

COPY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

FILED
U.S. DISTRICT COURT
DISTRICT OF KANSAS

2003 MAR 13 P 1:08

UNITED STATES OF AMERICA,)
----- Plaintiff,)

vs.)

WILLIAM L. PICKARD and)
CLYDE APPERSON,)
----- Defendants.)

RALPH L. DELOACH
CLERK
BY *[Signature]* DEPUTY
CLERK
AT TOPEKA, KS.
00-40104-01/02

TRANSCRIPT OF VOLUME VII OF THE
TESTIMONY OF GORDON TODD SKINNER HAD DURING THE
JURY TRIAL
BEFORE
HONORABLE RICHARD D. ROGERS
and a jury of 12
on
February 6, 2003

APPEARANCES:

For the Government: Mr. Gregory G. Hough
Assistant U.S. Attorney
290 Federal Building
444 Quincy Street
Topeka, Kansas 66683

For the Defendant: Mr. William Rork
(Pickard) Rork Law Office
1321 SW Topeka Blvd.
Topeka, Kansas 66603

For the Defendant: Mr. Mark Bennett
(Apperson) Bennett, Hendrix & Moylan
5605 SW Barrington Ct. S.
Topeka, Kansas 66614

Court Reporter: Roxana S. Montgomery, CSR
Nora Lyon & Associates
1515 South Topeka Avenue
Topeka, Kansas 66612

300

COPY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

FILED
U.S. DISTRICT COURT
DISTRICT OF KANSAS

Certificate -----

2003 MAR 13 P 1:06

1102

W I T N E S S RALPH L. DELOACH
CLERK

ON BEHALF OF GOVERNMENT:

BY _____ DEPUTY
AT TOPEKA, KS.

PAGE

GORDON TODD SKINNER
(Contd.)

Cross-Examination by Mr. Rork

903

E X H I B I T S

GOVERNMENT EX. NO.: OFFERED RECEIVED

C. Photo of Whiteboard
Drawing by O'Grady 1052 1053

DEFENDANT PICKARD EX. NO.:

P-20-a Copy of Exhibit P-20
With Markings made
By Skinner 1001 1002

1 THE COURT: All right, we're all
2 present. Would the attorneys please approach
3 the bench?

4 (THEREUPON, the following proceedings
5 were held at the bench and outside of the
6 hearing of the jury.)

7 THE COURT: All right, I want to talk
8 to you about the cross-examination of Mr.
9 Skinner concerning his work on the confidential
10 information as confidential informant for the
11 DEA in Florida. The defendants have indicated
12 that they wish to cross-examine Mr. Skinner
13 concerning some work he did as a confidential
14 informant for the DEA in Florida. Having
15 carefully reviewed the arguments of parties,
16 the Court will allow inquiry into this area.
17 Accordingly, the Court shall deny government's
18 motion in limine. The Court, however, expects
19 defendants' counsel to ask questions that
20 directly raise this matter and not to make
21 efforts to inquire about the Worthy matter,
22 which I have ruled out. The Court does intend
23 to carefully consider all cross-examination and
24 will assert my right to limit it if I believe
25 that counsel are travelling too far afield or

1 seeking only to harass or embarrass the
2 witness. That will be my ruling.

3 MR. HOUGH: Judge, we would ask that
4 the Court exclude reference to the individuals
5 involved in that cooperation beyond Worthy for
6 the reasons stated in our motion, plus it
7 would-- the names of the individuals would have
8 no relevance whatsoever. If, indeed, the
9 purpose of this inquiry is to establish a bias
10 in Mr. Skinner because he has cooperated in the
11 past, which was the assertion yesterday, then
12 the fact of prior cooperation, just the fact
13 that you were a CI in the past alone would be a
14 sufficient inquiry.

15 THE COURT: Well, that was a long
16 time ago, the affair down there, and you raised
17 the point about the danger to him and so forth.
18 I don't see any danger to him at this time
19 after that length of time, and if you're
20 talking about the matter in Florida, I don't
21 want to restrict anything there. I will allow
22 them to go ahead. I don't see that that's a
23 great big point. You people seem to think it
24 is, but it doesn't appear to the Court that
25 it's a big point, so he will be allowed to be

1 cross-examined on that.

2 MR. HOUGH: Okay. May I approach the
3 witness so that the witness is aware that may
4 be coming?

5 MR. RORK: Judge, I'll wait until
6 after the morning break so he can tell him then
7 instead of approaching him now.

8 THE COURT: All right, you may
9 proceed.

10 (THEREUPON, the bench conference was
11 concluded and the following proceedings were
12 held within hearing of the jury.)

13 GORDON TODD SKINNER,
14 called as a witness on behalf of the
15 Government, was previously sworn, and testified
16 as follows:

17 CROSS-EXAMINATION (Contd.)

18 BY MR. RORK:

19 Q. Mr. Skinner, if you don't mind, we have
20 substituted and you have in front of you an
21 exhibit that's been similarly marked P-20 which
22 replaces the P-20 that we had yesterday. Is
23 that correct?

24 A. That's correct.

25 Q. And essentially, what the substitution

1 involves, the new P-20 has all the words that
2 are on there where it can be clearly legible?

3 A. Correct.

4 Q. And I did ask you before the jury came in to go
5 ahead and place some markings on the new P-20
6 that were made by you yesterday. Is that
7 correct?

8 A. That's correct.

9 Q. Let's continue on, then, with respect to the
10 questioning along those lines. After we-- I
11 believe, yesterday we had--

12 THE COURT: Would you use that
13 microphone more? I had some complaints
14 yesterday from people in the rear that they
15 couldn't hear what we were saying up here. So
16 if we will try to speak into the microphone
17 that will be helpful.

18 MR. RORK: I'll just try to get my
19 stuff together.

20 THE COURT: That will be fine. Thank
21 you.

22 Q. (By Mr. Rork) Looks like what we were doing
23 yesterday, 110 and 111 were the items that were
24 discussed, and in that conversation, I believe
25 you've indicated that in 1984 you had gone to

1 this conference where there was some
2 individuals involved. I believe one of them's
3 name was John Ott?

4 A. Jonathan Ott.

5 Q. Jonathan Ott. And who were the other
6 individuals?

7 A. Andrew Weil, Dr. Andrew Weil, M. D. Alfred
8 Savinelli was at one of the conferences '84,
9 '85, Paul Stamets, Ph.D.

10 Q. S-T--

11 A. -- A-M-E-T-S.

12 Q. And with respect to Paul Stamets, what was his
13 particular field or area at that particular
14 time?

15 A. He is a mycologist. He's an expert at,
16 basically, growing mushrooms of all sorts,
17 medical, food, and entheogenic.

18 Q. When you say entheogenic, you mean the
19 hallucinogenic, psilocybin, and the progenies?

20 A. Yes.

21 Q. And Dr. Andrew Wiley, what was his--

22 A. Weil.

23 Q. Weil? What was his area of expertise?

24 A. He's out of Harvard. He's an M. D., and he has
25 become popular in a sense as being-- using

1 alternative methods for healing people for
2 different things. He's written numerous books.
3 He's quite famous.

4 Q. And Jonathan Ott?

5 A. He is the protege of Albert Hofmann. He is an
6 expert at translating, and he supplied Sigma
7 Chemical with different items. He also is a
8 prolific writer of books concerning sacramental
9 use and entheogenic use and entheogens, i.e., a
10 book called "Pharmacopeia."

11 Q. Alfred Savinelli, what was his area of
12 expertise?

13 A. Just was there, and no area of expertise that I
14 knew about.

15 Q. Did he own and operate the business Native
16 Scents at that time?

17 A. No.

18 Q. Do you know what his business, if any, was?

19 A. No, I don't know.

20 Q. And you indicated this was like a three- or
21 four-day conference?

22 A. That's correct.

23 Q. And where was it held at?

24 A. Orcas Island, San Juan Islands, off of the
25 state of Washington, United States of America.

1 Q. And the nature and purpose of the conference?

2 A. Was to talk about mainly the broad field of
3 mushrooms and both edible, medicinal, and there
4 was actually a talk at one of them about using
5 them as dyes and for artwork and such that was
6 secondary that none of us had really thought
7 about, and entheogenic use, and also how to
8 identify. There was an identification class,
9 keying so you would not get a hold of a
10 poisonous mushroom, so you would know the rules
11 of what to look for to make an exact pick so
12 you would know what type of mushroom you had,
13 which is very, very complicated.

14 Q. And this would have been in that period I
15 believe that you said you were unemployed from
16 1980 to 1985. Is that correct?

17 A. Well, I was employed in 1985, but I quit in
18 March, 22nd or something like that, in 1985.
19 Yes, it was after March 22nd, it was when I was
20 unemployed when I went to this. I believe it
21 was October of '85 that I went to that one.

22 Q. And the period where you were able to do a lot
23 more extensive research without being
24 continuously employed at Gardner Spring was
25 1985 to 1990 time period?

1 A. Yes.

2 Q. And when you traveled to this conference in
3 October of 1985, did you go by yourself or
4 travel with someone else?

5 A. I went by myself.

6 Q. Let's go on, then, into the next line of
7 questions with respect to after 110 and 111.
8 Would you continue with the other items you did
9 research in in the time period 1978 to 1990,
10 and the use thereof?

11 A. 56.

12 Q. And 56 is what?

13 A. 56 is psilocybe cubensis.

14 Q. And what does that consist of?

15 A. That is normally referred to as the
16 hallucinogenic mushroom, or in common
17 vernacular, shrooms, and this would be-- this
18 specific psilocybe cubensis has many varieties
19 thereof, but giving the whole family, 57, 58,
20 and 59, also include 60.

21 Q. Let me-- so is 56 by itself or--

22 A. No, it starts that series.

23 Q. All right, so 56--

24 A. Through 60.

25 Q. -- through 60. 57 is what?

1 A. Panaeolus, which is a family. The next one, 58
2 expands upon the varieties of 56. It just
3 gives, for example psilocybe azyrescens, and
4 goes on to include cyanescens and so on, and so
5 on.

6 Q. And through 56 through 60, what was the nature
7 of your research, and how was it undertaken?

8 A. Well, it-- there was some formal stuff, and
9 there was some informal stuff. During that
10 time, I was on the island of Jamaica, and I
11 actually went out and picked some shroom,
12 psilocybe cubensis, in their wild habitat and
13 washed them off and then consumed them.

14 Q. And what was the effect that you experienced?

15 A. That particular one I remember was a profound
16 effect that I remember to this day quite
17 clearly. I took it with a friend Ivo Kaanen,
18 and we were sitting in the grille which was on
19 the west part of the island of Jamaica very
20 close to the ocean, and as odd as this may
21 sound, you form a dialogue with some of these
22 things, and you start being downloaded
23 instructions, is the best way I'm trying to
24 describe this, and one of the things that was
25 profound about this was that I had been

1 spending too much of my life accumulating and
2 worrying about the material world and business,
3 and that the real function of life here is not
4 to mess with the accumulation of assets, but to
5 try to attain a higher spiritual way.

6 Q. And this particular Jamaican event and research
7 undertaking, do you know about what time period
8 that would have been?

9 A. 1988, August 1988.

10 Q. And so this Jamaican-- how long were you in
11 that Jamaican environment?

12 A. You mean-- we were there for a couple of days.

13 Q. And have you used any of those, 56 through 60,
14 from that time to the present?

15 A. Well, yes, but also I used them before then
16 too. I was giving one of the more profound
17 effects.

18 Q. All right, and by more profound effects, how
19 does that differentiate in respect to just a
20 regular effect?

21 A. Well, early on, there was a seemingly-- you
22 could see the humor in many things that
23 normally didn't seem humorous, and you can see
24 how much there was inherent inconsistencies
25 within political systems, within general ways

1 of thinking, within generally accepted
2 viewpoints. It was like you could see through
3 different lenses parts of a given item. You
4 were looking at the universe through different
5 kinds of lenses, and I don't mean physically
6 looking through it in a lens. I mean mentally
7 you were perceiving it in another lens.

8 Q. So what you would actually do, then, is in what
9 I would refer to in your mind's eye, you would
10 actually see these events that you were just
11 describing?

12 A. That's correct.

13 Q. And when you were doing this research, as in
14 all the other research, did you also do it with
15 another person and then discuss the various
16 experiences?

17 A. In this particular case, I'm saying yes. At
18 some times, because I knew of the safety
19 margins with psilocybe, I would do it by
20 myself.

21 Q. And what are those safety margins?

22 A. The relatively-- there's-- the upper end
23 doesn't seem to be anything that's deadly. The
24 biggest problem you have with the psilocybes is
25 that there's an inconsistency with every

1 different mushroom or batch of mushrooms in the
2 potency, so you get surprises that less happens
3 than you're expecting or substantially more
4 happens, and there's many reasons for this.
5 The first flush is usually a weak and growing
6 phase. The second and third flush are strong,
7 and there's a declining content of psilocin,
8 psilocybin, and 4-hydroxy-N, N-
9 dimethyltryptamine or phosphate-N, N-
10 dimethyltryptamine that is in there, and also
11 there's an oxidization situation that goes on
12 between those.

13 Q. And this particular occasion in Jamaica you
14 talked about picking it yourself, but
15 previously and during this applicable time
16 period, did you not also undertake growing your
17 own mushrooms?

18 A. Yes, I usually grew mycelium because there was
19 no reason to take it to the fruiting body, and
20 in those rooms that we grew them in, it would
21 be, like, instead of a greenhouse, it would be
22 a dark house with lots of fresh air, sterile
23 air flowing through, and we would make sure
24 that it was very clean, and we had to keep it
25 to where it would be just like you would be

1 growing plants. You would want nontoxic items
2 around and also no bacteria and no other fungus
3 and contamination.

4 Q. Would you have to use a room in size of, like,
5 a bedroom?

6 A. Or, yeah, you could use even a closet,
7 depending on what particular strategy you were
8 using.

9 Q. And what did you need to do to start this
10 research project of growing these? How did
11 you--

12 A. Well, I can start with spores, which can be
13 legally obtained.

14 Q. And how do you obtain those?

15 A. You can get them-- I obtained every source I
16 could get, so I had-- there was a source from
17 Hawaii, Lux Dutura (spelled phonetically) at
18 the time, which the McKenna family was running.
19 There were many sources on the West Coast
20 called the Homestead Book Store, but beyond
21 that, there was the Type Tissue Culture Society
22 that also had mycelium and actually had spore
23 prints that were available, and I obtained them
24 from all those, and also when I would meet
25 someone that would have a different strain that

1 was interesting or a variation, I would then
2 take that, and it's complicated to take it from
3 the spoor print and to get a clean, sterile
4 viable culture that will go to fruiting body.
5 You do have to end up going through the whole
6 cycle eventually and take your mycelium and go
7 back to a fruiting body.

8 Q. And when you first began to undertake this
9 research and to grow your own, what type of
10 equipment did you have and nature of same?

11 A. Oh, lots of little petrie dishes, pressure
12 cookers, Ball, which I believe are still made,
13 canning jars, rice, rye, panoply of trace
14 minerals and vitamins to make into the agar
15 agar or agar agar media, Daylight 65 Vitalite,
16 lights from the Dura Test Light Corporation.

17 Q. And did you have to have, like, a tub or
18 something to put these petrie dishes in?

19 A. No, petrie dishes, if they're put in an area
20 where you spray them down, if they start off
21 clean, they're all right. It's the next
22 transfer that requires a problem.

23 Q. And with respect to a petrie dish, there's a
24 round rubber band thing front of the court
25 reporter, if you can see that, is that about

1 the size of a petrie dish?

2 A. No. A petrie dish wold be like the top of
3 this, about that size or a little bit bigger.
4 It had a glass cover and will either be made by
5 the Pyrex Corporation or Kimax Corporation.
6 I'm sure there are some other people that make
7 it. It has to be autoclavable or able to be
8 sterilized at high temperatures under pressure,
9 a top and bottom that fit together, and it
10 actually does allow a small amount of air
11 exchange.

12 Q. And what you've described, for the record, was
13 about an inch high--

14 A. A little less than an inch high, but close.
15 This diameter is a little less than-- I just
16 don't remember the exact dimensions of petrie
17 dishes, but I've used them.

18 Q. Where did you obtain those petrie dishes.

19 A. From the Refinery Supply Company in Tulsa,
20 Oklahoma. I believe I had over 500 petrie
21 dishes.

22 Q. With the pressure cookers and some of the other
23 items you indicated, you could do your own
24 sterilization.

25 A. Yes, I bought the standard, the largest

1 pressure cookers I could so that I could stack
2 and sterilize. I went through a process where
3 I would sterilize the media and I would then
4 pour the media while it was still-- the agar
5 agar with all the stock in there, pour them
6 into the petrie dishes and then again
7 resterilize the entire operation in another
8 pressure cooker. After that cooled down and
9 was ready, then I would do either spoor print
10 or mycelium transfers into the petrie dishes.

11 Q. Let's go into that. Essentially, what you
12 first described is making of something, and you
13 used some words. That's just in layman's terms
14 you began the process of growing this fungus.
15 Is that what you're describing?

16 A. Basically, and most people would have gone to
17 the fruiting body and they would say growing a
18 mushroom, but I found no need of growing the
19 mushroom itself because the mycelium, which is
20 a white cottony mass that grows from the center
21 of the petrie dish out, if it's given Daylight
22 65 or Vitalite, will create enough psilocybin
23 and psilocin to be as active as going to the
24 fruiting body, but eventually I would have to
25 go to the fruiting body to keep the viability

1 of my strain going.

2 Q. And what do you mean, go to the fruiting body?

3 A. That's a mushroom in its actual-- that's the
4 end. The mushroom, that fruiting body, is
5 actually-- the mycelium is constantly living in
6 the ground. When it feels stressed or certain
7 circumstances occur, the fruiting body is a
8 survival mechanism. So when you see a mushroom
9 on the ground, you see this giant biomass
10 that's considered an organism living under the
11 ground, it is, in effect, trying to reproduce
12 because it senses a form of stress in its
13 environment, or it could be in its natural
14 cycle.

15 Q. When you were doing this, would you use all of
16 the petrie dishes or some of them or--

17 A. No, I'd use some of them.

18 Q. And was there a certain amount or quantity that
19 you know would be produced or yielded in a
20 certain batch?

21 A. Never could guess anything like that.

22 Q. So when you made some of this yourself, do you
23 know how much yield would typically result?

24 A. No. I mean, it was a real-- I mean, if you did
25 a good transfer, and you got to a clean liquid

1 state of where you took and you had a spoor
2 print that was uncontaminated that grew a white
3 cottony substance called mycelium across the
4 petrie dish, and you took that and blended that
5 up into a sterile water, sterilized blender
6 that there were specific ones for, there are
7 other ways of doing this, and it's called
8 inoculation, and you would pull a syringe, and
9 then you could inoculate a number of petrie
10 dishes. This would create a situation that, if
11 things were right, you didn't get a
12 contamination, you had a high yield of
13 mycelium. If you had air that came in from the
14 door and got contaminated, or something was on
15 your hands, or you sneezed, you blew the whole
16 process.

17 Q. And would a yield be in ounces or pounds?

18 A. Well, ounces, yeah, very small amounts.

19 MR. HOUGH: Judge, we renew our
20 objection to the relevancy of any matters that
21 occurred 10, 15 years prior to the arrest as to
22 this matter.

23 MR. RORK: Again, Your Honor, I'm
24 going into the background, training, and
25 experience with respect to the knowledge and

1 use of this individual.

2 MR. HOUGH: The knowledge and use of
3 mushrooms 10 to 15 years (inaudible).

4 THE REPORTER: I'm sorry?

5 MR. HOUGH: The knowledge and use of
6 mushrooms 10 or 15 years before the arrest of
7 the defendants is more than a little tenuous to
8 the charges in the indictment of the relevance
9 of the witness's testimony.

10 MR. RORK: And, Judge, when I
11 objected on direct examination that Mr. Skinner
12 wasn't allowed to go through his entire
13 history, the government indicated, "Well, you
14 can take care of that on cross."

15 THE COURT: Well, let me just suggest
16 that we move this along. This-- I can't see
17 that we've accomplished much all day yesterday
18 and accomplished much today, and these
19 questions do not need to be asked in this great
20 detail. Let's bring this to a head and try to
21 get to where we are here. If you're making a
22 point, you have made it many, many times, so
23 let's try to move along.

24 MR. RORK: Judge, I would agree we
25 didn't accomplish much the last 13 days before

1 yesterday but, again, the issue deals with
2 what's the government's case, and you told us,
3 "Let them try their case," and now I'm trying
4 to try our case.

5 THE COURT: Well, I understand that.
6 But the Court has the right to limit cases, and
7 I'm going to have to do that on both sides here
8 if we don't move this thing along, because this
9 is-- we're really not asking anything that
10 seems to do with guilt or innocence in these
11 cases, so let's proceed along.

12 MR. RORK: Judge, I intend to tie it
13 up. I've got to start at the beginning to lay
14 the foundation.

15 Q. (By Mr. Rork) Mr. Skinner, with respect to
16 these mushrooms and these items, was there also
17 a market where people could sell those that
18 grew them?

19 A. Yes.

20 Q. And do you know what they would sell for
21 generally?

22 A. No.

23 Q. What's the next items that go outside of that
24 group?

25 A. Okay. Give me the time frame that we're

1 looking at again, sir.

2 Q. Again, 1978 to 1987.

3 A. Okay.

4 MR. HOUGH: Judge, we would renew our
5 objection 1978 to 1987 is more than a little
6 tenuous, has nothing to do with the credibility
7 of witness, bias of the witness, or anything to
8 do with the charges in this case.

9 MR. RORK: Judge, again, I would ask
10 that the objection be limited to a legal one.
11 I ask that we can approach the bench.

12 MR. BENNETT: Well, Judge, I would
13 also offer for the Court's consideration that
14 if any of these items Mr. Skinner was growing
15 were illegal, that that certainly goes to
16 credibility.

17 MR. HOUGH: Judge, we would
18 respectfully request that the cross-examination
19 go to that point as opposed to where it is at
20 now. Certainly, if these are controlled
21 substances that he was using, abusing, dealing
22 in, that can be inquired about, but that's not
23 the inquiry, and if the inquiry is relative to
24 1978 to 1987, it's going to be barred under
25 Rule 609's ten-year limit.

1 MR. RORK: Judge, with respect to the
2 issues again, his use, his knowledge, his
3 experience in manufacturing, compounding,
4 extracting, he had to start somewhere, and I
5 don't intend to dwell on it all day, but I do
6 intend to go through it in a summary fashion,
7 just like the government was allowed to go
8 through in a summary fashion their case.

9 THE COURT: Well, would the attorneys
10 please approach the bench?

11 (THEREUPON, the following proceedings
12 were held at the bench and outside of the
13 hearing of the jury.)

14 THE COURT: Each time I mention
15 trying to speed something up, you gentlemen
16 say, "Well, the other side got to do it much
17 better," and I gave more time, and so forth.
18 Well, I do not think that's true. At least the
19 other side was relevant on what they're doing.
20 This is so far from relevant, and I just can't,
21 in seeing it-- and each one of you gentlemen
22 mentions once in a while about how long it's
23 going to take to try this case. The way we're
24 now going, it's going to take about another
25 eight, ten weeks to try this case. And the

1 first thing, this gentleman doesn't need to go
2 into the detail he's going into, and you can
3 tell him about that. I don't want his life's
4 history here on this. But this is a long time
5 ago, gentlemen, and I see what you're trying to
6 do, but please, let's just try to move this up.
7 There are some other serious problems you
8 gentlemen don't know about that we need to try
9 to move this case along. So let's try again.

10 MR. RORK: Judge, if I may. Excuse
11 me, Mr. Hough. Judge, if I may indicate to the
12 Court, number one, I resent the fact that when
13 I'm making examinations of the witnesses, the
14 Court says in the presence of the jury, "Oh,
15 this doesn't have anything to do with the case.
16 This isn't relevant," and whenever there was an
17 objection made to the government, the Court
18 would say, "Oh, let him try his case. Let him
19 try his case," again inferring to the jury. I
20 know you're going to give an instruction that
21 the jury shouldn't consider it but, Judge, let
22 me give you an example. I don't want to
23 educate this witness in front of the jury of
24 Mr. Hough, but if you recall on February 3rd,
25 which was this week, when Mr. Hough

1 specifically asked him, "Well, what items did
2 you expect that the government may have found
3 in these military containers when they came
4 there on October 31, 2000," he said beakers,
5 glass, rotoevaporator, hydropressure cookers
6 and the like. When I ask him research from
7 1978 to the time period, "What did you use?"
8 he said beakers, glass, rotoevaporator and the
9 like. And again, Judge, this shows-- and I'm
10 not going to dwell on it all day, and I'm
11 trying to go through it in a more summary
12 fashion and yes, he does tend to go on, and I
13 don't want to cut him off. Then there'd be
14 objection for not letting him answer. But I
15 want to show all the experience, all the
16 theories, all the items here deal with the same
17 things that were found October 31, 2000, that
18 he has a long history, number one. Number two,
19 Judge, if you recall yesterday and right now he
20 said, "In 1984 and in 1985 I'm going to
21 conferences." With who? Jonathan Ott, this
22 Albert (sic) Weil, this Albert Hofmann protege,
23 people that he's trying to say to the
24 government's questioning over and over are LSD
25 people that Mr. Pickard hangs around with.

1 And, Judge, I'm trying to establish-- and I'll
2 do so in a lot more summary fashion-- all the
3 people he knows, all the things that he'd done
4 before he knew Mr. Pickard in 1998. And, gee,
5 now the jury can assess the weight and
6 credibility of what happened on this occasion.
7 And every time we go on break, the government
8 tells him what our strategies are. When we
9 speak out loud, he's always been in the court,
10 and I understand that. I'm trying to work
11 around it. But those are just two small
12 examples, Judge, of relevant evidence that the
13 jury has got to hear now, and they can say:
14 Well, Mr. Skinner knew all these same people he
15 was telling Mr. Hough that are Pickard's LSD
16 proteges 10, 12 years before he even knew Mr.
17 Pickard. And then that goes to the weight and
18 credibility of these actual events in 2000, and
19 that's all I'm trying to establish. I don't
20 intend to let him ramble on but, Judge, he
21 brought up his drug use. And I don't intend to
22 take a lot of time, and I'll try to do it in
23 more of a fashion to group it in, but that's
24 just some of the examples of what I think is
25 very relevant and that I'm going to argue to

1 the jury.

2 MR. HOUGH: Judge, counsel can ask
3 those direct questions, and could have done so
4 in the manner that he's just described to the
5 Court regarding all of the 163 items on this
6 list in an hour's time yesterday, but yet here
7 we are again going over and over and over these
8 in a fashion-- there's 163 of these items on
9 this list, Judge.

10 THE COURT: I understand.

11 MR. BENNETT: Judge.

12 THE COURT: Yeah, go ahead.

13 MR. BENNETT: I just would second Mr.
14 Rork's presentation, but I would also say that
15 what we're doing-- or what Mr. Rork's doing,
16 I'm not doing it-- but if he does it, then I'm
17 not going to cover it a second time. But Mr.
18 Hough in his direct examination went through
19 all of this man's drug use, and I don't think
20 it was necessary then either, but he went
21 through it, and it was all brought out on
22 direct examination, and I think we ought to be
23 able to cross-examine about those same things
24 that he told Mr. Hough about. And I understand
25 what the Court's saying, but--

1 MR. HOUGH: Judge--

2 THE COURT: I'm not getting through
3 to any of you people. I can see that. So
4 we'll just have to plug along.

5 MR. HOUGH: Judge, very clearly, the
6 fact that a witness has used drugs in the past,
7 if it's within a relevant time frame and not so
8 remote as to be tenuous and irrelevant, can be
9 made inquiry into. But the fact of specific
10 individual use of each of these 163 items in
11 the fashion that is being inquired into is
12 something that routinely is and should be
13 limited by the Court under Rule 403.

14 MR. RORK: Judge, again, I'm going to
15 try and do it in a more summary fashion.

16 THE COURT: Please, please do it,
17 because--

18 MR. RORK: I understand.

19 THE COURT: All right.

20 (THEREUPON, the bench conference was
21 concluded and the following proceedings were
22 held within hearing of the jury.)

23 Q. (By Mr. Rork) Mr. Skinner, you were talking--
24 as far as it relates to the mushrooms at that
25 period in time, were they legal or illegal?

1 A. It is ambiguous-- it is nebulous at best about
2 whether psilocybe cubensis is a Schedule 1.
3 There is a flaw in the scheduling. Definitely
4 psilocin and psilocybin and the extractions
5 thereof, any tea that is made would be against
6 the law and would be a Schedule 1 Title 21
7 violation, but the spores are legal, and
8 whether or not the mushrooms themselves are
9 legal is a confusing part to the law.

10 Q. When people are arrested for possession of
11 psilocybin and it's extractions?

12 A. Yes.

13 Q. And this would be from the time period from
14 when you began your research up until 1988,
15 correct?

16 A. And still to this day.

17 Q. Still to this day. With respect to the items
18 that have been marked in P-1 Exhibit numbered 1
19 through 163, can you identify by number which
20 of those are legal to possess or which of those
21 are illegal? Well, first let's do it this way.
22 You said some of these were prescription drugs.
23 Is that right?

24 A. Right.

25 Q. Can we identify by number which ones were

1 prescription drugs and whether those were
2 obtained through a doctor's order or your
3 order?

4 A. Okay, 158.

5 Q. I'm sorry, which one?

6 A. 158, Vasopressin, prescription.

7 Q. And purpose and nature of that?

8 A. Well, typically it's for insipidus diabetes
9 problem to-- which is a urinary thing. There
10 are some other reasons you can get it. I got
11 an illegal prescription for it. I did not have
12 insipidus diabetes.

13 Q. What did you use it for?

14 A. I was experimenting with it to see what it
15 would do to different parts of the receptor
16 brain site.

17 Q. Continue backwards.

18 A. The reason backwards, because that's where we
19 get most of the prescription drugs.

20 Q. That's fine.

21 A. L-deprenyl.

22 Q. Number?

23 A. 147. Prescription.

24 Q. And the use of that?

25 A. It has many uses as an antidepressant. I

- 1 didn't use it for that. I was researching with
2 it, but I got a prescription written for it.
- 3 Q. And are you circling those?
- 4 A. I'm putting prescription, but I circled--
- 5 Q. All right, that's fine. Circle and put
6 prescription.
- 7 A. Hold on a second.
- 8 Q. So the 158 and 147. Which would be your next
9 one?
- 10 A. I don't know what we would call alcohol, so
11 let's skip that one. Dextrose.
- 12 Q. We're on page 14?
- 13 A. Fourteen.
- 14 Q. I'm sorry, which one did you say?
- 15 A. 142, Dextrose IV and oral.
- 16 Q. And what's the purpose and nature of that
17 related to you and your use?
- 18 A. It's sugar.
- 19 Q. And were you experimenting with that in your
20 research?
- 21 A. Yes.
- 22 Q. For what purpose?
- 23 A. Well, I was actually prescribed this as part of
24 a way of not going into hypoglycemia during IV
25 therapy.

1 Q. And IV therapy being your own research into
2 drug use?

3 A. Both my own research and a legal doctor sitting
4 there doing research with me.

5 Q. And that's from the time period from when you
6 first started until 1988, first of January
7 1988?

8 A. No. No. Let's throw that one out. Sorry.

9 Q. Well, that's okay

10 A. I was trying to get all prescriptions.

11 Q. Let's just go through all prescriptions.

12 A. Let's get rid of the prescription stuff. 141,
13 alpha lipoic acid. It's widely available in
14 the health food store, but in the IV form it
15 needs to be prescribed.

16 Q. Again, for what purpose in your research?

17 A. That happens to be a unique substance that is
18 both antioxidant and a lipid, which means fats
19 and antioxidant, and water soluble. It's very
20 complicated in the Kreb's cycle of what it
21 does. If you want to get into the description,
22 I'll do it.

23 Q. That fine. Let's go on.

24 A. 139, vitamins and minerals and such.

25 Q. And again, would those be prescribed by a

1 doctor?

2 A. Some of them would. Some of them-- I'm just
3 trying to get rid of these. So magnesium
4 sulfate, 138.

5 Q. These were ones that were prescribed for you
6 and also used in your research?

7 A. Yes, that's correct. Magnesium sulfate has a
8 common name of Epsom salt. 137 fractures over
9 the time. It's both through the time that
10 you're talking about and after because of the
11 way I have worded it, but it's prescription and
12 research.

13 Q. Well, with respect to the prescription, just
14 give it for any time period.

15 A. Okay, good. Thank you. The sodium pentathol,
16 I didn't have it prescribed. I had it put in
17 my arm, pretty surprised, for removal of wisdom
18 teeth. There was a time when Ibuprofin, 131,
19 required prescription, 1992. Nystatin required
20 a prescription. That was just a-- I don't need
21 to explain it.

22 Q. What's it for?

23 A. It's-- it does not enter the blood stream, and
24 it's orally taken and it gets rid of Candida or
25 helps to eliminate Candida. 128, just any

1 antibiotic I took in my life.

2 Q. Let's go to page 13 for prescriptions at any
3 time period.

4 A. Right. 127, I believe that-- if I make a
5 mistake-- Lasix. If anyone here can help me.
6 I believe that's Lasix, and that is just a
7 diuretic, just to eliminate water from the
8 body. 126 is Aspirin.

9 Q. And all these are used in research or in your
10 own needs?

11 A. For a headache.

12 Q. That could be caused by some of the substances
13 you were experimenting with or just a normal
14 headache?

15 A. A normal headache. Also, I went through a
16 period of where I thought maybe if I dissolved
17 an Aspirin every day, it would improve my
18 health. Benzocaine.

19 Q. And what is that and the purpose?

20 A. They use that-- many things-- to inject into
21 your mouth, topically to get rid of pain while
22 they're going to do stitches or cut you open or
23 something like that.

24 Q. What did you use it for?

25 A. No, I'm talking about that's what it was used

1 for by a doctor on me.

2 Q. Okay.

3 A. 124 is just an over-the-counter substance
4 that's found in stuff like Nyquil and DayQuil
5 and such.

6 Q. And those things you can see in Kwik Shops all
7 the time, just a pseudoephedrine, by the
8 register?

9 A. That's correct.

10 Q. Next one?

11 A. Norvasc. Nothing but, as I say, it's a calcium
12 channel blocker.

13 Q. Is it prescription or just over the counter?

14 A. No, no. It's prescription.

15 Q. Was that something given to you for research or
16 personal?

17 A. Personal. I did not enjoy it. I came off of
18 it after a week. I was running high blood
19 pressure at one time, and I came off of it. I
20 had a bad reaction to it. 119, Niphedipine.
21 That is a beta blocker, as I remember, for high
22 blood pressure also, prescription, legally
23 prescribed. Carbocaine was injected to me by a
24 doctor just to do an incision or to do
25 something. Lidocaine, both research and given

1 to me by doctors. It's common. It's used
2 everywhere you go.

3 Q. And briefly describe how it would be used in
4 your research, for what purpose.

5 A. Are you talking about any period in my
6 research?

7 Q. Yeah, any period.

8 A. As an IV item, it seems to evoke an immune
9 response.

10 Q. What do you mean, higher tolerance for what you
11 were taking?

12 A. No. I'm talking about for health. It evokes
13 an immune response. Procaine is just another
14 name for Novocaine, and when you go-- I
15 actually used Procaine in research, but mainly
16 it's, you know, if you go to the dentist to
17 have something done.

18 Q. And how would you use it in your research?

19 A. It's nicknamed H3, and there's an unusual set
20 of-- there's a long period of research that
21 shows that it may slow the aging process down,
22 and I'm not for sure of that.

23 Q. And is that what you attempted to do with your
24 research?

25 A. No. I mean, I was just experimenting to see

1 what happened.

2 Q. Did you have to purchase this, or was it
3 prescribed by a doctor?

4 A. Prescribed by a doctor.

5 Q. Any more on that page?

6 A. Yes, 114. I mean, I have to make sure I'm
7 correct here. This is commonly known as
8 dextromethorphan. Again, another item of
9 Nyquil.

10 Q. And is that over the counter then as opposed to
11 prescribed?

12 A. Yes.

13 Q. So now you're going to page 12?

14 A. I'm going to page 12. Oxycodone is nothing but
15 what would be found in Percocet, Roxicet,
16 Percodan, such and such.

17 Q. And was that prescribed by you?

18 A. Prescribed to me, like, if I was-- you know,
19 broke my toe or had an accident or something.
20 Carisoprodol, it's got a common name of Soma,
21 and I ruptured a disk in 1992, and they gave me
22 Carisoprodol, which is a generic name for Soma.
23 103 is hydrocodone, Vicodin, prescribed.

24 Q. And again, not used in your research then?

25 A. No. Codeine in the form of Tylenol No. 4 or 3.

1 I don't think I've ever taken any other form of
2 Codeine, but it's a form of Tylenol No. 4 and
3 3, prescribed, one of the most minor pain--
4 it's got acetaminophen with it. Meperidine,
5 common name Demerol.

6 Q. What page are you on?

7 A. Twelve.

8 Q. Okay. I didn't see Peridine (sic) or Demerol.

9 A. It's Meperidine, and the name of it--

10 Q. Ninety-six?

11 A. Right. That's Demerol, prescribed for ruptured
12 disk.

13 Q. What about 95?

14 A. Oh, sorry. I missed it. Yes. Valium. I have
15 had a prescription of Valium for years.

16 Q. How many years?

17 A. I couldn't tell you. Four or five.

18 Q. What's your current dosage?

19 A. I'm basically in the process of trying to stay
20 off of Valium.

21 Q. When did you start that process?

22 A. I've tried many times. Probably a couple
23 months ago.

24 Q. And prior to a couple of months ago trying that
25 process, what was your dosage?

1 A. I tried to keep to under 15 milligram a day.
2 Often I'd go long periods of skipping a day and
3 doing 5 milligrams, skipping a day and doing 5
4 milligrams. I'm not happy with how the
5 benzodiazepine family affects the body.

6 Q. And so you haven't used any the last two months
7 is what you're saying?

8 A. No. I used very small amounts, and I mean very
9 small, small.

10 Q. How much amounts were you using for the time
11 period of 2000 to two months ago?

12 A. I'm allowed by the way the prescription is
13 written in the script to take four or five a
14 day. That would leave me on the floor, because
15 I'm sensitive to this. Just because the doctor
16 recommended that or allowed me, I never hit the
17 recommended dose.

18 Q. Did you continue to fill the prescriptions
19 regularly?

20 A. Not regularly. I-- the doctor was surprised
21 that I would go six months and not fill the
22 prescription.

23 Q. Next, going to page 11. And we can go ahead
24 and mark off caffeine because we know that's
25 not a prescription. That's No. 82.

1 A. Well, we can mark off 83 and 82.

2 Q. And 83, was that used in your research any way,
3 or just something you take it?

4 A. Any time I eat chocolate, I take it.

5 Q. What prescriptions, then, would be listed
6 there?

7 A. I'm looking. I actually had a prescription of
8 Ketamine, believe it or not.

9 Q. What's Ketamine, 85?

10 A. Yes. I had a prescription for 144 vials in
11 1986 of Ketamine.

12 Q. What was the purpose of it?

13 A. Purely for research.

14 Q. And putting it into other extracts, or just to
15 use it by itself?

16 A. Just to use by itself. It's a disassociative
17 anesthesia.

18 Q. What effect did that produce for you?

19 A. I could sit here forever. Basically, just sort
20 of insulates the nerves, and it has an odd
21 effect.

22 Q. Does it have a long duration or short duration?

23 A. Forty-five minutes.

24 Q. Per dosage?

25 A. Per dosage.

1 Q. And of the 144 vials, how many doses would be
2 in a vial?

3 A. It depends on your body weight. Anywhere from
4 as little as five to a maximum of 20.

5 Q. And did you continue the research when you
6 started until you ran out, or over a period of
7 time?

8 A. No. I stopped the research after a certain
9 point and gave the vials away, because I have
10 no interest in this material.

11 Q. Are you going to page 10?

12 A. Yes. If I miss something that you know is
13 something common, please help me. There's a
14 lot of items here. I'm not trying to be
15 tricky. There's just an awful lot here. Okay,
16 the bottom of one is going to be a legal item,
17 but we go to page 9. It's 68. It's 5-hydroxy-
18 L-tryptophan. It's misnomenclatured at the
19 health food stores as 5-HDP, which means 5-
20 hydroxy-tryptamine, which is seritonin.

21 Q. That's over the counter?

22 A. That's a health food store item, and it's in
23 the process of the body's natural production of
24 seritonin. 67-- I'm sorry-- 67, 66, 65, and I
25 don't know what the answer would be on this.

1 They have been banned by FDA. There's no
2 DEA regulation on it that I know about. This
3 is an amino acid that's essential to existence.
4 It's found in large amounts in turkey. It goes
5 L-tryptophan, then it goes 5-hydroxy-L-
6 tryptophan, then that goes into a process
7 that's quite complicated that ends up being
8 5-hydroxy-tryptamine, which is Grand Central
9 Station of neurotransmission called serotonin.

10 Q. That doesn't have any hallucinogenic effect or
11 assistance in the sacraments that you've been
12 involved in?

13 A. Well, you can. If you're quite clever, you can
14 get these to do that.

15 Q. Have you been able to do that?

16 A. Yes, I have.

17 Q. How did you do that, with what type of
18 equipment?

19 A. I would use that with MAOI, monoamine oxidase
20 inhibitor.

21 Q. But would you make it, or how would you--

22 A. No, I'd just take it. I ordered 65 through 67
23 through Sigma. Pretty funny story. Sigma let
24 a whole bunch of beta carbolines and
25 5-methoxy-N,N-dimethyltryptamine, and they held

1 the order up because of these three items,
2 which are essential amino acids found
3 everywhere, and they were concerned about the
4 order having that. Eventually, they released
5 the item.

6 Q. How large an order did you obtain, do you
7 recall?

8 A. 100 grams of each, maybe 200 grams of each. I
9 can't remember.

10 Q. Did you share those with others or just use it
11 yourself?

12 A. Oh, yes. I gave the stuff away and such.

13 Q. Anything else on--

14 A. Yes, 62. I had a prescription for 62.

15 Q. And what does that consist of?

16 A. Parnate is an irreversible MAOI that is
17 nonselective to A or B receptor site, and I had
18 a prescription for that.

19 Q. Is there an effect it produces on the body, or
20 is it for medical purposes?

21 A. No, it's a-- well, it's typically-- Parnate,
22 originally it was used for tuberculosis. That
23 was in the '20s, so I didn't have tuberculosis.
24 Parnate is used in very limited circumstances
25 for depression, but I wasn't using it for that.

1 I was able to get a prescription for it but
2 this was-- I did a tremendous amount of
3 research around Parnate because it was a
4 predictable monoamine oxidase inhibitor.

5 Q. When you would obtain a prescription for it,
6 wouldn't you have to tell the prescribing
7 physician the legitimate reason, or would you
8 tell him an illegitimate reason?

9 A. Neither. I just said "Can you write me a
10 prescription for it?" and they wrote me a
11 prescription for it.

12 Q. Anything else on that page, like 61?

13 A. No, that's just-- 61 is a complicated one, so I
14 have to leave it out because it's a combination
15 of the above.

16 Q. Was it prescription or over the counter?

17 A. Well, it could be both, so--

18 Q. Let's go to 8. For instance, there's nothing
19 on page 8 that's a prescription?

20 A. No. I'm to page 5 right now.

21 Q. There's nothing on page 7 either?

22 A. No. Nothing on five, and if I make a mistake
23 here it's because it's just a lot of stuff
24 here, so I'm doing my best.

25 Q. That's fine.

1 A. Eleven

2 Q. That's on page 2?

3 A. Yes. This is commonly referred to as
4 Melatonin.

5 Q. And was that used for research or for your
6 health reasons?

7 A. It was used for both, uh-huh. I did a lot of
8 research around it and also was interested in
9 the health effect of it.

10 Q. Was the research in conjunction with the
11 sacramental use?

12 A. Yes.

13 Q. In what manner?

14 A. Well, I wanted to first find out if it was
15 entheogenic with MAOIs, and then I started
16 learning little tricks about how to pump up the
17 amount of-- there's some research that shows
18 that Melatonin has a metabolite in the brain
19 about 12 hours after consumption that gives you
20 5-methoxy-N,N-dimethyltryptamine. So if, the
21 next day afterwards you take a, quote, hoasca
22 or Ayahuasca sacrament, you should get a
23 boosted effect. I also used it for trying to
24 sleep, which I didn't find it to be a very good
25 sleeping aid. I experimented with it beyond

1 that. I tried incredibly high doses and found
2 that to be beneficial. It did seem to have
3 some spin-off to brain chemistry to boost brain
4 activity.

5 Q. What was the manner of having that prescribed,
6 or what dose?

7 A. Wasn't prescribed. This is something you can
8 go buy at the health food store.

9 Q. And in what quantities would you purchase it?

10 A. I mean, whatever the cheapest quantity was, 500
11 pill quantity, you know, whatever, you know.

12 Q. And would you have to break it up or just use
13 it in pill form?

14 A. I'd use it in pill form because I'd be using
15 more than one.

16 Q. And you used it with Ayahuasca. Would it also
17 work with other hallucinogenics like mescaline?

18 A. I don't know. I haven't gone to that area.
19 Thanks for the idea.

20 Q. But would it just basically have been Ayahuasca
21 then?

22 A. And other things, yes. But Ayahuasca is a
23 broad range of things, so yes to your answer--
24 to your question.

25 Q. Let's go on with the prescriptions, then we'll

1 go back to the Ayahuasca.

2 A. Right. Okay, I missed-- I want to go back one
3 more time because I just made some minor
4 mistakes that I want to make sure I've cleaned
5 up as I'm thinking about this. 160 and 159.
6 Those are just found in the health food stores.

7 Q. Let me put that up there. That's on page 16,
8 and 160 and 159 are just over the counter?

9 A. Yes, Yohimbe is now over the counter from
10 health food stores.

11 Q. Did you use that for research or for health?

12 A. Yes, I did.

13 Q. In what manner?

14 A. Early research and got a very undesirable
15 effect. I wouldn't touch Yohimbe or Yohimbe
16 hydrochloride even though it's being sold to
17 the public. I wouldn't mess with the stuff.

18 Q. Does it also have a nickname on the street?

19 A. I don't know that one. Yohimbe hydrochloride
20 is all I know, or Yohimbe. If it has a
21 nickname on the street, I don't know what it
22 is.

23 Q. Was it an hallucinogenic effect?

24 A. No, no, no, no. 155, we can throw that along
25 with Ketamine. It's just another form. It's

1 just the chemical form of Ketamine.

2 Q. Which one's Ketamine?

3 A. Say it again?

4 Q. You said it's a chemical form of Ketamine?

5 A. Ketamine.

6 Q. Ketamine?

7 A. Yes. So, actually, we already covered that.

8 We also need to throw out all the Kavalactones.

9 We'll throw out 153, because it's available at
10 the health food store. You're going to have to
11 make a decision if you want to throw out all of
12 the fractions thereof, which start at 150. I
13 would say that they should be thrown out
14 because they're derived from Kava Kava.

15 Q. And how were those used in your research, 150
16 through 152?

17 A. Everyone in the-- a lot of people in the
18 community were really touting about these. I
19 wanted to figure out what was going on with
20 Kava Kava, and I consider it pretty much a
21 flunky substance, and never thought much about
22 it, but I did at least put the research time in
23 on it.

24 Q. And when you're talking about the community,
25 you're talking about the theogen (sic)

1 community?

2 A. Entheogenic, and specifically, Dennis McKenna
3 was really interested in it, so I put some time
4 in on it.

5 Q. Who's Dennis McKenna?

6 A. He's a Ph.D. that's very famous within the
7 entheogenic community and the pharmaceutical
8 community for deriving pharmaceutical medicines
9 from the rain forest to help people.

10 Q. What's his expertise in the theogen community?

11 A. He and his brother-- his brother is now dead--
12 their first claim to fame was they wrote
13 "Magical Mushrooms Grower Guide" under a
14 pseudonym because they thought they would get
15 busted for writing it.

16 Q. I see. And that was a best seller?

17 A. I heard that many people put themselves through
18 college on that book. 154, let's toss it out.
19 It would be considered caffeine, but it's
20 slightly different.

21 Q. And was that used by the theogen community or
22 just--

23 A. Used by about 90 percent of Americans every
24 day. It's caffeine, effectively.

25 Q. Did it have any benefit in your research?