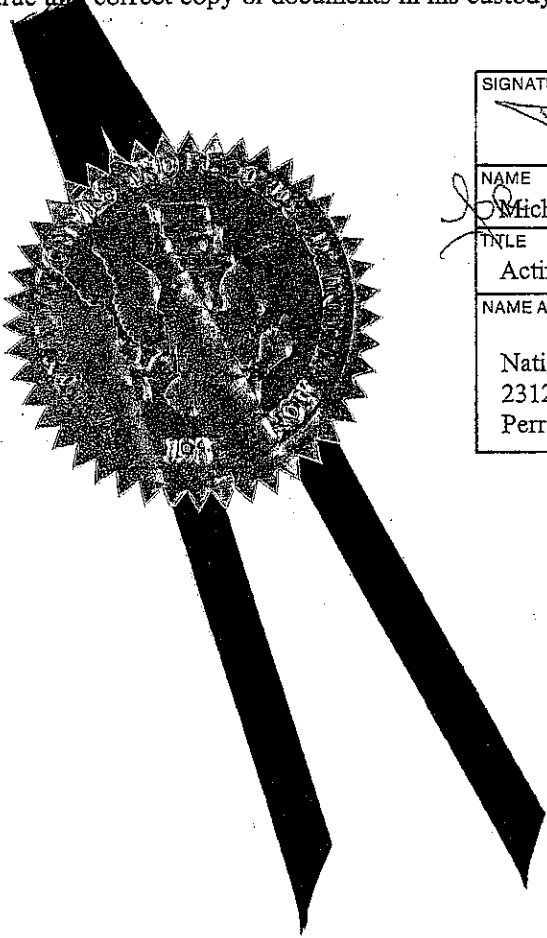


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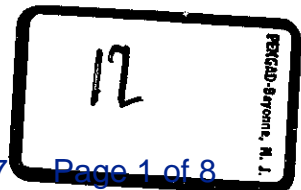
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United States District Court
District of Nevada
Las Vegas, Nevada

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UNITED STATES OF AMERICA

Plaintiff

Case No. CR-S-89-261-LDG(RJJ)

vs.

LOUIS A. VITALE and
GARY J. SPONHOLTZ

Defendants

Las Vegas, Nevada
January 10, 1990
10:05 o'clock a.m.

JURY TRIAL - DAY 2

THE HONORABLE LLOYD D. GEORGE, PRESIDING
UNITED STATES DISTRICT COURT JUDGE

COURT RECORDER:

TRANSCRIPTION BY:

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U.S. District Court

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(702) 254-2051

Proceedings recorded by electronic sound recording, transcript produced by transcription service.

APPEARANCES:

FOR THE PLAINTIFF:

ANNE K. PERRY
Assistant U.S. Attorney
701 East Bridger Avenue, #800
Las Vegas, Nevada 89101

FOR THE DEFENDANT:

RANDALL J. ROSKE, Attorney
820 S. Seventh St. #A
Las Vegas, Nevada 89101

1 A Uh-huh, uh-huh.

2 Q Do you feel that you are innocent or guilty of this
3 offense?

4 A Well, I believe --

5 MS. PERRY: Objection, Your Honor.

6 THE COURT: Sustained.

7 MR. ROSKE: Your Honor, I -- he's the one person in
8 the whole world can infinitively say what his intent was.

9 THE COURT: He's entered a not guilty plea, counsel.
10 Let's move on.

11 MR. ROSKE: I have no further questions of the
12 witness.

13 THE COURT: Cross-examination.

14 MS. PERRY: Yes, Your Honor.

15 CROSS-EXAMINATION

16 BY MS. PERRY:

17 Q Sir, on August 9th, 1989 you were on the Nevada Test
18 Site; is that correct?

19 A I -- that's correct.

20 Q And you went into building J3; is that correct?

21 A I went into this building here, yeah.

22 Q Okay.

23 A I guess that's what it says there.

24 Q And you --

25 A I know it as the chapel, but it says J3 there.

1 Q And you knew you were on the Nevada Test Site; is that
2 correct?

3 A Oh, definitely, uh-huh.

4 Q And when you came on the Nevada Test Site is it correct
5 that you avoided gate 100?

6 A Well, I don't know whether I would say I avoided gate
7 100. We did not go through gate 100. We went up --

8 Q Did you stop to obtain a badge from the Department of
9 Energy?

10 A No, we didn't do that. We just went directly up the road
11 and then we just -- as we got to where we would be going right
12 across to the chapel, we just went across to where the chapel
13 is.

14 Q Now you had no permission from the Department of Energy
15 to be --

16 A That's right. That's right.

17 Q -- on the Nevada Test Site?

18 A That's right.

19 Q And you knew you didn't?

20 A That's right.

21 Q And when you were in building J3, is it fair to say you
22 anticipated the arrival of security at some point?

23 A Surely did.

24 Q And I'd like to show you --

25 MS. PERRY: If I might approach the witness, Your

1 Honor?

2 THE COURT: Surely.

3 BY MS. PERRY:

4 Q I'd like to show you what's been entered into evidence as
5 United States Exhibit Number 2.

6 A Uh-huh.

7 Q Have you ever seen those before?

8 A Yes, I have, sure.

9 Q Do you recall seeing those on August 9th?

10 A Actually, I don't, you know, because we went during the
11 night, you know, very early in the morning, like 3:00 o'clock
12 in the morning. And going up that road, you know, I mean we
13 saw the big sign going up the road, but I don't think we saw
14 any -- I don't remember seeing any of these yellow signs, to
15 tell you the truth.

16 Q But you saw the big sign going up the road?

17 A Yes, uh-huh.

18 Q Father Vitale, you have been on the Test Site before,
19 have you not?

20 A That's right.

21 Q And in fact you were in building J3, I think you
22 indicated sometime around Easter; is that correct?

23 A That's right. That's right.

24 Q And you were escorted from the premises at that time; is
25 that correct?

1 A That's right, but we weren't charged.

2 Q But you were escorted from the premises?

3 A That's right.

4 Q And you weren't -- you didn't have the permission of the
5 Department of Energy on that occasion either, did you?

6 A No. Of course we have our little Shoshone Indian
7 permits.

8 MS. PERRY: Your Honor, at this time I move to
9 strike.

10 THE COURT: It will be stricken.

11 MR. ROSKE: Your Honor, she asked the question and
12 he responded.

13 THE COURT: She didn't ask that question, counsel.
14 It will be stricken.

15 THE WITNESS: We didn't have their permits or
16 badges.

17 BY MS. PERRY:

18 Q And you knew that the Department of Energy didn't want
19 you on the Nevada Test Site unless you were authorized; is
20 that correct?

21 A I guess that would follow.

22 MS. PERRY: I have no further questions of the
23 witness, Your Honor.

24 THE COURT: Anything further, Mr. Roske?

25 MR. ROSKE: I don't have any further questions of

CERTIFICATION

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