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IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

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HONORABLE EDWARD RAFEEDIE, DISTRICT COURT JUDGE PRESIDING

- - - - -

UNITED STATES OF AMERICA, )  
 )  
 PLAINTIFF, )  
 )  
 VS. ) CASE NO: CR 87-422(E)-ER  
 )  
 RUBEN ZUNO-ARCE, ET AL., )  
 )  
 DEFENDANTS. )  
 )

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, JANUARY 29, 1990; 1:30 P.M.

JULIE CHURCHILL, CSR  
OFFICIAL REPORTER  
U.S. DISTRICT COURT, 442-C  
312 N. SPRING STREET  
LOS ANGELES, CA 90012  
(213) 617-8227

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APPEARANCES OF COUNSEL:

FOR THE PLAINTIFF:

GARY A. FEES,  
UNITED STATES ATTORNEY  
BY: MANUEL A. MEDRANO, AUSA  
JOHN CARLTON, AUSA  
1200 UNITED STATES COURTHOUSE  
312 NORTH SPRING STREET  
LOS ANGELES, CALIFORNIA 90012  
(213) 894-0619

FOR THE DEFENDANT RUBEN ZUNO-ARCE:

MITCHELL, SILBERBERG & KNUPP  
BY: EDWARD M. MEDVENE, ESQ.  
DONALD D'NICOLA, ESQ.  
11377 WEST OLYMPIC BOULEVARD  
LOS ANGELES, CALIFORNIA 90064-1683  
(213) 312-3150

ALSO PRESENT:

SPANISH INTERPRETERS

1 LOS ANGELES, CALIFORNIA MONDAY, JANUARY 29, 1990

2 + 1:30 P.M.

3  
4 THE CLERK: CRIMINAL 87-422 UNITED STATES OF AMERICA  
5 VERSUS RUBEN ZUNO-ARCE.

6 THE COURT: GOOD AFTERNOON, YOUR HONOR. FOR THE  
7 UNITED STATES, MANUEL MEDRANO JOINED BY JOHN CARLTON.

8 MR. MEDVENE: IF THE COURT PLEASE, MESSRS. MEDVENE  
9 AND DI NICOLA FOR MR. ZUNO-ARCE. HE'S PRESENT IN COURT.

10 THE COURT: HAVE YOU BEEN ABLE TO LOCATE YOUR  
11 WITNESS?

12 MR. MEDRANO: WE HAVE, YOUR HONOR. WITH YOUR  
13 PERMISSION, I'D LIKE TO CALL THAT WITNESS TO THE STAND AT THIS  
14 TIME.

15 THE COURT: VERY WELL.

16 MR. MEDRANO: THE GOVERNMENT WOULD CALL AT THIS POINT  
17 MR. HECTOR BERRELLEZ TO THE STAND.

18  
19 HECTOR BERRELLEZ + PLAINTIFF'S WITNESS, SWORN

20  
21 THE CLERK: PLEASE BE SEATED.

22 MR. MEDVENE: IF THE COURT PLEASE, MAY I INQUIRE, IF  
23 THE GOVERNMENT INTENDS FOR ANY PURPOSE TO RELY ON MR. MEDRANO'S  
24 TESTIMONY, I WOULD RESPECTFULLY ASK THAT OTHER COUNSEL CONDUCT  
25 THE EXAMINATION.

1 THE COURT: DON'T ANTICIPATE PROBLEMS. WAIT UNTIL  
2 THEY HAPPEN AND THEN YOU CAN ASK.

3 THE CLERK: PLEASE STATE YOUR FULL NAME FOR THE  
4 RECORD AND SPELL YOUR LAST NAME.

5 THE COURT: MY FULL NAME IS HECTOR, LAST NAME  
6 BERRELLEZ, SPELLING, B E R R E L L E Z, AS IN ZEBRA.

7 MR. MEDRANO: YOUR HONOR, WITH THE COURT'S  
8 PERMISSION, A PORTION OF WHAT MR. BERRELLEZ WILL TESTIFY  
9 CONCERNS WHAT HE TESTIFIED IN FRONT OF THE GRAND JURY THAT  
10 INDICTED DEFENDANT ZUNO.

11 IN LIGHT OF THAT, YOUR HONOR, I WOULD  
12 RESPECTFULLY MOVE FOR A VERY LIMITED RULE 6 ORDER PERMITTING  
13 MR. BERRELLEZ TO TESTIFY ABOUT THAT AT THIS POINT FOR THIS  
14 HEARING ONLY.

15 THE COURT: YES, THAT'S AUTHORIZED. I GRANT THE  
16 MOTION.

17 MR. MEDRANO: THANK YOU, YOUR HONOR.

18

19 DIRECT EXAMINATION +

20 BY MR. MEDRANO:

21 Q. MR. BERRELLEZ, WHO ARE YOU EMPLOYED BY, SIR?

22 A. I AM EMPLOYED BY THE UNITED STATES DRUG ENFORCEMENT  
23 ADMINISTRATION.

24 Q. ARE YOU A SPECIAL AGENT WITH THE D.E.A.?

25 A. YES, SIR. I AM A SPECIAL AGENT WITHIN THE D.E.A.

1 I'M A SUPERVISORY SPECIAL AGENT, SIR.

2 Q. HOW LONG HAVE YOU SERVED WITH THE D.E.A., SIR?

3 A. GOING ON 17 YEARS.

4 Q. WHAT IS YOUR CURRENT TITLE OR POSITION WITHIN THE DRUG  
5 ENFORCEMENT ADMINISTRATION?

6 A. I AM THE GROUP SUPERVISOR OF OPERATION LEYENDA, A TASK  
7 FORCE WHICH IS -- WHICH HAS BEEN ASSIGNED THE INVESTIGATION OF  
8 THE TORTURE MURDER OF SPECIAL AGENT ENRIQUE CAMARENA.

9 Q. AGENT BERRELLEZ, ON OR ABOUT DECEMBER 6, 1989, SIR, DID  
10 YOU TESTIFY BEFORE A FEDERAL GRAND JURY?

11 A. YES, SIR, I DID.

12 Q. DID THAT TESTIMONY RELATE TO DEFENDANT RUBEN ZUNO-ARCE?

13 A. YES, SIR, I DID (SIC).

14 Q. TO YOUR KNOWLEDGE, SIR, ON OR ABOUT THAT SAME TIME FRAME,  
15 DID A SECOND INDIVIDUAL WHO I SHALL CALL CI-2 ALSO TESTIFY  
16 BEFORE THAT SAME FEDERAL GRAND JURY?

17 A. YES, SIR, HE DID.

18 Q. IF YOU COULD, TELL US HOW IT WAS THAT CI-2 BECAME KNOWN TO  
19 YOU AND THE D.E.A.?

20 A. CI-2 CAME TO ME THROUGH ANOTHER INFORMANT WHO HAS  
21 RECRUITED NUMEROUS WITNESSES FOR THE TASK FORCE IN MEXICO.

22 Q. CAN I CALL THAT FIRST CI, CI-1, WITH YOUR PERMISSION?

23 A. YES, SIR.

24 Q. TELL US ABOUT CI-1 VERY BRIEFLY.

25 A. CI-1 HAS ASSISTED THE TASK FORCE BY RECRUITING WITNESSES

1 IN MEXICO TOWARD THE INVESTIGATION OF THE TORTURE MURDER OF  
2 SPECIAL AGENT CAMARENA.

3 Q. AND THIS IS ONE OF THE MAIN FUNCTIONS OF CI-1, AGENT  
4 BERRELLEZ?

5 MR. MEDVENE: OBJECTION, LEADING AND SUGGESTIVE.

6 THE COURT: OVERRULED.

7 THE WITNESS: YES, IT IS, SIR.

8 BY MR. MEDRANO:

9 Q. AND IN CI-1'S EFFORTS TO RECRUIT INFORMANTS, HE HAS BEEN  
10 SUCCESSFUL; IS THAT CORRECT?

11 MR. MEDVENE: OBJECTION, LEADING AND SUGGESTIVE.

12 MR. MEDRANO: I'LL REPHRASE THE QUESTION, YOUR  
13 HONOR.

14 THE COURT: ALL RIGHT.

15 BY MR. MEDRANO:

16 Q. HAVE YOU HAD ANY SUCCESS WITH THIS SPECIFIC ASSIGNMENT TO  
17 CI-1?

18 A. YES, CI-1 HAS RECRUITED OTHER WITNESSES FOR THE TASK  
19 FORCE.

20 Q. AND DID THOSE OTHER INFORMANTS THAT WERE RECRUITED FURTHER  
21 YOUR INVESTIGATION?

22 MR. MEDVENE: OBJECTION, LEADING AGAIN, YOUR HONOR.

23 THE WITNESS: YES, HE DID.

24 MR. MEDVENE: IT'S LEADING AND SUGGESTIVE AGAIN.

25 THE COURT: OVERRULED.

1 THE WITNESS: YES, SIR, HIS ASSISTANCE HAS BEEN VERY  
2 SUCCESSFUL. HE HAS RECRUITED OTHER WITNESSES OF THIS  
3 INVESTIGATION.

4 BY MR. MEDRANO:

5 Q. LET ME DIRECT YOUR ATTENTION BACK TO CI-2. WAS CI-1  
6 INSTRUMENTAL IN ANY FASHION TO YOUR LEARNING THE IDENTITY OF  
7 CI-2?

8 A. YES, SIR, IT WAS CI NUMBER 1 WHO INFORMED ME OF THE  
9 EXISTENCE OF CI NUMBER 2. AND IT WAS THROUGH CI NUMBER 1 THAT  
10 WE WERE ABLE TO BRING FROM MEXICO TO THE UNITED STATES CI  
11 NUMBER 2.

12 Q. GIVE ME A TIME FRAME OF WHEN YOU FIRST LEARNED OF THE  
13 EXISTENCE OF CI-2 THROUGH CI-1.

14 A. LATTER PART OF NOVEMBER. I BELIEVE IT WAS NOVEMBER 30TH,  
15 29TH OR 30TH, AROUND THAT TIME.

16 THE COURT: WHAT YEAR?

17 THE WITNESS: THIS YEAR, YOUR HONOR, 1989.

18 THE COURT: LAST YEAR.

19 THE WITNESS: LAST YEAR, 1989, YOUR HONOR.

20 BY MR. MEDRANO:

21 Q. AFTER YOU LEARNED OF THE EXISTENCE IN NOVEMBER OF 1989 OF  
22 CI-2, WHAT DID YOU DO, IF ANYTHING, SIR?

23 A. AFTER LEARNING OF THE EXISTENCE OF WITNESS NUMBER 2 OR CI  
24 NUMBER 2, I FACILITATED HIS TRAVEL FROM MEXICO TO THE UNITED  
25 STATES, AND HE ARRIVED HERE AT 2:00 A.M. ON NOVEMBER 30TH, SIR.

1 Q. OF 1989?

2 A. OF 1989, YES, SIR.

3 Q. DID YOU, YOURSELF, PICK THIS PERSON UP AT THE AIRPORT?

4 A. YES, SIR, I DID.

5 Q. AFTER SO DOING, WHERE DID YOU TAKE THE CI TO?

6 A. I BROUGHT HIM TO DOWNTOWN LOS ANGELES AND PUT HIM IN A  
7 HOTEL ROOM, SIR.

8 Q. AND THAT SAME DAY, NOVEMBER 30, DID YOU GO PICK UP CI-2  
9 AGAIN?

10 A. YES, SIR. ON THAT SAME DATE I WENT TO HIS HOTEL ROOM, I  
11 PICKED HIM UP AND I BROUGHT HIM TO YOUR OFFICE, SIR.

12 Q. FOR WHAT PURPOSE, AGENT BERRELLEZ?

13 A. FOR US TO TALK TO HIM, AND WE DID TALK TO HIM ON THAT  
14 DATE, SIR.

15 Q. IS THIS THE MORNING OF NOVEMBER 30, 1989?

16 A. YES, SIR.

17 Q. LATER ON THAT SAME DATE, DID CI-2 GO BEFORE A FEDERAL  
18 GRAND JURY?

19 A. YES, SIR, HE DID.

20 Q. NOW, AGENT BERRELLEZ, LET ME DIRECT YOUR ATTENTION, IF I  
21 MAY, SIR, TO DECEMBER 6, 1989. ON THIS DATE, DID YOU HAVE AN  
22 OPPORTUNITY TO TESTIFY IN FRONT OF THE GRAND JURY?

23 A. YES, SIR, I DID.

24 Q. DURING YOUR TESTIMONY ON DECEMBER 6, AGENT BERRELLEZ, DID  
25 YOU SHOW ANY PHOTOGRAPHS AT ALL TO THAT GRAND JURY?



1 A. YES, SIR. TO MY RECOLLECTION, I SHOWED THE GRAND JURY 3  
2 PHOTOGRAPHS.

3 Q. WHAT WERE THESE PHOTOGRAPHS OF, AGENT BERRELLEZ?

4 A. TWO PHOTOGRAPHS WERE OF THE RESIDENCE AT 881 LOPE DE VEGA,  
5 AND ONE PHOTOGRAPH WAS OF THE GUEST ROOM AT THAT SAME  
6 RESIDENCE.

7 Q. AND THESE PHOTOGRAPHS, TO YOUR KNOWLEDGE, WERE OBTAINED ON  
8 WHAT DAY?

9 A. I DON'T KNOW THE EXACT DATE THEY WERE OBTAINED, SIR. THEY  
10 WERE OBTAINED, I BELIEVE, IN '85-'86 AND THEY WERE IN OUR  
11 FILES.

12 Q. SINCE THAT YEAR?

13 A. YES, SIR.

14 Q. DURING YOUR TESTIMONY ON DECEMBER 6, DID EVER HAVE AN  
15 OPPORTUNITY TO TELL THE GRAND JURY ABOUT AN INTERVIEW OF  
16 DEFENDANT ZUNO BY A FORMER AGENT BY THE NAME OF JAMES  
17 KIRKENDAHL?

18 A. YES, SIR, I DID.

19 Q. AND, IN FACT, DID THIS INTERVIEW PRODUCE WHAT IS CALLED,  
20 IN YOUR PARLANCE, A DEA-6 REPORT?

21 A. YES, SIR, IT DID.

22 Q. AND YOU HAD AN OPPORTUNITY TO REVIEW THAT REPORT BEFORE  
23 YOU TESTIFIED IN FRONT OF THE GRAND JURY?

24 A. YES, SIR, I DID.

25 Q. AND, SIR, DO YOU HAVE AN IDEA OF WHEN THAT INTERVIEW OF

1 ZUNO BY AGENT KIRKENDAHL OCCURRED?

2 A. SEPTEMBER OF '86, SIR.

3 Q. ON THE BASIS OF YOUR REVIEW OF THAT REPORT, DID YOU  
4 DESCRIBE THE CONTENTS TO THE FEDERAL GRAND JURY ON DECEMBER 6?

5 A. YES, SIR, I DID.

6 Q. AND IN YOUR PRESENTATION OF THAT TESTIMONY, DID YOU  
7 DISCUSS THE TITLE TO THE RESIDENCE AT 881 LOPE DE VEGA?

8 A. YES, SIR, I DID.

9 Q. ON DECEMBER 6TH -- ON DECEMBER 6TH, AGENT BERRELLEZ, DID  
10 YOU IN YOUR TESTIMONY AT ANY POINT DISCUSS A SECOND INTERVIEW  
11 OF DEFENDANT ZUNO BY THE IMMIGRATION AND NATURALIZATION  
12 SERVICE?

13 A. YES, SIR, I DID.

14 Q. TO YOUR KNOWLEDGE, DO YOU KNOW WHEN THAT INTERVIEW TOOK  
15 PLACE?

16 A. I BELIEVE IT WAS AUGUST OF 1989.

17 Q. MORE SPECIFICALLY, SIR, DOES THE DATE AUGUST 9 RING A  
18 BELL?

19 A. YES, SIR, AUGUST 9 OF 1989, SIR.

20 Q. DID THIS INTERVIEW GENERATE AN I.N.S. REPORT OF THE  
21 INTERVIEW OF DEFENDANT ZUNO?

22 A. YES, SIR, IT DID.

23 Q. AND PRIOR TO YOUR GRAND JURY TESTIMONY, DID YOU HAVE AN  
24 OPPORTUNITY TO REVIEW THAT I.N.S. STATEMENT?

25 A. YES, SIR, I DID.

1 Q. THEN DID YOU CONVEY PARTS OF THE STATEMENT TO THE FEDERAL  
2 GRAND JURY ON DECEMBER 6TH?

3 A. YES, SIR, I DID.

4 Q. IF YOU RECALL, SIR, WHAT ARE SOME OF THE THINGS THAT YOU  
5 TOLD THE GRAND JURY ON THAT DATE, DECEMBER 6TH?

6 A. RIGHT OFF TO TOP OF MY HEAD, I RECALL THAT I ADVISED THE  
7 GRAND JURY THAT MR. ZUNO-ARCE REPORTED TO THE I.N.S. OF OWNING  
8 A LUMBER MILL, OF OWNING A CANNERY, OF OWNING A GASOLINE  
9 STATION, OF OWNING A RANCH BY THE NAME OF LA JOLLA TO THE GRAND  
10 JURY, SIR.

11 Q. AND DID YOU TELL THE GRAND JURY WHERE THE RANCH, LA JOLLA,  
12 IS LOCATED IN MEXICO?

13 A. YES, SIR, I DID.

14 Q. WHAT DID YOU STATE, SIR?

15 A. I TOLD THEM THAT IT WAS IN THE OUTSKIRTS OF GUADALAJARA IN  
16 THE STATE OF JALISCO, SIR. I BELIEVE I TESTIFIED IT WAS IN  
17 MASCOTA.

18 Q. VERY WELL. STILL DIRECTING YOU TO DECEMBER 6, 1989 AT ANY  
19 POINT DID YOU EVER ADVISE THE FEDERAL GRAND JURY THAT THE  
20 DEFENDANT ZUNO WAS THE BROTHER-IN-LAW OF AN EX-PRESIDENT OF  
21 MEXICO?

22 A. YES, SIR, I DID.

23 Q. WOULD YOU GIVE US SOME IDEA OF HOW LONG YOU'VE KNOWN THAT  
24 PIECE OF INFORMATION?

25 A. I'VE KNOWN THAT FOR PROBABLY THE PAST YEAR, SIR.

1 Q. AND WAS YOUR LEARNING OF THIS INFORMATION BASED ON OLDER  
2 D.E.A. REPORTS OF ANY SORT?

3 A. YES, SIR. I HAVE, IN PERUSING D.E.A. REPORTS, IT CAME TO  
4 MY ATTENTION THAT MR. RUBEN ZUNO-ARCE WAS THE BROTHER-IN-LAW OF  
5 FORMER PRESIDENT LUIS ECHEVAREA.

6 Q. AND DO THESE D.E.A. REPORTS PREDATE 1989, SIR?

7 A. YES, SIR, THEY DO.

8 Q. FINALLY, AGENT BERRELLEZ, DID YOU SHARE WITH THE GRAND  
9 JURY THE CHRONOLOGICAL PROCEDURE OF HOW YOU CAME TO KNOW -- HOW  
10 YOU CAME TO KNOW THE EXISTENCE OF CI-2?

11 A. DURING THE LATTER PART OF NOVEMBER 1989 --

12 Q. AGENT BERRELLEZ, IF I MAY INTERRUPT YOU --

13 A. YES, SIR.

14 Q. WHAT YOU'VE TESTIFIED EARLIER, IN TERMS OF HOW YOU LOCATED  
15 CI-2, DID YOU ALSO TELL THAT TO THE GRAND JURY?

16 A. YES, SIR, I DID.

17 Q. WITHOUT GOING THROUGH IT AGAIN.

18 A. YES, SIR.

19 Q. AGENT BERRELLEZ, ARE YOU AWARE, SIR, THAT THE DEFENDANT  
20 ZUNO TESTIFIED BEFORE A FEDERAL GRAND JURY ON AUGUST 24 AND 31,  
21 1989?

22 A. YES, SIR, I AM.

23 Q. AND HAVE YOU, AGENT BERRELLEZ, EVER REVIEWED THAT GRAND  
24 JURY TESTIMONY OF ZUNO OF AUGUST 24 AND 31, 1989?

25 A. NO, SIR, I HAVE NEVER SEEN IT.

1 Q. HAVE YOU EVER DISCUSSED THE CONTENTS OF THAT GRAND JURY  
2 TESTIMONY OF AUGUST 24 AND 31 WITH CI-2, SIR?

3 A. NO, SIR, NEVER.

4 Q. HAVE YOU EVER DISCUSSED THE CONTENTS OF THE AUGUST 24 AND  
5 31 GRAND JURY TESTIMONY OF ZUNO WITH CI-1, WHO ENABLED YOU TO  
6 FIND CI-2?

7 A. NO, SIR, I NEVER HAVE.

8 MR. MEDRANO: MAY I HAVE JUST ONE MOMENT, YOUR HONOR?

9 (BRIEF PAUSE.)

10 BY MR. MEDRANO:

11 Q. BRIEFLY, AGENT BERRELLEZ, CI-1 HAS BEEN WORKING WITH YOU  
12 SINCE APPROXIMATELY WHAT YEAR, SIR?

13 A. HE HAS BEEN WORKING WITH THE D.E.A. SINCE 1987, SIR.

14 Q. AND SINCE 1987 HAVE YOUR INSTRUCTIONS TO CI-2 BEEN TO GO  
15 OUT AND LOCATE OTHER INFORMANTS?

16 A. TO CI-1, SIR, TO LOCATE OTHER INFORMANTS.

17 MR. MEDVENE: OBJECTION, LEADING AND SUGGESTIVE.

18 THE COURT: I DIDN'T HEAR THAT.

19 MR. MEDVENE: MY OBJECTION IS LEADING AND SUGGESTIVE,  
20 YOUR HONOR.

21 THE COURT: OVERRULED.

22 THE WITNESS: YES. MY INSTRUCTIONS TO CI-1 HAVE BEEN  
23 TO ASSIST US BY LOCATING WITNESSES IN MEXICO, SIR.

24 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES THE DIRECT  
25 OF AGENT BERRELLEZ. THANK YOU.

1 THE COURT: YOU MAY CROSS EXAMINE THE WITNESS.

2 MR. MEDVENE: IN THE COURT PLEASE, BEFORE CROSS  
3 EXAMINATION, MAY WE HAVE THE 3500 MATERIAL ON THE WITNESS? THE  
4 WITNESS HAS TESTIFIED IN PART ABOUT WHAT HE SAID BEFORE THE  
5 GRAND JURY. WE'D LIKE TO SEE THAT, SO -- WE THINK WE'RE  
6 ENTITLED TO IT UNDER 3500, AND ANY OTHER JENKS MATERIAL THAT  
7 THERE MIGHT BE, YOUR HONOR.

8 THE COURT: NUMBER ONE, I DON'T UNDERSTAND THIS VERY  
9 BROAD REQUEST. I'M NOT EXACTLY SURE WHAT IT IS YOU WANT. I  
10 DON'T KNOW WHAT YOU MEAN BY 3500 MATERIAL.

11 MR. MEDVENE: WE BELIEVE, YOUR HONOR, WE'RE ENTITLED  
12 TO ANY TESTIMONY OR STATEMENTS THIS WITNESS PREVIOUSLY HAS  
13 GIVEN.

14 THE WITNESS HAS TESTIFIED PREVIOUSLY IN FRONT OF THE  
15 GRAND JURY. WE BELIEVE WE'RE ENTITLED TO IT, AND HE HAS BEEN  
16 OPENED UP ON THAT AND QUESTIONED ABOUT THAT AND QUESTIONED  
17 ABOUT WHAT HE SAID AND WHAT HE DIDN'T SAY, AND WE WOULD LIKE TO  
18 SEE THAT, YOUR HONOR.

19 WE WOULD ALSO LIKE TO SEE, YOUR HONOR, ANY REPORTS OR  
20 MEMOS OF ANY KIND THAT THE WITNESS HAS WRITTEN WITH RESPECT TO  
21 HIS ARRANGEMENTS WITH CI-1 THAT RESULTED IN CI-1 OBTAINING  
22 CI-2, AND ANY REPORTS THIS MAN HAS OF DISCUSSIONS WITH EITHER  
23 CI-1 OR CI-2 THAT DEAL IN ANY WAY WITH ANY INFORMATION ABOUT  
24 RUBEN ZUNO-ARCE.

25 MR. MEDRANO: MAY I BE HEARD BRIEFLY, YOUR HONOR?

1 THE COURT: YES.

2 MR. MEDRANO: YOUR HONOR, THAT REQUEST IS  
3 INAPPROPRIATE FOR SEVERAL RASONS. FIRST OF ALL, A PERUSAL OF  
4 THE JENKS ACT, SECTION 3500, TITLE 18 REVEALS THAT THAT TYPE OF  
5 DISCLOSURE ONLY APPLIES AT TRIAL, YOUR HONOR, NOT FOR A  
6 PRETRIAL PROCEEDING OF THIS NATURE.

7 IN ADDITION, THE SOLE REASON WE ARE HERE IS NOT TO  
8 GIVE OPEN-DOOR DISCOVERY TO DEFENSE COUNSEL, BUT SIMPLY FOR THE  
9 TRIAL COURT TO DECIDE WHETHER OR NOT TAINTED EVIDENCE HAS BEEN  
10 PRESENTED TO A FEDERAL GRAND JURY.

11 IN THAT PERSPECTIVE, YOUR HONOR, IT'S INAPPROPRIATE  
12 TO DISCLOSE ANY REPORTS AT ALL BECAUSE THE ACCURACY OR  
13 INACCURACY OF THE TESTIMONY IS LEGALLY NOT AT ISSUE. WHAT IS  
14 AT ISSUE IS IF ANYTHING THAT WAS PROVIDED TO THE CAMARENA  
15 FEDERAL GRAND JURY WAS TAINTED BY ZUNO'S IMMUNIZED GRAND JURY  
16 TESTIMONY.

17 THEREFORE, YOUR HONOR, THE REQUEST IS IRRELEVANT.

18 THE COURT: HE REQUESTED THIS WITNESS'S GRAND JURY  
19 TESTIMONY.

20 MR. MEDVENE: THAT'S CORRECT, YOUR HONOR. BUT I  
21 WOULD SUBMIT THAT THE COURT CAN FORGET THE GRAND JURY TESTIMONY  
22 AND RELY SIMPLY ON WHAT THE WITNESS IS TESTIFYING IN OPEN COURT  
23 TODAY. SO THAT IS ONE BASIS THAT WE WOULD ARGUE THE GRAND JURY  
24 TRANSCRIPT IS NOT SOMETHING HE'S PERMITTED TO HAVE.

25 BUT IN ADDITION, YOUR HONOR, AS I'VE SAID, SECTION

1 3500 DOES NOT APPLY TO PRETRIAL PROCEEDINGS, ONLY TO TRIAL  
2 AFTER DIRECT EXAMINATION, YOUR HONOR.

3 MR. MEDVENE: WE WOULD CITE YOUR HONOR TO U.S. V  
4 POSEN, NINTH CIRCUIT CASE, SEPTEMBER 1987, THAT MADE NOTE WITH  
5 APPROVAL OF THE FACT THAT DEFENSE COUNSEL WAS FURNISHED ALL  
6 DOCUMENTS ESTABLISHING PRIOR INDEPENDENT SOURCES, ALONG WITH A  
7 LIST OF EVIDENCE OBTAINED IN CHRONOLOGICAL ORDER WERE MADE  
8 AVAILABLE TO DEFENSE COUNSEL.

9 IN ADDITION, YOUR HONOR, IN THE ROGERS CASE, THE  
10 COURT THERE PLACED -- AGAIN A NINTH CIRCUIT OF 1983 -- THE  
11 BURDEN ON THE GOVERNMENT TO AFFIRMATIVELY SPECIFY THE  
12 INDEPENDENT SOURCE UPON WHICH THE GOVERNMENT ACTUALLY RELIED.

13 SO IT WOULD SEEM TO ME THAT THE GOVERNMENT CANNOT PUT  
14 THIS WITNESS ON AND CONSCIOUSLY ASK HIM ABOUT WHAT HE SAID IN  
15 FRONT OF THE GRAND JURY AND THEN STATE THAT TO DISREGARD THAT.

16 THE WHOLE ISSUE HERE, AS I UNDERSTAND IT, WAS THE  
17 EVIDENCE PRESENTED TO THE GRAND JURY, ONE; WAS THE EVIDENCE TO  
18 BE PRESENTED AT TRIAL, TWO; DID IT COME FROM AN INDEPENDENT  
19 SOURCE THAT GOVERNMENT CAN PROVE WAS AN INDEPENDENT SOURCE?  
20 AND IN ADDITION, DID ANY NON-EVIDENTIARY MATTER COME FROM AN  
21 INDEPENDENT SOURCE?

22 THE COURT: LOOK, THE BURDEN IS ON THE GOVERNMENT TO  
23 ESTABLISH THAT THE EVIDENCE DID NOT COME FROM A TAINED SOURCE.  
24 THEY MUST PROVE THAT BY A PREPONDERANCE OF THE EVIDENCE.

25 THIS IS THE EVIDENCE THAT THEY HAVE CHOSEN TO RELY



1 ON. YOU MAY CROSS EXAMINE THIS WITNESS REGARDING THE TESTIMONY  
2 THAT HE HAS GIVEN.

3 IT IS THE INTENTION OF THE COURT TO REVIEW IN CAMERA  
4 THE GRAND JURY TESTIMONY OF THIS WITNESS. THIS ISSUE IS NOT  
5 ENDED TODAY, BECAUSE THIS ISSUE MAY BE CONDUCTED PRETRIAL,  
6 DURING THE TRIAL OR AFTER THE TRIAL, SO THAT AT ANY COURSE  
7 DURING THE PROCEEDINGS, YOU MAY RAISE IT AGAIN IF IT IS -- IF  
8 IT APPEARS FROM TESTIMONY PRESENTED OR OTHERWISE THAT THE  
9 TESTIMONY IS SUBJECT TO TAIN OF USING THE IMMUNIZED TESTIMONY  
10 OF THE DEFENDANT.

11 SO I'M GOING TO DENY YOUR MOTION AT THIS TIME. YOU  
12 MAY CROSS EXAMINE THE WITNESS IF YOU WISH TO DO SO.

13

14

CROSS-EXAMINATION +

15

BY MR. MEDVENE:

16

Q. AGENT, WHAT OTHER D.E.A. AGENTS HAVE WORKED WITH YOU IN  
17 THE INVESTIGATION THAT LED TO THE FIFTH SUPERSEDING INDICTMENT  
18 WHEN MR. ZUNO WAS NAMED?

19

MR. MEDRANO: OBJECTION, YOUR HONOR, BEYOND THE SCOPE  
20 OF DIRECT.

21

THE COURT: SUSTAINED.

22

MR. MEDVENE: MAY I BRIEFLY BE HEARD, YOUR HONOR?

23

THE COURT: YES.

24

MR. MEDVENE: THE ISSUE IS HOW DID THEY GET WHAT THEY  
25 GOT AND WAS IT FROM AN INDEPENDENT SOURCE. IF THIS WITNESS DID

1 NOT READ THE GRAND JURY, BUT ANOTHER D.E.A. AGENT READ IT OR  
2 WAS TOLD ABOUT IT AND DISCUSSED IT WITH THIS WITNESS, THAT  
3 WOULD BE RELEVANT.

4 WHAT THIS WITNESS SAID TO CI --

5 THE COURT: THEN ASK THE QUESTIONS DIRECTLY. YOU'RE  
6 GOING ABOUT IT IN A VERY ROUNDABOUT WAY. YOU CAN ASK HIM WHAT  
7 HE DID, SAID, READ OR HEARD.

8 BY MR. MEDVENE:

9 Q. DID ANY OTHER D.E.A. AGENTS TO YOUR KNOWLEDGE HAVE CONTACT  
10 WITH CI-1 PRIOR TO HIM BRINGING YOU CI-2?

11 A. YES, SIR, THEY DID.

12 Q. AND WHO WERE THOSE AGENTS?

13 A. SPECIAL AGENT DELBERT SALAZAR.

14 Q. SALAZAR?

15 A. YES, SIR, SALAZAR.

16 A. SPECIAL AGENT TOM MORALES AND POSSIBLY SPECIAL AGENT ABEL  
17 REYNOSO.

18 Q. DO YOU HAVE PERSONAL KNOWLEDGE OF WHETHER OR NOT ANY OF  
19 THOSE AGENTS REVIEWED OR WAS ADVISED IN ANY WAY ABOUT ANY OF  
20 THE TESTIMONY THAT ZUNO-ARCE GAVE BEFORE THE GRAND JURY?

21 A. NO, I DO NOT, SIR.

22 Q. SO I TAKE IT IT'S OBVIOUS THEN THAT IF THEY HAD KNOWLEDGE  
23 OF WHAT WAS SAID BEFORE THE GRAND JURY AND SUPPLIED THAT  
24 INFORMATION TO CI-1 BEFORE HE FOUND CI-2, YOU HAVE NO PERSONAL  
25 KNOWLEDGE EITHER WAY; IS THAT CORRECT, SIR?

1 MR. CARLTON: OBJECTION, CALLS FOR SPECULATION AND  
2 COMPOUND QUESTION, YOUR HONOR.

3 THE COURT: THE WITNESS HAS ANSWERED THE QUESTION;  
4 YOU'RE MERELY REPHRASING IT.

5 MR. MEDVENE: YES, SIR. MAY THE WITNESS ANSWER, YOUR  
6 HONOR?

7 THE COURT: NO. HE HAS ALREADY ANSWERED THAT  
8 QUESTION.

9 MR. MEDVENE: YES, SIR.

10 BY MR. MEDVENE:

11 Q. WHEN, SIR, DID THE GOVERNMENT FIRST OBTAIN INFORMATION  
12 FROM ANY SOURCE THAT THERE WAS A MEETING THE FIRST WEEK IN  
13 FEBRUARY OF 1985 AT THE HOME OF JAVIER BARBERA-HERNANDEZ THAT  
14 WAS ATTENDED BY CARO-QUINTERO, ERNESTO FONSECA AND, ALLEGEDLY,  
15 RUBEN ZUNO-ARCE?

16 A. ON NOVEMBER 30TH, SIR, IN 1989.

17 Q. AND DID THAT INFORMATION COME FROM THE INDIVIDUAL  
18 IDENTIFIED AS CI-2?

19 A. YES, SIR.

20 Q. WHEN IS THE FIRST TIME, SIR, THAT THE GOVERNMENT HAD  
21 EVIDENCE TO INDICATE THAT RUBEN ZUNO-ARCE WAS PURPORTEDLY A  
22 MEMBER OF A CONSPIRACY THAT PLANNED AND PUT INTO OPERATION THE  
23 KIDNAPPING, INTERROGATION AND TORTURE OF D.E.A. AGENT CAMARENA?

24 A. ON NOVEMBER 30, 1989, SIR.

25 Q. WHEN IS THE FIRST TIME, SIR, THAT THE GOVERNMENT HAD

1 EVIDENCE THAT RUBEN ZUNO-ARCE ALLEGEDLY AIDED AND ABETTED THE  
2 GUADALAJARA DRUG CARTEL?

3 A. I PERSONALLY DID NOT FIND OUT ABOUT HIS AIDING AND  
4 ABETTING THE DRUG CARTEL UNTIL NOVEMBER OF 1989, SIR.

5 Q. THE SAME NOVEMBER 30TH DATE, SIR?

6 A. YES, SIR.

7 Q. AND WHEN DID THE GOVERNMENT FIRST HAVE EVIDENCE TO YOUR  
8 KNOWLEDGE THAT ZUNO-ARCE WAS PURPORTEDLY A MEMBER OF WHAT IS  
9 CALLED THE GUADALAJARA DRUG CARTEL?

10 A. ON NOVEMBER 30, 1989, SIR.

11 Q. AND THESE VARIOUS PIECES OF INFORMATION ALL CAME FROM THE  
12 INDIVIDUAL IDENTIFIED AS CI-2; IS THAT CORRECT?

13 A. YES, SIR.

14 Q. NOW, YOU HAD FIRST BECOME ACQUAINTED WITH CI-2 WHEN, SIR?  
15 WHAT YEAR? '87, YOU SAID?

16 A. CI-2?

17 Q. I APOLOGIZE. WHEN DID YOU FIRST BECOME ACQUAINTED WITH  
18 CI-1; WAS IT '87?

19 A. YES, SIR. I FIRST BECAME ACQUAINTED WITH THAT WITNESS IN  
20 1987, SIR.

21 Q. AND DID YOU MAKE A REQUEST OF HIM AT THAT TIME TO PLEASE  
22 FIND ME ANY WITNESSES WHO HAVE ANY INFORMATION ABOUT THE  
23 KIDNAPPING, INTERROGATION AND TORTURE OF AGENT CAMARENA?

24 A. YES, SIR, I DID.

25 Q. AND OVER THAT PERIOD OF TIME, FROM '87 THROUGH NOVEMBER 30

1 OF '89, YOU HAD NUMEROUS CONTACTS WITH HIM; IS THAT CORRECT?

2 A. IN, 1987, SIR, I HAD NUMEROUS CONTACTS WITH HIM. AND THEN  
3 IN OCTOBER OF 1987, I WAS TRANSFERRED TO MEXICO AS A RESIDENT  
4 AGENT IN CHARGE OF THE MAZATLAN, SINALOA, MEXICO OFFICE AND I  
5 STOPPED WORKING WITH CI-1 AT THAT TIME.

6 THEN I WAS TRANSFERRED BACK TO LOS ANGELES ON JANUARY  
7 3, 1988, AT WHICH TIME I WAS ASSIGNED TO SUPERVISE THE LEYENDA  
8 TASK FORCE. AND THEN I REESTABLISHED CONTACT WITH WITNESS  
9 NUMBER 1 OR WITH CI-NUMBER 1, SIR.

10 Q. AND AFTER THAT YOU HAD NUMEROUS CONTACTS WITH HIM?

11 A. YES, SIR, BECAUSE FOR A YEAR I WAS OUT OF THE COUNTRY  
12 WORKING IN MEXICO.

13 Q. AND THE OTHER AGENTS THAT YOU MENTIONED ALSO, TO THE BEST  
14 OF YOUR KNOWLEDGE, HAD NUMEROUS CONTACTS WITH HIM?

15 A. WHILE I WAS GONE, SIR?

16 Q. WHEN YOU CAME BACK?

17 A. WHEN I CAME BACK, YES, SIR, THE TWO AGENTS THAT I  
18 MENTIONED, SIR.

19 Q. NOW WHAT -- AFTER ALL THE CONVERSATIONS WITH HIM STARTING  
20 IN '87, WHAT REQUEST OR WHAT DID YOU SAY TO HIM -- STRIKE THAT.

21 WHEN WAS IT THAT YOU LAST SPOKE TO HIM PRIOR TO HIS  
22 TELLING YOU HE HAD A WITNESS THAT WOULD INVOLVE RUBEN  
23 ZUNO-ARCE?

24 A. THE LAST TIME?

25 Q. THE LAST TIME YOU SPOKE TO HIM HE TOLD YOU, IS THAT WHAT

1 YOU'RE SAYING?

2 A. I DON'T UNDERSTAND YOUR QUESTION, SIR. WOULD YOU RESTATE  
3 IT, PLEASE. I'M CONFUSED.

4 Q. HE BROUGHT YOU OR CAUSED CI-2 TO COME TO LOS ANGELES  
5 APPROXIMATELY NOVEMBER 29 OF 1989; IS THAT CORRECT, SIR?

6 A. YES, SIR.

7 Q. WHEN DID YOU LAST TALK TO CI-1 BEFORE THAT DATE?

8 A. BEFORE THAT DATE?

9 Q. YES, SIR, BEFORE NOVEMBER 29, 1989?

10 A. I DON'T RECALL. I TALKED TO HIM -- I TALKED TO HIM ALL  
11 THE TIME, I CONTINUE TO TALK TO HIM. I DON'T REMEMBER IF I  
12 TALKED TO HIM THE 29TH, OR 28TH OR 27TH. I DON'T RECALL.

13 Q. HOW FREQUENTLY -- I APOLOGIZE, SIR.

14 WERE YOU SAYING SOMETHING?

15 A. JUST WHAT I SAID, I DON'T RECALL, SIR.

16 Q. WHEN DID YOU FIRST RAISE THE NAME RUBEN ZUNO-ARCE TO CI-1?

17 SOMETIME THE BEGINNING OF '88; WASN'T IT, SIR?

18 A. I DON'T RECALL IF I EVER BROUGHT THE NAME UP TO HIM PRIOR  
19 TO HIS ARREST, SIR.

20 Q. PRIOR TO HIS ARREST IN AUGUST AS A MATERIAL WITNESS?

21 A. YES, SIR. THAT IS CORRECT, SIR.

22 Q. AFTER HE WAS ARRESTED AS A MATERIAL WITNESS, YOU THEN  
23 SPOKE TO CI-1 ABOUT RUBEN ZUNO-ARCE AND WHAT YOU COULD FIND OUT  
24 ABOUT HIM; IS THAT CORRECT, SIR?

25 A. NO, SIR, THAT IS NOT CORRECT. I HAVE ALWAYS ASKED CI

1 NUMBER 1 TO BRING ANY WITNESSES TO THIS CASE THAT MIGHT HAVE  
2 KNOWLEDGE OF ANY SUSPECTS -- NOT BY NAME -- OF ANYBODY THAT  
3 COULD HAVE BEEN INVOLVED IN THE KIDNAP AND TORTURE AND MURDER  
4 OF SPECIAL AGENT CAMARENA.

5 I DIDN'T ASK HIM SPECIFICALLY TO LOOK INTO ANYBODY.  
6 VERY BASICALLY, MY INSTRUCTIONS TO HIM AND OTHER WITNESS THAT  
7 WE HAVE IS IF YOU KNOW ANYBODY THAT HAVE ANY KNOWLEDGE OF ANY  
8 PERSONS THAT MIGHT HAVE BEEN INVOLVED IN THE KIDNAP AND THE  
9 TORTURE AND THE INTERROGATION AND THE MURDER OF OUR AGENT,  
10 PLEASE RECRUIT THEM, BRING THEM UP TO US. WE'D LIKE TO TALK TO  
11 THEM.

12 Q. DO YOU WRITE A REPORT, SIR, OR A DOCUMENT OF SOME FORM  
13 AFTER YOU MEET AND/OR SPEAK WITH CI-1?

14 A. CI-1, SIR?

15 Q. YES.

16 A. I HAVE WRITTEN NUMEROUS REPORTS OF MY INTERVIEWS OF CI  
17 NUMBER 1 GOING BACK TO 1987.

18 Q. AND IN THOSE REPORTS, YOU ATTEMPT TO PUT DOWN THE  
19 SUBSTANCE OF WHAT YOU SAY TO HIM OR WHAT HE SAYS TO YOU?

20 A. WHEN HE REPORTS INFORMATION OF SIGNIFICANCE HAVING TO DO  
21 WITH THE MURDER OR ANY OTHER NARCOTIC TRAFFICKING ORGANIZATION,  
22 YES, I HAVE WRITTEN REPORTS AND SO HAVE OTHER AGENTS, SIR.

23 Q. OTHER AGENTS HAVE SIMILAR REPORTS THAT THEY HAVE DONE, ARE  
24 YOU SAYING, IN THEIR CONVERSATIONS WITH CI-1?

25 A. YES, SIR.

1 Q. DO YOU EVER REMEMBER THE NAME RUBEN ZUNO-ARCE BEING  
2 BROUGHT UP TO CI-1?

3 A. NO, SIR.

4 Q. DO YOU HAVE ANY KNOWLEDGE WHETHER OTHER AGENTS BROUGHT  
5 THAT NAME UP TO CI-1?

6 A. NO, SIR.

7 Q. WHEN DID CI-1 FIRST GIVE YOU ANY INFORMATION THAT  
8 CULMINATED IN CI-2 APPEARING IN LOS ANGELES ON NOVEMBER 29?

9 MR. MEDRANO: OBJECTION, YOUR HONOR, ASKED AND  
10 ANSWERED, IN NOVEMBER OF 1989.

11 THE COURT: SUSTAINED.

12 BY MR. MEDVENE:

13 Q. I'M SORRY. ARE YOU SAYING THAT SOMETIME IN NOVEMBER HE  
14 CALLED AND SAID I HAVE SOMEBODY THAT KNOWS SOMETHING ABOUT THIS  
15 CASE?

16 IS THAT WHAT YOU'RE SAYING?

17 A. YES, SIR. SOMETHING ABOUT THE CASE. I DON'T REMEMBER HIM  
18 TELLING ME SOMETHING ABOUT RUBEN ZUNO-ARCE. IT WAS JUST THAT  
19 "I HAVE A WITNESS THAT COULD HELP OUT IN THE INVESTIGATION OF  
20 THE MURDER" IS THE WAY I RECALL IT.

21 I DON'T RECALL HIM SAYING SPECIFICALLY MR. ZUNO-ARCE  
22 OR ANYBODY ELSE.

23 Q. THE BEST YOU CAN RECALL, HOW MANY DAYS WAS THIS PRIOR TO  
24 NOVEMBER 30 WHEN THE MAN APPEARED BEFORE THE GRAND JURY?

25 A. I BELIEVE THAT WAS RIGHT BEFORE THE 29TH OR 30TH THAT HE



1 TOLD ME HE HAD A CALL FROM A POTENTIAL WITNESS THAT HAD  
2 INFORMATION ABOUT THE MURDER OF CAMARENA.

3 AND I INSTRUCTED CI-1 TO GET HIM UP HERE SO WE CAN  
4 TALK TO HIM.

5 Q. YOU ASKED CI-1, DID YOU NOT, SIR, WHAT IS THE SUBSTANCE OF  
6 WHAT HE HAS TO SAY?

7 A. NO, SIR, I DON'T RECALL ME ASKING HIM WHAT HE HAD TO SAY.

8 Q. YOU DIDN'T ASK HIM ANY QUESTIONS OF ANY KIND ABOUT WHO  
9 THIS PERSON IS OR WHO HE MIGHT HAVE INFORMATION ABOUT?

10 A. YES, SIR, I DID. I ASKED HIM WHO THIS PERSON WAS. HE  
11 TOLD ME IT WAS A PERSON FROM MEXICO, AND HE TOLD ME THAT HE HAD  
12 INFORMATION THAT WOULD BE OF INTEREST TO US IN THE MURDER.

13 Q. BUT BEFORE AUTHORIZING HIM TO COME UP AND MAKING  
14 ARRANGEMENTS, DIDN'T YOU GET SOME OTHER INFORMATION SO THAT YOU  
15 WERE SURE THAT IT MADE SENSE TO BRING HIM UP HERE?

16 A. I DON'T RECALL THAT I CAVEATED WHAT HE HAD TO SAY. WE  
17 BRING A LOT OF WITNESSES. WE'RE CONTINUOUSLY BRINGING  
18 WITNESSES UP HERE, SO I DON'T REMEMBER IF I ASKED HIM  
19 SPECIFICALLY WHAT THIS PERSON COULD SAY.

20 Q. YOU'RE NOT SUGGESTING THAT ANY TIME THIS PERSON CALLED YOU  
21 AND SAID HE HAD SOMETHING YOU MIGHT BE INTERESTED IN YOU HAD  
22 JUST TOLD HIM TO BRING THEM UP, OR IS THAT WHAT YOU'RE SAYING?

23 A. WHAT I'M SAYING, SIR, IF CI-1 OR ANY OTHER WITNESS TELLS  
24 ME THAT THERE IS A PERSON IN MEXICO THAT HAS INFORMATION ABOUT  
25 THE MURDER OF CAMARENA AND THAT WOULD LIKE TO COME UP HERE TO

1 TELL ME ABOUT IT OR ANOTHER ONE OF MY INVESTIGATORS ABOUT THIS  
2 INFORMATION, I ENCOURAGE THOSE WITNESSES TO, YOU KNOW, RECRUIT  
3 THE PEOPLE TO COME UP. WE PAY THEIR FARE TO COME UP HERE, YES,  
4 WE DO THAT, SIR.

5 Q. SO YOU'RE SAYING TO THE BEST OF YOUR KNOWLEDGE YOU HAD NO  
6 KNOWLEDGE WHEN CI-2 TRAVELED FROM MEXICO TO THE UNITED STATES  
7 THAT HE HAD ANY INFORMATION OF ANY KIND ABOUT A GENTLEMAN NAMED  
8 RUBEN ZUNO-ARCE. IS THAT YOUR TESTIMONY, SIR?

9 A. THAT IS CORRECT, SIR.

10 Q. OKAY. AND DID CI-1 COME UP WITH CI-2?

11 A. NO, CI-1 WAS HERE, SIR.

12 Q. AND IN ADDITION TO CI-2 -- BY THE WAY, WAS THERE ANY OTHER  
13 PERSON ON NOVEMBER 30TH OR ANY DATE TO THE PRESENT THAT YOU  
14 KNOW OF THAT YOU CLAIM HAS EVIDENCE THAT ZUNO-ARCE ATTENDED  
15 THIS MEETING IN THE FIRST WEEK OF FEBRUARY OF '85 AT JAVIER  
16 BARBERA-HERNANDEZ' HOUSE?

17 MR. MEDRANO: OBJECTION, YOUR HONOR. BEYOND THE  
18 SCOPE OF DIRECT.

19 THE COURT: YES. KEEP IN MIND, COUNSEL, THIS IS NOT  
20 A DISCOVERY PROCEEDING. THIS IS A KASTIGAR MOTION AND YOU'RE  
21 EXCEEDING THE SCOPE OF THAT. I'M BEGINNING TO QUESTION WHETHER  
22 THE MOTION WAS FILED IN GOOD FAITH. THIS IS NOT A PROCEEDING  
23 FOR YOU TO CONDUCT DISCOVERY.

24 MR. MEDVENE: I'M NOT INTENDING TO CONDUCT DISCOVERY.

25 THE COURT: YOU CERTAINLY ARE.

1 MR. MEDVENE: I'M TRYING TO FIND OUT THE SOURCE OF  
2 WHAT WAS PRESENTED TO THE GRAND JURY, AND I DON'T HAVE THE  
3 BENEFIT OF SEEING THE DOCUMENT THAT HE HAS WRITTEN OR THE GRAND  
4 JURY TESTIMONY OF WHAT HE TALKED. SO I HAVE TO ASK HIM SOME  
5 QUESTIONS TO FIND OUT THE INFORMATION.

6 THE COURT: THE QUESTIONS YOU'RE ASKING EXCEED THE  
7 SCOPE OF THIS WITNESS' TESTIMONY.

8 MR. MEDVENE: THE OBJECTION IS SUSTAINED, YOUR HONOR?

9 THE COURT: YES.

10 MR. MEDVENE: I SEE.

11 BY MR. MEDVENE:

12 Q. DID YOU SPEAK WITH CI-2 BEFORE HE APPEARED BEFORE THE  
13 GRAND JURY?

14 A. YES, SIR, I DID.

15 Q. ON HOW MANY OCCASIONS?

16 A. I SPOKE WITH HIM THE NIGHT I PICKED HIM UP AT THE AIRPORT.  
17 AND I SPOKE TO HIM DURING THE DAY OF NOVEMBER 30TH, 1989.

18 Q. WERE YOU ALONE EACH TIME OR WITH SOMEONE ELSE?

19 A. I WAS WITH OTHER -- ANOTHER AGENT.

20 Q. WHO WAS THAT ON THAT NIGHT, SIR?

21 A. SPECIAL AGENT DELBERT SALAZAR.

22 Q. HOW LONG WAS THAT MEETING?

23 A. WHICH MEETING, SIR?

24 Q. ON THE 29TH WHEN YOU PICKED HIM UP?

25 MR. MEDRANO: THE TESTIMONY IS THAT HE PICKED HIM UP

1 AT 11:32 A.M., YOUR HONOR.

2 BY MR. MEDVENE:

3 Q. I'M SORRY, WHEN DID YOU -- I'M JUST TRYING TO FIND OUT HOW  
4 LONG YOU SPOKE TO HIM ON THE FIRST OCCASION AND WHEN IT WAS. I  
5 THOUGHT YOU SAID YOU PICKED HIM UP ON THE 29TH.

6 IF I'M INCORRECT, TELL ME WHEN YOU PICKED HIM UP,  
7 SIR.

8 A. I PICKED HIM UP AT 2:00 A.M. NOVEMBER 30, 1989 AND I FIRST  
9 HAD CONTACT WITH HIM AT LAX, AT THE L.A. AIRPORT.

10 Q. OKAY. AND HOW LONG DID YOU MEET WITH HIM ON THAT OCCASION  
11 ALONG WITH AGENT SALAZAR?

12 A. I MET WITH HIM LONG ENOUGH TO TRANSPORT HIM TO A HOTEL --  
13 FROM LAX TO DOWNTOWN LOS ANGELES IN A GOVERNMENT CAR, SIR.

14 Q. DID YOU TALK TO HIM ON THAT OCCASION IN ANY WAY ABOUT WHAT  
15 INFORMATION HE HAD?

16 A, YES, SIR, I DID.

17 Q. AND WHAT DID HE SAY?

18 MR. MEDRANO: OBJECTION, YOUR HONOR, THAT GOES BEYOND  
19 THE SCOPE OF DIRECT.

20 THE COURT: THE OBJECTION IS SUSTAINED.

21 MR. MEDVENE: MAY I BE HEARD, YOUR HONOR?

22 THE COURT: NO.

23 BY MR. MEDVENE:

24 Q. HOW LONG WERE YOU WITH HIM THAT EVENING OR EARLY MORNING  
25 QUESTIONING HIM?

1 A. IN THE EARLY MORNING OR IN THE EVENING, SIR? YOU --

2 Q. YOU PICKED HIM UP AT 2:00 A.M. THAT WAS IN THE MORNING,  
3 SIR.

4 A. YES, SIR. HOW LONG WERE YOU WITH HIM BEFORE YOU DROPPED  
5 HIM OFF AND WENT SOMEWHERE AND YOU WENT TO SLEEP, OR WHATEVER  
6 YOU DID?

7 A. I WOULD SAY WHAT IT TAKES TO DRIVE FROM LAX TO THE  
8 DOWNTOWN AREA, I WOULD SAY MAYBE 30 MINUTES, 40 MINUTES.

9 Q. YES, SIR. AND WHEN IS THE NEXT TIME YOU SAW HIM?

10 A. IN THE MORNING OF THAT SAME DATE WHEN I BROUGHT HIM FROM  
11 THE HOTEL TO THE U.S. ATTORNEYS OFFICE.

12 Q. AND WHO WAS IN ON THAT MEETING; YOU AND THE U.S. ATTORNEY?

13 A. YES, SIR, MR. MANUEL MEDRANO.

14 Q. YOURSELF?

15 A. YES, SIR.

16 Q. ANYONE ELSE?

17 A. I DON'T RECALL IF THERE WAS ANYBODY ELSE AT THIS MEETING.

18 Q. HOW LONG WAS THAT MEETING?

19 A. I WOULD SAY MAYBE A COUPLE OF HOURS.

20 Q. DID YOU DO A MEMO OF WHAT WAS SAID AT THAT MEETING?

21 A. NO, I DID NOT, SIR.

22 Q. WHY DIDN'T YOU?

23 MR. MEDRANO: OBJECTION, YOUR HONOR, IRRELEVANT.

24 THE COURT: SUSTAINED.

25 BY MR. MEDVENE:

1 Q. DID YOU DO A MEMO OF ANY KIND OF YOUR FIRST MEETING WITH  
2 HIM AT APPROXIMATELY 2:00 A.M. ON NOVEMBER 30TH?

3 A. NO, I DID NOT, SIR.

4 Q. DID AGENT SALAZAR?

5 A. YES, SIR, HE DID.

6 Q. DID ANYONE, TO YOUR KNOWLEDGE, EVEN THOUGH YOU DID NOT DO  
7 A MEMO OF YOUR SEVERAL-HOUR MEETING ON THE 30TH, DID ANYONE  
8 ELSE DO A MEMO TO YOUR KNOWLEDGE?

9 A. I DON'T RECALL, SIR, IF SOMETHING WAS WRITTEN ON WHAT WAS  
10 DISCUSSED THAT DATE.

11 Q. IS IT YOUR TESTIMONY THEN, SIR, THAT THE WITNESS WHO HAD  
12 THE -- OR WHO MADE THE CLAIM THAT ZUNO-ARCE WAS AT THE MEETING  
13 IN FEBRUARY OR WAS A MEMBER OF THE GUADALAJARA DRUG CARTEL AND  
14 THE VARIOUS ALLEGATIONS IN THE INDICTMENT, THAT THAT WITNESS IS  
15 CI-2, AND HE SAID THOSE THINGS TO THE BEST OF YOUR KNOWLEDGE IN  
16 FRONT OF THE GRAND JURY? IS THAT WHAT YOU'RE SAYING?

17 A. WHAT I'M SAYING, SIR, IS THAT I KNOW WHAT HE YOU TOLD ME  
18 AND I SPECULATE THAT HE TOLD THE GRAND JURY THE SAME THINGS.

19 I'VE NEVER SEEN HIS GRAND JURY TESTIMONY, SIR, NOR  
20 DID I HEAR WHAT HE TOLD THE GRAND JURY.

21 Q. AND WERE THOSE THE THINGS I'VE JUST SAID IN SUBSTANCE?

22 A. I DON'T KNOW, SIR. I REALLY -- I BELIEVE THOSE ARE THE  
23 THINGS HE TOLD THE GRAND JURY, WHAT HE TOLD ME. BUT NOT HAVING  
24 BEEN IN THE GRAND JURY ROOM AND NOT HAVING HAD THE OPPORTUNITY  
25 TO REVIEW HIS GRAND JURY TESTIMONY, I CAN ONLY SPECULATE THAT

1 THAT'S WHAT HE TOLD THE GRAND JURY, SIR.

2 Q. YOU SAID YOU -- WHEN YOU TESTIFIED BEFORE THE GRAND JURY,  
3 WAS YOUR TESTIMONY LIMITED TO THE AREAS YOU'VE TOLD US ABOUT  
4 HERE TODAY, THAT IS, THE -- I DON'T MEAN TO MISSTATE THIS, BUT  
5 THE KIRKENDAHL INTERVIEW AND THE IMMIGRATION AND NATURALIZATION  
6 SERVICE INTERVIEW AND THE RELATIONSHIP BETWEEN ZUNO-ARCE AND  
7 THE FORMER PRESIDENT OF MEXICO? WERE THOSE THE THREE AREAS YOU  
8 TESTIFIED TO?

9 A. TO THE BEST OF MY RECOLLECTION, ON THAT DATE, YES, SIR, I  
10 TESTIFIED AS TO THE RELATIONSHIP OF MR. ZUNO-ARCE WITH LUIS  
11 ECHEVAREA.

12 I TESTIFIED OF AN INTERVIEW BETWEEN OR AN INTERVIEW  
13 OF JAIME KIRKENDAHL WITH MR. RUBEN ZUNO-ARCE WHICH TOOK PLACE  
14 SEPTEMBER OF 1986, AND YES, I REMEMBER THAT I TESTIFIED TO THE  
15 INTERVIEW BY I.N.S. OF MR. ZUNO IN TEXAS, YES, SIR. I DON'T  
16 RECALL THAT I TESTIFIED TO ANYTHING ELSE.

17 Q. WAS THE GRAND JURY -- WAS THIS SAME GRAND JURY THAT HEARD  
18 MR. ZUNO-ARCE'S TESTIMONY?

19 A. I DON'T KNOW, SIR. I DON'T KNOW WHO HEARD MR. ZUNO-ARCE'S  
20 TESTIMONY.

21 Q. WERE YOU AWARE THAT OR DID ANYBODY DISCUSS WITH YOU THE  
22 FACT THAT ZUNO-ARCE INTERVIEWED WITH MR. KIRKENDAHL, I BELIEVE,  
23 THAT THERE WERE QUESTIONS ASKED ABOUT THAT AT HIS GRAND JURY  
24 APPEARANCE?

25 A. I DON'T KNOW, SIR, ANYTHING ABOUT THAT.

1 MR. MEDVENE: EXCUSE ME, YOUR HONOR.

2 (BRIEF PAUSE.)

3 BY MR. MEDVENE:

4 Q. WHEN DID YOU FIRST BECOME AWARE OF THE KIRKENDAHL REPORT?

5 A. I FIRST BECAME AWARE OF THAT REPORT WHEN I CAME INTO THE  
6 INVESTIGATION IN JANUARY OF '88, SIR. WHEN I STARTED REVIEWING  
7 A LOT OF -- DOING BACKGROUND WORK AND GOING BACK AND REVIEWING  
8 SOME OF THESE REPORTS. THAT'S WHEN I READ THAT REPORT OF  
9 INVESTIGATION, SIR.

10 Q. YOU KNEW ZUNO-ARCE WAS GOING TO TESTIFY IN FRONT OF THE  
11 GRAND JURY, DID YOU NOT?

12 A. YES, SIR. I KNEW HE WAS GOING TO TESTIFY BEFORE THE GRAND  
13 JURY, YES, SIR.

14 Q. YOU WERE THE LEAD AGENT THEN, THE GROUP SUPERVISOR?

15 A. YES, SIR.

16 Q. AND YOU MET WITH U.S. ATTORNEYS OFFICE REPRESENTATIVES AND  
17 DISCUSSED, GENERALLY, AREAS THAT MIGHT BE GONE INTO WITH  
18 ZUNO-ARCE, DID YOU NOT?

19 A. NO, SIR, I DON'T BELIEVE THAT I -- WE GOT INTO WHAT  
20 AREAS THEY WERE GOING TO GET INTO. I DID KNOW THAT HE WAS  
21 GOING TO GO BEFORE A GRAND JURY, BUT I DON'T RECALL THAT I EVER  
22 HAD A CONVERSATION WHERE I INQUIRED OF THE ASSISTANT WHAT  
23 SPECIFIC AREAS THEY WERE GOING TO GET INTO, SIR.

24 Q. DID YOU SUPPLY THE U.S. ATTORNEY'S OFFICE WITH WHAT  
25 INFORMATION YOU HAD ABOUT ZUNO-ARCE AT THAT TIME, AS OF AUGUST



1 9TH?

2 A. YES, SIR, THEY HAD ALL -- THEY HAD MATERIAL -- WRITTEN  
3 MATERIALS FROM US, NUMEROUS WRITTEN MATERIALS FROM US.

4 Q. AND AFTER HE TESTIFIED, WERE YOU CURIOUS ABOUT WHAT HE  
5 SAID?

6 MR. MEDRANO: OBJECTION, YOUR HONOR, IRRELEVANT  
7 QUESTION.

8 THE COURT: SUSTAINED.

9 BY MR. MEDVENE:

10 Q. DID YOU ASK ANYONE WHAT HE SAID?

11 A. NO, I DIDN'T, SIR.

12 Q. YOU HAD NO INTEREST IN WHAT HE SAID?

13 MR. MEDRANO: OBJECTION, IRRELEVANT QUESTION.

14 THE COURT: SUSTAINED.

15 BY MR. MEDVENE:

16 Q. IS THERE ANY REASON WHY YOU DIDN'T ASK ANYBODY ABOUT THE  
17 GRAND JURY TESTIMONY OF SOMEONE WHO WAS SUPPOSED TO BE A  
18 MATERIAL WITNESS IN A MURDER CASE THAT WAS SET FOR TRIAL?

19 MR. MEDRANO: SAME OBJECTION, YOUR HONOR.

20 THE COURT: SUSTAINED.

21 BY MR. MEDVENE:

22 Q. DID ANY OTHER AGENTS, TO YOUR KNOWLEDGE, ASK OR LOOK INTO  
23 WHAT ZUNO-ARCE SAID BEFORE THE GRAND JURY?

24 MR. MEDRANO: OBJECTION; ASKED AND ANSWERED.

25 THE COURT: DID YOU ASK THAT QUESTION ALREADY?

1 MR. MEDVENE: I DON'T KNOW. I DON'T HAVE IT WRITTEN  
2 DOWN.

3 THE COURT: THE WITNESS MAY ANSWER.

4 THE WITNESS: I DON'T KNOW IF ANY OF THE AGENTS  
5 ASSIGNED TO MY TASK FORCE REVIEWED THE TESTIMONY OR IF THEY  
6 ASKED ANYBODY. I REALLY DON'T KNOW, SIR.

7 I NEVER ASKED ANY OF MY AGENTS IF THEY HAD REVIEWED  
8 THE TRANSCRIPT OF WHAT MR. ZUNO TESTIFIED TO AND I DON'T RECALL  
9 WHETHER THEY TOLD ME THAT THEY WERE PRIVY TO WHAT HE TESTIFIED  
10 TO.

11 Q. DID YOU PARTICIPATE IN A CONVERSATION BEFORE CI-1 FOUND  
12 CI-2 WITH ANY GOVERNMENT AGENTS WHERE THERE WAS A DISCUSSION  
13 ABOUT ZUNO-ARCE?

14 A. NOT THAT I CAN RECALL, SIR.

15 Q. SO AT THE TIME HE WAS INDICTED -- STRIKE THAT.

16 SO AT THE TIME HIS HONOR HERE DECLARED HIM A MATERIAL  
17 WITNESS, BASED ON A DECLARATION OF AGENT REYNOSA, AT THAT POINT  
18 IN TIME YOU HAD NEVER DISCUSSED WITH ANY OTHER AGENTS RUBEN  
19 ZUNO-ARCE, IS THAT YOUR TESTIMONY?

20 A. UP TO THAT POINT, SIR, TO THE BEST OF MY RECOLLECTION, I  
21 HAD READ THE REPORT OF JAIME KIRKENDAHL'S INTERVIEW WITH  
22 MR. RUBEN ZUNO-ARCE AND I KNEW THAT BECAUSE OF READING THAT  
23 REPORT, THAT RUBEN ZUNO-ARCE HAD OWNED THE HOUSE WHERE SPECIAL  
24 AGENT CAMARENA HAD BEEN KILLED. I KNEW THAT UP TO THAT TIME,  
25 SIR, AND I BELIEVE THAT'S BASICALLY ALL I KNEW UP TO THAT TIME.

1 Q. MY QUESTION WAS, SIR -- SIR, WAS THAT AT OR ABOUT THE TIME  
2 OF THE MATERIAL WITNESS WARRANT?

3 A. YES, SIR.

4 Q. DID YOU PARTICIPATE AS GROUP LEADER IN ANY DISCUSSION WITH  
5 ANY OTHER D.E.A. AGENTS OR ANY MEMBER OF THE U.S. ATTORNEYS  
6 OFFICE THAT DEALT IN ANY WAY WITH RUBEN ZUNO-ARCE?

7 A. YES, SIR, AND I'LL ANSWER AGAIN. YES, AT THAT TIME THERE  
8 WAS A DISCUSSION WITH SPECIAL AGENTS OF THE TASK FORCE TO THE  
9 EFFECT THAT RUBEN ZUNO-ARCE HAD OWNED A HOUSE AT 881 LOPA DE  
10 VEGA, WHERE SPECIAL AGENT CAMARENA WAS MURDERED.

11 I KNEW THAT MUCH, SIR, AT THAT TIME. AND YES, SIR, I  
12 DID ENTER INTO DISCUSSIONS ABOUT THAT SUBJECT WITH SPECIAL  
13 AGENTS OF THE TASK FORCE AND POSSIBLY WITH THE ASSISTANT U.S.  
14 ATTORNEYS, BUT I DON'T RECALL, SIR. BUT, YES, SIR, WE DID TALK  
15 ABOUT THAT.

16 Q. DID YOU HAVE ANY DISCUSSIONS WITH OTHER AGENTS BEFORE THE  
17 TIME THAT CI-1 BROUGHT IN CI-2 THAT YOU WANTED TO DEVELOP, IF  
18 POSSIBLE, EVIDENCE THAT RUBEN ZUNO-ARCE WAS INVOLVED IN THE  
19 KIDNAPPING AND DEATH OF AGENT CAMARENA?

20 A. DEFINITELY NOT, SIR.

21 Q. WELL, AT OR AROUND THE TIME -- YOU WERE AWARE THAT AT OR  
22 AROUND MID SEPTEMBER ZUNO-ARCE WAS INDICTED FOR PERJURY FOR  
23 SAYING THAT HE DID NOT KNOW CARO QUINTERO AND FOR SAYING HE DID  
24 NOT KNOW ERNESTO FONSECA; IS THAT CORRECT, SIR?

25 MR. MEDRANO: OBJECTION; BEYOND THE SCOPE OF DIRECT,

1 YOUR HONOR.

2 THE COURT: YOU MAY ANSWER.

3 THE WITNESS: YES, SIR, I HAD HEARD THAT, YES, SIR.

4 BY MR. MEDVENE:

5 Q. AND YOU KNEW IN THAT CASE HE WAS LET OUT ON BAIL; ISN'T  
6 THAT TRUE?

7 A. YES, SIR, I WAS AWARE OF THAT.

8 THE COURT: WELL, WHAT DOES THAT IS HAVE TO DO WITH  
9 IT?

10 MR. MEDVENE: MY NEXT QUESTION.

11 THE COURT: THIS IS GETTING VERY UNFOCUSED. I'M  
12 GOING TO ADJOURN THIS HEARING UNTIL TOMORROW AT 4:30. I WANT  
13 YOU TO FOCUS IN ON THE PURPOSE OF THIS HEARING HERE, MR.  
14 MEDVENE.

15 I'M NOT GOING TO ALLOW YOU TO JUST RAMBLE ALONG AND  
16 ASK ANYTHING THAT POPS INTO YOUR HEAD. WE HAVE SPECIFIC ISSUES  
17 WHICH THIS COURT HAS TO DEAL WITH AND I WANT YOU TO CONFORM --  
18 I'M NOT GOING TO TOLERATE RAMBLING AND FURTHER  
19 CROSS-EXAMINATION UNLESS YOU MAKE A SHOWING OF WHAT IT IS  
20 YOU'RE TRYING TO DO.

21 MR. MEDVENE: IF COURT PLEASE, UNDER ROGERS AND  
22 CROSEN (PHONETIC), YOUR HONOR, WOULD YOU PLEASE ORDER THE  
23 GOVERNMENT TO SUPPLY THE DOCUMENTS THAT THEY HAVE.

24 I'LL INDICATE AN INDEPENDENT SOURCE FOR THEIR CLAIM  
25 THAT GOT -- THE INDICTMENT CAME FROM A SOURCE INDEPENDENT OF

1 ZUNO-ARCE'S GRAND JURY TESTIMONY. THE NINTH CIRCUIT SAID THEY  
2 HAD TO SUPPLY ALL DOCUMENTS ESTABLISHING PRIOR INDEPENDENT  
3 SOURCES, ALONG WITH A LIST OF EVIDENCE OBTAINED, IN  
4 CHRONOLOGICAL ORDER.

5 AND WE WOULD ASK YOUR HONOR THAT, IN ACCORDANCE WITH  
6 THE NINTH CIRCUIT --

7 THE COURT: YOU BRIEFED THAT ISSUE. THESE OFF-THE-  
8 CUFF REQUESTS THAT YOU'RE --

9 MR. MEDVENE: IT IS NOT OFF THE CUFF. WE HAVE IT, I  
10 THINK, IN OUR PAPERS WE MAKE REFERENCE TO THIS AND WE CITE THE  
11 EXACT PORTION AT 1429. IN OTHER WORDS, THE NINTH CIRCUIT SAID  
12 A BUNCH OF TIMES THAT THE GOVERNMENT, AS YOUR HONOR KNOWS, HAS  
13 TO COME FORTH WITH THEIR DOCUMENTS OR MATERIAL INDICATING PRIOR  
14 INDEPENDENT SOURCE AND CROSEN SAID A LIST OF EVIDENCE OBTAINED  
15 IN CHRONOLOGICAL ORDER.

16 THE COURT: THE ROGERS AND CROSEN CASES DEALT WITH  
17 AFFIDAVITS SUBMITTED BY THE GOVERNMENT.

18 MR. MEDVENE: THERE WERE --

19 THE COURT: AND THE AFFIDAVITS WERE SUPPLEMENTED BY  
20 AN IN-CAMERA SUBMISSION. IN BOTH THESE CASES THE AFFIDAVITS  
21 WERE MADE AVAILABLE TO THE DEFENDANT. THEY HAVE NOT PROCEEDED  
22 BY AFFIDAVIT HERE, THEY HAVE PROCEEDED BY THIS WITNESS.

23 MR. MEDVENE: YES, SIR.

24 THE COURT: THIS TESTIMONY IS AVAILABLE TO YOU.

25 MR. MEDVENE: WELL, SIR, BE KIND WITH US. I

1 RESPECTFULLY SUGGEST WHETHER THEY PROCEEDED LIVE OR BY  
2 AFFIDAVIT WOULDN'T DEAL WITH WHETHER OR NOT WE SHOULD BE SHOWN  
3 THE DOCUMENTS. IT WOULD SEEM TO ME IF WE'RE SHOWN THE  
4 DOCUMENTS AND THEY GO BY AFFIDAVIT OR LIVE TESTIMONY, THERE  
5 WOULD BE A DIFFERENCE --

6 THE COURT: THEY ARE PRESENTING TO THE COURT THE  
7 EVIDENCE ON WHICH THEY'RE RELYING, WHICH IS THIS WITNESS'  
8 TESTIMONY.

9 MR. MEDVENE: I BELIEVE, YOUR HONOR, THAT CROSEN, A  
10 F.B.I. AGENT, TESTIFIED AND THE ASSISTANT U.S. ATTORNEY --

11 THE COURT: I DON'T THINK YOU'VE READ THE CASE, HAVE  
12 YOU? WE'RE ADJOURNED UNTIL 4:30. YOUR REQUEST IS DENIED. IF  
13 YOU WANT TO BRIEF IT FURTHER, YOU CAN DO SO. HAVE YOUR BRIEF  
14 HERE TOMORROW BEFORE THAT TIME.

15 MR. MEDVENE: YES, YOUR HONOR.

16 MR. MEDRANO: THANK YOU, YOUR HONOR.

17 THE COURT: YOU MAY STEP DOWN.

18 THE WITNESS: THANK YOU, YOUR HONOR.

19 ---0---

20 I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE  
21 RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

22 \_\_\_\_\_ DATED: \_\_\_\_\_  
23 JULIE A. CHURCHILL, CSR NO. 6155  
24 OFFICIAL COURT REPORTER  
25