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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
HONORABLE EDWARD RAFEEDIE, JUDGE PRESIDING

- - - - -

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. CR-87-422-ER
)
RAFAEL CARO-QUINTERO, et al.,)
)
Defendants.)
_____)

REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS
LOS ANGELES, CALIFORNIA
WEDNESDAY, DECEMBER 2, 1992

MARY TUCKER, CSR 9308
Official Court Reporter
429-D U.S. Courthouse
312 North Spring Street
Los Angeles, Calif. 90012
213/687-0530

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I N D E X

WITNESS

DIRECT CROSS REDIRECT RECROSS

KUYKENDALL, JAMES
 By Mr. Medvene
 By Mr. Rubin
 Mr. Carlton

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1 LOS ANGELES, CALIF.; WEDNESDAY, DECEMBER 2, 1992; 10:00 AM
2 (Previous proceedings had and reported but not transcribed)

3 THE COURT: You may cross-examination the witness.

4 MR. MEDVENE: May I approach the witness?

5 THE COURT: Yes.

6 CROSS-EXAMINATION

7 BY MR. MEDVENE:

8 Q Good afternoon, Agent Kuykendall.

9 You mentioned that with reference to certain
10 confidential informant information you received about
11 Zacatecas, that you verified that information; is that
12 correct?

13 A We verified as much we could, yes, sir.

14 Q Was it your practice generally to verify informant
15 information to make sure it was accurate?

16 A That was if we could, yes, sir.

17 Q Why did you feel that was necessary?

18 A To be sure ourselves that what the information we were
19 receiving was correct.

20 Q Because you were getting information from somebody who
21 might be being paid money, and you wanted to make certain
22 that the information wasn't being made up, or wanted to
23 make sure it wasn't inaccurate?

24 A That would be one of the reasons, yes, sir.

25 Q At Zacatecas you investigated the information that you

1 had been given and you found that it was correct?

2 A That is correct.

3 Q Now, after verifying the information on Zacatecas, did
4 you prepare a memorandum that's marked 400 and is in front
5 of you?

6 A This piece of paper was prepared by Special Agent
7 Enrique Camarena, sir. I was the approving officer.

8 Q And does that memorandum reflect the investigation by
9 Mr. Camarena of the Zacatecas fields?

10 A Up to that point, the date on the piece of paper, yes,
11 it does.

12 Q And basically, there were ten families that owned a
13 variety of fields in Zacatecas; is that correct?

14 A According to our information.

15 Q And a variety of individuals in each family?

16 A I'm sorry?

17 Q And a variety of individuals under each family
18 grouping?

19 A Yes, sir.

20 Q Is it correct that Caro-Quintero generally supervised
21 the overall operation of Zacatecas.

22 MR. CARLTON: Objection on hearsay grounds, Your
23 Honor, lack of foundation.

24 THE COURT: Sustained.

25 BY MR. MEDEVINE:

1 Q Is it true that based on your information, the overall
2 operation of the Zacatecas fields was under the direction
3 of Caro-Quintero?

4 MR. CARLTON: Same objection, Your Honor.

5 THE COURT: Well, you may answer, if you now.

6 THE WITNESS: That was what our information was,
7 sir.

8 BY MR. MEDVENE:

9 Q And he provided protection?

10 A Well, the protection was provided by the police
11 agencies in the area.

12 Q And your understanding was he made the arrangements
13 with those agencies to provide the protection; is that
14 correct?

15 A He and other traffickers.

16 Q Yes. The other traffickers that are listed as part of
17 the ten families?

18 A That's what we were told.

19 Q And is it also true that based on your investigation,
20 you learned that it was initially Felix-Gallardo who
21 introduced Caro-Quintero and Fonseca and other Cartel
22 members to various powerful politicians and police
23 officials in Guadalajara?

24 MR. CARLTON: Objection. Hearsay, lack of
25 foundation.

1 THE COURT: Overruled. You may answer.

2 THE WITNESS: I wish I knew that, sir. I don't
3 know.

4 BY MR. MEDVENE:

5 Q Now, Mr. Zuno is not listed as one of the ten families
6 that owns or has any involvement in Zacatecas; is that
7 correct?

8 A That is correct.

9 Q Now, there was a meeting you had before the Zacatecas
10 raid with Manuel Ibarra in Mexico City; is that correct?

11 A Yes, sir.

12 Q And prior to that meeting, did you prepare certain
13 handwritten notes, or were certain handwritten notes
14 prepared that were turned over to the Mexican Attorney
15 General's Office?

16 A I think that was at the second meeting, but, yes, we
17 did -- I did.

18 Q You have in front of you what is marked 401. Are
19 those the notes?

20 A Yes, sir.

21 Q And what do those notes purport to relate?

22 A The names of the financiers of the operation. The
23 names of the foremen or managers of the operation. Some of
24 the traffickers that would be found up there. The names of
25 the D.F.S. comandante, and M.F.J.P. comandante, and the

1 State Judicial Police comandante. The names of some motels
2 were the traffickers were staying. The name of some of the
3 growers, and the names of some of the areas where they were
4 supposed to have been cultivations found. The name of the
5 principal person that we were working against and his help
6 telephone numbers. The name of a radio technician who was
7 supposed to have been the person who had installed their
8 radio network.

9 Q And did you give this information to Mr. Ibarra for
10 purpose -- with reference to Zacatecas for purposes of
11 their office conducting an investigation into these people?

12 A Yes, I did.

13 Q Mr. Zuno's name, by the way, is not one of those
14 listed under any of the categories that you identified; is
15 that correct?

16 A That is correct.

17 Q Now, at the initial meeting in Zacatecas when the --
18 when there was discussion of the Zacatecas raid or an
19 upcoming Zacatecas raid, Mr. Camarena was present, was he
20 not?

21 A The initial meeting was in Mexico City.

22 Q Yes?

23 A Yes, he was present.

24 Q And Mr. Ibarra knew that Mr. Camarena was involved
25 in -- along with you and planning this Zacatecas raid?

1 A Yes, sir.

2 Q Now, at or around the time of the raid, you had told
3 us Enrique Camarena was also investigating or trying to put
4 together a cocaine purchase?

5 A Heroin purchase.

6 Q A heroin purpose. And that was with a gentleman named
7 Manuel Chavez?

8 A Yes, sir.

9 Q And the idea was for Chavez to deliver the heroin in
10 the United States so he could be arrested in the United
11 States?

12 A That is correct.

13 Q And Chavez didn't come to the United States, but had
14 somebody else bring the heroin over here; is that correct?

15 A Yes, it is.

16 Q So the heroin was transferred to Mr. Camarena in an
17 undercover capacity in the U.S.?

18 A Yes.

19 Q Is it true that Mr. Camarena -- Mr. Camarena at the
20 time of the purchase, as far as Mr. Chavez was concerned,
21 was work in an undercover capacity?

22 A That's right.

23 Q Mr. Chavez was a right-hand man, so to speak, of
24 Caro-Quintero?

25 A Yes.

1 Q Is it correct that after the transfer of the heroin,
2 that Enrique Camarena flew to where Mr. Chavez was in
3 Reynosa, Mexico?

4 A Well, he drove there. Reynosa is right across the
5 river --

6 Q All right.

7 A -- from where he was at.

8 Q And he arrested or participated in the arrest of
9 Mr. Chavez there in Reynosa?

10 A That is correct.

11 Q And he, Mr. Chavez, knew at that time when
12 Mr. Camarena arrested him he was no longer undercover, he
13 was a D.E.A. agent; is that correct?

14 A Yes, it is.

15 Q Now, Mr. Camarena and Mr. Chavez then flew from
16 Reynosa to Zacatecas?

17 A Yes, sir.

18 Q And Mr. Camarena in Zacatecas then participated in the
19 remainder of the Zacatecas operation?

20 A That is correct, sir.

21 Q And as part of the Zacatecas operation, when arrests
22 were made, he was in the same room as Mr. Chavez?

23 A He would have been at some time.

24 Q And Mr. Chavez certainly knew, to the best of your
25 knowledge, that Mr. Camarena was very much involved in this

1 Zacatecas raid?

2 A I think so.

3 Q Now, was Mr. Aldana was with you at Zacatecas, I think
4 you told us?

5 A It would be more correct to say I was with him.

6 Q You were with him, and you were with him, was in the
7 helicopter for awhile?

8 A Right.

9 Q And is it correct that he also saw Mr. Camarena there
10 in Zacatecas ?

11 A Yes, sir.

12 Q And he knew when he saw Mr. Camarena there in
13 Zacatecas in May of '84, that Mr. Camarena was a D.E.A.
14 agent?

15 A Yes, sir, he did.

16 Q The other operation you spoke about, Operation
17 Padrino, was a cocaine arrangement basically between
18 Mr. Matta and Felix-Gallardo; is that correct?

19 A They were the principal traffickers in the
20 investigation.

21 Q And the -- and was Matta the one that supervised the
22 cocaine coming from Columbia through Mexico to the United
23 States?

24 A I believe he was the connection.

25 Q He was the connection.

1 And was -- he was Columbian connection?

2 A Yes.

3 Q And was Mr. Gallardo the Mexican connection?

4 A He was that, and the transporter.

5 Q All right. And he transported the cocaine to the
6 United States?

7 A Yes.

8 Q Multi million dollar transactions?

9 A Yes.

10 Q And there were certain monies seized in Anaheim?

11 A Yes.

12 Q Mr. Zuno was no way involved in that cocaine
13 transaction, to the best of your information; is that
14 correct?

15 MR. CARLTON: Objection. Lack of foundation.

16 THE COURT: Overruled.

17 THE WITNESS: That's correct.

18 BY MR. MEDVENE:

19 Q Now, after the kidnapping of Agent Camarena, is it
20 true that you worked all waking hours, all working hours,
21 from the kidnapping through the end of September, on the
22 Camarena abduction in trying to figure out what happened
23 and who did it?

24 A No. No. We had other things to do. I worked on it a
25 lot, but we had other things to do.

1 Q Fair to say you put in a lot of time working on it?

2 A Yes, sir.

3 Q In the course of your -- you would characterize --
4 strike that.

5 D.E.A. agents came in to participate in the
6 investigation from the United States?

7 A Yes, sir, they did.

8 Q You had a lot of agents down there?

9 A Yes, we did.

10 Q You'd characterize it as an intensive investigation?

11 A Yes, sir.

12 Q During the course of the investigation, is it correct
13 that you pursued a number of investigative techniques in
14 trying to solve who was involved in the kidnapping?

15 A Yes.

16 Q You collected phone records?

17 A Yes.

18 Q And collecting -- you collected phone records from
19 Mr. Quintero or places where you knew he frequented?

20 A We had a lot of phone records from homes where he
21 lived. I guess we gathered up some more.

22 Q You gathered up phone records from a number of
23 individuals that -- such as, did you gather up phone
24 records of places where Fonseca frequented?

25 A I don't recall, sir.

1 Q You participated in raids along with M.F.J.P. of
2 various house of known traffickers?

3 A The agents participated in almost all of them. I went
4 on some of them.

5 Q There was a photo shown to you. Was that 20 -- I'm
6 not sure -- was it 22 or 28? Was that photo of
7 Mr. Camarena you said taken in 1973 in the M.F.J.P.
8 offices?

9 A I believe '83, sir.

10 Q Yeah, in '83. What number is that? That's 22, I
11 believe, sir?

12 A It's 22.

13 Q Is that Exhibit 22?

14 A 22, yes, it is.

15 Q I don't know if you mentioned were that was found.
16 Was that found during a raid?

17 A Yes, it was.

18 Q Was that found during a raid of Felix-Gallardo's
19 house?

20 A Yes, it was.

21 Q Based on your investigation, did you ascertain that
22 Ernesto Fonseca had ordered somebody named El Sammy
23 [phonetic] to go with someone named Parra and pick up Agent
24 Camarena on February 7th?

25 MR. CARLTON: Objection, lack of foundation.

1 Hearsay. Speculation

2 THE COURT: Overruled.

3 THE WITNESS: I think that's something that was
4 related from the Mexican Federal Judicial Police. I don't
5 know where they got that information from.

6 BY MR. MEDVENE:

7 Q But that was the information that you had certain
8 Fonseca pistoleros, body guards, picked up Enrique Camarena
9 in front of the American Consulate?

10 A As I say, that came from the Mexican Federal Judicial
11 Police in Mexico City. I don't know where they got it
12 from.

13 Q Okay. And you found out that Mr. Fonseca that --
14 excuse me, that Mr. Camarena was taken by the people that
15 picked him up at 881 Lope de Vega?

16 A The forensic evidence places Agent Camarena at that
17 residence, sir.

18 Q Now, based on your investigation, you ascertained that
19 881 Lope de Vega had recently been acquired by Quintero
20 from a couple of businessmen who handled in the past his
21 investments; is that correct?

22 A I don't know if they handled his investments. They
23 had acquired real estate for him in the past.

24 Q And those individuals were the ones that you named
25 that bought this property Ruben Sanchez Barber and Jesus

1 Sanchez Barber, his brother?

2 A I think there might have been another brother involved
3 in the business right, but that's correct.

4 Q And you ascertained in the course of your
5 investigation that after these people had purchased the
6 property from Ruben Zuno, before February 7th they caused
7 it to be fixed up, painted and cleaned up, generally?

8 A I think that's perhaps so. I don't know the answer to
9 that. I read some 6's done by somebody else that says
10 that. I don't know the answer.

11 Q Is that William Kunz [phonetic]?

12 A I think so.

13 Q He was D.E.A. Washington that was investigating the
14 Camarena kidnapping?

15 A I think he was in charge of the investigation.

16 Q Your understanding from the information you received
17 was that the people that bought the place from Ruben Zuno,
18 this Jesus Sanchez Barber and Ruben Sanchez Barber, fixed
19 up the place and it was then given or sold to
20 Caro-Quintero.

21 MR. CARLTON: Objection. Irrelevant. Lack of
22 foundation.

23 THE COURT: Asked and answered. Sustained.

24 BY MR. MEDVENE:

25 Q There came a time, I believe, when you said that while

1 in Texas with the D.E.A. still working on the Camarena
2 investigation, you wanted to talk to Ruben Zuno Arce; is
3 that correct?

4 A I talked to him, sir.

5 Q Yes. Prior to talking to him, you made a decision you
6 wanted to talk to him?

7 A I must have.

8 Q Must have. And did you inform him either directly or
9 through former D.E.A. Agent Art Rodriguez, that you would
10 go to Mexico to talk to him?

11 A I don't think so. I don't recall saying that.

12 Q At any rate, Mr. Zuno voluntarily came up to Texas to
13 see you?

14 A As far as I know.

15 Q And he met you and he answered the questions you asked
16 him?

17 A That is correct.

18 Q He didn't refuse to answer any questions?

19 A No, sir.

20 Q He didn't ask for any immunity before he answered your
21 questions?

22 A No.

23 Q He didn't ask for a payment of any money before he
24 answered your question?

25 A No, he did not.

1 Q Didn't ask for relocation before he answered your
2 questions?

3 A No.

4 Q Whatever you asked him, he answered?

5 A Correct.

6 THE COURT: Asked and answered.

7 BY MR. MEDVENE:

8 Q Now, he told you, among other things, did he not, that
9 that he acquired the property in 1969 or 1970 from his
10 parents?

11 A I think he said '70.

12 Q And that he built the house there that now stands
13 there at or around that time in 1970?

14 A Some time after he acquired the property.

15 Q Some time around 1970?

16 A After he got the property. I'm not sure what date he
17 said he built the house, sir.

18 Q Okay. Now, he told you for a period of time he rented
19 the house out?

20 A That is correct.

21 Q And he -- did he tell you he rented the house out for
22 about four years when he was not living in Guadalajara?

23 A I think so, something like that.

24 Q And after '84, before selling the property, he said on
25 occasion from time to time he'd spend the night there?

1 A I think that's what he said.

2 Q When you interviewed him, the former D.E.A. Agent
3 Arturo Rodriguez, was he also present?

4 A Yes, he was.

5 Q And did you ask Mr. Zuno on that's occasion if he
6 could come up -- did either you or Mr. Rodriguez ask him,
7 "If you could develop any information or have any
8 information about drug dealings in Mascota or anybody in
9 Mascota that might be involved in drugs, could you please
10 send that information to us"?

11 A I don't whether I asked him or whether he volunteered
12 it. In my job as a D.E.A. agent, if he would have
13 volunteered it, I would gladly have taken it.

14 Q So you either asked him or he volunteered to do it?

15 A I guess so.

16 Q Subsequent to that, he caused information to be sent
17 to you?

18 A Yes, he did.

19 Q Was '70 -- let me move off for a minute, I'm about
20 done, Mr. Kuykendall. Thank you.

21 Seventy million pesos, can you remember back, was
22 the exchange rate then would that be about 300 plus
23 thousand dollars that Mr. Zuno sold the house for?

24 A Someone just told me that it was about \$330,000.

25 Q You say someone? Someone on the prosecution side?

1 A Yes.

2 Q Okay. Is it true, Mr. Kuykendall, that after you
3 questioned Mr. Zuno in Texas in September of '86, you told
4 him he could return to Mexico whenever he wanted?

5 A I don't think that I told him something like that.

6 I --

7 Q Well, you didn't arrest him?

8 A No.

9 Q And is it true that, to the best of your knowledge,
10 after your interview, there was no evidence that you knew
11 of that Mr. Zuno was involved in the kidnapping of Enrique
12 Camarena?

13 MR. CARLTON: Objection, Your Honor. Lack of
14 foundation.

15 THE COURT: Overruled on that ground.

16 MR. CARLTON: Your Honor, this is the subject of a
17 question at the recess.

18 THE COURT: The objection is irrelevant.

19 MR. CARLTON: Objection, your Honor. Irrelevant.

20 THE COURT: Sustained.

21 Just go on, please.

22 MR. MEDVINE: That's my last question, but may I
23 be heard on that, Your Honor?

24 THE COURT: Yes. We'll take our afternoon recess
25 at this time.

1 THE CLERK: All rise.

2 (Jury Out.)

3 THE CLERK: You may be seated.

4 THE COURT: What is the relevance of what he knew
5 at that time?

6 MR. MEDVENE: Well. The question we asked, Your
7 Honor, was related to any evidence he knew of that Mr. Zuno
8 was involved in the kidnapping. We asked that direct
9 question last time. You permitted it over objection, and
10 the relevance -- and the relevance is that he conducted an
11 investigation, an intensive investigation, reviewed data,
12 the government asked him a million questions going to his
13 investigation.

14 THE COURT: Get to the point.

15 MR. MEDVENE: Well, the point is as head of the
16 Guadalajara office, as very much involved in the
17 investigation, he ought to be allowed to --

18 THE COURT: You are saying that there evidentiary
19 value to the fact that by that time and in the course of
20 investigating the case he had no knowledge of --

21 MR. MEDVENE: No evidence.

22 THE COURT: No evidence?

23 MR. MEDVENE: Of Zuno's involvement in the
24 kidnapping. I specifically didn't --

25 THE COURT: Was it that the evidentiary value is

1 inferential?

2 MR. MEDVENE: Yes, sir.

3 THE COURT: And so therefore he -- he was not
4 involved?

5 MR. MEDVENE: Yes. Oh, yes. Yes, sir, because he
6 was involved in the investigation. He went on raids, et
7 cetera.

8 THE COURT: Why do you -- what is your objection
9 to this question?

10 MR. MEDRANO: Yes, briefly, Your Honor. There are
11 several objections.

12 First of all, besides it being irrelevant and
13 hearsay, it frankly opensup the door because Mr. Medvene
14 intentionally has framed his question to get one little
15 tidbit that Mr. Kuykendall at that juncture, at that point
16 in time, did not regard Mr. Zuno as a member of the Cartel.

17 Here's the problem with that. If he asks the
18 question of either this witness or Mr. Ayala, who is coming
19 up very shortly, did we have information in the '70's and
20 '80's that Mr. Zuno was a trafficker, the answer to that is
21 unequivocally yes.

22 THE COURT: That isn't when he asked.

23 MR. MEDRANO: No, your honor, and I agree. But
24 he's framing the questions in such a manner --

25 THE COURT: He asked if he had any evidence that

1 he was involved in the kidnapping.

2 MR. MEDRANO: Yes, Your Honor, but that's
3 tantamount to asking a -- well, that's our position that he
4 is a member -- that he is a trafficker preliminarily, and
5 ultimately a member of the Cartel. Whether or not this
6 particular witness -- and even the witness acknowledges
7 that there were many people who were working on the
8 investigation at that point -- if one particular witness --
9 this agent doesn't have information that ties him to the
10 Cartel. That doesn't mean other agents do not have such
11 information.

12 THE COURT: All right.

13 MR. MEDRANO: It opens up --

14 THE COURT: He may ask the question, and the
15 witness may answer.

16 MR. MEDRANO: Very well.

17 THE COURT: Now, Mr. Rubin, you can't have things
18 both ways. You told this jury here that it was not
19 contesting the existence of this Cartel, et cetera, et
20 cetera, and you're making these inane objections. And,
21 now, if you want to object, you can. But whether it's
22 evidence, it does not harm to your client. I don't know
23 why you object.

24 MR. RUBIN: Well, after doing that, Your Honor, I
25 just put the appropriate objection, but at the end, let

1 them go.

2 THE COURT: All right.

3 MR. RUBIN: I thought it might speed things up.

4 THE COURT: I see that the government has
5 streamlined the presentation of this evidence, which I
6 think is fine. That's the way you elicit the facts that
7 you need to elicit.

8 MR. RUBIN: Your Honor, I have one matter.

9 MR. CARLTON: Your Honor, may I ask just one
10 additional question in light of your ruling as to
11 Mr. Medvene's question?

12 Are we, allowed then, on redirect to ask the next
13 logical question is that shortly at a later time this
14 witness and others have knowledge that Mr. Zuno is a member
15 of the Cartel responsible for the kidnapping, so does that
16 mean we can ask that next question, because it opens up the
17 door by virtue of this question?

18 THE COURT: Well, you ask the question and I'll
19 rule on, if there an objection.

20 MR. MEDVENE: If the Court please, we limited the
21 question to evidence of the kidnapping. We don't think --
22 we -- there are two questions, I'm asking one. I'm asking
23 any evidence he's involved in the kidnapping.

24 THE COURT: I don't know want to waste a whole
25 recess with this.

1 MR. MEDVENE: If the government is going to be
2 permitted to ask that, I will withdraw the question. It
3 doesn't seem to me that whether he's -- he has any
4 information on the Cartel -- and we can talk about that in
5 a minute -- has anything to do with it, do they have
6 evidence he's involved in the kidnapping? If you are going
7 to permit that question, I'm won't ask this.

8 THE COURT: Well, then, you shouldn't ask it
9 because I would permit it.

10 MR. CARLTON: Thank you, Your Honor.

11 MR. MEDVENE: In other words, if we ask if he's --
12 any evidence, he's involved in the kidnapping?

13 THE COURT: You asked that purpose -- for the
14 purpose of inferring that he was not involved in the
15 kidnapping.

16 MR. MEDVENE: Yes.

17 THE COURT: They may then ask about evidence from
18 which an inference to the contrary may be made.

19 MR. MEDVENE: But the fact -- well, the witness
20 has already said that he had no evidence that he was even
21 involved in the Cartel. What Mr. Medrano is saying is some
22 other witness is going to say he read faxes and has
23 third-hand information he was involved in marijuana.

24 THE COURT: I can't believe this argument, and I
25 don't want it to continue. You may ask the question that

1 you -- was objected to before. Whether or not -- I don't
2 know what question these people are going to ask. If they
3 ask it and you don't like it, you can object to it.

4 MR. MEDVENE: Well, I can -- I won't ask this
5 question if you are going to allow a question of the
6 witness -- of this witness or Mr. Ayala, do they have any
7 information that third parties said Mr. Zuno was a
8 trafficker. I'm asking this witness --

9 THE COURT: Okay. I'm not going to permit that,
10 if that's what you have in --

11 MR. MEDRANO: No, that's not my question, Your
12 Honor.

13 THE COURT: What is your question?

14 MR. MEDRANO: My question -- if this -- if
15 Mr. Medvene's question is at this point in time, in or
16 about February or March of '85, this witness has any
17 information that Zuno was part of the Cartel responsible
18 for the kidnapping --

19 THE COURT: No. He just asked him if he had any
20 evidence of his involvement in the kidnapping.

21 MR. MEDRANO: -- at that specific time --

22 THE COURT: Yes.

23 MR. MEDRANO: -- in February or March. Then it is
24 our position that we can ask either this witness or
25 subsequent agents that are coming up that shortly at a

1 subsequent time did those agents have information that he
2 wasn't involved with the kidnapping.

3 THE COURT: Well, whether they had information
4 really doesn't -- is not relevant. It's what evidence of
5 his involvement is what is relate here.

6 MR. MEDRANO: We agree.

7 THE COURT: If you're going to present evidence of
8 his involvement -- I don't know why you are concern about
9 this.

10 MR. MEDRANO: My concern is his closing argument,
11 Your Honor. He's going to stand up and say February of '85
12 100 agents are in town and they don't have any --

13 THE COURT: Then you can say in point to what was
14 learned afterwards and the testimony of your own witnesses
15 here that implicate him. I don't know why that's a
16 problem.

17 MR. MEDRANO: Very well, Your Honor.

18 THE COURT: Now, what, Mr. Rubin?

19 MR. RUBIN: Your Honor, mine, very briefly.

20 The government has not given us an exhibit list or
21 copy of the exhibits, and so when the witness is referring
22 to an exhibit, I have no way of referring to it, seeing
23 what they are doing, or even know whether it's objected to
24 or not. I believe we've asked them and they've refused to
25 give it to us.

1 THE COURT: You don't have a copy of the exhibits
2 for him?

3 MR. CARLTON: Copy of the exhibits?

4 THE COURT: Yes.

5 MR. CARLTON: Your Honor, we have made available
6 to them all of our exhibits. We did not make a copy of the
7 exhibits for the defense. They've had opportunity to look
8 at them.

9 THE COURT: Counsel, if you have a problem with
10 any exhibit, you just -- I will defer ruling on it until
11 you have had a chance to see it.

12 MR. RUBIN: That's all I wanted to be able -- I
13 don't know what number they are talking about.

14 MR. MEDVENE: Your Honor, what about the list
15 itself?

16 THE COURT: Well, you can give them a copy of the
17 list.

18 MR. RUBIN: They've refused.

19 THE COURT: That's really all you need.

20 THE CLERK: Please rise.

21 (Recess taken.)

22 THE COURT: You may continue.

23 BY MR. MEDVANE:

24 Q Mr. Kuykendall, at the --

25 THE COURT: Just ask the question.

1 MR. MEDVENE: Yes, sir.

2 THE COURT: You don't need to say what happened
3 before we adjourned.

4 BY MR. MEDVENE:

5 Q Mr. Kuykendall, you had no evidence that Mr. Zuno was
6 involved in the kidnapping of Enrique Camarena after you
7 completed his -- your interview with Mr. Zuno; is that
8 correct?

9 A Yes, it is.

10 Q Hum?

11 A Yes.

12 MR. MEDVENE: Thank you. Very much.

13 THE COURT: Do you have any questions you wish to
14 ask this witness?

15 MR. RUBIN: Just a few, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. RUBIN:

18 Q Agent Kuykendall, how long have you been with the --
19 how long were you at the D.E.A.?

20 A From 1973 until 1989.

21 Q Twenty-six years?

22 A Sixteen years. I'm sorry.

23 Q During that period of time, did you deal with
24 informants on a regular basis?

25 A Yes.

1 Q And it would be true, is it not, that during that --
2 in your experience that in many occasions informants give
3 you incorrect information; true?

4 A It happens.

5 Q And, in fact, one of your jobs as an agent is to,
6 first of all, assess the credibility of the particular
7 informant; true?

8 A Yes.

9 Q For example, someone who is a solid citizen might be
10 given more initial credibility than someone who's been
11 involved in crimes themselves; correct?

12 A Well, information is information.

13 MR. CARLTON: Calls for speculation, Your Honor.
14 Objection.

15 THE COURT: Sustained.

16 BY MR. RUBIN:

17 Q Now, and it's also true that oftentimes in order to
18 get information you had to pay money or the informant won't
19 give you the information; true?

20 A Yes, it is. That's true.

21 Q And it's also true, is it not, in your experience that
22 many times informants will lie to you about information in
23 order to obtain money?

24 A It happens, sir.

25 Q And so in those instances, it's important to try and

1 corroborate those informants with whatever information you
2 can get; correct?

3 A Correct. Right.

4 Q Now, turning to Zacatecas, do you have Exhibits 400
5 and 401 in front of you still?

6 A Yes, sir.

7 Q Exhibit -- Mr. Medvene asked you about they were ten
8 families that were under investigation for Zacatecas, and
9 making -- turning that into individuals, there were 31 --
10 how many individuals were under investigation?

11 A Well, this particular D.E.A. 6, lists the members of
12 the various groups as we knew at the time according to the
13 information from the informant.

14 Q Okay. Now, first of all, so we don't get caught in
15 terminology, when you a D.E.A. 6, you are referring to the
16 report form that the D.E.A. agent files on a particular
17 case?

18 A It is an internal report.

19 Q Okay. Now, turning to the end of that report, does it
20 help refresh your memory exactly how many people were in
21 those ten groups?

22 Q There are 32 names on this -- in this report.

23 Q And of those 32 names, is Dr. Alvarez Machain's name
24 among them?

25 A No, it is not.

1 Q And at any time during the Zacatecas operation, did
2 you have any information that Dr. Machain was involved in
3 the narcotics trafficking in Zacatecas?

4 A No.

5 Q Now, turning to the aftermath of the Camarena
6 kidnapping, approximately what day did you really confirm
7 in your mind that something was wrong and that Agent
8 Camarena was missing?

9 A Oh, I think as soon as I heard from Agent Wallace that
10 he hasn't arrived home. Because of -- that was not common
11 behavior for him, and there was an atmosphere of tension.

12 Q And as soon as that occurred, you spoke to higher ups
13 in D.E.A. in the United States and Washington?

14 A I reported it to my immediate supervisor about --
15 probably about 7:30 that morning, eight o'clock.

16 Q And did you get -- you mentioned your resources in
17 that office -- did you get increased authorization to spend
18 resources for information that would help you solve the
19 Camarena kidnapping and ultimately murder?

20 A Increased funding?

21 Q For example, were you authorized to put out rewards
22 for information in the Guadalajara community?

23 A About -- I believe about ten days following the
24 kidnapping or perhaps a little less. A reward was offered.

25 Q How much was that reward for?

1 A I believe it was \$50,000.

2 Q Was that reward publicized to the Guadalajara
3 community?

4 A Yes, it was.

5 Q How was it publicized?

6 A I'm sure it was put in the newspaper.

7 Q So the D.E.A. made it well known to everybody in the
8 area that --

9 THE COURT: Counsel, it sounds like the same
10 question.

11 BY MR. RUBIN:

12 Q Did they put out television advertisements as well?

13 A I don't recall, sir.

14 Q Now, turning to the corporation of the Mexican
15 government you talked about, the first information you
16 received about 881 Lope de Vega was from Mexican police; is
17 that correct?

18 A It was relayed from the Mexican authorities to me,
19 yes.

20 Q D.E.A. didn't discover that address on their own, that
21 was given to them?

22 A That is correct.

23 Q Subsequently you were able to confirm the information
24 that the Mexican authorities gave you that Agent Camarena
25 had been at that location?

1 A Yes.

2 Q When was first date, if you know, that D.E.A.
3 authorities went to 881 Lope de Vega?

4 A April. I believe it was the 12th, I think.

5 Q So it was more then two months after the events that
6 D.E.A. agents actually were able to go in to 881 Lope de
7 Vega, search it, and look for evidence; true?

8 A Yes.

9 Q Now, prior to that time, had that home been secured or
10 had a police line put around it, or kept pristine in any
11 way that you are aware of?

12 A Prior to what time, sir?

13 Q Prior April to 12 of 1985?

14 A Prior to the time the D.E.A. agents got there?

15 Q Correct.

16 A When the D.E.A. agents first arrived at the place, it
17 was in the custody of Mexican Federal Judicial Police.

18 Q Do you know what time of the -- what date the Mexican
19 police took custody of that property?

20 A I would imagine a day or two prior to that, at the
21 most.

22 Q So you would agree with me then that it was in the
23 custody of no law enforcement official for a period of two
24 months between the time Agent Camarena was there and the
25 time it went into law enforcement authorities --

1 MR. CARLTON: Objection. Lack of foundation.
2 Speculation.

3 MR. RUBIN: -- that you are aware of?

4 MR. CARLTON: Irrelevant.

5 THE COURT: The witness has already answered the
6 question. You need ask -- put his answer into the form of
7 question and state it again. Once is enough.

8 BY MR. RUBIN:

9 Q Did you participate in the search of 881 Lope de Vega?

10 A Yes, sir, I was there.

11 Q What portion of the house did you search?

12 A Well, I and other the D.E.A. agents who were there,
13 really were following the lead of the FBI people who had
14 been brought in because they were, and are, very expert at
15 what they do. We were --

16 Q Okay, so the search was really conducted by FBI and
17 you were there accompanying them --

18 A Yes, sir.

19 Q -- is that a fair statement?

20 A Yes, sir.

21 Q Was there a phone, a telephone at 881 Lope de Vega
22 when you were -- when you participated or accompanied the
23 FBI in the search?

24 A Yes, there was.

25 Q Did you subsequently obtain phone records for that

1 telephone?

2 A Yes.

3 MR. RUBIN: Nothing further. Thank you.

4 THE COURT: Redirect?

5 MR. CARLTON: Yes, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. CARLTON:

8 Q Mr. Kuykendall, recalling Exhibit 157, the materials
9 that Mr. Zuno sent to you, did you read those materials?

10 A Yes, I did.

11 Q Was there something about them that struck you as
12 unusual?

13 MR. MEDVENE: Objection. Calls for a conclusion,
14 Your Honor.

15 THE COURT: Overruled. You may answer.

16 THE WITNESS: Well, all of the information on
17 there -- most of the information on there, names and
18 addresses, phone numbers, were people were in the
19 California area.

20 BY MR. CARLTON:

21 Q When you met with Mr. Zuno in 1986, what was your
22 assignment within D.E.A.?

23 A I was a resident agent in charge of the D.E.A. Office
24 in Larado, Texas.

25 Q During what time period were you assigned to that

1 office?

2 A Until March of 1989.

3 Q And as the -- well, strike that.

4 You mentioned that in response to a question of
5 Mr. Rubin that at the time you received information about
6 Agent Camarena's abduction, there was an atmosphere of
7 tension.

8 What did you mean by that?

9 A There had been threats and violence against D.E.A.
10 agents and our sources.

11 Q Had this atmosphere changed over time?

12 A I believe that it was. We felt more tense as the days
13 went by.

14 Q During what period were you feeling this tension?

15 A From early 1984.

16 Q When you first arrived at the Lope de Vega residence,
17 were the M.F.J.P. there?

18 A Yes, they were.

19 Q What was going on at the house when you first arrived?

20 A There was a television camera crew across the street.
21 They already had TV cameras set up on the front of the
22 house. And Comandante Brusolo was there with several
23 Mexican Federal Judicial Police agents, and there were some
24 appeared to be laborers were who cleaning up the grounds.
25 But outside of that, people were just sort of standing

1 around. They had been advised we were coming.

2 MR. CARLTON: May I a moment, Your Honor?

3 THE COURT: Yes.

4 (Counsel Conferring.)

5 BY MR. CARLTON:

6 Q During the time that you were the resident agent in
7 charge of in Larado, were you assigned to the Camarena
8 investigation on a regular basis?

9 A I participated. I'm not -- I didn't -- I wasn't
10 reassigned to a geographical location.

11 Q You weren't in charge of the investigation?

12 A No, sir, I was not.

13 MR. CARLTON: Your Honor, at this point, I would
14 also move Exhibits 1, 2 and 6 in, which I don't believe I
15 moved in previously. The maps.

16 THE COURT: Yes, they may be received.

17 (Plaintiff's Exhibits 1, 2 and 6 received.)

18 MR. CARLTON: Nothing further.

19 THE COURT: Any further questions?

20 MR. MEDVENE: No, Your Honor.

21 MR. RUBIN: No, Your Honor.

22 THE COURT: You may step down.

23 (Witness excused.)

24 (Further proceedings had and reported but not transcribed)

25