

1 received the opposition, the draft opposition, that this was
2 Ron's way of taking care of it?

3 THE WITNESS: Yes, sir.

4 JUDGE STEINBERG: And you didn't care how he took
5 care of it as long as he took care of it?

6 THE WITNESS: Yes, sir.

7 JUDGE STEINBERG: And you didn't say to Ron, "I
8 don't want you to take care of it, I'll take care of it."
9 You never told him that?

10 THE WITNESS: I never said that.

11 JUDGE STEINBERG: And so isn't it true that, as
12 far as you were concerned, if this opposition would take
13 care of it, you were just as happy to have Ron do it and
14 file it?

15 THE WITNESS: I wanted it taken care of.

16 JUDGE STEINBERG: So is the answer to my question
17 yes?

18 THE WITNESS: Yes.

19 JUDGE STEINBERG: So didn't -- I mean, when you
20 think about it, would you think that Ron, and you never said
21 to Ron, "Don't do something like this"?

22 THE WITNESS: No, sir.

23 JUDGE STEINBERG: And so in your own mind would
24 you think that by not saying to Ron, "I don't want you to do
25 anything," that you by your silence give Ron permission to

1 do what he told you he was going to do?

2 I mean, not explicit permission. Let me withdraw
3 that because that's a confusing question.

4 I think you know what I'm getting at. Maybe I
5 will leave it there and let Mr. Romney ask my next question
6 because it might turn out --

7 MR. KNOWLES-KELLETT: Object.

8 JUDGE STEINBERG: -- to be a shorter question.

9 BY MR. ROMNEY:

10 Q Mr. Sumpster, you knew --

11 MS. LANCASTER: Wait, wait, there is an
12 objection.

13 JUDGE STEINBERG: Well, it's too late. I withdrew
14 the question. There is no pending question.

15 BY MR. ROMNEY:

16 Q Mr. Sumpster.

17 A Yes, sir.

18 Q It is a fact that you knew that Ron's attorneys
19 were going to file something and that it was going to be
20 partially on your behalf, correct?

21 A I didn't understand it that-away.

22 Q Did you ever tell Ron, "I don't want you to do
23 anything in my name with the FCC to get this done"?

24 A No. I wanted -- I wanted it done.

25 Q And you certainly will admit as you sit here today

1 that by your silence you implied to Mr. Ron Brasher that his
2 attorneys had authorization to go forward and file an
3 opposition on your behalf?

4 MR. MCVEIGH: Objection; calling on the witness to
5 speculate.

6 MR. ROMNEY: No.

7 JUDGE STEINBERG: It's in his own mind. It's not
8 speculation at all. And why don't you re-ask the question.
9 I didn't hear the answer, and if the answer is on the record
10 it's stricken in light of the objection which was overruled,
11 so you can ask your question again.

12 BY MR. ROMNEY:

13 Q It is a fact, sir, that by your silence you
14 understood that you were implying to Ronald Brasher that his
15 attorneys had authorization to file an opposition on your
16 behalf?

17 A No, sir.

18 Q Why not?

19 A I didn't -- I didn't understand they represented
20 me.

21 Q Did you tell Ron that you didn't understand the
22 opposition?

23 A I don't think so.

24 Q Well, of course not, because you just testified
25 that you didn't talk about it with Ron, right?

1 A We talked about this off and on. I told you that.

2 Q Are you trying to tell the Court today that nobody
3 was ever authorized on your behalf to file an opposition to
4 the Net Wave petition?

5 MR. KNOWLES-KELLETT: Objection, Your Honor. I
6 think he's testified several times that he didn't know
7 anything was being filed, so he didn't authorize or not
8 authorize. There is a lack of foundation for an
9 authorization.

10 MR. ROMNEY: If I could, Your Honor.

11 JUDGE STEINBERG: Let Mr. Romney see if he can --
12 that's a good point.

13 MR. ROMNEY: Well, no, I -- I would like to argue
14 that, Your Honor, if I could for a second.

15 JUDGE STEINBERG: Certainly.

16 MR. ROMNEY: I think that I have the ability to
17 task that precise question to plum the depths of the either
18 real ignorance or feigned ignorance of this witness of what
19 was going on after he got from Mr. Brasher a copy of an
20 opposition from his attorney with this cover letter that's
21 talking about the opposition.

22 JUDGE STEINBERG: Okay, I'll overrule the
23 objection.

24 But did you know that Ron was going to submit
25 something to the FCC concerning the Net Wave petition?

1 THE WITNESS: Yes, sir.

2 JUDGE STEINBERG: Okay. But whether it was
3 "filed", that's the term of art at the FCC, whether it was
4 "filed" with the FCC, you didn't know, and probably today
5 you don't know?

6 THE WITNESS: No, sir.

7 JUDGE STEINBERG: So we're talking about what was
8 in the witness' mind at the time, and okay. Mr. Romney?

9 MR. ROMNEY: Thank you.

10 JUDGE STEINBERG: Let me, before you start.

11 MR. ROMNEY: Go ahead.

12 JUDGE STEINBERG: There was -- you were concerned
13 with Jim Sumpster, Norma Sumpster, Melissa Sumpster, Jennifer
14 Hill; is that correct?

15 THE WITNESS: Yes, sir.

16 JUDGE STEINBERG: I'm talking about the Net Wave
17 petition.

18 THE WITNESS: Yes, sir.

19 JUDGE STEINBERG: Obviously you're concerned with
20 them even if there was no Net Wave petition.

21 THE WITNESS: Yes.

22 JUDGE STEINBERG: Were you acting as the point
23 man, so to speak, for all four in your dealings with Ron --

24 THE WITNESS: Yes.

25 JUDGE STEINBERG: -- about this matter?

1 THE WITNESS: Absolutely.

2 JUDGE STEINBERG: And did they know that?

3 THE WITNESS: Yes, sir.

4 JUDGE STEINBERG: And in family dynamics, it was
5 okay with them?

6 THE WITNESS: Yes, sir.

7 BY MR. ROMNEY:

8 Q And through the family dynamics, sir, it was
9 understood by Norma, Jennifer and Melissa that you would be
10 the only one to speak on behalf of the family, correct?

11 A No, I wouldn't say that. I'm not their spokesman.

12 Q Did you tell them to not discuss this matter with
13 Ron and Pat?

14 A No, sir.

15 Q Did you imply to them, sir, that they were to not
16 have discussions with Ron or Pat --

17 A No, sir.

18 Q -- about this FCC matter?

19 A No, sir. They had weekly discussions with them.

20 Q About this FCC --

21 A About family matters and all. Yes, sir. They had
22 weekly contact with them is what I meant.

23 Q Let's see --

24 JUDGE STEINBERG: At church or other places?

25 THE WITNESS: No. Just family, you know.

1 JUDGE STEINBERG: Okay.

2 BY MR. ROMNEY:

3 Q Well, let me direct you again to page 14 of
4 Exhibit No. 37.

5 A Okay.

6 Q You got that document on the 23rd of November,
7 1996.

8 A Right.

9 Q 1997. Is that right?

10 A That's what the fax header says.

11 Q Yes. Is that about the time you got it?

12 A I'd say fine.

13 Q Do you recall any other date, sir?

14 A No, I don't.

15 Q And then you wrote the letter, Exhibit No. 39, on
16 or about November 29, 1997; is that right?

17 A What is that exhibit number?

18 Q Number 39.

19 A I was talking 27, that's -- 29, right, you're
20 right.

21 Q Did you write that letter on or about the date
22 that's listed thereon?

23 A Yes, sir.

24 Q And let's see, did you go to Thanksgiving dinner
25 at the Brashers that Thanksgiving '97?

1 A I know we went to Christmas. I don't know about
2 Thanksgiving.

3 Q Did you have any -- strike that.

4 When was it that you family stopped communication
5 with the Brashers?

6 A I'd say early part of '98.

7 Q January? I mean, how early are we talking? Right
8 after New Years?

9 A Well, we signed the transfers or you call them
10 assignments, right?

11 Q Yes, sir.

12 A On the 28th of January, I believe; along that time
13 period. I couldn't tell you the exact date.

14 Q And that was a decision on your part as the family
15 patriarch that from now on we're just not going to have any
16 more dealings with the Brashers?

17 A Not at all.

18 Q Whose decision was that to cut off communications?

19 A Well, you make it sound like we just one day
20 decided we're cutting off communications, but they cut --

21 Q Wasn't that how it happened?

22 A No, sir. They cut off communications with us as
23 well as us cutting off with them.

24 Q Exhibit 34, page 14 again, please.

25 A Exhibit 34?

1 Q Thirty-seven. I'm sorry.

2 A Okay. What page? Fourteen? Okay.

3 Q Fourteen, the one we've been looking at.

4 A Right.

5 Q Between the time of November 23, 1997 and Exhibit
6 No. 39, November 29, 1997, do you recall any of your
7 discussions that you may have had with Ron Brasher about
8 this matter?

9 A Yes, sir, I'm sure we were talking daily about it.
10 What is this? Talking about the Net Wave petition?

11 Q Yes, sir.

12 A I don't understand it, you know, so and so forth.

13 Q Well, you didn't ask him every day what is this,
14 did you?

15 A I asked him several times.

16 Q By this time in November, late November '97,
17 you're still asking him what is it?

18 A Well, we just received the Net Wave petition.

19 Q By the first time you talked to him you knew what
20 it was, didn't you?

21 A I didn't just talk to him one time if that's what
22 you are saying.

23 Q Well, did you have the same conversation every
24 time you talked to him?

25 A We were upset about it.

1 Q And you repeated all the same conversation every
2 time?

3 A I don't know if we repeated the same conversation.

4 Q November 29th, you wrote this letter?

5 A Yes, sir.

6 Q And in fact everybody wrote a letter, is that
7 right, all your family?

8 A I think so.

9 Q In fact, you wrote them all?

10 A Yes, sir.

11 Q And you had the girls sign them?

12 A Yes, sir.

13 Q Including Norma?

14 A Yes, sir.

15 Q Did you all have a sit-down meeting some time
16 around that time frame, November 29th, to go over this?

17 A We talked about the idea that we wanted to put it
18 down on paper to Ronald, have it documented that we -- first
19 of all, we were unaware that we owned any radio channels we
20 called them then, and that I hadn't signed any documents,
21 and we wished that -- told him that since it appeared
22 deceptive to other people, we would like for our name to be
23 removed.

24 Q Well, now, your wife didn't say in those
25 discussions, did she, that she didn't own any radio

1 channels. She had owned some, right?

2 A She didn't own them at the time, Mr. Romney. We
3 understood she owned them in the past. They had been
4 transferred. At this time she did not understand she owned
5 any radio channels or stations, and neither did my children.
6 And I certainly did not understand I owned one.

7 Q Isn't it a fact, sir, that your recollection of
8 events could have been different than the recollection of
9 Norma, right?

10 A Oh, absolutely.

11 Q And your recollection could have been different
12 than the recollection of Melissa or Jennifer?

13 A Could have been; sure.

14 Q You said that back in the early eighties you had
15 been approached by Ronald to have an application for a
16 license in your name?

17 A Yes, sir.

18 Q And you said you said you didn't want to do that?

19 A Yes.

20 MR. MCVEIGH: Objection; misstates former
21 testimony.

22 JUDGE STEINBERG: Well, if it -- if it's
23 mischaracterizing the former testimony, obviously the former
24 testimony will control. But why don't you ask it -- how is
25 it misstated?

1 MR. MCVEIGH: I don't believe there was any
2 testimony about Mr. Brasher asking Mr. Sumpter in the early
3 eighties to participate in an application.

4 JUDGE STEINBERG: Oh, you said eighties?

5 MR. ROMNEY: If I said eighties, I meant early
6 ninety.

7 JUDGE STEINBERG: Okay. Ask it again. That's a
8 good point.

9 BY MR. ROMNEY:

10 Q You have testified about a time frame in the early
11 nineties when Mr. Brasher and you had a conversation --

12 A Yes.

13 Q -- about radio licenses in your name; is that
14 right?

15 A Yes, sir.

16 Q And you said at that time you didn't want to do
17 that because it would destroy your independence?

18 A I said it would affect my independence, yes.

19 Q And how would that affect your independence?

20 A Because I was his accountant. I was his CPA.

21 Q And you were independent from him as an accountant
22 without having a license?

23 A Well, independence is a -- is something that
24 accountants have to have to do audits and reviews. And I
25 felt like -- I feel like that in any accounting engagement

1 that we need a degree of independence. And if I was in
2 business with him, I would not want to be his CPA or his
3 accountant.

4 Q You never audited DLB, did you?

5 A Never did.

6 Q In fact, you never were independent from DLB, were
7 you?

8 A No, sir, I --

9 Q You're a family member, right?

10 A Technically, I was independent.

11 Q By the rules of the AICPA, you would have lost
12 your independence to perform an audit by virtue of the
13 relationship of your wife and Patricia as the president of
14 DLB; is that not correct, sir?

15 A I spoke incorrectly just then.

16 Q Okay.

17 A Can I re-speak?

18 Q You may.

19 A Okay, I spoke incorrectly.

20 I was not independent of DLB, but I didn't do any
21 work that required any independence. The work that I did
22 did not require independence. That's what I meant to say.

23 Q So when you told Ronald back then that you didn't
24 want to sign up for a radio license because it might affect
25 your independence, there wasn't any independence to affect,

1 was there?

2 A Well, sir, the way I see it is this. There was no
3 technical independence involved, but any accountant, I feel,
4 should have a separation between a client and themselves.
5 And I felt that that separation would be destroyed if I went
6 in business with him.

7 Now, if you want to call that independence, that's
8 fine. I am thinking of this separation that I feel like --
9 that I should have kept between me and my client.

10 Q Well, sir, if you are an employee, your wife is
11 the sister of the president of the company, there is no way
12 on this earth under the rules that ever existed under the
13 AICPA that you are going to be independent.

14 A I agree.

15 Q So that was not a true reason, was it?

16 A I agree. I was -- but the idea of separation is
17 there.

18 Q Well, when you responded to the questions of Mr.
19 Knowles-Kellett before the Judge today, you used the word
20 "independence," is that right?

21 A What did he ask me?

22 Q You told him that you would not be independent.

23 A I might have used that word, and I might have used
24 it in the context of separation. I agree with you 100
25 percent. The AICPA's rules do not require -- I would never

1 be independent because they are relatives, now would I need
2 independence to do the engagement I was hired to do.

3 Q Well, sir, isn't it a fact that maybe in the early
4 nineties you just didn't want to have a radio application in
5 your name, but it didn't have anything to do with the reason
6 you gave to Mr. Brasher, which was your supposed
7 independence as an accountant, did it?

8 A It had to do with the fact that it would destroy
9 my separation.

10 Q Have you ever authorized your wife to sign your
11 name for anything?

12 A No, sir. She signed, endorsed some checks at time
13 for deposit only in my name. But I've never authorized her
14 to sign my name.

15 Q Has she ever signed your signature to a check with
16 your permission?

17 A You mean the front? I said she had endorsed some
18 checks we had received at times, personal checks.

19 Q Yes, sir.

20 A That was my comment. And you are saying did he
21 ever sign --

22 Q On the front side.

23 A Front side where you were signing as the payee?

24 Q Yes.

25 A No, sir. She signs her checks -- there was a

1 period of time she signed her checks Mrs. Jim Sumpter.

2 Q How long did she do that?

3 A Several years. I couldn't tell you exactly how
4 long.

5 Q Do you remember when she stopped signing Mrs. Jim
6 Sumpter?

7 A No, sir.

8 Q Does she still do that today?

9 A I don't think she does, but I couldn't tell you
10 for sure.

11 Q Has your wife ever been given permission by you,
12 sir, to sign other documents in your name?

13 A No, sir. She may have written my name on not
14 really as a signature, but may have written my name on
15 compilation letters issued to clients where it's just the
16 firm signing, but we have -- all accounting firm or my --
17 every accounting firm I have been around we have secretaries
18 that will sign those, just sign the firm's name.

19 Q The question is not about other firms, sir. Have
20 you permitted your wife to sign your name on the document?

21 A She -- she -- that's not a signature in my mind.
22 She is simply writing my name on there. But I don't know
23 that she's done that too often.

24 Q What does your wife do at your office in 1996?

25 A In 1996?

1 Q Yes, sir. What was her role?

2 A She answers -- she answered the phone, and did
3 bookkeeping basically; data input on tax returns and things.

4 Q What did she do specifically with reference to the
5 DLB account in 1996?

6 A She did the bookkeeping.

7 Q When you say "bookkeeping," would you explain to
8 the Court what you mean by that?

9 A Yes, sir. We receive the bank statement along
10 with the check stubs. And as I testified to earlier, there
11 was a time that we received the total invoices and then
12 there was a time we received accounts receivable listing for
13 that period. And her duties would be to reconcile the bank
14 account back to the checkbook; code the checks out into the
15 various expense accounts; make a sales -- what we would call
16 a sales entry either from the sales invoices or from the
17 accounts receivable computer run or listing, and then enter
18 that into the computer, and draw out financial statements
19 for my review.

20 Q Did you assist the Brashers in establishing the
21 accounting procedures at their office at DLB?

22 A Only to the degree of what was given to me. I
23 might have given them advice in other areas, but normally it
24 would concern the data that they gave to me.

25 Q Way back in the very beginning, did you assist the

1 Brashers in putting together their accounting procedures at
2 DLB Enterprises?

3 A Yes, sir. When we started DLB, Pat -- I was with
4 Pat to serve as her accountant, and she started out, you
5 know, small, and we started out with a checkbook, and yes,
6 sir, I gave her advice, I'm sure, about how to file the
7 invoices, what to do here, what to do there.

8 Q Did you give them advice on what level of the
9 company business to show a profit or loss?

10 A I don't understand.

11 Q Well, there is different parts of the business of
12 DLB; is that right?

13 A Are you saying like there is a repeater and there
14 is equipment sales, there is service.

15 Q Yes, sir.

16 A There is park sales.

17 Q And technically from an accounting standpoint a
18 profit or loss assestainment could be made in each of those
19 areas of the company; is that right?

20 A It would have been possible. We didn't keep that
21 detail of record though because common costs would have had
22 to have been allocated between those areas. That was never
23 done while I was there.

24 Q In fact, your advice to the Sumpters --

25 A Not the Sumpters.

1 Q Your advice to the Brashers was to do just a P&L
2 on the entire company operations, right?

3 A That's what they wanted.

4 Q And that's what you helped them apply?

5 A Yes, sir.

6 Q Now, did you help them -- did you assist them when
7 they went over to the computerized system in establishing
8 their accounting procedures?

9 A The only -- the computerized system, they simply
10 went to receivables and payables on the computerized. It
11 wasn't a general ledger system. So I'm sure that I -- we
12 had designed a chart of accounts, but I -- we had done some
13 things, but I would say I helped them, yes, sir, to answer
14 your question. I didn't -- I didn't write the systems.

15 Q I'll ask you turn to Exhibit No. 40. Do you have
16 that in front of you, sir?

17 A Yes, sir.

18 Q That first sentence that says, "I have signed the
19 letter from the FCC dated 11-17." Just to make sure that we
20 are talking about the right document, are you referring in
21 that sentence, sir, to Exhibit No. 38?

22 A Thirty-eight?

23 Q Thirty-eight.

24 A Yes, sir, I am.

25 Q And you go on to say, "You advised me that I

1 qualify to have this license and you have furnished all
2 information requested in this letter."

3 A Yes, sir.

4 Q What did you mean by that?

5 A I mean that I was documenting the fact that he
6 told me it's okay if you've got the license, and I was also
7 documenting the fact that where I wrote these numbers in on
8 this 800, that he gave me the information. He furnished all
9 the information for me to put on there.

10 Q So when you say "this letter" in that second
11 sentence, you are referring to Exhibit No. 38?

12 A Yes, sir.

13 Q "My application for a license was your idea and
14 strictly for your benefit."

15 What did you mean by that?

16 A I basically meant that I didn't know about an
17 application for a license, and that it was for his benefit.
18 It was strictly his idea.

19 Q Well, let me re-read that sentence for you. "My
20 application for a license was your idea and strictly for
21 your benefit."

22 I don't particularly find in there the words "I
23 didn't apply for the license." Do you see that anywhere?

24 A Sir, by this time I had received -- when I wrote
25 this letter, I had received the Net Wave petition. There

1 was no doubt that I had a license. There must have been an
2 application.

3 Q Do you say in there that you didn't fill out an
4 application?

5 A I don't say in that letter.

6 Q Why didn't you?

7 A It was pointless. Somebody filled out an
8 application. I had a license in my name.

9 Q You are the one that chose the words in this
10 Exhibit No. 40, right?

11 A Yes, sir.

12 Q You wrote this on behalf of yourself and you wrote
13 one almost identically for everybody else in the family,
14 correct?

15 A No, sir, that's not true.

16 Q You did not write one for anybody else?

17 A No, sir. The girls did not write this letter.

18 Q Did Norma?

19 A Yes, sir.

20 Q And you wrote it for Norma?

21 A Yes, sir.

22 Q Why didn't you, sir, in this letter put in writing
23 to Ron Brasher that "I did not apply for a license"?

24 A I tried to put that in my previous letter or
25 convey that meaning in my previous letter.

1 Q So you didn't feel it was necessary to put it in
2 this letter?

3 A No, sir. He had already told me 100 times that I
4 had signed an application by the time I wrote the letter on
5 December the 20th.

6 Q Let me refer you to Exhibit 37, page 27, please.

7 A Thirty-seven, 27.

8 All right, sir.

9 Q First off, I'm sorry, let me take you back to 40,
10 if you can look at that real quickly.

11 A Exhibit 40?

12 Q Yes, sir.

13 A Okay.

14 Q Do you know whether or not Ron got a copy of
15 Exhibit No. 40?

16 A You mean did he receive it?

17 Q Did he receive a copy of it?

18 A I mailed it. I think I mailed it registered.

19 Q Do you have in your possession the registration on
20 it?

21 A No, sir.

22 Q Exhibit No. 37, page 27, did you receive that
23 document from Ron?

24 A Thirty-seven, 27.

25 JUDGE STEINBERG: You have it.

1 THE WITNESS: Yes, sir.

2 BY MR. ROMNEY:

3 Q You did receive that?

4 A Yes, sir, I did.

5 Q Did you read it?

6 A Did I read it?

7 Q Yes, sir.

8 A Yes, sir.

9 Q Did you understand it?

10 A Well, yes, I understood it.

11 Q Did you respond to it?

12 A No, sir, I had already responded. I mean, I had
13 already questioned him about the license.

14 Q You did not send any letter or any other sort of
15 written memorandum back to Ronald Brasher in response to
16 Exhibit No. 37, page 27?

17 A No, sir, because he said in there, "I am
18 commencing removing your name from your signed license," and
19 that's what I wanted, "transfer the ownership be completed
20 after a letter of construction and transfer papers are
21 filed. Process already begun and once I receive the papers,
22 I'll contact you."

23 Q Exhibit 37, page 30, did you sign that document?

24 A Yes, sir I did.

25 Q And what did you understand to do when you signed

1 it?

2 A Transfer.

3 Q You understood that Ron was complying with your
4 request to transfer the license out of your name?

5 A Absolutely.

6 Q Going to the issue of the mobile license that
7 you -- the mobile phone that was in Jennifer's car --

8 A Yes, sir.

9 Q -- back in '89 through '92, is that your
10 testimony?

11 A '89 to '92.

12 Q '89 to '92.

13 You all discussed -- you all asked for a phone in
14 her car from the Brashers, didn't you?

15 A No, sir, we did not.

16 Q You discussed with them your concern about her
17 being on the road?

18 A Yes, sir.

19 Q And you certainly were not surprised by the offer
20 of the phone from the Brashers?

21 A Well, you're confusing me. One time you are
22 saying that we asked for it and then you are saying that
23 they offered it.

24 Q I'm just asking my question. I'm just working
25 back.

1 A Me too.

2 Q Answer my questions.

3 A Me too.

4 Q Are you confused? Let me know if you are
5 confused?

6 A Yeah.

7 JUDGE STEINBERG: And he did.

8 MR. ROMNEY: Yes.

9 THE WITNESS: We did not ask for it. Pat offered
10 it.

11 BY MR. ROMNEY:

12 Q Were you surprised that she offered it?

13 A No, sir.

14 Q Were you glad that she offered it?

15 A Absolutely, to keep track of the girl.

16 Q Was there anything said that you were getting this
17 phone in exchange for Norma having a license?

18 A No, sir.

19 Q Was there anything said about you get the phone in
20 exchange for Jennifer having a license, radio license?

21 A No, sir.

22 Q Did you hear anything about getting the phone in
23 exchange for Melissa having a license?

24 A No, sir.

25 Q When you got the bill for that mobile phone, you

1 knew that Ron had already sold the service by then?

2 A Yes, sir.

3 Q I'll ask you to take in your hand, sir, the
4 document that your attorney gave you, excuse me, Mr.
5 Knowles-Kellett gave you.

6 JUDGE STEINBERG: Seventy.

7 (Pause.)

8 BY MR. ROMNEY:

9 Q Would you please demonstrate for the Court on page
10 1 where Mary Hardin Baylor is?

11 A Demonstrate, you mean point out?

12 Q Just point to it, yes, so he knows where Mary
13 Hardin Baylor is.

14 A You said to the Judge?

15 Q Yes, sir.

16 A I'm sorry.

17 Q Yes, sir.

18 A Okay.

19 JUDGE STEINBERG: Anybody else can come up and
20 look too.

21 MS. LANCASTER: I would like to look, Your Honor.

22 JUDGE STEINBERG: Maybe we should use the original
23 because that's easier to see, the original being a Road
24 Atlas and then we can circle it on our Exhibit 70.

25 THE WITNESS: Okay, it's right to --

1 MR. PEDIGO: Sir, you have to speak up.

2 JUDGE STEINBERG: Okay. Let him just circle it
3 and then we can all circle it.

4 THE WITNESS: Okay, you want me to draw a circle
5 around it?

6 JUDGE STEINBERG: No, no.

7 THE WITNESS: It's right there. See, it's Belton.
8 You go to Temple, the large town, and then come down below
9 it. It's hard to see on that map, the copy. But it's
10 Belton. It's eight miles from Temple. You can see it right
11 there and it says right beside it University of Mary Hardin
12 Baylor. Do you see that on the copy?

13 JUDGE STEINBERG: Oh, I see, yes, sort of.

14 THE WITNESS: You can see it on this, Judge, right
15 here. See it right there, it says University of Mary Hardin
16 Baylor, Belton?

17 JUDGE STEINBERG: So it's about east, southeast of
18 Clee, if I said that right.

19 THE WITNESS: Yes, sir. nearly due east.

20 JUDGE STEINBERG: Nearly due east of Clee?

21 THE WITNESS: Yes, sir. Yes, sir. Clee/South
22 Fort Hood.

23 JUDGE STEINBERG: Oh, I see Fort Hood, yes.

24 THE WITNESS: South of that. You're lucky if you
25 didn't go.