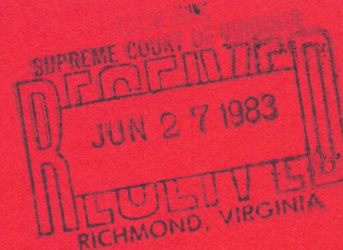


226VA 228



IN THE
Supreme Court of Virginia
AT RICHMOND

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JAN 26 1984

ROBERT O'DELL COLLINS, JR.

Appellant

v.

COMMONWEALTH OF VIRGINIA

Appellee

JOINT APPENDIX

R. Wayne Dawson
Attorney at Law
16 S. 2nd Street
Richmond, VA 23219

Counsel for Appellant

Karen A. Laserson
Assistant Attorney General
108 N. Eighth Street
Richmond, VA 23219

Counsel for Appellee

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VIRGINIA:

82-404-F

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND, DIVISION II

June 14, 1982

(Date)

The GRAND JURY charges that:

On or about August 2, 1981, in the City of Richmond

Robert O'Dell Collins, Jr.

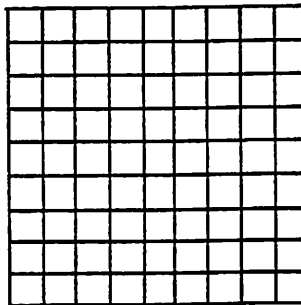
did

feloniously and unlawfully receive money or other valuable consideration for procuring another to engage in unlawful sexual intercourse or any of the crimes against nature described in §18.2-361 of the Code of Virginia, as amended.

Va. Code § 18.2-356

R. E. Saylor

H. C. Baylor P.



Witnesses sworn and sent by the Court to the Grand Jury to give evidence.

Iva R. Purdy Clerk

JUN 14 1982
A TRUE BILL. ✓

G. G. O'Dell
Foreman

Virginia:

In the Circuit Court of the City of Richmond, Division 11,

the 17th day of November, 19 82.

Commonwealth of Virginia,	plaintiff,)	
)	Indictment for
against)	a Felony -
)	Case No. 82-404-F
Robert O'Dell Collins, Jr.,	defendant,)	

Robert O'Dell Collins, Jr., (date of birth: 7/29/50), who stands indicted for a felony, to-wit: feloniously and unlawfully receive money or other valuable consideration for procuring another to engage in unlawful sexual intercourse or any of the crimes against nature described in §18.2-361 of the Code of Virginia, as amended, this day appeared in keeping with his recognizance, and also appeared Albert C. Lynch, his Attorney at law, and John P. Driscoll, an Assistant Attorney for the Commonwealth.

Whereupon, the defendant, being arraigned of said offense, after consultation with counsel, pleaded not guilty to said charge.

Whereupon, the Sheriff of the City of Richmond having returned the Venires Facias issued pursuant to orders of this Court and taken from the list furnished him by the Clerk of this Court and drawn in the manner prescribed by law, a panel of twenty names from the said veniremen so summoned and attending in pursuance to said writs, free from exceptions for the trial of the defendant, was made up and completed. Thereupon, the Assistant Attorney for the Commonwealth and counsel for the defendant each alternately struck from the panel the names of four of the said jurors, the remaining twelve constituting the jury for the trial

of the defendant, to-wit: Clifton M. Brooks, Alma E. Hughes, Marion Ferguson, Daniel H. Schechner, Hanna S. Burke, Kevin L. Altenbaugh, Alex H. Williams, Milton S. Woodson, Terry L. Armstrong, Eugene F. Griffin, III, Robert W. Draben, and Pearl Dunlap, who were sworn the truth of and upon the premises to speak.

Whereupon, the Court and jury proceeded to hear the evidence in this case, and at the conclusion of the introduction of evidence on behalf of the Commonwealth, counsel for the defendant moved the Court to strike the Commonwealth's evidence, which motion the Court overruled, and to which ruling of the Court, counsel for the defendant objected.

Thereupon, the jury, having fully heard the evidence, instructions of the Court, and argument of counsel, was sent to its room to consult of a verdict, and after some time returned into Court with the following verdict, to-wit: "We, the jury, find Robert O'Dell Collins, Jr. guilty of receiving money or other valuable consideration for procuring another to engage in unlawful sexual intercourse as charged in indictment #82-404-F and fix his punishment at 10 years in the penitentiary."

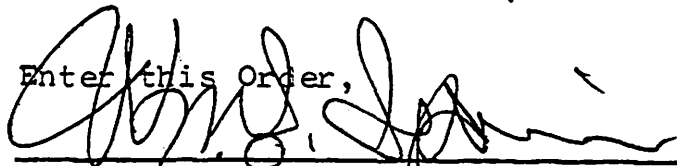
Whereupon, counsel for the defendant moved the Court to set aside the verdict as being contrary to the law and the evidence, which motion the Court overruled, and to which ruling of the Court, counsel for the defendant objected.

Whereupon, it being demanded of the defendant if anything for himself he knew or had to say why the Court should not now proceed to pronounce judgment against him according to law, and nothing being offered or alleged in delay thereof, it is ordered by the Court in accordance with the jury verdict that the defendant be confined in the Penitentiary for a period of ten (10) years.

It is further ordered that the Commonwealth do recover of the defendant her costs incident to this proceeding and that the defendant be remanded to jail for transfer to the Penitentiary.

Thereupon, there being no objection by either party, it is ordered that the Court Reporter prepare a transcript of the hearings in this case and deliver the same within 30 days to the Clerk of this Court who shall file the same as a part of the record in this case.

Enter this Order,



Judge

Ent. Law O.B.

pg.

per/jail
11/29/82

DEC 10 1982
FILED
TESTE: IVA R. PURDY, Clerk
By *R. Wayne Dawson* D. C.

NOTICE OF APPEAL

Comes now the defendant, Robert O. Collins, by counsel, and hereby gives Notice of his intention to appeal the judgment of conviction of this Court to the Supreme Court of Virginia.

A transcript of the testimony and other incidents of this case will be filed in the Office of the Clerk of this Court.

ROBERT O. COLLINS.

By: *R. Wayne Dawson*
Of Counsel

R. Wayne Dawson, p.d.
Attorney at Law
16 South Second Street
Richmond, Virginia 23219

CERTIFICATE

I, the undersigned, hereby certify that I have ^{*hand delivered*} ~~mailed~~ a true copy of the foregoing Notice to John F. Driscall, Assistant Attorney for the Commonwealth, 10th and Hull Streets, Richmond, Virginia, this 10th day of December, 1982.

R. Wayne Dawson
R. WAYNE DAWSON

ORDER

On motion of the defendant, Robert O. Collins, and his representation that he has retained R. Wayne Dawson, Esquire, to represent him further in this case, as indicated by his endorsement to the sketch for this order, and there being no objections by the Attorney for the Commonwealth, it is hereby

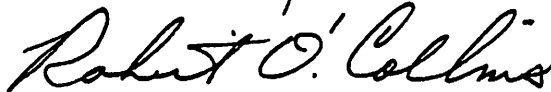
ORDERED that R. Wayne Dawson be, and hereby is, substituted as counsel of record for the defendant in place of Albert C. Lynch, Esquire, who is hereby relieved of any further duties in this case.

ENTER: 12/14/82



JUDGE

We ask for this:


Ent. Law O.B. pg.



ROBERT O. COLLINS, The Defendant
in person —


R. WAYNE DAWSON, p.d.
788-4457

Seen and agreed:


ALBERT C. LYNCH, ESQUIRE

Seen:

ATTORNEY FOR THE COMMONWEALTH, p.q.

ERRORS ASSIGNED

1. The Court erred in admitting into evidence the testimony of Brenda Walker and Judith Blain as to allegedly illegal activities that occurred other than the specific offense charged in the indictment over the objection of the Appellant.

2. The Court erred in denying the Appellant's motion to strike the Commonwealth's evidence and the motion to set aside the verdict on the grounds that the evidence was insufficient to establish beyond a reasonable doubt that the Appellant knowingly received money or other valuable consideration on August 2, 1981, for procuring another to engage in prostitution.

CRANE - SNEAD & ASSOCIATES, INC.

COURT REPORTERS

908 N. THOMPSON STREET

RICHMOND, VIRGINIA

PHONE 353-4335

~~ORIGINAL~~

copy

1 VIRGINIA:

2 IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

3 DIVISION II

4
5
6 COMMONWEALTH OF VIRGINIA .

7 vs. .

8 ROBERT O'DELL COLLINS, JR. .

File Nos. 82-404-F and
82-405-F

9 AND .

10 LEWIS BARNEY BROOKS .

11
12

13 COMPLETE TRANSCRIPT of the testimony and
14 other incidents in the above-styled matter, when heard on
15 November 17, 1982, before The Honorable William E. Spain,
16 Judge, and a jury.

17 FILED JAN 3 1983

TESTE: MAR R. PURDY, Clerk

18 BY: Rosie L. Apper D.C.
19

APPEARANCES:

20 JOHN P. DRISCOLL, Deputy Commonwealth's Attorney for the
21 City of Richmond;

22 ALBERT C. LYNCH, ESQUIRE, 8720 Forest Hill Avenue,
23 Richmond, Virginia,
24 Counsel for the Defendants;

25 The Defendants, Robert O'Dell Collins, Jr. and
Lewis Barney Brooks, in person.

1 JURY ABSENT

2 at 10:57 A.M. and reconvened at 11:17 A.M.

3 The defendants and the jury being present,
4 the following proceedings were had, viz:

5 JURY PRESENT

6 THE COURT: Call your first witness.

7 MR. DRISCOLL: The Commonwealth calls as
8 its first witness Mr. Saylor, please, Detective
9 Saylor.

10
11 RAYNARD E. SAYLOR, a witness called on
12 behalf of the Commonwealth, having been previously duly sworn,
13 testified as follows:

14 DIRECT EXAMINATION

15 BY MR. DRISCOLL:

16 Q Sir, what is your name and what is your
17 occupation?

18 A Raynard E. Saylor. I'm a police officer
19 with the Richmond Bureau of Police, vice detective. I work
20 prostitution.

21 Q How long have you worked in that field
22 investigating that activity?

23 A Four years.

24 Q In August of 1961, did you come into con-
25 tact with either or both of these defendants?

R. E. Saylor - Direct

37.

1 A I came in contact with Mr. Collins.

2 Q Did you go to the residence, at any time,
3 or place of business of either or both of these defendants?

4 A Just the residence at 2700 Clearfield,
5 Mr. Collins' residence.

6 Q When you say "Clearfield," where is that
7 located?

8 A In the City of Richmond, south of the James
9 River.

10 Q What was the purpose of going to that
11 address?

12 A Myself and several other police officers
13 were armed with a search warrant for 2700 Clearfield Avenue.

14 Q Approximately what time did you go there?

15 A Approximately 11:30 P.M. that night.

16 Q This was on August 2?

17 A Yes, it was.

18 Q Did you conduct a search of the premises?

19 A I did.

20 Q Who was with you at the time you made this
21 search?

22 A It was myself, Officer Click, Officer Linda
23 Fox, and two or three other police officers. I don't recall
24 their names. They just went along to assist myself in the
25 execution of the search warrant and to secure the premises.

R. E. Saylor - Direct

38.

1 Q As a result of searching the premises,
2 you seized certain items, did you not?

3 A I did.

4 Q All right. I am going to hand you a
5 series of boxes. I would ask you to review the contents of
6 the boxes, state for the record what is in each box, and then
7 tell us where you seized it within the Clearfield address,
8 the house there.

9 NOTE: At this point, a cardboard box,
10 with contents, was handed to the witness.

11 A In this box--

12 THE COURT: Why don't you put them up here
13 on the table where the jurors in the box can see.

14 NOTE: At this point, the witness is step-
15 ping down from the witness stand and complying with
16 the request of the Court.

17 A In this box, here are two telephones, a
18 headset, a recorder, and a speaker. These phones were in work-
19 ing order at the time I executed the search warrant. They
20 were plugged in. They had a dial tone, and they were in a
21 back room of 2700 Clearfield, which was set up as an office.
22 These are the items that are in this box. The telephone number
23 on them is: 353-7466, and this one doesn't have a phone number.

24 MR. DRISCOLL: For identification purposes,
25 Mrs. Purdy, would you mark that box as Exhibit Num-

R. E. Saylor - Direct

39.

1 ber 1, with the Court's permission?

2 THE COURT: Yes, sir.

3 NOTE: At this point, the above-described
4 cardboard box with contents was introduced into
5 evidence and marked for identification as Common-
6 wealth's Exhibit Number 1.

7 Also, at this point, another cardboard
8 box, with contents, is being handed to the witness.

9 A A rag--

10 THE COURT: (Addressing the Clerk) Just
11 mark it for identification right now.

12 Go ahead.

13 A Thank you.

14 This is a Phone Mate. It is an answering
15 recorder. It was hooked up to a succession of telephones.

16 THE COURT: I did not hear you, so you
17 must speak louder.

18 A Yes. This is a phone recorder, a Phone
19 Mate. It was hooked up to several telephones in succession.
20 These were all in working order at the time I executed the
21 search warrant. This one was on the wall. It is a wall
22 phone. It had "Kitty Kats," and "Emergency," on it.

23 MR. LYNCH: Would you turn it around,
24 please?

25 NOTE: At this point, the witness is com-

R. E. Saylor - Direct

40.

1 plying with the above request.

2 A And a phone speaker, which when the phone
3 rang, you could punch a button and anyone in the room could
4 hear the conversation that was coming across this speaker
5 system. All of these are intertwined.

6 This is a file folder with miscellaneous
7 papers in it and bills for the residence at Clearfield.

8 Q Is there any identification on the bills?

9 NOTE: At this point, the witness is
10 perusing some documents.

11 A It appears to be--toll tickets, nothing
12 on that--it appears to be a large number of receipts here.
13 Here is a Radio Shack receipt for a Michael L-C-R-A-E-Y, it
14 appears to be, and an envelope with "Pam" on it and an enve-
15 lope addressed to "Anthony Giovanni, P. O. Box 29093, Richmond,
16 Virginia".

17 I've got a C & P Telephone Company some-
18 thing with the name "Collins" on it.

19 THE COURT: What name?

20 THE WITNESS: Collins, C-O-L-L-I-N-S.

21 It's got an item for a Shelly J. Sabilla.
22 It's got an address on that. It just appears to be a lot of
23 miscellaneous papers.

24 Q That is all I want, a brief description
25 of the papers.

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R. E. Saylor - Direct

41.

1 Would you place them back in the file box?

2 NOTE: At this point, the witness is com-
3 plying with the above request of the Commonwealth's
4 attorney.

5 MR. DRISCOLL: Your Honor, may I have the
6 box of items just described, the papers just des-
7 cribed, marked for identification purposes as
8 Commonwealth's Exhibit Number 2?

9 THE COURT: Yes.

10 NOTE: At this point, the above-described
11 cardboard box with contents was introduced into
12 evidence and marked for identification as Common-
13 wealth's Exhibit Number 2.

14 Also, at this point, another cardboard
15 box is being handed to the witness.

16 A This box has an envelope containing numer-
17 ous names, writings, and mail for Deborah Collins at 2700
18 Clearfield. Here is another envelope addressed to Deborah
19 Collins, same address, Deborah Collins, Deborah Collins, Clear-
20 field address.

21 This is a ledger that appears to be blank,
22 and an envelope containing customer names. It's got names,
23 addresses, the length of date, one hour, the escort's name,
24 Sandy, customer referral fee of \$15.00, the escort referral
25 fee, \$10.00, and this is dated 7/11/81. It was a Saturday.

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R. E. Saylor - Direct

42.

1 You've got numerous of these with names,
2 different ones, that goes over the customer's referral fee,
3 escort fee, \$10.00, another name and address, the telephone
4 number, and the date; they've got numerous of these.

5 These were confiscated by myself. They
6 were in the room that had been set up as an office, and it was
7 above the TV. They had a TV in the room.

8 MR. LYNCH: Your Honor, I am going to
9 object to any of these that are not on August 2,
10 1981, because that is what the indictment charges.

11 MR. DRISCOLL: If Your Honor please, what
12 we are showing by this is an activity, the intent
13 for which this equipment was held in the room in
14 that home, and it shows the entire scheme and plan
15 of using these females.

16 THE COURT: This is an on-going type of
17 crime. It is not like walking out on the street
18 and shooting one bullet and killing a person. The
19 very nature of the crime charged is an on-going
20 sort of thing. It just happens that August the 2nd
21 is the day that the search warrant was executed.
22 But, anything leading up to that is admissible to
23 show plan, intent, or motive.

24 MR. LYNCH: Please note my exception,
25 Your Honor.

R. E. Saylor - Direct

43.

1 THE COURT: Yes, sir.

2 A I have another envelope containing more
3 of these same things I have just described: customer names,
4 the amount of money, and the date. I have numerous of these.
5 They were taken from the desk in the office, the desk drawer.

6 Also, mail for Deborah Turner, Clearfield
7 address, more mail for Deborah Turner, Deborah Collins,
8 Deborah T. Collins, that was also in the desk.

9 Q Do you know whether or not Deborah Turner
10 and Deborah Collins are one and the same person?

11 A Yes, they are. I've got a file box with
12 several envelopes in it, more of the same cards, as I've
13 described before with the customers' names, the amount of money
14 collected, and the dates and the time: 6/15/81, 6/24/81, and
15 more of the same, the customers' names, etc. This came out
16 of the office, the room that was set up as an office at 2700
17 Clearfield.

18 This is a tin can containing some change
19 that was set up on the desk. It says, "Operator's tip, thank
20 you. It's not an ash tray. Bills only. Change will rust the
21 can." It has miscellaneous papers in it. It's got some work
22 on it, figures of \$280.00 on the books "Owed to me personally,
23 \$165.00 on the books, "Owed to me personally," \$100.00 bor-
24 rowed from Bobby, \$35.00 to pay Bobby, \$65.00 "Still owed
25 Bobby," and signed Terry Brady. This was in the can, and

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R. E. Saylor - Direct

44.

1 some prescriptions from a J. J. Hill, M.D., for a Charles
2 Collins at 2700 Clearfield, and Terry Brady at 2700 Clearfield.
3 This was taken from the same room.

4 There were two mail boxes that were on
5 the wall as you come in the room that was set up as an office.
6 To the left was a desk as you came through the door. The
7 door had a lock on it from the inside; when you got in, you
8 could lock the door, and these were up like this, nailed to
9 the wall. It's got "Bonnie Good" and "Clyde Bad". The good
10 calls received went into here (witness pointing), and the bad
11 calls went in here (witness pointing).

12 ----- MR. LYNCH: Your Honor, I object. I
13 think that calls for a conclusion on Mr. Saylor's
14 part.

15 THE COURT: (Addressing the witness)
16 Well, I think unless you know that from one of the
17 defendants, it would be hearsay. Objection sustained

18 MR. LYNCH: Thank you.

19 A A Rolo-Dex file with numerous names in
20 alphabetical order, two telephone address books, those were
21 taken from the desk.

22 THE COURT: Address books? What you have
23 exhibited there appears to me to be these punch
24 button telephone number and address cards.

25 THE WITNESS: Yes, sir.

R. E. Saylor - Direct

45.

1 THE COURT: Not books.

2 THE WITNESS: Whatever they're called,
3 Your Honor.

4 THE COURT: What do you call those things?
5 They are the type of telephone address files that
6 you press letters.

7 A All right, and two notebooks: one of
8 "Today's appointments," and miscellaneous writing on this pad.

9 These items came out of the office that
10 I have just described earlier.

11 Q Speak up, now.

12 A These items came out of the office I have
13 just described earlier.

14 MR. DRISCOLL: Once again, Your Honor,
15 that would be Commonwealth's Exhibit Number 3 for
16 identification purposes at this point.

17 THE COURT: So ordered.

18 NOTE: At this point, the above-described
19 cardboard box with contents was introduced into evi-
20 dence and marked for identification as Commonwealth's
21 Exhibit Number 3.

22 Also, at this point, another cardboard
23 box is being handed to the witness.

24 A An adding machine, a calculator -- this
25 came from the office--

R. E. Saylor - Direct

46..

1 THE COURT: Speak up, because without that
2 mike it is hard to hear you on the back row.

3 THE WITNESS: Yes, sir.

4 A An amplifier and cassette recorders, two
5 of them. These were in operating order when we went into the
6 office. Miscellaneous keys and a digital clock. These were
7 all plugged in and working when the search warrant was exe-
8 cuted.

9 MR. DRISCOLL: That would be Commonwealth's
10 Exhibit Number 4 for identification purposes, again.

11 THE COURT: So ordered.

12 NOTE: At this point, the above-described
13 cardboard box with contents was introduced into evi-
14 dence and marked for identification as Commonwealth's
15 Exhibit Number 4.

16 Also, at this point, another cardboard
17 box is being handed to the witness.

18 A Numerous documents with what appears to
19 be legal type wording. It's an agreement, escort contract
20 agreement. These are blank. These were in the office, in a
21 desk drawer in the office that I have described. These are
22 index cards. They were in a desk drawer. They were set up in
23 alphabetical order. They've got names at the top, addresses,
24 and "Kitty Kats" and "AA Fantasy". You've got numerous of
25 these. They were in a desk drawer set up in alphabetical order

R. E. Saylor - Direct

47.

1 They were taken from the same office.

2 Q Do all of these cards refer just to the
3 Kitty Kats business, or to other names you have mentioned, or
4 are there different firm names on these cards?

5 A These have all got different writing on
6 them, "Bad. No fee," just numerous bad checks.

7 This is a book of Rolo-Dex cards that
8 you place in the Rolo-Dex folder. These appear to be blank.

9 MR. LYNCH: What was the last item you
10 said? They appear to be what?

11 THE WITNESS: Blank.

12 THE COURT: Appear to be blank.

13 MR. LYNCH: Thank you, Your Honor.

14 A Some more envelopes for "Anthony Giovanni,
15 P. O. Box 29093, Richmond, Virginia," blank sales books,
16 another Rolo-Dex, more cards in the same type of alphabetical
17 order, miscellaneous papers, customers' names, referral check-
18 book with checks, payroll book--

19 Q Whose account?

20 A Shelly Sabilla, 2700 Clearfield Street.

21 A blank notebook. It's got another agree-
22 ment contract. It's got "Robert O. Collins, 2700 Clearfield."
23 Here is another "Robert O. Collins, mail 2700 Clearfield."

24 THE COURT: When you say "mail," you mean
25 like m-a-i-l, postal mail?

R. E. Saylor - Direct

48.

1 THE WITNESS: Yes, sir.

2 A Mr. Collins at 2700 Clearfield. It's got
3 larger writing here. It's got customers' names, the card
4 number, the date, model, expiration date, amount, and the
5 code. There are numerous of these.

6 All these items were taken from that
7 office.

8 MR. DRISCOLL: That would be Commonwealth's
9 Exhibit Number 5.

10 THE COURT: So ordered.

11 NOTE: At this point, the above-described
12 cardboard box with contents was introduced into evi-
13 dence and marked for identification as Commonwealth's
14 Exhibit Number 5.

15 Also, at this point, another cardboard
16 box is being handed to the witness.

17 A This is a map of the City of Richmond, and
18 the surrounding areas. This was posted on the wall as you
19 came into the office. It would have been on the wall to the
20 right. I took that down.

21 These are numerous envelopes pre-stamped
22 with "Anthony Giovanni, P. O. Box 29093, Richmond, Virginia,
23 23260." This was taken out of the desk in this office, along
24 with a stamp and numerous of these same index cards with
25 people's names and addresses on it.

R. E. Saylor - Direct

49.

1 AA Fantasy, AA Fantasy, Ginger A. Fantasy,
2 the box is filled with these and more of the envelopes with
3 the same stamp on them. That constitutes the remainder of
4 the box.

5 MR. DRISCOLL: That would be Commonwealth's
6 Exhibit Number 6, please.

7 THE COURT: So ordered.

8 NOTE: At this point, the above-described
9 cardboard box with contents was introduced into evi-
10 dence and marked for identification as Commonwealth's
11 Exhibit Number 6.

12 Also, at this point, another cardboard
13 box is being shown to the witness.

14 A This is a card index book.

15 THE COURT: Turn it around.

16 NOTE: At this point, the witness is com-
17 plying with the above request of the Court.

18 A (Continuing) That was sitting on the
19 desk as you came into the office, to the left. It's got
20 "Girls, Girls, Girls," written on it, in alphabetical order
21 it lists numerous escorts. By "Angie," it's got a phone num-
22 ber, weight, 5 feet 7 inches, 36-27-36, 125 pounds, brown hair,
23 and it goes all through here listing the people in alphabetical
24 order and a description of them and a phone number.

25 Q Do all of the cards contain the names of

R. E. Saylor - Direct

50.

1 girls?

2 A Yes, it does.

3 MR. DRISCOLL: If Your Honor please, that
4 would be Commonwealth's Exhibit Number 7.

5 THE COURT: So ordered.

6 NOTE: At this point, the above-described
7 cardboard box with contents was introduced into evi-
8 dence and marked for identification as Commonwealth's
9 Exhibit Number 7.

10 A I correct myself on that. In the back,
11 it is the last card, it's got "Steven's number, '72 Mustang."
12 It's got "Driver" over the top of that.

13 MR. LYNCH: Sheriff, may I see them,
14 please?

15 NOTE: At this point, the above-described
16 articles are shown to defense counsel.

17 MR. DRISCOLL: That will be number 7,
18 Mrs. Purdy.

19 THE COURT: You do not address it to Mrs.
20 Purdy. You address it to the Judge, Mr. Common-
21 wealth's Attorney.

22 MR. DRISCOLL: I thought I had already
23 done that. I was just reminding her.

24 (Addressing the Clerk) Is that the number
25 you have?

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COURT REPORTERS

908 N. THOMPSON STREET

RICHMOND, VIRGINIA

PHONE 355-4335

R. E. Saylor - Direct

51.

1 THE CLERK: Yes, it is number 7.

2 THE COURT: Yes, is that what you have?

3 MR. DRISCOLL: Yes, Your Honor.

4 BY MR. DRISCOLL: (Continuing)

5 Q That which you have now, what is it?

6 A Going through the file cards that I have
7 previously stated were in the desk drawer in alphabetical
8 order, I went through these, and I pulled out everyone that
9 has something to do about the police or cops or something on
10 that. It's got a name. It's got an address, and it's got,
11 "Definitely cop," by Russell Sherry's name. Russell Sherry
12 is a Henrico vice police officer. Showaters is a Chesterfield
13 police officer. C. M. Tabb is a police officer, undercover
14 cop. Clarence Williams is a Chesterfield police officer.
15 Danny Williams is a Henrico County police officer. Henrico,
16 Henrico. Williams is a Richmond police officer. Mickey Hop-
17 kins, he's a Chesterfield police officer. Harry Owens, he's
18 an investigator for the Vice Division. He drives a Pontiac
19 Firebird. That is correct. Ronald Burkett, he's a police
20 officer. C. C. Cox, vice detective. He works out of our
21 division. Saylor, that's me, vice squad. Raynard Saylor,
22 that's me, vice squad. Hickman, he's a Richmond police offi-
23 cer. I don't know him, either. All of these that I have
24 just named are cops.

25 Someone identified himself as an FBI cop,

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1 a Chesterfield cop, cop, cop, cop, and we have a gentleman
2 here that states he's a court policeman, Chesterfield. All
3 of these -- Mr. Epperly, he's a police officer. Some of these
4 I know by name. Some of them I don't.

5 THE COURT: Well, since you are going
6 through them, you have gone through less than half
7 of the stack you have. Are they all the same thing?

8 THE WITNESS: Yes, sir. It carries a
9 name at the top and an address on some of them, and
10 it has "cop, police officer, vice squad," or some-
11 thing of that nature.

12 THE COURT: No need in going through every-
13 one of them.

14 Q If you would put the rubber band back
15 around it, please.

16 THE COURT: Let me have them, please.

17 NOTE: At this point, the above-described
18 cards were handed to the Court.

19 MR. DRISCOLL: I would move that as
20 Commonwealth's Exhibit Number 8, Your Honor.

21 THE COURT: All right. It is a stack of
22 cards, 8 inches by 5 inches, and an inch thick.
23 So ordered.

24 NOTE: At this point, the above-described
25 articles were introduced into evidence and marked

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1 as Commonwealth's Exhibit Number 8.

2 A This is a metal box, sales box. This
3 was lying on the desk to the left as you enter the room.
4 This was on top of the desk.

5 Q Now, what do these receipts show?

6 A It's got a name. It's got a date and a
7 phone number. It's got a description, white girl, price
8 \$25.00, amount one hour. It's got a time on it, 1:25 A.M.,
9 and then 1:30 A.M.

10 Q Approximately how many slips are in that
11 box, just roughly?

12 A They go from 4801 to approximately 50
13 or 25.

14 Q How many of these sheets are filled out
15 in that particular box?

16 A Eighteen.

17 Q And, the date on that?

18 A The first date is 7/31/81.

19 The last date on this is 8/2/81, August
20 2nd, '81. Here is another one for August 2nd, '81. Here is
21 another one for August 2nd, '81. Another one for August 2nd,
22 '81, August 2nd, '81, August 1st, '81--

23 Q Do they have any description on them other
24 than they say, "White girl," or any other identification or
25 amounts?

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1 A Could you ask the question again, sir?

2 Q Yes. Those receipts, do all of them
3 contain a description such as "White girl," the description
4 you referred to earlier with an amount and time?

5 A Yes, sir. Here's another one. I identi-
6 fied the person once as being a white girl and number 14, and
7 a white girl, number 16, a white girl, number 17, a white
8 girl, number 18, a white girl--

9 Q Do all of them have amounts anywhere on
10 them?

11 A Yes, sir. \$25.00, \$70.00, \$25.00, \$45.00,
12 which adds up to \$70.00. This here is a pay up on 8/2/81,
13 from Shelly Sabilla. It's got to "Bobby Holliday, paid.
14 \$105.00."

15 Q Who is "Bobby Holliday?"

16 A That's the name that Bobby Collins was
17 using. He was using that as a name.

18 Q What is a "pay up?" What are you refer-
19 ring to?

20 A That's the money that was paid from the
21 girl to the operator.

22 MR. LYNCH: Your Honor, I believe it calls
23 for a conclusion.

24 THE COURT: If he knows in this crime what
25 it means as a vice officer, he can say so. It will

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1 be subject to cross-examination.

2 There is certain language in all businesses:
3 illegal and legal, that are peculiar to the business
4 that one not in the business may not know.

5 (Addressing the witness) Do you know
6 what, in the out call trade or the sex trade, that
7 language means?

8 THE WITNESS: Yes, sir. "paid-up" is a
9 term used by the girls and the operators of the
10 money that they collect, the agency fee, when they
11 are sent out on a call. They collect the agency
12 fee, which will be anywhere from \$10.00 to \$15.00
13 to \$25.00 for them showing up on the call. They
14 get that from the customer, and then they collect
15 their tips after that. That's a separate charge.
16 But, when they return back to the business or opera-
17 tor that sent them on the call, they have to turn
18 over that money that was paid to them by the custo-
19 mer for them arriving at the location.

20 When they turn that money back over to
21 the operator, it is paid-up. It's got right on
22 here "paid-up".

23 MR. DRISCOLL: Your Honor, that would be
24 Commonwealth's Exhibit Number 9.

25 THE COURT: So ordered.

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1 NOTE: At this point, the above-described
2 metal box was introduced into evidence and marked
3 as Commonwealth's Exhibit Number 9.

4 Also, at this point, another cardboard
5 box is being handed to the witness.

6 A This is a ledger book sheet, number 1,
7 which is the record of money collected, beginning May 3rd, 1981
8 Dreams Unlimited, 2700 Clearfield Street, Richmond, Virginia,
9 P. O. Box 29093, Richmond, Virginia.

10 Your Honor will remember that is the
11 same address that was on the envelopes for Giovanni, P. O.
12 Box 29093, Richmond, Virginia. It's got 2700 Clearfield
13 Street.

14 THE COURT: Is that Fairfield Street in
15 South Richmond?

16 THE WITNESS: Clearfield.

17 THE COURT: I thought you said Fairfield.

18 THE WITNESS: Clearfield, Your Honor.

19 It's got written in: "Escort, hours, customer,
20 agency fee, and referral." It's got listed down
21 the escort, the hours, the date, the--

22 THE COURT: Turn it around.

23 NOTE: At this point, the witness is com-
24 plying with the above request of the Court.

25 A The customers paid an agency price. They

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1 got \$15.00, \$20.00, \$25.00, as you go on down, and the
2 balance owed -- we've got one, two, three, four, five, six,
3 seven, eight, nine, ten, eleven, twelve, thirteen, fourteen,
4 fifteen, fifteen pages filled with this. It's got cash regis-
5 ter receipts added next to them, attached are some of the
6 sheets.

7 Q You indicated that the ledger began on
8 May 3rd, 1981. Does it have a concluding date for that par-
9 ticular ledger?

10 A The last entry in this is 8/2/81.

11 MR. DRISCOLL: That would be Commonwealth's
12 Exhibit Number 10.

13 THE COURT: So ordered.

14 NOTE: At this point, the above-described
15 ledger was introduced into evidence and marked as
16 Commonwealth's Exhibit Number 10.

17 A I have another ledger that was taken from
18 the desk as you come in the door, this is the left (witness
19 pointing).

20 It's got a Giovanni stamp on it. Inside
21 it's got another envelope. Again, it's an escort, the date,
22 the hours, the customer, the agency rate, the referral rate,
23 the total, the record beginning May 3rd, 1981, running through
24 -- There is no other date on it. He's got the same writing
25 in it. The ledgers, the adding, it's got a code at the top.

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1 The code at the top, which was put in by the operator, and
2 he will be able to identify that one after he sees it.

3 MR. DRISCOLL: That would be Commonwealth's
4 Exhibit Number 11.

5 NOTE: At this point, the above-described
6 ledger was introduced into evidence and marked as
7 Commonwealth's Exhibit Number 11.

8 THE COURT: I did not hear him say an
9 ending date.

10 MR. DRISCOLL: He never found one.

11 THE WITNESS: There was no ending date,
12 just a beginning date, Your Honor.

13 A A blue notebook, it's got names, additions,
14 subtractions, total amounts, and the tip. It's got names--

15 Q Under "Tips" does it have any amount?

16 A Yes, sir, \$5.00, \$5.00, \$5.00, and it's
17 got some names beside that.

18 It's got some additions, receipts, checks
19 from Shelly Sabilla, mailed to Steven Zipp, made out to Bobby
20 Collins, Robert Collins, 7/26/81; Robert Collins, 7/27/81.
21 The amount to Steven Zipp is \$130.00. Steven Zipp, \$105.00.
22 Robert Collins, \$15.00. Robert Collins, \$15.00. Cash to
23 Deborah Collins, \$70.00. Charles Collins, \$105.00. No name.
24 Angela Robertson for \$70.00.

25 Those were also found on the desk, as you

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1 come in the door, to the left, in this book (witness pointing).

2 You've got the cash receipts. They are
3 numbered. You've got additional tapes on it. It's got the
4 time, the address, "One white girl, \$25.00. Received by
5 Steve." You've got numerous of these. These are all the
6 same, Your Honor. "Sandy, a white girl, \$45.00."

7 "Hewell, 1618 Park Avenue, Apartment #4.
8 Sandy, white girl, \$25.00." It just goes on like that.

9 These items were found all in this book
10 binder.

11 MR. DRISCOLL: I move the introduction of
12 the blue notebook as Commonwealth's Exhibit Number 12
13 with the contents as it has been just described by
14 the officer.

15 THE COURT: So ordered.

16 NOTE: At this point, the above-described
17 blue notebook with contents was introduced into evi-
18 dence and marked as Commonwealth's Exhibit Number 12.

19 Q Look first at the envelope with the nota-
20 tion "Good," on the front, if you would.

21 A This is an envelope that I provided for
22 the two black mail boxes that were up on the wall to the left
23 of the desk. I took these out of that box. It says, "Harry
24 Jones, Executive Motor Hotel, Number 110. One white girl,
25 \$25.00, 7/23/81." That's the first one, and going all the

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1 way through August 2nd, 1981, to "James Martin, 6550 Iron
2 Bridge Road. One white girl." Those were all in the black,
3 metal mail box on the wall.

4 THE COURT: How many are there, approxi-
5 mately?

6 THE WITNESS: Approximately 50, Your
7 Honor. That was the good calls.

8 MR. DRISCOLL: That would be Commonwealth's
9 Exhibit Number 13, if Your Honor please.

10 THE COURT: So ordered.

11 NOTE: At this point, the above-described
12 envelope with contents was introduced into evidence
13 and marked as Commonwealth's Exhibit Number 13.

14 A Another envelope provided by myself. These
15 came out of the mail box on the wall that said "Bad".

16 THE COURT: Said what?

17 THE WITNESS: "Bad". It had the notation
18 "Bad" on the mail box, on a piece of white paper.

19 THE COURT: Bad, B-A-D?

20 THE WITNESS: Yes, sir.

21 A This is an example. It's got "Example,"
22 on it. You've got what you're supposed to do. It's got
23 "Charles Atlas, 1615 Dingleberry Lane, Richmond, Virginia.
24 One black girl, for \$25.00 one hour's time." It goes out at
25 7:00 and is back in at 7:10, and it is signed "Bobby Holliday."

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1 That is an example as to how to make out these receipts.

2 Now, these are all the bad calls. A bad
3 call is when the operator receives a call--

4 MR. LYNCH: Your Honor, unless Mr. Saylor
5 can testify as to his personal knowledge, I would
6 object.

7 THE COURT: Again, I think it is a ques-
8 tion in the trade as to what is a bad call. He has
9 already testified to bad checks, and I do not know,
10 and I am sure the jury does not know what a bad
11 call is.

12 MR. LYNCH: I would like to note my
13 objection to it.

14 THE COURT: I might say if it has a mean-
15 ing in the out call or sex trade, what does it mean?

16 (Addressing the witness) First, does it
17 have a meaning?

18 THE WITNESS: Yes, sir, it does.

19 THE COURT: Do you know what the meaning
20 is?

21 THE WITNESS: Yes, sir, Your Honor, I do.

22 A The one I described as a good call, when
23 the operator receives a call, that person identifies himself,
24 their telephone number, and their address. The operator, at
25 that point, will call information and verify that this subject

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1 does live at that address, and that is his phone number. At
2 that point, the operator will contact an escort, send them,
3 give the escort the gentleman's name, tell them the phone
4 number, and address. At that point, the escort will call the
5 gentleman, go to wherever the gentleman is located, receive
6 the referral money, the agency fee, collect her tips, and
7 leave, and report back that she has left the good call.

8 A bad call, in turn, is when someone will
9 call them, give their name, their address, and they will either
10 be verified as living there or whatever -- take this one as
11 an example. It's "Tom Griffin." He's at the Howard Johnson's
12 on the Boulevard. He gave the phone number there, the room
13 number, the date wanted, a white girl; down at the bottom,
14 it shows that he changed his mind. Now, before the girl
15 could get there, at some point, the gentleman had changed his
16 mind and did not want a date that night. That becomes a bad
17 call.

18 Another example would be someone who gives
19 an address, and you cannot verify they live there, or the
20 operator may suspect it's a police officer. They will classify
21 that as a bad call, and they put on here the reason for its
22 being a bad call: "The gentleman will call back." "A prank."
23 "He went to sleep, went to bed." "No good." "Cancelled."
24 "Prank." "Too cheap." "Gentleman wanted to think about it a
25 while." "Cancelled." "Changed mind, will get back to room

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1 and call in." "Prank call." This one here is self-explanator

2 MR. LYNCH: May I see it?

3 NOTE: At this point, a document is being
4 shown to the attorney.

5 A (Continuing) The operator will write on
6 here his name, Steve, and why the call was bad.

7 The good calls and the bad calls were
8 taken from the black, metal mail boxes hanging on the wall.

9 MR. DRISCOLL: I move that as Commonwealth
10 Exhibit Number 14, please.

11 THE COURT: So ordered.

12 NOTE: At this point, the above-described
13 articles were introduced into evidence and marked
14 as Commonwealth's Exhibit Number 14.

15 Also, at this point, an envelope is being
16 shown to the witness.

17 A Now, these were placed--they are girls'
18 names--above the desk, and they were put up there so that the
19 operator could look up and see who was working.

20 I have a photograph, if I may, that I
21 took at the time of the execution of the search warrant, show-
22 ing the desk and its relationship to the room. There is the
23 desk (witness pointing), and these items above the desk.

24 Q Hold that up a little higher, please.

25 NOTE: At this point, the witness is

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1 complying with the above request of the Common-
2 wealth's attorney.

3 A This is the desk (witness pointing), and
4 the items you will see that I previously showed you, and
5 these items here, were above the desk. I took these down.

6 Here are two photographs showing the
7 equipment set-up in the office itself.

8 MR. DRISCOLL: If Your Honor please, I
9 move the introduction of the file containing the
10 four photographs of the room where the exhibits were
11 found as Commonwealth's Exhibit Number 15.

12 THE COURT: So ordered.

13 NOTE: At this point, the above-described
14 photographs, four in number, were introduced into
15 evidence and marked as Commonwealth's Exhibit
16 Number 15.

17 MR. DRISCOLL: The name tags will be
18 Commonwealth's Exhibit Number 16, if Your Honor
19 please, after he identifies them.

20 THE COURT: All right.

21 Q Are these the actual name tags that are
22 in those photographs?

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1 A Yes, sir, they are.

2 These two here are Lynn and Karen. These
3 are the ones we were interested in the most (witness pointing).
4 This is the name of the police officer that she was using,
5 and the name the informer was using that went to work for Mr.
6 Collins.

7 Q That is Lynn and Karen?

8 A That is the names they were using. Lynn
9 was Linda Fox, the name the police officer was using, and
10 Karen was the name that the informer, Kim Cleary, was using.

11 MR. DRISCOLL: (Addressing a Deputy Sheriff
12 Hand that to the Clerk, if you would.

13 The name tags will be Commonwealth's
14 Exhibit Number 16, Your Honor.

15 THE COURT: So ordered.

16 NOTE: At this point, the above-described
17 name tags were introduced into evidence and marked
18 as Commonwealth's Exhibit Number 16.

19 A These are two tapes. This one I confis-
20 cated on the night that I executed the search warrant. This
21 was in the cassette recorder. Mr. Collins was talking to
22 John Kelly on the telephone in reference to--

23 MR. LYNCH: Your Honor, unless Mr. Saylor
24 has specific knowledge of whom Mr. Collins was talk-
25 ing to, I would object to his conclusion of whom

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1 he was talking to or what was said on the other
2 part.

3 THE COURT: Well, you cannot put all the
4 witnesses on. Mr. Commonwealth's Attorney, can you
5 hook it up?

6 MR. DRISCOLL: Yes, sir.

7 THE COURT: Is there anything in the
8 conversation itself that would indicate who he is
9 talking to?

10 MR. DRISCOLL: Your Honor, you saw one of
11 the name tags was a person by the name of "Lynn,"
12 who is Linda Fox. Linda Fox is an undercover agent
13 who was sent out to John Kelly, and that is how the
14 link is made.

15 THE COURT: With the assurance that you
16 will hook it up, go ahead.

17 You cannot put on all the witnesses at
18 one time, and if you do not hook it up, of course,
19 the Court can strike them out.

20 MR. LYNCH: Your Honor, my objection is to
21 how Mr. Saylor knew who Mr. Collins was talking to.

22 THE COURT: It does not make any differ-
23 ence. If it is going to come in by good evidence,
24 then he can go on from there.

25

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1 BY MR. DRISCOLL: (Continuing)

2 Q As far as you knew from hearing the tape,
3 it was a person who identified himself as John Kelly, is that
4 correct?

5 A That is correct.

6 THE COURT: That is sufficient, unless
7 the tape--

8 THE WITNESS: Going back to other evidence,
9 Your Honor, this coincides with the tape. This is
10 the information that Bobby Collins was writing as
11 we executed the search warrant at 2700 Clearfield.
12 This coincides with the taped conversation to
13 John Kelly in Henrico County.

14 The operator at 2700 Clearfield Street
15 had sent Officer Fox to Henrico County to an address
16 on Laburnum Avenue, at which point a case was made
17 on a John Kelly.

18 He was arrested by the Henrico County Vice
19 Squad. At some time later, he made bond. He was
20 released. He called back and spoke to Bobby Collins
21 on the phone telling him that the woman he had sent
22 to John Kelly was, in fact, a police officer, and
23 she had arrested him for solicitation.

24 Bobby wrote this down and got a description
25 of a girl named Lynn, medium, blue eyes, mid-20's,

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1 and blonde hair.

2 Once she knocked on the door, John
3 answered and invited her in. Both stood there a
4 minute. Lynn asked for the agency fee, in cash,
5 \$15.00. He gave it to her. She went straight to
6 the kitchen. She called the agency.

7 He's got 8:10-8:15, checked the gentleman,
8 kissed her three times, and after entering my apart-
9 ment, she--at that time, he stopped writing and the
10 tape continued on.

11 Mr. Collins says, "Yeah, the police are
12 here right now." At that time, we are walking in
13 with the search warrant. He's upstairs and looking
14 out the window. He sees us arrive. That is on this
15 tape.

16 I also have the money from Mr. Kelly that
17 was given to Officer Fox out in Henrico County.
18 Here's the \$15.00 cash that he speaks of, and John
19 Kelly was in the process of filling out a check on
20 August the 2nd, 1981, for favors, supposedly, that
21 were going to be rendered to him by Officer Fox.
22 Before he could finish the check, we went in and
23 the gentleman was arrested.

24 This here is all the conversation that we
25 had as police officers with the agency. We had a

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1 recorder device on our end of the telephone, and
2 we recorded the conversation between the informer,
3 Kim Cleary, and Police Officer Linda Fox. On this
4 tape, the operator, Steven Zipp, gives Linda Fox,
5 the police officer, the address on North Laburnum,
6 the gentleman's name, and his phone number. At that
7 point, he connects Mr. Kelly up by a 3-way conversa-
8 tion.

9 Mr. Kelly had called into the agency.
10 The agency had called Officer Fox, and he put John
11 Kelly and Linda Fox together on the phone. They
12 discussed the location, how to get there, and what
13 the gentleman wanted. At that point, we recorded
14 all those conversations.

15 MR. DRISCOLL: Your Honor, the two tapes
16 would be Commonwealth's Exhibit Number 17, and the
17 money, with the check not completely filled out,
18 would be Commonwealth's Exhibit Number 18.

19 THE COURT: So ordered.

20 NOTE: At this point, the above-described
21 tapes, two in number, were introduced into evidence
22 and marked as Commonwealth's Exhibit Number 17.

23 Also, at this point, the above-described
24 incomplete check was introduced into evidence and
25 marked as Commonwealth's Exhibit Number 18.

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1 BY MR. DRISCOLL: (Continuing)

2 Q Please take the stand again.

3 NOTE: At this point, the witness is com-
4 plying with the above request of the Commonwealth's
5 attorney.

6 Q (Continuing) Officer, at any time, did
7 you call the number or numbers in the Richmond Newspaper to
8 determine who you would get with reference to the out call
9 service?

10 A You mean did I call the number that they
11 were operating? Yes, sir, I have.

12 Q Did you find that this number, which
13 gave you the Collins' business, this out call service, was
14 linked to different franchise names or business names?

15 A Yes, sir, I did.

16 Q Would you tell the members of this jury
17 how many different names this business was known by or could
18 be connected to?

19 A At the time, on August the 2nd, 1981, at
20 2700 Clearfield Street, in the City of Richmond, they were
21 operating three out calls: Dreams Unlimited, the phone number
22 was, 743-7877; Kitty Kats, 276-4410; and, Hound Dogs All Male
23 Escort, 276-4410. These three were listed in the Richmond
24 News Leader and The Times Dispatch under Escort and Dating
25 Services, in the classified ads section.

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1 Q Either before or after the August 2nd
2 date, 1981, have you made any other phone calls or looked up
3 any other numbers which would ring at this same location,
4 the Clearfield business address?

5 A Shortly after this incident, in August of
6 '81, the operation at Clearfield Street ceased to exist, and
7 they moved their operation out on to 6001 Lakeside Avenue.
8 It's a professional building out in Henrico County.

9 MR. LYNCH: Your Honor, unless Mr. Saylor,
10 again, has any specific knowledge of any other opera-
11 tions other than that in South Richmond, I would
12 object to his testimony at this point.

13 BY MR. DRISCOLL: (Continuing)

14 Q Mr. Saylor, have you participated in a
15 raid in conjunction with any Henrico Vice Squad members,
16 or have you seen any materials which were taken from 6001
17 Lakeside, or any other address, other than Clearfield Avenue?

18 A Yes, I have.

19 THE COURT: Which one, now? There are
20 numerous questions.

21 MR. DRISCOLL: All right.

22 Q Are you aware of any raids made on a
23 business run by Mr. Collins and Mr. Brooks?

24 A Yes, sir. At an address on Waller Road
25 in Henrico County. I don't have the correct address with me.

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1 Officer Sherry with the Henrico Vice Squad is coming out with
2 that.

3 THE COURT: He will be here today?

4 THE WITNESS: Yes, sir. He's in another
5 court.

6 BY MR. DRISCOLL: (Continuing)

7 Q Now, the items seized from that address,
8 have you had an opportunity to examine them?

9 A Yes, sir.

10 Q Do any of these items correspond with any
11 items that have previously been identified in this courtroom
12 today?

13 A Yes, sir.

14 Q What type of items are we talking about?

15 A Generally, the same items I have shown
16 you here. Lists of customers' names, a map on the wall, tele-
17 phones, names and addresses, charge slips, and mail to Mr.
18 Collins and Mr. Brooks.

19 Q Were there any agreement forms found?

20 A Yes, sir, numerous contracts between the
21 agency and the escort.

22 Q Are you aware of the names under which
23 the business located at that address operated?

24 MR. LYNCH: Your Honor, again, I have an
25 objection simply on the point that it is in a

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1 different jurisdiction, and it is a different time
2 than the time and jurisdiction charged in the indict-
3 ments.

4 THE COURT: That is a circumstance that
5 the jury may consider as to whether they are indeed
6 guilty beyond a reasonable doubt of having operated
7 in this jurisdiction.

8 (Addressing the jury) You are not trying
9 him for that. Mr. Lynch is right. But, the Court
10 is allowing you to consider it in order to help
11 you arrive at whether or not what they are alleged
12 to have done in this jurisdiction, whether they
13 actually did this.

14 Q All right. Are you aware of any other
15 business names from that location? Can you call them?

16 A They were operating -- They had changed
17 the name, but I don't recall what they had changed it to.

18 Q Now, the Clearfield address you indicated
19 was in the City of Richmond, and the Court asked you about
20 South Richmond. But, is it located south of the James River?

21 A It is, sir.

22 MR. DRISCOLL: Your witness.

23

24

25

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CROSS-EXAMINATION

BY MR. LYNCH:

Q Mr. Saylor, so far as your testimony concerning Henrico County is concerned--

THE COURT: (Addressing a deputy sheriff)

Is he a witness?

A DEPUTY SHERIFF: No, sir, he isn't.

THE COURT: Do not let the witnesses in.

Some witnesses are on call. Do not let them in.

A DEPUTY SHERIFF: Yes, sir.

BY MR. LYNCH: (Continuing)

Q Mr. Saylor, do you have any personal knowledge of who this place in Henrico County was leased out to? You have seen a copy of this lease?

A Yes, sir, I did. I'm not positive, but I believe Mr. Collins and Mr. Brooks are both on there.

Q You say that the tape, one of the tapes, in fact, both of the tapes, which you have there, the one that you had hooked up, where were you operating at that time, on August the 2nd, 1981?

A At an informer's apartment on Kingston Avenue.

Q The tape that you had hooked up, at that time, does it contain the voice of Robert Collins?

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R. E. Saylor - Cross

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1 A No, it does not.

2 Q Does it contain the voice of Lewis Brooks?

3 A No, it does not.

4 Q Does it contain the voice of Steven Zipp?

5 A It does.

6 Q Did you have any direct dealings with
7 Robert Collins concerning this alleged out call business?

8 A Yes, sir.

9 Q Can you tell the Court and the ladies
10 and gentlemen of the jury what dealings you had with him,
11 personally?

12 A Mr. Collins called my office one time
13 and said he wanted to meet and talk with me and my partner,
14 Bill Bailey. I sat up a place, and we met at Wendy's on
15 West Broad Street.

16 At that time, Mr. Collins asked me why I
17 was so intent after him. I told him I was not after him, per-
18 sonally, but what he was engaged in was illegal, and it was
19 my job to do that. He said all he did was run a service that
20 he would send girls out when he needed their services. Then,
21 he would talk to them or whatever. He considered himself
22 more or less a talent agent. Then, he would hire these escorts
23 He would send them on a call. He said, "What they did after
24 they got on the call in reference to any sexual actions or
25 violations of the law, he said he was not aware of, and he

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1 wanted to know in what manner he could work with me in referenc
2 to me getting off of him.

3 I told him as long as he stayed in the
4 business he was engaged in that I would have to be working
5 on him.

6 Q By the way, when was this conversation,
7 approximately, do you have any idea?

8 A Some time in the latter part of 1981 or
9 the early part of 1982, I'm not sure.

10 Q This was after you had executed the search
11 warrant on Clearfield Street?

12 A That is correct, sir.

13 Q Did Mr. Collins explain to you, at any
14 time, how he viewed any person in his employ breaking the law?
15 Did he explain what his view of that was, or what he would do
16 if he found out they had broken the law?

17 MR. DRISCOLL: If Your Honor please, I
18 object to this as calling for, I suspect, a self-
19 serving declaration by the--

20 THE COURT: I think the jury, in light of
21 what has been let in, would have a right to take
22 that for whatever it is worth. I think they can be
23 the judge of what was said. You cannot let in part
24 of what was said and not the other part, but the
25 jury, of course, are the sole judges of the facts

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1 in the case and the truth and credibility of the
2 testimony of any witnesses, and I might as well
3 tell you now, which I will tell you later, you may
4 accept all or any part of a witness's testimony.
5 You are the sole judges of the weight and credi-
6 bility. I am not suggesting that you do that, but
7 it is your prerogative.

8 BY MR. LYNCH: (Continuing)

9 Q Do you remember my question?

10 A I remember the question. I don't recall.

11 THE COURT: Did he say anything to you
12 about how he felt about any people he considered
13 his talent who violated the law, and what he would
14 do about it?

15 THE WITNESS: He was emphatic in stress-
16 ing the point to me that he was unaware of anything
17 going on once the girls arrived on the calls.

18 I discussed with him, I said, being that
19 he had been in the business as long as he had, and
20 he knew the outs and ins of the business, that it
21 was impossible for him not to know what was going
22 on in relation to the sexual acts taking place once
23 the girl had arrived. Again, he said, "Well, when
24 I send a girl," he said, "What she does, I don't
25 have anything to do with."

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1 In reference to what would happen if
2 they caught them in an illegal act, I don't recall
3 us discussing that.

4 Q Now, as to Mr. Lewis Brooks, have you
5 ever had occasion to have a discussion with him regarding
6 this matter?

7 A Yes, sir, I have.

8 Q Can you relate to the Court and ladies
9 and gentlemen of the jury that discussion?

10 A There had been some type of altercation
11 between Mr. Brooks and Mr. Collins. Supposedly one or the
12 other had fired shots at each other at a restaurant on Main
13 Street. Subsequently, they got into a fight. Lewis Brooks
14 called me approximately two days later, and he wanted to
15 inform me of Bobby Collins' activities. He said they were no
16 longer in business together; that they had broken up, and
17 that Bobby was now running the business.

18 Q So far as any discussion that you had
19 with Mr. Brooks, did he indicate to you that he had any
20 knowledge that those girls were doing anything illegal?

21 A No, he did not.

22 Q But, the only person on August the 2nd or,
23 for that matter -- Well, I guess I'd better ask you about this
24 first.

25 When you were making telephone calls to

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1 these three agencies that were listed in the newspaper,
2 Dreams Unlimited, Kitty Kats, and Hound Dogs, whatever the
3 rest of that was, did you, at any time, talk with Robert
4 Collins or Lewis Brooks on the telephone when you called these
5 places?

6 A I don't know.

7 Q Is that to say that you could not recog-
8 nize the voice, and for that reason you could not say?

9 A That's correct. I had called the numbers
10 numerous times, and I had spoken to several different male
11 voices. The only one that I could identify would be Steve
12 Zipp.

13 Q Mr. Saylor, in the course of your investi-
14 gation, did you ever try calling any of these numbers and
15 directly asking for a girl that would come out and perform
16 illicit sex with you?

17 A Yes, I did.

18 Q What would happen if and when you asked
19 that?

20 A Could you ask that question again, please?

21 Q I will try to rephrase it. When you would
22 make a phone call acting as a vice officer for the Richmond
23 Bureau of Police to one of these agencies, wouldn't someone
24 say to the other person, to the person on the other end of
25 the line, "I would like a girl to come out and do such and

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1 such, which is an illicit, sexual act, with me," what would
2 happen?

3 A If you called up, you would give a name
4 and an address and a phone number and the guy says, "Okay."
5 He would say, this is the usual conversation, "The agency fee
6 is \$15.00, and the girls work on tips," and, at that point,
7 if you would say, "Well, I want such and such," and you name
8 a sex act, they would say, "Well, we do not discuss that.
9 That is to be discussed with your date when she arrives."
10 Then, you say, "Well, how much is she going to charge," and
11 they say, "Well, the tips usually start at \$50.00, but you
12 will discuss that with your date," and you say, "Okay."

13 At that point, he would say, "The young
14 lady will be getting in touch with you in a few minutes,"
15 and they would give you the name of the girl. You would hang
16 up the phone. Shortly thereafter, the phone would ring. The
17 girl would identify herself by an alias name, and she would
18 say, "Where are you located?" You would give her the address,
19 and she would say, "Okay, I will be there in X number of
20 minutes."

21 At that point, you would wait. She would
22 arrive. The escort, the first thing she would do is she would
23 check your identification. She checks the room. She asks you
24 if you are a police officer. At that time, she calls back in
25 to the agency. She will say, "Hi. This is so and so. I'm

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1 at the call. Yes, I've got the money. Okay." She would
2 hang up, and she would say, "Okay. Now, what are you looking
3 for?" Okay, at this point, you would describe what type of
4 sex act you want performed.

5 Q Well, I do not think we need to go any
6 further than that as far as these two defendants are con-
7 cerned.

8 MR. DRISCOLL: Your Honor, I think it is
9 a complete explanation. He asked what happened
10 with the phone call and what was going on.

11 MR. LYNCH: Just in reference to the
12 telephone call, Your Honor, and what would happen
13 if he asked for--

14 THE COURT: I think it is admissible,
15 particularly since I know that several of these
16 names, from the witnesses mentioned, did appear as
17 witnesses here today.

18 Now, it is a question for the jury to
19 decide, despite their disclaimer as to whether or
20 not they did know what was going on or whether or
21 not it would be possible for them not to know or
22 probable, even, that they did not know what was
23 going on. It might be well to say we do not discuss
24 that. Discuss it with your date.

25 Now, you opened up the question by

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1 saying, "Did they ever say it to you," and he said,
2 "Well, it usually goes like this. We do not discuss
3 that with you." You cannot stop it right there.
4 What happens after that is needed to help you decide
5 whether or not that statement, in your opinion, is
6 a truthful statement or a self-serving statement.

7 Go ahead, sir.

8 THE WITNESS: Continue?

9 THE COURT: Yes.

10 A Yes. At the point that you, me, being a
11 police officer, and the escort agreed upon what sex she was
12 to perform, and how much money she expected to be paid for it.
13 We would reach an agreement. At that time, I would pay her
14 anywhere from \$50.00 to \$200.00. It all depended on what the
15 escort was asking for at that time. She would take the money.
16 She would place it in her purse, in her pocket, whatever. At
17 that point, she would either be arrested for solicitation
18 under the City Code, or if she went further and got undressed
19 and got into bed, at that point, she would be charged with
20 prostitution. It's just a furtherance of the act.

21 At that point, we would arrest the escort,
22 and if she had proper identification, she would be released,
23 because it was just a misdemeanor.

24 Q Now, Mr. Saylor, you say that you are not
25 certain whether you ever talked to either Bobby Collins or

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1 Lewis Brooks when you would make these calls, is that correct?

2 A That's correct.

3 Q But, you are certain that you did talk
4 to Steven Zipp?

5 A That's correct, sir.

6 Q How many times, do you know?

7 A I'm not sure of the date. We were working
8 out of 5050 Midlothian. You turn by the Ramada Inn. We
9 were in a motel room there. I called one of the agencies
10 that Bobby was running at that time. It was listed in the
11 paper. I spoke to a male. The male sent an escort over to
12 the motel room that we were at. She was subsequently arrested.
13 I'm not sure if Steve Zipp was working the phone that day or
14 Terry Brady. I believe it was one or the other.

15 Q So, you have also talked to Terry Brady,
16 is that correct?

17 A I'm not sure who I talked to. After the
18 investigation, I believe one of them admitted being the opera-
19 tor that day and sending the girl to the motel. I'm not sure
20 which one admitted to it.

21 Q Did you know Terry Brady's voice at that
22 time?

23 A No, I did not.

24 Q But, you did know Steve Zipp's voice?

25 A No, I didn't.

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1 Q It is only later that you discovered
2 whose voice they were?

3 A Yes, sir.

4 Q Was Terry Brady ever arrested for this
5 charge?

6 A No, he was not.

7 Q How about Steven Zipp?

8 A No, he was not.

9 Q Steven Zipp was not arrested for this
10 charge?

11 A When the girl was arrested?

12 Q No. For receiving money procured, as
13 the indictment reads in this charge?

14 A Yes, he was arrested.

15 Q Is he under indictment of this court at
16 this time?

17 A Yes, he is.

18 Q What about Terry Brady?

19 A He is not under any charges in this court.

20 Q Can you tell me why he is not?

21 A I never arrested him. I have no charges
22 on him.

23 Q Why didn't you arrest him if you knew he
24 was involved in the same operation?

25 A At the time I executed the search warrant

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1 in August of 1981, I did not know Terry Brady.

2 MR. DRISCOLL: If Your Honor please, I
3 would object to this line of questioning. Why a
4 charge is brought or not brought is not the business,
5 really.

6 THE COURT: It is prosecutory discretion.
7 There is a perfect answer to it. Ladies and gentle-
8 men of the jury, that means that you are not to
9 wonder about why somebody else was not charged,
10 but only whether or not the Commonwealth proves
11 its case beyond a reasonable doubt against these
12 two defendants.

13 Unfortunate as it is, it is not a normal
14 tactic. In the business of prosecuting crimes,
15 sometimes some people are prosecuted, and sometimes
16 others are not. However, I will let you consider
17 it as running, and you no doubt are going to ask
18 him, "Is it a fact you have not been arrested," and
19 you can consider that as to whether or not they are
20 telling the truth or simply saying what the prose-
21 cution wants them to say because of that. Unfortu-
22 nately, there are generally not many quiet members
23 standing around observing these things, as was stated
24 by the Commonwealth's attorney to start off with.

25 In certain types of crimes, often the

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1 Commonwealth finds himself in a position of having
2 to choose and elect who will be prosecuted and who
3 will not. It is not good, but it is a fact of life.

4 Go ahead, Mr. Lynch.

5 MR. LYNCH: Thank you, Your Honor.

6 BY MR. LYNCH: (Continuing)

7 Q Officer Saylor, has there ever been a time
8 when any person, especially any female person, has been
9 arrested by you because of either Lewis Brooks or Bobby Collins
10 information given to you by either of these defendants?

11 A None that I recall.

12 Q Do you have any personal knowledge? I am
13 not talking about hearsay, now. I am talking about personal
14 knowledge of any type that either of these defendants instruct-
15 ed any person to go out and commit an unlawful sexual favor,
16 or any other type of an unlawful act?

17 A To my personal knowledge?

18 Q That is correct.

19 MR. DRISCOLL: Your Honor, that puts the
20 witness in a different position. He can evaluate
21 the evidence, too.

22 THE COURT: You have got to be there at
23 the time it happens, and if, at this moment, the
24 witness's answer was, "Well, the girl, she came to
25 me," then, counsel would object. So, I think he can.

1 answer whether or not he was there or ever personally
2 heard them, but I think the question is all right.
3 But, it is just one of those things like, "Have you
4 stopped beating your wife yet?"

5 (Addressing the witness) Did you ever
6 hear either of these defendants personally direct
7 any girl to go on a call?

8 THE WITNESS: Personally, no, sir.

9 THE COURT: All right.

10 MR. LYNCH: I have no further questions
11 of Officer Saylor. Thank you.

12 MR. DRISCOLL: I have no further questions,
13 Your Honor.

14
15 WITNESS STOOD ASIDE

16
17 MR. DRISCOLL: The next witness is Mr.
18 Brady.

19 THE COURT: Let's take a short recess, at
20 this time, for about five minutes. Come right back
21 as soon as you can.

22 NOTE: At this point, court was recessed
23 at 11:40 A.M. and reconvened at 11:48 A.M.

24 The defendants and the jury being present,
25 the following proceedings were had, viz:

JURY PRESENT

THE COURT: Who is your next witness?

MR. DRISCOLL: Terry Brady.

THE COURT: Terry, T-E-R-R-Y, Mr.

Driscoll?

MR. DRISCOLL: Yes, sir.

TERRY F. BRADY, a witness called on behalf of the Commonwealth, having been previously duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. DRISCOLL:

Q Sir, what is your name?

A Terry F. Brady.

Q Mr. Brady, I ask you to look to your right and examine the members at the bar and state for the members of this jury whether or not you know either or both of these defendants here?

NOTE: At this point, the witness is complying with the above request of the Commonwealth's attorney.

A I do know both.

Q How do you know both of them?

A I used to be employed by them.

Q When did you become connected with them,

Terry Brady - Direct

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1 an employee of theirs, and in what respects were you employed?

2 A Approximately in the month of May, 1981,
3 and at first notice I was to be a driver for the out call
4 agency. Then, I was changed to being a telephone operator.

5 Q What was the nature of this out call
6 agency? Where was it located?

7 A 2700 Clearfield Street, Richmond, Virginia.

8 Q Who were the owners or partners in the
9 operation?

10 A Lewis B. Brooks and Robert O'Dell Collins,
11 Jr.

12 Q These are the two defendants (attorney
13 pointing)?

14 A Yes, sir.

15 Q When you were employed by these men to
16 become a part of their operation, what were the instructions
17 given you? What were your duties?

18 A To receive incoming calls at the time, and
19 to take and call the girls up and send them out on calls.

20 Q How long did you work in this capacity?

21 A Approximately about three months, to the
22 middle of September.

23 Q That is of '81?

24 A Yes, sir.

25 Q While in their employ, did you discuss

Terry Brady - Direct

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1 with either or both of them what these girls were doing on
2 these calls?

3 A Yes, sir.

4 Q What was the nature of these conversations?

5 A Some say they would have sexual relation-
6 ships. Some would say they would dominate the men. It was a
7 lot of detailed conversations. It would be hard to just pick
8 the nature, really.

9 In a business of this kind, it is different
10 from anything you would ever experience.

11 Q When these girls would come back from
12 these calls that you sent them out on, did they ever come and
13 discuss, in your presence, as well as Mr. Brooks' and Mr.
14 Collins' presence, what they had done on these trips?

15 A Yes, sir.

16 Q In these conversations, what did they
17 describe as having been done?

18 A On different occasions they would describe
19 that they would have sexual intercourse. On some occasions,
20 they would describe that they would give the date or customer
21 a blow job. Sometimes they would say that they would dominate
22 the customer by means of beating him or pleasurable torture.

23 Q So, the phrase that you used, that is more
24 clinically described as oral sex, is it not?

25 A Yes, sir.

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1 Q In addition, did these girls indicate, at
2 that time, in these conversations, anything about payment for
3 these services?

4 A Repeat that?

5 Q Was there any mention made of payment for
6 these services that were given?

7 A Yes, sir. It was always understood that
8 the girls collected an agency fee for this, and she had the
9 knowledge that she was to pay a \$10.00 referral fee for getting
10 the client and, on occasion, some girls did discuss their tips,
11 because they were joyful that they received a 100/150 dollars..
12 Money excites people.

13 Q They received a tip for what?

14 A For services they rendered.

15 Q Well, what type of services?

16 A Well, sexual intercourse.

17 Q All right. Now, this referral fee that
18 you talked about, what was the amount and what was the exact
19 nature of that fee and who was it paid to?

20 A To the owner of the agency, at the time.

21 Q That is Brooks and Collins, correct?

22 A Yes, sir.

23 Q What was it for?

24 A It was for, to cover the expenses of
25 running the service. It was like they would charge the customer

Terry Brady - Direct

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1 \$15.00 an hour agency fee to get the girl sent to them, and
2 then they would charge the girl \$10.00 an hour referral fee
3 to get the client.

4 Q So, the \$15.00 agency fee, as well as the
5 \$10.00 agency fee was paid by the girl who was sent out on the
6 call, is that correct?

7 A Yes, sir.

8 Q Where did they get that money to cover
9 these costs? From the person?

10 A From the clientele they received from the
11 agency.

12 MR. DRISCOLL: Mrs. Purdy, if you would
13 pull out Commonwealth's Exhibit Numbers 10, 11, 12,
14 13, 14, 15, and 16.

15 NOTE: At this point, a document is being
16 shown to the witness.

17 Q Look at that ledger, and state for the
18 jury whether or not you have seen it before.

19 A I have seen it.

20 Q What is it?

21 A It is a record book that we kept running
22 files of our customers, so that we could tell when -- I
23 figured up how much money the girls would owe, because some-
24 times they would go out on a call, and the call was scheduled
25 for an hour, and after leaving the call they would call in and

Terry Brady - Direct

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1 sometimes we would have another call. So, they would be out
2 for a consecutive three or four hours. So, we had to keep
3 track of the money they owed the agency.

4 Q Well, if the girl went out for, let's say,
5 one hour, what money would she owe the agency?

6 A \$25.00.

7 Q If she stayed an extra hour, what would
8 she owe the agency?

9 A \$10.00 agency fee and \$25.00, so she
10 would have \$35.00.

11 Q Even though she stayed with the same
12 individual the extra hour?

13 A Yes, sir. It was \$15.00 per hour to the
14 customer. If he got an additional hour, it was \$10.00.

15 Q Now, that book, if you would open it and
16 read across the top of the ledger, what does that show us?

17 NOTE: At this point, the witness is com-
18 plying with the above request of the Commonwealth's
19 attorney.

20 A Okay. This right here (witness pointing)
21 shows us that on 5/3 this customer received one hour of ser-
22 vice from an escort named Jennifer, and the money was recorded
23 right here (witness pointing). This is the agency fee. This
24 is the referral fee, which totals up, and the last column right
25 over here was for your initials verifying she received the

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1 money.

2 Q Who filled that type of book in? Was it
3 the tellers or the operators or who? I mean the telephone
4 operators.

5 A Each person had like a book, really. Each
6 person had to keep the thing.

7 The owners had a master list. We each
8 had our book, for each shift. You did your own shift, and
9 turned it in, like twice a week, sometimes.

10 Q Turned it in to whom?

11 A Mr. Brooks would come back and fill out
12 his master sheet. This is Mr. Brooks' book, I believe.

13 At one time, this was Mr. Brooks' book,
14 I believe, and then I started in it.

15 Q Now, the funds you say you are getting and
16 recording, how were they sent in to the agency, to the owners,
17 Mr. Brooks and Mr. Collins?

18 A At first, they would stop by and pay them
19 in cash. Then, it was suggested they get a checking account
20 and deposit it, this money, in a pre-stamped manila envelope,
21 and deposit it in the mail box.

22 They would go to the post office box num-
23 ber in the post office, and then this money would be picked up,
24 either by Mr. Brooks, Mr. Collins, or myself, and we would
25 take it to the bank and the checks were cashed, and the money

Terry Brady - Direct

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1 was then split up.

2 Q Do you know what name was being used, the
3 mailing address, or anything?

4 A I can't pronounce it. I mean it's almost
5 like it was just a bunch of letters straight together.

6 Q Examine Commonwealth's Exhibit Number 11,
7 please, and the stamp contained therein.

8 NOTE: At this point, the above-described
9 exhibit was shown to the witness.

10 Q (Continuing) Do you see, at the beginning
11 of that ledger, a stamp on the inside cover?

12 A Yes, sir.

13 Q Do you also see an envelope in there, a
14 white one, with writing on the front of it?

15 A Yes, sir.

16 Q What writing is there?

17 A It's the stamp that Mr. Brooks ordered
18 from a stamping company. It's Anthony G-I-O-V-A-N-H-I.

19 Q What is the importance of that name and
20 the address?

21 A This is so they could deposit their check
22 or money order, and they were told never to deposit cash. So,
23 they put a stamp on it and dropped it in the mail box.

24 Q Where did that come to?

25 A Post Office Box 29093, Richmond, Virginia.

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1 Q Is that how you got your money out of
2 those envelopes, as well as other means?

3 A Yes, sir.

4 Q To your knowledge, does Anthony Giovanni
5 exist, or was it a made-up name for the post office?

6 A To my knowledge, it doesn't exist. I
7 never met him.

8 Q There was a can, was there not, at the
9 telephone operator's desk, like a tin can? Are you familiar
10 with that?

11 A Yes, sir.

12 Q Do you know what that tin can was for?

13 A It was a tin can for the operator.

14 MR. DRISCOLL: (Addressing the Clerk) If
15 I could have box number 3, please.

16 NOTE: At this point, the above-described
17 exhibit was shown to the Commonwealth's attorney.

18 MR. DRISCOLL: (Addressing the Clerk)
19 That is the can I am looking for.

20 Q Sir, this object here, is this the tin
21 can that you are referring to?

22 NOTE: At this point, the above-described
23 object is being shown to the witness.

24 A Yes, sir.

25 Q Now, how was that used?

Terry Brady - Direct

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1 A At one time, we built a partition into a
2 room. It was set up as an office, and we set the can up in
3 the corner, and when the girl would come in and came to the
4 window and paid her agency fee, for each call that she went
5 on, a good call, she dropped a \$5.00 tip in there for the
6 operator. This was to supplement the income for the wages
7 you made.

8 Q What do you mean by a "good call"?

9 A If she stayed an hour, you know. If the
10 customer couldn't agree with the escort or the price that she
11 was requiring for her services, then she would leave and just
12 collect the agency fee, and we would send out another escort,
13 if they couldn't come to a compromise on the price.

14 Q If there was no meeting of the minds as
15 to an amount, if the date and/or the escort, as you refer to
16 it, could not get together with the fellow, you would send out
17 another escort?

18 A Yes, sir. We would tell the customer,
19 "If you can't come to terms with the young lady, we have 27
20 to 25 lovely young ladies, and we're sure one can meet your
21 needs."

22 Q Sir, I ask you to look at Commonwealth's
23 Exhibit Number--

24 THE COURT: They are not exhibits, yet,
25 Mr. Driscoll. Identify them. They are for

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1 identification purposes. I expect you would have
2 to call them potential exhibits. I do not know
3 what else to call them.

4 MR. DRISCOLL: All right.

5 Q Number 15, whatever has been marked as
6 number 15, it is four photographs.

7 NOTE: At this point, the above-described
8 potential exhibit was shown to the witness.

9 Q (Continuing) Do you recognize, after
10 examining the four photographs, the area depicted in the
11 photograph?

12 A Yes, sir.

13 Q What is it?

14 A It's almost like a bedroom. It was set
15 up as an office at the residence of 2700 Clearfield Street.

16 Q Where did you work? Did you work in that
17 office?

18 A Yes, sir.

19 Q Was this where all the incoming phones or
20 phone calls were received?

21 A Yes, sir. All business, concerning the
22 business, did take place in there.

23 Q How about leaving the witness stand and
24 coming out here with those photographs, and one by one show
25 the members of the jury what is in each of the photographs.

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1 NOTE: At this point, the witness is com-
2 plying with the above request of the Commonwealth's
3 attorney.

4 THE COURT: Mr. Lynch, you may come around,
5 if you would like.

6 (Addressing the witness) Come right over
7 here, about in the middle. Speak up, now, sir, if
8 you would. Speak loudly. Hold them towards the
9 jury.

10 A This was shot, this was a shot of the
11 operator's desk. This was a partition built, evidently it was
12 going to be a door built, over here, with a window so that the
13 people, escorts, wouldn't have to come through the residence
14 part of the house and interfere with their family life, and
15 come to this window here where the TV is. We watched TV. We
16 had to spend a lot of hours in there.

17 By the escort's name, was the tip can. We
18 sat it in the corner. We sat that up there as kind of a reminder
19 to them.

20 THE COURT: Turn the picture as you speak.

21 NOTE: At this point, the witness is com-
22 plying with the above request of the Court.

23 A (Continuing) The desk is where the
24 incoming phone calls were received. Down here (witness
25 pointing) is a close-up view of it, and each of these tags

Terry Brady - Direct

100.

1 hung here are the names of the girls that were on the shift
2 at that time, which there is a little pin there. When the
3 girl got a call, you wrote it down and hung it on that little
4 nail, so that you could keep track of the time, also for the
5 safety of the girl.

6 Over here (witness pointing) is another
7 desk, which is outgoing calls. This is where the other
8 operator sat. Sometimes there were two of us in there. If
9 it wasn't very busy, one person could handle it. You could
10 go over here to use the phone so that you wouldn't tie up
11 incoming lines, either back here, which is by the 3-way commu-
12 nication for the customers, so that the escort could talk to
13 him or give her specific directions to an address, the custo-
14 mer's name, or whether they are paying by check or cash. That
15 is what that desk was used for.

16 This here thing (witness pointing) we sat
17 up. We were going to have a little space on it so that you
18 could hide the receiver so that the owners of the agency could
19 take all the information, ideally, and develop a better service.
20 You had a challenging business.

21 Up on this corner, then, was a reel-to-reel
22 recorder. On occasion, we would record young ladies talking
23 to their customers, and that way we could determine who was a
24 good customer and keep a running file.

25 THE COURT: All right. Come on back to

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1 the witness stand.

2 NOTE: At this point, the witness is com-
3 plying with the above request of the Court.

4 Q Now, sir, this is going to take a little
5 while.

6 MR. DRISCOLL: If you would, Sergeant,
7 bring him the first box.

8 NOTE: At this point, a cardboard box
9 with contents is being handed to the witness.

10 Q (Continuing) If you would look through
11 the box and examine the contents, and state for the members
12 of this jury whether or not you have seen these contents
13 before, and whether or not they were located at the Clearfield
14 address. Then, tell us how they were used in this business.

15 A Okay. This green telephone here is --
16 This green telephone here with the black receiver was outgoing;
17 calls. At one time, it had a button right here (witness
18 pointing) you could press and check the call waiting line.
19 It is broken off, now. You could do it by the button up here.
20 This is also to look the girls up. In the back, it's got two
21 plugs. In the back, we had a black and gray wire, it's
22 labelled, running to the reel-to-reel so we could record
23 information needed.

24 Q What do you mean "information needed"?

25 A Like where the girl -- You had to keep

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1 the girls pretty well straight. A lot of the girls would take
2 money from the agency. So, the purpose for this was to record
3 so that you would know whether the girl was truthful and
4 how far to let her go in your service. She's really what
5 makes your money, and you don't want them out there on every
6 other call to rip you off for \$25.00.

7 Q That is how you ran a check, by using the
8 reel-to-reel?

9 A Right. This is almost like a security
10 thing for the employees.

11 Q All right.

12 A This phone (witness pointing), it's a
13 black telephone is all I can say about this. It is used for
14 incoming phone calls primarily, just to ring. The phone call
15 came over a little recorder, a little speaker. Sometimes you
16 had your hands full writing down things, and you couldn't pick
17 up the telephone, so the call came in over the speaker, and
18 you could write at the same time you talked to customers
19 through a little Radio Shack speaker or intercom system.

20 Sometimes music in the other room was
21 playing, and you couldn't hear too well, so this is primarily
22 just for the bell and if you needed it for personal use. This
23 is the headphone that you would listen through, as the speakers
24 evidently did not work too well, because it was still too much
25 noise.

Terry Brady - Direct

103.

1 In this little recorder here (witness
2 pointing), by the bottom, was taken off and wired into the
3 original speaker wires; that powered this speaker here. We
4 found it better to hear people on than this little speaker,
5 because it cracks, and you couldn't hear a phone number too
6 well.

7 Also, the reel came in if we missed a
8 phone number and it recorded it, and we checked it again. So,
9 there was just mainly this one used. We conventionally used
10 this little speaker here. This recorder (witness pointing)
11 is what the calls came in over. Right here, this was for
12 Kitty Kats. At the time, it was Dreams Unlimited and Kitty
13 Kats.

14 Q Excuse me?.

15 A At the time, it was called Dreams Unlimited
16 and Kitty Kats.

17 Q Did you ever know the business to be run
18 under another name other than Dreams Unlimited and Kitty Kats?

19 A Yes, sir, several.

20 Q Do you recall them?

21 A Hound Dogs, Baby Dolls, Dream Kats, Abbey's
22 Angels--

23 Q Who?

24 A Abbey's Angels. It's just a list, whatever
25 at the time, seemed to grab the eye. It was in bolder print

Terry Brady - Direct

104.

1 in the newspaper, until the newspaper company changed on what
2 they would allow you to put in the paper.

3 Q Are you aware of how many different names
4 were used for this business?

5 A At one time?

6 Q At any time while you were working there
7 that you are aware of?

8 A Most times we would have two to three in
9 the paper at one time and sometimes four. We had four differen
10 incoming lines, so we could receive a lot of calls. We had
11 four different names. Sometimes when we put the names in the
12 paper, the business wouldn't be doing that well. Two names
13 could pull just as many customers as four could, sometimes.
14 Then, you wouldn't spend so much money. There's a lot of
15 names, probably about twelve names total to choose from.

16 You would put different ones in different
17 weeks to find out which ones seemed to be doing the best
18 business, because customers, if they are treated right, they
19 would call the service back, and sometimes they would, they
20 liked to search around and get different escorts.

21 That was the reason for changing the names,
22 and really it was the same escort, just under a different name.

23 When business got slow, you would change
24 the name to draw in more customers.

25 MR. DRISCOLL: If Your Honor please, I

Terry Brady - Direct

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1 would move the box containing the items just described
2 by the witness, now, as Commonwealth's Exhibit Num-
3 ber 1.

4 THE COURT: So ordered.

5 NOTE: At this point, the above-described
6 cardboard box with contents was introduced into evi-
7 dence and marked as Commonwealth's Exhibit Number 1.

8 MR. DRISCOLL: Sergeant, if you would
9 take the box which has been identified as Common-
10 wealth's Exhibit Number 2.

11 Your Honor, I have just discussed with Mr.
12 Lynch a possible stipulation. We have been through
13 all of this equipment with Mr. Saylor. The stipu-
14 lation would be that this witness, who was an opera-
15 tor and worked with the equipment, can identify that
16 equipment as having come from the Clearfield address
17 and was used in the business there. Therefore, we
18 ask the Court to receive these items, now, as a
19 Commonwealth's exhibit, as opposed to merely identi-
20 fying them.

21 THE COURT: Mr. Lynch?

22 MR. LYNCH: That is my understanding of
23 the stipulation, Your Honor.

24 THE COURT: The stipulated evidence means
25 that this witness could identify each of the things

Terry Brady - Direct

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1 that were quoted by Mr. Saylor as coming from that
2 address and being used in that business. They were
3 tentatively put into the record as exhibits. They
4 are now received as exhibits and do become evidence.

5 NOTE: At this point, the previously
6 marked items for identification purposes only, now
7 become exhibits.

8 Q Sir, you indicated when you were discussing
9 the tips, that they were used to supplement your pay, is that
10 correct?

11 A Yes, sir.

12 Q Was this known by the two owners, Mr.
13 Collins and Mr. Brooks, to be taking place?

14 A Yes, sir. They set up the operation,
15 because the operators were complaining about not making enough
16 money.

17 Q Once again, this tip money came from the
18 girls, is that correct?

19 A Yes, sir.

20 Q How did the girls get it?

21 A From the clientele.

22 Q That was for?

23 A Sexual intercourse.

24 MR. LYNCH: Your Honor, counsel is leading
25 the witness.

Terry Brady - Direct

107.

1 THE COURT: Yes, he was, and I think he
2 had already said that once before. So, let's move
3 on, gentlemen. It is 12:15. We started at 9:00, and
4 we have not gotten through two witnesses yet.

5 BY MR. DRISCOLL: (Continuing)

6 Q Sir, did you know a Mr. Zipp, Steven Zipp?

7 A Yes, sir, I did.

8 Q How did you come to know him?

9 A I grew up with him in my younger years.

10 Q Do you know whether or not he, at any time
11 was employed as a telephone operator at the same place you
12 were?

13 A Yes, sir, he was.

14 Q Do you know from your records or recollect
15 when he was employed and how long he worked for these two men?

16 A It was approximately June, I believe, when
17 he came to work, maybe late June. He worked until about Sep-
18 tember.

19 Q Now, this is '81 that you are discussing?

20 A Yes, sir.

21 MR. DRISCOLL: No further questions, Your
22 Honor.

23 THE COURT: Mr. Lynch.

24 MR. LYNCH: May I have one moment, Your
25 Honor, with my clients?

Terry Brady - Cross

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1 THE COURT: Certainly.

2 NOTE: At this point, an off-the-record
3 discussion was had between defense counsel and the
4 two defendants, out of the hearing of the jury.

5 THE COURT: I have 18 exhibits here, is
6 that right?

7 MR. LYNCH: That is correct, Your Honor.

8 THE COURT: All right.

9 MR. DRISCOLL: Yes, that is correct.

10 THE COURT: All right, Mr. Lynch.

11 MR. LYNCH: Thank you, Your Honor.

12

13 CROSS-EXAMINATION

14 BY MR. LYNCH:

15 Q Mr. Brady, how old are you?

16 A Twenty-two.

17 Q Have you ever been convicted of a felony?

18 A Yes, sir.

19 Q How many felonies have you been convicted
20 of?

21 A One.

22 Q You are under indictment for one right
23 now in Chesterfield County, are you not?

24 A No, sir.

25 MR. DRISCOLL: Objection, Your Honor.

Terry Brady - Cross

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1 Indictments are not proper matters for cross-
2 examination.

3 THE COURT: (Addressing the jury) You
4 will disregard that. The question he can ask is:
5 "Have you ever been convicted of a felony or misde-
6 meanor involving moral turpitude, and how many and,
7 I believe, since he is a witness, what kind."

8 MR. DRISCOLL: Yes.

9 Q What kind of felony were you convicted of?

10 A Armed robbery.

11 Q How long ago was that?

12 A I was convicted in August. I'm not sure
13 of the date. I hate to remember it.

14 Q August of this year?

15 A Yes, sir.

16 Q Are you awaiting sentencing on this felony,
17 at this time?

18 A Yes, sir.

19 Q Have you ever been convicted of a misde-
20 meanor involving moral turpitude?

21 A No, sir.

22 Q Lying, cheating, stealing?

23 A No, sir.

24 Q Again, Mr. Brady, are you here as a con-
25 scientious citizen, out of the goodness of your heart, to

Terry Brady - Cross

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1 testify against these two men? Is that why you are here?

2 A Yes, sir.

3 Q The police have not offered you any kind
4 of a deal or any kind of help with your sentencing in Chester-
5 field?

6 A No deal has been made.

7 Q They have not offered to go to Chester-
8 field on your behalf and speak to the authorities there?

9 A No, sir.

10 Q Mr. Zipp, who trained you when you went
11 to work for Mr. Brooks and Mr. Collins?

12 A My name is not Zipp.

13 Q Excuse me, Mr. Brady.

14 A Who trained me?

15 Q Yes.

16 A Mr. Collins.

17 Q Did he train you in answering the tele-
18 phone?

19 A He sort of gave me the basics, and he let
20 me take it from there.

21 Q What did he say to you about how you
22 should handle a phone call from somebody, from a man, who
23 called up and said, "I want a girl to do such and such," which
24 is an illicit sexual act? What were you supposed to do?

25 A I was supposed, depending on the tone of

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1 voice and the customer, I was supposed to play it off as a
2 joke, first, not to lose a customer. Now, I had the knowledge,
3 but I was supposed to let the customer think I was trying to
4 explain to him that we had a legitimate, nice, clean business,
5 and our young ladies won't like that; they were specifically
6 escorts and they would need to speak more to the young lady.

7 Q Then, what were you supposed to do if the
8 customer persisted?

9 A I was supposed to have the young lady call-

10 Q No. If the customer persisted in wanting
11 an illicit sexual act?

12 A I would say, "Sir, maybe I can get you a
13 phone number," or, if he got lewd on the phone, I was supposed
14 to hang up.

15 Q You were supposed to hang up?

16 THE COURT: If he got lewd.

17 Q (Continuing) What is your definition of
18 lewd?

19 A My definition of lewd is when some guy
20 calls up and says, "I want you to send me a girl over for an
21 illicit sexual act," and he would name the illicit sexual act
22 on the telephone. Only if he said it in nasty words. There
23 aren't -- The business has its own language. There was such
24 a thing as "Frenching," which, at that time, was oral sex.
25 There is such a thing as "English," which is when a girl would

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1 torture a guy for pay, or there was a Creek, which is when the
2 girl received it in the rectum. I was taught all of this,
3 and most of the customers knew the business.

4 Q Are you familiar with the agreement that
5 each of the girls, who was employed by this business, was
6 asked to sign prior to coming to work?

7 A I have seen the paper, yes, sir, but I
8 have never read it.

9 Q Have you ever heard either Robert Collins
10 or Lewis Brooks tell either a girl or one of the male employees
11 that if they violated any law, Federal, State, or local, they
12 would be automatically and immediately terminated, their
13 employment would?

14 A Yes, sir.

15 Q Did you sign one of these agreements?

16 A Yes, sir.

17 Q Yet, you did not read it?

18 A I handed them out to the girls and, at
19 that time, I knew they weren't worth paper to write on, most
20 of them.

21 Q How did you know that?

22 A Because I had been told by the girls that
23 they were being protected. It was a front for the girls to
24 feel safe, because the agency with the best girls had the best
25 customers. The girls never read them either, most of them,

Terry Brady - Cross

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1 theoretically.

2 Q Were you with each of the girls when they
3 were presented each of the contracts?

4 A No, sir. I took a lot of them around for
5 them to sign it.

6 Q All right. Now, Mr. Brady--

7 THE COURT: Just a minute. You asked him
8 a question: "Was he with any of them," and he said,
9 "No, sir, but I took a lot of them around."

10 Now, you have asked for a hearsay propo-
11 sition.

12 MR. LYNCH: He answered my question when
13 he said, "No, sir," Your Honor.

14 THE COURT: Now you want to stop him right
15 there.

16 (Addressing the witness) But, go ahead,
17 sir. You took a lot of them around and what?

18 A I took a lot of them around under Mr.
19 Brooks' and Mr. Collins' supervision, not supervision, but
20 instructions to get the girls to sign the contracts. They
21 could come by the office, and go back and let the girls sign
22 the contract, because a lot of the girls did like to come by.

23 Q Was it your job to explain the contract
24 to the girls?

25 A No, sir.

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Terry Brady - Cross

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1 Q Just to get them to sign it. Did you
2 ever explain one to the girls?

3 A No, sir.

4 Q Were you ever in the presence with one
5 of these gentlemen (attorney pointing) when you took it around?

6 A No, sir.

7 Q But, had these gentlemen, to the best of
8 your knowledge, talked to the girls prior to your taking the
9 contract around and explained that contract to them?

10 A I don't know if they explained it. They
11 told the girls that I would be bringing something by, or I
12 would tell them that Mr. Collins or Mr. Brooks told me to get
13 y'all to sign the contract before you can take any more calls.

14 Q Now, Mr. Brady, getting back to this post
15 office box and this Anthony Giovanni situation. Did you ever
16 go? What post office was this anyway?

17 A The one, I think it is Brook Road. It's
18 right back -- It's the post office over by Maggie Walker High
19 School. I'm not real familiar with the name of the street,
20 but like on the corner near a triangle--

21 Q Did you ever go to the post office over
22 there and collect any envelopes yourself?

23 A Yes, sir.

24 Q How many times?

25 A About twice.

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1 THE COURT: What did you say? Near a
2 triangle where?

3 THE WITNESS: It's right by Maggie Walker
4 High School. You go down there to the University
5 of Richmond, I think, and turn right on a side
6 street.

7 THE COURT: You mean University of Virginia

8 THE WITNESS: Do you know where Maggie
9 Walker High School is?

10 THE COURT: Yes, sir.

11 THE WITNESS: You keep going down Lombardy,
12 and you take a right on, I'm not familiar with the
13 street, and go over to, I think it is, Brook Road
14 or Chamberlayne or something like that. It is a
15 post office right there. It's been a long time since
16 I've been on this side of Parham, and I don't drive.

17 Q Mr. Brady, when Steve Zipp came to work,
18 were you already working for Mr. Brooks and Mr. Collins, at
19 that time?

20 A Yes, sir.

21 Q Who trained Steve Zipp?

22 A I helped, and Mr. Collins did.

23 Q Did you ever hear Mr. Collins say to
24 Steve Zipp that if anyone called and suggested doing anything
25 illegal that he was to hang up immediately?

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Terry Brady - Cross

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1 A I can't recall. Steve kind of worked a
2 middle spot. I started the shift. He came on. I would help
3 him get started, and I would leave and Bob would finish up
4 with him. He worked the shift after mine, so he liked coming
5 in an hour or so early just to get the basics down; more or
6 less to sit around and listen and get the feel of the business.

7 Q What were your procedures in training
8 Zipp, the training that you did for him?

9 A I just told him when the customer called,
10 how to answer the telephone, "Thank you for calling. May I
11 help you?" The customer would then say, "I'd like to see a
12 young lady." You would then say, "Well, what is your pleasure,
13 and they would give it to you. There was different ways,
14 because customers were scared. Most of them were married
15 men or professional business men.

16 Q That is really a conclusion on your part,
17 is it not?

18 A Yes. But, a lot of them said, "Listen,
19 I have a wife. I don't want to give you my name or home phone
20 number. I'm in a motel." So, naturally, I assumed they were
21 married.

22 Q In the time that you worked for these
23 gentlemen, did you ever see either one of them or both of them
24 fire a girl or suspend her, either one?

25 A I think one girl, yeah.

Terry Brady - Cross

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1 Q Who was that?

2 A I don't remember her real name. It's
3 been a long time, and I'm being -- She tried to get out of the
4 business, and they fired her or suspended her and said not to
5 give her no more calls, the way it was put, because she would
6 not go on the calls right away or she would get there late or
7 she wouldn't bring the money back. But, they were suspended,
8 mostly, for not paying their agency fees.

9 Q Do you ever remember a girl getting fired
10 because she came back and talked about doing something that
11 was illegal?

12 A No, I don't.

13 Q You have no memory of that?

14 A No, sir.

15 Q Getting back to your felony conviction,
16 Mr. Brady, did that armed robbery that you were convicted of
17 result from a contact you made while you were working for
18 these gentlemen?

19 A Yes, sir, it did.

20 Q So, that is how you got involved with the
21 person whom you were charged with robbing?

22 A Yes, sir. The person that I robbed the
23 agency had taken for about \$4,000.00, and I was a little high,
24 so I took him for a little bit.

25 They didn't do it with a gun, you know,

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1 they forged names.

2 Q. Mr. Brady, I will ask the questions, and
3 I would ask that you direct your answers to the jury, and not
4 ramble on.

5 A That's what I'm trying to do.

6 Q It is amazing to me that some of the
7 details are so clear to you.

8 THE COURT: You are testifying. Now, you
9 are testifying.

10 MR. LYNCH: Excuse me, Your Honor.

11 Q Mr. Brady, why is it some of the details
12 of matters are so clear to you in your recollection, and
13 others you do not recall at all or very vaguely recall them?

14 A I don't feel that I'm doing that right
15 now.

16 Q Has anyone coached you in your testimony
17 in this matter?

18 A No one has coached me.

19 Q You have not been over the testimony with
20 anyone?

21 A No, I haven't ever written the testimony
22 or discussed it with no one.

23 Q No one? Not the Commonwealth's attorney,
24 not one of the police officers, not anyone?

25 A Yeah. They have sat down and talked with

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1 me, and they asked me questions to find out whether they
2 could re-indict this case or whatever, but I never incrimina-
3 ted them, then. I told them I worked for them and that was
4 it. We never sat down and wrote a lot of things out on paper,
5 as I can recollect. I didn't tell nobody nothing like that.

6 Q Does the name Kim Sullivan mean anything
7 to you?

8 A I know her.

9 Q Do you remember a time when Kim Sullivan
10 was arrested for anything?

11 A Yes, sir.

12 Q What was she arrested for?

13 A I'm not real sure of the charge. I wasn't
14 on the shift at that time.

15 Mr. Zipp sent her on a call to some motel,
16 and she was, you know, arrested for solicitation or prostitu-
17 tion, and I think she had a packet of stuff in her pocket or
18 something.

19 Q Did Mr. Collins or Mr. Brooks take any
20 action after they found out Ms. Sullivan had been arrested?

21 A I understand that Ms. Kim Sullivan was
22 mad at Mr. Collins, because he told her to her face, "I'm
23 glad you got busted, because we learned something from it."

24 Q What actions did they take? Did they
25 fire her?

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1 A No. She said she quit, because Steve
2 wasn't handling himself on the phones right, and girls from
3 another agency had gotten busted, and she had called and told
4 Mr. Collins, and he failed to tell the appropriate authorities,
5 so she felt it was insufficient business going on. If they
6 didn't keep this thing between themselves straight, how were
7 they supposed to keep her from getting in trouble.

8 Q Did you ever, in the time that you worked
9 for these two men, use their agency for the purpose of selling
10 narcotics?

11 A No, sir.

12 Q Did you ever use their agency for the
13 purpose of procuring money which, or received money which,
14 was procured from prostitution?

15 A Like I told them -- About a call, is that
16 what you're trying to say?

17 Q Did you ever receive money, yourself, that
18 a girl who went out on a call, a girl who performed acts of
19 prostitution, which was brought back to you and put in your
20 hand?

21 THE COURT: Did he receive it for himself?

22 MR. LYNCH: Receive it for himself, Your
23 Honor.

24 A I never benefited, except for a dinner,
25 because they had -- The girls would call. They would take me

Terry Brady - Cross

121.

1 out to dinner.

2 THE COURT: The question was: "Did you
3 ever personally take any of the money?"

4 THE WITNESS: I never personally took
5 none of their tips.

6 MR. LYNCH: I have no further questions
7 of this witness, Your Honor.

8 THE COURT: All right. Do you have any-
9 thing further, Mr. Commonwealth's Attorney?

10 MR. DRISCOLL: Yes, sir, I do.

11
12 REDIRECT EXAMINATION

13 BY MR. DRISCOLL:

14 Q These agreements that you took out to the
15 girls to sign, the girls who signed these agreement forms,
16 would you state for us whether or not they are the same girls
17 who later paid tips back to the agency or to the tip fund?

18 A Yes, sir.

19 Q They are. You indicated, at some time,
20 that Mr. Brooks picked up one of these ledgers and picked up
21 some of the sheets. Who was the money actually turned over to?
22 Was it Mr. Brooks and Mr. Collins, or who?

23 A The money came in, and I would keep it
24 either in a safe that was located in a closet, and I turned
25 them in each night. A lot of times I spent the night. I spent

Terry Brady - Redirect

122.

1 21 days in that room working, you know, straight, and I was
2 going to take seven days off, and each pay period, like every
3 seven days or so, then we started 21 days. I would figure up
4 the total and break it down. They would get their money.

5 Q Don't use "they". Give me names.

6 A Mr. Brooks would come back and receive
7 his little pile of money. Mr. Collins was also at the house.
8 He got his, and I took my percentage, \$5.00 a call, cut first.

9 MR. DRISCOLL: Thank you. No further
10 questions.

11
12 WITNESS STOOD ASIDE

13
14 THE COURT: Your next witness?

15 Gentlemen, we have finished two witnesses
16 in three hours and a half of trial. Of course, we
17 had to impanel the jury, but please let's try to
18 move a little faster, if we can.

19 MR. DRISCOLL: Miss Fox, please, Linda
20 Fox.

21 THE COURT: Be sure that all the witnesses
22 have been sworn, gentlemen, since I understand you
23 all had some coming late.
24
25

Linda Fox - Direct

123.

1 LINDA G. FOX, a witness called on behalf
2 of the Commonwealth, having been previously duly sworn, testi-
3 fied as follows:

4 DIRECT EXAMINATION

5 MR. DRISCOLL: Mrs. Purdy, may I see
6 Commonwealth's Exhibit Number 17 and 18?

7 NOTE: At this point, the above-mentioned
8 exhibits were shown to the witness.

9 BY MR. DRISCOLL:

10 Q Ma'am, what is your name, please, and what
11 is your occupation?

12 A My name is Linda G. Fox. I'm with the
13 Richmond Bureau of Police, currently working in the Juvenile
14 Division.

15 Q Back in July and August of 1981, were you
16 still working for the Richmond Police Department?

17 A Yes, I was.

18 Q In what capacity?

19 A I was working with the vice division on a
20 decoy operation.

21 Q What type of decoy operation?

22 A I was working out call services for the
23 vice division.

24 Q Now, directing your attention to the
25 events that led up to your August 2nd, 1981, meeting with a

Linda Fox - Direct

124.

1 John Kelly, would you describe those for the members of the
2 jury; how you came to be sent on this particular trip or call,
3 and who sent you there and who was the agency? Who were the
4 owners in the agency that you discussed the call with?

5 A On August 2nd, 1980, I believe it was 1980,
6 I met with Robert Collins, and he was introduced to me as Bob
7 Holliday. We met on a lot at the U-Tote'M. We had previously
8 set up a meeting date to interview me to hire me.

9 During that time, he took me for a ride
10 in his car, and he explained to me what he expected of me in
11 this job. After that was over, I met, the second day--

12 Q What did he indicate to you, at first?
13 What was expected of you?

14 A At that time, he asked me why I wanted the
15 job. He asked me what I thought the service was, and I told
16 him just an escort service, and he just basically asked me a
17 bunch of questions about myself.

18 Q How did you come into contact with him?

19 A I was with an informant who had called
20 him for an interview.

21 Q At the time you spoke with Mr. Collins,
22 did you have any tape recording device on you?

23 A Yes, we did.

24 Q Was this on in your first meeting as well
25 as your second meeting?

Linda Fox - Direct

125.

1 A It was on the first meeting.

2 Q All right. Now, after you spoke with him,
3 and he told you about the operation, what then happened?

4 A He told me, then, he would get in contact
5 with me if he needed any more help.

6 Q Were you contacted?

7 A Yes, I was. The second day I was con-
8 tacted, on August 3rd. On August 3rd, we went to the inform-
9 ant's house, and we called Mr. Collins up on the phone. Of
10 course, we talked to a Steven Zipp, who is the telephone opera-
11 tor, and he took down our name and number and told us that he
12 would contact us if he needed any help that night.

13 We waited for approximately four hours,
14 and Mr. Zipp did call us and said he did have a date for me.

15 Q Where were you sent?

16 A I was sent to Jarrett Apartments in Henrico
17 County.

18 Q Who did you meet there, if anyone?

19 A John Kelly.

20 Q Tell the members of the jury what happened
21 when you met up with Mr. Kelly.

22 A I was sent to the Jarrett Apartments in
23 Henrico County. I drove up to the apartment that was already
24 told to me by Mr. Zipp. Mr. Kelly did meet me outside. We
25 walked into his apartment. At that point, I told him that I

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Linda Fox - Direct

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1 was here from the agency, and he said, "All right." I said
2 that the agency required that I collect the \$15.00 for the
3 first hour, and he said, "I already know that." He said,
4 "I know these guys. I work with them," and I said, "Okay."

5 MR. LYNCH: Your Honor, this is getting
6 into the area of hearsay, at this point, I believe,
7 and I would object to any further testimony along
8 that line.

9 THE COURT: I do not see that it has any
10 particular probative value for any damage to your
11 client. It is merely a recitation. Well, maybe
12 you are right about that.

13 (Addressing the witness) Just tell us
14 did he pay the \$15.00?

15 THE WITNESS: Yes, sir, he did.

16 THE COURT: Go on from there.

17 Q How was that money paid to you?

18 A He gave me the \$15.00 in cash, and then he
19 gave me -- He was starting to write out a check for \$60.00 for
20 me, as the person--

21 Q Do you have the check before you, now,
22 and the \$15.00 which was handed to you by Mr. Kelly?

23 A Yes, sir, and the check, yes, sir.

24 Q Now, what was that check for?

25 A The check was, the \$60.00, for me,

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1 personally, as an agent of the Kitty Kats.

2 Q But, what was it for?

3 A It was for sex.

4 Q What type of sex were you supposed to
5 perform for that \$60.00 payment?

6 A I was supposed to give him a roll job.

7 Q What is that?

8 A Well, a roll is to have sexual intercourse
9 and also a blow job, which was sodomy.

10 Q Why isn't the check completed?

11 A Because, at that point, when he started
12 writing out the check, I made a call on the speaker to vice
13 division to let them know I had received the money, and they
14 came in before he had time to write out the check.

15 Q What was the agreement between you and
16 Mr. Collins as far as the \$15.00 that you were originally
17 receiving, this agency fee? What were you to do with that?

18 A I was to give him the \$15.00. At the
19 finish of the night, I was to meet up with someone from the
20 agency and give them the money.

21 Q Were you aware of any other fees which
22 were to be tendered to either Mr. Collins or Mr. Brooks as
23 owners of this agency?

24 A I'm not sure what the question is.

25 Q Were there any other fees, other than the

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Linda Fox - Direct

128.

1 \$15.00 fee, that were to be turned back in to Mr. Collins or
2 Mr. Brooks at this time?

3 A No. I was just to give him the \$15.00.

4 THE COURT: Let me see that check.

5 NOTE: At this point, the above-described
6 check was shown to the Court.

7 Q What was your name at this time, or what
8 was the name you had given Mr. Collins, your undercover name?

9 A Lynn.

10 Q How did you spell that? Did you spell it
11 out for the telephone operator at any time?

12 A Not that I recall. I don't believe I did.

13 Q The informant who was with you at one point
14 when you spoke with Mr. Collins and arranged a meeting between
15 you and Mr. Collins, what was her undercover name? Do you
16 recall?

17 A I cannot recall.

18 Q Do you know whether or not the informant
19 was using her real name?

20 A I don't believe she was, no.

21 THE COURT: Let me ask you this. I thought
22 you said August the 3rd, and I notice the check is
23 dated August 2nd, and there is a note on the back
24 of it with somebody's initials and dated August the
25 2nd.

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Linda Fox - Direct

129.

1 NOTE: At this point, the witness is
2 looking through some documents.

3 Q In reviewing your files, what date does
4 it show you met with Mr. Kelly?

5 A On August 3rd.

6 Q When did you receive the check?

7 A August 3rd.

8 THE COURT: Well, take a look at it and
9 see whose initials they are on the back of it.

10 NOTE: At this point, the above-described
11 check is being shown to the witness.

12 Q Did you have any other contact with Mr.
13 Kelly?

14 A No, sir.

15 Q Did you, at any time, go to these same
16 apartments on any other day in August?

17 A No, sir.

18 Q So, you only went to the apartment and
19 only had one visit with Mr. Kelly in August?

20 A Yes, sir.

21 Q Or any time?

22 A (The witness is nodding her head in an
23 affirmative manner.)

24 Q On this--

25 THE COURT: Just a minute.

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Linda Fox - Direct

130.

1 (Addressing the witness) Do you know
2 whose initials they are on the back there where it
3 says "August 2nd"?

4 THE WITNESS: It looks like "R. E. Saylor,"
5 sir.

6 THE COURT: R. E. Saylor?

7 THE WITNESS: Yes, sir.

8 THE COURT: Whose handwriting is that on
9 the face of this check dated August 2nd?

10 THE WITNESS: That was Mr. Kelly's, sir.

11 BY MR. DRISCOLL: (Continuing)

12 Q Did you receive only the one check from
13 him?

14 A Yes, sir.

15 Q The individual who sent you out on the
16 call, do you know his name, the telephone operator?

17 A Yes, sir, Steven Zipp.

18 MR. DRISCOLL: Thank you. No further
19 questions.

20 THE COURT: Mr. Lynch?

21 MR. LYNCH: Thank you, Your Honor.

22 THE COURT: Yes.

23

24

25

Linda Fox - Cross

131.

CROSS-EXAMINATION

BY MR. LYNCH:

Q Miss Fox, what date was it that you met with Mr. Collins, who was then known to you as Bobby Holliday?

A That was August 2nd.

Q Where did you meet him?

A I met him at the U-Tote'M. It's right off of Hull Street, near Chippenham Parkway.

Q When you met with Mr. Collins -- I show you now a document, and ask you if he showed you this document or one like it.

NOTE: At this point, the above-described document is being shown to the witness.

Q (Continuing) It is entitled "Agreement".

A Yes, sir, it resembles it.

Q Just go ahead and hold on to it, if you will.

Did Mr. Collins go over this agreement with you at some length?

A He handed me a document. He asked me to read it, and if I had any questions, he would answer them.

Q Did you have any questions about it?

A Yes, sir, I did.

Q What did you have questions about?

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Linda Fox - Cross

132.

1 A One more moment, and I'll find the one
2 that I had.

3 NOTE: At this point, the witness is
4 looking through some documents.

5 A (Continuing) Number 8, violation of any
6 local, State, or Federal law ordinance by the escort shall be
7 cause for immediate termination of this agreement by the
8 company. I asked him, "What do you mean by 'illegal'?" He
9 said, "I guess if you get caught, it's illegal."

10 Q Did he mention the fact to you that if you
11 violated any law or were charged with any violation of any law,
12 that you would be terminated by the company?

13 A Yes, sir.

14 Q Now, did Mr. Collins ask you to sign this
15 agreement on that day?

16 A No, sir.

17 Q What did he tell you?

18 A He said that I would be seeing this form
19 again, and I would be asked to sign it at that time.

20 Q Did he tell you that he would require you
21 to sign it prior to employing you with his agency?

22 A Yes, he did.

23 Q So, you had not signed the agreement when
24 the call came from Steven Zipp, is that correct?

25 A Yes, sir, that is correct.

Linda Fox - Cross

133.

1 Q At any time after you talked to Mr. Collins
2 at the U-Tote'M off of Hull Street, did you ever talk to him
3 again prior to the time you went to see John Kelly at Jarrett
4 Apartments?

5 A No, sir.

6 Q Did you ever talk to Mr. Lewis Brooks?

7 A No, sir.

8 Q Have you ever talked to Mr. Lewis Brooks,
9 to your knowledge?

10 A No, sir.

11 Q When Mr. Zipp called you up, this was in
12 response to a call that you had made about four hours earlier,
13 is that correct?

14 A Yes, sir.

15 Q You called and said, "I'm available. I
16 want a call. I'm ready to go to work," or something of that
17 nature?

18 A To that nature.

19 Q So, it was Mr. Zipp who called you and
20 not Mr. Collins or Mr. Brooks, is that correct?

21 A That is correct.

22 Q Did Mr. Zipp give you any specific
23 instructions as to what you were to do on this call?

24 A Yes, sir, he did.

25 Q What did he tell you?

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Linda Fox - Cross

134.

1 A If I can refresh my memory by my notes,
2 I can tell you.

3 Q Are they notes that were made simultaneous
4 to all of this?

5 A Yes, sir. They were notes that were made
6 from the recording. They were transcripts of the recording.

7 Q Very well, go ahead.

8 NOTE: At this point, the witness is
9 perusing the above-described notes.

10 A He stated that when you go by the house
11 to collect the \$15.00 agency fee, and then to notify them that
12 everything was okay; that he was not a policeman. The real
13 information came after I had spoken with John Kelly, and they
14 called Steve back.

15 Q What did that conversation consist of?

16 A I stated in my notes, "He's waiting for
17 me. He's in the bathroom. He went to write me a check for a
18 blow job. Would it be okay to accept the check from him?"

19 "Yes. Make sure--" This is Steve. "Yeah,
20 make sure he has a recent deposit slip."

21 Q Now, you were talking to Steve Zipp?

22 A Yes, sir.

23 Q Did you ever talk to Bobby Collins during
24 this period of time?

25 A No, sir.

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Linda Fox - Cross

135.

1 Q Did you ever talk to Lewis Brooks during
2 this period of time?

3 A No, sir.

4 Q Do you even have any knowledge as to
5 whether or not either of these gentlemen were anywhere near
6 the telephone and could hear what was going on?

7 A I have no way of knowing that.

8 Q Now, you never did sign one of these
9 agreements, did you?

10 A No, sir.

11 Q I guess your service was effectively cut
12 off after that night, is that correct?

13 A Yes, sir.

14 Q In talking to Mr. Collins the day before,
15 did Mr. Collins ever say to you, "Now, Lynn," that is what you
16 were calling yourself, is it not?

17 A Yes, sir.

18 Q "Now, Lynn, Paragraph 8 says, 'you're not
19 supposed to break any of the laws of the State or Federal
20 Government or local ordinances or that kind of thing.'" Did
21 he ever wink at you or give you any indication that he was
22 just kidding about that?

23 A He just told me that he was not going to
24 tell me exactly what to do.

25 Q Did he ever act like he was taking it

Linda Fox - Cross

136.

1 lightly?

2 A In my own opinion?

3 Q Yes, ma'am.

4 A Yes, sir.

5 Q In what way?

6 A He just said, "Well, you know what you're
7 supposed to do." He said, "You can feel out your customers
8 and see what they like and what they enjoy."

9 Q Did he ever indicate to you in any way
10 that you were supposed to perform sexual acts?

11 A No, sir. He would never come right out
12 and say it.

13 THE COURT: What did you say about, "I
14 guess if you got caught you have violated that
15 section?"

16 THE WITNESS: His comment was, "Well, if
17 you get caught, I guess it was illegal."

18 THE COURT: All right.

19 BY MR. LYNCH: (Continuing)

20 Q Is there also another way to interpret
21 that comment, Officer Fox, in that could you interpret it to
22 say that the only time the agency could take action is if you
23 had been formally charged?

24 A That's not how I took it.

25 Q But I am asking you could it be interpreted

Linda Fox - Cross

137.

1 that way?

2 THE COURT: That is for argument to the
3 jury. She can say how she took it. You can take
4 it another way and argue that she took it wrong,
5 but to ask her if you can take it two ways, is a
6 matter for the jury to decide.

7 MR. LYNCH: I have no further questions.

8 MR. DRISCOLL: I have no further questions.

9
10 WITNESS STOOD ASIDE

11
12 MR. LYNCH: Your Honor, I would move to
13 introduce that document styled "Agreement" as
14 Defendants' Exhibit A or 1, whichever the Court is
15 going to use.

16 THE COURT: There is a hundred of them in
17 the box. There are hundreds of them. I say a
18 hundred, certainly there are a whole handful of them
19 in the box, and they are exhibits that are already
20 in.

21 MR. LYNCH: Very well, Your Honor.

22 MR. DRISCOLL: Your Honor, what is the
23 Court's pleasure as far as proceeding?

24 THE COURT: How many more witnesses do
25 you have?

1 NOTE: At this point, there was an off-
2 the-record discussion at the side bar, out of the
3 hearing of the jury.

4 THE COURT: Call your next witness,
5 please.

6 MR. DRISCOLL: Mr. Zipp.

7 THE COURT: All right. Mr. Commonwealth's
8 Attorney, has he been sworn?

9 THE CLERK: Yes.

10
11 STEVEN ZIPP, a witness called on behalf
12 of the Commonwealth, having been previously duly sworn, testi-
13 fied as follows:

14 DIRECT EXAMINATION

15 BY MR. DRISCOLL:

16 Q Your name, please.

17 A Steven Zipp.

18 Q Mr. Zipp, do you know either Mr. Collins
19 or Mr. Brooks here?

20 A Yes, sir, I do.

21 Q How do you know them?

22 A I was employed by them, and I'm friends
23 with them.

24 Q When were you employed by them?

25 A July of '81.

Steven Zipp - Direct

139.

- 1 Q That employment lasted until when?
- 2 A Approximately August 2nd of '81.
- 3 Q What caused that employment to cease?
- 4 A A raid by the vice squad.
- 5 Q That raid was conducted where?
- 6 A Clearfield Street. I'm not sure of the
- 7 exact address.
- 8 Q That's over here in South Richmond?
- 9 A Yes, it is.
- 10 Q Was that where you were employed? Was
- 11 that where you went to work?
- 12 A Yes, sir.
- 13 Q What did you do there?
- 14 A I operated the telephones.
- 15 Q For what purpose?
- 16 A For a dating service.
- 17 Q Your duties included what?
- 18 A Setting up dates and keeping records of
- 19 money that came in and everything..
- 20 Q How did this money come in? Where did it
- 21 come from?
- 22 A When the dates were set up, the customers
- 23 would have to pay a referral fee and everything like that.
- 24 Q How did the girls get to the people who,
- 25 as you referred to them, were customers who called in?

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Steven Zipp - Direct

140.

1 A Well, a customer would call in and ask
2 for a specific kind of girl, you know, blonde, whatever, and
3 we would look on our records and see what kind of girls we
4 had available, and we would get them to call a customer. They
5 would set up a date.

6 Q Sir, were you aware of what these girls
7 were doing on these dates?

8 A Not really.

9 Q What do you mean by "Not really"?

10 A Whatever they did, they didn't discuss it
11 with us that much, you know.

12 Q Did you have a tip can while you worked
13 at the phones?

14 A The other two operators did. I never used
15 it.

16 Q What was that tip can for, even though
17 you did not use one?

18 A I think it was -- The girls would give
19 the operators tips, if it was a really good call.

20 Q What constituted a really good call?

21 A Where they made a lot of money, I guess.

22 Q All right. How do you guess they made
23 this money, this really good money?

24 A If they gave a good tip to the operators,
25 then I suppose they had a good tip.

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Steven Zipp - Direct

141.

1 THE COURT: "If they gave a good tip,
2 you suppose they had a good tip?"

3 THE WITNESS: If they gave the operators
4 a good tip, then I suppose they got a good tip from
5 the customer.

6 THE COURT: The question from the attorney
7 to you was: "What do you suppose they were getting
8 this money for?"

9 THE WITNESS: For their dates, I guess.

10 BY MR. DRISCOLL: (Continuing)

11 Q Did any of the girls ever come back and
12 discuss, in your presence, what happened on a particular or
13 specific date?

14 A Yes, this one girl did, sometimes.

15 Q Did she ever do that in the presence of
16 you and either of these two men over here (Commonwealth's
17 attorney pointing)?

18 A In my presence? I'm under oath, so I
19 couldn't say for sure if they were present or not.

20 Q Did this conversation regard any activity
21 done on the date?

22 A Yes.

23 Q Did she describe a sexual activity?

24 A Yes.

25 Q I ask you to review some photographs.

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Steven Zipp - Direct

142.

1 MR. DRISCOLL: (Addressing the Clerk)

2 Mrs. Purdy, if you could hand him, or if the Sheriff
3 could hand him, the photographs contained in Common-
4 wealth's Exhibit Number 15.

5 NOTE: At this point, the above-described
6 exhibit was handed to the witness.

7 Q (Continuing) Do you recognize these, the
8 area depicted in the photographs?

9 A Yes, I do.

10 Q Is that your work area?

11 A Yes, sir.

12 Q How long was your work shift?

13 A Different times, no fixed time. Do you
14 mean in a stretch like eight hours or so?

15 Q Yes.

16 A Different times, no specific set-up time.

17 Q And, throughout that shift you worked,
18 were you receiving calls and sending out girls?

19 A Yes, sir.

20 Q How many calls, referrals, would you say
21 you made during an evening shift?

22 A I would say an average of about five on
23 my shift.

24 THE COURT: What was your shift?

25 THE WITNESS: Usually it was during the day.

Steven Zipp - Direct

143.

1 at night, sometimes, and I would work during the
2 week and things were kind of slow. The other opera-
3 tors talked about getting a lot of calls, but I
4 really didn't get that many sent out or that many
5 in.

6 Q If you would look at Commonwealth's
7 Exhibit Number 16.

8 MR. DRISCOLL: They are name tags, Mrs.
9 Purdy.

10 NOTE: At this point, the above-described
11 exhibit was shown to the witness.

12 Q (Continuing) Look at the contents of that
13 packet, if you would.

14 NOTE: At this point, the witness is com-
15 plying with the above request of the Commonwealth's
16 attorney.

17 A Uh-huh.

18 Q Do you recognize those tags?

19 A Yes, I do.

20 Q What are they?

21 A The different girls who worked there. We
22 had a board they were tacked on to.

23 Q There is one tag there that has a name on
24 it of Lynn.

25 A Uh-huh.

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Steven Zipp - Direct

144.

1 Q Directing your attention to August 2nd,
2 1981, do you recall ever sending that girl out on a call?

3 A Yes, I do.

4 Q Do you know where you sent her?

5 A To a customer named John Kelly.

6 Q Do you recall the address where she was
7 sent?

8 A I believe it was on Laburnum Avenue. I'm
9 not positive, now.

10 Q You can hand those back to the Sergeant.

11 NOTE: At this point, the witness is com-
12 plying with the above request of the Commonwealth's
13 attorney.

14 MR. DRISCOLL: If Your Honor please, I
15 have no further questions of this witness.

16 THE COURT: (Addressing the attorneys)
17 Both of you come up here so I can talk to you.

18 NOTE: At this point, an off-the-record
19 discussion, at the side bar, out of the hearing of
20 the jury, was had.

21
22 CROSS-EXAMINATION

23 BY MR. LYNCH:

24 Q Mr. Zipp, how old are you?

25 A Nineteen.

Steven Zipp - Cross

145.

1 Q Have you ever been convicted of a felony?

2 A No, sir.

3 Q Have you ever been convicted of a misde-
4 meanor involving lying, cheating, or stealing?

5 A No, sir.

6 Q Are you currently charged with this charge
7 that Mr. Brooks and Mr. Collins are charged with, in this
8 court?

9 A Yes, sir.

10 Q Have either the police or the Commonwealth
11 offered you any kind of consideration for your testimony here
12 today?

13 A No, not really. No guarantees have been
14 made.

15 Q So, you are coming to testify against
16 these two co-defendants just out of the goodness of your
17 heart, is that right?

18 A No. I feel like it will help me, but I
19 have no guarantees.

20 Q Mr. Zipp, getting back to August, July and
21 August, of 1981, a little over a year ago.

22 When you first came to work for Mr. Collins
23 and Mr. Brooks, who trained you on the telephones?

24 A Mr. Collins and--

25 Q And you--

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Steven Zipp - Cross

146.

1 THE COURT: He started to say somebody
2 else.

3 A (Continuing) And the other two operators
4 that were there, mostly Terry Brady was there a lot, and he
5 showed me what to do and everything.

6 Q Now, did the subject come up of the caller
7 that calls in and mentions specific sexual acts on the tele-
8 phone, for example?

9 A No.

10 Q They never told you how to handle a call
11 when somebody called up?

12 A If they did, we were supposed to tell them
13 we couldn't deal with them.

14 Q If they persisted, what were you supposed
15 to do?

16 A Hang up or tell them to call somewhere
17 else.

18 Q What were you told about if a caller called
19 in and asked for a specific sexual act?

20 A Could you repeat that question?

21 Q If, for example, John Doe called in and
22 you were answering the telephone at the time, and John Doe asked
23 for a specific sexual act by a girl, what were you supposed to
24 tell John Doe?

25 A That -- Let's see--Ummm--that we couldn't

Steven Zipp - Cross

147.

1 deal with him, because we weren't supposed to do that type of
2 thing.

3 Q Did it have anything to do with the fact
4 that it is illegal?

5 A Yeah, I guess.

6 Q Did you ever sign one of these agreements
7 that have been introduced into evidence, specifically stating
8 in one paragraph that any violation of any law, Federal, State
9 or local, is cause for immediate termination from their employ-
10 ment?

11 A I know what you're talking about, but I
12 don't really remember if I signed one or not, to tell you the
13 truth.

14 Q What was your understanding? That if you
15 violated any law, it would be cause for termination of your
16 employment?

17 A It was never discussed with me.

18 Q Was it, to your knowledge, ever discussed
19 with any of the girls?

20 A Yeah.

21 Q Where they were told that?

22 A Yeah. Most of them had signed the contract.

23 Q Now, on the evening in question, the person
24 who, at that time, was known to you as Lynn, who later turned
25 out to be Officer Linda Fox of the Richmond Bureau of Police,

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Steven Zipp - Cross

148.

1 did she call you, first, that evening?

2 A I believe so.

3 Q Had either Mr. Collins or Mr. Brooks told
4 you to hire her or to send her out on any calls?

5 A Mr. Collins had already hired her.

6 Q How did you know he had already hired her?

7 A I believe we discussed it. He said he
8 did.

9 Q Did you and he discuss it, or did she tell
10 you he had hired her?

11 A That's been over a year. I can't really
12 remember.

13 Q Do you have any knowledge as to whether
14 or not she ever signed a contract or one of the agreements we
15 have referred to?

16 A I don't know.

17 Q Do you remember a time, later on in the
18 evening, when you called her back and sent her on a call?

19 A Yes, I remember that.

20 Q Now, who was there in the office at that
21 time?

22 A Just myself, I think.

23 Q No one else?

24 A I don't think so.

25 Q At that time, you called up a number that

Steven Zipp - Cross

149.

1 you had listed for this person named Lynn and sent her to a
2 customer named John Kelly, is that correct?

3 A That's correct.

4 Q What did you tell her to do?

5 A I got her to call him. I said, "I have a
6 customer for you, and I'll patch you through to him." We had
7 phones set up where you could patch them through, and I patched
8 them through.

9 THE COURT: "Patch" is a word used in
10 communication to hook up another line or to hook
11 other people into other lines.

12 He just explained it, though. He patched
13 it into a 3-way communication system.

14 A (Continuing) And, they set up the date.
15 That's how the procedure went.

16 Q Were you listening in the whole time this
17 person who was known as Lynn was talking to the customer?

18 A I think so, yes.

19 Q Now, did you receive any training from
20 either Mr. Collins or Mr. Brooks or from anyone else there
21 concerning what would happen if you were listening in to such
22 a conversation and the customer started making lewd suggestion

23 A Yes, sir.

24 Q What action were you to take?

25 A Well, first of all, the girl was supposed

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Steven Zipp - Cross

150.

1 to tell them, "Well, we're not supposed to discuss anything
2 like that on the phone," and then if he went along with it and
3 started talking we're supposed to disconnect them.

4 Q Immediately disconnect them?

5 A Yes.

6 Q When Lynn called back in from Jarrett
7 Apartments, after she had gone on this call, did she mention
8 any lewd sexual acts to you, at that point, on the telephone?

9 A Yes.

10 Q Do you remember what she said to you?

11 A Uh-huh.

12 Q You do not remember?

13 A I said yes, I do.

14 Q Could you tell the ladies and gentlemen
15 of the jury?

16 A She said, "He wants to give me a check for
17 a blow job and a roll. Is it okay?"

18 Q What did you say to her?

19 A I said, "Well, he's a regular customer.
20 I don't know. I guess."

21 Q What were your instructions from these
22 two men and from anyone else who trained you if such language
23 was used on the telephone?

24 A Well, when she said that, it was up to her.
25 I didn't tell her to do that. She asked me was it okay. I

Steven Zipp - Cross

151.

1 said, "I don't know. I guess," and before I had talked to her
2 I said, "Whatever you do is up to you." I didn't give her
3 instructions to do anything.

4 Q Were you not specifically, a number of
5 times, prohibited by the people who trained you from, or were
6 you not told specifically to prohibit people, who called in
7 and said that kind of thing on the telephone, from doing it?

8 A I was never told -- Well, no. I was
9 never told not to say that. I don't know. Umm--Let's see.
10 I don't really know how to answer that.

11 Q Now, Mr. Zipp, you say that your employ-
12 ment with this agency terminated when the vice squad raided
13 the agency, is that correct?

14 A Yeah.

15 Q You were not fired by Bobby Collins or by
16 Lewis Brooks?

17 A No.

18 Q You were not fired for going on a call
19 with a girl and stealing a customer's watch?

20 A Do what? No, I never went on any calls.

21 Q But, it is your testimony that you were
22 not aware of what the girls did on dates, is that correct?

23 A Yes, that's correct. I had my suspicions,
24 but I didn't have any proof.

25 Q Who was this one girl that you said

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Steven Zipp - Cross

152.

1 discussed with you what she did on a date?

2 A Her name was Gwen. It was a black girl
3 that worked for us for a while.

4 Q Why did she leave the agency?

5 A I don't know.

6 Q Do you know whether she was fired or
7 whether she left?

8 A I don't know.

9 THE COURT: If he says he does not know,
10 I would think that would cover it, but you have got
11 him on cross-examination.

12 MR. LYNCH: I agree with the Court. For-
13 give me, Your Honor.

14 Q When Lynn called in, did she make any
15 mention to you of John Kelly, any statement, at the time that
16 she was there, as far as whether or not he had been drinking
17 or anything like that?

18 A I'm not sure. I think she might have said
19 something about it, because I wanted to talk to him, and she
20 said he's in the bathroom. I'm not positive. I'd rather not
21 say, because I don't know for sure.

22 Q Getting back to this Gwen that you men-
23 tioned a few moments ago. Did you ever report to either Mr.
24 Collins or Mr. Brooks the conversation that you had with Gwen
25 concerning what she did on a date?

Steven Zipp - Cross

153.

1 A It really wasn't a conversation. I mean
2 she'd come in. I wouldn't be the only one there. I think
3 Terry Brady was there, also, and she would just say something
4 off the wall, and we'd tell her, you know, "What you do is
5 your business. We don't want to hear it."

6 Q Did you ever take one of these agreement
7 forms or contracts or whatever you want to call them to one
8 of the girls and have them sign it?

9 A I believe so.

10 Q How many times did you do that? Do you
11 remember?

12 A It would just be an estimate, maybe about
13 three. I'm not for sure, though.

14 Q Did you explain this form to them when
15 you had them sign it?

16 A Yeah. They would read it. Now, most of
17 them knew how to read.

18 Q Had they already had a conversation with
19 either Mr. Collins or Mr. Brooks prior to that?

20 A About the contract?

21 Q Yes.

22 A Yeah. We had been talking about it for
23 quite a while before we got them made up.

24 Q Mr. Zipp, of your own knowledge, do you
25 have any way of knowing whether or not either of these two

Steven Zipp - Cross

154.

1 defendants here knew that these girls were going out and doing
2 anything illegal?

3 A I have no proof. I don't know.

4 Q Did you ever discuss it with them?

5 A No.

6 Q They never discussed it with you, either,
7 did they?

8 A No.

9 Q As far as you knew, they were running a
10 legitimate business?

11 A Yes.

12 MR. LYNCH: I have no further questions,
13 Your Honor.

14 THE COURT: Mr. Driscoll.

15
16 REDIRECT EXAMINATION

17 BY MR. DRISCOLL:

18 Q Well, Mr. Zipp, do you know who Shelly is?

19 A Yes.

20 Q Who is Shelly?

21 A Mr. Collins' girlfriend, one of the girls
22 who worked there.

23 Q Was she sent out on calls? You say she
24 worked there?

25 A Yes.

Steven Zipp - Redirect

155.

1 Q Do you ever recall an incident when she
2 came back and had a conversation, a discussion, with Mr.
3 Collins, in your presence?

4 A Yeah. They had quite a few discussions.

5 Q All right. Would you relate for us the
6 nature of the conversation, the one time that she came back?

7 A Which one?

8 Q As to anything that occurred on her date,
9 or what she did with her money?

10 A I don't know. Can you be more precise?

11 Q Do you ever recall an incident when she
12 came back and Mr. Collins took all of her money and that pre-
13 cipitated an argument?

14 MR. LYNCH: Your Honor, I think he is
15 leading the witness at this point.

16 THE COURT: The witness asked for it.
17 The witness has not proven, although produced by the
18 Commonwealth, he certainly has not shown any indi-
19 cation to be overly cooperative with anyone or the
20 Commonwealth, and I am going to let you. His view
21 that he does not remember and wants you to be more
22 specific than that, I think that is a reasonable
23 request by the witness.

24 Q Do you recall an incident where you said
25 one time Bobby took all of Shelly's money?

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Steven Zipp - Redirect

156.

1 A Yeah.

2 Q What was that about, sir?

3 A Umm--I think Mr. Collins had been drinking
4 a little bit and took Shelly's money out of her pocketbook,
5 and she said, "Give me back my money, Bobby," and I don't
6 remember what he said. Then, she said something about it's
7 not your, excuse me, it's not your pussy, and then they were
8 arguing some more and everything.

9 Q What did that supposedly mean? How was
10 that related to the money?

11 MR. LYNCH: That calls for a conclusion,
12 Your Honor.

13 THE COURT: Well, what conclusion did he
14 get? I know what he said he told the girl. What
15 you do is your business. We do not want to hear
16 about it. What does he conclude.

17 Q What did that mean to you, sir? What was
18 she doing to get her money?

19 A I didn't really think about it.

20 MR. LYNCH: Your Honor, that still calls
21 for a conclusion.

22 THE COURT: That is right. What was his
23 conclusion?

24 THE WITNESS: What does my conclusion
25 matter?

Steven Zipp - Redirect

157.

1 THE COURT: Are you going to answer the
2 question, or are you going to sit here and argue
3 all day as you have with both lawyers? What did it
4 mean to you?

5 THE WITNESS: I don't know what it meant.

6 THE COURT: All right, if you do not know
7 what it meant.

8 BY MR. DRISCOLL: (Continuing)

9 Q Sir, you have indicated to counsel that
10 you did not realize anything illegal was going on. Do you
11 recall making that statement to him?

12 A Yes, sir.

13 Q Do you also recall being questioned by
14 Detective William C. Bailey in the presence of Mr. Steve
15 Baril, who is your lawyer, on May 11, 1982, where you were
16 asked: "Did you know, yourself, what was going on?" You
17 said, "Yes." "Did you know it was illegal," was the next
18 question, and your answer was, "Yes."

19 Do you recall making that statement?

20 A Yes, I do, but I wasn't under oath, and I
21 was really nervous.

22 THE COURT: Do you tell the truth when you
23 are under oath?

24 THE WITNESS: No--Yes.

25 THE COURT: You do not when you are not

Steven Zipp - Redirect

158.

1 under oath, is that what you are suggesting to this
2 jury?

3 THE WITNESS: No, it is not.

4 Q All right, sir, thank you.

5 MR. DRISCOLL: Your Honor, I have no
6 further questions.

7
8 WITNESS STOOD ASIDE

9
10 THE COURT: Let's recess now until about
11 2:00.

12 NOTE: At this point, court was recessed
13 at 1:24 P.M. and reconvened at 2:00 P.M.

14 The defendants and the jury being present,
15 the following proceedings were had, viz:

16 THE COURT: Mr. Commonwealth's Attorney.

17 MR. DRISCOLL: Your Honor, the next wit-
18 ness for the Commonwealth will be Kim Cleary.

19 THE COURT: Spell that.

20 MR. DRISCOLL: It is K-I-M, last name,
21 C-L-E-A-R-Y.

22 NOTE: At this point, the above-named
23 witness was duly sworn.

24

25

Kim Cleary - Direct

159.

1 KIM GABRIEL CLEARY, a witness called on
2 behalf of the Commonwealth, first being duly sworn, testified
3 as follows:

4 DIRECT EXAMINATION

5 BY MR. DRISCOLL:

6 Q Ma'am, what is your name, please?

7 A Kim Gabriel Cleary.

8 Q Ms. Cleary, do you know either or both of
9 the men who are seated to my left down here, the defendants?
10 Do you know either one of them?

11 A Yes.

12 Q Which one do you know, or do you know both

13 A I've met both of them.

14 Q Would you state whether or not you came
15 into contact with a Mr. Collins in August of 1981?

16 A Yes, I did.

17 Q Would you tell the members of this jury
18 how you came into contact with him?

19 A I talked to him on the telephone, and then
20 I met with him. I was with Linda Fox, and we--

21 Q Linda Fox is the police officer who testi-
22 fied here earlier today?

23 A Yes. I was with her, and I met him at a
24 U-Tote'm on Hull Street, and then--

25 Q What was the purpose of meeting with him?

Kim Cleary - Direct

160.

1 A To interview for a job with the Kitty Kat
2 Club or Organization.

3 Q Did you go anywhere with Mr. Collins to
4 have a discussion with him?

5 NOTE: At this point, the witness is
6 perusing some notes.

7 A Yes. I went in his car and drove to a
8 nearby school and talked to him.

9 Q While you were speaking with Mr. Collins,
10 did he discuss anything with you regarding the topic of
11 customer expectations?

12 A Yes, he did.

13 Q What was that?

14 MR. LYNCH: Your Honor, could I inquire
15 as to what the witness is referring to, the notes
16 that she has there?

17 THE COURT: I do not know what it is.

18 THE WITNESS: These are notes I took after
19 the incident, because I knew that this would come up
20 at a much later date, and I wanted to be accurate.

21 THE COURT: All right. You made these
22 notes at about the time?

23 THE WITNESS: Pardon me?

24 THE COURT: You made them at or about the
25 time?

Kim Cleary - Direct

161.

1 THE WITNESS: I made them approximately
2 one hour after the time of the incidents.

3 THE COURT: All right. They are not to
4 be read in whole, but only to be looked at for the
5 purpose of refreshing your memory.

6 A Well, we talked--

7 THE COURT: You cannot read what your
8 notes are. You can look at them and then close them
9 up and testify. Then, if you need to look at them
10 again, you may look at them. There is a difference
11 between a report as opposed to being an official
12 report, which can be read as evidence themselves,
13 or notes.

14 For instance, my notes here, nobody in the
15 world can read them but me, and I cannot always do
16 it. So, you use them for the purpose of refreshing
17 your memory.

18 A He said that customer expectations would
19 range from--it might mean holding someone's hand or hugging
20 someone or sleeping with them, touching them, comforting them,
21 nothing specific, just vague inferences like those three
22 things I mentioned.

23 Q Did he compare your job to anyone else's,
24 any other type of occupation?

25 A Yes. He compared it to being a psychiatrist

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Kim Cleary - Direct

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1 THE COURT: Like what?

2 THE WITNESS: A psychiatrist.

3 THE COURT: Psychologist?

4 MR. DRISCOLL: Psychiatrist.

5 Q Was there any discussion of tips at this
6 time?

7 A Well, I think the reason he compared it
8 to being a psychiatrist was because it was sort of a rationali-
9 zation for keeping a tip and providing someone with companion-
10 ship or someone to talk to. You could expect a tip.

11 Q What name did you know Mr. Collins by at
12 this time?

13 A Bob Holliday.

14 Q Did he indicate, at any point, to you why
15 Bob Holliday was used or whether or not that was his real name?

16 A Yes, he did. Excuse me for a minute.

17 NOTE: At this point, the witness is
18 perusing some notes.

19 A (Continuing) Okay--umm--he asked me if
20 my name was really Karen, and I said, "No."

21 Q Is that the name you had given him?

22 A I had told him I was Karen. I said, "No.
23 I just intended to use this name in my business and had no
24 intention of revealing my true identity," and then he confessed
25 that his real name wasn't Bob Holliday, either, but he did not.

Kim Cleary - Direct

163.

1 tell me what his real name was.

2 Q Subsequent to this meeting with him, you
3 found out what his real name is, is that correct?

4 A Uh-huh.

5 MR. DRISCOLL: Your Honor, that is all the
6 questions I have.

7 THE COURT: Mr. Lynch.

8 MR. LYNCH: Thank you, Your Honor.

9

10 CROSS-EXAMINATION

11 BY MR. LYNCH:

12 Q Ms. Cleary, how did you find out what his
13 real name is?

14 A I identified it with a photograph.

15 Q Have you ever even seen this man before,
16 the man in the light blue?

17 A Uh-huh.

18 Q When did you see him?

19 A I met him at a place called Babe's.

20 Q How long ago?

21 A That was about a year and a half ago, in
22 July, I believe.

23 Q Have you ever had any discussions with
24 him about anything?

25 A Not serious.

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Kim Cleary - Cross

164.

1 Q How did you and Linda Fox become associated
2 with each other?

3 A I met her through Detective Saylor.

4 Q How did you and Detective Saylor become
5 associated with each other?

6 A I met him on a charge.

7 Q Was it a felony charge?

8 A No.

9 Q Have you ever been convicted of a felony?

10 A No.

11 Q Have you ever been convicted of a misde-
12 meanor, involving moral turpitude?

13 A No.

14 Q Are you a prostitute?

15 A No.

16 Q Have you ever been one?

17 A Never, never committed a single act of
18 prostitution or intend to.

19 Q Now, when you met with Mr. Collins, back
20 in August of 1981, did he show you--

21 MR. LYNCH: Mrs. Purdy, can you -- well,
22 that is okay. I will just hand her this one here.

23 Q (Continuing) Did he show you a document
24 like this that is entitled "Agreement"?

25 NOTE: At this point, the above-described

Kim Cleary - Cross

165.

1 document is being shown to the witness.

2 A No. He showed me no document at all.

3 Q He did not ask you to look over any kind
4 of a document?

5 A Nothing.

6 Q How did your conversation end? Did he
7 tell you he would call you or that you were hired?

8 A He didn't say that I was hired. He said,
9 he asked me, when I could work, and I said the next day. He
10 said, you know, fine, goodbye. I told him -- He didn't want
11 to meet the other girl. He wanted me to fill her in. He
12 didn't want to meet Linda. He suggested that I fill her in,
13 and I suggested that he meet her, and we just said, "Goodbye".

14 Q So, you never went to work there?

15 A No, sir.

16 MR. LYNCH: I have no further questions,
17 Your Honor.

18 THE COURT: All right. Are you all going
19 to need her any more?

20 MR. DRISCOLL: No, sir.

21 THE WITNESS: May I be excused?

22 THE COURT: Yes.

23

24

WITNESS STOOD ASIDE

25

1 THE COURT: Your next witness, please.

2 MR. DRISCOLL: Brenda Kelly. Excuse me.

3 That is Brenda Kelly or Kelly Walker, I am sorry.

4
5 BRENDA Y. WALKER, a witness called on
6 behalf of the Commonwealth, having been previously duly sworn,
7 testified as follows:

8 DIRECT EXAMINATION

9 BY MR. DRISCOLL:

10 Q What is your full name, please?

11 A Brenda Y. Walker.

12 Q Ms. Walker, I ask you to look to your
13 right and state for the members of the jury whether or not
14 you know either or both of the defendants who are seated at
15 the bar here.

16 NOTE: At this point, the witness is
17 complying with the above request.

18 A I was employed by them.

19 Q What were you employed to do?

20 A Well, to be blunt, I was a prostitute.

21 Q Do you know whether or not they were aware
22 of your activities as a prostitute?

23 A Of course they were.

24 Q Now, if you would please tell us the nature
25 of your employment with their company or companies.

Brenda Walker - Direct

167.

1 A Well, I went--

2 Q What was the system? How was it set up?

3 A I went to work for them about a year ago.

4 In fact, it was December 8th of '81.

5 MR. LYNCH: Your Honor, at this time, I
6 am going to object to any further testimony of this
7 witness, because it is far out of the scope of
8 August 2nd, 1981, which is charged in the indictment

9 THE COURT: When were they indicted?

10 MR. DRISCOLL: Your Honor, they were
11 indicted -- The offense we have alleged is for the
12 Linda Fox one, which was August 2nd. We have this
13 lady afterward, and we have another prostitute, too,
14 before, to cover the time span to show a common
15 scheme or plan of this business.

16 THE COURT: What is the date of the indict
17 ment, Mrs. Purdy?

18 MR. LYNCH: The actual indictment did not
19 come down until June 14th of this year. They did--

20 THE COURT: They did know they were going
21 to be charged with it at that time, though. Accord-
22 ing to the Commonwealth's theory, they were not only
23 engaged in the business on the 2nd of August, but
24 were engaged in it on down way this side of that.

25 Now, if they had been indicted and were

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Brenda Walker - Direct

168.

1 on notice, that might be something else. But, they
2 were not under arrest. They were not indicted, and,
3 again, I warn you that you are not trying them for
4 something that happened this side of August. The
5 Court will allow it for purposes of showing whether
6 or not they were in the business.

7 MR. LYNCH: Your Honor, may I argue this
8 out of the hearing of the jury, because there is
9 certain pertinent information that the Court might
10 want to consider before it makes a final determina-
11 tion.

12 THE COURT: I would, of course, let you
13 argue it, but I am trying to speed this case up,
14 because both of you have misled me today, completely,
15 about the length of the trial of this case. I am
16 not very happy about that, but I think in order to
17 give these men a fair trial, that I have to hear you,
18 and I will hear you.

19 (Addressing the jury) Will you go to your
20 jury room, please.

21 NOTE: At this point, the jury is exiting
22 the courtroom, whereupon the following proceedings
23 were had, viz:

24 JURY ABSENT

25 MR. LYNCH: Your Honor, this witness has

Brenda Walker - Direct

169.

JURY ABSENT

1 indicated that she came to work for the defendants
2 sometime around the first of December, 1981. I
3 would point out to the Court that the defendants'
4 preliminary hearing in the General District Court,
5 Manchester Division, was not until January 20, 1982.
6 So, while the defendants were not under indictment,
7 they had been charged, both of them, or one of them,
8 rather, Mr. Collins. Mr. Brooks was not charged.
9 He was directly indicted in June, but they had been
10 charged and Mr. Collins was awaiting his preliminary
11 hearing on December 1st, 1981, and for almost two
12 months after court. I can see that that would be a
13 good reasoning in many cases, but if you have a case
14 that is of a continuing nature--
15

16 THE COURT: Let me hear your argument on
17 it. I think I have got the principle right in my
18 mind, but let me hear what you have to say about it,
19 Mr. Commonwealth's Attorney.

20 MR. DRISCOLL: Your Honor, the situation
21 is this. We are alleging that these individuals
22 knew they had a prostitution set-up. What we have
23 set forth and what we are attempting to do is show
24 that not only on August 2nd was this girl sent out to
25 engage in sexual activities, but this is an ongoing

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business, from which reasonable men could reasonably infer that the defendants had to know what was going on.

THE COURT: You need not go any further. I have the principle now that I was looking for. The principle is this. The principle lies in your defense. Your defense is that these men did not know what was going on. It is not that it did not happen. Your defense is that these men did not know; they were legitimate business men with a legal contract, apparently drawn by some lawyer, making these girls independent contractors.

It was well put by the witness when he said to the colored girl, "What you do is your business. We don't want to hear about it." Now, with that type of defense, the Commonwealth has got a right to show that they did know what was going on, because there is no denial that these women did what they did. The denial is did the defendants know they were doing it?

Now, for that purpose, you can show what happened before and afterward as to whether they knew or whether they were simply hiding behind a piece of paper that makes them legitimate business

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men hiring independent contractors who go out and violate the law, and under Paragraph 8, they go get busted, and one witness has already testified when she asked about that. At that point, I thought about that myself. According to Paragraph 8, a traffic ticket would have been a violation of a municipal law. However, when she asked about it, at that point, he said I expect it means if you get caught.

For the reason of the defense that is being offered, it will be allowed.

MR. LYNCH: Please note my exception, Your Honor.

THE COURT: Yes, sir. You would be right in any other case, most any other case, I can think of, but where the defense is we did not know what was happening, we are innocent, we are running a legitimate business, and these girls were going out doing things behind our backs which we did not know about, now the question is: "Did they know about it, and that is what the jury has got to decide. The jury can only decide that by their conduct before and afterward.

NOTE: At this point, the jury is entering

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1 the courtroom, whereupon the following proceedings
2 were had, viz:

3 JURY PRESENT

4 THE COURT: All right, Ms. Walker, you
5 indicated you went to work for them in December of
6 '81, and I take it you worked for them for some
7 months, is that correct?

8 THE WITNESS: I worked for them about
9 four months.

10 THE COURT: Now, gentlemen, I might as
11 well tell you this is being allowed not because of
12 what is being tried here, but when you take the
13 theory of the defense as being that the defendants
14 did not know what was going on, it is for such help
15 as it might furnish you, if any, as to whether or
16 not they did, indeed, know what was going on back
17 in August.

18 BY MR. DRISCOLL: (Continuing)

19 Q When you went to work for these men, did
20 you sign any sort of contract with them?

21 A Yes, I did.

22 NOTE: At this point, a document is being
23 shown to the witness.

24 Q Just peruse that item which is being handed
25 to you, and state for the members of the jury whether or not

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1 that is similar to, or a replica of, the type of contract
2 you signed?

3 NOTE: At this point, the witness is
4 perusing the above-described document.

5 A I'm going to have to say it's similar to.

6 Q Now, after signing that contract, did you,
7 in fact, go out on calls?

8 A Yes, I did.

9 Q While on those calls, what did you do?

10 A I engaged in various sexual activities.

11 Q Would any of these activities include
12 what is defined as sodomy?

13 A Yes. To be honest, there is no sexual
14 act that was omitted, I would have to say.

15 Q After performing these acts, did you
16 render any funds to the agency?

17 A Yes, I did.

18 Q That is owned by these two men?

19 A Yes, I did.

20 Q What funds were they?

21 A I would go on a call, and we were told to
22 get an agency fee. After the call, we would, I would, give
23 the gentleman \$25.00 of each call; that was a \$15.00 agency
24 fee, in addition to a \$10.00 fee out of my tip that I received
25 from the customer.

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1 Q What was that extra \$10.00 for?

2 A Well--

3 Q What was it titled?

4 A It was an agency fee, a service fee, but
5 in order to get the business, you've got to have -- You can't
6 tell a customer when they call that there's a \$25.00 agency
7 fee. It's a bit steep, so you tell them \$15.00. Then, if
8 my tip was \$70.00 or \$80.00, or whatever my tip would be, they
9 got \$10.00 out of that. So, the owners would get a \$25.00
10 agency fee. They got \$25.00 out of every call.

11 Q This tip money that you received, was
12 this from the customer you went to?

13 A Yes, it was.

14 Q Did you receive that money before or after
15 engaging in the sexual act with the customer?

16 A Before. That's what your tip was based
17 on. Your tip was based on what you were going to do. Some
18 things cost more.

19 Q While working for Mr. Collins and Mr.
20 Brooks, what type of money were you making a week?

21 A Well, when business was good, about
22 \$2,200.00 a week.

23 Q That would encompass going out on how
24 many calls during the week?

25 A Well, that varied, because you would have

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1 some people who would tip you a lot more than other people.
2 Some men would tip you \$100.00, where some men would tip you
3 maybe \$15.00. But, generally, I tried to do six or seven
4 calls a night. I tried to do as many as I could. That was
5 my income. That was my livelihood, and I tried to do as many
6 as I could.

7 The agency money was turned in every
8 single day by noon. They wanted it turned in every day by
9 noon.

10 Q What was the actual mechanics of turning
11 in money to Mr. Brooks or Mr. Collins?

12 A You mean to get the money to them?

13 Q Yes.

14 A Well, as long as -- I don't drive. I don't
15 have a car, so I would generally have someone, as a favor to
16 me, take the money to them. They had an office on Lakeside
17 Avenue. That is where I took my money, or either I would get
18 a ride and go myself, and they would give us a receipt for that
19 money they received.

20 Q Now, you said if you did not, for example,
21 or if you could not, get in to pay your agency money, chances
22 are calls would be withheld? In other words, you would not be
23 able to work until your money was paid up? That was a little
24 form of punishment, was it not? Until you paid them, you did
25 not get any more money yourself?

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1 A Yes.

2 Q Now, you mentioned that the money was
3 taken to Lakeside Avenue. Was that the location of the busi-
4 ness for the entire time while you were employed?

5 A While I was employed there, yes, sir.

6 Q Is that in Henrico County?

7 A Henrico.

8 Q Henrico?

9 A Uh-huh.

10 Q Now, after going out on these calls, would
11 you state for the members of the jury whether or not you would
12 ever come back and discuss what happened with these defendants,
13 and how many times you would do that, and how did it come up?

14 A Well, I've got to be honest here. We
15 didn't -- There was not a set thing where I would go on a call
16 and then come back and say, "Mr. Brooks, this is what I just
17 did, and what do you think about it." It was not that way.
18 It was -- I knew what business these gentlemen were in as well
19 as they knew what I was in.

20 When I went on a call, I -- When either
21 one of these gentlemen would call and give me a call, they
22 would say, "Kelly, go to such and such address." I, obviously,
23 knew I was not going for a prayer service; that is absurd.
24 But, my point is that I didn't come back from my calls and sit
25 there and say, "This is what I did. Now, what do you people

Brenda Walker - Direct

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1 think of it." Now, what do you guys think this is? What I
2 did, we would laugh about what we did, sometimes, not every
3 time. Sometimes I didn't even see these people, these guys.
4 I didn't see them after calls all the time, but they would
5 laugh.

6 They were at my house sometimes, just
7 watching cable television, and we would laugh about things
8 that had taken place on a call.

9 Now, if I was doing something wrong in
10 their eyes, they should have said, "Kelly, my God, you had
11 intercourse with this man? You're not supposed to do that
12 in this business, that is illegal." They laughed about it,
13 and they accepted my money I gave them for it. They knew what
14 was going on.

15 I think I answered your question. I don't
16 know.

17 Q Thank you, you did.

18 MR. DRISCOLL: No further questions.

19 THE COURT: All right. Mr. Lynch?

20 MR. LYNCH: Thank you, Your Honor.

21
22 CROSS-EXAMINATION

23 BY MR. LYNCH:

24 Q Ms. Walker, you said that you never
25 specifically discussed your actions with either of these men?

Brenda Walker - Cross

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1 A No. I don't think I never specifically,
2 because over the course of the time that I worked for them,
3 as well as being employed by them and being a friend with them,
4 some specifics, such as sexual intercourse or sodomy, may have
5 been mentioned. I don't think -- I can't recall that I said
6 we never, ever discussed it.

7 Q Do you specifically ever recall it being
8 discussed?

9 A Yes, I do.

10 Q When?

11 A I don't have any idea of the date. I'm
12 thinking around Christmas time. The reason I'm thinking that
13 time is because I was at my ex-husband's house visiting him,
14 and I recall laughing about a blow job. Now, what time--

15 Q Well, it was while you were visiting your
16 ex-husband?

17 A Right, exactly.

18 Q Were these men with you at the time?

19 A Mr. Brooks was there. If you want to be
20 specific, if you want specifics, maybe you can backtrack on
21 the date. The reason I can be a little more specific is be-
22 cause I don't like the fights. The fights were on. Burto
23 Duran was on that night, and Lewis, Mr. Brooks, had asked my
24 ex-husband if he could come over, because he had cable tele-
25 vision, and Mr. Brooks came over with a girlfriend, a lady

Brenda Walker - Cross

179.

1 friend, of his, and, at that time, specifically, a blow job
2 was mentioned.

3 Q By whom?

4 A By both of us, laughing. I think maybe
5 I even initiated it, because we were all drinking that night.

6 Q You drink a great deal, do you not?

7 A Specifically?

8 Q Yes.

9 A It's been a year.

10 Q But, during this period of time that we
11 are talking about now, you were very much into alcohol, were
12 you not?

13 A No, not really. If you are asking me if
14 I got drunk or if I'm an alcoholic, oh, sure, I got drunk.

15 Q You never had what you would consider to
16 be a problem with alcohol?

17 A Not what I would consider a problem, no.
18 It puts weight on me. That is the only reason I have stopped
19 drinking now.

20 Q Ms. Walker, have you ever been convicted
21 of a felony?

22 A I don't have a driver's license, if that
23 is a felony.

24 Q Now--

25 THE COURT: Have you ever been convicted

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Brenda Walker - Cross

180.

1 of a crime for which you could be sent to the peni-
2 tentiary?

3 THE WITNESS: No. What I meant was my
4 license has been taken from me for two years, so
5 I don't know if that is a felony or not.

6 Q Is that an habitual offender conviction?

7 A I don't know to tell you the truth. It's
8 been three years ago, and I haven't been behind the wheel of
9 a car since. So, I don't know.

10 Q Have you ever been convicted of a crime
11 involving moral turpitude?

12 A I'm sorry?

13 THE COURT: Lying, cheating, or stealing?

14 A Not that I know of.

15 Have I been arrested for lying, cheating,
16 or stealing?

17 Q Yes.

18 A No.

19 Q But, you say you were a prostitute?

20 A Yes.

21 Q Were you ever convicted of solicitation?

22 A Oh, okay, no. I wasn't -- Yes, I was con-
23 victed, and I think it is a misdemeanor. It is not a felony.
24 I was convicted of frequenting a bawdy place. They raided the
25 place, and I was there watching television. I was not working,

Brenda Walker - Cross

181.

1 so I don't think -- If you asked me was I convicted of a
2 felony, no, sir.

3 Q Do you have a felony charge pending at
4 the current time?

5 A No, sir.

6 THE COURT: Well, that is irrelevant.

7 THE WITNESS: I was going to say it is
8 irrelevant, but I will answer the question.

9 A No, sir.

10 MR. DRISCOLL: I knew the answer, so it
11 did not make any difference.

12 THE COURT: I still do not want questions
13 asked that are improper, when everybody knows they
14 are improper.

15 MR. LYNCH: Forgive me, Your Honor.

16 A The answer is no.

17 Q Ma'am, why are you here today?

18 A I will tell you why I am here today. To
19 go back to my frequenting charge which took place, I don't
20 know, 2-2½ years ago, and, in my opinion, at that time, I was
21 not doing anything wrong, and I will say that now to anyone.
22 I was not doing anything wrong, and I was handed down a 1-year
23 sentence for that.

24 At that time, there was a customer who
25 came in there, and he was paid money to watch the door of

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Brenda Walker - Cross

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1 that place. Then, the police officers, all nine of them,
2 came in and raided the place so severely and threw everyone
3 around. They told this customer, they said, "You paid your
4 money, and your hands are clean. Leave. This is a raid."
5 So, I got caught in this bust, and, because I was divorced,
6 and I didn't have any money, and Paul Bliley was handling a
7 bankruptcy for me, because I thought I was that desperate,
8 so I got in this business.

9 THE COURT: You employed a lawyer?

10 THE WITNESS: Yes, sir.

11 A (Continuing) So, that night during the
12 raid when this customer who paid his money, it didn't make any
13 difference who this man was, paid his money to go in there and
14 I paid my hard-earned money to come in there, they told him,
15 "You leave. This is a raid. We don't want you to get involved.
16 That was fine. I got a year for that, and my name was all over
17 the papers and everything.

18 Also, I got back in this business again
19 last December, for the first time. I got out of it, not be-
20 cause I got jail time, but because I didn't have to go to jail.
21 I didn't have to. I got back in it last December of 1981,
22 because, again, I was totally out of money, and blame it on
23 men or whatever you want to blame it on, and I had broken up
24 with another boyfriend; that almost destroyed me. Now, I'm
25 in front of you today, because I do not think in any way,

Brenda Walker - Cross

183.

1 shape, or form, or fashion, think it is fair for all the girls
2 to have to go to jail. Granted, what they make, it is illegal
3 but it is their owners who recruit these girls.

4 I'm 33. I should know better, but they
5 recruit 18, 19, and 16 year olds, and half of them are in the
6 courtroom. They get them in there and send them out on the
7 street. It is their owners who are behind all of this, not
8 so much the girls, and I don't want to sound moral, because
9 Lord knows I'm not, but I think the owners should go downtown
10 with the rest of us.

11 I was told, also, when Mr. Brooks hired
12 me, that should I ever get in any trouble -- In other words,
13 should I get caught--again, I'll use an assumption, I am
14 assuming he meant by the police, certainly not by my father--
15 but, should I ever get caught, it would be no problem, be it
16 with bond money or anything. Bond money would be made. A
17 lawyer would be obtained for me and none of that ever took
18 place. They just acted like they didn't even know me.

19 Q So, you were arrested on this bawdy house
20 charge after December the 1st?

21 A No. I was arrested again after that.

22 Q For what?

23 A Prostitution, solicitation.

24 Q Is that charge still pending?

25 A No, sir, it's not. But, I strongly feel

Brenda Walker - Cross

184.

1 that in addition to all the young ladies going downtown, and
2 what I mean is I mean jail when I say that, that some of
3 these owners should follow suit, to answer your question of
4 ten minutes ago, that is why I'm in this courtroom.

5 MR. LYNCH: Your Honor, this witness is
6 making a speech. When do I have a right to cut her
7 off?

8 THE COURT: You asked her why she is
9 testifying, and I think she is telling you why she
10 is testifying. It might not be exactly what you
11 wanted to hear.

12 Nevertheless, it does not make it--

13 THE WITNESS: I'm finished, Your Honor.

14 THE COURT: (Addressing defense counsel)
15 Go ahead.

16 Q After you were arrested again, were you
17 still in the employ of these two gentlemen?

18 A You mean, let's say -- After I was
19 arrested, yes, I was.

20 Q Were you not terminated at that time?
21 Were you not terminated because of the fact that you had
22 gotten arrested for performing an illegal act?

23 A No, sir, no, sir. Whoever said that is
24 lying. I'm sorry.

25 Q I am just asking you the question and--

Brenda Walker - Cross

185.

1 A And my answer is very strongly no. I
2 can even tell you the time of the phone call, and I called
3 Mr. Brooks and said, "I've been busted." He said, "No
4 problem. I'll get Ray Saylor on the telephone and get you
5 out of this mess in a second." Did that answer it?

6 Q You used to date Lewis Brooks, did you not

7 A (Witness laughing) I'm sorry, Mr. Brooks,
8 but no, no, sir, much, maybe, to his dismay, but no, sir, I've
9 never had a date with Mr. Brooks.

10 MR. LYNCH: I have no further questions,
11 Your Honor.

12 MR. DRISCOLL: I have nothing further of
13 this witness. Thank you.

14 THE COURT: Do you want to keep her here?

15 MR. DRISCOLL: I may for rebuttal purposes

16 THE COURT: You will need to stay, Ms.
17 Walker.

18
19 WITNESS STOOD ASIDE

20
21 THE COURT: Your next witness, please.

22 MR. DRISCOLL: Judy Blain, please.

23
24 JUDITH BLAIN, a witness called on behalf
25 of the Commonwealth, having been previously duly sworn,

Judith Blain - Direct

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1 testified as follows:

2 DIRECT EXAMINATION

3 BY MR. DRISCOLL:

4 Q Ma'am, what is your name?

5 A Judith Blain.

6 Q Ms. Blain, how old are you, now?

7 A Twenty.

8 Q First, look to your right, and do you
9 recognize either of these men who are seated here, one in the
10 blue and the gentleman next to him.

11 NOTE: At this point, the witness is
12 perusing the defendants.

13 A The one on my right.

14 Q Who is that?

15 A That's Bobby Collins.

16 Q How do you know Mr. Collins?

17 A Umm--I met him in -- It was '81, this is
18 '82, in July of '80.

19 Q How old were you at that time?

20 A Eighteen.

21 Q How did you meet him?

22 A He came in a restaurant that I was working
23 in.

24 Q Did you have any conversations with him?

25 A At that time, no. We just--

Judith Blain - Direct

187.

1 Q At any time thereafter, did you ever have
2 any conversations with him?

3 A Yeah, a month later.

4 Q What were these conversations about?

5 A Well, I seen him in a club I was in, and
6 he asked me what I was doing, was I still working in the
7 restaurant, and I told him, "No." He said, "Well, would you
8 like a job"? I said, "Doing what?" He said, "Working for me
9 in an escort relaxation agency," and I said, "What does that
10 involve," and he said, "Prostitution."

11 Q Did you actually go to work for him?

12 A Yes, I did.

13 Q What were the payment arrangements as far
14 as your salary? What were you to pay him? What was the set-up?

15 A Okay. I had to give him a \$20.00 agency
16 fee, and then he got 45 percent of my tips that I made.

17 Q Your tips, 45 percent of which he was
18 taking, how did you get these tips?

19 A Through sexual intercourse, sexual favors.

20 Q Given to whom?

21 A To the customers that called the agency.

22 Q The agency that you were working for?

23 A That's why I was working for them, yeah.

24 Q What was the physical or mechanical situa-
25 tion there? How were you sent out on a call?

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Judith Blain - Direct

188.

1 A Men would call the agency, and then he
2 would call me. He would take all the information, and he
3 would call me. He would give me the information: the man's
4 name, his address, where about he was at, and I would go over
5 there to where the man was at.

6 Q These sexual acts that you performed when
7 you went out on these calls, did you ever indicate to either
8 or both of these men what was taking place?

9 A Could you repeat the question?

10 Q Yes. Did you tell either Mr. Brooks or
11 Mr. Collins what you were doing on these calls, at any time?

12 A Well, Bobby would have what he called
13 spot check billies.

14 THE COURT: Spot check what?

15 THE WITNESS: Spot check billies.

16 MR. DRISCOLL: Spot check billies.

17 Q What were spot check billies?

18 A I would go on the call, and then I would
19 come back, and just to see if I was ripping him off, not tell-
20 ing him how much money I did make, you know, he would have
21 this guy tell him what's going on, and then after I would
22 come back, he would have already talked to the man and found
23 out what I had done and how much money I had made.

24 When I came back, he would tell me what I
25 had done and how much money I made. He first asked me how

Judith Blain - Direct

189.

1 much money I made. Okay, I told him. Then, he said, "Well,
2 you went on a spot check billy." That's what it was.

3 Q Just a way to check up on you?

4 A Yeah, uh-huh.

5 Q Before you went out on one of these calls,
6 and actually by the nature of the employment with this agency
7 run by these men, did you have any sort of training, or did
8 you spend any nights with either one of them or both of them
9 to know what to do on these calls?

10 A Yes, sir. The night that I spoke with
11 Bobby, and he asked me did I want to go to work for them, he
12 said, "Well, I have to have an interview with you, first, to
13 see what you can do." So, we then went to a motel room, and
14 we had sexual intercourse.

15 Q Was that all as far as sexual activity was
16 concerned, just sexual intercourse?

17 A Sexual intercourse and oral sex.

18 Q And, that was with Mr. Collins?

19 A Yes, yes, sir.

20 Q You indicated when you began your employ-
21 ment. When did you end your employment?

22 A It was around January the 1st of '81.

23 MR. DRISCOLL: Your Honor, no further
24 questions.

25 THE COURT: All right. Mr. Lynch?

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Judith Blain - Cross

190.

1 MR. LYNCH: Yes, Your Honor.

2

3 CROSS-EXAMINATION

4 BY MR. LYNCH:

5 Q Ms. Blain, have you ever been convicted of
6 a felony?

7 A Yes, sir, I have.

8 Q How many felonies have you been convicted
9 of?

10 A One -- No, I'm sorry, two.

11 Q What were those charges?

12 A Distribution of methamphetamines.

13 Q Both of them?

14 A Uh-huh.

15 Q You have been very heavily involved in
16 drugs for a long time, have you not?

17 A No, sir, I haven't.

18 Q Have you ever been convicted of a misde-
19 meanor involving lying, cheating, or stealing?

20 A No, sir, I haven't.

21 Q Have you ever been convicted of solicitation

22 A No, sir.

23 Q You say that on the night that you talked
24 with Bobby Collins at this club, which club was it?

25 A It's a club called the Cabaret.

Judith Blain - Cross

191.

Q Where is the Cabaret?

A It's in Southside, in Branch Shopping Center.

Q You said that you talked to him in the Cabaret, and you said he said he had to interview you, is that correct?

A Yes, sir.

Q And that you and he went to a motel. Which motel did you go to?

A City Motel on Jefferson Davis Highway.

Q Was it just the two of you?

A No, sir, it wasn't. It was me and Bobby and Jackie Custalow.

Q Who is Jackie Custalow?

A His cousin, Bobby's cousin.

Q Is it not a fact that you were the one who suggested that the both of you go to a motel?

A No, sir.

Q Is it not a fact, Ms. Blain, that you almost begged these two men to take you to a motel?

A No, sir, it isn't.

Q Ms. Blain, did you ever specifically discuss with either Lewis Brooks or Bobby Collins anything about any of your activities when you were working for them?

A Well, when he would send me on a spot

Judith Blain - Cross

192.

check billy, and I would come back, he would discuss it, yes.

Q What would you discuss?

A What I did and how much money I made.

Q Is it not a fact that you were actually fired by Bobby Collins because you came back one night and reported that you had taken some cocaine from a customer and also described some of the customer's sexual eccentricities?

A I don't know what you mean by that.

Q Were you not fired that night?

A No, sir. I was never fired by Bobby Collins, never. I quit.

MR. LYNCH: I have no further questions,
Your Honor.

MR. DRISCOLL: I have no further questions of her. If you would just stay in the witness room, please.

WITNESS STOOD ASIDE

MR. DRISCOLL: Officer Sherry, please.

NOTE: At this point, the above-named witness was duly sworn.

MR. LYNCH: Your Honor, as the Court knows, I have an ongoing objection about matters that are before and after the 2nd of August, and the Court

1 has ruled on that objection.

2 THE COURT: Yes. I still say to the jury,
3 and I cannot say too often, you are trying these
4 people for August the 2nd, but this other evidence
5 is admitted in view of the fact that there has been
6 pleas of not guilty.

7 Their pleas of not guilty is that they
8 did not know what was going on by the girls, and
9 the only reason this evidence is entered or allowed
10 to be entered is so that you may use it if it helps
11 you, or reject it if it does not help you to deter-
12 mine whether, in fact, they did know what was going
13 on, or whether they did not know what was going on.

14 That is what you are up against. For
15 that reason, I will allow it over your continuing
16 objection.

17 MR. LYNCH: For that purpose, Your Honor,
18 I am willing to stipulate Officer Sherry's testimony
19 here, in that Officer Saylor has already testified
20 to a raid that took place on Lakeside Avenue some
21 months ago; that the material is very much like the
22 material here and was seized from that location as
23 well; that it was in Henrico County; and, was after
24 this offense.

25 THE COURT: Are you stipulating it was

1 owned and operated by these two fellows?

2 MR. LYNCH: I believe Officer Saylor has
3 already testified that the lease was in both names.

4 THE COURT: You do admit that something
5 happened in Henrico that is not connected, and this,
6 too, would not be admissible for any reason. So, I
7 would want it all named, all the essential elements
8 named. The stipulation is evidence.

9 (Addressing the witness) You are free
10 to go, unless you have something, Mr. Commonwealth's
11 Attorney?

12 MR. DRISCOLL: No, sir. That stipulation
13 is agreeable with the Commonwealth, and I have no
14 questions of the officer.

15 That would be the Commonwealth's evidence
16 in chief.

17 MR. LYNCH: Your Honor, may I have a
18 short recess at this point?

19 THE COURT: Yes, sir.

20 A very short recess.

21 NOTE: At this point, court was recessed
22 at 2:49 P.M. and reconvened at 3:00 P.M.

23 MR. LYNCH: Your Honor, I would have a
24 motion at this time. I would move the Court to strike
25 the Commonwealth's evidence on the grounds that the

1 Commonwealth has not proven the charge, the specific
2 charge, and the charge in the indictment, and that
3 is that neither one of these defendants received
4 money that was procured from prostitution. They
5 have to do that with the specific knowledge of the
6 acts committed, and I do not think the Commonwealth
7 has carried the burden of proof.

8 THE COURT: It is a factual question,
9 peculiarly within the province of the jury. It is
10 just a question of who they believe.

11 MR. LYNCH: I take it you are denying the
12 motion?

13 THE COURT: Yes, sir. I am not granting
14 it.

15 Bring the jury back in.

16 NOTE: At this point, the jury is entering
17 the courtroom, whereupon the following proceedings
18 were had, viz:

19 JURY PRESENT

20 THE COURT: Who are you going to call
21 first, Mr. Lynch?

22 MR. LYNCH: Mrs. Ginovive Collins, Your
23 Honor.

24 THE COURT: Collins?

25 MR. LYNCH: That is correct, Your Honor.

1 NOTE: At this point, the above-named
2 witness was duly sworn.

3
4 GINOVIVE L. COLLINS, a witness called on
5 behalf of the Commonwealth, first being duly sworn, testified
6 as follows:

7 DIRECT EXAMINATION

8 BY MR. LYNCH:

9 Q Mrs. Collins, please state your full name..

10 A Ginovive L. Collins.

11 Q Are you the owner of a restaurant on
12 West Main Street?

13 A Yes, I am.

14 Q What is the name of that restaurant?

15 A Genesis Restaurant.

16 Q What is the address?

17 A 2101 West Main.

18 Q Are you related to either one of these
19 defendants and, if so, how?

20 A Yes. I'm Robert O. Collins' mother.

21 Q Are you related to Lewis Brooks?

22 A His aunt.

23 Q Mrs. Collins, do you know a young lady
24 named Brenda Walker, who also goes by the name of Kelly?

25 A The redheaded girl I saw here, if that's

Ginovive L. Collins - Direct

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1 her name. That's the second time I've seen her.

2 Q Can you describe how she was dressed?

3 A This time?

4 Q Yes, ma'am.

5 A In a white suit.

6 Q Well, I can bring her in.

7 MR. LYNCH: Sheriff, would you call for
8 the Walker girl to come in for just a second?

9 NOTE: At this point, the above-named
10 person entered the courtroom.

11 Q (Continuing) Do you recognize that young
12 lady?

13 A Yes, I do.

14 MR. LYNCH: Thank you. She can go back
15 out.

16 NOTE: At this point, the above-named
17 person exits the courtroom.

18 Q How do you recognize her, Mrs. Collins?

19 A I don't know the date, approximately,
20 maybe, a year ago. I don't know the date, but she came into
21 the restaurant with a couple of other girls and sat in the
22 front booth and--

23 Q What time of day was it?

24 A It was sometime, maybe about mid-day.
25 They sat down and drank a few beers, and one of them had

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Ginovive Collins - Direct

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1 something to eat, and I noticed her because she was well
2 dressed and acting very sophisticated. So, after she had a
3 few beers, she got up, and someone played the jukebox, and
4 she started getting up in the floor and dancing sort of vulgar
5 dances or actions.

6 MR. DRISCOLL: Your Honor, could we have a
7 description of the acts, rather than conclusions of
8 the witness?

9 THE COURT: Her conclusions of the vulgar
10 act, yes. What were the vulgar acts? In other
11 words, you are stating, madam, that it is your con-
12 clusion they were vulgar. It is the duty of this
13 jury to decide whether they were vulgar or not. So,
14 you have to describe the acts so they can decide.

15 A (Continuing) All right. She was running
16 up against the customers at the bar. She had left her seat
17 in the front.

18 Q Running how?

19 A Her body.

20 Q What else did she do?

21 A That was all. When she came back, I told
22 her she would have to leave, because she had had too much to
23 drink.

24 Q So, she was intoxicated in the middle of
25 the day, is that it?

Ginovive Collins - Direct

199.

1 THE COURT: No. I have not heard that
2 until you said that and, of course, you are not
3 testifying.

4 (Addressing the witness) Was she intoxi-
5 cated?

6 THE WITNESS: Her actions, that's why I
7 cut her off.

8 THE COURT: All right. You cut her off
9 because you thought she was intoxicated. All right.

10 MR. LYNCH: Answer any questions Mr.
11 Driscoll has.

12
13 CROSS-EXAMINATION

14 BY MR. DRISCOLL:

15 Q She had been drinking, so you cut her
16 off and so she left, is that right?

17 A Yes. This was after she had got up in the
18 floor and danced.

19 Q Well, that is all right. We know she is
20 a prostitute.

21 A I'm sorry. I didn't know that.

22 Q All right. Did she walk out on her own
23 power on this one occasion?

24 A Yes, sir. That's the only time I've seen
25 her.

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Ginovive Collins - Cross

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1 Q She walked out on her own?

2 A Yes.

3 MR. DRISCOLL: No further questions.

4 THE COURT: I do not see where anyone is
5 going to need this lady any more.

6 MR. LYNCH: Your Honor, if counsel does
7 not have any objection, may she sit in the court-
8 room, because I am not going to recall her for any
9 purpose.

10 THE COURT: All right.

11 There has been a statement that the Court
12 could not overlook about who was in this courtroom,
13 and I think maybe the witnesses probably should not
14 stay in the courtroom.

15 MR. LYNCH: Very well, Your Honor. I
16 would now call Jackie Custalow.

17 NOTE: At this point, the above-named
18 witness was duly sworn.

19
20 JACKIE CUSTALOW, JR., a witness called by
21 the defendants, first being duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. LYNCH:

24 Q Please state your name.

25 A Jack Custalow, Jr.

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Jackie Custalow - Direct

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1 Q Mr. Custalow, how do you know these two
2 gentlemen here?

3 A Yes, sir.

4 Q How do you know them?

5 A They are both my first cousins.

6 Q Have you been fairly closely related--Not
7 related so far as blood is concerned--But related so far as
8 your lives are concerned?

9 A For the past maybe four years, we've been
10 real close, for the past four years.

11 Q Mr. Custalow, I would call your attention
12 to an incident that occurred sometime in or around August of
13 1980 in which -- Were you in the Cabaret Club one evening in
14 the late summer of 1980?

15 A Cabaret, yes, sir.

16 Q Do you know a young lady named Judy Blain?

17 A Yes, sir.

18 Q Can you tell His Honor, Judge Spain, and
19 the members of the jury what occurred that evening? First of
20 all, who was there with you?

21 A You're speaking of the night that I met
22 Judy Blain? I had been there quite a few times, yes, sir.

23 Q I am talking about the night you met Judy
24 Blain.

25 A My cousin and I, Bob, were there. We went

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1 over there to drink a few beers.

2 Q You had never seen Judy Blain there
3 before?

4 A No, sir. I had never seen her before.

5 Q Tell us what happened that night.

6 A We were just in there drinking, and I
7 looked and she was standing there and Bob was talking to her,
8 and he said, "You know her, don't you," and I did not know
9 her. He assumed that I knew her or something, and I said, "No."
10 Anyway, we were talking and she was following us around every-
11 where we went in the store, everywhere we went in the restaurant
12 you know, and she was buying the beer. At the time Bob had a
13 car, and let me figure exactly what happened. Anyway, I
14 assumed her and Bob were together, you know.

15 THE COURT: Do not put "you know" in every
16 sentence, young man. The jury does not know, and I
17 do not know, and what we want to do is find out what
18 you know.

19 THE WITNESS: I'm sorry.

20 THE COURT: All right, sir.

21 THE WITNESS: I forgot.

22 THE COURT: "You assumed she was with Bob,
23 you know." No, we do not know, but you assumed she
24 was with Bob.

25 A (Continuing) Anyway, it ended up that we

Jackie Custalow - Direct

203.

1 got in the car and was riding around. We were going down
2 Jefferson Davis Highway, and she said, "Let's go over to the
3 Oasis," and I think the Oasis was closed or something like that.
4 She said, "Let's get a motel room."

5 It was her idea to get a motel room. It
6 was her idea, because I was trying to figure out how to slide
7 out of the situation, because I thought it was her and him.
8 Bob said, "Come on. Let's have a beer or two." So, she
9 started talking about how we looked alike. Bob had a beard
10 then and his hair was longer. She started talking about how
11 much we looked alike and everything, and it ended up, to make
12 a long story short, that she wanted both of us to have sex
13 with her.

14 She pushed him. She pushed it, really.
15 She really did push it.

16 Q It was whose idea?

17 THE COURT: He just said it was her idea.

18 A It was her idea totally.

19 THE COURT: She pushed it on both of them,
20 is what he said.

21 A (Continuing) She didn't rape me, but she
22 was pushy. You know, I don't know if she got the feeling that
23 she was going to get something out of it. She wanted something
24 out of it was the impression I got.

25 Ever since I have known her since then,

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1 constantly she would call, you know, and we had a little code.
2 We used to call it telephone work. By that, it meant have you
3 climbed any poles lately, and she thought it was kind of cute,
4 and every time I turned around she would be calling me and
5 saying, "Have you done any telephone work lately" and saying,
6 "Let's go do some telephone repair work." She was doing this
7 every time I turned around, and she just became a real pest,
8 really.

9 Q But, this was the first time, as far as
10 you know, that you had seen her at all?

11 A The first time I have ever seen her.

12 MR. LYNCH: I have no further questions,
13 Your Honor.

14 THE COURT: Mr. Commonwealth's Attorney.

15
16 CROSS-EXAMINATION

17 BY MR. DRISCOLL:

18 Q Have you ever had any other incidents
19 where ladies forced themselves upon you like that?

20 A Yes, sir.

21 Q Numerous times?

22 A Not numerous, but it has happened before.

23 Q So, it is nothing special about this
24 incident?

25 A Nothing special. No, it was just an

Jackie Custalow - Cross

205.

1 uncomfortable situation.

2 Q If there is nothing special about it and
3 it has happened on other occasions, how is it that you can
4 remember something like that, which happened in August of 1980?

5 A Because it was the first time I had ever
6 met her, and it was a strange meeting for a first meeting with
7 a girl.

8 Q If I were to have a list of other women
9 who have forced themselves upon you, are you telling me that
10 you could give us the month and the year when they forced
11 themselves upon you?

12 A Sir? I didn't say what month or year it
13 was. I said it was the first time I had met her, and it was
14 at the Cabaret with Bob, and I'm assuming what month it was.

15 Q So you do not know what you are talking
16 about then as far as a time period?

17 A I know what month it was.

18 Q You just told us you are not sure, you are
19 not positive, of what month and year, is that what you just
20 said?

21 A I must have. I guess so.

22 Q Which is the answer? Do you know when
23 you first met her or do you not know?

24 A I know what happened. I know when I first
25 met her.

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1 THE COURT: The question of the attorney
2 was: "Do you know the month and the year," not what
3 happened. His question is: "Do you know the month
4 and the year?"

5 THE WITNESS: Okay.

6 A (Continuing) I will have to tell you the
7 exact month and year? I don't know the exact month and year.

8 MR. DRISCOLL: Thank you. No further
9 questions.

10 MR. LYNCH: I have a little redirect,
11 Your Honor.

12
13 REDIRECT EXAMINATION

14 BY MR. LYNCH:

15 Q Mr. Custalow, do you know the year?

16 MR. DRISCOLL: He just said he did not.

17 THE COURT: He just said he did not.

18 A I know what happened.

19 MR. DRISCOLL: I object to this answer.

20 THE COURT: The objection is sustained.

21 (Addressing the jury) Do not pay attention
22 to anything that was said from that point on.

23 Q Mr. Custalow, you do know what happened?

24 THE COURT: Are you pulling yourself up
25 by your boot straps? That is for the jury to decide.

Jackie Custalow - Redirect

207.

1 Now, you are asking him to swear that he is going
2 to tell the truth and then asking him, "Now, have
3 you told the truth?" The truth is not a proper
4 question, counsel. It is a boot-strapping question.

5 MR. LYNCH: I have no further questions,
6 Your Honor.

7 I would call Lewis Brooks.

8
9 LEWIS BARNEY BROOKS, a defendant, called
10 in his own behalf, having been previously duly sworn, testi-
11 fied as follows:

12 DIRECT EXAMINATION

13 BY MR. LYNCH:

14 Q Please state your name.

15 A My name is Lewis Brooks.

16 Q Where do you now reside, Mr. Brooks?

17 A 1810 Betner Road, Sandston, Virginia.

18 Q Mr. Brooks, during August of 1981, were
19 you involved in a business with Mr. Robert Collins?

20 A Yes, sir, I was.

21 Q What kind of business was that?

22 A An out call dating and modeling service.

23 Q Can you tell me a little bit about it?

24 Well, first of all, I show you here a document, and I ask you
25 if you can identify it.

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Lewis Brooks - Direct

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1 MR. DRISCOLL: Let me see it, please.

2 NOTE: At this point, it was shown to the
3 Commonwealth's attorney and then shown to the witness

4 A Yes, sir. This is an application form that
5 we used when we hired a model, and we made sure to include a
6 right full application upon hiring that people give of their
7 background and financial status and so forth.

8 Q Did you, on occasions, interview the girls
9 that you planned to employ, yourself?

10 A Yes, sir, I did.

11 Q Can you tell the members of the jury and
12 His Honor the way in which you went about interviewing these
13 girls?

14 A The manner I went about in interviewing
15 girls -- I've had problems in the past due to social -- It's
16 a social business, verbally and so forth. I made a special
17 point to make sure people were properly dressed, the proper
18 attire, no vulgar or verbal expressions.

19 Upon hiring these people, we hired male
20 as well as female escorts. Needless to say, I have had
21 problems ever since I got into the business, and I have had to
22 fire a lot of people. It is a big overturn of people, and,
23 you know, it is a hard thing to keep it running straight.
24 But, we made the best performance we could in making it straight.
25 There was no cursing or abusing of any other employees, or you

Lewis Brooks - Direct

209.

1 would have to hit the road. I was real strict on it.

2 A lot of people in business don't like
3 me because of this, but I run a tight ship and that is the
4 way I had to do it. That is the way I run it.

5 MR. LYNCH: Your Honor, I would ask that
6 document be marked as Defense Exhibit A, and I
7 would move to introduce it at this time.

8 THE COURT: This is for Dreams Unlimited?

9 THE WITNESS: Yes, sir, Your Honor.

10 THE COURT: An application for employment?

11 THE WITNESS: Yes, sir. Your Honor, that
12 was required to be filled out before an escort could
13 even be considered. They had to sign a contract
14 agreement.

15 THE COURT: They do not ask anything on
16 here about a person's previous record.

17 THE WITNESS: On the previous record ques-
18 tion, it has a spot, I think, for the previous
19 record on there.

20 THE COURT: That is what I am looking for.

21 THE WITNESS: And, we would try to run a
22 check.

23 THE COURT: I mean, does it ask that
24 question on here? Show it to me. I may be over-
25 looking it.

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1 NOTE: At this point, the above-described
2 application is handed to the witness.

3 THE WITNESS: The only thing we could run
4 on their previous record would be as far as their
5 driver's permit.

6 THE COURT: The only thing you asked about
7 the previous record--

8 THE WITNESS: The criminal record, we could
9 not do that.

10 THE COURT: All right. This will be
11 Defendants' Exhibit A.

12 NOTE: At this point, the above-described
13 application was introduced into evidence and marked
14 as Defendants' Exhibit A.

15 BY MR. LYNCH: (Continuing)

16 Q Mr. Brooks, is there any place on this
17 application that lists the vital statistics of the applicant,
18 such as waist size or hip size or bust size, that kind of thing?

19 A On the application form, no, sir, not that
20 I know of.

21 Q Is there anything that lists the height
22 or the color of the hair or the color of the eyes or any of
23 the physical characteristics of the applicant?

24 A No descriptive features, specifically on
25 a person's background, with no discrimination as regards their

Lewis Brooks - Direct

211.

1 race or sex or whatever. It is a straight, heads up applicati

2 Q At any time, did you check out these appli
3 cations? Did you ask these people?

4 A Yes, sir. I did check out these applica-
5 tions. I had several instances where escorts, they had worked
6 at other places, had refused to fill out an application, and
7 I also refused to employ them. That is the way I ran it. If
8 they didn't fill out an application form to the fullest, they
9 weren't hired.

10 Q I show you another document, now, that has
11 been shown to a number of other witnesses, and I would ask you
12 if you recognize that document.

13 NOTE: At this point, a document is being
14 shown to the witness.

15 A Yes, sir. This is our contract agreement
16 that was drawn up by an attorney's office for the escort and
17 bond being considered on the application that would be signed
18 for employment.

19 Q Why did you ask an attorney to draw this
20 document up?

21 A I asked an attorney to draw this document
22 up, because I have had so many problems with the business being
23 used for other reasons than my intentions of its use. It's
24 been used in the past for stealing, thievery, and nameless
25 things, forgery, blackmail, whatever, and the only standards

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1 I have or that I can take to check on someone or check some-
2 one out is to check on their application, go over it thoroughly
3 with them and get them to sign the contract. If I catch them
4 the first time, they're gone, they're fired. That is the way
5 I think.

6 If I go to my fullest to make a full
7 standard point in operating the business correctly, that is
8 the best I can do. Even at that rate, a lot of people get
9 into this business, and they, by the time they back stab you,
10 they've found you; it's too late. They've stolen something
11 from a customer.

12 MR. DRISCOLL: Your Honor, I appreciate
13 his dialogue.

14 THE COURT: That is all very interesting,
15 I guess you are fixing to say, but let's try to
16 stick more closely to the issue.

17 Q Mr. Brooks, you said a while ago that you
18 drew it up so that your intentions in establishing the business
19 would be clear.

20 A Yes, sir.

21 Q What were your intentions in establishing
22 this business?

23 A My intentions in this business was to run
24 a statewide dating and modeling service, and that is what my
25 intentions were. I recruited, I travelled, all over the State

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Lewis Brooks - Direct

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1 of Virginia through Charlottesville and Staunton. That is
2 what my intentions were, to run a good operation over the
3 State of Virginia and to have a good respectable business,
4 dating service. That was my intentions, sir.

5 Q I refer you now to Paragraph 8 of this
6 agreement, and I ask you what efforts you have made in the
7 past in interviewing anyone for employment so far as explaining
8 Paragraph 8 to them?

9 THE COURT: Section 8 of a legal document,
10 a contract, is a legal matter, and that is for the
11 Judge to pass on as to its legality.

12 The question the jury has got to pass on,
13 as far as the language goes, is as to whether it was
14 put in there for real or for show.

15 Now, give me the contract.

16 NOTE: At this point, the above-described
17 contract was handed to the Court.

18 THE COURT: These are the matters that
19 come strictly within the province of the Judge. If
20 there is one contract involved and another for sale,
21 would not pass on that, except for the facts involved
22 surrounding it.

23 NOTE: At this point, the Judge is perusing
24 the above-described contract.

25 THE COURT: (Continuing) Section 8 has

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1 been read to you before and repeated several times.
2 "Violation of any local, State, or Federal law or
3 ordinance by any escort would be cause for immediate
4 termination of this agreement by the company." I
5 tell you that legally that language means that they
6 may, if they choose to, terminate it if you got a
7 traffic ticket, or they could overlook it if you
8 committed a more serious crime. It simply says,
9 "...shall be cause for," and does not say that it
10 shall be absolutely done, from a legal point of view.

11 Now, he can tell you what he meant for it
12 to mean. I will tell you what the language does
13 mean.

14 MR. LYNCH: Thank you, Your Honor.

15 BY MR. LYNCH: (Continuing)

16 Q Mr. Brooks, what did you mean for that
17 paragraph to mean? How did you apply that paragraph so far
18 as your business was concerned?

19 A "For violations of local, Federal, and
20 State laws and ordinances by the escort shall be cause for
21 immediate termination of this agreement by the company," I
22 meant that anyone that breaks the law, anyone that did anything
23 wrong that involved my business, was to be immediately termi-
24 nated. That was my intention, and that is what I stuck by.

25 Q What if someone got a parking ticket?

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Lewis Brooks - Direct

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1 Would you fire them for that?

2 A No, I wouldn't. I wouldn't do that.

3 Q What if they got a drug charge, for
4 example?

5 A If they got a drug charge, they'd have to
6 hit the road.

7 Q Or a solicitation charge, for example?

8 A For a solicitation charge, they would have
9 to go.

10 Q Are there any specific instances that you
11 can think of where you did fire employees because they violate
12 the law?

13 A Yes, sir, I can. On, sometime in July of
14 1981, a young lady by the name of Kim Sullivan worked for our
15 company, and she was arrested on Midlothian Turnpike at Regency
16 Inn by, I think, Ray Saylor, if I'm not mistaken. She was
17 immediately terminated the following day.

18 Q What was she arrested for?

19 A Solicitation, prostitution.

20 Q Are there other instances that you can
21 point to?

22 A Yes, sir, I can. A girl that worked for
23 us here this last year, in December of '81, if I'm not mistake
24 was arrested by Bailey, that testified here, her name is Toni
25 Kelly. That is the name she signed on the application, and

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1 had a valid driver's permit with that name, by the way, too.

2 Q Have you seen that same girl today?

3 A Yes, sir, I have.

4 Q How did she identify herself today?

5 A She identified herself as Toni, I can't
6 recall her last name.

7 Q Was it the same girl who Mrs. Collins
8 identified, and we had brought in the courtroom?

9 A Yes, sir, it was.

10 Q The girl who gave her name as Brenda
11 Walker?

12 A Yes, sir.

13 Q What happened in that instance?

14 A She also is Kim Sullivan. She was arrested
15 for solicitation at the Holiday Inn on Franklin. She was
16 immediately terminated.

17 Q Do you know Judy Blain?

18 A No, sir, I do not.

19 Q Now, Mr. Steve Zipp got on the stand and
20 testified to certain matters. Was Steve Zipp employed by you
21 in August of 1981?

22 A Yes, he was.

23 Q What were his instructions so far as
24 answering the telephone, when he was on duty?

25 A His instructions as to answering the

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1 telephone, the answering procedures, were to be polite to the
2 customers, that's a good sales gimmick on the telephone.

3 Customers who called for an escort, if
4 any vulgarity or lewd conversation is used whatsoever, anything
5 harsh, that would intimidate the business whatsoever, anything
6 like that.

7 Many times a customer would call up and
8 say something lewd. The instructions were to immediately dis-
9 connect them, which was part of a telephone, 3-way telephone
10 system. I thought it would be ideal on a 3-way telephone
11 system. C & P Telephone Company came out with it. I thought
12 it would be a good way to connect a customer and let him give
13 directions to a girl to come out for an escort, a date. But,
14 if you hear anything wrong on the phone, all you had to do was
15 hit a button and disconnect them, and tell them we don't need
16 that type of business, and we don't. That was my specific
17 instructions.

18 Q Mr. Brooks, what happened if a customer
19 called up and talked for a moment and said, "I'm looking for a
20 girl to have sex with." What were your instructions?

21 A Hang up, disconnect them immediately.

22 Q What was your intentions in sending
23 these girls out?

24 A My intentions in sending the girls out
25 was to operate a legitimate business that I could make an

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1 income at. It didn't work out that way, you know, but that
2 was my intentions. My intentions were to operate a legitimate
3 business where I could have a dependable income, to be a self-
4 employed business man on my own; that is what my intentions
5 were.

6 Q Did you ever, or to your knowledge, did
7 Bobby Collins ever, charge a percentage of a girl's tips, for
8 example?

9 A No, sir, not to my knowledge, he did not.

10 Q Were the fees always standard?

11 A What do you mean?

12 Q As far as what any employee of the agency
13 was supposed to pay the agency?

14 A Yes, sir. The fees were standard. It's
15 always been a \$15.00 rate to the customer, per hour. The
16 escort, referral fee as we call it in our contract, is a \$10.00
17 fee per hour to the escort.

18 We felt that if we served both parties,
19 as far as advertisement goes, business expenses go, if we bring
20 the two people together as far as information goes, names,
21 addresses, and the company's name and address, that we were
22 entitled to a fee by both parties, the customer per se as well
23 as the escort.

24 Q Did these girls ever come back after being
25 sent to meet a customer and relate to you that they had had

Lewis Brooks - Direct

219.

1 any sort of sexual relationship with the customer?

2 A No, sir, they did not.

3 Q What was your policy on that?

4 A My policy on this particular procedure--

5 We had anywhere between 15 and 25 escorts, girls, working
6 through our agency--I did away with all women in our office
7 for discrimination purposes or whatever. I put all males in
8 the office, and I put a tape recorder and phones in the office,
9 and no one was allowed in that office. If Ray Saylor had ful-
10 filled this with me--There was a big poster on the front door
11 that said, "No escorts allowed in this building." That was
12 my policy on it, and I'd better not come around and find out
13 that anyone had been drinking any liquor or anything. It is
14 my policy.

15 MR. LYNCH: Answer any questions Mr.

16 Driscoll has.

17

18 CROSS-EXAMINATION

19 BY MR. DRISCOLL:

20 Q Well, you stand on this tight no-drinking
21 policy, but we were just talking about the way that Brenda
22 Walker drank so much.

23 A Yes, sir.

24 Q Were we not just talking about Kim some-
25 body here?

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1 A Yes, sir.

2 Q Yet, she worked for your firm, obviously,
3 did she not?

4 A Yes, sir.

5 Q What happened to this strict drinking
6 policy you had?

7 A She lost her job.

8 Q All right. You were running a statewide
9 modeling and dating service?

10 A Yes, sir.

11 Q These names that have been batted about
12 this morning in no way denote anything to do with modeling.
13 Do you represent to the members of this jury that any name of
14 the business that you did business under ever contained the
15 name "Model"?

16 A Yes, sir, it did contain the word model.

17 Q All right. Give us the name of that
18 business.

19 A The name of the business with model in it
20 was AA Modeling Service.

21 Q Was that the only one?

22 A Yes, sir.

23 Q Did you, in fact, intend to establish a
24 statewide modeling service, a respectable agency, using such
25 names as Dreams Unlimited and Kitty Kats?

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Lewis Brooks - Cross

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1 A Yes, sir, I did.

2 Q What type of models were you expecting to
3 attract with names such as that?

4 A What type of models?

5 Q Yes.

6 A Well, in the year, last year of 1981, I
7 have had four professional models that are in national maga-
8 zines, used for our advertisement, that is in 1981.

9 Q How many names had your agency, yours and
10 Mr. Brooks, worked under?

11 A I'm Mr. Brooks.

12 Q I mean yours and Mr. Collins, excuse me.

13 A I've worked under mine or his or both.

14 Q Yes, which one?

15 A Any of the above.

16 Q How many names have you all worked under?

17 A How many names? I can speak for myself.

18 Q All right. You and him together.

19 A I would say three that I have worked under.

20 Q What have you worked under?

21 A I have worked under AA Modeling, under
22 Dream Kats, and under Dreams Unlimited.

23 Q How many locations have you had to conduct
24 these businesses?

25 A How many locations?

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Lewis Brooks - Cross

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1 Q Yes.

2 A I have used two locations.

3 Q And, those being what?

4 A 2700 Clearfield, that which we were
5 operating out of in the summer, and 6001 Lakeside Avenue,
6 Lakeside Professional Building.

7 Q How long were you operating at Lakeside?

8 A We were operating at Lakeside Professional
9 Building, I would say, four months.

10 Q And the Clearfield address?

11 A I'd say 2½-3 months.

12 Q Why did you change?

13 A Expansion.

14 Q How many years have you been in this
15 business of providing escorts to customers?

16 A Providing escorts to customers?

17 Q Yes.

18 A I'd say roughly a year.

19 THE COURT: A year from when?

20 THE WITNESS: A year from the date the
21 indictment came down.

22 THE COURT: Not a year from today?

23 THE WITNESS: No, sir. A year from--
24 Previous to August 2nd.

25

Lewis Brooks - Cross

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1 BY MR. DRISCOLL: (Continuing)

2 Q So, prior to August 2nd, 1981, you were
3 operating for about a year?

4 A Right.

5 Q Did you do any operating after August of
6 1981?

7 A I operated for September, October--I
8 operated for four months.

9 Q When was the business on Lakeside raided?

10 A It was never raided.

11 Q Why did Officer Sherry who came in here
12 say that he went to the business on Waller Road? What about
13 that one?

14 A Right, right.

15 Q Have you ever operated there?

16 A No, sir, we did not operate there.

17 MR. DRISCOLL: Your Honor, maybe I am con-
18 fused. I thought that was a stipulation that the
19 agency--

20 THE COURT: I thought so, too.

21 THE WITNESS: If you continue asking me
22 questions, I can clear it up for you.

23 THE COURT: It is a stipulation. It became
24 evidence.

25 MR. LYNCH: Your Honor, I think there is

Lewis Brooks - Cross

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1 an explanation for this, and that is that the -- does
2 the Court want to hear this now?

3 THE COURT: No, sir.

4 MR. LYNCH: All right.

5 BY MR. DRISCOLL: (Continuing)

6 Q Now, did you ever operate an escort busi-
7 ness, such as you have described, with Mr. Collins, and then
8 split up and then start operating again?

9 A Then continue operating my business again?

10 Q Yes.

11 A Yes, I did.

12 Q Was it the same type of business, an
13 escort service, when you teamed up with him?

14 A Escort and modeling service, yes.

15 Q Now, could you enlighten us as to why you
16 contacted Mr. Saylor and wanted to talk about Mr. Collins'
17 activities?

18 A Yes, sir. I can enlighten you about that.
19 We were--We had, I guess you could say, a dispute. It was a
20 party one night, on a Saturday night, and someone shot at me,
21 fired a couple of shots at me, which I thought was my cousin
22 at the time. I found out later on it wasn't.

23 Q What were you going to spill the beans
24 about? Why did you want to talk to Saylor?

25 A Why did I want to talk to Saylor? About

Lewis Brooks - Cross

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1 getting shot at.

2 Q Nothing to do with any other activities?

3 A I don't know of any.

4 Q Why did you not tell him you just wanted
5 to talk about a shooting incident instead of his activities?

6 A I told him that I would like to talk to
7 him about the activities during the shooting.

8 Q Who is Mr. Giovanni?

9 A It's a trademark, a fictitious name.

10 Q That fictitious name was used by you and
11 Mr. Collins to get the money back from those escorts who went
12 out on these calls, correct?

13 A Yes, sir, it was.

14 Q Sir, do you really sit on that stand and
15 tell these jurors you did not know what was going on with
16 these escorts?

17 A That I didn't know what was going on?

18 Q That is correct.

19 A No, sir, I did not know what was going on

20 Q You had not heard of any sexual activities
21 by these escorts?

22 A No.

23 Q You indicated to us, at one point, that
24 your intention was to run a legitimate business but it didn't
25 work out that way. Well, if it was not a legitimate business

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1 what was going on?

2 A It was a legitimate business that was being
3 used.

4 Q You said it did not work out that way.

5 A No, it didn't work out that way.

6 Q So, that means, obviously, that a legiti-
7 mate business did not exist, correct?

8 A No, sir, you're wrong.

9 Q Well, what do you mean, then? Speak again.

10 A We operated a legitimate business. In a
11 legitimate business, I don't care who it is; it can be infil-
12 trated by people doing criminal acts, and that's the case you
13 have here.

14 Q Well, you have mentioned and outlined for
15 the members of this jury that the business was used in the
16 past for stealing, thievery, forgery, whatever?

17 A Yes, sir.

18 Q You neglected to mention prostitution.
19 Is there any particular reason that was omitted?

20 A Prostitution? The Richmond Police Force
21 does that job by arresting girls that are prostitutes. I don't
22 It is my own agency.

23 THE COURT: Just a minute, Mr. Witness.
24 Let me say this. Do they arrest people for these
25 other things you have mentioned, like stealing?

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1 THE WITNESS: Yes, sir.

2 THE COURT: All right. The question was

3 "Was there any reason for you to leave out prosti-
4 tution?"

5 THE WITNESS: No, sir, I'm sorry. There
6 wasn't any reason for me to leave out prostitution.

7 BY MR. DRISCOLL: (Continuing)

8 Q In fact, you knew in this particular
9 industry that it was common grounds for prostitution?

10 A No, I didn't know my business was used
11 for that.

12 Q I am not talking about your business,
13 your escort service, now. I am talking about the business in
14 general, the escort service, as a group.

15 A No, I did not.

16 Q It was common knowledge that they were
17 often used for prostitution purposes, is that not correct?

18 A No, it is not, not to the best of my
19 knowledge, it is not.

20 Q So, that was not a concern of yours?

21 A That was not a concern. Yes, it was. It
22 was a concern of mine.

23 Q Well, if it was a concern of yours, then
24 you must have had knowledge that it happened in this business

25 A No, I didn't have the knowledge that it

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1 happened. I'm saying that all illegal acts can happen any-
2 where. The only thing I can do is police it to the best of
3 my ability, whatever happens.

4 Q My question to you--

5 A Including prostitution.

6 Q Did you know that prostitution occurred
7 in these escort services?

8 A No, I did not.

9 Q Sir, have you ever been convicted of a
10 felony or misdemeanor involving moral turpitude?

11 A No, sir, I have not.

12 Q These ledgers that have been introduced,
13 did you ever, at any time, receive any of these books and go
14 over the figures in these books?

15 A You have to show me what you are talking
16 about.

17 Q All right. If you will take Commonwealth's
18 Exhibit Numbers 10, 11, and 12, please.

19 NOTE: At this point, the above-described
20 exhibits are being handed to the witness.

21 A Yes, sir. I recognize these ledgers.

22 Q Now, what do they purport to show?

23 A It lists the names of customers that are
24 called through our escort modeling service agency, fee, rate,
25 and referral rate, the total on the balance sheet, and the

Lewis Brooks - Cross

229.

1 total on the unpaid balance, and the date.

2 Q How often would you receive money, collected
3 money, from this business?

4 A Daily.

5 Q Did you balance the books daily?

6 A No. We didn't balance the books daily.
7 We balanced the books on a 21-day program, and we balanced
8 them.

9 Q Were you concerned about the accuracy
10 of the books and whether or not the girls would actually turn
11 in all fees owed to the agency?

12 A Yes, sir.

13 Q Because of that concern, you set up
14 certain safeguards in the business to check on them, is that
15 not correct?

16 A I don't understand what you are saying.

17 Q What controls did you have to show you
18 that you were getting the money that you were due from these
19 girls?

20 A There were no controls. If they got your
21 money and refused to give it up, you were, you're out of your
22 money, period.

23 Q So, there were no controls at all?

24 A No controls. As you can see by the black
25 marks in this book.

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Lewis Brooks - Cross

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1 Q So, that 20-year old girl who was up here,
2 Judy Blain, is absolutely inaccurate when she talks about
3 these spot check billies, is that correct?

4 A I've never spot checked anyone.

5 Q I am not talking about you, personally,
6 sir. I am talking about whether or not in this business that
7 you ran, was there an operation for spot check billies as a
8 control?

9 A No, sir, not that I know of.

10 Q Well, are you ignorant of certain portions
11 of your business?

12 A Ignorant of certain portions? No, sir,
13 I'm not ignorant. I'm known to be a pretty good judge of
14 character.

15 Q No, you missed the point. Are you unaware
16 of all of the facets of your business?

17 A Yes, sir, I'm aware of it.

18 Q So, if there were certain things being
19 done, you would know about it?

20 A No, sir, not necessarily. I'm aware of
21 the facets, but I'm not aware of being robbed out of money,
22 if that is what you are saying.

23 Q Are you saying that this man did certain
24 things in this business that you would not be aware of?

25 A Yes, sir, and it happens.

Lewis Brooks - Cross

231.

1 Q You were partners, correct, in August of
2 1981?

3 A Yes, sir.

4 Q What was your take? You said you sat down
5 and balanced the books every 21 days.

6 A I never made--In a 21-day period, I would
7 have to take a look in the book and tell you. I don't even
8 remember.

9 MR. DRISCOLL: Your Honor, could I have
10 just one second, please, sir?

11 THE COURT: Yes.

12 Q Sir, there have been introduced certain
13 pieces of evidence. On these cards there are certain names
14 of officers, vice squad members, and other police officers
15 from the metropolitan area, including Chesterfield County,
16 Henrico County, and Richmond.

17 Is there any particular reason why this
18 legitimate modeling agency and escort service would be concerned
19 about cops?

20 A No, sir. There is no reason I can think
21 of.

22 Q So, why, if you are familiar with all
23 facets of your business, all the areas of it, are such records
24 kept by you?

25 A Personally kept by me?

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1 Q For heaven's sake, sir. In the business
2 they were kept.

3 A Yes, they were kept in the business, and
4 a lot of illegal activities took place in the business that I
5 couldn't beam in on or pinpoint on for a period of time, some-
6 times up to two weeks. You're right, it would take me that
7 long to find out or catch them.

8 Q Were you aware that cards were being kept
9 with names of police officers? That was a surprise to you
10 this morning?

11 A Yes, sir, it was. It was a surprise this
12 morning. I went to check the lists when my cousin got indicted,
13 and I saw Saylor's name.

14 MR. DRISCOLL: All right, sir. Thank you.

15 MR. LYNCH: Your Honor, I have redirect.

16 THE COURT: Gentlemen, I am not going to
17 allow this case to degenerate at a quarter 'til 5
18 into a debate, and that is pretty much what it is
19 becoming, largely because of the repititious ques-
20 tions and the lack of direct answers. So, let's
21 try to move on now. If you do not, I am going to
22 put a time limit on you, and I do not want to do
23 that.

24 MR. LYNCH: Your Honor, the only purpose
25 for my redirect is to clarify a stipulation of the

Lewis Brooks - Redirect

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1 evidence.

2

3

REDIRECT EXAMINATION

4

BY MR. LYNCH:

5

Q Mr. Brooks, was there a time when you

6

operated your business on Lakeside Avenue in Henrico County?

7

A Yes, sir, it was.

8

Q Were you ever raided by the Henrico Police

9

or by anyone else at that location?

10

A No, sir, I was not.

11

Q Was there later a time when you moved your

12

equipment to another location?

13

A Yes, sir, it was.

14

Q Where was that location?

15

A That was moved to an address on Waller

16

Road, also in Henrico County.

17

Q Did you ever operate your business out of

18

that address?

19

A No, sir, we never did.

20

Q What was the purpose of that address?

21

A To store equipment.

22

MR. LYNCH: No further questions, Your

23

Honor.

24

THE COURT: Are you now saying that the

25

stipulation that he was raided in Henrico County

1 was wrong?

2 MR. LYNCH: No, Your Honor. Waller Road
3 is also in Henrico County. The only difference in
4 the stipulation is that the office was on Lakeside
5 Avenue. The material was seized on Waller Road.
6 Both are in Henrico County.

7 THE COURT: All right. You may step down.

8
9 WITNESS STOOD ASIDE

10
11 MR. LYNCH: Defense rests, Your Honor.

12 THE COURT: All right.

13 (Addressing the jury) I will ask you to
14 go to your jury room and be at ease. You can walk
15 up and down the hall.

16 Gentlemen, bring your instructions up
17 here.

18 NOTE: At this point, the jury is exiting
19 the courtroom, whereupon the following proceedings
20 were had, viz:

21 JURY ABSENT

22 THE COURT: Mr. Collins--

23 DEFENDANT COLLINS: Yes, sir.

24 THE COURT: It is my duty to inform you
25 that you may testify. No one can compel you to

1 day here, at least.

2 No one can pay you for this duty. You
3 can take no pleasure away with you, except in the
4 satisfaction and conclusion that you have met an
5 arduous task, and you have done it in the best
6 light that you had.

7 I told you this morning we had one
8 product, justice under the law for all, equality.
9 When you have done that, you have done all you can
10 do, and you can take that satisfied conclusion away
11 with you.

12 When is the next time they need to be
13 back here?

14 THE SHERIFF: On the 23rd.

15 NOTE: At this point, the jury is dis-
16 charged.

17 JURY DISCHARGED

18 MR. LYNCH: Your Honor, at this time, I
19 have a motion to set aside the verdicts as being
20 contrary to the law and the evidence.

21 THE COURT: Motion overruled. It was
22 strictly a question of fact. The question was
23 whether the jury believed the defendants when they
24 said they did not know what was going on, and,
25 frankly, it appeared to me an abundance of evidence

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1 and when I realized that the Commonwealth had made
2 offers to these defendants that I thought were very
3 favorable to them, of course, they had a right to
4 their jury, and they elected that jury, and they
5 went all the way with that jury -- Let the record
6 show that it is now 5:30, and we have had one
7 40-minute luncheon break and two or three 5-minute
8 recesses.

9 MR. LYNCH: Your Honor, the other motion
10 that I have is a motion to make the transcript a
11 part of the record.

12 THE COURT: I will do that, of course.

13 (Addressing the defendants) Stand up.

14 Mr. Brooks, is there anything you wish
15 to say?

16 DEFENDANT BROOKS: No, sir.

17 THE COURT: In accordance with the jury's
18 verdicts, ascertained, the Court fixes your punish-
19 ment at ten years in the State Penitentiary.

20 Mr. Collins, is there anything you wish
21 to say?

22 DEFENDANT COLLINS: No, sir. I'm not
23 guilty.

24 THE COURT: All right, sir. In accordance
25 with the jury's verdicts, ascertained, the Court

1 fixes your punishment at ten years in the State
2 Penitentiary and orders the transcript to be made
3 a part of the record.

4 MR. LYNCH: Your Honor, at this time, I
5 would inform the Court that we plan to note an
6 appeal in the matter, and ask that the bond be
7 continued on these defendants, pending the appeal.

8 THE COURT: No, sir. I think the evidence
9 is too overwhelming. In my opinion, it would be
10 merely a question of delay for delay's sake. If
11 I felt there was any reasonable opportunity of the
12 Supreme Court granting a writ of error, I might
13 consider it. I do not say that I would. The
14 motion is denied.

15 NOTE: At this point, court was adjourned
16 at 5:33 P.M.

17
18 HEARING CONCLUDED
19
20
21
22
23
24
25