

**DECLARATION OF CHAD HUMMEL**

I, CHAD HUMMEL, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California. I am a partner of Manatt, Phelps & Phillips, LLP and represent Roman Polanski in this case. I have personal, first-hand knowledge of the facts set forth in this Declaration. If called as a witness, I could and would competently testify to these facts under oath.

2. Attached hereto as Exhibit "A" is a true and correct copy of the DVD of the documentary film, ROMAN POLANSKI: WANTED AND DESIRED ("Documentary"), which includes the original end card for the Documentary, before it was modified at the request of the Los Angeles Superior Court.

3. Attached hereto as Exhibit "B" is a true and correct copy of the transcript for the Documentary. The transcript includes the text of the revised end card for the Documentary, which sets forth the controversy regarding what happened during the 1997 meetings between Douglas Dalton, Roger Gunson, and Judge Fidler.

4. Attached hereto as Exhibit "C" is a true and correct copy of the transcript of the *New York Daily News* article dated May 8, 2008, in which Samantha Geimer is quoted as saying that "[Roman Polanski] did the right thing under the circumstances. He wasn't getting a fair shake."

5. Attached hereto as Exhibit "D" is a true and correct copy of the interview of former Deputy District Attorney David Wells, which was prepared for the Documentary.

6. Attached hereto as Exhibit "E" is a true and correct copy of the *Daily Journal* article dated June 9, 2008, in which Sandi Gibbons, a spokeswoman for the Los Angeles County District Attorney's Office, is quoted as calling the Documentary a "very fair" portrayal of the case.

7. Attached hereto as Exhibit "F" is a true and correct copy of the *Los Angeles Times* article dated June 10, 2008, in which Allen Parachini, a public information officer for the Los Angeles Superior Court, said that the agreement between the parties and Judge Fidler "never occurred" and was a "fabricated reference" that had "the potential to enormously" injure Judge

1 Fidler's reputation.

2 8. Attached hereto as Exhibit "G" is a true and correct copy of an *L.A. Observed*  
3 article dated June 9, 2008, which contains the Media Advisory issued by the Los Angeles  
4 Superior Court regarding the end card of ROMAN POLANSKI: WANTED AND DESIRED.

5 9. Attached hereto as Exhibit "H" is a true and correct copy of the *Los Angeles Times*  
6 article discussing the controversy regarding the end card of the Documentary. The article sets  
7 forth that Allen Parachini, a public information officer for the Los Angeles Superior Court, said  
8 that the Court was "stand[ing] by its original position" even after a joint statement was issued by  
9 Mr. Douglas Dalton and Mr. Roger Gunson stating facts to the contrary. In addition, the article  
10 quotes a letter to the editor from Richard Doyle and Sandi Gibbons, in which they said that the  
11 requirement of the televised proceeding was "untrue" and that the end card of the Documentary  
12 "sullied" Judge Fidler's reputation.

13 I declare under penalty of perjury under the laws of the State of California that the  
14 foregoing is true and correct.

15 Executed this 2<sup>d</sup> day of December, 2008.

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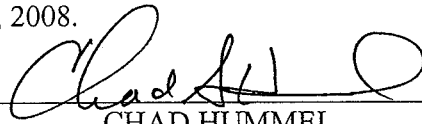
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CHAD HUMMEL

# EXHIBIT A

# EXHIBIT B

**ROMAN POLANSKI : WANTED AND DESIRED**

**FINAL SCRIPT**

**WRITTEN BY**

**JOE BINI**

**P.G. MORGAN**

**MARINA ZENOVICH**

**Jan 2008**

TITLE : HBO DOCUMENTARY FILMS (Animated Logo)

POLANSKI (V/O)  
(laughing)  
Of Ben Hur, you mean?

TITLE : HBO DOCUMENTARY FILM AND THINK FILM PRESENTS

CLIVE JAMES  
Granted that it's too easy and a cliché to connect your work with your life in such a direct manner, let me take the example of Chinatown. Chinatown is really a movie about justice not winning, is that what you have come to believe by then?

TITLE : IN ASSOCIATION WITH GRACEFUL PICTURES  
AND THE BBC. AN ANTIDOTE FILMS  
PRODUCTION

POLANSKI  
No, not at all. But if you want your film to serve any purpose, if you want to show injustice or corruption of Los Angeles in that period, you have to show that injustice somehow won and leave them with a feeling of...um, frustration.

TITLE : A FILM BY MARINA ZENOVICH.

TITLE : ROMAN POLANSKI : WANTED AND DESIRED

CLIVE JAMES  
I hope you don't mind if I just reach across here and grab a couple of these...of these nuts.

POLANSKI  
Me too.

CLIVE JAMES  
Anyway, that's ... that's fiction. And I think this probably, uh, may be still in the land of fiction edging toward fact. When they...when the newspapers and the magazines and the books talk about you and little girls, right? Is there anything in it?

(CONTINUED)

POLANSKI

Well, I like young women, let's put it this way. I think most of men do, actually.

CLIVE JAMES

Yeah but the question turns on how young, doesn't it.

POLANSKI

Well yes but, here you've come to a concrete case for which I have been behind bars. That's what you want to talk about. But what exactly would you like me to tell you?

TITLE : ON MARCH 11 1977 ROMAN POLANSKI WAS ARRESTED IN LOS ANGELES. HE WAS CHARGED WITH THE FOLLOWING COUNTS :

- Furnishing a controlled substance to a minor.
- Committing a lewd or lascivious act on a child.
- Unlawful sexual intercourse.
- Rape by use of drugs.
- Perversion.
- Sodomy.

MALE VOICE (V/O)

The Los Angeles Police Department today announced the arrest of Roman Raymond Polanski as a result of a complaint filed by the mother of a thirteen year-old female

TITLE : ON FEBRUARY 1 1978, HE DROVE TO LOS ANGELES AIRPORT.

POLANSKI (V/O)

It was a year of anxiety for me, a year of drama, and I thought that was simply enough. Enough is enough and that was my decision to leave. He bought a one-way ticket to Europe and never came back.

TITLE : HE BOUGHT A ONE-WAY TICKET TO EUROPE AND NEVER CAME BACK.

ARCHIVE : 60 MINUTES

MIKE WALLACE

You ran away Roman. You ran away.

(CONTINUED)

## POLANSKI

Well, I, not necessarily ran away, because I think that I was very unfortunate to have a judge who misused justice. And he was playing with me for the period of a year. I think that I was some kind of mouse, uh, with which some abominable cat begins a sport.

ARCHIVE : 'ROSEMARY'S BABY' - MIA FARROW AT CALLBOX.

## ANDY BRAUNSBURG

TITLE : ANDY BRAUNSBURG / PRODUCER, POLANSKI'S FRIEND

People were not in the habit of calling me at 2 o'clock in the morning. So, I was sleeping. I picked up the phone, and they said, "Roman's been arrested." And I said, "What for?" And they said, "Rape." I said I just could not - it just made no sense. I mean this is somebody who could not be a rapist, you know? I mean it's somebody I know really, really well.

## PHILIP VANATTER

TITLE : PHILIP VANATTER / LAPD (RET'D)

I was working West LA homicide and I also handled sex crimes. And I came into work and there was a crime report on my desk of a rape that had been reported. And Roman Polanski was the named suspect in it.

After I received the report I started the follow-up. I went to interview the victim and her mother. I did an extensive interview with them, and made sure that any physical evidence would have been recovered from her, that she had, and then I went and talked to the district attorney's office...

## DAVE WELLS

TITLE : DAVE WELLS / ASSISTANT DISTRICT ATTORNEY (RET'D)

Vannatter came into the office, and we sat down and he ran the case by me.

(MORE)

(CONTINUED)



DAVE WELLS (CONT'D)

He showed me the incident report, a crime report, taken by a couple of patrol officers, which is a narrative of the facts and stuff.

TITLE : POLANSKI WAS ASKED TO SHOOT PHOTOS OF YOUNG GIRLS FROM AROUND THE WORLD FOR VOGUE HOMMES MAGAZINE.

IT WAS THE SECOND TIME HE HAD PHOTOGRAPHED HER.

THEY SET OUT THAT DAY ALONE, WITH HER MOTHER'S PERMISSION.

THEY ENDED UP AT HIS FRIEND JACK NICHOLSON'S HOUSE ON MULHOLLAND DRIVE.

NICHOLSON WAS OUT OF TOWN. THE CARETAKER LET THEM IN.

TITLES CONTINUE THROUGH FOLLOWING :

HER TESTIMONY

"I think I said I was thirsty. He went to the kitchen and got out a bottle of champagne."

He said 'Should I open it ?'

And I went 'I don't care'

"He had a pill broken in three parts." He said 'Is this a quaalude ?'

And I said "Yes."

And he went, "Do you want part?"

POLANSKI

I began by photographing her against the bay window in the living room. When I asked her to remove her blouse she did so without hesitation. We weren't saying much now and I sensed a certain erotic tension between us.

(MORE)

(CONTINUED)

## POLANSKI (CONT'D)

She undressed and got into the jacuzzi while I went to get my camera. The water was up to her waist when I started photographing her.

## HER TESTIMONY :

I was just standing there looking at him. He only took a few pictures. He said there wasn't enough light. I left the pool and followed him into the house. We dried ourselves and each other.

## POLANSKI:

Then, very gently, I began to kiss and caress her.

## HER TESTIMONY:

He reached over and kissed me and I was telling him, "No, you know ... Keep away."

## POLANSKI :

She wasn't unresponsive. There was no doubt about her experience and lack of inhibition.

## HER TESTIMONY:

I was kinda dizzy, you know, like things were kind of blurry. I can barely remember anything that happened.

END OF TITLE SEQUENCE

## DAVE WELLS

Time was, kind of, of the essence. So, we got the search warrant -- it was for two locations. It was for Jack Nicholson's house, where the crime occurred, and also for Polanski's, uh, suite on the second floor of the Beverly Wilshire Hotel.

ARCHIVE : EXT. BEVERLY WILSHIRE HOTEL

## VANATTER

Me and my partner, along with a narcotics officer, proceeded with the search warrant to the hotel.

(CONTINUED)

JIM GRODIN

TITLE : JIM GRODIN / ASSISTANT DISTRICT ATTORNEY (RET'D)

We were walking in and he was walking out with a group of people obviously going out for the evening. And I told Phil, I said, "There he is."

ARCHIVE : 'THE TENANT' - POLANSKI LOOKS TO CAMERA

JIM GRODIN (CONT'D)

We stopped him because he would have walked right by us. So we said, "Mr. Polanski...LAPD, we have to talk." And he came out and he said, "Is this going to be more than a few minutes? If it is I'll let my people go. We said, "Yes, it's going to be more than a few minutes.

VANATTER

We proceeded up to his room and completed the search warrant, which we did find the camera equipment, the film that we ultimately had developed, and it did show nude pictures of the victim.

MARINA ZENOVICH

Totally nude?

VANATTER

Well she was in a spa. You could see the upper portion of her body. You couldn't see her whole body because she was in the water. But they were nude pictures.

DAVE WELLS

Polanski was nervous. He was upset. And he is one of those people that just talk. And I suspect he figures well if I talk and talk I can probably talk my way out of this thing.

VANATTER

He was on like a hyper high. He was constantly talking - constantly fidgeting. And he didn't perceive having intercourse with a 13 year old girl as against the law. That

(MORE)

(CONTINUED)

VANATTER (CONT'D)

was not in his culture. That, uh, you know "So what?" type thing. He didn't realize, I guess, the laws of our country as compared to other countries.

GRODIN

I'm not so sure Mr. Polanski was aware of what being arrested in America meant.

ARCHIVE - SANTA MONICA COURTHOUSE - 1977. POLANSKI ARRIVES FOR ARRAIGNMENT.

POLANSKI

Look, I know it's a sensational piece of news for all of you. It's a lot of sensational stuff But try to go beyond it and understand my position. It's not the best type of publicity, not something I desire. I have not much to tell you except that I am innocent.

ARCHIVE : PRESS SCRUM AT SANTA MONICA COURTHOUSE.

RICHARD BRENNEMAN

TITLE : RICHARD BRENNEMAN / REPORTER, SANTA MONICA EVENING OUTLOOK.

When the case arrived here there was an absolute mob of publicity. The Associated Press, UPI, New York Times, LAT. Celebrity mags. German reporters, French reporters, British reporters. I had never seen a media feeding frenzy before and this courtroom embodied it.

CLAUS PREUTE

TITLE : CLAUS PREUTE / REPORTER, BUNTE MAGAZINE

You couldn't meet anybody whether he was known or not known at all who didn't have an opinion about this case. And it was one of the biggest cases. I didn't work for weeks and months on anything else but this case.

BRENNEMAN

As the case progressed I was struck. You know how could this same man be two different things to two different sets of press?

(CONTINUED)

ARCHIVE : PHOTOS OF POLANSKI FROM 60s/70s

BRENNEMAN (CONT'D)

The European reporters looked on Polanski as this tragic brilliant historic figure. Here was this man who had survived the Holocaust, who had survived the gassing of his mother, and then had come here and developed his own voice, had maintained his integrity against the power of the Hollywood machine. And the American press tended to look at him as this sort of malignant twisted dwarf with this dark vision.

DANIEL MELNICK

TITLE : DANIEL MELNICK / PRODUCER

Roman was the perfect villain for them. He was a foreigner, he had a thick accent. He made lots of money in the movie business. He was short. He was perfect.

ANDY BRAUNSBURG

TITLE : ANDY BRAUNSBURG / PRODUCER, POLANSKI'S FRIEND

In California at that time had he not been who he was, in other words, a famous controversial director with the legacy of his wife's murder behind him, the whole thing would have been completely different.

ARCHIVE - BBC ARTS PROGRAM (1963)

BBC NARRATOR

Roman Polanski is 32. He has just completed his fourth feature film, The Vampire Killers set in the snow covered mountains of Transylvania. He both directs and plays one of the leading parts.

ARCHIVE : POLANSKI/SHARON TATE ON SET FOR 'THE VAMPIRE KILLERS'

MAN'S VOICE

Hold it boys.

(CONTINUED)

POLANSKI

Sharon. Sharon. Looking at him,  
not at me. Okay? Yeah. You know  
where.

SHARON TATE

Yeah.

BBC NARRATOR

Roman Polanski was born in France  
of Polish parents. They left there  
when he was three and went to live  
in Poland.

POLANSKI

I don't know, I think I'm a nomad,  
you know? But, I'm really strongly  
attached to Polish background.  
I've grown up in Poland. My mother  
was killed by Germans very soon and  
my father was taken to the  
concentration camp after two years  
of war. And then I was by myself.  
One of the first films I've seen  
was Snow White, you know? And I  
think it influenced me enormously  
forever. As you see it's an  
enormous influence in my work like  
Repulsion and Cul De Sac.

ARCHIVE : SCENE FROM 'REPULSION'

POLANSKI (V/O) (CONT'D)

I always wanted to be a director.  
I knew I wanted to make movies. I  
knew I wanted to be a part of it. I  
knew I wanted to create this. An  
American producer of Polish origin  
suggested I come to London and make  
a film there.

ARCHIVE : LONDON IN 1960s

POLANSKI (V/O) (CONT'D)

London was fabulous. You cannot  
imagine what it meant for someone  
who lived in the grey, drab,  
communist reality.

BRAUNSBURG

It was a very civilized way of  
living. Rooms always full of  
friendly faces.

(MORE)

(CONTINUED)

BRAUNSBURG (CONT'D)

You saw your friends every day and there were lots of them. Life without limits.

ARCHIVE : PHOTOS OF ROMAN

BRAUNSBURG (CONT'D)

I got a phone call from a friend of ours, a mutual friend who was a film producer. And he said I've got this friend who is coming to London and he doesn't speak any English, can you take care of him? I said, "Sure, send him around."

Roman was totally exceptional. I was really drawn to him and so was everybody else. Already an established film director. No one in London had heard of him. Few people had seen his films.

ARCHIVE : POLANSKI ON SET of 'REPULSION'

POLANSKI

Yes, yes, yes. Go, Go, Again...That was funny.

BRAUNSBURG (V/O)

From coming as a complete unknown I would say that within 6 months everybody knew him.

He was a charismatic fellow. There are very few directors who have Roman's personality and also his appetite for life. His appetite for life.

ARCHIVE : POLANSKI WITH SHARON TATE AT FILM PREMIERE.

BRAUNSBURG (V/O) (CONT'D)

They met in London because of a film that he made called the Dance of the Vampires. She was a remarkable person.

ARCHIVE : SHARON TATE HOME MOVIES.

BRAUNSBURG (CONT'D)

Beautiful Gentle.  
Unsophisticated in the best sense of the word. Really a genuine human being.

(MORE)

(CONTINUED)

BRAUNSBURG (CONT'D)

They were great together and of course it created this fantastic love affair and it truly was a love affair.

ARCHIVE : WEDDING OF POLANSKI AND SHARON TATE

POLANSKI (V/O)

Look it all started so long ago. My real problems started then with the murder of Sharon Tate. I was alright with the press before that.

POLANSKI (CONT'D)

They...they wouldn't let it go. So, it's just the story that will never go.

ARCHIVE : SANTA MONICA COURTHOUSE LOBBY - 1977

DOUGLAS DALTON

Pardon me?

REPORTER

Why did you want a gag order?

DALTON

We didn't ask for a gag order.

TITLE : DOUGLAS DALTON / ATTORNEY FOR THE DEFENSE

REPORTER

Who did Mr. Dalton?

DALTON

No one asked for a gag order.

REPORTER

Then why did the judge bring it up at this stage?

DALTON

Well, maybe the judge can answer that. The topic of publicity was discussed and, uh, certain measures were discussed to try to control the publicity but no one asked for a gag order as such.

REPORTER

There was an hour long discussion in the chambers. Did that deal principally with the publicity problems?

(CONTINUED)



DALTON

Yes, a great part of it did.

REPORTER

What do you see as the problem with publicity right now ?

DALTON

Well, the problem with publicity is there's been too much of it and, of course, for me to go on television and complain about publicity is a little inconsistent. Excuse me.

DOUGLAS DALTON - ON CAMERA INTERVIEW.

DALTON (CONT'D)

TITLE : DOUGLAS DALTON / ATTORNEY FOR THE DEFENSE ( RET'D)

I've never spoken publicly about this case before. But if the story is to be told, I want it to be told factually. I know the facts. I was there.

ARCHIVE : SANTA MONICA COURTHOUSE LOBBY - 1977

FEMALE REPORTER

Can you give us your reaction to the delay of the start of the trial?

DALTON

My reaction to it?

REPORTER

Yeah.

DALTON

Well, I'm pleased.

REPORTER

In what way?

DALTON

Well, there's a good deal of work up that goes into any major case...

DOUGLAS DALTON - ON CAMERA INTERVIEW.

(CONTINUED)

DALTON (CONT'D)

People have the right to their own opinions about what happened but they don't have the right to their own facts.

The fact of Polanski leaving the country and so forth seems to have eclipsed the really important part of this case about what actually happened to the system of justice.

I remain astounded after all these years. This case will never leave me.

ARCHIVE : PHOTOS OF DALTON WITH POLANSKI - 1977.

BRENNEMAN

Defense Attorney Doug Dalton had a very Lincolnesque quality about him. Dignified. Not given to flamboyant gestures. He doesn't raise his voice in the courtroom. He maintains this calm demeanor. And he was the master of negotiations.

The fact that Doug Dalton was the attorney indicated to me that there would be a negotiated plea arrived at between the prosecution, the defense and the judge.

CLAUS PREUTE

Douglas Dalton was a first class lawyer but he was definitely matched by Roger Gunson. The district attorney's office put Gunson on the case. A 37 year old very straight thinking Mormom.

ARCHIVE : ROGER GUNSON INTERVIEWED IN 1977

ROGER GUNSON

We are concerned with the... protecting the privacy of the girl, the complaining witness in this case, and it's my understanding that there have been foreign reporters and investigators who have attempted to contact her, and have interviews with her...

(CONTINUED)

## BRENNEMAN (V.O.)

Gunson was the model of rectitude. He had that same kind of handsome schoolboy, sparkling good looks as Robert Redford.

The rumor in the District Attorney's office was that they picked Gunson to handle the case because he was a Mormon and because he was the only member of the DA's office who hadn't had sex with an underage girl.

## ROGER GUNSON - ON CAMERA INTERVIEW

## GUNSON

TITLE : ROGER GUNSON / ASSISTANT DISTRICT ATTORNEY (RET'D)

I heard some jokes about why they gave it to me but I can't imagine those are accurate.

## GUNSON (CONT'D)

There were a lot of prosecutors who had an interest in high publicity cases and although I had had one very high publicity case I was not one that looked for them.

## BRENNEMAN

They were the perfect attorneys to handle a case like this where the evidence was so sensational and the players were so dramatic and flamboyant. So you wanted two attorneys who kept an even keel. They were in that regard very strikingly different than the Judge in the case.

## ARCHIVE PHOTOS : JUDGE LAURENCE RITTENBAND

## GUNSON

When the grand jury came back with the indictment, Judge Rittenband - who was very interested in handling celebrity cases - obviously saw it and realized that he wanted it and went to the presiding judge and said "Hey, I want this case."

(CONTINUED)

DAVE WELLS

He was of course the senior Judge in Santa Monica which was the choice location for any judge. Because that's where you get a lot of these high publicity cases.

ARCHIVE PHOTOS : JUDGE RITTENBAND, CARY GRANT, ELVIS, MARLON BRANDO.

MARILYN BECK

TITLE : MARILYN BECK / HOLLYWOOD GOSSIP COLUMNIST

Judge Rittenband had handled the Cary Grant paternity suit, he had handled... Well, the Priscilla and Elvis divorce. The Marlon Brando custody suit that went on forever. There were quite a few. I remember I was writing about that.

I spoke to Judge Rittenband very frequently. And -- he liked being among the stars but I don't think he was star struck.

BRENNEMAN

Rittenband loved the press. Always had comments for the press. He wanted to shape the way the press covered him. Sitting up there on the bench acted like a director. A tyrannical director calling the shots. Telling people when to make their entrances. What to say. Where to position themselves.

ARCHIVE : RITTENBAND IN COURT

UNNAMED LAWYER

Well we misspoke ourselves, Your Honor. There's obviously other basis for the motion.

RITTENBAND

Yes, we don't need that anymore.

BRENNEMAN

There were a lot of similarities between Judge Rittenband and Roman Polanski.

JIM GRODIN

Not too tall in stature.

(CONTINUED)

DIANE TSCHKALOFF

TITLE : DIANE TSCHKALOFF / RITTENBAND'S CLERK  
He liked the ladies, loved to dance. He had his friends in the movie industry which he would see every day at the Hillcrest Country Club.

ARCHIVE : PHOTOS OF RITTENBAND AT HILLCREST COUNTRY CLUB AND WITH GIRLFRIENDS.

MARLENE RODEN

TITLE : GIRLFRIEND #1

When I first met him I was answering phones, and he used to say "I'm going to Hillcrest. I'm going to Hillcrest." Finally I stop and I say, "What is going on at Hillcrest?" You know, "Is your wife there?" Because I didn't know if he was married or not. And he said, "Oh, I'm not married." And I said, "Oh, okay."

I was 20 years old. He was 34 years older. He was 54 when I met him. And -- we became friends.

MADELEINE BESSMER

TITLE : GIRLFRIEND #2

Oh golly practically every evening he'd come here and he would sit over in that chair. And he loved champagne. So I'd get champagne by the case.

DAVE WELLS

"Judge Rittenband," I said, "What would you at your age do (with a ) girlfriend?" He said, "I'd do the same thing that you did and probably better." And I said, "Well, tell me about it." He said, "Well, I have one that cooks and one that does the other things."

STEVE BARSHOP

TITLE : STEVE BARSHOP / ASSISTANT DISTRICT ATTORNEY (RET'D)

Rittenband was known as the Hammer. That means that he was a tough judge and a tough sentencer.

(MORE)

(CONTINUED)

STEVE BARSHOP (CONT'D)

If you didn't make a deal and you didn't have the deal in place when you went in there, you were in trouble.

ARCHIVE PHOTOS : RITTENBAND AND HIS SCRAP BOOK

MICHAEL CRAIN

TITLE : MICHAEL CRAIN / FORMER PUBLIC DEFENDER

I don't remember any judge who liked publicity like Rittenband did. He had his bailiff maintain a scrapbook that went back many years and if an article appeared anywhere about something involving Lawrence J. Rittenband it wound up in the scrapbook. It was kept somewhere in the court, I think in the bailiff's desk, and, um, on occasion would come out and be displayed.

GUNSON

Judge Rittenband was receiving requests from people all over the world. From news agencies wanting one of the seats in his courtroom. He was soliciting reservations for each one of these chairs. So it was going to be a real circus.

ARCHIVE : MEDIA FRENZY AT SANTA MONICA COURTHOUSE. POLANSKI IS CHASED DOWN STAIRS AND INTO PARKING LOT.

ARCHIVE : TV COURT REPORT

FURNELL CHATMAN/NBC

Because another trial in the same courtroom is taking much longer than expected, the rape trial of Roman Polanski has been delayed until August 9th, exactly eight years to the day after his wife, actress Sharon Tate was brutally murdered.

ARCHIVE PHOTOS : SAMANTHA GEIMER IN HIGH SCHOOL.

BRENNEMAN

At that time, rape victim's names didn't get reported in the press, much less names of minors who were involved in sex cases.

(MORE)

(CONTINUED)

BRENNEMAN (CONT'D)

But, with the European press there, her name would come out, her background exposed. The fact that she had had a prior relationship, that she had taken Quaaludes before, all of this would have gotten out and have forever haunted her.

CLAUS PREUTE

Once we knew her name, we knew where her school was, we knew where her house was. The French competition were after this girl. They were hunting this girl.

SAMANTHA GEIMER - ON CAMERA INTERVIEW

SAMANTHA GEIMER

It was awful. Everybody knew at school. People came to school with cameras and things were being said and printed.

TITLE : SAMANTHA (GAILEY) GEIMER

SAMANTHA GEIMER (CONT'D)

The worst part was, no one believed me. Everybody thought I was making it up. It was so traumatic, starting that night when my mom called the police, and the police come over and they take you to the hospital and they take you to the police station. And the next morning we're getting up at 6:30 were going to court where they're going to sneak you in and all these men are going to ask you exactly what happened...and they're going to sit a lady behind you, you can't even see, because then there's a lady there.

EXTRACT FROM COURT REPORTER'S TRANSCRIPT :

TRANSCRIPT

SAMANTHA GAILEY, HOW OLD ARE YOU?  
-THIRTEEN

HAVE YOU BEEN DRUNK BEFORE?  
-YES.

WAS THAT FROM DRINKING ALCOHOL?  
(MORE)

(CONTINUED)

TRANSCRIPT (CONT'D)

-YES.

WHAT DID YOU DO WHEN HE SAID "LET'S  
GO INTO THE OTHER ROOM."

WHAT HAPPENED WHEN HE OPENED THE  
BOTTLE OF CHAMPAGNE?

DID YOU TAKE A QUAALUDE?

WHAT WERE YOU WEARING AT THAT TIME?

WHEN YOU SAY YOUR UNDERWEAR ARE YOU  
REFERRING TO EXHIBIT #3?

AT THIS TIME WERE YOUR PANTIES OFF?

WHEN DID YOU TAKE THEM OFF?

HOW WERE YOUR PANTIES TAKEN OFF?

WOULD YOU PLEASE ANSWER YES OR NO.

WHAT HAPPENED THEN?

DID HE SAY ANYTHING AT THAT TIME?

WHAT DOES THAT MEAN?

WHAT DO YOU MEAN BY INTERCOURSE?

DO YOU KNOW WHAT A CLIMAX IS?

DO YOU KNOW WHAT SEMEN IS?

WOULD YOU PLEASE ANSWER YES OR NO.

DO YOU KNOW WHETHER HE HAD A  
CLIMAX?

WHAT HAPPENED THEN?

DID HE SAY ANYTHING AT THAT TIME?

WHAT DOES THAT MEAN?

WHAT HAPPENED THEN?

DID YOU HAVE A DOUCHE?  
- NO.

DID YOU HAVE A BATH?  
- NO.

(MORE)

(CONTINUED)



TRANSCRIPT (CONT'D)

DID YOU HAVE A SHOWER?  
- NO.

ARE YOU MARRIED TO ROMAN POLANSKI?  
- NO.

SAMANTHA GEIMER

All that stuff was so traumatic that I never even had a chance to really -- you know -- worry about you know -- what happened that night with him. It was like -- I had to worry about surviving the next day.

ARCHIVE : POLANSKI AND DALTON IN SANTA MONICA COURTHOUSE LOBBY - 1977.

DOUGLAS DALTON

The facts indicate that, before the alleged act, the, in this case, the girl had engaged in sexual activity. That's contained in reports that we now have. We want to know about it. We want to know who was involved. When? We want to know why these other people were not prosecuted. And this is a thing we want to fully develop.

SAMANTHA GEIMER

I would have just as soon walked away from it the next day. But, you can't stop it once it starts. I mean, I just, I went in my room, pretty much, and just turned it off.

ARCHIVE : TRAILER FROM 'THE TENANT'

NARRATOR (V.O.)

In 'Chinatown' he exposed the dark side of corruption. In 'Repulsion' he explored a warped mind. In 'Rosemary's Baby' he examined the occult. Now something altogether new, altogether chilling. No one does it to you like Roman Polanski.

ROGER GUNSON - ON CAMERA INTERVIEW

(CONTINUED)

GUNSON

I wanted to find more out about Mr. Polanski. And, luck have it, the Nuart theatre right down the street on Santa Monica Blvd, had a Polanski film festival...right after the indictment and before trial.

CLIP FROM 'MACBETH'

VOICE 1

Murder and Treason !

CLIP FROM 'CHINATOWN'

VOICE

(screaming)

What have you done to its eyes ?!

MAN

Forget it Jake, it's Chinatown.

GUNSON (V.O.)

Every Roman Polanski movie has a theme. Corruption meeting innocence over water. I said "Oh, well, that's sort of what we have here. Corruption, Roman Polanski, meeting innocence, the 13-year-old girl, over water, meaning the Jacuzzi.

ARCHIVE PHOTOS : SAMANTHA GEIMER IN JACUZZI

I felt I was going to be able to pretty well convey to some jurors that this happened and he had directed a scene very similar to this in his real life.

ARCHIVE : SCENE FROM 'ROSEMARY'S BABY'

WOMAN

You'd better have your legs tied down in case of convulsions.

ANDY BRAUNSBURG (V.O.)

Rosemary's Baby was such a great movie, and was so well made, that people took it for the real thing.

(CONTINUED)

MIA FARROW

This is no dream! This is really happening!

BRAUNSBURG (V.O.)

After that, Roman had this reputation of maybe having been in league with the devil himself. It didn't hurt him. People were very intrigued and it was kind of sexy in a way.

MIA FARROW

TITLE : MIA FARROW / ACTRESS

He had a tremendous power over people. You had to fall in love with him, you know. It was completely infectious; there was no resisting him. And everyday was so vibrant because he felt so passionately about what he was doing and he was on an adventure. Everyone wanted to be with him. In his presence. You wanted to hear him tell stories.

ARCHIVE : POLANSKI ON BBC TALK SHOW

RUSSELL HARTY

One of the things that you are renowned for is your recklessness. You say that you're a reckless person.

POLANSKI

Do I say that?

HARTY

You say that, very frequently, to all sorts of people you talk to, though clearly you're going to deny every syllable of it tonight.

POLANSKI

Really?

HARTY

I mean are you a reckless person? Are you afraid of anything?

(CONTINUED)

POLANSKI :  
(smirking)  
I am reckless but I don't tell  
people about it.

ARCHIVE : POLANSKI IN 70s CALIFORNIA

MALE NARRATOR  
Roman found California fantastic.  
Of Los Angeles he says...

POLANSKI  
Everything is easy here. You want  
to learn karate? You can learn  
karate. You want to play chess?  
You can play chess. You want to  
drive racing cars? You can drive  
racing cars. Everything is  
accessible in this town.

HAWK KOCH - ON CAMERA INTERVIEW

HAWK KOCH  
TITLE : HAWK KOCH / PRODUCER  
Rosemary's Baby was a huge hit.  
Roman was on top of the world.  
Nothing could have been better. He  
was in love with Sharon, they were  
having great parties. He was going  
all over the world.

DAN MELNICK  
TITLE : DAN MELNICK / PRODUCER  
When he was the toast of the  
industry, he was hanging out with  
all the people that everybody  
wanted to hang out with.  
Everybody wanted a piece of Roman  
because the work was so original.

ARCHIVE : PLAYBOY TV

HUGH HEFNER  
This is the very beautiful Sharon  
Tate who I am sure you've seen in  
films. And her husband, the very  
talented, Roman Polanski, best  
known for his original film Knife  
in the Water, which he wrote and  
directed. And he's also responsible  
for Rosemary's Baby. The picture.  
(MORE)

(CONTINUED)

HUGH HEFNER (CONT'D)

And I think maybe a little later we'll get a chance to sit down and talk a little bit about sex and films ...

POLANSKI

Anytime.

MIA FARROW (V.O.)

It certainly was a happy time for all of us. Roman was happy. He was with beautiful Sharon. Everyone loved her. He loved her. I loved her. We all loved her.

He was so insecure about so many things. Knowing about his childhood, he didn't have the blueprint for life that others had. One hoped for Roman, you know, that this brand new life with a woman who loved him and who seemed so right for him, with a baby, that there would be this security that he had not had in his life. And in a new homeland. I mean the future was his. We thought. And then everything just collapsed.

ARCHIVE : POLANSKI ENTOURAGE AT HEATHROW, AUGUST 1969

ANDY BRAUNSBURG

Well we were preparing a film that I was going to produce called The Day of the Dolphin. We were writing the script in London. Roman was a perfectionist, he was always "We'll finish it in a couple of days and do the rest in L.A."

It was a Saturday and the phone rang and I picked it up it was our agent Bill Tennant who was on the phone. I immediately realized something was terribly wrong. He was a very stable kind of guy. He was absolutely distraught and I said, "What is it?"

ARCHIVE : POLANSKI HOUSE IN BEL AIR

(CONTINUED)

ANDY BRAUNSBURG (CONT'D)

And he said, you know, something like "They're all dead. They're all dead." I realized something awful had happened and I gave the phone to Roman and... I've never seen anything like it. You know, I saw somebody just disintegrate in front of my eyes.

TV REPORTER (V.O.)

This was at the home of movie director Roman Polanski and it was his wife Sharon Tate who was one of the victims. She too had repeated stab wounds. One of the victims had a hood placed over his head. And the word pig was written in blood on the door.

ANDY BRAUNSBURG

We flew to LA the next day. He was, uh, devastated. Devastated to a point that I've never seen any other human being in that kind of condition.

And I remember picking up the Sunday newspapers. I was already reasonably aware of how the press functions. Their business is selling newspapers.

ARCHIVE : SHARON TATE FUNERAL / NEWSPAPER HEADLINES

The story was basically how Roman had flown to Los Angeles, murdered them all and then come back. I mean this was actually in the newspapers. In the headlines.

The nature of the murders, you know, Satanism, Rosemary's Baby, this is the guy who made Rosemary's Baby. He knew so much about it he couldn't have known so much about it without actually being involved it and so he must have been part of the cult. And there was a cult and they were murdered and who gets murdered in this kind of way.

(MORE)

(CONTINUED)

ANDY BRAUNSBURG (CONT'D)

It was a typical example of the victim's being responsible for their own death. It was shocking. It was truly unbelievable.

ARCHIVE : POLANSKI PRESS CONFERENCE

POLANSKI

The last day I talked to her was a few hours before the tragedy happened.

You are certainly curious about my relationship with Sharon ... within last few months. I can tell you last few months as much as the last few years I spent with her...were the only time of true happiness in my life.

And facts that will be coming out, day after day, will make a shame, a lot of newsmen who for selfish reasons write, unbearable for me, horrible things about my wife.

ANDY BRAUNSBURG

After Sharon was murdered; really everybody was totally freaked out. It was a very weird time. The highest paranoia.

The transition of this sort of hippy kind of existence in L.A. to this brutal awakening of an understanding that these kind of absolutely horrible events can happen.

ARCHIVE : SHARON TATE HOME MOVIES

No one locked their doors. No one thought about that there was any kind of threat. That ended at the end of the 60s, and simultaneously changed everything overnight in L.A.

ARCHIVE : CLOUDY SKIES AS POLANSKI STEPS OFF PLANE.

GENE GUTOWSKI

TITLE : GENE GUTOWSKI / PRODUCER, POLANSKI'S FRIEND

It was the end of a fairy tale really, in Roman's life.

(MORE)

(CONTINUED)

GENE GUTOWSKI (CONT'D)

In everybody's life. He would have been a father of a son who would have been, what, 30 years old? Maybe he would have had other children. Or would have continued living in California. Who knows?

How does one survive? When you know his childhood -- he is a very, very strong human being.

ANTHEA SYLBERT

TITLE : ANTHEA SYLBERT / POLANSKI'S FRIEND

I think that the idea of the magnet of tragedy started after the Tate murders. He was living out in Malibu and the neighbors were all, like, horrified because somehow if he was in the house next door there was going to be another mass murder. I mean people are just too weird. I tell you, it's crazy.

CLIP FROM CHINATOWN.

POLANSKI

Hold it, Kitty Kat!

JACK NICHOLSON

Hello Claude, where did you get the midget?

POLANSKI

You're a very nosy fellow kitty cat. Do you know what happens to nosy fellows? They lose their noses. Next time you lose the whole thing. Cut it off and feed it to my goldfish.

HAWK KOCH

Roman was different when I met him on Chinatown. He was still a guy who loved life; there was just this real dark shadow that he had to deal with every day. That, you know, there were people who were constantly, "So, what was it like, you know, when your wife was killed?"

(CONTINUED)



ARCHIVE : DICK CAVETT SHOW

DICK CAVETT

Do you hate certain members of the press? For the way they ... you were treated after your wife's murder?

POLANSKI

Well, yes, to be honest, I do. But, I wouldn't call it hatred now, you see, it's somehow evolved to just indifference, and I simply don't read it and try to avoid it.

DICK CAVETT

Yeah.

POLANSKI

But, in general, I despise the press tremendously for its inaccuracies, for its irresponsibility and for its often even deliberate cruelty. And all this is for lucrative purposes.

ARCHIVE : POLANSKI WITH CLIVE JAMES

CLIVE JAMES

If one of your complaints is the way the press misrepresents you, and that is one of your complaints, isn't it. Then surely it would be a good tactic to give them the minimum possible target.

POLANSKI

Yes but then you have to...you have to change your lifestyle completely and go into hiding.

CLIVE JAMES

It seems like, say, six months after the murders, you're in the Alps and consorting with these girls from the finishing school and so on. I can see how you would try to lose yourself like that. But, is it wise to say so?

POLANSKI

Yes, it is wise to say so. Why not? Why wouldn't it be wise to say so?

(MORE)

(CONTINUED)

## POLANSKI (CONT'D)

That's the way it was, and that's the way it is. You know it's just... different people have different ways of seeing life and relationships. It's not necessarily the same with you than me. And people react in different ways to grief. Some go to a monastery, others start visiting whorehouses.

## ANTHEA SYLBERT

He decided he was going to survive, and the way he was going to survive was through his talent and having fun.

## ARCHIVE : POLANSKI PARTY PHOTOS

Whether it was dinner for four and he was holding court with some idea he had, or whether it was a group of 30, or 40, or 50, he liked to be the center of it all. He was a wonderful host, almost like a dance master. He kept it all sort of stirred.

It gave him enormous pleasure. And after Sharon, I think he didn't want to be alone too much. It's not so good to be alone.

## ARCHIVE PHOTOS : SAMANTHA GEIMER WITH MOTHER AND SISTER.

## CLAUS PREUTE

Everybody knows the best way to get close to your dream is to get to know a star. A real star. Polanski after Chinatown was not only a real star; he was "THE Roman Polanski." A big name. She wouldn't mind to be discovered by a man like Roman Polanski.

(MORE)

(CONTINUED)

CLAUS PREUTE (CONT'D)

After all she had seen in the French Vogue pictures of Nastassia Kinski who was a few years older and everybody had the opinion if Polanski hadn't done this photo layout with Nastassia Kinski, who was 15 when she started her affair with Roman Polanski or Roman started it with her, she never would have become such a well known young star.

SAMANTHA GEIMER

He was a friend of a guy my sister was dating. And he wanted girls to model. And I was modeling and acting and wanted, you know, to be in the business so that was a great opportunity, you know, we signed right up. "Sure, have my pictures taken by Roman Polanski. Sounds great."

CLAUS PREUTE

Susie Gailey, the mother of the alleged victim, introduced herself as an actress to Polanski - and she had done some work in films.

ARCHIVE CLIP : SUSAN GAILEY (SAMANTHA'S MOTHER) ON 'POLICE WOMAN'

SUSAN GAILEY

Well I was innocent see. And that's the truth. What else can I say ?

ANTHEA SYLBERT

I remember vaguely meeting the mother at some party, you know like, "Hi." And then I was away and then heard about all of this. But just in what I was told and what I read, I kept going back to the same question: "Why did the mother bring her 13 year old daughter into this group?"

Especially if she had spent time with them and all things that she said subsequently were true, Wouldn't you keep your 13-year-old daughter away from that?

(CONTINUED)

ARCHIVE : PHOTOS OF POLANSKI WITH VARIOUS WOMEN THROUGH  
70S AND 80S.

MARILYN BECK

You know this was a guy that had a pretty wild reputation. He was known as a womanizer, he's a partygoer. He certainly had a lot of women over the years and he loved young women. Why would her mother allow her to be alone with Polanski?

SAMANTHA GEIMER

I don't like, you know, you get the... "Where was your mom?" It's like, you know, "Give my mom a break." You know, it's not her fault. And so...

You know, I don't like hearing anybody's opinion on it. Like, every time someone brings it up, and they're doing their little, you know, banter on TV it's like "You weren't there. You don't know. What are you talking about? You're saying how I felt, what happened, how you feel about Polanski. You have no idea, and you're on the news making all these statements and thousands of people are listening to you and...Shut up."

ARCHIVE : NBC NEWS REPORT

FURNELL CHATMAN

Another hearing on the admissibility on the Beverly Wilshire Hotel records has been set for next Friday. From Santa Monica, Fernell Chapman, News Center.

TITLE

AT THE TIME OF HIS ARRAIGNMENT, POLANSKI HAD PLEAD NOT GUILTY TO ALL CHARGES. BUT AS THE TRIAL WAS SET TO BEGIN, EVENTS TOOK AN UNEXPECTED TURN.

LARRY SILVER

TITLE : LARRY SILVER / ATTORNEY FOR SAMANTHA GEIMER

(CONTINUED)

I was instrumental in arranging the plea bargain because as I looked at this family and her family I thought, at the time some people knew her name and some of the kids at school knew who she was, I thought it was important to try to maintain her anonymity. Anonymity, which would have disappeared if the case had gone to trial.

ARCHIVE : SAMANTHA AT HIGH SCHOOL GRADUATION

So, I tried to persuade the District Attorney who had a new plea bargaining policy. A tough plea bargaining policy.

ROGER GUNSON

I said, "I'm not going to do it. I have no interest in doing it." And so what he decided was, he said "Well I'm going to do it myself."

TITLES

SILVER THEN WENT TO DALTON TO SEE WHERE HE STOOD ON THE IDEA OF PLEA-BARGAINING.

DALTON TURNED HIM DOWN. HE WAS CONFIDENT THAT POLANSKI WOULD EVENTUALLY BE CLEARED.

HIS CONFIDENCE WAS SHAKEN BY A NEW PIECE OF EVIDENCE.

ARCHIVE : LAPD SQUAD CAR / EXTERIOR SANTA MONICA COURTHOUSE.

ROGER GUNSON (CONT'D)

The LAPD brought the evidence envelope to this courthouse building and brought it in, actually, to this room.

There were about five, six or seven men standing around, looking -- peering down at this evidence envelope and someone takes it turns it and opens it and out falls these little girl's panties.

(CONTINUED)

LARRY SILVER

So, there was this enormous court battle over property that belonged to her as to what was to be done with them and Judge Rittenband decided to cut it in half and give half to the prosecution and half to the defense.

ROGER GUNSON

The defense expert went over and put on his latex gloves and came back and then, uh, started "operating" on these copper panties.

LARRY SILVER

If you can imagine the humor of about seven men sitting around a table ...

ROGER GUNSON

Trying to identify any stains and to make sure that the cut or the piece includes part of that stain.

LARRY SILVER

And they were fighting, "No, no. It has to be just a little to this way. No it should be over here. We shouldn't cut that way at all, we should..." So, finally they made the cut.

What we understood was that Dalton was going to take his half and submit it to a lab. I also understood that the lab was about to give its report in two weeks.

And two weeks and three days later Dalton called me on the phone, clearly now, I think, having the results of the lab report, saying, you know, "What do you think would happen if we pursued a plea bargain with the prosecution." Which, at that point, I realized that Polanski had an interest. That the stain in the panties was going to be brutal evidence for them.

(CONTINUED)

TITLE

IT WAS NOW CLEAR THAT POLANSKI'S BEST OPTION WAS TO TRY AND PLEA-BARGAIN.

DOUGLAS DALTON

The prosecution had loaded Polanski up with multiple charges. The only one he was willing to admit and to plead guilty to was that he had had consensual sex with the minor.

TITLES

THE DA'S NEW PLEA BARGAIN POLICY DEMANDED THAT THE DEFENDANT PLEAD GUILTY TO THE MOST SERIOUS CHARGE.

HOWEVER, THE FAMILY'S RELUCTANCE TO PUT THE GIRL ON THE STAND, COUPLED WITH THE MEDIA FRENZY, LEFT GUNSON WITH NO CHOICE BUT TO MAKE A DEAL.

ROGER GUNSON

Mr. Dalton asked, "Could it be a misdemeanor." And I says, "No." That he not go to state prison. I says, "No that's got to be open." And so he agreed to all those and we agreed that it would be unlawful sexual intercourse, the lowest count that related to the gravamen.

DOUGLAS DALTON

The agreement was that Polanski would plead guilty to the one count, that he would be sentenced based upon the probation report and the argument of counsel.

ROGER GUNSON

At that time the sentence for unlawful sexual intercourse was what they characterized as an indeterminate sentence so you're sent to state prison for anywhere from six months to 50 years.

DOUGLAS DALTON

I checked and there hadn't been anyone sent to prison for a conviction of this offense in the year proceeding Roman Polanski's case....

ROGER GUNSON

I thought it was a very good disposition -- for the reason that it vindicated the family and the girl and it exposed Mr. Polanski to significant time in custody based upon a probation report.

ARCHIVE : TV NEWS REPORT

JIM BROWN/NBC

By entering his guilty plea, Polanski avoided going to trial. A trial that was to have begun tomorrow, the 8th anniversary of his wife's death at the hands of the Charles Manson family.

ARCHIVE : COURTROOM SKETCHES IN TV NEWS REPORT

JIM BROWN/NBC (CONT'D)

Standing with his lawyer Douglas Dalton, Polanski was asked by Deputy District Attorney Roger Gunson, to what count he pleaded guilty? Polanski: I had intercourse with a female person, not my wife, who was under 18 years of age. Gunson: How old did you think the girl was? Polanski: I understood she was 13.

The plea-bargaining was the result of a request by attorney Lawrence Silver, representing the girl's family. Silver asked Judge Lawrence Rittenband to accept the plea and protect the girl from the glare of publicity. Silver: A stigma would attach to her for a lifetime and justice is not made of such stuff.

Judge Rittenband in accepting the guilty plea ordered Polanski to be examined by two psychiatrists;

(MORE)

(CONTINUED)



JIM BROWN/NBC (CONT'D)  
sentencing will come after that when the judge could declare the director a Mentally Disordered Sex Offender. That could result in commitment to a state mental hospital. Other possible sentences include one year in county jail, up to 50 years in a state prison, deportation, or probation.

DOUGLAS DALTON  
We took our chances obviously here because the... we had no idea or no way of knowing what the probation department would conclude.

TITLES

POLANSKI'S FATE HINGED ON THE PROBATION REPORT - WHICH WOULD DETERMINE WHETHER HE WAS AN MDSO. (MENTALLY DISORDERED SEX OFFENDER)

DR RONALD MARKHAM  
TITLE : DR RONALD MARKHAM / PSYCHIATRIST  
Judge Rittenband appointed me to evaluate Mr. Polanski for purposes of determining whether he was, at that time, a mentally disordered sex offender which was a legal term having to do with an individual who, by reason of a mental disorder, was predisposed to the commission of sexual offences that rendered him a danger to the health and safety of others.

He was a very congenial but somewhat reserved guy who was very straightforward in the interview.

As experiences go, Roman Polanski has had more than what would impact on a dozen people, in terms of his life as a child, confusion, and ultimately he gets what he feels is a stable relationship and that's taken away from him at the snap of a finger. And he had difficulty in developing relationships with women after that. I think he felt very very hesitant. Maybe out of fear.

(CONTINUED)

My opinion paralleled the recommendation of the probation department. I didn't talk about whether he should or should not go to jail, I really focused solely on the psychiatric issues, and it was my opinion that Mr. Polanski did not qualify as a mentally disordered sex offender and should not be handled as such.

DAVE WELLS

My feeling was the guy belonged in state prison. Rittenband had asked me about it, I said "Judge," I said "You know, you're going to give this guy probation." He said, "No, no, no, I want to send him to jail. I said, "You'll never do it. Because the first thing that's gonna happen when you sentence him is he's gonna appeal it."

"I'm gonna give him a year in a county jail." That would have been appealed immediately. "I'm gonna give him weekends in county jail" - Immediate appeal.

No matter what the sentence was if it included a day in jail, Dalton, and correctly so, would have appealed it. And it's going to go all the way up to the State Supreme Court. He has the money and he'll take it to the US Supreme Court if he thinks he can.

And he says, "Well what am I going to do ?

RICHARD BRENNEMAN

The judge called me into chambers. He looked at me and said, "Dick, tell me, what the hell do I do with Polanski?" I went "Whoa, your honor, that's your decision. That's not mine. I'm a reporter. I can't advise you on something like that."

ARCHIVE : BRENNEMAN AT SANTA MONICA COURTHOUSE - 1977

(CONTINUED)

BRENNEMAN

I hadn't been covering courts that long, but I knew a decision by a judge was supposed to be a decision by a judge and was not to take in any advice from any other person other than what was there in the law books, what had been entered into evidence in the case.

DAVE WELLS

He said, "Well what am I going to do? Or what should I do?" I said, "You know what you should do is set him up for 90 day observation."

A "12.03.03" is a diagnostic study where a defendant on a felony case is sent to Chino for a 90-day observation. It's like an in depth probation report.

And he said, "Well what will that do?" And I said, "Well, it's not a final sentence, he can't appeal it. He has to go."

TITLES

UNAWARE OF ALL THIS, POLANSKI'S TEAM WERE FEELING PRETTY GOOD. WITH CHARGES REDUCED TO ONE COUNT AND A SENTENCE OF PROBATION RECOMMENDED AS PUNISHMENT, DALTON WAS CONFIDENT THE CASE WAS ALMOST OVER.

DOUGLAS DALTON

We were very pleased when we got the probation report. It recommended that Polanski serve no time in custody and receive a straight probationary sentence.

ARCHIVE : LAWYERS WALK INTO COURT - 1977

DOUGLAS DALTON (CONT'D)

However, we received a call from Judge Rittenband asking us to come to chambers, that he wanted to discuss the matter with us.

(MORE)

(CONTINUED)

DOUGLAS DALTON (CONT'D)

A probation officer, Roger Gunson and I all went into his chambers for a meeting.

At that time the judge said he was not going to follow the recommendation of the probation report. He had decided that as punishment for Polanski, he was going to send him to the state prison at Chino for a diagnostic study. Gunson and the probation officer both protested.

ROGER GUNSON

I told him that the law was that the diagnostic study was not to be used as punishment or as someone's sentence. The courts are not supposed to use that. And his response was, "I don't want to send Mr. Polanski to county jail because I don't want to be responsible if he was injured or killed."

ARCHIVE : PHOTOS OF JUDGE RITTENBAND / POLANSKI ON SET

DOUGLAS DALTON

I said, "Judge, we had not expected this. Polanski is engaged right now in directing a large movie that involves many people, millions of dollars. This is going to cause a tremendous hardship." And he suggested that I request a "stay," a stay meaning to defer, or put off this diagnostic study in order for Polanski to be able to complete his work on the film.

TITLES

DALTON SAID POLANSKI'S FILM WOULD TAKE A YEAR TO COMPLETE.

JUDGE RITTENBAND INSTRUCTED DALTON TO ASK FOR THE STAYS IN 90 DAYS INCREMENTS, WHICH HE WOULD CONTINUE TO GRANT FOR UP TO 1 YEAR.

HE FELT THAT "90 DAYS" WOULD SOUND BETTER TO THE PRESS.

(CONTINUED)

THEN JUDGE RITTENBAND SUGGESTED  
SOMETHING NO ONE COULD HAVE  
EXPECTED.

DOUGLAS DALTON (CONT'D)  
What he wanted to do was have us go  
out into "open court" and pretend  
as though, I don't know if he used  
the word pretend, but not to  
divulge that we knew what was going  
to happen.

He said, "I want you to go out,  
Gunson, and you argue that Polanski  
should be placed in custody. And  
Dalton you go out and argue he  
should be put on probation. Then I  
will make my remarks and I will  
sentence him to Chino for the  
diagnostic study and the press need  
not know anything more about this?"

ARCHIVE : POLANSKI IN COURT

"If you do not tell the press about  
this and if Polanski receives good  
report from the probation  
department, which we all are quite  
sure he will, that will conclude  
his punishment."

I wasn't going to argue about it,  
Polanski's fate hung in the  
balance. If I started protesting  
about the diagnostic study  
Rittenband could well have said,  
"Well I'll just send him to prison,  
how would you like that?"

ROGER GUNSON  
That was the fabrication, or that  
he... the scenario that he wanted  
to present and he did present.

DOUGLAS DALTON  
This thing had reached the point  
where it was actually becoming  
surreal.

(CONTINUED)

## ARCHIVE : EXT - RITTENBAND'S CHAMBERS

Gunson and I walked into the courtroom, which was packed with newsmen and spectators.

We took our places at the counsel table, sat down and waited for the entrance of Judge Rittenband. I argued first. It was a very strange feeling to be arguing when I knew exactly what result was going to be. It was like having a mock trial. In law school we did this, we had staged trials and so forth but even then we didn't know what the result was going to be. But, we dutifully went out. I argued for probation but tried to make it as authentic as I could.

## ARCHIVE : PHOTOS OF DALTON, GUNSON, RITTENBAND.

## DOUGLAS DALTON

Gunson got up and made his argument. And then Rittenband proceeded to give his closing remarks, which had been obviously prepared in advance. He argued much better than either one of us.

And as I sat there and listened I thought, "I think I see what's happening here. He knows that this is a probation case. The Probation department has recommended probation; Chino will very likely recommend the same thing. And he wants to condition the press and public to the fact that when he puts Polanski on probation, that they see the basis that he used in arriving at that conclusion.

## ARCHIVE : NBC NEWS REPORT

## REPORTER (V.O.)

After 20 minutes in court before Superior Judge Rittenband, film director Roman Polanski and his lawyer Douglas Dalton emerged from the courtroom amid a crush of reporters and cameramen.

(MORE)

(CONTINUED)

REPORTER (V.O.) (CONT'D)

Dalton had asked the court to place Polanski on probation, arguing that, though the crime of unlawful intercourse is a serious one, it is not a unique crime.

ARCHIVE : COURT DRAWINGS FROM NEWS REPORT

REPORTER (V.O.) (CONT'D)

The prosecutor, Deputy District Attorney Roger Gunson, asked that Polanski be placed in custody, though it was noted that the 13-year-old girl in the case, and her family, had asked the court not to incarcerate the film director.

On the basis of two psychiatric evaluations, the Judge ruled that Polanski was not a Mentally Disordered Sex Offender but he did order Polanski to undergo 90 days further psychiatric testing at Chino State Prison, postponing a final sentence until the testing is completed.

ROBIN GROTH (NBC)

Judge Rittenband granted Polanski a three month stay to conclude his present work. At the end of that time, the film director will go to Chino state prison for 90 days diagnostic testing. Robin Groth, NBC News, Santa Monica.

REPORTER

Why are you leaving the country, sir?

POLANSKI

Sorry ?

REPORTER

Why are you leaving the country?

POLANSKI

Where?

REPORTER

You are going to leave the country on a business trip? Is that right?

(CONTINUED)

POLANSKI

Yes.

REPORTER

Can you tell us about that trip?

POLANSKI

I'm going to Paris.

FEMALE REPORTER

Will you come back?

POLANSKI

Will I come back? I certainly will ... don't worry.

TITLES

UNDER THE TERMS OF THE STAY, POLANSKI WAS FREE TO TRAVEL FOR WORK. HIS LEGAL BILLS WERE MOUNTING SO HE HAD TO TAKE A JOB. ANY JOB. EVEN A REMAKE.

ARCHIVE : SCENES FROM 'THE HURRICANE'

LORENZO SEMPLE JR

TITLE: LORENZO SEMPLE JR / SCREENWRITER 'HURRICANE'

Dino just called up and said "Wonderful news, my god, Lorenzo, we got Roman! We got Roman."

It was a potboiler. Pearl divers getting caught in a giant clam and all that stuff. And Roman had reasonable contempt for the script. Not a picture that Roman would have done. And I imagine, again I didn't discuss it, but basically nobody else, I presume, would hire him at that time.

And De Laurentiis, seeing a chance to get a great director, who otherwise he couldn't possibly approach for this project, stepped in immediately.

It was a coup, a triumph. You know, taking advantage of this guys troubles to some extent. Better luck for Roman would have been a judge that never allowed him to go to Europe at all.



ARCHIVE : OKTOBERFEST - MUNICH

HANS MOLLINGER

TITLE : HANS MOLLINGER / POLANSKI'S FRIEND

Roman called me and said "Listen, I'm here in Munich, can we meet?" I said, "Of course." And we decided to go in the evening to see the Oktoberfest. Roman actually didn't want to go but we said you have to see that, because this is unbelievable. You have never seen 10,000 people in a tent, drunken. I mean, you must see that. He said, "Okay, I'll go with you."

So, finally we went to a special box. I was with my girlfriend, and two other girlfriends, you know?

ARCHIVE : PHOTO OF POLANSKI AT OKTOBERFEST

ISTVAN BAJAT

TITLE : ISTVAN BAJAT / PHOTOGRAPHER

(SUBTITLED): I was, on that particular day of the Oktoberfest, I was strolling through beer tents. And often there are famous politicians, actors and players from the media industry. And that's how I discovered Roman Polanski. Absolutely coincidentally. I only took three pictures and that went very quickly. Tschak tschak tshack.

ANDY BRAUNSBURG

Most unfortunately he was photographed, caught in a pose sitting in between two girls. It was quite innocent. But, you know, a photograph. They say a photograph doesn't lie. Nothing lies more than a photograph.

LORENZO SEMPLE JR

Roman always did have bad luck. This is the kind of thing that a cautious person would not have dreamed of doing.

(MORE)

(CONTINUED)

LORENZO SEMPLE JR (CONT'D)

I mean they would have had themselves photographed in the cathedral or doing something like that.

ANDY BRAUNSBURG

That one photograph changed everything.

DAVE WELLS

I took it into Rittenband because I figured it was something he ought to see. And what I told him was, I said, "You know judge you've made so many mistakes - I think - in this case. Look! He's giving you finger. He's flipping you off. And I said, "Haven't you had enough of this?" He said, "What? What? He's not getting away with that."

DOUGLAS DALTON

The judge became furious when this appeared in the paper. He was interviewed by a Hollywood gossip columnist, Marilyn Beck.

MARILYN BECK

Rittenband told me that he had been duped. I really believe he had been duped.

DOUGLAS DALTON

In the interview he said that very possibly he wanted Polanski back in the country and Polanski could be on his way to prison now.

ARCHIVE : NEWSPAPER HEADLINE

ROGER GUNSON

That photograph embarrassed the judge. Mr. Polanski is supposed to be very focused and intent when he's working and this photograph demonstrated that, at that moment in time, he was not.

ARCHIVE - POLANSKI MOBBED BY PRESS AS HE ARRIVES AT SANTA MONICA COURTHOUSE.

(CONTINUED)

REPORTER

Why was he in Germany when he was supposed to be working hard on a movie? Can you clear up that current misunderstanding?

FRED SIDEWATER

TITLE : FRED SIDEWATER / DINO DE LAURENTIIS PRODUCTIONS

The judge ordered Roman to come back to the States and he called Dino in to testify. Dino explained through me as the translator that we were going on with the production, and the preparation of the production, and that this was just part of the whole thing of making movies.

REPORTER

Mr. De Laurentiis, could you explain Mr. Polanski was in Germany?

FRED SIDEWATER (V.O.)

Roman was still working when he was in Munich because the distributor convinced Roman to come there and spend the night or go out for a few drinks and, at the same time, talk about Hurricane.

I don't think the Judge knew that or understood that and most of all he didn't believe it.

DOUGLAS DALTON

De Laurentiis testified. Roman testified. There was no evidence at all to the contrary. I rested my case. It was clear that Roman had been there on business purposes and that was the finding of the judge.

TITLES

EMBARRASSED BY THE OKTOBERFEST PHOTO SCANDAL, JUDGE RITTENBAND REFUSED TO GRANT ANY FURTHER STAYS.

HE ORDERED POLANSKI TO SURRENDER TO CHINO STATE PRISON FOR HIS 90-DAY PSYCHIATRIC EVALUATION.

(CONTINUED)

DOUGLAS DALTON (CONT'D)  
I told him you know you just have to bear up and go through this and remember at the conclusion of this, this case will be over. You'll have no further time in custody and it will all be behind you.

ARCHIVE : DALTON AND ARRIVES AT CHINO

REPORTER (V.O.)  
Is that Dalton? Yeah, that was Dalton.

REPORTER (CONT'D)  
Mr. Dalton, has Mr. Polanski talked to you about his reaction to coming here for this, almost three month period?

DALTON  
Yes, he has. Excuse me; I have some business to conduct in here.

REPORTER  
Has he indicated to you as to what his feelings are?

ARCHIVE : POLANSKI ARRIVES AT CHINO

REPORTER (CONT'D)  
Mr. Polanski, do you have any statement at all regarding this 90-day psychiatric study that you're taking?

POLANSKI  
No.

REPORTER  
No statement whatsoever? What are your immediate thoughts right now? Any thoughts that you have at all. Will he be given any special consideration here?

MARV RYVER  
TITLE : MARV RYVER / CHINO INSTITUTE FOR MEN  
Uh, nothing other than anybody else that would come in. When we talk about special housing and special consideration, we're talking about everybody that comes in;  
(MORE)

(CONTINUED)

MARV RYVER (CONT'D)  
we screen them for possible  
protective custody housing. And...but  
we're concerned for his safety.

TITLE CARD

THE CHINO AUTHORITIES DECIDED THAT  
POLANSKI SHOULD BE PLACED IN  
PROTECTIVE CUSTODY HOUSING.

HE SPENT HIS DAYS ON THE CLEANING  
DETAIL AND IMMERSED HIMSELF IN  
PREPARATIONS FOR "THE HURRICANE."

HAWK KOCH

There were sketches, there were  
locations... You know, people had  
been up to Chino and talked to  
Roman. I mean he was prepping the  
movie from Chino.

ARCHIVE : CHINO PRISON

FRED SIDEWATER

Dino and I went to visit Roman.  
Dino, of course, was concerned as  
to what was going to happen with  
his film.

I was kind of shocked when we saw  
Roman. We were sitting outside at a  
table, outside at the prison. He  
was nervous. Always looking over  
his shoulder to see what was in  
back of him. He said that he was  
concerned about what the other  
prisoners would do to him if they  
could get near him because he was  
accused of being a child molester.

ANDY BRAUNSBURG

It was very grim and it was a very  
frightening place. This is a hard  
core -- you know -- murderers --  
Roman was not safe there. People  
get killed there.

TITLES

AFTER 42 DAYS, POLANSKI WAS  
RELEASED BY THE PRISON AUTHORITIES.

(MORE)

(CONTINUED)

ANDY BRAUNSBURG (CONT'D)  
THE CHINO PSYCHIATRIC REPORT, LIKE  
ALL PREVIOUS REPORTS, RECOMMENDED  
PROBATION.

DOUGLAS DALTON  
Polanski of course was delighted.  
He felt, as properly he should,  
that he had lived up to his  
obligations in the case, he had  
admitted his guilt; he served the  
sentence that had been imposed.  
Now it was over and he could go on  
with his life.

ARCHIVE : NEWSPAPER HEADLINE - 'POLANSKI RELEASED AFTER SIX  
WEEKS'

ROGER GUNSON  
I was quite surprised. Everyone in  
the criminal justice system is  
aware that 90 diagnostic testing  
takes less than 90 days. There are  
not many people, I would guess, who  
have had the experience of it only  
being 42.

PHILIP VANATTER  
That's not a punishment. A  
punishment -- you know he was  
charged with very serious crimes.  
You're talking about crimes that  
would incur state prison time.  
Maybe 10,15, 20 years in State  
Prison. A 13-year-old girl, where  
he had sexual intercourse with her.  
Sodomized her. Gave her drugs,  
gave her alcohol. He got off with  
nothing.

ARCHIVE - SANTA MONICA COURTHOUSE - 1977

REPORTER  
Mr. Gunson, it's usually the  
practice of District Attorney's  
office to prosecute to the fullest  
degree. To deviate as apparent in  
this case, why?

WOMAN REPORTER  
Why did you agree to copping out on  
plea if he should have had a full  
trial with charges?

(CONTINUED)

ROGER GUNSON  
What do you mean copping out?

ROGER GUNSON - ON CAMERA INTERVIEW

ROGER GUNSON (CONT'D)  
Between the time that the judge agreed that the 90-day diagnostic study be his sentence, there had been lots of news media reports very critical of the judge. And now that it appears that Mr. Polanski will be walking away from a rape after just serving 42 days it is going to be embarrassing to the judge and he needs to overcome it.

TITLES  
UP TO THIS POINT, POLANSKI HAD NOT BEEN "OFFICIALLY" SENTENCED.

WITH THE HIGHLY ANTICIPATED SENTENCING HEARING TWO DAYS AWAY, THE MEDIA FRENZY WAS BUILDING. EVERYONE WANTED TO KNOW WHAT JUDGE RITTENBAND WAS GOING TO DO.

ARCHIVE : EXT. HILLCREST COUNTRY CLUB.

HAWK KOCH  
My father was at the Hillcrest Country Club washing his hands in the locker room and standing next to him was Judge Rittenband. And one of gentlemen at Hillcrest came up to Rittenband and said, "Are you really going to let that little polish blah blah blah off?" And Rittenband said, "Well he thinks so but no way - we're going to put that little blank blank away for the rest of his life."

TITLES

RITTENBAND ORDERED DALTON AND GUNSON TO HIS CHAMBERS. HE HAD READ THE CHINO REPORT AND PRONOUNCED IT A "WHITEWASH."

(CONTINUED)

HE NOW HAD A NEW PLAN FOR HOW TO  
END THE CASE.

DOUGLAS DALTON

When we met in his chambers, at this time Judge Rittenband said that he wasn't going to honor the promise that he had made about releasing Polanski upon completion of the diagnostic study. He gave as his reason that he was getting too much criticism.

ROGER GUNSON

The judge says that 42 days is not enough time in custody that he expected him to be in there 90 days and so somehow he has to make up these 48 days of the intended sentence of 90.

DOUGLAS DALTON

Now Gunson at this point said, "If it's 48 more days you want why don't you just give him 48 days in the county jail and then you will have accomplished him serving the full 90 days in jail." And Rittenband said, no, he was not willing to do that because a perception of a prison sentence must be maintained for the press.

TITLES

RITTENBAND'S PLAN WAS TO MAKE IT LOOK TO THE MEDIA LIKE HE WAS SENTENCING POLANSKI FOR A LONGER PERIOD THAN HE ACTUALLY WAS. ONLY HE AND THE LAWYERS WOULD KNOW THE TRUTH.

DOUGLAS DALTON (CONT'D)

He told me that if I would come back to court after the press was gone and the public was gone, that he would then recall Polanski and he would be released from prison.

TITLE

ALL DALTON HAD TO DO WAS TRUST THE JUDGE.

(CONTINUED)



ARCHIVE : POLANSKI SHORT FILM - 'THE FAT AND THE LEAN'

ROGER GUNSON

It became obvious to me that he wanted him deported because he did not want him around here embarrassing the judge any more than he already had.

DOUGLAS DALTON

He wanted Roman to agree that he would voluntarily waive any rights he may have regarding deportation. Rittenband had no jurisdiction over such matters and it is illegal to impose an illegal condition upon somebody serving time in custody. And so we now are in a category of actual illegal conduct. This was getting rather contentious as you might imagine, and I said, "If we're going to do that, judge, I want to have a hearing regarding the sentencing as we're entitled to do. And I want to have witnesses here and I want to have a hearing. And he said, "Well if you have a hearing I'm going to sentence him anyway. And if you still insist on having your hearing then I may withdraw these things that I told you that I would do if you went along with this thing that I'm going to do tomorrow."

The proceeding was concluded by Judge Rittenband, as he had done before, directed me to argue for probation. He wanted Gunson to again, argue for time in custody. And then he would impose the sentence that he had discussed with us.

ROGER GUNSON

I certainly was not arguing for state prison in chambers nor did I intend to argue that he should send him to state prison to participate in this sham that the judge was involved in.

(CONTINUED)

DOUGLAS DALTON

We got up; we walked out of the room. I remember saying immediately to Gunson, "I'm not going to do this again. No matter what he does I'm not going to participate in this thing." And Gunson said, "I'm not going to do it either."

ROGER GUNSON

As we walked down the aisle past the chairs of an empty courtroom at that time, Doug Dalton turned to me and said, "Do you think that I can trust the judge?" And I said, something, I wish I hadn't said. Maybe it didn't or didn't make a difference but I shouldn't have said it and what I said to him was, "I don't know why not -- you trusted him once."

DOUGLAS DALTON

I didn't know what I was going to do the following day. I did know that I was no longer going to participate in a proceeding that was being designed solely to advance the purposes of Judge Rittenband.

ROGER GUNSON

I told Mr. Dalton that I would be available to disclose this information to anyone at any place at any time...

DOUGLAS DALTON

I contacted Roman and I said for them to come to my office and discuss what was going to happen the following morning. I told them it was my opinion that the sentence would be illegal, that we could probably obtain relief on appeal but that would involve a long procedure and Polanski would be incarcerated during that period of time.

(MORE)

(CONTINUED)

DOUGLAS DALTON (CONT'D)

I said that the judge had said that if Roman agreed to waive any deportation hearing and be deported that he would then be released if he also had by then served 48 days.

Roman said to me, "Can we trust him?" I said "No. We can't trust him. We have no idea what he may do. We've all agreed that he can no longer be trusted what he represents to us is worthless."

With that Roman got up, he looked at me and I believe he said, "I'll see you guys later." And he left the room.

TITLE CARD

POLANSKI IMMEDIATELY DROVE TO THE OFFICE OF DINO DE LAURENTIIS IN BEVERLY HILLS.

ARCHIVE : BEVERLY HILLS / CARS DRIVING TO LAX

FRED SIDEWATER

There were two or three other people there. And I gave Roman an envelope, which I thought was script notes or something else. The general feeling I had is "Why is everybody so nervous?" There was an electricity in the air.

ARCHIVE : PLANE TAKES OFF

PIERRE ANDRE BOUTANG

(Subtitles): I THINK HE HAS A DARK SIDE. A SAD SIDE. A VEILED SIDE. GIVEN HIS CHILDHOOD, HE HAS A RELATIONSHIP TO LIFE AND DEATH HE CAN'T TALK ABOUT. HE HAS A STRONG VISION OF DEATH AND SADNESS INSIDE HIM BUT SINCE HE HAS SUCH ENERGY, SUCH WORKING POWER, SUCH DESIRE TO DO EXTRAORDINARY THINGS, HE PREVAILS.

ARCHIVE : DALTON PRESS CONFERENCE - 1978

(CONTINUED)

DOUGLAS DALTON

My conversation with him is protected by the attorney/client privilege. I can't divulge to you the substance or the content of my conversation with him. Only to say what I said in court, that he did call me this morning at my home and he told me he would not be here. I asked him to call me again because I wanted to discuss this with him further and attempt to persuade him to return. He said he would call me again.

MALE REPORTER

The court asked you whether or not you might be able to talk him into coming back, what was your response?

DOUGLAS DALTON

I said I thought I had a reasonable chance of being successful.

FEMALE REPORTER

How will you try to do it?

MALE REPORTER

Can you tell us what makes you think he is out of the country?

DOUGLAS DALTON

No, I can't tell you that. That's my belief is that he is not in the country.

MALE REPORTER

What happens if he does not come back Mr. Dalton?

ARCHIVE - ABC NEWS REPORT

MALE REPORTER (CONT'D)

Roman Polanski is in seclusion, his friends say, inside this fashionable building in downtown Paris where he keeps an apartment. He skipped the country early yesterday only hours before he was to be sentenced for illegally having sex with a...

(CONTINUED)

ARCHIVE : NEWS REPORT MONTAGE

MALE REPORTER: He had given her champagne and a quaalude.

MALE REPORTER: He has told a friend here his refrigerator is full, and he does not intend to leave.

FEMALE REPORTER: Many feel the aura of tragedy and sensationalism that surrounds Polanski obscures his brilliance as a director.

FEMALE REPORTER: The judge in the Roman Polanski morals case said today he intended to sentence Polanski in absentia...

MALE REPORTER: He said, "A year of torture is enough..."

MALE REPORTER: The District Attorney's office has begun proceedings to force Polanski back to the United States, however, authorities are not optimistic about succeeding.

STEVE TROTT

TITLE : STEPHEN S. TROTT / CHIEF DEPUTY DISTRICT ATTORNEY

Unfortunately, I'm advised that the treaty with France might not allow for his return to this country, at our request, to be sentenced on this charge.

FURNELL CHATMAN

Why is that?

STEVE TROTT

As far as I can tell, the treaty only specifies, number one, rape. As you know, Mr. Polanski was not convicted of rape. He was convicted of unlawful sexual intercourse and that is a different crime than rape. Secondly, the treaty specifies that it's discretionary on the part of France to return French citizens. In other words, they have an option. They can or they can't depending on how they feel about a particular case or maybe even a particular person.

(CONTINUED)

## FURNELL CHATMAN

Whether the D.A. succeeds in extraditing Polanski or not, Judge Lawrence Rittenband plans to impose Polanski's sentence on February 14th, with or without the filmmaker's presence.

## ARCHIVE : RITTENBAND PRESS CONFERENCE

## JUDGE RITTENBAND

The length of time of course would depend upon whether or not there would be a deportation, or if not deported involuntarily, he would agree with the director of immigration to consent in writing to leaving the country. In which case, any balance of his stay in state prison would be cut short. But it was to be no less than the full period of 90 days.

## DOUGLAS DALTON (V.O.)

The judge held a press conference. Shock waves went through the judicial community, a judge holding a press conference regarding a pending case. Totally unheard of. He said that he intended now to sentence Polanski in absentia.

## DOUGLAS DALTON (CONT'D)

So, I prepared a challenge for cause to disqualify a judge. If you do this you are required to prove that there are actual prejudices existing by the judge and that you can't have a fair trial or hearing before him.

I showed the declaration to Roger Gunson, he read it very carefully and agreed, "That's true and that's what happened. I will back you up on that if that need be."

The judge was furious. He knew the statements in the declaration were all true. He knew that I knew it and he knew Gunson knew it and he knew that Larry Silver knew parts of it.

(MORE)

(CONTINUED)

DOUGLAS DALTON (CONT'D)

And so there was nothing he could do but step aside. He was through and he knew it.

TITLES

JUDGE LAURENCE J. RITTENBAND WAS REMOVED FROM THE POLANSKI CASE ON FEBRUARY 24, 1978.

HE NEVER ADMITTED TO ANY WRONGDOING. HE DIED IN 1993 AT THE AGE OF 88.

SAMANTHA GEIMER

I was young but the way I felt was that the judge was enjoying the publicity -- and he didn't care about what happened to me and he didn't care about what happened to Polanski. He was, like, orchestrating some little show, you know, that I didn't want to be in.

LARRY SILVER

I clearly hold no brief for Mr. Polanski and obviously what he did to, Samantha, my client was wrong and outrageous, but, nevertheless, he was supposed to be treated fairly in court and he clearly was not.

ROGER GUNSON

I'm not surprised that he left under those circumstances.

MARINA ZENOVICH

Really?

ROGER GUNSON

Yeah.

ARCHIVE : POLANSKI WITH CLIVE JAMES

POLANSKI

Clive, I think it was a wonderful idea to do this interview over this lunch but the lunch is getting into a dinner now.

(MORE)

(CONTINUED)

POLANSKI (CONT'D)

And, in case if you have in mind finishing interview, I wanted to ask you whether you intend to end on this note or do you think there's something more to my life than my relations with young women?

ARCHIVE : PARIS AT NIGHT / POLANSKI AT ACADEMIE FRANCAISE

ANDY BRAUNSBURG

He rebuilt his life in France with great honor. He's a member of the Academie Française. In France he's desired, and in America he's wanted.

FRENCH REPORTER

(Subtitled): TODAY IS THE DAY DIRECTOR ROMAN POLANSKI IS ENTERING THE DISTINGUISHED INSTITUTION OF THE ACADEMIE DES BEAUX-ARTS ...

ARNAUD D'HAUTERIVES

TITLE : ARNAUD D'HAUTERIVES / ACADEMIE DES BEAUX ARTS

(Subtitled) I AM SURE EVERYONE HAS AN OPINION ABOUT WHAT HIS LIFE HAS BEEN. THE KIND OF SHADINESS HE SOMETIMES REPRESENTS. WHICH IS SOMETHING I FIND INTERESTING AND SYMPATHETIC ABOUT HIM.

ARNAUD D'HAUTERIVES: THE KIND OF SHADINESS HE SOMETIMES REPRESENTS, WHICH IS SOMETHING I FIND INTERESTING AND SYMPATHETIC ABOUT HIM.

ARNAUD D'HAUTERIVES: ROMAN POLANSKI IS ACCEPTED. HE IS ONE OF US. AND WE MAINTAIN OUR ESPIRIT-DE-CORPS.

ARCHIVE : POLANSKI - PRESENT DAY.

TITLES

ROMAN POLANSKI IS NOW 74 YEARS OLD. HE HAS BEEN MARRIED FOR 18 YEARS AND HAS TWO CHILDREN.

IF HE RETURNED TO THE UNITED STATES, HE WOULD BE ARRESTED.

(CONTINUED)



HE REMAINS ONE OF THE WORLD'S MOST  
ACCLAIMED DIRECTORS.

ARCHIVE : OSCAR CEREMONY, 2003

HARRISON FORD

And the Oscar goes to Roman  
Polanski for THE PIANIST. The  
Academy congratulates Roman  
Polanski and accepts this award on  
his behalf.

TITLES

Samantha Geimer has been married  
for 18 years and has three  
children.

After settling a civil suit with  
Polanski, she publicly forgave him  
in 1997.

That same year, Doug Dalton, along  
with Roger Gunson presented the  
case to another Los Angeles  
Superior Court judge.

The judge agreed that if Polanski  
returned to the U.S., he would  
serve no more time in custody.

On one condition:

The judge wanted the proceedings to  
be televised.

Under those circumstances, Polanski  
declined.

As a result, the case remains  
unresolved.

END CREDITS

# EXHIBIT C

## Sex victim says Roman Polanski is still 'Wanted' man

Thursday, May 8th 2008, 4:00 AM

Fugitive director Roman Polanski would be back in the U.S. tomorrow if it were up to the woman he drugged and had sex with when she was 13 years old.

"He took advantage of me," Samantha Geimer, now 45, told us at Tuesday's New York screening of "Polanski: Wanted and Desired," Marina Zenovich's incisive documentary about the 1977 crime airing June 9 on HBO. "But I'm so over it. Worse things are happening to people right now."

The mother of three, who lives in Hawaii, reached a civil settlement with the "Chinatown" filmmaker years ago. But she still feels "surgically joined to him by this case. I would like to see it resolved."

Geimer agreed to come to the premiere because she likes the film, and "I thought it'd be better to step into the open instead of having the media sneaking around trying to find me."

The film reveals that even prosecutor Roger Gunson thought Polanski was wise to flee when press-obsessed Judge Laurence Rittenband was ready to renege on a plea deal. "[Roman] did the right thing under the circumstances," said Geimer. "He wasn't getting a fair shake."

That opinion was shared by many at the screening, which drew Glenn Close, Lorraine Bracco, Stanley Donen, Sidney Lumet and Barry Levinson, among others.

Dustin Hoffman told us that "the extraordinary irony is that Roman has declined an offer [to resolve the case] because it would be televised."

Said Alec Baldwin: "I have a 12-year-old daughter. If some 35-year-old director was banging her, I'd want more of a punishment for him - although 30 years of living with Parisians is punishment enough, right?"

# EXHIBIT D

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ROMAN POLANSKI: WANTED & DESIRED

DAVID WELLS SELECTS

ANTIDOTE INTERNATIONAL FILMS, INC.

TRANSCRIBED BY:

LYNNE M. FRANKO, C.S.R. #7403

OFFICIAL REPORTER, LOS ANGELES SUPERIOR COURT

ORIGINAL

1     **ROMAN POLANSKI: WANTED & DESIRED**  
2     ANTIDOTE INTERNATIONAL FILMS, INC.  
3     COURT REPORTER'S TRANSCRIPTION  
4     OF CD RECORDING OF:

6                                     DAVID WELLS INTERVIEW

7  
8             THE INTERVIEWER: ONE MORE THING, DAVE, IF YOU SAY  
9     "HE" INSTEAD OF "POLANSKI" OR SOMETHING LIKE THAT, I  
10    MIGHT INTERRUPT YOU JUST SO -- I'M THINKING IN MY HEAD  
11    HOW, YOU KNOW, I JUST WANT EVERYTHING IN --

12            DAVID WELLS: OKAY.

13            THE INTERVIEWER: -- COMPLETE SENTENCES.

14            DAVID WELLS: IF YOU WANT TO RE-SHOOT A THING, YOU  
15    CAN DO THAT, TOO --

16            THE INTERVIEWER: YEAH. I JUST --

17            DAVID WELLS: -- I GATHER.

18            THE INTERVIEWER: YEAH.

19            DAVID WELLS: OKAY.

20            THE INTERVIEWER: UM, OKAY. SO TELL ME YOUR NAME  
21    AND HOW YOU GOT INVOLVED IN THE POLANSKI CASE.

22            DAVID WELLS: OKAY. MY NAME IS DAVID WELLS.

23            I WAS, UM, CALLED BY JOHN -- BY, UH,  
24    VANNATTER, DETECTIVE VANNATTER, ABOUT THE POLANSKI CASE.

25            THE COURT: LET'S START THAT AGAIN 'CAUSE YOU  
26    SAID, "JOHN."

27            DAVID WELLS: PHIL. IT'S PHIL VANNATTER.

28            THE INTERVIEWER: RIGHT. OKAY.

1                   IS THE EYE LINE OKAY? I FEEL LIKE I MIGHT  
2 NEED TO COME OVER MORE. I'LL BE KIND OF AT THE EDGE  
3 HERE.

4                   TELL US HOW YOU ARE INVOLVED IN THIS CASE.

5                   DAVID WELLS: MY NAME IS DAVID WELLS. I WAS THE  
6 INTITIAL D.A. ASSIGNED TO THIS CASE, AND I GOT IT  
7 BECAUSE THE INVESTIGATOR PHIL VANNATTER CALLED ME, GAVE  
8 ME A RUNDOWN ON WHAT HAD HAPPENED, AND ASKED ME TO WRITE  
9 A SEARCH WARRANT FOR HIM -- OR AT LEAST ASSIST HIM IN  
10 WRITING THE SEARCH WARRANT, WHICH I DID.

11                  THE INTERVIEWER: IS THAT -- I DON'T KNOW HOW THIS  
12 WORKS. DO THE COPS USUALLY CALL THE D.A.S?

13                  DAVID WELLS: MOST OF THE TIME FOR A SEARCH  
14 WARRANT AN OFFICER WILL COME INTO THE D.A.'S OFFICE AND  
15 ASK TO SEE A DEPUTY D.A., BUT I'D WORKED WITH PHIL  
16 VANNATTER FOR A LONG TIME AND I'VE DONE SEVERAL WARRANTS  
17 WITH HIM AND A COUPLE OTHER PROFILE CASES, SO HE CALLED  
18 ME DIRECTLY AND ASKED ME TO ASSIST HIM WITH THIS, WHICH  
19 I SAID I WOULD.

20                  THE INTERVIEWER: AND, UM, WAS IT LATE IN THE DAY  
21 AND WERE YOU THE ONLY PERSON LEFT IN THE OFFICE?

22                  DAVID WELLS: YOU KNOW SOMETHING, I DON'T REMEMBER  
23 WHETHER HE CALLED ME AT HOME OR IT WAS AT THE OFFICE  
24 BECAUSE IT WAS -- IT'S BEEN SO LONG NOW. I KNOW WE DID  
25 THE SEARCH WARRANT IN THE EVENING, THAT MUCH I KNOW, AND  
26 IT WAS WRITTEN AND SIGNED THE SAME DAY IT WAS EXECUTED,  
27 SO I SUSPECT THIS WAS LATE IN THE AFTERNOON, AND IT VERY  
28 WELL -- IT PROBABLY WAS IN THE D.A.'S OFFICE, BECAUSE

1 FROM LOOKING AT THE WARRANT, WHICH I HAD REVIEWED BEFORE  
2 I TALKED TO YOU TODAY, IT APPEARS THAT IT WAS TYPED ON  
3 D.A. MATERIAL INSIDE THE D.A.'S OFFICE. I CAN TELL BY  
4 THE FORM.

5 THE INTERVIEWER: SO WHAT WAS THE PHONE CALL LIKE?  
6 THAT MUST HAVE BEEN SOME BIG NEWS.

7 DAVID WELLS: WELL, YEAH. YOU KNOW, I'M NOT  
8 REALLY KNOWLEDGEABLE ABOUT A LOT OF THESE HOLLYWOOD  
9 PEOPLE. AND HE CALLED, HE SAYS, THIS IS ROMAN POLANSKI  
10 THAT'S INVOLVED IN THIS CASE AND IT'S A SEXUAL ASSAULT  
11 CASE AND CAN YOU HELP US OUT WITH IT.

12 AND I SAID, YEAH. AND THEN I ASKED A  
13 COUPLE OF PEOPLE WHO HE WAS TO -- I KIND OF HAD AN IDEA,  
14 BUT THAT'S HOW THAT CAME ABOUT.

15 THE INTERVIEWER: SO YOU DIDN'T REMEMBER HIM FROM  
16 HIS WIFE BEING MURDERED?

17 DAVID WELLS: WELL, YES, I DID REMEMBER HIM FROM  
18 THE MANSON CASE BECAUSE I WAS ASSOCIATED WITH THAT CASE  
19 AS WELL, ON A PERIPHERAL BASIS; AND I DID REMEMBER HIM  
20 FROM THAT, BUT, YOU KNOW, HIS INVOLVEMENT IN THE MOVIE  
21 INDUSTRY I WASN'T, YOU KNOW, TOO UP ON.

22 THE INTERVIEWER: UM, SO TELL ME ABOUT THE CHAIN  
23 OF EVENTS THEN. WHAT HAPPENED?

24 DAVID WELLS: AS BEST I CAN RECALL IS THAT  
25 VANNATTER CAME INTO THE OFFICE AND WE SAT DOWN AND HE  
26 RAN THE CASE BY ME, HE SHOWED ME THE INCIDENT REPORT, A  
27 CRIME REPORT TAKEN BY A COUPLE OF PATROL OFFICERS, AND I  
28 READ THAT OVER.



1                   AND THEN HE HAD ROUGHED OUT A SEARCH  
2 WARRANT, AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT, WHICH  
3 IS A NARRATIVE OF THE FACTS AND STUFF. AND I REVIEWED  
4 IT AND MADE SOME CHANGES IN IT AND THEN SIGNED IT. AND  
5 THEN WE GOT A JUDGE TO SIGN IT. AND THE COPY I HAVE  
6 DOESN'T HAVE A JUDGE'S SIGNATURE, SO I DON'T KNOW -- I  
7 HAVE A HUNCH -- IF IT WAS IN THE OFFICE, I CAN TELL YOU  
8 WHO SIGNED IT, IT WAS RITTENBAND, BECAUSE I'D ALWAYS  
9 TAKE A WARRANT TO HIM BECAUSE I KNEW HIM PRETTY WELL AND  
10 HE'D SIGN A WARRANT FOR ME --

11                   THE INTERVIEWER: UM --

12                   DAVID WELLS: -- WITHOUT A LOT OF QUESTIONS.

13                   THE INTERVIEWER: JIM GRODIN SAID IT WAS BOB  
14 THOMAS. IS THAT ANOTHER WARRANT?

15                   DAVID WELLS: NOW, IF HE REMEMBERS BETTER, YEAH.  
16 BOB THOMAS WAS IN THE OFFICE AT THAT TIME IN THE -- IN  
17 THE COURTHOUSE AT THAT TIME, BUT -- AND HE VERY WELL MAY  
18 HAVE SIGNED IT. HE WAS A MUNICIPAL COURT JUDGE AT THE  
19 TIME, HE COULD HAVE SIGNED IT. I JUST DON'T REMEMBER.

20                   THE INTERVIEWER: OKAY.

21                   DAVID WELLS: AGAIN, HE'S ANOTHER ONE I'D COME TO  
22 'CAUSE I KNEW HIM ON A PERSONAL BASIS FOR OVER 20 YEARS  
23 AT THAT TIME.

24                   THE INTERVIEWER: OKAY. SO THEN WHAT HAPPENED  
25 NEXT?

26                   DAVID WELLS: WELL, IT'S EASY BECAUSE A WARRANT  
27 GOT SIGNED. AND SOMETIMES YOU TAKE IT TO THE WRONG  
28 JUDGE AND THEY ASK YOU LOTS OF QUESTIONS AND THEY WANT

1 MORE MATERIAL. SO TIME WAS KIND OF OF THE ESSENCE. SO  
2 WE GOT THE WARRANT SIGNED, AND IT WAS FOR TWO LOCATIONS.  
3 IT WAS FOR JACK NICHOLSON'S HOUSE, WHERE THE CRIME  
4 OCCURRED, AND ALSO FOR POLANSKI'S SUITE ON THE SECOND  
5 FLOOR OF THE BEVERLY WILSHIRE HOTEL. AND THEN, UM,  
6 AFTER THE WARRANT WAS SIGNED, UM, I BELIEVE WE WENT BACK  
7 TO THE WEST L.A. POLICE STATION. JIM GRODIN CAME IN MY  
8 CAR AND WE WENT TO THE BEVERLY WILSHIRE HOTEL. THAT'S  
9 THE BEST I CAN REMEMBER.

10 I REMEMBER BEING IN THE BEVERLY WILSHIRE,  
11 AND AS WE WERE IN THERE THEY WERE ASKING AT THE DESK  
12 WHERE POLANSKI WAS, IF HE WAS IN HIS ROOM. AND AT THAT  
13 TIME HE CAME OUT OF THE ELEVATOR, AND HE SAW US -- AT  
14 LEAST, HE LOOKED IN OUR DIRECTION. AND AT THE TIME HE  
15 PUT SOMETHING IN HIS MOUTH, WHICH PHIL VANNATTER GOT  
16 OUT. IT WAS SUBSEQUENTLY A QUAALUDE TABLET. AND THEN  
17 WITH HIS HAND HE DROPPED A -- I BELIEVE IT WAS A MEDICAL  
18 BOTTLE -- ONE OF THOSE PLASTIC LITTLE MEDICAL BOTTLES  
19 WITH QUAALUDES IN IT IN THE ASHTRAY, YELLOW ASHTRAY THAT  
20 SITS OUTSIDE THE DOOR, WHICH WE RECOVERED.

21 UM, WE WENT UP TO HIS ROOM IN HIS COMPANY.  
22 WE GOT HIS CAMERA AND SOME SLIDES AND FILMS THAT WERE  
23 THERE. THERE WAS ALREADY FILM IN THE CAMERA, AND THEN  
24 THEY TOOK THAT INTO CUSTODY AND THEY LATER DEVELOPED THE  
25 FILMS, WHICH WAS PART OF THE CASE.

26 THE INTERVIEWER: SO DID YOU GUYS INTERVIEW THE  
27 GIRL BEFORE YOU WENT TO THE BEVERLY WILSHIRE?

28 DAVID WELLS: WE NEVER INTERVIEWED THE GIRL AT

1 ALL.

2 THE INTERVIEWER: OKAY.

3 DAVID WELLS: IT NEVER GOT TO THAT POINT. YOU  
4 KNOW, I WAS STILL ON THE -- ON THE BELIEF THAT I WAS  
5 GONNA BE THE TRIAL LAWYER THROUGHOUT THE CASE. AND WHAT  
6 ULTIMATELY HAPPENED WAS, I WAS TOO CLOSE TO THE  
7 INVESTIGATION SO I WAS A POTENTIAL WITNESS, SO I  
8 COULDN'T BE BE THE TRIAL LAWYER ON THE CASE. SO --

9 THE INTERVIEWER: THAT WAS MY NEXT QUESTION.

10 DAVID WELLS: THAT'S WHY.

11 THE INTERVIEWER: HOW DOES THAT WORK?

12 DAVID WELLS: WELL, D.A.S GENERALLY DON'T  
13 INVESTIGATE THEIR OWN CASES. I HAD A HABIT OF DOING  
14 THAT IN SOME OTHER KIND OF CASES AND STUFF.

15 AND THIS ONE I WAS ON THE INVESTIGATION. I  
16 WENT THERE FOR THE -- WITH THE SEARCH WARRANT TO MAKE  
17 SURE THAT EVERYTHING WAS DONE LEGALLY.

18 AND THEN THERE WAS SOME CONVERSATIONS THAT  
19 I HAD WITH MR. POLANSKI, TOO, AND THAT MADE ME A  
20 POTENTIAL WITNESS, MEANING THAT THE -- IF I WERE THE  
21 TRIAL LAWYER ON THE CASE AND DOUG DALTON, WHO WAS THE  
22 DEFENSE ATTORNEY, WANTED TO CALL ME AS A WITNESS; IT  
23 LEAVES THE D.A.'S OFFICE UNREPRESENTED; THEIR ATTORNEY  
24 AND HIS CREDIBILITY IS NOW IN ISSUE AND ON THE WITNESS  
25 STAND.

26 SO THE CASE WAS TAKEN AWAY FROM ME, AFTER  
27 I'D FILED IT FOR PRELIMINARY HEARING, AND GIVEN TO  
28 ROGER GUNSON, AND IT WENT TO GRAND JURY, THOUGH.

1 THE PRELIMINARY HEARING WAS JUST TO  
2 SIDETRACK THE PRESS; THAT WAS THE REASON FOR THAT. WE  
3 KNEW RIGHT FROM THE BEGINNING IT WAS GONNA GO TO GRAND  
4 JURY.

5 THE INTERVIEWER: INTERESTING. SO WAS THAT A  
6 DISAPPOINTMENT FOR YOU WHEN YOU DIDN'T GET THE CASE?

7 DAVID WELLS: OH, YEAH. YOU KNOW, ALL OF OUR  
8 TRIAL LAWYERS CRAVE PUBLICITY AND LIKE THAT KIND OF  
9 STUFF.

10 THE INTERVIEWER: CAN YOU INCLUDE -- CAN YOU SAY  
11 THAT IN A COMPLETE SENTENCE, THAT IT WAS --

12 DAVID WELLS: WHERE ARE WE ON THE SENTENCE?

13 THE INTERVIEWER: JUST THAT -- I MEAN, I ASKED,  
14 WAS IT DISAPPOINTING FOR YOU? I MEAN, YOU KNOW --

15 DAVID WELLS: OH. WAS IT DISAPPOINTING FOR ME NOT  
16 TO HAVE THE CASE AS THE TRIAL LAWYER? YEAH, IT WAS. I  
17 WANTED TO TRY THAT CASE BECAUSE ALL OF US LIKE SOME  
18 MEASURE OF PUBLICITY, AND THIS IS THE WAY YOU GET IT IN  
19 THE D.A.'S OFFICE, TRYING MAJOR CASES OR PUBLICITY  
20 CASES.

21 THE INTERVIEWER: AND WHY DO YOU THINK THEY GAVE  
22 IT TO ROGER?

23 DAVID WELLS: ROGER'S A VERY COMPETENT LAWYER AND  
24 HE HAD BEEN IN THE OFFICE LONGER THAN I WAS. I WAS IN  
25 SANTA MONICA AT THE TIME. AND AT THAT TIME I BELIEVE  
26 STEVE TROTT WAS THE HEAD OF THE OFFICE. AND STEVE  
27 AND -- ROGER HAD WORKED FOR STEVE IN A TRIAL COURT IN  
28 SANTA MONICA AT SOME PERIOD OF TIME.

1 THE INTERVIEWER: UM, I'M GONNA JUST READ  
2 SOMETHING THAT VANNATTER SAID AND SEE IF IT KIND OF JOGS  
3 YOUR MEMORY.

4 HE SAID HE ARRIVED AT THE BEVERLY WILSHIRE  
5 PREPARED TO DISLIKE POLANSKI, BUT AS HE FACED HIM IN THE  
6 HOTEL LOBBY HE FELT AN ODD COMPASSION FOR HIM.

7 "THE GUY WAS GENUINELY ASTONISHED. HE  
8 STARTED TALKING A BLUE STREAK. I TRIED TO SHUT HIM UP.  
9 I TOLD HIM ANYTHING HE SAID I MIGHT HAVE TO TESTIFY TO  
10 IF THERE WAS A HEARING OR A TRIAL, BUT HE WOULDN'T  
11 LISTEN. HE HAD NO IDEA OF WHAT BEING ARRESTED IN  
12 AMERICA MEANT."

13 DO YOU THINK THAT'S TRUE?

14 DAVID WELLS: AS TO PHIL VANATTER'S STATEMENT WITH  
15 RESPECT TO POLANSKI'S DEMEANOR WHEN THEY APPROACHED HIM  
16 IN THE BEVERLY WILSHIRE, I THINK THAT ASSESSMENT WAS  
17 CORRECT, YEAH.

18 THE INTERVIEWER: CAN YOU JUST KIND OF -- NOT  
19 TO --

20 DAVID WELLS: ONE THING --

21 THE INTERVIEWER: GO AHEAD.

22 DAVID WELLS: EXCUSE ME.

23 ONE THING ABOUT THAT, WHEN I WAS THERE I'M  
24 LOOKING AT IT DIFFERENTLY THAN VANNATTER IS. VANNATTER  
25 IS LOOKING AT IT AS AN INVESTIGATOR TRYING TO PUT A CASE  
26 TOGETHER. I'M LOOKING AT IT TO MAKE SURE THAT THERE'S  
27 NOTHING DONE ILLEGALLY WITH RESPECT TO SEARCH AND  
28 SEIZURE, MIRANDA, OR THAT KIND OF THING. SO I WASN'T

1 PAYING A LOT OF ATTENTION TO ROMAN POLANSKI'S Demeanor,  
2 ALTHOUGH, HE WAS COOPERATIVE AND VERY TALKATIVE, YEAH.

3 THE INTERVIEWER: UM, PHIL VANNATTER ALSO SAID HE  
4 WAS OBVIOUSLY WORRIED ABOUT THE PUBLICITY HE WAS GOING  
5 TO RECEIVE BECAUSE HE KEPT SAYING, "THIS IS GOING TO  
6 RUIN ME. THIS IS GOING TO RUIN ME."

7 DAVID WELLS: I REMEMBER HIM SAYING THAT, YES.

8 THE INTERVIEWER: DO YOU REALLY?

9 DAVID WELLS: YES. YEAH --

10 THE INTERVIEWER: CAN YOU --

11 DAVID WELLS: -- THAT IT'S GONNA RUIN HIM.

12 THE INTERVIEWER: I DON'T WANT TO PUT WORDS INTO  
13 YOUR MOUTH, BUT I'M JUST TRYING -- WHAT I'M TRYING TO DO  
14 IS JUST KIND OF REMIND YOU OF WHAT -- WHAT HAPPENED.

15 DAVID WELLS: WELL, YOU KNOW, I CAN REMEMBER --  
16 AND AGAIN, LIKE IT'S -- I SAID, IT'S BEEN A LONG TIME --  
17 THAT POLANSKI ASKED ABOUT THIS.

18 HE SAID, "WELL, AM I GONNA GET ARRESTED?"  
19 AND HE SAID, "THIS IS GONNA BE THE DEATH OF ME" OR "THE  
20 END OF ME" OR "IT'S GONNA RUIN MY CAREER," SOMETHING TO  
21 THAT EFFECT. AND I DON'T REMEMBER WHAT THE EXACT WORDS  
22 WERE -- OR "CAN'T WE MAKE THIS GO AWAY."

23 THERE WAS -- THERE IS A LOT OF CONVERSATION  
24 THAT WAS GOING QUITE RAPIDLY, AS I RECALL, AT THE TIME.

25 THE INTERVIEWER: WOW. UM, VANNATTER CONTINUED,  
26 JUST 'CAUSE IT'S FASCINATING STUFF, HE SAID, "THE MORE  
27 HE TALKED, THE MORE HE DUG HIMSELF INTO A HOLE. I KEPT  
28 WARNING HIM THAT I'D PROBABLY HAVE TO TESTIFY AS TO HIS

1 STATEMENTS, BUT HE DIDN'T GET IT."

2 AND I THINK THIS IS A VERY KEY THING WITH  
3 POLANSKI:

4 "HE THOUGHT HE COULD TALK ME INTO LETTING  
5 HIM GO."

6 DAVID WELLS: YOU KNOW SOMETHING? THAT'S PHIL'S  
7 REFLECTION, PHIL VANATTER'S REFLECTION, THAT HE THOUGHT  
8 MAYBE POLANSKI COULD TALK HIM OUT OF ARRESTING HIM.

9 I DON'T THINK THAT WAS IN HIS MIND. I  
10 THINK -- MY FEELING WAS POLANSKI WAS NERVOUS, HE WAS  
11 UPSET, AND HE'S ONE OF THOSE PEOPLE THAT JUST TALK. AND  
12 I SUSPECT HE FIGURES, WELL, IF I TALK AND TALK, I CAN  
13 PROBABLY TALK MY WAY OUT OF THIS THING OR AT LEAST I CAN  
14 AMELIORATE THE PROBLEMS IT'S GONNA CAUSE ME DOWNSTREAM.  
15 THAT'S MY -- THAT WAS MY FEELING OF WHAT WAS GOING ON  
16 THERE AT THE TIME.

17 BUT I ALSO KNOW THAT PHIL WAS TRYING TO  
18 MAKE A CASE, AND, YOU KNOW, HE'S ADVISING HIM OF HIS  
19 MIRANDA RIGHTS, ALTHOUGH HE'S NOT SITTING DOWN THERE AND  
20 FORMALLY DOING IT.

21 AND I KNOW THIS: THAT HE CERTAINLY WAS  
22 GOING TO ALLOW POLANSKI TO TALK, BECAUSE IF -- IF HE'S  
23 NOT QUESTIONING ROMAN, AND ROMAN IS MAKING STATEMENTS,  
24 THAT'S NOT A VIOLATION OF MIRANDA. YOU DON'T HAVE TO  
25 SHUT HIM UP AND SAY, NOW LET ME ADVISE YOU OF YOUR  
26 RIGHTS.

27 ALTHOUGH, I THINK PHIL WAS LOOKING AT IT AS  
28 THIS IS A HIGH-PROFILE GUY, I DON'T WANT TO MAKE ANY

1 MISTAKES IN THIS CASE. SO HE WAS KIND OF WARNING HIM.

2 THAT'S MY GUT REACTION ON IT, ALTHOUGH,

3 THAT'S JUST MY OWN PERSONAL FEELINGS.

4 THE INTERVIEWER: I MAN, MY FEELING IS JUST THAT  
5 POLANSKI'S A SURVIVOR AND HE'LL DO ANYTHING TO GET OUT  
6 OF ANY SITUATION, AS HE'S BEEN DOING SINCE HE WAS A  
7 CHILD.

8 DAVID WELLS: YOU KNOW, I DON'T KNOW THAT BECAUSE,  
9 YOU KNOW, I JUST KNEW HIS CONCERNS OVER SHARON TATE IN  
10 THE MANSON CASE AND SOME STATEMENTS HE MADE ABOUT THAT  
11 IN THE PRESS, BECAUSE AT THAT TIME I NEVER TALKED TO  
12 HIM.

13 AND, UM, I KNOW ONCE HE STARTS TALKING, HE  
14 KEEPS -- IT MOVES RIGHT ALONG. HE KEEPS RIGHT ON  
15 TALKING.

16 THE INTERVIEWER: SO EXPLAIN TO ME -- I'M JUST  
17 CONFUSED, BECAUSE YOU SAID YOU DIDN'T QUESTION THE GIRL,  
18 BUT DID JIM GRODIN? OR WAS IT VANNATTER AND GRODIN WAS  
19 JUST WATCHING?

20 DAVID WELLS: YOU KNOW, MY RECOLLECTION IS -- I  
21 WOULD HAVE -- I WOULD HAVE BEEN THERE IF THERE WERE ANY  
22 QUESTIONING OF HER, AND I DON'T RECALL QUESTIONING HER  
23 AT ALL. THAT WOULD BE UNCOMMON FOR ME AS A D.A. TO GO  
24 DOWN AND SIT THERE AND QUESTION THE GIRL.

25 AGAIN, THAT'S A PROBLEM WITH US. IF WE DO  
26 THAT, YOU KNOW, WE ARE PART OF THAT INVESTIGATION NOW.  
27 THEY CAN CALL US AS A WITNESS. SO I WOULDN'T BE THERE.

28 AND IT WOULDN'T REALLY MATTER, I DON'T



1 THINK, WHAT SHE SAID; AS LONG AS IT WAS IN THE REPORTS  
2 AND THAT WAS CREDIBLE -- AND THAT'S WHAT VANNATTER WAS  
3 SAYING, HE WAS THE AFFIANT ON THE WARRANT. HE WAS THE  
4 ONE SPEAKING ALL OF THIS STUFF.

5 AND JIM WAS WITH ME, JIM GRODIN, ALL OF THE  
6 TIME. HE WAS IN THE OFFICE. YOU KNOW, I AM RECALLING.  
7 IT WAS LATE IN THE AFTERNOON AND JIM WAS STANDING  
8 AROUND. AND I SAID, "JIM, YOU WANT TO GO ON THIS  
9 WARRANT? IT MIGHT BE INTERESTING."

10 AND HE SAYS, "WELL, WHO IS IT?"

11 AND I SAID, "IT'S ROMAN POLANSKI."

12 AND HE SAID, "AH, YEAH."

13 SO HE AND I -- YOU KNOW, HE KIND OF TAGGED  
14 ALONG AND WENT WITH ME ON THIS THING. BUT WE NEVER  
15 TALKED TO HER, AS I CAN RECALL.

16 THE INTERVIEWER: OKAY.

17 DAVID WELLS: NOW, PHIL COULD TELL YOU THAT, IF  
18 YOU TALKED TO VANNATTER. I MEAN, HE WOULD KNOW WHETHER  
19 OR NOT WE WERE PRESENT AT THE TIME. AND I DON'T THINK  
20 WE WERE.

21 THE INTERVIEWER: OKAY. NO, BECAUSE I'M GONNA --  
22 I'M GONNA ASK PHIL. WE'RE SUPPOSED TO INTERVIEW HIM --

23 DAVID WELLS: OKAY.

24 THE INTERVIEWER: -- IN ABOUT A WEEK.

25 SO YOU DON'T REMEMBER SEEING THE GIRL OR  
26 ANYTHING?

27 DAVID WELLS: NO. I NEVER LAID EYES ON HER, NO.

28 THE INTERVIEWER: OKAY.

1           DAVID WELLS: I SAW THE PICTURES. AND I READ THE  
2 POLICE REPORTS, CRIME REPORTS.

3           THE INTERVIEWER: WHAT WERE THE PICTURES LIKE?

4           DAVID WELLS: WELL, THERE WAS SOME BLACK-AND-WHITE  
5 PICTURES THAT WERE TAKEN A COUPLE OF WEEKS BEFORE THE  
6 INCIDENT THAT SHOWED HER BARE-BREASTED AND STUFF.

7                         AND THOSE ARE SOME OF THE PICTURES THAT  
8 POLANSKI TOOK OVER TO SHOW SAMANTHA'S MOTHER -- I  
9 SHOULDN'T HAVE SAID THE NAME -- THE GIRL'S MOTHER. AND  
10 SHE WAS RATHER MIFFED OR INCENSED ABOUT IT, ACCORDING TO  
11 WHAT THE REPORT IS SAYING. BUT, AGAIN, I NEVER TALKED  
12 TO HER EITHER. OKAY.

13           THE INTERVIEWER: OKAY. AM I CONFUSED? OR DID --  
14 'CAUSE JIM WAS SAYING THAT HE TALKED TO THE GIRL AND THE  
15 MOTHER AND GOT THE FATHER ON THE PHONE, AND SAID, YOU  
16 KNOW, "DO YOU WANT TO GO THROUGH WITH THIS? BECAUSE  
17 THIS IS GOING TO BE A VERY BIG CASE AND THIS COULD GO ON  
18 FOR A YEAR AND YOU COULD BE PHOTOGRAPHED AND HOUNDED FOR  
19 A YEAR."

20           DAVID WELLS: ALL RIGHT. ARE YOU -- IS JIM GRODIN  
21 SAYING THAT HE WAS THERE AND TALKED TO HER IN PERSON OR  
22 ON THE PHONE?

23           THE INTERVIEWER: I WAS UNDER THE IMPRESSION IT  
24 WAS IN PERSON.

25           VOICE OFF CAMERA: NO, ON THE PHONE.

26           THE INTERVIEWER: IT WAS ON THE PHONE?

27           VOICE OFF CAMERA: HE SAID, "DO YOU WANT TO SPEAK  
28 TO YOUR WIFE," AND THEN HE HANDED OVER THE PHONE.

1           DAVID WELLS:   OKAY.

2           THE INTERVIEWER:  OH, I THOUGHT WE CALLED THE  
3 FATHER, BECAUSE HE WAS IN ILLINOIS, BUT HE -- THEY WERE  
4 THERE.  HE SAW HER, BECAUSE HE SAID SHE LOOKED GROWN UP.

5           VOICE OFF CAMERA:  YEAH, HE WAS IN THE ROOM WITH  
6 THE MOTHER AND GOT THE FATHER ON THE PHONE --

7           DAVID WELLS:  YOU KNOW, I HAVE NO RECOLLECTION OF  
8 THAT.  I DON'T REMEMBER THAT.

9           THE INTERVIEWER:  OKAY.

10          DAVID WELLS:  AND I CERTAINLY WOULD HAVE  
11 REMEMBERED SEEING HER AND I --

12          THE INTERVIEWER:  RIGHT.  YOU DON'T REMEMBER EVER  
13 SEEING HER?

14          DAVID WELLS:  I DON'T REMEMBER EVER SEEING HER,  
15 NO.

16          THE INTERVIEWER:  OKAY.  LET'S SHIFT GEARS THEN.

17                         TELL ME ABOUT JUDGE RITTENBAND AND HOW  
18 YOU --

19          DAVID WELLS:  I --

20          THE INTERVIEWER:  WHAT IS IT ABOUT LARRY  
21 RITTENBAND THAT EVERY TIME I ASK PEOPLE ABOUT HIM, THEY  
22 JUST START LAUGHING?

23          DAVID WELLS:  HE IS HIS OWN MAN.  HE WAS AT THAT  
24 TIME THE SENIOR JUDGE IN L.A. COUNTY, WHICH MEANS THAT  
25 HE COULD BE ASSIGNED ANYWHERE HE WANTED TO GO BECAUSE OF  
26 THAT SENIORITY.  HE WAS, OF COURSE, THE SENIOR JUDGE IN  
27 SANTA MONICA, WHICH WAS THE CHOICE LOCATION FOR ANY  
28 JUDGE BECAUSE THAT'S WHERE YOU GET A LOT OF THESE

1 HIGH-PUBLICITY CASES, AND HE HAD DONE A NUMBER OF THEM.

2 AND, UM, WHAT'S HE LIKE? HE WAS A VERY  
3 PRIVATE PERSON IN SOME RESPECTS. HE'S VERY GRUFF. HE'S  
4 THE ORIGINAL CURMUDGEON, AND HE'S BEEN REFERRED TO THAT  
5 A COUPLE OF TIMES IN THE PRESS OVER SOME OF THE  
6 STATEMENTS HE MADE ON THE BILLIONAIRE BOYS CLUB, WHICH  
7 HE HANDLED ALSO.

8 BUT I WORKED IN HIS COURT FOR A NUMBER OF  
9 YEARS. I MYSELF HAD SPENT CLOSE TO 20 YEARS IN  
10 SANTA MONICA, WHICH IS LONGER THAN ANY OTHER D.A. AND I  
11 HAD BEEN THERE AT THE TIME BILLY WEBB WAS HIS CALENDAR  
12 DEPUTY, I HAD BEEN THERE AT THE TIME THAT KATZ WAS  
13 CALENDAR DEPUTY, THEN IT WAS MARSH GOLDSTEIN THAT WAS  
14 CALENDAR DEPUTY, AND THEN I WAS CALENDAR DEPUTY.

15 AND I BELIEVE AT THE TIME OF THIS CASE I  
16 WAS THE CALENDAR DEPUTY; IN OTHER WORDS, RUNNING  
17 DEPARTMENT C -- I THINK IT WAS D THEN -- YEAH. AND THEN  
18 HE MOVED NEXT DOOR TO C EVENTUALLY.

19 BUT, YEAH, HE'S SOME GUY. AND WE USED TO  
20 TALK ABOUT CASES. AND TUESDAY WAS HIS SENTENCING DAY AT  
21 COURT, I RECALL THAT. AND WE'D COME IN WITH A WHOLE  
22 BUNCH OF CASES AND SIT THERE WITH A PUBLIC DEFENDER AND  
23 A PROBATION OFFICER SOMETIMES AND DECIDE WHAT WE WERE  
24 GONNA DO WITH THE CASES.

25 AND HE'D SAY SOMETHING LIKE, "WELL, WHAT DO  
26 YOU WANT IN THIS CASE, WELLS?"

27 AND I'D SAY, WELL, DA-DA-DA-DA-DA.

28 AND HE'D SAY, "NO, I WANT MORE THAN THAT.

1 THIS SON-OF-A-BITCH HAS GOT TO GO TO STATE PRISON."  
2 HE'D SAY SOMETHING LIKE THAT.

3 AND I'D SAY, "JUDGE, THAT'S UP TO YOU. I  
4 CAN ONLY MAKE THE RECOMMENDATIONS."

5 AND OTHER TIMES WE'D BE IN TRIAL OR  
6 SOMETHING, AND YOU CAN IMPEACH SOMEBODY BY USING THEIR  
7 PRIOR CRIMINAL HISTORY OR SOMETHING. AND AT THAT TIME  
8 THERE'S SOME QUESTION WHETHER THAT WAS GOING TO BE VALID  
9 OR NOT; THERE WAS A CASE THAT CAME DOWN THAT PUT IT INTO  
10 QUESTION.

11 AND I REMEMBER IN ONE TRIAL RITTENBAND  
12 SAID -- CALLS ME UP TO THE BENCH AND SAYS, "AREN'T YOU  
13 GONNA ASK HIM ABOUT HIS PRIOR CRIMINAL HISTORY?"

14 I SAID, "I DON'T THINK SO."

15 HE SAID, "IF YOU DON'T DO IT, I'M GONNA DO  
16 IT." SO I SAID, "JUDGE, THEN YOU DO IT."

17 THAT'S THE WAY HE WAS. AND HE'D SAY,  
18 "LOOK, I DON'T KNOW ANYTHING ABOUT CRIMINAL LAW, DON'T  
19 WANT TO KNOW. JUST DON'T GET ME REVERSED ON APPEAL.  
20 YOU DO WHATEVER YOU WANT TO DO, JUST DON'T GET ME  
21 REVERSED." THAT WAS HIS THEORY.

22 AND WE TALKED --

23 THE INTERVIEWER: WE'RE CHANGING TAPES.

24 DAVID WELLS: OKAY.

25 THE INTERVIEWER: OKAY.

26

27 (DAVID WELLS INTERVIEW RESUMES ON  
28 TAPE 2 BEGINNING WITH THE FOLLOWING:)

1           DAVID WELLS: -- INVESTIGATIONS. THEY WANTED TO  
2 DO THIS AND THAT. AND, OH, MY GOD.

3           THE INTERVIEWER: YEAH, REALLY. TELL ME ABOUT  
4 THAT. WHO WAS CALLING YOU? I MEAN -- AND HOW DID THEY  
5 GET YOU TO?

6           DAVID WELLS: YOU KNOW SOMETHING? YOU PEOPLE KNOW  
7 THAT, I DON'T. THE PRESS GOT AHOLD OF ME; HOW, I DON'T  
8 KNOW.

9           THERE -- THERE WAS A PRESS OFFICE IN  
10 SANTA MONICA COURTHOUSE AND A GUY NAMED FRYE WAS THE GUY  
11 WHO REPRESENTED THE L.A. TIMES EXAMINER, AND HE KNEW ME  
12 FROM PREVIOUS CASES. HE KNEW MY HOME PHONE NUMBER.

13           AND ALSO THEY'D CALL THE COMMAND POST, THE  
14 D.A. COMMAND POST, WHICH IS AN ALL -- 24-HOUR NUMBER.  
15 AND IF THEY SAY, "WELL, CAN WE TALK TO DAVE WELLS," THEY  
16 WILL CALL ME AND SAY, "THE PRESS WANTS TO TALK TO YOU IN  
17 THIS CASE, CAN I GIVE THEM YOUR NUMBER?" AND I'D SAY,  
18 "NO. I'LL CALL THEM. GIVE ME THE NUMBER."

19           AND THAT'S USUALLY THE WAY WE DID IT. BUT  
20 THEN, WHEN I'M AT WORK IN SANTA MONICA AT MY DESK, I  
21 MEAN, THAT PHONE JUST RANG OFF THE HOOK.

22           THE INTERVIEWER: AND WHAT WERE PEOPLE SAYING?

23           DAVID WELLS: THEY WANTED TO KNOW WHAT WAS GONNA  
24 HAPPEN. WAS IT A GOOD CASE? WAS SHE LYING? IS IT  
25 GONNA GO TO TRIAL? IS IT GONNA GO TO PRELIMINARY  
26 HEARING? WHEN IS THE PRELIMINARY HEARING? ARE YOU  
27 GOING TO GO TO GRAND JURY? I MEAN, THEY JUST KEPT  
28 PRYING AND PRYING AND PRYING.

1                   AND I REMEMBER I WAS VERY DEFINITE WITH  
2 THEM. I'D SAY, "THE ANSWER'S NO." AND -- OR, "THE  
3 ANSWER IS YES," OR "NO, THAT'S NOT GONNA HAPPEN" OR "NO,  
4 THAT DIDN'T HAPPEN."

5                   AND HE SAID, "YOU'RE SURE DIRECT ON THIS,  
6 AREN'T YOU?"

7                   AND I SAID, "WELL, I KNOW THE PART THAT I  
8 KNOW AND I'M NOT GONNA BEAT AROUND THE BUSH WITH YOU,"  
9 OR "I'M NOT GONNA TELL YOU THAT."

10                  THE INTERVIEWER: YOU SAID THE PRELIMINARY HEARING  
11 WAS HELD TO THROW OFF THE PRESS.

12                  DAVID WELLS: IT WAS SET.

13                  THE INTERVIEWER: SET. COULD YOU EXPLAIN KIND OF  
14 THE PROCEDURE OF HOW THIS -- OR HOW THIS CASE WENT?

15                  DAVID WELLS: OH, SURE. ANY FELONY CASE CAN GET  
16 TO SUPERIOR COURT, WHERE IT GOES TO TRIAL --

17                  THE INTERVIEWER: ONE QUESTION THOUGH: WASN'T  
18 THIS A WOBBLER?

19                  DAVID WELLS: YOU KNOW, I DON'T KNOW WHETHER IT  
20 WAS OR NOT, WHETHER THEY -- AT THAT TIME --

21                  THE INTERVIEWER: I THINK ONCE HE PLED THAT -- ON  
22 THAT COUNT IT WAS A WOBBLER.

23                  DAVID WELLS: THAT'S WHAT HE DID.

24                  THE INTERVIEWER: OKAY. SORRY.

25                  DAVID WELLS: BUT, SEE, WHAT HE WAS DOING WAS A  
26 STRAIGHT FELONY. HE HAD UNLAWFUL SEXUAL INTERCOURSE,  
27 FORCIBLE RAPE BY -- BY, UM, BY DRUGS OR INTOXICANTS,  
28 SODOMY. AND THIS IS UNDER A GIRL UNDER THE AGE OF 14.

1 I MEAN, HE'S DEAD IN THE WATER. ANYWAY, THAT'S ANOTHER  
2 PART OF THE STORY. BUT I THINK THE QUESTION YOU ASKED  
3 ME IS HOW COME -- HOW DID IT GET TO THE TRIAL STAGE IN  
4 SUPERIOR COURT.

5 AND I WAS TELLING YOU IT GETS THERE EITHER  
6 OF TWO WAYS: YOU CAN GO BY WAY OF PRELIMINARY HEARING,  
7 WHICH IS LIKE A MINI TRIAL. IT'S A SCREENING PROCESS  
8 WHERE THE D.A. AND THE DEFENSE ATTORNEY ARE THERE, THEY  
9 ASK THE WITNESSES QUESTIONS, THERE'S CROSS-EXAMINATION,  
10 AND THE JUDGE MAKES A SIMPLE FINDING WHETHER OR NOT A  
11 FELONY OR FELONIES HAVE BEEN COMMITTED AND WHETHER  
12 THERE'S SUFFICIENT PROBABLE CAUSE TO HOLD THIS DEFENDANT  
13 TO ANSWER FOR IT.

14 SO WE FILED IT FOR PRELIMINARY HEARING.  
15 YOU GET A CASE NUMBER AND ALL THAT KIND OF STUFF. AND  
16 IT WAS FILED AND SET IN WEST L.A. FOR PRELIMINARY  
17 HEARING. AND AT THAT TIME I KNEW IT WAS NOT GONNA GO TO  
18 PRELIM, IT WAS GONNA GO TO GRAND JURY INDICTMENT, AND I  
19 HAD FILED THE PAPERS FOR GRAND JURY.

20 AND I THINK -- MY RECOLLECTION IS GUNSON  
21 TOOK IT AFTER THAT BECAUSE YOU HAVE TO APPEAR BEFORE A  
22 CRIMINAL COMPLAINTS COMMITTEE AND TELL THE GRAND JURY  
23 WHY YOU WANT TO TAKE THIS CASE BEFORE THE GRAND JURY.  
24 NOW, I DON'T RECALL DOING THAT, SO I THINK ROGER  
25 PROBABLY TOOK IT AT THAT TIME.

26 AND THEN IF THEY DECIDE TO TAKE THE CASE,  
27 THEN IT GOES BEFORE THE WHOLE 23-PERSON GRAND JURY. AND  
28 THOSE PEOPLE WHO KNOW ABOUT THE CASE, ARE INVOLVED IN



1 IT, OR FRIENDS OF POLANSKI CAN EXCUSE THEMSELVES, JUST  
2 LIKE A PETITE JURY IN A JURY TRIAL. THEY HEAR THE CASE  
3 AND THEN THEY COME BACK WITH A FINDING OF AN INDICTMENT,  
4 AND THEY CALL IT A TRUE BILL. THEN THEY SET BAIL. THEN  
5 THEY RECORD THE TRANSCRIPTS, HAVE THEM REPORTED, AND  
6 THEY HAVE TO BE SERVED ON THE DEFENDANT WITHIN 10 DAYS.

7 WELL, EVERYBODY KNEW THIS WAS HAPPENING. I  
8 MUST HAVE BEEN THERE 'CAUSE I CAN REMEMBER GOING INTO  
9 THE 13TH FLOOR GRAND JURY ROOM, THE ANTE ROOM, AND THE  
10 PRESS WERE PACKED OUTSIDE THERE. AND NOBODY -- I DIDN'T  
11 AND VANNATTER DIDN'T, AND NONE OF US INVOLVED ON THE  
12 CASE I THINK -- TOLD THEM WHEN THE GRAND JURY HEARING  
13 WAS, BUT SOMEHOW SOMEBODY GOT AHOLD OF 'EM.

14 THE INTERVIEWER: AND IS A GRAND JURY MADE UP OF  
15 PEOPLE WHO ARE JUST ON JURY DUTY?

16 DAVID WELLS: NO. IT'S A -- IT'S -- PEOPLE APPLY  
17 FOR GRAND JURY. AND WHAT THE -- THE RULE IS THAT EACH  
18 SUPERIOR COURT JUDGE IN LOS ANGELES -- I THINK THERE'S  
19 ABOUT 30 OF THEM AT THE TIME -- CAN RECOMMEND TWO PEOPLE  
20 TO SIT ON A GRAND JURY. AND, ALSO, IF SOMEBODY WANTS TO  
21 SIT ON A GRAND JURY, THEY CAN RECOMMEND THEMSELVES. AND  
22 THEN THEY DO A BACKGROUND CHECK ON THESE PEOPLE TO MAKE  
23 SURE THAT THEY CAN SPEAK THE ENGLISH LANGUAGE, THEY HAVE  
24 NOT BEEN BEEN CONVICTED OF A FELONY, AND THAT THEY ARE  
25 CITIZENS OF THE UNITED STATES. AND THEN IT GOES -- THEN  
26 THEY SELECT THEM BY LOT, JUST LIKE A REGULAR JURY.

27 AND THE PRESIDING JUDGE OF THE CRIMINAL  
28 DIVISION OF THE SUPERIOR COURT OVERSEES THE GRAND JURY.

1 HE'S THE ONE THAT ULTIMATELY SELECTS THEM. SO IF  
2 SOMEBODY'S SELECTED AND HE DOESN'T LIKE THAT NAME, HE  
3 CAN DISCARD IT. AND THEY SIT FOR A YEAR. AND THEIR --  
4 ONE OF THEIR MINOR FUNCTIONS IS GRAND JURY CRIMINAL  
5 INDICTMENTS. THEIR BIG FUNCTION IS THEY ARE THE  
6 WATCHDOG OF L.A. COUNTY. THEY INVESTIGATE JAILS. THEY  
7 INVESTIGATE THE BOARD OF SUPERVISORS, THE HARBOR  
8 DIVISION, THE FIRE DEPARTMENT, IF THERE'S ALLEGATIONS  
9 ABOUT THEM. SO THEY KIND OF ARE A WATCHDOG ON L.A.  
10 COUNTY.

11 AND THIS IS JUST ONE MINOR THING. THEY  
12 GENERALLY WON'T TAKE A CRIMINAL CASE. IT HAS TO BE SOME  
13 SPECIFIC REASON WHY YOU CAN'T GO BY WAY OF PRELIMINARY  
14 HEARING.

15 AND THE OBVIOUS REASON HERE WAS THAT THE  
16 YOUNG GIRL WAS 13 YEARS OLD. WE WERE TESTING HER  
17 CREDIBILITY. WE DIDN'T WANT TO DO THAT IN FRONT OF A  
18 PRELIMINARY HEARING CIRCUS WHERE THE PRESS ARE AROUND  
19 THERE AND SHE'S ON THERE, BECAUSE IF HER TESTIMONY FELL  
20 THROUGH, HER REPUTATION IS AT STAKE, AND POLANSKI'S, NO  
21 MATTER WHAT HAPPENS, HIS IS OVER WITH.

22 SO WE WANTED TO TEST THE CREDIBILITY OF THE  
23 WITNESSES AT A GRAND JURY HEARING WHERE AT -- PRESENT AT  
24 THE GRAND JURY IS THE JURY ITSELF, THE DISTRICT  
25 ATTORNEY, AND A COURT REPORTER, THAT'S ALL -- NO DEFENSE  
26 ATTORNEY, NO DEFENDANT -- AND ONLY EACH WITNESS AS THAT  
27 WITNESS IS CALLED AND QUESTIONED BY THE DISTRICT  
28 ATTORNEY.

1                   NOW, THE GRAND JURY CAN ASK QUESTIONS.  
2           THEY SUBMIT IT ON A PIECE OF PAPER AND GIVE IT TO THE  
3           D.A. AND IF THE D.A. DOESN'T WANT TO ASK THE QUESTION,  
4           HE DOESN'T HAVE TO. MOST OF THE TIMES THEY ARE  
5           PREJUDICIAL OR LIKE, DOES HE HAVE ANY OTHER CRIMINAL  
6           HISTORY, WHICH IS IRRELEVANT ON AN INDICTMENT.

7           THE INTERVIEWER: WOW. UM, HOW CLOSELY DID YOU  
8           FOLLOW THE CASE AFTER THAT? I MEAN, HOW -- HOW  
9           COMFORTABLE DO YOU FEEL TALKING ABOUT HOW THINGS WENT  
10          DOWN?

11          DAVID WELLS: I CAN ONLY TALK ABOUT MY INVOLVEMENT  
12          IN THE CASE. AND, UM, I WAS PRIVY TO ALMOST EVERYTHING  
13          THAT WENT ON IN THAT CASE BEING ASSIGNED TO THAT COURT  
14          AS THE CALENDAR DEPUTY. I WAS IN THE COURT EVERY DAY.  
15          SO RITTENBAND'D ASK ME QUESTIONS ABOUT THE THING BECAUSE  
16          HE COUNTED ON ME, OR WHOEVER HIS FAVORITE D.A. WAS AT  
17          THE TIME, TO ADVISE HIM ON WHAT THE -- WHAT THE LAW WAS,  
18          CRIMINAL LAW. HE WAS VERY GOOD AT CIVIL LAW, BUT  
19          CRIMINALLY, HE LEFT THAT TO HIS D.A.S TO -- TO DO. AND  
20          SO IN THAT RESPECT, I CAN -- I CAN COMMENT ON A --  
21          SOME -- A FEW THINGS, YEAH.

22          THE INTERVIEWER: LIKE WHAT? THE 1203.03?

23          DAVID WELLS: THE WHAT?

24          THE INTERVIEWER: THE 1203.03. I MEAN, HOW OFTEN  
25          WAS THAT USED IN THOSE DAYS --

26          DAVID WELLS: OKAY.

27          THE INTERVIEWER: -- AS PUNISHMENT WHEN IT WASN'T  
28          SUPPOSED TO BE USED FOR PUNISHMENT?

1           DAVID WELLS: OKAY. A 1203.03 IS A DIAGNOSTIC  
2 STUDY WHERE A DEFENDANT ON A FELONY CASE IS SENT TO  
3 CHINO FOR A 90-DAY OBSERVATION AND THEY DO PSYCHIATRIC  
4 TESTS AND ALL KINDS OF BACKGROUND AND PROFILE. IT'S  
5 LIKE AN IN-DEPTH PROBATION REPORT. AND THEN IN 90 DAYS  
6 THE DEFENDANT SHOWS BACK IN COURT AGAIN, AND THE JUDGE  
7 READS THAT AND DETERMINES WHETHER OR NOT HE'S GOING TO  
8 SEND HIM TO STATE PRISON OR PUT HIM ON PROBATION OR GIVE  
9 HIM COUNTY JAIL TIME OR WHATEVER. IT'S NOT A FINAL  
10 SENTENCE.

11                   THE PLEA HAD BEEN WORKED OUT IN THIS CASE.  
12 I DIDN'T WORK IT OUT. I DIDN'T HAVE ANYTHING TO DO WITH  
13 IT. I KNOW I WAS VERY MIFFED THE WAY IT TURNED OUT  
14 BECAUSE MY FEELING WAS THE GUY BELONGED IN STATE PRISON.  
15 AND I WAS PRETTY VOCAL ABOUT THAT, AND EVENTUALLY I WAS  
16 TOLD BY THE OFFICE, "IT'S NOT YOUR CASE ANY MORE."

17                   RITTENBAND HAD ASKED ME ABOUT IT. AND I  
18 SAID, "JUDGE," I SAID, "YOU KNOW YOU'RE GONNA GIVE THIS  
19 GUY PROBATION."

20                   HE SAID, "NO, NO. I WANNA SEND HIM TO  
21 JAIL."

22                   I SAID, "YOU'LL NEVER DO IT BECAUSE THE  
23 FIRST THING THAT'S GONNA HAPPEN WHEN YOU SENTENCE HIM,  
24 HE'S GONNA APPEAL IT. AND IT'S GONNA GO ALL THE WAY UP  
25 TO THE STATE SUPREME COURT -- HE HAS THE MONEY -- AND  
26 HE'LL TAKE IT TO THE U.S. SUPREME COURT, IF HE THINKS HE  
27 CAN."

28                   AND HE'S ALL, "WELL, WHAT AM I GONNA DO" --

1 OR "WHAT SHOULD I DO?"

2 AND I SAID, "YOU KNOW WHAT YOU SHOULD DO IS  
3 SEND HIM UP FOR A 90-DAY OBSERVATION BECAUSE THAT'S  
4 PROBABLY MORE TIME THAN YOU'RE GONNA GIVE HIM ANYWAY  
5 BECAUSE YOU'RE A SOFTY ON SENTENCE."

6 AND HE SAYS, "WELL, WHAT WILL THAT DO?"

7 AND I SAID, "IT'S NOT A FINAL SENTENCE.  
8 YOU CAN'T APPEAL IT. HE HAS TO GO."

9 AND SO THAT'S WHAT RITTENBAND DID. HE MADE  
10 HIS OWN DECISION UP, BUT, YOU KNOW, I TOLD HIM IT'S NOT  
11 A FINAL SENTENCE. AND, OF COURSE, DALTON WAS SCREAMING  
12 AND YELLING ABOUT IT BECAUSE HE KNEW, TOO, THAT IT'S NOT  
13 A FINAL SENTENCE.

14 SO OFF HE WENT TO CHINO. AND WHAT I HEARD  
15 WAS HE GOT ALONG WELL THERE 'CAUSE HE PROMISED ALL THE  
16 INMATES HE WAS GONNA GET 'EM IN MOVIES WHEN HE GOT OUT  
17 SO -- AND HE WAS ON PROBATION AT THE TIME. AND WHAT  
18 HAPPENED AT THAT POINT WAS WHEN HE LEFT CHINO, WHICH  
19 WAS -- I THINK HE WAS ONLY THERE TWO, THREE WEEKS --

20 THE THE INTERVIEWER: 42 DAYS.

21 DAVID WELLS: SOMETHING LIKE THAT. WELL, HE GOT  
22 OUT EARLY AND HE STILL HAD THAT 90-DAY APPEARANCE, AND  
23 THAT WAS THE CALENDAR DATE SET IN DEPARTMENT D.

24 AND, IN THE MEANTIME, HE GOES TO  
25 OKTOBERFEST. AND I GOT A PICTURE -- I DON'T KNOW WHERE  
26 I GOT IT. SOMEBODY SENT IT TO ME -- OF HIM AT  
27 OKTOBERFEST WITH HIS ARMS AROUND A COUPLE OF -- OF  
28 JUVENILES.



1     FLAGS PUT UP BY POLANSKI'S LAWYERS TO FEEL OUT WHAT  
2     WOULD HAPPEN IF HE CAME BACK.  AND I CAN'T SPEAK FOR THE  
3     DISTRICT ATTORNEY'S OFFICE, BUT I CAN CERTAINLY TELL YOU  
4     A REALITY IS THAT ANY D.A. WHO WOULD GIVE THIS GUY  
5     PROBATION, OR ANY JUDGE, IT WOULD BE THE END OF THEIR  
6     CAREER, IT WOULD BE OVER, BECAUSE THE WAY THEY TAKE  
7     THESE SEXUAL ASSAULTS, THE PROBLEMS WITH THE CHURCH  
8     CASES, THE PROBLEMS WITH PEDOPHILIA, THESE KINDS OF  
9     THINGS, THIS IS NOT A LIGHT SENTENCE ANY MORE.  HE WOULD  
10    NEVER HAVE GOTTEN THAT SENTENCE TODAY, NEVER.

11                   AND THERE'S NO JUDGE, NO D.A., NOR STEVE  
12    COOLEY THAT COULD SURVIVE THE PUBLIC OUTCRY IF THAT GUY  
13    WAS -- WAS PUT ON PROBATION.

14                   THE INTERVIEWER:  WOW.  UM, HAVING SAID THAT,  
15    RITTENBAND DID, MY UNDERSTANDING OF IT IS, SENTENCE HIM  
16    TO THE 1203.03 AND SAID THAT HE WANTED THAT TO BE THE  
17    PUNISHMENT.

18                   DAVID WELLS:  OKAY.  REMEMBER 1203.03 IS NOT A  
19    SENTENCE BECAUSE YOU CAN APPEAL A SENTENCE.

20                   THE INTERVIEWER:  OKAY.

21                   DAVID WELLS:  I'M SURE THAT'S WHAT RITTENBAND HAD  
22    IN MIND.  AND, IN FACT, I THINK I TOLD YOU THAT, THAT HE  
23    WAS NOT GONNA GET ANY MORE JAIL TIME, THAT WAS HIS JAIL  
24    TIME.

25                   THAT'S THE BONE THEY THROW TO THE DISTRICT  
26    ATTORNEY'S OFFICE, BECAUSE IF HE SAYS -- WOULD HAVE  
27    SAID, I'M GONNA GIVE HIM A YEAR IN THE COUNTY JAIL, THAT  
28    WOULD BE THE SENTENCE APPEALED IMMEDIATELY; I'M GONNA

1 GIVE HIM WEEKENDS IN THE COUNTY JAIL, IMMEDIATE APPEAL.  
2 NO MATTER WHAT THE SENTENCE WAS, IF IT INCLUDED A DAY IN  
3 JAIL, DALTON, AND CORRECTLY SO, WOULD HAVE APPEALED IT.  
4 AND THAT HAS ITS OWN FORCE AND EFFECT.

5 YOU KNOW, THE JUDGE SAID, "THIS IS NEVER  
6 GONNA BE OVER. IT'S GONNA -- YOU KNOW, THIS THING'S  
7 GONNA GO ON FOREVER." SO, YOU KNOW, HE HAS A MOTIVATION  
8 TO GET RID OF CASES. AND RITTENBAND LIKED TO GET RID OF  
9 CASES. YOU KNOW, ONCE THE PUBLICITY HAD FIZZLED OUT ON  
10 A CASE HE WANTED THE THING TO GO AWAY. IF HE HAD A BIG  
11 PUBLICITY CASE AND IT WAS OVER AND THE GUY WAS  
12 SENTENCED, IN HIS MIND THAT WAS THE END OF IT. HE  
13 DIDN'T WANT TO HEAR ANY MORE ABOUT IT.

14 THE INTERVIEWER: WHAT WAS YOUR OWN FEELING ABOUT  
15 POLANSKI AND THE CRIME HE COMMITTED?

16 DAVID WELLS: MY FEELING WAS THAT IT WAS  
17 REPREHENSIBLE AND I FELT THAT HE SHOULD HAVE GONE TO  
18 STATE PRISON, AND I WOULD HAVE INSISTED ON A STATE  
19 PRISON SENTENCE. I PROBABLY WOULDN'T HAVE GOTTEN IT OUT  
20 OF RITTENBAND BECAUSE I TOLD YOU HE'S -- EVEN THOUGH I  
21 WAS A GOOD FRIEND OF RITTENBAND'S, HE WAS REALLY LIGHT  
22 ON SENTENCING.

23 I MEAN, THERE'S SOME KIND OF CASES HE  
24 ABSOLUTELY HATED, BUT IN THAT DAY AND AGE ON THIS KIND  
25 OF CASE I DON'T THINK I WOULD HAVE GOT A STATE PRISON  
26 SENTENCE OUT OF IT.

27 THE INTERVIEWER: AND A STATE PRISON SENTENCE FOR  
28 HOW LONG? BECAUSE I KNOW IT'S KIND OF LIKE SIX MONTHS



1 TO 50 YEARS.

2 DAVID WELLS: OH, NO. AGAIN, '77, I DON'T KNOW  
3 WHETHER THAT WAS INDETERMINATE SENTENCING OR DETERMINATE  
4 AT THE TIME.

5 THE INTERVIEWER: INDETERMINATE.

6 DAVID WELLS: WELL, IT COULD HAVE BEEN ANYWHERE  
7 FROM ONE TO FIVE, SOMETHING LIKE THAT. YOU KNOW, YOU  
8 CAN LOOK THAT UP IN THE PENAL CODE. I DON'T REMEMBER  
9 ANY MORE. BECAUSE IT WAS RIGHT AFTER THAT THEY CAME  
10 DOWN WITH THAT DETERMINATE SENTENCING, WHICH WERE FIXED  
11 TERMS.

12 THE INTERVIEWER: CAN YOU EXPLAIN INDETERMINATE  
13 AND DETERMINATE, BECAUSE THAT WAS DEFINITELY --

14 DAVID WELLS: YEAH. INDETERMINATE SENTENCING,  
15 THIS WAS A SENTENCING THAT EXISTED IN CALIFORNIA FOR  
16 MANY, MANY, MANY, MANY YEARS, AND WHAT IT WAS WAS  
17 SOMEBODY WOULD COME IN WITH A ROBBERY OR SOME KIND OF  
18 CASE, TAKE A ROBBERY, FOR INSTANCE, AND IF HE WERE  
19 CONVICTED, THE JUDGE COULD EITHER GIVE HIM PROBATION, UP  
20 TO A YEAR IN THE COUNTY JAIL, OR SENTENCE HIM TO THE  
21 TERM PRESCRIBED BY LAW -- WHICH ON A ROBBERY WAS, WHAT,  
22 ONE TO 15 YEARS, TEN TO LIFE, SOMETHING LIKE THIS -- AND  
23 THEN HE WOULD GO -- BE SENTENCED ON THAT KIND OF A  
24 SENTENCE, AND THEN THE PAROLE BOARD WOULD DETERMINE WHEN  
25 HE GOT OUT. THEY COULD LET HIM OUT -- AS LONG AS HE DID  
26 PART OF THE MINIMUM, THEY COULD LET HIM OUT IN THE  
27 MINIMUM. SO IF YOU HAD A FIVE-TO-LIFE SENTENCE, YOU  
28 COULD CONCEIVABLY BE OUT IN FIVE ON A MURDER CASE.

1                   AND THE LEGISLATURE BELIEVED THAT, YOU  
2                   KNOW, THAT'S NOT REALLY FAIR TO ANY PARTY BECAUSE THE  
3                   GUY DOESN'T KNOW WHEN HE COMMITS A CRIME WHAT'S GONNA  
4                   HAPPEN TO THAT GUY, IT COULD BE ANYTHING. AND IF HE  
5                   FEELS HE'S GONNA GET OUT EARLY OR GET TREATED LIGHTLY,  
6                   HE MAY BE MORE INCLINED TO COMMIT THE CRIME, AND SO  
7                   WE'RE GOING TO CHANGE IT, WE, THE LEGISLATURE, WE'RE  
8                   GOING TO MAKE A DETERMINATE, A FIXED SENTENCE, WHERE  
9                   MOST LOW GRADE FELONIES ARE 16 MONTHS, TWO OR THREE  
10                  YEARS IN STATE PRISON; THE MIDDLE TERM BEING THE  
11                  PREFERRED. YOU KNOW, IF THE GUY'S A REAL BAD GUY AND  
12                  EVERYTHING, YOU'D GIVE HIM THE UPPER. IF HE'S JUST A  
13                  REAL SWEET GUY, NO PRIOR CRIMINAL, THEY CAN GIVE HIM THE  
14                  LOWER TERM.

15                 THE INTERVIEWER: SO FOR POLANSKI INDETERMINATE  
16                 VERSUS TERMINATE -- INDETERMINATE FOR -- WELL, HIS --  
17                 HIS -- THE STRONGEST CRIME WAS THE 288, BUT HE ENDED UP  
18                 PLEADING TO UNLAWFUL SEXUAL INTERCOURSE, WHICH WAS --

19                 DAVID WELLS: THAT'S WHAT YOU WOULD SENTENCE HIM  
20                 ON. AND IT WAS PROBABLY ONE TO FIVE IN THOSE DAYS.  
21                 AND, YOU KNOW, THAT WAS NOT A VERY SERIOUS CRIME. AND  
22                 THOSE WERE THE DAYS DAYS WHEN WE TRIED RAPE CASES AND  
23                 THE VICTIM'S REPUTATION WAS ON THE LINE AND, YOU KNOW,  
24                 IT WASN'T TREATED LIKE IT WAS NOW BECAUSE THE PUBLIC  
25                 JUST, YOU KNOW, DIDN'T LOOK AT THIS AND GET AS INCENSED  
26                 AS THEY DO NOW WITH THESE KINDS OF CASES.

27                 THE INTERVIEWER: YEAH. CAN YOU -- 'CAUSE I'M  
28                 TRYING TO CONNECT IT TO THIS CASE, SO -- AND THIS IS

1 CONFUSING FOR ME, BECAUSE IT'S LIKE I DON'T KNOW THE --  
2 I DON'T HAVE THE -- I DON'T HAVE IT WRITTEN HERE, BUT  
3 IT'S BASICALLY, I'VE READ, SIX MONTHS TO 50 YEARS OR ONE  
4 TO FIVE YEARS, DEPENDING ON WHETHER IT'S COUNTY JAIL OR  
5 WHAT. BUT COULD YOU TALK ABOUT FOR POLANSKI THE CRIME  
6 BEING UNLAWFUL SEXUAL INTERCOURSE WITH A MINOR, WHICH IS  
7 THE CRIME HE PLED TO, WHAT HIS -- IN INDETERMINATE  
8 SENTENCING -- IN THE TIME OF INDETERMINATE AND IN THE  
9 TIME OF DETERMINATE WHAT THE DIFFERENCE IN HIS JAIL TIME  
10 WOULD BE.

11 DAVID WELLS: I CAN LOOK THAT UP FOR YOU WHAT THE  
12 DETERMINATE SENTENCE IS. I DON'T KNOW OFF THE TOP OF MY  
13 HEAD BECAUSE I HAVEN'T HANDLED SEXUAL ASSAULT CASES FOR  
14 YEARS. BUT UNLAWFUL SEXUAL INTERCOURSE, STATUTORY RAPE  
15 THEY CALL IT, IS THE CRIME FOR WHICH HE PLED, AND IT IS  
16 AN ALTERNATE FELONY/MISDEMEANOR. IT'S UNDER 261 AND I  
17 THINK IT'S .5 OF THE PENAL CODE. WELL, ALL THE OTHER  
18 261'S BELOW THAT -- OR ABOVE THAT, BELOW IT, 1 THROUGH  
19 4, ARE SERIOUS, HARDCORE RAPE CASES, FORCIBLE RAPE,  
20 DRUGS, ALL OF THESE HORRIBLE THINGS YOU HEAR ABOUT, AND  
21 THAT IS REALLY HARD TIME. I MEAN, IF YOU HAVE MULT- --  
22 IF YOU HAVE THE SODOMY, PLUS THE SEXUAL INTERCOURSE,  
23 PLUS THE LEWD ACT WITH A CHILD UNDER 14, YOU'RE LOOKING  
24 LONG, LONG TIME, AND THEY ARE BOTH FULL AND CONSECUTIVE  
25 TIMES AND YOU DON'T GET TIME OFF BECAUSE IT'S A SECOND  
26 COUNT OR ANYTHING LIKE AT THAT. IT'S REALLY STEEP AND  
27 SERIOUS.

28 THOSE DAYS IT WAS, UM, YOU KNOW, NOT THAT

1 BIG A DEAL, YOU KNOW. AND UM -- IT WAS WITH THE  
2 VICTIMS, OF COURSE, YEAH, AND IT WAS WITH A LOT OF THE  
3 D.A.S WHO WERE CONCERNED WITH THE ATTITUDE OF THE PUBLIC  
4 ON THESE KIND OF CASES. HARD TO GET A CONVICTION ON  
5 SEXUAL ASSAULT CASES.

6 AND I HAVE A HUNCH THIS IS WHAT WAS  
7 PROBABLY GOING THROUGH GUNSON'S MIND WITH POLANSKI, IS  
8 THAT HERE'S A GUY THAT THE PUBLIC LIKES, IT'S DIFFICULT  
9 TO CONVICT AN ACTOR OR A DIRECTOR OR PRODUCER THAT THE  
10 PUBLIC LOVES, BECAUSE THEY DON'T THINK THEY CAN TO THAT.  
11 YOU SEE THIS WITH MICHAEL JACKSON KIND OF THING. IN THE  
12 OLD DAYS YOU SAW IT WITH ERROL FLYNN. I MEAN, THEY TOOK  
13 HIM TO TRIAL FOR RAPE AND HE WALKED ON BOTH THE TRIAL  
14 AND THE RE-TRIAL ON THE THING. THE PUBLIC DON'T WANT  
15 THAT. YOU REALLY NEED A HIGHER STANDARD THAN YOU  
16 USUALLY GET.

17 AND I THINK THAT WAS PROBABLY GOING THROUGH  
18 GUNSON'S MIND. AND I THINK THAT WAS MAYBE ONE OF THE  
19 MOTIVATING FACTORS TO CUT HIS LOSSES ON IT. YOU'D HAVE  
20 TO ASK ROGER. I CAN'T THINK FOR HIM, BUT CERTAINLY  
21 THOSE THINGS WENT THROUGH MY MIND; BUT MY FEELING WAS  
22 THE HELL WITH IT, I'M GONNA TAKE THE THING TO TRIAL,  
23 AND, YOU KNOW, IF I WIN, I WIN, AND I WIN MOST OF 'EM,  
24 AND IF I LOSE, ALL RIGHT, BUT, I'M NOT GONNA AGREE TO  
25 ANY COUNTY TIME ON THIS CASE. THAT WAS MY STATE OF MIND  
26 ON THE THING.

27 THE INTERVIEWER: BUT WAS POLANSKI LOVED AT THAT  
28 TIME? I THINK MAYBE HE -- PEOPLE HAD SYMPATHY FOR HIM.

1           DAVID WELLS: WELL, AS I MENTIONED TO YOU EARLIER,  
2 WHEN I WAS TEACHING AT NIGHTS, I THINK I WAS TEACHING A  
3 FIVE-DAY STRETCH AT U.C.L.A., PARALEGALS, AND THEY SAW  
4 MY NAME ON THIS CASE, AND I'D GET QUESTIONS IN THE  
5 CLASS, "HOW CAN YOU DO THIS TO HIM? HE'S JUST A -- HE'S  
6 A GENIUS." AND THE STUDENTS'S, "HE'S A GENIUS. HOW CAN  
7 YOU DO THIS TO A GENIUS?"

8           AND I'M THINKING -- I SAID, "WELL, YOU  
9 KNOW, GENIUSES CAN COMMIT CRIMES, TOO." AND I'M  
10 THINKING, WELL, MY GOD, HOW WOULD I LIKE TO HAVE THESE  
11 LAW STUDENTS, PARALEGAL STUDENTS ON MY JURY WITH THAT  
12 STATE OF MIND? IT'S RIDICULOUS. AND SO, YOU KNOW,  
13 THEY -- HE WAS PRETTY WELL IDOLIZED.

14           THE INTERVIEWER: INTERESTING. WERE YOU GOOD  
15 FRIENDS WITH RITTENBAND? YOU SAID THAT A LITTLE  
16 EARLIER.

17           DAVID WELLS: AS GOOD AS ANYBODY CAN BE. I'D --  
18 ONCE IN AWHILE I'D --

19           THE INTERVIEWER: CAN YOU SAY THAT IN A COMPLETE  
20 SENTENCE?

21           DAVID WELLS: YEAH. I KNEW RITTENBAND BECAUSE I'D  
22 BEEN WITH HIM FOR A LONG TIME AND I USED TO KID WITH HIM  
23 AND STUFF. AND AS -- YOU KNOW, HE DIDN'T HAVE A LOT OF  
24 CLOSE FRIENDS IN THE LEGAL PROFESSION. THE FRIENDS THAT  
25 WERE CLOSE WERE FRIENDS THAT HE MET AT HILLCREST OR THAT  
26 HE KNEW FROM HIS OUTSIDE LIFE. AND I USED TO KID WITH  
27 HIM A LOT. HE TOOK ME TO HILLCREST FOR LUNCH EVERY ONCE  
28 IN AWHILE. AND IN THAT RESPECT I KNEW HIM AND I COULD

1 TALK TO HIM.

2 YOU KNOW, SOME PEOPLE, YOU'D TALK TO  
3 RITTENBAND AND IF YOU SAID THE WRONG THING, HE'D JUST  
4 FLAME OUT AT YOU. I MEAN, HE WAS REALLY -- HE REALLY  
5 HAD AN EGO. AND I REMEMBER ONCE, AND AS CLOSE AS I WAS  
6 TO HIM, AND I WAS ON THE TELEPHONE IN A COURTROOM AND I  
7 SAID SOMETHING ON THE PHONE THAT WAS LOUD, AND HE SAID,  
8 "MR. WELLS, YOU HANG THAT PHONE UP AND YOU GET OUT OF  
9 THIS COURTROOM RIGHT NOW." I SAID, "YES, YOUR HONOR."  
10 AND THERE'S A GUY THAT WOULD ORDINARILY NEVER TALK TO ME  
11 LIKE THAT.

12 THE INTERVIEWER: DID YOU TALK TO HIM ABOUT HIS  
13 GIRLSFRIENDS OR WHAT WAS THE COMMENT YOU TOLD ME?

14 DAVID WELLS: YEAH. HE'S -- REMEMBER I WAS  
15 YOUNGER, TOO, AT THE TIME. AND RITTENBAND SAID, "WELL,  
16 I GOT TWO GIRLFRIENDS."

17 I SAID, "JUDGE RITTENBAND," I SAID, "WHAT  
18 WOULD YOU AT YOUR AGE DO WITH A GIRLFRIEND?"

19 AND HE SAID, "I'D DO THE SAME THING YOU  
20 DID, PROBABLY BETTER."

21 AND I SAID, "WELL, TELL ME ABOUT IT."

22 HE SAYS, "WELL, I GOT ONE THAT COOKS AND  
23 ONE THAT DOES THE OTHER THING." SO -- AND THAT WAS IT.  
24 HE SAID, "I DON'T WANT TO IT CAN TALK ANY MORE ABOUT  
25 IT."

26 THE INTERVIEWER: WAS HE AN ATTRACTIVE MAN AT ALL?

27 DAVID WELLS: OH, HE LOOKED LIKE A JUDGE. LET'S  
28 PUT IT THAT -- HE WAS UP IN THAT BLACK ROBE UP THERE AND

1 HE -- HE LOOKED LIKE A JUDGE, YOU KNOW. HE HAD WHITE  
2 HAIR. IT WAS COMBED BACK AND PARTIALLY BALDING. AND HE  
3 HAD A LITTLE ROUND FACE AND REAL RED BULB NOSE. AND HE  
4 LOOKED LIKE A JUDGE AND HE ACTED EVERY BIT A JUDGE.

5 AND UM, GEE, WHAT ELSE CAN I SAY ABOUT HIM?  
6 WELL, HE WAS APPOINTED BY PAT BROWN WAY BACK. AND WHEN  
7 JERRY BROWN -- HERE'S IS ANOTHER STORY OF RITTENBAND --  
8 JERRY BROWN WAS RUNNING FOR GOVERNOR. HE'D CALL UP PAT  
9 AND HE SAYS, "THAT LITTLE SON-OF-A-BITCH, WHY IS HE  
10 RUNNING FOR GOVERNOR? HE'S NO DAMN GOOD AT ALL. HE'S  
11 ALL, WHY'D YOU LET THAT KID RUN FOR GOVERNOR?" HE'D SAY  
12 THINGS LIKE THIS.

13 THE INTERVIEWER: WHEN -- DID YOU REALLY TAKE THAT  
14 PICTURE FROM GERMANY INTO HIS COURTROOM --

15 DAVID WELLS: OH, YEAH.

16 THE INTERVIEWER: -- AND SAY --

17 DAVID WELLS: TOOK IT INTO CHAMBERS.

18 THE INTERVIEWER: IS THAT THE FIRST TIME HE SAW  
19 IT?

20 DAVID WELLS: YEAH.

21 THE INTERVIEWER: WHY DID YOU DO THAT?

22 DAVID WELLS: OH, YOU KNOW, I WAS THE CALENDAR  
23 DEPUTY AND, YOU KNOW, THIS WAS PART OF THE CASE, I MEAN.  
24 YOU KNOW, IT'S --

25 THE INTERVIEWER: CAN YOU -- CAN YOU SAY THAT IN A  
26 COMPLETE SENTENCE?

27 DAVID WELLS: YEAH. WHY DID I TAKE THE PICTURE OF  
28 ROMAN POLANSKI --

1 THE INTERVIEWER: INSTEAD OF SAYING "WHY," CAN YOU  
2 SAY, "I TOOK THE PICTURE" --

3 DAVID WELLS: OKAY. THE PICTURE THAT -- OF ROMAN  
4 POLANSKI THAT WAS TAKEN AT OKTOBERFEST WITH THESE YOUNG  
5 GIRLS, I TOOK IT IN TO RITTENBAND BECAUSE I FIGURED IT  
6 WAS SOMETHING HE OUGHT TO SEE.

7 AND WHAT I TOLD HIM WAS, I SAID, "YOU KNOW,  
8 JUDGE, YOU'VE MADE SO MANY MISTAKES, I THINK, IN THIS  
9 CASE. LOOK AT. HE'S GIVING YOU THE FINGER. HE'S  
10 FLIPPING YOU OFF. AND HERE'S THE WAY HE'S DOING IT."  
11 AND I SAID, "HAVEN'T YOU HAD ENOUGH OF THIS?"

12 AND THEN, OF COURSE, THEN HE EXPLODED, WHAT  
13 HAPPENED HAPPENED.

14 BUT, SEE, THAT'S DIFFERENT THAN SITTING  
15 DOWN AND TALKING ABOUT SENTENCING ON A CASE OR THE TRIAL  
16 TACTICS, WHICH WOULD BE UNETHICAL. I MEAN, THIS IS A  
17 THING WHERE HE'S SUPPOSED TO BE BACK AND THE JUDGE HAD  
18 LET HIM OUT. AND I SAYS, "YOU KNOW, YOU'RE GONNA HAVE  
19 TO BE AWARE OF WHAT GOES ON."

20 AND IF I DIDN'T DO IT, I'M SURE THAT ROGER  
21 WOULD HAVE BROUGHT THE PICTURE IN AT THE TIME OF -- WHEN  
22 HE SHOWED UP AGAIN. IN RETROSPECT, IT WOULD HAVE  
23 PROBABLY BEEN BETTER TO LET IT SIT BECAUSE I'D BE  
24 WAITING LIKE A BIG SPIDER OR RITTENBAND WOULD, AND IF HE  
25 SAW THE PICTURE AND ROMAN POLANSKI DIDN'T KNOW ABOUT IT  
26 AND HE SLAMMED HIM WITH A SENTENCE, HE'D BE IN TROUBLE.

27 BUT, AGAIN, HE HAD ALREADY MADE THE  
28 SENTENCE COMMITMENT. SO IF HE DECIDED TO SENTENCE HIM



1 TO SOMETHING ELSE, THEN, YOU KNOW, THEN DALTON COULD  
2 HAVE WITHDRAWN THE PLEA, AND IT'S RIGHT BACK TO SQUARE  
3 ONE, WHERE YOU'RE SET FOR TRIAL AND YOU'RE GONNA HAVE TO  
4 TRY THE CASE. WHEN HE ABANDONED THE CASE AND WAS A  
5 FUGITIVE, ALL DEALS ARE OFF. SO NOW HE -- THE JUDGE CAN  
6 DO ANYTHING HE WANTS TO HIM.

7 THE INTERVIEWER: AND WHAT HAPPENED THEN? DALTON  
8 FILED A MOTION FOR DISQUALIFICATION AND CLAIMED THAT  
9 RITTENBAND WAS -- DIDN'T HE HOLD A PRESS CONFERENCE IN  
10 HIS CHAMBERS?

11 DAVID WELLS: HE WOULD, I'M SURE HE WOULD. I'M  
12 SURE HE WOULD. I DON'T -- REMEMBER, I WAS THE CALENDAR  
13 DEPUTY IN THERE, BUT WHEN THAT STUFF WENT ON IN  
14 CHAMBERS, I WASN'T IN THERE BECAUSE I WASN'T INVOLVED.  
15 AND, YOU KNOW, IT'S GUNSON'S CASE AND IF -- YOU KNOW, I  
16 CAN'T JUST TAG ALONG ON HIS CASE. WHAT ARE YOU DOING  
17 HERE? IT'S NOT YOUR CASE. AND HE'S RIGHT.

18 SO, YOU KNOW, I DON'T KNOW WHAT WENT ON IN  
19 CHAMBERS, BUT I KNOW SOMETIMES RITTENBAND WOULD PUT HIS  
20 FOOT IN HIS MOUTH. I CAN REMEMBER ON -- ON ONE CASE, A  
21 HIGH-PROFILE CASE THAT HE HAD HANDLED, HE APPARENTLY  
22 CALLED ONE OF THE PRESS A SON-OF-A-BITCH, AND SOMEBODY  
23 ELSE FROM THE PRESS ASKED HIM ABOUT THAT. HE SAYS, "DID  
24 YOU CALL DA-DA-DA-DA A SON-OF-A-BITCH?" HE SAYS, "NO,  
25 BUT I WOULD HAVE IF I HAD THOUGHT ABOUT IT." I MEAN,  
26 THAT'S THE WAY THE GUY WAS. AND YOU COULDN'T DO  
27 ANYTHING TO HIM. HE'S THE SENIOR JUDGE. WHAT ARE YOU  
28 GONNA DO TO HIM? DEMOTE HIM?

1 THE INTERVIEWER: YEAH. I MEAN, WHO WOULD BE IN  
2 THAT POSITION?

3 DAVID WELLS: NOBODY. THE PRESIDING JUDGE  
4 DOWNTOWN COULD HAVE SENT HIM SOMEWHERE ELSE, BUT THEY'RE  
5 NOT GONNA DO THAT.

6 THE INTERVIEWER: DO YOU THINK ROMAN POLANSKI'S  
7 EVER GOING TO COME BACK?

8 DAVID WELLS: WELL, I TOLD YOU IF HE DOES, I THINK  
9 HE'S IN REAL TROUBLE. I CAN'T IMAGINE HIM COMING BACK  
10 BECAUSE I CAN'T IMAGINE ANY PUBLIC OFFICIAL SENTENCING  
11 THIS GUY TO ANYTHING OTHER THAN STATE PRISON. I JUST  
12 CAN'T SEE IT.

13 THE INTERVIEWER: DID YOU EVER HEAR OF ANY  
14 POLANSKI SIGHTINGS, PEOPLE SEEING ROMAN POLANSKI  
15 SOMEWHERE?

16 DAVID WELLS: OH, YOU KNOW, RIGHT AFTER HE HAD  
17 FLED AND IT WAS OVER, WE HEARD SOME THINGS, THAT HE WAS  
18 IN, UM -- THAT HE WAS IN ONE COUNTRY OR ANOTHER. AND  
19 THE USUAL THING WAS, WELL, HE'S IN FRANCE. IT'S OKAY,  
20 BECAUSE FRANCE WON'T EXTRADITE HIM ON THIS KIND OF CASE.  
21 IT'S NOT A -- IF IT'S NOT A CRIME THERE, IT'S NOT  
22 EXTRADITABLE I THINK IS WHAT THEY WERE SAYING. AND THEN  
23 WE KNEW THAT -- WE, AS THE DISTRICT ATTORNEY'S OFFICE,  
24 THAT IF HE SHOWED UP IN ENGLAND OR A PLACE THAT DID HAVE  
25 EXTRADITION, HE WAS IN TROUBLE. SO HE WAS SMART ENOUGH  
26 NOT TO DO THAT. AND THEN AFTER A WHILE I DIDN'T PAY ANY  
27 ATTENTION TO IT, IT'S -- IT WAS AN OLD CASE AND I'M ON  
28 TO OTHER THINGS SO...

1 THE INTERVIEWER: WHAT DID YOU THINK WHEN THE GIRL  
2 CAME FORWARD AND WROTE AN OP-ED PIECE IN THE L.A. TIMES  
3 FORGIVING POLANSKI AND WENT ON THE LARRY KING SHOW?

4 DAVID WELLS: WELL, I DIDN'T SEE IT OR READ IT. I  
5 HEARD ABOUT IT.

6 THE INTERVIEWER: CAN YOU SAY, "I HEARD ABOUT THE  
7 GIRL" --

8 DAVID WELLS: OH, YEAH.

9 THE INTERVIEWER: -- "GOING ON TELEVISION"?

10 DAVID WELLS: THE YOUNG GIRL WHO WAS ASSAULTED,  
11 THE VICTIM IN THE CASE, APPARENTLY HAD SETTLED  
12 FINANCIALLY WITH POLANSKI ON THIS THING. I THINK DOUG  
13 DALTON HANDLED THAT AND HE TALKED TO ME. I TALKED TO  
14 DOUG ABOUT IT AT SOMETIME WAY BACK, AND -- RIGHT AFTER  
15 IT HAPPENED, AND HE SAID, "YEAH, HE SETTLED IT. HE'S  
16 HAPPY NOW. SHE'S SATISFIED AND SHE THINKS THAT, YOU  
17 KNOW, HE'S SUFFERED ENOUGH."

18 AND I SAID, "WELL, WITH A FINANCIAL  
19 SETTLEMENT THAT SHE PROBABLY GOT, I'D IMAGINE SHE WOULD  
20 FEEL THAT WAY." BUT I SAID, "SHE IS NOT THE VICTIM IN  
21 THE CASE. SHE'S ONLY THE COMPLAINING WITNESS. THE  
22 VICTIM IS THE PEOPLE OF THE STATE OF CALIFORNIA, AND I  
23 THINK THEY HAVE A DIFFERENT OPINION OF IT."

24 THE INTERVIEWER: EXPLAIN THAT TO ME.

25 DAVID WELLS: EXPLAIN THE THEORY OF WHO THE VICTIM  
26 IS IN A CRIMINAL CASE? IN A CRIMINAL CASE THE VICTIM IS  
27 NOT THE VICTIMIZED PERSON, THE PERSON WHO WAS RAPED, THE  
28 PERSON WHO WAS ROBBED, THE PERSON THAT'S MURDERED. THE

1 VICTIM IS THE COLLECTIVE BODY OF THE PEOPLE OF THE STATE  
2 OF CALIFORNIA. AND IF YOU LOOK AT OUR CRIMINAL  
3 INFORMATIONS AND COMPLAINTS AND THINGS, IT SAYS, "THE  
4 PEOPLE OF THE STATE OF CALIFORNIA VERSUS" SO-AND-SO.  
5 THEY ARE THE VICTIM IN THE CASE. THEY ARE THE MOVING  
6 PARTY. THEY ARE THE PLAINTIFF.

7 IF THIS YOUNG GIRL, WHICH SHE DID, SUED  
8 HIM, IT WOULD BE VICTIM GIRL, WHATEVER HER NAME IS,  
9 VERSUS ROMAN POLANSKI. SHE'S THE MOVING PARTY. BUT IN  
10 A CRIMINAL CASE, THEY ALWAYS SAY THE PEOPLE OF THE STATE  
11 OF CALIFORNIA VERSUS.

12 NOW, THAT MIGHT SOUND LIKE HOW MANY ANGELS  
13 CAN DANCE ON THE HEAD OF A PIN, BUT IT'S IMPORTANT TO  
14 THE EXTENT THAT THIS VICTIMIZED PERSON CANNOT CONTROL  
15 THE CASE. THE ONLY ONE ONE TO CONTROL THE CASE ARE THE  
16 LAWYERS FOR THE PEOPLE OF THE STATE OF CALIFORNIA.  
17 THAT'S THE DISTRICT ATTORNEY. SO WE ARE IN TOTAL  
18 CONTROL OF THE CASE. WE REPRESENT THAT COLLECTIVE BODY,  
19 THE PEOPLE OF THE STATE OF CALIFORNIA.

20 SO WHILE WE LISTEN TO VICTIMS'S OPINIONS  
21 ABOUT CASES AND CONSIDER THEIR OPINIONS, WE ARE THE ONES  
22 WHO ACTUALLY WILL DECIDE WHAT WE FEEL IS BEST FOR THE  
23 PEOPLE. AND SO WHETHER OR NOT SHE FEELS THAT HE SHOULD  
24 COME BACK HERE OR NOT IS NOT SOMETHING THAT THE D.A.'S  
25 OFFICE IS GONNA CONSIDER.

26 THE INTERVIEWER: THAT'S INTERESTING. BUT, I  
27 MEAN, WHO'S THE REAL VICTIM HERE? REALLY? I MEAN, I  
28 DON'T SEE THE PEOPLE OF THE STATE OF CALIFORNIA -- ARE

1 THEY SUFFERING?

2 DAVID WELLS: THEY NEVER DO. HOW MANY PEOPLE OF  
3 THE STATE OF CALIFORNIA ARE SUFFERING OVER THE MICHAEL  
4 JACKSON CASE? SAVORING, MAYBE, BUT NOT SUFFERING. BUT,  
5 NEVERTHELESS, THAT'S NOT THE ISSUE BECAUSE IT'S NOT  
6 UNCOMMON THAT PEOPLE, INDIVIDUALS SAY, WELL, THIS GUY'S  
7 SUFFERED ENOUGH, HE'S DONE ENOUGH. WHY SHOULD WE PUNISH  
8 HIM THAT WAY?

9 THAT'S WHY YOU NEED THIS INDEPENDENT BODY  
10 THAT MAKES THESE KINDS OF DECISIONS AS TO WHETHER TO  
11 PROCEED WITH A CASE OR WHAT TO DO WITH A CASE, 'CAUSE A  
12 LOT OF EMOTIONS GET INVOLVED IN THESE THINGS.

13 THE INTERVIEWER: DO YOU REMEMBER YOUR  
14 CONVERSATIONS WITH ROMAN POLANSKI WHEN YOU WERE TALKING  
15 TO HIM?

16 DAVID WELLS: YOU KNOW, I CAN REMEMBER TALKING TO  
17 HIM AND I CAN REMEMBER JUST MAKING SMALL TALK. AND I  
18 DIDN'T TALK TO HIM ABOUT ANY OF THE FACTS OF THE CASE OR  
19 ANYTHING BECAUSE, QUITE FRANKLY, AGAIN I DIDN'T WANT TO  
20 BE A WITNESS IN THE CASE. AND I KNOW HE WAS, UM,  
21 TALKATIVE, UM, HE'D ANSWER QUESTIONS. IF I ASKED HIM A  
22 QUESTION, HE'D ANSWER THE QUESTION. AND USUALLY IT WAS  
23 INNOCUOUS KIND OF STUFF, HOW DO YOU LIKE YOUR MERCEDES,  
24 OR SOME DUMB THING LIKE THAT. BECAUSE VANNATTER, PHIL  
25 VANNATTER WAS THE INVESTIGATOR, AND FOR ME TO START  
26 QUESTIONING A GUY, THAT'S TOTALLY INAPPROPRIATE. SO I  
27 WAS JUST KIND OF ON THE OUTSIDE.

28 I WAS THERE WHEN HE WAS BOOKED IN JAIL. I

1 WAS THERE WHEN I TOOK THE -- THE MUG PHOTOS. I WAS  
2 THERE WHEN HE WAS PRINTED. I CAN REMEMBER ALL OF THAT  
3 KIND OF STUFF. BUT AS TO QUESTIONS, I -- IT WAS JUST  
4 PERIPHERAL KIND OF THINGS.

5 THE INTERVIEWER: HOW DO YOU THINK THIS CASE WILL  
6 BE REMEMBERED?

7 DAVID WELLS: WELL, I FRANKLY DON'T KNOW IF IT'S  
8 GONNA BE REMEMBERED. I MEAN, YOU'RE RESURRECTING IT NOW  
9 FOR A -- FOR A TV, UM, PROGRAM, BUT YOU KNOW, I THINK A  
10 LOT OF PEOPLE HAVE FORGOTTEN IT. AND, YOU KNOW, I  
11 SUPPOSE IF POLANSKI PASSES AWAY, GOD FORBID, YOU KNOW,  
12 THEN IT GETS REVISITED. IF SOMETHING -- THE MICHAEL  
13 JACKSON CASE IS GOING TO REVIVE IT, I'M SURE, AND --  
14 BECAUSE YOU CAN DRAW THE ANALOGY TO IT AND IN THAT  
15 RESPECT I THINK IT'S FINE.

16 I THINK MOST PEOPLE -- YOU KNOW, I WOULD  
17 SAY MOST PEOPLE SAY, YOU KNOW, SO WHAT. THAT WAS A LONG  
18 TIME AGO. IT'S WATER UNDER THE BRIDGE. YOU KNOW, WHO'S  
19 POLANSKI? WHAT DID HE DO? DIDN'T HE DO SOMETHING?  
20 DIDN'T HE -- DIDN'T HE DO SOMETHING? YOU KNOW, THEY  
21 DON'T EVEN KNOW THAT SHARON TATE WAS HIS WIFE, A LOT OF  
22 PEOPLE, I WOULD THINK.

23 THE INTERVIEWER: DO YOU -- ARE YOU A FAN OF HIS  
24 MOVIES?

25 DAVID WELLS: NO, NOT PARTICULARLY. YOU KNOW, THE  
26 ONES HE'S MADE SUBSEQUENT TO THAT I KIND OF CAN'T WATCH  
27 BECAUSE IT KIND OF INCENSES ME THAT HE'S LOST HIS --

28 THE INTERVIEWER: CAN YOU SAY THAT IN A COMPLETE

1 SENTENCE?

2 DAVID WELLS: YEAH. YOU KNOW, I HAD SEEN A COUPLE  
3 OF HIS MOVIES IN THE PAST AND I WASN'T REALLY IMPRESSED  
4 WITH 'EM. IT JUST WAS NOT SOMETHING I LIKED. BUT, UM,  
5 THE MOVIES THAT TOOK PLACE SUBSEQUENT TO HIS INVOLVEMENT  
6 IN THIS CASE I REALLY CAN'T WATCH BECAUSE I CAN'T -- YOU  
7 KNOW, TO SEE THE GUY THERE, I'M LOOKING AT SOMEBODY I  
8 THINK SHOULD BE BEHIND BARS AND IT REALLY INCENSES ME  
9 THAT HE'S WALKED ON THIS CASE, SO, YOU KNOW, I CAN'T  
10 ENJOY A MOVIE LIKE THAT.

11 THE INTERVIEWER: LAST --

12 DAVID WELLS: YOU KNOW, I'VE SEEN MOVIES THAT HE'S  
13 PRODUCED AND HAD NOTHING TO DO WITH IT, EXCEPT HE'S GOT  
14 A WALK-THROUGH PART, I THINK THEY SAY, IN ALL THE  
15 MOVIES. AND, YOU KNOW, HE DOES A GOOD JOB SOMETIMES.

16 THE INTERVIEWER: LAST QUESTION: YOU'RE -- YOU'RE  
17 ADAMANT THAT HE SHOULD BE -- HE SHOULD HAVE TO GONE TO  
18 COUNTY -- DID YOU SAY COUNTY JAIL?

19 DAVID WELLS: NO. YOU CAN ONLY GO TO COUNTY JAIL  
20 FOR UP TO A YEAR.

21 THE INTERVIEWER: OKAY.

22 DAVID WELLS: ANY SENTENCE OVER A YEAR IS A STATE  
23 PRISON FELONY SENTENCE, OKAY. LIKE A YEAR AND A DAY, OR  
24 16 MONTHS OR TWO YEARS OR SOMETHING LIKE THAT. IF IT'S  
25 A YEAR OR LESS, IT'S -- IF THE JUDGE SENTENCES HIM TO A  
26 YEAR OR LESS, IT BECOMES A MISDEMEANOR AUTOMATICALLY.

27 THE INTERVIEWER: OKAY.

28 DAVID WELLS: NOW, WHAT THE JUDGE WOULD HAVE

1 PROBABLY DONE ON THIS IS SAY, I'M GONNA SUSPEND  
2 PROCEEDINGS, PUT YOU ON PROBATION FOR THREE YEARS, AND  
3 AS ONE OF THE CONDITIONS OF PROBATION YOU'RE GONNA SERVE  
4 SIX MONTHS IN THE COUNTY JAIL, TWO WEEKENDS, A YEAR IN  
5 THE COUNTY JAIL, HE CAN DO THAT; OR, I'LL GIVE YOU  
6 CREDIT FOR THE TIME YOU DID IN CHINO, WHICH IS WHAT HE  
7 WOULD HAVE DONE. AND THEN AFTER THREE YEARS DALTON  
8 WOULD HAVE COME IN AND PETITIONED TO REDUCE THAT CASE --  
9 OR TO TERMINATE THE CASE -- REDUCE IT TO A MISDEMEANOR,  
10 TERMINATE IT, AND THEN DISMISS IT.

11 THE INTERVIEWER: SO YOU WOULD BE HAPPY IF ROMAN  
12 POLANSKI SERVED HOW MUCH TIME IN -- IN JAIL?

13 DAVIS WELLS: YOU KNOW SOMETHING, IT'S NOT  
14 SOMETHING THAT MAKES ME HAPPY 'CAUSE IT REALLY DOESN'T  
15 MAKE ME HAPPY TO SEE SOMEBODY GO TO JAIL, BUT I THINK  
16 THAT -- THAT JUSTICE WOULD BE SERVED IF HE WENT TO STATE  
17 PRISON. THAT'S WHERE HE OUGHT TO GO.

18 NOW, HOW MUCH TIME IN STATE PRISON? YOU  
19 HAVE TO LOOK AT IT AS THE THINGS EXISTED AT THE TIME IT  
20 OCCURRED IN 1977, NOT WHAT WOULD HAPPEN NOW. BECAUSE  
21 NOW THEY ARE TREATING IT A LOT MORE SEVERELY, PEOPLE ARE  
22 LOOKING AT IT CLOSER, BUT I EVEN FELT AT THAT TIME THAT  
23 THE GUY OUGHT TO GO TO STATE PRISON, AND I STILL DO, FOR  
24 WHAT HE DID TO THAT YOUNG GIRL, A 13-YEAR-OLD GIRL WHERE  
25 HE HAD SEXUAL INTERCOURSE WITH HER, SODOMIZED HER, GAVE  
26 HER DRUGS, GAVE HER ALCOHOL. I MEAN, I MEAN, THAT WOULD  
27 INFURIATE ME, AND IT INFURIATES ME AS A PARENT AND IT  
28 INFURIATES ME AS A DISTRICT ATTORNEY.



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THE INTERVIEWER: OKAY. GREAT. IS THERE ANYTHING ELSE YOU WANT TO ADD?

DAVID WELLS: NO. THAT'S IT.

THE INTERVIEWER: OKAY.

DAVID WELLS: YOU'RE THE ONE ASKING THE QUESTIONS.

THE INTERVIEWER: ALL RIGHT. THANK YOU.

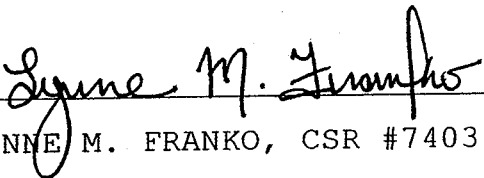
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I, LYNNE M. FRANKO, CSR# 7403, DO HEREBY  
CERTIFY THE FOREGOING PAGES, 1 THROUGH 44, REPRESENT A  
REPRESENT A FULL, TRUE AND ACCURATE TRANSCRIPTION OF THE  
CD TAPED INTERVIEW OF DAVID WELLS.

DATED THIS 10TH DAY OF JULY, 2008.

  
LYNNE M. FRANKO, CSR #7403  
OFFICIAL REPORTER

# EXHIBIT E

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CRIMINAL • Jun. 09, 2008

## Documentary on Polanski Takes Critical View of Judge

By Nicolas Taborek

Daily Journal Staff Writer

This article appears on Page 1

LOS ANGELES - Los Angeles County Superior Court Judge Laurence J. Rittenband, who presided over Roman Polanski's 1977 prosecution and conviction for having sex with a 13-year-old girl, gets a scathing portrayal in a new documentary that revisits the famed film director's sensationalized case.

The centerpiece of "Roman Polanski: Wanted and Desired," which airs tonight on HBO, is a sequence in which the assistant district attorney assigned to the case, Roger Gunson, and Polanski's defense attorney, Douglas Dalton, speak openly for the first time about Rittenband's handling of the case. Both attorneys criticize the judge, who died in 1993, for attempting to manipulate the proceeding, paying too much attention to media coverage of the case and reneging on agreements between both sides.

In separate interviews, both lawyers recount how Rittenband, behind closed doors, instructed them on how to argue their sides of the case in open court so that his predetermined decisions would appear justified.

Dalton and Gunson also discuss how all parties had agreed that after Polanski's 42-day stay in a Chino correctional facility undergoing a court-ordered "psychological evaluation," he would be sentenced to probation and released. But concerned he would appear soft on crime if he let Polanski off without additional prison time, Rittenband apparently went back on his promise, both attorneys confirm in the film, and planned to sentence Polanski to additional time.

A telling moment comes when Gunson admits he wasn't surprised Polanski chose to flee the country rather than face Rittenband's sentence. A French citizen, the director of such films as "Chinatown," "Rosemary's Baby" and "The Pianist" fled the country in 1978 and remains a fugitive from the United States, living in Paris.

For her film, documentarian Marina Zenovich spent five years tracking down the major players from Polanski's courtroom drama, and convincing them to go on the record about the case. In an interview, Zenovich said she became interested in Polanski's story in 2003 when he was again in the news after his best director Oscar win for "The Pianist."

In a "Larry King Live" interview, Samantha Geimer, Polanski's now-adult victim, publicly forgave the director for his crime. But it was a statement by Geimer's attorney, Lawrence Silver, who also appeared on the program, that stuck in Zenovich's mind. Speaking of the day Polanski fled, Silver said, "What happened that day, both to Polanski and to some extent the American judicial system, I really think it was a shameful day."

"What was he talking about?" Zenovich recalled thinking.

The documentary that came out of her work is clearly critical of Rittenband's conduct during the case, but the film also is not intended to be an apology for Polanski's crime, Zenovich said.

Sandi Gibbons, a spokeswoman for the Los Angeles County district attorney's office, who as a reporter covered trials in Rittenband's courtroom and was a City News Service editor during the Polanski proceeding, called the documentary a "very fair" portrayal of the case.

"Rittenband was a very flamboyant judge. He did hold news conferences in his chambers - I've never seen a judge do that before or since," Gibbons said.

Rittenband, who was 88 when he died in 1993, was well known for his brusque courtroom style and apparently relished presiding over celebrity cases. He handled Elvis Presley's divorce, Marlon Brando's child-custody battle and a paternity suit against Cary Grant.

Other notable cases with which he was involved included the Billionaire Boys Club murderers, the drifter who attacked actress Theresa Saldana and Frederick Jerome Thomas, who killed Sarai Ribicoff, niece of a U.S. senator.

But it was Polanski's case that left a lasting impression on the judge. Rittenband vowed to stay on the bench until Polanski returned to the country, but retired in 1989.

Rittenband, who never married, was something of a ladies man, juggling multiple girlfriends half his age, according to acquaintances interviewed in the documentary.

He graduated from Stuyvesant High School in New York at 15 and New York University at 19, after studying law by night. He found he was too young to practice and attended Harvard University, graduating magna cum laude, and became a federal prosecutor.

Gibbons did take issue with one contention made in the documentary about the lingering question, "What would happen to Polanski if he returned to the United States?" At the end of the film, Zenovich makes the surprising claim that the new judge in Polanski's case has promised that he would not sentence the director to additional prison time but that the proceedings in the case would have to be televised.

Gibbons said there is nothing to this assertion. If he returned, Polanski would have to appear before Judge Larry Paul Fidler, who has taken over the case. While a prison sentence would be unlikely, it remains a possibility, she said, and television cameras would not necessarily be required.

[nicolas\\_taborek@dailyjournal.com](mailto:nicolas_taborek@dailyjournal.com)

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## L.A. Superior Court called for revision of Polanski doc

Officials said the film's ending was fabricated, so HBO amended it.

June 10, 2008

HBO finally agreed Monday to amend its documentary "Roman Polanski: Wanted and Desired," after Los Angeles Superior Court officials complained the film's conclusion was a "complete fabrication."

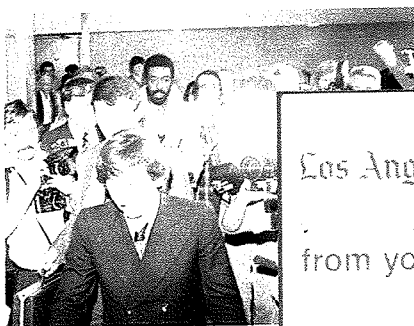
The documentary, which had already been screened at the Cannes and Sundance film festivals, originally asserted that a local judge had offered the director a deal whereby he could return to the United States with no jail time if he allowed the legal proceedings to be televised. In 1977 to wide media fanfare, Polanski was charged with a host of sexual crimes for his involvement with a 13-year-old girl. He was subsequently convicted of unlawful intercourse with a minor, but fled the country in 1978 before final sentencing.

Allan Parachini, public information officer for the court, said that the offer alluded to in Marina Zenovich's documentary "never occurred."

He added that the "fabricated reference" to the televised hearing had "the potential to . . . enormously" injure the reputation of judge Larry Paul Fidler and that court officials had been pressuring Zenovich and HBO to correct the film for about a week.

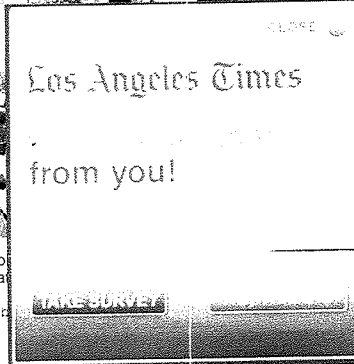
The documentary's amended version, which premiered Monday on HBO, stated that the judge insisted Polanski would serve no more jail time as long as the hearing were held "in public, on the record, and in court."

However, the documentary added, given the possibility that it could be televised, Polanski declined.



HBO's "Roman Polanski: Wanted and Desired" follows the legal wrangling at the Los Angeles Superior Court. (Los Angeles Times Collection/UCLA Library Special Collections)

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## HBO's Polanski doc has an error

Kevin Roderick • Bio • Email

The public information office at the Los Angeles County Superior Court has a bone to pick with tonight's Roman Polanski documentary on HBO. The court sent out this media advisory:

*News, television and entertainment editors and writers: The Los Angeles Superior Court asks for your immediate attention to this advisory, which relates to an HBO documentary to be aired this evening.*

COURT CHARACTERIZES ASSERTION IN ROMAN POLANSKI DOCUMENTARY TO AIR ON HBO TONIGHT, CONCERNING MANDATORY TELEVISION COVERAGE OF SENTENCING HEARING AS "COMPLETE FABRICATION"

The Los Angeles Superior Court is aware of a documentary on film director Roman Polanski scheduled to air tonight on HBO. The documentary makes an assertion that a Los Angeles Superior Court judge attempted to impose a condition on a reported sentencing agreement in 1997 under which Polanski would have had to agree to his sentencing being televised. This assertion concerning televising of the sentencing hearing is a complete fabrication, entirely without any basis in fact and completely unsupported by the court record. No such condition was ever suggested or proposed by the judge in question, either in 1997 or at any other time. The Los Angeles Superior Court has made HBO aware of this egregious error and believes the network intends to rectify this misstatement of fact later today.

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# EXHIBIT H

# Los Angeles Times

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 Location: LOS ANGELES, CA  
 Circulation (DMA): 815,723 (2)  
 Type (Frequency): Newspaper (D)  
 Page: E7  
 Keyword: Roman Polanski: Wanted and Desired

# Polanski lawyers say jurist wanted cameras

Original attorneys say judge made TV part of a deal to allow the director back into U.S.

By GREG BRAXTON  
Times Staff Writer

The original defense and prosecuting attorney in the Roman Polanski trial took the unusual step Wednesday of issuing a joint statement that accused a longtime Los Angeles Superior Court judge of lying, and continuing the judicial bungling that has marked the sex scandal since 1977.

Former District Atty. Roger Gunson, the prosecutor in the Polanski case, and Douglas Dalton, the film director's defense attorney, said Los Angeles Superior Court Judge Larry Paul Fidler discussed a deal in 1997 that would allow the director back into the country with the possibility of no jail time. During that meeting, Dalton said in the statement, Fidler made the offer contingent upon the proceedings being televised.

It was because of that condition that Polanski — who fled the country in 1978 before sentencing and felt burned by the international media circus created by his original trial and conviction for unlawful intercourse with a minor — declined to return to the United States, according to HBO's documentary "Roman Polanski: Wanted and Desired," which premiered Monday.

But the attorneys' statement came just two days after court officials attacked the documentary, contending that



VALERY HACHE AP/WIDEWORLD

**LEGAL TANGLE:** Roman Polanski, here at this year's Cannes fest, was convicted of unlawful intercourse with a minor.

Fidler's requirement for televised coverage of a potential Polanski legal proceeding was "a complete fabrication." Further, court officials in statements to the media, said the false claim had the potential of injuring the judge's reputation.

Court officials successfully pressured HBO to amend the conclusion of its documentary at the last minute to reflect that there was no condition regarding televised coverage. Fidler, who did not hear the original Polanski case, presided over the televised Phil Spector murder trial.

But it's that latest correction that was attacked Wednesday by Gunson and Dalton, who both appear in the documentary. "It is our shared view that Monday's false and reprehensible statement by the Los Angeles Superior Court continues their inappropriate handling of the Polanski case," the joint statement said.

Neither attorney was avail-

able for further comment Wednesday.

Allan Parachini, the court's public information officer, said the court stands by its original position and continued to criticize the original documentary's conclusion.

Meanwhile, Richard Doyle, director of the specialized prosecutions bureau of the district attorney's office, and Sandi Gibbons, public information officer for the district attorney's office, also called the requirement of the televised proceeding "untrue."

In a letter to the editor of the Los Angeles Times, they said, "The judge involved is one of the most respected jurists in California. To sully his reputation ... is unfair and unprofessional."

HBO executives said it was premature to consider whether the heightened disagreement over the meeting would result in further amending the film.

[greg.braxton@latimes.com](mailto:greg.braxton@latimes.com)

