

**COPY**

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

-----

HONORABLE EDWARD RAFFEDIE, DISTRICT COURT JUDGE PRESIDING

-----

UNITED STATES OF AMERICA, )

)

PLAINTIFF, )

)

VS. )

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

)

C.A. NO: 91-50351

JUAN RAMON MATTA-BALLESTEROS, )

)

RUBEN ZUNO-ARCE, )

)

JUAN JOSE BERNABE-RAMIREZ, )

)

AND JAVIER VASQUEZ-VELASCO, )

)

DEFENDANTS. )

)

VOLUME 25

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, JULY 5, 1990; 9:30 A.M.

LOS ANGELES, CALIFORNIA

BY DIRECTION OF THE COURT:  
THIS TRANSCRIPT IS FURNISHED  
PURSUANT TO THE CRIMINAL JUSTICE  
ACT AND PAID FOR BY GOVERNMENT  
FUNDS. IT SHALL NOT BE MADE  
AVAILABLE TO MEDIA COUNSEL  
FOR ANY PURPOSE DURING OR AFTER  
TRIAL, AND SHALL NOT BE REPRO-  
DUCED EXCEPT BY ORDER OF THE  
COURT.

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

APPEARANCES OF COUNSEL:

FOR THE PLAINTIFF:

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

FOR DEFENDANT JUAN RAMON MATTA-BALLESTEROS:

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

FOR DEFENDANT RUBEN ZUNO-ARCE:

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

FOR DEFENDANT JUAN JOSE BERNABE-RAMIREZ:

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

AND

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

APPEARANCES (CONTINUED):

FOR DEFENDANT JAVIER VASQUEZ-VELASCO:

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

ALSO PRESENT:

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

SPANISH INTERPRETERS

1 LOS ANGELES + CALIFORNIA THURSDAY, JULY 5, 1990

2 + 9:30 A.M.

3  
4 (JURY PRESENT.)

5 THE COURT: GOOD MORNING.

6 THE COURTROOM: GOOD MORNING, YOUR HONOR.

7 THE COURT: ALL RIGHT.

8 YOU MAY CALL YOUR NEXT WITNESS.

9 MR. NICOLAYSEN: THANK YOU, YOUR HONOR.

10 THE DEFENSE RECALLS AGENT ABEL REYNOSO TO THE STAND,  
11 YOUR HONOR.

12 THE COURT: ALL RIGHT.

13 AGENT REYNOSO?

14  
15 ABEL REYNOSO + DEFENSE WITNESS, PREVIOUSLY SWORN

16  
17 THE CLERK: HAVING PREVIOUSLY BEEN SWORN, YOU ARE  
18 REMINDED THAT YOU ARE STILL UNDER OATH.

19 PLEASE BE SEATED.

20 RESTATE YOUR NAME FOR THE RECORD, PLEASE.

21 THE WITNESS: MY FIRST NAME IS ABEL, A B E L. MY  
22 LAST NAME IS REYNOSO, R E Y N O S O.

23 THE CLERK: THANK YOU.

24 //

25 //

## 1 DIRECT EXAMINATION +

2 BY MR. NICOLAYSEN:

3 Q. AGENT REYNOSO, DIRECTING YOUR ATTENTION TO JULY 14, 1989,  
4 THE DATE THAT MY CLIENT JAVIER VASQUEZ SIGNED THE COOPERATING  
5 INDIVIDUAL AGREEMENT WITH THE D.E.A., AT THAT TIME, SIR,  
6 JAVIER VASQUEZ WAS NOT A SUSPECT ON THE LA LANGOSTA  
7 INVESTIGATION, WAS HE?

8 A. TO MY KNOWLEDGE, THAT'S CORRECT, SIR.

9 Q. HE WAS NOT?

10 A. NO, HE WASN'T.

11 MR. NICOLAYSEN: THANK YOU.

12 NOTHING FURTHER, YOUR HONOR.

13 THE COURT: DO YOU HAVE ANY QUESTIONS FOR THIS  
14 WITNESS?

15 MR. MEDRANO: NO QUESTIONS YOUR HONOR.

16 THANK YOU.

17 THE COURT: WITHIN THE SCOPE?

18 MR. STOLAR: NO. I'M READY TO CALL ANOTHER WITNESS.

19 THE COURT: YOU MAY STEP DOWN.

20 (WITNESS EXCUSED.)

21 MR. STOLAR: BASED ON A DOCUMENT THAT WAS PROVIDED  
22 THIS MORNING, I WOULD LIKE PERMISSION TO RECALL AGENT  
23 BERRELLEZ, YOUR HONOR.

24 DO YOU WANT ME TO HAND THE DOCUMENT TO THE CLERK,  
25 YOUR HONOR?

1 THE COURT: YES.

2 ALL RIGHT. YOU MAY CALL THE WITNESS.

3 MR. STOLAR: THANK YOU.

4 AGENT BERRELLEZ?

5

6 HECTOR BERRELLEZ + DEFENSE WITNESS, PREVIOUSLY SWORN

7

8 THE CLERK: HAVING PREVIOUSLY BEEN SWORN, PLEASE

9 RESTATE YOUR NAME FOR THE RECORD.

10 THE WITNESS: HECTOR BERRELLEZ.

11 THE CLERK: YOU MAY BE SEATED.

12

13 DIRECT EXAMINATION +

14 BY MR. STOLAR:

15 Q. GOOD MORNING, SIR.

16 A. GOOD MORNING, SIR.

17 Q. I HAVE PLACED BEFORE YOU THIS DOCUMENT THAT HAS  
18 PREVIOUSLY BEEN MARKED 4-F, 4 F'S FOR IDENTIFICATION.

19 DO YOU HAVE IT?

20 A. YES, SIR, I DO.

21 Q. DO YOU RECOGNIZE THAT DOCUMENT?

22 A. YES, SIR, I DO.

23 Q. AND WHAT IS IT?

24 A. IT'S A COOPERATING INDIVIDUAL AGREEMENT, D.E.A. FORM 473,  
25 SIR.

1 Q. AND WHO IS IT BETWEEN?

2 A. IT IS BETWEEN THE UNITED STATES GOVERNMENT, U.S.  
3 DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION AND  
4 HECTOR CERVANTES SANTOS.

5 Q. NOW, SIR, THAT AGREEMENT WAS SIGNED BY MR. CERVANTES  
6 SANTOS?

7 A. YES, SIR, IT WAS.

8 Q. WERE YOU PRESENT WHEN IT WAS SIGNED?

9 A. I DON'T RECALL.

10 Q. IS THERE A SIGNATURE ON THE PART OF THE THE D.E.A. IN  
11 THAT DOCUMENT?

12 A. YES, SIR, THERE IS. THERE ARE THREE SIGNATURES.

13 Q. DO YOU RECOGNIZE THE SIGNATURES?

14 A. YES, SIR, I DO.

15 Q. AS WHOM?

16 A. ONE SEEMS TO BELONG TO MR. -- OR IS THE SIGNATURE OF --  
17 HECTOR CERVANTES SANTOS.

18 THE OTHER ONE, I BELIEVE, IS A SIGNATURE OF SPECIAL  
19 AGENT MANUEL MARTINEZ.

20 AND THE THIRD SIGNATURE IS THAT OF DELBERT SALAZAR,  
21 A SPECIAL AGENT.

22 Q. NOW, SIR, THE DOCUMENT APPEARS TO BE UNDATED; IS THAT  
23 RIGHT?

24 A. THAT'S CORRECT, SIR.

25 Q. DO YOU HAVE ANY KNOWLEDGE OR RECOLLECTION OF WHEN THAT

1 DOCUMENT WAS SIGNED BY MR. CERVANTES SANTOS?

2 A. IT WOULD HAVE PROBABLY BEEN AROUND THE LATTER PART OF  
3 NOVEMBER, SIR.

4 Q. 1989?

5 A. YES, SIR.

6 MR. STOLAR: YOUR HONOR, WE WOULD OFFER EXHIBIT 4  
7 F'S IN EVIDENCE.

8 THE COURT: THAT MAY BE RECEIVED.

9 (EXHIBIT # FFFF RECEIVED IN EVIDENCE.)

10 MR. STOLAR: THANK YOU, SIR.

11 I HAVE NOTHING FURTHER.

12 MR. NICOLAYSEN: NOTHING, YOUR HONOR.

13 THE COURT: VERY WELL.

14 YOU MAY STEP --

15 WELL, IS THERE ANYTHING FURTHER?

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

18 THE COURT: YES.

19 (BRIEF PAUSE.)

20 MR. MEDRANO: YOUR HONOR, WE DON'T HAVE ANY  
21 QUESTIONS.

22 THANK YOU.

23 THE COURT: VERY WELL, THEN.

24 YOU MAY STEP DOWN.

25 THE WITNESS: THANK YOU.



1 (WITNESS EXCUSED.)

2 THE COURT: CALL THE NEXT WITNESS.

3 MR. MEZA: YES, YOUR HONOR.

4 WE CALL JUAN JOSE BERNABE RAMIREZ, YOUR HONOR.

5 THE COURT: VERY WELL.

6

7 JUAN JOSE BERNABE RAMIREZ + DEFENSE WITNESS SWORN

8 AND TESTIFIED THROUGH SPANISH INTERPRETER

9

10 THE CLERK: PLEASE BE SEATED.

11 STATE YOUR FULL NAME FOR THE RECORD AND SPELL YOUR  
12 LAST NAME.

13 THE WITNESS: JUAN JOSE BERNABE RAMIREZ,  
14 B E R N A B E.

15 THE CLERK: THANK YOU.

16

17 DIRECT EXAMINATION +

18 BY MR. MEZA:

19 Q. NOW, MR. RAMIREZ, WHERE WERE YOU BORN?

20 A. IN GUADALAJARA, JALISCO.

21 Q. WHEN WERE YOU BORN?

22 A. MARCH 9TH, 1959.

23 Q. AND YOU ARE A CITIZEN OF WHICH COUNTRY?

24 A. I'M MEXICAN, SIR.

25 Q. AND HAVE YOU LIVED IN GUADALAJARA ALL OF YOUR LIFE?

1 A. MY WHOLE LIFE, SIR.

2 Q. JUST AS AN ASIDE, WHAT IS THE POPULATION OF GUADALAJARA,  
3 APPROXIMATELY?

4 A. EIGHT MILLION INHABITANTS, MORE OR LESS.

5 Q. NOW, ARE YOU MARRIED?

6 A. YES, SIR.

7 Q. WHAT IS YOUR WIFE'S NAME?

8 A. MARIA GUADALUPE GARCIA DE BERNABE.

9 Q. AND DID YOU RECEIVE ANY EDUCATION WHILE LIVING IN  
10 GUADALAJARA?

11 A. YES, SIR.

12 Q. AND WOULD YOU JUST TELL US BRIEFLY, HOW FAR DID YOU GET  
13 IN SCHOOL?

14 A. SECOND YEAR HIGH SCHOOL.

15 Q. AND WHEN YOU COMPLETED YOUR HIGH SCHOOL EDUCATION, HOW  
16 OLD WERE YOU?

17 A. I WAS 17.

18 Q. ALL RIGHT.

19 NOW, AFTER HAVING COMPLETED YOUR EDUCATION, THEN,  
20 DID YOU GO TO WORK ANYWHERE?

21 A. I DID MY MILITARY SERVICE, AND THEN I ENROLLED IN THE  
22 POLICE ACADEMY OF THE STATE POLICE OF JALISCO.

23 Q. ALL RIGHT.

24 AND FOR HOW LONG WERE YOU IN THE POLICE ACADEMY,  
25 SIR?

1 A. SIX MONTHS, SIR.

2 Q. NOW, SIR, DID YOU SUCCESSFULLY COMPLETE THE POLICE  
3 ACADEMY?

4 A. YES, SIR.

5 Q. AND AFTER HAVING COMPLETED THE POLICE ACADEMY, WHAT  
6 HAPPENED NEXT?

7 A. WELL, I STARTED WORKING FOR THE STATE POLICE OF THE STATE  
8 OF JALISCO.

9 I WAS ASSIGNED TO THE UNIT DEALING WITH MURDERS.

10 Q. OKAY.

11 NOW, WHILE YOU WERE WORKING -- HOW LONG DID YOU WORK  
12 FOR THE JALISCO STATE POLICE DEPARTMENT?

13 A. FROM 1978 -- THE END OF 1978 TO THE END OF 1982.

14 Q. NOW, WHEN YOU BEGAN TO WORK FOR THE STATE POLICE, YOU  
15 SAID YOU WORKED FOR THE HOMICIDE SQUAD.

16 WAS THAT SOMETHING THAT YOU ASKED FOR, AN ASSIGNMENT  
17 YOU ASKED FOR?

18 A. WELL, THEY SENT US BY LOT TO THE DIFFERENT GROUPS THAT  
19 THERE WERE.

20 ONE OF THE PERSONS FROM THE HOMICIDE GROUP ASKED FOR  
21 ME. HE HAD TRAINED ME AND HE ASKED FOR ME.

22 Q. OKAY.

23 WHO WAS THAT PERSON?

24 A. WELL, HIS LAST NAME WAS GARCIA DE LEON; JOSE GARCIA DE  
25 LEON.

1 Q. NOW, WHO WAS YOUR IMMEDIATE SUPERVISOR OR COMANDANTE  
2 AT -- IN THE HOMICIDE SQUAD?

3 A. WELL, MY IMMEDIATE SUPERVISOR WAS MR. JOSE MARIA CARLOS  
4 OCHOA.

5 Q. DID YOU ALSO -- WAS THERE A COMANDANTE BY THE NAME OF  
6 GABRIEL GONZALEZ-GONZALES?

7 A. HE WAS THE COMANDANTE OF THE HOMICIDE SECTION.

8 Q. WELL, NOW, AT SOME POINT -- YOU SAID 1982 -- YOU LEFT THE  
9 JALISCO STATE POLICE DEPARTMENT; IS THAT CORRECT?

10 A. YES, SIR. I ASKED FOR A VOLUNTARY RESIGNATION.

11 Q. ALL RIGHT.

12 MR. MEZA: NOW, IF I COULD ASK THE WITNESS TO DIRECT  
13 HIS ATTENTION THERE TO A PREVIOUSLY MARKED EXHIBIT THAT'S ALSO  
14 MARKED 4 F'S.

15 UNFORTUNATELY, IT WAS MARKED BEFORE PREVIOUS  
16 TESTIMONY.

17 WITH THE COURT'S PERMISSION, I COULD REMARK IT LATER  
18 ON.

19 THE COURT: ARE YOU ASKING THE WITNESS TO LOOK AT  
20 THAT EXHIBIT?

21 MR. MEZA: YES; 4 F'S.

22 THE COURT: IS THAT EXHIBIT BEFORE THE WITNESS?

23 MR. MEZA: YES. IT SHOULD BE ON --

24 THE COURT: WELL, JUST DIRECT YOUR QUESTIONS TO THE  
25 WITNESS.

1 MR. MEZA: -- YOUR LEFT-HAND SIDE THERE UNDERNEATH  
2 THE STATEMENT.

3 (WITNESS PERUSES DOCUMENTS.)

4 (BRIEF PAUSE.)

5 MR. MEZA: I THINK THAT'S IT, SIR.

6 BY MR. MEZA:

7 Q. IF YOU WOULD LOOK AT THAT THAT EXHIBIT YOU HAVE IN YOUR  
8 HANDS AND INDICATE TO US WHAT THAT IS.

9 A. WELL, IT IS MY VOLUNTARY RESIGNATION FROM THE STATE  
10 POLICE WHICH IS DATED NOVEMBER 10TH, 1982, SIR.

11 Q. THANK YOU.

12 MR. MEZA: THERE IS A CERTIFIED COPY OF THE  
13 TRANSLATION ATTACHED TO THAT, AND I WOULD MOVE IT INTO  
14 EVIDENCE, YOUR HONOR

15 MR. MEDRANO: OBJECTION, YOUR HONOR.

16 FIRST OF ALL, MAY WE REDESIGNATE IT AS 4 G?

17 MR. MEZA: I'VE GOT SOME OTHERS.

18 MR. MEDRANO: CAN WE IDENTIFY IT SO WE KNOW WHAT IT  
19 IS.

20 MR. MEZA: 4 F-1.

21 MR. MEDRANO: THAT'S FINE.

22 AND IN ADDITION, YOUR HONOR, WE HAVEN'T SEEN THE  
23 DOCUMENT OR ITS TRANSLATION, SO WE'D LIKE THAT OPPORTUNITY  
24 BEFORE ITS ADMISSION.

25 MR. MEZA: YOUR HONOR, I SUBMITTED ALL OF THEM LAST

1 WEEK.

2 THE COURT: ALL RIGHT.

3 WE CAN DEFER THAT UNTIL LATER.

4 BY MR. MEZA:

5 Q. NOW, AFTER YOU COMPLETED YOUR SERVICE WITH THE STATE  
6 POLICE, DID YOU BEGIN WORK ANYWHERE ELSE?

7 A. YES, SIR.

8 Q. AND WHERE WAS THAT?

9 A. A COMPANY BY THE NAME OF CERBE COPOSA (PHONETIC), WHICH  
10 OFFERED SECURITY SERVICES EXCLUSIVLY TO THE SHOE FACTORY  
11 CANADA AND ITS EXECUTIVES.

12 Q ALL RIGHT.

13 AND WHAT POSITION WERE YOU HIRED ON AS?

14 A. A SECURITY OFFICER.

15 Q. NOW, DIRECTING YOUR ATTENTION TO EXHIBIT 4 G, IT SHOULD  
16 BE -- IF I COULD DIRECT YOUR ATTENTION, IT'S UP THERE ON THAT  
17 PILE OF EXHIBITS.

18 DO YOU SEE THAT?

19 A. YES, SIR.

20 Q. AND WHAT IS THAT?

21 A. MY IDENTIFICATION WHICH SHOWS ME AS A SECURITY OFFICER  
22 FOR CERBE COPOSA. IT'S DATED JANUARY 3RD, 1983.

23 Q. ACTUALLY, THAT 'S A COPY OF THE ORIGINAL IDENTIFICATION,  
24 IS IT NOT?

25 A. YES, SIR.

1 Q. NOW, WHILE YOU WERE -- YOU SAID WERE YOU HIRED AS A  
2 SECURITY PERSON.

3 WHAT BASICALLY WERE YOUR DUTIES WORKING FOR CERBE  
4 COPOSA?

5 A. WELL, I WAS ASSIGNED AS BODYGUARD TO MR. ARELIO LOPEZ  
6 ROCHA.

7 Q. AND WHO WAS MR. LOPEZ ROCHA?

8 A. WELL, HE'S ONE OF THE OWNERS OF THE CANADA SHOE  
9 FACTORIES.

10 Q. ALL RIGHT.

11 AND DID HE HOLD ANY OTHER POSITION IN THE COMMUNITY  
12 OTHER THAN BEING AN EXECUTIVE WITH THE SHOE COMPANY?

13 A. AT THAT TIME HE WAS THE PRESIDENT OF THE GUADALAJARA  
14 CHAMBER OF COMMERCE.

15 Q. ALL RIGHT.

16 IF I COULD NOW DIRECT YOU TO EXHIBIT HHH.

17 A. (WITNESS PERUSES DOCUMENT.)

18 Q. ALL RIGHT.

19 DO YOU RECOGNIZE THAT DOCUMENT, SIR?

20 A. YES, SIR.

21 Q. AND WHAT IS IT?

22 A. IT IS A MEMORANDUM THAT ACREDITS ME TO THE SERVICE OF MR.  
23 ARELIO LOPEZ ROCHA, DATED JUNE 3RD OF '83.

24 Q. ALL RIGHT.

25 NOW, WHAT WERE YOUR DUTIES IN CONNECTION WITH MR.

1 LOPEZ ROCHA?

2 A. BASICALLY, TO BE WITH HIM SIX DAYS A WEEK DURING THE  
3 DAYTIME AND GO WITH HIM WHEREVER HE WENT.

4 Q. WOULD YOU GO HOME WITH HIM AT NIGHT?

5 A. WHEN WE -- WE GOT HOME, OUR FUNCTION ENDED, SINCE HE HAD  
6 A WATCHMAN THERE.

7 Q. ALL RIGHT.

8 WHEN YOU SAY "OUR FUNCTION," WERE THERE OTHER PEOPLE  
9 THAT WERE INVOLVED IN THIS SECURITY SERVICE FOR MR. ROCHA  
10 BESIDES YOURSELF?

11 A. THERE WERE THREE OF US THAT WERE WITH HIM.

12 Q. AND WOULD YOU ACCOMPANY MR. ROCHA OUT OF TOWN ON  
13 OCCASION?

14 A. YES, SIR.

15 Q. AND WOULD THAT BE BY AIR; BY AIRPLANE SOMETIMES?

16 A. SOMETIMES; AND ON THE HIGHWAY, ALSO.

17 Q. ALL RIGHT.

18 WHEN YOU WOULD ACCOMPANY HIM BY AIR, WOULD YOU LEAVE  
19 FROM THE GUADALAJARA AIRPORT?

20 A. YES, SIR.

21 Q. AND WOULD YOU LEAVE FROM THE REGULAR TERMINAL OR  
22 SOMEWHERE ELSE IN THE AIRPORT?

23 A. THE GUY WITH THE SHOE FACTORY HAS HIS OWN AIRPLANE.

24 WE WOULD LEAVE FROM THE HANGAR THE COMPANY HAS AT  
25 THE GUADALAJARA CIVIL AIRPORT.



1 Q. NOW, WAS THERE ANYTHING UNUSUAL ABOUT THIS HANGAR?

2 A. WELL, THE COMPANY'S COLOR IS BLUE, AND ALONGSIDE THE  
3 ENTIRE BUILDING THERE WAS THE LOGO OF THE -- THE CANADA SHOE  
4 LOGO.

5 Q. WAS IT A BIG LOGO OR BIG SIGN?

6 A. THE ENTIRE HANGAR.

7 Q. NOW, WHEN DID YOU LEAVE CERBE COPOSA?

8 A. IN DECEMBER OF '83, SIR.

9 Q. AND DID YOU GO TO WORK SOMEPLACE ELSE?

10 A. YES, SIR.

11 Q. AND WHERE WAS THAT?

12 A. TO THE GUADALAJARA PALENQUE.

13 Q. WHEN DID YOU START WORKING THERE?

14 A. IN JANUARY OF '84, SIR.

15 Q. AND COULD YOU JUST -- L.

16 WELL, WHO DID YOU WORK FOR; WHO WAS YOUR BOSS AT THE  
17 PALENQUE?

18 A. THE OWNER OF THE PALENQUE HIRED ME DIRECTLY.

19 Q. WHAT IS HIS NAME?

20 A. RAOUL GUZMAN REYES.

21 Q. ALL RIGHT.

22 AND IF WOULD YOU EXPLAIN TO US BRIEFLY WHAT THE  
23 PALENQUE -- WHAT THE BUSINESS OF THE PALENQUE WAS.

24 A. WELL, THE PALENQUE IS A PLACE WHERE THERE ARE COCKFIGHTS.  
25 NATURALLY, YOU BET MONEY, AND THERE IS A RESTAURANT AND BAR IN

1 THE SAME PLACE.

2 Q. NOW, IS COCKFIGHTING -- IS THAT LEGAL IN MEXICO?

3 A. YES, SIR.

4 Q. AND WHAT DID MR. GUZMAN HIRE YOU TO DO?

5 WHAT WAS YOUR POSITION AT THE PALENQUE?

6 A. TO COORDINATE THE SECURITY FOR THE PALENQUE.

7 Q. ALL RIGHT.

8 AND MORE SPECIFICALLY, WHAT EXACTLY WOULD YOU DO,  
9 SIR?

10 A. WELL, I HAD PEOPLE. WE TOOK CARE OF THE SECURITY, NOT  
11 ONLY OF THE PEOPLE THAT ATTENDED THE PALENQUE, BUT THE ORDER  
12 WITHIN THE PALENQUE, AND TO KEEP SECURE OR SAFEGUARD THE  
13 PROPERTY OF THE PALENQUE ITSELF.

14 Q. ALL RIGHT.

15 DID YOU HAVE ANY DUTIES IN CONNECTION WITH THE  
16 RESTAURANT?

17 A. YES, SIR.

18 Q. WHAT WERE THEY?

19 A. WELL, I HAD THE WAREHOUSE KEYS.

20 AND, FINALLY, I WOULD CHECK THE -- THE STOCK; IT  
21 WOULD BE COMPLETE, DRINK AND FOOD.

22 Q. ALL RIGHT.

23 NOW, HOW LONG -- HOW LONG DID YOU WORK AT THE  
24 PALENQUE? IT WAS BETWEEN JANUARY, 1984, UNTIL WHEN?

25 A. SEPTEMBER OF '84.

1 Q. NOW, WHILE YOU WERE WORKING AT THE PALENQUE, DID YOU HAVE  
2 OCCASION TO MEET A PERSON BY THE NAME OF ERNESTO FONSECA?

3 A. YES, SIR.

4 Q. AND WOULD YOU TELL US HOW THAT HAPPENED, HOW THAT  
5 OCCURRED.

6 A. WELL, I WAS TOLD TO PUT ASIDE SOME PLACES, SOME TICKETS.

7 Q. WHO TOLD YOU THAT?

8 A. COMANDANTE GABRIEL GONZALEZ.

9 Q. NOW, SIR, IS THIS THE SAME GABRIEL GONZALEZ THAT YOU HAD  
10 WORKED TWO OR THREE YEARS PREVIOUSLY AT THE STATE POLICE  
11 DEPARTMENT?

12 A. YES, SIR.

13 Q. AND HOW DID HE TELL YOU THIS OR ASK THIS OF YOU?

14 A. WELL, THE PALENQUE HAS COURTESY SEATS AND HE ASKED ME FOR  
15 SOME SEATS.

16 HE TOLD ME THAT A COMANDANTE FROM THE D.F.S. WAS  
17 GOING TO GO AND SOME INVITED GUESTS THAT HE WAS GOING TO TAKE.

18 Q. ALL RIGHT.

19 HOW BIG IS THIS PALENQUE?

20 HOW MANY PEOPLE DOES THE PALENQUE HOLD?

21 A. WELL, ABOUT 1500 PEOPLE.

22 Q. ALL RIGHT.

23 NOW, WHEN MR. GONZALEZ -- COMANDANTE GONZALEZ CALLED  
24 YOU AND ASKED YOU TO SET ASIDE THIS TABLE, DID HE TELL YOU THE  
25 NAMES OF ANYONE?

1 A. HE WAS WITH THE PERSON WHEN THEY ARRIVED.

2 Q. ALL RIGHT.

3 AND WHEN THEY ARRIVED, WERE YOU INTRODUCED?

4 DID MR. GONZALEZ INTRODUCE YOU TO ANYONE?

5 A. HE INTRODUCED ME TO MR. FONSECA.

6 Q. HOW DID HE INTRODUCE HIM?

7 A. AS THE COMANDANTE.

8 Q. ALL RIGHT.

9 WERE THERE OTHER OTHER PEOPLE WITH MR. FONSECA AND  
10 MR. GONZALES?

11 A. THERE WERE FROM 12 TO 15 PERSONS, APPROXIMATELY, SIR.

12 Q. AND HAD YOU RESERVED A TABLE FOR THIS GROUP OF PEOPLE?

13 A. SEATS AROUND THE PERIMETER OF THE PALENQUE WHERE THE  
14 COCKS FIGHT.

15 Q. AND WERE THEY SEATED?

16 DID YOU SEAT THESE PEOPLE?

17 A. YES, SIR. I WAS ASKED TO TAKE CARE OF THEM.

18 AND I ASSIGNED A WAITRESS THERE TO BE AT THE  
19 DISPOSAL OF THE PEOPLE.

20 Q. NOW, WAS THIS THE FIRST TIME YOU HAD EVER MET ERNESTO  
21 FONSECA?

22 A. YES, SIR.

23 Q. HAD YOU EVER HEARD OF FONSECA BEFORE?

24 A. NEVER, SIR.

25 Q. ALL RIGHT.

1                   NOW, HOW LONG DID THIS GROUP OF PEOPLE STAY AT THE  
2 PALENQUE?

3 A.   (NO RESPONSE.)

4 Q.   APPROXIMATELY?

5 A.   PAST MIDNIGHT.

6 Q.   ALL RIGHT.

7                   AND WHEN THEY LEFT, WERE YOU THERE WHEN THEY LEFT?

8 A.   YES, SIR.

9 Q.   AND DID YOU HAVE ANY FURTHER QUESTIONS WITH THIS GROUP OF  
10 PEOPLE?

11 A.   THEY LEFT WHEN THE PALENQUE SHOW WAS OVER.

12                   AND THEY RECOMMENDED THAT I WAS LEFT A GOOD TIP FOR  
13 THE WAITRESS THAT HAD TAKEN CARE OF THEM AND FOR MYSELF, AND  
14 THE FELLOWS I HAD THERE SERVING.

15 Q.   HOW MUCH WAS THE TIP?

16 A.   PERSONALLY FOR ME, I REMEMBER IT WAS 20,000 PESOS.

17 Q.   HOW MUCH TIP FOR THE OTHERS?

18 A.   ABOUT 10,000 PESOS APIECE.

19 Q.   NOW, AT SOME TIME LATER DID YOU MEET AGAIN -- HAVE  
20 OCCASION TO MEET AGAIN WITH MR. FONSECA?

21 A.   YES, SIR.

22 Q.   ALL RIGHT.

23                   AND WHEN DID THAT HAPPEN?

24 A.   WELL, FIRST, COMANDANTE GABRIEL GONZALES TOLD ME THAT THE  
25 PERSON HE HAD INTRODUCED TO ME --

1 MR. CARLTON: I'LL OBJECT TO THE HEARSAY, YOUR  
2 HONOR.

3 MR. MEZA: IT'S NOT BEING OFFERED FOR THE TRUTH,  
4 YOUR HONOR.

5 IT'S BEING OFFERED TO SHOW WHAT HE DID.

6 THE COURT: THE OBJECTION IS OVERRULED.

7 THE WITNESS: THEY NEEDED A TRUSTWORTHY PERSON TO  
8 WORK FOR HIM IN THE SPORTS CLUB HE HAD BOUGHT, AND I WAS TAKEN  
9 TO HIM.

10 BY MR. MEZA:

11 Q. OKAY.

12 WHO TOOK YOU? YOU WERE TAKEN TO MEET MR. FONSECA?

13 A. YES, SIR.

14 Q. WHO TOOK YOU TO MEET HIM?

15 A. COMANDANTE GABRIEL GONZALES AND COMANDANTE JOSE MARIA  
16 CARLOS OCHOA.

17 Q. AND WHEN YOU AND YOUR -- FOUR OF YOU OR THREE OF YOU,  
18 RATHER, MET WITH MR. FONSECA, CORRECT?

19 A. YES.

20 Q. AND THEN YOU SPOKE WITH MR. -- WHERE WAS THIS MEETING?  
21 WHERE DID THAT TAKE PLACE?

22 A. AT A PARTY, SIR.

23 Q. ALL RIGHT.

24 AND HOW LONG DID THIS MEETING LAST?

25 A. TEN MINUTES AT THE MOST.

1 Q. ALL RIGHT.

2 AND THEN DID YOU GO TO WORK FOR MR. FONSECA?

3 A. YES, SIR.

4 Q. AND WHAT WAS YOUR FIRST ASSIGNMENT OR JOB FOR  
5 MR. FONSECA?

6 A. WELL, HE ASSIGNED ME TO THE SPORTS CLUB THAT I MENTIONED.

7 MY JOB CONSISTED OF THE SECURITY, AND ALSO PAY THE  
8 EMPLOYEES OF SAID CLUB. AND I HAD CHARGE OF THE SUPPLIES  
9 WAREHOUSE FOR THE CLUB.

10 Q. ALL RIGHT.

11 WHAT WAS THE NAME OF THIS CLUB?

12 A. CLUB PROVIDENCIA, SIR.

13 Q. AND WHERE WAS -- IT WAS IN THE CITY OF GUADALAJARA?

14 A. YES, SIR.

15 Q. AND JUST WHERE WAS IT LOCATED? WHAT STREET WAS IT  
16 LOCATED ON?

17 A. IT WAS IN THE COLIMA DE SANTA VILLA DISTRICT.

18 Q. WOULD YOU JUST BRIEFLY DESCRIBE WHAT THIS CLUB -- WHAT  
19 SORT OF SPORTS CLUB WAS IT; ATHLETIC CLUB WAS IT?

20 A. WELL, IT HAD SPORTS COURTS; TENNIS, RACKETBALL, SWIMMING  
21 POOLS, VERY LARGE GARDEN AREAS. IT HAD A RESTAURANT AND BAR,  
22 AND A HALL FOR EVENTS.

23 Q. IT WAS PRETTY BIG PLACE?

24 A. YES, SIR.

25 Q. ALL RIGHT.

1                   NOW, WERE THERE OTHER PEOPLE WORKING THERE WITH YOU?

2           A.    THE MAINTENANCE EMPLOYEES.  AND ASIDE FROM THAT, I HIRED  
3           PEOPLE FOR SECURITY.

4           Q.    YOU SAY YOU HIRED PEOPLE FOR SECURITY.

5                   WHAT SORT OF -- WHAT ARE YOU TALKING ABOUT?  WHAT DO  
6           YOU MEAN?

7           A.    I NEEDED PEOPLE THAT WOULD STAY OVER THERE, AND PEOPLE  
8           THAT WOULD BE DIRECTLY UNDER MY ORDERS.

9           Q.    AND WHAT WOULD THEY DO AT THE -- I'LL WITHDRAW THAT.

10                   YOU SAID YOU HAD SOME CONNECTION WITH THE -- THERE  
11           WAS A BAR OR RESTAURANT AT THE SPORTS CLUB?

12           A.    YES, SIR.

13           Q.    WHAT WAS YOUR CONNECTION WITH THAT AREA OF THE CLUB?

14           A.    I MANAGED.  I ALSO HAD THE KEYS TO THE WAREHOUSE.  AND I  
15           WOULD ALSO PREPARE THE ORDERS FOR ARTICLES THAT WERE NEEDED  
16           THERE.

17           Q.    ALL RIGHT.

18                   NOW, AT SOME POINT IN TIME DID YOUR JOB FUNCTION  
19           CHANGE?

20           A.    YES, SIR.

21           Q.    AND YOU -- YOUR DUTIES, YOUR DUTIES CHANGED FROM THE  
22           ATHLETIC CLUB TO ANOTHER AREA; IS THAT CORRECT, SIR?

23           A.    ONE DAY MR. ERNESTO FONSECA CAME THERE TO THE CLUB AND  
24           TOLD ME HE WAS GOING TO MOVE ME TO A HOUSE.

25           Q.    ALL RIGHT.



1 AND DID YOU GO TO A HOUSE?

2 A. YES, SIR.

3 Q. WHAT WAS THE NAME -- DID THE HOUSE HAVE A NAME?

4 A. IT WAS CALLED LA BAJADITA.

5 Q. ALL RIGHT.

6 AND WHEN YOU WENT TO THE HOUSE, WHAT WERE YOU TOLD  
7 YOU WERE GOING TO DO THERE?

8 A. THAT HOUSE WAS AN OFFICE OF MR. FONSECA'S.

9 MR. FONSECA ORDERED ME THAT THERE SHOULD BE FOOD ALL  
10 THE TIME.

11 MY JOB WAS SECURITY, ALSO I WAS IN CHARGE OF PAYING  
12 THE EMPLOYEES THAT WERE THERE AT THAT HOUSE AND THE CLUB  
13 EMPLOYEES.

14 Q. ALL RIGHT.

15 SO WHAT -- WHEN YOU SAY YOU PROVIDED SECURITY AT  
16 THE HOUSE, WHAT EXACTLY DID THAT MEAN?

17 A. SECURITY; IT WAS A VERY LARGE HOUSE. SECURITY AT THE  
18 HOUSE.

19 Q. ALL RIGHT.

20 WERE THERE OTHER PEOPLE WORKING WITH YOU PROVIDING  
21 SECURITY?

22 A. FINALLY, THERE WERE; YES, SIR.

23 Q. ALL RIGHT.

24 NOW, DID ERNESTO FONSECA, DID HE LIVE AT THIS HOUSE?

25 A. NO.

1 Q. BUT HE WOULD COME TO THE HOUSE, WOULDN'T HE, FROM TIME TO  
2 TIME?

3 A. VERY FREQUENTLY.

4 Q. ALL RIGHT.

5 AND HOW OFTEN WOULD HE COME TO THE HOUSE ON A  
6 WEEKLY -- HOW OFTEN WOULD HE COME TO THE HOUSE?

7 A. THREE TIMES A WEEK, FOUR TIMES A WEEK.

8 Q. AND WHEN HE WOULD COME ON ONE OF THESE OCCASIONS, HOW  
9 LONG WOULD HE STAY ON AN AVERAGE?

10 A. SOMETIMES HE WOULD STAY ALL DAY. ON OTHER OCCASIONS HE  
11 WOULD ARRIVE IN THE AFTERNOON AND WOULDN'T LEAVE UNTIL EARLY  
12 MORNING.

13 HE USED IT AS AN OFFICE. THEY CALLED THAT HOUSE THE  
14 OFFICE.

15 Q. NOW, WHEN MR. FONSECA WOULD ARRIVE AT THIS HOUSE, WOULD  
16 HE ARRIVE BY HIMSELF OR IN THE COMPANY OF OTHERS?

17 A. EVERY DAY THERE WAS A PERSON WITH HIM.

18 IT WAS HIS PERSONAL BODYGUARD AND HIS RIGHT-HAND  
19 MAN.

20 Q. AND DID THIS PERSON HAVE A NAME?

21 A. YES.

22 Q. WHAT WAS THE NAME OF THIS PERSON?

23 A. SAMUEL RAMIREZ RAZO.

24 Q. NOW, SIR, WHEN MR. FONSECA WOULD COME TO THE HOUSE,  
25 WHAT -- WHEN HE WOULD GET INTO THE HOUSE, WHAT WOULD HE DO

1 ORDINARILY?

2 A. HE HAD AN OFFICE, HE HAD A LARGE LIVING ROOM HE USED AS  
3 AN OFFICE.

4 NORMALLY, WHEN HE ARRIVED THERE A LOT OF PEOPLE  
5 WOULD START ARRIVING THERE ABOUT AN HOUR AND A HALF OR TWO  
6 LATER.

7 Q. AND WHEN THESE PEOPLE WOULD ARRIVE THERE, WHAT DID THEY  
8 DO?

9 A. THEY WOULD GO INTO HIS PRIVATE OFFICE.

10 Q. ALL RIGHT.

11 DID YOU GO IN THE PRIVATE OFFICE WITH HIM?

12 A. NO, SIR.

13 Q. ALL RIGHT.

14 COULD YOU HEAR WHAT WAS GOING ON IN THE PRIVATE  
15 OFFICE?

16 A. NO, SIR.

17 Q. WHY NOT?

18 A. MY FUNCTIONS WERE OUTSIDE.

19 Q. OH. WELL, THIS OFFICE, DID IT HAVE A DOOR?

20 A. YES, SIR.

21 Q. NOW, AT THE TIME THAT YOU BEGAN WORKING FOR MR. FONSECA,  
22 WHAT WAS IT THAT YOU BELIEVED HIS OCCUPATION OR EMPLOYMENT  
23 WAS?

24 A. IN THE BEGINNING, SINCE I WAS TOLD THAT HE WAS A  
25 COMANDANTE OF THE D.F.S., AND SINCE THERE WERE A LOT OF PEOPLE

1 OF THE D.F.S. WITH HIM, I ACTUALLY THOUGHT HE WAS A  
2 COMANDANTE.

3 Q. IN ADDITION TO OWNING THIS OTHER PRIVATE CLUB; IS THAT  
4 CORRECT?

5 A. YES, SIR.

6 Q. YOU SAID THERE WERE MEMBERS OF THE D.F.S. THAT WOULD  
7 VISIT HIM.

8 WERE THERE OTHER LAW ENFORCEMENT AGENCIES OR MEMBERS  
9 OF A POLITICAL OR MILITARY GROUPS THAT WOULD COME AND VISIT  
10 HIM?

11 A. I CAME TO SEE PEOPLE FROM THE STATE POLICE, COMANDANTES,  
12 OFFICERS OF THE FEDERAL POLICE, AND --

13 THE INTERPRETER: MAY I ASK HIM TO REPEAT JUST THE  
14 LAST PART, YOUR HONOR?

15 THE WITNESS: AND AS A MATTER OF FACT, A COMANDANTE  
16 OF THE D.F.S. CALLED HIM "PADRINO" AND HE WAS WITH HIM EVERY  
17 DAY.

18 THE COURT: COULD YOU STEP BACK JUST A MOMENT.

19 THE INTERPRETER: THERE'S A BIG BENCH HERE.

20 THE COURT: THAT'S OKAY.

21 NOW, JUST A MOMENT.

22 THE JURORS HERE ON THE END ARE NOT ABLE TO SEE THE  
23 WITNESS. IS THAT ALL RIGHT?

24 THE INTERPRETER: IT'S A LITTLE AWKWARD, BUT IT'S  
25 ALL RIGHT.

1 THE COURT: GO AHEAD.

2 MR. MEZA: THANK YOU.

3 BY MR. MEZA:

4 Q. NOW, DID THERE COME A TIME WHEN YOU CAME TO REALIZE THAT  
5 MR. FONSECA WAS ALSO CONNECTED WITH THE DRUG BUSINESS?

6 A. YES, SIR.

7 Q. HOW DID YOU COME TO FIND THAT OUT?

8 A. WHILE AT THE LA BAJADITA, A BROTHER OF HIS WENT THERE  
9 WITH HIM, AND ON ONE OCCASION HE TOOK FOUR OF US TO A PLACE  
10 WHERE THERE WAS MARIJUANA.

11 HE TOOK ME ON TWO OCCASIONS TO SOMEWHERE WHERE THERE  
12 WAS MARIJUANA.

13 Q. ALL RIGHT.

14 LET'S TALK ABOUT THE FIRST TIME.

15 WHAT WAS HIS BROTHER'S NAME?

16 A. HIS NAME WAS ANTONIO FONSECA.

17 Q. ALL RIGHT.

18 AND HOW WAS IT THAT YOU AND THESE THREE OTHER PEOPLE  
19 HAPPENED TO GO WITH ANTONIO FONSECA?

20 A. HE TOLD DON ERNESTO WHETHER HE WOULD LEND HIM SOME  
21 FELLOWS TO GO WITH HIM.

22 THERE WERE FOUR OF US; THERE WERE THREE OFFICERS OF  
23 THE STATE POLICE, ANTONIO FONSECA AND I WAS WITH HIM.

24 Q. ALL RIGHT.

25 AND THIS PLACE THAT YOU GOT TO, WHAT WAS IT?

1 A. ON THE FIRST OCCASION IT WAS A TO A FARM OR A STABLE. IT  
2 WAS AROUND TEQUILA JALISCO.

3 Q. HOW FAR IS THAT FROM GUADALAJARA?

4 A. AN HOUR AND-A-HALF'S TRAVEL.

5 Q. AND WHEN YOU GOT TO THIS PLACE, WHAT MADE YOU THINK THAT  
6 IT WAS CONNECTED WITH DRUGS OR MARIJUANA?

7 A. WHEN WE ARRIVED THERE ANTONIO FONSECA WENT TOWARD SOME  
8 PEOPLE, AND IN THE WAREHOUSES WHERE THERE SHOULD HAVE BEEN  
9 FEED FOR LIVESTOCK, THERE WAS MARIJUANA.

10 THERE WERE PEOPLE PACKING AND CLEANING THE  
11 MARIJUANA.

12 Q. ALL RIGHT.

13 NOW, WHEN YOU WERE WITH ANTONIO FONSECA, WHAT DID  
14 YOU DO WITH THIS GROUP OF PEOPLE?

15 A. WE WENT TO THE PEOPLE.

16 WE WERE JUST AT SOME DISTANCE FROM HIM, THAT'S ALL.

17 Q. ALL RIGHT.

18 COULD YOU HEAR WHAT WAS BEING SAID?

19 A. NO, SIR.

20 Q. DID YOU HAVE ANY DIRECT CONNECTION WITH THE MARIJUANA  
21 THAT WAS IN THIS BARN?

22 A. NO, SIR.

23 Q. AND HOW LONG DID THIS MEETING LAST BETWEEN ANTONIO AND  
24 THIS OTHER GROUP OF MEN?

25 A. AT THAT PLACE WE STAYED FOR OVER AN HOUR.

1 Q. AND THEN YOU LEFT?

2 A. YES; WE WENT BACK TO LA BAJADITA.

3 Q. AND WHEN YOU GOT BACK TO THE HOUSE, YOU JUST RESUMED YOUR  
4 DUTIES AGAIN AT THE HOUSE; IS THAT RIGHT?

5 A. YES, SIR.

6 Q. WHAT ELSE LED YOU TO BELIEVE THAT MR. FONSECA WAS  
7 INVOLVED WITH DRUGS?

8 A. WELL, HE HANDLED A LOT OF MONEY.

9 Q. AT THE HOUSE, THE BAJADITA?

10 A. NORMALLY, HE HAD MONEY WITH HIM. THERE WASN'T ANY THERE  
11 HE HAD MONEY.

12 Q. NOW, THIS -- PRIOR TO GOING WITH ANTONIO, HAD YOU EVER  
13 BEEN INVOLVED IN THE DRUG BUSINESS BEFORE?

14 A. NO, SIR.

15 Q. WAS THE DRUG BUSINESS SOMETHING YOU WANTED TO GET  
16 INVOLVED IN?

17 A. NO, SIR.

18 Q. WELL, ONCE YOU REALIZED THAT FONSECA WAS HOOKED UP WITH  
19 DRUGS, WHY DIDN'T YOU LEAVE?

20 A. ACTUALLY, IT WAS BECAUSE I WAS SCARED, SIR.

21 Q. SCARED OF WHAT OR WHO?

22 A. I FEARED FOR MY LIFE.

23 A LOT OF THINGS HAPPENED AND I FEARED FOR MY LIFE.

24 Q. IN OTHER WORDS, YOU DIDN'T KNOW WHAT WOULD HAPPEN TO YOU  
25 IF YOU JUST DECIDED TO LEAVE; IS THAT RIGHT?

1 MR. CARLTON: OBJECTION; ASKED AND ANSWERED AND IT  
2 IS A LEADING QUESTION, AS WELL.

3 THE COURT: SUSTAINED.

4 BY MR. MEZA:

5 Q. NOW, OTHER THAN THESE TWO TRIPS THAT YOU TOOK WITH  
6 ANTONIO FONSECA, WAS THERE -- DID YOU HAVE -- WAS THERE ANY  
7 OTHER EVIDENCE OF TRAFFICKING IN DRUGS THAT YOU CAME IN  
8 CONTACT WITH?

9 A. NO, SIR.

10 Q. NOW, WHEN -- THESE TIMES WHEN FONSECA WOULD COME TO THE  
11 HOUSE AND HE'D STAY THERE FOR A SHORT PERIOD OF TIME AND  
12 LEAVE, HE WOULD LEAVE WITH MR. RAMIREZ, SAMUEL RAMIREZ?

13 A. HE WAS ALWAYS WITH HIM.

14 Q. ALL RIGHT.

15 AND IS -- WAS ONE OF THE PEOPLE WHO VISITED AT  
16 BAJADITA -- WAS ONE OF THOSE PEOPLE NAMED RAFAEL CARO  
17 QUINTERO?

18 A. MR. RAFAEL CARO QUINTERO WENT ABOUT TWO TIMES.

19 Q. AND JAVIER BARBA HERNANDEZ, DID YOU EVER SEE HIM AT THE  
20 BAJADITA?

21 A. YES, SIR.

22 Q. ABOUT HOW MANY TIMES?

23 A. ABOUT FOUR OCCASIONS.

24 Q. ALL RIGHT.

25 AND THEY WOULD COME -- THESE PEOPLE WOULD COME TO



1 VISIT FONSECA; IS THAT RIGHT?

2 A. YES; THEY WOULD GO TO SEE HIM.

3 Q. ALL RIGHT.

4 WERE YOU EVER A PARTY TO ANY OF THESE CONVERSATIONS  
5 BETWEEN FONSECA AND THESE OTHER PEOPLE?

6 A. NO, SIR.

7 I WAS AN EMPLOYEE OF, YOU COULD SAY, LOW RANK.

8 Q. ALL RIGHT.

9 NOW, DID THERE COME A TIME IN EARLY FEBRUARY, 1985,  
10 WHEN SOMETHING UNUSUAL HAPPENED?

11 A. YES, SIR.

12 Q. WOULD YOU TELL US WHAT HAPPENED.

13 A. YES, SIR.

14 Q. ALL RIGHT.

15 TELL US.

16 A. ON ONE OCCASION MR. ERNESTO PILLARDO GARZA CAME. HE WAS  
17 A GROUP CHIEF OF THE STATE POLICE. HE ARRIVED WITH PEOPLE  
18 FROM HIS GROUP AND THEY WENT IN TO SEE DON ERNESTO.

19 Q. LET ME STOP YOU THERE FOR A SECOND.

20 HOW MANY PEOPLE DID MR. PILLARDO ARRIVE WITH?

21 A. FOUR OR FIVE PERSONS, SIR.

22 Q. AND THAT WAS AT THE BAJADITA?

23 A. YES, SIR.

24 Q. AND DID MR. PILLARDO COME IN AND THEN HE WENT TO SPEAK  
25 WITH MR. FONSECA, CORRECT?

1 A. YES; HE ENTERED HIS PRIVATE OFFICE.

2 Q. ALL RIGHT.

3 AND HOW LONG WAS MR. PILLARDO AND MR. FONSECA IN THE  
4 OFFICE?

5 A. FIFTEEN MINUTES AT THE MOST.

6 Q. ALL RIGHT.

7 DID YOU HEAR WHAT WAS BEING DISCUSSED IN THE OFFICE,  
8 SIR?

9 A. NO, SIR.

10 Q. WHERE WERE YOU WHEN PILLARDO AND FONSECA WERE IN THE  
11 OFFICE?

12 A. OUTSIDE IN THE LIVING ROOM.

13 Q. NOW, BOTH OF THEM CAME OUT OF THE OFFICE AFTER THIS  
14 15-MINUTE PERIOD, CORRECT?

15 A. YES, SIR.

16 Q. AND WHAT HAPPENED WHEN THEY CAME OUT OF THE OFFICE?

17 Q.. DON ERNESTO TURNED TO WHERE WE WERE, WHERE THE AGENTS  
18 WERE THAT ARRIVED WITH PILLARDO, TWO OTHER PEOPLE THAT WERE IN  
19 THE HOUSE WITH ME AND TOLD TO US ACCOMPANY THEM.

20 THEY GOT INTO DON ERNESTO'S CAR --

21 Q. WELL, BEFORE WE GET TO THAT, WHEN THEY TOLD -- WHEN YOU  
22 WERE TOLD TO ACCOMPANY THEM, WHO TOLD YOU TO DO THAT?

23 A. DON ERNESTO.

24 Q. AND WHEN HE TOLD YOU TO DO THAT, HOW DID HE APPEAR TO  
25 YOU? WAS HE CALM OR UPSET? HOW DID HE APPEAR TO YOU?

1 A. YOU COULD TELL HE WAS IN A HURRY.

2 Q. AND SO AFTER FONSECA TELLS THE GROUP OF YOU TO ACCOMPANY  
3 THEM, WHAT HAPPENED NEXT?

4 A. WE GOT INTO A STATION WAGON, A CARRY-ALL.

5 DON ERNESTO GOT INTO HIS CAR, ACCOMPANIED BY SAMUEL  
6 RAMIREZ AND ERNESTO PILLARDO, AND THEN WE FOLLOWED THEM.

7 Q. SO THE TWO CARS LEFT THE BAJADITA; IS THAT RIGHT?

8 A. YES; WE LEFT BAJADITA.

9 Q. FONSECA AND PILLARDO AND RAMIREZ WERE IN ONE VEHICLE; IS  
10 THAT RIGHT?

11 A. YES, SIR.

12 Q. AND THE REST OF YOU WERE IN THIS STATION WAGON OR  
13 CARRY-ALL; RIGHT?

14 A. YES, SIR.

15 Q. ABOUT HOW MANY PEOPLE WERE IN THE STATION WAGON?

16 A. EIGHT PEOPLE, MORE OR LESS.

17 Q. ALL RIGHT.

18 AND WHERE DID YOU GO?

19 WELL, LET ME ASK YOU THIS:

20 WHO WAS DRIVING THE STATION WAGON?

21 A. AN AGENT OF THE SPECIAL POLICE THAT HAD ARRIVED WITH  
22 ERNESTO PILLARDO.

23 Q. WHO WAS DRIVING THE OTHER VEHICLE?

24 A. ERNESTO FONSECA.

25 Q. AND WHERE DID THIS -- WHERE DID THESE TWO CARS GO?

1                   WHERE DID YOU GO?

2           A.    WELL, THEY WENT DOWN LOPEZ MATEOS AVENUE AND ALMOST AT  
3           THE INTERSECTION WITH -- OF AVENIDA MEXICO, WE STOPPED AT A  
4           HOUSE.

5           Q.    HAD YOU EVER BEEN TO THAT HOUSE BEFORE?

6           A.    NO, SIR.

7           Q.    HAVE YOU EVER BEEN TO THAT HOUSE SINCE THAT DAY?

8           A.    NO, SIR.

9           Q.    ALL RIGHT.

10                   NOW, WHEN YOU ARRIVED AT THE HOUSE, WHO ARRIVED  
11           FIRST, YOU OR -- I'LL WITHDRAW THAT.

12                   WHEN YOU GOT TO THE HOUSE, WHAT HAPPENED?

13           A.    WHEN WE ARRIVED AT THE HOUSE, THERE WAS A PERSON AT THE  
14           DOOR.

15                   DON ERNESTO FONSECA PARKED, WE PARKED BEHIND ABOUT  
16           EIGHT OR TEN METERS AWAY, AND THE THREE THEM ENTERED THE HOUSE  
17           FROM THE CAR.

18           Q.    WHEN YOU SAY "THE THREE OF THEM," WHO ARE YOU REFERRING  
19           TO?

20           A.    ERNESTO FONSECA, ERNESTO PILLARDO AND SAMUEL RAMIREZ  
21           RAZO.

22           Q.    AND HOW LONG WERE THEY IN THE HOUSE?

23           A.    FIVE OR TEN MINUTES.

24           Q.    ALL RIGHT.

25                   AND WHEN THEY CAME OUT OF THE HOUSE -- WHILE THEY

1 WERE IN THE HOUSE, WHERE WERE YOU?

2 A. WE STAYED AT THE STATION WAGON. WE HADN'T BEEN ORDERED  
3 ANYTHING ELSE.

4 Q. SO ALL OF THE PEOPLE THAT ARRIVED IN THE STATION WAGON  
5 STAYED AT OR NEAR THE STATION WAGON; IS THAT RIGHT?

6 A. IN THE STATION WAGON.

7 Q. ALL RIGHT.

8 NONE OF THE PEOPLE IN THE STATION WAGON EVER WENT IN  
9 THE HOUSE WHEN YOU WERE THERE; IS THAT RIGHT?

10 A. NOBODY GOT OUT OF THE STATION WAGON.

11 Q. NOW, WHEN THESE -- WHEN THESE THREE PEOPLE CAME OUT OF  
12 THE HOUSE, CAN YOU TELL US WHAT HAPPENED?

13 A. WELL, DON ERNESTO FONSECA CAME OUT FIRST, TOGETHER WITH  
14 RAFAEL CARO QUINTERO.

15 DON ERNESTO LOOKED UPSET. IT APPEARED THAT THEY  
16 WERE ARGUING ABOUT SOMETHING.

17 Q. ALL RIGHT.

18 AND HOW LONG WERE THEY ARGUING?

19 A. OUTSIDE OF THE HOUSE, LESS THAN FIVE MINUTES; TWO OR  
20 THREE MINUTES.

21 Q. COULD YOU TELL WHAT THEY WERE ARGUING ABOUT?

22 A. NO, SIR.

23 Q. AND WHERE WAS PILLARDO AND RAMIREZ WHEN THIS ARGUMENT WAS  
24 GOING ON?

25 A. WELL, THEY WERE TALKING OR ARGUING AND THEY CAME OUT OF

1 THE HOUSE AND GOT INTO THE VEHICLE.

2 Q. ALL RIGHT.

3 NOW, AFTER THIS ARGUMENT ENDED BETWEEN CARO QUINTERO  
4 AND FONSECA, WHAT HAPPENED?

5 A. ERNESTO FONSECA GOT INTO HIS CAR, HE TOOK OFF, AND WE  
6 FOLLOWED HIM.

7 Q. WHERE DID YOU GO?

8 A. WE WENT BACK TO LA BAJADITA.

9 Q. BY THE WAY, HOW LONG DID IT TAKE TO DRIVE, APPROXIMATELY,  
10 FROM THE BAJADITA TO THIS HOUSE? ABOUT HOW LONG DID IT TAKE  
11 TO DRIVE?

12 A. TWENTY MINUTES AT THE MOST.

13 Q. SO YOU ARRIVED BACK AT THE BAJADITA THERE; IS THAT  
14 CORRECT?

15 A. YES, SIR.

16 Q. BOTH CARS?

17 A. YES.

18 Q. AND WHAT HAPPENED WHEN YOU RETURNED?

19 A. WELL, DON ERNESTO WENT INTO HIS PRIVATE OFFICE AND A LOT  
20 OF PEOPLE BEGAN TO ARRIVE THERE.

21 Q. WHAT TYPE OF PEOPLE?

22 A. THERE WERE A LOT OF PEOPLE I DO NOT KNOW; BUT A LOT OF  
23 PEOPLE ARRIVED WHO FINALLY WENT WITH DON ERNESTO.

24 SOME OF THEM I KNEW AS PUBLIC OFFICIALS, ACTUALLY  
25 POLICEMEN, AND OTHER PEOPLE THAT I DID NOT KNOW WHO USED TO

1 VISIT DON ERNESTO, ALSO.

2 Q. ALL RIGHT.

3 WERE THESE SOME OF THE SAME COMANDANTES YOU HAD SEEN  
4 ON PREVIOUS OCCASIONS?

5 A. YES.

6 Q. ALL RIGHT.

7 NOW, HOW LONG DID DON ERNESTO STAY AT THE BAJADITA  
8 ON THAT PARTICULAR DAY?

9 A. WHEN WE GOT BACK FROM THAT RESIDENCE THAT I MENTIONED, WE  
10 LEFT, EVENING WAS FALLING, DON ERNESTO STAYED THERE UNTIL  
11 EARLY HOURS OF THE MORNING, EARLY IN THE MORNING.

12 Q. AND THEN LEFT?

13 A. HE CAME OUT AND LEFT AND SAID HE'D BE BACK SOON.

14 Q. NOW, THESE PEOPLE THAT WOULD COME -- WERE COMING TO THAT  
15 NIGHT HOUSE, THEY WOULD MEET WITH -- WHERE WOULD THEY MEET  
16 WITH FONSECA?

17 A. MANY TIMES COMANDANTES WOULD GO WITH THEIR OWN PEOPLE,  
18 THE COMANDANTES AND THEIR -- THE PEOPLE THEY TRUSTED, I  
19 SUPPOSE; ENTERED INTO DON ERNESTO'S PRIVATE OFFICE, AND THE  
20 REST WOULD GO INTO THE KITCHEN AND DRINK BEER OR SOFT DRINKS  
21 OR EAT SOMETHING.

22 Q. WERE YOU EVER -- DID YOU EVER GO INTO THIS OFFICE AND  
23 BECOME A PART OF OR LISTEN TO THESE DISCUSSIONS OR WHAT WAS  
24 GOING ON IN THE OFFICE?

25 A. NO, SIR.

1 Q. NOW, AFTER MR. FONSECA LEFT EARLY THE NEXT MORNING, HOW  
2 LONG WAS HE GONE BEFORE HE RETURNED?

3 A. I THINK IT WAS THE FOLLOWING DAY.

4 Q. ALL RIGHT.

5 AND WHAT HAPPENED NEXT?

6 A. HE ARRIVED AND SAID WE WERE GOING TO GO OUT.

7 BY THEN THE SPORTS CLUB HAD BEEN CLOSED. THE PEOPLE  
8 I HAD THERE, I HAD BROUGHT OVER TO LA BAJADITA.

9 AND OTHER PEOPLE ARRIVED THERE, I DON'T KNOW FROM  
10 WHERE, DON ERNESTO CALLED AND PEOPLE ARRIVED AND WE WENT OUT  
11 TO A FARM OF HIS.

12 Q. ALL RIGHT.

13 WHERE WAS THIS FARM?

14 A. IT'S AT THE INTERSECTION OF THE HIGHWAY TO CHAPALA.

15 THE PLACE IS CALLED SANTA ROSA, ACTUALLY.

16 Q. THIS IS NOT THE SAME FARM THAT ANTONIO FONSECA HAD TAKEN  
17 YOU TO IN TEQUILA; IS THAT CORRECT?

18 A. NO, IT'S TOTALLY THE OTHER WAY.

19 Q. ALL RIGHT.

20 HOW LONG DID YOU STAY AT THE RANCH?

21 A. APPROXIMATELY, LESS THAN A MONTH, SIR.

22 Q. AND DID FONSECA STAY THERE THE ENTIRE TIME?

23 A. YES, SIR.

24 Q. AND YOU STAYED THERE THE ENTIRE TIME, CORRECT?

25 A. YES, SIR.



1 Q. AND THEN AT SOME POINT DID YOU LEAVE THE FARM?

2 A. YES, SIR.

3 Q. AND WHERE DID YOU GO FROM THERE?

4 A. WHEN WE LEFT THE FARM, WE WENT TO A HOUSE OF DON  
5 ERNESTO'S THAT I DID NOT KNOW.

6 Q. WHERE WAS THAT LOCATED?

7 A. AT THE COUNTRY DISTRICT IN GUADALAJARA.

8 Q. BY THE WAY, WHILE YOU WERE AT THE RANCH, DID FONSECA HAVE  
9 VISITORS COME?

10 A. YES, SIR.

11 Q. AND WHO WERE SOME OF THE PEOPLE THAT WOULD COME AND VISIT  
12 HIM THERE?

13 A. COMANDANTE GABRIEL GONZALEZ WENT TO VISIT HIM; OFFICERS  
14 OF THE JUDICIAL POLICE.

15 A COMANDANTE OF THE D.F.S. THAT WAS CALLED A PATRON,  
16 AND HIS PEOPLE THAT WERE WITH HIM.

17 Q. ALL RIGHT.

18 IS THERE A PERSON NAMED LEPE, L E P E, WHO CAME TO  
19 THE RANCH?

20 A. YES. HE WAS FROM MR. ERNESTO PILLARDO'S GROUP.

21 Q. NOW, WHEN YOU WENT TO THIS OTHER RESIDENCE THAT YOU HAD  
22 NEVER BEEN TO BEFORE, HOW LONG -- HOW MANY PEOPLE WENT WITH  
23 YOU?

24 A. ABOUT 12 OF US CAME BACK FROM THE RANCH TO SAID HOUSE.

25 Q. HOW LONG WERE YOU AT THAT HOUSE?

1 A. ABOUT TWO WEEKS, SIR.

2 Q. WHERE DID YOU GO FROM THERE?

3 A. WE LEFT FOR PUERTO VALLARTA, JALISCO.

4 Q. HOW LONG -- WELL, DO YOU HOW MANY PEOPLE WENT TO PUERTO  
5 VALLARTA WITH FONSECA?

6 A. APPROXIMATELY, 30 PEOPLE.

7 Q. AND YOU WERE ARRESTED IN PUERTO VALLARTA, WERE YOU NOT?

8 A. YES, SIR.

9 Q. HOW LONG WERE YOU IN PUERTO VALLARTA BEFORE YOU WERE  
10 ARRESTED?

11 A. ABOUT ONE WEEK.

12 Q. ALL RIGHT.

13 NOW, AFTER YOU WERE ARRESTED -- WHO WERE YOU  
14 ARRESTED BY?

15 A. THE PREVENTIVE POLICE TOOK PART, AND I THINK THE ARMY  
16 DETACHMENT THAT IS THERE, VALLARTA, TOOK PART.

17 Q. WERE YOU FLOWN TO MEXICO AFTER YOUR ARREST, RIGHT? OR  
18 MEXICO CITY, EXCUSE ME.

19 A. FIRST TO GUADALAJARA, AND THEN TO MEXICO CITY.

20 Q. ALL RIGHT.

21 NOW, HOW LONG WERE YOU -- AT SOME POINT YOU WERE  
22 RELEASED FROM CUSTODY, CORRECT?

23 A. YES, SIR.

24 Q. HOW LONG WERE YOU IN CUSTODY?

25 A. AT THE PRISON I WAS A LITTLE LESS THAN A MONTH, MORE OR

1 LESS.

2 Q. NOW, BEFORE YOU WERE RELEASED, YOU GAVE A -- SIGNED A  
3 DECLARATION; IS THAT CORRECT?

4 A. DURING THE QUESTIONING, I SIGNED A DECLARATION.

5 Q. ALL RIGHT.

6 AND THAT DECLARATION BASICALLY TOLD ABOUT YOUR  
7 RELATIONSHIP WITH FONSECA, CORRECT?

8 MR. CARLTON: OBJECT TO THE HEARSAY AND THE  
9 DECLARATION, YOUR HONOR.

10 THE COURT: OBJECTION SUSTAINED.

11 MR. MEZA: IF I COULD HAVE THE WITNESS LOOK AT THE  
12 EXHIBIT MARKED FOR IDENTIFICATION AS EXHIBIT III.

13 THE COURT: ALL RIGHT.

14 THE WITNESS: YES, SIR.

15 BY MR. MEZA:

16 Q. DO YOU RECOGNIZE THAT?

17 A. YES, SIR.

18 Q. AND WHAT IS IT?

19 A. THE STATEMENT I GAVE TO THE GOVERNMENT ATTORNEY; A  
20 PHOTOSTATIC COPY WHERE MY SIGNATURE APPEARS.

21 Q. ON THE BACK OF THAT DECLARATION, THERE'S A PHOTOGRAPH; IS  
22 THERE NOT?

23 A. YES, SIR.

24 Q. AND DO YOU RECOGNIZE WHAT IS DEPICTED IN THAT -- OR IT IS  
25 A COPY OF A PHOTOGRAPH.

1 DO YOU RECOGNIZE WHAT IS DEPICTED THERE OR WHO THAT  
2 PERSON IS IN THE PHOTOGRAPH?

3 A. YES, SIR.

4 Q. AND WHO IS THAT?

5 A. MYSELF, SIR.

6 THE COURT: ALL RIGHT.

7 WE WILL TAKE OUR MORNING RECESS AT THIS TIME.

8 (JURY EXCUSED.)

9 THE COURT: THE WITNESS MAY STEP DOWN.

10 (WITNESS TEMPORARILY EXCUSED.)

11 THE COURT: YOU MAY BE SEATED.

12 NOW, COUNSEL, DO YOU HAVE SOMETHING YOU WISH TO TAKE  
13 UP WITH THE COURT?

14 MR. STOLAR: YES, JUDGE, JUST BRIEFLY.

15 HAVING PERUSED THE DOCUMENTS THAT THE COURT MADE --  
16 ORDERED THE GOVERNMENT TO PROVIDE TO US ON TUESDAY, I WOULD  
17 ASK THE COURT TO SERIOUSLY RECONSIDER THE RULING ON THE MOTION  
18 TO QUASH MY SUBPOENA FOR THE 1987 D.E.A. DOCUMENT DESCRIBING  
19 OR PURPORTING TO DESCRIBE A RELATIONSHIP BETWEEN MIGUEL ANGEL  
20 FELIX GALLARDO AND THE CENTRAL INTELLIGENCE AGENCY IN  
21 CONNECTION WITH THE CONTRAS;

22 THAT WHAT THE COURT CHARACTERIZED THEN AS A FISHING  
23 EXPEDITION STATEMENT, WHICH I DISAGREED WITH THEN, NOW BECOMES  
24 MUCH MORE CLEARLY FOCUSED, GIVEN THE DOCUMENTS THAT THE COURT  
25 HAS REVIEWED.

1           IT WOULD APPEAR THAT THE CENTRAL INTELLIGENCE AGENCY  
2 WAS INVOLVED WITH AND HAD KNOWLEDGE OF AND AUTHORIZED WHAT THE  
3 GOVERNMENT IN THIS CASE HAS CHARACTERIZED AS THE ACTIVITIES OF  
4 THE GUADALAJARA NARCOTICS CARTEL.

5           THE EXISTENCE OF THAT REPORT -- AND IT'S A QUITE  
6 SPECIFICALLY LIMITED SUBPOENA FOR THAT REPORT WITH RESPECT TO  
7 FELIX GALLARDO -- IS BOLSTERED BY THE DISCUSSIONS FROM WHAT IS  
8 APPARENTLY LORENZO HARRISON WHO WAS DEBRIEFED BY THE D.E.A.,  
9 AND HE DESCRIBES VARIOUS CLOSE RELATIONSHIPS BETWEEN THE  
10 UNITED STATES CENTRAL INTELLIGENCE AGENCY, MR. CARO QUINTERO,  
11 MR. FONSECA, RANCHES THEY OWN, TRAINING OF GUERILLAS AND  
12 SUPPORT FOR THE CONTRAS.

13           SO I ASK THE COURT TO THE RECONSIDER THAT SUBPOENA  
14 FOR THE ONE REPORT TO RECONSIDER THE MOTION TO QUASH, BECAUSE  
15 IT NOW BECOMES QUITE CLEARLY AND SPECIFICALLY BOTH.

16           THAT'S MY REQUEST, SIR.

17           THE COURT: ALL RIGHT.

18           DO YOU WISH TO RESPOND?

19           MR. MEDRANO: VERY BRIEFLY, YOUR HONOR.

20           THESE DOCUMENTS THEN AND NOW CONTINUE TO BE UTTERLY  
21 IRRELEVANT TO THIS PRESENT CASE.

22           YOU'VE REVIEWED THE DOCUMENTS AND THAT'S WHY WE  
23 PROVIDED THEM TO YOU IN-CAMERA.

24           YOU'LL NOTE THEY ARE SPECULATIVE; THEY'RE SHEER  
25 SPECULATION ON THE PART OF LORENZO HARRISON.

1           THEY CONTAIN DOUBLE AND TRIPLE HEARSAY, YOUR HONOR.  
2           THERE'S UTTERLY NO FIRST-HAND PERCIPIENT KNOWLEDGE,  
3           SO THOSE 6'S AND THE INFORMATION CONTAINED THEREIN, YOUR  
4           HONOR, IS ABSOLUTELY INDISTINGUISHABLE FROM THE HEARSAY THAT  
5           WAS THE BASIS FOR THIS WASHINGTON POST ARTICLE THAT SUSTAINED  
6           THAT, THAT WAS THE FOUNDATION FOR THIS FISHING EXPEDITION  
7           SUBPOENA.

8           THOSE DOCUMENTS -- THERE ARE NO DOCUMENTS THAT WE'RE  
9           AWARE OF, YOUR HONOR. IT'S SIMPLY A FISHING EXPEDITION.

10           THERE ARE RULE 403 TIME CONSUMPTION AND CONFUSION OF  
11           THE ISSUES GROUNDS FOR A FURTHER -- GROUNDS FOR REJECTING THE  
12           REQUEST FOR THE SUBPOENA AND, FINALLY, YOUR HONOR, WHEN YOU  
13           READS THOSE 6'S, AS I'M SURE YOU HAVE, THERE'S SIMPLY  
14           BACKGROUND INFORMATION BEING ASKED OF THE WITNESS.

15           THEY ARE NOT RELATED TO THIS CASE.

16           AND, FINALLY, YOUR HONOR, OTHER THAN THIS GROSS RANK  
17           HEARSAY AND SPECULATION, THERE IS NO BASIS FOR ANY  
18           CONTEMPLATED DEFENSE WHERE I THINK THE DEFENSE IS HEADED NOW,  
19           THAT SOMEHOW THE FEDERAL GOVERNMENT OF THE UNITED STATES  
20           CONDONES DRUG TRAFFICKING AND, HENCE, CONDONE INDIRECTLY THE  
21           MURDER OF ONE OF ITS OWN AGENTS.

22           IT IS GOING NOWHERE.

23           IT IS A WASTE OF TIME AND IT IS SIMPLY SMOKE WHERE  
24           THERE'S NO FIRE, YOUR HONOR.

25           SO WE WOULD AGAIN ASK YOU TO DENY THAT FISHING

1 EXPEDITION OVERBROAD SUBPOENA FOR C.I.A. DOCUMENTS, WHICH IS  
2 BASED ON HEARSAY.

3 MR. STOLAR: MAY I BE HEARD BRIEFLY IN REBUTTAL,  
4 YOUR HONOR?

5 THE COURT: YES.

6 MR. STOLAR: I THINK IT HARDLY BECOMES THE  
7 GOVERNMENT TO PRESENT A WITNESS IN COURT, ASK THE COURT AND  
8 THE JURY TO FIND HIM CREDIBLE, AND THEN STAND UP IN FRONT OF  
9 YOU AND SEEK OUT THE OTHER SIDE OF THE -- AND HE DOES NOT KNOW  
10 WHAT HE 'S TALKING ABOUT.

11 THEY PRESENTED LORENZO HARRISON AS A WITNESS.

12 HE TESTIFIED TO PERCIPIENT KNOWLEDGE AND TO HEARSAY  
13 THAT THE COURT PERMITTED TO COME IN.

14 THE GOVERNMENT IS GOING TO ASK THE JURY TO BELIEVE  
15 WHAT HE SAID, AND NOW THEY CANNOT STAND UP AND DISAVOW.

16 THEY CANNOT DO THAT.

17 HE TEST- ALL RIGHT.

18 THOSE DOCUMENTS SHOW FIRSTHAND PERCIPIENT KNOWLEDGE.

19 THE COURT: ALL RIGHT.

20 THE COURT WILL DENY YOUR MOTION TO RECONSIDER THE  
21 QUASHING OF THE SUBPOENA FOR THE FOLLOWING REASONS:

22 FIRST OF ALL, THE SUBPOENA AS ISSUED, IF YOU READ  
23 IT, SIMPLY ASKS FOR RELATIONSHIPS BETWEEN ANY AGENCY OR AGENTS  
24 OF THE UNITED STATES AND GALLARDO AND MR. MATTA INCLUDING, BUT  
25 NOT LIMITED TO, SUCH AS CONCERNED EITHER A PERSON'S

1 COOPERATION WITH THE -- WITH OR USE BY ANY AGENCY OR AGENTS OF  
2 THE UNITED STATES TO PROVIDE INFORMATION, ARMS,  
3 TRANSPORTATION, OR OTHER ASSISTANCE TO THE NICARAGUAN CONTRAS.

4 THIS COURT IS NOT INTERESTED IN DOCUMENTS RELATING  
5 TO INFORMATION, ARMS, TRANSPORTATION OR OTHER ASSISTANCE TO  
6 THE NICARAGUAN CONTRAS.

7 THAT'S WHAT THIS ASKS FOR.

8 THE REASON I DENIED IT BEFORE AND THE SAME REASON  
9 STILL EXISTS ARE THE FOLLOWING:

10 FIRST, THE SHOWING THAT WAS MADE DID NOT MEET THE  
11 REASONABLENESS FACTORS THAT ARE REQUIRED BY THE COURT TO BE  
12 CONSIDERED.

13 THE FIRST IS THAT THE REQUEST SHOULD BE RELEVANT.

14 WHETHER OR NOT GALLARDO OR MATTA ASSISTED THE UNITED  
15 STATES TO GIVE ARMS TO THE CONTRAS IS NOT RELEVANT.

16 SECOND, THE SUBPOENA IS REQUIRED TO SPECIFY THE  
17 DOCUMENTS TO BE PRODUCED WITH PARTICULARITY, ALTHOUGH THE  
18 SUBPOENA NEED NOT DESIGNATE EACH PARTICULAR DESIRE, EACH  
19 PARTICULAR DOCUMENT.

20 THE SUBPOENA MUST IDENTIFY THE DOCUMENT WITH  
21 SUFFICIENT CLARITY TO PERMIT COMPLIANCE.

22 AND, THIRD, A SUBPOENA SHOULD NOT BE OVERLY  
23 BURDENSOME.

24 WHAT THIS SUBPOENA WOULD DO, IN THE OPINION OF THE  
25 COURT, IS PUT THE ENTIRE UNITED STATES GOVERNMENT IN SEARCHING



1 ALL OF ITS RECORDS TO FIND OUT SOMETHING THAT YOU SAY IN YOUR  
2 DECLARATION OR IN YOUR SUBPOENA HERE THAT SOMEBODY WOULD HAVE  
3 TO MAKE THE DECISION WHETHER OR NOT ANY DOCUMENT CONCERNS  
4 DIRECT OR INDIRECT RELATIONSHIPS BETWEEN ANY AGENCY OR AGENTS  
5 OF THE UNITED STATES AND GALLARDO AND MATTA, INCLUDING, BUT  
6 NOT LIMITED TO, INFORMATION, ARMS, TRANSPORTATION OR OTHER  
7 ASSISTANCE TO THE NICARAGUA CONTRAS.

8 MR. STOLAR: JUST BRIEFLY, YOUR HONOR.

9 THE COURT: THAT'S ALL THIS TALKS ABOUT.

10 MR. STOLAR: JUST BRIEFLY.

11 THE COURT: I'M NOT ENGAGING IN A DEBATE HERE.

12 I'M EXPLAINING TO YOU WHY I AM DENYING YOUR MOTION  
13 AT THIS TIME.

14 NOW, YOU'RE THROUGH DISCUSSING IT.

15 WHAT THE -- IT WAS CLEAR TO THE COURT THEN AND IT IS  
16 STILL CLEAR BECAUSE NOTHING HAS HAPPENED TO CHANGE IT.

17 THIS INFORMATION THAT WAS ORDERED TO BE DISCLOSED  
18 WAS ORDERED TO BE DISCLOSED BECAUSE THE COURT FELT IT  
19 APPROPRIATE TO BE DISCLOSED FOR ANY PURPOSE THAT THE  
20 DEFENDANTS MAY MAKE USE OF.

21 THESE SUBPOENAS THAT YOU ISSUED REMAIN, IN THE VIEW  
22 OF THE COURT, DISCOVERY DEVICES BECAUSE THEY RELY UPON A  
23 NEWSPAPER ARTICLE TO ESTABLISH THE RELEVANCE OF THE REQUESTED  
24 DOCUMENTS.

25 EVEN ACCEPTING THE REPORT AS TRUE, THE REPORT DOES

1 NOT STATE THAT GALLARDO SUPPORTED THE C.I.A. BACKED CONTRAS AT  
2 THE C.I.A.'S REQUEST OR WITH THE C.I.A.'S APPROVAL.

3 MOREOVER, THE SMUGGLING OF ARMS WAS NOT THE CHARGE  
4 IN COUNT 3.

5 THE ENTERPRISE WAS ALLEGED TO BE ENGAGED IN  
6 NARCOTICS MANUFACTURING AND TRAFFICING.

7 SO THIS SUBPOENA IN ITS PRESENT FORM IS NOT RELEVANT  
8 TO ANY ISSUE IN THIS CASE.

9 YOU NEVER DID RESPOND TO THE GOVERNMENT'S FURTHER  
10 OBJECTION TO THE SUBPOENA WHICH RELIED ON 28 C.F.R., 16.21,  
11 THE REGULATIONS REQUIRING A PARTY SEEKING DISCLOSURE TO FILE  
12 AN AFFIDAVIT OR STATEMENT SETTING FORTH A SUMMARY OF THE  
13 TESTIMONY WHICH HE OR SHE SEEKS PRODUCED.

14 THAT WAS NOT RESPONDED.

15 THE SUPREME COURT HAS SAID IN THE UNITED STATES  
16 VERSES EXWELTUEY (PHONETIC) VERSUS REAGAN, THAT FAILURE TO  
17 FOLLOW THESE OR SIMILAR REGULATIONS HAVE BEEN UPHELD AND  
18 FAILURE TO PRODUCE DOCUMENTS AFFIRMED IN THAT PARTICULAR CASE.

19 NOW, JUST A MOMENT.

20 MR. STOLAR: ALL RIGHT.

21 THE COURT: THESE DOCUMENTS THAT WERE DISCLOSED THE  
22 OTHER DAY CANNOT BE VIEWED BY THE COURT AS ANYTHING MORE THAN  
23 WHAT THEY PURPORT TO BE.

24 NOW, WHAT I THINK IS APPROPRIATE IN THIS CASE IS  
25 THIS:

1           THIS WITNESS SHOULD BE QUESTIONED OUTSIDE THE  
2 PRESENCE OF THE JURY FOR THE PURPOSE OF DETERMINING WHETHER OR  
3 NOT HE HAS ANY PERSONAL KNOWLEDGE OR WHETHER IN MAKING THESE  
4 STATEMENTS TO THE D.E.A. AGENTS, HE WAS MERELY REPEATING  
5 HEARSAY, REPUTATION, INNUENDO OR WHATEVER.

6           KEEP IN MIND THAT THIS WITNESS IN HIS DIRECT  
7 TESTIMONY DID NOT REFER TO ANY OF THESE ACTIVITIES.

8           THE DIRECT TESTIMONY OF THE WITNESS RELATED STRICTLY  
9 TO PROVING THE ENTERPRISE, THE ASSOCIATIONS OF THE VARIOUS  
10 INDIVIDUALS IN THE ENTERPRISE AND THE ACTIVITIES THAT HE  
11 PERFORMED WHILE EMPLOYED BY ONE OF THOSE PEOPLE.

12           THAT WAS THE THEORY ON WHICH THE GOVERNMENT FELT  
13 THEY COULD PROPERLY WITHHOLD THESE STATEMENTS THAT WERE MADE,  
14 BECAUSE INQUIRIES WERE MADE AND THE COURT SUSTAINED OBJECTIONS  
15 DURING THE TRIAL TO QUESTIONS RELATING TO THIS AREA.

16           I ORDERED THESE DOCUMENTS TO BE PRODUCED FOR  
17 WHATEVER BECAUSE I SIMPLY FELT THAT THE DEFENDANTS SHOULD HAVE  
18 ALL OF THE STATEMENTS THAT THIS WITNESS HAD MADE TO THE D.E.A.

19           SO WHAT THE COURT PROPOSES TO DO IS TO HAVE A  
20 HEARING PURSUANT TO RULE OF EVIDENCE 104 TO DETERMINE WHETHER  
21 OR NOT THIS WITNESS HAS ANY ADMISSIBLE EVIDENCE THAT RELATES  
22 TO ANY CHARGE AGAINST ANY DEFENDANT IN THIS CASE.

23           I BELIEVE THAT IS APPROPRIATE.

24           AFTER THAT OCCURS, THEN, THE COURT CAN RECONSIDER  
25 THESE OTHER QUESTIONS OF WHETHER OR NOT SUBPOENAS ARE

1 APPROPRIATE, BUT THE FORMS OF THESE PRESENT -- THESE  
2 SUBPOENAS, CERTAINLY ARE NOT BECAUSE THEY SHOW NO RELEVANCY.

3 MR. STOLAR: I THINK THAT'S ACCEPTABLE TO ALL  
4 DEFENSE, YOUR HONOR.

5 MR. MEDRANO: YES, YOUR HONOR.

6 THE COURT: DO YOU AGREE WITH THAT PROCEDURE?

7 MR. MEDRANO: YES, YOUR HONOR.

8 NO OBJECTION TO THAT.

9 THE COURT: ALL RIGHT.

10 THAT IS WHAT THE COURT WILL DO.

11 NOW, MR. MEDVENE, YOU HAD SOMETHING RELATING TO  
12 THIS?

13 MR. MEDVENE: YES, SIR.

14 NOT RELATING TO THIS, YOUR HONOR, BUT A DIFFERENT  
15 TOPIC.

16 WE WERE ADVISED OF YOUR HONOR'S DESIRE NOT FOR  
17 SUPRISES AND TO KEEP THINGS MOVING.

18 I RAISE THIS AT THIS TIME.

19 AFTER THE COURT SESSION TUESDAY NIGHT, WE RECEIVED A  
20 FAX WITH A LIST OF GOVERNMENT REBUTTAL WITNESSES.

21 THOUGH WE DON'T KNOW WHO THEY ARE, IT'S MY  
22 SUSPICION -- AND I UNDERLINE SUSPICION -- AND I ASK THROUGH  
23 THE COURT THAT YOU ASK THE GOVERNMENT FOR A CONFIRMATION OR  
24 DENIAL OF MY SUSPICION THAT CERTAIN OF THE PEOPLE ON THE LIST  
25 MAY BE SNITCHES FROM THE JAIL.

1 THE COURT: MAY BE WHAT?

2 MR. MEDVENE: SNITCHES FROM THE JAIL.

3 AND IF THE GOVERNMENT AT THIS STAGE IS GOING TO  
4 ATTEMPT TO PUT ON A SNITCH TO PURPORTEDLY SAY OR GIVE EVIDENCE  
5 OF WHAT MR. ZUNO MIGHT HAVE SAID IN THE JAIL, WE WOULD ASK  
6 YOU, YOUR HONOR, IS THAT WHAT THE PROSECUTION'S GOING TO DO,  
7 BECAUSE IF IT IS, IT SEEMS TO ME WE HAVE A MESSIAH AND HENRY  
8 PROBLEMS AND IF THAT IS WHAT THEY'RE GOING TO DO, THEN WE'RE  
9 ENTITLED --

10 THE COURT: WELL, WHAT ARE THE MESSIAH AND HENRY  
11 PROBLEMS?

12 MR. MEDVENE: WELL, THE MESSIAH AND HENRY PROBLEMS,  
13 MESSIAH AND HENRY AND MAINE VERSUS MOLTON BASICALLY STAND FOR  
14 THE PROPOSITION THAT ONCE ONE IS IN A POSITION, SUCH AS MR.  
15 ZUNO, ONCE ONE HAS BEEN ARRESTED, ONCE ONE HAS BEEN ARRAIGNED,  
16 THAT THE GOVERNMENT MAY NOT INTERFERE WITH THE ATTORNEY-CLIENT  
17 PRIVILEGE.

18 THE COURT: YOU MEAN THEY MAY NOT PLANT AN  
19 INFORMANT?

20 MR. MEDVENE: YES, SIR; YES, SIR.

21 MAY NOT PLANT AN INFORMANT TO ENGAGE IN OR PARTAKE  
22 IN OR LISTEN TO CONVERSATIONS.

23 AND I SAY FOR YOUR HONOR THAT I DON'T KNOW, BUT WE  
24 HAVE THIS LIST AND THAT'S MY SUSPICION, AND SINCE I DIDN'T  
25 KNOW WHEN THE GOVERNMENT'S CASE MIGHT START, I THOUGHT IT

1 WOULD BE APPROPRIATE TO ASK THROUGH YOUR HONOR ARE ANY OF  
2 THESE SWITCHES GOING TO PURPORT TO TALK ABOUT MR. ZUNO, AND IF  
3 SO, WE WOULD LIKE THE OPPORTUNITY TO QUESTION THEM, AND THE  
4 CIRCUMSTANCES OF WHATEVER THEY'RE GOING TO TESTIFY ABOUT, YOUR  
5 HONOR.

6 THE COURT: DO YOU WISH TO RESPOND?

7 MR. MEDRANO: YOUR HONOR, ONCE AGAIN, AS I FLAGGED  
8 FOR YOU ON TUESDAY, THERE ARE TWO SETS OF RULES FOR MR.  
9 MEDVENE.

10 WHEN HE GAVE US HIS WITNESSES, HE GAVE US ONLY  
11 NAMES, AND IF THERE'S JENCKS, HE GAVE US JENCKS, AS WE'VE  
12 DONE, AND THAT'S ALL.

13 NOW, THIS IS JUST A BACKDOOR WAY OF TRYING TO GET  
14 THE SAME INFORMATION THAT HE HAD -- DID NOT HAVE THE COURTESY  
15 TO GIVE US.

16 IF THERE'S ANY PROBLEM THAT REQUIRES AN EVIDENTIARY  
17 HEARING, YOUR HONOR, REST ASSURED WE WOULD BRIEF IT FOR YOU  
18 AND FILE IT FOR YOU IN ADVANCE.

19 BUT HE SHOULD NOT BE ALLOWED TO GET THIS KIND OF  
20 INFORMATION THROUGH US BY SIMPLY BRINGING YOU INTO THE PICTURE  
21 TO INTERVENE.

22 NOW, HE NEVER GAVE US THIS INFORMATION. WE'RE NOT  
23 GOING TO GIVE IT TO HIM, AND HE SHOULD NOT BE ALLOWED TO PULL  
24 THIS KIND OF STUNTS AND USE UP THE COURT'S TIME.

25 SO WE OBJECT TO IT.

1 MR. MEDVENE: I 'M NOT GOING TO REPLY BECAUSE I DON'T  
2 THINK IT'S THE PROFESSIONAL THING TO DO.

3 I 'M NOT -- WHATEVER HE SAYS, HE SAYS.

4 I MEAN IT'S NOT TRUE, BUT IT'S NOT THE FIRST TIME.

5 WHAT I 'M ABOUT IS, IF THESE PEOPLE PURPORT TO GIVE  
6 ZUNO CONVERSATIONS, WE THINK THEY OUGHT TO TELL YOUR HONOR,  
7 AND WE OUGHT TO KNOW SO WE CAN HAVE AN APPROPRIATE HEARING  
8 OUTSIDE THE PRESENCE OF THE JURY.

9 THAT'S REALLY WHERE IT IS; AND THEY HAVEN'T ANSWERED  
10 THAT QUESTION.

11 THE COURT: ALL RIGHT.

12 THAT'S ENOUGH.

13 MR. MEDVENE: YES, SIR.

14 THE COURT: I WOULD THINK THAT YOU WOULD ADVISE THE  
15 COURT IF THERE IS A PROBLEM OF THAT TYPE THAT MIGHT ARISE.

16 MR. MEDRANO: THAT GOES WITHOUT SAYING, YOUR HONOR.

17 THE COURT: ALL RIGHT.

18 THEN THAT'S THE END OF IT.

19 MR. MEDVENE: YES, SIR.

20 THE COURT: ALL RIGHT.

21 THE CLERK: PLEASE RISE.

22 THIS COURT IS NOW IN RECESS.

23 (RECESS TAKEN.)  
24  
25

AFTER THE RECESS

(JURY PRESENT.)

THE COURT: YOU MAY PROCEED.

MR. MEZA: YES. THANK YOU, YOUR HONOR.

BY MR. MEZA:

Q. NOW, JUAN, IF YOU WOULD GO BACK TO THE EXHIBIT MARKED  
IIII, 4 I'S.

A. YES?

Q. THERE IS A PHOTOGRAPH ATTACHED TO THE END OF IT OR A COPY  
OF A PHOTOGRAPH?

A. YES, SIR.

Q. WHO IS THAT A PHOTOGRAPH OF?

A. MINE, SIR.

Q. ALL RIGHT.

AND WAS THAT TAKEN AT THE TIME YOU WERE ARRESTED OR  
ABOUT THE TIME YOU WERE ARRESTED?

A. THIS PHOTOGRAPH WAS TAKEN OF ME A FEW DAYS AFTER MY  
ARREST, SIR.

Q. ALL RIGHT.

AND IS THAT THE WAY YOU NORMALLY LOOKED PRIOR TO  
YOUR ARREST?

A. WELL, AT THAT TIME I HAD A BEARD AND THIS PHOTOGRAPH WAS  
TAKEN AFTER THREE DAYS OF NOT BATHING, AND WITH NO COMB SO MY  
HAIR IS TOTALLY DISARRANGED, SIR.



1 Q. SO THAT'S NOT TO THE WAY YOU ORDINARILY COMBED YOUR HAIR;  
2 IS THAT RIGHT?

3 A. NO, SIR.

4 Q. NOW, AFTER -- THANK YOU.

5 AFTER WERE YOU RELEASED FROM THE PRISON, WAS THAT  
6 THE END OF YOUR CONTACT WITH THE JUDICIAL SYSTEM, THE MEXICAN  
7 JUDICIAL SYSTEM?

8 A. I DON'T UNDERSTAND THE QUESTION.

9 Q. WELL, DID YOU CONTINUE TO MAINTAIN CONTACT WITH THE  
10 MEXICAN COURTS AFTER WERE YOU RELEASED?

11 A. YES, SIR.

12 Q. FOR ABOUT HOW LONG?

13 A. I WAS SUBJECT TO PROBATION FOR APPROXIMATELY TWO YEARS.

14 Q. ALL RIGHT.

15 NOW, AFTER WERE YOU RELEASED FROM PRISON, DID YOU GO  
16 BACK TO WORK?

17 A. YES, SIR. I WENT BACK TO GUADALAJARA.

18 Q. AND WHERE DID YOU GO WORK?

19 A. I WENT BACK TO THE PALENQUE, SIR.

20 Q. THAT'S THE SAME PLACE YOU HAD BEEN TO OR WORKING FOR THE  
21 PREVIOUS YEAR; IS THAT RIGHT?

22 A. YES, SIR.

23 Q. AND WAS MR. GUZMAN STILL THE OWNER?

24 A. YES, SIR.

25 Q. AND YOU WENT BACK TO THE REGULAR DUTIES THAT YOU

1 PREVIOUSLY HAD THERE?

2 A. YES, SIR.

3 Q. AND HOW LONG DO YOU WORK AT THE PALENQUE THE SECOND TIME?

4 A. UNTIL THE YEAR '87, 1987.

5 Q. AND WHEN YOU LEFT THE PALENQUE, WHERE DO YOU GO TO WORK?

6 A. I STARTED -- I ENTERED A COMPANY BY THE NAME OF METALLICA  
7 LAS TORRES.

8 Q. AND WHAT WERE YOU HIRED AS?

9 A. SECURITY, SIR.

10 Q. WHAT SORT OF BUSINESS WAS METALLICA?

11 A. IT IS A FOUNDRY COMPANY; METALLURGY, ACTUALLY.

12 Q. A FACTORY, IT WAS A FACTORY OF SOME SORT?

13 A. FOUNDRY. THEY SOLD METALLURGICAL PRODUCTS.

14 Q. ALL RIGHT.

15 NOW, WHILE YOU WERE AT METALLICA, DID YOU OBTAIN ANY  
16 ADDITIONAL EDUCATION?

17 A. YES, SIR.

18 Q. AND IN WHAT AREA?

19 A. I ENTERED THE CENTRAL CAPASITACION OF THE INSTITUTO  
20 MEXICANO DE SERUDO SERALLO (PHONETIC) AND I TOOK A COURSE IN  
21 SECURITY AND INDUSTRIAL HYGIENE.

22 IT LASTED MORE OR LESS 500 HOURS.

23 Q. DID YOU SUCCESSFULLY COMPLETE THAT COURSE?

24 A. YES, SIR.

25 Q. NOW, HOW LONG DO YOU WORK FOR METALLICA?

1 A. APPROXIMATELY ONE YEAR.

2 Q. AND AFTER HAVING LEFT METALLICA, WHERE DID YOU GO WORK?

3 A. WELL, BEFORE I LEFT METALLICA LAS TORRES, I HAD ANOTHER  
4 JOB BESIDES METALLICA LAS TORRES.

5 I WORKED AT THE SAME TIME AT ANOTHER COMPANY AS --  
6 AT THE SAME TIME AS I WORKED AT METALLICA LAS TORRES.

7 Q. WHAT'S THE NAME OF THE OTHER COMPANY?

8 A. CROMOS FINOS DELCIDENTE (PHONETIC).

9 Q. ALL RIGHT.

10 WHEN YOU STOPPED WORKING AT THESE TWO JOBS, DID YOU  
11 GO TO WORK SOMEPLACE ELSE?

12 A. YES, SIR.

13 Q. AND WHERE WAS THAT?

14 A. TO THE HOTELES VISTA ORGANIZATION.

15 Q. AND WHAT WERE YOU HIRED ON AS?

16 A. HEAD OF SECURITY, SIR.

17 Q. ALL RIGHT.

18 AND WHO WAS YOUR SUPERVISOR?

19 A. MR. JESUS MORA PLACENCIA.

20 Q. NOW, WHAT WERE YOUR DUTIES WITH THE VISTA HOTELS?

21 A. AS HEAD OF SECURITY, COORDINATE THE HOTEL SECURITY,  
22 GUESTS, AS WELL AS THE PROPERTY -- AS WELL AS THE PROPERTY OF  
23 THE HOTEL.

24 Q. NOW, DOES VISTA HOTEL, DO THEY OWN MORE THAN ONE HOTEL?

25 A. YES, SIR.

1 Q. AND WERE YOU ASSIGNED TO ANY ONE PARTICULAR HOTEL IN THE  
2 BEGINNING?

3 A. YES, SIR.

4 Q. WHICH HOTEL WAS THAT?

5 A. I STARTED AT THE HOTEL ARANSASUE, SIR.

6 Q. WERE YOU LATER ASSIGNED DO ANOTHER HOTEL?

7 A. YES, SIR.

8 Q. AND WHICH HOTEL WAS THAT?

9 A. THIS HOTEL IS CALLED PARADOR HOTEL.

10 Q. ALL RIGHT.

11 I'D LIKE TO DIRECT OUR ATTENTION TO EXHIBITS KKKK  
12 AND ALSO LLLL, 4 L'S.

13 A. YES, SIR.

14 Q. DO YOU RECOGNIZE WHAT THOSE ARE?

15 A. YES, SIR.

16 Q. WHAT ARE THEY?

17 A. THE 4 L'S IS MY IDENTIFICATION CARD AS HEAD OF SECURITY  
18 FOR ARANSASUE, SIR, AND 4 K'S IS A PHOTOSTAT OF THE I.D. CARD  
19 THAT ACREDITS ME AS HEAD OF SECURITY FOR THE EL PARADOR.

20 Q. NOW, WHILE YOU WERE WORKING AS -- IN SECURITY FOR THE  
21 HOTELS, DID YOU HAVE AN OCCASION TO MEET A PERSON BY THE NAME  
22 OF FEDERICO CASTEL DEL ORO?

23 A. YES, SIR.

24 Q. AND WOULD YOU TELL US HOW IT WAS YOU CAME TO MEET HIM.

25 A. WELL, FIRST HE TALKED WITH MY SUPERVISOR MR. MORA, THEN

1 HE GOT IN CONTACT WITH ME BY TELEPHONE, AND SUBSEQUENTLY I MET  
2 HIM IN MY OFFICE, HE WENT TO MY OFFICE.

3 Q. ALL RIGHT.

4 NOW, WHEN YOU MET HIM, WHERE WAS THIS OFFICE THAT  
5 YOU FIRST MET HIM AT?

6 A. THE OFFICE WHERE HE FOUND ME WAS INSIDE THE PARADOR  
7 HOTEL, SIR.

8 Q. ALL RIGHT.

9 AND TELL US HOW THIS MEETING OCCURRED.

10 A. WELL, I THOUGHT HE WAS GOING TO OVER ME SECURITY SERVICES  
11 SINCE I KNEW HE HAD A SECURITY BUSINESS IN WHICH HE USED GUARD  
12 DOGS, AND WHEN HE TALKED TO ME, HE TOLD ME THAT SOMEONE HAD  
13 RECOMMENDED ME TO HIM, AND THAT HE WAS GOING TO GO WITH THE  
14 FEDERAL POLICE.

15 MR. CARLTON: I'LL OBJECT TO THE HEARSAY, YOUR  
16 HONOR.

17 THE COURT: OVERRULED.

18 THE WITNESS: THAT HE WANTED ME TO TAKE CHARGE OF  
19 HIS OFFICE SINCE I KNEW THE BUSINESS AND HE KNEW I HAD  
20 EXPERIENCE IN SECURITY.

21 BY MR. MEZA:

22 Q. WHAT WAS YOUR RESPONSE TO THAT?

23 A. AT FIRST I DOUBTED SIR, BUT HE OFFERED ME A GOOD SALARY.

24 I SAW THAT I COULD PERFORM THE JOB AT THE HOTEL AND  
25 THE JOB THAT HE OFFERED ME, AND WE AGREED TO MEET LATER IN HIS

1 BUSINESS OFFICES.

2 Q. ALL RIGHT.

3 AND DID YOU MEET LATER WITH HIM?

4 A. A DAY OR TWO LATER.

5 Q. ALL RIGHT.

6 AND WHERE DID YOU MEET HIM THE SECOND TIME?

7 A. AT THE OFFICE OF HIS BUSINESS.

8 Q. BY THE WAY, PRIOR TO THIS MEETING AT THE ARANSASUE, HAD  
9 YOU EVER MET MR. CASTEL BEFORE?

10 A. NO, SIR.

11 Q. HAD YOU EVER HEARD HIS NAME BEFORE?

12 A. YES, SIR.

13 Q. WHEN DO YOU RECALL WHEN YOU FIRST HEARD HIS NAME?

14 A. DURING THE TIME THAT I WAS WITH THE STATE POLICE.

15 MR. CARLTON: I'LL OBJECT, YOUR HONOR.

16 I BELIEVE THE WITNESS IS GETTING INTO WHAT HE HEARD  
17 AND I'LL OBJECT TO THAT ON HEARSAY GROUNDS.

18 THE COURT: RESTATE YOUR QUESTION.

19 BY MR. MEZA:

20 Q. WHEN YOU WERE WORKING FOR THE STATE POLICE, WHAT WAS IT  
21 THAT YOU HEARD ABOUT MR. CASTEL?

22 MR. CARLTON: OBJECTION, HEARSAY.

23 THE COURT: SUSTAINED.

24 BY MR. MEZA:

25 Q. BUT THE FIRST TIME EVER HEARD CASTEL'S NAME MENTIONED WAS

1 WHEN WERE YOU WORKING FOR THE STATE POLICE; ISN'T THAT  
2 CORRECT?

3 A. YES, SIR.

4 Q. AND WHAT WAS THAT IN CONNECTION WITH?

5 MR. CARLTON: I'LL OBJECT, YOUR HONOR.

6 THE COURT: THE OBJECTION IS SUSTAINED TO THE EXTENT  
7 THAT IT IS ELICITING A HEARSAY STATEMENT.

8 MR. MEZA: ALL RIGHT. THANK YOU.

9 BY MR. MEZA:

10 Q. NOW, THE SECOND MEETING, WHERE WAS MR. CASTEL; WHERE DID  
11 THAT TAKE PLACE?

12 A. AGAIN, IN HIS OFFICE.

13 Q. WHERE WAS THAT OFFICE LOCATED?

14 A. ON CONSOLO LIPIKA (PHONETIC); ALMOST AT THE INTERSECTION  
15 OF AVENITO DE LUCIAN IN GUADALAJARA.

16 Q. COULD YOU JUST DESCRIBE WHAT THIS OFFICE LOOKED LIKE.

17 A. IT WAS A 3-LEVEL STRUCTURE.

18 THERE WERE OFFICES IN THE TWO UPPER LEVELS, AND THE  
19 GROUND FLOOR, THE FIRST FLOOR.

20 THERE WAS A PLACE WHERE THERE WERE CONCRETE KENNELS  
21 AND THERE WERE ABOUT 15 DOGS THERE.

22 Q. WERE THERE EMPLOYEES THERE?

23 A. YES, SIR.

24 Q. ABOUT HOW MANY?

25 A. HE INTRODUCED ME TO THE EMPLOYEES IN THE SECOND OR THIRD

1 MEETING I HAD WITH HIM.

2 THERE WERE TWO SECRETARIES, AN ACCOUNTANT; MR.  
3 CASTEL'S FATHER-IN-LAW WAS IN CHARGE OF THE WAREHOUSE; A DOG  
4 TRAINER, AND TWO VETERINARY DOCTORS.

5 Q. SO YOU HAD MORE THAN ONE MEETING WITH MR. CASTEL; ISN'T  
6 THAT RIGHT?

7 A. FOUR TIMES, MORE OR LESS.

8 Q. AND ULTIMATELY YOU AGREED TO GO TO WORK FOR HIM, DIDN'T  
9 YOU?

10 A. YES. AS A MATTER OF FACT, I ACCEPTED THE JOB, SIR.

11 Q. WHAT WAS YOUR -- WHAT WAS TO BE YOUR POSITION WITH MR.  
12 CASTEL'S BUSINESS?

13 A. GENERAL MANAGER.

14 Q. ALL RIGHT.

15 WHAT WERE TO BE YOUR DUTIES AS A GENERAL MANAGER?

16 A. HE MANAGED -- HE MENTIONED TO ME THAT MANAGERS BEFORE ME  
17 INCLUDING A NEPHEW HAD COMMITTED FRAUD, HAD STOLEN FROM HIM A  
18 LOT.

19 Q. I'M NOT ASKING WHAT -- WHAT WERE YOUR DUTIES TO BE?

20 A. WELL, TO COORDINATE THE SECURITY FOR THE BUSINESSES HE  
21 ALREADY HAD AND TO OBTAIN NEW CLIENTS FOR THE SECURITY.

22 Q. ALL RIGHT.

23 NOW, IN CONNECTION WITH THE OBTAINING NEW CLIENTS  
24 FOR THE SECURITY, WERE THERE ANY DOCUMENTS THAT WERE PREPARED  
25 IN CONNECTION WITH RECRUITING NEW CLIENTS?



1 A. YES, SIR.

2 Q. AND IF I COULD DIRECT YOUR ATTENTION TO EXHIBIT JJJJ, 4  
3 J'S,

4 A. YES, SIR.

5 Q. WOULD YOU TELL US WHAT THAT IS.

6 A. YES, SIR.

7 Q. WHAT IS IT?

8 A. IT'S THE PROSPECTUS OF THE BUSINESS, FOR CONTRACTING OR  
9 PRESENTING TO A POTENTIAL CLIENT OR CUSTOMER.

10 Q. THAT'S CONCERNING CASTEL'S BUSINESS; IS THAT CORRECT?

11 A. YES, SIR.

12 Q. WHAT WAS THE NAME OF HIS BUSINESS?

13 A. SISTEMAS Y SEGURIDA ES PESIEN SARA (PHONETIC).

14 MR. MEZA: YOUR HONOR, I WOULD INDICATE THAT THERE  
15 IS A CERTIFIED TRANSLATION MARKED JJJJ-1, AND I WOULD OFFER  
16 THEM INTO EVIDENCE.

17 MR. CARLTON: OBJECT ON GROUNDS OF HEARSAY AND  
18 RELEVANCE, YOUR HONOR.

19 THE COURT: WELL, WE'LL TAKE THAT UP AT A LATER  
20 TIME.

21 MR. MEZA: THANK YOU.

22 BY MR. MEZA:

23 Q. NOW, IN CONNECTION WITH YOUR WORK OR YOUR NEWLY-FOUND JOB  
24 WITH MR. CASTEL, WAS THERE A DISCUSSION CONCERNING FLYING TO  
25 THE UNITED -- OR COMING TO THE UNITED STATES?

1 A. YES, SIR.

2 Q. AND, WHERE WERE YOU WHEN THIS CONVERSATION TOOK PLACE?

3 A. IN HIS OFFICE, SIR.

4 Q. AND WHAT WAS THE -- WHAT WAS THE CONVERSATION?

5 A. WELL, HE TOLD ME HE WANTED TO COME TO THE UNITED STATES,  
6 TO VISIT SOME KENNELS, AND VISIT THE SUPPLIERS FOR THE  
7 TRAINING OF THE DOGS.

8 Q. AND WHAT WAS YOUR CONNECTION WITH THIS?

9 A. SINCE I WAS GOING TO HEAD UP HIS BUSINESS, HE PROPOSED TO  
10 ME THAT WE COME BECAUSE I WAS GOING TO MANAGE THAT.

11 I TOLD HIM I DID NOT HAVE ANY MONEY FOR THE TRIP  
12 EXPENSES.

13 MR. CARLTON: OBJECT TO THE HEARSAY, YOUR HONOR.

14 THE COURT: OVERRULED.

15 BY MR. MEZA:

16 Q. AND WHAT WAS HIS RESPONSE WHEN YOU TOLD HIM YOU DIDN'T  
17 HAVE ANY MONEY TO FLY TO THE U.S.?

18 A. HE TOLD ME THAT THE BUSINESS WOULD ABSORB THE EXPENSES.

19 AND HE MENTIONED HE WAS GOING TO BRING HIS FAMILY  
20 AND WHETHER I WANTED TO BRING MY WIFE.

21 Q. WHAT DID YOU SAY TO THAT?

22 A. I TOLD HIM I DID NOT HAVE ANY MONEY FOR THE EXPENSES.

23 Q. WHAT DID HE SAY?

24 A. HE TOLD ME THERE WAS NO PROBLEM ABOUT MY EXPENSES SINCE  
25 THE BUSINESS WOULD ABSORB THEM AND I COULD -- WHATEVER

1 EXPENSES THERE WERE FOR MY WIFE, I COULD PAY HIM BACK WITH MY  
2 WORK.

3 Q. SO WERE ARRANGEMENTS MADE TO FLY TO THE UNITED STATES?

4 A. YES, SIR.

5 Q. WHO MADE THOSE ARRANGEMENTS?

6 A. MR. CASTEL.

7 Q. AND AT SOME POINT YOU LEFT GUADALAJARA AND FLEW TO LOS  
8 ANGELES; IS THAT CORRECT?

9 A. YES, SIR.

10 Q. NOW ON THE FLIGHT UP FROM GUADALAJARA, WHO FLEW UP IN  
11 YOUR GROUP? WHO WERE THE MEMBERS OF YOUR GROUP?

12 A. MR. CASTEL, HIS WIFE, HIS SON AND DAUGHTER, THE TWO  
13 VETERINARY DOCTORS, MY WIFE AND MYSELF.

14 Q. ALL RIGHT.

15 AND THE FLIGHT UP, DID YOU HAVE ANY DISCUSSION WITH  
16 MR. CASTEL CONCERNING WHAT WOULD HAPPEN UPON YOUR ARRIVAL?

17 A. YES, SIR.

18 Q. AND WHAT WAS THAT DISCUSSION?

19 A. FIRST, HE TOLD ME THAT ON GETTING HERE IN THE UNITED  
20 STATES, A COMPADRE OF HIS WOULD TAKE CARE OF US, WHO WAS A  
21 COMPADRE OF "R-1",

22 AND THAT HE WOULD BE WAITING FOR US AT THE AIRPORT,  
23 AND HE WOULD PUT US UP SOMEWHERE. PERHAPS WE WOULD STAY AT  
24 HIS HOUSE.

25 Q. FINE.

1 WAS ANYTHING ELSE SAID AT THAT TIME?

2 A. WE TALKED ABOUT THE BUSINESS WE WERE COMING UP HERE FOR,  
3 THE SECURITY BUSINESS.

4 Q. WHAT SPECIFICALLY WERE YOU TOLD THE TRIP UP HERE WAS FOR?

5 MR. CARLTON: OBJECT, YOUR HONOR; ASKED AND  
6 ANSWERED, YOUR HONOR.

7 THE COURT: SUSTAINED.

8 BY MR. MEZA:

9 Q. WHAT WAS YOUR UNDERSTANDING THAT YOU WERE GOING TO BE  
10 DOING IN LOS ANGELES WITH CASTEL?

11 A. WE WERE GOING TO VISIT THE DOG BREEDERS FOR WHICH REASON  
12 THERE WERE THE DOCTORS -- WE WERE GOING TO OBTAIN PRICES FOR  
13 THE EQUIPMENT FOR THE TRAINING OF THE DOGS.

14 HE TOLD ME, AS A MATTER OF FACT, THAT A FAX WOULD BE  
15 PURCHASED IN ORDER TO HANDLE THOSE TRANSACTIONS BY FAX.

16 Q. WHEN YOU SAY "DOCTORS," YOU'RE REFERRING TO THE  
17 VETERINARIANS; IS THAT RIGHT?

18 A. YES, SIR.

19 Q. NOW, WHEN YOU ARRIVED AT THE AIRPORT IN LOS ANGELES, DID  
20 YOU MEET ANYONE?

21 A. YES; SOME PEOPLE WERE WAITING FOR US.

22 Q. ALL RIGHT.

23 COULD YOU TELL US HOW YOU MET THEM.

24 A. WHEN WE ARRIVED AT THE AIRPORT, COMANDANTE CASTEL  
25 INTRODUCED ME TO A PERSON.

1 HE TOLD ME, "HE'S MY COMPADRE."

2 HE INTRODUCED ME AS BERNA, IF I REMEMBER CORRECTLY.

3 HE INTRODUCES MY WIFE, THE DOCTORS, AND ALSO HIS  
4 WIFE AND HIS SON AND LITTLE GIRL.

5 Q. NOW, THE PERSON THAT HE INTRODUCED YOU TO AS HIS  
6 COMPADRE, THAT'S AGENT BERRELLEZ, AS YOU NOW KNOW; ISN'T THAT  
7 CORRECT.

8 MR. CARLTON: I'LL OBJECT TO THE LEADING QUESTION,  
9 YOUR HONOR.

10 THE COURT: OVERRULED.

11 THE WITNESS: YES, SIR.

12 //

13 BY MR. MEZA:

14 Q. NOW, AFTER WERE YOU INTRODUCED TO THIS GROUP OF PEOPLE,  
15 WHAT HAPPENED NEXT?

16 A. WITH MR. CASTEL'S COMPADRE THERE WERE TWO MORE PEOPLE.

17 THEY HAD TWO VEHICLES; THE FAMILY GOT INTO ONE  
18 VEHICLE AND IN THE OTHER VEHICLE MR. CASTEL, HIS COMPADRE,  
19 ANOTHER PERSON BEHIND THE WHEEL, AND YOURS TRULY.

20 Q. AND WHERE DID YOU GO?

21 A. WE WERE TAKEN TO A HOTEL, SIR.

22 Q. AND WHEN YOU ARRIVED AT THE HOTEL, WHAT HAPPENED?

23 A. WE REGISTERED AS WE ARRIVED AT THE LOBBY.

24 I THINK THE ONE WHO PAID WAS MR. CASTEL'S COMPADRE,  
25 AND WE WENT TO OUR ROOMS.

1 Q. ALL RIGHT.

2 DID YOU HAVE ANY MEETING WITH MR. CASTEL -- THIS WAS  
3 THE EMBASSY HOTEL; ISN'T THAT CORRECT?

4 A. YES, SIR.

5 Q. AFTER YOU HAD CHECKED INTO YOUR ROOM IN THE HOTEL, DID  
6 YOU MEET WITH MR. CASTEL AGAIN?

7 A. WHEN WE ARRIVED MR. CASTEL LEFT WITH HIS COMPADRE AND THE  
8 OTHER PEOPLE.

9 Q. DID YOU MET WITH MR. CASTEL AGAIN LATER THAT EVENING?

10 A. YES, HE CAME BACK A LITTLE LATE AND WE WENT TO HAVE  
11 DINNER.

12 Q. WHEN YOU SAY "WE," JUST YOU AND HE OR WERE THERE OTHERS?

13 A. JUST MY WIFE STAYED BACK AT THE HOTEL. THE REST OF US  
14 WENT OUT TO HAVE DINNER.

15 Q. AND AFTER YOU HAD THIS DINNER WITH MR. CASTEL, DID YOU  
16 HAVE ANY FURTHER CONVERSATION WITH HIM THAT EVENING?

17 A. JUST DURING DINNER.

18 Q. JUST GENERAL CONVERSATION?

19 A. GENERAL.

20 I REMEMBER THAT MR. CASTEL GAVE ME \$500.

21 HE TOLD ME THAT HIS COMPADRE SENT THEM TO ME, THAT  
22 HE HAD GOT TO LIKE ME DURING THE TRIP FROM THE AIRPORT TO THE  
23 HOTEL, AND MR. CASTEL KNEW THAT I HAD MEXICAN MONEY WITH ME  
24 AND THAT IT WAS SO THAT I WOULDN'T HAVE TO EXCHANGE IT.

25 Q. AND BY THE WAY, WHAT DID YOU DO WITH THAT \$500?

1 A. I GAVE IT TO MY WIFE, SIR.

2 Q. NOW, THIS WAS ON JULY 20TH; IS THAT RIGHT?

3 A. YES, SIR.

4 Q. NOW, ON JULY 21ST, YOU MET WITH MR. CASTEL, HIS COMPADRE  
5 AND SOME OTHERS AT ANOTHER HOTEL, CORRECT?

6 A. YES, SIR.

7 Q. AND PRIOR -- AND YOU WERE DRIVEN TO THIS MEETING BY --  
8 WHO WERE YOU DRIVEN TO THE MEETING BY?

9 A. WE WERE PICKED UP AT THE EMBASSY AND WE WERE TAKEN TO THE  
10 HOTEL WHERE WE MET MR. CASTEL'S COMPADRE.

11 Q. THAT WAS THE HOWARD JOHNSON'S?

12 A. YES, SIR.

13 Q. PRIOR TO BEING PICKED UP AND TAKEN TO THE HOWARD  
14 JOHNSON'S, DID YOU HAVE ANY MEETING OF CASTEL -- HAVE ANY  
15 MEETING WITH CASTEL?

16 A. YES, SIR.

17 Q. AND WHERE DID THAT MEETING TAKE PLACE?

18 A. FIRST PERSON CAME BY WHO TOOK THE WHOLE FAMILY TO  
19 DISNEYLAND.

20 A. AND MR. CASTEL AND I REMAINED IN THE BAR AWAITING TO BE  
21 PICKED UP.

22 Q. ALL RIGHT.

23 AND WHAT DISCUSSION DID YOU HAVE WITH MR. CASTEL AT  
24 THAT TIME?

25 A. HE SAID THAT HIS COMPADRE HAD LIKED ME, HE HAD -- THAT HE

1 HAD RECOMMENDED ME HIGHLY TO HIM, THAT HE HAD A LOT OF MONEY,  
2 AND THAT EVIDENTLY HE WANTED TO ASK ME FOR A FAVOR.

3 Q. NOW, WHEN YOU WENT TO THIS MEETING, THAT WAS ON THE 21ST  
4 OF JULY?

5 A. YES, SIR.

6 Q. HOW LONG DID THAT MEETING LAST?

7 A. ONE HOUR, APPROXIMATELY.

8 Q. AND WHILE YOU WERE AT THE MEETING DID YOU HAVE ANYTHING  
9 TO DRINK?

10 A. YES, SIR.

11 Q. WHAT DID YOU HAVE TO DRINK?

12 A. BEER.

13 Q. HOW MANY?

14 A. THREE OR FOUR BEERS.

15 Q. AND WHO SUPPLIED THE BEER?

16 A. WHEN WE GOT TO THE ROOM WHERE WE TALKED, MR. CASTEL'S  
17 COMPADRE ASKED FOR ROOM SERVICE THERE.

18 Q. NOW, AFTER THE MEETING WAS OVER, YOU WERE TAKEN -- YOU  
19 AND MR. CASTEL WERE TAKEN BACK TO THE EMBASSY; IS THAT  
20 CORRECT?

21 A. YES, SIR.

22 Q. AND WHEN YOU ARRIVED BACK AT THE EMBASSY, DID YOU HAVE  
23 ANY FURTHER DISCUSSIONS WITH MR. CASTEL?

24 A. YES, SIR.

25 Q. AND WHAT WERE THOSE DISCUSSES ABOUT?



1 A. HE TOLD ME THAT IT SEEMED ODD THAT HIS COMPADRE -- THAT I  
2 INSPIRED TRUST IN HIS COMPADRE SINCE HE WAS A VERY MISTRUTHFUL  
3 PERSON.

4 I SAID THAT IT WAS -- THANKS FOR HIS RECOMMENDATION  
5 OF ME.

6 HE TOLD ME THAT IF I OBTAINED THE INFORMATION THAT  
7 HE WAS ASKING ME FOR, WE WERE GOING MAKE GOOD MONEY WITH HIM.

8 Q. WAS ANYTHING ELSE DISCUSSED?

9 A. HE TOLD ME THAT HE WAS GOING TO CHARGE HIM \$25,000 FOR  
10 THE INFORMATION THAT HE ASKED ME FOR.

11 Q. AND WHEN YOU SAY "HE WAS GOING TO CHARGE," YOU'RE TALKING  
12 ABOUT CASTEL CHARGING HIS COMPADRE \$25,000 FOR THE  
13 INFORMATION?

14 A. YES, SIR.

15 Q. AND DID CASTEL TELL YOU HOW MUCH OF THAT \$25,000 YOU WERE  
16 GOING TO GET, IF ANYTHING?

17 A. YES, SIR.

18 HE SAID \$10,000 FOR ME AND 10,000 FOR HIM.

19 Q. NOW, THE -- YOU MET THE NEXT TIME WITH CASTEL AND HIS  
20 COMPADRE ON JULY 24TH; IS THAT CORRECT?

21 A. YES, SIR.

22 Q. WHAT HAPPENED ON -- DID YOU HAVE ANY CONTACT WITH CASTEL  
23 ON JULY 22ND?

24 A. YES, SIR.

25 Q. AND WAS THERE ANY DISCUSSION WITH CASTEL CONCERNING THE

1 OBTAINING OF THIS INFORMATION?

2 A. WELL, WE WENT OUT FOR A RIDE ON THE 22ND AND DURING THAT  
3 TRIP, HE TALKED WITH ME, AS WELL AS WITH MY WIFE, AND HIS WIFE  
4 ALSO TOOK PART.

5 Q. WHAT DID YOU TALK ABOUT?

6 THE INTERPRETER: MAY I INQUIRE JUST FOR A MINUTE?  
7 MAY I ASK WHO THE PRONOUN IS REFERRING TO?

8 THE WITNESS: MR. CASTEL WAS TELLING ME SO THAT MY  
9 WIFE COULD HEAR THAT I WAS AN ABLE PERSON, THAT HE TRUSTED ME  
10 VERY MUCH, THAT HE KNEW THAT I WOULD IMPROVE HIS BUSINESS AND  
11 THAT HE WAS HAPPY THAT WE HAD MET.

12 AS A MATTER OF FACT, HIS WIFE MENTIONED THAT  
13 WHENEVER MY WIFE HAD HER BABY, SHE WOULD LIKE IT IF WE WERE  
14 COMPADRES.

15 BY MR. MESA:

16 Q. ALL RIGHT.

17 WHERE WAS THIS CONVERSATION? WHERE DID THIS COULD  
18 CONVERSATION TAKE PLACE?

19 A. WE SPENT THAT WHOLE TIME AT MAGIC MOUNTAIN.

20 Q. NOW, THE NEXT DAY, THE 23RD OF JULY, DID YOU HAVE ANY  
21 FURTHER DISCUSSIONS WITH MR. CASTEL?

22 A. DURING THE MORNING MR. CASTEL TOLD ME THAT HE HAD GOT IN  
23 TOUCH WITH HIS COMPADRE AND THAT HE WAS GOING TO SEND SOMEONE  
24 TO TAKE US OUT FOR A RIDE.

25 AND, AS A MATTER OF FACT, A PERSON ARRIVED BEFORE

1 NOON; A MATURE MALE PERSON AND HE TOOK US ALL OUT FOR A RIDE .

2 Q. DID YOU DISCUSS ANYTHING AT THAT TIME?

3 A. NOT THAT DAY.

4 Q. ALL RIGHT .

5 NOW, AFTER THIS RIDE, DID YOU HAVE ANY FURTHER  
6 DISCUSSIONS WITH CASTEL ON THE 23RD?

7 A. THE EVENING OVER DINNER HE TOLD ME THAT WE WOULD MEET  
8 WITH HIS COMPADRE THE FOLLOWING DAY .

9 HE TOLD ME HIS COMPADRE WAS AFRAID TO GO TO MEXICO,  
10 FOR ME TO CONVINCHE HIM THAT I HAD NOT HEARD ANYTHING, DURING  
11 THE QUESTIONING AFTER OUR ARREST IN PUERTO VALLARTA. TO BE  
12 POSITIVE, TO SHOW THAT I WAS UNAFRAID; THAT NOTHING SCARED ME  
13 AND TO CONVINCHE HIM THAT HE DID NOT HAVE ANY PROBLEMS IN  
14 MEXICO .

15 Q. NOW, UP TO THIS POINT, WHAT HAD THE -- CASTEL'S COMPADRE  
16 BEEN ASKING OF YOU IN CONNECTION WITH THIS INFORMATION?

17 WHAT INFORMATION DID THIS COMPADRE WANT?

18 I'LL WITHDRAW THAT .

19 WHAT INFORMATION DID CASTEL'S COMPADRE WANT FROM  
20 YOU?

21 A. HE WANTED ME TO GET PHOTOSTATIC COPIES OF EVERYTHING  
22 RELATED TO THE INVESTIGATIONS RELATED TO THE AGENT CAMARENA,  
23 TO SEE IF ANYONE HAD MENTIONED HIM .

24 I TOLD HIM IT WAS IMPORTANT ALSO TO FIND OUT IF  
25 THERE WAS AN ARREST WARRANT FOR HIM, AND I TOLD HIM THAT I

1       COULD GET THAT INFORMATION FOR HIM THROUGH AN ATTORNEY IN  
2       MEXICO.

3       Q.   NOW, WAS THERE ANYTHING ILLEGAL ABOUT OBTAINING THAT  
4       INFORMATION? THROUGH THE LAWYER?

5       A.   NO, SIR.

6       Q.   NOW, ON THE 24TH YOU MET WITH CASTEL -- MR. CASTEL'S  
7       COMPADRE AND MR. CASTEL AND ANOTHER PERSON, CORRECT?

8       A.   YES, SIR.

9       Q.   AND ON THAT DAY YOU WENT TO THE EL TORITO RESTAURANT, DID  
10      YOU NOT?

11      A.   REPEAT THE DATE.

12      Q.   I 'M SORRY, MY MISTAKE.

13                    I 'M TALKING ABOUT THE 25TH.

14                    GOING BACK TO THE 24TH, DID YOU HAVE A MEETING WITH  
15      THE COMPADRE AGAIN?

16      A.   YES, SIR.

17      Q.   AND WAS THAT AGAIN AT THE HOWARD JOHNSON'S HOTEL?

18      A.   YES, SIR.

19      Q.   AND PRIOR TO GOING TO THE MEETING, DID YOU HAVE ANY  
20      DISCUSSIONS WITH MR. CASTEL?

21      A.   WE WERE AT THE HOTEL BAR A LITTLE BEFORE WE LEFT AND WE  
22      TALKED.

23      Q.   ALL RIGHT.

24                    WHAT DID YOU TALK ABOUT?

25      A.   HE TOLD ME THE SAME THING, THAT IF HIS COMPADRE WENT TO

1 MEXICO, WE WERE BOTH GOING TO DO VERY WELL; THAT HIS COMPADRE  
2 WAS THINKING OF BUYING A FARM IN MEXICO AND THAT HE HAD A LOT  
3 OF MONEY; THAT POSSIBLY HE WOULD ESTABLISH SOME OTHER  
4 BUSINESSES.

5 HE MENTIONED SOMETHING ABOUT REAL ESTATE, SOMETHING  
6 LIKE THAT.

7 Q. AND THAT CASTEL WAS GOING PROVIDE SECURITY FOR SOME OF  
8 THESE BUSINESSES?

9 A. WELL, TOLD ME THAT SINCE I WAS GOING TO HEAD HIS COMPANY,  
10 I WAS GOING TO PROVIDE WHATEVER SERVICES HIS COMPADRE NEEDED  
11 SINCE HE WAS GOING TO BE WITH THE FEDERAL POLICE, SIR.

12 Q. NOW, WHEN YOU ARRIVED AT THE EL TORITO, HOW LONG WERE YOU  
13 THERE?

14 A. AT THE MEETING AT THE EL TORITO IT WAS ON THE 25TH, SIR.

15 Q. YOU'RE RIGHT.

16 ON THE 24TH, HOW LONG DID THAT MEETING LAST?

17 A. AN HOUR AND-A-HALF, POSSIBLY TWO HOURS.

18 Q. AND WHILE YOU WERE THERE, DID YOU HAVE ANYTHING TO BRING  
19 TO DRINK?

20 A. YES, SIR.

21 Q. WHAT?

22 A. BEER.

23 Q. HOW MANY?

24 A. FOUR OR FIVE BEERS.

25 Q. WHO PROVIDED THAT ALCOHOL?

1 A. MR. CASTEL'S COMPADRE.

2 Q. NOW, AFTER THE MEETING WAS OVER, DID YOU GO BACK TO THE  
3 EMBASSY?

4 A. YES, SIR.

5 Q. AND DID YOU HAVE ANY FURTHER DISCUSSIONS WITH MR. CASTEL  
6 AFTER YOU RETURNED TO THE EMBASSY?

7 A. YES, SIR.

8 Q. AND WHERE DID THESE DISCUSSIONS TAKE PLACE?

9 A. I THINK WE WENT OUT FOR A WALK, SIR.

10 Q. AND WHAT DID YOU TALK ABOUT?

11 A. I TOLD HIM I HAD NO RELATIONSHIP WITH ANYBODY THAT  
12 BELONGED TO ERNESTO FONSECA, SINCE I HAD LEFT --

13 THE INTERPRETER: MAKE I INQUIRE JUST A MOMENT?

14 (A DISCUSSION ENSUED BETWEEN THE INTERPRETER AND THE  
15 WITNESS IN THE SPANISH LANGUAGE.)

16 THE WITNESS: -- MEXICO CITY AND THAT MANY OF THE  
17 THINGS HIS COMPADRE ASKED ME ABOUT I DIDN'T KNOW.

18 HE TOLD ME THAT THROUGH HIS COMPADRE, DON ERNESTO  
19 WOULD FIND OUT ABOUT ME; THAT HE WAS GOING RECOMMEND ME;

20 THAT I WAS IN DANGER BECAUSE THEY HAD NOT LOOKED FOR  
21 ME AGAIN AFTER I HAD LEFT MEXICO CITY;

22 THAT HIS COMPADRE WAS GOING TO MAKE SURE THAT I HAD  
23 NO PROBLEMS AND TO GIVE HIM ALL THE INFORMATION HE ASKED ME  
24 FOR.

25 BY MR. MESA:

1 Q. WAS ANYTHING ELSE DISCUSSED?

2 A. I THINK THAT WAS ALL, SIR.

3 THE COURT: WE 'LL TAKE OUR AFTERNOON RECESS AT THIS  
4 TIME AND RECONVENE AT 1:30.

5 THE CLERK: COURT STANDS IN RECESS.

6 (JURY EXCUSED.)

7 (LUNCHEON RECESS.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 LOS ANGELES + CALIFORNIA THURSDAY, JULY 5, 1990

2 + 1:30 P.M.

3  
4 (JURY PRESENT.)

5 THE COURT: YOU MAY CONTINUE.

6 MR. MEZA: THANK YOU, YOUR HONOR.

7  
8 DIRECT EXAMINATION + (CONTINUED.)

9 BY MR. MEZA:

10 Q. I ASK THE WITNESS TO DIRECT --

11 THE COURT: YOU DON'T NEED TO SPEAK IN THE THIRD  
12 PERSON. JUST DIRECT THE WITNESS TO WHAT YOU WANT HIM TO DO.

13 MR. MEZA: THANK YOU, YOUR HONOR.

14 BY MR. MESA:

15 Q. MR. BERNABE, WOULD YOU LOOK AT EXHIBIT NO. 63, PLEASE.

16 IT'S A PHOTOGRAPH OF THREE PEOPLE. IT SHOULD BE IN PLASTIC.

17 A. YES, SIR.

18 Q. DO YOU RECOGNIZE ANYBODY IN THAT PHOTOGRAPH?

19 A. NO, SIR.

20 Q. ARE YOU IN THAT PHOTOGRAPH?

21 A. NO, SIR.

22 Q. ALL RIGHT.

23 NOW, DIRECTING YOUR ATTENTION TO JULY 25TH, 1989,  
24 YOU AGAIN MET WITH THE MR. CASTEL AND HIS COMPADRE; IS THAT  
25 CORRECT?



1 A. YES, SIR.

2 Q. AND YOU WERE DRIVEN TO THE EL TORITO RESTAURANT?

3 A. YES, SIR.

4 Q. BEFORE ARRIVING AT THE EL TORITO RESTAURANT, DID YOU HAVE  
5 ANY MEETINGS WITH MR. CASTEL?

6 A. YES, SIR.

7 Q. AND WHERE DID THOSE MEETINGS -- WHERE DID THAT MEETING  
8 TAKE PLACE?

9 A. WE WERE AT THE BAR OF THE EMBASSY SUITES.

10 Q. WHAT DID YOU TALK ABOUT?

11 A. WELL, HE SAID THAT OUR RETURN TO GUADALAJARA WAS COMING  
12 VERY SOON; THAT IT WAS THE LAST MEETING WE WOULD HAVE WITH HIS  
13 COMPADRE.

14 HE TOLD ME I HAD THE RESPONSIBILITY OF CONVINCING  
15 HIM SO THAT HE WOULD GO TO MEXICO; THAT IF HE WENT THERE WE  
16 WOULD BOTH DO VERY WELL AND WOULD MAKE A LOT OF MONEY.

17 I TOLD HIM HIS COMPADRE ASKED ME A LOT OF QUESTIONS  
18 REGARDING AGENT CAMARENA AND WHETHER I HAD BEEN AT THE PLACE.

19 AND I TOLD HIM I DIDN'T KNOW ANYTHING ABOUT THAT  
20 MATTER, AND HE TOLD ME TO TELL HIM WHAT I KNEW.

21 Q. ALL RIGHT.

22 BY THE WAY, WHEN WERE YOU IN LOS ANGELES, DID YOU  
23 EVER GO LOOK AT ANY SECURITY DOGS?

24 A. NO, SIR.

25 Q. DID THAT CREATE -- WAS THERE ANY FRICTION THAT WAS CAUSED

1 BY NOT LOOKING AT THE SECURITY DOGS?

2 A. YES, SIR.

3 Q. WHAT HAPPENED?

4 A. THE DOCTORS WERE UPSET.

5 AS A MATTER OF FACT, THEY LEFT UPSET ON MONDAY, THAT  
6 IS, THE 24TH.

7 AND I ASKED THE COMANDANTE WHETHER WE WERE GOING TO  
8 LOOK AT ANYTHING.

9 HE TOLD ME IT WAS MORE IMPORTANT, THE MATTER OF HIS  
10 COMPADRE FOR THE TIME BEING, THAT ONCE I GOT THE INFORMATION  
11 FOR HIM IN MEXICO, WE WOULD COME BACK TO THE UNITED STATES AND  
12 WE WOULD SEE WHAT INITIALLY WE HAD COME FOR, THE DOGS AND THE  
13 EQUIPMENT.

14 Q. NOW, WHEN YOU WENT TO THE -- WHEN YOU WERE IN THE BAR,  
15 DID YOU HAVE ANYTHING TO DRINK ON THE 25TH?

16 A. YES, SIR.

17 Q. WHAT DID YOU HAVE TO DRINK?

18 A. BEER.

19 Q. ABOUT HOW MANY?

20 A. ABOUT THREE BEERS.

21 Q. NOW, WHEN YOU ARRIVED AT THE EL TORITO, WHO WERE YOU  
22 WITH?

23 A. WELL, WHILE AT THE BAR THEY CAME TO PICK US UP. RICHARD  
24 CASTEL'S COMPADRE AND ANOTHER PERSON.

25 AND WE WERE TRANSPORTED; SUPPOSEDLY WE WERE GOING TO

1 HAVE SOMETHING TO EAT AND WE ARRIVED AT THAT RESTAURANT BAR .

2 Q. HOW LONG WERE YOU AT THE BAR, THE EL TORITO BAR?

3 A. OVER THREE HOURS, SIR.

4 Q. DID YOU HAVE ANYTHING TO DRINK?

5 A. YES, SIR.

6 Q. WHAT DID YOU HAVE TO DRINK?

7 A. BEER, SIR.

8 Q. ABOUT HOW MANY?

9 A. OVER TEN BEERS, SIR.

10 Q. WHAT KIND OF BEER WERE YOU DRINKING?

11 A. FIRST, I WAS DRINKING BUDWEISER, AND THEN I CHANGED TO  
12 TRES EQUES, A MEXICAN BEER.

13 Q. WERE THE OTHER PEOPLE YOU WERE WITH, WERE THEY DRINKING  
14 ALSO?

15 A. ONLY COMANDANTE CASTEL DID NOT, SIR.

16 Q. THE OTHER TWO, CASTEL'S COMPADRE AND HIS COMPANION, THEY  
17 WERE BOTH DRINKING; IS THAT CORRECT?

18 A. YES, SIR.

19 Q. NOW, AT SOME POINT YOU LEFT THE EL TORITO; IS THAT RIGHT?

20 A. YES, SIR.

21 Q. AND YOU CAME BACK TO THE EMBASSY HOTEL?

22 A. YES, SIR.

23 Q. BY THE WAY, THIS BEER THAT YOU HAD TO DRINK AT EL TORITO,  
24 WERE YOU FEELING THE EFFECTS OF THAT AT ALL?

25 A. YES, SIR.

1 Q. AND WHAT WERE SOME OF THE EFFECTS YOU WERE FEELING?

2 MR. CARLTON: OBJECTION; RELEVANCE, YOUR HONOR.

3 THE COURT: OVERRULED.

4 THE WITNESS: I FELT DIZZY, A BIT EUPHORIC.

5 BY MR. MESA:

6 Q. NOW, WHEN YOU ARRIVED BACK AT THE HOTEL AFTER THIS TRIP,  
7 YOU WERE DROPPED OFF BY THE CASTEL'S COMPADRE?

8 A. YES, SIR.

9 Q. AND DID YOU HAVE ANY DISCUSSIONS WITH CASTEL'S COMP- --  
10 OR WITH MR. CASTEL AFTER WERE YOU DROPPED OFF AT THE HOTEL?

11 A. YES, SIR.

12 Q. AND WHAT DID YOU TALK ABOUT?

13 A. I TOLD THEM THAT I HAD ALREADY SPOKEN TO HIS COMPADRE,  
14 THAT I HAD TOLD HIM WHAT I KNEW WITH REGARD TO WHAT HE WAS  
15 ASKING ME, AND THAT HE HAD AGREED TO COME BACK THE NEXT DAY AS  
16 MR. CASTEL'S COMPADRE.

17 SUPPOSEDLY TO TAKE MONEY FOR THE ATTORNEY I WAS  
18 GOING TO HIRE IN MEXICO.

19 Q. IS THAT ALL THAT WAS DISCUSSED?

20 A. YES, SIR.

21 Q. NOW, ON THE 25TH YOU HAD A DISCUSSION WITH CASTEL'S  
22 COMPADRE IN THE CAR, DID YOU NOT?

23 A. YES.

24 WHEN WE GOT BACK FROM EL TORITO, IN THE PARKING LOT  
25 OF THE EMBASSY SUITES, MR. CASTEL GOT OUT OF THE CAR AND IN

1 THE CAR THERE REMAINED MR. CASTEL'S COMPADRE, THE OTHER PERSON  
2 WHO WAS THE DRIVER, AND MYSELF.

3 Q. BY THE WAY, WHEN WERE YOU IN THE EL TORITO, YOU HAD A  
4 TIME WHEN YOU WERE ALONE IN THE BAR WITH THE COMPADRE'S  
5 FRIEND, CORRECT?

6 A. YES, SIR.

7 Q. AND THIS PERSON TOLD YOU ABOUT SOMEBODY THAT HE KNEW, DO  
8 YOU RECALL?

9 A. YES, SIR.

10 THAT WAS THE FIRST TIME I EVER SPOKE TO THAT PERSON.

11 Q. WHO WAS -- WHAT WAS THE NAME OF THE PERSON THAT HE KNEW?

12 A. I HEARD THEY CALLED HIM "BETO," SIR.

13 Q. BUT BETO SAID THAT HE KNEW SOMEBODY IN MEXICO THAT HE WAS  
14 RELATED TO?

15 A. HE TOLD ME HE WAS FROM TEXAS AND THAT HE WAS A RELATIVE  
16 OF A PERSON WHOSE NAME WAS MIKE WHO HAD BEEN ARRESTED IN  
17 PUERTO VALLARTA, ALSO, WHEN HE WAS.

18 Q. NOW, LET'S GO BACK TO THIS CONVERSATION IN THE CAR.

19 AT SOME POINT YOU TALKED ABOUT THE AGENT BEING  
20 BEATEN AND SWOLLEN.

21 DO YOU RECALL SAYING THAT?

22 A. YES, SIR.

23 Q. AND HAVE YOU EVER SEEN THE AGENT CAMARENA IN A BEATEN OR  
24 SWOLLEN CONDITION?

25 A. NO, SIR.

1 Q. HAD YOU EVER MET AGENT CAMARENA UNDER ANY CIRCUMSTANCES?

2 A. NO, SIR.

3 Q. WHERE DID YOU GET THE INFORMATION THAT AGENT CAMARENA HAD  
4 BEEN BEATEN?

5 A. WELL, IN NEWSPAPERS, IN MAGAZINES.

6 IN MEXICO A LOT OF PUBLICATIONS CAME OUT RELATED TO  
7 THE CASE, AND I TOLD MR. CASTEL'S COMPADRE WHAT I KNEW BASED  
8 ON WHAT I HAD READ.

9 Q. ALL RIGHT.

10 NOW, DIRECTING YOUR ATTENTION TO EXHIBIT DOUBLE A,  
11 THAT'S TWO A'S, AA, IT SHOULD BE UP THERE, COULD YOU LOOK AT  
12 IT PLEASE. IT'S A MAGAZINE.

13 A. YES, SIR.

14 Q. AND IF I COULD DIRECT YOUR -- DO YOU RECOGNIZE THAT  
15 MAGAZINE?

16 A. YES, SIR.

17 Q. WHAT IS THAT MAGAZINE?

18 A. IT'S A MAGAZINE PUBLISHED IN MEXICO. IT'S CALLED ALARMA.  
19 IT DEALS EXCLUSIVELY WITH POLICE CASES.

20 Q. WHAT IS THE DATE ON THE FRONT OF THAT MAGAZINE?

21 A. MAY 1 OF 1985, APRIL 24 OF 1985.

22 Q. ALL RIGHT.

23 WHAT MAGAZINES AND NEWSPAPERS DID YOU READ ABOUT  
24 THIS CASE IN?

25 CAN YOU GIVE US THE NAMES OF SOME OF THEM?

1 A. THE ONES MOST PUBLISHED IN GUADALAJARA, EL INFORMADOR DE  
2 GUADALAJARA, EL LECSINETEL DE GUADALAJARA (PHONETIC), AND EL  
3 SOL DE GUADALAJARA.

4 Q. NOW, IF I COULD DIRECT YOUR ATTENTION TO THE LAST PAGE OF  
5 THIS ALARMA.

6 A. THIS ONE, SIR?

7 Q. IF THAT ONE HAS DOUBLE A ON IT, YES.

8 A. YES, SIR.

9 Q. AND DO YOU SEE THE STORY THAT'S PRINTED THERE?

10 A. YES, SIR.

11 Q. HAVE YOU EVER READ THAT STORY BEFORE?

12 A. I THINK SO, SIR.

13 Q. WHEN WAS THE FIRST TIME YOU READ THAT STORY?

14 A. AFTER I GOT OUT OF THE PRISON IN MEXICO, I READ A LOT OF  
15 LITERATURE, BECAUSE IN SOME OF THEM I EVEN CAME OUT.

16 Q. WAS THAT -- THAT STORY, IS THAT THE STORY YOU GOT THE  
17 INFORMATION FROM CONCERNING THE AGENT BEING BEATEN?

18 MR. CARLTON: OBJECT TO THE LEADING QUESTION, YOUR  
19 HONOR.

20 THE COURT: OVERRULED.

21 THE WITNESS: WELL, THIS ARTICLE --

22 BY MR. MESA:

23 Q. WITHOUT GOING INTO WHAT THE ARTICLE SAYS, IS THAT THE  
24 ONE -- ONE OF THE ARTICLES YOU READ WHERE YOU GOT THE  
25 INFORMATION THAT THE AGENT WAS BEATEN?

1 A. YES, SIR.

2 Q. DOES THAT ARTICLE ALSO CONTAIN A SUPPOSED DISCUSSION  
3 BETWEEN -- THAT TOOK PLACE BETWEEN CARO QUINTERO AND FONSECA?

4 A. YES, SIR.

5 Q. THAT WAS HAD AT THE TIME THE AGENT WAS BEATEN?

6 A. YES, SIR.

7 Q. NOW, IF I COULD DIRECT YOUR ATTENTION TO THE ALARMA  
8 MAGAZINE, DOUBLE B, BB.

9 A. YES, SIR.

10 Q. DO YOU RECOGNIZE THAT MAGAZINE?

11 A. YES, SIR.

12 Q. IN FACT, YOUR NAME APPEARS IN THAT PARTICULAR MAGAZINE,  
13 DOES IT NOT?

14 A. AND MY PHOTO, SIR.

15 Q. AND THAT STORY IS IN CONNECTION WITH YOUR ARREST IN  
16 PUERTO VALLARTA, CORRECT?

17 A. THAT'S RIGHT, SIR.

18 Q. NOW, GOING BACK TO JULY 25TH, AFTER YOUR MEETING AT THE  
19 EL TORITO, DID YOU -- AFTER THE DISCUSSION IN THE CAR, DID YOU  
20 MEET WITH CASTEL AGAIN?

21 A. YES, FOR A MOMENT, SIR.

22 Q. WHAT WAS DISCUSSED, IF ANYTHING?

23 A. I TOLD HIM I HAD DONE WHAT HE HAD ASKED ME TO; THAT HIS  
24 COMPADRE HAD AGREED TO COME BACK THE FOLLOWING DAY TO TAKE HIS  
25 MONEY FOR WHATEVER EXPENSES WERE INCURRED IN THE INVESTIGATION



1 IN MEXICO .

2 HE TOLD ME THAT HE TRUSTED ME; THAT I WOULDN'T LET  
3 HIM DOWN AND WE SPOKE ABOUT WHAT I HAD TOLD HIS COMPADRE .

4 Q. ALL RIGHT .

5 WHAT DID YOU -- DID YOU MEET WITH CASTEL THE NEXT  
6 DAY?

7 A. YES , SIR .

8 Q. AND HOW LONG DID THAT MEETING LAST?

9 A. WE WERE AT THE HOTEL THE WHOLE DAY BECAUSE HIS COMPADRE  
10 DID NOT COME BY AS HE HAD SAID .

11 A GREAT PART OF THE DAY WE SPENT AT THE POOL TALKING  
12 ABOUT PLANS I HAD FOR WHEN I GOT TO GUADALAJARA AND TO START  
13 TO WORK .

14 Q. NOW , THE FOLLOWING DAY, THE 27TH, DO YOU RECALL THAT DAY?

15 A. YES , SIR .

16 Q. AND THAT WAS THE DATE WERE YOU ARRESTED?

17 A. YES , SIR .

18 Q. IF I COULD DIRECT YOUR ATTENTION TO EXHIBITS DOUBLE O ,  
19 THEY'RE IN THE PLASTIC BAGS , DOUBLE P , DOUBLE Q , AND DOUBLE  
20 R .

21 A. YES , SIR .

22 Q. WERE THOSE ITEMS TAKEN FROM YOU AT THE TIME WERE  
23 ARRESTED?

24 A. YES , SIR .

25 Q. NOW , IF I COULD ASK YOU TO DIRECT YOUR ATTENTION TO

1 DOUBLE Q.

2 A. YES, SIR.

3 Q. WHAT IS THAT?

4 A. IT'S MY PASSPORT.

5 Q. ALL RIGHT.

6 AND IF I COULD DIRECT YOUR ATTENTION TO DOUBLE P.

7 A. I HAVE IT HERE.

8 Q. WHAT IS CONTAINED IN THAT ENVELOPE?

9 A. IT IS MY SOCIAL SECURITY CARD AND A CARD FOR CARRYING A  
10 RADIO, WHICH WAS THE COMMUNICATION I USED AT THE HOTEL.

11 Q. WHEN YOU TALK ABOUT THE HOTEL, YOU'RE TALKING ABOUT AT  
12 THE PARADOR?

13 A. YES, SIR.

14 Q. ALL RIGHT.

15 NOW, MR. BERNABE, DID YOU KIDNAP AGENT CAMARENA?

16 A. NO, SIR.

17 Q. DID YOU KIDNAP ALFREDO ZAVALA?

18 A. NO, SIR. I DIDN'T KNOW HIM.

19 Q. WERE YOU INVOLVED IN THE PLANNING TO KIDNAP EITHER OF  
20 THOSE TWO PEOPLE?

21 A. NO, SIR.

22 Q. DID YOU MURDER AGENT CAMARENA?

23 A. NO, SIR.

24 Q. DID YOU MR. MURDER MR. ZAVALA?

25 A. NO, SIR.

1 Q. WERE YOU INVOLVED IN ANY WAY WITH THOSE TWO PEOPLE'S  
2 DEATHS?

3 A. NO, SIR.

4 Q. WERE YOU PRESENT WHEN AGENT CAMARENA WAS BEING  
5 INTERROGATED?

6 A. NO, SIR.

7 Q. DID YOU KNOW AT THE TIME THAT AGENT CAMARENA WAS BEING  
8 INTERROGATED?

9 A. THAT'S WHEN WE WENT TO THE HOUSE, THAT IS AT LOPEZ MATEOS  
10 AND AVENIDA MEXICO. NO, SIR.

11 Q. WELL, IN FACT, THE HOUSE THAT YOU WENT TO WHERE THIS  
12 DISCUSSION OCCURRED BETWEEN FONSECA AND CARO, YOU DON'T HAVE  
13 ANY KNOWLEDGE AS TO WHAT WAS GOING ON INSIDE THE HOUSE AT THAT  
14 TIME, DO YOU?

15 A. THAT'S RIGHT, SIR.

16 Q. NOW, AFTER WERE YOU ARRESTED, WHERE WERE YOU TAKEN?

17 A. WHEN COMANDANTE CASTEL TOOK ME OUT OF THE HOTEL AND WE  
18 WERE ARRESTED, WE WERE TRANSPORTED IN A VEHICLE TO A TALL  
19 BUILDING. I DON'T KNOW WHAT IT IS THERE.

20 Q. YOU MEAN MR. CASTEL WAS ARRESTED WITH YOU, ALSO?

21 A. YES, SIR.

22 MR. CARLTON: I'LL OBJECT TO THE RELEVANCE OF THIS,  
23 YOUR HONOR, AND ASK THAT IT BE STRIKEN.

24 THE COURT: OVERRULED.

25 //

1 BY MR. MEZA:

2 Q. NOW, WHEN YOU ARRIVED AT THIS TALL BUILDING, DID YOU MEET  
3 WITH AGENT BERRELLEZ?

4 A. YES. I WAS TOLD THE COMANDANTE WANTED TO SEE ME.

5 Q. DID YOU MEET WITH AGENT BERRELLEZ IN THIS TALL BUILDING  
6 YOU WERE TAKEN TO AFTER YOU WERE ARRESTED?

7 A. YES, SIR.

8 Q. AND DID AGENT BERRELLEZ -- HE IDENTIFIED HIMSELF AS A  
9 D.E.A. AGENT AT THAT TIME?

10 A. YES, SIR.

11 Q. AND WHAT WAS IT THAT AGENT BERRELLEZ -- DID AGENT  
12 BERRELLEZ ASK YOU ANYTHING?

13 A. YES, SIR.

14 Q. WHAT DID HE ASK YOU?

15 A. HE ASKED ME IF I KNEW WHY I WAS UNDER ARREST.

16 I TOLD HIM I HAD BEEN TOLD WHY; THAT I DIDN'T KNOW  
17 ANYTHING, AND HE TOLD ME THEY WERE INTERESTED IN MY  
18 COOPERATING; THAT MANY YEARS IN PRISON AWAITED ME; TO THINK  
19 ABOUT IT A LOT.

20 COMANDANTE CASTEL WAS GOING TO COOPERATE WITH THEM  
21 AND HE WASN'T GOING TO BE INCARCERATED.

22 HE PROPOSED SOME THINGS TO ME.

23 Q. FOR EXAMPLE?

24 A. LEGAL RESIDENCE IN THE UNITED STATES, A HOUSE, TO BRING  
25 MY FAMILY, THEY EVEN KNOW I HAVE A CHILD OUTSIDE OF MY

1 MARRIAGE, AND HE TOLD ME THAT I COULD BRING HIM, TOO;  
2 THAT THEY WOULD OFFER ME PROTECTION; AND IF I  
3 THOUGHT I HAD PROBLEMS, THEY WOULD CHANGE MY IDENTITY.

4 Q. DID AGENT BERRELLEZ AT ANY OTHER TIME ASK YOU TO  
5 COOPERATE?

6 A. YES, SIR.

7 Q. WHEN WAS THAT?

8 A. THE NEXT DAY, SIR.

9 Q. WHERE WAS THAT; WHERE WAS THAT?

10 A. IN THE CELL DOWNSTAIRS HERE IN THIS BUILDING, SIR.

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

12 THE COURT: YES,

13 MR. MEZA: THAT WOULD CONCLUDE OUR DIRECT  
14 EXAMINATION.

15 THE COURT: VERY WELL.

16 YOU MAY CROSS-EXAMINE THE WITNESS.

17 MR. MEZA: YOUR HONOR, WITH THE COURT'S PERMISSION,  
18 WE HAVE AN ADDITIONAL WITNESS WE'D LIKE TO CALL OUT OF ORDER  
19 AND THAT'S A SCHEDULING COCK FIGHT.

20 I'VE DISCUSSED IT WITH THE GOVERNMENT ATTORNEYS AND  
21 THEY HAVE NO OPPOSITION TO IT.

22 THE COURT: YOU WILL DEFER YOUR CROSS-EXAMINATION  
23 UNTIL AFTER THE NEXT WITNESS HAS BEEN COMPLETED?

24 MR. MEZA: YES, YOUR HONOR.

25 WE CALL MR. HENRY GREENBERG.

1 THE COURT: THE WITNESS MAY STEP DOWN.

2 (WITNESS TEMPORARILY EXCUSED.)

3 MR. MEZA: IF I COULD BE EXCUSED.

4

5 HENRY GREENBERG + DEFENSE WITNESS SWORN

6

7 THE CLERK: PLEASE BE SEATED.

8 PLEASE STATE YOUR FULL NAME FOR THE RECORD AND SPELL  
9 YOUR LAST NAME.

10 THE WITNESS: HENRY S. GREENBERG, G R E E N B E R G.

11

12

13

DIRECT EXAMINATION +

14

BY MR. MESA:

15

Q. MR. GREENBERG, ARE YOU EMPLOYED?

16

A. YES, SIR.

17

Q. BY WHOM?

18

A. I'M SELF EMPLOYED AS THE OWNER AND DIRECTOR OF MY  
19 FACILITY.

20

Q. WHAT IS THE NAME OF YOUR FACILITY?

21

A. FORENSIC ANALYTICAL CONSULTANTS.

22

Q. AND WHAT IS THE PURPOSE OF THIS BUSINESS?

23

A. THE FACILITY IS A CALIFORNIA STATE LICENSED FORENSIC  
24 ALCOHOL LABORATORY.

25

THE PURPOSE OF WHICH IS TO CONSULT, TEST AND RELATE

1 ALCOHOL , EFFECTS OF ALCOHOL TO -- ON THE BODY TO INDIVIDUALS .

2 IT DOES NOT CONCERN ITSELF WITH THE TREATMENT OF  
3 ALCOHOLISM .

4 Q. JUST THE EFFECTS OF ALCOHOL ON A PERSON; IS THAT RIGHT?

5 A. THAT 'S RIGHT .

6 AND THE TESTING OF BIOLOGICAL FLUIDS FOR ALCOHOL  
7 CONTENT .

8 Q. INCLUDING BREATH AND URINE?

9 A. YES .

10 Q. NOW , WHAT IS YOUR TRAINING , EDUCATION AND EXPERIENCE IN  
11 THE AREA OF THE EFFECTS OF ALCOHOL ON THE HUMAN BODY?

12 A. EDUCATIONALLY , I HAVE A BACHELORS OF ARTS DEGREE , SPECIAL  
13 HONORS IN CHEMISTRY , CUM LAUDE FROM NASSOM COLLEGE ,  
14 N A S S O M , WHICH IS LOCATED IN THE STATE OF MAINE .

15 I HAVE A MASTER OF SCIENCE DEGREE IN THE AREA OF  
16 MEDICINAL CHEMISTRY FROM THE UNIVERSITY OF MICHIGAN .

17 WORK SAMPLING , I WORKED IN THE AREA OF MEDICAL  
18 RESEARCH AT THE VETEREN'S ADMINISTRATION HOSPITAL IN LONG  
19 BEACH .

20 AND THEN FOR APPROXIMATELY 12 AND-A-HALF YEARS AS A  
21 SENIOR CRIMINALIST WITH THE COUNTY OF LOS ANGELES ASSIGNED TO  
22 THE SHERIFF 'S DEPARTMENT CRIMINALISTICS LABORATORY .

23 FOR APPROXIMATELY 8 OF THOSE 12 AND-A-HALF YEARS , I  
24 WORKED IN THE AREA OF BLOOD ALCOHOL ANALYSIS AND BLOOD ALCOHOL  
25 TESTING , AND FOR THE MAJORITY OF THAT TIME WAS THE ASSISTANT

1 SECTION LEADER .

2 ALSO, DURING THAT TIME BECAME THE LIASON BETWEEN THE  
3 L.A. COUNTY SHERIFF'S DEPARTMENT CRIME LAB AND THE STATE  
4 DEPARTMENT OF HEALTH SERVICES .

5 I HELPED TO REWRITE AND REVISE PROCEDURES PURSUANT  
6 TO TITLE 17 OF WHAT IS NOW CALLED THE CALIFORNIA CODE OF  
7 REGULATIONS, WHICH IS THE RULES -- WHICH ARE THE RULES AND  
8 REGULATIONS GOVERNING THE USE OF BLOOD ALCOHOL TESTING AND  
9 BLOOD ALCOHOL ANALYSIS IN THE STATE OF CALIFORNIA .

10 I'VE ALSO ACTED AS CONSULTANT TO MEMBERS OF THE  
11 PROSECUTORIAL COMMUNITY, AS WELL AS PRIVATE OR DEFENSE  
12 COUNSEL .

13 DURING THAT PERIOD OF TIME I WAS IN CHARGE OF  
14 RECORDKEEPING, AS WELL AS INSTRUMENT REPAIR AND DIAGNOSIS .

15 I WAS ALSO IN CHARGE OF TRAINING BOTH WITHIN THE  
16 LABORATORY AND OUTSIDE OF THE LABORATORY IN THE LAW  
17 ENFORCEMENT AGENCIES WITHIN LOS ANGELES COUNTY AS TO ANALYSIS  
18 FOR  
19 ALCOHOL IN THE BLOOD AND THE EFFECTS OF ALCOHOL ON  
20 INDIVIDUALS .

21 I WAS CERTIFIED AS A FORENSIC ALCOHOL SUPERVISOR  
22 UNDER A LABORATORY'S STATE LICENSE AND HAVE REVIEWED  
23 LITERATURE AND PERIODICALS IN THE FIELD BOTH PERTAINING TO THE  
24 EFFECTS OF ALCOHOL ON INDIVIDUALS AND DETERMINATION OF BLOOD  
25 ALCOHOL LEVELS .



1 I HAVE OBSERVED INDIVIDUALS IN THE FIELD.

2 I HAVE BEEN BOTH A MEMBER AND AN OBSERVER OF  
3 CONTROLLED STUDIES WHERE ALCOHOL WAS CONSUMED.

4 ALSO, I HAVE BEEN INVOLVED WITH INDEPENDENT TESTING  
5 WITHIN THE LABORATORY FOR ISSUES AS THEY CAME UP.

6 APPROXIMATELY, FOUR YEARS, I LEFT THE EMPLOYMENT OF  
7 LOS ANGELES COUNTY ON MY OWN INITIATIVE, OPENED UP MY OWN  
8 FACILITY, OBTAINED A STATE LICENSE FOR THAT FACILITY, AND THEN  
9 CERTIFIED AS A FORENSIC ALCOHOL SUPERVISOR UNDER THAT  
10 LICENSING.

11 SINCE THAT PERIOD OF TIME, THE TESTING OF  
12 INDIVIDUALS, AS WELL AS THE REVIEW AND LITERATURE, LITERATURE  
13 AND PERIODICALS, HAS BEEN ONGOING.

14 Q. ALL RIGHT.

15 HAVE YOU EVER TESTIFIED IN COURT BEFORE?

16 A. OH, YES.

17 I'VE QUALIFIED IN COURT THROUGHOUT THE STATE OF  
18 CALIFORNIA, BOTH MUNICIPAL AND SUPERIOR IN ALCOHOL RELATED  
19 CASES TO CRIMINAL MATTERS. I WOULD SAY BETWEEN 15- AND 1600  
20 TIMES.

21 Q. DO YOU BELONG TO ANY PROFESSIONAL ORGANIZATIONS?

22 A. YES.

23 Q. WHICH ONES?

24 A. WELL, THE CALIFORNIA ASSOCIATION OF CIMINALISTS; THE  
25 INTERNATIONAL NARCOTIC ENFORCEMENT OFFICES ASSOCIATION; SOUTH

1 WESTERN FORENSIC SCIENCE ASSOCIATION AND CANADIAN -- SOCIETY  
2 OF FORENSIC SCIENCE IN CANADA.

3 MR. MEZA: ALL RIGHT.

4 I WOULD PROFFER THE WITNESS, YOUR HONOR, AS AN  
5 EXPERT IN THE AREA OF ALCOHOL AND ITS EFFECTS ON A PERSON OR  
6 AN INDIVIDUAL.

7 THE COURT: HE MAY TESTIFY AND EXPRESS HIS OPINIONS  
8 ON THAT SUBJECT.

9 MR. MEZA: THANK YOU.

10 //

11 BY MR. MEZA:

12 Q. NOW, MR. GREENBERG, IF I COULD GIVE YOU A HYPOTHETICAL  
13 EXAMPLE:

14 IF YOU WERE TO TAKE A PERSON WHO WEIGHED, SAY,  
15 APPROXIMATELY 170 TO 175 POUNDS AND WHO HAD CONSUMED BETWEEN  
16 10 OR 12 BEERS OVER A PERIOD OF APPROXIMATELY FIVE AND-A-HALF  
17 HOURS, WOULD YOU HAVE AN OPINION AS TO WHAT THAT PERSON'S  
18 BLOOD ALCOHOL LEVEL WOULD BE?

19 A. AT WHAT POINT IN TIME?

20 Q. AT THE END OF THE FIVE AND-A-HALF HOURS.

21 A. IF THE BEER OVER THAT PERIOD OF TIME WERE CONSUMED IN A  
22 RELATIVELY UNIFORM OR CONSISTENT MANNER, I WOULD BE ABLE TO  
23 EXPRESS AN OPINION.

24 Q. AND WHAT WOULD THAT OPINION BE?

25 MR. MEDRANO: OBJECTION, YOUR HONOR.

1 THE COURT: INDICATE OR DESCRIBE WHAT IT IS YOU'RE  
2 DOING.

3 THE WITNESS: I'M CALCULATING THE ALCOHOL IN  
4 RELATION -- THE ALCOHOL THAT WOULD BE IN AN INDIVIDUAL'S BLOOD  
5 WITH RESPECT TO THE BODY WEIGHT OF THE INDIVIDUAL, THE SEX OF  
6 THE INDIVIDUAL, THE TYPE AND QUANTITY OF --

7 THE COURT: THAT ISN'T WHAT I HAD IN MIND.

8 ARE YOU USING SOME DEVICE THERE?

9 THE WITNESS: I'M USING A CALCULATOR.

10 THE COURT: A CALCULATOR?

11 THE WITNESS: YES, A HAND-HELD CALCULATOR.

12 THE COURT: ALL RIGHT.

13 THE WITNESS: WITH L.E.D. DISPLAY.

14 MR. MEDRANO: OBJECTION, YOUR HONOR, TO HIS  
15 RESPONSE.

16 LACK OF FOUNDATION IN TERMS OF A HYPOTHETICAL.

17 IN ADDITION TO THAT, YOUR HONOR, ADDITIONAL  
18 FOUNDATION AS TO THE EXACT PROCESSES OR BASES OR COMPUTATIONS  
19 TAKEN BEFORE REACHING THE CONCLUSION.

20 THE COURT: THAT IS NOT CORRECT.

21 THAT MAY BE INQUIRED INTO AFTERWARDS, BUT IT IS NOT  
22 REQUIRED AS PREREQUISITE FOR THE OPINION.

23 THE COURT: YOU MAY PROCEED.

24 MR. MEZA: THANK YOU.

25 BY MR. MEZA:

1 Q. HAVE YOU REACHED YOUR OPINION YET, MR. GREENBERG?

2 A. (NO VERBAL RESPONSE.)

3 MR. MEZA: IT APPEARS THE WITNESS IS STILL  
4 CALCULATING, IF I MAY HAVE JUST A COUPLE MORE MINUTES, YOUR  
5 HONOR.

6 THE COURT: I WILL INFORM THE JURY THAT WHEN A  
7 WITNESS IS ASKED TO ASSUME THE EXISTENCE OF CERTAIN FACTS AND  
8 BASE HIS OPINION ON THOSE FACTS, IF THE EVIDENCE DOES NOT  
9 ESTABLISH THE EXISTENCE OF THOSE FACTS, THAT WOULD BE  
10 CONSIDERED BY YOU IN DETERMINING THE VALUE OF YOUR OPINION  
11 HERE.

12 IN OTHER WORDS, THIS WITNESS HAS BEEN ASKED TO  
13 ASSUME CERTAIN THINGS, AND IT IS BASED ON THOSE ASSUMPTIONS  
14 THAT HE WILL EXPRESS HIS OPINION.

15 IF ANY FACTS HE WAS ASKED TO ASSUME ARE NOT PROVED  
16 BY THE EVIDENCE TO YOUR SATISFACTION, YOU MAY CONSIDER THAT IN  
17 DETERMINING WHAT EFFECT THEY SHOULD HAVE ON THE VALUE OF THE  
18 OPINION.

19 MR. MEZA: ALL RIGHT.

20 THANK YOU, YOUR HONOR.

21 THE WITNESS: AT THE END OF THE FIVE AND-A-HALF HOUR  
22 PERIOD, A 170 OR 175 POUND MALE CONSUMING BETWEEN 10 AND 12  
23 12-OUNCE BEERS, WOULD HAVE A BLOOD ALCOHOL -- WOULD BE  
24 EXPECTED TO HAVE A BLOOD ALCOHOL LEVEL OF BETWEEN A .12 AND A  
25 .14.

1 MR. MEZA: ALL RIGHT.

2 BY MR. MEZA:

3 Q. NOW, COULD THERE BE ANYTHING THAT MIGHT AFFECT -- IN  
4 TERMS OF SOMETHING THAT MIGHT BE CONSUMED -- THAT WOULD AFFECT  
5 THAT .12 TO .14 AREA?

6 A. I'M SORRY?

7 Q. IS THERE ANYTHING THAT THE -- IN ADDITION TO THE ALCOHOL  
8 THAT WAS CONSUMED DURING THAT TIME PERIOD WHICH MIGHT AFFECT  
9 THE .12 TO .14?

10 A. WELL, IT WOULD DEPEND ON WHAT WAS CONSUMED PRIOR TO THAT  
11 5-1/2 HOUR PERIOD, BOTH FROM AN ALCOHOL OR NONALCOHOL-RELATED  
12 STANDPOINT.

13 THE AMOUNT OR TYPE OF FOOD OR IF ANY FOOD WAS  
14 CONSUMED DURING THAT 5-1/2 HOUR STANDPOINT, THE RATE AT WHICH  
15 THE ALCOHOL WAS -- COULD BE ASSUMED AND AGAIN DURING THAT  
16 PERIOD OF TIME.

17 Q. NOW, THE RANGE BETWEEN .12 AND .14, WOULD THAT HAVE ANY  
18 EFFECT ON A PERSON'S MOTOR FUNCTIONS, AND ASSUME FURTHER THAT  
19 THIS IS A REGULAR BEER DRINKER?

20 A. A REGULAR INDIVIDUAL WHO NORMALLY CONSUMED ALCOHOL IN THE  
21 FASHION FROM THE GROSS OR OUTWARD SCIENCE, MIGHT NOT APPEAR TO  
22 BE AS INTOXICATED AS THE AVERAGE INDIVIDUAL.

23 THIS WOULD BE DUE TO THE TOLERANCE AND THE  
24 FAMILIARITY OF ALCOHOL THAT HE HAD BUILT UP OVER A PERIOD OF  
25 TIME.

1 Q. WOULD THERE BE AN EFFECT ON THE PERSON'S MENTAL SIDE?

2 A. YES.

3 Q. AND WHAT WOULD THAT AFFECT -- WHAT WOULD YOU EXPECT THAT  
4 EFFECT TO BE AT A .12 TO .14?

5 A. THE INDIVIDUAL WOULD HAVE LOSS OF CRITICAL JUDGMENT, A  
6 LITTLE CONFUSION, DISORIENTATION -- EXCUSE ME -- POSSIBLY  
7 MEMORY PROBLEMS AND MEMORY LOSS.

8 Q. IN THE AREA OF PERCEPTION?

9 A. PERCEPTION WOULDN'T BE AFFECTED, VISUAL ACUITY WOULD BE  
10 AFFECTED.

11 Q. ANYTHING ELSE IN THE MENTAL SIDE?

12 A. BESIDES VISUAL ACUITY, THE DEPTH PERCEPTION OF THE  
13 INDIVIDUAL WOULD BE AFFECTED.

14 IN GENERAL, ALCOHOL IS A CENTRAL NERVOUS SYSTEM  
15 DEPRESSANT THAT SLOWS THE BODY FUNCTIONS DOWN.

16 THE INDIVIDUAL IS GOING TO BE LESS REACTIVE TO  
17 STIMULUS, SO THAT THE BODY FUNCTIONS AFTER A VERY BRIEF  
18 STIMULATION PERIOD WILL BE DEPRESSED OR SLOWED DOWN.

19 WITH THIS WILL COME FINE MOTOR COORDINATION, AS WELL  
20 AS THE MENTAL -- SPECIFIC MENTAL CAPABILITIES WHICH I HAVE  
21 EARLIER INDICATED.

22 SOME OF THE FACTORS THAT ARE AFFECTED WILL BE  
23 VOLUNTARY, MEANING THAT THERE IS A --- THAT THE INDIVIDUAL  
24 WILL VOLUNTARILY OR CAN VOLUNTARILY CONTROL THE ACTIONS,  
25 OTHERS INVOLUNTARY INDICATING THAT HE OR SHE HAS NO CONSCIOUS

1 CONTROL OVER THOSE FUNCTIONS.

2 Q. ALL RIGHT.

3 NOW, ASSUMING FURTHER THAT THE PERSON HAD STOPPED  
4 DRINKING AT THE END OF THIS FIVE AND-A-HALF HOUR PERIOD, HOW  
5 LONG WOULD YOU EXPECT THESE MENTAL -- THE MENTAL IMPACT OF THE  
6 DRINKING TO LAST?

7 A. IF THE INDIVIDUAL HAD BEEN CONSUMING OVER A RELATIVELY  
8 UNIFORM PERIOD OF TIME, I WOULD SAY MENTAL IMPAIRMENT COULD  
9 LAST UP TO TWO TO THREE HOURS WHERE IT WOULD BE SIGNIFICANT OR  
10 COULD BE SOMEWHAT OBSERVABLE.

11 Q. AND, FINALLY, ASSUME THAT THIS PERIOD OVER WHICH THESE  
12 BEERS WERE CONSUMED WAS NOT FIVE AND-A-HALF HOURS, BUT CLOSER  
13 TO THREE HOURS, WOULD THAT CHANGE THE BLOOD ALCOHOL LEVEL AT  
14 ALL?

15 A. YES.

16 Q. HOW WOULD YOU IT CHANGE IT?

17 A. IT WOULD IT INCREASE THE ESTIMATED ALCOHOL LEVEL TO A  
18 MINIMUM, APPROXIMATELY A .03 TO .04 HIGHER AND A SHORTER TIME  
19 WOULD ALSO INCREASE THE MENTAL IMPAIRMENT OR THE EFFECT OF THE  
20 ALCOHOL ON THAT INDIVIDUAL.

21 MR. MEZA: I HAVE NOTHING FURTHER.

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

23 MR. MEDRANO: THANK YOU, YOUR HONOR.

24

25

CROSS-EXAMINATION +

1 BY MR. MEDRANO:

2 Q. GOOD AFTERNOON, MR. GREENBERG.

3 A. GOOD AFTERNOON.

4 Q. TELL ME AGAIN, MR. GREENBERG, THE SORT OF FACTORS THAT  
5 WOULD AFFECT THE INITIAL OPINION YOU HAD AS TO A .12 TO A  
6 RANGE OF .14 BLOOD ALCOHOL CONSUMING AT A UNIFORM CONSUMPTION  
7 OVER FIVE, FIVE AND-A-HALF HOURS.

8 GIVE ME THOSE FACTORS AGAIN.

9 A. WELL, THE -- AT THE END OF THE FIVE AND-A-HALF HOUR  
10 PERIOD OF TIME, BY VIRTUE OF THE ALCOHOL BEING CONSUMED OVER  
11 THAT PERIOD OF TIME.

12 Q. PERHAPS I MISSPOKE.

13 LET ME GIVE YOU MORE GUIDANCE:

14 I DIDN'T SPEAK THAT CLEARLY.

15 ASSUMING ONE IS DRINKING OVER THIS PERIOD -- FIVE  
16 AND A HALF HOUR PERIOD, MY QUESTION TO YOU IS WHAT KIND OF  
17 FACTORS, IF ANY, CAN AFFECT THE EFFECT THAT ALCOHOL HAS ON  
18 ONE; FOR EXAMPLE, FOOD, ARE THERE OTHER FACTORS?

19 A. ARE YOU REFERRING TO THE AMOUNT OF ALCOHOL IN THE  
20 INDIVIDUAL'S BLOOD, OR ARE YOU REFERRING TO THE ACTUAL EFFECT  
21 ON THE INDIVIDUAL?

22 Q. NO. I'M ACTUALLY TALKING ABOUT WHEN SOMEONE IS ACTUALLY  
23 CONSUMING THE ALCOHOL AND IF THERE ARE ANY FACTORS THAT CAN  
24 AFFECT THAT PERSON, OTHER THAN THE CONSUMPTION OF THE ALCOHOL  
25 AND THE EFFECTS OF THE ALCOHOL ON THE BLOOD.



1 A. THERE ARE TWO AREAS.

2 THE FIRST AREA BEING THE ALCOHOL GETTING INTO THE  
3 BLOOD.

4 THE SECOND AREA WOULD BE THE EFFECT OF THE ALCOHOL  
5 THAT'S IN THE BLOOD ON THE INDIVIDUAL.

6 NOW, THE FACTORS AFFECTING THE ALCOHOL FROM GETTING  
7 INTO THE BLOOD WOULD BE THE INDIVIDUAL'S PHYSIOLOGY OR HOW  
8 QUICKLY HE OR SHE IS ABLE TO ABSORB THE ALCOHOL; THE TYPE OF  
9 ALCOHOL THAT'S BEING CONSUMED;

10 THE RATE IN WHICH THE ALCOHOL IS BEING CONSUMED;

11 THE STOMACH CONTENTS, TYPE OF FOOD, WHEN THAT FOOD  
12 WAS CONSUMED AND THE OVERALL MAKE-UP OF HOW THAT ALCOHOL WAS  
13 TAKEN IN.

14 Q. VERY GOOD.

15 AND ONCE THE BLOOD -- PARDON ME.

16 ONCE THE ALCOHOL IS ACTUALLY IN THE BLOOD, WHAT  
17 OTHER TYPES OF FACTORS, IF ANY, WHAT AFFECT ON THE BLOOD --  
18 THAT THE ALCOHOL HAS ON THE BLOOD AND ON THE PERSON?

19 A. PRIMARILY THE -- AND MOST IMPORTANTLY -- IT IS THE  
20 INDIVIDUAL'S OWN FAMILIARITY WITH ALCOHOL.

21 IF YOU TOOK TWO INDIVIDUALS, ONE WHO WAS A  
22 NONCONSUMER OF ALCOHOL AND GAVE THEM THIS TYPE OF ALCOHOLIC  
23 BEVERAGE -- THIS TYPE OF DRINK PATTERN, LET'S SAY, OVER A  
24 5-1/2 PERIOD, 10 TO 12 BEERS -- I WOULD EXPECT THAT THE  
25 INDIVIDUAL WOULD BE LONG PASSED OUT PRIOR TO THE REACHING OF

1 THE 5-1/2 HOUR PERIOD OF TIME .

2 IF, ON THE OTHER HAND, YOU TOOK AN INDIVIDUAL WHO  
3 WAS VERY FAMILIAR WITH ALCOHOL CONSUMPTION AND WHO CONSUMED  
4 ALCOHOL ON A REGULAR BASIS, THE INDIVIDUAL MAY CONSUME THE  
5 SAME QUANTITY AND HAVE AN ELEVATED BLOOD ALCOHOL LEVEL, AND  
6 EVEN THOUGH THE ALCOHOL WAS IN THE BLOOD, MAY APPEAR PERFECTLY  
7 NORMAL FROM AN OBSERVABLE STANDPOINT .

8 Q. VERY WELL .

9 NOW, DURING THE TIME OF UNIFORM CONSUMPTION OF  
10 ALCOHOL, THAT'S WHAT I WANT YOU TO FOCUS ON, IS THE EFFECT OF  
11 THE ALCOHOL INFLUENCED AT ALL BY WHETHER OR NOT ONE'S EATING  
12 DURING THAT PERIOD?

13 A. WHAT DO YOU MEAN WHEN YOU SAY "EFFECT"?

14 Q. DOES EATING AFFECT THAT IN ANY WAY AT ALL?

15 A. EATING CAN AFFECT OR WILL AFFECT THE SPEED AT WHICH THE  
16 ALCOHOL GOES FROM THE STOMACH INTO THE BLOOD .

17 Q. AND THE SECOND FACTOR YOU MENTIONED WAS WHETHER OR NOT  
18 THERE IS ANY KIND OF ACTIVITY THAT THE PERSON'S ENGAGED IN AS  
19 WELL?

20 A. THAT CAN ALSO HAVE AN EFFECT ON THE SAME -- THE SAME  
21 ANSWER .

22 Q. ANOTHER FACTOR, ALSO, THAT WOULD ALSO AFFECT ALL OF THIS  
23 IS WHETHER OR NOT SOMEONE WAS SMOKING THAT DAY; ISN'T THAT  
24 CORRECT?

25 A. NO. THAT'S ONE I'M NOT AWARE OF .

1 Q. WELL, SMOKING IS -- IF I'M USING THE RIGHT TERM, FORGIVE  
2 ME IF I'M NOT -- AN UPPER OF SOME SORT, ISN'T IT, NICOTINE?

3 A. THAT'S BEYOND MY AREA OF EXPERTISE AS TO THE EFFECTS OF  
4 DRUGS.

5 Q. WELL, YOU ARE --- LET ME ASK YOU, ARE YOU A SMOKER?

6 A. NO, SIR.

7 Q. YOU ARE FAMILIAR, OF COURSE, THAT NICOTINE IS CONTAINED  
8 IN CIGARETTES?

9 A. YES.

10 Q. AND YOU HAVE SOME IDEA ON THE BASIS OF YOUR EXPERIENCE  
11 ALONE AS TO THE EFFECT THAT SMOKING AND NICOTINE HAS ON THE  
12 BODY?

13 A. I DON'T FEEL MYSELF QUALIFIED TO OFFER ANY KIND OF  
14 OPINION THAT I MAY HAVE FROM A PERSONAL OR LAY STANDPOINT  
15 REGARDING THE EFFECT OF NICOTINE.

16 Q. BUT CAN YOU AT LEAST CATEGORIZE NICOTINE FOR US AS AN  
17 UPPER AS OPPOSED TO ANY KIND OF DEPRESSANT?

18 A. NO, SIR. I'M SORRY I CAN'T.

19 Q. IN ADDITION TO FOOD AND ONE'S ACTUAL ACTIVITY THAT  
20 THEY'RE ENGAGED IN AT THE TIME OF THEY'RE DRINKING, IS IT ALSO  
21 FAIR TO SAY THAT ANOTHER FACTOR THAT ONE COULD THROW IN THE  
22 PILE IS ONE'S STATE OF MIND AT THE TIME THAT THEY'RE DRINKING?

23 A. YES. THAT -- THAT WOULD NOT HAVE -- EXCUSE ME.

24 THAT WOULD NOT HAVE AN EFFECT ON THE RATE OF ALCOHOL  
25 OR THE ALCOHOL GOING INTO THE BLOOD, BUT IT MIGHT VERY WELL

1 HAVE AN EFFECT ON THE EFFECT OF ALCOHOL, THE OBSERVABLE EFFECT  
2 OF ALCOHOL ON THE PERSON.

3 Q. BUT, IT'S A FACTOR THAT COMES INTO PLAY?

4 A. WELL, AGAIN, YOU HAVE TO DEFINE WHICH AREA YOU'RE  
5 CONCERNED WITH.

6 IF YOU'RE LOOKING AT TO THE ALCOHOL GETTING INTO THE  
7 BLOOD, THAT'S ONE AREA.

8 IF YOU'RE LOOKING FOR THE EFFECT OF THE ALCOHOL THAT  
9 IT'S HAVING ON THE INDIVIDUAL, THAT'S A SIGNIFICANTLY  
10 DIFFERENT AREA.

11 Q. NOW, IN ADDITION, MR. GREENBERG, YOU HAVE MENTIONED, I  
12 BELIEVE, THAT PHYSIOLOGICAL DIFFERENCES BETWEEN PEOPLE ALSO  
13 ARE A FACTOR TO CONSIDER WHEN GAUGING THE EFFECT OF ALCOHOL ON  
14 A PERSON?

15 A. THAT'S RIGHT.

16 FROM THE EFFECT -- FROM THE EFFECT OF ALCOHOL ON THE  
17 INDIVIDUAL, THAT WOULD BE RIGHT.

18 Q. I'D LIKE TO DIRECT YOUR ATTENTION TO THE ISSUE OF  
19 TOLERANCE.

20 IS IT A FAIR STATEMENT, MR. GREENBERG, THAT ONE'S  
21 TOLERANCE FOR ALCOHOL IS CONTINGENT OR DEPENDS ON HOW  
22 FREQUENTLY ONE DRINKS, AS WELL AS THE AMOUNTS THAT ONE DRINKS?

23 A. I WOULD SAY IN A LARGE MAJORITY OF THE POPULATION, AN  
24 EXTREMELY LARGE MAJORITY OF THE POPULATION THAT IT'S PRIMARY,  
25 YES.

1 Q. SO THAT A NOVICE, LET'S SAY, WHO BARELY DRINKS AND HAS  
2 THREE BEERS ON ONE NIGHT WILL BE AFFECTED DIFFERENTLY THAN  
3 ANOTHER PERSON WHO'S USED TO DRINKING, LET'S SAY, A SIX-PACK  
4 EVERY NIGHT?

5 A. THAT'S CORRECT.

6 Q. NOW, YOU'VE INDICATED THAT ONE WHO HAS A HIGH  
7 TOLERANCE -- AND BY THAT I MEAN, I GUESS, SOMEONE WHO DRINKS  
8 FREQUENTLY AND A LOT.

9 A. WELL, HIGH TOLERANCE IS A RELATIVE TERM.

10 IF YOUR NORMAL DRINKING PATTERN IS THREE BEERS AND  
11 YOU DEVELOP A TOLERANCE FOR THREE BEERS, AND IF YOU COMPARE  
12 THAT TO ONE BEER, IS CONSIDERED A HIGH TOLERANCE.

13 IF YOUR NORMAL DRINKING PATTERN IS SIX BEERS, OR SIX  
14 TO TEN BEERS, YOU DEVELOP A TOLERANCE TO THAT QUANTITY AND  
15 THEN ON ANOTHER OCCASION YOU DRINK 15 BEERS, THE 15 BEERS IS  
16 OBVIOUSLY PAST YOUR DEGREE OF TOLERANCE.

17 SO IT'S A MATTER OF BEING RELATIVE TO THAT  
18 PARTICULAR INDIVIDUAL.

19 FROM AN AVERAGE STANDPOINT, THE AVERAGE INDIVIDUAL,  
20 I WOULD SAY THE AVERAGE SOCIAL DRINKER WOULD HAVE A TOLERANCE  
21 TO SOMEWHERE BETWEEN THREE AND FOUR BEERS.

22 Q. NOW, LET'S ZERO IN ON SOMEONE WHO HAS A TOLERANCE OF A  
23 SIX-PACK A NIGHT, AND I ASSUME THEY DEVELOP A TOLERANCE FOR  
24 THAT QUANTITY NIGHTLY.

25 IS THAT A FAIR STATEMENT?

1 A. THAT'S RIGHT.

2 Q. AND ACCOMPANYING THIS NOTION OF TOLERANCE IS -- IS IT  
3 ALSO TRUE THAT WHEN YOU GET USED TO DRINKING, LET'S SAY, A  
4 SIX-PACK A NIGHT, YOU BECOME REGULAR IN HOW YOU BEHAVE IN  
5 RELATION TO DRINKING A SIX-PACK A NIGHT?

6 A. I WOULD SAY ABOUT 50 PERCENT OF THE TIME IT WOULD BE  
7 PREDICTABLE.

8 THE REST OF IT -- THE REST OF THE TIME WOULD BE  
9 DEPENDENT UPON OTHER FACTORS, SUCH AS -- AS YOU INDICATED  
10 EARLIER -- THE STATE OF MIND OF THAT THE INDIVIDUAL WAS IN  
11 PRIOR TO CONSUMPTION OR HOW HE WAS ACTING OR HOW SHE WAS  
12 ACTING WHILE CONSUMPTION OR THE OVERALL PATTERN OF BEHAVIOR  
13 WAS TALKING PLACE.

14 Q. ASSUMING ALL THINGS BEING EQUAL, THE SAME AMOUNT OF  
15 ALCOHOL A NIGHT, EAT THE SAME WAY, THE SAME AMOUNT OF FOOD, ET  
16 CETERA, THERE'S A CERTAIN PREDICTABLE KIND OF CONDUCT OF  
17 BEHAVIOR YOU CAN EXPECT FROM THAT PERSON?

18 A. FROM THAT INDIVIDUAL, YES.

19 Q. AND FOR THE SIX-PACK-A-NIGHT DRINKER, IT'S ALSO TRUE, IS  
20 IT NOT, THAT SUCH A PERSON, BECAUSE OF THEIR HIGHER TOLERANCE  
21 WILL BE LESS INCLINED TO, LET'S SAY, SLUR THEIR SPEECH OR  
22 FORGET THINGS OR THINGS OF THAT NATURE?

23 A. THAT TYPE OF -- THAT IS WHAT I REFERRED TO EARLIER AS THE  
24 PHYSICAL TOLERANCE.

25 Q. BECAUSE THE BODY PHYSICALLY HAS BECOME ACCUSTOMED TO

1 GREATER QUANTITIES OF ALCOHOL?

2 A. THAT'S CORRECT.

3 AND THE MUSCULAR COORDINATION OR THE MUSCULAR -- THE  
4 BODY'S MUSCULAR REACTION TO THE ALCOHOL BECOMES A REGULAR OR  
5 BECAUSE A LEARNED RESPONSE.

6 Q. NOW, SIR, IF I COULD JUST ADDRESS YOU TO YOUR  
7 HYPOTHETICAL VERY QUICKLY.

8 THE 170 POUNDS, A DOZEN BEERS OVER A LONG FIVE  
9 AND-A-HALF PERIOD AND UNIFORM CONSUMPTION.

10 THAT'S A FAIR STATEMENT, ISN'T IT?

11 A. THAT'S RIGHT.

12 Q. IN OUR OPINION, SUCH A PERSON WOULD HAVE A .12 TO .14  
13 RANGE?

14 A. THAT'S CORRECT.

15 Q. GIVE ME AGAIN, SORT OF A LAUNDRY LIST OF THE MENTAL AND  
16 PHYSICAL EFFECTS OF SUCH A PERSON WITH THAT RANGE OF ALCOHOL  
17 IN THEIR BLOOD, .12 TO .14?

18 A. THE AVERAGE INDIVIDUAL WOULD BE PHYSICALLY IMPAIRED.

19 ONE WOULD BE NOTICING -- ONE WOULD BE NOTICING SOME  
20 DEGREE OF MUSCULAR INCOORDINATION.

21 THERE WOULD BE A LOSS OF AMBITION, THERE WOULD BE A  
22 BALANCE, BALANCE STAGGERING, THERE SHOULD BE SOME TYPE OF  
23 SPEECH IMPAIRMENT.

24 FROM A MENTAL STANDPOINT, LOSS OF JUDGMENT,  
25 REASONING, DEPTH PERCEPTION, VISUAL ACUITY, FINE MOTOR

1 COORDINATION.

2 AS I INDICATED EARLIER, LOSS OF INHIBITION, MEMORY,  
3 DEPTH PERCEPTION WOULD ALL BE WELL AFFECTED BY THAT POINT IN  
4 TIME.

5 Q. NOW, YOU SAID, MR. GREENBERG, THAT THIS WAS -- THESE ARE  
6 MANIFESTATIONS PHYSICALLY AND MENTALLY FOR THE AVERAGE  
7 DRINKER, CORRECT?

8 A. THAT'S RIGHT.

9 Q. WHEN YOU SAY "AVERAGE DRINKER," WHAT DOES THAT MEAN?  
10 HOW MANY BEERS WILL THE AVERAGE DRINKER HAVE HAD  
11 BEFORE THEY SUDDENLY HAVE ALL THE OTHER MANIFESTATIONS?

12 A. THE AVERAGE INDIVIDUAL CAN FALL WITHIN A VERY WIDE RANGE  
13 DEPENDING ON WHAT YOU'RE LOOKING AT AS AVERAGE.

14 Q. OKAY. WELL, YOU USED THE WORD "AVERAGE," SO YOU GIVE ME  
15 WHAT THAT MEANS?

16 A. I REALLY DON'T HAVE A DEFINITION WHERE I CAN SAY AN  
17 AVERAGE INDIVIDUAL DRINKS THREE BEERS OR FOUR BEERS OR FIVE  
18 BEERS OR SIX BEERS AND OVER WHAT PERIOD OF TIME.

19 IT WOULD BE TRYING TO INDICATE IS WHAT MY OWN  
20 PERSONAL HABITS WERE AND I DON'T BELIEVE I CAN DO THAT.

21 Q. OKAY.

22 WELL, THEN LET'S NOT ASK TO YOU DO THAT.

23 JUST GIVE ME AN IDEA -- GIVE ME AN IDEA OF HOW MANY  
24 BEERS THE PERSON ON THE AVERAGE HAS DRUNK BEFORE THEY HAVE A  
25 DOZEN BEERS ONE NIGHT AND HAVE ALL THESE PHYSICAL



1 MANIFESTATIONS THAT YOU'VE JUST DESCRIBED.

2 A. I CAN'T DO THAT FROM A STANDPOINT OF WHAT THE AVERAGE  
3 INDIVIDUAL IS GOING TO DO.

4 FROM MY PERSPECTIVE, AN AVERAGE INDIVIDUAL IS NOT  
5 GOING TO BE ONE WHO DRINKS 10 TO 12 BEERS.

6 THAT IS MORE THAN AVERAGE INDIVIDUAL IS GOING TO  
7 CONSUME IN A GIVEN EVENING.

8 Q. ALL RIGHT.

9 LET ME TRY THIS:

10 LET'S CHANGE OUR HYPOTHETICAL TO ASSUME THAT SOMEONE  
11 ON THE AVERAGE HAS 10 TO 12 BEERS A NIGHT.

12 ALL RIGHT?

13 WITH REGULARITY AND ALL THINGS BEING EQUAL; THAT YOU  
14 BASICALLY EAT THE SAME EVERY NIGHT AND YOUR STATE OF MIND IS  
15 ESSENTIALLY THE SAME EVERY NIGHT.

16 THAT'S THE HYPO.

17 NOW, ALL THESE PHYSICAL MANIFESTATIONS THAT YOU  
18 DESCRIBED WOULD NOT CHARACTERIZE SUCH A, QUOTE, AVERAGE  
19 DRINKER, RIGHT?

20 A. EXACTLY.

21 Q. IN FACT, PHYSICAL MANIFESTATIONS WOULD NOT BE ANYWHERE  
22 NEAR WHAT YOU JUST DESCRIBED FOR SOMEONE WHO DRINKS ON THE  
23 AVERAGE TWO 6-PACKS?

24 A. THAT'S CORRECT.

25 Q. FINALLY, MR. GREENBERG, IF I COULD ASK TO YOU PULL OUT

1 YOUR CALCULATOR ONE MORE TIME AND ASSUME OVER A FIVE  
2 AND-A-HALF HOUR PERIOD, SIR, SAME WEIGHT, ASSUME UNIFORM  
3 CONSUMPTION, AND THIS TIME LET'S MAKE IT THREE TO FOUR BEERS  
4 OVER THAT PERIOD OF TIME, CAN YOU GIVE US SOME IDEA OF WHAT  
5 BLOOD ALCOHOL RATE WE'RE TALKING ABOUT NOW?

6 A. I WOULD SAY SOMEWHERE BETWEEN ZERO ONE TO ZERO THREE.

7 IN OTHER WORDS, TRACE AMOUNTS, JUST A TRACE AMOUNT,  
8 VERY SMALL QUANTITY OF ALCOHOL.

9 Q. AND THAT'S .01 TO .03?

10 A. THAT'S CORRECT.

11 Q. THANK YOU.

12 Q. AND SUCH AMOUNTS IS STILL LEGAL UNDER CALIFORNIA LAW FOR  
13 DRIVING AT THE SAME TIME, CORRECT?

14 A. TERMINATION OF ILLEGAL OR ILLEGALITY IS BEYOND ANY AREA  
15 OF EXPERTISE.

16 Q. WELL, WHAT'S THE -- WHAT'S THE NUMBER? WHAT'S THE  
17 DECIMAL? WHAT'S THE PERCENTAGE FOR DRIVING IN CALIFORNIA?

18 IS IT .08?

19 A. I HAVE AN OPINION THAT I CAN OFFER AS TO WHAT POINT FROM  
20 MY OPINION IS WHERE AN INDIVIDUAL IS UNDER THE INFLUENCE. F.

21 AS FAR AS TO THE WHAT THE STATE OF CALIFORNIA  
22 RECOGNIZES, AGAIN THAT'S A LEGAL INTERPRETATION.

23 Q. WELL, LET ME REPHRASE THE QUESTION THEN.

24 AND AGAIN I WASN'T A MATH MAJOR:

25 IS .01 LESS THAN .08?

1 A. SIGNIFICANTLY LESS.

2 Q. MR. GREENBERG, PRIOR TO YOUR TESTIMONY TODAY, AT NO TIME  
3 HAVE YOU SPOKEN WITH ANY REPRESENTATIVE OF THE PROSECUTION IN  
4 THIS PARTICULAR CASE, CORRECT?

5 A. THAT'S CORRECT.

6 Q. AND THE INFORMATION THAT WAS THE BASIS FOR YOUR OPINION,  
7 THAT YOU GAVE TO MR. MEZA EARLIER ON DIRECT, WAS INFORMATION  
8 PROVIDED TO YOU BY MR. MEZA AND THE DEFENSE; IS THAT CORRECT?

9 A. MY OPINION WAS BASED ON THE FACTS PRESENTED TO ME.

10 Q. I UNDERSTAND. F.

11 AND THE DEFENSE --

12 A. THE FACTS OBVIOUSLY WERE PRESENTED TO ME BY MR. MEZA.

13 Q. FINALLY, MR. GREENBERG, YOU HAVE NO OPINION ON THE  
14 QUESTION AS TO -- AS TO WHETHER OR NOT HOW MUCH ALCOHOL ONE  
15 CONSUMES AFFECTS THEIR ABILITY TO TELL THE TRUTH OR TO LIE?

16 THAT'S A FAIR STATEMENT ISN'T IT?

17 A. I WOULD SAY YES.

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

19 (BRIEF PAUSE.)

20 MR. MEDRANO: THANK YOU, SIR.

21 THANK YOU, YOUR HONOR.

22 THE COURT: ANY REDIRECT?

23 MR. MEZA: YES, YOUR HONOR.

24

25

REDIRECT EXAMINATION +

1 BY MR. MEZA:

2 Q. DID ANYONE FROM THE PROSECUTION OR THE GOVERNMENT ATTEMPT  
3 TO CONTACT YOU THAT YOU'RE AWARE OF?

4 A. NO.

5 Q. THE .08 THAT MR. MEDRANO WAS TALKING ABOUT, WHAT IS YOUR  
6 OPINION AS TO WHETHER A PERSON IS UNDER THE INFLUENCE OF  
7 ALCOHOL TO A POINT WHERE IT IMPAIRS HIS DRIVING?

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

10 THE COURT: SUSTAINED.

11 BY MR. MEZA:

12 Q. NOW, THIS AREA OF TOLERANCE, YOU'RE TALKING ABOUT THE  
13 PHYSICAL PROCEESS THAT ARE AFFECTED BY THE CONSUMPTION OF  
14 ALCOHOL; ISN'T THAT CORRECT?

15 A. YES.

16 Q. AND AS IT RELATES TO THE PARTICULAR BLOOD ALCOHOL LEVEL,  
17 TOLERANCE IS THAT AREA THAT INDICATES HOW A PERSON'S OUTWARD  
18 APPEARANCE IS AFFECTED; IS THAT CORRECT?

19 A. THAT IS RIGHT.

20 Q. DOES THE PERSON'S OUTWARD APPEARANCE OR HIS TOLERANCE TO  
21 ALCOHOL HAVE ANYTHING TO DO WITH THE EFFECT OF ALCOHOL ON A  
22 PERSON'S MENTAL PROCESS?

23 A. THE MENTAL PROCESSES SUCH AS JUDGMENT, REASONING, AND THE  
24 ACTUAL MENTAL USE OF THE BRAIN AND CENTRAL NERVOUS SYSTEM, I  
25 WOULD SAY NO.

1 THE MOTOR COORDINATION OR THE MOTOR PORTION OF THE  
2 CENTRAL NERVOUS SYSTEM, MY ANSWER WOULD BE YES.

3 Q. SO IF THIS SAME PERSON, TAKING MR. MEDRANO'S EXAMPLE, WAS  
4 DRINKING TWO SIX-PACKS OF BEER A NIGHT OVER AN EXTENDED PERIOD  
5 OF TIME, HIS TOLERANCE, THAT IS TO SAY, HIS PHYSICAL MOTOR  
6 PROCESSES MIGHT APPEAR -- MIGHT NOT APPEAR TO HAVE BEEN  
7 IMPAIRED FROM A CASUAL OBSERVER ON THE OUTSIDE; IS THAT  
8 CORRECT, SIR?

9 A. I'M SORRY.

10 CAN YOU REPEAT THAT.

11 Q. THIS PERSON WHO DRINKS TWO SIX-PACKS A NIGHT OVER AN  
12 EXTENDED PERIOD OF TIME, YOU WOULD EXPECT HIM TO DEVELOP A  
13 CERTAIN TOLERANCE TO DRINKING TWO SIX-PACKS A NIGHT?

14 A. YES.

15 Q. AND YOU WOULD EXPECT THAT HIS MOTOR PROCESSES WOULD BE  
16 IMPAIRED SOMEWHAT LESS THAN A PERSON WHO WASN'T USED TO  
17 DRINKING TWO SIX-PACKS OF BEER A NIGHT OVER AN EXTENDED PERIOD  
18 OF TIME?

19 A. THAT'S RIGHT.

20 Q. THAT THERE WOULD BE EASILY DISCERNIBLE DIFFERENCES  
21 BETWEEN THE PERSON WHO DRINKS TWO SIX-PACKS OF BEER A NIGHT  
22 OVER AN EXTENDED PERIOD OF TIME AS COMPARED TO A PERSON WHO,  
23 SAY, WAS THE FIRST OR SECOND TIME THEY HAVE EVER DONE THAT?

24 A. IT WOULD BE SIGNIFICANT DIFFERENCES.

25 Q. NOW, IN TERMS OF THE MENTAL PROCESSES BETWEEN THESE TWO

1 INDIVIDUALS, WOULD THERE BE SIGNIFICANT DIFFERENCES AT THAT  
2 POINT?

3 A. WHEN YOU'RE LOOKING WITH THAT EXTREME, YES, IT WOULD BE  
4 SIGNIFICANT MENTAL IMPAIRMENT.

5 IT WOULD BE A DIRECT -- IT WOULD BE A CORRELATION.  
6 AN INDIVIDUAL WHO IN YOUR -- IN YOUR EXAMPLE  
7 DRINKING -- THIS WERE HIS SECOND OR THIRD OR FOURTH TIME  
8 CONSUMING ALCOHOL, BY THE TIME -- I DON'T BELIEVE HE WOULD  
9 HAVE THE CAPABILITY OF BEING ABLE TO FINISH TWO SIX-PACKS.

10 Q. LET'S TONE THE EXAMPLE DOWN A LITTLE BIT.

11 LET'S SAY IT WAS A PERSON WHO WAS AT A .12 TO .14  
12 WHO HAD DEVELOPED A TOLERANCE TO THE .12 TO .14 AS OPPOSED TO  
13 SOMEONE WHO WAS AN OCCASIONAL .12 TO .14.

14 WOULD YOU EXPECT THE MENTAL PROCESSES THERE TO BE A  
15 VAST DIFFERENCE IN THOSE MENTAL PROCESSES -- BETWEEN THESE TWO  
16 PEOPLE?

17 A. THE DIFFERENCES BETWEEN, LET'S SAY, ONE SIX-PACK AND TWO  
18 SIX-PACKS, NO, NOT WHEN CONSUMED OVER A UNIFORM PERIOD OF  
19 TIME.

20 THE IMPAIRMENT, THE MENTAL IMPAIRMENT WOULD BE  
21 RELATED TO THE ALCOHOL WHICH WAS IN THE BLOOD.

22 OBVIOUSLY, IF AN INDIVIDUAL HAD CONSUMED ONE  
23 SIX-PACK, HIS IMPAIRMENT WOULD BE LESS THAN WHEN HE CONSUMED  
24 TWO SIX-PACKS.

25 Q. SO, YOU WOULD -- WOULD IT BE FAIR TO SAY THAT WOULD YOU

1 EXPECT A PERSON WHO HAD A TOLERANCE TO ALCOHOL WOULD REACH THE  
2 .14 THE .12 TO .14 THAT HIS PERCEPTION, HIS MEMORY, HIS  
3 COMPREHENSION, HIS SLOWED INFORMATION PROCESSING THAT WOULD  
4 STILL BE IMPAIRED, WOULD IT NOT?

5 A. YES. IN MY OPINION IT WOULD BE SIGNIFICANTLY IMPAIRED.

6 Q. IRRESPECTIVE OF HIS MOTOR PROCESS?

7 A. THAT'S RIGHT.

8 Q. THANK YOU.

9 THE COURT: ANYTHING FURTHER?

10 MR. MEDRANO: JUST ONE FINAL QUESTION, YOUR HONOR.

11 RE-CROSS-EXAMINATION +

12 BY MR. MEDRANO:

13 Q. WITH REGARD TO THIS CASE AND INVESTIGATION, MR.  
14 GREENBERG, YOU'VE NEVER DONE ANY ACTUAL TESTS ON ANY BLOOD OF  
15 JUAN JOSE BERNABE RAMIREZ, HAVE YOU?

16 A. NO.

17 THE COURT: ALL RIGHT.

18 YOU MAY STEP DOWN.

19 THE WITNESS: I MAY BE EXCUSED?

20 THE COURT: YES.

21 THE WITNESS: THANK YOU.

22 (WITNESS EXCUSED.)

23 THE COURT: MR. BERNABE WILL RETURN FOR  
24 CROSS-EXAMINATION.

25 MR. MEZA: YES, YOUR HONOR.

1 I HAVE ONE QUES- -- JUST ONE QUESTION OF HIM I  
2 THOUGHT I HAD COVERED.

3  
4 JOSE BERNABE RAMIREZ + DEFENSE WITNESS, PREVIOUSLY SWORN

5  
6  
7 DIRECT EXAMINATION + (CONTINUED.)

8 BY MR. MEZA:

9 Q. YES. MR. BERNABE, I THOUGHT I COVERED THIS BEFORE, BUT  
10 WHAT IS YOUR BODY WEIGHT NOW?

11 A. 174 POUNDS.

12 Q. AND IS THAT ABOUT WHAT YOU WEIGHED ON JULY 25TH, 1989?

13 A. AS A MATTER OF FACT, I'M WEARING THE PANTS I WAS WEARING  
14 WHEN I WAS ARRESTED. I THINK SO.

15 Q. ALL RIGHTM.

16 THANK YOU.

17 THE COURT: ALL RIGHT.

18 YOU MAY CROSS-EXAMINE.

19  
20 CROSS-EXAMINATION +

21 BY MR. CARLTON:

22 Q. MR. BERNABE, DURING WHAT PERIOD WERE YOU A JALISCO STATE  
23 POLICEMAN?

24 A. FROM 1978 TO 1982, SIR.

25 Q. SO THAT'S FOUR YEARS?



1 A. A LITTLE LESS THAN FOUR YEARS.

2 Q. DURING THAT ENTIRE TIME WERE YOU ASSIGNED TO THE HOMICIDE  
3 SQUAD IN GUADALAJARA?

4 A. YES, SIR. MURDERS, METROPOLITAN AREA, SIR.

5 Q. AND IN THE COURSE OF YOUR WORK AS A JALISCO STATE  
6 POLICEMAN, DID YOU HAVE OCCASION TO QUESTION SUSPECTS?

7 A. YES, SIR.

8 Q. AND DID YOU EVER TAKE STATEMENTS FROM THEM?

9 A. YES, SIR.

10 Q. DID YOU EVER HAVE TO PROVIDE TESTIMONY IN A COURT OF LAW?

11 A. IN MEXICO IT IS DIFFERENT BUT, YES, SIR.

12 Q. IN THE COURSE OF YOUR FOUR YEARS OF WORKING AS A JALISCO  
13 STATE POLICEMAN, YOU BECAME FAMILIAR WITH THE LEGAL  
14 RAMIFICATIONS OF STATEMENTS THAT WERE MADE TO THE POLICE,  
15 CORRECT?

16 A. I REPEAT THAT THE PROCEDURES ARE DIFFERENT THE PROCEDURES  
17 IN MEXICO, YES, SIR.

18 Q. BUT YOU DID KNOW THAT A STATEMENT MADE TO THE POLICE  
19 COULD BE USED EVEN IN MEXICO AGAINST A PERSON WHO MADE THE  
20 STATEMENT?

21 A. I THINK SO, SIR.

22 Q. AND, LIKEWISE, YOU KNEW THAT A STATEMENT IN MEXICO THAT  
23 WAS MADE TO THE PROSECUTOR, COULD BE USED AGAINST A PERSON WHO  
24 MADE THE STATEMENT?

25 A. WELL, YES, SIR.

1 Q. WHY DID YOU LEAVE THE JALISCO STATE POLICE?

2 A. WELL, IN THE ALMOST FOUR YEARS THAT I WORKED FOR THE  
3 STATE POLICE I NEVER HAD A VACATION.

4 I DID VERY GOOD MATTERS, I WORKED VERY HARD AND  
5 OWING TO THE FACT THAT I WAS PROPOSED AS GROUP CHIEF TWICE I  
6 HAD SOME DIFFERENCES WITH A COMANDANTE WHO TRIED TO SEND ME  
7 OUTSIDE OF THE CITY OF GUADALAJARA, AND I PUT IN MY VOLUNTARY  
8 RESIGNATION, SIR.

9 Q. SO, IS IT FAIR TO SAY, THEN, THAT YOU RESIGNED BECAUSE  
10 YOU WANTED MORE MONEY AND YOU WANTED MORE OPPORTUNITY?

11 A. I HAD NO PLANS AT THE TIME I RESIGNED.

12 Q. I'M ASKING WHAT YOU WERE LOOKING FOR.

13 MR. MEZA: YOUR HONOR, I BELIEVE HE ANSWERED THE  
14 QUESTION.

15 THE COURT: SUSTAINED.

16 BY MR. CARLTON:

17 Q. NOW, WHILE YOU WERE EMPLOYED AS A JALISCO STATE  
18 POLICEMAN, DID YOU HAVE ANY INVOLVEMENT WITH NARCOTICS  
19 TRAFFICKERS IN THE CITY OF GUADALAJARA?

20 A. NO, SIR.

21 Q. DID YOU EVER INVESTIGATE THEM OR ANYONE IN YOUR UNIT  
22 INVESTIGATE THEM?

23 A. NO, SIR. THAT IS THE BUSINESS OF THE FEDERAL POLICE.

24 Q. WHEN YOU -- DID YOU HAVE A CREDENTIAL AS A JALISCO STATE  
25 POLICEMAN?

1 A. YES, SIR. WHILE I WAS AN OFFICER.

2 Q. DID YOU TAKE IT WITH YOU WHEN YOU LEFT?

3 A. I HAD TO HAND IT IN WHEN I RESIGNED.

4 Q. WHEN YOU LEFT -- LET'S SEE.

5 YOU LEFT THE JALISCO STATE POLICE IN 1982; IS THAT  
6 CORRECT?

7 A. CORRECT, SIR.

8 Q. AND WHEN WAS IT THAT YOU BEGAN WORKING AT THE PALENQUE,  
9 GUADALAJARA PALENQUE?

10 A. IN '83, SIR.

11 Q. YES. YOU HAD WORKED FOR THE SECURITY OR FOR CANADA  
12 SHOES, I BELIEVE ACTUALLY, FROM THE TIME YOU LEFT THE JALISCO  
13 STATE POLICE UNTIL YOU JOINED THE GUADALAJARA PALENQUE?

14 A. WELL, WHEN I LEFT THE STATE POLICE, I STARTED WORKING  
15 SECURITY IN CANADA SHOES.

16 Q. YOU WERE BASICALLY A BODYGUARD FOR MR. LOPEZ ROCHA?

17 A. /NOT IN THE BEGINNING, SIR, BUT THE MAJORITY OF THE TIME I  
18 WORKED THERE I WAS.

19 Q. PARDON ME? I DIDN'T HEAR THE END OF THAT.

20 A. I WAS.

21 Q. AND YOU ACCOMPANIED HIM WHEREVER HE WENT?

22 A. YES, SIR.

23 Q. AND THAT WAS TO PROTECT HIM?

24 A. YES, SIR.

25 Q. IF HE WAS ATTACKED?

1 A. YES, SIR.

2 Q. PROTECT HIM FROM DANGER?

3 A. YES, SIR.

4 Q. AND WERE YOU ARMED IN GOING ABOUT THIS WORK?

5 A. YES, SIR.

6 Q. DID YOU -- STRIKE THAT.

7 WHEN YOU LEFT THE CANADA SHOES WORK AND YOU WENT TO  
8 THE PALENQUE, YOU BECAME THE COORDINATOR OF SECURITY; IS THAT  
9 CORRECT?

10 A. YES, SIR.

11 Q. HOW MANY PEOPLE DID YOU HAVE WORKING UNDER YOU IN THAT  
12 POSITION?

13 A. WELL, THE PALENQUE OPERATED YEAR AROUND, BUT THERE IS A  
14 PERIOD DURING THE FIESTAS IN GUADALAJARA, DURING FIESTA TIME.

15 I MANAGED APPROXIMATELY 30 TO 35 PEOPLE AND I  
16 COORDINATED THE UNIFORM POLICE THAT WERE UNDER MY ORDERS  
17 THERE, AND WHEN THERE WERE NO FIESTAS FOUR OR FIVE PEOPLE,  
18 SIR.

19 Q. AND YOUR JOB WAS TO KEEP ORDER AT THE PALENQUE; ISN'T  
20 THAT TRUE?

21 A. THAT WAS ONE OF MY FUNCTIONS, SIR.

22 Q. ONE OF YOUR FUNCTIONS WAS TO ASSURE THAT THE GUESTS WERE  
23 NOT HARMED IN ANY WAY; IS THAT TRUE?

24 A. YES, SIR.

25 Q. AND THAT THE PROPERTY OF THE PALENQUE WAS NOT DAMAGED?

1 A. YES, SIR.

2 Q. AND YOUR POSITION WAS IN PART A MANAGEMENT POSITION; IS  
3 THAT TRUE?

4 A. NO, SIR.

5 Q. YOU WERE A SUPERVISOR OF ALL THESE PEOPLE.

6 SO WERE YOU A SUPERVISOR?

7 A. HEAD OF SECURITY.

8 Q. YOU WERE ARMED IN THIS POSITION AS WELL, WEREN'T YOU?

9 A. NO, SIR.

10 Q. AND ANY OF THE PEOPLE UNDER YOUR SUPERVISION ARMED?

11 A. NO, SIR.

12 Q. HOW ABOUT THE UNIFORMED POLICE THAT YOU SUPERVISED, WERE  
13 THEY ARMED?

14 A. YES, SIR.

15 Q. AND YOU HAD 30 TO 35 PEOPLE WORKING FOR YOU.

16 THEY WERE ARMED, WEREN'T THEY?

17 A. NO, SIR.

18 Q. NOW YOU ALSO HAD THE WAREHOUSE KEYS AT PALENQUE?

19 A. YES, SIR.

20 Q. AND WOULD YOU CHECK THE STOCK AND BE SURE THAT THINGS  
21 WERE PURCHASED THAT NEEDED TO BE PURCHASED?

22 A. YES, SIR. I CHECKED THE INVENTORY.

23 THE COURT: WE ARE GOING TO TAKE OUR AFTERNOON  
24 RECESS AT THIS TIME.

25 THE JURY MAY BE EXCUSED.

1 (WITNESS EXCUSED.)

2 (JURY EXCUSED.)

3 THE COURT: NOW, COUNSEL, YOU WANTED TO TAKE UP  
4 SOMETHING WITH THE COURT?

5 MR. STOLAR: YES, JUDGE, AND I HOPE IT'S BRIEF.

6 AFTER THE PROSECUTION PUT IN THE PHOTOGRAPHS THAT  
7 WERE SEIZED FROM THE PLACE WHERE MR. MATTA WAS DETAINED IN  
8 CARTAGENA IN 1985, I WENT BACK AND I LOOKED THROUGH THE  
9 APPROXIMATELY TWO-INCH THICK FILE OF DOCUMENTS THAT HAD BEEN  
10 PROVIDED IN DISCOVERY IN THIS CASE THAT ARE ENTITLED AND  
11 DESCRIBED BY THE GOVERNMENT AS ITEMS SEIZED IN COLOMBIA IN  
12 1985.

13 ALL OF THEM TAKEN FROM MR. MATTA'S PLACE.

14 IN THAT FILE I FOUND TWO ADDITIONAL XEROX PIECES OF  
15 PAPER THAT CONTAINED A TOTAL OF THREE ADDITIONAL PHOTOGRAPHS  
16 OF MR. MATTA, WHICH THE GOVERNMENT CHOSE NOT TO PUT INTO  
17 EVIDENCE.

18 I'VE ASKED MR. MEDRANO IF HE WILL STIPULATE TO THESE  
19 ALSO GOING IN WITH THE COLLECTION OF PHOTOS OF THE GOVERNMENT  
20 WITHOUT THE NECESSITY FOR A FOUNDATION WITNESS.

21 WE HAD A D.E.A.-6 AND A 7 WHICH INDICATED ALL THESE  
22 THINGS WERE TURNED OVER TO SPECIAL AGENT KEEL.

23 THE CLIENT WILL DO THAT AND I'VE THEM TO INTRODUCE  
24 THE AGENT SO I CAN GET THEM IN.

25 APPARENTLY, THE AGENT IS ON HIS WAY BACK TO BOLIVIA,

1 AND THAT 'S UNFORTUNATE, BUT I ALSO THINK IT 'S UNFORTUNATE THAT  
2 THERE APPEARS TO HAVE BEEN A DELIBERATE OVERSIGHT BY THE  
3 PROSECUTION.

4 THE COURT: WHAT IS THE RELEVANCE OF THIS?

5 MR. STOLAR: HE PUT THOSE PICTURES IN TO SHOW A  
6 PICTURE OF MR. MATTA WITH A MUSTACHE.

7 THE COURT: ALL RIGHT.

8 AND THIS PICTURE?

9 MR. STOLAR: SHOWS NO MUSTACHE AND HE DELIBERATELY  
10 CHOSE NOT TO PUT THEM IN.

11 THE AGENT HAS DISAPPEARED. HE WILL NOT STIPULATE TO  
12 THE FOUNDATION THAT THESE ARE --

13 THE COURT: WELL, WHAT IS THE RELEVANCE OF THE FACT  
14 THAT HE HAD NO MUSTACHE?

15 MR. STOLAR: IT HAS TO DO WITH THE IDENTIFICATION,  
16 YOUR HONOR, WHICH I WILL BE ARGUING TO THE JURY AND MR.  
17 MEDRANO AND THAT 'S REASON HE PUT THE PICTURE IN SO --

18 THE COURT: WHICH IDENTIFICATION ARE YOU REFERRING  
19 TO?

20 MR. STOLAR: THE IN COURT I.D. BY MR. CERVANTES  
21 SANTOS AND OTHERS.

22 MR. MATTA 'S APPEARANCE, I WILL BE ARGUING TO THE  
23 JURY IN 1984 AND EARLY '85 WAS OF A MAN WITHOUT A MUSTACHE.

24 HE IDENTIFIED THE PICTURE AND THE MAN IN COURT AS  
25 LOOKING IDENTICAL NOW AS HE DID IN '85.

1 THE COURT: ALL RIGHT.

2 MR. STOLAR: SO I WANT THESE PICTURES IN.

3 THE COURT: DO YOU WANT TO RESPOND?

4 MR. MEDRANO: YES, YOUR HONOR. BRIEFLY.

5 FIRST OF ALL, THERE'S NO HIDING OF ANYTHING.

6 HE'S HAD THOSE DOCUMENTS SINCE THIS CASE BEGAN.

7 IT'S NOT OUR FAULT THAT HE DIDN'T THINK ABOUT THEM  
8 WHEN HE HAD MR. CULMAN, WHO CAME ALL THE WAY FROM BOLIVIA TO  
9 ADMIT OTHER PHOTOGRAPHS.

10 IN ADDITION, YOUR HONOR, IT'S A WASTE OF TIME TO  
11 BRING HIM BACK BECAUSE THESE PHOTOS ARE CUMULATIVE.

12 HE ALREADY HAS IN EVIDENCE PICTURES FROM APRIL '85  
13 AND BEFORE THAT SHOW MATTA WITH A NO MUSTACHE, THESE PHOTOS  
14 ALSO SHOW MATTA WITH NO MUSTACHE. IT'S CUMULATIVE. IT'S A  
15 WASTE OF TIME.

16 THERE'S NO REASON TO BRING BACK MR. CULMAN ALL THE  
17 WAY FROM BOLIVIA, YOUR HONOR, AND TRAVELING THAT ALONE IS A  
18 COUPLE OF DAYS.

19 AND HE WAS HERE. MR. STOLAR HAD HIM HERE AT THAT  
20 OPPORTUNITY AND THERE'S NO REASON TO BRING HIM BACK.

21 MR. STOLAR: I WAS NOT INTERESTED IN PUTTING  
22 DOCUMENTS IN THAT WERE SEIZED FROM MR. MATTA OR FROM HIS WIFE  
23 IN 1985.

24 IT WAS THE PROSECUTION THAT BROUGHT UP THOSE  
25 DOCUMENTS. WE NEVER OFFERED THEM.



1 THE COURT: ALL RIGHT.

2 THAT 'S SUFFICIENT ARGUMENT.

3 YOUR REQUEST IS DENIED.

4 NUMBER ONE, THAT SHOULD HAVE BEEN MADE LONG AGO, YOU  
5 HAD THESE PHOTOGRAPHS.

6 WHEN THE WITNESS WAS HERE FROM BOLIVIA IT SHOULD  
7 HAVE BEEN MADE THEN.

8 I 'M NOT GOING TO REQUIRE THE GOVERNMENT TO BRING HIM  
9 BACK IN ORDER FOR TO YOU LAY A FOUNDATION FOR THESE  
10 PHOTOGRAPHS AND IT IS CUMULATIVE EVIDENCE.

11 THERE IS EVIDENCE SHOWING THAT HE HAS NO MUSTACHE  
12 AND YOU 'RE ABLE TO ARGUE THAT WITHOUT THE NEED FOR THESE  
13 ADDITIONAL PHOTOGRAPHS. THAT 'S ALL.

14 NOW, YOU HAVE FILED -- THE GOVERNMENT HAS FILED A  
15 MOTION TO QUASH MR. MATTA 'S SUBPOENA RELATING TO THE  
16 PHOTOGRAPHS WHICH AGENT LEYVA AND AGUILAR EXAMINED PRIOR TO  
17 MAKING THE FEBRUARY 12TH IDENTIFICATION OF MATTA.

18 THE COURT HAS READ AND CONSIDERED THIS AND I 'M  
19 PREPARED TO RULE ON IT AND INDICATE TO YOU WHAT MY RULING IS.

20 FIRST OF ALL, THE DEFENDANT 'S ORIGINAL SUBPOENA IS  
21 CLEARLY OVERBROAD.

22 THEREFORE, THE DEFENDANT 'S REQUEST FOR SANCTIONS FOR  
23 THE GOVERNMENT 'S INADVERTENT FAILURE TO RESPOND TO THIS  
24 OVERBROAD SUBPOENA IS DENIED.

25 AS MODIFIED TO THE EXTENT THAT THE SUBPOENA SEEKS

1 ONLY THE PHOTOGRAPHS USED BY AGENT LEYVA AND AGUILAR TO  
2 IDENTIFY MATTA, THIS SUBPOENA IS NOT OVERBROAD OR UNREASONABLY  
3 BURDENSOME.

4 IT IS CALCULATED TO OBTAIN EVIDENTIARY MATERIAL AND,  
5 THEREFORE, THE MOTION TO QUASH IN THAT RESPECT WOULD BE  
6 DENIED.

7 THE REQUEST FOR D.E.A. REPORTS REGARDING THE  
8 CIRCUMSTANCES UNDER WHICH THESE PHOTOGRAPHS WERE TAKEN AMOUNT  
9 TO MERELY A DISCOVERY REQUEST AS FAR AS THE COURT IS CONCERNED  
10 AND ARE NOT CALCULATEED TO PRODUCE EVIDENTIARY MATERIAL AND  
11 IS, THEREFORE, DENIED.

12 FURTHERMORE, THE CIRCUMSTANCES UNDER WHICH THE  
13 PHOTOS WERE TAKEN IS NOT RELEVANT TO THE ACCURACY OF THE  
14 AGENT'S IDENTIFICATION OF MATTA.

15 ACCORDINGLY, THE SUBPOENA IS MODIFIED TO REQUIRE  
16 ONLY THE PRODUCTION OF ANY PHOTOGRAPHS OF MATTA EXAMINED BY  
17 AGENTS LEYVA AND AGUILAR PRIOR TO MAKE THEIR FEBRUARY 12TH,  
18 1985 IDENTIFICATION OF MR. MATTA.

19 MR. MEDRANO: YOUR HONOR, I HAVE MORE INFORMATION ON  
20 THAT POINT JUST TO ADVISE MR. STOLAR AND YOURSELF.

21 I ASKED ONE OF THE WASHINGTON HEADQUARTERS AGENTS  
22 THAT SPECIFIC QUESTION, IF THEY WOULD BE ABLE TO NARROW IT TO  
23 PHOTOGRAPHS SHOWN TO LEYVA AND/OR AGUILAR, AND THEIR RESPONSE  
24 IS THAT HE'S UNABLE TO; THAT THEY HAVE SOME PHOTOS FROM  
25 FEBRUARY OF '85 AND BEFORE, BUT IT'S IMPOSSIBLE TO INDICATE

1 WHICH ONES SPECIFICALLY WAS SHOWN TO THESE TWO AGENTS. M.

2 SO I WANTED TO APPRAISE THE COURT AND MR. STOLAR OF  
3 THAT FACT, YOUR HONOR, AND SEEK GUIDANCE FROM YOU.

4 I DON'T KNOW WHAT WE COULD DO AFTER THAT.

5 MR. STOLAR: I MEAN IF THE AGENTS TESTIFIED THAT  
6 THEY WERE STATIONED IN A PARTICULAR LOCATION PRIOR TO THEM  
7 BEING SENT DOWN TO GUADALAJARA AND WE WOULD HAVE TO, I WOULD  
8 ASSUME THEN THAT THE APPROPRIATE PLACE TO CHECK WOULD BE THOSE  
9 TWO PARTICULAR OFFICES, PARTICULARLY GIVEN THE FACT THAT AGENT  
10 KUYKENDALL TESTIFIED THAT HIS OFFICE IN GUADALAJARA DID NOT  
11 HAVE A PHOTOGRAPH OF MATTA.

12 SO THEY'RE PRIOR VIEWING OF THE PHOTO HAD TO HAVE  
13 TAKEN PLACE AT THE OFFICES WHERE THEY WERE PREVIOUSLY  
14 STATIONED.

15 MR. MEDRANO: I'D LIKE TO MAKE THIS REPRESENTATION,  
16 YOUR HONOR, THAT HAVING SPOKE TO BOTH OF THOSE WITNESSES --  
17 BECAUSE I PUT THEM ON ON DIRECT -- THEY HAVE NO MEMORY OF  
18 WHICH SPECIFIC PHOTO OF MATTA THEY WERE SHOWN, SO THEY CAN'T  
19 TELL ME IF I SHOWED THEM PHOTOGRAPHS THAT YES, THIS IS THE ONE  
20 THAT WAS SHOWN TO ME BEFORE I REACHED THE HOTEL ON FEBRUARY  
21 12.

22 SO EVEN IF I HAD PHOTOGRAPHS, I'M NOT SURE HOW WE'RE  
23 GOING TO BE ABLE TO ISOLATE THEM IN THE FASHION THAT MR.  
24 STOLAR WOULD LIKE.

25 MR. STOLAR: IT SEEMS TO ME AN INQUIRY COULD BE MADE

1 OF THE OFFICES WHERE THOSE AGENTS WERE STATIONED.

2 MR. MEDRANO: WELL, WE CAN DO THAT, YOUR HONOR, BUT  
3 I JUST WANT TO FLAG FOR YOU, I THINK, THE POTENTIAL PROBLEM.

4 THE COURT: WELL, YOU SHOULD TRY TO FIND THESE  
5 PHOTOGRAPHS THAT WERE USED BY THESE AGENTS.

6 MR. MEDRANO: YES, YOUR HONOR.

7 THEN THAT'S WHAT WE'LL EMBARK UPON.

8 THE COURT: AND IF THAT IS INQUIRING AT THE OFFICES  
9 WHERE THEY WERE SHOWN TO THEM, THAT'S WHAT SHOULD BE DONE.

10 MR. MEDRANO: WE WILL DO THAT THEN, YOUR HONOR.

11 THANK YOU.

12 MR. STOLAR: JUST SO THE RECORD IS CLEAR, YOUR  
13 HONOR, THE REASON THAT I MADE THE REQUEST FOR HOW AND WHEN THE  
14 PHOTOGRAPHS WERE ACQUIRED, WAS TO PROVIDE SOME ASSURANCE THAT  
15 THE PHOTOGRAPHS THAT ARE PRODUCED ARE ONES THAT WERE IN D.E.A.  
16 POSSESSION PRIOR TO FEBRUARY 7TH BUT NOT SUBSEQUENT.

17 THAT'S ALL.

18 THE COURT: ALL RIGHT.

19 THAT WILL BE THE RULING.

20 THE CLERK: PLEASE RISE.

21 (RECESS TAKEN.)

22

23

24

AFTER THE RECESS

25

1 (JURY PRESENT.)

2 THE COURT: YOU MAY CONTINUE.

3 BY MR. CARLTON:

4 Q. MR. BERNABE, DRUG TRAFFICKING IS ILLEGAL IN MEXICO, IS IT  
5 NOT?

6 A. YES, SIR.

7 Q. DURING THE TIME YOU WERE A JALISCO STATE POLICEMAN, IT  
8 WAS COMMON AMONG STATE POLICEMEN TO SUPPLEMENT THEIR INCOMES  
9 THROUGH BRIBES?

10 MR. MEZA: OBJECTION, YOUR HONOR. IT CALLS FOR  
11 SPECULATION. THERE IS NO FOUNDATION AS TO WHAT OTHER POLICE  
12 OFFICERS DID.

13 THE COURT: OVERRULED.

14 BY MR. CARLTON:

15 Q. YOU MAY ANSWER.

16 A. NO, SIR.

17 Q. DID YOU EVER KNOW ANYONE IN YOUR UNIT TO HAVE ACCEPTED A  
18 BRIBE?

19 A. YES, SIR, BUT NOT COMING FROM DRUG TRAFFICKING.

20 Q. WELL, MY QUESTION WASN'T LIMITED JUST TO DRUG  
21 TRAFFICKERS.

22 SO WITH THAT UNDERSTANDING, WAS IT COMMON AMONG  
23 JALISCO POLICEMEN WHO YOU KNEW TO ACCEPT BRIBES?

24 A. FROM TIME TO TIME, YES, SIR.

25 Q. AND YOU YOURSELF ACCEPTED BRIBES, AS WELL, WHILE A

1 JALISCO STATE POLICEMAN?

2 A. I CAME TO ACCEPT, SIR, BECAUSE IN NOT ACCEPTING THAT WAS  
3 PART OF THE PROBLEMS FOR WHICH I RESIGNED.

4 Q. SO DID YOU REFUSE TO ACCEPT BRIBES BECAUSE IT WAS AGAINST  
5 THE LAW?

6 A. I PREFERRED TO --

7 THE INTERPRETER: ASK HIM TO REPEAT THE LAST ANSWER  
8 PLEASE, JUDGE, IT WAS TOO LONG.

9 THE WITNESS: I PREFERRED TO PUT IN WORK TO MAKE A  
10 CAREER AND SOME OF THE COMANDANTES, SIR, DID NOT LOOK  
11 FAVORABLY UPON THAT.

12 BY MR. CARLTON:

13 Q. SO IF I UNDERSTAND CORRECTLY, THE REASON YOU DID NOT  
14 ACCEPT BRIBES IS BECAUSE YOU PREFERRED TO WORK FOR THEM?

15 A. YES, SIR.

16 Q. AND IT DIDN'T MATTER TO YOU WHETHER THE BRIBE WAS LAWFUL  
17 OR UNLAWFUL, YOU JUST PREFERRED TO WORK FOR YOUR MONEY?

18 A. I DIDN'T UNDERSTAND THE QUESTION.

19 Q. DURING THE PERIOD THAT YOU WORKED AT THE PALENQUE WAS  
20 WHEN YOU MET ERNESTO FONSECA FOR THE FIRST TIME?

21 A. YES, SIR.

22 Q. NOW, AT THAT TIME ISN'T IT TRUE THAT ERNESTO FONSECA WAS  
23 ONE OF THE MOST IMPORTANT DRUG TRAFFICKERS IN THE CITY OF  
24 GUADALAJARA?

25 A. I DIDN'T EVEN KNOW HIS NAME.

1 I DIDN'T KNOW THE PERSON OR HIS NAME.

2 Q. WELL, DID YOU COME TO LEARN WHEN YOU STARTED TO WORK FOR  
3 HIM THAT HE WAS ONE OF THE MOST IMPORTANT DRUG TRAFFICKERS IN  
4 GUADALAJARA?

5 A. AFTER I STARTED WORKING FOR HIM, SIR.

6 Q. AND YOU WENT TO WORK FOR HIM BECAUSE HE WOULD PAY YOU  
7 MORE MONEY THAN YOU WERE MAKING AT THE PALENQUE?

8 A. YES, SIR.

9 Q. NOW, WHAT WAS THE NAME OF THE SPORTS CLUB THAT YOU BEGAN  
10 TO WORK FOR ERNESTO FONSECA AT?

11 A. PROVIDENCIA, SIR. TO BE MORE EXACT PROVIDENCIA RACQUET  
12 CLUB.

13 Q. YOU WERE INTRODUCED TO ERNESTO FONSECA BY COMANDANTE  
14 GONZALEZ GONZALEZ, CORRECT?

15 A. COMANDANTE GABRIEL GONZALEZ GONZALES AND COMANDANTE JOSE  
16 MARIA CARLOS, SIR.

17 Q. HAD YOU KNOWN THOSE TWO COMANDANTES WHEN YOU WERE A  
18 JALISCO STATE POLICEMAN?

19 A. YES.

20 Q. AND DID YOU KEEP IN TOUCH WITH THEM AFTER YOU LEFT THE  
21 STATE POLICE WHILE YOU WERE WORKING IN OTHER LOCATIONS?

22 A. WITH MR. JOSE MARIA CARLOS OCHOA I DID.

23 Q. NOW, AT THE SPORTS CLUB WHAT WAS YOUR TITLE?

24 A. I STARTED AS THE PERSON IN CHARGE OF SECURITY AND  
25 MANAGER, SIR.

1 Q. AGAIN, WERE YOU IN CHARGE OF PROTECTING THE CUSTOMERS OF  
2 THIS SPORTS CLUB FROM COMING TO HARM WHILE THEY WERE THERE,  
3 CORRECT?

4 A. COULD YOU REPEAT THE QUESTION, PLEASE.

5 Q. YOU WERE RESPONSIBLE FOR ASSURING THAT THE CUSTOMERS OF  
6 THE SPORTS CLUB WERE NOT HARMED WHILE THEY WERE AT THE SPORTS  
7 CLUB IS THAT TRUE?

8 A. BASICALLY, MY JOB WAS THAT IT BE MAINTAINED, THAT THE  
9 WAREHOUSE BE FULL AND THE SECURITY OF THE PROPERTY.

10 Q. WELL, IF SOMEONE HAD STARTED A FIGHT AT THE SPORTS CLUB,  
11 YOU WOULD HAVE BEEN RESPONSIBLE FOR BREAKING IT UP, WOULDN'T  
12 YOU?

13 A. YES, SIR.

14 Q. AND IF ONE OF THE CUSTOMERS HAD BEEN ATTACKED WHILE THEY  
15 WERE THERE USING YOUR FACILITIES, YOU WOULD HAVE BEEN  
16 RESPONSIBLE FOR STOPPING THAT, WOULDN'T YOU?

17 A. EVEN THOUGH IT'S ILLOGICAL THAT ANYBODY BE ASSAULTED IN A  
18 SPORTS CLUB, BUT YES, IF IT AROSE.

19 Q. AND IF SOMEONE CAME TO DEFACE OR DAMAGE THE FACILITIES,  
20 YOU WERE RESPONSIBLE FOR ASSURING THAT THAT DID NOT HAPPEN?

21 A. YES, SIR.

22 Q. AND YOU HAD PEOPLE WORKING FOR YOU TO HELP YOU IN DOING  
23 THIS, CORRECT?

24 A. YES, SIR.

25 Q. THEY FOLLOWED YOUR ORDERS?



1 A. YES, SIR.

2 Q. HOW MANY PEOPLE DID YOU SUPERVISE IN THIS WAY?

3 A. BETWEEN GARDENERS AND THE MAINTENANCE PEOPLE, THERE WAS A  
4 PAYROLL OF ABOUT EIGHT OR TEN PEOPLE.

5 Q. WAS ANYBODY THERE JUST AS SECURITY BESIDES YOURSELF?

6 A. I HIRED PERSONNEL, SIR.

7 Q. HOW MANY?

8 A. TWO OTHERS.

9 Q. WERE THEY ARMED?

10 A. A WEAPON WAS LEFT FOR THE ONE THAT STAYED AT NIGHT, SIR.

11 Q. WERE YOU ARMED?

12 A. I DID CARRY A WEAPON, SIR, WHEN I WAS THERE AND STAYED AT  
13 NIGHT.

14 Q. NOW, HOW LONG DID YOU WORK AT THIS SPORTS CLUB?

15 A. A SHORT TIME, SOME FOUR WEEKS.

16 Q. DURING THAT TIME WITH YOU PAID BY ERNESTO FONSECA?

17 A. HE WOULD PAY ME AND GIVE ME MONEY WITH WHICH TO PAY THE  
18 PERSONNEL WHO WORKED THERE.

19 Q. HOW MANY TIMES DID YOU SEE HIM DURING THE PERIOD YOU WERE  
20 WORKING AT THE SPORTS CLUB?

21 A. ON ABOUT FIVE OCCASIONS, SIR.

22 Q. THERE WAS A BAR AND A RESTAURANT AT THIS SPORTS CLUB AS  
23 WELL?

24 A. THERE WAS A BAR AND THE RESTAURANT OPERATED FOR, LET US  
25 SAY, PRIVATE OCCASIONS.

1                   WHAT IT MEANS WHEN I SAY THAT IS THAT IT WAS NOT  
2 OPEN TO THE PUBLIC.

3 Q.   AND, AGAIN, YOU HAD THE KEYS TO THE WAREHOUSE FOR THIS  
4 FACILITY, DIDN'T YOU?

5 A.   YES, SIR.

6 Q.   NOW, EVENTUALLY FONSECA TOLD YOU THAT HE WANTED YOU TO  
7 WORK AT HIS OFFICE, CORRECT, LA BAJADITA?

8 A.   YES, SIR.

9 Q.   WHEN WAS THIS?

10 A.   IN OCTOBER OF 1984, SIR.

11 Q.   NOW, WHEN YOU MOVED OVER TO LA BAJADITA, DID YOU GIVE UP  
12 ALL OF YOUR RESPONSIBILITIES AT THE SPORTS CLUB?

13 A.   NO, SIR, I LEFT SOMEONE IN CHARGE.

14 Q.   BUT WERE YOU STILL RESPONSIBLE FOR THAT FACILITY, WEREN'T  
15 YOU?

16 A.   NO, I WOULD JUST PAY THEM, SIR.

17 Q.   SO YOU HAD TO PAY THE EMPLOYEES AT THE SPORTS CLUB?

18 A.   YES, SIR.

19 Q.   AND YOUR JOB AT LA BAJADITA WAS TO PROVIDE SECURITY; IS  
20 THAT CORRECT?

21 A.   ONE OF MY FUNCTIONS, SIR.

22 Q.   YOUR OTHER FUNCTION WAS TO PAY THE OTHER EMPLOYEES AT THE  
23 HOUSE; RIGHT?

24 A.   YES. AND MAINTAIN SUPPLIES THERE BECAUSE A LOT OF PEOPLE  
25 WOULD COME. MANY THINGS WERE CONSUMED THERE.

1 Q. HOW MANY EMPLOYEES WERE YOU RESPONSIBLE FOR PAYING AT  
2 THIS HOUSE?

3 A. AT THE BAJADITA, THERE WAS THE PERSON IN CHARGE OF THE  
4 DOOR, HIS WIFE WHO WAS A COOK, A GARDENER, SOMETIMES TWO  
5 GARDENERS.

6 Q. ANYONE ELSE?

7 A. AND ASIDE FROM MYSELF THERE WERE THREE OTHER SECURITY  
8 PERSONNEL.

9 Q. AND WERE YOU RESPONSIBLE FOR ALL OF THESE PEOPLE?

10 A. ACTUALLY, I WAS IN CHARGE, BUT AS TO SECURITY, THEY DID  
11 NOT SEE ME AS THE CHIEF.

12 Q. THE OTHER PERSONS THAT YOU HAVE DESCRIBED, THE OTHER  
13 THREE SECURITY PERSONS DID REPORT TO YOU, THOUGH, DIDN'T THEY?

14 A. YES.

15 Q. NOW, THEY WERE ARMED, WEREN'T THEY?

16 A. YES, SIR.

17 Q. AND WERE YOU ARMED AS WELL?

18 A. I HAD A WEAPON THERE IN THE HOUSE, YES, SIR.

19 Q. WHAT KIND OF WEAPON?

20 A. A 9-MILLIMETER PISTOL.

21 Q. NOW, THERE WERE A LOT OF WEAPONS IN THIS HOUSE, WEREN'T  
22 THERE?

23 A. NO, SIR.

24 Q. MANY OF THE PEOPLE WHO CAME TO THE HOUSE DURING THE DAY  
25 WERE ARMED, WEREN'T THEY?

1 A. MANY, SIR.

2 Q. AND SOME OF THEM BROUGHT THEIR OWN BODYGUARD; ISN'T THAT  
3 TRUE?

4 A. BODYGUARDS OR LIEUTENANTS.

5 Q. AND THESE BODYGUARDS OR LIEUTENANTS WERE ARMED, RIGHT?

6 A. YES, SIR.

7 Q. AND YOUR JOB WAS TO PROTECT THE HOUSE?

8 A. YES, SIR.

9 Q. WAS ERNESTO FONSECA MARRIED, TO YOUR KNOWLEDGE?

10 A. I THINK SO, SIR.

11 Q. YOU'RE NOT CERTAIN?

12 A. I DON'T KNOW IF HE WAS MARRIED LEGALLY, BUT I DO KNOW  
13 THAT HE HAD A WOMAN.

14 Q. NOW, WAS THIS WOMAN FREQUENTLY AT THE HOUSE AT THE  
15 BAJADITA OFFICE?

16 A. FOR A TIME ONE OF HIS WIVES DID LIVE THERE.

17 Q. FOR HOW LONG?

18 A. FOR ABOUT TWO OR THREE WEEKS PROBABLY.

19 Q. BUT FOR THE REST OF THE TIME HIS WIFE OR WIVES DID NOT  
20 LIVE AT LA BAJADITA?

21 A. THAT IS RIGHT, SIR.

22 Q. HE HAD ANOTHER HOUSE SOMEPLACE?

23 A. I IMAGINE SO, SIR.

24 Q. AS A MATTER OF FACT HE HAD QUITE A THE FEW OTHER HOUSES,  
25 DIDN'T HE?

1 A. I THINK SO, SIR.

2 Q. AND IN YOUR EXPERIENCE HE USED LA BAJADITA BASICALLY AS  
3 AN OFFICE TO CONDUCT BUSINESS?

4 A. BASICALLY, YES, SIR.

5 Q. WHILE YOU WERE WORKING THERE, DID YOU LIVE AT LA  
6 BAJADITA?

7 A. YES, SIR.

8 Q. DO YOU HAVE ANY FAMILY AT THE TIME, WERE YOU MARRIED?

9 A. YES, SIR.

10 Q. YOUR WIFE DIDN'T LIVE THERE WITH YOU?

11 A. NO, SIR.

12 Q. NOW, ERNESTO FONSECA HAD A PERSONAL BODYGUARD, I BELIEVE  
13 YOU TESTIFIED EARLIER; ISN'T THAT TRUE?

14 A. YES, SIR.

15 Q. AND THAT WAS SAMUEL RAMIREZ RAZO?

16 A. HE WAS HIS PERSONNEL BODYGUARD AND HIS RIGHT ARM.

17 Q. HE FOLLOWED FONSECA WHEREVER HE WENT THAT YOU SAW; ISN'T  
18 THAT TRUE?

19 A. ALL THE TIME, SIR.

20 Q. IF I UNDERSTAND YOU CORRECTLY, YOU WERE RESPONSIBLE FOR  
21 PROTECTING LA BAJADITA AND SAMUEL RAMIREZ RAZO WAS RESPONSIBLE  
22 FOR PROTECTING ERNESTO FONSECA?

23 A. IT WAS SAMUEL RAMIREZ RAZO AND OTHER PEOPLE THAT WERE  
24 USUALLY WITH HIM.

25 Q. HE HAD OTHER PEOPLE THAT WILL WORKED WITH HIM IN THAT

1 JOB, RIGHT?

2 A. YES, SIR.

3 Q. DO YOU KNOW THE DIFFERENCE BETWEEN A STATION WAGON AND A  
4 PICKUP TRUCK?

5 A. I THINK ONE IS FOUR PASSENGERS AND THE OTHER ONE IS FOR  
6 LOADS, SIR.

7 Q. SO THERE ARE SEATS IN THE BACK OF A STATION WAGON; ISN'T  
8 THAT RIGHT?

9 A. YES, SIR.

10 Q. AND THE BACK OF A PICKUP TRUCK IS JUST AN OPEN BED?

11 A. THAT'S RIGHT, SIR.

12 Q. AND YOU SAID YOU WENT TO THE HOUSE, TO A HOUSE WHERE YOU  
13 SAW FONSECA AND CARO ARGUING IN A CARRY-ALL STATION WAGON?

14 A. NO, SIR.

15 Q. WELL, ISN'T THAT WHAT YOU TESTIFIED TO EARLIER TODAY?

16 A. I SAID THAT WE LEFT LA BAJADITA BEHIND MR. ERNESTO  
17 FONSECA, BEFORE THAT MR. ERNESTO PILLARDO HAD ARRIVED AND  
18 PEOPLE FROM HIS GROUP, THEY LEFT AND TOLD US TO FOLLOW THEM.

19 AND, AS A MATTER OF FACT, WE FOLLOWED THEM IN THE  
20 CARRY-ALL STATION WAGON TO A RESIDENCE NEAR THE INTERSECTION  
21 OF AVENUE LOPEZ MATEOS AND AVENUE MEXICO, SIR.

22 Q. AND THIS CARRY-ALL STATION WAGON HAD -- IS THIS A  
23 VEHICLE THAT HAD SEATS IN THE BACK LIKE YOU JUST DESCRIBED?

24 A. YES, SIR.

25 Q. AND THAT'S WHAT YOU STAYED IN WHEN ERNESTO FONSECA WENT

1 INSIDE THIS HOUSE?

2 A. YES, SIR, INSIDE THAT STATION WAGON.

3 Q. NOW, WHERE IS THIS HOUSE AGAIN THAT YOU WENT TO?

4 A. AT THE INTERSECTION OF AVENIDA MEXICO AND AVENIDA LOPEZ  
5 MATEOS, SIR.

6 IT'S THE STREET THAT COMES IN AT A DIAGONAL WHERE  
7 THOSE TWO STREETS CROSS.

8 Q. DO YOU KNOW WHAT STREET THE HOUSE IS ACTUALLY ON?

9 A. NO, SIR.

10 Q. ISN'T IT TRUE THAT THE HOUSE IS ON LOPE DE VEGA STREET?

11 A. NO, SIR.

12 Q. ARE YOU FAMILIAR WITH THE HOUSE ON LOPE DE VEGA STREET?

13 A. NO, SIR.

14 Q. HAVE YOU EVER BEEN TO A HOUSE ON LOPE DE VEGA STREET?

15 A. NO, SIR.

16 Q. WELL, ISN'T IT TRUE THAT ON JULY 20TH OF THIS YEAR WHILE  
17 YOU WERE DRIVING FROM LOS ANGELES INTERNATIONAL AIRPORT TO THE  
18 HOTEL, THAT YOU SAID THAT YOU HAD BEEN AT THE HOUSE AT LOPE DE  
19 VEGA ON ONE OCCASION?

20 A. I'VE ALWAYS MENTIONED HAVING GONE TO THE HOUSE THAT I  
21 TOLD YOU ABOUT, SIR.

22 Q. WELL, MR. BERNABE, TELL ME IF THIS CONVERSATION ENSUED  
23 WHILE YOU WERE DRIVING IN THE CAR FROM LAX TO THE HOTEL --

24 MR. MEZA: YOUR HONOR, MAY WE KNOW WHAT COUNSEL'S  
25 REFERRING TO.

1 MR. CARLTON: YES. THIS IS PAGE 2677 OF THE JULY  
2 20TH TRANSCRIPT.

3 MR. MEZA: THE JULY 20TH TRANSCRIPT IS NOT IN  
4 EVIDENCE, YOUR HONOR.

5 NO ONE HAS TESTIFIED TO IT, SO IT WOULD BE AN  
6 OBJECTION TO READING FROM ANY TRANSCRIPT.

7 MR. CARLTON: I'M ASKING HIM, YOUR HONOR, IF THIS IS  
8 THE CONVERSATION THAT --

9 THE COURT: YOU MAY ASK HIM ABOUT WHAT CONVERSATION  
10 TOOK PLACE WITHOUT READING THE TRANSCRIPT.

11 BY MR. CARLTON:

12 Q. WELL, ISN'T IT CORRECT, MR. BERNABE, THAT DURING THE  
13 CONVERSATION AGENT BERRELLEZ SAID THAT HIS COMPADRE IN 1985  
14 HAD JUST PURCHASED THE HOUSE IN LOPE DE VEGA?

15 A. I DON'T REMEMBER HIM HAVING MENTIONED LOPE DE VEGA  
16 STREET, SIR.

17 Q. AND ISN'T IT ALSO CORRECT -- WELL, THAT YOU IN RESPONSE  
18 SAID THAT THE HOUSE WAS EMPTY AND THAT YOU WERE ONLY THERE  
19 ONCE?

20 A. I DO REMEMBER THAT CONVERSATION.

21 Q. THAT CONVERSATION CONCERNED SPECIFICALLY THE HOUSE ON  
22 LOPE DE VEGA WHERE YOU SAID SUPPOSEDLY THIS EVENT HAPPENED.

23 A. NO, SIR.

24 Q. NOW IN THE COURSE OF YOUR WORK FOR ERNESTO FONSECA, DID  
25 YOU DEVELOP ANY OPINION, BASED ON YOUR EXPERIENCE THERE, AS TO



1 HOW DRUG TRAFFICKERS WOULD DEAL WITH INFORMANTS?

2 A. NO, SIR.

3 I WAS VERY LOW RANKED EMPLOYEE THERE. I WAS ONLY IN  
4 CHARGE OF THE HOUSE.

5 Q. DID YOU EVER SEE RUBEN ZUNO ARCE AT THAT HOUSE?

6 A. NO, SIR.

7 Q. HOW ABOUT JUAN RAMON MATTA BALLESTEROS?

8 A. NO, SIR.

9 Q. HAVE YOU HEARD OF THE TIERRA LIBRE (PHONETIC) BROTHERS?

10 A. YES, SIR.

11 Q. DID YOU KNOW ANY OF THEM?

12 A. I THINK SO, SIR.

13 Q. DO YOU RECALL ANY NAMES?

14 A. YES, SIR.

15 Q. WHICH ONES?

16 A. ELISEO AND ANTONIO.

17 Q. IS THAT ANTONIO VASQUEZ VELASCO?

18 A. I DIDN'T FIND OUT HIS LAST NAMES UNTIL I WAS HERE. I  
19 ONLY KNEW HIM AS ANTONIO, SIR.

20 Q. WERE THOSE TWO INDIVIDUALS FREQUENTLY IN ATTENDANCE AT  
21 MEETINGS THAT OCCURRED AT LA BAJADITA?

22 A. ELISEO WAS WITH ATTORNEY JAVIER BARBA EVERY DAY.

23 ON THE OCCASIONS WHEN I SAW ATTORNEY JAVIER BARBA, I  
24 SAW ELISEO WITH HIM.

25 AND ANTONIO USED TO GO TO LA BAJADITA, SOMETIMES WE

1 STAY THERE .

2 A. NOW, JAVIER BARBA WAS OFTEN AT LA BAJADITA, WASN'T HE?

3 A. I SAW HIM ABOUT THREE TIMES, SIR.

4 Q. WHAT DID YOU KNOW ABOUT JAVIER BARBA?

5 A. WITH RELATION TO WHAT, SIR?

6 Q. WELL, WAS HE A DRUG TRAFFICKER?

7 A. I KNEW THAT HE WORKED FOR DON ERNESTO.

8 I KNEW THAT HE WAS AN ATTORNEY. I NEVER SAW HIM  
9 WITH DRUGS.

10 I DON'T KNOW WHAT HIS BUSINESS WAS WITH DON ERNESTO  
11 FONSECA, SIR.

12 Q. HE MET PRIVATELY WHICH ERNESTO FONSECA WHEN HE WAS THERE?

13 A. YES, HE WOULD GO INTO HIS PRIVATE OFFICE.

14 Q. HAD HIS OWN BODYGUARD?

15 A. I ALREADY MENTIONED ELISEO, SIR, YES.

16 Q. WAS THERE ANYONE ELSE?

17 WAS HE EVER ACCOMPANIED BY ANY OTHER PERSONS BESIDES  
18 ELISEO?

19 A. I MET TWO OTHERS WHO SOMETIMES ACCOMPANIED HIM.

20 Q. DO YOU KNOW THEIR NAMES?

21 A. THEY CALLED ONE OF THEM EL ITALIANO, AND THE OTHER ONE  
22 THEY CALLED EL LEEK.

23 THE INTERPRETER: IT'S AN ABBREVIATION FOR ATTORNEY.

24 THE WITNESS: THERE WAS SOMETHING WRONG WITH ONE OF  
25 THE PERSON'S FEET.

1                   THOSE ARE THE ONES I MOST OFTEN SAW WITH HIM.

2 BY MR. CARLTON:

3 Q.   NOW, DID -- DURING THE TIME THAT YOU WERE WORKING AT LA  
4 BAJADITA, DID ERNESTO FONSECA EVER LEAVE AND TELL YOU HE WAS  
5 GOING TO HAVE A MEETING SOMEWHERE ELSE?

6 A.   HE WOULD NEVER PROVIDE ME WITH DETAILS OF WHAT HE DID.

7                   IF HE SAID ANYTHING, HE WOULD TELL ME HE WOULD BE  
8 BACK SOON OR IN TWO OR THREE DAYS.

9 Q.   SO HE NEVER TOLD YOU WHERE HE WENT?

10 A.   NO, SIR.

11 Q.   AND HE WASN'T THERE EVERY DAY DURING THE PERIOD THAT YOU  
12 WORKED AT THE HOUSE, WAS HE?

13 A.   THAT'S RIGHT, SIR.

14 Q.   DID YOU KNOW JAVIER VASQUEZ VELASCO?

15 A.   NO, SIR.

16 Q.   HOW ABOUT EZEQUIEL GODINEZ?

17 A.   YES, SIR.

18 Q.   HOW DID YOU KNOW HIM?

19 A.   HE WAS THERE FOR A TIME AT LA BAJADITA.

20 Q.   DOING WHAT; DOING WHAT?

21 A.   WHILE HE WAS THERE HE WAS ALSO SECURITY, SIR.

22                   SOMETIMES HE WOULD LEAVE WITH DON ERNESTO AND I  
23 WOULD NOT SEE HIM FOR A WHILE.

24 Q.   HOW ABOUT SOMEONE NAMED EL CORITA? DID YOU KNOW SOMEONE  
25 BY THAT NAME?

1 A. NO, SIR.

2 Q. HOW ABOUT RICARDO VASQUEZ?

3 A. NO, SIR.

4 Q. ANY YOU SAY YOU SAW RAFAEL CARO QUINTERO HOW MANY TIMES  
5 AT LA BAJADITA?

6 A. YOU HADN'T ASKED ME THAT QUESTION, SIR.

7 Q. WHEN MR. MEZA WAS ASKING YOU QUESTIONS.

8 A. I GOT TO SEE HIM THERE AT BAJADITA ABOUT TWO TIMES.

9 Q. YOU MET PRIVATELY WITH ERNESTO FONSECA?

10 A. YES, SIR.

11 Q. DO YOU KNOW AN INDIVIDUAL NAMED JUAN GILBERTO HERNANDEZ  
12 PARA?

13 A. NO, SIR.

14 Q. SERGIO ESPINO VERDIN?

15 A. I HEARD HIM MENTIONED, SIR. BUT I DON'T KNOW HIM. I  
16 DON'T REMEMBER.

17 Q. NOW DURING FEBRUARY OF 1985, EARLY FEBRUARY, YOU WENT TO  
18 A FARM ON TROPALA HIGHWAY; IS THAT CORRECT?

19 A. IN THE MONTH OF FEBRUARY, YES, SIR.

20 Q. HOW MANY TIME HAVE YOU GONE THERE?

21 A. BUT ACTUALLY IN THE MIDDLE OF THE MONTH.

22 Q. MIDDLE OF THE MONTH?

23 A. YES, SIR.

24 Q. AROUND THE 15TH?

25 A. IT COULD BE.

3  
1 Q. HOW MANY DAYS AFTER THIS INCIDENT WHERE YOU SAW FONSECA  
2 AND CARO ARGUING DID YOU LEAVE FOR THIS FARM IN TROPALA?

3 A. I THINK IT IS WAS TWO DAYS, SIR.

4 Q. AND YOU STAYED THERE FOR ABOUT A MONTH?

5 A. APPROXIMATELY, SIR.

6 Q. HOW MANY PEOPLE WENT WITH YOU?

7 A. THERE WERE ABOUT 12 OR 15 OF US, SIR.

8 Q. AND YOU WENT BASICALLY AS A BODYGUARD, RIGHT?

9 A. WELL, I WAS TAKEN OUT OF THE HOUSE, AT THAT TIME I WAS A  
10 BODYGUARD, SIR.

11 Q. AND WHILE AT THIS RANCH MUCH YOU PLACED GUARDS ALL AROUND  
12 THE BUILDING; ISN'T THAT TRUE?

13 A. AT CERTAIN PLACES, SIR.

14 Q. AND DID YOU KNOW WHY WERE YOU PLACING THOSE GUARDS IN  
15 THOSE CERTAIN PLACES?

16 A. YES, SIR.

17 Q. WHY WAS THAT?

18 A. BY THEN IT HAD ALREADY BEEN REPORTED THAT AGENT CAMARENA  
19 HAD DISAPPEARED.

20 AND DON ERNESTO TOLD US THAT THERE COULD BE  
21 PROBLEMS, SINCE EVIDENCELY HE WAS INVOLVED IN THAT  
22 INVESTIGATION, SIR.

23 Q. NOW YOU LEFT FOR THE RANCH AT TROPALA AFTER THE INCIDENT  
24 AT THE GUADALAJARA AIRPORT?

25 A. WHILE AT THAT RANCH, COMANDANTE GABRIEL GONZALEZ WENT

1 SOMEONE ELSE BY THE NAME OF FLORENCIO FLORES AND THEY TOLD ME  
2 IN DETAIL THAT THEY HAD ACCOMPANIED RAFAEL CARO QUINTERO AND  
3 THAT HE HAD LEFT GUADALAJARA AND THEY TOLD ME ABOUT THE  
4 FRICTION THAT HAD OCCURRED THERE WITH AGENTS FROM THE FEDERAL  
5 POLICE.

6 Q. SO YOU'RE SAYING NOW THAT YOU WERE NOT AT THE AIRPORT?

7 A. THAT'S RIGHT, SIR, I WAS NOT AT THE AIRPORT.

8 Q. AND WHEN WERE YOU SAYING THAT TO AGENT BERRELLEZ IN YOUR  
9 MEETING WITH HIM LAST SUMMER, YOU WEREN'T TELLING THE TRUTH?

10 A. IT WAS NOT TRUE, SIR.

11 Q. AND WERE YOU TELLING HIM LIES BECAUSE YOU WANTED TO MAKE  
12 SOME MONEY; ISN'T THAT TRUE?

13 A. YES, SIR.

14 Q. SO WHAT YOU'RE SAYING IS THAT YOU WILL TELL SOMETHING  
15 THAT'S NOT TRUE IF YOU HAVE SOMETHING TO GAIN BY IT?

16 A. NO, SIR.

17 Q. YOU'RE A PRETTY CAUTIOUS PERSON, AREN'T YOU?

18 A. I DON'T KNOW.

19 IN WHAT WAY, SIR?

20 Q. ARE YOU PRETTY CAREFUL ABOUT WHAT YOU DO?

21 A. I FELL IN A TRAP BY COMING OVER HERE. I DON'T THINK  
22 THAT'S VERY CAREFUL.

23 Q. WELL, YOU'RE CAREFUL ENOUGH TO MAKE SURE THAT YOU WRITE  
24 TELEPHONE NUMBERS DOWN IN YOU ARE AGENDA BACKWARDS, RIGHT?

25 A. YES, SIR.

1 Q. AND YOU KNEW SOMEONE WHO WAS ARRESTED WITH YOU IN PUERTO  
2 VALLARTA WHO CAME UP HERE TO THE UNITED STATES AND WAS  
3 ARRESTED?

4 A. I DID MEET HIM, SIR.

5 Q. AND YOU KNEW THAT PERSON BEFORE LAST SUMMER?

6 MR. MEZA: YOUR HONOR, I'M GOING TO OBJECT TO THIS  
7 AS IRRELEVANT.

8 THE COURT: OVERRULED.

9 THE WITNESS: I MET HIM ABOUT '84.

10 I KNEW HE WAS A JUDICIAL POLICE BUT WE NEVER HAD A  
11 FRIENDSHIP, SIR.

12 BY MR. CARLTON:

13 Q. YOU KNEW HE CAME UP HERE AND GOT ARRESTED AFTER HE TALKED  
14 TOO MUCH.

15 A. IT CAME OUT IN THE PRESS IN GUADALAJARA, SIR.

16 Q. WHAT WAS THAT PERSON'S NAME?

17 A. RAOUL LOPEZ, SIR.

18 MR. CARLTON: MAY I HAVE JUST A MOMENT, YOUR HONOR?

19 (BRIEF PAUSE.)

20 THE INTERPRETER: MAY I HAVE A MOMENT, JUDGE,  
21 PLEASE?

22 THE COURT: YES.

23 (BRIEF PAUSE.)

24 BY MR. CARLTON:

25 Q. YOU'RE ALSO CAREFUL ENOUGH ABOUT YOUR AFFAIRS, MR.

1 BERNABE, THAT YOU DON'T LIKE TO KNOW NAMES, RIGHT?

2 A. MANY TIMES I'M NOT INTERESTED IN KNOWING THINGS THAT  
3 DON'T PERTAIN TO ME. SO I'M NOT INTERESTED IN IT.

4 Q. YOU DON'T LIKE TO KNOW ADDRESSES OR TELEPHONE NUMBERS  
5 EITHER, RIGHT?

6 A. IF THERE IS NO RELATIONSHIP WITH THE PERSON, THERE IS NO  
7 REASON FOR ME TO KNOW HIS TELEPHONE NUMBER OR ADDRESS.

8 Q. WELL, ISN'T TRUE THAT WHEN MEETING WITH AGENT BERRELLEZ  
9 ON JULY 24TH OF LAST YEAR, YOU SAID, "I DON'T LIKE TO KNOW  
10 NAMES, ADDRESSES, TELEPHONES. I DON'T LIKE -- THAT'S THE WAY  
11 IT SHOULD BE. THEY CAN CUT MY BALLS OFF AND I WON'T BE ABLE  
12 TO SAY SHIT BECAUSE I DON'T"?

13 A. YES, I SAID IT, SIR.

14 Q. NOW, AFTER YOUR STAY AT THE TROPALA RANCH, YOU WENT TO  
15 ANOTHER LOCATION, RIGHT?

16 A. YES. WE WENT BACK TO GUADALAJARA, SIR.

17 Q. AND WHERE IN GUADALAJARA DID YOU GO?

18 A. WE ARRIVED AT A HOUSE WHICH I DID NOT KNOW. IT WAS NEW.  
19 IT WAS NEW TO ME.

20 Q. WHERE WAS IT LOCATED?

21 A. AT THE COUNTRY IN GUADALAJARA JALISCO. THAT'S THE NAME  
22 OF THE DISTRICT, SIR.

23 Q. IS THERE A ROAD, A WELL-KNOWN ROAD THAT GOES THROUGH THAT  
24 AREA?

25 A. IT'S TOTALLY WITHIN THE METROPOLITAN AREA. IT'S A



1 CENTRAL AREA.

2 Q. IS THERE A HIGHWAY THAT LEADS TO THIS LOCATION?

3 A. IT'S A REGULAR STREET, SIR.

4 Q. NOW, YOU STAYED THERE FOR WHAT? TWO WEEKS?

5 A. APPROXIMATELY, YES, SIR.

6 Q. AND ABOUT 12 PEOPLE WENT WITH YOU?

7 A. WE HAD FEW MORE PEOPLE WHEN WE CAME BACK FROM THE FARM.  
8 OTHER PEOPLE JOINED US THERE.

9 Q. SO HOW MANY PEOPLE STAYED AT THIS HOUSE WHILE YOU WERE  
10 THERE?

11 A. BETWEEN 15 OR 20 PEOPLE, SIR.

12 Q. NOW, AGAIN, YOU WERE THERE BASICALLY AS A BODYGUARD  
13 RIGHT? YOU AND THESE OTHER PEOPLE?

14 A. YES, SIR.

15 Q. YOU WERE ARMED?

16 A. YES, SIR.

17 Q. AND WHAT WERE YOU ARMED WITH?

18 A. A PISTOL, SIR.

19 Q. AND THEN AFTER -- DON ERNESTO FONSECA WENT WITH YOU.  
20 CORRECT?

21 A. NO, SIR.

22 Q. SO HE DID NOT STAY AT THIS HOUSE?

23 A. YES, SIR, BUT HE WAS IN ANOTHER VEHICLE. WE WERE IN  
24 STATION WAGONS AND HE WAS IN ANOTHER VEHICLE.

25 Q. DURING THE TWO WEEKS THAT WERE YOU THERE, HE WAS THERE AS

1 WELL?

2 A. I THINK HE LEFT FOR ABOUT THREE OR FOUR DAYS AND THEN HE  
3 CAME BACK.

4 Q. AND AT SOME POINT YOU THEN WENT TO PUERTO VALLARTA?

5 A. YES. WE LEFT FROM THAT HOUSE, SIR.

6 Q. YOU KNEW AT THIS TIME THAT FONSECA WAS BASICALLY ON THE  
7 RUN BECAUSE OF THE CAMARENA INCIDENT?

8 A. YES, SIR.

9 Q. NOW, DID YOU EVER KNOW AN INDIVIDUAL NAMED ARMANDO PAVON  
10 REYES?

11 A. WELL, I WAS UNDER ARREST IN MEXICO CITY. I KNEW BY SIGHT  
12 WHO COMANDANTE PAVON WAS, YES, SIR.

13 Q. YOU NEVER SAW HIM AT LA BAJADITA?

14 A. NO, SIR. I MET HIM WHEN I WAS UNDER ARREST.

15 Q. HOW ABOUT MANUEL IBARRA?

16 DID YOU EVER SEE HIM AT LA BAJADITA?

17 A. NO, SIR.

18 Q. MIGUEL ALDANA?

19 A. UP TO THE PRESENT, I DON'T EVEN KNOW HIM, SIR.

20 Q. MIGUEL FELIX GALLARDO?

21 A. NO, SIR.

22 Q. NOW, WHEN YOU WENT TO PUERTO VALLARTA, HOW MANY PEOPLE  
23 WENT WITH YOU?

24 A. ABOUT 30 OF US LEFT, SIR.

25 Q. HOW LONG WERE YOU THERE BEFORE YOUR ARREST?

1 A. APPROXIMATELY ONE WEEK, A LITTLE LESS.

2 Q. WHEN YOU WERE ARRESTED, AT THAT POINT YOU WERE, AGAIN,  
3 FUNCTIONING AS A BODYGUARD FOR ERNESTO FONSECA?

4 A. PARTLY, YES, SIR.

5 Q. YOU USED WEAPONS OR HAD WEAPONS WHILE YOU WERE THERE?

6 A. YES, I HAD A WEAPON, SIR.

7 Q. WHEN THE POLICE ARRIVED YOU THREW THAT WEAPON IN THE  
8 GARBAGE, DIDN'T YOU?

9 MR. MEZA: OBJECTION, YOUR HONOR, IRRELEVANT AND  
10 BEYOND THE SCOPE.

11 THE COURT: OVERRULED.

12 THE WITNESS: THAT'S TRUE, SIR.

13 BY MR. CARLTON:

14 Q. AT THE TIME ISN'T ALSO TRUE WERE YOU GOING FOR SOME  
15 GRENADES?

16 A. NO, SIR.

17 Q. NOW, ISN'T IT TRUE THAT WHEN YOU MET WITH AGENT BERRELLEZ  
18 ON JULY 21ST OF 1989, IN DESCRIBING YOUR ARREST AT PUERTO  
19 VALLARTA YOU SAID, "AND I WAS GOING TO GET THE GRENADES AND I  
20 WAS GOING GET THE GRENADES AND OTHER THINGS"?

21 A. THAT'S BADLY INTERPRETED.

22 I DID SAY THAT. IF YOU WOULD LIKE, I'LL TELL YOU  
23 WHAT I WANTED TO SAY.

24 Q. ISN'T IT TRUE --

25 MR. MEZA: YOUR HONOR, I DON'T BELIEVE THE WITNESS

1 HAS COMPLETED HIS ANSWER.

2 THE COURT: OVERRULED.

3 BY MR. CARLTON:

4 Q. ISN'T IT TRUE THAT ERNESTO FONSECA AUTHORIZED YOUR  
5 RELEASE FROM JAIL?

6 A. NO, SIR.

7 Q. ISN'T TRUE THAT YOU WOULDN'T HAVE BEEN RELEASED FROM JAIL  
8 IF HE HADN'T AUTHORIZED IT?

9 A. MY RELEASE WAS AUTHORIZED BY THE JUDGE, SIR.

10 WHAT I MEAN IN THAT PART IS THAT IF HE DOESN'T PAY  
11 THE BAIL, I DON'T GET OUT OF THE PRISON OR SOMETHING COULD  
12 HAVE HAPPENED TO ME IN THE PRISON.

13 THAT'S WHAT I'M REFERRING TO.

14 Q. SO FONSECA PAID YOUR BAIL?

15 A. YES, SIR.

16 Q. AND ISN'T IT ALSO TRUE THAT YOU PURCHASED SOME PROPERTY  
17 WITH MONEY PROVIDED TO YOU BY ERNESTO FONSECA?

18 A. YES, SIR.

19 FOR CHRISTMAS OF '84, HE GAVE ME MY CHRISTMAS  
20 PRESENT AND I BOUGHT SOME LAND, SIR. I WOULD SAY A SMALL  
21 PIECE OF LAND.

22 Q. I WOULD ASK YOU -- JUST A MOMENT.

23 MR. CARLTON: I'D LIKE TO BE PLACED BEFORE THE  
24 WITNESS TWO EXHIBITS, 172 AND 187.

25 (DOCUMENTS PROFFERED.)

1 BY MR. CARLTON:

2 Q. DO YOU SEE 172?

3 A. I SEE IT, SIR.

4 Q. WHAT IS THAT?

5 A. IT'S ME, SIR.

6 Q. A PHOTOGRAPH OF YOU?

7 A. YES, SIR.

8 Q. AND, LIKEWISE, IS EXHIBIT 187 A PHOTOGRAPH OF YOU?

9 A. YES, SIR. EVEN THOUGH-- YES, IT IS ME.

10 Q. NOW, AFTER YOUR RELEASE FROM JAIL, UP UNTIL THE POINT  
11 THAT YOU BEGAN WORKING FOR MR. CASTEL, ALL OF YOUR JOBS WERE  
12 IN THE AREA OF SECURITY; ISN'T THAT TRUE?

13 A. I THINK THAT SINCE I STARTED WORKING I'VE DEDICATED  
14 MYSELF TO SECURITY.

15 I HAVEN'T HAD ANY OTHER EMPLOYMENT, SIR.

16 Q. HAVE YOU EVER BEEN ARRESTED IN MEXICO ON ANY OCCASION  
17 OTHER THAN THE TIME AT PUERTO VALLARTA?

18 MR. MEZA: OBJECTION, YOUR HONOR. IT'S IRRELEVANT.

19 THE COURT: SUSTAINED.

20 BY MR. CARLTON:

21 Q. HOW ABOUT CONVICTIONS; HAVE YOU EVER BEEN CONVICTED OF  
22 ANYTHING?

23 MR. MEZA: OBJECTION, YOUR HONOR.

24 THE QUESTION IS VAGUE AND SHOULD BE SPECIFIC.

25 THE COURT: OVERRULED.

1 THE WITNESS: ASIDE FROM MY APPREHENSION IN PUERTO  
2 VALLARTA, I HAVEN'T BEEN CONVICTED.

3 BY MR. CARLTON:

4 Q. DOES THE REFERENCE "R-1" MEAN ANYTHING TO YOU?

5 A. THAT IS THE NICKNAME THAT RAFAEL CARO QUINTERO USED.

6 Q. WHILE YOU WERE A JALISCO STATE POLICE OFFICER, DID YOU  
7 EVER VISIT THE OFFICES OF THE MEXICAN FEDERAL JUDICIAL POLICE  
8 IN GUADALAJARA?

9 A. TO VISIT WITHIN THE -- MY JOB DUTIES, YES, SIR.

10 Q. DID YOU EVER VISIT THOSE OFFICES AFTER YOU LEFT THE  
11 JALISCO STATE POLICE?

12 A. NO, SIR.

13 Q. HOW ABOUT THE OFFICES OF THE DIRECCION FEDERAL DE  
14 SEGURIDAD, DID YOU VISIT THOSE WHILE YOU WERE A STATE  
15 POLICEMAN?

16 A. NO, SIR.

17 Q. WHEN YOU MET WITH AGENT BERRELLEZ, AFTER YOUR ARREST, WAS  
18 HE POLITE WITH YOU?

19 A. HE WAS COURTEOUS TO ME, SIR.

20 MR. CARLTON: MAY I HAVE JUST A MOMENT, YOUR HONOR.

21 (DISCUSSION HELD OFF THE RECORD.)

22 BY MR. CARLTON:

23 Q. AFTER YOUR CONVICTION IN MEXICO, YOU WERE PLACED ON TWO  
24 YEARS PROBATION?

25 MR. MEZA: OBJECTION, YOUR HONOR. THERE IS NO

1 TESTIMONY HE WAS CONVICTED OF ANYTHING. THERE IS NO  
2 FOUNDATION.

3 THE COURT: THE OBJECTION IS SUSTAINED.

4 RESTATE THE QUESTION.

5 BY MR. CARLTON:

6 Q. AFTER YOUR ARREST IN PUERTO VALLARTA, ISN'T IT TRUE THAT  
7 YOU RECEIVED A CONVICTION?

8 A. REGARDING THE MATTER IN PUERTO VALLARTA?

9 Q. YES.

10 A. I WAS ACQUITTED, SIR.

11 Q. NOW, DIDN'T YOU TESTIFY EARLIER THAT YOU RECEIVED TWO  
12 YEARS PROBATION AFTER THAT ARREST?

13 A. AND AFTER THE TWO YEARS, I WAS ACQUITTED, SIR.

14 MR. CARLTON: NOTHING FURTHER.

15 THE COURT: ANY REDIRECT?

16 DO YOU HAVE SOME QUESTIONS?

17 MR. STOLAR: I HAVE SOME QUESTIONS, YOUR HONOR.

18  
19 CROSS-EXAMINATION +

20 BY MR. STOLAR:

21 Q. GOOD AFTERNOON.

22 A. GOOD AFTERNOON, SIR.

23 Q. MR. BERNABE, DO YOU SEE THE GENTLEMAN I'M POINTING TO,  
24 MR. MATTA, WITH THE GRAY SPORTCOAT AND RED TIE?

25 A. YES, I DO SEE HIM, SIR.

1 Q. IS IT TRUE THAT THE FIRST TIME YOU MET HIM -- I BEG YOUR  
2 PARDON.

3 IS IT TRUE THAT THE FIRST TIME THAT YOU SAW HIM WAS  
4 WHEN THEY BROUGHT HIM INTO THIS COURTROOM IN FEBRUARY OF 1990?

5 A. I MET HIM IN THIS COURTROOM, SIR, BUT I THINK IT WAS  
6 AFTER FEBRUARY, BUT I DID MEET HIM IN THIS COURTROOM.

7 Q. PRIOR TO THAT, YOU HAD NEVER MET HIM IN GUADALAJARA?

8 A. I HAD NEVER SEEN THAT PERSON, SIR.

9 Q. AND YOU HAD NEVER SEEN HIM IN GUADALAJARA?

10 A. NO, SIR.

11 Q. AND YOU WERE ARRESTED AND BROUGHT INTO THIS COURTROOM IN  
12 CONNECTION WITH THIS CASE IN JULY OF 1989; IS THAT RIGHT?

13 A. YES, SIR.

14 Q. THANK YOU.

15

16

CROSS-EXAMINATION +

17

BY MR. NICOLAYSEN:

18

Q. MR. BERNABE, THE FIRST TIME THAT YOU EVER SAW JAVIER  
19 VASQUEZ VELASCO WAS AFTER YOU WITH A TAKEN INTO CUSTODY HERE  
20 IN LOS ANGELES; ISN'T THAT CORRECT?

21

A. YES, SIR.

22

Q. IN 1989, CORRECT?

23

A. IF I REMEMBER CORRECTLY IN NOVEMBER OF '89.

24

Q. THANK YOU VERY MUCH.

25

THE COURT: ANY OTHER QUESTIONS?



1 MR. MEDVENE: WITH THE COURT'S PERMISSION, MAY I ASK  
2 MR. ZUNO TO STAND, YOUR HONOR.

3 THE COURT: YES.

4 MR. MEDVENE: MR. ZUNO, PLEASE STAND.  
5

6 CROSS-EXAMINATION +

7 BY MR. MEDVENE:

8 Q. PRIOR TO THE COMMENCEMENT OF THESE PROCEEDINGS, DID YOU  
9 EVER SEE MR. RUBEN ZUNO BEFORE, SIR?

10 A. NO, SIR.

11 Q. THANK YOU.

12 THE COURT: IS THERE ANY REDIRECT?

13 MR. MEZA: NO, YOUR HONOR.

14 THE COURT: ALL RIGHT.

15 THE WITNESS MAY STEP DOWN.

16 (WITNESS EXCUSED.)

17 THE COURT: WE WILL ADJOURN AT THIS TIME, LADIES AND  
18 GENTLEMEN OF THE JURY.

19 WE WILL RECONVENE THIS CASE TOMORROW MORNING AT  
20 9:30.

21 PLEASE LET ME REMIND YOU AGAIN NOT TO DISCUSS THIS  
22 CASE WITH A EACH OTHER OR WITH ANYONE ELSE, AND NOT TO FORM OR  
23 EXPRESS ANY OPINION OR CONCLUSION ABOUT THIS CASE.

24 MOST IMPORTANTLY, DO NOT READ ANYTHING ABOUT THIS  
25 CASE OR WATCH ANYTHING OR HEAR ANYTHING ABOUT IT.

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

I'LL SEE YOU TOMORROW.

(JURY EXCUSED.)

(PROCEEDINGS ADJOURNED.)

C E R T I F I C A T E

I 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, RPR  
OFFICIAL COURT REPORTER

2-4-92  
DATE

			PG	LN
	(EXHIBIT #	FFFF RECEIVED IN EVIDENCE.)	8	9
LOS ANGELES	+	CALIFORNIA THURSDAY, JULY	4	1
JULY 5, 1990	+	9:30 A.M.	4	2
ABEL REYNOSO	+	DEFENSE WITNESS, PREVIOUSLY	4	15
DIRECT EXAMINATION	+	BY MR. NICOLAYSEN: Q.	5	1
HECTOR BERRELLEZ	+	DEFENSE WITNESS, PREVIOUSLY	6	6
DIRECT EXAMINATION	+	BY MR. STOLAR: Q.	6	13
JOSE BERNABE RAMIREZ	+	DEFENSE WITNESS SWORN	9	7
DIRECT EXAMINATION	+	BY MR. MEZA: Q.	9	17
LOS ANGELES	+	CALIFORNIA THURSDAY, JULY	80	1
JULY 5, 1990	+	1:30 P.M.	80	2
DIRECT EXAMINATION	+	(CONTINUED.) BY MR. MEZA:	80	8
HENRY GREENBERG	+	DEFENSE WITNESS SWORN	94	5
DIRECT EXAMINATION	+	BY MR. MESA: Q. MR.	94	13
CROSS-EXAMINATION	+	BY MR. MEDRANO: Q.	103	25
REDIRECT EXAMINATION	+	BY MR. MEZA: Q. DID	115	25
RE-CROSS-EXAMINATION	+	BY MR. MEDRANO: Q.	119	11
JOSE BERNABE RAMIREZ	+	DEFENSE WITNESS, PREVIOUSLY	120	4
DIRECT EXAMINATION	+	(CONTINUED.) BY MR. MEZA:	120	7
CROSS-EXAMINATION	+	BY MR. CARLTON: Q.	120	20
CROSS-EXAMINATION	+	BY MR. STOLAR: Q.	159	19
CROSS-EXAMINATION	+	BY MR. NICOLAYSEN: Q.	160	16
CROSS-EXAMINATION	+	BY MR. MEDVENE: Q.	161	6
HONOR, WE WOULD OFFER	EXHIBIT	4 F'S IN EVIDENCE.	8	6
(	EXHIBIT	# FFFF RECEIVED IN	8	9
A PREVIOUSLY MARKED	EXHIBIT	THAT'S ALSO MARKED 4	12	13
TO LOOK AT THAT	EXHIBIT	? MR.	12	20
THE COURT: IS THAT	EXHIBIT	BEFORE THE WITNESS?	12	22
LOOK AT THAT THAT	EXHIBIT	YOU HAVE IN YOUR	13	7
YOUR ATTENTION TO	EXHIBIT	4 G, IT SHOULD BE --	14	15
NOW DIRECT YOU TO	EXHIBIT	HHH. A. (WITNESS	15	16
WITNESS LOOK AT THE	EXHIBIT	MARKED FOR	43	12
FOR IDENTIFICATION AS	EXHIBIT	III. THE	43	12
WOULD GO BACK TO THE	EXHIBIT	MARKED IIII, 4 I'S.	56	7
YOUR ATTENTION TO	EXHIBIT	JJJJ, 4 J'S, A.	65	2
WOULD YOU LOOK AT	EXHIBIT	NO. 63, PLEASE. IT'S	80	15
YOUR ATTENTION TO	EXHIBIT	DOUBLE A, THAT'S TWO	86	10
AND, LIKEWISE, IS	EXHIBIT	187 A PHOTOGRAPH OF	157	8