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

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HONORABLE EDWARD RAFFEDIE, DISTRICT COURT JUDGE PRESIDING

- - - - -

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

COPY

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

VOLUME 29

REPORTERS' TRANSCRIPT OF PROCEEDINGS

THURSDAY, JULY 12, 1990; 9:30 A.M.
LOS ANGELES, CALIFORNIA

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APPEARANCES (CONTINUED):

FOR DEFENDANT JAVIER VASQUEZ-VELASCO:

FEDERAL LITIGATORS GROUP
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ALSO PRESENT:

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

SPANISH INTERPRETERS

1 LOS ANGELES + CALIFORNIA THURSDAY, JULY 12, 1990

2 + 9:30 A.M.

3
4 (JURY PRESENT.)

5 THE COURT: COUNSEL, YOU MAY CONTINUE WITH YOUR
6 ARGUMENT.

7
8 CONTINUED CLOSING ARGUMENT + FOR JAVIER VASQUEZ-VELASCO

9
10 MR. NICOLAYSEN: THANK YOU, YOUR HONOR.

11 WHEN WE RECESSED YESTERDAY, AS I'M SURE YOU
12 WILL RECALL, WE WERE DISCUSSING QUITE A SIGNIFICANT EXHIBIT
13 FOR DEFENSE, WHICH IS EXHIBIT B. IT IS A CABLE THAT ROBERT
14 CASTILLO, THE D.E.A. AGENCY AGENT IN MEXICO, TRANSMITTED TO
15 D.E.A. HEADQUARTERS IN WASHINGTON CONCERNING THE INTERROGATION
16 BY THE MEXICAN POLICE OF LUIS GONZALES ONTIVEROS, WHOSE NAME I
17 PUT ON THE CHART SO YOU COULD COPY IT DOWN.

18 HE WAS THE SUSPECT ARRESTED ON NOVEMBER 12 OF
19 1985 SPECIFICALLY FOR THE LA LANGOSTA MURDERS. AND WHAT WE
20 LEARNED IN OUR DISCUSSION YESTERDAY WAS THAT THERE WERE SOME
21 EXTREMELY SHARP CONTRADICTIONS BETWEEN THE TESTIMONY -- THE
22 MICROPHONE ISN'T WORK THIS MORNING. (BRIEF PAUSE.)

23 WHAT WE LEARNED YESTERDAY IS THAT THERE ARE, IN
24 FACT, SOME VERY, VERY SHARP CONTRADICTIONS BETWEEN THE
25 TESTIMONY UNDER OATH HERE IN COURT BY THE GOVERNMENT'S ONLY

1 WITNESS TO LA LANGOSTA, ENRIQUE PLACENTIA AGUILAR, AND THE
2 STATEMENTS MADE BY LUIS GONZALES ONTIVEROS ON NOVEMBER 14 OF
3 1985 TO THE MEXICAN POLICE IN FULL PRESENCE OF THE D.E.A.,
4 SPECIFICALLY RAOUL DELGADO AND ROBERT CASTILLO.

5 WHAT ONTIVEROS TOLD THE MEXICAN POLICE, WHICH
6 IS ALSO IN THE CABLE THAT I READ, WAS THAT HE WAS A D.F.S.
7 AGENT AND NOT AN I.P.S. AGENT, AND THEREFORE, HE COULDN'T
8 POSSIBLY HAVE BEEN IN THE GROUP OF PEOPLE THAT PLASCENCIA WENT
9 WITH TO LA LANGOSTA.

10 ONTIVEROS TOLD THE POLICE AND THE D.E.A. THAT
11 HE WORKED DIRECTLY WITH CARO QUINTERO AND TOOK ORDERS DIRECTLY
12 FROM PACO TEJEDA, NOT JUST IN CONNECTION WITH LA LANGOSTA, BUT
13 AS YOU WILL RECALL FROM AGENT COONCE OF THE CABLE THAT I READ
14 TO YOU YESTERDAY IN CONNECTION WITH SUBSEQUENT EVENTS RIGHT
15 AFTER THE LA LANGOSTA INCIDENT IN THE FIRST WEEK OF FEBRUARY
16 OF 1985 WHEN PACO TEJEDA ORDERS LUIS GONZALES ONTIVEROS TO
17 TAKE THREE CARS TO ANOTHER AREA OF MEXICO KNOWN AS CAVORTA.

18 AND THOSE THREE CARS WERE SENT THERE AT THE
19 INSTRUCTIONS OF CARO QUINTERO. AND ONTIVEROS WENT WITH
20 SEVERAL PEOPLE, ONE OF WHOM WAS NAMED SERGIO CORONA WHOSE NAME
21 WAS IN THE CABLE. SERGIO CORONA WAS ALSO ONE OF THE PEOPLE
22 WHO WENT WITH ONTIVEROS TO TAKE THE BODIES FROM LA LANGOSTA TO
23 PRIMAVERA PARK.

24 SO WHAT EXHIBIT B, THIS CABLE, TELLS US IN ONE
25 SECTION IN REGARD TO THE LA LANGOSTA INCIDENT AND IN ANOTHER

1 SECTION IN REGARD TO THE SUBSEQUENT EVENTS OF TAKING THE CARS
2 TO CABORCA AND ATTENDING THE WEDDING ON FEBRUARY 9TH OF CARO
3 QUINTERO'S FRIENDS, IS THAT THERE WAS AN EXTRAORDINARILY
4 INTIMATE WORKING RELATIONSHIP BETWEEN ONTIVEROS AND THE CARO
5 QUINTERO GROUP. AND THAT GROUP IS THE GROUP THAT WAS
6 RESPONSIBLE FOR WHAT HAPPENED AT LA LANGOSTA.

7 ONTIVEROS IDENTIFIES PACO TEJEDA, JOSE*GONZALEZ,
8 SERGIO CORONA AND HIMSELF AS THE FOUR PEOPLE INVOLVED IN WHAT
9 HAPPENED AT LA LANGOSTA. THAT'S IN THE CABLE. YOU WILL
10 RECALL I READ THAT YESTERDAY. THERE IS NO MENTION OF JAVIER
11 VASQUEZ, THERE IS NO MENTION OF ANYBODY IN THE VASQUEZ FAMILY,
12 IN FACT.

13 BUT MOST IMPORTANTLY, HE PUTS HIMSELF,
14 ONTIVEROS, SQUARELY IN THE MIDDLE OF WHAT HAPPENED AT LA
15 LANGOSTA. ONTIVEROS CAN'T HAVE PUT HIMSELF MORE CENTRALLY IN
16 WHAT HAPPENED.

17 WHILE PLACENTIA ON THIS WITNESS STAND HERE
18 UNDER OATH WOULD WANT YOU TO BELIEVE THAT HE JUST CASUALLY
19 DECIDED TO LEAVE AT SEVEN O'CLOCK AS THESE GUYS ARE BEING
20 BEATEN AND GO BACK TO HIS OFFICE WITH ONTIVEROS, AT ACTUALLY
21 THAT TIME WHAT REALLY HAPPENED, AS ONTIVEROS HAS TOLD THE
22 D.E.A. IS THAT ONTIVEROS WAS WRAPPING THOSE TWO BODIES IN
23 TABLE CLOTHES AND PUTTING THEM IN THE BACK OF THE CAR AND
24 DRIVING IN THAT CAR TO PRIMAVERA PARK AND STANDING AROUND
25 WHILE OTHER MEMBERS OF THE GANG WERE DIGGING THE GRAVES,

1 THAT'S AN INCREDIBLE CONTRAST AND THAT CONTRAST WAS BROUGHT
2 OUT, AS YOU KNOW, BY THE DEFENSE, IT WAS NOT BROUGHT OUT BY
3 THE GOVERNMENT

4 THERE IS ANOTHER EXHIBIT THAT COMPLICATES THE
5 SCENARIO EVEN MORE. THE JUDGE WILL INSTRUCT YOU THAT PROOF
6 BEYOND A REASONABLE DOUBT MEANS THAT YOU NEED TO BE FIRMLY
7 CONVINCED OF THE DEFENDANT'S GUILT.

8 WHAT WE SEE FROM EXHIBIT P IS THAT ENRIQUE
9 PLACENTIA HAS BEEN SO SUBSTANTIALLY DISCREDITED THAT THERE
10 ISN'T ANY POSSIBILITY THAT HE DESERVES EVEN AN OUNCE OF
11 CONSIDERATION. AS A WITNESS, HE'S NOT CREDIBLE IN ANY WAY
12 WHATSOEVER.

13 WE HAVE ANOTHER EXHIBIT THAT YOU HAVEN'T HAD A
14 CHANCE TO BECOME FAMILIAR WITH IT, AND IT RAISES EVEN MORE
15 DOUBT ABOUT ENRIQUE PLACENTIA AS WELL, AND THAT'S EXHIBIT 190
16 WHICH YOU'LL NOTICE I ALSO WROTE IN RED ON MY SHEET HERE ON
17 THE EASEL.

18 EXHIBIT 190 IS ALSO A STATEMENT THAT WAS GIVEN
19 BY JOSE LUIS GONZALES ONTIVEROS IN NOVEMBER OF 1985 AND IT WAS
20 GIVEN ABOUT TWO WEEKS LATER, THE END OF NOVEMBER OF THAT YEAR.
21 BUT IT WAS NOW GIVEN IN THE CONTEXT OF A LEGAL PROCEEDING.

22 HE'S NOW FORMERLY CHARGED WITH THE LA LANGOSTA
23 MURDERS. THE PERSON THAT PLACENTIA SAYS JUST WENT WITH HIM TO
24 HAVE A PARTY AND LEFT AND WENT BACK TO THE I.P.S. OFFICE AND
25 HAPPENED TO WATCH THE BEATINGS DIDN'T STICK AROUND, GOT IN THE

1 VAN AND DROVE OUT. THAT SAME PERSON GOT PROSECUTED AND
2 EXHIBIT 190 IS THE INITIATION. IT IS THAT STATEMENT MADE BY
3 GONZALEZ ONTIVEROS AT THE VERY BEGINNING OF THE CRIMINAL
4 PROSECUTION IN MEXICO IN NOVEMBER OF 1985.

5 IN THE INTRODUCTORY SECTION OF THIS EXHIBIT ON
6 PAGE ONE ON THE BOTTOM, IT STATES THAT THE PEOPLE WHO ARE
7 ACCUSING ONTIVEROS OF THE LA LANGOSTA MURDERS ARE NONE OTHER
8 THAN HIS FELLOW MEMBERS IN CARO QUINTERO'S ORGANIZATION,
9 RAFAEL CARO QUINTERO HIMSELF, FRANCISCO JARAMILLO PACO TEJEDA,
10 JOSE LUIS BELTRAN ALVAREZ, SAMY RAMIREZ, WHOSE NAME I'M SURE
11 YOU'RE FAMILIAR WITH, NOW AND FINALLY ERNESTO FONSECA. THESE
12 PEOPLE ARE OFFICIALLY DESIGNATED AS THE ACCUSORS AND THEY
13 CERTAINLY WOULD KNOW WHAT THEY'RE TALKING ABOUT SO NOW CHARGES
14 ARE FORMERLY FILED.

15 ON PAGE 2 OF EXHIBIT 190 IT SPECIFICALLY SAYS
16 THAT MR. ONTIVEROS WAS GIVEN A LAWYER THAT STATES HERE, QUOTE:
17 "APPRISED OF THE PROCEEDING, ONTIVEROS SAYS THAT HE DESIGNATES
18 AS HIS PRIVATE DEFENDER" -- AND THEN IT NAMES TWO LAWYERS WHO,
19 BEING PRESENT, ACCEPT AND SWEAR TO THE ASSIGNMENT CONFERRED
20 UPON THEM, SO NOW HE'S OFFICIALLY REPRESENTED BY COUNSEL.

21 THE CIRCUMSTANCES HAVE NOW CHANGED; HE HAS A
22 LAWYER ADVISING HIM ON WHAT TO DO. AND WHAT HE THEN PROCEEDS
23 TO DO, AND WE SEE THIS ON PAGE 3 OF EXHIBIT 190, IS HE DECIDES
24 THAT HE'S GOING TO RETRACT WHAT HE SAID EARLIER AND HE'S GOING
25 TO SAY THAT HE WAS TORTURED AND BEATEN AFTER HE WAS ARRESTED

1 AND THAT'S WHY HE SAID WHAT HE SAID.

2 SPECIFICALLY, ONTIVEROS SAYS -- IT IS ON PAGE
3 -- THIS IS WHAT IS SO INTERESTING BECAUSE I ASK YOU TO THINK
4 ABOUT WHAT HE SAYS AND I'M GOING TO READ IT TO YOU IN CONTRAST
5 TO WHAT PLASCENCIA TOLD YOU.

6 ON THE BOTTOM OF PAGE 3, EXHIBIT 190. THAT
7 IT'S A SERIES OF PHRASES, AND THIS PHRASE SAYS: "THAT I,
8 ONTIVEROS, HAD NOT BEEN AT THE PLACE WHERE THE ACTS HAPPENED
9 THAT GENERATED THE CASE." END QUOTE.

10 "THAT I HAD NOT BEEN AT THE PLACE WHERE THE
11 ACTS THAT HAPPENED THAT GENERATED THE CASE. HE'S SAYING HE
12 WASN'T AT LA LANGOSTA ON THE DAY OF THE EVENT, JANUARY 30TH,
13 1985.

14 ON THE TOP OF PAGE 4, IT SAYS -- AND YOU'LL
15 NOTICE THE GRAMMAR SHIFTS. HE NOW SHIFTS TO THE THIRD PERSON
16 RATHER THAN THE FIRST PERSON, BUT HE'S TALKING ABOUT HIMSELF,
17 "THAT HE, ONTIVEROS, AGAIN BECAME AWARE OF THESE FACTS THROUGH
18 THE PRESS." END QUOTE.

19 SO HE'S SAYING HE WASN'T AT LA LANGOSTA AFTER
20 ALL AND HE LEARNED ABOUT WHAT HAPPENED AT LA LANGOSTA IN THE
21 NEWS. NOW, ISN'T THAT FASCINATING IN CONTRAST TO WHAT
22 PLASCENCIA TOLD US. BECAUSE AS YOU WILL RECALL FROM OUR
23 DISCUSSION YESTERDAY, EVERYTHING THAT PLASCENCIA HAS TESTIFIED
24 TO HERE UNDER OATH IS BASED UPON HIS BEING WITH ONTIVEROS AT
25 ALL TIMES, ARRIVING WITH ONTIVEROS AT THE RESTAURANT, PARTYING

1 AT THE RESTAURANT FOR FOUR OR FIVE HOURS, LEAVING WITH
2 ONTIVEROS AT ABOUT SEVEN OR 7:15, GOING BACK WITH ONTIVEROS TO
3 THE I.P.S. OFFICE THAT EVENING DIRECTLY AND FINALLY STAYING
4 WITH ONTIVEROS AT THE I.P.S. OFFICE THAT EVENING.

5 SO NOW WE HAVE EVEN ANOTHER CONTRADICTION TO
6 PLASCENCIA'S TESTIMONY THAT IS WORTHY OF SOME VERY, VERY
7 SERIOUS CONSIDERATION. WHAT IS GOING ON? THAT'S AN OPEN
8 QUESTION.

9 IT'S THE GOVERNMENT'S BURDEN TO PROVE GUILT
10 BEYOND A REASONABLE DOUBT. IT IS THE GOVERNMENT'S BURDEN TO
11 FIRMLY CONVINCING YOU EACH OF YOU THAT ANY DEFENDANT IS GUILTY.
12 PLASCENCIA IS THE ONLY WITNESS TO THE EVENTS AT LA LANGOSTA.
13 AND IF WHAT ONTIVEROS IS SAYING IN EXHIBIT 190, WHICH IS WHAT
14 I JUST READ TO YOU NOW, IF THAT IS TRUE JUST FOR THE SAKE OF
15 OUR DISCUSSION NOW THAT HE WASN'T AT LA LANGOSTA, THAT HE
16 HEARD ABOUT WHAT HAPPENED IN THE PRESS, THEN WHERE WAS
17 PLASCENCIA? THEY CAN'T BOTH BE TRUE.

18 IF ONTIVEROS WAS -- IF PLASCENCIA WAS WITH
19 ONTIVEROS AS PLASCENCIA SAYS, THEN ONTIVEROS HAS TO BE AT LA
20 LANGOSTA. THEN WE START SERIOUSLY WONDERING ABOUT THIS
21 CONFESSION THAT ONTIVEROS GAVE, EXHIBIT P, WHERE ONTIVEROS
22 CLEARLY IMPLICATES HIMSELF AND YOU START WONDERING WELL, IF IT
23 IS TRUE THAT ONTIVEROS WAS SO INVOLVED, AS HE CONFESSED TO,
24 AND IF IT'S TRUE THAT ONTIVEROS AND PLASCENCIA WERE TOGETHER
25 AS PLASCENCIA WAS TELLING YOU THEY WERE, THEN WHAT IS

1 PLASCENCIA COVERING UP HERE? WHAT ISN'T HE TELLING YOU? WHAT
2 ABOUT HIS INVOLVEMENT?

3 I THINK THAT'S A VERY SERIOUS QUESTION. AND
4 EXHIBIT 35, WHICH IS THAT CABLE THAT WE REVIEWED EXTENSIVELY
5 YESTERDAY, REALLY INVITES SERIOUS CONSIDERATION. IF WE SHIFT
6 THE PERSPECTIVE TO EXHIBIT 190, WHICH IS THE SUBSEQUENT
7 STATEMENT OF NOVEMBER 28TH, THE ONE I JUST READ TO YOU, NOW
8 YOU SAY ONTIVEROS IS NOW SAYING THAT UNDER THE ADVICE OF
9 COUNSEL HE'S TAKING BACK HIS CONFESSION. HE'S NOW BEING
10 FORMALLY PROSECUTED AND WANTS TO TAKE THAT CONFESSION BACK.

11 AND HE'S NOW SAYING HE WASN'T AT THE RESTAURANT
12 AT ALL. ALL RIGHT. HYPOTHETICALLY. LET'S ASSUME THAT'S
13 TRUE, BUT PLASCENCIA TOLD YOU HE WAS WITH ONTIVEROS ALL THE
14 TIME. ONTIVEROS SAYS HE WASN'T AT THE RESTAURANT.

15 WAS PLASCENCIA AT THE RESTAURANT? IF HE WASN'T
16 AT THE RESTAURANT, THEN EVERYTHING HE TOLD YOU ON THIS WITNESS
17 STAND ABOUT WHAT HAPPENED THERE WAS JUST BUNK, AND HE'S THE
18 ONLY WITNESS THAT THE GOVERNMENT HAS CALLED FOR THE PAST
19 TWO-AND-A-HALF MONTHS ON LA LANGOSTA.

20 SO EITHER WAY, LADIES AND GENTLEMEN, WHETHER
21 YOU LOOK AT IT FROM THE POINT OF VIEW OF EXHIBIT 190 OR
22 WHETHER YOU LOOK AT IT FROM THE POINT OF VIEW OF EXHIBIT P,
23 EITHER WAY PLASCENCIA IS COMPLETELY DISCREDITED.

24 IN MY JUDGMENT THAT'S THE END OF THE BALL GAME
25 AS FAR AS THE GOVERNMENT CASE IS CONCERNED. I CAN'T TAKE THE

1 PROFESSIONAL CHANCE THAT YOU WILL IMMEDIATELY COME TO THAT
2 CONCLUSION SO I CAN NOW SIT DOWN BECAUSE THIS IS MY ONE
3 OPPORTUNITY TO SPEAK WITH YOU, SO I HAVE A DUTY TO SPEAK TO
4 ALL OF THE ISSUES THAT I THINK ARE IMPORTANT TO HIGHLIGHT IN
5 MY EFFORTS TO ASSIST YOU IN YOUR UNDERSTANDING OF THE
6 EVIDENCE.

7 SO I'M GOING TO GO ON, BUT I STRONGLY RECOMMEND
8 TO YOU THAT THE CONTRADICTIONS THAT WE JUST TALKED ABOUT
9 YESTERDAY AND AGAIN THIS MORNING ARE SO SEVERE AND IRREFUTABLE
10 THAT THE CASE IS OVER.

11 I'D LIKE TO JUST GO BACK TO PLASCENCIA'S
12 TESTIMONY FOR JUST A FEW MOMENTS AND ASK YOU TO CONSIDER
13 SOMETHING ABOUT HIS TESTIMONY THAT IS VERY DISTURBING; AND
14 THAT IS THE COINCIDENTS THAT HE SEEMS TO REPEATEDLY BRING UP
15 THAT JUST MAKE EVERYTHING HE TOLD YOU JUST ABSOLUTELY
16 IMPLAUSIBLE THAT THEY COULDN'T POSSIBLY HAVE HAPPENED THE WAY
17 HE SAID THEY DID.

18 REMEMBER HE SAID HE ARRIVED AT THE RESTAURANT
19 WITH HIS GROUP OF FRIENDS FROM THE I.P.S. AND THEY WERE
20 ACTUALLY GOING TO THE HOTEL NEXT DOOR. THEY WEREN'T EVEN
21 AWARE OF THE PARTY, THEY JUST PARKED THE VAN IN THE PARKING
22 LOT OF LA LANGOSTA, AND AS PLASCENCIA SAID ON DIRECT, THEY
23 JUST POKED THEIR HEADS INSIDE.

24 AND LO AND BEHOLD, THERE WAS A PARTY GOING ON
25 SO THEY WENT INSIDE. JUST BY COINCIDENCE. WE NOW KNOW THAT

1 ONTIVEROS IS VERY INTIMATELY CONNECTED WITH THE CARO
2 ORGANIZATION SO -- BUT PLASCENCIA GAVE US THIS COINCIDENTAL
3 ACCOUNT OF HOW HE HAPPENED TO PARK THIS VAN IN FRONT OF THE
4 RESTAURANT AND THERE WAS PARTY SO HE WENT INSIDE.

5 PLASCENCIA ALSO TOLD US THAT THEY STAYED ABOUT
6 FOUR OR FIVE HOURS AND THEN THEY LEFT AT 7:00 O'CLOCK. AND
7 JUST BY COINCIDENCE, AS THEY WERE LEAVING, THESE TWO ANGLO
8 LOOKING PEOPLE JUST HAPPENED TO BE ARRIVING. I THINK THAT'S
9 JUST TOO COINCIDENTAL TO BE TRUE.

10 THEN THEY GET IN THEIR VAN, AND AS PLASCENCIA
11 SAID, ONTIVEROS WAS IN THE DRIVER'S SEAT AND LITERALLY QUOTE,
12 END QUOTE, PLASCENCIA SAID TO YOU HERE ON THE WITNESS STAND,
13 "ALMOST INSTINCTIVELY ONTIVEROS LOOKED OVER HIS SHOULDER FROM
14 THE DRIVER'S SEAT OF THE VAN" AND WHAT DID HE SEE? HE SAW ONE
15 OF THOSE TWO ANGLO-LOOKING MEN LOOK AS THOUGH HE WAS TRYING TO
16 LEAVE AND GET YANKED BACK INSIDE.

17 WHAT PERFECT TIMING, AND ALWAYS FROM THE
18 PERSPECTIVE OF THE OBSERVER. NEVER BEEN INVOLVED. THEY JUST
19 SO HAPPENED TO GET OUT OF THE VAN AND GO HAVE A LOOK, AS HE
20 SAID, EVEN THOUGH PLASCENCIA ADMITTED HE WASN'T PLANNING TO
21 INTERVENE OR GET INVOLVED EVEN THOUGH HE WAS A POLICE OFFICER.

22 KIND OF COINCIDENTAL. WHAT WOULD BE THE POINT
23 OF GETTING OUT OF THE VAN AND GOING TO HAVE A LOOK IF YOU'RE
24 NOT GOING TO GET INVOLVED? IF YOU'RE A POLICE OFFICER AND
25 YOU'RE NOT GOING TO EXERCISE YOUR DUTY AND, YOU KNOW, IT'S

1 BECAUSE YOU WERE AFRAID SO HE COULD BECOME A WITNESS *ONE SAY
2 IT JUST DOESN'T MAKE SENSE.

3 THEN HE SAYS HE STANDS THERE AT THE ENTRYWAY
4 AND WE KNOW FROM THE DIAGRAM THE RESTAURANT HAS VARIOUS
5 *QUEUES TO IT, BUT JUST BY COINCIDENCE THE BEATING HAPPENED TO
6 HAVE TAKEN PLACE RIGHT AT THE FRONT DOOR SO HE COULD HAVE SEEN
7 IT.

8 THIS IS THE REAL KICKER. WHEN HE DECIDES TO
9 LEAVE, HE TOLD US AT TRIAL, TWO AMERICANS WERE BEING BEATEN
10 AND JUST AS THEY WERE ABOUT TO BE TAKEN TO THE BACK ROOM
11 ONTIVEROS TURNS TO THE GROUP AND SAYS LET'S GO BACK. WE HAVE
12 TO GET BACK TO OUR OFFICE BY 7:15, AS IF TO SAY LOVE TO STICK
13 AROUND AND WATCH, BUT I HAVE GOT TO GET BACK TO WORK, SO HE
14 LEAVES JUST AS THE REAL CRIME IS ABOUT TO OCCUR? HE GOES.
15 AND THAT, I SUBMIT TO YOU, IS AN ABSURDITY.

16 THIS STRING OF COINCIDENCES IS ALSO DESIGNED TO
17 PUT HIM AT THE RIGHT PLACE AT THE RIGHT TIME, ALSO DESIGNED TO
18 KEEP PLASCENCIA CONVENIENTLY SEPARATED FROM CRIMINAL ACTIVITY
19 IS CONTRIVED, IT'S MADE UP. IT MIGHT SOUND REASONABLY ALL
20 RIGHT AT THE TIME YOU WERE HEARING ABOUT IT BECAUSE THAT'S ONE
21 OF THE REASONS WE HAVE THESE CLOSING ARGUMENTS, TO GO BACK,
22 REASSESS AND THINK ABOUT IT AND QUESTION WHAT NEEDS TO BE
23 QUESTIONED.

24 SO THESE COINCIDENCES ALONE, LADIES AND
25 GENTLEMEN, IN AND OF THEMSELVES, MAKE PLASCENCIA'S ACCOUNT OF

1 WHAT HAPPENED AT LA LANGOSTA COMPLETELY INCREDIBLE.

2 I SUGGEST THEY SHOULD BE JUST COMPLETELY
3 DISREGARDED.

4 NOW, LET'S TALK ABOUT PLASCENCIA HIMSELF JUST
5 ASIDE FROM THE EVENTS OF LA LANGOSTA. I'M GOING TO ASK YOU TO
6 CONSIDER THE QUESTION OF THE TIMING BY WHICH NOT ONTIVEROS BUT
7 PLASCENCIA, THE TIMING BY WHICH PLASCENCIA BECAME A WITNESS ON
8 LA LANGOSTA FOR THE GOVERNMENT. THE TIMING. IT STARTED IN
9 FEBRUARY OF 1987. I'M GOING TO WRITE SOME DATES HERE SO WE
10 CAN FOLLOW WHAT IS GOING ON.

11 MR. NICOLAYSEN: WE KNOW THAT THE LA LANGOSTA
12 INCIDENT OCCURRED ON JANUARY 30TH, 1985 AND WE KNOW FROM THE
13 TESTIMONY OF BOTH HECTOR BERRELLEZ, THE SPECIAL AGENT IN
14 CHARGE OF OPERATION LEYENDA, AND ENRIQUE PLASCENCIA, HIMSELF,
15 THAT PLASCENCIA BECAME A GOVERNMENT INFORMANT IN FEBRUARY OF
16 1987 JUST ABOUT EXACTLY TWO YEARS LATER.

17 SO BY THE TIME PLASCENCIA BECOMES A GOVERNMENT
18 INFORMANT, THE LA LANGOSTA INCIDENT IS ALREADY TWO YEARS OLD.
19 NOW, THE FIRST THING THAT IS PUZZLING, AND I'M GOING TO ASK
20 YOU TO CONSIDER THIS SERIOUSLY IN TERMS OF TRYING TO FIGURE
21 OUT WHERE PLASCENCIA EVEN CAME FROM AS A WITNESS, IS THE FACT
22 THAT BERRELLEZ AND PLASCENCIA HAVE ADVISED US THAT THERE WERE
23 NO INTERVIEW REPORTS. IN FACT, AGENT BERRELLEZ, THE CHIEF
24 AGENT HERE, STATED ON CROSS-EXAMINATION THAT THERE WERE NO
25 INTERVIEWS OF ENRIQUE PLASCENCIA REGARDING LA LANGOSTA IN ALL

1 OF 1987 OR IN ALL OF 1988.

2 AND AS FAR AS 1989, TO THE BEST OF THE AGENT'S
3 RECOLLECTION, AND HE'S THE SUPERVISOR, IT WAS ABOUT THE TIME
4 OF ENRIQUE PLASCENCIA'S FIRST APPEARANCE BEFORE THE GRAND JURY
5 THAT ANY TYPE OF DEBRIEFING OR INTERVIEW -- WHATEVER YOU WANT
6 TO CALL IT -- REGARDING LA LANGOSTA WAS CONDUCTED.

7 MAY 10, 1989. NOW, ENRIQUE PLASCENCIA HIMSELF
8 MADE IT CLEAR HERE AT TRIAL THAT HE NEVER TOOK ANY NOTES ABOUT
9 WHAT HE ALLEGEDLY SAW, IF YOU WANT TO BELIEVE THAT HE SAW
10 ANYTHING AT LA LANGOSTA. BUT HE SAID HE NEVER TOOK ANY NOTES,
11 SO WE HAVE NO REPORTS AND NO NOTES ANY TIME BEFORE MAY 10 OF
12 1989.

13 BY THAT POINT IN TIME, THE LA LANGOSTA INCIDENT
14 IS ALREADY FOUR AND A HALF YEARS OLD. PLASCENCIA HAS ALREADY
15 BEEN AN INFORMANT FOR TWO AND A HALF YEARS. WHAT HAPPENED
16 DURING THOSE FIRST TWO AND A HALF YEARS? WHY DID HE JUST POP
17 UP ALL OF A SUDDEN ON MAY 10 AND START TESTIFYING BEFORE A
18 GRAND JURY? THAT IS VERY STRANGE. WHY WASN'T HE AT LEAST
19 DEBRIEFED BY THE AGENCY?

20 I ASK YOU TO CONSIDER THAT IN DETERMINING
21 WHETHER HE'S REALLY AUTHENTIC, ESPECIALLY NOW THAT WE HAVE HAD
22 AN OPPORTUNITY TO LOOK AT BOTH EXHIBIT P, WHICH IS THE CABLE
23 THAT AGENT CASTILLO SENT TO WASHINGTON WITH ONTIVEROS'
24 CONFESSION, AND EXHIBIT 190, WHICH IS THE SUBSEQUENT STATEMENT
25 BY ONTIVEROS WHERE, UNDER ADVISE OF COUNSEL, HE RETRACTS WHAT

1 HE SAID AND SAYS HE WASN'T AT LA LANGOSTA.

2 NOW THAT WE HAVE HAD A CHANCE TO SEE THAT
3 PLASCENCIA IS COMPLETELY DISCREDITED BY BOTH EXHIBIT P AND
4 EXHIBIT 190, THE TIMING THAT I'M OUTLINING FOR YOU NOW THAT
5 PORTRAYS HIS EMERGENCE AS A WITNESS, BECOMES VERY TROUBLESOME.

6 ONE THING IS CERTAIN; HE NEVER KNEW JAVIER
7 VASQUEZ VELASCO. HE TESTIFIED HERE AT TRIAL -- I'M SURE
8 YOU'LL REMEMBER THAT -- PLASCENCIA DID -- THAT HE HAD SEEN
9 JAVIER VASQUEZ, I DON'T KNOW, 40 TIMES BACK IN 1984 OR
10 SOMETHING OF THAT SORT. BUT LET'S GO BACK NOW TO MAY 10 OF
11 1989, THIS FIRST GRAND JURY APPEARANCE.

12 HE WAS ASKED UNDER OATH BEFORE THE GRAND JURY
13 ABOUT LA LANGOSTA, AND YOU MAY RECALL THAT WHEN I
14 CROSS-EXAMINED PLASCENCIA, I READ INTO THE RECORD THE
15 FOLLOWING EXCERPT FROM THE MAY 10, 1989 TRANSCRIPT. QUESTION
16 TO PLASCENCIA:

17 "Q. WHEN YOU WALKED INTO THE
18 RESTAURANT AT LA LANGOSTA, WHAT DID YOU SEE?

19 "A. RAFAEL CARO QUINTERO, AVELARDO
20 FERNANDEZ, JUAN GILBERTO HERNANDEZ, ANTONIO
21 AND ELISEO.

22 "Q. IS IT ANTONIO AND ELISEO THE
23 TIERRA LIBRE BROTHERS?

24 "A. YES."

25 INTERESTING. NEVER MENTIONS JAVIER, JAVIER

1 VASQUEZ VELASCO. NEVER MENTIONS HIM.

2 FIRST TIME THERE IS ANY STATEMENT MADE BY
3 PLASCENCIA REGARDING THE EVENTS OF LA LANGOSTA IS FOUR AND A
4 HALF YEARS AFTER THE EVENT. TWO AND A HALF YEARS AFTER HE
5 BECOMES AN INFORMANT HE IS ASKED WHO HE SAW. HE MENTIONS
6 ANTONIO, THE BROTHER, AND HE MENTIONS ELISEO, THE BROTHER,
7 CARO QUINTERO AND OTHERS -- NEVER MENTIONS JAVIER VASQUEZ.
8 INTERESTING.

9 WELL, THERE IS AN ANSWER TO THAT BECAUSE LATER
10 IN THAT SAME GRAND JURY PROCEEDING, PLASCENCIA ADMITTED THAT
11 ELISEO AND ANTONIO WERE THE ONLY VASQUEZ VELASCO BROTHERS THAT
12 HE NEW.

13 YOU MAY RECALL I READ THIS SECTION INTO THE
14 RECORD WHILE I WAS CROSS-EXAMINING PLASCENCIA AS WELL. AGAIN,
15 LADIES AND GENTLEMEN, WE ARE STILL AT MAY 10, 1989.

16 QUESTION TO PLASCENCIA BEFORE THE GRAND JURY:

17 "Q. AND ANTONIO VASQUEZ HAS SOME
18 BROTHERS, DOES NOT?"

19 THE ANSWER IS YES.

20 "Q. AND WHAT ARE THE NAMES OF HIS
21 BROTHERS?"

22 "A. I ONLY KNOW ELISEO AND ANTONIO,
23 AND HE HAS A COUSIN CALLED EZEQUIEL
24 GODINEZ."

25 WELL, ISN'T THAT INTERESTING? I SUBMIT TO YOU

1 THAT ALONE IS THE END OF THE STORY FOR ENRIQUE PLASCENCIA HERE
2 AT TRIAL. THAT STATEMENT WAS MADE UNDER OATH. IT'S CLEAR
3 FROM PLASCENCIA'S OWN SWORN TESTIMONY THAT HE DIDN'T KNOW
4 JAVIER VASQUEZ VELASCO.

5 WHEN WE LOOK AT THIS ADMISSION BY PLASCENCIA
6 AND COMPARE IT WITH THE TIMING WE'RE TALKING ABOUT, EXHIBIT P,
7 EXHIBIT 190, PLASCENCIA'S CREDIBILITY GOES RIGHT DOWN THE
8 TOILET. AND I SUBMIT IT'S SHOCKING WHAT IS HAPPENING HERE.
9 THIS WITNESS IS LYING. THIS WITNESS SAT ON THAT WITNESS STAND
10 UNDER OATH AND TALKED TO YOU -- HE WAS SWORN TO TALK TO YOU
11 AND TELL YOU THE TRUTH -- AND HE CLEARLY, CLEARLY LIED. AND I
12 KNOW AND I ACCEPT THAT THAT CAN BE HARD TO BELIEVE. I MEAN,
13 THIS IS A GOVERNMENT WITNESS. BUT I SUBMIT THAT THAT IS
14 EXACTLY WHAT HAPPENED.

15 LET'S CONTINUE OUR DISCUSSION OF THE TIMING
16 EVEN FURTHER AND LET'S SEE IF WE CAN POSSIBLY SHED SOME LIGHT
17 ON HOW IT IS THAT PLASCENCIA SUDDENLY STARTED TO BECOME A
18 WITNESS AGAINST JAVIER VASQUEZ VELASCO.

19 AN IMPORTANT EVENT OCCURRED IN JULY OF 1989,
20 TWO MONTHS AFTER PLASCENCIA'S FIRST GRAND JURY APPEARANCE.
21 JULY 12, 1989, MY CLIENT, JAVIER VASQUEZ, MEETS A D.E.A. AGENT
22 NAMED ABEL REYNOSO. I'M SURE YOU REMEMBER ABEL REYNOSO ON THE
23 WITNESS STAND. AND HE TESTIFIED ABOUT HOW HE MET JAVIER AND
24 HAVING ENGAGED HIM IN SOME CONVERSATIONS.

25 ABEL REYNOSO WAS ON WHAT YOU MIGHT CALL A FACT

1 FINDING MISSION. THEY WERE INVESTIGATING THE CAMARENA CASE,
2 THEY WANTED TO EXPLORE ALL POSSIBLE AVENUES OF INFORMATION,
3 AND WE'VE CERTAINLY NEVER IN ANY WAY ATTEMPTED TO HIDE FROM
4 YOU THAT ELISEO AND EVEN ANTONIO HAD SOME CLOSE RELATIONSHIPS
5 TO THE PEOPLE DOWN IN GUADALAJARA. ELISEO VERY CLOSE WITH
6 JAVIER BARBA.

7 SO IT WOULD MAKE A LOT OF SENSE THAT AGENT
8 REYNOSO WITH WANT TO EXPLORE WITH MY CLIENT JAVIER WHO'S ABOUT
9 13 YEARS YOUNGER THAN ELISEO, WHAT KIND OF INFORMATION JAVIER
10 MIGHT BE ABLE TO PROVIDE.

11 AND SO THEY TALKED AND THEY TALKED AGAIN ON THE
12 13TH AND AGAIN ON THE 14TH. AND THE 14TH WAS A PARTICULARLY
13 IMPORTANT DAY, AS YOU MY RECALL, BECAUSE ON THE 14TH OF JULY
14 OF 1989, MY CLIENT SIGNED A COOPERATING INDIVIDUAL AGREEMENT
15 WITH THE D.E.A., WHICH IS DEFENSE EXHIBIT F. IT'S THIS
16 DOCUMENT HERE, IT'S A STANDARD FORM AS I'M SURE YOU CAN SEE.

17 AND IT SAYS, "U.S. DEPARTMENT OF JUSTICE, DRUG
18 ENFORCEMENT ADMINISTRATION COOPERATING INDIVIDUAL AGREEMENT."

19 "IT SAYS THE UNDERSIGNED COOPERATING
20 INDIVIDUAL AGREES TO DO THE FOLLOWING: I
21 WILL NOT VIOLATE CRIMINAL LAWS IN
22 FURTHERANCE OF GATHERING INFORMATION OR
23 PROVIDING SERVICES TO THE D.E.A. AND ANY
24 EVIDENCE OF SUCH A VIOLATION WILL BE
25 REPORTED BY THE D.E.A. TO THE APPROPRIATE

1 LAW ENFORCEMENT AGENCY.

2 "SECOND, I HAVE NO OFFICIAL STATUS,
3 IMPLIED OR OTHERWISE, AS AN AGENT OR
4 EMPLOYEE OF THE D.E.A.

5 "NUMBER THREE, THAT THE INFORMATION I
6 PROVIDE MAY BE USED IN A CRIMINAL PROCEEDING
7 AND I MAY BE CALLED UPON TO TESTIFY TO SUCH
8 INFORMATION IN A COURT OF LAW. AND ALTHOUGH
9 THE D.E.A. WOULD USE ALL LAWFUL MEANS TO
10 PROTECT MY CONFIDENTIALITY, THIS CANNOT BE
11 GUARANTEED."

12 THAT'S THE FIRST THREE PARAGRAPHS OF THIS
13 AGREEMENT AND IT'S SIGNED BY JAVIER VASQUEZ. SO WHAT AT THAT
14 TIME WAS BEING EXPLORED BY AGENT REYNOSO ON BEHALF OF THE
15 D.E.A. WAS THE POSSIBILITY OF ENGAGING JAVIER VASQUEZ AS A
16 VIABLE INFORMANT. AND THIS AGREEMENT MEMORIALIZES THE GENERAL
17 GUIDELINES OF THAT RELATIONSHIP.

18 AND WHAT IS INTERESTING TO NOTE IS THAT THE
19 AGREEMENT SAYS THAT JAVIER VASQUEZ MIGHT BE CALLED UPON TO
20 TESTIFY. SO HE IS BEING ENGAGED AS SOMEONE WHO TRULY COULD
21 HAVE AN IMPORTANT FUNCTION AS A SOURCE OF INFORMATION,
22 POSSIBLY AS A WITNESS AT TRIAL IF THAT WILL COME UP, POSSIBLY
23 AS A WITNESS BEFORE THE GRAND JURY IF THE NEED AROSE.

24 AND WHAT THAT TELLS US IS THAT JAVIER VASQUEZ
25 CLEARLY WAS NOT A SUSPECT OR HE NEVER WOULD HAVE BEEN ALLOWED

1 TO SIGN THIS AGREEMENT. THE NATURE OF THE RELATIONSHIP, AS
2 THIS AGREEMENT TELLS US, IS NOT ONE OF A SUSPECT, IT'S ONE OF
3 A WORKING INFORMANT ASSISTING THE GOVERNMENT. THERE WERE NO
4 CHARGES OF ANY KIND FILED BY THE U.S. GOVERNMENT AGAINST
5 JAVIER AT THE TIME, NOT AT ALL.

6 WHAT IS ALSO IMPORTANT TO POINT OUT IS THAT THE
7 KINDS OF DISCUSSIONS THAT REYNOSO HAD WITH JAVIER VASQUEZ BACK
8 IN JULY, CENTER ALMOST EXCLUSIVELY ON CAMARENA, THE VASQUEZ
9 VELASCO FAMILY, THE BROTHERS ELISEO AND ANTONIO AND THEIR
10 CONNECTIONS TO BARBA AND FONSECA, AND THE KIND OF NETWORKING
11 THAT WE'VE EVEN BROUGHT OUT AT TIMES DURING THIS TRIAL.

12 REYNOSO WAS VERY INTERESTED IN KNOWING WHAT
13 JAVIER MIGHT BE ABLE TO PROVIDE. IN FACT, QUITE FRANKLY, I
14 THINK JAVIER VASQUEZ AT THE TIME TIME WAS BEING RECRUITED AS A
15 POSSIBLE SNITCH BECAUSE THERE WAS NO QUESTION, QUITE A
16 REASONABLE INFERENCE CAN BE DRAWN FROM THE EVIDENCE AT TRIAL
17 THAT THE D.E.A. WANTED TO GET AHOLD OF ANTONIO, SENIOR, WHO
18 LIKE ELISEO, WAS VERY INTIMATELY CONNECTED WITH PEOPLE DOWN
19 THERE. HE WAS STILL ALIVE AT THE TIME.

20 SO WHEN SUBJECT MATTERS CAME UP IN THE COURSE
21 OF THE DISCUSSION WITH JAVIER, ANTONIO'S NAME CAME UP, THE
22 D.E.A. WANTED TO EXPLORE THAT. AND JAVIER WAS BEING RECRUITED
23 AS A POSSIBLE INFORMANT ON HIS FAMILY. THAT'S HOW THE D.E.A.
24 DOES BUSINESS.

25 THE SUBJECT OF LA LANGOSTA, AS AGENT REYNOSO

1 ACKNOWLEDGED, WAS A VERY SMALL, MINOR TOPIC THAT CAME UP JUST
2 A COUPLE OF TIMES OVER THE COURSE OF THESE THREE DAYS, JULY
3 12, 13 AND 14. IT WAS A FOOTNOTE; IT WASN'T THE FOCUS.

4 AND JAVIER HAD NOTHING TO HOLD BACK. HE TALKED
5 FOR HOURS, AS AGENT REYNOSO TESTIFIED TO. AND JAVIER SAID
6 LOOK, I WASN'T AT LA LANGOSTA, THAT'S FOR SURE. MY BROTHER
7 ELISEO TOLD ME HE WAS AND THIS IS WHAT HE TOLD ME HAPPENED
8 THERE. AND AGENT REYNOSO SAID, YOUR OTHER BROTHER, ANTONIO,
9 WAS PROBABLY THERE, TOO, WASN'T HE? AND JAVIER SAID PROBABLY,
10 I DON'T KNOW 100 PERCENT, BUT I THINK HE WAS. THAT'S ALMOST
11 QUOTE UNQUOTE OF THE STATEMENT.

12 SO NOW JAVIER WASN'T TRYING TO PUT ALL
13 RESPONSIBILITY ON THE DEAD. YOU KNOW, ELISEO WAS DEAD, AND
14 JAVIER WASN'T TRYING TO DUMP THE LIABILITY FOR WHAT HAPPENED
15 AT LA LANGOSTA ON SOMEBODY WHO WAS DEAD, BECAUSE HE
16 ACKNOWLEDGED THAT ANTONIO PROBABLY WAS THERE AND ANTONIO WAS
17 VERY MUCH ALIVE. WHAT ELSE COULD JAVIER DO?

18 HE SAID TO AGENT REYNOSO I THINK THIS IS
19 AMAZING. IT'S AMAZING BECAUSE IT SHOWS HOW COOPERATIVE HE WAS
20 AND HOW FORTHCOMING HE WAS. HE SAID, LOOK, AS I SAID, I
21 WASN'T THERE BUT I HAVE A COUSIN OR A NEPHEW NAMED ANTONIO
22 OCHOA WHO HAS TOLD ME HE WAS THERE. AND I'LL BRING HIM DOWN
23 TO YOUR OFFICE. AND REYNOSO SAID GREAT, BRING HIM DOWN, AND
24 HE DID.

25 JAVIER VASQUEZ BROUGHT ANTONIO OCHOA DOWN TO

1 THE D.E.A. OFFICE AND THE D.E.A., SPECIFICALLY REYNOSO, MET
2 WITH JAVIER VASQUEZ AND ANTONIO OCHOA ON JULY 21, A WEEK
3 LATER.

4 ANTONIO OCHOA WAS VERY FORTHCOMING WITH AGENT
5 REYNOSO ABOUT WHAT HE KNEW ABOUT LA LANGOSTA. HE SAID THAT HE
6 HIMSELF -- THAT'S ANTONIO OCHOA -- WAS AT THE RESIDENCE OF
7 BARBA RIGHT BEFORE THEY WENT TO LA LANGOSTA TOGETHER. HE WAS
8 THERE WITH HIS BROTHER ELISEO, AND THE THREE OF THEM -- THAT'S
9 OCHOA, ELISEO AND BARBA -- GOT IN THE CAR AND WENT TO LA
10 LANGOSTA. JAVIER VASQUEZ WAS SITTING RIGHT THERE.

11 THEY HAD NO REASON TO HOLD ANYTHING BACK. HE
12 HAD NOTHING TO HIDE. HE WASN'T FACING ARREST, HE WASN'T
13 FACING ANY CHARGES, HE WAS NOT TRYING TO CUT A DEAL TO GET OUT
14 FROM PROSECUTION BECAUSE HE WASN'T BEING PROSECUTED FOR
15 ANYTHING. WHY WOULD HE BRING ANTONIO OCHOA DOWN THERE IF HE
16 WAS AT LA LANGOSTA? THERE IS NO REASON TO DO THAT.

17 WHY WOULD HE EVEN TRY TO FACILITATE A
18 CONVERSATION BY SAYING MY BROTHER ELISEO WAS THERE OR ANTONIO
19 WAS THERE OR HE HAD ANY PERSONAL LIABILITY. HE WOULDN'T. HE
20 WASN'T THERE. IT WAS OBVIOUS.

21 AND I SUBMIT TO YOU THAT REYNOSO KNEW THAT AT
22 THE TIME. JAVIER WAS BEING EXPLORED AS A SOURCE OF
23 INFORMATION. IT'S CLEAR HE WASN'T A SUSPECT. PLASCENCIA HAD
24 NEVER BROUGHT HIS NAME UP. PLASCENCIA HAD ALREADY BEEN TO THE
25 GRAND JURY AND ASKED WHO WAS AT LA LANGOSTA. HE MENTIONED

1 ANTONIO AND ELISEO AND NEVER MENTIONED JAVIER.

2 THE D.E.A. KNEW THAT JAVIER VASQUEZ WAS NEVER
3 AT LA LANGOSTA BUT COULD BE A VIABLE SOURCE OF INFORMATION ON
4 THE FAMILY. AND TO THAT EXTENT, JAVIER VASQUEZ WAS PERFECTLY
5 HAPPY TO HELP HOWEVER HE COULD, LIKE BRINGING ANTONIO OCHOA
6 DOWN TO MEET AGENT REYNOSO, WHICH IS WHAT HE DID. VERY
7 INTERESTING.

8 NOW, THIS IS ALSO INTERESTING. PLASCENCIA
9 ACKNOWLEDGED THAT HE WAS CONTINUING TO BE ON THE GOVERNMENT
10 PAYROLL AS AN INFORMANT ALL DURING THIS PERIOD WHILE JAVIER
11 VASQUEZ WAS DOWN HERE IN LOS ANGELES, LIVING HERE LOCALLY AND
12 MEETING WITH AGENT REYNOSO, RIGHT HERE IN DOWNTOWN LOS
13 ANGELES. AND I ASKED PLASCENCIA ON CROSS-EXAMINATION WERE YOU
14 TOLD ABOUT THESE MEETINGS? HE SAID NO. YOU MEAN YOU WEREN'T
15 INVITED TO COME DOWN AND MAYBE HAVE A LOOK AT JAVIER VASQUEZ
16 AND SEE IF, MAYBE IF, YOUR KNOW, HE WAS AT LA LANGOSTA? HE
17 SAID NO.

18 WHEN I LOOKED AT PLASCENCIA'S FACE WHEN I WAS
19 ASKING HIM ABOUT IT, HE LOOKED AS THOUGH HE WAS SURPRISED AS
20 TO WHY I WAS EVEN ASKING HIM. THE SUBJECT MATTER NEVER CAME
21 UP. AND THAT'S INTERESTING. WHY DIDN'T THE D.E.A. GO TO
22 PLASCENCIA IN JULY OF '89 IF THEY FELT THAT JAVIER MIGHT HAVE
23 BEEN AT LA LANGOSTA, IF THEY FELT THAT JAVIER MIGHT HAVE BEEN
24 COVERING SOMETHING UP?

25 WHY DIDN'T THEY RUN OVER TO PLASCENCIA RIGHT

1 HERE AND SAY HEY, MR. PLASCENCIA, WHY DON'T YOU COME ON DOWN
2 TO THE D.E.A. OFFICE HERE AND HAVE A LOOK AT SOMEBODY WHO'S
3 COMING DOWN TO TALK TO US AND HAVE A LOOK AT HIM AND TELL US
4 IF HE WAS AT THE RESTAURANT.

5 I THINK IT IS A REASONABLE INFERENCE TO DRAW
6 THAT IF THE D.E.A. REALLY FELT THAT PLASCENCIA WAS A VIABLE
7 WITNESS OR IF THE D.E.A. HAD ANY REASON TO BELIEVE THAT JAVIER
8 VASQUEZ WASN'T BEING HONEST WITH THEM IN JULY OF '89 THAT THEY
9 WOULD HAVE WANTED TO TEST THAT OUT AS PROFESSIONAL
10 INVESTIGATORS AND TAKE THEIR LOCAL WITNESS PLASCENCIA AND
11 BRING HIM DOWN TO THE OFFICE AND SAY LOOK AT THIS GENTLEMAN,
12 JAVIER VASQUEZ. HE'S TELLING US ELISEO AND ANTONIO WERE
13 THERE. HE WASN'T THERE. DO YOU RECALL HIM BEING THERE? BUT
14 THEY DIDN'T DO THAT.

15 I THINK THE SAME THING WITH ANTONIO OCHOA ON
16 JULY 21. IF THE D.E.A. HAD ANY REASON TO BELIEVE THAT WHAT
17 ANTONIO OCHOA WAS SAYING ABOUT HIS OWN PRESENCE AT LA LANGOSTA
18 AND THAT HE WAS OUT IN THE PARKING LOT AND WASN'T PERSONALLY
19 INVOLVED IN WHAT HAPPENED AND SO ON -- IF THE D.E.A. HAD ANY
20 REASON TO BELIEVE THAT OCHOA'S ACCOUNT WAS LESS THAN TRUTHFUL
21 ON JULY 21 OF '89, THEN WHY DIDN'T THE D.E.A. GO TO MR. PLAS-
22 CENCIA AND SAY COME ON DOWN TO OUR OFFICE, WE HAVE A GENTLEMAN
23 HERE WHO'S TALKING ABOUT LA LANGOSTA. HAVE A LOOK AT HIM.
24 WAS HE THERE? BUT THEY DIDN'T DO IT.

25 AND I CONSIDER THAT VERY, VERY TROUBLING

1 BECAUSE AGAIN, IT IS THE GOVERNMENT'S BURDEN TO FIRMLY
2 CONVINCING YOU OF A DEFENDANT'S GUILT. FIRMLY CONVINCING YOU.

3 AND ASIDE FROM ALL THESE DRAMATIC
4 CONTRADICTIONS WE'VE ALREADY TALKED ABOUT BETWEEN EXHIBIT P
5 AND EXHIBIT 190 AND THE TIMING THAT WE'VE BEEN DISCUSSING, WE
6 KNOW THAT THE KERNEL OF THE GOVERNMENT'S CASE, THE VERY PIVOT
7 THAT THE ENTIRE CASE OF LA LANGOSTA RESTS ON, IS PLASCENCIA'S
8 ABILITY TO MAKE AN ACCURATE IDENTIFICATION.

9 AND THAT'S WHY I'M SPENDING THE TIME NOW
10 TALKING ABOUT WHY THE D.E.A. DIDN'T INVITE PLASCENCIA DOWN TO
11 THE OFFICE HERE TO HAVE A LOOK AT JAVIER IN JULY OF '89 AND TO
12 HAVE A LOOK AT OCHOA, AND TO SEE FACE TO FACE WHETHER AN
13 IDENTIFICATION COULD BE MADE.

14 THEY CERTAINLY HAD THE ABILITY TO DO IT WITH
15 MINIMAL INCONVENIENCE, AND YET THE CENTRAL CONSIDERATION HERE
16 AT THIS TRIAL IS PLASCENCIA'S ABILITY TO MAKE AN ACCURATE
17 IDENTIFICATION.

18 NOW WE GET TO SEPTEMBER OF 1989. JAVIER
19 VASQUEZ SUDDENLY BECOMES A SUSPECT.

20 WHAT HAPPENS IN SEPTEMBER 1989? THE PHOTOS.
21 PLASCENCIA TESTIFIES THAT HE PICKED UP A COUPLE OF PHOTOS OF
22 JAVIER VASQUEZ, AND THAT SUDDENLY CHANGED EVERYTHING. THOSE
23 TWO PHOTOS. THAT'S IT.

24 BY SEPTEMBER OF 1989 THE LA LANGOSTA INCIDENT
25 WAS FOUR AND THREE-QUARTERS YEARS IN THE PAST. PLASCENCIA

1 HIMSELF WAS NOW INTO ALMOST COMPLETING THE THIRD YEAR OF BEING
2 AN INFORMANT. ALMOST COMPLETING THE THIRD YEAR OF BEING AN
3 INFORMANT WITH NO NOTES AND NO REPORTS OF JAVIER VASQUEZ AT
4 ALL, AND SUDDENLY IN SEPTEMBER, PHOTOS. I FIND THAT VERY
5 TROUBLING. AND I SUBMIT THAT YOU SHOULD, TOO, ESPECIALLY IN
6 LIGHT OF EVERYTHING ELSE WE HAVE BEEN TALKING ABOUT. FOUR AND
7 THREE-QUARTER YEARS.

8 I'M GOING TO ASK YOU TO THINK FOR A MOMENT
9 ABOUT HOW REALISTIC IT IS TO PICK OUT A PHOTO OF SOMEBODY FOUR
10 AND THREE-QUARTER-YEARS LATER. LET'S SAY YOU'RE A WITNESS TO
11 A BANK ROBBERY AND THEY SHOW YOU PHOTOS A COUPLE DAYS AFTER
12 THE INCIDENT. YOUR MEMORY IS FRESH, YOU PICK OUT A COUPLE OF
13 PHOTOS OF A SUSPECT. THERE IS ALWAYS A CLOSE PROXIMITY IN
14 TIME BETWEEN THE CRIME AND THE TIME YOU SELECT THE PHOTO. A
15 CLOSE PROXIMITY IN TIME.

16 I SUBMIT TO YOU THAT THAT'S THE ESSENCE OF WHAT
17 A PHOTO IDENTIFICATION IS ALL ABOUT, A CLOSE PROXIMITY IN TIME
18 BETWEEN THE CRIME AND THE TIME OF THE PICK OUT OF THE PHOTO
19 WHEN IT'S FRESH IN YOUR MIND.

20 HERE WE HAVE EXACTLY THE OPPOSITE SCENARIO.
21 CLOSE PROXIMITY IN TIME? IMPOSSIBLE. FOUR AND THREE-QUARTER
22 YEARS LATER, THE PHOTO IS BEING PICKED OUT. AND THEY'RE
23 WILLING TO USE JUST PHOTOS WHEN JAVIER VASQUEZ, AS I SAID
24 BEFORE, WAS ALWAYS AVAILABLE HERE LOCALLY.

25 THEY COULD HAVE DONE A LINE-UP. I ASKED

1 PLASCENCIA ON CROSS-EXAMINATION: WERE YOU EVER ASKED TO COME
2 DOWN TO A LINE-UP TO SELECT JAVIER OR SELECT PEOPLE THAT MIGHT
3 HAVE BEEN AT LA LANGOSTA? AND HE SAID NO.

4 SO THE D.E.A. NEVER BROUGHT PLASCENCIA DOWN TO
5 THE MEETINGS BETWEEN JAVIER VASQUEZ AND REYNOSO AND THE D.E.A.
6 NEVER DID A LINE-UP SO THAT THERE MIGHT BE A DIRECT
7 PERSON-TO-PERSON IDENTIFICATION. NO. THE D.E.A. WAS HAPPY TO
8 SETTLE FOR A COUPLE SMALL PHOTOS.

9 WHY? WHY? IS IT BECAUSE THEY WANTED TO
10 PACKAGE A CASE AGAINST JAVIER? WAS THE D.E.A. SO EAGER TO
11 PROSECUTE ONE OF THESE SO-CALLED TIERRA LIBRE BROTHERS THAT
12 THEY WERE TAKING THESE KINDS OF SHORTCUTS?

13 JUST AS I ASKED YOU YESTERDAY: WAS THE D.E.A.
14 SO EAGER TO PROSECUTE A MEMBER OF THE VASQUEZ VELASCO FAMILY
15 THAT THE D.E.A., FOR WHATEVER REASON, WAS WILLING TO TURN A
16 BLIND EYE TO THESE GROSS CONTRADICTIONS BETWEEN THE CONFESSION
17 OF ONTIVEROS AND THE ACCOUNT GIVEN BY PLASCENCIA?

18 WHAT IS GOING ON HERE? I CAN'T ANSWER THAT
19 QUESTION, BUT THE REASON I RAISE IT IS BECAUSE IT JUST IS SO
20 FILLED WITH DOUBT -- DOUBT ABOUT ACCURACY, DOUBT ABOUT
21 INTEGRITY THAT THERE IS NO WAY THE GOVERNMENT, OUR GOVERNMENT
22 CAN POSSIBLY MEET ITS BURDEN OF PROOF INVESTING ITS ENTIRE
23 CASE ON LA LANGOSTA ON THIS ONE INDIVIDUAL.

24 AND NOW I SUBMIT SOMETHING ELSE TO YOU. YOU
25 MIGHT SAY TO YOURSELF WELL LOOK, I CAN PICK OUT A PHOTO OF A

1 FAMILY MEMBER FOUR AND THREE-QUARTERS YEARS LATER. IF I KNOW
2 THE PERSON, I KNOW THE PERSON. I WOULDN'T FORGET A FACE. AND
3 THAT'S TRUE, I CAN SAY THE SAME THING. THERE ARE PEOPLE YOU
4 KNOW AND YOU COULD RECOGNIZE THEM FOUR OR FIVE YEARS LATER.
5 BUT WHAT HAPPENED HERE AT TRIAL? MAY 23RD.

6 MAY 23, 1989. IS THAT ABOUT SEVEN MONTHS OR
7 SO? SEVEN MONTHS AFTER PLASCENCIA APPARENTLY PICKS OUT THESE
8 PHOTOS, HE COMES HERE TO TRIAL AND HE IS GIVEN HIS FIRST
9 OPPORTUNITY TO IDENTIFY JAVIER VASQUEZ IN PERSON AND HE CAN'T.
10 SEPTEMBER OF 1989 THE PHOTOS AND MAY 23, 1989 THE FAILURE TO
11 MAKE THE PHOTO I.D.

12 SO IF HE REALLY KNEW JAVIER VASQUEZ WELL ENOUGH
13 TO PICK HIM OUT IN A PHOTO FOUR AND THREE-QUARTER YEARS AFTER
14 THE CRIME, HE CERTAINLY SHOULD HAVE KNOWN HIM WELL ENOUGH TO
15 PICK HIM OUT RIGHT HERE IN PERSON ONLY SEVEN MONTHS LATER.
16 BUT HE DIDN'T.

17 WHY? I SUBMIT TO YOU IT'S BECAUSE HE NEVER
18 KNEW HIM TO BEGIN WITH. HE NEVER KNEW HIM TO BEGIN WITH, JUST
19 AS HE ADMITTED BEFORE THE GRAND JURY IN MAY OF '89 WHEN HE
20 SAID I ONLY KNOW ELISEO AND ANTONIO. THAT'S EXACTLY RIGHT.
21 HE ONLY KNEW ELISEO AND ANTONIO. AND THEY TRIED. THEY TRIED
22 TO USE HIM AS A WITNESS AGAINST JAVIER WHEN THEY DECIDED THEY
23 HAD BETTER PROSECUTE HIM, SO THEY USED PLASCENCIA. BUT HE
24 NEVER KNEW JAVIER. THEY TRIED WITH THEIR PHOTOS AND THEY WENT
25 TO THE GRAND JURY AND GOT THEIR INDICTMENT.

1 BUT HERE AT TRIAL THE TRUTH CAME OUT. HE STOOD
2 UP AND HE WAS ASKED: CAN YOU SEE JAVIER VASQUEZ IN THIS
3 COURTROOM? NO. HE WAS EVEN ASKED: DO YOU HAVE TROUBLE WITH
4 YOUR VISION? DO YOU REMEMBER THAT? HE SAID NO. HE DIDN'T
5 EVEN PICK UP HIS CUE. HE DIDN'T KNOW JAVIER. THE TRUTH
6 FINALLY CAME OUT.

7 YOU MAY RECALL AGENT REYNOSO ACKNOWLEDGED ON
8 CROSS-EXAMINATION THAT AT SOME POINT -- THE D.E.A. IS NOT
9 ENTIRELY SURE WHEN EXACTLY THIS HAPPENED -- BUT AT SOME POINT
10 IN MAY OF 1989 ANTONIO OCHOA -- YOU MIGHT REMEMBER THE NEPHEW
11 WHO MET HERE WITH REYNOSO ON JULY 20TH AND TALKED ABOUT LA
12 LANGOSTA, HE LEFT AND WENT BACK TO MEXICO. SO HE'S DONE AND
13 WE DON'T KNOW EXACTLY WHEN THAT HAPPENED.

14 WE ALSO KNOW THAT ANTONIO SENIOR, THE ONE THEY
15 REALLY, I THINK, WERE TRYING TO GET AHOLD OF AND USING JAVIER
16 AS THE SNITCH TO GET HIM, HE NEVER MATERIALIZED.

17 THE OTHER BROTHER, RICARDO, REYNOSO TOLD US
18 ALSO AT SOME POINT WENT BACK TO MEXICO. WE DON'T KNOW EXACTLY
19 WHEN THAT HAPPENED EITHER. BUT I SUBMIT TO YOU THAT IT'S
20 REASONABLE TO CONCLUDE THAT ALTHOUGH WE DON'T KNOW EXACTLY
21 WHEN IN THE FALL OF '89 THESE DEPARTURES OCCURRED, YOU CAN
22 CONCLUDE THAT THEY DID OCCUR EARLIER ENOUGH IN THE FALL BEFORE
23 THE INDICTMENT CAME DOWN.

24 AND IT GOT THE D.E.A. AWFULLY NERVOUS SO THEY
25 DECIDED WE'LL GRAB THE LOCAL PERSON WE CAN GET AND MAKE OUR

1 CASE. AND IT WAS EASY TO MAKE A CASE BY JUST SELECTING
2 PHOTOS.

3 CALLING JAVIER VASQUEZ ON THE PHONE -- AS YOU
4 MAY RECALL, AGENT REYNOSO SAID ARRANGE FOR A FAMILY MEMBER TO
5 CALL JAVIER VASQUEZ ON OCTOBER 12TH, THE DAY OF HIS ARREST
6 HERE -- COME ON DOWN TO THE D.E.A. OFFICE. WE WANT ANOTHER
7 MEETING WITH YOU.

8 JAVIER VASQUEZ SAID FINE AND CAME ON DOWN. HE
9 DIDN'T KNOW ABOUT ANY ARREST, HAD NO REASON TO BELIEVE HE WAS
10 EVER GOING TO BE ARRESTED FOR ANYTHING. AND HE GOT ARRESTED.

11 THEY TRIED TO BUILD A CASE ON PLASCENCIA, WHO
12 WAS A DISASTER FROM THE START. PLASCENCIA GOES TO THE GRAND
13 JURY ON OCTOBER 11TH, THE DAY BEFORE JAVIER GETS ARRESTED, AND
14 HE IS ASKED BEFORE THE GRAND JURY HOW HE KNEW JAVIER VASQUEZ
15 VELASCO. THAT IS THE CRUCIAL QUESTION.

16 REMEMBER, HE HADN'T MENTIONED HIM IN MAY. HE
17 EVEN SAID IN MAY HE DIDN'T KNOW HIM. HE ONLY KNEW ELISEO AND
18 ANTONIO. AND NOW IN OCTOBER, HE SUDDENLY POINTS THE FINGER
19 AT JAVIER VASQUEZ. AND HE'S ASKED HOW IS IT THAT YOU KNEW
20 JAVIER VASQUEZ VELASCO? THE \$64,000 QUESTION COMES UP BEFORE
21 THE GRAND JURY. AND HE BLEW THAT ONE TOO.

22 LISTEN TO THIS. YOU MAY RECALL THAT I READ
23 INTO THE RECORD ON CROSS-EXAMINATION THIS PORTION OF THE
24 OCTOBER 11 GRAND JURY TRANSCRIPT.

25 QUESTION TO MR. PLASCENCIA, OCTOBER 11TH.

1 "Q. HOW IS IT THAT YOU KNOW JAVIER
2 VASQUEZ VELASCO, MR. PLASCENCIA?

3 "A. I KNEW JAVIER VASQUEZ FROM A
4 PROBLEM THAT HE HAD AT THE TECHNOLOGY
5 COLLEGE IN GUADALAJARA, JALISCO."

6 NOW THAT SHOULD HAVE CUED THE D.E.A. RIGHT
7 THERE TO A MAJOR PROBLEM. MY CLIENT, JAVIER VASQUEZ, AT A
8 TECHNOLOGY COLLEGE. WELL, HERE AT TRIAL, ENRIQUE PLASCENCIA
9 DIDN'T EVEN TRY TO JUSTIFY THAT ONE, HE KNEW IT WAS WRONG FROM
10 THE WORD GO. HE DIDN'T TRY AND SUGGEST THAT JAVIER VASQUEZ
11 EVER WENT TO ANY TECHNOLOGY COLLEGE.

12 WHAT DID HE TELL US AT TRIAL HERE TO TRY TO
13 WEASEL OUT OF THAT? HE SAID I'M SORRY, I HAD JAVIER VASQUEZ
14 CONFUSED WITH JAVIER BARBA HERNANDEZ. YOU MIGHT REMEMBER HE
15 SAID THAT ON CROSS-EXAMINATION, SO HE ADMITTED HE GOT IT ALL
16 WRONG. CRUCIAL QUESTION. THE CRUCIAL QUESTION. THE DAY OF
17 MY CLIENT'S INDICTMENT. HOW DID YOU KNOW HIM? OH, I'M SORRY,
18 I GOT HIM MIXED UP WITH SOMEBODY ELSE.

19 NOW, AS IF THAT'S NOT ENOUGH, YOU MIGHT
20 REMEMBER THAT LORENZO HARRISON TESTIFIED, AND I CROSS-EXAMINED
21 LORENZO HARRISON SPECIFICALLY ABOUT JAVIER BARBA AND HIS
22 COLLEGE DAYS.

23 LORENZO HARRISON SAID TO US THAT HE JAVIER
24 BARBA IN GUADALAJARA FROM THE DAYS THAT BARBA HAD BEEN AT THE
25 UNIVERSITY THERE, THE UNIVERSITY OF GUADALAJARA. AND I ASKED

1 LORENZO HARRISON, BY THE WAY, DID JAVIER BARBA EVER HAVE ANY
2 PROBLEMS AT COLLEGE? AND HE SAID YES. AND I SAID BY ANY
3 CHANCE DID YOU EVER KNOW JAVIER BARBA TO GO TO ANY TECHNOLOGY
4 COLLEGE? AND HE LOOKED AT ME. HE SAID NO, AS IF TRYING TO
5 FIGURE OUT WHAT I'M ASKING. I SAID, THANK YOU, THAT'S IT.

6 SO PLASCENCIA NOT ONLY GOT JAVIER VASQUEZ
7 CONFUSED, BUT THE PERSON THAT HE GOT JAVIER VASQUEZ CONFUSED
8 WITH ALSO NEVER WENT TO ANY TECHNOLOGY COLLEGE, SO HE GOT THE
9 WHOLE THING REALLY MIXED UP.

10 IT MAY SOUND FUNNY, BUT IT IS NOT. IT'S
11 SERIOUS. IT'S VERY SERIOUS. THE INABILITY TO IDENTIFY JAVIER
12 VASQUEZ WAS NOT THE ONLY IDENTIFICATION PROBLEM THAT
13 PLASCENCIA EXHIBITED HERE AT TRIAL.

14 YOU MIGHT REMEMBER THAT IN THE COURSE OF
15 TALKING ABOUT LA LANGOSTA, PLASCENCIA TESTIFIED THAT JAVIER
16 BARBA'S YOUNGER BROTHER JORGE BARBARA WAS AT LA LANGOSTA ALSO
17 ON JANUARY 30TH OF 1989 -- JANUARY 30TH OF 1985.

18 NOW WE KNOW FROM CONCLUSIVE EVIDENCE HERE AT
19 TRIAL THAT JORGE BARBA DIED IN NOVEMBER OF 1984. WE KNOW THAT
20 BECAUSE THERE IS A DEATH CERTIFICATE OF JORGE BARBA THAT HAS
21 BEEN ADMITTED INTO EVIDENCE VERY RECENTLY, SO I DON'T EXPECT
22 YOU TO BE FAMILIAR WITH IT, BUT YOU'LL BE ALLOWED TO SEE IT IN
23 THE JURY ROOM. I DON'T KNOW THE EXHIBIT NUMBER OFFHAND, BUT I
24 WONDER IF I MIGHT ASK THE CLERK BEFORE I'M DONE FOR THE
25 EXHIBIT NUMBER ON THAT.

1 BUT I WILL ASK THAT YOU MAKE A NOTE OF THAT
2 EXHIBIT NUMBER, FLAG IT FOR YOUR ATTENTION. THE DEATH
3 CERTIFICATE OF JORGE BARBA IS IN EVIDENCE AND HE DIED WELL
4 BEFORE LA LANGOSTA EVER OCCURRED. AND YET MR. PLASCENCIA SAID
5 UNDER OATH OH, YES, JORGE BARBA, HE WAS AT LA LANGOSTA.

6 AND NOT ONLY DID PLASCENCIA TESTIFY THAT JORGE
7 BARBA WAS AT LA LANGOSTA, BUT HE ALSO TESTIFIED THAT JORGE
8 BARBA WAS AT THE HOME OF ERNESTO FONSECA, WHICH AS YOU MAY
9 RECALL, WAS REFERRED TO AS LA BAJADITA IN DECEMBER OF 1984.

10 ON MAY 23RD PLASCENCIA IS ASKED: LET ME DIRECT
11 YOUR ATTENTION TO DECEMBER OF 1984 JUST BEFORE CHRISTMAS.
12 WERE YOU IN THE CITY OF GUADALAJARA? YES. AND IN DECEMBER OF
13 1984 DID YOU EVER GO TO A RESIDENCE THAT BELONGED TO ERNESTO
14 FONSECA? YES. WAS THERE A PARTICULAR NAME TO THIS RESIDENCE
15 OF FONSECA? YES. WHAT WAS THAT? LA BAJADITA.

16 A LITTLE BIT LATER THE QUESTION IS: DO YOU
17 KNOW A MAN BY THE NAME OF JORGE BARBA HERNANDEZ? YES.
18 WAS HE THERE AT LA BAJADITA? YES.

19 BUT JORGE BARBA WAS ALREADY DEAD BY THAT TIME.
20 SO ENRIQUE PLASCENCIA'S INABILITY TO IDENTIFY
21 ANYBODY, QUITE FRANKLY, HAS BEEN DEMONSTRATED NOT ONLY IN
22 CONNECTION WITH MY CLIENT BUT ALSO IN CONNECTION WITH ANOTHER
23 MEMBER OF THIS SO-CALLED GUADALAJARA ENTERPRISE.

24 I WANT TO SHIFT YOUR ATTENTION NOW ON
25 PLASCENCIA JUST A BIT AND SHIFT AWAY FROM THE QUESTION OF HIS

1 CREDIBILITY, WHICH IS GONE, TO THE QUESTION OF THE QUANTITY OF
2 INFORMATION THAT HE GAVE US.

3 WHAT DO I MEAN BY THAT? WHAT I'M SAYING TO YOU
4 NOW IS EVEN IF YOU LIKE THE MAN, EVEN IF YOU WANTED TO BELIEVE
5 HIM, THIS IS STILL A MURDER CASE. THE GOVERNMENT HAS TO PROVE
6 BEYOND A REASONABLE DOUBT THAT A MURDER OCCURRED, WHO DID THE
7 MURDER AND THE USUAL TANGENTIAL ISSUES, LIKE HOW PEOPLE WERE
8 MURDERED, WHERE THEY WERE MURDERED.

9 WE HAVE CALLED THIS CASE SORT OF GENERICALLY
10 THROUGH THIS TRIAL "THE LA LANGOSTA MURDERS". I HAVE EVEN
11 USED THAT EXPRESSION. IT HAS BECOME SORT OF A TERM OF ART.
12 WE HAVE TO HOLD THE GOVERNMENT TO ITS BURDEN OF PROOF AND WE
13 NEED TO LOOK AT WHAT PLASCENCIA TOLD US AND NOT QUESTION JUST
14 FOR THE MOMENT RIGHT NOW -- NOT QUESTION WHETHER IT'S ACCURATE
15 BUT WHETHER THERE IS EVEN A SUFFICIENT AMOUNT OF INFORMATION
16 FROM WHAT HE TOLD US TO BUILD ANY KIND OF MURDER CASE.

17 FIRST, HE HAS MADE IT CLEAR THAT HE WAS NEVER
18 AN EYEWITNESS TO MURDER. THAT'S CLEAR. YOU DON'T NEED TO
19 DRAW AN INFERENCE FROM THAT; THAT'S CLEAR. THAT'S CLEAR
20 BECAUSE HE SAID TO US THAT WHEN HE LEFT -- WHEN MR. ONTIVEROS
21 APPARENTLY SAID LET'S GO BACK TO THE OFFICE -- REMEMBER HE
22 SAID THAT -- I ASKED HIM ON CROSS-EXAMINATION: WERE THESE TWO
23 VICTIMS STILL IN THE PROCESS OF BEING BEATEN WHEN YOU WALKED
24 OUT AND LEFT TO GO BACK TO YOUR OFFICE? HE SAID YES. SO HE
25 DIDN'T SEE ANY MURDER.

1 IF HE LEARNED SOMETIME LATER THAT THESE TWO
2 PEOPLE DIED, HE DIDN'T LEARN IT FROM FIRSTHAND KNOWLEDGE. HE
3 MAYBE READ IT IN THE PRESS, HEARD IT FROM OTHER PEOPLE.
4 THAT'S NOT COMPETENT EVIDENCE. HE DID NOT SEE A MURDER OCCUR,
5 AT LEAST ACCORDING TO HIS TESTIMONY.

6 I DO ASK YOU TO SERIOUSLY CONSIDER, BASED ON
7 THE CONFESSION THAT ONTIVEROS GAVE, WHETHER PLASCENCIA HIMSELF
8 WAS INVOLVED AND WHETHER HE HAS GIVEN US THIS LITTLE SONG AND
9 DANCE ROUTINE ABOUT HOW HE AND ONTIVEROS WERE JUST CASUAL
10 OBSERVERS AND SO ON, TO PROTECT HIMSELF, JUST AS HE SEEMS TO
11 BE PROTECTING ONTIVEROS.

12 BUT BASED ON WHAT HE HAS TOLD US HERE AT TRIAL,
13 HE'S NOT AN EYEWITNESS TO ANY MURDER AND THERE HAS NEVER BEEN
14 ANY EYEWITNESS TESTIMONY TO MURDER.

15 NOW, SECONDLY, PLASCENCIA COULD NOT EVEN
16 ESTABLISH FOR US WHERE THESE TWO VICTIMS WERE KILLED. THAT
17 TAKES US BACK TO ROBERT CASTILLO'S CABLE, EXHIBIT P, WHICH WE
18 DISCUSSED AT LENGTH. IT IS THE ONTIVEROS CONFESSION.

19 AND IN PARAGRAPH 3, ONTIVEROS IS TELLING THE
20 MEXICAN POLICE IN THE PRESENCE OF THE D.E.A. ABOUT DRIVING THE
21 BODIES TO PRIMAVERA PARK. AND YOU'LL REMEMBER THAT ONTIVEROS
22 ADMITTED THAT HE HAD THE TWO BODIES OF WALKER AND RADELAT IN
23 HIS CAR AND ONE OF THEM WAS STILL MOANING IN PAIN. IT SAYS
24 THAT RIGHT HERE IN THE CABLE.

25 AND NOW THEY'RE AT PRIMAVERA PARK, AND I'M AT

1 PARAGRAPH 3 OF THIS CABLE, AND ONTIVEROS SAYS: "ONCE AT THE
2 AFOREMENTIONED LOCATION" -- THAT'S PRIMAVERA PARK -- "GONZALEZ
3 ONTIVEROS ASSISTED IN REMOVING RADELAT AND WALKER FROM THE
4 VEHICLE." "HE" -- ONTIVEROS -- "ADVISED THAT WHILE THE GRAVES
5 WERE BEING DUG, HE WAS AT THE VEHICLE WHERE HE REMAINED AS
6 THEY PROCEEDED TO BURY THE VICTIMS."

7 AND NOW, LISTEN TO THIS: "DURING THE PROCESS
8 OF BURING THESE GUYS, HE" -- ONTIVEROS -- HEARD TWO OR THREE
9 SHOTS FIRED." AHA.

10 AND HE ALSO SAYS HERE: GONZALEZ IS UNABLE TO
11 STATE WHO FIRED THE SHOTS OR IF THE SHOTS WERE FIRED AT WALKER
12 AND RADELAT." THE REASON HE STATED WAS THAT "IT WAS VERY DARK
13 AND HIS BEING BY THE VEHICLE PREVENTED HIM FROM WITNESSING THE
14 INCIDENT."

15 SO WE HAVE A VERY SERIOUS OPEN QUESTION HERE.
16 THEY'RE AT THIS PARK, IT'S DARK, THEY'RE DIGGING A COUPLE OF
17 GRAVES -- I SUBMIT TO YOU THE REASONABLE INFERENCE TO DRAW
18 FROM THIS IS NOBODY ELSE WAS IN THE PARK AT THAT TIME OF NIGHT
19 ON THAT PARTICULAR EVENING EXCEPT THESE GUYS. AND WE KNEW
20 THEY WERE ARMED, AND WE KNEW THEY WERE DISPOSING OF BODIES.

21 AND ONTIVEROS SAYS AT LEAST ONE OF THEM IS
22 MOANING IN PAIN IN THE CAR, AND I SUBMIT TO YOU THAT EXHIBIT P
23 MAKES IT CLEAR THAT THESE POOR VICTIMS THAT WERE KILLED WERE
24 KILLED IN THE PARK -- OR AT LEAST ONE OF THEN WAS. AND WE
25 DON'T HAVE A CLUE AS TO WHO FIRED THE GUN.

1 AND REMEMBER IN THIS CABLE, MY CLIENT'S NAME
2 ISN'T MENTIONED ANYWHERE, WHICH IS COMPLETELY CONSISTENT WITH
3 EVERYTHING MY CLIENT TOLD AGENT REYNOSO AND THE POSITION WE
4 HAVE TAKEN AT THIS TRIAL. SO WHO FIRED THAT GUN IN THE PARK?

5 WE DON'T KNOW. BUT I ASK YOU TO REALLY THINK
6 ABOUT THAT, BECAUSE WE'VE ALWAYS BEEN REFERRING TO THIS
7 EXPRESSION OF THE SO-CALLED LA LANGOSTA MURDERS, AND IT HAS A
8 TENDENCY, PERHAPS, AS AN EXPRESSION TO JUST AUTOMATICALLY
9 INCLINE US TO THINK THEY WERE KILLED AT THE RESTAURANT. BUT
10 THERE IS ABSOLUTELY NO EVIDENCE OF THAT AT ALL.

11 AND PLASCENCIA HAS NOT BEEN ABLE TO ESTABLISH
12 WHERE THESE TWO VICTIMS WERE KILLED. AND THAT'S A SUBSTANTIAL
13 LIMITATION ON THE GOVERNMENT'S CASE.

14 AND IN THE SAME VEIN, FOR THE SAME REASONS I'VE
15 JUST MENTIONED TO YOU, PLASCENCIA COULDN'T EVEN ESTABLISH HOW
16 THE TWO VICTIMS WERE KILLED. THEY WERE SHOT, WHICH IS WHAT IT
17 SEEMS TO BE FROM THE CABLE, WHICH IS EXHIBIT P -- THAT'S A
18 DEFENSE EXHIBIT -- BY ADMITTING DEFENSE EXHIBIT P. SO THAT I
19 CAN TALK TO YOU ABOUT ONTIVEROS' CONFESSION, I PERHAPS
20 CONTRIBUTED SOMETHING TO THE PUZZLE AS FAR AS HOW THE VICTIMS
21 MIGHT HAVE DIED. IT HAS COME FROM THE DEFENSE, NOT FROM THE
22 PROSECUTION.

23 BUT IT'S THE PROSECUTION'S BURDEN TO SATISFY
24 YOU BEYOND A REASONABLE DOUBT, TO FIRMLY CONVINCING YOU ABOUT
25 WHAT IS GOING ON. AND THAT MEANS YOU NEED TO BE FIRMLY

1 CONVINCED ABOUT HOW THESE PEOPLE DIED IF YOU'RE GOING TO
2 CONVICT ANYBODY. AND I'M SHOWING YOU A DEFENSE EXHIBIT THAT
3 GIVES US THE ONLY SUGGESTION ON HOW THESE TWO PEOPLE DIED AND
4 IT RAISES THE OPEN QUESTION THAT THEY MIGHT HAVE BEEN AND
5 PROBABLY WERE SHOT IN THE PARK.

6 WHERE IS THE EVIDENCE FROM THE GOVERNMENT?
7 NONE. PLASCENCIA SAYS HE LEFT WHEN THESE TWO GUYS WERE STILL
8 BEING BEATEN AND THAT'S IT, THAT'S THE ONLY WITNESS. WHERE
9 THAT LEAVES US REGARDING PLASCENCIA IS THAT I GUESS WE CAN
10 DRAW A NUMBER OF CONCLUSIONS: WE CAN CONCLUDE THAT HE WAS A
11 DELIBERATE LIAR TRYING TO COVER UP HIS OWN INVOLVEMENT WITH LA
12 LANGOSTA, PROTECTING HIMSELF AS HE SEEMS TO BE PROTECTING
13 ONTIVEROS.

14 CERTAINLY A WITNESS WHO NEVER KNEW JAVIER
15 VASQUEZ, HE MADE IT UP SO HE COULD BE A GOVERNMENT WITNESS
16 HERE.

17 A CONFUSED MAN WHOSE PERCEPTIONS CANNOT BE
18 TRUSTED ONE BIT. CERTAINLY THERE IS EVIDENCE OF THIS
19 CONFUSION -- ALL OF THE BLUNDERS REGARDING THE
20 IDENTIFICATIONS.

21 WE KNOW FROM THE TIMING OF HOW HE EVOLVED AS A
22 WITNESS HERE THAT THERE IS GOOD REASON TO BELIEVE THAT IT WAS
23 ALL MADE AND IT WAS CONTRIVED AND CREATED FOR PURPOSES OF THIS
24 TRIAL.

25 AND FINALLY, WE CAN JUST LOOK AT PLASCENCIA AS

1 A WITNESS WHOSE TESTIMONY IS SO INCOMPLETE AND SO INSUFFICIENT
2 ON ALL OF THE INGREDIENTS OF A MURDER CASE THAT JUST ON THAT
3 BASIS ALONE, YOU JUST CAN'T POSSIBLY CONVICT ANYBODY.

4 CERTAINLY YOU CAN'T CONVICT MY CLIENT; THAT'S
5 FOR SURE. I SAY THAT RESPECTFULLY TO THE JURORS. I'M NOT
6 TELLING YOU WHAT TO DO, BUT I'M SUBMITTING TO YOU RESPECTFULLY
7 YOU JUST CAN'T DO IT.

8 HE'S ALL OF THESE THINGS AND HE'S ALSO A PAID
9 INFORMANT. HE HAS ESTABLISHED HIMSELF AS A REFUGEE FROM
10 MEXICO WHO SAYS HE CAN'T GO HOME AGAIN, HE'LL GET KILLED. IF
11 THE D.E.A. DOESN'T SAVE HIM, THEN HE'S ON HIS OWN.

12 HE HAS TOLD US HE HAS MADE FORTY TO \$45,000.
13 THAT'S A LOT OF MONEY FOR A GUY NAMED PLASCENCIA. HE USED TO
14 BE ON THE PAYROLL DOWN THERE. HE WAS A POLICE OFFICER,
15 DRIVER. THAT'S A LOT OF MONEY. HE NEEDS THE D.E.A. AND I
16 SUBMIT TO YOU, LADIES AND GENTLEMEN, FOR A GUY LIKE
17 PLASCENCIA, IT WASN'T HARD FOR HIM TO GET ON THAT WITNESS
18 STAND AND LIE. IT WOULD BE HARD FOR YOU AND ME BUT NOT FOR
19 HIM.

20 THAT'S THE GOVERNMENT'S CASE. BUT WE DO HAVE
21 ONE MORE WITNESS I NEED TO TALK ABOUT BEFORE WE'RE DONE. AND
22 THAT'S HECTOR CERVANTES SANTOS. NOW, HIS NAME IS GOING TO
23 COME UP A LOT TODAY. I'M GOING TO TALK ABOUT HIM NOW AND MY
24 COLLEAGUES ARE GOING TO TALK ABOUT HIM.

25 THIS WITNESS, IN SOME RESPECTS I THINK HE OUT

1 DOES PLASCENCIA IN TERMS OF THE INTEGRITY PROBLEMS, THE
2 CAPACITY TO LIE. AND IT'S HARD EVEN TO KNOW EXACTLY WHERE TO
3 BEGIN WHEN YOU TRY TO PORTRAY HECTOR CERVANTES AFTER A
4 TWO-AND-A-HALF MONTH TRIAL, AFTER HE'S COME HERE, GOT ON THE
5 WITNESS STAND AND LIKE MACHINE GUN FIRE, JUST TRIED TO SPRAY
6 ACCUSATIONS ACROSS THIS COURTROOM.

7 I'M GOING TO LIMIT MY DISCUSSION OF CERVANTES
8 TO WHAT HE SAYS ABOUT MY CLIENT, BUT IT IS HARD NOT TO ALLUDE
9 TO THE COMMENTS HE HAS MADE ABOUT THE OTHERS. HE TESTIFIED,
10 AS YOU WILL RECALL, THAT HE WAS THE CHIEF OF SECURITY AT THIS
11 HOUSE THAT BARBA OWNED IN GUADALAJARA. LA QUINTA.

12 YOU MAY RECALL THAT HE SAID IN JANUARY OF 1985
13 THERE WERE A NUMBER OF PEOPLE AT LA QUINTA -- AND HE SAID MY
14 CLIENT WAS ONE OF THEM -- AND THEY ALL WENT TO LA LANGOSTA.
15 IT WENT SOMETHING LIKE THIS, FROM THE TRIAL TRANSCRIPT:

16 "Q. HAVE YOU EVER HEARD OF A
17 RESTAURANT THAT'S CALLED LA LANGOSTA?"

18 AND CERVANTES SAID "YES."

19 "Q. NOW, DIRECTING YOUR ATTENTION TO
20 ABOUT THE MONTH OF JANUARY 1985, WAS BARBA
21 AT HIS HOUSE, LA QUINTA?

22 "A. YES.

23 "Q. WAS ANYBODY ELSE PRESENT WITH HIM?

24 "A. YES, HIS BODYGUARDS.

25 "Q. WHO WAS WITH HIM?

1 "A. EL ITALIANO, EL CORITA, THE
2 VASQUEZ VELASCO BROTHERS, THE ENGINEER,
3 AVELARDO FERNANDEZ .

4 "Q. CAN YOU NAME FOR ME THE VASQUEZ
5 VELASCO BROTHERS THAT WERE AT THE HOUSE WITH
6 BARBA?

7 "A. JAVIER VASQUEZ VELASCO, ELISEO" --
8 THE SAME LAST NAME -- "EL RICA AND ANTONIO,
9 THE ELDER."

10 "Q. WAS HIS SON ANTONIO VASQUEZ" --
11 THE COURT: COUNSEL, SLOW DOWN WHEN YOU READ.
12 MR. NICOLAYSEN: YES, YOUR HONOR. THANK YOU.

13 "Q. WAS HIS SON ANTONIO VASQUEZ OCHOA
14 THERE?

15 "A. YES.

16 "Q. YOU'RE AT THE HOUSE AS WELL?"

17 -- HE'S ASKING CERVANTES --

18 "A. YES.

19 -- QUESTION -- NOW LISTEN TO THIS --

20 "Q. AT ANY POINT DO YOU RECEIVE A
21 TELEPHONE CALL AT THE HOUSE, MR. CERVANTES?

22 "A. YES.

23 "Q. ARE YOU THE ONE WHO ANSWERS THE
24 PHONE?

25 "A. YES.

1 "Q. ARE YOU ABLE TO IDENTIFY THE VOICE
2 OF THE THE SPEAKER ON THE OTHER LINE?

3 "A. YES.

4 "Q. WHO WAS IT?

5 "A. RAFAEL CARO QUINTERO?

6 "Q. WHAT DOES CARO SAY TO YOU ON THE
7 PHONE?

8 "A. WHETHER THE ATTORNEY IS THERE.
9 AND I SAID TO HIM HE'S TAKING A SHOWER. A
10 MESSAGE OR DO YOU WANT ME TO GET HIM, AND HE
11 SAID I SHOULD JUST TELL HIM THAT HE WAS
12 WAITING FOR HIM AT LA LANGOSTA."

13 "Q. DID HE HANG UP THEN?

14 "A. YES."

15 THAT'S THE GOVERNMENT'S WAY OF SETTING THE
16 STAGE HERE AT TRIAL FOR PUTTING MY CLIENT AT LA LANGOSTA.
17 VERY NICELY PACKAGED, VERY CONVENIENT.

18 THE PHONE RINGS, CARO SAYS HI, WE ARE HAVING A
19 PARTY, COME ON OVER. AND NOW THE GOVERNMENT CAN ARGUE TO YOU
20 THAT MY CLIENT GOT IN THE CAR AND WENT OVER TO LA LANGOSTA.
21 AND THAT CORROBORATES PLASCENCIA. A NICE KIND OF SEGUE
22 BETWEEN THE TWO WITNESSES.

23 ONLY ONE PROBLEM. THERE WAS NO PHONE. THERE
24 WAS NO TELEPHONE AT LA QUINTA. THAT WAS A LIE. THAT'S NOT
25 JUST FROM THE WITNESSES, ESPERANZA VASQUEZ SARRAGOSA AND

1 THERESA VASQUEZ SARRAGOSA, THE TWO YOUNG LADIES, BUT ONE OF
2 THEM WAS ELDER, THE WIFE OF ELISEO, AND THE DAUGHTER WHO CAME
3 FROM GUADALAJARA AND TESTIFIED -- IT'S NOT JUST THEIR
4 RECOLLECTION OR THEIR KNOWLEDGE ON WHICH I BASE THE STATEMENT
5 TO YOU THAT THERE WAS NO PHONE, IT'S FROM THE PHONE COMPANY
6 RECORDS THEMSELVES. EXHIBIT TRIPLE N, N N N. ADMITTED BY
7 THE COURT. ADMITTED BY THE COURT.

8 OFFICIAL DOCUMENTS FROM THE TELEPHONE COMPANY
9 OF MEXICO WHICH STATES IN PARAGRAPH FOUR -- YOU'RE GOING TO
10 GET THE ORIGINAL SPANISH AND THEN THERE IS A CORRESPONDING
11 ENGLISH TRANSLATION.

12 IT SAYS THAT: "IN THE RECORDS OF THIS
13 COMPANY" -- THE TELEPHONE COMPANY -- "THERE IS NO PREVIOUS
14 RECORD OF ANY KIND UP TO THIS DATE" -- THIS DATE BEING JUNE 26
15 OF 1990 -- "THAT TELEPHONE SERVICE" -- "NO RECORDS UP TO THIS
16 DATE THAT TELEPHONE SERVICE HAS BEEN PROVIDED TO THE ADDRESS
17 LOCATED AT NUMBER 114 OF THE HIGHWAY TO GUADALAJARA TONALA
18 LOMA DORADA DISTRICT IN THE MUNICIPALITY OF TONALA, JALISCO.
19 NO PHONE.

20 NOW, THE GOVERNMENT WANTS TO DISTRACT YOU FROM
21 THAT RESIDENCE AND SAY TO YOU WELL, THAT MAY BE TRUE ABOUT 114
22 CARRATERO (PHONETIC), WHICH IS THE RESIDENCE KNOWN AS LA
23 QUINTA, AS THERESA AND ESPERANZA TOLD YOU, BUT THE GOVERNMENT
24 WANTS TO SAY TO YOU, LADIES AND GENTLEMEN, THEY GAVE YOU THE
25 WRONG ADDRESS. SO MAYBE THERE WAS NO PHONE THERE, BUT LA

1 QUINTA WAS FIVE BUILDINGS DOWN THE STREET. UN-HUH.

2 THE COURT: COUNSEL, YOU HAVE EXCEEDED YOUR TIME
3 ESTIMATE SUBSTANTIALLY. I'M GOING TO GIVE YOU ABOUT SIX
4 MINUTES TO COMPLETE YOUR ARGUMENT.

5 MR. NICOLAYSEN: WELL, YOUR HONOR, THE GOVERNMENT
6 SPOKE FOR OVER THREE HOURS. I'LL NEED ABOUT PROBABLY TEN OR
7 FIFTEEN MINUTES, IF I MAY BE ALLOWED.

8 THE COURT: WELL, GET ON WITH IT.

9 MR. NICOLAYSEN: IN THE FINAL PARAGRAPH, PARAGRAPH
10 FIVE, IT SAYS THAT TELEPHONE SERVICE WAS PROVIDED FOR THE
11 FIRST TIME IN THE LOMA DORADA DISTRICT BEGINNING ON MARCH 15
12 OF 1988. NOW THAT MEANS THE WHOLE DISTRICT DIDN'T HAVE
13 TELEPHONE SERVICE UNTIL MARCH OF 1988. NOT JUST THAT HOUSE,
14 THE WHOLE DISTRICT. EXHIBIT TRIPLE N, PARAGRAPH 5.

15 SO THESE RECORDS SUBSTANTIALLY CORROBORATE THE
16 PERSONAL TESTIMONY OF THERESA VASQUEZ AND ESPERANZA VASQUEZ.
17 AND I SUBMIT TO YOU THAT BECAUSE THEY WERE SUBSTANTIALLY
18 CORROBORATED -- THEY ARE TRUTHFUL IN EVERY RESPECT, NOT JUST
19 THAT THERE WAS NO PHONE -- THERE WAS NO HECTOR CERVANTES. HE
20 DIDN'T EXIST.

21 HE CONVENIENTLY APPOINTED HIMSELF AS THE
22 SO-CALLED CHIEF OF SECURITY, BUT HE DIDN'T EXIST. AND MY
23 OTHER COUNSEL OR FOR THE OTHER DEFENDANTS WHO WILL ALSO SPEAK
24 SUBSTANTIALLY TO THAT ISSUE. AND I STRONGLY URGE YOU TO
25 CONSIDER THAT AS A VERY SERIOUS, SERIOUS PROBLEM IN THE

1 GOVERNMENT'S CASE. IT GOES SQUARELY TO THE SAME INTEGRITY
2 PROBLEMS THAT WERE RAISED WHEN WE FIRST BEGAN TO SPEAK
3 YESTERDAY IN THE CONNECTION WITH THE ONTIVEROS CONFESSION.

4 HECTOR CERVANTES CONTRADICTED HIMSELF WHEN HE
5 TESTIFIED BEFORE THE GRAND JURY THAT ONLY ELISEO VASQUEZ AND
6 ANTONIO OCHOA WERE AT THE LA QUINTA ON THE DAY OF LA LANGOSTA.

7 I'M NOW BEGINNING TO SPEED UP A LITTLE BIT, BUT
8 THERE IS GRAND JURY TESTIMONY TO THAT EFFECT.

9 HE DIDN'T MENTION JAVIER. HE ADDED JAVIER'S
10 NAME HERE AT TRIAL. HE CONTRADICTED HIMSELF PREVIOUSLY BEFORE
11 THE GRAND JURY. AND HE ALSO TOLD THE GRAND JURY -- STRIKE
12 THAT, NOT THE GRAND JURY.

13 HE TOLD AGENT SALAZAR ON NOVEMBER 30, 1989 --
14 HE ADMITTED THIS AT TRIAL -- THAT WHEN HE TALKED ABOUT LA
15 LANGOSTA, WHEN HE SAYS TO AGENT SALAZAR -- BARBA AND OCHOA
16 COME HOME AND THEY'RE FULL OF BLOOD. AND I -- CERVANTES -- I
17 WASN'T STARTLED ABOUT THAT UNTIL A FEW DAYS LATER WHEN I HEARD
18 IT IN THE NEWS, THAT TWO AMERICANS HAD BEEN REPORTED MISSING
19 AND WERE PRESUMED DEAD.

20 THAT IS INTERESTING. THAT'S EXACTLY WHAT HE
21 TOLD AGENT SALAZAR. I WASN'T STARTLED UNTIL A FEW DAYS LATER
22 WHEN TWO AMERICANS WERE REPORTED MISSING AND PRESUMED DEAD.
23 THAT'S EXACTLY WHAT HE TOLD SALAZAR AND SALAZAR CONFIRMED
24 THAT.

25 BUT HERE AT TRIAL HE WANTS YOU TO BELIEVE THAT

1 MY CLIENT JUST SHOWS UP A DAY OR TWO LATER AFTER LA LANGOSTA
2 AND TALKS ABOUT IT. HE SUBSTANTIALLY CONTRADICTS HIMSELF AT
3 TRIAL -- CERVANTES DID -- SUBSTANTIALLY.

4 LADIES AND GENTLEMEN, AS I'M SURE YOU CAN SEE
5 WE COULD GO ON FOR A LONG TIME IN DISCUSSING THIS CASE. THERE
6 IS MORE TO DISCUSS, BUT I THINK THAT WHAT I HAVE ALREADY
7 DISCUSSED WITH YOU SHOWS THAT THERE ARE SUCH SERIOUS
8 PROBLEMS -- NOT JUST OF IDENTIFICATION, NOT JUST OF HONESTY,
9 BUT IN THE OVERALL APPROACH THAT THE GOVERNMENT HAS TAKEN --
10 SERIOUS INTEGRITY ISSUES HERE THAT ARE VERY TROUBLING.

11 THE EVIDENCE HAS SHOWN BEYOND A REASONABLE
12 DOUBT TO MY SATISFACTION THAT MY CLIENT IS INNOCENT, BUT IT IS
13 THE GOVERNMENT'S BURDEN, THE GOVERNMENT HAS TO SATISFY YOU,
14 AND THAT MEANS THAT THE COURT WILL INSTRUCT YOU THAT THE
15 GOVERNMENT HAS TO FIRMLY CONVINCING YOU OF GUILT.

16 AND WHAT HAS THE GOVERNMENT GIVEN YOU TO TRY
17 AND FIRMLY CONVINCING YOU IN REGARD TO JAVIER VASQUEZ? THE
18 GOVERNMENT HAS GIVEN YOU ENRIQUE PLASCENCIA AND THE GOVERNMENT
19 HAS GIVEN YOU HECTOR CERVANTES? BUT THEY ARE PROOF OF
20 NOTHING.

21 I ASK YOU, LADIES AND GENTLEMEN, DON'T CONVICT
22 AN INNOCENT MAN. IF WHAT PLASCENCIA AND CERVANTES HAS IS
23 SUFFICIENT TO CONVICT, THEN NONE OF US HAVE A CHANCE.

24 THANK YOU.

25 THE COURT: WE'LL TAKE OUR MORNING RECESS AT THIS

1 TIME.

2 THE COURT: THE JURY WILL BE EXCUSED.

3 (JURY EXCUSED.)

4 (BRIEF RECESS.)

5 MR. MEDRANO: YOUR HONOR, WE WOULD STATE OUR
6 OBJECTION TO AT LEAST FIVE DEMONSTRATIVE TYPE EXHIBITS THAT
7 MR. MEDVENE INTENDS TO USE IN HIS OPENING STATEMENT FOR THE
8 FOLLOWING REASONS. AT LEAST FIVE OF THOSE CHARTS, YOUR
9 HONOR, MAKE REFERENCE TO STATEMENTS BY GOVERNMENT COUNSEL IN
10 OPENING STATEMENT.

11 AND BASICALLY THE THEME OF SOME OF THESE CHARTS
12 IS THE GOVERNMENT SAID "X" IN ITS OPENING STATEMENT, AND THAT
13 WAS NOT PROVEN IN THE GOVERNMENT'S CASE IN CHIEF AND IT'S
14 EVIDENCE. TO SOMEHOW THEN SAY THAT THERE IS THIS
15 CONTRADICTION.

16 WELL, YOUR HONOR, CLEARLY THE STATEMENTS BY
17 GOVERNMENT COUNSEL EITHER IN OPENING OR CLOSING ARE SOLELY
18 ARGUMENT, IT'S NOT EVIDENCE AND CANNOT BE RELIED ON, AND MOST
19 DEFINITELY SHOULD NOT BE CITED IN ANY WAY FOR CONTRADICTION.

20 THAT'S CLEARLY IMPROPER. THEY COULD NO MORE DO
21 THAT THAN WE COULD ALLUDE IN ANY FORM OR FASHION TO THE
22 FAILURE OF THE DEFENSE IN THEIR CASE TO NOT PROVE UP ANYTHING
23 THAT THEY PROMISED IN THEIR STATEMENT. AND ONE PERFECT
24 EXAMPLE OF THAT IS DEFENSE COUNSEL'S STATEMENT IN OPENING
25 STATEMENT THAT ZUNO WOULD TESTIFY. HE DIDN'T TESTIFY. AND

1 THERE ARE OTHER EXAMPLES OF THAT NATURE, YOUR HONOR, BUT
2 THAT'S JUST A FINE EXAMPLE. SO WE THINK THAT'S IMPROPER. WE
3 WOULD ASK YOU TO LOOK AT THESE FIVE CHARTS SO YOU COULD SEE
4 FOR YOURSELF.

5 THE COURT: ARE THE STATEMENTS INACCURATE OF WHAT
6 YOU SAID IN THE OPENING STATEMENTS?

7 MR. MEDRANO: TO BE HONEST WITH YOU, WE HAD ABOUT
8 FIVE TO TEN MINUTES TO SEE ABOUT 15 OF THESE MASSIVE CHARTS.
9 ALL I SAW WITH THE REFERENCE TO GOVERNMENT OPENING
10 STATEMENT -- AND I DIDN'T -- WE DIDN'T HAVE ENOUGH TIME TO
11 SCRUTINIZE IT CAREFULLY --

12 THE COURT: IT IS PERFECTLY PERMISSIBLE FOR DEFENSE
13 COUNSEL TO ARGUE THAT THE GOVERNMENT'S EVIDENCE DID NOT LIVE
14 UP TO THE PROMISE OF ITS OPENING STATEMENT.

15 THAT HAS BEEN TRADITIONALLY ARGUED IN CASE
16 AFTER CASE TIME IMMEMORIAL, SO I SEE NO OBJECTION TO THAT
17 WHATSOEVER AND THAT'S PERMISSIBLE.

18 MR. MEDRANO: VERY WELL, YOUR HONOR. THANK YOU.

19 MR. STOLAR: WE WOULD ASK, WITH THE COURT'S
20 PERMISSION, MAY MR. BURNS AND I MOVE OVER TO THE FRONT ROW SO
21 WE CAN SEE MR. MEDVENE AND THE CHARTS?

22 THE COURT: IS MR. MEDVENE NEXT HERE?

23 MR. STOLAR: YES, SIR.

24 THE COURT: DO YOU WANT TO SEE MR. MEDVENE?

25 (LAUGHTER)

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MR. STOLAR: DO YOU REALLY WANT AN ANSWER?

THE COURT: YOU MEAN YOU THINK YOU CAN'T HEAR HIM
FROM WHERE YOU ARE?

MR. STOLAR: I WANT TO SEE HIS CHARTS.

THE COURT: ALL RIGHT.

MR. STOLAR: THANK YOU.

//

1 (BRIEF RECESS.)

2 (JURY PRESENT.)

3 THE COURT: LADIES AND GENTLEMEN, WE'LL HEAR NOW
4 FROM COUNSEL FOR MR. ZUNO.

5
6 CLOSING ARGUMENT + FOR RUBEN ZUNO-ARCE

7
8 MR. MEDVENE: IF THE COURT PLEASE, MEMBERS OF THE
9 PROSECUTION TEAM, DEFENSE COUNSEL AND THEIR CLIENTS, AND YOU,
10 MR. ZUNO --

11 THE COURT: COUNSEL, PERHAPS YOU WANT TO USE THAT
12 MICROPHONE UNLESS YOU THINK YOUR VOLUME IS SUFFICIENT.

13 MR. MEDVENE: I THINK I'M ALL RIGHT, SIR.

14 IT IS A PLEASURE AT THIS TIME, LADIES AND
15 GENTLEMEN, TO HAVE AN OPPORTUNITY TO LOOK AT EACH OF YOU AND
16 HAVE THIS CONVERSATION WITH YOU.

17 AFTER ALL OF THESE YEARS, I STILL FEEL SOMEWHAT
18 AWKWARD DURING THE TRIAL STAGE AND GENERALLY AVERT GLANCES AND
19 DON'T LOOK AND STAND BACK AND LOOK THE OTHER WAY WHEN THE JURY
20 IS WALKING BY BECAUSE I JUST DON'T WANT ANYTHING TO BE
21 MISCONSTRUED.

22 BUT THIS IS A CHANCE THAT I CAN LOOK AT YOU AND
23 TALK TO YOU AND TELL YOU WHAT WE BELIEVE THE EVIDENCE IS. I
24 WANT TO THANK YOU INITIALLY, WIN, LOSE OR DRAW, FOR THE
25 ATTENTION YOU'VE PAID OVER THE LAST SEVERAL MONTHS. YOU'VE

1 WORKED HARD, YOU'VE LISTENED TO THE EVIDENCE, YOU'VE PAID
2 ATTENTION AND THAT'S ALL IN THIS SYSTEM WE CAN ASK FOR. AND I
3 THANK EACH AND EVERY ONE OF YOU FOR THAT.

4 IN REVIEWING ALL OF THE TESTIMONY AND ALL OF
5 THE EXHIBITS -- THERE IS SOME -- CLOSE TO 400 EXHIBITS --
6 THERE ARE NO DOCUMENTS OF ANY KIND THAT IMPLICATE MR. ZUNO IN
7 ANY WRONGDOING, LET ALONE KIDNAPPING.

8 THERE IS NO FORENSIC EVIDENCE. BY THAT WE
9 MEAN, AS YOU KNOW, HARD EVIDENCE, THE HAIRS, FIBERS,
10 FINGERPRINTS, WHATEVER -- NO FORENSIC EVIDENCE OF ANY KIND
11 THAT IMPLICATES MR. ZUNO IN ANY WRONGDOING.

12 THERE IS NOT ONE WORD IN THE INTERROGATION TAPE
13 THAT IMPLICATES UNDER ZUNO.

14 THIS IS A BIG ONE I THINK. THERE IS NO
15 EVIDENCE THAT MR. ZUNO HAD ANY STAKE, FINANCIAL OR OTHERWISE,
16 IN ANY KIND OF MARIJUANA FIELD THAT THE D.E.A. BURNED OR
17 SEIZED.

18 THE NEXT ONE BIG ONE. THERE IS NO EVIDENCE
19 THAT MR. ZUNO HAD ANY INTEREST IN COCAINE IN GENERAL OR IN ANY
20 COCAINE SEIZED OR IN ANY MONEY SEIZED FROM THE COCAINE. REAL
21 IMPORTANT BECAUSE IN A FEW MINUTES WHEN WE TALKING ABOUT WHAT
22 THIS IS ABOUT AND WE CUT RIGHT THROUGH IT, THE GOVERNMENT
23 THESIS IS DRUG LORDS HURT BY D.E.A. FINANCIALLY, THEREFORE
24 RETALIATION, KIDNAPPING.

25 NEARLY HALF THEIR OPENING SPENT ON DRUG LORDS,

1 MARIJUANA, COCAINE. CRITICAL. PRETTY TOUGH STATEMENT AT THE
2 BEGINNING. THEY'LL HAVE A SHOT TO COME BACK AT ME. NO
3 EVIDENCE OF ANY KIND OF MR. ZUNO -- ANY FINANCIAL STAKE IN ANY
4 OF THE MARIJUANA THAT YOU HEARD ABOUT THAT THE D.E.A. BURNED
5 OR SIZED. SAME WITH COCAINE.

6 WHERE IS THE MOTIVE? THERE WAS EVIDENCE OF
7 DRUG LORD MEETINGS TO DISCUSS COCAINE DEALINGS, BUT NOT ONE
8 BIT OF EVIDENCE THAT MR. ZUNO EVER ATTENDED ONE OF THOSE
9 MEETINGS.

10 THEIR BEST CASE -- GIVE THEM CERVANTES, GIVE
11 THEM WHOEVER -- BELIEVE THEM FOR THIS PURPOSE. NO DRUG LORD
12 MEETINGS DISCUSSING COCAINE WHERE MR. ZUNO IS PRESENT.
13 NOBODY -- 75 WITNESSES -- NOBODY TESTIFIES TO SUCH A MEETING.

14 THERE WERE DRUG LORD MEETINGS TESTIFIED ABOUT
15 DEALING WITH MARIJUANA, SALE AND DISTRIBUTION. NOT ONE BIT OF
16 EVIDENCE MR. ZUNO AT ANY OF THOSE MEETINGS.

17 EVEN LORENZO HARRISON TESTIFIES TO 30 OR MORE
18 MEETINGS WITH THESE DRUG PEOPLE TALKING DRUGS, MAKING PLANS,
19 COCAINE, MARIJUANA, WHATEVER. BIG NUMBERS. MR. ZUNO IS NOT
20 AT ANY OF THOSE MEETINGS.

21 MR. HARRISON TESTIFIES, YOU REMEMBER, ON A
22 24-HOUR A DAY BASIS MONITORING THOUSANDS OF RADIO
23 COMMUNICATIONS BETWEEN DRUG PEOPLE, POLICE AT EVERY LEVEL,
24 POLITICIANS IN THE GREATER GUADALAJARA AREA. ALWAYS
25 LISTENING. THOUSANDS OF COMMUNICATIONS. NOT ONE

1 COMMUNICATION FROM MR. ZUNO.

2 THIS IS PRETTY POWERFUL STUFF. I MEAN WE ARE
3 TALKING ABOUT -- I'M NOT TALKING ABOUT JUST TALKING, I'M
4 TALKING ABOUT WHAT THE EVIDENCE IS. THOUSANDS OF RADIO
5 COMMUNICATIONS, GREATER GUADALAJARA AREA, DRUG TRAFFICKERS,
6 POLICE POLITICIANS -- NOT ONE WHERE MR. ZUNO IS MENTIONED,
7 REFERRED TO ON THE PHONE.

8 YOU HAVE GUADALUPE GOMEZ OR GAMES TESTIFIES FOR
9 THE GOVERNMENT. HE'S AT THE INNERMOST LEVEL WITH MANUEL
10 CHAVEZ, WHO'S CARO QUINTERO'S RIGHTHAND MAN IN THE ZACATECAS
11 OPERATION. AND THAT'S THE BIGGEST OPERATION, ZACATECAS AND
12 CHIHUAHUA, BUFALO CHIHUAHUA -- HE'S THERE. WE ARE GOING TO
13 TALK ABOUT HIM SOME.

14 HE'S TALKING TO THE OWNERS, THE FINANCIERS, THE
15 PEOPLE PEOPLE ARE PAID PROTECTION MONEY TO, THE CROOKED
16 PEOPLE -- HE'S DEALING WITH ALL OF THEM. HE'S DEALING WITH
17 THE BANKS, HE'S DEALING WITH THE HOTELS, HE'S TALKING TO ALL
18 THESE FOLKS.

19 NEVER ANY ZUNO INVOLVEMENT OF ANY KIND IN
20 ZACATECAS. NO STAKE, FINANCIAL OR OTHERWISE. NO INVOLVEMENT,
21 PAYOFFS OR ANYTHING. I'M NOT TALKING LIKE SOME OF THE TALK
22 YOU HEARD YESTERDAY, I'M GOING TO GET TO IT -- JUST THINGS
23 SAID, NOT SUPPORTED BY EVIDENCE. I'M TALKING ABOUT THE
24 EVIDENCE. LET THEM COME BACK AND TELL YOU WHO TESTIFIES MR.
25 ZUNO HAS ANY FINANCIAL STAKE OF ANY KIND AT ZACATECAS. THEY

1 HAVE NOTHING.

2 AND YOU DON'T HAVE SOMEBODY FLYING BY
3 ZACATECAS, YOU HAVE SOMEBODY TOUCHING MANUEL CHAVEZ, WHO'S
4 TOUCHING QUINTERO WHO'S AT MEETINGS WITH THOSE FOLKS, WHO'S
5 LOOKING AT HOTELS, WHO'S LOOKING AT BANKS, AND THERE IS NO
6 ZUNO. NOW THAT IS ONE OF THE BIG LOSSES THEY'RE TALKING ABOUT
7 TO THE DRUG PEOPLE, WHO THEY SAY, YOU KNOW, KIDNAPPED ENRIQUE
8 CAMARENA.

9 SAME FOR CHIHUAHUA. ON CHIHUAHUA YOU HAVE
10 ANTHONY CELEYA. THE D.E.A. GOES OUT, THEY BURN DOWN OR
11 CONFISCATE HUGE, HUGE, HUGE AMOUNTS OF MARIJUANA. IT'S
12 ANOTHER BIG LOSS THAT THEY SAY CAUSED THE RETRIBUTION. INNER-
13 MOST CIRCLE. NO ZUNO INVOLVEMENT OF ANY KIND.

14 AND HE TALKS ABOUT PAYOFFS AND BADGES AND
15 WHATEVER -- HE INTERVIEWED THE WORKERS, THE EMPLOYEES,
16 MILITARY PEOPLE CAME, WHATEVER -- NO MR. ZUNO OF ANY KIND.

17 WHEN ALL IS SAID AND DONE, LADIES AND
18 GENTLEMEN, WHEN YOU CLEAR AWAY THE SMOKE AND YOU CLEAR AWAY
19 THE RHETORIC, AND YOU PUSH TO THE SIDE, AS HIS HONOR SAYS YOU
20 MUST, AND AS YOU KNOW YOU MUST, THE EMOTION AND THE ANGER THAT
21 WE ALL HAVE AT THE ATROCITIES THAT WERE COMMITTED IN THIS
22 CASE, AND YOU FOCUS ON THE EVIDENCE, REALLY YOU HAVE TO SEE
23 THE LACK OF EVIDENCE AGAINST MR. ZUNO.

24 NOW, THERE HAS BEEN A NUMBER OF WITNESSES. WE
25 MAY NOT HAVE EVERY ONE, BUT WE TRIED TO, ROUGHLY 75 OR 50.

1 WHAT I'M TRYING TO DEMONSTRATE HERE IS WHEN YOU CUT THROUGH TO
2 THE CORE OF THE GOVERNMENT'S CASE -- AND THIS IS NOT AN
3 OVER-STATEMENT -- YOU CHECK ME, AND IF IT IS, YOU DISCREDIT
4 ME. THE ONLY WITNESS OF ANY KIND, UNDERLINED, ONLY WITNESS OF
5 ANY KIND THAT PLACES MR. ZUNO ALLEGEDLY AT ANY KIDNAPPING
6 MEETINGS -- THE ONLY WITNESS -- COMES SOME FOUR YEARS, NINE
7 MONTHS AFTER THE FACT.

8 YOU'RE TALKING ABOUT A SCENARIO WHERE YOU CAN
9 IMAGINE HUNDREDS OF THOUSANDS, MILLIONS -- WHATEVER YOU CAN
10 IMAGINE OF MONEY -- SPENT IN THIS INVESTIGATION. THE
11 INTENSITY OF THIS INVESTIGATION, THE VARIETY OF GOVERNMENTAL
12 AGENCIES INVOLVED IN THIS INVESTIGATION YOU'VE HEARD TESTIMONY
13 ABOUT, WHETHER IT'S CUSTOMS OR WHETHER IT IS THE F.B.I. OR
14 WHETHER IT IS THE D.E.A., AND AFTER ALL OF THAT TIME -- WE'RE
15 FIVE YEARS, FOUR MONTHS NOW -- WE HAVE A LOT OF MONEY PAID OUT
16 TO FOLKS, WE HAVE A LOT OF PROMISES TO FOLKS MAKING,
17 UNFORTUNATELY, VIRTUALLY NOTHING IN MEXICO -- A LOT OF MONEY
18 HERE AND JOBS AND RELOCATE YOUR FAMILY -- A LOT OF PROMISES
19 OUT THERE -- AFTER FIVE YEARS AND FOUR MONTHS, ONE WITNESS --
20 AND REALLY, WHEN WE GET ALL DONE, YOU'RE GOING TO HAVE SAY IN
21 YOUR HEARTS AT THE END OF THE DAY IF YOU ARE THINKING OF
22 CONVICTING MR. ZUNO -- YOU'RE GOING TO HAVE TO SAY IN YOUR
23 HEARTS I DISBELIEVE AN AWFUL LOT OF EVIDENCE.

24 WE'RE TALKING ABOUT A SYSTEM HERE WHERE THE
25 DEFENDANT HAS NO BURDEN. BUT IT IS OVERWHELMING. HE IS NOT

1 INVOLVED IN THIS CASE. WE GET THE EMOTIONS OUT OF IT -- AND I
2 CRIED, TOO, WHEN I HEARD THE TAPE, AND I'M APPALLED, AND I'M
3 APPALLED AT THE DRUGS. WE ALL HAVE FAMILIES, WE ALL HAVE
4 KIDS, BUT WHAT THIS SYSTEM IS ABOUT IS TRYING THIS CASE ON THE
5 EVIDENCE.

6 BECAUSE THIS MAN IS FROM SOME OTHER COUNTRY,
7 THERE ARE THESE CHARGES, WE HAVE TO TRY THIS ON EVIDENCE. YOU
8 CAN LET THEM GET UP -- I'LL LISTEN, TOO -- DO THEY HAVE
9 ANYBODY WHO CAN ALLEGEDLY PUT MR. ZUNO AT A KIDNAPPING MEETING
10 OTHER THAN THE ONE MAN?

11 SO WHAT WE'RE GOING TO HAVE TO DO IS YOU'RE
12 GOING TO HAVE TO DISBELIEVE, AMONG OTHER PEOPLE, ESPERANZA
13 VASQUEZ WHO TESTIFIES THERE IS NO PHONE AND NO BAPTISM AND NO
14 WEDDING. AND THERESA VASQUEZ, NO TELEPHONE, NO WEDDING, NO
15 PHONE.

16 DAVID MACIAS, PRETTY POWERFUL WITNESS, NO
17 CONTRADICTIONS, AND WE'LL TALK ABOUT THAT LATER. HE GOES
18 RIGHT AT CERVANTES, RIGHT AT HIM. THE GUTS OF HIM. AND THEY
19 DON'T KNOCK HIM DOWN, THEY DON'T EVEN TAKE A SHOT AT HIM.

20 I'M NOT TALKING ABOUT THE MISTREATMENT, I'M
21 TALKING ABOUT THE GUTS OF WHAT HE SAYS. NO ZUNO, NO MEETINGS.
22 AFTER THIS, COULD WE PAY HIM?

23 AS WELL AS ALL THIS OTHER EVIDENCE OF NOT AT
24 ANY MEETINGS. THAT'S ALL THEY GOT.

25 NOW, IN AN ORDINARY CASE, IT'S RARE YOU HAVE AN

1 OPPORTUNITY TO REALLY GET AT THE INNARDS OF WHAT SOMEBODY
2 TESTIFIES. YOU CAN IMAGINE YOURSELVES, SOMEBODY SAYS YOU'RE
3 AT THE MEETING FIVE YEARS AGO. ONE PERSON SAYS IT. NOBODY
4 ELSE. AND ONE PERSON SAYS IT -- AND GO ABOUT DISPROVING YOU
5 WERE AT A MEETING WITH TWELVE PEOPLE. WHAT ARE YOU GOING TO
6 DO; IT WAS FIVE YEARS AGO. YOU WERE AT THREE MEETINGS.

7 WELL, THE BEST YOU CAN USUALLY DO, BUT THIS
8 ISN'T THE USUAL CASE -- WE WERE FORTUNATE HERE. THE BEST YOU
9 CAN USUALLY DO IS TALK ABOUT THE PERSON'S MOTIVATION, BECAUSE
10 WHAT THIS IS ABOUT IS DO YOU BELIEVE THE MAN?

11 DO YOU BELIEVE HIM? AND WE'LL TALK ABOUT
12 REASONABLE DOUBT LATER AND WHAT THAT IS ABOUT. IT IS NOT AN
13 IMAGINARY DOUBT OR SPECULATIVE DOUBT, BUT HOW DO YOU FEEL IN
14 YOUR STOMACH? YOU'RE GOING TO RELY ON THIS PERSON, ON A
15 DECISION WHERE ONCE YOU MAKE IT, IT'S DOWN. YOU CAN'T CHANGE
16 IT.

17 SO USUALLY WHAT YOU DO IS TALK ABOUT HIS
18 MOTIVATION. AND YOU HAVEN'T SEEN THIS BEFORE, BUT TOLD YOU HE
19 STOPPED WORKING FOR THE RIOT POLICE INITIALLY '81, '82. AND I
20 SUGGEST TO YOU MAYBE THAT'S TO THROW YOU OFF THE TRACK.

21 HE LATER TESTIFIES ON THE STAND MAYBE HE WORKED
22 FOR THEM LONGER BUT THEN HE HAD SOME OTHER KIND OF JOB, AND
23 MAKES IT SEEM LIKE HE CAME OUT HERE FOR WHATEVER REASON HE
24 DECIDED TO COOPERATE FOUR YEARS, NINE MONTHS LATER -- GIVES
25 SOME INFORMATION, NOT QUITE CLEAR WHY.

1 DO YOU KNOW WHAT THE FACT IS? IF YOU LOOK AT
2 THIS EXHIBIT, IF YOU WANT TO IN THE JURY ROOM, IT'S D D D, AND
3 WHAT THIS EXHIBIT SHOWS IS THIS IS THE TRANSLATION, THE
4 ENGLISH TRANSLATION. IT SHOWS THAT MR. CERVANTES WAS WORKING
5 FOR THE RIOT POLICE IN DECEMBER OF 1989.

6 DISCHARGED NOVEMBER 16, '89. DISCHARGED, NO
7 JOB, A WEEK BEFORE -- COOKS UP THIS THING WITH HIS OLD FRIENDS
8 PLASCENCIA AND GARATE.

9 SO WHAT WE'RE SHOWING HERE IS, YOU KNOW, THE
10 MAN NEEDS A JOB, NEEDS SOMETHING TO DO. HE KEPT FROM YOU HE
11 WAS DISCHARGED FIVE, SIX, SEVEN DAYS BEFORE HE COMES UP HERE
12 TO SEE WHAT KIND OF DEAL HE CAN MAKE OUT. HE DIDN'T TELL YOU
13 THAT, DID HE? WE ARE TELLING YOU THAT.

14 NOW, IS THIS A GAME? I MEAN, ARE WE SUPPOSED
15 TO BE TELLING YOU THAT? PRETTY IMPORTANT TO THAT MAN.

16 SHOULD THEY PUT ON CERVANTEZ KNOWING HE'S
17 DISCHARGED AND OUT OF WORK FIVE, SIX, SEVEN DAYS BEFORE THEY
18 MAKE DEAL WITH HIM AND GIVING HIM MORE MONEY THAN HE HAS EVER
19 SEEN IN HIS LIFE?

20 NOW, IF THEY KNEW ABOUT IT AND THEY DIDN'T TELL
21 YOU, YOU WOULD THINK ABOUT THAT. IF THEY DIDN'T KNOW IT, WHY
22 NOT? AND WHAT ELSE DIDN'T THEY KNOW ABOUT THIS MAN?

23 BUT THEY CAN'T MOVE ON THIS -- AND WE'LL TALK
24 TO YOU ABOUT HOW THEY CAN'T MOVE ON A LOT OF STUFF. THEY
25 CAN'T MOVE ON THIS.

1 NOVEMBER 16, CERVANTES DIDN'T TELL YOU, NOBODY
2 BROUGHT OUT DISCHARGED FROM HIS JOB, NOWHERE TO GO, NOTHING TO
3 DO. WHAT DOES HE DO THEN? WELL, WE KNOW HE MEETS AND HAS
4 CONTACT WITH PLASCENCIA AND GARATE.

5 AND WHO ARE THESE FINE GENTLEMEN? THESE FINE
6 GENTLEMEN, WHO ARE MR. CERVANTES'S TUTOR, VERY POSSIBLY ARE
7 THE MURDERERS. I DON'T KNOW WHAT THEY ARE, BUT WE DO KNOW
8 UNEQUIVOCALLY THAT GARATE AND PLASCENCIA WERE AT A DECEMBER
9 1984 MEETING AT FONSECA'S HOUSE. UNIMPEACHED. NO MR. ZUNO.

10 WHERE PLASCENCIA TESTIFIES IT IS A FIRST --
11 UNDERLINE FIRST -- THE GOVERNMENT WILL COME BACK AND WILL
12 PROBABLY SAY WELL, IT IS THE FIRST ONE HE WAS AT. HE DIDN'T
13 SAY THAT. FAIR IMPLICATION IS FIRST MEETING WHERE THE MURDER
14 WAS DISCUSSED.

15 I TAKE IT HE SAID IT'S THE FIRST, AND PROBABLY
16 FROM WHAT HE HEARD IT IS THE FIRST. NO MR. ZUNO. MORE
17 LOGICAL.

18 I MEAN THERE HAS BEEN TESTIMONY ABOUT HOW
19 ERATIC THESE PEOPLE ARE. CAN YOU IMAGINE THIS ANIMAL QUINTERO
20 STARTING TO HAVE DISCUSSIONS AT A TEA PARTY IN SEPTEMBER, AND
21 LET'S TALK ABOUT IT AND LET'S TALK ABOUT IT AND LET'S TALK
22 ABOUT IT, AND FINALLY, FIVE MONTHS LATER -- THESE PEOPLE ARE
23 SPONTANEOUS PEOPLE. THAT'S THE TESTIMONY. THEY'RE ANIMALS.

24 SO WHAT WE HAVE IS A DECEMBER '84 MEETING, NO
25 MR. ZUNO, FIRST TIME, MURDER DISCUSSED. NO QUESTION MURDER IS

1 DISCUSSED. THIS MAN, FONSECA, GETS A PICTURE, HAS A PICTURE
2 OF CAMARENA AND SAYS I'M GOING TO TAKE CARE OF HIM. WE'RE
3 GOING TO TAKE CARE OF HIM.

4 NOW, WHO'S AT THIS MEETING? GARATE AND
5 PLASCENCIA. PLASCENCIA DOESN'T HAVE ANYTHING TO DO WITH US,
6 BUT YOU SEE HIM ON THE STAND.

7 GARATE IS LIKE A SHADOW, YOU KNOW. HE FEEDS
8 THEM WITNESSES AND HE FED THEM CERVANTES. AND IN FEEDING THEM
9 CERVANTES, HE SURE KNOWS EVERYTHING THERE IS TO TELL CERVANTES
10 ABOUT ANYTHING, BECAUSE HE'S UNDOUBTEDLY IN ON IT. BY THE
11 PROSECUTION'S OWN TESTIMONY, GARATE AND PLASCENCIA ARE AT THE
12 MURDER MEETING. SO THEY'RE THE ONES THAT RECRUIT CERVANTES.

13 NOW, WE'RE STILL AT THE ORDINARY CASE, WE'RE
14 NOT AT THE EXCEPTIONAL CASE, LIKE WE ARE. WE WOULD GO RIGHT
15 AT HIS HEAD, WE'RE NOT THE ORDINARY CASE; SHOULD YOU BELIEVE
16 HIM?

17 SO WE KNOW HE HAS LIED TO YOU ABOUT BEING
18 DISCHARGED. NOT ONLY LIED TO YOU, BUT HE HAS FOOLED YOU, HE
19 HAS FOOLED YOU ABOUT HIS MOTIVATION.

20 WE THEN KNOW THAT THE DEAL IS MADE, AND WE KNOW
21 THAT THEY PAID HIM SOME \$37,000 AND OFFERED TO RELOCATE HIM
22 AND THE NEW JOB AND PROTECTION AND IMMUNITY, AND KEEP GETTING
23 PAYMENTS AS LONG AS HE KEEPS DOING GOOD. IT IS A HECK OF A
24 DEAL, HUH? HECK OF AN INCENTIVE.

25 HOW DO YOU FEEL IN YOUR STOMACH ABOUT THAT,

1 ABOUT HIM SAYING SOMETHING ABOUT ANYBODY WHEN, IF HE DOESN'T
2 TOE THE MARK, HE DOESN'T STAY. BUT WHAT IS INTERESTING ABOUT
3 CERVANTES -- AND YOU KNOW WE ARE STILL IN THE ORDINARY CASE
4 AND LOOKING AT MOTIVATION.

5 HE MAKES EQUIVALENT AMERICAN MONEY \$800 IN
6 1986. WE'RE TALKING ABOUT MOTIVATION. YOU FIGURE IT. I MEAN
7 WE DON'T LEAVE OUR COMMON SENSE WHEN WE COME IN THIS
8 COURTROOM. HE MAKES \$800 IN '86 -- THAT'S HIS TESTIMONY --
9 ABOUT \$700 IN '87, \$800 IN '88, \$500 IN '89 BEFORE THEN THE
10 END OF NOVEMBER. HE GETS HIS FIRST PAYMENT, I THINK, ABOUT
11 NOVEMBER 24TH. THE REST OF '89, \$12,000-PLUS DOLLARS. IN '90
12 SO FAR, \$25,000. THAT'S MIND BLOWING.

13 THAT WOULD HOPEFULLY NOT TEMPT AN HONEST MAN.
14 BUT WOULD IT TEMPT A MR. CERVANTES SANTOS WHO WAS DISCHARGED
15 FROM HIS JOB AND HAD NO PLACE TO GO? I MEAN, YOU'RE TALKING
16 SOME HEAVY NUMBERS HERE.

17 HOW DOES YOUR STOMACH FEEL? ARE YOU GOING TO
18 RELY ON HIM WHEN HE TELLS YOU TO BUY A CAR? WE ARE NOT
19 TALKING ABOUT BUYING A CAR, BECAUSE YOU CAN CHANGE THAT
20 DECISION. YOU MAKE THIS DECISION, THAT'S IT. IT'S DONE. I
21 MEAN THIS IS SOMETHING, HUH.

22 CAN YOU -- IF WERE YOU INTERESTED IN FINDING
23 OUT WHAT HAPPENED SOMEWHERE, ANYWHERE, DO YOU THINK YOU WOULD
24 GIVE SOMEBODY SUCH A DISPROPORTIONATE AMOUNT OF MONEY TO WHAT
25 THEY EVER EARNED IN THEIR LIFE -- LET ALONE COME HERE, ET

1 CETERA, ET CETERA, ET CETERA, AND THEN ASK HIM WHAT HAPPENED?

2 THERE IS ANOTHER REALLY INTERESTING THING WITH
3 MR. CERVANTES. SMALL POINT, BUT I THINK IT IS AS BIG AS
4 ANYTHING WE ARE GOING TO TALK ABOUT.

5 YOU HAVE CERVANTES SANTOS COMING UP TO THIS
6 COUNTRY, REMEMBER, ON NOVEMBER 24TH, AND SEEING AT THAT TIME
7 MR. BERRELLEZ. NO NOTES, NO RECORDS OF ANY KIND. NOW HERE IS
8 A MAN, CERVANTES, THAT IS THE ONLY WITNESS THEY'VE GOT AFTER
9 FIVE YEARS ON MR. ZUNO.

10 KIND OF CURIOUS. NO NOTES OF ANY KIND. WHY?
11 YOU'VE HEARD FROM A VARIETY OF D.E.A. PEOPLE THAT TAKE NOTES
12 OF SIGNIFICANT EVENTS SO THEY CAN RECALL, ET CETERA, ET
13 CETERA.

14 COULD IT HAVE BEEN A MORE CRITICAL, POSSIBLE
15 PERSON? NO NOTES OF ANY KIND OF THE 24TH. IN ADDITION,
16 NOTHING IN THE RECORD TO INDICATE THAT ON THE 24TH MR.
17 CERVANTES SAID ONE WORD ABOUT MR. ZUNO'S INVOLVEMENT IN ANY
18 KIDNAPPING.

19 WE ASK MR. BERRELLEZ FROM THE STAND AND THEN
20 READ HIS GRAND JURY TESTIMONY INTO THE RECORD. ISN'T IT TRUE,
21 MR. BERRELLEZ, THAT THE FIRST TIME CERVANTES SANTOS TOLD YOU
22 THAT MR. ZUNO WAS AT ANY KIDNAPPING MEETING WAS WHEN YOU MET
23 WITH HIM ON NOVEMBER 30? UNDER OATH -- YES.

24 NOW, WHAT DOES THAT MEAN WHEN YOU PUT IT
25 TOGETHER? WHAT THAT MEANS IS HE COMES UP HERE THE 24TH. WE

1 KNOW FROM THE RECORD HE'S PAID MONEY, 1500 OR \$2,000 --
2 WHATEVER YOUR MEMORY IS -- NO INDICATION OF A RECORD, ANY
3 EVIDENCE OF ANY KIND OF ZUNO INVOLVEMENT IN THE KIDNAPPING.
4 HE IS PAID MONEY, HE MAKES HIS DEAL. HE MAKES HIS DEAL -- HIS
5 RELOCATION, HIS NEW JOB, HIS PROTECTION, HIS IMMUNITY -- HE
6 MAKES HIS DEAL -- HE'S A SMART FELLOW, ALL RIGHT.

7 REMEMBER, HE'S ALWAYS AFRAID TO GO BACK TO
8 MEXICO. HE GOES BACK TO MEXICO, COMES BACK HERE, GETS SOME
9 MORE MONEY, GOT THE DEAL IN HIS POCKET, AND YOU REMEMBER, WE
10 ESTABLISHED THROUGH MR. BERRELLEZ WHEN YOU FIRST MET HIM, YOU
11 REMEMBER THEY FIRST MET HIM ON THE 24TH -- WHEN YOU FIRST MET
12 HIM, DIDN'T YOU ASK HIM, SIR, TO TELL YOU EVERYTHING HE KNEW
13 ABOUT MR. ZUNO'S INVOLVEMENT IN ANY KIDNAPPING?

14 YES. NOTHING. NOTHING IN THE RECORD ON THE
15 24TH. NOTHING. HE THEN MAKES HIS DEAL. HE MAKES HIS DEAL,
16 COMES BACK ON THE 30TH.

17 AT THAT TIME HE GIVES THEM ONE MEETING WHEN
18 THEY SAY AGAIN, GIVE US EVERYTHING YOU HAVE. ONE MEETING.
19 ALL OF A SUDDEN, HE REMEMBERS. NO MORE MEETINGS. ONE
20 MEETING.

21 HE GETS MORE MONEY, AND WE'LL TALK ABOUT HIM
22 LATER. MORE MONEY. MORE MEETINGS. SO, USUALLY, THAT'S WHAT
23 YOU HAVE TO WORK WITH. AND WE WOULD ARGUE FROM THAT -- WE
24 THINK WE COULD CONVINCINGLY ARGUE -- YOU WOULD HAVE TO DECIDE,
25 YOU'RE IT, YOU'RE MAKING THE DECISION -- YOU'D HAVE TO DECIDE

1 SHOULD I BELIEVE SOMEBODY LIKE THAT WITH THAT KIND OF
2 IMPEACHMENT?

3 NOW, YOU DON'T HAVE TO DECIDE JUST ON THAT
4 BASIS IN THIS CASE. BECAUSE WE WERE ABLE TO GO TO THE VERY
5 HEART OF MR. CERVANTES' TESTIMONY AND CONTRADICT THROUGH HIS
6 OWN MOUTH OR THROUGH INDEPENDENT WITNESSES VIRTUALLY EVERY
7 OTHER STATEMENT THAT HE MADE. AND I'M GOING TO DEAL WITH HIM
8 IN SOME DETAIL A LITTLE BIT LATER ON.

9 BUT I WOULD SAY FOR NOW, JUST AS A START AND TO
10 LET YOU KNOW WHAT I'M TALKING ABOUT IT, JUST A ROUGH FOR YOU,
11 IF THIS THE KIND OF PERSON YOU WANT TO RELY ON?

12 I'VE DONE A CHART FOR YOU OF WHAT HE TOLD THE
13 D.E.A. AND WHAT HE TESTIFIED IN TRIAL ABOUT THESE KIDNAPPING
14 MEETINGS. AND THIS IS THE BALL GAME. THERE IS NOTHING ELSE;
15 WHAT HE TOLD THE D.E.A. AND WHAT HE TESTIFIED AT TRIAL.

16 SEPTEMBER '84, NOTHING IN ANY D.E.A. REPORTS,
17 ANY SEPTEMBER '84 MEETING. ANY. AND WE ARE NOT TALKING ON OR
18 ABOUT A FEW DAYS, IT'S TIED IN, IT'S BLASTED IN. BAPTISM
19 MEETING, SEPTEMBER.

20 YOU KNOW, WE'RE NOT QUIBBLING THE 24TH OR 31ST
21 OF SEPTEMBER BAPTISM MEETING. HE DOESN'T GIVE THAT TO THEM.
22 NOTHING IN THE D.E.A. REPORTS. HE TESTIFIED AT TRIAL TO YOU
23 THERE WAS SUCH A MEETING.

24 HE TELLS D.E.A. THERE IS AN EARLY OCTOBER
25 MEETING. AT TRIAL, THERE IS NO EARLY OCTOBER MEETING. THE

1 WAY WE DID THIS WAS QUESTION HIM, QUESTION MR. BERRELLEZ, THE
2 D.E.A. REPORTS. THAT WAS WHAT THAT WAS ABOUT. IT'S TEDIOUS
3 SOMETIMES, BUT THE WITNESS GOES ON AND HE SAYS HIS STORY.

4 BUT, YOU KNOW, YOU HAVE TO THEN DEAL WITH THAT
5 SO DID YOU SAY AT A FORMER TIME, DID SAY TO THE D.E.A. OR DID
6 YOU JUST SAY AT A FORMER TIME -- AND THEN THE D.E.A. AGENT
7 GOES ON AND YOU SAY DIDN'T HE SAY THAT. THAT WAS ONE FRIDAY
8 THEY TRIED TO ESTABLISH THE BASIS FOR THIS.

9 SO EARLY AT THIS EARLY OCTOBER ALLEGED MEETING,
10 CLAIMS THERE WAS AS MEETING, TESTIFIES AT TRIAL THERE IS NO
11 EARLY OCTOBER MEETING.

12 TELLS THE D.E.A. THERE IS A MEETING DURING THE
13 WEDDING AND NO MEETING DURING THE WEDDING AT TRIAL. REMEMBER
14 AT TRIAL, HE'S NOW PRE AND POST.

15 TELLS THE D.E.A. IN TERMS OF THE
16 POST-WEDDING -- DOESN'T TELL THAT TO THE D.E.A. THERE IS ANY
17 POST-WEDDING MEETING. TESTIFIED AT TRIAL THERE IS.

18 JANUARY OF '85, TELLS THE D.E.A. THERE WAS A
19 JANUARY '85 MEETING AND NO JANUARY '85 MEETING AT TRIAL.

20 NOW, WE ARE NOT TALKING ABOUT SMALL THINGS.
21 THIS IS PRETTY SERIOUS BUSINESS. WE ARE AT THE GUTS OF IT.

22 NOW, IF THE SYSTEM MEANS ANYTHING AND IF WE
23 HAVEN'T BEEN WASTING TIME FOR TWO MONTHS IN HERE, IT'S PRETTY
24 HEAVY STUFF. (POINTING TO CHART) NO, YES. YES, NO. YES, NO.
25 YES, NO. NO, YES. YES, NO. THAT'S THE KIDNAPPING MEETINGS.

1 NOW WE HAVE MORE. THE WAY THE SYSTEM WORKS, WE
2 MAKE OPENINGS. THE OPENINGS AREN'T EVIDENCE. YOU KNOW THAT.
3 THESE CLOSINGS AREN'T EVIDENCE. IT IS YOUR MEMORY OF WHAT THE
4 EVIDENCE IS. BUT I SUGGEST TO YOU AND YOU DECIDE IF THIS
5 MAKES SENSE OR NOT.

6 I SUGGEST TO YOU IF THERE IS ONE PERSON AND
7 ONLY ONE PERSON THAT IS GOING TO CLAIM AFTER ALL THIS TIME
8 THAT MR. ZUNO WAS AT A KIDNAPPING MEETING, THAT'S THE ONLY ONE
9 THEY HAVE.

10 IN THE GOVERNMENT'S OPENING, IF THEY TELL YOU
11 ABOUT KIDNAPPING MEETINGS THAT ZUNO IS ALLEGEDLY AT, IT HAS TO
12 COME FROM MR. CERVANTES. THERE ARE NO OTHER WITNESSES ON
13 KIDNAPPING MEETINGS.

14 IF THAT IS FAIR, WHICH I SUGGEST IT IS, LET'S
15 LOOK AT WHAT THEY TOLD YOU IN THE OPENING. AND THE PURPOSE
16 AGAIN IS NOT THAT ANYBODY IS GOOD OR BAD. IT IS NOT ABOUT
17 THAT, IT'S TOO HARD DOING THIS WORK.

18 BUT WHAT IT IS ABOUT IS HOW MANY TIMES CAN THIS
19 MAN CHANGE HIS STORY AND CAN YOU BELIEVE HIM? THAT'S WHAT IT
20 IS ABOUT. IT IS NOT ABOUT PROSECUTION OR ANYTHING. HOW MANY
21 TIMES CAN THIS MAN CERVANTES CHANGE HIS STORY, BECAUSE THAT IS
22 WHAT THE LAWYER IS WORKING WITH IN GIVING OPENING.

23 NOW, AS LATE AS THE OPENING -- WE HAVE TAKEN
24 YOU THROUGH THE D.E.A. THIS IS ALL PRIOR TO THE OPENING, ALL
25 THESE MEETINGS YOU HEARD ABOUT. NOW WE'RE AT THE EVE OF TRIAL

1 BEFORE HE GETS ON THE STAND. BEFORE HE GETS ON THE STAND.
2 IT'S RARE THAT YOU COULD SHOW THIS SORT OF THING.

3 BEFORE HE GETS ON THE STAND IN DISCUSSING THE
4 EVIDENCE AND TALKING ABOUT THE CERVANTES MEETINGS, THE
5 PROSECUTOR SAYS WE HAVE GOT TWO MEETINGS IN OCTOBER -- THIS IS
6 WAY BACK A COUPLE MONTHS AGO -- WE HAVE TWO MEETINGS IN
7 OCTOBER THE SAME DAY AT THE HOUSE OF BARBA. WE NOW KNOW THOSE
8 ARE THE PURPORTED WEDDING MEETINGS.

9 THE FIRST OF THESE MEETINGS TOOK PLACE EARLY IN
10 THE DAY (WRITING ON THE CHART) -- THE FIRST OF THESE MEETINGS
11 TOOK PLACE EARLY IN THE DAY AND WAS ATTENDED BY A NUMBER OF
12 THE PEOPLE WHO ARE IMPORTANT IN THE CARTEL AND WHOSE NAMES
13 YOU'LL HEAR FREQUENTLY, INCLUDING CARO AND FONSECA.

14 BUT ALSO PRESENT WERE TWO DEFENDANTS IN THE
15 COURTROOM, MATTA AND ZUNO.

16 AN EYEWITNESS WILL ALSO TELL YOU ABOUT A SECOND
17 MEETING AT BARBA'S HOUSE THE SAME DAY WHO SAYS ZUNO IS
18 PRESENT.

19 NOW, LADIES AND GENTLEMEN, YOU WILL HEAR
20 EYEWITNESS TESTIMONY -- THIS IS CERVANTES -- ABOUT A THIRD
21 MEETING THAT ALSO TOOK PLACE APPROXIMATELY A WEEK AFTER THE
22 FIRST TWO WHERE ZUNO IS PRESENT, WHERE THERE WAS FURTHER
23 DISCUSSION. NOW, THAT IS THE OPENING.

24 I'M NOT FAULTING THE OPENING, I'M SAYING HOW
25 MANY TIMES CAN THE MAN CHANGE? THIS IS RIGHT BEFORE HE GETS

1 ON.

2 HE GETS ON THE STAND, HIS TESTIMONY AT TRIAL --
3 HOW MANY STRIKES?

4 ONE, NOT ONLY HADN'T HE TOLD THE D.E.A. BUT HE
5 HADN'T TOLD THE GOVERNMENT, APPARENTLY, BECAUSE IN THEIR
6 OPENING, THEY'RE TALKING ABOUT THESE FOUR MEETINGS. THE LAST
7 ONE IS FEBRUARY. THE LAST MEETING, HE CLAIMS, IS FEBRUARY.

8 NO BAPTISM MEETING DOES HE SAY.

9 NEW MEETING ON THE STAND. EVEN IF THEY COME UP
10 WITH SOME ANSWER TO THAT, WE KNOW THAT IN NONE OF THE D.E.A.
11 REPORTS DOES HE EVER TELL THEM ABOUT A BAPTISM MEETING, AND
12 NOW HE'S CLAIMING IT'S THE FIRST MEETING. SO EITHER WAY,
13 EITHER WAY, WE KNOW HE DOESN'T TELL THE D.E.A. IT IS NOT IN
14 THE D.E.A. REPORTS, WE KNOW THAT. THAT WAS ESTABLISHED, SO
15 THAT IS THE END OF IT.

16 THEN HE GIVES YOU THE BAPTISM MEETING AFTER ALL
17 THESE MEETINGS WITH THE D.E.A. BUT THEN WE'RE SAYING IT'S
18 ICING, IF THAT'S THE RIGHT WORD. AS LATE AS THE TRIAL DATE,
19 APPARENTLY, HE DOESN'T GIVE IT TO THEM, IT'S JUST ARGUMENT. I
20 THINK IT IS LOGICAL.

21 HE DOESN'T GIVE IT TO THEM BUT HE TESTIFIES TO
22 IT AT TRIAL.

23 NEXT IN THE OPENING THEY SAY AT THIS FIRST
24 MEETING, THAT'S THE FIRST WEDDING MEETING, THEY HAD NOT ONLY
25 ZUNO PRESENT BUT QUINTERO PRESENT AND FONSECA PRESENT. AT HIS

1 TESTIMONY AT A TRIAL, ZUNO IS NOT PRESENT, HE SAYS. FONSECA
2 IS NOT PRESENT, QUINTERO IS NOT PRESENT. STRIKE TWO.

3 HE SAYS, APPARENTLY, BECAUSE THAT IS WHAT THEY
4 SAID IN THEIR OPENING -- I'M NOT MAKING IT UP -- THERE IS SOME
5 STUFF MADE UP YESTERDAY AND WE'LL TALK ABOUT THAT, BUT I'M NOT
6 MAKING IT UP.

7 THIRD MEETING APPROXIMATELY A WEEK LATER. A
8 WEEK LATER. MR. ZUNO PRESENT. DO YOU KNOW WHAT THIS MEANS?
9 SOMEBODY SAYS YOU'RE AT A MEETING WHERE THERE IS A KILLING
10 PLANNED AND YOU TRY THAT CASE IN FRONT OF A JURY. I MEAN,
11 WHAT IS THAT GOING TO MEAN TO YOU? WE'RE WERE YOU GOING TO
12 BE?

13 SO THEY TELL YOU TWO MONTHS AGO AND COULD ONLY
14 GET IT FROM CERVANTES THE NIGHT BEFORE, TWO NIGHTS BEFORE, 3
15 NIGHTS BEFORE. ONE WEEK LATER AND ZUNO IS PRESENT.

16 HE TESTIFIES THERE IS NO SUCH MEETING AT TRIAL.
17 THERE IS NO SUCH MEETING AND NO ZUNO. FOUR STRIKES.

18 NOW, WE ARE GOING TO TALK MORE ABOUT MR.
19 CERVANTES LATER, BUT I SUGGEST TO YOU WHERE WE ARE NOW, IF WE
20 SAT DOWN AND WE HAVE BEEN ABOUT ANYTHING HERE, THERE IS NO WAY
21 WE COULD BELIEVE.

22 I SUGGEST TO YOU MR. CERVANTES -- BUT, LADIES
23 AND GENTLEMEN, THERE IS MORE. MR. CERVANTES, AS YOU KNOW,
24 CLAIMS CERTAIN PHONE CALLS TO MR. ZUNO AFTER THE ALLEGED EVENT
25 OSTENSIBLY TYING HIM IN. IMPORTANT PIECE OF EVIDENCE.

1 NOW, YOU HAD TWO WITNESSES, THERESA VASQUEZ AND
2 ESPERANZA, WHO SAID THERE WAS NO PHONE. NOW, YOU KNOW THE
3 STAKES ARE SO HIGH THAT I WILL HAVE -- WE'LL HAVE TO MAKE OUR
4 OWN JUDGMENTS -- BUT THE PROSECUTOR SAYS WELL, DON'T BELIEVE
5 HIM.

6 IT'S CURIOUS. THE ONLY WITNESSES GETTING PAID
7 IN THIS CASE ARE GOVERNMENT WITNESSES. THEY'RE THE ONLY ONES
8 GETTING PAID. NO EVIDENCE THE DEFENSE PAID ANYBODY ANYTHING.
9 THE GOVERNMENT IS PAYING AND RELOCATING. DON'T BELIEVE THESE
10 TWO WOMEN.

11 AND BESIDES THAT, YOU'RE A SMART JURY. I MEAN,
12 LOOK, IT'S SOMEWHERE IN GUADALAJARA. MAYBE YOU'VE NEVER BEEN
13 THERE, BUT THEY PROBABLY HAD A PHONE THERE. THEY HAD A PHONE.
14 HOW CAN THEY SAY THERE IS NO PHONE? USE YOUR COMMON SENSE,
15 JURY. THEY MUST HAVE HAD A PHONE, IT IS A NICE NEIGHBORHOOD.

16 NOW, THAT'S WHAT THEY SAID YESTERDAY. A LITTLE
17 LOOSE INTERPRETATION, BUT BALLPARK RIGHT. THAT'S WHAT THEY
18 TOLD YOU, DISBELIEVE THEM. PROBABLY A PHONE THERE. AND BY
19 THE WAY, IT'S FOUR OR FIVE HOUSES AWAY AND MAYBE THEY GOT THE
20 WRONG HOUSE. THE WIFE OF THE BODYGUARD GOT THE WRONG HOUSE.
21 THE REAL BODYGUARD.

22 WELL, YOU KNOW, IT IS A LITTLE SCARY IF THEY'RE
23 GOING TO ARGUE THAT WAY TO YOU, YOU DECIDE HOW MUCH CREDENCE.
24 BUT TO NOT MENTION TO YOU, NOT MENTION TO YOU IS WHAT THE
25 PRECEDING COUNSEL MENTIONED. AND I'M GOING TO SHOW IT TO YOU

1 SO IT DOESN'T MOVE, SO THEY CAN'T SAY IT'S ANYTHING, SO THEY
2 CAN'T SAY TO YOU, YOU DON'T KNOW, JURY, BUT JUST IMAGINE IN
3 YOUR NEIGHBORHOOD THERE MUST BE A PHONE.

4 I'M GOING TO SHOW IT TO YOU. YOU'LL BE ABLE TO
5 SEE THIS. IT'S AN EXHIBIT IN EVIDENCE, IT'S N N N, AND THIS
6 IS FROM THE PHONE COMPANY OF MEXICO.

7 AND WHAT IT SAYS IS, IN PART, "THAT IN THE
8 RECORDS OF THIS COMPANY" -- JUST LIKE SOME COMPANY SOMEWHERE.
9 IT'S THE PHONE COMPANY. I MEAN, I KNOW EVERYBODY IN MEXICO IS
10 SUPPOSED TO BE CORRUPT, THE ENTIRETY OF THE NATION. I DON'T
11 KNOW ABOUT THE PHONE COMPANY, TOO. EVERYBODY. NOBODY HONEST
12 DOWN THERE.

13 "-- THAT IN THE RECORDS OF THIS COMPANY
14 THERE IS NO PREVIOUS RECORD OF ANY KIND THAT
15 UP TO THIS DATE THAT TELEPHONE SERVICE HAS
16 BEEN PROVIDED TO THE ADDRESS LOCATED AT
17 NUMBER 114 OF THE HIGHWAY GUADALAJARA
18 TONALA, LOMA DORADA DISTRICT, MUNICIPALITY
19 OF TONALA, JALISCO."

20 NOW, THAT'S THE ADDRESS WHERE THE BODYGUARD'S
21 WIFE AND THE DAUGHTER TOLD YOU THE HOUSE WAS.

22 NOW, THE GOVERNMENT WOULD SAY TO YOU YES, BUT
23 FIVE DOORS AWAY. MAYBE THEY WERE WRONG. CERVANTES DIDN'T
24 EVEN HAVE THE RIGHT HOUSE. HE PROBABLY DIDN'T GET THAT TOO
25 CLEARLY FROM FRANK GARATE AND PLASCENCIA.

1 BUT LUCKILY -- LUCKILY -- PARAGRAPH FIVE.

2 "TELEPHONE SERVICE WAS PROVIDED FOR THE
3 FIRST TIME IN THE LOMA DORADA DISTRICT" --
4 PICKING UP, I TAKE IT, FOUR HOUSES AWAY --
5 "IN THE MUNICIPALITY OF TONALA, JALISCO
6 BEGINNING MARCH 15, 1988."

7 SO THE ALLEGED PHONE CALL TO MR. ZUNO ABOUT
8 THIS MARIJUANA OR DOING THIS OR THIS OR BODIES OR WHATEVER --
9 THERE WAS NO PHONE CALL, THERE WAS NO PHONE.

10 AND YOU KNOW WHAT IS INTERESTING? WITH ALL THE
11 RESOURCES, WITH FLYING PEOPLE HERE FROM EVERY -- SO MANY
12 COUNTRIES AND SO MANY STATES -- THEY GOT AGENTS IN MEXICO. DO
13 YOU THINK IF THERE WAS A PHONE AT THAT ADDRESS THEY WOULDN'T
14 HAVE SOME RECORD OF IT?

15 DO YOU THINK IF THERE WAS A PHONE CALL --
16 BECAUSE YOU REMEMBER, EVEN WHEN THE MR. ZUNO PHONE CALL, THEY
17 SAY -- WHATEVER YOU REMEMBER, BUT THEY SAID AN HOUR OR TWO OR
18 THREE AWAY IT TOOK THEM TO GET THERE. IF THERE WAS -- IT
19 SOUNDS LONG DISTANCE -- IF THERE WAS A PHONE CALL, YOU MEAN
20 THEY WOULDN'T HAVE GONE DOWN AND GOTTEN THAT PHONE RECORD OR
21 TOLD YOU THEY HAVE THE RECORDS BUT THEY DON'T HAVE THEM
22 ANYMORE?

23 WOULD THEY HAVE GOTTEN THE RECORDS? WOULD THEY
24 HAVE PROVEN THAT PHONE WHEN THEY FLY AGENTS IN HERE FROM ALL
25 OVER THE COUNTRY ON MATTERS WHERE THERE IS NO DISPUTE? WE

1 HAVE A HECK OF A CASE THEY HAVE PROVEN AGAINST CARO QUINTERO,
2 BUT NOTHING AGAINST MR. ZUNO.

3 THEY'RE TALKING ABOUT THE GUN AND THEY'RE
4 SHOWING YOU THE GUN AND SHOWING YOU THE DRUGS. WHAT IS THAT
5 FOR, TO GET THE STOMACH CHURNING? WHY DON'T THEY SHOW YOU A
6 RECORD OF A TELEPHONE THAT GOES TO THE HEART OF THIS CASE?

7 WHY DON'T THEY SHOW YOU SOME TELEPHONE CALL WAS
8 MADE FROM THAT PHONE? YOU DON'T MEAN NEED -- IT'S NOT BRAIN
9 SURGERY. THEY KNOW THAT PHONE CALL IS CRITICAL. THEY
10 PURPORTED TO TIE MR. ZUNO TO CERTAIN BADNESS FROM THIS PHONE
11 CALL AND THERE IS NO PHONE.

12 SO THEY NOT ONLY HAVE THE TWO WOMEN WHO
13 TESTIFIED ABOUT IT, BUT THEY CAN'T MOVE FROM THIS. AND IF
14 THEY MOVE FROM IT OR THEY TRY TO MOVE FROM IT -- BECAUSE WE
15 CAN'T ANSWER -- LET THEM TELL YOU WHY THEY DIDN'T GET A
16 RECORD.

17 BECAUSE I'LL TELL YOU, THERE ARE HONEST PEOPLE
18 IN MEXICO. I MEAN, WHAT KIND OF THING IS THIS? I MEAN, I
19 REMEMBER YEARS AGO THE ATTORNEY GENERAL OF OUR COUNTRY WAS
20 INDICTED AND PUT IN JAIL -- THE BOSS OF THESE MEN. THE BOSS
21 OF THESE MEN.

22 I REMEMBER A BIG STORY ABOUT D.E.A. PEOPLE ON
23 TAPE. OUR PRESIDENT NEARLY WENT TO JAIL. NOW, DOES THAT MEAN
24 OUR COUNTRY IS CORRUPT? EVERYBODY IS CORRUPT? YOU HAVE TO
25 LOOK AT THE INDIVIDUALS. YOU HAVE TO LOOK AT THE INDIVIDUAL.

1 I'M NOT DEFENDING MEXICO, I'M NOT KNOCKING THIS COUNTRY. YOU
2 HAVE TO LOOK AT THE INDIVIDUAL.

3 BUT BY MAKING THESE BIG STATEMENTS, THEY GET TO
4 FOCUS OFF WHAT THEY DON'T HAVE ON MR. ZUNO, THE EVIDENCE THEY
5 DON'T HAVE. EVERYBODY IS CORRUPT. I.E., HE'S FROM MEXICO;
6 I.E., HE'S CORRUPT. WHAT IS THE EVIDENCE? AND RIGHT HERE,
7 TELEPHONE COMPANY RECORDS. WHERE ARE THEY, FOLKS? AND IF YOU
8 DON'T HAVE THEM AND YOU DON'T HAVE A TELEPHONE RECORD -- AND
9 YOU KNOW, YOU GET STATEMENTS EVERY MONTH AND THEY MUST BE KEPT
10 SOMEWHERE.

11 IF THEY DON'T BRING THAT IN TO YOU AND THEN
12 ARGUE TO YOU THESE THINGS HAPPENED, DOES THAT MAKE YOU A
13 LITTLE QUEASY ABOUT THE REST OF WHAT YOU'RE HEARING? YOU HAVE
14 TO BE THE JUDGE OF THAT. YOU'RE THE BOSSES. DOES THAT MAKE
15 YOU QUEASY?

16 THEY TELL YOU THE HEART OF THE CASE IS A
17 BAPTISM MEETING PER CERVANTES, AND YOU KNOW WE TOLD YOU HE
18 APPARENTLY DOESN'T TELL THAT TO THEM EVEN BEFORE HE GETS ON
19 THE STAND. AND REGARDLESS OF WHAT HE DID, HE DOESN'T TELL THE
20 D.E.A. AT ALL, IT IS NOT IN THE D.E.A. REPORTS. SO YOU KNOW
21 THAT'S AN ISSUE, RIGHT. THAT'S A FOCAL ISSUE. IT PLACES
22 MR. ZUNO THERE, AND THAT'S IT. IT'S HEAD TO HEAD. HEAD TO
23 HEAD.

24 YOU HAVE TWO PEOPLE, INDIVIDUALS, WHO TESTIFIED
25 THERE WAS NO BAPTISM, ESPERANZA AND THERESA. I BELIEVE HE HAS

1 MR. MACIAS PURPORTEDLY TAKING MR. ZUNO. MR. MACIAS TELLS YOU
2 NO, NO BAPTISM, NOT EVEN IN GUADALAJARA. NOW, WITH THAT KIND
3 OF RECORD, WOULD YOU THINK THAT THE GOVERNMENT WOULD AT
4 MINIMAL TRY TO PRESENT SOME PROOF TO YOU THAT THERE WAS A
5 BAPTISM?

6 NOW, LET'S NOT LET THEM GET AWAY WITH ON
7 REBUTTAL "WHEN CONSPIRATORS MEET, IT'S QUIET, IT'S DARK,
8 NOBODY SEES ANYBODY." I'M NOT ASKING THEM TO BRING SOMEBODY
9 ELSE ON THE MEETING THAT ALLEGEDLY TOOK PLACE, WHICH WOULD BE
10 NICE. I'M JUST SAYING THE BAPTISM, THE BAPTISM. A PRIEST,
11 CHILD, SOMEBODY AT THE BAPTISM, A RECORD IT TOOK PLACE, A
12 PERSON, A PERSON THAT WAS THERE.

13 THE WEDDING. THE WEDDING CRITICAL TO THEIR
14 CASE. THE WEDDING WAS CHALLENGED. THE WEDDING WAS PUT IN
15 DISPUTE. WITH ALL THE RESOURCES -- AND AGAIN, I'M NOT SAYING
16 GIVE US ANOTHER WITNESS ALLEGEDLY THAT OVERHEARD -- WOULD BE
17 GOOD, BUT I'M JUST SAYING ANY RECORD, ANY EVIDENCE OF ANY KIND
18 TO SUPPORT CERVANTES THAT A WEDDING TOOK PLACE. ANY EVIDENCE.

19 CAN YOU THINK -- I BELIEVE THERE'S TESTIMONY --
20 I MAY BE WRONG, BUT THERE WAS LIKE A LOT OF PEOPLE THERE, AS I
21 REMEMBER. LET'S SAY 100 PLUS, BUT I DON'T ACTUALLY
22 REMEMBER -- IT'S WHATEVER YOUR MEMORY IS -- IT WAS A BUNCH OF
23 PEOPLE. REMEMBER THERE IS THE CHURCH AND THEN THE PARTY.

24 ANY WEDDING YOU COULD REMEMBER THAT IF SOMEBODY
25 SAID TO YOU, YOU HAVE TO PROVE YOU WERE AT A PARTICULAR

1 WEDDING -- IT IS VITAL -- THAT YOU COULDN'T SUGGEST SOMEBODY
2 WAS AT THAT WEDDING, FIND SOMEBODY WHO WAS AT THAT WEDDING TO
3 PROVE IT, LET ALONE A RECORD.

4 NOW, IN A BIT OF LEGERDEMAIN, THE PROSECUTOR
5 TRIED TO TAKE ONE OF HIS GREATEST WEAKNESSES AND TURN IT INTO
6 AN EVIDENTIARY LESSON, AND TURN IT INTO A STRENGTH. HE TRIED
7 TO TELL YOU MR. CERVANTES, WHO'S SIGNIFICANTLY CONTRADICTED ON
8 EVERYTHING HE SAYS, WAS CONFIRMED.

9 AND I IMMEDIATELY WANTED TO HEAR BECAUSE,
10 BASICALLY, NOT CONFIRMED ON ANYTHING. AND THE ARGUMENT THAT
11 HE MAKES IS KIND OF CIRCULAR. IT'S LOOK, THERE WAS A
12 KIDNAPPING AND THERE WAS AN INTERROGATION. OF COURSE, FIVE
13 YEARS LATER EVERYBODY NOT ONLY IN THIS COUNTRY BUT THE WORLD
14 KNEW THERE WAS A KIDNAPPING AND INTERROGATION. AND IN
15 ADDITION, HE TALKED TO HIS TUTORS, PLASCENCIA AND GARATE, WHO
16 WERE IN ON THE PLANNING OF THE MURDER AT THE FONSECA HOUSE.

17 SO THE ARGUMENT GOES THERE WAS A KIDNAPPING,
18 THERE WAS AN INTERROGATION; I.E., IT FOLLOWS THAT HE IS BEING
19 CONFIRMED THAT THERE WERE THESE MEETINGS. WELL, THAT'S, YOU
20 KNOW, HE'S FOOLING WITH YOU. IT DOESN'T CONFIRM THERE WERE
21 THESE MEETINGS OR ANY MEETINGS, AND IT CERTAINLY DOESN'T
22 CONFIRM WHO WAS AT THESE MEETINGS, IF ANYBODY WAS AT THESE
23 MEETINGS. THERE IS NO CONFIRMATION OF ANY KIND.

24 NOW, IF THEY WANT TO CONFIRM THINGS, IT'S EASY
25 ENOUGH. THEY'RE SMARTER THAN I AM. YOU WANT TO CONFIRM A

1 WEDDING, YOU GET A WEDDING RECORD OR A PERSON AT THE WEDDING.
2 I'M NOT SAYING AT THE MEETING. A WEDDING RECORD OR PERSON AT
3 THE MEETING.

4 YOU WANT TO CONFIRM A BAPTISM, YOU GET A RECORD
5 OR A PERSON AT THE BAPTISM. YOU WANT TO CONFIRM THERE IS A
6 TELEPHONE, YOU GET A RECORD THAT THERE IS A PHONE OR A PHONE
7 BILL. THAT'S PRETTY STRAIGHTFORWARD. THAT'S CONFIRMATION.
8 THEY DONE HAVE IT.

9 THEY DON'T EVEN HAVE ONE WITNESS WHO PUTS
10 CERVANTES TOGETHER WITH BARBA. I MEAN THAT'S MIND-BOGGLING.
11 JUST THINK OF THAT. THINK OF THAT. I WAS THINKING ABOUT IT
12 WHEN I SAID IT BECAUSE I DIDN'T WANT TO UNDERSTATE HERE.

13 MY MEMORY IS WITH ALL THE TESTIMONY AND ALL THE
14 WITNESSES, WITH ALL THE CONFIDENTIAL INFORMANTS, WITH THE
15 RECRUITERS, WITH GARATE AND PLASCENCIA -- AND ALL THESE FOLKS
16 KNOW JAVIER BARBA, ET CETERA -- NOT ONE WITNESS EVEN PUTS THEM
17 TOGETHER WITH JAVIER BARBA, LET ALONE A BODYGUARD. SAME
18 PLACE, PASSING ON THE STREET. YOU TALK ABOUT CONFIRMATION.
19 YOU HAVE GOT A MADE UP MAN.

20 WE DON'T NEED THAT TO WIN. EVEN IF HE WAS
21 SOMEWHERE, HE CERTAINLY -- MR. ZUNO WASN'T THERE. BUT NO
22 CONFIRMATION EVEN OF ANY RELATIONSHIP WITH JAVIER BARBA.

23 NOW, HOW ABOUT DAVID MACIAS. YOU'RE TALKING
24 ABOUT A SYSTEM WHERE, THANK GOSH, IN THIS COUNTRY THE DEFENSE
25 DOESN'T HAVE TO PUT ON ANYTHING. WE ARE TALKING ABOUT

1 EVIDENCE HERE. I'M NOT TALKING TO YOU FOR A HALF A DAY ABOUT
2 ZACATECAS AND CHIHUAHUA AND FORENSICS AND A LOT OF STUFF TO
3 STIR YOU UP. I'M TALKING ABOUT STUFF THAT AFFECTS THIS CASE
4 NOW.

5 MR. MACIAS. HE ERADICATES EACH AND EVERYTHING
6 MR. CERVANTES CLAIMS. HE TAKES HIM HEAD ON. HE SAYS HE DID
7 NOT KNOW MR. ZUNO, HE WAS NOT HIS CHAUFFEUR, HE DID NOT TAKE
8 HIM TO ANY OF THESE MEETINGS, HE DID NOT PARTICIPATE IN ANY
9 WAY IN ANY OF THESE TRANSACTIONS THAT MR. CERVANTES PLACES HIM
10 AT.

11 NOW, THE GOVERNMENT HANDLES MR. MACIAS IN A
12 SIMILAR WAY TO THE WAY THEY HANDLE ESPERANZA AND THERESA.
13 DON'T BELIEVE THEM. WITH MACIAS, THEY EVEN SAY TO YOU DON'T
14 BELIEVE HIM BECAUSE HE'S A NARCOTICS DEALER, HE TOLD YOU HE
15 WAS. HOW ABOUT EVERYBODY ELSE THEY BROUGHT UP ON THE STAND
16 AND ASKED YOU TO BELIEVE? WHAT WERE THEY? I MEAN, WHAT WERE
17 THEY?

18 HOW MANY NARCOTIC PEOPLE CAME ON THERE AND GOT
19 PAID FOR WHAT THEY SAID? I'M NOT COMMENTING ON THEM, NONE OF
20 THEM PERTAIN TO US, BUT TO TELL YOU "BELIEVE THEM AND DON'T
21 BELIEVE HIM", YOU KNOW, IS THAT FAIR? I MEAN, THAT'S THE
22 REASON THEY GAVE.

23 NOW, YOU THINK ABOUT THE QUESTIONS TO
24 MR. MACIAS AND HOW BROADLY WE OPENED HIM UP. WE SAID -- OR
25 ASKED -- WERE YOU IN GUADALAJARA? REMEMBER ALL THESE

1 KIDNAPPING MEETINGS -- '84, FIRST PART OF '85. WE, OF COURSE,
2 ASKED CERVANTES SAYS YOU'RE AT THE KIDNAPPING MEETINGS WITH
3 MR. ZUNO. WE, OF COURSE, ASKED IF THAT IS TRUE. AND HE SAID
4 NO. BUT WE OPENED HIM AS WIDE AS YOU COULD OPEN HIM AND WE
5 SAID WERE YOU IN GUADALAJARA IN 1984? NO. WERE YOU IN
6 GUADALAJARA FIRST SEVERAL MONTHS OF 1985?

7 THIS IS THE GUTS OF IT, RIGHT? NO. THEY'VE
8 GOT AN OFFICE IN GUADALAJARA, THEY HAVE GOT INFORMANTS FROM
9 GUADALAJARA, YOU'VE HEARD PEOPLE FROM GUADALAJARA. YOU KNOW
10 THE RESOURCES. AND I'M GLAD WE HAVE THEM.

11 ONE WITNESS? I'M NOT SAYING TO PUT HIM WITH
12 MR. ZUNO. ONE WITNESS TO EVEN SAY THE MAN WAS IN GUADALAJARA
13 IN '84? THEY SAID YOU WERE A CHAUFFEUR, WEREN'T YOU, FOR
14 MR. ZUNO? NO. YOU WERE A CHAUFFEUR, THOUGH, WEREN'T YOU? NO.

15 AS YOU WILL HEAR, QUESTIONS AREN'T EVIDENCE.
16 ANY WITNESS TO SAY HE WAS A CHAUFFEUR? ANY WITNESS TO SAY HE
17 WAS IN GUADALAJARA? NO.

18 NOW, IF THEY WOULD HAVE BROUGHT ON SOMEBODY AND
19 SAID HE WAS IN GUADALAJARA, THEN YOU COULD THINK ABOUT --
20 WELL, IS HE TELLING THE TRUTH ABOUT THE REST OF THE THINGS?
21 BUT NOBODY CONTRADICTED HIM ON ANY ESSENTIAL PART OF HIS
22 STORY. AND WE OPENED HIM UP AS WIDE AS YOU COULD OPEN HIM UP,
23 AND IT TOOK COURAGE TO GET ON THAT STAND.

24 YOU PEOPLE MEASURE IT. YOU PEOPLE MEASURE HOW
25 MANY PEOPLE HAVE THE GUTS TO GET ON THE STAND UNDER THE

1 PRESSURE THAT WAS PUT ON THIS MAN, THE PRESSURE THAT WAS AN
2 EMBARRASSING PRESSURE. THERE WAS AN OVERZEALOUSNESS. THAT,
3 INCIDENTALLY, WAS NOT CONTRADICTED AND WE'LL TALK ABOUT THAT A
4 LITTLE LATER.

5 BUT THE CRITICAL POINT NOW IS WE'RE TALKING
6 ABOUT MR. CERVANTES BECAUSE WITHOUT HIM THERE IS NO CASE,
7 THERE ARE NO KIDNAPPING MEETINGS. AND MR. MACIAS SAYS NO
8 KIDNAPPING MEETINGS, NOT THERE, NOT IN GUADALAJARA, NOT A
9 CHAUFFEUR.

10 NOW, FOR THE GOVERNMENT TO TELL YOU NOT TO
11 BELIEVE HIM -- HE WAS THEIRS. THEY WANTED HIM TO TESTIFY FOR
12 THEM. THE TESTIMONY IS THE GOVERNMENT, THE D.E.A., THE
13 PROSECUTOR WRITTED HIM HERE FROM LEAVENWORTH BECAUSE THEY
14 HOPED HE WOULD SAY WHAT THEY WANTED HIM TO SAY, LIKE
15 MR. CERVANTES SAID.

16 THEY BROUGHT HIM HERE, WE DIDN'T BRING HIM
17 HERE. WE DIDN'T PUT HIM IN THE METROPOLITAN DETENTION CENTER.
18 THEY BROUGHT HIM HERE. HE WAS THEIR WITNESS. THEY KNEW HE
19 HAD BEEN CONVICTED, THEY CONVICTED HIM. TWO FEDERAL OFFENSES;
20 THEY CONVICTED HIM. THEY THEN BROUGHT HIM HERE AND THEY SAID
21 WEREN'T YOU MR. ZUNO'S CHAUFFEUR? NO. DO YOU KNOW ZUNO? NO.

22 WELL THAT MARIJUANA YOU WERE CONVICTED ON, JUST
23 SAY IT WAS MR. ZUNO'S. HEY, FELLOW, IT WASN'T -- I DON'T KNOW
24 HIM. JUST SAY IT. NO.

25 LOOK, WE'VE GOT MONEY FOR YOU, WE HAVE GOT

1 RELOCATION FOR YOU, YOU CAN GET OUT. JUST SAY IT. LOOK, IT
2 IS NOT SO. HEY, CHARLIE, DO YOU SEE THIS PICTURE? DOESN'T
3 THAT LOOK LIKE HIM? DOESN'T THAT LOOK LIKE HIM? YES, YES,
4 YES.

5 MR. MACIAS SAYS YOU CAN'T HAVE A PICTURE OF
6 HIM, I DON'T KNOW HIM. DID YOU SEE A PICTURE OF MR. MACIAS
7 AND MR. ZUNO? THERE IS NO PICTURE, HE DOESN'T KNOW HIM. IF
8 THEY HAD A PICTURE, IT WOULD BE HERE.

9 SO THE AGENTS LIED. THAT'S PRETTY TOUGH.
10 SOMEBODY SAYS I HAVE A PICTURE WITH YOU. TELL ME YOU KNOW
11 HIM. IF YOU KNOW HIM, YOU'RE GOING TO SAY KNOW HIM. WELL,
12 YES, MAYBE. HEY, YOU CAN'T HAVE A PICTURE, I DON'T KNOW HIM.
13 NO PICTURE. HE DIDN'T KNOW HIM. WELL, THINK ABOUT IT FOR A
14 WHILE.

15 AND IT'S INTERESTING THAT WITH MR. BERRELLEZ
16 GETTING ON THE STAND ON REBUTTAL, HE NEVER CONTRADICTS THE
17 TESTIMONY OF MR. MACIAS ABOUT THE SECOND AND THIRD MEETING AND
18 HOW HE WAS TREATED. AND MR. BERRELLEZ IS IDENTIFIED AS BEING
19 THERE.

20 I RESPECT IT IS NOT IMPORTANT. I RESPECT IT IS
21 NOT IMPORTANT. THE D.E.A., GOOD JOB. WE NEED THEM. BUT
22 SOMETIMES LOSING A FELLOW OFFICER, MAYBE GO A LITTLE TOO FAR,
23 MAYBE TRY A LITTLE BIT TOO HARD.

24 IT'S WRONG WHAT THEY DID TO DAVID MACIAS. THEY
25 WENT -- HE TOLD YOU. YOU KNOW, WE DON'T KNOW HIM, BUT

1 THAT'S -- IT LOOKED LIKE A STRONG MAN, YOU KNOW, A MAN THAT
2 HAD BEEN THROUGH A LOT. YOU SAW HIM NEARLY BREAK DOWN ON THE
3 STAND WHEN ASKED, "WHAT HAPPENED AFTER YOU WOULDN'T SAY WHAT
4 THEY WANTED YOU TO SAY?"

5 WHEN HE TOLD YOU ABOUT THE HOLE, WHEN HE TOLD
6 YOU ABOUT SOLITARY, HE TOLD YOU ABOUT NOT BEING ABLE TO GO TO
7 THE BATHROOM, HE TOLD YOU ABOUT HAVING CONTACTS AND NOT GIVING
8 HIM ANY FLUID TO CHANGE THEM. DIDN'T SOUND LIKE THE COUNTRY
9 I'D TELL MY KIDS ABOUT.

10 MR. BERRELLEZ DID NOT GET ON THE STAND AND SAY
11 THAT DIDN'T HAPPEN. HE DIDN'T GET ON THE STAND AND SAY WE
12 WEREN'T ROUGH WITH HIM, WE DIDN'T CURSE HIM. REMEMBER MR.
13 MACIAS SAYS THEY CURSED ME AND YELLED AT ME. THE SECOND AND
14 THIRD MEETING, NOT THE FIRST, THE SECOND AND THIRD.

15 ALL HE WAS ASKED ABOUT -- REMEMBER, HE WAS
16 ASKED ABOUT THE FIRST AND HE SAID THEY WERE GENTLEMEN. THEN
17 HE WAS ASKED ABOUT THE SECOND AND THIRD: ISN'T IT TRUE THEY
18 WERE GENTLEMEN AT THE SECOND AND THIRD? NO.

19 THE PROSECUTOR, BY THE WAY IN CLOSING, SAYS THE
20 EVIDENCE WAS THEY WERE GENTLEMEN. IT IS NOT SO. YOU GO BACK
21 TO YOUR MEMORY. THE FIRST, NOT THE SECOND AND THIRD. HE SAID
22 THEY WERE ROUGH ON HIM.

23 SO WE HAVE GOT THEM MANHANDLING HIM, SAYING
24 HEY, LOOK, WHY DON'T YOU JUST SAY IT? WE HAVE A DEAL FOR YOU
25 BUT I'LL TELL YOU SOMETHING, IF YOU DON'T SAY IT'S ZUNO, YOU

1 KNOW WHAT HAPPENED TO ZUNO, YOU KNOW HOW HE STARTED OUT? HE
2 WORKED HIS WAY UP FROM MATERIAL WITNESS TO THIS CASE HERE.
3 IT'S GOING TO HAPPEN TO YOU. WHY DON'T YOU THINK ABOUT IT.

4 IT IS NOT THE TRUTH. SO AFTER HE IS IN THE
5 HOLE, HE'S TAKEN OUT OF THE HOLE, MR. BERRELLEZ GOES BACK TO
6 HIM AND SAYS WE HAVE GOT A PACKAGE FOR YOU. HE SAYS I'M
7 SORRY, IT'S JUST NOT THE TRUTH.

8 NOW THEY TRY TO COUNTERACT THAT TESTIMONY BY
9 TALKING ABOUT SOME PREARRANGEMENT. THERE IS NO
10 PREARRANGEMENT. WE DID NOT MOVE MR. MACIAS FROM LEAVENWORTH
11 TO THE METROPOLITAN DETENTION CENTER, THERE IS NO EVIDENCE OF
12 THAT. THE GOVERNMENT MOVED HIM THERE.

13 THE EVIDENCE IS HE FIRST WENT TO 6 NORTH, NOT 6
14 SOUTH. LATER WENT TO 6 SOUTH. BUT THE CRITICAL EVIDENCE IS
15 NEVER ANY CONVERSATIONS OF ANY KIND WITH MR. ZUNO PRIOR TO HIS
16 FIRST CONVERSATION WITH THE D.E.A., I BELIEVE ON FEBRUARY
17 9TH. UNCONTROVERTED. UNCONTROVERTED.

18 THERE'S TESTIMONY ABOUT A FIRST MEETING IN THE
19 CHAPEL AFTER THEY LEAN ON HIM ON THE 9TH ON WHICH NOTHING MUCH
20 IS SAID OTHER THAN -- ARE YOU? YES, I AM. WHAT HAPPENED?
21 YOU SHOULD HAVE YOUR ATTORNEY CONTACT ME. NO EVIDENCE OF ANY
22 INDUCEMENTS, ANY PROMISES, ANY ANYTHING. YOU HAVE TO MAKE ALL
23 THAT UP.

24 BUT WHATEVER THEY ARGUE THERE, NOT ONE BIT OF
25 ANY EVIDENCE, ANY CONTACT AT ANY TIME PRIOR TO THE FIRST

1 MEETING WITH THE D.E.A. WHERE HE SAID I'M NOT HIS CHAUFFEUR, I
2 DON'T KNOW HIM.

3 AND MR. BOYD, THE NICE GENTLEMAN FROM THE
4 M.D.C. THAT CAME OVER, DOESN'T PRESENT ANY CONTRADICTIONARY
5 TESTIMONY OF ANY KIND TO MR. MACIAS. HE SAYS HE FIRST SAW HIM
6 IN THE END OF MARCH FOR ONE WEEK. ONE WEEK THE END OF MARCH
7 SAW THEM SITTING AT A TABLE TOGETHER.

8 WELL, MR. MACIAS SAT AT THE SAME TABLE
9 SOMETIME, BUT HE NEVER SAW THEM EVEN TALKING TOGETHER, NEVER
10 HEARD HIM TALK, NEVER SAW HIM EVEN TALK. THAT WAS THE EXTENT
11 OF THE REBUTTAL.

12 NOBODY SAYING ANYTHING HE SAID WAS WRONG. NO
13 CERVANTES TO SAY HE DIDN'T DO MARIJUANA WITH HIM IN '87.
14 NOTHING CONTRADICTED. BUT MORE IMPORTANTLY, THE GOVERNMENT
15 DOESN'T COME IN AND SHOW YOU ANY EVIDENCE THAT MR. MACIAS WAS
16 EVEN IN GUADALAJARA, AND THAT GOES TO THE HEART OF MR.
17 CERVANTES.

18 NO MACIAS, NO KIDNAPPING MEETINGS, NO
19 CONTRADICTION. YOU'RE TALKING REASONABLE DOUBT, IF THAT WORD
20 MEANS ANYTHING -- IF THAT WORD MEANS ANYTHING -- I MEAN YOU
21 HAVE IT. NOT ONLY NO REASONABLE DOUBT, WE'VE PROVEN -- IT IS
22 NOT OUR BURDEN BUT WE'VE UNDERTAKEN THE BURDEN. IT IS NOT OUR
23 BURDEN, IT'S THEIRS.

24 NOW, IT IS OBVIOUS, I THINK, THAT IF ALL THAT
25 WAS REQUIRED FOR A GUILTY VERDICT IN OUR SYSTEM WAS FOR THE

1 PROSECUTION TO PUT ON SOMEBODY LIKE HECTOR CERVANTES ON DIRECT
2 EXAMINATION AND THAT WAS THE END OF IT AND THERE WAS NO
3 CROSS-EXAMINATION OR NO NEED FOR IT, REALLY, BECAUSE YOU
4 WEREN'T GOING TO LISTEN TO IT, AND NO NEED FOR WITNESSES AND
5 NO NEED FOR TRIAL, AND ALL YOU DID WAS PUT HIM ON DIRECT AND
6 THAT WAS IT, THAT WOULD BE A HECK OF A SYSTEM.

7 WE DON'T THAT HAVE SYSTEM HERE, BUT I'LL
8 SUGGEST SOMETHING TO YOU. IN A WAY, WHAT THE PROSECUTION HAS
9 DONE IN THIS CASE WITH RESPECT TO MR. ZUNO IS SAY TO YOU, EACH
10 AND EVERY ONE OF YOU, IT DOESN'T MATTER WHAT WE PRESENT TO
11 YOU, IT DOESN'T MATTER HOW WEAK IT IS, IT DOESN'T MATTER THAT
12 OUR MAN CERVANTES IS BOUGHT AND PAID FOR AND IMPEACHED ON
13 VIRTUALLY EVERY CHARGE, YOU'RE GOING TO CONVICT HIM.

14 AND DO YOU KNOW WHY YOU'RE GOING TO CONVICT
15 HIM, BECAUSE THERE IS SO MUCH DRUG EVIDENCE, WE ARE GOING TO
16 LAY IN THERE ON YOU AND THERE ARE SO MANY DEATHS AND SO MUCH
17 OUTRAGEOUS CONDUCT WE'RE GOING TO LAY IN ON YOU, IT DOESN'T
18 MATTER THAT WE DON'T TIE ANY OF IT TO MR. ZUNO.

19 ONCE WE ACCUSE HIM, YOU'RE GOING TO CONVICT
20 HIM. THIS TRIAL DOESN'T MEAN ANYTHING AND YOU DON'T MEAN
21 ANYTHING. WE ARE GOING THROUGH THE MOTIONS. I DON'T THINK
22 SO. I HAVE TOO MUCH RESPECT FOR THIS SYSTEM, TOO MUCH RESPECT
23 FOR THE WAY YOU SAT AND LISTENED AND PAID ATTENTION. I DON'T
24 THINK SO.

25 THAT'S WHY I SUGGEST TO YOU THAT THIS CASE IS

1 SO VERY, VERY IMPORTANT NOT ONLY TO MR. ZUNO, BUT IT IS
2 IMPORTANT TO OUR SYSTEM AS A CONFIRMATION THAT WHAT WE'RE
3 ABOUT IS DECENCY AND FAIR PLAY AND FOLLOWING THE RULES AND THE
4 PRESUMPTION OF INNOCENCE AND IF A STRANGER COMES HERE, HE'S
5 GOING GET THE SAME KIND OF SHAKE THAT WE WANT TO GET.

6 NOW, WE WANT THE KIDNAPPERS OF ENRIQUE CAMARENA
7 CONVICTED, BUT MR. ZUNO WAS NOT INVOLVED. HE HAS NOT BEEN
8 PROVEN TO BE INVOLVED. AT A MINIMUM, HE HAS NOT BEEN SHOWN
9 BEYOND A REASONABLE DOUBT TO BE INVOLVED. THERE IS VIRTUALLY
10 NO EVIDENCE AGAINST HIM.

11 AND I SAY TO YOU THIS TRIAL IS FOR REAL, YOU'RE
12 FOR REAL, YOU'RE HERE FOR A PURPOSE, AND I THINK IT IS
13 IMPORTANT THAT A MESSAGE BE SENT THAT HEY, IN THIS SYSTEM SURE
14 WE ARE AGAINST DRUGS, SURE WE ARE FOR THE D.E.A., WE'RE
15 APPALLED BY THIS CONDUCT, BUT GOSH DARN IT, MR. ZUNO SHOULD BE
16 TREATED AS WE WANT TO BE TREATED.

17 AND YOU'VE GOT TO HAVE EVIDENCE. AND
18 PROSECUTORS, YOU DIDN'T PRESENT EVIDENCE AND YOU DIDN'T
19 SUBSTANTIATE ANYTHING AND YOUR MAN WAS CONTRADICTED, YOUR ONE
20 WITNESS, AND YOU DIDN'T PRESENT A PHONE RECORD AND YOU DIDN'T
21 SHOW US THERE WAS A WEDDING AND YOU DIDN'T SHOW US THERE WAS A
22 BAPTISM AND YOU DIDN'T SHOW US MR. MACIAS WAS A CHAUFFEUR.

23 YOU HAVE TO SHOW US THAT, PROSECUTION. WE LOVE
24 OUR SYSTEM, IT'S WHAT SEPARATES US FROM RUSSIA AND CHINA, IT
25 HAS GOT TO MEAN SOMETHING. IF THEY CAN COME IN HERE ON THIS

1 CASE WITH THIS EVIDENCE OR LACK OF EVIDENCE AGAINST MR. ZUNO,
2 NOT ONE OF YOU IS SAFE.

3 NOBODY CAN BE IMPEACHED MORE. THERE CAN NO
4 LESS SUBSTANTIATION. PRETTY NEAR PUTTING A FINGER IN YOUR EYE
5 BY HAVING TELEPHONE RECORDS IMPORTANT AND NOT HAVE A TELEPHONE
6 DOCUMENT, AND THEM ARGUING THERE IS A TELEPHONE, AND NOT
7 PUTTING IN A RECORD, NOT PUTTING IN YOUR MONTHLY PHONE BILL?

8 WHAT ARE THEY SAYING TO YOU? ARE YOU KIDDING
9 ME? WHAT ARE THEY SAYING TO YOU? ARE THEY INSULTING YOU?
10 THEY'RE TELLING YOU THERE WAS A WEDDING AND THE WEDDING IS
11 CONTRADICTED. THEY KNOW IT'S CONTRADICTED. THEY DON'T PUT ON
12 SOMEBODY AT THE WEDDING. I MEAN, WHAT ARE THEY SAYING? YOU
13 PEOPLE ARE JUST BUMPS ON A LOG HERE?

14 YOU DON'T LEAVE YOUR COMMON SENSE HOME. I
15 BELIEVE IN THIS SYSTEM AND I BELIEVE IN YOU, THAT YOU'RE
16 LISTENING TO THE EVIDENCE.

17 IT'S 12 O'CLOCK, SIR. MAY WE BREAK NOW, SIR?

18 THE COURT: WELL, YES. WE'LL TAKE OUR AFTERNOON
19 RECESS AT THIS TIME.

20 THE CLERK: THIS COURT IS NOW IN RECESS.

21 (JURY EXCUSED.)

22 (NOON RECESS TAKEN.)

23

24

25

1 LOS ANGELES + CALIFORNIA THURSDAY, JULY 12, 1990

2 + 1:30 P.M.

3
4 (JURY PRESENT.)

5 THE COURT: YOU MAY CONTINUE, COUNSEL.

6
7 CONTINUED CLOSING ARGUMENT + FOR DEFENDANT ZUNO

8
9 MR. MEDVENE: THANK YOU, YOUR HONOR.

10 LADIES AND GENTLEMEN, BEFORE WE LOOK AT THE
11 CHARGES MADE BY MR. CERVANTES AND FURTHER LOOK INTO THE LACK
12 OF EVIDENCE TO SUPPORT THAT, I'D LIKE TO BRIEFLY GO OVER A
13 COUPLE REMARKS THAT WERE MADE YESTERDAY IN THE OPENING BY THE
14 PROSECUTION AND HIGHLIGHT THEM FOR YOU AND GIVE YOU, FOR
15 WHATEVER HELP IT IS, MY MEMORY OF THE EVIDENCE.

16 THE PROSECUTOR SAID, IN SUBSTANCE, AFTER THE
17 ENRIQUE CAMARENA KIDNAPPING THAT THEY ALL FLED THAT WERE
18 INVOLVED, AND STATED MORE THAN ONCE THAT MR. ZUNO FLED. THERE
19 IS ABSOLUTELY NO EVIDENCE OF ANY KIND THAT THAT STATEMENT IS
20 CORRECT. THAT STATEMENT IS FALSE, THERE IS NO EVIDENCE TO
21 SUPPORT THAT STATEMENT.

22 THE EVIDENCE IN THE RECORD IS THAT CARO
23 QUINTERO FLED AND FONSECA FLED AND JAVIER BARBA FLED. MR.
24 CERVANTES DID NOT SAY MR. ZUNO FLED. THERE IS NO EVIDENCE
25 THAT HE LEFT WHEREVER HE WAS LIVING AT THE TIME.

1 IN FACT, THE ONLY EVIDENCE IN THE RECORD IS
2 THAT HE VOLUNTARILY CAME TO THIS COUNTRY WHEN REQUESTED BY
3 MR. KUYKENDALL IN 1986 TO ANSWER WHATEVER QUESTIONS HE HAD
4 ABOUT LOPE DE VEGA, THAT HE CAME IN THROUGH MARY BORIS WITH
5 VALID ENTRY DOCUMENTS SOMETIME AFTER THAT ON A COMMERCIAL
6 PLANE USING HIS OWN NAME. THERE IS NO EVIDENCE OF ANY KIND
7 THAT HE DID -- OR TOOK ANY ACTION INCONSISTENT WITH INNOCENCE.

8 IN FACT, AS WE SAY, MR. MEDRANO'S MAKING
9 REFERENCE TO THE DRUG PEOPLE YESTERDAY, YOU WILL RECALL, SAID
10 THAT THEY FELT THEY WERE BEYOND THE REACH OF THE LAW.

11 AND IN CONTRAST TO THAT, THE UNEQUIVOCAL
12 EVIDENCE IS MR. ZUNO VOLUNTARILY COMING INTO THIS COUNTRY TO
13 ANSWER WHATEVER QUESTIONS ANYBODY WANTED TO ASK HIM.

14 THERE WAS ALSO A STATEMENT MADE ABOUT LOPE DE
15 VEGA THAT I WANTED TO DEAL WITH. AND MAYBE CAUGHT UP IN THE
16 HEAT OF THE MOMENT IN THE CLOSING, THE PROSECUTOR SAID, TO THE
17 BEST OF MY RECOLLECTION, THAT MR. ZUNO OWNED THE HOUSE, AND I
18 QUOTE "UP TO THE MOMENT", END QUOTE, OF THE KIDNAPPING.

19 THIS STATEMENT IS CLEARLY INACCURATE, IS NOT
20 IN ANY WAY SUPPORTED BY THE EVIDENCE. IN FACT, I WANT TO GO
21 THROUGH THE EVIDENCE WITH YOU A LITTLE BIT. THE EVIDENCE IS
22 CONTRARY TO THAT STATEMENT.

23 AS YOU KNOW, MR. KUYKENDALL, WHO WAS THE
24 D.E.A. HEAD IN GUADALAJARA IN EARLY '85, ASKED MR. ZUNO TO
25 COME TALK WITH HIM. WHAT HE HAS BASICALLY ESTABLISHED THROUGH

1 THE WITNESSES WAS THAT MR. ZUNO ACQUIRED THE LOPE DE VEGA LAND
2 FROM HIS PARENTS, HE BEGAN TO BUILD A HOUSE ON THE LAND, FROM
3 '78 TO '84 LEASED IT TO SERGIO VELASCO VIRGIN. AND IF YOU
4 REMEMBER, YOU HEARD HIM COME IN AND TESTIFY BEFORE YOU THAT HE
5 VACATED IN ROUGHLY MAY OF '84, THAT MR. ZUNO INDICATED AN
6 INTEREST IN SELLING THE PROPERTY ON DECEMBER 22 OF '84, MET
7 WITH THE PROSPECTIVE PURCHASER, DOCTOR RUBEN SANCHEZ-BARBA AND
8 AN AGREEMENT WAS ENTERED INTO TO SELL THE HOUSE.

9 ROUGHLY, THAT IS THE TESTIMONY. THERE HAS
10 BEEN NO CHALLENGE IN THE RECORD TO THAT TESTIMONY.

11 MR. KUYKENDALL, AS YOU REMEMBER WHEN HE WAS
12 CALLED, INDICATED MR. ZUNO -- ONE, HE CAME VOLUNTARILY; TWO,
13 HE DIDN'T ASK ANYTHING, HE WOULD JUST ANSWER THE QUESTIONS.
14 HE WENT THROUGH THE CHRONOLOGY ON THE HOUSE AND INDICATED --
15 GAVE THE NAME OF THE TENANT SO IT COULD BE CHECKED AND
16 INDICATED THE SALES TRANSACTION TO DR. RUBEN SANCHEZ BARBA.

17 NOW, JORGE GOMEZ ESPANA WAS VERY IMPORTANT.
18 HE WAS THE PROSECUTION WITNESS. YOU REMEMBER HE WAS THE REAL
19 ESTATE PERSON FROM TIERRA NOVA REALTY, AND HE WAS THE ONE THAT
20 INDICATES THAT THE HOUSE WAS -- AND WHO CONFIRMS THAT THE
21 HOUSE WAS SOLD TO RUBEN SANCHEZ BARBA, AND AN ARRANGEMENT WAS
22 MADE BETWEEN RUBEN SANCHEZ BARBA AND HIS BROTHER JESUS.

23 AND THAT JORGE TESTIFIED, AND AS I SAY, HE WAS
24 A PROSECUTION WITNESS, THAT HE SAW JESUS AND JESUS TOLD HIM IN
25 ESSENCE IN JANUARY IT WAS HIS HOUSE, HE GOT, YOU REMEMBER, NEW

1 FURNISHINGS AND PAINTED IT AND BASICALLY NEW CARPETING,
2 CLEANED THE CARPETING OR NEW CARPETING, NEW LANDSCAPING, AND
3 HE TRIED TO SELL THE HOUSE AND THAT HE BASICALLY -- THE
4 PERSONS THAT MR. ZUNO SOLD IT TO, AND SOLD IT TO BY CHECK, I
5 MIGHT ADD, NOT CASH, CHECK -- THAT PERSON'S BROTHER THEN
6 ENTERED INTO AN ARRANGEMENT SOMETIME LATER, AFTER FIXING UP
7 THE HOUSE, APPARENTLY, WITH CARO QUINTERO.

8 SO IT IS UNTRUE AND THERE IS NO EVIDENCE THAT
9 MR. ZUNO OWNED THE HOUSE AT THE TIME OF THE INCIDENT. HE SOLD
10 THE HOUSE IN OR ABOUT THE END OF JANUARY. YOU WILL HAVE THE
11 FORMAL DOCUMENTS THAT WITH SIGNED IN JANUARY, AND THEY'RE AN
12 EXHIBIT IN EVIDENCE AND PROPERLY NOTARIZED AND SO FORTH.

13 YOU HAVE JORGE GOMEZ ESPANA, THE PROSECUTION
14 WITNESS, SAYING THAT IT WAS HIS UNDERSTANDING THAT JESUS HAD
15 BASICALLY ACQUIRED THE HOUSE IN JANUARY, THAT HE WANTED TO
16 SELL THE HOUSE -- JESUS -- THAT HE BASICALLY ENLISTED TIERRA
17 NOVA, THE REAL ESTATE COMPANY, TO SELL THE HOUSE FOR HIM, THAT
18 THE HOUSE WAS SHOWN TO CARO QUINTERO AND THAT AT SOME POINT HE
19 SAID IT WAS COMMON KNOWLEDGE THAT THE HOUSE WAS BASICALLY SOLD
20 TO CARO QUINTERO.

21 NOW, THIS TESTIMONY HASN'T BEEN CONTROVERTED.
22 I MEAN, IT'S VERY EASY TO SAY WHATEVER ANYBODY WANTS TO SAY,
23 BUT WE HAVE TO GO BY WHAT THE EVIDENCE IS. AND YOU REMEMBER
24 JORGE BARBA IN TALKING ABOUT WHAT JESUS DID IN GETTING IT
25 READY, AND JESUS SANCHEZ BARBA, OF COURSE, IS DIFFERENT. THE

1 NAMES ARE TOUGH, BUT YOU KNOW JAVIER BARBA HERNANDEZ IS A
2 COMPLETELY DIFFERENT PERSON.

3 SO RUBEN SANCHEZ AND THE BROTHER JESUS --
4 BASICALLY JORGE TELLS YOU ABOUT THE LAWN BEING RESODDED AND
5 NEWLY PAINTED AND GETTING IT READY AND ALL THAT SORT OF THING.
6 SO THERE IS NO QUESTION THE HOUSE WAS SOME PERIOD OF TIME
7 REMOVED FROM MR. ZUNO.

8 IN FACT, THERE IS NO TESTIMONY HE WAS EVER
9 BACK IN THE HOUSE AFTER REMOVING WHATEVER FURNITURE OR
10 WHATEVER ON DECEMBER 23RD.

11 NOW, WHAT I'D LIKE TO DO AT THIS POINT IS
12 QUICKLY -- BECAUSE WE GAVE YOU AN OVERVIEW AND MAYBE I GOT
13 INTO A LITTLE MORE THAN AN OVERVIEW WITH YOU THIS MORNING --
14 I'D LIKE TO QUICKLY GO THROUGH WITH YOU WHAT THE CHARGES ARE
15 THAT BASICALLY MR. CERVANTES IS THE CLAIMANT ON.

16 AS YOU KNOW IN THE INDICTMENT, WE ARE COVERING
17 A LOT OF DIFFERENT SITUATIONS. BUT MR. ZUNO IS NOT CHARGED IN
18 COUNT I WITH THE WALKER MURDER; NO EVIDENCE OF ANY WRONGDOING.

19 NOT CHARGED IN COUNT TWO WITH THE RADELAT.
20 NOT CHARGED IN COUNT FOUR WITH ANYTHING HAVE
21 TO DO WITH MR. ZAVALA. AND WITH RESPECT TO CAMARENA, THE
22 CHARGES, EVEN THERE, ARE LIMITED.

23 HE IS CHARGED IN COUNTS 3, 5 AND 6 WITH
24 PLANNING TO KIDNAP. HE'S NOT CHARGED IN COUNT 7 WITH THE
25 MURDER, OTHER PEOPLE ARE CHARGED WITH THAT.

1 HE'S NOT CHARGED IN COUNT 8 WITH THE FLIGHT
2 FROM GUADALAJARA. THAT'S WHAT YOU HEARD ABOUT, THE FEBRUARY 9
3 LEAVING FOR GUADALAJARA, QUINTERO AND ALL OF HIS PEOPLE.

4 HE'S NOT CHARGED IN COUNT 9 WITH THE FLIGHT TO
5 COSTA RICO. THAT'S QUINTERO GOING TO COSTA RICO. SO REALLY,
6 THE TOTALITY WITH RESPECT TO MR. ZUNO, IS IN FRONT OF YOU.
7 THE ENTIRETY -- THE ENTIRE FOUNDATION IS MR. CERVANTES. CAN
8 YOU BELIEVE HIM BEYOND A REASONABLE DOUBT?

9 IS THE THREE COUNTS THAT ARE BASICALLY SIMILAR
10 THAT ARE ALL DEAL WITH THE PLAN. AND WE THINK IT'S IMPORTANT
11 TO REALIZE, EVEN WITH ENRIQUE CAMARENA, WHAT MR. ZUNO IS NOT
12 CHARGED WITH.

13 NOW, IN LOOKING AT THE EVIDENCE, WHILE THIS IS
14 NOT A DRUG CASE AND THE CHARGES ARE NOT DRUGS, THE CHARGES ARE
15 THE PLAN, THE PROSECUTION SPENT A CONSIDERABLE AMOUNT OF TIME
16 IN THE OPENING ON WHAT WAS CALLED THIS ENTERPRISE, THIS
17 GUADALAJARA DRUG ENTERPRISE.

18 AND THEY TOLD YOU THAT WHILE THAT'S NOT THE
19 CHARGE, THAT'S IMPORTANT BECAUSE THEY SEEM TO BE SAYING IF ONE
20 IS IN THAT ENTERPRISE AND HAD A FINANCIAL STAKE IN IT AND LOST
21 MONEY, THAT WOULD GIVE ONE MOTIVATION TO DO BAD THINGS. SO WE
22 WANT TO DEAL WITH THE EVIDENCE THEY DEALT WITH, SAYING TO YOU
23 IT IS NOT A DRUG CASE, AND EVEN IF HE WAS IN, NO EVIDENCE OF
24 KIDNAPPING. BUT HE EMPHATICALLY WAS NOT IN ANY GUADALAJARA
25 DRUG CARTEL AND THERE IS NO EVIDENCE VIRTUALLY OF ANY KIND

1 THAT HE WAS.

2 THE PROSECUTION INTERESTINGLY SAID YESTERDAY
3 THAT THE DRUG LORDS INFILTRATED LAW ENFORCEMENT AT EVERY LEVEL
4 OF GOVERNMENT. AND YOU REMEMBER THEY MENTIONED THE D.F.S.,
5 I.P.S., THE M.F.J.P., THE STATE POLICE, THE MILITARY AND EVEN
6 AT THE MEXICO CITY LEVEL, THE ATTORNEY GENERAL'S OFFICE,
7 COMANDANTE OFFICE.

8 IT SEEMS TO ME BY SAYING THAT, IF WE THINK IT
9 THROUGH, OR AT LEAST IT SEEMS TO ME, THERE IS NO NEED FOR MR.
10 ZUNO. IF THE PROSECUTION CASE IS TO BE BELIEVED, THE DRUG
11 LORDS HAD THE SYSTEM WIRED, IF THEIR EVIDENCE IS TO BE
12 BELIEVED. IF THEY HAVE CONTACTS WITH ALL THESE PEOPLE AND
13 DEALINGS WITH ALL THESE PEOPLE, AS WE'LL SHOW THEY HAD, OR AS
14 THEIR EVIDENCE CLAIMS THEY HAD -- THERE IS NO NEED FOR ZUNO.

15 AND YOU'LL SEE IT'S REALLY VERY DRAMATIC ALL
16 THE EVIDENCE THEY PRESENTED WHERE MR. ZUNO IS NOT INVOLVED IN
17 ANY WAY.

18 NOW, LET ME SAY A COUPLE OF THINGS AT THE
19 OUTSET BECAUSE MY UNDERSTANDING IS HIS HONOR IS GOING TO GIVE
20 YOU THE CHARGE TO TAKE BACK IN WITH YOU. AND, YOU KNOW, IT'S
21 TOUGH TO PROVE YOU'RE NOT IN SOMETHING, BUT THE WAY I'M GOING
22 TO TRY TO APPROACH IT IS WHAT THEY SAY ABOUT WHO'S IN IT AND
23 TRY TO SHOW THERE IS NO EVIDENCE OF MR. ZUNO'S INVOLVEMENT IN
24 THAT PARTICULAR FACET; THEREFORE, IT FOLLOWS OR IT'S AN
25 INDICATION TO YOU THAT HE'S NOT IN THE CARTEL.

1 IT IS VERY DIFFICULT TO PROVE A NEGATIVE.
2 THERE IS VIRTUALLY NO EVIDENCE THAT HE IS IN THE CARTEL. AS I
3 SAY, WE'LL GO THROUGH WHAT THEY PRESENTED, BUT I THINK IT IS
4 NOT AN OVERSTATEMENT TO SAY HE'S NOT IN ANY MEETINGS WHERE
5 DRUGS, BASICALLY -- THE SALE OF DRUGS OR MARIJUANA OR
6 COCAINE -- ARE DISCUSSED.

7 YOU WILL NOTICE IN THE GENERAL ALLEGATIONS WE
8 KNOW THAT THEY CLAIM HE'S NOT A SUPERVISOR, HE'S NOT A
9 MANAGER, HE'S NOT A HIGH LEVEL LIEUTENANT, BECAUSE THEY SAY
10 THAT, THEY ATTRIBUTE THOSE FUNCTIONS TO OTHER DEFENDANTS IN
11 THIS CASE -- SOME HERE, SOME NOT HERE -- BUT WE KNOW HE'S NOT
12 THOSE THINGS. THEY HAVE TOLD US THAT.

13 THERE IS ALSO NO EVIDENCE OF ANY KIND --
14 YOU'LL SEE THE 21 PEOPLE THEY CLAIM ARE IN THE ENTERPRISE --
15 AND EVEN, IT'S CERTAINLY TRUE THAT YOU COULD BELONG TO
16 WHATEVER CLUB YOU BELONG TO AND NOT KNOW EVERYBODY. WE'RE NOT
17 SUGGESTING YOU HAVE TO KNOW EVERYBODY IN THE CLUB, BUT WE
18 WOULD THINK IF THERE ARE 21 PEOPLE IN YOUR CLUB, ONE WAY TO
19 LOOK AT IT WOULD BE WHO HAVE THEY PRESENTED EVIDENCE ON YOU
20 KNOW OR YOU DON'T KNOW IN THAT CLUB, BECAUSE THAT MIGHT HELP
21 YOU FIGURE OUT WELL, GEEZ, WAS HE REALLY IN THIS THING?

22 AND EVEN IF YOU TAKE CERVANTES AND HARRISON,
23 GIVEN THEM CERVANTES AND HARRISON -- GIVEN THEM -- THERE IS 13
24 OUT OF 21 PEOPLE, EVEN GIVING THEM CERVANTES -- 13 OUT OF 21
25 PEOPLE WHERE THERE IS NO EVIDENCE OF ANY KIND THAT MR. ZUNO

1 KNEW, EVER SPOKE TO, WAS IN THE SAME ROOM WITH, HAD ANYTHING
2 OF ANY KIND TO DO WITH. IT SEEMS TO ME THAT THAT'S PROBATIVE.
3 21 PEOPLE; 13 NOT ANY CONNECTION OF ANY KIND. PHONE, MEETING,
4 WHATEVER.

5 AND THOSE PEOPLE ARE A MR. MACHAIN -- I'LL
6 JUST READ THEM QUICKLY, BUT YOU'LL SEE THEM LISTED THERE. IT
7 WAS CERTAINLY BERNABE RAMIREZ, MACHAIN, BAZAN PAILLA, INES
8 CALDERON QUINTERO, SERGIO ESPINO VERDIN -- AND SOME OF THESE
9 ARE IMPORTANT NAMES BECAUSE THEY WERE INVOLVED WITH A LOT OF
10 STUFF.

11 IT SEEMS TO ME YOU WOULD THINK IF THE PERSON
12 THEY WERE ACCUSING WAS A CONTACT OR MIDDLEMAN OR BAD PERSON OR
13 SOMETHING, HE WOULD KNOW THESE PEOPLE OR TALK TO THEM OR
14 SOMETHING, BUT YOU'RE GOING TO KNOW SOME OF THESE NAMES.

15 SERGIO ESPINO VERDIN, FELIX GUTIERREZ,
16 GARDENAS, CERVANTES GARDENAS, PARRA, LOPEZ ALVAREZ, ANY OF THE
17 THREE VASQUEZ BROTHERS OR VERDUGO. THAT'S SOME HEAVY HITTERS
18 THERE ON THEIR EVIDENCE. FELIX ESPINO PARRA, GARDENAS, SERGIO
19 ESPINO VERDIN. NO CONTACT OF ANY KIND.

20 WE'LL PROVE IT. OF COURSE, IT'S NOT OUR
21 BURDEN TO PROVE, IT'S THEIR BURDEN. AND IF YOU TAKE AWAY
22 CERVANTES, IT BASICALLY ELIMINATES EVERYBODY ELSE, BECAUSE
23 WHEN YOU CUT THROUGH -- YOU KNOW, IT'S TOUGH -- WE'RE ALL
24 LIVING THIS THING -- YOU'RE ALL LIVING IT FOR A COUPLE MONTHS,
25 BUT YOU HEAR IT SO MUCH, BUT WHEN YOU CUT ALL THROUGH, YOU

1 HAVE HARRISON, WHO WE'LL TALK ABOUT IN A MINUTE, WHO SAYS ON
2 ONE OCCASION HE SAW MR. ZUNO WITH FONSECA. ON ONE OCCASION HE
3 SAW MR. ZUNO WITH CARO QUINTERO. WE'LL DISPUTE THOSE AND
4 THINK THEY'RE INCORRECT. NOTHING SAID. NOTHING OF ANY KIND.

5 OTHER THAN THAT, YOU JUST HAVE THIS CERVANTES
6 TESTIMONY OF THE MEETINGS IN TERMS OF THE CARTEL. WHAT WE'RE
7 GOING TO PLACE AGAINST THAT ARE SOME THINGS I'M GOING TO TALK
8 TO YOU ABOUT NOW, RETALIATORY ACTS AND SHOW YOU MR. ZUNO'S
9 LACK OF INVOLVEMENT.

10 I'M GOING TO QUICKLY GO THROUGH, BECAUSE I
11 DON'T WANT TO OVERSTAY MY WELCOME -- I'M GOING TO QUICKLY GO
12 THROUGH ALL OF THE MEETINGS THAT THEY CLAIM HAPPENED, ALL OF
13 THE RAIDS THAT THEY CLAIMED HAPPENED, ALL OF THE PAYOFFS THAT
14 THEY CLAIMED HAPPENED AND THEIR FOCUS OF THE INVESTIGATION AND
15 SHOW YOU ON CHARTS NO ZUNO, NO ZUNO, NO ZUNO, NO ZUNO. AND IT
16 SEEMS TO ME THAT SPEAKS VERY LOUDLY THAT MR. ZUNO IS CERTAINLY
17 NOT IN THIS CARTEL IN ANY WAY, SHAPE OR FORM.

18 AND CERTAINLY IT RAISES A REASONABLE DOUBT.
19 IT SEEMS TO ME WE'VE CARRIED THE BURDEN, WHICH ISN'T OURS, BUT
20 CERTAINLY RAISES A REASONABLE DOUBT.

21 NOW, FIRST THEY LIST THESE RETALIATORY ACTS.
22 AND I THINK THAT WELL, WE INITIALLY TOUCHED WHO HE DOESN'T
23 KNOW. WITHOUT CERVANTES, PRETTY NEAR EVERYBODY. AND EVEN
24 WITH CERVANTES, WE ARE SAYING HE DOESN'T KNOW, NEVER TOUCHED,
25 SPOKE TO, WHATEVER 13.

1 THEY THEN TALK RETALIATORY ACTS. I THINK
2 RETALIATORY ACTS ARE IMPORTANT IN A WAY IF YOU UNDERSTAND
3 THEIR THEORY. THEIR THEORY IS WHAT THE CAMARENA THING WAS
4 ABOUT WAS A RETALIATION FOR THE D.E.A. SMASHING THE CARTEL
5 FINANCIALLY. AND THEREFORE, IF YOU DID THESE -- IF YOU WERE
6 SMASHED FINANCIALLY, YOU WOULD HAVE A REASON TO DO BAD THINGS.

7 YOU KNOW, IT DOESN'T NECESSARILY FOLLOW, BUT
8 THAT'S THE ARGUMENT, AND IT COULD FOLLOW. SO WHAT I WANT TO
9 FOCUS ON IS WHAT THEY HAVE CHARGED AS RETALIATORY ACTS. AND
10 NONE OF THEM HAVE ANYTHING TO DO WITH ZUNO, AND YOU CAN LOOK
11 AT THESE IN PARAGRAPH 18 OF THE GOVERNMENT'S CHARGE, AND HERE
12 ARE THE RETALIATORY ACTS.

13 THEY SAY, "ON OR ABOUT SEPTEMBER 30, 1984 A
14 CONFIDENTIAL INFORMANT WORKING FOR THE D.E.A. WAS SHOT IN
15 GUADALAJARA, JALISCO." AND, AGAIN, NOTHING TO DO WITH MR.
16 ZUNO AND NOT POSITIVE, BUT THIS MAY WELL BE CESAR GARCIA
17 BUENO, THAT FINE GENTLEMAN THAT TESTIFIED, THE MAN THAT WAS IN
18 THE WHEELCHAIR.

19 AND HE TESTIFIED THAT THIS MAN, APPARENTLY A
20 HENCHMAN OF FELIX, DID THIS TO HIM. NO INVOLVEMENT OF
21 MR. ZUNO OF ANY KIND. IN FACT, WHAT HE TESTIFIED TO WAS HE
22 WAS DOING ALL SORTS OF SURVEILLANCE -- YOU KNOW, GOOD CITIZEN
23 TYPE -- DOING ALL SORTS OF SURVEILLANCE AGAINST ALL THE DRUG
24 PEOPLE. AND HE MENTIONED ALL THE DRUG PEOPLE HE WAS DOING THE
25 SURVEILLANCE AGAINST RIGHT THERE IN GUADALAJARA.

1 THE FELIXES OF THE WORLD, THE CARO QUINTEROS
2 OF THE WORLD, THE FONSECAS -- CHECKING THEIR HOUSES, CHECKING
3 THEIR HOUSE RECORDS, PROPERTY RECORDS, FAMILY RECORDS, UNCLES,
4 AUNTS. YOU KNOW, IT'S INTERESTING, NO ZUNO. NEVER EVEN
5 CHECKING HIM BECAUSE HE WASN'T A TARGET IN ANY WAY. HE WASN'T
6 IN THIS CARTEL. AND HE'S GETTING HIS DIRECTIONS OSTENSIBLY
7 FROM THE PEOPLE FROM MR. CAMARENA, THE MAN ASSIGNED OR ONE OF
8 THE PEOPLE ASSIGNED IN GUADALAJARA.

9 SO WE THINK THAT'S VERY SIGNIFICANT, TWO
10 THINGS: ONE, NOT INVOLVED IN THE RETALIATORY ACT, AND TWO,
11 WE'LL PICK THAT GENTLEMAN UP LATER. HE'S INVESTIGATING ALL
12 THESE OTHER PEOPLE, NOT INVESTIGATING MR. ZUNO IN ANY WAY.

13 THE SECOND RETALIATORY ACT IS IN OCTOBER OF
14 '84. I DON'T KNOW IF THERE IS ANY EVIDENCE ABOUT THE MACHINE
15 GUNNING OF THE D.E.A. AUTO, BUT AT ANY RATE, NO RELATIONSHIP
16 TO MR. ZUNO OF ANY KIND.

17 JANUARY 30, '85, THE WALKER RADELAT INCIDENT,
18 AND AGAIN, NO RELATIONSHIP TO MR. ZUNO OF ANY KIND. AND AGAIN
19 THE IMPORTANCE. PEOPLE ARE DOING THIS BECAUSE THEY HAVE BEEN
20 HURT. IN YOU WERE HURT AND YOU WERE GOING TO DO THIS,
21 WOULDN'T HE BE INVOLVED IN SOME OF THIS? IT INFERENTIALLY
22 SHOWS KNOWLEDGE.

23 WALKER AND RADELAT MAY BE MORE PROBATIVE THAN
24 OTHERS BECAUSE YOU'LL REMEMBER A MEETING WITH A WHOLE HOST OF
25 PEOPLE, A WHOLE HOST OF BAD PEOPLE AT A RESTAURANT, A NUMBER

1 OF THE PEOPLE INDICTED IN THE CASE -- SOME OF THE BIG DRUG
2 LORD KIND OF PEOPLE -- AND NO ZUNO AT THE MEETING. NO ZUNO
3 WITH THOSE PEOPLE. NOTHING TO DO WITH THAT INCIDENT.

4 THEN THEY ALLEGE ON OR ABOUT FEBRUARY 7 MR.
5 CAMARENA WAS TAKEN -- THEY SAY THE DEFENDANT CARO QUINTERO'S
6 RESIDENCE AT 881 LOPE DE VEGA -- ALREADY OSTENSIBLY GOTTEN AT
7 THAT TIME FROM SANCHEZ BARBA. AGAIN, NO ZUNO INVOLVEMENT OF
8 ANY KIND. THERE IS NO CLAIM AS TO SHOW YOU MR. ZUNO HAD
9 ANYTHING TO DO WITH PHYSICALLY PICKING UP MR. CAMARENA OR
10 HOLDING HIM THERE OR HELPING ANYBODY GET AWAY. HE DIDN'T
11 LEAVE, HIMSELF, BECAUSE I DIDN'T DO ANYTHING WRONG -- WHEREVER
12 HE WAS. BUT NOT INVOLVED IN ANY WAY.

13 AND I MIGHT SAY THERE IS NO PHONE RECORDS OF
14 ANY KIND. IF HE WAS A CONTACT OF SOMEBODY AND THIS IMPORTANT
15 PERSON, WOULDN'T SOME OF THESE PEOPLE ON THE RUN CALL THEM OR
16 TRY TO GET AHOLD OF THEM OR TALK TO THEM? THERE IS NO RECORD
17 OF ANY KIND SHOWING ANY OF THAT HAPPENED. ANY INDICATION
18 ANYBODY AFTER THE FACT ASKING HIM FOR HELP.

19 LASTLY, THEY SAY ON FEBRUARY 7TH, THE NIGHT
20 MR. CAMARENA AND MR. ZAVALA WERE INTERROGATED AND TORTURED --
21 NO CLAIM, EVEN, THAT MR. ZUNO'S THERE OR PARTICIPATED IN ANY
22 WAY.

23 THOSE ARE ALL THE ACTS THAT ARE ALLEGED, THE
24 RETALIATORY ACTS. NONE OF ANY KIND INVOLVED, MR. ZUNO.

25 IN ADDITION, THE PROSECUTOR PRESENTED SOME

1 EVIDENCE WITH RESPECT TO A D.E.A. AGENT, MICHAEL ACUNA AND
2 ROGER KNAPP. THEY SPOTTED THIS FELLOW FELIX, THESE PEOPLE HAD
3 D.F.S. BADGES OSTENSIBLY FROM FELIX. AGAIN, NO NEED FOR ZUNO.
4 THESE PEOPLE ARE TIED IN. IF THEY'RE TIED IN, THEY'RE GETTING
5 THESE BADGES, THESE CREDENTIALS FROM THEIR PEOPLE. WHY IN THE
6 WORLD WOULD THEY NEED ZUNO?

7 BUT AGAIN, THEY DID THE SURVEILLANCE. THERE
8 IS NO ZUNO. THESE PEOPLE HAD BADGES. THERE IS NO ZUNO, THERE
9 IS NO NEED FOR ZUNO.

10 THE LAST THING THEY MENTIONED WAS TOMMY GOMEZ,
11 THE D.E.A. AGENT, SURVEILLANCE OF FELIX AT THE AIRPORT HANGAR
12 AND PEOPLE ROUGHING THEM UP OR THREATENING THEM. AGAIN, NO
13 ZUNO, NO CONNECTION OF ANY KIND. AND IT'S IMPORTANT TO NOTE
14 AGAIN NO SURVEILLANCE OF ZUNO OF ANY KIND. NOBODY LOOKED AT
15 HIM OR LOOKED FOR HIM. GOMEZ WAS FOLLOWING FELIX AND A BUNCH
16 OF THESE OTHER PEOPLE.

17 NOW, I WANT TO TALK ABOUT THIS ZAVALA
18 SITUATION AND JUST LOGIC AND COMMON SENSE. IF THIS WORKS FOR
19 YOU, IT WORKS FOR YOU. AND IF NOT JUST DISREGARD IT.

20 I SEEMS TO ME IT'S OF PARTICULAR SIGNIFICANCE
21 THAT THE GOVERNMENT NOT ONLY HAS NO EVIDENCE AND NO CHARGE
22 THAT MR. ZUNO IS IN ANY WAY INVOLVED WITH THE ZAVALA
23 SITUATION. AND I SAY THAT FOR THIS REASON. IT'S
24 UNCONTROVERTED THAT MR. ZAVALA WAS WORKING FOR MR. CAMARENA,
25 WAS AN INFORMANT HELPING HIM FLYING PLANES, DOING THIS AND

1 THAT FOR MR. CAMARENA.

2 MR. ZAVALA IS TAKEN WITHIN TWO HOURS OF WHEN
3 MR. CAMARENA IS TAKEN ON THE 7TH. HE'S BROUGHT TO THE SAME
4 HOUSE AND TORTURED IN THE SAME PLACE, HE'S KILLED OSTENSIBLY
5 IN THE SAME WAY, HIS BODY IS TRANSPORTED OSTENSIBLY IN THE
6 SAME VEHICLE OR VEHICLES, HE'S BURIED IN THE SAME PLACE BY
7 THESE HOODLUMS. ALL OF THIS HAPPENS.

8 IT WOULD SEEM LOGICAL THAT THE SAME PERSON WHO
9 PLANNED ZAVALA PLANNED CAMARENA. THERE IS NO EVIDENCE OF ANY
10 KIND THAT MR. ZUNO WAS IN ANY WAY INVOLVED WITH ZAVALA AND
11 THERE IS NO CHARGE OF ZAVALA, AND IT JUST SEEMS TO ME IT'S
12 STRANGE BELIEF THAT THEY COULD HAVE THIS INCIDENT OCCURRING AT
13 VIRTUALLY THE SAME TIME AND THE SAME MODUS OPERANDI AND THE
14 SAME HOUSE AND SAME EVERYTHING AND AN ADMISSION THAT NO ZUNO
15 INVOLVEMENT OF ANY KIND.

16 ANOTHER WAY TO LOOK AT THE CARTEL -- AND I
17 DON'T WANT TO DO AN OVERKILL. THE ONLY THING WE NEED FOR
18 REASONABLE DOUBT -- AND I THINK IT IS THERE -- IN FACT, I
19 THINK IT IS PRETTY OVERWHELMING, IS ALL THEY HAVE IS THE TWO
20 HARRISON SIGHTINGS, WHICH WE'LL TALK ABOUT IN A MINUTE, BUT IS
21 THE RACKETEERING ACTIVITY ITSELF.

22 THE PROSECUTOR, IN TALKING ABOUT THE
23 RACKETEERING ACTIVITY, SAID IN HIS WORDS IT IS A FANCY WAY OF
24 SAYING OR TALKING ABOUT NARCOTIC ACTIVITY. AND HE PUT ON
25 CERTAIN EVIDENCE OF RACKETEERING ACTIVITY.

1 AND IF YOU LOOK IN THE CHARGE, YOU WILL SEE
2 SIX ACTS OF ALLEGED RACKETEERING ACTIVITY. MR. ZUNO, NO
3 INVOLVEMENT OF ANY KIND IN ANY OF THE SIX ACTS THEY ALLEGE.
4 IT'S NOVEMBER '83 THROUGH JUNE OF '84, POSSESSION OF MULTI-TON
5 QUANTITIES OF MARIJUANA IN ZACATECAS.

6 THAT'S PRETTY BIG, BECAUSE YOU'LL REMEMBER
7 THEY CLAIMED ZACATECAS WAS ONE OF THE BIG LOSSES AND THAT'S
8 WHY PEOPLE GOT ANGRY AND THAT'S WHY PEOPLE DID THINGS.

9 IT WAS QUINTERO'S OPERATION. THEY WERE THE
10 INNERMOST PART. NO ZUNO INVOLVEMENT OF ANY KIND IN ZACATECAS.
11 THERE IS NO DISPUTE ON THE EVIDENCE.

12 THE NEXT ALLEGATION IS JUNE OF '84. IT'S
13 ANOTHER ZACATECAS CHARGE.

14 THIRD IS THAT RENE VERDUGO POSSESSED TWO TONS
15 OF MARIJUANA. NO RELATIONSHIP OF ANY KIND TO ZUNO. VERDUGO
16 IS TIED TO CARO QUINTERO. ZUNO DOESN'T KNOW HIM, NO
17 INDICATION OF ANY KIND EVEN THAT THEY KNOW WHO EACH OTHER ARE.

18 THE FOURTH IS AGAIN RENE VERDUGO AND SOME MORE
19 MARIJUANA. NO ZUNO INVOLVEMENT OF ANY KIND.

20 FIVE, WE ARE TALKING ABOUT 10,000 TONS OF
21 MARIJUANA IN CHIHUAHUA. WE HAD THE D.E.A. AGENT ON, YOU
22 REMEMBER, WHO SPOKE TO ALL THE PEOPLE THERE. MR. ZUNO NOT
23 INVOLVED IN ANY WAY IN FINANCING, OWNING -- BUT CHIHUAHUA WAS
24 INTERESTING BECAUSE THERE WAS PROTECTION. AND MR. ZUNO, NO
25 INVOLVEMENT IN PROTECTION OF ANY KIND. IT WAS ALL TAKEN CARE

1 OF.

2 REMEMBER, THEY HAD ELECTRICITY, LIKE
3 ZACATECAS -- ELECTRICITY, WATER, COMANDANTES. THE POLITICIANS
4 HAD OWNERSHIP, THE MILITARY HAD OWNERSHIP, THE MILITARY CAME
5 AND VISITED -- NO ZUNO OF ANY KIND. I THINK THAT'S VERY
6 SIGNIFICANT. AND THAT, AGAIN, WAS ANOTHER LOSS OF THE CARTEL.

7 LASTLY, THEY CHARGE VERDUGO AND THE CARTEL
8 WITH ANOTHER TWO TONS OF MARIJUANA. AGAIN, NO RELATIONSHIP OF
9 ANY KIND TO MR. ZUNO.

6
10 THERE ARE A FEW OTHER THINGS THAT THEY SAID IN
11 THE OPENING IN THIS AREA. THEY HAD AUGUSTIN BUENO, THEY
12 TALKED ABOUT THE '83 MEETING WITH MATTA, FELIX, FONSECO, CARO
13 QUINTERO, THE THOUSAND KILOGRAMS OF COCAINE AND THE
14 TRANSPORTATION, YOU REMEMBER, IN MEXICO AND THE UNITED STATES,
15 COLOMBIA, MEXICO, UNITED STATES. NO ZUNO OF ANY KIND. THEY
16 ALLEGE, YOU KNOW, IT'S THE FIRST GETTING COCAINE IN. NO ZUNO
17 OF ANY KIND MENTIONED.

18 THEY TALKED ABOUT THE PLANE. NO ZUNO
19 INVOLVEMENT OF ANY KIND.

20 ZACATECAS THROUGH -- THEY TALK ABOUT GUADALUPE
21 GOMEZ AND THE INFILTRATION OF ZACATECAS. NO ZUNO OF ANY KIND.

22 REMEMBER THEY TALKED ABOUT SANTANA AND JOSE
23 MELO AND THE AEROCOMMANDER, YOUNG, ARIZONA. NO ZUNO.

24 FRANK RETAMOZA. FELIX. THE MILLIONS OF
25 DOLLARS, \$4 MILLION SEIZED, \$7 MILLION TRANSPORTED. NO ZUNO

1 OF ANY KIND.

2 IT'S PRETTY POWERFUL EVIDENCE THAT NO
3 INVOLVEMENT OF ANY KIND.

4 WE TALKED ABOUT CHIHUAHUA.

5 WE TALKED ABOUT THE AIRPORT INCIDENT.

6 WHAT THAT BRINGS US DOWN TO NOW IS WHAT DID
7 THEY HAVE? AND WE ARE STILL ON THE CARTEL, BECAUSE THEY HAVE
8 NOTHING ON THE KIDNAPPING OTHER THAN MR. CERVANTES.

9 HARRISON TESTIFIES TO A COUPLE OF THINGS THAT
10 WE'LL DEAL WITH IN A MINUTE. IT'S IMPORTANT RIGHT OFF THE BAT
11 ABOUT HARRISON TO HAVE IN MIND THAT HE HAS NOTHING TO DO WITH
12 THE KIDNAPPING.

13 GETTING HARRISON IN PERSPECTIVE, HE'S THE ONE
14 THAT DIDN'T REMEMBER HOW HE GOT FROM GUADALAJARA TO THE U.S.

15 HE DIDN'T REMEMBER THE FIRST OR LAST NAME OF
16 HIS COMANDANTE THAT HE MET OVER A HUNDRED TIMES.

17 HE DIDN'T REMEMBER IF HE FLEW OR TOOK A BUS OR
18 THE ROUTE FROM MEXICO OR IF HE DROVE A CAR -- WHATEVER. YOU
19 REMEMBER HE WAS THE BIG FELLOW.

20 HE SAID HE USED TWO NAMES. IT WAS DEVELOPED
21 HE USED FOUR NAMES. HE ATTENDED BERKELEY IN THE 60'S, A
22 HUNDRED CLASSES AND DIDN'T REMEMBER ANY PROFESSORS. STARTED
23 TELLING US HE HAD A LAW DEGREE, BUT WELL, HE REALLY DIDN'T
24 HAVE A LAW DEGREE. HE WENT TO LAW SCHOOL BUT COULDN'T
25 REMEMBER ANY TEACHERS THERE.

1 WENT TO MEXICO SOMEHOW AFTER TRYING TO TELL US
2 THAT HE GRADUATED FROM BOTH. AND DOWN THERE HE WOUND UP
3 WORKING FOR THE DRUG TRAFFICKERS AND NOT ONLY SETTING UP
4 COMMUNICATION SYSTEMS, BUT I GUESS AS A STRONG ARM PERSON
5 BECAUSE HE HAD A GUN AND HELPED THEM WITH SOME OF THE
6 SHIPMENTS OF THESE DRUGS HAD TO BE MOVED FROM ONE PLACE TO
7 ANOTHER. SO WE KNOW HE PARTICIPATED IN DRUGS AND ALL OF THAT.

8 OKAY. WHAT IS THE WORSE OF THEM AND THE BEST
9 OF THEM? FIRST, A LITTLE MORE ON WHO HE IS, SO YOU REMEMBER.

10 REMEMBER WE HAVE CONVICTIONS, AS I REMEMBER,
11 FOR POSITION AND DISTRIBUTION OF NARCOTICS, ROBBERY, THEFT,
12 GANGSTERISM, ILLEGAL TRANSPORTATION OF FIREARMS AND SO FORTH,
13 JUST TO GIVE YOU A FEEL FOR WHO THEY PUT UP THERE.

14 WE KNOW THE GOVERNMENT HAS PAID UP \$28,000 SO
15 FAR IN LIVING EXPENSES, IMMUNITY, RELOCATION. OKAY. WITH
16 THAT BACKGROUND, WHAT DOES HE SAY? WHAT IS THE BEST OF HIM
17 AND WHAT IS THE WORST OF HIM?

18 AGAIN THE BIG ITEM, OF COURSE, NO TESTIMONY RE
19 THE KIDNAPPING. WHAT ARE HIS CLAIMS? HE HAS THREE OR FOUR
20 CLAIMS.

21 ONE, HE SAYS HE HEARD CARO'S VOICE ON A RADIO
22 TRANSMISSION COMING FROM LOPE DE VEGA IN JANUARY. THE
23 PROSECUTOR HAS MENTIONED THAT. WHAT THE PROSECUTOR DOESN'T
24 MENTION IS THE UNIMPEACHED TESTIMONY OF SERGIO VELASCO VIRGIN,
25 WHO SAYS THAT HE WAS A TENANT IN JANUARY OF '84. AND NOT ONLY

1 WAS MR. QUINTERO NOT THERE, BUT THERE WAS NO RADIO
2 COMMUNICATION THERE. NOW THAT IS UNIMPEACHABLE.

3 WE KNOW MR. ZUNO WASN'T THERE BECAUSE HE HAD
4 RENTED THE HOUSE. THERE IS NO EVIDENCE HE WAS THERE. HE
5 RENTED IT OUT TO VIRGIN. AND WE KNOW -- RIGHT ON THE BUTTON
6 HE SAYS HEY, WHAT HARRISON IS JUST NOT RIGHT. IT'S JUST NOT
7 RIGHT. NO RADIO COMMUNICATION OR WHATEVER.

8 NO WAY, FOR WHATEVER RELEVANCE THAT HAS, THERE
9 IS NO WAY WITH THE HARRISONS OF THE WORLD THAT THAT COULD BE
10 BOUGHT IN LIGHT OF THE UNCONTRADICTED TESTIMONY. NO
11 IMPEACHMENT OF ANY KIND. IT'S LIKE SOMEBODY -- IT'S LIKE
12 SOMEBODY WOULD SAY TO YOU, CAN YOU BELIEVE THIS PERSON WHEN
13 THERE IS THIS OTHER PERSON WHO IS NOT IMPEACHED WHO SAYS THEY
14 RENTED THE HOUSE AND THIS GUY WASN'T THERE. AND GOD KNOWS
15 THERE WAS NO RADIO COMMUNICATION THERE.

16 OKAY. SO THAT'S THE FIRST THING HE SAYS HERE.
17 THERE IS A WITNESS RIGHT TO THE BUTTON.

18 THE SECOND THING HE SAYS, HE SAW AN EMBRACE --
19 I'M KIND OF CURIOUS THAT HE WOULD REMEMBER AN EMBRACE. I MEAN
20 THAT'S AS STRONG AS THEY ARE IN THIS CASE. IT IS THE THINNEST
21 CASE YOU COULD IMAGINE. I MEAN, IT RELYING ON THE FACT THAT
22 YOU'RE JUST GOING TO THROW IT UP ON THE WALL AND YOU'RE GOING
23 TO MARCH IN AND MARCH BACK, JUST BECAUSE OF THE TERRIBLE
24 TRAGEDY.

25 I MEAN, THIS IS WHAT THEY CAME UP WITH. THE

7
1 BEST THEY GOT. 200 PEOPLE, 250 PEOPLE AT A PARTY IN '83. I
2 MEAN, CAN YOU BELIEVE THIS? MAYBE THE GUY IS SUPERNATURAL.
3 HE REMEMBERS -- HE DIDN'T SEE ZUNO ARRIVE, HE DIDN'T SEE HIM
4 LEAVE, HE DON'T HEAR HIM SPEAK, HE CLAIMS HE KNOWS HIM, BUT HE
5 NEVER WENT UP AND SAID HELLO, AND HE REMEMBERS SEEING AN
6 EMBRACE.

7 WELL, YOU KNOW, PRETTY THIN, PRETTY HARD TO
8 BELIEVE IN LIGHT OF THE FACT THAT HE CAN'T EVEN REMEMBER HIS
9 COMANDANTE'S NAME THAT HE SAW 200 TIMES OR HE DOESN'T KNOW HOW
10 HE GOT UP HERE.

11 THE ONLY OTHER THING HE SAYS IS HE CLAIMS HE
12 SAW ZUNO ONCE MEET WITH FONSECA AT A PARTICULAR ADDRESS. HE
13 TOLD THE GRAND JURY A COMPLETELY DIFFERENT ADDRESS, AND THEN
14 DIFFERENT DETAILS THAT ARE OF SOME IMPORTANCE. I MEAN, YOU DO
15 THE BEST YOU CAN. IF SOMEONE SAYS "I DID THIS" WHEN YOU'RE
16 QUESTIONING THEM, WHAT ARE YOU GOING TO DO? BUT SOME
17 SIGNIFICANT POINTS. A COMPLETELY DIFFERENT HOUSE. THAT'S
18 PRETTY GOODS.

19 HE TOLD THE GRAND JURY HE KNOCKED AND RANG THE
20 DOOR AND HE TOLD YOU SOMETHING DIFFERENT.

21 HE SAID FONSECA WAS ALONE IN THE ROOM, AND HE
22 TOLD THE GRAND JURY FONSECA HAD A ROOM FULL OF PEOPLE THAT HE
23 HAD TO USHER OUT. SO, YOU KNOW, PRETTY SIGNIFICANT DETAILS TO
24 BE ABLE TO IMPEACH SOMEBODY ON.

25 HE ALSO SAID THAT HE WENT OVER I GUESS TO FIX

1 AN ELECTRIC GATE. TESTIMONY PRETTY STRONG, NO ELECTRIC GATES
2 OF ANY KIND AT LOPE DE VEGA. WHAT YOU HAVE THERE IS YOU HAVE
3 THE TENANT THERE UNTIL MAY. I BELIEVE HE SAYS HE WENT JUNE OR
4 JULY. BUT HE GOT PICTURES OF THE PLACE IN FEBRUARY.

5 AND ALL THE GOVERNMENT HAD TO DO WAS PUT ON A
6 WITNESS TO SAY THERE WAS SOME ELECTRIFICATION OF SOME KIND.
7 THERE WERE NO ELECTRIFIED GATES, SO THAT'S A MADE UP STORY,
8 LIKE THE TRANSMISSION IS A MADE UP STORY, BECAUSE WE HAVE THE
9 TENANT WHO'S UNIMPEACHED SAYING HEY, THAT'S NOT TRUE.

10 AND I SUGGEST TO YOU THAT THESE TWO SIGHTINGS,
11 NOT HEARING ANYTHING OR REMEMBERING ANYTHING ARE NOT CORRECT.

12 BUT AT WORST, WHEN YOU HAVE WHAT MR. HARRISON
13 IS -- AND THAT'S ALL THEY HAVE IN ADDITION TO MR. CERVANTES --
14 THAT ALLEGEDLY MR. ZUNO ONCE SAW "A" AND ONCE SAW "B". NO
15 CONVERSATIONS. NO ANYTHING.

16 AGAINST THAT, HE'S NOT CREDIBLE BECAUSE OF
17 THAT BACKGROUND AND WHAT HE DID. AND WE KNOW HE'S DIRECTLY
18 IMPEACHED ON A COUPLE BIG ITEMS, THE TRANSMISSION BECAUSE WE
19 KNOW WE HAVE THE TENANT THERE, AND THE ELECTRIC GATE. HE'S
20 NOT CAPABLE OF BELIEF. BUT EVEN IF YOU DID, IT REALLY DOESN'T
21 GO TO THE KIDNAPPING ANYWAY.

22 NOW, I NOW WANT TO HIT QUICKLY WHAT WE WERE
23 TALKING ABOUT. THEY HAVE -- SO YOU HAVE HARRISON ONCE MEETING
24 A AND B, AND YOU HAVE CERVANTES ON THE MEETINGS AND THE CLAIM
25 THAT ZUNO IS IN THE CARTEL. THE WAY I THOUGHT OF TRYING TO

1 ATTACK THAT IS WHAT IS EVERYTHING IN THE WORLD THEY HAVE GIVEN
2 YOU OVER A MONTH ON RAIDS, DRUG OPERATIONS AND DEALS? LET'S
3 TAKE THEIR BEST SHOT.

4 SO WE TAKE THEIR BEST SHOT WITH EVERYTHING
5 THEY HAVE GIVEN YOU, AND THERE IS NO ZUNO IN ANYTHING. I MEAN
6 THAT CUTS AGAINST THIS HARRISON SIGHTING, YOU KNOW.

7 AND SO IT IS HARD TO READ, BUT YOU'VE GOT
8 THIS -- YOU WILL REMEMBER THE NAMES, THE SAN LOUIS POTOSI, THE
9 MARIJUANA SEIZURE IN '82, TO KUYKENDALL. THE '84 ZACATECAS,
10 THE BUFALO, CHIHUAHUA, THE PURCHASE OF HEROIN, THE YOUNG,
11 ARIZONA, THE COCAINE DELIVERY AT THIS RESIDENCE OF FRANK
12 RETAMOZA.

13 MORE RETAMOZA, COCAINE, THE AIRPORT INCIDENT
14 OF GOMEZ, THE \$4.1 MILLION IN ANAHEIM -- I'M JUST TRYING TO
15 RIDE YOU THROUGH WHAT YOU HEARD. THE SHIPMENT OF COCAINE TO
16 PANAMA PER AGREEMENT OF CARO FONSECA AND MATTA. THAT'S THE
17 ALLEGATION -- I'M NOT SAYING THAT'S HAPPENED, BUT THAT'S WHAT
18 THEY SAY.

19 RECEIVING 10 TONS OF COCAINE IN THE UNITED
20 STATES -- THAT'S BUENA GONZALEZ. THE MULTIPLE DELIVERIES OF
21 MARIJUANA BY HELICOPTER THAT CAME IN FROM VERDUGO. REMEMBER
22 THE AMOUNT OF BUSTS REGARDING VERDUGO -- THE SIX OR SEVEN
23 LOADS OF MARIJUANA FROM MEXICO TO THE UNITED STATES -- THAT'S
24 MANUEL CRETIN SANDOVAL, WHO I THINK WAS TIED IN WITH VERDUGO.

25 WHY? BECAUSE THEY PRESENTED IT TO YOU.

1 BECAUSE IT'S RAIDS, DRUG OPERATIONS AND DEALS. NONE OF IT
2 ZUNO. I MEAN WHY NOT? IF HE'S INVOLVED IN THE CARTEL, IF HE
3 HAD SOME REASON TO DO SOMETHING BAD TO SOMEBODY, WHY NOT?

4 AND THESE OPERATIONS, IN SIGNIFICANT PART,
5 WERE THE ONES THAT THE D.E.A. OR THE THE PROSECUTOR CLAIMS
6 WERE THE ONES THAT GAVE SOMEBODY MOTIVATION TO DO BAD THINGS.
7 WELL, NO MOTIVATION, NO FINANCIAL INTEREST, NO MONETARY
8 INTEREST, NO INTEREST OF ANY KIND.

9 AGAIN, ANOTHER WAY OF APPROACHING THAT POINT,
10 THEY TALK ABOUT DRUG LORD MEETINGS. YOU KNOW, WHO ARE THE
11 DRUG LORDS WHO MET? BECAUSE IF THESE GUYS ARE MEETING AND
12 PLANNING MARIJUANA AND COCAINE SALES AND MR. ZUNO WAS INVOLVED
13 WITH THEM, HE WOULD BE THERE. HE WOULD BE SOMEWHERE.

14 WELL, LOOK WHAT WE HAVE. I MEAN, WE ARE NOT
15 JUST SAYING STUFF, LIKE THEY SAY WELL, MR. ZUNO IS POWERFUL.
16 HE'S NOT. THERE IS NO IN EVIDENCE THE RECORD HE'S ANYTHING.
17 THEY HAVEN'T PROVEN ANYTHING. I MEAN, YOU HAVE A LOT OF
18 INNUENDO -- I'M MOVING A LITTLE BIT, BUT THEY'RE SAYING HIS
19 SISTER -- HIS SISTER MARRIED MR. ECHEVERRIA, WHO SOMETIME IN
20 THE '70S OR SOMETHING, WAS THE PRESIDENT OF MEXICO.

21 WELL, THAT'S NOT A CRIME THAT YOUR SISTER --
22 I MEAN, IS THIS CORRUPTION BY BLOOD OR SOMETHING? WHAT IS
23 THAT ABOUT? THERE IS NO TESTIMONY THAT MR. ZUNO DID ANYTHING
24 WRONG, THAT HIS SISTER DID ANYTHING WRONG OR THAT MR.
25 ECHEVERRIA HAD ANYTHING TO DO WITH THIS.

1 BUT YET WHAT I'M TRYING TO SAY IS, YOU KNOW,
2 WHEN YOU'RE SITTING THERE AND EVERYBODY IS THROWING STUFF AT
3 YOU AND, WELL, HIS SISTER MARRIED THE PRESIDENT -- SO WHAT?
4 IF HE'S A NICE MAN, I HOPE HIS SISTER IS HAPPY. WHAT DOES
5 THAT HAVE TO DO WITH THIS?

6 BUT YET, THEY GO FROM THERE TO SAY ALL MEXICAN
7 PEOPLE -- POLITICIANS ARE CORRUPT, THEREFORE, ECHEVERRIA IS
8 CORRUPT, THEREFORE THE SYSTEM IS PROBABLY CORRUPT, THEREFORE
9 HE'S PROBABLY CORRUPT. WELL, THAT'S TERRIFIC, AND THEY HAVE
10 GIVEN US A LOT ABOUT CARO QUINTERO, BUT WHY DON'T THEY PROVE
11 SOME OF IT?

12 THEY'RE TALKING ABOUT PEOPLE BEING ABOVE THE
13 LAW. HERE IS A MAN WHO COMES IN HERE AND TALKS TO THE D.E.A.
14 WHEN THEY WANT TO TALK TO HIM. WHAT DID HE DO WRONG?

15 AT ANY RATE, IN TERMS OF MULTIPLE DRUG LORD
16 MEETINGS -- SEE, I GOT INTO THIS BECAUSE I WANT TO TALK TO YOU
17 FACTS, NOT -- WHEN HE COMES BACK ON REBUTTAL AND I CAN'T
18 ANSWER HIM AND HE SAYS THIS STUFF, DO WHATEVER -- YOU CAN DO
19 WHATEVER YOU WANT, BUT AT LEAST MAYBE SAY WHAT DOES THE GUY
20 BASE THAT ON?

21 YOU KNOW, I REMEMBER HE TOLD US HE FLED, BUT
22 HE DIDN'T FLEE, BECAUSE THERE WAS NO EVIDENCE. REMEMBER HE
23 ARGUED THAT THE TELEPHONE -- THAT THERE WAS NO TELEPHONE.
24 DON'T BELIEVE THOSE LADIES. BUT GOLLY, THEN TELL US THERE WAS
25 A RECORD THERE WAS NO TELEPHONE. I MEAN, WHY DIDN'T HE BRING US

1 THE TELEPHONE RECORDS?

2 PLEASE BE THINKING ABOUT STUFF LIKE THAT, IF
3 YOU WANT TO.

4 BUT HERE IS WHAT THE EVIDENCE IS. HERE IS THE
5 DRUG LORD MEETINGS THEY PUT ON. JOSE GUADALUPE GOMEZ, JANUARY
6 '84, QUINTERO BUYING RANCHES, EQUIPMENT, PAYOFFS.

7 APRIL '84, NARCOTIC TRAFFICKERS AND D.F.S.
8 REGARDING PROTECTION. HOT ITEM. WHAT DO THEY NEED ZUNO FOR
9 FOR CREDENTIALS? WHAT DO THEY NEED THEM FOR? THEY HAVE ALL
10 THE CREDENTIALS THEY WANT. JOSE GUADALUPE GOMEZ TOLD ME ABOUT
11 IT, ALL THE D.F.S. CREDENTIALS THEY WANT.

12 MAY '84 MEETING WITH QUINTERO AND OTHERS. NO
13 ZUNO, NO ZUNO, NO ZUNO. THEY PUT ON AUGUSTIN BUENO GONZALEZ.
14 HE TALKS ABOUT AN '82 MEETING -- BASICALLY A COCAINE MEETING
15 WITH ALL KINDS OF PEOPLE IN THE INDICTMENT. NO ZUNO.

16 HE TALKS ABOUT A MEETING LATER WITH CALDERON,
17 INES CALDERON, ANOTHER DEFENDANT, NOT HERE. NO ZUNO. I AM
18 NOT SAYING -- I'M NOT ARGUING HE HAS TO BE AT EVERY MEETING;
19 HE'S AT NO MEETINGS. WHO'S KIDDING WHO? NO MEETINGS.

20 MICHAEL LONG, REMEMBER THAT WAS THE ONE WITH
21 THE AIRPLANE. NO ZUNO.

22 RETAMOZA. IS RETAMOZA GOING TO KNOW HIM? IS
23 RETAMOZA GOING TO KNOW HIM? RETAMOZA IS THE COUSIN OF FELIX.
24 INNER, CLOSE AS YOU CAN, I GUESS, TO FELIX. IN ALL THESE
25 MEETINGS, NO ZUNO.

1 CLAIMS THERE IS MEETINGS BETWEEN FELIX AND
2 MATTA AND WHATEVER, WHATEVER, WHATEVER. NO ZUNO.

3 DISCUSSING ALL KINDS OF PAYMENTS AND ALL KINDS
4 OF TRANSPORTATION OF MONEY.

5 LUGO IS, I THINK, IMPORTANT. THAT'S A D.E.A.
6 AGENT. HE'S TALKING ABOUT MEETINGS AT THE HIGHEST LEVEL OF
7 MEXICAN GOVERNMENT WHERE THEY KNOW EXACTLY WHAT IS GOING ON.
8 I MEAN, WHY WOULD THEY NEED ZUNO? IF THESE PEOPLE ARE BAD
9 PEOPLE, THE HEADS OF THE M.F.J.P. AND THE ATTORNEY GENERAL,
10 WHY WOULD THEY NEED ZUNO?

11 CRETIN TALKS ABOUT MEETINGS WITH ZUNO AND THE
12 REST OF THEM. ENRIQUE PLASCENCIA AGUILLAR IS INTERESTING
13 BECAUSE OF THE DECEMBER '84 MEETING. YOU REMEMBER, WE TALKED
14 ABOUT IT BEFORE. HE SAID THAT'S THE MEETING WAS PLANNED.

15 WELL AGAIN, THERE IS NO ZUNO. THAT IS AN
16 IMPORTANT MEETING, TOO, I THINK, BECAUSE IT TALKS ABOUT
17 PROTECTION. AGAIN, THERE IS NO ZUNO.

18 BUT YOU REMEMBER AT THAT MEETING WAS THE
19 MEETING THAT SOME MILITARY MAN OR SOMEBODY COMES IN AND WANTS
20 MONEY AND FONSECA SENDS PEOPLE BACK TO GET MONEY FOR THIS
21 MILITARY MAN. AGAIN, THERE IS NO ZUNO INVOLVEMENT OF ANY
22 KIND.

23 YOU CAN'T JUST TAKE HIM OUT OF THE BLUE AND
24 SAY HE DID THIS. IF HE DID THIS ONE THING, MR. CERVANTES, WHY
25 ISN'T HE INVOLVED ANYWHERE?

1 YOU'VE GOT LAWRENCE HARRISON, 20 TO 30
2 MEETINGS WITH DRUG TRAFFICKERS, A LOT OF HEAVY PEOPLE. NO
3 ZUNO. THOUSANDS OF RADIO COMMUNICATIONS. NO ZUNO.

4 KUYKENDALL, MAY OF '84, YOU REMEMBER HE TALKED
5 ABOUT THE ATTORNEY GENERAL MEETINGS AND HIGHER-UPS. AGAIN,
6 THERE IS NO NEED FOR ZUNO.

7 I TOUCHED HARRISON FOR A MINUTE BECAUSE VERY
8 IMPORTANT, I THINK, THAT HE DOESN'T PLACE ZUNO IN THE CARTEL.
9 THESE ARE 20 TO 30 DRUG LORD MEETINGS. HE MONITORED 24 HOURS
10 A DAY THE PHONE. HE SAYS HE OVERHEARD THOUSANDS OF
11 CONVERSATIONS, HE KNEW FONSECA'S MAIN GROUP, THE PEOPLE HE
12 RELIED ON. HE KNEW FELIX'S MAIN GROUP, HE KNEW QUINTERO'S
13 MAIN GROUP. HE NAMED THEM. NO ZUNO. THAT'S PRETTY POWERFUL
14 REALLY.

15 LASTLY -- NEXT TO THE LAST. THEY TALK ABOUT
16 PROTECTION OR INVOLVEMENT IN PROTECTION IN SOME WAY, SO WE TRY
17 TO ATTACK THAT. WHAT DID YOU FOLKS PRESENT ON PROTECTION?
18 PRETTY GOOD.

19 THE TESTIMONY OF VIRGINIA REYNOSO -- REMEMBER
20 MRS. REYNOSO WAS PRETTY SIGNIFICANT. SHE WAS THE SECRETARY AT
21 THE M.F.J.P. OFFICE AND WORKED FOR PARRA, WHO YOU REMEMBER WAS
22 A CO-DEFENDANT. THE REASON SHE IS PARTICULARLY IMPORTANT, IT
23 SEEMS TO ME, IS GUADALAJARA RIGHT IN THE CENTER OF IT, EYES
24 AND EARS OF THE D.E.A. BECAUSE I BELIEVE SHE SAID CONFIDENTIAL
25 INFORMANT FROM '83 ON. SO SHE GAVE YOU THAT.

1 AND WHAT DOES SHE TESTIFY ON PROTECTION? SHE
2 HAS THE QUINTEROS OF THE WORLD BRINGING POWER MONEY AND POWER
3 THEN PLAYING IT TO THE POLICEMEN. NO ZUNO OF ANY KIND.

4 THAT'S PRETTY POWERFUL. YOU KNOW, IF HE'S
5 GOING TO BE INVOLVED. NEVER SEES ZUNO THERE, SEES OTHER
6 TRAFFICKERS THERE. EYES AND EARS -- CHECKINGS THINGS,
7 CHECKING PHONE NUMBERS IN GUADALAJARA. WON'T YOU THINK IF
8 ZUNO -- ANY MENTION OF ANY KIND, THIS LADY IS GOING TO SAY
9 SOMETHING ABOUT HIM? NO ZUNO. SHE'S RIGHT THERE IN
10 GUADALAJARA AT THE OFFICE OF THE M.F.J.P. THAT'S SUPPOSED TO
11 BE CORRUPT. AND SHE'S CHECKING ON EVERYBODY, TELLS YOU A
12 BUNCH OF NAMES. NO ZUNO. THAT'S REMARKABLE.

13 JOSE GUADALUPE GOMEZ, WORKED CLOSELY WITH THE
14 POLITICIANS, MILITARY AND POLICE. HE MADE PAYOFFS TO THE
15 M.F.J.P., THE D.F.S. STATE JUDICIAL POLICE AND CITY POLICE.
16 WHY DO YOU NEED ZUNO? HE'S NAMING ALL THESE NAMES AND HERE IS
17 WHO HE IS PAYING MONEY TO. I DON'T KNOW IF YOU CAN SEE IT,
18 BUT YOU REMEMBER THE TESTIMONY; HE PAID MONEY TO A NUMBER OF
19 PEOPLE. HE MADE PAYOFFS TO AVOID INTERFERENCE WITH PLANNING
20 AND KEEPING OTHERS OUT.

21 THE TRAFFICKERS INSTALLED RADIO COMMUNICATIONS
22 SYSTEMS WITH THE POLICE. TRAFFICKERS HAD ARMS SUPPLIES. WHY
23 IN THE WORLD WOULD YOU NEED ZUNO? THERE IS NO ZUNO NEED OF
24 ANY KIND.

25 CELAYA. HE WAS FAMILIAR WITH THE OWNERS OF

1 THE MARIJUANA FIELDS AND GOVERNMENTAL AND MILITARY OFFICIALS
2 WHO PARTICIPATED IN THE OPERATIONS. IF THERE IS A ZUNO, HE
3 WOULDN'T BE HERE BUT THAT'S WHERE THEY TRIED TO PLACE HIM.
4 NO ZUNO.

5 CESAR GARCIA BUENO. MANY TIMES IN THE COMPANY OF
6 D.F.S. AGENTS. WHY DO THEY NEED ZUNO FOR CREDENTIALS? HE
7 SEES FELIX AND FELIX'S PEOPLE WITH THE D.F.S. PEOPLE.

8 PLASCENCIA. THAT IS THE '84 MEETING WHERE MONEY IS
9 GIVEN A COLONEL. WHY DO THEY NEED ZUNO? THERE IS THE
10 CONTACT. THEY HAVE A DIRECT CONTACT. THEY CAN'T MOVE AWAY
11 FROM THEIR THEORY. THEIR THEORY IS THEY'RE ALL CORRUPT. THE
12 TRAFFICKERS ARE IN BED WITH THESE MILITARY PEOPLE AND THEY'RE
13 SEEING THEM ON DAILY BASIS, AND THAT'S YOUR EXCHANGE. THERE
14 IS NO NEED FOR ZUNO.

15 MR. ZUNO GETS NOTHING. THEY HAVEN'T SHOWN
16 ONE -- ANYTHING TO MR. ZUNO. THEY MAKE THESE AS CLOSE AS THEY
17 COME. NO FINANCIAL BENEFIT OF ANY KIND. WHY WOULD HE BE
18 DOING THIS STUFF? NO WITNESS.

19 THEY'VE GOT ONE WITNESS, ONE WITNESS,
20 CERVANTES, AND HE CLAIMS -- THAT WE'LL DEAL WITH IN A
21 MINUTE -- BUT THE PAYMENTS MADE TO MR. MACIAS OR MR. MACIAS IS
22 PRESENT. AND MR. MACIAS SAYS NO WAY, THAT DIDN'T HAPPEN.

23 ASIDE FROM THAT, THERE IS NO EVIDENCE OF ANY
24 PAYMENTS OF ANY KIND.

25 YOU HAVE ABEL REYNOSO WHO TALKS ABOUT A

1 CONVERSATION WITH JAVIER VASQUEZ. I DON'T KNOW IF THE
2 CONVERSATION TOOK PLACE OR NOT, BUT HE TALKED ABOUT IT. AND
3 HE SAYS THAT JAVIER TALKED ABOUT PAYMENT OF MONEY TO MILITARY
4 OFFICERS AND ESPINO VERDIN GIVING VARIOUS D.F.S. CREDENTIALS.

5 LASTLY, AND THEN THE LAST WAY TO APPROACH IT,
6 IS MR. ZUNO JUST WASN'T A FOCUS IN ANY WAY OF THE
7 INVESTIGATION. JUST TRYING TO HIT IT FOR YOU NINE WAYS,
8 TAKING THEIR EVIDENCE AND TRYING TO PUT IT IN BOXES, SOME IDEA
9 TO PROVE A NEGATIVE. NO EVIDENCE CAME IN.

10 WE HAVE AGENT KUYKENDALL. HE TALKS ABOUT THE
11 STATES HE'S IN CHARGE OF. HE READS ALL THE REPORTS OF THE
12 INFORMANTS. HE APPROVES ALL THE REPORTS. HE TOLD YOU WHO
13 HIS INVESTIGATIONS INVOLVED, HIS PRIORITY INVESTIGATIONS. HE
14 TALKED TO THE FINANCIERS. NO ZUNO.

15 HE HAS KNOWLEDGE OF THE CULTIVATORS,
16 FINANCIERS AND GROWERS OF ZACATECAS. NO ZUNO.

17 YOU HAVE GOMEZ, WHO'S IN CHARGE OF
18 PHOTOGRAPHING AND RECORDING CERTAIN PEOPLE. HE TOLD YOU WHO
19 THEY WERE. HE WASN'T ASSIGNED ZUNO.

20 WE HAVE CHARLES LUGO, WHO HAD THE ERADICATION
21 EFFORT, WHO WAS KNOWLEDGEABLE ABOUT BUFALO AND CHIHUAHUA. NO
22 ZUNO.

23 CESAR GARCIA BUENO. HIS SPECIFIC TASK OF
24 INVESTIGATING PEOPLE IN GUADALAJARA. NO ZUNO.

25 VIRGINIA REYNOSO. NO ZUNO.

1 LASTLY ON THIS ONE BEFORE WE MOVE ON AND
2 YOU'VE BEEN PATIENT, I APOLOGIZE, BUT IT'S MY ONE CHANCE AND
3 THE STAKE IS PRETTY HIGH.

4 SO JORGE GOMEZ IS FINAL. WE ARE SHOWING YOU A
5 COUPLE OF PEOPLE THAT, IN ADDITION, IF THERE WAS ANY TRUTH TO
6 THEIR ALLEGATION, AND THIS IS IMPORTANT BECAUSE IT'S THIS
7 JAVIER BARBA HERNANDEZ. JORGE GOMEZ ESPANA KNEW HIM, SAW HIM
8 A NUMBER OF TIMES BUT NEVER SAW ZUNO WITH HIM. IT'S JUST
9 ANOTHER INDICATION, BECAUSE THEY DON'T HAVE ANYBODY THAT SAW
10 HIM WITH HIM. THEY HAVE THAT ONE WITNESS.

11 THERE IS NO EVIDENCE THAT EVEN CERVANTES
12 REALLY WORKED FOR JAVIER BARBA.

13 AND THEN WE HAVE, IN WINDING UP THIS AREA, THE
14 TESTIMONY I THINK IS VERY IMPORTANT FROM THE HEAD OF THE
15 GUADALAJARA OFFICE OF THE D.E.A. AT THE TIME OF THE
16 UNFORTUNATE KIDNAPPING.

17 ISN'T IT TRUE THAT -- THIS IS AFTER MR. ZUNO
18 VOLUNTARILY CAME IN AND HE SPOKE TO THEM AND HE PERMITTED MR.
19 ZUNO TO RETURN TO MEXICO. AND THEN HE SAID ISN'T IT TRUE YOU
20 LET HIM RETURN BECAUSE THERE IS NO EVIDENCE HE WAS INVOLVED IN
21 THE KIDNAPPING? AND ISN'T TRUE THERE WAS NO EVIDENCE YOU KNEW
22 HE WAS A MEMBER OF THE CARTEL? BASICALLY, YES YES.

23 NOW, THAT'S -- THAT'S PRETTY STRONG. I MEAN,
24 YOU'RE TALKING ABOUT NO EVIDENCE HE'S A MEMBER OF THE CARTEL
25 FROM JAIME KUYKENDALL, WHO IS THE HEAD OF THE D.E.A. OFFICE IN

1 '85. NOW, GOSH DARN IT, WOULDN'T HE KNOW?

2 THAT'S JUST SUMS UP EVERYTHING ELSE THAT WE
3 TOLD YOU.

4 SO WE BASICALLY HAVE NO MOTIVATION.

5 I WANT TO MOVE NOW TO MR. CERVANTES. AND
6 WE'VE TALKED ABOUT MR. CERVANTES A BIT, BUT I JUST WANT TO RUN
7 QUICKLY THROUGH WITH YOU THE VARIETY OF CONTRADICTIONS ON ANY
8 OF THE MEETINGS AND HOW MR. CERVANTES COMES ABOUT.

9 FIRST, WE KNOW WE HAVE FOUR YEARS AND NINE
10 MONTHS OF SILENCE. WE KNOW THAT NOVEMBER 23RD, 24TH WHEN HE
11 FIRST COMES UP HERE, THERE IS NOTHING IN THE RECORD THAT HE
12 INDICATES MR. ZUNO IS INVOLVED IN ANY KIDNAPPING OF ANY KIND.

13 WE KNOW HE IS PAID MONEY AT THAT TIME. WE
14 KNOW HE HIS PAID MORE MONEY. WE KNOW HE COMES BACK THE 30TH
15 AND FOR THE FIRST TIME, EVEN THOUGH HE WAS ASKED TO TELL
16 EVERYTHING HE KNEW THE 24TH AND GAVE NOTHING ON ZUNO, HE GOES
17 BACK AFTER MAKING THIS DEAL AND GIVES IT THE FEBRUARY MEETING.

18 HE IS THEN PAID MORE MONEY, GOES BACK TO
19 MEXICO AND COMES BACK AND GIVES THEM AN OCTOBER AND JANUARY
20 MEETING -- DIFFERENT OCTOBER AND JANUARY MEETINGS THAN HE
21 TESTIFIED TO. HE GIVES THEM MEETINGS, BUT THEY'RE DIFFERENT.

22 GETS MORE MONEY, GIVES THEM ANOTHER OCTOBER
23 MEETING, GETS MORE MONEY, AND COMES IN HERE AND GIVES THEM A
24 COMPLETELY NEW MEETING.

25 THAT JUST GIVES YOU A FEEL. AND I THINK IT IS

1 IMPORTANT THAT HE CLAIMED -- YOU REMEMBER HE WENT TO MEXICO
2 THREE DIFFERENT TIMES. NOW, I THINK THAT'S IMPORTANT TO
3 REMEMBER FOR A REASON I'M GOING TO TELL YOU IN A MINUTE. AT
4 LEAST THAT'S MY MEMORY OF THE EVIDENCE. WHATEVER YOURS IS.

5 HE WENT AFTER NOVEMBER 24TH, HE WENT AFTER
6 NOVEMBER 30, HE WENT AFTER JANUARY 2ND, BECAUSE I THINK THE
7 RECORD IS HE'S IN MEXICO ON JANUARY 5TH. NOW, WHY IS THAT
8 IMPORTANT? BECAUSE THE PROSECUTOR IS PROBABLY GOING TO BACK
9 BACK IN REBUTTAL AND SAY HE WAS AFRAID, HE WAS AFRAID TO GIVE
10 INFORMATION.

11 WELL, THAT DOESN'T MAKE ANY SENSE BECAUSE IF
12 HE HAD ANY INFORMATION AFTER FOUR YEARS AND NINE MONTHS, HE
13 WOULD HAVE GIVEN IT THE 24TH, AND THERE IS NO EVIDENCE HE GAVE
14 IT THE 24TH.

15 HE THEN COMES BACK THE 30TH AND ALLEGES MR.
16 ZUNO IS IN A PARTICULAR MEETING. HE IS ASKED FOR EVERYTHING
17 HE KNOWS ABOUT MR. ZUNO. NO OTHER MEETINGS OF ANY KIND.

18 NOW, THAT CAN'T BE BECAUSE HE'S AFRAID BECAUSE
19 HE WENT BACK TO MEXICO AND HE GAVE HIM ZUNO ALREADY, SO WHY
20 NOT GIVE HIM 40 MEETINGS WITH ZUNO IF YOU GAVE THEM ONE? IS
21 IT BAD TO GIVE THEM TEN IF YOU GIVE THEM ONE? IS IT WORSE?
22 SO HE MADE THAT UP.

23 THEN THEY'RE GOING TO COME BACK AND TELL YOU
24 WELL, HE WAS REALLY AFRAID OF PANIAGUA BECAUSE HE DIDN'T WANT
25 TO GIVE THEM PANIAGUA AND THAT'S WHY HE CAME BACK JANUARY 2ND,

1 BECAUSE HE WANTED TO BE SAFELY HERE IN THE UNITED STATES WHEN
2 HE TOLD THEM PANIAGUA.

3 TWO POINTS ON THAT. ONE, AS WE JUST SAID,
4 WHETHER HE GIVES THEM PANIAGUA OR NOT ON JANUARY 2ND HAS
5 NOTHING TO DO WITH GIVING THEM ALL THE MEETINGS ON ZUNO WHEN
6 THEY SAID GIVE ME ALL THE MEETINGS ON ZUNO.

7 I MEAN, THE D.E.A. ASKED HIM AND MR. MEDRANO,
8 THE U.S. ATTORNEY'S OFFICE ASKED HIM. HE DOESN'T GIVE THE
9 MEETINGS, DOESN'T GIVE THE 24TH AND ON THE 30TH, GIVES ONE.
10 SO IT COULD HAVE NOTHING TO DO WITH PANIAGUA THAT ALL THESE
11 OTHER MEETINGS COME LATER.

12 THE PANIAGUA STORY IS ALSO MADE UP, THAT HE
13 WAITED ON PANIAGUA TO JANUARY 2ND BECAUSE HE WAS AFRAID
14 BECAUSE HE WENT BACK TO MEXICO ON JANUARY 5TH. SO HOW AFRAID
15 OF PANIAGUA WAS HE IF HE WENT BACK TO MEXICO ON JANUARY 5TH?

16 NOW, I'M GOING TO QUICKLY GO THROUGH FOR YOU
17 HIS MEETINGS. AND YOU KNOW, WE'VE TALKED AT A BUNCH OF LEVELS
18 ABOUT MEETINGS AND HOW LATE THEY WERE, ET CETERA, ET CETERA,
19 ET CETERA. BUT NOW WHERE WE ARE IS, FORGETTING ALL THAT
20 STUFF, FORGETTING THE MOTIVATION TO LIE AND ALL THOSE OTHER
21 THINGS HE TOLD YOU, WHAT HE SAYS ABOUT THE MEETING, HOW DOES
22 THAT COMPARE TO WHAT THE EVIDENCE IS?

23 HE MAKES A CLAIM ON THE STAND TO YOU THAT THE
24 FIRST MEETING IS A SEPTEMBER BAPTISM MEETING OF JAVIER BARBA'S
25 DAUGHTER YUREMI AND MR. ZUNO IS ALLEGEDLY PRESENT WITH HIS

1 DRIVER, DAVID MACIAS.

2 WELL, PLASCENCIA TESTIFIES THE FIRST
3 KIDNAPPING MURDER MEETING IS THE 7TH, HAS NOTHING TO DO WITH
4 THIS. THAT'S THE FIRST MEETING.

5 MACIAS TESTIFIES NO ZUNO, NO BAPTISM, NO
6 MEETING. I MEAN THAT'S RIGHT ON THE BUTTON AND THEY DON'T
7 CONTRADICT HIM AND THEY DON'T PUT THEM IN GUADALAJARA. WHY
8 NOT, WITH ALL THEIR AGENTS? WHY NOT PUT HIM IN GUADALAJARA IF
9 HE WAS THERE? IS THAT HARD?

10 ESPERRANZA, NO BAPTISM. THERESA, NO BAPTISM.
11 ESPERRANZA -- JAVIER DIDN'T HAVE A DAUGHTER. WOW. I MEAN
12 THIS IS ASTOUNDING. WHAT DO THEY WANT YOU TO BELIEVE?

13 NOW, WHY DON'T THEY COME IN WITH A WITNESS AND
14 GIVE US A PICTURE OF THE BABY OR A RECORD OF THE BABY OR
15 SOMEBODY WHO WOULD SAY, A BEAUTIFUL BABY, I SAW IT. HER SHE
16 IS. SOMEBODY WHO WAS AT THE BAPTISM.

17 IN ADDITION TO THAT, CERVANTES TELLS THE
18 D.E.A. COMPLETELY DIFFERENT PEOPLE WERE PRESENT AT THE FIRST
19 MEETING. THIS IS QUITE ASTOUNDING, BUT THIS IS THE RECORD.

20 THIS IS FRIEND CERVANTES WHO HE SAYS IS AT THE
21 FIRST KIDNAPPING MEETING. THIS IS FROM THE RECORD, NOT JUST
22 SAYING SO.

23 WHAT DOES HE TELL THE D.E.A. AND WHAT DOES HE
24 TESTIFY AT TRIAL? NOW THIS IS ASTOUNDING. THE FIRST
25 KIDNAPPING MEETING THAT THEY'RE CHARGING THIS MAN. HE TELLS

1 THE D.E.A. THAT ALDANA IBARRA -- MIGUEL ALDANA IBARRA IS
2 PRESENT AT THE FIRST MEETING KIDNAPPING IS DISCUSSED. AT
3 TRIAL? NO.

4 HE TELLS THE D.E.A. THAT CARO QUINTERO IS
5 PRESENT. AT TRIAL? NO.

6 HE TELLS THE D.E.A. FONSECA IS THERE. AT
7 TRIAL? NO.

8 HE TELLS THE D.E.A. PANIAGUA IS THERE. AT
9 TRIAL? NO. EXCUSE ME. HE DOESN'T TELL THE D.E.A. -- I
10 APOLOGIZE. HE TELLS THE D.E.A. THAT PANIAGUA IS NOT THERE AND
11 AT TRIAL HE SAYS YES.

12 HE TELLS THE D.E.A. THAT MANUEL IBARRA HERRERA
13 IS THERE AND AT TRIAL HE SAYS HE'S NOT THERE.

14 THIS MARCELENO, HE TELLS THE D.E.A. HE'S NOT
15 THERE, AND AT TRIAL HE SAYS HE'S THERE.

16 HE TELLS THE D.E.A. MR. MATTA IS THERE AND AT
17 TRIAL HE SAYS HE'S NOT THERE.

18 THERE IS A LOT RIDING HERE. COULD YOU JUST
19 GET UP THERE AND SAY THINGS LIKE THIS, "THESE ARE THE PEOPLE
20 AT THE KIDNAPPING MEETING". I'M NOT GIVING YOU ONE NAME. I
21 MEAN IF THE TEST IS HOW DOES YOUR STOMACH FEEL, IT HAS GOT TO
22 BE QUEASY IF YOU'RE RELYING ON THIS MAN.

23 1, 2, 3, 4, 5, 6 -- WE ARE DOWN TO 7 MISTAKES.
24 PAVON REYES. HE TELLS THE D.E.A. YES. TESTIFIED AT TRIAL
25 NO.

1 SALCIDO. TELLS THE D.E.A. NO. SAYS AT TRIAL
2 YES.

3 WHAT ARE YOU GOING TO DO WITH THAT? THIS IS
4 THE FIRST KIDNAPPING MEETING. ALL OF THOSE DIFFERENT PEOPLE.
5 NOW THAT'S HIS TESTIMONY, THAT'S WHAT HE TELLS D.E.A., THAT'S
6 WHAT HE TELLS YOU.

7 NOW, I DON'T KNOW WHAT THESE PEOPLE EXPECT YOU
8 TO DO BECAUSE THE EVIDENCE YOU HAVE SHOWS THIS MAN IS NOT
9 WORTHY OF BELIEF. NOBODY COULD BE SO SUBSTANTIALLY IMPEACHED.
10 THIS IS INCREDIBLE.

11 STILL GETTING BACK TO THE FIRST MEETING, AS WE
12 SAID, IN ADDITION TO COMPLETELY DIFFERENT PEOPLE -- SO I DON'T
13 LOSE THE POINT -- WE HAVE MACIAS SAYING NO MEETINGS, WE HAVE
14 ESPERANZA, YOU'VE GOT THERESA, YOU'VE GOT PEOPLE SAYING NO
15 BAPTISM, NO CHILD, NO EVIDENCE OF A CHILD.

16 CERVANTES STARTS TELLING THE D.E.A. ABOUT IT
17 THE 23RD OR THE 30TH, OR HE TOLD THE U.S. ATTORNEY. NOT
18 TELLING THE D.E.A. ABOUT IT THE 2ND, NOT IN THE D.E.A. REPORT
19 OF THE 16TH.

20 CLAIMS HE HEARD A STATEMENT OF SOME KIND AND
21 TELLS THE D.E.A. HE DIDN'T HEAR ANY STATEMENTS. THAT'S HIS
22 FIRST WEEK, LADIES AND GENTLEMEN.

23 THE SECOND MEETING WAS THE ONE THAT HE SAID AT
24 TRIAL BEFORE YOU WAS IN OCTOBER BEFORE THE WEDDING. WHAT DO
25 WE HAVE CONTRADICTING IN ADDITION TO EVERYTHING ELSE?

1 PLASCENCIA, AGAIN, FIRST MEETING WAS DECEMBER.
2 ZUNO NOT PRESENT.

3 ESPERANZA, NO WEDDING. THAT IS TAKING HIM
4 HEAD ON. NO WEDDING. IF THAT WAS IMPORTANT IN A BUSINESS
5 DECISION, YOU WOULD PRESENT EVIDENCE THERE WAS A WEDDING. NO
6 WEDDING.

7 THERESA. NO WEDDING.

8 ESPERANZA. NEVER MARRIED.

9 IT'S NOT LIKE WE ARE BEATING AROUND THE BUSH.
10 NO WEDDING, NEVER MARRIED. IT'S EASY ENOUGH TO COME BACK IN
11 WITH THERE WAS A WEDDING, HERE IS SOMEBODY THAT WAS THERE. OR
12 AT LEAST HE WAS MARRIED. NO WEDDING, NOT MARRIED.

13 AGAIN, CERVANTES DOESN'T TELL THE D.E.A. ABOUT
14 THE PRE-WEDDING MEETING ON THE 23RD, ON THE 30TH DOESN'T TELL
15 THE U.S. ATTORNEY'S OFFICE. ON THE 2ND HE DOESN'T TELL, AND
16 HE FIRST MENTIONS IT, FOR WHATEVER REASONS, ON THE 11TH.

17 WHAT PUTS THE LIE EVEN MORE TO HIM ON THIS
18 MEETING IS HE CLAIMS THAT THE PEOPLE PRESENT DIDN'T KNOW THE
19 IDENTIFICATION OF THE D.E.A. AGENT. SEE, THAT'S HOW -- I WAS
20 THINKING ABOUT IT -- THAT'S HOW THEY GENERATE ALL THESE
21 MEETINGS.

22 I MEAN, YOU'VE GOT A BUNCH OF HOODLUMS. I
23 CAN'T IMAGINE THEM MEETING EVERY MONTH AND HAVING THESE
24 GENERALIZED DISCUSSIONS FOUR MONTHS LATER. IT FEELS LIKE
25 THESE PEOPLE JUST DO SOMETHING IF THEY'RE GOING TO DO IT. SO

1 THEY NEED A REASON. SO THE REASON THEY COME UP WITH IS
2 THEY'RE TRYING TO FIGURE OUT WHO THE AGENT WAS. AND IT TAKES
3 THEM ALL THESE MONTHS TO FIGURE IT OUT.

4 WELL, LET ME TELL YOU WHAT IS WRONG WITH THAT.
5 TWO THINGS. ONE, HE TOLD THE D.E.A. THAT CERVANTES WAS THE
6 AGENT THAT BEING -- EXCUSE ME. HE TELLS THE D.E.A. THAT MR.
7 CAMARENA WAS THE AGENT BEING DISCUSSED. DO YOU REMEMBER THAT
8 TESTIMONY ABOUT THE FOLDER AND ALDANA IBARRA READING THE
9 FOLDER AND SPECIFICALLY MENTIONS I THINK FROM MR. BERRELLEZ
10 THAT ENRIQUE CAMARENA WAS SPECIFICALLY DISCUSSED. HIS NAME,
11 HIS NAME. IF HE'S SPECIFICALLY DISCUSSED, HOW CAN YOU HAVE
12 PEOPLE TALKING ABOUT THEY DIDN'T KNOW WHO THE AGENT WAS? THEY
13 KNEW WHO THE AGENT WAS. IT JUST DOESN'T MAKE ANY SENSE AT
14 ALL.

15 WE THEN ALLEGEDLY HAVE -- OH, AND THERE IS
16 THAT OTHER CONTRADICTION THAT HE CLAIMS AT TRIAL HE REMEMBERS
17 HIS SPECIFIC STATEMENT ABOUT THEY DIDN'T KNOW WHO THE AGENT
18 WAS OR WHATEVER. AND REMEMBER, HE ALSO TOLD THE D.E.A. HE
19 DIDN'T HEAR ANY SPECIFICS.

20 I THINK MORE IMPORTANT THAN THAT ONE IS THE
21 LIE TO THIS, YOU KNOW, SAYING THAT THEY DIDN'T KNOW THE WHO
22 THE AGENT WAS. THAT HE IS REALLY VERY IMPORTANT, I THINK,
23 BECAUSE IT GOES THROUGH WHY WE WAITED. IT'S VERY IMPORTANT
24 THE MORE I THINK ABOUT IT BECAUSE THE ONLY WAY HE KEEPS THESE
25 MEETINGS GOING IS THEY DON'T KNOW WHO THE AGENT IS.

1 IF THEY KNOW WHO THE AGENT IS, THEY DON'T HAVE
2 TO KEEP MEETING, SAYING WHO IS THE AGENT? THAT MAKES SENSE.
3 WELL, THEY KNOW WHO THE AGENT IS BECAUSE HE SAID THERE WAS A
4 FOLDER AND THIS MAN ALDANA OR IBERRA HAD THE NAME, AND
5 CAMARENA WAS MENTIONED.

6 AND I KNOW THE OTHER THING I WAS THINKING
7 ABOUT. THE OTHER THING THAT IS WRONG WITH THIS IS GO BACK IN
8 YOUR MEMORIES AND REMEMBER IN MAY OF THERE WAS TESTIMONY THAT
9 IN MAY OF '84 -- I THINK IT'S MR. KUYKENDALL -- DON'T HOLD ME,
10 WHATEVER YOUR MEMORY IS -- BUT IN MAY OF '84, I THINK MR.
11 KUYKENDALL GOES TO A MEETING AT THE ATTORNEY GENERAL'S LEVEL
12 WHERE THEY'RE MEETING WITH WHETHER IT IS IBERRA OR PAVON REYES
13 OR WHOEVER IT IS -- AND THEY'RE DISCUSSING, I THINK,
14 PRE-ZACATECAS OR ONE OF THOSE RAIDS.

15 AND AT THAT MEETING, CAMARENA WAS THERE. I
16 HOPE YOU REMEMBER WHERE I'M REFERRING TO, BUT IT WAS MAY OF
17 '84, IT WAS DISCUSSION ABOUT THE RERAID AND THE POINT THE
18 GOVERNMENT AT THE TIME WAS MAKING, THAT THESE MEXICAN
19 OFFICIALS WERE SLOWING THINGS DOWN AND NOT BEING COOPERATIVE,
20 ET CETERA, ET CETERA.

21 BUT THE OTHER PART OF THAT MEETING WAS MR.
22 CAMARENA WAS THERE. HE WAS THE ONE IN CHARGE OF THAT RAID.
23 AND WHEN THE RAID THEN HAPPENED, THEY KNEW WHO IT WAS. SO
24 AGAIN, IT DOESN'T MAKE SENSE THEY DIDN'T KNOW WHO IT WAS THAT
25 WAS ALLEGEDLY CAUSING THE PROBLEMS.

1 SO WE HAVE TWO POINTS; THAT POINT AND THIS
2 OTHER POINT THAT MR. CERVANTES ACTUALLY TOLD D.E.A. THAT THEY
3 WERE TALKING ABOUT MR. CAMARENA.

4 THIRDLY, THIS IS THE SO-CALLED POST-WEDDING
5 MEETING. AGAIN, PLASCENCIA TESTIFIES THE FIRST MEETING IN
6 DECEMBER. NO ZUNO.

7 MACIAS TESTIFIES NO MEETING. ESPERANZA, NO
8 WEDDING. THERESA, NO WEDDING. ESPERANZA AND JORGE NEVER
9 MARRIED. AND THEN THE VARIETY OF TIMES THAT HE NEVER
10 MENTIONED THAT MEETING TO THE D.E.A. OR THE U.S. ATTORNEY'S
11 OFFICE WHEN HE WAS ASKED TELLS US EVERYTHING YOU KNOW.

12 THEN HE CLAIMS MR. ZUNO SAYS THE AGENTS SHOULD
13 BE PICKED UP ONCE WE KNOW WHO HE IS. HE'S JUST MAKING UP ZUNO
14 WAS THERE.

15 WHETHER HE WAS EVER AT ANY MEETING OR NOT, I
16 DON'T KNOW. WHO KNOWS? IT DOESN'T SEEM LIKE HE WAS, DOESN'T
17 SEEM LIKE HE HAD THIS RELATIONSHIP WITH JAVIER BARBA. OH,
18 WHAT'S CRITICAL IS HE SAYS ZUNO SAYS ONCE -- SEE, HE MAKES UP
19 STUFF, AND THEN HE GETS CAUGHT IN IT. BECAUSE HE SAYS ZUNO
20 SAID THE D.E.A. AGENTS SHOULD BE PICKED UP ONCE THEY KNEW WHO
21 HE WAS. WELL, THEY KNOW WHO HE IS, THEY KNOW WHO HE IS FROM
22 THE MEETING MR. ZUNO IS NOT AT.

23 REMEMBER, THE EARLIER MEETING? THEY KNOW WHO
24 HE IS BECAUSE HE SAID IT WAS CAMARENA, SO IT DOESN'T MAKE ANY
25 SENSE. HE JUST MADE IT UP AND HE WAS CAUGHT.

1 WE HIT THIS OTHER POINT BEFORE, JUST A
2 COMPLETE CHANGE. REMEMBER THE GOVERNMENT -- IT IS NOT BAD,
3 BUT THAT MR. CERVANTES MUST HAVE TOLD THEM SOME OTHER MEETING
4 BECAUSE HE PREVIOUSLY CLAIMED THE THIRD MEETING WAS ONE WEEK
5 AFTER THE WEDDING. SEE, THEY PREVIOUSLY CLAIMED -- AND YOU
6 REMEMBER THROUGH MR. BERRELLEZ, WE GOT CERVANTES AT ONE TIME
7 AT THE FOURTH OR FIFTH INTERVIEW CLAIMED THERE WAS ONE OCTOBER
8 WEDDING MEETING.

9 AND YOU REMEMBER HE TOLD YOU BY HIS OWN STORY
10 MR. ZUNO WASN'T AT AN OCTOBER MEETING. SO YOU CAN EVEN READ
11 HIM AS ZUNO, YOU KNOW, EVEN ON HIS INTERPRETATION, ISN'T AT
12 ANY OCTOBER MEETING. BUT HE HAS TOLD SO MANY STORIES.

13 LASTLY, THE FOURTH MEETING. AGAIN, YOU KNOW,
14 WE HAVE THE MONEY AND THE FOUR YEARS NINE MONTHS AND ALL THAT
15 SORT OF THING, BUT THAT'S THE LIGHT TO IT, MACIAS. THAT'S THE
16 REASONABLE DOUBT THAT IT DIDN'T HAPPEN.

17 IS MACIAS AT THAT MEETING? NO MACIAS, NO
18 MEETING.

19 WE ALSO HAVE THIS HELPFUL -- HE DOESN'T TELL
20 THE D.E.A. ABOUT IT, AT LEAST NOT ON THE RECORD, FOR THE 23RD,
21 24TH. HE CLAIMS MR. ZUNO WANTS TO KNOW HOW MUCH THE D.E.A.
22 AGENT KNEW ABOUT GENERAL GARDOQUI. HE MAKES THIS UP BECAUSE
23 WE GET FROM HIM ON CROSS THAT IT WAS MR. FONSECA WHO WANTED TO
24 KNOW HOW MUCH THE D.E.A. AGENT KNEW ABOUT GENERAL GARDOQUI.

25 AND REMEMBER WHEN WE THEN GOT FROM THEM THAT

1 FONSECA TOLD JAVIER BARBA TO CARRY THAT THROUGH. AND WE THEN
2 GOT FROM HIM ON CROSS -- HE FOUGHT IT, BUT WE GOT FROM HIM
3 THAT JAVIER BARBA KNEW GARDOQUI AND LEFT HOME SEVERAL TIMES
4 AND TOLD THEM HE WAS GOING TO GO VISIT GARDOQUI OR DID GO
5 VISIT GARDOQUI.

6 SO THAT HE ADMITTED THAT IT WAS FONSECA, IF
7 THERE WAS ANY SUCH CONVERSATION, AND GARDOQUI AND NO ZUNO, NO
8 NEED FOR ZUNO AT THE MEETING. HE JUST LUMPS IT IN THERE.

9 IN ADDITION, HE CLAIMS HE HEARD THIS STATEMENT
10 AND AS WE KNOW, HE TOLD THE D.E.A. HE DIDN'T OVERHEAR ANY
11 SPECIFICS.

12 AND ONE OTHER THING THAT IS A PRETTY GOOD
13 POINT IS, I THINK, ON THE GENERAL GARDOQUI POINT, TAKE A LOOK
14 AT THE INTERROGATION TAPES. THERE IS A TRANSCRIPT, I BELIEVE,
15 THAT YOU'LL GET, AND WE'RE GOING TO SHOW YOU THE CHART IN A
16 FEW MINUTES. BUT THERE IS NO GARDOQUI -- IN OTHER WORDS, THE
17 THEORY IS ASK HIM ABOUT GARDOQUI. SO IT WOULDN'T PROVE
18 ANYTHING, BUT IF THERE WAS A REFERENCE TO GARDOQUI ON THE
19 INTERROGATION TAPES, YOU COULD ARGUE WELL, THAT'S CONFIRMATION
20 BECAUSE MAYBE THAT'S WHY THEY ASK FOR IT.

21 WELL, I GUESS CONVERSELY, IF THERE IS NO
22 GARDOQUI ON THE INTERROGATION TAPES, IT IS CONFIRMATION THAT
23 IT'S MADE UP. AND YOU'LL SEE FROM OUR CHART THERE IS NO
24 GARDOQUI ON COPIAS TWO OR FOUR. WE'LL SHOW YOU THAT IN A
25 MINUTE.

1 THE REST OF MR. CERVANTES AND THE REST OF HIS
2 CLAIMS. HE CLAIMS CREDENTIALS WERE ALLEGEDLY GIVEN TO JAVIER
3 BARBA WITH DAVID MACIAS PRESENT. MACIAS: NO ZUNO, NO
4 CREDENTIALS. AND IN ADDITION TO THAT, WE HAVE THAT HOST OF
5 OTHER EVIDENCE WE GAVE YOU THAT THEY ALL HAD CREDENTIALS, ALL
6 DEALT DIRECTLY AND NO NEED FOR ZUNO.

7 IF THEY TALK ABOUT THIS THOMPSON MACHINE GUN--
8 AGAIN, NO PROOF OF ANY KIND MR. ZUNO HAS ANY GUN. BUT AGAIN,
9 CERVANTES SAYS HE GAVE IT TO MACIAS. MACIAS: NO ZUNO, NO
10 THOMPSON MACHINE GUN.

11 I MEAN, RIGHT ON THE BUTTON, RIGHT ON THE
12 BUTTON. AND NO CONTRADICTION OF MACIAS, NOTHING. THEY DON'T
13 TOUCH MACIAS. THEY DON'T TOUCH HIM AT ALL. THEY DON'T TAKE
14 HIM ON AT ALL. WHY NOT? HE'S NOT TELLING THE TRUTH. DON'T
15 TELL ME THIS A DRUG DEALER; EVERY ONE OF THEIR WITNESSES
16 THROUGH HERE IS A DRUG DEALER. AND HE WANTED TO BE THERE OR
17 THEY WANTED TO BE THERE. WHY DON'T THEY TOUCH HIM? BECAUSE
18 HE'S TELLING THE TRUTH, THAT'S WHY THEY DON'T WANT TO TOUCH
19 HIM.

20 DO YOU MEAN TO TELL ME IF HE WAS IN
21 GUADALAJARA IN '84, THEY COULDN'T BRING SOMEBODY ON TO SAY IT?
22 IF HE WAS MR. ZUNO'S CHAUFFEUR, THEY COULDN'T BRING SOMEBODY
23 ON TO SAY IT? I'M NOT ASKING THEM TO BRING ON A WITNESS ON
24 THE GUN OR SOMETHING, BUT JUST THAT HE WAS A CHAUFFEUR AND HE
25 WAS THERE.

1 HE WASN'T THERE AND HE WASN'T A CHAUFFEUR.
2 AND THERE WAS NO GUN AND THERE WAS NO CREDENTIALS AND AGAIN,
3 HE TIES MR. MACIAS INTO THIS BRIEF CASE OF MONEY. HE JUST
4 MAKES UP STUFF. MACIAS SAID NO ZUNO, NO BRIEF CASE OF MONEY.
5 NO CONTRADICTION OF MACIAS.

6 CERVANTES AGAIN ALLEGEDLY DELIVERED THE BOX OF
7 MONEY IN THE PRESENCE OF MACIAS. NO ZUNO. NO BOX OF MONEY.

8 WE'VE TAKEN ON EVERYTHING HE SAID. WE DON'T
9 HAVE THIS OBLIGATION, BUT WE JUST DON'T WANT TO TAKE ANY
10 CHANCES, SO IT'S EVERY STATEMENT THAT HE MADE -- EVERY ONE IS
11 CONTRADICTED. EVERY ONE. AND THERE IS NO SUBSTANTIATION FOR
12 ANY OF THEM.

13 WHAT IS SCARY TO ME IS THE LIE IS SO BIG THAT
14 YOU JUST SAY OH, WOW. BUT WHEN YOU THINK ABOUT IT, THERE IS
15 NO SUBSTANTIATION THAT HE EVEN KNOWS BARBA.

16 THE PHONE CALL ALLEGEDLY MADE TO MR. ZUNO AT
17 LA QUINTA. DOCUMENTED EVIDENCE. THERE IS NO PHONE.
18 ESPERANZA: NO PHONE. THERESA: NO PHONE. BUT YET THEY'RE
19 ARGUING PHONE. THEY'RE ARGUING THERE IS THIS PHONE CALL.
20 THEY'RE ARGUING AFTER THE CALL THERE WAS DISCUSSIONS ABOUT
21 MARIJUANA.

22 THAT'S REALLY STRETCHING, YOU KNOW. THEY HAVE
23 GOT NOTHING ON DRUGS OF ANY KIND. THIS IS A STALEMATE. THIS
24 IS REALLY LOTS OF DRUGS IN THIS CASE, RIGHT. ALL THE DRUGS IN
25 THIS CASE, THE ONLY DRUGS, THE ONLY TOUCH MR. ZUNO -- ANYTHING

1 ABOUT DRUGS, ANYTHING FROM ANYBODY -- IS THIS ALLEGED AFTER A
2 PHONE CALL FROM A PHONE THAT WAS NEVER THERE DISCUSSION ABOUT
3 FIVE TONS BURIED IN MASCOTA.

4 LET'S JUST TALK ABOUT HOW DUMB THAT IS FOR A
5 MINUTE. IN ADDITION TO BEING NO PHONE CALL, THE WITNESS SAYS
6 HOW NERVOUS EVERYBODY IS WHEN JAVIER BARBA GETS THIS AND HE
7 WANTS TO RUN AND ESCAPE AND EVERYTHING.

8 SO ALLEGEDLY MR. ZUNO WAS TALKING TO HIM ABOUT
9 FIVE TONS OF MARIJUANA THAT IS BURIED SOMEWHERE THAT NOBODY
10 HAS BOTHERED -- IT'S NOT LIKE ANYBODY WAS BOTHERING
11 MARIJUANA -- THAT THEY'RE GOING TO DIG UP AND MOVE SOMEWHERE.

12 SO IN THE MIDST OF THIS CRISIS OF WHAT TO DO,
13 MARIJUANA THAT IS NOT BEING LOOKED FOR THAT IS BURIED SIX
14 HOURS AWAY, 25 PEOPLE ARE GOING TO COME FROM SOME OTHER
15 DIRECTION -- OCOTLAN OR WHEREVER IT IS -- AND GO TO MASCOTA
16 AND DIG UP MARIJUANA THAT IS BURIED THAT NOBODY CARES IS
17 THERE. THAT DOESN'T MAKE ANY SENSE, DOES IT?

18 BUT THAT IS THE ONLY TOUCH OF MARIJUANA.
19 AGAINST THAT YOU HAVE EVERYTHING, AND THE FACT THAT EVEN THAT
20 MARIJUANA ISN'T THERE IS THAT THERE WAS NO PHONE.

21 AND BY THE WAY, WE GOT FROM MR. BERRELLEZ, I
22 BELIEVE, THAT MR. CERVANTES NEVER SAID ANYTHING ABOUT MASCOTA.
23 MASCOTA IS A CONVENIENT ADDITION WHEN THEY FIND OUT MR. ZUNO
24 LIVES IN MASCOTA.

25 NOTHING IN THE D.E.A. REPORTS THAT I CAN'T

1 STOP THE TROUBLE. JAVIER GOING FOR GUNS OR SOMETHING, NOTHING
2 IN THE D.E.A. REPORTS. THE PHONE CALL TO JAVIER BARBA ABOUT
3 MOVING BODIES ABOUT FROM LA PRIMAVERA ON LAND OWNED BY ZUNO.
4 IT JUST MAKES NO SENSE.

5 ONE, THERE IS NO PHONE, SO THAT'S THE END OF
6 IT. BUT WE'LL GO FURTHER THAN NO PHONE; THERE IS NOTHING IN
7 THE D.E.A. REPORTS, WE HAVE ESTABLISHED, ABOUT LA PRIMAVERA.

8 RAWALT TESTIFIES THAT THE BODIES WERE NOT
9 BURIED ON THE PRIVATELY-OWNED LAND, BUT ON REMOTE, DESOLATE
10 LAND. DO YOU REMEMBER WHEN WE ASKED ABOUT THIS, IF WHERE THE
11 BODIES WERE FOUND, IS THAT LIKE YELLOWSTONE?

12 AND HE DIDN'T SAY THIS, BUT HE SAID IT IS MORE
13 YELLOWSTONE THAN YELLOWSTONE IN THE SENSE THAT THERE ARE NO
14 SNACK BARS OR ROADS. I MEAN THIS IS SOME DESOLATE AREA WHERE
15 THESE PEOPLE BURIED THESE FOLKS. NO INDICATION OF ANY HOUSES
16 ANYWHERE NEAR ANYTHING.

17 THE OTHER THING THAT PUTS THE LIE TO IS YOU
18 REMEMBER THE TESTIMONY BASICALLY IS THE BODIES ARE TAKING FROM
19 LA PRIMEVERA AND MOVED TO THE BRAVO RANCH, FOUND ABOUT A MONTH
20 LATER IN SUCH A HURRIED FASHION THAT THEY'RE ON TOP OF THE
21 ROAD, THEY'RE NOT EVEN BURIED. SO OSTENSIBLY THEY MUST HAVE
22 BEEN TAKEN AT OR AROUND THE TIME THEY WERE DROPPED THERE OR A
23 MONTH LATER.

24 SO THEY MUST HAVE BEEN TAKEN A MONTH AFTER THE
25 INCIDENT. CERVANTES CLAIMS THE PHONE CALL WAS MADE LIKE

1 WITHIN TWO DAYS. SO THAT'S ANOTHER REASON, IF YOU THINK
2 THROUGH ALL THE EVIDENCE, IT JUST DOESN'T MAKE SENSE. HE SAYS
3 TWO DAYS LATER. THOSE BODIES WEREN'T LYING ON THE SIDE OF THE
4 ROAD FOR A MONTH.

5 SO THERE IS SO MANY THINGS. THERE IS THE NO
6 PHONE AND IT'S NOT IN THE REPORTS, AND IT WASN'T ON ANYBODY'S
7 LAND NEAR ANY KIND OF -- THEY DON'T SHOW THE LAND WAS
8 PRIVATELY OWNED BY ANYBODY. NO HOUSES NEAR. IT WAS A REMOTE
9 DESOLATE AREA. THE BODIES WERE OSTENSIBLY MOVED, IT SEEMS
10 LIKE FROM THE EVIDENCE, A MONTH LATER.

11 NEXT POINT ON CERVANTES. HE'S NOT CONFIRMED
12 BY ANY INDEPENDENT EVIDENCE ON ANYTHING. THERE IS NO
13 CONFIRMATION EVEN ON THE MOST BASIC THING THAT HE WAS
14 ASSOCIATED WITH JAVIER BARBA.

15 IF YOU THINK BACK ON THE EVIDENCE, NOT ONE
16 WITNESS PLACES HIM WITH JAVIER BARBA ANYWHERE. WE HAVE A LOT
17 OF FOLKS IN GUADALAJARA. IF THERE WAS ANYBODY WHO COULD PLACE
18 HIM THERE, THEY WOULD. I'M NOT SAYING PLACE HIM IN A MEETING
19 OR PLACE HIM WHEREVER. NOT ONE WITNESS SUBSTANTIATES THAT HE
20 EVEN KNOWS JAVIER BARBA, LET'S ALONE WORKED FOR HIM.

21 HE COULD HAVE GOTTEN WHATEVER INFORMATION HE
22 HAS FROM PLASCENCIA OR GARATE WHO KNOW BARBA, WHO PLANNED THE
23 MURDER WITH BARBA. SO NOT ONE BIT OF INFORMATION HE EVEN KNEW
24 HIM. AND THEY COULD HAVE PUT ON THESE WITNESSES IF ANYBODY
25 SAYS HE KNEW HIM.

1 TWO, NO CONFIRMATION THAT ZUNO EVEN KNEW
2 JAVIER BARBA. THERE IS NOT ONE WITNESS. WOULDN'T YOU THINK
3 IF THE GUTS OF THEIR CASE IS MR. ZUNO HAD THESE COUPLE
4 KIDNAPPING MEETINGS AT JAVIER BARBA'S HOUSE, AND THAT'S THE
5 ONLY PLACE THEY PURPORTEDLY OCCURRED, THERE WOULD BE SOME
6 WITNESS TO SAY HE KNEW JAVIER BARBA OR HE SPOKE TO JAVIER
7 BARBA. SOMETHING. HE KNEW HIM, HE SPOKE TO HIM, HE TOUCHED
8 HIM.

9 THERE IS NOT ONE WITNESS OF THE 75 OR SO THAT
10 SAYS HE KNEW HIM OR EVER SPOKE TO HIM. WOULDN'T YOU THINK
11 THAT WOULD BE IMPORTANT CONFIRMATION THAT WOULD YOU WANT TO IN
12 SOME WAY SUBSTANTIATE THAT HE WOULD BE AT A MEETING AT HIS
13 HOUSE? SOMEBODY TO SAY THAT HE AT LEAST KNOWS HIM.

14 IF SOMEBODY SAYS HE KNOWS HIM, IT DOESN'T MEAN
15 HE WAS AT A MEETING, BUT AT LEAST HE KNOWS HIM. BUT THERE IS
16 NOT ONE WITNESS WHO EVEN SAYS HE KNOWS HIM. NO CONFIRMATION
17 THAT JAVIER BARBA HAD A DAUGHTER. CRITICAL FOR THE MEETING.
18 NO CONFIRMATION OF A BAPTISM. CRITICAL FOR THE MEETING.
19 NO CONFIRMATION OF A WEDDING. CRITICAL FOR THE MEETING.
20 NO CONFIRMATION OF A PRE-WEDDING MEETING OR POST-WEDDING
21 MEETING.

22 WHAT THIS IS ABOUT IS NOT EVEN BEING
23 AGGRESSIVE AND ASKING FOR SOMEBODY AT THE MEETING, JUST
24 SOMEBODY AT THE WEDDING. NOBODY. NOBODY TO SHOW A WEDDING.
25 NO DOCUMENT FOR --

1 THE COURT: COUNSEL, I WANT YOU TO WIND UP YOUR
2 ARGUMENT. YOU'RE REPEATING MANY POINTS SEVERAL TIMES NOW.

3 MR. MEDVENE: YES, SIR.

4 LASTLY, ON THE CONFIRMATION. ON THE TESTIMONY
5 OF DAVID MACIAS NO CONTRADICTION OF ANY KIND WITH RESPECT TO
6 HIS TESTIMONY WITH RESPECT TO NOT KNOWING MR. ZUNO UNTIL '89.

7 LADIES AND GENTLEMEN, WINDING UP, I WANT TO
8 HIT JUST A FEW MORE THINGS AND I'LL BE ANOTHER FIVE OR TEN
9 MINUTES. I APPRECIATE YOUR PATIENCE.

10 IN TERMS OF ACTION INDICATING MR. ZUNO'S
11 INNOCENCE, YOU HAVE THE FACT THAT AS FAR AS THE RECORD SHOWS
12 HE CONTINUED LIVING OPENLY IN MEXICO AND DID NOT FLEE, DID NOT
13 GO INTO HIDING, TRAVELED OPENLY TO THE UNITED STATES AFTER
14 FEBRUARY 7 OF '85. TRAVELED VIA COMMERCIAL AIRLINES UNDER
15 HIS OWN NAME. VALID IMMIGRATION DOCUMENTS. VOLUNTARILY CAME
16 AND MET MR. KUYKENDALL. NOT OFFERED ANY REWARDS OR FAVORS AND
17 DIDN'T REQUEST ANY.

18 ON THE FORENSIC EVIDENCE -- (BRIEF PAUSE TO
19 DISPLAY CHART) ON THE FORENSIC EVIDENCE, VERY IMPORTANT,
20 BECAUSE UNLIKE SOME OTHERS IN THIS CASE -- AND WE ARE NOT
21 SUGGESTING THEY DO OR DON'T HAVE ENOUGH EVIDENCE -- MR. ZUNO
22 IS UNIQUE.

23 THERE IS NO CONFIRMATION OF ANY KIND. THEY
24 MAKE NO ALLEGATION, AND AGAIN, I'M NOT SAYING IT'S ENOUGH OR
25 NOT ENOUGH. THEY MAKE NO ALLEGATION ABOUT HAIR, NO ALLEGATION

1 ABOUT PHYSICAL PRESENCE IN GUADALAJARA, NO ALLEGATION ABOUT
2 PHONE CALLS. NO EVIDENCE OF ANY KIND ON ANY OF THOSE THINGS.
3 NOTHING. NOTHING TO SUBSTANTIATE.

4 WE KNOW FROM FORENSICS NOTHING ON LOPE DE
5 VEGA. NOTHING ON THE VOLKSWAGON. NOTHING ON THE MERCURY
6 MARQUIS. NOTHING ON THE INTERROGATION TAPES. NO PHONE
7 RECORDS OF ANY KIND TYING MR. ZUNO IN ANY WAY TO THE
8 KIDNAPPING.

9 ON THE INTERROGATION TAPES -- YOU CAN CHECK
10 THE TRANSCRIPT -- BUT IN GOING THROUGH THE TAPE WE'VE LISTED
11 THE NUMBER OF TIMES PEOPLE ARE MENTIONED ON THE TAPE. WHAT'S
12 CRITICAL IS, FOR THIS PURPOSE, NO GENERAL GARDOQUI, NO
13 REFERENCE OF ANY KIND TO MR. ZUNO BY ANYBODY. THERE IS NO
14 QUESTION THAT HE'S NOT THERE AT THE INTERROGATION.

15 LASTLY, LADIES AND GENTLEMEN, I WANT TO TALK
16 TO YOU ABOUT WHAT THE STANDARD IS AND THE REASONABLE DOUBT
17 STANDARD.

18 HIS HONOR WILL GIVE THE INSTRUCTION TO YOU BUT
19 IN PART, YOU'LL BE TOLD THAT THE PRESUMPTION OF INNOCENCE
20 ALONE IS SUFFICIENT TO ACQUIT A DEFENDANT UNLESS THE JURORS
21 ARE SATISFIED BEYOND A REASONABLE DOUBT OF THE DEFENDANT'S
22 GUILT.

23 AND PROOF BEYOND A REASONABLE DOUBT IS PROOF
24 THAT LEAVES YOU FIRMLY CONVINCED THAT THE DEFENDANT IS GUILTY.
25 AND I SUGGEST THIS TO YOU AS A POSSIBLE WAY OF LOOKING AT IT,

1 THOUGH I THINK THE EVIDENCE IS OVERWHELMINGLY IN FAVOR OF MR.
2 ZUNO.

3 EVERY DAY YOU DO CERTAIN THINGS PROBABLY BY
4 ROTE IN TERMS OF GETTING UP, PUTTING ON CLOTHES, DRIVING TO
5 WORK, GOING TO SCHOOL, WHATEVER. YOU DON'T THINK MUCH ABOUT
6 IT. THERE ARE OTHER THINGS YOU DO, MORE IMPORTANT THINGS, IF
7 WE COULD CALL THEM THAT, WHERE YOU SPEND A CONSIDERABLE AMOUNT
8 OF TIME.

9 IT MIGHT BE DO YOU BUY A HOUSE OR NOT OR RENT,
10 WHAT HOUSE DO YOU BUY, USED CAR, NEW CAR, WHAT CAR, WHAT JOB
11 DO YOU TAKE, DO YOU LEAVE YOUR JOB AND GO SOMEWHERE ELSE, DO
12 YOU MOVE TO A DIFFERENT AREA. I THINK IN THOSE KINDS OF
13 DECISIONS, EITHER ON A PIECE OF PAPER OR IN YOUR MINDS, YOU
14 PUT DOWN A SERIES OF PLUSES AND MINUSES AND TRY TO FIGURE OUT
15 WHAT HAS THE GREATER WEIGHT.

16 BUT IN NONE OF THOSE DECISIONS, THE JOB, THE
17 CAR IS THE STANDARD BEYOND A REASONABLE DOUBT. BECAUSE IN
18 THOSE DECISIONS YOU COULD CHANGE THEM IN A YEAR, TWO YEARS,
19 FIVE YEARS. ANOTHER HOUSE, ANOTHER CAR, ANOTHER JOB. BUT
20 THERE IS A FINALITY WHEN YOU RULE IN THIS CASE. THE CURTAIN
21 IS DOWN, THERE IS NO CHANGE. AND I THINK THAT IS WHAT THE
22 INSTRUCTION IS ABOUT. ARE YOU FIRMLY CONVINCED FROM THE
23 EVIDENCE?

24 NOW, THIS IS A SOCIETY, IT SEEMS TO ME, WHERE
25 MORE AND MORE WE ARE OBSERVERS OF THINGS LARGE OR SMALL. WE

1 REALLY DON'T MAKE MUCH OF A DIFFERENCE. WE VIEW FROM AFAR AND
2 WE DRAW OUR SATISFACTION OR DISPLEASURE FROM WATCHING WHAT
3 SOMEONE ELSE DOES.

4 IT'S DIFFERENT FOR EACH AND EVERY ONE OF YOU
5 TODAY AND NOW BECAUSE YOU'RE PARTICIPANTS, YOU'RE NOT
6 OBSERVERS. YOU'RE GOING TO MAKE THE DECISION TO SHOW, AS
7 PARTICIPANTS, ONE OF THE RARE TIMES IN LIFE WHEN ANY OF US CAN
8 BE A PARTICIPANT -- YOU'RE GOING TO MAKE THE DECISION TO SHOW
9 THAT OUR SYSTEM OF JUSTICE WORKS.

10 YOU HAVE THE ABILITY TO SAY THAT EVEN IN A
11 CASE LIKE THIS WHERE THE CHARGES ARE SO HEINOUS THAT THE
12 PRINCIPLES OF FAIR PLAY AND JUSTICE ARE IMPORTANT. YOU HAVE
13 AN OPPORTUNITY TO SAY TO THE COMMUNITY, TO SEND A MESSAGE THAT
14 WE DON'T CONVICT PEOPLE BECAUSE OF THE NATURE OF THE CHARGE,
15 WE WOULD ONLY CONVICT BASED ON THE QUALITY OF THE EVIDENCE.

16 WE DON'T CONVICT PEOPLE BECAUSE "IT MIGHT BE
17 HIM OR HER" OR "WHY ARE THEY HERE" OR "THEY WON'T BE HERE
18 IF" -- IN THIS COUNTRY WE HOLD THE PROSECUTION TO THE STANDARD
19 OF PROOF BEYOND A REASONABLE DOUBT.

20 AND I SAY TO YOU, YOU HAVE BEEN PATIENT WITH
21 ME. WE HAVE LISTED AND I WILL NOT GO THROUGH THEM IN ANY
22 DETAIL, BUT JUST ADD 20 TO 30 TO THESE -- BUT JUST A NUMBER OF
23 AREAS THAT MIGHT OCCUR TO YOU TO SUGGEST A REASONABLE DOUBT
24 FROM THE CONTRADICTIONS OF CERVANTES, TO THE LACK OF EVIDENCE
25 OF ZUNO'S PARTICIPATION IN SO MANY THINGS. A LACK OF MOTIVE

1 OR WHATEVER.

2 I SAY TO YOU IN CLOSING, LADIES AND GENTLEMEN,
3 I VERY MUCH APPRECIATE YOUR BEING OUR JURY. THE VERDICT IS
4 WHATEVER IN YOUR HEARTS YOU FEEL IT OUGHT TO BE. YOU WORKED
5 HARD, YOU LISTENED TO US AND THAT'S ALL WE CAN ASK.

6 I JUST ASK YOU, PLEASE THINK OF WHAT WE MAY
7 WELL HAVE SAID, BECAUSE WE DON'T HAVE AN OPPORTUNITY TO
8 RESPOND TO THE PROSECUTION. THINK WHAT WE MIGHT HAVE SAID IN
9 REBUTTAL. AND I ASK YOU AT THE CONCLUSION OF YOUR
10 DELIBERATIONS TO RETURN A VERDICT OF NOT GUILTY.

11 A VERDIT OF NOT GUILTY IS WHAT THE EVIDENCE
12 REQUIRES. IT IS NOT IN ANY WAY AN INDICATION YOU'RE NOT FOR A
13 STRONG D.E.A. OR NOT AGAINST WHAT HAPPENED; IT IS THE RIGHT
14 VERDICT UNDER THE EVIDENCE THAT HAS BEEN SUBMITTED TO YOU.
15 NOT GUILTY, NOT PROVEN, MR. ZUNO.

16 THANK YOU VERY MUCH, LADIES AND GENTLEMEN.

17 THE COURT: WE'LL TAKE OUR AFTERNOON RECESS.

18 (EVENING RECESS TAKEN.)

19 I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE
20 RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

21 Julie A. Churchill
22 JULIE A. CHURCHILL, CSR NO. 6155
23 OFFICIAL COURT REPORTER
24
25

DATED: June 26, 1991

		PG	LN
LOS ANGELES	+ CALIFORNIA	4	1
JULY 12, 1990	+ 9:30 A.M.	4	2
CLOSING ARGUMENT	+ FOR JAVIER VASQUEZ-VELASCO	4	8
CLOSING ARGUMENT	+ FOR RUBEN ZUNO-ARCE	51	6
QUITE A SIGNIFICANT	EXHIBIT FOR DEFENSE, WHICH IS	4	12
FOR DEFENSE, WHICH IS	EXHIBIT B. IT IS A CABLE	4	13
SO WHAT	EXHIBIT B, THIS CABLE, TELLS	5	24
THERE IS ANOTHER	EXHIBIT THAT COMPLICATES THE	7	4
WHAT WE SEE FROM	EXHIBIT P IS THAT ENRIQUE	7	8
WE HAVE ANOTHER	EXHIBIT THAT YOU HAVEN'T HAD	7	13
AS WELL, AND THAT'S	EXHIBIT 190 WHICH YOU'LL	7	15
HERE ON THE EASEL.	EXHIBIT 190 IS ALSO A	7	18
GOT PROSECUTED AND	EXHIBIT 190 IS THE	8	2
SECTION OF THIS	EXHIBIT ON PAGE ONE ON THE	8	5
ON PAGE 2 OF	EXHIBIT 190 IT SPECIFICALLY	8	15
SEE THIS ON PAGE 3 OF	EXHIBIT 190, IS HE DECIDES	8	23
THE BOTTOM OF PAGE 3,	EXHIBIT 190. THAT IT'S A	9	6
IS SAYING IN	EXHIBIT 190, WHICH IS WHAT I	10	13
THAT ONTIVEROS GAVE,	EXHIBIT P, WHERE ONTIVEROS	10	21
QUESTION. AND	EXHIBIT 35, WHICH IS THAT	11	4
THE PERSPECTIVE TO	EXHIBIT 190, WHICH IS THE	11	6
THE POINT OF VIEW OF	EXHIBIT 190 OR WHETHER YOU	11	21
THE POINT OF VIEW OF	EXHIBIT P, EITHER WAY	11	22
TO LOOK AT BOTH	EXHIBIT P, WHICH IS THE CABLE	16	22
CONFESSION, AND	EXHIBIT 190, WHICH IS THE	16	24
DISCREDITED BY BOTH	EXHIBIT P AND EXHIBIT 190,	17	3
BY BOTH EXHIBIT P AND	EXHIBIT 190, THE TIMING THAT	17	4
WE'RE TALKING ABOUT,	EXHIBIT P, EXHIBIT 190,	19	6
ABOUT, EXHIBIT P,	EXHIBIT 190, PLASCENCIA'S	19	7
WHICH IS DEFENSE	EXHIBIT F. IT'S THIS	20	15
TALKED ABOUT BETWEEN	EXHIBIT P AND EXHIBIT 190	27	4
EXHIBIT P AND	EXHIBIT 190 AND THE TIMING	27	5
I DON'T KNOW THE	EXHIBIT NUMBER OFFHAND, BUT I	34	23
I'M DONE FOR THE	EXHIBIT NUMBER ON THAT.	34	25
MAKE A NOTE OF THAT	EXHIBIT NUMBER, FLAG IT FOR	35	2
CASTILLO'S CABLE,	EXHIBIT P, WHICH WE DISCUSSED	37	17
I SUBMIT TO YOU THAT	EXHIBIT P MAKES IT CLEAR THAT	38	22
THE CABLE, WHICH IS	EXHIBIT P -- THAT'S A DEFENSE	39	17
P -- THAT'S A DEFENSE	EXHIBIT -- BY ADMITTING	39	18
BY ADMITTING DEFENSE	EXHIBIT P. SO THAT I CAN	39	18
SHOWING YOU A DEFENSE	EXHIBIT THAT GIVES US THE	40	2
RECORDS THEMSELVES.	EXHIBIT TRIPLE N, N N N.	45	6
THE WHOLE DISTRICT.	EXHIBIT TRIPLE N, PARAGRAPH	46	14
IF YOU LOOK AT THIS	EXHIBIT , IF YOU WANT TO IN	59	2
D D D, AND WHAT THIS	EXHIBIT SHOWS IS THIS IS THE	59	3
TO SEE THIS. IT'S AN	EXHIBIT IN EVIDENCE, IT'S N	72	5

LOS ANGELES + CALIFORNIA THURSDAY, JULY
JULY 12, 1990 + 1:30 P.M.
CLOSING ARGUMENT + FOR DEFENDANT ZUNO

89 1
89 2
89 7