

WILKES' CREDITORS DON'T GET TO SEE HIS FINANCIAL STATEMENTS, EITHER

Remember how federal prosecutors were denied the ability to review Brent Wilkes' affidavit showing he was indigent? Well, ChrisC sent along news of a civil magistrate case in which one of Wilkes' creditors appears to be trying to force Wilkes to reveal where his assets are—also to no avail.

The unopposed motion to compel filed by plaintiff De Lage Landen Financial Services, Inc., as assignee of Union Bank, is denied, without prejudice.

Plaintiff cites *In re Marriage of Sachs* (2002) 95 Cal.App.4th 1144, 1151-1152, that a blanket refusal is unacceptable, and the burden is on the party invoking the privilege to show the testimony could tend to incriminate him or her. However, plaintiff answered some questions, and refused others so this is not a blanket refusal. A review of the indictment against Brent R. Wilkes shows that all the companies were allegedly used as shell corporations to conceal Wilke's financial interest and the role in CIA contracts and to launder money from CIA contracts. (P's Ex. 1.) The second indictment involved defendant with another defendant and references secreting funds and conspiracy. Accordingly, there is a direct link between the questions and assets involved and the refusal to answer based upon the Fifth Amendment rights.

The deposition shows that Wilkes answered general questions, but none

dealing with his finances, including whether his children are holding any property of defendant's. Plaintiff should proceed with less intrusive means of finding assets, including DMV records, real property records, UCC filings, subpoenas to banks, and review of court records regarding lawsuits.

It appears that Wilkes is shielding his assets by invoking the Fifth Amendment, claiming that since his assets are the basis of his charged crime, he does not have to explain anything more about them. Or something like that.

I'm guessing that Union Bank will avail itself of the other methods suggested by the judge to see if there's any assets they can get out of Wilkes and his family. Though I wonder whether they ought to be looking with his family, or in another country...?