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

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HONORABLE EDWARD RAFEEDIE, DISTRICT COURT JUDGE PRESIDING  
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UNITED STATES OF AMERICA, )  
)  
PLAINTIFF, )  
)  
VS. )  
)  
JUAN RAMON MATTA-BALLESTEROS )  
DEL POZO, RUBEN ZUNO-ARCE, )  
JUAN JOSE BERNABE-RAMIREZ, )  
AND JAVIER VASQUEZ-VELASCO, )  
)  
DEFENDANTS. )

**COPY**

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

VOLUME 10

REPORTERS' TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MAY 30, 1990

LOS ANGELES, CALIFORNIA

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APPEARANCES OF COUNSEL:

FOR THE PLAINTIFF:

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FOR DEFENDANT RUBEN ZUNO-ARCE:

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APPEARANCES (CONTINUED):

FOR DEFENDANT JAVIER VASQUEZ-VELASCO:

FEDERAL LITIGATORS GROUP  
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ALSO PRESENT:

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

SPANISH INTERPRETERS

1 LOS ANGELES + CALIFORNIA WEDNESDAY, MAY 30, 1990

2 + 9:30 A.M.

3  
4 (JURY PRESENT.)

5 THE COURTROOM: GOOD MORNING, YOUR HONOR.

6 THE COURT: GOOD MORNING. YOU MAY COMPLETE YOUR  
7 REDIRECT EXAMINATION.

8 MR. MEDRANO: THANK YOU, YOUR HONOR.

9  
10 HECTOR CERVANTES SANTOS + PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

11 REDIRECT EXAMINATION + (CONTINUED)

12  
13 BY MR. MEDRANO:

14 Q. MR. CERVANTES, MAY I ASK YOU TO LOOK AT GOVERNMENT EXHIBIT  
15 172, WHICH SHOULD BE IN FRONT OF YOU, SIR?

16 A. YES.

17 Q. CAN YOU IDENTIFY WHAT EXHIBIT 172 IS, MR. CERVANTES?

18 A. YES.

19 Q. WHAT IS IT?

20 A. IT'S BERNA, BERNABE.

21 Q. AND WHEN YOU KNEW BERNA IN 1984, MR. CERVANTES, WAS HIS  
22 APPEARANCE IN '84 SIMILAR TO THE APPEARANCE OF BERNA IN THAT  
23 PHOTOGRAPH THAT YOU HAVE IDENTIFIED?

24 A. YES.

25 MR. MEDRANO: YOUR HONOR, I MOVE THE ADMISSION OF 172

1 AT THIS TIME.

2 MS. KELLY: THERE IS AN OBJECTION BASED ON LACK OF  
3 FOUNDATION, WHICH IS THE DENIAL OF THE RIGHT TO CONFRONTATION.  
4 AND YOUR HONOR, WE WOULD REQUEST RULING ON THE ADMISSIBILITY  
5 PENDING THE SIMMONS-TYPE HEARING, YOUR HONOR.

6 THE COURT: I DIDN'T HEAR THAT LAST PART.

7 MS. KELLY: THERE IS A SIMMONS OBJECTION.

8 THE COURT: THE COURT WILL DEFER RULING ON THIS.

9 MR. MEDRANO: ON THE ADMISSIBILITY OF THE EXHIBIT,  
10 YOUR HONOR?

11 THE COURT: YES.

12 MR. MEDRANO: THANK YOU.

13 BY MR. MEDRANO:

14 Q. MR. CERVANTES, WHEN YOU SAY ---- STRIKE THAT.

15 THE BERNA THAT YOU HAVE IDENTIFIED IN EXHIBIT 172, IS  
16 THAT THE SAME BERNA YOU HAVE IDENTIFIED IN COURT?

17 A. YES.

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

19 THE COURT: ALL RIGHT. RE-CROSS EXAMINATION.

20 MR. NICOLAYSEN: NOTHING, YOUR HONOR.

21

22 RE-CROSS-EXAMINATION +

23 BY MR. MEDVENE:

24 Q. MR. CERVANTES, DID THE INDIVIDUALS PRESENT AT THE MEETING  
25 HELD RIGHT BEFORE THE WEDDING OF JORGE BARBA HERNANDEZ DISCUSS

1 A PARTICULAR POLICE REPORT?

2 A. THEY ONLY TALKED ABOUT PROBLEMS.

3 Q. DID MIGUEL ALDANA IBERRA BRING A POLICE REPORT TO THE  
4 MEETING, THE PREWEDDING MEETING?

5 THE INTERPRETER: COULD I HAVE THAT REPEATED, YOUR  
6 HONOR?

7 BY MR. MEDVENE:

8 Q. DID MIGUEL ALDANA IBERRA BRING A POLICE REPORT TO THE  
9 PREWEDDING MEETING?

10 A. YES.

11 Q. DID THE REPORT PERTAIN TO MEXICAN POLICE ACTIVITIES  
12 REGARDING THE ZACATECAS MARIJUANA SEIZURE IN MAY OF 1984?

13 A. YES.

14 Q. DID THE REPORT CONTAIN INFORMATION REGARDING SPECIFICALLY  
15 WHICH AMERICAN AGENT WAS RESPONSIBLE FOR SUPPLYING THE  
16 INFORMATION WHICH RESULTED IN THE SEIZURE?

17 MR. MEDRANO: OBJECTION, YOUR HONOR, MISSTATES THE  
18 DIRECT. THE WITNESS NEVER PERUSED THE REPORT.

19 THE COURT: THE WITNESS MAY ANSWER THE QUESTION.

20 THE WITNESS: COULD YOU REPEAT THE QUESTION?

21 BY MR. MEDVENE:

22 Q. YES, SIR. DID THE REPORT CONTAIN FORCE REGARDING  
23 SPECIFICALLY WHICH AMERICAN AGENT WAS RESPONSIBLE FOR SUPPLYING  
24 THE INFORMATION WHICH RESULTED IN THIS SEIZURE?

25 A. NO. DID YOU TELL D.E.A. AGENTS SALAZAR AND BERRELLEZ ON

1 JANUARY 11TH THAT THE REPORT CONTAINED INFORMATION WHICH STATED  
2 WHICH AMERICAN AGENT WAS RESPONSIBLE FOR SUPPLYING THE  
3 INFORMATION WHICH RESULTED IN THE SEIZURE?

4 A. NO, I DID NOT SAY THAT TO THEM.

5 Q. AT THIS MEETING, DID MIGUEL ALDANA IBARRA STATE THAT THIS  
6 AGENT HAD TO BE PICKED UP?

7 A. YES.

8 MR. MEDRANO: OBJECTION. THIS HAS BEEN ASKED AND  
9 ANSWERED, YOUR HONOR.

10 THE COURT: SUSTAINED.

11 BY MR. MEDVENE:

12 Q. DID MIGUEL IBARRA HERRERA TELL JAVIER BARBA HERNANDEZ HE  
13 WAS IN CHARGE OF THE ABDUCTION?

14 MR. MEDRANO: (STANDING.)

15 MR. MEDVENE: THIS HAS NOT BEEN ANSWERED BEFORE.

16 MR. MEDRANO: OBJECTION, YOUR HONOR. ASKED AND  
17 ANSWERED.

18 THE COURT: OVERRULED.

19 THE WITNESS: WELL, HE SAID THAT HE WOULD TAKE  
20 CHARGE OF FINDING OUT WHO THAT PERSON WAS, BUT NOT OF THE  
21 KIDNAPPING.

22 BY MR. MEDVENE:

23 Q. DID YOU TELL AGENTS SALAZAR AND BERRELLEZ ON JANUARY 11  
24 THAT IBARRA HERRERA TOLD BARBA HERNANDEZ THAT HE WAS TO BE IN  
25 CHARGE OF THE ABDUCTION?

1 A. YES, I DID SAY THAT.

2 Q. DIDN'T MIGUEL IBARRA HERRERA ALSO TELL JAVIER BARBA  
3 HERNANDEZ THAT HE SHOULD KIDNAP THE AGENT?

4 MR. MEDRANO: OBJECTION, YOUR HONOR. THAT'S MANUEL  
5 IBARRA, NOT MANUEL; HE'S MISSTATING.

6 THE COURT: ARE YOU MISSTATING THE NAME?

7 MR. MEDVENE: IT'S MANUAL IBARRA HERRERA.

8 BY MR. MEDVENE:

9 Q. DID MANUEL IBARRA HERRERA TELL BARBA HERNANDEZ THAT HE  
10 SHOULD KIDNAP THE AMERICAN AGENT?

11 A. YES, HE WAS TOLD TO PICK UP THAT PERSON.

12 Q. AND ISN'T IT TRUE, SIR, THAT THE AGENT BEING DISCUSSED AT  
13 THAT MEETING WAS ENRIQUE CAMARENA SALAZAR?

14 MR. MEDRANO: OBJECTION, ASKED AND ANSWERED  
15 PREVIOUSLY, YOUR HONOR.

16 THE COURT: SUSTAINED. THIS WITNESS HAS BEEN ASKED  
17 THAT QUESTION A NUMBER OF TIMES.

18 BY MR. MEDVENE:

19 Q. DID YOU TELL AGENTS SALAZAR AND BERRELLEZ ON JANUARY 11  
20 THAT THE AGENT BEING DISCUSSED AT THAT CONVERSATION WAS ENRIQUE  
21 CAMARENA SALAZAR?

22 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED.

23 THE WITNESS: NO.

24 THE COURT: OVERRULED. THE ANSWER MAY STAND.

25 BY MR. MEDVENE:



1 Q. DID YOU TELL AGENTS BERRELLEZ AND SALAZAR ON JANUARY 11  
2 THAT THE MAIN TOPIC OF CONVERSATION AT THAT PREWEDDING MEETING  
3 WAS ENRIQUE CAMARENA SALAZAR?

4 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED.

5 MR. MEDVENE: I DIDN'T ASK THAT BEFORE.

6 THE COURT: OVERRULED.

7 THE WITNESS: THE LAST NAME WAS NEVER MENTIONED, JUST  
8 THAT IT WAS A D.E.A. AGENT.

9 BY MR. MEDVENE:

10 Q. WITHOUT REGARD TO WHETHER THE LAST NAME -- DID YOU SAY --  
11 DID YOU TELL THE AGENTS ON JANUARY 11 THAT THE MAIN TOPIC OF  
12 CONVERSATION WAS SPECIAL AGENT ENRIQUE CAMARENA?

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

14 THE COURT: OVERRULED.

15 THE WITNESS: NO, I DID NOT SAY THAT.

16 BY MR. MEDVENE:

17 Q. SIR, REGARDING THE FIRST MEETING WHERE YOU CLAIMED THAT  
18 YOU WERE PRESENT AT WHICH THE KIDNAPPING OF ENRIQUE CAMARENA  
19 WAS DISCUSSED, WAS ALDANA IBARRA PRESENT?

20 A. WHICH? I DON'T KNOW WHICH MEETING YOU'RE TALKING ABOUT.

21 Q. THE FIRST MEETING WHERE YOU CLAIMED THE KIDNAPPING OF  
22 ENRIQUE CAMARENA OR A D.E.A. AGENT WAS DISCUSSED.

23 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR  
24 HONOR.

25 THE COURT: OVERRULED.

1 THE WITNESS: I DON'T UNDERSTAND THAT QUESTION REALLY  
2 WELL.

3 BY MR. MEDVENE:

4 Q. THE FIRST MEETING, SIR, WHERE YOU CLAIMED YOU OVERHEARD  
5 ANY DISCUSSION ABOUT THE KIDNAPPING OF A D.E.A. AGENT, WAS  
6 ALDANA IBARRA PRESENT?

7 A. YES.

8 Q. I READ, YOUR HONOR, FROM VOLUME 6 OF THIS TRIAL  
9 PROCEEDING, WEDNESDAY, MAY 23RD, AT PAGE 21.

10 MR. MEDRANO: OBJECTION, YOUR HONOR. IT'S AN  
11 IMPROPER QUESTION. COUNSEL CAN SIMPLY ASK THE QUESTION WITHOUT  
12 RESORTING TO THE TRANSCRIPT, WHICH IS NOT A FINAL TRANSCRIPT,  
13 BY THE WAY. IT'S A ROUGH DRAFT.

14 THE COURT: THE OBJECTION IS SUSTAINED. YOU CAN DO  
15 THAT LATER.

16 BY MR. MEDVENE:

17 Q. DID YOU STATE ON WEDNESDAY, MAY 23 --

18 THE COURT: COUNSEL, I'M NOT GOING PERMIT YOU TO ASK  
19 THIS WITNESS WHAT HE SAID IN THIS TRIAL SINCE IT WAS HEARD BY  
20 ALL OF US.

21 IF YOU HAVE A QUESTION TO ASK THE WITNESS, YOU CAN  
22 ASK IT.

23 BY MR. MEDVENE:

24 Q. AT THE FIRST MEETING WHERE YOU CLAIM YOU OVERHEARD THE  
25 KIDNAPPING DISCUSSED, WAS IBARRA HERRERA PRESENT?

1 A. WELL, YES. I DON'T KNOW IF YOU'RE TALKING ABOUT THE DAY  
2 OF THE WEDDING OR THE DAY OF THE BAPTISM.

3 I DON'T KNOW WHICH DAY YOU'RE TALKING ABOUT.

4 Q. THE FIRST TIME THAT YOU CLAIM YOU HEARD KIDNAPPING  
5 DISCUSSED WAS THE DAY OF THE BAPTISM; ISN'T THAT CORRECT, SIR?

6 A. YES.

7 Q. I'M DIRECTING YOU NOW TO THE FIRST TIME YOU HEARD  
8 KIDNAPPING OF A D.E.A. AGENT DISCUSSED. I'LL ASK YOU AGAIN,  
9 WAS ALDANA IBARRA PRESENT?

10 THE COURT: THAT HAS ALREADY BEEN ANSWERED.

11 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED.

12 BY MR. MEDVENE:

13 Q. WAS IBARRA HERRERA PRESENT?

14 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED.

15 MR. MEDVENE: I DON'T BELIEVE HE ANSWERED, YOUR  
16 HONOR.

17 THE COURT: ANSWER THE QUESTION.

18 KEEP IN MIND I GAVE YOU A LIMITED RIGHT, COUNSEL, AND  
19 THAT CAN TERMINATE AT ANY MINUTE HERE.

20 MR. MEDVENE: I UNDERSTAND, SIR.

21 THE COURT: ALL RIGHT.

22 BY MR. MEDVENE:

23 Q. WAS IBARRA HERRERA PRESENT?

24 A. NO.

25 Q. DID YOU TELL D.E.A. AGENTS ON JANUARY 2ND THAT HE WAS

1 PRESENT AT THE FIRST MEETING WHERE THE KIDNAPPING WAS  
2 DISCUSSED?

3 A. NO, I DON'T RECALL HAVING TOLD THEM THAT.

4 Q. WAS MATTA BALLESTEROS PRESENT?

5 A. HE WAS ONLY PRESENT THE DAY OF THE WEDDING. THAT'S THE  
6 ONLY TIME I SAW HIM, AND I'M TELLING YOU THIS AGAIN.

7 Q. SO YOU'RE SAYING HE WASN'T PRESENT AT THE FIRST TIME HEARD  
8 KIDNAPPING DISCUSSED; IS THAT CORRECT?

9 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR  
10 HONOR.

11 THE COURT: SUSTAINED.

12 BY MR. MEDVENE:

13 Q. WAS CARO QUINTERO PRESENT THE FIRST TIME YOU HEARD  
14 KIDNAPPING DISCUSSED?

15 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED.

16 THE COURT: SUSTAINED. I'M NOT GOING TO ALLOW THIS.

17 MR. MEDVENE: ALL RIGHT, SIR.

18 BY MR. MEDVENE:

19 Q. AT THE FEBRUARY 1985 MEETING THAT YOU HAVE TESTIFIED  
20 ABOUT, DID JAVIER BARBA HERNANDEZ SAY IT WOULD BE ADVANTAGEOUS  
21 TO FIND OUT WHAT THE AMERICANS AND THE D.E.A. KNEW ABOUT  
22 HIGH-LEVEL MEXICAN POLITICIANS?

23 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED.

24 THE COURT: NO, IT HASN'T BEEN ASKED. OVERRULED.

25 THE WITNESS: I DON'T UNDERSTAND THAT QUESTION.

1 BY MR. MEDVENE:

2 Q. AT THE FEBRUARY '85 MEETING WHERE YOU CLAIMED KIDNAPPING  
3 WAS DISCUSSED OF AN AMERICAN AGENT, DID JAVIER BARBA HERNANDEZ  
4 SAY IT WOULD BE ADVANTAGEOUS TO FIND OUT WHAT THE D.E.A. KNEW  
5 ABOUT HIGH-LEVEL MEXICAN POLITICIANS WORKING IN CONCERT WITH  
6 DRUG TRAFFICKERS?

7 A. NO, I DON'T RECALL HIM HAVING SAID THAT. I DIDN'T SAY  
8 THAT HE HAD SAID THAT.

9 Q. ON NOVEMBER 30, SIR, DID YOU TELL AGENTS BERRELLEZ AND  
10 SALAZAR THAT BARBA HERNANDEZ STATED THAT IT WOULD BE  
11 ADVANTAGEOUS TO FIND OUT WHAT THE AMERICANS AND THE D.E.A. KNEW  
12 ABOUT OTHER HIGH-LEVEL MEXICAN POLITICIANS WORKING IN CONCERT  
13 WITH DRUG TRAFFICKERS?

14 A. WELL, IF YOU SAY IT IN SOME OTHER WAY. I DIDN'T SAY IT IN  
15 THIS WAY.

16 Q. WELL, DID YOU SAY, IN SUBSTANCE, TO THE AGENTS THAT BARBA  
17 HERNANDEZ SAID THAT IT WOULD BE HELPFUL TO FIND OUT WHAT THE  
18 D.E.A. PERSON KNEW ABOUT HIGH-LEVEL MEXICAN POLITICIANS?

19 MR. MEDRANO: THIS IS REGURGITATING AND STATING THE  
20 SAME QUESTION IN ANOTHER MANNER. OBJECTION.

21 THE COURT: OVERRULED.

22 THE WITNESS: AT THIS MOMENT, I DON'T RECALL HAVING  
23 TOLD THEM THAT.

24 BY MR. MEDVENE:

25 Q. AT THIS SAME MEETING, DID ERNESTO FONSECA TELL BARBA

1 HERNANDEZ TO FIND OUT WHAT THE D.E.A. AGENT KNEW ABOUT GENERAL  
2 GARDOQUI?

3 A. DON ERNESTO DID NOT SAY THAT.

4 Q. I READ FROM THE NOVEMBER 30 GRAND JURY TRANSCRIPT, YOUR  
5 HONOR, PAGE 10, LINE 22 THROUGH PAGE 11, LINE 5.

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

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

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

12 THE INTERPRETER: EXCUSE ME, YOUR HONOR. IT'S TOO  
13 FAST FOR THE INTERPRETER.

14 THE COURT: YOU'RE GOING TOO FAST.

15 MR. MEDVENE: I APOLOGIZE. I'LL START AGAIN. YES,  
16 MA'AM. AT LINE 22.

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

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

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

23 "A. YES."

24 BY MR. MEDVENE:

25 Q. IS IT TRUE, SIR, THAT TO YOUR KNOWLEDGE BARBA HERNANDEZ!

1 NEW GENERAL GARDOQUI?

2 MR. MEDRANO: OBJECTION, YOUR HONOR, LACK OF  
3 FOUNDATION, LACK OF PERSONAL KNOWLEDGE.

4 THE COURT: OVERRULED. THE WITNESS MAY ANSWER, IF HE  
5 KNOWS.

6 THE WITNESS: NO, I -- NO, I DIDN'T KNOW WHETHER HE  
7 HAD ANY CONTACT WITH HIM OR NOT. I NEVER SAW THEM TOGETHER.  
8 BY MR. MEDVENE:

9 Q. ISN'T IT TRUE THAT TO YOUR KNOWLEDGE HE VISITED GENERAL  
10 GARDOQUI ON A NUMBER OF OCCASIONS?

11 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR  
12 HONOR.

13 THE COURT: YES. THE WITNESS JUST ANSWERED THAT.

14 MR. MEDVENE: I'LL READ FROM THE NOVEMBER 30  
15 TRANSCRIPT, PAGE 26, LINE 19 THROUGH PAGE 27, LINE 4.

16 "Q. WOULD IT EVER OCCUR THAT JAVIER BARBA WOULD GO ON TRIPS  
17 AWAY FROM THE RESIDENCE THAT YOU WORKED AT?

18 "A. HE WOULD GO TO THE DEFENSA NACIONAL. HE WOULD GO TO  
19 MEXICO.

20 "Q. DID HE TELL YOU WHO HE WAS GOING TO SEE IN MEXICO CITY?

21 "A. GENERAL GARDOQUI.

22 "Q. DID IT OCCUR MORE THAN ONCE THAT HE WENT TO SEE GENERAL  
23 GARDOQUI?

24 "A. YES."

25 THE WITNESS: (SPEAKING TO THE INTERPRETER IN

1 SPANISH.)

2 THE COURT: THERE IS NO QUESTION PENDING.

3 BY MR. MEDVENE:

4 Q. COULD YOU GIVE US THE ADDRESS, SIR, OF THE LA QUINTA HOUSE  
5 WHERE YOU WORKED?

6 A. IT WAS ON THE HIGHWAY TO TONALA. IT IS IN GUADALAJARA.  
7 AT THAT TIME, THE NUMBER WAS 804.

8 Q. 804 -- WHAT STREET, SIR?

9 A. WELL, IT WASN'T A STREET, IT WAS THE HIGHWAY TO TONALA.

10 Q. SO HOW WOULD IT BE IDENTIFIED; 804 WHAT?

11 A. WELL, IT JUST HAD A NUMBER. THERE WAS NO STREET. THE  
12 STREET WAS ALONG TO -- IT WAS TO ONE SIDE OF THE HIGHWAY.

13 Q. DID MAIL EVER ARRIVE AT THE HOUSE, TO YOUR KNOWLEDGE?

14 MR. MEDRANO: OBJECTION, BEYOND THE SCOPE OF DIRECT  
15 AND IRRELEVANT.

16 THE COURT: SUSTAINED.

17 BY MR. MEDVENE:

18 Q. ON JANUARY 2ND, YOU IDENTIFIED FOR THE D.E.A. AGENTS ALL  
19 THE MEETINGS YOU ATTENDED WHERE YOU CLAIMED YOU HEARD  
20 DISCUSSION OF THE KIDNAPPING OF A D.E.A. AGENT; IS THAT  
21 CORRECT, SIR?

22 MR. MEDRANO: OBJECTION, ASKED AND ANSWERED, YOUR  
23 HONOR.

24 THE COURT: SUSTAINED.

25 BY MR. MEDVENE:



1 Q. IS IT TRUE, SIR, THAT ON THAT OCCASION, YOU DID NOT  
2 IDENTIFY THE SEPTEMBER 1984 BAPTISM OF JAVIER BARBA HERNANDEZ'S  
3 CHILD AS AN OCCASION WHERE YOU OVERHEARD ANY DISCUSSION ABOUT A  
4 KIDNAPPING?

5 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR  
6 HONOR.

7 THE COURT: SUSTAINED.

8 BY MR. MEDVENE:

9 Q. I'M GOING ASK THAT QUESTION ON ANOTHER DATE, YOUR HONOR.  
10 IF YOU DON'T WANT ME TO, I'LL PASS ON.

11 THE COURT: YOU CAN ASK --

12 MR. MEDVENE: I WAS GOING TO ASK THE NEXT DAY, YOUR  
13 HONOR. I DON'T MEAN TO GET IN THE WAY OF YOUR HONOR'S RULING.  
14 IF I MAY JUST ASK MY QUESTION --

15 THE COURT: IF IT RELATES TO THAT SAME SUBJECT  
16 MATTER, THEN I THINK YOU SHOULD NOT ASK IT.

17 MR. MEDVENE: ALL RIGHT, YOUR HONOR.

18 BY MR. MEDVENE:

19 Q. BARBA HERNANDEZ, SIR, WAS AMBUSHED AND KILLED TO YOUR  
20 KNOWLEDGE; IS THAT CORRECT?

21 MR. MEDRANO: OBJECTION, RELEVANCY, BEYOND THE SCOPE  
22 OF DIRECT.

23 MR. MEDVENE: LET ME TIE IT IN WITH JUST A FEW  
24 QUESTIONS.

25 MR. MEDRANO: OBJECTION, YOUR HONOR.

1 THE COURT: THE WITNESS MAY ANSWER THE QUESTION.

2 THE WITNESS: YES.

3 BY MR. MEDVENE:

4 Q. AND YOU BELIEVE THE MEXICAN GOVERNMENT PARTICIPATED IN  
5 THAT AMBUSH; IS THAT CORRECT?

6 MR. MEDRANO: OBJECTION, RELEVANCY AND LACK OF  
7 FOUNDATION.

8 THE COURT: YES. THE BELIEF OF THE WITNESS IS  
9 IRRELEVANT.

10 MR. MEDVENE: IF THE COURT PLEASE, IF YOU WOULD GIVE  
11 ME JUST A COUPLE QUESTIONS TO TIE IT UP, I THINK IT IS RELEVANT  
12 FROM SOMETHING HE SAID ON CROSS-EXAMINATION.

13 THE COURT: THEN GET TO THE POINT. THE WITNESS'S  
14 BELIEF IS NOT RELEVANT.

15 BY MR. MEDVENE:

16 Q. WERE YOU ANGRY AT THE MEXICAN GOVERNMENT FOR WHAT YOU  
17 THOUGHT WAS THEIR INVOLVEMENT IN BARBA HERNANDEZ'S DEATH?

18 MR. MEDRANO: OBJECTION, RELEVANCY. STATE OF MIND IS  
19 IRRELEVANT.

20 THE COURT: OVERRULED.

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

22 BY MR. MEDVENE:

23 Q. WERE YOU ANGRY AT THE MEXICAN GOVERNMENT BECAUSE OF WHAT  
24 YOU THOUGHT WAS THEIR ROLE IN BARBA HERNANDEZ'S DEATH?

25 MR. MEDRANO: OBJECTION, YOUR HONOR, NO EVIDENCE

1 THAT THE MEXICAN GOVERNMENT HAD ANY ROLE IN THAT KILLING.

2 THE COURT: DO YOU MEAN IN HIS OPINION?

3 MR. MEDVENE: IN HIS OPINION.

4 THE COURT: WE MAY ANSWER THAT.

5 THE WITNESS: NO.

6 BY MR. MEDVENE:

7 Q. DON'T YOU BELIEVE YOU'RE DOING SOMETHING FOR YOUR FORMER  
8 EMPLOYER, BARBA HERNANDEZ, BY TESTIFYING HERE, THE WAY YOU  
9 TESTIFIED THE LAST SEVERAL DAYS?

10 MR. MEDRANO: OBJECTION, RELEVANCY.

11 THE COURT: OVERRULED.

12 THE WITNESS: YES.

13 BY MR. MEDVENE:

14 Q. AND YOU BELIEVE THAT BARBA HERNANDEZ CAN HEAR YOUR  
15 TESTIMONY; ISN'T THAT CORRECT?

16 MR. MEDRANO: OBJECTION, YOUR HONOR.

17 THE COURT: THE WITNESS MAY ANSWER.

18 THE WITNESS: I DON'T KNOW.

19 BY MR. MEDVENE:

20 Q. YOU BELIEVE HE KNOWS WHAT YOU'RE DOING; DON'T YOU, SIR?

21 MR. MEDRANO: OBJECTION, YOUR HONOR, TO THE FORM OF  
22 THE QUESTION, AND IRRELEVANT. IT CALLS FOR SPECULATION.

23 THE COURT: OVERRULED. HE MAY ANSWER.

24 THE WITNESS: I DON'T UNDERSTAND.

25 BY MR. MEDVENE:

1 Q. DIDN'T YOU TELL US THE OTHER DAY --

2 MR. MEDRANO: OBJECTION, YOUR HONOR, LOOK WHAT --

3 THE COURT: JUST A MOMENT. JUST CALM DOWN.

4 MR. MEDRANO: OBJECTION TO READING FROM A TRANSCRIPT.  
5 IT'S IMPROPER.

6 THE COURT: COUNSEL, THIS WAS NOT THE PUPOSE OF MY  
7 ALLOWING THIS EXTRA EXAMINATION. I THINK YOU'RE REACHING THE  
8 END OF THE LINE.

9 MR. MEDVENE: THIS IS MY LAST AREA.

10 THE COURT: WRAP IT UP.

11 MR. MEDVENE: I AM.

12 MR. MEDRANO: OBJECTION. YOUR HONOR, I ASK THAT  
13 COUNSEL PUT THIS TRANSCRIPT ASIDE. IT IS IMPROPER. THIS IS  
14 NOT THE TRANSCRIPT OF THE PRIOR PROCEEDING.

15 MR. MEDVENE: IT IS A TRANSCRIPT OF THIS THE PRIOR  
16 PROCEEDING. IT IS A TRANSCRIPT OF THIS MAN'S TESTIMONY.

17 MR. MEDRANO: OBJECTION, YOUR HONOR.

18 (MR. MEDVENE DISPLAYING COVER PAGE OF TRANSCRIPT TO  
19 MR. MEDRANO.)

20 MR. MEDRANO: THIS IS NOT THE FINAL TRANSCRIPT, YOUR  
21 HONOR. IT'S IMPROPER, IT IS NOT IN EVIDENCE. OBJECTION TO THE  
22 FORM OF THE QUESTION.

23 THE COURT: JUST A MOMENT.

24 MR. MEDRANO: HE'S RESTATING THE DIRECT.

25 THE COURT: THE OBJECTION IS SUSTAINED.

1 MR. MEDVENE: IF THE COURT PLEASE, THEY --

2 THE COURT: DO YOU HAVE ANY FURTHER QUESTIONS?

3 MR. MEDVENE: YES, SIR. JUST ONE OR TWO IN THIS  
4 AREA.

5 BY MR. MEDVENE:

6 Q. IF THIS IS A QUESTION THAT WAS SUSTAINED TO, YOUR HONOR, I  
7 APOLOGIZE. I'M NOT SURE IF IT IS.

8 DO YOU BELIEVE THAT BY GIVING THIS TESTIMONY, YOU'RE  
9 HELPING BARBA HERNANDEZ?

10 MR. MEDRANO: OBJECTION, ASKED AND ANSWERED. BELIEF  
11 IS IRRELEVANT.

12 THE COURT: SUSTAINED.

13 BY MR. MEDVENE:

14 Q. BY GIVING THE TESTIMONY YOU'RE GIVING, DO YOU BELIEVE  
15 YOU'RE GETTING BACK AT PEOPLE YOU THOUGHT WERE IN THE MEXICAN  
16 GOVERNMENT AT ONE TIME FOR WHAT THEY DID TO BARBA HERNANDEZ?

17 MR. MEDRANO: OBJECTION, YOUR HONOR, RELEVANCY. THE  
18 BELIEF OF THE WITNESS IS IRRELEVANT.

19 THE COURT: THEY MAY EXAMINE THE WITNESS'S MOTIVE FOR  
20 TESTIFYING. IT IS RELEVANT. THE WITNESS MAY ANSWER.

21 THE WITNESS: HOW WAS THAT? I DIDN'T UNDERSTAND.

22 BY MR. MEDVENE:

23 Q. IS ONE OF YOUR MOTIVES FOR TESTIFYING HERE THAT YOU THINK  
24 YOU ARE GETTING BACK AT THE PEOPLE THAT YOU THINK AMBUSHED AND  
25 KILLED YOUR FORMER EMPLOYER?

1 A. NO.

2 Q. BUT YOU DO THINK THAT BARBA HERNANDEZ WOULD BE HAPPY WITH  
3 YOUR TESTIMONY; IS THAT CORRECT?

4 MR. MEDRANO: OBJECTION, YOUR HONOR, ASKED AND  
5 ANSWERED.

6 THE COURT: OVERRULED.

7 THE WITNESS: WELL, AS HE IS DEAD, I DON'T THINK SO.

8 BY MR. MEDVENE:

9 Q. BUT YOU DO THINK YOU'RE DOING SOMETHING FOR HIM BY  
10 TESTIFYING; ISN'T THAT CORRECT?

11 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR  
12 HONOR.

13 MR. MEDVENE: THAT'S MY LAST QUESTION, YOUR HONOR.

14 THE COURT: SUSTAINED. THAT'S ALL, COUNSEL.

15 MR. MEDVENE: THANK YOU.

16 MR. MEZA: I HAVE AN EXHIBIT I JUST WANT TO DISPLAY  
17 TO THE WITNESS.

18 MAY I APPROACH THE CLERK, YOUR HONOR?

19 THE COURT: WHAT IS IT THAT YOU HAVE?

20 MR. MEZA: I HAVE TWO EXHIBITS, YOUR HONOR,  
21 DEFENDANT'S EXHIBITS D AND E, I BELIEVE.

22 THE COURT: YES, HAND THEM TO THE CLERK.

23 (DOCUMENTS TENDERED TO THE CLERK.)

24 THE COURT: WHAT IS YOUR QUESTION?

25 /

## 1 RE-CROSS-EXAMINATION +

2 BY MR. MEZA:

3 Q. MY FIRST QUESTION IS DO YOU HAVE A SOCIAL SECURITY NUMBER?

4 A. NO, I DON'T KNOW WHAT THAT WOULD BE.

5 Q. I DIDN'T THINK SO. SO YOU'RE NOT PAYING TAXES ON THIS  
6 MONEY YOU'RE RECEIVING FROM THE GOVERNMENT; IS THAT RIGHT?7 MR. MEDRANO: OBJECTION. BEYOND THE SCOPE AND  
8 RELEVANCE.

9 THE COURT: OVERRULED.

10 THE WITNESS: NO.

11 BY MR. MEZA:

12 Q. NOW, SINCE YOU TESTIFIED ON FRIDAY TO TODAY'S DATE, HAVE  
13 YOU RECEIVED ANY NEW MONEY FROM THE GOVERNMENT?14 A. YES, I WAS GIVEN SOME FOR MY STAY AT THE HOTEL FOR A FEW  
15 DAYS.

16 Q. HOW MUCH?

17 A. 500.

18 Q. \$500 IN U.S. CURRENCY; IS THAT CORRECT?

19 A. YES.

20 Q. WHEN WERE YOU GIVEN THAT MONEY?

21 A. ON FRIDAY.

22 Q. NOW, IF YOU DIRECT YOUR ATTENTION TO EXHIBIT 172, THAT'S  
23 THE EXHIBIT THAT MR. MEDRANO ASKED YOU ABOUT ABOUT A HALF HOUR  
24 AGO.

25 THE COURT: IS THERE AN EXHIBIT THERE?

1 MR. MEZA: I BELIEVE SO.

2 THE WITNESS: YES.

3 BY MR. MEZA:

4 Q. PRIOR TO TESTIFYING YESTERDAY, HAD YOU SEEN THAT  
5 PHOTOGRAPH BEFORE?

6 A. I ONLY SAW IT YESTERDAY.

7 Q. AND WHEN WAS IT THAT YOU SAW IT YESTERDAY?

8 A. IN THE MORNING, BEFORE COMING HERE TO COURT.

9 Q. HOW WAS IT THAT YOU HAPPENED TO SEE IT?

10 A. WELL, MR. MEDRANO SHOWED IT TO ME TO SEE IF I KNEW THIS  
11 PERSON.

12 Q. AND WHERE WERE YOU WHEN HE SHOWED THAT TO YOU?

13 A. IN HIS OFFICE.

14 Q. WAS ANYONE ELSE PRESENT BESIDE YOU AND MR. MEDRANO?

15 A. NO.

16 Q. WHAT DID MR. MEDRANO SAY TO YOU -- I'LL WITHDRAW THAT  
17 QUESTION.

18 DID MR. MEDRANO SAY ANYTHING TO YOU BEFORE HE SHOWED  
19 YOU THAT PHOTOGRAPH?

20 A. NO.

21 Q. DID HE SAY ANYTHING TO YOU AS HE WAS SHOWING YOU THE  
22 PHOTOGRAPH?

23 A. NO.

24 Q. HE JUST PUT THE PHOTOGRAPH IN FRONT OF YOU; IS THAT  
25 CORRECT?



1 A. YES. HE ASKED WHETHER I KNEW THIS PERSON.

2 Q. NOW, DIRECTING YOUR ATTENTION TO DEFENDANTS' D FOR  
3 IDENTIFICATION, THAT IS A COPY OF A SINGLE PHOTOGRAPH --  
4 PROBABLY UNDERNEATH THAT.

5 DO YOU RECOGNIZE THAT PHOTOGRAPH OR A COPY OF THAT  
6 PHOTOGRAPH?

7 A. WHETHER I KNEW THIS PHOTO?

8 Q. YES.

9 A. YES.

10 Q. AND THAT'S A PHOTOGRAPH OF MR. BERNABE RAMIREZ; IS THAT  
11 CORRECT?

12 A. YES.

13 Q. AND YOU WERE SHOWN A COPY OF THAT PHOTOGRAPH PRIOR TO YOUR  
14 TESTIMONY ON FRIDAY; ISN'T THAT RIGHT?

15 A. NOT OF THIS PHOTOGRAPH.

16 Q. WERE YOU SHOWN A COPY OF-- WITHDRAW THAT.

17 WERE YOU SHOWN A PHOTOGRAPH OF DEFENDANT BERNABE  
18 RAMIREZ BEFORE YOU TESTIFIED IN COURT LAST WEEK?

19 A. YES. THEY ONLY SHOWED ME THIS ONE.

20 Q. ALL RIGHT. YOU POINTED TO, I BELIEVE, DEFENDANTS' E FOR  
21 IDENTIFICATION.

22 AND WOULD YOU INDICATE WHERE THE PHOTOGRAPH OF  
23 MR. RAMIREZ IS IN DEFENDANTS' E, THE MULTIPLE PHOTOGRAPH?

24 A. (INDICATING) THIS ONE.

25 Q. IF YOU WOULD DIRECT YOUR ATTENTION NOW TO THE PHOTOGRAPHS

1 THAT YOU HAVE YOUR RIGHT FINGER ON --

2 A. THIS ONE HERE (INDICATING).

3 Q. WHICH PHOTOGRAPH IS THE ONE OF MR. RAMIREZ?

4 A. THIS ONE.

5 MR. MEZA: THE RECORD WILL INDICATE THE WITNESS  
6 POINTED TO THE UPPER LEFTHAND CORNER OF THE DOCUMENT.

7 THE COURT: ARE YOU POINTING TO THE PHOTOGRAPH IN THE  
8 UPPER LEFTHAND CORNER?

9 THE WITNESS: YES. THIS ONE.

10 BY MR. MEZA:

11 Q. ALL RIGHT. THAT'S THE SAME PHOTOGRAPH, IS IT NOT, THAT IS  
12 REFLECTED IN DEFENDANTS' D, THE SINGLE PHOTOGRAPH?

13 A. YES.

14 Q. ALL RIGHT. AND HOW LONG BEFORE YOU TESTIFIED WERE YOU  
15 SHOWN THAT PHOTOGRAPH?

16 A. I REMEMBER THAT IT WAS IN JANUARY.

17 Q. WHO SHOWED YOU THAT PHOTOGRAPH?

18 A. THIS PHOTO HE WAS SHOWN TO ME BY MR. MEDRANO, AND MR.  
19 BERRELLEZ WAS WITH HIM.

20 Q. WAS THAT PHOTO SHOWN TO YOU ON MORE THAN ONE OCCASION  
21 PRIOR TO YOUR TESTIFYING?

22 A. NO, IT WASN'T SHOWN TO ME AGAIN.

23 Q. AND FINALLY, THIS HIGHWAY YOU WERE TALKING ABOUT THAT GOES  
24 TO GUADALAJARA WITH 804, WHAT IS THE NAME OF THE HIGHWAY?

25 A. IT IS THE HIGHWAY TO TONALA, JALISCO.

1 Q. THAT'S WHAT IT'S CALLED?

2 A. WELL, IT IS THE HIGHWAY TO TONALA. IT IS THE ONLY NAME  
3 THAT I KNOW THAT IS USED. IT IS THE ONLY ONE THERE IS.

4 MR. MEZA: JUST ONE MOMENT, YOUR HONOR. I'M SORRY.

5 (DISCUSSION HELD BETWEEN COUNSEL.)

6 MR. MEZA: I HAVE NOTHING FURTHER, YOUR HONOR. THANK  
7 YOU.

8 MR. STOLAR: I HAVE A COUPLE.

9

10 RE-CROSS-EXAMINATION +

11 BY MR. STOLAR:

12 Q. MR. MEDRANO ON HIS REDIRECT EXAMINATION ASKED YOU  
13 QUESTIONS ABOUT YOUR TESTIMONY OF THE JANUARY 17TH GRAND JURY.

14 THAT GRAND JURY APPEARANCE WAS THE FIRST AND ONLY  
15 TIME THAT YOU EVER TESTIFIED ABOUT MR. MATTA, ISN'T THAT  
16 CORRECT?

17 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED.

18 THE COURT: SUSTAINED.

19 MR. STOLAR: THIS WAS COVERED ON REDIRECT. HE ASKED  
20 HIM ABOUT MR. MATTA BEING TESTIFIED ABOUT IN THIS GRAND JURY  
21 TRANSCRIPT.

22 MR. MEDRANO: SAME OBJECTION, YOUR HONOR. ASKED AND  
23 ANSWERED.

24 THE COURT: JUST A MOMENT. ANSWER THE QUESTION.

25 THE INTERPRETER: THE QUESTION WAS NOT TRANSLATED,

1 YOUR HONOR.

2 THE COURT: RESTATE YOUR QUESTION.

3 BY MR. STOLAR:

4 Q. THIS GRAND JURY APPEARANCE WAS THE FIRST AND ONLY TIME YOU  
5 EVER TESTIFIED ABOUT MR. MATTA IN THE GRAND JURY; ISN'T THAT  
6 RIGHT?

7 A. YES.

8 Q. WHEN HE ASKED YOU IN THAT GRAND JURY ABOUT THE DAWN  
9 MEETING AFTER THE WEDDING THAT YOU HAD TESTIFIED ABOUT, YOU  
10 NAMED A NUMBER OF PEOPLE BUT DID NOT NAME MR. MATTA. REMEMBER?

11 A. YES, I DID MENTION HIM.

12 Q. BUT ISN'T IT TRUE THAT YOU LEFT HIM OUT THE FIRST TIME YOU  
13 TALKED ABOUT WHO WAS PRESENT AT THAT MEETING. AND THEN AT THE  
14 VERY END OF THE DAY, MR. MEDRANO ASKED YOU THE FOLLOWING  
15 QUESTION.

16 MR. MEDRANO: OBJECTION. OBJECTION, YOUR HONOR, THIS  
17 IS IMPROPER FOUNDATION. LET'S ASK HIM THE QUESTION BEFORE  
18 RESORTING TO THE TRANSCRIPT.

19 MR. STOLAR: ALL RIGHT, I'LL REPHRASE IT.

20 BY MR. STOLAR:

21 Q. ISN'T IT A FACT THAT AT THE VERY END OF YOUR GRAND JURY  
22 APPEARANCE, MR. MEDRANO SUGGESTED TO YOU THAT MATTA WAS AT THAT  
23 DAWN MEETING?

24 A. NO.

25 Q. WERE YOU ASKED THE FOLLOWING QUESTIONS AND DID YOU GIVE

1 THE FOLLOWING ANSWER ON PAGE 15 AND 16, 16 BEING THE VERY LAST  
2 PAGE. LINE 19 -- 17. (READING):

3 "MR. MEDRANO: JUST A COUPLE MORE QUESTIONS, MR.  
4 CERVANTES. LET ME TAKE YOU BACK, IF I CAN, TO THE  
5 DAY OF THE WEDDING, TO THE SECOND MEETING VERY EARLY  
6 IN THE MORNING, ALL RIGHT?"

7 MR. MEDRANO: THIS IS IMPROPER. OBJECTION, YOUR  
8 HONOR.

9 THE COURT: OVERRULED.

10 MR. STOLAR: (READING):

11 "A. YES.

12 "Q. NOW, YOU MENTIONED SEVERAL PEOPLE WHO WERE PRESENT AT THAT  
13 MEETING, AND PERHAPS I FAILED TO ASK YOU, BUT WAS MATTA  
14 BALLESTEROS PRESENT FOR THAT MEETING, AS WELL?

15 "A. OH, YES. ON THE SECOND ONE, YES. YES."

16 MR. MEDRANO: OBJECTION TO THIS FORM OF READING, YOUR  
17 HONOR. THE INTONATION.

18 THE COURT: ALL RIGHT. CALM DOWN. THE OBJECTION IS  
19 OVERRULED.

20 BY MR. STOLAR:

21 Q. MR. MEDRANO ASKED YOU ON REDIRECT EXAMINATION IF YOU HAD  
22 REVIEWED ANY OF THE REPORTS OR YOUR GRAND JURY TESTIMONY.

23 DO YOU RECALL THAT?

24 A. NO, I DON'T REMEMBER.

25 Q. YOU DON'T READ ENGLISH, DO YOU?

1 A. NO.

2 Q. YOU'VE INDICATED THAT YOUR ARRANGEMENT WITH THE D.E.A. IS  
3 THAT YOU GET \$3,000 A MONTH; IS THAT RIGHT?

4 MR. MEDRANO: OBJECTION, BEYOND THE SCOPE OF  
5 REDIRECT.

6 MR. STOLAR: THAT WAS ON REDIRECT. I HAVE IT RIGHT  
7 IN MY NOTES.

8 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED.

9 THE COURT: YES, IT HAS BEEN ASKED AND ANSWERED BY  
10 YOU AND EVERYBODY ELSE.

11 MR. STOLAR: HE RAISED IT ON REDIRECT.

12 THE COURT: THAT DOES NOT ENTITLED YOU TO GO INTO IT  
13 AGAIN IF YOU'VE ALREADY EXAMINED ON IT.

14 MR. STOLAR: FINE.

15 BY MR. STOLAR:

16 Q. YOU HAVE BEEN GETTING CLOSER TO \$6,000 A MONTH; ISN'T THAT  
17 RIGHT?

18 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED.

19 THE COURT: OVERRULED.

20 THE WITNESS: NO.

21 BY MR. STOLAR:

22 Q. IN THE MONTH OF DECEMBER YOU GOT \$8,640; ISN'T THAT RIGHT?

23 A. I DON'T RECALL HOW MUCH I WAS GIVEN.

24 Q. IN THE MONTH OF JANUARY YOU GOT \$6,000; ISN'T THAT RIGHT?

25 A. YES.

1 Q. IN THE MONTH OF FEBRUARY YOU GOT \$7,500; ISN'T THAT RIGHT?

2 A. WELL, IF IT IS WRITTEN DOWN, THAT'S RIGHT.

3 Q. IN THE MONTH OF MARCH, YOU GOT \$4,000 -- I BEG YOUR  
4 PARDON -- YES, \$4,000; ISN'T THAT RIGHT?

5 A. IF THAT'S WHAT IS WRITTEN DOWN THERE, THAT'S RIGHT.

6 Q. AND THE MONTH OF APRIL YOU GOT \$7,000; ISN'T THAT RIGHT?

7 A. WELL, LIKE I'M TELLING YOU, IF THAT IS WHAT IS WRITTEN  
8 DOWN, THAT'S RIGHT, BUT I DON'T REMEMBER.

9 Q. SO FAR THIS MONTH YOU'VE GOTTEN ABOUT \$4500; ISN'T THAT  
10 RIGHT?

11 A. I THINK SO.

12 Q. YOU'RE NOT CURRENTLY IN THE WITNESS SECURITY PROGRAM,  
13 WHICH IS ADMINISTERED BY THE U.S. MARSHAL'S SERVICE; ARE YOU?

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

16 THE COURT: OVERRULED.

17 THE WITNESS: NO.

18 BY MR. STOLAR:

19 Q. VIEW MADE AN APPLICATION TO JOIN THAT PROGRAM OR HAS  
20 ANYBODY MADE ONE ON YOUR BEHALF?

21 A. NO.

22 Q. MR. MEDRANO ASKED YOU ON REDIRECT EXAMINATION ABOUT THE  
23 FACT THAT YOU HAD BEEN SHOWN PHOTOS. IS IT TRUE THAT YOU WERE  
24 SHOWN PHOTOGRAPHS OF MR. MATTA ON MANY OCCASIONS?

25 A. NO.

1 Q. HOW MANY TIMES WERE YOU SHOWN PHOTOGRAPHS OF MR. MATTA?

2 A. ONCE OR TWICE, AT BEST.

3 Q. WHEN WAS THAT?

4 A. IT WAS IN THE MONTH OF JANUARY.

5 Q. WHO SHOWED THEM TO YOU?

6 A. MR. HECTOR BERRELLEZ. AND AN AGENT BY THE LAST NAME OF  
7 SALAZAR WAS WITH HIM.

8 Q. BETWEEN THE DAY OF THE WEDDING IN 1984 THAT YOU TESTIFIED  
9 ABOUT AND THE TIME THAT YOU WERE SHOWN A PHOTOGRAPH OF MR.  
10 MATTA, DID YOU EVER SEE THE MAN WHO YOU PICKED UP AT THE  
11 AIRPORT, THE COLOMBIAN, BETWEEN THAT PERIOD OF TIME?

12 A. NO.

13 Q. WHEN YOU DID SEE HIM, THE MAN YOU SAY IS MR. MATTA, THE  
14 FIRST TIME YOU SAW HIM WAS WHEN YOU PICKED HIM UP AT THE  
15 AIRPORT AND DROVE TO LA QUINTA; IS THAT RIGHT?

16 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR  
17 HONOR.

18 THE COURT: SUSTAINED.

19 BY MR. STOLAR:

20 Q. WERE YOU IN THE FRONT SEAT OF THE CAR WHEN THE CAR DROVE  
21 FROM THE AIRPORT TO LA QUINTA?

22 MR. MEDRANO: OBJECTION, YOUR HONOR.

23 THE COURT: OVERRULED.

24 THE WITNESS: YES.

25 BY MR. STOLAR:



1 Q. MR. MATTA, THE MAN YOU SAY IS MR. MATTA, WAS IN THE BACK  
2 SEAT?

3 A. YES.

4 Q. THE NIGHT OF THE WEDDING PARTY, WOULD IT BE FAIR TO SAY  
5 THAT YOU WERE PAYING ATTENTION TO YOUR BOSS, MR. BARBA?

6 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED.

7 THE COURT: YES, IT HAS.

8 MR. STOLAR: AT THE HEARING IT WAS, NOT IN FRONT OF  
9 THE JURY.

10 THE COURT: IT HAS BEEN ASKED AND ANSWERED.

11 MR. STOLAR: ALL RIGHT.

12 BY MR. STOLAR:

13 Q. IS IT YOUR TESTIMONY THAT YOU WERE ONLY SHOWN PICTURES OF  
14 MR. MATTA ON ONE OR TWO OCCASIONS IN JANUARY AND NOT SINCE  
15 JANUARY?

16 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED.

17 THE COURT: OVERRULED.

18 THE WITNESS: I WAS ONLY SHOWN THE PHOTOGRAPHS IN  
19 JANUARY.

20 BY MR. STOLAR:

21 Q. DO YOU RECALL IN FEBRUARY THAT YOU WERE SHOWN --

22 MR. MEDRANO: OBJECTION, YOUR HONOR, TO COUNSEL  
23 HOLDING UP A REPORT FOR PURPOSES OF THE JURY. IF THERE IS A  
24 QUESTION, MAY WE JUST ASK IT?

25 THE COURT: STATE THE QUESTION.

1 BY MR. STOLAR:

2 Q. IN FEBRUARY, WERE YOU SHOWN A SERIES OF GROUP PICTURES?

3 MR. MEDRANO: YOUR HONOR, SAME OBJECTION.

4 THE COURT: WHAT ARE YOU OBJECTING ABOUT?

5 THE WITNESS: YES.

6 BY MR. STOLAR:

7 Q. IS IT YOUR TESTIMONY THAT MR. MATTA WAS IN THOSE PICTURES?

8 A. NO.

9 Q. NOW YOU SAY HE WAS NOT IN THOSE PICTURES; IS THAT CORRECT?

10 A. YES, THAT'S CORRECT.

11 Q. YOU TOLD US YESTERDAY MORNING HE WAS IN THOSE PICTURES;  
12 DIDN'T YOU?

13 MR. MEDRANO: OBJECTION, YOUR HONOR. HE'S RESTATING  
14 DIRECT FROM YESTERDAY.

15 MR. STOLAR: I'M RESTATING CROSS-EXAMINATION, IN  
16 FACT.

17 THE COURT: SUSTAINED. THE OBJECTION IS SUSTAINED TO  
18 WHAT HE TOLD US.

19 MR. STOLAR: NOTHING FURTHER.

20 THE COURT: ANYTHING FURTHER FOR THIS WITNESS?

21 MR. NICOLAYSEN: YOUR HONOR, I WOULD ASK THAT I BE  
22 ALLOWED TO RESERVE FURTHER CROSS PENDING THE OUTCOME OF THE  
23 HEARING.

24 MR. STOLAR: YES.

25 THE COURT: YES, WHAT?

1 MR. STOLAR: I WANT TO ALSO RESERVE. I'M SORRY.

2 MR. MEZA: I JOIN IN THAT ALSO. I THOUGHT THAT WAS  
3 UNDERSTOOD.

4

5 FURTHER REDIRECT EXAMINATION +

6 BY MR. MEDRANO:

7 Q. MR. CERVANTES, YOU SEE MATTA BALLESTEROS IN COURT TODAY,  
8 RIGHT?

9 A. YES.

10 Q. CAN YOU IDENTIFY HIM BECAUSE PHOTOGRAPHS WERE SHOWN TO YOU  
11 OR BECAUSE YOU REMEMBER HIM FROM THE MEETINGS?

12 MR. STOLAR: OBJECTION. ASKED AND ANSWERED AND  
13 IMPROPERLY PHRASED.

14 THE COURT: OVERRULED.

15 THE WITNESS: I REMEMBER HIM BECAUSE I SPENT HOURS  
16 WITH HIM AND NOT BECAUSE OF HAVE I WAS SHOWN PHOTOGRAPHS.

17 BY MR. MEDRANO:

18 Q. ZUNO: HOW DO YOU REMEMBER HIM?

19 MR. MEDVENE: OBJECTION, YOUR HONOR. IT'S OUTSIDE OF  
20 THE SCOPE OF REDIRECT.

21 THE COURT: SUSTAINED.

22 MR. MEDRANO:

23 Q. BERNABE RAMIREZ?

24 MR. MEZA: SAME OBJECTION, YOUR HONOR. OUTSIDE THE  
25 SCOPE OF REDIRECT. THIS PROSECUTOR KNOWS NOT TO ASK THAT KIND

1 OF QUESTION.

2 THE COURT: SUSTAINED.

3 BY MR. MEDRANO:

4 Q. MR. CERVANTES, WHEN YOU RECEIVED MORE THAN \$3,000 IN ONE  
5 MONTH, WAS THIS BECAUSE YOU HAD TO BE MOVED FROM LOCATION TO  
6 LOCATION?

7 MR. MEDVENE: OBJECTION. LEADING AND SUGGESTIVE,  
8 YOUR HONOR.

9 THE COURT: SUSTAINED.

10 BY MR. MEDRANO:

11 Q. WHY WOULD YOU RECEIVE ON OCCASION MORE THAN \$3,000 A  
12 MONTH, MR. CERVANTES?

13 THE WITNESS: WELL, IT WAS BECAUSE OF SECURITY. I  
14 WAS BEING GIVEN SECURITY.

15 Q. YOUR FAMILY -- STRIKE THAT.

16 OTHER THAN YOUR WIFE AND CHILDREN, WERE YOU ALSO  
17 GIVEN MONEY TO BRING YOUR OTHER FAMILY MEMBERS THAT YOU HAVE  
18 DESCRIBED FROM MEXICO?

19 A. YES.

20 Q. YOU GOT \$500 THIS WEEKEND FOR A HOTEL, CORRECT?

21 A. YES.

22 Q. WHY DID GO TO A HOTEL?

23 A. FOR MY OWN SAFETY. THEY WANTED ME TO BE THERE UNTIL COURT  
24 STARTED AGAIN.

25 Q. FINALLY, MR. CERVANTES, LET ME DIRECT YOU TO YOUR GRAND

1 JURY APPEARANCE ON NOVEMBER 30, 1989.

2 DID TELL THE GRAND JURY ON THAT DAY THAT BARBA WOULD  
3 GO TO THE DEFENSA NACIONAL?

4 MR. MEDVENE: OBJECTION TO THE FORM, YOUR HONOR. HE  
5 DOESN'T ASK WHAT QUESTION HE WAS ANSWERING. THE FORM OF HIS  
6 QUESTION IS IMPROPER: "WHAT DID YOU TELL HIM ON THAT DAY?"  
7 WHERE IS HE REFERRING IN THE TRANSCRIPT?

8 THE COURT: THE OBJECTION IS OVERRULED.

9 MR. MEDRANO: PAGE 26, COUNSEL.

10 THE WITNESS: YES.

11 BY MR. MEDRANO:

12 Q. DID YOU TELL THE GRAND JURY WHO BARBA WAS GOING TO GO SEE  
13 AT THE DEFENSA NACIONAL?

14 A. YES.

15 Q. DID BARBA EVER TELL YOU WHO HE WOULD GO SEE AT THE DEFENSA  
16 NACIONAL?

17 A. YES. HE WOULD SAY -- GENERAL GARDOQUI IS WHAT HE WOULD  
18 TELL ME.

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

20 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL.)

21 BY MR. MEDRANO:

22 Q. MR. CERVANTES, OTHER THAN YOUR WIFE AND TWO CHILDREN, WHY  
23 WAS IT NECESSARY TO BRING UP YOUR OTHER FAMILY MEMBERS FROM  
24 MEXICO?

25 MR. STOLAR: OBJECTION.

1 MR. MEZA: BEYOND THE SCOPE.

2 MR. STOLAR: BEYOND THE SCOPE.

3 THE COURT: SUSTAINED.

4 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES THE  
5 REDIRECT. THANK YOU.

6

7

FURTHER + RE-CROSS-EXAMINATION

8

BY MR. STOLAR:

9 Q. MR. CERVANTES, HAVE YOU BEEN MOVING ONCE A MONTHS SINCE  
10 THE MONTH OF JANUARY, 1989?

11 A. YES, MORE OR LESS.

12 Q. SO YOU HAVE HAD SIX SEPARATE RESIDENCES SINCE YOU HAVE  
13 BEEN IN THE UNITED STATES?

14 A. YES. THAT'S POSSIBLE.

15 MR. STOLAR: NOTHING FURTHER.

16 THE COURT: ALL RIGHT. THE WITNESS MAY STEP DOWN.

17 (WITNESS EXCUSED.)

18 THE COURT: CALL YOUR NEXT WITNESS.

19 MR. MEDRANO: YOUR HONOR, THE GOVERNMENT WOULD CALL  
20 GEORGE ESPANA -- GEORGE GOMEZ -- PARDON ME -- TO THE STAND.

21

22 GEORGE GOMEZ + PLAINTIFFS WITNESS, SWORN

23

24 THE CLERK: PLEASE STATE YOUR FULL NAME FOR THE  
25 RECORD AND SPELL YOUR LAST NAME.

1 THE WITNESS: GEORGE GOMEZ, G O M E Z.

2 MR. MEDRANO: YOUR HONOR, MAY I PLACE TWO EXHIBITS IN  
3 FRONT OF THE WITNESS AT THIS TIME?

4 THE COURT: YES.

5 MR. MEDRANO: MAY I APPROACH?

6 THE COURT: (NODDING HEAD AFFIRMATIVELY.)

7 MR. MEDRANO: THANK YOU. MAY I PROCEED, YOUR HONOR?

8 THE COURT: YES.

9

10 DIRECT EXAMINATION +

11 BY MR. MEDRANO:

12 Q. MR. GOMEZ, OF WHAT COUNTRY ARE YOU A CITIZEN?

13 A. MEXICO.

14 Q. DID YOU GROW UP AT ANY TIME IN YOUR LIFE IN THE REPUBLIC  
15 OF MEXICO?

16 A. YES, I DID.

17 Q. SPECIFICALLY, WHERE?

18 A. IN GUADALAJARA.

19 Q. I WANT TO DIRECT YOUR ATTENTION, SIR, TO ABOUT 1984, MR.  
20 GOMEZ.

21 AT THAT TIME, WHO WERE YOU EMPLOYED BY?

22 A. TIERRA NOVA.

23 Q. WHAT IS TIERRA NOVA?

24 A. REAL ESTATE AGENCY, SIR.

25 Q. IN WHAT CITY IS TIERRA NOVA LOCATED?

1 A. IN GUADALAJARA, MEXICO.

2 Q. WHO IS THE OWNER OF TIERRA NOVA?

3 A. TO THE BEST OF MY KNOWLEDGE, MR. GUILLERMO CHAVEZ.

4 Q. DOES GUILLERMO CHAVEZ HAVE A HYPHENATED LAST NAME?

5 A. GUILLERMO CHAVEZ SANCHEZ.

6 Q. NOW, WHAT POSITION DID YOU HOLD WITH HIM IN THE COMPANY OF  
7 TIERRA NOVA?

8 A. SALESMAN.

9 Q. IN ABOUT 1984, MR. GOMEZ, APPROXIMATELY HOW MANY PEOPLE OR  
10 HOW MANY SALES PEOPLE WERE EMPLOYED BY TIERRA NOVA?

11 A. ABOUT SEVEN OR EIGHT.

12 Q. I'D LIKE TO DIRECT YOUR ATTENTION TO ABOUT FEBRUARY OR  
13 MARCH OF 1984.

14 DO YOU HAVE AN OPPORTUNITY AT ABOUT THAT TIME FRAME  
15 TO TRAVEL TO MEXICALI?

16 A. YES, SIR.

17 Q. WOULD YOU TELL US WHERE MEXICALI IS LOCATED?

18 A. IN THE BORDER WITH CALIFORNIA.

19 Q. IN THE REPUBLIC OF MEXICO?

20 A. YES.

21 Q. WHY DID YOU GO TO MEXICALI?

22 A. COULD YOU MAKE THAT QUESTION AGAIN?

23 Q. WHEN YOU TRAVEL TO MEXICALI, DO YOU GO ALONE?

24 A. NO, I WAS NOT ALONE.

25 Q. WHO DID YOU GO WITH?



1 A. MR. GUILLERMO CHAVEZ SANCHEZ AND MR. JESUS SANCHEZ BARBA.

2 INTERPRETER FOR MR. ZUNO: I'M HAVING SOME

3 PROBLEMS --

4 THE COURT: YES. WOULD YOU SPEAK UP A LITTLE BIT.

5 ASK THAT LAST QUESTION, WHO HE WENT WITH.

6 BY MR. MEDRANO:

7 Q. CAN YOU TELL US WHO YOU WENT WITH TO MEXICALI IN

8 FEBRUARY-MARCH OF '84?

9 A. TO THE BEST OF MY RECOLLECTION, WITH MR. GUILLERMO CHAVEZ  
10 SANCHEZ AND MR. JESUS SANCHEZ BARBA.

11 Q. NOW, TO YOUR KNOWLEDGE, IS THERE ANY RELATIONSHIP BETWEEN  
12 GUILLERMO CHAVEZ SANCHEZ AND JESUS SANCHEZ BARBA?

13 A. JESUS WAS GUILLERMO'S UNCLE.

14 Q. AND GUILLERMO IS THE NEPHEW?

15 A. THE NEPHEW, YES.

16 Q. TO YOUR KNOWLEDGE, DID JESUS SANCHEZ BARBA GO BY ANY  
17 NICKNAME?

18 A. CHUY.

19 Q. TO YOUR KNOWLEDGE, DID GUILLERMO CHAVEZ SANCHEZ GO BY ANY  
20 NICKNAME?

21 A. WILLIE.

22 Q. WITH YOUR PERMISSION, AND WITH THE COURT'S, YOUR HONOR,  
23 FOR GUILLERMO, I'LL REFER TO AS WILLIE, AND FOR JESUS, I'LL  
24 REFER TO AS CHUY. ALL RIGHT, MR. GOMEZ?

25 A. OKAY.

1 Q. THANK YOU. BETWEEN JESUS AND WILLIE, DID EITHER OF THOSE  
2 TWO OWN TIERRA NOVA, TO THE BEST OF YOUR KNOWLEDGE?

3 A. I BELIEVE THAT JESUS COULD HAVE HAD AN INTEREST, BUT THE  
4 OWNER WAS WILLIE, TO THE BEST OF MY KNOWLEDGE.

5 MS. KELLY: OBJECTION, YOUR HONOR. LACK OF  
6 FOUNDATION AND ASK THAT THE ANSWER BE STRICKEN.

7 THE COURT: OVERRULED.

8 BY MR. MEDRANO:

9 Q. NOW AGAIN DIRECTING YOU TO YOUR TRIP TO MEXICALI, YOU ARE  
10 ACCOMPANIED BY CHUY AND WILLIE?

11 A. I WAS ACCOMPANYING THEM.

12 Q. THANK YOU. AND WHY DID THE THREE OF YOU GO TO MEXICALI AT  
13 ABOUT THAT TIME FRAME?

14 A. I LEARNED WE WERE SUPPOSED TO PICK UP SOME MONEY.

15 Q. AND THE MONEY WAS FOR WHAT PURPOSE?

16 A. IT WAS OWED TO JESUS FOR A REAL ESTATE TRANSACTION, TO THE  
17 BEST OF MY KNOWLEDGE.

18 Q. FOR THE SALE OF REAL PROPERTY OR A PIECE OF PROPERTY?

19 A. PROBABLY SO.

20 MS. KELLY: I WOULD LIKE TO POSE AN OBJECTION. I  
21 BELIEVE THE WITNESS'S KNOWLEDGE IS BASED ON HEARSAY, LACK OF  
22 FOUNDATION.

23 THE COURT: OVERRULED. HE WAS ASKED TO EXPLAIN WHY  
24 THEY WENT THERE.

25 BY MR. MEDRANO:

1 Q. AND THIS MONEY WAS OWED TO CHUY?

2 A. YES, SIR.

3 Q. WHO OWED THE MONEY TO CHUY?

4 A. I DIDN'T KNOW THEN, SIR.

5 Q. DID YOU SUBSEQUENTLY LEARN THAT?

6 A. YES.

7 Q. WHO OWED THE MONEY TO CHUY?

8 MR. STOLAR: OBJECTION. HEARSAY.

9 MS. KELLY: LACK OF FOUNDATION, YOUR HONOR.

10 THE COURT: OVERRULED.

11 BY MR. MEDRANO:

12 Q. WHO OWED THE MONEY TO CHUY?

13 A. TO -- I'M SORRY?

14 Q. WHO OWED THE MONEY TO CHUY?

15 A. I BELIEVE HE SAID IT WAS CARO QUINTERO.

16 MR. STOLAR: MOVE TO STRIKE. CHUY SAID IT WAS CARO  
17 QUINTERO. TOTAL HEARSAY.

18 THE COURT: OVERRULED.

19 BY MR. MEDRANO:

20 Q. MR. GOMEZ, DO YOU KNOW A PERSON BY THE NAME OF RENE  
21 VERDUGO?

22 A. YES, I DO.

23 Q. NOW, STILL DIRECTING YOUR ATTENTION TO THE MEXICALI TRIP,  
24 ON THAT OCCASION DID YOU EVER SEE OR MEET WITH RENE VERDUGO?

25 A. YES, WE DID.

1 Q. WHERE DID THIS OCCUR?

2 A. AT THE HOTEL DE SERENAR IN MEXICALI.

3 Q. AT THE TIME YOU MEET WITH RENE VERDUGO, WHO ELSE IS  
4 PRESENT?

5 A. MR. GUILLERMO CHAVEZ SANCHEZ.

6 Q. WILLIE?

7 A. WILLIE.

8 Q. WHAT IS YOUR PURPOSE IN MEETING WITH RENE VERDUGO IN  
9 MEXICALI?

10 A. I LEARNED THAT IT WAS TO COLLECT MONEY THAT WAS OWED TO  
11 JESUS SANCHEZ BARBA. CHUY.

12 Q. FOR THE REAL ESTATE TRANSACTION?

13 A. YES.

14 Q. AT THE MEETING, IS MONEY RECEIVED BY YOU AND YOUR GROUP?

15 A. NO.

16 Q. AFTER THIS MEETING WITH RENE VERDUGO, DO YOU PROCEED  
17 ANYWHERE?

18 A. THAT DAY OR LATER?

19 Q. EITHER?

20 A. LATER, WE PROCEEDED TO GO THE NEXT DAY, I BELIEVE, TO  
21 TIJUANA.

22 Q. AND WHERE IS THIS -- WELL, WHERE -- WHEN YOU GO TO  
23 TIJUANA, FOR WHAT PURPOSE DO YOU GO THERE?

24 A. THE MONEY WAS SUPPOSED TO BE DELIVERED TO US THERE.

25 Q. NOW, PRIOR TO YOUR GOING TO TIJUANA, DO YOU HAVE AN

1 OCCASION TO GO TO A BANK IN MEXICALI?

2 A. YES, WE DID.

3 Q. WAS THIS AFTER YOU SEE AND MEET WITH VERDUGO?

4 A. YES.

5 Q. WHY DO YOU GO TO THE BANK?

6 A. THE MONEY WAS GOING TO BE DELIVERED THERE AND DEPOSITED TO  
7 MR. SANCHEZ BARBA'S ACCOUNT.

8 Q. IS THAT, IN FACT, DONE?

9 A. NO, IT WASN'T DONE.

10 Q. WHO IS IT THAT GOES TO THE BANK IN MEXICALI?

11 A. IT WAS CHUY, WILLIE, MYSELF, AND PROBABLY ANOTHER  
12 INDIVIDUAL.

13 Q. WHEN YOU GO TO THE BANK IN MEXICALI, DOES RENE VERDUGO  
14 ACCOMPANY YOU?

15 A. HE DOES NOT ACCOMPANY US.

16 Q. WHEN YOU ARRIVE AT THE BANK IN MEXICALI, DO YOU SEE RENE  
17 VERDUGO THERE?

18 A. YES, HE WAS THERE.

19 Q. NOW, DESCRIBE FOR US THE PURPOSE FOR GOING TO THE BANK IN  
20 MEXICALI.

21 A. I'M SORRY?

22 Q. WHY DO YOU GO TO THE BANK IN MEXICALI?

23 A. WHEN?

24 Q. WHY?

25 A. TO COLLECT THIS MONEY FOR THE REAL ESTATE TRANSACTION.

1 Q. AND WAS THAT DONE?

2 A. NO, IT WASN'T DONE. NOT THERE.

3 Q. WHY NOT?

4 A. THE MANAGER OF THE BANK SAID THAT HE DID NOT KNOW MR.  
5 SANCHEZ BARBA AND THAT HE COULD NOT HELP WITH THAT TRANSACTION  
6 BECAUSE HE WANTED TO DEPOSIT THAT MONEY IN HIS ACCOUNT.

7 MR. STOLAR: OBJECT AND MOVE TO STRIKE THE HEARSAY.

8 THE COURT: OVERRULED.

9 MR. MEDRANO: I'M SORRY, YOUR HONOR. WAS THERE A  
10 RULING? I DIDN'T HEAR IT.

11 THE COURT: YES. OVERRULED.

12 MR. MEDRANO: I'M SORRY. I APOLOGIZE.

13 BY MR. MEDRANO:

14 Q. ULTIMATELY, WERE YOU ABLE TO OBTAIN THE MONEY AT THE BANK  
15 IN MEXICALI?

16 A. NO, WE WERE NOT.

17 Q. AFTER THE TRIP TO THE BANK IN MEXICALI, DO YOU GO ANYWHERE  
18 ELSE? DO YOU LEAVE?

19 A. YES, WE LEFT.

20 Q. WHERE?

21 A. PROBABLY BACK TO THE HOTEL.

22 Q. AFTER YOUR RETURN TO THE HOTEL, DO YOU EVER END UP LEAVING  
23 MEXICALI?

24 A. YES, WE DID, THE NEXT DAY.

25 Q. WHERE DO YOU PROCEED TO?

1 A. TIJUANA, MEXICO.

2 Q. WHY DO YOU GO TO TIJUANA?

3 A. TO CONSUME THE REAL ESTATE OPERATION, TO COLLECT THE MONEY  
4 THERE.

5 Q. IS THE MONEY, IN FACT, COLLECTED IN TIJUANA?

6 A. YES, IT WAS.

7 Q. WHETHER AT?

8 A. AT THE HOTEL DE SERANAR IN TIJUANA.

9 Q. WHERE, SPECIFICALLY, AT THIS HOTEL WAS THE MONEY RECEIVED,  
10 MR. GOMEZ?

11 A. AT THE PARKING LOT.

12 Q. AND WHO'S PRESENT AT THE TIME THE MONEY IS RECEIVED?

13 A. JESUS -- I'M SORRY, JESUS WAS NOT THERE.

14 GUILLERMO CHAVEZ SANCHEZ.

15 Q. WILLIE?

16 A. WILLIE. RAMON MENDOZA, MYSELF, AND PROBABLY ANOTHER  
17 INDIVIDUAL.

18 Q. WHAT TIME OF DAY ARE WE TALKING ABOUT THE RECEIPT OF THE  
19 MONEY?

20 A. SOMETIME IN THE AFTERNOON.

21 Q. JUST BRIEFLY DESCRIBE THE MANNER IN WHICH THE MONEY IS  
22 TRANSFERRED.

23 MR. STOLAR: OBJECT TO RELEVANCE.

24 THE COURT: OVERRULED.

25 BY MR. MEDRANO:

1 Q. DESCRIBE THE MANNER IN WHICH THE MONEY IS TRANSFERRED?

2 A. IT WAS FROM ONE TRUNK OF THE CAR TO ANOTHER TRUNK OF THE  
3 CAR.

4 Q. AND WAS THE MONEY IN A CONTAINER OF SOME SORT?

5 A. IN A SUITCASE.

6 Q. SMALL? LARGE?

7 A. LARGE SUITCASE.

8 Q. DID YOU ACTUALLY HANDLE THE SUITCASE YOURSELF?

9 A. PROBABLY ONE TIME, YES.

10 Q. AND DO YOU KNOW THE NAME OF THE INDIVIDUAL -- WELL, STRIKE  
11 THAT.

12 WHO PROVIDED THE SUITCASE TO YOU?

13 A. IT WAS AN INDIVIDUAL BY THE NAME OF SERGIO.

14 Q. DO YOU KNOW SERGIO'S LAST NAME, MR. GOMEZ?

15 A. NO, I DON'T.

16 Q. AFTER RECEIVING THIS SUITCASE, DO YOU PROCEED ANYWHERE?

17 A. WE WENT TO THE BANK TO RENT A COUPLE OF SAFETY DEPOSIT  
18 BOXES.

19 Q. WHERE IS THE BANK THAT YOU GO TO?

20 A. IN TIJUANA, MEXICO.

21 Q. AT ANY POINT DID YOU HAVE AN OPPORTUNITY TO LOOK INSIDE  
22 THE SUITCASE?

23 A. YES, WE DID.

24 Q. AND WAS THERE MONEY?

25 A. THERE WAS MONEY IN THERE, YES.



1 Q. AMERICAN OR MEXICAN CURRENCY; DO YOU KNOW?

2 A. AMERICAN CURRENCY.

3 Q. ENTIRELY? NO PESOS?

4 A. I DIDN'T SEE ANY PESOS.

5 Q. JUST BRIEFLY, IF YOU CAN, GIVE US SOME IDEA OF THE  
6 DIMENSIONS OF THE SUITCASE THAT YOU DEALT WITH.

7 A. PROBABLY ABOUT THREE FEET. IT WAS A LARGE SUITCASE,  
8 THREE-BY-TWO-BY-TEN INCHES.

9 Q. AND THE TEN INCHES IS THE DEPTH OF THE SUITCASE?

10 A. YES.

11 Q. NOW, DO YOU END UP TAKING THIS MONEY AND DEPOSITING IT IN  
12 A SAFETY DEPOSIT BOX?

13 A. YES.

14 Q. AND AT ANY POINT DO YOU HAVE AN OPPORTUNITY TO ASSIST IN  
15 OR ACTUALLY COUNT THE MONEY THAT WAS IN THE SUITCASE?

16 A. YES.

17 Q. WERE YOU ASSISTED IN THAT ENDEAVOR BY ANYBODY ELSE,  
18 MR. GOMEZ?

19 A. BY CHUY AND SOME OF THE CASHIERS AT THE BANK. I'M SORRY.  
20 BY WILLIE.

21 Q. THE DENOMINATIONS OF THE BILLS, WHAT TYPES OF BILLS ARE WE  
22 TALKING ABOUT IN THE SUITCASE?

23 A. MAINLY LARGE DENOMINATIONS.

24 Q. COULD YOU MORE SPECIFIC?

25 A. HUNDREDS AND 50'S.

1 Q. WAS THE MONEY WRAPPED IN ANY PARTICULAR MANNER?

2 A. JUST BUNDLES, WITH A BAND -- BANDAGE (SIC).

3 Q. HOW MUCH MONEY WAS IN THE SUITCASE?

4 A. OVER \$1,000,000.

5 Q. AFTER THE MONEY IS DEPOSITED, WHAT HAPPENS NEXT TO THE  
6 MONEY?

7 A. I'M SORRY?

8 A. AFTER THE MONEY IS DEPOSITED IN THE SAFETY DEPOSIT BOX,  
9 WHAT HAPPENS TO THE MONEY NEXT?

10 A. WE WERE INSTRUCTED BY CHUY TO TRANSFER THAT TO HIS ACCOUNT  
11 IN SAN DIEGO.

12 Q. JESUS SANCHEZ BARBA?

13 A. YES.

14 Q. WAS THAT, IN FACT, DONE?

15 A. YES, IT WAS DONE.

16 Q. IN WHAT FASHION OR MANNER WAS THAT DONE, MR. GOMEZ?

17 A. FIRST, WE BOUGHT A CASHIER'S CHECK FROM THE BANK IN THE  
18 AMOUNT OF \$250,000, AND WE DEPOSITED THAT INTO HIS ACCOUNT.  
19 LATER, IT WAS DONE IN CASH.

20 Q. WHAT BANK?

21 A. BANK OF AMERICA.

22 Q. IN WHAT CITY?

23 A. IN SAN DIEGO.

24 Q. SO AFTER THE INITIAL \$250,000 CASHIER'S CHECK, WHAT  
25 HAPPENS TO THE BALANCE OF \$1,000,000?

1 A. IT WAS TRANSFERRED FROM TIJUANA TO SAN DIEGO.

2 Q. AND ULTIMATELY DEPOSITED WHERE?

3 A. I UNDERSTAND IT WAS MR. JESUS SANCHEZ BARBA'S ACCOUNT.

4 MR. STOLAR: OBJECT. HEARSAY. LACK OF FOUNDATION --

5 THE COURT: YES, SUSTAINED. STRIKE THE LAST ANSWER.

6 BY MR. MEDRANO:

7 Q. TO YOUR KNOWLEDGE, WAS THE FULL QUANTITY OF \$1,000,000  
8 EVENTUALLY DEPOSITED?

9 A. YES.

10 MR. STOLAR: SAME OBJECTION.

11 THE COURT: SUSTAINED. THE ANSWER IS STRICKEN.

12 BY MR. MEDRANO:

13 Q. MR. GOMEZ, ARE YOU FAMILIAR WITH THE RESIDENCE -- WITH AN  
14 ADDRESS OF 881 LOPE DE VEGA?

15 A. YES, I AM.

16 Q. AND HAVE YOU EVER HAD AN OPPORTUNITY TO GO TO THAT  
17 PARTICULAR RESIDENCE?

18 A. YES, I DID.

19 Q. WHAT CITY IS THE RESIDENCE IN?

20 A. IN GUADALAJARA, MEXICO.

21 Q. APPROXIMATELY HOW MANY TIMES HAVE YOU HAD OCCASION TO GO  
22 TO 881 LOPE DE VEGA?

23 A. ABOUT TWO TIMES.

24 Q. NOW, I'D LIKE TO DIRECT YOU TO THE FIRST TIME THAT YOU  
25 EVER WENT TO 881 LOPE DE VEGA?

1 A. WHEN WOULD THAT HAVE BEEN, IF YOU RECALL?

2 A. PROBABLY LATE '84.

3 Q. WHY DID YOU GO TO LOPE DE VEGA IN LATE '84?

4 A. WE WERE TOURING THE PROPERTY BECAUSE IT WAS FOR SALE. IT  
5 WAS ON THE MARKET.

6 Q. AND WHAT WAS YOUR REASON IN GOING TO 881 LOPE DE VEGA?

7 A. AS A REAL ESTATE AGENT, WE WERE INTERESTED IN PROPERTIES  
8 THAT WERE UP FOR SALE.

9 Q. DO YOU GO ALONE?

10 A. NO, CHUY -- I'M SORRY, WILLIE WAS WITH ME.

11 Q. TO YOUR KNOWLEDGE, WAS ANYONE MARKETING THE SALE OF TIERRA  
12 NOVA? STRIKE THAT.

13 TO YOUR KNOWLEDGE, WAS ANYONE MARKETING THE SALE OF  
14 881 LOPE DE VEGA?

15 A. CHUY SANCHEZ BARBA WAS.

16 THE COURT: WE'LL TAKE OUR MORNING RECESS AT THIS  
17 TIME.

18 THE CLERK: PLEASE RISE. THIS COURT IS NOW IN  
19 RECESS.

20 (JURY EXCUSED.)

21 (BRIEF RECESS.)

22 (JURY PRESENT:)

23 THE COURT: YOU MAY CONTINUE.

24 DIRECT EXAMINATION + (RESUMED)

25 BY MR. MEDRANO:

1 Q IT WAS YOURSELF AND CHUY AT THE 881 LOPE DE VEGA RESIDENCE;  
2 IS THAT CORRECT, MR. GOMEZ?

3 A YES.

4 Q AND WERE THE TWO OF YOU THERE ON ON BEHALF OF TIERRA NOVA?

5 A YES, WE WERE.

6 MR. MEDVENE: IF THE COURT PLEASE, COUNSEL STATED  
7 "CHUY." I'M JUST ASKING THE COURT IF HE MET "WILLIE."

8 THE COURT: WELL, DID YOU?

9 MR. MEDRANO: PERHAPS I MISSPOKE, YOUR HONOR. IF I  
10 DID, IF I MISSPOKE, MAYBE I CAN CORRECT MYSELF.

11 THANK YOU, MR. MEDVENE.

12 Q MR. GOMEZ, IT'S YOURSELF AND WILLIE, GUILLERMO CHAVEZ, WHO  
13 GO TO THE HOUSE?

14 A YES.

15 Q AND YOU WERE THERE ON BEHALF OF TIERRA NOVA?

16 A THAT IS CORRECT.

17 Q TO TRY TO SELL THE LOPE DE VEGA PROPERTY?

18 A YES.

19 Q THEN, AGAIN, SIR, THE TIME FRAME FOR THIS VISIT TO THE  
20 HOUSE IS WHAT, AGAIN?

21 A I BEG PARDON?

22 Q WHEN IS IT THAT YOU GO TO THE HOUSE TO INSPECT IT?

23 A ABOUT LATE 84.

24 Q. WHEN YOU ARRIVE AT THE HOUSE, DO YOU SEE ANYONE ELSE THERE  
25 OR MEET ANYONE ELSE THERE?

1 A CHUY SANCHEZ BARBA.

2 Q NOW IT'S THE THREE OF YOU AT THE HOUSE?

3 A YES.

4 Q WOULD YOU DESCRIBE FOR US WHAT THE THREE OF YOU DO ONCE YOU  
5 ARE AT THE HOUSE IN LATE 84?

6 A WELL, CHUY WAS SHOWING OFF WHAT A GOOD PROPERTY IT WAS AND  
7 HE GAVE US A TOUR THROUGH THE PROPERTY.

8 Q DID YOU INSPECT THE GROUNDS?

9 A YES, WE DID.

10 Q DID YOU GO THROUGH THE VARIOUS ROOMS OF THE LOPE DE VEGA  
11 RESIDENCE?

12 A YES. PROBABLY NOT ALL OF THEM, BUT SOME OF THEM.

13 Q MOST OF THEM?

14 A MOST OF THEM.

15 Q WHEN YOU WERE THERE WITH THESE TWO OTHER GENTLEMEN, IS ANY  
16 WORK BEING DONE ON THE HOUSE?

17 A YES, THEY WERE PAINTING THE HOUSE AND PUTTING IN CARPETS.

18 Q HOW ABOUT IN TERMS OF THE EXTERIOR, THE GARDEN OR  
19 LANDSCAPING?

20 A THEY WERE LANDSCAPING THE GARDEN, YES.

21 Q AS TO THE CARPETS, WHAT WERE BEING DONE WITH THE CARPETS?

22 A THEY WERE EITHER CLEANING THEM OR REPLACING THEM. I'M NOT  
23 SURE. PROBABLY REPLACING THEM.

24 Q AND AT THE TIME THE THREE OF YOU ARE AT LOPE DE VEGA, ARE  
25 THERE WORKERS DOING THESE VARIOUS THINGS?

1 A YES, ALL KINDS OF WORKERS.

2 Q MR. GOMEZ, IN TERMS OF THE PAINTING, INTERIOR ONLY?

3 A INTERIOR AND EXTERIOR.

4 Q WHEN YOU ARE AT THE HOUSE, DOES ANY OF THE PAINT --  
5 PAINTING THAT HAD BEEN DONE, LOOK RECENTLY DONE, TO YOU?

6 A WELL, ALL OF THE PAINT LOOKED RECENTLY DONE.

7 Q AT THIS VISIT TO LOPE DE VEGA, IS THE HOUSE -- STRIKE THAT.

8 AT THIS VISIT TO LOPE DE VEGA, OTHER THAN THE WORKERS  
9 THAT ARE THERE AND YOURSELVES, IS THE HOUSE VACANT?

10 A TO THE BEST OF MY KNOWLEDGE, YES.

11 Q AND IS WHAT YOU'VE DESCRIBED TO US THE FIRST TIME YOU EVER  
12 WENT TO LOPE DE VEGA?

13 A YES.

14 Q NOW, MR. GOMEZ, LET ME DIRECT YOU NOW TO ABOUT FEBRUARY 8  
15 OF 1985. ON THIS PARTICULAR DAY, MR. GOMEZ, DO YOU HAVE AN  
16 OPPORTUNITY TO GO TO LOPE DE VEGA AGAIN?

17 A YES.

18 Q WHO DO YOU GO WITH TO LOPE DE VEGA?

19 A WILLIE.

20 Q WHY ARE YOU WITH WILLIE AT LOPE DE VEGA?

21 A HE REQUESTED ME TO TAKE HIM THERE.

22 Q BEFORE YOU AND WILLIE GO TO LOPE DE VEGA, WHERE ARE YOU  
23 INITIALLY?

24 A AT THE OFFICE IN TIERRA NOVA.

25 Q AND THAT, AGAIN, IS IN GUADALAJARA?

1 A YES, IT IS.

2 Q OTHER THAN WILLIE ASKING YOU FOR A RIDE, DID YOU YOURSELF  
3 HAVE ANY PARTICULAR REASON TO GO TO THE LOPE DE VEGA RESIDENCE  
4 ON FEBRUARY 8TH?

5 A I DIDN'T KNOW THAT WE WERE GOING TO GO THERE. HE JUST  
6 ASKED ME FOR A RIDE; AND ONCE WE ARRIVED AT THE PROPERTY, HE  
7 TOLD ME HE WAS GOING TALK TO CARO AND MAYBE IT WAS A GOOD  
8 OPPORTUNITY FOR ME TO CLEAN UP A RUMOR.

9 MR. STOLAR: OBJECT AND MOVE THE STRIKE AS HEARSAY.

10 MR. MEDRANO: IT'S NOT OFFERED FOR THE TRUTH.

11 THE COURT: OVERRULED.

12 BY MR. MEDRANO:

13 Q MR. GOMEZ, YOU SAID YOU WANTED TO CLEAR UP SOMETHING WITH  
14 CARO QUINTERO?

15 A YES. HE REQUESTED ME TO CLEAR IT UP WITH HIM.

16 Q AND WHAT DID YOU WANT TO CLEAR UP WITH CARO QUINTERO?

17 A THAT I WAS NOT A D.E.A. INFORMANT.

18 Q DID YOU HOPE TO MEET WITH CARO ON THIS VISIT --

19 A YES.

20 Q -- TO DISPELL THIS RUMOR?

21 A YES.

22 Q DO YOU RECALL ON FEBRUARY 8 APPROXIMATELY WHAT TIME OF DAY  
23 IT WAS THAT YOU GO TO LOPE DE VEGA?

24 A SOMETIME IN THE AFTERNOON.

25 Q APPROXIMATE TIME, IF YOU KNOW?



1 A 4:00, 4:30, 5:00.

2 Q WHO IS DRIVING, MR. GOMEZ?

3 A I AM.

4 Q WHAT HAPPENS WHEN YOU ARRIVE -- STRIKE THAT.

5 ARE YOU IN A CAR?

6 A YES, I AM.

7 Q DO YOU RECALL THE KIND OF CAR IT WAS?

8 A IT WAS A CHRYSLER THAT I HAD.

9 Q WHAT HAPPENS WHEN YOU PULL UP TO LOPE DE VEGA, THE  
10 RESIDENCE?

11 A I RECEIVED INSTRUCTIONS TO STAY IN THE CAR AND WAIT FOR  
12 WILLIE TO RETURN.

13 Q DO YOU SEE WHERE WILLIE GOES?

14 A YES.

15 Q WHERE DOES HE GO?

16 A HE GOES INTO THE HOUSE.

17 Q WHEN HE'S IN THE HOUSE, WHERE ARE YOU?

18 A I'M PARKED OUTSIDE THE HOUSE.

19 Q WAITING IN THE CAR?

20 A YES.

21 Q EVENTUALLY, DOES WILLIE RETURN FROM 881 LOPE DE VEGA TO  
22 YOUR VEHICLE?

23 A YES, HE DOES.

24 Q UPON HIS RETURN, DO THE TWO OF YOU GO ANYPLACE?

25 A WE GO DO A BANK NEAR A SHOPPING CENTER.

1 Q BEFORE THAT, ABOUT HOW LONG, WOULD YOU ESTIMATE, WAS WILLIE  
2 INSIDE THE HOUSE BEFORE HE REJOINS YOU AT THE CAR?

3 A A SHORT PERIOD OF TIME; PROBABLY 15 MINUTES OR 20.

4 Q AND DURING THIS 15-20 MINUTE PERIOD, YOU'RE WAITING IN THE  
5 CAR THE WHOLE TIME?

6 A YES, TO THE BEST OF MY RECOLLECTION. MAYBE INSIDE THE CAR,  
7 MAYBE OUTSIDE. I DON'T KNOW.

8 Q BUT IN THE VICINITY OF THE CAR?

9 A YES.

10 Q REGARDLESS, AT THIS POINT, YOU DID NOT ENTER LOPE DE VEGA?

11 A NO.

12 Q NOW, WHEN WILLIE REJOINS YOU, DO THE TWO OF YOU GO  
13 ANYWHERE?

14 A WE GO TO A BANK, NEAR A SHOPPING CENTER.

15 Q DO YOU REMEMBER NAME OF THE SHOPPING CENTER?

16 A PLAZA DEL SOL.

17 Q WHY DO YOU GO TO THIS BANK NEAR THE SHOPPING CENTER?

18 A WHO DO WE GO WITH?

19 Q WHY DO YOU GO THERE?

20 A OH. WE WANTED TO -- WILLIE WANTED TO CASH A CHECK.

21 Q AND, AGAIN, ARE YOU DRIVING THE CAR?

22 A YES.

23 Q DO YOU DRIVE TO THIS BANK?

24 A YES.

25 Q DO YOU RECALL OFFHAND THE NAME OF THE BANK THAT YOU WENT

1 TO?

2 A COMERMEX.

3 Q PARDON?

4 A COMERMEX.

5 Q AND IS THIS IN THE CITY OF GUADALAJARA?

6 A YES, IT WAS.

7 Q WHAT HAPPENS WHEN THE TWO OF YOU ARRIVE AT THE COMERMEX  
8 BANK IN GUADALAJARA?

9 A WELL, THE BANK IS CLOSED, TO THE PUBLIC.

10 Q AND AGAIN, THIS IS LATE AFTERNOON?

11 A YES.

12 Q WHAT HAPPENS AFTER YOU REALIZE THE BANK IS CLOSED?

13 A WILLIE KNOCKED ON THE SIDE DOOR AND SOMEBODY LET HIM IN AND  
14 CASHED THE CHECK FOR HIM.

15 Q AFTER HE CASHES THE CHECK, DOES HE REJOIN YOU?

16 A YES.

17 Q DO THE TWO OF YOU THEN AT SOME POINT GO BACK TO YOUR CAR?

18 A YES, WE DID.

19 Q WHEN WILLIE REJOINS YOU AT THE CAR, DOES HE HAVE ANYTHING  
20 IN HIS POSSESSION?

21 A HE HAD A LITTLE BROWN BAG WITH MONEY.

22 Q HOW MUCH MONEY WAS IN THE BAG?

23 A I DON'T KNOW.

24 Q DID YOU GO ANYWHERE AFTER YOUR SHORT VISIT TO THE BANK?

25 A WE RETURNED TO LOPE DE VEGA.

1 Q YOU ARE DRIVING ONCE AGAIN?

2 A YES.

3 Q NOW, CAN YOU TELL US IN DETAIL, MR. GOMEZ, WHAT HAPPENS  
4 WHEN YOU ARRIVE AT 881 LOPE DE VEGA?

5 A TO THE BEST OF MY RECOLLECTION, I FOLLOW WILLIE INTO THE  
6 HOUSE AND HE TELLS ME TO SIT AND WAIT FOR HIM IN THE KITCHEN.

7 Q NOW, WHEN YOU WENT TO THE HOUSE, CAN YOU GIVE US SOME IDEA  
8 THROUGH WHAT DOOR OR WHAT ENTRANCE YOU ENTER THE HOUSE?

9 A THROUGH THE GARAGE DOOR.

10 Q WHEN YOU ENTER THROUGH THE GARAGE DOOR, WHAT ROOM DID YOU  
11 END UP IN?

12 A IN THE KITCHEN.

13 Q NOW, WHAT HAPPENS -- STRIKE THAT.

14 DO THE TWO OF YOU GO THROUGH THE GARAGE DOOR AND END  
15 UP IN THE KITCHEN?

16 A YES.

17 Q NOW, TAKE IT FROM THERE. WHAT HAPPENS NEXT?

18 A I'M SITTING DOWN THERE WAITING FOR HIM TO COME OUT.

19 Q WHERE DID WILLIE GO?

20 A HE PROBABLY WENT INTO THE --

21 MS. KELLY: OBJECTION, YOUR HONOR. SPECULATION.

22 BY MR. MEDRANO:

23 Q WELL, YOU WERE --

24 MS. KELLY: LACK OF FOUNDATION, AS WELL, YOUR HONOR.

25 THE COURT: RESTATE YOUR QUESTION.

1 BY MR. MEDRANO:

2 Q YOU WERE FAMILIAR WITH THE HOUSE, HAVING VISITED IT BEFORE;  
3 CORRECT?

4 A YES.

5 Q NOW, CAN YOU TELL US IN WHAT DIRECTION WILLIE WENT OUT?

6 A TO THE GARDEN.

7 Q WHEN WILLIE GOES TO THE GARDEN, DO YOU REMAIN IN THE  
8 KITCHEN AREA?

9 A YES, I WAS.

10 Q NOW, IN THIS KITCHEN AREA, IS THERE ANY TYPE OF DINING  
11 ROOM, AS WELL?

12 A YES. THERE WAS A SMALL DINING ROOM.

13 Q AND IS THE DINING ROOM PART OF THE KITCHEN, OR IS IT -- IS  
14 THE DINING ROOM, IN AND OF ITSELF, A ROOM THAT'S ADJACENT TO  
15 THE KITCHEN?

16 A IT COULD BE PART OF THE KITCHEN.

17 Q WHEN YOU'RE WAITING IN THE KITCHEN, ARE YOU SITTING OR  
18 STANDING?

19 A I'M SITTING DOWN.

20 Q IS THERE A TABLE IN THE AREA?

21 A THERE'S SMALL TABLE; FOUR CHAIRS, PROBABLY.

22 Q NOW, IN THE AREA -- STRIKE THAT.

23 WILLIE GOES IN THE DIRECTION OF THE GARDEN?

24 A YES, HE DOES.

25 Q IS THIS IN THE BACK OF THE HOUSE?

1 A YES.

2 Q NOW, HAVING VISITED THE HOUSE PREVIOUSLY, WHAT ELSE IS IN  
3 THAT BACK AREA, OTHER THAN A GARDEN?

4 A A POOL AND A TERRACE.

5 Q IS THERE ANY TYPE OF PATIO BACK THERE?

6 A YES. COVERED PATIO.

7 Q WHILE YOU ARE WAITING IN THE KITCHEN AREA FOR WILLIE, DO  
8 YOU EVER OBSERVE ANY FIREARMS?

9 A YES, THERE WERE SOME FIREARMS.

10 Q DESCRIBE THEM FOR US, IF YOU PLEASE?

11 A SOME HIGH-POWERED RIFLES.

12 Q MORE SPECIFICALLY, CAN YOU IDENTIFY THE TYPE OF  
13 HIGH-POWERED RIFLE IT WAS?

14 A THERE WERE R-15'S. (AS STATED.)

15 Q AR-15'S?

16 A YES.

17 Q APPROXIMATELY HOW MANY SUCH WEAPONS DID YOU SEE IN THE  
18 KITCHEN AREA WHILE WAITING?

19 A ABOUT 7, MAYBE 10.

20 Q I'M SORRY. 7 TO 10?

21 A YES.

22 Q WHILE WAITING IN THE KITCHEN, MR. GOMEZ, IS ANYONE ELSE IN  
23 THE KITCHEN AREA WITH YOU?

24 A THERE WAS A COOK THERE, YES.

25 Q AND WAS THE COOK COOKING?

1 A YES, HE WAS.

2 Q OTHER THAN YOURSELF AND THE COOK, DOES ANYONE ELSE HAVE AN  
3 OCCASION TO ENTER THE ROOM WHILE YOU'RE WAITING?

4 A THERE WAS ANOTHER GENTLEMAN THAT CAME IN BRIEFLY, AND HE  
5 WENT BACK AGAIN.

6 Q FROM WHERE YOU ARE SITTING IN THAT KITCHEN AREA, WHAT IS  
7 YOUR APPROXIMATE DISTANCE TO THE BACKYARD AREA WHERE WILLIE  
8 WENT INTO?

9 A 10 TO 15 YARDS, MAYBE.

10 Q YARDS?

11 A YARDS.

12 Q NOW, WHILE WAITING IN THE KITCHEN, ARE YOU ABLE TO HEAR ANY  
13 VOICES EMANATING FROM THAT BACKYARD?

14 A YES. THERE WERE A FEW VOICES.

15 Q MORE THAN ONE PERSON SPEAKING?

16 A YES.

17 Q NOW, I ASK YOU TO DIRECT YOUR ATTENTION, MR. GOMEZ, TO  
18 GOVERNMENT'S EXHIBIT 16 A AND B, WHICH ARE IN FRONT OF YOU, I  
19 BELIEVE. DO YOU SEE THOSE TWO.

20 A YES, I DO.

21 Q AND CAN YOU TELL ME WHAT THOSE ARE?

22 A IT'S A PICTURE OF MR. CARO QUINTERO.

23 Q NOW, HAVE YOU EVER HAD AN OCCASION TO MEET RAFAEL CARO  
24 QUINTERO?

25 A ONE OR TWO.

1 Q WHERE AT, SPECIFICALLY?

2 A ONE OF HIS HOUSES IN GUADALAJARA.

3 Q WHEN YOU MET WITH HIM, GIVE ME THE APPROXIMATE TIME FRAME.  
4 WHEN YOU DID MEET HIM, IF YOU RECALL?

5 A I DON'T RECALL. IT WAS SOMETIME IN 84, PROBABLY.

6 Q AND CAN YOU REMEMBER THE MONTH IN 84?

7 A I'M SORRY, I CANNOT.

8 Q WHEN YOU MET HIM, DID YOU HAVE AN OPPORTUNITY TO HEAR HIM  
9 SPEAK?

10 A YES, I DID.

11 Q NOW, LET ME DIRECT -- STRIKE THAT.

12 LET ME TAKE YOU BACK TO THE KITCHEN AREA WHERE YOU'RE  
13 WAITING.

14 YOU HEARD VOICES FROM THE BACKYARD?

15 A YES, I DID.

16 Q NOW, WERE YOU ABLE TO IDENTIFY ANY OF THOSE VOICES FROM THE  
17 BACKYARD?

18 A I WAS ABLE TO BE IDENTIFY CARO'S VOICE.

19 Q HOW LONG WOULD YOU ESTIMATE, MR. GOMEZ, WAS THE TOTAL TIME  
20 THAT YOU WAITED IN THE KITCHEN AREA?

21 A TO THE BEST OF MY RECOLLECTION, ABOUT 15 MINUTES.

22 Q AT ANY POINT, ARE YOU REJOINED BY WILLIE?

23 A YES.

24 Q THIS WAS AFTER THAT 15-MINUTE PERIOD?

25 A YES.



1 Q NOW, CAN YOU TELL US WHEN WILLIE REJOINS YOU IN THE KITCHEN  
2 AREA?

3 A WE START TO GO BACK TO THE CAR, GO UP -- GO OUT OF THE  
4 HOUSE.

5 Q THROUGH WHAT DOOR?

6 A THROUGH THE SAME DOOR WE CAME IN, THE KITCHEN DOOR.

7 Q WOULD THAT HAVE TAKEN YOU OUT THROUGH THE GARAGE AGAIN?

8 A YES.

9 Q GO AHEAD. WHERE DO YOU GO THEN?

10 A WE START TO WALK TOWARDS MY CAR.

11 Q NOW, WHILE YOU'RE WALKING TO THE CAR, DO YOU SEE ANYONE  
12 ELSE THAT YOU RECOGNIZE, MR. GOMEZ?

13 A YES. MR. VERDUGO AND SOMEBODY ELSE CAUGHT UP WITH US AND  
14 ASKED FOR A RIDE.

15 Q AND THIS WAS AT 881 LOPE DE VEGA?

16 A YES.

17 Q GIVE US NOW A BALLPARK TIME WHEN YOU SEE RENE VERDUGO AT  
18 LOPE DE VEGA.

19 A I'M SORRY?

20 Q APPROXIMATE TIME WHEN YOU SEE RENE VERDUGO AT LOPE DE VEGA?

21 A LATE IN THE AFTERNOON.

22 Q APPROXIMATE TIME?

23 A 6:00, 6:30.

24 Q WHEN YOU SEE RENE VERDUGO AT LOPE DE VEGA, IS ANYONE WITH  
25 HIM?

1 A THERE WAS ANOTHER GENTLEMAN WITH HIM.

2 Q DO YOU KNOW THE IDENTITY OR THE NAME OF THAT PERSON?

3 A I DO NOT KNOW THE NAME.

4 Q RENE ASK YOU FOR A RIDE?

5 A YES.

6 Q DO YOU AGREE TO GIVE HIM A RIDE?

7 A YES.

8 Q DO -- STRIKE THAT.

9 DOES ANYONE LEAVE THE LOPE DE VEGA HOUSE IN YOUR CAR?

10 A FOUR OF US LEFT IT.

11 Q TELL ME AGAIN, WHO'S DRIVING WHEN YOU LEAVE THE HOUSE?

12 A I AM DRIVING.

13 Q EVENTUALLY -- STRIKE THAT.

14 UPON LEAVING THE LOPE DE VEGA HOUSE DO YOU EVER GO TO

15 A HOTEL?

16 A YES, WE DID.

17 Q WHERE -- WHAT CITY IS THE HOTEL IN?

18 A IN GUADALAJARA, MEXICO.

19 Q DO YOU RECALL THE NAME OF THE HOTEL?

20 A IT'S THE HYATT REGENCY.

21 Q IS THAT IN DOWNTOWN GUADALAJARA?

22 A NEAR THE SHOPPING CENTER WHERE THE BANK WAS.

23 Q NEAR THE PLAZA DEL SOL?

24 A YES.

25 Q WHILE IN -- STRIKE THAT.

1 DURING THIS DRIVE FROM LOPE DE VEGA TO THE HYATT  
2 REGENCY, DO YOU LEARN THE IDENTITY OF THIS OTHER INDIVIDUAL  
3 THAT'S WITH RENE VERDUGO?

4 A NOT HIS IDENTITY, BUT HE WAS REFERRED TO AS "COMANDANTE" --

5 Q SO IN THE CAR NOW IS YOURSELF?

6 A -- TO THE BEST OF MY RECOLLECTION.

7 Q I DIDN'T HEAR YOU.

8 A TO THE BEST OF MY RECOLLECTION.

9 Q AT THIS POINT THEN, IN THE CAR, IT'S YOURSELF, WILLIE RENE  
10 VERDUGO AND THE COMANDANTE?

11 A YES. THE FOUR OF US.

12 Q NOW, DID YOU HAVE AN OPPORTUNITY IN THE CAR TO SPEAK TO  
13 RENE VERDUGO?

14 A I HAD AN OPPORTUNITY TO SPEAK TO HIM, YES.

15 Q AND CAN YOU TELL US WHAT RENE VERDUGO TOLD YOU?

16 MR. STOLAR: OBJECTION. HEARSAY.

17 MR. MEZA: HEARSAY.

18 MR. MEDRANO: CO-CONSPIRATOR HEARSAY, YOUR HONOR.

19 THE COURT: OBJECTION'S OVERRULED.

20 BY MR. MEDRANO:

21 Q WHAT DID RENE VERDUGO STATE TO YOU INSIDE THE CAR?

22 A JUST THE USUAL GREETING, AND HE ALSO TOLD ME HE'S TAKING  
23 CARE OF THE PROBLEM.

24 Q WELL, LET ME BACKTRACK. PERHAPS I'VE MISSPOKEN.

25 BEFORE RENE VERDUGO SPEAKS TO YOU, DO YOU TELL HIM

1 ANYTHING?

2 A YES. I TOLD HIM THAT I WAS THERE FOR THE PURPOSE OF TRYING  
3 TO CLEAR UP THIS RUMOR.

4 Q AND IN RESPONSE TO THAT, TELL US AGAIN WHAT RENE VERDUGO  
5 TOLD YOU.

6 MR. MEZA: ASKED AND ANSWERED, YOUR HONOR. HE TOLD US  
7 WHAT HE SAID.

8 THE COURT: OVERRULED.

9 THE WITNESS: HE TOLD ME NOT WORRY, THAT WE ALL HAVE  
10 PROBLEMS.

11 BY MR. MEDRANO:

12 Q DID HE INDICATE ANYTHING ELSE ABOUT THIS PROBLEM?

13 A HE SAID HE'D ALSO HAD A PROBLEM THAT WAS TAKEN CARE OF.

14 Q WAS HE REFERRING TO A PROBLEM AT LOPE DE VEGA?

15 MR. MEZA: OBJECTION, YOUR HONOR. NO FOUNDATION. NO  
16 PERSONAL KNOWLEDGE.

17 THE COURT: SUSTAINED.

18 BY MR. MEDRANO:

19 Q AT ANY POINT IN THE VEHICLE, DOES RENE VERDUGO SAY ANYTHING  
20 TO THIS COMANDANTE?

21 A YES.

22 Q IN YOUR PRESENCE?

23 A YES.

24 Q WHAT DOES HE SAY TO THE COMANDANTE?

25 MS. KELLY: OBJECTION, YOUR HONOR. HEARSAY.

1 THE COURT: OVERRULED.

2 THE WITNESS: HE SAID, "DIDN'T WE, COMANDANTE, TAKE  
3 CARE OF THE PROBLEM?"

4 THE INTERPRETER: I'M SORRY. I DIDN'T HEAR.

5 THE COURT: SPEAK UP, PLEASE. REPEAT YOUR ANSWER.

6 THE WITNESS: HE SAID TO THE COMANDANTE, "WE TOOK CARE  
7 OF THE PROBLEM, DIDN'T WE, COMANDANTE?"

8 BY MR. MEDRANO:

9 Q NOW, MR. GOMEZ, CAN YOU JUST VERY BRIEFLY DESCRIBE FOR US  
10 THE PHYSICAL APPEARANCE OF RENE VERDUGO WHEN YOU WERE WITH HIM  
11 IN THE CAR?

12 A HE LOOKED TIRED.

13 Q DO YOU END UP AT THE HYATT REGENCY?

14 A WELL, WE GAVE THEM A RIDE THERE, YES.

15 Q DO YOU RECALL THE NAME OF THE STREET THAT THE HYATT REGENCY  
16 IS ON?

17 A LOPEZ MATEOS AVENUE.

18 Q DID YOU DROP OFF RENE VERDUGO THEN?

19 A YES, AND HIS COMPANION.

20 Q MR. GOMEZ, HAVE YOU ENTERED INTO ANY TYPE OF AGREEMENT WITH  
21 THE GOVERNMENT OF THE UNITED STATES?

22 A YES, I HAVE.

23 Q AND JUST BRIEFLY, DO YOU KNOW WHAT THE TERMS OF THAT  
24 AGREEMENT ARE?

25 A I KNOW SOME OF THEM, YES.

1 Q TELL ME WHAT YOU DO KNOW OR RECALL OF THE AGREEMENT.

2 A TO PARTICIPATE IN ANY TRIALS.

3 Q AND BY "PARTICIPATION," DOES THAT INCLUDE TESTIMONY?

4 A YES.

5 Q IF SUBPOENAED TO DO SO?

6 A YES.

7 Q THIS AGREEMENT, MAY I REFER TO IT AS A PLEA AGREEMENT?

8 A YES.

9 Q AND TO YOUR KNOWLEDGE, DID AN ASSISTANT UNITED STATES  
10 ATTORNEY SIGN THAT ON BEHALF OF THE GOVERNMENT?

11 A YES.

12 Q IN WHAT CITY DID THAT OCCUR, IF YOU KNOW?

13 A IN SAN DIEGO.

14 Q WAS THIS AGREEMENT ALSO SIGNED BY YOURSELF?

15 A YES.

16 Q AND DID YOU HAVE AN ATTORNEY AT THE TIME?

17 A YES.

18 Q AND DID HE SIGN IT, AS WELL?

19 A YES.

20 Q NOW, AT ANY POINT, SIR, HAVE YOU EVER SUFFERED ANY  
21 CONVICTION?

22 A YES.

23 Q CAN YOU TELL US WHERE?

24 A IN SAN DIEGO.

25 Q THE APPROXIMATE YEAR, IF YOU RECALL?

1 A 1986.

2 Q AND JUST BRIEFLY, WHAT WAS THE NATURE OF THE CONVICTION?  
3 WHAT WAS THE CHARGE?

4 A IT WAS AN UNRELATED MATTER.

5 Q CAN I JUST ASK YOU TO INDICATE THE CHARGE?

6 A IT WAS OFFERING A GRATUITY TO AN AGENT WITH NO CORRUPT  
7 INTENT.

8 Q AS A RESULT OF THE PLEA AGREEMENT IN SAN DIEGO, DID YOU  
9 RECEIVE A 16-MONTH SENTENCE?

10 A YES, I DID.

11 Q AND WAS THAT SENTENCE SUSPENDED PURSUANT TO THE PLEA  
12 AGREEMENT?

13 A YES.

14 Q WERE YOU PLACED ON A PERIOD OF PROBATION RELATED TO THAT  
15 AS, WELL?

16 A YES, I WAS.

17 Q FOR WHAT PERIOD OF TIME, MR. GOMEZ?

18 A FIVE YEARS.

19 Q IN ADDITION TO THIS, AT ANY TIME HAD THERE BEEN ADDITIONAL  
20 CHARGES RELATING TO FALSE STATEMENTS AGAINST YOU?

21 A I UNDERSTAND THERE WERE SOME AT THE BEGINNING, YES.

22 Q AND DID THIS INVOLVE A CHARGE OR ALLEGATION OF FALSE  
23 STATEMENTS RELATING TO THE IMPORTATION OF MONEY?

24 A THE WAY THAT I UNDERSTAND IT, THERE WERE SOME REPORTS THAT  
25 WERE NOT PROPERLY FILLED.

1 Q AND DID THESE CHARGES RELATE TO THIS 1 MILLION DOLLARS THAT  
2 YOU'VE TESTIFIED ABOUT ALREADY?

3 A YES.

4 Q AND DID THE FALSE STATEMENTS INVOLVE FALSE CLAIMS BY  
5 YOURSELF THAT THE MONEY BELONGED TO YOU?

6 A YES.

7 Q WHEN IN FACT IT BELONGED TO CHUY?

8 A YES.

9 Q AS PART OF YOUR PLEA AGREEMENT, MR. GOMEZ, HAVE THESE  
10 PARTICULAR CHARGES REGARDING FALSE STATEMENTS ULTIMATELY BEEN  
11 DISMISSED?

12 A YES.

13 Q IN ADDITION, HAS THE GOVERNMENT AGREED TO RECOMMEND AGAINST  
14 YOUR DEPORTATION TO MEXICO?

15 A YES.

16 Q AND FINALLY, SIR, HAS THERE BEEN ANY TYPE OF AGREEMENT WITH  
17 REGARD TO THE CALIFORNIA REAL ESTATE COMMISSION AS IT PERTAINS  
18 TO YOU?

19 A YES, THERE WAS GOING TO BE A LETTER SENT TO THE ATTENTION  
20 OF THE REAL ESTATE COMMISSIONER, TO OBTAIN MY REAL ESTATE  
21 LICENSE.

22 Q FINALLY, MR. GOMEZ, YOU HAVE BEEN PROVIDED WITH IMMUNITY  
23 FOR YOUR TESTIMONY; IS THAT CORRECT?

24 A THAT IS CORRECT, YES.

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



1 (GOVERNMENT COUNSEL CONFER OFF THE RECORD.)

2 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES DIRECT.  
3 THANK YOU.

4 THE COURT: YOU MAY CROSS-EXAMINE THE WITNESS.  
5 CROSS-EXAMINATION +

6 BY MR. STOLAR:

7 Q GOOD MORNING, MR. GOMEZ. IN CONNECTION WITH THE  
8 INVESTIGATION THAT WAS CONDUCTED IN THIS CASE, DID YOU HAVE  
9 OCCASIONS TO TALK TO EITHER F.B.I. PERSONNEL OR D.E.A.  
10 PERSONNEL?

11 A YES. I UNDERSTAND SO.

12 Q LAW ENFORCEMENT AGENTS?

13 A YES

14 Q AND YOU EXPLAINED TO THEM THAT YOU WERE AT 881 LOPE DE VEGA  
15 IN 84 AND EARLY 85; IS THAT RIGHT?

16 A YES.

17 Q AT ANY TIME. WERE YOU REQUESTED TO GIVE EXEMPLARS, SAMPLES  
18 OF YOUR HAIR?

19 A NO, I DON'T RECALL THAT.

20 Q WERE YOU EVER COMPELLED TO GIVE THAT BY CERTAIN FORMS OR  
21 GRAND JURY SUBPOENA?

22 A NO.

23 MR. STOLAR: THANK YOU.

24 CROSS-EXAMINATION +

25 BY MR. MEDVENE:

1 Q GOOD MORNING. IS IT TRUE, SIR, THAT WHILE YOU WERE  
2 EMPLOYED BY TIERRA NOVA REALTY, SEVERAL PROPERTIES WERE SOLD BY  
3 TIERRA NOVA TO CARO QUINTERO?

4 A I UNDERSTAND THAT, YES.

5 Q IS IT ALSO TRUE, SIR, THAT DURING THAT SAME PERIOD OF TIME,  
6 JESUS SANCHEZ BARBA SOLD SEVERAL HOUSES TO CARO QUINTERO?

7 A THAT'S WHAT I UNDERSTAND, YES.

8 Q IS IT ALSO TRUE, SIR, THAT THE GENTLEMAN THAT WE'VE CALLED  
9 WILLIE, CHAVEZ SANCHEZ, AND SANCHEZ BARBA, TOGETHER, TO YOUR  
10 KNOWLEDGE, SOLD SOME PROPERTY TO CARO QUINTERO IN FEBRUARY  
11 1985?

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

14 THE COURT: OVERRULED.

15 THE WITNESS: YES.

16 BY MR. MEDVENE:

17 Q NOW, YOU KNEW, SIR, PRIOR TO FEBRUARY OF 85 THAT CHAVEZ  
18 SANCHEZ HAD ON OCCASION HANDLED MONEY FOR CARO QUINTERO; IS  
19 THAT CORRECT?

20 A NOT SPECIFICALLY.

21 Q HE HAD BUSINESS DEALINGS WITH CARO QUINTERO, DO YOU KNOW?

22 A YES.

23 Q AND HE PURCHASED SOME PROPERTY FOR HIM ON OCCASION?

24 A YES, THAT'S WHAT I GOT TO LEARN.

25 Q NOW, RUBEN SANCHEZ BARBA, YOU KNOW HIM, DO YOU NOT, SIR?

1 A YES, I DO.

2 Q AND IS HE, TO YOUR KNOWLEDGE, ALSO IN THE REAL ESTATE  
3 BUSINESS?

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

6 MR. MEDVENE: JUST OPEN TO THIS LIMITED EXTENT, YOUR  
7 HONOR.

8 THE COURT: ALL RIGHT. GO AHEAD.

9 THE WITNESS: WOULD YOU REPEAT THE QUESTION AGAIN,  
10 PLEASE.

11 BY MR. MEDVENE:

12 Q YES. RUBEN SANCHEZ BARBA, WHY HE IS TO YOUR KNOWLEDGE, IS  
13 TO PERFORM A DEAL IN REAL ESTATE?

14 A YES. HE WORKS AT THE OFFICE OF MR. SANCHEZ BARBA.

15 Q AND SOMETIMES HE BUYS AND SELLS REAL ESTATE WITH HIS  
16 BROTHER, JESUS SANCHEZ BARBA; IS THAT CORRECT?

17 A PROBABLY SO.

18 Q HMM?

19 A PROBABLY SO.

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

22 THE COURT: OVERRULED.

23 BY MR. MEDVENE:

24 Q IS IT TRUE, SIR, THAT THE FIRST OCCASION TO YOUR KNOWLEDGE  
25 WHEN YOU WENT TO LOPE DE VEGA WAS NOT 84, BUT SOMETIME BETWEEN

1 JANUARY 15TH TO JANUARY 20TH OF 1985?

2 A IT COULD HAVE BEEN. I DON'T RECALL EXACTLY WHEN, BUT THE  
3 RECOLLECTION OF THE EVENTS LEADS ME TO BELIEVE THAT IT WAS LATE  
4 84.

5 Q DID YOU, SIR, TESTIFY IN MARCH -- EXCUSE ME.

6 DID YOU TESTIFY FEBRUARY 13TH 1986 BEFORE A GRAND JURY  
7 IN WASHINGTON, D.C., TO THE BEST OF YOUR RECOLLECTION?

8 A YES.

9 Q AND THAT WAS A TIME CONSIDERABLY CLOSER TO THE EVENTS THAN  
10 TODAY?

11 A YES, IT WAS.

12 MR. MEDVENE: MAY I READ FROM THAT TRANSCRIPT, YOUR  
13 HONOR, PAGE 19, LINES 1 THROUGH 10?

14 MR. MEDRANO: OBJECTION. IMPROPER EFFORT TO REFRESH  
15 RECOLLECTION.

16 THE COURT: WHAT IS THE PURPOSE OF THIS?

17 MR. MEDVENE: I WANT TO READ IT IN FOR TWO PURPOSES.  
18 ONE, YOUR HONOR, IS SUBSTANTIVE TESTIMONY; AND TWO, FOR  
19 PURPOSES OF REFRESHING RECOLLECTION.

20 THE COURT: HE HASN'T INDICATED THAT HIS RECOLLECTION  
21 NEEDS REFRESHING, WHICH IS A FOUNDATION.

22 MR. MEDVENE: I WANT TO READ IT IN AS SUBSTANTIVE  
23 TESTIMONY.

24 MR. MEDRANO: OBJECTION, YOUR HONOR.

25 THE COURT: SUSTAINED.

1 BY MR. MEDVENE:

2 Q DID YOU TELL THE GRAND JURY ON THAT OCCASION THAT THE FIRST  
3 OCCASION WHEN YOU VISITED LOPE DE VEGA WAS JANUARY 15TH, OR  
4 BETWEEN JANUARY 15TH AND JANUARY 20TH 1985?

5 A IF YOU HAVE A COPY OF THAT TESTIMONY, I HAVE TO TAKE YOUR  
6 WORD FOR IT, SIR.

7 Q WOULD IT BE YOUR RECOLLECTION NOW, AS YOU THINK ABOUT IT,  
8 THAT YOUR FIRST OCCASION VISITING LOPE DE VEGA WAS THE MIDDLE  
9 OF JANUARY OF 1985?

10 A IT COULD HAVE BEEN. I AM NOT TOTALLY CERTAIN, SIR.

11 Q NOW, IS IT TRUE THAT -- STRIKE THAT.

12 YOU KNEW, AS OF JANUARY OF 1985, THAT JESUS SANCHEZ  
13 BARBA WAS -- AT LEAST IT WAS YOUR UNDERSTANDING, HAD ACQUIRED  
14 THE LOPE DE VEGA PROPERTY; IS THAT CORRECT, SIR?

15 MR. MEDRANO: OBJECTION. LACK OF FOUNDATION.

16 THE COURT: OVERRULED.

17 THE WITNESS: YES, IT WAS MY UNDERSTANDING.

18 BY MR. MEDVENE:

19 Q DO YOU KNOW WHETHER OR NOT HE ACQUIRED IT WITH HIS BROTHER,  
20 RUBEN SANCHEZ BARBA?

21 A I DIDN'T AT THAT POINT. SOMETIME LATER ON IT WAS BROUGHT  
22 UP, BUT I DID NOT KNOW AT THAT POINT.

23 Q YOU FOUND OUT AT A LATER TIME THAT HE ACQUIRED IT WITH HIS  
24 BROTHER DR. RUBEN SANCHEZ BARBA?

25 A YES.

1 Q IN JANUARY OF 85 YOU WERE MADE AWARE, WITH WILLIE, THAT  
2 JESUS SANCHEZ BARBA WANTED TO SELL THE PROPERTY?

3 A YES.

4 Q AND HE ENLISTED THE AID OF TIERRA NOVA REALTY TO TRY TO GET  
5 THE PROPERTY SOLD TO A THIRD PARTY; IS THAT CORRECT?

6 A YES.

7 Q IS IT TRUE THAT SOMETIME IN OR AROUND THAT PERIOD, YOU  
8 FOUND OUT THAT JESUS SANCHEZ BARBA HAD SHOWN THE PROPERTY TO  
9 CARO QUINTERO?

10 MR. MEDRANO: OBJECTION. LACK OF FOUNDATION.

11 THE COURT: SUSTAINED.

12 MR. MEDVENE: I ASKED IF HE ASCERTAINED THAT.

13 THE COURT: YOU ASKED HIM IF HE FOUND OUT, WHICH IS  
14 HEARSAY. YOU MAY ASK HIM WHAT HIS KNOWLEDGE OF THE TRANSACTION  
15 IS.

16 MR. MEDVENE: YES, SIR.

17 THE WITNESS: WOULD YOU DO THE QUESTION AGAIN, PLEASE,  
18 SIR?

19 MR. MEDVENE: YES.

20 Q DO YOU HAVE ANY INFORMATION ABOUT WHETHER, AT SOME TIME IN  
21 OR ABOUT MID-JANUARY OF 1985, JESUS SANCHEZ BARBA SHOWED THE  
22 LOPE DE VEGA PROPERTY TO CARO QUINTERO?

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

24 THE COURT: OVERRULED.

25 THE WITNESS: I ASKED JESUS IF THE HOUSE WAS AVAILABLE

1 SOMETIME IN THE EARLY PART OF 85, AND HE TOLD ME, NO, THE HOUSE  
2 HAD BEEN SOLD. HE DID NOT INDICATE WHO HE'D SOLD IT TO.

3 BY MR. MEDVENE:

4 Q DID HE AT SOME PERIOD OF TIME TELL YOU HE'D SOLD IT TO CARO  
5 QUINTERO?

6 MR. MEDRANO: OBJECTION, YOUR HONOR. THAT'S HEARSAY.

7 THE COURT: SUSTAINED.

8 THE WITNESS: YES. IT WAS COMMON KNOWLEDGE.

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

10 THE WITNESS: I'M SORRY.

11 BY MR. MEDVENE:

12 Q WHEN YOU WENT TO THE LOPE DE VEGA HOUSE FEBRUARY 8TH, IT  
13 WAS YOUR UNDERSTANDING THAT THAT WAS CARO QUINTERO'S HOUSE; IS  
14 THAT CORRECT?

15 A YES.

16 Q NOW, PRIOR TO THE -- STRIKE THAT.

17 THERE WERE A NUMBER OF REPAIRS GOING ON IN THE MIDDLE  
18 OF JANUARY OF 1985 TO THE LOPE DE VEGA HOUSE; IS THAT CORRECT?

19 A THERE WERE A NUMBER OF WHAT?

20 Q OF REPAIRS TO THE HOUSE?

21 A YES.

22 Q WAS IT YOUR UNDERSTANDING THAT -- STRIKE THAT.

23 HAD JESUS SANCHEZ BARBA TOLD YOU AT THE TIME YOU  
24 VISITED THE HOUSE THAT HE WAS WORRIED ABOUT GETTING STUCK WITH  
25 THE HOUSE AND NOT BEING ABLE TO SELL IT?

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

2 THE COURT: SUSTAINED.

3 BY MR. MEDVENE:

4 Q DID YOU HAVE ANY INFORMATION THAT CARO QUINTERO, WHEN  
5 INITIALLY SHOWN THE HOUSE, BEFORE REPAIRS WERE DONE IN JANUARY  
6 OF 85, SAID THE HOUSE WAS TRASHED OUT AND HE DIDN'T WANT IT?

7 MR. MEDRANO: OBJECTION, YOUR HONOR. LACK OF  
8 FOUNDATION AND HEARSAY AND COMPOUND QUESTION.

9 THE COURT: SUSTAINED.

10 BY MR. MEDVENE:

11 Q WHEN YOU VISITED THE HOUSE -- WHETHER IT'S MID-JANUARY OF  
12 85 OR WHENEVER -- WAS THE POOL BEING REPAIRED?

13 A MAYBE IT WAS BEING CLEANED.

14 Q NEW FURNITURE WAS BEING PUT IN THE HOUSE?

15 A YES.

16 Q THE LAWN WAS BEING RESODDED.

17 Q NEWLY PAINTED?

18 A YES.

19 Q NEW CARPETS?

20 A PROBABLY, YES, OR CLEANED; BUT PROBABLY NEW ONES.

21 Q AND ALSO, AS YOU OBSERVED, WALKING ABOUT THE HOUSE, MANY  
22 WORKMEN DOING VARIOUS REMODELING TASKS TO GET THE HOUSE READY  
23 FOR THE NEW PURCHASER?

24 A YES.

25 Q IN FACT, ISN'T IT TRUE, SIR, THAT WHEN YOU WENT TO THE



1 HOUSE, MID-JANUARY OR WHATEVER, THAT FROM THE STATEMENTS JESUS  
2 MADE TO YOU AT THAT TIME, IT WAS YOUR UNDERSTANDING THAT IT WAS  
3 HIS HOUSE AND HE WAS TRYING TO SELL IT.

4 MR. MEDRANO: OBJECTION, YOUR HONOR. IT'S HEARSAY AND  
5 LACK OF FOUNDATION.

6 THE COURT: THE WITNESS MAY ANSWER.

7 THE WITNESS: YES, IT WAS.

8 BY MR. MEDVENE:

9 Q YOU KNEW JESUS SANCHEZ BARBA FOR SOME PERIOD OF TIME BEFORE  
10 JANUARY OF 85; IS THAT CORRECT?

11 A YES.

12 Q AND IS IT TRUE, SIR, THAT YOU KNEW ON OCCASION HE WOULD BUY  
13 REAL ESTATE PROPERTY ON SPECULATION AND THEN ATTEMPT TO TURN IT  
14 OVER AND SELL IT?

15 MR. MEDRANO: OBJECTION. LACK OF FOUNDATION, YOUR  
16 HONOR. COMPOUND QUESTION.

17 THE COURT: OVERRULED.

18 THE WITNESS: YES.

19 BY MR. MEDVENE:

20 Q IN FACT, YOU KNEW HIM SOMETIMES TO CAUSE PROPERTY TO BE  
21 PLACED IN ESCROW AND DURING THE ESCROW PERIOD TRY TO TURN IT  
22 OVER AND SELL IT FOR A PROFIT TO SOMEBODY ELSE; ISN'T THAT  
23 TRUE?

24 A YES.

25 Q OTHER THAN THE WORKMEN WORKING THERE, THE HOUSE WAS

1 COMPLETELY VACANT WHEN YOU VISITED IT, THE MIDDLE OF JANUARY OR  
2 YOUR FIRST OCCASION; IS THAT CORRECT?

3 A TO THE BEST OF MY KNOWLEDGE, YES.

4 Q YOU KNOW JAVIER BARBA HERNANDEZ, DO YOU NOT, SIR?

5 A YES.

6 Q AND YOU KNOW HIM TO BE A FRIEND OF -- I'M GOING OUTSIDE  
7 JUST A LITTLE BIT, YOUR HONOR.

8 THE COURT: WELL, YOU'VE BEEN OUTSIDE QUITE A BIT.

9 COURTROOM: (LAUGHTER.)

10 MR. MEDRANO: RELEVANCE AND BEYOND THE SCOPE.

11 THE COURT: SUSTAINED.

12 BY MR. MEDVENE:

13 Q IS JAVIER BARBA HERNANDEZ TO YOUR KNOWLEDGE -- DOES HE HAVE  
14 ANY RELATIONSHIP TO JESUS SANCHEZ BARBA?

15 A I WOULDN'T KNOW.

16 Q NOT THE SAME FAMILY?

17 A I DON'T THINK SO.

18 Q YOU SAW HIM ON SEVERAL OCCASIONS, DID YOU NOT?

19 MR. MEDRANO: OBJECTION. AMBIGUOUS. WHO, YOUR HONOR?

20 MR. MEDVENE: JAVIER BARBA HERNANDEZ.

21 THE COURT: YOU MAY ANSWER.

22 THE WITNESS: YES.

23 BY MR. MEDVENE:

24 Q YOU NEVER SAW RUBEN ZUNO ARCE WITH HIM, DID YOU?

25 A NO.

1 Q YOU SAW CARO QUINTERO ON SEVERAL OCCASIONS, DID YOU NOT?

2 A A COUPLE.

3 Q YOU NEVER SAW RUBEN ZUNO ARCE WITH HIM, DID YOU?

4 A NO.

5 Q DID YOU KNOW ERNESTO FONSECA?

6 A YES, I DID.

7 Q SEEN HIM ON A NUMBER OF --

8 MR. MEDRANO: OBJECTION, YOUR HONOR. THAT'S BEYOND  
9 THE SCOPE OF DIRECT.

10 THE COURT: YES, IT IS. SUSTAINED.

11 MR. MEDVENE: MAY I OPEN JUST FOR THIS LIMITED  
12 PURPOSE, YOUR HONOR, TWO MORE QUESTIONS, INSTEAD OF CALLING THE  
13 WITNESS BACK?

14 MR. MEDRANO: OBJECTION.

15 THE COURT: NO. YOU MAY CALL THE WITNESS BACK IF YOU  
16 WISH.

17 MR. MEDVENE: ALL RIGHT, SIR. THANK YOU VERY MUCH.

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

20 MR. NICOLAYSEN: NO, YOUR HONOR.

21 MS. KELLY: YOUR HONOR, JUST BRIEFLY.

22 CROSS-EXAMINATION +

23 BY MS. KELLY:

24 Q GOOD MORNING, MR. GOMEZ. DID YOU SEE MR. FONSECA AT LOPE  
25 DE VEGA ON FEBRUARY 8TH?

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

3 THE COURT: OVERRULED.

4 THE WITNESS: NO.

5 MS. KELLY: THANK YOU. NOTHING FURTHER.

6 THE COURT: YOU MAY STEP DOWN.

7 THE WITNESS: YES, YOUR HONOR.

8 MR. CARLTON: YOUR HONOR, THE GOVERNMENT CALLS LUIS  
9 ZAVALA.

10 THE COURT: YOU MAY STEP DOWN.

11 WHAT IS YOUR WITNESS'S NAME?

12 MR. CARLTON: LUIS EDUARDO ZAVALA.

13 (PAUSE IN PROCEEDINGS.)

14 THE COURT: HAS ANYONE TOLD THE WITNESS?

15 COURTROOM: (LAUGHTER.)

16 MR. CARLTON: YES.

17 (WITNESS ENTERS COURTROOM.)

18 THE COURT: COME FORWARD, PLEASE.

19 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

20

21 LUIS EDUARDO ZAVALA NUNEZ + PLAINTIFF'S WITNESS, SWORN

22

23 THE CLERK: YOU MAY BE SEATED. PLEASE STATE YOUR FULL  
24 NAME FOR THE RECORD.

25 THE WITNESS: (TESTIFYING THROUGH INTERPRETER:) LUIS

1 EDUARDO ZAVALA NUNEZ.

2 THE COURT: AND SPELL YOUR LAST NAME?

3 THE WITNESS: Z A V A L A .

4 DIRECT EXAMINATION +

5 BY MR. CARLTON:

6 Q GOOD MORNING, MR. ZAVALA. MR. ZAVALA, ARE YOU A CITIZEN OF  
7 MEXICO?

8 A YES.

9 Q AND DO YOU LIVE IN MEXICO AT THIS TIME?

10 A YES.

11 Q IN WHAT CITY?

12 A GUADALAJARA, JALISCO.

13 Q HAVE YOU LIVED THERE YOUR ENTIRE LIFE?

14 A YES.

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

16 A AVELAREZ.

17 Q AVELAREZ. I'M SORRY.

18 A YES.

19 Q AND WHO WAS HE?

20 A MY FATHER.

21 Q MR. ZAVALA, I BELIEVE THAT JUST BEHIND THE INTERPRETER --  
22 I'M SORRY. JUST IN FRONT OF YOU, IF YOU'LL LOOK AT THE EXHIBIT  
23 MARKED EXHIBIT 58, WILL YOU LOOK AT THE YELLOW TAG?

24 A (COMPLIES.) UH-HUH.

25 Q DO YOU RECOGNIZE THAT?

1 A YES. IT'S A PHOTOGRAPH OF MY FATHER.

2 MR. CARLTON: YOUR HONOR, I WOULD MOVE THAT THIS BE  
3 RECEIVED.

4 THE COURT: BE RECEIVED.

5 (EXHIBIT 58 # RECEIVED IN EVIDENCE.)

6 BY MR. CARLTON:

7 Q NOW, DIRECTING YOUR ATTENTION TO EARLY 1985, MR. ZAVALA, BY  
8 WHOM WAS YOUR FATHER EMPLOYED AT THAT TIME?

9 A HE WAS A PILOT FOR THE AGRICULTURAL AND WATER RESOURCES  
10 MINISTRY.

11 Q DO YOU KNOW HOW LONG HE HAD BEEN EMPLOYED IN THAT POSITION?

12 A MORE THAN 15 YEARS.

13 Q AND JUST IN A GENERAL WAY, CAN YOU DESCRIBE WHAT THAT IS  
14 THAT HE DID AS A PILOT FOR THAT MINISTRY.

15 A YES. HE WOULD TAKE OFFICIALS FROM THAT MINISTRY, OR  
16 WORKERS FOR THAT MINISTRY, TO DIFFERENT PARTS OF THE COUNTRY.

17 Q THIS WOULD BE IN AN AIRPLANE?

18 A IN A SMALL AIRPLANE.

19 Q NOW, DID YOU KNOW AN INDIVIDUAL NAMED ENRIQUE CAMARENA?

20 A YES.

21 Q WHEN DID YOU FIRST MEET HIM?

22 A I DON'T REMEMBER EXACTLY, BUT IT'S POSSIBLE THAT IT WAS IN  
23 1984.

24 Q DID YOUR FATHER EVER MENTION HIS NAME?

25 A YES.

1 Q AND DO YOU RECALL HOW MANY TIMES YOU MET HIM?

2 A ON MORE THAN 15 OCCASIONS.

3 Q WAS THAT IN THE COMPANY OF YOUR FATHER?

4 A MANY TIMES.

5 Q DID YOU HAVE OCCASION TO HEAR ENRIQUE CAMARENA SPEAK ON ANY  
6 OF THE OCCASIONS THAT YOU MET HIM?

7 A HE WAS SPEAKING WITH MY FATHER.

8 Q SO DID YOU RECOGNIZE HIS VOICE?

9 A DEFINITELY.

10 Q DID YOU EVER CALL YOUR HOUSE, THAT YOU KNOW OF?

11 A ON MANY OCCASIONS.

12 Q AND LET'S SAY DURING 1984, TO YOUR KNOWLEDGE HOW FREQUENTLY  
13 WOULD HE CALL YOUR HOUSE?

14 A FIVE OR SIX TIMES IN A WEEK.

15 Q AND WHEN HE CALLED YOUR HOUSE, WHO DID HE SPEAK TO?

16 A WITH MY FATHER.

17 Q WAS THERE ANY POINT DURING 1984 WHEN HIS CALLS TO THE HOUSE  
18 CHANGED IN THEIR FREQUENCY?

19 A YES.

20 Q DO YOU RECALL WHEN THAT WAS?

21 A STARTING WITH THE MONTH OF SEPTEMBER OR OCTOBER OF THAT  
22 YEAR, BUT WITH GREATER FREQUENCY AFTER THE MONTH OF NOVEMBER.

23 Q NOW, DID YOU EVER HAVE OCCASION TO DELIVER ANY DOCUMENTS TO  
24 ENRIQUE CAMARENA?

25 A ON SEVERAL OCCASIONS.

1 Q DO YOU HAVE ANY IDEA HOW MANY TIMES?

2 A AS A MINIMUM, ON 20 OCCASIONS.

3 Q AND FOR WHAT PURPOSE WERE YOU DELIVERING THESE DOCUMENTS TO  
4 CAMARENA?

5 A MY FATHER WOULD TELL ME TO DELIVER SOME ENVELOPES THAT  
6 WOULD CONTAIN SOME INFORMATION.

7 Q AND WHERE DID YOU DELIVER THESE DOCUMENTS?

8 A THE AMERICAN CONSULATE.

9 Q DO YOU RECALL WHEN THE LAST SUCH DELIVERY WAS?

10 A I DON'T REMEMBER EXACTLY, BUT IT WOULD HAVE BEEN TOWARD THE  
11 END OF 1984 OR THE BEGINNING OF 1985.

12 Q AND ON ANY OCCASION, DID YOU SEE ANY OF THE DOCUMENTS THAT  
13 YOUR FATHER ASKED TO YOU DELIVER TO AGENT CAMARENA?

14 A YES.

15 Q WHAT DID YOU NOTICE ABOUT THOSE DOCUMENTS?

16 MR. MEZA: OBJECTION, YOUR HONOR. CALLS FOR HEARSAY.  
17 NO FOUNDATION.

18 THE COURT: I DON'T UNDERSTAND THE QUESTION TO ASK FOR  
19 THE CONTENT.

20 YOU SAID, "WHAT DID YOU NOTICE ABOUT THOSE DOCUMENTS?"

21 MR. CARLTON: THE NAME OF THE DOCUMENT; YES, SIR. NOT  
22 WHAT WAS IN THEM, BUT WHAT KIND OF DOCUMENTS WERE THEY.

23 THE COURT: YOU MAY DESCRIBE WHAT THEY WERE.

24 THE WITNESS: YES.

25 BY MR. CARLTON:



1 Q WHAT DID YOU NOTICE ABOUT THEM?

2 A THEY WERE NOTATIONS OR DESCRIPTIOINS OF PLACES, TAKING INTO  
3 ACCOUNT THE LOCATION AS FAR AS A MAP, AND BASED ON STATISTICS  
4 WHICH ARE NORMALLY KEPT BY PILOTS.

5 Q NOW, AT ANY POINT DURING 1984, DID YOU NOTICE A CHANGE IN  
6 YOUR FATHER'S PERSONALITY?

7 A YES.

8 Q WHAT DID YOU NOTICE?

9 A HE BECAME A VERY NERVOUS MAN, AS IF EXPECTING SOMETHING, AS  
10 IF BEING ON THE ALERT FOR SOMETHING.

11 Q DO YOU RECALL WHEN THIS CHANGE OCCURRED?

12 A UPON HIS RETURN FROM A TRIP THAT HE MADE TO CHIHUAHUA IN  
13 THE MONTH OF NOVEMBER OF 84.

14 Q NOW, IN FEBRUARY OF 1985, DO YOU KNOW WHETHER YOUR FATHER  
15 HAD OCCASION TO TAKE A TRIP TO DURANGO?

16 A YES.

17 Q AND ON WHAT DATE DID HE LEAVE ON THAT TRIP?

18 A FEBRUARY 5, 1985.

19 Q NOW, WHEN HE LEFT -- IS DURANGO A CITY? IS THAT WHERE HE  
20 WENT?

21 A YES. YES, HE WENT ON A TRIP TO DURANGO.

22 Q THAT'S IN THE STATE OF DURANGO, AS WELL, IS IT NOT?

23 A YES.

24 Q WHEN DID YOU EXPECT YOUR FATHER TO RETURN FROM THAT TRIP?

25 A WELL, IT SHOULD HAVE BEEN ON THE 6TH OR THE 7TH.

1 Q DID YOU SEE YOUR FATHER BEFORE HE LEFT ON THIS TRIP?

2 A YES.

3 Q AND DID YOU NOTICE WHAT CLOTHING HE WAS WEARING AT THAT  
4 TIME?

5 A YES.

6 Q CAN YOU DESCRIBE THE CLOTHING THAT HE WAS WEARING?

7 A YES. IT WAS A SWEATSHIRT, OR A THICK SHIRT. AND THERE  
8 WERE BEIGE-COLORED PANTS OR SOME DARK PANTS; I DON'T RECALL THE  
9 EXACT COLOR. AND HE WOULD NORMALLY WEAR A T-SHIRT AND SHORTS.

10 Q DID YOU EVER SEE YOUR FATHER ALIVE AFTER HE LEFT ON THIS  
11 TRIP?

12 A NO.

13 Q NOW, AT SOME POINT, DID YOU BECOME CONCERNED WHEN YOUR  
14 FATHER DID NOT RETURN AS YOU HAD EXPECTED?

15 A YES.

16 Q AND DID YOU MAKE EFFORTS TO LOCATE HIM?

17 A YES.

18 Q WHAT WAS THE FIRST THING THAT YOU DID?

19 A WELL, I TRIED TO FIND OUT AT HIS WORK WHEN HE HAD ARRIVED.

20 Q ARRIVED BACK IN GUADALAJARA?

21 A YES, THAT THEY SHOULD LET US KNOW WHAT WAS GOING ON.

22 Q WERE YOU ABLE TO FIND OUT WHETHER HE HAD ARRIVED BACK IN  
23 GUADALAJARA?

24 A YES.

25 Q AND WHEN WAS THAT?

1 A IT WAS ON THE 8TH OF FEBRUARY.

2 Q THAT YOU FOUND OUT?

3 A YES.

4 Q AND WHAT WAS IT THAT YOU FOUND OUT?

5 MR. MEZA: OBJECTION, YOUR HONOR. CALLS FOR HEARSAY.

6 THE COURT: SUSTAINED.

7 THE WITNESS: (SPEAKS IN SPANISH.)

8 THE COURT: JUST A MOMENT. THERE'S NO QUESTION.

9 BY MR. CARLTON:

10 Q NOW, IN THE COURSE OF YOUR EFFORTS TO LOCATE YOUR FATHER,  
11 MR. ZAVALA, DID YOU CONTACT TO THE D.E.A. OFFICE IN  
12 GUADALAJARA?

13 A YES.

14 Q WHO DID YOU SPEAK WITH AT THAT OFFICE?

15 A I TRIED TO GET IN TOUCH WITH ENRIQUE CAMARENA.

16 Q WERE YOU ABLE TO DO THAT?

17 A NO.

18 Q DID YOU SPEAK WITH ANYONE AT THE OFFICE?

19 A YES.

20 Q WHO DID YOU SPEAK WITH?

21 A JAIME KUYKENDALL.

22 Q AND WHO WAS HE?

23 A I IMAGINE HE WAS A D.E.A. AGENT.

24 Q NOW, DID YOU PROVIDE ANY INFORMATION TO AGENT KUYKENDALL,  
25 ANY INFORMATION THAT YOU HAD OBTAINED IN YOUR EFFORTS TO LOCATE

1 YOUR FATHER?

2 A YES.

3 Q AND DO YOU RECALL WHEN IT WAS THAT YOU SPOKE WITH AGENT  
4 KUYKENDALL?

5 A ON THE 8TH OF FEBRUARY, 1985.

6 Q DO YOU RECALL WHEN ON THAT DATE YOU HAD THIS CONVERSATION?

7 Q IT WAS BETWEEN 4 AND 5 O'CLOCK IN THE AFTERNOON.

8 Q AND WHY DID YOU PROVIDE THIS INFORMATION TO AGENT  
9 KUYKENDALL?

10 MS. KELLY: OBJECTION, YOUR HONOR. RELEVANCE.

11 THE COURT: OVERRULED.

12 THE WITNESS: BECAUSE MY FATHER HAD MENTIONED TO US,  
13 TO ME ESPECIALLY --

14 MS. KELLY: OBJECTION, YOUR HONOR TO THIS PART OF THE  
15 QUESTION AS HEARSAY.

16 THE COURT: OVERRULED.

17 THE WITNESS: HE HAD SAID THAT IF WE WERE WORRIED, HE  
18 HAD THE PHONE NUMBERS AND NAMES OF SEVERAL PEOPLE THAT WE COULD  
19 GET IN TOUCH WITH TO ASK FOR HELP.

20 BY MR. CARLTON:

21 Q SO DID YOU GIVE THIS INFORMATION TO AGENT KUYKENDALL IN  
22 ORDER TO OBTAIN HIS HELP IN FINDING YOUR FATHER?

23 A DEFINITELY.

24 THE COURT: WE WILL TAKE OUR AFTERNOON RECESS AT THIS  
25 TIME AND RECONVENE AT 1:30.

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

---0---

1 LOS ANGELES + CALIFORNIA, WEDNESDAY, MAY 30, 1990

2 + 1:30 P.M.

3 (JURY PRESENT:)

4 THE COURT: YOU MAY CONTINUE.

5  
6 LUIS E. ZAVALA NUNEZ + PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

7  
8 DIRECT EXAMINATION + (RESUMED)

9 BY MR. CARLTON:

10 Q MR. ZAVALA, I BELIEVE WHEN WE LEFT OFF, YOU HAD STATED THAT  
11 YOU HAD BEEN PROVIDED CERTAIN INFORMATION FROM AGENT KUYKENDALL  
12 IN ORDER OBTAIN HIS HELP IN FINDING YOUR FATHER.

13 WHAT INFORMATION WAS IT THAT HE PROVIDED TO YOU TO  
14 ASSIST IN THAT REGARD?

15 MS. KELLY: OBJECTION, YOUR HONOR. HEARSAY.

16 THE COURT: OVERRULED.

17 THE WITNESS: INFORMATION THAT HE HAD OBTAINED IN  
18 REGARD TO THE WAY THAT MY FATHER WAS TAKEN.

19 BY MR. CARLTON:

20 Q AND WHAT WAS THAT?

21 MR. MEZA: OBJECTION. NO FOUNDATION.

22 THE COURT: SUSTAINED.

23 BY MR. CARLTON:

24 Q WAS AGENT KUYKENDALL ABLE TO TELL YOU WHERE YOUR FATHER  
25 WAS?

1 A NO.

2 Q DID YOU THEN CONTINUE YOUR EFFORTS TO LOCATE HIM?

3 A YES.

4 Q AND DID YOU DO ANYTHING ELSE ON FEBRUARY 8TH IN YOUR  
5 EFFORTS TO FIND YOUR FATHER?

6 A YES. I WENT TO THE JALISCO STATE D.A.'S OFFICE AND I ALSO  
7 WENT TO THE PLACES OF -- WHERE ONE OBTAINS HELP.

8 Q WHAT DID YOU DO AT THE JALISCO STATE D.A.'S OFFICE?

9 A I FILED A COMPLAINT IN REGARD TO THE DISAPPEARANCE OF MY  
10 FATHER.

11 Q AND WHEN WAS THAT?

12 A THAT WAS THE 8TH OF FEBRUARY, 1985.

13 Q LATER IN THE AFTERNOON?

14 A YES.

15 Q DID YOU LOOK IN ANY HOSPITALS?

16 A YES: THE RED CROSS, THE GREEN CROSS.

17 Q AND YOU WERE UNABLE TO FIND YOUR FATHER?

18 A NO.

19 Q DRAWING YOUR ATTENTION, MR. ZAVALA, TO ABOUT A MONTH LATER,  
20 TO MARCH 6TH OF 1985, ON THAT DATE DID YOU GO TO THE  
21 GUADALAJARA MORGUE?

22 A YES.

23 Q WHY DID YOU DO THAT?

24 A BECAUSE MY ATTENDANCE WAS REQUESTED IN ORDER TO TRY TO  
25 IDENTIFY ONE OR BOTH OF THE CORPSES, TO SEE IF ONE OF THEM WAS

1 MY FATHER.

2 Q WHO REQUESTED YOUR ATTENDANCE?

3 A A MAN BY THE NAME OF EDUARDO FIGUEROA ALFONSO.

4 Q AND WHO WAS HE?

5 A HE WAS A REPRESENTATIVE OF THE FEDERAL PUBLIC PROSECUTOR'S  
6 OFFICE.

7 Q DID YOU TAKE ANYTHING WITH YOU TO ASSIST YOU IN IDENTIFYING  
8 ONE OF THESE BODIES?

9 A YES.

10 Q WHAT WAS IT THAT YOU TOOK WITH YOU?

11 A SOME MOLAR BRIDGES BELONGING TO MY FATHER.

12 Q TWO BRIDGES?

13 A YES.

14 Q HAD HE LEFT THOSE WHEN HE DEPARTED ON HIS TRIP TO DURANGO?

15 A HE HAD FORGOTTEN THEM.

16 Q DIRECTING YOUR ATTENTION, MR. ZAVALA, TO ONE OF THE  
17 PHOTOGRAPHS IN FRONT OF YOU, I BELIEVE IT'S MARKED EXHIBIT 59.  
18 DO YOU RECOGNIZE EXHIBIT 59?

19 A YES. THESE ARE THE DENTAL BRIDGES THAT I REFERRED TO.

20 Q NOW, WHEN YOU GOT TO THE MORGUE, WHERE DID YOU GO?

21 A TO A PART OF THE MORGUE WHERE I HAD TO WAIT IN ORDER TO BE  
22 CALLED TO IDENTIFY SEVERAL BODIES.

23 Q HOW LONG DID YOU WAIT THERE?

24 A ABOUT SIX OR SEVEN HOURS.

25 Q WERE YOU EVENTUALLY ALLOWED IN TO VIEW SOME BODIES?



1 A YES.

2 Q AND WHEN YOU GOT -- WHEN YOU WALKED INTO THAT ROOM, WHAT  
3 DID YOU SEE?

4 A WELL, THERE WERE TWO BODIES LYING ON TWO TABLES, AND THERE  
5 WERE MANY PEOPLE AROUND.

6 Q WERE YOU ABLE TO IDENTIFY ONE OF THOSE BODIES AS THE BODY  
7 OF YOUR FATHER?

8 A YES.

9 Q HOW WERE YOU ABLE TO DO THAT?

10 A BASED ON SCARS THAT WE KNEW THAT OUR FATHER HAD ON HIS  
11 BODY.

12 Q WHAT SCARS WERE THOSE?

13 A ONE ON HIS KNEE; ANOTHER ONE ON A THUMB; AND ONE ON HIS  
14 BACK, ON HIS LOWER BACK.

15 Q DID YOU SEE THESE SCARS ON ONE OF THOSE BODIES?

16 A YES.

17 Q DID YOU DETERMINE WHETHER THE DENTAL BRIDGE THAT YOU TOOK  
18 FIT INTO THAT SAME BODY?

19 A YES.

20 MS. KELLY: YOUR HONOR, I HAVE AN OBJECTION TO THIS  
21 TESTIMONY, FOR LACK OF FOUNDATION.

22 THE COURT: OVERRULED.

23 BY MR. CARLTON:

24 Q YES?

25 A YES.

1 Q NOW, DID YOU SEE ANY CLOTHING IN THE SAME ROOM WITH THESE  
2 BODIES?

3 A BEFORE GOING IN TO OBSERVE THE BODIES, I WAS PROVIDED, IN A  
4 DISCOURTEOUS AND ABRUPT MANNER, SOME CLOTHING THAT ONE OF THE  
5 BODIES HAD SUPPOSEDLY WORN.

6 MR. MEZA: OBJECT, YOUR HONOR. NO PERSONAL KNOWLEDGE.  
7 HEARSAY.

8 MR. CARLTON: I'LL TIE THIS UP YOUR HONOR.

9 THE COURT: OVERRULED.

10 BY MR. CARLTON:

11 Q DID YOU RECOGNIZE ANY OF THAT CLOTHING?

12 A YES.

13 Q WHAT DID YOU RECOGNIZE?

14 A THE SWEATSHIRT, OR THE THICK SHIRT; THE PANTS.

15 Q ANYTHING ELSE?

16 A I DON'T KNOW WHETHER WE WERE SHOWN A T-SHIRT AND SOME BOXER  
17 SHORTS.

18 Q DID YOU RECOGNIZE THE SWEATSHIRT AND THE PANTS AS BEING THE  
19 SAME SWEATSHIRT AND THE PANTS THAT YOUR FATHER WAS WEARING WHEN  
20 YOU LAST SAW HIM?

21 MR. MEZA: OBJECTION, YOUR HONOR. LEADING.

22 THE COURT: OVERRULED.

23 THE WITNESS: YES, EXACTLY.

24 BY MR. CARLTON:

25 Q NOW, I WOULD LIKE YOU TO LOOK AT SOME PHOTOGRAPHS THAT WERE

1 PUT IN FRONT OF YOU AND MARKED AS 60 A, B AND C?

2 A (COMPLIES.)

3 Q DO YOU RECOGNIZE THOSE PHOTOGRAPHS?

4 A YES. THESE BELONGED TO ME FATHER.

5 Q WELL, LOOKING AT EXHIBIT 60 A, CAN YOU TELL US WHAT THAT  
6 IS?

7 A IT IS THE SWEATSHIRT THAT I MADE REFERENCE TO.

8 Q THE ONE THAT YOU SAW AT THE MORGUE THAT DAY?

9 A YES.

10 Q HOW ABOUT 60 B? WHAT IS THAT?

11 A YES.

12 Q AND WHAT IS THAT?

13 A IT'S THE T-SHIRT AND THE SWEATSHIRT.

14 Q AND 60 C, WHAT IS THAT?

15 A THESE ARE MY FATHER'S PANTS.

16 MR. CARLTON: YOUR HONOR, I WOULD MOVE AT THIS TIME  
17 THAT EXHIBITS 59 AND 60 A THROUGH C BE RECEIVED.

18 MS. KELLY: I HAVE AN OBJECTION TO THOSE, YOUR HONOR,  
19 ON THE BASIS OF FEDERAL RULES 104 -- 1007 AND 1004, YOUR HONOR,  
20 IN THE NATURE OF THE BEST EVIDENCE, PARTICULARLY THE PHOTOGRAPH  
21 OF THE DENTAL BRIDGE.

22 THE COURT: THE OBJECTION IS OVERRULED.

23 MR. CARLTON: MAY I HAVE A MOMENT, YOUR HONOR?

24 (GOVERNMENT COUNSEL CONFER OFF THE RECORD.)

25 MR. CARLTON: NOTHING FURTHER.

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

2 MR. STOLAR: JUDGE, I HAVE TO FIRST ASK FOR A LIMITING  
3 INSTRUCTION WITH RESPECT TO THIS WITNESS'S TESTIMONY AND MR.  
4 MATTA.

5 THE COURT: WELL, YOU WRITE IT OUT AND SUBMIT IT, AND  
6 I'LL CONSIDER IT.

7 MR. STOLAR: IT ACTUALLY IS SUBMITTED TO YOU, IN THAT  
8 MOTION I FILED BEFORE.

9 THE COURT: I HAVEN'T SEEN IT.

10 MR. STOLAR: I'M SORRY?

11 THE COURT: GO AHEAD WITH YOUR EXAMINATION.

12 MR. STOLAR: ALL RIGHT.

13 CROSS-EXAMINATION +

14 BY MR. STOLAR:

15 Q SIR, YOU INDICATED THAT YOUR FATHER WAS PROVIDING  
16 INFORMATION TO AGENTS OF THE DRUG ENFORCEMENT ADMINISTRATION;  
17 IS THAT RIGHT?

18 A YES.

19 Q DO YOU KNOW WHETHER OR NOT HE WAS PROVIDING INFORMATION TO  
20 ANY OTHER LAW ENFORCEMENT AGENCY?

21 A I'M UNAWARE OF IT.

22 Q HOW ABOUT THE UNITED STATES CENTRAL INTELLIGENCE AGENCY:  
23 HAD HE BEEN PROVIDING THEM WITH INFORMATION?

24 MR. CARLTON: OBJECTION, YOUR HONOR. IRRELEVANT, AND  
25 HE'S JUST ANSWERED THE QUESTION.

1 THE COURT: YES. SUSTAINED.

2 MR. STOLAR: THE C.I.A. IS NOT A LAW ENFORCEMENT  
3 AGENCY; THEY'RE AN INTELLIGENCE-GATHERING AGENCY.

4 MR. CARLTON: BEYOND THE SCOPE, YOUR HONOR.

5 THE COURT: THE OBJECTION IS SUSTAINED.

6 BY MR. STOLAR:

7 Q YOU INDICATED THAT YOUR FATHER BECAME NERVOUS, MUCH MORE  
8 NERVOUS IN HIS MANNER, AFTER HE CAME BACK FROM CHIHUAHUA?

9 A YES.

10 Q DO YOU KNOW WHY HE BECAME --

11 MS. KELLY: YOUR HONOR, I WOULD OBJECT TO THIS LINE OF  
12 QUESTIONING AS BEYOND THE SCOPE AND IRRELEVANT.

13 THE COURT: COUNSEL, I'M HAVING GREAT DIFFICULTY  
14 HEARING YOU. YOU'LL HAVE TO SPEAK UP.

15 MS. KELLY: I'M SORRY. I OBJECT TO THIS AS IRRELEVANT  
16 AND OUTSIDE THE SCOPE.

17 THE COURT: THE OBJECTION IS SUSTAINED.

18 MR. STOLAR: OKAY. NOTHING FURTHER. THANK YOU, SIR.

19 THE COURT: ANY OTHER COUNSEL WISH TO CROSS-EXAMINE  
20 THIS WITNESS?

21 MS. KELLY: YES, YOUR HONOR.

22 CROSS-EXAMINATION +

23 BY MS. KELLY:

24 Q GOOD AFTERNOON, MR. ZAVALA. MR. ZAVALA, DID YOU PERSONALLY  
25 PUT THE DENTAL BRIDGE INTO THE BODY -- INTO THE MOUTH OF THE

1 BODY?

2 A EXACTLY.

3 Q WAS THERE A FORENSIC -- WAS THERE ANOTHER FORENSIC EVIDENCE  
4 PERSON OR FORENSIC EVIDENCE PERSON WHO WAS ALSO PRESENT ON THE  
5 DAY THAT YOU IDENTIFIED THE CORPSE?

6 A I DON'T KNOW.

7 Q DO YOU REMEMBER BEING INTERVIEWED BY SPECIAL AGENT ETHRIDGE  
8 ON MARCH 19TH OF 1987?

9 THE INTERPRETER: EXCUSE ME, YOUR HONOR. THE  
10 INTERPRETER DIDN'T CATCH THE NAME OF THE SPECIAL AGENT.

11 THE COURT: ETHRIDGE.

12 THE INTERPRETER: ETHRIDGE. (CONFERS WITH WITNESS.)

13 THE WITNESS: I DON'T RECALL.

14 BY MS. KELLY:

15 Q WOULD IT REFRESH YOUR RECOLLECTION TO EXAMINE A REPORT THAT  
16 WAS WRITTEN BY SPECIAL AGENT ETHRIDGE CONCERNING THAT  
17 INTERVIEW?

18 MR. CARLTON: YOUR HONOR, I DON'T BELIEVE THIS WITNESS  
19 READS ENGLISH.

20 THE COURT: WELL, THAT'S THE POINT. IS THIS IN  
21 ENGLISH?

22 MS. KELLY: YES, YOUR HONOR; IT IS IN ENGLISH.

23 THE COURT: YOU CAN ASK THE WITNESS IF HE'S ABLE TO  
24 READ ENGLISH.

25 BY MS. KELLY:

1 Q ARE YOU ABLE TO READ ENGLISH?

2 A NO.

3 Q AND YOU HAVE NO PRESENT RECOLLECTION OF ANY DISCUSSION WITH  
4 SPECIAL AGENT ETHRIDGE ON MARCH 19TH 1987; IS THAT RIGHT?

5 A I DON'T REMEMBER.

6 Q DO YOU EVER REMEMBER TALKING TO ANY D.E.A. AGENTS  
7 CONCERNING THE IDENTIFICATION OF THE BODIES IN MARCH OF 1985?

8 A IN GUADALAJARA.

9 Q AND DO YOU REMEMBER TELLING THE AGENTS THAT YOU WERE NOT  
10 ABLE TO RECOGNIZE YOUR FATHER -- THE BODY OF YOUR FATHER,  
11 BECAUSE IT WAS BADLY DECOMPOSED?

12 A I DID NOT SAY THAT.

13 Q WERE THE BODIES BADLY DECOMPOSED?

14 A YES, BUT THE IDENTIFICATION, AS FAR AS SCARS, WAS NOT LOST,  
15 LIKE I TOLD YOU PREVIOUSLY.

16 Q DO YOU RECALL EVER TELLING ANY D.E.A. AGENTS THAT A  
17 FORENSIC EXPERT, WHOSE NAME YOU DID NOT KNOW, MADE THE  
18 IDENTIFICATION OF YOUR FATHER?

19 A I WAS PRESENT WHEN HE WAS IDENTIFIED AND I IDENTIFIED HIM.

20 Q I UNDERSTAND THAT. I'M ASKING YOU IF YOU EVER TOLD THE  
21 D.E.A. AGENTS THAT A FORENSIC EXPERT IDENTIFIED YOUR FATHER?

22 A I DON'T KNOW WHAT YOU'RE REFERRING TO.

23 Q ON THE DAY THAT YOU IDENTIFIED THE CORPSE IN MARCH OF 1985  
24 -- I'M REFERRING TO THAT TIME PERIOD, AND THERE CAME A TIME  
25 LATER ON, IN GUADALAJARA, WHEN YOU SPOKE TO SOME D.E.A. AGENTS

1 CONCERNING THAT PROCESS.

2 AND MY QUESTION IS: DID YOU EVER TELL THE D.E.A.  
3 AGENTS IN GUADALAJARA THAT A FORENSIC EXPERT WHOSE NAME YOU  
4 DIDN'T KNOW MADE THE IDENTIFICATION OF YOUR FATHER?

5 A WELL, THERE WERE SOME PEOPLE THERE -- I DON'T KNOW WHO THEY  
6 WERE -- WHO HAD TRIED IDENTIFY MY FATHER'S BODY. BUT I DON'T  
7 THINK THAT ANYBODY WHO HAVE KNOWN HIM AS WELL AS I DID.

8 Q NOW, DID YOU NOTICE THAT THERE WERE ANY ROPES ON THE BODIES  
9 WHEN YOU VIEWED THEM IN MARCH OF 1985?

10 A THEY HAD MARKS OF HAVING BEEN TIED UP.

11 Q DID YOU SEE ANY ROPE?

12 A YES.

13 Q AND IS IT -- DID YOU TELL THE D.E.A. AGENTS IN GUADALAJARA  
14 THAT YOU SAW ROPES ASSOCIATED WITH THE BODIES?

15 A WELL, I HAVE NO WAY OF KNOWING WHETHER THEY WERE ASSOCIATED  
16 WITH THE BODIES, BECAUSE I WAS NOT THE ONE TO TORTURE THEM.

17 Q NO, NO. I UNDERSTAND THAT, SIR. I'M ASKING YOU JUST ABOUT  
18 WHAT YOU VIEWED ON THAT DAY IN MARCH OF 1985. AND I'M JUST  
19 TRYING TO FIND OUT IF YOU OBSERVED -- WHEN YOU OBSERVED THE  
20 BODIES, IF YOU OBSERVED ANY ROPE.

21 A THEY HAD THE SCARS. THE ROPES WERE OVER TO ONE SIDE.

22 Q SO YOU'RE SAYING, THEN, THAT YOU DID SEE SOME ROPE?

23 A THEY WERE OVER TO ONE SIDE. I IMAGINE THAT THEY BELONGED  
24 TO THAT.

25 Q YOU'RE SAYING THAT YOU DID SEE SOME ROPE THAT WAS OVER TO



1 THE SIDE?

2 A WELL, THERE WERE SEVERAL THINGS. I DON'T REMEMBER EXACTLY  
3 WHAT ELSE THERE WAS.

4 Q BUT WAS THERE ANY ROPE?

5 MR. CARLTON: YOUR HONOR, THIS HAS BEEN ASKED AND  
6 ANSWERED.

7 THE COURT: SUSTAINED.

8 MS. KELLY: VERY WELL, YOUR HONOR. I'D LIKE TO HAVE  
9 THE WITNESS SHOWN EXHIBIT 63, YOUR HONOR.

10 (EXHIBIT PLACED BEFORE WITNESS, WHO EXAMINES SAME.)  
11 BY MS. KELLY:

12 Q DO YOU RECOGNIZE THAT, SIR, OR ANY OF THE PERSONS DEPICTED  
13 IN THAT PHOTOGRAPH?

14 A (PAUSE.) THIS PERSON IS ENRIQUE CAMARENA; AND I KNOW THIS  
15 PERSON, BUT I DO NOT KNOW HIS NAME.

16 Q AND WHAT PERSON WOULD THAT BE, THE PERSON ON THE RIGHT OR  
17 THE LEFT, AS YOU'RE LOOKING AT THE PICTURE?

18 A THE ONE THAT I DON'T KNOW IS THIS PERSON.

19 THE COURT: WELL, IS HE ON THE RIGHT OR LEFT?

20 THE WITNESS: TO THE RIGHT.

21 BY MS. KELLY:

22 Q AND YOU DON'T KNOW THE PERSON TO THE LEFT?

23 A YOU CAN'T TELL VERY WELL FROM THE PHOTOGRAPH.

24 MS. KELLY: I HAVE NOTHING FURTHER, YOUR HONOR. THANK  
25 YOU.

1 THE COURT: IS THERE ANY REDIRECT EXAMINATION OF THIS  
2 WITNESS?

3 MR. CARLTON: (PAUSE.) I'M SORRY, YOUR HONOR. NO  
4 REDIRECT.

5 THE COURT: THE WITNESS MAY STEP DOWN.

6 MS. KELLY: YOUR HONOR, I'M SORRY. I FORGOT TO MAKE A  
7 MORE CLEAR IDENTIFICATION OF THE PHOTOGRAPH, IF I MAY BE  
8 PERMITTED TO REOPEN TO ASK THE WITNESS TO IDENTIFY THE PERSON  
9 HE RECOGNIZES, BESIDES AGENT CAMARENA.  
10 BY MS. KELLY:

11 Q CAN YOU DESCRIBE THE PERSON ON THE RIGHT? CAN YOU DESCRIBE  
12 WHAT THE PERSON IS WEARING IN THE PHOTOGRAPH?

13 THE COURT: COUNSEL, IS THAT FOR THE PURPOSE OF  
14 INDICATING WHICH PERSON HE IDENTIFIED?

15 MS. KELLY: YES, AS RECOGNIZING, BUT NOT KNOWING THE  
16 NAME.

17 THE COURT: WELL, HE SAID IT WAS THE PERSON ON THE  
18 RIGHT.

19 MS. KELLY: I JUST WANT TO BE SURE, FOR THE RECORD.  
20 THERE ARE THREE PEOPLE IN THE PHOTOGRAPH.

21 THE COURT: WELL, GO AHEAD.

22 THE WITNESS: IT'S THE PERSON WITH THE BLUE SHIRT, A  
23 DARK COAT. HE HAS A MUSTACHE AND LONG SIDEBURNS.

24 MS. KELLY: THANK YOU VERY MUCH.

25 THE COURT: LET ME SEE IT. (EXAMINES EXHIBIT.)

1 THE RECORD WILL REFLECT THAT THIS IS THE PERSON, ON  
2 THE FAR RIGHT OF THE PHOTOGRAPH, OF THE THREE PERSONS THAT ARE  
3 SHOWN THERE.

4 THE WITNESS MAY STEP DOWN.

5 MR. STOLAR: YOUR HONOR, I FOUND MY COPY OF THE MOTION  
6 THAT WAS PREVIOUSLY SUBMITTED. MAY I HAND IT UP TO YOU?

7 THE COURT: YES.

8 MR. STOLAR: (COMPLIES.)

9 THE COURT: (EXAMINES DOCUMENT.) THE COURT DOES NOT  
10 SEE ANY NECESSITY TO GIVE THIS INSTRUCTION, AND I'M NOT GOING  
11 TO DO SO.

12 MR. MEDRANO: YOUR HONOR, AT THIS TIME GOVERNMENT  
13 WOULD CALL ABEL REYNOSO TO THE STAND.

14 (WITNESS SUMMONED TO COURTROOM.)

15 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

16  
17 ABEL REYNOSO + PLAINTIFF'S WITNESS, SWORN

18

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

21 THE WITNESS: FIRST NAME IS ABEL, LAST NAME REYNOSO,  
22 R E Y N O S O.

23 DIRECT EXAMINATION +

24 BY MR. MEDRANO:

25 Q MR. REYNOSO, BY WHOM ARE YOU EMPLOYED BY, SIR?

1 A I'M A SPECIAL AGENT WITH THE DRUG ENFORCEMENT  
2 ADMINISTRATION.

3 Q HOW LONG HAVE YOU SERVED WITH THE D.E.A.?

4 A APPROXIMATELY FOUR AND A HALF YEARS.

5 Q WHERE ARE YOU CURRENTLY ASSIGNED TO?

6 A LOS ANGELES DIVISION.

7 Q BESIDES YOUR LAW ENFORCEMENT EXPERIENCE WITH D.E.A., DO YOU  
8 HAVE ANY OTHER LAW ENFORCEMENT EXPERIENCE, MR. REYNOSO?

9 A YES, SIR. I WAS A POLICE OFFICER WITH THE CITY OF LOS  
10 ANGELES.

11 Q HOW MANY YEARS OR HOW LONG?

12 A SIX AND A HALF YEARS, SIR.

13 Q ANY OTHER LAW ENFORCEMENT, OTHER THAN THAT?

14 A NO, THAT WAS IT.

15 Q MR. REYNOSO, ARE YOU FLUENT IN ANY LANGUAGE OTHER THAN  
16 ENGLISH?

17 A YES. IN SPANISH, SIR.

18 Q BOTH WRITTEN AND ORAL SKILLS? ARE YOU PERFECTLY BILINGUAL?

19 A YES, SIR.

20 Q MR. REYNOSO, IF I CAN DIRECT YOUR ATTENTION TO ABOUT JULY  
21 12 OF 1989 --

22 A YES, SIR.

23 Q -- ON THIS DATE, SIR, TO YOUR KNOWLEDGE WAS JAVIER VASQUEZ  
24 VELASCO TAKEN INTO CUSTODY?

25 MR. NICOLAYSEN: OBJECTION, YOUR HONOR. IT'S

1 UNRELATED TO THIS CASE, AND I MOVE TO STRIKE.

2 MR. MEDRANO: RULE 801, ADMISSIONS, 5(B), YOUR HONOR.

3 THE COURT: WELL --

4 MR. NICOLAYSEN: OBJECTION.

5 THE COURT: -- RESTATE YOUR QUESTION.

6 BY MR. MEDRANO:

7 Q LET ME DIRECT TO YOU JULY 12, 1989. ON THAT DATE, DID YOU  
8 HAVE AN OPPORTUNITY TO SPEAK TO JAVIER VASQUEZ VELASCO?

9 A YES, I DID.

10 MR. NICOLAYSEN: YOUR HONOR, I WOULD RESPECTFULLY ASK  
11 THAT THE JURY BE INSTRUCTED TO DISREGARD THE OTHER QUESTION.  
12 IT'S UNRELATED TO THIS CASE.

13 THE COURT: THE OTHER QUESTION IS STRICKEN, AND IT'S  
14 TO BE DISREGARDED.

15 BY MR. MEDRANO:

16 Q DO YOU SEE JAVIER VASQUEZ VELASCO IN THIS COURTROOM TODAY,  
17 SIR?

18 A MAY I LOOK.

19 THE COURT: YES.

20 THE WITNESS: YES, I DO, SIR.

21 BY MR. MEDRANO:

22 Q CAN YOU POINT HIM OUT AND DESCRIBE AN ARTICLE OF CLOTHING  
23 HE HAS ON?

24 A YES, SIR. IT'S THE GENTLEMEN IN THE CORNER, SEATED IN THE  
25 BLUE SUIT, LIGHT BLUE SHIRT AND BLUE STRIPED TIE.

1 MR. NICOLAYSEN: I'LL STIPULATE THAT'S MY CLIENT, YOUR  
2 HONOR.

3 THE COURT: YES, HE INDICATED MR. JAVIER VASQUEZ  
4 VELASCO.

5 BY MR. MEDRANO:

6 Q ON THIS DATE, DID YOU INTERVIEW DEFENDANT VASQUEZ VELASCO?

7 A YES, I DID, SIR.

8 Q PRIOR TO DOING THAT, DID YOU ADVISE HIM OF CERTAIN RIGHTS?

9 A YES, I DID, SIR.

10 Q JUST BRIEFLY, WHAT DID YOU ADVISE OF?

11 MR. NICOLAYSEN: OBJECTION, YOUR HONOR. THAT'S  
12 UNRELATED TO THIS MATTER AND GOES BACK TO THE OBJECTION I MADE  
13 EARLIER. IT'S IMPROPER, AND I MOVE TO STRIKE.

14 THE COURT: OVERRULED.

15 THE WITNESS: YES, SIR. I ADVISED HIM OF HIS  
16 CONSTITUTIONAL RIGHTS.

17 BY MR. MEDRANO:

18 Q IN WHAT LANGUAGE, MR. REYNOSO?

19 A IN SPANISH, SIR.

20 Q DID HE HE WAIVE THOSE RIGHTS TO YOU?

21 A YES, HE DID, SIR.

22 Q DID HE AGREE TO SPEAK TO YOU?

23 A THAT IS CORRECT, SIR.

24 Q NOW, CAN YOU TELL US WHAT DEFENDANT VASQUEZ VELASCO STATED  
25 TO YOU ON JULY 12, 1989?

1 MR. MEZA: YOUR HONOR, WE WOULD OBJECT ON THAT AND ASK  
2 THE COURT TO ADMONISH THE JURY THAT ANY STATEMENTS MADE NOT BE  
3 CONSIDERED AS AGAINST MY CLIENT.

4 MR. STOLAR: NOR AGAINST MR. MATTA.

5 MR. MEDVENE: JOIN.

6 THE COURT: YES. IF THIS WITNESS TESTIFIES TO  
7 STATEMENTS MADE TO HIM BY MR. VASQUEZ VELASCO, THEY MAY ONLY BE  
8 CONSIDERED AS EVIDENCE AGAINST HIM, NOT AGAINST ANY OTHER  
9 DEFENDANT.

10 MR. MEZA: I ALSO HAVE A MOTION I'D LIKE TO RENEW AT  
11 THE BREAK, YOUR HONOR.

12 BY MR. MEDRANO:

13 Q DID YOU SPEAK TO VASQUEZ VELASCO REGARDING THE CAMARENA  
14 CASE?

15 A YES, I DID, SIR.

16 Q AND WHAT DID HE STATE TO YOU, IF ANYTHING?

17 A I BASICALLY ASKED HIM IF HE COULD BE KIND ENOUGH TO GIVE ME  
18 SOME INFORMATION, WHATEVER INFORMATION HE KNEW, REGARDING THE  
19 CAMARENA CASE.

20 Q AND DID HE STATE ANYTHING TO YOU IN REPLY?

21 A WE SPOKE FOR ABOUT 20 MINUTES, AND SEVERAL POINTS WERE  
22 RAISED. AND, YES, HE DID SAY THAT HE HAD CERTAIN KNOWLEDGE  
23 REGARDING THE CASE, THAT HE WOULD BE WILLING TO DISCUSS WITH ME  
24 THESE POINTS LATER ON, AND HE WOULD HAVE TO THINK IT OVER  
25 FIRST.

1 HE WANTED TO SPEAK TO TWO OF HIS BROTHERS THAT WERE  
2 ALSO WITH HIM THAT DATE AND THAT -- HE TOLD ME THAT THE  
3 INFORMATION THAT HE WAS WILLING TO DISCLOSE TO ME WAS VERY  
4 SENSITIVE AND HE WAS VERY AFRAID THAT HE MIGHT GET HURT IF HE  
5 WERE TO SPEAK TO ME.

6 Q WAS THERE ANY DISCUSSION WITH HIM AS TO ANY DEAL THAT HE  
7 WANTED TO DO?

8 A HE WAS INTERESTED IN -- HE TOLD ME, "I WILL SPEAK TO YOU  
9 AFTER YOU -- I SPEAK TO MY BROTHERS, AND THEN WE CAN BE ABLE TO  
10 WORK SOME KIND OF DEAL."

11 Q AND WOULD THIS DEAL HAVE TO BE WORKED OUT BEFORE HE SPOKE  
12 TO YOU?

13 A THAT'S CORRECT. HE MADE A POINT THAT HE WANTED TO TALK TO  
14 HIS BROTHERS FIRST; AND IF THEY ALL AGREED, THEN HE WOULD COME  
15 FORWARD AND TALK TO ME.

16 Q DID HE INDICATE IN HIS CONVERSATION WITH YOU WHETHER HE  
17 WOULD BE IN ANY DANGER IF YOU SPOKE TO HIM?

18 A HE DID SAY THAT HIS LIFE WOULD BE IN DANGER IF HE WAS TO  
19 TELL ME THIS INFORMATION.

20 Q WAS HE MORE SPECIFIC?

21 A WELL, HE SAID THAT HE WAS AFRAID THAT HE WOULD GET KILLED.

22 Q IF HE SPOKE TO YOU?

23 A YES, SIR.

24 Q NOW, MR. REYNOSO, DID HE INDICATE WHICH BROTHERS, BY NAME,  
25 HE NEEDED TO TALK TO BEFORE HE SPOKE TO YOU?



1 A YES, SIR. HE SAID HIS BROTHER WAS RICARDO AND MANUEL,  
2 VASQUEZ. (AS STATED)

3 Q MR. REYNOSO, I'D LIKE YOU TO DIRECT YOUR ATTENTION NOW TO  
4 ABOUT TWO DAYS LATER, ON JULY 14TH OF 1989. ON THIS PARTICULAR  
5 DATE, DID YOU HAVE AN OPPORTUNITY TO SPEAK TO JAVIER VASQUEZ?

6 A YES, I DID, SIR.

7 Q AND PRIOR TO SPEAKING TO HIM, DID YOU AGAIN ADVISE HIM OF  
8 HIS RIGHTS?

9 A THAT IS CORRECT, SIR.

10 A IN WHAT LANGUAGE?

11 A IN SPANISH, SIR.

12 Q AND DID HE AGREE TO SPEAK WITH YOU?

13 A THAT'S CORRECT, SIR. YES, HE DID.

14 Q AND DURING THIS CONVERSATION, OR INTERVIEW, ON JULY 14TH,  
15 DID YOU TAPE-RECORD THE CONVERSATION?

16 A YES, I DID, SIR.

17 Q IF YOU CAN, GIVE US A ROUGH ESTIMATE OF THE DURATION OF THE  
18 TAPED INTERVIEW THAT YOU HAD WITH JAVIER VASQUEZ ON JULY 14TH.

19 A THERE ARE TWO 90-MINUTE CASSETTE TAPES, AND I BELIEVE THE  
20 OTHER ONE IS ABOUT 20 -- I'M ESTIMATING ABOUT 23 MINUTES.

21 Q FOR A TOTAL OF THREE TAPES, AGENT REYNOSA?

22 A THAT'S CORRECT, SIR.

23 Q NOW, IF I CAN DIRECT YOU TO AN EXHIBIT THAT SHOULD BE FRONT  
24 OF YOU, GOVERNMENT'S EXHIBIT 50 A , I BELIEVE IT'S THE ONE YOU  
25 JUST HAD.

1 A YES, SIR.

2 Q IS THAT 50 A?

3 A YES, SIR.

4 Q CAN YOU IDENTIFY THAT FOR US, PLEASE?

5 A YES. IT'S A CLEAR PLASTIC BAG WITH THE D.E.A. SEAL ON IT,  
6 CONTAINING THREE CASSETTE CONTAINERS. AND I CAN FEEL CASSETTES  
7 WITH -- INSIDE, WITH MY HANDWRITING.

8 Q WHAT ARE THE CASSETTES?

9 A THESE ARE THE ORIGINAL TAPES WHICH I USED TO TAPE OUR  
10 CONVERSATION WITH MR. VASQUEZ.

11 Q THOSE ARE THE TAPES, IN SPANISH, OF YOUR INTERVIEW?

12 A THAT'S CORRECT, SIR.

13 Q IS YOUR HANDWRITING, OR ANY OTHER IDENTIFYING MARKS, ON  
14 THAT SEALED ENVELOPE TO INDICATE THAT IT IS WHAT YOU CLAIM IT  
15 TO BE?

16 A YES, SIR. MY HANDWRITING IS ON THE TAPE, ON THE CASSETTE  
17 COVER, AND ALSO ON THE ORIGINAL D.E.A. SEAL.

18 MR. MEDRANO: YOUR HONOR, WE MOVE THE ADMISSION OF 50  
19 A AT THIS TIME.

20 MR. NICOLAYSEN: NO OBJECTION, YOUR HONOR.

21 THE COURT: MAY BE RECEIVED.

22 (EXHIBIT 50 A # RECEIVED IN EVIDENCE.)

23 BY MR. MEDRANO:

24 Q MR. REYNOSO, AFTER THE TAPED INTERVIEWS, TO YOUR KNOWLEDGE  
25 WERE SPANISH TRANSCRIPTS OF THESE TAPES CREATED OR GENERATED?

1 A MUCH LATER, YES, THEY WERE.

2 Q AND AFTER THESE TRANSCRIPTS IN SPANISH WERE MADE, DID YOU  
3 EVER HAVE AND THE OPPORTUNITY TO COMPARE THESE SPANISH  
4 TRANSCRIPTS TO THE TAPES THAT YOU'VE JUST DESCRIBED AS EXHIBIT  
5 50 A?

6 A YES, SIR.

7 Q NOW, IN ADDITION, AT ANY POINT WERE ENGLISH TRANSLATIONS OF  
8 THE VERY SAME TAPES CREATED OR GENERATED?

9 A THAT'S CORRECT.

10 Q AND HAVE YOU HAD AN OPPORTUNITY TO REVIEW THESE ENGLISH  
11 TRANSCRIPTS?

12 A YES, SIR.

13 Q AND HAVE YOU HAD A CHANCE TO COMPARE THE ENGLISH  
14 TRANSCRIPTS TO THE ACTUAL SPANISH TAPES REFERENCED AS EXHIBIT  
15 50 A?

16 A YES, SIR.

17 Q AND ARE THEY ACCURATE, SIR?

18 A TO THE BEST OF MY KNOWLEDGE, YES.

19 Q WHY DID YOU TAPE THE JULY 14 INTERVIEW, MR. REYNOSO?

20 A IT WAS A MERE HABIT. I JUST WANTED TO TAKE SOME NOTES; AND  
21 SINCE I DEEMED IT WAS GOING TO BE A LENGTHY CONVERSATION AND  
22 MR. VASQUEZ TOLD ME THAT HE WAS GOING TO GIVE ME LOT OF  
23 INFORMATION THAT DAY, I DECIDED, INSTEAD OF TAKING NOTES, IT  
24 WOULD BE EASIER FOR ME TO TAPE HIS ANSWERS.

25 Q NOW, YOU'VE HAD A CHANCE, HAVE YOU NOT, TO ACTUALLY LISTEN

1 TO THE ORIGINAL SPANISH TAPES, AFTER THE INTERVIEW?

2 A YES, SIR.

3 Q AND ON THESE TAPES, MR. REYNOSO, ARE THERE ANY UNUSUAL  
4 PAUSES OF ANY SORT?

5 A YES, THERE ARE.

6 Q AND CAN YOU EXPLAIN TO US WHY THESE PAUSES EXIST ON THE  
7 SPANISH ORIGINAL TAPES?

8 A WELL, TWO THINGS WERE HAPPENING AT THAT TIME. ONE OF THEM  
9 WAS MECHANICALLY. IT WASN'T MY FAULT; IT WAS THE TAPE  
10 RECORDER. IT WASN'T WORKING PROPERLY, DUE TO WEAK BATTERIES.  
11 THAT WAS ONE.

12 THE OTHER SOUND THAT YOU HEAR IS PEOPLE COMING INTO  
13 THE ROOM WHERE I WAS INTERVIEWING MR. VASQUEZ. THE ROOM WHERE  
14 I WAS INTERVIEWING HIM, IT WASN'T A PRIVATE ROOM. IT WAS USED  
15 BY SEVERAL OF THE PATROL OFFICERS, THE LATE -- PART-TIME  
16 SHERIFF'S STATION. SO PEOPLE INTERRUPTED, AND I WOULD STOP THE  
17 TAPE AND THE CONVERSATION WITH MR. VELASCO.

18 Q? WHY. WHY WOULD YOU STOP THE CONVERSATION AND WHY WOULD YOU  
19 STOP RECORDING MOMENTARILY?

20 A WELL, I WANTED TO MAKE MR. VELASCO FEEL AT EASE. WE WERE  
21 TALKING ABOUT A SENSITIVE MATTER, AND THIS IS NOT A THING THAT  
22 YOU WANT EVERYBODY TO HEAR ABOUT, SO WOULD I STOP THE TAPE.

23 ALSO, THE PEOPLE WOULD COME IN AND ASK QUESTIONS THAT  
24 WERE COMPLETELY UNRELATED. THEY WERE BASICALLY TALKING TO ME,  
25 ANYWAY.

1 Q WHEN PEOPLE WOULD ENTER THE ROOM, WHILE TAPING, WOULD  
2 JAVIER VASQUEZ STOP TALKING?

3 A OH, YES. WELL, THEY WOULD INTERRUPT US. I MEAN, TWO  
4 PEOPLE TALKING, SOMEBODY COMES IN AND THEY STOP. I MEAN, I HAD  
5 TO DIRECT MY ATTENTION TO WHOEVER CAME IN.

6 YEAH, WE DID STOP TALKING.

7 Q AND THEN YOU'D PAUSE THE RECORDING MOMENTARILY?

8 A THAT'S CORRECT SIR.

9 Q THEN WHEN YOU HAD PRIVACY AGAIN, WOULD YOU THEN COMMENCE  
10 AGAIN THE INTERVIEW AND THE TAPING?

11 A YES, SIR.

12 Q MR. REYNOSO, DURING YOUR INTERVIEW OF JAVIER VASQUEZ ON  
13 JULY 14, DID YOU EVER DISCUSS SOMEONE BY THE NAME OF ITALIANO  
14 WITH HIM?

15 A YES, WE DID, SIR.

16 Q AND DID JAVIER VASQUEZ MAKE STATEMENTS REGARDING ITALIANO?

17 A YES, HE DID.

18 Q WHAT DID HE TELL YOU DURING THE INTERVIEW?

19 A ITALIANO WAS A GENTLEMAN -- AND THAT'S AN A.K.A. WE DON'T  
20 KNOW HIS REAL NAME.

21 Q "A.K.A." WOULD MEAN --

22 A A.K.A. --

23 MR. NICOLAYSEN: YOUR HONOR, I'M GOING TO OBJECT. THE  
24 BEST EVIDENCE IS THE TAPE ITSELF; THAT SHOULD BE THE SOURCE OF  
25 ANY TESTIMONY REGARDING CONVERSATIONS THAT DAY.

1 MR. MEDRANO: MAY I BE HEARD, YOUR HONOR, ON THAT?

2 THE COURT: YES.

3 MR. MEDRANO: AS YOU'RE AWARE, WE WERE ONLY GIVEN  
4 THREE VERY LIMITED TRANSCRIPTS; AND JUST TO LIMIT IT AND  
5 EXPEDITE IT, MR. REYNOSO WILL ALSO TESTIFY ABOUT PORTIONS OF  
6 THE TAPE, SO WE DON'T HAVE TO READ THE WHOLE TRANSCRIPT. THAT  
7 WAS THE REASON FOR THAT --

8 MR. NICOLAYSEN: I RENEW MY OBJECTION. THIS IS FROM  
9 MEMORY. THE TAPES ARE THERE IN FRONT OF THE WITNESS. IF  
10 THERE'S GOING TO BE ANY TESTIMONY REGARDING THE CONTENT OF  
11 THOSE TAPES, I SUBMIT IT SHOULD BE FROM THE TAPES ITSELF.

12 THE WITNESS: THE OBJECTION'S OVERRULED.

13 BY MR. MEDRANO:

14 Q AND WHAT STATEMENTS WERE MADE BY JAVIER VASQUEZ TO YOU  
15 REGARDING ITALIANO?

16 A YES. AS I WAS SAYING, WE HAVE KNOWLEDGE THAT EL ITALIANO  
17 WAS AN INDIVIDUAL THAT, I TAKE IT, HAD SOME PARTICIPATION IN  
18 THE CASE OF AGENT CAMARENA.

19 MR. STOLAR: OBJECTION. MOVE TO STRIKE. HEARSAY.

20 MR. NICOLAYSEN: YES. I JOIN IN THAT OBJECTION. LACK  
21 OF FOUNDATION. PURE SPECULATION ON THE WITNESS'S PART.

22 THE COURT: STRIKE THE ANSWER. RESTATE THE QUESTION.

23 BY MR. MEDRANO:

24 Q JUST TELL ME, AND JUST TELL US, MR. REYNOSO, DID JAVIER  
25 VASQUEZ MAKE ANY STATEMENTS ABOUT EL ITALIANO?

1 A YES. HE SAID HE KNEW ITALIANO, THAT HE HAD MET HIM SEVERAL  
2 TIMES, HAD SEEN EL ITALIANO SEVERAL TIMES IN THE COMPANY OF MR.  
3 JAVIER BARBA.

4 Q JAVIER BARBA HERNANDEZ?

5 A JAVIER BARBA HERNANDEZ; YES, SIR.

6 Q DID YOU DISCUSS WITH JAVIER VASQUEZ VELASCO A MAN BY THE  
7 NAME OF SERGIO ESPINO VERDIN?

8 A YES, SIR.

9 Q AND DID THE DEFENDANT VASQUEZ MAKE STATEMENTS TO YOU ABOUT  
10 SERGIO ESPINO VERDIN?

11 A YES. HE SAID THAT HE HAD MET HIM AT LEAST ONCE, THAT HE  
12 HAD MET WHEN ESPINO VERDIN, THAT ESPINO VERDIN WAS A COMANDANTE  
13 OF GOBERNACION IN GUADALAJARA, AND ESPINO VERDIN WAS A FRIEND  
14 OF HIS BOTHER, HIS OLDER BROTHER.

15 MR. NICOLAYSEN: AGAIN, I OBJECT. IT MISCHARACTERIZES  
16 THE TAPE; THE TAPE IS THE BEST EVIDENCE HIS TESTIMONY, YOUR  
17 HONOR.

18 THE COURT: OBJECTION'S OVERRULED.

19 BY MR. MEDRANO:

20 Q YOUR HONOR, I APOLOGIZE. WITH THE OBJECTION, I DIDN'T HEAR  
21 THE LAST STATEMENT BY MR. REYNOSO.

22 IF THAT COULD BE REPEATED, MR. REYNOSO.

23 A YES, SIR. MR. VELASCO SAID THAT ESPINO VERDIN WAS, IF I  
24 MAY SAY THAT, HIS BOTHERS' BOSS, OR SUPERVISOR, AT ONE TIME.

25 Q AND WHEN HE SAID "BROTHERS," DID HE MEAN THAT PLURAL OR

1 SINGULAR?

2 A WELL, THERE ARE SEVERAL BROTHERS. WE'RE TALKING ABOUT A  
3 WHOLE BUNCH OF THEM.

4 MR. NICOLAYSEN: AGAIN, SAME OBJECTION, YOUR HONOR.

5 THE COURT: OVERRULED.

6 BY MR. MEDRANO:

7 Q NOW, MR. REYNOSO, STILL ADDRESSING SERGIO ESPINO VERDIN,  
8 WAS THERE ANY DISCUSSION BY THE DEFENDANT ABOUT HIS BROTHER  
9 ELISEO VASQUEZ AND THIS MAN, SERGIO ESPINO VERDIN?

10 A YES, SIR. HE SAID THAT ESPINO VERDIN GAVE ELISEO AND SOME  
11 OF HIS OTHER JAVIER BROTHERS (AS STATED) A SORT OF I.D.,  
12 SOMEWHAT LIKE A LETTER OF RECOMMENDATION, I GUESS, OR SOME  
13 LETTER OF POLICE TYPE OF I.D.

14 Q A WHAT?

15 A LIKE A POLICE TYPE OF I.D.

16 MR. NICOLAYSEN: YOUR HONOR, MAY I HAVE A CONTINUING  
17 OBJECTION TO ALL TESTIMONY BY THE WITNESS REGARDING  
18 CONVERSATIONS THAT --

19 THE COURT: COUNSEL, DO YOU HAVE A COPY OF THIS TAPE?

20 MR. NICOLAYSEN: I HAVE A COPY THE GOVERNMENT GAVE ME,  
21 YES.

22 THE COURT: DID YOU HAVE A TRANSCRIPT OF THE TAPE IN  
23 ENGLISH?

24 MR. NICOLAYSEN: I HAVE A TRANSCRIPT. I SUBMIT THAT  
25 ANY TESTIMONY SHOULD BE FROM THE ORIGINAL SOURCES.



1 THE COURT: YOU ARE PERMITTED DO READ ANY PART OF THE  
2 TRANSCRIPT THAT YOU WISH AS EVIDENCE IN THIS CASE; AND IF THIS  
3 WITNESS IS NOT TELLING IT LIKE IT IS, FEEL FREE TO CORRECT IT.

4 MR. NICOLAYSEN: THANK YOU, YOUR HONOR. I WILL.

5 BY MR. MEDRANO:

6 Q MR. REYNOSO --

7 A YES, SIR.

8 Q -- DID YOU HAVE ANY DISCUSSION WITH THE DEFENDANT ABOUT ANY  
9 SATELLITE TYPE OFFICES THAT WERE OPENED UP?

10 A YES, SIR. HE SAID THAT GOBERNACION, WHICH IS ESPINO  
11 VERDIN, WHO WAS IN CHARGE IN GUADALAJARA AT THE TIME, WAS  
12 INTERESTED OR WAS GOING TO OPEN AN OFFICE IN THEIR HOMETOWN,  
13 OCOTLAN, WHICH IS ABOUT 50 MILES FROM GUADALAJARA.

14 Q DID THE DEFENDANT INDICATE TO YOU WHO WOULD BE PUT IN  
15 CHARGE OF THIS SATELLITE GOBERNACION OFFICE?

16 A HE SAID ELISEO AND HIS BROTHER WOULD BE -- ELISEO WOULD BE  
17 IN CHARGE AND HIS BROTHERS WOULD BE PART OF THE UNIT WORKING  
18 THAT OFFICE.

19 Q IN YOUR INTERVIEW, AGENT REYNOSA, DID YOU EVER DISCUSS  
20 MEXICAN HIGH-RANKING OFFICIALS WITH THE DEFENDANT?

21 A YES, HE DID MENTION DURING THIS CONVERSATION --

22 Q WHAT DID HE SAY TO YOU WITH REGARD TO HIGH-RANKING  
23 OFFICIALS?

24 A HE SAID THAT HE KNEW OF SEVERAL HIGH RANKING OFFICIALS IN  
25 THE JALISCO, GUADALAJARA, AREA THAT WERE CONNECTED WITH

1 TRAFFICKERS, AND HE MENTIONED A FEW.

2 Q DID HE MENTION TRAFFICKERS BY NAME THAT WERE INVOLVED?

3 A WELL, WHEN WE WERE TALKING ABOUT TRAFFICKERS, IT WAS  
4 UNDERSTOOD THAT WE WERE TALKING ABOUT FONSECA CARRILLO.

5 MR. MEZA: OBJECTION, YOUR HONOR. NONRESPONSIVE.

6 THE COURT: YES. LISTEN TO THE QUESTION. HE ASKED  
7 YOU IF HE MENTIONED ANY NAMES.

8 THE WITNESS: YES, HE DID, SIR.

9 BY MR. MEDRANO:

10 Q AND LET'S JUST GO WITH WHAT HE ACTUALLY SAID.

11 A YES, SIR.

12 Q MR. REYNOSO, WHAT NAMES OF TRAFFICKERS, IF ANY, DID THE  
13 DEFENDANT MENTION TO YOU?

14 A WELL, HE REFERRED TO A TRAFFICKER AS DON NETO.

15 Q DID HE EVER MENTION JAVIER BARBA HERNANDEZ AS WORKING WITH  
16 THE HIGH-RANKING OFFICIALS?

17 A RIGHT. YES, SIR. HE DID, JAVIER BARBA.

18 Q NOW, ARE YOU FAMILIAR WITH THE MAN BY THE NAME OF ENRIQUE  
19 ALVAREZ DEL CASTILLO?

20 A YES, I AM, SIR.

21 Q NOW, DID YOU EVER DISCUSS ENRIQUE ALVAREZ DEL CASTILLO --  
22 STRIKE THAT.

23 TO THE BEST OF YOUR KNOWLEDGE, SIR, IN ABOUT 1984, WHO  
24 WAS ENRIQUE ALVAREZ DEL CASTILLO?

25 A HE WAS THE GOVERNOR OF JALISCO AT THAT TIME, SIR.

1 Q AND YOU DISCUSSED ALVAREZ DEL CASTILLO WITH DEFENDANT  
2 VASQUEZ?

3 A YES, I DID, SIR.

4 Q AND WHAT DID THE DEFENDANT STATE TO YOU WITH REGARD TO  
5 ALVAREZ DEL CASTILLO?

6 A THAT MR. ALVAREZ DEL CASTILLO WAS ALSO CONNECTED WITH THE  
7 TRAFFICKERS.

8 Q DID -- STRIKE THAT.

9 YOU MENTIONED THAT THE DEFENDANT DISCUSSED DON NETO  
10 WITH YOU?

11 A THAT'S CORRECT.

12 Q NOW, ARE YOU FAMILIAR WITH A MAN BY THE NAME OF ERNESTO  
13 FONSECA CARRILLO?

14 A YES, I AM.

15 Q AND TO THE BEST OF YOUR KNOWLEDGE, SIR, ARE YOU AWARE IF  
16 ERNESTO FONSECA CARRILLO GOES BY ANY OTHER NAME?

17 A THAT'S CORRECT, SIR.

18 Q WHAT IS THAT?

19 A DON NETO.

20 Q NOW, WHEN YOU WERE DISCUSSING DON NETO OR FONSECA WITH THE  
21 DEFENDANT, WAS THERE ANY DISCUSSION OF MONEY PAYMENTS BY  
22 FONSECA TO ANYBODY?

23 A AT ONE TIME HE MENTIONED THAT HE OBSERVED -- HE WAS  
24 PRESENT -- MR. VASQUEZ WAS PRESENT AT A WEDDING, AND HE  
25 OBSERVED FONSECA PAYING SOME -- OR GIVING SOME TYPE OF VALUE --

1 ISSUE OR ELEMENT.

2 Q TO?

3 A TO SOME MILITARY OFFICERS.

4 Q DID YOU EVER DISCUSS WITH DEFENDANT VASQUEZ WHETHER OR NOT  
5 HE EVER ATTENDED SOCIAL GATHERINGS?

6 A YES, HE DID SAY THAT; YES, SIR.

7 Q TELL US TO THE BEST OF YOUR RECOLLECTION WHAT HE TOLD YOU  
8 WITH REGARD TO HIS ATTENDANCE AT SUCH THINGS.

9 A SIR, HE TOLD ME THAT HE HAD ATTENDED SEVERAL WEDDINGS,  
10 SEVERAL FUNERALS, AND OTHER SOCIAL GATHERINGS WHERE TRAFFICKERS  
11 WERE PRESENT.

12 Q DID HE EVER INDICATE WHETHER -- STRIKE THAT.

13 DID HE EVER MENTION BARBECUES?

14 A YES, HE DID SAY, ALSO, BARBECUES. YES, SIR.

15 Q NOW, WHAT IS THE SPANISH WORD FOR "BARBECUE," MR. REYNOSO?

16 A THERE IS A STYLE OF BARBECUE IN MEXICO THAT'S CALLED  
17 "BIRRIA."

18 Q WOULD YOU SPELL THAT FOR THE REPORTER?

19 A B I R R I A. THAT'S IT.

20 Q WHAT DO YOU MEAN, "THERE'S A STYLE OF BARBECUE"?

21 A WELL, IT'S A MEXICAN STYLE OF COOKING CERTAIN MEAT.

22 Q AND WERE THE BARBECUE -- STRIKE THAT.

23 WELL, IS THE BARBECUE EVER REFERRED TO AS BIRRIA?

24 A YES, COULD BE.

25 Q AND DID DEFENDANT VASQUEZ EVER INDICATE WHETHER HE ATTENDED

1 BARBECUES OR BIRRIAS?

2 A YES, SIR. HE TOLD ME THAT THEY WERE -- I'M SORRY. THE  
3 VASQUEZES WERE WELL-KNOWN FOR COOKING BIRRIAS, AND THEY WERE  
4 INVITING AND PROVIDING -- SERVING TO THE TRAFFICKERS.

5 Q WHEN THE DEFENDANT CONVEYED TO YOU HE HAD ATTENDED THESE  
6 SOCIAL GATHERINGS, DID HE INDICATE WHETHER HIS BROTHER WERE  
7 EVER IN ATTENDANCE WITH HIM?

8 A YES. HE SAID HIS BROTHERS WERE THE ONES THAT WOULD DRAG  
9 HIM, MR. VELASCO, WITH THEM. THEY WOULD TAKE HIM ALONG IN  
10 THESE PARTIES.

11 MR. MEDRANO: YOUR HONOR. WITH THE COURT'S  
12 PERMISSION, MAY I HAVE THE WITNESS MOVE THE MICROPHONE CLOSER  
13 TO HIM. I'M HAVING TROUBLE HEARING.

14 A (COMPLIES.)

15 Q THANK YOU, MR. REYNOSO.

16 DID DEFENDANT VASQUEZ EVER DISCUSS WITH YOU THE ARREST  
17 OF ERNESTO FONSECA CARRILLO?

18 A YES, HE DID, SIR.

19 Q CAN YOU TELL US SPECIFICALLY WHAT THE DEFENDANT STATED TO  
20 YOU WITH REGARD TO THAT ARREST?

21 A MR. VASQUEZ VELASCO TOLD ME DURING THIS CONVERSATION THAT  
22 THAT WE HAD, OKAY, THAT UPON THE ARREST OF MR. FONSECA, HE  
23 RECEIVED A PHONE CALL FROM, I BELIEVE, AN UNCLE OF FONSECA'S  
24 BROTHER'S; AT THAT TIME, HE WAS NOTIFIED THAT FONSECA HAD BEEN  
25 ARRESTED AND -- (PAUSE.)

1 Q WELL, DID THE DEFENDANT INDICATE TO YOU WHETHER HE TOOK ANY  
2 ACTION AFTER HE LEARNED THIS INFORMATION?

3 A HE SAID THAT HE WOULD IMMEDIATELY -- WENT INTO HIDING,  
4 SECLUSION.

5 Q DID HE INDICATE TO YOU WHETHER OR NOT HE TOLD ANYBODY HIS  
6 WHEREABOUTS AFTER HE WENT INTO HIDING?

7 A NO, HE TOLD ME THAT HE WOULDN'T EVEN TELL HIS BROTHER OR  
8 HIS WIFE WHERE HE WAS GOING TO BE, BECAUSE HE WAS SO AFRAID.

9 Q DID HE INDICATE TO YOU THE LOCATIONS WHERE HE LIVED?

10 A HE SAID HE WOULD GO FROM ONE HOTEL TO THE OTHER WITHOUT  
11 NOTIFYING ANYONE.

12 Q IF I MAY BACKTRACK JUST A MOMENT FOR THE SOCIAL GATHERINGS,  
13 DID THE DEFENDANT VASQUEZ EVER MENTION HIS NEPHEW TO YOU,  
14 ANTONIO, JUNIOR? ANTONIO VASQUEZ OCHOA?

15 A YES, HE DID MENTION ANTONIO, JUNIOR.

16 Q DID HE EVER INDICATE WHETHER ANTONIO, JUNIOR, WAS ALSO PART  
17 OF THE BROTHERS AT THESE SOCIAL GATHERINGS?

18 A YES, SIR. ANTONIO, OR, HOW YOU REFER TO HIM, TONIO OR  
19 TONITO, WOULD BE PART OF THE GROUP THAT WOULD SOCIALIZE WITH  
20 THEM.

21 Q AT YOUR INTERVIEW OF THE DEFENDANT, MR. REYNOSO, DID YOU  
22 EVER DISCUSS WITH HIM WHETHER OR NOT MONEY WAS EVER GIVEN BY  
23 RAFAEL CARO QUINTERO TO ANY MEMBER OF THE VASQUEZ BROTHERS?

24 A HE DID MENTION THAT HE OVERHEARD CARO QUINTERO ONCE SAY  
25 THAT HE WAS GOING TO PAY HIS OLDER BROTHER, ELISEO,

1 APPROXIMATELY 10 MILLION PESOS FOR SERVICES RENDERED.

2 Q DID HE INDICATE TO YOU -- STRIKE THAT.

3 DID JAVIER VASQUEZ, THE DEFENDANT, INDICATE TO YOU  
4 WHETHER OR NOT ELISEO NEEDED THAT MONEY?

5 A NO. HE SAID ELISEO WAS WELL-OFF, HE HAD CATTLE AND FARMING  
6 EQUIPMENT, AND HE DIDN'T REALLY NEED THAT MONEY.

7 Q YOU.

8 Q LET ME TAKE YOU BACK, IF I MAY, MR. REYNOSO, JUST A MOMENT,  
9 TO JULY 12TH, 1989. ON THIS DAY, SIR, DID YOU HAVE AN OCCASION  
10 TO GO TO A RESIDENCE ON INDIANA AVENUE IN THE CITY OF  
11 SOUTHGATE?

12 A YES, I DID, SIR.

13 Q AND WHILE THERE, SIR, WERE YOU PRESENT WHEN CERTAIN ITEMS  
14 WERE TAKEN OR SEIZED AT THAT HOUSE?

15 A YES, I WAS, SIR.

16 Q NOW, IF I CAN DIRECT YOU TO GOVERNMENT'S EXHIBIT 49, IS  
17 THAT IN FRONT OF YOU, SIR?

18 A YES.

19 Q NOW, CAN YOU TELL US WHAT EXHIBIT 49 IS?

20 A IT'S A CLEAR PLASTIC BAG WITH MY WRITING ON IT, AND IT  
21 CONTAINS FIVE I.D.'S AND A BUSINESS CARD.

22 MR. NICOLAYSEN: YOUR HONOR, I'M GOING TO OBJECT ON  
23 GROUNDS OF RELEVANCY AND ASK THAT THE GOVERNMENT AT LEAST MAKE  
24 AN OFFER OF PROOF ON THAT.

25 MR. MEDRANO: YOUR HONOR, THAT WILL BE TIED UP QUITE

1 EASILY AT THE RECESS, IF YOU LIKE.

2 MR. NICOLAYSEN: ONCE IT GOES BEFORE THE JURY, THEN  
3 THE MATTER IS DONE WITH. I WOULD ASK THAT THERE BE SOME KIND  
4 OF --

5 THE COURT: HOW DOES IT RELATE TO THIS CASE?

6 MR. MEDRANO: ONE OF THOSE IS A FALSE I.D., YOUR  
7 HONOR, AND PHOTOGRAPH OF THE DEFENDANT, UNDER AN ALIAS.

8 MR. NICOLAYSEN: OBJECTION, YOUR HONOR. MOVE TO  
9 STRIKE.

10 THAT'S ARGUMENT BEFORE THE JURY. IT'S IRRELEVANT TO  
11 THIS CASE. THERE'S NO ISSUE OF IDENTIFICATION HERE. IT'S  
12 UNRELATED TO THE CHARGES IN COUNTS 1 AND 2.

13 MR. CARLTON: YOUR HONOR, IF I MAY BE HEARD, EITHER AT  
14 SIDEBAR OR -- THIS IS EASILY ADMISSIBLE.

15 THE COURT: I'M SUSTAINING THE OBJECTION.

16 THE JURY WILL DISREGARD ALL COMMENTS MADE BY THE  
17 PROSECUTOR AND THE WITNESS.

18 BY MR. MEDRANO:

19 Q MR. REYNOSO YOU HAVE IN FRONT OF YOU, I BELIEVE,  
20 GOVERNMENT'S EXHIBIT 50 D, A SHORTENED VERSION OF A TRANSCRIPT?

21 A YEAH, I DO, SIR.

22 Q NOW, THESE -- NOW, AGAIN, 50 D, JUST BRIEFLY EXPLAIN TO US  
23 WHAT IT IS, WITHOUT TELLING US THE CONTENTS?

24 A IT'S A BRIEF SUMMARIZED -- OR PORTIONS OF THE TRANSCRIPTS  
25 OF TAPES, OF THE THREE AUDIO TAPES, OF THE JULY 14TH



1 CONVERSATIONS.

2 Q AND THESE ARE TRANSCRIPTS?

3 A THAT'S CORRECT. IN ENGLISH.

4 Q SELECTED TRANSCRIPTS OF THE TAPE YOU'VE ALREADY DESCRIBED?

5 A THAT'S CORRECT.

6 Q THE TAPES THAT YOU TRANSCRIBED --

7 MR. NICOLAYSEN: I'M GOING TO OBJECT ON FOUNDATIONAL  
8 GROUNDS. THERE'S BEEN NO TESTIMONY THAT THIS WITNESS IN ANY  
9 WAYS PARTICIPATED IN THE TRANSLATION OF THE TRANSCRIPTS.

10 THE COURT: OVERRULED.

11 BY MR. MEDRANO:

12 Q NOW, MR. REYNOSO, YOU'VE HAD A CHANCE TO COMPARE THE  
13 TRANSCRIPTS TO THE SPANISH TAPE?

14 A YES, SIR.

15 Q AND ARE THEY ACCURATE, TO YOUR KNOWLEDGE?

16 A TO MY KNOWLEDGE, THEY ARE.

17 MR. MEDRANO: YOUR HONOR, WITH YOUR PERMISSION, WE'D  
18 LIKE TO, ROLE-PLAYING, READ THE TRANSCRIPTS TO THE JURY, WITH  
19 MR. REYNOSO READING AS HIMSELF AND I'LL READ FOR THE DEFENDANT.  
20 WE HAVE COPIES FOR THE WITNESS AND THE --

21 THE COURT: THAT IS DENIED.

22 MR. MEDRANO: VERY WELL.

23 THE COURT: YOU PEOPLE WILL LEARN TO TAKE THESE  
24 MATTERS UP IN ADVANCE. I'VE TOLD YOU THAT, AND I'VE TOLD THAT  
25 TO THE DEFENSE COUNSEL, TOO.

1 WE'RE GOING TO TAKE A RECESS AT THIS TIME WHILE I  
2 LECTURE THESE FOLKS.

3 COURTROOM: (LAUGHTER.)

4 THE CLERK: PLEASE RISE.

5 (JURY ABSENT:)

6 THE COURT: COUNSEL, WHY DIDN'T YOU TAKE UP THIS  
7 PROCEDURE WITH THE COURT SOMETIME BEFORE YOU SPRUNG IT ON US IN  
8 FRONT OF THE JURY?

9 MR. MEDRANO: YOUR HONOR, WITH ALL DUE RESPECT, I DID  
10 SO BEFORE WE STARTED THE TRIAL.

11 THE COURT: YOU NEVER ONCE SAID THAT YOU INTENDED TO  
12 HAVE YOU, YOURSELF READ AND THIS WITNESS ANSWER AND HAVE COPIES  
13 OF THE TRANSCRIPTS CIRCULATED TO THE JURY. YOU NEVER MENTIONED  
14 THAT.

15 MR. MEDRANO: AND YOU'RE ABSOLUTELY RIGHT, YOUR HONOR.  
16 I WAS CONFUSED.

17 THE FACT IS, YOUR HONOR, I DID NOT FLAG IT FOR THE  
18 COURT. I APOLOGIZE.

19 THE COURT: I'M JUST TIRED OF HAVING THESE THINGS  
20 SPRUNG UP DURING THE TRIAL, JUST BEFORE A WITNESS OR WHILE A  
21 WITNESS IS TESTIFYING.

22 NOW, DEFENDANTS HAVE DONE THAT SEVERAL TIMES THIS  
23 AFTERNOON. YOU, FOR EXAMPLE, COUNSEL: YOU'VE HAD THIS CASE  
24 AND THIS TRANSCRIPT FOR SOME TIME, HAVEN'T YOU?

25 MR. NICOLAYSEN: I'VE HAD THE TRANSCRIPT AND THE TAPE

1 FOR ABOUT SIX MONTHS.

2 THE COURT: AND YOU'VE KNOWN THAT THIS WITNESS WAS  
3 GOING TO TESTIFY.

4 MR. NICOLAYSEN: NOT IN THE MANNER THAT HE WAS GOING  
5 TO TESTIFY. I ANTICIPATED THAT SOME PORTION OF TAPES WOULD BE  
6 PLAYED AT TRIAL, AS WE'VE SEEN IN MANY DRUG CASES. BUT --

7 THE COURT: YOU ANTICIPATED THAT I WAS GOING TO PLAY A  
8 SPANISH-SPEAKING TAPE FOR THE JURY?

9 MR. NICOLAYSEN: I'D SEEN IT DONE, YOUR HONOR, SINCE  
10 THAT'S THE BEST EVIDENCE. I DID NOT KNOW WHETHER --

11 THE COURT: THAT'S NO EVIDENCE AT ALL TO A JURY THAT  
12 DOESN'T UNDERSTAND SPANISH.

13 MR. NICOLAYSEN: WELL, BUT I'VE SEEN IT DONE AS A  
14 MATTER OF FORMAL TRIAL PROCEDURE, EVEN THOUGH IT MAY NOT BE  
15 COMPREHENSIBLE IN THE LANGUAGE, TO THE JURY. THE TRANSCRIPT IS  
16 MERELY THE AID; IT'S NOT THE BEST EVIDENCE.

17 WHAT I WAS PARTICULARLY OBJECTING TO, YOUR HONOR, WAS  
18 NOT THE TRANSCRIPT AS MUCH AS AGENT REYNOSO'S TESTIMONY OFF THE  
19 TOP OF HIS HEAD HERE THIS AFTERNOON AS TO WHAT'S IN THAT TAPE.

20 THE COURT: WELL, YOU KNEW HE WAS GOING TO TESTIFY,  
21 DIDN'T YOU?

22 MR. NICOLAYSEN: BUT NOT IN THIS MANNER. CERTAINLY, I  
23 KNEW HE WAS GOING TO TESTIFY.

24 THE COURT: WELL, WHAT DID YOU THINK HE WAS GOING TO  
25 DO?

1 MR. NICOLAYSEN: I THOUGHT THAT THEY WERE GOING TO USE  
2 THE BEST EVIDENCE AND HAVE THIS AGENT LAY A FOUNDATION FOR THIS  
3 EVIDENCE.

4 THE COURT: IT'S UP TO YOU TO CLARIFY THOSE THINGS AND  
5 NOT WAIT UNTIL THE WITNESS IS ON THE STAND.

6 MR. NICOLAYSEN: YOUR HONOR, I DID NOT KNOW THE METHOD  
7 OR THE MANNER IN WHICH MR. MEDRANO WAS GOING TO USE THIS  
8 WITNESS.

9 THE COURT: IT'S UP TO YOU TO FIND OUT. IF IT'S A  
10 MATTER OF CONCERN TO YOU, YOU SHOULD BRING IT UP TO THE COURT  
11 AND HAVE THESE PEOPLE TELL WHAT YOU THEY'RE GOING TO DO.

12 MR. NICOLAYSEN: IT BECAME A MATTER OF CONCERN ONLY  
13 WHEN THE WITNESS BEGAN TO TESTIFY IN THIS FASHION.

14 THE COURT: OH --

15 MR. NICOLAYSEN: YOUR HONOR, I DID NOT KNOW MR.  
16 MEDRANO WOULD USE THE WITNESS IN THIS PARTICULAR MANNER. I  
17 HAVEN'T SEEN THIS DONE.

18 THE COURT: I'M GOING TO TELL YOU SOMETHING, ALL OF  
19 YOU NOW: YOU START BRINGING THESE MOTIONS IN ADVANCE, GIVE THE  
20 COURT NOTICE OF WHAT IT IS THAT YOU'RE OBJECTING TO, AND NOT  
21 SPRING IT DURING THE TRIAL. AND I'M JUST AUTOMATICALLY DENYING  
22 THESE MOTIONS.

23 YOU HAVE TIME, YOU KNOW WHO THE WITNESSES ARE, YOU  
24 KNOW WHAT THEIR TESTIMONY'S GOING TO BE. IF THERE ARE ANY  
25 OBJECTIONS, MAKE THEM IN WRITING.

1 MR. NICOLAYSEN: I RESPECTFULLY SUBMIT, YOUR HONOR,  
2 THAT IT IS INCUMBENT ON THE GOVERNMENT TO LET ALL OF US KNOW  
3 THE PARTICULAR MANNER IN WHICH THEY INTEND TO PRESENT THE  
4 EVIDENCE SO WE CAN ANTICIPATE THESE TYPE OF PROBLEMS.  
5 OTHERWISE, WE HAVE TO SECOND-GUESS, AND THAT'S NOT A PRODUCTIVE  
6 WAY TO DO THINGS.

7 THE COURT: YOU ARE WRONG.

8 NOW, THIS IS ALSO TRUE FOR ASKING ME ABOUT A LIMITING  
9 INSTRUCTION, COUNSEL. THAT IS SOMETHING I TOLD YOU THE OTHER  
10 DAY TO BRING UP WITH THE COURT BEFORE A WITNESS TESTIFIES.  
11 EVEN THOUGH YOU HAVE FILED SOMETHING ON IT, YOU DON'T  
12 ANTICIPATE THAT THE COURT HAS ALL THESE THINGS IN ITS MIND.

13 MR. STOLAR: WE HAD A WHOLE ARGUMENT ABOUT THE  
14 ADMISSIBILITY OF OTHER CRIMES EVIDENCE. THAT SPECIFIC PIECE OF  
15 PAPER WAS WHAT WAS IN FRONT OF YOU --

16 THE COURT: COUNSEL, THAT WAS NO OTHER CRIMES  
17 EVIDENCE. THAT WAS IDENTIFICATION OF HIS FATHER'S REMAINS.

18 MR. STOLAR: MR. MATTA'S NOT CHARGED WITH THAT.

19 THE COURT: THAT'S RIGHT. AND THERE'S NO WAY HE CAN  
20 BE CONVICTED OF IT, AND THERE'S NO WAY THAT EVIDENCE COULD  
21 INJURE HIM, IN ANY WAY.

22 MR. STOLAR: MY POINT IS THE JURY -- I BELIEVE THAT  
23 THE DEFENDANT MATTA IS ENTITLED TO A LIMITING INSTRUCTION TO  
24 THE JURY INDICATING THEY MAY NOT CONSIDER THAT EVIDENCE.

25 THE COURT: HEREAFTER, IF YOU WANT A LIMITING

1 INSTRUCTION, YOU DON'T WAIT UNTIL A WITNESS IS TESTIFYING; YOU  
2 SUBMIT A LIMITING INSTRUCTION TO THE COURT, IN WRITING,  
3 BEFOREHAND.

4 MR. STOLAR: FINE. MAY I THEN RELY ON THE LIMITING  
5 INSTRUCTION WHICH IS PRESENTLY BEFORE YOU AS MY ALL-PURPOSE  
6 LIMITING INSTRUCTION WHENEVER SUCH REQUEST IS MADE AT A RECESS  
7 WITH RESPECT TO A WITNESS?

8 THE COURT: NO. YOU HAVE BRING IT TO THE COURT'S  
9 ATTENTION BEFOREHAND.

10 NOW, IF YOU HAVE ANY WITNESSES IN MIND THAT YOU WANT A  
11 LIMITING INSTRUCTION ABOUT, I WANT A LIMITING INSTRUCTION THAT  
12 YOU WANT ME TO GIVE.

13 YOU SEE, YOU PUT THE COURT IN AN IMPOSSIBLE POSITION,  
14 ALL OF YOU, WHEN YOU SPRING THESE THINGS UP AT THE LAST MINUTE.

15 FIRST OF ALL, YOU EXPECT THE COURT TO GIVE YOU INSTANT  
16 ANSWERS, WITHOUT HAVING THE OPPORTUNITY TO RESEARCH THE MATTER,  
17 WITHOUT HAVING THE OPPORTUNITY TO HEAR ANY ARGUMENT, WHEN THE  
18 JURY IS SITTING THERE, AND IT'S JUST AN UNTENABLE POSITION TO  
19 PUT THE COURT IN.

20 MR. MEDRANO: YOUR HONOR, LET ME FIRST OF ALL  
21 APOLOGIZE FOR NOT BRINGING UP TO YOU THIS SUBJECT IN A MORE  
22 AFFIRMATIVE MATTER.

23 I WOULD LIKE TO STATE TO YOU, THOUGH, THAT BEFORE WE  
24 STARTED COURT TODAY, AFTER THE LUNCH RECESS, WE HAD  
25 RESPECTFULLY ASKED YOUR MADAM CLERK TO TALK TO YOU ABOUT THIS

1 BEFORE YOU TOOK THE BENCH AND BEFORE THE JURY CAME OUT. I JUST  
2 WANTED YOU TO BE AWARE THAT AT THAT TIME WE WERE GOING TO LAY  
3 OUT THESE THINGS FOR YOU.

4 IN ADDITION, YOUR HONOR, LET ME STATE TO YOU, MORE BY  
5 WAY OF EXPLANATION, BUT CERTAINLY NOT TO COUNTENANCE WHAT  
6 OCCURRED, THAT MR. NICOLAYSEN AND I HAD ALREADY BEEN MEETING  
7 AND DISCUSSING ABOUT THE MANNER IN WHICH THESE TRANSCRIPTS  
8 WOULD BE ADMITTED TO THE JURY.

9 AND I THINK WHAT'S HAPPENED IS THAT MR. NICOLAYSEN AND  
10 I HAD ESSENTIALLY AGREED AMONGST OURSELVES THAT THERE WOULD  
11 HAVE TO BE ROLE PLAYING, AND THROUGH OVERSIGHT -- AND THIS WILL  
12 NOT HAPPEN AGAIN -- WE SIMPLY FAILED TO BRING THAT TO YOUR  
13 ATTENTION.

14 YOUR HONOR, I DO APOLOGIZE FOR THAT --

15 THE COURT: WELL, YOU SHOULD TELL THEM ABOUT IT, TOO.

16 MR. MEDRANO: I DID, YOUR HONOR. I TOLD MR.

17 NICOLAYSEN; I GAVE HIM COPIES OF ALL THE TRANSCRIPTS; I GAVE  
18 HIM COPIES OF THE MINUTE PORTIONS WE INTEND TO READ.

19 THE COURT: YOU DIDN'T TELL HIM THAT YOU WANTED TO DO  
20 THIS.

21 MR. MEDRANO: I DID ADVISE HIM, YOUR HONOR, THAT MR.  
22 REYNOSO AND I WOULD ROLE-PLAY AND THAT WE HAD EXTRA COPIES FOR  
23 THE JURY.

24 THE COURT: NOW, IN THE LAST TRIAL WE HAD, WHEN THERE  
25 WERE SPANISH TAPES INVOLVED, THE TAPE WAS PLAYED AND,

1 SIMULTANEOUSLY, AN ENGLISH TRANSLATION WAS SHOWN ON A SCREEN,  
2 SO THE JURY COULD FOLLOW THE TRANSLATION.

3 MR. MEDRANO: I AGREE, YOUR HONOR, THE REASON THAT  
4 WASN'T DONE HERE, FOR YOUR INFORMATION, IS IT IS TREMENDOUSLY  
5 EXPENSIVE FOR THAT TO BE DONE, YOUR HONOR. AND AS A RESULT OF  
6 THAT EXPENSE AND THAT HIGH COST, IT WAS OUR DECISION TO MERELY  
7 DO THIS SORT OF ROLE-PLAYING.

8 THE COURT: WELL, I'M NOT GOING PERMIT THAT.

9 MR. MEDRANO: PARDON ME, YOUR HONOR?

10 THE COURT: I'M NOT GOING TO PERMIT THAT.

11 MR. MEDRANO: YOUR HONOR, MAY I INQUIRE OF THE COURT  
12 THE FOLLOWING, THEN?

13 IN TERMS OF GUIDANCE FROM YOU AS TO HOW YOU WOULD LIKE  
14 US TO PROCEED, THERE'S OTHER AREAS THAT MR. REYNOSO CAN TESTIFY  
15 ABOUT IN TERMS OF WHAT THE DEFENDANT SAID DURING THE  
16 INTERVIEWS. WOULD YOU LIKE HIM SIMPLY TO PARAPHRASE ON THE  
17 STAND OR, ALTERNATIVELY, I GUESS, ANOTHER WAY IS JUST TO READ  
18 THOSE EXACT PORTIONS IN ENGLISH TO THE JURY.

19 WHAT WOULD YOU LIKE US TO DO, YOUR HONOR?

20 THE COURT: YOU'VE CREATED A DILEMMA HERE. THE TAPE  
21 CANNOT BE PLAYED FOR THE JURY --

22 MR. MEDRANO: CORRECT.

23 THE COURT: -- BECAUSE IT'S IN SPANISH.

24 MR. MEDRANO: CORRECT.

25 THE COURT: YOU CANNOT GIVE THEM A SIMULTANEOUS



1 ENGLISH TRANSCRIPT.

2 I DON'T THINK IT'S PROPER FOR THIS WITNESS TO READ THE  
3 TRANSCRIPT AS THOUGH IT WERE SOME SORT OF A DEPOSITION THAT WAS  
4 TAKEN --

5 MR. MEDRANO: I UNDERSTAND.

6 THE COURT: BETWEEN YOU AND HIM. SO IT SEEMS TO ME  
7 THAT YOU HAVE TO RELY ON HIS MEMORY --

8 MR. MEDRANO: VERY WELL, YOUR HONOR.

9 THE COURT: -- TO ELICIT ANY STATEMENTS THAT WERE MADE  
10 BY THIS DEFENDANT.

11 MR. MEDRANO: THEN I WILL DO THAT, YOUR HONOR, EASILY.

12 THE COURT: AND TO THE EXTENT THAT YOU HAVE NOT  
13 COMPLAINED TO THIS COURT AT ANY TIME THAT THE ENGLISH  
14 TRANSLATION THAT WAS PROVIDED TO YOU IS IN ANY WAY INCORRECT  
15 OR --

16 MR. NICOLAYSEN: NO. IN FACT, I'M NOT TAKING THE  
17 POSITION THAT IT IS AN INCORRECT TRANSLATION, AS SUCH, YOUR  
18 HONOR.

19 THE COURT: ALL RIGHT. SO --

20 MR. NICOLAYSEN: BUT I AM TAKING --

21 THE COURT: -- TO THE EXTENT THAT THIS WITNESS  
22 DEVIATES FROM WHAT IS CONTAINED ON THE TAPE AND IN THAT  
23 TRANSCRIPT, YOU ARE PERMITTED TO CROSS-EXAMINE AND USE THAT  
24 TRANSCRIPT, INCLUDING READING PORTIONS OF IT WHICH YOU BELIEVE  
25 ARE INCONSISTENT WITH WHAT THE WITNESS TESTIFIED.

1           MR. NICOLAYSEN: GOOD. AND I INTEND TO DO THAT, YOUR  
2 HONOR. THANK YOU.

3           MR. MEDRANO: FINALLY, YOUR HONOR, LET ME JUST FLAG  
4 FOR YOU THE FINAL ISSUE AS TO THE WHOLE AREA.

5           MR. NICOLAYSEN ADVISED ME EARLIER TODAY THAT IT WAS  
6 HIS INTENT TO USE ANOTHER TAPE THAT EXISTS THAT I WANT YOU TO  
7 BE AWARE OF.

8           THIS WITNESS WOULD STATE THAT ON ANOTHER OCCASION,  
9 THERE WAS ANOTHER INTERVIEW TAPED, IN WHICH IS PRESENT THE  
10 DEFENDANT HERE AND DEFENDANT ANTONIO VASQUEZ OCHOA. AND  
11 PERHAPS 90 PERCENT OF THAT TAPE IS THE NEPHEW SPEAKING, NOT THE  
12 DEFENDANT.

13           AND MR. NICOLAYSEN HAS ADVISED ME THAT IT IS HIS  
14 INTENT TO TRY TO ELICIT THOSE HEARSAY STATEMENTS BY ANTONIO AT  
15 THAT INTERVIEW. AND I JUST WANTED TO ADVISE YOU, OUTSIDE THE  
16 PRESENCE OF THE JURY, THAT IT'S THE GOVERNMENTS POSITION THAT  
17 THAT IS BLATANT HEARSAY AND SIMPLY NOT ADMISSIBLE IN ANY FORM  
18 OR FASHION, BECAUSE THE THRUST OF THE INTERVIEW WAS TO  
19 INTERVIEW THE NEPHEW ANTONIO, JUNIOR, NOT JAVIER VASQUEZ, WHO  
20 PERIODICALLY MAKES STATEMENTS.

21           BUT THE WHOLE INTERVIEW, ESSENTIALLY, IS OF THE  
22 NEPHEW. SO I JUST WANTED TO TELL YOU WE OBJECT.

23           MR. NICOLAYSEN: THAT'S NOT TRUE. ON JULY 21ST, AGENT  
24 REYNOSA CONDUCTED A THREE-WAY MEETING: HIMSELF, MY CLIENT, AND  
25 THE NEPHEW, ANTONIO OCHOA VASQUEZ. THE INTERVIEW HAD TO DO

1 WITH THE LA LANGOSTA EVENT. MY CLIENT WAS PRESENT THROUGHOUT  
2 THAT MEETING. IT WAS A VOLUNTARY MEETING.

3 AND THERE ARE A COUPLE OF MATTERS THAT WERE RAISED  
4 DURING THE THREE-WAY MEETING THAT I DO INTEND -- OF COURSE,  
5 WITH THE COURT'S PERMISSION -- TO CONFRONT AGENT REYNOSA ABOUT,  
6 AND I SUBMIT THAT THEY ARE NOT HEARSAY.

7 ONE OF THOSE MATTERS, IN MY JUDGMENT, IS EXEMPT FROM  
8 THE HEARSAY RULE, YOUR HONOR, 804(B)(3), AS A STATEMENT AGAINST  
9 INTEREST BY AN UNAVAILABLE DECLARANT.

10 THE OTHER PORTION OF THE OCHOA-VASQUEZ-REYNOSO  
11 INTERVIEW THAT I WANTED TO CONFRONT THE AGENT WITH HAS TO DO  
12 WITH IMPEACHMENT MATTERS CONCERNING ANOTHER GOVERNMENT WITNESS.  
13 I'M NOT INTRODUCING IT FOR ITS TRUTH, BUT TO SHOW THAT IT IS  
14 DIAMETRICAL TO AN ACCOUNT GIVEN HERE IN COURT BY ANOTHER OF THE  
15 GOVERNMENT'S WITNESSES.

16 THERE IS ANOTHER PART OF THAT SAME THREE-WAY INTERVIEW  
17 THAT CONCERNS STATEMENTS MADE STRICTLY BY MY CLIENT TO AGENT  
18 REYNOSO. NOW, I DON'T THINK THERE CAN BE ANY DISPUTE ABOUT THE  
19 ADMISSIBILITY OF THAT, AND I WOULD LIKE TO HAVE THAT BEFORE  
20 AGENT REYNOSO ON CROSS-EXAMINATION.

21 YOUR HONOR, GIVEN THAT GROUND RULES THAT YOU'VE JUST  
22 OUTLINED NOW, PERHAPS YOU CAN ADVISE US HOW YOU WANT THAT  
23 HANDLED. I WOULD LIKE TO BE ABLE TO GO VERBATIM THROUGH MY  
24 CLIENT'S STATEMENTS TO AGENT REYNOSO AT THAT JULY 21ST MEETING.  
25 I DON'T WANT TO GO THROUGH SUMMARIES; I'D RATHER USE THE

1 TRANSCRIPT WORD BY WORD, BECAUSE I THINK IT REALLY IS THE  
2 APPROPRIATE CONTEXT TO GO BY.

3 MR. MEDRANO: ONE FINAL STATEMENT, YOUR HONOR: THIS  
4 IS AN INTERVIEW THAT TOOK PLACE 10 DAYS AFTER THE ONE THAT THE  
5 WITNESS HAS TESTIFIED ABOUT. THAT IS NOT A RULE 801 ISSUE  
6 BECAUSE IT HAS TO BE OFFERED BY A PARTY OPPONENT. WE'RE NOT  
7 GETTING INTO THAT AREA. THAT INTERVIEW IS 10 DAYS LATER AND  
8 HAS NOTHING TO DO WITH THIS CASE, SO THERE'S NO HEARSAY  
9 EXCEPTION.

10 MR. STOLAR: 804(B)(3), YOUR HONOR.

11 THE COURT: WELL, IF THIS DEFENDANT WAS A PARTY TO THE  
12 THE CONVERSATION, AND IF THERE ARE SOME STATEMENTS THAT CAN  
13 BE -- THAT WERE ADOPTED BY HIM OR WHICH HE TACITLY ADMITTED OR  
14 DENIED, THEN IT SEEMS TO ME THAT MIGHT BE PERTINENT.

15 MR. MEDRANO: THAT I UNDERSTAND, YOUR HONOR, BUT THEN  
16 I COME BACK TO MY POINT THAT WE DIDN'T OPEN THE DOOR ON IT.

17 UNDER THE RULE OF COMPLETENESS, THAT 10-DAY-LATER  
18 INTERVIEW HAS NOTHING TO DO WITH THE SUBJECT OF THE PRESENT  
19 DIRECT. SO IT'S HEARSAY, YOUR HONOR; JUST BLATANT HEARSAY.

20 MR. NICOLAYSEN: I COMPLETELY DISAGREE. THE MEETING  
21 OF JULY 21ST WAS A FOLLOW-UP MEETING TO THE JULY 14TH MEETING  
22 WHICH IS THE SUBJECT OF THE TAPE RECORDING. AND THE END OF THE  
23 JULY 14TH TRANSCRIPT TELLS US SPECIFICALLY THAT THERE IS GOING  
24 TO BE FOLLOW-UP WORK DONE BY MY CLIENT TO HELP AGENT REYNOSO  
25 AND HIS COLLEAGUES, PURSUANT TO THE COOPERATION AGREEMENT THAT

1 WAS SIGNED THE VERY SAME DAY.

2 SO UNDER THAT COMPLETENESS CONCEPT, THE MEETING OF  
3 JULY 1 -- 21 IS MERELY AN EXTENSION OF THE ONGOING SERIES OF  
4 CONVERSATIONS THAT THE WITNESS HAS ALREADY BEGUN TO DISCUSS.  
5 AND I SUBMIT THAT MY CLIENT HAS IN FACT FULLY ADOPTED ALL OF  
6 OCHOA'S STATEMENTS, THEY ARE DIRECTLY RELEVANT TO NEGATING ANY  
7 CONSCIOUSNESS OF GUILT, IT SHOWS THAT MY CLIENT CLEARLY WAS  
8 BRINGING THE AGENTS -- I'M SORRY -- BRINGING HIS NEPHEW TO THE  
9 AGENT SO THAT HE COULD FACILITATE THE GOVERNMENT'S  
10 INVESTIGATION OF LA LANGOSTA, THE TRANSCRIPT SPECIFICALLY SHOWS  
11 MY CLIENT HELPING AGENT REYNOSO TO COMMUNICATE WITH MR. OCHOA,  
12 AND SO ON.

13 SO I RESPECTFULLY SUBMIT THAT IT'S USABLE, YOUR HONOR.

14 THE COURT: WELL, YOU CAN ASK THE QUESTIONS, AND YOU  
15 CAN MAKE THE OBJECTIONS --

16 MR. NICOLAYSEN: I UNDERSTAND.

17 THE COURT: -- AND THE COURT WILL RULE.

18 MR. MEDRANO: AND ONE FINAL POINT, YOUR HONOR. IT'S A  
19 VERY BRIEF PROFFER AS TO THE EXHIBIT THAT YOU SUSTAINED  
20 OBJECTION TO AT THIS TIME.

21 EXHIBIT 49 IS ABOUT EIGHT IDENTIFICATIONS FOUND ON THE  
22 DEFENDANT THE TIME OF HIS ARREST ON ABOUT JULY 12TH OF LAST  
23 YEAR. ONE OF THOSE I.D.'S, YOUR HONOR --

24 THE COURT: ARREST FOR THIS OFFENSE?

25 MR. MEDRANO: NO, YOUR HONOR. IT'S AN UNRELATED

1 CHARGE. BUT WE'RE NOT BRINGING INTO THE PICTURE THE FACT THAT  
2 HE WAS ARRESTED OR --

3 THE COURT: WELL, WHAT IS THE POINT?

4 MR. MEDRANO: THE POINT IS THIS, YOUR HONOR, THAT  
5 WE'RE TRYING --

6 THE COURT: HOW DOES IT PROVE THAT HE WAS INVOLVED IN  
7 THE LA LANGOSTA MURDERS?

8 MR. MEDRANO: EASILY, YOUR HONOR.

9 THE FALSE IDENTIFICATION -- FIRST LET ME TELL YOU, THE  
10 GOVERNMENT LATER ON IN THE TRIAL WILL PUT ON AN EXPERT D.E.A.  
11 AGENT WITNESS TO INDICATE METHODS OF OPERATIONS FOR NARCOTICS  
12 TRAFFICKERS. ONE OF THOSE KEY M.O.'S, YOUR HONOR, IS THE USE  
13 OF FALSE IDENTIFICATION.

14 THE GOVERNMENT'S THEORY OF THE CASE IS THAT JAVIER  
15 VASQUEZ IS IN ESSENCE A HENCHMAN OR SOLDIER FOR THE NARCOTICS  
16 CARTEL. THEREFORE, IT'S ENTIRELY LOGICAL THAT A MEMBER OF THE  
17 CARTEL WOULD MAINTAIN FALSE I.D.'S. AND THAT'S WHY WE WANTED  
18 TO OFFER THAT. THAT'S HOW I WOULD TIE IT UP AT A LATER TIME,  
19 YOUR HONOR. THAT'S OUR PROFFER.

20 THE COURT: I DON'T BELIEVE IT'S RELEVANT.

21 MR. STOLAR: LET ME JUST STATE --

22 MR. NICOLAYSEN: NEITHER DO I.

23 YOUR HONOR, IS THERE A RULING ON THAT? BECAUSE --

24 THE COURT: THAT'S WHAT I'M RULING: NOT RELEVANT.

25 MR. MEDRANO: THANK YOU, YOUR HONOR.

1 MR. NICOLAYSEN: YOUR HONOR, AT THIS TIME, THOUGH, I  
2 WOULD LIKE TO MOVE FOR A MISTRIAL. I THINK THAT GOVERNMENT  
3 COUNSEL DID TWO THINGS DURING DIRECT THAT WERE HIGHLY IMPROPER.

4 ONE WAS TO ASK A LEADING QUESTION ABOUT MY CLIENT'S  
5 ARREST ON JULY 12 OF 89. THAT WAS A STATE COURT ARREST,  
6 COUNSEL KNEW IT WAS COMPLETELY UNRELATED TO THIS CASE, HAD NO  
7 PROBATIVE VALUE, AND CERTAINLY WOULD PREJUDICE MY CLIENT IN THE  
8 JURY'S EYES.

9 SECONDLY --

10 THE COURT: WELL, IF YOU HADN'T SAID ANYTHING, IT  
11 WOULDN'T HAVE, BECAUSE THEY HAD NO WAY OF KNOWING THAT IT  
12 WASN'T THE ARREST FOR THIS CASE.

13 MR. NICOLAYSEN: YOUR HONOR, ANY REFERENCE TO ARREST  
14 IN ITSELF IS A TAIN. AND IN FACT, I DID NOT KNOW HOW MUCH  
15 FURTHER MR. MEDRANO WAS GOING TO GO IN CONNECTION TO THAT  
16 ISSUE, AND I FEEL THAT THAT'S --

17 THE COURT: WELL, WHAT IS YOUR OTHER GROUND?

18 MR. NICOLAYSEN: THE OTHER GROUND IS THE REFERENCE,  
19 THE ARGUMENTATIVE REFERENCE, TO THE FALSE IDENTIFICATION, IN  
20 OPEN COURT, IN FRONT OF THE JURY.

21 NOW, I BELIEVE THAT YOUR HONOR HAS SET FORTH CLEAR  
22 GUIDELINES THAT SUBSTANTIVE ARGUMENTS ARE TO BE MADE OUTSIDE  
23 THE JURY'S PRESENCE, BUT -- AND I RECOGNIZE AND I THANK YOUR  
24 HONOR FOR ADMONISHING THE JURY, BUT I THINK IT'S IMPRACTICAL TO  
25 EXPECT THAT THAT'S GOING TO WIPE THE TAIN OUT OF THE JURY'S

1 MIND ALTOGETHER.

2 AGAIN, COUNSEL KNOWS THAT THAT'S HIGHLY  
3 INAPPROPRIATE --

4 THE COURT: COUNSEL, YOU TALK TOO MUCH. MAKE YOUR  
5 POINT AND STOP.

6 MR. NICOLAYSEN: WELL, I BELIEVE THOSE TWO GROUNDS ARE  
7 ADEQUATE GROUNDS, YOUR HONOR.

8 THE COURT: THE MOTION IS DENIED.

9 MR. CARLTON: YOUR HONOR, ONE FINAL THING: I  
10 UNDERSTAND THAT MR. MEDVENE WISHES TO MAKE A MOTION. HE  
11 INFORMED ME PRIOR TO THE BEGINNING OF THIS SESSION THAT HE  
12 WISHED TO MAKE A MOTION.

13 THE COURT: DO YOU WISH TO MAKE A MOTION?

14 MR. MEDVENE: YES, YOUR HONOR. THERE'S ONE MATTER  
15 THAT WE HAD DISCUSSED WITH THE GOVERNMENT. IT'S THE  
16 GOVERNMENT'S NEXT WITNESS.

17 THE COURT: YOU'RE REFERRING TO THIS? (HOLDS UP  
18 PAPER.)

19 MR. NICOLAYSEN: YES, YOUR HONOR.

20 THE COURT: WHAT IS IT YOU INTEND TO DO? I'M LOOKING  
21 AT THIS CERTIFICATION OF UNITED STATES DEPARTMENT OF JUSTICE  
22 FORM 11263B, A RECORD OF A SWORN STATEMENT, ALLEGEDLY OF MR.  
23 ZUNO ARCE, AND IT BEARS A CERTIFICATION.

24 ARE YOU INTENDING TO OFFER THIS INTO EVIDENCE THROUGH  
25 A WITNESS?



1 MR. CARLTON: YES, YOUR HONOR, THROUGH THE IMMIGRATION  
2 INSPECTOR WHO TOOK THIS STATEMENT WHICH WAS SIGNED BY MR. ZUNO.  
3 I WAS INTENDING TO ELICIT FROM HER THE SUBSTANCE OF HIS  
4 STATEMENT AND THE FACT THAT HE SIGNED THIS WRITTEN STATEMENT  
5 AND TO GET THAT IN ORDER -- IN EVIDENCE. I'M SORRY.

6 THE COURT: AND IS THIS SOMETHING THAT QUALIFIES UNDER  
7 RULE 1005.

8 MR. CARLTON: THIS IS AN ADMISSION, A STATEMENT BY THE  
9 DEFENDANT, YOUR HONOR. AND WE WOULD SUBMIT THAT CERTAIN OF THE  
10 ITEMS ARE AGAINST HIS INTERESTS, SO ADMISSION BY A PARTY  
11 OPPONENT?

12 THE COURT: WELL, I READ THROUGH THIS. THE ONLY THING  
13 I COULD SEE IS THAT HE MADE A STATEMENT ABOUT 881 LOPE DE VEGA.

14 MR. CARLTON: CERTAINLY, THAT'S ONE OF THE ITEMS IN  
15 THERE THAT THE GOVERNMENT SEEKS TO ELICIT FROM THIS STATEMENT,  
16 YOUR HONOR.

17 THE COURT: WHAT ELSE IS THERE?

18 MR. CARLTON: THERE'S OTHER BACKGROUND INFORMATION BY  
19 THE DEFENDANT CONCERNING HIS OWNERSHIP OF VARIOUS BUSINESSES IN  
20 THE AREA OF MASCOTA, JALISCO; THE FACT THAT HE LIVES IN  
21 MASCOTA; THE FACT THAT -- HIS STATEMENT THERE THAT HE WAS --  
22 WHEN ASKED, "HAVE YOU EVER LIVED IN THE UNITED STATES?"

23 "NO, BUT TEMPORARY, ONLY FOR ABOUT TWO MONTHS."

24 THAT CONTRADICTS A STATEMENT THAT HE GAVE TO ANOTHER  
25 WITNESS WHO WILL BE TESTIFYING AT A LATER DATE, YOUR HONOR.

1           AND GENERALLY, JUST THE BACKGROUND ON THE DEFENDANT  
2 THAT HE GAVE ABOUT HIMSELF, BUT IN PARTICULAR, THE STATEMENT I  
3 JUST DESCRIBED FOR YOU.

4           THE COURT: WELL, IS THIS THE ONLY EVIDENCE THAT  
5 YOU'RE GOING TO OFFER AS PROOF THAT HE OWNED THIS PROPERTY AT  
6 SOME POINT IN TIME?

7           MR. CARLTON: THIS IS PRIMARILY THE EVIDENCE  
8 CONCERNING HIS OWNERSHIP OF PROPERTY IN MASCOTA, YES.

9           THE COURT: I'M TALKING ABOUT THIS PROPERTY AT 881  
10 LOPE DE VEGA.

11           MR. CARLTON: NO. THERE STILL WILL BE OTHER EVIDENCE,  
12 AS WELL, YOUR HONOR, BUT ALL OF IT CONSISTING OF STATEMENTS BY  
13 THE DEFENDANT HIMSELF.

14           THE COURT: WELL, WHAT IS THE RULE UNDER WHICH YOU'RE  
15 OFFERING THIS? 1005?

16           ARE YOU GOING TO OFFER THIS AS THE CONTENTS OF AN  
17 OFFICIAL RECORD?

18           MR. CARLTON: OH, NO, YOUR HONOR. 801, YOUR HONOR.

19           THIS IS -- IT CAN COME IN THROUGH THE WOMAN WHO  
20 ACTUALLY HEARD THE STATEMENTS ORALLY, UNDER 801, AS AN  
21 ADMISSION BY A PARTY OPPONENT.

22           ASSUMING THAT THERE IS NOT AN OBJECTION ON BEST  
23 EVIDENCE GROUNDS, I WOULD INTRODUCE THE CERTIFIED COPY HERE  
24 SIMPLY BECAUSE THE I.N.S. HASN'T RELEASED THE ORIGINAL. BUT I  
25 CAN GET THAT, I SUPPOSE, IF IT'S ABSOLUTELY NECESSARY TO GET

1 THE ORIGINAL, SIGNED STATEMENT.

2 THE COURT: ALL RIGHT. WHY ISN'T THIS A STATEMENT?  
3 IT'S SIGNED BY YOUR CLIENT. HE APPARENTLY CERTIFIED IT TO BE  
4 TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE.

5 WHAT IS THE OBJECTION TO IT?

6 MR. MEDVENE: WE HAVE THREE OBJECTIONS, YOUR HONOR.

7 THE FIRST IS, THE STATEMENT WAS NOT VOLUNTARILY GIVEN,  
8 BECAUSE HIS STATEMENT WAS TAKEN ON THE PRETEXT THAT IT WAS  
9 BEING TAKEN IN THE CONTEXT OF MR. ZUNO'S ENTRY INTO THIS  
10 COUNTRY. WE'RE PREPARED TO SHOW THAT HE HAD NEVER BEEN  
11 QUESTIONED BEFORE AND THAT WHEN HE WAS QUESTIONED --

12 THE COURT: THAT'S IN THE NATURE OF A MOTION TO  
13 SUPPRESS A STATEMENT.

14 MR. CARLTON: IT'S IN THE NATURE OF A MOTION TO  
15 SUPPRESS A STATEMENT. AND OUR FIRST KNOWLEDGE THAT THE  
16 STATEMENT WAS GOING TO COME IN OR THEY WERE GOING TO OFFER IT  
17 WAS TODAY.

18 EVEN IF -- EVEN IF -- YOU THINK THE STATEMENT SHOULD  
19 NOT BE SUPPRESSED, WE DON'T THINK THE STATEMENTS MADE ARE  
20 ADMISSIONS, AND WE'D LIKE TO GO THROUGH AT THE APPROPRIATE  
21 TIME, BECAUSE THEY HAVE TO BE ADMISSIONS AND THEY'RE NOT. SO  
22 THE FACT HE LIVED IN MASCOTA IS NOT SUFFICIENT. WE THINK IT'S  
23 INAPPROPRIATE AT THIS TIME.

24 IF IN THEIR REBUTTAL CASE THINGS COME UP WHICH MAKE  
25 PORTIONS OF THE THINGS HE SAID RELEVANT, THEN ITS DIFFERENT.

1 BUT WE DON'T THINK THEY'RE RELATIVE AT THIS STAGE OF THE CASE  
2 OR THAT THEY'RE ADMISSIONS.

3 CERTAIN THINGS WE THINK ARE UNDULY PREJUDICIAL,  
4 WHETHER IT RELATES TO THE FACT THAT HE WAS DIVORCED, WHETHER IT  
5 RELATES TO THE FACT THAT MR. CASIAS (PHONETIC) ADVISED HIM HE  
6 COULD NOT ACQUIRE RESIDENCY IN THE UNITED STATES.

7 SO THEY'RE NOT ADMISSIONS; RELEVANCE; 403; AND, BEFORE  
8 ANY OF IT, THE MOTION TO SUPPRESS.

9 MR. CARLTON: YOUR HONOR, LET ME RESPOND JUST POINT BY  
10 POINT TO THAT.

11 THEY HAVE HAD THIS DOCUMENT FOR AT LEAST TWO MONTHS  
12 AND HAVE HAD AMPLE OPPORTUNITY TO FILE A SUPPRESSION MOTION.  
13 AND AGAIN, THIS ALMOST IN THE NATURE OF WALK-IN BUSINESS.

14 THE COURT: WELL, IT'S THESE AFTERTHOUGHTS THAT ARE  
15 CAUSING ME ALL THE PROBLEMS. WHY HAVEN'T YOU ADDRESSED THIS  
16 BEFORE?

17 MR. MEDVENE: WELL, IN FAIRNESS TO BOTH SIDES, WE'VE  
18 HAD, AS MR. CARLTON SAID. THIS STATEMENT. WE HAD NO  
19 INDICATION THEY INTENDED TO GET THIS STATEMENT IN. POINT 1.

20 TWO, THEY GAVE US THE NAME OF THE WITNESS LAST NIGHT.  
21 WE ASKED THEM WHAT THE WITNESS PERTAINED TO. THEY DID NOT TELL  
22 US LAST NIGHT. WE FIRST HEARD THIS MORNING THAT THE WITNESS  
23 PERTAINED TO THIS STATEMENT.

24 NOW, WE'RE NOT FAULTING ANYBODY; WE'RE JUST SAYING  
25 WE'RE NOT LATE. WE DIDN'T KNOW THEY WERE GOING TO TRY TO PUT

1 THIS STATEMENT IN. WE DIDN'T KNOW THE STATE OF THE EVIDENCE,  
2 EVEN IF THEY WERE.

3 BUT THEY HAVEN'T SHOWN WHY THESE THINGS ARE ADMISSIONS  
4 OR RELEVANT, LET ALONE WHY THE STATEMENT WAS PROPERLY TAKEN.

5 MR. CARLTON: I HAVEN'T RESPONDED TO SOME OF THOSE  
6 POINTS, BUT IT CERTAINLY SEEMS RELEVANT TO ME, YOUR HONOR, WHEN  
7 THERE'S ALREADY BEEN EVIDENCE INTRODUCED THAT MR. ZUNO ASKED  
8 FOR HELP IN REMOVING FIVE TONS OF MARIJUANA FROM MASCOTA, THEN  
9 WHEN HE STATES THAT HE LIVES IN MASCOTA THAT SEEMS TO HAVE SOME  
10 RELEVANCE; THAT SEEMS TO BE AN ADMISSION.

11 HIS ADMISSION THAT HE LIVED AT LOPE DE VEGA FROM 1970  
12 TO 1982 HAS SOME RELEVANCE, AS WELL. IT TENDS TO CONNECT HIM  
13 TO THE HOUSE.

14 THE CONTRADICTION BETWEEN THIS STATEMENT AND ANOTHER  
15 STATEMENT THAT HE MADE, CONCERNING WHEN HE LIVED IN THE UNITED  
16 STATES AND EVEN WHEN HE LIVED AT LOPE DE VEGA, ALL OF THAT IS  
17 RELEVANT.

18 NOW, I HAVE NO OBJECTION -- AND I'VE INFORMED MR.  
19 MEDVINE AND MR. DI NICOLA -- TO EXCIZING THE REFERENCE TO HIS  
20 DIVORCE. I DON'T HAVE ANY INTEREST IN GETTING THAT INTO  
21 EVIDENCE.

22 BUT THE OTHER ITEMS WHICH WERE TOLD TO ME THEY HAD  
23 SOME PROBLEM WITH ARE THE ITEMS THAT I JUST DISCUSSED WITH YOU.  
24 AND I THINK THEY'RE CLEARLY RELEVANT AND CLEARLY ADMISSIBLE AS  
25 A STATEMENT BY THE DEFENDANT AND THAT THEY SHOULD HAVE KNOWN --

1 THEY'RE A BIG LAW FIRM WITH A LOT OF LAWYERS -- THAT A  
2 STATEMENT, A SIGNED SWORN STATEMENT BY A DEFENDANT, THAT WE'RE  
3 GOING TO SEEK TO INTRODUCE THAT.

4 MR. MEDRANO: FINALLY, YOUR HONOR, MAY I REMIND --

5 MR. MEDVENE: IF THE COURT PLEASE, THE LOPE DE VEGA --  
6 IT SAYS HE LIVED THERE UNTIL 82. I DON'T KNOW IF THAT IT'S HIS  
7 STATEMENT, BUT WE'RE WILLING TO STIPULATE THAT HE OWNED LOPE DE  
8 VEGA.

9 IN TERMS OF MASCOTA, WE'RE WILLING TO STIPULATE THAT  
10 HE LIVES IN MASCOTA.

11 BUT THEY CAN'T, BY SAYING THOSE TWO THINGS, ATTEMPT TO  
12 PIGGYBACK IN THE WHOLE STATEMENT. THE OTHER THINGS ARE NOT  
13 RELEVANT AND NOT RELEVANT AT THIS STAGE OF THE PROCEEDINGS.  
14 THEY'RE NOT ADMISSIONS OF ANY --

15 THE COURT: WELL, WHY DON'T YOU GET TOGETHER AND SEE  
16 IF YOU CAN REACH AN AGREEMENT OF WHAT IS NOT RELEVANT AND AGREE  
17 ON WHAT IS AND THEN SIMPLY LIMIT IT TO THAT PURPOSE.

18 MR. CARLTON: YOUR HONOR, LET ME POINT OUT: WE TURNED  
19 THIS OVER ON JANUARY 17TH OF THIS YEAR.

20 THE COURT: WELL, IT'S INEXCUSABLE FOR YOU TO BE  
21 RAISING THIS JUST BEFORE THE WITNESS TESTIFIES. THEY DIDN'T  
22 TURN THIS OVER TO YOU, SIR, JUST FOR YOUR CURIOSITY; THEY  
23 TURNED IT OVER TO YOU BECAUSE THEY INTENDED TO USE IT AS AN  
24 EXHIBIT IN THE CASE.

25 MR. MEDVENE: THEY TURNED OVER 6,000 PAGES, YOUR

1 HONOR, AND THEY DID NOT INDICATE THAT THEY WERE GOING TO USE  
2 THAT IN THIS FORM.

3 MR. MEDRANO: YOUR HONOR, I MIGHT MENTION TO YOU  
4 THAT --

5 THE COURT: YOU HAVE FOUR LAWYERS SITTING HERE. SOME  
6 OF THEM OUGHT TO BE WORKING ON THESE THINGS, RATHER THAN  
7 SITTING HERE.

8 MR. MEDVENE: YOUR HONOR, THE GOVERNMENT COULD TELL US  
9 WHAT THEY INTENDED TO DO. IF THEY DON'T TELL US, THERE'S  
10 NOTHING TO WORK ON.

11 THE COURT: THEY DON'T HAVE TO TELL YOU. THEY DON'T  
12 HAVE TO TELL YOU EVERYTHING THEY INTEND TO DO.

13 THEY ARE REQUIRED TO PRODUCE THINGS THAT THEY MAY USE  
14 IN EVIDENCE. WHEN YOU HAVE SOMETHING LIKE THIS AND YOU SEE  
15 OBJECTION TO IT, IT'S YOUR JOB TO FILE A MOTION NOT TO USE IT,  
16 AND THEN THEY WOULD HAVE TO MAKE A COMMITMENT ON IT?

17 MR. MEDVENE: WOULD YOU THINK, YOUR HONOR, LAST NIGHT,  
18 WHEN THEY NAMED THE WITNESS, AND WE SAY, "WHAT IT'S RELEVANT  
19 TO?" AND THEY SAY, "NO," THAT THAT'S APPROPRIATE?

20 THE COURT: NO, I DON'T THINK SO. I THINK THAT'S  
21 TYPICAL OF WHAT THESE PEOPLE ARE DOING, AND THEY'RE AS MUCH  
22 RESPONSIBLE FOR CAUSING THESE DIFFICULTIES AS THE DEFENDANTS  
23 ARE.

24 I THINK THIS BUSINESS OF PLAYING EVERYTHING CLOSE TO  
25 THE VEST IS UNPROFESSIONAL, IN MY VIEW, AND IT SIMPLY HAMPERS

1 AND OBSTRUCTS THE COURT.

2 MR. CARLTON: THAT IS NOT THE SITUATION, YOUR HONOR.  
3 THEY ASKED, "WHO IS MARY BORIS?"

4 NOW, THE I.N.S. INSPECTOR'S NAME ON HERE IS MARY  
5 VILLALON (PHONETIC). SHE'D GOTTEN MARRIED. HER NEW NAME IS  
6 MARY BORIS.

7 LAST WEEK I INFORMED EVERYBODY THAT MARY BORIS IS MARY  
8 VILLALON. THAT'S AN OBVIOUS CONNECTION. HER NAME APPEARS  
9 RIGHT ON THERE.

10 THE COURT: WELL, YOU COULD TELL THEM YOU'RE GOING TO  
11 CALL WITNESS TO IDENTIFY THIS AND OFFER IT INTO EVIDENCE.  
12 THAT'S NOT GOING KILL YOU.

13 WELL, IF YOU WANT A RULING ON THIS: ONE, BECAUSE OF  
14 THE TARDINESS OF THIS REQUEST, I'M DENYING IT. TO THE EXTENT  
15 THAT THIS APPEARS TO BE A SIGNED STATEMENT BY THE DEFENDANT, I  
16 BELIEVE IT IS ADMISSIBLE, SO FAR AS IT CONTAINS STATEMENTS THAT  
17 ARE EITHER ADMISSIONS OR ARE RELEVANT TO THIS CASE.

18 NOW, TO THAT EXTENT, YOU SHOULD TALK WITH COUNSEL AND  
19 SEE IF YOU CAN IRON IT OUT.

20 MR. MEZA: YOUR HONOR, DOES THE COURT WANT THE OTHER  
21 DEFENDANTS TO SUBMIT AN ADMONISHMENT CONCERNING HOW THE JURY  
22 MAY CONSIDER THAT DECLARATION AGAINST THE OTHER DEFENDANTS? OR  
23 IS THAT SOMETHING WE SHOULD BRING UP AT THE TIME?

24 THE COURT: IF YOU CAN IN GOOD CONSCIENCE FIND  
25 ANYTHING IN HERE THAT YOU THINK IS INIMICAL TO YOUR CLIENT AND



1 YOU WANT A LIMITING INSTRUCTION ON IT, YOU PREPARE AND SUBMIT  
2 IT --

3 MR. MEZA: I WILL.

4 THE COURT: -- AND I WILL CONSIDER GIVING IT.

5 MR. MEZA: THANK YOU, YOUR HONOR.

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

7 (BRIEF RECESS.)

8 (JURY PRESENT.)

9 THE COURT: YOU MAY CONTINUE.

10 MR. MEDRANO: THANK YOU, YOUR HONOR.

11

12 DIRECT EXAMINATION + (CONTINUED)

13 BY MR. MEDRANO:

14 Q. MR. REYNOSO, JUST BRIEFLY, WAS THERE A CONVERSATION  
15 BETWEEN YOU AND THE DEFENDANT VASQUEZ ABOUT SOCIAL GATHERINGS  
16 OR PARTIES WHERE HIGH-RANKING OFFICIALS WOULD ATTEND?

17 A. YES. WE DID TALKING ABOUT THAT, SIR.

18 Q. DID VASQUEZ INDICATE TO YOU THE RANK OR TITLE OF THE  
19 HIGH-RANKING OFFICIALS THAT WOULD ATTEND THESE SOCIAL  
20 OCCASIONS?

21 A. HE MENTIONED LIKE CHIEFS OF POLICE, GENERALS, LIEUTENANT  
22 COLONELS.

23 Q. DID HE EVER INDICATE TO YOU WHETHER SOMEONE BY THE NAME OF  
24 CORITA EVER ATTENDED THESE SOCIAL OCCASIONS?

25 A. YES. ON ONE OCCASION HE DID MENTION THAT SEVERAL

1 HIGH-RANKING OFFICIALS AND PROMINENT PEOPLE OF GUADALAJARA WERE  
2 PRESENT.

3 HE MENTIONED ONE WAS A GUY BY THE NAME OF CORITA.

4 Q. DID THE DEFENDANT INDICATE TO YOU IN YOUR INTERVIEW  
5 WHETHER HE KNEW ERNESTO FONSECA?

6 A. YES, HE DID.

7 Q. AND HAD SEEN HIM IN PERSON?

8 A. YES, HE HAD MET HIM SEVERAL TIMES AND HE HAD BEEN AT  
9 SEVERAL SOCIAL EVENTS, AS WELL AS A FUNERAL, WHERE MR. FONSECA  
10 WAS PRESENT.

11 Q. IF I COULD ASK TO YOU SPEAK UP. I'M HAVING TROUBLE  
12 HEARING YOU. THANK YOU, MR. REYNOSO.

13 ANY DISCUSSION WHETHER OR NOT THE DEFENDANT VASQUEZ  
14 HAD EVER GONE TO THE RESIDENCE OF JAVIER BARBA HERNANDEZ?

15 A. YES. HE DID SAY THAT HE HAD BEEN AT THE HOUSE SEVERAL  
16 TIMES.

17 Q. SEVERAL TIMES?

18 A. YES.

19 Q. DID HE INDICATE ON ANY OF THOSE TIMES WHEN HE WAS AT  
20 JAVIER BARBA'S HOUSE, WHETHER ANY OTHER PEOPLE WERE THERE, AS  
21 WELL?

22 A. YES. THERE WERE SEVERAL PEOPLE PRESENT.

23 Q. DID HE GIVE YOU THEIR NAMES?

24 A. HE SAID THAT HE REMEMBERED SEEING EL ITALIANO PRESENT.

25 Q. DID HE EVER INDICATE WHETHER ERNESTO FONSECA WAS THERE

1 WHEN HE ATTENDED OR WENT TO THE HOUSE?

2 A. YES, HE DID SAY THAT.

3 Q. ANY INDICATION WHETHER "SOMEBODY" AVELARDO WAS ALSO AT THE  
4 HOUSE OF OF BARBA HERNANDEZ?

5 A. INGENIERO AVELARDO; HE REFERRED TO HIM, TOO, SIR.

6 Q ANY INDICATION --

7 THE REPORTER: WOULD YOU REPEAT THE NAME IN YOUR  
8 ANSWER, PLEASE?

9 THE WITNESS: INGENIERO AVELARDO.

10 Q. THIS AVELARDO WAS THERE WHEN VASQUEZ WAS AT BARBA'S HOUSE?

11 A. THAT'S CORRECT.

12 Q. DID HE INDICATE WHETHER OR NOT HIS BROTHERS, THE VELASQUEZ  
13 BROTHERS, WERE ALSO AT JAVIER BARBA'S HOUSE?

14 A. YES, SIR. HIS BROTHERS ELISEO AND ANTONIO ALSO WOULD BE  
15 PRESENT, SIR.

16 Q. AT ANY TIME DID YOU EVER DISCUSS WITH THE DEFENDANT  
17 WHETHER OR NOT LAW ENFORCEMENT CREDENTIALS OF ANY SORT WERE  
18 OBTAINED BY THE VASQUEZ VELASCO BROTHERS?

19 A. YES, HE DID MENTION TO ME TWO OCCASIONS. ONE WAS GIVEN BY  
20 ESPINO VERDIN. THAT WAS THE ONE TIME.

21 AND HE ALSO MENTIONED THAT JAVIER BARBA HAD OBTAINED  
22 D.F.S. CREDENTIALS FOR SOME OF THE BROTHERS.

23 Q. FOR SOME OF VASQUEZ'S BROTHERS?

24 A. SOME OF JAVIER VASQUEZ'S BROTHERS; THAT'S CORRECT.

25 Q. I WANT TO -- STRIKE THAT.

1 IF YOU COULD FOCUS ON THESE D.F.S. CREDENTIALS, AGENT  
2 REYNOSA.

3 A. YES, SIR.

4 Q. ANY DISCUSSION BY THE DEFENDANT TO YOU OF THE PRICE FOR  
5 D.F.S. CREDENTIALS THAT WERE TO BE OBTAINED BY JAVIER BARBA?

6 A. MR. VASQUEZ -- AND I'M TRYING TO RECOLLECT THE  
7 CONVERSATION -- IT'S VERY LENGTHY. I MIGHT HAVE TO REFER TO MY  
8 NOTES, SIR.

9 MR. MEDRANO: YOUR HONOR, MAY THE WITNESS REFRESH HIS  
10 RECOLLECTION?

11 THE COURT: YES, HE MAY.

12 THE WITNESS: THANK YOU, YOUR HONOR.

13 (BRIEF PAUSE.)

14 THE WITNESS: YES. MR. VASQUEZ TOLD BE ABOUT THE  
15 D.F.S. CREDENTIALS THAT WERE OBTAINED BY JAVIER BARBA FOR  
16 HIMSELF AND HIS BROTHERS.

17 BY MR. MEDRANO:

18 Q. AND ANY DISCUSSION BY THE DEFENDANT WITH YOU AS TO WHAT  
19 THESE D.F.S. CREDENTIALS WERE GOING TO COST?

20 A. ACCORDING TO MR. VASQUEZ, THE NEGOTIATIONS WERE INTO  
21 SEVERAL MILLION PESOS, AND THEY WOULD HAVE TO BE PAID -- I  
22 BELIEVE IT WAS FIVE MILLION PESOS, AND THEY WOULD HAVE TO BE  
23 PAID IN ADVANCE.

24 THE INDIVIDUAL WHO WOULD PROVIDE THESE CREDENTIALS  
25 WANTED THIS MONEY UP FRONT IN ORDER TO PROVIDE THEM TO THE

1 VASQUEZES AND TO MR. BARBA.

2 Q. THE FIVE MILLION PESOS WOULD HAVE TO BE PROVIDED UP FRONT  
3 FIRST?

4 A. THAT IS CORRECT, YES.

5 Q. AND THEREAFTER, THE D.F.S. CREDENTIALS WOULD BE DELIVERED?

6 A. THAT'S CORRECT.

7 Q. MR. REYNOSA, DID DEFENDANT JAVIER VASQUEZ EVER INDICATE TO  
8 YOU WHETHER HE KNEW SOMEONE BY THE NAME OF EZEQUIEL?

9 A. YES, SIR.

10 Q. WHAT DID HE SAY TO YOU, SPECIFICALLY?

11 A. EZEQUIEL GODINEZ, ALSO KNOWN AS EL PRIMO, WAS ALSO A  
12 MEMBER OF THE GROUP THAT MR. JAVIER VASQUEZ BELONGED TO.

13 Q. DID HE INDICATE WHETHER OR NOT HE KNEW EZEQUIEL GODINEZ EL  
14 PRIMO?

15 A. OH, YES. HE SAID HE KNEW HIM VERY WELL.

16 Q. DID THE DEFENDANT EVER INDICATE WHETHER THIS EZEQUIEL  
17 GODINEZ HUNG AROUND WITH THE VASQUEZ BROTHERS?

18 A. YES, HE DID. HE SAID THEY USED TO BE A PART OF THE GROUP  
19 THAT HANG AROUND WITH THE BROTHERS AND STUFF.

20 Q. DID THE DEFENDANT EVER INDICATE WHETHER ELISEO VASQUEZ WAS  
21 ONE OF THE BROTHERS THAT HUNG AROUND TOGETHER?

22 A. ELISEO VASQUEZ IS -- YES, HE SAID HE WAS THE LEADER OF THE  
23 GROUP, IN ESSENCE.

24 Q. NOW, DID DEFENDANT VASQUEZ EVER DISCUSS WITH YOU AN  
25 INCIDENT AT A RANCH CALLED EL MARENA? M A R E N A?

1 A. YES, HE DID, SIR.

2 Q. WHAT DID HE SAY TO YOU IN THAT REGARD?

3 A. HE TOLD ME THE DATE THAT THE EVENTS TOOK PLACE AT EL  
4 MARENA, WHERE A FAMILY WAS KILLED. HE WAS A WITNESS.

5 Q. WHAT WAS AT MARENA, ACCORDING TO THE DEFENDANT.

6 A. ACCORDING TO THE DEFENDANT, MARENA WAS A RANCH WHERE  
7 EVENTUALLY THE BODIES OF CAPTAIN ZAVALA AND AGENT CAMARENA WERE  
8 FOUND.

9 Q. AND -- PLEASE CONTINUE. THE DEFENDANT INDICATES HE WAS A  
10 WITNESS?

11 A. YES, SIR, HE TOLD ME THAT.

12 MR. NICOLAYSEN: I'M GOING TO OBJECT. THIS IS  
13 IRRELEVANT

14 THE COURT: SUSTAINED.

15 MR. NICOLAYSEN: AND I MOVE TO STRIKE THE ENTIRETY OF  
16 THE WITNESS'S TESTIMONY.

17 THE COURT: WELL, I'M NOT GOING TO STRIKE THE  
18 ENTIRETY. IF YOU WANT TO BE MORE SPECIFIC --

19 MR. NICOLAYSEN: ALL REFERENCES BY THE WITNESS TO  
20 MARENA, AND SPECIFICALLY, TO MY CLIENT BEING A WITNESS.  
21 APPARENTLY, THERE WAS REFERENCE TO HOMICIDE THERE.

22 THE COURT: YES. THAT TESTIMONY IS ORDERED  
23 STRICKEN. THE JURY WILL DISREGARD IT.

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

25 THE COURT: YES.

1 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL.)

2 MR. MEDRANO: YOUR HONOR, IF I MAY BE HEARD BRIEFLY  
3 ON THIS?

4 THE COURT: NO.

5 BY MR. MEDRANO:

6 Q. MR. REYNOSA, DID THE DEFENDANT VASQUEZ EVER DISCUSS WITH  
7 YOU WHETHER OR NOT FONSECA CARRILLO EVER PROVIDED GIFTS TO  
8 ANYONE IN PARTICULAR?

9 A. EXCUSE ME, I DIDN'T HEAR YOU.

10 Q. WHETHER FONSECA EVER PROVIDED GIFTS TO ANYBODY.

11 MR. NICOLAYSEN: OBJECTION. IRRELEVANT, YOUR HONOR.

12 THE COURT: OVERRULED.

13 THE WITNESS: YES, HE DID, SIR. HE TOLD ME THAT HE  
14 HAD SEEN MR. FONSECA HANDING SOME GIFTS TO SOME MILITARY  
15 OFFICERS AT -- I BELIEVE IT WAS A WEDDING.

16 BY MR. MEDRANO:

17 Q. DID THE DEFENDANT INDICATE WHETHER OR NOT HE WAS PRESENT  
18 WHEN THIS OCCURRED?

19 A. YES, HE WAS PRESENT. YES, SIR.

20 Q. MR. REYNOSO, DID THE DEFENDANT INDICATE TO YOU WHETHER OR  
21 NOT HE KNEW CARO QUINTERO?

22 A. YES. HE SAID HE HAD MET CARO QUINTERO.

23 Q. NOW, DID THE DEFENDANT VASQUEZ EVER DISCUSS WITH YOU AN  
24 INCIDENT THAT OCCURRED AT LA LANGOSTA RESTAURANT IN  
25 GUADALAJARA?

1 A. YES, SIR. HE DID.

2 Q. IF YOU RECALL, CAN YOU TELL US WHAT IT WAS THAT THE  
3 DEFENDANT STATED TO YOU WITH REGARD TO THAT RESTAURANT?

4 A. BRIEFLY, HE MENTIONED TO ME THAT HE HAD SOME KNOWLEDGE OF  
5 WHAT TOOK PLACE AT LA LANGOSTA, AND THAT, BASICALLY, THE TWO  
6 AMERICANS WERE THERE, WENT TO LA LANGOSTA.

7 HE DIDN'T RECALL THE DATE. AND THAT THE TWO  
8 AMERICANS HAPPENED TO WALK IN THERE AND THAT THE TRAFFICKERS AT  
9 THAT TIME WERE VERY NERVOUS BECAUSE OF THE EVENT THAT HAD TAKEN  
10 PLACE AT THE END OF 1984 AT CHIHUAHUA.

11 HE SAID TO ME THAT THESE TWO INDIVIDUALS WALKED IN  
12 THERE AND THEY WERE CONFUSED BY -- THE TRAFFICKERS AT THAT TIME  
13 WERE HAVING A GATHERING AT THAT PARTICULAR PLACE -- CONFUSED  
14 THESE TWO INDIVIDUALS FOR POSSIBLY D.E.A. AGENTS.

15 HE DIDN'T USE EXACTLY "D.E.A. AGENT", BUT HE USED  
16 SOMETHING RELATED TO D.E.A.

17 Q. AND DID HE INDICATE TO YOU WHETHER OR NOT HE WAS PRESENT  
18 OR IF HE HEARD THIS FROM SOMEONE ELSE?

19 A. HE TOLD ME THAT HE HAD HEARD THIS FROM DIFFERENT SOURCES,  
20 BUT ESPECIALLY FROM HIS BROTHER ELISEO.

21 Q. AND IN HIS CONVERSATION WITH YOU, DID HE GO INTO VERY  
22 SPECIFIC DETAIL ABOUT WHAT HE KNEW ABOUT LA LANGOSTA?

23 A. YES. HE DID SAY THAT HE WAS TOLD BY ELISEO AND HE SAID  
24 OTHER PEOPLE TALKED TO HIM ABOUT IT.

25 THAT THESE TWO AMERICANS WENT IN THERE, THEY WERE



1 TORTURED. THEY WERE BEATEN AND TORTURED AND EVENTUALLY TAKEN  
2 OUT TO A FIELD A FEW MILES OUTSIDE OF GUADALAJARA AND WERE  
3 EVENTUALLY KILLED.

4 Q. AND KILLED AT THE FIELDS?

5 A. YES, SIR.

6 Q. AND WHERE DID THE -- STRIKE THAT.

7 DID THE DEFENDANT INDICATE TO YOU THE LOCATION OF  
8 THESE FIELDS?

9 A. THERE WAS -- HE WENT ON TO SAY THAT HE WAS NOT EXACTLY  
10 SURE WHERE THIS PLACE WAS, BUT MEMBERS OF HIS FAMILY WHO WERE  
11 LIVING HERE IN L.A. KNEW EXACTLY WHERE THE BODIES WERE TAKEN  
12 TO.

13 Q. DID DEFENDANT VASQUEZ -- STRIKE THAT.

14 STILL ADDRESSING LA LANGOSTA, AGENT REYNOSO, DID  
15 DEFENDANT VASQUEZ INDICATE TO YOU WHETHER OR NOT TWO AMERICANS  
16 HAD BEEN QUESTIONED OR INTERROGATED AT THE RESTAURANT?

17 A. YES, HE DID SAY THAT. HE SAID THAT THEY WERE  
18 QUESTIONED -- MR. VASQUEZ TOLD ME THAT THE MAIN QUESTION THEY  
19 ASKED WAS THEY WANTED TO KNOW IF THEY WERE POLICE OFFICERS OR  
20 POLICEMEN.

21 Q. DID HE INDICATE WHAT THE AMERICANS RESPONDED?

22 A. YES, HE -- IN SPANISH, OBVIOUSLY, HE MIMICKED.

23 Q. WHAT DID HE SAY?

24 A. HE SAID, I BELIEVE, THAT AFTER THE TWO INDIVIDUALS WERE  
25 TORTURED, ONE OF THEM FINALLY GAVE IN AND ADMITTED TO -- YES,

1 YES, I AM A POLICEMAN.

2 Q. DID HE INDICATE WHETHER OR NOT INITIALLY, HOWEVER, THE TWO  
3 AMERICANS DENIED BEING POLICEMEN?

4 A. YES. HE DID SAY THAT AT FIRST, OBVIOUSLY, THEY DIDN'T WANT  
5 TO SAY ANYTHING. AND EVENTUALLY, THEY WERE TORTURED.

6 Q. DID DEFENDANT VASQUEZ INDICATE TO YOU WHY THE TWO  
7 AMERICANS FIRST SAID NO, THEY WERE NOT POLICE OFFICERS AND THEN  
8 LATER SAID THEY WERE?

9 A. HE INFERRED BECAUSE OF THE TORTURE. THAT'S WHAT HAPPENED  
10 AFTER ALL THE TORTURE TOOK PLACE; THEY FINALLY GAVE IN BECAUSE  
11 THEY WERE AFRAID -- THEY WERE TOLD, YOU KNOW, TELL US AND WE  
12 WON'T HURT YOU.

13 Q. SO AS A WAY OF BEING RELEASED, THEY ADMITTED BEING POLICE?

14 A. RIGHT.

15 MR. NICOLAYSEN: OBJECTION, YOUR HONOR, LEADING.

16 THE COURT: SUSTAINED.

17 BY MR. MEDRANO:

18 Q. DID DEFENDANT VASQUEZ INDICATE TO YOU, TO HIS KNOWLEDGE,  
19 WHO IT WAS THAT ACTUALLY KILLED THE TWO AMERICANS IN HIS  
20 INTERVIEW WITH YOU?

21 MR. NICOLAYSEN: OBJECTION, VAGUE TO THE EXPRESSION  
22 "TO HIS KNOWLEDGE". THE TESTIMONY HAS BEEN HE GOT ALL THIS  
23 INFORMATION THIRD-HAND THROUGH HIS BROTHER.

24 MR. MEDRANO: I CAN RESTATE THAT, YOUR HONOR.

25 THE COURT: RESTATE IT.

1 BY MR. MEDRANO:

2 Q. DID VASQUEZ TELL YOU WHAT HE KNEW ABOUT WHO KILLED THE  
3 AMERICANS?

4 MR. NICOLAYSEN: SAME OBJECTION.

5 THE COURT: OVERRULED.

6 THE WITNESS: HE SAID THAT ONE OF THE PARTICIPANTS  
7 WAS THE MAN KNOWN AS EL PRIMO.

8 BY MR. MEDRANO:

9 Q. WHAT DID HE SAY ABOUT EL PRIMO?

10 A. THAT WAS HE WAS THE ONE THAT ACTUALLY HAD KILLED THESE TWO  
11 AMERICANS. THAT HE WAS TOLD THAT EL PRIMO -- THE NIGHT THAT  
12 THE EVENTS TOOK PLACE, EL PRIMO WAS SEEN FULL OF BLOOD. HIS  
13 CLOTHING WAS FULL OF BLOOD.

14 Q. DID VASQUEZ INDICATE TO YOU WHETHER OR NOT EL PRIMO SPOKE  
15 ENGLISH, AGENT REYNOSO?

16 A. YES. HE SAID EL PRIMO WAS -- I BELIEVE HE SAID THAT HE  
17 HAD LIVED IN THE U.S. FOR QUITE A FEW YEARS. HE WAS VERY  
18 FLUENT IN ENGLISH.

19 HE WAS ONE OF THE INDIVIDUALS THAT TORTURED OR  
20 PARTICIPATED ACTIVELY IN THE INTERROGATION OF THE TWO  
21 AMERICANS.

22 Q. DOES DEFENDANT -- STRIKE THAT.

23 DO YOU EVER -- STRIKE THAT.

24 DOES JAVIER VASQUEZ DISCUSS WITH YOU IF HE EVER WENT  
25 TO ZACATECAS?

1 A. YES. HE DID SAY THAT ONE TIME HE HAD A CHANCE TO -- HE  
2 WAS INVITED BY HIS BROTHERS TO GO OUT TO SOME MARIJUANA  
3 PLANTATIONS IN ZACATECAS.

4 Q. AND DID HE INDICATE TO YOU WHETHER OR NOT HE WENT UP TO  
5 THE ZACATECAS PLANTATIONS?

6 A. YES, HE DID SAY THAT HE WAS ROUND OUT (SIC) BY HIS OLDER  
7 BROTHERS AND THEY WENT OUT TO PICK UP MARIJUANA.

8 Q. AND DID HE INDICATE WHETHER HE PARTICIPATED IN THAT?

9 A. HE DID SAY THAT HE ACTIVELY PARTICIPATED IN LOADING TANKER  
10 TRUCKS.

11 Q. LOADING WHAT?

12 A. TANKER TRUCKS -- WITH MARIJUANA.

13 Q. ON THE ISSUE OF THE ZACATECAS VISIT, DID HE INDICATE  
14 WHETHER OR NOT THERE WERE ANY MEXICAN LAW ENFORCEMENT OFFICIALS  
15 PRESENT?

16 A. HE DID MENTION THERE WERE SEVERAL D.F.S. AND ALSO M.F.J.P.  
17 OFFICERS. MEXICAN JUDICIAL FEDERAL POLICE OFFICERS.

18 Q. DID HE INDICATE WHETHER OR NOT THESE LAW ENFORCEMENT  
19 OFFICIALS WERE ARMED WHEN THEY WERE AT ZACATECAS?

20 A. YES, SIR. THEY WERE HEAVILY ARMED AND GUARDING THIS  
21 PLANTATION.

22 Q. DID THE DEFENDANT INDICATE TO YOU THE QUANTITY OF  
23 MARIJUANA THAT WAS PLANTED OUT AT THESE FIELDS?

24 A. HE -- THERE WERE SEVERAL TONS. I DON'T RECALL EXACTLY HOW  
25 MANY TONS, BUT THERE WERE TONS.

1 Q. THAT WERE ACTUALLY PLANTED?

2 A. RIGHT.

3 Q. DID HE INDICATE TO YOU THE QUANTITY THAT HE ASSISTED TO  
4 LOAD ON TO THIS TANKER TRUCK?

5 A. I DON'T REMEMBER EXACTLY. IT WAS A FULL TANKER TRUCK. IT  
6 WAS ABOUT 40 THOUSAND POUNDS OR SOMETHING LIKE THAT.

7 Q. A 40,000 POUND TANKER TRUCK?

8 A. RIGHT.

9 Q. IN TERMS OF THE LAW ENFORCEMENT OFFICIALS PRESENT AT  
10 ZACATECAS, DID THE DEFENDANT INDICATE WHETHER ANY STATE LAW  
11 ENFORCEMENT OFFICIALS WERE PRESENT?

12 MR. NICOLAYSEN: YOUR HONOR, I OBJECT. THIS WHOLE  
13 LINE OF QUESTIONING IS IRRELEVANT.

14 THE COURT: OVERRULED.

15 THE WITNESS: YES. THERE WERE ALSO STATE POLICE  
16 OFFICERS, I MENTIONED, AND FEDERAL POLICE OFFICERS AND  
17 TRAFFICKERS.

18 BY MR. MEDRANO:

19 Q. DID THE DEFENDANT INDICATE TO YOU WHETHER OR NOT  
20 AVELARDO -- THIS INGENIERO WAS ALSO PRESENT AT ZACATECAS?

21 A. HE MENTIONED INGENIERO AVELARDO WAS PRESENT. EVENTUALLY  
22 AN INDIVIDUAL BY THE NAME OF EL PATRON WAS PRESENT. AND HE  
23 ALSO MENTIONED A NAME -- AN INDIVIDUAL NAMES AS COCHI LOCO WAS  
24 ALSO PRESENT.

25 Q. DID THE DEFENDANT INDICATE TO YOU WHAT HIS RELATIONSHIP

1 WAS, IF ANY, WITH AVELARDO DE INGENIERO?

2 A. HE MENTIONED TO ME THAT AVELARDO WAS THE INDIVIDUAL WHO  
3 HAD INTRODUCED HIS OLDER BROTHERS TO CARO AND FONSECA, YES,  
4 AND BARBA?

5 Q. DID INDICATE WHETHER HE WAS FRIENDS WITH AVELARDO?

6 A. YES, HE KNEW AVELARDO. YES, SIR.

7 Q. DID JAVIER VASQUEZ INDICATE BY NAME WHICH OF THE BROTHERS  
8 WERE WITH HIM OUT AT ZACATECAS?

9 A. ELISEO. I BELIEVE HE SAID MANUEL, RICARDO AND HIS NEPHEW  
10 ANTONIO. HE MIGHT HAVE SAID ANTONIO, HIS BROTHER, BUT I DON'T  
11 REMEMBER. I WOULD HAVE TO LOOK AT MY NOTES.

12 MR. MEDRANO: YOUR HONOR, MAY THE WITNESS REFRESH HIS  
13 RECOLLECTION?

14 THE COURT: YES.

15 (BRIEF PAUSE.)

16 THE WITNESS: YES, HE DID SAY MANUEL, RICARDO,  
17 ANTONIO AND ELISEO.

18 BY MR. MEDRANO:

19 Q. AGAIN, LET ME ASK YOU THE QUESTION, MR. REYNOSO: DO YOU  
20 HAVE ANY IDEA HOW MUCH MARIJUANA WAS MOVED OUT OF ZACATECAS?

21 A. YES, SIR. I JUST HAPPENED TO GLANCE AT THIS PAGE, AND IT  
22 SAYS HERE 40 TONS. IT IS ONLY ABOUT 8 TONS IN EACH TANKER  
23 TRUCK.

24 Q. MR. REYNOSO, AGAIN, BRIEFLY ON THE ISSUE OF LA LANGOSTA --

25 A. YES, SIR.

1 Q. DID YOU HAVE ANY DISCUSSION WITH THE DEFENDANT AS TO THE  
2 EXISTENCE OR NONEXISTENCE OF CREDENTIALS OF ANY SORT ON THE  
3 AMERICANS?

4 A. IT WAS -- IN OTHER CONVERSATION I HAD WITH HIM, HE  
5 MENTIONED THE FACT THAT -- WE WERE TALKING ABOUT WHY THE  
6 AMERICANS WERE CONFUSED WITH D.E.A. AGENTS.

7 AND I BELIEVE I RESEARCHED THE QUESTION AS TO DID  
8 THEY KNOW THEY HAD CREDENTIALS ON THEM.

9 AND MR. VASQUEZ SAID, "NO, THEY DIDN'T HAVE ANY  
10 CREDENTIALS."

11 Q. ON THE TWO AMERICANS?

12 A. YES.

13 Q. DID ANTONIO -- STRIKE THAT.

14 DID JAVIER VASQUEZ INDICATE TO YOU WHICH OF HIS  
15 BROTHERS HAD BEEN AT LA LANGOSTA?

16 A. HE WAS DEFINITELY SURE THAT ELISEO WAS THERE AND ANTONIO.

17 Q. ANTONIO, HIS BROTHER?

18 A. ANTONIO, HIS BROTHER. THAT'S CORRECT.

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

20 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL.)

21 BY MR. MEDRANO:

22 Q. MR. REYNOSO, DID JAVIER VASQUEZ IN YOUR CONVERSATIONS WITH  
23 HIM EVER INDICATE WHETHER HE EVER WORKED FOR JAVIER BARBA  
24 HERNANDEZ?

25 A. YES. HE DID SAY THAT HE SOCIALIZED WITH HIM.

1 Q. DID HE EVER SAY THAT HE ALSO WORKED FOR HIM?

2 A. THROUGH HIS BROTHERS. HIS BROTHERS WERE THE ONES THAT  
3 WOULD PERFORM OR WOULD BE CALLED UPON TO DO DIFFERENT TASKS AND  
4 HIS BROTHERS WOULD, IN TIME, CALL MR. VASQUEZ.

5 Q. DID DEFENDANT VASQUEZ EVER INDICATE WHETHER HE EVER WENT  
6 OUT WITH HIS BROTHERS TO GO FIND OR CATCH SOMEONE?

7 MR. NICOLAYSEN: OBJECTION. IRRELEVANT, YOUR HONOR,  
8 AND VAGUE.

9 THE COURT: SUSTAINED.

10 MR. MEDRANO: THIS WOULD BE PURSUANT TO ORDER, YOUR  
11 HONOR. MAY I LAY THIS OUT OR QUESTION HIM.

12 THE COURT: THE OBJECTION IS SUSTAINED.

13 MR. MEDRANO: THANK YOU.

14 BY MR. MEDRANO:

15 Q. IN YOUR CONVERSATION WITH THE DEFENDANT, MR. REYNOSO, DID  
16 HE EVER INDICATE WHETHER HAD EVER BEEN TO LA QUINTA; JAVIER  
17 BARBA'S RESIDENCE?

18 A. YES, HE DID SAY HE HAS BEEN THERE.

19 Q. ON MORE THAN ONE OCCASION?

20 A. YES.

21 THE COURT: YOU'VE ALREADY ASKED THAT QUESTION  
22 BEFORE, COUNSEL?

23 MR. MEDRANO: THANK YOU, YOUR HONOR. I'LL MOVE ON.

24 ONE MOMENT, YOUR HONOR

25 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL.)



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

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

3 MR. NICOLAYSEN: THANK YOU, YOUR HONOR.

4 THE COURT: I'LL REMIND THE JURY THAT THE TESTIMONY  
5 OF THIS WITNESS REGARDING STATEMENTS MADE BY MR. VASQUEZ  
6 VELASCO IS EVIDENCE THAT MAY ONLY BE USED AGAINST HIM AND NOT  
7 AGAINST ANY OTHER DEFENDANT.

8 MR. NICOLAYSEN: YOUR HONOR --

9 THE COURT: IT MAY BE CONSIDERED AS EVIDENCE AGAINST  
10 HIM AND NOT AGAINST ANY OTHER DEFENDANT.

11 MR. NICOLAYSEN: WITH THE COURT'S PERMISSION, I WOULD  
12 LIKE TO USE ONE OF THE LARGE PADS ON THE EASEL TO JOT DOWN SOME  
13 NAMES AND DATES.

14 I THINK IT WOULD HELP US MOVE ALONG, IF THE COURT HAS  
15 NO OBJECTION TO THAT.

16 THE COURT: WELL, I DO HAVE. I'D LIKE YOU TO  
17 COMMENCE YOUR CROSS-EXAMINATION.

18 MR. NICOLAYSEN: VERY WELL.

19

20 CROSS-EXAMINATION +

21 BY MR. NICOLAYSEN:

22 Q. AGENT REYNOSA, OVER THE COURSE OF YOUR INVESTIGATION ON  
23 THIS CASE, I'M SURE YOU HAVE HAD A CHANCE TO BECOME FAMILIAR  
24 WITH THE VARIOUS NAMES OF MY CLIENT'S BROTHERS; HAVEN'T YOU?

25 A. YES, SIR.

1 Q. CAN YOU RECITE THEM FOR US OFF THE TOP OF YOUR HEAD?

2 A. THE ONES INVOLVED IN THE CASE, YOU'RE TALKING ABOUT?

3 Q. LET'S DO IT THIS WAY. YOU'RE AWARE OF THE NAME ELISEO;

4 ARE YOU NOT?

5 A. ELISEO.

6 Q. HE'S AN OLDER BROTHER, CORRECT?

7 A. YES, SIR.

8 Q. ABOUT 13 OR 14 YEARS OLDER THAN MY CLIENT?

9 A. I BELIEVE SO, YES, SIR.

10 Q. ANTONIO IS EVEN OLDER THAN ELISEO, CORRECT?

11 A. THAT IS CORRECT, SIR.

12 Q. THERE IS MANUEL?

13 A. YES, SIR.

14 Q. RICARDO?

15 A. YES.

16 Q. ANDREAS?

17 A. YES.

18 Q. RAFAEL?

19 A. YES, SIR.

20 Q. MARIO?

21 A. YES, SIR.

22 Q. ROBERTO?

23 A. YES, SIR.

24 Q. I BELIEVE THAT COVERS IT; DOESN'T IT?

25 A. I BELIEVE YOU MISSED OUT THREE SISTERS, BUT, YES, THAT

1 WOULD BE RIGHT.

2 Q. THAT'S RIGHT, I DID. BUT AS LONG AS YOU MENTIONED IT,  
3 LET'S FINISH THE FAMILY.

4 THERE'S LUPE?

5 A. YES, SIR.

6 Q. CELIA?

7 A. YES, SIR.

8 Q. AND MARIA DE JESUS VASQUEZ DE AGUIRRE, CORRECT?

9 A. THAT IS CORRECT.

10 Q. ALL RIGHT. NOW, WITH RESPECT TO ANTONIO, THE OLDEST  
11 BROTHER, HE HAS A SON WHOSE NAME IS ANTONIO VASQUEZ OCHOA,  
12 CORRECT?

13 A. YES, SIR.

14 Q. WHO'S ALSO KNOWN AS TONITO?

15 A. CORRECT.

16 Q. JUST TO MAKE THINGS MOVE ALONG, I MAY REFER TO HIM AS  
17 OCHOA HERE, AND YOU'LL CERTAINLY KNOW WHO I'M TALKING ABOUT,  
18 RIGHT?

19 A. THAT'S FINE.

20 Q. THAT'S MY CLIENT'S NEPHEW, CORRECT?

21 A. CORRECT, SIR.

22 Q. AND MARIA DE JESUS HAS A SON NAMED FELICIANO; DOES SHE  
23 NOT?

24 A. CORRECT, SIR. YES.

25 Q. WHO WOULD ALSO BE A NEPHEW OF MY CLIENT; IS THAT RIGHT?

1 A. YES, SIR.

2 Q. NOW, YOU TOLD US ON DIRECT THAT YOU FIRST MET MY CLIENT  
3 JAVIER VASQUEZ ON JULY 12 OF LAST YEAR, 1989; THAT'S CORRECT,  
4 IS IT NOT?

5 A. THAT IS CORRECT, YES, SIR.

6 Q. YOU ASKED HIM IF HE WOULD SPEAK WITH YOU; DID YOU NOT?

7 A. I DID.

8 Q. AND HE WAS HAPPY TO TALK TO YOU; WAS HE?

9 A. I DON'T KNOW IF HE WAS HAPPY, BUT HE WANTED TO TALK TO ME,  
10 YES, SIR.

11 Q. HE WAS AGREEABLE TO TALKING TO YOU. YOU TOLD US THAT.

12 A. YES, HE DID AGREE TO TALK TO ME.

13 Q. HE DID TALK TO YOU; DIDN'T HE?

14 A. HE DID TALK TO ME, YES, SIR.

15 Q. THE D.E.A. HAD NOT ARRESTED HIM YET?

16 A. NO, SIR.

17 A. YOU WERE NOT THREATENING HIM WITH ANY ARRESTS IN TERMS OF  
18 WHETHER HE WOULD OR WOULDN'T TALK TO YOU; WERE YOU?

19 A. NO, SIR.

20 A. HE WAS UNDER NO DURESS OF ANY KIND FROM YOU; WAS HE?

21 A. NOT FROM ME, NO, SIR.

22 Q. NOW, I TAKE IT YOU DID NOT TAPE RECORD THAT PARTICULAR  
23 MEETING; DID YOU?

24 A. NO, I DID NOT, SIR.

25 Q. DID YOU PREPARE ANY NOTES OR D.E.A. REPORTS ON THE JULY

1 12TH MEETING?

2 A. YES, I DID MAKE A REPORT, SIR.

3 Q. NOW, IN CONNECTION WITH THAT PARTICULAR MEETING ON JULY  
4 12TH, JAVIER VASQUEZ TOLD YOU THAT HE WOULD BE WILLING TO TALK  
5 TO YOU ABOUT INFORMATION REGARDING VARIOUS SUBJECTS, MUCH OF  
6 WHICH CAME FROM HIS BROTHERS ELISEO AND ANTONIO; DO YOU RECALL?

7 A. YES, SIR.

8 Q. BUT HE WAS CONCERNED ABOUT SAFETY BECAUSE OF THE NATURE OF  
9 THE ISSUES IN THIS MATTER; CORRECT?

10 A. YES, SIR.

11 Q. NOW, THERE WAS ANOTHER CONVERSATION THE FOLLOWING DAY, ON  
12 THE 13TH; WASN'T THERE?

13 A. YES, THERE WAS.

14 Q. AND AGAIN, YOU ASKED JAVIER VASQUEZ IF HE WOULD BE WILLING  
15 TO SHARE WITH YOU INFORMATION THAT HE HAD LEARNED FROM HIS  
16 BROTHERS, AND HE SAID HE WOULD, CORRECT?

17 A. THAT'S CORRECT, SIR.

18 Q. AND AGAIN, YOU DID NOT TAPE RECORD THAT MEETING; DID YOU?

19 A. THAT'S CORRECT. I DID NOT.

20 Q. YOU DID NOT. AND YOU DID NOT TAKE ANY NOTES AT THAT  
21 PARTICULAR MEETING?

22 A. NO, I DIDN'T.

23 Q. NOW, YOU SPOKE AT SOME LENGTH ON DIRECT ABOUT THE MEETING  
24 OF JULY 14, 1989. YOU RECALL THAT, I'M SURE.

25 A. I DO, SIR.

1 Q. THAT IS THE ONE MEETING THAT WAS TAPE RECORDED?

2 A. THAT IS CORRECT, SIR.

3 Q. AND AGAIN, JAVIER VASQUEZ SAID HE WOULD BE WILLING TO TALK  
4 TO YOU; DID HE NOT?

5 A. HE DID TALK TO ME, YES, SIR.

6 Q. AND YOU WERE NOT IMPOSING ANY DURESS ON HIM IN THAT  
7 REGARD, WERE YOU?

8 A. NO, SIR.

9 Q. YOU NOT THREATENING TO ARREST HIM, WERE YOU?

10 A. NO, SIR.

11 Q. NOW, AT THE TIME HE AGREED TO TALK TO YOU ON THE 14TH OF  
12 JULY, THE DATE OF THE TAPE RECORDED MEETING, IN FACT, YOU  
13 SUGGESTED OR PRESENTED HIM WITH A COOPERATION AGREEMENT, DIDN'T  
14 YOU?

15 A. CORRECT, SIR.

16 MR. NICOLAYSEN: WITH THE COURT'S PERMISSION, I  
17 WOULD ASK THAT THE CLERK MARK AS, I BELIEVE DEFENDANTS' C, A  
18 DOCUMENT ENTITLED "COOPERATING INDIVIDUAL AGREEMENT".

19 MAY I HAND THIS TO THE CLERK, YOUR HONOR.

20 THE CLERK: THAT'S DEFENDANTS' F.

21 THE COURT: YES, THAT MAY BE MARKED.

22 (DOCUMENT TENDERED TO THE CLERK AND THEN THE  
23 WITNESS.)

24 BY MR. NICOLAYSEN:

25 Q. AGENT REYNOSO, I'VE HANDED YOU A DOCUMENT MARKED AS

1 DEFENSE EXHIBIT F FOR IDENTIFICATION.

2 DO YOU RECOGNIZE THIS DOCUMENT?

3 A. YES, I DO, SIR.

4 Q. COULD YOU TELL US WHAT IT IS?

5 A. YES. IT IS A "COOPERATING INDIVIDUAL AGREEMENT" SIGNED BY  
6 MYSELF, AGENT DELBERT SALAZAR AND MR. VASQUEZ, YOUR CLIENT.

7 Q. DID MR. VASQUEZ SIGN THAT ON THE 14TH?

8 A. YES, SIR.

9 Q. NOW, HE SIGNED THAT AGREEMENT VOLUNTARILY; DID HE NOT?

10 A. YES, SIR.

11 Q. HE WAS NOT FACING ANY ARREST AT THE TIME, WAS HE?

12 A. NO, SIR.

13 Q. AND AFTER HAVING SIGNED THIS DOCUMENT, HE THEN PROCEEDED  
14 TO TALK TO YOU; DIDN'T HE?

15 A. YES, SIR.

16 Q. AND THAT'S THE MEETING THAT YOU TAPE RECORDED?

17 A. CORRECT.

18 Q. NOW, IN THE COURSE OF YOUR CONVERSATIONS, JAVIER VASQUEZ  
19 WAS FORTHCOMING WITH YOU ABOUT THE ACTIVITIES OF HIS BROTHERS  
20 ELISEO AND ANTONIO TO THE EXTENT THAT HE KNEW ABOUT THEM,  
21 CORRECT?

22 A. YES, SIR.

23 Q. AND HE TOLD YOU ABOUT ELISEO'S CLOSE RELATIONSHIP WITH  
24 JAVIER BARBA HERNANDEZ, THE ATTORNEY; DIDN'T HE?

25 A. HE DID TELL ME THAT, YES.

1 Q. DID HE HAPPEN TO MENTION TO YOU THAT FROM WHAT HE HAD  
2 LEARNED, JAVIER BARBA AND HIS BROTHER ELISEO HAD BEEN KILLED  
3 TOGETHER?

4 A. YES, SIR.

5 Q. DID HE HAPPEN TO MENTION TO YOU FROM WHAT HE HAD LEARNED  
6 THAT JAVIER BARBA AN ELISEO, IN FACT, WERE BURIED TOGETHER?

7 A. YES, SIR.

8 Q. AND HE TOLD YOU FROM WHAT HE HAD LEARNED THAT HIS OTHER  
9 BROTHER, ANTONIO, SENIOR, THE FATHER OF OCHOA, HAD AN ONGOING  
10 COMPADRE-TYPE OF RELATIONSHIP WITH ERNESTO FONSECA, CORRECT?

11 A. YES, SIR.

12 Q. NOW, AT THE TIME THAT YOU WERE HAVING THESE DISCUSSIONS ON  
13 JULY 14 OF '89, IN CONNECTION WITH THIS COOPERATION AGREEMENT,  
14 YOU WERE AWARE, WERE YOU NOT, THAT ELISEO HAD ALREADY BEEN  
15 KILLED?

16 A. YES, I KNEW THAT, SIR.

17 Q. YOU ALSO KNEW THAT ANTONIO, SENIOR, THE FATHER OF OCHOA,  
18 WAS STILL ALIVE; DID YOU NOT?

19 A. YES, SIR.

20 Q. AND AS YOU SIT HERE IN COURT TODAY, YOU'RE AWARE THAT HE'S  
21 PRESENTLY DEAD; ARE YOU NOT?

22 A. THAT IS CORRECT.

23 Q. DO YOU KNOW WHEN HE WAS KILLED?

24 A. I DON'T KNOW THE EXACT DATE, BUT I KNOW HE WAS KILLED  
25 RECENTLY.



1 Q. IT WOULD BE AROUND JANUARY OF THIS YEAR?

2 A. THAT'S CORRECT.

3 Q. NOW AT THE TIME, BACK IN JULY OF 1989, THE D.E.A. HAD AN  
4 INTEREST IN ARRESTING ANTONIO, SENIOR; DID IT NOT?

5 A. MORE OF TALKING TO HIM AT THAT TIME THAN ARRESTING HIM.

6 Q. DO YOU RECALL WHETHER HE WAS ALREADY INDICTED?

7 A. I WOULD HAVE -- I DON'T REMEMBER EXACTLY WHEN WE INDICTED  
8 MR. ANTONIO VASQUEZ.

9 Q. NOW, AT THE TIME YOU WERE SPEAKING WITH JAVIER VASQUEZ IN  
10 JULY OF '89, YOU CERTAINLY POSED QUESTIONS TO HIM ABOUT  
11 ANTONIO; DIDN'T YOU?

12 A. YES, I DID, SIR.

13 Q. YOU WERE INTERESTED, WERE YOU NOT, IN SEEING WHETHER  
14 JAVIER VASQUEZ MIGHT POSSIBLY BE A CHANNEL THROUGH WHICH YOU  
15 MIGHT HAVE ACCESS TO ANTONIO, SENIOR; WEREN'T YOU?

16 A. YES, SIR.

17 Q. YOU WERE CERTAINLY EAGER TO EXPLORE THAT POSSIBILITY;  
18 WEREN'T YOU?

19 A. YES, I WAS.

20 Q. NOW, JAVIER VASQUEZ TOLD YOU BACK IN JULY OF '89 THAT HE  
21 WOULD COOPERATE AND DO WHATEVER HE COULD TO FACILITATE YOUR  
22 INVESTIGATION; ISN'T THAT ALSO TRUE?

23 A. YES SIR.

24 Q. AND HE MADE THAT CLEAR TO YOU IN VIRTUALLY SO MANY WORDS;  
25 DIDN'T HE

1 A. YES.

2 Q. MORE THAN ONCE, IN FACT; ISN'T THAT RIGHT?

3 A. YES, SIR.

4 Q. NOW, LET'S TURN OUR ATTENTION TO SOME OF THE MATTERS THAT  
5 YOU TESTIFIED ON DIRECT REGARDING THE TAPED CONVERSATIONS.

6 YOU TOLD US THAT YOU HAD SOME CONVERSATIONS WITH  
7 JAVIER VASQUEZ ABOUT THE LA LANGOSTA MATTER.

8 DO YOU REMEMBER TELLING US ABOUT THAT?

9 A. YES, SIR.

10 Q. DO YOU HAVE THE TRANSCRIPTS IN FRONT OF YOU?

11 A. I DO, SIR.

12 Q. ALL RIGHT. WOULD YOU BE KIND ENOUGH TO TURN TO THE  
13 GOVERNMENT-PREPARED TRANSCRIPT FOR TAPE 2, SIDE 1, AND  
14 SPECIFICALLY, PAGE 31.

15 A. HOW MANY PAGES, SIR?

16 Q. OUT OF 46. DO YOU HAVE IT THERE?

17 A. YES, SIR.

18 Q. NOW, FOR THE RECORD, THIS IS --

19 MR. MEDRANO: OBJECTION, YOUR HONOR. THERE IS NO  
20 INDICATION OF LACK OF KNOWLEDGE OR LOSING HIS MEMORY.

21 THEREFORE, CAN WE JUST ASK THE QUESTIONS WITHOUT RESORTING TO  
22 THE TRANSCRIPT AT THIS POINT?

23 IMPROPER FOUNDATION FOR REFRESHING RECOLLECTION IS  
24 WHAT I'M TRYING TO SAY, YOUR HONOR. OBJECTION.

25 THE COURT: WHAT IS IT YOU'RE ASKING THE WITNESS?

1 MR. NICOLAYSEN: I'M ABOUT TO ASK FOR SPECIFIC  
2 STATEMENTS THAT MY CLIENT MADE IN CONNECTION WITH THIS  
3 DISCUSSION.

4 THE COURT: I THINK YOU MAY DO THAT.

5 MR. NICOLAYSEN: THANK YOU.

6 BY MR. NICOLAYSEN:

7 Q. DO I HAVE YOUR ATTENTION ON PAGE 31, SIR?

8 A. YOU DO, SIR.

9 Q. NOW, IF I WERE TO ASK YOU SOME SPECIFIC QUESTIONS ABOUT  
10 WHAT MY CLIENT TOLD YOU EXACTLY, WOULD IT BE OF HELP TO YOU OR  
11 WOULD IT REFRESH YOUR MEMORY TO HAVE THE TRANSCRIPT AVAILABLE?

12 A. IT WOULD HELP ME, YES, SIR.

13 Q. ALL RIGHT, VERY WELL. NOW, AROUND THE MIDDLE OF THE PAGE,  
14 YOU ASKED JAVIER VASQUEZ TO ADDRESS THE LA LANGOSTA MATTER; DO  
15 YOU RECALL?

16 A. YES, SIR, I DO.

17 Q. ALL RIGHT. AND HE TOLD YOU SPECIFICALLY THAT HIS BROTHERS  
18 AND OTHERS HAD COMMENTED ON AND DISCUSSED THE MATTER, AND HE  
19 HAD OVERHEARD STATEMENTS; DO YOU RECALL?

20 A. MR. NICOLAYSEN, CAN I STOP YOU FOR A SECOND. I DON'T HAVE  
21 A PAGE WITH THE FULL TRANSCRIPT; I HAVE THE ONES THAT THE  
22 GOVERNMENT PRESENTED AS EVIDENCE.

23 IF YOU WANT ME TO GO TO THE FULL TRANSCRIPT, I WILL.

24 Q. WOULD YOU BE KIND ENOUGH TO DO THAT?

25 A. ABSOLUTELY.

1 Q. AGAIN, AGENT REYNOSO, I'M TALKING ABOUT TAPE 2, SIDE 1,  
2 PAGE 31 OF 46.

3 A. YES, SIR. OKAY, SIR. I'M WITH YOU.

4 Q. OKAY. NOW, AT THIS POINT IN YOUR CONVERSATION, YOU RAISED  
5 THE ISSUE OF LA LANGOSTA FOR THE FIRST TIME; DO YOU RECALL?

6 A. YES, SIR, I DID.

7 Q. IN FACT, I DON'T BELIEVE YOU HAD EVEN BROUGHT IT UP  
8 EARLIER; ISN'T THAT RIGHT?

9 A. THAT IS CORRECT. I DIDN'T MENTION IT EARLIER.

10 Q. AND YOU DIRECTED JAVIER VASQUEZ'S ATTENTION TO THAT  
11 PARTICULAR SUBJECT: LA LANGOSTA, CORRECT?

12 A. YES, SIR.

13 Q. ALL RIGHT. AND HE TOLD YOU THAT OTHER PEOPLE HAD  
14 COMMENTED ABOUT THAT PARTICULAR INCIDENT AND HE HAD HEARD SOME  
15 THINGS ABOUT IT, CORRECT?

16 A. TRUE.

17 Q. AND IN FACT, HE ALSO TOLD YOU THAT ON LOTS OF OCCASIONS  
18 WHEN PEOPLE HAD DISCUSSED IT, YOU DIDN'T PAY MUCH ATTENTION TO  
19 IT.

20 DO YOU REMEMBER HIM SAYING THAT TO YOU AS WELL?

21 A. HE DID SAY THAT, SIR. YES, SIR.

22 Q. HE EVEN TOLD YOU THAT HE WASN'T EVEN SURE WHAT DATE IT HAD  
23 HAPPENED. DO YOU RECALL?

24 A. YES, SIR, HE DID.

25 Q. YOU ASKED HIM WHO, MORE OR LESS, WAS AT THAT PARTICULAR

1 PLACE.

2 DO YOU REMEMBER ASKING HIM THAT PARTICULAR QUESTION?

3 A. YES, I DO, SIR.

4 Q. AND YOU ASKED HIM IN PARTICULAR WHETHER HIS BROTHERS  
5 ELISEO AND ANTONIO, SR., WERE AT THE RESTAURANT ON THE DATE IN  
6 QUESTION; DO YOU RECALL?

7 A. YES, SIR.

8 Q. AND HE SAID TO YOU THAT HE THOUGHT THAT ELISEO WAS THERE.  
9 HE WASN'T SURE, BUT HE THOUGHT SO, CORRECT?

10 A. I HAVE IT RIGHT HERE. IT SAYS ANTONIO. BUT THAT'S OKAY,  
11 YES, SIR.

12 Q. I'M TURNING NOW TO PAGE 32.

13 A. RIGHT.

14 Q. AND HE SAYS THAT HE THINKS THAT ELISEO WAS THERE.

15 A. OKAY. "I ALSO BELIEVE ANTONIO WAS THERE."

16 YES, SIR, I FOLLOW YOU.

17 Q. IN FACT, HE SAID TO THE BEST OF HIS KNOWLEDGE, FROM WHAT  
18 HE HAD HEARD, ELISEO AND ANTONIO PROBABLY WERE AT THE  
19 RESTAURANT ON THAT OCCASION, CORRECT?

20 A. CORRECT.

21 Q. NOW, STAYING WITH THE SAME SUBJECT OF LA LANGOSTA, YOU  
22 RAISED IT AGAIN AT A DIFFERENT POINT IN YOUR CONVERSATION; DO  
23 YOU RECALL?

24 A. YES, I DID.

25 Q. ON THE SAME DAY, CORRECT?

1 A. YES, SIR.

2 MR. NICOLAYSEN: MAY I HAVE JUST A MOMENT, YOUR  
3 HONOR?

4 (BRIEF PAUSE.)

5 BY MR. NICOLAYSEN:

6 Q. I'M GOING TO DIRECT YOUR ATTENTION, AGENT REYNOSO, TO A  
7 TRANSCRIPT FOR TAPE 1, SIDE 2, AND SPECIFICALLY, PAGE 40 OF 45.  
8 AND TELL US, PLEASE, WHEN YOU'RE THERE.

9 A. OKAY, MR. NICOLAYSEN, I'M THERE.

10 Q. NOW, AT THIS POINT, THAT IS PAGE 40 OF 45, YOU'RE RAISING  
11 THE SUBJECT OF LA LANGOSTA FOR THE FIRST TIME; ARE YOU NOT?

12 A. (NO RESPONSE.)

13 Q. WELL, WE'VE ALREADY ESTABLISHED THAT. BUT THIS IS THE  
14 FIRST POINT ON THIS SIDE OF THE TAPE THAT YOU ARE RAISING THAT,  
15 CORRECT?

16 CAN YOU RECALL?

17 A. IT WAS ONE OF THE MAIN TIMES WE TALKED ABOUT IT, YES, SIR.

18 Q. IN FACT, I RECALL THAT THERE ARE ONLY TWO SPECIFIC  
19 SECTIONS IN THE ENTIRE TRANSCRIPT THAT YOU RECALL THAT YOU  
20 TALKED ABOUT THE LA LANGOSTA INCIDENT?

21 A. YES, BUT I CAN'T TELL YOU IT WAS THE FIRST TIME IN EITHER  
22 ONE OF THEM.

23 Q. ALL RIGHT, FAIR ENOUGH. I RECALL TWO SUCH INSTANCES. DO  
24 YOU RECALL MORE?

25 A. NO.

1 Q. SO THIS IS THE SECOND OF THE TWO THAT WE'RE COVERING NOW,  
2 CORRECT?

3 A. YES, SIR.

4 Q. ALL RIGHT. NOW, YOU SAID TO JAVIER, BEFORE YOU FORGET,  
5 YOU WANTED TO KNOW IF HE COULD TELL YOU ANYTHING ABOUT THE LA  
6 LANGOSTA INCIDENT. DO YOU RECALL ASKING HIM THAT?

7 A. YES, SIR.

8 Q. AND HE TOLD YOU EXPRESSLY THAT THAT STORY WAS SOMETHING  
9 THAT HIS BROTHER ELISEO WAS TELLING HIM ABOUT; DO YOU REMEMBER  
10 HIM SAYING THAT IN SO MANY WORDS TO YOU?

11 A. HE DID TELL ME THAT, YES, SIR.

12 Q. AND AS HE BEGAN TO SHARE WITH YOU WHAT HE LEARNED FROM  
13 ELISEO, HE REPEATEDLY WOULD USE THE EXPRESSION "IT WAS SAID".

14 DO YOU RECALL HIM USING THAT TERM WITH YOU?

15 A. HE USED THAT EXPRESSION THROUGH THE WHOLE CONVERSATION,  
16 YES, SIR.

17 Q. OKAY. AND IT WAS CLEAR TO YOU AT THE TIME THAT HE WAS  
18 ATTRIBUTING HIS INFORMATION TO WHAT ELISEO AND PERHAPS OTHER  
19 PEOPLE HAD TOLD HIM ABOUT THAT INCIDENT?

20 A. YES, SIR.

21 Q. AND HE ALSO TOLD YOU IN THE COURSE OF THIS DISCUSSION THAT  
22 HE HAD HEARD THAT HIS COUSIN EZEQUIEL GODINEZ, WHOSE NAME YOU  
23 TOLD US EARLIER - HIS NICKNAME BEING PRIMO - HAD SHOWED UP  
24 LATER THAT NIGHT AFTER THE LA LANGOSTA MURDERS AT A PARTY, AND  
25 THAT HE HAD A LOT OF BLOOD ON HIS CLOTHES.

1 DO YOU REMEMBER HIM TALKING ABOUT THAT?

2 A. YES, SIR.

3 Q. AND A JAVIER VASQUEZ TOLD YOU THAT FROM WHAT HE HAD  
4 LEARNED, GODINEZ HAD TOLD PEOPLE AT THE PARTY LATER THAT NIGHT  
5 THAT GODINEZ OPENLY ADMITTED TO THE PEOPLE THERE THAT THE BLOOD  
6 WAS, IN FACT, THE BLOOD OF THE VICTIMS AND THAT HE HAD SHOT THE  
7 TWO VICTIMS.

8 DO YOU REMEMBER JAVIER TELLING YOU THAT?

9 A. YES, HE DID SAY THAT, SIR.

10 Q. NOW, IT'S TRUE, IS IT NOT, THAT AT THE CONCLUSION OF YOUR  
11 CONVERSATION ON JULY 14TH, YOU SPECIFICALLY ASKED JAVIER WHAT  
12 HE COULD DO FOR YOU IN CONNECTION WITH THIS COOPERATION  
13 AGREEMENT THAT WE HAVE DISCUSSED EARLIER.

14 DO YOU REMEMBER ASKING HIM THAT?

15 A. I ASKED HIM FOR HIS COOPERATION, YES, SIR.

16 Q. AND HE TOLD YOU THAT HE WAS WILLING TO LOOK FOR CERTAIN  
17 THINGS THAT YOU MIGHT NEED. DO YOU REMEMBER HIM SAYING THAT TO  
18 YOU?

19 A. YES, SIR, I DO.

20 Q. DO YOU REMEMBER YOU EVEN TOLD HIM THERE MIGHT BE A RISK  
21 INVOLVED; DO YOU REMEMBER WARNING HIM ABOUT THAT POSSIBILITY?

22 A. YES, SIR.

23 Q. DO YOU REMEMBER HIM SAYING TO YOU THAT HE UNDERSTANDS, BUT  
24 THAT WHATEVER IT IS THAT HE COULD DO TO FACILITATE YOUR  
25 INVESTIGATION, HE'S CERTAINLY WILLING TO GIVE IT HIS BEST.



1 DO YOU REMEMBER THAT?

2 A. YES, SIR.

3 Q. AND HE SAID, IN FACT, THAT HE'S GOING TO DO EVERYTHING  
4 POSSIBLE?

5 A. THAT'S TRUE.

6 Q. IN FACT, IN SO MANY WORDS. DO YOU REMEMBER THAT, AS WELL?

7 A. YES, SIR.

8 Q. ALL RIGHT. NOW, THAT WAS ON JULY 14TH, CORRECT?

9 A. CORRECT, SIR.

10 Q. AND YOU DID ALSO TELL HIM THAT IF IT WAS POSSIBLE FOR HIM  
11 TO HELP YOU LEARN A LITTLE BIT MORE ABOUT THE LA LANGOSTA  
12 INCIDENT, YOU WOULD BE INTERESTED IN SPEAKING WITH ANYBODY ELSE  
13 THAT JAVIER MIGHT BE ABLE TO PUT YOU IN CONTACT WITH ABOUT THAT  
14 INCIDENT, REMEMBER?

15 A. YES, SIR.

16 Q. AND HE TOLD YOU, IN FACT, THAT HE HAD A COUSIN, THAT IS,  
17 MR. OCHOA -- STRIKE THE WORD COUSIN -- HIS NEPHEW, MR. OCHOA,  
18 THE SON OF HIS BROTHER ANTONIO, WHO MIGHT BE ABLE TO SHED SOME  
19 LIGHT ON THAT PARTICULAR INCIDENT. REMEMBER?

20 A. I REMEMBER.

21 Q. AND I TAKE IT YOU ALSO REMEMBER THAT, IN FACT, JAVIER  
22 VASQUE\_ WENT AHEAD AND CONTACTED MR. OCHOA AND BROUGHT MR.  
23 OCHOA DOWN TO MEET WITH YOU WITHIN A WEEK.

24 DO YOU REMEMBER THAT, AS WELL?

25 A. I REMEMBER.

1 Q. DO YOU REMEMBER SPECIFICALLY THE DATE JULY 21 OF LAST YEAR  
2 WHEN THE THREE OF YOU HAD A CHANCE TO MEET?

3 A. YES, SIR, I REMEMBER.

4 Q. GOOD. NOW, IN CONNECTION WITH THAT PARTICULAR MEETING,  
5 YOU WERE PRETTY UP FRONT WITH MR. OCHOA AND YOU STARTED OFF  
6 ASKING HIM WHAT HAPPENED AT THE LA LANGOSTA RESTAURANT THE  
7 NIGHT IN QUESTION, REMEMBER?

8 A. YES, I DID.

9 Q. AND HE TOLD YOU IN THE PRESENCE OF JAVIER THAT HE WAS AT  
10 JAVIER BARBA'S HOUSE; DID HE NOT?

11 MR. MEDRANO: OBJECTION, YOUR HONOR, HEARSAY AS TO  
12 VASQUEZ OCHOA.

13 THE COURT: OVERRULED.

14 THE WITNESS: YES, HE SAID THAT, SIR.

15 BY MR. NICOLAYSEN:

16 Q. AND MR. OCHOA TOLD YOU THAT HE WAS AT JAVIER BARBA'S HOUSE  
17 WITH HIS BROTHER ELISEO; DO YOU RECALL?

18 A. YES, SIR.

19 Q. NOW, INCIDENTALLY, JUST TO BACKTRACK A BIT, MR. OCHOA CAME  
20 DOWN TO SEE YOU VOLUNTARILY; DID HE NOT?

21 A. YES, SIR.

22 Q. HE WAS NOT UNDER ANY THREATS OF ARREST OR ANYTHING OF THE  
23 LIKE, WAS HE?

24 A. NOT AT ALL.

25 Q. HE WAS FREE TO LEAVE THROUGHOUT THE ENTIRE MEETING,

1 CORRECT?

2 A. YES, SIR. CORRECT.

3 Q. AND JAVIER VASQUEZ WAS PRESENT, WAS HE NOT, THROUGHOUT THE  
4 ENTIRETY OF THIS MEETING WITH MR. OCHOA?

5 A. YES, SIR, HE WAS.

6 Q. HE HEARD EVERYTHING THAT MR. OCHOA SAID?

7 A. YES, SIR.

8 Q. I WOULD ASSUME THAT THREE OF YOU WERE SEATED RELATIVELY  
9 CLOSE TOGETHER; WERE YOU NOT?

10 A. YES, SIR.

11 Q. FOR THAT MATTER, JAVIER VASQUEZ, HIMSELF, WAS NOT FACING  
12 ANY TYPE OF ARREST FOR BEING THERE OR WHAT HE WOULD SHARE WITH  
13 YOU ON THAT PARTICULAR DAY, WAS HE?

14 A. NO, NOT AT ALL.

15 Q. YOU DIDN'T TELL OCHOA, DID YOU, THAT IF HE INCRIMINATED  
16 HIMSELF, HE MIGHT BE ARRESTED ON THE SPOT?

17 A. NO, I DID NOT, SIR.

18 Q. AT THE END OF THE MEETING, BOTH JAVIER VASQUEZ AND MR.  
19 OCHOA LEFT; DID THEY NOT?

20 A. YES, SIR, THEY DID.

21 Q. ALL RIGHT. NOW, I BELIEVE THAT THAT PARTICULAR MEETING,  
22 THIS MEETING ON JULY 21 WITH MR. OCHOA AND JAVIER VASQUEZ, THAT  
23 WAS TAPE RECORDED BY YOU; WASN'T IT?

24 A. YES, SIR, IT WAS.

25 Q. THE GOVERNMENT SUBSEQUENTLY PREPARED TRANSCRIPTS, CORRECT?

1 A. YES, SIR, THEY DID.

2 Q. ALL RIGHT. DO YOU HAVE ANY PERSONAL KNOWLEDGE ABOUT THE  
3 PREPARATION OF THOSE TRANSCRIPTS?

4 A. I READ THEM AFTER THEY WERE COMPLETED.

5 Q. WHEN YOU READ THEM, DID YOU HAVE AN OPPORTUNITY TO  
6 DETERMINE WHETHER THEY WERE ACCURATE OR INACCURATE IN ANY WAY?

7 A. TO THE BEST OF MY KNOWLEDGE, YES, THEY WERE ACCURATE.

8 Q. I'M SORRY. TO THE BEST OF YOUR KNOWLEDGE --

9 A. TO THE BEST OF MY KNOWLEDGE THEY WERE ACCURATE.

10 Q. AS YOU SIT HERE TODAY, YOU HAVE NO REASON TO CRITIQUE OR  
11 DISPUTE THE JULY 21 TRANSCRIPTS OF THE MEETING; DO YOU?

12 A. NO, SIR.

13 Q. GOING BACK TO THE DISCUSSION, YOU TOLD US THAT MR. OCHOA  
14 SAID TO YOU IN JAVIER'S PRESENCE THAT HE, OCHOA, WAS AT LA  
15 QUINTA, BARBA'S HOUSE, WITH HIS BROTHER -- OR RATHER, WITH HIS  
16 UNCLE, ELISEO; REMEMBER?

17 A. YES, SIR.

18 Q. AND MR. OCHOA THEN TOLD YOU THAT AT A CERTAIN POINT THAT  
19 DAY, HE, THAT IS, OCHOA, ELISEO AND JAVIER BARBA GOT IN A CAR  
20 AND LEFT LA QUINTA TO GO TO LA LANGOSTA, CORRECT?

21 A. CORRECT.

22 Q. NOW, YOU SPECIFICALLY ASKED MR. OCHOA WHETHER IT WAS JUST  
23 THREE OF YOU, THAT IS, OCHOA, ELISEO AND JAVIER BARBA, WHO GOT  
24 IN THE CAR AND WENT TO THE RESTAURANT.

25 DO YOU REMEMBER ASKING THAT DIRECT QUESTION?

1 A. I REMEMBER, SIR.

2 Q. DO YOU RECALL MR. OCHOA TELLING YOU SPECIFICALLY THAT IT  
3 WAS JUST THE THREE OF THEM WHO WENT?

4 A. YES, SIR.

5 Q. NOW, MR. OCHOA ALSO PROCEEDED TO TELL YOU THAT HE WAS IN  
6 THE PARKING LOT ON THAT PARTICULAR EVENING AFTER THEY ARRIVED  
7 AT THE RESTAURANT, CORRECT?

8 A. CORRECT, SIR.

9 Q. AND THAT AT A CERTAIN POINT IN TIME, HE OBSERVED A POURING  
10 OUT OF PEOPLE?

11 A. HE DID SAY THAT, YES, SIR.

12 Q. AND THAT SUBSEQUENTLY THERE WAS A CARAVAN OF CARS THAT  
13 LEFT THE RESTAURANT AND PROCEEDED DOWN THE HIGHWAY.

14 DO YOU RECALL HIM TELLING YOU ABOUT THAT?

15 A. I REMEMBER, SIR.

16 Q. DO YOU RECALL MR. OCHOA TELLING YOU, AGAIN IN JAVIER  
17 VASQUEZ'S PRESENCE, THAT THE CARAVAN OF CARS REACHED AN  
18 INTERSECTION AND THEN THE CARAVAN STOPPED.

19 DO YOU RECALL HIM TELLING YOU THAT?

20 A. YES, SIR, I REMEMBER.

21 Q. AND DO YOU ALSO RECALL MR. OCHOA TELLING YOU AT THAT TIME  
22 THAT RAFAEL CARO QUINTERO CAME OUT OF HIS CAR AND APPROACHED  
23 THE CAR DRIVEN BY JAVIER BARBA IN WHICH MR. OCHOA WAS SITTING?

24 DO YOU RECALL HIM TALKING ABOUT THAT?

25 A. I RECALL.

1 Q. AND YOU RECALL THAT MR. OCHOA TOLD YOU, DO YOU, THAT CARO  
2 QUINTERO ASKED JAVIER BARBA: "WHO SHOULD WE SEND?"

3 DO YOU REMEMBER HIM SAYING THAT?

4 MR. MEDRANO: OBJECTION. THIS IS HEARSAY. THIS IS  
5 DOUBLE HEARSAY NOW, YOUR HONOR.

6 THE COURT: SUSTAINED.

7 BY MR. NICOLAYSEN:

8 Q. DO YOU RECALL MR. OCHOA TELLING YOU DURING YOUR  
9 CONVERSATION THAT HE WENT TO A PARTY LATER THAT NIGHT?

10 DO YOU RECALL THAT?

11 A. YES, SIR.

12 Q. AND DO YOU RECALL OCHOA TELLING YOU THAT AT SOME POINT,  
13 MAYBE AN HOUR OR SO AFTER ARRIVING AT THAT PARTY, EZEQUIEL  
14 GODINEZ, PRIMO, SHOWED UP AT THAT PARTY?

15 DO YOU REMEMBER OCHOA TELLING YOU THAT?

16 A. YES, I DO.

17 Q. DO YOU RECALL OCHOA TELLING YOU, IN FACT, MORE THAN ONCE  
18 DURING YOUR CONVERSATION THAT PRIMO HAD A LOT OF BLOOD ON HIS  
19 CLOTHES?

20 DO YOU RECALL HIM TELLING YOU THAT?

21 A. THAT'S TRUE, SIR.

22 Q. AND OCHOA SAID TO YOU THAT HE ASKED HIS COUSIN GODINEZ  
23 WHAT HAPPENED. DO YOU RECALL?

24 A. YES, SIR.

25 Q. AND THAT GODINEZ TOLD OCHOA?

1 MR. MEDRANO: OBJECTION. DOUBLE HEARSAY, YOUR HONOR.

2 THE COURT: OVERRULED.

3 (NO AUDIBLE ANSWER GIVEN.)

4 BY MR. NICOLAYSEN:

5 Q. AND I TAKE IT, AGENT REYNOSO, YOU RECALL THAT OCHOA TOLD  
6 YOU ON THAT MEETING THAT GODINEZ SAID TO OCHOA WHEN HE SHOWED  
7 UP AT THE PARTY WITH BLOOD ON HIS CLOTHES THAT NOBODY ELSE  
8 WANTED TO KILL THE AMERICANS, SO HE SHOT THEM.

9 DO YOU RECALL THAT?

10 A. YES, SIR.

11 Q. THAT'S ALL ON TAPE; IS IT NOT?

12 A. IT'S ALL ON TAPE, YES, SIR.

13 Q. AND IT'S ALL IN THE TRANSCRIPT?

14 A. ALL IN THE TRANSCRIPT.

15 Q. AND JAVIER VASQUEZ WAS PRESENT THROUGHOUT, CORRECT?

16 A. THAT'S CORRECT.

17 Q. AND HE HAD AN OPPORTUNITY TO LISTEN TO EVERYTHING THAT  
18 OCHOA TOLD YOU, DID HE NOT?

19 A. YES, SIR.

20 Q. NOW, IT'S ALSO TRUE, IN FACT, ISN'T IT, THAT JAVIER  
21 VASQUEZ ON OCCASION THROUGHOUT THIS DISCUSSION FACILITATED YOUR  
22 DISCUSSION WITH OCHOA BY CLARIFYING QUESTIONS?

23 DO YOU RECALL THAT, AS WELL?

24 A. HE WOULD CORRECT MR. OCHOA, YES.

25 Q. HE WOULD -- JUST A SECOND. LET'S BACK UP HERE.

1 DO YOU HAVE A COPY OF THE TRANSCRIPT?

2 A. I DO.

3 Q. WOULD YOU TURN, PLEASE, TO TAPE 1, SIDE 1.

4 A. WHAT PAGE, SIR?

5 Q. PAGE 12 OUT OF 36.

6 LET'S TRY PAGE 14 OF 36. THIS IS TAPE 1, SIDE 1,  
7 PAGE 14 OF 36. ARE YOU WITH ME?

8 A. YES, SIR.

9 Q. ALL RIGHT. NOW, AT A CERTAIN POINT OCHOA REFERS TO A  
10 PLACE THEY HAD STOPPED; DID HE NOT?

11 A. (NO RESPONSE.)

12 Q. DO YOU SEE IN THE MIDDLE OF THE PAGE?

13 A. I DO, SIR.

14 MR. NICOLAYSEN: WITH THE COURT'S PERMISSION, I WOULD  
15 LIKE TO READ ABOUT SEVEN LINES JUST FOR THE PURPOSE OF  
16 DEMONSTRATING MY CLIENT'S INTERACTION IN FACILITATING THE  
17 DISCUSSION.

18 MR. MEDRANO: OBJECTION, YOUR HONOR. IT'S IMPROPER.  
19 HE CAN ASK THE QUESTION. THERE IS NO INDICATION THERE HAS BEEN  
20 A LAPSE OF MEMORY HERE.

21 THE COURT: YES. ASK A QUESTION.

22 BY MR. NICOLAYSEN:

23 Q. AGENT REYNOSA, IF YOU HAVE NEED TO REFRESH YOUR MEMORY,  
24 YOU HAVE THE PAGE IN FRONT OF YOU.

25 A. YES, SIR.



1 Q. YOU FOCUSED MR. OCHOA'S ATTENTION ON A PLACE THAT HE HAD  
2 BEEN DESCRIBING WHERE CARS STOPPED. DO YOU REMEMBER THAT?

3 A. YES, SIR.

4 Q. AND JAVIER TURNED TO OCHOA AND SAID: "NOW, WHERE YOU MADE  
5 THE STOP" -- DO YOU RECALL HIM SAYING THAT TO MR. OCHOA?

6 A. YES, HE SAID THAT, SIR.

7 Q. AND HE WAS TALKING TO MR. OCHOA?

8 A. YES, THAT IS CORRECT.

9 Q. YOU, IN FACT, PICKED UP WHERE JAVIER LEFT OFF AND SAID  
10 BASICALLY THE SAME THING: "WHERE YOU MADE THE STOP TO GET THEM  
11 OUT".

12 DO YOU REMEMBER SAYING THAT TO OCHOA?

13 A. YES, SIR.

14 Q. NOW, DO YOU REMEMBER SIMILAR INSTANCES WHERE JAVIER WOULD  
15 HELP CLARIFY YOUR POINTS TO ANTONIO OCHOA TO MAKE SURE HE WAS  
16 UNDERSTANDING YOUR QUESTIONS?

17 DO YOU RECALL THAT, THAT THERE WERE, IN FACT, A  
18 NUMBER OF INSTANCES WHERE THIS WAS BEING DONE, JUST LIKE WE  
19 HAVE DESCRIBED HERE ON THIS ONE PAGE?

20 A. CLARIFY OR CORRECT HIM, YES, SIR, HE WOULD.

21 Q. I'D LIKE TO DIRECT YOUR ATTENTION TO PAGE 17. ARE YOU  
22 WITH ME?

23 A. I'M WITH YOU.

24 Q. OKAY. AND YOU WANTED TO KNOW AT THIS POINT IN THE  
25 CONVERSATION FROM OCHOA WHO ELSE WAS LEAVING IN THE GROUP AT

1 THIS POINT FROM THE RESTAURANT.

2 DO YOU REMEMBER ASKING OCHOA THAT?

3 A. YES.

4 Q. AND HE MENTIONED ITALIANO, HIS COUSIN?

5 A. TRUE.

6 Q. AND THEN HE -- AND HE MENTIONS THE NAME EZEQUIEL?

7 A. HE DID.

8 Q. AND JAVIER ASKS HIM: "ITALIANO, AS WELL?"

9 DO YOU REMEMBER THAT?

10 A. YES, SIR.

11 Q. AND HE'S ASKING OCHOA THAT QUESTION; ISN'T HE?

12 A. YES.

13 Q. AND OCHOA ANSWERED THE QUESTION AND SAID: "NO, NOT  
14 ITALIANO."

15 REMEMBER HIM SAYING THAT?

16 A. YES.

17 Q. IN FACT, JAVIER IN THIS INSTANCE WAS DIRECTING A QUESTION  
18 TO OCHOA IN CONNECTION WITH WHO WAS IN THAT GROUP; WASN'T HE?

19 A. YES, SIR.

20 Q. NOW, ONCE YOU FINISH YOUR DISCUSSION WITH OCHOA, YOU THEN  
21 TURNED YOUR ATTENTION TO JAVIER VASQUEZ, HIMSELF, AND ASKED HIM  
22 TO REPEAT TO YOU THE INFORMATION THAT ELISEO VASQUEZ, HIS  
23 BROTHER, HAD SHARED WITH HIM ABOUT THE EVENTS AT LA LANGOSTA.

24 DO YOU RECALL?

25 A. MAYBE I REMEMBER THAT HE -- HE ACTUALLY VOLUNTEERED THE

1 STATEMENT. THIS WAS A CONVERSATION, THIS WAS NOT A --

2 Q. LET'S TURN TO PAGE 22 OF TAPE 1, SIDE 1 AND 2. BE A LITTLE  
3 BIT MORE DIRECT.

4 A. OKAY.

5 Q. TELL US WHEN YOU'RE ON THAT PAGE.

6 A. I'M WITH YOU, SIR.

7 Q. ALL RIGHT. SO NOW ON PAGE 22, JUST ABOUT AT THE TOP OF  
8 THE DIALOGUE --

9 MR. MEDRANO: OBJECTION, YOUR HONOR. AGAIN, CAN WE  
10 HAVE THE QUESTIONS INSTEAD OF JUST READING FROM THE TRANSCRIPT?

11 THE COURT: OVERRULED.

12 BY MR. NICOLAYSEN:

13 Q. YOU DIRECT YOUR ATTENTION NOW TO JAVIER VASQUEZ, HIMSELF,  
14 AND YOU ASKED HIM SPECIFICALLY TO TELL YOU WHAT HIS BROTHER  
15 ELISEO HAD TOLD HIM ABOUT THE LA LANGOSTA INCIDENT.

16 DO YOU SEE WHERE I'M REFERRING?

17 A. I AM WITH YOU, SIR. CAN I CLEAR ONE POINT HERE?

18 Q. I WANT TO TAKE THIS STEP BY STEP. DO YOU SEE WHERE I'M  
19 REFERRING?

20 A. YES, BUT THERE IS A REASON WHY I ASKED THAT QUESTION.

21 Q. I'M NOT INTERESTED IN YOUR REASONS RIGHT NOW. LET ME JUST  
22 MAKE SURE WE'RE CLEAR WHAT THE TRANSCRIPT SAYS.

23 DO YOU SEE WHAT I'M REFERRING TO?

24 A. HE VOLUNTEERED THE ANSWER, SIR. I DIDN'T ASK HIM FIRST.

25 Q. LET'S LOOK AT THE TRANSCRIPT. IT SAYS HERE AT THE TOP OF

1 PAGE 22: QUOTE, "OKAY" -- THIS IS YOU NOW SPEAKING AGENT,  
2 REYNOSO.

3 QUOTE: "OKAY. SO TELL ME WHAT YOU -- WHAT ELISEO  
4 TOLD YOU THEN." END QUOTE.

5 THAT'S RIGHT OUT OF THE TRANSCRIPT; IS IT NOT?

6 A. ONE SENTENCE BEFORE, HE TOLD ME BEFORE THAT QUESTION --

7 Q. AGENT REYNOSO, I'M ASKING YOU --

8 MR. MEDRANO: OBJECTION, YOUR HONOR --

9 THE COURT: ALL RIGHT. LET THE WITNESS EXPLAIN WHAT  
10 HE'S TRYING TO EXPLAIN.

11 THE WITNESS: CAN I, SIR?

12 THE COURT: GO AHEAD.

13 THE WITNESS: THE REASON WHY I ASKED HIM THAT, SIR,  
14 IS BECAUSE MR. VASQUEZ SAYS: "OKAY. NOW THE STORY MATCHES A  
15 LITTLE BIT MORE."

16 SO I WENT ON AND I ASKED HIM: "OKAY. WHY DON'T YOU  
17 TELL ME EXACTLY WHAT YOUR BROTHER ELISEO TOLD YOU."

18 BY MR. NICOLAYSEN:

19 Q. IN FACT, WHAT OCHOA TOLD YOU ON THAT OCCASION DID MATCH  
20 WITH MANY OF THE THINGS THAT JAVIER VASQUEZ HAD TOLD YOU HE HAD  
21 LEARNED ABOUT LA LANGOSTA DURING YOUR CONVERSATION WITH HIM A  
22 WEEK EARLIER?

23 ISN'T THAT A FACT?

24 A. . NO, IT DIDN'T MATTER.

25 Q. YOU TOLD US EARLIER THERE WERE DISCUSSIONS ABOUT EZEQUIEL

1 GODINEZ, REMEMBER?

2 A. YOU SAID EVERYTHING, NOT -- SOME POINTS, NOT EVERYTHING.

3 Q. BUT HE'S REFERRING TO HIS CONVERSATION ON JULY 14TH; ISN'T  
4 HE?

5 A. YES, HE IS, SIR.

6 Q. ALL RIGHT. WOULD IT BE HELPFUL TO GO BACK TO JULY 14 AND  
7 GO THROUGH IT STEP BY STEP?

8 A. NO, SIR.

9 Q. ARE YOU TELLING US THAT OCHOA DID NOT SAY THE THING, OR  
10 ARE YOU TELLING US THAT OCHOA IN ANY WAY CONTRADICTED JAVIER'S  
11 STATEMENTS TO YOU FROM A WEEK EARLIER?

12 A. SOME OF THE THINGS THAT MR. OCHOA SAID WERE A LITTLE  
13 CLEARER THAN WHAT MR. VASQUEZ SAID. THEY COMPLEMENTED THEM;  
14 THEY DIDN'T SAY THE SAME THING.

15 Q. SO YOU'RE TELLING US THAT WHAT OCHOA TOLD YOU WAS A BIT  
16 CLEARER, PERHAPS A BIT MORE PRECISE THAN WHAT JAVIER HAD TOLD  
17 YOU A WEEK EARLIER, CORRECT?

18 A. HE WENT INTO DETAILS THAN MR. JAVIER VASQUEZ, YES.

19 Q. OCHOA WENT INTO DETAILS ON JULY 21 THAT JAVIER HAD NOT  
20 GONE INTO A WEEK EARLIER. THAT IS TRUE, ISN'T IT?

21 A. AND THEN MR. VASQUEZ --

22 Q. WAIT A MINUTE. THAT'S TRUE, ISN'T IT?

23 A. YES, SIR.

24 Q. ALL RIGHT. NOW, WHEN YOU SPOKE WITH MR. OCHOA, YOU WERE  
25 SPEAKING WITH SOMEONE WHO OPENLY TOLD YOU THAT HE HAD

1 PERSONALLY GONE TO THE RESTAURANT THAT NIGHT; WEREN'T YOU?

2 A. YES, SIR.

3 Q. WHEN YOU SPOKE WITH JAVIER VASQUEZ A WEEK EARLIER, YOU  
4 KNEW YOU WERE SPEAKING WITH SOMEONE WHO WAS TELLING YOU THAT HE  
5 WAS GETTING THAT INFORMATION SECOND HAND, WEREN'T YOU?

6 A. I DIDN'T KNOW THAT.

7 Q. YOU TOLD US EARLIER, AND THE TRANSCRIPT TELLS US, THAT ON  
8 JULY 14 HE TOLD YOU SPECIFICALLY THAT HIS BROTHER ELISEO HAD  
9 GIVEN HIM CERTAIN INFORMATION.

10 DO YOU REMEMBER YOUR TESTIMONY TO THAT EFFECT?

11 A. HE TOLD ME THAT, BUT I DIDN'T KNOW THAT WAS THE TRUTH.

12 Q. YOU WERE TOLD BY JAVIER VASQUEZ A WEEK EARLIER, ON JULY  
13 14TH, THAT THE INFORMATION HE WAS ABOUT TO SHARE WITH YOU ABOUT  
14 THE LA LANGOSTA EVENT WAS COMING FROM HIS BROTHER ELISEO.

15 HE DID TELL YOU THAT IN SO MANY WORDS; DIDN'T HE?

16 A. YES, HE DID, SIR.

17 Q. DO YOU NEED TO GO BACK TO THE TRANSCRIPT TO REFRESH YOUR  
18 MEMORY ON THAT?

19 A. NO, SIR.

20 Q. AND AT NO TIME IN YOUR CONVERSATIONS WITH JAVIER VASQUEZ  
21 DID HE EVER TELL YOU THAT HE HAD EVER BEEN INVOLVED AT LA  
22 LANGOSTA. THAT IS TRUE; ISN'T IT?

23 A. I DIDN'T ASK HIM, SIR.

24 Q. YOU DIDN'T ASK HIM?

25 A. I NEVER ASKED MR. VASQUEZ IF HE HAD BEEN AT LA LANGOSTA

1 ONE TIME.

2 Q. YOU NEVER EVEN ASKED HIM?

3 A. NO, SIR.

4 A. AND HE VOLUNTEERED TO YOU, DID HE NOT -- AND THE  
5 TRANSCRIPT TELLS US SPECIFICALLY -- THAT HE SAID TO YOU THAT  
6 ELISEO HAD TOLD HIM INFORMATION; ISN'T THAT TRUE?

7 A. HE TOLD ME ABOUT ELISEO, YES, SIR.

8 Q. HE DID?

9 A. YES, SIR.

10 Q. AND YOU ALSO ASKED HIM WHETHER ELISEO WAS THERE AND HE  
11 TOLD YOU THAT HE BELIEVES ELISEO WAS THERE?

12 A. YES, SIR.

13 Q. AND YOU ASKED HIM IF ANTONIO WAS THERE, AND HE SAID THAT  
14 ANTONIO PROBABLY WAS THERE, BUT HE WASN'T SURE. AND HE TOLD  
15 YOU THAT, AND THE TRANSCRIPT SAYS IT IN SO MANY WORDS; DOESN'T  
16 IT?

17 A. THAT IS CORRECT.

18 Q. ALL RIGHT. SO HE NEVER TOLD YOU THAT HE KNEW FOR A FACT  
19 THAT ANTONIO WAS THERE; DID HE?

20 A. NO, SIR.

21 Q. HE ASSUMED THAT HE WAS, BUT HE WAS SPECULATING, WASN'T HE,  
22 AND THE TRANSCRIPT TELLS US THAT.

23 A. YES, SIR.

24 Q. ALL RIGHT. SO NOW, ON PAGE 22 OF THE JULY 21ST MEETING,  
25 WHICH YOU HAVE IN FRONT OF YOU, CORRECT?

1 A. THAT IS CORRECT.

2 Q. HE NOW BEGINS TO SHARE WITH YOU AGAIN WHAT ELISEO TOLD HIM  
3 ABOUT THE LA LANGOSTA EVENTS, CORRECT?

4 A. TRUE.

5 Q. AND JAVIER VASQUEZ TELLS THAT YOU ELISEO HAD TOLD HIM THAT  
6 ELISEO AND SOME OTHERS WERE IN THIS RESTAURANT, CORRECT?

7 A. TRUE.

8 Q. AND JAVIER VASQUEZ EVEN TOLD YOU SPECIFICALLY THAT HE  
9 DIDN'T EVEN REMEMBER, AT THE TIME WHEN HE WAS TALKING TO YOU,  
10 WHAT THAT RESTAURANT WAS CALLED?

11 A. THAT IS CORRECT, SIR.

12 Q. AND ELISEO HAD TOLD JAVIER THE TWO AMERICANS CAME IN --

13 MR. MEDRANO: OBJECTION. HEARSAY, YOUR HONOR.  
14 DOUBLE HEARSAY.

15 THE COURT: OVERRULED.

16 BY MR. NICOLAYSEN:

17 Q. DO YOU REMEMBER JAVIER TELLING YOU THAT ELISEO HAD TOLD  
18 HIM THAT TWO -- IN FACT, TWO GABACHOS (PHONETIC) -- I GUESS  
19 AMERICANS, IN SLANG -- HAD COME INTO THE RESTAURANT?

20 A. THAT IS CORRECT, SIR.

21 Q. AND JAVIER VASQUEZ TOLD YOU THAT ELISEO HAD TOLD HIM THAT  
22 THOSE TWO AMERICANS LOOKED SUSPICIOUS.

23 DO YOU REMEMBER HIM SAYING THAT TO YOU?

24 A. YES, SIR. AND THAT AS A RESULT, ELISEO AND OTHERS CAUGHT  
25 THEM. DO YOU REMEMBER JAVIER SAYING THAT TO YOU?



1 A. YES, SIR.

2 Q. AND ELISEO TOLD JAVIER, AND JAVIER TOLD YOU THAT ELISEO  
3 WAS INTERROGATING THEM WITH OTHER PEOPLE. DO YOU REMEMBER  
4 THAT?

5 A. YES, SIR.

6 Q. IN FACT, JAVIER TOLD YOU THAT ELISEO HAD EXPLAINED TO HIM  
7 THAT THE INTERROGATORS THERE AT THAT RESTAURANT HAD ALMOST  
8 PRESSURED THE TWO AMERICANS INTO ADMITTING THEY WERE POLICE.

9 DO YOU REMEMBER JAVIER DESCRIBING THAT INFORMATION  
10 THAT ELISEO HAD GIVEN TO THEM?

11 A. YES, SIR.

12 Q. YOU EVEN SPECIFICALLY ASKED JAVIER -- AND I'M NOW ON PAGE  
13 24 OF THE TRANSCRIPT OF JULY 21, 1989 -- ABOUT THREE-QUARTERS  
14 OF THE PAGE DOWN -- TELL ME WHEN YOU'RE WITH ME.

15 A. I'M WITH YOU, SIR.

16 Q. IN THE COURSE OF THIS DIALOGUE THAT YOU'RE HAVING WITH  
17 JAVIER, YOU ASKED HIM SPECIFICALLY IF ANYBODY TOLD JAVIER ABOUT  
18 THE TIME THAT ELISEO AND OTHERS WERE INSIDE THE RESTAURANT; DO  
19 YOU REMEMBER THAT?

20 A. YES, SIR.

21 Q. AND DO YOU REMEMBER JAVIER VASQUEZ TELLING YOU THAT ELISEO  
22 NEVER MENTIONED THE PARTICULAR TIME, THAT IS, THE HOUR OR THE  
23 EVENTS THAT OCCURRED INSIDE THE RESTAURANT BEFORE THE AMERICANS  
24 SHOWED UP? DO YOU REMEMBER HIM TELLING YOU THAT?

25 A. YES, SIR.

1 Q. YOU ASKED OCHOA IN JAVIER'S PRESENCE IF OCHOA HAD HEARD  
2 ANYTHING ABOUT THE TWO AMERICANS BEING TORTURED WITH ICE PICKS,  
3 AND OCHOA TOLD YOU THAT HE HAD HEARD THAT THAT HAD OCCURRED,  
4 BUT DIDN'T KNOW ANYTHING MORE SPECIFIC.

5 DO YOU REMEMBER THAT?

6 A. YES, SIR.

7 Q. AND, IN FACT, YOU DIDN'T PURSUE THAT ISSUE AFTER THAT  
8 POINT WITH EITHER OCHOA OR JAVIER VASQUEZ; DID YOU?

9 A. THAT IS CORRECT, SIR.

10 Q. IN FACT, JAVIER VOLUNTEERED TO YOU THAT HE BELIEVES -- AND  
11 AGAIN, I'M ON PAGE 26 AT THIS POINT, JUST IN CASE YOU NEED TO  
12 REFER -- JAVIER HAD VOLUNTEERED TO YOU THAT HE REMEMBERS  
13 VAGUELY THAT ELISEO HAD SAID THAT THE TWO AMERICANS HAD BEEN  
14 TAKEN TO THE KITCHEN OF THE RESTAURANT.

15 DO YOU REMEMBER JAVIER VASQUEZ SAYING THAT TO YOU?

16 A. HE TOLD ME THAT, YES, SIR.

17 Q. OKAY. AND YOU ASKED IF JAVIER COULD REMEMBER SOME  
18 PARTICULAR DETAILS THAT ELISEO OR OTHERS MIGHT HAVE COMMENTED  
19 ABOUT IN CONNECTION WITH HOW THESE TWO FELLOWS HAD BEEN KILLED.

20 DO YOU REMEMBER ASKING IF HE COULD?

21 A. (NODDING HEAD.)

22 Q. AND THERE WERE NO OTHER DETAILS THAN JUST THAT GENERAL  
23 STATEMENT. DO YOU REMEMBER THAT HE TOLD YOU THAT?

24 A. YES, SIR.

25 Q. NOW, AT THE CONCLUSION OF THIS JULY 21 MEETING, YOU AGREED

1 WITH JAVIER VASQUEZ THAT YOU WOULD MEET AGAIN AND PURSUE THE  
2 POSSIBILITY OF HIS GETTING SOME ADDITIONAL INFORMATION, AGAIN  
3 IN KEEPING WITH HIS COOPERATION AGREEMENT THAT HE HAD SIGNED  
4 THE WEEK EARLIER.

5 DO YOU RECALL?

6 A. TRUE.

7 Q. AND YOU TOLD US EARLIER THAT WHEN THIS MEETING ADJOURNED,  
8 BOTH JAVIER VASQUEZ AND ANTONIO OCHOA -- THEY LEFT AND  
9 PRESUMABLY THEY WENT HOME, CORRECT?

10 A. YES, SIR.

11 Q. BUT THEY LEFT?

12 A. THEY WENT HOME.

13 Q. THEY WENT HOME.

14 A. SOMEWHERE.

15 Q. AND YOU DIDN'T LET THE RELATIONSHIP WITH JAVIER VASQUEZ  
16 END AT THAT POINT. YOU, IN FACT, SCHEDULED ANOTHER MEETING;  
17 DIDN'T YOU?

18 A. YES, SIR.

19 Q. AND JAVIER VASQUEZ MADE HIMSELF AVAILABLE TO YOU, TO MEET  
20 AGAIN, I BELIEVE, SOMETIME LATE IN 1989; DIDN'T HE?

21 A. TRUE, SIR.

22 Q. DO YOU HAPPEN TO REMEMBER THE PARTICULAR DATE?

23 A. I BELIEVE IT WAS ABOUT A WEEK LATER, AFTER THAT FIRST  
24 MEETING.

25 Q. ABOUT A WEEK LATER?

1 A. ABOUT THE 27TH.

2 Q. DOWNTOWN, HERE IN LOS ANGELES?

3 A. YES, SIR.

4 Q. AND YOU CALLED HIM UP AND ASKED IF HE MIGHT BE KIND ENOUGH  
5 TO COME DOWN AND MEET WITH YOU AGAIN?

6 A. THAT IS CORRECT, SIR.

7 Q. NOW, DID YOU TAPE RECORD THAT PARTICULAR MEETING?

8 A. YES, SIR.

9 Q. YOU TAPE RECORDED THAT PARTICULAR MEETING?

10 A. ARE WE TALKING ABOUT MR. VASQUEZ AND MR. OCHOA?

11 Q. NO, NO. I'M TALKING ABOUT A MEETING THAT OCCURRED, AS YOU  
12 JUST TOLD US NOW, A WEEK AFTER --

13 A. OKAY. NO, NO, SIR. THERE WERE NO OTHER TAPE RECORDINGS  
14 OTHER THAN THE ONES WE ALREADY DISCUSSED.

15 Q. NOW, I'LL REPRESENT TO YOU THAT I HAVE NO WRITINGS  
16 CONCERNING THAT ADDITIONAL MEETING. ARE YOU AWARE OF ANY  
17 REPORTS OR NOTES?

18 A. I WAS REFERRING TO THESE NOTES RIGHT HERE, AND I DON'T  
19 HAVE ANYTHING ON THAT DATE.

20 Q. WHEN YOU SAY "THESE NOTES" RIGHT HERE, COULD YOU BE MORE  
21 SPECIFIC?

22 A. THE TRANSCRIPTS OF THE TAPES, SIR.

23 Q. WHEN YOU SAY "THE TAPES", WHICH TAPES? JULY 14TH OR JULY  
24 21?

25 A. THE JULY 21 TAPES, SIR.

1 Q. ALL RIGHT. JUST SO WE'RE ON THE SAME WAVE LENGTH HERE,  
2 IT'S CLEAR IN YOUR MIND, IS IT, THAT THERE WAS ANOTHER MEETING  
3 THAT JAVIER VASQUEZ CAME TO, TO MEET YOU AT VOLUNTARILY ABOUT A  
4 WEEK AFTER THE JULY 21 MEETING?

5 A. YES, SIR.

6 Q. THERE ARE NO NOTES, NO REPORTS AND NO TAPE RECORDINGS OF  
7 THAT MEETING; IS THAT RIGHT?

8 A. TO THE BEST OF MY KNOWLEDGE, YES, SIR.

9 Q. IF THEY DID EXIST, INCIDENTALLY, I PRESUME YOU WOULD BE  
10 AWARE OF THEM; WOULDN'T YOU?

11 A. ABSOLUTELY, SIR.

12 Q. SO WHEN YOU SAY "TO THE BEST OF MY KNOWLEDGE", CAN I  
13 SAFELY ASSUME THEY DON'T EXIST?

14 A. THEY DON'T EXIST; THAT IS RIGHT.

15 Q. NOW, JAVIER VASQUEZ CAME TO MEET YOU VOLUNTARILY; DID HE  
16 NOT?

17 A. YES, HE DID, SIR.

18 Q. YOU MADE NO THREATS OF ANY KIND TO HIM; DID YOU, SIR?

19 A. NO.

20 Q. HE WAS NOT UNDER THREAT OF ANY ARREST; WAS HE?

21 A. NO, SIR.

22 Q. HE WAS FREE TO LEAVE THROUGHOUT THE MEETING?

23 A. HE LEFT.

24 Q. AND, IN FACT, HE DID LEAVE; DIDN'T HE?

25 A. YES, SIR.

1 Q. AND YOU CERTAINLY DIDN'T KICK HIM OUT; DID YOU?

2 A. ABSOLUTELY NOT.

3 Q. NOW, HE AGREED THEN, I BELIEVE, THAT HE WOULD MAKE HIMSELF  
4 AVAILABLE TO YOU AT ANY ADDITIONAL POINT IN TIME SHOULD THE  
5 INTEREST OR THE NEED ON YOUR PART ARISE; DID HE NOT?

6 A. THAT IS CORRECT, SIR.

7 Q. AND I BELIEVE THAT YOU EVEN MET ONE ADDITIONAL TIME WITH  
8 MR. OCHOA. I BELIEVE THAT WAS IN THE EARLY PART OF AUGUST OF  
9 1989.

10 DO YOU RECALL THAT?

11 A. YES, SIR, I DO.

12 Q. AND YOU DID PREPARE A REPORT ON THAT; DO YOU RECALL DOING  
13 THAT?

14 A. I DON'T REMEMBER WRITING THE REPORT ON MR. OCHOA. I THINK  
15 SOMEBODY ELSE WROTE A REPORT. YES, THERE WAS A REPORT ON THAT  
16 MEETING.

17 Q. YOU DID ATTEND THAT MEETING, I BELIEVE.

18 A. YES, I DID.

19 Q. AT THAT MEETING WITH MR. OCHOA EARLY IN AUGUST, HE TOLD  
20 YOU AGAIN, AS HE HAD TOLD YOU AT THE JULY 21 MEETING, THAT  
21 EZEQUIEL SHOWED UP WITH BLOOD AND TOLD PEOPLE AT THE PARTY,  
22 INCLUDING OCHOA, THAT HE HAD KILLED THE TWO AMERICANS, YES?

23 A. TRUTH.

24 Q. NOW, THERE CAME A POINT IN TIME, DID THERE NOT, WHEN  
25 MR. OCHOA, TO YOUR KNOWLEDGE, AT LEAST, LEFT THE UNITED STATES?

1 A. I KNEW HE LEFT, YES. I DON'T KNOW WHEN.

2 Q. CAN YOU GIVE US YOUR BEST ESTIMATE AS TO WHEN THAT  
3 OCCURRED?

4 A. WHEN MR. VASQUEZ WAS ARRESTED, I BELIEVE.

5 Q. IN OCTOBER?

6 A. YES.

7 Q. DO YOU RECALL THE ARREST DATE OF OCTOBER 12?

8 A. I BELIEVE SO, YES.

9 Q. CAN YOU TELL US WHETHER MR. OCHOA LEFT BEFORE OR AFTER THE  
10 ARREST OF MY CLIENT?

11 A. NO, SIR. I CAN'T TELL YOU.

12 Q. DO YOU HAVE ANY WAY OF FINDING OUT?

13 A. I COULDN'T TELL YOU ONE WAY OR THE OTHER.

14 Q. YOU HAVE NO IDEA?

15 A. NO, SIR.

16 Q. NOW, THE GOVERNMENT NEVER DID ARREST MR. OCHOA, DID  
17 THEY -- OR DID IT?

18 A. NO, NOT MR. OCHOA.

19 Q. AND WE WAS NEVER DETAINED AS A WITNESS IN THIS CASE; WAS  
20 HE?

21 A. NO, SIR.

22 Q. YOU'RE FAMILIAR WITH AN INDIVIDUAL NAMED ENRIQUE  
23 PLASCENCIA AGUILAR?

24 A. YES, SIR, I AM.

25 MR. MEDRANO: OBJECTION, YOUR HONOR. OUTSIDE THE

1 SCOPE OF DIRECT AND RELEVANCY.

2 THE COURT: LET'S WAIT TO HEAR THE QUESTION.

3 BY MR. NICOLAYSEN:

4 Q. DO YOU KNOW THIS INDIVIDUAL?

5 A. YES, SIR.

6 Q. YOU'RE AWARE HE'S A GOVERNMENT INFORMANT?

7 A. YES, SIR.

8 Q. NOW, DID YOU AT ANY TIME, OR TO YOUR KNOWLEDGE, ANY OF  
9 YOUR COLLEAGUES ARRANGE FOR A LINE-UP FOR MR. OCHOA TO BE  
10 VIEWED BY MR. PLASCENCIA IN CONNECTION WITH THE LA LANGOSTA  
11 MATTER?

12 MR. MEDRANO: OBJECTION, YOUR HONOR. RELEVANCY AND  
13 OUTSIDE THE SCOPE OF DIRECT.

14 THE COURT: OVERRULED.

15 BY MR. NICOLAYSEN:

16 Q. DO YOU REMEMBER THE QUESTION?

17 A. YES, I DO. I DON'T RECALL, NO, SIR.

18 Q. NOW, YOU WERE ACTIVE IN THE LA LANGOSTA PHASE OF THIS  
19 INVESTIGATION; WEREN'T YOU?

20 A. YES, SIR.

21 Q. IF A LINE-UP HAD BEEN CONDUCTED, YOU WOULD HAVE KNOWN  
22 ABOUT IT; WOULD YOU NOT?

23 A. ABSOLUTELY.

24 Q. IT IS SAFE TO SAY THAT NO LINE-UP OF MR. OCHOA FOR MR.  
25 PLACENTIA TO VIEW WAS EVER DONE; ISN'T THAT RIGHT?



1 A. NOT A PHYSICAL LINE-UP, NO, SIR.

2 Q. AND, IN FACT, NO LINE-UP OF MY CLIENT, JAVIER VASQUEZ, WAS  
3 EVER DONE IN PERSON FOR MR. PLASCENCIA TO VIEW AT ANY TIME;  
4 ISN'T THAT RIGHT?

5 A. THAT IS CORRECT, SIR.

6 Q. YOU ALSO KNOW ANOTHER BROTHER OF MY CLIENT WHOSE NAME CAME  
7 UP EARLIER WHEN WE FIRST STARTED THIS CROSS-EXAMINATION.

8 RICARDO VASQUE : YOU DO KNOW THAT NAME; DON'T YOU?

9 A. YES, I DO.

10 Q. DO YOU RECALL HAVING MET WITH RICARDO VASQUEZ BACK IN  
11 SEPTEMBER OF 1988?

12 A. YES, I DO, SIR.

13 Q. DO YOU REMEMBER ASKING RICARDO VASQUEZ IF HE WAS AT LA  
14 LANGOSTA?

15 A. YES, SIR.

16 Q. AND HE TALKED WITH YOU AT THAT TIME; DID HE NOT?

17 A. HE DID TALK TO ME.

18 Q. AND HE TOLD YOU HE WAS THERE; DIDN'T HE?

19 MR. MEDRANO: OBJECTION. HEARSAY, YOUR HONOR.

20 THE COURT: SUSTAINED.

21 BY MR. NICOLAYSEN:

22 Q. YOU NEVER DID A LINE-UP OF ANY KIND WITH RICARDO VASQUEZ  
23 FROM MR. PLASCENCIA TO VIEW; DID YOU?

24 A. ONLY OF PHOTOGRAPHS.

25 Q. NO LINE-UP IN PERSON; DID YOU?

1 A. NO, SIR.

2 Q. NOW, JAVIER VASQUEZ CONTINUED TO MAKE HIMSELF AVAILABLE TO  
3 YOU UP UNTIL THE TIME OF HIS ARREST IN OCTOBER; DID HE NOT?

4 A. YES SIR.

5 Q. IN FACT, IT'S TRUE, IS IT NOT, THAT ON THE DAY OF HIS  
6 ARREST YOU DISPATCHED FELICIANO, WANTED MY CLIENT'S NEPHEW TO  
7 GO AND MAKE CONTACT WITH JAVIER AND TELL JAVIER THAT YOU WANTED  
8 TO SEE HIM. DO YOU REMEMBER THAT?

9 A. I DON'T RECALL SENDING MR. FELICIANO TO CONTACT MR.  
10 VASQUEZ.

11 Q. THAT DOESN'T RING A BELL?

12 A. I DON'T REMEMBER. I KNOW I TALKED TO MR. VASQUEZ THAT  
13 DAY, BUT IT WASN'T BECAUSE OF FELICIANO.

14 Q. DO YOU REMEMBER MR. VASQUEZ, MY CLIENT, CALLING YOU ON THE  
15 PHONE, AND SAYING THAT HE HAD BEEN TOLD YOU WANTED TO SEE HIM?

16 A. YES, SIR.

17 Q. AND YOU ASKED HIM TO COME DOWN TO YOUR OFFICE?

18 A. YES, I DID TALK TO HIM.

19 Q. AS YOU HAD ASKED HIM TO COME DOWN ON A NUMBER OF PREVIOUS  
20 OCCASIONS?

21 A. HE DID SIR.

22 Q. YOU HAD ESSENTIALLY TOLD HIM YOU WANTED TO MEET WITH HIM;  
23 DIDN'T YOU.

24 A. THAT'S TRUE.

25 Q. WHEN HE ARRIVED, HE WAS PLACED UNDER ARREST; WASN'T HE?

1 A. YES, HE WAS.

2 Q. YOUR HONOR, WOULD THIS BE A CONVENIENT PLACE TO BREAK?

3 THE COURT: NO, NOT YET.

4 MR. NICOLAYSEN: ALL RIGHT. FINE.

5 YOUR HONOR, I'M GOING TO ASK THAT THE WITNESS BE  
6 EXCUSED SUBJECT TO RECALL AT A LATER TIME, AND I'LL TERMINATE  
7 CROSS-EXAMINATION AT THIS POINT.

8 THE COURT: ALL RIGHT.

9 MR. STOLAR: I HAVE NOTHING FURTHER OF THIS WITNESS.

10 THE COURT: I HAD A COUPLE OF QUESTIONS FOR IF  
11 WITNESS.

12 MR. NICOLAYSEN: ACTUALLY, NO, YOUR HONOR. MAY I  
13 REOPEN CROSS ON A COUPLE OF ADDITIONAL POINTS? EXCUSE ME FOR  
14 INTERRUPTING. MAY I GO AHEAD?

15 THE COURT: YES.

16 MR. NICOLAYSEN: THANK YOU.

17 BY MR. NICOLAYSEN:

18 Q. NOW, AGENT REYNOSO, DID YOU EVER CONFRONT HECTOR CERVANTES  
19 SANTOS WITH MR. OCHOA'S STATEMENTS TO YOU REGARDING EZEQUIEL  
20 GODINEZ HAVING BLOOD ON HIS CLOTHES AND HAVING ADMITTED KILLING  
21 THE TWO AMERICANS?

22 MR. MEDRANO: OBJECTION, YOUR HONOR. COMPOUND  
23 OUTSIDE, THE SCOPE OF DIRECT, AND RELEVANCE.

24 THE COURT: SUSTAINED.

25 BY MR. NICOLAYSEN:

1 Q. DID YOU EVER CONFRONT MR. PLASCENCIA WITH MR. OCHOA'S  
2 STATEMENTS THAT MR. OCHOA HAD MADE TO YOU ON JULY 21ST AND  
3 AGAIN IN EARLY AUGUST 1989?

4 MR. MEDRANO: OBJECTION, YOUR HONOR. RELEVANCE AND  
5 OUTSIDE THE SCOPE.

6 THE COURT: SUSTAINED.

7 MR. NICOLAYSEN: VERY WELL. NOTHING FURTHER AT THIS  
8 TIME, YOUR HONOR.

9 THE COURT: DO YOU HAVE A COUPLE QUESTIONS?

10 MR. STOLAR: YES, I DO, YOUR HONOR.

11

12

CROSS-EXAMINATION +

13 BY MR. STOLAR:

14 Q. GOOD AFTERNOON, AGENT REYNOSO.

15 A. GOOD AFTERNOON, SIR.

16 Q. YOU ARE AN AGENT WITH THE DRUG ENFORCEMENT ADMINISTRATION;  
17 IS THAT RIGHT?

18 A. THAT IS CORRECT, SIR.

19 Q. ARE YOU PART OF THE OPERATION LEYENDA TASK FORCE?

20 A. I AM, SIR.

21 Q. THAT'S NOT A NORMAL D.E.A. DRUG INVESTIGATION TASK FORCE;  
22 IS IT?

23 A. THAT IS CORRECT, SIR.

24 Q. IT IS SPECIFICALLY DESIGNED FOR THIS CASE; IS IT NOT?

25

MR. MEDRANO: OBJECTION. OUTSIDE THE SCOPE AND

1 RELEVANCE.

2 THE COURT: SUSTAINED.

3 BY MR. STOLAR:

4 Q. YOU TALKED ABOUT A WEDDING AND, IN FACT, YOU SAID THAT  
5 JAVIER HAD SPOKEN TO YOU ABOUT IT; DO YOU RECALL THAT?

6 A. YES, SIR.

7 Q. DO YOU KNOW WHOSE WEDDING THAT WAS?

8 A. OH, GOD, HE WENT TO SEVERAL WEDDINGS, BUT I THINK THE ONE  
9 WE ARE TALKING ABOUT IS THE GUY BY THE NAME OF EL PATRON.

10 Q. THIS PARTICULAR WEDDING WAS WHEN JAVIER TOLD YOU WAS THE  
11 FIRST TIME HE HAD BEEN INTRODUCED TO CARO QUINTERO?

12 A. IT MIGHT HAVE BEEN THAT ONE, YES, SIR.

13 Q. COULD IT HAVE BEEN THE WEDDING OF JORGE BARBA HERNANDEZ?

14 A. COULD HAVE BEEN. I DON'T RECALL, SIR.

15 Q. JAVIER ALSO TOLD YOU THAT THE MURDERS AT THE LA LANGOSTA  
16 RESTAURANT HE HAD HEARD TOOK PLACE BECAUSE THE TRAFFICKERS WERE  
17 UPSET ABOUT CHIHUAHUA; IS THAT CORRECT?

18 A. THAT IS CORRECT, SIR.

19 Q. DID YOU KNOW WHAT HE WAS REFERRING TO?

20 A. OH, YES, SIR.

21 Q. WHAT WAS THAT?

22 A. THE BUFALO RANCH SEIZURE.

23 Q. THAT HAPPENED IN NOVEMBER OF 1984?

24 A. THAT IS CORRECT, SIR.

25 Q. AND THAT'S WHAT LED DIRECTLY TO THE MURDERS; IS THAT

1 RIGHT?

2 A. I DON'T KNOW IF THAT WAS THE ONLY REASON, BUT THAT WAS  
3 PART OF IT, YES, SIR.

4 Q. FINALLY, AT ONE POINT IN THE COURSE OF YOUR QUESTIONING --  
5 THIS WAS IN JULY OF 1989, JULY 14 -- YOU ASKED JAVIER WHETHER  
6 HE HAD EVER SEEN MATTA BALLESTEROS; DIDN'T YOU?

7 A. I ASKED HIM, YES, SIR.

8 Q. AT ANY HOUSE OR PLACE IN GUADALAJARA?

9 A. YES. HE TOLD ME, YES, THAT. (SIC)

10 Q. YES. HE TOLD YOU HE HAD NEVER SEEN HIM IN PERSON; IS THAT  
11 RIGHT?

12 A. HE TOLD ME HE HAD NEVER SEEN HIM IN PERSON.

13 Q. HE'D ONLY SEEN A PICTURE OF HIM, A PHOTOGRAPH?

14 A. HE THOUGHT HE WAS AT A HOUSE NEXT DOOR TO WHAT HE BELIEVED  
15 MIGHT BE MR. MATTA'S HOUSE.

16 Q. MR. MATTA'S HOUSE?

17 A. THAT'S WHAT HE SAID.

18 Q. YOU SAID: "YOU NEVER SAW" -- "DID YOU SEE" --

19 HE SAYS TO YOU: "I DIDN'T SEE HIM IN PERSON."

20 MR. MEDRANO: OBJECTION, YOUR HONOR, TO THE FORM OF  
21 THE QUESTION.

22 MR. STOLAR: ALL RIGHT. I'LL WITHDRAW THAT.

23 BY MR. STOLAR:

24 Q. YOU SAY: "AND MATTA BALLESTEROS?"

25 AND HE SAYS TO YOU: "I DIDN'T SEE HIM EITHER. JUST

1 IN PHOTOGRAPHS."

2 RIGHT?

3 A. THAT'S TRUE, SIR. YES, SIR.

4 MR. STOLAR: THANK YOU.

5 THE COURT: ANY OTHER QUESTIONS FOR THIS WITNESS?

6 ANY REDIRECT?

7 MR. MEDRANO: YES, YOUR HONOR. SEVERAL QUESTIONS.

8 THE COURT: CAN YOU DO IT IN A COUPLE MINUTES?

9 MR. MEDRANO: I'LL CERTAINLY TRY, YOUR HONOR.

10 THE COURT: ALL RIGHT. LET'S TRY TO FINISH WITH THIS  
11 WITNESS.

12 REDIRECT EXAMINATION +

13 BY MR. MEDRANO:

14 Q. AGENT REYNOSO, YOU MENTIONED A COOPERATION AGREEMENT THAT  
15 JAVIER VASQUEZ SIGNED. DO YOU RECALL MR. NICOLAYSEN ASKED YOU  
16 ABOUT THAT?

17 A. YES, SIR, I DO.

18 Q. TELL US WHAT KIND OF AGREEMENT THIS WAS THAT JAVIER  
19 VASQUEZ SIGNED.

20 MR. NICOLAYSEN: OBJECTION, YOUR HONOR. THE  
21 AGREEMENT SPEAKS FOR ITSELF.

22 THE COURT: SUSTAINED.

23 MR. MEDRANO: YOUR HONOR, IS THAT EXHIBIT MOVED INTO  
24 EVIDENCE? I WAS UNCLEAR ON THAT.

25 MR. NICOLAYSEN: I HAD NOT MOVED IT YET. I DON'T DO

1 THAT ON CROSS. I'LL DO THAT AT A LATER TIME, YOUR HONOR.

2 THE COURT: WELL, IT DOESN'T SPEAK FOR ITSELF UNTIL  
3 IT IS IN EVIDENCE SO YOU MAY ASK HIM ABOUT IT.

4 MR. MEDRANO: THANK YOU, YOUR HONOR.

5 BY MR. MEDRANO:

6 Q. MR. REYNOSO, WOULD YOU TELL US WHAT THAT COOPERATION  
7 AGREEMENT IS?

8 A. YES, SIR. IT'S BASICALLY AN AGREEMENT FOR AN INDIVIDUAL  
9 TO UNDERSTAND SOME OF THE RULES AND REGULATIONS THAT PERTAIN TO  
10 BECOMING AN INFORMANT FOR THE D.E.A.

11 A. AND AS PART OF THIS AGREEMENT, IS THE PERSON WHO SIGNS IT  
12 TOLD THAT HE CAN'T BREAK LAWS?

13 MR. NICOLAYSEN: OBJECTION, YOUR HONOR. IT'S LEADING  
14 IN NATURE, AND AGAIN, THE AGREEMENT SPEAKS FOR ITSELF.

15 MR. MEDRANO: IT IS NOT IN EVIDENCE YET, YOUR HONOR.

16 THE COURT: I DON'T KNOW WHAT DIFFERENCE IT MAKES. I  
17 FIND THAT TO BE IRRELEVANT.

18 MR. MEDRANO: VERY WELL, YOUR HONOR.

19 AT THIS TIME MAY WE MOVE THE ADMISSION OF THE EXHIBIT  
20 SO I CAN MOVE ON TO SOMETHING ELSE?

21 THE COURT: ANY OBJECTION?

22 MR. NICOLAYSEN: NO OBJECTION, YOUR HONOR.

23 THE COURT: IT MAY BE RECEIVED.

24 MR. NICOLAYSEN: IT SHOULD BE RECEIVED AS A DEFENSE  
25 EXHIBIT, YOUR HONOR.



1 THE COURT: IT'S MARKED AS A DEFENSE EXHIBIT.

2 (EXHIBIT F # RECEIVED IN EVIDENCE.)

3 BY MR. MEDRANO:

4 Q. MR. REYNOSO, REMEMBER WHEN YOU SPOKE TO THE DEFENDANT  
5 JAVIER VASQUEZ ON JULY 12?

6 A. YES, SIR.

7 Q. MR. NICOLAYSEN ASKED YOU WHETHER YOU WERE THREATENING TO  
8 ARREST THE DEFENDANT AT THAT TIME.

9 DO YOU RECALL THAT QUESTION?

10 A. YES, I DO RECALL.

11 Q. YOU SAID WERE YOU NOT THREATENING TO ARREST HIM, CORRECT?

12 A. HE WAS ALREADY UNDER ARREST. NO.

13 MR. NICOLAYSEN: OBJECTION. MOVE TO STRIKE. THE  
14 QUESTION WAS WHETHER THE D.E.A. HAD THREATENED OR IMPOSED ANY  
15 DURESS ON HIM AND THE ANSWER WAS NO.

16 ANY COLLATERAL MATTERS ARE IRRELEVANT TO THIS  
17 PROCEEDING AND YOUR HONOR HAS ALREADY RULED ON THAT.

18 MR. MEDRANO: COUNSEL HAS OPENED THE DOOR, YOUR  
19 HONOR.

20 THE COURT: OBJECTION OVERRULED.

21 BY MR. MEDRANO:

22 Q. WHEN YOU SPOKE TO THE DEFENDANT, HE WAS ALREADY IN  
23 CUSTODY; IS THAT CORRECT?

24 A. THAT IS CORRECT.

25 MR. NICOLAYSEN: SAME OBJECTION, YOUR HONOR.

1 THE COURT: OVERRULED.

2 BY MR. MEDRANO:

3 Q. ON JULY 12, MR. REYNOSO, WAS DEFENDANT JAVIER VASQUEZ A  
4 TARGET OF YOUR INVESTIGATION AT THE TIME YOU SPOKE TO HIM?

5 MR. NICOLAYSEN: OBJECTION. IRRELEVANT.

6 THE COURT: SUSTAINED.

7 BY MR. MEDRANO:

8 Q. DO YOU RECALL YOUR INTERVIEW OF JAVIER VASQUEZ WHERE HIS  
9 NEPHEW ANTONIO, JUNIOR WAS PRESENT?

10 A. YES, I DO, SIR.

11 Q. AND ANTONIO, JUNIOR, THE NEPHEW, DID HE GO INTO GREAT  
12 DETAIL ABOUT WHAT HE KNEW ABOUT LA LANGOSTA?

13 A. NO.

14 MR. NICOLAYSEN: OBJECTION. VAGUE AS TO "GREAT  
15 DETAIL", YOUR HONOR.

16 THE COURT: OVERRULED.

17 THE WITNESS: NOT IN GREAT DETAIL. THE OVERTONES --  
18 HE WAS VERY BASIC IN SOME OF THE ANSWERS TO SOME OF THE  
19 QUESTIONS I ASKED.

20 BY MR. MEDRANO:

21 Q. THE MAIN SPEAKER AT THAT INTERVIEW WITH ANTONIO, JUNIOR  
22 AND JAVIER VASQUEZ IS WHO?

23 A. ANTONIO VASQUEZ OCHOA.

24 Q. AND DOES THE DEFENDANT JAVIER VASQUEZ PERIODICALLY  
25 INTERJECT WITH COMMENTS?

1 A. YES, HE DOES.

2 MR. NICOLAYSEN: OBJECTION. WITHDRAW THE OBJECTION.

3 BY MR. MEDRANO:

4 Q. WHAT IS THAT ANSWER? I'M SORRY.

5 A. YES, HE DID, SIR.

6 Q. DID THE DEFENDANT JAVIER VASQUEZ DURING THAT INTERVIEW OF  
7 THE NEPHEW VOLUNTEER INFORMATION?

8 A. YES, HE DID, SIR.

9 Q. REPEATEDLY?

10 MR. NICOLAYSEN: OBJECTION, YOUR HONOR. THAT'S  
11 LEADING.

12 THE COURT: OVERRULED.

13 THE WITNESS: YES, HE DID, SIR, OVER AND OVER.

14 BY MR. MEDRANO:

15 Q. AT ANY TIME IN YOUR INTERVIEW OF ANTONIO, JUNIOR, THE  
16 NEPHEW, WHERE OR JAVIER VASQUEZ IS PRESENT, DID THE NEPHEW,  
17 ANTONIO, JUNIOR, EVER INCRIMINATE HIMSELF?

18 MR. NICOLAYSEN: OBJECTION. THAT CALLS FOR A  
19 CONCLUSION.

20 THE COURT: OVERRULED.

21 THE WITNESS: ARE YOU ASKING ME ABOUT MR. VASQUEZ  
22 INCRIMINATING HIMSELF?

23 BY MR. MEDRANO:

24 Q. ANTONIO, JUNIOR. ANTONIO OCHOA?

25 A. ONLY THE FACT THAT HE WAS PRESENT FOR SOME OF THE EVENTS.

1 Q. DID HE EVER STATE TO YOU THAT HE WAS INSIDE THE  
2 RESTAURANT?

3 A. NO. HE DENIED BEING INSIDE THE RESTAURANT.

4 Q. WHERE DID HE TELL YOU HE WAS THE WHOLE TIME?

5 A. HE TOLD ME THAT HE REMAINED THROUGH THE WHOLE EVENT,  
6 SITTING IN A CAR IN THE PARKING LOT.

7 Q. DURING THE WHOLE TIME?

8 A. DURING THE WHOLE TIME.

9 Q. AND THIS WAS AFTER HE HAD GONE TO THE RESTAURANT WITH  
10 JAVIER BARBA?

11 A. THAT'S WHAT TOLD ME.

12 Q. THE SAME INTERVIEW WITH JAVIER VASQUEZ, THE DEFENDANT:  
13 DID YOU EVER ASK HIM IF HE HAD BEEN INSIDE OR AT THE RESTAURANT  
14 LA LANGOSTA?

15 A. MR. VASQUEZ?

16 Q. VASQUEZ VELASCO. JAVIER VASQUEZ VELASCO?

17 A. NO, SIR. I NEVER ASKED HIM ANYTHING ABOUT LA LANGOSTA  
18 PERTAINING TO HIM.

19 Q. AT ANY TIME DURING YOUR INTERVIEW OF JAVIER VASQUEZ, THE  
20 DEFENDANT, DID HE EVER STATE TO YOU THAT HE WAS AT LA LANGOSTA?

21 A. I NEVER ASKED HIM.

22 MR. NICOLAYSEN: OBJECTION. ASKED AND ANSWERED, YOUR  
23 HONOR.

24 THE COURT: OVERRULED.

25 THE WITNESS: I NEVER ASKED HIM ANYTHING AND HE NEVER

1 TOLD ME ANYTHING LIKE THIS.

2 BY MR. MEDRANO:

3 Q. IN THE INTERVIEW YOU HAD WITH THE NEPHEW WHERE THE  
4 DEFENDANT WAS PRESENT, DID DEFENDANT JAVIER VASQUEZ EVER  
5 INTERJECT TO CORRECT SOMETHING THAT THE NEPHEW HAD SAID?

6 MR. NICOLAYSEN: OBJECTION. CALLS FOR A CONCLUSION;  
7 THE WORD "CORRECT".

8 THE COURT: OVERRULED.

9 THE WITNESS: HE DID SAY SEVERAL TIMES "TRY TO MATCH  
10 THE STORY" THAT HE HAD GIVEN BEFORE WITH MR. OCHOA'S STORY.

11 BY MR. MEDRANO:

12 Q. DURING YOUR INTERVIEW OF THE DEFENDANT, AT ANY OF THEM,  
13 DID HE ALWAYS ATTRIBUTE THE INFORMATION HE HAD TO OTHER PEOPLE?

14 A. MR. VASQUEZ?

15 Q. DEFENDANT JAVIER VASQUEZ?

16 A. YES, HE DID.

17 Q. TO HIS BROTHERS?

18 A. HE ALWAYS FRONTED EVERYONE. HE WASN'T ANYWHERE. HE KNEW  
19 EVERYTHING. HIS FRONTED HIS BROTHERS ON EVERYTHING.

20 MR. NICOLAYSEN: OBJECTION, YOUR HONOR. DEFINITELY  
21 LACKING IN FOUNDATION AND SPECULATION AS TO THE USE OF THE WORD  
22 "FRONT".

23 THE COURT: OVERRULED.

24 BY MR. MEDRANO:

25 Q. HE ATTRIBUTED IT TO EVERYBODY ELSE?

1 A. RIGHT. HIS BROTHERS WERE ALWAYS -- HE WAS NEVER INVOLVED  
2 IN ANYTHING. HE WOULD ALWAYS SPEAK TO WHAT HIS BROTHERS TOLD  
3 HIM.

4 Q. AND FINALLY, WHEN YOU SPOKE TO THE DEFENDANT ON JULY 12TH,  
5 DID HE INDICATE TO YOU THAT HE WOULD NOT TALK UNTIL SOME KIND  
6 OF DEAL OR AGREEMENT WAS REACHED?

7 A. MR. VASQUEZ SPECIFICALLY TOLD ME THAT HE WAS GOING TO  
8 HANDLE THE CONVERSATION BETWEEN MYSELF AND THE REST OF THE  
9 FAMILY.

10 HE WOULD TALK TO EVERYBODY AND THEN TALK TO ME.

11 Q. AFTER A DEAL WAS CUT?

12 A. REGARDING THE CASE, YES, SIR.

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

14 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL.)

15 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES REDIRECT.

16 THE COURT: IS THERE ANYTHING FURTHER BRIEFLY?

17 MR. NICOLAYSEN: I DON'T KNOW HOW BRIEF, IN FACT,  
18 IT'S GOING TO BE, YOUR HONOR.

19 THE COURT: WE WILL ADJOURN AT THIS TIME AND  
20 RECONVENE. I'D LIKE TO RECONVENE TOMORROW AT 8:30. WE'LL HAVE  
21 AN EARLY CONCLUSION OF THE DAY AND WE'LL NOT WORK ON FRIDAY.

22 DON'T GET THE IMPRESSION THAT I'M FOOLING AROUND.  
23 I'LL BE INVOLVED IN ANOTHER CASE ON FRIDAY. THAT'S THE REASON  
24 WE ARE NOT CONVENING.

25 ALL RIGHT. YOU MAY BE EXCUSED.

1 MR. MEDRANO: THANK YOU, YOUR HONOR.

2 (JURY EXCUSED.)

3 THE COURT: PLEASE BE SEATED.

4 MR. MEDRANO: MY I BE HEARD BRIEFLY ON SOMETHING?

5 THE COURT: YES.

6 MR. MEDRANO: THANK YOU, YOUR HONOR.

7 THE COURT: YOUR HONOR, MAY I APPROACH THE CLERK  
8 BECAUSE I'D LIKE YOU TO YOU SHOW YOU A PARTICULAR PAGE OF THE  
9 TRANSCRIPT AND MAKE MY PROFFER AS TO THE RELEVANCY OF  
10 CONTEMPLATED EVIDENCE BY THE WITNESS THAT YOU SUSTAINED AN  
11 OBJECTION TO.

12 I'D LIKE TO EXPLAIN THE RELEVANCY AT THIS POINT FOR  
13 POSSIBLE RECONSIDERATION BY THE COURT.

14 THE COURT: I DON'T WISH TO HEAR IT.

15 MR. MEDRANO: MAY I MAKE THE ARGUMENT WITHOUT SHOWING  
16 YOU THE TRANSCRIPT?

17 THE COURT: YES.

18 MR. MEDRANO: THANK YOU. AT SOME POINT, JUST AS  
19 BACKGROUND, YOU MAY RECALL THAT CERVANTES, THE OTHER INFORMANT,  
20 TESTIFIED AT LENGTH ABOUT ALL THE DEFENDANTS.

21 AND AT SOME POINT, HE TESTIFIED FOR THE JURY THAT  
22 AFTER THE CAMARENA ABDUCTION, HE'S AT BARBA HERNANDEZ'S  
23 RESIDENCE WHEN HE RECEIVES A CALL FROM DEFENDANT JAVIER VASQUEZ  
24 VELASCO.

25 AND VASQUEZ VELASCO TELLS HIM, IN A NUTSHELL, THERE

1 IS A LOT OF TROUBLE WITH THE KILLINGS AT EL MARENA RANCH, AND  
2 THE BODIES HAVE TO BE TAKEN AWAY FROM PROPERTY BELONGING TO  
3 ZUNO. THAT'S PRELIMINARY, YOUR HONOR.

4 IN THIS PORTION OF THE TRANSCRIPT, THERE IS THE  
5 TESTIMONY THAT YOU SUSTAINED. JAVIER VASQUEZ CORROBORATES THAT  
6 IN HIS STATEMENTS TO THE AGENT. HE BASICALLY ADMITS THAT THAT  
7 OCCURRED.

8 THE COURT: WHAT OCCURRED; THAT HE CALLED JAVIER  
9 BARBA'S HOUSE AND MADE THAT STATEMENT?

10 MR. MEDRANO: HE SAYS TO AGENT REYNOSO THAT HE WAS  
11 PRESENT FOR OR OBSERVED THE EL MARENA RANCH KILLINGS, AND THAT  
12 HE PUTS IN A CALL TO THE EL MARENA RANCH AND FINDS OUT WHAT  
13 HAPPENED AND CALLS JAVIER BARBA. SO IT HAPPENED, BECAUSE IT  
14 CORROBORATES HECTOR CERVANTES ABOUT THAT SAME MISSION, YOUR  
15 HONOR.

16 THE COURT: I DON'T FOLLOW THAT VERY WELL. I DON'T  
17 THINK IT'S PERTINENT AND I DON'T ADMIT IT.

18 MR. MEDRANO: VERY WELL, YOUR HONOR. THANK YOU.

19 THE COURT: NOW, ARE WE GOING TO CONTINUE THIS  
20 HEARING ON THIS IDENTIFICATION BUSINESS?

21 MR. MEDRANO: THE WITNESSES ARE AVAILABLE.

22 MR. STOLAR: CAN WE TAKE FIVE?

23 THE COURT: HOW MANY WITNESSES ARE THERE?

24 MR. MEDRANO: JUST FOR THE COURT'S EDIFICATION, YOUR  
25 HONOR, THERE ARE THREE D.E.A. AGENTS, YOUR HONOR, WHO AT SOME



1 POINT SHOWED THE PHOTOGRAPHS TO HECTOR CERVANTES.

2 THE COURT: THEY'RE ALL PRESENT?

3 MR. MEDRANO: THAT IS CORRECT. MR. REYNOSO IS ON THE  
4 STAND RIGHT NOW, YOUR HONOR, AND WE CAN GET THE OTHER TWO WHILE  
5 I'M DEALING WITH MR. REYNOSO.

6 MR. BERRELLEZ IS HERE, AND THE THIRD ONE IS AGENT  
7 TOMMY MORALES, WHO WE CAN GET.

8 THE COURT: WE'LL TAKE A SHORT BREAK AND THEN WE'LL  
9 START.

10 MR. STOLAR: THANK YOU, YOUR HONOR.

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

13 (BRIEF RECESS.)

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1 LOS ANGELES + CALIFORNIA, WEDNESDAY, MAY 30, 1990

2 + 5:00 P.M.

3 (SIMMONS HEARING + JURY ABSENT.)

4 MR. STOLAR: YOUR HONOR, FOR PURPOSES OF THIS HEARING,  
5 WE WOULD MOVE TO EXCLUDE ANY AGENTS WHO ARE NOT CURRENTLY  
6 TESTIFYING. I WOULD ASK THAT IT WOULD INCLUDE AGENT BERRELLEZ,  
7 FOR THE PURPOSES OF THIS HEARING.

8 THE COURT: MOTION DENIED.

9 PROCEED.

10 MR. MEDRANO: THANK YOU.

11 ABEL REYNOSO + PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

12 DIRECT EXAMINATION +

13 BY MR. MEDRANO:

14 Q AGENT REYNOSO, CAN I DIRECT YOU TO WHAT'S BEEN MARKED AS  
15 GOVERNMENT'S EXHIBIT 173?

16 A YES, SIR.

17 Q IT'S AN EIGHT-PERSON PHOTOSPREAD?

18 A YES, SIR.

19 Q NOW, THAT IS -- THIS IS A PHOTOCOPY; CORRECT?

20 A THAT'S CORRECT, SIR.

21 Q NOW, HAVE YOU SEEN THE ORIGINAL OF EXHIBIT 173?

22 MR. STOLAR: EXCUSE ME. HE'S REFERRING TO EXHIBITS WE  
23 HAVE, BUT WE WERE GIVEN LAST NIGHT A STAPLED TOGETHER SET OF  
24 PHOTOGRAPHS. WE HAVE NO IDEA WHAT IS MARKED AS WHAT EXHIBIT.

25 MR. MEDRANO: I'LL IDENTIFY THAT RIGHT NOW, THEN, YOUR

1 HONOR.

2 EXHIBIT 173 IS THE EIGHT-PERSON PHOTOSPREAD, OF WHICH  
3 THERE IS ONLY ONE. IT'S NOT NUMBERED.

4 THE COURT: ALL RIGHT.

5 BY MR. MEDRANO:

6 Q MR. REYNOSO, YOU HAVE A PHOTOCOPY. THAT'S WHAT 173 IS;  
7 CORRECT?

8 A THAT'S CORRECT, SIR.

9 Q NOW, HAVE YOU SEEN THE ORIGINAL OF EXHIBIT 173?

10 A YES, I HAVE, SIR.

11 Q NOW, AT ANY TIME, DID YOU EVER SHOW THE ORIGINAL OF 173,  
12 THAT EIGHT-PERSON PHOTOCOPY, TO A WITNESS BY THE NAME OF HECTOR  
13 CERVANTES SANTOS?

14 A YES, I DID, SIR.

15 Q APPROXIMATELY WHEN DID YOU SHOW THAT?

16 A I BELIEVE IT WAS IN JANUARY OF 1990. I DON'T RECALL THE  
17 EXACT DATE.

18 Q AT ANY POINT, DID YOU GENERATE ANY D.E.A.-6 REPORT AFTER  
19 YOUR SHOWING THAT PHOTOSPREAD TO HECTOR CERVANTES SANTOS?

20 A NO, SIR.

21 Q WHY IS THAT?

22 A THERE WAS -- BASICALLY THE ONLY REASON I SHOWED HIM THIS  
23 PHOTO LINE-UP IS TO FIND OUT IF HE KNEW THESE INDIVIDUALS. IT  
24 WAS JUST FOR MY OWN PURPOSES, AS PART OF THE INVESTIGATION.

25 Q NOW, WHEN YOU SHOWED THE ORIGINAL PHOTOSPREAD TO THE

1 INFORMANT CERVANTES, DID YOU GIVE HIM ANY TYPE OF INSTRUCTIONS?

2 A NO, SIR. I JUST SHOWED HIM THE PHOTO LINE-UP. I ASKED HIM  
3 IF HE RECOGNIZED ANYBODY. THAT'S ALL.

4 Q DID YOU AT ANY POINT IDENTIFY ANY PEOPLE IN THAT  
5 PHOTOSPREAD FOR THE WITNESS -- PARDON ME. FOR MR. CERVANTES?

6 A I DID NOT, SIR.

7 MR. MEDRANO: YOUR HONOR, I WON'T GO INTO WHETHER OR  
8 NOT THE WITNESS WAS ABLE TO IDENTIFY ANYONE IN THAT  
9 PHOTOSPREAD.

10 THAT CONCLUDES THE DIRECT WITH THIS PARTICULAR  
11 WITNESS.

12 THE COURT: ALL RIGHT. YOU MAY CROSS-EXAMINE THIS  
13 WITNESS.

14 CROSS-EXAMINATION +

15 BY MR. NICOLAYSEN:

16 Q AGENT REYNOSO, YOU TOLD US JUST NOW THAT YOU HAD SHOWN  
17 GOVERNMENT'S 173 TO MR. CERVANTES IN JANUARY 1990.

18 CAN YOU GIVE US SOME APPROXIMATE DATE WITHIN THAT  
19 MONTH, TO THE BEST OF YOUR RECOLLECTION?

20 A I DON'T RECALL, SIR.

21 Q ALL RIGHT. WITHOUT TRYING BEAT A DEAD HORSE, LET ME ADVISE  
22 YOU THAT THERE WERE TWO DATES IN JANUARY WHEN MR. CERVANTES  
23 APPEARED BEFORE THE GRAND JURY: THE 17TH AND THE 24TH.

24 NOW, DOES MY GIVING YOU THOSE TWO DAYS ASSIST YOU IN  
25 ANY WAY IN PINPOINTING THE DATE THAT YOU PRESENTED THESE

1 PHOTOGRAPHS TO HIM?

2 A NO, SIR. I'LL BE HONEST WITH YOU: I DON'T RECALL THE  
3 DATES.

4 Q DID YOU REVIEW THE UPCOMING GRAND JURY TESTIMONY WITH MR.  
5 CERVANTES BEFORE HIS APPEARANCE BEFORE THE GRAND JURY?

6 A NO, SIR.

7 Q DO YOU KNOW IF ANY AGENT DID?

8 A I DON'T KNOW, SIR.

9 Q DO YOU KNOW IF MR. CERVANTES, AT THE TIME YOU PRESENTED  
10 THESE PHOTOS. ADVISED YOU THAT HE KNEW JAVIER VASQUEZ'S PHOTO  
11 ON THIS SHEET?

12 A HE IDENTIFIED HIM AT THAT TIME, AFTER I SHOWED HIM THE  
13 PHOTO, YES; BUT NOT BEFORE.

14 Q WHEN YOU SAY "NOT BEFORE" --

15 A HE DIDN'T ASK ME ANYTHING -- I MEAN, IF YOU ASKED ME THAT,  
16 AT THE TIME I SHOWED HIM THE PHOTO HE IDENTIFIED HIM, YES.

17 Q NOW, WHEN YOU PRESENTED HIM WITH THIS SPREADSHEET OF  
18 PHOTOS, WHICH IS GOVERNMENT'S 173, WHAT DID YOU SAY?

19 A I JUST SHOWED HIM THE PHOTO AND I ASKED HIM IF HE  
20 RECOGNIZED ANYBODY.

21 Q IS THAT ALL YOU SAID TO HIM?

22 A THAT'S IT.

23 Q AND WHAT DID HE SAY BACK?

24 A HE LOOKED AT IT AND THEN HE POINTED TO PEOPLE, INCLUDING  
25 JAVIER VASQUEZ.

1 Q AND WHEN HE POINTED, DID ANYTHING ELSE HAPPEN?

2 A NO. THAT WAS IT, SIR.

3 Q ALL HE DID WAS POINT?

4 A OH. HE SAID, "THIS IS JAVIER," AND THEN POINTED AND  
5 MENTIONED HIS NAME.

6 Q ALL RIGHT. SO IT IS YOUR TESTIMONY THAT MR. CERVANTES  
7 POINTED TO JAVIER VASQUEZ'S PHOTO AND MENTIONED HIS NAME AT THE  
8 SAME TIME?

9 A THAT'S CORRECT, SIR; YES.

10 Q IS THAT IN FACT YOUR RECOLLECTION OF WHAT HAPPENED?

11 A TO THE BEST OF MY RECOLLECTION, YES, SIR.

12 Q ALL RIGHT. DO YOU HAVE ANY NOTES OR ANY OTHER WRITINGS  
13 THAT WOULD CLARIFY YOUR RECOLLECTION REGARDING WHAT I'M ASKING  
14 YOU NOW?

15 A NO NOTES OR REPORTS; NO, SIR.

16 Q WAS THERE ANY OTHER OCCASION THAT YOU'RE AWARE OF WHEN MR.  
17 CERVANTES IDENTIFIED JAVIER VASQUEZ'S PHOTOGRAPH?

18 A THIS IS ONLY TIME I RECALL, SIR.

19 Q AGAIN, WHEN YOU SAY THAT YOU RECALL --

20 A TO THE BEST OF MY KNOWLEDGE.

21 Q ALL RIGHT. NOW, WOULD THERE BE ANY OTHER SOURCE THAT YOU  
22 MIGHT CONSULT TO REFRESH YOUR MEMORY OR IS THIS AS MUCH AS YOU  
23 CAN GIVE US THAT IS AT THE TOP OF YOUR MEMORY?

24 A AT THIS TIME, SIR, THIS IS ALL I CAN TELL YOU.

25 Q ALL RIGHT. SO IT'S NOT AS THOUGH YOU CAN CHECK YOUR FILES

1 AND COME BACK TOMORROW WITH A BETTER ANSWER?

2 A I DON'T THINK SO.

3 Q NOW, IF MR. CERVANTES HAD IDENTIFIED JAVIER VASQUEZ IN A  
4 PHOTO AT ANY OTHER TIME, IS IT LIKELY YOU WOULD HAVE KNOWN  
5 ABOUT IT, AS ONE OF THE CASE AGENTS?

6 A I WOULD PROBABLY FIND OUT; YES, SIR.

7 Q IS IT SAFE TO SAY THAT, TO THE BEST OF YOUR KNOWLEDGE, THAT  
8 THERE WAS ONLY ONE PRETRIAL PHOTO IDENTIFICATION OF MR. VASQUEZ  
9 BY MR. CERVANTES, THAT THAT'S THE OCCASION YOU TESTIFIED TO  
10 TODAY, IN JANUARY OF THIS YEAR?

11 A TO THE BEST OF MY KNOWLEDGE, THIS IS THE ONLY TIME I EVER  
12 SAW MR. CERVANTES IDENTIFYING MR. VASQUEZ.

13 Q WHAT OTHER CASE AGENTS, IF YOU KNOW, WOULD HAVE KNOWLEDGE  
14 ABOUT --

15 THE COURT: COUNSEL, THIS IS NOT A GENERAL  
16 CROSS-EXAMINATION.

17 MR. NICOLAYSEN: YOUR HONOR, I WANT TO --

18 THE COURT: THE PURPOSE OF THIS IS TO FIND OUT WHO  
19 SHOWED THAT WITNESS ANY PICTURES AND FIND OUT THE  
20 CIRCUMSTANCES.

21 NOW, THIS WITNESS HAS SAID HE SHOWED HIM THESE  
22 PHOTOGRAPHS ON A DATE IN JANUARY. AND YOU'RE ENTITLED TO  
23 INQUIRE INTO WHAT HE SAID AND DID AND WHAT THE SURROUNDING  
24 CIRCUMSTANCES ARE.

25 I'M NOT STAYING HERE ALL NIGHT SO YOU CAN HAVE THIS

1 FAR-FLUNG CROSS-EXAMINATION.

2 BY MR. NICOLAYSEN:

3 Q AGENT REYNOSO, THERE WAS ABSOLUTELY NO RECORDING OF ANY  
4 KIND OF --

5 THE COURT: YOU'VE ASKED THAT QUESTION.

6 MR. NICOLAYSEN: ALL RIGHT, YOUR HONOR. VERY WELL.

7 THANK YOU, AGENT REYNOSO.

8 CROSS-EXAMINATION +

9 BY MR. MEZA:

10 Q OTHER THAN THE JANUARY SHOWING YOU'VE TALKED ABOUT, HAVE  
11 YOU SHOWN PHOTOGRAPHS ON ANY OTHER OCCASION?

12 A NO, SIR.

13 Q NOW, YOU INDICATED THAT THE SET OF PHOTOGRAPHS THAT YOU DID  
14 SHOW, EXHIBIT 173 THERE, WAS AT LEAST ONE IDENTIFICATION MADE  
15 BY MR. CERVANTES. WERE THERE OTHER IDENTIFICATIONS?

16 A YES, SIR.

17 Q OF THE EIGHT PEOPLE THAT ARE DEPICTED IN 173, HOW MANY  
18 OTHER IDENTIFICATIONS?

19 A WELL, IN THAT LINE-UP, YOU HAVE --

20 Q WELL, I'M ASKING YOU --

21 A WHICH ONES HE IDENTIFIED?

22 Q HOW MANY, FIRST?

23 A ONE, TWO, THREE, FOUR: FIVE.

24 Q FIVE OF THE EIGHT --

25 A YES, SIR.



1 Q -- CORRECT? AND WHICH ONES DID HE IDENTIFY, AND WHAT ARE  
2 THEIR NAMES?

3 A OKAY. NO. 2, THAT'S RICARDO VASQUEZ. NO. 4.

4 Q WHICH YOU SAY "THAT'S RICARDO," THAT'S WHAT MR. CERVANTES  
5 TOLD YOU?

6 A THAT'S CORRECT, YES. JUST REPEATING WHAT HE SAID. ALL  
7 RIGHT?

8 NO. 2 --

9 Q SAY IT AGAIN.

10 A RICARDO VASQUEZ. NO. 5 -- I MEAN NO. 4 -- I'M SORRY -- IS  
11 ANTONIO, JUNIOR; NO. 5 IS ALSO ANTONIO, JUNIOR; NO. 6 IS  
12 ANTONIO SENIOR; AND NO. 8 IS JAVIER VASQUEZ.

13 THOSE ARE THE ONLY ONES.

14 Q JAVIER IS NO. 8 RIGHT?

15 A YES, SIR. NO. 8.

16 MR. MEZA: FINE. I HAVE NOTHING FURTHER. THANK YOU.

17 CROSS-EXAMINATION +

18 BY MR. STOLAR:

19 Q YOU INDICATED, I BELIEVE, THAT THIS WAS FOR PURPOSES OF  
20 FURTHERING THE INVESTIGATION THAT YOU SHOWED THESE PHOTOS TO  
21 CERVANTES. IS THAT RIGHT?

22 A THAT'S CORRECT, SIR.

23 Q AND YOU ACQUIRED VALUABLE INFORMATION, DID YOU NOT, TO  
24 FURTHER YOUR INVESTIGATION?

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

1 THE COURT: YES. SUSTAINED.

2 I DON'T KNOW IF YOU SHOULD EVEN BE PERMITTED TO  
3 CROSS-EXAMINE THIS WITNESS. THIS PHOTOGRAPH APPARENTLY DOES  
4 NOT CONTAIN A PICTURE OF YOUR CLIENT AND HAS NOTHING TO DO WITH  
5 YOUR CLIENT, DOES IT?

6 MR. STOLAR: I DON'T KNOW.

7 THE COURT: WELL, DOES IT? YOU HAVE THE EXHIBIT  
8 THERE.

9 MR. STOLAR: LET ME ASK HIM IF HE EVER SHOWED ANY  
10 OTHER PHOTOGRAPHS TO HECTOR CERVANTES SANTOS.

11 THE COURT: ALL RIGHT. ASK HIM.

12 THE WITNESS: NO, SIR. I DIDN'T.

13 THE COURT: THAT'S BEEN ASKED TWICE.

14 BY MR. STOLAR:

15 Q IS THIS GROUP OF PHOTOGRAPHS KEPT IN AN EVIDENCE SAFE  
16 SOMEPLACE?

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

18 MR. STOLAR: I'LL EXPLAIN THE RELEVANCE.

19 THE COURT: THE OBJECTION IS SUSTAINED.

20 MR. STOLAR: MAY I EXPLAIN, JUDGE, THAT IT MAY BE A  
21 WAY TO PIN DOWN THE DATES OF THE PHOTOS, WHEN THEY WERE TAKEN  
22 OUT AND SOMEBODY SIGNED FOR THEM. THERE'S A D.E.A.-7 OR SOME  
23 KIND OF AN INVENTORY FORM.

24 MR. NICOLAYSEN: I JOIN IN THAT, YOUR HONOR. I JOIN  
25 IN THAT. I THINK THAT MAKES GOOD SENSE UNDER THESE

1 CIRCUMSTANCES.

2 THE COURT: THE OBJECTION IS SUSTAINED.

3 BY MR. STOLAR:

4 Q WERE YOU PRESENT AT ANY OTHER OCCASION WHEN HECTOR  
5 CERVANTES SANTOS WAS SHOWN PHOTOGRAPHS?

6 A NO, SIR.

7 Q WAS ANYBODY ELSE PRESENT WHEN YOU SHOWED HIM THESE  
8 PARAGRAPHS?

9 A YES.

10 Q WHO?

11 A AGENT MORALES, TOM MORALES.

12 Q DID TOM MORALES SHOW HIM ANY PHOTOGRAPHS?

13 A I WAS ONLY THERE FOR THIS SHOWING.

14 Q YOU WERE THERE WHAT?

15 A I WAS ONLY THERE FOR THIS SHOWING OF PHOTOGRAPHS.

16 Q IN TERMS OF THE DATE --

17 A YES, SIR.

18 Q -- IF YOU CAN THINK ABOUT WHAT YOU DID NEW YEAR'S EVE AND  
19 TRY TO GO FROM THERE, TELL US IF IT'S CLOSER TO THE BEGINNING  
20 OF THE YEAR, THE BEGINNING OF JANUARY, OR THE END.

21 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR  
22 HONOR.

23 THE COURT: I DIDN'T RECALL HIM BEING ASKED THAT  
24 QUESTION.

25 YOU'RE NOT ASKING WHAT HE DID ON NEW YEAR'S EVE, ARE

1 YOU?

2 COURTROOM: (LAUGHTER.)

3 MR. STOLAR: I DON'T THINK I'D BE -- I'M CURIOUS, BUT  
4 I DON'T THINK I'D BE PERMITTED TO ASK.

5 Q CAN YOU FIX IT?

6 A I CAN TELL YOU WHAT I DID NEW YEAR'S EVE, BUT IT DOESN'T  
7 HELP.

8 Q IT DOESN'T HELP YOU?

9 A IT DOESN'T HELP ME WITH ANYTHING HERE.

10 Q WELL, WAS THAT THE FIRST TIME YOU MET CERVANTES?

11 THE COURT: WELL, DO YOU KNOW OF ANY WAY YOU CAN FIX  
12 THE DATE OF THIS MORE PRECISELY THAN YOU HAVE, WHEN YOU SHOWED  
13 HIM THIS PHOTOGRAPH?

14 THE WITNESS: PERHAPS ANOTHER AGENT THAT SPOKE TO HIM  
15 THAT DAY MIGHT BE ABLE TO NARROW IT DOWN. I DIDN'T TAKE ANY  
16 NOTES THAT PARTICULAR DAY, SIR, YOUR HONOR. I DON'T RECALL.  
17 BY MR. STOLAR:

18 Q HOW ABOUT THE SUPER BOWL?

19 A NO, SIR. (LAUGHTER.)

20 MR. STOLAR: OKAY.

21 THE COURT: DO YOU HAVE ANY QUESTIONS FOR THIS  
22 WITNESS?

23 MR. MEDVENE: YES. JUST TWO, YOUR HONOR.

24 THE COURT: LET ME SEE THE EXHIBIT.

25 THE WITNESS: YES, SIR.

1 THE COURT: (EXAMINES EXHIBIT.)

2 CROSS-EXAMINATION +

3 BY MR. MEDVENE:

4 Q DID MR. CERVANTES IDENTIFY ANY ONE PICTURE IN EXHIBIT 173  
5 AS MR. ZUNO?

6 A NO, SIR. THERE IS NO PHOTO OF MR. ZUNO THERE.

7 Q THAT WASN'T MY QUESTION.

8 A NO, SIR. THERE WAS NOBODY WHO DID THAT.

9 Q WAS MR. CERVANTES SHOWN, TO YOUR KNOWLEDGE, ON ANY OTHER  
10 OCCASION, A PHOTO OF MR. ZUNO?

11 A I DON'T KNOW THAT, SIR.

12 Q THIS WAS THE ONLY OCCASION WHERE YOU SHOWED ANY PHOTOS TO  
13 MR. CERVANTES?

14 A YES.

15 MR. MEDVENE: THANK YOU VERY MUCH.

16 THE COURT: ANY FURTHER --

17 MR. MEDRANO: NO REDIRECT, YOUR HONOR.

18 THE COURT: YOU MAY STEP DOWN.

19 MR. MEDRANO: WE CALL SPECIAL AGENT BERRELLEZ TO THE  
20 STAND AT THIS TIME, YOUR HONOR.

21 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

22

23 HECTOR BERRELLEZ + PLAINTIFF'S WITNESS, SWORN

24

25 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR FULL

1 NAME FOR THE RECORD AND SPELL YOUR LAST NAME.

2 THE WITNESS: MY NAME IS HECTOR BERRELLEZ. SPELLING,  
3 LAST NAME, B AS IN "BOY," E R R E L L E Z, AS IN  
4 "ZEBRA."

5 DIRECT EXAMINATION +

6 BY MR. MEDRANO:

7 Q AGENT BERRELLEZ, CAN YOU LOOK IN FRONT OF YOU AT  
8 GOVERNMENT'S EXHIBIT 174, A MULTI-PAGE -- PHOTOS NOS. 1 THROUGH  
9 97, FOR DEFENSE COUNSEL.

10 A YES.

11 Q DO YOU HAVE THAT IN FRONT OF YOU?

12 A I DO.

13 Q AND THIS IS A PHOTOCOPY; IS THAT CORRECT, SIR?

14 A YES, SIR; IT IS.

15 Q AND HAVE YOU SEEN THE ORIGINAL OF THE PHOTOCOPY THAT YOU  
16 HAVE?

17 A YES, SIR; I HAVE.

18 Q NOW, AGENT BERRELLEZ, AT ANY TIME, SIR, DID YOU HAVE AN  
19 OPPORTUNITY TO SHOW GOVERNMENT'S EXHIBIT 174 -- THE ORIGINAL --  
20 TO HECTOR CERVANTES SANTOS?

21 A YES, SIR; I DID.

22 Q AND WHEN WOULD THAT HAVE BEEN, IF YOU RECALL?

23 A IT WAS SHORTLY AFTER JANUARY 11TH 1989; MAYBE A DAY OR TWO  
24 AFTER.

25 Q 1989?

1 A YES -- CORRECTION: 1990, SIR.

2 Q WHEN -- STRIKE THAT.

3 WAS ANYONE ELSE PRESENT WHEN YOU SHOWED THIS TO MR.  
4 CERVANTES?

5 A YES, SIR. SPECIAL AGENT DELBERT SALAZAR.

6 Q WHEN YOU GAVE OR SHOWED THAT EXHIBIT TO THE WITNESS, DID  
7 YOU GIVE HIM ANY INSTRUCTIONS OR SAY ANYTHING TO HIM?

8 A NO, SIR. WHAT I TOLD HIM WAS THAT I WAS GOING TO SHOW HIM  
9 SOME PHOTOGRAPHS AND I WANTED HIM TO POINT OUT ANYBODY IN THE  
10 BOOK THAT HE MIGHT KNOW AND ALSO NAME THOSE PEOPLE, IF HE KNEW  
11 THEIR NAMES.

12 Q THAT'S ALL YOU TOLD HIM WHEN YOU SHOWED HIM THAT EXHIBIT?

13 A THAT IS ALL I TOLD HIM, SIR.

14 Q AT ANY TIME DID YOU IDENTIFY ANY OF THOSE PHOTOS TO HIM?

15 A NEVER, SIR.

16 Q AND AS HE WENT THROUGH PHOTOS NOS. 1 THROUGH 97, WAS HE  
17 ABLE TO IDENTIFY ANYBODY?

18 A I BELIEVE HE IDENTIFIED ABOUT 10 PEOPLE, SIR.

19 Q AND DID YOU GENERATE OR KEEP ANY NOTES OF THIS ENTIRE  
20 PROCESS?

21 A I MADE SOME HANDWRITTEN NOTATIONS, SOME NUMBERS  
22 CORRESPONDING THE PHOTOGRAPHS, BECAUSE THE PHOTOGRAPHS WERE  
23 NUMBERED IN THE BOOK.

24 Q AND WHAT DO THESE NUMBERS ON THIS PAGE THAT YOU WROTE  
25 INDICATE?

1 A THE NUMBERS CORRESPOND TO PICTURES NUMERICALLY SEQUENCED IN  
2 THE BOOK, AND I ONLY NOTED THE PERSONS THAT HE IDENTIFIED AS  
3 KNOWING BY NAME.

4 Q SO WHEN HE IDENTIFIED SOMEONE, DID YOU WRITE THAT NUMBER IN  
5 YOUR NOTES?

6 A YES, SIR; I DID.

7 MR. MEDRANO: YOUR HONOR, DEFENSE COUNSEL HAVE BEEN  
8 PROVIDED WITH A COPY OF THOSE NOTES, JUST FOR YOUR INFORMATION.

9 Q DID YOU AT ANY TIME WRITE OR GENERATE A D.E.A.-6 PERTAINING  
10 TO WHAT YOU'VE JUST DESCRIBED?

11 A NO, SIR. I CHOSE NOT TO.

12 Q AND WHY IS THAT, AGENT BERRELLEZ?

13 A I CHOSE NOT TO DO SO BECAUSE I WAS NOT DISPLAYING TO THE  
14 WITNESS A TRADITIONAL PHOTO LINE-UP; I WAS SHOWING HIM A BOOK  
15 CONSISTING OF NOTHING BUT SUSPECTS. SO BECAUSE IT WASN'T A  
16 TRADITIONAL PHOTO LINE-UP, WHERE I HAD MIXED PHOTOGRAPHS WITH A  
17 SUSPECT, I DIDN'T THINK IT WAS PROPER FOR ME TO WRITE A REPORT  
18 ON THAT, SIR.

19 Q AND DID YOU SHOW HIM THESE PHOTOGRAPHS BEFORE OR AFTER YOU  
20 HAD DEBRIEFED HIM AS TO WHAT HE KNEW?

21 A WE SHOWED HIM THE PHOTOGRAPHS AFTER WE HAD DEBRIEFED HIM ON  
22 NUMEROUS OCCASIONS. AND THE REASON THAT WE -- THAT I DECIDED  
23 TO SHOW HIM -- EXCUSE ME -- THE PHOTOGRAPHS WAS TO CORROBORATE  
24 THE INFORMATION HE HAD PROVIDED TO US IN THE DEBRIEFINGS.

25 THE COURT: WHAT DO YOU MEAN BY THAT?



1 THE WITNESS: TO CORROBORATE PEOPLE THAT HE HAD  
2 MENTIONED, YOUR HONOR.

3 THE COURT: TO SEE WHETHER HE REALLY KNEW THEM, YOU  
4 MEAN?

5 THE WITNESS: YES, SIR; TO SEE IF HE REALLY KNEW THEM.  
6 DEFINITELY. THAT WAS THE REASON.

7 BY MR. MEDRANO:

8 Q SO, FOR EXAMPLE, DID HE INDICATE IN THESE DEBRIEFINGS THAT  
9 HE KNEW CARO QUINTERO?

10 A EXACTLY, SIR. HE INDICATED HE KNEW CARO QUINTERO. SO TO  
11 CORROBORATE THE FACT THAT HE KNEW HIM, I SHOWED HIM A  
12 PHOTOGRAPH.

13 Q WELL, LET ME ASK YOU THIS: DID YOU HAVE A PHOTOGRAPH OF  
14 CARO QUINTERO IN THOSE 97 PHOTOS THAT YOU SHOWED TO THE  
15 WITNESS?

16 A AMONG OTHERS, YES, SIR.

17 Q AND THEN, AS HE WENT THROUGH THEM, WAS HE ABLE TO IDENTIFY  
18 THE PHOTO OF CARO QUINTERO?

19 A YES, SIR; HE DID.

20 Q AND DID THIS TO YOU CORROBORATE WHAT HE WAS TELLING YOU AT  
21 THE DEBRIEFINGS?

22 A YES, SIR; IT SURE DID.

23 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES DIRECT OF THE  
24 WITNESS.

25 THE COURT: ALL RIGHT. CROSS-EXAMINE THE WITNESS.

## 1 CROSS-EXAMINATION +

2 BY MR. NICOLAYSEN:

3 Q AGENT BERRELLEZ, THE PHOTOSPREAD THAT HAS BEEN MARKED AS  
4 GOVERNMENT'S 173 I BELIEVE IS THE LAST PAGE OF GOVERNMENTS 174.  
5 CAN YOU LOOK AT THE LAST PAGE OF THE EXHIBIT THAT YOU'RE  
6 HOLDING, WHICH IS 174?

7 A (COMPLIES.)

8 Q I BELIEVE THAT'S A PHOTOSPREAD THAT IS ALSO MARKED AS 173,  
9 WHICH CONTAINS A PHOTO OF MY CLIENT IN THE LOWER RIGHT-HAND  
10 CORNER.

11 A THAT'S NOT CORRECT, SIR.

12 Q THAT'S NOT THE SAME ONE?

13 A THE LAST PAGE I HAVE IS A PHOTOGRAPH OF TWO SUSPECTS, IN  
14 INSTRUMENT 174. IN INSTRUMENT 173, I HAVE PICTURES OF ONE,  
15 TWO, THREE, FOUR -- OF EIGHT DIFFERENT PEOPLE. SO IT'S NOT THE  
16 SAME, SIR.

17 Q ALL RIGHT. THEN MY SET IS DIFFERENT FROM YOURS.

18 MY QUESTION IS THIS: LOOKING AT GOVERNMENT 173, WHICH  
19 IS A ONE-PAGE PHOTOSPREAD -- DO YOU SEE IT?

20 A YES, SIR.

21 Q WERE YOU EVER INVOLVED IN SHOWING THAT PARTICULAR GROUP OF  
22 PHOTOS TO MR. CERVANTES?

23 A NO, SIR.

24 Q DO YOU HAVE ANY PERSONAL KNOWLEDGE AS TO THE DATE IN  
25 JANUARY WHEN AGENT REYNOSO SHOWED EXHIBIT 173 TO MR. CERVANTES?

1 A I DO NOT, SIR.

2 Q ALL RIGHT. YOU CAN'T SHED ANY LIGHT, THEN, I TAKE IT ON  
3 MR. REYNOSO'S TESTIMONY ON THAT PARTICULAR ISSUE?

4 A NO, I CANNOT, SIR.

5 MR. NICOLAYSEN: ALL RIGHT. THANK YOU.

6 THE COURT: ANY OTHER QUESTIONS OF THIS WITNESS..

7 MR. MEZA: YES, YOUR HONOR.

8 CROSS-EXAMINATION +

9 BY MR. MEZA:

10 Q THIS GROUP OF PHOTOGRAPHS THAT'S DEPICTED IN 173, THOSE 97  
11 PHOTOGRAPHS --

12 THE COURT: 174, ISN'T IT?

13 MR. MEZA: I'M SORRY. YOU'RE RIGHT. I WAS ON THE  
14 WRONG WITNESS. YES.

15 Q WAS THAT THE FIRST TIME YOU'D SHOWN ANY PHOTOGRAPHS TO MR.  
16 CERVANTES?

17 A YES, SIR.

18 Q WAS THAT THE LAST TIME YOU'VE SHOWN PHOTOGRAPHS TO MR.  
19 CERVANTES?

20 A YES, SIR.

21 Q JUST SO I'M CLEAR, AND I THINK I AM, YOU ONLY SHOWED MR.  
22 CERVANTES PHOTOGRAPHS ON ONE OCCASION, AND THAT WAS ON JANUARY  
23 11TH OF THIS YEAR?

24 A WELL, I WAS PRESENT WHEN --

25 Q I'LL GET TO THAT, BUT I MEAN IN TERMS OF YOUR SHOWING

1 PHOTOGRAPHS, YOUR GENERATING THE SHOWING OF THE PHOTOGRAPHS.

2 A YES, SIR.

3 Q SO, IN FAIRNESS, WERE YOU PRESENT AT ANY OTHER DISPLAY OF  
4 PHOTOGRAPHS TO MR. CERVANTES?

5 A I WAS PRESENT AT THE OFFICE OF A.U.S.A. MANUEL MEDRANO WHEN  
6 OTHER PHOTOGRAPHS WERE SHOWN TO CERVANTES BY MR. MEDRANO.

7 Q OKAY. DID THAT OCCUR ON MORE THAN ONE OCCASION?

8 A I DON'T RECALL THAT THAT OCCURRED ON ONE OCCASION  
9 ADDITIONAL.

10 Q AS FAR AS YOU CAN RECALL, THAT ONLY OCCURRED ONCE, THAT  
11 PHOTOGRAPHS WERE DISPLAYED TO MR. CERVANTES IN YOUR PRESENCE BY  
12 SOMEONE OTHER THAN YOURSELF?

13 A RIGHT.

14 Q AND THAT WAS MR. MEDRANO?

15 A THAT'S CORRECT.

16 Q AND WHEN WAS THAT?

17 A IT WAS APPROXIMATELY A WEEK OR SO AGO.

18 Q BEFORE MR. CERVANTES TESTIFIED; CORRECT?

19 A THAT'S CORRECT.

20 Q AND DO YOU RECALL WHICH PHOTOGRAPHS THOSE WERE? TO YOUR  
21 RIGHT THERE, I THINK THERE'S SOME EXHIBITS THAT MIGHT HELP YOU.

22 A NONE OF THESE, SIR.

23 MR. MEZA: IF YOU CAN PUT 170 -- I THINK IT'S 171,  
24 172, IF YOU HAVE THOSE. THEY'RE THE ONES THAT WERE ON THE  
25 STAND YESTERDAY.

1 JUDY, THIS ONE.

2 (CLERK PLACES EXHIBIT BEFORE WITNESS.)

3 BY MR. MEZA:

4 Q YOU'RE LOOKING AT THE MULTIPLE-PHOTOGRAPH ONES. DO YOU  
5 RECOGNIZE THAT?

6 A THE ONLY ONE THAT I RECALL MR. MEDRANO SHOWING THE WITNESS  
7 CERVANTES WAS INSTRUMENT 171, A PHOTOGRAPH DEPICTING FIVE  
8 PERSONS.

9 Q ALL RIGHT. SHOWING YOU OR DIRECTING YOUR ATTENTION TO THE  
10 SINGLE PHOTOGRAPH, WHICH I BELIEVE IS 172, WERE YOU EVER  
11 PRESENT WHEN THAT PHOTOGRAPH WAS DISPLAYED TO WITNESS  
12 CERVANTES?

13 A I DON'T RECALL ME BEING PRESENT WHEN THIS PHOTOGRAPH WAS  
14 SHOWN TO MR. CERVANTES.

15 Q OKAY. NOW, LET'S GO BACK TO THE 11TH.

16 WHEN YOU SHOWED THE PHOTOGRAPHS TO -- THAT SET OF 97,  
17 WHEN YOU SHOWED THOSE PHOTOGRAPHS TO MR. CERVANTES, DID HE  
18 IDENTIFY A PHOTOGRAPH OF DEFENDANT BERNABE RAMIREZ?

19 A YES, SIR; HE DID.

20 Q ALL RIGHT. DO YOU KNOW WHICH PHOTO THAT IS, WHAT NUMBER IT  
21 IS?

22 A NO. 28, SIR.

23 Q DID HE IDENTIFY -- AND LET ME ASK YOU THIS: YOU'RE  
24 FAMILIAR WITH THE D.E.A. MANUAL, ARE YOU NOT?

25 A YES, SIR; I AM.

1 Q AN ISN'T THERE A SECTION IN THERE THAT DEALS WITH PHOTO  
2 SHOW-UPS, PHOTO LINE-UPS, HOW THEY SHOULD BE CONDUCTED BY THE  
3 AGENTS?

4 A THERE'S A SECTION DEALING WITH YOUR TRADITIONAL PHOTO  
5 LINE-UPS. IN THIS CASE, WE DIDN'T HAVE A TRADITIONAL LINE-UP.

6 Q WELL, IS THERE A SECTION IN THERE OR NOT ON IT, ON SHOWING  
7 PHOTOGRAPHS TO WITNESSES?

8 A THERE IS A SECTION; YES, SIR.

9 Q ALL RIGHT. AND WHAT ARE THE GROUND RULES WHICH THE MANUAL  
10 SUGGESTS THAT YOU FOLLOW?

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

12 THE COURT: SUSTAINED.

13 BY MR. MEZA:

14 Q DID YOU FOLLOW THE -- IN SHOWING THOSE 97 PHOTOGRAPHS TO  
15 MR. CERVANTES, DID YOU FOLLOW THOSE RULES?

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

17 THE COURT: SUSTAINED.

18 BY MR. MEZA:

19 Q ALL RIGHT. YOU TOLD US THAT THE ONLY REASON, OR ONE OF THE  
20 REASONS, YOU SHOWED THE PHOTOGRAPHS TO MR. CERVANTES WAS TO  
21 CONFIRM INFORMATION HE'D GIVEN YOU PREVIOUSLY; RIGHT?

22 A YES, SIR.

23 Q WHICH HAD -- WHICH YOU HAD INFORMATION PREVIOUSLY WHICH YOU  
24 HAD REDUCED TO WRITING IN THE FORM OF D.E.A.-6'S; IS THAT  
25 RIGHT?

1 THE COURT: THAT QUESTION IS NOT CLEAR.

2 THE WITNESS: THAT'S RIGHT.

3 BY MR. MEZA:

4 Q WHEN MR. CERVANTES IDENTIFIED NO. 28, WHAT DID HE SAY?

5 A HE MENTIONED HIS NAME, BERNA. HE DIDN'T SAY ANYTHING BUT  
6 THAT WHEN HE IDENTIFIED THE PICTURE.

7 Q DID HE POINT TO IT AND SAY "BERNA"?

8 A HE SAID, "EL BERNA."

9 Q EL BERNA?

10 A YES, SIR. THAT'S RIGHT.

11 Q DID HE THEN MOVE ON?

12 A YES, SIR.

13 Q DID HE MENTION IT TO YOU PRIOR TO THAT OCCASION?

14 A WHAT, SIR?

15 Q WAS THAT THE FIRST TIME YOU'D EVER HEARD MR. CERVANTES  
16 MENTION THE WORD "BERNA," OR THE NAME "BERNA"?

17 A I DON'T RECALL, SIR.

18 Q WELL, YOU WERE PRESENT WHEN MR. CERVANTES TESTIFIED THAT HE  
19 TOLD YOU ABOUT BERNA IN AN INTERVIEW THAT YOU HAD WITH HIM;  
20 RIGHT?

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

22 THE COURT: SUSTAINED.

23 BY MR. MEZA:

24 Q DID MR. CERVANTES AT ANY TIME GIVE YOU A DESCRIPTION OF  
25 BERNA?

1 A NO, SIR.

2 Q NOW, YOU TOLD US THE REASON THAT YOU DIDN'T DO A D.E.A.-6  
3 WAS BECAUSE OF THE NATURE OF THE PHOTO DISPLAY; RIGHT?

4 A THAT'S CORRECT, SIR.

5 Q BECAUSE IT WASN'T A TRADITIONAL PHOTO DISPLAY; RIGHT?

6 A IT WASN'T A TRADITIONAL PHOTO LINE-UP, SIR.

7 (PAUSE IN PROCEEDINGS.)

8 THE COURT: ANY FURTHER QUESTIONS?

9 MR. MEZA: YES, YOUR HONOR.

10 Q YOU ARE REQUIRED, ARE YOU NOT, BY YOUR MANUAL TO GENERATE A  
11 D.E.A.-6 REPORT WHEN YOU HAVE A SIGNIFICANT CONTACT WITH A  
12 WITNESS? ARE YOU NOT?

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

14 THE COURT: SUSTAINED.

15 BY MR. MEZA:

16 Q THE FIRST TIME THE DEFENDANT, OR THE WITNESS, CERVANTES  
17 IDENTIFIED ANYBODY FOR YOU WAS ON JANUARY 11TH. WOULD YOU  
18 CHARACTERIZE THAT AS A SIGNIFICANT CONTACT?

19 MR. MEDRANO: OBJECTION. ARGUMENTATIVE AND  
20 IRRELEVANT.

21 THE COURT: SUSTAINED.

22 BY MR. MEZA:

23 Q THE REASON YOU DIDN'T WRITE A D.E.A.-6, YOU FELT THAT IT  
24 WASN'T PROPER TO WRITE A D.E.A.-6 CONCERNING THE JANUARY 11TH  
25 PHOTO DISPLAY, WAS BECAUSE THAT PROCEDURE WAS TOO SUGGESTIVE,



1 WAS IT NOT?

2 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR  
3 HONOR.

4 MR. MEZA: I DIDN'T ASK THAT, YOUR HONOR. NOBODY HAS.

5 THE COURT: ANSWER THE QUESTION.

6 THE WITNESS: WHAT WAS YOUR QUESTION, SIR?

7 BY MR. MEZA:

8 Q THE REASON YOU DIDN'T FEEL IT WAS PROPER TO WRITE A  
9 D.E.A.-6 WAS BECAUSE YOU FELT THAT THAT PROCEDURE WAS TOO  
10 SUGGESTIVE?

11 A NO. THE REASON I CHOSE NOT TO WAS BECAUSE I DID NOT  
12 DISPLAY TO THE WITNESS A TRADITIONAL PHOTO LINE-UP, WHERE YOU  
13 MIX A SUSPECT WITH OTHER PEOPLE TO SEE IF HE CAN PICK HIM OUT  
14 OF A LINE-UP.

15 Q RIGHT.

16 A YOU KNOW, I THOUGHT THAT IT WASN'T PROPER FOR ME TO SHOW  
17 HIM A BOOK OF NOTHING BUT SUSPECTS IN THE INVESTIGATION. IT'S  
18 NOT YOUR TRADITIONAL PHOTO LINE-UP, SIR.

19 Q WELL, THE REASON YOU HAVE A TRADITIONAL PHOTO LINE-UP IS SO  
20 THAT WHEN A WITNESS IDENTIFIES SOMEBODY, IF HE CAN, IT'S TO  
21 PREVENT ANY SUGGESTIVE OR TAINTED IDENTIFICATION; ISN'T THAT  
22 RIGHT?

23 A THAT IS CORRECT.

24 Q ALL RIGHT. AND IN THAT CASE, WHERE THERE ISN'T A  
25 TAINTED --

1 THE COURT: COUNSEL, I DON'T WANT A GENERAL DISCUSSION  
2 OF LINE-UPS. LET'S CONCENTRATE ON WHAT THIS HEARING IS ABOUT  
3 OR I'M GOING TO TERMINATE YOUR EXAMINATION.

4 MR. MEZA: WELL, I WAS TRYING TO GET INTO THE  
5 SUGGESTIVENESS OF IT, YOUR HONOR.

6 THE COURT: WELL, THE WAY YOU SHOW SUGGESTIVENESS IS  
7 BY DESCRIBING AND ELICITING FACTS ABOUT THE CIRCUMSTANCES OF  
8 HOW THE WITNESS WAS SHOWN THE PHOTOGRAPHS AND WHAT WAS SAID TO  
9 HIM.

10 BY MR. MEZA:

11 Q YOU TOLD US THAT THE ONLY INSTRUCTIONS YOU GAVE CONCERNING  
12 THE PHOTO DISPLAY, THE 97 PHOTOGRAPHS, WAS TO SIMPLY, LOOK AT  
13 THE PHOTOGRAPHS AND SEE IF YOU RECOGNIZE ANYBODY"; RIGHT?

14 A YES, SIR. THOSE WERE MY ONLY INSTRUCTIONS.

15 Q AREN'T YOU REQUIRED, WHEN YOU'RE SHOWING PHOTOGRAPHS TO A  
16 WITNESS, BY THE MANUAL, TO GIVE HIM CERTAIN INSTRUCTIONS?

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

18 THE COURT: WELL, HE DID GIVE HIM CERTAIN  
19 INSTRUCTIONS. YOU MEAN CERTAIN OTHER INSTRUCTIONS?

20 MR. MEZA: YES. THANK YOU.

21 Q CERTAIN OTHER INSTRUCTIONS.

22 A CERTAIN OTHER INSTRUCTIONS TO ME OR TO THE WITNESS, SIR?

23 Q TO THE WITNESS?

24 A DID I GIVE HIM FURTHER INSTRUCTIONS? NO, NONE.

25 Q DOESN'T THE MANUAL REQUIRE THAT YOU TELL WITNESS BEFORE HE

1 LOOKS AT THE PHOTOGRAPHS THAT THERE ARE CERTAIN OTHER THINGS  
2 THAT THE WITNESS SHOULD BE CONCERNED WITH AND THE REASON FOR  
3 WHICH HE'S BEING SHOWN THE PHOTOGRAPHS?

4 A TO BE VERY HONEST WITH YOU, I HAVEN'T LOOKED AT THE MANUAL  
5 FOR A WHILE, AND I DON'T RECALL WHAT IT CALLS FOR.

6 Q SO IT'S BEEN SOME TIME SINCE YOU'VE FAMILIARIZED YOURSELF  
7 WITH --

8 THE COURT: ALL RIGHT. THAT'S ENOUGH, COUNSEL.

9 MR. MEZA: THANK YOU.

10 THE COURT: YOU'RE ALL THROUGH.

11 CROSS-EXAMINATION +

12 BY MR. STOLAR:

13 Q YOUR FIRST CONTACT WITH CERVANTES WAS NOVEMBER THE  
14 23RD/24TH; IS THAT RIGHT?

15 A YES, SIR.

16 Q ON THAT OCCASION, DID YOU SHOW HIM ANY PHOTOGRAPHS?

17 A NO, SIR.

18 Q DID YOU ASK HIM WHETHER OR NOT HE COULD MAKE PHOTO  
19 IDENTIFICATIONS?

20 A NO, SIR.

21 Q HOW LONG WAS YOUR DISCUSSION WITH HIM THEN?

22 A HOW LONG DID I WHAT, SIR?

23 Q WAS YOUR DISCUSSION WITH HIM AT THAT TIME?

24 A ON THE FIRST OCCASION?

25 Q YES, SIR?

1 A PROBABLY A COUPLE OF HOURS, SIR.

2 Q DID YOU MAKE NOTES?

3 A NO, SIR; I DID NOT.

4 Q DID SALAZAR?

5 A I DON'T RECALL IF HE DID OR NOT, SIR.

6 Q YOUR NEXT CONTACT WAS NOVEMBER THE 30TH? AT LEAST,  
7 ACCORDING TO WHAT WE HAVE?

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

9 THE COURT: SUSTAINED.

10 BY MR. STOLAR:

11 Q DID YOU SHOW HIM PHOTOGRAPHS ON NOVEMBER THE 30TH?

12 MR. MEDRANO: OBJECTION. RELEVANCE.

13 THE COURT: OVERRULED.

14 THE WITNESS: NO, I DID NOT, SIR.

15 BY MR. STOLAR:

16 Q DO YOU KNOW WHETHER ANYBODY ELSE DID?

17 A NOT TO MY KNOWLEDGE, AND NOT IN MY PRESENCE, SIR.

18 Q JANUARY THE 2ND, YOU HAD AN INTERVIEW WITH HIM; IS THAT  
19 RIGHT?

20 A YES, SIR; I DID.

21 Q WHERE DID THAT INTERVIEW TAKE PLACE?

22 A WHERE DID THE INTERVIEW TAKE PLACE?

23 Q YES.

24 A I DON'T RECALL.

25 Q HOW ABOUT THE ONE ON THE 30TH?

1 MR. MEDRANO: OBJECTION. RELEVANCE.

2 BY MR. STOLAR:

3 Q THE ONE ON THE 30TH, WHERE DID THAT TAKE PLACE?

4 THE COURT: SUSTAINED.

5 BY MR. STOLAR:

6 Q LET ME ASK YOU WHERE THIS SET OF 97 PHOTOGRAPHS IS KEPT.

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

8 THE COURT: OVERRULED.

9 THE WITNESS: THEY ARE -- THAT PARTICULAR BOOK WAS  
10 KEPT IN THIS BUILDING HERE, IN AN OFFICE THAT THE D.E.A. HAS,  
11 SIR.

12 BY MR. STOLAR:

13 Q THE OFFICE THAT HAS THE SIGN ON IT THAT SAYS "OPERATION  
14 LEYENDA"?

15 A EXACTLY. THAT ONE, SIR.

16 Q IS THAT WHERE YOUR INTERVIEW TOOK PLACE ON JANUARY THE 2ND?

17 A NO, SIR; IT DID NOT.

18 Q ON JANUARY THE 11TH, YOU HAD ANOTHER INTERVIEW WITH HIM  
19 THAT YOU WROTE A 6 ON; IS THAT CORRECT?

20 AS I DID NOT WRITE A 6. BUT SOMEBODY ELSE DID.

21 Q YOU COSIGNED IT.

22 THE COURT: COUNSEL --

23 BY MR. STOLAR:

24 Q WAS HE SHOWN PHOTOS --

25 THE COURT: -- JUST A MOMENT.

1 MR. STOLAR: YES, SIR.

2 THE COURT: THIS WITNESS HAS TESTIFIED TO SHOWING  
3 THESE PHOTOS, EXHIBIT 174, TO THE WITNESS. HE IS NOT HERE TO  
4 BE SUBJECT TO A DISCOVERY PROCEEDING. HE IS SUBJECT TO  
5 CROSS-EXAMINATION AT OTHER TIMES IN THE TRIAL. YOU CAN CALL  
6 HIM AS A WITNESS.

7 I'M NOT GOING TO SIT HERE. I'M HOLDING THIS HEARING  
8 AGAINST MY BETTER JUDGMENT, BECAUSE, FRANKLY, I DON'T THINK WE  
9 HAVE A SIMMONS SITUATION HERE. I ALLOWED YOU COUNSEL TO  
10 PERSUADE ME THAT WE DID, AND I'M PERMITTING YOU TO INQUIRE INTO  
11 THE CIRCUMSTANCES TO DETERMINE WHAT PHOTOGRAPHS WERE SHOWN. I  
12 ORDERED THE GOVERNMENT TO PRODUCE ALL WITNESSES AND ALL  
13 PHOTOGRAPHS SO THAT YOU COULD INQUIRE.

14 NOW, THIS WITNESS HAS SAID THAT HE ONLY SHOWED EXHIBIT  
15 174 TO THE WITNESS, AND THAT SHOULD BE THE SUBJECT OF THE  
16 INQUIRY.

17 MR. STOLAR: ALL RIGHT.

18 Q EXHIBIT 174 -- WELL, WHO DID HE IDENTIFY AS PHOTO NO. 8?

19 A NO. 8?

20 Q YES?

21 A (EXAMINES EXHIBIT.) HE STATED THAT HE KNEW THE PERSON, BUT  
22 HE COULD NOT RECALL HIS NAME. AND WHEN I MADE MY NOTE, I  
23 LISTED 8 WITH A QUESTION MARK ON IT, BECAUSE HE DIDN'T IDENTIFY  
24 HIM BY NAME, ONLY THAT HE HAD SEEN HIM AND COULD NOT RECALL HIS  
25 NAME, SIR.

1 Q HOW ABOUT NO. 19?

2 A HE IDENTIFIED NO. 19 AS COMANDANTE OF THE MEXICAN FEDERAL  
3 JUDICIAL POLICE ARMANDO PAVON REYES.

4 Q AFTER HE IDENTIFIED THAT PHOTO, DID HE SAY ANYTHING ABOUT  
5 HIM OR DID YOU ASK HIM QUESTIONS ABOUT THE PHOTO?

6 A NO, I DIDN'T HAVE TO. I HAD ALREADY DEBRIEFED HIM ABOUT  
7 THIS PERSON, SO I JUST LET HIM CONTINUE LOOKING THROUGH THE  
8 PHOTOGRAPHS, SIR.

9 Q WHAT ABOUT 26?

10 A HE IDENTIFIED 26 AS JUAN RAMON MATTA -- OR EL NEGRO --  
11 MATTA BALLESTEROS.

12 Q ARE YOU THE PERSON WHO TOLD HIM JUAN RAMON WAS THE NAME?

13 A NO, I WAS NOT, SIR.

14 Q DO YOU KNOW WHO DID?

15 A I HAVE -- TO MY KNOWLEDGE, NOBODY EVER HAS.

16 Q YOU HEARD HIM TESTIFY THAT SOMEBODY TOLD HIM, DIDN'T YOU?

17 A IF HE DID, I DIDN'T PICK UP ON IT.

18 Q WHAT DID HE SAY WHEN HE IDENTIFIED NO. 26?

19 A HE DIDN'T SAY ANYTHING AT THE MOMENT. I TOLD HIM TO  
20 CONTINUE LOOKING THROUGH THE BOOK.

21 Q DID YOU INDICATE ANY SURPRISE AT THE IDENTIFICATION OR MAKE  
22 ANY COMMENT ABOUT THE IDENTIFICATION.

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

24 THE COURT: OVERRULED.

25 THE WITNESS: NO, I DID NOT. I WAS NOT SURPRISED THAT

1 HE HAD TOLD ME THAT HE -- THAT HE KNEW THIS MAN.

2 BY MR. STOLAR:

3 Q WHAT ABOUT NUMBER -- 28, WE TALKED ABOUT -- 33?

4 MR. MEDRANO: OBJECTION, YOUR HONOR. THE REMAINING  
5 PHOTOS HAVE NOTHING TO DO WITH MATTA OR MR. STOLAR.

6 THE COURT: WELL, THAT'S ALL RIGHT. I'LL PERMIT IT.

7 MR. MEDRANO: VERY WELL.

8 THE WITNESS: NUMBER 33 HE IDENTIFIED, YOUR HONOR, AS  
9 RUBEN ZUNO ARCE.

10 BY MR. STOLAR:

11 Q DID HE MAKE ANY COMMENT OR DID YOU MAKE ANY COMMENT?

12 A I TOLD HIM TO CONTINUE LOOKING THROUGH THE BOOK.

13 Q NO. 40?

14 A NO. 40, HE IDENTIFIED AS DON NETO/ERNESTO FONSECA CARRILLO.

15 Q NO. 47?

16 A HE IDENTIFIED NO. 47 AS RAFA/RAFAEL CARO QUINTERO.

17 Q NO. 50?

18 A HE SAID THAT WAS HIS BOSS, JAVIER -- EL INGENIERO/JAVIER  
19 BARBA HERNANDEZ.

20 Q AND THEN 49?

21 A HE IDENTIFIED 49 AS DR. MACHAIN.

22 Q NOW, THE WAY YOU LISTED THE LIST, YOU HAVE -- IT GOES 40,  
23 47, 50, 49, 58. OTHERWISE, IT'S IN A STRAIGHT NUMERICAL  
24 SEQUENCE.

25 CAN YOU ACCOUNT FOR THE FACT OF NO. 49 COMING AFTER



1 NO. 50 ON YOUR SEQUENCE?

2 A THE REASON IT'S NOTED AS SUCH IS BECAUSE I WAS WRITING THEM  
3 DOWN AS HE WAS POINTING TO THEM. AND HE DID POINT THEM OUT OF  
4 SEQUENCE, SO I WROTE THEM OUT OF SEQUENCE, JUST AS HE WAS  
5 POINTING TO THEM IN THE BOOK, SIR.

6 Q NO. 58?

7 A SARA COSIO.

8 THE REPORTER: I'M SORRY. I NEED THE SPELLING ON THAT  
9 ONE.

10 THE WITNESS: SARA, S A R A. COSIO'S SPELLING:  
11 C O S I O -- WAIT A MINUTE.

12 C O C I O, I THINK, OR S I O.

13 C O S I O, I BELIEVE.

14 BY MR. STOLAR:

15 Q AND FINALLY, NO. 60.

16 A HE IDENTIFIED NO. 60 AS MIGUEL ANGEL FELIX GALLARDO..

17 Q DID HE IDENTIFY ANY OTHER PHOTOGRAPHS IN THIS ENTIRE  
18 SPREAD, TO YOUR RECOLLECTION?

19 A NO, I DON'T BELIEVE SO, BECAUSE I WOULD HAVE MADE A  
20 NOTATION, AND I DIDN'T MAKE ANY OTHER NOTATIONS, SIR.

21 Q LOOK AT PHOTOGRAPH NO. 95, IF YOU WOULD.

22 A (COMPLIES.)

23 Q THAT HAS A NAME WRITTEN ON IT. IS THAT THE WAY IT IS IN  
24 THE ORIGINAL?

25 A THAT'S JUST THE WAY IT IS IN THE BOOK, SIR.

1 Q IS THAT DIEGO HOYOS, TO YOUR KNOWLEDGE?

2 A YES, SIR.

3 Q HOW MUCH TIME DID HE TAKE BEFORE HE IDENTIFIED THE PICTURE  
4 OF MR. MATTA?

5 A I WOULD SAY A MATTER OF SECONDS; 30 SECONDS, MAYBE.

6 Q YOU ARE THE HEAD OF THE LEYENDA TASK FORCE, ARE YOU NOT?

7 A YES, SIR.

8 Q AND YOU COSIGN ALL THE 6'S; IS THAT RIGHT?

9 A YES, SIR; I DO.

10 Q DO YOU RECALL COSIGNING A 6 BY THOMAS MORALES WHICH WAS A  
11 NONTRADITIONAL PHOTO VIEWING, JUST LIKE THIS ONE WAS?

12 MR. MEDRANO: OBJECTION. BEYOND THE SCOPE, AND  
13 RELEVANCE.

14 THE COURT: WELL, OVERRULED.

15 THE WITNESS: DO I REMEMBER IT RIGHT NOW?

16 MR. STOLAR: YES.

17 THE WITNESS: I SIGNED OFF A LOT OF 6'S. I DON'T  
18 REMEMBER RIGHT NOW ON THAT, ON THAT PARTICULAR 6, RIGHT THIS  
19 VERY MINUTE.

20 BY MR. STOLAR:

21 Q DO YOU SEE PICTURES ON THE DESK, THE 10 PHOTOGRAPHS OF THE  
22 PARTY OR SOMETHING, THAT CERVANTES WAS ASKED TO LOOK AT BY  
23 MORALES?

24 A YES, SIR.

25 Q MORALES GENERATED A 6 ON THAT?

1 A YES, SIR; HE DID.

2 Q YOU COSIGNED IT?

3 A I BELIEVE I DID.

4 Q THAT'S NOT A TRADITIONAL PHOTO LINE-UP, IS IT?

5 A THAT'S CORRECT, SIR.

6 Q THANK YOU.

7 OH, ON ANY OTHER OCCASIONS, DID YOU SHOW CERVANTES A  
8 PHOTOGRAPH OF MATTA?

9 A NO, SIR.

10 Q DO YOU KNOW IF ANYBODY ELSE DID?

11 A NOT TO MY KNOWLEDGE.

12 MR. STOLAR: DO WE HAVE DEFENDANTS' C, THE FIVE  
13 PICTURES OF THE DEFENDANTS?

14 MS. KELLY: IT'S 171.

15 MR. STOLAR: 171?

16 THE COURT: THIS ONE?

17 MR. STOLAR: THAT'S THE ONE.

18 THE WITNESS: YES. THIS ONE WAS SHOWN TO WITNESS  
19 CERVANTES BY A.U.S.A. MANUEL MEDRANO, IN MY PRESENCE.

20 BY MR. STOLAR:

21 Q WHEN?

22 A ABOUT A WEEK OR SO AGO.

23 Q BEFORE HE TESTIFIED?

24 A THAT'S CORRECT, SIR.

25 Q ON THE MORNING OF THE FIRST DAY OF HIS TESTIMONY?

1 A I DON'T RECALL IF IT WAS ON THAT SAME MORNING, BUT IT WAS  
2 SOME TIME BEFORE HE TESTIFIED.

3 Q AND IN YOUR PRESENCE, DID HE SAY ANYTHING WHEN HE SAW  
4 THOSE?

5 A HE MENTIONED EACH ONE BY NAME.

6 Q WAS IT MR. MEDRANO WHO DISPLAYED THAT TO HIM?

7 A YES, SIR.

8 Q WHAT DID MR. MEDRANO SAY TO HIM WHEN HE SHOWED IT TO HIM?

9 A HE DIDN'T SAY NOTHING, OTHER THAN THE FACT, "DO YOU  
10 RECOGNIZE THESE PEOPLE?"

11 AND HE SAID, "YES, I DO," AND HE NAMED THEM, ON HIS  
12 OWN.

13 Q DIDN'T HE INDICATE THAT THESE ARE THE PEOPLE WHO WERE GOING  
14 TO BE IN COURT?

15 A NO, HE DID NOT, SIR.

16 Q DID YOU?

17 A NO. DEFINITELY NOT.

18 Q ROUGHLY HOW LONG BEFORE HE TESTIFIED WAS HE SHOWN THAT  
19 PICTURE?

20 A I RECALL THAT IT WAS ABOUT A WEEK OR MAYBE WEEK AND A HALF  
21 BEFORE, SIR.

22 Q NOT THE DAY OF HIS TESTIMONY?

23 A NOT TO MY RECOLLECTION, SIR.

24 MR. STOLAR: THANK YOU, SIR.

25 THE WITNESS: THANK YOU, SIR.

## CROSS-EXAMINATION +

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BY MR. MEDVENE:

Q MR. BERRELLEZ, YOU HAD PREPARED A ONE-PAGE SHEET WITH CERTAIN NUMBERS ON IT. ARE YOU FAMILIAR WITH THAT? IT'S NO. 6180, OR IT'S BEEN MARKED 6180 BY THE GOVERNMENT.

A THAT WAS PERSONAL NOTES I PREPARED; YES, SIR.

Q WHEN DID YOU -- AND THESE ARE THE PHOTOS THAT WERE IDENTIFIED BY MR. CERVANTES?

THE COURT: COUNSEL, WE DON'T NEED TO REPEAT WHAT'S ALREADY BEEN COVERED HERE. THAT'S ALREADY BEEN COVERED.

THE PROSECUTOR SAID AT THE OUTSET EACH OF YOU HAD A COPY OF HIS NOTES DESIGNATING THE PICTURES THAT WERE IDENTIFIED. HE HAS TESTIFIED TO DO THAT, HOW HE DID IT.

NOW, WHY DO WE NEED TO GO INTO IT?

MR. MEDVENE: IF YOU WANT TO SUSTAIN YOUR OWN OBJECTION, IT'S FINE, YOUR HONOR.

THE COURT: WELL, I OBJECT.

COURTROOM: (LAUGHTER.)

MR. MEDVENE: DO YOU SUSTAIN IT, SIR?

THE COURT: YES.

COURTROOM: (LAUGHTER.)

BY MR. MEDVENE:

Q WHEN DID YOU PREPARE THAT SHEET?

A IT WAS A DAY OR TWO AFTER JANUARY 11TH.

THE COURT: WELL, WAS IT THE DAY THAT THE

1 IDENTIFICATIONS WERE MADE?

2 THE WITNESS: YES. THE DAY, YOUR HONOR, THAT HE MADE  
3 THE IDENTIFICATIONS. YES.

4 BY MR. MEDVENE:

5 Q WELL, IN ANSWER TO MY QUESTION, YOU SAID, "A DAY OR TWO  
6 AFTER."

7 DO YOU RECALL WHETHER IT WAS SAME DAY OR WAS IT A  
8 DIFFERENT DAY?

9 A COUNSEL, WHY DON'T YOU ASK ME THAT QUESTION AGAIN, AND  
10 WE'LL START ALL OVER? I THINK I'M KIND OF CONFUSED NOW.

11 THE COURT: COUNSEL, THE WITNESS TESTIFIED ORIGINALLY  
12 THAT HE SHOWED THE DEFENDANT -- THE WITNESS THE PHOTOGRAPHS A  
13 DAY OR TWO AFTER JANUARY 11TH.

14 I BELIEVE THAT'S WHAT HE MEANT BY HIS ANSWER.

15 THE WITNESS: THAT'S CORRECT, YOUR HONOR.

16 BY MR. MEDVENE:

17 Q DO YOU HAVE ANY MEMORY, AS YOU SIT HERE NOW, HOW LONG AFTER  
18 MR. CERVANTES LOOKED AT THE PHOTOS YOU PREPARED THIS DOCUMENT  
19 THAT'S A ONE-PAGE DOCUMENT MARKED 6180?

20 A I DID IT, I PREPARED THAT, NOTED THE NUMBERS DOWN,  
21 IMMEDIATELY AFTER HE IDENTIFIED THEM, OUT OF THE PHOTO BOOK.

22 Q NOW, NO. 58 IS A WOMAN; IS THAT CORRECT?

23 A YES. THAT IS A YOUNG LADY.

24 Q AND DID MR. CERVANTES SAY HE HAD EVER SEEN HER IN PERSON?

25 A YES, SIR; HE DID.

1 Q DID YOU ASK HIM WHERE?

2 A HE HAD PREVIOUSLY TOLD ME HE HAD SEEN HER IN GUADALAJARA.

3 Q PREVIOUS TO THIS TIME, HAD YOU SHOWN HIM THE PHOTOS?

4 A YES, SIR.

5 Q DID YOU EVER MAKE ANY PHOTO OF THAT, THAT HE HAD SAID HE  
6 HAD SEEN THIS WOMAN WHO IS PICTURED IN 58.

7 MR. MEDRANO: RELEVANCE OBJECTION, YOUR HONOR.

8 THE COURT: YOU MAY ANSWER.

9 THE WITNESS: I DID NOT, SIR.

10 THE COURT: HAD HE TOLD YOU HER NAME?

11 THE WITNESS: YES, SIR.

12 THE COURT: WAS SHE ON THE LIST THAT YOU PROVIDED  
13 HERE, THE LIST OF PICTURES THAT HE IDENTIFIED BY NAME?

14 THE WITNESS: YES, SIR.

15 BY MR. MEDVENE:

16 Q NOW, WHEN YOU WENT THROUGH THE PICTURES, HOW LONG DID HE  
17 SPEND BEFORE IDENTIFYING THE PICTURE OF MR. ZUNO?

18 A A MATTER OF SECONDS. 15 TO 30 SECONDS, SIR.

19 Q DID HE GO PAST THE PICTURE AND COME BACK?

20 A NO, HE DID NOT, SIR.

21 Q HE JUST STARED AT IT FOR 15 OR 30 SECONDS?

22 A APPROXIMATELY; YES, SIR.

23 Q WAS THAT HIS PROCEDURE WITH EACH OF THE 97 PICTURES: WOULD  
24 HE STARE AT THEM FOR SOME PERIOD OF TIME?

25 A SOME HE PICKED OUT A LOT QUICKER, BUT HE WAS PRETTY

1 CONSISTENT WITH TAKING ABOUT 15 SECONDS BEFORE HE IDENTIFIED  
2 THE PERSON BY NAME, SIR.

3 Q SOME HE PICKED OUT IN JUST A MATTER OF ONE OR TWO OR THREE  
4 SECONDS?

5 A I WOULD SAY NOT WITH FREQUENCY, BUT SOME PRETTY QUICK, AND  
6 OTHERS WOULD HE LOOK AT FOR ABOUT 15 SECONDS AND IDENTIFY THEM.

7 Q NOW, WHEN YOU SAY "PRETTY QUICK," YOU MEAN SEVERAL SECONDS?  
8 SEVERAL SECONDS AS OPPOSED TO 15?

9 A WELL, IT'S KIND OF HARD FOR ME TO SAY, BECAUSE WHEN YOU'RE  
10 SHOWING PHOTOGRAPHS, YOU HAVE -- YOU KNOW LIKE ON THE FIRST  
11 PAGE, THERE ARE LIKE 12 PEOPLE, 9 PEOPLE.

12 HE WOULD LOOK AROUND, AND WHEN HE RECOGNIZED SOMEBODY,  
13 HE WOULD GO LIKE THIS AND POINT IT OUT. AND THEN I WOULD SAY,  
14 OKAY. CONTINUE."

15 AND THEN HE WOULD LOOK AROUND, MAYBE GO LIKE THAT  
16 AGAIN, AND GIVE ME THEIR NAMES.

17 Q NOW, YOU MENTIONED THE EXHIBIT 171, THE FIVE-PERSON  
18 PHOTOSPREAD.

19 A YES, SIR.

20 Q THAT IS A PHOTO OF VARIOUS OTHER DEFENDANTS; IS THAT  
21 CORRECT?

22 A YES, SIR.

23 Q AND DO YOU KNOW WHETHER OR NOT THAT PHOTOSPREAD WAS SHOWN  
24 BY ANYONE TO MR. CERVANTES BEFORE JANUARY 11TH?

25 A NO, SIR.



1 Q YOU DON'T KNOW WHETHER OR NOT IT WAS?

2 A TO MY KNOWLEDGE, IT WAS NEVER SHOWN TO HIM BEFORE THAT  
3 DATE, SIR.

4 Q WELL, WHERE WAS IT KEPT?

5 A I BELIEVE THIS WAS ALSO KEPT IN THE OFFICE ASSIGNED TO THE  
6 LEYENDA PERSONNEL, WITHIN THIS BUILDING, SIR.

7 Q WELL, WAS THERE A COPY OF IT IN THE U.S. ATTORNEY'S OFFICE,  
8 ALSO?

9 A I ASSUME THERE WAS; YES, SIR.

10 Q NOW, HOW MANY TIMES, TO YOUR KNOWLEDGE, WAS THIS  
11 FIVE-PERSON/DEFENDANT PHOTOSPREAD SHOWN TO MR. CERVANTES?

12 A IN MY PRESENCE, ONLY ONE TIME, SIR.

13 Q THAT WAS THE TIME YOU TALKED ABOUT WITH MR. MEDRANO?

14 A YES, SIR.

15 Q IS THERE ANY REASON THAT THE 97-PERSON PHOTOSPREAD WAS NOT  
16 SHOWN TO MR. CERVANTES WHEN YOU FIRST MET WITH HIM NOVEMBER  
17 23RD OR THEREABOUTS?

18 MR. MEDRANO: OBJECTION. RELEVANCE, YOUR HONOR.  
19 BEYOND THE SCOPE.

20 THE COURT: SUSTAINED.

21 BY MR. MEDVENE:

22 Q WELL, IS THERE ANY REASON BEFORE YOU DECIDED TO START  
23 PAYING HIM MONEY, YOU DIDN'T SHOW HIM THE PHOTOSPREAD?

24 MR. MEDRANO: OBJECTION. ARGUMENTATIVE AND  
25 IRRELEVANT.

1 THE COURT: SUSTAINED.

2 BY MR. MEDVENE:

3 Q IS THERE ANY REASON YOU DIDN'T SHOW HIM THE PHOTOSPREAD  
4 BEFORE HE TESTIFIED BEFORE THE GRAND JURY NOVEMBER 30TH?

5 MR. MEDRANO: SAME OBJECTION.

6 MR. MEDVENE: IF THE COURT PLEASE, IT GOES TO, MAYBE,  
7 THE CIRCUMSTANCES OF WHY HE SHOWED IT WHEN HE SHOWED IT.

8 THE COURT: THE ONLY ISSUE FOR THE COURT TO DECIDE IS  
9 WHETHER OR NOT THERE WAS ANY SUGGESTION OR TAINT RESULTING FROM  
10 THE SHOWING OF ANY PHOTOGRAPHS TO THIS WITNESS. THESE  
11 QUESTIONS THAT YOU'RE ASKING DO NOT HELP ME TO DECIDE THOSE  
12 THINGS.

13 NOW, THESE ARE THING YOU MAY WANT TO ELICIT BEFORE THE  
14 JURY, BUT THEY'RE NOT GOING TO HELP THE COURT DECIDE WHETHER OR  
15 NOT THERE WAS A TAINTED PROCEEDING HERE. AND THAT'S WHAT ALL  
16 OF YOU HAVE BEEN DOING, AND THAT'S NOT WHAT WE'RE HERE FOR.

17 BY MR. MEDVENE:

18 Q DID YOU ASK MR. CERVANTES, WITH RESPECT TO THESE  
19 IDENTIFICATIONS, WHETHER HE -- WITH RESPECT TO ANY OF THE  
20 PEOPLE HE IDENTIFIED, HE HAD PREVIOUSLY SEEN THEIR PICTURES IN  
21 ANY PAPERS OR PERIODICALS?

22 A NO, I DID NOT, BECAUSE HE HAD TOLD ME THAT HE HAD MET THESE  
23 PEOPLE IN PERSON. SO I NEVER POSED THAT QUESTION BY HIM.

24 Q OTHER THAN THE TWO OCCASIONS WHEN YOU SAID YOU WERE PRESENT  
25 WHEN PARTICULAR PHOTOSPREADS WERE SHOWN TO MR. CERVANTES, WERE

1 YOU PRESENT ON ANY OTHER OCCASION WHEN PHOTOS WERE SHOWN TO  
2 HIM?

3 A NO, SIR; I WAS NOT.

4 Q REGARDLESS OF WHETHER YOU WERE PRESENT, DO YOU KNOW OF ANY  
5 OTHER OCCASION WHEN PHOTOS WERE SHOWN TO HIM?

6 MR. MEDRANO: ASKED AND ANSWERED BY CO-COUNSEL, YOUR  
7 HONOR.

8 THE COURT: WELL, IT'S BEEN ASKED AT LEAST TWICE. BUT  
9 IF YOU WANT THE ANSWER: ANSWER.

10 MR. MEDVENE: THANK YOU, YOUR HONOR.

11 THE WITNESS: YEAH, I'VE BEEN TOLD THAT OTHER PEOPLE  
12 HAVE SHOWN MR. CERVANTES PHOTOGRAPHS IN THE PAST.

13 THE COURT: WAS THAT THE QUESTION?

14 THE WITNESS: I THINK THAT WAS, YOUR HONOR.

15 MR. MEDVENE: THAT WAS MY QUESTION.

16 THE COURT: ALL RIGHT.

17 BY MR. MEDVENE:

18 Q WHO HAD YOU BEEN TOLD HAD SHOWN PHOTOGRAPHS TO MR.  
19 CERVANTES IN THE PAST?

20 MR. MEDRANO: RELEVANCE, YOUR HONOR. BEYOND THE  
21 SCOPE.

22 MR. MEDVENE: BUT IT'S --

23 THE COURT: OVERRULED.

24 THE WITNESS: I WAS TOLD THAT PHOTOGRAPHS WERE SHOWN  
25 BY SPECIAL AGENT TOM MORALES TO MR. CERVANTES AND ALSO TOLD

1 THAT SPECIAL AGENT ABEL REYNOSO ALSO HAD SHOWN PHOTOGRAPHS TO  
2 MR. CERVANTES.

3 BY MR. MEDVENE:

4 Q ANYONE ELSE?

5 A NO, SIR.

6 Q WHEN WERE YOU TOLD MR. MORALES HAD SHOWN PHOTOGRAPHS TO  
7 HIM?

8 A I FOUND OUT ABOUT IT PROBABLY A WEEK AGO OR SO, SIR.

9 Q EXCUSE ME. I DIDN'T ASK A VERY GOOD QUESTION.

10 WERE YOU TOLD WHEN MR. MORALES SHOWED HIM PHOTOS?

11 A I REMEMBER SIGNING OFF ON A REPORT WHERE IT INDICATED THAT  
12 HE HAD BEEN SHOWN SOME PHOTOS.

13 Q DO YOU REMEMBER WHEN THEY WERE SHOWN, SIR?

14 A NO, SIR; I DON'T.

15 Q WAS IT IN NOVEMBER?

16 MR. MEDRANO: OBJECTION, YOUR HONOR. AGENT MORALES  
17 WILL TESTIFY NEXT, TO THIS SAME ISSUE.

18 THE COURT: WELL, THE OBJECTION IS SUSTAINED.

19 BY MR. MEDVENE:

20 Q DO YOU KNOW WHAT PHOTOS WERE SHOWN?

21 A I DON'T RECALL. I REMEMBER SIGNING OFF ON AN INVESTIGATIVE  
22 REPORT THAT DEALT WITH THE DISPLAYING OF PHOTOGRAPHS TO  
23 CERVANTES; BUT I DON'T RECALL WHAT PHOTOGRAPHS OR WHEN, SIR.

24 MR. MEDVENE: OKAY. THANK YOU VERY MUCH.

25 MR. MEZA: YOUR HONOR, I JUST HAVE ONE.

1 THE COURT: THIS HEARING'S GOING TO BE POSTPONED.  
2 THAT IS ALL I CAN TOLERATE FOR ONE DAY.

3 COURTROOM: (LAUGHTER.)

4 THE COURT: I DON'T THINK THAT YOU'VE MADE AN EFFORT  
5 TO STAY WITHIN THE SCOPE OF THE HEARING, AND I'M NOT GOING HEAR  
6 ANY MORE.

7 IF YOU WANT TO TALK TO THIS OTHER WITNESS, WE'LL CALL  
8 HIM AGAIN AT ANOTHER TIME. I SUGGEST THAT YOU TALK TO HIM  
9 PRIVATELY AND FIND OUT WHAT HE'S GOING TO TESTIFY TO AND SEE  
10 WHAT PICTURES HE'S SEEN AND SEE IF IT IS NECESSARY TO EXAMINE  
11 HIM FURTHER. IF NOT, YOU CAN LET ME KNOW.

12 IF YOU WISH TO CONTINUE THAT WAY, WE'LL SCHEDULE HIM  
13 ANOTHER TIME.

14 MR. MEDRANO: YOUR HONOR, AGENT MORALES WROTE A  
15 D.E.A.-6 ON WHAT HE DID. COUNSEL HAVE THAT, FOR YOUR  
16 INFORMATION.

17 MR. STOLAR: THAT WOULD BE AGREEABLE, IF THE  
18 GOVERNMENT WOULD MAKE THE AGENTS AVAILABLE WHO WERE THERE, AND  
19 ALSO -- MAYBE WE COULD ENTER INTO A STIPULATION.

20 AND I ALSO WOULD HAVE CALLED AT THIS HEARING -- MAYBE  
21 WE COULD SOLVE THIS -- MR. MEDRANO, PUT HIM UNDER OATH AND ASK  
22 HIM ABOUT THE CIRCUMSTANCES, WHEN HE SHOWED PHOTOGRAPHS TO MR.  
23 CERVANTES.

24 MR. MEDRANO: THIS IS OUTRAGEOUS, YOUR HONOR.

25 THE COURT: NO, IT'S NOT OUTRAGEOUS. IT'S PERFECTLY

1 PROPER. THAT'S THE PURPOSE OF THIS HEARING.

2 MR. MEDRANO: ON THIS ISSUE, YOUR HONOR, RESPECTFULLY,  
3 I THINK MR. CERVANTES AND AGENT BERRELLE\_ WILL TESTIFY TO THE  
4 SAME THING.

5 THE COURT: WELL --

6 MR. STOLAR: YES, BUT IT'S CONCEIVABLE --

7 THE COURT: THEY DID, BUT THEY DON'T HAVE TO BE BOUND  
8 BY IT. THEY'RE ENTITLED TO DO ASK THE PERSON THAT PRESENTED IT  
9 WHAT TOOK PLACE --

10 MR. MEDRANO: VERY WELL, YOUR HONOR.

11 THE COURT: -- IF THEY WANT TO DO THAT.

12 YOU CAN TELL THEM. MAYBE THEY WON'T WANT TO DO IT.

13 BUT I SUGGEST YOU LET THEM TALK TO THE AGENT AND ASK  
14 QUESTIONS INFORMALLY. IF YOU THEN WANT TO HEAR FURTHER ON THIS  
15 HEARING, I'LL JUST SIMPLY POSTPONE IT. I CAN'T TAKE ANY MORE  
16 OF THIS TODAY.

17 MR. MEDVENE: IF THE COURT PLEASE, I UNDERSTAND IT'S  
18 NOT A GREAT TIME TO ADDRESS YOUR HONOR, BUT THE GOVERNMENT  
19 PLANS TO PUT ON A WITNESS TOMORROW ON THE IMMIGRATION QUESTION.

20 THE COURT: YES?

21 MR. MEDVENE: AND I WOULD JUST ASK THAT BEFORE THAT  
22 WITNESS IS PUT ON, YOU GIVE US ANOTHER CHANCE TO TALK TO YOU  
23 ABOUT IT.

24 THERE'S ONE OTHER DEFENSE COUNSEL WHO WAS PRESENT AT A  
25 TIME WHEN CERTAIN THINGS WERE SAID OR NOT SAID WHICH I THINK

1 MAY CAUSE YOU TO PERMIT US TO FILE A MOTION ON VOLUNTARINESS SO  
2 THAT IT'S NOT LATE.

3 SECONDLY, YOUR HONOR, WE'D LIKE TO GO THROUGH WITH  
4 YOU, FOR THE RECORD, AND ALSO FOR YOUR HONOR'S CONSIDERATION,  
5 WHETHER CERTAIN OF THESE STATEMENTS ARE ADMISSIONS AGAINST  
6 INTEREST. WE DON'T THINK THEY ARE AND WE THINK THEY'RE  
7 PREMATURE.

8 FOR EXAMPLE, "HOW LONG HAVE YOU BEEN IN THE UNITED  
9 STATES," OR, "HOW LONG DID YOU LIVE IN THE UNITED STATES," IS A  
10 BACKDOOR WAY OF GETTING INTO THE SAN ANTONIO PERIOD. AND YOUR  
11 HONOR'S ALREADY EXCLUDED CERTAIN EVIDENCE.

12 AND THERE ARE A NUMBER OF QUESTIONS LIKE THAT. HOW  
13 LONG HE LIVED IN THE UNITED STATES AT THIS STAGES OF  
14 PROCEEDINGS HAS NO --

15 THE COURT: WELL, I SUGGEST YOU WRITE A MOTION ON IT,  
16 COUNSEL.

17 MR. MEDVENE: WELL, WE'LL WRITE A MOTION AND WE'LL  
18 HAVE IT FOR YOU.

19 ALL I'M ASKING IS: CAN THE WITNESS BE DELAYED UNTIL  
20 NEXT WEEK AND WE'LL GET THE MOTION IN TO YOU TOMORROW? BECAUSE  
21 WE DIDN'T KNOW THIS WAS COMING IN UNTIL TODAY.

22 MR. CARLTON: YOUR HONOR, THIS WITNESS CANNOT BE  
23 DELAYED UNTIL NEXT WEEK. TOMORROW IS THE LAST DAY SHE CAN BE  
24 MADE AVAILABLE.

25 THIS MAY BE HARD TO BELIEVE, BUT THE I.N.S. OFFICE WHO

1 SENT HER OUT HERE DOESN'T HAVE THE MONEY TO KEEP HER OUT HERE  
2 BEYOND TOMORROW. WE'RE UNDER STRICT INSTRUCTIONS TO USE THIS  
3 PERSON BY THIS TOMORROW.

4 AGAIN, I JUST HAVE TO SAY THIS --

5 THE COURT: I DON'T WANT TO HEAR ANY MORE. I'VE HEARD  
6 ALL THIS BEFORE, AND THIS IS SIMPLY A REVIEW.

7 CALL THE WITNESS TOMORROW. YOU'VE MADE YOUR  
8 OBJECTIONS.

9 MR. CARLTON: THANK YOU, YOUR HONOR.

10 THE WITNESS: THANK YOU, YOUR HONOR.

11 THE CLERK: PLEASE RISE THIS COURT IS NOW IN RECESS  
12 (PROCEEDINGS ADJOURNED.)

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(EXHIBIT 58	#	RECEIVED IN EVIDENCE.)		86	5
(EXHIBIT 50 A	#	RECEIVED IN EVIDENCE.)	BY	114	22
(EXHIBIT F	#	RECEIVED IN EVIDENCE.)	BY	217	2
LOS ANGELES	+	CALIFORNIA WEDNESDAY, MAY		4	1
MAY 30, 1990	+	9:30 A.M.		4	2
CERVANTES SANTOS	+	PLAINTIFF'S WITNESS,		4	10
REDIRECT EXAMINATION	+	(CONTINUED) BY MR.		4	11
RECROSS-EXAMINATION	+	BY MR. MEDVENE: Q.		5	22
RECROSS-EXAMINATION	+	BY MR. MEZA: Q. MY		23	1
RECROSS-EXAMINATION	+	BY MR. STOLAR: Q.		27	10
REDIRECT EXAMINATION	+	BY MR. MEDRANO: Q.		35	5
FURTHER	+	RECROSS-EXAMINATION BY		38	7
GEORGE GOMEZ	+	PLAINTIFFS WITNESS, SWORN		38	22
DIRECT EXAMINATION	+	BY MR. MEDRANO: Q.		39	10
DIRECT EXAMINATION	+	(RESUMED) BY MR. MEDRANO:		52	24
CROSS-EXAMINATION	+	BY MR. STOLAR: Q GOOD		73	5
CROSS-EXAMINATION	+	BY MR. MEDVENE: Q		73	24
CROSS-EXAMINATION	+	BY MS. KELLY: Q GOOD		83	22
LUIS E. ZAVALA NUNEZ	+	PLAINTIFF'S WITNESS, SWORN		84	21
DIRECT EXAMINATION	+	BY MR. CARLTON: Q		85	4
LOS ANGELES	+	CALIFORNIA, WEDNESDAY, MAY		94	1
MAY 30, 1990	+	1:30 P.M. (JURY		94	2
LUIS E. ZAVALA NUNEZ	+	PLAINTIFF'S WITNESS,		94	6
DIRECT EXAMINATION	+	(RESUMED) BY MR. CARLTON:		94	8
CROSS-EXAMINATION	+	BY MR. STOLAR: Q SIR,		100	13
CROSS-EXAMINATION	+	BY MS. KELLY: Q GOOD		101	22
ABEL REYNOSO	+	PLAINTIFF'S WITNESS, SWORN		107	17
DIRECT EXAMINATION	+	BY MR. MEDRANO: Q		107	23
DIRECT EXAMINATION	+	(CONTINUED) BY MR.		153	12
CROSS-EXAMINATION	+	BY MR. NICOLAYSEN: Q.		169	20
CROSS-EXAMINATION	+	BY MR. STOLAR: Q.		212	12
REDIRECT EXAMINATION	+	BY MR. MEDRANO: Q.		215	12
LOS ANGELES	+	CALIFORNIA, WEDNESDAY, MAY		226	1
MAY 30, 1990	+	5:00 P.M.		226	2
(SIMMONS HEARING	+	JURY ABSENT.)		226	3
ABEL REYNOSO	+	PLAINTIFF'S WITNESS,		226	11
DIRECT EXAMINATION	+	BY MR. MEDRANO: Q		226	12
CROSS-EXAMINATION	+	BY MR. NICOLAYSEN: Q		228	14
CROSS-EXAMINATION	+	BY MR. MEZA: Q OTHER		232	8
CROSS-EXAMINATION	+	BY MR. STOLAR: Q YOU		233	17
CROSS-EXAMINATION	+	BY MR. MEDVENE: Q DID		237	2
HECTOR BERRELLEZ	+	PLAINTIFF'S WITNESS, SWORN		237	23
DIRECT EXAMINATION	+	BY MR. MEDRANO: Q		238	5
CROSS-EXAMINATION	+	BY MR. NICOLAYSEN: Q		242	1
CROSS-EXAMINATION	+	BY MR. MEZA: Q THIS		243	8
CROSS-EXAMINATION	+	BY MR. STOLAR: Q YOUR		251	11
CROSS-EXAMINATION	+	BY MR. MEDVENE: Q MR.		261	1

	EXHIBIT	PG	LN
TO LOOK AT GOVERNMENT	172, WHICH SHOULD BE	4	14
CAN YOU IDENTIFY WHAT	EXHIBIT 172 IS, MR.	4	17
ADMISSIBILITY OF THE	EXHIBIT , YOUR HONOR?	5	9
HAVE IDENTIFIED IN	EXHIBIT 172, IS THAT THE SAME	5	15
MR. MEZA: I HAVE AN	EXHIBIT I JUST WANT TO	22	16
MR. MEZA: I HAVE TWO	EXHIBIT S, YOUR HONOR,	22	20
HONOR, DEFENDANT'S	EXHIBIT S D AND E, I BELIEVE.	22	21
YOUR ATTENTION TO	EXHIBIT 172, THAT'S THE	23	22
172, THAT'S THE	EXHIBIT THAT MR. MEDRANO	23	23
COURT: IS THERE AN	EXHIBIT THERE?	23	25
MAY I PLACE TWO	EXHIBIT S IN FRONT OF THE	39	2
TO GOVERNMENT'S	EXHIBIT 16 A AND B, WHICH	63	18
IF YOU'LL LOOK AT THE	EXHIBIT MARKED EXHIBIT 58,	85	22
AT THE EXHIBIT MARKED	EXHIBIT 58, WILL YOU LOOK AT	85	23
(	EXHIBIT 58 # RECEIVED IN	86	5
I BELIEVE IT'S MARKED	EXHIBIT 59. DO YOU RECOGNIZE	96	17
59. DO YOU RECOGNIZE	EXHIBIT 59? A YES.	96	18
WELL, LOOKING AT	EXHIBIT 60 A, CAN YOU TELL US	99	5
AT THIS TIME THAT	EXHIBIT S 59 AND 60 A	99	17
THE WITNESS SHOWN	EXHIBIT 63, YOUR HONOR.	105	9
HONOR. (	EXHIBIT PLACED BEFORE	105	10
ME SEE IT. (EXAMINES	EXHIBIT .) THE	106	25
CAN DIRECT YOU TO AN	EXHIBIT THAT SHOULD BE FRONT	113	23
OF YOU, GOVERNMENT'S	EXHIBIT 50 A , I BELIEVE IT'S	113	24
(	EXHIBIT 50 A # RECEIVED IN	114	22
JUST DESCRIBED AS	EXHIBIT 50 A? A YES, SIR.	115	4
TAPES REFERENCED AS	EXHIBIT 50 A? A YES, SIR.	115	14
YOU TO GOVERNMENT'S	EXHIBIT 49, IS THAT IN FRONT	127	16
CAN YOU TELL US WHAT	EXHIBIT 49 IS? A IT'S A	127	19
BELIEVE, GOVERNMENT'S	EXHIBIT 50 D, A SHORTENED	128	20
PROFFER AS TO THE	EXHIBIT THAT YOU SUSTAINED	141	19
TO AT THIS TIME.	EXHIBIT 49 IS ABOUT EIGHT	141	21
TO USE IT AS AN	EXHIBIT IN THE CASE.	150	24
MARKED AS DEFENSE	EXHIBIT F FOR IDENTIFICATION.	175	1
YOUR HONOR, IS THAT	EXHIBIT MOVED INTO EVIDENCE?	215	23
THE ADMISSION OF THE	EXHIBIT SO I CAN MOVE ON TO	216	19
RECEIVED AS A DEFENSE	EXHIBIT , YOUR HONOR.	216	25
MARKED AS A DEFENSE	EXHIBIT .	217	1
(	EXHIBIT F # RECEIVED IN	217	2
AS GOVERNMENT'S	EXHIBIT 173? A YES, SIR.	226	15
SEEN THE ORIGINAL OF	EXHIBIT 173? MR.	226	21
HE'S REFERRING TO	EXHIBIT S WE HAVE, BUT WE	226	22
IS MARKED AS WHAT	EXHIBIT . MR.	226	24
THEN, YOUR HONOR.	EXHIBIT 173 IS THE	227	2
SEEN THE ORIGINAL OF	EXHIBIT 173? A YES, I	227	9
THAT YOU DID SHOW,	EXHIBIT 173 THERE, WAS AT	232	14
IT? YOU HAVE THE	EXHIBIT THERE.	234	7
LET ME SEE THE	EXHIBIT . THE	236	24
THE COURT: (EXAMINES	EXHIBIT .)	237	1
ANY ONE PICTURE IN	EXHIBIT 173 AS MR. ZUNO? A	237	4
YOU AT GOVERNMENT'S	EXHIBIT 174, A MULTI-PAGE --	238	8
TO SHOW GOVERNMENT'S	EXHIBIT 174 -- THE ORIGINAL	238	19
GAVE OR SHOWED THAT	EXHIBIT TO THE WITNESS, DID	239	6

		PG	LN
YOU SHOWED HIM THAT	EXHIBIT ? A THAT IS ALL I	239	12
THE LAST PAGE OF THE	EXHIBIT THAT YOU'RE HOLDING,	242	5
AGENT REYNOSO SHOWED	EXHIBIT 173 TO MR. CERVANTES?	242	25
I THINK THERE'S SOME	EXHIBIT S THAT MIGHT HELP	244	21
(CLERK PLACES	EXHIBIT BEFORE WITNESS.) BY	245	2
SHOWING THESE PHOTOS,	EXHIBIT 174, TO THE WITNESS.	254	3
THAT HE ONLY SHOWED	EXHIBIT 174 TO THE WITNESS,	254	14
ALL RIGHT. Q	EXHIBIT 174 -- WELL, WHO DID	254	18
YES? A (EXAMINES	EXHIBIT .) HE STATED THAT HE	254	21
YOU MENTIONED THE	EXHIBIT 171, THE FIVE-PERSON	264	17

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REPORTERS' CERTIFICATION

WE, THE UNDERSIGNED REPORTERS, HEREBY CERTIFY THAT THE  
FOREGOING IS A CORRECT TRANSCRIPT FROM THE RECORD OF  
PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

Julie A. Churchill  
JULIE A. CHURCHILL, CSR  
OFFICIAL COURT REPORTER

DATED: June 2, 1990

Susan A. Lee  
SUSAN A. LEE, CSR  
OFFICIAL COURT REPORTER

DATED: June 2, 1990