

## Section 6

6. Transcript of sentencing hearing before Chief Judge Peckham, 3/3/87

*A complete transcript of the sentencing hearing. It includes the pleas of both the defense and the prosecution in regard to sentencing, and the court's final determination.*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE ROBERT F. PECKHAM, CHIEF JUDGE

UNITED STATES OF AMERICA, )

PLAINTIFF, )

VS. )

LAURENCE JOHN LAYTON, )

DEFENDANT. )

CR-80-0416 RFP

**COPY**

SAN FRANCISCO, CALIFORNIA  
TUESDAY, MARCH 3, 1987

APPEARANCES:

FOR PLAINTIFF:

JOSEPH P. RUSSONIELLO  
UNITED STATES ATTORNEY  
D. MICHAEL NERNEY,  
ASSISTANT UNITED STATES ATTORNEY  
450 GOLDEN GATE AVENUE  
SAN FRANCISCO, CA. 94102

FOR DEFENDANT:

ROBERT R. BRYAN, ESQ.  
THOMAS W. JACKSON, ESQ.  
2020 UNION STREET  
SAN FRANCISCO, CA. 94123

REPORTED BY: ROBERTA L. ROGERS, CSR, CP, CM

COMPUTER-AIDED TRANSCRIPTION BY XSCRIBE

1 TUESDAY, MARCH 3, 1987

2 THE CLERK: CR-80-416 UNITED STATES OF AMERICA VERSUS  
3 LAURENCE JOHN LAYTON FOR HEARING ON DEFENDANT'S MOTIONS IN  
4 ARREST OF JUDGMENT, FOR NEW TRIAL AND FOR SENTENCING.

5 MR. RUSSONIELLO: JOSEPH P. RUSSONIELLO, UNITED STATES  
6 ATTORNEY, WITH ASSISTANT UNITED STATES ATTORNEY MICHAEL NERNEY,  
7 YOUR HONOR.

8 MR. BRYAN: ROBERT R. BRYAN ON BEHALF OF MR. LAYTON AND  
9 ASSOCIATE COUNSEL THOMAS W. JACKSON.

10 THE COURT: ALL RIGHT.

11 THE CLERK: LET THE RECORD SHOW THE DEFENDANT IS ALSO  
12 PRESENT IN COURT.

13 THE COURT: THE DEFENDANT IS PRESENT. TODAY THERE HAS  
14 BEEN SET DOWN SEVERAL MATTERS. ONE, THE RULING ON THE MOTIONS  
15 FOR NEW TRIAL SUBMITTED BY FORMER COUNSEL. I AM PREPARED TO  
16 RULE ON THOSE AND I WILL DO SO IN A FEW MOMENTS.

17 SECOND, THE FURTHER MOTION FOR NEW TRIAL ON ADDITIONAL  
18 GROUNDS SUBMITTED BY MR. BRYAN. THERE ARE TWO GROUNDS SET FORTH  
19 IN THE SUPPLEMENTAL OR SECOND MOTION. WE DISCUSSED THOSE LAST  
20 THURSDAY AT A STATUS CONFERENCE. WE EARLIER HAD DISCUSSED THOSE  
21 GROUNDS AT THE TIME THE CASE WAS ORIGINALLY SET DOWN FOR  
22 SENTENCING.

23 WE DID NOT PROCEED WITH THE SENTENCING OR WITH THE  
24 RULING ON THE MOTIONS ON THAT DATE BECAUSE MR. BRYAN HAD JUST  
25 COME INTO THE CASE. MR. LAYTON INDICATED THAT HE WANTED HIM TO

1 REPRESENT HIM, AND MR. BRYAN HAD NOT HAD SUFFICIENT TIME, THOUGH  
2 HE WAS WILLING TO DO SO, HE DID NOT HAVE SUFFICIENT TIME TO  
3 PROCEED WITH THE SENTENCING ON THAT DATE.

4 FURTHER, THE MOTION WHICH HAD BEEN FILED HAD BEEN DONE  
5 SO WITH VERY LITTLE TIME FOR PREPARATION, AND HIS REQUEST FOR AN  
6 OPPORTUNITY TO SUPPLEMENT OR TO AMPLIFY THAT MOTION WAS MADE TO  
7 US AND WE GRANTED THAT.

8 SUBSEQUENTLY, WE HAVE RECEIVED HIS PAPERS AND HIS  
9 MOTION. WE DISCUSSED MORE RECENTLY LAST THURSDAY THAT WE WOULD  
10 PROCEED WITH THE FIRST ROUND WITH RESPECT TO THE ADVICE OR  
11 CONVERSATIONS WITH THE DEFENDANT BY HIS PREVIOUS COUNSEL WITH  
12 RESPECT TO THE MANDATORY LIFE SENTENCE AND DEFER AS A 2255  
13 MATTER THE SECOND GROUND UNTIL AFTER THE SENTENCING.

14 WE HAVE HAD FURTHER OPPORTUNITY NOW TO GO OVER THIS  
15 MATTER AND IT SEEMS TO ME THAT WE SHOULD PROCEED THIS MORNING IN  
16 THE FOLLOWING WAY: I WILL PROCEED TO RULE, AS I INDICATED, ON  
17 THE FIRST MOTION FOR A NEW TRIAL. I AM DENYING THAT MOTION FOR  
18 THE REASONS THAT I WILL STATE. AND THEN WE WILL PROCEED WITH  
19 THE SENTENCING.

20 WE WILL THEN SET DOWN FOR A HEARING--AND WE WILL  
21 DISCUSS THIS WITH COUNSEL--A HEARING AND TREAT BOTH OF THE  
22 SECOND MOTION GROUNDS AS A 2255 MATTER.

23 WE WILL HAVE A FURTHER STATUS CONFERENCE, BUT WE WILL  
24 SET TODAY A DEFINITE TIME FOR HEARING AND WE WILL SET ASIDE A  
25 FULL DAY AND PERHAPS A SECOND DAY. I HAVE SOME COMMENTS ABOUT

1 THAT THAT MIGHT BE USEFUL TO YOU.

2 I DO NOT FEEL THAT IT WILL BE NECESSARY TO CALL ALL OF  
3 THE WITNESSES AS IF THE DEFENSE WAS BEING PUT FORWARD. I THINK  
4 THERE WILL BE A NEED FOR CERTAIN WITNESSES. I THINK THAT WE  
5 WILL NEED A CERTAIN AMOUNT OF TIME FOR THAT HEARING, WHICH WE  
6 WISH TO PLAN AND ALLOW.

7 THE REASON I DON'T WANT TO PROCEED IN A BIFURCATED WAY  
8 AS WE DISCUSSED ON THURSDAY IS THAT I NOW FIND THAT, AS WAS  
9 EVIDENT ON THURSDAY, THAT THESE ARE INTERTWINED AND IT IS NOT  
10 EFFICIENT TO PROCEED IN THAT FASHION.

11 SO I THINK THE MOST EFFICIENT WAY IS TO RULE ON THE  
12 GROUNDS SET FORTH IN THE FIRST MOTION FOR NEW TRIAL, PROCEED  
13 WITH THE SENTENCING, AND THEN HAVE FURTHER HEARING AS IF IT WERE  
14 A 2255 MATTER ON BOTH THE GROUNDS RAISED IN THE SECOND MOTION.  
15 SO THAT WILL BE HOW WE WILL PROCEED.

16 NOW, I WILL PROCEED WITH THE RULING ON THE EARLIER  
17 GROUNDS. THE DEFENDANT HAS FILED MOTIONS AS FOLLOWS: FIRST, A  
18 MOTION IN ARREST OF JUDGMENT BECAUSE THE COURT LACKS  
19 JURISDICTION. SECOND, MOTION TO DISMISS THE INDICTMENT ON  
20 SPEEDY TRIAL AND DUE PROCESS GROUNDS. THIRD, MOTION FOR NEW  
21 TRIAL BECAUSE THE COURT ERRED IN ADMITTING THE PREARRIVAL  
22 SPEECH, THE GARRY STATEMENT, THE KANSINALLY STATEMENT, AND THE  
23 DEFENDANT'S CONFESSION, AND BECAUSE THE COURT IMPERMISSIBLY  
24 AMENDED THE INDICTMENT BY CHARGING THE JURY THAT THE DEFENDANT  
25 COULD BE FOUND GUILTY FOR CONSPIRING WITH PERSONS WHETHER NAMED

1 IN THE INDICTMENT OR NOT. AND FOURTH, MOTION FOR JUDGMENT OF  
2 ACQUITTAL NOTWITHSTANDING THE VERDICT BECAUSE AS A MATTER OF LAW  
3 THE CIRCUMSTANTIAL EVIDENCE SUPPORTED A REASONABLE INFERENCE  
4 THAT THE DEFENDANT DID NOT HAVE A SPECIFIC INTENT TO COMMIT THE  
5 CRIMES CHARGED.

6 NOW, FIRST, AS TO THE MOTION IN ARREST OF JUDGMENT.  
7 THE DEFENDANT MOVES FOR ARREST OF JUDGMENT ON THE GROUND THAT  
8 THE COURT LACKS JURISDICTION OVER THE OFFENSES CHARGED. THIS  
9 COURT HAS ALREADY FULLY CONSIDERED THE JURISDICTIONAL ISSUE AND  
10 CONCLUDED THAT CONGRESS INTENDED EXTRATERRITORIAL JURISDICTION  
11 TO APPLY UNDER THE STATUTES APPLICABLE HERE.

12 HOWEVER, THE DEFENDANT POINTS OUT THAT, SUBSEQUENT TO  
13 OUR OPINION ON THE JURISDICTIONAL ISSUE, CONGRESS AMENDED THE  
14 STATUTE TO ADD THE FOLLOWING CLAUSE: "THERE IS EXTRATERRITORIAL  
15 JURISDICTION OVER THE CONDUCT PROHIBITED BY THIS SECTION."  
16 TITLE 18 UNITED STATES CODE, SECTION 351(I).

17 AS THE GOVERNMENT POINTS OUT, THIS AMENDMENT IS IN NO  
18 WAY INCONSISTENT WITH OUR PRIOR ORDER, AND WAS ADDED BY CONGRESS  
19 SIMPLY TO REMOVE ANY EXISTING AMBIGUITY OVER THE  
20 EXTRATERRITORIAL APPLICATION OF THE STATUTE. THE HOUSE REPORT  
21 ON THE AMENDMENT STATES THE FOLLOWING:

22 "SUBSECTION (I) TO SECTION 351 PROVIDES THAT THE  
23 UNITED STATES HAS EXTRATERRITORIAL JURISDICTION OVER  
24 AN OFFENSE UNDER SECTION 351. WHILE SECTION 351 MAY  
25 ALREADY HAVE EXTRATERRITORIAL APPLICATION, THE

1 COMMITTEE BELIEVES THAT EXPLICIT LANGUAGE IS NECESSARY  
2 TO ELIMINATE ANY AMBIGUITY IN THE LAW. FOR INSTANCE,  
3 IN UNITED STATES VERSUS LAYTON, 509 F.SUPP. 212,  
4 NORTHERN DISTRICT OF CALIFORNIA, APPEAL DISMISSED,  
5 CITE, CERT. DENIED, CITE, THE DEFENDANT ARGUED  
6 UNSUCCESSFULLY THAT THE UNITED STATES HAD NO  
7 JURISDICTION UNDER SECTION 351 IN A PROSECUTION FOR  
8 THE KILLING OF CONGRESSMAN LEO RYAN IN GUYANA.  
9 DESPITE THE CONGRESS'S FAILURE TO EXPLICITLY STATE  
10 THAT SECTION 351 APPLIES EXTRATERRITORIALLY, THE COURT  
11 INFERRED SUCH APPLICATION.

12 WHILE THE TERM 'EXTRATERRITORIAL  
13 JURISDICTION' IS NOT DEFINED IN TITLE 18, THE  
14 COMMITTEE INTENDS THAT ITS MEANING IN THIS BILL BE  
15 THAT GIVEN TO THE TERM BY NUMEROUS COURTS. SEE, E.G.,  
16 UNITED STATES VERSUS LAYTON."

17 THAT CONCLUDES THE QUOTE FROM THE LEGISLATIVE HISTORY.  
18 IF ANYTHING, THIS EXCERPT INDICATES CONGRESSIONAL APPROVAL OF  
19 OUR PREVIOUS DECISION, AND THUS CANNOT PROVIDE THE BASIS FOR  
20 REVERSING OURSELVES.

21 NOW, TWO, AS TO THE MOTION TO DISMISS THE INDICTMENT.  
22 THE DEFENDANT MOVES TO DISMISS THE INDICTMENT ON SPEEDY TRIAL  
23 AND DUE PROCESS GROUNDS. WE HAVE ALSO PREVIOUSLY CONSIDERED AND  
24 RULED AGAINST THE DEFENDANT ON THIS ISSUE. THE ONLY NEW  
25 ALLEGATION THAT THE DEFENDANT MAKES IN SUPPORT OF HIS ARGUMENT

1 IS THAT HE WAS PREJUDICED BY HIS INABILITY TO LOCATE CLEMENT  
2 LILADRIE, WHO COULD HAVE IMPEACHED MORTIMER KANSINALLY'S  
3 TESTIMONY THAT LAYTON WAS HEARD TO SAY: "I SHOT THE  
4 MOTHERFUCKERS."

5 THE DEFENDANT ALSO CONTENDS THAT LILADRIE AND DURGA  
6 PERSAUD, IF AVAILABLE, WOULD HAVE TESTIFIED TO LAYTON'S MENTAL  
7 HEALTH AT THE TIME OF THE OFFENSE.

8 AS NOTED BY THE GOVERNMENT, THE DEFENSE ITSELF HAS  
9 ARGUED THAT THE STATEMENT, "I SHOT THE BLANK," IS MINIMALLY  
10 PROBATIVE OF LAYTON'S INVOLVEMENT IN THE CONSPIRACY CHARGED.  
11 THUS, IT IS HARD TO IMAGINE EXACTLY WHAT PREJUDICE THE DEFENDANT  
12 SUFFERED BY NOT BEING ABLE FOR IMPEACH THAT TESTIMONY.

13 FURTHERMORE, THE COURT HAS GONE OUT OF ITS WAY TO  
14 ACCOMMODATE THE DEFENSE'S CONCERNS IN THIS REGARD BY PERMITTING  
15 THE PREVIOUS TESTIMONY OF LILADRIE IN GUYANA TO BE READ TO THE  
16 JURY.

17 FINALLY, BECAUSE KANSINALLY HIMSELF WAS SUBJECT TO  
18 CROSS-EXAMINATION, THERE ARE NO CONFRONTATION CLAUSE PROBLEMS  
19 INVOLVED IN ADMITTING THIS TESTIMONY.

20 WITH RESPECT TO THE ISSUE OF LAYTON'S MENTAL STATE,  
21 THIS COURT HAS ALREADY FULLY CONSIDERED THE ABSENCE OF DURGA  
22 PERSAUD IN ITS OPINION ON THE DEFENDANT'S SPEEDY TRIAL MOTION.  
23 THE DEFENDANT MAKES NO NEW CONTENTIONS IN THIS REGARD THAT MERIT  
24 RECONSIDERATION OF THAT OPINION. AND SO THAT MOTION IS DENIED.

25 MOTION FOR NEW TRIAL WE NOW ADDRESS. WITH RESPECT TO



1 THE PREARRIVAL SPEECH, THE DEFENDANT CONTENDS THAT THIS COURT  
2 IMPROPERLY ADMITTED THE PREARRIVAL SPEECH ON THE THEORY THAT IT  
3 WAS IN FURTHERANCE OF A JOINT VENTURE OR SECONDARY CONSPIRACY TO  
4 COVER UP THE CONDITIONS AT JONESTOWN.

5 THE DEFENDANT CONTENDS THAT THE FEDERAL RULE OF  
6 EVIDENCE 104(A) REQUIRES A FINDING OF A CONSPIRACY BY A  
7 PREPONDERANCE OF THE EVIDENCE AS A PREDICATE TO ADMISSIBILITY.  
8 AS WE HAVE PREVIOUSLY NOTED, THIS ARGUMENT IS INCONSISTENT WITH  
9 THE STANDARDS REPEATEDLY AND CONSISTENTLY APPLIED BY THE 9TH  
10 CIRCUIT, WHICH REQUIRES ONLY PRIMA FACIE EVIDENCE OF THE  
11 CONSPIRACY. THE DEFENDANT ALSO ARGUES THAT THE SPEECH SHOULD  
12 HAVE BEEN EXCLUDED UNDER FEDERAL RULE OF EVIDENCE 403. WE HAVE  
13 ALREADY ADDRESSED THIS ISSUE AND THERE IS NO REASON TO  
14 RECONSIDER OUR PREVIOUS RULING.

15 WITH RESPECT TO THE CHARLES GARRY STATEMENT, THE  
16 DEFENDANT ARGUES THAT GARRY'S TESTIMONY REGARDING JONES'S  
17 STATEMENTS TO HIM WERE IMPROPERLY ADMITTED AS A DECLARATION  
18 AGAINST INTEREST. ACCORDING TO THE DEFENDANT, THIS COURT FAILED  
19 TO APPLY THE PRESUMPTION OF UNRELIABILITY FOR STATEMENTS AGAINST  
20 INTEREST WHICH INCULPATE ANOTHER. SEE LEE V. ILLINOIS, A  
21 SUPREME COURT CASE, 106 S.CT 2056, JUNE 30, 1986.

22 THIS ISSUE WAS BRIEFED, ARGUED AND DECIDED DURING THE  
23 TRIAL, AND WE FOUND THAT THE PRESUMPTION OF UNRELIABILITY  
24 APPLIES ONLY TO CUSTODIAL CONFESSIONS AFTER ARREST, BECAUSE IN  
25 THAT SITUATION THERE EXISTS A MOTIVE TO SHIFT BLAME TO ANOTHER.

1    **THUS, LEE IS INAPPLICABLE HERE.**

2                   **THE DEFENDANT FURTHER CONTENDS THAT HE WAS NEVER**  
3 **ACCORDED A RULE 104(A) HEARING TO DETERMINE THE FACTS UPON WHICH**  
4 **ADMISSIBILITY OF THE JONES STATEMENT WAS BASED. THE DEFENDANT**  
5 **CONTENDS THAT HE MIGHT HAVE DEMONSTRATED AT SUCH A HEARING THAT**  
6 **THE STATEMENT WAS NOT IN FACT AGAINST JONES'S INTEREST WHEN**  
7 **MADE. HOWEVER, AS THE GOVERNMENT POINTS OUT, THIS COURT HAD THE**  
8 **BENEFIT OF HAVING HEARD THE EVIDENCE AND CROSS-EXAMINATION AT**  
9 **THE FIRST TRIAL. ON THE BASIS OF THAT TESTIMONY AND THE NINTH**  
10 **CIRCUIT'S DECISION REGARDING THE GARRY STATEMENT, THE COURT**  
11 **PROPERLY CONCLUDED THAT THERE WAS NO REAL NEED FOR A 104(A)**  
12 **HEARING TO DETERMINE ADMISSIBILITY.**

13                   **NOW, WITH RESPECT TO THE KANSINALLY STATEMENT. THE**  
14 **DEFENSE CONTENDS THAT THE COURT SHOULD HAVE EXCLUDED ON**  
15 **CONFRONTATION CLAUSE AND RULE 403 GROUNDS HIS STATEMENT THAT**  
16 **LAYTON SAID: "I SHOT THE BLANK." THE CONFRONTATION CLAUSE HAS**  
17 **CLEARLY NOT BEEN VIOLATED BECAUSE THE DEFENSE HAD FULL**  
18 **OPPORTUNITY TO CROSS-EXAMINE KANSINALLY.**

19                   **FURTHERMORE, AS NOTED ABOVE, THE COURT WENT OUT OF ITS**  
20 **WAY TO ACCOMMODATE THE DEFENSE BY ADMITTING THE PREVIOUS**  
21 **TESTIMONY OF LILADRIE AND PERSAUD IN GUYANA TO IMPEACH**  
22 **KANSINALLY'S STATEMENT. HAVING ADMITTED THAT PREVIOUS**  
23 **TESTIMONY, THE PREJUDICIAL NATURE OF THE STATEMENT WAS MINIMIZED**  
24 **AND THE COURT PROPERLY REFUSED TO APPLY RULE 403.**

25                   **WITH RESPECT TO THE DEFENDANT'S CONFESSION: THE**

1 DEFENSE ARGUES THAT THE COURT IMPROPERLY REFUSED TO GRANT A  
2 HEARING BEFORE THE JURY ON THE VOLUNTARINESS OF HIS CONFESSION  
3 WHEN THE CONFESSION WAS INTRODUCED DURING THE GOVERNMENT'S CASE.  
4 ACCORDING TO THE DEFENSE, THE DEFENDANT IS DEPRIVED OF THE  
5 STATUTORY RIGHT IN TITLE 18 UNITED STATES CODE SECTION 3501 TO  
6 HAVE THE JURY HEAR EVIDENCE ON THE VOLUNTARINESS ISSUE IF HE  
7 DECIDES TO REST ON THE WEAKNESS OF THE GOVERNMENT'S CASE.  
8 HOWEVER, THERE IS NOTHING IN TITLE 18 UNITED STATES CODE SECTION  
9 3501 TO SUPPORT THIS NOVEL ARGUMENT AND IT SHOULD BE REJECTED.

10 THE DEFENDANT CITES NO AUTHORITY FOR THE PROPOSITION  
11 THAT A MINI-HEARING ON THE VOLUNTARINESS OF A CONFESSION MUST BE  
12 HELD IN THE PRESENCE OF THE JURY DURING THE GOVERNMENT'S CASE IN  
13 CHIEF.

14 NOW, WITH REGARD TO AMENDMENT OF THE INDICTMENT BY JURY  
15 INSTRUCTIONS. THE INDICTMENT IN THIS CASE CHARGED THE DEFENDANT  
16 WITH CONSPIRING WITH NAMED PERSONS, AS WELL AS WITH PERSONS BOTH  
17 KNOWN AND UNKNOWN TO THE GRAND JURY. IN THE INSTRUCTIONS TO THE  
18 JURY, THE COURT STATED THAT THE JURY COULD FIND THE DEFENDANT  
19 GUILTY IF IT FOUND THAT HE CONSPIRED WITH PERSONS WHETHER NAMED  
20 IN THE INDICTMENT OR NOT.

21 THE DEFENDANT ARGUES THAT THIS INSTRUCTION DEPRIVED HIM  
22 OF HIS CONSTITUTIONAL RIGHT TO BE TRIED ONLY ON THE INDICTMENT  
23 OF A GRAND JURY. HE CONTENDS THAT THE BILL OF PARTICULARS  
24 IDENTIFYING ADDITIONAL MEMBERS OF THE CONSPIRACY IS INSUFFICIENT  
25 TO OVERCOME THE CONSTITUTIONAL DEFICIENCY BECAUSE A BILL OF

1 PARTICULARS DOES NOT AMEND THE INDICTMENT TO SUPPLY A FINDING OF  
2 PROBABLE CAUSE NECESSARY TO MEET CONSTITUTIONAL STANDARDS. SEE  
3 RUSSELL VERSUS UNITED STATES, 369 U.S. 749.

4           HOWEVER, THE DEFENDANT'S ARGUMENT IN THIS CASE WOULD  
5 MAKE IT VIRTUALLY IMPOSSIBLE FOR A DEFENDANT EVER TO BE  
6 CONVICTED FOR A CONSPIRACY INVOLVING MEMBERS WHOSE IDENTITIES  
7 WERE NOT ALL KNOWN TO THE GRAND JURY.

8           FURTHERMORE, ON THE EVIDENCE IN THIS CASE, IT CANNOT  
9 PLAUSIBLY BE ARGUED THAT THE TRIAL JURY FOUND LAYTON GUILTY OF A  
10 CONSPIRACY TO MURDER RYAN AND DWYER OTHER THAN THE ONE THAT THE  
11 GRAND JURY HAD IN MIND. THERE SIMPLY WAS NO EVIDENCE OF ANY  
12 CONSPIRACY TO MURDER RYAN AND DWYER INDEPENDENT OF AND UNRELATED  
13 TO THE CONSPIRACY CHARGED BY THE GRAND JURY.

14           FURTHERMORE, THE INDICTMENT IN THIS CASE SPECIFICALLY  
15 IDENTIFIED A NUMBER OF OVERT ACTS, AND THE JURY WAS INSTRUCTED  
16 THAT IN ORDER TO REACH A VERDICT OF GUILT, IT HAD TO FIND ONE OF  
17 THESE OVERT ACTS TO HAVE BEEN CARRIED OUT IN FURTHERANCE OF THE  
18 CONSPIRACY FOR WHICH LAYTON WAS CHARGED.

19           UNDER THESE CIRCUMSTANCES, IT CANNOT REASONABLY BE  
20 ARGUED THAT LAYTON MIGHT HAVE BEEN CONVICTED FOR A CONSPIRACY  
21 OTHER THAN THE ONE FOR WHICH THE GRAND JURY FOUND PROBABLE CAUSE  
22 TO EXIST. THE MOTION IS DENIED.

23           MOTION FOR JUDGMENT OF ACQUITTAL NOTWITHSTANDING THE  
24 VERDICT. THE DEFENSE CONTENDS THAT THE JURY'S VERDICT MUST BE  
25 SET ASIDE BECAUSE, AS A MATTER OF LAW, THE EVIDENCE WAS

1 CONSISTENT WITH THE REASONABLE INFERENCE THAT LAYTON DID NOT  
2 HAVE THE SPECIFIC INTENT TO COMMIT THE CRIMES CHARGED.

3 THE DEFENDANT POINTS OUT THAT THE JURY WAS INSTRUCTED  
4 TO ADOPT THE INFERENCE OF INNOCENCE IF THE CIRCUMSTANTIAL  
5 EVIDENCE WAS EQUALLY SUSCEPTIBLE TO REASONABLE INFERENCES OF  
6 BOTH GUILT AND INNOCENCE. HE REQUESTS THIS COURT TO HOLD AS A  
7 MATTER OF LAW THAT THERE WAS AN EQUALLY REASONABLE INFERENCE  
8 FROM THE CIRCUMSTANTIAL EVIDENCE THAT LAYTON LACKED THE SPECIFIC  
9 INTENT TO COMMIT THE CRIMES CHARGED.

10 ALTHOUGH THE DEFENSE ARGUED AT TRIAL THAT THE EVIDENCE  
11 WAS REASONABLY SUSCEPTIBLE TO AN EQUALLY PLAUSIBLE INFERENCE  
12 THAT LAYTON HAD NO KNOWLEDGE OF THE CONSPIRACY TO MURDER RYAN,  
13 THAT ARGUMENT WAS APPARENTLY REJECTED BY THE JURY. IN ORDER TO  
14 GRANT THE DEFENDANT'S MOTION FOR JUDGMENT NOTWITHSTANDING THE  
15 VERDICT, WE WOULD HAVE TO FIND THAT THE JURY WAS UNREASONABLE IN  
16 SO CONCLUDING. BASED UPON THE EVIDENCE ADDUCED AT TRIAL, SUCH A  
17 CONCLUSION IS NOT WARRANTED AND THE MOTION SHOULD THEREFORE BE  
18 DENIED.

19 IT IS INTERESTING TO NOTE AS A FOOTNOTE THAT THIS  
20 GROUND OF THIS MOTION IS INCONSISTENT WITH THE CONTENTION OF THE  
21 DEFENDANT'S PRESENT COUNSEL THAT THE EVIDENCE AGAINST LAYTON WAS  
22 SO OVERWHELMING THAT ONLY GUILT COULD BE INFERRED. THAT IS IN  
23 SUPPORT OF THE ARGUMENT THAT THE DEFENSE SHOULD HAVE PUT ON  
24 FURTHER EVIDENCE.

25 SO THAT CONCLUDES THE RULINGS ON THE MOTIONS. WE NOW

1 PROCEED TO THE SENTENCING. AND I UNDERSTAND THAT, MR. BRYAN,  
2 YOU HAVE HAD AN OPPORTUNITY TO READ THE PROBATION REPORT AND ALL  
3 OF THE ATTACHMENTS AND YOU HAVE HAD AN OPPORTUNITY TO STUDY THE  
4 TRANSCRIPT OF THE TRIAL, AND WE NOW CAN PROCEED WITH THE  
5 SENTENCING. DO YOU DESIRE TO ADDRESS THE COURT AT THIS TIME?

6 MR. BRYAN: YES, I DO.

7 THE COURT: CERTAINLY. YOU MAY.

8 MR. BRYAN: YOUR HONOR, IF IT MAY PLEASE THE COURT,  
9 THIS IS A VERY UNUSUAL CASE. I THINK THE COURT WILL RECOGNIZE  
10 THAT THERE NEVER HAS BEEN A CASE LIKE THIS I DON'T THINK IN THE  
11 ANNALS OF AMERICA JURISPRUDENCE.

12 PROCEDURALLY, JUST AS A MATTER OF LAW, WHAT I SEE IN  
13 THIS CASE SINCE I HAVE COME INTO IT I CONSIDER RATHER UNIQUE.  
14 CONCERNING SENTENCING, NORMALLY A COURT SITTING IN THE POSITION  
15 YOU ARE THIS MORNING WOULD HAVE BEFORE IT AN ENTIRE TRIAL  
16 RECORD, WHICH WOULD INCLUDE DEFENSE EVIDENCE. IN THIS CASE---

17 THE COURT: OF COURSE NORMALLY, 90 PERCENT OF THE CASES  
18 WE DISPOSE OF ARE ON PLEAS OF GUILTY.

19 MR. BRYAN: THIS CASE IS DIFFERENT. THIS CASE WENT TO  
20 TRIAL BEFORE A JURY, YOUR HONOR. UNFORTUNATELY, NO DEFENSE WAS  
21 PUT ON SO A LOT OF EVIDENCE---

22 THE COURT: THAT WE ARE GOING TO ADDRESS AT A HEARING  
23 THAT WE ARE GOING TO SET.

24 MR. BRYAN: I UNDERSTAND THAT, YOUR HONOR. BUT EVEN  
25 THOUGH THERE IS A LACK OF DEFENSIVE EVIDENCE BEFORE THIS COURT,

1 THE PRESENTENCE REPORT SUBMITTED BY MR. BUDDRESS OF THE  
2 PROBATION OFFICE, I WOULD SUBMIT, IS I THINK VERY CLOSE TO BEING  
3 EQUIVALENT TO A WELL WRITTEN BOOK. IT SEEMS TO COVER THE ENTIRE  
4 SITUATION FROM NOT ONLY THE DEFENSE PERSPECTIVE, BUT ALSO THE  
5 PROSECUTION PERSPECTIVE VERY ADEQUATELY. AND I THINK IT  
6 POSTURES BOTH POSITIONS. MR. BUDDRESS HAS PRESENTED TO THE  
7 COURT EVEN SUMMARIES OF PSYCHIATRIC TESTIMONY WHICH OTHERWISE  
8 WOULD NOT BE BEFORE THIS COURT. HE HAS POINTED OUT TO THIS  
9 COURT---

10 THE COURT: THE REPORTS ARE ALSO BEFORE THE COURT.

11 MR. BRYAN: YES. THERE WERE OVER 60 LETTERS RECEIVED  
12 BY THE PROBATION OFFICE CONVEYED TO THE COURT WHICH ASKED THAT  
13 MR. LAYTON NOT BE IMPRISONED. THEY ASK FOR LENIENCY. WHAT IS  
14 UNUSUAL ABOUT THE LETTERS RECEIVED BY THE COURT, I SUBMIT, IS  
15 NOT ONLY THE LARGE NUMBER, BUT ALSO THAT HIS HONOR HAS BEFORE  
16 HIM LETTERS FROM MEMBERS OF THE JURY, PEOPLE WHO WERE ON THE  
17 JURY WHO IN ESSENCE FELT THAT EVEN THOUGH THEY HAD NO CHOICE BUT  
18 TO FIND MR. LAYTON GUILTY--AND I BELIEVE AT LEAST ONE EVEN  
19 INDICATED THAT HAD THERE BEEN SOME EVIDENCE PRESENTED AS TO  
20 MENTAL STATE AND HIS SANITY PLEA THAT THAT JUROR WOULD HAVE  
21 VOTED DIFFERENTLY. THE POINT IS THAT EVEN PEOPLE WHO SAT ON  
22 THIS JURY HAVE ASKED THIS COURT TO BE LENIENT; TO BEAR IN MIND  
23 THAT LARRY LAYTON IN THIS CASE WAS AS MUCH A VICTIM AS THOSE 914  
24 PEOPLE WHO DIED ON NOVEMBER 18, 1978.

25 AND I DO NOT ENVY THE COURT IN THE POSITION AND

1 DECISION YOU MUST MAKE THIS MORNING. IT IS A VERY DIFFICULT  
2 ONE. THE COURT SHOULD BEAR IN MIND THAT THE DEFENSE DOES NOT AT  
3 ALL UNDERESTIMATE THE SERIOUSNESS OF THIS CASE. THIS IS A CASE  
4 IN WHICH MR. LAYTON IS ACCUSED OF CONSPIRING TO KILL TWO PEOPLE.  
5 ONE OF THOSE PEOPLE WAS A MEMBER OF THE UNITED STATES CONGRESS,  
6 CONGRESSMAN LEO RYAN, AND HE DIED, APPARENTLY FROM WHAT WE KNOW,  
7 A VERY BRUTAL DEATH.

8 EVEN THOUGH THE PROSECUTION HAS NOT CONTENDED THAT  
9 MR. LAYTON--AND OF COURSE THE EVIDENCE IS TOTALLY TO THE  
10 CONTRARY--THAT MR. LAYTON ACTUALLY KILLED CONGRESSMAN RYAN, THE  
11 POINT IS THAT THE MAGNITUDE OF THE TRAGEDY IN THIS CASE IS  
12 ALMOST BEYOND COMPREHENSION. THE FACT THAT SO MANY PEOPLE DIED  
13 APPARENTLY BY SUICIDE, SOME PEOPLE WHO KILLED THEMSELVES IN A  
14 VERY BRUTAL MANNER, SUCH AS SHARON AMOS, PEOPLE WHOSE THROATS  
15 WERE CUT. ONE PERSON WAS HEARD ASKING HER MOTHER, "CUT HARDER.  
16 CUT DEEPER."

17 IT IS DIFFICULT TO IMAGINE, YOUR HONOR, IN THE  
18 SURROUNDING OF THE TRANQUILITY OF THIS COURTROOM HERE IN SAN  
19 FRANCISCO WHAT LIFE MUST HAVE BEEN LIKE IN GUYANA IN JONESTOWN  
20 UNDER JIM JONES.

21 IN REACHING A DECISION IN THIS COURT I SUBMIT THAT THE  
22 COURT MUST FIRST LOOK AT LARRY LAYTON AND HOW DID LARRY LAYTON  
23 COME TO BE IN GUYANA IN NOVEMBER OF 1978. WHAT LED HIM TO THAT  
24 POINT, WHAT KIND OF PERSON IS LARRY LAYTON.

25 THE COURT, I SUBMIT, ALSO NEEDS TO LOOK AT JIM JONES



1 AND WHAT KIND OF PERSON HE WAS AND WHAT AFFECT HE HAD ON THOSE  
2 MANY TRAGEDIES THAT OCCURRED THAT DAY IN 1978. AND THEN I  
3 SUBMIT THAT THE COURT MUST DECIDE WHERE DO YOU DRAW A LINE. HAS  
4 MR. LAYTON BEEN PUNISHED ALREADY? IF HE HAS, TO WHAT DEGREE?  
5 AND THEN AT WHAT POINT DO YOU DRAW THE LINE AND SAY HE HAS  
6 SUFFERED ENOUGH.

7           LOOKING AT MR. LAYTON, YOUR HONOR, I WOULD ASK THE  
8 COURT TO BEAR IN MIND THAT HE COMES FROM A FAMILY THAT IS A  
9 FAMILY THAT I THINK WE ALL WOULD ENVY. HIS FATHER IS A  
10 NATIONALLY RECOGNIZED SCIENTIST, VERY WELL THOUGHT OF IN HIS  
11 FIELD. HIS MOTHER WAS A JEWISH REFUGEE WHO FLED EUROPE WHO CAME  
12 TO THIS COUNTRY. LARRY WAS RAISED IN A QUAKER FAMILY, IN A  
13 PASSIVIST ENVIRONMENT. LARRY WAS RAISED IN AN ENVIRONMENT, A  
14 FAMILY THAT FELT VERY STRONGLY ABOUT THE EVILS OF RACISM AND  
15 BIGOTRY AND OPPRESSION OF PEOPLE OF ANY TYPES. AND THIS IS THE  
16 ATMOSPHERE HE GREW UP IN.

17           HIS BROTHER AND SISTERS AND THEIR FAMILIES ARE ALL VERY  
18 OUTSTANDING, YOUR HONOR, AS IS SET OUT IN THE PROBATION REPORT.  
19 THEY HAVE ALL DONE VERY WELL. TWO OF THEM--- ONE OF THEM AND  
20 HER HUSBAND WERE AT ONE POINT IN PEOPLES TEMPLE AND THEY HAD THE  
21 STRENGTH TO FINALLY GET OUT. AND SO THEY ARE HERE TODAY RATHER  
22 THAN BURIED AS THOSE MANY OTHER PEOPLE WHO DIED IN JONESTOWN.

23           LARRY LAYTON WENT TO COLLEGE, U.C. DAVIS. HE WASN'T AN  
24 OUTSTANDING STUDENT. HE WASN'T A TERRIBLE STUDENT. HE WAS  
25 AVERAGE. BUT LARRY LAYTON'S EARLIER LIFE WAS MARKED BY A LOT OF

1 FAILURE. IT SEEMS THAT HIS TWO SISTERS AND HIS BROTHER WERE ALL  
2 STARS, VERY BRIGHT PEOPLE AND, AS I SAID, VERY SUCCESSFUL. HIS  
3 BROTHER IS A HARVARD GRADUATE. HE IS A PH.D. HE IS ON THE  
4 FACULTY OF A UNIVERSITY HERE IN THE BAY AREA. HE HAS A SISTER  
5 WHO IS A FINANCIAL PLANNER. HE HAS ANOTHER SISTER WHO IS VERY  
6 OUTSTANDING, SHE AND HER HUSBAND. AND APPARENTLY THAT WAS THE  
7 WAY IT WAS WITH THESE SIBLINGS AS THEY WERE GROWING UP, EXCEPT  
8 FOR LARRY. LARRY EVEN FAILED THE FIRST GRADE, WHICH IS  
9 INCREDIBLE FROM MY EXPERIENCE HOW ANYBODY COULD FAIL THE FIRST  
10 GRADE.

11 HE FINALLY GOT SOME HELP FROM A MEMBER OF THE FAMILY  
12 AND HE BEGAN TO GET HIS LIFE STRAIGHT. BUT IT SEEMS LIKE HIS  
13 EARLIER LIFE WAS MARKED BY FAILURE, SURROUNDED BY PEOPLE WHO  
14 WERE ALL SUCCESSFUL, AN UNUSUALLY TALENTED MOTHER, A VERY  
15 TALENTED FATHER, SISTERS AND A BROTHER WHO ALL WERE VERY  
16 OUTSTANDING.

17 BY THE TIME LARRY WAS AT U.C. DAVIS HE WAS GROPING FOR  
18 SOMETHING. HE WANTED IN HIS LIFE TO MAKE A CONTRIBUTION TO DO  
19 SOMETHING WORTHWHILE WITH HIS LIFE. HE MET A LADY WHO HE FELL  
20 IN LOVE WITH AND HE MARRIED--CAROLYN. CAROLYN'S FATHER WAS A  
21 MINISTER. IT SEEMED LIKE A VERY GOOD THING, AND THEY MOVED TO  
22 NORTHERN CALIFORNIA, UP IN THE NORTHERN PART OF THE STATE, AND  
23 THERE HE CROSSED PATHS WITH JIM JONES, THE PEOPLES TEMPLE.

24 THIS WAS DURING THE VIET NAM ERA. LARRY, BEING A  
25 PASSIVIST, ONE RAISED IN THE QUAKER TRADITION HAD HAD DIFFICULTY

1 SEEKING CONSCIENTIOUS OBJECTOR STATUS. JIM JONES CAME ALONG AND  
2 ALMOST WITH A SNAP OF THE FINGER ACHIEVED WHAT APPEARED TO BE  
3 IMPOSSIBLE AND SUDDENLY AT THAT POINT IN LARRY'S EYES HERE WAS A  
4 PERSON WHO COULD DO JUST ABOUT THE IMPOSSIBLE, A PERSON WHO WAS  
5 A FATHER--WHO BECAME A FATHER TO HIM, AS HE DID TO MANY OTHER  
6 PEOPLE IN THE TEMPLE.

7 LARRY SUDDENLY HAD A FAMILY THAT ACCEPTED HIM, THAT  
8 CARED ABOUT HIM. AND, MOST IMPORTANTLY, WHAT ATTRACTED LARRY  
9 WAS THE FACT THAT JIM JONES PREACHED THE THINGS THAT LARRY WAS  
10 RAISED TO BELIEVE WERE VERY IMPORTANT, AND LARRY AT LAST HAD AN  
11 OPPORTUNITY TO MAKE HIS MARK IN LIFE; AND THAT WAS TO DO  
12 SOMETHING IN FIGHTING RACIAL INJUSTICE AND INEQUALITY AND  
13 INEQUITIES IN OUR SOCIETY. THAT WAS ALL OFFERED BY PEOPLES  
14 TEMPLE.

15 I THINK IT IS INTERESTING TO BEAR IN MIND THAT LARRY  
16 WAS ONLY ONE OF MANY, MANY, MANY PEOPLE INFLUENCED AND PUT UNDER  
17 THE SPELL CAST BY JIM JONES AND THE PEOPLES TEMPLE. HIS HONOR  
18 MIGHT RECALL THAT LATER WHEN THE TEMPLE MOVED TO SAN FRANCISCO  
19 THAT THERE WERE PEOPLE, LIKE THE LATE MAYOR GEORGE MOSCONE WHO  
20 WAS A SUPPORTER, THE MAYOR OF LOS ANGELES BRADLEY, TOM BRADLEY.  
21 EVEN A VICE-PRESIDENT OF THE UNITED STATES. THE WIFE OF A  
22 PRESIDENT WAS A SUPPORTER. WILLIE BROWN WAS A SUPPORTER. THE  
23 LIST ALMOST SEEMS ENDLESS OF PEOPLE WHO WE CONSIDER PROMINENT IN  
24 OUR SOCIETY WHO WERE ALSO DUPED BY JIM JONES.

25 EVENTUALLY WHEN THE TEMPLE MOVED TO GUYANA, LARRY

1 REMAINED HERE IN THE STATES WORKING IN THE BAY AREA. ONE NEEDS  
2 TO BEAR IN MIND THAT THROUGH ALL OF THESE MANY YEARS THAT  
3 EVERYTHING LARRY MADE, HIS INCOME, ALL WENT TO PEOPLES TEMPLE.  
4 HE WAS GIVEN AN ALLOWANCE BACK. AND APPARENTLY THIS WAS THE  
5 MODUS OPERANDI OF THE PEOPLES TEMPLE WITH MANY, MANY, MANY OF  
6 ITS MEMBERS.

7 HIS SISTER, DEBRA, WHO IS SITTING IN COURT HERE THIS  
8 MORNING WAS DOWN IN GUYANA. DEBRA IS VERY DIFFERENT FROM LARRY  
9 IN THAT SHE IS A VERY OUTGOING, A VERY DYNAMIC TYPE PERSON WHERE  
10 LARRY IS A MUCH MORE PASSIVE, QUIET, HUMBLE TYPE OF INDIVIDUAL.  
11 DEBRA BEGAN TO SEE SOME THINGS AND REALIZED THAT SHE NEEDED TO  
12 GET OUT. SHE BEGAN TO SEE JIM JONES FOR WHAT HE WAS. SHE  
13 FINALLY WAS ABLE TO ESCAPE.

14 WHEN SHE CAME TO THIS COUNTRY, AS THE COURT IS PROBABLY  
15 AWARE, SHE SUBMITTED AN AFFIDAVIT TO CONGRESSIONAL LEADERS. SHE  
16 ALSO WAS IN CONTACT WITH THE STATE DEPARTMENT. SHE PREDICTED  
17 THE TRAGEDY THAT WOULD OCCUR IN JONESTOWN. BUT THE GOVERNMENT  
18 WOULD NOT LISTEN. HER PLEAS WERE NOT TAKEN SERIOUSLY. THEY  
19 WERE IGNORED.

20 FINALLY CONGRESSMAN LEO RYAN, AFTER BEING CONTACTED  
21 AGAIN AND AGAIN BY FAMILY MEMBERS OF PEOPLE WHO WERE DOWN IN  
22 JONESTOWN, DECIDED TO GO DOWN. BY THIS TIME LARRY LAYTON WAS IN  
23 GUYANA BECAUSE WHEN HIS SISTER LEFT, JONES SENT OUT THE WORD FOR  
24 LARRY TO LEAVE HIS JOB IN THE BAY AREA AND COME DOWN TO  
25 JONESTOWN. AND OF COURSE THIS WAS, AGAIN, A PART OF REV. JIM

1 JONES METHOD OF OPERATION, AND THAT WAS TO KEEP A MEMBER OF THE  
2 FAMILY ALMOST, IF YOU WILL, HOSTAGE, TO HAVE SOME CONTROL OR A  
3 LOT OF CONTROL OVER THE REST OF THE FAMILY AND THEIR CONDUCT.  
4 DEBRA LEFT. SO LARRY CAME DOWN. HE WAS THE SUBSTITUTE FOR  
5 DEBRA.

6 WHEN LARRY ARRIVED IN JONESTOWN HE FOUND THAT HIS  
7 MOTHER WAS DYING OF CANCER. HE DISCOVERED THAT AND WAS LED TO  
8 BELIEVE BY JIM JONES THAT THE REASON HIS MOTHER WAS DYING--AND  
9 IT IS A VERY PAINFUL DEATH THE WAY SHE DIED--WAS BECAUSE OF  
10 DEBRA, BECAUSE DEBRA HAD DEFECTED, BECAUSE SHE HAD LEFT AND,  
11 THEREFORE, JONES HAD LOST THE POWER. HE COULD NO LONGER HEAL  
12 HER AS HE DID PREVIOUSLY. AND SO SHE WAS DYING THIS HORRIBLE  
13 DEATH.

14 JUST SEVERAL WEEKS BEFORE THE TRAGEDY THAT IS IN ISSUE  
15 IN THIS CASE LARRY'S MOTHER DIED. THERE IS AN OVERWHELMING  
16 AMOUNT OF EVIDENCE FROM PEOPLE WHO WERE THERE THAT AFTER HIS  
17 MOTHER DIED THAT LARRY WAS IN EFFECT A ZOMBI; THAT HE BECAME  
18 LIKE A VEGETABLE. THAT PEOPLE WOULD SEE HIM JUST SITTING AROUND  
19 TOTALLY IMMOBILE FOR GREAT PERIODS OF TIME.

20 IT IS OBVIOUS FROM HIS PSYCHIATRIC REPORTS, WHICH ARE  
21 REFERENCED IN THE PROBATION REPORT, PRESENTENCE REPORT, THAT THE  
22 DEATH OF LARRY'S MOTHER, MRS. LISA LAYTON, HAD A DEVASTATING  
23 EFFECT UPON HIM. MIX WITH THAT THE FACT THAT JIM JONES HAD  
24 PLACED LARRY ON NARCOTICS, ELAVIL, A NARCOTIC WHICH AFFECTS NOT  
25 ONLY ONE'S CONTACT WITH REALITY, BUT EVEN HAS A BEARING,

1 SIGNIFICANT IMPACT, UPON ONE'S MEMORY RECALL.

2 ALREADY IN THAT BREW IS THE FACT THAT LARRY HAD BEEN  
3 UNDER THE CONTROL OF FATHER, GOD, JESUS, OTHERWISE KNOWN AS JIM  
4 JONES, FOR MANY YEARS. AND HE WAS STILL UNDER HIS SPELL. LARRY  
5 WAS NO DIFFERENT THAN HUNDREDS AND HUNDREDS OF OTHER PEOPLE  
6 TRAGICALLY AT JONESTOWN.

7 IT SEEMS, YOUR HONOR, THAT JIM JONES WAS THE ULTIMATE  
8 EVIL PERSON. THE EVIL HE CAUSED, THE HARM HE CAUSED TO SO MANY  
9 PEOPLE--I CAN'T HELP BUT THINK OF THE HUMILIATION THAT LARRY  
10 WENT THROUGH AT TIMES WHEN JIM JONES WOULD BE URINATING AND HE  
11 WOULD HAVE LARRY HOLDING A CUP. THE HONOR OF LARRY BEING ABLE  
12 TO CARRY OFF THE CUP AND DISPOSE OF JONES'S URINE. THE  
13 DEGRADING--THE MANNER IN WHICH HE DEGRADED LARRY AND SO MANY  
14 OTHER PEOPLE.

15 THE FACT THAT LARRY'S FIRST WIFE CAROLYN WAS TAKEN AWAY  
16 FROM HIM BY JIM JONES. HIS SECOND WIFE KAREN WAS TAKEN AWAY  
17 FROM LARRY BY JIM JONES. AND WHEN LARRY WOULD COMPLAIN, JONES  
18 WOULD TELL HIM AND THE OTHER PEOPLE IN THE LEADERSHIP OF THE  
19 TEMPLE WOULD TELL HIM, "WELL, IT IS NOT JIM JONES WHO IS DOING  
20 ANYTHING WRONG. IT IS YOU. YOU ARE THE ONE WHO HAS THE  
21 WEAKNESSES. YOU ARE THE ONE WHO IS INFERIOR. YOU NEED TO  
22 STRAIGHTEN YOUR LIFE OUT."

23 BY THE TIME LARRY LAYTON ARRIVED IN JONESTOWN WE HAVE A  
24 PERSON WHO HAD A TREMENDOUS AMOUNT OF GUILT, WHO WAS SEEKING TO  
25 GAIN ACCEPTANCE BY FATHER, JIM JONES, AS WAS SO MANY OTHER OF

1 THOSE TRAGIC FIGURES. IT SEEMS THAT LARRY WAS NO MORE THAN A  
2 PAWN ON A CHESS BOARD, YOUR HONOR, TO BE MANUEVERED AROUND BY  
3 JIM JONES AND HIS LEADERS.

4 IT IS INTERESTING THAT EVEN PROSECUTION WITNESSES,  
5 PEOPLE WHO TESTIFIED AT TRIAL, FEEL THAT LARRY IS A PERSON TO BE  
6 PITIED. TOM BOGUE SAID: "HE WAS JUST AS MUCH A VICTIM, IF NOT  
7 MORE SO, THAN WAS I. IF I WERE IN HIS SHOES, I PROBABLY WOULD  
8 HAVE DONE THE SAME THING."

9 HAROLD CORDELL SAID: "I THINK HE," REFERRING TO LARRY,  
10 "HAS PAID FOR WHAT HAPPENED TO HIM. I BELIEVE HE WAS MORE A  
11 VICTIM THAN A PARTICIPANT."

12 AND, OF COURSE, MR. CORDELL, AS SO MANY OTHER PEOPLE,  
13 REALIZED AND VIEWED LARRY AS A FOLLOWER, NOT A LEADER.

14 EVEN MR. DWYER MENTIONED THAT THE TRAGEDY AT JONESTOWN  
15 AND WHAT HAPPENED AT THE AIRSTRIP WOULD HAVE OCCURRED WITH OR  
16 WITHOUT MR. LAYTON. AND MR. DWYER REFERRED TO LARRY AS A VERY  
17 SMALL COG IN A BIG WHEEL.

18 VERNON GOSNEY TOLD US THAT IT WAS A CLOSED COMMUNITY.  
19 AND THAT HE, MR. LAYTON, WAS EXTREMELY--VERY MUCH IN NEED OF THE  
20 APPROVAL OF JIM JONES. MR. GOSNEY SAID THAT "I SEE HIM AS A  
21 TOTALLY BASICALLY DESTROYED PERSON. AND I DON'T FEEL THAT HE IS  
22 A THREAT TO ANYONE."

23 OF COURSE, THERE ARE MANY, MANY OTHER PEOPLE WHO SAY  
24 BASICALLY THE SAME THING ABOUT LARRY; THAT HE WAS A SMALL COG IN  
25 A BIG WHEEL.

1           THERE IS, AS I MENTIONED, A WEALTH OF EVIDENCE THAT HIS  
2 WHOLE STATE OF MIND DURING THE PERIOD IN JONESTOWN WAS THAT  
3 MARKED BY A LACK OF CONTACT WITH REALITY, TOTALLY SUBMISSIVE, AS  
4 WAS SO MANY OTHER PEOPLE, AS WAS INDICATED BY THE MASS SUICIDE,  
5 TOTALLY UNDER THE CONTROL OF JIM JONES.

6           WE ARE TALKING ABOUT A PERSON WHO IT APPEARS HARDLY HAD  
7 ENOUGH SENSE TO GET OUT OF A SHOWER OF RAIN DURING THAT PERIOD.  
8 IT SEEMS IF THERE WAS ONE STRAW THAT BROKE THE CAMEL'S BACK IT  
9 WOULD HAVE BEEN HIS MOTHER'S DEATH. OF COURSE, AS I MENTIONED,  
10 STIRRED INTO THAT BREW THE DRUGS AND YOU HAVE A VERY DISORIENTED  
11 HUMAN BEING.

12           EVEN THOUGH THE COURT DID NOT HEAR FROM ANY  
13 PSYCHIATRISTS AT TRIAL, THEIR REPORTS HAVE BEEN SUBMITTED AND  
14 MR. BUDDRESS HAS REFERENCED KEY PORTIONS OF THEIR REPORTS FOR  
15 HIS HONOR'S BENEFIT.

16           ONE PSYCHIATRIST, DR. TANAY, EXPLAINED THAT LARRY'S  
17 LIFE HAD BEEN DOMINATED BY TWO FATHERS--HIS NATURAL FATHER AND,  
18 OF COURSE, THE OTHER, JIM JONES.

19           HE TALKED ABOUT HOW JIM JONES WAS SO SKILLFUL AT  
20 MANIPULATING PEOPLE. AND HE TALKED ABOUT THE FACT THAT LARRY  
21 LAYTON HAD LOST THE CAPACITY OF JUDGMENT, HIS REALITY TESTING  
22 WAS UNDERMINED AND HE ACCEPTED THE MOST IRRATIONAL EXPLANATIONS  
23 AS REASONABLE. WHEN ORDERED TO PROCEED TO JONESTOWN SUBSEQUENT  
24 TO HIS SISTER'S DEFECTION, HE DID SO WITHOUT ANY PROTEST. "I  
25 CONCLUDE IN STATING THAT I AM OF THE OPINION AT THE TIME WHEN HE



1 COMMITTED THE CRIMINAL ACTS HE SUFFERED FROM A DISEASE OF THE  
2 MIND WHICH RENDERED HIM UNABLE TO APPRECIATE THE WRONGFULNESS OF  
3 HIS BEHAVIOR AND UNABLE TO ADHERE TO THE REQUIREMENTS OF THE  
4 LAW."

5 DOCTOR JOHN CLARK, ANOTHER PSYCHIATRIST, SAID THAT  
6 MR. LAYTON, BECAUSE OF A MENTAL DISEASE, LACKED A SUBSTANTIAL  
7 CAPACITY TO CONFORM HIS JUDGMENT TO THE REQUIREMENTS OF THE LAW  
8 OR TO APPRECIATE THE WRONGFULNESS OF HIS CONDUCT.

9 IN OTHER WORDS, LARRY LAYTON, IN HIS OPINION, NOT ONLY  
10 FROM A MEDICAL VIEWPOINT, AS DR. TANAY, BUT FROM A LEGAL  
11 STANDPOINT, WAS LEGALLY INSANE ON NOVEMBER 18, 1978. HE SAID:  
12 "HONESTLY MR. LAYTON WAS UNABLE TO APPRECIATE THE WRONGFULNESS  
13 OF HIS ACTIONS. HE DID NOT THINK ABOUT RIGHT OR WRONG."

14 AND, OF COURSE, DOCTOR CLARK, AS THE OTHER--SOME OF THE  
15 OTHER DOCTORS WENT THROUGH LARRY'S ENTIRE BACKGROUND, THE  
16 CONSCIENTIOUS OBJECTOR STATUS, THE MIRACLE PERFORMED BY JIM  
17 JONES IN GAINING THAT FOR LARRY LAYTON AND HOW THAT AFFECTED  
18 LARRY LAYTON. AND HE TALKED ABOUT LARRY LAYTON'S LOW  
19 SELF-ESTEEM AND SENSE OF BEING A FAILURE AND HIS CHRONIC  
20 DEPENDANCY ON OTHERS TO GIVE HIM FEELINGS OF SELF-WORTH.

21 IN ESSENCE, AS DOCTOR CLARK SAID, JIM JONES OFFERED  
22 LARRY LAYTON SOLUTIONS TO MANY, IF NOT, ALL OF HIS PROBLEMS.  
23 AND, OF COURSE, DOCTOR CLARK STATED WHAT IS OBVIOUS, I THINK, TO  
24 US ALL, BUT I THINK IT IS GOOD TO BEAR IN MIND NOW, AND MAYBE TO  
25 REPEAT IT, THAT THE SUICIDES AND MURDER OF OVER 900 MEN, WOMEN

1 AND CHILDREN TESTIFIED TO THE FACT THAT LARRY LAYTON'S FOCUSED  
2 STATE OF MIND WAS NOT UNUSUAL IN THE PEOPLES TEMPLE. JIM JONES  
3 TOLD THOSE HUNDREDS OF PEOPLE THAT DAY DIE, AND THEY DIED.

4 DOCTOR PHILIP ZIMBARDO, ANOTHER PSYCHIATRIST, STATED  
5 THAT LARRY LAYTON WAS SUFFERING A SEVERE IMPAIRMENT OF CONSCIOUS  
6 FUNCTIONING; THAT HIS NORMAL TEMPORAL ORIENTATION WAS DISTURBED  
7 SUFFICIENTLY TO RENDER HIM INCAPABLE OF ANALYTIC REASONING. HE  
8 SAID HE WAS SUFFERING FROM A SEVERE STATE OF REACTIVE DEPRESSION  
9 THAT AFFECTED HIS DAILY FUNCTIONING AND CONSTITUTED A MENTAL  
10 DEFECT. HE SAID THAT LARRY LAYTON WAS AN UNWITTING CAPTIVE OF  
11 THE TOTAL ENVIRONMENT CREATED BY JIM JONES. HE TALKED ABOUT  
12 MASS PARANOID DELUSIONS. AND LARRY WAS ONLY ONE, AS WE ALL  
13 KNOW, OF HUNDREDS OF PEOPLE WHO WERE CONTROLLED BY THIS MASS  
14 PARANOID DELUSION.

15 WE ARE TALKING ABOUT DISTORTION OF REALITY, YOUR HONOR,  
16 WE ARE TALKING ABOUT MASS PSYCHOSIS UNPRECEDENTED.

17 HE OPINED, AS DID OTHER PSYCHIATRISTS, THAT LARRY  
18 LAYTON WAS NOT ABLE TO APPRECIATE THE WRONGFULNESS OF HIS ACTION  
19 AND HE LACKED SUBSTANTIAL CAPACITY TO CONFORM HIS PUBLIC CONDUCT  
20 TO THE REQUIREMENTS OF THE LAW. HE TALKED ABOUT THE FACT THAT  
21 LARRY HAD SUFFERED A BREAKDOWN IN HIS MENTAL CAPACITY, WHICH OF  
22 COURSE AFFECTED HIS ABILITY TO APPRECIATE THE WRONGFULNESS OF  
23 ANY OF HIS ACTIONS.

24 LARRY THOUGHT THAT DAY THAT HE WAS GOING TO DIE. BUT  
25 JONES AND HIS LIEUTENANTS HAD DECIDED THAT RATHER THAN LARRY

1 DYING THERE DRINKING THE POISON WITH THE HUNDREDS OF OTHER  
2 PEOPLE THAT HE WAS TO DIE IN THAT SMALL AIRPLANE.

3 EVEN A PROSECUTION PSYCHIATRIST, DOCTOR MICHAEL P.  
4 MALONEY, STATED AND CONCLUDED THAT THE DEFENDANT WAS NOT--HE  
5 SAID THAT AS A RESULT OF--HE FELT THAT EVEN THOUGH THE DEFENDANT  
6 WAS NOT SUFFERING FROM MENTAL DISEASE, HE, HOWEVER, SAID THAT HE  
7 WAS INCAPABLE OF KNOWING AND WILLFULLY BECOMING A MEMBER OF A  
8 CONSPIRACY TO KILL CONGRESSMAN RYAN AND ATTEMPT TO KILL  
9 MR. DWYER. AND THAT'S THE PROSECUTION PSYCHIATRIST.

10 WE ALSO HAVE A PSYCHIATRIC AUTOPSY OF REV. JIM JONES BY  
11 DOCTOR OTTO BENDHEIM, A PSYCHIATRIST. HE TALKED ABOUT HOW JONES  
12 LIED TO THE TEMPLE MEMBERS, HOW HE CHEATED THEM, HOW HE  
13 MANIPULATED THEM, HOW HE EXPLOITED THEM, HOW HE SADISTICALLY  
14 BRUTALIZED THEM, AS LARRY COULD ATTEST TO, AND THEN IN THE END  
15 HE KILLED HIM.

16 DOCTOR BENDHEIM'S NOTED THAT JIM JONES BECAME  
17 EVERYTHING THAT HE CONVINCED HIS FOLLOWERS HE WAS SAVING THEM  
18 FROM. HE BECAME WHAT THEY FLED--THEY THOUGHT THEY WERE FLEEING  
19 FROM THE UNITED STATES, HE BECAME THAT.

20 HE NOTED THAT EVEN THOUGH JONES ESPOUSED A PHILOSOPHY  
21 OF RACIAL EQUALITY, THAT IT SEEMS THAT MOST OF HIS CONFIDANTS,  
22 HIS LIEUTENANTS, WERE WHITE. HE TALKED ABOUT HOW JONES  
23 GLORIFIED THE NOBLE CAUSE THAT HE AND HIS SUPPORTERS WERE  
24 SUPPOSEDLY FOLLOWING, BUT LED HIS FOLLOWERS TO A GRIM AND  
25 IGNOBLE DEATH THAT STANDS ONLY AS A MONUMENT TO MAN'S GROTESQUE

1 INSANITY. HE TALKED ABOUT JIM JONES, THE MAGIC HEALER, THE  
2 IMPROVED JESUS CHRIST, THE REINCARNATED BUDDHA AND LENIN,  
3 FATHER, DAD, AND THE TREMENDOUS INFLUENCE HE HAD OVER THOSE POOR  
4 PEOPLE; HOW HE CONVINCED THEM THAT IT WAS A NOBLE AND RIGHT  
5 THING TO COMMIT WHAT HE REFERRED TO AS MASS REVOLUTIONARY  
6 SUICIDE.

7 AND I DON'T THINK THERE ARE MANY ADULTS ANYWHERE IN THE  
8 UNITED STATES WHO DOES NOT RECALL SEEING THOSE PHOTOGRAPHS OF  
9 THOSE HUNDREDS AND HUNDREDS AND HUNDREDS AND HUNDREDS OF PEOPLE  
10 LYING THERE, MANY OF THEM EMBRACING EACH OTHER IN DEATH. THEIR  
11 BLOATED BODIES, ALL OF THAT CAUSED BY ONE MAN.

12 IT SEEMS THAT JIM JONES, EVEN THOUGH PHYSICALLY HE IS  
13 DEAD, HIS SPIRIT LIVES ON. IT SEEMS TO LIVE ON HERE IN THIS  
14 COURT.

15 EVEN THOUGH I WAS NOT THE ATTORNEY AT TRIAL, OF COURSE,  
16 WE HAVE BEEN THROUGH ALL OF THE TRIAL TRANSCRIPTS AND IT SEEMS  
17 THAT THE HATE THAT ACTUALLY LURKED WITHIN JIM JONES, THE  
18 EVILNESS THAT LURKED WITHIN HIM SEEMED TO EXIST IN THIS TRIAL AS  
19 I READ OF COMMENTS AND ARGUMENTS BY THE PROSECUTION. AND I KNOW  
20 THEY HAVE A JOB TO DO, WITH ALL DUE RESPECT TO THEM, BUT THE  
21 AFFECT THAT JONES HAS EVEN UPON THOSE PEOPLE I THINK IS  
22 INCREDIBLE. THAT THEY HAVE SPENT SO MUCH TIME. THEY HAVE SPENT  
23 SO MUCH OF THE GOVERNMENT'S MONEY GOING AFTER THIS ONE LITTLE  
24 MAN.

25 THERE WERE OTHER PEOPLE THEY COULD HAVE GONE AFTER, BUT

1 THEY CHOSE HIM. I DON'T KNOW WHAT THE MOTIVE IS, AND THAT IS  
2 NOT THE ISSUE BEFORE THIS COURT. THE ISSUE IS WHAT IS TO BE  
3 DONE WITH LARRY LAYTON.

4 I SUBMIT THAT THE GOVERNMENT SHOULD BEAR IN MIND THAT  
5 LARRY LAYTON, AS SO MANY PEOPLE HAVE RECOGNIZED, INCLUDING  
6 PEOPLE WHO WERE THERE AT GEORGETOWN, PROSECUTION WITNESSES,  
7 PSYCHIATRISTS, IT SEEMS LIKE PEOPLE ON BOTH SIDES AGREE THAT  
8 LARRY LAYTON WAS, I GUESS NOW, THE ULTIMATE VICTIM OF JIM JONES.

9 LARRY LAYTON SPENT TWO YEARS IN JAIL IN GUYANA UNDER  
10 PRISON CONDITIONS THAT VANISHED FROM THIS COUNTRY CENTURIES  
11 AGO--HORRIBLE CONDITIONS. LARRY LAYTON THEN SPENT OVER A YEAR  
12 IN JAIL HERE, AND I BELIEVE AS OF TODAY OR TOMORROW IT WILL BE A  
13 YEAR AND 49 DAYS INCARCERATED HERE IN THE UNITED STATES. SO WE  
14 ARE TALKING ABOUT OVER THREE YEARS OF IMPRISONMENT.

15 WE ARE TALKING ABOUT A PERSON WHO, YOUR HONOR, HAS AN  
16 AMOUNT OF REMORSE THAT IS UNFATHOMABLE BY ME; A PERSON WHO HAS  
17 TO LIVE DAY IN AND DAY OUT KNOWING THAT HE WAS PART OF A CHURCH  
18 SUPPOSEDLY--A SUPPOSED CHURCH IN WHICH SO MANY PEOPLE HE LOVED  
19 AND CARED ABOUT DIED, IN WHICH A MEMBER OF CONGRESS, WHOM HE  
20 RESPECTED, DIED; IN WHICH MEMBERS OF THE NEWS MEDIA, GREG  
21 ROBINSON, BOB BROWN, DIED FOR NOTHING. THERE WAS NO PURPOSE IN  
22 ANY OF THIS, OTHER THAN TO SATISFY THE INSANITY OF JIM JONES.

23 ONE OF THE THINGS, YOUR HONOR, THAT IMPRESSED ME THE  
24 FIRST TIME I TALKED WITH LARRY LAYTON IN THE SAN FRANCISCO  
25 COUNTY JAIL LAST MONTH--OR IN JANUARY WAS THAT I DON'T THINK I

1 HAVE EVER TALKED WITH A PERSON, A POTENTIAL CLIENT, WHO SEEMED  
2 TO BE IN SO MUCH ANGUISH, IN SO MUCH INNER PAIN. AND IT WASN'T  
3 THE TYPE OF PAIN "WELL, LOOK I NEED OUT OF JAIL." THERE WAS  
4 NEVER ANY TALK LIKE THAT FROM LARRY LAYTON.

5 IT SEEMED TO ME THEN AND IN THE MANY, MANY  
6 CONVERSATIONS I HAD WITH HIM SINCE THAT DAY IN JANUARY THAT I  
7 HAVE NEVER SEEN A PERSON WHO SEEMS TO BE SUFFERING SO MUCH ON  
8 THE INSIDE. REGARDLESS OF WHAT THIS COURT DECIDES TO DO WITH  
9 HIM TODAY, LARRY LAYTON'S ENTIRE LIFE WILL BE IN PRISON BECAUSE  
10 HE HAS BUILT A PRISON FOR HIMSELF, A CELL WITHIN HIMSELF IN  
11 WHICH HE MUST SHARE IN THAT CELL PAIN, SUFFERING, A REALIZATION  
12 THAT HE WAS PART OF SOMETHING THAT WAS VERY GROTESQUE, VERY  
13 HORRIBLE.

14 THERE HAS BEEN SO MUCH HATE, YOUR HONOR, THAT STARTED  
15 LONG BEFORE MR. RUSSONIELLO BECAME INVOLVED IN THE CASE, OR  
16 BEFORE ANYONE IN THE U.S. ATTORNEY'S OFFICE OR THE FBI BECAME  
17 INVOLVED. THERE HAS BEEN SO MUCH HATE THAT STARTED WITH JIM  
18 JONES AND THE EVIL THINGS HE DID IN THE NAME OF EQUALITY AND  
19 FAIRNESS AND WHAT IS RIGHT. THERE HAS BEEN--THAT SPIRIT OF HIS  
20 OF HATE OF HURTING PEOPLE, ABUSING PEOPLE, SEEMS TO CONTINUE  
21 TODAY. WE DO KNOW THAT JIM JONES WAS TERRIBLY UPSET AND  
22 DISTURBED OVER THE DEFECTION OF DEBRA LAYTON, LARRY'S SISTER.  
23 WE DO KNOW THAT HE WANTED TO GET EVEN WITH HER.

24 IT SEEMS THAT US BEING IN COURT TODAY, LARRY HAVING  
25 GONE THROUGH THIS PROCESS NOW OF COURTS FOR EIGHT YEARS, THAT

1 JIM JONES IS GETTING HIS ULTIMATE REVENGE ON DEBBIE LAYTON.

2           SOMEWHERE, YOUR HONOR, IT HAS TO STOP. YOU HAVE HEARD  
3 FROM MEMBERS WHO SAT ON THE JURY AT THE TRIAL WHO ONLY HEARD ONE  
4 SIDE OF THE CASE, BUT EVEN THEY HAVE ASKED YOU TO BE LENIENT.  
5 THEY APPARENTLY REALIZED THAT AT SOME POINT THIS VERY PASSIVE,  
6 SMALL COG, WHAT HAPPENS TO HIM MUST STOP. AT SOME POINT THE  
7 LINE MUST BE DRAWN.

8           NOW, I DO UNDERSTAND AND, AGAIN, I WANT TO REEMPHASIS,  
9 JUDGE PECKHAM, THAT WE DO NOT UNDERESTIMATE ONE IOTA THE  
10 SERIOUSNESS OF THIS SITUATION. AGAIN, THAT IS ANOTHER FACTOR  
11 THAT IMPRESSED ME WHEN I FIRST TALKED WITH LARRY WAS NOT THE  
12 SERIOUSNESS OF HIS SITUATION, BUT THE GRAVITY, THE SERIOUSNESS  
13 OF THE MAGNITUDE OF THIS ENTIRE SITUATION. THE FACT THAT A  
14 MEMBER OF CONGRESS DIED. THE FACT THAT NEWS PEOPLE DIED AND  
15 OTHER PEOPLE DIED, THAT CHILDREN DIED, THAT WOMEN DIED, THAT  
16 SENIOR CITIZENS DIED. IT IS A HORRIBLE THING. IT IS A  
17 NIGHTMARE, AS I SAID, UNPARALLELED.

18           PEOPLE TALK ABOUT--THE ONLY THING THAT I HAVE BEEN  
19 REMINDED OF THAT MIGHT EVEN COMPARE TO THIS WOULD BE WHAT  
20 HAPPENED IN 73 A.D. AT MASADA. BUT EVEN THAT WAS DIFFERENT,  
21 VERY DIFFERENT FROM THIS. AND THE TRAGEDY THERE IS VERY  
22 DISTINGUISHABLE FROM THIS.

23           WE HAVE HERE--- WELL, YOUR HONOR HAS HEARD MANY OF THE  
24 TAPES. YOU HAVE HEARD MANY OF THE THINGS THAT WENT ON IN  
25 JONESTOWN. YOU HAVE HEARD THE LAST HOUR TAPE. AS JIM JONES

1 CONTINUED MUMBLING AND RAMBLING ON, THE RAMBLING OF A VERY  
2 INSANE HUMAN BEING, A VERY SICK PERSON, A VERY EVIL PERSON. AND  
3 AT FIRST IN THE BEGINNING OF THAT TAPE WE HEAR A LOT OF PEOPLE.  
4 WE HEAR CHILDREN IN THE BACKGROUND, AND THEN AS THE TAPE  
5 CONTINUES, THE NOISE BECOMES LESS AND LESS AND LESS BECAUSE THEY  
6 WERE ALL DYING.

7 I OFTEN THINK WHAT A MIRACLE IT IS THAT LARRY LAYTON IS  
8 EVEN SITTING HERE IN COURT TODAY; HOW HE DID NOT DIE THERE; HOW  
9 HE DID NOT DIE AT THE AIRPORT; HOW JUST BY CIRCUMSTANCES HE DID  
10 NOT DIE AT JONESTOWN.

11 I ASK THE COURT TO DO TODAY WHAT HAS NOT HAPPENED TO  
12 DATE IN THIS SITUATION, AND THAT, IS TO DRAW A LINE AT WHAT  
13 POINT DOES FURTHER PUNISHMENT CEASE SERVING THE BEST INTERESTS  
14 OF SOCIETY? AT WHAT POINT DOES PUNISHMENT CEASE TO SERVE  
15 REHABILITATING A DEFENDANT? AT WHAT POINT DOES IT BECAME  
16 GROTESQUE OR GHOULISH TO CONTINUE THE PUNISHMENT? I SUBMIT,  
17 YOUR HONOR, THAT WE ARE AT THAT POINT.

18 I REALIZE THAT COUNT 2 CARRIES A MANDATORY LIFE  
19 SENTENCE. HOWEVER, WE ARE ALSO AWARE THAT THERE IS A STATUTORY  
20 PROVISION THAT PERMITS THIS COURT TO RECOMMEND AN EARLY PAROLE.  
21 I WOULD ASK, AS I REQUESTED IN THE SENTENCING MEMORANDUM  
22 SUBMITTED YESTERDAY, THAT AS TO COUNTS 1, 3 AND 4, THAT  
23 MR. LAYTON BE GIVEN A ONE YEAR SENTENCE WITH CREDIT FOR TIME  
24 SERVED. THAT AS TO COUNT 2, WHICH IS THE MANDATORY SENTENCE OF  
25 LIFE IMPRISONMENT, THAT THE COURT DESIGNATE AND RECOMMEND



1 IMMEDIATE PAROLE ELIGIBILITY AS PROVIDED IN 18 USC 4205(B)(1).

2 I ALSO ASK THAT THE COURT CONSIDER ORDERING THAT THE  
3 SENTENCING BE SERVED CONCURRENTLY; THAT, FINALLY, IF MR. LAYTON  
4 MUST SPEND TIME IN PRISON, THAT THE COURT DESIGNATE THE PLACE OF  
5 CONFINEMENT AS BEING PLEASANTON IN DUBLIN.

6 OF COURSE, WE HAVE ALREADY REQUESTED THAT THE COURT  
7 RULE THAT COUNT 2 DOES NOT INVOLVE A MANDATORY LIFE SENTENCE.  
8 IF THE COURT SO RULED, THEN WE WOULD IN THAT EVENT ASK THAT  
9 COUNT 2 ALSO BE A ONE YEAR SENTENCE WITH CREDIT FOR TIME SERVED  
10 AND BE CONCURRENT WITH THE OTHER THREE COUNTS.

11 YOUR HONOR, JUST A FEW MORE THINGS WHICH I THINK IS OF  
12 SIGNIFICANCE TO THE COURT. I MENTIONED TOMMY BOGUE, WHO WAS A  
13 PROSECUTION WITNESS. THE COURT HAS HIS LETTER IN WHICH HE  
14 PLEADS, THE PROSECUTION'S OWN WITNESS, THAT LARRY LAYTON NOT GO  
15 TO PRISON.

16 THE COURT HAS THE LETTER FROM JAMES COBB, WHO WAS A  
17 WITNESS AT THE FIRST TRIAL FOR THE GOVERNMENT. HE STATES THAT  
18 LARRY LAYTON MIGHT HAVE BEEN CONFUSED, BUT HE IS NO KILLER. HE  
19 SAID--AND I THINK THIS IS VERY IMPORTANT--MR. COBB SAID  
20 JONESTOWN DOES NOT REST ON HIS SHOULDERS. HE TALKS ABOUT THE  
21 SELF-IMPRISONMENT OF LARRY LAYTON THAT IS CREATED BY HIS GUILT,  
22 HIS STRONG SENSE OF REMORSE OVER WHAT HAPPENED IN GUYANA. HE  
23 SAID THIS--HE SAID: "SOME MAY QUESTION WHY." HE SAID, "I TAKE  
24 THE VIEW--I TAKE THE VIEW I DO WHEN--BEARING IN MIND THAT MANY  
25 OF MY RELATIVES DIED IN JONESTOWN. AFTER ALL, SOMEONE MUST PAY.

1 HAVEN'T ENOUGH LIVES BEEN LOST ALREADY?"

2 AND AS I SAID, IT SEEMS THAT LARRY LAYTON AND US BEING  
3 HERE TODAY SO MANY YEARS AFTERWARDS IS JIM JONES ULTIMATE JOKE,  
4 HIS ULTIMATE AND FINAL REVENGE, HOPEFULLY.

5 PEOPLE HAVE TOLD THIS COURT THAT THEY FEEL THAT LARRY  
6 LAYTON COULD BE A VERY PRODUCTIVE MEMBER OF SOCIETY. WE KNOW  
7 THE FIVE YEARS BETWEEN THE FIRST TRIAL, JUDGE PECKHAM, AND THE  
8 SECOND TRIAL THAT HE WAS A MODEL CITIZEN. HE WORKED THROUGHOUT  
9 THAT PERIOD. HE GAINED HIS REAL ESTATE LICENSE. HE FELL IN  
10 LOVE WITH A BEAUTIFUL YOUNG LADY, WHO HE WOULD LIKE TO MARRY.  
11 THERE IS NOT ONE DEFECT IN ANY OF HIS CONDUCT ANYMORE THAN THERE  
12 WAS ONE BEFORE THAT DAY IN JONESTOWN.

13 THIS COURT HAS A LETTER FROM JEAN BROWN. HER NAME WAS  
14 JEAN BROWN AT THE TIME DOWN IN JONESTOWN, WHO WAS A MEMBER OF  
15 PEOPLES TEMPLE AND WAS IN JONESTOWN AS LATE AS OCTOBER 1978,  
16 LESS THAN A MONTH BEFORE THE TRAGEDY. SHE SAID THAT LARRY IS A  
17 HUMBLE, PEACE-LOVING MAN, WHICH I DON'T THINK ANYONE COULD  
18 DISPUTE. SHE SAID, "HIS ACTIONS WERE I BELIEVE INCONSISTENT  
19 WITH HIS CHARACTER AND WERE PRECIPITATED BY A VERY UNBALANCED  
20 MENTAL STATE." SHE BROUGHT OUT THE FACT AND POINTED OUT HE HAD  
21 BEEN A MEMBER OF PEOPLES TEMPLE FOR AT LEAST TEN YEARS. SHE  
22 MENTIONED, AS I HAVE ALREADY BROUGHT TO THE COURT'S ATTENTION,  
23 THAT HIS MOTHER HAD JUST DIED; THAT HIS SISTER HAD BROKEN FAITH  
24 WITH THE TEMPLE; THAT THOSE TWO FACTORS MUST HAVE ADDED GREATLY  
25 TO HIS MENTAL STRESS AND DEPRESSION. SHE SAID THAT BASED UPON

1 HER OBSERVATIONS OF HIM DOWN THERE--WE ARE NOT TALKING ABOUT A  
2 DOCTOR YEARS LATER WHO GIVES AN OPINION BASED UPON INFORMATION  
3 FROM OTHERS, BUT SOMEBODY WHO SAW HIM IN JONESTOWN, WAS AROUND  
4 HIM A LOT. SHE SAID, "I BELIEVE HIS SENSE OF REALITY WAS SO  
5 ALTERED THAT HIS ACTIONS WERE AS MANAGED AND MANIPULATED AS HIS  
6 THOUGHTS." THEN SHE SAID, "LARRY UNDOUBTEDLY WILL, AS I KNOW I  
7 WILL, SPEND THE REMAINDER OF HIS LIFE WONDERING HOW HIS BEST  
8 INTENTIONS LED HIM IN TOUCH WITH HORRIBLE EVENTS." SHE SAID, I  
9 THINK, AS SO MANY PEOPLE HAVE INDICATED, THAT SHE WAS CONVINCED  
10 MR. LAYTON WOULD MAKE THE MOST OF A SECOND CHANCE AS WELL. SHE  
11 TALKED ABOUT HIM BEING A MORAL PERSON WHO THE DOMINANT CONCERN  
12 OF HIM SEEMS TO BE FOR THE WELL-BEING OF FAMILY, OF FRIENDS.

13 APPARENTLY, ON THE DAY OF THE MASS SUICIDE LARRY WAS  
14 LED TO BELIEVE THAT IF HE DID NOT COMMIT THE ACTS WHICH HE  
15 COMMITTED THAT THE CIA, THE ARMED TROOPS, WOULD PARATROOP INTO  
16 JONESTOWN; THAT THE CHILDREN WOULD BE MURDERED.

17 HE WAS LED TO BELIEVE, AS THE OTHER PEOPLE THERE, BY  
18 JIM JONES THAT THE SENIOR CITIZENS WOULD BE HORRIBLY TORTURED  
19 AND THAT HE HAD TO LAY DOWN HIS LIFE FOR HIS FELLOW MAN AND  
20 FELLOW WOMAN. IT WAS ALMOST AN ULTIMATE ACT OF SACRIFICE.

21 AND THE IRONY IS IN HIS BELIEF, BEING TOLD THAT THIS  
22 WAS A SACRIFICE HE SHOULD MAKE--LAY DOWN HIS LIFE FOR HIS  
23 BROTHERS AND SISTERS--THAT JONES THEN LATER ORDERED THEM TO DIE  
24 ANYWAY.

25 I THINK IT IS INTERESTING TO NOTE FROM THE INFORMATION

1 BEFORE THIS COURT FROM THE TAPES THAT APPARENTLY WELL AFTER  
2 LARRY HAD GONE TO THE AIRPORT, JONES, IN THIS CONFUSED, BIZARRE  
3 MENTAL STATE HE WAS IN, DECIDED THAT THEY HAD TO ALL DIE, THE  
4 PEOPLE.

5 THIS COURT HAS A LETTER---

6 THE COURT: I HAVE READ ALL THOSE LETTERS, COUNSEL.

7 MR. BRYAN: YOUR HONOR, THE LETTERS ALL SEEM TO ATTEST  
8 THAT, AS I SAID, THE PUNISHMENT HAS GONE FAR ENOUGH. I ASK THE  
9 COURT TO HEED WHAT PEOPLE NOT JUST FROM THE DEFENSE SIDE, BUT ON  
10 BOTH SIDES OF THE CASE HAVE ASKED, AND THAT IS, THAT THE COURT  
11 BE UNDERSTANDING, TAKE INTO ACCOUNT THE SUFFERING, THE  
12 PUNISHMENT LARRY LAYTON HAS ALREADY RECEIVED AND THE FACT THAT  
13 HE WAS NOT A PRINCIPAL ACTOR IN WHAT HAPPENED. THANK YOU.

14 THE COURT: MR. RUSSONIELLO.

15 MR. RUSSONIELLO: YES. THANK YOU, YOUR HONOR. YOUR  
16 HONOR, IT IS SOMEWHAT PRESUMPTUOUS FOR ANY COUNSEL TO STAND  
17 BEFORE THIS COURT AND TALK ABOUT THE FACTS OF THIS CASE. THIS  
18 COURT HAS LIVED WITH THIS CASE SINCE DECEMBER OF 1980.

19 BUT SINCE THE SENTENCING PHASE OF THE CASE IS AS  
20 CRITICAL AS ALL OF WHAT HAS GONE ON BEFORE, IT WOULD BE  
21 CERTAINLY RECKLESS OF THE GOVERNMENT, ESPECIALLY IN LIGHT OF  
22 SOME SUGGESTIONS THAT THE EVIL OF JIM JONES HAS BEEN TRANSFERRED  
23 TO THE PROSECUTION TEAM FOR PURPOSES OF THIS CASE--A BIZARRE  
24 NOTION AT BEST--IT WOULD BE SOMEWHAT RECKLESS FOR US, SINCE THIS  
25 COURT HAS BEEN SO CAREFUL IN STEADYING THE SHIP IN ITS SEARCH

1 FOR TRUTH THROUGH RATHER TORTUROUS WATERS, TO ALLOW THAT NOW TO  
2 BE BEACHED ON ROCKY SHOALS AT THE TIME OF SENTENCING.

3 THE GENIUS AND BRILLIANCE OF OUR SYSTEM CLEARLY IS THAT  
4 AN EVENT AS WRENCHING AS WHAT WE SAW HAPPEN IN GUYANA IN  
5 NOVEMBER OF 1978 CAN HAVE A LIFE AFTER IT IN THAT THOSE WHO ARE  
6 PARTICIPANTS IN IT MUST STAND BEFORE THE BAR OF JUSTICE TO HAVE  
7 DETERMINED THE EXTENT, IF ANY, OF THEIR PARTICIPATION IN  
8 CRIMINAL ACTIVITY.

9 COUNSEL STARTED IN HIS REMARKS TO THE COURT BY  
10 SUGGESTING THAT THE FACTS ARE REALLY INCONTROVERTABLE AND THEN,  
11 NO DOUBT A REFLECTION OF HIS EXUBERANCE FOR HIS CLIENT'S  
12 POSITION, BEGAN TO RECITE A STATEMENT AND SERIES OF EVENTS THAT  
13 REALLY BORE NO RELATIONSHIP AT ALL TO WHAT WAS PLAYED OUT IN THE  
14 TRIAL OF THIS CASE.

15 AND AGAIN, FOR THE PURPOSE OF TRYING TO CAST HIS CLIENT  
16 IN THE BEST LIGHT POSSIBLE BEFORE THIS COURT NOW AT SENTENCING,  
17 HAS PORTRAYED HIM AS NOTHING MORE THAN A VICTIM, PERHAPS THE  
18 ULTIMATE VICTIM OF THE DIABOLICAL AND SINISTER JIM JONES.

19 THERE IS NO QUESTION BUT THAT THIS CRIME, THE CRIME OF  
20 MURDER, IN EFFECT REPRESENTS ONE OF THE MOST HEINOUS OF CRIMES  
21 THAT WE KNOW IN OUR CATALOG OF INHUMANITY ONE HUMAN BEING TO  
22 ANOTHER IN WESTERN CIVILIZATION.

23 AS I MENTIONED IN OUR SENTENCING MEMORANDUM, WHAT MAKES  
24 IT EVEN MORE UNFORGIVABLE IS THE FACT THAT THE KILLING OF A  
25 REPRESENTATIVE OF THE CONGRESS OF THE UNITED STATES IS--WHICH

1 STRIKES AT THE VERY HEART OF OUR DEMOCRACY--IT IS A REPUDIATION  
2 IN A SENSE OF OUR WHOLE SYSTEM. AND THIS IS WHAT LARRY LAYTON  
3 IS. LARRY LAYTON IS A REBEL.

4 HE STARTED OUT AS A SOCIAL ENGINEER. WE HEAR PORTRAYED  
5 THE STORY OF THIS YOUNG MAN, THE YOUNGEST OF SIBLINGS, WHO  
6 SUFFERED SOME FRUSTRATION WHEN HE SAW THE SUCCESS OF BROTHERS  
7 AND SISTERS AND HE EXPERIENCED FAILURE. AND I WONDER IF SOCIETY  
8 IS TO, AS A RESULT OF THAT, TO SUFFER IN SILENCE THESE TANTRUMS  
9 AND FRUSTRATIONS AND EXCESSES OF SUCH SELF-INDULGENT SIBLINGS AS  
10 LARRY LAYTON IS PORTRAYED BY HIS ATTORNEY.

11 HE IS A FAILURE, BUT HE IS A PERSON WHO SEIZES FROM HIS  
12 OWN DIFFICULTY OPPORTUNISM. HE IS A VERY PRIVILEGED PERSON.  
13 ALL THROUGH HIS LIFE, EVEN UP TO THIS POINT, BECAUSE HE IS STILL  
14 ALIVE AND BEFORE THIS COURT, HE IS AGAIN DEMONSTRATING THAT HE  
15 IS A PERSON OF PRIVILEGE.

16 HE HAD OPPORTUNITIES HANDED TO HIM AS A YOUNGSTER IN  
17 THIS SOCIETY THAT YOUNG PEOPLE--MANY YOUNG PEOPLE TODAY WOULD  
18 ENVY WITH GREAT LUST, AND HE HAD THESE PRESENTED TO HIM.

19 MINDFUL OF COUNSEL'S SUGGESTION THAT HE SAW AN  
20 OPPORTUNITY TO AVOID MILITARY SERVICE BY TAKING ADVANTAGE OF THE  
21 LAW TO TAKE CONSCIENTIOUS OBJECTOR STATUS, HE WAS FRUSTRATED  
22 THAT HE WASN'T ABLE TO OBTAIN THAT PRIVILEGE FOR HIMSELF. BUT  
23 WHEN JIM JONES WAS ABLE TO ACCOMPLISH IT FOR HIM HE BECAME AN  
24 OVERNIGHT CONVERT AND DISCIPLE OF JONES, BECAUSE JONES IN EFFECT  
25 HAD BEEN ABLE TO ONCE AGAIN PROTECT HIS POSITION OF PRIVILEGE.

1           AND WHAT WAS HE IN PEOPLES TEMPLE? THE WITNESSES WHO  
2 TESTIFIED ABOUT LARRY LAYTON TESTIFIED, AS IT WERE, THAT FOR A  
3 SIGNIFICANT PERIOD OF TIME LAYTON SERVED ON THE SECURITY FORCE,  
4 OR AS PART OF THE INNER CIRCLE, AS IT WERE, WHEN IT FIRST  
5 STARTED IN REDWOOD VALLEY, AND EVEN WHEN IT MOVED TO SAN  
6 FRANCISCO.

7           THERE WAS SOME CHANGE IN HIS RELATIONSHIP TO PEOPLES  
8 TEMPLE AFTER THE MOVE TO JONESTOWN. BUT IT IS A FACT, ISN'T IT,  
9 THAT FOR THE TIME THAT LAYTON IN HIS EARLY YEARS WAS A MEMBER OF  
10 PEOPLES TEMPLE HE BENEFITED PERSONALLY THROUGH THIS PRIVILEGE BY  
11 HIS ASSOCIATION WITH JONES.

12           THE EVENTS AT JONESTOWN ARE CLEARLY HORRIBLE. BUT TO  
13 PORTRAY LARRY LAYTON AS A VICTIM OF THE INFLUENCE, THE  
14 OVERWHELMING INFLUENCE, OF JIM JONES, A PERSON WHO WAS COMPELLED  
15 BY DISAPPOINTMENT OR BY TRAGEDY IN HIS OWN FAMILY, EXACERBATED  
16 BY THE USE OF DRUGS AND BY THE OVERWHELMING FORCE OF A MONSTER  
17 LIKE JONES IS IN A WAY NOT TO BE FAIR AND CANDID IN WHAT REALLY  
18 HAPPENED AND HOW LARRY LAYTON, AS A THINKING, BREATHING, ACTING  
19 HUMAN BEING, MADE HIS WAY, SURVIVED, IN THE ENCAMPMENT AT  
20 JONESTOWN.

21           LARRY LAYTON WAS A FELLOW AT JONESTOWN WHO IN A SENSE  
22 HAD MANY OF THE PRIVILEGES THAT WE SUGGEST WERE RESERVED FOR THE  
23 INNER CIRCLE. IT APPEARED THERE WAS MANY WITNESSES WHO SAID  
24 THAT HE HAD ACCESS TO PEOPLE WHO WERE CLOSE UP TO JONES, WHICH  
25 WAS A KIND OF WAY OF DETERMINING WHERE YOU STOOD IN THE

1 HIERARCHY AS ANY OF THE MORE PROMINENT ADMINISTRATORS OR INNER  
2 CIRCLE PERSONS DID.

3 WE KNOW THAT ON THE DAY OF THE EVENTS OF THE 18TH OF  
4 NOVEMBER THAT THAT WAS CERTAINLY TRUE. THE EVIDENCE  
5 DEMONSTRATED LARRY LAYTON IS IN THE PAVILION AREA, SEEMS TO HAVE  
6 FREE ACCESS. HE IS CLOSE INTO CONVERSATIONS THAT ARE TAKING  
7 PLACE WHEN THEY ARE TAKING PLACE INVOLVING WHAT TO DO ABOUT THE  
8 DEFECTORS.

9 IT IS SUGGESTED THAT HIS MOTHER'S DEATH ON OCTOBER THE  
10 30TH WAS A KIND OF LAST ACT WHICH TOTALLY DESSEMINATED HIM AND  
11 THAT DESTROYED HIM AND THAT THERE WAS NO FURTHER THAT HE COULD  
12 GO DOWN IN TERMS OF HIS FEELING.

13 AND YET THERE SEEMS TO BE SOME CONFUSION ABOUT HOW HE  
14 CONDUCTED HIMSELF FOLLOWING HIS MOTHER'S DEATH. HE REPORTS TO  
15 US NOW THAT HE USED ELAVIL AND THAT THIS DRUG WAS NECESSARY  
16 BECAUSE HE FELT SO DESPONDENT ABOUT THE DEATH OF HIS MOTHER.

17 BUT IN THE REPORTS THAT THIS COURT HAS FROM THE  
18 PSYCHIATRISTS THERE SEEMS TO BE SOME DISPUTE HERE. WHEN LAYTON  
19 TESTIFIED AT--FROM THE DOCK IN GUYANA HE SAID THAT HE HAD, AT  
20 THE MOTION TO SUPPRESS HEARING, HE SAID THAT HE HAD BEEN GIVEN  
21 THREE TABLETS OF ELAVIL THE DAY OF THESE EVENTS AND THAT IT WAS  
22 THE FIRST TIME THAT HE HAD TAKEN IT. HE SAID IN HIS STATEMENT  
23 THAT HE HAD TAKEN SIX ELAVIL. HE TOLD ZIMBARDO THAT HE HAD  
24 TAKEN ELAVIL TEN TO FIFTEEN OF THESE A DAY.

25 AND I BELIEVE--I WILL HAVE TO CHECK MY NOTES ON



1 THIS--BUT I BELIEVE IT WAS IN HIS STATEMENT TO DOCTOR LUNDE THAT  
2 HE SAID THAT THE DAY OF THE EVENT WAS THE FIRST TIME HE HAD  
3 TAKEN ELAVIL.

4 WHAT IS ELAVIL. ELAVIL, ACCORDING TO THE PHARMACOLOGY,  
5 IS IN A SENSE A REVERSE OF VALIUM. IT TAKES A PERSON WHO IS IN  
6 DEEP DESPONDENCY OR DEPRESSION AND RAISES THEM TO A LEVEL TO BE  
7 ABLE TO CONDUCT HIS NORMAL AFFAIRS.

8 IF, AS THE DEFENSE WOULD HAVE US BELIEVE, THE DEFENDANT  
9 WAS ALMOST COMATOSE AND ALMOST REGRESSED TO A CATATONIC STATE  
10 FOLLOWING HIS MOTHER'S DEATH, THAT WOULD NOT SQUARE WITH THE  
11 INSINUATION THAT HE HAD TAKEN ELAVIL REGULARLY OR HAD IT  
12 PRESCRIBED FOR HIM SINCE HIS MOTHER'S DEATH. BUT IT WOULD  
13 SQUARE THAT HE HAD ONLY TAKEN IT ONCE. AND ON THE DAY OF THESE  
14 EVENTS, IT WOULD SQUARE WITH THE CONDUCT THAT WAS OBSERVED BY  
15 JACKIE SPEIER ON THE MORNING OF THE KILLING WHEN SHE SAW HIM IN  
16 THE PAVILION AREA IN COMPANY WITH KAREN WHEN HE WAS LUCID, WHEN  
17 HE WAS STRAIGHTFORWARD, WHEN HE SEEMED TO BE VERY CANDID, CLEAR  
18 EYED AND GAVE NO SIGN OF ANY DEPRESSION OR UPSET.

19 WELL, THE ONLY SIGNIFICANCE OF THIS IS THAT ELAVIL HAS  
20 NEVER BEEN PORTRAYED NOR IS THERE ANY EVIDENCE IN THE CASE TO  
21 INDICATE THAT IT OVERCOMES A PERSON'S MIND OR OVERCOMES A  
22 PERSON'S WILL. BUT WHAT IT DOES DEMONSTRATE IS THAT FOR A  
23 PERSON LIKE LARRY LAYTON, WHO DESCRIBES HIMSELF TO ONE OF THE  
24 PSYCHIATRISTS--AGAIN, I BELIEVE DOCTOR LUNDE--AS THINKING THAT  
25 HE WOULD BE A HERO TO JONESTOWN IF HE WAS ABLE TO CARRY OUT THE

1 MISSION OF SHOOTING DOWN THE PLANE, IT DOES SQUARE WITH HIS NEED  
2 FOR SOME ENCOURAGEMENT, SOME SORT OF EXTERNAL FORCE TO  
3 INVIGORATE HIM AND GIVE HIM THE DETERMINATION TO CARRY THROUGH  
4 ON WHAT MUST HAVE BEEN A VERY DIFFICULT ASSIGNMENT FOR HIM.

5 AND THAT ASSIGNMENT, IT IS CURIOUS ENOUGH, SHOULD BE  
6 EXAMINED CLOSELY BECAUSE IT DOES REFLECT THE FATAL FLAW IN THE  
7 SUGGESTION THAT LARRY LAYTON WAS OVERCOME AND OVERWHELMED BY THE  
8 POWER OF JIM JONES AND IT WAS JIM JONES WHO COMPELLED HIS  
9 ACTION.

10 ALL OF THE DOCTORS WHO HAVE EXAMINED LAYTON AND, IN  
11 FACT, LAYTON'S OWN STATEMENT TO THE PROBATION OFFICER MAKE IT  
12 CLEAR THAT HE DIDN'T GET ANY INSTRUCTION FROM JIM JONES ON THE  
13 18TH. HE GOT HIS INSTRUCTION--HE GOT THE SUGGESTION FIRST FROM  
14 MARIA KATSARIS. MARIA KATSARIS IS THE ONE WHO SAID TO HIM, YOU  
15 KNOW, "IF THESE PEOPLE LEAVE HERE AND ARE ABLE TO MAKE THEIR WAY  
16 TO THE UNITED STATES THEY ARE GOING TO DESTROY JONESTOWN." HE  
17 TOLD EVEN HIS OWN PSYCHIATRIST, PHILIP ZIMBARDO, THIS.

18 AND IT WAS CAROLYN LAYTON--AGAIN NOT JIM JONES--IT WAS  
19 CAROLYN LAYTON WHO HAD SUGGESTED TO HIM THAT HE MIGHT BE THE ONE  
20 WHO COULD CARRY OUT THE RESPONSIBILITY OF SHOOTING DOWN THE  
21 PLANE.

22 HE GOT THE GUN FROM MARIA KATSARIS, HE TOLD DOCTOR  
23 LUNDE, BUT BECAUSE THE GUN WAS REGISTERED TO MARIA KATSARIS,  
24 PONCHO JOHNSON GAVE HIM ANOTHER GUN, TOOK BACK THE GUN THAT  
25 MARIA KATSARIS HAD GIVEN HIM.

1           IN HIS PRESENTENCE REPORT HE MAKES IT CLEAR AS WELL  
2 THAT IT WAS MARIA KATSARIS WHO HAD SUGGESTED OR PLANTED THE IDEA  
3 IN HIS MIND ABOUT THE NEED TO DO SOMETHING AND THE DANGER OF THE  
4 DEFECTORS AND OTHERS MAKING THEIR WAY TO FREEDOM. AND THAT IT  
5 WAS CAROLYN LAYTON WHO IN EFFECT HAD IMPORTUNED HIM TO BE THE  
6 ONE. AND IT WAS KAREN LAYTON WHO ENCOURAGED HIM BY SAYING THAT  
7 SHE WOULD ADMIRE HIM GREATLY FOR HIS COURAGE AND DETERMINATION  
8 TO CARRY OUT THIS MISSION.

9           IT WAS ONLY AFTER HE HAD DECIDED TO BE THE HERO, THE  
10 BIG SHOT, TO SAVE JONESTOWN, TO SORT OF LIVE UP TO THE FAITH  
11 THAT HAD BEEN INVESTED IN HIM THAT HE WENT THEN TO JONES AND  
12 ASKED FOR HIS BLESSING.

13           AND WHAT WAS IT THAT DOCTOR LUNDE TELLS US ABOUT THIS  
14 MEETING? WELL, LARRY LAYTON, THIS PERSON WHO IS OVERCOME, WHO  
15 IS OVERWHELMED, WHOSE WILL HAS BEEN PREDETERMINED BY THE FORCE  
16 OF JIM JONES, THIS LARRY LAYTON TELLS DOCTOR LUNDE THAT  
17 ORIGINALLY HE, LARRY LAYTON, SUGGESTED USING DYNAMITE TO TAKE  
18 THE PLANE DOWN; DYNAMITE BECAUSE HE KNEW THAT DYNAMITE WOULD BE  
19 MORE EFFECTIVE THAN BEING ABLE TO CARRY OUT THE MISSION OF  
20 DESTROYING THE PLANE AND ITS OCCUPANTS THAN A GUN MIGHT BE. AND  
21 HE WAS THEN TOLD TO SORT OF STAND OFF WHILE THEY HAD SOME  
22 FURTHER DISCUSSIONS ABOUT THE EFFICACY OF CARRYING THAT OUT.

23           THAT IS HIS ROLE IN THIS. HIS ROLE IN THIS IS NOT A  
24 SORT OF MOPING, DOWNCAST CREATURE OF LITTLE OR NO WILL. HE IS A  
25 PERSON WHO, EVEN WHEN CONFRONTED WITH THE POSSIBILITY OF THE

1 FRUSTRATED MISSION, HE IS A PERSON WHO DIDN'T HAVE THE  
2 INTESTINAL FORTITUDE, THE GUTS THEN, YOU KNOW, TO AT LEAST CARRY  
3 OUT THE SORT OF LAST BOLD HEROIC MISSION THAT HE KNEW OTHERS OF  
4 JONESTOWN WOULD DO TO TAKE THEIR OWN LIVES FOR THE REVOLUTION.

5           YOU KNOW, HE HAD IN A SENSE NOT EVEN BEEN ABLE TO LIVE  
6 UP TO THE EXPECTATIONS OF ALL OF HIS FRIENDS AND ALL OF HIS  
7 ASSOCIATES AND ALL OF THESE OTHERS FOR WHOM HE HAD SUCH GREAT  
8 LOVE--HE COULDN'T TAKE HIS OWN LIFE. FACED WITH THE FRUSTRATION  
9 OF THIS FAILED MISSION, HE STARTED SHOOTING AT THESE INNOCENTS  
10 IN THE SMALL PLANE TO AT LEAST KILL THEM. AND THEN HE STRUGGLED  
11 TO MAKE HIS ESCAPE WITH ONE OF THEM--WITH ONE OF THESE  
12 SURVIVORS, STRUGGLED TO ESCAPE. SUCH A BRAVE HEROIC CHARACTER.

13           WELL, WHAT IS TRUE, AND WHAT COUNSEL HAS SAID IS THAT  
14 THIS IS A VERY, VERY SERIOUS CASE WITH CHARGES THAT ARE THE MOST  
15 SERIOUS THAT CERTAINLY CAN BE BROUGHT AGAINST AN INDIVIDUAL--THE  
16 TAKING OF ANOTHER LIFE, OF ANOTHER HUMAN LIFE. AND THE MOTIVE  
17 FOR TAKING OF IT IS IN MOST CASES SENSELESS. IT IS INANE. IT  
18 CAUSES US OR REQUIRES US TO REACH DEEP INSIDE OURSELVES TO TRY  
19 TO FIND SOME POSSIBLE JUSTIFICATION FOR WHY THE PERSON WOULD  
20 HAVE ACTED SO.

21           HERE THE MOTIVE, THE PURPOSE, THE INTENT WAS CLEAR.  
22 LARRY LAYTON SAW HIS PARTICIPATION IN THIS KILLING AS AN  
23 OPPORTUNITY FOR HIM, IN THE DISTORTED WORLD OF JONESTOWN AND  
24 PEOPLES TEMPLE, TO BE ELEVATED TO HEROIC STATUS, AND HE SAW  
25 HIMSELF, TOO, AS PERFORMING A HEROIC ACT.

1 HE GAVE NO THOUGHT OR CONSIDERATION TO THE POSSIBILITY  
2 AND THE PROBABILITY THAT INNOCENTS--THAT BY ANY DEFINITION THE  
3 PILOT OF THE PLANE, THE ELEVEN-YEAR OLD TRACY PARKS AND PERHAPS  
4 ANY OTHERS WHO MIGHT HAVE BOARDED THAT FIRST PLANE, THAT  
5 INNOCENTS WOULD HAVE TO BE SACRIFICED, THEIR LIVES WOULD ALSO BE  
6 SNUFFED OUT FOR NO APPARENT REASON IN ORDER FOR HIM TO ACHIEVE  
7 HIS HEROIC STATE, HIS PLACE OF IMPORTANCE FOREVER.

8 HOW DO WE REWARD SUCH CONDUCT? HOW DO WE DEAL WITH IT?  
9 DO WE SAY, WELL, LET'S MAKE SURE THAT WE PUT HIM IN A PLACE  
10 WHERE HE CAN BE CLOSE TO HIS FAMILY BECAUSE WE DON'T WANT TO  
11 INCONVENIENCE THEM. AFTER ALL, THEY SHOULDN'T HAVE TO TRAVEL  
12 SOME DISTANCE IN ORDER TO SEE THIS FELLOW. LET'S SEE IF WE  
13 CAN'T PAROLE HIM TOMORROW. SURELY THE LAW SAYS IT IS A  
14 MANDATORY LIFE SENTENCE, BUT WE CAN GIVE A REALLY STRAINED  
15 READING AND VIOLATE THE SPIRIT OF A MANDATORY LIFE SENTENCE BY  
16 SUGGESTING THAT SINCE THE COURT HAS THE DISCRETION TO GIVE AN  
17 EARLY RELEASE DATE IN A TERM OF YEARS SENTENCE, EVEN IF IT IS A  
18 MANDATORY LIFE SENTENCE, WE SHOULD USURP THE AUTHORITY OF THE  
19 BOARD OF PAROLE AND SET AN IMMEDIATE RELEASE DATE. THAT WILL  
20 SORT OF CLEAR THE AIR AND IT WILL PERMIT US TO PUT THIS EPISODE,  
21 THIS TERRIBLE, TERRIBLE EPISODE WHICH HAS STAINED THE SAN  
22 FRANCISCO BAY AREA AND OTHERS FOR SO LONG BEHIND US. AND IT  
23 WILL PERMIT US TO SORT OF FORGET THAT JIM JONES IS NOT A  
24 CREATURE OF HIS OWN FORCE.

25 JIM JONES IS A CREATURE OF OUR POLITICAL SYSTEM. HE IS

1 A PERSON THAT IN A SENSE WE ALL MADE INTO THE MONSTER THAT HE  
2 BECAME. WE ENCOURAGED HIM. WE SAW POLITICAL OPPORTUNITY WITH  
3 JIM JONES. WE SAW A CHANCE TO GET HUNDREDS OF VOLUNTEERS WHO  
4 COULD HELP IN POLITICAL CAMPAIGNS. YOU KNOW, AS LONG AS HE  
5 COULD SERVE US IN OUR POLITICAL AMBITION, HE WAS A WELCOME  
6 ADDITION TO THE BAY AREA.

7 WHY CHARLES GARRY TOLD US THAT THEY WERE EVEN PLANNING  
8 SOME GALA EVENT THE WEEK FOLLOWING THE KILLINGS. HAD IT NOT  
9 BEEN FOR THE KILLINGS, THERE WOULD HAVE BEEN A GALA CELEBRATED  
10 IN THE BAY AREA WITH POLITICIANS OF ALL STRIPE, ALL LEVELS OF  
11 GOVERNMENT, ATTENDING TO PRAISE AND HEAP GREAT GLORY ON THIS MAN  
12 JIM JONES.

13 IT WOULD BE TOO EASY FOR US ALL TO MERELY REWARD IN A  
14 SENSE OR TO VIEW ALL OF THIS PAST EPISODE AND MR. LAYTON'S  
15 PARTICIPATION BY CLEARING THE SLATE AND PROVIDING FOR SOME EARLY  
16 RELEASE DATE, SOME RELEASE DATE THAT WOULD INSURE THAT HE WOULD  
17 BE FREE TOMORROW.

18 WE THINK, TOO, THAT THE NOTION THAT MR. LAYTON HAS BEEN  
19 ABLE TO SPEND THE LAST FIVE YEARS AT LIBERTY AND HAS LED A  
20 RATHER EXEMPLARY LIFE, THOUGH I FIND THE SUGGESTION THAT HE HAS  
21 LIVED WITHIN THIS SELF-CONTAINED PRISON DURING ALL OF THIS TIME,  
22 GIVEN THAT HE HAS BEEN IN REAL ESTATE SALES, SOMEWHAT  
23 INCONSISTENT AND DIFFICULT TO FASHION IN MY OWN MIND, BUT THE  
24 SUGGESTION THAT WE SHOULD TAKE THE LAST FIVE YEARS OF HIS LIFE  
25 WHERE HE HAS LIVED AN EXEMPLARY LIFE AS EVIDENCE THAT HE IS NOW

1 ENTITLED TO BE FREE IS UNACCEPTABLE.

2 THE GOVERNMENT RESPECTFULLY RECOMMENDS TO THIS COURT  
3 THAT IT IMPOSE THE MANDATORY LIFE SENTENCE ON COUNT 2, WHICH IS  
4 THE AIDING AND ABETTING THE KILLING--THE FIRST DEGREE MURDER IN  
5 COLD BLOOD, AS IT WERE, OF RYAN, CONGRESSMAN RYAN; THAT IT  
6 IMPOSE A TERM OF YEARS OR LIFE SENTENCE ON COUNT 3, WHICH IS THE  
7 CONSPIRACY TO KILL ASSISTANT DEPUTY--OR DEPUTY CHIEF OF MISSION  
8 DWYER; THAT IT SENTENCE HIM TO LIFE ON COUNT 1, WHICH IS THE  
9 CONSPIRACY TO KILL RYAN, AND RUN THAT CONCURRENTLY WITH COUNT 2;  
10 THAT IT SENTENCE HIM TO 20 YEARS ON COUNT 4 AND RUN THAT  
11 SENTENCE CONCURRENT WITH COUNT 3. THAT THE SENTENCE ON COUNT 2  
12 AND COUNT 3 BE CONSECUTIVE AND THAT IN EFFECT THE COURT SET A  
13 PRISON TERM THAT WILL INSURE THAT HE SERVE A MINIMUM OF 20 YEARS  
14 BEFORE HE IS ELIGIBLE FOR PAROLE.

15 IN FACT, WE RECOMMEND AND SUGGEST TO THIS COURT  
16 RESPECTFULLY THAT IT HAS THE POWER UNDER THE MANDATORY LIFE  
17 SENTENCE TO SET A MINIMUM PAROLE TERM OF 20 YEARS ON THE BASIS  
18 OF THE CASES WHICH WE HAVE CITED TO THE COURT WHICH SUGGEST THAT  
19 IF LIFE OR A TERM OF YEARS WERE OPTIONS THAT THE COURT HAD,  
20 SENTENCES OF 150 YEARS WITH A MINIMUM OF 50 FOR PAROLE,  
21 SENTENCES OF 90 YEARS WITH A MINIMUM OF 30 YEARS BEFORE PAROLE,  
22 ARE PROPER. THAT SINCE THIS OFFENSE, COUNT 2, IS SO MUCH MORE  
23 SERIOUS, AS IT IS VIEWED BY THE COURTS BECAUSE OF THE MANDATORY  
24 NATURE OF THE LIFE SENTENCE THAN SENTENCES THAT ARE OPTIONAL  
25 WITH THE COURT, THAT THE COURT CERTAINLY HAS THE INHERENT

1 AUTHORITY TO SET A MINIMUM TERM OF 20 YEARS BEFORE PAROLE  
2 ELIGIBILITY.

3 FINALLY, WE WOULD RESPECTFULLY SUBMIT THAT THERE IS NO  
4 AUTHORITY FOR THE DEFENDANT BEING ENTITLED TO ANY TIME THAT HE  
5 HAS SPENT IN CUSTODY IN GUYANA. THAT THE ONLY TIME THAT HE IS  
6 ENTITLED TO CREDIT FOR IS THE ONE YEAR AND TWO DAYS THAT WERE  
7 SERVED UP UNTIL THE TIME THE TRIAL STARTED, AND WHATEVER TIME HE  
8 HAS SERVED, AND I UNDERSTAND TO BE 47 DAYS SINCE HE WAS  
9 COMMITTED FOLLOWING HIS CONVICTION. THANK YOU.

10 THE COURT: ARE THERE ANY APPELLATE DECISIONS ON THE  
11 MANDATORY LIFE SENTENCE? IT HAS BEEN, AS YOU POINTED OUT IN  
12 YOUR BRIEF, ADVOCATED BY SOME DEFENSE COUNSEL IN OTHER CASES  
13 THAT IT DID NOT APPLY, AND I BELIEVE ONE OF THE JUDGES ACCEPTED  
14 THAT. BUT I WONDERED IF IN THE INTERIM THERE HAVE BEEN ANY  
15 APPELLATE DECISIONS.

16 MR. RUSSONIELLO: I UNDERSTAND, MR. NERNEY MAY BE ABLE  
17 TO SPEAK TO THAT. HE SPOKE WITH MR. SVETCOV, AND MR. SVETCOV OF  
18 OUR OFFICE SHOWED HIM AN APPELLATE DECISION WHICH MADE IT CLEAR  
19 THAT 1111 WAS MANDATORY LIFE SENTENCE. I, UNFORTUNATELY, WAS  
20 NOT PRIVY TO WHAT THAT CASE WAS. PERHAPS HE CAN TELL US OR TELL  
21 US WHAT THAT CASE WAS.

22 MR. NERNEY: THAT IS A CORRECT ASSESSMENT.

23 THE COURT: THANK YOU, MR. RUSSONIELLO.

24 THE COURT: WE WILL TAKE A BRIEF RECESS IN THE INTEREST  
25 OF COURT REPORTER.



1 (RECESS)

2 THE COURT: MR. LAYTON, I MUST TELL YOU THAT YOU HAVE  
3 THE OPPORTUNITY TO SPEAK TO THE COURT, TO SAY ANYTHING THAT YOU  
4 WISH THAT IS MATERIAL TO THE SENTENCING, ANYTHING IN MITIGATION,  
5 ANYTHING ABOUT THE OFFENSE OR ABOUT YOUR BACKGROUND, OR YOUR  
6 FUTURE PLANS, ANYTHING THAT WILL PERSUADE ME TO BE LENIENT.

7 DO YOU DESIRE TO SAY ANYTHING BEFORE JUDGMENT IS  
8 IMPOSED?

9 MR. BRYAN: YOUR HONOR, MR. LAYTON WOULD LIKE TO MAKE  
10 SOME COMMENTS TO THE COURT.

11 THE COURT: CERTAINLY. HE MAY.

12 THE DEFENDANT: YOUR HONOR, I WILL SPEAK SIMPLY AND  
13 FROM THE HEART TO POINT--I WILL SPEAK THE TRUTH. I FEEL A  
14 TREMENDOUS AMOUNT OF GRIEF AND REMORSE OF THE TERRIBLE EVENTS  
15 THAT HAPPENED BOTH AT PORT KAITUMA AND AT JONESTOWN.

16 I WANT TO EXPRESS MY MOST SINCERE REGRETS AND REMORSE  
17 TO THE FAMILIES OF GREG ROBINSON, CONGRESSMAN RYAN, BOB BROWN,  
18 PATTY PARKS AND MANY, MANY PEOPLE AT JONESTOWN WHO PARISHED.

19 I KNOW IT WAS A HORRIBLE THING THAT TRANSPIRED THERE  
20 THAT SO MANY PEOPLE WERE LURED INTO PEOPLES TEMPLE AND LURED TO  
21 GUYANA. I--I ONLY WISH THERE WAS SOMETHING I COULD DO THAT  
22 WOULD SOMEHOW EASE THE PAIN OF THOSE PEOPLE.

23 THE COURT: ALL RIGHT. AS I BELIEVE HAS BEEN INDICATED  
24 EARLIER, THE COURT HAS HAD THE OPPORTUNITY OF AN EXCELLENT  
25 PROBATION REPORT AND A THOROUGH PRESENTENCE INVESTIGATION.

1 ACCOMPANYING THE REPORT HAS BEEN THE REPORTS OF THE  
2 PSYCHIATRISTS, BOTH DEFENDANT'S AND THE GOVERNMENT'S, AND WE  
3 HAVE HAD THE LETTERS THAT HAVE BEEN SENT TO THE PROBATION OFFICE  
4 COMMENTING UPON THE SENTENCING OF THE DEFENDANT, LARRY LAYTON.  
5 WE HAVE ALSO HAD THE SENTENCING MEMORANDA OF BOTH PARTIES, MR.  
6 LAYTON AND THE GOVERNMENT.

7 WE HAVE HEARD THE COMMENTS OF COUNSEL THIS MORNING  
8 STATING THEIR RESPECTIVE POSITIONS AND NOW IT FALLS TO US TO  
9 PASS JUDGMENT IN THIS CASE.

10 THE FOUR COUNTS ON WHICH LARRY LAYTON NOW STANDS  
11 CONVICTED, AS HAS BEEN STATED EARLIER BY THE PROSECUTOR, STRIKE  
12 AT THE VERY HEART OF A REPRESENTATIVE DEMOCRACY AND CARRY  
13 POSSIBLE SENTENCES THAT REFLECT THEIR SEVERITY. CONGRESSMAN  
14 RYAN ALONE WAS UNWILLING TO IGNORE THE REPORTS OF INTOLERABLE  
15 CONDITIONS EXISTING IN JONESTOWN, AND HE ALONE HAD THE COURAGE  
16 WITH HIS PARTY TO TRAVEL TO GUYANA TO SEE FOR HIMSELF WHETHER  
17 JONESTOWN WAS THE IDYLIC PARADISE DESCRIBED BY JIM JONES. HIS  
18 DEATH WAS A TRAGIC LOSS TO HIS FAMILY, TO THE CONGRESS, AND TO  
19 THIS NATION. HIS COURAGE AND CONVICTION HAS BEEN LOST TO US AND  
20 HIS LEADERSHIP HAS BEEN SILENCED AND IS SORELY MISSED.

21 IN ADDITION TO THE TRAGIC DEATH OF CONGRESSMAN RYAN,  
22 THE EVENTS AT PORT KAITUMA AIRSTRIP ON NOVEMBER 18, 1978  
23 RESULTED IN THE BRUTAL DEATHS OF THREE NEWSMEN AND PATTY PARKS,  
24 A PEOPLES TEMPLE MEMBER ATTEMPTING TO ESCAPE THE HORROR OF  
25 JONESTOWN WITH THE HELP OF CONGRESSMAN RYAN.

1 THE TERRIBLE EVENTS OF THAT DAY ALSO RESULTED IN  
2 SERIOUS INJURIES TO NUMEROUS OTHER INDIVIDUALS, INCLUDING DEPUTY  
3 CHIEF OF MISSION RICHARD DWYER AND NOW-ASSEMBLY WOMAN JACQUELINE  
4 SPEIER. FINALLY, VERNON GOSNEY AND MONICA BAGBY, FORMER PEOPLES  
5 TEMPLE MEMBERS, ALSO ATTEMPTING TO ESCAPE JONESTOWN, WERE  
6 THEMSELVES SHOT AND SERIOUSLY INJURED BY THE DEFENDANT. THESE  
7 PEOPLE WILL CARRY THE HEAVY BURDEN OF THIS TRAGEDY WITH THEM FOR  
8 THE REST OF THEIR LIVES.

9 IN MOST CONSPIRACY CONVICTIONS, IN MOST MULTI-DEFENDANT  
10 CRIMINAL CASES, THE COURT HAS BEFORE IT A NUMBER OF  
11 CO-CONSPIRATORS, DEFENDANTS, AND IT MUST ASSESS THE RELATIVE  
12 CULPABILITY OF EACH OF THE DEFENDANTS AND SENTENCE THEM  
13 ACCORDINGLY.

14 IN THIS CONSPIRACY, HOWEVER, ONLY ONE DEFENDANT STANDS  
15 BEFORE THE COURT BECAUSE NONE OF THE OTHERS SURVIVED. THIS  
16 UNUSUAL CIRCUMSTANCE DOES NOT RELIEVE THE COURT OF ITS  
17 OBLIGATION TO ASSESS THE DEFENDANT'S RELATIVE BLAME FOR THE  
18 CRIME. THERE CAN BE NO DOUBT THAT JIM JONES IS HIMSELF  
19 PRIMARILY RESPONSIBLE FOR THE DEATHS AND SERIOUS INJURIES  
20 INFLICTED AT THE PORT KAITUMA AIRSTRIP ON NOVEMBER 18, 1978.  
21 ALL AGREE TO THIS FACT.

22 FURTHERMORE, THE COURT IS ALSO CONVINCED THAT AFTER  
23 HEARING ALL THE TESTIMONY IN THIS CASE THAT LARRY LAYTON'S ROLE  
24 IN THE CONSPIRACY TO MURDER CONGRESSMAN RYAN AND DEPUTY CHIEF OF  
25 MISSION RICHARD DWYER WAS LESS SIGNIFICANT THAN THAT OF A NUMBER

1 OF THE OTHER CONSPIRATORS. SIGNIFICANTLY, LAYTON WAS NOT  
2 HIMSELF AMONG THE PEOPLE WHO ACTUALLY SHOT AT THE CONGRESSMAN  
3 AND HIS PARTY. FURTHERMORE, THE COURT IS NOT CONVINCED, AFTER  
4 HEARING THE EVIDENCE, THAT LAYTON WAS HIMSELF AN ACTIVE LEADER  
5 IN THE PLANNING OF THE MURDERS. ALTHOUGH LAYTON COMMITTED A  
6 SERIOUS AND UNPARDONABLE CRIME IN SHOOTING TWO INNOCENT PEOPLE  
7 AND ATTEMPTING TO SHOOT A THIRD, HIS ROLE IN THE CONSPIRACY FOR  
8 WHICH HE HAS BEEN CONVICTED WAS NOT AS SIGNIFICANT AS THAT OF  
9 MANY OF THE OTHER CONSPIRATORS.

10 NOW, MENTION HAS BEEN MADE THIS MORNING TO THE OVER 60  
11 LETTERS THAT WERE SUBMITTED TO THE COURT REGARDING LARRY LAYTON.  
12 EVERY ONE OF THEM REQUESTED THAT THE COURT BE LENIENT IN PASSING  
13 JUDGMENT. THE COMMON THEME TYING THE LETTERS TOGETHER WAS THAT  
14 LARRY LAYTON WAS AS MUCH A VICTIM OF THE HORRENDOUS  
15 CIRCUMSTANCES IN JONESTOWN AND OF JIM JONES' MANIPULATION AS  
16 WERE THE OTHER MEMBERS OF THE PEOPLES TEMPLE WHO ULTIMATELY  
17 KILLED THEMSELVES AND THEIR CHILDREN.

18 OF PARTICULAR SIGNIFICANCE TO THE COURT ARE FOUR  
19 CATEGORIES OF LETTERS, LETTERS FROM JURORS. I DON'T RECALL A  
20 CASE IN WHICH I HAD RECEIVED AS MANY LETTERS FROM JURORS IN A  
21 CRIMINAL CASE AS I HAVE IN THIS ONE. TWO, LETTERS FROM  
22 PROSECUTION WITNESSES. SOME OF THESE HAVE BEEN ALREADY CALLED  
23 TO OUR ATTENTION. STATEMENTS FROM THE VICTIMS ON THE SMALL  
24 PLANE, AND LETTERS FROM PEOPLE WHO HAD EITHER BEEN IN JONESTOWN  
25 OR WHO HAD LOST RELATIVES IN JONESTOWN. MANY OF THESE LETTERS

1 ARE POWERFUL AND MOVING TESTIMONY TO THE MADNESS OF JONESTOWN  
2 AND TO THE SPELL CAST OVER THAT COMMUNITY BY THE DOMINATING AND  
3 AUTHORITARIAN PRESENCE OF JIM JONES.

4 THE COURT RECEIVED FOUR LETTERS FROM THE JURORS. THE  
5 FIRST JUROR WROTE:

6 "I REALIZE LARRY LAYTON IS GUILTY OF TAKING PART IN A  
7 HORRIBLE CRIME, BUT AT THE SAME TIME I BELIEVE HE IS  
8 AS MUCH A VICTIM AS A PARTICIPANT. AND I WISH YOU  
9 WOULD GIVE SOME THOUGHT TO MY POSITION OF HIS BEING  
10 VICTIMIZED AND SHOW LENIENCY IN YOUR JUDGMENT."

11 ANOTHER JUROR:

12 "ALTHOUGH WE THE JURY DID FIND MR. LAYTON GUILTY OF  
13 THE CRIMES CHARGED, WE DID DISCUSS THE FACT THAT  
14 MR. LAYTON DID PLAY A VERY SMALL PART IN THE  
15 CONSPIRACY. MANY OF THE JURORS, INCLUDING MYSELF, DID  
16 DISCUSS THE FACT THAT HE SHOULD BE PUNISHED. BUT WE  
17 DO NOT FEEL THAT HE SHOULD BE PUNISHED SEVERELY. WE  
18 DO FEEL THAT THE CIRCUMSTANCES WERE ALMOST UNBEARABLE.  
19 MR. LAYTON HAS ALREADY PAID AND SUFFERED A GREAT DEAL.  
20 HE WILL CONTINUE TO PAY CARRYING THIS TRAGIC NIGHTMARE  
21 WITH HIM THE REST OF HIS LIFE. I CERTAINLY DO NOT  
22 BELIEVE THAT HE IS A THREAT TO SOCIETY. MY VERDICT OF  
23 GUILTY COMES ONLY WITH A FEELING OF JUSTICE, IF THE  
24 SENTENCE GIVEN IS MINIMAL."

25 ANOTHER JUROR:

1            "I AM READY TO PLEAD FOR LENIENCY IN SENTENCING LARRY  
2            LAYTON. I FEEL MY GUILTY VERDICT WAS LEGALLY CORRECT,  
3            BUT IN NO WAY MORALLY JUST. I WAS HAUNTED BY THE  
4            LARGER MORAL QUESTION, WAS LARRY LAYTON FULLY  
5            RESPONSIBLE FOR HIS ACTIONS. BUT IN MY MIND HE IS NO  
6            DIFFERENT THAN ANY OTHER VICTIM OF JIM JONES. THE  
7            VAST NUMBERS WHO DIED ARE TESTIMONY TO THE  
8            EXTRAORDINARY POWER OF THAT EVIL MAN. I BELIEVE LARRY  
9            LAYTON HAS ALREADY BEEN PUNISHED AND WILL FOREVER BE  
10           HAUNTED BY HIS PAST, WHETHER HE SITS IN JAIL OR IS  
11           ALLOWED TO HEAL BY BECOMING A CONTRIBUTING MEMBER OF  
12           SOCIETY."

13           AND THE FOURTH JUROR:

14           "I BEG FOR MERCY FOR LARRY LAYTON. I PLEAD LENIENCY  
15           BECAUSE HE SPENT YEARS IN A CLOSED ENVIRONMENT THAT  
16           REVOLVED AROUND JONES AND THE PEOPLES TEMPLE."

17           THE COURT RECEIVED THREE LETTERS FROM WITNESSES FOR THE  
18           PROSECUTION; HAROLD CORDELL, THOMAS BOGUE, AND MICHAEL CARTER.

19           NOW, HAROLD CORDELL STATES:

20           "AT THE TIME OF THE JONESTOWN MASSACRE AND FOR A YEAR  
21           OR SO AFTER I WAS VERY ANGRY AND BITTER THAT MY FIVE  
22           CHILDREN, RELATIVES AND HUNDREDS OF GOOD FRIENDS WERE  
23           SENSELESSLY AND BRUTALLY PUT TO DEATH. THERE IS  
24           ABSOLUTELY NO DOUBT IN MY MIND THAT THE MASSACRE OF  
25           JONESTOWN AND THE MURDER OF THE CONGRESSMAN WOULD HAVE

1           TAKEN PLACE NO MATTER WHAT LAYTON HAD DONE AT THE  
2           AIRSTRIP. NO ONE HAD THE POWER TO STOP JONES. IT  
3           WOULD NOT IMPRESS ME THAT JUSTICE WAS DONE TO KNOW  
4           THAT LAYTON WAS SENTENCED TO PRISON. I PLEAD, YOUR  
5           HONOR, FOR LENIENCY FOR LARRY LAYTON SO THAT HE CAN  
6           BEGIN TO MEND HIS LIFE WHICH WAS, LIKE MINE, TORN TO  
7           SHREDS BY JIM JONES."

8           TOM BOGUE: "LARRY IS NOT A CONSPIRATOR OR A MURDERER.  
9           HE IS A VICTIM JUST LIKE THE REST OF US. AT THAT  
10          POINT IN TIME HE HAD HIS OWN WILL VERY SYSTEMATICALLY  
11          BROKEN DOWN TO WHERE IT NO LONGER EXISTED, HIS ACTIONS  
12          WERE NOT OF HIS OWN CHOICE. TO BE QUITE HONEST WITH  
13          YOU, SIR, IF I WAS IN HIS SHOES--THANK GOD I WASN'T--I  
14          DON'T KNOW THAT I WOULDN'T HAVE DONE THE SAME."

15          MICHAEL CARTER: "LARRY HAS ALREADY SUFFERED  
16          TREMENDOUSLY AND IS NOT A PERSON WHO DESERVES TO HAVE  
17          ANY MORE OF HIS LIFE TAKEN AWAY FROM HIM SIMPLY  
18          BECAUSE HE WAS DECEIVED BY A MAN WHO ENJOYED  
19          MANIPULATING AND USING PEOPLE."

20                 AND NOW FOR THE VICTIMS IN THE SMALL PLANE WHO WERE OF  
21          COURSE THE DIRECT TARGETS OF THE DEFENDANT LARRY LAYTON.  
22          REMARKABLE COMPASSION IS EXPRESSED BY THEM UNDER THE  
23          CIRCUMSTANCES.

24                 MONICA BAGBY STATES:

25                 "I FEEL THAT THE ACTION BEING TAKEN TO SINGLE OUT

1 OF MY RELATIVES DIED IN JONESTOWN. AFTER ALL, SOMEONE  
2 MUST PAY. BUT HAVEN'T ENOUGH LIVES BEEN LOST ALREADY?  
3 I BELIEVE LARRY CAN MAKE A DIFFERENCE, CAN BE A  
4 PRODUCTIVE MEMBER OF SOCIETY. I BELIEVE HE CAN LIVE A  
5 CONSTRUCTIVE AND POSITIVE LIFE OUTSIDE OF PRISON."  
6 NOW, MUCH COMMENT HAS BEEN MADE ABOUT THE  
7 PSYCHIATRISTS. THE GOVERNMENT PSYCHIATRIST AND THE DEFENDANT'S  
8 PSYCHIATRISTS, WHILE DIFFERING AS TO THE SANITY OF LARRY LAYTON  
9 AT THE TIME OF THE COMMISSION OF THE OFFENSE, THERE ARE EMINENT  
10 PSYCHIATRISTS ON BOTH SIDES ON THAT ISSUE. THE GOVERNMENT  
11 PSYCHIATRIST, WELL-KNOWN IN THE PROFESSION AND IN CALIFORNIA,  
12 STATED THAT HE WAS LEGALLY SANE AT THE TIME--THEY CONCLUDED THAT  
13 HE WAS LEGALLY SANE AT THE TIME OF THE COMMISSION OF THIS  
14 OFFENSE, AND THE OTHER PSYCHIATRISTS SUBMITTED BY THE DEFENDANT  
15 TOOK THE OTHER POSITION. THEY BOTH AGREE ABOUT THE DOMINATION  
16 OF JIM JONES IN THIS SETTING.

17 DOCTOR OTTO BENDHEIM REPORTED IN HIS PSYCHIATRIC  
18 AUTOPSY OF JIM JONES THAT JONES INITIALLY ATTEMPTED TO DO GOOD  
19 FOR PEOPLES TEMPLE MEMBERS, BUT THEN LIED TO THEM, CHEATED THEM,  
20 MANIPULATED AND EXPLOITED THEM, SADISTICALLY BRUTALIZED THEM,  
21 USED THEM FOR SEXUAL PLEASURE AND, IN THE END, HE KILLED THEM.

22 DOCTOR BENDHEIM DOCUMENTS AT LENGTH THE MANY TECHNIQUES  
23 OF COERCIVE PERSUASION USED BY JIM JONES, INCLUDING CONSTANT  
24 DISCUSSION OF MASS REVOLUTIONARY SUICIDE, PHYSICAL INTIMIDATION  
25 AND PSYCHOLOGICAL COERCION AIMED AT DESTROYING FAMILY TIES,



1 PROHIBITING MEMBERS FROM LEAVING GUYANA AND DEPRIVATION OF  
2 PRIVACY, SLEEP, FREE SPEECH AND FREE ASSOCIATION.

3 IN ADDITION, MEMBERS OF PEOPLES TEMPLE WERE SUBJECT TO  
4 DEGRADING PUNISHMENT AND PUBLIC HUMILIATION, FOOD DEPRIVATION  
5 AND HARD LABOR.

6 IN THE END JIM JONES DESTROYED ANY INDIVIDUAL WILL TO  
7 LIVE THAT REMAINED IN JONESTOWN, AND CAUSED OVER 900 PEOPLE TO  
8 TAKE THEIR OWN LIVES AND THE LIVES OF THEIR CHILDREN. ALTHOUGH  
9 NOT DIRECTLY RELATED TO THE CONSPIRACY FOR WHICH LARRY LAYTON  
10 HAS BEEN CONVICTED, THIS FINAL ATROCITY IS ESSENTIAL TO AN  
11 UNDERSTANDING OF THE ENVIRONMENT IN WHICH HE LIVED, IT IS OUR  
12 VIEW.

13 NUMEROUS JONESTOWN SURVIVORS HAVE WRITTEN TO DESCRIBE THE  
14 DESTRUCTION OF INDIVIDUAL WILL THAT OCCURRED IN JONESTOWN, AND  
15 TO EXPRESS THEIR OPINIONS THAT LARRY LAYTON WAS ALSO HIMSELF A  
16 VICTIM. ALTHOUGH LARRY LAYTON MUST BE HELD RESPONSIBLE FOR HIS  
17 ACTIONS, THE COURT IS CONVINCED THAT A JUST SENTENCE ALSO  
18 REQUIRES CONSIDERATION OF THE ENVIRONMENT IN WHICH LAYTON AND  
19 OTHER MEMBERS OF JONESTOWN WERE VIRTUALLY IMPRISONED.

20 IN HIS STATEMENT TO ME IN WRITING, AND TO SOME DEGREE  
21 HERE IN THE COURTROOM A FEW MOMENTS AGO, HE HAS EXPRESSED GREAT  
22 REGRET, GREAT REMORSE, AND STATES THAT HE HAS GREAT CONCERN  
23 ABOUT THOSE WHO SURVIVED, THE ONES WHO WERE GUNNED DOWN AND WHO  
24 DIED FROM POISON IN GUYANA.

25 IT MUST ALSO BE NOTED THAT THE DEFENDANT LARRY LAYTON

1 HAS ALREADY BEEN INCARCERATED FOR THREE YEARS. HE SPENT TWO  
2 YEARS UNDER VERY HARSH CONDITIONS, ALL AGREE, IN THE JAIL IN  
3 GUYANA. HE HAS SPENT A YEAR AND 49 DAYS, I UNDERSTAND, IN  
4 FEDERAL CUSTODY. UNDER THE LAW HE MUST BE CREDITED WITH THE ONE  
5 YEAR AND 49 DAYS THAT HE WAS HERE IN OUR FEDERAL JAILS. HE,  
6 HOWEVER, IS NOT BY LAW TO BE CREDITED FOR THE TWO YEARS THAT HE  
7 SPENT IN CUSTODY IN GUYANA. HOWEVER, THE COURT IN THE  
8 FASHIONING OF THE SENTENCE IS GOING TO TAKE THAT PERIOD INTO  
9 CONSIDERATION.

10 I RETURN TO WHERE I STARTED, AND ALL AGREE THIS IS A  
11 VERY GRAVE CRIME AND IT CANNOT BE CASUALLY REGARDED. AND I  
12 DON'T SUGGEST THAT ANYONE HAS BEEN ADVANCING THAT. BUT IT IS A  
13 CRIME FOR WHICH THE DEFENDANT STANDS CONVICTED AND THAT HE MUST  
14 BE SENTENCED.

15 HAVING IN MIND THE CONSIDERATIONS AND THE COMMENTS THAT  
16 I HAVE MADE, IT IS THE JUDGMENT OF THIS COURT THAT ON COUNT 1  
17 THE DEFENDANT BE SENTENCED TO A TERM OF 15 YEARS; THAT SECTION  
18 4205(B)(1) BE INVOKED AND THAT PAROLE ELIGIBILITY BE FIXED AT  
19 FIVE YEARS.

20 ON COUNT 2, IT IS THE JUDGMENT OF THE COURT THAT THE  
21 DEFENDANT BE IMPRISONED FOR A TERM OF LIFE, AND THAT THE SECTION  
22 4205(B)(1) BE ENVOKED AND THAT PAROLE ELIGIBILITY BE FIXED AT  
23 FIVE YEARS.

24 ON COUNT 3, IT IS THE JUDGMENT OF THE COURT THAT THE  
25 DEFENDANT BE COMMITTED TO THE ATTORNEY GENERAL, OR HIS

1 DESIGNATED REPRESENTATIVE, FOR A TERM OF 15 YEARS, AND THAT  
2 UNDER SECTION 4205(B)(1), THAT PAROLE ELIGIBILITY BE FIXED AT  
3 FIVE YEARS.

4 ON COUNT 4, IT IS THE JUDGMENT OF THE COURT THAT THE  
5 DEFENDANT BE REMANDED TO THE CUSTODY OF THE ATTORNEY GENERAL FOR  
6 A PERIOD OF 15 YEARS, AND THAT THE PAROLE ELIGIBILITY BE FIXED  
7 UNDER SECTION 4205(B)(1) AT FIVE YEARS. THESE SENTENCES WILL  
8 RUN CONCURRENTLY.

9 IT IS NOW MY DUTY UNDER THE RULES TO INFORM YOU,  
10 MR. LAYTON, THAT YOU HAVE A RIGHT TO APPEAL; THAT YOU MUST FILE  
11 YOUR NOTICE OF APPEAL WITHIN TEN DAYS. AND THAT YOU HAVE A  
12 RIGHT TO A LAWYER TO REPRESENT YOU ON APPEAL. AND YOU CAN  
13 CHOOSE YOUR LAWYER. IF YOU CANNOT AFFORD A LAWYER, ONE WILL BE  
14 FURNISHED WITHOUT CHARGE TO YOU TO REPRESENT YOU ON APPEAL.

15 THAT CONCLUDES THIS HEARING. MR. XAVIER IN HIS ABLE  
16 FASHION HAS REMINDED ME THAT WE ARE TO SET THE HEARING ON THE  
17 2255 ISSUES AT THIS TIME.

18 MR. CLERK, WOULD YOU SUGGEST A DATE APPROXIMATELY THREE  
19 WEEKS AWAY OR A MONTH AWAY, WITH AN EARLIER DATE FOR A STATUS  
20 CONFERENCE.

21 MR. RUSSONIELLO: MR. TAMBURELLO'S COUNSEL INFORMS ME  
22 HE IS GOING TO BE OUT OF THE COUNTRY FROM MARCH 12TH TO APRIL  
23 12TH.

24 THE COURT: MARCH 12TH THROUGH APRIL 12TH.

25 MR. HEWITT: I WILL ALSO BE GONE AT THE END OF MARCH.

1 I HAVE A MEETING.

2 THE COURT: THEN IT WILL BE IN APRIL AFTER THE RETURN  
3 OF MR. TAMBURELLO.

4 MR. RUSSONIELLO: HE WILL PROBABLY NEED SOME TIME TO  
5 GET BACK INTO HIS OFFICE.

6 THE COURT: AS LONG AS IT IS THE LATTER PART OF APRIL.  
7 WE HAVE HEARINGS OUTSIDE--EXTENSIVE HEARINGS OUTSIDE OF THE  
8 DISTRICT IN A CLASS ACTION MATTER THAT I HAVE TO PRESIDE AT.

9 MR. CLERK, WHAT ABOUT THE LAST WEEK IN APRIL?

10 THE COURT: HE RETURNS THE 12TH OF APRIL?

11 MR. RUSSONIELLO: YES.

12 THE COURT: WHAT ABOUT APRIL 21ST?

13 MR. RUSSONIELLO: FINE WITH THE GOVERNMENT, YOUR HONOR.

14 THE COURT: APRIL 21ST.

15 MR. BRYAN: YOUR HONOR, JUST A MOMENT. LAST BUT NOT  
16 LEAST, LET ME CHECK MY CALENDAR. YOUR HONOR, I HAVE ONE PROBLEM  
17 WHICH I JUST WANT THE COURT TO BE AWARE OF--YOUR OFFICE TO BE  
18 AWARE OF IN CASE YOU GET A CALL FROM ANOTHER JUDGE. I AM  
19 SUPPOSED TO START A CAPITAL MURDER TRIAL IN ANOTHER COUNTY IN  
20 CALIFORNIA BETWEEN NOW AND THEN. OBVIOUSLY, ONCE WE START THAT  
21 IT IS GOING TO BE A VERY LENGTHY TRIAL. I AM GOING TO ASK THE  
22 COURT IN THE OTHER CASE TO DEFER BEGINNING OF THAT TRIAL UNTIL  
23 WE FINISH THAT HEARING.

24 THE COURT: WHEN DOES THAT CASE STARTS?

25 MR. BRYAN: SCHEDULED TO START IN MARCH, MARCH 17. BUT

1 WE ARE HAVING SOME WITNESSES BROUGHT IN FROM SOME OTHER STATES,  
 2 A NUMBER OF WITNESSES. SO I AM GOING TO ASK THE COURT--SO THIS  
 3 COURT WILL BE AWARE, I AM GOING TO ASK THIS COURT TO PUT THIS  
 4 OVER UNTIL AFTER THIS HEARING. YOUR OFFICE MAY BE GETTING A  
 5 CALL ON THAT.

6 THE COURT: I DON'T LIKE TO INTRUDE ON ANOTHER COURT.  
 7 FOR WHAT MAY BE A THREE DAY HEARING AS I ENVISION THIS--I KNOW  
 8 YOU DISAGREE--I DON'T LIKE TO SEE--IT IS A MONTH AND A HALF  
 9 AFTER YOUR TRIAL IS TO COMMENCE THAT WE ARE TALKING ABOUT THIS  
 10 DATE. IT SEEMS TO ME THAT WE EITHER OUGHT TO HAVE THIS FOLLOW  
 11 YOUR TRIAL OR---

12 MR. BRYAN: IF IT FOLLOWS OUR TRIAL, WE ARE TALKING  
 13 ABOUT OVER THE SUMMER, YOUR HONOR. I WOULD REALLY LIKE TO SEE  
 14 THIS LITIGATED. I'M SURE HIS HONOR WOULD. I WOULD SUGGEST WE  
 15 GO FORWARD WITH THE DATE SUGGESTED. ARE WE GOING TO HAVE  
 16 ANOTHER DATE BEFORE THAT TO MEET WITH THE COURT?

17 THE COURT: YES, WE ARE GOING TO DISCUSS IT. HAVING  
 18 GIVEN FURTHER STUDY--AND I WILL GIVE YOU OUR VIEWS AT THE STATUS  
 19 CONFERENCE--THERE IS NO NEED TO PUT ON THE ENTIRE DEFENSE CASE  
 20 AS IF THERE WAS THE ACTUAL TRIAL IN PROGRESS. AND THE MATTER  
 21 CAN BE PRESENTED UNDER THE TEACHINGS OF THE SUPREME COURT, I  
 22 WOULD SAY, IN NO MORE THAN PERHAPS A DAY, I WOULD SAY TWO DAYS,  
 23 AT THE OUTSIDE THREE DAYS.

24 SO, MR. CLERK, WILL YOU GIVE US A TIME. I WOULD SAY  
 25 APPROXIMATELY AN HOUR, A LITTLE LESS.

1 MR. TAMBURELLO: IF I MIGHT SUGGEST, IF THAT'S THE  
2 CASE, IF IT IS GOING TO BE OF THAT DURATION, I AM NOT LEAVING  
3 UNTIL MARCH THE 12TH. SO IF THE COURT HAS ANY TIME BETWEEN NOW  
4 AND THEN.

5 THE COURT: THAT IS ONLY A WEEK ACTUALLY, ISN'T IT, A  
6 LITTLE OVER A WEEK. TODAY IS THE 3RD. SO THAT WOULD BE ABOUT  
7 NINE DAYS. WE ARE IN THE MIDDLE OF A TRIAL.

8 MR. BRYAN: I WOULD ALSO SUGGEST THIS IS TOO SERIOUS A  
9 MATTER TO BE RUSHED INTO JUST THAT QUICKLY. I THINK I KNOW, AT  
10 LEAST ON BEHALF OF MR. LAYTON, WE WOULD WANT MORE TIME THAN  
11 THAT. SO I WOULD SUGGEST WE GO ON THE DATE SUGGESTED.

12 THE COURT: APRIL 21ST. THAT WILL BE THE ORDER. AND  
13 THEN THE DATE FOR THE STATUS CONFERENCE, MR. CLERK. JUST  
14 COUNSEL WILL BE PRESENT. THE WITNESSES WILL NOT HAVE TO BE  
15 PRESENT. IT SHOULD BE IN ABOUT A WEEK OR TWO.

16 THE MARSHAL: DO YOU WANT THE DEFENDANT, YOUR HONOR, AT  
17 THE STATUS CONFERENCE?

18 THE COURT: YES.

19 THE CLERK: MAY I SUGGEST A DATE OF MONDAY, MARCH THE  
20 16TH AT 3:00 P.M.

21 THE COURT: SO ORDERED. THAT WILL BE THE STATUS  
22 CONFERENCE.

23 MR. BRYAN: 3:00 P.M. MAY I ASK ONE THING. I JUST  
24 REALIZED, GOING BACK TO THE SENTENCING ISSUE FOR A MINUTE, DOES  
25 THE COURT HAVE ANY RECOMMENDATION REGARDING WHERE MR. LAYTON IS

1 TO BE INCARCERATED? I DON'T KNOW IF THE COURT HAS GIVEN ANY  
2 THOUGHT---

3 THE COURT: I THINK YOU ARE MISTAKEN IN THE SECURITY  
4 LEVEL AT WHICH YOU PLACE---

5 MR. BRYAN: I DID. I MADE AN ERROR ON THAT, THAT'S  
6 CORRECT.

7 THE COURT: I THINK THE LIKELIHOOD WOULD BE PLEASANTON  
8 OR TERMINAL ISLAND, IF WITHIN THIS AREA. I WOULD CERTAINLY  
9 RECOMMEND THAT HE BE WITHIN THE AREA.

10 I AM VERY SENSITIVE TO THE PROBLEMS OF OVERCROWDING IN  
11 THE INSTITUTIONS AND THE FACT THAT THE BUREAU OF PRISONS DOESN'T  
12 HAVE THE FLEXIBILITY THAT IT ONCE DID WHEN OUR PRISONS WERE LESS  
13 CROWDED. SO FOR THAT REASON I HAVE NOT IN RECENT TIMES MADE  
14 RECOMMENDATIONS ALONG THESE LINES. THEY DON'T HAVE TO BE, OF  
15 COURSE HONORED, AS YOU KNOW.

16 MR. BRYAN: MAY I ASK THAT THE COURT CONSIDER ORDERING  
17 THAT HE REMAIN HERE IN THE COUNTY JAIL SINCE WE HAVE THIS  
18 HEARING PENDING AND IT WOULD CERTAINLY FACILITATE THINGS FOR THE  
19 DEFENSE.

20 MR. RUSSONIELLO: THAT IS EVEN WORSE A PROBLEM.

21 MR. BRYAN: I ADMIT IS NOT A LOVELY PLACE.

22 MR. RUSSONIELLO: THAT IS NOT THE QUESTION.

23 THE COURT: I DON'T THINK WE HAVE ANY MORE BEDS SINCE  
24 LAST WEEK.

25 MR. BRYAN: OH.

1 THE COURT: SO IF HE STAYS IN LOCAL CUSTODY, HE WILL BE  
2 IN FOLSOM, IN COLUSA, OR POSSIBLY---

3 MR. RUSSONIELLO: OR ARIZONA.

4 THE COURT: ARIZONA OR DOWN IN TERMINAL ISLAND. SO THE  
5 JAIL SITUATION IS A CRISIS. I THINK THAT'S WHAT YOU HAD  
6 REFERENCE TO.

7 MR. RUSSONIELLO: THAT'S WHAT I WAS REFERRING TO, YES,  
8 YOUR HONOR

9 THE COURT: SO THAT'S HOW WE WILL LEAVE IT, THANK YOU.

10 (HEARING CONCLUDED)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



CERTIFICATE OF REPORTER

I, ROBERTA L. ROGERS, OFFICIAL REPORTER FOR THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, 450 GOLDEN GATE AVENUE, SAN FRANCISCO, CALIFORNIA, DO HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPTS, PAGES NUMBERED 2 THROUGH 64, INCLUSIVE, CONSTITUTES A TRUE, FULL AND CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN AS SUCH OFFICIAL REPORTER OF THE PROCEEDINGS HEREINBEFORE ENTITLED, AND REDUCED TO TYPEWRITING TO THE BEST OF MY ABILITY.

---

ROBERTA L. ROGERS, CSR