and that some of these things they want
19 to reflect on. If they would like to do that they will
20 have the opportunity to that, and if they don't feel the
21 need to that, they have to. But they will have them if
22 they want to use them. Okay.

23 MR. DENIS DE VLAMING: Judge, how do you
24 handle the aspect of the videotapes? Obviously, the
25 equipment --

1 THE COURT: That will go back. Tapes will
2 go back.

3 MR. TYSON: Judge, that one tape, since I
4 don't have the box for it, and since we showed it and
5 stopped it, I believe we ought to leave it in here. If
6 they jury wants to watch they will have to come back and
7 watch it.

8 MR. DENIS DE VLAMING: Which one is that?

9 MR. TYSON: That's the one with Frank
10 Oliver with the laser pen.

11 THE COURT: Is there other things on that
12 tape, is that the concern?

13 MR. TYSON: Just some picketing, but I
14 would prefer --

15 THE COURT: How do you all want to handle
16 that, because all the rests of the tapes are going to go
17 back. That one can't go back because of this. I will
18 explain to them that, and if they would feel the need to
19 review that tape they will have to let us know, and we
20 will reconvene in the courtroom and they will get to see
21 that section of the tape.

22 MR. TYSON: Judge, if you would instruct
23 them, if you would, that there is stuff on that tape that
24 is irrelevant to today?

25 THE COURT: I will. Does anybody have a

1 problem with that procedure? It is awkward, but that is
2 probably the best we can do, unless somebody wants to
3 redact that tape.

4 MR. DENIS DE VLAMING: So that it doesn't
5 look clumsy from my standpoint, is there are very limited
6 aspects of certain tapes that I would like to play in my
7 final argument, you know literally four or five seconds,
8 I think if I had to try to find them after Mr. Tyson has
9 rewound them it's going to take an inordinate period of
10 time. So I have the identical tapes, you know, last
11 night I went ahead and found the areas so -- is that all
12 right with you?

13 MR. TYSON: Yes.

14 THE COURT: Pretty much like you did
15 opening, right?

16 MR. DENIS DE VLAMING: Yes, sir.

17 THE COURT: Yes, that's fine. What else
18 do we need to talk about? How much long do we need?

19 MR. DENIS DE VLAMING: Judge, I am not a
20 big windbag. Forty-five minutes, but I don't intend to
21 take it all.

22 THE COURT: Forty-five a side?

23 MR. TYSON: Forty-five.

24 THE COURT: The State opens and closes,
25 defense is in the middle?

1 MR. TYSON: Yes.

2 THE COURT: Mr. Tyson, what I customarily
3 do is whoever speaks second as they approach the podium
4 let you know by my calculations how much time you have
5 left. If you want me to do that I will. If you would
6 like me not to --

7 MR. TYSON: I would ask you to.

8 What I want to do is take ten minutes and
9 get these changed, let you all kind of get your thoughts
10 together. We will bring the jury in. The defense will
11 rest. I will give them closing argument instruction and
12 we will proceed. Okay. We are adjourned.

13 (Brief break)

14 THE COURT: Everybody has seen the verdict
15 form I presume?

16 MR. DENIS DE VLAMING: Yes, your Honor.

17 MR. TYSON: Yes.

18 THE COURT: And no objections to the
19 verdict form?

20 MR. DENIS DE VLAMING: Right, no
21 objections.

22 MR. TYSON: No.

23 THE COURT: Why don't you all take just a
24 second to scan them to make sure that it happened just
25 the way you expected it to happen and then we will bring

1 the jury in.

2 I see that we still have a paragraph on
3 the very last page that shouldn't be there. I will have
4 that eliminated. We can go forward though.

5 MR. DENIS DE VLAMING: The closing
6 argument?

7 THE COURT: Yes, I can't seem to get rid
8 of it. Anything else that any saw?

9 MR. DENIS DE VLAMING: No.

10 THE COURT: Let's bring in the jury.

11 (Whereupon, the jury was brought in.)

12 THE COURT: What says the defense?

13 MR. DENIS DE VLAMING: Your Honor, the
14 defense rests.

15 THE COURT: Counsel, approach just
16 briefly.

17 (Whereupon, a bench conference was held
18 outside the hearing of the jury.)

19 MR. DENIS DE VLAMING: At this time I
20 renew my motion for directed judgment of acquittal and
21 incorporate the arguments previously made.

22 THE COURT: My ruling will be the same.
23 Denied, thank you.

24 Ladies and gentlemen of the jury, both the
25 State and Defendant have now rested their cases. You

1 have heard all the evidence you will ever hear in this
2 case. The attorneys now will present their final or
3 closing arguments. Please remember that what the
4 attorneys say is not evidence. They will be commenting
5 on the testimony that you have heard and the evidence
6 that's been presented, and they as you, will be recalling
7 the evidence that has been presented. They will not
8 intentionally try to mislead you. However, if their
9 recollection of the evidence differs from what your
10 recollection is you must follow your own recollection.

11 Please listen closely to their arguments. They
12 are intended to aid you in understanding this case. Each
13 side will have equal time, and we have agreed on forty-
14 five minutes a side. Counsel for the State is entitled
15 to divide this time between opening remarks and he may
16 follow counsel for the Defendant after they are through
17 speaking. So counsel for the State will speak first, he
18 will use whatever portion of their forty-five minutes
19 that they choose to use in their opening remarks, after
20 which counsel for the Defendant will speak for up to
21 forty-five minutes, when they sit down counsel for the
22 State may then return to the podium and use whatever
23 portion of their forty-five minutes remains.

24 Okay. Mr. Tyson, are you ready?

25 MR. TYSON: Good afternoon, ladies and

1 gentlemen. Now trial is over except for closing
2 arguments, there is one thing that you need to go back
3 there to decide, and that's did Robert S. Minton
4 intentionally touch or strike Richard W. Howd against his
5 will on October 31, 1999. That's what you are deciding.

6 There has been some defense issues raised,
7 one of them was self-defense. Of course, now we saw on
8 the video that Mr. Minton told the police that Mr. Howd
9 walked into the sign. I'm not sure how you want to
10 square out that with self-defense. And according to Mr.
11 de Vlaming, Mr. Howd took one for the team. He took one
12 for the team that night, that's the defense. He wanted
13 to set him up.

14 I submit to you Mr. Minton is on a
15 crusade. He doesn't know where the line is. I think it
16 is obvious by his testimony. It is a contentious
17 relationship between the Scientologists and Mr. Minton.
18 That's not in dispute. Nobody disputes that. They don't
19 like each other. Just because you don't like each other
20 doesn't mean that the law doesn't apply. I told you
21 before the law applies to everyone. It is there to
22 protect everyone. No one is above the law.

23 To believe the defense in this case, and
24 it boils down to this if you really think about it, to
25 believe the defense you have to believe that a multi-

1 millionaire, worldwide banking investor, that's some
2 heavy-duty stuff, I can't handle that. That's some
3 heavy-duty stuff. He's a smart guy, no doubt about it.
4 No doubt about it. A lot of intelligence there. A lot
5 of intelligence. He has spent millions of dollars of
6 discretionary income fighting this thing. That's just
7 his choice and that's fine. That's his right. But you
8 have got to believe to believe their defense that Mr.
9 Howd, a man, no disrespect to him, of ordinary
10 intelligence, outsmarted him. You've got to believe that
11 to buy their defense.

12 And not only do you have to believe that,
13 you've got to also to understand the fact that Mr. Minton
14 because of these activities, in the past year or two,
15 you've got to believe that he didn't know any better, to
16 know something like this would possibly happen. To buy
17 their defense that is what you have got to believe. That
18 a multi-millionaire, early retirement, international
19 investment banker, worldwide traveler was outsmarted on
20 the street corner in Clearwater by Mr. Howd.

21 According to Mr. Minton he doesn't like
22 the way they think, they don't know any better. That was
23 a comment on Mr. Howd's intelligence that he doesn't know
24 any better, to belong to them, and be a slave to them,
25 that's what his statements were.

1 Mr. Howd took one for the team and
2 outsmarted Mr. Minton. That's what you have got to
3 believe. That's a huge hurdle in this case. That's a
4 gigantic mountain to jump. You will be asked to weigh
5 the credibility of the evidence and the witnesses. Mr.
6 Minton, you saw him testify. I saw your faces when he
7 played the Boston video. I have seen that a plenty of
8 times. I don't have to see that anymore. I looked at
9 everyone of your faces, and everyone of you was disgusted
10 at the Scientologists when you saw that video.
11 Rightfully so. Rightfully so. Then you learned what Mr.
12 Minton's activities were. It changed things a little
13 bit. I was watching your faces too when you learned what
14 else happened that you didn't see on that video.

15 His actions were bad also. That's not
16 what we're here for. Okay. Mr. Howd wasn't in Boston
17 two years ago, 1,500 miles away. He wasn't there. Okay.
18 Mr. Howd was not there. Those two ladies, who according
19 to Stacy Brooks, "Is that the best you can do?" Are
20 saying "Go home. Go home." That video has one purpose
21 only, to inflame you against Scientology. I want you to
22 understand something. I don't represent Scientology, I
23 know nothing about Scientology, and I don't need to know
24 anything about Scientology.

25 I don't need to know anything about them.

1 I don't care. It doesn't matter. It doesn't matter at
2 all. This is a contentious relationship. But you don't
3 need to see what they stand for, you can see with your
4 own two eyes what is on those videos because that is what
5 we are here for. Okay. If they are provoking each other
6 elsewhere that's fine. I don't care. But this is
7 Pinellas County. This is Pinellas County and they are
8 both going to abide the law. And on that night Mr.
9 Minton broke the law.

10 Another day, another time we may prosecute
11 them. And you better believe we will. You better believe
12 we will. Another day, another time. Today it is that
13 incident. And on that date, you know they were
14 following, but now I think you know why. Now you now why,
15 why would they do that? Why would this organization,
16 this cult, as they call it, follow these people, get all
17 of these documents on him? They think he is a danger,
18 they think he is a threat. Quite honestly hearing his
19 statements up here, you've got to admit it sounds like he
20 has gone over the edge now. There is a difference
21 between believe your cause and throwing everything to the
22 side because of your cause. There's a difference, a huge
23 difference. You got to see it. You got to see him go to
24 a church member's house that night. Now what purpose is
25 that for? The church isn't there. What is the purpose

1 of that? Provocation, that's what it is for. The same
2 thing that he is accusing them of. Provocation. Why
3 when he is walking around the side of the building, he is
4 telling them to run and go hide like cockroaches, why is
5 he doing that, provocation.

6 Look at the videos. How did they provoke
7 this man that night? Richard Howd is close with the
8 video. I already told you, that's not a problem, he is
9 close. I admit that. You will see it on the tapes. The
10 women, the man with his hands in his pockets, does that
11 look like a bunch of goons set out to rough Mr. Minton
12 up? I don't think so. Mr. Minton is a competent man.
13 Mr. Minton is a successful man. Mr. Minton goes there.
14 He is not in fear. You watch those videos. He is in no
15 fear whatsoever, none.

16 He provokes them when he is there. He
17 walks around the side of the building, in the dark. Tell
18 me what kind of protest that is? Why is he doing that?
19 Watch the video, he was going around the side of the
20 building, no one else is there, that's when he grabs at
21 Mr. Howd's camera strap. Provocation. If he is so
22 scared of them why is he going around the side of the
23 building. He says I was thinking about leaving at the
24 time. Believe that if you want to. If you want to buy
25 that, buy that. I was thinking about leaving at the time

1 I walked around the side the building.

2 Mr. Minton and defense team go over the
3 facts. It's a contentious relationship, how they sue
4 people to silence them. He hasn't been sued. Nobody is
5 suing him. Yet he has financed -- I am sorry, he has
6 given money to a family to continue a lawsuit, which he
7 has no interest in. He has no legal interest in that
8 lawsuit, other than it is against Scientologists. You
9 can consider that when you consider of the parties here.
10 Motive. He is there to stir them up. No doubt about it.

11 It's hard to argue self-defense when
12 you're the one there picking the fight. It's hard to
13 argue self-defense when you are the one there picking the
14 fight. Mr. Minton even admitted on cross examination
15 that he did not have to hit him. He did not have to hit
16 him. When he hit him with that video rolling right up to
17 his eye, how was Richard Howd a threat to Robert Minton
18 at that time?

19 The judge is going to read you a jury
20 instruction on self-defense. I want you to think about
21 that. He had to reach out to hit him with the sign. He
22 didn't hit with his hand. He had to use an extension of
23 the sign to get him. The Defendant, Robert S. Minton,
24 must have reasonably believed that such conduct was
25 necessary to defend himself against the eminent, eminent

1 use of unlawful force against himself. The eminent use
2 of unlawful force. That's quite a stretch to buy that,
3 isn't it? I man with a video camera up to your face and
4 you have to reach out with a sign to hit him.

5 Remember Mr. Minton came to them. We have
6 heard all this evidence about "Fair Game" and dirty
7 tricks. Realize they follow him when he is in town
8 because, as you now know, he is going to their houses
9 looking for trouble. Makes sense doesn't it? He is
10 doing the same thing. He is with the people shining
11 laser lights in everybody's eyes. I am not going to go
12 into the obscenities that were called, because it is not
13 necessary anymore. You all heard them. Okay. I have
14 already been through that. I'm not going to do that
15 anymore. There's no sense in it. But you know what he
16 is doing. He is accusing them of doing that to them.
17 Find me not guilty because look what they are doing.

18 If you want to hate them for what they did
19 before. It doesn't matter. What matters is that night.
20 Regardless of how contentious that relationship may be
21 for the past two or three years, that night Mr. Minton
22 crossed the line. I think when he took the stand you saw
23 what his attitude really is about all of this. They
24 don't think the right way. He doesn't agree with their
25 religion, they don't think the right way. He is there to

1 change them.

2 Is anybody trying to silence Mr. Minton?
3 I don't care if he goes out there tonight. He can't get
4 his sign back, it's already in evidence, but he can make
5 another one. He can go out there tonight. I don't care.
6 You have already heard about the injunction. He can't
7 come within ten feet of the buildings. He can still
8 picket. He is not enjoined from going out there and
9 picketing, he can go all he wants, but his right to
10 picket doesn't trump their right to practice their
11 religion, which means you can't start messing with them.
12 That's exactly what he did on October 31st.

13 What was his message that night. And if
14 you think about it, think about, when you talk about
15 suppressing free speech, think about that for a minute,
16 all that does is stir the undercurrent. There is an
17 undercurrent of hate. Wouldn't you rather have Mr.
18 Minton on the street protesting after you heard his
19 message in here? You hear his message in here and you
20 discard it. You understand that it is bigotry. It is
21 well known what his message is. Everybody can take him
22 for what he is and what you saw. No, I don't want to
23 shut him up. No, no. I want him out there tonight. I
24 want him out there every night, and every night after
25 that, and every night after that so people can listen to

1 him and judge for themselves what they think of him, and
2 what they think of what his team is doing. Because in
3 this country you can stand for whatever you want. You
4 can practice whatever religion you want.

5 He has the right to protest, but the one
6 thing that he doesn't have the right to do is break the
7 law. And that's exactly what happened on October 31st.
8 Manage to keep your eye on the ball. You have got to
9 keep your eye on the ball. If you are at a ballgame you
10 have got to figure what is happening in the game is where
11 is the ball at. Keep your eye on the ball on October
12 31st. This is what happened. Thank you.

13 MR. DENIS DE VLAMING: If it please the
14 Court, Mr. Tyson. It looks like we are going to be
15 ending a bit earlier than what the possibility of a
16 Wednesday end. This is my opportunity to give a closing
17 statement to you about the facts of this case, which you
18 learned, and also put together the what the law is that
19 establishes the defense.

20 As I told you in the opening statement,
21 the State is going to have to prove -- before you can
22 find the Defendant guilty of Battery the State must prove
23 the following element beyond a reasonable doubt, it's
24 part of the jury instructions that you will have an
25 opportunity to take back with you. That Robert S. Minton

1 did intentionally struck Mr. Richard W. Howd against his
2 will. Now, does that always mean that if somebody says I
3 didn't want him to touch me, that a crime always occurs?
4 It's funny how we bring our experiences into a courtroom.
5 And those of who are parents know that when kids are
6 growing up, you have little kids, and one is heckling the
7 living daylights out of the other kid, poking on him,
8 getting in their face, calling them names until finally
9 that one child, who wants nothing to do with the other,
10 pushes the kid. The little kid that falls down on the
11 living room floor goes running to his mother and says,
12 "Mommy, mommy, he hit me." And the mother said, "You
13 know, I heard the whole thing. You want to know
14 something, (son or daughter), you deserved it. I saw the
15 way you treated your sister, your brother, and guess
16 what, I would have done the same thing to you. I would
17 have pushed you and put you right down on your fanny."
18 Which is exactly what Mr. Minton did. He had it. He had
19 it. He had it in Boston, he had it from the Office of
20 Special Affairs. He knew the way they operated.

21 He knew very well what was going to come
22 up. He knew that he was being provoked. Mr. Howd, did
23 you Mr. Howd set this up and practice it, knowing this
24 was what you were going to provoke. No, I didn't. Mr.
25 Howd, are you wearing glasses? Yes, I am. Mr. Howd, we

1 can see on these videotapes you weren't wearing those
2 glasses when you were videotaping. I don't wear glasses
3 when -- I have two video cameras, Mr. de Vlaming, and one
4 has an eyepiece, which this one did, I don't usually wear
5 my glasses. I wear my glasses when I use the other
6 videotape, which has the little screen that would cause
7 someone to need the glasses. Are you sure, Mr. Howd?
8 Yes, I'm sure. Because you see, Mr. Howd, if you would
9 have put those glasses where they were it would have been
10 obvious what he was trying to provoke.

11 Mr. Howd, from seeing him in this
12 courtroom needed those glasses. Nobody wants to get hit
13 with glasses. This is Mr. Howd in Ybor City.

14 (Whereupon, the video was played for the
15 jury.)

16 MR. DENIS DE VLAMING: There he is. There
17 he is. Eyepiece on the camera, that's the digital
18 camera. We are going to talk about the digital camera in
19 a minute. That's him videotaping, glasses and all,
20 because there is no program. There is no practice.
21 There was no intent to throw him into a confrontation.
22 He can wear the glasses and not clip them in the shirt
23 the way he did. This is the one that Mr. Minton said
24 that Mr. Howd was filming. There is Mr. Minton, Howd
25 following him Ybor City, Howd following him to the

1 Belleview Biltmore, Howd waiting for him.

2 Don't think for one minute, ladies and
3 gentlemen, that Howd didn't encourage this conduct. And
4 yes, he did take one, just like the basketball player
5 takes one for the cause. Just like Mr. Oliver said, you
6 get credit when you can carry something else like this.
7 What else tells us the whole thing was a setup? What
8 other evidence shows us that he knew it was practiced so
9 well. Do you remember what those women said, they never
10 answered one question, the Office of Special Affairs
11 women, do you remember that? "Go home, Bob. Go home,
12 Bob." Over and over, almost robotic.

13 That's all they were allowed say, and
14 according to Mr. Oliver that's exactly the way it was
15 programed and practiced. Do you remember when Mr. Minton
16 asked them questions, Why don't you tell us about -- "Go
17 home, Bob." They never ever ever answered any questions.

18 How orchestrated is it? Let me show you
19 how orchestrated it was. And this will all make sense to
20 you.

21 This is re-wound just to a particular
22 area. This is Stacy Brooks' video, and I have rewind it
23 the area where you are going to see all the members of
24 the Office of Special Affairs just before Howd rounded
25 that corner. Watch what they do just before he rounds

1 that corner. I am going to play another segment to you.
2 Watch where they go, and then we will show how they come
3 back. I am going to show you just five or six seconds.

4 (Whereupon, the video was played for the
5 jury.)

6 MR. DENIS DE VLAMING: They didn't hear
7 that. Now, it's time to call the police. So they are
8 not going in because of that. They are leaving, look at
9 how they are leaving, the three of them, you see the man
10 and the two women.

11 This is just before Howd walks around that
12 corner. I ask you to use your common sense. Was there a
13 signal, was there a sign? Why did three of them at that
14 very time decide to this.

15 Now, here is that stationary video. Watch
16 what happens after he gets hit. Watch where these same
17 three people come out all together, as if they were in
18 just a little cubby hole, having practiced that. Watch
19 this.

20 (Whereupon, the video was played for the
21 jury.)

22 MR. DENIS DE VLAMING: Watch. This has
23 got sound. Do you hear anything, no. Now watch this.
24 The same three people. The same three people come out at
25 the identical time after having gone back in that

1 building and run down there and stand over him. Not one
2 of them say how are you doing. Not one of them said a
3 word. What they wanted to say was congratulations.

4 Now, Howd hits the ground. Look. Before
5 I show you, let me tell you the significance of this.
6 Howd hits the ground. I used a basketball analogy
7 before. There is a great football one, anybody who
8 watches football, and the kicker that kicks the punts,
9 what he would love nothing more is to have the other team
10 and interfere with his kicking. And sometimes you see
11 these people, they kick, they fall to the ground, they
12 grab their knee. When you look at the replay the guy
13 wasn't anywhere near them, because he would love to have
14 that foul, so he can take it over again. That's exactly
15 what he did in that case. He wanted to dramatize it as
16 much as possible. But watch what happens. He knows that
17 Crock, now that is the other Scientologist, was standing
18 over him. He knew it. Watch what he does with his eye.
19 Watch what he does with his eye as he pretends to be out
20 cold.

21 (Whereupon, the video was played for the
22 jury.)

23 MR. DENIS DE VLAMING: Opens it, takes a
24 look at Crock, shuts it, and I could let it go on for
25 awhile because he doesn't -- he said on the stand that he

1 left it open, now all of the sudden it is closed. Opens
2 up takes a look at him, eyes closed. At some point an
3 officer says do you got any ID? And with his eyes closed
4 as if he is unconscious he reaches in his left pocket.
5 Look at him, out cold. Need an ambulance. Boston needed
6 an ambulance too for the balsa wood.

7 Now, why, why was it that those other
8 members of the Office of Special Affairs decided to go
9 back into the Church of Scientology when they did? Did
10 they get a signal, get a sign? Did they get something?
11 Something caused them all to leave, because something was
12 going to happen around that corner. Howd was going to do
13 something at that time.

14 What I want you to look at next, and I
15 want you to pay attention is when Mr. Minton turns around
16 says, How would you like me to grab this, or something
17 like that, and he has it in his thumb. He turns around
18 to continue to walk. Listen to what he says.

19 (Whereupon, the video was played for the
20 jury.)

21 MR. DENIS DE VLAMING: Did you hear that?
22 Oh, you think so. Right after that, you are attacking
23 me. What caused Minton to say, Oh, you think so? He has
24 already turned around. He said, Oh, you think so? I
25 think this is a fair comment from the evidence, when

1 Officer Beaudette was the following questions, he was
2 asked about the videotapes, they were all given to him,
3 except one. Was Mr. Howd's videotape handed over to you
4 immediately, as was Mr. Minton's, they couldn't seem to
5 find it. How long did it take to find it? A
6 considerable amount of time. The only videotape running
7 was Howd's around that corner. The only one that could
8 have picked up what caused this man to say, Oh, you think
9 so, was Mr. Howd's. Not orchestrated, not encouraged,
10 not expected, not wanted, oh, no.

11 Mr. Tyson said that he is such a smart man
12 and he is intelligent and he made a good living, all
13 those things are true. But you want to know what else he
14 is? He is a human being. He is a human being like the
15 rest of us that if we are pushed to the limit, that if we
16 are harassed, that if things are said to us to provoke us
17 then he is going to act like a human being, regardless of
18 what he does in life.

19 Mr. Tyson obviously had listened to the
20 entire Boston tape because he cross examined Mr. Minton
21 about the foul language on it. He could have played that
22 tape if he wanted to play that tape, and frankly, so
23 could have I played that whole tape if necessary, but we
24 chose not to do that. Again, if he thought it was
25 necessary, he certainly could have done it. Do you

1 really need to hear the profanity that Mr. Minton might
2 have said to make a decision in this case. Did you
3 really need to hear a minister, a minister of the church
4 say to him, are you f'ing your twelve year old daughter.
5 He brought it up. Okay, fine that is what was said. And
6 we didn't want to play that for you.

7 There was no need to play that for you.
8 How shocking it is. Even more shocking than someone who
9 claims to be a minister of the church to be acting that
10 way. To kill psychiatric funding, one minister said,
11 because they are against the use of psychiatry in the
12 Church of Scientology. Who in the world could condone
13 the conduct of that man, that other minister in Boston
14 that was in this man's face. He showed the perseverance
15 of Job not have done something to get in his face.

16 The reason that we played that for you is
17 so that you realized that that's what he can expect the
18 Office of Special Affairs to act like. That's what he is
19 in for. They want to make it as miserable as they can.
20 And they want to get one thing. They have got to get one
21 thing, and they need you to do it. Remember what the
22 edict of the Church of Scientology is, you've got to make
23 your critics a criminal. You've got to make them a
24 criminal.

25 What happened in Boston, that guy that got

1 hit with a balsa stick, that did nothing to him, called
2 an ambulance to come out. Asked the police to arrest him
3 and prosecute him. Of course, the prosecutor took a look
4 at the tape and we know what happened with that case, but
5 they were trying to get him declared a criminal so that
6 they can get the word out, don't listen to him.
7 Everything he says about our organization is false
8 because he is a criminal. That's what they want you to
9 do.

10 Everyone has space. Everyone has an
11 opportunity to say, back off, leave me alone, get away
12 from me. I ask rhetorically, how far does a woman have
13 to go who was followed by another man who finally decides
14 to leave an area and as she says, leave me alone, I'm
15 going to call the police, the man follows, she reaches
16 into her purse, puts her finger on the mace. Does the
17 man have to come into contact with him for use to use
18 self-defense? Does he have to grab the woman by the
19 throat or by the hair? Or can she say, that's enough and
20 let him have it.

21 That's exactly the type of situation that
22 we had. He was pushed, he was pushed, he was setup, and
23 they got what they wanted. Do you want to know
24 something? He got what he deserved, just like those
25 little six year olds that argue in their parents' house.

1 They got what they deserved.

2 How much evidence is necessary to convict
3 a citizen on a criminal charge? And make no mistake
4 about this is a criminal trial. This isn't a lawsuit
5 about money or about staying away, or an injunction.
6 This is a criminal trial. The decision here is whether
7 he is convicted of a crime.

8 That's what this case is about, and that's
9 what they want. It's a conviction, a unanimous conviction
10 for a crime. Before you can get to that, the Defendant
11 has entered a plea of not guilty. This means you must
12 presume or believe the Defendant is innocent. The
13 presumption stays with the Defendant as to each material
14 allegation as to each material allegation in the charge
15 through each stage of the trial, unless it has been
16 overcome by the evidence to the exclusion of, and beyond
17 all reasonable doubt. In other words there can't be any
18 reasonable doubt whatsoever that he didn't act in self-
19 defense. There can't be any doubt, any reasonable doubt
20 whatsoever that Mr. Howd didn't invite the conduct.

21 We didn't introduce Boston to trash
22 Scientology, both of the witnesses we called to the
23 stand, as much as he cross examined them about
24 Scientology and about the people that are members of that
25 church, if it is a church, have said I have said I have

1 no quarrel with its members. I have a quarrel with its
2 practices, its deceptive practices. Because the majority
3 of the people in that organization don't know what is
4 going on, and that is what he is here to do.

5 You know, ladies and gentlemen, in the
6 1930's there was something incredibly insidious that was
7 happening in another part of our world. It was just
8 beginning and it came as perhaps the biggest black eye
9 that this world has ever known, and I don't know the
10 author of this statement, and I don't know if I have it
11 completely correct, but after Nazi Germany was exposed,
12 he made the comment, "First they came for the trade
13 unions, and I did not stand up because I was not a trade
14 unionist. Then they came for the Protestants, and I did
15 not stand up because I was not a Protestant. Then they
16 came for the Jews, and I did not stand up because I was
17 not Jewish. Then they came for me, and there was no one
18 left to stand up." This case is not about Scientology.
19 I am not here to put a boutonniere in this man's lapel.

20 All he wanted to do when he came to this
21 town was to be let alone, to conduct his constitutional
22 right to protest, walk up and down that street, do so
23 without people in his face invading his face, following
24 him from an airport, going to the place where he is
25 staying. How can anybody say that wouldn't bring some

1 fear to you. How can somebody say that if somebody
2 follows your children or your family that that would not
3 bring some fear to you. You can keep the stiff upper
4 lip, and say I am going to continue on, but in the back
5 of your mind always you are asking yourself is it worth
6 it, is it worth it.

7 All the money he has spent and the time,
8 and exposure to his family, is it worth it. And he has
9 said the word, yes, it is. He knows how this
10 organization works, and hopefully this was a very brief
11 trial, you got a glimpse of that from a man who left that
12 organization. Sure he made a promise that he wouldn't
13 divulge this information. But the necessity to divulge
14 it was more important than the promise he made, he
15 conceded. He told about "Fair Game" that you can lie,
16 you can cheat, you so all the things in order to destroy
17 another person, if they are a suppressive person, someone
18 who speaks out against Scientology.

19 Here is the number one suppressive person
20 to the church. He is the number one person they want to
21 get. He is the number one person they need you to
22 convict. Don't let them do it. Don't let them do it.
23 Richard Howd invited this conduct, and for that reason
24 alone you should find him not guilty. Richard Howd's
25 conduct, if taken in the light of Boston and the rest of

1 the stalking of this man and his family, shows that he
2 acted in self-defense. Listen to one aspect of the self-
3 defense instruction. If you find that victim had a
4 reputation of being violent and dangerous, now you could
5 easily say that the victim in this case is Richard Howd,
6 alleged victim is Richard Howd. But don't forget the
7 reason that we brought in Boston too was to show what his
8 state of mind was. The people from OSA, what reputation
9 did they have for this conduct. If you find that the
10 victim had reputation of being violent and dangerous
11 person, and that his reputation was known to the
12 Defendant, certainly the practices of OSA was known to
13 him. He knew how far they would go. He knew how far
14 they had already gone with his family. You may consider
15 this fact in determining whether the actions of the
16 Defendant were those of a reasonable person in dealing
17 with an individual with that reputation.

18 So for either one of those reasons this
19 man should be found not guilty. In closing I will tell
20 you that for two centuries we have agreed to a
21 constitution and to live by the law. And not any one of
22 us has the right to violate rules we all share. Perhaps
23 the greatest constitutional guarantee this country has is
24 the right of protest, the right to be heard. The first
25 amendment that was ever drafted by our forefathers was

1 that right, that constitutional right. No one has the
2 right to violate those rules of our constitution. Not
3 even Richard Howd.

4 THE COURT: Mr. Tyson, you have thirty
5 minutes of your time remaining.

6 MR. TYSON: It won't take that long.
7 According to that first amendment is the right to
8 practice religion, freedom of religion. Kids pushing
9 kids, he is fifty-four years old. Some of you have kids,
10 on a long car trip in the backseat fighting. He is
11 fifty-four years old. This isn't kids pushing kids. The
12 women never answered Mr. Minton.

13 So, does that mean that they are robots,
14 or trained to not answer. What if somebody is saying
15 something to you that you don't like. According to Mr.
16 Oliver I guess I am Scientologist. Let's talk about
17 those ladies who were there, and the guy with his hands
18 in pockets. There are two middle-aged women, you've got
19 a guy very docile with his hands in his pockets. When do
20 they walk away. They are telling Minton to go home, but
21 when do they walk away? They walk away when Mr. Minton
22 became physical.

23 Now, to them that is a conspiracy brewing.
24 Use your common sense. When is the time to leave? To
25 walk away, is that unusual? No, that's a conspiracy.

1 That plays right into everything they are doing. Could
2 it be that they were afraid of Minton? He showed no fear
3 that night. You can see it. I think it is obvious they
4 weren't afraid of him when he first showed up, but that
5 changed.

6 And when they're inside, is it natural
7 when you are inside to seek protection, and to keep an
8 eye outside to see what is happening, or was that a
9 conspiracy. You have to got understand something, to buy
10 that theory also, besides having to buy the international
11 investment banker was duped by Mr. Howd, to buy that you
12 have to understand or buy the fact that those women were
13 clairvoyant. That they knew that Mr. Minton was going to
14 hit him. When Mr. Minton hit him, we all know that he is
15 a distance away. He had to use the sign to hit him.
16 Does that make any sense?

17 It gets to the point that some people
18 start seeing a conspiracy in everything. Everything is a
19 conspiracy. He is so ingrained in this, so focused they
20 start looking at the world through a straw. That's all
21 they see. They don't get the big picture. Everything is
22 a conspiracy.

23 Let me ask you a question, tell me the
24 right way to fall down on your head. Have you stubbed
25 your toe, I mean really wacked it good, your wife wacked

1 it, your kids? You jump around. They don't like the way
2 he fell. Okay, there is nothing I can do about that.
3 Minton grabbing the strap, the point I made on cross
4 examination, Mr. Minton, who took the first offensive act
5 that night? Regardless of going to a parishioner's
6 house, regardless of calling them cockroaches, regardless
7 of calling them all that other stuff, who first took the
8 first offensive physical action. They are denying that,
9 they can't deny that. They cannot deny it. It was him.
10 Of course, now we have got a little twist in this game.
11 We saw the videos, there's a lot of people out there, a
12 lot of people with cameras. So it took the police awhile
13 to get Mr. Howd's camera. Well, if you look there's a
14 woman holding it. She didn't know how to turn it off.
15 Yeah, they are supposed to have gone in there, and you
16 know, they are hinting to you that that video was
17 changed. It's accurate, it's accurate for their
18 purposes, when they say look how close Mr. Howd is to Mr.
19 Minton's face.

20 But they are hinting to you that it has
21 been changed when Mr. Minton is grabbing the strap, very
22 subtly Mr. de Vlaming did it, very subtle during the
23 trial. He said we will talk about that later. Very,
24 very subtle. Very, very subtle.

25 The one thing about in the court, did you

1 bring evidence in? Look at it all, it's all sitting up
2 there. Is there any evidence, any evidence, other than a
3 hint from the defense that that video was doctored? Ask
4 yourselves that questions, because that is what he wants
5 you to go back there and talk about.

6 Mr. de Vlaming is talking about that
7 Boston tape, there is no reason to play that tape. What
8 did you learn by that tape? They hate each other. Why
9 did they play it? I submit to you that they wanted to
10 inflame you. You don't need those tapes. Watch them if
11 you want. Watch it if you want, there's more, it doesn't
12 matter. We all know now that Mr. Minton was saying it.
13 And we know on his copy that it is not only edited, but
14 is narrated for whatever reason. I am not sure that it
15 is going to be published or what, it is narrated,
16 professionally done. I don't know what the reason for
17 that is, but the things that Mr. Minton was saying aren't
18 on there. Like I said, I am not going to go into what he
19 said. I've done beat a dead horse in cross examination,
20 you don't need to hear it anymore. That's not on there.

21 It was brought up again to inflame you.
22 You don't need to play anymore of those tapes, you have
23 heard enough. You were inflamed enough until you heard
24 what the other side was doing. If you think about it,
25 it's different people, different date, time, different

1 place. Remember I told you about keeping your eye on the
2 ball? You are in the stands watching the game, Mr. de
3 Vlaming said, hey, look back here. You have done missed
4 the play. You done missed the play. That's what they
5 are doing. That's exactly what they are doing. Take
6 their eye off the ball and shift the focus.

7 Scientologists don't need to make Minton a
8 criminal, he did himself. He is only charged with a
9 misdemeanor battery, that's all this is. This is a
10 misdemeanor. This thing has mushroomed in huge
11 proportions, but it is a misdemeanor battery. The State
12 of Florida is prosecuting him, not Scientologists. The
13 State of Florida is not being duped with this Mission
14 Impossible scenario that he defense has come up with. I
15 am not being duped. Yes, they gave us things to look at.
16 Do you think that is the only thing we knew about Mr.
17 Minton? Do you think the only thing we go with is what
18 they gave us?

19 This stuff has been going on for a long
20 time, very contentious. A woman being followed by a man,
21 now that's supposed to inflame you, too. You have to
22 understand Mr. Minton and Mr. Howd, Mr. Minton, and the
23 Scientologists always very close in the videos. You saw
24 the other ones, with the laser lights, they are all
25 walking around. That is the way that game is played.

1 But a woman being followed by a man. That's meant to
2 inflame you. That's what it is meant for. It is not an
3 accurate analogy. That's why that was used, exactly why
4 that was used. They all know each other videotapes.
5 You've seen they were videotaping each other back and
6 forth.

7 Mr. de Vlaming said that both his witness,
8 Mr. Minton and Mr. Oliver have no quarrel with the
9 Scientologists, then why the name calling? Why the laser
10 in the face? Why are they doing that? If according to
11 Mr. Minton they don't any better, they don't know they
12 are slaves, why mess with them? Why mess with those
13 people?

14 Mr. Oliver, you can judge his credibility,
15 he was out there playing games, too. You saw him with
16 the laser light. He didn't really remember that, but
17 yeah, that was him with the little laser pen right in
18 somebody's eye. He doesn't think that is a provocative
19 thing to do. Right in somebody's eye, putting that laser
20 dot right there.

21 You can consider that when you judge Mr.
22 Oliver's credibility. Does Mr. Oliver have a grudge
23 against Scientology, oh, yeah. Does he have a grudge
24 against them, yeah. Should he, I don't know. That was
25 eight years ago.

1 Whether you believe Scientology is a
2 religion or not, it doesn't matter. They tried to put it
3 on trial. And a religion is something that is very very
4 easy to put on trial. If I was to tell you that there is
5 a man who agrees to take vow of celibacy, and a vow of
6 poverty, a vow of celibacy and a vow of poverty for the
7 rest of his life, I could make him look pretty silly,
8 couldn't I? We all know that's a Catholic Priest, don't
9 we. I am not trying to equate any religion together. I
10 am not trying to be sanctimonious. It doesn't matter.
11 The people who believe that, have a right to believe
12 that, whether you agree with it or not.

13 People that believe in Judaism have a
14 right to believe in that. People that believe in
15 Scientology have a right to believe in it. Mr. Minton
16 has a right to get the word out, but he doesn't have a
17 right to break the law.

18 What I want you do to is go back there and
19 talk about it. You already know the contentious nature
20 between the parties, but look at what happened that
21 night. Who is provoking who? Who is telling him to go
22 home? Mr. Howd wants him to go home. These people want
23 to go in for the night. It's 10:30 on Sunday night. Who
24 was provoking who?

25 Mr. de Vlaming would like to substitute

1 the conduct of the gentleman in Boston for Mr. Howd.
2 That's what he wants you to do. He has asked you to do
3 that. Because a member there, 1,500 miles away, how that
4 guy acted, and it was offensive, and Mr. Minton's actions
5 were offensive. They are both offensive. You can't
6 justify what either one them did that on that tape.
7 Nobody can justify it. I hope both parties are ashamed
8 of it. Both parties should be ashamed of it.

9 Mr. Howd has to be painted like that, when
10 you consider the reputation. That is what he is asking
11 you to do. Like I told you before, Mr. Minton went there
12 for one purpose, he had already picketed during the day,
13 you want people around so they can hear his message. He
14 can go out there, like I said, tonight, and the next
15 night, and the next night, and I don't care if I go right
16 down to Clearwater ten years from now, if he is out there
17 doing it again, there is nothing wrong with that. There
18 is nothing wrong with that. You go out there and do what
19 you have got to do, everyday, and the State will protect
20 you. The State will protect him, much like the State
21 protects Mr. Howd.

22 On that day he committed a crime. Thank
23 you.

24 THE COURT: Members of the jury, I thank
25 you for your attention during this trial. Please pay

1 attention to the instructions that I am about to give
2 you.

3 The Defendant in the case has been accused
4 of the crime of Battery. Before you can find the
5 Defendant guilty of Battery the State must prove the
6 following element beyond a reasonable doubt.

7 Robert S. Minton intentionally touched or
8 struck Richard W. Howd against his will.

9 At issue in this case is whether the
10 Defendant acted in self-defense. It is defense to the
11 offense with which the Defendant is charged if the injury
12 to the victim resulted from the justifiable use of force
13 not likely to cause death or great bodily harm.

14 The Defendant would be justified in using
15 force not likely to cause death or great bodily harm
16 against the victim if the following two facts are proved:

17 One, the Defendant must have
18 reasonable believed that such conduct was necessary to
19 defend himself against the victim's imminent use of
20 unlawful force against the Defendant.

21 Two, the use of unlawful force by the
22 victim must have appeared to the Defendant ready to take
23 place.

24 In deciding whether the Defendant was
25 justified in the use of force not likely to cause death

1 or great bodily harm, you must judge him by the
2 circumstances by which he was surrounded at the time the
3 force was used. The danger facing the Defendant need not
4 have been actual, however, to justify the use of force
5 not likely to cause death or great bodily harm, the
6 appearance of danger must have been so real that a
7 reasonably cautious and prudent person under the same
8 circumstances would have believed that the danger could
9 have been avoided only through the use of that force.
10 Based on appearances the Defendant must have actually
11 believed that the danger was real.

12 If you find that the victim had a
13 reputation of being a violent and dangerous person and
14 that his reputation was known to the Defendant you may
15 consider this fact in determining whether the actions of
16 the Defendant were those of a reasonable person in
17 dealing with an individual of that reputation.

18 In considering the issue of self-defense,
19 you may take into account the relative physical abilities
20 and capacities of the Defendant and the victim.

21 If in your consideration of the issue of
22 self-defense if you have a reasonable doubt on the
23 questions of whether or not the Defendant was justified
24 in the use of force not likely to cause death or great
25 bodily harm, you should find the Defendant not guilty.

1 However, if from the evidence you are
2 convinced that the Defendant was not justified in the use
3 of force not likely to cause death or great bodily harm,
4 then you should find him guilty if the all the elements
5 of the charge are proved.

6 The Defendant has entered a plea of not
7 guilty. This means you must presume or believe the
8 Defendant innocent. The presumption stays with the
9 Defendant as to each material allegation in the
10 information through each state of the trial unless it has
11 been overcome by the evidence to the exclusion of and
12 beyond a reasonable doubt.

13 To overcome the Defendant's presumption of
14 innocence the State has the burden of proving the
15 following: The crime with which the Defendant is charged
16 was committed and the Defendant is the person who
17 committed the crime.

18 The Defendant is not required to present
19 evidence or prove anything.

20 Whenever the words "reasonable doubt" are
21 used you must consider the following:

22 A reasonable doubt is not a mere possible
23 doubt, a speculative, imaginary, or forced doubt. Such a
24 doubt must not influence you to return a verdict of not
25 guilty if you have an abiding conviction of guilt. on

1 the other hand, if after carefully considering, comparing
2 and weighing all the evidence, there is not an abiding
3 conviction of guilt, or, if having a conviction one which
4 is not stable but one which wavers and vacillates, then
5 the charge is not proved beyond every reasonable doubt
6 and you must find the Defendant not guilty because of the
7 doubt is reasonable.

8 It is to the evidence introduced into this
9 trial, and to it alone, that you are to look for that
10 proof.

11 A reasonable doubt as to the guilt of the
12 Defendant may arise from the evidence, a conflict in the
13 evidence, or the lack of evidence.

14 If you have a reasonable doubt you should
15 find the Defendant not guilty. If you have no reasonable
16 doubt you should find the Defendant guilty.

17 It's up to you decide what evidence is
18 reliable. You should use your common sense in deciding
19 which evidence in the best evidence and which evidence
20 should not be relied upon in considering your verdict.
21 You may find some of the evidence not reliable, or less
22 reliable than other evidence.

23 You should consider how the witnesses
24 acted, as well as what they said. Some things you should
25 consider are:

1 Did the witness seem to have an
2 opportunity to see and know the things about which the
3 witness testified?

4 Did the witness seem to have an
5 accurate memory?

6 Was the witness honest and
7 straightforward in answering the attorney's questions?

8 Did the witness have some interest in
9 how the case should be decided?

10 Does the witness' testimony agree
11 with other testimony and other evidence in the case?

12 Has the witness been offered or
13 received any money, preferred treatment, or other benefit
14 in order to get the witness to testify?

15 Had any pressure or threat been used
16 against the witness that affected the truth of the
17 witness' testimony?

18 You may rely upon your own conclusion
19 about the witness. A juror may believe or disbelieve all
20 or any part of the evidence or testimony of any witness.

21 The Defendant in this case has become a
22 witness. You should apply the same rules to
23 consideration of the Defendant's testimony that you apply
24 to the testimony of the other witnesses.

25 There are some general rules that apply to

1 your discussion. You must follow these rules in order to
2 return a lawful verdict:

3 You must follow the law as it is spelled
4 out in these instructions. If you fail to follow the
5 law, your verdict will be a miscarriage of justice.

6 There is no reason for failing to follow the law in this
7 case. All of use are depending upon you to make a wise
8 and legal decision in this matter.

9 This case must be decided only on the
10 evidence that yo have heard from the testimony of the
11 witnesses (and have seen in the form of exhibits in
12 evidence) and these instructions.

13 This case must not be decided for or
14 against anyone because you feel sorry for anyone, or are
15 angry with anyone.

16 Remember, the lawyers are not on trial.
17 Your feelings about them should not influence your
18 decision in this case.

19 Your duty is to determine if the Defendant
20 has been proven guilty or not, in accordance with the
21 law. It is the judge's job to determine a proper
22 sentence if the Defendant is found to be guilty.

23 Whatever verdict you render, it must be
24 unanimous, that is, each jury must agree to the same
25 verdict.

1 It is entirely proper for a lawyer to
2 talk to a witness about what testimony the witness would
3 give if called to the courtroom. The witness should not
4 be discredited by talking to a lawyer about his or her
5 testimony.

6 Your verdict should not be influenced by
7 feelings of prejudice, bias, or sympathy. Your verdict
8 must be based on the evidence and the law contained in
9 these instructions.

10 Deciding a verdict is exclusively your
11 job. I cannot participate in that decision in any way.
12 Please disregard anything that I may have said or done
13 that made you think that I preferred one verdict over the
14 other.

15 In just a few moments you will be taken to
16 the jury room. The first thing that you need to do is
17 to elect a foreperson. The foreperson presides over your
18 deliberation like a chairperson of a meeting. It is the
19 foreperson's job to sign and date the verdict form when
20 all of you have agreed on a verdict in this case. For
21 your convenience we have prepared one for you. You will
22 take it back with you. It reads, "We, the jury find as
23 follows as to the Defendant in this case." You have two
24 choices. A choice "A" the Defendant is guilty of
25 Battery as charged. Choice "B" the Defendant is not

1 guilty. The foreperson will sign his or her name, then
2 print his or her name under their signature. This will
3 be dated and brought back when you reach a verdict.

4 Your verdict finding the Defendant either
5 guilty or not guilty must be unanimous. The verdict must
6 be verdict of each juror, as well as the jury as a whole.

7 In closing, let me remind you that it is
8 important that you follow the law spelled out in these
9 instructions in deciding your verdict. There are no
10 other laws that apply to this case. Even if you do not
11 like the laws, it must be applied, you must use them.
12 For two centuries we have agreed to a constitution and to
13 live the law. None of us has the right to violate the
14 rules that we all share.

15 Counsel, any objections to the
16 instructions as given?

17 MR. TYSON: No, your Honor.

18 MR. DENIS DE VLAMING: No, your Honor.

19 THE COURT: Ladies and gentlemen of the
20 jury, I recognize that you don't do this everyday. These
21 instructions come at the end of two long days. For that
22 reason I reduce them verbatim to writing. You will have
23 them to take back with you the jury room, if you would
24 like to refer to them, you do not need to unless you want
25 to, but you do not need to unless you want to, but you

1 will have them. You will get the verdict form as well.

2 You are going to get all the items that
3 went into evidence. You will get a television and a VCR
4 to review these items. There is one tape that you will
5 not get to take back with you, because there are other
6 things on that tape that are not appropriate for you to
7 see. If you want to see that tape you will need to let
8 the bailiffs know, we will come back into the courtroom
9 and play that part of the tape with all of us present.

10 Did I forget anything?

11 MR. TYSON: Judge, may we approach?

12 THE COURT: Sure.

13 (Whereupon, a bench conference was held
14 out of the hearing of the jury.)

15 MR. DENIS DE VLAMING: Why don't you tell
16 them that the tape in question, because you have probably
17 got their curiosity up on what that is.

18 THE COURT: The tape that will stay here
19 is the one involving Frank Oliver and the laser light,
20 just so that you are able to sort that out. Just so that
21 you know which one that you don't have. That's the one
22 we have, you may see, just tell the bailiffs and we will
23 make it available to you. Okay. At this time you may
24 retire to deliberate your verdict. Mr. Palmieri, you
25 stay with us. You are the alternate. Please remain with

1 us.

2 (Whereupon, the jury was retired for
3 deliberation of their verdict.)

4 THE COURT: Mr. Palmieri, the job of the
5 alternate juror sometimes is a long job and a difficult
6 job. It's difficult because you have sat here for two
7 days and listened attentively and you do not get to now
8 deliberate a verdict. But I want you to understand how
9 important your role is to this process. If we did not
10 have an alternate juror and something happened to one of
11 the other jurors that they could not finish for whatever
12 reason, they get called away, we would have to start all
13 over again. So your service is very valuable to us. We
14 are very grateful for your service. I guess a fair way
15 to put it is, the good news is that you get to home now,
16 but they still have to stay. But we very much appreciate
17 your service. You are free to go, sir. Have a nice day.

18 (Whereupon, the alternate juror was
19 excused.)

20 THE COURT: Counsel, this trial reflected
21 the very highest quality of lawyering I expected. All of
22 you worked very hard. I am very grateful for the very
23 hard work put in by both sides.

24 We are adjourned.

25 (Whereupon, the jury was brought in.)

1 THE COURT: If the jury has reached a
2 unanimous verdict in this case I would ask the foreperson
3 to please hand the verdict form to the bailiff and then
4 take a seat please.

5 Madam Clerk, if you would please publish
6 the verdict. The Defendant please stand.

7 THE CLERK: The State of Florida versus
8 Robert S. Minton. We the jury find as follows as to the
9 Defendant in this case, the Defendant is not guilty, so
10 say we all, foreperson of the jury Tina Pellegrino.

11 THE COURT: Does either counsel wish the
12 clerk to poll the jury?

13 MR. TYSON: No, sir.

14 THE COURT: Ladies and gentlemen of the
15 jury you have been with for two days. You have worked
16 hard. It is never proper for a judge to comment on a
17 jury's verdict and I deliberately avoid doing that now.
18 What I want to do though is thank you for your hard work
19 and your good efforts. Justice in America basically is
20 what a jury does, just like you did in this case. You go
21 back and you deliberate, and you make a decision. I
22 appreciate that very much. Your work is done now,
23 however, we have kept you long enough. You are free to
24 go. As you go I just want to make you aware of one
25 thing. Many times jurors are confused about whether or

1 not they can talk about their experience that they had in
2 this matter. Now that this case is concluded you can
3 choose to either discuss with whomever you want, or
4 discuss it with no one. The choice is yours. Thank you
5 very much. Have a good day, and be careful going home.

6 (Whereupon, the jury was dismissed.)

7 THE COURT: If you would stand once again.
8 Robert S. Minton based on a jury finding you not guilty
9 of the charge in this case, this Court now adjudges you
10 not guilty and you may go hence without day.

11 This court is adjourned.

12 (Whereupon, at 3:30 p.m. the trial in the
13 above-entitled matter was concluded.)
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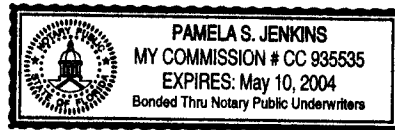
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Certificate of Reporter

I, Pamela S. Jenkins, do hereby certify that I took the audio graphic notes of the foregoing proceedings and the same were reduced to typewriting under my direction; that the foregoing is a true record of said proceedings; that I am neither related to nor employed by any of the parties to the action herein; and, further, that I am not a relative or employee of any attorney or counsel or employed by the parties hereto, nor financially or otherwise interested in the action.

Pamela S. Jenkins

Pamela S. Jenkins



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