

1 San Diego, California, Thursday, October 25, 2018,

2 AM Session

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4 (The following proceedings were held in the
5 presence of the jury panel:)

6 THE COURT: Good morning.

7 ALL COLLECTIVELY: Good morning, Your Honor.

8 MR. JOYNER: Good morning, Your Honor.

9 THE COURT: All right. Are we ready to
10 proceed?

11 MR. JOYNER: Yes, Your Honor.

12 The defendant would like to call Robert Young.

13 THE COURT: Mr. Young, you are still under
14 oath.

15 ROBERT YOUNG (PER 776),

16 Having been previously sworn by the Plaintiff, resumed
17 the stand and testified further as follows:

18 CROSS-EXAMINATION

19 BY MR. JOYNER:

20 Q. Good morning.

21 A. Good morning.

22 Q. So there were four things from yesterday that
23 I would like to clear up, please. I'm going to go from
24 the least critical to the most critical, but there were
25 four problems. And one of them was you testified under

1 direct examination from Ms. Fell --

2 THE COURT: Cross-examination.

3 MR. JOYNER: Well, he was called as a witness
4 in the case in chief, so regardless. But --

5 THE COURT: Okay.

6 MR. JOYNER: -- moving on.

7 BY MR. JOYNER:

8 Q. You testified when Ms. Fell asked and also it
9 was read into the court reporter record, that you didn't
10 answer those form admissions. So I want to know how
11 come you didn't answer.

12 MS. FELL: Objection. Relevance.

13 THE COURT: Overruled.

14 THE WITNESS: Well, at the time I was in jail.
15 And when I got out, I had some very insurmountable
16 stresses, one being my divorce. And with the challenges
17 there with my wife, which was very --

18 BY MR. JOYNER:

19 Q. Okay. But just why didn't you answer the
20 RFAs, the requests for admission? Why?

21 A. I should have. I didn't, and I should have.
22 And you put other things as a higher priority and -- I
23 made a mistake.

24 Q. All right. Thanks. You answered the
25 question.

1 My next point that I didn't -- I didn't get
2 straight was we -- we went to that deposition at the
3 lawyer's office -- you were asked about this. And the
4 question was are you the president and CEO of
5 pH Miracle Living?

6 And your answer at that time was yes.

7 And then in the courtroom they asked you the
8 same question again, and your answer was no. And so I'm
9 -- just right now: Were you or were you not the
10 president and CEO of pH Miracle Living?

11 A. I was the president of pH Miracle, Inc.
12 Because --

13 Q. You gave me an answer.

14 And the next one was: What happened to
15 pH Miracle, Inc.?

16 A. PH Miracle, Inc., probably what happened, to
17 my best recollection, was the annual fees were not
18 renewed and our certificate was placed in inactive
19 status. And since that time, pH Miracle, Inc. has gone
20 out of business.

21 Q. Okay. Thanks.

22 Okay. The next thing that I wanted to clear
23 up is about that house in Utah that you said was worth a
24 million bucks, but you didn't say if there's -- there's
25 a mortgage against it.

1 Is there?

2 A. The mortgage on the house in Alpine, Utah, is
3 \$675,000.

4 Q. And how much is the worth?

5 A. At the highest level, maybe a million, but if
6 you are trying to sell it, maybe 875,000.

7 Q. Okay. And my next related topic is that you
8 said that the -- or it was said to you that the price of
9 the Valley Center ranch, what we've been calling the
10 "ranch," is 3.9 million.

11 And you were trying to sell it?

12 A. Yes.

13 Q. And have you sold it?

14 A. No.

15 Q. What's the price on it today?

16 A. 3.2 million.

17 Q. Why did it go from 3.9 to 3.2?

18 A. Well, it was somewhat progressive. It first
19 went from 3.9 to 3.6. We tried to sell it at 3.6. We
20 didn't get any activity on the home. So in talking to
21 Adam and -- he suggested -- we suggested that the best
22 thing to do would be to lower the price. And so we
23 lowered the price down to 3.2 and we got a new agent who
24 was more active on it. And we have had -- we had three
25 offers, which we were very happy about, but they were

1 not able to qualify.

2 Q. The answer is the price of the house is
3 3.2 million?

4 A. That's the current offering price.

5 Q. So if I come up with 3.2 million, you'll sell
6 it to me?

7 A. Absolutely. Yes.

8 Q. Can we shake on that?

9 A. Yes, it's yours.

10 Q. And then the -- so that was my third area of
11 concern that was not cleared up.

12 And my fourth one, and this is the biggest
13 one, you know, you testify out of one aspect that you
14 pled guilty to four counts of -- I call it "practicing
15 medicine without a license," but the technical name of
16 it was "treating the sick or afflicted without a
17 certificate."

18 Do you remember that? You pled guilty to four
19 counts?

20 A. Yes.

21 MS. FELL: Misstates the evidence.

22 THE COURT: Sustained.

23 BY MR. JOYNER:

24 Q. Well, maybe I missed a technicality. But you
25 pled guilty to four counts, four felony counts; isn't it

1 true?

2 MS. FELL: Misstates the evidence.

3 THE COURT: What's the question? It's not a
4 question.

5 BY MR. JOYNER:

6 Q. Okay. And then the next series of questions
7 from Ms. Fell was were you remorseful. I didn't get a
8 straight answer.

9 So I want to know, were you guilty?

10 THE COURT: What's the question?

11 BY MR. JOYNER:

12 Q. Were you guilty?

13 A. Yes.

14 Q. Okay. And are you sorry about it?

15 A. Absolutely I'm sorry about it.

16 Q. Okay.

17 A. It was a mistake.

18 Q. All right. You answered it.

19 And then the next question, related topic.

20 You said under direct examination to Ms. Fell
21 that you never -- never gave Ms. Dawn Kali an IV. But
22 you didn't say if you ever gave her any supplies.

23 So did you ever give Ms. Dawn Kali any IV
24 supplies?

25 A. Yes, I did.

1 Q. Okay. And why would you do a thing like that?

2 A. Because I wanted to help.

3 Q. Okay. And then you testified that you never
4 gave Dawn Kali an IV. And isn't it possible that you
5 are wrong on that and you really did give her an IV?

6 A. It is possible.

7 Q. Okay. You cleared up my four doubts.

8 Now moving right along. What is your actual
9 degree, the college degree that you have?

10 A. You mean after high school?

11 Q. Well, you call yourself a doctor and say you
12 have a degree from somewhere. And I want to know what
13 that degree is.

14 A. I have a BS, bachelor's of science.

15 Q. Okay. From what school?

16 A. That was from the College of Natural Health.

17 Q. Where is the located?

18 A. It's located in Birmingham, Alabama.

19 Q. And when did you get that bachelor's degree?

20 A. Well, I started my bachelor's at the
21 University of Utah where I did my undergraduate. I was
22 there for two years. And then I transferred those
23 credits to the natural college -- the College of Natural
24 Health in Birmingham, Alabama. And I think it was
25 somewhere in the early '90s, '92 -- probably '91, '92.

1 Q. Okay. Is that the same college that you got
2 your other degrees from?

3 A. There's a sister college called the Clayton
4 School of Natural Healing.

5 Q. Is that also in the same place? Alabama?

6 A. It's still in the same place, Birmingham,
7 Alabama, yes.

8 Q. Okay. So there's a sister college. And what
9 degrees did you get there?

10 A. Well, the first college I went to, I received
11 a master's of science.

12 Q. What was the degree. I mean what science?

13 A. The master of science was just general. It
14 was focused in biochemistry and microbiology. And then
15 the doctorate of science was focused in biochemistry.

16 From the Clayton School of Natural Healing, I
17 received a PhD. My dissertation was accepted after --

18 Q. Okay. But that -- I just wanted to know what
19 school and what degree, why you call yourself a doctor?

20 A. Yeah, the reason I call myself a doctor.

21 Q. What school was it?

22 A. There's two schools.

23 Q. Where did you get the doctorate degree?

24 A. In Birmingham, Alabama, at the Clayton School
25 of Natural Healing.

1 Q. Okay. And you know how you have, like, a
2 doctor of philosophy or a doctor of this or that, what's
3 your doctor of?

4 A. It's a doctor of philosophy in nutrition.

5 Q. So your actual doctorate degree is the subject
6 of nutrition?

7 A. Yes. And the doctor of science is in
8 biochemistry.

9 Q. Okay. And what year did you get those
10 degrees, the doctorate degrees?

11 A. One of the doctorates, which was in
12 biochemistry, I received around 1994, '95. And the
13 doctorate, the PhD in philosophy and nutrition I
14 received in 1997.

15 Q. Okay. The question was, was that an
16 accredited school? Was it an accredited school?

17 A. Yes. At the time that I attended, it was
18 accredited. And all of my records are held at the -- at
19 the -- excuse me -- at the Alabama college system,
20 school of education. And I have all of my transcripts
21 from my degrees.

22 Q. Okay. Question answered. Moving on.

23 There was -- if I say "the relevant time
24 period," by the way, what I mean by the relevant time
25 period is the time period of the events of this case,

1 which is 2009, roughly, to 2013. So -- and the question
2 was trips.

3 What -- how many trips did you go on from 2009
4 to 2013?

5 Do you know what I mean by a trip? You fly
6 somewhere out of the country and stuff. That's what I
7 mean. So how many times did you fly somewhere out of
8 the country?

9 A. Probably over 200 times.

10 Q. In those six years?

11 A. Yes.

12 Q. Okay. And then there was talk about retreats
13 in foreign lands. One of them was Thailand.

14 Was there any other foreign country that you
15 went to for these retreats besides just Thailand?

16 A. We have done retreats in Spain, retreats in
17 Italy, retreats in England, retreats in China, retreats
18 in India.

19 Q. Okay. So there's quite a few countries where
20 you have done retreats?

21 A. Retreats in the US.

22 Q. Thank you.

23 The next question is how many of those
24 retreats -- on how many of those retreats did Dawn Kali
25 come?

1 A. Well, I remember at least one, but there would
2 have been others.

3 Q. What was the one you remember?

4 A. The one I remember was in Thailand.

5 Q. Thailand. What year?

6 A. I would just be guessing. 2011 -- probably
7 2012.

8 Q. How many people were on that retreat?
9 Ballpark. Ballpark.

10 A. 25 to 30 people.

11 Q. Who signed all of those people up?

12 A. They were signed up either through our office
13 or through Caroline Robataille or -- and Dawn Kali.

14 Q. Well, who signed up most of the people? If
15 you know. If you don't know, you don't know.

16 A. Well, that was -- Dawn Kali and
17 Caroline Robataille's responsibility was -- one of the
18 things they did was recruit people into the retreats.

19 Q. And then another question was about a bunch of
20 records that were seized from you and destroyed.

21 Do you remember that?

22 A. Yes.

23 Q. Okay. What was in all of those records that
24 were destroyed?

25 A. All of my client files. Over 350 client files

1 covering a period of two to three years.

2 Q. Why were you saving all of those files?

3 Usually after two or three areas, I try to throw stuff
4 away. What do you keep them for?

5 A. Well, the same reason I keep my tax returns.
6 I may need them for a future event. And I also keep all
7 of my research for future reference. But specifically
8 client files, the reason that I keep it is if I have to
9 show evidence or efficacy of what I am doing.

10 Q. What does your efficacy mean?

11 A. Efficacy means the effectiveness. Whether the
12 promise is working or not working.

13 Q. And so there was testimony about -- excuse me.
14 There was testimony about books.

15 How many books have you written?

16 A. I have written a lot of books.

17 Q. Well, ballpark. More than 20?

18 A. Yes.

19 Q. More than 50?

20 A. Yes.

21 Q. Wow.

22 And they all pretty much -- tell me if I'm
23 wrong: Are they all pretty much on the same theme that
24 we have been covering about your views on the pH Miracle
25 and so forth?

1 A. Yes.

2 Q. And of all of those books, what was the first
3 one?

4 A. "Sick and Tired."

5 Q. When did you write that book, "The
6 PH Miracle"?

7 A. Well, the main text was my dissertation from
8 my PhD for nutrition. And then from there Shelley and I
9 took it, I added some other --

10 Q. Yeah, when was it written?

11 A. I began writing that in the early '90s.

12 Q. Okay. When did it get published?

13 A. It got published in 2000, 2001.

14 Q. How many of those books have you sold?

15 A. Over a million books.

16 Q. What countries do you sell those books in?
17 Just that --

18 A. The "Sick and Tired" or "pH Miracle"?

19 Q. Just "pH Miracle." Let's just stick with
20 "pH Miracle."

21 A. Yeah. "pH Miracle" is in circulation. It's
22 an international best seller. It's sold over 10 million
23 copies. It's translated into 29 different languages --
24 Russian, Chinese --

25 Q. Okay.

1 A. -- French, Spanish.

2 Q. Good. Let's move on.

3 And besides all of those books, have you
4 written anything else about the pH Miracle?

5 A. I write articles and --

6 Q. Okay. How many -- well, first of all, where
7 do these articles get published? I didn't see them in
8 Newsweek. Where are they?

9 A. Wells, sometimes they are. Sometimes they are
10 media magazines.

11 Q. No, I'm not saying where they got mentioned.
12 What I am trying to say is where did you publish -- I
13 don't mean that, oh, some newspaper article was talking
14 about pH Miracle. What I mean is where did you publish
15 those articles?

16 A. Several places.

17 Q. Name three.

18 A. Well, the first place, through journals.

19 Q. When you say "journals," what do you mean?

20 A. Well, some journals or magazines which are not
21 peer reviewed.

22 Q. Well, what do you mean by "peer reviewed"?

23 A. Ones that are not looked at by a separate
24 committee of my peers evaluating my article and either
25 accepting it for publication or not accepting it for

1 publication.

2 Q. What would be some of the places that are --
3 that are not peer-reviewed that you have published these
4 articles?

5 MS. FELL: Objection. Relevance.

6 THE COURT: Sustained.

7 MR. JOYNER: I can't ask him what the names of
8 the magazines were?

9 THE COURT: I don't think that was the
10 question.

11 BY MR. JOYNER:

12 Q. What were the names of the places where you --
13 the names of the magazines where you published the
14 articles?

15 MS. FELL: Objection. Relevance.

16 THE COURT: Is the question -- I don't know
17 what the question is.

18 MR. JOYNER: The question is what was the --

19 THE COURT: Places?

20 MR. JOYNER: Yeah. What was the name -- he
21 says he published articles, so I want to find out were
22 they in -- what was the name of the publication.

23 THE COURT: He published articles.

24 MR. JOYNER: Right.

25 THE COURT: Ask him where they were published.

1 MR. JOYNER: Okay. Thanks.

2 BY MR. JOYNER:

3 Q. Where were the articles published?

4 MS. FELL: Relevance. He's not an expert.

5 THE COURT: Overruled.

6 THE WITNESS: The articles have been published
7 in trade magazines, conference magazines for conferences
8 for promotion, for medical conferences. They were
9 published in trade magazines, as an example, *Science*.
10 They were published in -- on globs. They have been
11 published on where there's -- I'm trying to think of the
12 name.

13 BY MR. JOYNER:

14 Q. Okay. So they got published in quite a few
15 places. I get it. Thank you.

16 A. Yes.

17 Q. And that was the ones that you said were not
18 peer-reviewed?

19 A. Yes, that's correct.

20 Q. Now, moving to the other side of the topic,
21 ones that were peer-reviewed, where were they published?

22 MS. FELL: Objection. Relevance. Motion in
23 limine.

24 THE COURT: Overruled on that ground, but I
25 don't understand the question.

1 MR. JOYNER: The same question I asked before
2 but --

3 THE COURT: Yeah, I know, but what are we
4 talking about?

5 MR. JOYNER: Peer-reviewed articles. Where do
6 they get published?

7 THE COURT: What do you mean by "peer-reviewed
8 articles"?

9 MR. JOYNER: I just asked him, and his answer
10 was that -- where his other colleagues had a chance to
11 review them. "Peer-reviewed" is what the doctor that
12 came on the video talked about, how his stuff is all
13 peer-reviewed.

14 THE COURT: Well, he's -- I'm going to sustain
15 the objection.

16 MR. JOYNER: Thank you.

17 THE COURT: The witness was a medical doctor.
18 "Peer review" has a particular meaning in that context.
19 Here, I don't know what the question is. So I'm
20 sustaining the objection.

21 BY MR. JOYNER:

22 Q. Okay. Is it your belief, what you believe,
23 that some of your articles got published in
24 peer-reviewed journals?

25 MS. FELL: Relevance. Motion in limine.

1 THE COURT: Overruled on that ground. But I'm
2 going to sustain the objection on the same basis, I
3 don't understand it. I don't understand it.

4 BY MR. JOYNER:

5 Q. Moving on to the many trips.

6 So you had the retreats. You went on trips
7 with retreats. And then you went on some other trips,
8 and that was about speaking at -- giving talks at
9 conventions and stuff; right?

10 A. Conventions, medical conferences, and general
11 lectures.

12 Q. Okay. Where did you -- where did you go to
13 lecture in 2009?

14 A. 2009 approximately, Harvard University.

15 Q. Anywhere else?

16 A. A predominantly black university. I was
17 invited --

18 Q. I don't care what it was --

19 A. It's called Morehouse College, School of
20 Medicine.

21 Q. And what was your lecture topic there at
22 Morehouse College, School of Medicine?

23 A. My lecture was on how our nutrition affects
24 the blood and interstitial fluids of the body.

25 Q. And what was your -- so how did you get to

1 Harvard?

2 MS. FELL: Motion in limine. Foundation.
3 Relevance.

4 THE COURT: The question is how did he get to
5 Harvard.

6 MR. JOYNER: Yeah.

7 BY MR. JOYNER:

8 Q. Well, what were you talking about at Harvard?

9 A. Harvard --

10 MS. FELL: Same objections. Motion in limine.

11 THE COURT: Overruled.

12 THE WITNESS: When I spoke at Harvard, I
13 presented my research of the pH Miracle. What I call
14 the "new biology." This new way of living, eating, and
15 thinking.

16 BY MR. JOYNER:

17 Q. You gave a lecture?

18 A. I gave a two-hour lecture.

19 Q. To who?

20 A. To professors, to associate professors, to
21 students.

22 Q. Okay. And then where did you go to lecture in
23 2011?

24 A. I lectured in Milan, Italy.

25 Q. What was the event?

1 A. The event was a conference on antioxidants and
2 alkalinity. And I was a keynote speaker with Nobel
3 laureate prize winner Luc Montagnier, who was given the
4 Nobel for the discovery of HIV.

5 Q. Thank you. I don't really care about Luc. I
6 care about you.

7 And what was your talk about, the topic of it?

8 A. My talk was dismantling the HIV theory and the
9 true cause of -- what causes autoimmune disease
10 syndrome, which is AIDS.

11 Q. Okay. Question answered. Thank you. Moving
12 on.

13 What was your -- where did you go to lecture
14 in the next year, 2012?

15 A. I think I missed one. And that was in China.

16 Q. Okay. What year did you go to China?

17 A. I believe that was either 2007 or 2009.

18 Q. Okay. But back to -- you said Italy, 2011.

19 Now I'm trying to find out where you lectured
20 in 2012.

21 A. In 2012, I -- I'm trying to remember the dates
22 because there's been so many places.

23 Q. You don't remember?

24 A. I don't remember.

25 Q. Okay. Good.

1 Obviously, you didn't do any lectures while
2 you were in jail.

3 A. I just remembered.

4 Q. Okay. Where was it?

5 A. Oxford University.

6 Q. Where is that?

7 A. Oxford University and Cambridge are the two
8 top universities --

9 Q. I just want to know --

10 A. Oxford University is one of the top
11 universities in the UK.

12 Q. What country?

13 A. In England.

14 Q. What was the topic there?

15 A. The topic was on a condition called mad cows
16 disease.

17 Q. Why were you lecturing about mad cows disease?
18 That has nothing to do with pH. Why?

19 MS. FELL: Objection. Relevance.

20 THE COURT: It's not a question. It started
21 to be a question.

22 BY MR. JOYNER:

23 Q. I asked why were you lecturing there?

24 MS. FELL: Objection. Relevance.

25 THE COURT: Sustained.

1 BY MR. JOYNER:

2 Q. Okay. Well, back to the topic. You couldn't
3 do any lecturing while you were locked up in jail. But
4 then after you got out, where have you been lecturing?

5 A. I was invited by a medical conference group
6 out of London, England, to be a keynote speaker at the
7 3rd International Conference on Pancreatic Cancer and
8 Liver Diseases.

9 Q. When?

10 A. I believe that was -- it was this year.

11 Q. What country?

12 A. The country was Italy. Rome, Italy.

13 Q. Okay. What was the topic of your talk?

14 A. My topic was on a peer-reviewed, published
15 article that I submitted the abstract --

16 Q. The topic.

17 A. The topic was the -- using alkaline nutrition
18 in the treatment -- in the prevention and treatment of
19 any cancerous condition.

20 Q. Okay. Thank you.

21 And, now, there was talk about another talk --
22 talk about another lecture that counsel asked you about
23 yesterday that you are going to next month.

24 Where is this next lecture coming?

25 A. The next lecture is in -- I was invited by a

1 different group to a medical conference in Dubai.

2 Q. Who is paying for all of these trips?

3 MS. FELL: Objection. Relevance.

4 THE COURT: Overruled.

5 BY MR. JOYNER:

6 Q. Who pays?

7 A. They pay my way and also my airfare, my board,
8 my room, and also give me a stipend for speaking.

9 Q. How much?

10 A. It can range anywhere from \$500 and up.

11 Q. Okay. Well, which leads me to another point.
12 The ranch.

13 And when I say "relevant time period," I'm
14 talking about the same years that we just went on.

15 So what was the most employees at one time,
16 not cumulative, but just all at one time that you had at
17 the ranch?

18 A. Sixty-nine.

19 Q. So what's what the payroll on something like
20 that?

21 A. Payroll was close to \$2 million.

22 Q. Okay. Did you ever figure out how much it was
23 costing for -- your cost, not what you were charging,
24 but figure out what your cost was to have a client stay
25 for one day at the ranch?

1 A. This was a very important subject, and the
2 reason why is because we couldn't -- at least I couldn't
3 figure out why we weren't making money. A lot of money
4 coming in, a lot of money going out.

5 And so June Asisi did an assessment and -- at
6 the recommendation of our chief operating officer,
7 John Baird. And she came back in one of our board
8 meetings, and the number that she came up with is that
9 our basic cost of services --

10 MS. FELL: Hearsay.

11 THE COURT: Sustained.

12 BY MR. JOYNER:

13 Q. Okay. What -- not what June Asisi said. What
14 do you think the cost of -- the cost of a stay, what it
15 was costing you? How much do you think it cost you?

16 MS. FELL: Foundation.

17 THE COURT: Sustained.

18 BY MR. JOYNER:

19 Q. So did you ever calculate, yourself, what the
20 cost was?

21 A. I knew what the costs were.

22 Q. Did you ever get other information from other
23 people about what the cost was?

24 A. Yes.

25 Q. And did you come up with the figure of what

1 you thought the cost was?

2 A. Yes.

3 Q. And what was the figure that you thought the
4 cost was?

5 MS. FELL: Hearsay, foundation.

6 THE COURT: Sustained.

7 MR. JOYNER: No other questions.

8 THE COURT: All right.

9 Any recross?

10 MS. FELL: Yes.

11 REDIRECT EXAMINATION

12 BY MS. FELL:

13 Q. AIDS is not caused by a virus?

14 A. That's a theory. It's never been proven.

15 Q. Is that your theory?

16 A. No. It's known throughout the scientific
17 community that AIDS does not -- that HIV does not cause
18 AIDS.

19 Q. HIV does not cause AIDS?

20 A. That's correct. That's why Luc Montagnier is
21 in China not Paris.

22 Q. HIV is not a virus?

23 A. HIV -- if you understand the science behind
24 how they determine, HIV has never been isolated --

25 MS. FELL: Nonresponsive.

1 THE COURT: Well --

2 THE WITNESS: HIV does not cause AIDS.

3 BY MS. FELL:

4 Q. Is HIV a virus?

5 THE WITNESS: No. It is not. It's a phantom
6 virus.

7 BY MS. FELL:

8 Q. When you were asked about whether you had any
9 remorse, you said, "It was a mistake." And I want to
10 see if I understand what you were saying.

11 Are your theories in your book a mistake?

12 A. No.

13 Q. Okay. Was it a mistake for you to take on
14 patients or clients at the ranch?

15 A. No.

16 Q. Was it a mistake for you to recommend to them
17 not to get conventional treatment?

18 A. I did not do that.

19 Q. When your clients or patients died, was it a
20 mistake of yours?

21 A. Terminal parents have a prognosis of zero.

22 Q. So was your treatment of Dawn Kali a mistake?

23 A. Dawn Kali's treatment was her choice. This is
24 a self-care program. She made the decisions.

25 Q. Were you saying it was a mistake that your

1 treatment led to the death of Juan Carlos Estrada?

2 A. Absolutely not. He was terminal.

3 Q. Was it a mistake that your treatment led to
4 the death of Naima Houder-Mohammed?

5 A. No.

6 Q. Was it a mistake that your treatment led to
7 the death of Cynthia Lynch?

8 A. They were all terminal. Lynch was a totally
9 different situation. She lived five years beyond her
10 prognosis. She was given six months to live.

11 Q. Was it a mistake that your treatment led to
12 the death of Genia Vanderhaeghen?

13 A. Absolutely not.

14 Q. Was it a mistake that your treatment led to
15 the death of Tracie Cole?

16 A. No.

17 Q. Was it a mistake that your treatment led to
18 the death of Vicki Felix?

19 A. No.

20 Q. Was it a mistake for you to call yourself a
21 doctor?

22 A. No. I am a doctor. I am not a medical
23 doctor. I just -- we have a form and everyone signs
24 that form that they understand that I am not a medical
25 doctor. This is full disclosure under an SB 577.

1 Q. When you give your talks at Harvard University
2 and Oxford University, which you forgot but then
3 remembered, and internationally, do you tell them how
4 many people died under your care?

5 A. I have a documented actuarial figure of
6 81 percent cure rate on terminal metastatic cancer.

7 MS. FELL: Nonresponsive.

8 BY MS. FELL:

9 Q. My question was when you give your talks at
10 Harvard, at Oxford, internationally, do you the people
11 that you are telling your theories to how many people
12 died under your care?

13 A. I do. And I have already admitted to that,
14 out of 320 cases of Stage I, Stage II, Stage III,
15 4 percent of those people died.

16 Out of 85 people that had terminal metastatic
17 cancer with zero prognosis, 15 died.

18 I'm telling the jury here and I'm telling you,
19 it is very clear.

20 Q. Was Juan Carlos Estrada in that 4 percent?

21 A. Juan Estrada I met briefly. I was out of the
22 country. I have no information about Juan Estrada.

23 Q. So he's not included in your 4 percent?

24 A. He is. He's included in the 15.

25 Q. Naima Houder-Mohammed, was she included in

1 your --

2 A. She's included in the 15.

3 Q. Cynthia Lynch. Is she concluded?

4 A. She was not because she outlived her
5 profession by five years.

6 Q. Genia Vanderhaeghen. Was she included?

7 A. She was.

8 Q. Tracie Cole?

9 A. Yes.

10 Q. Vicki Felix?

11 A. Yes.

12 Q. Are you going to include Ms. Kali?

13 A. Dawn was not my patient. She was not my
14 client.

15 Q. So the answer is no?

16 A. No.

17 Q. Did you include Dan Barkin?

18 A. Yes.

19 Q. You lived in Utah from the day you were born
20 until the year 2000; correct?

21 A. 2000, 2001, yes.

22 Q. Okay. And you lived there consecutively? You
23 didn't take a few months and live in other places?

24 A. The first three years of our marriage, I lived
25 in the Cottonwood area in Salt Lake City, Utah.

1 Q. Other than that, did you live anywhere else?

2 A. No.

3 Q. Your doctor of science in biochemistry was
4 from the College of Natural Health?

5 A. The College of Natural Health, yes.

6 Q. In Birmingham, Alabama?

7 A. Yes.

8 Q. And your doctorate of nutrition and doctorate
9 of philosophy was from Clayton school?

10 A. The Clayton -- the Clayton school, yes.

11 Q. In Birmingham, Alabama?

12 A. Yes.

13 Q. And you have evidence of the efficacy of your
14 program. You just can't bring it here to show the jury
15 because the district attorney destroyed it. Is that
16 your testimony?

17 A. I didn't know this was that type of case. I
18 would have loved to. I requested for all of these
19 materials up to even yet today, calling my attorney to
20 get more of this information. And they will not release
21 any records. And I have been told the records have been
22 destroyed.

23 Q. The district attorney will not release any
24 records to you. Is that correct? That's your
25 testimony?

1 A. That is correct.

2 Q. And you didn't know that this case was going
3 to involve anything about the efficacy of your
4 treatments?

5 A. No. I thought it was a fraud case and not
6 about the efficacy or whether or not this person
7 received diabetes or not.

8 Q. And you have been involved in this case since
9 it was filed in December of 2015; correct?

10 A. Well, a long time has passed, yes.

11 MS. FELL: Okay. Nothing further.

12 THE COURT: Anything further?

13 MR. JOYNER: Yes.

14 THE COURT: Okay.

15 RE-CROSS-EXAMINATION

16 BY MR. JOYNER:

17 Q. I'm going to talk to you about the five
18 mistakes or nonmistakes.

19 Juan Carlos Estrada. Why did you say that
20 wasn't a mistake?

21 A. He was brought on the ranch and was taken on
22 the ranch while I was out of the country, so I did not
23 know about this case. He was being administered to by
24 two nurses and a medical doctor by the name of
25 Dr. Ben Johnson. I had no dealings with Juan Estrada at

1 all.

2 Q. Did he die at the ranch?

3 A. No, he did not.

4 Q. What was wrong?

5 MS. FELL: Objection. 352. Expert testimony.

6 THE COURT: Overruled.

7 THE WITNESS: He was diagnosed with terminal
8 cancer with zero -- it's called zero prognosis which
9 means he has less than zero days to live.

10 BY MR. JOYNER:

11 Q. Okay. Next.

12 What about Vanderhaeghen? What was the name?

13 A. What was her name?

14 Q. Right.

15 A. I think it's in the record. I'm trying to --
16 I think her name was not Fabienne. That was her
17 daughter.

18 Q. It's okay. Vanderhaeghen.

19 What interaction did you have with
20 Vanderhaeghen?

21 A. Vanderhaeghen came to the ranch with zero
22 prognosis, actually two weeks to live, with terminal
23 metastatic cancer with a focal point at pancreas. She
24 was diagnosed with pancreatic cancer. And my
25 involvement with that family was I exercised with them,

1 I feed them, I took care of them, I listened to what
2 their needs were in conjunction with my staff;
3 Dr. Ben Johnson and the nurses. We did whatever they
4 wanted us to do to help her to begin a recovery of her
5 particular condition.

6 Q. Okay. So did you give her the pH Miracle
7 program?

8 A. Yes, I did.

9 Q. Then why did she die?

10 A. She had --

11 MS. FELL: Expert opinion. Calls for an
12 expert opinion.

13 THE COURT: Let me see counsel at sidebar.

14 (The following proceedings were had out of the
15 hearing of the jury:)

16 THE COURT: Here's the dilemma. On your 776
17 exam you solicited expert opinion. You did. He gave
18 all sorts of expert opinions.

19 MS. FELL: As to his beliefs. I'm okay with a
20 limiting instruction, that it's his belief.

21 THE COURT: You understand my problem. You
22 can't -- he's following up with your exam.

23 MS. FELL: I didn't ask him about diagnosis of
24 anything.

25 THE COURT: You solicited his opinions, and

1 then he gave expert opinions without objection. So when
2 you say a "limiting instruction," I don't have a problem
3 with that, but I don't want to just ad-lib it.

4 MR. JOYNER: Nor do I.

5 THE COURT: I understand.

6 So if you want to propose something, I'll be
7 happy to do it.

8 I'm not sure that the proper objection might
9 be lack of foundation.

10 The question is: Why did she die?

11 Well, she died.

12 The dynamics of her diagnosis would be an
13 expert opinion. And I don't know. He's just
14 speculating, I guess.

15 MS. FELL: Right.

16 THE COURT: So where are you going with this?

17 MR. JOYNER: Counsel said these were favorably
18 mistakes.

19 THE COURT: He said they were mistakes.

20 MR. JOYNER: He didn't say they were mistakes.

21 MS. FELL: I asked if those were the mistakes
22 that he was remorseful for and --

23 MR. JOYNER: He said "no" to each one.

24 I'm going to ask: "Why was that a mistake?"

25 I want to know the circumstances. His

1 involvement --

2 THE COURT: Okay.

3 MR. JOYNER: -- with each.

4 THE COURT: But he's not answering that. He's
5 not answering your questions.

6 MR. JOYNER: He goes off the topic. So I'll
7 get him reined in as to what the circumstances were and
8 what his role was.

9 MS. FELL: Just so I'm clear, he's not able to
10 give a diagnosis --

11 THE COURT: No.

12 MS. FELL: -- right?

13 Okay. Unless somebody told him that, in which
14 case it would be hearsay. And he's speculating, I
15 suppose.

16 The question is: Why did she die? And
17 /TKWROPB.

18 MR. JOYNER: And I can tell him: "You don't
19 make medical diagnoses, do you?"

20 THE COURT: Don't tell him, ask him.

21 MR. JOYNER: "So that was your opinion?"

22 THE COURT: That's my concern. And I think I
23 mentioned it before. But he cannot give expert opinion.
24 He hasn't been designated as an expert, even though he's
25 given a lot of opinions.

1 MS. FELL: Right.

2 MR. JOYNER: The one that opened the door -- I
3 was amazed when you asked him about all of that stuff
4 after the motion in limine and winning on that.

5 THE COURT: No. No. You solicited a lot of
6 his opinions.

7 MS. FELL: Which comes in as to his belief and
8 whether it's fraud.

9 THE COURT: I know. I know.

10 MS. FELL: So as far as a limiting
11 instruction, you want me -- you don't want to do that
12 now, you want me to propose something in writing?

13 THE COURT: I think it would be confusing to
14 the jury. He's given a lot of opinions. He has not
15 been designated as an expert.

16 MS. FELL: What I was thinking was that the
17 evidence comes in for one purpose and that purpose is
18 his belief.

19 THE COURT: Yeah.

20 MS. FELL: That he's not been designated as an
21 expert.

22 He's giving opinions, which are expert
23 opinions. He has. And that was brought out by you.
24 And I'm not saying it was wrong, but he has. And this
25 whole trial is his opinions that are not exactly

1 mainstream opinions. But he has not been designated as
2 an expert as your treating doctor has been designated as
3 an expert.

4 MS. FELL: It comes in for the limited purpose
5 of his belief.

6 THE COURT: Yeah. Right.

7 MS. FELL: Can we do a limiting instruction?
8 Can we do that now?

9 THE COURT: I'm a little reluctant to do it
10 now.

11 MR. JOYNER: I would like to give all of the
12 instructions at the same time.

13 THE COURT: I think it probably --

14 MR. JOYNER: But I won't disagree in any way
15 to a limiting instruction that tells the jury about
16 that.

17 THE COURT: I might just tell the jury that
18 there is a procedure pretrial for designating experts to
19 give expert opinions, that this witness has not been
20 designated as an expert; however, he's given opinions.
21 The doctor that testified in deposition has been
22 designated as an expert.

23 MS. FELL: Right.

24 THE COURT: And there will be an instruction
25 regarding experts.

1 MS. FELL: Right. And then if we give the
2 limited purpose instruction, I don't have to object
3 anymore, that -- the testimony about his expert
4 opinions.

5 When he says "motion in limine," the jury
6 doesn't know.

7 THE COURT: I know, but --

8 MR. JOYNER: So I think it's perfectly
9 appropriate. And we can comment that you shouldn't take
10 this as an expert opinion, this guy is just talking
11 about what he believes.

12 THE COURT: Okay.

13 MR. JOYNER: Perfect.

14 (The following proceedings were held in the
15 presence of the jury panel:)

16 THE COURT: A juror had a note, and I just
17 don't want to go back out in the hall. And then give
18 the note back to the bailiff.

19 MR. JOYNER: Sure.

20 THE COURT: All right.

21 Ladies and gentlemen, let me explain
22 something. There's been an objection, and I just wanted
23 to tell you something.

24 Prior to trial there is a procedure where
25 parties have the option to designate expert witnesses.

1 The doctor that testified in the deposition was
2 designated as an expert. Even though somebody isn't
3 involved in the case, the law allows someone who is an
4 expert to evaluate things and give an expert opinion.

5 Dr. Young, the defendant, has not been
6 designated as an expert. He is giving his opinions and
7 he's discussing his beliefs, but he's not -- has not
8 been designated officially as an expert witness. So
9 that's the basis for the objection.

10 Okay. Are we ready to proceed?

11 MR. JOYNER: Yes, Your Honor.

12 BY MR. JOYNER:

13 Q. The question has been submitted by a member of
14 the jury, and it says:

15 "What school goes with your educational
16 record?"

17 And I think I know where this is going. All
18 of the schools that we were mentioning such as Harvard
19 and stuff like that, you didn't get a degree from
20 Harvard, did you?

21 A. No.

22 Q. Okay. So what school goes with your
23 educational record?

24 So let's go back and get it -- nail it right
25 down.

1 You said that you got a bachelor's degree;
2 right?

3 A. Yes.

4 Q. And the subject?

5 A. And the subject is in nutrition.

6 Q. And the school?

7 A. The school is the American College of Natural
8 Healing.

9 Q. Okay. And then you said that you got a
10 master's degree. What was the subject?

11 A. The master's degree was in chemistry and
12 biology.

13 Q. Okay. And the school?

14 A. The American College of Natural Healing.

15 Q. Okay.

16 Now, third, the doctorate or doctorate of
17 philosophy, PhD degree. The PhD, what was the subject?

18 A. The subject was nutrition.

19 Q. Okay. And what was the school?

20 A. The Clayton School of Natural Healing.

21 Q. Okay. I think I --

22 A. You missed one.

23 Q. Oh. So was there another degree that I
24 missed? What was it?

25 A. The doctorate of science.

1 Q. Doctorate of science.

2 And did you get that after the doctorate of
3 nutrition?

4 A. No. It was before, in 1995.

5 Q. Okay. 1995. Doctorate of science.

6 What school?

7 A. The American College of Natural Healing.

8 Q. Is that the same school where you got the
9 other doctorate degree from?

10 A. No. That's Clayton School -- that's the
11 Clayton school. They are sister colleges. It's like --
12 one was called the American College and the other one
13 was called the Clayton School.

14 Q. Okay.

15 A. They are under the same umbrella, like a
16 university.

17 There was one more.

18 Q. I'm still -- now I think I made it worse.

19 So the school that you got the doctorate of
20 nutrition from -- no, wait.

21 The school that you got the doctorate of
22 science degree from, did you get your doctorate of
23 science degree first?

24 A. Yes.

25 Q. What was the name of the school?

1 A. The American College of Natural Healing.

2 Q. Okay. And that's a sister school with that
3 other school, Clayton?

4 A. The Clayton School of Natural Healing, yeah.

5 Q. But, anyway, you got your first doctorate
6 degree in nutrition from the American school?

7 A. I got my first doctorate degree in 1995 from
8 the American College of Natural Healing in biochemistry.

9 Q. Great. And then you got your second -- did
10 you do that again with your second doctorate?

11 A. My second doctorate was from the Clayton
12 School of Natural Healing in 1997.

13 And my third doctorate was a doctorate of
14 naturopathy in 1999 by the Clayton School of Natural
15 Healing.

16 I have three doctorate degrees.

17 Q. First nutrition?

18 A. First biochemistry.

19 Q. Second nutrition?

20 A. Second nutrition. And a third, naturopathy.

21 Q. And they are all from those same sister
22 colleges?

23 A. Yes.

24 Q. Now, before we went and talked back to the
25 judge in the sidebar. And before the instruction

1 about -- that we just heard from the judge, we were
2 going down the list of the cases that we were calling
3 them mistakes.

4 And so the Vanderhaeghen case, what was your
5 understanding -- what was your understanding of her
6 situation?

7 MS. FELL: Speculation.

8 THE COURT: Sustained.

9 MS. FELL: Foundation.

10 BY MR. JOYNER:

11 Q. Well, what was your involvement with
12 Vanderhaeghen?

13 A. I was supporting her on the pH Miracle
14 program.

15 Q. When you say "supporting her on the pH Miracle
16 program," that was -- you were giving her the liquid
17 diet and all of that stuff; is it true?

18 A. She was receiving liquified food -- or pureed
19 food. Some juiced, some pureed or blended. She was
20 receiving colon hydrotherapy. She was receiving
21 lymphatic massage. And she was receiving, through
22 Dr. Ben and the nurses, IV therapy, nutritional IVs.

23 Q. Now, did you talk to her?

24 A. Yes.

25 Q. How old of a woman was she?

1 A. She was in her 60s.

2 Q. Did she tell you what kind of cancer she had?

3 MS. FELL: Hearsay.

4 MR. JOYNER: Not offered for the truth,
5 offered to find out what he thought.

6 THE COURT: Overruled -- no. No. I'm going
7 to sustain.

8 BY MR. JOYNER:

9 Q. Well, we won't be able to get the answer out,
10 but did she tell you that something was wrong with her?

11 A. Yes.

12 Q. Did you have any talks with her family?

13 A. Yes.

14 Q. Did they tell you something was wrong with
15 her?

16 MS. FELL: Hearsay.

17 THE COURT: Sustained.

18 MR. JOYNER: It's not hearsay. I'm not
19 offering it to prove that that's what she said.

20 THE COURT: I think it is hearsay.

21 MR. JOYNER: I'm offering it to prove that the
22 family members told the doctor, Dr Young, that something
23 was wrong with the lady.

24 THE COURT: Obviously something was wrong with
25 the lady. She was enrolled in his ranch, so...

1 Sustained.

2 MR. JOYNER: Okay. So what did she say was
3 wrong with her?

4 THE COURT: Sustained.

5 MS. FELL: Hearsay. Speculation.

6 BY MR. JOYNER:

7 Q. Did you have an idea that something was wrong
8 with Vanderhaeghen?

9 A. Yes.

10 Q. Why did you think that?

11 MS. FELL: Speculation. Hearsay.

12 THE COURT: Overruled.

13 BY MR. JOYNER:

14 Q. Why did you think something wrong with
15 Ms. Vanderhaeghen?

16 A. She told me her condition.

17 MS. FELL: Hearsay.

18 THE COURT: Let's move on.

19 MR. JOYNER: Well, how am I supposed to
20 respond to this --

21 THE COURT: Just move on, please.

22 MR. JOYNER: -- if I can't get the witness to
23 tell me what was going on?

24 THE COURT: Let's move on.

25 ///

1 BY MR. JOYNER:

2 Q. Well, did Ms. Vanderhaeghen die at the ranch?

3 A. Yes.

4 Q. Were you there when she died?

5 A. I was not.

6 Q. Was her family there when she died?

7 A. Yes.

8 Q. Was that the one that they asked you, "Would
9 it be okay if we let mom die here?"

10 MS. FELL: Hearsay.

11 MR. JOYNER: Not hearsay.

12 THE COURT: When you say "Is that the one?"
13 "that" is referring to his earlier testimony?

14 MR. JOYNER: Someone --

15 THE COURT: I know.

16 Do you understand the question?

17 THE WITNESS: Yes.

18 BY MR. JOYNER:

19 Q. Someone asked you, "Would it be okay if we let
20 our family member die here?" Was that her?

21 A. That was her dying request. The answer is
22 yes.

23 Q. How long was she up there?

24 A. Two months.

25 Q. Do you know what year? Do you remember the

1 year?

2 A. December of 2012 to the end of January 2013.

3 Q. Who was she up there with?

4 A. Her husband --

5 Q. What family members came with her?

6 A. Her husband, her two daughters, her sister,
7 and her son-in-law.

8 Q. Were you charging all of those people?

9 A. They were all participating in the program.

10 Q. So the answer is yes?

11 A. The answer is yes.

12 Q. The next one was Cole. What was the name of
13 Cole?

14 A. Tracy.

15 Q. Right.

16 How long was she up there?

17 A. I can't remember. She came maybe two or three
18 times, so she came and, after two weeks, left and came
19 back. And so it was two or three times she came back
20 and forth.

21 Q. What years was it?

22 A. I don't remember.

23 Q. Ballpark?

24 A. 2011, 2012.

25 Q. I might have already asked. I'm sorry. Did

1 she die there?

2 A. No.

3 Q. Do you know where she died?

4 A. I do not.

5 Q. Did she come with family?

6 A. Yes.

7 Q. Okay. And Felix. What was the first name of
8 Felix?

9 A. Vicki.

10 Q. Right.

11 When did she come?

12 A. Around the same time, 2011, 2012.

13 Q. How long did she stay?

14 A. I can't remember.

15 Q. Ballpark?

16 A. Two to four weeks.

17 Q. And did you later find out that she passed
18 away?

19 A. I did not.

20 Q. And what about Dan Barkin and the gold coins.
21 Remember the man from Las Vegas that owed money and you
22 sent Lucy to get the gold coins but she couldn't get
23 them? Do you remember that?

24 A. Yes.

25 Q. When did Dan Barkin come?

1 A. 2012.

2 Q. Oh, excuse me. Not Lucy, the lady's name was
3 June Asisi. He sent June to go get those gold coins
4 from Dan; right? Or from his family?

5 A. I don't remember that but -- I could have said
6 that, yes, but I don't remember.

7 Q. So how long was Dan up there?

8 A. At least three to four months.

9 Q. Did you have a lot of contact with Dan?

10 A. When I was in town I would visit him.

11 Q. How old was he?

12 A. He was late 60s, early 70s.

13 Q. What did you do for him?

14 A. We provided housing, food, colon hydrotherapy,
15 light therapy, nutritional therapy, colonic therapy,
16 lymphatic massage therapy, lymphatic drainage therapy.

17 Q. He didn't die there, did he?

18 A. No.

19 MR. JOYNER: Okay. Then I have no other
20 questions.

21 THE COURT: All right.

22 Ms. Fell, do you have some questions?

23 MS. FELL: I do.

24 ///

25 ///

1 FURTHER REDIRECT EXAMINATION

2 BY MS. FELL:

3 Q. Just to make sure that I got this straight
4 with regards to the schools that you went to,
5 American College of Natural Healing, that was in
6 Birmingham, Alabama?

7 A. Yes.

8 Q. Clayton School of Natural Healing, that was in
9 Birmingham, Alabama?

10 A. Yes.

11 MS. FELL: August, would you pull up 24-1.
12 It's been admitted.

13 BY MS. FELL:

14 Q. And the declaration that you see, Exhibit 24,
15 Page 1, that's a declaration you gave in the criminal
16 trial, freely and voluntarily, under penalty of perjury;
17 correct?

18 A. Yes.

19 MS. FELL: Your Honor, I move to admit
20 Exhibit 22, Pages 5 and 7 from the criminal file.

21 THE COURT: Any objection?

22 MR. JOYNER: I have to look at it.

23 THE COURT: Okay.

24 MR. JOYNER: Okay. No objection from the
25 defense, Your Honor.

1 THE COURT: All right. Okay.
2 Those documents are admitted, you can publish.
3 (Court's Exhibit 22, Pages 5 and 7,
4 received in evidence.)

5 BY MS. FELL:

6 Q. You said that Genia Vanderhaeghen requested to
7 die at the ranch?

8 A. Yes.

9 Q. Her husband testified against you in your
10 criminal trial; correct?

11 A. No.

12 MS. FELL: Would you publish, August, 22,
13 Page 7.

14 And in the criminal trial, the jury found you
15 guilty of treating the sick and afflicted without a
16 certificate, specifically with respect to
17 Genia Vanderhaeghen; correct?

18 A. Yes.

19 MS. FELL: Nothing further.

20 THE COURT: All right. Anything further?

21 FURTHER RECROSS-EXAMINATION

22 BY MR. JOYNER:

23 Q. The statement that was shown up on the screen
24 before about all of those things that you are not?

25 A. Yes.

1 MR. JOYNER: Can we get that up again, if you
2 don't mind, please.

3 MS. FELL: For the record, it's 24-1.

4 MR. JOYNER: Yeah, that one.

5 BY MR. JOYNER:

6 Q. It says -- I'm not going to take them in
7 order, but one of them says, "I'm not a medical doctor."

8 So that's true; right?

9 A. Yes, I'm not a medical doctor.

10 Q. And it says up there -- it says up there, "I'm
11 not a hematologist."

12 You are not a hematologist; right?

13 A. A hematologist is a blood doctor, and I'm not
14 a hematologist.

15 Q. Okay. And I'm sorry. I already forget. What
16 was that micro -- that --

17 A. Microscopy.

18 Q. No, the degrees that you got. Those doctorate
19 degrees.

20 A. Nutrition?

21 THE COURT: What's the question?

22 BY MR. JOYNER:

23 Q. What were the three doctorate degrees you got?

24 A. I got -- I received three degrees.

25 Q. Just what were they?

1 A. The 1995 I received a doctorate of science in
2 biochemistry.

3 Q. No, just what were the names of the degrees?

4 A. Biochemistry, nutrition and naturopathy.

5 Q. Okay. So that statement up there about "I am
6 not a microbiologist," you didn't get a degree in
7 microbiology either, did you?

8 A. I did, but not from an accredited school.

9 Q. Okay. So what was -- but yet -- it does say
10 that "I'm not a trained scientist," but yet you say that
11 you are a trained scientist. So why would you sign this
12 paper or why would you agree to testify under penalty of
13 perjury about that, that you are not a trained
14 scientist, but now you say that you are? Why?

15 MS. FELL: Relevance. 352.

16 THE COURT: I'm not sure what the question
17 actually is, so it's hard to rule.

18 BY MR. JOYNER:

19 Q. The question is why did you agree that you are
20 not a trained scientist?

21 THE WITNESS: I felt it was a moot issue. And
22 my state of mind and the depression that I was going
23 through and how long this trial had gone on, I felt
24 like --

25 ///

1 BY MR. JOYNER:

2 Q. What trial? This trial?

3 A. Not this trial, no. The criminal trial. It's
4 hard for me to even say it.

5 So it was like: Do I die by burning or do I
6 die from hanging? And I chose hanging instead of being
7 burned alive.

8 BY MR. JOYNER:

9 Q. Okay. I think I know where you are coming
10 from. Thank you.

11 MS. FELL: Nothing.

12 THE COURT: Anything further?

13 MS. FELL: No, Your Honor.

14 THE COURT: All right.

15 Can this witness step down?

16 MR. JOYNER: Yes, Your Honor.

17 THE COURT: All right.

18

19

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25