

Defense Direct of Harley Kim

1. Could you please state your name for the record?

A: My name is Harley Kim.

2. Mrs. Kim, where are you currently living?

A: Los Angeles, California.

What do you do for a living?

Just like everyone else in LA, I'm involved in the entertainment industry.

3. What is it that you do exactly?

A: I do camera and set work for BNN.

4. What is BNN and how did you become involved with them?

A: I joined BNN back in 2003 when it was called Blitz Television Station. I worked as a cameraperson for one of the game shows. When the company announced in late 2003 that it would become a news organization, I applied for one of the "photojournalist" positions.

5. What exactly do you do as a 'photojournalist'?

A: I do all the camera work for all of the stories we're working on. That includes shooting the reporters' interviews and stand-ups, but also shooting the subjects and scenery of our piece. I get to travel to a lot of really exotic places like St. Petersburg, Minneapolis, Des Moines, and Waukegan, sometimes I even get to meet celebrities and other famous people....it's a great perk of the job!

6. Did you receive any type of special training from BNN in regards to your position as photojournalist?

A: Well, since I had already worked as a cameraperson for one of the old games that BNN, then known Blitz Television Station, I had a lot of practical real world experience behind the business side of a camera. In 2003, I applied for the photojournalist position at BNN. I'm not what a lot

of people would call 'formally educated', heck, I never even went to college, but I do know how to do my job. BNN even required me to read a memo with all of the details of being a photojournalist and the expectations of it on January 1, 2004. It was from the CEO, Kit Berkshire, and I knew I better read anything that came from the head honcho himself

7. Would you recognize that memo if you saw it today

A: Yeah, I certainly would.

permission to approach opposing counsel.....

permission to approach the witness.....

8. Could you identify this document, please?

A: This is the memo that I was talking about earlier. The one that Mr. Berkshire sent down for me to read. I get a lot of these from him and my other bosses, actually.

at this time, I would like to introduce this into evidence as defense exhibit _____

9. Mrs. Kim, what did you learn from this memo?

A: Well, Mr. Berkshire was very big on emphasizing three main topics: thoroughness, accuracy, and fairness.

Let's take a look at each one of those topics addressed in the memo. How did you interpret the concept of thoroughness as pertaining to your job?

A: Basically, I took it to mean that we should leave no stone unturned, and that if it comes down to interviewing one famous guy or 10 non-famous people to get all sides of the story, we go with the larger number of people versus the one 'famous' guy.

What about the concept of accuracy in the memo?

A: I took that to mean that we should fully investigate every source as fully as we can and only report what we have reason to believe is true, based on the evidence we have at the time.

10. Finally, what about the concept of fairness in the memo?

A: Basically, we only report the facts based on the evidence we have at the time. We don't spin stories.

11. I'd like to direct your attention to the day of September 24, 2006. **Were you working that day?**

12. Could you tell us what you were doing as a photojournalist for BNN that particular day?

A: I got an unusual job that day. I was paired up with Reagan Thomas to cover a political debate between Drew Walton and Lane Hamilton.

13. You mentioned that this was an unusual assignment, why is that?

A: Well, I'm not really into politics and all of that boring stuff. BNN usually covers celebrity stories and all of that stuff like Tom-Kat and Brangelina stuff. But the way I look at it, where we go isn't my decision...it's the big wigs, so I just go where I'm told.

14. Let's talk about that debate for a moment, could you tell us exactly what your role in it was?

A: Well, we didn't cover the debate itself, we were all set up to interview Drew Walton afterwards. The debate was supposed to last for about two hours so I went across the street to relax until it was over.

15. What did you do once the debate was over?

A: Around 9:20pm, after the debate ended, Drew Walton and Lane Hamilton exited behind the stage and took separate podiums for a press conference. It was kinda one

sided since all of the questions were being directed at Drew Walton and implying that Drew had destroyed Lane Hamilton at the debate.

16. So what did you do after that press conference?

A: Well, at approximately 9:40pm I went out behind the Civic Center to load up my camera equipment into the truck. It was already dark but I was standing under a light so I could see just fine. A few minutes later I saw Drew Walton and his personal assistant come out the rear door of the Center. Mr. Walton walked up to his limo and threw the jacket his jacket in the back seat. His assistant got in the car and started the engine. At that point I heard some screaming from Lane Hamilton.

17. Could you tell us what you saw at that point?

A: Well, like I said, Lane Hamilton was visibly angry and excited. He told Hamilton, 'You're wrong on gun control and you're wrong for this country. You might be able to fool voters with that propaganda, but your father would see right through it. If he saw you tonight, he would be ashamed.'" Walton got irate and said, 'Don't you dare talk about my father". At that point, Drew Walton reached into the car and pulled out a gun.

18. After you witnessed that heated exchange, what did you do next?

A: I immediately started dialing Reagan Thomas's cell phone number and I went to grab my camera from the truck. Yea, I had to take my eye off the action but my job's not to see the action it's to catch it on tape. I was still getting my camera ready when I heard a gunshot go off. I ducked inside the truck then I heard a second shot. I peeked from behind the truck and saw Hamilton on the ground. He wasn't moving and it looked like he was bleeding.

19. Where was Drew Walton at this point?

A: Well, after the two shots rang out, I saw Drew Walton crouched over Lane Hamilton's body. From what I had seen.Drew Walton pulled out a gun, and the next thing I heard was two shots ring out, then I saw Drew Hamilton crouching over Lane Hamilton's body.

20. You previously mentioned you had dialed Reagan's cell phone number. When did he come out of the Civic Center?

A: A few seconds after the second shot was fired, he came running out the back and asked me what I saw and of course I gave him the whole story, detail by detail.

21. Could you describe the scene soon after the shots were fired.

A: Well, just a few minutes had went by and a crowd had gathered, including lots of reporters and then soon after the cops showed up. They wanted my story so I could not get much action with the camera.

22. Where was Drew Walton during this time?

A: Walton started doing a press conference. Reagan Thomas said that I was not to film it because everyone else would be doing it anyway. We interviewed the other eyewitnesses including myself, that goes along with our policy of BNN of being thorough and interviewing '10 non-famous guys' instead of 'one famous guy'. Reagan spoke to the police chief, one of the crime scene investigators, and Walton's assistant.

23. After you interviewed the other eyewitnesses what did Reagan want to do with that information?

A: I overheard Reagan on the phone talking to our producer, Fran Martin. Reagan went through all of the interviews and what each person had said. He wanted us to be the network that broke the news. I could tell by Reagan's reaction that Martin had refused to let Reagan run the story. As soon as Reagan hung up the phone he called CEO Kit Berkshire. He gave the same recap to Berkshire as he had Martin. After he hung up he said, "Were running the story."

24. Where did things go from that point?

A: The next thing I know we're on live on BNN, interrupting the network's coverage of the Oski Awards and reporting that Drew Walton had apparently shot Lane Hamilton.

25. Knowing what you know now; what are your feelings towards that night?

A: Well, my feelings are mixed. We did retract the story after it ran, because of new evidence. But I can tell you that in the heat of the moment, it's an important decision on what to report. You can only report on what evidence you have in your hands at the time. That's what we had, what looked to be like clear evidence that Drew Walton had shot Lane Hamilton. At that time, with the evidence we had...at that time, I think we made the right choice. We reported the facts that we had.