

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 3

REPORTERS' TRANSCRIPT OF PROCEEDINGS

THURSDAY, MAY 17, 1990

LOS ANGELES, CALIFORNIA

JULIE CHURCHILL, CSR  
SUSAN A. LEE, CSR  
OFFICIAL REPORTERS  
U.S. DISTRICT COURT, 442-C  
312 N. SPRING STREET  
LOS ANGELES, CA 90012  
(213) 626-6353  
(213) 617-8227

APPEARANCES OF COUNSEL:

FOR THE PLAINTIFF:

GARY A. FEES,  
UNITED STATES ATTORNEY  
BY: MANUEL A. MEDRANO  
JOHN L. CARLTON  
ASSISTANT U.S. ATTORNEYS  
1200 UNITED STATES COURTHOUSE  
312 NORTH SPRING STREET  
LOS ANGELES, CALIFORNIA 90012  
(213) 894-0619/894-6682

FOR DEFENDANT JUAN RAMON MATTA-BALLESTEROS DEL POZO:

MARTIN R. STOLAR  
MICHAEL J. BURNS, ESQ.  
ADOLFO Z. AGUILAR, ESQ.  
ATTORNEYS AT LAW  
351 NORTH BROADWAY, 4TH FLOOR  
NEW YORK, NEW YORK 10013  
(212) 219-1919; (213) 855-8888 EXT. 314

FOR DEFENDANT RUBEN ZUNO-ARCE:

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

FOR DEFENDANT JUAN JOSE BERNABE-RAMIREZ:

MARY KELLY  
ATTORNEY AT LAW  
827 MORAGA DRIVE  
BEL AIR, CALIFORNIA 90049  
(213) 472-7121

AND

BRIDGMAN, MORDKIN, GOULD & SHAPIRO, INC.  
BY: MICHAEL S. MEZA, ESQ.  
17050 BUSHARD STREET, STE. 200  
FOUNTAIN VALLEY, CALIFORNIA 92708  
(714) 898-0461; (213) 924-6606

APPEARANCES (CONTINUED):

FOR DEFENDANT JAVIER VASQUEZ-VELASCO:

FEDERAL LITIGATORS GROUP  
BY: GREGORY NICOLAYSEN, ESQ.  
8530 WILSHIRE BOULEVARD, STE. 404  
BEVERLY HILLS, CALIFORNIA 90211  
(213) 854-5135

ALSO PRESENT:

DOUGLAS KUEHL, SPEC.AGT., D.E.A.

SPANISH INTERPRETERS

1 LOS ANGELES + CALIFORNIA THURSDAY, MAY 17, 1990

2 + 9:30 A.M.

3  
4 (JURY PRESENT.)

5 THE COURT: GOOD MORNING.

6 THE COURTROOM: GOOD MORNING, YOUR HONOR.

7 THE COURT: YOU MAY CONTINUE YOUR EXAMINATION OF THIS  
8 WITNESS.

9 MR. MEDRANO: THANK YOU, YOUR HONOR.

10  
11 WALTER SCHUMACHER + PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

12 DIRECT EXAMINATION + CONTINUED

13 BY MR. MEDRANO:

14 Q. GOOD MORNING, MR. SCHUMACHER.

15 A. GOOD MORNING.

16 Q. COULD YOU GIVE US THE DATE AGAIN, SIR, THAT YOU RECEIVED  
17 APPROXIMATELY \$1,000,000 CASH AS PAYMENT FOR THE AIRCRAFT?

18 A. JULY OF '84. IT WAS IN THAT 16TH, 17TH AND 18TH PERIOD,  
19 PROBABLY THE LAST DAY WE WERE IN GUADALAJARA. I BELIEVE IT WAS  
20 THE 18TH.

21 Q. WOULD THE CORRECT DATE BE REFLECTED IN THE DEPOSIT RECEIPT  
22 THAT YOU WROTE FOR RECEIVING THE \$1,000,000 PAYMENT?

23 A. YES, SIR. YES, SIR.

24 Q. WAS THAT THE DOCUMENT YOU IDENTIFIED IN COURT YESTERDAY?

25 A. YES.

1 Q. MR. SCHUMACHER, PRIOR TO -- STRIKE THAT.

2 AFTER RECEIVING THE MONEY, YOU RETURNED TO THE  
3 STATES?

4 A. WE FLEW TO THE AIRPORT WHERE OUR FACILITY IS, AT FT.  
5 LAUDERDALE EXECUTIVE AIRPORT, YES.

6 Q. DO YOU RETURN WITH THE AEROCOMMANDER 1000?

7 A. YES.

8 Q. WHY DID YOU NOT JUST LEAVE THE AEROCOMMANDER 1000 THERE  
9 AFTER RECEIVING \$1,000,000?

10 A. FOR TWO REASONS. NUMBER ONE, THAT DURING THE PRECEDING  
11 DAY THEY DESIRED TO HAVE ADDITIONAL EQUIPMENT INSTALLED, SOME  
12 PIECES OF ELECTRONIC GEAR FOR NAVIGATION AND COMMUNICATION, AND  
13 ALSO THE FACT THAT THAT WAS NOT THE PAYMENT IN FULL FOR THE  
14 AIRCRAFT.

15 Q. YOU WERE STILL OWED MONEY?

16 A. YES.

17 Q. APPROXIMATELY HOW MUCH?

18 A. APPROXIMATELY \$300,000.

19 Q. GIVE US AGAIN THE TOTAL NUMBER OF YEARS YOU HAVE BEEN  
20 INVOLVED IN AIRCRAFT SALES?

21 A. SINCE THE MID 1960'S.

22 Q. AND DURING YOUR PROFESSIONAL CAREER IN AIRCRAFT SALES, DO  
23 YOU USUALLY DEAL IN CASHIER'S CHECKS FOR LARGE AMOUNTS OF CASH.

24 MR. STOLAR: OBJECTION, IRRELEVANT.

25 THE COURT: SUSTAINED.

1 BY MR. MEDRANO:

2 Q. WHAT ADDITIONAL TYPES OF EQUIPMENT NEEDED TO BE PUT ON THE  
3 AIRCRAFT?

4 A. TO THE BEST OF MY KNOWLEDGE, THEY WANTED AN H F RADIO AND  
5 A LONG-RANGE NAVIGATION SYSTEM INSTALLED.

6 Q. WAS THIS AT THE REQUEST OF THE BUYERS?

7 A. CORRECT. MR. MELO, I BELIEVE.

8 Q. WHO WAS A REPRESENTATIVE?

9 A. RIGHT.

10 Q. ARE YOU ULTIMATELY PAID THE BALANCE OWED FOR THE  
11 AEROCOMMANDER 1000?

12 A. YES.

13 Q. APPROXIMATELY WHEN?

14 A. SOMETIME IN THE PERIOD OF 10 TO 12 WORKING DAYS  
15 THEREAFTER.

16 Q. IN WHAT FASHION OR MANNER IS THIS MONEY GIVEN OR PAID OVER  
17 TO YOU?

18 A. IT CAME BY WIRE TRANSFER.

19 Q. AND THAT TOTAL AMOUNT AGAIN?

20 A. \$300,000 PLUS.

21 Q. DID THIS ADDITIONAL SUM OF MONEY TAKE CARE OF THE  
22 ADDITIONAL WORK YOU PERFORMED ON THE AIRCRAFT?

23 A. YES.

24 Q. THAT H F RADIO?

25 A. CORRECT.

1 Q. AND THE LONG-RANGE NAVIGATION SYSTEM?

2 A. CORRECT.

3 Q. AFTER YOU RECEIVED THE MONEY BY WIRE, WHAT DID YOU DO WITH  
4 THE AIRCRAFT?

5 A. THE FIRST THING WE DID WAS PAY THE LIEN ON THE AIRPLANE  
6 WITH THE MANUFACTURER, AND WHEN THE AIRCRAFT WAS LIEN FREE, WE  
7 PREPARED ALL THE DOCUMENTS NECESSARY TO TRANSFER TITLE TO  
8 ATLANTIC IMPORT EXPORT.

9 AND AT SOMETIME, WE SAID THE AIRPLANE WAS READY, AND  
10 THEN THE AIRCRAFT WAS DELIVERED BACK DOWN TO GUADALAJARA.

11 Q. WHO DOES THAT?

12 A. I DID IT AND MR. HOSMANN.

13 Q. DID YOU FLY TO GUADALAJARA, MEXICO?

14 A. YES.

15 Q. ARE YOU MET BY ANYONE UPON YOUR ARRIVAL?

16 A. YES. TO THE BEST OF MY KNOWLEDGE, WE WERE MET BY  
17 MR. MELO.

18 Q. IS THE FINAL DOCUMENTATION SIGNED TO CONCLUDE THE SALE OF  
19 THE AIRCRAFT?

20 A. THE ONLY DOCUMENTATION THAT WAS TAKEN DOWN WERE THE  
21 REGISTRATION AND THE WARRANTY PAPERS, JUST THE NORMAL PAPERS  
22 THAT WOULD BE LIKE FOR A CLOSING ON AN AUTOMOBILE OR AN  
23 AIRPLANE.

24 Q. AND WAS THE PURCHASE ON BEHALF OF ATLANTIC IMPORT AND  
25 EXPORT CORPORATION?

1 A. THAT WAS THE BUYER OF THE AIRCRAFT.

2 Q. AFTER YOU DELIVERED THE AIRCRAFT, WHAT DID YOU AND MR.  
3 PATRICK HOSMANN DO?

4 A. WE BOARDED A COMMERCIAL AIRLINE FLIGHT AND RETURNED TO FT.  
5 LAUDERDALE.

6 Q. AFTER THAT, DO YOU HAVE ANY OTHER CONTACT WITH MATTA  
7 BALLESTEROS?

8 A. NO.

9 Q. IF I CAN ASK YOU TO TURN TO A PHOTOGRAPH IN FRONT OF YOU,  
10 GOVERNMENT EXHIBIT 169, DO YOU SEE THAT, MR. SCHUMACHER?

11 A. YES, I DO.

12 Q. WOULD YOU TELL US WHAT THAT IS?

13 A. THAT IS A PHOTOGRAPH OF ONE OF THE INDIVIDUALS THAT WE SAW  
14 LOOKING AT THE AIRCRAFT AT THE GUADALAJARA AIRPORT.

15 Q. WELL, YOU MENTIONED A TALL ONE AND SHORT ONE AS THE TWO  
16 PRINCIPALS; IS THAT CORRECT?

17 A. YES, I DID. AND THOSE WERE PEOPLE THAT I BELIEVED TO BE,  
18 YOU KNOW, IN AUTHORITY. AND THE OTHER GENTLEMEN WAS THE  
19 PICTURE THAT IS STILL ON THE EASEL.

20 Q. LET'S DEAL WITH THE TALL ONE FIRST. DO YOU HAVE A  
21 PHOTOGRAPH IN FRONT OF YOU OF THAT TALL MAN AT THIS TIME?

22 A. NO.

23 Q. WELL, NEAR YOU, IF I COULD ASK YOU TO LOOK TO YOUR RIGHT?

24 A. YES.

25 Q. NOW, IS THAT GOVERNMENT EXHIBIT 15 FOR PURPOSES OF



1 IDENTIFICATION, THAT LARGE PHOTOGRAPH, THE PHOTO OF THE TALL  
2 MAN?

3 A. EXCEPT FOR HAIR AND MOUSTACHE FEATURES, I BELIEVE THAT IS  
4 THE TALL GENTLEMAN THAT I HAVE REFERRED TO IN PREVIOUS  
5 TESTIMONY, YES.

6 Q. AND THE SECOND PRINCIPAL, IS THAT GOVERNMENT EXHIBIT 169?

7 A. YES. THAT IS THE GENTLEMEN THAT IS WEARING THAT GOLDISH-  
8 BROWN PANTSUIT THAT I SAW.

9 MR. MEDRANO: YOUR HONOR, WE SEEK ADMISSION OF 169 AT  
10 THIS TIME.

11 MR. STOLAR: I WOULD OBJECT TO 169 COMING IN. IT IS  
12 CUMULATIVE.

13 THE COURT: OVERRULED. IT MAY BE RECEIVED.

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

15 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL.)

16 MR. MEDRANO: THAT CONCLUDES DIRECT OF THIS WITNESS.

17 THE COURT: YOU MAY CROSS-EXAMINE THE WITNESS.

18  
19 CROSS-EXAMINATION +

20 BY MR. BURNS:

21 Q. GOOD MORNING, MR. SCHUMACHER.

22 A. GOOD MORNING.

23 Q. NOW, MR. SCHUMACHER, DURING THE TIME FROM 1984 UNTIL YOU  
24 TESTIFIED TODAY, YOU REVIEWED CERTAIN PHOTO SPREADS THAT PEOPLE  
25 FROM THE GOVERNMENT SHOWED YOU; IS THAT TRUE?

1 A. I WAS PRESENTED WITH SEVERAL PHOTOGRAPHS AND DID LOOK AT  
2 THEM, CORRECT.

3 Q. AND THAT WAS ONCE IN 1985, I BELIEVE?

4 A. THE FIRST TIME WAS IN 1985, YES.

5 Q. AND THEN ANOTHER TIME WAS BEFORE THE GRAND JURY IN 1987?

6 A. YES.

7 Q. NOW, YOU TESTIFIED THAT WHEN YOU DEALT WITH THESE  
8 INDIVIDUALS IN GUADALAJARA, YOU DID NOT THINK THAT THEY WERE  
9 BAD PEOPLE IN ANY WAY; IS THAT TRUE?

10 MR. MEDRANO: OBJECTION; AMBIGUOUS QUESTION, YOUR  
11 HONOR.

12 THE COURT: COUNSEL, REPHRASE THE QUESTION.

13 MR. BURNS: I'LL REPHRASE IT, YOUR HONOR.

14 THE COURT: NOT IN TERMS OF WHAT HE TESTIFIED; WE  
15 ALREADY HEARD WHAT HE TESTIFIED TO.

16 BY MR. BURNS:

17 Q. MR. SCHUMACHER, YOU BELIEVED THESE PEOPLE WERE IN THE  
18 HOTEL BUSINESS, CORRECT?

19 A. THE FIRST VISIT THAT WE MADE TO GUADALAJARA, MR. MELO  
20 INDICATED THAT THE PURCHASER OF THE AIRCRAFT -- WELL, HE NEVER  
21 INDICATED WHETHER IT WAS "THEY" OR "HE" OR WHATEVER, BUT IT WAS  
22 INDICATED THAT IT WAS GOING A MEXICAN COMPANY THAT HAD -- OF  
23 SUBSTANCE AND OWNED A HOTEL, WHICH I BELIEVE WAS LOS AMERICAS  
24 OR SOMETHING LIKE THAT.

25 Q. SO YOU THOUGHT THEY WERE IN THE HOTEL BUSINESS?

1 A. HOTEL AND VARIOUS OTHER BUSINESSES, BUT PEOPLE OF MEANS.

2 Q. DO YOU HAVE GOVERNMENT EXHIBIT NUMBER 23 UP THERE IN FRONT  
3 OF YOU?

4 A. WHAT AM I LOOKING FOR?

5 Q. I THINK IT IS THE TRUST AGREEMENT.

6 A. NO, I'M SORRY.

7 Q. THE PURCHASE AGREEMENT?

8 A. NOTHING IS HERE LIKE THAT.

9 MR. BURNS: MAY I HAVE A MOMENT, YOUR HONOR?

10 (BRIEF PAUSE.)

11 BY MR. BURNS:

12 Q. IS EXHIBIT 25 UP THERE?

13 A. NO.

14 THE CLERK: DO YOU NEED 25?

15 MR. BURNS: YES.

16 THE WITNESS: THERE IS NO IDENTIFICATION TO IT, BUT I  
17 ASSUME THIS IS WHAT YOU'RE TALKING ABOUT.

18 BY MR. BURNS:

19 Q. THERE IS NO SIGNATURE ON THAT?

20 A. NO. I'M REFERRING TO THE NUMBER 25.

21 Q. ON THE BACK THERE ISN'T?

22 A. YES, THERE IS A 25.

23 Q. IT IS ON THE BACK, OKAY.

24 NOW, THE SIGNATURE THAT IS ON THE DOCUMENT --

25 A. YES.

1 Q. -- THE INDIVIDUAL WHO SIGNED, WHO PUT THAT SIGNATURE  
2 THERE, THAT IS NOT THE INDIVIDUAL WHOSE PICTURE IS ON THE EASEL  
3 THERE?

4 A. NO.

5 Q. AND THAT IS NOT THE INDIVIDUAL WHO YOU POINTED TO  
6 YESTERDAY IN THIS COURTROOM, IS IT?

7 A. NO.

8 Q. THAT WAS SOMEONE ELSE, CORRECT?

9 A. CORRECT.

10 Q. NOW, WHEN YOU LEFT FOR FT. LAUDERDALE WITH THE SUITCASES,  
11 DID YOU CALL AHEAD FIRST TO MAKE ARRANGEMENTS FOR LANDING WITH  
12 THAT AMOUNT OF MONEY?

13 A. YES. I CALLED MY OFFICE AND ALERTED THEM THAT I HAD  
14 RECEIVED PAYMENT IN A METHOD DIFFERENT THAN WHAT WE WERE  
15 ANTICIPATING.

16 Q. WHEN YOU LANDED, DID YOU CLEAR CUSTOMS?

17 A. YES, OF COURSE.

18 Q. DID YOU FILE A CUSTOMS DECLARATION?

19 A. YES.

20 Q. NOW, BEFORE THIS TIME WHEN WERE YOU BEFORE THE GRAND JURY  
21 IN 1987, YOU WERE ASKED QUESTIONS, CORRECT?

22 A. CORRECT.

23 Q. AND THE PERSON WHO ASKED YOU THOSE QUESTIONS WAS A MAN BY  
24 THE NAME OF KEVIN CONNOLLY; DO YOU REMEMBER?

25 A. I BELIEVE THAT IS THE GENTLEMAN'S NAME, YES.

1 Q. AND HE WAS A U.S. ATTORNEY FROM WASHINGTON?

2 A. I BELIEVE THAT'S WHERE HE WAS FROM, YES.

3 Q. AND HE WAS FROM THE BUREAU OF NARCOTICS AND DANGEROUS  
4 DRUGS SECTION IN WASHINGTON?

5 A. I CANNOT ANSWER.

6 Q. AND THAT WAS FOR ANOTHER CASE THAT HAD NOTHING TO DO WITH  
7 THIS; ISN'T THAT CORRECT?

8 A. AGAIN, I CANNOT ANSWER THAT QUESTION. I DON'T KNOW.

9 Q. YOU DON'T REMEMBER WHAT THAT CASE WAS FOR?

10 A. I BELIEVE THAT IS TO DO WITH WHY I'M HERE TODAY. I DON'T  
11 KNOW OF ANY OTHER ANY OTHER CASE. I'M SORRY.

12 MR. BURNS: THANK YOU VERY MUCH, MR. SCHUMACHER. NO  
13 FURTHER QUESTIONS.

14 THE COURT: ANY OTHER COUNSEL WISH TO CROSS-EXAMINE  
15 THIS WITNESS?

16 MR. NICOLAYSEN: NO, YOUR HONOR.

17 MS. KELLY: NO, YOUR HONOR.

18 THE COURT: VERY WELL. DO YOU HAVE ANYTHING FURTHER?

19 MR. MEDRANO: NO REDIRECT, YOUR HONOR.

20 THE COURT: YOU MAY STEP DOWN, SIR.

21 (WITNESS EXCUSED.)

22 MR. MEDRANO: YOUR HONOR, AT THIS TIME THE GOVERNMENT  
23 WOULD CALL TO THE STAND PATRICK HOSMANN.

24 /

25 PATRICK HOSMANN + PLAINTIFF'S WITNESS, SWORN

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

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

THE WITNESS: PARDON?

THE CLERK: STATE YOUR FULL NAME AND SPELL YOUR LAST NAME.

THE WITNESS: PATRICK HOSMANN, H O S M A N N.

DIRECT EXAMINATION +

BY MR. MEDRANO:

Q. WHERE ARE YOU EMPLOYED, MR. HOSMANN?

A. RIGHT NOW I'M WORKING FOR A COMPANY CALLED SOUTHERN CROSS AVIATION.

Q. WHAT DO YOU DO FOR THEM?

A. I OWN THE COMPANY AND WE BUY AND SELL AIRPLANES AND AIRPLANE PARTS.

Q. WHAT CITY IS THIS COMPANY BASED IN?

A. FT. LAUDERDALE, FLORIDA.

Q. DO YOU SPEAK ANY LANGUAGE OTHER THAN ENGLISH?

A. SPANISH.

Q. ARE YOU FLUENT IN SPANISH?

A. YES.

Q. WERE YOU EVER RAISED IN A COUNTRY OUTSIDE OF THE UNITED STATES?

A. YES. I WAS RAISED IN ARGENTINA.

1 Q. HOW MANY YEARS, TOTAL, WOULD YOU SAY YOU HAVE BEEN  
2 INVOLVED IN THE SALE OF AIRPLANES OR AIRPLANE PARTS?

3 A. SEVEN YEARS. A LITTLE OVER SEVEN YEARS.

4 Q. ARE YOU A PILOT, MR. HOSMANN?

5 A. NO, I'M NOT A PILOT.

6 Q. I'D LIKE TO DIRECT -- STRIKE THAT.

7 DO YOU KNOW A MAN BY THE NAME OF WALTER SCHUMACHER?

8 A. YES.

9 Q. DID YOU EVER WORK WITH OR FOR WALTER SCHUMACHER?

10 A. YES.

11 Q. I WOULD ASK YOU TO SLOW DOWN BECAUSE THE COURT REPORTER  
12 CAN'T TAKE US BOTH DOWN SIMULTANEOUSLY.

13 A. OKAY.

14 Q. DID YOU WORK FOR WALTER SCHUMACHER?

15 A. YES.

16 Q. WHEN WAS THIS?

17 A. FROM EARLY '83 TO LATE '89.

18 Q. I'D LIKE TO DIRECT YOUR ATTENTION NOW, IF I MAY, TO 1983.

19 ARE YOU FAMILIAR WITH THE NAME JOSE MELO?

20 A. YES.

21 Q. WHO'S JOSE MELO?

22 A. HE -- INITIALLY, MY FIRST CONTACT WITH HIM WAS WHEN I WAS  
23 WORKING AT SKYTELL. HE BROUGHT AN AIRPLANE IN FOR MAINTENANCE.

24 Q. THIS WAS IN 1983?

25 A. THIS WAS IN, YES, 1983, CORRECT.

1 Q. WHO OWNED SKYTELL AT THAT TIME?

2 A. WALTER SCHUMACHER.

3 Q. WHY WAS THIS PLANE BROUGHT IN BY JOSE MELO?

4 A. AT THE TIME, SKYTELL WAS SPECIALIZING IN THAT PARTICULAR  
5 TYPE OF AIRPLANE, SO I GUESS THEY HAD SOME TROUBLE AND BROUGHT  
6 IT IN FOR REPAIRS.

7 Q. WHAT KIND OF AIRCRAFT WAS IT?

8 A. IT WAS A TURBOCOMMANDER 840.

9 Q. DO YOU RECALL THE COLORS OF THAT PARTICULAR AIRCRAFT?

10 A. YES. IT WAS OVERALL WHITE WITH BLUE AND SILVER STRIPES.

11 Q. TO YOUR KNOWLEDGE, AT ANY POINT ARE THERE NEGOTIATIONS  
12 WITH JOSE MELO FOR THE PURCHASE OF AN AIRCRAFT?

13 A. YES.

14 Q. WHAT TYPE OF AIRCRAFT?

15 A. IT WAS A JET, A JETSTAR.

16 Q. WHO WANTED TO BUY IT?

17 A. WELL, MR. MELO, I THINK, WAS ACTING AS A MIDDLEMAN AND HE  
18 CLAIMED TO HAVE A CUSTOMER IN EUROPE FOR THE AIRPLANE.

19 Q. WAS THIS DEAL CULMINATED FOR THE JETSTAR?

20 A. NO.

21 Q. I'D LIKE TO DIRECT YOUR ATTENTION NOW TO ABOUT THE SPRING  
22 OF 1984, MR. HOSMANN.

23 AT THAT TIME DO YOU HAVE ANY ADDITIONAL CONTACTS WITH  
24 JOSE MELO?

25 A. YES.



1 Q. AT THAT TIME, SIR, IS THERE ANY DISCUSSION CONCERNING THE  
2 PURCHASE OF ANOTHER AIRCRAFT?

3 A. YES.

4 Q. WHAT TYPE OF PLANE?

5 A. TURBOCOMMANDER 1000.

6 Q. WAS WALTER SCHUMACHER AWARE OF THESE NEGOTIATIONS?

7 A. YES.

8 Q. DID YOU AND/OR WALTER SCHUMACHER FIND AN AEROCOMMANDER  
9 1000 TO SHOW?

10 A. YES, YES.

11 Q. WHERE WAS THIS PLANE LOCATED?

12 A. IN VENEZUELA.

13 Q. WERE ARRANGEMENTS MADE TO TAKE THAT AEROCOMMANDER 1000  
14 ANYWHERE ELSE?

15 A. YES.

16 Q. TO WHERE, SIR?

17 A. TO GUADALAJARA, MEXICO.

18 Q. NOW, PRIOR TO THAT DO YOU HAVE -- DO YOU GO TO  
19 GUADALAJARA, MEXICO?

20 A. YES.

21 Q. FOR WHAT REASON, MR. HOSMANN?

22 A. TO RECEIVE A DEPOSIT OR EXPENSE MONEY.

23 Q. EXPENSE MONEY FOR WHAT?

24 A. FOR THE EXPENSES INCURRED IN FLYING THE AIRPLANE FROM  
25 VENEZUELA TO MEXICO.

1 Q. WHO SENT YOU TO GUADALAJARA?

2 A. MR. SCHUMACHER.

3 Q. HOW MUCH MONEY -- HOW MUCH EXPENSE MONEY WAS RECEIVED BY  
4 YOU?

5 A. \$10,000.

6 Q. WHO PROVIDED THAT MONEY TO YOU?

7 A. MELO.

8 Q. CASH OR CASHIER'S CHECK?

9 A. CASH.

10 Q. ONCE YOU RECEIVE THIS \$10,000 DEPOSIT, DO YOU ADVISE  
11 ANYONE AT THAT TIME?

12 A. YES.

13 Q. WHO?

14 A. MR. SCHUMACHER.

15 Q. WHAT IS THE NEXT THING THAT HAPPENS WITH REGARD TO THIS  
16 SALE OF AN AEROCOMMANDER 1000?

17 A. SCHUMACHER CALLS THE PEOPLE IN VENEZUELA AND ADVISES THEM  
18 THAT HE HAS THE EXPENSE MONEY, SO THEY TAKE OFF AND FLY TO --  
19 FROM VENEZUELA TO GUADALAJARA.

20 Q. THE AEROCOMMANDER 1000?

21 A. YES.

22 Q. PRIOR TO THE ARRIVAL OF THE 1000, DOES WALTER SCHUMACHER  
23 GO TO GUADALAJARA?

24 A. YES.

25 Q. DO YOU JOIN UP WITH HIM?

1 A. YES.

2 Q. DO THE TWO OF YOU SEE ANYONE ELSE WHEN YOU'RE THERE?

3 A. YES, WE HAD DINNER WITH MELO THAT NIGHT.

4 Q. JOSE MELO?

5 A. YES.

6 Q. I'D LIKE TO DIRECT YOUR ATTENTION NOW TO THE FOLLOWING  
7 DAY, SIR.

8 DO YOU HAVE AN OPPORTUNITY ON THAT DAY TO GO TO THE  
9 GUADALAJARA AIRPORT?

10 A. YES.

11 Q. AND YOUR REASON FOR BEING THERE?

12 A. WE WERE EXPECTING THE ARRIVAL OF AN AIRPLANE COMING FROM  
13 VENEZUELA.

14 Q. THE 1000 AIRCRAFT?

15 A. YES.

16 Q. WHILE YOU WERE THERE, DO YOU SEE ANY OTHER AIRCRAFT OTHER  
17 THAN LARGE COMMERCIAL AIRCRAFT?

18 A. YES.

19 Q. WHAT DO YOU SEE?

20 A. WELL, THERE WERE SEVERAL -- ALL OVER THE AIRPORT THERE  
21 WERE SMALL AIRPLANES. AT THE HANGAR WHERE WE WERE, THERE WERE  
22 TWO B40 COMMANDOES.

23 Q. DO YOU REMEMBER THE REGISTRATION NUMBER OF EITHER  
24 AIRCRAFT?

25 A. ONE OF THEM WAS AMERICAN REGISTERED AND THE OTHER WAS

1 MEXICAN REGISTERED.

2 Q. WHAT WAS THE CONDITION OF THESE TWO AIRCRAFT?

3 A. AVERAGE. AVERAGE TO BAD.

4 Q. WELL, ELABORATE ON THAT.

5 A. JUST A LOT OF DINGS AND DENTS, AND JUST -- THE AIRPLANES  
6 WERE FLOWN HARD, I GUESS.

7 Q. AND WAS THERE DAMAGE TO SPECIFIC AREAS OF THE TWO  
8 AIRCRAFT?

9 A. YES. NOT DAMAGE, PER SE, BUT A LOT OF DINGS AND DENTS  
10 SPECIFICALLY IN THE BELLY AREA AND THE PROPELLERS AND THE  
11 LANDING GEAR SHOWED IT OCCASIONALLY HAD BEEN FLOWN HARD AND  
12 PROBABLY ON UNIMPROVED RUNWAYS.

13 Q. WHAT KIND OF AIRCRAFT WERE THESE TWO AIRPLANES?

14 A. COMMANDO 840 AIRCRAFT.

15 Q. AT ANY POINT DOES THE AEROCOMMANDER 1000 ARRIVE AT THE  
16 GUADALAJARA AIRPORT?

17 A. YES, IT ARRIVED.

18 Q. WHO FLIES IT IN?

19 A. A VENEZUELAN BROKER BY THE NAME OF JOSE SULZBURGER, AND  
20 THEN THERE IS ANOTHER TWO VENEZUELAN CREW MEMBERS.

21 Q. AFTER THE ARRIVAL OF THE AEROCOMMANDER 1000, DOES ANYONE  
22 ELSE ARRIVE AT THE AIRPORT?

23 A. YES.

24 Q. EXPLAIN WHAT HAPPENS, IN DETAIL.

25 A. PROBABLY TWO OR THREE VEHICLES ARRIVE WITH A LARGE GROUP

1 OF PEOPLE, AND SOME MALE, SOME FEMALE, SOME KIDS. AND THERE  
2 WERE PROBABLY MAYBE BETWEEN SIX AND A DOZEN ALL TOGETHER.

3 AND THEN THESE PEOPLE PROCEEDED TO INSPECT THE  
4 AIRPLANE.

5 Q. WAS ANYONE IN CHARGE OF THIS GROUP?

6 A. THERE WERE TWO.

7 MR. STOLAR: OBJECT TO THAT AS CALLING FOR  
8 SPECULATION.

9 MR. MEDRANO: BASED ON HIS OBSERVATIONS, YOUR HONOR.

10 THE COURT: YOU MAY ASK HIM IF ANYONE APPEARED TO BE  
11 IN CHARGE AND THE REASONS HE CAME TO THAT CONCLUSION.

12 BY MR. MEDRANO:

13 Q. DID ANYONE APPEAR TO YOU, MR. HOSMANN, TO BE IN CHARGE OF  
14 THIS GROUP? AND IF SO, EXPLAIN THE REASONS.

15 A. THERE WERE TWO -- TWO OF THE MEMBERS OF THE GROUP SEEMED  
16 TO BE IN CHARGE, YES. AND THE REASON WHY I THINK THAT, JUST  
17 EVERYBODY WAS PRETTY MUCH DOING WHAT THESE TWO GENTLEMEN ASKED  
18 AND SAID.

19 Q. IF I COULD DIRECT YOUR ATTENTION TO TURN TO YOUR RIGHT.  
20 THERE IS A LARGE PHOTOGRAPH ON THE EASEL TO YOUR RIGHT.

21 DO YOU SEE THAT, SIR?

22 A. YES.

23 Q. NOW, THAT FOR PURPOSES OF IDENTIFICATION, IS GOVERNMENT  
24 EXHIBIT 15.

25 DO YOU RECOGNIZE THIS PHOTOGRAPH, MR. HOSMANN?

1 A. YES.

2 Q. WHO IS THIS?

3 A. THAT'S ONE OF THE TWO GENTLEMEN THAT SEEMED TO BE IN  
4 CHARGE.

5 Q. WAS THIS MAN TALLER OR SHORTER THAN THE SECOND MAN?

6 A. HE WAS TALLER.

7 Q. DO YOU KNOW THE NAME OF THIS MAN, SIR?

8 A. YES. NOW I DO.

9 Q. WHAT IS THAT?

10 A. I THINK HIS LAST NAME IS GALLARDO.

11 Q. I'M SORRY. GALLARDO?

12 A. YES.

13 Q. I WANT TO ADDRESS THE SECOND MAN. I'D LIKE YOU TO STAND,  
14 WITH THE COURT'S PERMISSION, YOUR HONOR, AND SEE IF YOU SEE IN  
15 THE COURTROOM THE SECOND PERSON WHO WAS ACCOMPANYING MR.  
16 GALLARDO?

17 A. YES.

18 Q. WOULD YOU IDENTIFY HIM AND DESCRIBE AN ARTICLE OF CLOTHING  
19 HE'S WEARING?

20 A. YES. THE SECOND GENTLEMAN AT THAT TABLE.

21 MR. STOLAR: YOU DON'T HAVE TO DESCRIBE THE CLOTHING.  
22 HE'S INDICATING MY CLIENT.

23 THE COURT: THAT WOULD BE INDICATING MR. MATTA.

24 MR. MEDRANO: YOU MAY HAVE A SEAT, MR. MATTA.

25 BY MR. MEDRANO:

1 Q. DID THAT MAN TO YOUR RIGHT, GALLARDO, INSPECT THE  
2 AIRPLANE?

3 A. YES.

4 Q. DID THIS MAN TO YOUR LEFT, MATTA, INSPECT THE AIRCRAFT?

5 A. YES.

6 Q. INSIDE AND OUTSIDE THE AIRCRAFT?

7 A. YES.

8 Q. YOU SPEAK SPANISH, CORRECT?

9 A. YES.

10 Q. DO YOU CONVERSE WITH EITHER GALLARDO OR MATTA WITH REGARD  
11 TO THE AEROCOMMANDER 1000?

12 A. YES.

13 Q. DID YOU DISCUSS WITH MATTA THE AEROCOMMANDER 1000?

14 A. YES.

15 Q. DID MATTA ASK MY QUESTIONS ABOUT THIS AIRCRAFT?

16 A. YES.

17 Q. DO YOU RECALL WHAT HE ASKED?

18 A. YES. WHERE THE AIRPLANE CAME FROM, WHAT -- WHO OWNED IT,  
19 HOW MANY HOURS IT HAD, WHAT KIND OF MAINTENANCE HISTORY IT HAD,  
20 JUST GENERAL TYPE OF QUESTIONS.

21 Q. WERE YOU ASKED SIMILAR QUESTIONS BY GALLARDO?

22 A. YES.

23 Q. WHICH OF THE TWO, GALLARDO OR MATTA, DID YOU DEAL WITH  
24 MOSTLY OR PRIMARILY?

25

MR. STOLAR: OBJECTION, RELEVANCE.

1 THE COURT: OVERRULED.

2 THE WITNESS: PROBABLY MR. MATTA.

3 BY MR. MEDRANO:

4 Q. AT THAT AIRPORT, MR. HOSMANN, WAS THERE NEGOTIATIONS FOR  
5 THE SALE OF THE AEROCOMMANDER 1000?

6 A. YES.

7 Q. WITH GALLARDO?

8 A. WITH BOTH OF THEM.

9 Q. GALLARDO AND MATTA?

10 A. YES.

11 Q. WAS THIS AIRCRAFT SOLD?

12 A. NO.

13 Q. WHY NOT?

14 A. WE COULDN'T REACH AN AGREEMENT ON THE PRICE.

15 Q. I'D LIKE TO DIRECT YOUR ATTENTION NOW, MR. HOSMANN, TO  
16 ABOUT JULY OF 1984.

17 ARE YOU EVER CONTACTED AGAIN BY ANYONE FOR THE  
18 PURCHASE OF ANOTHER AIRCRAFT?

19 A. YES.

20 Q. BY WHO SIR?

21 A. MELO.

22 Q. WHAT KIND OF AIRCRAFT IS DESIRED?

23 A. THE SAME TYPE OF AIRPLANE, AEROCOMMANDER 1000.

24 Q. DO YOU ADVISE MR. WALTER SCHUMACHER?

25 A. YES.



1 Q. IS ANY KIND OF DEPOSIT OBTAINED BY YOURSELF AGAIN?

2 A. YES.

3 Q. DESCRIBE THAT FOR US.

4 A. IT IS A COUPLE THAT DELIVERED THE DEPOSIT TO MY OFFICE.

5 Q. WAS THIS ON BEHALF OF THE PURCHASERS OF THE AIRCRAFT?

6 A. THAT IS RIGHT, YES.

7 Q. HOW MUCH MONEY WAS DELIVERED AS A DEPOSIT?

8 A. IF I REMEMBER CORRECTLY, IT WAS \$50,000.

9 Q. DID YOU RECEIVE THE MONEY YOURSELF?

10 A. YES.

11 Q. WHAT HAPPENS AFTER RECEIPT OF THIS \$50,000 DEPOSIT?

12 A. ARRANGEMENTS ARE MADE TO FLY THE AIRPLANE TO GUADALAJARA.

13 Q. DOES THAT OCCUR?

14 A. YES.

15 Q. WHO FLIES THE PLANE DOWN?

16 A. SCHUMACHER AND MYSELF.

17 Q. NOW, I'D LIKE TO DIRECT YOUR ATTENTION TO THAT FOLLOWING

18 DAY AFTER YOU ARRIVED WITH THE AEROCOMMANDER 1000.

19 ANY TEST FLIGHT OF THE PLANE?

20 A. YES.

21 Q. BY WHO, IF YOU RECALL?

22 A. JUST A PILOT THAT WAS ACTING AS REPRESENTATIVE OF THE

23 BUYERS.

24 Q. ARE YOU IN THE AIRCRAFT FOR THE TEST FLIGHT?

25 A. YES.

1 Q. ANYBODY ELSE?

2 A. MR. SCHUMACHER AND THEN A YOUNGSTER.

3 Q. ON THIS DAY, DOES GALLARDO AND MATTA COME AGAIN TO INSPECT  
4 THE AIRCRAFT?

5 A. I BELIEVE SO.

6 Q. YOU EVENTUALLY LEAVE THE GUADALAJARA AIRPORT THAT DAY?

7 A. YES.

8 Q. WHERE DO YOU PROCEED TO NEXT?

9 A. YOU MEAN LEAVE THE AIRPORT BACK TO THE UNITED STATES?

10 NO, NO, WE GO BACK.

11 Q. WHERE DO YOU GO NEXT?

12 A. JUST GO TO THE HOTEL.

13 Q. YOU WOULDN'T RECALL THE NAME OF THE HOTEL, WOULD YOU?

14 A. ON THAT PARTICULAR TRIP, IT MIGHT HAVE BEEN THE HYATT.

15 Q. DID SCHUMACHER GO WITH YOU TO THE HYATT?

16 A. YES.

17 Q. WHAT HAPPENS AT THE HOTEL?

18 A. THAT NIGHT WE HAD A MEETING WITH ANOTHER REPRESENTATIVE OF  
19 THE BUYER.

20 Q. NEGOTIATIONS FOR THE AIRCRAFT?

21 A. YES.

22 Q. ANY DOCUMENTS SIGNED -- STRIKE THAT.

23 ANY KIND OF AGREEMENT REACHED THAT NIGHT AT THE  
24 HOTEL?

25 A. YES.

1 Q. ANY KIND OF CONTRACT OR AGREEMENT SIGNED?

2 A. I BELIEVE IT WAS A PURCHASE ORDER SIGNED THAT NIGHT, YES.

3 Q. LET'S GO TO THE NEXT DAY. DO YOU HAVE AN OPPORTUNITY TO  
4 GO BACK TO THE GUADALAJARA AIRPORT?

5 A. YES, WE DO.

6 Q. WHY?

7 A. WE ARE JUST GOING TO FLY BACK HOME.

8 Q. DOES ANYTHING HAPPEN BEFORE YOU GET ON THE PLANE TO RETURN  
9 TO THE STATES?

10 A. YES.

11 Q. WHAT, SIR?

12 A. SEVERAL VEHICLES ARRIVED AND WE ARE HANDED OVER A COUPLE  
13 OF BRIEFCASES OR --

14 Q. BRIEFCASES?

15 A. WELL, TRAVELING SUITCASES, ACTUALLY.

16 Q. WHAT'S IN THE SUITCASES?

17 A. DEPOSIT, DEPOSIT FOR THE AIRPLANE.

18 Q. HOW MUCH, SIR?

19 A. \$1,000,000.

20 Q. DO YOU EVENTUALLY RETURN TO THE STATES?

21 A. YES.

22 Q. WITH SCHUMACHER?

23 A. THAT IS RIGHT, YES.

24 Q. WHAT HAPPENS TO THE AEROCOMMANDER 1000?

25 A. THERE WAS SOME ADDITIONAL WORK, YOU KNOW, SOME WORK DONE

1 ON IT.

2 Q. DO YOU TAKE IT BACK WITH YOU?

3 A. YES.

4 Q. IS ANY BALANCES STILL OWED FOR SALE OF THE AEROCOMMANDER  
5 1000?

6 A. YES.

7 Q. HOW MUCH, SIR?

8 A. I DON'T REMEMBER EXACTLY, BUT IT WAS PROBABLY IN THE RANGE  
9 OF 300,000 OR SO.

10 Q. AND TO YOUR KNOWLEDGE, IN WHAT FASHION OR MANNER WAS THIS  
11 MONEY PAID?

12 A. THAT WAS PAID PRIOR TO THE DELIVERY FLIGHT VIA WIRE  
13 TRANSFER.

14 Q. AFTER THIS PAYMENT, IS THE AEROCOMMANDER DELIVERED  
15 ANYWHERE?

16 A. YES. IT'S DELIVERED TO GUADALAJARA.

17 Q. WHO FLIES IT DOWN THERE?

18 A. AGAIN, SCHUMACHER AND MYSELF.

19 Q. AFTER YOU ARRIVE AT THE AIRPORT, ARE YOU MET BY ANYONE?

20 A. YES.

21 Q. BY WHO?

22 A. BY JOSE MELO.

23 Q. ANY DOCUMENTS SIGNED UPON DELIVERY OF THE AIRCRAFT?

24 A. YES. THERE WAS SOME WARRANTY PAPERS AND DOCUMENTS THAT  
25 WERE SIGNED AT THAT TIME.

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

2 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL.)

3 MR. MEDRANO: THAT CONCLUDES DIRECT, YOUR HONOR.

4 THE COURT: YOU MAY CROSS-EXAMINE THE WITNESS.

5

6

CROSS-EXAMINATION +

7

BY MR. BURNS:

8

Q. GOOD MORNING, MR. HOSMANN.

9

A. GOOD MORNING.

10

Q. MR. HOSMANN, IN THE SPRING OF 1984 WHEN YOU FIRST WENT TO

11

GUADALAJARA WITH THIS AEROCOMMANDER, YOU SAID THAT THE MAN IN

12

THAT PICTURE WAS THERE?

13

A. YES.

14

Q. BUT YOU DID NOT KNOW HIS NAME AT THAT TIME?

15

A. NO.

16

Q. WHEN DID YOU FIND OUT THE NAME?

17

A. PROBABLY A COUPLE OF YEARS LATER.

18

Q. A COUPLE OF YEARS LATER.

19

Q. IS THAT WHEN WERE YOU TESTIFYING BEFORE THE GRAND JURY IN

20

1987?

21

A. NO. IT WAS PROBABLY BEFORE THAT, I THINK.

22

Q. DO YOU REMEMBER TESTIFYING BEFORE THE GRAND JURY?

23

A. YES.

24

Q. AND WAS IT MR. KEVIN CONNOLLY WHO WAS ASKING YOU QUESTIONS

25

AT THAT TIME?

1 A. YES.

2 Q. AND HE WAS FROM WASHINGTON?

3 A. YES.

4 Q. AND HE WAS WITH THE JUSTICE DEPARTMENT IN WASHINGTON?

5 A. YES.

6 Q. DO YOU RECALL IF HE'S FROM THE BUREAU OF NARCOTICS AND  
7 DANGEROUS DRUGS?

8 MR. MEDRANO: OBJECTION; THAT'S IRRELEVANT, YOUR  
9 HONOR.

10 THE COURT: SUSTAINED.

11 BY MR. BURNS:

12 Q. YOU ALSO INDICATED THAT IN THAT SPRING YOU DID NOT KNOW  
13 MR. MATTA'S NAME EITHER?

14 A. I DON'T RECALL EXACTLY WHAT THE TESTIMONY WAS AT THAT  
15 TIME.

16 Q. DID MR. CONNOLLY INFORM YOU OF WHO MR. MATTA WAS; YES OR  
17 NO?

18 A. I DON'T REMEMBER THAT EITHER.

19 Q. YOU DON'T REMEMBER?

20 A. NO.

21 Q. HOW LONG -- STRIKE THAT.

22 DID YOU MEET WITH MR. MEDRANO OR MR. CARLTON OR  
23 SOMEONE FROM THE D.E.A. OFFICE HERE OR FROM THE D.E.A. OFFICE  
24 IN WASHINGTON TO REVIEW YOUR TESTIMONY FOR TODAY?

25 A. I MET WITH MR. MEDRANO, YES.

1 Q. HOW RECENTLY WAS THAT?

2 A. I'M SORRY?

3 Q. HOW RECENTLY WAS THAT?

4 A. PROBABLY ABOUT A MONTH AGO.

5 Q. AND FOR HOW LONG DID YOU SPEAK WITH HIM?

6 A. PROBABLY HALF AN HOUR.

7 MR. BURNS: NO MORE QUESTIONS, YOUR HONOR.

8 THE COURT: THANK YOU. DO ANY OTHER COUNSEL WISH TO  
9 CROSS-EXAMINE THIS WITNESS?

10 MS. KELLY: NO, YOUR HONOR.

11 MR. NICOLAYSEN: NO, YOUR HONOR,

12 MR. MEDRANO: NO REDIRECT, YOUR HONOR.

13 THE COURT: THEN YOU MAY STEP DOWN.

14 THE WITNESS: THANK YOU.

15 THE COURT: DON'T FORGET YOUR BAG.

16 (WITNESS EXCUSED.)

17 MR. MEDRANO: YOUR HONOR, AT THIS TIME THE GOVERNMENT  
18 WOULD CALL JOHN UNDERWOOD TO THE STAND.

19 YOUR HONOR, MAY I MOVE THE EXHIBIT CLOSER TO THE  
20 WITNESS AT THIS TIME?

21 THE COURT: YES.

22

23 JOHN G. UNDERWOOD + PLAINTIFFS WITNESS, SWORN

24

25 THE CLERK: PLEASE STATE YOUR FULL NAME FOR THE

1 RECORD AND SPELL YOUR LAST NAME?

2 THE WITNESS: I'M SORRY. I CAN'T HEAR YOU.

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

5 THE WITNESS: JOHN, MIDDLE INITIAL G, UNDERWOOD, U N  
6 D E R W O O D .

7  
8 DIRECT EXAMINATION +

9 BY MR. MEDRANO:

10 Q. GOOD MORNING, MR. UNDERWOOD.

11 A. GOOD MORNING.

12 Q. WHO ARE YOU EMPLOYED BY?

13 A. THE U.S. CUSTOMS SERVICE.

14 Q. HOW LONG HAVE YOU SERVED WITH THE U.S. CUSTOMS SERVICE?

15 A. 15 YEARS.

16 Q. CURRENTLY, WHAT IS YOUR CURRENT ASSIGNMENT?

17 A. I'M MANAGING A PROGRAM IN COLORADO SPRINGS FOR THE U.S.  
18 AIR FORCE. IN LATE FALL THE DEPARTMENT OF DEFENSE WAS BROUGHT  
19 INTO THE AIR SMUGGLING PROBLEM, AND I WAS SENT UP THERE BY THE  
20 CUSTOMS SERVICE TO INTEGRATE THE NORAD RESOURCES INTO CUSTOMS.

21 Q. ARE YOU A TYPE OF LIASON WITH THE U.S. AIR FORCE?

22 A. PRECISELY.

23 Q. NOW, PRIOR TO YOUR TENURE WITH THE U.S. CUSTOMS SERVICE,  
24 HAVE YOU HAD ANY OTHER LAW ENFORCEMENT EXPERIENCE?

25 A. YES. I SPENT NINE YEARS WITH THE ARIZONA DEPARTMENT OF



1 PUBLIC SAFETY AS A HIGHWAY PATROLMAN AND STATE NARCOTICS  
2 OFFICER.

3 Q. ARE YOU A PILOT, SIR?

4 A. YES, I AM.

5 Q. HOW LONG HAVE YOU FLOWN?

6 A. SINCE 1964.

7 Q. AND ARE YOU QUALIFIED OR LICENSED FOR A PARTICULAR TYPE OF  
8 AIRCRAFT?

9 A. YES. I HAVE WHAT IS CALLED AN AEROPORT OR AIRLINE  
10 TRANSPORT RATING, AND I FLY ALL SINGLE ENGINE, TWIN ENGINE  
11 AIRCRAFT, INCLUDING BUSINESS JETS.

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

13 (BRIEF PAUSE.)

14 BY MR. MEDRANO:

15 Q. LET ME DIRECT YOUR ATTENTION, MR. UNDERWOOD, TO ABOUT  
16 AUGUST OF 1984. IN THAT TIME FRAME, WHERE WERE YOU ASSIGNED?

17 A. I WAS ASSIGNED TO THE CUSTOMS AVIATION UNIT IN PHOENIX,  
18 ARIZONA.

19 Q. AT THAT TIME WERE YOU AGAIN SERVING AS A PILOT FOR U.S.  
20 CUSTOMS?

21 A. YES, I WAS.

22 Q. IN AUGUST OF '84, JUST BRIEFLY DESCRIBE FOR US WHAT YOUR  
23 DUTIES AND RESPONSIBILITIES WERE?

24 A. MY DUTIES WERE TO NOT ONLY PILOT AIRCRAFT FOR THE CUSTOMS  
25 SERVICE, BUT ALSO TO DO INVESTIGATIONS AGAINST INDIVIDUALS OR

1 ORGANIZATIONS THAT SMUGGLE ANY TYPE OF CONTRABAND BY GENERAL  
2 AVIATION AIRCRAFT OR SMALL AIRCRAFT.

3 Q. LET ME DIRECT YOUR ATTENTION SPECIFICALLY TO AUGUST 14,  
4 1984. WERE YOU ON DUTY THAT DAY?

5 A. YES, I WAS.

6 Q. IN PHOENIX?

7 A. YES.

8 Q. ARE YOU IN THE COMPANY OF ANY COLLEAGUE OR OTHER LAW  
9 ENFORCEMENT OFFICIAL ON AUGUST 14?

10 A. YES, I WAS.

11 Q. WHO WAS THAT?

12 A. THAT WAS A CUSTOMS AIR OFFICER BY THE NAME OF MICHAEL  
13 CREWE.

14 Q. ON THAT DAY, DO YOU FLY?

15 A. YES.

16 Q. WHERE DO YOU GO FIRST?

17 A. AFTER ARRIVING AT THE OFFICE AT ABOUT 8:00 O'CLOCK THAT  
18 MORNING, MR. CREWE AND I GOT TOGETHER. AND WE HAD DECIDED TO  
19 MAKE WHAT WE CALL AIRPORT CONTACTS; THAT IS, TO FLY OUT TO  
20 SEVERAL OF THE LOCAL AIRPORTS, TALK TO THE AIRPORT MANAGERS  
21 AND -- LOOKING FOR ANY INFORMATION THAT MIGHT LEAD TO SOME TYPE  
22 OF SMUGGLING INFORMATION THAT WE MIGHT REQUIRE.

23 Q. AND DID YOU FLY TO ANY SPECIFIC AIRPORT THAT DAY?

24 A. YES, WE DID. THAT MORNING WE FLEW TO THE GLOBE, ARIZONA  
25 AIRPORT CALLED COVELET (PHONETIC) AIR FIELD.

1 Q. WHAT TYPE OF AIRCRAFT WERE YOU IN TO GO TO GLOBE, ARIZONA?

2 A. I WAS IN A SINGLE ENGINE CESSNA, CALLED A CESSNA 210.

3 Q. ARE YOU PILOTING IT?

4 A. YES.

5 Q. IS MIKE CREWE WITH YOU?

6 A. YES, HE IS. HE IS IN THE RIGHT FRONT SEAT.

7 Q. WHEN YOU ARRIVED AT THIS AIRPORT, WHAT HAPPENS THEN?

8 A. WE TALKED WITH THE AIRPORT MANAGER, AS I STATED  
9 PREVIOUSLY, ABOUT AIR SMUGGLING ACTIVITIES THAT MIGHT BE GOING  
10 ON AT THAT AIRPORT.

11 Q. DO YOU EVENTUALLY DEPART FROM THE GLOBE AIRPORT?

12 A. THAT IS CORRECT.

13 Q. WHAT HAPPENS NEXT WHILE YOU'RE AIRBORNE?

14 A. WE HAD JUST TAKEN OFF FROM THE GLOBE AIRPORT. WE'RE  
15 PROBABLY ABOUT 8 TO 10 MINUTES OUT, HEADING BACK TOWARD THE  
16 PHOENIX AREA, WHEN WE RECEIVED A RADIO CALL FROM OUR OFFICE IN  
17 PHOENIX INDICATING THAT SOMEONE FROM THE ARIZONA DEPARTMENT OF  
18 PUBLIC SAFETY HAD CALLED STATING THAT THERE WAS POSSIBLY --

19 MR. STOLAR: I'M GOING TO OBJECT AND MOVE TO STRIKE.

20 THE COURT: THE OBJECTION IS OVERRULED.

21 MR. STOLAR: HEARSAY, YOUR HONOR.

22 THE COURT: IT IS NOT HEARSAY.

23 IT IS NOT OFFERED TO PROVE THE TRUTH, IS IT?

24 MR. MEDRANO: NOT AT ALL, YOUR HONOR.

25 THE COURT: WHAT IS IT OFFERED FOR?

1 MR. MEDRANO: TO INDICATE WHAT INVESTIGATIVE ACTION  
2 OR REACTIONS THE U.S. CUSTOMS SERVICE TOOK.

3 THE COURT: THAT'S THE PURPOSE OF RECEIVING THAT  
4 EVIDENCE. IN OTHER WORDS, WHATEVER INFORMATION HE RECEIVED IS  
5 NOT TO BE TAKEN AS TRUE, BUT SIMPLY TO KNOW WHY HE DID WHAT HE  
6 WILL TESTIFY TO; IS THAT RIGHT?

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

8 THE COURT: OKAY.

9 BY MR. MEDRANO:

10 Q. MR. UNDERWOOD, TELL US AGAIN WHAT THE RADIO TRANSMISSION  
11 WAS.

12 A. THE RADIO TRANSMISSION FROM OUR OFFICE INDICATED THAT THE  
13 ARIZONA DEPARTMENT OF PUBLIC SAFETY HAD CALLED AND HAD  
14 INDICATED TO THEM THAT THEY HAD RECEIVED A RECORD OF SOME  
15 POSSIBLE SMUGGLING ACTIVITY GOING ON AT THE YOUNG, ARIZONA  
16 AIRPORT.

17 Q. WERE YOU ADVISED THROUGH THAT RADIO TRANSMISSION OF ANY  
18 POSSIBLE VEHICLES INVOLVED?

19 A. YES. WE WERE GIVEN A DESCRIPTION OF TWO VEHICLES THAT  
20 WERE POSSIBLY INVOLVED IN THE SMUGGLING OPERATION.

21 Q. WERE YOU GIVEN SPECIFIC DESCRIPTIONS OF THE TWO CARS OR  
22 VEHICLES?

23 A. THE SPECIFIC DESCRIPTION -- ONE WAS A WHITE BLAZER,  
24 POSSIBLY WITH A ARIZONA LICENSE PLATE, AND THE OTHER WAS A  
25 WHITE AND BLUE CHEVROLET PICKUP TRUCK WITH A WHITE CAB HIGH

1 CAMPER ON IT AND A BLUE LICENSE PLATE, POSSIBLY CALIFORNIA.

2 Q. WERE YOU ADVISED AS TO THE LOCATION OF THIS EVENT?

3 A. YES. THE LOCATION WAS AT THE YOUNG, ARIZONA AIRPORT.

4 Q. WHAT DO YOU DO NEXT THEN?

5 A. MR. CREWE AND I TOOK OUT AN AVIATION CHART.

6 Q. MR. UNDERWOOD, LET ME INTERRUPT YOU. IF YOU COULD MOVE  
7 THE MICROPHONE ABOUT THREE INCHES AWAY FROM YOU, I THINK WE ARE  
8 GETTING SOME INTERFERENCE.

9 A. MR. CREWE AND I TOOK OUT AN AVIATION CHART TO SPECIFICALLY  
10 LOCATE YOUNG. WE HEADED UP TOWARD THAT WAY AS QUICKLY AS WE  
11 POSSIBLY COULD.

12 WE INTERCEPTED THE LOCAL STATE HIGHWAY, STATE ROUTE  
13 288, ABOUT 12 MILES SOUTH OF THE TOWN OF YOUNG, AND CONTINUED  
14 UP THAT HIGHWAY LOOKING FOR THE VEHICLES AS WE PROCEEDED TOWARD  
15 THE AIRPORT.

16 Q. WHAT IS THE NEXT THING THAT HAPPENS, MR. UNDERWOOD?

17 A. WE FLEW OVER THE AIRPORT TO SEE IF THERE WAS STILL  
18 ACTIVITY THERE, AND NOT SEEING ANY, WE DECIDED TO GET BACK OVER  
19 THE TOP OF STATE ROUTE 288.

20 AND SOMETHING I FORGOT -- THE PREVIOUS RADIO  
21 TRANSMISSION, I BELIEVE IT WAS, OR MAYBE IT WAS A SUBSEQUENT  
22 TRANSMISSION -- I DON'T RECALL -- STATED THAT THE VEHICLES WERE  
23 POSSIBLY SOUTHBOUND ON STATE ROUTE 288.

24 SO, AS I SAY, WE CROSSED OVER TO THE AIRPORT, MADE A  
25 U-TURN, IF YOU WILL, AND STARTED OUTBOUND ON STATE ROUTE 288 TO

1 TRY AND FIND OR LOCATE ONE OF THE VEHICLES.

2 Q. AT ANY POINT, DO YOU ENCOUNTER IT?

3 A. YES. APPROXIMATELY 40 MILES SOUTH OF YOUNG, ARIZONA ON  
4 STATE ROUTE 288, I FOUND THREE MOTOR VEHICLES. TWO OF THEM  
5 MATCHED THE DESCRIPTION OF THE VEHICLES THAT WE WERE GIVEN IN  
6 OUR FIRST RADIO TRANSMISSION, AND THEN THERE WAS A THIRD  
7 VEHICLE, A TAN PICKUP TRUCK WITH A TAN CAB HIGH CAMPER THAT WAS  
8 MIXED IN BETWEEN THE TWO.

9 Q. IF YOU RECALL, YOUR APPROXIMATE ALTITUDE WHEN YOU SPOT  
10 THESE THREE VEHICLES?

11 A. I WOULD SAY I WAS PROBABLY 1500 TO 2,000 FEET ABOVE THE  
12 GROUND LEVEL.

13 Q. WHEN YOU SPOT THEM, ARE THOSE VEHICLES MOVING?

14 A. YES THEY, WERE.

15 Q. THEY -- STRIKE THAT. HOW CLOSE OR FAR APART ARE THEY  
16 SPACED?

17 A. APPROXIMATELY 100 YARDS BETWEEN EACH VEHICLE.

18 Q. UPON SPOTTING THESE THREE VEHICLES, WHAT IS THE NEXT THING  
19 THAT YOU DO?

20 A. I PROCEEDED TO GET DOWN A LITTLE BIT LOWER TO GET GOOD  
21 POSITIVE IDENTIFICATION OF THE VEHICLES.

22 WE CALLED OUR OFFICE BACK IN PHOENIX, ADVISED THEM WE  
23 HAD TWO VEHICLES THAT MATCHED THE DESCRIPTION UNDER  
24 SURVEILLANCE AND THE THIRD ONE WAS MIXED IN WITH IT, AND GAVE  
25 THAT INFORMATION TO OUR OFFICE IN PHOENIX AND ASKED THAT THEY

1 CONTACT THE GILA COUNTY SHERIFF'S OFFICE, WHICH HAS  
2 RESPONSIBILITY FOR THAT AREA OF STATE ROUTE 288 AND ASKED THEM  
3 TO COME OUT AND GIVE A HAND AT GETTING THESE VEHICLES STOPPED.

4 Q. AFTER YOU BROADCAST, DID YOU EVER SEE A GILA COUNTY  
5 VEHICLE? DEPUTY'S VEHICLE?

6 A. YES. AFTER MY CONTACT WITH THE THREE VEHICLES,  
7 APPROXIMATELY THREE MILES DOWN THE ROAD, I NOTICED A SMALL  
8 PICKUP TRUCK SITTING ON THE SIDE OF THE ROAD.

9 THE SUSPECT VEHICLES, IF I MAY CALL THEM THAT AT THIS  
10 POINT, PASSED BY THIS SMALL PICKUP TRUCK. AND AS I CAME AROUND  
11 ON THE EAST SIDE OF THIS PICKUP, I COULD SEE A STAR OR BADGE ON  
12 THE SIDE OF THE DOOR. SO I REALIZED AT THAT POINT THIS WAS  
13 PROBABLY ONE OF THE GILA COUNTY DEPUTIES THAT I WAS LOOKING  
14 FOR.

15 Q. WHAT IS THE NEXT THING OF SIGNIFICANCE THAT OCCURS,  
16 MR. UNDERWOOD?

17 A. SEVERAL MINUTES AFTER PASSING THE GILA COUNTY DEPUTY, THE  
18 THREE VEHICLES CAME TO A STOP. THE BLUE AND WHITE CHEVROLET  
19 PICKUP PARKED ON THE WEST SIDE OF THE ROAD. THE TAN PICKUP  
20 TRUCK PARKED SOMEWHAT IN THE CENTER OF THE ROADWAY, AND THE  
21 WHITE BLAZER STOPPED BEHIND THEM.

22 THE THREE DRIVERS GOT OUT AND CONVERSED. I DECIDED  
23 TO GET A LITTLE BIT LOWER TO SEE MORE OF WHAT WAS GOING ON, AND  
24 AS I DID AND PASSED IN FRONT OF THE VEHICLES, ALL THREE  
25 INDIVIDUALS LOOKED UP, SAW ME, GOT BACK IN THEIR VEHICLES

1 IMMEDIATELY AND STARTED OFF AGAIN SOUTHBOUND ON STATE ROUTE  
2 288.

3 Q. WHAT HAD HAPPEN TO THAT DEPUTY VEHICLE, THAT DEPUTY --  
4 GILA COUNTY DEPUTY VEHICLE THAT YOU HAD SEEN PRIOR TO THAT?

5 A. AFTER THE VEHICLES HAD PASSED BY AGAIN, HE STARTED OFF AND  
6 GOT IN BEHIND THEM.

7 AS THE THREE SUSPECT VEHICLES STOPPED, HE, TOO,  
8 STOPPED. HE WAS APPROXIMATELY A QUARTER MILE BEHIND THE  
9 SUSPECTS.

10 Q. ARE YOU CONTINUING WITH YOUR AERIAL SURVEILLANCE OF THE  
11 THREE MOVING VEHICLES THEN?

12 A. YES. I'M MAKING A WIDE CIRCLE OVER THE TOP OF ALL THREE  
13 OF THE VEHICLES.

14 Q. WHAT IS THE NEXT THING THAT YOU OBSERVE THEN?

15 A. AFTER THE VEHICLES STARTED BACK UP AGAIN, THEY GOT IN LINE  
16 AS THEY WERE PREVIOUSLY AND WENT ANOTHER APPROXIMATELY THREE  
17 MILES AND CAME UPON ANOTHER SHERIFF'S VEHICLE THAT WAS PARKED  
18 IN THE ROADWAY ACTING AS A ROAD BLOCK AND IT WAS AT THAT POINT  
19 THAT THEY ALL CAME TO A STOP. AND APPREHENSION WAS EFFECTED BY  
20 THE SHERIFF'S OFFICE.

21 Q. MR. UNDERWOOD, THERE IS WATER IN FRONT OF YOU, SIR, IF YOU  
22 NEED IT. FEEL FREE TO USE IT.

23 A. THANK YOU.

24 Q. AT ANY POINT, MR. UNDERWOOD, DO YOU HAVE A CHANCE TO  
25 PROCEED TO A NEARBY AIRPORT?



1 A. YES, I DID. SHORTLY AFTER I REALIZED EVERYTHING WAS OKAY  
2 ON THE GROUND AND OFFICERS WERE OUT OF DANGER, I PROCEEDED BACK  
3 TO THE YOUNG AIRPORT, SPECIFICALLY TO LOOK FOR EVIDENCE OF A  
4 POSSIBLE SMUGGLING VENTURE THAT HAD GONE ON AT THE AIRPORT.

5 Q. NOW, MR. UNDERWOOD, THERE SHOULD BE IN FRONT OF YOU, SIR,  
6 A GOVERNMENT EXHIBIT 26, WHICH IS A MAP. IT SHOULD BE THE  
7 BOTTOM EXHIBIT THAT YOU HAVE.

8 DO YOU SEE THAT?

9 A. YES.

10 Q. AND JUST BRIEFLY DESCRIBE FOR US WHAT THIS IS.

11 A. THIS IS A ROAD MAP SHOWING THE STATE OF ARIZONA.

12 Q. AND HAVE YOU HAD A CHANCE TO LOOK AT THIS MAP PRIOR TO  
13 YOUR TESTIMONY TODAY?

14 A. YES, I HAVE.

15 Q. AND HAVE YOU HAD AN OPPORTUNITY TO CIRCLE THE LOCATION OF  
16 THE YOUNG AIRPORT, THE YOUNG, ARIZONA AIRPORT?

17 A. YES, I HAVE CIRCLED THE APPROXIMATE LOCATION OF THE  
18 AIRPORT.

19 Q. VERY WELL.

20 MR. MEDRANO: YOUR HONOR, WE SEEK ITS ADMISSION, AND  
21 WITH YOUR PERMISSION, IF MR. UNDERWOOD COULD JUST HOLD IT UP  
22 BRIEFLY FOR THE JURORS.

23 MR. STOLAR: NO OBJECTION.

24 THE COURT: ALL RIGHT. HOLD IT UP FOR THE JURORS.

25 MR. MEDRANO: THANK YOU, MR. UNDERWOOD. YOU MAY PUT

1 IT DOWN.

2 THE COURT: DO YOU WISH TO OFFER THIS?

3 MR. MEDRANO: YES, YOUR HONOR. I ASKED FOR ITS  
4 ADMISSION.

5 THE COURT: YES. IT MAY BE RECEIVED.

6 MR. MEDRANO: THANK YOU.

7 (EXHIBIT # 26 RECEIVED IN EVIDENCE.)

8 BY MR. MEDRANO:

9 Q. DO YOU HAVE A CHANCE TO CIRCLE THE YOUNG AIRPORT? STRIKE  
10 THAT.

11 LET ME -- THAT'S A BAD QUESTION. AT ANY POINT DO YOU  
12 LAND AT THE YOUNG AIRPORT?

13 A. YES, I DO.

14 Q. AND PRIOR TO THAT, DID YOU FLY AROUND OR CIRCLE THE AREA?

15 A. I CIRCLED THE AIRPORT I BELIEVE ONCE PRIOR TO LANDING.

16 Q. NOW, IF I COULD ASK TO YOU LOOK AT GOVERNMENT EXHIBITS  
17 168-A AND -B, THERE SHOULD BE TWO PHOTOGRAPHS.

18 DO YOU HAVE THAT IN FRONT OF YOU?

19 A. YES, I HAVE IT.

20 Q. WOULD YOU FIRST TELL US WHAT 168 -- WELL, DESCRIBE BOTH OF  
21 THEM FOR US. 168 FIRST, PLEASE. 168-A.

22 A. 168-A IS AN AIRBORNE PHOTOGRAPH, AND I RECOGNIZE IT AS THE  
23 YOUNG, ARIZONA AIRPORT.

24 Q. AND 168-B?

25 A. 168-B IS TAKEN ON THE GROUND AT THE YOUNG AIRPORT WITH TWO

1 INDIVIDUALS WALKING ALONGSIDE THE RUNWAY. ONE INDIVIDUAL I  
2 RECOGNIZE AS BEING THE CUSTOMS AIR OFFICER, MICHAEL CREWE, WHO  
3 WAS WITH ME THE DAY WE LANDED AT YOUNG.

4 Q. AND IN 168-B, CAN YOU SEE THE AIRSTRIP AT YOUNG AIRPORT?

5 A. YES, YOU CAN SEE THE RUNWAY AS WELL AS SOME SIDE AREA.

6 MR. MEDRANO: YOUR HONOR, I SEEK ADMISSION OF 168-A  
7 AND -B AT THIS TIME.

8 MR. STOLAR: NO OBJECTION.

9 THE COURT: THEY MAY BE RECEIVED.

10 (EXHIBIT # 168-A AND 168-B# RECEIVED IN EVIDENCE.)

11 BY MR. MEDRANO:

12 Q. WHEN YOU LAND, DO YOU TAKE ANY SPECIAL PRECAUTIONS?

13 A. YES, I DID. IN CASE THERE WERE TRACKS LEFT BY A SUSPECT  
14 AIRCRAFT OR MOTOR VEHICLES ON THE FIELD, I HAVE ALWAYS FOUND IT  
15 A PRACTICE TO LAND AS SHORT AND QUICKLY AS POSSIBLE AND NOT  
16 MOVE MY AIRCRAFT, JUST LEAVE IT RIGHT WHERE IT SITS IN THE  
17 RUNWAY, WHICH IS WHAT I DID THAT DAY.

18 Q. AND THE REASON FOR THAT?

19 A. SO THAT MY TRACKS DO NOT MIX IN WITH ANY OTHER TRACKS THAT  
20 MIGHT BE CONSIDERED AS EVIDENCE OR SUSPECT LATER.

21 Q. ON THIS DAY, AUGUST 14, WHERE DO YOU PARK OR LEAVE YOUR  
22 AIRCRAFT UPON LANDING?

23 A. THE RUNWAY BASICALLY IS EAST-WEST AND I LANDED FROM THE  
24 WEST HEADING TOWARD THE EAST AND PROCEEDED MAYBE A THIRD OF THE  
25 WAY DOWN THE RUNWAY, AT MOST, AND I JUST PARKED RIGHT IN CENTER

1 AND LEFT IT THERE.

2 Q. IN THE MIDDLE OF THE AIRSTRIP?

3 A. YES, SIR.

4 Q. AND THAT'S WHERE YOU LEAVE THE AIRCRAFT?

5 A. THAT'S CORRECT.

6 Q. DESCRIBE THE TYPE OF LANDING STRIP THAT CAN BE FOUND AT  
7 THE YOUNG, ARIZONA AIRPORT?

8 A. IT'S A MIXTURE OF DIRT AND CRUSHED GRANITE. THIS IS NOT A  
9 WELL-TRAVELED OR WELL-USED AIRPORT. IT'S RATHER OUT OF THE WAY  
10 AND THIS IS ONE REASON WHY I DIDN'T MIND LEAVING MY AIRPLANE  
11 SITTING ON THE RUNWAY ITSELF. IT WASN'T, IN MY ESTIMATION,  
12 GOING TO BE AFFECTING ANY OTHER TRAFFIC THAT MIGHT BE COMING  
13 AND GOING.

14 Q. IS IT AN UNIMPROVED LANDING STRIP?

15 A. YES. I WOULD CALL IT THAT UNIMPROVED.

16 Q. NOT FREQUENTLY USED?

17 A. NO.

18 Q. DOES IT HAVE A RADIO TOWER?

19 A. NO, IT DOES NOT.

20 Q. ANY BUILDING OF ANY SORT IN THE VICINITY OF THE AIRPORT?

21 A. NO, THERE WERE NOT.

22 Q. HOW FAR IS THE YOUNG AIRPORT FROM THIS MAIN ROUTE 288 THAT  
23 YOU EARLIER DESCRIBED?

24 A. I WOULD APPROXIMATE TWO TO TWO AND A HALF MILES FROM THE  
25 AIRPORT TO THE HIGHWAY.

1 Q. HOW DO YOU GET FROM THIS HIGHWAY 288 TO THE YOUNG AIRPORT?

2 A. JUST TAKE A SIDE DIRT ROAD OUT TO THE AIRPORT.

3 Q. CAN ONE SEE THE LANDING STRIP AT THE YOUNG, ARIZONA  
4 AIRPORT FROM THE MAIN ROUTE 288?

5 A. NOT TO MY KNOWLEDGE, NO.

6 Q. WHAT HAPPENS AFTER YOU LAND YOUR CESSNA AIRCRAFT AT THE  
7 AIRPORT?

8 A. MR. CREWE AND I -- MR. CREWE AND I EXITED THE AIRCRAFT AND  
9 BEGAN TO WALK DOWN TOWARD THE EAST END OF THE AIR STRIP AND  
10 WERE JUST TRYING TO LOOK FOR ANY EVIDENCE OF A NARCOTICS  
11 TRANSACTION THAT MAY HAVE GONE ON.

12 Q. WHAT DO YOU MEAN NARCOTICS TRANSACTION?

13 A. WELL, IN THE CASE OF A CLANDESTINE-TYPE AIRFIELD, IT HAS  
14 BEEN MY EXPERIENCE THAT AN AIRCRAFT WILL LAND, IT WILL EITHER  
15 SIT RIGHT ON THE RUNWAY OR TURN AROUND ON THE RUNWAY. YOU'LL  
16 HAVE MOTOR VEHICLE TRACKS THAT MIGHT COME UP AND MEET THE  
17 AIRCRAFT TRACKS. AND THIS WAS THE TYPE OF THING THAT WE WERE  
18 LOOKING FOR.

19 Q. ARE YOU SUGGESTING AN UNLOADING OF SOMETHING FROM AN  
20 AIRCRAFT?

21 A. PRECISELY.

22 Q. ONTO WHAT?

23 A. THE UNLOADING COULD BE DIRECTED FROM THE AIRCRAFT INTO A  
24 MOTOR VEHICLE OR FROM THE AIRCRAFT TO THE GROUND AND THEN MOVED  
25 TO A MOTOR VEHICLE AND SO ON.

1 Q. AND THIS IS THE TYPE OF EVIDENCE YOU'RE LOOKING FOR?

2 A. THAT IS CORRECT, AS WELL AS IT HAS BEEN MY EXPERIENCE OVER  
3 THE YEARS THAT THE GROUND CREW, OR IN OTHER WORDS, PEOPLE  
4 DRIVING THEIR MOTOR VEHICLES THAT ARE GOING TO MEET THE  
5 AIRCRAFT, WILL GENERALLY GET THERE CONSIDERABLY AHEAD OF WHEN  
6 THE AIRCRAFT IS SCHEDULED TO LAND.

7 AND THERE ARE MANY OCCASIONS WHEN YOU FIND LEFTOVER  
8 CANS OF SODA OR BEER OR OTHER TRASH OR EVIDENCE, IF YOU WILL,  
9 THAT THEY HAVE BEEN SITTING THERE FOR A WHILE. AND THESE ARE  
10 THE THINGS THAT WE WERE LOOKING FOR THAT DAY.

11 Q. WHAT END OF THE LANDING STRIP DO YOU START -- BEFORE YOU  
12 START WALKING? ON THE WEST OR EAST END?

13 A. AS I SAID, WE LAND FROM WEST TO EAST, WENT ABOUT A THIRD  
14 OF THE WAY DOWN THE RUNWAY, SO WE WERE ON THE WESTERN SIDE OF  
15 THE RUNWAY.

16 Q. YOU WALKED FROM WHAT DIRECTION TO WHAT DIRECTION?

17 A. FROM WEST TO EAST.

18 Q. WHAT HAPPENS NEXT AS YOU'RE DOING THAT?

19 A. MR. CREWE WALKED OFF OF THE SIDE OF THE RUNWAY IN THE  
20 BRUSH AND I STAYED RIGHT ON THE RUNWAY SURFACE.

21 I NOTICED SOME AIRPLANE TRACKS THAT HAD BEEN THERE  
22 JUST PRIOR TO MY AIRCRAFT. I RECOGNIZED THEM AS BEING WHAT WE  
23 CALL FRESH TRACKS. I FOLLOWED THOSE TRACKS DOWN TO THE FAR  
24 EAST SIDE OF THE RUNWAY. WE SEE WHERE THE AIRCRAFT HAD MADE A  
25 U-TURN AT THE END OF THE RUNWAY AND TAXIED BACK UP TO POSSIBLY

1 AS MUCH AS A THOUSAND FEET BACK UP TOWARD THE WEST SIDE OR WEST  
2 END OF THE RUNWAY AND THEN CAME TO A STOP.

3 Q. SO YOU FOLLOWED THESE TRACKS THE WHOLE WAY?

4 A. YES.

5 Q. AND WHEN IT MAKES THIS U-TURN, APPROXIMATELY HOW MANY FEET  
6 DO THOSE TRACKS THEN GO BACK IN A WESTERLY DIRECTION?

7 A. APPROXIMATELY A THOUSAND FEET.

8 Q. ARE YOU ABLE TO OBSERVE ANY OTHER TYPE OF EVIDENCE THERE?

9 A. YES. MR. CREWE NOTIFIED ME THAT HE HAD FOUND SOME MOTOR  
10 VEHICLE TRACKS OFF THE SIDE OF THE RUNWAY TO THE SOUTH.

11 I HAD ALSO OBSERVED SOME VEHICLE TRACKS THAT HAD COME  
12 FROM THE SOUTH SIDE AND HAD APPEARED TO MEET UP WITH THE  
13 AIRCRAFT TRACKS.

14 AND THEN I ALSO OBSERVED A SECOND SET OF MOTOR  
15 VEHICLE TRACKS. I COULDN'T FIND OUT WHERE THEY HAD COME FROM  
16 BUT THEY WERE ON THE RUNWAY SURFACE AND WERE ALSO FRESH. SO I  
17 KNEW WE HAD TWO VEHICLES AND ONE AIRCRAFT THAT HAD LEFT FRESH  
18 TRACKS.

19 Q. NOW, THESE TWO VEHICLE TRACKS -- STRIKE THAT.

20 FORGET THE AIRPLANE FOR A MOMENT. THERE ARE TWO  
21 VEHICLE TRACKS THAT COME ON TO THE RUNWAY?

22 A. WELL, ONE SET OF TRACKS THAT ACTUALLY CAME ON TO THE  
23 RUNWAY SURFACE. THERE WAS ANOTHER SET OF TRACKS THAT APPEARED  
24 ON THE RUNWAY SURFACE, AND WE WERE NOT ABLE TO TRACK THEM BACK  
25 INTO A BRUSH AREA OR ANYTHING OF THAT SORT.

1 Q. UPON FINDING THE VEHICLE TRACKS ON THE RUNWAY, DO YOU  
2 FOLLOW THEM ANYWHERE?

3 A. YES. WE BACKTRACKED THEM INTO THE BRUSH AREA WHERE  
4 MR. CREWE HAD ORIGINALLY FOUND THEM, AND THEN WE WERE ALSO ABLE  
5 TO NOTICE THAT THEY WENT ON DOWN TOWARD THE WEST END OF THE  
6 RUNWAY AND EXITED THE AIRPORT BOUNDARY.

7 Q. ANY OTHER UNUSUAL TYPES OF MARKS ON THAT RUNWAY OF  
8 INTEREST TO YOU?

9 A. YES. FROM -- IN AN AREA NEAR THE AIRCRAFT TRACKS OR  
10 BETWEEN THE AIRCRAFT TRACKS AND A SET OF MOTOR VEHICLE TRACKS,  
11 I NOTICED SOME MARKS OR STRIATIONS, AS WE CALL THEM, IN THE  
12 RUNWAY SURFACE. AGAIN, WE ARE TALKING DIRT AND GRANITE, SO  
13 THEY WERE VERY OBSERVABLE.

14 SO SOME THINGS WERE DRAGGED ACROSS THE RUNWAY SURFACE  
15 BETWEEN THE AIRCRAFT AND THE TRUCK.

16 Q. WHAT ELSE DO YOU SEE OR OBSERVE AT THE YOUNG, ARIZONA  
17 AIRSTRIP?

18 A. AFTER OBSERVING ALL OF THE TRACTION, I BEGAN WALKING OFF  
19 ON THE SIDE OF THE RUNWAY, ON THE NORTH SIDE, AND HEADED BACK  
20 DOWN TOWARD THE EAST END.

21 AND THERE WERE TWO LARGE YELLOW SAFETY CONES, SUCH AS  
22 CAL TRANS MIGHT USE ON A HIGHWAY PROJECT, THAT WERE PLACED ON  
23 THE FAR EAST END OF THE RUNWAY.

24 JUST 50 FEET OR SO WEST OF THE NORTHERN-MOST CONE, I  
25 OBSERVED A WHITE PAPER NAPKIN WITH THE NAME BECKETT ON IT WITH



1 A CORPORATE LOGO.

2 Q. IF I COULD DIRECT YOUR ATTENTION IN FRONT OF YOU, THERE  
3 SHOULD BE GOVERNMENT EXHIBIT 28-A. DO YOU SEE THAT, SIR?

4 A. YES, I DO.

5 Q. WOULD YOU TELL US WHAT THAT IS?

6 A. THIS IS THE WHITE PAPER NAPKIN THAT I FOUND THAT DAY WITH  
7 THE BECKETT CORPORATE LOGO ON IT. AND I RECOGNIZE IT BECAUSE I  
8 INITIALLED THE NAPKIN WITH MY PERSONAL INITIALS AND THE DATE  
9 AND THE TIME THAT I LOCATED THIS ITEM ON THE RUNWAY.

10 Q. AND WHAT DATE AND TIME DID YOU RECORD ON THERE?

11 A. AUGUST 14TH AT 12:30 P.M.

12 MR. MEDRANO: YOUR HONOR, WE MOVE THE ADMISSION OF  
13 28-A AT THIS TIME.

14 THE COURT: THAT MAY BE RECEIVED.

15 BY MR. MEDRANO:

16 Q. THE CONDITION OF THAT NAPKIN, PLEASE?

17 A. A LITTLE MORE WRINKLED THAN WHEN I ORIGINALLY FOUND IT;  
18 OTHERWISE, IN VERY, VERY GOOD CONDITION.

19 Q. CLEAN?

20 A. YES.

21 Q. WHEN YOU FOUND IT ON AUGUST 14, DID IT APPEAR TO YOU TO BE  
22 NEW OR RECENT LITTER?

23 MR. STOLAR: OBJECT -- OH, NO, NEVER MIND. I WILL  
24 WITHDRAW THE OBJECTION.

25 THE WITNESS: APPEARED TO BE VERY RECENT LITTER.

1 THERE WAS NO DIRT ON THE NAPKIN, AS IT HAD BEEN SITTING THERE  
2 FOR A COUPLE OF DAYS, NO DEW OR ANYTHING OF THAT SORT.

3 IT APPEARED TO BE QUITE FRESH.

4 BY MR. MEDRANO:

5 Q. ARE YOU FAMILIAR WITH A COMPANY CALLED BECKETT  
6 CORPORATION?

7 A. YES, I WAS FAMILIAR WITH AN AVIATION COMPANY IN  
8 SCOTTSDALE, ARIZONA, WHICH IS A SUBURB OF PHOENIX, BY THE NAME  
9 OF BECKETT AVIATION.

10 Q. DOES BECKETT AVIATION HAVE AN OFFICE AT THE YOUNG AIRPORT?

11 A. NO, THEY DO NOT.

12 Q. THERE ARE NO BUILDINGS AT THE YOUNG AIRPORT.

13 A. THERE ARE NO BUILDINGS AT ALL.

14 Q. AND, SIR, DO YOU KNOW WHAT TYPE OF BUSINESS BECKETT  
15 AVIATION IS?

16 A. BECKETT AVIATION IS WHAT WE CALLED A FIXED BASE OPERATOR;  
17 AND THAT IS, THEY'RE IN THE LEASE AND CHARTER AIRCRAFT  
18 BUSINESS. FUELING, OIL AND MAINTENANCE OF AIRCRAFT.

19 Q. I WANT TO DIRECT YOU BACK TO THE AIRPLANE TRACKS THAT YOU  
20 ABLE TO FIND AND FOLLOW. ON THE BASIS OF YOUR EXPERIENCE AS A  
21 PILOT, SIR, DO YOU HAVE ANY OPINION OR VIEW AS TO WHAT TYPE OF  
22 AIRCRAFT HAD LANDED?

23 A. MY ONLY OPINION AT THAT TIME WAS IT WAS A LARGE AIRCRAFT.  
24 I FIGURED IT WAS NOT A SINGLE ENGINE AIRPLANE, AND I REALIZED  
25 THIS BY PACING OFF HOW WIDE THE MAIN LANDING GEAR TRACKS WERE

1 APART.

2 A SINGLE ENGINE AIRPLANE IS GOING TO BE QUITE  
3 NARROW -- 6, 7 FEET AT THE MOST. AND I DON'T RECALL THE EXACT  
4 MEASUREMENTS, BUT THIS WAS WELL BEYOND THAT. SO I KNEW I WAS  
5 LOOKING AT A TWIN ENGINE AIRPLANE, AT LEAST.

6 Q. WERE YOU ABLE TO ASCERTAIN THAT FROM THE WIDTH OF THE  
7 TIRES?

8 A. THE DIFFERENCE IN THE -- NOT THE DIFFERENCE, BUT THE SIZE  
9 FROM ONE WHEEL TO ANOTHER WHEEL, OR ONE TIRE TO THE OTHER MAIN  
10 TIRE.

11 Q. ARE YOU FAMILIAR WITH AN AIRCRAFT THAT IS CALLED AN  
12 AEROCOMMANDER 840?

13 A. YES, I AM.

14 Q. IS THAT A SINGLE OR TWIN ENGINE AIRCRAFT?

15 A. TWIN ENGINE AIRPLANE.

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

17 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL.)

18 MR. MEDRANO: THAT CONCLUDES DIRECT, YOUR HONOR.

19 THE COURT: COUNSEL, YOU MAY CROSS-EXAMINE THE  
20 WITNESS.

21  
22 CROSS-EXAMINATION +

23 BY MR. STOLAR:

24 Q. MR. UNDERWOOD, THIS WAS AUGUST THE 14TH OF 1984; IS THAT  
25 RIGHT?

1 A. THAT'S CORRECT, SIR.

2 Q. AND ARE YOU AWARE THAT YOUR WORK LED TO THE SEIZURE OF A  
3 LITTLE OVER 1600 POUNDS OF COCAINE IN THOSE CARS; IS THAT  
4 CORRECT?

5 A. THAT IS CORRECT.

6 Q. AND COCAINE WRAPPED WITH -- IMPRINTED WITH GOLDEN LLAMAS?  
7 DID YOU KNOW THAT? THE WRAPPINGS ON THE COCAINE?

8 A. THAT RINGS A BELL, YES, SIR.

9 Q. ALL RIGHT. COCAINE THAT WAS DELIVERED TO A JOHN  
10 KROGSLAND, JAMES MONTY EARLS, RONALD RIDDENHOUR AND CHARLES  
11 LAGER IN YOUNG?

12 MR. MEDRANO: OBJECTION; BEYOND THE SCOPE OF DIRECT  
13 AND LACK OF PERSONAL KNOWLEDGE.

14 BY MR. STOLAR:

15 Q. DID YOU PARTICIPATE IN THE ARREST?

16 A. NO, I DID NOT.

17 Q. DID YOU HAVE ANY OTHER INVOLVEMENT IN THE SEIZURE OF THAT  
18 COCAINE?

19 A. THE ONLY OTHER INVOLVEMENT WAS IN THE LATE AFTERNOON  
20 HOURS, I HAD FLOWN BACK DOWN TO THE GLOBE AIRPORT AND WAS  
21 PICKED UP BY THE SHERIFF'S DEPUTY AND TAKEN IN TO TOWN.

22 AND THERE SUBSEQUENTLY WAS A SEARCH WARRANT SERVED ON  
23 THE VEHICLES, AND I ASSISTED THE SHERIFF'S OFFICE AT THEIR  
24 REQUEST IN HELPING THEM UNLOAD IT.

25 Q. WERE YOU INVOLVED WITH THE DEPARTMENT OF JUSTICE IN

1 A. I BELIEVE HE'S A GENTLEMAN I MET ABOUT A MONTH AGO HERE IN  
2 LOS ANGELES WHEN I CAME OUT FOR A CONFERENCE.

3 MR. STOLAR: THANK YOU VERY MUCH.

4 THE COURT: ANY OTHER QUESTIONS, COUNSEL?

5 MS. KELLY: NO, YOUR HONOR.

6 MR. NICOLAYSEN: NOTHING, YOUR HONOR.

7 MR. MEDRANO: NO REDIRECT, YOUR HONOR.

8 THE COURT: YOU MAY STEP DOWN.

9 (WITNESS EXCUSED.)

10 THE WITNESS: THANK YOU VERY MUCH.

11 THE COURT: WE'LL TAKE OUR MORNING RECESS AT THIS  
12 TIME.

13 THE CLERK: PLEASE RISE.

14 MR. STOLAR: JUDGE RAFEEDIE?

15 (JURY EXCUSED.)

16 THE CLERK: YOU MAY BE SEATED.

17 THE COURT: DO YOU WISH TO TAKE UP SOMETHING WITH THE  
18 COURT?

19 MR. STOLAR: YES, SIR. I WAS GIVEN THIS MORNING  
20 ADDITIONAL -- I'M DOING THIS BECAUSE I EXPECT THAT FRANK  
21 RETAMOZA, WHO WILL BE THE NEXT WITNESS, OR CLOSE TO HIM -- I  
22 WAS GIVEN THIS MORNING A LETTER CONCERNING THIS WITNESS, WHO IS  
23 IN THE WITNESS PROGRAM.

24 AND HAS BEEN GIVEN VARIOUS KINDS OF IMMUNITY LETTERS.  
25 AN ADDITIONAL LETTER FROM --

1 THE COURT: WHO GAVE YOU THE LETTER?

2 MR. STOLAR: MR. MEDRANO. AND IT INDICATES THAT  
3 THERE WERE ADDITIONAL INTERVIEWS WITH THIS WITNESS OF RECENT  
4 DATE WHERE HE ADMITTED ADDITIONAL CRIMES THAT HE HAD COMMITTED,  
5 WHICH ARE NOT CONTAINED IN THE DEA-6'S THAT WERE PREVIOUSLY  
6 GIVEN TO US AS 3500 MATERIAL, NOR WERE THEY GIVEN TO US IN ANY  
7 OF THE GIGLIO MATERIAL.

8 I'M BRINGING IT UP NOW BECAUSE IF FRANK RETAMOZA IS  
9 GOING TO BE THE NEXT WITNESS, I WOULD LIKE TO HAVE THAT  
10 MATERIAL WHERE HE DESCRIBED THE CRIMES THAT HE COMMITTED BEFORE  
11 HE GETS ON THE WITNESS STAND.

12 IN ADDITION, THERE ARE -- GOING THROUGH THIS 3500  
13 LAST NIGHT, ABOUT 40 PERCENT OF IT HAS BEEN BLANKED OUT,  
14 INCLUDING SOME STUFF ABOUT THE CAMARENA CASE.

15 SO THAT'S SUPPOSED TO BE A WRITTEN MOTION. THEY'RE  
16 UNILATERALLY DECIDING WHAT IS RELEVANT AND NOT RELEVANT.  
17 THAT'S NUMBER TWO.

18 NUMBER ONE IS THERE IS ADDITIONAL MATERIAL THAT COMES  
19 TO MY ATTENTION THIS MORNING.

20 MR. MEZA: YOUR HONOR, I'D LIKE TO OBJECT ALSO. IN  
21 CONNECTION WITH THE 3500 MATERIAL, WHICH WAS PRESENTED TO US  
22 YESTERDAY, SPECIFICALLY AS IT RELATES TO A GOVERNMENT WITNESS  
23 BY THE NAME OF CESAR GARCIA BUENO, WE WERE PROVIDED APPARENTLY  
24 A PART OF A TRIAL TRANSCRIPT.

25 SOME PARTS OF IT THAT WERE PROVIDED WHEN MR. BUENO

1 TESTIFIED WERE REDACTED, AND THERE WERE AT LEAST TWO LARGE  
2 SECTIONS -- A 13-PAGE SECTION AND ALMOST A 9-PAGE SECTION WERE  
3 JUST LEFT OUT.

4 AND WE WOULD MOVE -- THE COURT HAS MADE A RULING ON  
5 PREVIOUSLY-REDACTED TESTIMONY.

6 THE COURT: THE ONLY RULING I MADE WAS ON GRAND JURY  
7 TRANSCRIPTS.

8 MR. MEZA: THIS IS TRIAL TESTIMONY. WE DON'T EVEN  
9 HAVE --

10 THE COURT: WHAT IS IT; TRIAL TESTIMONY?

11 MR. MEZA: APPARENTLY TRIAL TESTIMONY WHERE  
12 MR. GARCIA BUENO TESTIFIED IN A PREVIOUS TRIAL. I DON'T HAVE A  
13 FACE SHEET INDICATING THE NAME OF THE CASE OR THE COURT IT WAS  
14 IN OR A CASE NUMBER.

15 MR. CARLTON: I CAN CLARIFY THAT. MR. GARCIA BUENO  
16 TESTIFIED IN A TRIAL IN SAN DIEGO AGAINST AN INDIVIDUAL NAMED  
17 MARTINEZ HERRERA, AND THOSE PORTIONS OF HIS TESTIMONY IN THAT  
18 TRIAL, WHICH WAS A PERJURY CASE, WHICH RELATED TO HIS TESTIMONY  
19 HERE HAVE BEEN PROVIDED, BUT THOSE PORTIONS WHICH RELATED ONLY  
20 TO THAT UNRELATED CASE HAVE BEEN TAKEN OUT.

21 THE COURT: WHY?

22 MR. CARLTON: BECAUSE THEY HAD NOTHING TO DO WITH  
23 THIS TRIAL AND DO NOT CONSTITUTE JENKS.

24 THEY HAVE NOTHING TO DO WITH HIS TESTIMONY THAT HE IS  
25 TO PRESENT HERE.

1 THE COURT: WHAT IS IT WHAT ABOUT THIS ADDITIONAL  
2 MATERIAL REGARDING THIS WITNESS?

3 MR. MEDRANO: I CAN ADDRESS THAT, YOUR HONOR. THE  
4 LETTER THAT MR. STOLAR IS REFERENCING --

5 THE COURT: LET ME SEE THE LETTER.

6 MR. MEDRANO: THIS IS THE FINAL PLEA AGREEMENT  
7 BETWEEN THE UNITED STATES AND FRANK RETAMOZA --

8 MR. STOLAR: THAT'S NOT THE LETTER I'M REFERRING TO.  
9 THE LETTER I GAVE HIM IS THE ONE THAT CAME FROM KEVIN CONNOLLY  
10 THAT SAID WE HAVE NEW STUFF.

11 THE COURT: WHO IS KEVIN CONNOLLY?

12 MR. STOLAR: HE'S THE ATTORNEY ON CASE 88-129 BEFORE  
13 JUDGE REA FROM THE DEPARTMENT OF JUSTICE. HE'S A TRIAL LAWYER  
14 THERE.

15 RETAMOZA WAS HIS WITNESS FOR THAT CASE. HE WAS IN  
16 THE WITNESS PROGRAM, AND CONNOLLY WROTE ORIGINALLY TO U.S.  
17 ATTORNEYS ALL OVER THE COUNTRY TO PLEASE GIVE HIM IMMUNITY FOR  
18 CERTAIN CRIMES HE DESCRIBED, WHICH ROUGHLY GO UP TO 1985, WHEN  
19 HE WAS DEBRIEFED.

20 AND NOW, APPARENTLY, THERE IS SOME NEW STUFF THAT  
21 SOMEBODY HAS PULLED OUT OF HIM ABOUT SUBSEQUENT CRIMES AND  
22 CONDUCT. SO HE'S WRITING FOR ANOTHER "PLEASE DON'T PROSECUTE  
23 HIM" KIND OF LETTER.

24 THE COURT: WHAT IS IT YOU THINK YOU'RE ENTITLED TO?

25 MR. STOLAR: DEBRIEFING. THE CRIMES, DESCRIPTIONS OF



1 THE CRIMES. SOMEBODY HAS DEBRIEFED THE MAN ABOUT THE CRIMES  
2 AND THE THINGS THAT HE DID. I HAVE NO 6'S ON THAT.

3 IT IS HARD FOR ME TO BELIEVE THAT THE DEPARTMENT OF  
4 JUSTICE AND THE D.E.A. IN DEBRIEFING THIS MAN, PLUS THE I.R.S.  
5 HAS BEEN INVOLVED IN THESE DEBRIEFINGS -- WILL SIT DOWN AND GO  
6 THROUGH A SERIES OF CRIMES FROM 1987 WITHOUT WRITING THEM DOWN,  
7 JUDGE.

8 THE COURT: WELL, WHAT ABOUT THIS, COUNSEL?

9 MR. MEDRANO: THAT INFORMATION THAT MR. STOLAR HAS  
10 REFERENCED AND THAT YOU JUST READ YOUR HONOR, THE GOVERNMENT  
11 LEARNED, I BELIEVE, ONLY LATE LAST WEEK. I'M NOT AWARE OF ANY  
12 6'S.

13 THAT INFORMATION -- THIS JENKS TYPE MATERIAL IS IN  
14 THAT LETTER, AND YOU'LL NOTE IT'S VERY DETAILED. SO UNDER THE  
15 NINTH CIRCUIT, YOUR HONOR, EVEN IF SUCH JENKS MATERIAL EXISTED,  
16 MR. STOLAR IS NOT ENTITLED TO CUMULATIVE JENKS IF HE ALREADY  
17 HAS THAT INFORMATION IN FRONT OF HIM.

18 AND I MIGHT ADD THAT THAT 3-PAGE SINGLE-SPACED LETTER  
19 LAYS OUT IN DETAILED INFORMATION THE OTHER TYPE OF JENKS/GIGLIO  
20 INFORMATION.

21 MR. STOLAR: THAT LETTER IS NOT A PRIOR STATEMENT OF  
22 A WITNESS. WHAT IS WRITTEN DOWN IN A D.E.A. 6 OR TAPE  
23 RECORDING IN DETAIL IS WHAT IT IS.

24 THE COURT: JUST A MOMENT. PRIOR STATEMENTS --  
25 YOU'RE NOT ENTITLED TO ALL PRIOR STATEMENTS THIS WITNESS MADE

1 IN CONNECTION WITH OTHER CASES. YOU'RE ENTITLED TO STATEMENTS  
2 MADE IN CONNECTION WITH THIS CASE.

3 THE COURT: CERTAINLY IT'S GIGLIO MATERIAL. HE'S  
4 DESCRIBING CRIMES FOR WHICH HE HAS BEEN GIVEN IMMUNITY, SERIOUS  
5 CRIMES FOR FELIX GALLARDO.

6 DO YOU HAVE THIS UNDERLYING DOCUMENTATION?

7 MR. MEDRANO: I'M NOT AWARE OF A 6, YOUR HONOR,  
8 ALTHOUGH AT THE BRANCH BREAK I CAN MAKE SOME CALLS AND TRY TO  
9 MAKE SURE IF THERE ARE OTHER 6'S.

10 THE COURT: DO THAT. I THINK YOU SHOULD PROVIDE IT.

11 MR. MEDRANO: I'LL TRY TO SEE IF THERE IS ANYTHING IN  
12 THERE, YOUR HONOR. I MIGHT POINT OUT, THOUGH, IN CONCLUSION,  
13 THOUGH, THAT YOU'LL NOTICE HOW DETAILED IT IS.

14 THE COURT: IT IS VERY DETAILED. IT IS MORE THAN YOU  
15 WOULD PROBABLY BE ENTITLED TO INQUIRE OF THE WITNESS.

16 MR. MEDRANO: THAT'S OUR POSITION.

17 MR. STOLAR: I THINK I'M ENTITLED TO KNOW. THE MAN  
18 HAS DESCRIBED HOW MANY TRIPS HE TOOK, HOW MUCH AND WHO HE  
19 TALKED TO AND WHEN HE TALKED TO HIM. I MEAN, THIS MAN HAS BEEN  
20 DEBRIEFED.

21 MR. MEDRANO: THE GIST OF IT IS IN THERE, YOUR HONOR.

22 THE COURT: SEE IF THERE IS A DOCUMENT AND MAKE IT  
23 AVAILABLE TO THE DEFENDANTS.

24 MR. MEDRANO: I'LL SEE IF THERE IS ANYTHING THAT  
25 EXISTS, YOUR HONOR.

1 MR. STOLAR: IN ADDITION, WHILE YOU'RE MAKING YOUR  
2 PHONE CALL, MR. MEDRANO, SO I CAN PUT THIS ON THE RECORD, I  
3 HAVE A D.E.A. 6, WHICH IS DATED MAY 8TH, OR AN INTERVIEW OF  
4 FRANK RETAMOZA OF MAY 8, 1989, THAT REFERS TO RETAMOZA'S  
5 INITIAL DEBRIEFING ON APRIL 27, 1989.

6 I DO NOT HAVE THAT REPORT. THE FIRST REPORT I HAVE  
7 IS MAY -- THE INTERVIEW OF RETAMOZA ON -- IT LOOKS LIKE MAY  
8 1ST.

9 THE COURT: WELL, IT APPEARS THERE IS SOME REPORT  
10 THERE. LOCATE THESE AND GET COPIES AND PROVIDE COUNSEL.

11 RETURN THIS. IS THERE ANYTHING ELSE?

12 MR. MEDRANO: THIS IS MISLEADING. THIS DOCUMENT  
13 DOESN'T SAY THERE IS ANOTHER REPORT; ALL IT SAYS IS THERE AN  
14 INITIAL INTERVIEW.

15 MR. STOLAR: IT SAYS "AN INITIAL DEBRIEFING".

16 MR. MEDRANO: THAT DOESN'T ALWAYS GENERATE A D.E.A.6.

17 MR. STOLAR: OH, YES, IT DOES. EVERY TIME.

18 MR. MEDRANO: THAT'S ERRONEOUS. I'LL LOOK, YOUR  
19 HONOR.

20 THE COURT: YOU FIND OUT WHAT THERE IS.

21 MR. MEDRANO: YES, YOUR HONOR.

22 MR. MEZA: DID THE COURT RULE ON THE ADDITIONAL  
23 HUNDRED PAGES WE WERE REQUESTING OF TRIAL TRANSCRIPT OF  
24 MR. GARCIA BUENO? THE GOVERNMENT FEELS THAT IT IS NOT JENKS.

25 I CERTAINLY DON'T WANT TO LOOK AT AN EXTRA HUNDRED OF

1 PAGES OF MATERIAL IF I DON'T HAVE TO BECAUSE OF THE VOLUME, BUT  
2 I WOULD PREFER TO MAKE THAT DECISION. AND IF THE COURT FEELS  
3 THAT'S NOT APPROPRIATE, THEN I WOULD ASK THAT IT BE SUBMITTED  
4 IN CAMERA.

5 THE COURT: IT IS NOT GOING TO BE SUBMITTED IN  
6 CAMERA. I'M NOT GOING TO DO THE WORK OF THE PROSECUTION AND  
7 COUNSEL.

8 IF YOU HAVE ADDITIONAL TESTIMONY OF THIS WITNESS,  
9 GIVE THE TESTIMONY TO COUNSEL AND LET THEM READ IT. WHY SHOULD  
10 IT BE REDACTED? THIS BUSINESS OF REDACTING THINGS IS NOT -- IT  
11 CAUSES PROBLEMS, AS YOU HAVE SEEN.

12 MR. CARLTON: I'VE SEEN THAT, YOUR HONOR, BUT THE  
13 JENKS ACT REQUIRES THAT THEY BE PROVIDED STATEMENTS RELATING TO  
14 THE TESTIMONY THEY'RE GOING TO PRESENT.

15 THIS WAS AN UNRELATED CASE, A PERJURY CASE. AND THIS  
16 WAS -- THE TESTIMONY THAT WAS REDACTED RELATES TO THE  
17 ALLEGATIONS OF PERJURY AGAINST THIS OTHER INDIVIDUAL.

18 NOW, THOSE PORTIONS OF IT WHICH CONCERNED  
19 MR. GARCIA --

20 THE COURT: WHAT IS THE PROBLEM WITH GIVING IT OVER?

21 MR. CARLTON: IT WASN'T RELEVANT AND WASN'T CALLED  
22 FOR, SO WE DIDN'T TURN IT OVER. IF YOU YOUR HONOR ORDERS US  
23 TO, I'LL TURN IT OVER.

24 THE COURT: TURN IT OVER. LET THEM WASTE THEIR TIME  
25 READING IT.

1 MR. STOLAR: WHAT ABOUT THE 6'S ON MR. RETAMOZA?

2 THE COURT: I'M MAKING NO FURTHER ORDERS THAN I HAVE  
3 ALREADY MADE WITH RESPECT TO MR. RETAMOZA. IS THAT THE CORRECT  
4 NAME?

5 MR. STOLAR: RETAMOZA GALLARDO, ACTUALLY.

6 THE COURT: ALL RIGHT.

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

9 (BRIEF RECESS TAKEN.)

10 (JURY PRESENT:)

11 THE COURT: CALL YOUR NEXT WITNESS.

12 MR. MEDRANO: THE GOVERNMENT NOW WOULD CALL TED  
13 HOLEMAN TO THE STAND, YOUR HONOR.

14 (WITNESS SUMMONED TO COURTROOM.)

15 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

16

17 TED HOLEMAN + PLAINTIFF'S WITNESS, SWORN

18

19 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR FULL  
20 NAME FOR THE RECORD AND SPELL YOUR LAST NAME.

21 THE WITNESS: (NO AUDIBLE RESPONSE.)

22 THE COURT: DID YOU HEAR?

23 STATE YOUR NAME AND SPELL YOUR LAST NAME, PLEASE.

24 THE WITNESS: MY NAME IS TED HOLEMAN, H O L E

25 M A N.

1 THE COURT: PUSH THAT THE TO SIDE.

2 THE WITNESS: (MOVES MICROPHONE.)

3 DIRECT EXAMINATION +

4 BY MR. MEDRANO:

5 Q MR. HOLEMAN, WHO ARE YOU EMPLOYED BY PRESENTLY?

6 A THE GILA COUNTY SHERIFF'S DEPARTMENT.

7 THE REPORTER: I'M SORRY?

8 THE WITNESS: GILA, G I L A. GILA COUNTY; GLOBE,  
9 ARIZONA.

10 THE COURT: JUST KEEP YOUR VOICE UP, PLEASE.

11 BY MR. MEDRANO:

12 Q WHAT STATE IS THAT LOCATED IN ?

13 A ARIZONA.

14 Q IF YOU WANT, SIR, YOU CAN MOVE THE MICROPHONE TO YOUR RIGHT  
15 SO YOU DON'T HAVE TO LEAN OVER.

16 THE COURT: YOU DON'T HAVE TO TALK RIGHT INTO THE  
17 MICROPHONE. JUST FORGET ABOUT IT.

18 BY MR. MEDRANO:

19 Q HOW LONG HAVE YOU BEEN A DEPUTY SHERIFF, MR. HOLEMAN?

20 A EIGHT YEARS.

21 Q I'D LIKE TO DIRECT YOUR ATTENTION TO AUGUST 14, 1984. AT  
22 THAT DATE, WHERE WERE YOU STATIONED?

23 A I WAS STATIONED AT ROOSEVELT, ARIZONA.

24 Q AND DID YOU HAVE ANY TITLE OR RANK ON AUGUST 14 OF 84?

25 A A SERGEANT.

1 Q NOW, AT ANY POINT, SIR, ARE YOU ADVISED THROUGH RADIO  
2 TRANSMISSION OF ANY UNUSUAL ACTIVITY?

3 A I HAD A TELEPHONE CALL FROM A MAJOR THAT GAVE ME  
4 INFORMATION OF THE ACTIVITY.

5 Q AND WHAT WERE YOU ADVISED OF IN THIS TELEPHONE CALL?

6 A THAT THERE WAS SUSPICIOUS ACTIVITY ON THE YOUNG AIRPORT,  
7 AND THAT THE VEHICLES INVOLVED MAY BE COMING TOWARDS THE LAKE.

8 Q WERE YOU GIVEN A DESCRIPTION OF THE VEHICLES?

9 A YES, SIR.

10 Q DO YOU RECALL WHAT THAT WAS?

11 A YES, SIR. ONE WAS A WHITE BLAZER AND ONE WAS A  
12 BLUE-AND-WHITE CHEVY FOUR-WHEEL DRIVE WITH A WHITE CAMPER  
13 SHELL.

14 Q AFTER YOU RECEIVE THIS INFORMATION, MR. HOLEMAN, WHAT DO  
15 YOU DO NEXT?

16 A I'M SORRY?

17 Q AFTER YOU RECEIVE THIS INFORMATION, WHAT DO YOU DO NEXT?

18 A MYSELF AND ANOTHER DEPUTY WENT TO HIGHWAY 288, AND THERE'S  
19 SEVERAL DIFFERENT ROUTES THAT YOU CAN COME OUT OF YOUNG ON. I  
20 SENT THE ONE DEPUTY ON 288 AND I WENT ON THE CHERRY CREEK ROAD.

21 Q WHAT'S THE NAME OF THIS OTHER DEPUTY?

22 A DAN PENROD.

23 Q AND DID BOTH OF YOU DEPART IN SEPARATE CARS?

24 A YES, SIR.

25 Q AND YOU SENT HIM WHERE?

1 A ON HIGHWAY 288, WHICH IS A DIRT ROAD.

2 Q WHERE DO YOU GO?

3 A AND I WAS ON CHERRY CREEK ROAD.

4 Q ARE WE IN THE MORNING OR THE AFTERNOON ON AUGUST 14, WHEN  
5 THIS OCCURS?

6 A IT WAS AROUND 11 O'CLOCK.

7 Q IN THE MORNING?

8 A A.M.; YES, SIR.

9 Q AFTER YOU HAVE DEPARTED FROM THE ROOSEVELT STATION, WHAT'S  
10 THE NEXT THING THAT OCCURS?

11 A WELL, I WAS ON THE CHERRY CREEK ROAD AND DAN PENROD WAS ON  
12 HIGHWAYS. HE THOUGHT HE SEEN THE TRAFFIC THAT WE WERE LOOKING  
13 FOR COMING DOWN THE ROAD. AND I --

14 Q DID HE GIVE ANY DESCRIPTIONS?

15 A YES.

16 Q WHAT WAS THAT?

17 A THAT WAS THE CHEVY PICKUP AND THE BLAZER AND THE COLOR AND  
18 THE PLATE NUMBER OFF OF THE BLAZER. AND THERE WAS ALSO A BROWN  
19 PICKUP.

20 Q A TOTAL OF HOW MANY CARS?

21 A THREE.

22 Q ARE YOU ADVISED OF THIS INFORMATION THROUGH RADIO  
23 TRANSMISSION?

24 A YES, SIR.

25 Q WHAT DO YOU REPORT BACK TO THE OTHER DEPUTY?



1 A WHEN HE REPORTED TO ME THAT THEY HAD ALL STOPPED IN THE  
2 ROAD AND THEY WERE ALL ABREAST, SIDE-BY-SIDE, HE SAID IT LOOKED  
3 LIKE THEY WERE CHANGING DRIVERS, OR AT LEAST RUNNING AROUND  
4 FROM ONE VEHICLE TO THE OTHER. AND SO I ADVISED HIM THAT I  
5 WOULD COME THAT WAY.

6 Q AND FOR WHAT PURPOSE WERE YOU GOING TO JOIN HIM?

7 A WELL, THESE WERE THE SUSPECT VEHICLES. AND WE WERE TO STOP  
8 THEM, F.I.

9 Q YOU WERE TO STOP THEM?

10 A TO STOP THEM AND FIELD INVESTIGATE THEM.

11 Q WAS IT YOUR INTENT TO STOP THE CAR?

12 A YES, SIR.

13 Q AND AS PART OF THAT, WHAT DO YOU DO?

14 A I SET UP A ROADBLOCK AFTER THEY START MOVING AGAIN. AND  
15 WHEN THE FIRST TRUCK COMES TO ME, I STOPPED AND GOT THAT PERSON  
16 OUT OF THE TRUCK.

17 Q LET ME STOP YOU THERE. ARE YOU IN A MARKED CAR OR VEHICLE  
18 OF ANY SORT?

19 A MY RANGE VEHICLE IS NOT MARKED. ONLY WITH LIGHTS.

20 Q AND WOULD YOU EXPLAIN TO US WHAT WE MEAN WHEN YOU SAY  
21 "MARKED VEHICLE."

22 A OKAY. THERE'S NO INSIGNIA FOR THE SHERIFF'S DEPARTMENT ON  
23 THIS. THIS IS AN UNDERCOVER RANGE DEPUTY. THAT'S WHAT I AM,  
24 IS A RANGE DEPUTY.

25 Q AND YOUR VEHICLE, IS IT A CAR OR TRUCK?

1 A IT'S A TRUCK.

2 Q ARE YOU ARMED?

3 A YES.

4 Q AND AT THIS TIME, AT THE ROADBLOCK, ARE YOU IN PLAINCLOTHES  
5 AS YOU ARE NOW? ARE YOU WEARING ANY TYPE OF UNIFORM?

6 A I WAS IN PLAINCLOTHES.

7 Q WHERE DO YOU ESTABLISH YOUR TRUCK TO SET UP THIS ROADBLOCK?

8 A WELL, I PICKED OUT A PLACE THERE ON THE ROAD WHERE YOU HAVE  
9 TO GO AROUND ME AND GO IN A BIG DITCH. AND I PUT MY TRUCK  
10 CROSSROADS -- CROSSWAYS IN THE ROAD.

11 Q DO YOU GET OUT OF YOUR TRUCK AFTERWARDS?

12 A YES, SIR; I DO.

13 Q AT ANY TIME DO ANY CARS OR TRUCKS REACH YOUR ROADBLOCK?

14 A YES, SIR.

15 Q WHAT HAPPENS NEXT?

16 A I STOP THE VEHICLE, WHICH WAS A SUSPECT VEHICLE, AND  
17 ORDERED THE PERSON OUT OF THE TRUCK AND TO THE SIDE OF THE  
18 ROAD.

19 Q DO YOU RECALL WHAT KIND OF CAR THAT WAS, THE COLOR OR --

20 A THAT WAS THE BLUE-AND-WHITE FOUR-WHEEL-DRIVE PICKUP WITH  
21 THE CAMPER SHELL ON IT.

22 Q DID YOU STOP THAT TRUCK?

23 A YES, SIR.

24 Q WHAT DO YOU DO NEXT?

25 A WHEN HE GETS OUT, I CHECK THE TRUCK TO MAKE SURE THERE'S NO

1 OTHER PERSON IN THAT VEHICLE.

2 Q WHAT'S THE NEXT THING THAT HAPPENS?

3 A THEN THE WHITE BLAZER PULLED UP AND I ORDERED THEM OUT.

4 Q HOW MANY PEOPLE ARE IN THIS SECOND WHITE BLAZER?

5 A TWO.

6 Q WHAT HAPPENS NEXT?

7 A THEN THE THIRD PICKUP COMES, THE TAN PICKKUP, AND THERE'S  
8 ONE PERSON IN THAT AND I ORDER HIM OUT ALSO.

9 Q DURING THIS ENTIRE TIME, MR. HOLEMAN, ARE YOU ALONE?

10 A YES, SIR.

11 Q NO OTHER LAW ENFORCEMENT OFFICIALS HAVE JOINED YET?

12 A NO.

13 Q AT ANY OTHER POINT, DID ANY OTHER LAW ENFORCEMENT JOIN YOU?

14 A YEAH. ABOUT TWO MINUTES LATER, THEN DAN PENROD CAME AND  
15 HELPED ME.

16 Q DO YOU HAVE AN OPPORTUNITY TO CHECK THESE THREE TRUCKS FOR  
17 ANY OTHER OCCUPANTS?

18 A YES, I DID.

19 Q AND DO YOU FIND ANYBODY ELSE?

20 A NO, SIR.

21 Q THEREAFTER, DO ANY OTHER LAW ENFORCEMENT OFFICIALS JOIN YOU  
22 AT THE ROADBLOCK?

23 A YES, SIR. THEN THE DETECTIVES, BYRON MILLS AND JIM DAVIS,  
24 SHOWED UP.

25 Q AND SHORTLY AFTER THAT, ARE YOU INVOLVED IN THE ARRESTS OF

1 THOSE FOUR MEN IN ANY WAY?

2 A YES, SIR. I READ THEM THEIR RIGHTS AND CUFFED THEM.

3 Q AND WHEN YOU SAY SO READ THEM THEIR RIGHTS, YOU ADVISED  
4 THEM OF THEIR CONSTITUTIONAL RIGHTS?

5 A THE MIRANDA RIGHTS, YES.

6 Q AND YOU TOOK THEM INTO CUSTODY?

7 A YES, SIR.

8 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES DIRECT.

9 THE COURT: ANY QUESTIONS FOR THIS WITNESS?

10 MR. STOLAR: JUST A COUPLE.

11 CROSS-EXAMINATION +

12 BY MR. STOLAR:

13 Q GOOD MORNING.

14 A GOOD MORNING.

15 Q THE PEOPLE THAT YOU ARRESTED, WAS THAT JOHN KROGSLAND,  
16 JAMES MONTE EARLS, RONALD RIDDENHOUR AND CHARLES LAGER?

17 A YES, SIR.

18 Q AND YOU ALSO FOUND COCAINE IN THE VEHICLE, DID YOU NOT?

19 A YES, SIR.

20 Q A LITTLE LESS THAN 1700 POUNDS OR 1600, SOMETHING LIKE  
21 THAT?

22 A 1680.

23 Q 1688?

24 A 80.

25 Q 80. DID YOU MAKE ANY WRITTEN REPORTS ABOUT YOUR CONDUCT

1 AND WHAT YOU DID IN THE ARREST?

2 A YES, I DID.

3 Q THAT COVERED THE SUBJECT MATTER OF WHAT YOU TESTIFIED TO  
4 HERE TODAY?

5 A YES, SIR.

6 Q AND DID YOU TESTIFY IN THE CASE AGAINST THOSE FOUR PEOPLE  
7 THAT YOU ARRESTED OUT IN ARIZONA?

8 A YES, I DID.

9 MR. STOLAR: JUDGE RAFEEDIE, WE HAVE NOT BEEN PROVIDED  
10 WITH WITH THE WITNESS'S PRIOR STATEMENTS.

11 MR. MEDRANO: THAT'S INCORRECT, YOUR HONOR. ALL  
12 JENCKS MATERIAL POSSESSED BY US HAVE BEEN GIVEN --

13 THE COURT: ALL RIGHT. THESE MATTERS SHOULD NOT BE  
14 TAKEN UP IN THE PRESENCE OF THE JURY.

15 BY MR. STOLAR:

16 Q DID YOU TESTIFY IN THE FEDERAL GRAND JURY OUT HERE THAT  
17 INDICTED MR. MATTA FOR POSSESSION OF THAT COCAINE?

18 A NO.

19 Q DID YOU EVER SPEAK WITH KEVIN CONNOLLY OF THE DEPARTMENT OF  
20 JUSTICE?

21 A NO.

22 MR. STOLAR: OKAY. THANK YOU, SIR.

23 THE COURT: ANY OTHER DEFENSE COUNSEL WISH TO  
24 CROSS-EXAMINE?

25 DEFENSE COUNSEL: NO, YOUR HONOR.

1 THE COURT: YOU MAY STEP DOWN.

2 CALL YOUR NEXT WITNESS.

3 MR. MEDRANO: THE GOVERNMENT WOULD CALL BYRON MILLS,  
4 YOUR HONOR.

5 (WITNESS SUMMONED TO COURTROOM.)

6 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

7

8 BYRON K. MILLS + PLAINTIFF'S WITNESS, SWORN

9

10 THE CLERK: PLEASE BE SEATED. PLEASE STATE STATE YOUR  
11 FULL NAME FOR THE RECORD AND SPELL YOUR LAST NAME.

12 THE WITNESS: BYRON K. MILLS, M I L L S.

13 DIRECT EXAMINATION +

14 BY MR. MEDRANO:

15 Q WHO ARE YOU EMPLOYED BY, MR. MILLS?

16 A I'M EMPLOYED BY THE GILA COUNTY SHERIFF'S DEPARTMENT, WHICH  
17 IS LOCATED IN ARIZONA.

18 Q DO YOU HAVE ANY TITLE OR RANK, SIR?

19 A I HAVE A RANK OF A MAJOR AND MY TITLE RIGHT NOW IS  
20 UNDERSHERIFF.

21 Q HOW LONG HAVE YOU SERVED WITH THE GILA COUNTY SHERIFF'S  
22 DEPARTMENT?

23 A I'VE BEEN WITH THEM A TOTAL OF 14 YEARS.

24 Q I'D LIKE TO DIRECT YOUR ATTENTION TO ABOUT JULY OF 1984.

25 IN THAT MONTH, SIR, WERE YOU AWARE OF ANY UNUSUAL ACTIVITY AT

1 THE YOUNG AIRPORT IN THE STATE OF ARIZONA?

2 A YES, I WAS.

3 Q DESCRIBE THAT, PLEASE.

4 A ON THAT DATE, WE HAD RECEIVED INFORMATION THAT THERE WAS  
5 SOME UNUSUAL ACTIVITY GOING ON THERE CONCERNING AIRCRAFT AND  
6 VEHICLES THAT HAD MET THAT AIRCRAFT AT THAT AIRPORT.

7 THE COURT: COUNSEL, DOES THIS RELATE TO THE SAME  
8 INCIDENT THAT THESE OTHER WITNESSES HAVE TESTIFIED TO?

9 MR. MEDRANO: THIS IS THE SEIZING OFFICER RIGHT NOW.  
10 I'LL GO STRAIGHT TO THE --

11 THE COURT: I SUGGEST YOU DO.

12 MR. MEDRANO: VERY WELL.

13 Q LET ME DIRECT YOUR ATTENTION NOW TO AUGUST 14, 1984, MAJOR  
14 MILLS. ON THAT DATE, SIR, WERE YOU INVOLVED IN THE ARREST OF  
15 SEVERAL INDIVIDUALS RELATING TO APPROXIMATELY 1600 POUNDS OF  
16 COCAINE?

17 A YES, SIR; I WAS.

18 Q WERE YOU INVOLVED ON AUGUST 14TH WITH A SEARCH OF THREE  
19 VEHICLES THAT WERE STOPPED ON ROUTE 288 IN ARIZONA?

20 A YES, SIR; I WAS.

21 Q AND WERE YOU THE LEAD INDIVIDUAL RESPONSIBLE FOR THE SEARCH  
22 OF THESE VEHICLES?

23 A YES, I WAS.

24 Q WHERE WAS THIS SEARCH CONDUCTED BY YOURSELF?

25 A IT WAS CONDUCTED AT -- ON THE PREMISES OF THE GILA COUNTY

1 SHERIFF'S DEPARTMENT IN GLOBE, ARIZONA.

2 Q WAS ONE OF THESE VEHICLES THAT YOU SEARCHED A  
3 BLUE-AND-WHITE CHEVROLET PICKUP TRUCK?

4 A YES, SIR.

5 Q WAS ONE A WHITE CHEVROLET BLAZER?

6 A YES.

7 Q AND WAS ONE A TAN CHEVROLET PICKUP?

8 A YES.

9 Q LET ME REFER YOU SPECIFICALLY TO THAT BLUE-AND-WHITE  
10 CHEVROLET PICKUP TRUCK. WAS THERE ANYTHING UNUSUAL ABOUT THE  
11 WINDOWS FOR THAT CAR OR VEHICLE?

12 A YES, SIR; THERE WAS.

13 Q WHAT WAS THAT?

14 A THEY WERE DARKLY TINTED, TO THE POINT WHERE YOU COULD NOT  
15 SEE THROUGH THEM.

16 Q AND STILL DIRECTING YOU TO THAT VEHICLE, THE BLUE-AND-WHITE  
17 CHEVROLET PICKUP YOU, DID YOU DO A SEARCH OF THAT CAR OR  
18 VEHICLE?

19 A YES, I DID.

20 Q CAN YOU TELL US WHAT IT IS THAT YOU FOUND OR SEIZED INSIDE  
21 THE BLUE-AND-WHITE CHEVROLET PICKUP?

22 A IN THE BACK PORTION THAT WAS COVERED BY A CAMPER, THERE  
23 WERE 21 LARGE SUITCASES, IN WHICH THEY CONTAINED MANY, MANY  
24 PLASTIC BAGS CONTAINING A WHITE POWDER.

25 ALSO, WE FOUND FOUR CARDBOARD BOXES, WHICH ALSO



1 CONTAINED PLASTIC BAGS WHICH CONTAINED A WHITE SUBSTANCE, AND  
2 THEN LOOSE ON THE GROUND -- OR ON THE FLOOR, IN NO CONTAINERS,  
3 WERE 78 PLASTIC BAGS CONTAINING A WHITE SUBSTANCE.

4 Q WAS THERE ANY TYPE -- STRIKE THAT.

5 WITHIN THAT PARTICULAR TRUCK, WAS THERE ANY TYPE OF  
6 COMMUNICATION DEVICE?

7 A YES THERE WAS.

8 Q WHAT WAS THAT?

9 A WE FOUND SEVERAL. FIRST OF ALL, THERE WAS A TELEPHONE IN  
10 THE VEHICLE. AND THEN THERE WERE ALSO TWO PORTABLE RADIOS.

11 Q I DIRECT YOUR ATTENTION TO WHAT I BELIEVE IS GOVERNMENT'S  
12 EXHIBIT 28 B. THAT SHOULD BE A MAP. IS THAT IN FRONT OF YOU,  
13 SIR?

14 A YES, IT IS.

15 Q AND DID YOU FIND -- WELL, DID YOU FIND ANYTHING ELSE INSIDE  
16 THE BLUE TRUCK OTHER THAN WHAT YOU DESCRIBED ALREADY?

17 A YES, WE DID.

18 Q AND WHAT WAS THAT?

19 A ONE OF THE ITEMS WAS A NAPKIN THAT WAS FOUND INSIDE THE CAB  
20 OF THE VEHICLE.

21 Q WHERE EXACTLY IN THE CAB, IF YOU RECALL?

22 A IT WAS ON THE FLOORBOARD, JUST UNDER THE DRIVER'S SEAT.

23 Q IS THE NAPKIN THAT YOU FOUND THE SAME AS GOVERNMENT'S  
24 EXHIBIT 28 B IN FRONT OF YOU?

25 A (EXAMINES EXHIBIT.) YES, IT IS.

1 MR. MEDRANO: YOUR HONOR, WE MOVE ITS ADMISSION AT  
2 THIS TIME.

3 THE COURT: IT MAY BE RECEIVED.

4 (EXHIBIT 28 B ‡ RECEIVED IN EVIDENCE.)

5 BY MR. MEDRANO:

6 Q IS THERE ANY IDENTIFYING MARK OR LOGO ON THAT NAPKIN?

7 A YES, SIR; THERE IS.

8 Q WHAT IS IT?

9 A THERE IS A MULTI-COLORED EMBLEM UNDERNEATH, ON WHICH IS  
10 WRITTEN "BECKETT."

11 Q TO YOUR KNOWLEDGE, MAJOR MILLS, WHAT QUANTITY OF COCAINE  
12 WAS SEIZED INSIDE THAT VEHICLE?

13 MR. STOLAR: OBJECT. HE DOESN'T KNOW IT'S COCAINE.  
14 HE'S TESTIFIED IT'S A WHITE POWDER.

15 THE COURT: IT'S ALREADY BEEN COVERED BY ANOTHER  
16 WITNESS, ALSO.

17 MR. MEDRANO: I'LL MOVE ON, YOUR HONOR.

18 Q WERE YOU ALSO THE MAN THAT SEARCHED ONE OF THE VEHICLES,  
19 THE WHITE CHEVROLET?

20 A YES, I WAS.

21 Q WHAT WAS FOUND INSIDE THAT VEHICLE?

22 A INSIDE THE BLAZER, WE FOUND ANOTHER PORTABLE RADIO; ALSO  
23 FOUND A 25 SEMI-AUTOMATIC PISTOL; AND JUST SOME PAPERS RELATING  
24 TO THE LEASE OF THAT VEHICLE.

25 Q DID YOU FIND A TELESCOPE IN THAT OR ANY OTHER VEHICLE?

1 A YES, THERE WAS A TELESCOPE IN THE WHITE BLAZER, AS WELL.

2 Q FINALLY WAS THERE A TAN PICKUP TRUCK, THE THIRD VEHICLE  
3 THAT YOU SEARCHED?

4 A YES, SIR.

5 Q AND BRIEFLY, WHAT DID YOU FIND IN THAT?

6 A WE FOUND ANOTHER PORTABLE RADIO, SOME BINOCULARS. FOUND A  
7 BANK BAG WITH A LITTLE OVER \$1100.00 IN CASH, SOME CAMPING  
8 EQUIPMENT, AND SOME OTHER PAPERS WHICH WERE IDENTIFICATION OF  
9 SOME PEOPLE.

10 Q IF I CAN DIRECT YOU TO SEVERAL PHOTOGRAPHS IN FRONT OF YOU,  
11 IT SHOULD START WITH GOVERNMENT'S EXHIBIT 27 G ON THE TOP.

12 A YES.

13 Q AND THEN IT GOES BACKWARDS, A THROUGH G. IF I CAN ASK YOU  
14 TO START WITH EXHIBIT 28 A (SIC), THE FIRST PHOTOGRAPH, AND  
15 TELL US WHAT THAT IS.

16 A THIS IS A PHOTOGRAPH OF THE --

17 Q WOULD YOU HOLD IT UP FOR THE JURY WHILE YOU DESCRIBE IT?

18 THE COURT: IS IT IN EVIDENCE?

19 MR. MEDRANO: I'M SORRY, YOUR HONOR.

20 Q WHY DON'T YOU DESCRIBE FOR US WHAT THAT IS?

21 A THIS IS A PHOTOGRAPH OF THE TAN CHEVROLET PICKUP THAT WAS  
22 SEARCHED THAT DAY.

23 MR. MEDRANO: YOUR HONOR, WE WOULD SEEK ITS ADMISSION.

24 THE COURT: MAY BE ADMITTED.

25 (EXHIBIT 27 A RECEIVED IN EVIDENCE.)

1 BY MR. MEDRANO:

2 Q WOULD YOU GO TO 27 B. WHAT IS THAT?

3 A THIS IS A PHOTOGRAPH OF THE WHITE CHEVROLET BLAZER THAT WAS  
4 SEARCHED THAT DAY.

5 MR. MEDRANO: YOUR HONOR, WE SEEK ITS ADMISSION.

6 THE COURT: MAY BE ADMITTED.

7 (EXHIBIT 27 B † RECEIVED IN EVIDENCE.)

8 BY MR. MEDRANO:

9 Q CAN YOU HOLD IT UP JUST BRIEFLY, SIR?

10 A (COMPLIES.) YES.

11 Q WOULD YOU GO NOW, TO 28 C (SIC).

12 A THIS IS A PHOTOGRAPH OF THE BLUE CHEVROLET PICKUP THAT  
13 CONTAINED THE SUITCASES THAT WERE SEARCHED THAT DATE.

14 Q THAT CONTAINED THE WHITE POWER?

15 A YES.

16 MR. MEDRANO: YOUR HONOR, WE SEEK ITS ADMISSION.

17 THE COURT: MAY BE RECEIVED.

18 (EXHIBIT 27 C † RECEIVED IN EVIDENCE.)

19 BY MR. MEDRANO:

20 Q JUST HOLD IT UP BRIEFLY AND THEN GO TO THE NEXT EXHIBIT.

21 A THIS IS ANOTHER PHOTOGRAPH OF THE SAME VEHICLE, JUST A  
22 DIFFERENT VIEW OF IT.

23 MR. MEDRANO: WE SEEK ITS ADMISSION, YOUR HONOR.

24 MR. MEZA: YOUR HONOR, MAY WE HAVE THE EXHIBIT NUMBER?

25 AND, ALSO, YOUR HONOR THERE WERE STATEMENTS OF 27 A AND 28 B.

1 IS THAT WHAT THE EXHIBIT NUMBERS ARE OR IS IT A MISSTATEMENT?

2 THE COURT: WHAT IS THE EXHIBIT NUMBER ON THAT?

3 MR. MEDRANO: 27.

4 THE WITNESS: 27, ON ALL OF THEM.

5 THE COURT: 27, ON ALL OF THEM?

6 MR. MEDRANO: I MISSPOKE, YOUR HONOR. I APOLOGIZE.

7 BY MR. MEDRANO:

8 Q CAN YOU GO TO 27 D.

9 A YES. THIS IS THE SECOND VIEW OF THE BLUE CHEVROLET PICKUP.

10 MR. MEDRANO: WE SEEK ITS ADMISSION, YOUR HONOR.

11 THE COURT: IT MAY BE RECEIVED.

12 (EXHIBIT 27 D † RECEIVED IN EVIDENCE.)

13 BY MR. MEDRANO:

14 Q GO TO 27 E.

15 A THIS IS A PHOTOGRAPH OF THE SUITCASES INSIDE THE BED OF THE  
16 PICKUP, WITH THE CAMPER SHELL OPENED.

17 Q GO TO F, AS WELL.

18 A THIS IS A PHOTOGRAPH OF A SAMPLE OF THE CONTENTS FROM OUT  
19 OF THE BACK OF THAT BLUE CHEVROLET PICKUP, THE SUITCASES.

20 Q AND FINALLY, G.

21 A THIS IS A PHOTOGRAPH OF THE CARDBOARD BOXES AND THE LOOSE  
22 PLASTIC BAGS THAT WERE REMOVED FROM THE BLUE CHEVROLET PICKUP.

23 MR. MEDRANO: YOUR HONOR, WE SEEK ADMISSION OF E  
24 THROUGH G.

25 THE COURT: MAY BE RECEIVED.

1 (EXHIBITS 27 E-G & RECEIVED IN EVIDENCE.)

2 MR. MEDRANO: THAT CONCLUDES DIRECT, YOUR HONOR.

3 THE COURT: YOU MAY CROSS-EXAMINE THE WITNESS.

4 CROSS-EXAMINATION +

5 BY MR. STOLAR:

6 Q THERE WERE FOUR PEOPLE ARRESTED; IS THAT CORRECT?

7 A THAT'S CORRECT.

8 Q MR. KROGLAND AND MR. EARLS, MR. RIDDEHOUR AND MR. LAGER?

9 A YES, SIR.

10 Q AND WAS JOHN DRUMMOND ALSO ARRESTED IN CONNECTION WITH THAT  
11 SEIZURE?

12 A HE WAS ARRESTED LATER ON; YES, SIR.

13 Q ALL RIGHT IN CONNECTION WITH THE SAME SEIZURE?

14 A YES.

15 Q AND WERE THOSE FIRST FOUR PEOPLE TAKEN TO COURT?

16 A YES, SIR; THEY WERE.

17 Q CONVICTED?

18 A YES, SIR.

19 Q AND MR. DRUMMOND, ALSO?

20 A YES, SIR.

21 Q NOW, DID YOU COME OUT HERE TO TESTIFY TO THE GRAND JURY IN  
22 THIS DISTRICT, THAT THE DEPARTMENT OF JUSTICE CHARGED JUAN  
23 RAMON MATTA WITH BEING THE OWNER OF THAT COCAINE?

24 A NO, I DID NOT TESTIFY.

25 Q DID YOU HAVE ANY CONTACT WITH THE DEPARTMENT JUSTICE, KEVIN

1 CONNOLLY, IN CONNECTION WITH THE ACCUSATION AGAINST MR. MATTA  
2 THAT HE WAS THE OWNER OF THAT COCAINE?

3 A NO, SIR, I HAVEN'T.

4 MR. STOLAR: THANK YOU, SIR.

5 THE COURT: ANY OTHER QUESTIONS FOR THIS WITNESS?

6 DEFENSE COUNSEL: NO, YOUR HONOR.

7 MR. MEDRANO: NO REDIRECT, YOUR HONOR.

8 THE COURT: YOU MAY STEP DOWN.

9 THE WITNESS: THANK YOU.

10 THE COURT: CALL YOUR NEXT WITNESS.

11 MR. MEDRANO: CALL MICHAEL LONG TO THE STAND, YOUR  
12 HONOR.

13 (WITNESS SUMMONED TO COURTROOM.)

14 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

15  
16 MICHAEL D. LONG + PLAINTIFF'S WITNESS, SWORN

17

18 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR FULL  
19 NAME FOR THE RECORD AND SPELL YOUR LAST NAME.

20 THE WITNESS: MICHAEL DARRELL LONG, L O N G.

21 THE REPORTER: YOUR HONOR, MAY I HAVE THE MIDDLE NAME  
22 SPELLED, PLEASE?

23 THE WITNESS: D A R R E L L.

24 DIRECT EXAMINATION +

25 BY MR. MEDRANO:

1 Q WHERE ARE YOU CURRENTLY EMPLOYED, MR. LONG?

2 A I'M SORRY?

3 Q WHERE ARE YOU CURRENTLY EMPLOYED?

4 A I'M CURRENTLY EMPLOYED BY M.D.A. ASSOCIATES.

5 Q WHAT DO YOU DO FOR THEM?

6 A SALES DIRECTOR.

7 Q WHERE ARE THEY BASED OUT OF?

8 A SCOTTSDALE, ARIZONA.

9 Q AND WHAT DO YOU DO FOR THIS COMPANY?

10 A I CURRENTLY SELL JET AND TURBOPROP AIRCRAFT, CORPORATE TYPE  
11 AIRCRAFT.

12 Q HOW LONG HAVE YOU BEEN WITH M.D.A. IN SCOTTSDALE?

13 A I'VE BEEN WITH M.D.A. ASSOCIATES NINE MONTHS.

14 Q ARE YOU FLUENT IN ANY LANGUAGE OTHER THAN ENGLISH?

15 A YES, I AM. I'M FLUENT BOTH WRITING AND SPEAKING SPANISH.

16 Q ARE YOU A PILOT?

17 A YES, I AM.

18 Q HOW LONG HAVE YOU FLOWN?

19 A I'VE BEEN FLYING ROUGHLY 10 YEARS.

20 Q FOR WHAT TYPE OF AIRCRAFT ARE YOU LICENSED?

21 A WELL, I HOLD AN AIRLINE TRANSPORT RATING WITH MULTI-ENGINE  
22 AND SINGLE-ENGINE COMMERCIAL PRIVILEGES; ALSO TYPE RATED IN  
23 THREE DIFFERENT TYPES OF JETS.

24 MR. MEDRANO: YOUR HONOR, AM I THE ONLY ONE THAT'S  
25 HEARING FEEDBACK ON THE MICROPHONE?



1 THE COURT: NO.

2 YOU DON'T NEED TO LEAN TOWARD THE MIKE. JUST TESTIFY  
3 WITHOUT REGARD TO IT.

4 THE WITNESS: OKAY.

5 MR. MEDRANO: THANK YOU, MR. LONG.

6 Q IS THIS ONE OF THE HIGHEST FORMS OF LICENSE OR CERTIFICATE  
7 AVAILABLE AS A PILOT?

8 A YES, IT IS. IT'S THE HIGHEST.

9 Q HOW MANY HOURS A YEAR WOULD YOU SAY YOU FLY?

10 A OH, I AVERAGE BETWEEN 400 AND 450 HOURS A YEAR.

11 Q HOW MANY HOURS, TOTAL, IN YOUR CAREER WOULD YOU SAY YOU'VE  
12 FLOWN?

13 A SLIGHTLY OVER 9,000.

14 Q IN YOUR PROFESSIONAL CAREER, HAVE YOU WORKED FOR VARIOUS  
15 AVIATION COMPANIES?

16 A YES, I HAVE. I'VE BEEN CHIEF PILOT FOR VARIOUS  
17 CORPORATIONS; ALSO BEEN IN AIRCRAFT SALES THE LAST THREE AND A  
18 HALF YEARS.

19 Q AND SPECIFICALLY, HAVE YOU EVER HAD OR DONE AS A PROFESSION  
20 THE USE OF -- LET ME RESTATE THIS; THIS IS COMING OUT POORLY --  
21 YOUR SERVICES AS A PILOT?

22 A YES. SEVERAL OCCASIONS OVER THE LAST SEVEN OR EIGHT YEARS  
23 HAVE BEEN USED AS PROFESSIONAL -- PROVIDING PROFESSIONAL PILOT  
24 SERVICES.

25 Q ALSO AS A CORPORATE PILOT?

1 A THAT'S CORRECT.

2 Q ARE YOU FAMILIAR WITH A COMPANY CALLED BECKETT AVIATION?

3 A YES, I AM.

4 Q HAVE YOU EVER FLOWN ON THEIR BEHALF?

5 A YES, ON SEVERAL OCCASIONS.

6 Q AND TO YOUR KNOWLEDGE -- WELL, STRIKE THAT.

7 LET ME DIRECT YOU TO 1984. DID YOU EVER FLY FOR  
8 BECKETT AT THAT TIME FRAME?

9 A YES, I WAS BASED AS A CORPORATE PILOT. THEY USED ME  
10 BASICALLY FOR TEST FLIGHTS AND DELIVERY FLIGHTS.

11 Q IN 1984, TO YOUR KNOWLEDGE, WHERE WAS BECKETT AVIATION  
12 BASED OUT OF?

13 A AT SCOTTSDALE AIRPORT.

14 Q HAVE YOU EVER MET A MAN BY THE NAME OF JOHN PAUL JONES?

15 A YES, I DID.

16 Q WHEN WAS THAT?

17 A I'VE BEEN ACQUAINTED WITH JOHN PAUL SINCE 1981.

18 Q DID YOU HAVE DEALINGS WITH JOHN PAUL JONES IN THE YEAR  
19 1983?

20 A YES, I SURE DID.

21 Q TO YOUR KNOWLEDGE, WHO EMPLOYED JOHN PAUL JONES IN 83?

22 A HE WAS THE DIRECTOR OF MAINTENANCE FOR THE MAINTENANCE  
23 DEPARTMENT, MAINTENANCE SHOP, AT BECKETT AVIATION AT  
24 SCOTTSDALE.

25 Q AND IN 1983, DID BECKETT AVIATION, TO YOUR KNOWLEDGE, DO

1 MAINTENANCE FOR AIRCRAFT?

2 A YES, THEY DID.

3 Q AND WOULD YOU EVER FLY SOME OF THESE AIRCRAFT THAT  
4 MAINTENANCE HAD BEEN CONDUCTED UPON BY BECKETT AVIATION?

5 A YEAH, ON SEVERAL OCCASIONS. IN ADDITION, THEY MAINTAINED  
6 OUR CORPORATE AIRCRAFT THAT WERE BASED THERE.

7 Q I'D LIKE TO DIRECT YOUR ATTENTION TO THE LATTER PART OF  
8 1983. DO YOU KNOW A MAN BY THE NAME OF HECTOR SANTANA?

9 A YES, I DO.

10 Q HOW DO YOU KNOW THIS MAN?

11 A I WAS INTRODUCED TO HIM BY TELEPHONE BY JOHN PAUL JONES.

12 Q WERE YOUR SERVICES OR THOSE OF BECKETT AVIATION SOUGHT BY  
13 HECTOR SANTANA?

14 A YES, THEY WERE. JOHN PAUL WAS CALLED TO PROVIDE SOME  
15 MAINTENANCE ON AN AIRCRAFT THAT HAD BEEN DISABLED IN  
16 GUADALAJARA, MEXICO.

17 Q WERE YOU HIRED OR RECRUITED IN ANY FASHION TO HELP?

18 A YES. JOHN PAUL CONTACTED ME FROM GUADALAJARA AFTER DOING  
19 SOME MINOR REPAIR WORK TO THE AIRCRAFT, WAS ASKED IF I WOULD BE  
20 ABLE TO FLY DOWN GUADALAJARA AND PROVIDE PILOT SERVICES TO  
21 FERRY THE AIRPLANE BACK TO SCOTTSDALE FOR MAINTENANCE WORK.

22 Q DO YOU DO SO IN THE LATTER PART OF 1983, MR. LONG?

23 A YES, I DID.

24 Q DO YOU RECALL THE REGISTRATION NUMBER FOR THAT?

25 A YES. IT WAS NOVEMBER SIX NINE ZERO CHARLIE ALPHA.

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

2 THE COURT: YES.

3 (PAUSE IN PROCEEDINGS.)

4 BY MR. MEDRANO:

5 Q WITH THE COURT'S PERMISSION, MR. LONG,, CAN I ASK YOU TO  
6 STEP DOWN AND, TO YOUR RIGHT, TAKE DOWN THAT PHOTOGRAPH ON THAT  
7 EASEL, BECAUSE THERE'S A UNDERLYING EXHIBIT I NEED YOU TO LOOK  
8 AT. THE UNDERLYING EXHIBIT SHOULD BE EXHIBIT 20.

9 IS THAT ON THERE, SIR?

10 A YES, IT IS.

11 MR. MEDRANO: YOUR HONOR, IF HE MAY STAND THERE JUST  
12 FOR A MOMENT.

13 THE COURT: YES.

14 BY MR. MEDRANO:

15 Q DO YOU RECOGNIZE WHAT GOVERNMENT'S EXHIBIT 20 IS?

16 A YES, I DO.

17 Q WHAT IS THAT THAT IS?

18 A THAT IS THE AIRCRAFT WHICH I PICKED UP IN GUADALAJARA,  
19 MEXICO.

20 Q AND TOOK WHERE?

21 A FERRIED TO SCOTTSDALE.

22 Q YOU MAY RETURN TO YOUR SEAT. THANK YOU.

23 A (COMPLIES.)

24 Q WHEN YOU GO DOWN TO GUADALAJARA TO GET THAT AEROCOMMANDER  
25 840, HOW DO YOU GET THERE?

1 A I WENT ON, AT THE TIME, WESTERN AIRLINES, COMMERCIALY, BY  
2 WAY OF LOS ANGELES.

3 Q UPON YOUR ARRIVAL AT THE GUADALAJARA AIRPORT, ARE YOU MET  
4 BY ANYBODY?

5 A YES. WE'RE MET THERE BY THE OWNER OF THE FIXED BASE  
6 OPERATION AND REPAIR SHOP, WHICH WAS AVIACIONES DEL PACIFICO,  
7 WHICH WAS ALSO A CESSNA DEALERSHIP, RICARDO AND HUGO DE VERA,  
8 WHICH WERE A SON -- FATHER AND SON, WHICH REPRESENTED THAT THEY  
9 OWNED THE FACILITY.

10 Q DO YOU KNOW A MAN BY THE NAME OF JOSE MELO?

11 A YES. ALSO WE WERE MET THERE BY JOSE MELO, REPRESENTING  
12 HIMSELF AS THE OWNER OF THE AIRCRAFT, ONE OF THE OWNERS OF THE  
13 AIRCRAFT.

14 Q BEFORE YOU TAKE THAT AIRPLANE TO SCOTTSDALE, DO YOU EXAMINE  
15 IT IN GUADALAJARA?

16 A YES, I DID.

17 Q CAN YOU DESCRIBE ITS CONDITION OR IF ANY DAMAGE EXISTS?

18 A YES. IT HAD BEEN DISABLED BY THE PROP OR THE AIRCRAFT  
19 HAVING BEEN RUN INTO POTHOLES OR ONTO A ROUGH DIRT STRIP. THE  
20 PROP HAD BEEN DAMAGED. IN DOING SO, THEY HAD DAMAGED THE  
21 ENGINE.

22 ALSO, IT SUSTAINED DAMAGE TO THE MAIN LANDING GEAR AND  
23 THE NOSE LANDING GEAR, WHICH WAS PARTIALLY REPAIRED BY JOHN  
24 PAUL ON SITE.

25 AND IT HAD A VERY LARGE PIECE OF THE PROPELLER THAT

1 WAS KNOCKED OUT, WHICH WE JUST BASICALLY DID A FIELD REPAIR TO  
2 FLY BACK TO HAVE FINAL REPAIRS DONE IN SCOTTSDALE.

3 Q ON THE BASIS OF YOUR EXPERIENCE AS A PILOT, WAS THE DAMAGE  
4 TO THAT AIRCRAFT COMMENSURATE WITH LANDING ON UNIMPROVED  
5 STRIPS?

6 A YES. BASICALLY, THE ONLY WAY YOU COULD HAVE SUSTAINED THAT  
7 TYPE OF DAMAGE WOULD TO BE TO LAND ON A ROUGH UNIMPROVED  
8 AIRSTRIP, DIRT STRIP.

9 Q I APOLOGIZE. ON THE BASIS OF YOUR EXPERIENCE, HAVE YOU  
10 EVER SEEN DAMAGE OF THAT TYPE RESULTING FROM LANDING ON A  
11 USUAL, NORMAL, REGULAR LANDING STRIPS, PAVED?

12 A NO. IT WOULD BE IMPOSSIBLE WITHOUT EXITING A RUNWAY.

13 Q NOW, AFTER EXAMINING THIS AEROCOMMANDER 840, DO YOU RETURN  
14 IT OR FLY IT TO SCOTTSDALE?

15 A YES. AFTER JOHN PAUL HAD DONE SOME ADDITIONAL REPAIRS, WE  
16 LEFT THAT VERY SAME DAY AND FERRIED IT BACK, JUST HE AND I, TO  
17 SCOTTSDALE.

18 Q IN FLIGHT, DO YOU HAVE A CHANCE TO EXAMINE THE INTERIOR OF  
19 THE AIRCRAFT?

20 A YES. WE EXAMINED THE INTERIOR DURING THE TRIP BACK.  
21 MAINLY, SINCE WE WEREN'T FAMILIAR WITH THE OWNERS OF THE  
22 AIRPLANE AND THE AIRPLANE HAD NO AIRCRAFT OWNERSHIP RECORDS OR  
23 DOCUMENTS, WE TOOK A GOOD LOOK AROUND THE AIRPLANE AND NOTED  
24 THAT THE INTERIOR WAS BRAND-NEW; THE SEATS THEMSELVES WERE  
25 BRAND-NEW, OF A BRAND-NEW CONDITION; AND THE CARPET AND SIDE

1 PANELS WERE WELL SOILED AND WORN, IN ADDITION TO SCUFF MARKS ON  
2 THE HEADLINER.

3 Q WAS THERE ANYTHING -- STRIKE THAT.

4 WERE YOU FAMILIAR WITH INTERNAL FUEL LINES?

5 A YES, I AM. I FERRIED SEVERAL AIRPLANES OVERSEAS FOR  
6 DELIVERIES.

7 Q WOULD YOU EXPLAIN TO US LAY PEOPLE WHAT THAT MEANS?

8 A WELL, ESSENTIALLY AN AIRPLANE IS EQUIPPED WITH STANDARD  
9 FUEL, WHICH IS CONTAINED IN THE WINGS.

10 IN ORDER TO INCREASE THE RANGE AND ENDURANCE OF THE  
11 AIRPLANE, YOU'RE REQUIRED TO PUT ADDITIONAL FUEL INSIDE  
12 AIRPLANE WHERE THE PASSENGERS NORMALLY SIT. TO DO THAT, YOU'D  
13 HAVE TO TAKE THE SEATS AND THE CABINETS OUT OF THE AIRPLANE AND  
14 DEVISE A SYSTEM TO GET THE FUEL FROM INSIDE THE CABIN INTO THE  
15 WING TANKS OF THE AIRCRAFT.

16 THAT'S DONE BY PROVIDING HOSES AND PLUMBING TO HOOK  
17 INTO TANKS INSIDE THE CABIN TO TRANSFER FUEL INTO THE WINGS.

18 Q SO INTERNAL FUEL LINES LITERALLY MEANS THERE'S INTERNAL  
19 FUEL CARRIED INSIDE THE PASSENGER AREA OF THE AIRCRAFT?

20 A THAT'S CORRECT.

21 Q ON THIS DAY -- STRIKE THAT.

22 WHEN YOU WERE RETURNING WITH THIS COMMANDER 840 TO  
23 SCOTTSDALE, WERE THERE INTERNAL FUEL LINES IN THAT PLANE?

24 A YES. HIDDEN -- SECURED AND HIDDEN BEHIND THE REAR COUCH IN  
25 THE AIRCRAFT WERE A SET OF TWO FUEL LINES WHICH CAME THROUGH

1 THE REAR PRESSURE BULKHEAD AND WERE CONDUCTED INTO THE MAIN  
2 TANKS, COILED AND SEALED OFF, BASICALLY AS IF THE AIRPLANE HAD  
3 BEEN EQUIPPED AT ONE TIME, OR WAS READY TO BE EQUIPPED,  
4 QUICK-CHANGE-WISE, TO INTERNAL FUEL.

5 Q WITH AN INTERNAL FUELING SYSTEM ON AN AEROCOMMANDER B40,  
6 MR. LONG, DOES THAT GIVE IT GREATER A FLYING DISTANCE AND  
7 FLYING TIME?

8 A YES, YOU'D BE ABLE TO CARRY UP TO 300 GALLONS OF FUEL  
9 INSIDE THE FUSELAGE, WHICH COULD AS MUCH AS DOUBLE THE  
10 EFFECTIVE RANGE AND ENDURANCE OF THE AIRPLANE.

11 Q ON THE BASIS OF YOUR YEARS AND EXPERIENCE AS A PILOT. DO  
12 YOU TYPICALLY FIND INTERNAL FUEL LINE SYSTEMS IN AEROCOMMANDER  
13 B40'S?

14 A NO. THE ONLY CASE THAT YOU WOULD HAVE INTERNAL FUEL IN THE  
15 B40 WOULD BE IF YOU WERE MAKE A LONG OVER-WATER OCEAN DELIVERY,  
16 SUCH AS A TRIP TO AUSTRALIA. OTHER THAN THAT, THERE WOULD BE  
17 NO REQUIREMENT FOR IT.

18 Q WITHOUT INTERNAL FUEL LINE SYSTEMS, AND RELYING SIMPLY ON  
19 THE NORMAL OR REGULAR GAS TANKS THAT THIS AEROCOMMANDER B40  
20 HAS, WHAT IS THE TYPICAL FLYING TIME AND DISTANCE RANGE FOR AN  
21 AEROCOMMANDER B40?

22 A THE AIRPLANE TYPICALLY HAS A 1,800 NAUTICAL MILE RANGE OR  
23 APPROXIMATELY 2200 STATUTE MILE RANGE WITH ABOUT FIVE AND A  
24 HALF HOURS TO SIX HOURS OF ENDURANCE.

25 Q AND WHAT IS THE SIZE OR HOW MANY GALLONS OF FUEL WILL JUST



1 THE OUTSIDE EXTERNAL TANKS CARRY?

2 A NORMAL FUEL IS 484 GALLONS.

3 Q NOW, YOU'VE TOUCHED ON THIS BRIEFLY, BUT WHEN YOU ADD THE  
4 INTERNAL FUEL TANKS, DOES THAT GIVE YOU MORE FUEL?

5 A YES, THAT'S CORRECT, YOU WOULD HAVE THE WING FUEL, 484  
6 GALLONS, PLUS AS MUCH AS YOU COULD POSSIBLY FIT IN THE CABIN OF  
7 THE AIRPLANE, WHICH COULD BE AS MUCH AS ANOTHER 400 GALLONS OF  
8 FUEL.

9 Q NOW, YOU HAVE FLOWN IN THE PAST BETWEEN GUADALAJARA,  
10 MEXICO, AND SCOTTSDALE, ARIZONA; IS THAT CORRECT?

11 A YES. UH-HUH.

12 Q AND WITH JUST THE USUAL CARRYING CAPACITY WITH THE EXTERNAL  
13 TANKS, IS THERE ENOUGH FUEL FOR A ONE-WAY FLIGHT, LET'S SAY  
14 FROM GUADALAJARA TO SCOTTSDALE?

15 A YES, MORE THAN ENOUGH. THAT'S APPROXIMATELY A 1,000  
16 NAUTICAL MILE TRIP, SO YOU WOULD HAVE PLENTY OF FUEL TO MAKE  
17 THE TRIP EITHER DIRECT OR NONSTOP, BUT NOT ROUND TRIP.

18 Q THAT WAS MY NEXT QUESTION. THERE'S NOT ENOUGH FOR ROUND  
19 TRIP --

20 A NO THERE WOULD NOT BE.

21 Q -- WITH THE 480 GALLON CAPACITY?

22 A NO.

23 Q IF YOU ADD INTERNAL FUEL, IS A ROUND TRIP POSSIBLE BETWEEN  
24 GUADALAJARA AND THE SCOTTSDALE, ARIZONA, AREA?

25 A YEAH. IF YOU WOULD ADD SOMEWHERE IN THE VICINITY OF 150 TO

1 200 GALLONS OF FUEL INTERNALLY, YOU'D BE ABLE TO MAKE THE TRIP  
2 ROUND TRIP, INCLUDING THE TWO TAKE-OFFS AND LANDINGS.

3 Q WHEN YOU RETURN WITH THE -- STRIKE THAT.

4 WHEN YOU RETURN WITH THAT AEROCOMMANDER 840 TO  
5 SCOTTSDALE, IS THE PLANE REPAIRED THERE?

6 A YES. IT UNDERWENT A 100-HOUR INSPECTION, AND THEY REPAIRED  
7 THE PROPELLER AND THE NOSE WHEEL AND REPLACED SOME CABIN  
8 WINDOWS THAT WERE CRACKED DUE TO CHIPPING FROM ROCKS BEING  
9 THROWN UP. SEVERAL OTHER MINOR SQUAWKS AND DISCREPANCIES WERE  
10 TAKEN CARE OF.

11 Q NOW, LET ME DIRECT YOU NOW TO EARLY 84, SPECIFICALLY AROUND  
12 FEBRUARY OF 1984.

13 AT OR ABOUT THAT TIME, IS THE AIRCRAFT, THE  
14 AEROCOMMANDER 840, STILL IN SCOTTSDALE, ARIZONA?

15 A YES, IT IS.

16 Q AND ON OR ABOUT THAT TIME, HAS THERE BEEN REIMBURSEMENT TO  
17 YOU OR THE REPAIR COMPANY FOR THE REPAIRS THAT WERE MADE?

18 A AT THAT TIME THERE HAD NOT BEEN, NO.

19 Q IN FEBRUARY OF 1984, WERE ARRANGEMENTS MADE FOR PAYMENT FOR  
20 THE REPAIRS?

21 A YES, THROUGH BECKETT AVIATION AND JOHN PAUL JONES, MR.  
22 SANTANA HAD ARRANGED TO TAKE CARE OF THE OUTSTANDING INVOICE AT  
23 THE TIME AND PREPARE THE AIRCRAFT FOR DELIVERY BACK TO MEXICO.

24 Q IS THAT HECTOR SANTANA?

25 A YES.

1 Q DID YOU GO TO SCOTTSDALE?

2 A YES, FOR -- YES, HE DID.

3 Q WAS HE ALONE?

4 A I BELIEVE HE HAD HIS WIFE WITH HIM.

5 Q DID THEY BRING MONEY WITH THEM?

6 A YES, THEY DID.

7 Q THIS WAS THE MONEY USED FOR THE REPAIRS?

8 A YES. FOR THE REPAIR, MAINTENANCE AND OTHER WORK DONE TO  
9 THE PLANE.

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

11 (PAUSE.)

12 Q AFTER PAYMENT IN FEBRUARY OF 84 FOR REPAIRS OF THE B40  
13 AEROCOMMANDER, DO YOU FLY THAT PLANE ANYWHERE?

14 A YES. AFTER THE PAYMENT WAS MADE, BECKETT HAD RELEASED THE  
15 AIRPLANE AND JOHN PAUL RECEIVED A CALL FROM GUADALAJARA TO HAVE  
16 IT DELIVERED BACK TO GUADALAJARA.

17 Q AND WERE YOU PART OF THAT ARRANGEMENT TO TAKE THE PLANE  
18 BACK?

19 A YES, I WAS. THEY CONTRACTED WITH ME TO PROVIDE PILOT  
20 SERVICES TO GO TO DELIVER THE AIRPLANE.

21 Q WHEN YOU TAKE IT TO GUADALAJARA, ARE YOU MET BY ANYONE?

22 A THE SAME PEOPLE THAT MET ME BEFORE, BEING THE DE VERAS AND  
23 JOSE MELO.

24 Q DO YOU RELINQUISH THE AEROCOMMANDER B40 IN GUADALAJARA?

25 A YES. JOSE MELO MET ME AND WAS REQUIRED, DUE TO THE FACT

1 THAT THE AIRPLANE STILL HAD NO OWNERSHIP DOCUMENTS CONTAINED,  
2 AS YOU WOULD NORMALLY HAVE IN AN AIRPLANE -- YOU'D REQUIRE A  
3 REGISTRATION AND AIRWORTHINESS CERTIFICATE IN ORDER TO HAVE THE  
4 AIRPLANE ENTERED INTO MEXICO AND TO GET THE IMPORT PERMIT FOR  
5 THAT AIRPLANE. AND WITHOUT THOSE DOCUMENTS, HE WAS REQUIRED TO  
6 BE THERE TO MEET ME TO ASSIST ME TO GET THROUGH CUSTOMS.

7 Q AND DID HE HELP YOU GET THROUGH CUSTOMS?

8 A YES. HE TOOK CARE OF ALL THE HANDLING WITH THE CUSTOMS  
9 OFFICIALS. AND I SAW HIM BASICALLY PAY OFF THE CUSTOMS  
10 OFFICIALS TO ALLOW THE AIRPLANE TO BE ENTERED AND TO FILL OUT  
11 THE NECESSARY PAPERWORK TO KEEP THE AIRPLANE IN MEXICO.

12 MR. STOLAR: OBJECT AND MOVE TO STRIKE.

13 THE COURT: OVERRULED.

14 BY MR. MEDRANO:

15 Q WHEN YOU ARE AT THAT AIRPORT, DO YOU SEE ANY OTHER SMALL  
16 TYPE AIRCRAFT, SINGLE- OR TWIN-ENGINE?

17 A THERE WERE SEVERAL SMALL AIRPLANES IN THE HANGAR AT  
18 AVIACIONES DEL PACIFICO UNDER REPAIR.

19 SPECIFICALLY, THERE WAS THE OTHER COMMANDER, THE SAME  
20 TYPE AS THIS COMMANDER, WITH A MEXICAN REGISTRATION NUMBER ON  
21 IT: X-RAY ALPHA KILO OSCAR OSCAR.

22 AND THERE WAS ALSO A CESSNA CONQUEST IN THE HANGAR AT  
23 THAT TIME. I DON'T RECALL THE NUMBER ON IT. IT WAS MEXICAN  
24 REGISTERED, ALSO.

25 Q DID YOU SEE JOSE MELO LATER THAT EVENING?

1 A YES, I DID --

2 Q WHAT WERE THE CIRCUMSTANCES?

3 A I SAW HIM AT THE HANGAR AFTER WE CLEARED CUSTOMS. IN  
4 ADDITION, I MET HIM -- WE SPENT THE NIGHT THERE BECAUSE I  
5 COULDN'T GET AN AIRLINE FLIGHT OUT, AND MET HIM AT THE HOTEL  
6 AND HAD DINNER WITH HIM.

7 Q WITH JOSE MELO?

8 A YES.

9 Q DO YOU EVENTUALLY -- STRIKE THAT.

10 DO YOU RETURN BACK TO SCOTTSDALE, ARIZONA?

11 A YES, THE FOLLOWING DAY, BY THE AIRLINES.

12 Q COMMERCIAL?

13 A YES.

14 Q I'D LIKE TO DIRECT YOUR ATTENTION NOW TO ABOUT APRIL 24,  
15 1984, MR. LONG.

16 DO YOU HAVE AN OCCASION TO FLY TO GUADALAJARA WITH  
17 AIRLINE PARTS OF ANY SORT?

18 A WELL, WE HAD RECEIVED A PHONE CALL FROM JOSE MELO  
19 REQUESTING PARTS TO FIT A TURBOCOMMANDER SPECIFICALLY: SPARE  
20 WHEEL, TIRE ASSEMBLY, SPARE IGNITERS, A VARIETY OF PARTS, WHICH  
21 WERE PACKAGED UP.

22 AND I WAS CONTRACTED BY BECKETT AVIATION TO CARRY  
23 THOSE PARTS TO MEXICO SINCE I SPOKE FLUENT SPANISH AND HAD BEEN  
24 THERE. AND I ACCOMPANIED THOSE PARTS ON THE AIRLINES TO MEXICO  
25 TO MAKE SURE WE GOT PAID FOR THEM.

1 Q HOW MUCH MONEY WAS GOING TO BE OWED FOR DELIVERY OF THESE  
2 PARTS?

3 A AS I RECALL IT WAS ROUGHLY \$14,000.00.

4 Q TELL US BRIEFLY WHAT TYPE OF PARTS YOU WERE TRANSPORTING  
5 DOWN TO GUADALAJARA?

6 A AS I SAID, A MAIN AND NOSE WHEEL TIRE, BUILT UP ONTO THE  
7 WHEEL ASSEMBLY, IGNITER BOXES, IGNITION LEADS, PARTS FOR THE  
8 ENGINE, ESSENTIALLY SPEED SWITCHES THAT CONTROL THE STARTING  
9 SEQUENCE OF THE ENGINES.

10 THESE ARE PARTS OF THE TYPE OF WHICH WOULD NOT  
11 NORMALLY BE REQUIRED BY AN OPERATION, BUT WOULD BE REQUIRED IF  
12 AN AIRPLANE WAS STRANDED IN SOME REMOTE LOCATION, THE TYPE OF  
13 PART YOU WOULD CARRY IN THE AIRPLANE TO EFFECT FIELD REPAIRS ON  
14 IT.

15 Q IN ISOLATED, SECLUDED AREAS?

16 A YES, EXACTLY.

17 MR. MEDRANO: YOUR HONOR, MIGHT THIS BE A GOOD POINT  
18 TO BREAK? OR I CAN CONTINUE.

19 THE COURT: DO YOU HAVE SOME FURTHER QUESTIONS FOR  
20 THIS WITNESS?

21 MR. MEDRANO: I DO, YOUR HONOR.

22 THE COURT: WE'LL TAKE OUR NOON RECESS AT THIS TIME  
23 AND RECONVENE AT 1:30.

24 THE CLERK: PLEASE RISE. THIS COURT IS NOW IN RECESS.  
25 (NOON RECESS.)

1 LOS ANGELES + CALIFORNIA, THURSDAY, MAY 17, 1990

2 + 1:30 P.M.

3 (JURY PRESENT:)

4 THE COURT: YOU MAY CONTINUE YOUR EXAMINATION OF THIS  
5 WITNESS.

6 MR. MEDRANO: THANK YOU, YOUR HONOR.

7  
8 MICHAEL D. LONG + PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

9  
10 DIRECT EXAMINATION + (RESUMED)

11 BY MR. MEDRANO:

12 Q LET ME DIRECT YOU TO THE LATTER PART OF MAY 1984, MR. LONG.

13 ARE YOU FAMILIAR WITH SOMETHING CALLED A 100-HOUR  
14 INSPECTION?

15 A YES, THAT'S CORRECT, ON ALL AIRCRAFT.

16 Q CAN I ASK TO YOU MOVE THE MICROPHONE JUST A LITTLE BIT  
17 CLOSER TO YOU?

18 A (COMPLIES.)

19 Q THANK YOU.

20 A YES, THAT'S CORRECT. ON ALL AIRCRAFT, THERE'S AN  
21 INSPECTION THAT'S REQUIRED EACH 100 HOURS OF FLYING TIME.

22 Q IS THIS MANDATED BY LAW?

23 A YES, IT IS.

24 Q IN THE LATTER PART OF MAY 1984, IS THERE A 100-HOUR  
25 INSPECTION DONE ON THIS AEROCOMMANDER 840?

1 A YES, THERE WAS, AT BECKETT AVIATION IN SCOTTSDALE.

2 Q HOW WAS THE PLANE TAKEN TO SCOTTSDALE?

3 A I RETURNED TO GUADALAJARA AT THE REQUEST OF JOSE MELO AND  
4 HUGO DE VERA TO PICK THE AIRPLANE UP AND FLY IT TO SCOTTSDALE  
5 TO HAVE THIS PERFORMED.

6 Q DID YOU TAKE A COMMERCIAL FLIGHT DOWN TO GUADALAJARA?

7 A YES, I DID.

8 Q DOES ANYONE ACCOMPANY YOU WHEN YOU GO TO GET THE  
9 AEROCOMMANDER 840 IN GUADALAJARA?

10 A ON THAT PARTICULAR TRIP, I HAD ANOTHER ASSOCIATE OF MINE  
11 THAT WAS ALSO A PARTNER IN A CHARTER COMPANY THAT I OWNED,  
12 NAMED GORDON JOHNSON.

13 Q DO YOU TAKE THE AIRCRAFT BACK TO SCOTTSDALE?

14 A YES, THAT'S CORRECT.

15 Q TO YOUR KNOWLEDGE, IS THE 100-HOUR INSPECTION DONE FOR THE  
16 AIRCRAFT?

17 A YES, IT WAS.

18 Q AFTER THE INSPECTION, ARE YOU INVOLVED AT ALL IN ITS RETURN  
19 TO GUADALAJARA?

20 A YES. I BELIEVE THAT THAT -- THE AIRPLANE WAS RETURNED  
21 APPROXIMATELY TWO WEEKS AFTER WE FINISHED THE 100-HOUR  
22 INSPECTION.

23 Q THERE'S A CHARGE FOR THE 100-HOUR INSPECTION?

24 A YES. THE BASE CHARGE, DEPENDING ON THE TYPE OF AIRCRAFT;  
25 AND THERE'S ALSO THE ADDITIONAL CHARGE FOR REPAIRING ANY



1 DISCREPANCIES FOUND IN THE INSPECTION.

2 Q AFTER YOU RETURN THE AEROCOMMANDER 840 TO GUADALAJARA, ARE  
3 YOU PAID FOR THE 100-HOUR INSPECTION?

4 A YES, WE'RE PAID FOR THAT PARTICULAR INSPECTION, PLUS THE  
5 DISCREPANCIES AND OTHER WORK PERFORMED ON THE AIRPLANE,  
6 APPROXIMATELY \$23,000.00, AS I RECALL.

7 Q WHO PAID YOU THE MONEY?

8 A IT WAS DELIVERED TO ME IN GUADALAJARA BY JOSE MELO.

9 Q CASH?

10 A I'M SORRY?

11 Q CASH?

12 A YES, IT WAS; ALL CASH.

13 Q U.S. CURRENCY?

14 A YES, UH-HUH.

15 Q THEREAFTER DO YOU RETURN TO ARIZONA?

16 A YES. BY COMMERCIAL AIRLINE.

17 Q I'D LIKE TO DIRECT YOUR ATTENTION NOW TO THE MONTH OF JUNE,  
18 1984. DID YOU HAVE AN OPPORTUNITY TO RETURN TO THE CITY OF  
19 GUADALAJARA AGAIN?

20 A YES, I DID.

21 Q FOR WHAT PURPOSE, MR. LONG?

22 A I WAS CALLED TO BRING DOWN SOME ADDITIONAL PARTS IN JUNE OF  
23 1984 FOR THE AIRCRAFT. APPARENTLY THEY HAD HAD SOME COMPONENTS  
24 BREAK AND REQUIRED SOME ADDITIONAL COMPONENTS TO REPAIR THE  
25 AIRPLANE IN MEXICO AND ALSO SPARE PARTS; AGAIN, OF A NATURE,

1 THE TYPE THAT THEY WOULD CARRY ON THE AIRCRAFT TO EFFECT FIELD  
2 REPAIRS.

3 Q THE VALUE OF THE PARTS?

4 A I'M SORRY?

5 Q THE VALUE OF THE PARTS?

6 A OH, THOSE WERE APPROXIMATELY \$14,000.00, AS I RECALL.

7 Q IN GUADALAJARA, DO YOU SEE JOSE MELO AGAIN?

8 A I DON'T RECALL, ON THAT TRIP, IF I SAW JOSE MELO. I DON'T  
9 BELIEVE I DID ON THAT TRIP.

10 Q AFTER YOU DELIVER THE PARTS, DO YOU WAIT IN ORDER TO BE  
11 PAID FOR THE PARTS?

12 A YES. I WOULD HOLD THE --

13 MR. STOLAR: OBJECTION. OBJECT TO THE LEADING.

14 MR. MEDRANO: I'LL REPHRASE IT.

15 MR. STOLAR: LET THE WITNESS TESTIFY.

16 THE COURT: REPHRASE THE QUESTION.

17 BY MR. MEDRANO:

18 Q DO YOU WAIT IN GUADALAJARA?

19 A YES. I WAITED IN GUADALAJARA, KEPT POSSESSION. THE PARTS  
20 REMAINED IN MY POSSESSION UNTIL WE WERE PAID THE FULL AMOUNT  
21 FOR THE PARTS.

22 Q ARE YOU ULTIMATELY PAID THE VALUE OF THE PARTS?

23 A YES, WE WERE.

24 Q BY WHOM?

25 A FOR THAT SHIPMENT OF PARTS, WE WERE PAID IN GUADALAJARA, AT

1 THE HOTEL LAS AMERICAS, BY THE MANAGER OF THE HOTEL. I DO NOT  
2 RECALL HIS NAME.

3 Q DURING THAT TRIP TO GUADALAJARA, -- STRIKE THAT.

4 HAVE YOU EVER MET A MAN BY THE NAME OF MIGUEL ANGEL  
5 FELIX GALLARDO?

6 A YES. ON THAT PARTICULAR TRIP TO DELIVER THE SPARE PARTS,  
7 WHILE WAITING FOR PAYMENT I WAS ASKED TO HAVE A MEETING WITH  
8 THE OWNER OF THE TURBOCOMMANDER BY HIS PILOTS, VICTOR AND THE  
9 COPILOT MIGUEL, AND WAS REQUESTED TO DISCUSS WITH THEIR BOSS,  
10 MIGUEL FELIX GALLARDO, THE PURCHASE OF A LEARJET OR SOME TYPE  
11 OF A CORPORATE JET.

12 MR. MEDRANO: YOUR HONOR, WITH THE COURT'S PERMISSION:

13 Q MAY I ASK YOU, MR. LONG, TO STEP OFF THE WITNESS STAND?  
14 GOVERNMENT'S EXHIBIT IS A PHOTOGRAPH TO YOUR RIGHT. CAN I ASK  
15 YOU TO PUT THAT UP ON THE EASEL?

16 A (COMPLIES.)

17 Q AND YOU MAY RETURN TO YOUR SEAT, SIR.

18 A (COMPLIES.)

19 Q THIS IS GOVERNMENT'S EXHIBIT 15 FOR IDENTIFICATION, MR.  
20 LONG. CAN YOU IDENTIFY THIS PHOTOGRAPH?

21 A YES, I -- THAT'S MIGUEL FELIX GALLARDO, TO WHOM I WAS  
22 INTRODUCED ON THIS PARTICULAR TRIP AT THE HOTEL LAS AMERICAS IN  
23 GUADALAJARA.

24 Q WHERE EXACTLY IN GUADALAJARA DO YOU MEET FELIX GALLARDO?

25 A I WAS ESCORTED DOWNSTAIRS IN A PRIVATE BASEMENT OFFICE AT

1 THE HOTEL LAS AMERICAS TO HAVE A MEETING WITH MR. GALLARDO.

2 Q DESCRIBE IN DETAIL WHAT IT IS THAT YOU OBSERVED WHEN YOU  
3 WERE DOWN IN THAT BASEMENT?

4 A OH, I WAS TAKEN DOWN BY WHAT I PERCEIVED TO BE A PERSONAL  
5 BODYGUARD, ARMED, AND ESCORTED THROUGH A WAITING ROOM INTO THE  
6 PERSONAL OFFICE.

7 THE WAITING ROOM WAS GUARDED BY TWO ARMED GUARDS, AND  
8 I OBSERVED AN UZI TYPE AK-47 TYPE RIFLE IN THE CORNER AND WAS  
9 ESCORTED IN TO HIS PRIVATE OFFICE.

10 Q AND YOU MEET IN PERSON -- DID YOU MEET IN PERSON WITH FELIX  
11 GALLARDO?

12 A YES, I DID.

13 Q DURING YOUR MEETING, IS ANYONE ELSE PRESENT?

14 A THE TWO PILOTS WERE PRESENT AND ONE ARMED BODYGUARD.

15 Q DO YOU HAVE A DISCUSSION WITH FELIX GALLARDO?

16 A YES, I DID.

17 Q DOES IT CONCERN AIRPLANES?

18 A YES, IT DID. IT CONCERNED HIS POSSIBLE PURCHASE OF A  
19 CORPORATE TYPE --

20 MR. STOLAR: OBJECT. OBJECT TO THE HEARSAY.

21 THE COURT: OVERRULED.

22 THE WITNESS: IT CONCERNED THE PURCHASE BY HIM OF A  
23 CORPORATE TYPE JET. AND HE ASKED SEVERAL SPECIFIC QUESTIONS  
24 REGARDING VARIOUS TYPES AND PERFORMANCES AND RUNWAY  
25 PERFORMANCE, ALTITUDE, SPEED, RANGE OF SEVERAL DIFFERENT

1 MID-SIZED CORPORATE JETS.

2 Q HOW LONG WOULD YOU ESTIMATE YOUR MEETING WITH FELIX  
3 GALLARDO LASTED IN THE BASEMENT?

4 A APPROXIMATELY 40 MINUTES.

5 Q IS IT BEFORE OR AFTER THIS MEETING WITH FELIX GALLARDO THAT  
6 YOU ARE REIMBURSED FOR THE AIRPLANE PARTS YOU HAD BROUGHT DOWN  
7 TO GUADALAJARA?

8 A IT WAS AFTER THAT. I STILL HAD THE PARTS, AT THAT TIME, IN  
9 MY HOTEL ROOM.

10 Q DO YOU RETURN TO ARIZONA AFTER THAT?

11 A YES. BY AIRLINE.

12 Q COMMERCIAL AIRPLANE?

13 A I BELIEVE SO, YES.

14 Q LET ME DIRECT YOUR ATTENTION, NOW, MR. LONG, TO JULY OF  
15 1984. DO YOU HAVE AN OPPORTUNITY TO TRAVEL TO GUADALAJARA  
16 AGAIN?

17 A YES. AS I RECALL, I WENT BACK TO GUADALAJARA TO PICK UP  
18 THE SUBJECT 840 COMMANDER AND FLY IT BACK TO SCOTTSDALE TO HAVE  
19 A LONG RANGE NAVIGATION DEVICE INSTALLED IN THE AIRPLANE AND  
20 ALSO LONG-RANGE FUEL TANKS.

21 Q LONG-RANGE NAVIGATION DEVICE?

22 A UH-HUH.

23 Q JUST BRIEFLY, WOULD YOU DEFINE THAT FOR US?

24 A THERE'S A LONG-RANGE NAVIGATION DEVICE USED IN FLYING  
25 AIRCRAFT INTERNATIONALLY, WHICH IS CALLED A V L F OMEGA.

1 AND IT'S UTILIZED TO PINPOINT LOCATIONS WHERE THERE AREN'T  
2 SUITABLE NAVIGATIONAL AIDS, SUCH AS OVER WATER OR FOREIGN  
3 COUNTRIES, WHERE THEY'RE FEW AND FAR BETWEEN; PRIMARILY FOR  
4 INTERNATIONAL LONG-RANGE FLIGHTS.

5 Q EARLY AUGUST, 1984, IS THAT AEROCOMMANDER 840 -- IS THIS  
6 THE ONE THAT YOU'VE PREVIOUSLY IDENTIFIED IN THE PHOTOGRAPHS?

7 A YES, IT IS.

8 Q AND IN EARLY AUGUST OF 1984, IS THAT AIRCRAFT STILL IN  
9 SCOTTSDALE, ARIZONA?

10 A YES, IT IS; STILL AT BECKETT AVIATION.

11 Q I WANT TO DIRECT YOUR ATTENTION TO ON OR ABOUT AUGUST 13TH  
12 1984. WHAT HAPPENS ON THIS DAY?

13 A BECKETT AVIATION RECEIVED A PHONE CALL, SPECIFICALLY JOHN  
14 PAUL JONES, REQUESTING THAT THE AIRPLANE BE BROUGHT.

15 MR. STOLAR: OBJECT TO THE HEARSAY, JUDGE RAFEEDIE.

16 THE COURT: OVERRULED.

17 THE WITNESS: SPECIFICALLY REQUESTING THAT THE  
18 AIRPLANE BE BROUGHT TO GUADALAJARA RIGHT AWAY, THAT IT WAS AN  
19 EMERGENCY, THAT THEY REQUIRED THE AIRPLANE THAT DAY IF  
20 POSSIBLE.

21 I SPOKE MYSELF DIRECTLY WITH JOSE MELO, WHO GAVE ME  
22 INSTRUCTIONS TO COME TO GUADALAJARA AS SOON AS POSSIBLE.

23 WE PROCEEDED TO GET THE AIRPLANE READY AND FLEW TO  
24 GUADALAJARA IN THE EVENING -- WELL, ACTUALLY, LATE AFTERNOON --  
25 WITH MY GIRLFRIEND, NOW MY WIFE, TO GUADALAJARA, IN THIS 840

1 COMMANDER.

2 BY MR. MEDRANO:

3 Q BEFORE YOU FLY, DO YOU MAKE ANY PREPARATIONS IN TERMS OF  
4 TAKING ANYTHING WITH YOU ON THIS FLIGHT?

5 A WELL, AT THE TIME WE HAD --- I HAD BEEN FLYING EARLIER THAT  
6 DAY AND HAD NOT HAD ANY LUNCH. SO I REQUESTED THAT WE HAVE  
7 CATERING BE ORDERED BY BECKETT AVIATION, WHICH IS NOT UNCOMMON,  
8 TO GET A SANDWICH TRAY. ALSO, THEY TAKE CARE OF FUEL, ICE,  
9 THAT TYPE OF THING.

10 Q SO YOU HAD A LUNCH CATERED FOR THE FLIGHT?

11 A THAT'S CORRECT.

12 Q ON THE FLIGHT IT'S YOURSELF AND YOUR THEN GIRLFRIEND, NOW  
13 WIFE?

14 A YES.

15 Q DO YOU SEE BEFORE YOU A COUPLE OF NAPKINS, GOVERNMENT'S  
16 EXHIBIT 28 A AND B? CAN I ASK TO YOU FIND THOSE?

17 A UH-HUH. I HAVE THEM.

18 Q CAN YOU IDENTIFY THOSE, SIR?

19 A (EXAMINES EXHIBIT.) 28 B, I CANNOT -- OH, YES, YES.

20 (EXAMINES NEXT EXHIBIT.) BOTH OF THESE ARE NAPKINS  
21 WHICH ARE THE TYPE WITH THE LOGO BECKETT AVIATION, OF THE TYPE  
22 THAT WERE PUT IN ROUTINELY TO ALL OF THE CATERING TRAYS.

23 USUALLY THEY WERE -- YOU KNOW, WE'D BE GIVEN A STACK  
24 OF THESE TYPE OF NAPKINS TO ACCOMPANY US WITH THE CATERING.

25 Q DID YOU FLY TO GUADALAJARA?

1 A YES.

2 Q UPON YOUR ARRIVAL, DO YOU RECALL THE APPROXIMATE TIME THAT  
3 IT IS THAT YOU GOT THERE?

4 A ARRIVED AT APPROXIMATELY DUSK, WHICH WOULD HAVE BEEN 6:30  
5 TO 7 O'CLOCK IN THE EVENING.

6 Q AUGUST 13, 1984?

7 A THAT'S CORRECT.

8 Q ARE YOU MET BY ANYBODY?

9 A MET BY JOSE MELO, THE PILOT, VICTOR, AND A COPILOT -- THE  
10 NAME I DON'T RECALL -- AND ADDITIONALLY, HUGO DE VERA AND TWO  
11 OR THREE OF THE MECHANICS THAT WERE EMPLOYED BY AVIACIONES DEL  
12 PACIFICO, THERE IN GUADALAJARA.

13 Q DOES ANYTHING UNUSUAL HAPPEN WHEN YOU ARRIVE?

14 A I WAS ASKED TO EXPLAIN THE INSTALLATION OF THE NEW  
15 LONG-RANGE NAVIGATION AND THE LONG-RANGE FUEL TANKS BY VICTOR,  
16 WHICH I PROCEEDED TO EXPLAIN, GIVE HIM -- HE WANTED AN  
17 APPROXIMATE TIME THAT I FELT THE AIRPLANE COULD STAY ALOFT,  
18 RANGE; HOW MUCH FUEL THAT -- YOU KNOW, EXTRA FUEL THE PLANE  
19 CARRIED, HOW TO OPERATE THE TANKS IN AN EMERGENCY OR IN A  
20 STANDBY MODE, AND PROCEEDED TO DETAIL THAT.

21 WHILE I WAS DOING SO, THE PLANE WAS PLACED IN THE  
22 HANGAR OF THE DEALERSHIP, AVIACIONES DEL PACIFICO; AND THE  
23 MECHANICS, SEVERAL MECHANICS WENT TO WORK ON THE AIRPLANE. I  
24 OBSERVED THROUGH THE HANGAR DOOR THAT THEY WERE WORKING ON  
25 REMOVING SEATS AND CABINETS OUT OF THE AIRPLANE.



1 Q THEY WERE GUTTING THE AIRCRAFT?

2 A I'M SORRY?

3 Q WERE THEY GUTTING OR EMPTYING THE AIRCRAFT?

4 A YES, THEY WERE.

5 Q THEREAFTER, DO YOU LEAVE THAT GUADALAJARA AIRPORT?

6 A YES. I LEFT AND WENT TO THE HYATT HOTEL IN TOWN.

7 Q DID YOU STAY THERE THAT EVENING?

8 A STAYED THERE THAT EVENING; THAT'S CORRECT.

9 Q THE FOLLOWING DAY, AUGUST 14, WHAT IS THE FIRST THING THAT  
10 YOU DO ON THAT DAY?

11 A THE FIRST THING, APPROXIMATELY 10:30 IN THE MORNING, IS TO  
12 TAKE OUR INVOICE FOR THE PREVIOUS REPAIR WORK, INSPECTION,  
13 LONG-RANGE NAV INSTALLATION, ET CETERA, LONG-RANGE FUEL TANK  
14 INSTALLATION, TO THE HOTEL LAS AMERICAS FOR PAYMENT, TRY TO  
15 FIND SOMEONE TO PRESENT THE INVOICE TO.

16 THERE WAS NO ONE PRESENT AT THE TIME, AND I LEFT A  
17 COPY OF THE INVOICE AND NOTIFICATION THAT I WAS AT THE HYATT  
18 HOTEL WITH THE DESK MANAGER AT THE HOTEL LAS AMERICAS.

19 Q HOW MUCH WERE YOU OWED?

20 A ON THAT TRIP, APPROXIMATELY \$13,000.00, AS I RECALL.

21 Q WHAT IS THE NEXT THING YOU DO?

22 A I HAD NOTHING ELSE TO DO AT THE TIME, SO MY GIRLFRIEND AND  
23 I TOURED THE CITY AND APPROXIMATELY 4:30 OR 5 O'CLOCK RETURNED  
24 TO THE GUADALAJARA AIRPORT, WHERE I WAS ATTEMPTING TO LOCATE  
25 HUGO DE VERA OR SOMEONE WHO COULD HELP ME COLLECT THE MONEY FOR

1 THE MAINTENANCE WORK SO I COULD RETURN TO PHOENIX BY AIRLINE.

2 Q DOES ANYTHING HAPPEN WHILE YOU'RE WAITING?

3 A YES. WHILE I WAS AT THE AIRPORT, I OBSERVED THE B40  
4 COMMANDER PREVIOUSLY IDENTIFIED TAXIING INTO THE AVIACIONES DEL  
5 PACIFICO HANGAR AND MADE THE ASSUMPTION THAT THE AIRPLANE HAD  
6 BEEN OUT OF THE COUNTRY.

7 AND THE REASON I MADE THAT ASSUMPTION IS BECAUSE THERE  
8 WAS A FEMALE MEXICAN CUSTOMS AGENT PRESENT AT THE TIME THE  
9 AIRPLANE CAME IN, AND THE PILOT GOT OUT AND HUGO DE VERA MADE  
10 AN ATTEMPT TO KEEP ME BACK AWAY FROM THE AIRPLANE, AWAY FROM  
11 THE HANGAR FACILITIES, WHILE THE AIRPLANE WAS BEING PLACED INTO  
12 THE HANGAR AND THE DOORS SHUT.

13 Q THIS IS AN AEROCOMMANDER B40 REGISTRATION, NUMBER  
14 N 69 0 C A?

15 A CORRECT.

16 Q THE ONE YOU'VE IDENTIFIED IN THOSE PHOTOGRAPHS?

17 A THAT'S CORRECT.

18 Q ARE YOU ABLE TO GET A GLIMPSE OR A LOOK AT THE B40 AFTER  
19 ITS ARRIVAL?

20 A YES. EVEN THOUGH HE KEPT ME PROBABLY 40 YARDS AWAY, AS  
21 THEY HAD THE DOOR OPEN AND THE PILOTS WERE CLIMBING OUT AND THE  
22 AIRPLANE WAS BEING PUT BACK IN THE HANGAR, I HAD AMPLE  
23 OPPORTUNITY TO SEE INSIDE THE AIRPLANE AND REALIZE THAT THE  
24 AIRPLANE HAD NO INTERIOR OTHER THAN THE PILOT/COPILOT SEAT AND  
25 A SINGLE SIDE-FACING SEAT INSIDE THE CABIN DOOR.

1 THE REST OF THE CABIN WAS EMPTY.

2 Q WAS THE INTERIOR STILL GUTTED OR EMPTY?

3 A YES, IT WAS.

4 Q AFTER THIS HAPPENS, DO YOU LEAVE THE GUADALAJARA AIRPORT?

5 A YES. I WAS THERE -- I THEN TALKED TO THEM ABOUT GETTING  
6 PAYMENT FOR THE BILL, TALKED TO HUGO DE VERA AND THE PILOT  
7 VICTOR, AND WAS ASSURED THAT IT WOULD BE TAKEN CARE OF BY THE  
8 FOLLOWING MORNING.

9 Q IS IT TAKEN CARE OF THE FOLLOWING MORNING?

10 A YES. I MET WITH VICTOR, THE PILOT, AND HE TOOK THE COPY OF  
11 THE INVOICE TO THE GENERAL MANAGER OF THE HOTEL LAS AMERICAS.  
12 AND APPROXIMATELY 2:30 OR 3 O'CLOCK THAT AFTERNOON, HE HAD  
13 RETURNED WITH THE CASH, ALL U.S. CURRENCY, TO THE HOTEL IN --  
14 THE HYATT HOTEL IN GUADALAJARA, PAID ME FOR THE INVOICE, AND I  
15 RETURNED TO THE AIRPORT TO CATCH THE NEXT FLIGHT VIA LOS  
16 ANGELES-PHOENIX.

17 Q YOU RETURNED WITH YOUR THEN GIRLFRIEND?

18 A YES.

19 Q COMMERCIAL FLIGHT?

20 A CORRECT.

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

22 (GOVERNMENT COUNSEL CONFER OFF THE RECORD.)

23 BY MR. MEDRANO:

24 Q MR. LONG, HAVE YOU EVER BEEN CONVICTED OF ANYTHING, SIR?

25 A I WAS CONVICTED OF A CLASS 3 FELONY THEFT FOR THE THEFT OF

1 AN AIRCRAFT IN 1974.

2 Q HOW OLD WERE YOU AT THAT TIME?

3 A 19.

4 Q AND THIS IS A CLASS 3 FELONY OR MISDEMEANOR?

5 A A CLASS 3 FELONY, WHICH AFTER SUCCESSFUL COMPLETION OF  
6 PROBATION REVERTED TO A MISDEMEANOR.

7 Q WHAT STATE DID THIS OCCUR IN?

8 A ARIZONA.

9 Q DID YOU PLEAD GUILTY?

10 A YES, I DID.

11 Q WERE YOU SENTENCED TO ANYTHING?

12 A I'M SORRY?

13 Q WERE YOU SENTENCED TO ANYTHING?

14 A YES. THREE YEARS PROBATION, WHICH WAS SUBSEQUENTLY REDUCED  
15 TO ONE YEAR, AND \$7,000.00 IN RESTITUTION, AND A \$3,000.00  
16 FINE.

17 Q THIS WAS WHEN YOU WERE 19 YEARS OLD?

18 A YES.

19 Q WHAT IS YOUR CURRENT AGE?

20 A SORRY?

21 Q YOUR CURRENT AGE?

22 A 33.

23 Q HAVE YOU BEEN CONVICTED FOR ANYTHING ELSE, ANYWHERE?

24 A NO, SIR.

25 Q DIRECTING YOU TO ABOUT 1987, MR. LONG, HAVE YOU WORKED WITH

1 OR ASSISTED THE DRUG ENFORCEMENT ADMINISTRATION IN THE PAST?

2 A YES. APPROXIMATELY 1987, I ASSISTED THEM IN THE CAPACITY  
3 OF PROVIDING AN AIRCRAFT FOR SURVEILLANCE AND TRANSPORTATION  
4 FOR AN UNDERCOVER OPERATION.

5 Q HAVE YOU WORKED WITH THE D.E.A. ON INVESTIGATIONS?

6 A YES, I HAVE.

7 Q APPROXIMATELY --

8 A SINCE 1987.

9 Q AND WITHOUT GOING INTO DETAIL, JUST THE NUMBER OF  
10 INVESTIGATIONS YOU'VE WORKED WITH THE D.E.A.

11 A JUST THREE.

12 Q AND AS PART OF THESE INVESTIGATIVE -- STRIKE THAT.

13 AS PART OF THESE INVESTIGATIONS, HAVE YOU RECEIVED ANY  
14 SUMS OF MONEY FROM THE D.E.A.?

15 A YES. FOR EXPENSES, AIRCRAFT RENTAL AND PILOT SERVICES  
16 ONLY.

17 Q WOULD EXPENSES ALSO INCLUDE FUEL?

18 A YES. FUEL, AIRCRAFT RENTAL.

19 Q DO YOU HAVE ANY ESTIMATE AS TO THE DOLLAR AMOUNT THAT  
20 YOU'VE BEEN REIMBURSED FOR SUCH EXPENSES?

21 A SINCE 87, FOR ALL THE FLYING THAT WE'VE DONE, APPROXIMATELY  
22 \$90,000.00.

23 MR. MEDRANO: THAT CONCLUDES THIS DIRECT, YOUR HONOR.

24 THE COURT: YOU MAY CROSS-EXAMINE THE WITNESS.

25

CROSS-EXAMINATION +

1 BY MR. BURNS:

2 Q GOOD AFTERNOON, MR. LONG. HOW LONG HAVE YOU BEEN FLYING?  
3 IS THAT SINCE YOU WERE 17, 18, 19?

4 A YES. 15.

5 Q AROUND THE TIME WHEN YOU FIRST SAW THIS AEROCOMMANDER, YOU  
6 STATED THAT YOU NOTICED THERE WERE -- HOW SHALL I SAY IT? --  
7 LITTLE POCKMARKS ON THE SIDE OF THE FUSELAGE, SOME DAMAGE TO  
8 THE PROPELLER, THE SORT OF DAMAGE THAT SEEMED TO INDICATE TO  
9 YOU THAT IT HAD BEEN IN ROUGH LANDING STRIPS?

10 A YES, SIR. IT HAD BEEN RUN OFF THE RUNWAY INTO A POTHOLE OR  
11 SOMETHING.

12 Q AND THAT WAS THE VERY FIRST TIME YOU SAW THAT PLANE?

13 A THAT'S CORRECT.

14 Q AND FOR THE D.E.A., SINCE THEN, HAVE YOU ACQUIRED A  
15 KNOWLEDGE OF THE TYPE OF LANDING STRIPS THAT THERE ARE IN  
16 MEXICO?

17 A YES.

18 Q ARE A LOT OF THEM ROUGH LANDING STRIPS?

19 A YES.

20 Q NOW, YOU STATED THAT THE PLANE WAS IN SCOTTSDALE FROM  
21 OCTOBER 83 TO AROUND MARCH OF 1984; IS THAT TRUE?

22 A I RECALL IT WAS APPROXIMATELY SIX OR SIX AND A HALF MONTHS.

23 Q AND THAT SOMEONE CAME AND PAID THE BILL?

24 A THAT'S CORRECT.

25 Q AND THAT PERSON WAS HECTOR SANTANA?

1 A THAT'S CORRECT.

2 Q AND HECTOR SANTANA HAD TRACED DOWN THAT PLANE; RIGHT?

3 A I -- NOT THAT I WAS AWARE OF. NOT TO MY KNOWLEDGE.

4 Q BUT YOU HAVE NO KNOWLEDGE OF ANYONE AT BECKETT REACHING OUT  
5 TO HECTOR SANTANA, DO YOU?

6 A I DO NOT, DIRECT KNOWLEDGE.

7 Q THERE WAS ANOTHER PAYMENT FOR REPAIR WORK DONE TO THAT  
8 PLANE -- \$25,000.00, ROUGHLY, THE BILL -- IS THAT CORRECT?

9 A WHICH BILL ARE YOU REFERRING TO?

10 Q WELL, AS I UNDERSTAND FROM YOUR TESTIMONY, THIS WOULD BE  
11 SOMETIME IN MAY OF 84?

12 THERE WERE THREE BILLS, I UNDERSTAND, FROM YOUR  
13 TESTIMONY.

14 A CORRECT, THAT I RECALL.

15 Q THAT THIS WOULD BE THE SECOND ONE?

16 A OKAY.

17 Q THAT THERE WAS A BILL FOR \$25,000.00?

18 A YEAH. I RECALL ROUGHLY 23,000.

19 Q 23, 25.

20 A OKAY.

21 Q IT'S NOT THE \$35,000.00, WHICH WAS THE THIRD PAYMENT?

22 A NO.

23 Q DO YOU KNOW IF HECTOR SANTANA PAID THAT BILL, THE  
24 \$25,000.00 BILL?

25 A I DON'T -- THE ONLY BILLS THAT I WAS PAID FOR, THAT I

1 RECALL, WAS IN GUADALAJARA, BY THE PEOPLE IN GUADALAJARA. I  
2 NEVER RECEIVED ANY MONEY FROM HECTOR SANTANA.

3 Q SO TO YOUR KNOWLEDGE, YOU DON'T KNOW THAT HECTOR SANTANA  
4 PAID ANY BILLS?

5 A ONLY THE VERY FIRST ONE, WHEN THE AIRPLANE WAS FIRST TAKEN  
6 TO GUADALAJARA.

7 Q AND THE LAST BILL WAS PAID BY A JORGE NUNO?

8 A THAT'S CORRECT.

9 Q TO YOUR KNOWLEDGE, DO YOU KNOW IF HE RECEIVED THE MONEY  
10 FROM HECTOR SANTANA TO PAY FOR THAT BILL?

11 A JORGE NUNO, WAS THE --

12 Q TO YOUR KNOWLEDGE?

13 A NO. HE WAS THE MANAGER OF HOTEL LAS AMERICAS, AND --

14 Q YOU DON'T KNOW. (SHRUGS SHOULDERS.)

15 A NO. I HAVE NO IDEA WHERE HE RECEIVED THE MONEY.

16 Q WHERE HE RECEIVED THE MONEY.

17 A YEAH.

18 Q ROUGHLY, HOW MANY FLIGHTS HAVE YOU FLOWN ON FOR THE D.E.A.  
19 IN YOUR ASSISTANCE TO THEM?

20 A SIX, SEVEN TIMES.

21 MR. BURNS: AND I -- WELL, I'LL SAVE MY QUESTIONS FOR  
22 THE NEXT CASE, DOWN THE HALL. THANK YOU.

23 THE WITNESS: OKAY.

24 THE COURT: ANY OTHER COUNSEL WISH TO CROSS-EXAMINE  
25 THIS WITNESS?



1 DEFENSE COUNSEL: NO, YOUR HONOR.

2 THE COURT: ALL RIGHT. YOU MAY STEP DOWN.

3 CALL YOUR NEXT WITNESS.

4 MR. MEDRANO: OKAY. YOUR HONOR, THE GOVERNMENT WOULD  
5 CALL VIRGINIA REYNOSO AT THIS TIME.

6 (WITNESS SUMMONED TO COURTROOM.)

7 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

8 THE COURT: DOES THIS WITNESS REQUIRE AN INTERPRETER.

9 AGENT BERRELLEZ: YES, SHE DOES, YOUR HONOR.

10 THE COURT: IS THERE A COURT INTERPRETER?

11 MR. MEDRANO: YES. I CALLED, YOUR HONOR. SHE'S IN  
12 THE COURTROOM.

13 (OFFICIAL COURT INTERPRETER LENNE ROSEN-KABE  
14 APPROACHES AND ASSISTS WITNESS THROUGHOUT PROCEEDINGS.)

15 THE COURT: PLEASE REPEAT THE OATH FOR THE COURT  
16 INTERPRETER.

17

18 VIRGINIA REYNOSO MARTINEZ + PLAINTIFF'S WITNESS, SWORN

19

20 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR FULL  
21 NAME FOR THE RECORD.

22 THE WITNESS: (THROUGH INTERPRETER:) VIRGINIA REYNOSO  
23 MARTINEZ.

24 THE CLERK: AND SPELL YOUR LAST NAME.

25 THE WITNESS: REYNOSO MARTINEZ.

1 THE COURT: I'LL DISPENSE WITH THE SPELLING. I THINK  
2 THAT WE KNOW HOW TO SPELL IT.

3 MR. STOLAR: JUDGE RAFEEDIE WOULD IT BE POSSIBLE TO  
4 ASK THE INTERPRETER TO SPEAK UP A LITTLE BIT WHEN SHE  
5 TRANSLATES THE QUESTIONS?

6 THE COURT: ARE YOU HAVING TROUBLE HEARING HER?

7 MR. STOLAR: NO -- ACTUALLY, I AM; BUT IT ALSO GIVES  
8 SOME ASSISTANCE TO SOME OF THE SPANISH-SPEAKING DEFENDANTS.

9 THE COURT: ARE YOU HAVING TROUBLE HEARING THE  
10 INTERPRETER OR THE WITNESS?

11 MR. STOLAR: THE INTERPRETER.

12 THE COURT: ALL RIGHT.

13 MR. MEDRANO: THANK YOU, YOUR HONOR.

14 THE COURT: PROCEED.

15 DIRECT EXAMINATION +

16 BY MR. MEDRANO:

17 Q MS. REYNOSO, HOW OLD ARE YOU?

18 A 35 YEARS.

19 Q OF WHAT COUNTRY ARE YOU A CITIZEN?

20 A I'M A MEXICAN CITIZEN, AND I'M A NATIVE OF GUADALAJARA,  
21 JALISCO.

22 Q HAVE YOU RESIDED IN THE CITY OF GUADALAJARA?

23 THE COURT: SHE JUST SAID SHE WAS A NATIVE.

24 COURTROOM: (LAUGHTER.)

25 MR. MEDRANO: I APOLOGIZE, YOUR HONOR.

1 THE WITNESS: YES.

2 MR. MEDRANO: I'LL MOVE ALONG.

3 Q MS. REYNOSO, HAVE YOU EVER WORKED AS A SECRETARY?

4 A YES. I WORKED FOR 10 YEARS AS A SECRETARY TO THE DIRECTOR  
5 OF THE CITY POLICE.

6 Q CAN YOU GIVE US THE EXACT YEARS THAT YOU WORKED THERE?

7 A YES. I WORKED FROM THE BEGINNING OF 1974 TO JUNE OF 1984.

8 Q AFTER JUNE OF 1984, MS. REYNOSO, WHAT WAS YOUR NEXT  
9 EMPLOYMENT?

10 A AFTER THAT, I BECAME A SECRETARY FOR THE JUDICIAL -- THE  
11 M.F.J.P.

12 Q IS THAT THE MEXICAN FEDERAL JUDICIAL POLICE?

13 A YES.

14 THE COURT: WE SHOULD KNOW WHAT CITY.

15 MR. MEDRANO: I WAS GOING TO ELICIT THAT, YOUR HONOR.

16 THE COURT: ALL RIGHT.

17 BY MR. MEDRANO:

18 Q AND IN WHAT CITY DID YOU HAVE THIS JOB?

19 A IN GUADALAJARA, JALISCO.

20 Q IF YOU STARTED IN JUNE 84, UP TO WHAT TIME DID YOU WORK AS  
21 A SECRETARY AT THE M.F.J.P. IN GUADALAJARA?

22 A TO THE END OF JUNE OF 1989.

23 Q I WANT YOU TO FOCUS TO THE MIDDLE OF 1984, WHEN YOU STARTED  
24 THAT JOB WITH THE M.F.J.P.

25 WAS THERE ANY FEDERAL POLICE OFFICER WHO WAS IN CHARGE

1 OF THE GUADALAJARA M.F.J.P. OFFICE?

2 A WELL, THERE WAS COMMANDER NICOLAS FLORES ALMAZAN; AND THERE  
3 WAS THE ASSISTANT, WHO WAS MR. RAMON COSIO DE LA MORA.

4 Q WHEN YOU STARTED IN JUNE OF 1984, DO YOU KNOW APPROXIMATELY  
5 HOW MANY M.F.J.P. AGENTS WORKED IN THE GUADALAJARA OFFICE?

6 A APPROXIMATELY 13; ONE THREE.

7 Q IN 1984, DID YOU EVER SEE ANY SPECIAL AGENTS OF THE DRUG --  
8 OF THE D.E.A. AT THAT M.F.J.P. OFFICE IN GUADALAJARA?

9 A YES.

10 Q DO YOU RECALL THEIR NAMES?

11 A WELL, THERE WAS ENRIQUE CAMARENA, KIKI, AND JAIME  
12 KUYKENDALL, AND VICTOR. IT'S VICTOR AND IT'S WALSH OR WALLACE  
13 OR SOMETHING LIKE THAT.

14 Q HAVE YOU EVER HEARD THE NAME VICTOR WALLACE? WALLACE.  
15 WALLACE, W A L L A C E?

16 A WALLACE. YES.

17 Q WAS THIS ONE OF THE D.E.A. AGENTS YOU SAW AT THE  
18 GUADALAJARA OFFICE?

19 A YES.

20 Q OF THESE THREE D.E.A. AGENTS THAT YOU MENTIONED, WHICH ONE  
21 MOST FREQUENTLY WENT TO THAT M.F.J.P. OFFICE?

22 A ENRIQUE DID.

23 Q IS THAT ENRIQUE CAMARENA?

24 A YES.

25 Q HOW OFTEN WOULD YOU SAY ENRIQUE CAMARENA WENT TO THE

1 GUADALAJARA M.F.J.P. OFFICE?

2 A WELL, WHEN THERE WAS WORK, THEY WOULD GO TWICE OR THREE  
3 TIMES A DAY. AND DURING A MONTH, IT WOULD BE LIKE FIVE OR SIX  
4 TIMES, BECAUSE WORK WOULD ALWAYS COME UP.

5 Q WHEN ENRIQUE CAMARENA WOULD GO TO THAT OFFICE, WOULD HE  
6 MEET WITH ANY OF THE M.F.J.P. AGENTS?

7 A WELL, HE WOULD GO TO TALK DIRECTLY WITH THE COMMANDER OR  
8 THE CHIEF OF THE GROUP.

9 Q DID YOU SEE CAMARENA -- DID YOU FINISH YOUR ANSWER? I'M  
10 SORRY. I APOLOGIZE.

11 A NO. (CONFERS WITH INTERPRETER.)

12 AND THEN WHEN THEY WENT OUT TO WORK, THEY WOULD GO OUT  
13 ALONG WITH ALL THE AGENTS, BOTH FROM THE M.F.J.P. AND THE OTHER  
14 UNIFORMED SERVICES.

15 Q DID YOU EVER SEE CAMARENA MEET WITH COMANDANTE NICOLAS  
16 FLORES ALMAZAN?

17 A YES. WHENEVER THERE WAS A MATTER TO BE TAKEN UP, HE WOULD  
18 DEAL WITH HIM DIRECTLY IN HIS OFFICE.

19 Q STAYING WITH 1984, DID YOU EVER MEET A MAN BY THE NAME OF  
20 JUAN GILBERTO HERNANDEZ PARRA, P A R R A ?

21 A JUST JUAN GILBERTO HERNANDEZ. YES, I DID MEET HIM.

22 Q IN 1984?

23 A YES.

24 Q TELL US WHO THIS MAN WAS.

25 A WELL, THIS WAS AN AGENT WHO WAS WORKING AT THE GUADALAJARA

1 OFFICE.

2 Q WAS HE AN M.F.J.P. AGENT?

3 A YES. AN AGENT OF THE M.F.J.P.

4 Q DID HE WORK UNDER FLORES ALMAZAN?

5 A YES.

6 Q WOULD YOU TELL US, MS. REYNOSO, HOW OFTEN YOU AND OTHERS AT  
7 THE M.F.J.P. OFFICE RECEIVED YOUR REGULAR GOVERNMENT PAYROLL  
8 CHECKS?

9 A EVERY TWO WEEKS.

10 Q BESIDES THOSE GOVERNMENT PAYROLL CHECKS, WERE THE M.F.J.P.  
11 AGENTS PAID ANY OTHER SUMS OF MONEY?

12 A YES.

13 Q WHO PAID THAT MONEY?

14 Q THAT MONEY WAS OCCASIONALLY PAID BY COMMANDER NICOLAS  
15 FLORES ALMAZAN, OR MR. COSIO DE LA MORA, OR JUAN GILBERTO.

16 Q WAS THIS CASH THAT WAS PAID TO THE AGENTS?

17 A IN CASH.

18 Q WAS THAT UNITED STATES CURRENCY THAT WAS PAID?

19 A ON OCCASION, YES.

20 Q HOW OFTEN WOULD THESE ADDITIONAL CASH PAYMENTS BE MADE TO  
21 THE M.F.J.P. AGENTS IN GUADALAJARA?

22 A EVERY TWO WEEKS.

23 Q AND THIS WAS IN ADDITION TO THE PAYROLL CHECKS?

24 A THAT IS CORRECT.

25 Q WERE YOU THE ONLY SECRETARY IN THE M.F.J.P. OFFICE IN 1984?

1 A NO. THERE WERE FOUR OF US SECRETARIES.

2 Q WOULD YOU AND THE OTHER THREE SECRETARIES ALSO RECEIVE  
3 THESE ADDITIONAL SUMS OF MONEY?

4 A YES.

5 Q CAN YOU TELL US WHO IT WAS THAT PAID THE OFFICE EXPENSES?

6 A WELL, IT WAS ALWAYS EXPECTED THAT JUAN GILBERTO OR COSIO DE  
7 LA MORA WOULD BRING THE MONEY TO PAY THE EXPENSES.

8 Q TO YOUR KNOWLEDGE, WHERE DID THIS ADDITIONAL MONEY COME  
9 FROM THAT WAS PAID TO THE M.F.J.P. AGENTS?

10 MS. KELLY: OBJECTION, YOUR HONOR. LACK OF  
11 FOUNDATION.

12 THE COURT: SUSTAINED.

13 BY MR. MEDRANO:

14 Q I'D LIKE TO DIRECT YOUR ATTENTION NOW, MS. REYNOSO, TO  
15 ABOUT SEPTEMBER OF 1984.

16 ARE YOU FAMILIAR WITH A HOTEL THAT'S CALLED THE MOTEL  
17 MOTOR AMERICAS?

18 A YES.

19 Q IN ABOUT SEPTEMBER OF 84, DID YOU HAVE AN OPPORTUNITY TO GO  
20 TO THAT HOTEL?

21 A THAT IS CORRECT.

22 Q WHY DID YOU GO TO THAT HOTEL?

23 A I WAS ORDERED TO TAKE SOME PAPERS FOR AN APPEARANCE TO JUAN  
24 GILBERTO, WHO HAD TO PERSONALLY SIGN FOR THEM.

25 Q WHO GAVE YOU THESE ORDERS?

1 A COMMANDER NICOLAS FLORES ALMAZAN.

2 Q HOW DID YOU GET TO THIS HOTEL?

3 A BY TAXI.

4 Q WHAT HAPPENS WHEN YOU ARRIVE AT THE HOTEL?

5 A WHEN I GOT TO THE HOTEL, JUAN GILBERTO WAS NOT THERE. SO  
6 THEN THERE WAS THIS YOUNG WOMAN WHO HAD BEEN A SECRETARY, WHO  
7 WAS LIVING WITH HIM, AND I CHATTED WITH HER, WAITING FOR HIS  
8 ARRIVAL.

9 Q HOW LONG DID YOU CHAT WITH HER?

10 A APPROXIMATELY TWO HOURS, A LITTLE LONGER.

11 Q NOW, THIS IS AT ONE OF THE ROOMS AT THIS HOTEL THAT YOU'RE  
12 IN?

13 A YES.

14 Q NOW --

15 MR. BURNS: EXCUSE ME, YOUR HONOR. COULD THE WITNESS  
16 SPEAK UP SO THAT SOME OF THE SPANISH PEOPLE HERE CAN UNDERSTAND  
17 HER? HER VOICE IS VERY LOW.

18 THE COURT: YOU WANT TO HEAR THE WITNESS?

19 MR. BURNS: THE WITNESS, YES.

20 THE COURT: ASK THE WITNESS TO SPEAK UP.

21 (INTERPRETER CONFERS WITH WITNESS.)

22 THE WITNESS: YES. THANK YOU.

23 BY MR. MEDRANO:

24 Q WOULD YOU DESCRIBE THIS ROOM AT THE HOTEL WHERE YOU WERE  
25 WAITING FOR JUAN GILBERTO HERNANDEZ?



1 A WELL, YES. IT WAS MADE UP OF TWO ROOMS. ONE WAS A BEDROOM  
2 AND THE OTHER ONE WAS LIKE A LIVING ROOM WITH A DESK.

3 Q WAS THERE ANY TYPE OF COMMUNICATIONS EQUIPMENT AT THE HOTEL  
4 ROOM?

5 A YES. THERE WAS JUAN GILBERTO'S RADIO, AND ALSO THE CELL  
6 AND THE BASE.

7 Q WERE THERE ANY ANIMALS OR PETS INSIDE THAT ROOM?

8 A WELL, THAT IS PRECISELY WHY I BECAME AWARE OF JUAN  
9 GILBERTO'S EQUIPMENT, BECAUSE THERE WAS A BATHROOM TO ONE SIDE  
10 AND THERE WAS A LION CUB IN THERE.

11 Q A LIVE LION CUB?

12 A YES. LIVE.

13 Q AT ANY POINT, DOES JUAN GILBERTO HERNANDEZ ARRIVE AT THE  
14 HOTEL?

15 A YES.

16 Q WHAT HAPPENS WHEN HE GETS THERE?

17 A WELL, I GIVE HIM THE DOCUMENTS, HE SIGNS THE RECEIPT, AND I  
18 LEAVE.

19 Q DID YOU RETURN TO THE M.F.J.P. OFFICE?

20 A THAT IS CORRECT.

21 Q STILL HAVING YOU FOCUS IN 1984, MS. REYNOSO, ARE YOU  
22 FAMILIAR WITH A CONDOMINIUM COMPLEX THAT IS CALLED "SUITES  
23 MARGARITAS"?

24 A THAT IS CORRECT.

25 Q IN 1984, DID YOU HAVE AN OPPORTUNITY TO BE IN THE VICINITY

1 OF THAT CONDOMINIUM COMPLEX?

2 A THAT IS CORRECT.

3 Q WHAT DID YOU SEE WHEN YOU WERE THERE?

4 A WELL, I SAW A BLACK CAR, AND JUAN GILBERTO WAS STANDING  
5 NEXT TO THE REAR DOOR OF THE CAR. HE WAS SPEAKING TO A PERSON.

6 Q THIS BLACK CAR, WAS IT A LARGE CAR?

7 A YES. IT WAS A MARQUIS.

8 Q DO YOU RECALL IF THE WINDOWS ON THAT MARQUIS WERE TINTED OR  
9 NOT?

10 A WELL, THEY WERE BLACK, EXCEPT WHERE THE PERSON WAS, WHERE  
11 IT WAS ROLLED DOWN.

12 Q DID YOU SEE WHO JUAN GILBERTO HERNANDEZ WAS SPEAKING TO?

13 A THAT IS CORRECT. I SAW HIM SPEAKING WITH A MAN. AND THEN  
14 AFTER THE DEATH OF KIKI, WHEN --

15 MR. MEZA: OBJECT, YOUR HONOR. MOVE TO STRIKE. IT'S  
16 NONRESPONSIVE. HE ASKED FOR A DESCRIPTION OF WHAT SHE SAW.

17 THE COURT: SUSTAINED.

18 BY MR. MEDRANO:

19 Q MS. REYNOSO, DO YOU KNOW THE NAME OF THE PERSON THAT YOU  
20 SAW JUAN GILBERTO SPEAKING TO?

21 A I FOUND OUT SUBSEQUENTLY.

22 Q WHAT IS THAT NAME?

23 A IT'S MR. MIGUEL ANGEL FELIX GALLARDO.

24 Q IF I CAN ASK YOU TO LOOK TO YOUR RIGHT, BY THAT EASEL, DO  
25 YOU SEE THAT LARGE PHOTOGRAPH?

1 A YES.

2 MR. MEDRANO: THAT'S GOVERNMENT'S EXHIBIT 15 FOR  
3 PURPOSES OF IDENTIFICATION, YOUR HONOR.

4 Q CAN YOU RECOGNIZE THAT PHOTOGRAPH?

5 A IT IS THE SAME PERSON.

6 Q FELIX GALLARDO?

7 A (TO INTERPRETER:) YES, MISS.

8 Q MS. REYNOSO, WHILE YOU WERE IN GUADALAJARA, DID YOU EVER  
9 ASSIST THE D.E.A. IN ANY WAY?

10 A THAT IS CORRECT, MISS. SINCE 1983.

11 Q WHAT WOULD YOU DO TO HELP THE D.E.A.?

12 A WELL, I WOULD CHECK ON TELEPHONES, ON ADDRESSES, ON FINDING  
13 PEOPLE, TO CHECK ON CRIMINAL RECORDS.

14 Q IN 1983, DID ANY D.E.A. AGENT APPROACH YOU ABOUT YOUR  
15 POSSIBLE ASSISTANCE?

16 A YES, THAT IS CORRECT. IT WAS ENRIQUE.

17 Q ENRIQUE CAMARENA?

18 A ENRIQUE CAMARENA.

19 Q LET ME DIRECT YOU NOW TO THE BEGINNING OF 1986, MS.  
20 REYNOSO. AT THAT TIME, DID YOU BECOME AN INFORMANT FOR THE  
21 D.E.A. IN GUADALAJARA?

22 A THAT IS CORRECT.

23 Q DO YOU KNOW A MAN BY THE NAME OF TONY AYALA?

24 A YES. HE WAS THE SUPERVISOR OF THE GUADALAJARA OFFICE.

25 Q D.E.A.?

1 A YES.

2 Q BEGINNING IN 1986, DID YOU START RECEIVING ANY MONEYS FROM  
3 THE GUADALAJARA D.E.A. OFFICE FOR YOUR INFORMATION?

4 A YES, MISS. I WOULD RECEIVE \$250.00 A MONTH.

5 Q DID THIS START IN 1986?

6 A THAT IS CORRECT.

7 Q AND FOR HOW LONG WHILE YOU WERE IN GUADALAJARA DID YOU  
8 RECEIVE THIS 250 A MONTH?

9 A MISS, APPROXIMATELY IN JUNE OF 88.

10 Q WHEN DID YOU COME -- STRIKE THAT.

11 YOU ARE NOW RESIDING IN THE UNITED STATES?

12 A THAT IS CORRECT.

13 Q AND WHEN DID YOU COME HERE, BEGIN RESIDING?

14 A THE 21ST OF JULY 1989.

15 Q WHY?

16 A TO CONTINUE WORKING FOR THE OFFICE. AND IT IS VERY  
17 DANGEROUS TO WORK FOR THE D.E.A. IN MEXICO.

18 MR. STOLAR: OBJECT AND MOVE TO STRIKE.

19 THE COURT: DENIED.

20 BY MR. MEDRANO:

21 Q MS. REYNOSO --

22 MR. STOLAR: WE'RE TALKING ABOUT YEARS AFTER THE  
23 EVENTS ON TRIAL.

24 THE COURT: COUNSEL, I'M NOT INVITING ANY ARGUMENT.  
25 DENIED.

1 BY MR. MEDRANO:

2 Q WHY IS IT THAT YOU LEFT THE M.F.J.P. OFFICE JOB THAT YOU  
3 HAD, MS. REYNOSO?

4 A I LEFT IT BECAUSE IT WAS --

5 MR. MEZA: OBJECTION, YOUR HONOR. THE QUESTION CALLS  
6 FOR IRRELEVANT EVIDENCE.

7 THE COURT: SUSTAINED.

8 BY MR. MEDRANO:

9 Q HAVE YOU EVER BEEN ARRESTED?

10 A NO.

11 Q IN MEXICO OR THE UNITED STATES?

12 A NO, I HAVE NOT.

13 Q HAVE YOU EVER BEEN CONVICTED OF ANY CRIMES IN MEXICO OR THE  
14 UNITED STATES?

15 A I HAVEN'T EVEN HAD A TICKET.

16 Q SINCE YOUR ARRIVAL IN THE UNITED STATES IN JULY OF 89, HAVE  
17 YOU RECEIVED FINANCIAL ASSISTANCE FROM THE FEDERAL GOVERNMENT?

18 A THAT IS CORRECT.

19 Q HOW MUCH?

20 A WELL, I'M BEING PAID \$2,000.00 MONTHLY.

21 Q DO YOU USE THIS MONEY FOR YOUR LIVING EXPENSES?

22 A THAT IS CORRECT.

23 Q AT ANY TIME, HAS ANY REWARD BEEN GIVEN TO YOU BY D.E.A.?

24 A NO, MISS.

25 Q AT ANY TIME, HAVE YOU BEEN PROMISED A REWARD FOR YOUR

1 TESTIMONY TODAY?

2 A NO, HAVE NOT.

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

4 (GOVERNMENT COUNSEL CONFER OFF THE RECORD.)

5 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES DIRECT FOR  
6 THIS WITNESS.

7 THE COURT: YOU MAY CROSS-EXAMINE THE WITNESS.

8 MS. KELLY: YES, YOUR HONOR.

9 CROSS-EXAMINATION +

10 BY MS. KELLY:

11 Q GOOD AFTERNOON, MS. REYNOSO.

12 A GOOD AFTERNOON.

13 Q MS. REYNOSO, IT WAS NOT UNUSUAL FOR OFFICERS IN THE  
14 M.F.J.P. OFFICE TO PAY FOR EXTRA SECRETARIAL WORK; IS THAT  
15 TRUE?

16 A IT WAS NOTHING RARE, BECAUSE THERE WERE FOUR OF US  
17 SECRETARIES.

18 DEFENSE INTERPRETER: YOUR HONOR?

19 THE COURT: JUST A MOMENT.

20 DEFENSE INTERPRETER: MAYBE IF WE CAN HAVE THE MIKE  
21 PUT A LITTLE CLOSER TO THE WITNESS.

22 THE COURT: CAN YOU HEAR THE INTERPRETER?

23 (DEFENSE INTERPRETER RESPONDS OUT OF HEARING OF  
24 REPORTER.)

25 THE COURT: OH. WELL, I DON'T KNOW WHAT WE CAN DO

1 ABOUT THAT.

2 MR. STOLAR: IT'S THE WITNESS WHO CAN'T BE HEARD.

3 THE COURT: WELL, THAT'S WHY WE HAVE AN INTERPRETER.

4 MR. STOLAR: EXCEPT WE CAN PICK UP ANY DISCREPANCIES  
5 IN THE TRANSLATION.

6 THE COURT: JUST A MOMENT. THE EVIDENCE IN THIS CASE  
7 IS THE TESTIMONY GIVEN AS TRANSLATED BY THE INTERPRETER.

8 MR. STOLAR: I UNDERSTAND THAT. BUT IF SOMEBODY HEARS  
9 A MISTRANSLATION, WHICH HAS HAPPENED, AND IT COULD BECOME  
10 SIGNIFICANT, THEN WE'D LIKE TO CORRECT IT.

11 THE COURT: WOULD YOU PLEASE STOP MAKING STATEMENTS  
12 LIKE THAT IN THE PRESENCE OF THE JURY? JUST BE SEATED.

13 YOU'LL DISREGARD THE STATEMENTS OF COUNSEL.

14 NOW, PROCEED. PLEASE TRY KEEP YOUR VOICE UP.

15 BY MS. KELLY:

16 Q I'M SORRY, MS. REYNOSO, DID YOU SAY IT WAS NOT UNUSUAL  
17 BECAUSE THERE WERE FOUR SECRETARIES?

18 A YES. QUITE SO. AND THE WORK IN THAT OFFICE WAS EXCESSIVE,  
19 BECAUSE YOU'D HAVE TO WORK ON INVESTIGATIONS AND MAKING  
20 RECORDS.

21 Q SO THERE WERE 13 INVESTIGATORS, SO TO SPEAK, AND ONLY FOUR  
22 SECRETARIES?

23 A THAT IS CORRECT. AND WHEN THERE IS WORK, THERE ARE BETWEEN  
24 15 AND 16 ARRESTEES, AND YOU HAVE TO WORK DAY AND NIGHT.

25 Q AND WHAT WAS YOUR SALARY AT THAT TIME, IF YOU KNOW, IN

1 AMERICAN DOLLARS, ABOUT?

2 A WELL, THE EQUIVALENCY -- WELL, WE WERE BEING PAID BY THE  
3 PUBLIC PROSECUTOR'S OFFICE, AND THE AMOUNT WAS EXACTLY THE  
4 SAME.

5 Q I'M SORRY. THE SAME AS WHAT?

6 A WELL, IT WOULD BE LIKE, WHAT? 90,000 BY CHECK AND 90,000  
7 IN CASH.

8 MR. MEDRANO: YOUR HONOR, I'M SORRY. DOLLARS OR  
9 PESOS, YOUR HONOR?

10 THE COURT: WHAT DO YOU THINK?

11 COURTROOM: (LAUGHTER.)

12 MR. KELLY: I'D LIKE TO BE A SECRETARY IN MEXICO, YOUR  
13 HONOR.

14 COURTROOM: (LAUGHTER.)

15 BY MS. KELLY:

16 Q SO YOU RECEIVED 90,000 PESOS FROM THE PUBLIC PROSECUTOR'S  
17 OFFICE, FOR YOUR SECRETARY WORK, AS ASALARY FROM THE  
18 GOVERNMENT?

19 A THAT IS CORRECT.

20 Q AND YOU ALSO RECEIVED 90,000 PESOS IN CASH FROM THE  
21 OFFICERS IN THE OFFICE?

22 A THAT IS CORRECT, SINCE MY WORK SCHEDULE WAS ONLY FROM 9:00  
23 TO 3:00. BUT WHEN THERE WAS A LOT OF WORK, WE WOULD HAVE TO  
24 BEGIN VERY EARLY, AND WE WOULD WORK STRAIGHT FOR TWO OR THREE  
25 DAYS.



1 THE COURT: JUST A MOMENT. LET ME ASK THE WITNESS,  
2 WHEN SHE ANSWERS, WHEN SHE GIVES HER ANSWER, NOT TURN TOWARD  
3 THE INTERPRETER.

4 ANSWER THE PERSON WHO ASKS YOU THE QUESTION.

5 THE WITNESS: (IN ENGLISH:) OKAY. (THROUGH  
6 INTERPRETER:) OKAY.

7 THE COURT: ALL RIGHT.

8 BY MS. KELLY:

9 Q YOUR WORK SCHEDULE, YOUR OFFICE HOURS WERE 9:00 TO 3:00; IS  
10 THAT RIGHT?

11 A THAT WAS WHAT WAS BEING PAID BY THE PROSECUTOR'S OFFICE.

12 Q BUT IN FACT YOU HAD TO WORK MANY OTHER HOURS DURING THE DAY  
13 OUTSIDE OF THAT 9:00 TO 3:00 TIME PERIOD; IS THAT RIGHT?

14 A THAT IS CORRECT. THAT IS CORRECT, AND THAT IS BECAUSE IN  
15 MEXICO THERE IS A TIME LIMIT AS TO WHEN AN ARRESTEE HAS TO BE  
16 ARRAIGNED.

17 Q SO THAT SOMETIMES YOU WOULD HAVE TO WORK EXTRA HOURS OR  
18 EARLY HOURS?

19 A WORKING EXTRA HOURS.

20 Q YOU SAID DAY AND NIGHT; RIGHT?

21 A THAT IS CORRECT.

22 Q YOU SAID THAT YOU LEARNED THE IDENTITY OF MR. GALLARDO  
23 SOMETIME AFTER YOU SAW HIM; IS THAT RIGHT?

24 A THAT IS CORRECT.

25 Q DID YOU LEARN THIS FROM THE NEWSPAPERS?

1 A NO, MISS. I FOUND THAT OUT THROUGH BULLETINS THAT WOULD  
2 ARRIVE FROM MEXICO CITY, THAT WOULD ARRIVE WITH THE ARREST  
3 WARRANTS, IN THE NAMES OF THESE PEOPLE, AND ALSO BEARING THEIR  
4 PHOTOGRAPHS.

5 Q DO YOU REMEMBER, THOUGH, TESTIFYING BEFORE THE GRAND JURY  
6 IN MAY OF 1989, HERE IN LOS ANGELES?

7 A THAT IS CORRECT.

8 Q AND DO YOU REMEMBER BEING ASKED HOW IT WAS THAT YOU COULD  
9 RECOGNIZE MR. GALLARDO?

10 A YES. AND IT WOULD HAVE BEEN FOR THE SAME REASONS THAT I'M  
11 ANSWERING -- THAT I'M TELLING YOU NOW.

12 MS. KELLY: WELL, I'M REFERRING TO PAGE 14 OF YOUR  
13 GRAND JURY TESTIMONY, LINES 3 THROUGH 6 -- ACTUALLY, 1  
14 THROUGH 6.

15 THE WITNESS IS ASKED:

16 "HOW IS IT YOU COULD RECOGNIZE MIGUEL ANGEL FELIX  
17 GALLARDO?"

18 AND THE WITNESS ANSWERS:

19 "I DIDN'T KNOW HIM AT THAT TIME. I FOUND OUT ABOUT HIM  
20 AFTER THE DEATH OF ENRIQUE CAMARENA BECAUSE THERE WERE  
21 PHOTOGRAPHS OF THE NARCOTICS TRAFFICKERS IN THE PAPER."

22 THE WITNESS: WELL, THAT IS TRUE. THAT IS CORRECT,  
23 BECAUSE AFTER ENRIQUE CAMARENA'S DEATH, THE SAME PHOTOGRAPHS  
24 THAT HAD BEEN SENT BY BULLETIN, BY THE PROSECUTOR'S OFFICE,  
25 ALSO APPEARED IN THE PRESS.

1 BY MS. KELLY:

2 Q SO THERE WAS A LOT OF PUBLICITY ABOUT THE NARCOTICS  
3 TRAFFICKERS' INVOLVEMENT OR ALLEGED INVOLVEMENT IN ENRIQUE  
4 CAMARENA'S DEATH?

5 A THAT IS CORRECT.

6 Q WERE THERE CONFESSIONS OF THE NARCOTICS TRAFFICKERS  
7 PUBLISHED IN THE LOCAL GUADALAJARA NEWSPAPERS?

8 MR. MEDRANO: OBJECTION, YOUR HONOR. OUTSIDE THE  
9 SCOPE AND IRRELEVANT.

10 THE COURT: OVERRULED.

11 THE WITNESS: WELL, AT FIRST, THE DAY WHEN ENRIQUE  
12 DISAPPEARED, JAIME KUYKENDALL WAS THE FIRST ONE TO COME TO THE  
13 OFFICE, TO REPORT ENRIQUE'S KIDNAPPING OR DISAPPEARANCE AT THAT  
14 TIME.

15 BY MS. KELLY:

16 Q WELL, WHAT I'M WONDERING IS WHETHER -- DID THE LOCAL  
17 NEWSPAPERS IN GUADALAJARA PUBLISH THE PHOTOGRAPHS OF THE  
18 NARCOTICS TRAFFICKERS AND THEIR CONFESSIONS CONCERNING THE  
19 MURDER OF ENRIQUE CAMARENA?

20 A WELL, NOT JUST IN THE GUADALAJARA PAPERS. IT WAS PUBLISHED  
21 IN THE WORLD PRESS.

22 UNFORTUNATELY, I WAS UNABLE TO READ THE PAPERS BECAUSE  
23 WE HAD TOO MUCH WORK AT THAT TIME.

24 Q SO YOU DIDN'T READ ANY NEWSPAPERS ABOUT IT AT ALL, ANY  
25 LOCAL NEWSPAPERS IN GUADALAJARA? YOU WEREN'T ABLE TO READ ANY

1 OF THEM CONCERNING THE CIRCUMSTANCES SURROUNDING ENRIQUE  
2 CAMARENA'S DEATH?

3 A WELL, WE COULD SEE THE HEADLINES AND THE PICTURES, BUT  
4 THERE REALLY WASN'T ANY TIME TO READ, BECAUSE THERE WERE MANY  
5 PEOPLE THAT WERE ARRESTED.

6 Q DO YOU RECALL ANY HEADLINES ABOUT THE ESCAPE OR THE LEAVING  
7 OF CARO QUINTERO FROM THE AIRPORT AND A PERSON BY THE NAME OF  
8 PAVON REYES?

9 MR. MEDRANO: OBJECTION, YOUR HONOR. OUTSIDE THE  
10 SCOPE.

11 MS. KELLY: I WOULD ASK FOR SOME LATITUDE, YOUR HONOR,  
12 SO THAT I --

13 THE COURT: THAT'S OVERRULED.

14 THE WITNESS: THAT IS CORRECT.

15 BY MS. KELLY:

16 Q AND FINALLY, THE GENTLEMAN YOU'VE BEEN SPEAKING ABOUT -- I  
17 THINK HIS NAME IS JUAN GILBERTO? -- HE LEFT THE M.F.J.P. IN  
18 GUADALAJARA IN OCTOBER OF 1984; ISN'T THAT TRUE?

19 A THAT IS CORRECT.

20 Q AND, MS. REYNOSO, YOU MENTIONED SOMETHING ABOUT RECEIVING  
21 MONEYS FROM THE D.E.A. WHILE YOU WERE ALSO WORKING FOR THE  
22 M.F.J.P.

23 A THAT IS CORRECT.

24 Q IN 1988, YOU WERE RECEIVING 250 A MONTH, SOMETIMES \$500.00  
25 A MONTH?

1 A NO, MISS. IN 86.

2 Q WELL, AT SOME POINT IN TIME, DID THE MONEY YOU WERE  
3 RECEIVING GO UP IN AMOUNT?

4 A ONLY ON TWO OR THREE OCCASIONS.

5 Q IN 1988, WERE YOU RECEIVING APPROXIMATELY A THOUSAND  
6 DOLLARS A MONTH?

7 A NO, MISS.

8 Q IN DECEMBER OF 1988, DID YOU RECEIVE A THOUSAND DOLLARS A  
9 MONTH

10 I'M SORRY, MS. INTERPRETER. I SHOULD SAY FOR THAT  
11 MONTH.

12 A FOR THAT MONTH, THAT IS CORRECT.

13 Q AND THEN ONCE YOU CAME TO THE COUNTRY -- CAME TO THIS  
14 COUNTRY IN JULY, I BELIEVE YOU SAID IT WAS, 1989?

15 A THAT IS CORRECT.

16 Q -- DID YOU START RECEIVING BETWEEN 1500 AND \$2,000.00 A  
17 MONTH?

18 A THAT IS -- YES, QUITE CORRECT.

19 Q AND ARE YOU PROVIDING -- ARE YOU PERFORMING ANY SECRETARIAL  
20 WORK FOR THE D.E.A. PRESENTLY?

21 A NO, MISS.

22 MS. KELLY: I HAVE NOTHING FURTHER, YOUR HONOR.

23 MR. MEZA: MAY I HAVE JUST ONE MOMENT, YOUR HONOR TO  
24 SPEAK WITH CO-COUNSEL?

25 MS. KELLY: OH, COULD I HAVE ONE MOMENT?

1 (PAUSE IN PROCEEDINGS.)

2 MR. MEZA: THANK YOU.

3 BY MS. KELLY:

4 Q I'M SORRY. I FORGET TO ASK YOU SOMETHING.

5 HOW LONG DID YOU -- IF YOU RECALL, HOW LONG DID THE  
6 HEADLINES GO ON ABOUT AGENT CAMARENA'S DEATH AND THE SUBSEQUENT  
7 INVESTIGATION INTO THE ROLE OF ANY ALLEGED NARCOTICS  
8 TRAFFICKERS?

9 A WELL, EVER SINCE ENRIQUE'S DEATH WAS OFFICIALLY ANNOUNCED,  
10 AND TO THIS DATE.

11 Q THERE'S BEEN A LOT OF PUBLICITY ABOUT THAT; IS THAT RIGHT?

12 A THAT IS CORRECT.

13 Q ARE YOU FAMILIAR WITH A NEWSPAPER CALLED 'ALARMA', IN  
14 GUADALAJARA?

15 A YES.

16 Q AND IS THIS ONE OF THE PUBLICATIONS THAT DEALT WITH A LOT  
17 OF PUBLICITY ABOUT AGENT CAMARENA'S DEATH AND THE ROLE OF THE  
18 ALLEGED NARCOTICS TRAFFICKERS IN THAT DEATH?

19 THE COURT: REPEAT THE QUESTION.

20 BY MS. KELLY:

21 Q IS 'ALARMA' ONE OF THE PUBLICATIONS IN GUADALAJARA THAT  
22 DEALT WITH A LOT OF PUBLICITY ABOUT THE DEATH OF AGENT CAMARENA  
23 AND THE ROLE OF THE NARCOTICS TRAFFICKERS?

24 A 'ALARMA' IS A NATIONAL PUBLICATION. AND THE NEWSPAPERS  
25 THAT I -- WHEREBY I FOUND OUT, WERE THE OFFICIAL PUBLICATIONS

1 SUCH AS THE 'EL SOL' OF GUADALAJARA AND -- CORRECTION: 'EL  
2 UNIVERSAL', 'EL OCCIDENTAL', AND MEXICO CITY'S 'LA PRENSA'.

3 Q AND ONE FINAL QUESTION: DID A PERSON BY THE NAME OF  
4 FEDERICO CASTEL DEL ORO EVER COME TO YOUR OFFICE AT THE  
5 M.F.J.P. IN GUADALAJARA?

6 A NO.

7 Q DO YOU KNOW THIS PERSON?

8 A WELL, HE WAS LISTED AS AN OFFICIAL OF A POLICE AGENCY.

9 Q AND DO YOU KNOW WHAT POLICE AGENCY THAT WAS?

10 A THE NAME HAS BEEN CHANGED ON SEVERAL OCCASIONS.

11 THE COURT: ASK THE WITNESS TO LOOK FORWARD, PLEASE.

12 THE INTERPRETER: (COMPLIES.)

13 THE WITNESS: BUT IT DEPENDS ON THE SECRETARY OF THE  
14 INTERIOR.

15 BY MS. KELLY:

16 Q IN 1984, WHEN YOU WERE WORKING IN THE GUADALAJARA OFFICE,  
17 WAS IT KNOWN AS THE D.F.S.?

18 A THE D.F.S., BUT THERE WAS ALSO ANOTHER OFFICE ATTACHED TO  
19 IT.

20 Q BUT YOU DID NOT PERSONALLY SEE FEDERICO CASTEL DEL ORO COME  
21 TO YOUR M.F.J.P. OFFICE IN GUADALAJARA.

22 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED.

23 THE COURT: SUSTAINED.

24 MS. KELLY: VERY WELL, YOUR HONOR. I HAVE NOTHING  
25 FURTHER.

## CROSS-EXAMINATION +

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

BY MR. STOLAR:

Q GOOD AFTERNOON, MS. REYNOSO.

A GOOD AFTERNOON.

Q HOW ARE YOU?

A VERY WELL --

Q (SIMULTANEOUS WITH TRANSLATION:) ALL RIGHT.

MR. MEDRANO: OBJECTION, YOUR HONOR.

THE WITNESS: VERY WELL, THANK YOU.

BY MR. STOLAR:

Q AND YOUR VISION IS ALL RIGHT? VISION?

A YES. MY EYESIGHT IS FINE.

Q DO YOU HAVE A JOB THAT YOU GO TO WORK TO EVERY DAY?

A THAT IS CORRECT. WELL, STARTING IN JULY OF 89, I'VE BEEN  
HERE IN THE UNITED STATES WITHOUT WORKING.

Q SO YOU HAVEN'T WORKED SINCE YOU CAME TO THE UNITED STATES;  
IS THAT CORRECT?

A NO, COUNSEL.

Q DO YOU HAVE FAMILY THAT LIVES WITH YOU?

A THAT IS CORRECT.

Q HOW MANY?

A WELL, THERE ARE SEVERAL.

Q DO THEY ALSO CONTRIBUTE TO THE SUPPORT OF YOUR HOUSEHOLD,  
OTHER FAMILY MEMBERS?

A NO, BECAUSE THERE -- THERE ARE THREE MINORS AND MY MOTHER.



1 Q AND YOU SUPPORT EVERYBODY?

2 A THAT IS CORRECT.

3 Q BY BEING A WITNESS FOR GOVERNMENT. YOU GET PAID TO BE A  
4 WITNESS AND SUPPORT YOUR FAMILY; IS THAT RIGHT?

5 A WELL, I'M BEING PAID BY THE D.E.A. OFFICE BECAUSE OF THE --  
6 BECAUSE OF MY WORK FOR THEM.

7 MR. STOLAR: I SEE. THANK YOU.

8 MR. NICOLAYSEN: I DO HAVE SOME QUESTIONS, YOUR HONOR.  
9 IS IT APPROPRIATE TO TAKE THE AFTERNOON RECESS FIRST?

10 THE COURT: NO, NOT YET.

11 MR. NICOLAYSEN: GO AHEAD?

12 THE COURT: YES.

13 CROSS-EXAMINATION +

14 BY MR. NICOLAYSEN:

15 Q MS. REYNOSO, WHEN EXACTLY DID YOU COMPLETE YOUR EMPLOYMENT  
16 WITH THE M.F.J.P. IN GUADALAJARA? DO YOU RECALL?

17 A YES. IT WAS TOWARD THE END OF THE MONTH OF JUNE OF 1989.

18 Q WERE YOU EMPLOYED CONTINUALLY FROM THE FALL OF 1984 UP  
19 UNTIL JUNE 1989, WITHOUT ANY INTERRUPTIONS?

20 A WELL, I ONLY HAD ONE EIGHT-DAY INTERRUPTION, AFTER GIVING  
21 BIRTH TO MY SECOND CHILD.

22 Q DID THERE COME A TIME IN 1985 WHEN YOU HEARD THAT TWO  
23 AMERICANS MIGHT HAVE BEEN KILLED AT A RESTAURANT IN GUADALAJARA  
24 THAT'S CALLED LA LANGOSTA?

25 MR. MEDRANO: OBJECTION. OUTSIDE THE SCOPE OF DIRECT.

1 THE COURT: OVERRULED.

2 THE WITNESS: THAT IS CORRECT.

3 BY MR. NICOLAYSEN:

4 Q DO YOU RECALL APPROXIMATELY WHEN YOU HEARD OF THIS INCIDENT  
5 FOR THE FIRST TIME?

6 A IT WAS IN THE MONTH OF FEBRUARY, THE END OF JANUARY.

7 Q I JUST WANT TO MAKE SURE THAT WE'RE ON THE SAME WAVELENGTH.

8 MY QUESTION WAS WHEN YOU HEARD THAT THE INCIDENT HAD  
9 OCCURRED. IS THAT WHAT YOU UNDERSTOOD MY QUESTION TO BE?

10 A THAT IS CORRECT.

11 Q NOW, FROM WHOM, IF YOU CAN RECALL, DID YOU LEARN OF THIS  
12 INCIDENT?

13 A WELL, THROUGH THE REPORT THAT WAS MADE, THE POLICE REPORT  
14 THAT WAS MADE, ABOUT THE DISAPPEARANCE OF MR. RADELAT AND MR.  
15 WALKER?

16 Q WHEN YOU SAY "POLICE REPORT," MS. REYNOSO, CAN YOU BE MORE  
17 SPECIFIC AS TO WHICH POLICE AGENCY YOU'RE REFERRING TO?

18 A WELL, AS I UNDERSTAND IT, IT WAS FIRST MADE TO THE ATTORNEY  
19 GENERAL'S OFFICE -- THE STATE ATTORNEY GENERAL'S OFFICE; AND  
20 LATER ON, IT WAS MADE TO THE ATTORNEY GENERAL'S OFFICE.

21 Q DO YOU RECALL WHETHER THE OFFICE THAT YOU WERE IN -- THAT  
22 IS, THE M.F.J.P. OFFICE IN GUADALAJARA -- WAS INVOLVED IN  
23 CONDUCTING AN INVESTIGATION INTO THE WALKER-RADELAT MATTER?

24 A THAT IS CORRECT. VARIOUS INVESTIGATIONS WERE CARRIED OUT.

25 Q AND WHEN YOU SAY "VARIOUS INVESTIGATIONS," WERE EACH OF

1 THOSE INVESTIGATIONS BEING CARRIED OUT BY THE OFFICE THAT YOU  
2 WERE IN?

3 A YES. THEY WERE CARRIED OUT BY THAT OFFICE, WITH THE AID OF  
4 PERSONNEL THAT CAME FROM MEXICO CITY.

5 Q WERE THOSE PERSONNEL FROM MEXICO CITY PART OF THE M.F.J.P.?

6 A ACTUALLY, FROM THE INTERPOL GROUP.

7 Q WOULD IT BE FAIR TO SAY THAT INTERPOL AND THE GUADALAJARA  
8 OFFICE OF THE M.F.J.P., WHERE YOU WORKED, CONDUCTED SOME TYPE  
9 OF A JOINT INVESTIGATION INTO THE WALKER-RADELAT MATTER?

10 MR. MEDRANO: OBJECTION. LACK OF FOUNDATION.

11 THE COURT: SUSTAINED.

12 BY MR. NICOLAYSEN:

13 Q DO YOU HAVE ANY KNOWLEDGE BASED ON THE DUTIES AND THE  
14 FUNCTIONS THAT YOU PERFORMED AT THE M.F.J.P. OFFICE IN  
15 GUADALAJARA AS TO WHETHER YOUR OFFICE HAD ANY TYPE OF WORKING  
16 RELATIONSHIP WITH ANY OTHER OFFICE IN INVESTIGATING THE  
17 WALKER-RADELAT MATTER?

18 A WELL, THERE WAS A CLOSE COOPERATION, BOTH WITH THE STATE  
19 JUDICIAL POLICE.

20 Q IS THERE A PARTICULAR TERM OR DESIGNATION THAT WOULD  
21 ORDINARILY BE REFERRED TO WHEN YOU TALK ABOUT THE STATE POLICE?

22 A THE P.J.?

23 Q ARE WE TALKING ABOUT -- STRIKE THAT.

24 WHEN YOU TALK ABOUT THE STATE POLICE, ARE YOU  
25 REFERRING SPECIFICALLY TO THE D.F.S., THE DIRECCION FEDERAL

1 SEGURIDAD?

2 A NO. NO.

3 Q SO, IF I UNDERSTAND YOUR TESTIMONY, THEN, TO THE BEST OF  
4 YOUR KNOWLEDGE, YOUR OFFICE IN GUADALAJARA WORKED WITH INTERPOL  
5 IN MEXICO CITY AND THE STATE POLICE IN INVESTIGATING THE  
6 WALKER-RADELAT MATTER. IS THAT CORRECT?

7 THE INTERPRETER: YOUR HONOR, THE INTERPRETER NEEDS  
8 THAT QUESTION AGAIN.

9 THE COURT: RESTATE THE QUESTION.

10 BY MR. NICOLAYSEN:

11 Q IS IT YOUR TESTIMONY TODAY THAT TO THE BEST OF YOUR  
12 KNOWLEDGE THE M.F.J.P. OFFICE IN GUADALAJARA WORKED TOGETHER  
13 WITH THE INTERPOL OFFICE IN MEXICO CITY AND THE STATE POLICE IN  
14 INVESTIGATING THE DISAPPEARANCE OF MR. WALKER AND MR. RADELAT?

15 A WELL, ACTUALLY, INTERPOL IS A BRANCH OF THE M.F.J.P.

16 Q NOW, WHO IN YOUR OFFICE IN GUADALAJARA, IF ANYONE, WAS IN  
17 CHARGE OF SUPERVISING THIS INVESTIGATION? DO YOU RECALL?

18 A WELL, WHEN THE DISAPPEARANCE OF ENRIQUE CAMARENA AND OF  
19 MESSRS. WALKER AND RADELAT TOOK PLACE, COMANDANTE SILVIO  
20 BRUSOLO TORRES WAS PRESENT, ARMANDO PAVON REYES AND COMMANDER  
21 JAIME CANO.

22 Q CAN YOU SPELL IT PLEASE?

23 A JAIME CANO. THAT'S C A N O.

24 Q ANYONE ELSE?

25 A COMMANDER MANUEL VELASCO.

1 Q NOW, TO THE BEST OF YOUR RECOLLECTION, DID ANY OF THE  
2 INDIVIDUALS YOU'VE JUST TOLD US ABOUT COMMUNICATE OR INTERACT  
3 WITH THE D.E.A. OFFICIALS IN GUADALAJARA REGARDING THIS  
4 INVESTIGATION?

5 MR. MEDRANO: OBJECTION. LACK OF FOUNDATION.

6 THE COURT: SUSTAINED.

7 BY MR. NICOLAYSEN:

8 Q DO YOU HAVE ANY PERSONAL KNOWLEDGE, BASED ON THE DUTIES AND  
9 THE FUNCTIONS THAT YOU PERFORMED AT THE M.F.J.P. OFFICE IN  
10 GUADALAJARA, AS TO WHETHER THE INDIVIDUALS IN YOUR OFFICE THAT  
11 YOU'VE JUST TOLD US ABOUT WORKED WITH THE D.E.A. IN CONNECTION  
12 WITH THIS INVESTIGATION OF WALKER AND RADELAT?

13 A WELL, IN EFFECT, UPON THE DISAPPEARANCE OF ENRIQUE  
14 CAMARENA, PERSONNEL AND EQUIPMENT DID ARRIVE TO THE OFFICE IN  
15 GUADALAJARA.

16 THE COURT: COUNSEL, IF YOU'RE GOING TO CONTINUE  
17 OUTSIDE THE SCOPE OF THE EXAMINATION OF THIS WITNESS, I SUGGEST  
18 THAT YOU CALL HER BACK AS A WITNESS, IF YOU WISH TO HAVE HER.

19 MR. NICOLAYSEN: I WOULD BE PLEASED TO DO THAT, YOUR  
20 HONOR. I WOULD THEN ASK THAT THE WITNESS BE EXCUSED SUBJECT TO  
21 RECALL.

22 IS THAT ACCEPTABLE TO THE COURT?

23 THE COURT: YES.

24 MR. NICOLAYSEN: THANK YOU. THEN I HAVE NOTHING  
25 FURTHER AT THIS TIME.

1 THE COURT: IS THERE ANY REDIRECT?

2 MR. MEDRANO: VERY BRIEF, YOUR HONOR.

3 REDIRECT EXAMINATION +

4 BY MR. MEDRANO:

5 Q THE PAYROLL CHECKS THAT YOU RECEIVED IN YOUR OFFICE, WERE  
6 THEY THE SAME AMOUNT AS RECEIVED BY THE M.F.J.P. AGENTS?

7 A NO. THEIR SALARY WAS GREATER THAN THAT OF A SECRETARY.

8 Q THE EXTRA CASH PAID BY JUAN GILBERTO AND FLORES ALMAZAN,  
9 WAS THAT THE SAME AMOUNT RECEIVED BY YOU AS BY THE AGENTS?

10 A NO. THEY WOULD RECEIVE MORE MONEY.

11 Q WHY ARE YOU NOT WORKING PRESENTLY IN THE UNITED STATES?

12 A BECAUSE I DON'T HAVE THE DOCUMENTS TO DO SO.

13 Q WHEN YOU STARTED WORKING WITH THE D.E.A., WHILE EMPLOYED AT  
14 THE GUADALAJARA M.F.J.P. OFFICE, DID YOU TELL ANY MEMBER OF THE  
15 GUADALAJARA M.F.J.P. OFFICE THAT YOU WERE WORKING AS AN  
16 INFORMANT FOR THE D.E.A.?

17 A NO ONE.

18 Q WHY?

19 A BECAUSE I WOULD BE SIX FEET UNDER.

20 (COMMOTION IN COURTROOM.)

21 MR. STOLAR: OBJECT AND MOVE TO STRIKE.

22 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES --

23 MR. STOLAR: MOVE TO STRIKE THE TESTIMONY.

24 THE COURT: DENIED.

25 MR. MEDRANO: THAT CONCLUDES -- YOUR HONOR, MAY I HAVE

1 JUST ONE MOMENT? (PAUSE.)

2 THAT CONCLUDES THE REDIRECT, YOUR HONOR.

3 THE COURT: ALL RIGHT. THE WITNESS MAY STEP DOWN.

4 MS. KELLY: YOUR HONOR, COULD I ASK THE WITNESS JUST  
5 TO BE SHOWN EXHIBIT 63? I WANTED TO ASK IF SHE COULD IDENTIFY  
6 THE PERSONS WHO ARE IN THAT PICTURE.

7 THANK YOU.

8 THE COURT: IT'S OUTSIDE THE SCOPE OF THE REDIRECT,  
9 BUT.

10 MS. KELLY: IT IS, YOUR HONOR, BUT IT'LL BE VERY  
11 BRIEF.

12 THE COURT: WHAT IS THE EXHIBIT?

13 MS. KELLY: EXHIBIT 63, YOUR HONOR.

14 THE COURT: PLACE THAT BEFORE THE WITNESS.

15 MR. MEDRANO: YOUR HONOR, IF I MAY ADVISE MADAM CLERK,  
16 IT'S A SMALL PHOTOGRAPH, 63. AND I MAY ADVISE MADAM CLERK THAT  
17 IT'S IN AN EVIDENCE ENVELOPE.

18 (CLERK SEARCHES IN VAIN FOR EXHIBIT.)

19 MS. KELLY: VERY WELL, YOUR HONOR. I'LL ASK WHEN SHE  
20 IS RECALLED.

21 THE COURT: ALL RIGHT. THE WITNESS MAY STEP DOWN.  
22 SUBJECT TO RECALL, SHE'S EXCUSED.

23 WE'LL TAKE OUR AFTERNOON RECESS.

24 THE CLERK: PLEASE RISE. THIS COURT IS NOW IN RECESS.

25 (BRIEF RECESS.)

1 (JURY PRESENT.)

2 THE COURT: YOU MAY BE SEATED.

3 CALL YOUR NEXT WITNESS.

4 MR. MEDRANO: THANK YOU, YOUR HONOR. AT THIS TIME  
5 THE GOVERNMENT WOULD CALL MR. FRANK RETAMOZA.

6  
7 FRANK RETAMOZA + PLAINTIFFS WITNESS, SWORN

8  
9 THE CLERK: PLEASE STATE YOUR FULL NAME FOR THE  
10 RECORD AND SPELL YOUR LAST NAME.

11 THE WITNESS: FRANK RETAMOZA.

12 THE COURT: YOU DON'T NEED TO GET TOO CLOSE.

13 THE WITNESS: MY NAME IS FRANK RETAMOZA. MY LAST  
14 NAME IS SPELLED R E T A M O Z A.

15

16 DIRECT EXAMINATION +

17 BY MR. MEDRANO:

18 Q. HOW OLD ARE YOU, MR. RETAMOZA?

19 A. 35.

20 Q. WHERE WERE YOU BORN?

21 A. I WAS BORN IN MC CLOUD, CALIFORNIA.

22 Q. IS THAT NORTHERN CALIFORNIA?

23 A. YES.

24 Q. AT ANY POINT, DID YOU RESIDE IN THE REPUBLIC OF MEXICO?

25 A. YES, I DID.



1 Q. FOR HOW MANY YEARS?

2 A. 15 YEARS.

3 Q. HOW OLD WERE YOU WHEN YOU DID LIVE THOSE 15 YEARS IN  
4 MEXICO?

5 A. AFTER I WAS THREE YEARS OLD, I MOVED TO MEXICO.

6 Q. WHAT PART OF MEXICO DID YOU RESIDE IN?

7 A. BAJA CALIFORNIA, MOSTLY.

8 Q. AND YOUR ENTIRE FAMILY WAS IN BAJA, CALIFORNIA WITH YOU?

9 A. YES.

10 Q. AT ANY POINT AFTER THOSE 15 YEARS IN MEXICO, DID YOU  
11 RETURN TO THE U.S.?

12 A. YES, I DID.

13 Q. THE PROXIMATE YEAR, SIR?

14 A. 1973.

15 Q. WHEN YOU COME BACK, WHERE DO YOU RESIDE?

16 A. IN SAN PEDRO, CALIFORNIA.

17 Q. SINCE 1973 TO THE PRESENT, HAVE YOU PRIMARILY RESIDED IN  
18 THE U.S.?

19 A. YES, SIR.

20 Q. AND PARTICULARLY IN SOUTHERN CALIFORNIA?

21 A. YES, SIR.

22 Q. IN 1973, WHEN YOU COME TO THE U.S. FROM MEXICO, WHAT IS  
23 YOUR AGE?

24 A. 19 YEARS OLD.

25 Q. UPON YOUR RETURN TO THE U.S. AND SAN PEDRO, WHAT DO YOU

1 DO? DO YOU WORK? SCHOOL?

2 A. AT FIRST, I WENT TO SCHOOL.

3 Q. IN WHAT AREA? STRIKE THAT.

4 WHAT DID YOU STUDY?

5 A. I WENT TO AN ADULT SCHOOL IN SAN PEDRO AND I TOOK ENGLISH  
6 AS A SECOND LANGUAGE.

7 Q. WHAT WOULD YOU SAY, SPEAKING TODAY, IS YOUR PRIMARY  
8 LANGUAGE, MR. RETAMOZA?

9 A. IT'S ENGLISH.

10 Q. AND ARE YOU BILINGUAL IN ENGLISH AND SPANISH?

11 A. YES, SIR.

12 Q. STARTING FROM 1973, JUST VERY BRIEFLY, CAN YOU DESCRIBE  
13 FOR US THE TYPES OF JOBS YOU HAD IN SOUTHERN CALIFORNIA?

14 A. I BEEN ALWAYS MACHINIST.

15 Q. WHAT DOES THAT MEAN? WHAT DO YOU MEAN BY THAT?

16 A. I WORKED IN MACHINE SHOPS, WORKING WITH LATHES, MACHINE  
17 SHOP EQUIPMENT.

18 Q. WHEN YOU DID THIS AS A MACHINIST, WAS THIS -- WHERE DID  
19 YOU DO THAT PRIMARILY, THESE JOBS?

20 A. I TOOK A TRADE COURSE, A TRADE SCHOOL IN SAN PEDRO. FROM  
21 THERE, I WENT TO WORK AS AN APPRENTICE IN THE NAVAL SHIPYARD IN  
22 LONG BEACH.

23 AND THEN I WORKED AT T.M.I. OVER IN EL SEGUNDO, ALSO  
24 AS A MACHINIST.

25 Q. THAT'S D.M.I.?

1 A. T.M.I. AND THEN FROM THERE, I WENT TO WORK FOR FULLERTON  
2 TOOL COMPANY, AND FROM THERE ON, I WENT TO WORK FOR TODD'S  
3 SHIPYARD IN SAN PEDRO.

4 Q. ARE YOU MARRIED?

5 A. YES, I AM.

6 Q. WHEN DID YOU MARRY?

7 A. 1977. MAY 14.

8 Q. ARE YOU STILL MARRIED TO THE SAME WOMAN?

9 A. YES, SIR.

10 Q. NOW, I WANT TO DIRECT YOUR ATTENTION, MR. RETAMOZA, TO  
11 ABOUT 1981. AT THAT TIME, DO YOU RETURN TO MEXICO?

12 A. YES, I DID.

13 Q. WHY?

14 A. I WANTED TO FINISH SCHOOL THAT I WAS ATTENDING BEFORE I  
15 CAME TO THE STATES.

16 Q. WHERE IN MEXICO DID YOU GO?

17 A. I WENT TO GUADALAJARA.

18 Q. WHAT SCHOOL DID YOU ATTEND THERE?

19 A. THE NAME OF THE SCHOOL IS INSTITUTO TECHNOLOGICAL,  
20 INSTITUTO SUPERIOR (PHONETIC), IN GUADALAJARA.

21 Q. WHAT DID YOU STUDY?

22 A. CIVIL ENGINEERING.

23 Q. THIS WAS IN 1981?

24 A. YES, SIR.

25 Q. HOW LONG DID YOU GO TO SCHOOL IN 1981 IN GUADALAJARA?

1 A. ONE FULL SCHOOL YEAR.

2 Q. WHAT HAPPENS AFTER THAT ONE YEAR?

3 A. I RETURN TO THE STATES.

4 Q. WHERE, SIR?

5 A. TO THE SAME AREA IN SAN PEDRO.

6 Q. DO YOU KNOW A MAN BY THAT NAME OF MIGUEL ANGEL FELIX  
7 GALLARDO?

8 A. YES, SIR.

9 Q. TELL ME WHO THIS MAN IS?

10 A. HE'S MY COUSIN.

11 Q. IS HE A FIRST COUSIN?

12 A. YES, SIR.

13 Q. ON YOUR MOTHER'S OR FATHER'S SIDE?

14 A. MY MOTHER'S SIDE.

15 Q. CAN I ASK YOU TO TURN TO YOUR RIGHT. DO YOU SEE THE  
16 PHOTOGRAPH IDENTIFIED AS GOVERNMENT EXHIBIT 15 ON AN EASEL  
17 IMMEDIATELY TO YOUR RIGHT, MR. RETAMOZA?

18 A. WHAT WAS YOUR QUESTION, SIR?

19 Q. DO YOU SEE A PHOTOGRAPH TO YOUR RIGHT?

20 A. YES, I DO.

21 Q. AND CAN YOU TELL ME IF YOU KNOW WHO THAT IS?

22 A. THAT'S MY COUSIN, FELIX GALLARDO.

23 Q. IN THE '80S -- STRIKE THAT.

24 AT ABOUT THIS TIME, '81 OR '82, TO YOUR KNOWLEDGE,  
25 DID YOUR MOTHER OWN PROPERTY IN THE REPUBLIC OF MEXICO?

1 A. YES, SIR.

2 Q. AND AT ANY POINT, DOES SHE TRY TO SELL THAT PROPERTY?

3 A. YES.

4 Q. IS SHE ABLE TO?

5 A. NO.

6 Q. WHERE WAS THIS PROPERTY LOCATED?

7 A. IN A TOWN NEAR CULIACAN, SINALOA, NORTHWEST OF SINALOA IN  
8 A TOWN NAMED NOVALOTO, SINALOA.

9 Q. LET ME DIRECT YOUR ATTENTION TO ABOUT 1980 NOW. HAVE YOU  
10 BEEN TO THE CITY OF TIJUANA IN BAJA, CALIFORNIA?

11 A. YES, SIR.

12 Q. IN ABOUT 1980, DID YOU HAVE AN OPPORTUNITY TO GO TO THAT  
13 TOWN OR CITY?

14 A. EXCUSE ME. I DIDN'T HEAR YOU.

15 Q. IN ABOUT 1980, DID YOU HAVE AN OPPORTUNITY TO GO TO  
16 TIJUANA IN BAJA, CALIFORNIA?

17 A. YES, SIR.

18 Q. WHY?

19 A. I WENT THERE TO MEET WITH MY COUSIN, FELIX GALLARDO.

20 Q. WHY?

21 A. I WAS TOLD BY HIM --

22 MR. STOLAR: OBJECTION, HEARSAY.

23 THE COURT: OFFERED TO SHOW WHY HE WENT THERE?

24 MR. MEDRANO: CORRECT, YOUR HONOR.

25 THE COURT: OVERRULED.

1 THE WITNESS: I WENT THERE BECAUSE I WAS TOLD BY HIM  
2 THAT HE WAS GOING TO BE THERE FOR THIS PERIOD OF TIME, AND I  
3 WAS THERE TO MEET WITH HIM TO DISCUSS THE REPAYMENT OF MY MOM'S  
4 PROPERTY.

5 Q. DID YOUR COUSIN FELIX GALLARDO COME INTO POSSESSION OF  
6 YOUR MOTHER'S PROPERTY?

7 A. YES, HE DID.

8 Q. WAS MONEY OWED TO YOUR MOTHER?

9 A. YES.

10 Q. IS THAT WHY YOU MEET WITH FELIX GALLARDO IN TIJUANA?

11 A. YES, SIR.

12 Q. MR. RETAMOZA, WHERE IN TIJUANA DO YOU MEET WITH FELIX  
13 GALLARDO?

14 A. IN A HOTEL NAMED EL PRESIDENTE.

15 Q. WHEN YOU MEET -- STRIKE THAT.

16 DO YOU MEET FELIX GALLARDO INSIDE THIS HOTEL?

17 A. YES, SIR.

18 Q. WHEN YOU MEET WITH HIM, IS THERE ANYONE ELSE PRESENT?

19 A. YES.

20 Q. WHO ELSE IS THERE?

21 A. ONE OF THE PERSON'S NAME IS MARIO AMINGAS (PHONETIC), AND  
22 THERE WAS A PERSON NAMED JUAN TOMAS VALLES, AND THERE WAS ALSO  
23 ANOTHER GENTLEMEN WHOSE NAME WAS HERMAN HOPPER, AND SOME OTHER  
24 GIRLS --

25 I DON'T REALLY REMEMBER THEIR NAMES.

1 Q. IF YOU RECALL, APPROXIMATELY THE TOTAL NUMBER OF PEOPLE  
2 THAT WERE AT THIS MEETING WHEN YOU SEE FELIX GALLARDO?

3 A. I'D SAY ABOUT TEN PEOPLE.

4 Q. ANY GUARDS?

5 A. YES.

6 Q. HOW MANY GUARDS?

7 A. FOUR.

8 Q. DID YOU KNOW ANY OF THESE GUARDS BY NAME?

9 A. SOME OF THEM.

10 Q. DID ANY -- STRIKE THAT.

11 WERE ANY OF THESE GUARDS MEXICAN LAW ENFORCEMENT  
12 OFFICIALS?

13 MR. STOLAR: OBJECTION; FOUNDATION.

14 THE COURT: SUSTAINED.

15 BY MR. MEDRANO:

16 Q. DID YOU EVER SEE ANY CREDENTIALS OF ANY SORT CARRIED BY  
17 ANY OF THESE FOUR BODYGUARDS?

18 A. YES.

19 Q. DO YOU KNOW THAT MAN'S NAME FOR WHOM YOU SAW THIS  
20 CREDENTIAL?

21 A. YES.

22 Q. THE NAME, PLEASE.

23 A. MIGUELANTE HERRERA (PHONETIC).

24 Q. COULD YOU SAY THAT NAME AGAIN?

25 A. HIS NAME WAS MIGUELANTE HERRERA.

1 Q. DID YOU SEE HERRERA'S CREDENTIALS?

2 A. YES, SIR.

3 Q. WHAT LAW ENFORCEMENT AGENCY WAS IT FOR?

4 A. I THINK IT WAS D.F.I., DIRECCION FEDERAL DE SEGURIDAD.

5 Q. D.F.S.?

6 A. D.F.S. I MEAN, YES.

7 Q. NOW AT THIS MEETING, DO YOU SPEAK TO FELIX GALLARDO?

8 A. YES, I DID.

9 Q. WHAT DID YOU TELL FELIX GALLARDO AT THE MEETING?

10 A. WELL, WHAT BROUGHT ME THERE WAS TO DISCUSS THE REPAYMENT  
11 OF MY MOM'S PROPERTY, AND THAT'S WHAT WE TALKING ABOUT AFTER,  
12 YOU KNOW, THE SALUTATION AND ALL OF THAT.

13 Q. DOES HE AGREE TO PAY YOUR MOTHER BACK?

14 A. HE SAID HE WAS GOING TO GOING TO --

15 MS. KELLY: OBJECTION TO THIS LINE OF QUESTIONING ON  
16 THE BASIS OF RELEVANCE.

17 THE COURT: WHAT IS THE OBJECTION?

18 MS. KELLY: THE OBJECTION IS RELEVANCE, YOUR HONOR,  
19 WITH RESPECT THE MOTHER'S PROPERTY.

20 THE COURT: SUSTAINED.

21 MR. MEDRANO: THAT WILL BE ESTABLISHED SHORTLY, YOUR  
22 HONOR.

23 THE COURT: THEN I'LL RECEIVE IT SUBJECT TO STRIKING  
24 IT, IF IT'S NOT ESTABLISHED.

25 MR. MEDRANO: THANK YOU, YOUR HONOR.



1 BY MR. MEDRANO:

2 Q. MR. RETAMOZA -- I APOLOGIZE, YOUR HONOR, IT'S LATE.

3 MAY I HAVE THE LAST QUESTION REPEATED BY THE COURT  
4 REPORTER?

5 THE COURT: IF HE AGREED TO PAY FOR THE PROPERTY.  
6 THAT WAS YOUR LAST QUESTION.

7 MR. MEDRANO: THANK YOU, YOUR HONOR.

8 BY MR. MEDRANO:

9 Q. DID HE AGREE TO PAY FOR THE PROPERTY, MR. RETAMOZA?

10 A. HE SAID HE WAS GOING TO.

11 Q. AT THIS MEETING WITH FELIX GALLARDO, DID HE DISCUSS -- DO  
12 YOU STATE ANYTHING ELSE TO FELIX GALLARDO?

13 A. HE OFFER HIS HELP TO ME TO ASSIST ME --

14 MR. STOLAR: OBJECT AND MOVE TO STRIKE. WHAT FELIX  
15 GALLARDO SAID TO HIM IS HEARSAY.

16 THE COURT: SUSTAINED.

17 BY MR. MEDRANO:

18 Q. AS A RESULT OF YOUR CONVERSATION WITH FELIX GALLARDO IN  
19 TIJUANA, WHAT IS THE NEXT THING THAT YOU DO?

20 A. I CAME BACK HOME.

21 Q. WHERE IS HOME?

22 A. LONG BEACH, CALIFORNIA.

23 Q. AND DO YOU STAY IN LONG BEACH, CALIFORNIA?

24 A. I STAYED FOR AWHILE, YES.

25 Q. YOU EVENTUALLY LEAVE LONG BEACH?

1 A. YES, I DID.

2 Q. WHETHER DO YOU GO?

3 A. I WENT TO GUADALAJARA.

4 Q. WHEN DO YOU GO TO GUADALAJARA?

5 A. IN JULY OF 1981.

6 Q. DO YOU GO ALONE?

7 A. NO, IT WAS MY FAMILY WITH ME.

8 Q. DO YOU PICK UP AND MOVE TO GUADALAJARA PERMANENTLY?

9 A. YES.

10 Q. WHY?

11 A. I WAS -- I WAS GOING THERE TO TRY TO FINISH UP MY  
12 SCHOOLING OVER THERE.

13 Q. HOW WERE YOU GOING TO PAY FOR THIS, MR. RETAMOZA?

14 A. I WAS SUPPOSED TO GET SOME FINANCIAL ASSISTANCE FROM FELIX  
15 GALLARDO, MY COUSIN.

16 Q. HOW LONG ARE YOU ABLE TO STAY IN GUADALAJARA AFTER YOU  
17 ARRIVE IN THE SUMMER OF 1981?

18 A. ONE FULL SCHOOL YEAR.

19 Q. DO YOU CONTINUE TO STUDY CIVIL ENGINEERING?

20 A. DURING THIS ONE YEAR, YES, I DID.

21 Q. DO YOU END UP LEAVING GUADALAJARA?

22 A. YES.

23 Q. WHY?

24 A. ONE THING, I DIDN'T GET THE ASSISTANCE I WAS PROMISED BY  
25 MY COUSIN, FELIX GALLARDO, AND NEITHER HE PAY MY MOM SOME MONEY

1 THAT HE WAS -- HE HAD AGREED WITH ME TO PAY.

2 Q. WAS FELIX GALLARDO UPSET WHEN YOU RETURNED TO THE U.S.?

3 A. YES.

4 MR. STOLAR: OBJECTION.

5 MS. KELLY: I JOIN IN THAT AND ASK TO STRIKE THE  
6 WITNESS'S TESTIMONY.

7 THE COURT: STRIKE THE ANSWER; THE OBJECTION IS  
8 SUSTAINED.

9 BY MR. MEDRANO:

10 A. I WANT TO DIRECT YOUR ATTENTION TO 1982. AT ANY POINT DO  
11 YOU EVER RECEIVE MONEY FROM FELIX GALLARDO?

12 A. YES, I DID.

13 Q. FOR WHAT PURPOSE?

14 A. I WAS SUPPOSED TO BUY SOME COMMUNICATION EQUIPMENT.

15 Q. FOR EXAMPLE?

16 A. WALKY-TALKIES, TWO-WAY RADIOS.

17 Q. HOW MUCH MONEY DID YOU RECEIVE?

18 A. \$20,000.

19 Q. DO YOU BUY THIS COMMUNICATION EQUIPMENT?

20 A. YES, I DID.

21 Q. YOU SPENT THE ENTIRE \$20,000?

22 A. EVENTUALLY, I DID.

23 Q. DID YOU GIVE THIS EQUIPMENT LATER TO FELIX GALLARDO?

24 A. I DID.

25 Q. IN 1982, DID YOU GET INVOLVED IN THE TRAFFICKING OF

1 QUANTITIES OF COCAINE, MR. RETAMOZA?

2 A. I DID.

3 Q. HOW DID THIS HAPPEN?

4 A. THE MONEY THAT WAS SUPPOSED TO BE PAID TO ME FOR EQUITY OF  
5 THE HOUSE THAT I PREVIOUSLY OWNED -- AT THAT TIME THEN IT WAS  
6 MY MOTHER LIVING IN THE HOUSE -- INSTEAD OF RECEIVING MONEY, I  
7 RECEIVED TWO KILOS.

8 Q. FROM WHOM?

9 A. FROM FELIX GALLARDO.

10 Q. WERE YOU SUPPOSED TO SELL THESE TWO KILOS OF COCAINE?

11 A. YES, SIR.

12 Q. DID YOU GIVE THE COCAINE TO ANYBODY?

13 A. YES, I DID.

14 Q. TO WHOM?

15 A. THERE WAS A MAN THAT I WAS TOLD HIS NAME WAS MIKE.

16 Q. DO YOU GIVE THAT TO MIKE?

17 A. YES, I DID.

18 Q. WERE YOU SUPPOSED TO RECEIVE MONEY BACK FROM MIKE?

19 A. YES, SIR.

20 Q. FOR THE TWO KILOS?

21 A. YES, SIR.

22 Q. DID YOU EVER RECEIVE MONEY FROM MIKE FOR THE TWO KILOS?

23 A. NO, SIR.

24 A. DID YOU TELL FELIX GALLARDO THAT YOU HADN'T BEEN PAID FOR

25 THOSE TWO KILOS?

1 A. YES, I DID.

2 Q. WAS HE UPSET WITH YOU?

3 MR. STOLAR: OBJECTION.

4 THE COURT: OVERRULED.

5 THE WITNESS: YES, HE WAS.

6 BY MR. MEDRANO:

7 Q. AFTER THAT FIRST TWO KILOS, DID YOU GET ADDITIONAL  
8 QUANTITIES IN 1982 OF COCAINE FROM FELIX GALLARDO?

9 A. YES.

10 Q. HOW MUCH?

11 A. FOUR KILOS.

12 Q. DID YOU ATTEMPT TO SELL THAT COCAINE?

13 A. YES, I DID.

14 Q. WERE YOU ABLE TO?

15 A. PART OF IT.

16 Q. WHAT DID YOU DO WITH THE REST OF IT?

17 A. I RETURNED IT.

18 Q. TO FELIX GALLARDO?

19 A, YES, SIR.

20 Q. WAS FELIX GALLARDO MAD AT YOU AGAIN?

21 A. YES, SIR.

22 Q. I STILL WANT YOU TO FOCUS ON 1982, MR. RETAMOZA. DO YOU  
23 KNOW A WOMAN BY THE NAME OF GLORIA IBARRA?

24 A. YES, SIR, I DO.

25 Q. DOES SHE HAVE A NICKNAME?

1 A. YES, SIR.

2 Q. WHAT IS THAT NICKNAME?

3 A. LA TIA IS WHAT THEY USED TO CALL HER.

4 Q. LA TIA, T I A?

5 A. YES.

6 Q. TRANSLATED INTO ENGLISH, WHAT DOES THAT MEAN?

7 A. EXCUSE ME?

8 Q. TRANSLATED INTO ENGLISH, WHAT DOES LA TIA MEAN?

9 A. THE AUNT.

10 Q. THE AUNT?

11 A. YES.

12 Q. IN 1982, DO YOU MEET WITH GLORIA IBARRA?

13 A. YES, SIR. I DID.

14 Q. WHO SENT GLORIA IBARRA TO YOU?

15 MR. STOLAR: OBJECTION, FOUNDATION. ALSO RELEVANCE.

16 MR. MEDRANO: ALL THIS WILL BE ESTABLISHED, YOUR

17 HONOR.

18 THE COURT: OVERRULED.

19 BY MR. MEDRANO:

20 Q- WHO SENT GLORIA IBARRA TO YOU?

21 A- FELIX GALLARDO.

22 Q- IN WHAT CITY DO YOU MEET WITH GLORIA IBARRA?

23 A- TORRANCE, CALIFORNIA.

24 Q- DO YOU RECEIVE ANYTHING FROM GLORIA IBARRA?

25 A- YES, SIR.

1 Q. WHAT DOES SHE GIVE TO YOU?

2 A. THIS CAR.

3 Q. A CAR?

4 A. YES.

5 Q. WHAT DO YOU DO WITH THE CAR?

6 A. I WAS INSTRUCTED BY FELIX GALLARDO TO --

7 MR. STOLAR: OBJECTION, HEARSAY.

8 THE COURT: THE QUESTION WAS WHAT DID YOU DO WITH THE  
9 CAR? IT DOESN'T REQUIRE ANY STATEMENTS.

10 THE WITNESS: I TOOK IT TO A FRIEND OF MINE'S HOUSE.

11 BY MR. MEDRANO:

12 Q. WHAT DID YOU DO WITH THE CAR THERE?

13 A. I PULLED DOWN THE FUEL TANK AND UNLOADED IT.

14 Q. WHAT WAS INSIDE THE FUEL TANK?

15 A. 36 PACKAGES OF COCAINE.

16 Q. WHAT WAS IN -- WHAT QUANTITY -- WHAT AMOUNT WAS IN EACH  
17 PACKAGE?

18 A. HALF A KILO.

19 Q. TOTAL WEIGHT WAS HOW MUCH, SIR?

20 A. 18 KILOS.

21 Q. AFTER YOU HAD TAKEN IT OUT OF THE FUEL TANK, WHAT DID YOU  
22 DO WITH THE CAR?

23 A. I RETURNED IT TO THIS LADY.

24 Q. GLORIA IBARRA?

25 A. YES, SIR.

1 Q. WHAT DID YOU DO ABOUT THE 18 KILOS OF COCAINE?

2 A. I KEPT THEM IN THIS PLACE.

3 Q. DID YOU HIDE THEM?

4 A. YES.

5 Q. THEREAFTER, DID YOU DELIVER THAT COCAINE TO ANYBODY ELSE?

6 A. AFTERWARDS, YES, I WAS -- TRIED TO DELIVER IT TO SOMEBODY  
7 ELSE.

8 Q. WHO GAVE YOU YOUR INSTRUCTIONS TO DO THIS?

9 A. FELIX GALLARDO.

10 Q. IN 1982 AND IMMEDIATELY THEREAFTER, WERE THERE ADDITIONAL  
11 CARLOADS OF COCAINE THAT YOU TOOK RECEIPT OF?

12 A. YES, SIR.

13 Q. AND WHO WOULD BRING THESE CARS WITH COCAINE TO YOU?

14 A. THE SAME LADY, HER SON AND HER DAUGHTER.

15 Q. GLORIA IBARRA?

16 A. YES, SIR.

17 Q. DO YOU REMEMBER THE NAMES OF GLORIA IBARRA'S SON AND  
18 DAUGHTER?

19 A. THE SON WAS ARMANDO IBARRA AND THE DAUGHTER WAS ARIANA  
20 IBARRA.

21 Q. EACH TIME YOU RECEIVED A CAR, WOULD YOU UNLOAD IT IN THE  
22 SAME FASHION AS YOU HAVE DESCRIBED?

23 A. YES, SIR.

24 Q. WAS COCAINE ALWAYS IN THE FUEL TANKS?

25 A. YES, SIR.



1 Q. AFTER RECEIVING IT, WOULD YOU DELIVER IT TO SOMEONE ELSE?

2 A. YES, SIR.

3 Q. WERE YOUR INSTRUCTIONS ALWAYS FROM FELIX?

4 A. YES.

5 Q. IF YOU RECALL, APPROXIMATELY HOW MANY SUCH CARLOADS DID  
6 YOU REMOVE CONCEALED COCAINE FROM, MR. RETAMOZA?

7 A. 60, 40, SOMETHING LIKE THAT.

8 Q. 40 TO 60 SEPARATE CARS LOADED WITH COCAINE?

9 A. YES, SIR.

10 Q. DO YOU HAVE ANY IDEA OF THE TOTAL AMOUNT OF THE COCAINE  
11 THEN THAT YOU REMOVED FROM THE FUEL TANKS?

12 A. YES, I DO. AROUND 800, 600 TO 800 KILOS.

13 Q. WHAT WERE YOU PAID FOR UNLOADING THE COCAINE FROM THE FUEL  
14 TANKS?

15 MR. STOLAR: OBJECTION, NO FOUNDATION FOR THE  
16 QUESTION. THE WITNESS HASN'T SAID HAS BEEN PAID.

17 THE COURT: OVERRULED.

18 MR. STOLAR: IT'S LEADING.

19 THE WITNESS: I WAS PAYING A DEBT WITH FELIX  
20 GALLARDO.

21 BY MR. MEDRANO:

22 Q. WHAT WAS THE AMOUNT OF THE DEBT?

23 A. IT WAS LIKE \$80,000.

24 Q. AND WHY DID YOU OWE HIM \$80,000?

25 A. ON SOME OF THE COCAINE THAT I RECEIVED, I NEVER GOT PAID

1 FOR IT.

2 Q. ARE YOU REFERRING TO THE 1982 COCAINE THAT YOU RECEIVED AT  
3 FIRST?

4 A. YES.

5 Q. THAT YOU DELIVERED TO OTHER PEOPLE?

6 A. I'M REFERRING TO THE FOUR KILOS THAT I GOT. AFTER THE TWO  
7 KILOS THAT I GAVE TO THIS MIKE, I RECEIVED FOUR ADDITIONAL  
8 ONES, AND THAT WAS SUPPOSED TO BE -- I WAS SUPPOSED TO PAY HIM  
9 BACK AND I LOST IT.

10 Q. PAY WHO BACK?

11 A. FELIX GALLARDO.

12 Q. SO YOU HAD A DEBT?

13 A. YES, SIR.

14 Q. WERE YOU WORKING OFF THAT DEBT BY UNLOADING THESE CARS OF  
15 COCAINE?

16 A. YES.

17 Q. LET ME DIRECT YOUR ATTENTION TO 1984. ARE YOU FAMILIAR  
18 WITH AN AREA CALLED MARICOPA? MARICOPA.

19 A. YES.

20 Q. HOW IS IT THAT YOU BECAME FAMILIAR WITH MARICOPA IN  
21 1984?

22 A. FELIX GALLARDO SEND SOME PEOPLE TO THE AREA OF TORRANCE,  
23 AND HE INSTRUCT ME TO TAKE THEM TO --

24 MR. STOLAR: OBJECTION, HEARSAY.

25 THE COURT: OVERRULED.

1 THE WITNESS: -- TO A SITE, AND I DID.

2 BY MR. MEDRANO:

3 Q. HE ORDERED YOU TO DO WHAT?

4 A. TO TAKE THESE PEOPLE THAT COULD TALK TO ME, TO TAKE THEM  
5 TO WHATEVER THEY ASKED ME TO TAKE THEM.

6 Q. WHERE WOULD YOU TAKE THEM?

7 A. I TOOK THEM TO AN AREA CALLED MARICOPA.

8 Q. WHAT WAS THERE, MR. RETAMOZA?

9 A. JUST AN EMPTY SPACE, FLATLANDS.

10 Q. WHAT HAPPENED AT THAT FLATLANDS?

11 A. WELL, AFTER THESE PEOPLE LEFT, THERE WERE ARRANGEMENTS  
12 MADE FOR THEM TO COME LATER IN AN AIRPLANE AND DELIVER SOME  
13 MORE COKE.

14 Q. THAT LARGE AREA OF LAND, WAS THAT USED AS A LANDING STRIP  
15 IN MARICOPA?

16 A. YES, SIR.

17 Q. WERE YOU PRESENT IN 1984 FOR ANY PLANE LOADS OF COCAINE AT  
18 THE MARICOPA STRIP?

19 A. YES.

20 Q. HOW MANY SUCH LOADS WERE YOU PRESENT FOR?

21 A. TWO LOADS.

22 Q. WERE YOU ALWAYS ACTING AT THE INSTRUCTIONS OF FELIX  
23 GALLARDO?

24 A. YES.

25 Q. I WANT TO TALK ABOUT THE FIRST LOAD, MR. RETAMOZA. WHAT

1 HAPPENS WHEN THAT PLANE ARRIVES WITH THE FIRST LOAD IN APRIL AT  
2 THAT LANDING STRIP?

3 WHAT DO YOU DO NEXT?

4 A. I DRIVE WITH IT TO THIS PLACE THAT I WAS SUPPOSED TO HIDE  
5 IT UNTIL I RECEIVE FURTHER INSTRUCTIONS.

6 Q. YOU TRANSPORTED IT FROM THE AIRPLANE?

7 A. YES.

8 Q. TO A RESIDENCE?

9 A. YES.

10 Q. WHAT KIND OF VEHICLE DO YOU USE?

11 A. I USED A MOTOR HOME-TYPE VEHICLE.

12 Q. WHERE WAS THE RESIDENCE THAT YOU TOOK COCAINE TO IN THE  
13 MOTOR HOME?

14 A. A HOUSE THAT WE PREVIOUSLY RENT IN THE AREA OF LAKE  
15 ELSINORE.

16 MR. STOLAR: I'M SORRY, I DIDN'T HEAR THAT.

17 MR. MEDRANO: LAKE ELSINORE.

18 BY MR. MEDRANO:

19 Q. DO YOU RECALL THE QUANTITY, THE AMOUNT OF THAT FIRST LOAD  
20 OF COCAINE, MR. RETAMOZA?

21 A. YES.

22 Q. HOW MUCH, SIR?

23 A. WELL, 600 KILOS.

24 Q. AND SUBSEQUENTLY, DID YOU DELIVER IT TO SOMEONE ELSE?

25 A. NO, I DIDN'T. IT WAS SOMEBODY ELSE.

1 Q. SOMEBODY ELSE PICKED IT UP FROM YOU?

2 A. YES.

3 Q. THE SECOND LOAD, 1984, DID THAT COME IN ON A PLANE AT THE  
4 MARICOPA LANDING STRIP?

5 A. YES, SIR.

6 Q. WERE YOU PRESENT WHEN IT ARRIVED?

7 A. YES.

8 Q. WHAT DID YOU DO WITH IT WHEN THE AIRPLANE ARRIVED?

9 A. I TRANSPORTED IT TO ANOTHER HOUSE.

10 Q. WHAT KIND OF VEHICLE DO YOU USE THIS TIME?

11 A. IT WAS A VAN, FORD VAN.

12 Q. DID YOU TAKE THE COCAINE IN THE VAN TO A RESIDENCE?

13 A. YES, I DID.

14 Q. WHAT RESIDENCE-- STRIKE THAT.

15 WHAT CITY WAS THE RESIDENCE IN?

16 A. IT WAS IN THE AREA OF SANTA MONICA.

17 Q. DID YOU DELIVER THE COCAINE TO ANYONE?

18 A. YES.

19 Q. TO WHOM?

20 A. THIS GUY -- I KNEW HIM BY THE NAME OF DIEGO.

21 Q. DID DIEGO HAVE ANY RELATIVES THAT YOU WERE AWARE OF?

22 A. EXCUSE ME?

23 Q. DID DIEGO HAVE ANY RELATIVES THAT YOU KNEW?

24 A. YES, SIR.

25 Q. DID YOU KNOW THE RELATIVE'S NAMES?

1 A. YES.

2 Q. WHAT RELATIONSHIP?

3 A. BROTHERS.

4 Q. WHAT WAS THE BROTHER'S NAME.

5 A. I KNEW HIM BY THE NAME OF CARLOS. CHARLIE. THAT'S WHAT  
6 WE CALL HIM.

7 Q. CARLOS OR CHARLIE?

8 A. RIGHT.

9 Q. DO YOU RECALL, MR. RETAMOZA, THE AMOUNT OF THE SECOND LOAD  
10 THAT ARRIVED IN MARICOPA?

11 A. IT WAS ABOUT THE SAME AMOUNT AS THE FIRST ONE.

12 Q. THAT WAS, AGAIN?

13 A. 600.

14 Q. AFTER THE SECOND LOAD HAD ARRIVED FROM MARICOPA,  
15 MR. RETAMOZA, DO YOU TRAVEL OUTSIDE THE U.S.?

16 A. YES.

17 Q. WHERE DO YOU GO, SIR?

18 A. I WENT TO GUADALAJARA.

19 Q. WHY DO YOU GO TO GUADALAJARA?

20 A. I NEEDED TO GO THERE TO TALK TO FELIX GALLARDO.

21 Q. WHY DID YOU WANT TO TALK TO FELIX GALLARDO?

22 A. WELL, I NEEDED TO DISCUSS WITH HIM WHAT I WAS DOING. I  
23 MEAN, AS FAR AS THE LOADS AND THAT.

24 Q. DID YOU ALSO WANT TO DISCUSS THIS DEBT THAT YOU HAD?

25 A. I WANTED TO SEE WHAT WAS THE REMAINDER, THE REMAINDER OF

1 THE DEBT AND THAT.

2 Q. WHERE DID YOU MEET-- STRIKE THAT.

3 DID YOU MEET WITH FELIX GALLARDO IN GUADALAJARA?

4 A. YES, I DID.

5 Q. WHERE, IF YOU RECALL?

6 A. IT WAS JUST AN ORDINARY HOUSE.

7 Q. DOWNTOWN GUADALAJARA, OUTSKIRTS? DO YOU RECALL WHERE?

8 A. IT WASN'T DOWNTOWN; IT WAS ONE OF THOSE RESIDENTIAL AREAS.

9 I THINK THE NAME OF THIS AREA IS CALLED SULAD DEL SOL.

10 Q. DURING THIS TRIP, MR. RETAMOZA, DID YOU HAVE THE  
11 OPPORTUNITY TO MEET SOMEONE BY THE NAME OF DON JOSE?

12 A. YES.

13 Q. AND WHEN YOU MET DON JOSE, WAS YOUR COUSIN FELIX GALLARDO  
14 PRESENT?

15 A. EXCUSE ME?

16 Q. WHEN YOU MET DON JOSE, WAS YOUR COUSIN FELIX GALLARDO ALSO  
17 PRESENT?

18 A. YES.

19 Q. DO YOU RECALL WHERE YOU WERE WHEN YOU MEET THIS MAN NAMED  
20 DON JOSE?

21 A. I WAS IN HIS HOUSE, IN AN AREA INSIDE THE HOUSE THAT WAS  
22 RIGHT BY THE LIVING ROOM, AN AREA THAT THEY CALLED THE OFFICE.

23 MR. MEDRANO: WITH THE COURT'S PERMISSION, YOUR  
24 HONOR, MR. RETAMOZA, I'D LIKE YOU TO STAND AND LOOK AROUND THIS  
25 COURTROOM AND TELL US IF YOU SEE THIS MAN THAT YOU KNEW AS DON

1 JOSE.

2 WOULD YOU DO THAT, SIR?

3 THE WITNESS: SURE. I SEE HIM.

4 MR. MEDRANO: DO YOU SEE HIM?

5 THE WITNESS: YES.

6 MR. STOLAR: THE RECORD SHOULD REFLECT HE'S  
7 INDICATING MY CLIENT.

8 THE COURT: VERY WELL. THE WITNESS HAS INDICATED  
9 MR. MATTA.

10 BY MR. MEDRANO:

11 Q. DID YOU FINALLY HAVE A CHANCE TO HAVE A CONVERSATION WITH  
12 FELIX GALLARDO?

13 A. YES, I DID.

14 Q. AND WHEN YOU HAD THAT CONVERSATION, WAS MATTA BALLESTEROS  
15 PRESENT AS WELL?

16 A. YES.

17 Q. AND TELL ME WHAT YOU TOLD FELIX GALLARDO AT THE MEETING.

18 A. FOR ONE THING, I DIDN'T AGREE WITH THE AMOUNT OF MONEY HE  
19 WAS TELLING ME HE WAS GOING TO BE PAYING ME.

20 Q. DID YOU TELL THAT TO FELIX GALLARDO?

21 A. YES, I DID.

22 Q. DID YOU EXPECT MORE MONEY?

23 A. YES.

24 Q. DID THAT UPSET FELIX GALLARDO?

25 A. YES.



1 Q. IN FACT, YOU HAD AN ARGUMENT WITH FELIX GALLARDO?

2 MR. STOLAR: OBJECT TO THE LEADING.

3 THE COURT: SUSTAINED. RESTATE YOUR QUESTION.

4 MR. MEDRANO: THANK YOU, YOUR HONOR.

5 BY MR. MEDRANO:

6 Q. DID YOU HAPPEN TO LEAVE THAT ROOM?

7 A. YES.

8 Q. WHY?

9 A. MY COUSIN FELIX GALLARDO WAS PRETTY UPSET ABOUT ME  
10 COMPLAINING FOR SOME MORE MONEY.

11 Q. DO YOU LEAVE THE ROOM?

12 A. HE THREW ME OUT.

13 Q. AT ANY POINT DO YOU COME BACK TO THE ROOM?

14 A. YES.

15 Q. WHO BRINGS YOU BACK TO THE ROOM, MR. RETAMOZA?

16 MR. STOLAR: OBJECTION, NO FOUNDATION -- WHO BRINGS  
17 HIM BACK? HE CAME BACK.

18 MR. MEDRANO: I CAN REPHRASE THAT, YOUR HONOR.

19 THE COURT: ALL RIGHT.

20 BY MR. MEDRANO:

21 Q. UNDER WHAT CIRCUMSTANCES DO YOU COME BACK INTO THE ROOM?

22 A. I WAS CALLED BACK.

23 Q. BY WHO, SIR?

24 A. FELIX GALLARDO.

25 Q. WHEN YOU CAME BACK INTO THE ROOM, IS MATTA BALLESTEROS IN

1 THAT ROOM STILL?

2 A. YES.

3 Q. DOES MATTA BALLESTEROS SPEAK TO YOU IN PERSON?

4 A. YES.

5 Q. IN SPANISH?

6 A. YES.

7 Q. TELL ME WHAT MATTA BALLESTEROS TOLD YOU INSIDE THAT ROOM.

8 MR. STOLAR: OBJECTION, RELEVANCY.

9 THE COURT: OVERRULED.

10 THE WITNESS: (NO RESPONSE.)

11 BY MR. MEDRANO:

12 Q. WHAT DOES MATTA TELL YOU INSIDE THAT ROOM, MR. RETAMOZA?

13 A. HE TOLD ME THAT HE HEARD A LOT ABOUT ME AND THE KIND OF  
14 JOB I WAS DOING FOR THEM; THAT CONSIDERING THIS, HE THOUGHT I  
15 WAS WORTH MORE THAN FELIX GALLARDO WAS TELLING ME HE WAS GOING  
16 TO BE PAYING ME.

17 AND HE ALSO EXPRESSED TO ME THAT I WAS GOING TO BE  
18 MAKING A LOT OF MONEY BECAUSE THERE WAS GOING TO BE A LOT OF  
19 OPPORTUNITIES TO DO SO.

20 HE ALSO EXPRESSED TO ME THAT THIS -- HE SAID IN THIS  
21 BUSINESS, YOU KNOW, YOU HAVE TO START AT THE BOTTOM. I DID  
22 THAT, TOO, AND YOU HAVE TO BE PATIENT TO GET WHERE I'M AT. AND  
23 HE DOUBLED THE AMOUNT OF MONEY THAT MY COUSIN FIRST SAID HE WAS  
24 PAYING ME.

25 THAT BASICALLY WAS WHAT HE SAID TO ME.

1 Q. THE ENTIRE TIME, FELIX GALLARDO WAS PRESENT FOR THE  
2 MEETING?

3 A. YES.

4 Q. AT THIS MEETING -- STRIKE THAT.

5 IS THERE ANY DISCUSSION BY MATTA AS TO COSTS?

6 A. YES, THERE WAS.

7 Q. WHAT DID HE TELL YOU?

8 A. HE WAS SAYING THAT THE BUSINESS WASN'T AS GOODS AS IT WAS  
9 GOING TO GET BECAUSE AT THE TIME, THEY WERE BEGINNING - WHAT HE  
10 SAID - A NEW BUSINESS THAT'S GOING TO BE -- IT WAS GOING TO BE  
11 GETTING BETTER AND BETTER.

12 AND HE ALSO EXPRESSED TO ME THE KIND OF MONEY THEY  
13 WERE MAKING AND THE WAY THEY WERE DOING THE BUSINESS. MORE OR  
14 LESS, THAT'S WHAT HE SAID TO ME.

15 Q. DID MATTA INDICATE TO YOU HOW MUCH MONEY YOU POSSIBLY  
16 COULD MAKE IF YOU STAYED?

17 A. YES. HE MADE SOME FIGURES RIGHT THEN, AND SAID THAT IN A  
18 YEAR I COULD MAKE A MILLION DOLLARS.

19 Q. I WANT TO DIRECT YOUR ATTENTION NOW TO STILL IN 1984,  
20 MR. RETAMOZA, AND SPECIFICALLY, AFTER MARCH OF 1984.

21 A. EXCUSE ME. COULD YOU REPEAT THE QUESTION, PLEASE?

22 Q. I WANT TO DIRECT YOUR ATTENTION SPECIFICALLY TO AFTER  
23 MARCH OF 1984. AND AT THAT TIME, ARE YOU BACK IN THE LOS  
24 ANGELES AREA?

25 A. AFTER 1984?

1 Q. AFTER MARCH OF 1984.

2 A. YES.

3 Q. DO YOU KNOW A MAN -- STRIKE THAT.

4 HAVE YOU EVER MET A MAN BY THE NAME OF JOSE MELO?

5 A. YES.

6 Q. AND DID YOU EVER KNOW JOSE MELO BY ANY OTHER NAME?

7 A. YES.

8 Q. WHAT WAS THAT, SIR?

9 A. JAIR.

10 Q. JAIR?

11 A. THAT'S WHAT THEY CALL HIM, JAIR.

12 Q. HOW WOULD YOU SPELL THAT, SIR?

13 A. H A I R (SIC).

14 Q. WOULD THAT BE J A I R?

15 A. J -- YES, RIGHT.

16 Q. NOW, IN 1984, DID YOU EVER RECEIVE ANYTHING FROM JOSE  
17 MELO?

18 A. YES.

19 Q. WHAT, SIR?

20 A. MONEY.

21 Q. MONEY WAS BROUGHT TO YOU?

22 A. WELL, NOT THAT WAY. I WENT TO PICK IT UP.

23 Q. DID YOU RECEIVE MONEY FROM ANYONE ELSE STARTING AFTER  
24 MARCH OF 1984?

25 A. YES.

1 Q. WHO?

2 A. JAIR, VIELMA, CHARLIE, DON JESUS, ANOTHER GUY NAMED CUCHO.

3 Q. CUCHO?

4 A. CUCHO.

5 Q. IS THAT C U C H O?

6 A. YES.

7 Q. AND YOU MENTIONED CHARLIE AND DIEGO. ARE THESE THE TWO  
8 BROTHERS THAT YOU MET BEFORE?

9 A. YES.

10 Q. MANY PEOPLE BROUGHT YOU MONEY.

11 A. I PICKED IT UP.

12 Q. ONCE YOU PICKED UP THE MONEY -- WAS IT UNITED STATES  
13 CURRENCY?

14 A. YES.

15 Q. WHAT DO YOU GO WITH THE MONEY, MR. RETAMOZA?

16 A. I WAS TO KEEP THE MONEY UNTIL FURTHER INSTRUCTIONS.

17 Q. DID YOU RECEIVE FURTHER INSTRUCTIONS FROM FELIX GALLARDO?

18 A. YES.

19 Q. WHAT DID -- WELL, STRIKE THAT.

20 AFTER THESE INSTRUCTIONS, WHAT DID YOU DO WITH THE  
21 MONEY?

22 A. I THEN GAVE IT TO SOMEBODY ELSE.

23 Q. DO YOU, IN FACT, EVER TRANSPORT IT YOURSELF SOMEPLACE?

24 A. YES.

25 Q. DO YOU EVER HAVE AN OPPORTUNITY TO GO TO GUADALAJARA WITH

1 MONEY?

2 A. YES.

3 Q. DO YOU EVER TAKE ANY MOTOR HOMES DOWN TO GUADALAJARA?

4 A. YES.

5 MR. STOLAR: OBJECT TO THE LEADING.

6 THE COURT: OVERRULED.

7 BY MR. MEDRANO:

8 Q. YOU MAY ANSWER, MR. RETAMOZA.

9 A. YES, I DID.

10 Q. IN 1984, DID YOU EVER TAKE MONEY DOWN TO GUADALAJARA?

11 A. YES.

12 Q. OKAY. I'D LIKE TO TALK ABOUT THAT.

13 WAS THERE AN INSTANCE WHEN YOU EVER TOOK MONEY DOWN  
14 THERE IN A MOTOR HOME?

15 A. YES.

16 Q. AT FELIX'S INSTRUCTIONS?

17 A. YES.

18 Q. WHERE DO YOU TAKE THE MOTOR HOME TO?

19 A. STRAIGHT TO GUADALAJARA.

20 Q. APPROXIMATELY HOW LONG A DRIVE IS THAT IN TERMS OF HOURS?

21 A. 36 HOURS. 40, MAYBE.

22 Q. IS THERE MONEY INSIDE THE MOTOR HOME?

23 A. YES.

24 Q. HIDDEN?

25 A. YES.

1 Q. DO YOU DELIVER THAT MOTOR HOME TO FELIX GALLARDO?

2 A. YES.

3 Q. AFTER YOU DO THAT, DO ANY PROBLEMS ARISE WITH REGARD TO  
4 THAT LOAD THAT YOU DELIVER?

5 A. YES.

6 Q. WHAT IS THE PROBLEM, MR. RETAMOZA?

7 A. THERE WAS SOME MONEY MISSING.

8 Q. HOW MUCH MONEY WAS MISSING?

9 A. I WAS TOLD THERE WAS \$150,000.

10 Q. DID YOU DISCUSS THIS MISSING MONEY WITH FELIX GALLARDO?

11 A. YES.

12 Q. DO YOU DISCUSS THIS MISSING \$150,000 WITH MATTA  
13 BALLESTEROS?

14 A. YES.

15 Q. WAS MATTA UPSET WITH YOU?

16 A. YES.

17 Q. FELIX?

18 A. YES.

19 MR. MEDRANO: FEEL FREE TO HAVE SOME WATER, MR.  
20 RETAMOZA, IF YOU HAVE A FROG IN YOUR THROAT.

21 (BRIEF PAUSE.)

22 BY MR. MEDRANO:

23 Q. DO YOU MEET WITH FELIX GALLARDO AND MATTA BALLESTEROS  
24 TOGETHER CONCERNING THE MISSING MONEY?

25 A. YES.

1 Q. WHERE ARE YOU WHEN YOU HAVE THIS MEETING?

2 A. AT FELIX GALLARDO'S RESIDENCE.

3 Q. I CAN'T HEAR YOU, SIR.

4 A. FELIX GALLARDO'S RESIDENCE.

5 Q. ARE THERE BODYGUARDS PRESENT?

6 A. YES, SOME OF THEM.

7 Q. IN YOUR PRESENCE, DOES ANYONE MAKE ANY TELEPHONE CALLS?

8 A. YES.

9 Q. WHO?

10 A. DON JOSE.

11 A. ARE YOU REFERRING TO MATTA?

12 A. YES.

13 Q. CAN YOU HEAR WHAT HE'S SAYING ON THE TELEPHONE?

14 A. WELL, BASICALLY, HE WAS INQUIRING --

15 MR. STOLAR: MOVE TO STRIKE.

16 MR. MEDRANO: JUST ANSWER THE QUESTION.

17 THE COURT: CAN YOU HEAR HIM?

18 BY MR. MEDRANO:

19 Q. CAN YOU HEAR WHAT MATTA IS SAYING IN YOUR PRESENCE?

20 A. YES.

21 Q. NOW, CAN YOU TELL US WHAT YOU HEAR MATTA SAYING IN YOUR  
22 PRESENCE?

23 A. IT WAS INQUIRING ABOUT THE MONEY THAT WAS MISSING.

24 Q. IS HE STILL ANGRY?

25 A. YES.



1 Q. AT ANY POINT DO YOU GO SEARCH OR LOOK FOR THE MONEY?

2 A. YES.

3 Q. AT WHOSE INSTRUCTIONS?

4 A. FELIX GALLARDO.

5 Q. ARE YOU ALONE WHEN YOU DO SO?

6 A. NO.

7 Q. WHO IS WITH YOU?

8 A. THERE IS OTHER BODYGUARDS, AND AS I RECALL, FELIX GALLARDO  
9 HIMSELF WENT INSIDE THE MOTOR HOME FIRST.

10 Q. ARE YOU ABLE TO FIND THE MISSING \$150,000?

11 A. NO, SIR.

12 Q. ARE YOU HELD RESPONSIBLE FOR THE MISSING MONEY?

13 A. YES.

14 Q. BY WHOM?

15 A. BY BOTH OF THEM.

16 Q. MATTA AND FELIX GALLARDO?

17 A. YES.

18 Q. HAVE YOU EVER SEEN AN APPARATUS THAT IS CALLED NIGHT  
19 VISION GLASSES OR BINOCULARS?

20 A. YES.

21 Q. I WANT TO DIRECT YOUR ATTENTION TO THIS MEETING THAT  
22 YOU'RE DESCRIBING. DID YOU SEE NIGHT VISION BINOCULARS AT THAT  
23 MEETING?

24 A. YES.

25 Q. EXPLAIN THE CIRCUMSTANCES, IF YOU WOULD.

1 A. THEY WERE EXPLAINING TO ME ABOUT THESE BINOCULARS AND THIS  
2 NIGHT VISION EQUIPMENT.

3 AND I WAS BEING REQUESTED TO TRY TO BUY THIS  
4 EQUIPMENT HERE IN THE UNITED STATES.

5 MR. STOLAR: I OBJECT AND MOVE TO STRIKE AS HEARSAY  
6 UNLESS IT'S SPECIFIED, OR FIND OUT WHO SAID IT.

7 THE COURT: OVERRULED.

8 BY MR. MEDRANO:

9 Q. ARE THESE NIGHT VISION GLASSES BEING DEMONSTRATED OR SHOWN  
10 TO YOU?

11 A. THEY WERE, YES. THERE WAS -- THEY DEMONSTRATED THEM TO  
12 ME.

13 Q. DID MATTA DO THAT?

14 A. YES.

15 Q. FELIX GALLARDO, AS WELL?

16 A. YES.

17 Q. DO YOU PARTICIPATE IN ANY ACTUAL DEMONSTRATION WITH REGARD  
18 TO THIS THING, THESE NIGHT VISION GLASSES?

19 A. I THINK I LOOKED THROUGH THEM, THROUGH THE NIGHT VISION  
20 EQUIPMENT.

21 Q. ANYTHING ELSE DONE BESIDES THAT?

22 A. WELL, THEY TURN OFF THE LIGHTS AND THEY TOLD ME TO GO  
23 FOR -- TO DO SOMETHING AND THEY WOULD TELL ME WHAT I WAS DOING  
24 IN THE DARK.

25 Q. THE LIGHTS WERE TURNED OFF?

1 A. YES.

2 Q. WHAT DID YOU TAKE -- MAKE SOME KIND OF MOVEMENT OR ACTION  
3 PHYSICALLY?

4 A. YES.

5 Q. WHAT DID YOU DO?

6 A. I WAS SITTING DOWN AND I WENT FOR MY PEN, AND FELIX  
7 GALLARDO SAID YOU'RE GOING FOR YOUR PEN.

8 MR. STOLAR: OBJECTION; MOVE TO STRIKE. HEARSAY.

9 THE COURT: OVERRULED.

10 BY MR. MEDRANO:

11 Q. COULD YOU REPEAT THAT LAST PART AGAIN? FELIX GALLARDO  
12 SAID WHAT?

13 A. YOU'RE GOING FOR YOUR PEN.

14 Q. ARE YOU INSTRUCTED TO OBTAIN NIGHT VISION GLASSES?

15 A. YES.

16 Q. BY WHOM, MR. RETAMOZA?

17 A. BY BOTH OF THEM.

18 Q. AT ANY TIME ARE YOU APPROACHED AND ASKED TO LEAVE THE  
19 EMPLOYMENT OF FELIX GALLARDO AND MATTIA?

20 A. CAN YOU REPEAT THE QUESTION, PLEASE?

21 Q. AT ANY TIME DOES ANYONE EVER APPROACH YOU TO TRY TO HIRE  
22 YOU AWAY FROM THE PEOPLE YOU'RE WORKING FOR?

23 A. YES.

24 Q. WHO WAS IT THAT APPROACHED YOU?

25 A. DIEGO.

1 Q. DID YOU TELL ANYONE THAT YOU HAD BEEN APPROACHED?

2 A. YES.

3 Q. WHO DID YOU TELL?

4 A. FELIX GALLARDO.

5 Q. DID YOU TELL ANYONE ELSE?

6 A. YES.

7 Q. WHO'S THAT, MR. RETAMOZA?

8 A. DON JOSE.

9 Q. IS THAT MATTA BALLESTEROS?

10 A. YES.

11 Q. WHAT DOES MATTA BALLESTEROS TELL YOU IN REPLY?

12 A. HE WAS PRETTY UPSET. HE WAS MAD.

13 Q. WHAT DOES HE SAY? WHAT DOES HE DO?

14 A. WELL, GALLARDO WAS TELLING HIM THAT IT WAS TRUE THAT THIS  
15 HAPPENED.

16 MR. STOLAR: OBJECTION, HEARSAY.

17 THE COURT: OVERRULED.

18 BY MR. MEDRANO:

19 Q. COULD YOU REPEAT THAT AGAIN, PLEASE?

20 A. FELIX GALLARDO WAS TELLING DON JOSE THAT IT WAS TRUE WHAT  
21 I TOLD FELIX GALLARDO, BECAUSE I DID NOT HAVE A WAY OF KNOWING  
22 THESE PEOPLE THAT HE WAS TRYING TO MAKE ME GO TO WORK FOR.

23 Q. DOES HE SAY THAT TO MATTA BALLESTEROS?

24 A. RIGHT.

25 Q. AFTERWARDS, DOES MATTA DO OR SAY ANYTHING?

1 A. HE WAS PRETTY UPSET, AND HE SAID SOMETHING TO THREAT, THAT  
2 HE WAS GOING TO KILL SOMEBODY, SOME MEMBERS OF DIEGO'S FAMILY  
3 OR SOMETHING LIKE THAT.

4 Q. IN RETALIATION?

5 MR. STOLAR: OBJECTION, AND MOVE TO STRIKE THE  
6 TESTIMONY, JUDGE, UNDER THE FEDERAL RULES.

7 THE COURT: OVERRULED.

8 BY MR. MEDRANO:

9 Q. I DIDN'T CATCH THE TAIL END OF YOUR STATEMENT.

10 WHAT DID MATTA SAY?

11 A. I SAID HE WAS UPSET AND HE SAID SOMETHING THAT WAS A  
12 THREAT.

13 Q. A THREAT?

14 A. A THREAT TO KILL SOME MEMBERS OF DIEGO'S FAMILY. HE WAS  
15 PRETTY MAD AT THIS PERSON.

16 Q. TO YOUR KNOWLEDGE, DID MATTA BALLESTEROS HAVE A RESIDENCE  
17 IN GUADALAJARA?

18 A. YES, SIR.

19 Q. DO YOU KNOW WHAT STREET THIS RESIDENCE WAS ON?

20 A. I THINK IT WAS -- THE NAME WAS CHIMALEOCA, OR SOMETHING  
21 LIKE THAT.

22 Q. COULD YOU SPELL THAT FOR THE COURT REPORTER, MR. RETAMOZA?

23 A. CHIMALEOCA IS C H I M A L E O C A.

24 Q. HAD YOU BEEN TO THAT HOUSE?

25 A. YES.

1 Q. AND HAVE YOU BEEN AT THAT HOUSE WHEN MATTA BALLESTEROS WAS  
2 THERE?

3 A. YES.

4 Q. DO YOU KNOW AT THAT TIME IF MATTA BALLESTEROS WAS MARRIED?

5 A. YES.

6 Q. DID YOU EVER MEET MATTA BALLESTEROS' WIFE?

7 A. YES.

8 Q. HER NAME, PLEASE?

9 A. NANCY.

10 Q. DID YOU EVER SEE FELIX GALLARDO OR MATTA BALLESTEROS USING  
11 ELECTRONIC COMMUNICATIONS OF ANY SORT?

12 A. YOU MEAN RADIOS?

13 Q. RADIOS.

14 A. YES.

15 Q. DID YOU EVER SEE FELIX GALLARDO ACTUALLY USE A RADIO,  
16 COMMUNICATIONS RADIO?

17 A. YES.

18 Q. DID YOU ACTUALLY, YOURSELF, EVER SEE MATTA BALLESTEROS USE  
19 A COMMUNICATIONS RADIO?

20 A. YES.

21 Q. DID YOU EVER HEAR MATTA BALLESTEROS USE ANY KIND OF  
22 CALL -- SOME KIND OF IDENTIFICATION CODE OR NAME FOR HIMSELF?

23 A. YES.

24 Q. WHAT WAS THAT CODE NAME OR IDENTIFYING NAME?

25 A. TONI.

1 Q. TONI?

2 A. YES.

3 Q. DID FELIX GALLARDO HAVE A RADIO CODE NAME?

4 A. YES.

5 Q. WHAT WAS THAT?

6 MR. STOLAR: OBJECTION, HEARSAY.

7 THE COURT: OVERRULED.

8 THE WITNESS: HE CALLED HIMSELF M-1.

9 BY MR. MEDRANO:

10 Q. M-1?

11 A. YES.

12 Q. DO YOU KNOW A MAN BY THE NAME OF JUAN GILBERTO HERNANDEZ?

13 A. YES.

14 Q. DID YOU EVER MEET THIS MAN?

15 A. YES.

16 Q. DID YOU EVER SEE THIS MAN IN THE CITY OF GUADALAJARA?

17 A. YES.

18 Q. WHERE DID YOU SEE HIM?

19 A. EVERYWHERE. IN THE HOTEL. IN THE HOTEL.

20 Q. DO YOU RECALL THE NAME OF THE HOTEL?

21 A. YES.

22 Q. WHAT WAS THAT?

23 A. THE HOTEL WAS LOS AMERICAS.

24 Q. YOU HAD SEVERAL MEETINGS WITH FELIX GALLARDO IN 1984; DID  
25 YOU NOT?

1 A. YES.

2 Q. WAS JUAN GILBERTO HERNANDEZ EVER PRESENT AT THOSE  
3 MEETINGS?

4 A. YES.

5 Q. YOU HAD MEETINGS WITH MATTA BALLESTEROS IN 1984; DID YOU  
6 NOT?

7 A. YES.

8 Q. WAS JUAN GILBERTO HERNANDEZ EVER PRESENT FOR THOSE  
9 MEETINGS?

10 A. JUST ONCE.

11 Q. I WANT TO DIRECT YOUR ATTENTION TO JUNE OF 1984,  
12 MR. RETAMOZA. AND SPECIFICALLY, I WANT TO DIRECT YOUR  
13 ATTENTION TO ON OR ABOUT JUNE 22 OF 1984.

14 DURING THE MONTH OF JUNE, WHERE WERE YOU? WHAT CITY?

15 A. HARBOR CITY.

16 Q. HARBOR CITY?

17 A. IN THE L.A. AREA.

18 Q. DURING THE MONTH OF JUNE OF 1984, DO YOU EVER RECEIVE ANY  
19 MONEY FROM ANYBODY?

20 A. YES.

21 Q. FROM WHO?

22 A. AGAIN, JAIR, VIELMA, CHARLIE, DON JESUS. SAME PEOPLE.

23 Q. DID YOU EVER RECEIVE ANY MONEY IN JUNE OF '84 FROM JOSE  
24 MELO?

25 A. YES.



1 Q. DID YOU EVER KNOW A MAN BY THE NAME OF TOMAS VALLES,  
2 V A L L E S?

3 A. YES.

4 Q. DID YOU SEE TOMAS VALLES IN 1984?

5 A. YES.

6 Q. WHAT WERE THE CIRCUMSTANCES THAT YOU SAW TOMAS VALLES IN  
7 '84, IN JUNE?

8 A. IT WAS IN THE AREA OF L.A., LOS ANGELES.

9 Q. AND DID YOU SPEND TIME WITH HIM WHEN HE ARRIVED IN L.A.?

10 A. YES.

11 Q. WHAT DID YOU DO WITH HIM?

12 A. HE CALLED ME FROM THE AIRPORT AND HE ASKED ME TO COME AND  
13 PICK HIM UP.

14 Q. DID YOU DO SO?

15 A. YES, SIR.

16 Q. DID YOU TAKE HIM ANYWHERE?

17 A. YES.

18 Q. WHERE?

19 A. TO A HOTEL IN ANAHEIM.

20 Q. IN ADDITION TO THAT, DID YOU TAKE HIM ANYWHERE?

21 A. YES.

22 Q. WHERE?

23 A. AFTER I CHECKED THE HOTEL, WE WENT SHOPPING. WE WENT  
24 AROUND.

25 Q. AFTER SHOPPING, WHERE DID YOU TAKE HIM?

1 A. WE WENT BACK TO THE HOTEL.

2 Q. THIS HOTEL THAT YOU TOOK HIM TO, WHAT CITY WAS IT LOCATED  
3 IN?

4 A. I THINK IT IS ANAHEIM.

5 Q. ANAHEIM?

6 A. YES.

7 Q. NOW, WHAT HAPPENS WHEN ARE YOU WERE WITH TOMAS VALLES AT  
8 THIS HOTEL IN ANAHEIM IN JUNE OF '84?

9 A. WHAT HAPPENS -- EXCUSE ME, CAN YOU REPEAT THE QUESTION?

10 Q. WHAT HAPPENS WHEN YOUR WITH TOMAS VALLES IN THIS HOTEL IN  
11 ANAHEIM IN JUNE OF '84?

12 A. WELL, THERE WERE PEOPLE DELIVERING MONEY TO THIS HOTEL TO  
13 TOMAS.

14 Q. AND ARE YOU PRESENT WHEN THIS MONEY ARRIVES?

15 A. IN MOST CASES, YES.

16 Q. AND THIS IS ON OR ABOUT JUNE 22 OF 1984?

17 A. ACTUALLY, JUNE 21ST.

18 Q. THE MONEY ARRIVES ON JUNE 21?

19 A. YES.

20 Q. AT THE ANAHEIM HOTEL?

21 A. YES.

22 Q. WHAT HAPPENS TO THE MONEY WHEN IT ARRIVES AT THE ANAHEIM  
23 HOTEL?

24 A. THEY COUNTED THE MONEY.

25 Q. ARE YOU PRESENT WHEN THAT OCCURS?

1 A. PART OF THE TIME, YES.

2 Q. DO YOU HAVE IDEA, MR. RETAMOZA, HOW MUCH MONEY WAS COUNTED  
3 ON JUNE 21 AT THE ANAHEIM HOTEL?

4 A. I HAVE AN IDEA, YES.

5 Q. WHAT IS THAT, SIR?

6 A. THERE WAS SOME MILLION DOLLARS.

7 Q. WAS IT SEVERAL MILLION DOLLARS?

8 A. SEVERAL MILLION DOLLARS, RIGHT.

9 Q. THE EVENING OF JUNE 21, WHERE DO YOU STAY THE NIGHT?

10 A. HOME.

11 Q. AT YOUR HOUSE?

12 A. YES.

13 Q. WHAT CITY WAS THAT LOCATED IN AT THE TIME?

14 A. THAT'S HARBOR CITY.

15 Q. NOW, LET'S GO TO THE NEXT DAY, JUNE 22. WHAT HAPPENS ON  
16 JUNE 22?

17 A. I GOT UP IN THE MORNING AND CALLED THE HOTEL AND CALLED  
18 TOMAS VALLES.

19 Q. WAS ANY MONEY BEING KEPT AT YOUR HOUSE ON JUNE 22?

20 A. YES.

21 Q. WAS ANY MONEY DELIVERED TO YOUR HOUSE ON JUNE 22?

22 A. NO.

23 Q. MONEY WAS ALREADY THERE?

24 A. YES.

25 Q. WHAT DID YOU DO WITH THE MONEY AT YOUR HOUSE ON JUNE 22?

1 A. RECOUNTED THE MONEY.

2 Q. BY HAND?

3 A. NO.

4 Q. HOW DID YOU COUNT IT?

5 A. WE HAD COUNTING MACHINES.

6 Q. WHO COUNTS THE MONEY?

7 A. EVERYONE PRESENT.

8 Q. HOW MUCH MONEY DID YOU COUNT AT YOUR HOUSE ON JUNE 22?

9 A. IT WAS A LITTLE OVER \$7,000,000.

10 Q. AFTER YOU COUNT THE MONEY AT YOUR HOUSE ON JUNE 22, DO YOU  
11 MAKE ANY EFFORTS TO CONTACT ANYONE AT THE ANAHEIM HOTEL FROM  
12 THE PREVIOUS NIGHT?

13 A. YES, I DID.

14 Q. AND ON JUNE 21, HAD YOU MET EVERYONE WHO WAS AT THE  
15 ANAHEIM HOTEL ASSOCIATED WITH THE COUNTING OF MONEY THERE?

16 A. CAN YOU REPEAT THE QUESTION, PLEASE.

17 Q. ON JUNE 21, HAD YOU MET AND KNOW BY NAME EVERYONE INVOLVED  
18 WITH THE COUNTING OF THE MONEY AT THE ANAHEIM HOTEL?

19 A. NO, SIR.

20 Q. DID YOU KNOW MOST OF THE PEOPLE?

21 A. I SAW THEM, BUT I DIDN'T KNOW THEIR NAMES.

22 Q. WHAT HAPPENS WHEN YOU ATTEMPT -- WELL, STRIKE THAT.

23 HOW DO YOU TRY TO CONTACT THE ANAHEIM HOTEL ON JUNE  
24 22?

25 A. I CALL. I CALL ON THE PHONE.

1 Q. WITHOUT TELLING ME WHAT THAT PERSON SAYS ON THE PHONE, DO  
2 YOU RECOGNIZE THE VOICE OF THAT PERSON?

3 A. NO, SIR.

4 Q. DO YOU HANG UP?

5 A. AFTER A FEW SECONDS, YES.

6 Q. DO YOU HAVE A CONVERSATION WITH THAT PERSON?

7 A. YES, SIR.

8 Q. STILL ON JUNE 22, DO YOU MAKE ANY OTHER CALLS TO THAT SAME  
9 ANAHEIM HOTEL WHERE YOU COUNTED THE MONEY THE NIGHT BEFORE?

10 A. YES.

11 Q. DOES SOMEONE ANSWER THE PHONE?

12 A. YES, SIR.

13 Q. DO YOU RECOGNIZE THE VOICE OF THAT PERSON THAT ANSWERS THE  
14 PHONE?

15 A. YES, I DID.

16 Q. YOU DO RECOGNIZE THE VOICE?

17 A. YES.

18 Q. COULD YOU IDENTIFY FOR US THE PERSON THAT YOU WERE  
19 SPEAKING TO?

20 A. IF I COULD IDENTIFY?

21 Q. DO YOU KNOW WHO IT WAS?

22 A. NO.

23 Q. SO YOU DIDN'T RECOGNIZE THE VOICE?

24 A. WELL, I RECOGNIZE IT FROM THE PREVIOUS CALL.

25 Q. OTHER THAN THAT, HOWEVER, YOU HAD NO FAMILIARITY WITH THAT

1 VOICE?

2 A. NO, SIR.

3 Q. DURING THIS TIME WHEN YOU'RE MAKING THESE CALLS, WHERE IS  
4 TOMAS VALLES?

5 A. HE'S IN MY HOUSE.

6 Q. HAD HE HELPED YOU COUNT THE MONEY AT YOUR HOUSE, THE  
7 \$7 MILLION?

8 A. YES.

9 Q. DO YOU TELL TOMAS VALLES ABOUT YOUR PHONE CALLS TO THE  
10 ANAHEIM HOTEL?

11 A. ABOUT AFTER THE THIRD TIME I CALLED, I DID, YES.

12 Q. WAS HE UPSET?

13 A. NOT AT THE BEGINNING.

14 Q. SUBSEQUENTLY?

15 A. YES.

16 Q. DOES THIS STRANGE VOICE ON THE OTHER LINE AT THE HOTEL  
17 ALARM YOU IN ANY WAY?

18 A. AFTER THE THIRD TIME I TALKED TO THIS PERSON, IT SOUNDED  
19 STRANGE TO ME.

20 Q. WHAT DID YOU DO THEN?

21 A. WELL, I ASKED TOMAS IF HE KNEW ANYBODY, OR IF THERE WAS  
22 ANYBODY IN THE GROUP, YOU KNOW, ANTONIO, AND THE GUY ANSWERING  
23 THE PHONE. AND HE SAID HE DIDN'T.

24 MR. STOLAR: OBJECTION, HEARSAY.

25 THE COURT: OVERRULED.

1 THE WITNESS: HE SAID HE DIDN'T KNOW ANYBODY BY THAT  
2 NAME IN THE GROUP.

3 BY MR. MEDRANO:

4 Q. DO YOU DECIDE TO TAKE ANY ACTION THEN ON JUNE 22?

5 A. WELL, I WAS ASKED TO CALL AGAIN.

6 Q. DO YOU DO SO?

7 A. YES, SIR.

8 Q. THE SAME UNFAMILIAR VOICE ANSWERS?

9 A. YES.

10 Q. DO YOU HANG UP?

11 A. YES.

12 Q. DID YOU TELL TOMAS VALLES AGAIN WHAT HAPPENED?

13 A. YES.

14 Q. WAS HE STILL UPSET?

15 A. YES.

16 Q. WHAT DO YOU DO THEN ON JUNE 22?

17 A. HE ASKED ME TO CALL AGAIN. AND THEN AFTER THE LAST CALL,  
18 HE WAS VERY UPSET. HE WAS --

19 Q. DURING THIS ENTIRE TIME, WAS THAT \$7 MILLION THAT YOU HAD  
20 COUNTED STILL AT THE HOUSE ON JUNE 22?

21 A. YES, SIR.

22 Q. DO YOU DO ANYTHING WITH THAT MONEY?

23 A. YES.

24 Q. WHAT DO YOU DO, MR. RETAMOZA?

25 A. I PUT IT IN THE TRUNK OF THIS CAR.

1 Q. WHAT DID YOU DO WITH THE MONEY?

2 A. I OPENED THE GARAGE AND LEFT THE HOUSE -- OR WE LEFT THE  
3 HOUSE.

4 Q. YOU MOVED THE MONEY THEN?

5 A. YES, SIR.

6 Q. TO A DIFFERENT RESIDENCE?

7 A. YES.

8 Q. TO YOUR KNOWLEDGE, SIR, IF YOU KNOW, WHAT HAPPENED TO THAT  
9 MONEY AT THE ANAHEIM HOTEL?

10 MR. STOLAR: OBJECTION.

11 THE COURT: IF THE WITNESS KNOWS, HE MAY ANSWER.

12 MR. STOLAR: HIS ONLY BASIS OF KNOWLEDGE IS FROM  
13 HEARSAY; HE WASN'T THERE.

14 THE COURT: ESTABLISH HIS PERSONAL KNOWLEDGE.

15 MR. MEDRANO: THANK YOU, YOUR HONOR.

16 YOUR HONOR, WE HAVE MORE DIRECT OF THIS WITNESS.

17 WOULD THIS BE A GOOD TIME TO TAKE A RECESS?

18 THE COURT: YES, IT IS TIME. WE'LL ADJOURN THIS  
19 CASE AT THIS TIME AND RECONVENE TOMORROW MORNING AT THE USUAL  
20 TIME.

21 PLEASE KEEP IN MIND THE COURT'S ADMONITION ABOUT THE  
22 EXPOSURE TO PUBLICITY OR ABOUT DISCUSSING THE CASE OR FORMING  
23 OR EXPRESSING ANY OPINIONS ABOUT THE CASE.

24 THE JURY MAY BE EXCUSED.

25 THE CLERK: PLEASE RISE.



1 (JURY EXCUSED.)

2 (BRIEF RECESS.)

3 (WITNESS RESUMED THE STAND.)

4 THE CLERK: YOU MAY BE SEATED.

5 THE COURT: DO YOU HAVE SOMETHING YOU WANT TO TAKE UP  
6 WITH THE COURT, COUNSEL?

7 MR. MEDVENE: YES, YOUR HONOR.

8 MR. NICOLAYSEN: MAY WE ALL BE HEARD BRIEFLY, YOUR  
9 HONOR, BEFORE THE COURT RECESSES?

10 THE COURT: YES.

11 MR. NICOLAYSEN: THANK YOU.

12 MR. MEDVEN: IF THE COURT PLEASE, BASED ON THE  
13 TESTIMONY THUS FAR OF THE LAST WITNESS, WE WOULD RESPECTFULLY  
14 MOVE FOR A MISTRIAL AND RENEW OUR MOTION FOR SEVERANCE.

15 THE GROUNDS OF THE MOTION, YOUR HONOR, FIRST FOR THE  
16 MISTRIAL MOTION, ARE THESE. THE PROSECUTION TWICE BROUGHT OUT  
17 IN FRONT OF THIS JURY PURPORTED DEATH THREATS BY MR. MATTA TO  
18 VARIOUS MEMBERS OF A DIEGO FAMILY, A CHARGE NOT CONTAINED IN  
19 THE INDICTMENT, NOT ALLUDED TO IN THE INDICTMENT, AND IT WAS NO  
20 ACCIDENT.

21 THE PROSECUTOR -- AND THE RECORD WILL SHOW -- CAUSED  
22 THE WITNESS TO ANSWER THE QUESTION ABOUT THE DEATH THREATS  
23 TWICE ON THE PRETEXT OF IT WASN'T CLEAR. IT WAS VERY CLEAR.

24 THAT QUESTION AND THAT ANSWER ABOUT KILLING HAS NO  
25 BASIS IN THIS TRIAL. THERE IS ENOUGH KILLING CHARGED IN THIS

1 TRIAL.

2 NOW, OUR CLIENT IS ALLEGED TO BE A CO-CONSPIRATOR  
3 WITH THIS INDIVIDUAL, AND WE THINK THAT TESTIMONY PURPOSELY  
4 BROUGHT OUT, NOT WITHIN THE INDICTMENT, IS GROUNDS FOR  
5 MISTRIAL.

6 IN ADDITION, THE TESTIMONY OF THIS WITNESS, TO THE  
7 BEST OF OUR KNOWLEDGE, IS TESTIMONY PURPORTEDLY OF WHAT CERTAIN  
8 INDIVIDUALS DID, BUT WITHOUT ANY TIE INTO THE GUADALAJARA -- TO  
9 THE ALLEGED GUADALAJARA DRUG CARTEL. AND UNLESS THE ACTIVITY  
10 OF THE THESE TRANSACTIONS IS TIED TO THAT CARTEL, AGAIN, WE  
11 THINK IT'S SO UNDULY PREJUDICIAL THAT IT REQUIRES A MISTRIAL.

12 LASTLY, YOUR HONOR, IF YOUR HONOR CHOOSES TO DENY THE  
13 REQUEST, WE WOULD RESPECTFULLY MOVE TO SEVER ON THE BASIS THAT  
14 IT IS IMPOSSIBLE, I THINK, AT THIS JUNCTURE WITH THE AMOUNT OF  
15 TESTIMONY THAT IS BEING BROUGHT IN WITH RESPECT TO MR. MATTA --  
16 DEATH THREATS OUTSIDE THE INDICTMENT, THE MILLIONS AND MILLIONS  
17 OF DOLLARS NOT REALLY TIED TO THE CARTEL -- JUST THE OVERALL  
18 EFFECT ON SOMEONE LIKE OUR CLIENT, YOUR HONOR, WE THINK IS SO  
19 OVERWHELMINGLY PREJUDICIAL THAT IT WOULD BE IMPOSSIBLE TO GET A  
20 FAIR TRIAL, AND WE WOULD RENEW WITH DUE RESPECT OUR SEVERANCE  
21 MOTION.

22 AS YOUR HONOR HAD INDICATED WHEN YOU DENIED EARLIER,  
23 THERE WOULD BE COMMON TESTIMONY. AND AS AN ECONOMY TO THE  
24 COURT'S SYSTEM, IT MADE SENSE. BUT WHAT WE'VE HAD HERE, YOUR  
25 HONOR, IS TESTIMONY FOR A NUMBER OF DAYS HIGHLIGHTED BY THIS

1 PARTICULAR WITNESS TALKING ABOUT KILLING THREATS, CLEARLY  
2 UNRELATED, AND MASSIVE TRANSACTIONS IN NO WAY RELATED.

3 AND WE WOULD SAY WITH DUE DEFERENCE, YOUR HONOR, IF  
4 YOU DENY OUR MOTION FOR MISTRIAL, WE WOULD RESPECTFULLY MOVE  
5 FOR A SEVERANCE.

6 THE COURT: ALL RIGHT. DO YOU WISH TO BE HEARD?

7 MR. MEDRANO: BRIEFLY, YOUR HONOR. THE MOTION IS  
8 BASELESS, YOUR HONOR, FOR THE FOLLOWING REASONS. THIS CASE —

9 THE COURT: THIS WITNESS MAY BE EXCUSED.

10 MR. MEDRANO: VERY WELL.

11 (WITNESS EXCUSED.)

12 MR. MEDRANO: THIS CASE, YOUR HONOR, IS A MURDER  
13 CASE. THIS CASE IS A CONSPIRACY TO KIDNAP A FEDERAL AGENT.

14 THE EVIDENCE THAT YOU'RE HEARING THUS FAR GOES TO  
15 ESTABLISHING THE NARCOTIC ENTERPRISE, THE GUADALAJARA NARCOTIC  
16 CARTEL, WHICH IS ALLEGED IN A LENGTHY INDICTMENT, WHICH IS THE  
17 BASIS OF THIS CASE.

18 WE DO NOT HAVE TO ALLEGE, YOUR HONOR, EVERY OVERT ACT  
19 AND EVERY DEATH THREAT. WE ARE NOT LIMITED TO THE FOUR CORNERS  
20 OF THE INDICTMENT. THIS SPECIFIC STATEMENT BY THIS WITNESS  
21 CONCERNING MATTA'S WORDS ABOUT A DEATH THREAT, IN FACT, IS  
22 DIRECTLY RELEVANT BECAUSE IT GOES TO MOTIVE. AND IT SHOWS THAT  
23 MATTA HAS THE POWER AND CAPACITY TO NOT ONLY MAKE THAT DEATH  
24 THREAT, BUT INDEED, CARRY THEM OUT, AS WILL BE SHOWN FOR THE  
25 DEATH OF AGENT CAMARENA. SO IT'S DIRECTLY RELEVANT EVIDENCE,

1 YOUR HONOR, AND NOT PREJUDICIAL.

2 AND FOR THE SAME REASONS, YOUR HONOR, I THINK THAT  
3 WOULD GO TO DENIAL OF THE REVERANCE MOTION.

4 MS. KELLY: WE WOULD LIKE TO JOIN IN THE REQUEST FOR  
5 SEVERANCE AND MISTRAL.

6 MR. NICOLAYSEN: LIKewise, AND I WOULD RESPECTFULLY  
7 ASK TO BE HEARD.

8 THE COURT: ALL RIGHT.

9 MR. NICOLAYSEN: YOUR HONOR, I COULDN'T AGREE MORE  
10 WITH MR. MEDVENE. I THINK THAT THE NEED FOR SEVERANCE UNDER  
11 THE RULE 14, BASED ON PREJUDICIAL JOINDER, IS PARAMOUNT.

12 AND I SAY THAT PARTICULARLY IN VIEW OF MY CLIENT'S  
13 POSITION. HE'S UNIQUE HERE AMONG ALL THE DEFENDANTS. HE IS  
14 THE ONE DEFENDANT NOT NAMED IN THE CONSPIRACY. AND I HAVE SAT  
15 HERE NOW FOR THREE DAYS, AND I HAVE HEARD UNITED STATES VERSUS  
16 MATTA. NONE OF THIS HAS ANY CONNECTION TO MY CLIENT.

17 WHEN I FIRST MADE A SEVERANCE MOTION WITH THIS COURT,  
18 IT WAS BEFORE THE SIXTH SUPERSEDING INDICTMENT CAME DOWN, AND  
19 THAT MEANS BEFORE MATTA BECAME A DEFENDANT HERE.

20 YOUR HONOR VERY CLEARLY DENIED THE MOTION BASED ON  
21 THE ANTICIPATED OVERLAPING EVIDENCE, AND TO A LARGE EXTENT,  
22 BASED ON YOUR HONOR'S EXPERIENCE WITH THE PRIOR TRIAL.

23 IN STANDING HERE NOW AND ASKING THE COURT TO HEAR MY  
24 RENEWAL, IT'S BASED ON ENTIRELY NEW GROUNDS BECAUSE IT'S BASED  
25 ON THE FACT THAT THE U.S. ATTORNEY HAS NOW BROUGHT MATTA IN AND

1 HAS CONVERTED THIS TRIAL INTO AN INFLAMMATORY PROCEEDING THAT  
2 HAS CONVERTED THE CAMARENA-ZAVALA WALKER-RADELAT CASE INTO THE  
3 NARCOTICS CASE AGAINST MATTA.

4 THE DEATH THREATS ALLEGED OR ATTRIBUTED TO MATTA, THE  
5 COUNTING OF \$7 MILLION WITH A A MONEY COUNTING MACHINE, ALL OF  
6 THIS IS HIGHLY INFLAMMATORY. I NOTICED THE JURY'S VERY VISIBLE  
7 REACTION.

8 MY CLIENT IS NOT IN ANYWAY CONNECTED TO THIS, AND  
9 THERE IS NO EVIDENTIARY PROCEDURE OR MECHANISM TO BRING IT IN.  
10 IT IS NOT A CO-CONSPIRATOR'S STATEMENT, AND YOUR HONOR HAS  
11 STILL RESERVED THE RULING ON THE ADMISSIBILITY OF THE  
12 CO-ENTERPRISERS' STATEMENTS TO PROVE THE ENTERPRISE.

13 TO THE EXTENT THE U.S. ATTORNEY THINKS THIS IS 404(B)  
14 INFORMATION, THAT SHOULD COME IN, AGAIN, THAT ENHANCES MY  
15 ARGUMENT UNDER PREJUDICIAL JOINDER AS TO MY CLIENT.

16 NOW, I WANT TO CONDUCT MY OBJECTIONS WITH RESPECT TO  
17 THE COURT'S POLICY OF NOT HAVING DISRUPTIONS IN THE FLOW OF THE  
18 TRIAL. I COULD STAND UP AND CONTINUALLY ASK THE COURT, WITH  
19 ALL DUE RESPECT, TO ADMONISH THE JURY.

20 THE COURT: YOU COULD STAND UP AND STATE YOUR  
21 OBJECTION AND STATE YOUR GROUNDS AND ASK TO BE HEARD ON IT.

22 MR. NICOLAYSEN: THAT'S CORRECT, BUT WHAT WE'RE  
23 SEEING HERE IS A REPETITIVE TECHNIQUE OF ELICITING OUT-OF-COURT  
24 STATEMENTS IN A MANNER THAT WOULD INVITE COUNSEL TO REPEATEDLY  
25 OBJECT AND ASK FOR LIMITING INSTRUCTIONS.

1           AND I THINK THAT WHAT WE'RE DEALING WITH HERE IS SUCH  
2 A REPETITIVE DEGREE OF OUT-OF-COURT TESTIMONY THAT MY CLIENT IS  
3 JUST BEING COMPLETELY SUBSUMED WITHIN THE MATTA UMBRELLA OF  
4 THIS TRIAL AND HE CAN'T GET A FAIR TRIAL.

5           THE COURT: ALL RIGHT. THAT'S SUFFICIENT ARGUMENT.

6           DO YOU WISH TO BE HEARD?

7           MR. STOLAR: YES, I DO. BASED ON THAT, THE COMMENT  
8 THAT WAS MADE, I WOULD MOVE FOR A MISTRIAL ON BEHALF OF  
9 MR. MATTA.

10           THE CHARGE HERE IS MURDER. WHAT MR. MEDRANO JUST  
11 SAID BASICALLY PUTS THE NAIL IN THE COFFIN, SO TO SPEAK. HE  
12 SAID HE'S OFFERING THAT STATEMENT ESSENTIALLY TO SHOW  
13 CHARACTER, THAT BECAUSE MATTA SAID SOMETHING ABOUT "I'D LIKE TO  
14 KILL SOMEBODY" -- WHO'S NOT EVEN A D.E.A. AGENT, BY THE WAY --  
15 THAT PROVES HIS MOTIVE. THAT PROVES HIS MOTIVE, THAT PROVES  
16 CHARACTER.

17           AND EVIDENCE OF CHARACTER, CHARACTER OF THE ACCUSED,  
18 CAN'T BE PRESENTED BY THE PROSECUTION. IF THIS HAD BEEN IN THE  
19 D.E.A. REPORTS THAT I'VE SEEN -- AND I HOPE THIS WAS NOT  
20 SOMETHING THAT WAS REDACTED OUT OF IT -- IT WASN'T IN THERE --  
21 I WOULD HAVE ALERTED THE COURT TO IT BEFORE THE WITNESS  
22 TESTIFIED, OR TRIED TO.

23           BUT THAT IS SUCH A SERIOUS KIND OF STATEMENT IN A  
24 CASE LIKE THIS THAT I THINK THE COURT REALLY SHOULD DECLARE A  
25 MISTRIAL. AT THE VERY, VERY LEAST -- AT THE VERY LEAST, THE

1 COURT HAS TO TELL THE JURY THAT THAT REMARK IS STRICKEN. IT IS  
2 INADMISSIBLE UNDER 403, AND IT IS INADMISSIBLE UNDER 404 (A) OR  
3 (B). IT JUST SHOULDN'T BE HERE.

4 MR. MEDVENE: ONE LAST REMARK, YOUR HONOR?

5 THE COURT: YOU HAVE BEEN HEARD ALREADY.

6 MR. MEDVENE: YES. I JUST WANTED TO RESPOND TO ONE  
7 THING THAT COUNSEL FOR THE PROSECUTION SAID, IF I MIGHT. IT  
8 WOULD BE 30 SECONDS, BUT IT'S UP TO YOU.

9 THE COURT: ALL RIGHT.

10 MR. MEDVENE: THE COMMENT THAT WAS MADE ABOUT MOTIVE  
11 BY THE PROSECUTION HAS NOTHING TO DO WITH THE PURPORTED  
12 ACTIVITIES OF THE CARTEL, BECAUSE THE MAN WAS NOT A D.E.A.  
13 AGENT.

14 AS YOUR HONOR KNOWS, IN THE INDICTMENT, THE PURPORTED  
15 REASON IS TO GET BACK AT THE D.E.A., SO THIS KILLING, EVEN IF  
16 THEY STRETCHED IT TO CARTEL ACTIVITIES, HAS NOTHING TO DO WITH  
17 CARTEL ACTIVITIES BECAUSE THAT'S NOT WHAT IS CHARGED IN THE  
18 INDICTMENT.

19 IT'S CHARGED THEY WERE AT D.E.A. OR D.E.A.  
20 INFORMANTS, AND THIS MAN AT THE TIME WAS NOT A D.E.A. PERSON OR  
21 D.E.A. INFORMANT. SO IT HAS NO PLACE HERE -- THIS MURDER. NO  
22 PLACE.

23 THE COURT: ALL RIGHT. ALL MOTIONS FOR MISTRIAL ARE  
24 DENIED. ALL MOTIONS FOR SEVERANCE ARE ALWAYS DENIED.

25 WITH RESPECT TO THESE SO-CALLED HEARSAY STATEMENTS

1 THAT YOU ARE OBJECTING TO, IT IS NOW CLEAR THAT THE EVIDENCE  
2 PRESENTED THUS FAR HAS ESTABLISHED THE EXISTENCE OF AN  
3 ENTERPRISE, ASSOCIATION, PARTNERSHIP, WHATEVER YOU WANT TO CALL  
4 IT, WHOSE PURPOSE WAS TO DEAL IN NARCOTICS.

5 YESTERDAY WE HEARD TESTIMONY ABOUT VAST RANCHES WHERE  
6 THE CULTIVATION OF MARIJUANA WAS TAKING PLACE. WE HEARD  
7 EVIDENCE ABOUT THE PEOPLE THAT WERE INVOLVED IN IT, SOME OF THE  
8 SAME PEOPLE BEING DISCUSSED TODAY.

9 WE HAVE HEARD EVIDENCE REGARDING THE ACQUISITION OF  
10 AN AIRPLANE. WE HAVE HEARD EVIDENCE THAT THE AIRPLANE WAS USED  
11 IN INTRASTATE AND BETWEEN COUNTRIES, AND APPARENTLY, FOR THE --  
12 THAT IS, THAT EVIDENCE IS FAIRLY INFERABLE FROM WHAT HAS BEEN  
13 ESTABLISHED HERE.

14 WE HAVE HEARD EVIDENCE FROM THIS LAST WITNESS  
15 REGARDING THE COCAINE DEALING THAT WAS TAKING PLACE, AND THIS  
16 DEFENDANT WAS IDENTIFIED AS BEING A PARTICIPANT AND A PRINCIPAL  
17 IN IT. SO THAT THE STATEMENTS THAT ARE MADE BY THESE PEOPLE,  
18 GALLARDO AND BY MR. MATTA, ARE, IN THE VIEW OF THE COURT,  
19 ADMISSIBLE TO THE SAME EXTENT THAT THEY WOULD BE ADMISSIBLE IF  
20 THIS WERE A CONSPIRACY CASE.

21 EVEN THOUGH THEY'RE NOT CHARGED WITH CONSPIRACY, THE  
22 LAW IS THAT THESE STATEMENTS -- THEY ARE CO-VENTURERS OR  
23 PARTNERS. THE LAW IS THAT THESE STATEMENTS WHICH ARE MADE AND  
24 THESE STATEMENTS THE COURT FINDS TO BE, AND THE REASON I  
25 OVERRULED YOUR OBJECTION WAS, THEY WERE STATEMENTS MADE IN



1 FURTHERANCE OF THE CONSPIRACY, INCLUDING THE STATEMENT ABOUT  
2 KILLING SOMEBODY OR THREATENING TO KILL SOMEBODY. THAT WAS,  
3 APPARENTLY, IN FURTHERANCE OF THE ENTERPRISE BECAUSE THE  
4 PURPOSE OF IT WAS TO DISCOURAGE THE LURING AWAY OF A VALUED  
5 EMPLOYEE, APPARENTLY.

6 THEREFORE, THE COURT BELIEVES THAT THOSE STATEMENTS  
7 ARE ADMISSIBLE, AND THAT IS THE REASON THAT THEY WERE ADMITTED.

8 MR. MEDRANO: YOUR HONOR, ON THAT BASIS, WE WOULD  
9 RENEW OUR REQUEST, RESPECTFULLY, TO BE ABLE TO CALL THE  
10 WITNESS --

11 THE COURT: WELL, JUST A MOMENT. ABOUT THAT WITNESS,  
12 I WANT TO HEAR AN OFFER OF PROOF OF WHAT HIS TESTIMONY WILL BE.

13 WHAT IS IT THAT YOU'RE INTENDING TO ELICIT FROM THAT  
14 WITNESS? THAT WOULD BE HELPFUL TO THE COURT IN DETERMINING  
15 THAT ISSUE.

16 MR. MEDRANO: COULD I GIVE THAT TO THE COURT RIGHT  
17 NOW, YOUR HONOR?

18 THE COURT: YES.

19 MR. MEDRANO: MAY I HAVE JUST ONE MOMENT TO PULL MY  
20 NOTES ON THAT WITNESS.

21 (BRIEF PAUSE.)

22 MR. STOLAR: WHILE HE'S DOING THAT, MR. MEDRANO GAVE  
23 ME A COPY, A CLEAN COPY OF THE D.E.A. 6, WHICH CONTAINS WHAT  
24 AGENT VIGIL WILL TESTIFY ABOUT MR. MATTA'S STATEMENT MADE IN  
25 1985.

1 HE HAS MARKED A COUPLE OF PLACES WHERE HE IS WILLING  
2 TO TAKE STUFF OUT OF IT. I HAVE THEN MARKED STUFF WHERE I  
3 DISAGREED WITH HIM, AND I WANT OTHER STUFF OUT THAT IS NOT  
4 RELEVANT TO THIS TRIAL.

5 I WANT TO GIVE A COPY SO MARKED TO YOUR CLERK AND  
6 GIVE IT TO YOU SO YOU HAVE GONE THROUGH IT BEFORE WE GET TO  
7 ARGUE IT TO YOU.

8 THE COURT: WHAT IS THIS, A STATEMENT ALLEGEDLY MADE  
9 BY --

10 MR. STOLAR: THIS IS A D.E.A. REPORT OF A STATEMENT  
11 PURPORTING TO PARAPHRASE A STATEMENT MADE BY MR. MATTA?

12 MR. STOLAR: IN '85 WHEN HE WAS ARRESTED IN  
13 CARTAGENA.

14 REMEMBER WE DID A SMALL HEARING WITH AGENT VIGIL?

15 THE COURT: YES.

16 MR. STOLAR: THIS IS VIGIL'S TESTIMONY.

17 THE COURT: A WITNESS IS GOING TO APPEAR TO TESTIFY  
18 REGARDING THAT STATEMENT?

19 MR. STOLAR: YES.

20 MR. MEDRANO: YES, YOUR HONOR.

21 THE COURT: THIS IS NOT THE STATEMENT THAT IS COMING  
22 INTO EVIDENCE.

23 MR. STOLAR: THIS IS -- BASICALLY, THIS IS WHAT THE  
24 AGENT IS GOING TO SAY.

25 MR. MEDRANO: THE AGENT WILL ESSENTIALLY PARAPHRASE

1 THE REPORT THAT HE WROTE, YOUR HONOR. SO MR. STOLAR IS  
2 CORRECT.

3 THE COURT: ALL RIGHT. WELL, I DON'T UNDERSTAND WHAT  
4 IT IS YOU WANT THE COURT TO DO.

5 MR. STOLAR: THERE ARE SOME THINGS THAT MR. MEDRANO  
6 WAS WILLING TO REDACT FROM THE STATEMENT.

7 THE COURT: HE CAN DO THAT BY NOT ASKING THE  
8 QUESTIONS.

9 MR. STOLAR: I KNOW. THERE ARE OTHER THINGS THAT I  
10 WOULD THEN MOVE TO HAVE THE AGENT NOT BE PERMITTED TO TESTIFY  
11 ABOUT.

12 THE COURT: WHY IS THAT? THEN YOU WOULD HAVE TO  
13 FILE A MOTION WITH THE COURT. THIS IS SOMETHING WE WENT INTO  
14 YESTERDAY.

15 YOU FILE A MOTION STATING YOUR OBJECTIONS, AND THE  
16 COURT WILL CONSIDER IT AND RULE ON IT.

17 MR. STOLAR: HE PLANS TO CALL THE WITNESS -- DO YOU  
18 HAVE TO CALL VIGIL TOMORROW?

19 MR. MEDRANO: YES.

20 MR. STOLAR: I JUST GOT WHAT HE'S GOING TO PUT IN  
21 TODAY, JUDGE. THIS MORNING HE GAVE IT TO ME. I CAN'T FILE A  
22 WRITTEN MOTION WITH YOU.

23 MR. MEDRANO: HE HAS HAD THAT DOCUMENT FOR WEEKS AND  
24 WEEKS, YOUR HONOR.

25 HE HAS KNOWN THE GIST OF THE ENTIRE STATEMENT.

1 MR. STOLAR: I HAVE ASKED YOU TO TELL ME FOR WEEKS  
2 AND WEEKS WHAT ARE YOU GOING TO PUT IN ON THE STATEMENT? YOU  
3 CAN'T PUT IN THE FACT THAT HE WAS CONVICTED --

4 THE COURT: COUNSEL, KEEP CALM. DON'T ADDRESS  
5 YOURSELF TO OTHER COUNSEL, YOU ADDRESS THE COURT.

6 MR. STOLAR: IT'S OBVIOUS HE CAN'T PUT IN THINGS THAT  
7 HE WAS CONVICTED. HE ADMITS HE WAS CONVICTED BY THE STATE IN  
8 1971 --

9 MR. MEDRANO: I REDACTED THAT, YOUR HONOR, I'M NOT  
10 ELICITING THAT.

11 MR. STOLAR: BUT HE ALSO WANTS TO PUT IN THE FACT --

12 THE COURT: WHAT IS THE THING YOU'RE CONCERNED ABOUT?

13 MR. STOLAR: HE TALKS HERE ABOUT WANTING TO PUT IN  
14 STUFF ABOUT HOW MATTA HIRED A LAWYER TO HELP HIS WIFE IN A CASE  
15 WHERE THE GOVERNMENT OF SWITZERLAND WAS TRYING TO TAKE \$1.6  
16 MILLION FROM HER SWISS BANK ACCOUNT BECAUSE IT WAS BELIEVED TO  
17 BE ILLICIT DRUG PROFITS. THAT HAS NOTHING TO DO WITH THIS  
18 CASE.

19 MR. MEDRANO: YOUR HONOR, MAY I MAKE THE FOLLOWING  
20 SUGGESTION TO NOT WASTE YOUR TIME? WHY DON'T WE, MR. STOLAR  
21 AND I, TAKE ONE COPY -- I'LL MARK IN RED WHAT I'M GOING TO  
22 REDACT UNILATERALLY, AND HAVE HIM MARK IN BLUE WHAT HIS  
23 ADDITIONAL OBJECTIONS ARE AND GIVE THAT TO YOU TONIGHT, AND  
24 MAYBE YOU CAN LET US KNOW IN THE MORNING WHAT YOUR INCLINATION  
25 IS.

1 MR. STOLAR: THAT'S WHAT I WANT TO DO.

2 THE COURT: WOULD THAT BE PERMISSIBLE, YOUR HONOR?

3 THE COURT: YOU CAN DO IT THAT WAY. I WOULD PREFER  
4 TO HAVE THE QUESTIONS BRIEFED, IF THERE ARE EVIDENTIARY  
5 PROBLEMS INVOLVED.

6 WHAT IS THE BASIS FOR THIS OBJECTION? WHAT ARE THE  
7 GROUNDS FOR OBJECTING TO THAT EVIDENCE?

8 MR. STOLAR: IT IS IRRELEVANT.

9 THE COURT: IS IT IRRELEVANT? WHAT IS THE  
10 RELEVANCE?

11 MR. MEDRANO: AGAIN, YOUR HONOR --

12 THE COURT: WHAT IS THE RELEVANCE OF THAT?

13 MR. MEDRANO: THE RELEVANCE OF THAT PARTICULAR  
14 STATEMENT, YOUR HONOR, IS THE FOLLOWING.

15 WE HAVE ESTABLISHED EVIDENCE OUTSIDE MATTA'S OWN  
16 WORDS THAT HE IS INVOLVED IN DRUG TRAFFICKING, AND NOW THERE IS  
17 HIS OWN STATEMENT BY MATTA, AFTER MIRANDA, IN WHICH HE ALLUDES  
18 TO THAT TYPE OF TROUBLE, WHERE A FOREIGN GOVERNMENT MAY BE  
19 TRYING TO SEIZE NARCOTICS PROCEEDS.

20 MR. STOLAR: MONEY BELONGING TO HIS WIFE.

21 MR. MEDRANO: BUT THE POINT IS, YOUR HONOR, THIS IS  
22 HIS POST-ARREST STATEMENT.

23 THE COURT: MARK THE DOCUMENT AND STATE YOUR  
24 OBJECTIONS SPECIFICALLY.

25 MR. MEDRANO: AS TO THE --

1 THE COURT: NOW, THIS WITNESS, AUGUSTINE BUENO  
2 GONZALEZ; WHAT IS HE GOING TESTIFY TO?

3 MR. MEDRANO: THE PROFFER WOULD CONSIST OF THE  
4 FOLLOWING, YOUR HONOR. YOU MAY RECALL WHERE WE LEFT OFF. HE'S  
5 AT THE MEETING IN GUADALAJARA IN ABOUT 1983.

6 PRESENT AT THE MEETING, AMONG OTHERS, ARE MATTA  
7 BALLESTEROS, FELIX GALLARDO, CARO QUINTERO, FONSECA CARRILLO,  
8 AND OTHER DRUGS DEALERS, AS WELL. AT THIS MEETING, YOUR HONOR,  
9 ALL PERSONS PRESENT, INCLUDING MATTA, DISCUSS HOW THEY WILL NOW  
10 START BRINGING IN COCAINE FROM SOUTH AMERICA THROUGH MEXICO FOR  
11 DISTRIBUTION INTO THE UNITED STATES.

12 IT IS SORT OF, IF YOU WILL, KIND OF THE SEMINAL OR  
13 COMMENCING MEETING TO START THIS CONNECTION BETWEEN MEXICAN AND  
14 COLUMBIA DRUG TRAFFICKERS. AND WE FLAGGED THAT FOR THE COURT  
15 AND EVERYONE IN OUR TRIAL MEMO IN SOME WAY, I BELIEVE, YOUR  
16 HONOR.

17 AND THEY DISCUSS THE PRICE OF THE COCAINE, AND THE  
18 QUANTITIES AND THE PRICE DIFFERS DEPENDING ON WHERE MATTA HAS  
19 TO FLY IT IN. IF HE DELIVERS IT IN PANAMA, IT'S CHEAPER. IF  
20 HE HAS TO DELIVER IT ALL THE WAY IN MEXICO, IT IS MORE  
21 EXPENSIVE. THINGS OF THAT NATURE, YOUR HONOR, AND IT'S  
22 DIRECTLY RELEVANT AND TIES IN WITH RETAMOZA'S TESTIMONY, AS YOU  
23 CAN SEE.

24 THE COURT: I SUPPOSE I HEARD YOUR OBJECTION TO THIS  
25 YESTERDAY WHEN WE FIRST BROUGHT IT UP? IS THAT RIGHT; THE SAME

1 OBJECTION?

2 MR. STOLAR: TO AUGUSTA BUENO?

3 THE COURT: YES.

4 MR. STOLAR: HE CAN TESTIFY, AS FAR AS I'M CONCERNED  
5 ABOUT WHAT MATTA SAYS, BUT NOT WHAT OTHER PEOPLE CAN TESTIFY.

6 THE COURT: WHAT IS THE OBJECTION TO WHAT OTHER  
7 PEOPLE TESTIFIED?

8 MR. STOLAR: IT'S OTHER PEOPLE PRESENT AT THE MEETING  
9 WHICH IS THE PROBLEM.

10 THE COURT: YES, OTHER PEOPLE PRESENT AT THE MEETING.

11 MR. STOLAR: IT IS NOT A CONSPIRACY CASE; IT'S  
12 INADMISSIBLE TESTIMONY.

13 THE COURT: WELL, THAT IS THE SAME GROUNDS YOU  
14 ASSERTED YESTERDAY.

15 MR. STOLAR: YES.

16 THE COURT: I'LL RULE ON THIS TOMORROW.

17 MR. MEDRANO: VERY WELL, YOUR HONOR. AND THAT  
18 WITNESS WILL BE AVAILABLE TOMORROW FOR THE GOVERNMENT TO  
19 CONTINUE, SHOULD THAT BE YOUR INCLINATION.

20 IN ADDITION, YOUR HONOR, I HAVE HAD A CHANCE TO TRACK  
21 DOWN SOME INFORMATION PURSUANT TO YOUR ORDER AT THE MORNING  
22 RECESS.

23 I BELIEVE MR. STOLAR HAD MADE REFERENCE TO A  
24 PARTICULAR D.E.A. 6 THAT HAD BEEN REDACTED CONCERNING THIS  
25 WITNESS, FRANK RETAMOZA. I FOUND IT AND I CAN STATE TO THE

1 COURT THE FOLLOWING. I HAVE REVIEWED THE UNREDACTED VERSION,  
2 YOUR HONOR, AND THERE ARE TWO THINGS THAT ARE REDACTED. ONE IS  
3 NADDIS INFORMATION.

4 THE COURT: WHAT INFORMATION?

5 MR. MEDRANO: THE NADDIS REPORTING SYSTEM OF THE  
6 D.E.A., WHICH IS AN INTERNAL REPORTING SYSTEM IN WHICH THEY  
7 MAINTAIN NAMES OF PURPORTED DRUG DEALERS AND ASSIGN THEM  
8 SPECIFIC NUMBERS.

9 AND HISTORICALLY, AND VIRTUALLY FOR ALL D.E.A. 6'S  
10 THAT WE HAVE GIVEN TO THE DEFENSE, WE ALWAYS REDACT ALL NADDIS  
11 INFORMATION. THERE IS NO SUBSTANTIVE INFORMATION IN THERE,  
12 JUST NAMES AND NUMBERS, YOUR HONOR. BUT IT MIGHT INVOLVE OTHER  
13 INVESTIGATIONS, SO WE TAKE THAT OUT. SO THAT IS POINT ONE.

14 THE OTHER THING THAT IS REDACTED FROM THE 6 THAT MR.  
15 STOLAR IS REQUESTING, CONSISTS OF THE FOLLOWING INFORMATION,  
16 YOUR HONOR, AND WE WOULD ASK YOU NOT TO TURN IT OVER.

17 IT INVOLVES FRANK RETAMOZA, AND IT GOES ON FOR TWO OR  
18 THREE PARAGRAPHS, LENGTHY PARAGRAPHS ABOUT ALL HIS RELATIVES.  
19 IT GIVES THEM NAMES, AGES, WHERE THEY LIVE -- AND AS YOU KNOW  
20 BY NOW, YOUR HONOR, THIS IS A MAN IN THE WITNESS SECURITY  
21 PROGRAM. HE HAS ABOUT 30 OTHER FAMILY MEMBERS THAT ARE ALSO IN  
22 THE PROGRAM.

23 I WOULD RESPECTFULLY SUBMIT THAT THAT INFORMATION IS  
24 NOT RELEVANT ON CROSS-EXAMINATION AND, INDEED, TO PROTECT HIM  
25 AND TO PRESERVE THE NATURE OF THE WITNESS SECURITY PROGRAM, I'M



1 SURE THAT YOU WOULD NOT ALLOW THIS KIND OF CROSS-EXAMINATION  
2 ANYWAY, SO WE WOULD RESPECTFULLY REQUEST, YOUR HONOR, THAT THAT  
3 INFORMATION NOT BE TURNED OVER. AT A BARE MINIMUM, WE WOULD BE  
4 MORE THAN HAPPY TO GIVE YOU A COPY FOR IN-CAMERA REVIEW SO YOU  
5 CAN SEE EXACTLY WHAT IT SAYS

6 MR. STOLAR: I'M SORRY, BUT THAT IS NOT ALL THAT IS  
7 MISSING FROM THIS MAN'S D.E.A. 6'S. THERE ARE PAGE-AND-A-HALF,  
8 PARAGRAPHS TAKEN OUT, THERE ARE FULL PAGES. OUT OF A 12-PAGE  
9 REPORT, I GET 9 PAGES, AND IT HAPPENS IN EVERY SINGLE ONE OF  
10 THE REPORTS THAT GO FROM MAY 3, 1989 TO JANUARY 31, 1990.

11 THERE ARE 6 PAGES MISSING, A PAGE AND A HALF MISSING,  
12 2 PAGES, 3 PAGES, 2 PAGES, 1 AND-A-HALF PAGE -- HALD OF THE  
13 REPORT IS MISSING. THEIR TELLING2 --

14 THE COURT: I SUGGEST YOU SUBMIT THE COMPLETE  
15 UNREDACTED REPORT FOR THE COURT'S EXAMINATION.

16 MR. MEDRANO: JUST THE ONE SPECIFIC REPORT?

17 MR. STOLAR: MAY I ASK THAT ALL THE 6'S BE SUBMITTED.

18 THE COURT: THIS IS THE ONLY ONE THAT IS IN ISSUE;  
19 ISN'T IT?

20 MR. STOLAR: NO, IT ISN'T.

21 THE COURT: REGARDING THIS WITNESS?

22 MR. STOLAR: NO, NOT AT ALL. I DON'T WANT THE MAN'S  
23 FAMILY, I WANT INFORMATION THAT HE GAVE TO THE D.E.A.

24 AND HERE ARE THE 6'S THAT WERE GIVEN TO ME. EVEN SO  
25 MUCH THAT THEY PUT IN A SHEET THAT SAYS "BLANK". IT JUST SAYS

1 "BLANK", PAGE 5399 OF THE 3500 MATERIAL SAYS "BLANK".

2 WHAT IS ON THAT PAGE?

3 THE COURT: WHY DID YOU GIVE HIM BLANK PAGES? IS  
4 THAT SIMPLY TO INDICATE THAT --

5 MR. MEDRANO: IF THERE IS A BLANK PAGE, TYPICALLY,  
6 THE WHOLE PAGE CONSISTS OF THE NADDIS INFORMATION.

7 MR. CARLTON: IN THIS PARTICULAR CASE WHEN THE  
8 DOCUMENTS WERE NUMBERED, A NUMBER WAS ACCIDENTALLY SKIPPED SO  
9 THE PAGE WAS PUT IN THERE TO SIGNIFY THAT IT WAS MISNUMBERING  
10 OF THE JENKS PAGES WHEN THEY WERE TURNED OVER, NOT A  
11 MISNUMBERING OR ANY REDACTION OF THE REPORT.

12 MR. MEDRANO: SO THERE IS NO DELETION WHEN IT SAYS A  
13 BLANK PAGE.

14 AS TO THE OTHER MATERIAL, I THINK YOU, YOURSELF,  
15 STATED IT QUITE SUCCINCTLY EARLIER THIS MORNING. WITH ALL DUE  
16 RESPECT, I DON'T THINK IT IS YOUR JOB TO OVERSEE THE  
17 GOVERNMENT.

18 WE KNOW WHAT OUR RESPONSIBILITIES ARE, YOUR HONOR.  
19 IF IT'S JENKS MATERIAL UNDER 3500, THEY HAVE IT. IF IT IS NOT  
20 PART OF DIRECT, WE HAVE TAKEN IT OUT, YOUR HONOR, AND THAT'S  
21 WHAT WE'VE DONE WITH ALL THE WITNESSES IN THIS CASE.

22 THE COURT: IF YOU'RE WILLING TO BEAR THE BURDEN,  
23 THEN YOU SHOULD FILE AS AN EXHIBIT IN THIS CASE THE UNREDACTED  
24 PORTIONS, WHICH CAN BECOME A PART OF THE RECORD, AS A SEALED  
25 EXHIBIT.

1 AND THEN YOU HAVE THE BURDEN AND THE COURT IS NOT  
2 REQUIRED TO REVIEW EVERYTHING TO SEE THAT YOU HAVE DONE WHAT  
3 YOU'RE SUPPOSED TO DO.

4 MR. MEDRANO: I WOULD AGREE WITH THE LATER STATEMENT,  
5 YOUR HONOR. WHATEVER YOU WOULD LIKE IS WHAT WE'LL DO. WE CAN  
6 GAVE THIS STUFF TO YOU IN CAMERA TO SEE THAT IT IS NOT JENKS  
7 MATERIAL.

8 THE COURT: I WOULD, FRANKLY, PREFER NOT TO. I DON'T  
9 THINK I SHOULD HAVE TO BE DOING THAT. YOU KNOW WHAT YOUR  
10 RESPONSIBILITIES ARE.

11 MR. MEDRANO: WE ARE CARRYING THEM OUT FULLY, YOUR  
12 HONOR.

13 THE COURT: IF YOU'RE CARRYING THEM OUT FULLY, THEN  
14 THESE UNREDACTED PORTIONS OR UNREDACTED STATEMENTS THAT YOU  
15 HAVE GIVEN TO COUNSEL SHOULD BE MARKED AS A GOVERNMENT EXHIBIT  
16 AND FILED UNDER SEAL SO IT WILL BECOME A RECORD OF THIS COURT  
17 AVAILABLE FOR ANY APPEAL THAT THE DEFENDANT MIGHT WISH TO MAKE.

18 MR. MEDRANO: WE'LL DO SO, YOUR HONOR.

19 MR. STOLAR: LET ME STATE FOR THE RECORD WHERE THE  
20 PROBLEM LIES.

21 THE GOVERNMENT'S POSITION HAS BEEN THAT THEY DON'T  
22 HAVE TO TURN OVER ANYTHING THAT IS NOT WITHIN THE FOUR CORNERS  
23 OF WHAT THE WITNESS TESTIFIES ABOUT.

24 3500 SAYS "STATEMENTS WHICH RELATE TO THE SUBJECT  
25 MATTER" -- RELATE TO THE SUBJECT MATTER OF THE WITNESS'S

1 TESTIMONY. THAT IS THE STANDARD THAT IS HERE -- RELATES TO THE  
2 SUBJECT MATTER.

3 THAT IS, WITH THIS WITNESS, IF HE'S TALKING ABOUT HIS  
4 DRUG DEALING, HIS MONEY RUNNING, HIS DEALINGS WITH MATTA, HIS  
5 DEALINGS WAS FELIX GALLARDO -- IF THAT RELATES TO -- IF WHAT HE  
6 TALKS ABOUT RELATES TO IT AND EVERY OTHER PAGE RELATES TO THAT,  
7 THERE IS NO EXCUSE FOR BLOCKING SOMETHING OUT ON IT.

8 THE COURT: THEY HAVE CONCLUDED IT DOESN'T,  
9 APPARENTLY.

10 MR. STOLAR: THEY READ THE STATUTE WITHOUT THE WORD  
11 "RELATE".

12 MR. MEDRANO: I KNOW THAT WORD, I HAVE TAUGHT  
13 EVIDENCE, I KNOW WHAT THAT WORD MEANS. YOUR HONOR, WE'LL  
14 SUBMIT IT IN CAMERA FOR WHATEVER YOU DEEM IS APPROPRIATE.

15 MR. STOLAR: I WOULD BRING TO THE COURT'S ATTENTION  
16 THE REQUIREMENT OF 3500, THE SPECIFIC LANGUAGE THAT DOES SAY IF  
17 THE GOVERNMENT WANTS TO HOLD IT BACK, THE COURT IS REQUIRED TO  
18 LOOK AT IT.

19 THE COURT: LET'S HEAR IT. LET'S HEAR THE LANGUAGE.

20 MR. STOLAR: "IF THE UNITED STATES CLAIMS THAT ANY  
21 STATEMENT ORDERED TO BE PRODUCED UNDER THIS SECTION  
22 CONTAINS MATTER WHICH DOES NOT RELATE TO THE SUBJECT  
23 MATTER OF THE TESTIMONY OF THE WITNESS, THE COURT  
24 SHALL ORDER THE UNITED STATES TO DELIVER SUCH  
25 STATEMENTS FOR THE INSPECTION OF THE COURT IN CAMERA.

1           "UPON SUCH DELIVERY, THE COURT SHALL EXCISE THE  
2           PORTION OF SUCH STATEMENTS WHICH DO NOT RELATE TO THE  
3           SUBJECT MATTER OF THE TESTIMONY OF THE WITNESS. WITH  
4           SUCH MATERIAL EXCISED, THE COURT SHALL THEN DIRECT  
5           DELIVERY OF SUCH STATEMENTS TO THE DEFENDANT OR FOR  
6           HIS USE."

7           THEN WHAT IS DELETED GETS SEALED AND SAVED FOR  
8           APPEAL.

9           THE COURT: YOU UNDERSTAND, DON'T YOU, THAT THESE  
10          D.E.A. REPORTS, WHICH PARAPHRASE THE STATEMENTS OF A WITNESS,  
11          ARE NOT IN A TECHNICAL SENSE THE WITNESS'S STATEMENTS THAT NEED  
12          TO BE DISCLOSED AT ALL?

13          MR. STOLAR: I UNDERSTAND WHAT YOU'RE SAYING.

14          THE COURT: UNLESS THEY HAVE BEEN ADOPTED OR SIGNED  
15          BY THE WITNESS.

16          MR. STOLAR: IT HAS BEEN THE PRACTICE ALL OVER THE  
17          PLACE THAT THIS IS JENKS MATERIAL.

18          THE COURT: I KNOW IT HAS BEEN THE PRACTICE.

19          MR. STOLAR: I BELIEVE THEY WOULD CONCEDE --

20          THE COURT: IT IS NOT THE PRACTICE IN EVERY CASE,  
21          HOWEVER.

22          MR. STOLAR: I GUESS I HAVEN'T TRIED ENOUGH OF THEM,  
23          BUT EVERYONE I'VE DONE --

24          MR. MEDRANO: I WANTED TO FLAG FOR YOUR HONOR WHAT  
25          ELSE YOU ASKED US TO LOOK INTO OVER THE LUNCH HOUR.

1 MR. STOLAR ALLUDED TO 1987 OTHER ACTS BY RETAMOZA,  
2 WHICH IS IN THAT LONG, THREE-PAGE, SINGLE-SPACED LETTER THAT  
3 YOU REVIEWED EARLIER IN THE MORNING.

4 WE MADE SOME INITIAL CHECKS. EVIDENTLY, THERE ARE NO  
5 D.E.A. 6'S THAT HAVE BEEN GENERATED REFLECTING THAT  
6 INFORMATION. WHAT WE HAVE IS WHAT MR. STOLAR HAS, WHICH IS  
7 THAT IMMUNITY --

8 MR. STOLAR: ARE THERE NOTES OR REPORTS OR A TAPE  
9 RECORDING OF WHAT THE MAN SAID?

10 MR. MEDRANO: EVEN IF THERE WERE, YOUR HONOR, AS YOU  
11 YOURSELF HAVE STATED WITH CLARITY, IS NOT JENKS MATERIAL  
12 BECAUSE IT HAS NOT BEEN ADOPTED BY THIS WITNESS.

13 THE COURT: ARE THERE THERE ANY?

14 MR. MEDRANO: HANDWRITTEN NOTES? THAT, I HAVE TO  
15 CHECK. I COULD FIND THAT OUT, WHETHER THERE ARE HANDWRITTEN  
16 NOTES.

17 THE COURT: THERE ARE NO D.E.A. 6'S?

18 MR. MEDRANO: THERE IS NO FORMAL D.E.A. 6 THAT HAS  
19 BEEN WRITTEN, YOUR HONOR.

20 MR. STOLAR: TAPE RECORDINGS?

21 MR. MEDRANO: I'LL LOOK INTO WHETHER THERE IS  
22 HANDWRITTEN NOTES, AS YOU HAVE REQUESTED.

23 MR. STOLAR: THE CASE AGENT IS HERE. HE MAY VERY  
24 WELL KNOW.

25 MR. MEDRANO: I CAN TOUCH BASE WITH THE AGENT AFTER

1 COURT.

2 THE COURT: COUNSEL, YOUR Demeanor HAS TO BE CHANGED  
3 A LITTLE BIT OR YOU'RE GOING TO HAVE PROBLEMS WITH ME.

4 MR. STOLAR: I'M SORRY, JUDGE.

5 THE COURT: ALL RIGHT. IS THERE ANYTHING FURTHER?

6 MR. MEDRANO: MAY I CONSULT WITH CO-COUNSEL?

7 (BRIEF PAUSE.)

8 THE MR. MEDVENE: WE WAN'T TO JUST GIVE THE COURT  
9 AND OPPOSING COUNSEL A COPY OF OUR BRIEF ON THE CO-CONSPIRACY  
10 AND CO-ENTERPRISE STATEMENTS, YOUR HONOR.

11 THE COURT: YES. WE HAVE THAT. DO YOU WANT TO GIVE  
12 COUNSEL THE COPIES?

13 MR. MEDVENE: YOU DON'T HAVE OUR BRIEF, I DON'T  
14 THINK.

15 THE COURT: YOU HAVEN'T FILED IT YET?

16 MR. MEDVENE: NO, WE'RE FILING IT NOW, SIR.

17 THE COURT: FILE IT THEN.

18 MR. MEDVENE: MAY I APPROACH THE CLERK?

19 THE COURT: YES.

20 MS. KELLY: YOUR HONOR, I WOULD LIKE TO MAKE A MOTION  
21 TO STRIKE THIS WITNESS'S TESTIMONY CONCERNING THE REPAYMENT OF  
22 HIS MOTHER'S DEBT, AND TESTIMONY ABOUT THE EQUITY IN HIS  
23 MOTHER'S PROPERTY AND GOING TO GUADALAJARA PERMANENTLY TO  
24 FINISH SCHOOLING.

25 YOUR HONOR TOOK THE EVIDENCE SUBJECT TO A MOTION TO

1 STRIKE AND I'M MAKING THAT MOTION TO STRIKE NOW, YOUR HONOR.

2 THE COURT: WHAT IS THE GROUNDS FOR THE MOTION?

3 MS. KELLY: THE GROUNDS IS THAT IT IS NOT RELEVANT TO  
4 ESTABLISHING THE NARCOTICS ENTERPRISE.

5 THE COURT: THE MOTION IS DENIED.

6 MR. NICOLAYSEN: YOUR HONOR, MAY COUNSEL HAVE A  
7 RUNNING OBJECTION FOR THE RECORD TO THE INTRODUCTION OF ANY  
8 OUT-OF-COURT STATEMENTS THAT ARE BEING OFFERED BY THE  
9 GOVERNMENT TO PROVE THE EXISTENCE OF THE ENTERPRISE?

10 I HAVE FILED A BRIEF ON THAT THIS MORNING AND I DON'T  
11 WANT TO DISRUPT THE PROGRESS OF THE TRIAL.

12 THE COURT: I HAVE SEEN YOUR BRIEF AND READ IT. I  
13 DON'T KNOW WHAT A RUNNING OBJECTION IS. ONCE I HAVE DECIDED  
14 THE ISSUES, IT AS MATTER OF RECORD THAT YOU HAVE MADE AN  
15 OBJECTION TO THESE TYPES OF STATEMENTS.

16 IF I RULE AGAINST YOU, THERE IS ALREADY A RECORD OF  
17 IT, SO THAT IS THAT CONSTITUTES A RUNNING OBJECTION, DOESN'T  
18 IT?

19 MR. STOLAR: YES.

20 MR. NICOLAYSEN: IF THE COURT REGARDS IT AT SUCH,  
21 YES. THAT'S FINE, THANK YOU.

22 THE COURT: WE'LL ADJOURN THIS CASE.

23 (COURT ADJOURNED UNTIL FRIDAY, MAY 18, 1990 AT 9:30  
24 A.M.)

25



		PG	LN
(EXHIBIT	# 26 RECEIVED IN EVIDENCE.)	42	7
(EXHIBIT	# 168-A AND 168-B# RECEIVED	43	10
# 168-A AND 168-B	# RECEIVED IN EVIDENCE.) BY	43	10
(EXHIBIT 28 B	# RECEIVED IN EVIDENCE.)	75	4
(EXHIBIT 27 A	# RECEIVED IN EVIDENCE.) BY	76	25
(EXHIBIT 27 B	# RECEIVED IN EVIDENCE.) BY	77	7
(EXHIBIT 27 C	# RECEIVED IN EVIDENCE.) BY	77	18
(EXHIBIT 27 D	# RECEIVED IN EVIDENCE.) BY	78	12
(EXHIBITS 27 E-G	# RECEIVED IN EVIDENCE.)	79	1
LOS ANGELES	+ CALIFORNIA THURSDAY, MAY	4	1
MAY 17, 1990	+ 9:30 A.M.	4	2
WALTER SCHUMACHER	+ PLAINTIFF'S WITNESS,	4	11
DIRECT EXAMINATION	+ CONTINUED BY MR. MEDRANO:	4	12
CROSS-EXAMINATION	+ BY MR. BURNS: Q. GOOD	9	19
PATRICK HOSMANN	+ PLAINTIFF'S WITNESS, SWORN	13	25
DIRECT EXAMINATION	+ BY MR. MEDRANO: Q.	14	9
CROSS-EXAMINATION	+ BY MR. BURNS: Q. GOOD	29	6
JOHN G. UNDERWOOD	+ PLAINTIFFS WITNESS, SWORN	31	23
DIRECT EXAMINATION	+ BY MR. MEDRANO: Q.	32	8
CROSS-EXAMINATION	+ BY MR. STOLAR: Q. MR.	51	22
TED HOLEMAN	+ PLAINTIFF'S WITNESS, SWORN	62	17
DIRECT EXAMINATION	+ BY MR. MEDRANO: Q MR.	63	3
CROSS-EXAMINATION	+ BY MR. STOLAR: Q GOOD	69	11
BYRON K. MILLS	+ PLAINTIFF'S WITNESS, SWORN	71	8
DIRECT EXAMINATION	+ BY MR. MEDRANO: Q WHO	71	13
CROSS-EXAMINATION	+ BY MR. STOLAR: Q	79	4
MICHAEL D. LONG	+ PLAINTIFF'S WITNESS, SWORN	80	16
DIRECT EXAMINATION	+ BY MR. MEDRANO: Q	80	24
LOS ANGELES	+ CALIFORNIA, THURSDAY, MAY	96	1
MAY 17, 1990	+ 1:30 P.M. (JURY	96	2
MICHAEL D. LONG	+ PLAINTIFF'S WITNESS,	96	8
DIRECT EXAMINATION	+ (RESUMED) BY MR. MEDRANO:	96	10
CROSS-EXAMINATION	+ BY MR. BURNS: Q GOOD	110	25
REYNOSO MARTINEZ	+ PLAINTIFF'S WITNESS, SWORN	114	18
DIRECT EXAMINATION	+ BY MR. MEDRANO: Q MS.	115	15
CROSS-EXAMINATION	+ BY MS. KELLY: Q GOOD	127	9
CROSS-EXAMINATION	+ BY MR. STOLAR: Q GOOD	137	1
CROSS-EXAMINATION	+ BY MR. NICOLAYSEN: Q	138	13
REDIRECT EXAMINATION	+ BY MR. MEDRANO: Q THE	143	3
FRANK RETAMOZA	+ PLAINTIFFS WITNESS, SWORN	145	7
DIRECT EXAMINATION	+ BY MR. MEDRANO: Q.	145	16
OF YOU, GOVERNMENT	EXHIBIT 169, DO YOU SEE THAT,	8	10
IS THAT GOVERNMENT	EXHIBIT 15 FOR PURPOSES OF	8	25
IS THAT GOVERNMENT	EXHIBIT 169? A. YES.	9	6

INDEX: U.S.A. V. MATTA BALLESTEROS 3-218

		PG	LN
YOU HAVE GOVERNMENT	EXHIBIT	NUMBER 23 UP THERE IN	11 2
MR. BURNS: Q. IS	EXHIBIT	25 UP THERE? A.	11 12
IS GOVERNMENT	EXHIBIT	15. DO	21 24
HONOR, MAY I MOVE THE	EXHIBIT	CLOSER TO THE WITNESS	31 19
SIR, A GOVERNMENT	EXHIBIT	26, WHICH IS A MAP.	41 6
SHOULD BE THE BOTTOM	EXHIBIT	THAT YOU HAVE.	41 7
YOU. (	EXHIBIT	‡ 26 RECEIVED IN	42 7
LOOK AT GOVERNMENT	EXHIBIT	S 168-A AND -B, THERE	42 16
(	EXHIBIT	‡ 168-A AND 168-B‡	43 10
SHOULD BE GOVERNMENT	EXHIBIT	28-A. DO YOU SEE	49 3
IS GOVERNMENT'S	EXHIBIT	28 B. THAT SHOULD BE	74 12
SAME AS GOVERNMENT'S	EXHIBIT	28 B IN FRONT OF	74 24
YOU? A (EXAMINES	EXHIBIT	.) YES, IT IS.	74 25
(	EXHIBIT	28 B ‡ RECEIVED IN	75 4
WITH GOVERNMENT'S	EXHIBIT	27 G ON THE TOP.	76 11
ASK YOU TO START WITH	EXHIBIT	28 A (SIC), THE FIRST	76 14
(	EXHIBIT	27 A ‡ RECEIVED IN	76 25
(	EXHIBIT	27 B ‡ RECEIVED IN	77 7
(	EXHIBIT	27 C ‡ RECEIVED IN	77 18
THEN GO TO THE NEXT	EXHIBIT	. A THIS IS	77 20
MAY WE HAVE THE	EXHIBIT	NUMBER? AND, ALSO,	77 24
B. IS THAT WHAT THE	EXHIBIT	NUMBERS ARE OR IS IT	78 1
COURT: WHAT IS THE	EXHIBIT	NUMBER ON THAT?	78 2
(	EXHIBIT	27 D ‡ RECEIVED IN	78 12
(	EXHIBIT	S 27 E-G ‡ RECEIVED	79 1
THERE'S A UNDERLYING	EXHIBIT	I NEED YOU TO LOOK	85 7
AT. THE UNDERLYING	EXHIBIT	SHOULD BE EXHIBIT 20.	85 8
EXHIBIT SHOULD BE	EXHIBIT	20. IS	85 8
WHAT GOVERNMENT'S	EXHIBIT	20 IS? A YES, I	85 15
STAND? GOVERNMENT'S	EXHIBIT	IS A PHOTOGRAPH TO	100 14
THIS IS GOVERNMENT'S	EXHIBIT	15 FOR	100 19
NAPKINS, GOVERNMENT'S	EXHIBIT	28 A AND B? CAN I	104 16
SIR? A (EXAMINES	EXHIBIT	.) 28 B, I CANNOT --	104 19
(EXAMINES NEXT	EXHIBIT	.) BOTH OF THESE ARE	104 20
THAT'S GOVERNMENT'S	EXHIBIT	15 FOR PURPOSES OF	124 2
JUST TO BE SHOWN	EXHIBIT	63? I WANTED TO ASK	144 5
COURT: WHAT IS THE	EXHIBIT	? MS.	144 12
MS. KELLY:	EXHIBIT	63, YOUR HONOR.	144 13
SEARCHES IN VAIN FOR	EXHIBIT	.) MS.	144 18
AS GOVERNMENT	EXHIBIT	15 ON AN EASEL	149 16
YOU SHOULD FILE AS AN	EXHIBIT	IN THIS CASE THE	211 23
RECORD, AS A SEALED	EXHIBIT	. AND	211 25
AS A GOVERNMENT	EXHIBIT	AND FILED UNDER SEAL	212 15