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

HONORABLE EDWARD RAFEEDIE, DISTRICT COURT JUDGE PRESIDING

UNITED STATES OF AMERICA,)
)
 PLAINTIFF,)
)
 VS.)
)
 JUAN RAMON MATTA-BALLESTEROS)
 DEL POZO, RUBEN ZUNO-ARCE,)
 JUAN JOSE BERNABE-RAMIREZ,)
 AND JAVIER VASQUEZ-VELASCO,)
)
 DEFENDANTS.)

COPY

CASE NO: CR 87-422(F)-ER

VOLUME 1

REPORTERS' TRANSCRIPT OF PROCEEDINGS

TUESDAY, MAY 15, 1990

LOS ANGELES, CALIFORNIA

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ALSO PRESENT:

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SPANISH INTERPRETERS

1 LOS ANGELES + CALIFORNIA TUESDAY, MAY 15, 1990

2 + 9:00 A.M.

3
4 (JURY NOT PRESENT.)

5 THE COURT: GOOD MORNING. LET THE RECORD SHOW THAT
6 ALL DEFENDANTS ARE PRESENT WITH THEIR RESPECTIVE COUNSEL, AND
7 COUNSEL FOR THE GOVERNMENT ALSO ARE PRESENT.

8 MR. MEDRANO: MR. NICOLAYSEN IS NOT PRESENT.

9 THE COURT: STRIKE THAT. IS HIS CLIENT PRESENT?

10 MR. MEDRANO: THAT IS CORRECT, YOUR HONOR.

11 THE COURT: HIS CLIENT IS NOT INVOLVED THESE MOTIONS
12 THAT WE ARE GOING TO HEAR THIS MORNING. THE ONLY DEFENDANTS
13 WHO ARE INVOLVED ARE MR. ZUNO AND MR. BERNABE. THEY ARE BOTH
14 PRESENT WITH THEIR COUNSEL, AND COURT HAS CONVENED FOR THE
15 PURPOSE OF HEARING AND DECIDING THESE MOTIONS.

16 I WANT TO DEAL FIRST WITH THE GOVERNMENT'S MOTIONS IN
17 LIMINE. THE FIRST ONE IS TO COMPEL THE DEFENDANTS TO DISCLOSE
18 THE WITNESS LIST. THE GOVERNMENT HAS ASKED THAT THE COURT DENY
19 THIS MOTION.

20 AND THE OTHER IS THE GOVERNMENT'S MOTION TO EXCLUDE
21 EVIDENCE OF PRIOR CONDUCT BY THE CONFIDENTIAL INFORMANT, JESSIE
22 ZUNO, ON CROSS-EXAMINATION. THE COURT HAS READ AND CONSIDERED
23 BOTH THESE MOTIONS AND THE SUPPORTING DECLARATIONS.

24 IT IS THE COURT'S TENTATIVE CONCLUSION THAT THE
25 MOTION FOR DISCLOSURE OF THE DEFENDANT'S WITNESSES SHOULD BE

1 DENIED; AND THAT THE MOTION TO EXCLUDE EXTRINSIC EVIDENCE OR
2 INQUIRY INTO THE PRIOR ACTS OF THE CONFIDENTIAL INFORMANT,
3 JESSIE ZUNO, SHOULD ALSO BE DENIED FOR THE FOLLOWING REASONS.

4 THE GOVERNMENT HAS ASSERTED THAT THEY ARE ENTITLED TO
5 RECIPROCAL DISCOVERY OF THE DEFENDANT'S WITNESS LIST. THIS
6 COURT HAS NEVER ORDERED THE GOVERNMENT TO TURN ITS WITNESS LIST
7 OVER TO THE DEFENSE AND, IN FACT, HAS GONE TO EXTREME MEANS TO
8 PREVENT THAT, INCLUDING THE LAST TIME DURING THE JURY
9 QUESTIONNAIRE PERIOD.

10 I HAVE ORDERED THE DISCLOSURE OF A NUMBER OF
11 GOVERNMENT WITNESSES UNDER ROVIARO AND OTHER AUTHORITIES. THE
12 GOVERNMENT'S REQUEST AMOUNTS TO A REQUEST FOR UNILATERAL
13 DISCOVERY OF THE DEFENDANT'S WITNESSES. NO AUTHORITY IS
14 PRESENTED FOR THIS REQUEST AND IT IS DENIED.

15 THE DEFENDANTS NEED ONLY COMPLY WITH THEIR
16 OBLIGATIONS UNDER THE FEDERAL RULES OF CRIMINAL PROCEDURE WITH
17 RESPECT TO THE DISCOVERY SPECIFIED IN RULE 16.

18 NOW, THE GOVERNMENT ALSO SEEKS TO EXCLUDE ANY
19 EXTRINSIC EVIDENCE OF OR REFERENCE TO THE PRIOR ACTS OF ONE OF
20 ITS WITNESSES, JESSIE ZUNO. NEITHER PARTY HAS DISPUTED THAT
21 THIS WITNESS HAS KILLED BETWEEN 35 AND 50 PERSONS IN HIS
22 CAPACITY AS AN INTERROGATOR AND TRAINER FOR THE DIRECCION
23 FEDERAL DE SEGURIDAD AND OTHER MEXICAN GOVERNMENT AGENCIES
24 BETWEEN 1974 AND LATE 1987.

25 AND THE ISSUE IS WHETHER THESE PRIOR ACTS ARE

1 ADMISSIBLE UNDER FEDERAL RULE OF EVIDENCE 608-B. THIS RULE
2 PROHIBITS, AMONG OTHER THINGS, THE USE OF EXTRINSIC EVIDENCE OF
3 PRIOR MISCONDUCT WHICH NOT DID NOT RESULT IN A CONVICTION FOR
4 THE PURPOSE OF IMPEACHING A WITNESSES' CHARACTER FOR VERACITY.

5 THE COURT IS NOT GOING TO DEAL WITH EXTRINSIC
6 EVIDENCE AT THIS TIME. THAT IS SOMETHING THAT I WOULD TAKE UP
7 IF AND WHEN THE DEFENDANTS SEEK TO INTRODUCE ANY EXTRINSIC
8 EVIDENCE RELATING TO THESE ACTS. THEY MUST FIRST OBTAIN --
9 THEY MUST FIRST INFORM THE COURT WHAT EVIDENCE THEY PROPOSE TO
10 OFFER AND THE COURT WILL CONSIDER IT AT THAT TIME BEFORE IT IS
11 OFFERED, NOT IN THE PRESENCE OF THE JURY, TO DETERMINE WHETHER
12 EXTRINSIC EVIDENCE SHOULD BE ADMITED IN THIS CASE.

13 NOW, THE THE COURT FINDS THAT INQUIRY INTO THESE
14 PRIOR ACTS OF MISCONDUCT IS PERMISSIBLE ON CROSS-EXAMINATION OF
15 THIS WITNESS PURSUANT TO RULE 608-B. WHILE, GENERALLY, CRIMES
16 OF VIOLENCE DO NOT INVOLVE DISHONESTY OR FALSE STATEMENT, THE
17 NINTH CIRCUIT HAS HELD NOT TOO LONG AGO IN 1988, THAT ARMED
18 ROBBERY IS A CRIME INVOLVING DISHONESTY UNDER RULE 609.

19 THUS, SUCH ACTS, TO QUOTE THE COURT, ARE QUOTE,
20 "PROBATIVE OF TRUTHFULNESS OR UNTRUTHFULNESS, AS REQUIRED BY
21 RULE 608."

22 IN LIGHT OF THIS HOLDING, AND IN LIGHT OF THE
23 ENORMITY OF THE ACTS WITH WHICH THIS DEFENDANT IS ALLEGED TO
24 HAVE COMMITTED, THE COURT FINDS THAT THIS CONFIDENTIAL
25 INFORMANT'S PRIOR ACTS OF MULTIPLE MURDERS MAY PROVE A BASIS BY

1 WHICH THE JURY MAY CONSIDER HIS TRUTHFULNESS OR UNTRUTHFULNESS.

2 THE NATURE AND SHEER MAGNITUDE OF THE MISCONDUCT OF
3 THIS WITNESS, IF IT BE TRUE, RAISES SERIOUS QUESTIONS ABOUT
4 THIS WITNESS'S ABILITY OR DESIRE TO HONOR THE ADMINISTERED OATH
5 TO SPEAK THE TRUTH.

6 THAT IS, THE COURT BELIEVES THAT A PERSON CAPABLE OF
7 SUCH ACTS HAS PLACED HIMSELF SO BEYOND THE PALE OF CIVILIZED
8 SOCIETY AS TO WARRANT SKEPTICISM AS TO HIS ABILITY TO HONOR THE
9 OATH. AND I DO NOT BELIEVE THAT BECAUSE THE GOVERNMENT HAS
10 CHOSEN TO PRESENT THIS WITNESS, THAT HE SHOULD BE CLOTHED WITH
11 A MANTLE OF INNOCENCE WHICH HE DOES NOT DESERVE, IF THESE ACTS
12 ARE TRUE. ACCORDINGLY, THE GOVERNMENT'S MOTION TO PRECLUDE
13 CROSS-EXAMINATION IS DENIED.

14 NOW, THIS DOES NOT MEAN THAT THE DEFENDANTS HAVE
15 LICENSE TO GO INTO THE PARTICULARS OF EACH OF THESE ACTS. THE
16 INFORMATION MAY BE ELICITED FROM THE WITNESS AND MAY BE ASKED.
17 I'M NOT AT THIS TIME ESTABLISHING WHAT THE PARAMETERS ARE, BUT
18 THE COURT IS NOT GOING TO ALLOW THIS TRIAL TO BE SIDETRACKED
19 WITH WHAT THIS WITNESS MAY HAVE DONE IN THE PAST.

20 THE SOLE PURPOSE OF THE INQUIRY IS TO ASSIST THE JURY
21 IN DETERMINING THE WITNESS' CREDIBILITY. I DO NOT PROPOSE TO
22 BECOME INVOLVED HERE IN HAVING THE PROSECUTION ELICITING FACTS
23 ABOUT A LOT OF THESE ALLEGED MURDERS AND THE GOVERNMENT THEN
24 HAVING TO COME BACK TO DEFEND THE CONDUCT OF THE WITNESS.
25 THAT THE COURT WILL NOT PERMIT TO HAPPEN.

1 THAT IS THE THE COURT'S RULING WITH RESPECT TO THE
2 TWO MOTIONS IN LIMINE FILED BY THE GOVERNMENT. DO YOU WISH TO
3 BE HEARD? THIS IS MY VIEW OF THIS.

4 MR. MEDRANO: NO, YOUR HONOR -- OH, JUST BRIEFLY.

5 MR. CARLTON: ONE BRIEF POINT, YOUR HONOR, NOT
6 RESPONDING TO YOUR HOLDINGS, BUT I MERELY WISH TO POINT OUT
7 THAT IN RELATION TO THE KILLINGS MADE BY THIS PARTICULAR
8 WITNESS, THAT THEY WERE UNDER COLOR OF MEXICAN AUTHORITIES
9 RATHER THAN BEING MURDERS. AND THAT'S ALL I WOULD POINT OUT.

10 THE COURT: WELL, THAT IS POINTED OUT. I DON'T KNOW
11 THE DETAILS AND I DON'T KNOW IN WHAT RESPECT THEY WERE UNDER
12 THE COLOR OF AUTHORITY, BUT THEY WERE CARRIED OUT UNDER ORDERS
13 OF THE COURT. BUT WE HAVE NO WAY OF KNOWING THAT, SO I DON'T
14 THINK THAT MAKES ANY DIFFERENCE. ALL RIGHT.

15 NOW, WE HAVE -- ADDITIONALLY, DEFENDANTS HAD FILED
16 MOTIONS IN LIMINE - FIVE, IN PARTICULAR - THE PERTINENT ONES OF
17 WHICH HAVE BEEN JOINED IN BY THE DEFENDANT BERNABE RAMIREZ.

18 THE COURT HAS READ AND CONSIDERED THESE MOTIONS AND
19 THE OPPOSITIONS WHICH HAVE BEEN FILED, AND THE COURT IS
20 PREPARED TO ANNOUNCE ITS TENTATIVE CONCLUSIONS WITH RESPECT TO
21 THESE MOTIONS.

22 FIRST, THE DEFENDANT ZUNO-ARCE HAS BROUGHT A MOTION
23 FOR SO-CALLED SAFE PASSAGE OF WITNESSES. IT IS NOT CLEAR WHAT
24 THE COURT IS ASKED TO DO HERE, BUT I THINK THAT I WILL GIVE YOU
25 MY INTERPRETATION OF THIS MOTION.

1 IT IS THE INTENTION OF THE COURT TO DENY THIS MOTION.
2 THE THIRD CIRCUIT CASE OF GOVERNMENT OF THE VIRGIN ISLANDS
3 VERSUS SMITH, UPON WHICH THE DEFENDANTS RELY FOR THE
4 PROPOSITION THAT THE JUDICIARY HAS INHERENT AUTHORITY TO GRANT
5 IMMUNITY, IS NOT THE LAW OF THIS CIRCUIT AND HAS BEEN REJECTED
6 BY EVERY OTHER CIRCUIT WHICH HAS CONSIDERED THIS ISSUE.

7 THE UNITED STATES VERSES PUCHI DOES NOT HOLD
8 OTHERWISE. NOR HAVE THE DEFENDANTS DEMONSTRATED BY A
9 PREPONDERANCE OF THE EVIDENCE THAT ANY POTENTIAL DETENTION OF
10 THESE WITNESSES WOULD BE THE RESULT OF PROSECUTORIAL MISCONDUCT
11 AND AN INTENTION ON THE PART OF THE GOVERNMENT TO DELIBERATELY
12 DISTORT THE JUDICIAL FACT FINDING PROCESS.

13 NOW, IT IS THE VIEW OF THE COURT THAT THIS MOTION
14 SHOULD BE DENIED. NOW, I HAVE EXPRESSED PREVIOUSLY THAT A
15 DEFENDANT HAS THE RIGHT TO PRESENT WITNESSES IN HIS DEFENSE.
16 AND IF THESE WITNESSES ARE FOREIGN NATIONALS, THEY MAY COME TO
17 THIS COUNTRY TO TESTIFY.

18 BUT THE GIST OF THIS MOTION IS THAT THESE WITNESSES,
19 WHO HAVE NEITHER BEEN IDENTIFIED NOR WHOSE TESTIMONY HAS BEEN
20 SET FORTH; THAT IS, THEIR EXPECTED TESTIMONY, HAVE APPARENTLY
21 CERTAIN FEARS ABOUT COMING TO THE UNITED STATES FOR FEAR THAT
22 THEY'LL BE DETAINED, ARRESTED, CHARGED WITH CRIMINAL CONDUCT OR
23 OTHERWISE. THERE IS NO EVIDENCE THAT THIS WILL OCCUR.

24 AND THE ONLY SOLUTION THAT I CAN SEE FOR THIS PROBLEM
25 IS THIS. THE DEFENDANTS ARE RELUCTANT TO DISCLOSE WHO THESE

1 WITNESSES ARE TO THE GOVERNMENT AND HAVE SUGGESTED THAT THE
2 NAMES OF THE WITNESSES BE FILED IN CAMERA SO THAT THE COURT MAY
3 CONSIDER WHETHER OR NOT TO GRANT THEM SOME SORT OF SAFE
4 PASSAGE, WHICH I TAKE IT TO MEAN IMMUNITY FROM ANY PROSECUTION,
5 DETENTION OR HARASSMENT.

6 THE COURT HAS NO POWER OR AUTHORITY TO DO THAT. THAT
7 FUNCTION IS A FUNCTION OF THE EXECUTIVE BRANCH OF THE
8 GOVERNMENT AND MUST BE ADDRESSED TO THE EXECUTIVE BRANCH. WHAT
9 THIS COURT CAN DO, IF THE DEFENDANTS WISH TO HAVE THE COURT DO
10 THIS SO THAT THEY ARE NOT DENIED THE OPPORTUNITY TO PRESENT ANY
11 WITNESSES, IS TO PRESENT A WITNESS LIST, TOGETHER WITH A
12 STATEMENT OF WHAT THE PARTICULAR WITNESS WILL TESTIFY TO.

13 THE STATEMENT OF WHAT THE WITNESS WILL TESTIFY TO IS
14 SOMETHING THAT COULD BE PRESENTED TO THE COURT IN CAMERA TO
15 ASSIST THE COURT IN DETERMINING WHETHER OR NOT THIS IS A
16 WITNESS WHO IS MATERIAL FOR THE DEFENSE. THEN THE GOVERNMENT
17 COULD BE PRESENTED WITH A LIST OF WITNESSES AND ASKED TO
18 ASCERTAIN WHETHER THESE PEOPLE, IF THEY WERE TO COME TO THE
19 U.S. TO TESTIFY, WOULD BE SUBJECT TO ARREST, DETENTION OR ANY
20 OTHER TYPE OF CONDUCT. AND THEN A DETERMINATION CAN THEN BE
21 MADE.

22 THE DEFENDANTS ASK THE COURT TO MAKE THIS
23 DETERMINATION BY SUBMITTING THE LIST OF WITNESSES IN CAMERA.
24 THE COURT HAS NO WAY OF MAKING THIS DETERMINATION. THAT IS
25 EXCLUSIVELY A MATTER FOR THE AGENCIES AND THE EXECUTIVE BRANCH

1 OF GOVERNMENT.

2 THE DEFENDANT HAS NOT NAMED THESE WITNESSES. IT SAID
3 THAT WITNESSES HAVE BEEN INTERVIEWED AND STATEMENTS ABOUT THE
4 WITNESSES, BUT NOTHING SPECIFIC. THERE IS NO EVIDENCE BEFORE
5 THE COURT THAT THESE WITNESSES ARE RELEVANT OR MATERIAL TO THE
6 DEFENSE IN THIS CASE.

7 THERE IS NO EVIDENCE THAT THE UNITED STATES
8 GOVERNMENT HAS MADE ANY EFFORT TO KEEP ANY WITNESS FROM COMING
9 HERE TO TESTIFY. THERE IS NO PROSECUTORIAL MISCONDUCT. IT IS
10 THE FEARS OF THESE PEOPLE THAT HAVE APPARENTLY CAUSED THIS
11 CONCERN. THE COURT IS UNABLE TO GRANT THIS MOTION, BUT THE
12 COURT WILL LEND ITS OFFICE TO ASSIST IN THE WAY THAT I HAVE
13 SUGGESTED.

14 NOW, THERE IS A MOTION TO PRECLUDE THE USE OF
15 INFORMATION DERIVED FROM IMMUNIZED TESTIMONY, ALSO BY MR. ZUNO.
16 THE DEFENDANT HAS MADE THIS MOTION AND THE GOVERNMENT BEARS THE
17 BURDEN OF SHOWING THAT THE EVIDENCE IT PRESENTS AT TRIAL
18 AGAINST MR. ZUNO WAS DERIVED FROM A LEGITIMATE SOURCE, WHOLLY
19 INDEPENDENT FROM THE COMPELLED AND IMMUNIZED TESTIMONY BEFORE
20 THE GRAND JURY.

21 THIS COURT HAS CONDUCTED TWO KASTIGAR HEARINGS
22 ALREADY AND HAS DETERMINED THAT THE GOVERNMENT OBTAINED THE
23 FIFTH AND SIXTH SUPERCEDING INDICTMENT WITHOUT THE USE OF
24 DEFENDANT ZUNO'S IMMUNIZED GRAND JURY TESTIMONY. THEREFORE,
25 THE COURT HAS FOUND THAT THERE IS NO TAIN WITH RESPECT TO THAT

1 TESTIMONY.

2 TO THE EXTENT THAT THE EVIDENCE INTRODUCED AT TRIAL
3 AGAINST DEFENDANT ZUNO IS THE SAME EVIDENCE PRESENTED TO THE
4 GRAND JURY WHICH RETURNED THE FIFTH AND SIXTH INDICTMENT, THE
5 GOVERNMENT HAS ALREADY MET ITS BURDEN.

6 WITH RESPECT TO ALL OTHER EVIDENCE, THE COURT WILL
7 HAVE TO MEET ITS KASTIGAR BURDEN DURING THE TRIAL, AND I HAVE
8 RESERVED FOR THE DEFENDANT THE RIGHT TO MAKE A KASTIGAR
9 OBJECTION DURING THE TRIAL OR AFTER IF IT APPEARS THAT
10 TESTIMONY PRESENTED AGAINST MR. ZUNO WAS OBTAINED BY MEANS OF
11 USING HIS IMMUNIZED TESTIMONY.

12 THE REQUEST BY THE DEFENDANT THAT THE COURT HOLD A
13 KASTIGAR HEARING WITH RESPECT TO ANY EVIDENCE PRESENTED AGAINST
14 THE DEFENDANT IS WHOLLY IMPRACTICAL. I THINK THAT THE
15 GOVERNMENT SHOULD PRESENT ITS SOURCE EVIDENCE THROUGH THE
16 WITNESS WHEN IT CALLS HIM, HOW THE WITNESS - HOW THE GOVERNMENT
17 BECAME AWARE OF THE TESTIMONY OF THE WITNESS, AND SO FORTH.

18 THE NEXT MOTION IS THE DEFENDANT'S MOTION TO EXCLUDE
19 REFERENCE TO THE EARLIER TRIAL. THIS MOTION IS GRANTED. THERE
20 SHOULD BE NO REFERENCE TO THE EARLIER TRIAL UNLESS THE
21 CIRCUMSTANCES REQUIRE IT. IF TESTIMONY FROM THE EARLIER TRIAL
22 IS TO BE USED TO IMPEACH A WITNESS, THERE NEED NOT NECESSARILY
23 BE ANY REFERENCE TO THE EARLIER TRIAL.

24 THAT MEANS THE WITNESS MAY SIMPLY BE ASKED IF HE DID
25 NOT TESTIFY IN AN EARLIER PROCEEDING IN THE COURT IN SUCH A

1 WAY. AND THAT WOULD BE SUFFICIENT TO BE ABLE TO GET THE
2 TESTIMONY IN WITHOUT REFERENCE TO WHAT THE OTHER CASE WAS.

3 NOW, THE DEFENDANT ZUNO'S MOTION TO EXCLUDE EVIDENCE
4 RELATING TO A 1978 SHOOTING INCIDENT THE COURT BELIEVES SHOULD
5 BE GRANTED. THE COURT FINDS THAT THE PREJUDICIAL IMPACT OF
6 THIS EVIDENCE WOULD OUTWEIGH ITS PROBATIVE VALUE AND IT IS
7 THEREFORE INADMISSIBLE UNDER RULE 403 AND 404-B.

8 THE COURT WILL NOT, HOWEVER, ISSUE A BLANKET RULE 403
9 OR 404 RULING REGARDING OTHER UNSPECIFIED ACTS OF WRONGDOING AT
10 THIS TIME. THOSE WILL BE DEALT WITH IF AND WHEN THE GOVERNMENT
11 SEEKS TO ELICIT SUCH ACTS.

12 THE DEFENDANTS REQUEST THAT THE COURT CONDUCT A
13 HEARING OUT OF THE PRESENCE OF THE JURY PRIOR TO THE ADMISSION
14 OF EVIDENCE OF ANY ACTS NOT SPECIFICALLY MENTIONED IN THE
15 INDICTMENT. THIS REQUEST IS DENIED. NO AUTHORITY IS PRESENTED
16 FOR THIS REQUEST AND THE PROCEDURE WOULD LOG DOWN THESE
17 PROCEEDINGS.

18 THE DEFENDANT'S MOTION TO EXCLUDE REFERENCE TO HIS
19 OWNERSHIP OF 881 LOPE DE VEGA RESIDENCE IS DENIED. THIS
20 EVIDENCE IS RELEVANT TO THE CRIMES CHARGED IN THE INDICTMENT
21 AND IS NOT UNFAIRLY PREJUDICIAL. THAT IS THE COURT'S VIEW OF
22 THESE MOTIONS FILED BY THE DEFENDANT.

23 DO YOU WISH TO BE HEARD ON THIS, COUNSEL FOR THE
24 GOVERNMENT?

25 MR. MEDRANO: NO, YOUR HONOR.

1 THE COURT: DEFENDANTS?

2 MR. NICOLAYSEN: NO. YOUR HONOR.

3 THE COURT: ALL RIGHT NOW. I BELIEVE THAT LEAVES
4 ONE OTHER MATTER FOR THE COURT TO CONSIDER AT THIS TIME.

5 MR. STOLAR: I JUST WANTED THE RECORD TO REFLECT THAT
6 I'M PRESENT.

7 THE COURT: I THINK THE RECORD SHOULD NOW REFLECT
8 THAT FOR SEVERAL MINUTES ALL COUNSEL HAVE BEEN PRESENT AND ALL
9 DEFENDANTS HAVE BEEN PRESENT.

10 THE LAST REMAINING MATTER IS THAT MR. ZUNO HAS FILED
11 AN EX-PARTE APPLICATION WHICH, IN EFFECT, IS A REQUEST FOR THE
12 COURT TO RECONSIDER ITS RULING MADE WITH REGARD TO A PARTICULAR
13 REQUEST IN ITS BILL OF PARTICULARS.

14 HERE THE DEFENDANT SEEKS THE DATE OF THE ALLEGED
15 MEETINGS IN OCTOBER 1984 AND THE FIRST WEEK OF FEBRUARY OF
16 1985. THIS HAS PREVIOUSLY BEEN DEALT WITH BY THE COURT AND
17 THE COURT SEES NO REASON TO CHANGE ITS PRIOR RULING. THE
18 GOVERNMENT NEED ONLY REVEAL ITS THEORY, NOT THE EVIDENCE UPON
19 WHICH IT SEEKS TO RELY. THIS IS MERELY A REHASH OF SOMETHING
20 THAT WE'VE DONE BEFORE, AND THERE IS NO REASON TO RECONSIDER
21 IT.

22 NOW, THAT IS ALL THE MOTIONS I HAVE. I'M NOT
23 INVITING ANY WALK-IN BUSINESS.

24 MR. STOLAR: THAT'S WHAT I'M STANDING UP FOR. WE
25 HAVE TWO SHORT IN LIMINE MOTIONS.

1 THE COURT: DID YOU WRITE THEM UP?

2 MR. STOLAR: YES, THEY'RE IN WRITING.

3 THE COURT: WHEN DID YOU DO THAT? DID YOU SUBMIT
4 THEM?

5 MR. STOLAR: THEY WERE TYPED YESTERDAY.

6 THE COURT: YOU CAN SUBMIT THEM.

7 MR. STOLAR: THAT'S WHAT I'M DOING. THE RECORD
8 SHOULD REFLECT I'M GIVING THE GOVERNMENT A COPY OF EACH, AND
9 WE'LL HAND UP FOR THE CLERK THE ORIGINAL AND ONE.

10 THE COURT: PUT THAT ON THE CLERK'S DESK, IF YOU
11 WILL, PLEASE.

12 MR. STOLAR: YES.

13 THE COURT: ALL RIGHT. I'M GOING TO HAVE THE JURY
14 BROUGHT IN.

15 WE'LL HAVE THE OPENING STATEMENTS -- HOW LONG DO YOU
16 ANTICIPATE YOUR OPENING STATEMENT WILL BE, COUNSEL?

17 MR. CARLTON: ABOUT AN HOUR, YOUR HONOR.

18 THE COURT: ALL RIGHT.

19 MR. MEDRANO: IN ADDITION, YOUR HONOR, AT THIS TIME
20 PURSUANT TO FEDERAL RULE OF EVIDENCE 615, THE GOVERNMENT WOULD
21 RESPECTFULLY REQUEST THAT WITNESSES BE EXCLUDED FROM OPENING
22 STATEMENTS AS WELL AS PRESENTATION OF EVIDENCE IN THIS CASE.

23 AND FOR THE COURT'S EDIFICATION, AT COUNSEL TABLE,
24 YOUR HONOR, PURSUANT TO RULE 615, WE'LL HAVE PRESENT THE TWO
25 CASE AGENTS IN THE CAMARENA CASE, SPECIAL AGENT DOUG KUEHL AND

1 SPECIAL AGENT HECTOR BERRELLEZ, WHO WILL BE HERE VERY SHORTLY,
2 AS WITNESSES NECESSARY FOR THE GOVERNMENT'S PRESENTATION OF
3 EVIDENCE.

4 MR. STOLAR: IS IT CONTEMPLATED, MAY I ASK, THAT
5 THOSE PEOPLE WILL BE WITNESSES TESTIFYING IN THE TRIAL?

6 MR. MEDRANO: MR. HECTOR BERRELLEZ WILL TESTIFY, I
7 BELIEVE, IN THE LATTER PART OF THE GOVERNMENT'S CASE IN CHIEF,
8 YOUR HONOR. BUT MR. BERRELLEZ IS THE LEAD CASE AGENT OF THE
9 CAMARENA INVESTIGATION AND HAS HELD THAT POSITION FOR A LITTLE
10 OVER A YEAR, I BELIEVE, AND HE IS NECESSARY FOR THE
11 GOVERNMENT'S PRESENTATION OF ITS EVIDENCE.

12 THE COURT: WELL, THOSE WITNESSES MAY REMAIN IN THE
13 COURTROOM.

14 ARE THERE ANY DEFENSE WITNESSES IN THE COURTROOM OR
15 PERSONS IN THE COURTROOM WHO WILL TESTIFY IN THIS CASE?

16 MR. MEDVENE: IF THE COURT PLEASE, IT IS POSSIBLE
17 FROM TIME TO TIME MRS. ZUNO MIGHT BE IN THE COURTROOM. SHE MAY
18 WELL BE A DEFENSE WITNESS. WE WOULD ASK RESPECTFULLY, YOUR
19 HONOR, THAT SHE BE PERMITTED TO REMAIN. SHE IS NOT PRESENT AT
20 THIS TIME.

21 THE COURT: SHE IS NOT CONTEMPLATED AS A WITNESS?

22 MR. MEDVENE: SHE MAY BE A WITNESS, YOUR HONOR, BUT
23 WE WOULD VERY MUCH APPRECIATE -- SHE'S HERE FROM MEXICO. IF
24 SHE COULD BE PERMITTED TO STAY WHEN SHE WAS IN THIS COUNTRY.

25 IT'S ANTICIPATED, IF SHE TESTIFIES, THAT IT WOULD BE

1 VERY SHORT.

2 MR. MEDRANO: WITHOUT A MORE DETAILED PROFFER AS TO
3 THE NATURE OF THE TESTIMONY, I THINK THAT WOULD GIVE US MORE
4 GUIDANCE AS TO WHETHER OR NOT THE GOVERNMENT WOULD OBJECT TO
5 HER PRESENCE.

6 WITHOUT A MORE DETAILED PROFFER, WE DON'T KNOW WHAT
7 THIS WOMAN MAY OR MAY NOT SAY, YOUR HONOR. WE WOULD OBJECT
8 STRENUOUSLY TO THAT PROFFER.

9 MR. MEDVENE: MRS. ZUNO IS COMING INTO THE COURT NOW,
10 YOUR HONOR. WE THINK IT WOULD BE UNFAIR TO EXCLUDE HER. THE
11 AGENTS ARE GOING TO BE HERE; WE HAVE NO OBJECTION TO THE TWO
12 AGENTS. THEIR TESTIMONY IS GOING TO RUN THROUGHOUT THE CASE.
13 WE THINK IT'S ONLY FAIR THAT ONE MEMBER OF THE FAMILY, AT
14 LEAST, BE HERE.

15 THE COURT: ALL RIGHT. THE COURT WILL PERMIT MRS.
16 ZUNO TO REMAIN. ALL OTHER WITNESSES, HOWEVER, MUST BE EXCLUDED
17 AND SHALL REMAIN OUTSIDE THE COURTROOM UNTIL THEY HAVE BEEN
18 SUMMONED TO TESTIFY.

19 NOW, I'LL SUMMON THE JURY AND WE'LL PROCEED.

20 CALL ME WHEN THEY'RE HERE.

21 (BRIEF RECESS.)

22 (JURY PRESENT.)

23 THE COURT: GOOD MORNING.

24 THE COURTROOM: GOOD MORNING.

25 THE COURT: NOW, LADIES AND GENTLEMEN OF THE JURY, WE

1 HAVE COME TO THE POINT IN THE TRIAL NOW WHERE COUNSEL WILL BE
2 GIVEN AN OPPORTUNITY TO MAKE AN OPENING STATEMENT TO THE JURY.

3 I WANT TO CAUTION YOU FIRST THAT WHAT COUNSEL SAYS
4 DURING THE OPENING STATEMENT IS NOT EVIDENCE THAT YOU MAY
5 CONSIDER FOR THE PURPOSE OF REACHING A VERDICT. THE PURPOSE OF
6 THE OPENING STATEMENT IS TO ALLOW COUNSEL TO GIVE THE JURY AN
7 OVERVIEW OF THE TYPE OF EVIDENCE THAT WILL BE PRESENTED DURING
8 THE TRIAL, WHAT THEY'LL TRY TO PROVE DURING THE TRIAL.

9 IT IS NOT, IN AND OF ITSELF, EVIDENCE; IT IS TO HELP
10 YOU FOLLOW THE EVIDENCE THAT WILL BE PRESENTED DURING THE
11 TRIAL, BECAUSE SOMETIMES EVIDENCE IS BROUGHT IN OUT OF
12 SEQUENCE. SO IT'S KIND OF AN OVERVIEW OF WHERE THE CASE WILL
13 BE GOING.

14 COUNSEL FOR THE GOVERNMENT HAVE THE FIRST OPPORTUNITY
15 TO PRESENT HIS OPENING STATEMENT. MR. CARLTON, ARE YOU
16 PRESENTING THE OPENING STATEMENT?

17 MR. CARLTON: YES, I AM, YOUR HONOR.

18 THE COURT: YOU MAY PROCEED.

19
20 OPENING STATEMENT + ON BEHALF OF THE GOVERNMENT

21
22 MR. CARLTON: GOOD MORNING, LADIES AND GENTLEMEN. AS
23 THE JUDGE HAS NOTED, MY NAME IS JOHN CARLTON AND I AM ONE OF
24 TWO ASSISTANT UNITED STATES ATTORNEYS WHO WILL BE PRESENTING
25 THIS CASE TO YOU, AND I SHARE THAT RESPONSIBILITY WITH MANUEL

1 MEDRANO. MR. MEDRANO IS SITTING DOWN HERE IN THE RED TIE WITH
2 THE DARK BEARD.

3 YOU WILL NOTICE DURING THE PRESENTATION OF THE CASE
4 THAT THERE ARE ONE OR TWO OTHER PEOPLE SITTING AT THE COUNSEL
5 TABLE HERE WITH US. ONE OF THOSE PEOPLE IS HECTOR BERRELLEZ
6 AND THE OTHER IS DOUGLAS KUEHL. MR. KUEHL IS SITTING THERE
7 WITH THE GRAY HAIR AND NAVY BLUE COAT.

8 MR. KUEHL AND MR. BERRELLEZ ARE BOTH SPECIAL AGENTS
9 WITH THE DRUG ENFORCEMENT ADMINISTRATION, AND THEY'LL BE
10 ASSISTING IN THE PRESENTATION OF THIS CASE.

11 NOW, THIS CASE IS ABOUT TWO INNOCENT PEOPLE, TWO
12 TOURISTS, WHO WERE BRUTALLY BEATEN AND MURDERED IN GUADALAJARA,
13 MEXICO BECAUSE THEY WERE MISTAKEN FOR D.E.A. AGENTS. IT ALSO
14 ABOUT A D.E.A. AGENT AND A MEXICAN CITIZEN WHO WAS COOPERATING
15 WITH HIM WHO WERE KIDNAPPED, TORTURED AND MURDERED IN
16 GUADALAJARA BECAUSE THEY DID THEIR WORK TOO WELL.

17 NOW, LET ME INTRODUCE YOU TO THESE PEOPLE AND TELL
18 YOU WHAT THE GOVERNMENT EXPECTS THE EVIDENCE IN THIS CASE WILL
19 PROVE.

20 THIS IS JOHN WALKER. AT THE END OF JANUARY 1985,
21 JOHN WALKER WAS 36 YEARS OLD. HE WAS AN AMERICAN CITIZEN, A
22 VIETNAM VETERAN. AS A MATTER OF FACT, WHILE SERVING IN VIETNAM
23 IN 1969, HE STEPPED ON A LAND MINE WHICH SHATTERED HIS LEGS AND
24 LEFT HIM DISABLED. HE RECEIVED TWO PURPLE HEARTS FOR THAT.

25 IN THE EARLY PART OF 1984, JOHN WALKER AND HIS WIFE

1 EVE AND THEIR DAUGHTERS MOVED FROM MINNESOTA TO GUADALAJARA,
2 MEXICO SO THAT JOHN COULD WRITE A BOOK THAT HE INTENDED TO
3 WRITE.

4 NOW, LATER ON IN THE YEAR MRS. WALKER AND HER
5 DAUGHTERS MOVED BACK TO MINNESOTA BECAUSE THEY WERE WEREN'T
6 SATISFIED WITH THE GUADALAJARA SCHOOLS, BUT JOHN REMAINED IN
7 GUADALAJARA UNTIL HE COMPLETED HIS WORK. HIS TOURIST VISA WAS
8 DUE TO EXPIRE ON FEBRUARY 15, 1985, BUT JOHN WALKER NEVER
9 RETURNED TO THE U.S. ALIVE.

10 THIS IS ALBERTO RADELAT. IN JANUARY OF 1985, ALBERTO
11 RADELAT WAS 32 YEARS OLD. HE WAS A NATIVE OF CUBA. HIS FAMILY
12 HAD FLED FROM CUBA WHEN CASTRO CAME TO POWER. DR. PHILLIPE
13 RADELAT, HIS FATHER, WAS A DOCTOR. AND HIS FAMILY MOVED TO
14 TEXAS IN 1961, WHERE DR. RADELAT OPENED A PRACTICE AND ALBERTO
15 WAS RAISED THERE.

16 IN JANUARY 1985, HE WAS IN GUADALAJARA AS WELL,
17 VISITING HIS FRIEND JOHN WALKER WHO WAS ON VACATION THERE. ON
18 JANUARY 29TH OF 1985, ALBERTO RADELAT CALLED HIS FATHER
19 PHILLIPE AND MADE ARRANGEMENTS FOR PHILLIPE TO PICK HIM UP AT
20 THE FORT WORTH AIRPORT ON FEBRUARY 1ST.

21 NOW, DR. RADELAT WAS AT THE FORT WORTH AIRPORT ON
22 FEBRUARY 1ST, BUT ALBERTO RADELAT NEVER ARRIVED. HIS FAMILY
23 AND FRIENDS NEVER AGAIN SAW HIM ALIVE. JOHN WALKER AND ALBERTO
24 RADELAT WERE LAST SEEN ALIVE IN GUADALAJARA, MEXICO ON JANUARY
25 30, 1985. THEIR BODIES WERE IDENTIFIED IN GUADALAJARA NEARLY

1 FIVE MONTHS LATER, IN JUNE OF THAT YEAR.

2 THIS IS ENRIQUE CAMARENA SALAZAR. IN FEBRUARY OF
3 1985, MR. SALAZAR WAS 37 YEARS OLD, HE HAD BEEN A D.E.A. AGENT
4 FOR OVER TEN YEARS BY THAT TIME. HE WAS RAISED IN THE AREA
5 AROUND CALEXICO, CALIFORNIA AND SPENT SOME TIME IN THE IMPERIAL
6 COUNTY SHERIFF'S DEPARTMENT AND JOINED THE D.E.A. IN 1974.

7 HE WAS ASSIGNED TO THE GUADALAJARA OFFICE OF D.E.A.
8 IN 1980 AND LIVED THERE WITH HIS WIFE AND SONS. IN FEBRUARY OF
9 1985, AGENT CAMARENA WAS IN THE PROCESS OF CLEARING HIS
10 CASELOAD BECAUSE HE WAS DUE TO BE TRANSFERRED TO THE SAN DIEGO
11 OFFICE OF THE D.E.A. AT THE BEGINNING OF MARCH, JUST A FEW
12 WEEKS LATER.

13 ON FEBRUARY 7 OF 1985, AGENT CAMARENA MADE
14 ARRANGEMENTS TO MEET HIS WIFE, MIKA, FOR LUNCH AT A GUADALAJARA
15 RESTAURANT. HE NEVER MADE THAT APPOINTMENT.

16 THIS IS ALFREDO ZAVALA, ALSO KNOWN AS CAPTAIN ZAVALA.
17 NOW, IN FEBRUARY OF 1985, CAPTAIN ZAVALA, WHO WAS A MEXICAN
18 CITIZEN LIVING IN GUADALAJARA, WAS 57 YEARS OLD.

19 HE WORKED FOR A MEXICAN GOVERNMENTAL AGENCY KNOWN AS
20 THE DEPARTMENT OF AGRICULTURE AND WATER RESOURCES, AND WORKED
21 AS A PILOT. IN THE COURSE OF THAT WORK, HE FLEW OVER VARIOUS
22 PARTS OF THE COUNTRY. AND FOR YEARS HE HAD BEEN PROVIDING
23 INFORMATION TO THE D.E.A., WHICH HE GATHERED IN THE COURSE OF
24 HIS FLIGHTS, AND HE WORKED PARTICULARLY CLOSELY WITH KIKI
25 CAMARENA.

1 ON FEBRUARY 6 OF 1985, CAPTAIN ZAVALA FLEW TO THE
2 NEIGHBORING STATE OF DURANGO IN MEXICO ON BUSINESS RELATED TO
3 HIS JOB WITH THE DEPARTMENT OF AGRICULTURE AND WATER RESOURCES.
4 HIS FAMILY EXPECTED HIM TO RETURN ON FEBRUARY 7TH, BUT HE NEVER
5 DID RETURN. THEY NEVER GAIN SAW HIM ALIVE. 2

6 ABOUT A MONTH LATER, ON MARCH 5TH 1985, THE TORTURED
7 BODIES OF KIKI CAMARENA AND ALFREDO ZAVALA WERE FOUND NEAR A
8 SMALL TOWN ABOUT 60 MILES FROM GUADALAJARA.

9 LADIES AND GENTLEMEN, THE EVIDENCE WILL SHOW THAT ALL
10 FOUR OF THESE MEN, JOHN WALKER, ALBERTO RADELAT, KIKI CAMARENA
11 AND ALFREDO ZAVALA WERE MURDERED, AND THEY WERE MURDERED FOR
12 THE SAME REASON. I'M GOING TO TELL YOU WHAT THAT REASON IS AND
13 SUMMARIZE FOR YOU WHAT THE GOVERNMENT EXPECTS THE EVIDENCE WILL
14 SHOW.

15 DURING THE FIRST HALF OF THE 1980'S UNTIL THE PERIOD
16 THAT WE ARE TALKING ABOUT HERE, THERE EXISTED IN GUADALAJARA,
17 MEXICO, BASED IN GUADALAJARA, MEXICO, A HUGE INTERNATIONAL
18 NARCOTIC ENTERPRISE.

19 NOW THIS NARCOTIC ENTERPRISE, WHICH IS IDENTIFIED IN
20 THE INDICTMENT AS THE GUADALAJARA NARCOTICS CARTEL, WAS
21 IMMENSE. IT CULTIVATED AND DISTRIBUTED MARIJUANA ON HUGE
22 DESERT PLANTATIONS, EMPLOYING THOUSANDS OF WORKERS IN THAT
23 PROCESS. IT IMPORTED AND DISTRIBUTED IN THE UNITED STATES
24 THOUSANDS OF POUNDS OF COCAINE, AND IMPORTED AND DISTRIBUTED
25 HEROIN, AS WELL.

1 DURING 1984 AND THE FIRST PART OF 1985, THIS CARTEL,
2 AS A RESULT OF INVESTIGATIONS INITIATED BY THE D.E.A. AND AS A
3 RESULT OF LAW ENFORCEMENT EFFORTS HERE IN THE UNITED STATES,
4 SUFFERED A SERIES OF DEVASTATING LOSSES AMOUNTING TO LITERALLY
5 BILLIONS OF DOLLARS, THOUSANDS OF TONS OF MARIJUANA, THOUSANDS
6 OF POUNDS OF COCAINE, AND MILLIONS OF DOLLARS OF CASH, WHICH
7 WERE SEIZED.

8 THE CARTEL BLAMED THE D.E.A. FOR THESE LOSSES; AND IN
9 PARTICULAR, THEY BLAMED THE GUADALAJARA OFFICE OF THE D.E.A.,
10 AND EVENTUALLY, ONE PARTICULAR AGENT, KIKI CAMARENA.

11 IN THE FALL OF 1984, THE CARTEL LASHED OUT IN A
12 SERIES OF ACTIONS INTENDED TO INTIMIDATE THE D.E.A. AND PEOPLE
13 COOPERATING WITH IT, TO RETALIATE AGAINST THE D.E.A. AND PEOPLE
14 COOPERATING WITH IT, AND TO FIND OUT WHAT SOURCES OF
15 INFORMATION THE D.E.A. HAD ABOUT THE CARTEL AND ITS ACTIVITIES.

16 YOU WILL HEAR THAT IN SEPTEMBER OF 1984 A
17 CONFIDENTIAL INFORMANT - THAT IS A PRIVATE CITIZEN WORKING WITH
18 THE D.E.A. - IN MEXICO, AND IN THIS CASE, A CONFIDENTIAL
19 INFORMANT WHO WAS WORKING WITH KIKI CAMARENA, WAS GUNNED DOWN
20 IN A RESTAURANT IN GUADALAJARA.

21 JUST A FEW WEEKS LATER AN AUTOMOBILE - AN AUTOMOBILE
22 BELONGING TO A D.E.A. AGENT IN THE GUADALAJARA OFFICE, WAS
23 MACHINE GUNNED IN FRONT OF HIS GUADALAJARA HOME.

24 ON JANUARY 30TH 1985, A PRIVATE PARTY WAS BEING
25 HOSTED IN A GUADALAJARA RESTAURANT KNOWN AS LA LANGOSTA. INTO

1 THAT PRIVATE PARTY, WHICH WAS BEING HOSTED FOR RING LEADERS OF
2 THIS CARTEL, INCLUDING TWO INDIVIDUALS I'LL TALK A BIT MORE
3 ABOUT IN A FEW MINUTES, RAFAEL CARO QUINTERO AND ERNESTO
4 FONSECA.

5 INTO THAT PRIVATE PARTY WALKED JOHN WALKER AND
6 ALBERTO RADELAT. MISTAKENLY. AND THEY WERE MISTAKEN BY THE
7 TRAFFICKERS IN THE RESTAURANT AS D.E.A. AGENTS AND WERE
8 SAVAGELY BEATEN AND KILLED.

9 ONE OF THE DEFENDANTS IN THIS COURTROOM, DEFENDANT
10 JAVIER VASQUEZ VELASCO -- I DON'T BELIEVE YOU CAN SEE HIM, BUT
11 HE SITS DIRECTLY BEHIND THE PODIUM -- BEAT AND KILLED JOHN
12 WALKER AND ALBERTO RADELAT, ALONG WITH A NUMBER OF OTHER
13 PEOPLE.

14 ON FEBRUARY 7 OF 1985, ABOUT A WEEK AFTER WALKER AND
15 RADELAT WERE KILLED, KIKI CAMARENA AND ALFREDO SAVALA WERE
16 KIDNAPPED, THEY WERE TORTURED, AND BETWEEN FEBRUARY 7TH AND
17 FEBRUARY 9TH OF 1985 THEY WERE MURDERED.

18 NOW, THE PLANNING OF THE KIDNAPPING OF AGENT CAMARENA
19 HAD BEEN GOING ON FOR MONTHS. AND TWO OF THE PEOPLE WHO
20 PARTICIPATED IN THAT PLANNING ARE IN THE COURTROOM TODAY. ONE
21 OF THEM SITS HERE IN THE DARK SUIT WITH THE MAROON TIE. THAT
22 IS DEFENDANT JUAN RAMON MATTA BALLESTEROS.

23 THE OTHER DEFENDANT WHO PARTICIPATED IN THE PLANNING
24 OF THIS KIDNAPPING SITS AT THE BACK TABLE IN THE LIGHT BLUE
25 COAT. HIS NAME IS RUBEN ZUNO-ARCE.

1 NOW, THERE IS ONE MORE DEFENDANT IN COURT HERE TODAY
2 AND AGAIN, I DON'T BELIEVE ALL OF YOU CAN SEE HIM, BUT HE SITS
3 THERE IN THE LIGHT-COLORED SHIRT AT THE BACK TABLE. HIS NAME
4 IS JUAN JOSE BERNABE RAMIREZ.

5 DEFENDANT BERNABE, AS I'LL REFER TO HIM, WAS ONE OF
6 THE BODYGUARDS, ONE OF THE PEOPLE AT THE HOUSE WHO PARTICIPATED
7 IN CONFINING KIKI CAMARENA WHILE HE WAS BEING BEATEN AND
8 INTERROGATED. AND DEFENDANT BERNABE ALSO ASSISTED ONE OF THE
9 RING LEADERS OF THE CARTEL, CARO QUINTERO, TWO DAYS LATER IN
10 FLEEING FROM GUADALAJARA, FROM THE GUADALAJARA AIRPORT.

11 LET ME TELL YOU NOW ABOUT - A LITTLE BIT ABOUT THE
12 RING LEADERS OF THIS CARTEL. THESE ARE BY NO MEANS EVERYONE
13 WHO WAS ASSOCIATED WITH THE CARTEL. FOR INSTANCE, EVERY ONE OF
14 THESE DEFENDANTS WAS ASSOCIATED WITH THE CARTEL IN ONE WAY OR
15 ANOTHER. AND I'LL GET TO THAT LATER, BUT THE NAMES I'M GOING
16 TO MENTION TO YOU NOW ARE SOME OF THE MOST IMPORTANT PEOPLE
17 ASSOCIATED WITH THE CARTEL, AND THEY'RE NAMES THAT WILL COME UP
18 OVER AND OVER AGAIN THROUGHOUT THIS CASE, AND IT WILL PAY TO
19 BECOME FAMILIAR WITH THEM.

20 FIRST, RAFAEL CARO QUINTERO, WHO I WILL REFER TO AS
21 CARO. IN THE BEGINNING OF 1985, CARO WAS IN HIS LATE TWENTIES.
22 HE WAS A MAN WITH A TEMPER AND A TASTE FOR FLASHY JEWELRY, AS
23 YOU WILL HEAR. HE WAS GIVEN TO BEING ACCOMPANIED WHEREVER HE
24 WENT BY A LARGE ENTOURAGE OF BODY GUARDS.

25 YOU'LL HEAR THAT MANY, IF NOT MOST, OF THE BODYGUARDS

1 WHO ACCOMPANIED HIM ON HIS TRAVELS WERE AGENTS OF VARIOUS
2 MEXICAN LAW ENFORCEMENT AGENCIES.

3 ERNESTO FONSECA CARRILLO, WHO I'LL REFER TO AS
4 FONSECA. FONSECA WAS AN OLDER MAN. ACTUALLY, HE WAS CARO'S
5 MENTOR IN THE DRUG BUSINESS. AND LIKE CARO, HE WAS ACCOMPANIED
6 MOST EVERYWHERE HE WENT BY AN ENTOURAGE OF BODYGUARDS; AGAIN,
7 MANY OF WHOM WERE AGENTS IN VARIOUS MEXICAN LAW ENFORCEMENT
8 AGENCIES.

9 AS YOU WILL HEAR, FONSECA OWNED A NUMBER OF HOUSES IN
10 THE GUADALAJARA AREA AND HE TENDED TO MOVE FROM ONE TO THE
11 OTHER.

12 MIGUEL ANGEL FELIX GALLARDO, WHO I WILL REFER TO AS
13 FELIX. HE WAS SOMEWHAT DIFFERENT FROM CARO AND FONSECA IN THAT
14 HE WAS A MAN NOT QUITE AS FLASHY AS CARO, OR WELL CONNECTED.
15 HE OWNED A SERIES OR A NUMBER OF HOTELS IN GUADALAJARA,
16 INCLUDING THE LAS AMERICAS HOTEL.

17 JAVIER BARBA HERNANDEZ, WHO I WILL REFER TO AS BARBA.
18 BARBA WAS A FORMER STUDENT LEADER, A MEXICAN STUDENT LEADER WHO
19 BECAME A LAWYER, AND EVENTUALLY THE RIGHTHAND MAN, ESSENTIALLY,
20 OF ERNESTO FONSECA AND A POWERFUL FORCE IN THE CARTEL.

21 NOW THIS CARTEL, LADIES AND GENTLEMEN, WAS A MANY
22 HEADED ENTERPRISE. SOME OF THE PEOPLE WHO PARTICIPATED IN THIS
23 CARTEL WERE PRIMARILY MARIJUANA TRAFFICKERS, SOME OF THEM WERE
24 PRIMARILY COCAINE TRAFFICKERS, BUT THE EVIDENCE WILL SHOW THEY
25 ALL WORKED TOGETHER.

1 THEY SOCIALIZED TOGETHER, THEY MADE BUSINESS
2 DECISIONS TOGETHER, THEY WORKED - THEY WORKED IN CONCERT AND
3 NOT IN COMPETITION FOR ONE OVERRIDING PURPOSE, AND THAT WAS TO
4 MAKE VAST AMOUNTS OF MONEY TRAFFICKING IN NARCOTICS.

5 AND DURING 1984 AND EARLY 1985, AS A RESULT OF THE
6 EFFORTS OF THE D.E.A. AND OTHER AGENCIES, SERIOUS INTERFERENCE
7 IN THIS PURPOSE WAS HAD.

8 LET ME TALK NOW ABOUT A FEW OF THE SIGNIFICANT
9 ACTIONS DURING THIS PERIOD THAT RESULTED IN ENORMOUS LOSSES TO
10 THE CARTEL. FIRST OF ALL, YOU'LL HEAR ABOUT AN INVESTIGATION
11 THAT BEGAN IN SEPTEMBER OF 1983, AN INVESTIGATION BY AGENT
12 CAMARENA HIMSELF. AND THIS INVESTIGATION INITIALLY BEGAN AS AN
13 ATTEMPT TO PURCHASE SOME HEROIN FROM AN INDIVIDUAL NAMED MANUEL
14 CHAVEZ.

15 AND WORKING WITH AGENT CAMARENA ON THIS INVESTIGATION
16 WAS ANOTHER CONFIDENTIAL INFORMANT, A CONFIDENTIAL INFORMANT
17 WHO AT AGENT CAMARENA'S INSTRUCTIONS YOU WILL HEAR ACTUALLY
18 BECAME THE RIGHTHAND MAN OF THIS MANUEL CHAVEZ.

19 CHAVEZ, AS IT TURNED OUT, WAS THE SUPERVISOR OF 30 TO
20 40 MARIJUANA PLANTATIONS THAT WERE OPERATED IN THE MEXICAN
21 STATE OF ZACATECAS BY THE CARTEL AND, IN PARTICULAR, BY CARO
22 AND FONSECA.

23 THE SCOPE OF THESE MARIJUANA GROWING OPERATIONS WAS
24 HUGE. ZACATECAS, YOU WILL HEAR, IS A DRY DESERT CLIMATE.
25 THESE PLANTATIONS WERE ALL -- ALL OF THEM IRRIGATED FROM DEEP

1 WELLS. MACHINERY, HUGE MACHINERY OR AGRICULTURE MACHINERY WAS
2 USED TO CULTIVATE THE FIELDS. THOUSANDS OF WORKERS WERE TO BE
3 EMPLOYED AT THESE FIELDS.

4 AND YOU WILL HEAR, LADIES AND GENTLEMEN, THAT IN
5 ORDER TO PROTECT ITS INVESTMENT IN THESE FIELDS, THE CARTEL
6 PAID OFF VIRTUALLY EVERY LEVEL OF MEXICAN LAW ENFORCEMENT.
7 PAYOFFS WERE MADE TO AN AGENCY WHICH I WILL REFER TO AS THE
8 M.F.J.P., THE MEXICAN FEDERAL JUDICIAL POLICE.

9 THE M.F.J.P. IS THE EQUIVALENT IN MEXICO OF THE
10 D.E.A. IT'S THE ONE FEDERAL AGENCY CHARGED WITH THE
11 RESPONSIBILITY FOR ENFORCING THE NARCOTICS LAWS IN MEXICO.
12 THE LOCAL COMANDANTES OF THE M.F.J.P. WERE ON THE PAYROLL OF
13 THE CARTEL.

14 YOU WILL HEAR ABOUT ANOTHER AGENCY OF THE MEXICAN
15 GOVERNMENT KNOWN AS THE D.F.S. NOW, THE FUNCTION OF THE
16 D.F.S. MAY NOT BE ENTIRELY CLEAR. IT'S KNOWN AS THE DIRECCION
17 FEDERAL DE SEGURIDAD, AND WAS ESSENTIALLY A POLITICAL
18 INVESTIGATION AGENCY.

19 YOU WILL HEAR THAT D.F.S. AGENTS ACCOMPANIED CARO ON
20 HIS TRIPS TO THE BASE OF OPERATIONS HERE, AND THAT THE LOCAL
21 COMANDANTE OF THE D.F.S. WAS ON THE CARTEL'S PAYROLL.

22 AND YOU WILL HEAR THAT THE COMANDANTE OF THE STATE
23 JUDICIAL POLICE, THE ZACATECAS STATE JUDICIAL POLICE, WAS ON
24 THE CARTEL'S PAYROLL. AND AS A MATTER OF FACT, CARO PAID
25 BONUSES TO SOME OF THESE COMANDANTES FOR JOBS WELL DONE.

1 YOU WILL HEAR ALSO, LADIES AND GENTLEMEN, THAT IN THE
2 COURSE OF THIS INVESTIGATION CAPTAIN ZAVALA WAS HIRED BY THE
3 D.E.A. OFFICE IN GUADALAJARA TO FLY AGENT CAMARENA AND HIS
4 SUPERVISOR, AGENT KUYKENDALL, OVER THE FIELDS TO CONFIRM WHAT
5 THE C.I. WAS SAYING.

6 AND YOU WILL HEAR THAT AGENT KUYKENDALL ACTUALLY WENT
7 TO SOME OF THESE AREAS TO SEE WHAT WAS GOING ON AND TO CONFIRM
8 THE INFORMATION OBTAINED FROM THE C.I., THE CONFIDENTIAL
9 INFORMANT.

10 BUT YOU WILL ALSO HEAR, LADIES AND GENTLEMEN, THAT IN
11 LATE MAY OF 1984 A DECISION WAS MADE TO RAID THESE FIELDS, AND
12 THAT THE INFORMATION THAT THE D.E.A. INVESTIGATORS HAD OBTAINED
13 WAS PROVIDED TO THE M.F.J.P. BECAUSE IT WAS ONLY THROUGH THE
14 M.F.J.P. THAT ANY ACTION COULD BE TAKEN.

15 AND ALTHOUGH PLANS FOR THE RAID WERE TO BE KEPT IN
16 THE UTMOST SECRECY, YOU WILL HEAR THAT WHEN THE D.E.A. AND THE
17 M.F.J.P. ARRIVED IN THE AREA OF THE FIELDS, ALMOST EVERYONE
18 ASSOCIATED WITH THE MARIJUANA GROWING WAS GONE, INCLUDING THE
19 LOCAL COMANDANTES OF THE M.F.J.P. AND THE D.F.S.

20 NEVERTHELESS, A SUBSTANTIAL BLOW WAS DEALT TO THE
21 CARTEL. OVER 100 ACRES OF GROWING MARIJUANA WAS DESTROYED.
22 TEN TONS OF MANICURED MARIJUANA WAS DESTROYED. 6,500 POUNDS OF
23 MARIJUANA SEEDS WERE SEIZED. AND YOU WILL HEAR THAT THAT IS
24 SUFFICIENT TO PLANT 6,500 ACRES OF MARIJUANA. AND FINALLY,
25 APPROXIMATELY 200 LITERS OF HASHISH OIL WERE SEIZED.

1 FINALLY, LADIES AND GENTLEMEN, IN RELATION TO THIS
2 INVESTIGATION, YOU WILL HEAR THAT DURING THE COURSE OF THIS
3 INVESTIGATION, AGENT CAMARENA WAS INTRODUCED TO MANUEL CHAVEZ
4 IN AN UNDERCOVER CAPACITY AS A NARCOTICS DEALER. AND AGENT
5 CAMARENA MADE EFFORTS TO NEGOTIATE A HEROIN PURCHASE FROM
6 MANUEL CHAVEZ, AND ACTUALLY DID THAT.

7 AND YOU WILL HEAR, LADIES AND GENTLEMEN, THAT WHEN
8 THE FIELDS WERE RAIDED, MANUEL CHAVEZ WAS ARRESTED AND FLOWN TO
9 ZACATECAS BY THE M.F.J.P., WHERE HE SAW AGENT CAMARENA
10 PARTICIPATING IN THE ERADICATION OF THE FIELDS WITH THE OTHER
11 D.E.A. AGENTS.

12 YOU WILL ALSO HEAR, LADIES AND GENTLEMEN, ABOUT
13 ANOTHER INVESTIGATION, AN INVESTIGATION THAT INVOLVED MANY
14 COUNTRIES BUT EVENTUALLY CAME TO FOCUS ON TWO PARTICULAR
15 INDIVIDUALS; FELIX -- MIGUEL FELIX GALLARDO AND A DEFENDANT IN
16 THIS COURTROOM, JUAN MATTA BALLESTEROS.

17 LADIES AND GENTLEMEN, THE EVIDENCE WILL SHOW THAT
18 LARGE AMOUNTS OF COCAINE WERE BEING DISTRIBUTED, DELIVERED INTO
19 THE UNITED STATES THROUGH MEXICO. COLOMBIA WAS THE SOURCE OF
20 THAT COCAINE.

21 DEFENDANT JUAN MATTA BALLESTEROS WAS THE CONNECTION
22 BETWEEN THE COLOMBIAN SOURCE OF THE COCAINE AND THE MEXICANS.
23 FELIX GALLARDO, WHO WAS HIS PARTNER, ASSISTED IN THE
24 TRANSPORTATION OF THE COCAINE THROUGH MEXICO AND INTO THE
25 UNITED STATES INTO THE SOUTHWESTERN UNITED STATES AND INTO

1 CALIFORNIA.

2 YOU WILL HEAR ABOUT THE IMMENSE SCOPE OF THIS COCAINE
3 SMUGGLING OPERATION, LADIES AND GENTLEMEN. YOU WILL HEAR
4 TESTIMONY THAT BETWEEN 1984 AND FEBRUARY OF 1985, APPROXIMATELY
5 \$150 MILLION IN DRUG PROFITS WERE DELIVERED TO MATTA AND FELIX
6 FROM THEIR SOUTHERN CALIFORNIA OPERATIONS. AND YOU WILL HEAR,
7 LADIES AND GENTLEMEN, IN PARTICULAR DETAIL ABOUT ONE ASPECT OF
8 THIS COCAINE SMUGGLING OPERATION.

9 DURING 1983 AND '84, MATTA AND FELIX HAD
10 REPRESENTATIVES HERE IN THE UNITED STATES TO FACILITATE THEIR
11 COCAINE SMUGGLING. ONE OF THOSE INDIVIDUALS WAS A MAN NAMED
12 JOSE MELO, M E L O.

13 NOW, IN LATE 1983, JOSE MELO, ALONG WITH TWO
14 UNWITTING ASSOCIATES, FORMED A FLORIDA CORPORATION CALLED
15 ATLANTIC IMPORT AND EXPORT COMPANY.

16 ON THE DAY THAT THAT CORPORATION WAS FORMED, AN
17 AIRCRAFT, AN AERO COMMANDER 640 AIRCRAFT, TO BE PRECISE, WAS
18 DEEDED TO ATLANTIC IMPORT EXPORT COMPANY, IT WAS GIVEN TO THAT
19 COMPANY.

20 THE EVIDENCE WILL SHOW THAT THE AIRCRAFT WAS GIVEN TO
21 THAT COMPANY BY DEFENDANT MATTA, USING AN ALIAS. THE EVIDENCE
22 WILL ALSO SHOW THAT DEFENDANT MATTA AND HIS PARTNER FELIX
23 PARTICIPATED IN BUYING YET ANOTHER AIRCRAFT FOR ATLANTIC IMPORT
24 EXPORT, AN AERO COMMANDER 1000, FOR WHICH THE ONE MILLION
25 DOLLAR PURCHASE PRICE WAS PAID IN CASH.

1 ON AUGUST 14 OF 1984, LADIES AND GENTLEMEN,
2 APPROXIMATELY 1,700 POUNDS OF COCAINE WAS SEIZED BY LAW
3 ENFORCEMENT AUTHORITIES IN THE AREA AROUND YOUNG, ARIZONA.
4 THAT COCAINE HAD BEEN DELIVERED TO THAT LOCATION BY THE VERY
5 SAME AERO COMMANDER 640 AIRCRAFT THAT HAD BEEN DEEDED TO
6 ATLANTIC IMPORT EXPORT COMPANY BY DEFENDANT MATTA. AND THAT
7 AIRCRAFT HAD BEEN DISPATCHED ON ITS MISSION BY MATTA'S
8 ASSOCIATE, JOSE MELO.

9 LET'S TALK ABOUT A THIRD INVESTIGATION. YOU'LL HEAR,
10 LADIES AND GENTLEMEN, THAT IN NOVEMBER OF 1984 AS A RESULT OF
11 EFFORTS BY THE D.E.A., THE D.E.A. CAUSED THE LARGEST MARIJUANA
12 BUST IN HISTORY.

13 NOW, THIS WAS AN INVESTIGATION NOT CENTERED IN THE
14 GUADALAJARA OFFICE OF THE D.E.A., BUT IN ANOTHER OFFICE OF THE
15 D.E.A. IN MEXICO. AND IT BEGAN AS A RESULT OF INFORMATION
16 PROVIDED BY A NUMBER OF C.I.'S THAT VAST TRACTS OF LAND WERE
17 BEING CULTIVATED WITH MARIJUANA IN THE DESERT STATE OF
18 CHIHUAHUA.

19 THE D.E.A. WAS ABLE TO CONFIRM THE INFORMATION
20 PROVIDED BY THE CONFIDENTIAL INFORMANT AND PRESENTED THIS
21 INFORMATION TO THE M.F.J.P. AGAIN, PLANS WERE MADE TO RAID
22 THE FIELDS. BUT YOU WILL HEAR, LADIES AND GENTLEMEN, THAT
23 ALTHOUGH THESE PLANS WERE ALSO TO BE KEPT IN THE UTMOST
24 SECRECY, THE PEOPLE WHO WORKED IN THE FIELDS WERE NOTIFIED
25 SEVERAL DAYS IN ADVANCE TO GET OUT BECAUSE SOMETHING BAD WAS

1 GOING TO HAPPEN.

2 NOW, DESPITE THIS, THE EVENTUAL BLOW TO THE CARTEL
3 WAS ENORMOUS, UNPRECEDENTED. YOU WILL HEAR ABOUT THE IMMENSE
4 SIZE OF THE OPERATIONS AT THESE CHIHUAHUA FIELDS; THAT AGAIN,
5 THESE FIELDS WERE IRRIGATED. THERE WERE HUGE BUILDINGS THAT
6 WERE ERECTED AT VARIOUS LOCATIONS TO SORT THE MARIJUANA, TO
7 SIFT IT, TO PREPARE IT FOR PACKAGING, TO PACKAGE IT, TO HOUSE
8 THE WORKERS AND TO FEED THE WORKERS. ALL OF THESE WERE
9 DESTROYED. YOU WILL HEAR THAT APPROXIMATELY 6,000 WORKERS WERE
10 DETAINED.

11 AND LADIES AND GENTLEMEN, THE EVIDENCE WILL SHOW THAT
12 AS A RESULT OF THESE RAIDS INITIATED BY THE D.E.A., OVER 10,000
13 TONS OF MARIJUANA WERE SEIZED AND DESTROYED. THAT MARIJUANA
14 WAS WORTH AT THE WHOLESALE LEVEL APPROXIMATELY \$5 BILLION.

15 LASTLY, LADIES AND GENTLEMEN, ON THE HEELS OF THE
16 LOSSES SUFFERED BY THE CARTEL IN 1984, YOU WILL HEAR THAT IT
17 SUFFERED YET ANOTHER LOSS IN EARLY 1985.

18 THE EVIDENCE WILL SHOW THAT DURING 1984 AND UP UNTIL
19 FEBRUARY OF 1985, THE CARTEL IMPORTED INTO SOUTHERN ARIZONA
20 FROM MEXICO APPROXIMATELY 60 TONS OF MARIJUANA. AND THIS WAS
21 DONE THROUGH THE USE OF A HELICOPTER, WHICH WOULD FLY FROM
22 MEXICO AND LAND AT A REMOTE DESERT SITE IN ARIZONA, WHERE IT
23 WOULD BE OFF LOADED IN A MATTER OF MINUTES BY A HIGHLY-TRAINED
24 GROUND CREW.

25 AND THE MARIJUANA WOULD THEN BE PUT INTO PICKUP

1 TRUCKS AND DELIVERED TO A STASH HOUSE IN TUCSON, AND EVENTUALLY
2 DISTRIBUTED THROUGHOUT THE SOUTHWESTERN UNITED STATES AND
3 CALIFORNIA. THE SOURCE OF THAT MARIJUANA, LADIES AND
4 GENTLEMEN, WAS CARO. BUT THE MAN WHO WAS IMMEDIATELY
5 RESPONSIBLE FOR THE HELICOPTER OPERATION WAS ANOTHER
6 INDIVIDUAL, RENE VERDUGO. AND THAT'S A NAME THAT I'LL COME
7 BACK TO LATER.

8 ON FEBRUARY 5TH OF 1985, LADIES AND GENTLEMEN, LAW
9 ENFORCEMENT AUTHORITIES IN ARIZONA INTERCEPTED THOSE PICKUP
10 TRUCKS JUST AFTER A DELIVERY HAD BEEN MADE BY THE HELICOPTER.
11 NOW, THE HELICOPTER WAS ABLE TO GET AWAY, BUT INSIDE THE PICKUP
12 TRUCKS WERE FOUND APPROXIMATELY TWO TONS OF MANICURED
13 MARIJUANA.

14 LET'S REVIEW THIS FOR A MINUTE. BETWEEN MAY OF 1984
15 AND FEBRUARY OF 1985, WHICH WAS A PERIOD OF JUST ABOUT 8
16 MONTHS, THE CARTEL SUFFERED A SERIES OF DEVASTATING LOSSES,
17 LOSSES WHICH IT BLAMED ON THE D.E.A. AND FOR GOOD REASON.
18 THE ZACATECAS AND BUFALO SEIZURES, BY THEMSELVES, COST THE
19 CARTEL OVER \$5 BILLION.

20 IN THE FALL OF 1984, THE CARTEL EMBARKED ON A SERIES
21 OF RETALIATORY ACTIONS, ACTIONS INTENDED TO INTIMIDATE THE
22 D.E.A. AND THOSE PEOPLE WHO WERE WORKING WITH IT, AND ACTIONS
23 INTENDED TO FIND OUT WHAT THE D.E.A. SOURCES OF INFORMATION
24 WERE.

25 THE FIRST OF THESE ACTIONS OCCURRED ON SEPTEMBER 30,

1 OF 1984. NOW, ON THAT DATE, A MEXICAN LAWYER NAMED CESAR
2 GARCIA BUENO WALKED INTO A RESTAURANT IN GUADALAJARA. MR.
3 GARCIA BUENO, WHO WAS A LAWYER HIMSELF, HAD BEEN WORKING WITH
4 KIKI CAMARENA FOR SEVERAL YEARS. DURING THE PRECEDING MONTH HE
5 HAD BEEN WORKING WITH AGENT CAMARENA ON A PARTICULAR
6 INVESTIGATION CONCERNING THE FAMILY OF CARO.

7 AND ON THIS NIGHT, SEPTEMBER 30TH, AS HE WALKED INTO
8 THE RESTAURANT, HE WAS WAITING TO MEET WITH A MAN WHO CLAIMED
9 TO BE WORKING WITH FELIX, AND WHO WAS TO PROVIDE MR. GARCIA
10 BUENO WITH INFORMATION ABOUT AN UNCLE OF CARO.

11 AS MR. GARCIA BUENO SAT IN THE RESTAURANT, THE MAN
12 THAT HE WAS WAITING TO SEE WALKED UP BEHIND HIM AND SHOT HIM IN
13 THE BACK, THEN SHOT HIM REPEATEDLY AS HE FELL TO THE FLOOR. AS
14 HE LAY ON THE FLOOR, THIS MAN SAID "YOU'RE DYING BECAUSE YOU'RE
15 A SNITCH", OR WORDS TO THAT EFFECT.

16 AND MR. GARCIA BUENO, FORTUNATELY, DID NOT DIE. HE
17 WAS EVACUATED TO THE UNITED STATES AND IS NOW A PARAPLEGIC.

18 LESS THAN TWO WEEKS LATER, LADIES AND GENTLEMEN, A
19 D.E.A. AGENT IN THE GUADALAJARA OFFICE NAMED ROGER KNAPP, WAS
20 AWAKENED AT ABOUT SEVEN IN THE MORNING BY A BLAST OF MACHINE
21 GUN FIRE. HIS WIFE AND CHILDREN WERE IN THE FRONT OF THE HOUSE
22 AT THE TIME AND WOULD NORMALLY HAVE BEEN LEAVING FOR SCHOOL.

23 AFTER THE BLAST WAS COMPLETED, AGENT KNAPP RAN TO THE
24 FRONT OF HIS HOUSE AND FOUND THAT HIS GOVERNMENT VEHICLE, WHICH
25 WAS PARKED OUT IN FRONT, HAD BEEN RIDDLED WITH MACHINE GUN

1 BULLETS IN A VERY TIGHT PATTERN.

2 NOW LADIES AND GENTLEMEN, ROGER KNAPP WAS THE AGENT
3 IN THE GUADALAJARA OFFICE WHO WAS RESPONSIBLE FOR CONDUCTING
4 THE INVESTIGATION INTO THE ACTIVITIES OF FELIX AND DEFENDANT
5 MATTA.

6 THE CAR THAT HAD BEEN MACHINE GUNNED WAS THE VERY CAR
7 THAT AGENT KNAPP HAD USED FOR MONTHS ON A DAILY BASIS TO PICK
8 UP TAPE RECORDINGS OF WIRE TAPS, WIRE TAPS ON THE OFFICES OF
9 DEFENDANT FELIX.

10 LADIES AND GENTLEMEN, THIS CAR WAS ALSO A CAR WHICH
11 HAD BEEN DRIVEN BY ROGER KNAPP SEVERAL MONTHS PREVIOUSLY WHEN
12 HE WAS CONDUCTING SURVEILLANCE OF FELIX'S OFFICE, WHEN HE HAD
13 BEEN SPOTTED BY FELIX'S BODYGUARDS, STOPPED AND QUESTIONED.
14 NOW, AS A RESULT OF THIS INCIDENT, ROGER KNAPP AND HIS FAMILY
15 WERE ALSO EVACUATED OUT OF MEXICO TO THE UNITED STATES.

16 NOW, THE SHOOTING OF HIS CAR WAS NOT THE ONLY
17 INDICATION THAT FELIX WAS AWARE OF THE D.E.A.'S SURVEILLANCE OF
18 HIM AND DIDN'T LIKE IT. IN NOVEMBER OF 1984, TWO D.E.A. AGENTS
19 WERE DISPATCHED TO THE GUADALAJARA AIRPORT TO PHOTOGRAPH
20 AIRCRAFT THAT WERE THOUGHT TO BELONG TO FELIX AND HIS
21 ASSOCIATES.

22 AS THEY DROVE PAST THE HANGAR AT THE GUADALAJARA
23 AIRPORT, TAKING PICTURES, THEY SAW FELIX STANDING IN THE HANGAR
24 AND HE SAW THEM. ALMOST IMMEDIATELY A CAR CONTAINING FELIX'S
25 BODYGUARDS CAME OUT AND FOLLOWED THE AGENTS AND EVENTUALLY

1 BLOCKED THE AGENTS' EXIT FROM THE AIRPORT. THEY HAD TO BE
2 EXCORTEED OUT OF THE AIRPORT BY OTHER D.E.A. AGENTS AND BY THE
3 M.F.J.P.

4 WHILE ALL OF THIS WAS GOING ON, YOU WILL HEAR THAT
5 THE CARTEL'S ANGER AND FRUSTRATION BECAME INCREASINGLY FOCUSED
6 ON ONE D.E.A. AGENT. THE EVIDENCE, LADIES AND GENTLEMEN, WILL
7 SHOW AND YOU WILL HEAR EYEWITNESS TESTIMONY TO DESCRIBE TWO
8 MEETINGS IN OCTOBER OF 1984, BOTH OF WHICH TOOK PLACE ON THE
9 SAME DAY AT THE GUADALAJARA HOUSE OF BARBA.

10 THE FIRST OF THESE MEETINGS, WHICH TOOK PLACE EARLY
11 IN THE DAY, WAS ATTENDED BY A NUMBER OF PEOPLE WHO WERE VERY
12 IMPORTANT IN THE CARTEL, AND WHOSE NAMES YOU WILL HEAR
13 FREQUENTLY, INCLUDING CARO AND FONSECA.

14 BUT ALSO PRESENT AT THIS MEETING WERE TWO DEFENDANTS
15 IN THIS COURTROOM, DEFENDANT MATTA AND DEFENDANT ZUNO. AND YOU
16 WILL HEAR THAT AT THIS MEETING IN THE EARLY PART OF THIS DAY IN
17 OCTOBER OF 1984, THE PARTICIPANTS TALKED ABOUT A PERSON WHO HAD
18 CAUSED THEM PROBLEMS AT ZACATECAS, AND THEY TALKED ABOUT
19 ABDUCTING THIS PERSON.

20 NOW, AN EYEWITNESS WILL ALSO TELL YOU, LADIES AND
21 GENTLEMEN, ABOUT A SECOND MEETING AT BARBA'S HOUSE ON THE SAME
22 DAY, ALSO ATTENDED BY DEFENDANT MATTA AND DEFENDANT ZUNO. AND
23 AT THAT MEETING, FURTHER DISCUSSION WAS HELD ABOUT ABDUCTING
24 THE PERSON WHO HAD BEEN DISCUSSED EARLIER IN THE DAY.

25 AND IT CAME OUT THAT THE PERSON TO BE ABDUCTED WAS A

1 D.E.A. AGENT. NOW, LADIES AND GENTLEMEN, YOU WILL HEAR
2 EYEWITNESS TESTIMONY ABOUT A THIRD MEETING THAT ALSO TOOK PLACE
3 AT BARBA'S HOUSE APPROXIMATELY A WEEK AFTER THE FIRST TWO.

4 THIS THIRD MEETING WAS ATTENDED BY DEFENDANT ZUNO,
5 AMONG OTHERS. AND AT THIS THIRD MEETING, THERE WAS FURTHER
6 DISCUSSION ABOUT THE ABDUCTION OF THE D.E.A. AGENT.

7 THERE WAS YET A FOURTH MEETING, AND AGAIN, YOU WILL
8 HEAR EYEWITNESS TESTIMONY ABOUT THIS FOURTH MEETING WHICH TOOK
9 PLACE IN DECEMBER 1984 AT ONE OF FONSECA'S GUADALAJARA HOUSES,
10 KNOWN AS LA BAJADITA.

11 NOW AGAIN, THIS MEETING WAS ATTENDED BY SOME OF THE
12 MOST IMPORTANT TRAFFICKERS IN GUADALAJARA, INCLUDING CARO AND
13 FONSECA. AND AT THIS MEETING, LADIES AND GENTLEMEN, YOU WILL
14 HEAR THAT A PHOTOGRAPH WAS PASSED AROUND TO THE PARTICIPANTS, A
15 PHOTOGRAPH OF KIKI CAMARENA. AND THE PARTICIPANTS AT THIS
16 MEETING TALKED ABOUT TAKING CARE OF AGENT CAMARENA.

17 AND LASTLY, LADIES AND GENTLEMEN, YOU WILL HEAR THAT
18 PLANNING OF THE KIDNAPPING OF AGENT CAMARENA WAS FINALIZED AT
19 YET ANOTHER MEETING AT BARBA'S HOUSE IN GUADALAJARA, THIS TIME
20 DURING THE FIRST WEEK OF FEBRUARY, 1985. THIS MEETING WAS
21 ATTENDED BY CARO, FONSECA, DEFENDANT ZUNO, AND BARBA, HIMSELF.

22 BARBA WAS INSTRUCTED TO PICK UP AGENT CAMARENA, AND
23 DEFENDANT ZUNO GAVE HIM SPECIFIC INSTRUCTIONS AS TO HOW THE
24 AGENT SHOULD BE QUESTIONED.

25 WHILE ALL OF THIS PLANNING WAS GOING ON, THE

1 GUADALAJARA TRAFFICKERS DID NOT SCRIMP ON THEIR EXTRAVAGANT
2 LIFE STYLES AT ALL. AND ON JANUARY 30, 1985, YOU WILL HEAR
3 THAT A PRIVATE PARTY WAS HOSTED FOR SOME OF THEM, FOR CARO AND
4 FONSECA AND OTHERS AT A RESTAURANT IN GUADALAJARA KNOWN AS LA
5 LANGOSTA.

6 INTO THIS PRIVATE PARTY CAME TWO GRINGOS, TWO
7 AMERICANS. AN EYEWITNESS WILL TELL YOU THIS. THE EVIDENCE
8 WILL SHOW THAT THESE TWO AMERICANS WERE JOHN WALKER AND ALBERTO
9 RADELAT. AND ALTHOUGH THEY IMMEDIATELY TRIED TO LEAVE THE
10 RESTAURANT, THEY WERE MISTAKEN FOR D.E.A. AGENTS AND WERE
11 GRABBED AND PULLED INTO THE RESTAURANT AND WERE BEATEN
12 MERCILESSLY.

13 DEFENDANT JAVIER VASQUEZ, WHO SITS BACK THERE, BEAT
14 AND POUNDED JOHN WALKER AND ALBERTO RADELAT WITH THE REST.
15 JOHN WALKER AND ALBERTO RADELAT WERE MURDERED.

16 FINALLY, LADIES AND GENTLEMEN, ON FEBRUARY 7 OF 1985,
17 APPROXIMATELY A WEEK AFTER JOHN WALKER AND ALBERTO RADELAT WERE
18 MURDERED, THE KIDNAPPING OF AGENT CAMARENA WAS CARRIED OUT.

19 ON THAT MORNING, AGENT CAMARENA HAD GONE TO THE
20 D.E.A. OFFICE IN GUADALAJARA AND HAD WORKED THROUGH THE
21 MORNING. HE MADE ARRANGEMENTS, YOU WILL HEAR, TO MEET WITH HIS
22 WIFE MIKA FOR LUNCH AT A GUADALAJARA RESTAURANT FOR LUNCH AT
23 ABOUT TWO O'CLOCK, BUT YOU WILL ALSO HEAR THAT HE NEVER GOT
24 THERE.

25 AT ABOUT 6:30 THE FOLLOWING MORNING ANOTHER D.E.A.

1 AGENT IN THE GUADALAJARA OFFICE NAMED VICTOR WALLACE RECEIVED A
2 TELEPHONE CALL FROM AGENT CAMARENA'S WIFE. SHE ASKED HIM
3 WHETHER HE KNEW WHERE KIKI CAMARENA WAS; HE HADN'T COME HOME
4 THE NIGHT PREVIOUSLY.

5 NOW, VICTOR WALLACE WAS AN OLD FRIEND OF AGENT
6 CAMARENA AND HAD BEEN ASSIGNED TO THE GUADALAJARA OFFICE JUST A
7 FEW MONTHS EARLIER, BUT HE DIDN'T KNOW WHERE KIKI CAMARENA WAS.
8 AND FROM THAT MOMENT ON, THE D.E.A. BEGAN A FRANTIC EFFORT TO
9 FIND OUT WHAT HAPPENED TO HIM.

10 THE FIRST THING THEY FOUND, LADIES AND GENTLEMEN, WAS
11 THAT AGENT CAMARENA'S TRUCK REMAINED PARKED ACROSS THE STREET
12 FROM THE D.E.A.'S OFFICE IN GUADALAJARA IN EXACTLY THE SAME
13 SPOT THAT IT HAD BEEN PARKED THE DAY BEFORE.

14 AND IT WAS ALSO FOUND THAT THE TRUCK WAS UNLOCKED AND
15 THAT THE ALARM HAD BEEN TURNED OFF. IT WAS FOUND THAT AGENT
16 CAMARENA HAD NOT, UNLIKE HIS USUAL PRACTICE, STRAIGHTENED HIS
17 DESK. IT WAS A MESS. HIS CREDENTIAL AND HIS GUN REMAINED IN
18 THE DESK DRAWERS.

19 SO THE D.E.A. MADE IMMEDIATE EFFORTS TO OBTAIN THE
20 ASSISTANCE OF THE M.F.J.P. IN TRYING TO LOCATE AGENT CAMARENA.
21 UNFORTUNATELY, THERE WERE ONLY TWO M.F.J.P. AGENTS IN THE LOCAL
22 OFFICE OF THE M.F.J.P. AT THE TIME AND THEY COULDN'T PROVIDE
23 MUCH ASSISTANCE. AND IT WASN'T UNTIL THE FOLLOWING DAY,
24 FEBRUARY 9, THAT ANY REINFORCEMENTS FROM THE M.F.J.P. WERE
25 OBTAINED. SO THE D.E.A. AGENTS WENT TO THE STATE POLICE AND

1 WERE SIMPLY TURNED DOWN.

2 YOU WILL HEAR THAT BY THE TIME ASSISTANCE ARRIVED THE
3 FOLLOWING MORNING, ON FEBRUARY 9TH, THE D.E.A. IN GUADALAJARA
4 HAD LEARNED THAT CAPTAIN ZAVALA HAD ALSO BEEN ABDUCTED.
5 CAPTAIN ZAVALA, WHO HAD BEEN WORKING CLOSELY WITH AGENT
6 CAMARENA ON THE ZACATECAS INVESTIGATION AND OTHER
7 INVESTIGATIONS, HAD NOT RETURNED HOME AS EXPECTED FROM HIS TRIP
8 TO DURANGO ON FEBRUARY 6TH.

9 NOW, THIS INFORMATION THAT A D.E.A. AGENT AND A
10 D.E.A. COOPERATING INDIVIDUAL WHO WERE WORKING TOGETHER WERE
11 BOTH MISSING, CONFIRMED SUSPICIONS THAT IT WAS NARCOTICS
12 TRAFFICKERS WHO HAD ABDUCTED THESE INDIVIDUALS. AND FROM THAT
13 POINT ON, THE INVESTIGATION FOCUSED ON THE MAJOR TRAFFICKERS IN
14 GUADALAJARA.

15 LADIES AND GENTLEMEN, YOU WILL HEAR THAT THE M.F.J.P.
16 INVESTIGATION, WHICH REALLY BEGAN ON FEBRUARY 9TH, WAS HEADED
17 BY AN INDIVIDUAL OUT OF MEXICO CITY NAMED ARMANDO PAVON REYES.
18 I'LL CALL HIM PAVON. HE ARRIVED IN GUADALAJARA ON THE MORNING
19 OF FEBRUARY 9TH WITH ABOUT 50 M.F.J.P. AGENTS.

20 LATER THAT DAY THE D.E.A. INTERCEPTED A RADIO
21 TRANSMISSION, WHICH APPEARED TO BE A RADIO TRANSMISSION FROM
22 FELIX INDICATING THAT HE WAS ABOUT TO LEAVE THE GUADALAJARA
23 AIRPORT. SO COMANDANTE PAVON, THE M.F.J.P. AGENTS AND SEVERAL
24 D.E.A. AGENTS WERE IMMEDIATELY DISPATCHED TO THE GUADALAJARA
25 AIRPORT TO INTERCEPT HIM.

1 NOW, WHAT THEY FOUND WHEN THEY GOT THERE WAS NOT
2 FELIX ATTEMPTING TO LEAVE, BUT RATHER, CARO ABOUT TO BOARD A
3 JET TO LEAVE THE GUADALAJARA AIRPORT. AND THIS JET WAS GUARDED
4 BY A NUMBER OF ARMED BODYGUARDS, HEAVILY-ARMED BODYGUARDS.

5 I SHOULD POINT OUT TO YOU, LADIES AND GENTLEMEN, THAT
6 AS OF THAT MOMENT, THERE WAS NOT A D.E.A. AGENT IN MEXICO WHO
7 KNEW WHAT CARO LOOKED LIKE. NO ONE HAD EVER SEEN HIM AND NO
8 ONE HAD EVER SEEN A PHOTOGRAPH OF HIM.

9 IN ANY EVENT, THERE WAS AN INTENSE STAND-OFF BETWEEN
10 CARO'S ARMED BODYGUARDS AND THE ARMED M.F.J.P. AGENTS AS THEY
11 FACED EACH OTHER WITH THEIR WEAPONS DRAWN. AT THAT MOMENT,
12 COMANDANTE PAVON MET WITH AN INDIVIDUAL WHO THE EVIDENCE WILL
13 SHOW WAS CARO, AND WALKED BEHIND THE JET PLANE INTO A NEARBY
14 HANGAR. THEY TALKED FOR A FEW MOMENTS.

15 THEREAFTER, PAVON WALKED ACROSS TO ANOTHER HANGAR AND
16 MADE A PHONE CALL, AND THEN CAME BACK AND TALKED AGAIN WITH
17 CARO. AND AFTER THAT CONVERSATION WAS FINISHED, PAVON
18 ANNOUNCED THAT THERE WAS NO PROBLEM. THE ARMED BODYGUARDS WERE
19 D.F.S. AGENTS, AND HE LET THEM GO.

20 CARO ANNOUNCED THAT HE HAD A GIFT FOR THE M.F.J.P.
21 HE BOARDED THE AIRCRAFT AND STOOD IN THE OPEN DOORWAY AS THE
22 PLAN TAXIED AWAY, TOASTING THE PEOPLE THERE WITH CHAMPAGNE, AND
23 ANNOUNCING THAT IF THEY WANTED TO COME AFTER HIM AGAIN, THEY'D
24 BETTER COME AFTER HIM ARMED WITH SOMETHING MORE THAN TOYS.

25 ON MARCH 5, 1985, ABOUT A MONTH LATER, THE D.E.A.

1 RECEIVED WORD THAT TWO BODIES HAD BEEN FOUND IN A SMALL VILLAGE
2 ABOUT 60 MILES FROM GUADALAJARA, A VILLAGE NAMED ZAMORA. AND
3 D.E.A. AGENTS WERE DISPATCHED TO THE GUADALAJARA MORGUE TO
4 REVIEW THOSE BODIES. THEY WERE POSITIVELY IDENTIFIED AS BEING
5 THE BODIES OF KIKI CAMARENA AND ALFREDO ZAVALA.

6 THE BODIES WERE TRANSFERRED SHORTLY AFTER THAT TO THE
7 GUADALAJARA MORGUE WHERE A TEAM OF F.B.I. FORENSIC AGENTS WENT
8 TO VIEW THEM.

9 AND YOU WILL HEAR, LADIES AND GENTLEMEN, THAT NEAR
10 THESE BODIES WERE PILES OF VARIOUS THINGS: CLOTHING, BINDING
11 ROPES, A SHEET IN WHICH ONE OF THE BODIES HAD BEEN WRAPPED.
12 ACTUALLY, A BURIAL SHROUD.

13 THE F.B.I. AGENTS WERE ABLE TO TAKE SAMPLES OF A
14 NUMBER OF THINGS. THEY TOOK SAMPLES OF HAIR FROM EACH OF THE
15 BODIES AND THEY TOOK SAMPLES OF THE VARIOUS ITEMS THAT WERE
16 ASSOCIATED WITH THE BODIES, CLOTHING, BINDING CORDS AND THE
17 BURIAL SHROUDS. AND THE SIGNIFICANCE OF THAT I WILL MAKE MORE
18 APPARENT IN A SHORT WHILE.

19 YOU WILL HEAR FROM A DR. SPENCER. DR. SPENCER
20 CONDUCTED AN AUTOPSY ON THE BODY OF AGENT CAMARENA, AND HE WILL
21 TELL YOU THAT AGENT CAMARENA'S SKULL WAS FRACTURED MANY TIMES;
22 THE TOP OF HIS SKULL, THE FRONT OF HIS SKULL, THE CHEEK BONES
23 IN THREE PLACES SEVERELY FRACTURED, LIKE AN EGG SHELL.

24 YOU WILL HEAR THERE WAS EVIDENCE OF SEVERE BRUISING
25 ON THE BACK OF HIS HEAD, SEVERE BRUISING CAUSED BY A BLUNT

1 INSTRUMENT. AND YOU WILL HEAR THAT THERE WAS ACTUALLY A HOLE
2 DRIVEN THROUGH THE TOP OF AGENT CAMARENA'S SKULL BY A BLUNT
3 INSTRUMENT. DR. SPENCER WILL ALSO TELL YOU THAT HE EXAMINED
4 THE BODY OF CAPTAIN ZAVALA AND THAT HE SAW EVIDENCE OF SIMILAR
5 TRAUMA, A FRACTURED SKULL AND BROKEN ARM.

6 LADIES AND GENTLEMEN, YOU WILL HEAR THAT IN JUNE OF
7 1985, JOHN WALKER'S WIFE EVE AND ALBERTO RADELAT'S FATHER
8 PHILLIPE HAD BEEN NOTIFIED THAT TWO BODIES WERE FOUND IN A PARK
9 OUTSIDE OF GUADALAJARA, AND THEY WERE ABLE TO VIEW THESE BODIES
10 AT THE GUADALAJARA MORGUE.

11 EVE WALKER WAS ABLE TO IDENTIFY ONE OF THEM AS THE
12 BODY OF HER HUSBAND, JOHN WALKER, AND DR. RADELAT WAS, I
13 BELIEVE, TO IDENTIFY THE OTHER BODY AS THAT OF HIS SON ALBERTO.

14 NOW, AT THIS POINT IN THE TRIAL, LADIES AND
15 GENTLEMEN, WE'LL BE PRESENTING WHAT IS KNOWN AS FORENSIC
16 EVIDENCE, PHYSICAL EVIDENCE ASSOCIATED WITH THE CRIME. AND YOU
17 WILL HEAR FIRST THAT IN APRIL OF 1985 AND AGAIN IN JUNE OF
18 1985, F.B.I. AGENTS AND D.E.A. AGENTS WERE ALLOWED TO GO INTO A
19 HOUSE IN GUADALAJARA, A HOUSE ABOUT WHICH YOU'LL BE HEARING
20 QUITE A BIT THROUGHOUT THE COURSE OF THIS CASE.

21 THAT HOUSE WAS LOCATED AT THE ADDRESS 881 LOPE DE
22 VEGA IN GUADALAJARA. YOU'LL HEAR THAT THE F.B.I. AGENTS WERE
23 ABLE TO CONDUCT A VERY THOROUGH VACUUM SWEEPING OF THIS
24 LOCATION AND AN EXAMINATION OF THIS LOCATION AND THEY WERE ABLE
25 TO FIND CERTAIN ITEMS OF EVIDENCE.

1 AMONG THE ITEMS WHICH WERE FOUND, LADIES AND
2 GENTLEMEN, WERE HAIRS, HAIRS THAT WERE FOUND IN VARIOUS
3 LOCATIONS THROUGHOUT THE HOUSE, BUT PARTICULARLY, HAIRS LOCATED
4 IN WHAT WE WILL REFER TO AS THE GUEST HOUSE, WHICH WAS REALLY A
5 SEPARATE BUILDING OUT BEHIND THE MAIN HOUSE, MADE OF CONCRETE
6 BLOCKS, WITH REALLY NO WINDOW LARGE ENOUGH TO GET OUT, A STEEL
7 DOOR, AND NOT MUCH ELSE. THERE WAS A BATHROOM IN ONE ROOM IN
8 THIS PARTICULAR PART OF THE GUEST HOUSE. AND IN THE GUEST
9 HOUSE, AS WELL AS IN OTHER LOCATIONS IN THE MAIN HOUSE, WERE
10 FOUND HAIRS, HAIRS THAT MATCH IN EVERY COMPARABLE RESPECT THE
11 HAIRS OF AGENT CAMARENA.

12 YOU WILL HEAR, LADIES AND GENTLEMEN, THAT CARPET
13 SAMPLES WERE ALSO TAKEN FROM THIS GUEST HOUSE AND FROM VARIOUS
14 OTHER LOCATIONS IN THE MAIN HOUSE AT LOPE DE VEGA, AND THAT
15 CARPET FIBERS FROM THESE CARPETS MATCH IN EVERY COMPARABLE
16 RESPECT CARPET FIBERS THAT WERE SCRAPED OFF OF THE CLOTHING OF
17 CAPTAIN ZAVALA THAT HAD BEEN TAKEN FROM THE GUADALAJARA MORGUE,
18 AND FIBERS THAT WERE SCRAPED OFF OF THE BURIAL SHROUD THAT HAD
19 BEEN TAKEN AT THE MORGUE.

20 YOU WILL HEAR, LADIES AND GENTLEMEN, THAT THE BURIAL
21 SHROUD ITSELF MATCHED IN EVERY COMPARABLE RESPECT A PILLOW CASE
22 THAT HAD BEEN FOUND BY F.B.I. AGENTS IN ONE OF THE BEDROOMS AT
23 THE HOUSE. AND IT MATCHED IN EVERY COMPARABLE RESPECT A PILLOW
24 CASE THAT MEXICAN FORENSIC AGENTS HAD TAKEN FROM THE HOUSE.

25 LADIES AND GENTLEMEN, YOU WILL HEAR ABOUT ROPE

1 BINDINGS. A SAMPLE OF ROPE WAS TAKEN FROM UNDERNEATH THE
2 COVERED PATIO AT THE LOPE DE VEGA ADDRESS, AND THAT MATCHED IN
3 ALL COMPARABLE RESPECTS A SAMPLE OF ROPE BINDING THAT WAS TAKEN
4 FROM THE GUADALAJARA MORGUE.

5 AND YOU WILL HEAR THAT HAIR STUCK TO THE TAPE
6 BLINDFOLD THAT MATCHED IN EVERY RESPECT AGENT CAMARENA'S HAIR.
7 AND ALL OF THIS INFORMATION, LADIES AND GENTLEMEN, SHOWS THAT
8 AGENT CAMARENA WAS AT THIS LOCATION, AND CAPTAIN ZAVALA WAS AT
9 THIS LOCATION, 881 LOPE DE VEGA, AND WAS IN THE GUEST HOUSE,
10 WHICH WE REALLY BELIEVE AND WILL SHOW TO YOU WAS THE TORTURE
11 CHAMBER WHERE AGENT CAMARENA WAS BEATEN AND INTERROGATED.

12 THERE WAS OTHER FORENSIC EVIDENCE, LADIES AND
13 GENTLEMEN. OTHER HAIR MATCHES WERE MADE. YOU WILL HEAR THAT
14 HAIR MATCHING THAT OF RENE VERDUGO WAS FOUND IN THE GUEST
15 HOUSE. RENE VERDUGO IS THE INDIVIDUAL, YOU MAY RECALL, IS THE
16 INDIVIDUAL WHO RAN THE HELICOPTER OPERATION IMPORTING MARIJUANA
17 INTO ARIZONA, WHICH SUFFERED A SEIZURE TWO DAYS BEFORE AGENT
18 CAMARENA WAS ABDUCTED.

19 AND YOU WILL HEAR, LADIES AND GENTLEMEN, ABOUT HAIR
20 MATCHED TO ANOTHER INDIVIDUAL WHO'S NAME YOU HAVEN'T YET HEARD,
21 SERGIO ESPINO VERDIN.

22 NOW, I'LL EXPLAIN THAT JUST A BIT MORE RIGHT NOW. I
23 EXPECT YOU'LL BE HEARING SEVERAL TAPE RECORDINGS, TAPE
24 RECORDINGS THAT WERE MADE WHILE AGENT CAMARENA WAS BEING
25 INTERROGATED. YOU WILL HEAR THAT AGENT CAMARENA WAS QUESTIONED

1 ABOUT WHAT HE KNEW ABOUT THE CARTEL AND ITS ACTIVITIES AND WHAT
2 HIS SOURCES OF INFORMATION WERE.

3 AND THE EVIDENCE WILL SHOW THAT THREE OF THE VOICES
4 ON THE TAPES CAN IDENTIFIED. ONE OF THOSE VOICES WAS AGENT
5 CAMARENA HIMSELF BEING BEATEN AND INTERROGATED.

6 ONE OF THE OTHER VOICES WAS ONE OF THE RING LEADERS
7 OF THE CARTEL, CARO. AND THE THIRD VOICE IS THE VOICE OF
8 ESPINO, WHO'S HAIR WAS FOUND IN THE GUEST HOUSE AT LOPE DE
9 VEGA. AND THE EVIDENCE WILL SHOW, LADIES AND GENTLEMEN, THAT
10 ESPINO VERDIN WAS THE CHIEF INTERROGATOR OF AGENT CAMARENA.

11 THE EVIDENCE WILL ALSO SHOW THAT AS HE WAS BEING
12 INTERROGATED, AGENT CAMARENA KNEW WHERE HE WAS. HE KNEW THAT
13 HE WAS AT 881 LOPE DE VEGA BECAUSE THE INFORMATION THAT HE
14 PROVIDES ON THESE TAPES THAT YOU WILL HEAR WILL PROVE THAT.

15 WHAT WERE THE ROLES OF THE DEFENDANTS IN THIS
16 COURTROOM IN THESE HEINOUS CRIMES? NOW, THEY WEREN'T THE ONLY
17 PEOPLE INVOLVED IN THESE CRIMES, BUT THEY'RE THE ONLY PEOPLE
18 PRESENT FOR THIS TRIAL. I WANT TO DESCRIBE FOR YOU NOW THE
19 ROLE THAT EACH OF THEM HAD IN THE CARTEL AND THE ROLE THAT EACH
20 OF THEM HAD IN THE CRIMES THAT THEY ARE CHARGED WITH COMMITTING
21 HERE TODAY.

22 JUAN MATTA. WHAT WAS HIS ROLE IN THE ENTERPRISE? HE
23 WAS FELIX'S PARTNER, HE WAS THE CONNECTION BETWEEN THE MEXICANS
24 AND THE COLOMBIAN SOURCES OF COCAINE. WHAT WAS HIS ROLE IN
25 THESE CRIMES?

1 WELL, LADIES AND GENTLEMEN, YOU WILL HEAR FROM AN
2 EYEWITNESS THAT HE WAS PRESENT AT THE FIRST TWO MEETINGS IN
3 OCTOBER OF 1984. HE PARTICIPATED IN THOSE TWO MEETINGS AT
4 WHICH THE ABDUCTION OF A D.E.A. AGENT WAS FIRST DISCUSSED.

5 YOU WILL HEAR, LADIES AND GENTLEMEN, THAT
6 IMMEDIATELY -- OH, I WANT TO POINT OUT ONE FACT, AS WELL. THAT
7 AT THE FIRST OF THOSE MEETINGS, DEFENDANT MATTA MADE A
8 PARTICULAR COMMENT WHICH HAD SOME FLAVOR TO IT: "NO FLIES
9 ENTER A CLOSED MOUTH" -- IN REFERENCE TO THE DECISION TO ABDUCT
10 THE D.E.A. AGENT.

11 YOU WILL HEAR THAT IN THE DAYS FOLLOWING AGENT
12 CAMARENA'S ABDUCTION, A NUMBER OF LOCATIONS ASSOCIATED WITH THE
13 TRAFFICKERS WERE RAIDED IN GUADALAJARA BY THE D.E.A. WITH
14 INFORMATION PROVIDED BY THE D.E.A. AND BY THE M.F.J.P. ONE OF
15 THOSE LOCATIONS WAS A HOUSE OF MATTA'S PARTNER FELIX.

16 AND YOU WILL HEAR THAT IN A CLOSET OF THAT HOUSE A
17 PHOTOGRAPH WAS FOUND AND THAT PHOTOGRAPH WAS A PHOTOGRAPH OF
18 KIKI CAMARENA TAKEN IN THE GUADALAJARA OFFICE OF THE M.F.J.P.

19 NOW, YOU WILL ALSO HEAR, LADIES AND GENTLEMEN, THAT
20 IN THE DAYS FOLLOWING AGENT CAMARENA'S ABDUCTION, THERE WAS A
21 SEARCH BEING MADE BY THE D.E.A. FOR THIS INDIVIDUAL, FOR
22 DEFENDANT MATTA. AND A SURVEILLANCE WAS PLACED ON A HOTEL IN
23 GUADALAJARA, AND ACTUALLY, DEFENDANT MATTA WAS SEEN THERE JUST
24 THREE DAYS AFTER CARO FLED THE GUADALAJARA AIRPORT, AND THIS
25 WAS ON SEPTEMBER 12TH OF 1985.

1 DEFENDANT MATTA WAS SEEN AT A HOTEL IN GUADALAJARA,
2 LEAVING THE HOTEL WITH ARMED BODYGUARDS.

3 AND LASTLY, LADIES AND GENTLEMEN, THERE WAS ONE FINAL
4 MATCH AFTER HAIRS WHICH I HAVEN'T YET DISCUSSED WITH YOU. IN A
5 BATHROOM ADJOINING A BEDROOM OF THE MAIN HOUSE AT LOPE DE VEGA
6 WAS FOUND A HAIR WHICH MATCHES IN EVERY COMPARABLE RESPECT THE
7 KNOWN HAIR OF DEFENDANT JUAN MATTA.

8 MR. STOLAR: I OBJECT AND MOVE TO STRIKE. WE
9 DISCUSSED THIS AN FRIDAY AND WE HAVE A PENDING MOTION.

10 THE COURT: OVERRULED.

11 MR. CARLTON: A HAIR WAS FOUND IN THE ADJOINING
12 BEDROOM, LADIES AND GENTLEMEN, WHICH MATCHES IN EVERY
13 COMPARABLE RESPECT THE KNOWN HAIR OF AGENT CAMARENA. AND YOU
14 WILL HEAR, LADIES AND GENTLEMEN, THAT ANOTHER HAIR WAS FOUND,
15 ANOTHER HAIR FOUND IN THE GUEST HOUSE, THE TORTURE ROOM, A HAIR
16 THAT MATCHES IN EVERY COMPARABLE RESPECT THE KNOWN HAIR OF
17 DEFENDANT MATTA.

18 AND LIKEWISE, LADIES AND GENTLEMEN, THE HAIRS OF
19 AGENT CAMARENA WERE FOUND IN THAT GUEST HOUSE, AND THAT
20 EVIDENCE WILL SHOW THAT NOT ONLY WAS DEFENDANT MATTA IN
21 GUADALAJARA AT AROUND THIS TIME, HE WAS AT LOPE DE VEGA.

22 RUBEN ZUNO-ARCE. WHAT WAS HIS ROLE IN THIS
23 ENTERPRISE. YOU WILL HEAR THAT HE WAS THE CONNECTION TO THE
24 HIGHEST LEVELS OF THE MEXICAN GOVERNMENT. MR. ZUNO ARCE WAS A
25 WEALTHY MAN, A WELL-CONNECTED MAN. HE IS THE BROTHER-IN-LAW OF

1 A FORMER PRESIDENT OF MEXICO.

2 WHAT WAS HIS ROLE IN THESE CRIMES? WELL, HE DIRECTLY
3 PARTICIPATED ON NUMEROUS OCCASIONS IN THE PLANNING OF THE
4 KIDNAPPING OF AGENT CAMARENA.

5 YOU WILL HEAR FROM AN EYEWITNESS THAT HE WAS PRESENT
6 AT THE TWO MEETINGS IN OCTOBER OF 1984 WHERE THE KIDNAPPING OF
7 THE D.E.A. AGENT WAS FIRST DISCUSSED. HE PARTICIPATED IN THESE
8 TWO MEETINGS. DEFENDANT MATTA WAS ALSO IN THESE TWO MEETINGS.

9 YOU WILL HEAR FROM AN EYEWITNESS THAT DEFENDANT ZUNO
10 PARTICIPATED IN A THIRD MEETING AT DEFENDANT BARBA'S HOUSE, OF
11 JAVIER BARBA'S HOUSE IN GUADALAJARA, ABOUT A WEEK LATER AT
12 WHICH THE ABDUCTION OF A D.E.A. AGENT WAS AGAIN DISCUSSED.

13 AND YOU'LL HEAR, LADIES AND GENTLEMEN, THAT DEFENDANT
14 ZUNO PARTICIPATED IN THE FINAL MEETINGS AT WHICH THE ABDUCTION
15 OF AGENT CAMARENA WAS DISCUSSED DURING THE FIRST WEEK OF
16 FEBRUARY OF 1985. YOU WILL HEAR FROM AN EYEWITNESS THAT HE
17 PARTICIPATED IN THAT MEETING AND THAT HE GAVE SPECIFIC
18 INSTRUCTIONS AS TO HOW THE AGENT SHOULD BE QUESTIONED.

19 LADIES AND GENTLEMEN, YOU'LL HEAR THAT BY HIS OWN
20 ADMISSION, UNTIL AT LEAST THE MIDDLE OF JANUARY OF 1985,
21 DEFENDANT ZUNO OWNED THE HOUSE AT 881 LOPE DE VEGA. AND YOU
22 WILL HEAR THAT THAT HOUSE WAS BEING USED BY ONE OF THE RING
23 LEADERS OF THE CARTEL, CARO, DURING 1984, DURING THE PERIOD
24 THAT IT WAS OWNED BY DEFENDANT RUBEN ZUNO ARCE.

25 NOW, WHAT ARE THE CHARGES AGAINST THESE TWO

1 DEFENDANTS, JUAN MATTA AND RUBEN ZUNO ARCE? WELL, IN RELATION
2 TO THEIR PARTICIPATION IN THE KIDNAPPING OF AGENT CAMARENA,
3 EACH OF THESE DEFENDANTS HAS BEEN CHARGED WITH A VIOLATION OF A
4 STATUTE KNOWN AS TITLE 18 UNITED STATES CODE, SECTION 1959,
5 WHICH I'LL REFER TO AS THE COMMISSION OFFER VIOLENT CRIMES IN
6 AID OF A RACKETEERING ENTERPRISE.

7 EACH OF THEM HAS BEEN CHARGED, ALSO, WITH CONSPIRACY
8 TO KIDNAP A FEDERAL AGENT ON ACCOUNT OF THE PERFORMANCE OF HIS
9 OFFICIAL DUTIES, AND THEY'VE ALSO BEEN CHARGED WITH THE ACTUAL
10 KIDNAPPING OF A FEDERAL AGENT ON ACCOUNT OF THE PERFORMANCE OF
11 HIS OFFICIAL DUTIES.

12 LASTLY, LADIES AND GENTLEMEN, DEFENDANT MATTA, BUT NOT
13 DEFENDANT ZUNA, HAS BEEN CHARGED WITH MURDER BECAUSE AGENT
14 CAMARENA DIED IN THE COURSE OF HIS KIDNAPPING, TORTURE AND
15 INTERROGATION.

16 DEFENDANT JUAN JOSE BERNABE RAMIREZ, WHAT IS HIS ROLE
17 IN THIS ENTERPRISE? LADIES AND GENTLEMEN, THE EVIDENCE WILL
18 SHOW THAT DEFENDANT BERNABE WAS A BODYGUARD FOR FONSECA AND
19 SOMETIMES FOR CARO. HE WAS MUSCLE, ESSENTIALLY.

20 WHAT WAS HIS ROLE IN THESE CRIMES? YOU WILL HEAR,
21 LADIES AND GENTLEMEN, THAT DURING THE SUMMER OF 1985 -- I'M
22 SORRY -- 1989, JUST LAST YEAR, DEFENDANT BERNABE MET WITH A
23 D.E.A. AGENT HERE IN CALIFORNIA, A D.E.A. AGENT WHO WAS
24 UNDERCOVER, IMPERSONATING A DRUG DEALER; AND IN THE COURSE OF A
25 SERIES OF MEETINGS BETWEEN THIS AND OTHER AGENTS AND DEFENDANT

1 BERNABE, BERNABE MADE SOME INTERESTING STATEMENTS ABOUT HIS
2 PAST.

3 YOU'LL HEAR THAT HE WAS A BODYGUARD AT THE LOCATION
4 WHERE AGENT CAMARENA WAS BEING BEATEN AND INTERROGATED. HE
5 WENT THERE WITH ERNESTO FONSECA. YOU'LL HEAR THAT EVERYONE
6 PARTICIPATED IN THIS BEATING.

7 AND YOU'LL HEAR DEFENDANT BERNABE DESCRIBE IN GREAT
8 DETAIL HIS PARTICIPATION IN ASSISTING CARO TO FLEE FROM THE
9 GUADALAJARA AIRPORT ON FEBRUARY 9TH. BERNABE WAS ONE OF THE
10 ARMED BODYGUARDS PROTECTING THE AIRCRAFT BEFORE IT WAS ALLOWED
11 TO FLY OUT OF THE GUADALAJARA AIRPORT. HE WAS ONE OF THE
12 PEOPLE WITH THE GUNS, FACING OFF THE M.F.J.P. AGENTS.

13 YOU'LL HEAR, LADIES AND GENTLEMEN, ABOUT THE CRIMES
14 WHICH DEFENDANT BERNABE IS CHARGED WITH COMMITTING AS A RESULT
15 OF THESE ACTIVITIES. HE IS CHARGED WITH TWO COUNTS OF
16 COMMITTING VIOLENT CRIMES IN AID OF RACKETEERING IN
17 RELATIONSHIP TO THE KIDNAPPING, BEATING AND MURDER OF AGENT
18 CAMARENA AND CAPTAIN ZAVALA.

19 HE IS CHARGED WITH CONSPIRACY TO KIDNAP A FEDERAL
20 AGENT AND WITH KIDNAPPING OF A FEDERAL AGENT AND, LASTLY,
21 LADIES AND GENTLEMEN, BECAUSE OF HIS PARTICIPATION IN ASSISTING
22 CARO TO FLEE FROM GUADALAJARA, HE IS CHARGED AS AN ACCESSORY
23 AFTER THE FACT.

24 FINALLY, LADIES AND GENTLEMEN, JAVIER VASQUEZ VELASCO,
25 WHAT IS HIS ROLE IN THE ENTERPRISE, IN THE CARTEL? THE

1 EVIDENCE WILL SHOW DEFENDANT JAVIER VASQUEZ WAS ONE OF A GROUP
2 OF BROTHERS KNOWN AS THE TIERRA LIBRE BROTHERS. AND YOU'LL
3 HEAR THAT REFERENCE FREQUENTLY.

4 BUT VASQUEZ HIMSELF, ALONG WITH SEVERAL OF HIS
5 BROTHERS, WAS A BODYGUARD FOR MEMBERS OF THE CARTEL AND A
6 HELPER, A DOER OF ODD JOBS, IN PARTICULAR FOR JAVIER BARBA,
7 ERNESTO FONSECA'S RIGHT-HAND MAN AND THE MAN AT WHOSE HOUSE
8 MANY OF THE MEETINGS WERE HELD AT WHICH THE ABDUCTION OF AGENT
9 CAMARENA WAS PLANNED.

10 YOU'LL HEAR, LADIES AND GENTLEMEN, FROM AN EYE
11 WITNESS, THAT IN JANUARY OF 1985, JAVIER VASQUEZ DEPARTED FROM
12 BARBA'S HOUSE WITH A NUMBER OF OTHER PEOPLE, INCLUDING BARBA
13 HIMSELF, FOR THE LA LANGOSTA RESTAURANT IN GUADALAJARA. AND
14 YOU'LL HEAR FROM AN EYE WITNESS THAT AT THAT RESTAURANT JAVIER
15 VASQUEZ BEAT AND KILLED JOHN WALKER AS THEY ATTEMPTED TO LEAVE
16 AND AS THEY WERE BEING DRAGGED TO THE REAR OF THE RESTAURANT.

17 FOR THESE CRIMES, JAVIER VASQUEZ HAS BEEN CHARGED WITH
18 TWO COUNTS OF VIOLENT CRIMES IN AID OF RACKETEERING, ONE IN
19 RELATION TO THE MURDER OF JOHN WALKER AND ONE IN RELATION TO
20 THE MURDER OF ALBERTO RADELAT.

21 LADIES AND GENTLEMEN, THIS WILL BE A LENGTHY CASE.
22 YOU WILL BE HEARING FROM A GREAT NUMBER OF WITNESSES. YOU WILL
23 BE SEEING MANY PIECES OF EVIDENCE.

24 SOME OF THE WITNESSES THAT YOU'LL BE HEARING FROM ARE
25 CONFIDENTIAL INFORMANTS THEMSELVES, OR HAVE BEEN IN THE PAST.

1 SOME OF THEM HAVE RECEIVED MONEY FROM THE GOVERNMENT. SOME OF
2 THEM HAVE COMMITTED CRIMES THEMSELVES.

3 I WANT TO THANK YOU IN ADVANCE FOR YOUR PATIENCE, FOR
4 YOUR CAREFUL CONSIDERATION OF ALL OF THE EVIDENCE THAT IS
5 PRESENTED TO YOU.

6 AT THE CONCLUSION OF THE CASE, WE, THE GOVERNMENT,
7 MYSELF AND MR. MEDRANO, WILL BE ALLOWED TO DISCUSS THE EVIDENCE
8 WITH YOU IN LIGHT OF THE LAW AS YOU ARE INSTRUCTED IN THE LAW
9 BY JUDGE RAFEEDIE. AND AT THAT TIME, WE WILL ASK YOU TO RETURN
10 THE ONLY VERDICT THAT JUSTICE AND THAT THE EVIDENCE WILL
11 PERMIT. AND THAT, AS TO EACH OF THESE DEFENDANTS, IS GUILTY AS
12 CHARGED.

13 THANK YOU.

14 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE'RE
15 GOING TO TAKE OUR MORNING RECESS AT THIS TIME. I WANT TO
16 REMIND THE JURY OF ITS DUTY NOT DISCUSS THIS CASE WITH EACH
17 OTHER OR WITH ANYONE ELSE AND NOT TO FORM OR EXPRESS ANY
18 OPINION OR CONCLUSION ABOUT THIS CASE UNTIL IT HAS BEEN
19 SUBMITTED TO YOU.

20 I WANT TO ALSO REMIND YOU THAT YOU ARE TO AVOID THE
21 EXPOSURE TO ANY PUBLICITY ABOUT THIS CASE. THEREFORE, YOU
22 SHOULD NOT READ ABOUT IT, YOU SHOULD NOT LISTEN TO ANY
23 BROADCASTS REGARDING IT OR WATCH ANY TELEVISION PROGRAM THAT
24 MAY REGARD IT.

25 I SUGGEST TO YOU THAT IF YOU SUBSCRIBE TO A REGULAR

1 NEWSPAPER, YOU HAVE SOMEONE AT HOME GO THROUGH THE NEWSPAPER
2 AND CUT OUT ANY PERTINENT ARTICLE SO THAT YOU DO NOT SEE IT.
3 IT'S VERY IMPORTANT THAT YOU DECIDE THIS CASE UPON THE EVIDENCE
4 THAT IS PRESENTED IN COURT AND NOT BE EXPOSED TO ANY OUTSIDE
5 INFLUENCES. PLEASE KEEP THAT IN MIND.

6 WE'LL TAKE OUR RECESS FOR 15 MINUTES. THE JURY MAY BE
7 EXCUSED.

8 THE CLERK: PLEASE RISE.

9 (JUROR CONFERS WITH REPORTER.)

10 THE REPORTER: YOUR HONOR, THE JURY NEEDS TO KNOW IF
11 THEY SHOULD TAKE THEIR NOTEBOOKS OR LEAVE THEM.

12 THE COURT: YOU MAY LEAVE THEM ON YOUR SEATS IF YOU
13 WISH OR YOU CAN TAKE THEM WITH YOU.

14 THE CLERK: YOU MAY BE SEATED.

15 (JURY ABSENT:)

16 THE COURT: YOU WANT TO TAKE SOMETHING UP WITH THE
17 COURT?

18 MR. STOLAR: I HAVE AN APPLICATION FOR MR. MATTA FOR
19 MISTRIAL, BASED ON WHAT HAPPENED IN THE GOVERNMENT'S OPENING
20 STATEMENTS CONCERNING THE DISCUSSION OF HAIR.

21 AS THE COURT KNOWS, THERE IS PENDING BEFORE THE COURT
22 AN UNANSWERED MOTION FOR US TO EXAMINE THOSE HAIRS UNDER MODERN
23 TECHNOLOGY WITH A SCANNING ELECTRON MICROSCOPE.

24 ON FRIDAY I MADE ORAL APPLICATION TO THE COURT TO HAVE
25 THE GOVERNMENT PROHIBITED FROM MENTIONING THE HAIR, THE

1 FORENSIC EVIDENCE, IN THE OPENING STATEMENT UNTIL WE WERE ABLE
2 TO DO OUR OWN EXAMINATION. RATHER THAN HAVING THE COURT RULE,
3 THE GOVERNMENT STOOD UP AND SAID, "WE WILL NOT DISCUSS MR.
4 MATTA'S HAIR IN OUR OPENING STATEMENT."

5 MR. CARLTON: I DID NOT SAY THAT, YOUR HONOR.

6 MR. STOLAR: THE RECORD WILL SHOW IT. THAT'S WHAT
7 HAPPENED.

8 IT'S UNFAIR OF THEM TO DO IT. THEY HAVE NOT ANSWERED
9 THE MOTION. WE HAVEN'T HAD AN OPPORTUNITY EXAMINE THE HAIR
10 YET, AND IT IS UNFAIR FOR THEM TO BE ALLOWED TO OPEN ON
11 SOMETHING THAT WE DON'T EVEN HAVE AT LEAST A FAIR ABILITY TO
12 RESPOND ON.

13 SO IT'S A MISTRIAL ON THE BASIS OF THAT.

14 THE COURT: THE MOTION IS DENIED.

15 WE'LL TAKE A 15-MINUTE RECESS.

16 THE CLERK: PLEASE RISE. THE COURT IS NOW IN RECESS.

17 (BRIEF RECESS.)

18 (JURY PRESENT:)

19 THE COURT: LET THE RECORD SHOW THAT ALL DEFENDANTS
20 AND ALL COUNSEL AND ALL THE JURORS ARE PRESENT. COUNSEL FOR
21 MR. MATTA, DO YOU WISH TO MAKE AN OPENING STATEMENT AT THIS
22 TIME?

23 MR. BURNS: YES, WE DO, YOUR HONOR.

24 OPENING STATEMENT +

25 MR. BURNS: GOOD MORNING, LADIES AND GENTLEMEN.

1 FORENSIC EVIDENCE, IN THE OPENING STATEMENT UNTIL WE WERE ABLE
2 TO DO OUR OWN EXAMINATION. RATHER THAN HAVING THE COURT RULE,
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19 THE COURT: LET THE RECORD SHOW THAT ALL DEFENDANTS
20 AND ALL COUNSEL AND ALL THE JURORS ARE PRESENT. COUNSEL FOR
21 MR. MATTA, DO YOU WISH TO MAKE AN OPENING STATEMENT AT THIS
22 TIME?

23 MR. BURNS: YES, WE DO, YOUR HONOR.

24 OPENING STATEMENT +

25 MR. BURNS: GOOD MORNING, LADIES AND GENTLEMEN.

1 THE JURY: GOOD MORNING.

2 MR. BURNS: I'M GLAD TO SEE YOU'RE PAYING ATTENTION,
3 BECAUSE THERE'S SO MUCH THAT'S GOING TO BE PRESENTED IN THIS
4 CASE. IT'S VERY DIFFICULT TO KNOW WHAT TO SAY TO YOU BECAUSE,
5 FRANKLY, VERY LITTLE OF WHAT WILL BE PRESENTED HAS ANYTHING TO
6 DO WITH MY CLIENT, MR. MATTA.

7 AS YOU CAN SEE FROM THE WAY WE'RE SITTING, IN A WAY
8 THERE ARE SEPARATE TRIALS GOING ON HERE. THERE ARE FOUR
9 DIFFERENT PEOPLE CHARGED AND THEY'RE CHARGED WITH DIFFERENT
10 THINGS, AND THEY ARE SITTING AT DIFFERENT TABLES.

11 THEY'RE SEPARATE INDIVIDUALS AND THEY NEED YOUR
12 SEPARATE IMPRESSION ON THE EVIDENCE THAT'S PRESENTED. OF THE
13 FOUR BODIES IN THIS CASE -- AND I USE THAT WORD, "BODIES" --
14 ONLY ONE PERTAINS TO US.

15 I DON'T WANT YOU TO GET CONFUSED WITH ALL THE LIMITING
16 INSTRUCTIONS THAT WILL COME IN. BUT I WANT YOU TO GIVE ME YOUR
17 COMMITMENT OF YOUR FOCUSED ATTENTION, AND THAT IF FOR ANY
18 REASON, WITH THE EVIDENCE BEING PRESENTED, YOU FORGET WHO IT
19 CONCERNS, PLEASE SPEAK UP.

20 NOW, AS I'VE SAID --

21 THE COURT: COUNSEL, WHAT WAS THAT YOU SAID? "PLEASE
22 SPEAK UP"?

23 MR. BURNS: "PLEASE SPEAK UP."

24 THE COURT: NO. JURORS ARE NOT PERMITTED TO SPEAK UP.

25 MR. BURNS: I'VE SEEN IT IN MY LIFETIME, JUDGE, AS

1 BRIEF AS IT'S BEEN.

2 THE COURT: NOT HERE.

3 MR. BURNS: AS YOU CAN SEE, THERE ARE DIFFERENT
4 DEFENSE COUNSEL. I'M MICHAEL BURNS. I WORK WITH MR. STOLAR,
5 WHOM YOU'VE HEARD FROM DURING VOIR DIRE. WE ARE THE TRIAL
6 ATTORNEYS FOR MR. MATTA. MR. ADOLFO Z. AGUILA IS THE FAMILY
7 ATTORNEY, FOR THE MATTA FAMILY. PLEASE DON'T HOLD AGAINST MR.
8 MATTA ANYTHING YOU MIGHT FEEL ABOUT HIS ATTORNEYS.

9 IN THIS CASE THE EVIDENCE WILL SHOW THAT THE
10 PROSECUTORS ARE TRYING TO FOOL YOU INTO CONVICTING AN INNOCENT
11 MAN. THAT'S RIGHT: HE'S AN INNOCENT MAN.

12 THEY'LL TRY TO PAINT A PICTURE OF MR. MATTA AS AN
13 INTERNATIONAL COCAINE DEALER. AND MAYBE THEY WILL HOPE BY THAT
14 EVIDENCE TO HAVE YOU SO HORRIFIED THAT MAYBE ONE OF A COUPLE OF
15 THINGS MIGHT HAPPEN: YOU'LL IGNORE THE LACK OF EVIDENCE ABOUT
16 THE CASE ON TRIAL AND MAYBE YOU'LL FORGET YOUR OBLIGATION AS
17 JURORS TO INDIVIDUALLY ASSESS THE EVIDENCE.

18 OR MAYBE YOU'LL BE SO DISGUSTED BY OTHER EVIDENCE NOT
19 CONCERNING MR. MATTA THAT YOU MAY THINK, WELL, HE'S HERE IN
20 FRONT OF YOU, "I CAN'T THINK ABOUT IT. IT'S BOTHERING ME."
21 (SHRUGS SHOULDERS.) "I'M NOT GOING THINK ANY MORE." OR MAYBE
22 YOU'LL BE TOO TIRED TO CONCENTRATE.

23 I ASK YOU TO INDIVIDUALLY ASSESS THE DEFENDANTS AND TO
24 PAY CAREFUL ATTENTION TO THE EVIDENCE AND THE LIMITING
25 INSTRUCTIONS WHICH THE JUDGE WILL GIVE YOU.

1 NOW, MR. MATTA -- YOU HEARD MR. CARLTON SPEAK ABOUT
2 COCAINE, THOUSANDS OF POUNDS. WELL, THE FACT OF THE MATTER IS
3 THAT THIS IS NOT A DRUG CASE. THIS IS A MURDER CASE. THIS IS
4 A KIDNAPPING CASE. THIS IS NOT A DRUG CASE.

5 THE EVIDENCE WILL PROBABLY SHOW THAT MR. MATTA DOES
6 FACE DRUG CHARGES, IN ANOTHER COURTROOM, WITH ANOTHER JUDGE,
7 WITH ANOTHER JURY. AND FRANKLY, WE'RE NOT GOING TO
8 PARTICULARLY TAKE ON THE OBLIGATION TO PUT FORWARD TO YOU
9 EVIDENCE TO SHOW HIS INNOCENCE. THAT'S FOR ANOTHER DAY, WITH
10 ANOTHER JURY.

11 BUT WHAT I WANT YOU TO UNDERSTAND IS THAT THE EVIDENCE
12 IS ASKING YOU TO GIVE A MAN WHO MAY OR MAY NOT BE A DRUG DEALER
13 A FAIR TRIAL ON OTHER CHARGES. AND I THINK THAT -- WE WENT
14 OVER THAT IN VOIR DIRE, WHEN THE JUDGE ASKED YOU QUESTIONS.
15 AND I THINK WE HAVE YOUR COMMITMENT, BECAUSE IN THIS CASE, THE
16 GOVERNMENT WILL TRY SHOW -- THROUGH THE EVIDENCE THEY WILL
17 PRESENT, THEY WILL TRY TO FOOL YOU INTO CONVICTING AN INNOCENT
18 MAN.

19 THE EVIDENCE WILL SHOW THAT MR. MATTA IS NOT INDICTED
20 IN THIS CASE FOR THE EVENTS THAT TOOK PLACE IN 1985 UNTIL
21 JANUARY 1990, NEARLY FIVE YEARS AFTER THE EVENT. MOST AMAZING,
22 MOST CURIOUS AND MOST SUSPICIOUS IS A PIECE OF SO-CALLED
23 FORENSIC EVIDENCE, THE SO-CALLED HAIR SAMPLE MR. CARLTON
24 MENTIONED.

25 THE GOVERNMENT COMPLETED ITS ANALYSIS OF THIS HAIR

1 SAMPLE OVER A YEAR AGO. YET MR. MATTA WAS NOT CHARGED UNTIL
2 JANUARY OF THIS YEAR. THEY HAD IT, BUT THEY DID NOT INDICT
3 HIM. IT'S VERY CURIOUS. IT WILL BE VERY DOUBTFUL.

4 THE EVIDENCE WILL ALSO SHOW THAT THERE ARE OTHER
5 PEOPLE CHARGED AND CONVICTED IN MEXICO. AND THE EVIDENCE WILL
6 SHOW THAT MR. MATTA WAS NEVER CHARGED FOR THIS CRIME IN MEXICO.
7 HE WAS NOT CHARGED UNTIL FIVE YEARS AFTER THE EVENT, THOUGH
8 THIS PIECE OF EVIDENCE, THAT THE GOVERNMENT WILL ARGUE WAS
9 IMPORTANT, THEY'VE HAD FOR A YEAR.

10 SO MUCH OF THE EVIDENCE HAS NOTHING TO DO WITH MR.
11 MATTA; 75 PERCENT OF IT. DON'T LOSE SIGHT OF YOUR OBLIGATION.

12 YOU KNOW, YOU'RE GOING TO HEAR HORRIBLE THINGS, I
13 BELIEVE, IN THIS TRIAL. THE EVIDENCE THE GOVERNMENT WILL PUT
14 ON WILL BE HORRIBLE, HORRENDOUS THINGS. THERE'LL BE DEAD
15 BODIES, DEAD PEOPLE. AND IT MAY DISGUST YOU.

16 BUT IF YOU FORGET YOUR OATH, SOMETHING JUST AS
17 HORRIBLE, MAYBE EVEN MORE HORRIBLE AND MORE HEINOUS, MAY
18 HAPPEN. OF ALL THE HORRIBLE THINGS CAN YOU LIVE WITH, YOU HAVE
19 TO FACE THE FACT YOU DON'T WANT TO LIVE WITH CONVICTING AN
20 INNOCENT MAN.

21 THE EVIDENCE WILL SHOW -- THIS IS NOT TELEVISION; THIS
22 IS NOT VIDEO -- THE EVIDENCE WILL SHOW THAT MR. MATTA IS AN
23 INNOCENT MAN. AND IT WILL ALSO SHOW THAT THIS IS NOT MEXICO,
24 THIS IS THE UNITED STATES OF AMERICA, AND YOU ARE THE JURY, AND
25 THAT MR. MATTA, SITTING OVER HERE, IS AN INNOCENT MAN.

1 THANK YOU.

2 THE COURT: COUNSEL, DO YOU WISH TO MAKE AN OPENING
3 STATEMENT FOR YOUR CLIENT?

4 MR. MEDVENE: YES, YOUR HONOR.

5 THE COURT: MR. ZUNO.

6 OPENING STATEMENT +

7 MR. MEDVENE: IF IT MAY PLEASE YOUR HONOR, DEFENSE
8 COUSEL, MEMBERS OF THE D.E.A., DEFENSE COUNSEL AND YOUR CLIENT,
9 MY NAME IS EDWARD MEDVENE, AND ALONG WITH JIM BLANCARTE AND RON
10 DI NICOLA, IT IS OUR PRIVILEGE TO REPRESENT RUBEN ZUNO ARCE.

11 MR. ZUNO, WILL YOU PLEASE STAND.

12 DEFENDANT ZUNO: (COMPLIES.)

13 MR. MEDVENE: THANK YOU.

14 THERE IS NO ISSUE IN THIS CASE AS TO WHETHER JOHN
15 WALKER, ALBERTO RADELAT, ALFREDO ZAVALA, OR ENRIQUE CAMARENA
16 EACH WERE BRUTALLY MURDERED; THEY WERE.

17 I WANT TO EMPHASIZE THIS RIGHT AT THE BEGINNING,
18 BECAUSE, BY THE NATURE OF OUR SYSTEM, MANY DAYS WILL BE SPENT
19 ESTABLISHING THOSE FACTS, MANY WITNESSES WILL BE PRESENTED,
20 MANY DOCUMENTS, AUTOPSIES, WILL BE OFFERED, BUT THERE IS NO
21 DISPUTE OF ANY KIND THAT THESE HORRIBLE, UNSPEAKABLE ACTS
22 OCCURRED.

23 THERE IS ALSO NO DISPUTE BETWEEN THE PARTIES OVER THE
24 FACT THAT MR. ZUNO IS NOT CHARGED WITH, NOR WILL THERE BE ANY
25 EVIDENCE OF ANY PARTICIPATION IN, THE DEATHS OF MR. WALKER, MR.

1 RADELAT OR MR. ZAVALA. IN FACT, MR. ZUNO, UNLIKE OTHERS IN
2 THIS CASE, IS NOT CHARGED WITH THE MURDER OF ENRIQUE CAMARENA.
3 THE CHARGE AGAINST MR. ZUNO IS THAT HE PARTICIPATED WITH OTHERS
4 IN PLANNING THE KIDNAPPING AND INTERROGATION OR KIDNAPPING AND
5 MURDER OF MR. CAMARENA.

6 THE EVIDENCE IN SUPPORT OF THIS CHARGE, IT IS
7 BELIEVED, WILL BE OFFERED BY ONE AND ONLY ONE INDIVIDUAL. IT
8 WILL BE DEVELOPED DURING THE COURSE OF THIS TRIAL THAT FOR SOME
9 FOUR YEARS AND NINE MONTHS AFTER ENRIQUE CAMARENA WAS
10 KIDNAPPED, THIS INDIVIDUAL, FOR REASONS THIS WILL BE EXPLORED,
11 NEVER CAME FORWARD; AND ONLY AFTER BEING ADVISED THAT IF HE
12 WOULD GIVE HELPFUL TESTIMONY, HE WOULD GET MONEY, HE WOULD BE
13 IMMUNIZED FROM OTHER CRIMINAL ACTIVITIES HE WAS INVOLVED IN,
14 THAT HE WOULD BE RELOCATED TO THE UNITED STATES, THAT HE WOULD
15 BE PROVIDED A NEW JOB, DID THIS INDIVIDUAL, AFTER FOUR YEARS
16 AND NINE MONTHS, COME FORWARD. WE'LL DISCUSS HIM LATER.

17 SUFFICE THIS TO SAY, AT THIS POINT, MR. ZUNO
18 VOLUNTARILY RETURNED FROM MEXICO, KNOWING THE CHARGES HE FACES
19 AT THIS TRIAL WOULD BE MADE, BECAUSE HE IS INNOCENT OF ANY
20 WRONGDOING. HE DID NOT ATTEND ANY MEETINGS THAT THIS ONE
21 INDIVIDUAL WILL SAY HE ATTENDED. HE DID NOT ATTEND SUCH
22 MEETINGS.

23 AND HE CAME IN TO THIS COUNTRY TO PROVE HIS INNOCENCE,
24 VOLUNTARILY COMING IN BECAUSE HE BELIEVES IN THIS COUNTRY'S
25 SYSTEM OF JUSTICE AND THE ABILITY OF A JURY, NO MATTER WHAT THE

1 ALLEGATIONS, TO FERRET OUT, TO SEEK OUT, TO GET TO THE TRUTH.

2 NOW, LADIES AND GENTLEMEN, WE'LL BE TOGETHER THE
3 BETTER PART OF TWO MONTHS. THERE ARE A NUMBER OF DIFFERENT
4 INDIVIDUALS ON TRIAL. THE CHARGES VARY. THE EVIDENCE WILL
5 VARY.

6 IT'S NECESSARY, WE RESPECTFULLY ASK, TO PLEASE
7 CONSTANTLY KEEP IN MIND THAT MR. ZUNO IS A SEPARATE, UNIQUE
8 INDIVIDUAL, WITH CERTAIN LIMITED CHARGES. AND IT'S IMPORTANT
9 THAT WE GET TO WHAT THE CHARGES ARE AND WHAT THE ANTICIPATED
10 EVIDENCE IS, SO AFTER LISTENING TO THE EVIDENCE, PARTICULARLY
11 THE ONE WITNESS, YOU CAN MAKE A DECISION AND PUSH AWAY WHATEVER
12 PASSION OR PREJUDICE MIGHT WELL UP IN US IN HEARING ABOUT THESE
13 OUTRAGEOUS ATROCITIES, AND SEE: HAS THE GOVERNMENT, HAS THE
14 PROSECUTION CARRIED ITS BURDEN OF PROVING BEYOND A REASONABLE
15 DOUBT MR. ZUNO'S GUILT?

16 WE MUST INITIALLY GO TO THE INDICTMENT ITSELF, BECAUSE
17 AS HIS HONOR HAS TOLD YOU EARLIER, THE INDICTMENT IS NOT
18 EVIDENCE, BUT IT SETS THE STAGE FOR THE DRAMA WE'RE NOW IN. IT
19 OUTLINES THE CHARGES.

20 THE EVIDENCE DOESN'T COME FROM THE INDICTMENT. THE
21 EVIDENCE DOESN'T COME FROM THE LAWYERS. THE EVIDENCE COMES
22 FROM THE WITNESSES.

23 NOW, WHAT IS THE CHARGE? THERE'S THE CHARGE THAT
24 THERE WAS SOMETHING CALLED THE GUADALAJARA DRUG CARTEL, AN
25 ENTERPRISE THAT WAS INVOLVED IN THE CULTIVATION, IMPORTATION

1 AND DISTRIBUTION OF MARIJUANA AND THE IMPORTATION AND
2 DISTRIBUTION OF COCAINE, IN MIND-BOGGLING AMOUNTS.

3 YOU'LL HEAR TESTIMONY THAT A NUMBER OF INDIVIDUALS
4 WERE SUPERVISORS, MANAGERS, LEADERS OF THIS CARTEL; NOT MR.
5 ZUNO.

6 YOU'LL HEAR TESTIMONY THAT CERTAIN INDIVIDUALS WERE
7 HIGH-RANKING LIEUTENANTS IN THIS CARTEL; NOT MR. ZUNO.

8 IT IS ANTICIPATED THAT FOUR INDIVIDUALS -- PAID
9 GOVERNMENT EMPLOYEES, OR WITNESSES -- WILL TESTIFY THAT ZUNO
10 AIDED OR ABETTED OR ASSISTED, WHATEVER THOSE WORDS MEAN, THE
11 CARTEL. YOU'LL HAVE A CHANCE TO EVALUATE THOSE WITNESSES AND
12 WHETHER OR NOT YOU THINK HE DID AID AND ABET AND ASSIST. AND
13 YOU'LL HEAR AND CAN MAKE YOUR OWN INDEPENDENT JUDGMENT ABOUT
14 THESE PEOPLE AND ABOUT THEIR VERACITY.

15 WITH RESPECT TO THE INDIVIDUALS -- AND AGAIN, WE'RE
16 JUST TALKING ABOUT MEMBERSHIP, ALLEGEDLY THIS AIDING AND
17 ASSISTING THE CARTEL. THIS HAS NOTHING TO DO WITH
18 PARTICIPATION AND REALLY WHAT THE CRIME IS HERE, PLANNING THE
19 KIDNAPPING OF AGENT CAMARENA. THIS IS JUST: IS HE IN THE
20 CARTEL?

21 YOU'LL HEAR SOMETHING ABOUT THESE PEOPLE. YOU'LL HEAR
22 ONE MAN KILLED BETWEEN 35 AND 50 PEOPLE, MIGHT NOT EVEN
23 REMEMBER HOW MANY. YOU'LL HEAR OTHERS WERE INVOLVED IN
24 EXTORTION, ROBBERY, GANGSTERISM, OR RACKETEERING, THEFT AND,
25 MANY, THE POSSESSION AND DISTRIBUTION OF NARCOTICS.

1 IN ADDITION, IN TERMS OF COMPENSATION TO THEM FOR
2 COMING FORWARD, YOU WILL HEAR THAT THESE FOUR INDIVIDUALS HAVE
3 BEEN PAID -- AND THE AMOUNT IS STILL RISING AND WILL CONTINUE
4 AFTER THEY TESTIFY -- \$188,000.00. THEY'VE BEEN PROMISED
5 IMMUNITY FROM PROSECUTION. THEY'VE BEEN TRANSPORTED FROM
6 MEXICO AND GIVEN NEW HOUSING HERE, NEW JOBS HERE, PERMANENT
7 RESIDENCY, IT'S BELIEVED, HERE.

8 NOW, YOU'LL DECIDE WHETHER OR NOT THESE WITNESSES ARE
9 WORTHY OF YOUR BELIEF. IN CONTRAST, YOU'LL HEAR THAT MR. ZUNO
10 EMPHATICALLY DENIES MEMBERSHIP IN THE CARTEL. HE WILL GET ON
11 THE STAND AND TESTIFY IN THIS CASE.

12 YOU'LL ALSO HEAR, LADIES AND GENTLEMEN, ABOUT THE
13 RETALIATORY ACTS. AND WITH RESPECT TO THESE RETALIATORY ACTS,
14 YOU'LL HEAR THAT THE CHARGE IS THAT THIS CARTEL, BECAUSE OF THE
15 ABILITY OF THE D.E.A. AND MR. CAMARENA, IN PARTICULAR, TO HURT
16 THEM, TO STOP SOME OF THEIR TERRIBLE SALES OF DRUGS, THAT THIS
17 GROUP OF PEOPLE ENGAGED IN AN EVER-ESCALATING SERIES OF
18 RETALIATORY MOVES AGAINST THE D.E.A. AND ITS PEOPLE.

19 AND THE REASON THE PROSECUTION CLAIMS THAT THEY DID
20 THIS WAS TO RETALIATE AGAINST THIS CARTEL AND STOP THEM. THE
21 EVER-INCREASING SERIES OF RETALIATORY ACTS, THE GOVERNMENT
22 CLAIMS, ENDED IN THE KIDNAPPING OF MR. ZAVALA AND MR. CAMARENA
23 ON FEBRUARY 7.

24 MR. ZUNO WILL TESTIFY, AND THE EVIDENCE WILL BE, HE
25 TOOK NO PART IN ANY OF THE RETALIATORY ACTS, AND THE

1 PROSECUTION DOES NOT CLAIM HE TOOK PART IN ANY OF THE
2 RETALIATORY ACTS, UP TO THE CAMARENA KIDNAPPING.

3 YOU WILL HEAR THAT IT IS ILLOGICAL TO THINK HE WOULD
4 SEIZE OR PARTICIPATE IN THE SEIZURE OF MR. CAMARENA TO MAINTAIN
5 AND INCREASE HIS POSITION IN THE CARTEL AND NOT BE INVOLVED IN
6 ANY OF THE OTHER RETALIATORY ACTS THAT OSTENSIBLY WERE TO
7 MAINTAIN POSITION. WHY ONE AND WHY NOT THE OTHER?

8 AND LET ME TAKE YOU QUICKLY THROUGH SOME OF THE
9 RETALIATORY ACTS MENTIONED BY THE PROSECUTION. AND PLEASE
10 LISTEN TO THE EVIDENCE AND IF THERE IS ANY EVIDENCE THAT MR.
11 ZUNO PARTICIPATED IN ANY WAY IN ANY OF THESE ACTS.

12 IN MARCH OF 1984, THEN IN THE SPRING OF 1984, THEN IN
13 JUNE OF 1984, IT IS BELIEVED THE PROSECUTION WILL OFFER
14 EVIDENCE THAT VARIOUS CARTEL MEMBERS STOPPED AND HARASSED
15 VARIOUS D.E.A. PERSONNEL, GIVING THEM A WARNING: "GET OFF OUR
16 BACK."

17 MR. ZUNO DID NOT PARTICIPATE IN MAY, DID NOT
18 PARTICIPATE IN THE SPRING, DID NOT PARTICIPATE IN JUNE OF 84 IN
19 ANY OF THESE ACTIONS.

20 YOU'LL THEN HEAR, AS YOU HEARD ABOUT THE ESCALATION,
21 WHAT THESE ANIMALS DID. THEY FOUND SOMEBODY AND THEY SHOT HIM
22 FIVE TIMES, SOMEBODY WHO WAS WORKING WITH THE D.E.A.

23 THERE'LL BE NO EVIDENCE OF MR. ZUNO'S' PARTICIPATION.
24 HE DID NOT PARTICIPATE IN ANY WAY. HE IS NOT CHARGED WITH
25 PARTICIPATION IN ANY WAY.

1 YOU'LL THEN HEAR OF THE ESCALATION IN OCTOBER OF 84,
2 THE MACHINE-GUNNING OF A D.E.A. AGENT, JUST DOING HIS JOB, AND
3 THE MACHINE-GUNNING OF HIS CAR. MR. ZUNO DID NOT PARTICIPATE
4 IN ANY WAY.

5 YOU'LL HEAR THEN OF THE ESCALATION TO JANUARY 30,
6 1985, WHEN MR. WALKER AND MR. RADELAT, AT SOME SORT OF PARTY,
7 AS YOU'VE HEARD, OF ALL THE BIG DRUG LORDS AND THEIR HENCHMEN
8 AND THEIR BODYGUARDS -- MR. ZUNO WAS NOT PRESENT -- THAT PEOPLE
9 THERE ON JANUARY 30 COMMITTED THE ATROCITIES TO MR. WALKER AND
10 MR. RADELAT. THEY TORTURED AND MURDERED THEM.

11 THAT CASE IS GOING TO BE TRIED HERE BEFORE YOU. MR.
12 ZUNO IS NOT CHARGED WITH THAT OFFENSE, WAS NOT THERE, DID NOT
13 PARTICIPATE IN ANY WAY.

14 YOU WILL HEAR THAT THERE WAS A MEETING AFTER THESE
15 THUGS, THESE KILLERS, KILLED THESE TWO AMERICANS, AT THIS
16 BARBA'S HOUSE, THIS JAVIER BARBA HERNANDEZ' HOUSE, TO DECIDE
17 WHAT THESE CARTEL MEMBERS WERE GOING TO DO NEXT. MR. ZUNO WAS
18 NOT THERE.

19 THE FINAL ESCALATION, LADIES AND GENTLEMEN, THAT THE
20 PROSECUTION DISCUSSED IN THEIR OPENING, WAS FEBRUARY 7TH, 1985,
21 WHEN ALFREDO ZAVALA WAS KIDNAPPED AND MURDERED, TORTURED. HE
22 WAS KIDNAPPED WITHIN TWO HOURS OF WHEN MR. CAMARENA WAS
23 KIDNAPPED. HE WAS BROUGHT TO THE SAME HOUSE MR. CAMARENA WAS
24 BROUGHT TO. HE WAS TORTURED IN THE SAME PLACE. HE WAS
25 BRUTALLY KILLED. HIS BODY WAS TRANSPORTED WITH MR. CAMARENA'S

1 AND BURIED BY THESE HOODLUMS.

2 THAT CASE IS GOING TO BE TRIED HERE, BEFORE YOU. MR.
3 ZUNO'S NOT CHARGED. MR. ZUNO DID NOT PARTICIPATE IN ANY WAY IN
4 THAT ATROCITY.

5 SO, IN OTHER WORDS, THE PROSECUTORS' POSITION IS THAT
6 MR. ZUNO WANTED TO RETALIATE AGAINST THE D.E.A. AND MAINTAIN
7 HIS CONTROL BUT SOMEHOW WAS NOT INVOLVED AND WAS NOT INTERESTED
8 IN KIDNAPPING AND KILLING MR. ZAVALA, EVEN THOUGH, IT WILL BE
9 SHOWN, THAT MR. ZAVALA HAD BEEN A D.E.A. CONFIDENTIAL INFORMANT
10 SINCE 1977, WAS REGULARLY EMPLOYED BY THE D.E.A. TO FLY OVER
11 THESE MARIJUANA FIELDS IN MEXICO AND REPORT BACK, AND WAS
12 ACTUALLY INVOLVED IN AN INVESTIGATION AT THAT VERY TIME, WITH
13 ENRIQUE CAMARENA.

14 NOW, HAVING SAID ALL THIS, LADIES AND GENTLEMEN, ABOUT
15 THE CARTEL, LET ME MAKE ONE THING CLEAR: THIS CASE IS NOT
16 ABOUT DRUGS. DRUGS ARE NOT THE CHARGE.

17 THE SIGNIFICANCE OF MEMBERSHIP IN THE CARTEL IS THAT
18 ALLEGEDLY MEMBERS HAD REASON TO RETALIATE AND SOME MOTIVE TO DO
19 THESE FOUR KILLINGS. MR. ZUNO EMPHATICALLY DENIES MEMBERSHIP
20 IN THE CARTEL. YOU CAN HEAR FROM THE RETALIATORY ACTS, HE WAS
21 NOT INVOLVED IN ANY OF THEM. THERE'LL BE NO EVIDENCE HE WAS
22 INVOLVED IN ANY OF THEM, CERTAINLY PRECEDING CAMARENA. AND
23 WE'LL TALK ABOUT THAT IN A FEW MINUTES.

24 BUT EVEN IF YOU CHOSE TO BELIEVE THE PEOPLE WHO SAID
25 HE IN SOME WAY AIDED AND ASSISTED, BECAUSE WE KNOW HE WAS NOT A

1 HIGH-LEVEL PERSON -- THE PROSECUTION HAS TOLD US THAT -- THAT
2 IS NOT EVIDENCE OF THE CHARGE AGAINST HIM, WHICH IS: DID HE
3 PLAN THE KIDNAPPING AND MURDER OF ENRIQUE CAMARENA?

4 WHAT WILL BE EVIDENCE SHOW AS TO THE CHARGES AND THE
5 SPECIFIC CHARGES AGAINST MR. ZUNO? THE EVIDENCE WILL BE THAT
6 THE D.E.A., AS YOU MIGHT EXPECT, ENGAGED IN A MASSIVE EFFORT TO
7 GET AT ANYONE WHO POSSIBLY HAD ANY INVOLVEMENT OF ANY KIND IN
8 THIS ATROCITY. AFTER ALL, A BROTHER HAD BEEN KILLED.

9 YOU'LL LEARN OF THE INTENSITY OF THE FEELING AND OF
10 THE FACT, TO GET PEOPLE THAT MIGHT TESTIFY, THERE WERE A
11 VARIETY OF INDUCEMENTS OFFERED FOR TESTIMONY. IN THIS CASE,
12 YOU WILL HEAR IN EXCESS OF \$800,000.00 WAS PAID TO VARIOUS
13 INDIVIDUALS WHO ARE GOING TO COME FORTH AND TESTIFY.

14 SO YOU HAVE OFFERS OF MONEY, YOU HAVE OFFERS OF
15 IMMUNITY FROM CRIMINAL ACTIONS UNRELATED TO THIS CASE, YOU HAVE
16 OFFERS TO RELOCATE PEOPLE OF MODEST CIRCUMSTANCES TO THIS
17 COUNTRY, GIVE THEM JOBS, GIVE THEM NEW HOUSING. YOU CAN
18 UNDERSTAND IT.

19 AND AFTER ALL OF IT, ALL OF THESE OFFERS, WE'LL SHOW
20 YOU ADVERTISEMENTS IN MEXICAN NEWSPAPERS FOR WITNESSES,
21 ADVERTISEMENTS VIRTUALLY A COUPLE OF WEEKS BEFORE THE TRIAL WAS
22 TO START: "COME TESTIFY. YOU'LL BE PAID."

23 YET FOR FOUR YEARS AND NINE MONTHS THE GOVERNMENT HAD
24 NOT ONE WITNESS WHO COULD SAY THAT MR. ZUNO PARTICIPATED IN ANY
25 WAY IN THE ATROCITY TOWARD ENRIQUE CAMARENA.

1 WHY ZUNO? YOU'LL HEAR THAT THE D.E.A. BELIEVED MR.
2 ZUNO MUST HAVE SOME KNOWLEDGE. AFTER ALL, EVEN THOUGH IT WILL
3 BE SHOWN AND EVEN THOUGH THE D.E.A. KNEW THAT MR. ZUNO HAD SOLD
4 THE LOPE DE VEGA HOUSE WEEKS BEFORE IT WAS TAKEN OVER BY
5 QUINTERO AND THE TERRIBLE THINGS HAPPENED, THAT AT ONE TIME HE
6 DID OWN THE HOUSE, FOR QUITE A FEW YEARS, AND HE MIGHT HAVE
7 SOME INFORMATION ABOUT WHAT THE CONDITION OF THE HOUSE WAS WHEN
8 HE LEFT IT.

9 IN ADDITION, THE PROSECUTION THOUGHT, IT WILL BE
10 SHOWN, THAT THE CORRUPTION IN THIS CASE WENT TO THE HIGHEST
11 LEVEL OF THE MEXICAN GOVERNMENT AND MAYBE ZUNO WOULD HAVE SOME
12 INFORMATION ABOUT SOMEBODY IN THE GOVERNMENT, BECAUSE, AFTER
13 ALL, HIS SISTER IS AND WAS MARRIED TO A MAN THAT WAS PRESIDENT
14 OF MEXICO, SEVERAL PRESIDENTS AGO, MAYBE IN THE EARLY 70'S.
15 MR. ZUNO AT ONE TIME -- EARLY 70'S, NOT SINCE, BUT AT ONE TIME
16 HAD BEEN AN OFFICIAL, STATE AND FEDERAL GOVERNMENT. MAYBE HE
17 HAD SOME INFORMATION THAT WOULD BE OF HELP.

18 MR. ZUNO VOLUNTEERED TO TELL D.E.A. REPRESENTATIVES
19 EVERYTHING HE KNEW ABOUT THE LOPE DE VEGA HOUSE AND WHEN IT WAS
20 SOLD AND WHO IT WAS SOLD TO. BUT HE HAD NO OTHER INFORMATION.

21 NOW, YOU'LL HEAR THE INTENSITY, THE FEROCITY, THEN OF
22 THE EFFORT TO FIND SOME EVIDENCE: "HE MUST KNOW SOMETHING.
23 OUR BROTHER IS KILLED."

24 AND YOU'LL HEAR THAT ONE INDIVIDUAL WHO WAS SERVING
25 TIME AT A DISTANT FEDERAL INSTITUTION, THOUSANDS OF MILES AWAY,

1 FOR SMUGGLING DRUGS INTO THIS COUNTRY, WAS BROUGHT TO LOS
2 ANGELES, WAS QUESTIONED AND TOLD, "IF YOU TELL US MR. ZUNO WAS
3 INVOLVED, YOU'LL GET YOUR FREEDOM AND YOU'LL GET TO SEE YOUR
4 FAMILY."

5 AND THE INDIVIDUAL SAID, "I DON'T KNOW MR. ZUNO. HE
6 WAS NOT INVOLVED."

7 AND THEY SAID, "TELL US OF HIS INVOLVEMENT."

8 HE SAID, "HE'S NOT INVOLVED."

9 THAT INDIVIDUAL WAS THEN PLACED IN SOLITARY
10 CONFINEMENT. HE WAS BROUGHT OUT OF SOLITARY CONFINEMENT SOME
11 WEEKS LATER AND TOLD, IN EFFECT, "DO YOU SEE LIGHT? DIDN'T MR.
12 ZUNO HELP YOU? WEREN'T YOU HIS CHAUFFEUR? "

13 THAT'S THE GENTLEMAN AT THE END OF THE COUNSEL TABLE,
14 MR. BERRELLEZ, IT WILL BE SHOWN, WAS THE ONE THAT QUESTIONED
15 HIM, AND SAID, "ISN'T HE YOUR CHAUFFEUR? WASN'T THAT HIS
16 SHIPMENT?"

17 "NO, IT WASN'T."

18 "YOU'RE NOT GOING TO GET OUT OF JAIL ON TIME. YOU'RE
19 NOT GOING TO SEE YOUR FAMILY."

20 "I CAN'T IMPLICATE AN INNOCENT MAN," HE SAID. THE MAN
21 WAS RETURNED TO SOLITARY.

22 YOU'LL HEAR HOW THE ONE WITNESS AGAINST MR. ZUNO
23 FINALLY CAME FORWARD. YOU'LL HEAR THAT THIS SAME MR. BERRELLEZ
24 PUT ON THE D.E.A. PAYROLL A MAN NAMED BUSTAMANTE, GARATE
25 BUSTAMANTE, AND PAID HIM \$4,000.00 A MONTH TO GET WITNESSES IN

1 MEXICO THAT WOULD TESTIFY ABOUT THIS CASE, AND IN PARTICULAR ON
2 THE CASE OF MR. ZUNO.

3 YOU'LL HEAR ABOUT THIS BUSTAMANTE -- YOU REMEMBER THE
4 MEETING THAT THE PROSECUTION TOLD ABOUT IN DECEMBER. MR. ZUNO
5 WAS NOT THERE. BUT MR. BUSTAMANTE, IT WILL BE SHOWN, WAS THERE
6 WITH THE DRUG LORD FONSECA AND OTHERS OF THESE ANIMALS, AND MR.
7 CAMARENA'S PICTURE WAS SENT AROUND, AND IT WAS SAID, "WE HAVE
8 TO GET HIM."

9 IT IS BELIEVED, THERE'LL BE EVIDENCE, THAT THIS
10 BUSTAMANTE DID NOT TELL ENRIQUE CAMARENA THAT HE WAS GOING TO
11 BE KILLED; AND AS HIS REWARD, MR. BUSTAMANTE, COURTESY OF MR.
12 BERRELLEZ, IS BEING HOUSED IN WEST HOLLYWOOD, PAID \$4,000.00 A
13 MONTH, AND SEEKING OUT WITNESSES.

14 IT WILL BE SHOWN HE PLACED AN AD IN THE GUADALAJARA
15 PAPER: PLEASE, SOMEBODY COME FORWARD. WE WILL PAY YOU." AND
16 THEN, AND ONLY THEN, DID HECTOR CERVANTES SANCHEZ COME FORWARD,
17 FOUR YEARS AND NINE MONTHS LATER.

18 AND WE'LL TELL YOU ABOUT WHAT HE IS PAID AND THE
19 PROMISES HE'S MADE. WE'LL TELL YOU ABOUT THAT HE NOT ONLY
20 DIDN'T COME FORWARD FOR FOUR YEARS AND NINE MONTHS, AND THE
21 CIRCUMSTANCES UNDER WHICH HE CAME FORWARD, BUT WHEN HE FIRST
22 TESTIFIED, HE ALLEGEDLY, AFTER THE PROMISES WERE MADE TO HIM,
23 REMEMBERED ONE MEETING; AND THEN WE WILL SHOW HE WAS PAID MORE
24 MONEY AND REMEMBERED ANOTHER MEETING.

25 NOW, WHAT WILL THE EVIDENCE BE COUNTER TO THIS

1 CERVANTES MAN? BECAUSE WHEN YOU CUT THROUGH, IT WHEN YOU CUT
2 THROUGH THE TWO MONTHS, WHEN YOU CUT THROUGH ALL THE WITNESSES
3 AND ALL THE EXHIBITS: ONE MAN. ONE MAN.

4 WHAT'S THE EVIDENCE THE OTHER WAY? AS YOU'LL HEAR,
5 THERE'S NO BURDEN ON MR. ZUNO TO PRESENT ANY EVIDENCE. YOU CAN
6 CHOOSE NOT BELIEVE THIS ONE INDIVIDUAL.

7 YOU'LL HEAR FIRST WITH RESPECT TO THE LOPE DE VEGA
8 HOUSE. YOU'LL HEAR -- AND THERE'S NO SECRET ABOUT THIS --
9 THAT THE HOUSE WAS IN THE ZUNO FAMILY SINCE 1930, THE 1930'S.
10 IT WAS OWNED BY MR. ZUNO'S FATHER.

11 MR. ZUNO'S FATHER, IT WILL BE SHOWN, IN THE EARLY
12 DAYS, THE 1900'S, WAS GOVERNOR OF JALISCO, THE FOUNDER OF THE
13 UNIVERSITY OF GUADALAJARA. HE GAVE ONE OF THE PIECES OF LAND
14 ON WHICH THE HOUSE WAS BUILT -- HE GAVE IT TO MR. ZUNO, AND IN
15 1969-1970, MR. ZUNO BUILT THE LOPE DE VEGA HOUSE AND BUILT THE
16 GUEST HOUSE, WHICH THEY USED -- THERE WAS A SWIMMING POOL
17 WHICH THEY USED AS A BATH AND CHANGING PLACE. THERE WAS A
18 WINDOW ON TOP SO NO ONE COULD LOOK IN. BUT THIS WAS ALL BUILT
19 EARLY.

20 THAT MR. ZUNO BASICALLY LIVED THERE WITH HIS FAMILY
21 THROUGH SOME TIME IN 1979. HE HAS NOT LIVED AT THAT HOUSE ON A
22 PERMANENT BASIS SINCE MAY OF 1979. HE MOVED OUT AND RENTED THE
23 HOUSE TO ANOTHER FAMILY.

24 THAT FAMILY LIVED THERE UNTIL SOMETIME IN 1984. MR.
25 ZUNO MOVED TO A SMALL RURAL VILLAGE CALLED MASCOTA, ABOUT 200

1 KILOMETERS, AWAY; MAYBE THREE OR FOUR HOURS ON THE DIRT ROADS
2 IN THAT PART OF MEXICO. THE MAN THAT LEASED THE HOUSE MOVED
3 OUT IN MAY OF 84.

4 IN THE FALL, IT WILL BE SHOWN THAT MR. ZUNO, UNLIKE
5 THESE OTHER DRUG LORDS THAT HAD UNLIMITED MONEY AND UNLIMITED
6 CARS AND CHAUFFEURS AND JEWELRY, NEEDED MONEY, AND HE TOLD A
7 FRIEND THAT HE WAS THINKING OF SELLING THE HOUSE, AND THE
8 FRIEND PUT HIM IN TOUCH WITH A DOCTOR RUBEN SANCHEZ BARBA, AND
9 A DEAL WAS MADE FOR MARKET VALUE TO SELL THAT HOUSE IN
10 DECEMBER.

11 DR. BARBA ASKED MR. ZUNO, "PLEASE REMOVE CERTAIN
12 THINGS. I DON'T WANT THEM HERE WHEN I MOVE IN."

13 AND MR. ZUNO, ON DECEMBER 23RD, FOR THE LAST TIME
14 EVER, WENT INTO THAT HOUSE -- HE WAS RARELY THERE FROM MAY OF
15 79 -- BUT FOR LAST TIME EVER, DECEMBER 23RD 1984, THE EVIDENCE
16 WILL SHOW YOU, TO REMOVE SOME FURNISHINGS.

17 YOU WILL HEAR THAT IN THE MIDDLE OF JANUARY, AS THE
18 CUSTOM IN MEXICO, UNLIKE HERE, YOU GO BEFORE A NOTARY PUBLIC
19 AND YOU FILL OUT CERTAIN PAPERS AND WRITE THEM OUT AND MONEY'S
20 EXCHANGED. YOU'LL HEAR THAT THE TRANSFER WAS NOT MADE FOR
21 CASH. CHECKS WERE WRITTEN. DOCUMENTS WERE PROPERLY RECORDED.

22 AND YOU'LL HEAR, LADIES AND GENTLEMEN, THAT AFTER THE
23 SALE, AS WE SAID, MR. ZUNO DID NOT REENTER AFTER DECEMBER 23RD.
24 YOU'LL HEAR TESTIMONY THAT THE HOUSE WAS VACANT, THE NEW OWNER,
25 OR WHOEVER, YOU'LL HEAR, CAUSED REMODELING TO BE DONE, LAWNS TO

1 BE MANICURED, THE HOUSE TO BE PAINTED, THINGS THAT SOMEBODY
2 ELSE WOULD DO WHO HAD TAKEN OVER THE PROPERTY. AND YOU'LL HEAR
3 EVIDENCE THAT THAT WAS DONE BY SOMEBODY ELSE AND THAT MR. ZUNO
4 HAD NOTHING WHATSOEVER TO DO WITH IT, BECAUSE HE NO LONGER
5 OWNED THE HOUSE.

6 YOU'LL ALSO HEAR EVIDENCE OF THE LIMITATION OF THE
7 CHARGES AGAINST MR. ZUNO. AND BY THAT, I MEAN, THEY'RE
8 TERRIBLE ENOUGH, THE PLANNING, WITH RESPECT TO ENRIQUE
9 CAMARENA. BUT YOU WILL HEAR IN EVIDENCE THAT'S GOING TO COME
10 IN THAT ON FEBRUARY 7TH, A NUMBER OF THINGS HAPPENED:

11 MR. CAMARENA WAS PHYSICALLY KIDNAPPED BY A NUMBER OF
12 MEN. THE EVIDENCE WILL BE MR. ZUNO WAS NOT ONE OF THOSE MEN.

13 THAT MR. CAMARENA WAS BROUGHT TO THE LOPE DE VEGA
14 HOUSE. MR. ZUNO DID NOT PARTICIPATE IN THAT ACT.

15 THAT MR. ZAVALA WAS KIDNAPPED. MR. ZUNO DID NOT
16 PARTICIPATE IN THAT ACT.

17 THAT MR. ZAVALA WAS BROUGHT TO THE LOPE DE VEGA HOUSE.
18 MR. ZUNO DID NOT PARTICIPATE IN THAT ACT.

19 YOU'LL THEN HEAR EVIDENCE ABOUT A SERIES OF ACTS
20 BETWEEN FEBRUARY 7TH AND FEBRUARY 9TH. YOU'LL HEAR A LARGE
21 NUMBER OF INDIVIDUALS WERE AT THE LOPE DE VEGA HOUSE: 20 TO
22 40, 30 TO 50, WHATEVER THE NUMBER IS. MR. ZUNO WAS NOT AT THE
23 HOUSE, AND THERE WILL BE NO EVIDENCE THAT HE WAS AT THE HOUSE.

24 YOU'LL HEAR ENRIQUE CAMARENA WAS INTERROGATED AND
25 TORTURED AT THAT HOUSE. MR. ZUNO WAS NOT THERE AND DID NOT

1 PARTICIPATE.

2 YOU'LL HEAR THE BODIES WERE REMOVED FROM THE HOUSE.
3 MR. ZUNO WAS NOT THERE AND DID NOT PARTICIPATE.

4 YOU'LL THEN HEAR EVIDENCE ABOUT FEBRUARY 9TH. YOU'LL
5 HEAR EVIDENCE THAT THIS QUINTERO AND HIS HENCHMEN WENT TO THE
6 GUADALAJARA AIRPORT AND STRUCK SOME BRIBERY DEAL WITH A HIGH
7 GOVERNMENT OFFICIAL, THIS PAVON REYES, THE GOVERNMENT SAID, THE
8 PROSECUTION SAID, WAS MAKING PHONE CALLS. NO PHONE CALLS TO
9 MR. ZUNO. NO INVOLVEMENT OF ANY KIND IN QUINTERO LEAVING,
10 BRIBES PAID, ANY OF THAT. NOT THERE.

11 YOU'LL HEAR THAT THIS CARO QUINTERO FLED GUADALAJARA
12 TO SOMEWHERE ELSE IN MEXICO AND FLED THERE TO COSTA RICA WITH A
13 BUNCH OF HIS PEOPLE. MR. ZUNO DID NOT PARTICIPATE IN ANY WAY.

14 YOU'LL HEAR THIS FONSECA, THEY TALKED ABOUT, FLED.
15 YOU'LL HEAR EVIDENCE MR. ZUNO DID NOT FLEE.

16 YOU'LL HEAR EVIDENCE MR. ZUNO WAS IN MASCOTA. YOU'LL
17 HEAR EVIDENCE THAT AFTER FEBRUARY 7TH OF 85, HE TRAVELED MANY
18 TIMES TO THE UNITED STATES, UNDER HIS OWN NAME, STAYING IN
19 HOTELS UNDER OWN NAME, ON COMMERCIAL PLANES UNDER HIS OWN NAME,
20 USING HIS VALID BORDER CROSSING CARD WHEN HE CAME FROM MEXICO
21 TO THIS COUNTRY. YOU'LL HEAR HE NEVER FLED. YOU'LL HEAR HE
22 NEVER HID.

23 YOU'LL ALSO SEE, LADIES AND GENTLEMEN, IT'S
24 ANTICIPATED, PHONE RECORDS FROM LOPE DE VEGA -- THAT IS THE
25 HOUSE -- FROM FEBRUARY 7TH TO 9TH WHEN THESE BAD PEOPLE WERE

1 THERE. AND YOU'LL HEAR WHO THEY CALLED.

2 YOU'LL SEE THEY CALLED THIS MAN VERDUGO, THIS HIGH
3 LIEUTENANT, AND SUMMONED HIM FROM MEXICALI. NO CALLS TO MR.
4 ZUNO. NO CALLS OF ANY KIND TO MR. ZUNO FROM THAT HOUSE, ASKING
5 ANY ADVICE, SOLICITING ANYTHING, NO CONTACT OF ANY KIND.

6 YOU'LL HEAR, LADIES AND GENTLEMEN, A VERY SAD POINT.
7 IT'S ALL SAD, BUT PARTICULARLY SAD, THE INTERROGATION OF
8 ENRIQUE CAMARENA.

9 WE'RE POINTING OUT THESE THINGS YOU CAN FIND BECAUSE
10 IT'S DIFFICULT TO DISPROVE A NEGATIVE. I WANT TO GIVE YOU
11 THINGS TO WORK WITH.

12 NOT ONLY WILL THERE BE NO EVIDENCE OF ANY KIND THAT
13 MR. ZUNO WAS NOT AT THE HOUSE, BUT HE DID NOT PARTICIPATE IN
14 ANY WAY IN THE INTERROGATION.

15 YOU'LL HEAR EVIDENCE THAT THE INTERROGATION WAS TO
16 FIND OUT ABOUT THE QUINTERO ORGANIZATION AND THE QUINTERO
17 FAMILY AND THESE OTHER PEOPLE THAT WERE SELLING DRUGS ON A
18 MASSIVE SCALE AND WHAT THE D.E.A. KNEW AND WHO THE INFORMANTS
19 WERE, A BUNCH OF QUESTIONS THAT, NATURALLY, YOU WILL HEAR.

20 IF MR. ZUNO WAS INVOLVED IN ANY WAY, THEN HIS NAME
21 WOULD HAVE COME OUT. PLEASE LISTEN CLOSELY, MAYBE PUSH BACK
22 THE TEARS, BUT LISTEN CLOSELY: IS THERE ANY REFERENCE OF ANY
23 KIND TO RUBEN ZUNO?

24 YOU'LL NOT HEAR HIS NAME. YOU'LL HEAR MANY, MANY
25 OTHER NAMES.

1 THERE'LL BE OTHER EVIDENCE OFFERED. AND MR. ZUNO'S
2 EVIDENCE IN LARGE PART WILL COME IN THROUGH THE PROSECUTION'S
3 OWN WITNESSES, THROUGH THEIR CROSS-EXAMINATION, THROUGH WHAT
4 THEY DIDN'T SAY.

5 YOU'VE HEARD REFERENCE TO FORENSIC EVIDENCE. IT'S A
6 FANCY LAWYER WORD FOR PHYSICAL EVIDENCE, AS WAS POINTED OUT TO
7 YOU. IN OTHER WORDS, WHAT PHYSICAL EVIDENCE WAS FOUND TYING A
8 PARTICULAR PERSON? BECAUSE YOU CAN'T BUY THAT. IT'S THERE OR
9 IT'S NOT THERE. LET'S SEE WHAT'S THERE AND LET'S SEE WHAT'S
10 NOT THERE. (DISPLAYS CHART.)

11 YOU'LL HEAR FORENSIC EVIDENCE WITH RESPECT TO A NUMBER
12 OF DIFFERENT LOCATIONS; THAT IS, PHYSICAL EVIDENCE. YOU'LL
13 HEAR MR. SPENCER FROM THE F.B.I. AND OTHERS WHO THE PROSECUTION
14 SAID DID A THOROUGH, IN EFFECT PAINSTAKING, JOB; FOUND CARPET
15 FIBERS, FOUND HAIRS OF A VARIETY OF INDIVIDUALS.

16 THERE'S NO CONTEST BY MR. ZUNO THAT MR. CAMARENA WAS
17 AT THAT HOUSE AND MR. ZAVALA WAS AT THAT HOUSE. BUT YOU'LL SEE
18 THE FORENSICS. THAT'S THE WAY TO TELL: WAS MR. ZUNO THERE?

19 IF HE HAD ANYTHING TO DO WITH THAT HOUSE, WHY WASN'T
20 HE THERE? THERE'LL BE NO EVIDENCE OF ANY KIND TYING MR. ZUNO
21 FORENSICALLY TO THAT HOUSE FEBRUARY 7TH TO FEBRUARY 9TH. NONE.
22 NO HAIR FIBERS, NO CARPET FIBERS, NO FINGERPRINTS, NO ANYTHING.

23 YOU'LL HEAR OF TWO AUTOMOBILES IN THE EVIDENCE THAT
24 WILL BE PRESENTED: A VOLKSWAGEN ATLANTIC, A MERCURY MARQUIS.
25 THEY'LL BE THE AUTOMOBILES THAT WILL BE USED, IT WILL BE SHOWN,

1 FOR THE ABDUCTION, THE KIDNAPPING, AND THE TAKING AWAY TO BURY.
2 NO EVIDENCE OF ANY KIND OF MR. ZUNO, ANY INVOLVEMENT.

3 THE INTERROGATION TAPES WE TALKED ABOUT, NO EVIDENCE
4 OF ANY KIND. NO EVIDENCE OF ANY KIND OF MR. ZUNO'S
5 INVOLVEMENT.

6 THE PHONE RECORDS WE TALKED ABOUT, NO EVIDENCE OF ANY
7 KIND OF MR. ZUNO'S INVOLVEMENT.

8 LADIES AND GENTLEMEN, YOU'VE BEEN VERY KIND. WE WILL
9 HAVE AN OPPORTUNITY TO ADDRESS YOU AT THE CONCLUSION OF ALL THE
10 EVIDENCE. WE WILL AT THAT TIME SUMMARIZE WHAT EVIDENCE THERE
11 IS, SEPARATE THAT EVIDENCE FROM THE PASSION NATURALLY AROUSED
12 BY THESE TERRIBLE ACTS.

13 WE WILL ASK YOU AT THE CONCLUSION OF ALL OF THE
14 EVIDENCE TO SAY "NOT GUILTY," AS JUSTICE REQUIRES, OF THE
15 COUNTS WHERE MR. ZUNO IS CHARGED.

16 THANK YOU VERY, VERY MUCH FOR YOUR ATTENTION.

17 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE WILL
18 TAKE OUR AFTERNOON RECESS AT THIS TIME. THE JURORS MAY BE
19 EXCUSED.

20 MR. MARQUEZ, I'D LIKE YOU TO REMAIN BEHIND, PLEASE.

21 THE CLERK: PLEASE RISE.

22 THE COURT: YOU MAY LEAVE YOUR NOTEBOOKS ON YOUR
23 SEATS.

24 (JURY ABSENT WITH THE EXCEPTION OF MR. MARQUEZ.)

25 THE COURT: WILL YOU PLEASE CLOSE THE DOOR AS YOU GO

1 OUT.

2 THE CLERK: YOU MAY BE SEATED.

3 THE COURT: MR. MARQUEZ, THE COURT HAS RECEIVED A
4 LETTER FROM YOUR EMPLOYER. ARE YOU FAMILIAR WITH THIS?

5 MR. MARQUEZ: YES, I AM.

6 THE COURT: HAVE YOU RECEIVED A COPY OF IT?

7 MR. MARQUEZ: YES. I READ IT.

8 THE COURT: WERE YOU AWARE OF THIS AT THE TIME THAT
9 YOU AGREED TO SERVE ON THIS JURY, ABOUT THE FACT THAT YOUR
10 EMPLOYER APPARENTLY HAS AN AGREEMENT WITH YOUR UNION TO LIMIT
11 JURY SERVICE TO 10 DAYS?

12 MR. MARQUEZ: YES. WHEN WE CAME INTO THE COURTROOM, I
13 WAS AWARE OF IT. AND AT THE TIME WHEN YOU EXPLAINED HOW LONG
14 IT WAS GOING TO BE, I FIGURED, "WELL, I'M GOING TO HAVE STAY
15 HERE."

16 THE COURT: FIGURED WHAT?

17 MR. MARQUEZ: YOU HAD SAID EMPLOYMENT WASN'T GOING TO
18 BE A HARDSHIP ON THIS CASE.

19 THE COURT: BY THE WAY, COUNSEL, I HAVE ASKED THE
20 CLERK TO SHOW YOU ALL THIS LETTER. YOU HAVE SEEN IT, HAVE YOU
21 NOT?

22 COUNSEL: YES, YOUR HONOR.

23 THE COURT: NOW, DOES THIS MEAN THAT YOUR EMPLOYER
24 WOULD CEASE TO PAY YOU AFTER 10 CALENDAR DAYS?

25 MR. MARQUEZ: YES. THAT'S RIGHT.

1 THE COURT: HAVE YOU TALKED TO YOUR EMPLOYER ABOUT
2 THIS?

3 MR. MARQUEZ: YES. I TALKED TO HIM YESTERDAY. I TOOK
4 THE LETTER. WELL, I TOLD HIM WHAT IT WAS GOING TO BE, AND HE
5 REFUSED TO PAY ME THE DURATION OF THIS TRIAL.

6 THE COURT: WELL, DOES THAT MEAN THAT AFTER 10 DAYS
7 YOU WILL NO LONGER BE PAID? IS THAT IT?

8 MR. MARQUEZ: RIGHT.

9 THE COURT: AND UNDER THOSE CIRCUMSTANCES, ARE YOU
10 ABLE TO CONTINUE SERVING AS A JUROR IN THIS CASE?

11 MR. MARQUEZ: WELL, THEY DIDN'T TELL ME THAT THEY
12 WEREN'T GOING TO LET ME GO. THEY JUST SAID THINK WEREN'T GOING
13 TO PAY ME.

14 THE COURT: WELL, I MEAN, IF THEY WITHHOLD PAYMENT,
15 WOULD YOU BE ABLE TO CONTINUE TO SERVE AS A JUROR IN THIS CASE?

16 MR. MARQUEZ: I DON'T THINK SO, BECAUSE I HAVE TO PAY
17 FOR MY BILLS.

18 THE COURT: COUNSEL, DO YOU HAVE ANY OTHER QUESTIONS
19 YOU WISH TO SUGGEST TO THE COURT?

20 MR. STOLAR: THERE IS PAYMENT THAT IS MADE FOR SERVING
21 ON THE JURY.

22 THE COURT: YES. YOU KNOW WHAT THE PAYMENT IS, DO
23 YOU?

24 MR. MARQUEZ: RIGHT.

25 THE COURT: HOW MUCH IS IT: \$30.00 A DAY?

1 MR. MARQUEZ: \$30.00 A DAY.

2 THE COURT: PLUS MILEAGE?

3 MR. MARQUEZ: PLUS MILEAGE.

4 MR. STOLAR: IS IT POSSIBLE TO FILE FOR UNEMPLOYMENT
5 DURING THE INTERIM PERIOD? (LAUGHTER.)

6 THE COURT: I'M NOT SURE ABOUT THAT, COUNSEL, AND I'M
7 NOT SUGGESTING IT. THESE ARE THE FACTS, AND I WANTED TO BRING
8 THEM OUT, AS YOU REQUESTED.

9 ARE THERE ANY OTHER QUESTIONS?

10 MR. MEDRANO: NOT BY THE GOVERNMENT, YOUR HONOR.

11 THE COURT: ALL RIGHT, MR. MARQUEZ. THANK YOU. YOU
12 MAY RETURN TO THE JURY ROOM AND WE'LL ADVISE YOU IF THERE'S ANY
13 CHANGE.

14 MR. MARQUEZ: OKAY. THANK YOU.

15 MR. MEDVENE: MAY I ADDRESS THE COURT?

16 THE COURT: YES.

17 MR. MEDVENE: AS A SUGGESTION, YOUR HONOR, WOULD YOU
18 CONSIDER CALLING OR HAVING THE GENTLEMAN'S EMPLOYER CALLED TO
19 SEE IF THEIR MINDS CAN BE CHANGED BECAUSE OF THE PUBLIC NATURE
20 OF SERVICE? IF SO, THEN WE DON'T HAVE A PROBLEM. IF NOT, THEN
21 WE HAVE A PROBLEM.

22 THE COURT: WELL, ASSUMING THAT THEY'RE ADAMANT ON
23 THIS, WHAT WOULD YOU SUGGEST? COULD THE JUROR BE EXCUSED AND
24 BE REPLACED WITH ONE OF THE ALTERNATES, ALTERNATE 1?

25 MR. MEDVENE: IF THEY WERE ADAMANT, WE'D STILL BE

1 HESITANT, BECAUSE THIS IS JUST THE FIRST DAY. I KNOW IT'S A
2 THE TERRIBLE BURDEN.

3 IS IT POSSIBLE TO FACE IT -- YOUR HONOR IS QUITE
4 PERSUASIVE AT TIMES.

5 COURTROOM: (LAUGHTER.)

6 MR. MEDVENE: IS IT POSSIBLE TO FACE IT AFTER WE FIND
7 OUT WHAT THE EMPLOYER SAYS?

8 THE COURT: WELL, I WILL BE GLAD TO CALL THE EMPLOYER
9 TO SEE IF IN THIS SITUATION THEY WOULD MAKE AN EXCEPTION.

10 I'VE BEEN THROUGH THIS BEFORE. I WAS HOPING TO AVOID
11 THIS BY MAKING IT VERY CLEAR TO THESE JURORS THAT THEY COULD
12 GET OUT OF THIS CASE.

13 HERE'S A JUROR, APPARENTLY HAD KNOWLEDGE OF THIS
14 POLICY AND DID NOT MENTION IT, INDICATED THAT HE WOULD BE ABLE
15 TO SERVE FOR THE PERIOD OF TIME REQUIRED.

16 MR. STOLAR: MAY I ALSO SUGGEST THAT A PHONE CALL BE
17 MADE TO THE UNION, TO THE COUNSEL FOR THE UNION OR THE HEAD OF
18 THE UNION WITH THE CONTRACT ON THIS WITNESS'S EMPLOYER, WHICH
19 APPARENTLY STIPULATES TO 10 DAYS? AND THAT WAS A NEGOTIATED
20 ITEM.

21 IF THERE IS SOME WILLINGNESS TO MAKE AN EXCEPTION
22 BECAUSE OF THE PUBLIC NATURE OF WHAT THE JURY DOES ON BOTH THE
23 EMPLOYER AND THE UNION'S BEHALF, THEN IT MIGHT NOT SET SOME
24 KIND OF A PRECEDENT ON THEIR CONTRACT IN THE FUTURE AND THEY
25 MIGHT WELL LET THE MAN STAY.

1 THE COURT: WELL, I SUGGEST THAT THE PARTY COMPLAINING
2 HERE IS THE PARTY THAT HAS TO MAKE THE PAYMENT. AND I WILL
3 TALK WITH THEM AND SEE IF THEY WILL MAKE AN EXCEPTION IN THIS
4 CASE AND LET YOU KNOW WHAT HAPPENS.

5 SO WE'LL ADJOURN UNTIL 1:30.

6 MR. STOLAR: THANK YOU.

7 THE CLERK: PLEASE RISE. THIS HONORABLE COURT IS NOW
8 IN RECESS.

9 (NOON RECESS.)

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1 LOS ANGELES + CALIFORNIA, TUESDAY, MAY 15, 1990

2 + 1:30 P.M.

3 (JURY PRESENT:)

4 THE COURT: LET THE RECORD SHOW THE PRESENCE OF ALL
5 DEFENDANTS AND THEIR COUNSEL AND ALL GOVERNMENT COUNSEL AND THE
6 JURY.

7 COUNSEL FOR MR. BERNABE, DO YOU WISH TO MAKE AN
8 OPENING STATEMENT?

9 MR. NICOLAYSEN: YOUR HONOR WITH THE COURT'S
10 PERMISSION, I'LL GO BEFORE COUNSEL FOR MR. BERNABE, ON BEHALF
11 OF MR. VASQUEZ VELASCO.

12 THE COURT: VERY WELL.

13 MR. NICOLAYSEN: THANK YOU, YOUR HONOR.

14 OPENING STATEMENT +

15 MR. NICOLAYSEN: GOOD AFTERNOON, LADIES AND GENTLEMEN.
16 MY NAME IS GREGORY NICOLAYSEN.

17 THE COURT: TURN THE LECTERN.

18 MR. NICOLAYSEN: I WILL, YOUR HONOR. IN FACT, IF THE
19 COURT DOESN'T MIND, I'M GOING TO MOVE IT. IT'S BLOCKING MY
20 CLIENT'S VIEW OF THE JURY.

21 LADIES AND GENTLEMEN, I REPRESENT JAVIER VASQUEZ
22 VELASCO, THE GENTLEMAN SEATED AT THE FAR END OF COUNSEL
23 TABLE --

24 WOULD YOU STAND?

25 DEFENDANT VASQUEZ VELASCO: (COMPLIES.)

1 MR. NICOLAYSEN: -- THE ONE SOME OF YOU HERE MAY NOT
2 BE ABLE TO SEE.

3 BY THIS POINT IN THE DAY, IT MIGHT BE DIFFICULT TO
4 SORT OUT IN YOUR MIND THE VARIOUS CHARGES AGAINST EACH OF THE
5 INDIVIDUALS WHO ARE ON TRIAL HERE, AND I'D LIKE TO JUST
6 EMPHASIZE, AS WE BEGIN, EXACTLY WHAT MY CLIENT IS CHARGED WITH
7 AND WHAT BRINGS HIM HERE TO THIS TRIAL.

8 HE'S CHARGED ONLY IN COUNTS 1 AND 2 OF THE INDICTMENT,
9 WHICH CONCERN SPECIFICALLY THE ALLEGED HOMICIDES OF MR. WALKER
10 AND MR. RADELAT THAT THE GOVERNMENT CLAIMS OCCURRED AT THE LA
11 LANGOSTA RESTAURANT ON JANUARY 30, 1985, AND THAT'S IT.

12 MY CLIENT IS NOT SITTING IN THIS COURTROOM TODAY BEING
13 CHARGED WITH THE DEATHS OF EITHER AGENT CAMARENA OR MR. ZAVALA,
14 AND MY CLIENT IS NOT CHARGED WITH BEING A CONSPIRATOR TO ABDUCT
15 AGENT CAMARENA.

16 NOW, YOU'VE HEARD JUDGE RAFEEDIE'S COMMENT THIS
17 MORNING THAT THE OPENING STATEMENTS OF GOVERNMENT COUNSEL ARE
18 NOT EVIDENCE IN AND OF THEMSELVES. THEY ARE SIMPLY STATEMENTS
19 OF WHAT THE GOVERNMENT ANTICIPATES OR EXPECTS THAT IT WILL BE
20 ABLE TO SHOW AT TRIAL.

21 NOW THAT YOU'VE HEARD THE GOVERNMENT'S STORY, WHAT I'D
22 LIKE TO TALK TO YOU ABOUT THIS AFTERNOON IS THE SIMPLE FACT
23 THAT EVERY STORY HAS TWO VERSIONS AND EVERY COIN HAS TWO SIDES.
24 AND WITH RESPECT TO THE GOVERNMENT'S CASE AGAINST MY CLIENT,
25 JAVIER VASQUEZ VELASCO, THERE IS ANOTHER STORY TO BE TOLD HERE

1 AT THIS TRIAL, AND THERE IS ANOTHER SIDE OF THE COIN, IF YOU
2 WILL LOOK AT IT.

3 NOW, IT MAY VERY WELL BE THAT TWO YOUNG MEN WERE
4 BRUTALLY KILLED AT THE LA LANGOSTA RESTAURANT ON JANUARY 30TH
5 1985. YOU'VE HEARD THE PROSECUTOR MENTION THAT. WE'LL LEAVE
6 IT TO THE GOVERNMENT TO PROVE IT. BUT IT MAY VERY WELL BE THAT
7 THAT HAPPENED.

8 IT MAY VERY WELL ALSO BE THAT THE TWO VICTIMS AT THAT
9 RESTAURANT THAT NIGHT WERE JOHN WALKER AND ALBERTO RADELAT.

10 AND YOU'VE ALSO HEARD THE PROSECUTOR MENTION TO YOU
11 THIS MORNING THAT IT WAS A GROUP OF PEOPLE AT THAT RESTAURANT
12 WHO BEAT AND KILLED THOSE TWO VICTIMS. AND THAT ALSO MAY VERY
13 WELL BE THE CASE.

14 BUT THEN YOU ALSO HEARD THE PROSECUTOR STATE TO YOU
15 THAT MY CLIENT, JAVIER VASQUEZ VELASCO, WAS ONE OF THE PEOPLE
16 IN THAT GROUP. AND THAT, LADIES AND GENTLEMEN, IS JUST NOT
17 TRUE.

18 MY CLIENT WAS NOWHERE PRESENT AT THAT RESTAURANT AT
19 THAT NIGHT, AND HE CERTAINLY WAS NOT INVOLVED IN ANY HOMICIDES
20 THAT MIGHT HAVE OCCURRED THERE. AND THE EVIDENCE WILL BEAR
21 THAT OUT IN TRIAL.

22 HOWEVER MANY PEOPLE MAY HAVE BEEN INVOLVED IN THE
23 BEATINGS AND THE BRUTAL SLAYINGS OF THOSE TWO GENTLEMAN AT THAT
24 RESTAURANT ON JANUARY 30TH 1985, MY CLIENT, JAVIER VASQUEZ
25 VELASCO, WAS NOT AMONG THEM. THE EVIDENCE WILL SHOW THAT. AND

1 THAT'S THE OTHER SIDE OF THE COIN THAT WE WILL HAVE TO LOOK AT
2 DURING THIS TRIAL.

3 NOW, IN ASKING YOU TO EXAMINE THIS OTHER SIDE, IF YOU
4 WILL, THERE IS SOMETHING VERY IMPORTANT THAT I HAVE TO ASK ALL
5 OF YOU TO KEEP VERY, VERY CLEARLY IN MIND THROUGHOUT THIS
6 TRIAL. IT IS THIS: THE EVIDENCE IS GOING TO SHOW THAT THIS IS
7 A CASE IN WHICH THE GOVERNMENT HAS BEEN USING AND IN FACT IS
8 RELYING RATHER HEAVILY ON PAID INFORMANTS AS WITNESSES -- AND
9 THAT'S TRUE -- IN TERMS OF HOW THE GOVERNMENT HOPES TO CONVINC
10 EACH OF YOU BEYOND A REASONABLE DOUBT THAT MY CLIENT, JAVIER
11 VASQUEZ VELASCO, WAS AT THAT RESTAURANT THAT NIGHT AND TOOK
12 PART IN THOSE KILLINGS.

13 AND SPECIFICALLY, GOVERNMENT COUNSEL TOLD YOU THIS
14 MORNING THAT THERE WAS ONE EYE WITNESS WHO WILL TESTIFY ABOUT
15 HOW THOSE KILLINGS AT THE LA LANGOSTA RESTAURANT OCCURRED. AND
16 THE EVIDENCE WILL SHOW THAT THAT ONE EYE WITNESS THAT THE
17 GOVERNMENT IS REFERRING TO IS ALSO A PAID INFORMANT.

18 NOW, WHAT THAT MEANS IS THAT THE SINGLE MOST IMPORTANT
19 THING THAT EACH OF YOU WILL HAVE TO APPLY AS JURORS TO THIS
20 PARTICULAR TYPE OF CASE, AND PARTICULARLY IN TERMS OF THE
21 GOVERNMENT'S CASE AGAINST MY CLIENT, IS SOMETHING THAT ALL OF
22 YOU HAVE BROUGHT ALREADY INTO THIS TRIAL. IT'S NOT SOMETHING
23 THAT WE, AS LAWYERS, TEACH DURING THE TRIAL. IT'S YOUR
24 INTELLIGENCE, YOUR COMMON SENSE AND YOUR KNOWLEDGE OF HUMAN
25 NATURE.

1 AND I ASK YOU, AS THAT ONE EYE WITNESS WHO CLAIMS TO
2 HAVE SEEN WHAT HAPPENS AT THE LA LANGOSTA RESTAURANT TESTIFIES
3 AT THIS TRIAL, AND ANY OTHER INFORMANT, FOR THAT MATTER, WHO
4 MIGHT GET UP ON THE WITNESS STAND AND TALK ABOUT MY CLIENT
5 JAVIER VASQUEZ, ASK YOURSELF ONE QUESTION: WHAT EXACTLY IS
6 MOTIVATING THIS PERSON?

7 I'M NOT TALKING NOW ABOUT ALL THE INFORMANTS AND OTHER
8 WITNESSES WHO WILL TESTIFY REGARDING THE DEATHS OF CAMARENA AND
9 ZAVALA, BECAUSE MY CLIENT IS NOT CHARGED WITH THAT PART OF THE
10 CASE. AND I'M NOT TALKING ABOUT THE NUMEROUS WITNESSES THAT I
11 ANTICIPATE THAT YOU'RE GOING HEAR FROM, PERHAPS EARLY IN THIS
12 CASE, REGARDING THE VARIOUS FORMS OF DRUG TRAFFICKING DOWN IN
13 MEXICO.

14 WHAT I AM TALKING ABOUT IS THE ONE EYE WITNESS THAT
15 THE GOVERNMENT CLAIMS WILL GET ON THAT WITNESS STAND AND
16 TESTIFY ABOUT WHAT HAPPENED AT LA LANGOSTA AND ANY OTHER
17 INFORMANT WHO MIGHT TESTIFY ABOUT ANYTHING CONCERNING MY
18 CLIENT.

19 NOW, FOR DELIBERATE REASONS, LADIES AND GENTLEMEN,
20 THAT'S ALL I'M GOING TO SAY THIS AFTERNOON ABOUT THE EVIDENCE
21 IN THIS CASE.

22 I HAVE TWO REQUESTS OF YOU BEFORE I CONCLUDE: ONE IS
23 TO PLEASE DO THE BEST CAN YOU, AS JURORS, TO KEEP MY CLIENT
24 SEPARATE IN YOUR MIND FROM EVERY OTHER INDIVIDUAL HERE. THAT'S
25 A CHALLENGE. IT WILL REQUIRE ALL THE LOGIC THAT CAN YOU MUSTER

1 TO DO IT. IT'S NOT EASY. BUT I ASK YOU TO PLEASE DO THAT.

2 AND THE SECOND REQUEST I HAVE IS TO SIMPLY BE PATIENT
3 AND WITHHOLD YOUR JUDGMENT UNTIL YOU'VE HEARD IT ALL. I EXPECT
4 THAT I WILL THEN SPEAK WITH YOU, IN ABOUT EIGHT WEEKS, AND AT
5 THAT TIME I'M GOING ASK EACH OF YOU TO RETURN A NOT GUILTY
6 VERDICT.

7 THANK YOU.

8 THE COURT: COUNSEL FOR MR. BERNABE, DO YOU WISH MAKE
9 AN OPENING STATEMENT?

10 MS. KELLY: YES, YOUR HONOR.

11 OPENING STATEMENT +

12 MS. KELLY: I HAVE TO USE THE MICROPHONE.

13 LADIES AND GENTLEMEN, MY NAME IS MARY KELLY, AND
14 TOGETHER WITH MIKE MEZA, WHO'S SEATED AT COUNSEL TABLE, WE
15 REPRESENT JUAN JOSE BERNABE RAMIREZ.

16 LAST FRIDAY, YOU GOT A CHANCE TO HEAR THE INDICTMENT,
17 AND YOU JUST HEARD MY CO-COUNSEL REITERATE FOR YOU THAT THE
18 INDICTMENT IS NOT EVIDENCE, AND YOU ALSO HEARD THE JUDGE
19 TALKING ABOUT THE PRESUMPTION OF INNOCENCE.

20 AND WHAT I'D LIKE TO BRIEFLY TALK WITH YOU TODAY -- MY
21 REMARKS WILL BE BRIEF LIKE MY CO-COUNSEL'S IN THIS CASE, BUT
22 I'D LIKE TO TALK TO YOU ABOUT THE ACCUSATIONS IN THE
23 INDICTMENT, THESE SERIOUS CHARGES THAT ARE MADE AGAINST OUR
24 CLIENT, JUAN JOSE BERNABE RAMIREZ; THAT THE EVIDENCE THAT THE
25 GOVERNMENT HAS POINTED OUT TO YOU, THE PROSECUTION HAS LISTED

1 FOR YOU, IN MY VIEW AND I BELIEVE THE EVIDENCE WILL NOT PROVE
2 HIS GUILT BEYOND A REASONABLE DOUBT AND CERTAINLY WILL NOT
3 OVERCOME THE PRESUMPTION OF INNOCENCE.

4 NOW, THE PROSECUTION HAS OUTLINED FOR YOU SOME OF THE
5 EVIDENCE THAT IS GOING TO BE BEFORE YOU IN THIS TRIAL. AND
6 SOME OF THE EVIDENCE IS GOING TO BE VERY DIFFICULT, ON A HUMAN
7 LEVEL, TO LISTEN TO, TO TAKE IN.

8 THE TAPE OF THE TORTURE OF AGENT CAMARENA IS VERY HARD
9 TO LISTEN TO AND IT'S VERY PAINFUL AND VERY GRUESOME. THE
10 AUTOPSY FINDINGS ARE EQUALLY GRUESOME AND VERY DIFFICULT TO, IN
11 A HUMAN WAY, TO ASSIMILATE AND TO THINK ABOUT, THAT THIS WAS
12 HAPPENING AND THAT THIS HAPPENED TO TWO PEOPLE.

13 THE FACT THAT THIS EVIDENCE IS DIFFICULT AND HARD TO
14 LISTEN TO ONLY MAKES MY REQUEST STRONGER TO YOU. PLEASE SORT
15 OUT WHAT IS BEING USED AGAINST MY CLIENT TO PROVE HIS
16 PARTICIPATION IN THE ALLEGED CONSPIRACY, KIDNAP, TORTURE,
17 INTERROGATION AND MURDER OF AGENT CAMARENA AND CAPTAIN ZAVALA.

18 BECAUSE I THINK THERE MAY BE A TENDENCY, WHEN YOU HEAR
19 THIS EVIDENCE, BECAUSE IT IS SO PAINFUL ON A HUMAN LEVEL TO
20 HEAR, THERE MAY BE A TENDENCY TO CRY OUT FOR -- "IF ALL THESE
21 PEOPLE ARE SEATED HERE, THEY MUST BE GUILTY OF SOMETHING," I
22 ASK YOU TO REMEMBER YOUR OATH YOU TOOK AS JURORS AND KEEP THE
23 EVIDENCE COMPARTMENTALIZED AGAINST EACH PARTICULAR PERSON ON
24 TRIAL HERE.

25 AS MR. NICOLAYSEN POINTED OUT TO YOU, THERE ARE TWO

1 SIDES TO EVERY STORY AND THERE WILL BE A SIDE TO OUR STORY
2 TOLD. AND IT'S NOT JUST THE EVIDENCE OF THE HORRIBLE TORTURE.

3 THE PROSECUTION TOLD YOU THAT THE EVIDENCE WOULD SHOW
4 YOU THAT JUAN JOSE BERNABE RAMIREZ WAS A BODYGUARD FOR CARO
5 QUINTERO AND FOR ERNESTO FONSECA.

6 THE PROSECUTOR ALSO TOLD YOU THAT YOU EVIDENCE WOULD
7 SHOW YOU THAT HE WAS A BODYGUARD AT THE LOPE DE VEGA RESIDENCE,
8 WHERE CAPTAIN ZAVALA AND AGENT CAMARENA WERE TORTURED.

9 THE PROSECUTOR ALSO TOLD YOU THAT THE EVIDENCE WOULD
10 SHOW THAT HE WENT TO LOPE DE VEGA WITH FONSECA AND, TOGETHER
11 WITH EVERYONE ELSE, THEY PARTICIPATED IN THE INTERROGATION AND
12 TORTURE.

13 FINALLY, HE TOLD YOU -- THE PROSECUTOR, THAT IS, TOLD
14 YOU THAT JUAN JOSE WAS AN ARMED BODYGUARD WHO ASSISTED CARO
15 QUINTERO IN FLEEING GUADALAJARA.

16 THE EVIDENCE, IN MY VIEW, WILL SHOW THAT THESE ARE
17 ALLEGATIONS THAT ARE NOT TRUE. JUAN JOSE BERNABE RAMIREZ WAS
18 NOT A BODYGUARD AT THE LOPE DE VEGA RESIDENCE WHO PARTICIPATED
19 IN THE TORTURE AND INTERROGATION OF AGENT CAMARENA OR CAPTAIN
20 ZAVALA, AND HE WAS NOT AN ARMED BODYGUARD WHO ASSISTED CARO
21 QUINTERO IN FLEEING GUADALAJARA.

22 YOU WILL HAVE THE OPPORTUNITY TO LOOK AT THE
23 PROSECUTION EVIDENCE AND TO SCRUTINIZE IT, BECAUSE THERE ARE
24 TAPED CONVERSATIONS, THERE ARE VIDEOTAPES AND THERE ARE
25 AUDIOTAPES OF UNDERCOVER CONVERSATIONS AMONG JUAN JOSE BERNABE

1 RAMIREZ, A CONFIDENTIAL INFORMANT BY THE NAME OF CASTEL --
2 FEDERICO CASTEL DEL ORO, AGENT BERRELLEZ AND OTHER D.E.A.
3 AGENTS. THESE TAPED CONVERSATIONS YOU WILL HAVE AN OPPORTUNITY
4 TO HEAR AND YOU WILL BE ABLE TO VIEW THE TRANSCRIPTS OF THESE
5 CONVERSATIONS.

6 AND THE EVIDENCE WILL SHOW THAT THESE CONVERSATIONS
7 WERE ORCHESTRATED BY THE AGENTS AND THE INFORMANT. THE WORDS
8 THAT YOU WILL HEAR JUAN JOSE BERNABE RAMIREZ SAY ARE WORDS THAT
9 WERE PROVIDED TO HIM BY THE GOVERNMENT. THE EVIDENCE WILL SHOW
10 YOU THAT THESE TAPED CONVERSATIONS SIMPLY ARE NOT SUFFICIENT TO
11 OVERCOME THE PRESUMPTION OF INNOCENCE.

12 AND I SUBMIT TO YOU, LADIES AND GENTLEMEN, ONCE YOU
13 HAVE EXAMINED ALL OF THE EVIDENCE IN THIS CASE, YOU WILL
14 CONCLUDE THAT THESE TAPED CONVERSATIONS SIMPLY CANNOT PROVE
15 BEYOND A REASONABLE DOUBT THAT OUR CLIENT, JUAN JOSE, WAS A
16 KNOWING PARTICIPANT IN THE TORTURE AND MURDER OF AGENT
17 ZAVALA -- AGENT CAMARENA AND CAPTAIN ZAVALA. THANK YOU.

18 THANK YOU, YOUR HONOR.

19 THE COURT: NOW, LADIES AND GENTLEMEN, YOU HAVE HEARD
20 ALL OF THE OPENING STATEMENTS IN THIS CASE, AND I REMIND YOU
21 THAT YOU HAVE NOT YET HEARD ANY EVIDENCE. THOSE STATEMENTS ARE
22 NOT EVIDENCE, AND ALL THE CLAIMS AND ALLEGATIONS MADE AND
23 CONTAINED IN THE INDICTMENT ARE SUBJECT TO PROOF.

24 WE WILL NOW BEGIN TO HEAR THE EVIDENCE IN THIS CASE.
25 THE GOVERNMENT MAY CALL ITS FIRST WITNESS.

1 MR. CARLTON: YOUR HONOR, THE GOVERNMENT CALLS JAMES
2 KUYKENDALL.

3 MR. STOLAR: YOUR, HONOR COULD WE STEP TO SIDEBAR WITH
4 RESPECT TO THIS WITNESS'S TESTIMONY.

5 THE COURT: NO. RECESS.

6 (PAUSE IN PROCEEDINGS.)

7 THE COURT: WHERE IS YOUR WITNESS?

8 MR. CARLTON: YOUR HONOR, HE SHOULD BE HERE ANY
9 MINUTE. HE'S BEING SUMMONED RIGHT NOW.

10 THE COURT: YOU SHOULD HAVE THE WITNESSES MORE READILY
11 AVAILABLE.

12 MR. CARLTON: YES, YOUR HONOR.

13 (PAUSE IN PROCEEDINGS.)

14 MR. CARLTON: MAY I SPEAK WITH THE AGENT FOR A MOMENT,
15 YOUR HONOR?

16 THE COURT: YES

17 MR. CARLTON:

18 (MR. CARLTON AND AGENT CONFER OFF THE RECORD.)

19 MR. CARLTON: YOUR HONOR, I BELIEVE THE WITNESS WAS
20 UPSTAIRS. SOMETIMES THE ELEVATORS ARE RATHER SLOW.

21 THE COURT: WELL, HE SHOULDN'T BE UPSTAIRS.

22 MR. CARLTON: I UNDERSTAND.

23 (WITNESS ENTERS COURTROOM.)

24 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

1 JAMES KUYKENDALL + PLAINTIFF'S WITNESS, SWORN

2
3 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR FULL
4 NAME FOR THE RECORD AND SPELL YOUR LAST NAME.

5 MR. MARQUEZ: JAMES KUYKENDALL, K U Y K E N D A
6 L L.

7 DIRECT EXAMINATION +

8 BY MR. CARLTON:

9 Q MR. KUYKENDALL, ARE YOU PRESENTLY EMPLOYED?

10 A I'M SELF-EMPLOYED, SIR.

11 Q DID YOU EVER WORK FOR THE DRUG ENFORCEMENT ADMINISTRATION?

12 A YES, I DID.

13 Q DURING WHAT PERIOD?

14 A FROM ITS INCEPTION, JULY THE 1ST 1973, UNTIL JUNE THE 2ND
15 1989.

16 Q AND AT THAT TIME, DID YOU RETIRE FROM THE D.E.A.?

17 A YES, I DID.

18 Q AND WHAT WAS YOUR LAST ASSIGNMENT WITH THE D.E.A.?

19 A I WAS -- I WAS STATIONED FOR ABOUT TWO MONTHS IN
20 WASHINGTON, D.C., SIR.

21 Q IN WHAT POSITION?

22 A I WAS A STAFF COORDINATOR ON THE COCAINE DESK.

23 Q AT SOME POINT, WERE YOU ASSIGNED TO THE GUADALAJARA OFFICE
24 OF THE D.E.A.?

25 A YES, I WAS.

1 Q AND WHAT PERIOD WERE YOU ASSIGNED TO THAT OFFICE?

2 A I ARRIVED THERE ON FEBRUARY THE 15TH 1982 AND DEPARTED THE
3 LAST DAY OF SEPTEMBER 1985.

4 Q DID YOU HAVE ANY LAW ENFORCEMENT EXPERIENCE PRIOR TO
5 JOINING THE D.E.A.?

6 A YES, SIR. FROM 1958 UNTIL 1966, I WAS IN THE UNITED STATES
7 BORDER PATROL; AND FROM 66 UNTIL 73, I WAS A UNITED STATES
8 CUSTOMS AGENTS.

9 Q SO YOU HAD ALMOST 30 YEARS OF LAW ENFORCEMENT EXPERIENCE?

10 A A LITTLE MORE THAN THAT, SIR.

11 Q ARE YOU FLUENT IN SPANISH, MR. KUYKENDALL?

12 A YES, SIR.

13 Q AND DURING WHAT PORTION OF YOUR EXPERIENCE IN LAW
14 ENFORCEMENT WERE YOU STATIONED NEAR THE MEXICAN BORDER OR IN
15 MEXICO?

16 A I WAS -- MY ENTIRE CAREER IN LAW ENFORCEMENT WAS SPENT
17 ALONG THE UNITED STATES-MEXICAN BORDER OR IN LATIN AMERICA,
18 EXCEPT FOR 18 MONTHS IN HOUSTON. I WAS ONLY STATIONED IN
19 MEXICO FOR THREE YEARS.

20 Q ARE YOU FAMILIAR, MR. KUYKENDALL, WITH THE FUNCTIONS OF THE
21 D.E.A. IN MEXICO --

22 A YES.

23 Q -- DURING THE PERIOD THAT YOU WERE THERE?

24 A YES, SIR; I AM.

25 Q AND WHAT, DURING THAT TIME, WAS THE D.E.A.'S FUNCTION AND

1 PURPOSE IN MEXICO?

2 A THE PRIMARY PURPOSE OF THE DRUG ENFORCEMENT
3 ADMINISTRATION'S PRESENCE IN MEXICO WAS TO WORK IN COORDINATION
4 WITH THE MOST COUNTRY OFFICIALS THAT HAD THE RESPONSIBILITY TO
5 ENFORCE DRUG LAWS IN THAT COUNTRY.

6 Q WAS THE D.E.A.'S PRESENCE IN MEXICO PURSUANT TO SOME
7 AGREEMENT WITH THAT COUNTRY?

8 A YES, IT WAS.

9 Q AND WAS THE D.E.A.'S AUTHORITY IN MEXICO LIMITED BY THAT
10 AGREEMENT IN SOME FASHION?

11 A YES, IT WAS.

12 Q WHAT WERE THE LIMITATIONS UPON THE D.E.A.'S AUTHORITY IN
13 MEXICO, IF ANY?

14 A A D.E.A. AGENT IN MEXICO DID NOT HAVE THE AUTHORITY TO MAKE
15 ARRESTS, TO CONDUCT SEARCHES OR MAKE SEIZURES.

16 Q WAS THERE A PARTICULAR MEXICAN GOVERNMENTAL AGENCY WITH
17 WHICH THE D.E.A. WAS REQUIRED TO WORK?

18 A YES, SIR.

19 Q WHAT AGENCY WAS THAT?

20 A THE FEDERAL JUDICIAL POLICE.

21 Q IF I REFERRED TO THAT AS THE M.F.J.P., WOULD YOU KNOW WHAT
22 I'M REFERRING TO?

23 A YES, SIR.

24 Q NOW, PERHAPS YOU CAN DESCRIBE FOR THE LADIES AND GENTLEMEN
25 OF THE JURY HOW THE M.F.J.P. FIT INTO THE GOVERNMENTAL

1 STRUCTURE IN MEXICO, IF YOU WOULD.

2 A THE FEDERAL JUDICIAL POLICE REPORTED TO A DIRECTOR, WHO IN
3 TURN REPORTED TO, I THINK, A DEPUTY ATTORNEY GENERAL. THE
4 OFFICIAL JUDICIAL POLICE WAS AN AGENCY UNDER THE
5 RESPONSIBILITY -- RESPONSIBLE TO THE ATTORNEY GENERAL'S OFFICE.

6 Q NOW, DOES MEXICO, AS A COUNTRY, CONSIST OF A NUMBER OF
7 STATES, LIKE THIS COUNTRY DOES?

8 A YES, IT DOES.

9 Q IS THERE A FEDERAL GOVERNMENT?

10 A YES, THERE IS.

11 Q AND ARE THERE SEPARATE STATE GOVERNMENTS, AS WELL?

12 A YES THERE ARE.

13 Q AND THE M.F.J.P. WAS AN AGENCY OF THE FEDERAL GOVERNMENT?

14 A YES.

15 Q NOW, WOULD THE M.F.J.P. HAVE ANY EQUIVALENT AGENCY IN
16 UNITED STATES LAW ENFORCEMENT?

17 A YES, IT WOULD. THE DRUG ENFORCEMENT ADMINISTRATION.

18 Q PARDON ME?

19 A THE DRUG ENFORCEMENT ADMINISTRATION.

20 Q AND WHAT WAS THE JURISDICTION, IF YOU WOULD, OF THE
21 M.F.J.P. IN MEXICO?

22 A WELL, THEY INVESTIGATED SEVERAL CRIMES. I BELIEVE THEY HAD
23 RESPONSIBILITY OVER BANKING CRIMES AND THINGS LIKE THAT. BUT
24 THEY WERE THE AGENCY SOLELY RESPONSIBLE FOR THE INVESTIGATION
25 OF NARCOTICS TRAFFICKING.

1 Q THERE WAS NO OTHER LAW ENFORCEMENT AGENCY IN MEXICO WITH
2 RESPONSIBILITY FOR INVESTIGATING NARCOTICS CRIMES?

3 A NO, SIR.

4 Q NOW, YOU TESTIFIED THAT THE M.F.J.P. WAS HEADED BY A
5 DIRECTOR. CAN YOU DESCRIBE IN A GENERAL FASHION WHAT THE
6 ORGANIZATION OF THE M.F.J.P. ITSELF WAS? HOW DID HE EXERCISE
7 HIS AUTHORITY?

8 A THE DIRECTOR HAD A DEPUTY DIRECTOR, AND HE HAD SEVERAL
9 FIRST COMANDANTES THAT WERE SITUATED IN MEXICO CITY. THERE
10 WERE A LARGE NUMBER OF AGENTS STATIONED IN MEXICO CITY.

11 IN MOST OF THE -- I GUESS IN ALL OF THE MAJOR CITIES
12 THROUGHOUT THE COUNTRY, THERE WAS A COMANDANTE WHO HAD
13 AUTHORITY OVER A STATE. AND IN SOME INSTANCES, THAT PERSON
14 MIGHT HAVE AUTHORITY/RESPONSIBILITY FOR MORE THAN ONE STATE,
15 DEPENDING UPON THE IMPORTANCE OF THE AREA IN THE NARCOTICS
16 TRAFFICKING.

17 Q NOW, DID THESE COMANDANTES REPORT DIRECTLY TO THE DIRECTOR
18 OF THE M.F.J.P.?

19 A YES, THEY DID.

20 Q AND IN 1984 AND THE FIRST TWO MONTHS, SAY, OF 1985, WHO WAS
21 THE DIRECTOR OF THE M.F.J.P.?

22 A MANUEL IBARRA HERRERA.

23 Q ARE YOU FAMILIAR WITH AN AGENCY KNOWN AS THE D.F.S.?

24 A YES.

25 Q DO YOU KNOW WHAT THOSE INITIALS STAND FOR?

1 A DIRECCION FEDERAL DE SEGURIDAD.

2 Q AND WAS THAT ALSO A FEDERAL AGENCY OF THE MEXICAN
3 GOVERNMENT?

4 A YES, IT WAS.

5 Q DO YOU KNOW WHAT THE FUNCTION OF THE D.F.S. WAS DURING THE
6 TIME YOU WERE IN MEXICO?

7 A I'M NOT CERTAIN WHAT THE FUNCTION WAS.

8 Q DID YOU EVER HAVE ANY INTERACTION WITH THE D.F.S.?

9 A YES.

10 Q AND AND WHAT SORTS OF INTERACTION DID YOU, AS A D.E.A.
11 AGENT, HAVE WITH THAT AGENCY?

12 A THAT AGENCY, OR AT LEAST THE PEOPLE CARRYING CREDENTIALS
13 FROM THAT AGENCY, SEEMED TO BE CLOSELY ASSOCIATED WITH MOST OF
14 THE MAJOR NARCOTICS TRAFFICKERS AND.

15 MR. MEZA: OBJECTION, YOUR HONOR. MOVE TO STRIKE. NO
16 FOUNDATION.

17 MR. NICOLAYSEN: JOIN THAT OBJECTION, YOUR HONOR. AND
18 NONRESPONSIVE.

19 THE COURT: LAY A FOUNDATION.

20 BY MR. CARLTON:

21 Q DID YOU AND THE AGENTS UNDER YOUR SUPERVISION IN THE
22 GUADALAJARA OFFICE, IN THE COURSE OF YOUR WORK FOR THE D.E.A.,
23 COME INTO CONTACT WITH PERSONS BEARING D.F.S. CREDENTIALS?

24 A YES, WE DID.

25 Q IN WHAT CIRCUMSTANCES DID YOU DO THAT?

1 A THE -- MANY PEOPLE CARRYING CREDENTIALS FROM THE D.F.S.
2 WERE EMPLOYED OR AT LEAST ACTED AS BODYGUARDS.

3 MR. NICOLAYSEN: OBJECTION, YOUR HONOR.

4 THE COURT: OVERRULED.

5 THE WITNESS: OR HENCHMEN FOR MANY OF THE MAJOR MARKET
6 TRAFFICKERS IN THAT AREA.

7 MR. STOLAR: OBJECTION. MOVE TO STRIKE "MAJOR
8 NARCOTICS TRAFFICKERS."

9 THE COURT: THE MOTION IS DENIED.

10 BY MR. CARLTON:

11 Q NOW, MR. KUYKENDALL, WERE THERE STATE AGENCIES ALSO
12 RESPONSIBLE FOR LAW ENFORCEMENT IN MEXICO AT THE TIME THAT YOU
13 WERE THERE?

14 A YES, SIR.

15 Q AND WAS THERE A STATE JUDICIAL POLICE FORCE IN EACH OF THE
16 STATES OF MEXICO?

17 A YES, SIR.

18 Q DID THOSE STATE JUDICIAL POLICE FORCES HAVE ANY
19 JURISDICTION TO INVESTIGATE NARCOTICS CRIMES?

20 A NO, SIR.

21 Q AND THEN WERE THERE ALSO LOCAL POLICE, MUNICIPAL POLICE?

22 A IN SOME CITIES, THERE WERE.

23 Q WERE THERE MUNICIPAL POLICE IN GUADALAJARA?

24 A YES.

25 Q DID THE D.E.A.'S GUADALAJARA OFFICE HAVE SOME SORT OF

1 GEOGRAPHICAL AREA FOR WHICH IT WAS RESPONSIBLE?

2 A YES, SIR; IT DID.

3 Q AND WHAT AREA WAS THAT?

4 A THE EIGHT CENTRAL STATES OF THE COUNTRY OF MEXICO.

5 MR. CARLTON: YOUR HONOR, I WOULD ASK THE COURT'S
6 PERMISSION FOR THE WITNESS TO APPROACH THE MAP OF MEXICO HERE
7 TO INDICATE THE EIGHT STATES FOR WHICH THE D.E.A. GUADALAJARA
8 OFFICE WAS RESPONSIBLE.

9 THE COURT: YES, YOU MAY DO SO.

10 MR. STOLAR: MAY I GO TO THE OTHER SIDE OF THE
11 LECTERN?

12 THE COURT: (NODS HEAD UP AND DOWN.)

13 (WITNESS GOES TO MAP.)

14 BY MR. CARLTON:

15 Q AGENT KUYKENDALL, WOULD YOU PLEASE INDICATE TO THE LADIES
16 AND GENTLEMEN OF THE JURY THE EIGHT STATES FOR WHICH THE
17 GUADALAJARA OFFICE WAS RESPONSIBLE?

18 A THE STATES OF NAYARIT, ZACATECAS, JALISCO, AGUASCALIENTES,
19 SAN LUIS POTOSI, GUANAJUATO, MICHOACAN AND COLIMA; GENERALLY IN
20 THIS AREA HERE. (INDICATING.)

21 Q IF WOULD YOU JUST STAY THERE FOR A MOMENT, MR. KUYKENDALL,
22 I'D LIKE TO GIVE YOU A MARKER AND I'D LIKE YOU TO MARK, IF YOU
23 WOULD, ON THAT MAP THE LOCATION OF THE CITY OF GUADALAJARA.

24 A I'LL CIRCLE THIS STAR RIGHT HERE. THIS IS THE CITY OF
25 GUADALAJARA.

1 Q AND WOULD YOU PLEASE PUT YOUR INITIALS AND THE DATE
2 NOTATION IN THAT MARK?

3 A (COMPLIES.)

4 Q YOU MAY RETURN TO THE WITNESS STAND.

5 Q NOW, MR. KUYKENDALL, IN WHAT STATE, WHAT MEXICAN STATE, IS
6 GUADALAJARA LOCATED?

7 A JALISCO.

8 Q AND CAN YOU DESCRIBE, IF YOU WOULD, THE LOCATION OF THE
9 D.E.A.'S GUADALAJARA OFFICE IN GUADALAJARA?

10 A IT WAS LOCATED ON THE SECOND FLOOR OF THE UNITED STATES
11 CONSULATE GENERAL, ON THE STREETS OF PROGRESO AND LIBERTAD
12 STREET.

13 Q NOW, JUST NEXT TO THE WITNESS STAND, YOU'LL SEE A STACK OF
14 EXHIBITS. THEY'RE FACING TOWARDS YOU, I BELIEVE.

15 AND IF YOU WOULD REACH TO THE REAR, THE EXHIBITS ARE
16 NUMBERED FROM THE REAR, AND I'D LIKE YOU TO LOOK AT EXHIBITS
17 NUMBERED 3 A AND 3 B.

18 A (SEARCHES FOR EXHIBITS.)

19 MR. CARLTON: YOUR HONOR, FOR THE RECORD, I WOULD LIKE
20 TO HAVE THE MAP OF MEXICO MARKED FOR IDENTIFICATION AS PROPOSED
21 GOVERNMENT'S EXHIBIT 1.

22 THE COURT: YES THAT MAY BE MARKED.

23 (EXHIBIT 1 † MARKED FOR IDENTIFICATION.)

24 THE WITNESS: THEY AREN'T IN THAT ORDER, SIR.

25 (CLERK ASSISTS WITNESS.)

1 MR. STOLAR: JUDGE, IS IT POSSIBLE TO HAVE THE EASEL
2 MOVED OVER TO THIS CORNER SO THAT NOT ONLY THE JURY, BUT WE,
3 CAN SEE IT WHEN HE APPROACHES IT?

4 THE COURT: WELL, I SUPPOSE IT'S POSSIBLE.

5 IS THERE ANY REASON YOU WANT IT UP THERE, RATHER THAN
6 IN THE BACK?

7 MR. CARLTON: NO. IT'S MY UNDERSTANDING WE NEEDED TO
8 PUT IT THERE. IF YOU WANT IT UP THERE, I SUPPOSE THAT WOULD BE
9 APPROPRIATE.

10 THE COURT: ALL RIGHT. WELL, IT'LL BE CLOSER TO THE
11 WITNESS AND IT WILL, IN EFFECT, BE THE SAME FOR THE JURORS,
12 EXCEPT THOSE THAT ARE NOW FARTHEST AWAY WILL BE CLOSEST.

13 MR. STOLAR: THANK YOU.

14 (MAP MOVED NEXT TO WITNESS STAND.)

15 BY MR. CARLTON:

16 Q MR. KUYKENDALL, LOOKING AT EXHIBIT 3 A, DO YOU RECOGNIZE
17 THAT?

18 A YES, SIR; I DO.

19 Q AND WHAT IS IT?

20 A IT IS A PICTURE OF THE UNITED STATES CONSULATE GENERAL IN
21 GUADALAJARA AT THE CORNER OF LIBERTAD AND PROGRESO STREET.

22 Q WHEN YOU SAY "THE UNITED STATES CONSULATE GENERAL," DO YOU
23 MEAN THE OFFICE THE UNITED STATES CONSULATE IN GUADALAJARA?

24 A YES, I DO.

25 Q AND THAT WAS THE LOCATION OF THE D.E.A.'S GUADALAJARA

1 OFFICE?

2 A THE SECOND FLOOR OF THAT BUILDING; YES, SIR.

3 Q AND IF YOU WOULD LOOK, PLEASE, AT WHAT HAS BEEN MARKED FOR
4 IDENTIFICATION AS GOVERNMENT'S EXHIBIT 3 B?

5 A (COMPLIES.)

6 Q AND DO YOU RECOGNIZE THAT?

7 A YES, SIR; I DO.

8 Q AND WHAT IS IT?

9 A IT IS AN AERIAL PHOTO OF THE INTERSECTION OF LIBERTAD AND
10 PROGRESO, AND IT APPEARS TO BE LOOKING DOWN AT THE TOP OF A
11 RESTAURANT CALLED THE CAMELOT RESTAURANT.

12 Q ALL RIGHT. THANK YOU VERY MUCH.

13 ON THE EASEL NEXT TO THE WITNESS STAND HAS BEEN PLACED
14 GOVERNMENT EXHIBIT 4, WHICH IS -- IF YOU WOULD, PLEASE APPROACH
15 THAT MAP, WITH THE COURT'S PERMISSION.

16 DO YOU RECOGNIZE THAT MAP?

17 A YES, SIR; I DO.

18 Q AND WHAT IS THAT?

19 A IT'S A MAP OF THE CITY OF GUADALAJARA, MEXICO.

20 Q WILL YOU PLEASE TAKE THE MARKER THAT YOU USED ON THE OTHER
21 MAP AND MARK ON EXHIBIT 4 THE LOCATION OF THE D.E.A.'S
22 GUADALAJARA OFFICE, PUTTING YOUR INITIALS AND THE DATE NEXT TO
23 THAT.

24 A (MAKES NOTATION ON MAP.) IT'S RIGHT HERE, SIR.

25 Q WOULD YOU PLEASE MARK IT.

1 A (COMPLIES.)

2 Q THANK YOU. NOW, DURING THE PERIOD THAT YOU WERE ASSIGNED
3 TO THE GUADALAJARA OFFICE, YOU WERE IN CHARGE OF THAT OFFICE?

4 A YES, SIR; I WAS.

5 Q WHAT WAS YOUR TITLE, ACTUALLY?

6 A THE RESIDENT AGENT IN CHARGE.

7 Q AND DURING THAT PERIOD, WHAT WAS THE STAFFING AT THAT
8 OFFICE? WHO REPORTED TO YOU?

9 THE COURT: THAT'S TWO QUESTIONS.

10 MR. CARLTON: YES. LET ME REPHRASE THAT.

11 Q WHO REPORTED TO YOU DURING YOUR PERIOD IN THE GUADALAJARA
12 OFFICE? I'M NOT REFERRING TO NAMES, BUT THE POSITIONS.

13 A THE SECRETARIES AND CRIMINAL INVESTIGATORS THAT WERE
14 ASSIGNED TO THE OFFICE.

15 Q AND ARE CRIMINAL INVESTIGATORS ALSO REFERRED TO AS AGENTS?

16 A YES, SIR.

17 Q TO WHOM DID YOU REPORT AS THE HEAD OF THAT OFFICE?

18 A I REPORTED TO THE SPECIAL AGENT IN CHARGE, IN MEXICO CITY,
19 THROUGH HIS ASSISTANT SPECIAL AGENT IN CHARGE.

20 Q NOW, DURING THE PERIOD THAT YOU WERE THE RESIDENT AGENT IN
21 CHARGE OF THE GUADALAJARA OFFICE, HOW MANY AGENTS WERE ASSIGNED
22 TO THAT OFFICE?

23 A THERE WERE AS MANY AS SIX AND AS FEW AS THREE.

24 Q HOW MANY WERE THERE IN FEBRUARY OF 1985, THE FIRST WEEK OF
25 FEBRUARY 1985?

1 A THERE WERE FOUR AGENTS PERMANENTLY ASSIGNED TO THE OFFICE
2 AND ONE PERSON THERE ON A 60-DAY TEMPORARY DETAIL.

3 Q WHO WERE THE AGENTS ASSIGNED TO THAT OFFICE AT THAT TIME?

4 A MYSELF, SPECIAL AGENT ENRIQUE CAMARENA, SPECIAL AGENT
5 VICTOR WALLACE, SPECIAL AGENT ALLEN BACHELIER, AND THE
6 TEMPORARILY ASSIGNED AGENT WAS FIDEL SANCHEZ.

7 Q CAN YOU DESCRIBE GENERALLY WHAT THE AGENTS' DUTIES IN THAT
8 OFFICE WERE?

9 A WELL, AN AGENT WAS TASKED WITH RESPONDING TO REQUESTS FROM
10 OTHER D.E.A. OFFICES THROUGHOUT THE UNITED STATES, THROUGHOUT
11 THE WORLD; HE WAS RESPONSIBLE TO CONDUCT INVESTIGATIONS ON
12 CASES THAT WERE ASSIGNED TO HIM, WHATEVER THAT MIGHT
13 NECESSITATE; AND HE WAS TASKED WITH DEVELOPING AND CONTROLLING
14 INFORMANTS.

15 Q NOW, WHEN YOU REFER TO "INFORMANTS," IS THAT THE SAME --
16 DOES THAT TERM HAVE THE SAME MEANING IN YOUR MIND AS THE TERM
17 "CONFIDENTIAL INFORMANT"?

18 A YES, IT DOES.

19 Q DO YOU KNOW WHEN AGENT CAMARENA WAS ASSIGNED TO THE OFFICE?

20 A I BELIEVE HE ARRIVED THE SUMMER OF 1980.

21 Q DID HE REPORT DIRECTLY TO YOU DURING THE PERIOD THAT YOU
22 WERE THE RESIDENT AGENT IN CHARGE THERE?

23 A YES, HE DID.

24 Q DO YOU KNOW WHETHER HE WAS SCHEDULED TO LEAVE THAT OFFICE
25 AT SOME POINT?

1 A YES, HE WAS.

2 Q WHEN WAS HE SCHEDULED TO LEAVE THE OFFICE?

3 A AROUND THE 8TH OR 9TH OF MARCH OF 1985; WITHIN A DAY OR SO
4 OF THAT DATE.

5 Q AND WAS THAT BECAUSE HE WAS BEING TRANSFERRED?

6 A YES, HE WAS.

7 Q DO YOU KNOW WHERE HE WAS BEING TRANSFERRED TO?

8 A SAN DIEGO, CALIFORNIA.

9 Q WAS HE UNDERTAKING ANY ACTION IN RELATION TO HIS WORK AT
10 THE GUADALAJARA OFFICE TO PREPARE FOR THIS TRANSFER?

11 A YES.

12 MR. STOLAR: OBJECTION. THE WAY THE QUESTION IS
13 PHRASED, THERE'S AN OBJECTION.

14 THE COURT: OVERRULED.

15 THE WITNESS: YES, SIR. HE WAS CLOSING OUT SOME OF
16 THE INVESTIGATIONS THAT WERE ASSIGNED TO HIM, TRANSFERRING
17 OTHER INVESTIGATIONS TO THE AGENTS THAT WERE REMAINING THERE.
18 BY MR. CARLTON:

19 Q WOULD YOU PLEASE LOOK AT WHAT HAS BEEN MARKED FOR
20 IDENTIFICATION AS GOVERNMENT'S EXHIBIT 5.

21 A (COMPLIES.)

22 Q DO YOU RECOGNIZE THAT, SIR?

23 A YES, I DO.

24 Q WHAT IS IT?

25 A IT'S A PHOTO OF ENRIQUE CAMARENA.

1 Q YOU CAN PUT THAT DOWN NOW.

2 A . (COMPLIES.)

3 Q DID TO YOU FIND DURING YOUR TIME AS THE RESIDENT AGENT IN
4 CHARGE OF THE GUADALAJARA OFFICE THAT SUFFICIENT AGENTS WERE
5 ASSIGNED TO THAT OFFICE TO FULFILL THE DUTIES AND
6 RESPONSIBILITIES OF THE OFFICE?

7 A NO, SIR.

8 Q AND DID YOU FIND -- STRIKE THAT.

9 YOU'VE REFERRED TO INFORMANTS OR CONFIDENTIAL
10 INFORMANTS IN YOUR TESTIMONY. CAN YOU DESCRIBE WHAT A
11 CONFIDENTIAL INFORMANT WAS DURING THE PERIOD THAT YOU WERE THE
12 RESIDENT AGENT IN CHARGE OF THE GUADALAJARA OFFICE?

13 A THE CONFIDENTIAL INFORMANT WAS AN INDIVIDUAL WHO PROVIDED
14 INFORMATION, FOR DIFFERENT REASONS, TO THE DRUG ENFORCEMENT
15 ADMINISTRATION CONCERNING THE ACTIVITY OF PEOPLE ENGAGED IN THE
16 TRAFFICKING OF NARCOTICS.

17 Q WERE THERE SEVERAL TYPES OF CONFIDENTIAL INFORMANTS?

18 A YES, SIR; THERE WAS.

19 Q HOW MANY TYPES WERE THERE?

20 A WELL, AT LEAST THREE.

21 Q CAN YOU DESCRIBE THEM, PLEASE?

22 A THERE WOULD BE PEOPLE WHO WERE PRIVATE CITIZENS, WHO, OUT
23 OF A SENSE OF CIVIC DUTY, PERHAPS, PROVIDED INFORMATION; THERE
24 WERE PEOPLE WHO WERE EITHER ENGAGED IN NARCOTICS TRAFFIC, OR ON
25 THE FRINGES OF IT, WHO PROVIDED INFORMATION, FOR MONETARY

1 REASONS AT TIMES; AND THERE WERE PEOPLE WHO, BECAUSE OF THEIR
2 OCCUPATION OR PERHAPS JUST BECAUSE OF WHERE THEY LIVED, KNEW --
3 HAD INFORMATION THAT HAD SOME BEARING ON THE NARCOTICS TRAFFIC.
4 THEY PROVIDED THAT INFORMATION, TO US.

5 Q WERE THESE INFORMANTS PAID BY THE D.E.A. FOR THEIR
6 INFORMATION?

7 A SOME OF THEM WERE, YES.

8 Q HOW WERE THEY PAID? HOW WERE THEY PAID -- LET ME STRIKE
9 THE FIRST QUESTION AND MOVE ON TO A SECOND ONE.

10 HOW WAS THE PAY FOR THESE INFORMANTS CALCULATED?

11 A IF THE PERSON WAS PROVIDING INFORMATION ON AN OPERATION OR
12 INVESTIGATION THAT WAS ONGOING, WE MIGHT ESTABLISH A MONTHLY
13 PAYROLL SCHEDULE FOR HIM.

14 IF THE INFORMATION WAS DIRECTLY RELATED TO ARRESTS OR
15 SEIZURES, OR PERHAPS WE DIDN'T FEEL WE WOULD GET INFORMATION
16 AGAIN FROM THE PERSON IN THE FUTURE, WE MIGHT PAY HIM ON A
17 ONE-TIME BASIS, EVEN AS A REWARD.

18 Q WAS A REWARD OF THAT SORT GEARED TO THE AMOUNT OF THE
19 SEIZURE IN SOME FASHION?

20 A AS MUCH AS POSSIBLE.

21 Q WOULD YOUR OFFICE HAVE BEEN ABLE EFFECTIVELY TO PERFORM ITS
22 FUNCTION WITHOUT THE USE OF CONFIDENTIAL INFORMANTS?

23 A NO, SIR.

24 Q WERE THEY ESSENTIAL TO ITS OPERATION?

25 A ABSOLUTELY.

1 Q DID YOU CONSIDER THAT THE MONETARY PAYMENTS TO THESE
2 CONFIDENTIAL INFORMANTS WERE WORTH THE MONEY PAID?

3 A YES.

4 Q DID CONFIDENTIAL INFORMANTS REPORT TO ANYONE IN THE OFFICE?

5 A YES, THEY DID.

6 Q TO WHOM DID THEY REPORT?

7 A AN AGENT WAS ASSIGNED TO HANDLE OR CONTROL EACH OF THE
8 INFORMANTS IN THE OFFICE. SO THEY WOULD REPORT TO THAT AGENT,
9 AND HE WOULD BE RESPONSIBLE TO DEBRIEF THEM AND WRITE REPORTS
10 UPON WHAT THEY TOLD HIM.

11 Q NOW, YOU REFERRED EARLIER IN YOUR TESTIMONY TO AN AGENT --
12 ONE OF THE AGENT'S DUTIES WAS DEVELOPING INFORMANTS. WHAT DID
13 YOU MEAN BY THAT?

14 A WE DIDN'T ALWAYS HAVE PEOPLE IN THE OFFICE WHO KNEW THINGS
15 ABOUT PARTICULAR TRAFFICKERS OR METHODS OF TRAFFICKING, AND THE
16 AGENTS WERE TASKED TO DEVELOP PEOPLE THAT MIGHT KNOW SOMETHING
17 ABOUT AN INDIVIDUAL OR A METHOD OR A GEOGRAPHICAL LOCATION.

18 Q SO THAT THE AGENT WOULD ATTEMPT TO CULTIVATE THAT PERSON'S
19 COOPERATION?

20 A YES.

21 Q AND WAS THE DEVELOPMENT OF INFORMANTS IN THIS MANNER AN
22 IMPORTANT PART OF AN AGENT'S DUTIES?

23 A YES.

24 Q NOW, IN THE COURSE OF YOUR WORK AS THE RESIDENT AGENT IN
25 CHARGE OF THE GUADALAJARA OFFICE, DID YOU BECOME FAMILIAR WITH

1 THE CONFIDENTIAL INFORMANTS WHO WERE BEING USED BY THAT OFFICE?

2 A YES, I DID.

3 Q HOW DID YOU DEVELOP THAT FAMILIARITY?

4 A IT WAS A REQUIREMENT THAT THE AGENT IN CHARGE OF THE OFFICE
5 REVIEW ALL THE REPORTS THAT WERE WRITTEN CONCERNING THE
6 BRIEFING OR DEBRIEFING OF THE INFORMANTS. IT WAS A REQUIREMENT
7 THAT THE AGENT IN CHARGE OF THE OFFICE IN FACT MEET AND DEBRIEF
8 THE INFORMANTS ON A PERIODIC BASIS.

9 Q SO YOU MET THE INFORMANTS PERSONALLY?

10 A YES, I DID.

11 Q AND PERIODICALLY?

12 A YES, I DID.

13 Q DID YOU REVIEW, THEN, EACH OF THE REPORTS THAT THE AGENTS
14 REPORTING TO YOU PREPARED CONCERNING THEIR DEBRIEFINGS OF THESE
15 AGENTS (SIC)?

16 A I READ AND APPROVED THE REPORT.

17 Q DID YOU KNOW AN INDIVIDUAL NAMED ALFREDO ZAVALA AVELAR?

18 A YES, I DID.

19 Q WHEN DID YOU FIRST MEET HIM?

20 A IN 1976.

21 Q WHERE WAS THAT?

22 A MAYBE IT'S 1977, I SUPPOSE. IN QUITO, ECUADOR.

23 Q WHAT WAS THE OCCASION?

24 A APPARENTLY ALFREDO ZAVALA WAS IN ECUADOR ON A PERSONAL
25 TRIP, A BUSINESS TRIP, AND HE HAD BEEN GIVEN MY NAME AND HE

1 JUST STOPPED BY TO INTRODUCE HIMSELF.

2 Q DID YOU THEN HAVE AN OPPORTUNITY LATER TO MEET HIM DURING
3 YOUR PERIOD AS THE RESIDENT AGENT IN CHARGE OF THE GUADALAJARA
4 OFFICE?

5 A YES, I DID.

6 Q WAS HE AN INFORMANT FOR THAT OFFICE?

7 A YES, HE WAS.

8 Q AND WHAT KIND OF INFORMANT WAS HE, REFERRING TO THE THREE
9 TYPES THAT YOU'VE ALREADY DESCRIBED?

10 A HE WAS THE PERSON WHO HAD ACCESS TO INFORMATION BECAUSE OF
11 HIS PARTICULAR OCCUPATION.

12 Q DO YOU KNOW WHAT THAT OCCUPATION WAS?

13 A YES.

14 Q WHAT WAS THAT?

15 A HE WAS A PILOT FOR THE SECRETARIAT OF AGRICULTURE AND WATER
16 RESOURCES, THE MEXICAN SECRETARY.

17 Q WHAT KIND OF INFORMATION DID HE PROVIDE TO THE D.E.A.
18 OFFICE DURING THE PERIOD THAT YOU WERE THERE?

19 A ON OCCASIONS, HE MENTIONED THAT HE THOUGHT HE HAD OVERFLOWN
20 AREAS WHERE MARIJUANA POPPY FIELDS WERE LOCATED, AND THAT
21 INFORMATION WAS GIVEN TO US, AND THEN WE'D SEND SOMEONE OUT TO
22 VISIBLY VERIFY IF THAT WAS CORRECT.

23 HE ALSO GAVE US INFORMATION CONCERNING THE MOVEMENT OF
24 AIRCRAFT THAT WERE HANGARED AT THE GUADALAJARA AIRPORT, NEAR
25 WHERE HIS AIRCRAFT WAS HANGARED, AND THE IDENTITY OF PEOPLE

1 ASSOCIATED WITH THOSE AIRCRAFT.

2 Q WAS HE AT ANY POINT EVER ACTUALLY HIRED BY THE OFFICE TO
3 FLY AGENTS ANYWHERE?

4 A YES, HE WAS.

5 Q AND ON HOW MANY OCCASIONS DID THAT OCCUR?

6 A THREE, I BELIEVE.

7 Q WERE YOU REQUIRED TO AUTHORIZE PAYMENTS FOR THOSE FLIGHTS?

8 A YES, I WAS.

9 Q NOW, YOU'VE MENTIONED THAT HE WOULD OCCASIONALLY INFORM THE
10 OFFICE ABOUT POPPY FIELDS THAT HE FLEW OVER. OF WHAT
11 SIGNIFICANCE WERE POPPY FIELDS TO YOU?

12 A WELL, THEY WERE OPIUM POPPY FIELDS, AND OPIUM POPPY
13 FIELDS -- OPIUM POPPIES -- FROM OPIUM COMES HEROIN, SO.

14 Q WHICH AGENT IN YOUR OFFICE SUPERVISED MR. ZAVALA?

15 A HE WAS SUPERVISED BY SEVERAL DIFFERENT AGENTS OVER THE
16 THREE-YEAR PERIOD I WAS THERE.

17 Q IN THE FALL -- FROM THE FALL OF 1984 UNTIL FEBRUARY OF
18 1985, DO YOU KNOW WHICH AGENT SUPERVISED HIM?

19 A ENRIQUE CAMARENA.

20 Q DO YOU KNOW, WHEN DID MR. ZAVALA BEGIN TO WORK WITH THE
21 D.E.A.?

22 A I BELIEVE IN 1977.

23 Q AND TO YOUR KNOWLEDGE, DID HE EVER ACTUALLY WORK FOR ANY
24 NARCOTICS TRAFFICKERS?

25 A NO.

1 Q NOW, IN YOUR CAPACITY AS THE RESIDENT AGENT IN CHARGE OF
2 THE GUADALAJARA OFFICE, WERE YOU FAMILIAR WITH ALL OF THE
3 INVESTIGATIONS THAT WERE BEING CONDUCTED BY THAT OFFICE?

4 A YES, SIR; I WAS.

5 Q AND HOW DID YOU OBTAIN THAT FAMILIARITY?

6 A WELL, I HAD TO READ, REVIEW AND APPROVE ALL OF THE
7 INVESTIGATIVE REPORTS THAT WERE WRITTEN; I ASSIGNED THE
8 INVESTIGATIONS TO THE AGENTS IN THE OFFICE; I DEBRIEFED THE
9 INFORMANTS, THE SOURCES OF INFORMATION, ON THE CASES; I
10 CONDUCTED INVESTIGATIONS OF MY OWN; AND I ASSISTED IN THE
11 INVESTIGATIONS WITH OTHER AGENTS.

12 Q GIVEN THE RESOURCES AVAILABLE TO THE GUADALAJARA OFFICE,
13 WAS THAT OFFICE, DURING THE PERIOD THAT YOU WERE THERE, ABLE TO
14 PURSUE ALL OF THE AVENUES OF INVESTIGATION THAT YOU CONSIDERED
15 MERITORIOUS?

16 A NO, SIR.

17 Q DID YOU HAVE TO LIMIT YOUR INVESTIGATIONS IN SOME FASHION?

18 A WE HAD TO PRIORITIZE OUR INVESTIGATIONS.

19 Q HOW DID YOU PRIORITIZE THEM?

20 A BY SELECTING THE INDIVIDUALS WHO WE CONSIDERED TO BE MAJOR
21 INTERNATIONAL NARCOTICS TRAFFICKERS IN THE AREA.

22 Q YOU FOCUSED YOUR RESOURCES ON INVESTIGATING THOSE
23 PARTICULAR INDIVIDUALS?

24 A YES, WE DID.

25 Q AND WHO WERE THOSE INDIVIDUALS?

1 MR. STOLAR: OBJECT.

2 MR. MEZA: JOIN.

3 THE COURT: THE WITNESS MAY STATE HIS BELIEF WHO THEY
4 WERE.

5 MR. CARLTON: WHAT I'M STATE ASKING IS: WHO WERE THE
6 INDIVIDUALS THAT THE D.E.A.'S GUADALAJARA OFFICE WERE DEVOTING
7 ITS RESOURCES TOWARD INVESTIGATING.

8 MR. STOLAR: MUCH BETTER.

9 THE WITNESS: DURING THE THREE-YEAR PERIOD OF TIME, OF
10 COURSE, A FEW NAMES WERE ADDED; BUT THE PRINCIPAL TRAFFICKERS
11 THAT WE INVESTIGATED THAT WERE -- THE TARGETS OF OURS WERE
12 MIGUEL ANGEL FELIX GALLARDO, MANUEL SALCIDO UZETA.

13 Q DID HE HAVE A NICKNAME, BY THE WAY?

14 A YES. HE WAS CALLED "COCHILOCO."

15 Q AND WHAT DOES THAT TRANSLATE TO, IF YOU KNOW?

16 A IT MEANS "THE CRAZY PIG."

17 THERE WAS RAFAEL CARO QUINTERO, HIS TWO MATERNAL
18 UNCLES, JUAN JOSE AND EMILIO QUINTERO PAYAN. THERE WAS JUAN
19 ESPARRAGOZA MORENO.

20 Q DID HE HAVE A NICKNAME, AS WELL?

21 A EL AZUL, "THE BLUE ONE." ERNESTO FONSECA CARRILLO, AND
22 JUAN RAMON MATTA BALLESTEROS.

23 MR. STOLAR: OBJECTION. MOVE TO STRIKE.

24 THE COURT: OVERRULED.

25 BY MR. CARLTON:

1 Q AND WHY DID YOU FOCUS YOUR INVESTIGATORY EFFORTS ON THOSE
2 INDIVIDUALS?

3 A BECAUSE ALL OF THE INFORMATION THAT WE GATHERED THAT WE
4 RECEIVED, AND THAT WE RECEIVED FROM OTHER D.E.A. OFFICES AROUND
5 THE WORLD OR FROM OTHER POLICE AGENCIES IN THE UNITED STATES,
6 INDICATED TO US THAT THOSE WERE THE MAJOR TRAFFICKERS EITHER
7 LIVING OR OPERATING IN OUR AREA OF RESPONSIBILITY.

8 MR. STOLAR: OBJECT AND MOVE TO STRIKE TO ALL THE
9 HEARSAY.

10 THE COURT: WELL, IT IS NOT HEARSAY IF IT IS OFFERED
11 TO PROVE WHY THEY CONCENTRATED ON THESE PEOPLE.

12 AND THE JURY IS INSTRUCTED THAT WHEN THIS WITNESS
13 TESTIFIES THAT THEY CONCENTRATED ON THESE PEOPLE BECAUSE OF
14 WHAT THEY HEARD, YOU CANNOT ASSUME THAT WHAT THEY HEARD IS
15 TRUE. THE EVIDENCE IS BEING RECEIVED ONLY TO EXPLAIN WHY, AS
16 DISTINGUISHED FROM RECEIVING IT FOR THE TRUTH OF THE MATTER
17 STATED.

18 MR. STOLAR: THANK YOU.

19 BY MR. CARLTON:

20 Q NOW, IN THE FALL OF 1983, DID YOU BECOME AWARE OF AN
21 INVESTIGATION BEING CONDUCTED BY AGENT CAMARENA IN THE STATE OF
22 ZACATECAS?

23 A YES, SIR.

24 Q HOW DID YOU BECOME AWARE OF THAT INVESTIGATION?

25 A I HAD TO APPROVE THE OPENING INVESTIGATION IN THAT AREA.

1 Q DID AGENT CAMARENA REPORT TO YOU REGULARLY ABOUT THIS
2 INVESTIGATION?

3 A YES, SIR; HE DID.

4 Q DID YOU HAVE ANY OTHER PARTICIPATION IN THAT INVESTIGATION
5 THAT ALLOWED YOU TO BE AWARE OF HIS PROGRESS?

6 A I DEBRIEFED THE PRINCIPAL INFORMANT THAT WAS INVOLVED IN
7 THAT INVESTIGATION, AND I TALKED TO OTHER SOURCES OF
8 INFORMATION IN THE SAME INVESTIGATION.

9 Q DID YOU PARTICIPATE IN THE PLANNING OF THE INVESTIGATION?

10 A YES, SIR; I DID.

11 Q DID YOU PARTICIPATE IN THE INVESTIGATION ITSELF?

12 A YES, I DID.

13 Q NOW, WHEN DID THAT INVESTIGATION BEGIN?

14 A I BELIEVE IT BEGAN IN NOVEMBER, MORE OR LESS; NOVEMBER OF
15 1983.

16 Q DO YOU KNOW HOW IT GOT STARTED?

17 A THROUGH THE INTRODUCTION OF A CONFIDENTIAL INFORMANT TO
18 SPECIAL AGENT CAMARENA.

19 Q WHAT WAS THE INITIAL OBJECTIVE OF THE INVESTIGATION?

20 A THE INITIAL OBJECTIVE WAS FOR SPECIAL AGENT CAMARENA TO
21 ATTEMPT TO PURCHASE, IN AN UNDERCOVER CAPACITY, A LARGE
22 QUANTITY OF HEROIN.

23 Q AND WAS HE TO PURCHASE THAT HEROIN FROM A PARTICULAR
24 INDIVIDUAL?

25 A YES, SIR.

1 Q WHAT WAS THAT INDIVIDUAL'S NAME?

2 A MANUEL CHAVEZ.

3 Q AT SOME POINT, DID THE OBJECTIVE OF THE INVESTIGATION
4 CHANGE?

5 A YES, IT DID.

6 Q IN WHAT WAY DID IT CHANGE?

7 A A DECISION WAS MADE TO CHANGE THE THRUST OF THE
8 INVESTIGATION TOWARD ATTEMPTING TO LOCATE AND DESTROY A LARGE
9 NUMBER OF MARIJUANA PLANTATIONS IN ZACATECAS.

10 Q WHY WAS THE INVESTIGATION ALTERED IN THAT FASHION?

11 A BECAUSE THE INFORMANT, THE PRINCIPAL INFORMANT IN THE CASE,
12 GAVE US INFORMATION THAT THE PEOPLE HE WAS TALKING TO WERE IN
13 FACT INVOLVED IN THE LARGE-SCALE CULTIVATION OF MARIJUANA.

14 Q DID THAT INCLUDE MANUEL CHAVEZ?

15 A YES.

16 Q AND AS A RESULT OF THIS INFORMATION WHICH WAS OBTAINED FROM
17 THE INFORMANT, WERE NEW SUSPECTS DEVELOPED, AS WELL?

18 A YES, THEY WERE.

19 Q AND WHO WERE THESE NEW SUSPECTS.

20 MR. MEZA: OBJECTION, YOUR HONOR.

21 THE COURT: COUNSEL, IF YOU WISH TO MAKE AN OBJECTION,
22 YOU HAVE TO RISE, YOU HAVE TO STATE YOUR OBJECTION, AND YOU
23 HAVE TO STATE GROUNDS.

24 AN OBJECTION BY ITSELF WILL BE OVERRULED UNLESS
25 ACCOMPANIED BY A STATEMENT OF THE GROUNDS.

1 MR. STOLAR: OBJECTION TO THE DOUBLE HEARSAY,
2 ACCORDING TO THE TESTIMONY.

3 THE COURT: REPEAT YOUR QUESTION.

4 MR. CARLTON: I ASKED: WHO WERE THE NEW SUSPECTS THAT
5 WERE DEVELOPED AS A RESULT OF THE INFORMATION PROVIDED BY THE
6 INFORMANT?

7 THE COURT: THE OBJECTION IS OVERRULED.

8 THE WITNESS: THEY WERE THE FINANCIERS OF THE
9 OPERATION.

10 BY MR. CARLTON:

11 Q AND DID YOU HAVE ANY PARTICULAR NAMES OF PEOPLE WHO YOU
12 SUSPECTED OF BEING INVOLVED IN THIS --

13 A YES, WE DID.

14 Q -- IN THE CAPACITY OF THEIR BEING FINANCIERS?

15 A YES, WE DID.

16 Q AND WHO WERE SOME OF THESE NAMES?

17 MR. MEZA: WE OBJECT AGAIN ON HEARSAY. THEY'RE ASKING
18 FOR SPECIFIC NAMES. I BELIEVE IT GOES BEYOND THE COURT'S
19 ADMONITION CONCERNING HIS BELIEF.

20 THE COURT: OVERRULED.

21 MR. MEZA: THANK YOU.

22 THE WITNESS: RALPH CARO QUINTERO, ERNESTO FONSECA
23 CARRILLO, JUAN ESPARRAGOZA MORENO, AVELARDO FERNANDEZ, CHOMBE
24 MEDINA, AMONG OTHERS.

25 BY MR. CARLTON:

1 Q NOW, AS A RESULT OF THE INFORMATION WHICH YOU OBTAINED FROM
2 THE INFORMANT, DID YOU GIVE ANY INSTRUCTIONS TO AGENT CAMARENA?

3 A YES, SIR; I DID.

4 Q WHAT DID YOU INSTRUCT HIM TO DO?

5 A I INSTRUCTED HIM TO CONTINUE WITH THE INVESTIGATION, TO
6 HAVE THE INFORMANT PENETRATE THE ORGANIZATION AS DEEPLY AS HE
7 COULD, TO REMAIN IN PLACE, AND TO REPORT BACK TO US HIS
8 FINDINGS.

9 Q DID YOU EVER LEARN WHETHER THE INFORMANT HAD BEEN OFFERED A
10 PARTICULAR JOB IN RELATION TO THE MARIJUANA FIELDS?

11 A YES, I DID.

12 Q AND DID YOU GIVE THE INFORMANT ANY INSTRUCTIONS CONCERNING
13 WHETHER HE SHOULD ACCEPT OR REJECT THAT JOB?

14 A YES.

15 Q AND WHAT WERE THE INSTRUCTIONS THAT YOU GAVE HIM?

16 A TO ACCEPT THE JOB.

17 Q WHAT WAS THE JOB THAT YOU INSTRUCTED HIM TO ACCEPT?

18 A AS AN ASSISTANT TO MANUEL CHAVEZ.

19 Q DID YOU ENGAGE IN ANY ACTIVITY TO CORROBORATE THE
20 INFORMATION THAT THE INFORMANT WAS PROVIDING TO YOU?

21 A YES, SIR; WE DID.

22 Q WHAT DID YOU DO TO CORROBORATE THAT INFORMATION?

23 A WE QUESTIONED OTHER SOURCES OF INFORMATION THAT WERE
24 FAMILIAR WITH THAT AREA, AND WE MADE SEVERAL TRIPS TO THE AREA
25 TO TRY CORROBORATE SOME OF THE INFORMATION THE INFORMANT GAVE

1 US, AND THEN WE MADE OVERFLIGHTS OF THE AREA.

2 MR. CARLTON: EXCUSE ME, YOUR HONOR. MAY I HAVE A
3 MOMENT?

4 THE COURT: (NODS HEAD UP AND DOWN.)

5 (GOVERNMENT COUNSEL CONFER OFF THE RECORD.)

6 MR. MEZA: WE WOULD INTERPOSE AN OBJECTION FOR
7 EVERYTHING THAT PRECEDED THE OVERFLIGHTS, CONCERNING THE
8 HEARSAY. IT'S NOT ONLY HEARSAY, BUT IT'S NOT THEIR RIGHT TO
9 CONFRONT AND CROSS-EXAMINE PEOPLE WHO --

10 THE COURT: OBJECTION OVERRULED.

11 MR. MEZA: THANK YOU.

12 BY MR. CARLTON:

13 Q MR. KUYKENDALL, YOU TESTIFIED THAT YOU MADE CERTAIN VISITS
14 TO THE AREA?

15 A YES, SIR.

16 Q HOW MANY SUCH VISITS DID YOU MAKE?

17 A I PERSONALLY VISITED THE AREA AT LEAST TWICE.

18 Q WHEN YOU SAY THAT YOU VISITED THE AREA, WHAT AREA ARE YOU
19 REFERRING TO? CAN YOU IDENTIFY IT BY NAME?

20 A THE CITIES OF ZACATECAS, ZACATECAS, AND FRESNILLO,
21 ZACATECAS.

22 Q IF YOU'LL LOOK OVER AT THE EASEL, WITH THE COURT'S
23 PERMISSION TO GO OVER THERE, AND LOOK AT WHAT HAS BEEN MARKED
24 AS GOVERNMENT EXHIBIT 6.

25 A (COMPLIES.)

1 Q DO YOU RECOGNIZE THAT?

2 A YES, I DO.

3 Q AND WHAT IS THAT?

4 A IT IS A MAP OF THE MEXICAN STATE OF ZACATECAS.

5 Q AND YOU TESTIFIED THAT YOU VISITED TWO CITIES IN THAT AREA?

6 A YES, SIR.

7 Q ONE OF THOSE CITIES WAS ALSO NAMED ZACATECAS?

8 A YES.

9 Q WOULD YOU PLEASE CIRCLE THAT CITY.

10 A (COMPLIES.)

11 Q AND THERE WAS A SECOND CITY, AS WELL?

12 A FRESNILLO.

13 Q PLEASE FIND THAT ON THE MAP, AS WELL, AND CIRCLE IT.

14 A (COMPLIES AND RETURNS TO SEAT.)

15 Q NOW, WHAT WAS THE PURPOSE OF YOUR VISITS TO THESE CITIES?

16 A TO TRY CORROBORATE THE INFORMATION THAT WE WERE RECEIVING
17 FROM OUR SOURCES.

18 Q AND DID YOU NOTICE ANYTHING OF SIGNIFICANCE TO YOUR
19 INVESTIGATION WHILE YOU WERE THERE?

20 A YES, I DID.

21 Q WHAT DID YOU NOTICE?

22 A THE HOTELS IN BOTH OF THE CITIES WERE FULL, OR ALMOST FULL.
23 THERE WERE MANY NEW PICKUP TRUCKS AND AUTOMOBILES PARKED NEAR
24 THE MAJOR HOTELS IN BOTH OF THOSE CITIES.

25 Q IN YOUR EXPERIENCE -- WAS THERE SOMETHING UNUSUAL ABOUT

1 THAT, IN YOUR OPINION?

2 MR. STOLAR: OBJECT.

3 THE COURT: OVERRULED.

4 THE WITNESS: THAT WAS NOT SOMETHING THAT WE HAD SEEN
5 IN THE PAST. THE AREA WAS ONE OF THE POOREST STATES IN MEXICO.

6 BY MR. CARLTON:

7 Q DID YOU NOTICE ANYTHING ELSE OF SIGNIFICANCE WHILE YOU WERE
8 IS THERE?

9 A WELL, A LOT OF THE PEOPLE THAT WERE REGISTERED IN THE HOTEL
10 WERE YOUNG AND WELL-DRESSED AND ALL CARRYING WEAPONS.

11 Q NOW, YOU ALSO TESTIFIED THAT CERTAIN OVERFLIGHTS OF THESE
12 AREAS WERE MADE.

13 A YES, SIR.

14 Q HOW MANY SUCH OVERFLIGHTS THAT YOU'RE AWARE OF?

15 A TWO.

16 Q AND DID YOU PARTICIPATE PERSONALLY IN ANY OF THOSE?

17 A IN ONE OF THEM, SIR.

18 Q WHEN DID THAT OCCUR?

19 A I BELIEVE IT WAS MARCH THE 1ST 1984.

20 Q AND WHO ELSE ACCOMPANIED YOU ON THAT, IF ANYONE?

21 A CAPTAIN ZAVALA, ALFREDO ZAVALA, WAS FLYING THE AIRCRAFT. I
22 WAS IN THE AIRCRAFT ALONG WITH SPECIAL AGENT ENRIQUE CAMARENA.

23 Q WAS THIS ONE OF THE OCCASIONS ON WHICH CAPTAIN ZAVALA WAS
24 HIRED TO PERFORM THIS JOB?

25 A YES, IT IS.

1 Q AND WHAT AREA DID YOU FLY OVER?

2 A OVER THE NORTH CENTRAL AREA OF THE STATE OF ZACATECAS.

3 Q AGAIN, JUST BRIEFLY, CAN YOU INDICATE BY POINTING ON THE
4 MAP, WHICH IS EXHIBIT 6, THE AREA THAT YOU FLEW OVER ON THIS
5 OCCASION?

6 A (AT MAP.) IT WOULD BE BETWEEN THESE TWO HIGHWAYS AND IN
7 THIS AREA OF DESERT RIGHT HERE.

8 Q THANK YOU.

9 A (RETURNS TO SEAT.)

10 Q IN THE COURSE OF THIS FLIGHT, DID YOU NOTICE ANYTHING OF
11 SIGNIFICANCE TO YOUR INVESTIGATION?

12 A WE SAW A LOT OF -- MANY FIELDS BEING PREPARED FOR
13 CULTIVATION.

14 Q DO YOU KNOW HOW MANY, APPROXIMATELY?

15 A I WOULD SAY MAYBE 20.

16 Q AND WHEN YOU SAY "PREPARED FOR CULTIVATION," WHAT DO YOU
17 MEAN BY THAT?

18 A THEY HAD BEEN -- THE GROUND HAD BEEN TILLED, TURNED OVER,
19 BEEN DISKED, AND ROWS HAD BEEN FORMED BY -- OBVIOUSLY BY
20 TRACTORS. THERE WERE WATER PUMPS LOCATED ALONGSIDE ALMOST ALL
21 OF THE FIELDS, WHICH WAS VERY UNUSUAL IN THAT SECTION OF THE
22 COUNTRY.

23 Q DID YOU NOTICE ANYTHING ABOUT ELECTRICAL LINES?

24 A SOME OF THE PUMPS APPEARED TO BE POWERED BY ELECTRIC MOTORS
25 AND, TO THAT END, THERE WERE ELECTRIC LINES RUNNING ACROSS THE

1 DESERT, SOMETIMES NEAR VILLAGES THAT HAD NO ELECTRICITY, AND
2 THEY ENDED AT THESE WATER PUMPS.

3 Q WERE THESE ELECTRICAL LINES -- COULD YOU TELL WHAT THE
4 SOURCE OF THE ELECTRICITY WAS?

5 A THE MAIN POWER LINE.

6 Q NOW, DO YOU KNOW WHETHER IN MEXICO ELECTRICAL POWER IS
7 SUPPLIED BY PRIVATE UTILITIES?

8 A NO. IT'S A GOVERNMENT INDUSTRY, A GOVERNMENT UTILITY.

9 Q IN YOUR EXPERIENCE, IS THIS AREA OF ZACATECAS KNOWN AS AN
10 AGRICULTURAL AREA?

11 A WELL, NOT THAT PART. IT WAS DESERT.

12 Q NOW, BASED UPON -- OH, STRIKE THAT.

13 WAS A SECOND OVERFLIGHT OF THIS AREA MADE BY THE
14 OFFICE?

15 A YES.

16 Q HOW ARE YOU AWARE OF THAT?

17 A I APPROVED THE PAYMENT FOR THE RENTAL OF THE AIRCRAFT.

18 Q DO YOU KNOW WHO PARTICIPATED IN THAT OVERFLIGHT?

19 A CAPTAIN ALFREDO ZAVALA FLEW THE AIRCRAFT AND SPECIAL AGENT
20 ENRIQUE CAMARENA ACCOMPANIED HIM.

21 Q DO YOU KNOW WHEN THAT OCCURRED?

22 A I THINK IT WAS THE FIRST PART OF THE MONTH OF APRIL.

23 SOMETIME DURING THE MONTH OF APRIL.

24 Q NOW, AS A RESULT OF --

25 THE COURT: WHAT YEAR?

1 THE WITNESS: 1984. I'M SORRY.

2 BY MR. CARLTON:

3 Q AS A RESULT OF YOUR EFFORTS TO CORROBORATE THE INFORMATION
4 PROVIDED BY THE C.I., DID YOU DEVELOP AN OPINION AS TO WHETHER
5 THE REPORT WAS RELIABLE?

6 A YES, I DID.

7 Q AND WHAT WAS YOUR OPINION?

8 A MY OPINION WAS THAT HIS INFORMATION WAS CORRECT.

9 Q IN THE COURSE OF THIS INVESTIGATION, DO YOU KNOW WHETHER
10 AGENT CAMARENA ASSUMED AN UNDERCOVER IDENTITY?

11 A YES, HE DID.

12 Q DO YOU KNOW WHAT THE PURPOSE OF HIS DOING THAT WAS?

13 A TO ATTEMPT TO PURCHASE A QUANTITY OF HEROIN.

14 Q FROM WHOM WAS HE TO PURCHASE THIS?

15 A FROM MANUEL CHAVEZ.

16 Q DO YOU KNOW WHETHER, IN FACT, A QUANTITY OF HEROIN WAS
17 PURCHASED FROM MANUEL CHAVEZ?

18 A YES.

19 Q AND HOW DO YOU KNOW THAT?

20 A I OBTAINED AUTHORITY FROM WASHINGTON, D.C., TO SPEND THE
21 MONEY TO PURCHASE A QUANTITY OF HEROIN.

22 Q HOW MUCH MONEY WAS AUTHORIZED FOR THIS PURPOSE?

23 A \$45,000.00.

24 Q WAS THAT MONEY PROVIDED TO MANUEL CHAVEZ IN RETURN FOR THE
25 HEROIN?

1 A YES, IT WAS.

2 MR. STOLAR: OBJECTION. OBJECTION TO THE HEARSAY,
3 UNLESS HE WAS THERE.

4 THE COURT: WELL, YOU SHOULD ESTABLISH WHETHER IT'S
5 THE PERSONAL KNOWLEDGE OF THE WITNESS.

6 MR. STOLAR: AND I WOULD ALSO ASK THE COURT, WITH
7 RESPECT TO THIS HEROIN SALE, FOR A LIMITING INSTRUCTION WITH
8 RESPECT TO MY CLIENT.

9 THE COURT: THAT'S DENIED.

10 BY MR. CARLTON:

11 Q SO YOU WERE AUTHORIZED TO EXPEND \$45,000.00 TO BUY A
12 QUANTITY OF HEROIN?

13 A YES.

14 Q AND WAS THAT MONEY EXPENDED?

15 A YES, IT WAS.

16 Q WAS A DECISION EVENTUALLY MADE TO RAID THESE FIELDS?

17 A YES, SIR.

18 Q WHEN WAS THAT DECISION MADE?

19 A AROUND MID-MAY OF 1984.

20 Q DID YOU PROVIDE ANY ADDITIONAL INSTRUCTIONS TO AGENT
21 CAMARENA AT THAT TIME?

22 A YES, SIR; I DID.

23 Q WHAT DID YOU INSTRUCT HIM TO DO?

24 A TO ATTEMPT TO CULMINATE THE HEROIN TRANSACTION AND TO
25 ATTEMPT TO CULMINATE A PENDING MARIJUANA PURCHASE TRANSACTION.

1 Q NOW, YOU TESTIFIED FIRST ABOUT A \$45,000.00 HEROIN
2 TRANSACTION.

3 A YES.

4 Q WAS ANYONE ARRESTED AS A RESULT OF THAT TRANSACTION?

5 A NO.

6 Q WAS THE INTENT OF THE INVESTIGATION TO ARREST ANYONE IN
7 RELATION TO THAT PARTICULAR TRANSACTION?

8 A NO, IT WAS NOT.

9 Q WHAT WAS THE INTENT OF THAT TRANSACTION?

10 A TO ATTEMPT TO SEIZE A LARGE -- LARGE OR LARGER QUANTITY OF
11 HEROIN AND ARREST THE PEOPLE ULTIMATELY RESPONSIBLE FOR THE
12 HEROIN.

13 Q SO THE \$45,000.00 TRANSACTION WAS A PRELIMINARY
14 TRANSACTION?

15 A IT WAS AN ATTEMPT TO ESTABLISH THE CREDIBILITY OF SPECIAL
16 AGENT CAMARENA.

17 Q AND WHEN YOU INSTRUCTED AGENT CAMARENA IN MAY OF 1984 TO
18 ATTEMPT ANOTHER HEROIN TRANSACTION, WAS THAT TO CONTINUE YOUR
19 EFFORTS TO ACQUIRE A LARGER QUANTITY OF IT?

20 A RIGHT.

21 Q AND WERE YOUR INSTRUCTIONS TO ACQUIRE MORE HEROIN FROM
22 MANUEL CHAVEZ?

23 A YES.

24 Q DID YOU GIVE ANY OTHER INSTRUCTIONS TO AGENT CAMARENA AT
25 THAT TIME IN RELATION TO THIS PARTICULAR INVESTIGATION?

1 A THE HEROIN INVESTIGATION?

2 Q WELL, THE INVESTIGATION CONCERNING THE MARIJUANA FIELDS AND
3 RELATED INVESTIGATION.

4 A I ADVISED HIM TO TRY CULMINATE A MARIJUANA PURCHASE FROM
5 THE SAME INDIVIDUAL.

6 Q DO YOU KNOW, HOW MUCH WAS AGENT CAMARENA TO ATTEMPT TO
7 PURCHASE? HOW MUCH MARIJUANA?

8 A 200 TONS.

9 Q AND IN THE COURSE OF THIS EFFORT TO PURCHASE THAT
10 MARIJUANA, WAS AN ATTEMPT TO BE MADE TO ACTUALLY SEE THE
11 MARIJUANA?

12 A YES.

13 Q NOW, THE D.E.A. DID NOT HAVE AUTHORITY IN MEXICO, DID IT,
14 TO CONDUCT THESE RAIDS ON ITS OWN?

15 A NO, SIR.

16 Q WERE YOU REQUIRED THEN TO COORDINATE YOUR ACTIONS WITH THE
17 MEXICAN GOVERNMENT?

18 A YES, SIR.

19 Q AND AT SOME POINT, DID YOU PROVIDE TO THE M.F.J.P. THE
20 INFORMATION THAT YOU HAD OBTAINED IN THE COURSE OF THIS
21 INVESTIGATION?

22 A YES, WE DID.

23 Q AND WHEN WAS THAT?

24 A I BELIEVE THAT WE HAD TWO MEETINGS. THE FIRST, I THINK,
25 TOOK PLACE ON MAY THE 17TH 1984, AND THE SECOND ONE WAS MAY THE

1 25TH 1984.

2 Q FOCUSING ON THE MAY 17TH 1984 MEETING, YOU ATTENDED THAT
3 MEETING?

4 A YES, I DID.

5 Q WHERE DID IT TAKE PLACE?

6 A IN THE OFFICES OF THE -- AN ASSISTANT ATTORNEY GENERAL --
7 IN THE OFFICES OF THE ATTORNEY GENERAL OF MEXICO CITY.

8 Q DO YOU RECALL HIS NAME?

9 A LUIS PORTE PETIT.

10 Q WERE ANY OTHER MEXICAN OFFICIALS PRESENT AT THAT MEETING?

11 A YES. THE DIRECTOR OF THE FEDERAL JUDICIAL POLICE, MANUEL
12 IBARRA HERRERA.

13 Q WAS ANYONE ELSE PRESENT AT THE MEETING?

14 A YES. THE SPECIAL AGENT IN CHARGE OF D.E.A., EDWARD HEATH;
15 THE ASSISTANT SPECIAL AGENT IN CHARGE OF D.E.A., WALTER WHITE;
16 SPECIAL AGENT ENRIQUE CAMARENA; AND MYSELF.

17 Q WHAT WAS TOLD, DURING THIS MEETING, TO THE MEXICAN
18 OFFICIALS CONCERNING THIS INVESTIGATION?

19 MS. KELLY: OBJECTION, YOUR HONOR. HEARSAY.

20 THE COURT: OVERRULED.

21 THE WITNESS: THAT WE HAD RECEIVED INFORMATION FROM
22 SEVERAL CONFIDENTIAL SOURCES THAT LARGE-SCALE MARIJUANA
23 CULTIVATION WAS TAKING PLACE IN THE NORTH -- THE NORTH CENTRAL
24 SECTION OF THE STATE OF ZACATECAS.

25 BY MR. CARLTON:

1 Q AND AS A RESULT AS A RESULT OF PROVIDING THIS INFORMATION,
2 WAS ANY PLAN DEVELOPED TO RAID A FIELD?

3 A YES. THE MEXICAN OFFICIALS AGREED THAT -- IT WAS DECIDED
4 THAT THE FIELDS SHOULD BE RAIDED. AND A TENTATIVE DATE WAS SET
5 FOR, I BELIEVE, JUNE THE 7TH TO CONDUCT THE RAIDS.

6 Q AFTER THIS MEETING ON THE 17TH OF MAY, DID YOU RETURN TO
7 GUADALAJARA?

8 A YES, WE DID.

9 Q AND DURING THAT MEETING, DID YOU INFORM THE MEXICAN
10 AUTHORITIES ABOUT AGENT CAMARENA'S EFFORTS TO NEGOTIATE A
11 HEROIN PURCHASE?

12 A NO, SIR.

13 Q DID YOU INFORM THE MEXICAN AUTHORITIES ABOUT YOUR EFFORTS
14 TO NEGOTIATE A PURCHASE OF 200 TONS OF MARIJUANA?

15 A NO, SIR.

16 Q AFTER THE MEETING WAS OVER, DID YOU AND AGENT CAMARENA
17 FORMULATE A MORE SPECIFIC PLAN FOR PURCHASING THE HEROIN AND
18 VIEWING THE MARIJUANA?

19 A AT THAT TIME, THE DATE FOR THE TENTATIVE RAIDS WAS JUNE THE
20 7TH. I THINK WE JUST PLANNED TO CONTINUE ALONG AND TRY TO DO
21 SOMETHING A LITTLE BIT LATER.

22 Q YOU HAVE TALKED, ALSO, ABOUT A SECOND MEETING --

23 A YES, SIR.

24 Q -- WITH THE MEXICANS?

25 A RIGHT.

1 Q WHEN DID THAT SECOND MEETING OCCUR?

2 A MAY THE 25TH, I'M PRETTY SURE.

3 Q AND WHERE DID THAT TAKE PLACE?

4 A IN SOME OF THE OFFICES OF THE FEDERAL JUDICIAL POLICE OR
5 THE ATTORNEY GENERAL IN MEXICO CITY.

6 Q AND WHO, ON BEHALF OF MEXICAN LAW ENFORCEMENT, WAS PRESENT
7 AT THAT MEETING?

8 A THE DEPUTY DIRECTOR OF THE FEDERAL JUDICIAL POLICE. I
9 CAN'T THINK OF HIS NAME AT THE MOMENT. MANUEL IBARRA HERRERA
10 WAS OUT OF THE COUNTRY.

11 AND THERE WAS A PERSON WHO WAS THE COORDINATOR -- ONE
12 OF THE COORDINATORS FOR THE ERADICATION CAMPAIGN, MANUEL HUERTA
13 HUEVAS CERTA.

14 THERE WAS A REPRESENTATIVE FROM THE MEXICAN ARMY
15 THERE, BUT I DON'T RECALL HIS NAME.

16 Q AT THIS MEETING, WAS A PLAN DEVISED TO ADVANCE THE DATE OF
17 THE RAIDS FROM JUNE 7TH?

18 A THAT WAS THE REASON FOR THE MEETING.

19 Q AND WHEN WAS THE NEW DATE FOR THE RAIDS, ACCORDING TO THIS
20 PLAN?

21 A MAY THE 26TH.

22 Q THE FOLLOWING DAY?

23 A YES.

24 Q WHAT WAS THE PLAN FOR RAIDING THE FIELDS? HOW WAS IT TO BE
25 ORGANIZED?

1 A THE ATTORNEY'S GENERAL OFFICE WAS GOING TO PROVIDE OR SEND
2 A NUMBER OF HELICOPTERS TO AGUASCALIENTES ON THE DAY OF THE
3 25TH.

4 Q WHAT IS AGUASCALIENTES?

5 A AGUASCALIENTES IS THE NAME OF A CITY IN NORTHERN MEXICO.
6 IT'S ABOUT AN HOUR FROM ZACATECAS.

7 AND THEN THE MEXICO FEDERAL JUDICIAL POLICE WERE GOING
8 TO SEND IN TROOPS BY AUTOMOBILE AND BY FIXED-WING AIRCRAFT TO
9 THE AIRPORT AT ZACATECAS TO ARRIVE ABOUT THE SAME TIME THAT THE
10 HELICOPTERS WERE TO ARRIVE THE FOLLOWING MORNING.

11 Q AND WERE YOU TO GO TO THE AREA, AS WELL?

12 A RIGHT. THEY INVITED SEVERAL D.E.A. OBSERVERS TO ACCOMPANY
13 THEM.

14 Q NOW, YOU'VE MENTIONED SOMETHING THAT YOU REFERRED TO AS
15 "THE ERADICATION PROGRAM."

16 A YES, SIR.

17 Q CAN YOU DESCRIBE GENERALLY WHAT THAT WAS?

18 A IT IS A PROGRAM UNDER THE CONTROL OF THE ATTORNEY GENERAL'S
19 OFFICE, THE MEXICO ATTORNEY GENERAL'S OFFICE. IT CONSISTS OF A
20 NUMBER OF HELICOPTERS AND SMALL FIXED-WING AIRCRAFT THAT
21 ATTEMPT TO LOCATE FIELDS, CULTIVATIONS OF MARIJUANA OR OPIUM
22 POPPIES. THEN, UTILIZING OTHERS HELICOPTERS THAT HAVE SPRAY
23 BROOMS, THE FIELDS ARE SPRAYED WITH HERBICIDE TO DESTROY THEM.

24 Q WAS THIS ERADICATION FUNDED IN PART BY THE UNITED STATES?

25 A YES, SIR.

1 Q DID THE UNITED STATES HAVE ANY SAY IN THE ACTUAL OPERATION
2 OF THE PROGRAM?

3 A THERE'S A SECTION OF THE UNITED STATES STATE DEPARTMENT
4 CALLED "INTERNATIONAL NARCOTICS MATTERS" THAT COORDINATES THAT
5 PROGRAM WITH THE MEXICO ATTORNEY GENERAL'S OFFICE.

6 Q DOES THE MEXICO ATTORNEY GENERAL'S OFFICE CONTROL ITS
7 DAY-TO-DAY OPERATIONS?

8 A YES, SIR.

9 Q SO IF I UNDERSTAND YOU CORRECTLY, THEN, THE FIELDS WERE TO
10 BE RAIDED BEGINNING ON THE 26TH OF MAY 1984.

11 A AT DAWN ON THE 26TH.

12 Q WAS AGENT CAMARENA TO PARTICIPATE IN THESE RAIDS INITIALLY?

13 A NO, SIR.

14 Q AND WHY NOT, IF YOU KNOW?

15 A BECAUSE AGENT CAMARENA HAD JOURNEYED TO THE UNITED STATES
16 TO ATTEMPT TO CULMINATE THE TWO NARCOTICS BUYS HE WAS WORKING
17 ON.

18 Q NOW, REFERRING FIRST TO THE MARIJUANA TRANSACTION THAT HE
19 WAS ATTEMPTING TO NEGOTIATE, DO YOU KNOW WHETHER THE INFORMANT
20 WAS ABLE TO VIEW ANY MARIJUANA IN RELATION TO THAT?

21 MS. KELLY: OBJECTION, YOUR HONOR. LACK OF
22 FOUNDATION.

23 MR. STOLAR: OBJECTION. LACK OF FOUNDATION.

24 THE COURT: SUSTAINED.

25 BY MR. CARLTON:

1 Q DID YOU OBTAIN ANY INFORMATION FROM THE INFORMANT THAT YOU
2 LATER USED IN YOUR RAIDS ON THESE MARIJUANA PLANTATIONS?

3 A YES, SIR.

4 Q AND WHAT KIND OF INFORMATION WAS IT THAT YOU OBTAINED FROM
5 THE INFORMANT?

6 MR. STOLAR: OBJECT TO THE HEARSAY.

7 THE COURT: WELL, IT IS NOT HEARSAY IF IT IS OFFERED
8 TO PROVE HOW THEY USED IT.

9 AND I WILL INSTRUCT THE JURY: THE DIFFERENCE BETWEEN
10 HEARSAY AND NONHEARSAY IN THAT RESPECT IS THAT IF EVIDENCE OF
11 WHAT SOMEBODY'S SAID IS RECEIVED FOR A DIFFERENT PURPOSE THAN
12 TO PROVE THAT IT IS TRUE, IT MAY BE RECEIVED ONLY FOR THAT
13 PURPOSE.

14 IN OTHER WORDS, IF THE QUESTION WAS, "HOW DID YOU USE
15 THE INFORMATION YOU RECEIVED?" THE EVIDENCE WOULD BE OFFERED TO
16 PROVE HOW THEY USED THE INFORMATION, NOT TO PROVE THAT THE
17 INFORMATION WAS TRUE. AND THE JURY MUST CONSIDER IT ONLY IN
18 THAT LIGHT.

19 BY MR. CARLTON:

20 Q AT SOME POINT DURING THE RAIDS, DID YOU COME UPON A
21 PARTICULAR RANCH HOUSE?

22 A YES, SIR.

23 Q AND DID YOU FIND MARIJUANA IN THAT RANCH HOUSE?

24 A YES, WE DID.

25 Q WERE YOU ABLE TO LOCATE THAT RANCH HOUSE THROUGH

1 INFORMATION THAT HAD BEEN PROVIDED TO YOU BY THE INFORMANT?

2 A YES, SIR.

3 Q NOW, WHILE THESE RAIDS WERE BEING PREPARED, WAS AGENT
4 CAMARENA ATTEMPTING TO CULMINATE A HEROIN PURCHASE?

5 A YES, HE WAS.

6 Q WAS THAT PURCHASE FROM MANUEL CHAVEZ?

7 A YES, IT WAS.

8 Q WHERE WAS THE PURCHASE TO TAKE PLACE?

9 A IN MC ALLEN, TEXAS.

10 Q DO YOU KNOW WHETHER, IN FACT, IT WAS CULMINATED?

11 MR. STOLAR: OBJECTION. HEARSAY. HE WASN'T THERE.

12 THE COURT: WELL, YOU HAVE TO LAY A FOUNDATION.

13 MR. CARLTON: I'LL MOVE ON, YOUR HONOR.

14 Q DID YOU, ACCORDING TO THE PLANS THAT YOU HAD DEVELOPED WITH
15 THE MEXICAN AUTHORITIES, TRAVEL TO AGUASCALIENTES THEN?

16 A YES, I DID.

17 Q WHEN DID YOU DO THAT?

18 A THE EVENING OF THE 25TH, IN AN AIRCRAFT BELONGING TO THE
19 MEXICO ATTORNEY GENERAL'S OFFICE.

20 Q WERE YOU ACCOMPANIED BY ANY OTHER D.E.A. AGENTS?

21 A YES, SIR. BY AGENT LOWE.

22 Q DID YOU MEET ANY OTHER D.E.A. AGENTS THERE?

23 A YES. WE MET WITH SPECIAL AGENT ROGER KNAPP, BUTCH SEARS --

24 Q WAS HE ALSO A D.E.A. AGENT?

25 A YES, A D.E.A. AGENT FROM GUADALAJARA.

1 -- AND SPECIAL AGENT HARVEY VARENHORST, ALSO FROM
2 GUADALAJARA.

3 Q AND DID YOU EVENTUALLY MEET WITH ANY ELEMENTS OF THE
4 M.F.J.P.?

5 A YES, SIR.

6 Q WHERE WAS THAT?

7 A AT THE AIRPORT IN ZACATECAS, EARLY THE MORNING OF THE 25TH.

8 Q HOW DID YOU GET FROM AGUASCALIENTES TO ZACATECAS?

9 A I DROVE IN A GOVERNMENT AUTOMOBILE WITH SPECIAL AGENT
10 SEARS.

11 Q DID THE OTHER AGENTS ALSO GO TO ZACATECAS CITY?

12 A YES, THEY DID.

13 Q AND WHEN YOU ARRIVED AT ZACATECAS CITY AND MET UP WITH THE
14 M.F.J.P. AGENTS, DID YOU FIND OUT WHO WAS COMMANDING THE
15 M.F.J.P. CONTINGENT?

16 A I ALREADY KNEW THAT, SIR.

17 Q WHO WAS THAT.

18 Q FIRST COMANDANTE MIGUEL ALDANA IBARRA.

19 Q DO YOU KNOW WHAT HIS POSITION IN THE M.F.J.P. WAS?

20 A HE WAS A FIRST COMANDANTE, AND HE WAS ALSO THE
21 REPRESENTATIVE OF INTERPOL.

22 Q CAN YOU DESCRIBE FOR THE LADIES AND GENTLEMEN OF THE JURY
23 WHAT INTERPOL IS, IF YOU KNOW?

24 A INTERPOL IS AN INTERNATIONAL ORGANIZATION THAT EXCHANGES
25 INFORMATION BETWEEN POLICE FORCES AROUND THE WORLD. IT HAS

1 REPRESENTATIVES IN MOST COUNTRIES.

2 Q DO YOU KNOW WHETHER COMANDANTE ALDANA WAS RELATED IN SOME
3 FASHION TO MANUEL IBARRA, THE DIRECTOR OF THE M.F.J.P.?

4 A I BELIEVE THEY ARE FIRST COUSINS.

5 Q NOW, WHEN YOU MET UP WITH ALDANA, WHAT DID YOU DO IN
6 FURTHERANCE OF THESE RAIDS?

7 A HE INSTRUCTED ME TO STAY WITH HIM THROUGHOUT THE DAY, AND I
8 WENT WHERE HE WENT.

9 Q AND WHERE WAS THAT?

10 A WE WENT TO SEVERAL OF THE HOTELS THAT HAD BEEN PROVIDED TO
11 HIM AS BEING THOSE WHERE EITHER GUARDS OR D.F.S. AGENTS --

12 MR. MEZA: OBJECT, YOUR HONOR. MOVE TO STRIKE AS
13 NONRESPONSIVE.

14 THE COURT: THE WITNESS HAS ANSWERED THE QUESTION. HE
15 SAID THEY WENT TO THE HOTELS.

16 BY MR. CARLTON:

17 Q ALL RIGHT. WHY DID YOU CHOOSE TO GO TO THOSE PARTICULAR
18 HOTELS?

19 A THOSE WERE THE HOTELS THAT HAD BEEN NAMED TO US AS BEING
20 THE ONES WHERE THE TRAFFICKERS WERE STAYING OR WHERE THE FARM
21 LABORERS WERE BEING HOUSED.

22 Q WHERE WERE THESE HOTELS LOCATED? IN THE ZACATECAS CITY?

23 A IN THE CITY OF ZACATECAS AND IN THE CITY OF FRESNILLO.

24 Q HAD YOU PERSONALLY VIEWED ANY OF THESE HOTELS IN YOUR TRIPS
25 TO THESE TWO CITIES EARLIER?

1 A YES, I HAD.

2 Q DID YOU NOTICE ANY CHANGE IN THE CIRCUMSTANCES AT THESE TWO
3 HOTELS BETWEEN THE TIME YOU VIEWED THEM EARLIER AND THE TIME
4 THAT YOU ACCOMPANIED ALDANA, ON THE RAIDS, TO THEM?

5 A NOW THEY WERE BASICALLY VACANT.

6 Q HAD THEY BEEN APPARENTLY FULL ON THE PREVIOUS OCCASION?

7 A JUST ABOUT; YES, SIR.

8 THE COURT: WE WILL TAKE OUR AFTERNOON RECESS AT THIS
9 TIME. THE JURY MAY BE EXCUSED.

10 THE CLERK: PLEASE RISE.

11 (JURY ABSENT.)

12 THE COURT: CLOSE THE DOOR, PLEASE.

13 (WITNESS CLOSES DOOR.)

14 THE CLERK: YOU MAY BE SEATED.

15 THE COURT: COUNSEL, I WANT TO CLARIFY OR REMIND
16 COUNSEL ABOUT SOMETHING I TOLD YOU THE OTHER DAY. TO THE
17 EXTENT POSSIBLE, THE COURT DOES NOT WANT TO HOLD ANY BENCH
18 CONFERENCES. NOW, THIS WITNESS WAS CALLED TO THE STAND AND
19 IMMEDIATELY YOU ASKED FOR A SIDEBAR REGARDING THIS WITNESS'S
20 TESTIMONY.

21 MR. STOLAR: I UNDERSTAND THAT, JUDGE.

22 THE COURT: JUST A MOMENT.

23 THE TESTIMONY OF THIS WITNESS HAS BEEN AVAILABLE IN
24 THE TRANSCRIPT OF THE EARLIER TRIAL THAT TOOK PLACE TWO OR
25 THREE YEARS AGO; TWO YEARS AGO, ANYWAY. YOU'VE KNOWN ABOUT

1 THIS WITNESS AND YOU'VE HAD REPORTS ABOUT THIS WITNESS. IF
2 THERE IS SOMETHING ABOUT HIS TESTIMONY YOU WISHED TO HAVE
3 OBJECTED TO, YOU SHOULD HAVE FILED A MOTION DURING THE TIME
4 THAT MOTIONS WERE PERMITTED TO BE FILED.

5 SO I DON'T WANT REQUESTS -- I DON'T WANT TO PREVENT
6 YOU FROM MAKING OBJECTIONS. YOU CAN DO THAT. BUT I WILL NOT
7 HOLD BENCH CONFERENCES. WE'LL TAKE UP ANY OBJECTIONS YOU HAVE
8 DURING THESE PERIODS, RECESSES, SO THAT WE DON'T IMPACT ON THE
9 JURY'S TIME. THAT'S ONE THING.

10 AND THE OTHER THING IS: IF YOU'RE GOING TO HAVE
11 WITNESSES HERE MARKING EXHIBITS, YOU SHOULD HAVE IT DONE BEFORE
12 WE CONVENE, AND YOU MAY THEN ASK THE WITNESS IF YOU HAD ASKED
13 HIM TO MARK THE EXHIBITS AND INDICATE WHAT HE HAD MARKED AND
14 WHY. AND THAT WILL SAVE US A LOT OF TIME, RATHER THAN HAVING
15 THE JURY SIT WHILE THE WITNESS IS MAKING DRAWINGS OR MARKING
16 EXHIBITS.

17 NOW, YOU WANTED TO BE HEARD ON SOMETHING?

18 MR. STOLAR: WHAT I WANTED TO COME TO SIDEBAR FOR IS
19 TO ADVISE THE COURT THAT, HAVING READ THE TRANSCRIPT OF THIS
20 GENTLEMAN'S TESTIMONY AT THE LAST TRIAL AND THE GRAND JURY,
21 THERE WAS A TREMENDOUS AMOUNT OF HEARSAY INFORMATION THAT WAS
22 ALLOWED IN BECAUSE THERE WAS NO OBJECTION. AND I JUST WANTED
23 THE COURT TO BE ADVISED THAT IT WAS AT LEAST GOING TO BE MY
24 POSITION, OUR POSITION, THAT WE WERE NOT GOING TO TAKE THE SAME
25 ATTITUDE ON IT, SO THAT YOU WOULD KNOW WHAT WAS COMING.

1 THE COURT: WELL, YOU MAY MAKE ANY OBJECTION THAT YOU
2 WISH AND THE COURT WILL RULE ON IT.

3 BUT I SUGGEST THAT COUNSEL THINK ABOUT SOME OF THE
4 OBJECTIONS THAT HAVE BEEN MADE. IF THEY REALLY DON'T AMOUNT TO
5 ANYTHING AND THE EVIDENCE THAT IS BEING ELICITED IS NOT REALLY
6 IMPORTANT TO THIS CASE, THEN AN OBJECTION SHOULD NOT BE MADE
7 JUST FOR THE SAKE OF MAKING OBJECTIONS.

8 THAT'S UP TO YOU. YOU MAKE THE OBJECTIONS AND I'LL
9 MAKE THE RULINGS.

10 YES?

11 MS. KELLY: YOUR HONOR, I BELIEVE THAT CERTAIN OF THE
12 WITNESS'S TESTIMONY LACKS FOUNDATION AND IS NOT BASED ON
13 PERSONAL KNOWLEDGE; IT'S BASED ON HEARSAY. AND, YOUR HONOR,
14 THERE'S A GREAT DEAL OF LEADING BEING DONE WITH THE WITNESS.

15 THE COURT: WELL, I HAVEN'T HEARD ANY OBJECTION ABOUT
16 LEADING.

17 ANY QUESTION THAT YOU BELIEVE IS WITHOUT FOUNDATION,
18 YOU SHOULD MAKE YOUR OBJECTION AND STATE YOUR OBJECTION THAT IT
19 IS WITHOUT FOUNDATION AND THE COURT WILL RULE ON IT.

20 MS. KELLY: VERY WELL, YOUR HONOR.

21 MR. NICOLAYSEN: YOUR HONOR, I HAVE AN OBJECTION
22 REGARDING THE JENCKS MATERIAL. IS THIS THE APPROPRIATE TIME TO
23 BRING THAT UP OR SHALL I DO IT WHEN RECESS FOR THE DAY??

24 THE COURT: NO. THIS IS THE APPROPRIATE TIME.
25 DOES IT RELATE TO THIS WITNESS?

1 MR. STOLAR: YES.

2 MR. NICOLAYSEN: MY OBJECTION DOES NOT RELATE
3 SPECIFICALLY TO MR. KUYKENDALL.

4 THE COURT: IS IT SOMETHING THAT YOU CAN WRITE UP?

5 MR. NICOLAYSEN: IF THE COURT PREFERS, YES. BUT IT'S
6 A SIMPLE MATTER, AND I --

7 THE COURT: TELL ME WHAT IT IS.

8 MR. NICOLAYSEN: MY OBJECTION IS THAT WITH THE 48-HOUR
9 TIME THAT I BELIEVE WE ARE NOW WORKING WITH, IT IS
10 INAPPROPRIATE, IN MY JUDGMENT, TO GIVE US AUDIOCASSETTES,
11 WITHOUT THE CORRESPONDING TRANSCRIPTS OF WHAT'S ON THOSE TAPES,
12 AS JENCKS MATERIAL. I THINK ANYTHING THAT CONSTITUTES JENCKS
13 IN AUDIOTAPE FORM SHOULD, IN MY OPINION, BE ACCOMPANIED BY THE
14 CORRESPONDING TRANSCRIPT.

15 THE COURT: ARE YOU REFERRING TO SOME SPECIFIC
16 AUDIOCASSETTES.

17 MR. NICOLAYSEN: THERE WERE FOUR TAPES GIVEN TO US
18 YESTERDAY.

19 THE COURT: WHAT DO THEY PURPORT TO BE?

20 MR. STOLAR: INTERVIEWS OF WITNESSES WHO WE EXPECT AS
21 TO SEE --

22 MR. NICOLAYSEN: THAT'S RIGHT. YOUR HONOR, TWO OF THE
23 FOUR NAMES I RECOGNIZE FROM THE LIST THAT HAS BEEN GIVEN TO ALL
24 COUNSEL ON APRIL 23RD, DESIGNATED AS TESTIFYING CONFIDENTIAL
25 INFORMANTS. ONE OF THEM WAS MICHAEL LONG, AND I DON'T RECALL

1 THE OTHER NAMES.

2 THE COURT: ARE THESE IN SPANISH.

3 MR. NICOLAYSEN: HE IS IN ENGLISH. I HAVEN'T LISTENED
4 TO ALL OF THEM, BUT TWO OF THEM MIGHT BE IN SPANISH. AND I
5 DON'T SEE ANY TRANSCRIPTS OF WHAT'S ON THOSE TAPES, AND I'M
6 CONCERNED.

7 NOW, THOSE FOUR TAPES THEMSELVES DO NOT CONCERN ME
8 PERSONALLY IN TERMS OF MR. VASQUEZ. HOWEVER, THAT MIGHT BE A
9 FOREWARNING OF WHAT'S TO COME IN THE TRIAL, LATER IN THE TRIAL,
10 THAT MIGHT NOW SET A PRECEDENT, AND I WANT IT BROUGHT TO THE
11 COURT'S ATTENTION SO YOUR HONOR CAN GIVE US SOME GUIDANCE ON
12 THIS.

13 I THINK THAT IT'S SIMPLY UNREALISTIC AND
14 INAPPROPRIATE, WITH A 48-HOUR TIMETABLE, AS WE ARE NOW ON
15 TRIAL, TO HAVE TO LISTEN TO UNTRANSCRIBED TAPES.

16 MR. MEDRANO: YOUR HONOR, AT THIS POINT BOTH THE
17 GOVERNMENT AND DEFENSE COUNSEL ARE SIMILARLY SITUATED.

18 WHAT WE HAVE IN TERMS OF JENCKS IS EXACTLY WHAT WE
19 TURNED OVER TO THEM, YOUR HONOR. THE REASON THEY DON'T HAVE A
20 TRANSCRIPT IS BECAUSE WE OURSELVES DO NOT HAVE ONE, EITHER.

21 AS TO THE SPECIFIC TAPES THAT MR. NICOLAYSEN IS AT
22 THIS TIME REFERENCING, WE ONLY RECEIVED THOSE TAPES ONLY DAYS
23 AGO. SO THERE ARE SIMPLY NO TRANSCRIPTS FOR THE MATTERS.

24 AND, FINALLY, YOUR HONOR, FOR MANY OF THE JENCKS
25 MATERIAL MR. NICOLAYSEN IS REFERENCING, THERE'S EITHER

1 DUPLICATIVE OR CUMULATIVE TYPE JENCKS MATERIAL THAT IN ESSENCE
2 STATES THE SAME THING. THE BOTTOM LINE IS: WE SIMPLY DON'T
3 HAVE TRANSCRIPTS FOR THE CASE, YOUR HONOR.

4 MR. NICOLAYSEN: IT'S A FIVE-YEAR CASE, YOUR HONOR.
5 I'M SURPRISED THAT THE GOVERNMENT WOULD ASK THE COURT TO BE
6 EXCUSED BASED ON THEIR OWN LATE RECEIPT OF THIS MATERIAL.
7 WHOSE FAULT IS THAT?

8 MR. MEDRANO: WELL, THE ISSUE, YOUR HONOR, IS THE
9 BURDEN ON THE GOVERNMENT IN TERMS OF GENERATING AND PASSING
10 OVER JENCKS MATERIAL. WE'VE SATISFIED OUR BURDEN. WHAT WE
11 HAVE IS WHAT THEY HAVE.

12 NOW, TO ADD THE ADDITIONAL BURDEN OF SITTING DOWN AND
13 GENERATING TRANSCRIPTS IS BEYOND THE CALL AND PURVIEW OF
14 SECTION 3500, YOUR HONOR.

15 THE COURT: JUST A MOMENT. ARE THESE FOUR TAPES IN
16 SPANISH OR ENGLISH?

17 MR. MEDRANO: TO MY KNOWLEDGE, THEY'RE IN ENGLISH,
18 YOUR HONOR?

19 THE COURT: ALL IN ENGLISH, THE QUESTIONS AND ANSWERS?

20 MR. MEDRANO: THAT'S MY UNDERSTANDING.

21 THE COURT: WELL, WHY CAN'T YOU LISTEN TO THEM AND
22 KNOW WHAT THEIR CONTENTS ARE?

23 MR. NICOLAYSEN: NO. 1, YOUR HONOR, THE 48-HOUR RULE
24 IS SO TIGHT AS IT IS. IT'S ENOUGH FOR US TO HAVE TO --

25 THE COURT: COUNSEL --

1 MR. NICOLAYSEN: WE HAVE HUNDREDS OF DOCUMENTS IN
2 ADDITION TO THE TAPES TO LIVE WITH.

3 THE COURT: DON'T TALK ABOUT 48 HOUR RULES. YOU'RE
4 GOING TO HAVE THREE DAYS A WEEK THAT YOU WILL NOT BE IN THIS
5 COURT. YOU'RE GOING TO HAVE A 10-DAY LAPSE IN ONE PERIOD OF
6 TIME. YOU'RE GOING TO HAVE A LOT OF TIME.

7 MR. NICOLAYSEN: THAT DOESN'T WORK, YOUR HONOR.

8 THE COURT: YOU HAVE THE EVENINGS.

9 MR. NICOLAYSEN: THAT DOESN'T WORK. THE EVENINGS, TO
10 SOME EXTENT. BUT, YOUR HONOR, WE STILL HAVE HUNDREDS OF
11 DOCUMENTS OF JENCKS IN ADDITION TO DO ANY TAPES WE MAY HAVE.

12 NOW, REMEMBER THAT THE 48 HOURS, THE REASON THAT'S
13 IMPORTANT IS: FROM THE TIME I GET THE TAPES -- LET'S SAY THE
14 FOUR TAPES YESTERDAY -- TO THE TIME THE TAPES APPLY TO A
15 WITNESS ON THE STAND IS ONLY TWO DAYS.

16 IF I GET THE TAPES ON MONDAY, THAT WITNESS IS LIKELY
17 TO BE ON THE STAND WEDNESDAY, MAYBE THURSDAY. I DON'T HAVE THE
18 BENEFIT OF THE WEEKEND TO WORK WITH TO LISTEN TO THOSE TAPES.

19 THE COURT: WELL, WHAT IS YOUR POINT?

20 MR. NICOLAYSEN: MY POINT IS THAT THE GOVERNMENT
21 SHOULD BE REQUIRED TO GIVE US TRANSCRIPTS OR I HAVE A
22 PROFESSIONAL DUTY ASK THE COURT FOR SHORT RECESS, WHICH THE
23 JENCKS STATUTE ALLOWS, IN ORDER TO PROPERLY INTEGRATE THAT
24 JENCKS MATERIAL INTO MY ASSESSMENT OF CROSS-EXAMINATION. I
25 HAVE NO CHOICE.

1 THE COURT: COUNSEL, THE CONTENTS OF THESE TAPES HAVE
2 ALSO BEEN REDUCED TO A PARAPHRASED WRITING OF THE INTERVIEW?

3 MR. MEDRANO: I CAN'T SPEAK FOR ALL FOUR TAPES, BUT I
4 DO KNOW, YOUR HONOR, THAT FOR AT LEAST SOME OF THOSE TAPES
5 THERE'S A REDUNDANT TYPE JENCKS MATERIAL THAT EXISTS. IN
6 ESSENCE, IT DUPLICATES WHAT'S ON THE TAPES.

7 IN ADDITION, YOUR HONOR, I'D LIKE TO FLAG FOR
8 YOU --

9 THE COURT: IN OTHER WORDS, THERE IS A D.E.A. REPORT
10 OR SOME INVESTIGATIVE REPORT THAT DESCRIBES WHAT OCCURRED AT
11 THIS INTERVIEW?

12 MR. MEDRANO: OR GRAND JURY TRANSCRIPT OR DEPOSITION
13 TRANSCRIPT. THAT IS CORRECT.

14 MR. NICOLAYSEN: BUT, YOUR HONOR, THAT SOUNDS AS
15 THOUGH, AT BEST, THERE MAY BE. AND WE ARE NOT GETTING ANY
16 CERTAINTY THAT THAT WILL BE THE CASE WITH RESPECT TO ALL THE
17 TAPES.

18 I'M SPEAKING TODAY AND ASKING YOUR HONOR FOR GUIDANCE
19 NOT JUST WITH RESPECT TO THOSE FOUR TAPES, BUT A GENERAL POLICY
20 FROM HERE ON TO THE END OF THE TRIAL. WE NEED CLARITY.

21 THE COURT: WELL, YOU APPARENTLY DIDN'T HEED MY
22 RECOMMENDATION THAT YOU TURN OVER THAT MATERIAL EARLIER.

23 MR. MEDRANO: WELL, ACTUALLY, YOUR HONOR, AS OF TODAY,
24 WE HAVE TURNED OVER THE JENCKS MATERIAL FOR THE FIRST 25
25 WITNESSES IN THE CASE. PARDON ME. THE FIRST 22 WITNESSES.

1 THE COURT: WHEN DID YOU TURN IT OVER?

2 MR. MEDRANO: IT'S BEEN TURNED OVER AS OF TODAY, YOUR
3 HONOR. WE HAVE ADVISED DEFENSE COUNSEL THAT -- THE FIRST FOUR
4 WITNESSES WERE DISCLOSED LAST FRIDAY, THE REMAINING 18
5 WITNESSES HAVE BEEN DISCLOSED TODAY TO DEFENSE COUNSEL; A TOTAL
6 OF 22 AS OF TODAY, YOUR HONOR.

7 THE COURT: WELL, COUNSEL, MY RECOMMENDATION IS YOU DO
8 THE BEST YOU CAN.

9 IF, WHEN THE WITNESS IS CALLED BY THE GOVERNMENT AND
10 TESTIFIES, YOU FEEL AT SOME DISADVANTAGE FOR CROSS-EXAMINATION
11 PURPOSES, YOU MAY THEN PRESENT THAT TO THE COURT. I'M NOT AT
12 THIS TIME GOING GIVE YOU A RECESS, WHERE IT MIGHT NOT PROVE TO
13 BE NECESSARY AT ALL.

14 MR. NICOLAYSEN: IF I MAY HAVE THE COURT'S PERMISSION,
15 THEN, WHEN IT'S APPROPRIATE, TO RAISE IT, YOUR HONOR WILL HEAR
16 US OUT ON THAT?

17 THE COURT: YES, SIR.

18 MR. NICOLAYSEN: THANK YOU.

19 MR. STOLAR: I HAVE JUST ONE "FINAL" ON THIS: IN THIS
20 PARTICULAR WITNESS'S GRAND JURY TESTIMONY, THERE ARE SEVERAL
21 AREAS WHERE HIS TESTIMONY IS BLOCKED OUT (DISPLAYS TRANSCRIPT
22 TO COURT) OF WHATEVER PROCEEDINGS WERE HAD BEFORE THE GRAND
23 JURY. IT IS TOTALLY BLOCKED OUT. AND THAT GOES ALONG WITH
24 SOME OF THE BLANK-OUTS THAT WE HAVE ON SOME OF THE REPORTS THAT
25 CAME WITH IT, TOO.

1 THE COURT: WELL, WHAT WAS THE PURPOSE OF THAT?

2 MR. CARLTON: YOUR HONOR, THE AREAS THAT HAVE BEEN
3 BLOCKED OUT OF THE JENCKS MATERIAL IS NOT SOMETHING THAT HE'LL
4 BE TESTIFYING ABOUT. IT IS NOT JENCKS.

5 MR. STOLAR: IT'S THE SUBJECT MATTER OF THE DIRECT
6 TESTIMONY IN THIS CASE.

7 THE COURT: JUST A MOMENT. DID I SIGN AN ORDER TO
8 RELEASE THE GRAND JURY TESTIMONY OF THIS WITNESS TO THE
9 DEFENDANTS?

10 MR. CARLTON: WELL, YOUR HONOR, I BELIEVE MOST OF THIS
11 WAS RELEASED IN THE PRIOR CASE.

12 THE COURT: WELL, DID YOU SUBMIT AN ORDER -- THIS IS
13 THE PRIOR CASE TESTIMONY OR THIS IS THE CURRENT CASE?

14 MR. STOLAR: THE ONE I'M SPECIFICALLY TALKING ABOUT IS
15 THE TESTIMONY OF THE WITNESS IN 1987, I GUESS IN PREPARATION
16 FOR THE FIRST TRIAL. AND THAT WAS TURNED OVER TO US AS JENCKS
17 MATERIAL FOR HIS TESTIMONY HERE. AND THERE ARE SEVERAL PAGES
18 WHERE THERE ARE THINGS THAT ARE COMPLETELY BLOCKED OUT. THE
19 STATUTE DOES NOT PERMIT UNILATERAL DECISIONS TO BE MADE --

20 THE COURT: WELL, WHAT IS THE AUTHORITY FOR BLOCKING
21 OUT PARTS OF THE GRAND JURY TESTIMONY ORDERED TURNED OVER TO
22 THE DEFENDANTS?

23 MR. MEDRANO: THE FOLLOWING, YOUR HONOR: SECTION 3500
24 DICTATES THAT IT ONLY NEEDS TO COVER MATERIAL THAT IS THE
25 SUBJECT MATTER OF THE WITNESS'S DIRECT EXAMINATION. AND INDEED

1 THERE'S CASE LAW ON THAT POSITION.

2 IF MATTER HAS BEEN DELETED, YOUR HONOR, IT IS EITHER
3 IRRELEVANT; OR AT TIMES, IT'S INTERCOURSE BETWEEN THE GRAND
4 JURY AND THE A.U.S.A., WHICH IS NOT JENCKS MATERIAL; AND MANY
5 TIMES IT'S SIMPLY OUTSIDE THE PARAMETERS OF THE DIRECT
6 EXAMINATION OF THE WITNESS.

7 THE COURT: WELL, I THINK THAT THAT'S NOT CORRECT;
8 THAT THE DEFENDANTS ARE ENTITLED TO THE TESTIMONY THAT WAS
9 PRESENTED TO THE GRAND JURY.

10 MR. NICOLAYSEN: THE STATUTE SPECIFICALLY STATES IT'S
11 FOR THE COURT TO INSPECT IN CAMERA THE ENTIRETY OF THE
12 STATEMENTS.

13 THE COURT: IF THERE'S A DISPUTE ABOUT IT, THAT WOULD
14 BE THE APPROPRIATE WAY TO DO IT. BUT THE GOVERNMENT SHOULD NOT
15 REDACT THE TESTIMONY ON ITS OWN AND MAKE A UNILATERAL DECISION
16 THAT THIS NEED NOT BE DISCLOSED.

17 MR. MEDRANO: ON GRAND JURY MATERIALS, YOUR HONOR?

18 THE COURT: YES.

19 MR. STOLAR: WHAT ABOUT THE 6?

20 MR. MEDRANO: WELL, YOUR HONOR, THE 6 IS A DIFFERENT
21 BALLGAME, WITH ALL DUE RESPECT.

22 THE COURT: WHAT?

23 MR. MEDRANO: AS TO THE GRAND JURY MATERIALS, YOUR
24 HONOR, THE GOVERNMENT FEELS STRONGLY ABOUT ITS POSITION. WITH
25 YOUR PERMISSION, WE'D LIKE TO SUBMIT IT IN CAMERA TO ALLOW --

1 THE COURT: REGARDING WHAT?

2 MR. MEDRANO: WELL, WE HAVE THE FIND THE UNREDACTED
3 GRAND JURY TRANSCRIPT.

4 THE COURT: I CAN SEE A PROBLEM OCCURRING HERE THAT I
5 DON'T LIKE. NO. 1 IS THESE OFF-THE-CUFF MOTIONS.

6 IF YOU PEOPLE WANT TO RAISE MOTIONS THAT THE COURT IS
7 GOING TO CONSIDER, YOU WRITE THEM UP AND YOU DO THE RESEARCH
8 NECESSARY TO ASSIST THE COURT IN DETERMINING WHAT IS
9 APPROPRIATE AND WHAT IS NOT. I'M NOT GOING TO GO THROUGH THIS
10 TRIAL HAVING YOU PEOPLE GENERATING MOTIONS THAT OCCUR TO YOU IN
11 WHAT I CALL "WALK-IN BUSINESS." SIMPLY, THAT IS NOT THE WAY
12 TO PROPERLY CONDUCT THIS TRIAL.

13 SO IF YOU HAVE PROBLEMS OF THIS TYPE, THEY SHOULD BE
14 WRITTEN UP AND SUBMITTED TO THE COURT WITH THE OPPORTUNITY FOR
15 THE OPPOSING SIDE TO RESPOND, AND THEN THE COURT WILL RULE.

16 MR. NICOLAYSEN: AT LEAST FOR PURPOSES OF TODAY'S
17 MATTER, CAN WE HAVE AN ORDER -- I WILL RESPECTFULLY MOVE ON MY
18 OWN BEHALF AND I'M SURE MY CO-COUNSEL WILL JOIN -- FOR THE
19 REDACTED PORTION OF KUYKENDALL'S GRAND JURY TESTIMONY TO BE
20 SUPPLIED?

21 THE COURT: I BELIEVE THAT IS APPROPRIATE.

22 MR. MEDRANO: YOUR HONOR, WITH YOUR PERMISSION, MIGHT
23 WE FIRST SUBMIT THAT TO THE COURT IN CAMERA?

24 THE COURT: NOT BASED ON WHAT YOU HAVE SAID. THE
25 GRAND JURY TESTIMONY OF THIS WITNESS SHOULD BE SUBMITTED TO THE

1 DEFENDANT, AND ANY WITNESSES.

2 MR. MEDRANO: VERY WELL, YOUR HONOR.

3 THE CLERK: PLEASE RISE. THIS COURT IS NOW IN RECESS.

4 (BRIEF RECESS.)

5 (JURY PRESENT.)

6 THE COURT: LET THE RECORD SHOW THE PRESENCE OF ALL
7 DEFENDANTS AND COUNSEL AND JURORS.

8 YOU MAY CONTINUE YOUR EXAMINATION.

9
10 DIRECT EXAMINATION + (RESUMED)

11
12 BY MR. CARLTON:

13 Q. MR. KUYKENDALL, YOU LAST TESTIFIED THAT YOU ACCOMPANIED
14 COMANDANTE ALDANA ON THE RAIDS OF CERTAIN HOTELS.

15 DID YOU A COMPANY HIM ANYWHERE ELSE ON THE FIRST DAY
16 OF THE RAIDS?

17 A. WE WENT TO A HOUSE THAT -- WE HAD BEEN GIVEN THE ADDRESS
18 BY AN INFORMANT, AND WE WENT TO THAT HOUSE, WE FLEW OVER SOME
19 SUSPECTED FIELDS, AND WE LANDED AT A FIELD WHERE SOME SOLDIERS
20 WERE AT.

21 Q. WAS MARIJUANA GROWING IN THAT FIELD?

22 A. THE SOLDIERS WERE MANUALLY REMOVING THE MARIJUANA FROM THE
23 GROUND AND PILING IT IN STACKS AND BURNING IT.

24 Q. WERE YOU ABLE TO ESTIMATE THE SIZE OF THAT FIELD?

25 MR. STOLAR: OBJECTION TO IT BEING CHARACTERIZED AS

1 MARIJUANA UNTIL WE HAVE SOME FOUNDATION.

2 THE COURT: OVERRULED.

3 THE WITNESS: APPROXIMATELY 50 ACRES.

4 BY MR. CARLTON:

5 Q. AFTER LANDING IN THAT FIELD, WHAT DID YOU DO THAT DAY?

6 A. WE WENT TO A RANCH OR SMALL FARM ON THE SOUTHERN OUTSKIRTS
7 OF ZACATECAS.

8 Q. AND WAS THAT THE RANCH YOU PREVIOUSLY DESCRIBED OR THAT
9 WAS DESCRIBED FOR YOU BY THE INFORMANT?

10 A. YES, IT IS.

11 Q. DID YOU FIND ANYTHING OF SIGNIFICANCE AT THAT RANCH?

12 A. YES, WE DID. WE FOUND APPROXIMATELY 10 TONS OF MARIJUANA.

13 Q. WHEN YOU SAY MARIJUANA, WAS THIS --

14 THE COURT: YES?

15 MR. STOLAR: I WOULD LIKE A CONTINUING OBJECTION TO
16 THE AGENT CALLING IT MARIJUANA UNTIL THERE IS A FOUNDATION FOR
17 IT.

18 THE COURT: OVERRULED.

19 BY MR. CARLTON:

20 Q. AGENT KUYKENDALL, YOU WORKED FOR D.E.A. AND YOU WORKED FOR
21 THE D.E.A. FOR HOW MANY YEARS?

22 THE COURT: YOU ALREADY COVERED THAT.

23 BY MR. CARLTON:

24 Q. DURING THE COURSE OF YOUR WORK FOR THE D.E.A., DID YOU
25 HAVE OCCASION TO VIEW MARIJUANA?

1 A. YES, SIR.

2 Q. DO YOU HAVE ANY ESTIMATE OF HOW MANY TIMES YOU'VE SEEN
3 MARIJUANA PLANTS?

4 A. A COUPLE HUNDRED TIMES. PLANTS GROWING, YES, SIR.

5 Q. DO YOU HAVE AN ESTIMATE OF HOW MANY TIMES YOU SAW
6 MARIJUANA LEAVES?

7 A. SEVERAL THOUSAND TIMES, SIR.

8 Q. DO MARIJUANA PLANTS HAVE A DISTINCTIVE APPEARANCE THAT YOU
9 RECOGNIZE?

10 A. YES, SIR.

11 Q. DID YOU RECOGNIZE PLANTS OF THAT SORT, MARIJUANA PLANTS,
12 AT THIS RANCH?

13 A. YES, SIR.

14 Q. WHERE AT THIS RANCH DID YOU SEE THIS MARIJUANA?

15 A. IN A -- ONE OF THE ROOMS IN THE REAR PORTION OF THE
16 COMPLEX.

17 Q. HOW WAS IT SITUATED IN THAT ROOM?

18 A. IT WAS IN CARDBOARD BOXES STACKED TO THE CEILING. EACH
19 ONE OF THE BOXES WAS FULL OF MARIJUANA.

20 Q. NOW, AT THAT TIME, DO YOU KNOW HOW MUCH MARIJUANA WAS
21 WORTH IN MEXICO, HOW MUCH IT WAS SELLING FOR IN MEXICO?

22 A. THAT WAS MANICURED OR PREPARED MARIJUANA, AND IT PROBABLY
23 WAS GOING FOR 200 TO \$300 A POUND.

24 Q. WHEN YOU SAY MANICURED OR PREPARED MARIJUANA, WHAT DO YOU
25 MEAN BY THAT?

1 A. IT MEANS IT HAD MOST OF THE STEMS OR ROUGH PORTIONS OF THE
2 PLANT REMOVED.

3 Q. WHAT WAS DONE WITH THIS MARIJUANA, IF YOU KNOW, THAT WAS
4 FOUND AT THE RANCH?

5 A. IT WAS LOADED INTO THE TRUCKS AND REMOVED TO A PARKING LOT
6 ADJACENT TO THE OFFICES OF THE MEXICAN FEDERAL JUDICIAL POLICE
7 IN ZACATECAS.

8 Q. DO YOU KNOW WHAT WAS DONE WITH IT THERE?

9 A. IT WAS HELD UNDER GUARD THERE FOR A COUPLE OF DAYS AND
10 THEN IT WAS DESTROYED.

11 Q. WAS ANYTHING ELSE OF SIGNIFICANCE TO YOUR INVESTIGATION
12 FOUND AT THIS RANCH LOCATION?

13 A. YES, SIR. THERE WAS 200 LITERS HASH OIL AND 3,000 KILOS
14 OF MARIJUANA SEED.

15 Q. DO YOU KNOW HOW MANY POUNDS ARE IN A KILOGRAM?

16 A. TWO POINT TWO POUNDS.

17 Q. SO THIS WOULD BE 6,500 POUNDS OF MARIJUANA SEEDS?

18 A. APPROXIMATELY.

19 Q. DO YOU KNOW HOW MANY ACRES THAT AMOUNT OF MARIJUANA SEEDS
20 WOULD PLANT?

21 A. APPROXIMATELY 6500.

22 Q. NOW, YOU'VE DESCRIBED WHAT YOU DID ON THIS FIRST DAY OF
23 THE RAIDS. DO YOU KNOW WERE ANY OF THE OTHER D.E.A. AGENTS WHO
24 PARTICIPATED IN THESE RAIDS ALLOWED TO FLY, AS YOU WERE, ON
25 THAT FIRST DAY?

1 A. NO, THEY WERE NOT.

2 Q. DO YOU KNOW WHETHER ANY ARRESTS WERE MADE DURING THIS
3 FIRST DAY OF THE RAIDS?

4 A. YES. THERE WERE A TOTAL OF ABOUT 130 PEOPLE DETAINED
5 DURING THE THREE DAYS WE WERE THERE.

6 Q. AND WERE ANY TRAFFICKERS OF SIGNIFICANCE IN YOUR
7 INVESTIGATIONS AMONG THOSE PERSONS ARRESTED?

8 A. NOT IN ZACATECAS.

9 Q. WERE ANY TRAFFICKERS OF SIGNIFICANCE ARRESTED IN ANY OF
10 THE LOCATIONS THAT WERE RELATED TO THESE RAIDS?

11 A. NO.

12 Q. WAS MANUEL CHAVEZ AT ZACATECAS?

13 A. YES.

14 Q. DO YOU KNOW WHERE DID YOU SEE HIM?

15 A. AT THE OFFICES OF THE FEDERAL JUDICIAL POLICE.

16 Q. WHAT WERE HIS CIRCUMSTANCES AT THE TIME?

17 A. HE WAS UNDER ARREST.

18 Q. DID YOU SEE AGENT CAMARENA IN ZACATECAS?

19 A. YES, I DID.

20 Q. DID YOU SEE HIM IN THE SAME ROOM WITH MANUEL CHAVEZ?

21 A. YES, SIR, I DID.

22 Q. AND WHAT WAS AGENT CAMARENA DOING AT THAT TIME?

23 A. HE WAS ASSISTING IN THE INVESTIGATION. HE WAS
24 ACCOMPANYING COMANDANTE ALDANA AND OTHER FEDERAL JUDICIAL
25 POLICE AGENTS IN THEIR PURSUIT OF THE INVESTIGATION.

1 Q. AT THE TIME THAT YOU SAW MANUEL CHAVEZ AND AGENT CAMARENA
2 IN THE SAME ROOM --

3 A. YES, SIR.

4 Q. -- WAS THERE ANY OBSTRUCTION OR OBSTACLE TO MANUEL
5 CHAVEZ'S VIEW OF AGENT CAMARENA GOING ABOUT HIS WORK?

6 MS. KELLY: OBJECTION, YOUR HONOR, LACKING
7 FOUNDATION.

8 THE COURT: THE WITNESS STATED HE WAS IN THE ROOM.

9 MS. KELLY: YES, YOUR HONOR, BUT WE DON'T BELIEVE THE
10 WITNESS CAN SAY WHETHER THERE WAS AN OBSTRUCTION TO CHAVEZ'S
11 VIEW.

12 THE COURT: OVERRULED.

13 THE WITNESS: NO, THERE WAS NOT.

14 BY MR. CARLTON:

15 Q. NOW, AT THE TIME THAT YOU MET WITH THE M.F.J.P. DIRECTOR
16 AND OTHER PERSONS TO PLAN THESE RAIDS, DID YOU PROVIDE TO THEM
17 NAMES OF PERSONS THAT YOU HAD REASON TO BELIEVE WERE INVOLVED
18 IN THESE MARIJUANA RANCHES?

19 A. YES, SIR, I DID.

20 Q. AMONG THE NAMES THAT YOU PROVIDED, WAS THERE THE NAME OF A
21 PERSON NAMED GALO GUTIERREZ?

22 A. YES, SIR.

23 Q. DID HE HAVE A PARTICULAR OFFICIAL POSITION THAT YOU WERE
24 AWARE OF?

25 A. YES. HE WAS THE COMANDANTE IN CHARGE OF THE FEDERAL

1 JUDICIAL POLICE IN ZACATECAS.

2 Q. DID YOU ALSO PROVIDE TO THE DIRECTOR OF THE M.F.J.P. THE
3 NAME --

4 MR. MEZA: OBJECTION, YOUR HONOR. THAT'S A LEADING
5 QUESTION.

6 THE COURT: RESTATE YOUR QUESTION.

7 BY MR. CARLTON:

8 Q. ARE YOU FAMILIAR WITH AN INDIVIDUAL NAMED NEGRO VIELMA?

9 A. I WAS.

10 Q. DID YOU PROVIDE HIS NAME TO THE DIRECTOR OF THE M.F.J.P.?

11 A. YES, I DID.

12 Q. WHY DID YOU DO THAT?

13 A. HE WAS ONE OF THE PEOPLE PROVIDING PROTECTION TO THE
14 TRAFFICKERS IN THE AREA.

15 MR. MEZA: OBJECTION, NO FOUNDATION.

16 MR. STOLAR: MOVE STRIKE.

17 THE COURT: THE OBJECTION IS SUSTAINED. THE ANSWER
18 MAY BE STRICKEN AND DISREGARDED.

19 Q. WAS HE A SUSPECT?

20 A. YES, SIR.

21 Q. DID HE HAVE AN OFFICIAL POSITION?

22 A. YES, HE DID.

23 Q. WHAT WAS HIS OFFICIAL POSITION AT THAT TIME?

24 A. HE WAS THE COMANDANTE IN CHARGE OF THE DIRECCION FEDERAL
25 DE SEGURIDAD, THE D.F.S., IN THE STATE OF ZACATECAS.

1 Q. NOW, AT THE TIME THAT YOU PARTICIPATED IN THE RAIDS IN
2 ZACATECAS, WERE EITHER OF THOSE TWO PERSONS PRESENT?

3 A. NO.

4 Q. DID YOU PARTICIPATE IN THE QUESTIONING OF ANY OF THE
5 PERSONS ARRESTED AS A RESULT OF THESE RAIDS?

6 A. I WAS PRESENT WHEN THE QUESTIONING WAS BEING DONE. I DID
7 NOT PARTICIPATE.

8 Q. WERE YOU PRESENT WHEN M.F.J.P. AGENTS QUESTIONED THE
9 ARRESTEES?

10 A. YES.

11 Q. AND WHILE YOU WITNESSED THIS QUESTIONING, DID YOU HEAR ANY
12 ARRESTEES ATTEMPT TO INFORM THE M.F.J.P. WHO THE FINANCIERS OF
13 THIS OPERATION WERE?

14 A. YES.

15 Q. AND WHAT DID THE M.F.J.P. QUESTIONERS DO IN RESPONSE TO
16 THOSE ATTEMPTS?

17 A. THEY IGNORED MY PLEAS TO LISTEN TO THEM.

18 Q. THEY WOULDN'T LISTEN?

19 A. NO.

20 Q. NOW, IF YOU WOULD LOOK, PLEASE, TO THE STACK OF EXHIBITS,
21 I'D LIKE YOU TO LOOK AT THE EXHIBITS THAT HAVE BEEN MARKED FOR
22 IDENTIFICATION AS 8-A THROUGH -K.

23 A. 8-A?

24 Q. 8-A THROUGH 8-K . WE CAN LOOK AT THEM ALL AT ONE TIME.

25 NOW, LOOKING AT A-8, DO YOU RECOGNIZE THAT

1 PHOTOGRAPH?

2 A. YES, SIR, I DO.

3 Q. WHAT IS IT? WHAT DOES IT INDICATE?

4 A. IT IS THE SCENE OF THE AIRPORT AT ZACATECAS. THOSE ARE
5 THE HELICOPTERS THAT BELONGED TO THE ERADICATION PROGRAM IN THE
6 BACKGROUND, AND THE GROUP OF INDIVIDUALS NEAR THE HELICOPTERS
7 WOULD BE FEDERAL JUDICIAL POLICE AGENTS.

8 THE THREE INDIVIDUALS IN THE FRONT ARE D.E.A. AGENTS.

9 Q. PERHAPS YOU CAN JUST BRIEFLY SHOW THAT PHOTOGRAPH TO THE
10 JURY.

11 THE COURT: IT IS NOT IN EVIDENCE.

12 MR. CARLTON: I MOVE THAT THAT EXHIBIT BE RECEIVED IN
13 EVIDENCE.

14 THE COURT: IT MAY BE RECEIVED. NOW YOU MAY SHOW IT.

15 (EXHIBIT # 8-A RECEIVED IN EVIDENCE.)

16 (WITNESS DISPLAYING THE PHOTOGRAPH TO THE JURY.)

17 BY MR. CARLTON:

18 Q. NOW, WOULD YOU PLEASE LOOK AT WHAT HAS BEEN MARKED FOR
19 IDENTIFICATION AS EXHIBIT 8-B. CAN YOU DESCRIBE THAT?

20 DO YOU RECOGNIZE THAT?

21 A. THAT'S A PICTURE OF THE RANCH OR SMALL FARM ON THE
22 SOUTHERN OUTSKIRTS OF ZACATECAS WHERE THE MARIJUANA WAS
23 DISCOVERED.

24 MR. CARLTON: I WOULD MOVE THAT THIS EXHIBIT BE

25 RECEIVED.

1 MR. STOLAR: MAY I JUST ASK ONE QUESTION ON VOIR
2 DIRE?

3 THE COURT: NO. YOU MAY CROSS-EXAMINE THE WITNESS
4 REGARDING IT.

5 IT MAY BE RECEIVED.

6 (EXHIBIT # 8-B RECEIVED IN EVIDENCE.)

7 BY MR. CARLTON:

8 Q. CAN YOU INDICATE, MR. KUYKENDALL, WHERE IN THAT FACILITY
9 YOU SAW THE MARIJUANA?

10 A. IN THIS ROOM BACK HERE.

11 Q. WOULD YOU PLEASE THEN LOOK AT WHAT HAS BEEN MARKED FOR
12 IDENTIFICATION AS EXHIBIT 8-C.

13 DO YOU RECOGNIZE THAT?

14 A. YES. THIS IS ANOTHER PART OF THAT COMPLEX, ANOTHER ONE OF
15 THE DOORS, SOME OF THE BOXES OF THE TYPE THAT THE MARIJUANA WAS
16 PACKAGED IN.

17 MR. CARLTON: I WOULD MOVE THAT THIS EXHIBIT BE
18 RECEIVED.

19 THE COURT: IT MAY BE RECEIVED.

20 (EXHIBIT # 8-C RECEIVED IN EVIDENCE.)

21 BY MR. CARLTON:

22 Q. PLEASE LOOK AT THE NEXT IN ORDER. DO YOU RECOGNIZE THAT?

23 A. 8-D.

24 Q. DO YOU RECOGNIZE THAT?

25 A. YES. IT IS A SCENE FROM ONE OF THE ROOMS. THIS IS

1 MARIJUANA SEEDS AND RESIDUE THAT HAS BEEN LEFT BEHIND.

2 MR. CARLTON: I WOULD MOVE THAT THAT BE RECEIVED.

3 THE COURT: THAT MAY BE RECEIVED.

4 (EXHIBIT † 8-D RECEIVED IN EVIDENCE.)

5 BY MR. CARLTON:

6 Q. WHAT EXHIBIT ARE YOU LOOKING AT THERE?

7 A. THIS IS ANOTHER ONE OF THE ROOMS, AND THESE ARE EMPTY
8 CARDBOARD BOXES STACKED UP INSIDE THE ROOM WITH MARIJUANA
9 RESIDUE ON THE FLOOR.

10 Q. HAS THAT BEEN MARKED FOR IDENTIFICATION?

11 A. IT IS 8-E.

12 MR. CARLTON: I MOVE THAT THAT BE RECEIVED.

13 THE COURT: THAT MAY BE RECEIVED.

14 (EXHIBIT † 8-E RECEIVED IN EVIDENCE.)

15 BY MR. CARLTON:

16 Q. AND DO YOU RECOGNIZE THE PHOTOGRAPH THAT HAS BEEN MARKED
17 FOR IDENTIFICATION AS 8-F?

18 A. YES, SIR. IT IS A VIEW OF ANOTHER ONE OF THE ROOMS IN
19 THERE WITH MARIJUANA RESIDUE ALL OVER THE FLOOR.

20 MR. CARLTON: I MOVE THAT THAT BE RECEIVED.

21 THE COURT: THAT MAY BE RECEIVED.

22 (EXHIBIT † 8-F RECEIVED IN EVIDENCE.)

23 BY MR. CARLTON:

24 Q. DO YOU RECOGNIZE THE PHOTOGRAPH THAT HAS BEEN MARKED FOR
25 IDENTIFICATION AS 8-G?

1 A. YES, SIR. IT HAS ONE OF THE TRUCKS THAT HAS BEEN -- WAS
2 LOADED WITH MARIJUANA AND BEEN REMOVED TO THE PARKING LOT, AND
3 IT IS NOW LOCATED IN THE PARKING LOT NEXT TO THE FEDERAL
4 JUDICIAL POLICE OFFICERS IN ZACATECAS.

5 MR. CARLTON: I MOVE THAT THAT BE RECEIVED.

6 THE COURT: THAT MAY BE RECEIVED.

7 (EXHIBIT # B-G RECEIVED IN EVIDENCE.)

8 BY MR. CARLTON:

9 Q. AND ARE YOU LOOKING AT WHAT HAS BEEN MARKED FOR
10 IDENTIFICATION AS EXHIBIT B-H?

11 A. YES.

12 Q. DO YOU RECOGNIZE THAT?

13 A. YES, SIR, I DO. IT IS THE TRUCK IN THE FIRST, OTHER
14 PHOTOGRAPH, PLUS ANOTHER TRUCK, BOTH OF THEM LOADED WITH
15 MARIJUANA AND MARIJUANA SEEDS. AND THEY'RE PARKED IN THE
16 PARKING LOT.

17 MR. CARLTON: I MOVE THAT THAT BE RECEIVED.

18 THE COURT: THAT MAY BE RECEIVED.

19 (EXHIBIT # B-H RECEIVED IN EVIDENCE.)

20 THE WITNESS: B-I.

21 BY MR. CARLTON:

22 Q. YOU WERE LOOKING AT WHAT HAS BEEN MARKED AS EXHIBIT B-I?

23 A. YES, SIR.

24 Q. DO YOU RECOGNIZE THAT?

25 A. YES, SIR. THESE ARE SACKS OF MARIJUANA SEED STACKED ON

1 TOP OF ONE OF THE TRUCKS.

2 MR. CARLTON: I MOVE THAT THAT BE RECEIVED.

3 THE COURT: THAT MAY BE RECEIVED.

4 (EXHIBIT # 8-I RECEIVED IN EVIDENCE.)

5 BY MR. CARLTON:

6 Q. AND ARE YOU LOOKING AT WHAT HAS BEEN MARKED AS EXHIBIT
7 8-J?

8 A. YES, SIR.

9 Q. DO YOU RECOGNIZE IT?

10 A. YES, SIR. THIS IS A SCENE FROM ONE OF THE ROOMS AT THE
11 BUILDING, AT THE HOUSE, AND THESE ARE BOXES FULL OF MARIJUANA
12 AND THE WAY THEY WERE STACKED IN THERE.

13 MR. CARLTON: I MOVE THAT THAT BE RECEIVED.

14 THE COURT: THAT MAY BE RECEIVED.

15 (EXHIBIT # 8-J RECEIVED IN EVIDENCE.)

16 BY MR. CARLTON:

17 Q. AND ARE YOU LOOKING AT WHAT HAS BEEN MARKED FOR
18 IDENTIFICATION AS EXHIBIT 8-K?

19 A. YES, SIR.

20 Q. DO YOU RECOGNIZE THAT?

21 A. YES, SIR. THIS IS A SCENE IN THE PARKING LOT. THOSE ARE
22 BOXES IN THE BACKGROUND FOR THE MARIJUANA, AND THE PLASTIC
23 CONTAINERS IN THE FRONT CONTAIN HASH OIL.

24 Q. HASHISH OIL?

25 A. HASHISH OIL.

1 Q. DO YOU KNOW WHAT HASHISH OIL IS?

2 A. IT IS THE LIQUID EXTRACT OF THE ROSIN FROM THE MARIJUANA
3 PLANT.

4 MR. CARLTON: I MOVE THAT THAT BE RECEIVED.

5 THE COURT: THAT MAY BE RECEIVED.

6 (EXHIBIT # B-K RECEIVED IN EVIDENCE.)

7 BY MR. CARLTON:

8 Q. DURING THE TIME THAT YOU WERE EMPLOYED AS THE RESIDENT
9 AGENT IN CHARGE OF THE GUADALAJARA OFFICE, WAS CAPTAIN ZAVALA -
10 DID CAPTAIN ZAVALA EVER PROVIDE ANY INFORMATION CONCERNING
11 AIRCRAFT AT THE GUADALAJARA AIRPORT?

12 A. YES, HE DID.

13 Q. DO YOU RECALL WHETHER YOU WERE ABLE TO ASSOCIATE ANY OF
14 THE AIRCRAFT THAT HE IDENTIFIED WITH ANY PARTICULAR
15 TRAFFICKERS?

16 A. YES, SIR, WE WERE.

17 Q. WHO WERE THOSE TRAFFICKERS?

18 MR. STOLAR: OBJECTION; FOUNDATION.

19 THE COURT: SUSTAINED.

20 BY MR. CARLTON:

21 Q. DID CAPTAIN ZAVALA EVER INDICATE TO YOU THAT HE HAD SEEN
22 MIGUEL FELIX GALLARDO AT THE AIRPORT?

23 MR. STOLAR: OBJECTION; HEARSAY.

24 THE COURT: SUSTAINED.

25 BY MR. CARLTON:

1 Q. ARE YOU FAMILIAR, MR. KUYKENDALL, WITH ANOTHER INDIVIDUAL,
2 CESAR GARCIA BUENO?

3 A. YES, SIR.

4 Q. DID HE DO SOME WORK FOR THE GUADALAJARA OFFICE OF THE
5 D.E.A.?

6 A. YES, HE DID.

7 Q. WHAT WAS THAT?

8 A. HE WAS A CONFIDENTIAL INFORMANT FOR THE OFFICE.

9 Q. TO WHOM DID HE REPORT IN THE OFFICE?

10 A. SPECIAL AGENT ENRIQUE CAMARENA.

11 Q. ARE YOU FAMILIAR WITH THE INVESTIGATIONS ON WHICH GARCIA
12 BUENA WORKED?

13 THE COURT: JUST A MOMENT. ARE YOU HAVING TROUBLE
14 WITH THE WITNESS?

15 THE INTERPRETER: YES. THE LAST QUESTION.

16 THE COURT: USE THAT MICROPHONE AND SPEAK UP A LITTLE
17 BIT, PLEASE.

18 RESTATE THE LAST QUESTION.

19 THE INTERPRETER: THANK YOU, YOUR HONOR.

20 BY MR. CARLTON:

21 Q. ARE YOU FAMILIAR WITH THE INVESTIGATIONS ON WHICH
22 MR. GARCIA BUENA WORKED?

23 A. YES, SIR, I WAS.

24 Q. ARE YOU FAMILIAR WITH AN INVESTIGATION UPON WHICH HE WAS
25 WORKING IN SEPTEMBER OF 1984?

1 A. YES, SIR.

2 Q. DO YOU KNOW WHO THE SUBJECT OF THAT INVESTIGATION WAS?

3 A. ERNESTO FONSECA CARRILLO.

4 Q. WHO WAS HE WORKING WITH, IF ANYONE, IN THE GUADALAJARA
5 OFFICE IN RELATION TO THAT INVESTIGATION?

6 A. SPECIAL AGENT CAMARENA.

7 Q. AT SOME POINT WAS MR. GARCIA BUENO THROWN OUT OF
8 GUADALAJARA?

9 A. YES, HE WAS.

10 Q. DO YOU KNOW THE MEANS BY WHICH HE WAS THROWN OUT OF
11 GUADALAJARA?

12 A. BY A MEDIVAC SERVICE. HOSPITAL AIRPLANE.

13 Q. DID AGENT CAMARENA, IF YOU KNOW, ACCOMPANY HIM TO THE
14 AIRPORT?

15 A. YES, HE DID.

16 Q. NOW, DRAWING YOUR ATTENTION TO FEBRUARY 7 OF 1985, DID YOU
17 WORK IN THE OFFICE THAT DAY?

18 A. YES, I DID.

19 Q. DID AGENT CAMARENA WORK IN THE OFFICE THAT DAY?

20 A. YES, HE DID.

21 Q. WERE YOU FAMILIAR WITH THE VEHICLE THAT AGENT CAMARENA
22 DROVE?

23 A. YES, SIR, I WAS.

24 Q. WHAT KIND OF VEHICLE WAS THAT?

25 A. IT WAS A BLUE FORD PICKUP, AN F-150. I BELIEVE IT WAS AN

1 '84 OR '85 MODEL.

2 Q. DID YOU SEE HIS PICKUP TRUCK THAT DAY?

3 A. YES, SIR, I DID.

4 Q. WHERE DID YOU SEE IT?

5 A. IT WAS PARKED IN THE SMALL PARKING LOT ADJACENT TO THE
6 CAMELOT RESTAURANT, ACROSS THE STREET, CATER-CORNER FROM THE
7 U.S. CONSULATE GENERAL.

8 Q. WAS IT USUAL FOR AGENTS TO PARK THERE CARS IN THAT LOT?

9 A. IT WAS THEN, YES, SIR.

10 Q. WHY WAS THAT?

11 A. SINCE THE FIRST OF JANUARY OF THAT YEAR, 1985, THE PARKING
12 LOT BEHIND THE CONSULATE HAD BEEN -- THERE WAS SOME SORT OF
13 DISPUTE BETWEEN THE OWNERS, AND THAT PARKING LOT WAS NO LONGER
14 AVAILABLE FOR USE BY CONSULATE PERSONNEL.

15 Q. SO THE AGENTS USED THE CAMELOT PARKING LOT?

16 A. YES, SIR.

17 Q. I'D LIKE YOU, IF YOU WOULD, PLEASE, TO LOOK AT WHAT HAVE
18 BEEN MARKED AS EXHIBITS 9-B, -C AND -D.

19 (DOCUMENTS PLACED BEFORE THE WITNESS.)

20 AND YOU'RE LOOKING AT WHAT HAS BEEN MARKED FOR
21 IDENTIFICATION AS EXHIBIT 9-A. DO YOU RECOGNIZE THAT?

22 A. YES, SIR, I DO.

23 Q. WHAT IS IT?

24 A. IT IS A VIEW OF THE CAMELOT RESTAURANT, THE PARKING LOT AS
25 IT WOULD LOOK ON LIBERTAD STREET.

1 Q. WAS THAT THE PARKING LOT WHERE YOU SAW AGENT CAMARENA'S
2 TRUCK?

3 A. YES, SIR.

4 Q. AND WOULD YOU PLEASE LOOK AT WHAT HAS BEEN MARKED AS
5 EXHIBIT 9-B. DO YOU RECOGNIZE THAT?

6 A. YES, SIR.

7 Q. WHAT IS IT?

8 A. IT'S ANOTHER VIEW OF THE SAME RESTAURANTS AND THE SAME
9 PARKING LOT.

10 Q. LOOKING FROM WHICH DIRECTION?

11 A. FROM THE CORNER OF WHERE THE CONSULATE IS LOCATED.

12 MR. CARLTON: I WOULD MOVE THAT THESE TWO BE RECEIVED
13 INTO EVIDENCE.

14 THE COURT: THEY MAY BE RECEIVED.

15 (EXHIBIT # 9-B RECEIVED IN EVIDENCE.)

16 (PHOTOGRAPHS DISPLAYED TO THE JURY.)

17 MR. CARLTON: I BELIEVE THAT'S ALL, MR. KUYKENDALL.

18 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL.)

19 BY MR. CARLTON:

20 Q. DID YOU SEE AGENT CAMARENA IN THE OFFICE THAT DAY?

21 A. YES, SIR, I DID.

22 Q. WHEN WAS THE LAST TIME ON FEBRUARY 7, 1985 THAT YOU SAW
23 HIM?

24 A. ABOUT 1:30 OR SO IN THE AFTERNOON.

25 Q. WHAT WAS THE OCCASION?

1 A. WE WALKED TOGETHER FROM THE CAMELOT RESTAURANT TO THE
2 CONSULATE UP INTO OUR OFFICE.

3 Q. AND DID YOU HEAR HIM IN THE OFFICE AT SOME LATER TIME?

4 A. YES, SIR.

5 Q. WHEN WAS THAT?

6 A. AROUND 2:15 -- 2:10, 2:15 IN AFTERNOON.

7 Q. WHAT WAS IT THAT YOU HEARD AT THAT TIME?

8 A. HE TOLD ONE OF THE SECRETARIES THAT -- I BELIEVE HIS WORDS
9 WERE, "IF MY WIFE CALLS, TELL HER THAT I'M ON MY WAY. I WAS
10 SUPPOSED TO MEET HER FOR LUNCH."

11 Q. DID YOU EVER SEE HIM AGAIN ALIVE?

12 A. NO, SIR.

13 Q. DID YOU -- TURNING YOUR ATTENTION NOW TO THE FOLLOWING
14 DAY, FEBRUARY 8 OF '85, DID YOU RECEIVE A TELEPHONE CALL THAT
15 MORNING?

16 A. YES, SIR, I DID.

17 Q. WHO WAS THAT FROM?

18 A. SPECIAL AGENT VICTOR WALLACE.

19 Q. WHAT, IF ANYTHING, DID HE TELL YOU AT THAT TIME?

20 MR. STOLAR: OBJECT TO THE HEARSAY.

21 THE COURT: SUSTAINED.

22 BY MR. CARLTON:

23 Q. DID AGENT WALLACE TELL YOU ANYTHING THAT CAUSED YOU
24 CONCERN?

25 A. YES, SIR.

1 Q. WHAT WAS THAT?

2 MR. STOLAR: OBJECTION TO THE HEARSAY.

3 THE COURT: SUSTAINED.

4 BY MR. CARLTON:

5 Q. DID YOU -- ON FEBRUARY 8 OF 1985, DID YOU INITIATE AN
6 INVESTIGATION CONCERNING SPECIAL AGENT CAMARENA?

7 A. YES, SIR, I DID.

8 Q. WHAT INFORMATION PROMPTED YOU TO INITIATE THAT
9 INVESTIGATION?

10 MR. STOLAR: OBJECTION

11 THE COURT: OVERRULED. THIS MAY BE RECEIVED FOR
12 ESTABLISHING THE PURPOSE OF WHY HE STARTED THE INVESTIGATION
13 AND CONSIDERED ONLY FOR THAT PURPOSE.

14 THE WITNESS: INFORMATION I RECEIVED FROM SPECIAL
15 AGENT WALLACE OVER THE TELEPHONE.

16 BY MR. CARLTON:

17 Q. WHICH WAS?

18 A. THAT SPECIAL AGENT CAMARENA HAD NOT RETURNED TO HIS HOME
19 DURING THE NIGHT AND HIS WIFE AND SPECIAL AGENT WALLACE WERE
20 CONCERNED AS TO HIS WHEREABOUTS.

21 Q. WHAT DID YOU DO IN RESPONSE TO THAT INFORMATION?

22 A. I CALLED SEVERAL MUTUAL ACQUAINTANCES AND ASKED IF THEY
23 HAD SEEN HIM OR KNEW OF HIS WHEREABOUTS, AND THEN I TRAVELED TO
24 THE CONSULATE.

25 Q. DID YOU OBTAIN ANY INFORMATION CONCERNING HIS WHEREABOUTS

1 FROM THOSE INDIVIDUALS?

2 A. NO, I DID NOT.

3 Q. WHAT DID YOU DO NEXT?

4 A. UPON ARRIVING AT THE CONSULATE, I OBSERVED SPECIAL AGENT
5 CAMARENA'S PICKUP TRUCK WAS PARKED IN THE SAME PLACE THAT IT
6 HAD BEEN PARKED THE PREVIOUS EVENING.

7 Q. DID YOU CONCLUDE THAT IT HAD REMAINED THERE THE ENTIRE
8 EVENING?

9 A. IT APPEARED TO. IT APPEARED THAT IT HAD BEEN THERE ALL
10 NIGHT.

11 Q. WHAT CAUSED YOU TO COME TO THAT CONCLUSION?

12 A. THE VEHICLE WAS COVERED WITH DEW, AND THERE WAS NO DEW
13 UNDER THE VEHICLE.

14 Q. DID YOU NOTICE ANYTHING ELSE ABOUT THE TRUCK AT THAT TIME?

15 A. THE VEHICLE WAS UNLOCKED AND THE ALARM WAS DEACTIVATED.

16 Q. AND WHAT DID YOU DO NEXT?

17 A. I WENT TO THE CONSULATE, TO OUR OFFICES, AND SPECIFICALLY
18 TO AGENT CAMARENA'S OFFICE.

19 Q. WHAT DID YOU DO THERE?

20 A. I NOTICED THAT THE TOP OF HIS DESK WAS IN DISARRAY. THE
21 PREVIOUS DAY'S WORK WAS ON TOP OF THE DESK, WHICH WAS NOT LIKE
22 HIM.

23 Q. DID YOU SEARCH THE DESK?

24 A. I DID A CURSORY INSPECTION OF THE DESK, YES.

25 Q. DID YOU FIND ANYTHING OF SIGNIFICANCE?

1 A. WELL, HIS D.E.A. CREDENTIALS WERE THERE AND HIS HAND GUN
2 WAS THERE.

3 Q. IF YOU WOULD, PLEASE LOOK TO THE BOX OF EXHIBITS FOR WHAT
4 HAS BEEN MARKED AS EXHIBIT 10. DO YOU SEE THAT? DO YOU
5 RECOGNIZE IT?

6 A, YES, SIR.

7 Q. WHAT IS IT?

8 A. IT IS A CREDENTIAL IDENTIFYING BEARERS AS AN AGENT OF THE
9 DRUG ENFORCEMENT ADMINISTRATION. THIS PARTICULAR ONE BELONGED
10 TO ENRIQUE S. CAMARENA.

11 Q. DID AGENTS IN THE GUADALAJARA OFFICE OF THE D.E.A. AT THAT
12 TIME HAVE ISSUED TO THEM OTHER CREDENTIALS AS WELL AS THE KIND
13 YOU'RE HOLDING IN YOUR HAND RIGHT NOW?

14 A. YES, SIR, THEY DID.

15 MR. CARLTON: BY THE WAY, I WOULD MOVE THAT THIS
16 EXHIBIT BE RECEIVED.

17 THE COURT: EXHIBIT 10?

18 MR. CARLTON: YES.

19 THE COURT: THAT MAY BE RECEIVED.

20 (EXHIBIT # 10 RECEIVED IN EVIDENCE.)

21 BY MR. CARLTON:

22 Q. I'M SORRY, MR. KUYKENDALL, WHAT WAS YOUR ANSWER TO THE
23 PREVIOUS QUESTION?

24 THE WITNESS: YES, SIR, THEY DID.

25 BY MR. CARLTON:

1 Q. WHO ISSUED THE KINDS OF CREDENTIALS THAT YOU JUST
2 IDENTIFIED AS EXHIBIT 10?

3 A. IT'S ISSUED BY THE DRUG ENFORCEMENT ADMINISTRATION.

4 Q. AND THERE WAS ANOTHER KIND OF CREDENTIAL, AS WELL?

5 A. THERE WAS ANOTHER KIND OF CREDENTIAL THAT WAS CARRIED BY
6 THE AGENT IN THE OFFICE, YES, SIR.

7 Q. WHO ISSUED THE OTHER KIND OF CREDENTIAL?

8 A. THE MEXICAN SECRETARY OF FOREIGN RELATIONS.

9 Q. WHAT WAS THE PURPOSE OR FUNCTION OF THE OTHER CREDENTIAL?

10 A. TO IDENTIFY A FOREIGN OFFICIAL, OFFICIALLY RECOGNIZED
11 IN -- AS BEING OFFICIALLY PRESENT IN MEXICO.

12 Q. THE OTHER KIND OF CREDENTIAL ISSUED BY THE MEXICANS
13 IDENTIFIED A D.E.A. AS BEING OFFICIALLY IN MEXICO?

14 A. IT IDENTIFIED THE BEARER AS BEING AN AGENT OF THE DRUG
15 ENFORCEMENT ADMINISTRATION OFFICIALLY ABLE TO LIVE AND FUNCTION
16 IN MEXICO, YES, SIR.

17 Q. WAS IT USUAL FOR AGENTS IN THE OFFICE TO CARRY THAT
18 MEXICAN CREDENTIAL WITH THEM?

19 A. YES.

20 Q. DID YOU FIND AGENT CAMARENA'S CREDENTIAL AT ANY TIME
21 DURING YOUR INVESTIGATION?

22 A. NO, SIR.

23 Q. BY THE WAY, MR. KUYKENDALL, GOING BACK A FEW QUESTIONS, AT
24 WHAT TIME DID YOU RECEIVE THE TELEPHONE CALL FROM AGENT WALLACE
25 ON FEBRUARY 8?

1 A. ABOUT 6:00 A.M.

2 Q. NOW, YOU HAD WORKED WITH AGENT CAMARENA FOR HOW LONG?

3 A. ALMOST THREE YEARS.

4 Q. AND DID YOU WORK WITH HIM ON ALL OF HIS INVESTIGATIONS?

5 A. JUST ABOUT, YES, SIR.

6 Q. DID YOU SOCIALIZE WITH HIM?

7 A. YES, SIR.

8 Q. DID YOU FEEL THAT YOU KNEW HIM AS AN INDIVIDUAL?

9 A. VERY WELL, SIR.

10 Q. BASED UPON YOUR EXPERIENCE WITH AGENT CAMARENA, WAS HE THE
11 TYPE OF MAN TO HAVE STAYED OUT ALL NIGHT WITHOUT CALLING HIS
12 FAMILY?

13 A. NO.

14 Q. WAS HE THE TYPE OF MAN TO HAVE GONE ON SOME ASSIGNMENT
15 RELATED TO HIS WORK OVERNIGHT WITHOUT TELLING YOU?

16 A. NOT LIKELY.

17 Q. AFTER SEARCHING AGENT CAMARENA'S DESK, WHAT DID YOU DO
18 NEXT?

19 A. I CALLED THE REMAINDER OF THE AGENTS AND THE SECRETARIES
20 ASSIGNED TO THE OFFICE AND ASKED THEM TO COME IN AND HELP --
21 ASSIST ME IN ATTEMPTING TO LOCATE AGENT CAMARENA.

22 AND THEN I CALLED MY SUPERVISOR IN MEXICO CITY AND
23 ADVISED HIM THAT A MAN WAS MISSING. AND I DIDN'T KNOW YET
24 WHETHER THERE WAS FOUL PLAY INVOLVED, AND I WOULD LET HIM KNOW
25 LATER.

1 Q. DID YOU MAKE ANY EFFORTS TO OBTAIN THE ASSISTANCE OF THE
2 M.F.J.P. IN LOCATING AGENT CAMARENA?

3 A. THAT MORNING WE DID, YES.

4 Q. WERE THOSE EFFORTS SUCCESSFUL?

5 A. NO, THEY WERE NOT.

6 Q. DID YOU MAKE ANY EFFORTS TO OBTAIN THE ASSISTANCE OF THE
7 STATE POLICE, THE JALISCO STATE POLICE, IN LOCATING AGENT
8 CAMARENA?

9 A. YES, WE DID.

10 Q. WERE THOSE EFFORTS SUCCESSFUL?

11 A. NO, THEY WERE NOT.

12 Q. WHAT OTHER ACTIONS DID YOU TAKE THAT AFTERNOON IN YOUR
13 EFFORTS TO LOCATE AGENT CAMARENA?

14 A. I WENT TO THE OFFICE OF THE STATE ATTORNEY GENERAL AND
15 SIGNED A MISSING PERSONS COMPLAINT.

16 Q. WHEN YOU SAY THE STATE ATTORNEY GENERAL, IS THAT THE
17 JALISCO STATE ATTORNEY GENERAL?

18 A. THAT'S CORRECT.

19 Q. AND WHEN DURING THAT AFTERNOON DID YOU FILE THIS MISSING
20 PERSONS COMPLAINT?

21 A. AROUND 4:00 OR 4:30.

22 Q. AT SOME POINT DURING THE AFTERNOON ON FEBRUARY 8TH, DID
23 YOU ARRIVE AT ANY CONCLUSIONS AS TO WHO HAD ABDUCTED AGENT
24 CAMARENA?

25 MR. MEZA: OBJECTION; NO FOUNDATION.

1 MR. STOLAR: OBJECTION.

2 THE COURT: SUSTAINED.

3 BY MR. CARLTON:

4 Q. AT SOME POINT DID YOUR INVESTIGATION INTO AGENT CAMARENA'S
5 DISAPPEARANCE FOCUS ON NARCOTICS TRAFFICKING?

6 A. YES, SIR.

7 Q. WHY DID YOU FOCUS THE INVESTIGATION ON NARCOTICS
8 TRAFFICKERS?

9 A. I COULD SEE NO OTHER LOGICAL EXPLANATION FOR HIS
10 DISAPPEARANCE.

11 Q. DID YOU OBTAIN ANY INFORMATION WHICH CONFIRMED YOUR
12 SUSPICIONS ON THE AFTERNOON OF FEBRUARY 8TH?

13 A. I HEARD OF ANOTHER DISAPPEARANCE THAT SEEMED TO BE
14 RELATED.

15 Q. WHAT DISAPPEARANCE WAS THAT?

16 A. THE PROBABLE ABDUCTION OF CAPTAIN ALFREDO ZAVALA.

17 Q. WHY WAS THAT SIGNIFICANT TO YOU?

18 A. BECAUSE IT HAD TAKEN PLACE ON THE SAME DAY, AND ZAVALA WAS
19 ASSOCIATED WITH US.

20 I KNEW OF NO OTHER -- NO ENEMIES THAT EITHER MAN HAD.

21 Q. DID YOU EVENTUALLY OBTAIN SOME ASSISTANCE FROM THE
22 M.F.J.P. IN LOCATING AGENT CAMARENA?

23 A. YES, SIR.

24 Q. WHEN DID THAT OCCUR?

25 A. THE FEDERAL JUDICIAL POLICE AGENTS BEGAN TO ARRIVE LATER

1 ON THAT EVENING AND THROUGH THE NIGHT AND THE NEXT MORNING.

2 Q. ARE WE TALKING ABOUT FEBRUARY THE 9TH?

3 A. YES.

4 Q. DID YOU GO ON FEBRUARY 9TH AGAIN TO SEEK ASSISTANCE FROM
5 THE STATE POLICE?

6 A. I ACCOMPANIED THE FEDERAL JUDICIAL POLICE OFFICIALS TO
7 ATTEMPT TO SOLICIT ASSISTANCE FROM THE STATE JUDICIAL POLICE.

8 Q. WERE YOUR EFFORTS ON FEBRUARY 9TH SUCCESSFUL IN
9 OBTAINING --

10 A. NO, THEY WERE NOT.

11 Q. -- THE ASSISTANCE OF THE STATE JUDICIAL POLICE?

12 A. NO, THEY WERE NOT.

13 Q. AT SOME POINT ON FEBRUARY 9TH, DID YOU DISPATCH SOME OF
14 YOUR AGENTS TO THE GUADALAJARA AIRPORT?

15 A. YES, SIR.

16 Q. WHAT CAUSED YOU TO DO THAT?

17 A. INFORMATION THAT MIGUEL ANGEL FELIX GALLARDO WAS AT THE
18 AIRPORT AND ATTEMPTING TO LEAVE.

19 Q. HOW WAS THAT INFORMATION OBTAINED?

20 A. IT CAME BY WAY OF A RADIO SCANNER THAT WAS TUNED TO THE
21 FREQUENCY OF MIGUEL FELIX'S RADIO NETWORK.

22 MR. STOLAR: I WOULD OBJECT AND MOVE TO STRIKE ON THE
23 BASIS THAT IT'S ALL HEARSAY.

24 THE COURT: OVERRULED.

25 BY MR. CARLTON:

1 Q. DID YOU PROVIDE THAT INFORMATION TO YOUR AGENTS?

2 A. TO THE FEDERAL JUDICIAL POLICE AND THE AGENTS.

3 Q. SO DO YOU KNOW WHO WENT TO THE AIRPORT ON THAT OCCASION,
4 IN A GENERAL WAY?

5 A. WELL, THERE WAS FEDERAL JUDICIAL POLICE COMANDANTE ARMANDO
6 PAVON REYES, COMANDANTE BRUSOLO AND ABOUT 15 FEDERAL JUDICIAL
7 POLICE AGENTS AND THERE WERE THREE D.E.A. AGENTS ACCOMPANYING
8 THEM.

9 Q. DO YOU KNOW WHO WAS HEADING UP THE M.F.J.P. CONTINGENT?

10 A. ARMANDO PAVON REYES.

11 Q. DO YOU KNOW WHAT HIS RANK WAS?

12 A. HE WAS A FIRST COMANDANTE.

13 Q. DO YOU KNOW -- STRIKE THAT.

14 DO YOU KNOW HOW THESE M.F.J.P. AGENTS GOT TO THE
15 AIRPORT?

16 A. THEY WENT IN RENTAL AUTOMOBILES PROVIDED BY THE D.E.A.
17 AGENTS.

18 Q. NOW, AS OF THAT DATE AND TIME, HAD YOU EVER SEEN RAFAEL
19 CARO QUINTERO?

20 A. NO, SIR.

21 Q. HAD YOU EVER SEEN A PHOTOGRAPH OF HIM?

22 A. NO.

23 Q. HAD YOU MADE ATTEMPTS TO OBTAIN A PHOTOGRAPH OF CARO
24 QUINTERO?

25 A. YES.

1 Q. WERE ANY PHOTOGRAPHS AVAILABLE TO YOU?

2 A. NO.

3 Q. WERE ANY PHOTOGRAPHS AVAILABLE TO YOUR OFFICE?

4 A. NO.

5 Q. WERE ANY OF THE AGENTS -- DO YOU KNOW WHETHER ANY OF THE
6 AGENTS WHO WENT TO THE GUADALAJARA AIRPORT HAD EVER SEEN A
7 PHOTOGRAPH OF CARO QUINTERO?

8 MR. STOLAR: OBJECTION.

9 THE COURT: SUSTAINED.

10 STATE THE GROUNDS NEXT TIME.

11 MR. STOLAR: I'M SORRY.

12 BY MR. CARLTON:

13 Q. IN THE COURSE OF YOUR WORK FOR THE D.E.A. IN THE
14 GUADALAJARA OFFICE, YOUR OFFICE INVESTIGATED CARO?

15 A. YES, SIR.

16 Q. IN THE COURSE OF THOSE INVESTIGATIONS, TO YOUR KNOWLEDGE,
17 HAD ANY D.E.A. AGENT REPORTED THAT HE HAD SEEN CARO QUINTERO?

18 A. NO.

19 Q. IN THE COURSE OF ALL OF YOUR INVESTIGATIONS, ALL OF THE
20 INVESTIGATIONS BY YOUR OFFICE OF CARO AND HIS ACTIVITIES, HAD
21 YOU EVER OBTAINED A REPORT THAT A PHOTOGRAPH OF CARO HAD BEEN
22 TAKEN?

23 A. NO.

24 Q. SO YOU DID NOT PROVIDE, OR DID YOU PROVIDE, A PHOTOGRAPH
25 OF CARO TO ANY OF THE AGENTS WHO WENT TO THE AIRPORT?

1 A. NO, SIR.

2 Q. DID YOU PROVIDE ANY PHYSICAL DESCRIPTION OF CARO TO ANY OF
3 THE AGENTS THAT WENT TO THE AIRPORT?

4 A. NO, SIR.

5 Q. NOW, AFTER THESE AGENTS WERE DISPATCHED TO THE AIRPORT IN
6 THE ENSUING DAYS, CAN YOU DESCRIBE GENERALLY WHAT YOU DID TO
7 ASSIST IN THE INVESTIGATION OF AGENT CAMARENA'S DISAPPEARANCE?

8 A. I PROVIDED INFORMATION ABOUT THE ADDRESS OF HOMES, PLACES
9 OF BUSINESS, RANCHES, PLACES THAT THE TRAFFICKERS FREQUENTED,
10 NAMES OF TRAFFICKERS, ANY ASSOCIATES THEY MIGHT HAVE, AND I
11 PASSED ALONG INFORMATION WHICH WAS BEING RECEIVED DAILY FROM
12 OTHER PLACES AROUND THE WORLD CONCERNING LEADS.

13 WE DISPATCHED THAT INFORMATION TO THE MEXICAN FEDERAL
14 JUDICIAL POLICE.

15 Q. DO YOU KNOW WHAT THEY DID WITH THIS INFORMATION THAT YOU
16 PROVIDED TO THEM?

17 A. THEY FOLLOWED UP ON MOST, IF NOT ALL, OF THE LEADS.

18 Q. WERE VARIOUS RESIDENCES AND LOCATIONS SEARCHED?

19 MR. STOLAR: I WOULD OBJECT UNLESS THE WITNESS WAS
20 PRESENT.

21 THE COURT: SUSTAINED.

22 BY MR. CARLTON:

23 Q. DID YOU PARTICIPATE IN ANY SEARCHES IN THE FOLLOWING
24 WEEKS?

25 A. A FEW.

1 Q. DID YOU PARTICIPATE IN A SEARCH THAT RESULTED IN THE
2 FINDING OF AN AUTOMOBILE?

3 A. YES, SIR.

4 Q. DO YOU RECALL WHEN THAT WAS?

5 A. THAT WAS THE LATTER PART OF MARCH, I BELIEVE.

6 Q. CAN YOU DESCRIBE WHAT THAT SEARCH WAS?

7 A. THE SEARCH CONSISTED OF LOCATING A HOUSE, KEEPING IT UNDER
8 SURVEILLANCE, AND THEN ENTERING THE HOUSE. THE HOUSE WAS AN
9 INCOMPLETED HOUSE. ONE WALL HAD BEEN --

10 Q. WHY WERE YOU LOOKING FOR THIS HOUSE?

11 A. WE HAD INFORMATION THAT AN AUTOMOBILE THAT HAD BEEN USED
12 IN THE ABDUCTION OF AGENT CAMARENA WAS HIDDEN INSIDE THAT
13 HOUSE, SECRETED INSIDE THAT HOUSE.

14 Q. WHAT DID YOU DO IN RELATION TO THIS SEARCH?

15 A. I SENT THE AGENTS TO THE LOCATION AND I GOT TO THE
16 AIRCRAFT AND FLEW TO -- LOCATED IN THE AIR -- AND WE
17 ESTABLISHED SURVEILLANCE FROM A HOUSE.

18 Q. DID YOU EVENTUALLY JOIN IN THE SEARCH OF THE HOUSE?

19 A. YES, I DID. WE LANDED THE AIRCRAFT AT THE SCENE AFTER THE
20 FEDERAL JUDICIAL POLICE HAD ARRIVED AND ACCOMPANIED THEM IN
21 THEIR SEARCH OF THE HOUSE.

22 Q. WHAT DID YOU FIND IN THE SEARCH OF THIS HOUSE?

23 A. WE FOUND A BLACK OR NAVY BLUE FORD GRAND MARQUIS
24 FOUR-DOOR -- I BELIEVE AN '83 MODEL, OR SOMETHING, INSIDE ONE
25 OF THE ROOMS OF THE INCOMPLETED HOUSE.

1 THE CINDER BLOCKS HAD BEEN PILED UP TO CONCEAL IT
2 INSIDE.

3 Q. I'D LIKE FOR YOU, IF YOU WOULD, TO LOOK AT WHAT HAS BEEN
4 MARKED FOR IDENTIFICATION AS EXHIBITS 11-A THROUGH -C.

5 LOOKING FIRST AT EXHIBIT 11-A, MR. KUYKENDALL, DO YOU
6 RECOGNIZE THAT?

7 A. YES. THIS IS A PICTURE OF THE HOUSE, THE INCOMPLETED
8 HOUSE, AND THOSE ARE -- MEXICAN POLICE AGENTS ARE MOVING THE
9 BRICKS THAT CONCEALED THE VEHICLE CONCEALED INSIDE.

10 MR. CARLTON: I MOVE THAT THIS BE RECEIVED.

11 THE COURT: YES. IT MAY BE RECEIVED.

12 MR. STOLAR: COULD WE RECEIVE IT SUBJECT TO
13 CONNECTION?

14 THE COURT: IT IS RECEIVED.

15 (EXHIBIT # 11-A RECEIVED IN EVIDENCE.)

16 BY MR. CARLTON:

17 Q. LOOKING AT EXHIBIT 11-B, MR. KUYKENDALL, DO YOU RECOGNIZE
18 THAT?

19 A. IT IS THE SAME SUBJECT. THE VEHICLE IS PARTIALLY
20 UNCOVERED NOW IN THIS PHOTO. THE BACK OF THE VEHICLE IS
21 VISIBLE.

22 MR. CARLTON: I MOVE THAT THIS BE RECEIVED.

23 THE COURT: THAT MAY BE RECEIVED.

24 (EXHIBIT # 11-B RECEIVED IN EVIDENCE.)

25 BY MR. CARLTON:

1 Q. WOULD YOU PLEASE LOOK AT WHAT HAS BEEN MARKED AS EXHIBIT
2 11-C?

3 A. THIS HERE?

4 Q. YES.

5 A. THIS IS A PHOTO OF THE VEHICLE. IT IS AT THIS TIME
6 SITUATED AT THE PARKING LOT AT THE FEDERAL JUDICIAL POLICE
7 HEADQUARTERS IN GUADALAJARA, AND TAPE HAS BEEN PLACED ON THE
8 DOORS TO KEEP IT SECURE UNTIL THE ARRIVAL OF A FORENSIC TEAM
9 THAT WAS DISPATCHED FROM THE UNITED STATES.

10 MR. CARLTON: I MOVE THAT THAT BE RECEIVED.

11 THE COURT: THAT MAY BE RECEIVED.

12 (EXHIBIT # 11-C RECEIVED IN EVIDENCE.)

13 BY MR. CARLTON:

14 Q. SO JUST TO CLARIFY, MR. KUYKENDALL, AFTER THIS VEHICLE WAS
15 FOUND IN THE CINDER BLOCK HOUSE, WHAT WAS DONE WITH IT?

16 A. IT WAS REMOVED TO THE OFFICES OF THE FEDERAL JUDICIAL
17 POLICE AND IT WAS KEPT THERE UNTIL A FORENSIC TEAM ARRIVED TO
18 CONDUCT A FORENSIC INVESTIGATION OF THE INTERIOR.

19 Q. NOW, I WOULD ASK THAT YOU LOOK AT WHAT HAS BEEN MARKED FOR
20 IDENTIFICATION AS EXHIBIT 63.

21 THE COURT: DID YOU SAY 63?

22 MR. CARLTON: 63, YOUR HONOR, YES. IT SHOULD BE A
23 SMALL PHOTOGRAPH.

24 THE WITNESS: I DON'T SEE IT.

25 MR. CARLTON: APPARENTLY IT IS NOT THERE, YOUR HONOR.

1 THE COURT: THAT'S ALL RIGHT. MOVE ON.

2 MR. CARLTON: YOUR HONOR, MAY I RESERVE THE RIGHT, IF
3 THAT'S THE APPROPRIATE PHRASE, TO PRESENT THIS PHOTOGRAPH TO
4 MR. KUYKENDALL ON REDIRECT SINCE IT DOESN'T APPEAR TO BE
5 AVAILABLE RIGHT NOW?

6 THE COURT: YES.

7 BY MR. CARLTON:

8 Q. NOW, MR. KUYKENDALL, I BELIEVE YOU TESTIFIED THAT ARMANDO
9 PAVON REYES WAS THE HEAD OF THE M.F.J.P. CONTINGENT
10 INVESTIGATING AGENT CAMARENA'S DISAPPEARANCE?

11 A. THAT IS CORRECT.

12 Q. DO YOU KNOW TO WHOM HE REPORTED?

13 A. TO THE DIRECTOR OF THE FEDERAL JUDICIAL POLICE, MANUEL
14 IBARRA HERRERA.

15 Q. AND DO YOU KNOW HOW FREQUENTLY HE REPORTED TO THE DIRECTOR
16 IBARRA?

17 MR. STOLAR: OBJECTION; NO FOUNDATION.

18 THE COURT: SUSTAINED.

19 BY MR. CARLTON:

20 Q. DID YOU PERSONALLY WITNESS HIM REPORTING TO DIRECTOR
21 IBARRA?

22 A. YES, SIR, BY TELEX.

23 Q. AND HOW FREQUENTLY WOULD HE DO THAT?

24 MR. STOLAR: I'M GOING TO OBJECT AGAIN. HE DOESN'T
25 KNOW WHO IS AT THE OTHER END OF THE PHONE.

1 THE COURT: OVERRULED.

2 BY MR. CARLTON:

3 Q. HOW FREQUENTLY WOULD HE MAKE THOSE CALLS OR TALK ON THE
4 TELEPHONE?

5 A. IN THE -- ON THE OCCASIONS ON WHICH I WAS PRESENT IN HIS
6 OFFICE, HE CALLED MANUEL IBARRA FREQUENTLY THROUGHOUT THE DAY
7 AND HE CALLED HIM BEFORE AND AFTER WE TOOK ANY ACTION.

8 Q. DID HE GO --

9 A. I'M SORRY.

10 Q. IN YOUR EXPERIENCE IN WORKING WITH COMANDANTE PAVON, DID
11 HE TAKE ANY SIGNIFICANT ACTION INDEPENDENTLY?

12 A. NO, SIR.

13 Q. AT SOME POINT DURING 1984 WAS A THREAT COMMUNICATED TO
14 YOU?

15 MR. STOLAR: OBJECTION, NO FOUNDATION FOR IT. IT IS
16 HEARSAY AND UNSPECIFIED DATE.

17 THE COURT: OVERRULED.

18 THE WITNESS: YES, SIR.

19 BY MR. CARLTON:

20 Q. WHAT WAS THE THREAT THAT WAS COMMUNICATED TO YOU?

21 A. THE THREAT WAS IN THE FORM OF A WARNING TO LEAVE A CERTAIN
22 INDIVIDUAL ALONE. THE INDIVIDUAL WAS MIGUEL ANGEL FELIX
23 GALLARDO.

24 Q. WHEN WAS THIS THREAT MADE TO YOU?

25 A. MARCH THE 28TH, 1984.

1 Q. WHO COMMUNICATED IT?

2 A. I RECEIVED INFORMATION ABOUT THE THREAT FROM SPECIAL AGENT
3 CAMARENA.

4 Q. DID YOU EVER RECEIVE THAT THREAT FROM ANOTHER INDIVIDUAL?

5 MR. STOLAR: OBJECT. AGAIN, THAT WAS TWO LEVELS OF
6 HEARSAY.

7 THE COURT: THE FACT OF RECEIVING A THREAT IS NOT
8 HEARSAY.

9 MR. STOLAR: HE DIDN'T RECEIVE IT; HE HEARD IT FROM
10 SOMEBODY ELSE.

11 THE COURT: THE FACT OF RECEIVING A THREAT IS NOT
12 HEARSAY. THE THE CONTENTS OF IT IS OR MAY BE.

13 JUST BE SEATED, PLEASE.

14 BY MR. CARLTON:

15 Q. WAS THIS THREAT REITERATED TO YOU AT SOME LATER DATE?

16 A. YES, SIR, IT WAS.

17 Q. BY WHOM?

18 A. BY EX-M.F.J.P. COMANDANTE MANUEL ESPINDOLA.

19 MR. CARLTON: MAY I HAVE A MOMENT, YOUR HONOR?

20 MR. CARLTON: YOUR HONOR, AT THIS TIME I WOULD MOVE
21 THAT EXHIBITS 1 THROUGH 6 THAT HAVE BEEN MARKED BE RECEIVED
22 INTO EVIDENCE.

23 THE COURT: THEY MAY BE RECEIVED.

24 (EXHIBITS # 1 THROUGH 6 RECEIVED IN EVIDENCE.)

25 MR. CARLTON: I HAVE NOTHING FURTHER AT THIS TIME,

1 YOUR HONOR.

2 THE COURT: YOU MAY CROSS-EXAMINE THE WITNESS.

3 MR. NICOLAYSEN: JUST A FEW QUESTIONS, YOUR HONOR.

4
5 CROSS-EXAMINATION +

6 BY MR. NICOLAYSEN:

7 Q. MR. KUYKENDALL, YOU TESTIFIED ON DIRECT THAT THERE WERE
8 DIFFERENT KINDS OF INFORMANTS THAT YOU HAVE.

9 DO YOU RECALL HAVING TESTIFIED ABOUT THAT?

10 A. YES, SIR.

11 Q. AS I RECALL, YOUR TESTIMONY MENTIONED THREE TYPES
12 SPECIFICALLY; THE PRIVATE CITIZEN WHO FEELS HE HAS A CIVIC DUTY
13 TO SHARE INFORMATION, AND SECONDARILY, THERE MIGHT BE PEOPLE ON
14 THE FRINGES OF THE TRAFFICKERS WHO MIGHT SHARE, AND THIRD, I
15 BELIEVE YOU SAY THERE MAY BE PEOPLE GEOGRAPHICALLY SITUATED IN
16 SOME PROXIMATE RELATION TO TRAVELERS WHO MIGHT ALSO SHARE; IS
17 THAT A GENERALLY FAIR SUMMARY OF WHAT YOU TOLD US?

18 A. YES, SIR.

19 Q. NOW, IN CLASSIFYING INFORMANTS IN THIS FASHION, IT IS
20 IMPORTANT TO BEAR IN MIND A PARTICULAR FUNCTION THAT THEY'RE
21 SERVING, ISN'T IT?

22 THAT IS, INFORMANTS WILL SERVE DIFFERENT FUNCTIONS
23 DEPENDING ON THEIR NEEDS, WILL THEY NOT?

24 A. YES, SIR.

25 Q. IF THERE ARE THREE TYPES OF INFORMANTS THAT YOU WOULD

1 SUMMARIZE FOR US BASED ON YOUR EXPERIENCE AS THE FORMER HEAD OF
2 THE GUADALAJARA OFFICE, YOU'RE NOT TELLING US, ARE YOU, THAT
3 THAT IS THE ONLY THREE TYPES OF FUNCTIONS OR THREE TYPES OF
4 CLASSIFICATIONS INFORMANTS WOULD HAVE, ARE YOU?

5 A. THEY'RE -- I'M NOT SURE I COULD CLASSIFY THEM. I'M SURE
6 THERE ARE OTHER TYPES OF INFORMANTS, INFORMANTS IN OTHER
7 SITUATIONS THAT STILL WOULD PROVIDE INFORMATION.

8 Q. INFORMANTS IN CONNECTION WITH AN INVESTIGATION OR
9 PROSECUTION ARE DIFFERENT IN NATURE THAN INFORMANTS SUCH AS
10 THOSE YOU TOLD US ABOUT WITH WHOM YOU INTERACTED WITH ON A
11 REGULAR BASIS DOWN IN GUADALAJARA; ISN'T THAT TRUE?

12 A. THEY MIGHT BE THE SAME.

13 Q. AND THEY MIGHT HAVE DIFFERENT REASONS FOR COOPERATING;
14 ISN'T THAT TRUE?

15 A. I SUPPOSE.

16 Q. IT IS POSSIBLE, IS IT NOT?

17 A. I SUPPOSE.

18 MR. CARLTON: OBJECTION, YOUR HONOR. CALLS FOR
19 SPECULATION.

20 THE COURT: OVERRULED.

21 BY MR. NICOLAYSEN:

22 Q. IT WOULD BE DIFFERENT PURPOSES IN MIND FOR SOMEBODY
23 BECOMING AN INFORMANT FOR THE D.E.A. IF THE OBJECTIVE IS TO
24 PROSECUTE SOMEBODY THAN IF YOU'RE SIMPLY INVESTIGATING A CASE;
25 ISN'T THAT TRUE?

- 1 A. I'M NOT CERTAIN I UNDERSTAND, SIR.
- 2 Q. YOU WERE NOT SPECIFICALLY PROSECUTING PEOPLE DOWN IN
3 GUADALAJARA. THAT'S CERTAINLY THE CASE, IS IT NOT?
- 4 A. THAT'S CORRECT.
- 5 Q. YOU TOLD US THAT, IN FACT, THE D.E.A. HAD NO SPECIFIC LAW
6 ENFORCEMENT AUTHORITY DOWN THERE, CORRECT?
- 7 A. THAT'S CORRECT.
- 8 Q. WHEN YOU WORKED WITH INFORMANTS, YOU WORKED WITH THEM
9 EXCLUSIVELY IN AN INVESTIGATIVE CAPACITY; DID YOU NOT?
- 10 A. AT THAT TIME, YES, SIR.
- 11 Q. YES. IN FACT, THANK YOU FOR CLARIFYING THAT. I'M TALKING
12 ABOUT THE THREE YEARS YOU WERE THERE.
- 13 A. YES.
- 14 Q. CLEARLY AN INVESTIGATIVE CAPACITY, CORRECT?
- 15 A. THAT WOULD NOT BE ENTIRELY CORRECT. WE MIGHT HAVE
16 PROVIDED AN INFORMANT OR IDENTITY OF AN INFORMANT TO SOMEONE
17 WORKING DOMESTIC INVESTIGATION LEADS.
- 18 Q. WHEN YOU SAY DOMESTIC, YOU MEAN HERE IN THE U.S.?
- 19 A. YES.
- 20 Q. YOU WERE NOT WORKING ON INDICTMENTS DOWN IN MEXICO?
- 21 A. NO, SIR.
- 22 Q. THEY WOULD BE REFERRED UP TO L.A., FOR EXAMPLE, THE U.S.
23 ATTORNEYS OFFICE HERE; IS THAT RIGHT?
- 24 A. YES, SIR.
- 25 Q. NOW, THE KIND OF INFORMANTS -- WERE THERE, IN FACT,

1 INFORMANTS THAT YOU WORKED WITH WHILE YOU WERE AT THE D.E.A.
2 OFFICE IN GUADALAJARA WHO WERE SPECIFICALLY CONNECTED TO
3 POTENTIAL PROSECUTIONS HERE IN L.A.?

4 A. AT THAT TIME, NO.

5 Q. ALL RIGHT. SO WHEN YOU GAVE US YOUR SUMMARY OF THE THREE
6 KINDS OF INFORMANTS ON DIRECT EXAMINATION, THOSE THREE TYPES OF
7 INFORMANTS THAT YOU TOLD ABOUT WERE SPECIFIC TO AN
8 INVESTIGATIVE RELATIONSHIP, NOT A PROSECUTORIAL ONE?

9 A. THAT'S CORRECT.

10 Q. SO IT IS TRUE, IS IT NOT, SIR, THAT IF YOU WERE
11 INTERACTING WITH INFORMANTS AS A D.E.A. OFFICER, AND THE
12 PURPOSE OF HAVING THAT INFORMANT RELATIONSHIP WAS TO PROSECUTE
13 SOMEBODY -- DO YOU FOLLOW ME?

14 A. YES.

15 Q. THE MOTIVES OR PURPOSES THAT MIGHT INDUCE SOMEBODY TO
16 BECOME AN INFORMANT COULD BE DIFFERENT THAN THOSE THAT MIGHT
17 INDUCE SOMEONE TO BE AN INFORMANT WHERE YOU'RE SIMPLY
18 INVESTIGATING; ISN'T THAT TRUE?

19 MR. CARLTON: OBJECTION, YOUR HONOR, SPECULATION ON
20 THE PART OF THIS WITNESS AS TO THE MOTIVES.

21 THE COURT: OVERRULED.

22 THE WITNESS: I SUPPOSE.

23 MR. NICOLAYSEN: THANK YOU. NOTHING FURTHER.

24 THE COURT: ANY OTHER CROSS-EXAMINATION FOR THIS
25 WITNESS?

1 MR. MEZA: WE'D LIKE TO RESERVE IT PENDING THE
2 COURT'S RULING CONCERNING THE PREVIOUS -- OBTAINING THE
3 UNREDACTED TRANSCRIPT.

4 THE COURT: IF YOU HAVE ANY QUESTIONS TO ASK, THERE
5 ARE PLENTY OF OTHER THINGS YOU CAN ASK. IF YOU HAVE ANY
6 QUESTIONS TO ASK THIS WITNESS, NOW IS THE TIME TO DO IT.

7 THE COURT: IF YOU NEED FURTHER QUESTIONS LATER ON,
8 I'LL PERMIT IT.

9 MR. MEZA: THANK YOU, YOUR HONOR.

10
11 CROSS-EXAMINATION +

12 BY MR. MEZA:

13 Q. DIRECTING YOUR ATTENTION TO THE INVESTIGATION WHERE YOU
14 FOCUSED ON MANUEL CHAVEZ, YOU INDICATED THAT THAT WAS AN
15 INVESTIGATION THAT WAS INITIATED BY AGENT CAMARENA BASED ON HIS
16 SPEAKING TO A CONFIDENTIAL INFORMANT; IS THAT CORRECT?

17 A. YES, SIR.

18 Q. WHEN DID THAT OCCUR AGAIN, APPROXIMATELY?

19 A. APPROXIMATELY NOVEMBER OF 1983.

20 Q. IT'S TRUE, IS IT NOT, THAT MANUEL CHAVEZ HAD BEEN
21 PREVIOUSLY TARGETED BY THE D.E.A. PRIOR TO NOVEMBER OF '83; IS
22 THAT CORRECT?

23 A. YES, SIR.

24 Q. AND THAT TARGETING HAD NOTHING TO DO WITH AGENT CAMARENA
25 AND THIS INFORMANT; ISN'T THAT RIGHT?

1 A. REPEAT THAT, PLEASE, SIR.

2 Q. ISN'T IT TRUE THAT THE INITIAL TARGETING OF MR. CHAVEZ WAS
3 DONE WITHOUT BENEFIT OF THIS MEETING BETWEEN AGENT CAMARENA AND
4 THE INFORMANTS?

5 A. THERE WAS A PREVIOUS CONTACT WITH MANUEL CHAVEZ. I DON'T
6 BELIEVE HE WAS TARGETED.

7 Q. WELL, YOU'RE FAMILIAR WITH AN AGENT -- I BELIEVE THERE IS
8 AN OFFICE IN MC ALLEN, TEXAS?

9 A. YES, THERE IS.

10 Q. DO YOU KNOW AN AGENT BY THE NAME OF -- I BELIEVE HIS NAME
11 IS ALVAREZ?

12 A. YES, I DO.

13 Q. DID YOU EVER HAVE OCCASION TO REVIEW REPORTS DRAFTED BY
14 ALVAREZ CONCERNING CHAVEZ?

15 A. YES, SIR.

16 Q. AND BASED ON A REVIEW OF THOSE REPORTS, IS IT NOT TRUE
17 THAT AGENT ALVAREZ HAD TARGETED MR. CHAVEZ BACK AS EARLY AS
18 1982?

19 MR. CARLTON: OBJECTION. HEARSAY, YOUR HONOR.

20 THE COURT: OVERRULED.

21 THE WITNESS: I'M NOT SURE WHEN HE FIRST -- I DON'T
22 RECALL THE DATE THAT HE FIRST BECAME AWARE OF MR. CHAVEZ, SIR.
23 BY MR. MEZA:

24 Q. WOULD IT BE FAIR TO SAY THAT MR. ALVAREZ OR AGENT ALVAREZ
25 HAD TARGETED MR. CHAVEZ PRIOR TO THE TIME THAT AGENT CAMARENA

1 HAD TARGETED CHAVEZ?

2 A. YES, SIR.

3 Q. IN FACT, ON THE -- I BELIEVE ON MAY 26TH 1984, THE DATE OF
4 THIS RAID YOU WERE TALKING ABOUT, THAT AGENT ALVAREZ HAD HAD
5 CONTACT WITH MR. CHAVEZ; HAD HE NOT?

6 A. ON THAT DATE?

7 Q. YES, ON THE 26TH?

8 A. HE MAY HAVE TALKED TO HIM BY TELEPHONE THAT DATE, YES,
9 SIR.

10 Q. AND, IN FACT, PRIOR TO THE 26TH, AGENT ALVAREZ HAD HAD
11 PERSONAL CONTACT WITH MR. CHAVEZ; HAD HE NOT?

12 A. YES, SIR.

13 MR. CARLTON: OBJECTION, YOUR HONOR.

14 BY MR. MEZA:

15 Q. -- IN AN UNDERCOVER CAPACITY AS A PURCHASER OF DRUGS; IS
16 THAT CORRECT?

17 A. YES.

18 Q. AND THAT WAS DONE IN ASSOCIATION -- AND WERE YOU AWARE OF
19 THESE MEETINGS THAT WERE GOING ON BETWEEN CONTACTS BETWEEN
20 ALVAREZ AND CHAVEZ?

21 A. SUBSEQUENT TO NOVEMBER OF 1983, YES, SIR.

22 Q. I'M TALKING ABOUT THE ONES THAT OCCURRED IN OR AROUND
23 APRIL AND MAY OF 1984.

24 A. YES, I WAS.

25 Q. AND WOULD IT BE FAIR TO SAY THAT AGENT CAMARENA WAS ALSO

1 AWARE OF AT LEAST SOME OF THESE MEETINGS?

2 A. YES, SIR.

3 Q. TO YOUR KNOWLEDGE, WAS THE INFORMANT THAT WAS YOU SAY
4 CULTIVATED BY - IF I CAN REFER TO HIM AS THE CHAVEZ INFORMANT,
5 FOR WANT OF A BETTER DESCRIPTION - THE CHAVEZ INFORMANT, WHO
6 WAS CULTIVATED BY AGENT CAMARENA, TO YOUR KNOWLEDGE, DID HE
7 EVER MEET WITH AGENT ALVAREZ?

8 A. YES.

9 Q. CONCERNING MR. CHAVEZ?

10 A. YES.

11 Q. NOW, YOU TOLD US THAT ON OR -- WELL, ACTUALLY, THAT THERE
12 WERE TWO MEETINGS THAT TOOK PLACE BETWEEN REPRESENTATIVES OF
13 THE D.E.A. AND THE MEXICAN LAW ENFORCEMENT CONCERNING THE
14 PROSPECTIVE RAID IN THE ZACATECAS AREA, CORRECT?

15 A. YES.

16 Q. AND YOU TOLD US THAT AT THE FIRST MEETING, THERE WAS A
17 TENTATIVE DATE SET EARLY IN JUNE. IT WAS EITHER THE 2ND OR THE
18 7TH?

19 A. I BELIEVE IT WAS THE 7TH, SIR.

20 Q. ALL RIGHT. AND YOU INDICATED THAT WAS A TENTATIVE DATE,
21 CORRECT?

22 A. WELL, AT THE TIME, THAT WAS NOT A TENTATIVE DATE AT THE
23 TIME. THAT WAS TO BE THE DATE.

24 Q. THAT WAS A FIRM DATE?

25 A. YES.

1 Q. AND THAT WAS THE DATE THAT NOT ONLY -- I ASSUME YOU AGREED
2 WITH THAT DATE; IS THAT CORRECT?

3 A. YES.

4 Q. AND THAT WAS A DATE THAT WAS ALSO APPROVED BY YOUR
5 SUPERVISOR, MR. HEATH?

6 A. YES, IT WAS.

7 Q. AND THEN ROUGHLY A WEEK LATER -- I'M SORRY, HOW MUCH
8 LATER -- SOMETIME LATER THEN YOU HAD THE SECOND MEETING WHERE
9 THE DATE CHANGED?

10 A. THAT'S CORRECT.

11 Q. IT WAS MOVED UP?

12 A. YES.

13 Q. LIKE A COUPLE OF WEEKS. AND IT WAS DECIDED THAT IT WAS
14 GOING TO BE DONE THE NEXT DAY, THE DAY AFTER THE MEETING.
15 ACTUALLY, IT WAS GOING TO BEGIN ON THE DAY OF THE MEETING WHILE
16 YOU WERE SENDING OUT THE HELICOPTERS, RATE?

17 A. WELL, THE DATE WAS DECIDED BEFORE THE MEETING WAS HELD. I
18 WENT TO THE MEETING ON THE 25TH.

19 Q. WHEN WAS THE DATE DECIDED?

20 A. PROBABLY ON THE 24TH OR THE 23RD.

21 Q. BUT THE DECISION AT THE TIME THE DECISION WAS MADE TO
22 CHANGE THE JUNE 7TH DATE TO THE DATE THAT THE RAID ACTUALLY
23 STARTED, THAT MOVED QUICKLY; IS THAT FAIR TO SAY?

24 A. YES, YES, IT DID.

25 Q. SO IT IS FAIR TO SAY THAT YOU RECEIVED SOME INFORMATION ON

1 THE 23RD OR 24TH WHICH INDICATED THAT YOU WANTED TO GET THIS
2 OPERATION CRANKED UP AND ON THE WAY AND GET IT MOVING, RIGHT?

3 A. THAT'S RIGHT.

4 Q. AND THAT INFORMATION WAS THAT THE MEXICAN ARMY HAD
5 DISCOVERED THE FIELDS, OR IT WAS FELT THAT THE MEXICAN ARMY HAD
6 DISCOVERED THE FIELDS; IS THAT RIGHT?

7 A. THAT IS RIGHT.

8 Q. AND THAT THE -- IN FACT, WHEN YOU ARRIVED AT ZACATECAS TO
9 BEGIN YOUR END OF THE OPERATION, YOU TOLD US THAT THE MEXICAN
10 ARMY WAS ALREADY THERE DESTROYING IT.

11 A. THEY WERE DESTROYING IT. I SAW THEM DESTROYING A FIELD.

12 Q. RIGHT. SO NOT ONLY WAS YOUR BELIEF THAT THE MEXICAN ARMY
13 HAD FOUND IT - HAD FOUND IT BEFORE YOU HAD, BUT IN FACT, THAT
14 WAS CORROBORATED BY THE FACT THAT THEY WERE THERE DESTROYING
15 IT, AT LEAST A FIELD, RIGHT?

16 A. YES.

17 Q. NOW, ISN'T IT TRUE THAT THE REASON THAT THE DATE WAS MOVED
18 UP WAS BECAUSE MR. HEATH FELT THAT HE WANTED THE D.E.A. TO GET
19 THE CREDIT FOR DESTROYING THESE FIELDS AS OPPOSED TO THE
20 MEXICAN ARMY?

21 A. NO, SIR. NO, THE ORIGINAL DECISION --

22 Q. WELL, LET ME -- WHAT WAS THE REASON, AS FAR AS YOU KNOW,
23 IF YOU KNOW?

24 A. TO MOVE IT UP.

25 Q. TO MOVE IT UP.

1 A. THAT A MEXICAN ARMY GENERAL HAD CRASH LANDED HIS AIRCRAFT
2 IN A FIELD OF MARIJUANA AND SO IT WAS DECIDED TO MOVE UP THE
3 OPERATION.

4 Q. AND YOU'RE SAYING THERE WAS NO MOTIVATION CONCERNING WHO
5 WOULD GET CREDIT; THAT THAT DIDN'T FIGURE IN AT ALL AS TO
6 MOVING UP THEIR JUNE 7TH DATE; IS THAT RIGHT?

7 A. UNLESS THE --

8 Q. IS THAT RIGHT, YES OR NO?

9 A. MOTIVATION ON WHOSE PART?

10 Q. ON THE PART OF THE D.E.A.; MORE SPECIFICALLY, MR. HEATH?

11 A. NO.

12 MR. MEZA: MAY I HAVE JUST A MOMENT, YOUR HONOR?

13 THE COURT: WE'LL TAKE OUR AFTERNOON RECESS AT THIS
14 TIME AND RECONVENE THIS CASE TOMORROW MORNING AT 9:30. PLEASE
15 KEEP IN MIND YOUR DUTY TO AVOID ANY EXPOSURE TO PUBLICITY ON
16 THIS CASE AND NOT TO DISCUSS THIS CASE WITH EACH OTHER OR WITH
17 ANYONE ELSE.

18 GOOD EVENING. WE'LL SEE YOU TOMORROW AT 9:30.

19 THE CLERK: PLEASE RISE.

20 THE COURT: YOU MAY LEAVE YOUR NOTEBOOKS ON YOUR
21 CHAIRS.

22 ALL RIGHT. YOU MAY STEP DOWN.

23 (JURY EXCUSED.)

24 THE COURT: PLEASE CLOSE THE DOOR. IS THE LAST JUROR
25 OUT?

1 YOU MAY BE SEATED.

2 THE WITNESS: THANK YOU.

3 (WITNESS EXCUSED.)

4 THE COURT: NOW, COUNSEL, YOU WANTED TO TAKE UP
5 SOMETHING?

6 MR. STOLAR: I WANTED TO INDICATE TO THE COURT AND
7 PUT ALL OF THIS ON THE RECORD THAT I DID CHECK THE TRANSCRIPT
8 FROM YESTERDAY. I WAS WRONG. THE COMMITMENT WAS NOT MADE BY
9 THE GOVERNMENT WITH RESPECT TO THE HAIR IN THE OPENING
10 STATEMENT.

11 THE COURT: ALL RIGHT.

12 MR. STOLAR: SECOND, I KNOW THAT YOU SAID TO PUT IT
13 IN WRITING ABOUT THE 3500 MATERIAL WITH RESPECT TO THIS
14 WITNESS. I DON'T KNOW IF THERE IS GOING TO BE TIME, IF I GET A
15 MOTION GRANTED --

16 THE COURT: ABOUT THE WHAT?

17 MR. STOLAR: THE 3500 MATERIAL AND THE REDACTIONS ON
18 IT. IF THE WITNESS IS ABLE TO COME BACK LATER, THEN I WILL NOT
19 BRING THIS UP ORALLY NOW.

20 MR. CARLTON: PERHAPS I CAN RESOLVE THIS. THIS IS
21 THE ONE WITNESS THE GOVERNMENT INTENDS TO CALL TWICE, YOUR
22 HONOR, AND HE WILL BE COMING BACK.

23 THE COURT: ALL RIGHT. SO IF THERE IS ANY
24 EXAMINATION REGARDING THE REDACTED PORTIONS, YOU MAY HAVE IT AT
25 THAT TIME.

1 MR. NICOLAYSEN: YOUR HONOR, IF I MAY, I HAVE A
2 QUESTION REGARDING POLICY. NOW THAT MR. CARLTON HAS TOLD US HE
3 WILL BE BACK, AS TO MR. KUYKENDALL, BUT I ANTICIPATE THAT ALL
4 OF US WILL PROBABLY WANT TO ASK QUESTIONS OF VARIOUS GOVERNMENT
5 WITNESSES THAT GO BEYOND THE SCOPE OF DIRECT.

6 IS IT THE COURT'S POLICY THAT WE ASK THE WITNESS
7 TO BE EXCUSED SUBJECT TO RECALL OR DOES THE COURT PREFER THAT
8 WE GET IT ALL OVER WITH IN ONE SHOT? IS THAT A GENERAL RULE OF
9 THUMB THAT WE SHOULD FOLLOW AS A POLICY?

10 THE COURT: I BELIEVE IF YOU WANT TO QUESTION THE
11 WITNESS OUTSIDE THE SCOPE OF DIRECT EXAMINATION THAT YOU SHOULD
12 ASK FOR PERMISSION TO DO SO. I'D PREFER YOU DO IT ALL AT ONCE
13 RATHER THAN HAVING WITNESSES GOING IN AND OUT ALL THE TIME.

14 MR. MEDRANO: MAY WE BE HEARD ON THAT JUST BRIEFLY,
15 YOUR HONOR?

16 THE COURT: YES.

17 MR. MEDRANO: IT'S OUR POSTURE, YOUR HONOR, THAT TO
18 THE EXTENT WITNESSES NEED TO BE CALLED BACK IN THE CASE IN
19 CHIEF FOR THE DEFENSE, THAT THAT BE DONE. THE GOVERNMENT HAS
20 SELECTIVELY AND STRATEGICALLY PROCEEDED WITH ITS DIRECT
21 EXAMINATION FOR A VARIETY OF REASONS. TO OPEN UP, ESSENTIALLY,
22 WIDE OPEN CROSS-EXAMINATION OUTSIDE THAT SCOPE, IN FACT, MIGHT
23 HAMPER OR HARM THE GOVERNMENT'S CASE IN CHIEF, YOUR HONOR.

24 WE WOULD AGREE WITH YOU THAT PERMISSION BE SOUGHT AT
25 RECESSES BEFORE TRYING TO GO OUTSIDE THE SCOPE, AND THAT THE

1 GOVERNMENT AT THAT TIME MAKE ITS PITCH TO YOU AS TO WHY WE FEEL
2 PERHAPS THAT THE WITNESS SHOULD BE CALLED BACK IN THE DEFENSE
3 CASE IN CHIEF.

4 THE COURT: I HAVE A FEELING THIS IS SOMETHING ELSE
5 THAT IS NEVER GOING TO HAPPEN DURING THIS TRIAL. AND YOU
6 PEOPLE SIT THERE AND WORRY ABOUT THINGS THAT NEVER HAPPEN. IF
7 YOU WANT TO GO OUTSIDE THE SCOPE OF THE DIRECT EXAMINATION,
8 REQUEST IT AND I'LL RULE ON IT AT THE TIME.

9 MR. NICOLAYSEN: DURING THE RECESS OR AT THE TIME WE
10 GET UP TO CROSS-EXAMINE?

11 THE COURT: PREFERABLY DURING THE RECESS.

12 THE COURT: VERY WELL. THANK YOU.

13 THE CLERK: COURT IS NOW IN RECESS.

14 (COURT ADJOURNED TO WEDNESDAY, MAY 16, 1990, 9:30
15 A.M.)

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		PG	LN
(EXHIBIT 1	‡ MARKED FOR IDENTIFICATION.)	103	23
(EXHIBIT	‡ 8-A RECEIVED IN EVIDENCE.)	160	15
(EXHIBIT	‡ 8-B RECEIVED IN EVIDENCE.)	161	6
(EXHIBIT	‡ 8-C RECEIVED IN EVIDENCE.)	161	20
(EXHIBIT	‡ 8-D RECEIVED IN EVIDENCE.)	162	4
(EXHIBIT	‡ 8-E RECEIVED IN EVIDENCE.)	162	14
(EXHIBIT	‡ 8-F RECEIVED IN EVIDENCE.)	162	22
(EXHIBIT	‡ 8-G RECEIVED IN EVIDENCE.)	163	7
(EXHIBIT	‡ 8-H RECEIVED IN EVIDENCE.)	163	19
(EXHIBIT	‡ 8-I RECEIVED IN EVIDENCE.)	164	4
(EXHIBIT	‡ 8-J RECEIVED IN EVIDENCE.)	164	15
(EXHIBIT	‡ 8-K RECEIVED IN EVIDENCE.)	165	6
(EXHIBIT	‡ 9-B RECEIVED IN EVIDENCE.)	169	15
(EXHIBIT	‡ 10 RECEIVED IN EVIDENCE.)	173	20
(EXHIBIT	‡ 11-A RECEIVED IN EVIDENCE.)	183	15
(EXHIBIT	‡ 11-B RECEIVED IN EVIDENCE.)	183	24
(EXHIBIT	‡ 11-C RECEIVED IN EVIDENCE.)	184	12
(EXHIBITS	‡ 1 THROUGH 6 RECEIVED IN	187	24
LOS ANGELES	+ CALIFORNIA TUESDAY, MAY	4	1
MAY 15, 1990	+ 9:00 A.M.	4	2
OPENING STATEMENT	+ ON BEHALF OF THE GOVERNMENT	18	20
OPENING STATEMENT	+ MR. BURNS: GOOD	56	24
OPENING STATEMENT	+ MR. MEDVENE: IF	61	6
LOS ANGELES	+ CALIFORNIA, TUESDAY, MAY	85	1
MAY 15, 1990	+ 1:30 P.M. (JURY	85	2
OPENING STATEMENT	+ MR. NICOLAYSEN:	85	14
OPENING STATEMENT	+ MS. KELLY: I	90	11
JAMES KUYKENDALL	+ PLAINTIFF'S WITNESS, SWORN	95	1
DIRECT EXAMINATION	+ BY MR. CARLTON: Q MR.	95	7
DIRECT EXAMINATION	+ (RESUMED) BY MR.	152	10
CROSS-EXAMINATION	+ BY MR. NICOLAYSEN: Q.	188	5
CROSS-EXAMINATION	+ BY MR. MEZA: Q.	192	11
WITNESSES AND ALL THE	EXHIBIT 5: ONE MAN. ONE	73	3
YOU'LL SEE A STACK OF	EXHIBIT 5. THEY'RE FACING	103	14
TO THE REAR, THE	EXHIBIT 5 ARE NUMBERED FROM	103	15
LIKE YOU TO LOOK AT	EXHIBIT 5 NUMBERED 3 A AND 3	103	16
A (SEARCHES FOR	EXHIBIT 5.) MR.	103	18
PROPOSED GOVERNMENT'S	EXHIBIT 1. THE	103	21
MARKED. (	EXHIBIT 1 ‡ MARKED FOR	103	23
LOOKING AT	EXHIBIT 3 A, DO YOU RECOGNIZE	104	16
AS GOVERNMENT'S	EXHIBIT 3 B? A	105	4
PLACED GOVERNMENT	EXHIBIT 4, WHICH IS -- IF YOU	105	14
OTHER MAP AND MARK ON	EXHIBIT 4 THE LOCATION OF THE	105	21
AS GOVERNMENT'S	EXHIBIT 5. A (COMPLIES.)	108	20

		PG	LN
MARKED AS GOVERNMENT	EXHIBIT 6. A (COMPLIES.)	122	24
ON THE MAP, WHICH IS	EXHIBIT 6, THE AREA THAT YOU	125	4
HERE MARKING	EXHIBIT 5, YOU SHOULD HAVE IT	141	11
ASKED HIM TO MARK THE	EXHIBIT 5 AND INDICATE WHAT	141	13
DRAWINGS OR MARKING	EXHIBIT 5. NOW,	141	16
TO THE STACK OF	EXHIBIT 5, I'D LIKE YOU TO	159	20
YOU TO LOOK AT THE	EXHIBIT 5 THAT HAVE BEEN	159	21
I MOVE THAT THAT	EXHIBIT BE RECEIVED IN	160	12
IT. (	EXHIBIT # 8-A RECEIVED IN	160	15
FOR IDENTIFICATION AS	EXHIBIT 8-B. CAN YOU	160	19
WOULD MOVE THAT THIS	EXHIBIT BE RECEIVED.	160	24
(	EXHIBIT # 8-B RECEIVED IN	161	6
FOR IDENTIFICATION AS	EXHIBIT 8-C. DO	161	12
WOULD MOVE THAT THIS	EXHIBIT BE RECEIVED.	161	17
(	EXHIBIT # 8-C RECEIVED IN	161	20
(	EXHIBIT # 8-D RECEIVED IN	162	4
Q. WHAT	EXHIBIT ARE YOU LOOKING AT	162	6
(	EXHIBIT # 8-E RECEIVED IN	162	14
(	EXHIBIT # 8-F RECEIVED IN	162	22
(	EXHIBIT # 8-G RECEIVED IN	163	7
FOR IDENTIFICATION AS	EXHIBIT 8-H? A. YES. Q.	163	10
(	EXHIBIT # 8-H RECEIVED IN	163	19
HAS BEEN MARKED AS	EXHIBIT 8-I? A. YES, SIR.	163	22
(	EXHIBIT # 8-I RECEIVED IN	164	4
HAS BEEN MARKED AS	EXHIBIT 8-J? A. YES, SIR.	164	6
(	EXHIBIT # 8-J RECEIVED IN	164	15
FOR IDENTIFICATION AS	EXHIBIT 8-K? A. YES, SIR.	164	18
(	EXHIBIT # 8-K RECEIVED IN	165	6
HAVE BEEN MARKED AS	EXHIBIT S 9-B, -C AND -D.	168	18
FOR IDENTIFICATION AS	EXHIBIT 9-A. DO YOU	168	21
HAS BEEN MARKED AS	EXHIBIT 9-B. DO YOU	169	5
(	EXHIBIT # 9-B RECEIVED IN	169	15
LOOK TO THE BOX OF	EXHIBIT S FOR WHAT HAS BEEN	173	3
HAS BEEN MARKED AS	EXHIBIT 10. DO YOU SEE THAT?	173	4
WOULD MOVE THAT THIS	EXHIBIT BE RECEIVED.	173	16
THE COURT:	EXHIBIT 10? MR.	173	17
(	EXHIBIT # 10 RECEIVED IN	173	20
JUST IDENTIFIED AS	EXHIBIT 10? A. IT'S	174	2
FOR IDENTIFICATION AS	EXHIBIT S 11-A THROUGH -C.	183	4
LOOKING FIRST AT	EXHIBIT 11-A, MR. KUYKENDALL,	183	5
(	EXHIBIT # 11-A RECEIVED IN	183	15
Q. LOOKING AT	EXHIBIT 11-B, MR. KUYKENDALL,	183	17
(	EXHIBIT # 11-B RECEIVED IN	183	24
HAS BEEN MARKED AS	EXHIBIT 11-C? A. THIS	184	1
(	EXHIBIT # 11-C RECEIVED IN	184	12
FOR IDENTIFICATION AS	EXHIBIT 63. THE	184	20
I WOULD MOVE THAT	EXHIBIT S 1 THROUGH 6 THAT	187	21
(EXHIBIT S # 1 THROUGH 6	187	24

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REPORTER'S CERTIFICATION

WE, THE UNDERSIGNED OFFICIAL COURT REPORTERS FOR THE UNITED STATES DISTRICT COURTS, HEREBY CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

Julie Churchill
JULIE A. CHURCHILL, CSR
OFFICIAL COURT REPORTER

DATED: JUNE 5, 1990

Susan A. Lee
SUSAN A. LEE, CSR
OFFICIAL COURT REPORTER

DATED: JUNE 5, 1990

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

HONORABLE EDWARD RAFEEDIE, DISTRICT COURT JUDGE PRESIDING

UNITED STATES OF AMERICA,)
)
) PLAINTIFF,)
)
) VS.)
)
) JUAN RAMON MATTA-BALLESTEROS)
) DEL POZO, RUBEN ZUNO-ARCE,)
) JUAN JOSE BERNABE-RAMIREZ,)
) AND JAVIER VASQUEZ-VELASCO,)
)
) DEFENDANTS.)

CASE NO: CR 87-422(F)-ER

VOLUME 1 (PGS. 1-56 ONLY)

REPORTERS' PARTIAL TRANSCRIPT OF PROCEEDINGS

TUESDAY, MAY 15, 1990; 9:00 A.M.

LOS ANGELES, CALIFORNIA

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APPEARANCES (CONTINUED):

FOR DEFENDANT JAVIER VASQUEZ-VELASCO:

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ALSO PRESENT:

DOUGLAS KUEHL, SPEC.AGT., D.E.A.

SPANISH INTERPRETERS

WE, THE UNDERSIGNED REPORTERS, CERTIFY THAT THE FOREGOING IS A
CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE
ABOVE-ENTITLED MATTER.

Julie A. Churchill
JULIE A. CHURCHILL
OFFICIAL COURT REPORTER

DATED: May 16, 1990

Susan A. Lee
SUSAN A. LEE
OFFICIAL COURT REPORTER

DATED: May 16, 1990

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

3 -----
4 HONORABLE EDWARD RAFEEDIE, DISTRICT COURT JUDGE PRESIDING
5 -----

6
7 UNITED STATES OF AMERICA,)

8 PLAINTIFF,)

9 VS.)

CASE NO: CR 87-422(F)-ER)

10 JUAN RAMON MATTA-BALLESTEROS)

11 DEL POZO, RUBEN ZUNO-ARCE,)

12 JUAN JOSE BERNABE-RAMIREZ,)

AND JAVIER VASQUEZ-VELASCO,)

13 DEFENDANTS.)

VOLUME 1 (PGS. 57-84 ONLY)

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16 REPORTERS' PARTIAL TRANSCRIPT OF PROCEEDINGS

17 TUESDAY, MAY 15, 1990; 11:00 A.M.

18 LOS ANGELES, CALIFORNIA

19
20
21 JULIE CHURCHILL, CSR
22 SUSAN A. LEE, CSR
23 OFFICIAL REPORTERS
24 U.S. DISTRICT COURT, 442-C
25 312 N. SPRING STREET
LOS ANGELES, CA 90012
(213) 626-6353
(213) 617-8227

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Susan A. Lee

DATED: May 17, 1990

SUSAN A. LEE, CSR 2800, CM, RPR
OFFICIAL COURT REPORTER

1

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) DEL POZO, RUBEN ZUNO-ARCE,)
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CASE NO: CR 87-422(F)-ER

VOLUME 1 (PP. 85-202, ONLY)

REPORTERS' PARTIAL TRANSCRIPT OF PROCEEDINGS

AFTERNOON SESSION ONLY

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Julie A. Churchill
JULIE A. CHURCHILL, CSR
OFFICIAL COURT REPORTER

DATED: May 30, 1990

Susan A. Lee
SUSAN A. LEE, CSR
OFFICIAL COURT REPORTER

DATED: May 30, 1990