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

- - - - -

HONORABLE EDWARD RAFEEDIE, DISTRICT COURT JUDGE PRESIDING

- - - - -

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

ORIGINAL

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

VOLUME 8

REPORTERS' TRANSCRIPT OF PROCEEDINGS

FRIDAY, MAY 25, 1990; 8:30 A.M.

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SUSAN A. LEE, CSR
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1 APPEARANCES OF COUNSEL:

2 FOR THE PLAINTIFF:

3 GARY A. FEESS,
4 UNITED STATES ATTORNEY
5 BY: MANUEL A. MEDRANO
6 JOHN L. CARLTON
7 ASSISTANT U.S. ATTORNEYS
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21 MITCHELL, SILBERBERG & KNUPP
22 BY: EDWARD M. MEDVENE, ESQ.
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AND

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1 APPEARANCES (CONTINUED):

2 FOR DEFENDANT JAVIER VASQUEZ-VELASCO:

3 FEDERAL LITIGATORS GROUP
4 BY: GREGORY NICOLAYSEN, ESQ.
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7 ALSO PRESENT:

8 DOUGLAS KUEHL, SPECIAL AGENT, D.E.A.
9 HECTOR BERRELLEZ, SPECIAL AGENT, D.E.A.

10 SPANISH INTERPRETERS
11
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1 LOS ANGELES + CALIFORNIA FRIDAY, MAY 25, 1990

2 + 8:30 A.M.

3
4 (JURY PRESENT.)

5 THE COURT: GOOD MORNING.

6 THE COURTROOM: GOOD MORNING, YOUR HONOR.

7 THE COURT: DO YOU HAVE SOME FURTHER QUESTIONS FOR
8 THIS WITNESS?

9 MR. MEDVENE: YES, YOUR HONOR.

10
11 HECTOR CERVANTES SANTOS + PLAINTIFFS WITNESS, PREVIOUSLY SWORN

12
13 CROSS-EXAMINATION + CONTINUED

14 BY MR. MEDVENE:

15 Q. ON DIRECT EXAMINATION, MR. CERVANTES, YOU CLAIMED MR. ZUNO
16 WAS AT A MEETING WHERE HE MADE SOME REFERENCE TO MR. GARDOQUI,
17 THE MEXICAN MINISTER OF DEFENSE. DO YOU RECALL THAT, SIR?

18 A. YES.

19 Q. WHAT MEETING WAS THAT, SIR?

20 A. IT WAS THE -- IN THE MONTH OF FEBRUARY OF 1984.

21 Q. DID YOU TESTIFY, SIR, BEFORE THE GRAND JURY THAT MR.
22 FONSECA SAID THAT IT WAS NECESSARY TO PICK UP THE AGENT AND
23 FIND OUT WHAT HE KNEW ABOUT GENERAL GARDOQUI?

24 MR. MEDRANO: MAY WE HAVE THE DATE AFTER THE GRAND
25 JURY APPEARANCE, YOUR HONOR?

1 MR. MEDVENE: JANUARY 30, YOUR HONOR. EXCUSE ME.
2 NOVEMBER 30, YOUR HONOR.

3 BY MR. MEDVENE:

4 Q. IS THAT CORRECT, SIR? MR. FONSECA SAID THAT THE
5 QUESTIONING SHOULD HAVE TO DO WITH WHAT THE AGENT KNEW ABOUT
6 GENERAL GARDOQUI?

7 A. NO.

8 Q. I READ, YOUR HONOR, FROM THE NOVEMBER 30 TRANSCRIPT, PAGE
9 10 LINE 22 THROUGH PAGE 11 LINE 9.

10 "Q. DID ERNESTO FONSECA GIVE ANY INSTRUCTIONS TO JAVIER BARBA?

11 "A. YES. THE OPERATION WAS TO BE CARRIED OUT VIA STATE
12 PERSONNEL. HE WAS TO BE PICKED UP AND HE WAS TO BE HELD UNTIL
13 FURTHER ORDERS, OR SOONER, JUST TO FIND OUT WHAT HE KNEW ABOUT
14 GENERAL GARDOQUI.

15 "Q. IS THIS FONSECA SPEAKING AT THIS POINT?

16 "A. YES.

17 "Q. AND WHAT DID JAVIER BARBA SAY IN RESPONSE TO THAT, IF
18 ANYTHING?

19 "A. HE SAID THAT, YES, HE WOULD BE HELD AND HE WOULD BE
20 INTERROGATED."

21 WERE YOU ASKED THOSE QUESTIONS UNDER OATH AND DID
22 GIVE THOSE ANSWERS ON NOVEMBER --

23 THE COURT: COUNSEL, I DON'T THINK WE NEED TO GO INTO
24 THAT. ALL WITNESSES TESTIFY UNDER OATH BEFORE THE GRAND JURY.

25 MR. MEDVENE: YES, YOUR HONOR.

1 BY MR. MEDVENE:

2 Q. NOW, AT A MEETING, MR. CERVANTES, THAT YOU SAY OCCURRED
3 IMMEDIATELY BEFORE THE WEDDING OF BARBA HERNANDEZ'S BROTHER, DO
4 YOU HAVE THAT MEETING IN MIND, SIR?

5 A. YES.

6 Q. IS IT TRUE THAT MANUEL IBARRA HERRERA WAS AT THAT MEETING?

7 A. YES.

8 Q. AND MIGUEL ALDANA IBARRA WAS AT THAT MEETING?

9 A. YES.

10 Q. NOW, AT THAT MEETING, IS IT YOUR CLAIM THAT MR. ALDANA
11 MADE SOME REFERENCE TO A ZACATECAS D.E.A. RAID?

12 A. YES.

13 Q. AND IS IT YOUR TESTIMONY THAT MR. ALDANA SAID WE HAVE TO
14 FIND OUT THE D.E.A. AGENT INVOLVED IN THIS RAID SO HE CAN BE
15 KIDNAPPED?

16 MR. MEDRANO: OBJECTION, YOUR HONOR. THERE ARE TWO
17 MEETINGS ON THAT DATE. CAN COUNSEL BE MORE SPECIFIC FOR THE
18 WITNESS?

19 BY MR. MEDVENE:

20 Q. I BELIEVE I SAID THE MEETING IMMEDIATELY BEFORE THE
21 WEDDING, BUT THAT'S ONE I'M TALKING ABOUT, THE ONE IMMEDIATELY
22 BEFORE THE WEDDING.

23 DO YOU UNDERSTAND THAT, SIR?

24 A. YES.

25 Q. NOW, DID MR. ALDANA AT THAT TIME, ACCORDING TO YOU, SAY

1 "WE HAVE TO FIND OUT WHO THE D.E.A. AGENT IS INVOLVED IN THE
2 ZACATECAS RAID"?

3 A. YES.

4 Q. AND THEN WE HAVE TO KIDNAP HIM AND QUESTION HIM; IS THAT
5 RIGHT?

6 A. I DIDN'T UNDERSTAND THE QUESTION WELL.

7 Q. AFTER MENTIONING ZACATECAS, DID HE SAY ONCE WE FIND OUT
8 WHO THE AGENT IS, HE SHOULD BE KIDNAPPED AND QUESTIONED?

9 A. YES.

10 Q. ISN'T IT TRUE, SIR, THAT MR. ALDANA AND MR. IBARRA
11 HERRERA, TO YOUR KNOWLEDGE -- STRIKE THAT.

12 DID MR. ALDANA AND MR. IBARRA HERRERA SAY THAT THEY
13 HAD BEEN IN A MEETING IN MAY OF THAT VERY YEAR WHERE MR.
14 CAMARENA AND MR. KUYKENDALL DISCUSSED PLANS FOR THIS VERY
15 ZACATECAS RAID?

16 MR. MEDRANO: OBJECTION, COMPOUND, YOUR HONOR.

17 THE COURT: OVERRULED.

18 THE WITNESS: I DON'T KNOW WHAT YOU'RE TALKING ABOUT.

19 BY MR. MEDVENE:

20 Q. WAS THERE ANY DISCUSSION AT THAT TIME THAT IN MAY OF 1984,
21 MR. ALDANA KNEW WHO AT THE D.E.A. WAS IN CHARGE OF THIS
22 ZACATECAS RAID, AND IT WAS ENRIQUE CAMARENA.

23 MR. MEDRANO: THAT CALLS FOR CONCLUSION, YOUR HONOR.
24 OBJECTION.

25 THE COURT: WELL, HE ASKED HIM IF THERE WAS ANY

1 DISCUSSION, BUT IT IS JUST A WAY OF BRINGING IN OTHER -- I'M
2 GOING TO SUSTAIN AN OBJECTION TO THE FORM OF THE QUESTION.

3 BY MR. MEDVENE:

4 Q. WAS THERE ANY DISCUSSION AT THAT MEETING THAT YOU HEARD
5 THAT MR. ALDANA HAD KNOWN FOR MONTHS THE IDENTITY OF THE D.E.A.
6 AGENT WHO WAS INVOLVED IN THE ZACATECAS RAID?

7 A. THEY ONLY TALKED ABOUT THE RAID. I DIDN'T KNOW THAT THEY
8 KNEW WHO THE PERSON WAS. NOBODY KNEW THAT.

9 I NEVER HEARD THE NAME OF CAMARENA, JUST THAT IT WAS
10 A D.E.A. AGENT.

11 Q. NOW, I TAKE YOU BACK AGAIN TO YESTERDAY, SIR, WHEN YOU
12 WENT FROM MEXICO TO THE BORDER OF MEXICO AND THE UNITED STATES
13 IN OCTOBER OF 1989 AND WERE MET BY GARATE BUSTAMANTE, WAS THAT
14 THE OCCASION YOU FIRST CAME TO LOS ANGELES AND SAW THE D.E.A.
15 AGENTS?

16 A. YES.

17 Q. AND YOU SAW THEM WITHIN A FEW DAYS OF OCTOBER '89 WHEN YOU
18 MET WITH MR. GARATE AT THE MEXICAN-U.S. BORDER; IS THAT
19 CORRECT?

20 THE COURT: THAT HAS ALL BEEN CURVED COUNSEL,
21 YESTERDAY.

22 MR. MEDVENE: I DON'T KNOW IF THAT SPECIFIC QUESTION
23 WAS, YOUR HONOR.

24 THE COURT: THAT QUESTION WAS ASKED.

25 MR. MEDVENE: ALL RIGHT, YOUR HONOR.

1 BY MR. MEDVENE:

2 Q. DID YOU HAVE A DISCUSSION ON THAT OCCASION-- STRIKE THAT.

3 HOW DID YOU GET FROM THE BORDER TO LOS ANGELES?

4 A. IN A CAR.

5 Q. DID MR. GARATE DRIVE YOU?

6 A. YES.

7 Q. AND DID YOU HAVE A GENERAL DISCUSSION WITH HIM?

8 A. NO.

9 Q. WERE ANY WORDS EXCHANGED BETWEEN YOU IN THE TIME PERIOD IT
10 TOOK TO GET FROM THE BORDER TO LOS ANGELES?

11 A. YES, BUT ONLY ABOUT OTHER THINGS. WE DIDN'T SAY ANYTHING
12 ABOUT THAT.

13 Q. THAT WAS THE FIRST TIME YOU HAD SEEN MR. GARATE IN MANY
14 YEARS; WASN'T IT?

15 A. YES.

16 Q. DIDN'T YOU TALK TO HIM ABOUT WHY YOU WERE COMING TO THE
17 UNITED STATES AND WHAT YOU INTENDED TO DO?

18 A. NO.

19 Q. IT TOOK ABOUT TWO-AND-A-HALF HOURS, DID IT, TO GET TO LOS
20 ANGELES BY CAR?

21 A. APPROXIMATELY.

22 Q. AND THERE WAS NO DISCUSSION OF ANY KIND WITH MR. GARATE
23 ABOUT THE FACT THAT YOU HAD SOME INFORMATION WITH RESPECT TO
24 THE KIDNAPPING OF ENRIQUE CAMARENA?

25 A. NO. I REFUSED TO TALK UNTIL I COULD DO SO WITH THE

1 APPROPRIATE PERSON.

2 Q. WAS THERE ANY DISCUSSION AT ALL AT THAT TIME WITH MR.
3 GARATE ABOUT IF YOU WOULD BE PROSECUTED IN THIS COUNTRY BECAUSE
4 OF INFORMATION YOU MIGHT FURNISH?

5 A. YES. YES, HE DID MENTION TO ME THAT I COULD HAVE PROBLEMS
6 BECAUSE OF WHAT I KNEW, BUT I WAS IN HIS HANDS.

7 Q. WHEN YOU SAY YOU COULD HAVE PROBLEMS, HE SAID HE COULD
8 HAVE PROBLEMS BECAUSE OF WHAT YOU KNEW, HOW DID HE KNOW WHAT
9 YOU KNEW IF YOU DIDN'T TALK TO HIM?

10 MR. MEDRANO: OBJECTION; CALLS FOR A CONCLUSION AND
11 SPECULATION.

12 THE COURT: OVERRULED.

13 THE WITNESS: WELL, HE KNEW WHAT IT WAS ABOUT.

14 BY MR. MEDVENE:

15 Q. WELL, IF YOU DIDN'T TALK TO HIM COMING UP AT ALL ABOUT WHY
16 WERE YOU THERE, HOW DID HE KNOW WHAT IT WAS ABOUT, TO YOUR
17 KNOWLEDGE?

18 A. LIKE I MENTIONED TO YOU, I SPOKE WITH HIM ON THE PHONE
19 FROM GUADALAJARA.

20 Q. NOW, WHEN HE SAID YOU WOULD BE IN HIS HANDS IF YOU
21 COOPERATED, DID YOU UNDERSTAND THAT TO MEAN THAT HE WOULD WORK
22 OUT ANY PROBLEMS YOU HAD AND YOU WOULD NOT BE PROSECUTED?

23 MR. MEDRANO: OBJECTION. I THINK THAT MISSTATES IS
24 THE DIRECT TESTIMONY, YOUR HONOR.

25 THE COURT: RESTATE YOUR QUESTION.

1 BY MR. MEDVENE:

2 Q. MR. GARATE MADE REFERENCE TO YOUR, IN EFFECT, HAVING TRUST
3 AND BEING IN HIS HANDS; ISN'T THAT CORRECT?

4 A. I DON'T UNDERSTAND WHAT YOU'RE SAYING TO ME.

5 Q. DIDN'T YOU USE THE WORD A FEW MOMENTS AGO THAT MR. GARATE
6 SAID, IN SUBSTANCE, YOU WOULD BE IN HIS HANDS?

7 A. I WAS THE ONE WHO TOLD HIM THAT.

8 Q. YOU TOLD MR. GARATE THAT YOU WOULD BE IN HIS HANDS; IS
9 THAT IT?

10 A. I WAS IN HIS HANDS.

11 Q. AND YOU TOLD HIM WERE YOU LEAVING IT UP TO HIM TO MAKE THE
12 ARRANGEMENTS; ISN'T THAT CORRECT?

13 A. NO. NO.

14 Q. WHAT DID YOU MEAN WHEN YOU TOLD HIM WERE YOU IN HIS HANDS?

15 A. WELL, BECAUSE I KNEW ABOUT THE CASE, ABOUT THE CAMARENA
16 CASE, AND I KNEW THERE WAS AN INVESTIGATION, AND SINCE I KNEW
17 SOMETHING, IT COULD HARM ME.

18 Q. WELL, YOU HAD KNOWN THAT INFORMATION FOR FOUR YEARS AND
19 NINE MONTHS BEFORE THIS DAY; ISN'T THAT TRUE?

20 THE COURT: THAT WAS ALL COVERED YESTERDAY, COUNSEL.

21 BY MR. MEDVENE:

22 Q. DID YOU WORK OUT WITH ANYONE ARRANGEMENTS WHERE YOU WERE
23 TOLD YOU WOULD NOT BE PROSECUTED IF YOU CAME FORWARD WITH
24 INFORMATION?

25 A. I DON'T UNDERSTAND THE QUESTION WELL.

1 Q. BEFORE YOU GAVE INFORMATION TO THE D.E.A., DID YOU SPEAK
2 TO THEM ABOUT WHETHER YOU WOULD BE PROSECUTED IN THIS COUNTRY?

3 A. WELL, I WAS TOLD THAT IF -- THAT WERE I GUILTY, I COULD BE
4 PROSECUTED IN THE UNITED STATES.

5 Q. AND WERE YOU TOLD THAT IF YOU GAVE INFORMATION YOU WOULD
6 NOT BE PROSECUTED?

7 A. I WAS JUST TOLD THIS, THAT IF I HAD BEEN THERE AT THE TIME
8 WHEN THEY HAD MR. CAMARENA AT RAFAEL CARO QUINTERO'S HOUSE, BUT
9 I ONLY KNEW ABOUT IT, I DIDN'T DO ANYTHING TO HIM.

10 I ON KNEW ABOUT THE MEETINGS BECAUSE I WORKED AT THE
11 HOUSE.

12 Q. YOU WERE TOLD THAT YOU WOULDN'T BE PROSECUTED FOR ANYTHING
13 YOU SAID; ISN'T THAT CORRECT, SIR?

14 A. WELL, THEY DIDN'T KNOW YET WHAT I KNEW; THEY ONLY TOLD ME
15 THAT THEY WANT ME TO COOPERATE TO FIND OUT WHAT I KNEW.

16 Q. WELL, YOUR FIRST MEETING HERE, YOU TOLD US YESTERDAY YOU
17 WERE GIVEN A COUPLE THOUSAND DOLLARS JUST TO START; ISN'T THAT
18 CORRECT?

19 A. NO, THOSE WERE GIVEN TO ME AFTER I TALKED. IT HAD NOT
20 BEEN OFFERED TO ME BEFORE I SAID ANYTHING.

21 Q. AND YOU WERE THEN TOLD IF YOU WOULD SAY MORE, YOU WOULD
22 NOT BE PROSECUTED; IS THAT CORRECT?

23 A. NO,, I DON'T UNDERSTAND YOUR QUESTION.

24 Q. ISN'T IT YOUR UNDERSTANDING, SIR, THAT AFTER YOU TESTIFY
25 IN THIS CASE, IT'S UP TO THE D.E.A. TO MAKE A DECISION WHETHER

1 YOU WILL BE PERMITTED TO STAY IN THIS COUNTRY?

2 THE COURT: THAT HAS BEEN COVERED PREVIOUSLY.

3 MR. MEDRANO: OBJECTION; ASKED AND ANSWERED.

4 BY MR. MEDVENE:

5 Q. YOU'RE SAYING THAT YOU HAD NO DISCUSSIONS ABOUT GETTING
6 IMMUNITY FROM PROSECUTION, SIR, WITH ANY REPRESENTATIVE OF THE
7 UNITED STATES?

8 A. NO.

9 Q. FROM THE TIME THAT YOU FIRST CAME TO THE UNITED STATES,
10 YOU SAID IN OCTOBER OF 1989, ON HOW MANY OCCASIONS DID YOU
11 RETURN TO MEXICO?

12 A. JUST ON TWO OCCASIONS.

13 Q. AND THEY WERE WHEN, SIR?

14 A. ONE WAS TOWARD THE BEGINNING OF DECEMBER OF '89, AND THE
15 OTHER OCCASION WAS JANUARY 5TH, WHEN MY FATHER DIED.

16 Q. SO THE BEGINNING OF DECEMBER OF '89, HOW LONG WERE YOU IN
17 MEXICO?

18 A. I DON'T REMEMBER. ABOUT FOUR OR FIVE DAYS.

19 Q. AND THAT WAS ALREADY -- ON THAT TRIP TO MEXICO, THAT WAS
20 AFTER YOU HAD ALREADY TESTIFIED BEFORE THE GRAND JURY IN THIS
21 MATTER; ISN'T THAT CORRECT?

22 A. YES.

23 Q. AND YOU HAD ALREADY TOLD THE GRAND JURY WHATEVER YOU KNEW
24 ABOUT MR. ZUNO; ISN'T THAT CORRECT?

25 A. NO, I HADN'T TOLD THEM EVERYTHING YET.

1 Q. NOW, YOU SPOKE TO THE D.E.A. AGENTS IN LOS ANGELES IN
2 EARLY JANUARY; DID YOU NOT?

3 A. YES.

4 Q. AND YOU TOLD THEM MORE AT THAT TIME; IS THAT CORRECT?

5 A. JUST THE LAST OF WHAT I KNEW.

6 Q. AND THEN, EVEN THOUGH YOU SAID YESTERDAY YOU WERE IN FEAR,
7 YOU RETURNED TO MEXICO AGAIN ON JANUARY FIFTH; IS THAT CORRECT?

8 A. NO, IT WASN'T THE 5TH OF JANUARY. I RETURNED AROUND THE
9 10TH OR 11TH.

10 Q. OF JANUARY?

11 A. YES.

12 Q. AND YOU STAYED FOR HOW LONG?

13 A. TO THIS DATE.

14 Q. I'M ASKING YOU, HE RETURNED -- DID YOU RETURN TO MEXICO
15 AROUND THE 5TH OF JANUARY?

16 A. ON JANUARY 5TH, I WAS IN GUADALAJARA.

17 Q. ALL RIGHT. AND WHEN DID YOU COME BACK TO THE UNITED
18 STATES AFTER JANUARY 5TH?

19 WHAT WAS THE DATE YOU RETURNED?

20 A. THE 10TH OR THE 11TH OF JANUARY IS WHEN I RETURNED.

21 Q. AND YOU HAD BEEN IN THIS COUNTRY SINCE THE 10TH OR 11TH OF
22 JANUARY OF THIS YEAR; IS THAT CORRECT?

23 A. YES.

24 Q. YOU MENTIONED YOUR WORK AT BARBA HERNANDEZ'S HOUSE AND YOU
25 STARTED THERE IN DECEMBER OF '82; ISN'T THAT CORRECT, SIR?

1 A. YES.

2 Q. DID MR. BARBA HERNANDEZ HAVE OCCASION TO HAVE MANY
3 MEETINGS AT THAT HOUSE?

4 A. YES.

5 Q. APPROXIMATELY HOW MANY MEETINGS WOULD YOU SAY HE WOULD
6 HAVE THERE A WEEK?

7 MR. MEDRANO: CLARIFICATION AS TO YEAR, YOUR HONOR.
8 A MONTH, AT LEAST.

9 THE COURT: RESTATE YOUR QUESTION AND TRY TO SPECIFY.

10 MR. MEDVENE: YES, SIR.

11 BY MR. MEDVENE:

12 Q. WHEN DID YOU START WITH HIM IN DECEMBER OF '82?
13 APPROXIMATELY WHAT DATE?

14 A. THE MONTH OF DECEMBER.

15 Q. BEGINNING OF THE MONTH?

16 A. YES.

17 Q. HOW MANY MEETINGS DID HE HAVE DURING THE MONTH OF DECEMBER
18 OF 1982?

19 A. WHAT MEETINGS ARE YOU TALKING ABOUT?

20 Q. ANY MEETINGS THAT HE HAD THERE WITH DIFFERENT INDIVIDUALS.

21 A. WELL, JUST PARTIES.

22 Q. HE HAD A NUMBER OF PARTIES THERE IN DECEMBER OF 1982?

23 A. NO, NOT IN DECEMBER.

24 Q. DO YOU REMEMBER KNOW HOW MANY MEETINGS HE PARTICIPATED IN
25 AT HIS HOUSE IN DECEMBER OF 1982?

1 A. THERE WAS NO MEETING IN '82.

2 Q. HOW ABOUT 1983; THE FIRST SIX MONTHS OF 1983?

3 MR. MEDRANO: OBJECTION, RELEVANCE, YOUR HONOR.

4 THE COURT: SUSTAINED.

5 MR. MEDVENE: MAY I BRIEFLY BE HEARD?

6 THE COURT: GO AHEAD AFTERNOON. ANSWER THE
7 QUESTION. OVERRULED.

8 THE WITNESS: NONE.

9 BY MR. MEDVENE:

10 Q. HE HAD NO MEETINGS OF ANY KIND THE FIRST SIX MONTHS OF
11 1983; IS THAT YOUR TESTIMONY?

12 THE COURT: THAT'S WHAT HE SAID, COUNSEL.

13 MR. MEDVENE: ALL RIGHT.

14 THE WITNESS: YES.

15 BY MR. MEDVENE:

16 Q. DID HE HAVE ANY MEETINGS IN THE LAST SIX MONTHS AFTER 1983
17 AT THE HOUSE?

18 A. WELL, YES, JUST PARTIES.

19 Q. SO HE HAD A NUMBER OF PARTIES AT THE HOUSE DURING 1983?

20 A. YES.

21 Q. MR. ZUNO WASN'T AT ANY OF THOSE PARTIES, WAS HE?

22 A. NO.

23 Q. HOW MANY PARTIES WERE THERE?

24 A. SIX OR SEVEN PARTIES. I DON'T REMEMBER REALLY WELL.

25 Q. WHO WERE SOME OF THE PEOPLE AT THOSE PARTIES?

1 MR. MEDRANO: OBJECTION, RELEVANCE, YOUR HONOR.

2 THE COURT: OVERRULED.

3 THE WITNESS: THERE WERE ATTORNEY JAVIER BARBA'S
4 RELATIVES, HIS FAMILY MEMBERS, HIS SIBLINGS.

5 BY MR. MEDVENE:

6 Q. WERE THERE ANY NARCOTIC TRAFFICKERS?

7 A. YES.

8 Q. WHO?

9 A. RAFAEL CARO QUINTERO, DON ERNESTO FONSECA CARRILLO.

10 Q. ANYONE ELSE?

11 A. NO, I DON'T REMEMBER.

12 Q. HOW ABOUT HIGH GOVERNMENT OFFICIALS?

13 A. NO, I DIDN'T SEE ANYBODY.

14 Q. YOU INDICATED YESTERDAY THAT MR. BARBA HERNANDEZ WAS A
15 VERY POWERFUL PERSON; ISN'T THAT CORRECT?

16 A. YES.

17 Q. DIDN'T HE HAVE A NUMBER OF MEETINGS WITH HIGH-RANKING
18 GOVERNMENT OFFICIALS, TO YOUR KNOWLEDGE?

19 A. I DON'T UNDERSTAND THE QUESTION.

20 Q. WELL, YOU KNEW IN 1983 THAT MR. BARBA HERNANDEZ KNEW THE
21 DIRECTOR OF THE M.F.J.P.; ISN'T THAT CORRECT?

22 A. YES. I KNEW THAT HE KNEW HIM.

23 Q. WHO WAS THAT? WHO WAS THE DIRECTOR?

24 A. WELL, I JUST KNEW THAT THEY WERE FEDERAL OFFICERS. I
25 DON'T KNOW WHETHER THEY WERE DIRECTORS OR NOT.

1 Q. SO YOU KNEW HE KNEW A NUMBER -- IN 1983 -- A NUMBER OF
2 HIGH-RANKING FEDERAL OFFICERS; ISN'T THAT CORRECT, SIR?

3 THE INTERPRETER: COULD I ASK HIM TO REPEAT THAT?

4 THE WITNESS: I KNEW WHO THE PEOPLE WERE WHO
5 PROTECTED HIM.

6 BY MR. MEDVENE:

7 Q. WHO PROTECTED HIM?

8 A. DON JAVIER GARCIA PANIAGUA. DON RUBEN ZUNO ARCE.

9 Q. YOU DIDN'T SEE MR. ZUNO ARCE AT THESE FIESTAS, DID YOU?
10 YOU HAVE TOLD US THAT ALREADY, DIDN'T YOU? ISN'T THAT CORRECT?

11 MR. MEDRANO: OBJECTION, COMPOUND, YOUR HONOR.

12 THE WITNESS: YES.

13 THE COURT: OVERRULED.

14 BY MR. MEDVENE:

15 Q. MR. CERVANTES, YOU HAVE TOLD US ABOUT THE FIESTAS IN 1983
16 AND YOU SAID YOU DIDN'T SEE MR. ZUNO. AND I WANT TO KNOW WHO
17 WAS AT THE FIESTAS THAT WAS A GOVERNMENT EMPLOYEE THAT YOU KNOW
18 OF?

19 A. I TOLD YOU THAT I DIDN'T SEE HIGH OFFICIALS THERE.

20 Q. SO ARE YOU SAYING THAT-- STRIKE THAT.

21 OTHER THAN MEETINGS YOU HAVE DESCRIBED IN 1984 --
22 STRIKE THAT.

23 DURING THE FIRST SIX MONTHS OF 1984, DID MR. BARBA
24 HERNANDEZ HAVE ANY MEETINGS AT THE HOUSE WITH ANYONE?

25 A. NO.

1 Q. NOW, YOU WERE A SECURITY GUARD TO PROTECT MR. BARBA
2 HERNANDEZ; IS THAT CORRECT, IN HIS HOUSE?

3 THE COURT: COUNSEL, THAT HAS ALL BEEN COVERED.

4 BY MR. MEDVENE:

5 Q. ALL RIGHT. WHO WERE YOU -- STRIKE THAT.

6 IF THERE WERE NO MEETINGS AT HIS HOUSE FROM DECEMBER
7 '82 THROUGH THE FIRST SIX MONTHS OF '84, WHO WERE YOU
8 PROTECTING HIM FROM IN THE HOUSE?

9 MR. MEDRANO: OBJECTION; MISSTATES THE TESTIMONY.
10 THERE WERE FIESTAS AND PARTIES, YOUR HONOR.

11 THE COURT: ANSWER THE QUESTION.

12 THE WITNESS: WELL, HE WAS A VERY IMPORTANT PERSON
13 AND I WOULD HAVE GIVEN MY LIFE FOR HIM.

14 BY MR. MEDVENE:

15 Q. OTHER THAN MEETINGS YOU TESTIFIED TO THE LAST COUPLE DAYS,
16 IS IT YOUR TESTIMONY, SIR, THAT BARBA HERNANDEZ HAD NO MEETINGS
17 OF ANY KIND WITH ANYONE AT THAT HOUSE FROM THE TIME YOU STARTED
18 WORKING THERE IN DECEMBER OF '82 THROUGH FEBRUARY 7 OF '85?

19 MR. MEDRANO: OBJECTION; MISSTATES THE TESTIMONY,
20 YOUR HONOR.

21 THE COURT: COUNSEL, HE'S NOT STATING THE TESTIMONY,
22 HE'S ASKING A QUESTION.

23 DO YOU UNDERSTAND THE QUESTION?

24 THE WITNESS: NO. THERE WERE NO OTHER MEETINGS
25 BESIDES THE ONE THAT I HAVE MENTIONED.

1 BY MR. MEDVENE:

2 Q. NOW, HOW LONG AFTER YOU HAD TOLD US THAT BARBA
3 HERNANDEZ -- STRIKE THAT.

4 DID BARBA HERNANDEZ, TO YOUR KNOWLEDGE, GO TO THE
5 HOUSE SOMETIME AFTER FEBRUARY 7TH?

6 A. YES, AFTERWARDS.

7 Q. HE IS NOW DEAD; IS THAT CORRECT, TO YOUR KNOWLEDGE?

8 A. YES.

9 Q. HOW LONG DID YOU CONTINUE LIVING IN THE HOUSE AFTER HE
10 LEFT?

11 A. APPROXIMATELY TO THE MIDDLE OF MARCH.

12 Q. YOURSELF OR WITH YOUR FAMILY?

13 A. I TOLD YOU THAT I WAS WAS WORKING ALONE. MY FAMILY WAS
14 ELSEWHERE.

15 Q. NOW, YOU ALSO KNEW THAT CARO QUINTERO FLED SOON AFTER
16 FEBRUARY 7 OF '85; IS THAT CORRECT?

17 MR. MEDRANO: OBJECTION; NO FOUNDATION, NO PERSONNEL
18 KNOWLEDGE.

19 THE COURT: THE OBJECTION IS SUSTAINED.

20 BY MR. MEDVENE:

21 Q. DO YOU HAVE ANY INFORMATION WHETHER CARO QUINTERO FLED
22 FROM MEXICO AFTER FEBRUARY 7 OF '85?

23 MR. MEDRANO: OBJECTION; HEARSAY, YOUR HONOR.

24 THE COURT: SUSTAINED.

25 BY MR. MEDVENE:

1 Q. DO YOU HAVE ANY PERSONNEL INFORMATION ABOUT WHETHER HE
2 FLED MEXICO?

3 A. NO.

4 Q. DO YOU HAVE ANY PERSONNEL INFORMATION ABOUT WHETHER
5 FONSECA FLED FROM GUADALAJARA?

6 A. NO, BECAUSE I WAS NOT WORKING FOR HIM. I WORKED FOR
7 ATTORNEY JAVIER BARBA HERNANDEZ.

8 Q. MR. ZUNO, TO YOUR KNOWLEDGE, REMAINED LIVING IN MEXICO
9 OPENLY; DID HE NOT?

10 MR. MEDRANO: OBJECTION, YOUR HONOR. NO FOUNDATION,
11 NO PERSONNEL KNOWLEDGE.

12 THE COURT: SUSTAINED.

13 BY MR. MEDVENE:

14 Q. YOU TESTIFIED, SIR, YESTERDAY ABOUT CERTAIN CREDENTIALS.
15 AND IN PARTICULAR, YOU MENTIONED A SECOND MEETING WHEN YOU
16 CLAIMED MR. ZUNO GAVE MR. BARBA HERNANDEZ CERTAIN CREDENTIALS;
17 IS THAT CORRECT, SIR?

18 THE COURT: JUST A MINUTE. COUNSEL, I'M NOT GOING TO
19 PERMIT THESE QUESTIONS ANY MORE ABOUT WHAT THIS WITNESS
20 TESTIFIED.

21 NOW, IF YOU WANT TO CALL HIS ATTENTION TO THE SECOND
22 TIME OR WHATEVER IT WAS, TELL HIM YOU WANT TO ASK HIM QUESTIONS
23 ABOUT THAT INCIDENT AND THEN PROCEED TO HIM.

24 I DON'T WANT HIS TESTIMONY RERECITED.

25 MR. MEDVENE: I UNDERSTAND. THANK YOU, SIR.

1 BY MR. MEDVENE:

2 Q. WITH RESPECT TO THE SECOND OCCASION WHEN YOU CLAIMED THAT
3 MR. ZUNO GAVE A CREDENTIAL TO BARBA HERNANDEZ, WHAT DID MR.
4 ZUNO SAY, IF ANYTHING, ABOUT THE CREDENTIALS?

5 A. ONLY THAT THAT WAS THE CREDENTIAL FOR ATTORNEY JAVIER
6 BARBA'S BROTHER.

7 Q. DIDN'T YOU BRIEFLY TESTIFY BEFORE THE GRAND JURY THAT HE
8 TOLD MR. BARBA HERNANDEZ THAT WITH THIS CREDENTIAL, HE WAS NOW
9 A FEDERAL COMANDANTE.

10 MR. MEDRANO: CLARIFICATION AS TO DATE OF APPEARANCE,
11 YOUR HONOR.

12 THE COURT: IT'S PERMISSIBLE TO ASK THE QUESTION
13 WITHOUT REFERENCE TO THAT. THE WITNESS MAY ANSWER.

14 THE INTERPRETER: THE QUESTION WAS NOT TRANSLATED,
15 YOUR HONOR.

16 THE COURT: RESTATE YOUR QUESTION.

17 BY MR. MEDVENE:

18 Q. DIDN'T YOU PREVIOUSLY CLAIM UNDER OATH THAT YOU -- THAT
19 MR. ZUNO SAID TO BARBA HERNANDEZ NOW, WITH THIS CREDENTIAL,
20 YOU'RE A FEDERAL JUDICIAL POLICE COMANDANTE?

21 A. NO, NO.

22 Q. IF THE COURT PLEASE, I READ FROM THE NOVEMBER 30 GRAND
23 JURY TRANSCRIPT, PAGE 25, INITIALLY LINES 4 TO 7.

24 "Q. NOW, AT THAT POINT DID ZUNO SAY ANYTHING ABOUT THIS
25 CREDENTIAL TO JAVIER BARBA?

1 "A. JUST THAT IT WAS FROM THE FEDERAL JUDICIAL POLICE FOR
2 COMANDANTE."

3 LINES 14 THROUGH 17.

4 "Q. TELL ME AGAIN WHAT IT WAS THAT ZUNO SAID ABOUT THIS
5 CREDENTIAL.

6 "A. THAT JAVIER WAS NOW COMANDANTE OF THE FEDERAL JUDICIAL
7 MILITARY POLICE."

8 A. NO.

9 Q. WHEN YOU SAY NO, YOU MEAN QUESTIONS THAT I READ AS COMING
10 FROM THAT TRANSCRIPT --

11 THE COURT: COUNSEL -- DO YOU MEAN THAT THE ANSWER
12 THAT HE READ WAS NOT CORRECT?

13 THE WITNESS: NO, IT IS NOT TRUE. I DIDN'T SAY THAT.
14 BY MR. MEDVENE:

15 Q. YOU WERE BEFORE THE GRAND JURY IN THIS BUILDING, WERE YOU
16 NOT, ON NOVEMBER 30, JUST LAST YEAR, OF '89?

17 A. YES.

18 Q. AND YOU WERE QUESTIONED BY MR. MEDRANO?

19 I'VE I'LL MOVE ON.

20 THE COURT: COUNSEL, HE'S --

21 MR. MEDVENE: YES, SIR. I'LL MOVE ON.

22 BY MR. MEDVENE:

23 Q. NOW, IS IT YOUR TESTIMONY THAT ON THAT OCCASION OF THE
24 HANDLING OF THE CREDENTIAL, MR. ZUNO CAME INTO THE BARBA
25 HERNANDEZ'S HOUSE WITH THE CHAUFFEUR, DAVID MACIAS?

1 A. WELL, ONLY INTO THE HOUSE, BUT HE DID NOT ENTER THE LIVING
2 ROOM WHERE HE WAS. THE DRIVER DID NOT ENTER INTO THE LIVING
3 ROOM.

4 Q. SO JUST MR. MACIAS AND MR. ZUNO CAME INTO THE HOUSE, BUT
5 MR. MACIAS STAYED SOMEWHERE OUTSIDE THE LIVING ROOM AND
6 MR. ZUNO WENT INTO THE LIVING ROOM; IS THAT YOUR TESTIMONY?

7 THE COURT: COUNSEL, IT IS NOT NECESSARY TO
8 PARAPHRASE THE WITNESS'S ANSWER IN THE FORM OF A NEW QUESTION
9 BECAUSE IT'S ASKING THE SAME THING OVER AGAIN.

10 MR. MEDVENE: YES, SIR.

11 BY MR. MEDVENE:

12 Q. IS IT CORRECT THAT JUST THE TWO OF THEM CAME IN, MR.
13 MACIAS AND MR. ZUNO, AND THEN MR. ZUNO WENT INTO THE LIVING
14 ROOM; IS THAT CORRECT, SIR?

15 MR. MEDRANO: OBJECTION; COVERED YESTERDAY.

16 THE COURT: YES. SUSTAINED -- AND TODAY, AS WELL.

17 MR. MEDVENE: IF YOUR HONOR MIGHT PERMIT THIS ONE
18 QUESTION, I HAVE A DIFFERENT AREA IN THE VERY NEXT QUESTION.

19 THE COURT: YOU MAY ASK ANY QUESTION YOU WISH.

20 MR. MEDVENE: MAY I REASK MY LAST QUESTION, YOUR
21 HONOR, JUST FOR PURPOSES OF THE NEXT GRAND JURY READING?

22 THE COURT: ALL RIGHT.

23 MR. MEDVENE: THANK YOU SIR.

24 BY MR. MEDVENE:

25 Q. IS IT CORRECT, SIR, THAT MR. MACIAS AND MR. ZUNO WALKED

1 INTO THE HOUSE ON THE OCCASION OF THE SECOND CREDENTIAL AND MR.
2 MACIAS STAYED IN ONE ROOM AND MR. ZUNO WENT INTO THE LIVING
3 ROOM?

4 A. HE DIDN'T STAY IN ANY ROOM. HE STAYED BY THE GARDEN
5 ENTRANCE.

6 Q. MR. MACIAS?

7 A. YES.

8 Q. AND MR. ZUNO WENT TO THE LIVING ROOM, CORRECT?

9 A. YES.

10 Q. MAY I READ FROM THE GRAND JURY, YOUR HONOR, NOVEMBER 30,
11 LINE -- PAGE 21, LINES 3 THROUGH 14.

12 MR. MEDRANO: WHAT PAGE AGAIN? I'M SORRY, YOUR
13 HONOR.

14 MR. MEDVENE: 21.

15 BY MR. MEDVENE:

16 "Q. DO YOU RECALL AN OCCASION, SIR, WHEN RUBEN ZUNO ARCE
17 DELIVERED ONE CREDENTIAL TO JAVIER BARBA AT THE HOUSE?"

18 "A. YES.

19 "Q. THAT IS THE MEETING I WANT TO TALKING ABOUT. DID ZUNO
20 ARRIVE AT BARBA'S HOUSE BY AUTOMOBILE AGAIN?

21 "A. YES.

22 "Q. AND ON THAT OCCASION, WAS THERE A MILITARY GENERAL THAT
23 ACCOMPANIED HIM?

24 "A. YES."

25 YOU'RE SHAKING YOUR HEAD, SIR. AGAIN, YOU DIDN'T SAY

1 WHAT THEY SAID YOU SAID; IS THAT WHY YOU'RE SHAKING YOUR HEAD?

2 (WITNESS SPEAKING IN SPANISH, BUT NOT YET
3 INTERPRETED.)

4 Q. EXCUSE ME, SIR. MY QUESTION IS -- YOU'RE SHAKING YOUR
5 HEAD NO, AND MY QUESTION IS WERE YOU SHAKING YOUR HEAD NO --

6 MR. MEDRANO: WE DIDN'T GET THE RESPONSE.

7 THE COURT: THE WITNESS WAS ATTEMPTING TO ANSWER.

8 MR. MEDVENE: OH. I'M SORRY, SIR.

9 THE WITNESS: I TOLD YOU -- AND MAYBE I WAS
10 MISUNDERSTOOD -- THAT THEY WENT FOR THE FIVE CREDENTIALS AND
11 THEN ONE MORE -- WHEN THE FIVE CREDENTIALS WERE BROUGHT, THAT
12 IS WHEN THE GENERAL CAME AND MR. RUBEN ZUNO ARCE AND HIS
13 DRIVER.

14 BY MR. MEDVENE:

15 Q. THE QUESTIONS I READ AND THE ANSWERS YOU GAVE ARE THE
16 ANSWERS YOU GAVE TO THE QUESTIONS ON NOVEMBER 30 UNDER OATH; IS
17 THAT CORRECT, SIR?

18 MR. MEDRANO: OBJECTION.

19 THE COURT: COUNSEL, I'VE ASKED YOU ALREADY NOT TO
20 ASK THAT QUESTION.

21 BY MR. MEDVENE:

22 Q. YOU HAVE NO PERSONAL KNOWLEDGE, MR. CERVANTES, THAT MR.
23 ZUNO OWNS ANY LAND NEAR PRIMAVERA PARK; ISN'T THAT CORRECT?

24 MR. MEDRANO: OBJECTION TO THE FORM OF THE QUESTION.

25 THE COURT: OVERRULED.

1 THE WITNESS: YES.

2 BY MR. MEDVENE:

3 Q. MY STATEMENT IS CORRECT?

4 A. I KNEW ABOUT THE LAND THAT DON RUBEN HAD AT LA PRIMAVERA,
5 JALISCO.

6 MR. MEDVENE: I MOVE TO STRIKE, YOUR HONOR. MY
7 QUESTION IS DOES HE HAVE ANY PERSONNEL KNOWLEDGE.

8 THE COURT: THAT'S WHAT YOU ASKED HIM AND THAT WAS
9 HIS ANSWER.

10 DO YOU WANT TO ASK HIM HOW HE KNEW?

11 STRIKE THAT. YOU MAY INQUIRE.

12 BY MR. MEDVENE:

13 Q. DID YOU EVER GO AND SEE THE LAND THAT YOU'RE TALKING
14 ABOUT?

15 A. YES.

16 Q. AND DID YOU EVER LOOK UP IN ANY RECORDS TO SEE WHO THE
17 OWNER OF THAT LAND WAS?

18 YES OR NO?

19 A. I JBEW THAT IT BELONGED TO HIM BECAUSE ATTORNEY JAVIER
20 BARBA SENT JORGE BARBA AND MYSELF TO THAT HOUSE ONCE.

21 Q. TO A HOUSE WHERE?

22 A. IN LA PRIMAVERA, JALISCO.

23 Q. WHERE WAS THE HOUSE?

24 A. I COULDN'T GIVE YOU THE ADDRESS.

25 Q. HOW DID YOU GET THERE FROM JAVIER BARBA HERNANDEZ'S HOUSE?

1 A. IN A WHITE MARQUIS.

2 Q. BUT HOW DID YOU PHYSICALLY DRIVE THERE? WHAT STREET DID
3 YOU GO ON?

4 A. LA PRIMAVERA IS A SMALL TOWN, WHICH IS NEXT TO
5 GUADALAJARA.

6 Q. WHAT STREET IN PRIMAVERA DO YOU CLAIM THIS HOUSE IS ON?

7 A. I DON'T KNOW THE STREET, BUT I DO KNOW WHERE IT IS.

8 Q. DESCRIBE FOR ME IN THIS SMALL TOWN WHERE IT IS.

9 A. WELL, NO, I WOULD NEED A MAP TO DESCRIBE IT TO YOU.

10 MR. MEDVENE: I BELIEVE THERE IS -- IF I COULD JUST
11 TAKE A MINUTE, YOUR HONOR -- I BELIEVE THERE IS A MAP. ISN'T
12 THERE A MAP OF JALISCO? IF THERE IS A MAP, WE CAN SHOW IT TO
13 HIM.

14 THE COURT: A MAP OF JALISCO. IS THAT GOING TO HELP
15 YOU?

16 BY MR. MEDVENE:

17 Q. WOULD THAT HELP YOU FIND IT IF WE GAVE YOU A MAP OF
18 JALISCO?

19 A. YES. WELL, YES, IT IS ONLY GOING TO HAVE LA PRIMAVERA,
20 THOUGH, IT IS NOT GOING TO HAVE THE STREETS IN LA PRIMAVERA.

21 Q. SO THE MAP WOULDN'T HELP YOU FIND THE HOUSE OR LOCATE THE
22 HOUSE; ISN'T THAT CORRECT?

23 A. WELL, NO.

24 Q. NOW, THIS LA PRIMAVERA HOUSE OR LAND, WHEN YOU CAME TO THE
25 UNITED STATES AND SPOKE TO THE D.E.A. REPRESENTATIVES BEFORE

1 YOU FIRST TESTIFIED BEFORE THE GRAND JURY NOVEMBER 30, YOU
2 NEVER MENTIONED THIS TO THEM, DID YOU?

3 A. I WASN'T ASKED.

4 Q. AND YOU DIDN'T MENTION IT BEFORE THE GRAND JURY, DID YOU?

5 THE COURT: HE HAS ANSWERED THE QUESTION.

6 BY MR. MEDVENE:

7 Q. WHEN YOU CAME BACK AND SPOKE TO THE D.E.A. AGENTS ON
8 JANUARY 2ND, YOU DIDN'T MENTION THIS LAND AND MR. ZUNO'S
9 ALLEGED OWNERSHIP OF IT, DID YOU?

10 A. IT WASN'T IMPORTANT AT THE TIME, AS FAR AS THE QUESTIONS
11 THAT I KNEW HOW TO ANSWER.

12 Q. IT WASN'T IMPORTANT THAT BODIES WERE FOUND THERE; IS THAT
13 WHAT YOU'RE SAYING?

14 MR. MEDRANO: OBJECTION, YOUR HONOR. THAT'S
15 ARGUMENTATIVE AND NO FOUNDATION.

16 THE COURT: SUSTAINED.

17 BY MR. MEDVENE:

18 Q. AGAIN, WHEN YOU SPOKE TO THE D.E.A. ON JANUARY 11TH, YOU
19 DIDN'T MENTION THIS LAND OR ANYBODY'S OWNERSHIP OF THE LAND AND
20 ANY BODIES BURIED THERE, DID YOU?

21 A. YES, I DID MENTION THAT. I MENTIONED THAT TO MR. -- I
22 MENTIONED IT. THAT WAS THE LAST THAT I KNEW.

23 Q. ISN'T IT TRUE THAT WHEN YOU SPOKE TO THE D.E.A. ON JANUARY
24 2ND, YOU DID NOT MENTION IT?

25 A. I DIDN'T MENTION IT. WHEN I MENTIONED IT WAS WHEN I CAME

1 BACK FROM MEXICO AROUND THE 10TH OR 11TH. THAT'S WHEN I TOLD
2 THEM EVERYTHING ABOUT WHAT I KNEW OF WHO WAS INVOLVED AND
3 EVERYTHING.

4 Q. ISN'T IT TRUE THAT AFTER YOU CAME BACK FROM MEXICO YOU
5 TESTIFIED BEFORE THE GRAND JURY JANUARY 17TH AND JANUARY 24TH
6 AND NEVER MENTIONED THESE THINGS; ISN'T THAT CORRECT?

7 MR. MEDRANO: OBJECTION, YOUR HONOR. THE WITNESS
8 ONLY ANSWERS QUESTIONS THAT ARE PUT TO HIM.

9 THE COURT: YES, THE OBJECTION IS SUSTAINED.

10 BY MR. MEDVENE:

11 Q. AFTER YOU LEFT, SIR, BARBA HERNANDEZ'S EMPLOY IN MARCH OF
12 1985, YOU HAVE TOLD US OF ONE JOB YOU HAD. AND YOU HAVE TOLD
13 US YOUR SALARY ON THAT JOB.

14 DID YOU HAVE ANY OTHER JOBS BETWEEN MARCH OF 1985 AND
15 THE TIME YOU CAME TO THE UNITED STATES IN APPROXIMATELY OCTOBER
16 OF 1989?

17 THE INTERPRETER: I'M SORRY, YOUR HONOR. THE
18 INTERPRETER NEEDS THAT QUESTION AGAIN.

19 THE COURT: RESTATE YOUR QUESTION.

20 BY MR. MEDVENE:

21 Q. FROM MARCH OF 1985 TO NOVEMBER OF 1989, OTHER THAN THE ONE
22 JOB YOU DESCRIBED YESTERDAY, DID YOU HAVE ANY OTHER JOB?

23 A. YES.

24 Q. AND WHAT -- COULD YOU TELL US WHAT THE JOBS WERE AND WHEN
25 YOU WORKED THERE?

1 A. I ALSO WORKED FOR THE D.S.P., DIRECTORATE OF PUBLIC
2 SAFETY.

3 Q. WHEN DID YOU WORK FOR THE D.S.P., SIR?

4 A. I DON'T REMEMBER. IT WAS 8 OR 9 MONTHS, MAYBE LONGER.

5 Q. AND OTHER THAN THE D.S.P., WERE THERE ANY OTHER JOBS,
6 SIR -- THAT AND THE ONE YOU DESCRIBED YESTERDAY; ANY OTHER
7 JOBS?

8 A. YES.

9 Q. WHAT WERE THEY, SIR?

10 A. I WAS A SECURITY GUARD AT THE LA ALEMANA RESTAURANT.

11 Q. HOW LONG WERE YOU THERE, SIR?

12 A. TWO YEARS, APPROXIMATELY.

13 Q. WHAT WAS YOUR YEARLY INCOME, SIR, IN 1986?

14 A. I DON'T REMEMBER.

15 Q. WAS IT MORE THAN \$1,000?

16 A. NO.

17 Q. WAS IT MORE THAN \$500?

18 A. WELL, I DON'T KNOW WHAT YOU'RE ASKING. ARE YOU SAYING HOW
19 MANY DAYS OR ARE YOU SAYING ONE YEAR?

20 Q. I'M SAYING IN ONE YEAR IN AMERICAN DOLLARS, WHAT WERE YOUR
21 AVERAGE EARNINGS IN THE YEAR 1986?

22 A. I HAVE NO IDEA.

23 Q. WOULD IT BE AROUND \$500?

24 A. IN A YEAR, IT WOULD BE MORE.

25 Q. COULD YOU TELL ME APPROXIMATELY HOW MUCH?

1 A. SEVEN, \$800.

2 Q. HOW ABOUT THE YEAR 1987; ABOUT THE SAME?

3 A. IN MEXICAN CURRENCY, YES. I WOULDN'T KNOW IN DOLLARS. I
4 NEVER EARNED ANY DOLLARS DOWN THERE.

5 Q. BUT THE EQUIVALENT U.S. DOLLARS TO THE MEXICAN CURRENCY,
6 ABOUT \$700 FOR THE YEAR IN 1987, SIR?

7 A. I DON'T KNOW WHAT THE DOLLAR WAS AT BACK THEN.

8 Q. WOULD IT BE FAIR TO SAY, SIR, THAT FOR THE YEARS 1986, '87
9 AND '88, YOU AVERAGED LESS THAN \$1,000, AMERICAN, A YEAR?

10 A. NO, MORE.

11 Q. WHAT DID YOU EARN, THE EQUIVALENT AMERICAN DOLLARS, IN
12 1988, SIR?

13 LESS THAN A THOUSAND DOLLARS, \$800.

14 Q. THE LAST QUESTION, SIR. IN 1989, ASIDE FROM WHAT THE
15 D.E.A. PAID YOU, HOW MUCH DID YOU EARN?

16 A. \$500 -- JUST TO SAY SOMETHING.

17 MR. MEDVENE: THANK YOU VERY MUCH, MR. CERVANTES.

18 THE COURT: ANY OTHER DEFENSE COUNSEL WISH TO CROSS
19 EXAMINE THIS WITNESS?

20 MR. NICOLAYSEN: YES, YOUR HONOR, THANK YOU.

21 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL.)

22 MR. NICOLAYSEN: MAY I PROCEED?

23 MR. MEDVENE: MAY I ASK ONE OTHER QUESTION? MAYBE
24 TWO -- I APOLOGIZE.

25 THE COURT: YES.

1 BY MR. MEDVENE:

2 Q. YOU HAD TOLD US YESTERDAY, I BELIEVE, THAT YOU WERE A
3 SCHOOL CLASSMATE OF JAVIER BARBA HERNANDEZ?

4 A. YES.

5 Q. WHAT YEAR WERE YOU IN SCHOOL?

6 A. WE WERE AT THE ANDREAS FIGUEROA SCHOOL IN JALISCO FROM
7 1968 TO 1974.

8 Q. SO THEY WOULD BE SCHOOL YEARS WHAT -- YOU WERE IN WHAT
9 GRADE IN SCHOOL?

10 A. ELEMENTARY SCHOOL. SIX YEARS.

11 MR. MEDVENE: THANK YOU VERY MUCH.

12 THE COURT: ALL RIGHT. COUNSEL.

13 MR. NICOLAYSEN: THANK YOU, YOUR HONOR.

14

15

CROSS-EXAMINATION +

16 BY MR. NICOLAYSEN:

17 Q. MR. CERVANTES, I WANT TO DIRECT YOUR ATTENTION TO THE DATE
18 WHEN THESE MURDERS AT THE LA LANGOSTA RESTAURANT APPARENTLY
19 OCCURRED.

20 CAN YOU PUT THAT PARTICULAR DATE IN YOUR MIND, FIRST,
21 PLEASE.

22 A. YES.

23 Q. DO YOU RECALL WHAT MONTH AND WHAT YEAR THAT WAS?

24 A. YES.

25 Q. COULD YOU TELL US, PLEASE.

1 A. IT WAS IN THE MONTH OF JANUARY 1985.

2 Q. RIGHT. NOW, LET'S FOCUS ON THAT PARTICULAR DAY. YOU TOLD
3 US YESTERDAY THAT JAVIER BARBA LEFT FROM THE RESIDENCE TO GO TO
4 LA LANGOSTA RESTAURANT, TO MEET UP WITH CARO QUINTERO; DO YOU
5 RECALL?

6 A. YES.

7 Q. THAT'S CLEAR IN YOUR MIND, RIGHT. THAT'S CLEAR IN YOUR
8 MIND; IS IT?

9 A. YES.

10 Q. ALL RIGHT. AND YOU RECALL TELLING US YESTERDAY THAT
11 BEFORE LEAVING TO GO TO THE LA LANGOSTA RESTAURANT, BARBA HAD
12 SOME PEOPLE AT HIS HOUSE?

13 DO YOU RECALL TELLING US THAT?

14 A. YES.

15 Q. NOW, IT'S TRUE, IS IT NOT, THAT THE ONLY PERSON AT THE
16 HOUSE THAT DAY BY THE NAME OF JAVIER WAS JAVIER BARBA HIMSELF;
17 ISN'T THAT TRUE?

18 A. NO.

19 Q. WITH THE COURT'S PERMISSION I'M GOING TO READ FROM THE
20 GRAND JURY TRANSCRIPT OF JANUARY 24, 1990, BEGINNING ON PAGE 3
21 ON LINE 16.

22 BY THE PROSECUTOR, MR. MEDRANO.

23 "Q. I'D LIKE TO DIRECT YOUR ATTENTION, SIR, TO AN EVENING
24 BEFORE THE ABDUCTION OF D.E.A. AGENT CAMARENA. ON THIS
25 PARTICULAR DAY, SIR, WERE THERE SEVERAL PEOPLE PRESENT AT THE

1 HOUSE OF JAVIER BARBA HERNANDEZ?

2 "A. YES.

3 "Q. LET'S TELL THE GRAND JURY WHO WAS THERE, IF YOU CAN
4 RECALL."

5 THE COURT: SLOW DOWN A LITTLE BIT, COUNSEL.

6 "A. RAFA, DON *METO, JAVIER.

7 "Q. WHEN YOU SAY JAVIER, IS THAT JAVIER BARBA HERNANDEZ?

8 "A. YES, THE ATTORNEY, JAVIER BARBA HERNANDEZ.

9 "Q. NOW, SIR, IT'S TRUE AS WELL, IS IT NOT, THAT THE ONLY
10 MEMBERS OR BROTHERS FROM THE VASQUEZ VELASCO FAMILY WHO WERE AT
11 JAVIER BARBA'S HOUSE THAT PARTICULAR DAY WERE ANTONIO OCHOA AND
12 ELISEO; ISN'T THAT CORRECT?

13 A. NO.

14 Q. INCIDENTALLY, MR. CERVANTES, THE NAME TIERRA LIBRE IS
15 KNOWN TO YOU AS A NAME FOR THE VASQUEZ VELASCO BROTHERS; IS
16 THAT RIGHT?

17 A. YES, IT IS A NICKNAME.

18 Q. WITH THE COURT'S PERMISSION, I'M GOING TO READ FROM THE
19 SAME TRANSCRIPT JANUARY 24, 1990 GRAND JURY, STARTING AT PAGE 4
20 LINE 9.

21 "Q. NOW, WERE -- ARE YOU FAMILIAR WITH A FAMILY OR GROUP OF
22 BROTHERS THAT ARE CALLED THE TIERRA LIBRE BROTHERS?

23 "A. YES.

24 "Q. CAN YOU TELL ME IF ANY OF THE TIERRA LIBRE BROTHERS WERE
25 AT THE HOUSE THAT DAY?

1 "A. YES.

2 "Q. WHO WAS THAT?

3 "A. TONY.

4 "Q. NOW, WHAT IS THE FULL NAME OF ANTONIO OR TONY?

5 "A. IT'S ANTONIO VASQUEZ OCHOA.

6 "Q. NOW, WHO ELSE WAS AT THE HOUSE?

7 "A. EL ELISEO VASQUEZ VELASCO; EL CORITA.

8 "Q. DO YOU KNOW THE NAME OF EL CORITA?

9 "A. ONLY CHAVA.

10 "Q. DOES HE ALSO GO BY THE NAME OF SALVADOR?

11 "A. YES."

12 NOW, BY THE TIME STARTED WORKING FOR JAVIER BARBA IN
13 DECEMBER 1982, MR. CERVANTES, YOU HAD KNOWN HIM FOR ABOUT TEN
14 YEARS; ISN'T THAT RIGHT?

15 A. YES.

16 Q. DURING THE TIME THAT YOU KNEW JAVIER BARBA, WERE YOU AWARE
17 OF ANY PROBLEMS THAT HE EVER HAD AT HIS SCHOOL?

18 MR. MEDRANO: OBJECTION; RELEVANCY, YOUR HONOR.

19 THE COURT: OVERRULED.

20 THE WITNESS: NO.

21 BY MR. NICOLAYSEN:

22 Q. NOW, WHEN YOU TOOK ON THE JOB AS CHIEF OF SECURITY FOR HIS
23 HOME, HE PAID YOU FOR THAT?

24 A. YES.

25 Q. AND HE ALSO TOOK CARE OF YOU, DIDN'T HE?

1 A. (NO RESPONSE.)

2 Q. BARBA ALSO TOOK CARE OF YOU; DID HE NOT?

3 A. (NO RESPONSE.)

4 THE COURT: THAT QUESTION IS NOT VERY CLEAR, COUNSEL.

5 WHAT --

6 BY MR. NICOLAYSEN:

7 Q. BARBA TOOK CARE OF YOUR LIVING EXPENSES AS WELL AS PAYING
8 YOUR SALARY; DID HE NOT?

9 A. LIVING EXPENSES? I DON'T UNDERSTAND.

10 Q. YOU LIVED AT THE RESIDENCE YOURSELF; DID YOU NOT?

11 A. YES.

12 Q. AND YOUR FAMILY DID NOT LIVE THERE WITH YOU, DID THEY?

13 A. NO.

14 Q. SO IT WAS A PERSONAL RELATIONSHIP THAT YOU HAD WITH BARBA
15 AS HIS CHIEF OF SECURITY; WAS IT NOT?

16 A. YES. WE WERE ACQUAINTENCES.

17 Q. AND YOU CONTINUED TO HOLD THIS JOB, I TAKE IT, FROM THE
18 TIME YOU STARTED IN DECEMBER OF 1982 ALL THE WAY UP THROUGH THE
19 TIME THAT CAMARENA WAS ABDUCTED IN FEBRUARY '85; ISN'T THAT
20 RIGHT?

21 A. NO, AFTERWARDS.

22 Q. PERHAPS WE ARE NOT COMMUNICATING CLEARLY.

23 I'M GOING TO ASK YOU TO FOCUS ON THIS TIME PERIOD, IF
24 YOU WOULD, PLEASE.

25 IN DECEMBER 1982 WHEN YOU FIRST STARTED AS BARBA'S

1 CHIEF OF SECURITY, GOING ALL THE WAY UP TO FEBRUARY 1985, DO
2 YOU HAVE THAT TIME PERIOD IN MIND?

3 A. NO, I WORKED FOR THE ATTORNEY UNTIL THE MIDDLE OF MARCH OF
4 '85.

5 Q. AND YOU WORKED -- FINE, THANK YOU.

6 NOW, DURING THE TIME THAT YOU WORKED AS BARBA'S CHIEF
7 OF SECURITY FROM DECEMBER OF 1982 UNTIL MARCH OF 1985, YOU
8 OBSERVED BARBA MEETING ON A NUMBER OF OCCASIONS WITH CARO
9 QUINTERO; ISN'T THAT RIGHT?

10 A. YES.

11 Q. AND WITH ERNESTO FONSECA, CORRECT?

12 A. YES.

13 Q. THEY EVEN SOCIALIZE TOGETHER; DO THEY NOT?

14 A. YES.

15 Q. AND ONE OF THE WAYS THAT THEY SOCIALIZE TOGETHER WAS TO GO
16 TO THE LA LANGOSTA RESTAURANT ON OCCASION; ISN'T THAT RIGHT?

17 A. YES. THEY WOULD SEE EACH OTHER THERE FREQUENTLY.

18 Q. AND, IN FACT, JAVIER BARBA HAD AN ACCOUNT AT THE LA
19 LANGOSTA RESTAURANT AND WOULD SIGN FOR MEALS THERE; ISN'T THAT
20 RIGHT?

21 A. YES.

22 Q. DID YOU EVER OBSERVE JAVIER BARBA LEAVING HIS HOUSE TO GO
23 TO LA LANGOSTA RESTAURANT ON THE OCCASIONS THAT HE WOULD GO
24 THERE?

25 A. YES, BECAUSE EVERY TIME HE WENT OUT I HAD TO KNOW WHERE HE

1 WAS GOING SO THAT I COULD LET HIS WIFE KNOW.

2 I WOULD ALWAYS KNOW WHERE HE WAS.

3 Q. COULD YOU TELL US HOW MANY TIMES IN 1983 HE WENT TO LA
4 LANGOSTA? CAN YOU GIVE US AN APPROXIMATE NUMBER?

5 A. AS FAR AS I CAN RECALL, FOUR OR FIVE TIMES.

6 Q. TO THE BEST OF YOUR RECOLLECTION, HOW MANY TIMES DID
7 JAVIER BARBA GO TO LA LANGOSTA IN 1984? CAN YOU TELL US?

8 A. HE WENT THERE SEVERAL TIMES BEFORE THOSE PEOPLE WERE
9 KILLED THERE.

10 Q. AND WOULD YOU OBSERVE HIM LEAVING TO GO TO THE RESTAURANT
11 WITH HIS FRIENDS?

12 A. YES. WITH HIS BODYGUARD.

13 Q. AND ON OCCASION, DID PEOPLE COME OVER TO THE HOUSE AND
14 SPEND TIME WITH BARBA AND THEN LEAVE WITH BARBA TO GO TO THE
15 RESTAURANT?

16 A. I DON'T UNDERSTAND THAT QUESTION.

17 Q. WOULD ANY OF BARBA'S FRIENDS ON OCCASION COME OVER TO THE
18 HOUSE AND SPEND TIME WITH HIM, AND THEN AFTER SPENDING SOMETIME
19 AT THE HOUSE, GO AS A GROUP TO THE LA LANGOSTA RESTAURANT?

20 A. YES.

21 Q. ON THE DAY -- STRIKE THAT.

22 NOW ON THESE PARTICULAR DAYS WHEN PEOPLE WOULD GO
23 WITH BARBA TO THE LA LANGOSTA RESTAURANT, YOU DIDN'T KEEP A
24 DIARY OF WHO WAS TRAVELING WITH BARBA TO THE RESTAURANT; DID
25 YOU?

1 A. I KNEW WHO WENT WITH HIM.

2 Q. DID YOU WRITE IT DOWN?

3 A. THE BODYGUARDS THAT WERE WITH THEM, I WAS IN DAILY CONTACT
4 WITH THEM.

5 Q. I ASKED YOU IF YOU WROTE IT DOWN.

6 A. IN MY MIND.

7 Q. I ASKED YOU IF YOU WROTE IT DOWN ON PAPER.

8 A. NO.

9 Q. SO, IF YOU WROTE IT DOWN IN YOUR MIND, LET'S SEE NOW, WHEN
10 WAS THE VERY FIRST TIME THAT JAVIER BARBA WENT TO THE LA
11 LANGOSTA RESTAURANT IN 1983?

12 A. I DON'T RECALL HIM HAVING GONE EVEN ONCE IN 1983.

13 Q. AND YOU DON'T RECALL JUST TELLING US A FEW MINUTES AGO
14 THAT YOU RECALL HIM GOING THERE FOUR OR FIVE TIMES THAT YEAR?

15 A. NOT THAT YEAR.

16 Q. YOU'RE CHANGING YOUR TESTIMONY TODAY?

17 A. NO, I'M NOT CHANGING IT.

18 Q. NOW, IT'S TRUE, IS IT NOT, THAT CARO QUINTERO RESPECTED
19 JAVIER BARBA QUITE A BIT; ISN'T THAT RIGHT?

20 A. YES.

21 Q. AND FONSECA ALSO RESPECTED JAVIER BARBA QUITE A BIT; DID
22 HE NOT?

23 A. YES.

24 Q. NOW, IT'S TRUE THAT JAVIER BARBA WAS FROM A DIFFERENT
25 SOCIAL ELEMENT THAN BOTH CARO QUINTERO AND FONSECA; WOULDN'T

1 YOU SAY?

2 MR. MEDRANO: OBJECTION; AMBIGUOUS, LACK OF
3 FOUNDATION AND CALLS FOR A CONCLUSION.

4 THE COURT: SUSTAINED.

5 BY MR. NICOLAYSEN:

6 Q. BASED ON YOUR PERSONNEL RELATIONSHIP WITH JAVIER BARBA,
7 WOULDN'T IT BE FAIR TO SAY THAT JAVIER BARBA HAD A
8 SUBSTANTIALLY GREATER LEVEL OF EDUCATION THAN BOTH CARO
9 QUINTERO AND ERNESTO FONSECA?

10 MR. MEDRANO: OBJECTION ON GROUNDS OF AMBIGUITY, YOUR
11 HONOR.

12 THE COURT: WELL, THE WITNESS MAY ANSWER.

13 THE WITNESS: I DON'T UNDERSTAND THE QUESTION VERY
14 WELL.

15 BY MR. NICOLAYSEN:

16 Q. JAVIER BARBA WAS AN ATTORNEY; WAS HE NOT?

17 A. YES.

18 Q. ERNESTO FONSECA DID NOT HAVE ANY FORMAL EDUCATION, TO YOUR
19 KNOWLEDGE, DID HE?

20 A. AS FAR AS I KNOW, HE DIDN'T.

21 Q. AND NEITHER DID CARO QUINTERO, DID HE?

22 A. I DON'T REALLY KNOW ABOUT THEIR LIVES, I ONLY KNOW WHEN
23 THEY WENT TO SEE THE ATTORNEY.

24 Q. NOW, JAVIER BARBA SPOKE LIKE AN EDUCATED MAN; DIDN'T HE?

25 A. YES.

1 Q. HE USED LANGUAGE VERY WELL; ISN'T THAT CORRECT?

2 A. YES.

3 Q. IN FACT, IT WOULD BE FAIR TO SAY THAT YOU ADMIRER THAT
4 VERY MUCH IN HIM; DIDN'T YOU?

5 A. YES.

6 Q. AND YOU ADMIRER HOW POWERFUL JAVIER BARBA WAS WHEN HE WAS
7 ALIVE; ISN'T THAT RIGHT?

8 A. YES.

9 Q. NOW, CARO QUINTERO RESPECTED THAT INTELLIGENCE AND THAT
10 EDUCATION IN JAVIER BARBA; DID HE NOT?

11 MR. MEDRANO: OBJECTION; CALLS FOR A CONCLUSION AND
12 NO FOUNDATION.

13 THE COURT: SUSTAINED.

14 BY MR. NICOLAYSEN:

15 Q. DURING THE TIMES THAT YOU HAD THE OPPORTUNITY TO OBSERVE
16 CARO QUINTERO INTERACT WITH JAVIER BARBA, DIDN'T IT APPEAR TO
17 YOU THAT CARO QUINTERO TRUSTED JAVIER BARBA'S JUDGMENT?

18 MR. MEDRANO: OBJECTION: CALLS FOR A CONCLUSION, NO
19 FOUNDATION.

20 THE COURT: OVERRULED.

21 THE INTERPRETER: I'M SORRY, YOUR HONOR. I NEED THE
22 QUESTION AGAIN.

23 BY MR. NICOLAYSEN:

24 Q. DURING THE TIMES, SIR, THAT YOU WERE ABLE TO OBSERVE CARO
25 QUINTERO INTERACTING WITH JAVIER BARBA, YOU WERE ABLE TO SEE

1 CARO QUINTERO TRUSTING AND RESPECTING BARBA'S JUDGMENT; ISN'T
2 THAT TRUE?

3 A. YES. THEY WERE AFRAID OF HIM.

4 Q. WHY WERE THEY AFRAID OF HIM?

5 A. BECAUSE THERE WERE AT LEAST TEN PERSONS THAT HE HAD
6 KILLED.

7 Q. CAN YOU TELL US WHO THEY WERE?

8 MR. MEDRANO: OBJECTION; RELEVANCE, YOUR HONOR.

9 THE COURT: SUSTAINED.

10 BY MR. NICOLAYSEN:

11 Q. COULD YOU TELL US THE PURPOSE FOR WHICH JAVIER BARBA HAD
12 THOSE TEN PEOPLE KILLED?

13 MR. MEDRANO: OBJECTION; RELEVANCE AND LACK OF
14 FOUNDATION.

15 THE COURT: SUSTAINED.

16 BY MR. NICOLAYSEN:

17 Q. AND IT'S TRUE ALSO THAT FONSECA WAS AFRAID OF JAVIER BARBA
18 IN THE SAME WAY THAT CARO QUINTERO WAS AFRAID OF JAVIER BARBA;
19 ISN'T THAT RIGHT?

20 A. YES.

21 Q. AND SO WHEN JAVIER BARBA SPOKE TO CARO AND TO FONSECA,
22 THEY TOOK HIM VERY SERIOUSLY; DIDN'T THEY?

23 A. YES.

24 Q. DO YOU REMEMBER TELLING US YESTERDAY THAT CARO QUINTERO
25 HAD SUGGESTED AT ONE POINT THAT THE AMBASSADOR TO MEXICO SHOULD

1 BE PICKED UP?

2 A. YES. HE SAID ALONG WITH ANOTHER PERSON, THAT MR. GAVIN
3 SHOULD BE PICKED UP.

4 Q. AND IT WAS JAVIER BARBA WHO SAID THAT THAT WOULD BE TOO
5 DANGEROUS; ISN'T THAT RIGHT?

6 A. YES.

7 Q. AND JAVIER BARBA SAID THAT THE U.S. AMBASSADOR SHOULD NOT
8 BE PICKED UP BUT, RATHER, IT WOULD BE BETTER TO PICK UP A
9 D.E.A. AGENT; ISN'T THAT CORRECT?

10 A. NO, THE D.E.A. AGENT WHO THEY KNEW ABOUT AND WHO WAS
11 CAUSING TROUBLE.

12 Q. BUT JAVIER BARBA SPECIFICALLY TOLD CARO QUINTERO THAT TO
13 PICK UP THE U.S. AMBASSADOR WOULD BE TOO DANGEROUS, AND YOU
14 KNOW THAT FROM YOUR OWN FIRSTHAND KNOWLEDGE; DON'T YOU?

15 A. YES. I WAS TO ONE SIDE OF THE ATTORNEY WHILE THEY WERE
16 SPEAKING.

17 Q. AND AFTER TELLING CARO QUINTERO THAT IT WOULD BE TOO
18 DANGEROUS TO PICK UP THE U.S. AMBASSADOR, JAVIER BARBA SAID IT
19 WOULD BE EASIER TO PICK UP A D.E.A. AGENT; DIDN'T HE?

20 A. THE ATTORNEY WAS REFERRING TO THE D.E.A. AGENT WHO WAS
21 CAUSING TROUBLE, NOT ANY D.E.A. AGENT.

22 Q. WHEN JAVIER BARBA SAID TO CARO QUINTERO THAT IT WOULD BE
23 TOO DANGEROUS TO PICK UP THE U.S. AMBASSADOR TO MEXICO, JAVIER
24 BARBA SAID IT WOULD BE EASIER TO PICK UP A D.E.A. AGENT WHO
25 TURNED OUT LATER TO BE CAMARENA; ISN'T THAT RIGHT?

1 A. YES.

2 Q. AND WHEN JAVIER BARBA MADE THAT STATEMENT TO CARO
3 QUINTERO, CARO QUINTERO FOLLOWED HIS ADVICE; DIDN'T HE?

4 A. YES.

5 Q. AND SO DID ERNESTO FONSECA; ISN'T THAT RIGHT?

6 A. YES.

7 Q. NOW, YOU RECALL THAT JAVIER BARBA HAD PEOPLE OTHER THAN
8 YOURSELF WORKING FOR HIM?

9 A. YES.

10 Q. AND, IN FACT, SO DID CARO QUINTERO AND ERNESTO FONSECA;
11 THEY BOTH HAD PEOPLE WORKING FOR THEM, TO YOUR KNOWLEDGE;
12 DIDN'T THEY?

13 A. YES.

14 Q. DID YOU EVER MEET ANY OF CARO'S QUINTERO'S LIEUTENANTS OR
15 ASSISTANTS?

16 A. NO, ONLY WHEN THEY CAME AROUND, BY SIGHT.

17 Q. NOW, WHO WERE THE OTHER PEOPLE WHO WORKED FOR JAVIER
18 BARBA; CAN YOU TELL US?

19 A. EL ITALIANO, EL CORITA, JAVIER VASQUEZ VELASCO, ELISEO
20 VELASCO; THEY WERE HIS BODYGUARDS WHO WOULD BE AROUND HIM.

21 Q. WHEN THE PLOT TO KIDNAP CAMARENA WAS DISCUSSED BETWEEN
22 CARO AND FONSECA AND JAVIER BARBA, IT WAS DISCUSSED IN TERMS OF
23 HAVING OTHER PEOPLE, THAT IS, ASSISTANTS, GO OUT AND PICK UP
24 THE AGENT; ISN'T THAT CORRECT?

25 MR. MEDRANO: OBJECTION, YOUR HONOR. THERE ARE

1 SEVERAL MEETINGS. COULD WE BE MORE PRECISE FOR WITNESS?

2 MR. NICOLAYSEN: I DON'T WANT TO TAKE UP ALL THE TIME
3 TO GO THIGH EVERY SINGLE MEETING I THINK WE CAN COVER THE
4 GENERAL --

5 MR. MEDRANO: JUST THE DATE, AT LEAST?

6 THE COURT: I THINK THE WITNESS CAN ANSWER THE
7 QUESTION.

8 THE WITNESS: I DON'T UNDERSTAND THE QUESTION.

9 THE COURT: WE'LL TAKE OUR MORNING RECESS AT THIS
10 TIME.

11 THE CLERK: PLEASE RISE.

12 (JURY EXCUSED.)

13 THE COURT: ORDER IN THE COURT.

14 I HAVE TWO MOTIONS HER I WANT TO DISPOSE OF AT THIS
15 TIME.

16 MR. VASQUEZ'S MOTION REGARDING THE ADMISSIBILITY OF
17 THE TAPED CONVERSATIONS BETWEEN HIMSELF AND AGENT REYNOSO,
18 WHICH HE IS SEEKING TO EXCLUDE, THE COURT HAS CONSIDERED THE
19 MOTION.

20 BECAUSE OF THE LATENESS AT WHICH IT WAS FILED, THERE
21 HAS BEEN NO OPPOSITION FILED TO IT. THE COURT DENIES THE
22 MOTION TO EXCLUDE, DUE TO THE COOPERATING WITNESS AGREEMENT.
23 THERE IS NOTHING IN THE AGREEMENT WHICH PROHIBITS THE
24 GOVERNMENT FROM USING THESE STATEMENTS AGAINST MR. VASQUEZ.

25 NOW, MR. ZUNO MOVES TO EXCLUDE CERTAIN STATEMENTS

1 MADE BY VASQUEZ REGARDING ZUNO.

2 MR. MEDVENE: IF THE COURT PLEASE, THE GOVERNMENT IS
3 NOT GOING TO INTRODUCE THEM, SO THERE IS NO NEED.

4 THE COURT: NO NEED TO WORRY ABOUT THAT?

5 MR. MEDRANO: THAT WAS RESOLVED INFORMALLY. WE WILL
6 NOT BE INTRODUCING THOSE STATEMENTS.

7 THE COURT: THAT'S FINE. I WAS GOING TO EXCLUDE THEM
8 ANYWAY.

9 THEN THERE IS A MOTION THAT WAS FILED HERE SEVERAL
10 DAYS AGO -- STRIKE THAT -- IT WAS FILED MAY 23. DISCLOSURE OF
11 PRESENTENCE RECORDS FOR WITNESS JESSIE ZUNO FOR CERVANTES, FOR
12 CESAR LARA-PEREA AND VICTOR LAWRENCE HARRISON.

13 HAVE YOU RECEIVED THAT?

14 MR. MEDRANO: ALTHOUGH FILED ON THE 23RD, WE ONLY
15 RECEIVED IT YESTERDAY. AND WE WERE IN COURT ALL DAY YESTERDAY.
16 WE ARE HAVING A COLLEAGUE DO THE LEGAL RESEARCH ON THAT ISSUE
17 AS WE SPEAK.

18 THE COURT: ARE YOU FILING AN OPPOSITION TO THIS?

19 MR. MEDRANO: ONE WILL BE FILED, YOUR HONOR.

20 THE COURT: I'LL WITHHELD RULING ON THAT UNTIL IT HAS
21 BEEN FILED.

22 NOW, MR. BERNABE HAS FILED AN AN EX-PARTE APPLICATION
23 FOR AN ORDER THAT HIS AUDIO EXPERT BE PERMITTED TO MAKE AN
24 EXEMPLAR FROM THE ESPECIALLY MODIFIED AND COMMERCIALY
25 UNAVAILABLE RECORDING EQUIPMENT USED TO MAKE THE RECORDS OF

1 STATEMENTS MADE BY BERNABE TO THE UNDERCOVER D.E.A. AGENTS.

2 MR. CARLTON: YOUR HONOR, WE'LL AGREE TO THAT, WE
3 ARE JUST WORKING OUT THE LOGISTICS TO MAKE THEM AVAILABLE.

4 THE COURT: ALL RIGHT. THAT'S FINE.

5 MR. MEDVENE: I JUST WANT TO BRING TO YOUR ATTENTION,
6 YOU HAVE ANOTHER EX-PARTE MOTION THAT YOU MIGHT WANT TO LOOK
7 AT. I WOULD IMAGINE THE GOVERNMENT'S CURRENT OPPOSITION --
8 THAT THERE WAS CERTAIN REDACTING THAT WENT ON WITH RESPECT TO
9 CERTAIN WITNESSES, AND WE ASKED FOR THE INFORMATION ON THE
10 REDACTED PORTIONS.

11 ONE IS A D.E.A. 6 OF WILLIAM COONS (PHONETIC), AND IT
12 MIGHT BE PERTINENT PRIOR TO THE TIME THE NEXT WITNESS
13 TESTIFIES.

14 MR. MEDRANO: THAT'S IS THE SAME MOTION THAT WE GOT
15 YESTERDAY, YOUR HONOR. IT ASKED FOR SEVERAL ASPECTS OF
16 RELIEF --

17 MR. MEDVENE: IT'S A DIFFERENT MOTION, YOUR HONOR, IF
18 THE COURT PLEASE --

19 MR. MEDRANO: IT IS A DIFFERENT MOTION. WE JUST GOT
20 IT YESTERDAY. WE'LL FILE AN OPPOSITION TO THAT IMMEDIATELY, AS
21 WELL, YOUR HONOR.

22 WE HAVEN'T FORGOTTEN THAT ONE EITHER.

23 MR. STOLAR: JUST TO FOLLOW UP ON WHAT WE DID LAST
24 NIGHT, I'D LIKE TO KNOW IF WE HAVE A REPORT ON THE PHOTOGRAPHS
25 THAT THIS WITNESS WAS SHOWN THAT THE GOVERNMENT IS GOING TO

1 LOOK AT?

2 MR. MEDRANO: WE ARE LOOKING FOR THAT STILL, YOUR
3 HONOR. WE STARTED LOOKING LAST NIGHT AND WE'RE STILL LOOKING
4 WITH OTHER AGENTS THIS MORNING FOR THOSE ITEMS.

5 THE COURT: ALL RIGHT.

6 MR. STOLAR: BEFORE I CROSS-EXAMINE THE WITNESS, IT
7 WOULD BE GOOD TO HAVE THOSE.

8 MR. MEDRANO: WE'RE DOING OUR BEST, YOUR HONOR.
9 WE'RE TRYING FIND THEM.

10 MR. STOLAR: THANK YOU, SIR.

11 THE CLERK: PLEASE RISE. THIS COURT IS NOW IN
12 RECESS.

13 (BRIEF RECESS.)

14 (JURY PRESENT:)

15 THE COURT: DO YOU HAVE ANY FURTHER QUESTIONS FOR
16 THIS WITNESS?

17 MR. NICOLAYSEN: YES, YOUR HONOR. THANK YOU.

18 CROSS-EXAMINATION + (RESUMED)

19 BY MR. NICOLAYSEN:

20 Q YOU HAD MENTIONED, I BELIEVE YESTERDAY, THAT JAVIER BARBA
21 OWNED A CAR THAT WAS -- I'M GOING TO STOP MYSELF. I BELIEVE
22 THE INTERPRETER IS NOT WITH US.

23 THE COURT: RESTATE YOUR QUESTION

24 MR. NICOLAYSEN: Q I BELIEVE YOU TOLD US YESTERDAY,
25 MR. CERVANTES, THAT JAVIER BARBA OWNED AN AUTOMOBILE THAT WAS A

1 GRAND MERCURY; IS THAT RIGHT?

2 A YES.

3 Q AND BY THE WAY, CAN YOU REMEMBER THE YEAR OF THAT CAR?

4 A NO.

5 Q WAS IT BARBA'S FAVORITE CAR?

6 A OH, HE HAD THREE MERCURIES.

7 Q DID HE LIKE THEM?

8 A I DON'T KNOW. HE JUST USED THOSE.

9 Q DO YOU REMEMBER HOW MUCH HE PAID FOR THEM?

10 MR. MEDRANO: OBJECTION. RELEVANCE, YOUR HONOR.

11 THE COURT: SUSTAINED.

12 BY MR. NICOLAYSEN:

13 Q DID YOU TAKE CARE OF THOSE CARS?

14 A YES. YES.

15 Q DO YOU REMEMBER WHICH OF THOSE THREE CARS JAVIER BARBA
16 DROVE FROM THE HOUSE TO LA LANGOSTA ON THE NIGHT THAT THE
17 MURDERS OCCURRED?

18 A YES.

19 Q CAN YOU PICTURE THAT CAR IN YOUR MIND FOR JUST A MOMENT?

20 A YES.

21 Q NOW, WOULD YOU CALL IT A LUXURY CAR?

22 A YES.

23 Q WAS IT NICELY DECORATED INSIDE?

24 A I THINK LIKE ANY OF THEM, JUST THAT HE HAD A TELEPHONE IN
25 HIS.

1 Q NOW, BACK IN 1984 AND 1985 -- BACK IN 1984 AND 1985, IT WAS
2 NOT COMMON TO HAVE TELEPHONES IN ONE'S CAR DOWN IN GUADALAJARA,
3 WAS IT?

4 A I DON'T KNOW, BUT HE HAD A TELEPHONE IN ONE OF THE CARS.

5 Q AND THAT WAS THE CAR THAT HE DROVE TO LA LANGOSTA ON THE
6 NIGHT THAT THE MURDERS OCCURRED; IS THAT CORRECT?

7 A YES.

8 Q AND YOU TOLD US, DID YOU, THAT THAT WAS THE ONE OF THE
9 THREE CARS THAT HAD A PHONE?

10 A NO. I SAID THAT HE HAD THREE CARS AND THAT ONLY ONE HAD A
11 TELEPHONE.

12 Q ALL RIGHT. IF I UNDERSTAND -- EXCUSE ME IF I'M REPEATING,
13 BUT I JUST WANT TO MAKE SURE THAT WE'RE ON THE SAME WAVELENGTH
14 HERE, SIR.

15 IS IT YOUR TESTIMONY --

16 THE COURT: GO AHEAD.

17 MR. NICOLAYSEN: THANK YOU.

18 Q IS IT YOUR TESTIMONY TESTIMONY HERE TODAY, MR. CERVANTES,
19 THAT THE PARTICULAR MERCURY THAT BARBA HAD A TELEPHONE IN WAS
20 THE ONE HE DROVE TO THE LA LANGOSTA RESTAURANT ON THE NIGHT
21 THAT THE MURDERS OCCURRED?

22 A YES.

23 Q THAT'S NOT THE KIND OF CAR THAT JAVIER BARBA WOULD WANT TO
24 GET BLOOD IN, IS IT?

25 MR. MEDRANO: OBJECTION, YOUR HONOR. CALLS FOR A

1 CONCLUSION.

2 THE COURT: WELL, IT'S ARGUMENT; IT'S NOT A QUESTION.
3 THE OBJECTION IS SUSTAINED.

4 BY MR. NICOLAYSEN:

5 Q JAVIER BARBA, MR. CERVANTES, WAS NOT THE KIND OF INDIVIDUAL
6 WHO WOULD GET THE BLOOD OF A MURDER VICTIM ON HIS SHOES AND ON
7 HIS PANTS, WAS HE?

8 MR. MEDRANO: OBJECTION, YOUR HONOR. ARGUMENTATIVE.
9 CALLS FOR A CONCLUSION.

10 THE COURT: WELL, WHAT IS YOUR OBJECTION?

11 MR. MEDRANO: ARGUMENT AND CALLS FOR A CONCLUSION,
12 YOUR HONOR.

13 THE COURT: RESTATE YOUR QUESTION, IF YOU CAN, IN A
14 DIFFERENT FORM.

15 MR. NICOLAYSEN: I'LL EVEN MOVE ON.

16 Q I BELIEVE YOU HAVE A THIRD GRADE EDUCATION. IS THAT RIGHT?

17 A NO.

18 Q YOU HAVE LESS?

19 A I WENT TO SCHOOL UNTIL THE SECOND YEAR OF SECONDARY SCHOOL.

20 Q AT WHAT AGE DID YOU FINISH YOUR SCHOOLING?

21 A (NO AUDIBLE RESPONSE.)

22 Q ARE YOU HAVING TROUBLE REMEMBERING, MR. CERVANTES, HOW OLD
23 YOU WERE WHEN YOU STOPPED GOING SCHOOL?

24 MR. MEDRANO: OBJECTION, YOUR HONOR.

25 THE COURT: WELL --

1 THE WITNESS: I HAVE TO COUNT THE YEARS FROM
2 ELEMENTARY SCHOOL ON AND THEN SECONDARY SCHOOL. (PAUSE.)

3 YES, I WAS 21.

4 BY MR. NICOLAYSEN:

5 Q NOW, I WANT TO DIRECT YOUR ATTENTION TO THE MEETINGS THAT
6 YOU TALKED ABOUT YESTERDAY CONCERNING A PLOT TO KIDNAP AGENT
7 CAMARENA.

8 DO YOU REMEMBER TALKING ABOUT SOME MEETINGS?

9 THE COURT: COUNSEL, IT'S IRRELEVANT WHETHER HE
10 REMEMBERS. IF YOU HAVE QUESTIONS TO ASK HIM, GET ON WITH IT.

11 BY MR. NICOLAYSEN:

12 Q NOW, WHEN YOU OVERHEARD DISCUSSIONS REGARDING A PLAN TO
13 KIDNAP AGENT CAMARENA, YOU KNEW, DID YOU NOT, AT THE TIME, THAT
14 THAT WAS A SERIOUS CRIME?

15 A I DID.

16 Q AND YOU ALSO KNEW, DID YOU NOT, THAT JAVIER BARBA, CARO
17 QUINTERO AND ERNESTO FONSECA WERE NOT KIDDING AROUND WHEN THEY
18 TALKED ABOUT THAT? ISN'T THAT ALSO TRUE?

19 A YES, I KNEW THAT THEY WERE NOT JOKING AROUND.

20 Q AND BARBA ALLOWED YOU TO BE PRESENT WHEN THESE
21 CONVERSATIONS WERE TAKING PLACE, DID HE?

22 A YES. I WAS HIS TRUSTED PERSON IN THE HOUSE.

23 Q AND SO HE WAS COMFORTABLE HAVING YOU AROUND IN THE PRESENCE
24 OF THOSE MEETINGS; ISN'T THAT CORRECT?

25 A IT WAS MY JOB. ONCE HE ARRIVED AT THE HOUSE, HIS

1 BODYGUARDS WOULD TURN HIM OVER TO ME, AND I WOULD LOOK AFTER
2 HIM IN THE HOUSE.

3 Q AND AS BARBA'S TRUSTED PERSON, YOU WOULD NOT BETRAY HIM,
4 WOULD YOU?

5 THE INTERPRETER: I'M BLANK FOR THE WORD "TO BETRAY,"
6 YOUR HONOR. MAYBE ONE OF MY COLLEAGUES COULD HELP.

7 (OTHER INTERPRETER PROVIDES SPANISH WORD.)

8 THE WITNESS: NO.

9 BY MR. NICOLAYSEN:

10 Q YOU WOULDN'T BETRAY JAVIER BARBA WHEN YOU WORKED FOR HIM,
11 WOULD YOU?

12 A NO.

13 Q SO WHAT I'M SAYING IS CORRECT, ISN'T IT?

14 A YES.

15 Q JAVIER BARBA KNEW AT THE TIME THAT HE WAS PLOTTING WITH
16 CARO QUINTERO TO KIDNAP CAMARENA THAT YOU WOULD NOT GO TO THE
17 POLICE OR WARN THE D.E.A.; ISN'T THAT RIGHT?

18 A NO.

19 Q SO WHAT I'M SAYING IS CORRECT; ISN'T THAT RIGHT?

20 A YES, IT'S TRUE. WHAT YOU SAY IS TRUE.

21 Q AND BECAUSE YOU WERE BARBA'S TRUSTED PERSON IN THE HOUSE,
22 BARBA TOLD YOU ABOUT CRIMES THAT HE WAS INVOLVED IN, DIDN'T HE?

23 A YES.

24 Q HE TOLD YOU ABOUT THE KILLINGS AT LA LANGOSTA; ISN'T THAT
25 RIGHT?

1 A YES.

2 Q IN FACT, YOU DIDN'T EVEN HAVE TO ASK BARBA WHAT HAPPENED AT
3 LA LANGOSTA; HE TOLD YOU. ISN'T THAT RIGHT?

4 A THAT IS TRUE.

5 Q AND THEN AFTER AGENT CAMARENA WAS ABDUCTED IN EARLY
6 FEBRUARY, BARBA AND OTHER PEOPLE SPOKE TO YOU ABOUT THE FACT
7 THAT THE ABDUCTION HAD JUST OCCURRED; ISN'T THAT RIGHT?

8 A NO. I FOUND THAT OUT FROM ANOTHER PERSON.

9 Q YOU FOUND THAT OUT FROM ANOTHER PERSON?

10 A YES, WHEN HE CAME TO LET THE ATTORNEY KNOW.

11 MR. NICOLAYSEN: WITH THE COURT'S PERMISSION, I'M
12 GOING READ FROM THE GRAND JURY TRANSCRIPT DATED JANUARY 24TH
13 1990, BEGINNING ON PAGE 13, LINE 23:

14 "Q AND IN FACT, AFTER CAMARENA WAS ABDUCTED, JAVIER BARBA AND
15 OTHER PERSONS DID SPEAK WITH YOU ABOUT THE ABDUCTION; CORRECT?

16 "A YES."

17 Q NOW, DO YOU REMEMBER SOMEBODY BY THE NAME OF EL CORITA?

18 A YES.

19 Q DO YOU REMEMBER EL CORITA COMING OVER TO BARBA'S HOUSE
20 SHORTLY AFTER CAMARENA WAS ABDUCTED?

21 A HE CAME TO TELL THE ATTORNEY THAT HE WAS DEAD. BUT BEFORE
22 THAT, HE TOLD ME.

23 Q AND IT WAS PROPER FOR YOU TO HAVE THAT KIND OF INFORMATION,
24 WASN'T IT?

25 A YES.

1 Q THAT WAS PART OF YOUR RELATIONSHIP WITH JAVIER BARBA AT THE
2 TIME, WASN'T IT?

3 A YES.

4 Q AND AFTER EL CORITA TOLD JAVIER BARBA ABOUT THE PROBLEM
5 WITH CAMARENA, JAVIER BARBA GOT ANNOYED WITH HIM, DIDN'T HE?

6 A YES.

7 Q BARBA TOLD EL CORITA THAT CAMARENA SHOULD HAVE FIRST BEEN
8 TAKEN TO FONSECA'S HOUSE FOR QUESTIONING, DO YOU RECALL?

9 A I DON'T UNDERSTAND THE QUESTION.

10 Q YOU RECALL, I TAKE IT, THAT BARBA TOLD EL CORITA, IN YOUR
11 PRESENCE AT THE HOUSE, THAT THE D.E.A. AGENT SHOULD HAVE BEEN
12 TAKEN TO ERNESTO FONSECA'S HOUSE FOR INTERROGATION FIRST.

13 A YES, I DO REMEMBER THAT.

14 Q AND THAT WAS IN YOUR PRESENCE, WASN'T IT?

15 A YES.

16 Q NOW, FROM THE FIRST TIME THAT YOU OVERHEARD DISCUSSIONS
17 BETWEEN BARBA AND CARO QUINTERO AND FONSECA TO KIDNAP THE
18 D.E.A. AGENT, ALL THE WAY UP TO THE TIME THAT IT HAPPENED, YOU
19 NEVER ONCE WENT TO THE POLICE OR NOTIFIED THE D.E.A. OF THIS
20 PLAN, DID YOU?

21 A NO.

22 Q AND AFTER CAMARENA WAS ABDUCTED AND KILLED, YOU NEVER
23 REPORTED BARBA TO THE POLICE OR TO THE D.E.A., DID YOU?

24 A YES, I DID NOT GO.

25 Q AND YOU NEVER CALLED THE POLICE, DID YOU?

1 A NO.

2 Q AND AFTER THE LA LANGOSTA MURDERS OCCURRED AND YOU LEARNED
3 ABOUT THEM, YOU NEVER REPORTED BARBA TO THE POLICE, DID YOU?

4 A NO.

5 Q SO MY STATEMENT IS CORRECT, ISN'T IT?

6 A YES.

7 Q AND YOU NEVER REPORTED THE PLAN TO KIDNAP CAMARENA OR THE
8 DEATHS OF CAMARENA OR THE TWO AMERICANS, BECAUSE YOU WERE LOYAL
9 TO BARBA; ISN'T THAT A FACT?

10 A THAT IS CORRECT.

11 Q AT THE TIME, BACK IN EARLY 1985 AND LATE 1984, MR.
12 CERVANTES, IT WAS MORE IMPORTANT FOR YOU TO PROTECT YOUR BOSS,
13 BARBA, THAN IT WAS TO SAVE A D.E.A. AGENT FROM BEING KILLED;
14 ISN'T THAT A FACT?

15 MR. MEDRANO: OBJECTION. ARGUMENTATIVE, YOUR HONOR.

16 THE COURT: SUSTAINED.

17 BY MR. NICOLAYSEN:

18 Q BARBA'S NOW DEAD, ISN'T HE?

19 A YES.

20 Q DO YOU REMEMBER WHEN HE DIED?

21 A THE 18TH OF NOVEMBER 1986 IN MAZATLAN, SINALOA, MEXICO.

22 Q WERE YOU SAD WHEN HE DIED?

23 A YES.

24 Q NOW, YOU TOLD US YESTERDAY THAT YOU HAD SOME SECURITY
25 PROBLEMS DOWN IN MEXICO. DO YOU REMEMBER TELLING US ABOUT

1 THAT?

2 A YES.

3 Q PEOPLE DOWN THERE OUT TO KILL YOU?

4 A HMPH. YES.

5 Q DID YOU EVER TRY LIVING IN ANOTHER COUNTRY, IN CENTRAL
6 AMERICA, TO GET AWAY FROM THE SECURITY RISKS?

7 A NO.

8 Q WHY NOT?

9 A WELL, I PREFERRED TO BE SILENT AND TO WAIT AND SEE WHAT WAS
10 GOING TO HAPPEN.

11 Q TO BE SILENT? SILENT ABOUT WHAT, MR. CERVANTES?

12 A AS FAR AS WHAT I KNEW ABOUT THE DEATH OF THE PERSON THAT WE
13 ARE TALKING ABOUT.

14 Q AND IN FACT, YOU REMAINED SILENT FOR A LONG TIME, DIDN'T
15 YOU?

16 A YES. YEARS.

17 Q AND WHEN YOU SAY "YEARS, "WE'RE TALKING ABOUT THE REST OF
18 1985 AFTER CAMARENA WAS ABDUCTED, ALL OF 1986.

19 MR. MEDRANO: OBJECTION TO THE FORMAT OF THE QUESTION,
20 YOUR HONOR. HE'S ANSWERED IT.

21 THE COURT: YES, THE OBJECTION'S SUSTAINED.

22 BY MR. NICOLAYSEN:

23 Q YOU BROKE YOUR SILENCE, I TAKE IT, IN NOVEMBER OF 1989,
24 WHEN YOU WERE RECRUITED BY THE D.E.A. AS AN INFORMANT. IS THAT
25 RIGHT?

1 A (LAUGHTER.) NO.

2 Q IS THERE A -- STRIKE THAT.

3 DID YOU EVER PROVIDE MEXICAN AUTHORITIES WITH AN
4 INTERVIEW ABOUT YOUR KNOWLEDGE OF THE CAMARENA ABDUCTION?

5 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED AS TO THE
6 MEXICAN AUTHORITIES.

7 THE COURT: OVERRULED. YOU MAY ANSWER.

8 THE WITNESS: YES.

9 BY MR. NICOLAYSEN:

10 Q WHEN DID YOU DO THAT?

11 A IT WAS IN OCTOBER OF 1989.

12 Q BUT NOT BEFORE THAT, DID YOU?

13 A NO.

14 Q AND THEN THE NEXT MONTH, NOVEMBER OF 89, YOU BECAME AN
15 INFORMANT FOR THE D.E.A. ISN'T THAT WHAT YOU TOLD US
16 YESTERDAY?

17 A YES.

18 Q AND IT'S TRUE, IS IT NOT, THAT IT'S NOT SAFE FOR YOU TO
19 LIVE DOWN IN MEXICO RIGHT NOW?

20 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, I
21 BELIEVE, YOUR HONOR.

22 THE COURT: OVERRULED.

23 THE WITNESS: WOULD YOU REPEAT THE QUESTION?

24 BY MR. NICOLAYSEN:

25 Q IT'S NOT SAFE, IS IT, FOR YOU TO LIVE DOWN IN MEXICO RIGHT

1 NOW?

2 A WELL, NO. IF I WANT TO STAY ALIVE, NO.

3 Q IT'S A LOT SAFER TO BE HERE IN THE UNITED STATES, ISN'T IT?

4 A YES.

5 Q AND YOU'RE GRATEFUL TO BE ABLE TO BE HERE, AREN'T YOU?

6 A NO.

7 Q OH, YOU'RE NOT HAPPY TO BE HERE?

8 A YES, BUT NOT GRATEFUL.

9 Q ARE YOU THANKFUL?

10 THE INTERPRETER: YOUR HONOR, THE TRANSLATION WOULD BE
11 THE SAME IN SPANISH.

12 MR. NICOLAYSEN: ALL RIGHT.

13 Q DO YOU APPRECIATE WHAT THE UNITED STATES HAS DONE FOR YOU,
14 MR. CERVANTES?

15 MR. MEDRANO: OBJECTION, YOUR HONOR. RELEVANCE.

16 THE COURT: OVERRULED.

17 THE WITNESS: I'M ONLY HAPPY TO TELL THE TRUTH, AND
18 I'M ALSO HAPPY THAT ATTORNEY JAVIER BARBA KNOWS THAT I'M DOING
19 SOMETHING FOR HIM AND THAT I AM COOPERATING.

20 MR. NICOLAYSEN: MOVE TO STRIKE AS NONRESPONSIVE, YOUR
21 HONOR.

22 THE COURT: DENIED.

23 BY MR. NICOLAYSEN:

24 Q MY QUESTION WAS WHETHER YOU APPRECIATE WHAT THE UNITED
25 STATES IS DOING BY LETTING YOU STAY IN THIS COUNTRY, MR.

1 CERVANTES.

2 A WELL, YES. I DO APPRECIATE WHAT THEY'RE DOING FOR MY LIFE.

3 Q THE UNITED STATES GOVERNMENT IS ALLOWING YOU TO STAY ALIVE;
4 ISN'T IT?

5 A YOU COULD SAY THAT.

6 MR. NICOLAYSEN: THANK YOU.

7 NOTHING FURTHER, YOUR HONOR.

8 THE COURT: ALL RIGHT. ANYONE ELSE WISH TO
9 CROSS-EXAMINE THE WITNESS?

10 MR. MEZA: YES.

11 CROSS-EXAMINATION +

12 BY MR. MEZA:

13 Q MR. CERVANTES, WHEN WERE YOU BORN?

14 A I WAS BORN MARCH 14TH 1960.

15 Q AND WHAT WAS -- HOW OLD WERE YOU WHEN YOU FIRST MET JAVIER
16 BARBA?

17 A I WAS ABOUT 15 OR 16.

18 Q WHAT GRADE WERE YOU IN SCHOOL AT THAT TIME?

19 A WE WERE THERE FROM 1968 TO 1974.

20 Q YES. WHAT GRADE WERE YOU IN WHEN YOU FIRST MET MR. BARBA?

21 A I WAS IN THE SECOND YEAR OF ELEMENTARY SCHOOL.

22 Q WAS HE ALSO IN THE SAME GRADE?

23 A YES.

24 Q YOU TOLD US YOU FINISHED YOUR EDUCATION WHEN YOU WERE 21;

25 IS THAT CORRECT?

1 A YES.

2 Q AT WHAT AGE DID YOU BEGIN FIRST WORKING FOR THE RIOT SQUAD?

3 A (PAUSE.) 19 YEARS.

4 Q SO YOU STARTED WORKING FOR THE RIOT SQUAD WHEN YOU WERE
5 STILL GOING TO SCHOOL; IS THAT RIGHT?

6 A NO.

7 Q WHEN YOU FIRST WORKED FOR THE RIOT SQUAD, WHAT WAS THE NAME
8 OF THE POLICE AGENCY THAT ENDED UP AS THE RIOT SQUAD?

9 A THE DIRECTORATE OF PUBLIC SAFETY OF THE STATE OF JALISCO.

10 Q HOW LONG DID YOU WORK FOR THE D.P.S. THE FIRST TIME? FROM
11 THE TIME YOU WERE 19, HOW LONG DID YOU WORK FOR THEM?

12 A A FEW MONTHS. I DON'T REMEMBER. HALF A YEAR, MORE OR
13 LESS.

14 Q YOU STARTED WORKING -- WELL, LET ME ASK YOU THIS: WHAT
15 WERE YOUR DUTIES WHEN YOU WERE WORKING FOR D.P.S. AT THAT TIME?

16 A WELL, MY WORK WAS LIKE YOU -- LIKE YOU SAY, IT WAS HAVING
17 TO DO WITH RIOTS, STUDENT DEMONSTRATIONS, DEMONSTRATIONS, TO
18 STAND GUARD AT THE BARRACKS, ARRESTS.

19 Q DID YOU HAVE A RANK?

20 A NO.

21 Q YOU SAY YOU WORKED FOR THEM, THE FIRST TIME, FOR A FEW
22 MONTHS. HOW MANY MONTHS ARE WE TALKING ABOUT?

23 A MORE OR LESS HALF A YEAR, SIX MONTHS, FIVE MONTHS.

24 Q AND WAS THAT A JOB THAT YOU WERE REQUIRED TO DO? LIKE,
25 WERE YOU DRAFTED INTO THE D.P.S., OR WAS THAT SOMETHING YOU

1 VOLUNTEERED FOR?

2 A NO. I WAS PAID A SALARY. I WAS SERVING AS A POLICEMAN.

3 Q AND AFTER YOU DID THIS SIX MONTHS FOR THE D.P.S. THE FIRST
4 TIME, DID YOU GO BACK TO SCHOOL THEN?

5 A NO.

6 Q WELL, AFTER YOU LEFT THE D.P.S., WHAT DID YOU DO?

7 A I WENT TO WORK AGAIN.

8 Q FOR WHO?

9 A FOR THE GOVERNMENT, RADIO PATROL CARS.

10 Q IS THIS STILL WITH THE D.P.S. OR -- (NODS HEAD UP AND
11 DOWN.) THE D.P.S.?

12 A NO, BECAUSE THAT WAS MUNICIPAL, AND THE D.P.S. IS -- IT'S A
13 STATE AGENCY.

14 Q ALL RIGHT. SO WHEN YOU SAY IT'S MUNICIPAL, WHICH CITY WERE
15 YOU EMPLOYED AS A RADIO PATROLMAN?

16 A GUADALAJARA, JALISCO, MEXICO.

17 Q AND HOW LONG DID YOU WORK IN THAT POSITION?

18 A ABOUT FOUR OR FIVE MONTHS.

19 Q AND AFTER YOU FINISHED WORKING FOR THE GUADALAJARA
20 MUNICIPALITY, IS THAT WHEN YOU WENT BACK TO SCHOOL?

21 A NO.

22 Q WHAT HAPPENED AFTER YOU LEFT THE GUADALAJARA PATROL DUTY?

23 A I WENT BACK TO WORKING FOR THE STATE, FOR THE RURAL POLICE.

24 Q NOW, THIS RURAL POLICE, IS THAT DIFFERENT FROM THE D.P.S.?

25 A IT'S THE SAME THING. IT BELONGS TO THE STATE.

1 Q HOW LONG DID YOU WORK FOR THEM?

2 A ABOUT THREE MONTHS.

3 Q AND THEN WHAT DID YOU DO AFTER THAT THREE MONTHS WAS UP?

4 A I STARTED WORKING FOR ATTORNEY JAVIER BARBA HERNANDEZ.

5 Q IN DECEMBER OF 1982; CORRECT?

6 A YES.

7 Q AND HOW OLD WERE YOU WHEN YOU STARTED WORKING FOR BARBA
8 HERNANDEZ?

9 A 22 YEARS. 22.

10 Q WHILE YOU WORKED FOR MR. HERNANDEZ, OR BARBA HERNANDEZ, DID
11 YOU ATTEND SCHOOL AT ALL WHILE YOU WERE WORKING FOR HIM?

12 A NO. I HAD ALREADY FINISHED ALL MY SCHOOLING. THERE WAS A
13 MISTAKE AS FAR AS MY AGE. (CONTINUES SPEAKING TO INTERPRETER
14 IN SPANISH.)

15 MR. MEZA: OBJECTION, YOUR HONOR. THERE'S NO QUESTION
16 PENDING.

17 THE COURT: WELL, HE'S EXPLAINING THE ANSWER.

18 THE WITNESS: I HAD BEEN ASKED THAT QUESTION ALREADY,
19 AND I HAD ANSWERED IT, AND I WOULD HAVE EXPLAINED IT THE SAME
20 WAY.

21 MR. MEZA:

22 Q YOU SAID THERE WAS A MISTAKE. WHAT MISTAKE ARE YOU
23 REFERRING TO?

24 A THE YEARS WHEN I LEFT SCHOOL.

25 Q AND WHAT WAS THE MISTAKE?

1 A MY AGE.

2 Q AND HOW OLD WERE YOU, NOW AS YOU RECALL IT, WHEN YOU LEFT
3 SCHOOL?

4 A 16.

5 Q SO, INSTEAD OF LEAVING SCHOOL AT THE AGE OF 21, YOU LEFT
6 SCHOOL AT THE AGE OF 16?

7 A YES.

8 Q DOES THAT RECOLLECTION NOW CHANGE YOUR OPINION AS TO WHEN
9 YOU FIRST MET BARBA HERNANDEZ?

10 A NO.

11 Q SO YOU MET BARBA HERNANDEZ -- I'M TALKING ABOUT JAVIER
12 BARBA HERNANDEZ. YOU FIRST MET HIM WHEN YOU WERE 15 OR 16
13 YEARS OLD; IS THAT CORRECT?

14 A NO.

15 Q WELL, HOW OLD WERE YOU WHEN YOU FIRST MET BARBA, JAVIER
16 BARBA HERNANDEZ?

17 A I WOULD HAVE BEEN ABOUT 12 OR 13. I ALWAYS LIVED IN THE
18 NEIGHBORHOOD WHERE HE LIVED.

19 Q NOW, WHAT GRADE WERE YOU IN WHEN YOU WERE 12 OR 13 YEARS
20 OLD?

21 A I WASN'T IN SCHOOL, AS FAR AS I RECALL, OR I WAS IN
22 ELEMENTARY SCHOOL.

23 Q YOU JUST CAN'T RECALL RIGHT NOW; IS THAT RIGHT?

24 A WELL, YOU'RE TALKING ABOUT 20 YEARS AGO. I DON'T RECALL
25 VERY WELL, BUT I DO KNOW THE DATES.

1 Q WHAT IS THE DATE?

2 A WHAT ARE YOU TALKING ABOUT?

3 Q YOU SAID YOU REMEMBERED THE DATES WHEN YOU FIRST MET JAVIER
4 BARBA HERNANDEZ. WHAT'S THE DATE?

5 A I'VE KNOWN HIM SINCE I WAS 12 OR 13. WE WERE RAISED
6 TOGETHER. WE GREW UP TOGETHER.

7 Q OH. WHEN YOU SAY YOU WERE RAISED TOGETHER, DID YOU HAVE --
8 DID YOU SHARE A BABYSITTER TOGETHER?

9 MR. MEDRANO: OBJECTION AS TO RELEVANCE NOW, YOUR
10 HONOR.

11 THE COURT: SUSTAINED.

12 BY MR. MEZA:

13 Q WHO RAISED YOU TOGETHER WITH BARBA HERNANDEZ?

14 MR. MEDRANO: SAME OBJECTION, YOUR HONOR.

15 THE WITNESS: WELL, WE GREW UP IN THE NEIGHBORHOOD.
16 WE DIDN'T EAT TOGETHER.

17 I LIVED IN A HOUSE IN GUADALAJARA IN THAT SAME
18 NEIGHBORHOOD, AND IT WAS THE NEIGHBORHOOD WHERE ATTORNEY JAVIER
19 BARBA LIVED. HIS PARENTS LIVED ACROSS FROM MY HOUSE.

20 BY MR. MEZA:

21 Q RIGHT ACROSS THE STREET?

22 A YES.

23 Q AND WERE YOU AND JAVIER BARBA ABOUT THE SAME AGE?

24 A HE WAS FOUR YEARS OLDER.

25 Q OKAY. NOW, NOW, DIRECTING YOUR ATTENTION TO YOUR TESTIMONY

1 YESTERDAY, CONCERNING PAYMENT RECORDS, WHICH INDICATE THAT YOU
2 HAD RECEIVED PAYMENTS BETWEEN NOVEMBER 24TH 1989 AND MAY 4TH
3 1990 --

4 THE COURT: COUNSEL, LET'S AVOID THESE PREFATORY
5 STATEMENTS, BECAUSE IT MAKES IT CUMBERSOME FOR THE INTERPRETER.
6 TRY TO JUST ASK QUESTIONS.

7 BY MR. MEZA:

8 Q SINCE MAY 4TH 1990, HAVE YOU RECEIVED ANY ADDITIONAL MONEY
9 FROM THE GOVERNMENT. WHAT I MEAN, "THE GOVERNMENT," I'M
10 REFERRING TO THE D.E.A. OR THE U.S. ATTORNEY.

11 A YES.

12 Q HOW MANY DIFFERENT TIMES HAVE YOU RECEIVED MONEY? SINCE
13 MAY 4TH?

14 A (PAUSE.) WELL, I WAS RECEIVING MY MONTHLY; AND ASIDE FROM
15 THAT, I'VE GOTTEN FOR SECURITY AND FOR THE HOUSE AND FOR MY
16 FAMILY, AND THAT'S APART FROM IT.

17 Q SO YOU'VE RECEIVED AT LEAST, FROM MAY 4TH, AT LEAST TWO
18 PAYMENTS OF MONEY FROM THE D.E.A.; RIGHT?

19 A YES.

20 Q HAS IT BEEN MORE THAN TWO PAYMENTS?

21 A NO.

22 Q ALL RIGHT. NOW, WHEN WAS THE FIRST PAYMENT MADE TO YOU
23 AFTER MAY 4TH?

24 A (NO AUDIBLE RESPONSE.)

25 Q IF IT WOULD HELP YOUR RECOLLECTION, MAY 4TH WAS ABOUT THREE

1 WEEKS AGO.

2 A I KNOW.

3 Q ALL RIGHT.

4 A I DIDN'T UNDERSTAND THE QUESTION WELL.

5 Q ALL RIGHT. WHEN WAS THE LAST TIME YOU RECEIVED ANY MONEY
6 FROM THE D.E.A. PRIOR TO TODAY?

7 A I DON'T REMEMBER THE EXACT DATE. IT WAS A COUPLE OF WEEKS
8 AGO.

9 Q ABOUT TWO WEEKS AGO?

10 A MORE OR LESS. I DON'T REMEMBER THE EXACT DATE.

11 Q ALL RIGHT. AND HOW MUCH MONEY DID YOU RECEIVE ON THAT DAY?

12 A I RECEIVED A PAYMENT TO MOVE, BECAUSE OF MY PERSONAL
13 SAFETY.

14 Q HOW MUCH?

15 A \$2,000.00.

16 Q AND WHO GAVE YOU THAT MONEY?

17 A YOU ALREADY SAID SO. (AS STATED.)

18 Q WHICH PERSON GAVE YOU THE MONEY?

19 A A D.E.A. AGENT.

20 Q DO YOU KNOW THAT PERSON'S NAME?

21 A I DON'T REMEMBER HIS NAME WELL.

22 Q IS THAT PERSON IN THIS COURTROOM TODAY?

23 A YES.

24 Q WOULD YOU POINT THE INDIVIDUAL OUT, PLEASE?

25 A (COMPLIES.) YES. HE'S OVER THERE.

1 (WITNESS AND COURTROOM OCCUPANTS TURN TOWARD MAN WHO
2 STANDS UP IN AUDIENCE.)

3 BY MR. MEZA:

4 Q WHAT'S HE WEARING?

5 MR. MEDRANO: YOUR HONOR, WE'LL STIPULATE IT'S A
6 D.E.A. AGENT. WHAT'S THE RELEVANCE? OBJECTION.

7 THE COURT: SUSTAINED.

8 BY MR. MEZA:

9 Q HAVE YOU RECEIVED ANY MONEY TODAY FROM D.E.A.?

10 A TODAY?

11 Q D.E.A., YES.

12 A NO.

13 Q NOW, BETWEEN THE TIME THAT YOU RECEIVED THE \$2,000.00
14 YOU'VE JUST TOLD US ABOUT, ABOUT TWO WEEKS AGO, BETWEEN THAT
15 TIME AND MAY 4TH, YOU RECEIVED SOME MORE MONEY; RIGHT?

16 A I THINK SO. I DON'T REMEMBER REALLY WELL. THEY'VE HELPED
17 ME WITH EVERYTHING. THAT'S WHY I DON'T REMEMBER.

18 Q WELL, THE \$2,000.00 YOU JUST TOLD US ABOUT THAT YOU
19 RECEIVED, THAT WAS FOR MOVING EXPENSES; RIGHT?

20 A YES.

21 Q HOW MUCH WAS THE OTHER PAYMENT THAT YOU RECEIVED? HOW MUCH
22 MONEY DID YOU RECEIVE?

23 A THAT -- THAT WAS ALL THE MONEY THAT I RECEIVED, THOSE
24 \$2,000.00.

25 Q WELL, YOU TOLD US YOU RECEIVED YOUR SALARY; CORRECT?

1 A THAT WASN'T MY SALARY. THAT WAS ADDITIONAL HELP.

2 Q I UNDERSTAND. HOW MUCH IS YOUR SALARY, ANYWAY?

3 A \$3,000.00 A MONTH.

4 Q SO IT WOULD BE FAIR TO SAY THAT SINCE MAY 4TH UNTIL TODAY'S
5 DATE, YOU RECEIVED ABOUT \$5,000.00 FROM THE GOVERNMENT?

6 A THIS MONTH OF MAY?

7 Q YES.

8 A WELL, I GET PAID ON THE FIRST DAYS OF EACH MONTH, AND THE
9 ADDITIONAL HELP WAS IN THE AGREEMENT.

10 Q ALL RIGHT. THANK YOU.

11 NOW, LET'S GO BACK TO THE TIME YOU WERE WORKING FOR
12 MR. BARBA AT A -- DID YOU HAVE AN OFFICIAL TITLE?

13 A NO.

14 Q AND WHAT SORT OF DUTIES DID YOU HAVE, WORKING FOR MR.
15 BARBA?

16 A I WAS THE CHIEF OF SECURITY OF HIS HOUSE. I WOULD -- I
17 WOULD WATCH WHO WOULD ENTER AND WHO WOULD LEAVE. I WOULD FEED
18 THE LION.

19 COURTROOM: (LAUGHTER.)

20 BY MR. MEZA:

21 Q DID YOU CLEAN UP AFTER THE LION?

22 A YES. I WOULD SWEEP UP EVERY NOW AND THEN.

23 Q DID YOU EMPTY THE TRASH?

24 A NO.

25 Q DID SOMEBODY ELSE DO THAT?

1 A YES.

2 Q WOULD IT BE FAIR TO SAY THAT YOU HAD PEOPLE WHO WERE
3 WORKING UNDER YOU AS ASSISTANTS?

4 A YES.

5 Q HOW MANY ASSISTANTS DID YOU HAVE WHEN YOU WERE THE HEAD OF
6 SECURITY AT LA QUINTA?

7 A I ONLY HAD TWO.

8 Q AND WHAT WERE THEIR NAMES?

9 A THERE WAS AN OLD PERSON WHOM I ONLY KNEW AS EUSEBIO, FROM
10 OCOTLAN, AND FELIPE CHICO TORRES, FROM GUADALAJARA. HE WAS
11 WITH ME, ALSO.

12 Q NOW, PRIOR TO WORKING FOR MR. BARBA HERNANDEZ AT LA QUINTA,
13 HAD YOU EVER BEEN THE CHIEF OF SECURITY FOR ANYONE ELSE?

14 A NO.

15 Q HAD YOU EVER BEEN THE ASSISTANT CHIEF OF SECURITY FOR
16 ANYONE ELSE?

17 A HAD YOU EVER BEEN THE CHIEF SECURITY FOR ANYONE ELSE?

18 A NO.

19 Q WHEN YOU WERE WITH THE D.P.S., AT ANY TIME PRIOR TO THE
20 TIME OF WORKING WITH MR. BARBA, DID YOU EVER HOLD ANY RANK OF
21 ANY KIND?

22 A NO.

23 Q NOW WHEN YOU WERE TAKING CARE OF LA QUINTA, DID MR. BARBA
24 LIVE THERE ALL THE TIME BETWEEN 1982 AND 1985?

25 A THAT WAS HIS SAFE HOUSE, HIS HOME. HE HAD A HOME WHERE HIS

1 FAMILY WAS, A HOUSE --

2 Q SO HE --

3 THE INTERPRETER: EXCUSE ME.

4 THE WITNESS: A HOUSE WHERE HIS FAMILY WAS.

5 BY MR. MEZA:

6 Q SO HE WAS IN AND OUT?

7 A YES.

8 Q AND WHAT WOULD BE LONGEST PERIOD OF TIME BETWEEN DECEMBER
9 OF 1982 AND FEBRUARY OF 1985 WHERE HE WOULD HAVE STAYED IN THE
10 HOUSE?

11 A HE WOULD NOT STAY. HE WOULD JUST COME TO SEE WHAT WAS
12 GOING ON.

13 Q SO HE NEVER -- IN THAT TWO OR THREE YEAR PERIOD, HE NEVER
14 SPENT THE NIGHT AT THE HOUSE?

15 A YES. HE DID SPEND THE NIGHT AT THE HOUSE.

16 Q WOULD HE DO THAT OFTEN, SPEND NIGHTS AT THE HOUSE?

17 A I REMEMBER THAT DURING ALL THESE YEARS, HE STAYED THERE TO
18 SLEEP ON TWO OR THREE OCCASIONS.

19 Q NOW, DID ANY -- WELL, YOU LIVED AT LA QUINTA DURING
20 DECEMBER OF 82 TO FEBRUARY OF 85; CORRECT?

21 A NO.

22 Q WHERE WERE YOU LIVING DURING THAT TIME PERIOD?

23 A YES. AT THE ATTORNEY'S HOUSE. BUT I WAS THERE UNTIL THE
24 MIDDLE OF MARCH, NOT FEBRUARY.

25 Q ALL RIGHT. BUT YOU LIVED THERE FROM DECEMBER -- IN LA

1 QUINTA -- FROM DECEMBER OF 1982 UNTIL MARCH OF 1985; RIGHT?

2 A YES.

3 Q ANYBODY ELSE LIVE THERE WITH YOU?

4 A NO.

5 Q SO FELIPE AND THIS OTHER PERSON, THEY LIVED SOMEPLACE ELSE
6 AND WOULD JUST COME TO THE HOUSE AND WORK DURING THE DAY; IS
7 THAT CORRECT?

8 A YES.

9 Q NOW, WHEN MR. BARBA WOULD SHOW UP AT LA QUINTA, WOULD YOU
10 KNOW IN ADVANCE WHEN HE WAS COMING?

11 A YES.

12 Q AND HOW MUCH IN ADVANCE OF HIS ARRIVAL WOULD YOU BE TOLD
13 THAT HE WAS COMING?

14 A THERE WAS NO SET TIME. SOMETIMES HE WOULD HE SAY SOON;
15 OTHER TIMES, IT WOULD BE HOURS. BUT I WOULD ALWAYS KNOW THAT
16 HE WAS GOING TO ARRIVE.

17 Q HE NEVER SHOWED UP UNANNOUNCED; IS THAT RIGHT?

18 A YES, HE WOULD SHOW UP WITHOUT LETTING ME KNOW.

19 Q WHEN HE SHOWED UP, HE'D ALWAYS SHOW UP WITH THE BODYGUARDS?

20 A YES.

21 Q DID HE ALWAYS SHOW UP WITH THE SAME BODYGUARDS?

22 A USUALLY. SOME -- YES. SOMETIMES HE WOULD HAVE MORE.

23 Q AND WOULD THE SAME THING HAPPEN WHEN HE SHOWED UP WITH THE
24 BODYGUARDS: THEY WOULD STAY OUTSIDE AND THEN YOU WOULD TAKE
25 OVER WHEN --

1 A NO. NO, THEY WOULD ENTER. OTHERS WOULD STAY IN A CAR
2 OUTSIDE.

3 Q BUT ONCE BARBA ENTERED THE HOUSE, YOU WERE IN CHARGE OF HIS
4 SECURITY AT THAT POINT; RIGHT?

5 A YES.

6 Q ALL RIGHT. WHEN YOU TOOK THE TRIP TO THE AIRPORT WITH
7 BARBA IN THE VAN -- DO YOU REMEMBER THAT TIME?

8 A THAT WAS WITH HIS BROTHER JORGE BARBA AND NOT ATTORNEY
9 BARBA.

10 Q THANK YOU FOR CLARIFYING THAT.

11 WERE YOU ACTING AS A BODYGUARD ON THAT TRIP TO THE
12 AIRPORT?

13 A NO. I WAS JUST GOING ALONG WITH HIS BROTHER.

14 Q HE TOLD US -- TALKING ABOUT JORGE, YOU TOLD US ABOUT THE
15 WEDDING --

16 A YES.

17 Q -- AT LA QUINTA. DID YOU HAVE ANY DUTIES IN CONNECTION
18 WITH THAT WEDDING?

19 A YES, TO SEE AFTER THE PEOPLE WHO ARRIVED ARMED, TO MAKE
20 SURE THEY DID NOT GO INSIDE ARMED, AND TO DO WHATEVER THE
21 ATTORNEY ORDERED ME TO DO.

22 Q DID YOU HAVE ANYTHING TO DO WITH SETTING UP THE WEDDING?
23 FOR EXAMPLE, ORDERING THE CAKE, GETTING THE PRIEST, ANYTHING
24 LIKE THAT?

25 A NO.

1 Q WELL, WEREN'T YOU CONSULTED ABOUT BRINGING IN STRANGERS,
2 INTO LA QUINTA, SO THAT YOU COULD PROVIDE ADEQUATE SECURITY?

3 A WELL, YES, THERE WERE INVITATIONS, AND I KNEW THE PEOPLE.
4 AND THOSE THAT I DIDN'T KNOW I WOULD NOT LET IN.

5 Q JORGE IS NO LONGER ALIVE, IS HE?

6 A YES.

7 Q AND HE WAS -- THAT'S BECAUSE HE WAS KILLED BY DRUG
8 TRAFFICKERS?

9 MR. MEDRANO: OBJECTION. LACK OF FOUNDATION.

10 THE WITNESS: NO.

11 THE COURT: WHAT IS YOUR OBJECTION.

12 MR. MEDRANO: LACK OF FOUNDATION, PERSONAL KNOWLEDGE,
13 YOUR HONOR.

14 THE COURT: RESTATE YOUR QUESTION.

15 BY MR. MEZA:

16 Q WELL, YOU TOLD US THAT THE GUNS THAT HE HAD AT LA QUINTA,
17 OR THAT YOU SAID JAVIER HAD AT LA QUINTA, THOSE WERE FOR
18 PROTECTION; CORRECT?

19 A NO. THOSE WERE --

20 THE INTERPRETER: EXCUSE ME, YOUR HONOR. COULD I ASK
21 HIM TO REPEAT THIS?

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

23 THE WITNESS: YES. THE WEAPONS THAT WERE THERE WERE A
24 COLLECTION THAT THE ATTORNEY HAD. I HAD MY OWN WEAPONS.

25 BY MR. MEZA:

1 Q OKAY. SO THE HAND GRENADES WERE JUST PART OF HIS
2 COLLECTION; IS THAT RIGHT?

3 A WELL, THE ATTORNEY BARBA HERNANDEZ WOULD CARRY AROUND A
4 GRENADE ON HIS LEFT SIDE.

5 Q AND YOU CARRIED YOUR OWN PERSONAL WEAPONS; IS THAT RIGHT?

6 A TWO WEAPONS, YES.

7 Q AND THE BODYGUARDS OF JAVIER, THEY ALSO CARRIED WEAPONS;
8 CORRECT?

9 A JUST WEAPONS.

10 Q HANDGUNS?

11 A YES, AND ALSO LONG WEAPONS. AND HANDGUNS.

12 Q WHEN YOU SAY "LONG WEAPONS," YOU MEAN RIFLES?

13 A YES.

14 Q AND THAT WAS FOR THEIR PROTECTION, WAS IT NOT?

15 A FOR THEIRS AND THAT OF THE ATTORNEY.

16 Q AND ONE OF THE REASONS YOU CARRIED WEAPONS -- THAT YOU
17 CARRIED WEAPONS -- WAS TO PROTECT YOURSELF FROM OTHER DRUG
18 DEALERS; IS THAT RIGHT?

19 A NO. NOT FROM THE DRUG TRAFFICKERS; FROM EVERYBODY.

20 Q OKAY. INCLUDING THE DRUG TRAFFICKERS?

21 A WELL, YES.

22 Q IN FACT, ONE OF THE REASONS THAT SUPPORTED YOUR CARRYING
23 THE WEAPON WAS THE FACT THAT YOU BELIEVED THAT JORGE BARBA HAD
24 BEEN KILLED BY DRUG TRAFFICKERS; ISN'T THAT CORRECT?

25 A NO, NONE OF THAT IS TRUE.

1 Q WELL, YOU'VE BELIEVED THAT JORGE HAD BEEN KILLED BY DRUG
2 TRAFFICKERS, HAVEN'T YOU?

3 MR. MEDRANO: OBJECTION, YOUR HONOR LACK OF
4 FOUNDATION.

5 THE COURT: SUSTAINED.

6 BY MR. MEZA:

7 Q WELL, ISN'T IT TRUE THAT ON JANUARY 3RD 1990, YOU TOLD
8 AGENTS SALAZAR AND BERRELLEZ THAT JORGE BARBA HERNANDEZ HAD
9 BEEN KILLED BY DRUG TRAFFICKERS?

10 MR. MEDRANO: SAME OBJECTION, YOUR HONOR.

11 THE COURT: SUSTAINED.

12 BY MR. MEZA:

13 Q DO YOU KNOW WHO CASTEL DEL ORO IS.

14 MR. MEDRANO: OBJECTION: RELEVANCE AND OUTSIDE THE
15 SCOPE OF DIRECT.

16 THE COURT: OVERRULED.

17 THE WITNESS: EXCUSE ME. WHAT WAS THE QUESTION?

18 BY MR. MEZA:

19 Q DO YOU KNOW CASTEL DEL ORO?

20 A YES.

21 Q DID HE EVER VISIT LA QUINTA WHEN YOU WORKED THERE?

22 A YES.

23 Q HOW MANY TIMES?

24 A ABOUT TWO OR THREE TIMES. HE WAS ALONG WITH ERNESTO
25 FONSECA.

1 Q AND WHEN WAS THE FIRST TIME THAT YOU SAW CASTEL DEL ORO AT
2 LA QUINTA, APPROXIMATELY?

3 A IN 83, BEFORE ALL THE TROUBLE STARTED.

4 Q WHEN WAS THE SECOND TIME YOU SAW CASTEL DEL ORO AT LA
5 QUINTA?

6 A THAT SAME YEAR, 83. HE CAME TWICE OR THREE TIMES WITH DON
7 ERNESTO FONSECA.

8 Q SO THE ONLY TIMES YOU SAW MR. DEL ORO AT LA QUINTA WAS
9 1983; IS THAT CORRECT?

10 A I REMEMBER THAT MORE OR LESS, THAT IT WAS IN 83.

11 Q IN 1983, DID YOU KNOW WHAT CASTEL DEL ORO DID?

12 A YES.

13 Q AND WHAT DID HE DO IN 1983? WHAT WAS HIS EMPLOYMENT IN
14 1983?

15 A I FOUND OUT FROM ATTORNEY BARBA THAT HE WAS A HIGH OFFICIAL
16 WITH THE D.F.S., BECAUSE HE ALWAYS HAD BODYGUARDS.

17 THE INTERPRETER: EXCUSE ME, YOUR HONOR. I NEED SOME
18 WATER.

19 (PAUSE IN PROCEEDINGS.)

20 BY MR. MEZA:

21 Q WERE YOU EVER PRESENT WHEN ATTORNEY BARBA MET WITH CASTEL
22 DEL ORO AND FONSECA?

23 A THEY CAME TO PARTIES. IT WASN'T JUST THEM. THERE WERE
24 MORE PEOPLE.

25 Q SO AS FAR AS YOU WERE CONCERNED, THE VISITS BY CASTEL AND

1 FONSECA TO LA QUINTA IN 1983 THAT YOU PREVIOUSLY DESCRIBED WERE
2 JUST SOCIAL GATHERINGS; IS THAT RIGHT?

3 A YES, TO GET REALLY LOADED.

4 Q WHAT WOULD THEY GET LOADED ON?

5 A COCAINE AND --

6 THE INTERPRETER: EXCUSE ME, YOUR HONOR. (CONFERS
7 WITNESS.)

8 THE WITNESS: AND BASE

9 BY MR. MEZA:

10 Q BASE. OKAY. BASE IS A TYPE OF COCAINE, ISN'T IT?

11 A IT'S THE EXTRACT OF -- FROM COCAINE, AND IT IS SMOKED.

12 Q AND THAT WAS ONE OF YOUR DUTIES, WASN'T IT, WAS TO PROVIDE
13 COCAINE AND BASE TO THE GUESTS AT LA QUINTA?

14 MR. MEDRANO: OBJECTION. RELEVANCE, YOUR HONOR.

15 THE COURT: OVERRULED.

16 THE WITNESS: WELL, THEY WOULD TAKE THEIR PART, AND I
17 WAS JUST THERE.

18 BY MR. MEZA:

19 Q WELL, THAT WASN'T MY QUESTION. MY QUESTION WAS: THAT WAS
20 PART OF YOUR DUTIES, WAS TO PROVIDE THE COCAINE, WASN'T IT?

21 A NO.

22 MR. MEZA: MAY I HAVE JUST ONE MOMENT, YOUR HONOR?

23 (PAUSE.)

24 Q WHO PROVIDED THE COCAINE, IF YOU KNOW?

25 A DON ERNESTO WOULD ALWAYS BRING SOME WHEN HE CAME AROUND.

1 Q HE USED MOST OF WHAT HE BROUGHT, DIDN'T HE?

2 A WELL, WHEN I WAS THERE, I SAW THEM USE WHAT HE BROUGHT.
3 WHEN I WASN'T THERE, I DON'T KNOW WHAT THEY DID WITH IT.

4 Q DID THEY GET LOADED?

5 A I DON'T UNDERSTAND THE QUESTION.

6 Q WELL, YOU SAID THAT WHEN THEY CAME TO THE PARTIES, THEY GOT
7 LOADED.

8 A OH, I NOW UNDERSTAND THE QUESTION. YES.

9 COURTROOM: (LAUGHTER.)

10 BY MR. MEZA:

11 Q NOW, WHEN THEY GOT LOADED, WERE THEY FALLING DOWN DRUNK?

12 MR. MEDRANO: RELEVANCE. OBJECTION, YOUR HONOR.

13 THE COURT: OVERRULED.

14 (WITNESS SPEAKS IN SPANISH AND COURTROOM OCCUPANTS
15 BURST INTO LAUGHTER.)

16 THE WITNESS: YES, BUT THERE WERE PEOPLE THERE TO
17 REVIVE THEM.

18 COURTROOM: (LAUGHTER.)

19 BY MR. MEZA:

20 Q DID YOU HELPT TO REVIVE ANY OF THEM?

21 A NO. THEY HAD DOCTORS. I'M NOT A DOCTOR.

22 Q NOW, WOULD THESE GUESTS -- WHEN THERE WOULD BE PARTIES,
23 WOULD IT BE FAIR TO SAY THAT MOST OF THE TIME THERE WERE GUESTS
24 WHO HAD TO BE REVIVED, AS YOU JUST DESCRIBED?

25 A WELL, ALL THE IMPORTANT PEOPLE WOULD ALWAYS GET QUITE

1 LOADED IN ALL THE PARTIES.

2 Q SO IT'S PRETTY SAFE TO SAY, ISN'T IT, THAT IF THERE WAS
3 COCAINE AROUND, THE IMPORTANT PARTIES WOULD GET LOADED? RIGHT?

4 MR. MEDRANO: OBJECTION. AMBIGUOUS. UNCLEAR.

5 THE COURT: WELL, IT'S RESTATING THE SAME QUESTION.

6 BY MR. MEZA:

7 Q DIRECTING YOUR ATTENTION TO THIS MEETING YOU SAID OCCURRED
8 FOUR OR FIVE DAYS PRIOR TO THE TIME THAT AGENT CAMARENA WAS
9 REPORTED MISSING --

10 THE COURT: I'VE ASKED TO YOU STOP THOSE PRELIMINARY
11 STATEMENTS AND JUST ASK THE QUESTION. IT'S TOO CUMBERSOME FOR
12 THE INTERPRETER TO HAVE TO INTERPRET YOUR PRELIMINARY
13 STATEMENT. BY THE TIME SHE GETS TO THE QUESTION, SOMETIMES
14 IT'S LOST.

15 SO LET'S JUST ASK QUESTIONS. YOU CAN DIRECT YOUR
16 QUESTIONS TO THE WITNESS WITHOUT HAVING TO DESCRIBE WHAT TOOK
17 PLACE.

18 BY MR. MEZA:

19 Q THIS MEETING IN FEBRUARY, THERE WAS COCAINE THERE, WAS
20 THERE NOT?

21 A YES.

22 Q AND ALL OF THE INDIVIDUALS WHO WERE IN ATTENDANCE AT THAT
23 MEETING WERE USING COCAINE, WERE THEY NOT?

24 A (BEGINS TO SPEAK IN SPANISH.)

25 Q YES OR NO?

1 A (THROUGH INTERPRETER:) WHICH MEETING ARE YOU TALKING
2 ABOUT?

3 Q THE MEETING WHICH YOU SAY TOOK PLACE FOUR OR FIVE DAYS
4 PRIOR TO THE TIME THAT AGENT CAMARENA WAS REPORTED MISSING

5 A ONLY DON RUBEN WOULD NOT USE THE DRUGS.

6 Q BUT EVERYBODY ELSE WAS USING THE DRUGS; RIGHT?

7 A YES.

8 Q DID YOU USE ANY OF THE DRUGS THAT DAY?

9 MR. MEDRANO: OBJECTION. RELEVANCE, YOUR HONOR.

10 THE COURT: OVERRULED.

11 THE WITNESS: I'VE NEVER USED ANY KIND OF DRUGS OR
12 ALCOHOL.

13 BY MR. MEZA:

14 Q WHY IS THAT?

15 MR. MEDRANO: OBJECTION. RELEVANCE, YOUR HONOR.

16 THE COURT: SUSTAINED.

17 BY MR. MEZA:

18 Q AND THE PEOPLE THAT WERE USING COCAINE THIS DAY IN
19 FEBRUARY, THEY GOT LOADED, DIDN'T THEY?

20 A JUST A LITTLE; NOT TOO MUCH.

21 Q ANYBODY HAVE TO BE REVIVED AT THAT MEETING, FROM THEIR DRUG
22 USE?

23 A NOT ON THAT OCCASION.

24 Q NOW, THIS MEETING, WHERE YOU MET FONSECA AND BERNA, DID
25 THAT MEETING TAKE PLACE BEFORE OR AFTER THE NIGHT THAT BARBA

1 RETURNED FROM LA LANGOSTA WITH BLOOD ON HIM?

2 A THE MEETING WAS HELD AFTER THAT WHICH THE ATTORNEY HAS
3 MENTIONED HAPPENED.

4 Q ALL RIGHT. AND HOW LONG AFTER?

5 A A FEW DAYS. MAYBE TWO WEEKS, MAYBE A LITTLE LESS.

6 Q AND YOU'RE CERTAIN THAT MR. FONSECA WAS AT THAT MEETING?

7 A YES.

8 Q WELL, YOU HAD MADE MISTAKES -- I'LL WITHDRAW THAT QUESTION.

9 CONCERNING MR. FONSECA'S PRESENCE AT OTHER MEETINGS,
10 YOU'VE MADE MISTAKES CONCERNING WHETHER OR NOT MR. FONSECA WAS
11 AT ANY ONE PARTICULAR MEETING; ISN'T THAT RIGHT?

12 THE COURT: THAT QUESTION'S NOT VERY CLEAR.

13 MR. MEZA: YOU'RE RIGHT.

14 Q HAVE YOU EVER BEEN MISTAKEN ABOUT MR. FONSECA BEING AT ANY
15 PARTICULAR MEETING?

16 A NO, I HAVEN'T BEEN MISTAKEN.

17 Q WELL, ISN'T IT TRUE ON JANUARY 24TH 1990, BEFORE THE GRAND
18 JURY, THAT YOU TOLD THE GRAND JURY THAT ON THE DAY THAT THIS LA
19 QUINTA -- I'M SORRY; I WITHDRAW THAT -- THE DAY THAT THIS LA
20 LANGOSTA OCCURRENCE HAPPENED, THAT FONSECA WAS AT THE LA QUINTA
21 RESIDENCE?

22 A YES.

23 Q AND THEN LATER ON THAT SAME DAY, IN FRONT OF THE SAME GRAND
24 JURY, YOU TOLD THEM THAT YOU WERE MISTAKEN ABOUT MR. FONSECA
25 BEING THERE; CORRECT?

1 A NO. NO, I DON'T UNDERSTAND THAT QUESTION. I DON'T KNOW
2 WHAT YOU'RE TALKING ABOUT.

3 Q WAS MR. FONSECA AT LA QUINTA ON THE DAY THAT JAVIER BARBA
4 WENT TO LA LANGOSTA?

5 A NO. NO, HE WASN'T THERE

6 NO. I MADE MISTAKE ON THAT QUESTION. I DIDN'T HEAR.

7 Q OKAY. SO YOU'VE MADE AT LEAST ONE MISTAKE CONCERNING WHERE
8 MR. -- YOU'VE MADE AT LEAST ONE MISTAKE CONCERNING MR.

9 FONSECA'S PRESENCE AT LA QUINTA; RIGHT?

10 A I DON'T RECALL HAVING SAID THAT WHICH YOU'VE TOLD ME ABOUT.

11 Q I'D JUST LIKE TO BE READ FROM THE GRAND JURY TRANSCRIPT
12 JANUARY 24TH 1990, PAGE 3, LINES 16 THROUGH 24, QUESTION BY
13 MR. MEDRANO:

14 "I'D LIKE TO DIRECT YOUR ATTENTION, SIR, TO AN EVENING
15 BEFORE THE ABDUCTION OF THE D.E.A. AGENT CAMARENA. ON THIS
16 PARTICULAR DAY, SIR, WERE THERE SEVERAL PEOPLE PRESENT AT THE
17 HOUSE OF JAVIER BARBA HERNANDEZ?

18 "A YES.

19 "Q LET'S TELL THE GRAND JURY WHO WAS THERE, IF YOU RECALL.

20 "A RAFA, DON NETO, JAVIER."

21 Q DON NETO IS MR. FONSECA; CORRECT?

22 A YES.

23 Q NOW, LATER ON, IN FRONT OF THAT SAME GRAND JURY, AFTER THE
24 MORNING RECESS, YOU WERE ASKED THE FOLLOWING QUESTION AND
25 TESTIFIED AS FOLLOWS -- I'M SORRY.

1 PAGE 12, LINES 5 THROUGH 10 -- OR 5 THROUGH 14.

2 EXCUSE ME.

3 "Q NOW, YOU MENTIONED THREE PEOPLE, THOUGH, THAT I WANT TO
4 MAKE SURE THAT YOUR TESTIMONY IS ACCURATE.

5 "YOU JUST TOLD THE GRAND JURY THAT CARO QUINTERO,
6 FONSECA AND RUBEN ZUNO WERE AT THE HOUSE THAT DAY, TOO.

7 "NOW, IS THAT ACCURATE OR NOT?

8 "A NO, NO. THEY WERE NOT THERE

9 "Q ALL RIGHT. SO AS TO THAT DAY, CARO QUINTERO, FONSECA AND
10 ZUNO WERE NOT AT JAVIER'S HOUSE?

11 "A NO, THEY WERE NOT."

12 NOW, THIS MEETING THAT YOU SAY TOOK PLACE IN FEBRUARY,
13 WAS THIS A PREPLANNED MEETING?

14 MR. MEDRANO: OBJECTION. FOUNDATION, YOUR HONOR.

15 THE COURT: SUSTAINED.

16 BY MR. MEZA:

17 Q IF YOU KNOW.

18 A COULD YOU REPEAT IT AGAIN, PLEASE?

19 Q WELL, THIS MEETING THAT TOOK PLACE WITH THESE PEOPLE WHO
20 ARRIVED, WERE YOU NOTIFIED IN ADVANCE THAT THESE PEOPLE WERE
21 GOING TO COME?

22 A NO.

23 Q THEY JUST SHOWED UP; RIGHT?

24 A WELL, THEY ALREADY HAD THEIR PLAN. I DIDN'T KNOW THAT THEY
25 WERE GOING TO COME TO TALK ABOUT THAT PERSON.

1 Q DID THAT BOTHER YOU AT ALL, THAT THESE PEOPLE, FONSECA AND
2 CARO, JUST SHOWED UP WITHOUT GIVING YOU ANY ADVANCE NOTICE?

3 MR. MEDRANO: OBJECTION. RELEVANCE.

4 THE COURT: SUSTAINED.

5 BY MR. MEZA:

6 Q WELL, YOU TOLD US ABOUT SOME OF THESE OTHER PLANNING
7 MEETINGS. WHY DID YOU FEEL IT NECESSARY TO STAND BEHIND OR TO
8 THE SIDE OF LAWYER BARBA WHEN THESE MEETINGS WERE TAKING PLACE?

9 A THAT WAS MY JOB, AS I'VE ALREADY TOLD YOU, ONCE HE ENTERED
10 THE HOUSE.

11 Q TO PROTECT HIM?

12 A YES.

13 Q FROM THE OTHER DRUG TRAFFICKERS WHO WERE IN THE HOUSE WITH
14 HIM?

15 A YES. THERE COULD HAVE BEEN A FIGHT, AND I WOULD HAVE TO BE
16 INVOLVED IN THAT.

17 Q AND YOU NEVER LEFT HIS SIDE DURING THESE MEETINGS; ISN'T
18 THAT RIGHT?

19 A NO.

20 Q DIDN'T YOU TELL AGENTS SALAZAR AND BERRELLEZ ON JANUARY 2ND
21 THAT DURING THESE MEETINGS, THAT YOU WERE IN AND OUT OF THESE
22 MEETINGS? YOU WERE IN AND OUT OF THE MEETINGS?

23 A NO.

24 Q DIDN'T YOU TELL THE AGENTS THAT YOU HAD TO PROVIDE
25 ESSENTIAL NECESSITIES FOR ALL OF BARBA HERNANDEZ GUESTS?

1 A WELL, MY ASSISTANTS WOULD DO THAT. MY JOB WAS TO LOOK
2 AFTER THE ATTORNEY. THE OTHERS --

3 Q WELL I CAN APPRECIATE THAT, BUT THAT'S NOT WHAT YOU TOLD
4 THE AGENTS.

5 THE COURT: JUST A MOMENT.

6 DID YOU FINISH THE ANSWER? DID YOU FINISH HIS ANSWER?

7 THE INTERPRETER: I THINK SO, YES.

8 THE COURT: ALL RIGHT.

9 BY MR. MEZA:

10 Q ISN'T IT TRUE THAT YOU FURTHER TOLD THOSE AGENTS THAT
11 BECAUSE OF THESE -- PROVIDING THESE ESSENTIAL DUTIES, THAT YOU
12 WERE NEVER AT ONE PLACE FOR ANY EXTENDED PERIOD OF TIME DURING
13 THE GATHERINGS? DIDN'T YOU TELL THE AGENTS THAT?

14 A I DON'T UNDERSTAND THE QUESTION.

15 Q DIDN'T YOU TELL THE AGENTS ON JANUARY 2ND THAT THESE
16 MEETINGS, WHERE THE KIDNAP PLAN WAS DISCUSSED, THAT YOU WERE
17 NOT PRESENT THROUGHOUT ALL OF THOSE MEETINGS?

18 A YES, I WAS PRESENT DURING ALL THE MEETINGS.

19 Q WELL, AGAIN, I APPRECIATE THAT; BUT WOULD YOU ANSWER THE
20 QUESTION THAT I ASK, PLEASE?

21 A I DON'T UNDERSTAND THE QUESTION. MAYBE YOU CAN ASK IT SOME
22 OTHER WAY.

23 Q DID YOU TELL THE AGENTS THAT YOU WERE NOT PRESENT
24 THROUGHOUT THE KIDNAP MEETINGS?

25 A (WITHOUT INTERPRETER:) NO.

1 Q EITHER YOU TOLD THEM OR YOU DIDN'T TELL THEM.

2 A (THROUGH INTERPRETER:) NO.

3 Q ALL RIGHT. NOW, THIS PERSON YOU CALL BERNA, THAT YOU SAY
4 WAS WITH MR. FONSECA, ON THE DAY THAT YOU SAW HIM IN FEBRUARY
5 OF 1985, WHAT DID HE LOOK LIKE?

6 MR. MEDRANO: OBJECTION. AMBIGUOUS, YOUR HONOR.

7 THE COURT: ARE YOU ASKING THE WITNESS TO GIVE A
8 DESCRIPTION OF THE PERSON.

9 MR. MEZA: YES, IF I CAN GET TO THAT.

10 THE COURT: DESCRIBE THE PERSON.

11 THE WITNESS: WELL, HE HAD CURLY, LONG HAIR; AND HE
12 WASN'T USING GLASSES, THE WAY HE DOES NOW.

13 BY MR. MEZA:

14 Q HOW TALL WAS THIS PERSON?

15 A AS TALL AS HE IS NOW.

16 COURTROOM: (LAUGHTER.)

17 BY MR. MEZA:

18 Q HOW TALL IS THAT?

19 A I DON'T KNOW HOW TALL HE IS.

20 Q HOW TALL ARE YOU?

21 A 169.

22 Q YOU SAY 169, YOU MEAN 169 CENTIMETERS?

23 A WELL, I DON'T KNOW. IN MEXICO YOU SAY 169. I DON'T KNOW
24 WHAT IT WOULD BE HERE.

25 Q WELL, WHAT IS THE UNIT OF MEASUREMENT? IS IT 1.69 METERS,

1 IS IT 169 CENTIMETERS? 169 WHAT?

2 A IT'S ONE METER AND 69 CENTIMETERS.

3 Q OKAY. THANK YOU.

4 NOW, THIS PERSON THAT YOU CALL BERNA, IN FEBRUARY OF
5 85 WAS HE TALLER OR SHORTER THAN YOU?

6 A HE WAS ALMOST MY HEIGHT. HE WOULD ALWAYS WEAR BOOTS, AND I
7 ALSO WORE BOOTS.

8 Q SO YOU WERE ABOUT THE SAME HEIGHT; IS THAT RIGHT?

9 A MORE OR LESS. I NEVER GOT UP REALLY CLOSE TO HIM. I
10 JUST -- I WOULD JUST SEE HIM. BUT MORE OR LESS.

11 Q YOU JUST SAW HIM AT A DISTANCE; RIGHT?

12 A YES. I NEVER GOT CLOSE TO HIM.

13 THE COURT: ALL RIGHT. WE'LL TAKE ANOTHER RECESS.

14 (COMMOTION IN COURTROOM AS JURY EXITS.)

15 THE COURT: ORDER IN THE COURT. COURT IS STILL IN
16 SESSION. WHEN WE TAKE A RECESS, IT IS NOT TO BE TAKEN AS A
17 LICENSE TO COMMENCE WHATEVER YOU WANT TO COMMENCE.

18 THE COURT IS STILL IN SESSION. PLEASE OBSERVE THAT,
19 AND PLEASE RISE FOR THE JURY.

20 (JURY ABSENT:)

21 THE COURT: COUNSEL, HOW MUCH MORE DO YOU HAVE OF THIS
22 WITNESS?

23 MR. MEZA: WELL, I HAD ROUGHLY FOUR OR FIVE AREAS TO
24 QUESTION HIM, AND I'M ON AREA 3 NOW.

25 THE COURT: PARDON?

1 MR. MEZA: I'M IN AREA 3, SO MY GUESS IS PROBABLY --

2 THE COURT: WELL, I WISH YOU'D MOVE IT ALONG HERE.

3 YOU'RE ENGAGING IN A LOT OF POINTLESS EXAMINATION AS FAR AS

4 COURT IS CONCERNED. I WISH YOU'D HONE IN HERE IN TERMS OF WHAT

5 YOU THINK IS IMPORTANT IN RELATION TO YOUR CLIENT.

6 ALSO, PLEASE USE SOME JUDGMENT HERE, WHEN YOU HAVE

7 FOUR COUNSEL, AND NOT REPEAT EVERYTHING UNLESS IT'S ABSOLUTELY

8 ESSENTIAL TO DO SO. THAT DOESN'T SERVE ANY PURPOSE.

9 YOU'RE FREE TO ASK WHATEVER QUESTIONS YOU WANT, BUT

10 PLEASE USE SOME DISCRETION.

11 MR. MEZA: THANK YOU.

12 THE CLERK: PLEASE RISE. THIS COURT IS NOW RECESS.

13 (BRIEF RECESS.)

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1 (JURY PRESENT.)

2 THE COURT: YOU MAY PROCEED.

3 MR. MEZA: THANK YOU.

4 CROSS-EXAMINATION + RESUMED

5 BY MR. MEZA:

6 Q. NOW THIS PERSON, BERNA, WAS HE WEARING GLASSES ON THAT
7 DAY?

8 A. NO.

9 Q. YOU SAID HE HAD BLACK OR WAVY HAIR. HOW LONG WAS IT?

10 A. WELL, IT WAS LIKE CURLY.

11 Q. HOW LONG WAS IT? DID IT COME DOWN TO HIS SHOULDERS?

12 A. NO, IT WAS LIKE THIS (INDICATING). IT WAS NOT GOING DOWN,
13 IT WAS A LITTLE BIT LIKE THIS (INDICATING).

14 Q. IF THE RECORD WOULD REFLECT THAT THE WITNESS PUT ONE HAND
15 ON EACH SIDE OF HIS HEAD ABOUT TWO OR THREE INCHES FROM SIDE
16 AND MADE A HALF CIRCULAR MOTION.

17 THE COURT: IS THE WITNESS DISAGREEING WITH THAT
18 DESCRIPTION?

19 THE WITNESS: NO, NO, I DON'T AGREE.

20 BY MR. MEZA:

21 Q. WELL, DID HIS HAIR COVER HIS EARS AT THAT TIME?

22 A. YES.

23 Q. DID THIS BERNA HAVE ANY FACIAL HAIR?

24 A. YES.

25 Q. WHAT KIND?

1 A. OVER HERE HE HAD --

2 (BRIEF PAUSE.)

3 THE COURT: WHAT DID HE HAVE?

4 THE WITNESS: HE HAD A BEARD AND A MOUSTACHE.

5 BY MR. MEZA:

6 Q. OKAY. WAS THIS BEARD ALL THE WAY AROUND HIS FACE?

7 A. NO.

8 Q. DID IT JUST COVER THE FRONT OF HIS MOUTH AREA?

9 A. YES.

10 Q. LIKE A GOATEE?

11 A. I DON'T KNOW WHERE THAT TERM COMES FROM, BUT IT WAS FROM
12 UP HERE, GOING DOWN.

13 MR. MEZA: IF THE RECORD COULD INDICATE --

14 THE COURT: WELL, THE WITNESS HAS SEEMED TO INDICATE
15 THAT HE HAD A MOUSTACHE AND HE HAD A GROWTH OF BEARD AROUND THE
16 CHIN.

17 MR. MEZA: YES. THANK YOU.

18 BY MR. MEZA:

19 Q. NOW, WHEN MR. -- WHEN YOU SAY MR. FONSECA AND THIS BERNA
20 ARRIVED AT LA QUINTA, WHAT TIME OF DAY WAS THAT?

21 A. IT WAS IN THE MIDDLE OF THE DAY. I DON'T KNOW THE EXACT
22 TIME, BUT IT WAS IN THE MIDDLE OF THE DAY.

23 Q. DID THEY ARRIVE BEFORE OR AFTER CARO ARRIVED?

24 A. THEY ARRIVED AFTER.

25 Q. HOW LONG AFTER?

1 A. ABOUT HALF AN HOUR ON THE OUTSIDE.

2 Q. NOW, YOU SAID CARO CAME WITH A PERSON ALSO. WHAT DID THIS
3 PERSON -- WOULD YOU GIVE US HIS DESCRIPTION, PLEASE?

4 A. THERE WERE SEVERAL PERSONS ACCOMPANYING BOTH, NOT JUST
5 ONE.

6 Q. WELL, HOW MANY PEOPLE CAME WITH MR. FONSECA?

7 A. WELL, HE FIRST CAME WITH BERNA, AND THERE WERE THREE OTHER
8 AGENTS APART FROM THAT.

9 Q. WITH FONSECA?

10 A. YES.

11 Q. DID THEY ALL ARRIVE TOGETHER?

12 A. YES. THEY WERE FROM THE STATE JUDICIAL POLICE.

13 Q. HOW DID YOU KNOW THAT?

14 A. BECAUSE THE CAR WAS AN OFFICIAL CAR, AND I ALSO KNEW THAT
15 THE AGENTS WORKED FOR THE STATE GOVERNMENT, JUST LIKE BERNA.
16 THEY WORKED FOR THE STATE.

17 Q. OH, BERNA WORKED FOR THE STATE IN FEBRUARY OF '85?

18 A. WELL, NO, BUT HE HAD BEEN A JUDICIAL POLICE MAN.

19 Q. WHEN WAS HE A JUDICIAL POLICEMAN?

20 A. I REMEMBER NOW THAT HE WAS A JUDICIAL POLICEMAN AT THAT
21 TIME.

22 Q. IN FEBRUARY OF 1985?

23 A. WELL, HE HAD A JUDICIAL POLICEMAN'S CREDENTIAL. I DON'T
24 KNOW IF IT WAS STILL VALID, BUT HE IDENTIFIED HIMSELF AS A
25 JUDICIAL POLICEMAN.

1 Q. DURING THAT FEBRUARY WHEN HE FIRST ARRIVED IN FEBRUARY, HE
2 IDENTIFIED HIMSELF AS A JUDICIAL POLICEMAN?

3 A. NO. I JUST KNEW THROUGH ATTORNEY BARBA'S ORDERS THAT DON
4 ERNESTO FONSECA WOULD BE COMING WITH PEOPLE FROM THE STATE
5 JUDICIAL POLICE.

6 Q. I SEE. SO YOU NEVER SAW THESE CREDENTIALS; IS THAT RIGHT,
7 THAT YOU SAID BERNA HAD?

8 A. NO, I DID NOT. I DID NOT SEE IT. I DIDN'T SEE THE
9 PHOTOGRAPH. I DON'T KNOW WHETHER IT WAS HIS CREDENTIAL.

10 Q. AND YOU WERE TOLD IN ADVANCE THAT FONSECA WAS COMING,
11 CORRECT?

12 A. NO, I WASN'T TOLD ANYTHING.

13 Q. WHERE DID YOU GET THE INFORMATION THAT FONSECA WAS COMING
14 WITH PEOPLE FROM THE JUDICIAL POLICE?

15 A. THE ATTORNEY TOLD ME THAT THE PEOPLE THAT WERE ALONG WITH
16 DON ERNESTO WERE FROM THE STATE JUDICIAL POLICE.

17 Q. DID YOU FINISH YOUR ANSWER?

18 A. NO. COULD YOU REPEAT THE QUESTION, PLEASE?

19 Q. WHEN DID LAWYER BARBA TELL YOU THIS?

20 A. HE TOLD ME THAT DAY THAT DON ERNESTO WOULD BE COMING, BUT
21 HE DIDN'T TELL ME WHAT TIME. AND THAT ONLY HE COULD ENTER LA
22 QUINTA; HIS BODYGUARDS WOULD HAVE TO STAY OUTSIDE.

23 Q. AND DID THE BODYGUARDS STAY OUTSIDE?

24 A. THEY WERE OUTSIDE IN TWO CARS, YES.

25 Q. NOW, HOW MANY TIMES DID YOU SPEAK TO THE D.E.A. AGENTS

1 BETWEEN NOVEMBER OF 1989 AND APRIL OF 1990?

2 MR. MEDRANO: OBJECTION, YOUR HONOR, ASKED AND
3 ANSWERED BY CO-COUNSEL, MR. MEDVENE, ALREADY.

4 THE COURT: HE MAY ANSWER; THAT'S NOT A GROUNDS FOR
5 OBJECTING.

6 THE WITNESS: COULD YOU REPEAT THE QUESTION?
7 BY MR. MEZA:

8 Q. HOW MANY TIMES HAD YOU SPOKEN TO D.E.A. AGENTS BETWEEN
9 NOVEMBER OF 1989 AND APRIL OF 1990?

10 THE COURT: I ASSUME YOU MEAN IN A FORMAL INTERVIEW
11 SESSION?

12 MR. MEZA: YES.

13 THE WITNESS: ABOUT FOUR OR FIVE TIMES. I DON'T
14 REMEMBER HOW MANY.

15 BY MR. MEZA:

16 Q. AND ON ANY OF THOSE OCCASIONS, DID YOU TELL THEM ABOUT
17 THIS PERSON BERNA?

18 A. NO.

19 Q. WHEN YOU TESTIFIED YESTERDAY CONCERNING BERNA, PRIOR TO
20 THAT TESTIMONY, HAD YOU TOLD ANYBODY ABOUT BERNA?

21 A. NO.

22 Q. WHEN YOU WERE ASKED -- WHEN YOU WERE DISCUSSING THE
23 FEBRUARY MEETING WITH THE AGENTS, YOU WERE ASKED WHO WAS AT
24 THAT MEETING, WERE YOU NOT?

25 A. YES.

1 Q. WHY DIDN'T YOU TELL THEM ABOUT BERNA THEN?

2 A. BERNA DID NOT COME, WAS NOT PART OF THE MEETING, HE WAS
3 OUTSIDE.

4 Q. BUT YOU WERE ASKED WHO CAME TO THE MEETING; WERE YOU NOT?
5 WERE YOU NOT ASKED THAT?

6 A. I ANSWERED CORRECTLY AS FAR AS THOSE THAT WERE AT THE
7 MEETING.

8 Q. WEREN'T YOU ASKED BY THE AGENTS WHO ARRIVED AT THE HOUSE
9 THOUGH?

10 A. YES, THEY DID ASK ME.

11 Q. WHY DIDN'T YOU TELL THEM ABOUT BERNA ARRIVING AT THE
12 HOUSE?

13 A. WELL, I TOLD THEM. I TOLD THEM THAT HE WAS OUTSIDE; NOT
14 THAT HE HAD ENTERED, BUT THAT HE WAS OUTSIDE.

15 Q. SO YOU TOLD THE AGENTS THAT BERNA HAD COME TO THE HOUSE
16 BUT HE STAYED OUTSIDE, RIGHT?

17 A. THAT WAS THE ONLY THING I SAID ABOUT THAT PERSON.

18 Q. OKAY. WHO DID YOU TELL THAT TO?

19 A. MR. HECTOR BERRELLEZ.

20 Q. THAT'S THE GENTLEMAN SEATED RIGHT HERE IN GRAY SUIT?

21 A. YES.

22 Q. AND OF THESE FOUR OR FIVE MEETINGS OR INTERVIEWS THAT YOU
23 HAD WITH THE AGENTS, IN WHICH INTERVIEW DID YOU TELL AGENT
24 BERRELLEZ ABOUT BERNA? WAS IT THE FIRST MEETING OR SECOND OR
25 FOURTH OR FIFTH? WHICH MEETING, WHICH INTERVIEW?

1 A. IT WAS THE LAST TIME WHEN I TOLD HIM ABOUT IT.

2 Q. ABOUT HOW LONG AGO WAS THAT?

3 A. ABOUT LIKE 20 DAYS, MORE OR LESS.

4 Q. JUST BEFORE YOU GOT PAID YOUR MONTHLY SALARY --

5 A. YES.

6 Q. -- OR JUST AFTER? OKAY.

7 NOW, WHEN YOU TOLD AGENT BERRELLEZ ABOUT THIS BERNA,
8 DID YOU GIVE HIM A DESCRIPTION OF BERNA AT THAT TIME?

9 A. NO.

10 Q. DID AGENT BERRELLEZ ASK YOU WHAT BERNA LOOKED LIKE?

11 A. NO.

12 Q. DID AGENT BERRELLEZ WRITE THIS DOWN WHEN YOU WERE TELLING
13 HIM ABOUT BERNA?

14 A. YES, HE WAS MAKING NOTES.

15 Q. WHEN YOU TOLD AGENT BERRELLEZ ABOUT THIS BERNA -- I'LL
16 WITHDRAW THAT QUESTION.

17 IN CONNECTION WITH YOUR INTERVIEWS WITH THE AGENTS,
18 HAVE YOU EVER BEEN ASKED TO LOOK AT PHOTOGRAPHS OF PEOPLE?

19 A. NO. NO.

20 Q. HAVE YOU EVER IDENTIFIED ANY PERSON IN A PHOTOGRAPH?

21 A. NO.

22 Q. WERE YOU EVER SHOWN A PHOTOGRAPH OF -- I WILL WITHDRAW
23 THAT QUESTION.

24 DID YOU EVER IDENTIFY A PHOTOGRAPH OF ANY PERSON --
25 I'M SORRY, I'LL WITHDRAW THAT QUESTION.

1 DID YOU EVER IDENTIFY THIS BERNA PERSON IN ANY
2 PHOTOGRAPH?

3 A. NO.

4 Q. YOU'VE NEVER IDENTIFIED MR. FONSECA FROM PHOTOGRAPHS?

5 A. NO, I HAVEN'T BEEN SHOWN PHOTOGRAPHS.

6 Q. LET ME SHOW YOU A PHOTOGRAPH RIGHT NOW, IF I COULD DIRECT
7 THE WITNESS'S ATTENTION TO EXHIBIT 63.

8 IF THE WITNESS WOULD LIKE, WITH THE COURT'S
9 PERMISSION, HE COULD TAKE THE PHOTOGRAPH OUT TO GET A BETTER
10 LOOK.

11 THE COURT: HE MAY DO THAT.

12 BY MR. MEZA:

13 Q. DO YOU HAVE A GOOD LOOK AT THAT PHOTOGRAPH?

14 A. YES.

15 Q. DO YOU RECOGNIZE ANYBODY IN THAT PHOTOGRAPH?

16 A. YES.

17 Q. AND HAVE ANY OF THOSE PEOPLE HAVE BEEN TO LA QUINTA WHEN
18 YOU WERE EMPLOYED THERE?

19 A. YES.

20 Q. WHICH PERSON IN THE PHOTOGRAPH? THERE ARE THREE PEOPLE IN
21 THE PHOTOGRAPH; ARE THERE NOT?

22 A. YES.

23 Q. WHICH OF THE THREE PEOPLE; THE ONE TO THE LEFT, THE ONE IN
24 THE MIDDLE OR THE ONE ON THE RIGHT?

25 A. THE ONE TO THE RIGHTHAND SIDE.

1 Q. WHAT IS THAT PERSON WEARING IN THE PHOTOGRAPH?

2 A. HE HAS A JACKET AND A BLUE SHIRT.

3 Q. DO YOU KNOW HIS NAME?

4 A. YES.

5 Q. WHAT IS IT?

6 A. THIS IS BERNA.

7 Q. THIS IS THE SAME BERNA YOU WERE TALKING ABOUT THAT WAS AT
8 THE HOUSE IN FEBRUARY?

9 A. YES.

10 Q. THANK YOU. NOW PANTERA, THIS PERSON YOU KNOW AS PANTERA,
11 DO YOU KNOW HIS TRUE NAME?

12 A. NO.

13 Q. DO YOU KNOW -- HAVE YOU EVER HEARD OF THE NAME PLASCENCIA?

14 A. NO.

15 Q. WAS PANTERA EVER AT ANY OF THE MEETINGS AT BARBA'S?

16 A. NO. NO.

17 Q. DID HE -- GARATE WAS AT MEETINGS AT BARBA'S HOUSE; WAS HE
18 NOT?

19 A. YES. OH, EXCUSE ME. NO.

20 Q. NO WHAT?

21 A. GARATE NEVER CAME TO ANY MEETING WITH ATTORNEY BARBA WHERE
22 I WAS PRESENT.

23 Q. SO THERE WERE MEETINGS THAT BARBA HAD AT LA QUINTA THAT
24 YOU WEREN'T PRESENT AT; IS THAT RIGHT?

25 A. NO. I WAS PRESENT FROM '82 TO '85.

1 Q. NOW, IN FEBRUARY OF 1985, SHORTLY AFTER CAMARENA WAS
2 REPORTED MISSING, HIS DISAPPEARANCE GOT A LOT OF PUBLICITY;
3 DIDN'T IT?

4 A. WELL, A LITTLE BIT. I DON'T REALLY KNOW HOW MUCH THERE
5 WAS.

6 Q. DIDN'T YOU READ ABOUT IT IN THE PAPERS?

7 A. NO.

8 Q. DO YOU READ?

9 A. NO.

10 Q. LET ME GO BACK TO 63 THERE JUST FOR A SECOND, THAT
11 PHOTOGRAPH.

12 THE COURT: WHAT IS YOUR QUESTION?

13 BY MR. MEZA:

14 Q. THIS PERSON YOU IDENTIFIED AS BERNA, IS THERE ANYTHING
15 DIFFERENT ABOUT THE PERSON IN THE PICTURE FROM THE PERSON THAT
16 YOU SAW IN FEBRUARY OF '85?

17 A. YES.

18 Q. WHAT IS DIFFERENT?

19 A. HE HAD A BEARD OVER HER.

20 Q. HAD A BEARD IN FEBRUARY?

21 A. YES.

22 Q. BUT HE DOESN'T HAVE ONE IN THE PICTURE, RIGHT?

23 A. NO. I DON'T KNOW.

24 NO, HE DOESN'T HAVE ONE.

25 Q. DO YOU KNOW WHERE THAT PHOTOGRAPH WAS TAKEN? DO YOU

1 RECOGNIZE THE AREA OR THE ROOM IT WAS TAKEN IN?

2 A. NO.

3 ME. MEZA: FINE. THANK YOU. I HAVE NOTHING FURTHER.

4 THE COURT: YOU MAY CROSS-EXAMINE.

5 MR. STOLAR: THANK YOU.

6 CROSS-EXAMINATION +

7 BY MR. STOLAR:

8 Q. MR. CERVANTES, I'D LIKE TO ASK YOU TO TAKE A LOOK AT THE

9 PICTURE THERE ON THE EASEL.

10 THE COURT: WOULD YOU IDENTIFY THAT, PLEASE.

11 MR. STOLAR: THAT'S THE PHOTOGRAPH WITH EXHIBIT NO.

12 15, ONE, FIVE.

13 BY MR. STOLAR:

14 Q. DO YOU SEE THAT PICTURE?

15 A. YES.

16 Q. NOW, THAT'S NOT A PICTURE OF WAYNE NEWTON, IS IT, THE

17 ENTERTAINER?

18 MR. MEDRANO: OBJECTION, YOUR HONOR.

19 CAN WE ASK THE WITNESS IF HE CAN IDENTIFY THE

20 PHOTOGRAPH?

21 THE COURT: WHAT IS THE QUESTION?

22 BY MR. STOLAR:

23 Q. CAN YOU IDENTIFY THE PERSON IN THAT PHOTOGRAPH?

24 A. YES.

25 Q. WHO IS IT?

1 A. MIGUEL FELIX GALLARDO.

2 Q. MIGUEL FELIX GALLARDO WAS AT THESE MEETINGS THAT YOU
3 TALKED ABOUT TOO, WASN'T HE?

4 A. NO.

5 Q. WAS HE EVER AT JAVIER BARBA'S HOUSE?

6 A. NO.

7 Q. YOU NEVER SAW HIM THERE?

8 A. NOT AT THE HOUSE.

9 Q. DID HE EVER COME TO THE WEDDING?

10 A. NO.

11 Q. YOU JUST TESTIFIED BEFORE THAT YOU HAVE NEVER BEEN SHOWN
12 PICTURES IN CONNECTION WITH THIS CASE; IS THAT CORRECT?

13 A. THAT IS TRUE.

14 Q. AND YOU HAVE NEVER IDENTIFIED PHOTOS OF FONSECA IN
15 CONNECTION WITH THIS CASE?

16 A. NO, I HAVEN'T BEEN SHOWN HIS PHOTOGRAPH.

17 Q. THAT'S A FLAT-OUT LIE; ISN'T IT, SIR?

18 A. YES. THAT'S A FLAT-OUT LIE.

19 Q. YOU'RE LYING TO ME WHEN YOU'RE SAYING YOU HAVEN'T SEEN
20 PICTURES; IS THAT RIGHT?

21 A. WELL, YOU WERE ASKING ME WHETHER THE AGENTS HAD SHOWN ME
22 PHOTOGRAPHS AND I SAID THAT THEY HADN'T SHOWN ME PHOTOGRAPHS,
23 THAT I KNEW HIM.

24 Q. I'M SAYING THAT YOU'RE LYING WHEN YOU SAY THE D.E.A.
25 AGENTS NEVER SHOWED YOU PHOTOGRAPHS.

1 DO YOU AGREE WITH ME?

2 A. I AM NOT LYING.

3 Q. DO YOU KNOW A D.E.A. AGENT NAMED THOMAS MORALES?

4 A. YES.

5 Q. WERE YOU WITH HIM ON FEBRUARY THE 7TH OF THIS YEAR?

6 A. NO.

7 Q. ISN'T IT TRUE THAT ON FEBRUARY 7TH OF THIS YEAR YOU WERE
8 SHOWN A SERIES OF TEN PHOTOGRAPHS BY AGENT THOMAS MORALES?

9 A. NO.

10 THE INTERPRETER: JUST A MOMENT.

11 THE COURT: JUST A MOMENT. CALM DOWN. CALMITAY.

12 (COURTROOM LAUGHTER.)

13 MR. STOLAR: CALAMITY-AY(PHONETIC). (LAUGHTER.)

14 BY MR. STOLAR:

15 Q. DO YOU HAVE MORE TO COMPLETE THE ANSWER WITH?

16 A. NO, I WAS NOT.

17 Q. YOU NEVER IDENTIFIED ERNESTO FONSECA CARRILLO IN A
18 PHOTOGRAPH, RIGHT, OF THE D.E.A.?

19 A. THAT IS TRUE, I DID NOT.

20 Q. HOW ABOUT A PHOTOGRAPH OF FEDERICO CASTEL DEL ORO?

21 A. (ANSWER GIVEN BUT NOT INTERPRETED.)

22 Q. HOW ABOUT DR. HUMBERTO ALVAREZ MACHAIN?

23 I'M SORRY.

24 THE ANSWER WAS --

25 THE INTERPRETER: I DIDN'T HEAR IT, COUNSEL. I'M

1 SORRY.

2 MR. STOLAR: WHAT WAS THE ANSWER TO THE QUESTION?

3 THE COURT: REPEAT THE QUESTION.

4 BY MR. STOLAR:

5 Q. DID YOU EVER IDENTIFY A PHOTOGRAPH CONTAINING THE PICTURE
6 OF FEDERICO CASTEL DEL ORO?

7 A. NO.

8 Q. DID YOU EVER IDENTIFY A PHOTOGRAPH CONTAINING A PICTURE OF
9 DR. HUMBERTO ALVAREZ MACHAIN?

10 A. NO.

11 Q. YOU'RE ABSOLUTELY SURE YOU WERE NEVER SHOWN PHOTOGRAPHS;
12 IS THAT CORRECT?

13 MR. MEDRANO: OBJECTION; ASKED AND ANSWERED, YOUR
14 HONOR.

15 THE COURT: NO. HE MAY ANSWER.

16 THE WITNESS: NO, I HAVEN'T BEEN SHOWN ANY
17 PHOTOGRAPHS.

18 BY MR. STOLAR:

19 Q. WELL, BEFORE YOU TESTIFIED STARTING THE OTHER DAY, DID YOU
20 SIT DOWN WITH MR. MEDRANO AND GO OVER YOUR TESTIMONY?

21 A. WHEN YOU SAY "THE OTHER DAY", I DON'T KNOW WHAT DAY YOU'RE
22 TALKING ABOUT.

23 Q. WELL, YOU HAVE SPOKEN TO MR. MEDRANO. IN THE DAYS BEFORE
24 YOU TOOK THE WITNESS STAND, DID YOU SPEAK TO MR. MEDRANO?

25 A. YES.

1 Q. HOW MANY TIMES?

2 A. TWO OR THREE TIMES.

3 Q. WHERE DID YOU SIT AND MEET WITH HIM?

4 A. I WAS ACROSS FROM HIS DESK IN HIS OFFICE.

5 Q. AND PRIOR TO YOUR TESTIFYING HERE IN COURT, WHEN WAS THE
6 LAST TIME BEFORE THAT -- I'LL WITHDRAW THE QUESTION.

7 WHEN WAS THE LAST TIME PRIOR TO YOUR TESTIFYING THAT
8 YOU SAT DOWN AND TALKED ABOUT YOUR TESTIMONY WITH MR. MEDRANO?

9 A. I DON'T UNDERSTAND THE QUESTION.

10 Q. AND WEDNESDAY AFTERNOON OF THIS WEEK IS THE FIRST TIME YOU
11 TOOK THE WITNESS STAND; IS THAT CORRECT?

12 A. YES.

13 Q. DID YOU SPEAK TO MR. MEDRANO ABOUT YOUR TESTIMONY ON
14 WEDNESDAY?

15 A. YES.

16 Q. FOR HOW LONG DID YOU TALK TO HIM ABOUT IT?

17 A. ABOUT 15 MINUTES.

18 Q. WHO ELSE WAS PRESENT?

19 A. IT WAS JUST HE AND I.

20 Q. WERE YOU SPEAKING IN SPANISH TOGETHER?

21 A. WELL, I DID UNDERSTAND SOME OF WHAT HE WAS TELLING ME IN
22 SPANISH. HE DIDN'T SAY VERY MUCH.

23 Q. DID YOU MEET WITH MR. MEDRANO ON TUESDAY TO GO OVER YOUR
24 TESTIMONY?

25 A. YES.

1 Q. WHAT TIME OF DAY DID YOU MEET WITH HIM?

2 A. IN THE MORNING.

3 Q. WHAT TIME IN THE MORNING?

4 A. I DON'T REMEMBER EXACTLY. IT COULD HAVE BEEN FROM 10:00
5 TO 11:00. BETWEEN 10:00 AND 11:00. I DON'T REMEMBER THE EXACT
6 TIME.

7 Q. HOW ABOUT TUESDAY EVENING; DID YOU MEET WITH HIM ON
8 TUESDAY EVENING?

9 A. NO.

10 Q. HOW ABOUT ON MONDAY OF THIS WEEK? DO YOU MEET WITH HIM TO
11 DISCUSS YOUR TESTIMONY?

12 A. YES, I DID GET TOGETHER WITH HIM, BUT IT WAS NOT TO TALK
13 ABOUT MY TESTIMONY.

14 Q. HOW LONG DID YOU SPEND WITH HIM ON MONDAY?

15 A. 20 MINUTES.

16 Q. WAS ANYBODY ELSE PRESENT?

17 A. YES.

18 Q. WHO?

19 A. MR. HECTOR BERRELLEZ.

20 Q. ANYBODY ELSE?

21 A. NO.

22 Q. NOW, YOU SAID YOU MET WITH MR. MEDRANO ON TUESDAY MORNING
23 OF THIS WEEK. YOU THINK IT'S SOMETHING AROUND 10:00 OR 11:00.

24 COULD YOU BE MISTAKEN?

25 MR. MEDRANO: OBJECTION; THAT MISSTATES THE DIRECT.

1 HE STATES HE DOES NOT REMEMBER THE TIME.

2 THE COURT: RESTATE YOUR QUESTION.

3 BY MR. STOLAR:

4 Q. WHEN YOU MET WITH MR. MEDRANO ON TUESDAY MORNING, WAS IT
5 VERY EARLY IN THE MORNING?

6 A. NO.

7 Q. IT WAS LATER IN THE MORNING; IS THAT WHAT YOUR
8 RECOLLECTION IS?

9 A. IT WAS IN THE MORNING.

10 Q. WE ESTABLISHED THAT. I'M TRYING TO FIGURE OUT WAS IT
11 CLOSER TO LUNCH OR CLOSER TO BREAKFAST?

12 A. WELL, LUNCH -- WELL IT WAS AFTER BREAKFAST. IT WAS AROUND
13 9:00 OR 10:00. THAT'S ABOUT THE TIME FOR BREAKFAST.

14 Q. 9:00 OR 10:00 IS WHEN YOU EAT BREAKFAST GENERALLY?

15 A. YES.

16 Q. OKAY. HOW ABOUT OVER THE WEEKEND, LAST WEEKEND; DID YOU
17 MEET WITH MR. MEDRANO TO GO OVER YOUR TESTIMONY?

18 A. NO.

19 Q. HOW ABOUT IN THE LAST WEEK? DID YOU MEET WITH MR. MEDRANO
20 TO GO OVER YOUR TESTIMONY?

21 A. NO.

22 Q. DID YOU MEET WITH ANYBODY ELSE FROM THE D.E.A. OR THE U.S.
23 ATTORNEY'S OFFICE LAST WEEK OR ANY TIME THIS WEEK UP UNTIL THE
24 TIME YOU TOOK THE STAND TO GO OVER YOUR TESTIMONY?

25 A. NO.

1 Q. HOW ABOUT THE WEEK BEFORE; DID YOU MEET WITH MR. MEDRANO
2 TO GO OVER YOUR TESTIMONY THEN?

3 A. NO.

4 Q. THE WEEK BEFORE THAT?

5 A. NO.

6 Q. DO YOU REMEMBER YOU TESTIFIED BEFORE THE GRAND JURY ON
7 THREE SEPARATE OCCASIONS. DO YOU RECALL THAT?

8 A. YES.

9 Q. AND EACH TIME BEFORE YOU WOULD TESTIFY BEFORE THE GRAND
10 JURY WOULD YOU GO OVER WHAT THE QUESTIONS WERE GOING TO BE WHEN
11 YOU GOT INTO THE GRAND JURY?

12 A. NO.

13 Q. YOU DIDN'T KNOW WHAT WAS GOING TO BE ASKED OF YOU BEFORE
14 YOU GOT INTO THE GRAND JURY?

15 A. NO.

16 Q. AND YOU DIDN'T KNOW -- DID YOU KNOW WHAT QUESTIONS WERE
17 GOING TO BE ASKED OF YOU IN COURT BEFORE YOU TOOK THE STAND ON
18 WEDNESDAY?

19 A. NO.

20 Q. DID YOU DISCUSS WITH MR. MEDRANO OR ANYBODY FROM THE
21 D.E.A. OR ANYBODY FROM THE U.S. ATTORNEY'S OFFICE THE FACT THAT
22 YOU WOULD BE CROSS-EXAMINED BY THE LAWYERS?

23 A. I DON'T UNDERSTAND THAT QUESTION.

24 Q. DID YOU KNOW THAT YOU WERE GOING TO BE QUESTIONED BY THE
25 DEFENSE LAWYERS IN THIS CASE?

1 A. YES.

2 Q. HOW DID YOU KNOW THAT?

3 A. MR. MEDRANO TOLD ME THAT YOU WERE FROM THE DEFENSE AND
4 THAT YOU WERE GOING TO ASK ME QUESTIONS. I KNEW THAT ALREADY.

5 Q. DID I UNDERSTAND YOU CORRECTLY IN RESPONSE TO ANOTHER
6 QUESTION TO SAY THAT DO YOU NOT READ?

7 THE COURT: THAT QUESTION IS AMBIGUOUS.

8 MR. STOLAR: I'LL REPHRASE IT.

9 BY MR. STOLAR:

10 Q. DO YOU KNOW HOW TO READ?

11 A. YES.

12 Q. DO YOU READ ENGLISH?

13 A. NO.

14 Q. BEFORE YOU TESTIFIED, DID ANYBODY READ FOR YOU AND
15 TRANSLATE FOR YOU THE TESTIMONY THAT YOU HAD PREVIOUSLY GIVEN
16 BEFORE THE GRAND JURY?

17 A. NO.

18 Q. DID ANYBODY GO OVER WITH YOU THE REPORTS THAT THE D.E.A.
19 HAD PREPARED OF YOUR INTERVIEWS WITH THEM?

20 A. NO.

21 Q. THE FIRST TIME THAT YOU MET AGENT BERRELLEZ WAS ON
22 NOVEMBER 23 OR NOVEMBER 24TH 1990 -- 1989, RATHER; IS THAT
23 CORRECT?

24 A. IN THE HOTEL ROOM. YES.

25 Q. THAT'S THE VERY FIRST TIME YOU MET AGENT BERRELLEZ?

1 A. YES.

2 Q. AND WHO WAS -- WAS ANYBODY WITH HIM WHEN HE SPOKE TO YOU
3 ON THAT OCCASION?

4 A. YES.

5 Q. WHO?

6 A. SALAZAR. I ONLY KNOW HIM AS SALAZAR.

7 Q. DELBERT SALAZAR?

8 A. I ONLY KNOW HIM AS SALAZAR.

9 Q. WAS ANYBODY ELSE PRESENT?

10 A. NO.

11 Q. WERE THEY TAKING NOTES ABOUT WHAT WERE YOU TELLING THEM?

12 A. NO. THAT DAY THEY DIDN'T TAKE ANYTHING DOWN.

13 Q. WERE THEY TAPE RECORDING WHAT YOU WERE TELLING THEM?

14 A. NO.

15 Q. HAVE THEY EVER TAPE RECORDED ANY OF YOUR INTERVIEWS?

16 A. NO.

17 Q. NOW, THE FIRST PAYMENT THAT YOU GOT FROM THE D.E.A. WAS ON
18 NOVEMBER THE 24TH OF 1989; IS THAT CORRECT?

19 A. YES.

20 Q. DID YOU RECEIVE THAT IN THE HOTEL ROOM?

21 A. YES.

22 Q. WHO GAVE IT TO YOU?

23 A. MR. HECTOR BERRELLEZ.

24 Q. AND THAT WAS PAYMENT FOR \$2,000; IS THAT RIGHT?

25 A. YES.

1 Q. DID YOU HAVE TO SIGN A RECEIPT FOR IT?

2 A. YES.

3 Q. DID THE RECEIPT INDICATE THE PURPOSE FOR WHICH THE MONEY
4 WAS GIVEN TO YOU, IF YOU KNOW?

5 A. NO.

6 Q. NO, IT DIDN'T INDICATE, OR NO, YOU DO NOT KNOW?

7 A. I DIDN'T PAY ATTENTION. I DON'T UNDERSTAND ENGLISH.

8 Q. AND IT WAS GIVEN TO YOU IN CASH?

9 A. YES.

10 Q. WHAT KIND OF BILLS?

11 A. ONE HUNDREDS.

12 Q. HUNDRED DOLLAR BILLS?

13 A. YES.

14 Q. WAS IT GIVEN TO YOU BEFORE OR AFTER YOU TOLD AGENTS
15 BERRELLEZ AND SALAZAR WHAT INFORMATION YOU HAD?

16 A. IT WAS AFTER.

17 Q. AND THEN APPROXIMATELY A WEEK WENT BY AND YOU HAD ANOTHER
18 INTERVIEW WITH MR. SALAZAR AND MR. BERRELLEZ; IS THAT RIGHT?

19 A. COULD YOU REPEAT THAT, PLEASE?

20 Q. YOU HAD A SECOND INTERVIEW WITH SALAZAR AND BERRELLEZ
21 ABOUT A WEEK LATER; DIDN'T YOU?

22 A. NO, JUST MR. HECTOR BERRELLEZ.

23 Q. SALAZAR WASN'T THERE?

24 A. HE WENT THERE, BUT HE DIDN'T COME IN TO TALK WITH ME OR
25 WITH MR. BERRELLEZ.

1 Q. THIS WAS ON NOVEMBER THE 30TH, 1989. ARE WE TALKING ABOUT
2 THE SAME INTERVIEW?

3 A. NO. I DIDN'T UNDERSTAND THE QUESTION REALLY WELL.

4 Q. OKAY. THIS IS THE SECOND TIME YOU MET AGENT BERRELLEZ,
5 SOMEBODY WHOM YOU HAVE NEVER MET BEFORE IN YOUR LIFE. YOU SIT
6 DOWN FOR A FORMAL INTERVIEW WITH HIM. DO YOU RECALL IT NOW?

7 A. YES.

8 Q. AND WASN'T AGENT DELBERT SALAZAR THERE ALSO?

9 A. HE WASN'T THERE WHILE WE WERE TALKING. HE WAS ELSEWHERE,
10 HE WASN'T THERE.

11 Q. NOVEMBER 30, 1989 IS THE FIRST DAY YOU EVER TESTIFIED
12 BEFORE THE GRAND JURY, CORRECT?

13 A. YES.

14 Q. THAT'S THE DAY I'M TALKING ABOUT. YOU HAD AN INTERVIEW
15 THAT DAY WITH BERRELLEZ ALSO THAT DAY, CORRECT?

16 A. NO, I DIDN'T HAVE AN INTERVIEW WITH ATTORNEY (SIC)
17 BERRELLEZ THE DAY I GAVE TESTIMONY BEFORE THE GRAND JURY.

18 Q. YOU DID NOT?

19 A. NO.

20 Q. BY THE WAY, WHEN YOU WENT TO PICK UP THE MAN AT THE
21 AIRPORT FOR THE WEDDING, YOU NEVER MET HIM BEFORE IN YOUR LIFE;
22 HAD YOU?

23 A. I DON'T UNDERSTAND.

24 Q. REMEMBER THE DAY OF THE WEDDING OF JORGE'S WEDDING, YOU
25 WENT TO PICK UP SOMEBODY AT THE AIRPORT?

1 A. YES.

2 Q. YOU MET A MAN WHO YOU THINK IS A COLOMBIAN; IS THAT
3 CORRECT?

4 A. YES.

5 Q. HOW DID YOU KNOW HE WAS A COLOMBIAN?

6 A. I DIDN'T KNOW THAT HE WAS COLOMBIAN; IT WAS SAID THAT HE
7 WAS A COLOMBIAN, BUT I DIDN'T KNOW THAT HE WAS A COLOMBIAN.

8 Q. AND THAT MAN, THE COLOMBIAN, YOU HAD NEVER SEEN HIM BEFORE
9 IN YOUR LIFE, HAD YOU?

10 A. NO.

11 MR. STOLAR: CAN WE BREAK NOW, JUDGE..

12 THE COURT: DO YOU HAVE MUCH MORE WITH THIS WITNESS?

13 MR. STOLAR: YES, I HAVE QUITE A BIT.

14 THE COURT: WE WILL ADJOURN THEN AT THIS TIME.

15 LADIES AND GENTLEMEN, WE'LL RECONVENE ON TUESDAY
16 MORNING AT 9:30.

17 PLEASE HAVE IN MIND NOW THAT YOU HAVE A
18 RESPONSIBILITY NOT TO DISCUSS THIS CASE WITH EACH OTHER OR WITH
19 ANYONE ELSE, NOT TO ALLOW ANYONE TO APPROACH YOU OR DISCUSS
20 THIS CASE WITH YOU IN ANY WAY, NOR SHOULD YOU EXPOSE YOURSELF
21 TO ANY PUBLICITY ABOUT THIS CASE. THAT IS VERY IMPORTANT THAT
22 YOU ADHERE TO THAT, AND I'M SURE THAT YOU ALL WILL.

23 HAVE A NICE WEEKEND. YOU MAY BE EXCUSED NOW.

24 (COURT STANDS IN RECESS UNTIL TUESDAY, MAY 29, 1990,
25 AT 9:30 A.M.)