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

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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

TUESDAY, DECEMBER 8, 1992

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

1		I N D E X			
2	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
3	GODOY, JORGE				
	By Mr. Medvene		3		
4	By Mr. Rubin		73		
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1 LOS ANGELES, CALIF.; TUESDAY, DECEMBER 8, 1992: 10:00 AM  
2 (Prior proceedings had and reported but not transcribed)

3 CROSS-EXAMINATION

4 BY MR. MEDVENE:

5 Q How many years Mr. Godoy did you go to school in Los  
6 Angeles?

7 A Approximately two years.

8 Q Did you take a class in English?

9 A A few only.

10 Q Did you communicate with your teachers in English?

11 A No.

12 Q Do you understand me when I speak in English?

13 A A little.

14 Q When is the first time that you thought that the  
15 D.E.A. would be interested in the kind of information that  
16 you hve testified about here yesterday and today?

17 A In the month of August 1991.

18 Q You didn't think that they had have any interest in  
19 this information before that?

20 A I don't now.

21 Q You knew after February of 1985, the D.E.A. was  
22 investigating the kidnapping of Enrique Camarena; did you  
23 not?

24 A Yes.

25 Q And you knew the D.E.A. was looking for any

1 individuals who might have information about the  
2 kidnapping; isn't that true?

3 A I don't know because I was with a group of Ernesto  
4 Fonseca.

5 Q Well, you were with a group, but you knew the D.E.A.  
6 was advertising in the newspapers and attempt to find  
7 witnesses; isn't that true?

8 A Yes.

9 Q And you knew as early as 1985, 1986, the D.E.A. was  
10 offering rewards for people that came forward that claimed  
11 they had information?

12 A I was locked up in the southern pen.

13 Q Well, you knew when you were released that the D.E.A.  
14 was offering a reward for people with information about the  
15 kidnapping; isn't that correct, sir?

16 A At that time, I went out and I didn't want to know  
17 anything about anybody. Because the experience I had gone  
18 through was difficult. And besides, we were used a lot.

19 Q My question, sir, is not if you wanted to now  
20 anything, my question is, isn't it true that after your  
21 release, you knew the D.E.A. was looking for anybody that  
22 had information about the kidnapping?

23 A I lived in a town far from Guadalajara, sir.

24 THE COURT: Did you know or didn't you, that's the  
25 question?

1 THE WITNESS: Yes, I did read it in papers.

2 BY MR. MEDVENE:

3 Q Now, you also knew back in '87, '88 -- strike that.

4 Q Did you also know that Ruben Zuno had been charged with  
5 the kidnapping or planning of the kidnapping of Enrique  
6 Camarena?

7 MR. CARLTON: Objection. Vague as to time.

8 THE COURT: Well, yes, specify what point in time.

9 BY MR. MEDVENE:

10 Q Did there come a time that you knew Ruben Zuno had  
11 been charged with planning the kidnapping of Enrique  
12 Camarena?

13 A Yes.

14 Q And you knew, did you not, prior to 19 -- prior to May  
15 of 1990, that Mr. Zuno was going to face trial in 1990 for  
16 the kidnapping or planning the kidnapping of Enrique  
17 Camarena; isn't that true, Mr. Godoy?

18 A Yes.

19 Q Now, did you contact before May of 1990 -- when you  
20 knew there was going to be a trial of Ruben Zuno -- did you  
21 contact anyone from the D.E.A. and say I have information  
22 about Ruben Zuno and the Camarena kidnapping?

23 A Would you repeat that again, please?

24 Q Did you, prior to May of 1990, when you knew Mr. Zuno  
25 was going to stand trial for planning the kidnapping, did

1 you go to anyone in the D.E.A. and say I have information  
2 that Ruben Zuno planned the kidnapping?

3 A No.

4 Q You were arrested in Puerto Viallarto about April 5th  
5 of 1985; is that correct?

6 A Yes.

7 Q And you were questioned at that time about your  
8 knowledge of the Enrique Camarena kidnapping; isn't that  
9 correct?

10 A No.

11 Q Weren't you asked questions, sir, at that time about  
12 where or not you had any knowledge about how the kidnapping  
13 came about?

14 A No.

15 Q At that time, sir, did you -- strike that.

16 At or about April of 1985, didn't you give a  
17 statement to the Mexican authorities at the time of your  
18 arrest?

19 A They made me sign a paper blindfolded, and they would  
20 just put my fingers on the pages and where I was supposed  
21 to sign.

22 Q I place before you, sir --

23 MR. MEDEVEN: I'm sorry. Ms. Reporter, could you  
24 please place in front of the witness --

25 THE COURT: You may hand it to the clerk.

1 MR. MEDVENE: Yes, sir. May I approach?

2 THE COURT: Have you marked that for  
3 identification?

4 MR. MEDVENE: It's been marked, sir. It's marked  
5 as 404.

6 BY MR. MEDVENE:

7 Q I place before you, sir, what has been marked as 404,  
8 and I direct your attention to the page and pages that I  
9 have front in you. You see in upper right-hand corner  
10 6511?

11 A Yes.

12 Q Now, is this the statement that you claim was placed  
13 in front of you when you were blindfolded and you signed  
14 it?

15 A I don't know, because I never saw it, sir.

16 Q Did you -- strike that.

17 Do you remember being asked certain questions,  
18 Mr. Godoy, during the time of your arrest?

19 A Well, you see, since I was blindfolded and they were  
20 giving us a beating, torturing us, I lost consciousness,  
21 sir.

22 Q Well --

23 A They told me if I didn't sign those papers they would  
24 torture me again.

25 Q You remember now signing the papers?

1 A Yes.

2 Q Now, when you were questioned at that time, you told  
3 the people that were questioning you that you had worked as  
4 a bodyguard for Ernesto Fonseca; is that correct?

5 A They placed some papers in front of us.

6 Q My question to you, sir, is did you tell whoever  
7 questioned you, before any papers were placed in front of  
8 you, that you worked as a bodyguard for Ernesto Fonseca?

9 A I don't remember if they asked me, sir, because my  
10 state was not very well at that time.

11 Q Would you look at the statement and the top three or  
12 four or five lines or wherever you want to look at, and see  
13 if that refreshes you that you told the questioners that  
14 you had worked as a bodyguard for Ernesto Fonseca?

15 MR. CARLTON: Objection. Lack of foundation, Your  
16 Honor. The witness hasn't seen the document. He doesn't  
17 remember what happened.

18 THE COURT: He may answer.

19 THE WITNESS: I don't remember, sir.

20 BY MR. MEDVENE:

21 Q Did you work as Federal Judicial Police Officer for  
22 the State of Valista, sir?

23 A Yes.

24 Q During the month of July of 1984, were you dismissed  
25 from the police organization?



1 A We didn't show up there anymore.

2 Q So did you see that -- does that refresh you that you  
3 made that statement to whoever was questioning you,  
4 Mr. Godoy?

5 A Could you repeat the question, please?

6 Q Yes, sir. Let me ask another question, sir.

7 While you were working for the police, did you  
8 receive certain orders from Comandante Gabriel  
9 Gonzalez-Gonzalez to accompany Ernesto Fonseca on two  
10 occasions?

11 A No.

12 Q Didn't you tell us yesterday, sir, that you received  
13 certain orders to accompany Mr. Fonseca before you went to  
14 work for him full time?

15 A It was from Commander Mario Cardoza Ochoa [phonetic].

16 Q So Commander Ochoa gave you orders to go and work on  
17 two occasion for Ernesto Fonseca?

18 A Yes.

19 Q That was before you went to work for Fonseca on a  
20 permanent basis after you were dismissed from the police;  
21 is that correct?

22 A Can you repeat that again, please?

23 Q That was -- strike that.

24 There were two occasions were you did this work  
25 for Ernesto Fonseca --

1 THE COURT: He's already answered that question.

2 MR. MEDVENE: All right, sir.

3 BY MR. MEDVENE:

4 Q Now, does that refresh you, sir, that you told these  
5 things to whoever was questioning you in April of '85?

6 A No, sir, because the people were beating me up, and  
7 various agents were asking me questions all at one time.

8 Q Well, were they beating you up, asking you to say that  
9 you were involved in the kidnapping?

10 A That was not to say because they killed Gabriel  
11 Gonzalez-Gonzalez. Gabriel Gonzalez-Gonzalez was pointing  
12 to the agents that he were all soiled, and that was the  
13 cost of the death given to Gonzalez-Gonzalez, and they told  
14 me if I wanted to have the same thing happen to me that  
15 Gabriel Gonzalez-Gonzalez, then I knew what to say.

16 Q Well, what did you understand them to mean when they  
17 said you knew what to say?

18 A That I didn't have to say anything, sir, because if I  
19 were to say something and pointed a finger at someone, they  
20 were going to kill me the way they killed Gabriel  
21 Gonzalez-Gonzalez.

22 Q So they were beating you to -- and asking you  
23 questions in the hopes that you wouldn't say anything; is  
24 that what you are saying?

25 A That's right, sir.

1 Q Did you say if you don't want me to say anything, why  
2 are you beating me?

3 A That's right.

4 Q And what did they say?

5 A They went and took me to the building at Lope de Vega  
6 -- de Lopez in Mexico.

7 Q Now, did you tell them on that occasion that you were  
8 a cocaine addict during this period of time, '84 '85?

9 A No. And we underwent tests there.

10 Q You did not say you were a cocaine addict?

11 THE COURT: He just answered. He just answered  
12 that question.

13 BY MR. MEDVENE:

14 Q Were you -- you took cocaine during 1984, didn't you,  
15 sir?

16 MR. CARLTON: Objection. Relevance.

17 THE COURT: Overruled.

18 THE WITNESS: No.

19 BY MR. MEDVENE:

20 Q Would you look, sir, about 20 lines up from the bottom  
21 of the page and see if that's refresh your recollection of  
22 was there any discussion about cocaine and your taking  
23 cocaine? I just approximate it. It's about 30 lines up.

24 MR. CARLTON: Objection, Your Honor. The witness  
25 has not indicated that his memory needs to be refreshed.

1 He denies that he --

2 THE COURT: The objection is sustained.

3 MR. MEDVENE: All right. Sir.

4 BY MR. MEDVENE:.

5 Q Is it -- did you tell the questioners at the time that  
6 because of certain medical problems you were not working  
7 for Mr. Fonseca in November, December and January -- excuse  
8 me -- did you tell the questioners that because of certain  
9 medical problems you had, you temporarily left  
10 Mr. Fonseca's employ in November and December of 1984 and  
11 January of 1985?

12 A Yes.

13 Q Was that true?

14 A Yes.

15 Q So that -- strike that.

16 And did you also tell the questioners that you --  
17 strike that.

18 Did you also tell the questioners that after this  
19 period of medical incapacitation you went back to work for  
20 Mr. Fonseca sometime in February of 1985?

21 A Yes.

22 Q Was that true?

23 A Yes.

24 Q You told the questioners that you had no information  
25 about any meetings where the kidnapping of Enrique Camarena

1 might have been discussed; isn't that true?

2 A They didn't ask me that.

3 Q Well, did you tell them you had any information about  
4 any meetings that you claimed you attended where the  
5 kidnapping of Enrique Camarena was discussed? Yes or no,  
6 sir.

7 A No.

8 Q In fact, you were asked what you knew about the  
9 kidnapping, and you told the questioners that you were away  
10 because of sickness for the months before the kidnapping  
11 and after the kidnapping when you saw Mr. Fonseca's and his  
12 people, some people told you some facts?

13 MR. CARLTON: Objection. Vague and ambiguous.

14 THE COURT: Sustained.

15 BY MR. MEDVENE:

16 Q You told the questioners, did you not, when they asked  
17 you what information you had about the kidnapping, that you  
18 really didn't have any because you weren't working for  
19 Mr. Fonseca for the few months before the kidnapping, and  
20 you didn't go back to work with him until February after  
21 the kidnapping took place? Isn't that what you told the  
22 questioners?

23 A If I had told them something it would have been right  
24 there, sir, because they were in the meetings themselves.

25 Q Isn't that what you told them, sir?

1 A No, I didn't tell them that, sir.

2 Q Did you tell them that you had any information about  
3 any meetings that dealt with Enrique Camarena's kidnapping?

4 A No.

5 Q Is it true, sir, that you never said that Ruben Zuno  
6 Arce had anything of any kind to do with any planning of  
7 kidnappings; isn't that true, sir?

8 A Can you repeat that again?

9 Q Yes, sir.

10 Youve never told these questioners that Ruben Zuno  
11 had anything of any kind to do with the planning; isn't  
12 that true?

13 A Of no person.

14 Q My question is isn't it true that you did not tell  
15 them Ruben Zuno had anything of any kind to do with the  
16 kidnapping; is that correct, sir?

17 A I didn't say that.

18 Q You did not mention Ruben Zuno in any way, did you, as  
19 being involved in any way, did you, sir?

20 A Nor him nor the other politicians, sir.

21 Q How much did you earn with Ernesto Fonseca? How much  
22 money did he pay you when you were working for him?

23 A I don't know, sir.

24 Q You had a pretty good memory the last couple days.

25 You don't remember what Mr. Fonseca paid you?

1 A Sometimes they would give us, and sometimes they  
2 wouldn't give us anything, sir.

3 Q Well, how much did he pay you in 1984?

4 A Sometimes they could give us a hundred dollars and  
5 sometimes they would give us \$50, and sometime they  
6 wouldn't give us anything, sometimes we had to request it.

7 Q What would you say you earned for the year 1984 for  
8 Mr. Fonseca? How much in U.S. dollars?

9 A MR. CARLTON: Objection. Lack of foundation as to the  
10 exchange rate.

11 THE COURT: Sustained.

12 BY MR. MEDVENE:

13 Q Do you know what the exchange rate is between the  
14 Mexico peso and the U.S. dollar in 1984?

15 A It devaluated many times, sir. I don't remember it.

16 Q How much were you paid in pesos by Mr. Fonseca's in  
17 1984?

18 A The maximum they ever gave me was 100,000 pesos, sir.

19 Q What were your total earnings -- you were released  
20 from custody in 1986?

21 A No.

22 Q When in 1987 were you released?

23 A In September.

24 Q What did you make in all of 1988 earnings?

25 A Over there, sir, I only earned for the expenses of my

1 family.

2 Q Well, in 1988, could you tell me the total amount of  
3 money that you earned?

4 A Must have been some 500,000 pesos.

5 Q You earned more from the D.E.A. in one year from  
6 August 30 of '89 to August of -- excuse me -- you earned --  
7 you first went to the D.E.A. in August of '91?

8 A Yes, at the end.

9 Q And you earned in one year from the D.E.A. about  
10 \$60,000 U.S. isn't that right?

11 A I didn't now that, sir.

12 Q You do now you earned morre than you ever made in your  
13 life, don't you?

14 A Possibly.

15 Q Not possibly. You earned more then by many times then  
16 you ever made in your life; isn't that true, Mr. Godoy?

17 MR. CARLTON: Objection. Argumentative.

18 THE COURT: Sustained.

19 MR. MEDVENE: Is this a convenient time for a  
20 break, Your Honor.

21 THE COURT: We will take our noon recess at this  
22 time. Let me remind the jury not to discuss this case with  
23 each other or anyone else, not to form or express any  
24 opinion or conclusion about this case, not to read, watch  
25 or hear anything about this case, and to avoid any and all



1 contact with any people here in the courtroom that are  
2 involved in this trial. That means any contact, however  
3 trivial or slight, just avoid it, please.

4 Now, you may be excused.

5 THE CLERK: Please rise.

6 (Jury Out.)

7

8 (jury out Los Angeles, California, Tuesday December eight,  
9 19 nine two 1:30 "A" p.m.

10

11 (Jury Out)

12 THE COURT: I have convened without the jury. I  
13 want to tell you about this letter that I received from  
14 Juror Number 12, Mr. Melcher, who says that his employer  
15 has a policy of only paying for ten days of jury service  
16 every two years, and that he has requested me to write a  
17 letter to his employer asking them to compensate him for  
18 remaining for the remaining -- to complete this case.

19 I have written a letter to that effect to the  
20 employer, which I am going to give to the juror in an  
21 envelope which simply states that the juror, "That Michael  
22 Melcher is a juror in my court, serving on the case of  
23 United States v. Caro-Quintero et al., relating to death of  
24 American D.E.A. Agent Enrique Camarena. This trial is in  
25 it's second week and will continue for perhaps two or three

1 more weeks, under the authority of 28 United States Code  
2 Section 1875. I would request this juror be able to finish  
3 the trial without loss of compensation. He has expressed  
4 some concern that his pay will be discontinued beyond ten  
5 days. The court is extremely grateful to companies like  
6 yours who make their employees available for jury service.  
7 Your corporation in this regard will be greatly  
8 appreciated."

9 I just brought that to your attention so that --  
10 I'm going to give this to the juror at the end of the day.

11 Summon the jury, please.

12 (Jury In)

13 THE CLERK: You may be seated.

14 THE COURT: You may continue your  
15 cross-examination.

16 MR. MEDVENE: Thank you, Your Honor.

17 CROSS-EXAMINATION (Continued)

18 BY MR. MEDVENE:

19 Q Mr. Godoy, during the time you worked for Ernesto  
20 Fonseca, you knew him to be involved in the sale and  
21 trafficking of drugs; is that correct?

22 A Yes.

23 Q And the bribing of public officials?

24 A Yes, I did recognize so. Yes.

25 Q And you assisted him in every way he asked to

1 accomplish those things; isn't that correct?

2 A Yes.

3 Q And you did that because your were getting paid and  
4 you did what you felt you had to do to get money?

5 A First, it was because he told me to from the office.  
6 Secondly, that if I didn't do it, they were going to kill  
7 me, just as they had killed other agents of the Judicial  
8 Police.

9 Q Now, you told -- strike that.

10 In the your questioning by the Mexican authorities  
11 in April of 1985, you told the questioner, did you not,  
12 that Ernesto Fonseca was involved in the sale and  
13 trafficking of drugs?

14 A I don't remember if I did.

15 Q The questioner was Florentino Ventura-Guiterrez; isn't  
16 that correct?

17 A They were other agents.

18 Q Did one man that questioned you -- strike that.

19 Was one of the men that questioned you Florentino  
20 Ventura-Guiterrez?

21 A They were his people.

22 Q I ask if you would look at, for purposes of refreshing  
23 your recollection, at Page 65-13 in front of you.

24 THE INTERPRETER: What pages, Counsel?

25 MR. MEDVENE: 65-13. It's the last page. It is

1 the very last page of that group.

2 BY MR. MEDVENE:

3 Q I ask you first to look up six or seven lines and see  
4 if that refreshes your recollection that you told the  
5 questioner that Ernesto Fonseca was involved in the sale  
6 and trafficking and planting of drugs.

7 THE COURT: The question is does it refresh your  
8 recollection?

9 THE WITNESS: When I went to Florentino Ventura,  
10 that's after I had signed those papers, but it was then  
11 that they took the blindfold off.

12 BY MR. MEDVENE:

13 Q Now, florentino Ventura, to your knowledge, was  
14 refuted to be an honest Comandante?

15 A He said it. I don't now.

16 Q Florentino Ventura was not at any of the meetings were  
17 you claim corrupt police officials were present; isn't that  
18 true.

19 MR. CARLTON: Objection. Relevance.

20 MR. MEDVENE: It's relevant going to his prior  
21 question, Your Honor, that the people that questioned  
22 him --

23 THE COURT: Well, we're getting into something  
24 else now, and we're belaboring this.

25 I'm going to sustain the objection.

1                   He hasn't said he was present, therefore, he  
2 wasn't.

3 BY MR. MEDVENE:

4 Q     Isn't it true, sir, that -- strike that.

5                   Does Page 65-13 refresh you, sir, that you placed  
6 your signature on this statement, the statement where you  
7 do not indicate Zuno-Arce had any part of any kind in any  
8 kidnapping meetings, you placed your signature on that  
9 statement in front of Florentino Ventura?

10                  MR. CARLTON: Asked and answered.

11                  THE COURT: Well, that question hasn't been asked  
12 and answered. You may answer the question.

13                  THE WITNESS: Would you repeat the question,  
14 please?

15 BY MR. MEDVENE:

16 Q     Did you place your signature on the statement when  
17 there's no indication Zuno-Arce had any participation in  
18 any kidnapping meetings, did you place your signature on  
19 that statement in front of Florentino Ventura.

20                  MR. CARLTON: Objection. Improper question, Your  
21 Honor.

22                  THE COURT: Yes, the form of the question is  
23 clearly improper.

24 BY MR. MEDVENE:

25 Q     Did you place your signature on your statement in

1 front of Florentino Ventura?

2 A As I said, I did it while I was blindfolded.

3 Q Did you see Florentino Ventura when you signed your  
4 statement?

5 A After I signed it.

6 Q Now, did you tell Florentino Ventura that anything in  
7 your statement was not true?

8 A I never told Valentino -- Florentino Ventura anything.

9 Q After you signed your statement, within 24 hours,  
10 didn't you go to a public court and wasn't the statement  
11 read a loud to you?

12 A That happened days later at the Northern Correctional  
13 Facility. When they -- and they indicted me formally it  
14 was like a wholesale sale. There were lots of reporters  
15 and people around, and there were lots of words flying, and  
16 I didn't really understand.

17 Q But at that time, your statement was read to you;  
18 isn't that correct, Mr. Godoy?

19 A I recanted the statement and I said that it had been  
20 coerced.

21 Q Did you say at that time or any other time in court,  
22 that you had information about any kidnapping meetings?

23 A When they took me out there to make a statement, I  
24 never said that, because my preparatory statement was in  
25 the month of January of 1987, and the attorneys they had

1 defending us just told us to sign.

2 Q Now, you were charged with -- you were charged and  
3 convicted of certain criminal offenses when you were  
4 arrested with Mr. Fonseca; is that correct?

5 A Yes.

6 Q In July of 1991, some years later, is it true that you  
7 robbed a bank and a medical van?

8 THE INTERPRETER: And a what? A medical truck?

9 MR. MEDVENE: Medical van.

10 THE WITNESS: No, sir.

11 BY MR. MEDVENE:

12 Q Weren't you, to your knowledge, charged in Mexico in  
13 1991 for robbery?

14 A I was accused of several crimes, and they also forced  
15 me to sign the statements. And it was the Federal Justice  
16 -- Judicial Police themselves who had been pressuring me so  
17 that I would give them information, that I would tell them  
18 what I knew about the D.E.A. From there they took me to  
19 Guanajuato, and from Guanajuato I was requested to appear  
20 before the Attorney General of Valista.

21 Q Did you flee Mexico in July of 1991?

22 A I didn't flee. I was exonerated of charges.

23 Q Did you leave Mexico in July of 1991?

24 A In July of '91?

25 Q Yes.

1 A In July of '91 was when I was in jail.

2 Q When did you first come to the United States -- strike  
3 that.

4 When did you first speak with anyone from the  
5 D.E.A. in this matter?

6 A Around the middle of August.

7 THE COURT: What year?

8 THE WITNESS: Of 1991.

9 BY MR. MEDVENE:

10 Q Now, did you have a job in Mexico at that time?

11 A I was still working the restaurant, the hamburger and  
12 pizza restaurant in San Juan de Los Lagos [phonetic].

13 Q You've told us that you knew for some years that  
14 Mr. Zuno had been charged with planning the kidnapping.

15 Did you call the D.E.A. in July of 1991 or did  
16 they contact you?

17 A They got in touch with me, sir.

18 Q Who got in touch with you?

19 A Mr. Berrellez.

20 Q And where were you when he got in touch with you?

21 A In Guadalajara.

22 Q And how did he get in touch with you?

23 A By phone.

24 Q Was that the first time you had ever spoken with him?

25 A He called me.



- 1 Q Had you been told before that by anyone that he or  
2 someone from the D.E.A. might call you?
- 3 A Could you repeat the question?
- 4 Q Had you been told before receiving the call that he or  
5 someone from the D.E.A. might call you?
- 6 A Yes.
- 7 Q And who told you?
- 8 A If I answer that question that person will be in  
9 danger in Mexico, sir.
- 10 Q Who told you?
- 11 THE COURT: Well, just a moment. Pass this.  
12 We'll take it up at the recess.
- 13 BY MR. MEDVENE:
- 14 Q Had you been in touch with that person before the  
15 phone call?
- 16 A The person just called me.
- 17 Q And how long had you known this person?
- 18 A From ten years before.
- 19 Q And had you worked with this person?
- 20 A No.
- 21 Q Did that person call you by phone or come to see you?
- 22 A He called me on the phone.
- 23 Q What month?
- 24 A In the middle of August of 1991.
- 25 Q When was the last time before the phone call from that

1 person in the middle of August of 1991 that you had heard  
2 from that person?

3 A Could you ask me that again, please?

4 Q When was the last time before the middle of August of  
5 '91 that you had spoken to that person?

6 A You mean when was it that that person had spoken to me  
7 before August of 1991?

8 Q Yes.

9 A Before ending up in jail in 1985.

10 Q Before you ended in jail in 1985?

11 A Yes. The last time I saw that person was in 1985.

12 Q The last time you saw him or spoke to him?

13 A The last time was in the month of August of 1991.

14 Q And the time before that that you spoke to him was  
15 some six years before?

16 MR. CARLTON: Asked and answered, Your Honor.

17 THE COURT: Sustained.

18 BY MR. MEDVENE:

19 Q Did the person when he spoke with you discuss with you  
20 that money was being offered if people had certain  
21 information they could give about Ruben Zuno?

22 A No.

23 Q Was there any discussion of money at that time?

24 A No.

25 Q Did you tell the person that you would speak with the

1 D.E.A.?

2 A No.

3 Q Did you tell person you would not speak with the

4 D.E.A.?

5 A When that person called me on the phone, he never said

6 that someone from the D.E.A. wanted to speak to me.

7 Q When you spoke to the -- Mr. Berrellez from the

8 D.E.A., did you tell him that you had any information about

9 Enrique Camarena's kidnapping?

10 A Mr. Berrellez just asked me whether I would like to

11 work with him.

12 Q And did you say yes?

13 A Yes.

14 Q Now, you've told us that you knew for a number of

15 years that the D.E.A. was interested in talking to people

16 that claim they had knowledge.

17 Why didn't you contact any representative of the

18 D.E.A. before this if you had knowledge?

19 A Because I was afraid.

20 Q But when he called you out of the blue in August of

21 '91, you were no longer afraid; is that correct?

22 A Yes.

23 Q Did you make arrangements to go to Los Angeles?

24 A No.

25 Q Did you attempt to call anyone from the D.E.A. prior

1 to May of 1990 when you knew Mr. Zuno was going to stand  
2 trial and tell them you had any information?

3 A Never.

4 Q If you had information about Mr. Zuno's involvement,  
5 and you knew he was going to go to trial in May of 1990,  
6 why didn't you call somebody from the D.E.A. and say, "I  
7 have information. I will be a witness"?

8 A Because I was afraid.

9 Q Why weren't you afraid when Mr. Berrellez called  
10 you -- strike that.

11 But you weren't afraid a couple years later when  
12 he called you; is that correct?

13 A Yes, I was afraid.

14 Q So you were afraid both times, but you agreed to talk  
15 in '92, and not '90 or '89 or '88 or '87; is that correct?

16 MR. CARLTON: Compound question, Your Honor.

17 THE COURT: He may answer it anyway.

18 BY MR. MEDVENE:

19 Q Is that correct, sir, yes or no?

20 A Would you give me the question again, please?

21 Q Don't --

22 THE COURT: He already answered the question.

23 MR. MEDVENE: Yes. I'll move on.

24 BY MR. MEDVENE:

25 Q You made an arrangement with the -- strike that.

1           You made an arrangement with the D.E.A. to receive  
2 a certain amount of money a month; is that correct, sir?

3   A     No.

4   Q     Are you receiving a certain amount of money a month?

5   A     That was later, after I had come here to Los Angeles.

6   Q     Before you came to Los Angeles, did you meet with any  
7 representatives of the D.E.A. or any other representatives  
8 of the U.S. Government.

9   A     No. Not until I received the border.

10   Q     When you reached the border, did you meet with any  
11 representatives of the D.E.A.?

12   A     At the border.

13   Q     And who did you meet with?

14   A     With Mr. Hector Berrellez.

15   Q     When was that?

16   A     At the end of August of 1991.

17   Q     Do you remember what day in August?

18   A     No, I don't remember, sir.

19   Q     Do you remember the day of the week?

20   A     I don't.

21   Q     Now, how long did you talk to Mr. Berrellez at that  
22 time?

23   A     Just at that time at the border, whether I accepted  
24 coming across voluntarily, yes or no. I said yes.

25   Q     And what were you told would happen if you came across

1 voluntarily?

2 A That I would cooperate with them, and that I was to  
3 tell the truth, and that if I didn't tell the truth, that I  
4 was going to be locked up.

5 Q But if you told what was considered the truth, you  
6 would be permitted to remain in the United States?

7 A He hadn't told me at that time.

8 Q But it was your understanding that you would be  
9 permitted to remain in the United States?

10 A Yes.

11 Q It was your understanding that you would be paid a  
12 number of thousand dollars a month?

13 A Yes. He told me that later over here.

14 Q And you understood that you'd even be able to get a  
15 work permit, and after these whatever proceeding were  
16 finished, you would be able to work here in the United  
17 States?

18 A Yes. They just gave me the Red Card.

19 Q Now, you were also told these things about getting  
20 paid and getting a work permit and getting to live here in  
21 this country by that man who called you in Mexico in August  
22 of '91; isn't that right?

23 A Yes.

24 Q That man who you hadn't spoken to in six years, he  
25 told you that?

1 THE COURT: Counsel, he answered the question.

2 MR. MEDVENE: Yes, sir. I'm sorry, Your Honor.

3 BY MR. MEDVENE:

4 Q When was the first payment you received from the  
5 D.E.A.?

6 A In September of 1991.

7 Q And how much was that for?

8 A \$3,000.

9 Q Now, at the time you received that payment, were you  
10 already in Los Angeles?

11 A Yes.

12 Q And had you given already any statement to a  
13 representative of the D.E.A.?

14 A Just a few questions.

15 Q And at that time, on your first interview, you told  
16 the D.E.A. something of your background, that you had been  
17 a bodyguard for Mr. Fonseca?

18 A They already had everything about my background, sir.

19 Q You did not give them any detailed information at this  
20 first meeting; isn't that correct?

21 A No.

22 Q You say no, is my statement correct?

23 A Could you ask me again, please?

24 Q Yes.

25 THE COURT: He stated affirmatively.

1 MR. MEDVENE: Yes, sir.

2 BY MR. MEDVENE:

3 Q At the first meeting, you told the D.E.A.  
4 representatives --

5 THE COURT: Did you tell?

6 BY MR. MEDVENE:

7 Q At the first meeting, did you tell the D.E.A.  
8 representatives you would be willing to tell them whatever  
9 you knew having to do with the Enrique Camarena kidnapping?

10 A Could you give me the question again, please?

11 Q Yes, sir. At the first meeting, did you tell the  
12 D.E.A. representatives you would tell them whatever you  
13 knew about the Enrique Camarena kidnapping?

14 A Yes.

15 Q At the first meeting, you did not furnish any details;  
16 isn't that correct?

17 A No.

18 THE INTERPRETER: And Counsel, as the  
19 interpretation, that could mean -- I mean, that does mean,  
20 "No, I didn't."

21 THE COURT: Well, you better ask the witness that.

22 BY MR. MEDVENE:

23 Q You did not -- you did not furnish any details of any  
24 kind to the -- to Mr. Berrellez at your first meeting with  
25 him?



1 A The interview was short, sir.

2 Q You furnished no details; is that correct?

3 A Yes. I did give him details of what he asked me, sir.

4 And, as I say, the interview was a short one.

5 Q You did not give him any -- strike that.

6 You did not --

7 THE COURT: Did you, I think would be better.

8 BY MR. MEDVENE:

9 Q Did you tell Agent Berrellez at that time about any  
10 specific meeting where you claimed that the kidnapping was  
11 discussed?

12 A I don't remember, sir, because there were several  
13 questions.

14 Q I place before you, sir -- strike that.

15 Exhibit 404 is in front of you. I ask just to  
16 refresh your recollection, if you would look at Page 64-89,  
17 which is top page. Do you have that in front of you?

18 A Is it this one?

19 Q Yes.

20 MR. CARLTON: May we have some foundation as to  
21 whether the witness reads English, Your Honor.

22 THE COURT: Whether he what?

23 MR. CARLTON: Reads English. All of these reports  
24 are in English.

25 THE COURT: Well, I think that would be nice to

1 know if he does read English.

2 BY MR. MEDVENE:

3 Q Do you read English, sir?

4 A Not all of it, sir.

5 Q The first page in front of you that's 64-89 -- strike  
6 that.

7 On August 30 of 1991, did you speak to Agent  
8 Berrellez?

9 A What day?

10 Q August 30th of 1991?

11 A As I say, it was around the end of August.

12 Q And what did you tell Agent Berrellez at the first  
13 meeting with him that you recall?

14 A There was several questions, sir.

15 Q Tell me to best of your recollection what you told  
16 him?

17 A I began with my life as a policemen, sir.

18 Q Is it correct that at the first meeting with Agent  
19 Berrellez -- if you want this statement translated for you  
20 the Interpreter will do it -- you did not mention Ruben  
21 Zuno's name?

22 A No.

23 Q No meetings?

24 THE COURT: You are asking a negative question and  
25 you are getting a negative answer, which could mean yes.

1 BY MR. MEDVENE:

2 Q It's correct that you did not mention his name?

3 A No.

4 THE COURT: "Did you mention his name," is the  
5 question? Isn't that what you --

6 MR. MEDVENE: Did you --

7 THE COURT: "Did you mention his name at that  
8 meeting?"

9 THE WITNESS: No.

10 BY MR. MEDVENE:

11 Q Now, after the first meeting about what you knew about  
12 Enrique Camarena's kidnapping where you didn't mention  
13 Mr. Zuno's name, were you paid \$3,000?

14 A So that I could go back to Mexico and speak with my  
15 family, sir.

16 Q You were paid \$3,000.

17 A Yes.

18 Q So you could go back to Mexico and speak to your  
19 family about whether as a family you should move up here  
20 and live permanently in the United States; is that correct?

21 A Yes, sir.

22 Q You understood me that time in English?

23 A Yes, because I heard you talk about my family.

24 Q Now, when was the next time after August 30th that you  
25 spoke with any representative of the D.E.A.?

1 A Not until the end of September.

2 Q When you say the end of September, when, what date the  
3 end of September?

4 A When I returned from Mexico.

5 Q You've given us a great many precise dates earlier,  
6 but you didn't --

7 THE COURT: Counsel.

8 MR. MEDVENE: I'm sorry, Your Honor.

9 BY MR. MEDVENE:

10 Q Could you tell us as specifically as you can what date  
11 you next met with any agent of the D.E.A.?

12 A Around the end of September, sir.

13 Q Isn't it true, sir, that you actually met with the  
14 D.E.A. about three or four days later?

15 A From were?

16 Q When you gave your testimony on yesterday and today,  
17 prior to giving that testimony had you reviewed anything to  
18 make sure of the details?

19 A No, sir. I just came here to say what I know and what  
20 I lived through there.

21 Q Did you meet or speak with anybody about the general  
22 topic of the testimony you were going to give in the last  
23 month?

24 A Yes.

25 Q Who did you meet with?

- 1 A With Mr. Carlton.
- 2 Q And who else?
- 3 A Mr. Leyva.
- 4 Q And who else?
- 5 A That's all.
- 6 Q And how many -- other than Mr. Leyva, did you meet with  
7 anyone else from the D.E.A.?
- 8 A No.
- 9 Q How many occasion did you meet with Mr. Leyva?
- 10 A Several times, sir.
- 11 Q How many?
- 12 A Several, many.
- 13 Q More than ten?
- 14 A Yes.
- 15 Q More than 20?
- 16 A During all time that I've been here, yes.
- 17 Q In the last month, more then 20?
- 18 A No. About five.
- 19 Q And that would be just you and Mr. Leyva?
- 20 A And with Mr. Carlton.
- 21 Q Mr. Carlton present on each occasion you met with  
22 Mr. Leyva?
- 23 A Yes.
- 24 Q Now, did you also read -- strike that.
- 25 You indicated that in the time you've been here --

1 strike that.

2 Is it correct that in the time you've been here in  
3 this country, you've had meetings where Mr. Leyva was  
4 present on more than 20 occasions?

5 A Possibly, yes.

6 Q Is it possible as many as 30 occasions?

7 A No.

8 Q Somewhere between 20 and 30?

9 A Less than 20, fewer than 20.

10 Q Now did you -- strike that.

11 Were any statements that you ever made or gave to  
12 the D.E.A. representatives ever put into the Spanish  
13 language, to your knowledge?

14 A Could you give me the question again, please?

15 Q Yes. When you gave statements over these various  
16 times you've told us you've met with various people from  
17 the prosecution's side, to your knowledge, were those  
18 statements ever put into Spanish?

19 A Yes.

20 Q And as -- strike that.

21 And is it correct that you were given those  
22 statements in Spanish to review?

23 A No, sir. They would ask me the questions in Spanish  
24 and I would answer in Spanish. And the D.E.A. hasn't ever  
25 given me any official paper to review or to study, sir.

1 Q Not necessarily an official paper, but any paper of  
2 any kind in Spanish that discussed any of the facts?

3 A Sir, if I am the one who is telling them, how could it  
4 be that they give me a paper to say what I am going to tell  
5 them?

6 Q What I'm saying, Mr. Godoy -- I'm sorry if you didn't  
7 understand.

8 After you gave whatever statement you gave, did  
9 anyone ever show you in Spanish a statement and ask you is  
10 this what you said?

11 A No.

12 Q Okay. Now, Mr. Godoy, isn't it correct that it was  
13 not the end of September when you saw D.E.A.  
14 representatives the next time, but it was actually on  
15 September 3rd?

16 A Possibly, sir, because the day that I was flying to  
17 Mexico was the day they celebrate Labor Day here.

18 Q And instead of coming back here at the end of  
19 September, is it possible you came back a couple days later  
20 to meet with D.E.A. people here in Los Angeles?

21 A Yes.

22 Q So your memory --

23 THE COURT: He answered the question.

24 BY MR. MEDVENE:

25 Q Now, when you came back to Los Angeles, do you

1 remember now that you met with Mr. Leyva on September 3rd?

2 A I don't remember the date, sir.

3 Q Is it correct that on the second meeting with

4 Mr. Leyva, you do not mention any -- strike that.

5 Is it correct, sir, that at the second meeting,

6 you do not talk about any meetings were you claim a

7 kidnapping was discussed?

8 A I don't remember, sir. I already told them.

9 Q Is it correct, sir, that to best of your recollection,

10 all you mentioned at the second meeting is something about

11 seeing Mr. Zuno at a party, but nothing about kidnapping;

12 is that correct?

13 A Yes.

14 Q Now, after the second meeting where you've been asked

15 everything you know about the kidnapping, and you don't

16 mention Mr. Zuno at any meetings, are you given some more

17 money?

18 MR. CARLTON: Objection to the form of the

19 question, Your Honor.

20 THE COURT: Restate the question.

21 MR. MEDVENE: Yes, sir.

22 BY MR. MEDVENE:

23 Q After this second meeting, are you given some more

24 money?

25 A At the beginning of month of October, sir.



1 Q And after that payment, did you have another meeting  
2 with representatives of the D.E.A.?

3 A Yes.

4 Q And when did you first tell anyone from the D.E.A. --  
5 strike that.

6 How many meetings had you had with the D.E.A.  
7 before you mentioned even seeing Mr. Zuno at the La  
8 Langosta Restaurant?

9 A I don't remember, sir.

10 Q Could it have been five meetings before you told him  
11 that you claim you saw him at the La Langosta restaurant?

12 A Could have been three meetings.

13 Q Could have been five?

14 A Maybe.

15 Q Now, do you have any idea what month you told them  
16 that you were at the La Langosta Restaurant?

17 A I don't remember because at the questioning, there  
18 were many questions, sir.

19 Q Now, could you -- does your memory, sir, permit you,  
20 starting with October of '91, to tell us what you were paid  
21 and what dates, or approximate dates you were paid those  
22 amounts?

23 A In general?

24 Q As you did on your direct?

25 A They would be made at the end of each month or the

1 beginning of each month.

2 Q You have in front of you, sir --

3 MR. MEDVENE: May -- would the reporter please --  
4 excuse me, would the clerk -- Ms. Madam Clerk, please,  
5 place in front of the witness 403.

6 THE CLERK: Exhibit 403 placed before the witness.

7 BY MR. MEDVENE:

8 Q To refresh your recollection, Mr. Godoy, I place in  
9 front of you 403.

10 Is it correct, sir, that you received a \$3,000  
11 payment on October 3rd?

12 A Yes.

13 Q \$1,500 on November 1?

14 A Yes.

15 Q \$1,500 on November 6th?

16 A Yes.

17 Q \$500 November 27th?

18 A Yes.

19 Q \$2,500 December 4th?

20 A Yes.

21 Q \$1,000 December 16th?

22 A Yes.

23 Q \$8,000 December 24th?

24 A Yes.

25 Q I missed this one. \$5,000, October 24th? Still in

- 1 '91?
- 2 A Yes.
- 3 Q \$2,000 January 6 of '92?
- 4 A Yes.
- 5 Q \$3,000 January 30th of '92?
- 6 A Yes.
- 7 Q \$7,500 February 7th?
- 8 A How much?
- 9 Q \$7,500 on February 7th of 1992?
- 10 A Shouldn't that be \$1,500?
- 11 Q \$1,500 on February 7th of '92?
- 12 A Yes.
- 13 Q \$3,000 on April 1?
- 14 A Yes.
- 15 Q And basically \$3,000 a month since then?
- 16 A Yes.
- 17 Q Now, when did you -- strike that.
- 18 We've talked about approximately the fifth meeting
- 19 you had with the D.E.A. in October of '91 when you still
- 20 had not mentioned any kidnapping meetings.
- 21 I ask you when was the next meeting that you had
- 22 with D.E.A. representatives?
- 23 A They were inconsequential, sir.
- 24 Q Do you remember what month was the next meeting?
- 25 A I saw them in October, November, .

1 Q Do you remember what you talked to them about in  
2 November?

3 A Not exactly, sir. But ever -- it's over -- what we  
4 were talking about was mostly on the matter of the matter.

5 Q All right. Now, do you remember what month it was you  
6 told them about this claimed payment to the Governor,  
7 Alvarez Del Castillo?

8 A Could you say that again, please?

9 Q Do you remember what month your meeting was with the  
10 D.E.A. when you told them about this alleged payment that  
11 you told us about to Alvarez Del Castillo?

12 A No, I don't remember the exact date.

13 Q Do you remember the month?

14 A No.

15 Q Do you remember within three months?

16 A I don't remember exactly.

17 Q Now, you've told us something about marijuana fields  
18 Mascota.

19 Do you remember how many meetings with the D.E.A.  
20 you had before you made -- and how much money you -- strike  
21 that.

22 Do you remember how many meetings with the D.E.A.  
23 you had before you first made that claim?

24 A They asked me several questions, sir, and I cannot  
25 tell you on what month or what date exactly I told them.

1 Q Now your conversations -- strike that.

2 All of your conversation with the D.E.A. have been  
3 in the last year and a half; is that correct?

4 A From the time I arrived here until the present, sir.

5 Q Could you tell the ladies and gentlemen of the jury  
6 how you're not able to remember within three months when  
7 any of these meetings occurred, but yet, at some meeting  
8 eight or nine years ago, you remember what color car  
9 somebody was driving.

10 MR. CARLTON: Objection.

11 THE COURT: The objection is sustained.

12 BY MR. MEDVENE:

13 Q Is it true, sir, that even though you had been asked  
14 as early as August of '91 for any information you had about  
15 meetings involving the kidnapping of Enrique Camarena, it  
16 was not until your eighth meeting with the D.E.A., maybe  
17 eight or nine months later, and a payment of maybe \$40,000,  
18 that you first mentioned remembering Mr. Zuno ever being in  
19 a meeting were the kidnapping was discussed; isn't that  
20 true?

21 A Sir, when we started working sequentially through the  
22 -- throughout the questions we talked a little bit more.  
23 And then once brains start working and you start reliving  
24 what you had already lived before.

25 Q Is my -- strike that.

1           Is it correct, sir, that even though you were  
2 asked in August of '91 for everything you knew that related  
3 to the kidnapping of Enrique Camarena, that it was not for  
4 eight or nine months and the payment of \$40,000 or so,  
5 before you remembered the first meeting were you claim  
6 Mr. Zuno was present?

7           MR. CARLTON: Objection. Argumentative.

8           THE COURT: Sustained.

9           BY MR. MEDVENE:

10          Q     Is it in April of '90 -- 1992 when you first make the  
11 claim that you were present at any meetings where the  
12 kidnapping was allegedly discussed?

13          A     I don't know, sir, the way the agents from the D.E.A.  
14 work and when they may have written that down.

15          Q     Is to your best recollection it was approximately  
16 April of 1992 when you first told the D.E.A. agents that  
17 you were present at any meetings when the kidnapping was  
18 discussed? Is that your best recollection?

19          A     It could have been before, sir.

20          Q     It could have been April of '92?

21          A     Yes.

22          Q     The -- strike that.

23                         Over the last day or so, you've mentioned the  
24 names of a number of politicians that you claim were at a  
25 variety of meetings some eight years ago.

1           Did you make any notes of any kind at the time of  
2 the meeting where you put those names down so you could  
3 remember them?

4   A     No, sir, I went on telling them.

5   Q     Did you make any notes in last the eight years of  
6 anybody that attended, or you claim attended, any of these  
7 meetings? Did you write it down anywhere to help your  
8 memory?

9   A     At no time, sir.

10   Q    Did you write down either at the time or later,  
11 anything you claim anybody said at any of these meetings  
12 that occurred eight years ago?

13   A     Never, sir, because all of the people were very well  
14 known.

15   Q     You make -- strike that.

16           You talked yesterday, I believe, about a -- some  
17 suitcases and a payment to the Governor; do you remember  
18 that?

19   A     Yes.

20   Q     Are you saying that -- strike that.

21           How big were the suitcases?

22   A     About the size of the one that is behind you.

23   Q     This briefcase, it's --

24   A     That's an example.

25   Q     -- about two feet by three-and-a-half?

1 A More or less about that size, a little larger.

2 Q And you went into the Governor's mansion, you and --  
3 is that Mr. Samuel Razo?

4 A Yes.

5 Q Samuel Razo, wasn't he a well-known hoodlum thug that  
6 worked for Caro-Quintero?

7 A When I knew him, he worked he for Mr. Ernesto Fonseca.

8 Q Wasn't he known to you -- strike that.

9 As far as you knew, wasn't he a well-known hoodlum  
10 that worked for Ernesto Fonseca.

11 MR. CARLTON: Asked and answered, Your Honor.

12 THE COURT: Well, that's a different question. He  
13 asked about Qunitero first?

14 MR. CARLTON: I didn't here a ruling, Your Honor.

15 THE COURT: What is the your question?

16 BY MR. MEDVENE:

17 Q Wasn't Samuel Razo, to your knowledge, a well-known  
18 associate of Caro-Quintero?

19 MR. CARLTON: Objection. Calls for speculation,  
20 Your Honor, as to whether or not he was well known.

21 THE COURT: Yes. Sustained.

22 BY MR. MEDVENE:

23 Q Did Mr. Razo, to your knowledge, in the community have  
24 a reputation for being a strong arm man for Caro-Quintero  
25 -- excuse me, for Ernesto Fonseca?



1 A When I met him at the Lebanese Club, I noticed he was  
2 very close to Ernesto Fonseca, sir.

3 Q Now, is the Governor's mansion in Valista a public  
4 building?

5 A Yes.

6 Q Are you saying that you -- I'm sorry -- are you saying  
7 that you and this henchman of Ernesto Fonseca walked in  
8 this open building publicly and went to the Governor's  
9 office with -- carrying all of this money?

10 A Yes.

11 Q And it was during business hours?

12 A Yes.

13 Q And yet you are saying that Samuel Razo said to you on  
14 the way out, "If anybody asks you about this tell them you  
15 don't now anything"?

16 MR. CARLTON: Asked and answered.

17 MR. MEDVENE: I never asked that.

18 MR. CARLTON: The testimony speaks for itself.

19 THE COURT: You may answer.

20 THE WITNESS: What was the question, please?

21 BY MR. MEDVENE:

22 Q You said yesterday --

23 THE COURT: Counsel --

24 MR. MEDVENE: Yes, sir.

25 BY MR. MEDVENE:

1 Q Are you saying that --

2 THE COURT: When you preface a question by, "Are  
3 you saying," it's immediately an argument.

4 MR. MEDVENE: Yes, sir.

5 THE COURT: He has testified to what he has. You  
6 may argue about it later.

7 BY MR. MEDVENE:

8 Q After walking into this public building with the  
9 valises of money to the Governor's office, did Samuel Razo  
10 say to you, "If anybody asks about this, don't tell them  
11 you know anything about it?"

12 A At that time he did tell me so.

13 Q Did you say to him, "Well, Mr. Razo, why are you  
14 telling me that because we are in a public building and  
15 anybody could see us and they know who you are"?

16 MR. CARLTON: Argumentative, Your Honor.

17 THE COURT: Sustained.

18 BY MR. MEDVENE:

19 Q How much money was in the valise?

20 A It could have been some four or five million dollars.  
21 I have no idea exactly.

22 Q Now, generally when Ernesto Fonseca went out, to your  
23 knowledge he would have many bodguards with him; isn't that  
24 correct?

25 A Yes.

1 Q How many?

2 A Some 20 to 30 guards.

3 Q But you are saying on this occasion when he was  
4 transporting many millions of dollars to the Governor, he  
5 just had Mr. Razo and you go?

6 MR. CARLTON: Objection. Argumentative.

7 THE COURT: Well, the form of the question is  
8 argumentative.

9 BY MR. MEDVENE:

10 Q Did just you and Mr. Razo go on this occasion to  
11 deliver these millions and millions of dollars to the  
12 Governor in this public building?

13 A The two of us were armed.

14 Q It was just the two of you.

15 THE COURT: How many do you have to ask the  
16 question?

17 MR. MEDVENE: Yes, sir.

18 BY MR. MEDVENE:

19 Q You talked yesterday about Mascota and the handdrawn  
20 maps, and I direct you to that year.

21 Is Mascota, to your knowledge, a rural mountain  
22 area?

23 A Yes, sir.

24 Q And the city's in a small valley?

25 A Yes.

- 1 Q And mountains all around the city?
- 2 A With a lot of vegetation, wild.
- 3 Q And certain people, to your knowledge, that grow
- 4 marijuana grow it in the mountain area; is that correct?
- 5 A And on the non-mountainous areas, too, sir.
- 6 Q Now, the day you speak about when you went to Mascota,
- 7 what month was that?
- 8 A The month of August. It's the rainy session there.
- 9 Q So it was what moth?
- 10 A In the month of August.
- 11 Q And do you remember when you left for Mascota, what
- 12 time?
- 13 A At noon, sir.
- 14 Q What kind of vehicle were you in?
- 15 A In a black carry-all Ford.
- 16 Q Did you stop along the way before getting to the area
- 17 of Mascota?
- 18 A Yes.
- 19 Q Stop for lunch?
- 20 A No.
- 21 Q How many stops did you make on your way to Mascota?
- 22 A Only one, sir.
- 23 Q Now, the marijuana field you talked about yesterday
- 24 that you found, was that in mountains?
- 25 A Going up small hill in flat area, sir.

1 Q And did you see a certain handrawn map?

2 A Yes.

3 Q And this handrawn map was going to identify the  
4 marijuana field that -- strike that.

5 That handrawn map was going to be used for what  
6 purpose?

7 A The case that were going to be destroyed and the ones  
8 that would remain standing. The field up there. The maps  
9 had dots and where the ranches were, it was more or less  
10 how it was specified on which ranch were the fields.

11 Q And the map was going to be given to certain military  
12 commanders who were going to be able to use that map in  
13 some way to decide what marijuana fields to destroy, which  
14 ones not to destroy?

15 A In such case, their people would find them.

16 Q Now, was there any discussion about the facts since  
17 military people were involved they have topographical maps  
18 that were a lot more precise than a handrawn map?

19 A I don't know. I already said that yesterday.

20 MR. MEDVENE: May I approach the witness, Your  
21 Honor.

22 THE COURT: For what purpose?

23 MR. MEDVENE: I want to ask the witness if he  
24 could draw the handrawn map he claims he saw that was going  
25 to direct people into mountains, just as a way to find that

1 out.

2 THE COURT: You may not.

3 BY MR. MEDVENE:

4 Q The -- you talked about a meeting about three weeks  
5 after the kidnapping of Enrique Camarena, and you've told  
6 us Caro-Quintero was there; is that correct?

7 A Could you repeat it once again, please?

8 Q You've told us of a meeting about three weeks after  
9 the kidnapping of Enrique Camarena, that there was some  
10 discussion about moving his body; do you remember that?

11 A Yes.

12 Q And where did that meeting take place?

13 A Could you please repeat the whole question again?

14 Q Where did the meeting take place that you told us  
15 about earlier was held approximately three weeks after the  
16 kidnapping were there was discussion about moving the body  
17 of Enrique Camarena?

18 A That was in the month of March, sir.

19 Q; where did the meeting take place?

20 A In the apartment of Loslobo [phonetic] and Rafael Caro  
21 was not there.

22 Q Did you tell a representative of the D.E.A. on April 8  
23 of 1992 that Caro-Quintero was there?

24 A I don't remember, sir, but I told them that he was  
25 there.

1 Q To refresh your recollection, sir, would you look at  
2 in front of you 404, that's the D.E.A. reports, and in  
3 particular Document Number 6497. The document numbers are  
4 up at the top. And about six lines down, would you take a  
5 look there or wherever you want, and see if that refreshes  
6 you or not as to whether or not you told the D.E.A. agents  
7 that Caro-Quintero was present at this meeting?

8 MR. CARLTON: Your Honor, this report is in  
9 English.

10 MR MEDVENE: Oh, could -- I'm sorry -- Ms.  
11 Reporter, could you please translate those few lines where  
12 it has Caro-Quintero's name.

13 THE INTERPRETER: Counsel, did you say six lines  
14 down, starting from the top or from the bottom?

15 MR. MEDVENE: If you would go five lines down, it  
16 says, "They then requested."

17 Oh, go from the top. I'm sorry.

18 (Interpreter translates document to witness.)

19 THE INTERPRETER: Up to apartment?

20 THE WITNESS: Possibly.

21 MR. MEDVENE:

22 Q I'm just asking if that refreshes him as to whether he  
23 told the D.E.A. that Caro-Quintero was at this meeting?

24 A Possibly, sir.

25 Q If you said that, you were in error?

- 1 A Possibly, sir.
- 2 Q So it is possible he was there, and possible he wasn't  
3 there; is that what you are saying?
- 4 A He wasn't there, sir.
- 5 Q Okay. Did you discuss in the last week or so when you  
6 were preparing to testify here, that particular meeting and  
7 whether Caro-Quintero was there or not, did you discuss  
8 that with anybody?
- 9 A No.
- 10 Q Did you have any discussion with anybody where it was  
11 said better not say Quintero was there because there's  
12 evidence that he fled from Guadalajara and he couldn't be  
13 at such a meeting?
- 14 A No.
- 15 Q With respect to the -- you have told us about a Los  
16 America meeting.
- 17 Is that a hotel, the Los America is a hotel in  
18 Guadalajara?
- 19 A Yes.
- 20 Q And it's a hotel opened to the public?
- 21 A Yes.
- 22 Q Near the Hyatt?
- 23 A In front of Plaza del Sol.
- 24 Q Has a main lobby?
- 25 A Yes.



1 Q Restaurant?

2 A I don't know if it has a restaurant, sir.

3 Q Valet parking?

4 A No.

5 Q Is to your testimony, sir, that the director of the  
6 Mexican -- strike that.

7 Is the director of the Mexican Federal Judicial  
8 Police a well known person, to your knowledge, in  
9 Guadalajara?

10 A Yes.

11 Q Is the Governor of the State of Valista a well known  
12 person?

13 A Yes.

14 Q The Secretary of the Interior?

15 A Yes.

16 Q The Minister of Defense?

17 A Yes.

18 Q The General of the 15th Military District?

19 A Yes.

20 Q Are you saying that all of these well-known --

21 MR. CARLTON: Objection to the form of the  
22 question, Your Honor.

23 THE COURT: Sustained.

24 BY MR. MEDVENE:

25 Q Did you hear anyone discuss whether all of these

1 well-known people should come to a meeting in a public  
2 hotel with Caro-Quintero and Felix-Gallardo, where everyone  
3 would see them together.

4 MR. CARLTON: Objection, Your Honor.  
5 Argumentative.

6 THE COURT: Sustained.

7 BY MR. MEDVENE:

8 Q In your work for Ernesto Fonseca, is it correct that  
9 during the period you worked with him you would go with him  
10 to all meetings he had outside of the office -- strike  
11 that.

12 You would go with him to all meetings he had  
13 outside of his home?

14 A Yes. When Ernesto Fonseca left, I would leave with  
15 him.

16 Q Now, do you remember whether or not there was any  
17 baptism meeting, a meeting where a baptism occurred in  
18 September of 1984 when you went with Mr. Fonseca?

19 A A baptism.

20 Q Um-um.

21 A No, I don't remember it right now.

22 Q Incidentally, is it correct you have told us about all  
23 of the meetings were you claim you were present where the  
24 kidnapping of Enrique Camarena was discussed; is that  
25 correct?

1 A Yes. Please bear in mind that you have to bear in  
2 mind, sir, that I also have to go and rest.

3 Q You don't mean now you want to rest? You mean then  
4 you wanted to rest?

5 I'm sorry. I don't want to be rude. You don't  
6 mean you want to rest now, you mean -- let me keep going,  
7 and if you want to stop, you tell me.

8 Is your memory such, sir, that if you had gone to  
9 a meeting with Mr. Fonseca in September of 1984 where there  
10 was a baptism, you would remember it?

11 A There were baptisms, first communions. I don't know  
12 which one you are referring to.

13 Q Do you ever remember going to anybody's baptism with  
14 Ernesto Fonseca?

15 A There were so many parties that they would make, sir.

16 Q Do you know whether Javier Barber-Hernandez had any  
17 children?

18 A Yes.

19 Q Do you know the names of those children?

20 A No.

21 Q Do you know if any of them were baptized?

22 A I don't know, sir.

23 Q You did not attend any meetings with Mr. Fonseca  
24 anywhere where any of Mr. Barber's children were baptized;  
25 isn't that correct?

1 MR. CARLTON: Objection to the relevance of this,  
2 Your Honor.

3 THE COURT: Sustained.

4 MR. MEDVENE: May we address the Court on that at  
5 the break?

6 THE COURT: This is not relevant to the direct  
7 examination. If you wish to call this witness as your own  
8 witness, you may do so.

9 BY MR. MEDVENE:

10 Q Did you ever attend any meetings with Mr. Fonseca  
11 where anyone was married at Javier Barber's house?

12 MR. CARLTON: Beyond the scope.

13 THE COURT: Well, you may answer the question.

14 THE WITNESS: His brother, Mr. Barber got married  
15 at La Cinta [phonetic] in Tonalá [phonetic].

16 BY MR. MEDVENE:

17 Q Was that in June of 1984?

18 A I don't remember the date, sir.

19 Q Do you know approximately what date it was?

20 A I don't remember exactly, sir.

21 Q Were you present with him on that occasion?

22 A I was with Ernesto Fonseca and we went to a party.

23 There were a lot of parties celebrated.

24 Q You remember any meeting of any kind that occurred at  
25 the wedding?

1 A No, sir.

2 MR. MEDVENE: Is this a good time for a break,  
3 Your Honor?

4 I can keep going if it's not, sir.

5 THE COURT: How much more do you have with this  
6 witness?

7 MR. MEDVENE: I would say problem about a half an  
8 hour, sir.

9 THE COURT: Well take our afternoon recess at this  
10 time.

11 (Jury out.)

12 THE CLERK: You may be seated.

13 THE COURT: You wanted to take up something with  
14 the Court?

15 MR. MEDRANO: May we excuse the witness, Your  
16 Honor.

17 THE COURT: Yes, he's excused.

18 MR. MEDVENE: What it dealt with, Your Honor, was  
19 the -- Mr. Servantes.

20 THE COURT: I know about that. I know all about  
21 that.

22 MR. MEDVENE: I'm sorry.

23 THE COURT: But it hasn't been gone into by the --  
24 on direction examination, and the questions you were asking  
25 were misleading.

1 MR. MEDVENE: All right, sir.

2 THE COURT: They were inconsistent with the  
3 evidence that I heard in the last trial. That is to say  
4 that both those events which were testified to by Servantes  
5 occurred at church, and the party occurred at the home.  
6 And you were asking this witness if he ever attend a  
7 baptism at somebody's home -- at Barber's home and/or a  
8 wedding at Barber's.

9 My recollection of the testimony previously was  
10 that these event occurred at the church and the party  
11 afterward occurred at the home.

12 MR. MEDVENE: All right Your Honor.

13 THE CLERK: Please rise.

14 (Recess had.)

15 THE COURT: You request this conference outside  
16 the presence of the jury?

17 MR. MEDVENE: There was one matter, Your Honor,  
18 that you said you wanted to take up at a break.

19 THE COURT: Oh, yes, but you didn't ask about it  
20 when we adjourned.

21 MR. MEDVENE: I forgot about it.

22 THE COURT: Now, you asked this witness about the  
23 name of this individual or the identity. Why do you need  
24 to know that? How it is relevant to this case?

25 MR. MEDVENE: Well, we want to see if it -- how,

1 if all, it ties to who the individuals are that are  
2 supplying witnesses to the D.E.A., and we want to try to  
3 determine that this man ever worked with that person before  
4 or how well did they know him so that we can try to  
5 determine why would they have gone to him before or why  
6 would that person have gone to him before, why did they  
7 wait for eight areas before the fllow makes this contact.

8 THE COURT: I don't see how the identity of the  
9 individual will help you to determine that. You heard what  
10 this man said about the possibility of endangering this  
11 person. Is that something that you don't care about?

12 MR. MEDVENE: No, of course, I care about it.  
13 It's just if there is a factual basis to it, Your Honor.

14 THE COURT: Well, we can get into that, but I  
15 haven't heard any reason to allow the identification. In  
16 fact, how this person got to the D.E.A. is really not that  
17 relevant. He did get there. He has told you that it was a  
18 person. I think that's sufficient.

19 Bring the jury in.

20 (Jury in.)

21 THE COURT: You may proceed.

22 BY MR. MEDVENE:

23 Q Mr. Godoy, did you tell the D.E.A. on April 7th of  
24 1992, that the Los America meeting occurred around October  
25 or November of 1984?

- 1 A Yes.
- 2 Q Incidentally, the Mascota trip that you had talked  
3 about earlier, where you left at noon, about what time did  
4 you get from Mascota?
- 5 A The same noon, sir.
- 6 Q You left around noon and what time did you return?
- 7 THE COURT: You mean arrived?
- 8 BY MR. MEDVENE:
- 9 Q Arrived back in Guadalajara?
- 10 A Around 10:00, 11:00 p.m.
- 11 Q Okay. Getting back to Los America meeting, is it your  
12 best recollection that the meeting occurred in November of  
13 1984?
- 14 A It was from September to October, sir.
- 15 Q Were you incorrect when you told the D.E.A. it was  
16 October or November of 1984?
- 17 A Yes.
- 18 Q What occurred between -- strike that.
- 19 The second meeting that you testified about, the  
20 meeting at Ernesto Fonseca's home, you told the D.E.A. that  
21 occurred in the latter part of November of 1984; is that  
22 correct?
- 23 A Yes.
- 24 Q Was that correct when you told them that?
- 25 A It was approximately.



- 1 Q The third meeting at Tonalá, you told the D.E.A. was  
2 late November or early December of 1984; is that right?
- 3 A Approximately.
- 4 Q And that was correct?
- 5 A More or less it was those dates.
- 6 Q And the last meeting, what we call the office meeting,  
7 you told the D.E.A. that was sometime later in December of  
8 '84?
- 9 A More or less it was at the beginning.
- 10 Q Of December of '84?
- 11 A Yes.
- 12 Q Isn't it true, sir, that you were not working for  
13 Ernesto Fonseca, according to your testimony today, in  
14 November or December or 1984 or January of 1985?
- 15 A Approximately.
- 16 Q And were you home, as you told us you were, because of  
17 your bad back. During that period you did not work for  
18 Ernesto Fonseca; did you?
- 19 A No.
- 20 Q Now, could you tell us -- strike that.
- 21 The -- how long after the meeting at Tonalá did  
22 the meeting at the office take place?
- 23 A Insequentially, sir, maybe a week, a week and a half.
- 24 Q What differences were discussed in the meeting you  
25 claimed occurred a week later than was discussed a week

1 earlier?

2 MR. CARLTON: Objection. Calls for a narrative  
3 response, Your Honor. It's an ambiguous question.

4 THE COURT: Well he may -- the witness may  
5 identify any differences that he observed in the -- one  
6 meeting from another with respect to what was discussed.

7 THE WITNESS: It was the same subject with the  
8 D.E.A. agents, sir.

9 BY MR. MEDVENE:

10 Q But could you observe from what was said that you  
11 claim you heard if there was this fourth meeting, why it  
12 was necessary what was you claimed said that was different  
13 then was said at the third meeting?

14 MR. CARLTON: Ambiguous. Speculation.

15 THE COURT: Sustained.

16 BY MR. MEDVENE:

17 Q Is it correct, sir, at this so-called office meeting,  
18 the last meeting that you say occurred in December, that  
19 Mr. Aldana said that he was -- strike that.

20 That Mr. Aldana said that he was trying to get the  
21 information on who the D.E.A. agent was?

22 A Yes.

23 Q And Ernesto Fonseca was he also saying he was trying  
24 to get the information on who the agent was?

25 A Could you repeat the question, please?

1 Q I will repeat it.

2 Did Alvarez del Castillo, according to you, say  
3 that he was working on getting the information who the  
4 agent was?

5 A No.

6 Q Did you tell the D.E.A. that Mr. Zuno said to  
7 Mr. Aldana why haven't you provided them with details and  
8 Aldana said he had people working on trying to find out who  
9 the agent was?

10 MR. CARLTON: Objection. Misstates the report, if  
11 that is what you are reading from.

12 THE COURT: Well, I don't know if that's what's  
13 he's reading. That was the question. The witness may  
14 answer.

15 THE WITNESS: Would you repeat it again, please?

16 BY MR. MEDVENE:

17 Q Yes. And I direct your attention, sir, to --

18 THE COURT: Just ask the question.

19 MR. MEDVENE: Yes, sir.

20 BY MR. MEDVENE:

21 Q Did you tell the D.E.A. that Mr. Zuno was directing  
22 his conversation to Mr. Aldana said, "You, too, Aldana, why  
23 haven't you provided them with the correct details," and  
24 that Aldana replied he already had some of his people  
25 working on trying to find who the agent was?

1 THE COURT: The question is, did you make that  
2 statement to the D.E.A.?

3 THE WITNESS: Yes.

4 BY MR. MEDVENE:

5 Q And was that a truthful statement of what you claim  
6 you heard?

7 A Yes.

8 Q Now, again on that third meeting, the one on Tonalá,  
9 again was the general subject of that meeting trying to  
10 identify who this D.E.A. agent was so he could be  
11 kidnapped?

12 A Yes.

13 Q And you told the D.E.A., did you not, that at that --  
14 at this third meeting at Tonalá, it was agreed by anybody  
15 that the D.E.A. agent should be identified and located so  
16 he could then be kidnapped?

17 A Yes.

18 Q That was correct what you claim you heard?

19 A Yes.

20 Q At the second meeting, the meeting at Ernesto  
21 Fonseca's house, did you tell the D.E.A. that Caro-Quintero  
22 said that it was his understanding Alvarez del Castillo's  
23 people where to identify and locate the agent so that  
24 Quintero and Fonseca could pick him up?

25 A Yes.

1 Q And was that said?

2 A Yes.

3 Q And Alvarez del Castillo said he was attempt to  
4 identify who the agent was?

5 A Yes.

6 Q And Caro-Quintero told Alvarez del Castillo they need  
7 the identification of the agent to locate him and pick him  
8 up?

9 A Yes.

10 Q Sir, isn't it correct that at the first meeting,  
11 before any of these meeting took place, where there was  
12 discussion about who the agent was so we can pick him up,  
13 at the first meeting, didn't Mr. Aldana, according to you,  
14 say, "I know who the agent is because I tried to bribe him  
15 and he wouldn't accept my bribe"?

16 A Yes. And Aldana was just making fun of everybody  
17 there.

18 Q So you are saying Mr. Aldana said at the first meeting  
19 he knew who the agent was because he tried to bribe him,  
20 and then it is your testimony that the next three meetings  
21 everybody's talking about who is the agent.

22 MR. CARLTON: Objection. Improper question.  
23 Argumentative.

24 MR. MEDVENE: All right, Your Honor. I will  
25 withdraw the question.

1 THE COURT: Do you know that you move from left to  
2 right and then back again as you ask a question?

3 MR. MEDVENE: No, sir, see, I go from left to  
4 right sometimes. I will try to stay right in the middle,  
5 sir.

6 BY MR. MEDVENE:

7 Q Did anybody say at the second, third or fourth  
8 meeting, when there was, according to you, discussion about  
9 how do we identify this agent and how do you find out who  
10 he is so we can kidnap him, did anybody say,  
11 "Mr. Aldana, don't you really know who he is and are you  
12 keeping it from us," did anybody say anything like that?

13 A I don't know, sir.

14 Q Isn't it true, sir, that as early as May of 1984, six  
15 months or so before any of these meetings, Mr. Aldana knew  
16 that --

17 MR. CARLTON: Objection. Lack of foundation.

18 BY MR. MEDVENE:

19 Q -- that Enrique Camarena was involved in the Zacatecas  
20 raid.

21 THE COURT: The objection is sustained.

22 BY MR. MEDVENE:

23 Q Did you, in the course of being with Mr. Fonseca, ever  
24 attend any meeting, whether it was a discussion with  
25 Mr. Fonseca and anybody else, about whether Mr. Aldana and

1 Enrique Camarena and Jaime Kuykendall in May of '84  
2 discussed the fact that there was going to be a raid on  
3 Zacatecas?

4 THE INTERPRETER: Excuse me, Counsel. A raid  
5 where?

6 MR. MEDVENE: On Zacatecas.

7 THE WITNESS: I don't know, sir.

8 MR. MEDVENE: May I approach the witness just for  
9 one question, Your Honor? I just want to show him an  
10 exhibit.

11 THE COURT: What exhibit?

12 MR. MEDVENE: 19-A, 73, it's right next to him.

13 THE COURT: The Clerk will.

14 MR. MEDVENE: Sure. Madam Clerk, would you just  
15 show the witness 19-A?

16 MR. CARLTON: May I approach, Judge.

17 THE COURT: Go ahead.

18 BY MR. MEDVENE:

19 Q Would you show 19-A with the Court's permission, to  
20 the jury, sir? It's in evidence. Just hold it up and show  
21 it to the jury.

22 THE COURT: Do you have a question regarding this  
23 exhibit?

24 MR. MEDVENE: Yes,, sir.

25 BY MR. MEDVENE:

1 Q Did you identify -- strike that.

2 You identified that exhibit yesterday 19-A as Rene  
3 Lopez-Romero. Isn't that actually Caro-Quintero,  
4 Mr. Godoy?

5 A No. I don't know, sir.

6 Q Would you show that -- with the Court's permission,  
7 would you show that 19-A to the jury, please?

8 THE COURT: Hold it up. The witness may hold it  
9 up. Hold it up for the jury.

10 MR. MEDVENE: Thank you very much. Nothing  
11 further.

12 THE COURT: Do you have any questions?

13 MR. RUBIN: Yes, Your Honor.

14 MR. MEDVENE: May the record reflect that 19-A is  
15 a picture of Caro-Quintero, Your Honor?

16 THE COURT: Say again?

17 MR. MEDVENE: May the record reflect that 19-A is  
18 a picture of Caro-Quintero?

19 THE COURT: Well, I don't know. Whatever.

20 MR. MEDVENE: Okay.

21 THE COURT: I don't know how it's been identified  
22 by witnesses.

23 MR. MEDVENE: It has been identified.

24 THE COURT: Well, if it has, then the record  
25 already shows that.



1 MR. MEDVENE: Okay, sir.

2 THE COURT: All right.

3 CROSS-EXAMINATION

4 BY MR. RUBIN.

5 Q Mr. Godoy, when this unnamed person contacted you in  
6 July of 1991, was that before or after you had been  
7 arrested for armed robbery?

8 A After.

9 Q Were you in jail when he called you, Heoshing  
10 [phonetic] called you?

11 A I would been released, sir.

12 Q And at that time, in addition to the money and the  
13 work permit that this person told you was available to you  
14 and would be given to you by the U.S. government if you  
15 cooperated, did they also tell you about immunity for your  
16 activities as a member of the drug trafficking Cartel?

17 A Could you repeat that, please?

18 Q This person told you that money was available if you  
19 would cooperate; true?

20 A No.

21 THE COURT: Counsel, why don't you just ask a  
22 question instead of reciting what's already been testified  
23 to?

24 You asked him the question if he was promised  
25 immunity from prosecution if he cooperated?

1 MR. RUBIN: Yes.

2 THE COURT: That's the question?

3 BY MR. RUBIN.

4 Q Sir, at that time did the person also indicate to you  
5 that immunity from prosecution was available to you?

6 A No.

7 Q Sir, isn't it true that the reason you agreed to  
8 testify -- cooperate and testify is because the government  
9 is giving you money, a work permit, and immunity from  
10 prosecution?

11 A Can you repeat the question, again, sir?

12 Q Isn't it true that the reason you agreed to cooperate  
13 with the government and testify is because the government  
14 is giving you money, a work permit and immunity from  
15 prosecution?

16 A In the first place, when I accepted coming here, was  
17 to clarify our responsibilities. And in the second place,  
18 I was going to live here.

19 Q Now, so the government promised you that you could  
20 live here if you came here; true?

21 A It's logical, sir, if I was going to come here I was  
22 going to live here.

23 Q Well, my question to you was is the reason you came  
24 here to live here and cooperate and testifying was it  
25 because of the money, the immunity, the work permit and the

1 residence that they were going to give you? Yes or no.

2 A It wasn't based on promises, sir.

3 Q Well, but you knew you were going to get that didn't;  
4 you?

5 A Yes.

6 Q It's a true, is it not, that you didn't come here, you  
7 didn't agree to cooperate with the government and testify  
8 out of some sense of moral obligation to justice; did you?

9 A Can you repeat that again, please?

10 Q It's true, isn't it, that you didn't come here to  
11 cooperate and testify because out of some sense of moral  
12 obligation to justice?

13 A Yes.

14 Q Now in 1985, '86, '87, '88, '89 and '90, no one had  
15 promised you money or immunity and a work permit to come  
16 and cooperate and testify with the government; true?

17 Well, let me put that in the affirmative so we  
18 don't mixed up.

19 In those years, from 1990 --

20 THE COURT: Counsel, that's just asking a question  
21 for the purpose of asking a question. This witness has  
22 testified when all of this started, and it's consistent  
23 with your question, so why ask it?

24 MR. RUBIN: Well, I don't know if we had gotten  
25 into that before, Your Honor, but he had prior offers.

1 THE COURT: Well, ask him if he had prior offers.

2 MR. RUBIN: I was trying to rephrase it into the  
3 affirmative.

4 BY MR. RUBIN:

5 Q In 1985 to 1990, had any person unnamed or D.E.A.  
6 agent, offered you any immunity, money, or a work permit to  
7 come and cooperate with the government?

8 A I came knowing what had happened to Juan Raul  
9 Lopez-Alvarez, and I had made up my mind to come to  
10 anything, sir.

11 Q Did you feel bad about what happened to Raul  
12 Lopez-Alvarez?

13 A That depends on each individual, sir.

14 Q Well, you just testified that you came because of what  
15 happened to him. What had happened?

16 A I came with the idea in mind that I could have the  
17 same happen to me as has happened to them.

18 Q Who do you mean by "them"?

19 A Ron de Alva and Raul Lopez Alvarez.

20 Q They had been convicted of crimes here?

21 A Yes.

22 Q And you knew that; true?

23 A Yes.

24 Q You were afraid that you would get convicted of  
25 crimes; true?

- 1 A Yes.
- 2 Q And so you came here in order for your own self  
3 interest to get a deal from the government for immunity so  
4 you wouldn't be prosecuted for crimes; isn't that correct?
- 5 A Well, those are personal decision, sir.
- 6 Q And, sir, I will ask you again, isn't it true that the  
7 reason you agreed to cooperate and testify was out of your  
8 own self interest because you were afraid the government  
9 would prosecute you and you would be convicted of the same  
10 crimes?
- 11 A At that time, sir, I was morally finished because I  
12 had come from out of there and I wanted to for my life to  
13 come to a decision.
- 14 Q So wasn't that a fear out of a moral decision that you  
15 made for yourself?
- 16 Strike that.
- 17 It wasn't out fear of being prosecuted or was that  
18 some kind of moral decision you had made?
- 19 A That's right, sir.
- 20 Q And you hadn't made that moral decision before these  
21 other two people had been convicted; did you?
- 22 MR. CARLTON: Objection, Your Honor. Irrelevant.
- 23 THE COURT: It's a also asked and answered.
- 24 BY MR. RUBIN.
- 25 Q When did you have this moral reawakening that you felt

1 you had to clear things up?

2 A When I was released from the jail in Guadalajara, sir.

3 Q Something happened in jail in Guadalajara that made  
4 you come to this moral decision?

5 A When I got pick up, they tortured me a lot, sir. And  
6 asking me what I know about him, and what else I knew about  
7 the traffickers in Mexico. And since I didn't reply  
8 anything of that nature, that's why they beat me up and  
9 they locked me up, sir.

10 Q And in 1991, they beat you up, and in 1985 they beat  
11 you up, and you made this statement?

12 Was it a common practice of Mexican police o just  
13 beat up everybody they arrested, to your knowledge?

14 A Depends on the case, sir.

15 Q When you were police officer twice, did you beat up  
16 people who you arrested?

17 MR. CARLTON: Objection, Your Honor. Irrelevant.

18 THE COURT: Sustained.

19 BY MR. RUBIN:

20 Q At any time in your entire life, have you ever earned  
21 the equivalent of \$3,000 American dollars per month?

22 A No.

23 Q And to get this \$3,000 a month from the government, do  
24 you have to do any kind of work, other than testifying in  
25 this case?

1 A I don't know, sir.

2 Q When you were in Mexico, what kind of house did you  
3 live in?

4 A A modest one.

5 Q Is it fair to say that the kind of house you live in  
6 now has improved substantially over what you lived in  
7 Mexico?

8 MR. CARLTON: Objection, irrelevant, Your Honor.

9 THE COURT: What is it?

10 MR. CARLTON: Irrelevant.

11 THE COURT: Overruled.

12 THE WITNESS: It's better here, sir.

13 BY MR. RUBIN:

14 Q It's fair to say, is it not, that the \$3,000 per month  
15 you that receive from the government has made a substantial  
16 improvement in your standard of living from what it was in  
17 Mexico; isn't that true?

18 A I'm going to be honest with you. I have four children  
19 and a wife and I have to pay rent.

20 Q Sir, my question to you was, isn't it true that the  
21 \$3,000 a month that you receive from the government for  
22 your testimony has made a substantial improvement in the  
23 standard of living that you live now as opposed to when you  
24 lived in Mexico?

25 A Some.

1 Q Now, before you agreed to cooperate and testify, did  
2 you have an understanding as to what the potential  
3 penalties, criminal penalties might be for you personally  
4 if the Government of the United States prosecuted you for  
5 your crimes that you committed when you worked for Ernesto  
6 Fonseca?

7 A Yes.

8 Q And what was your understanding of that?

9 A That if I came here to lie, I was going to be locked  
10 up, sir.

11 Q Sir, isn't it true that if you didn't cooperate and  
12 testify for the government, and they prosecuted and  
13 convicted you for your crimes, you could face many, many  
14 areas in a United States prison?

15 A I don't know.

16 Q You were a police officer, sir. You don't now what  
17 the --

18 THE COURT: You are arguing with the witness.

19 BY MR. RUBIN:

20 Q As a police officer, did you know what -- that jail  
21 was a possibility for people involved in drug trafficking?

22 MR. CARLTON: Objection, irrelevant, Your Honor.

23 THE COURT: The objection is sustained.

24 BY MR. RUBIN:

25 Q Did the immunity from prosecution that you received,



1 did you request that from the government or did they just  
2 offer that to you as part of the deal?

3 A They offered it to me, sir.

4 Q Did you ever tell them you didn't need it or it was  
5 unnecessary to you?

6 A Yes, I told Mr. Berrellez.

7 Q And but he insisted that you take it?

8 A He took me to Mr. Carlton.

9 Q And Mr. Carlton insisted that you take immunity, even  
10 though you said you didn't want it or need it?

11 A I didn't ask any further, sir. They gave it to me.

12 Q Now, you gave a statement to the D.E.A. initially on  
13 August 30th of 1991.

14 At that time, did you mentioned Dr. Machain in any  
15 way?

16 A I don't remember, sir.

17 Q On September 3rd, the next meeting, did you mentioned  
18 Dr. Machain in any way?

19 A I don't remember it, sir.

20 Q Now, you understood at this meetings that the purpose  
21 of these meetings was that the government was trying to get  
22 as much information as they could about the drug  
23 trafficking in Guadalajara and what happened to Agent  
24 Camarena; true?

25 A They asked a lot of questions.

1 Q You understood that they wanted to get as much  
2 information as possible; also true?

3 A Yes.

4 Q And on October 7th of 1991, they showed you lot of  
5 photographs; did they not?

6 A Yes.

7 Q And there were -- it is fair to say there were about  
8 245 photographs they showed you?

9 A There were a lot.

10 Q And in that meeting, the only thing you said about  
11 Dr. Machain was that was a picture of him; isn't that  
12 right?

13 A It was several. From several persons that I looked at  
14 the photographs.

15 Q Okay. But with regard to Dr. Machain, the only thing  
16 you said about the photograph of Dr. Machain is, "That's  
17 Dr. Machain, isn't that right?"

18 A Yes.

19 Q And the following day, the agents went into more  
20 detail about the photographs, and again asked you about  
21 Dr. Machain; isn't that true?

22 A Could you we have that again, please?

23 Q The following day, on October 8th of 1991, the agents  
24 went through photographs again to get more details about  
25 the people you identified; isn't that correct?

1 A They showed me several exhibits again.

2 Q Were they the same pictures that you had seen the day  
3 before?

4 A Yes.

5 Q And at that time when you were being questioned the  
6 second time about Dr. Machain, you never told the agents  
7 that you met him with Xavier Fonseca; did you?

8 A I was just identifying the names of all the persons I  
9 knew.

10 Q Sir, my question to you was, was that interview on  
11 October 8th of 1991, when you identified Dr. Machain, did  
12 you ever tell the agents that you met him with says Xavier  
13 Fonseca-Caro?

14 A Yes.

15 Q At that meeting on October 8 of 1991, did you tell the  
16 agents that says Xavier Fonseca-Caro had given Dr. Machain  
17 a bag of cocaine?

18 A Yes.

19 Q At that meeting on October 8 of 1991, did you ever  
20 tell the agents that you saw Dr. Machain at Lahabatita  
21 giving serum?

22 THE INTERPRETER: Giving what, Counsel?

23 MR. RUBIN: Serum, S-E-R-U-M.

24 THE WITNESS: Yes.

25 BY MR. RUBIN:

1 Q And did you ever tell them at that interview that you  
2 same him injecting vitamins?

3 A First he put the IV needle.

4 Q Sir, my question to you is --

5 MR. RUBIN: Your Honor, move to strike as  
6 non-responsive. He's not answering the question.

7 THE COURT: Restate your question.

8 BY MR. RUBIN.

9 Q Sir, my question to you was -- is, at the meeting on  
10 October 8th of 1991, did you ever tell the D.E.A. agents  
11 that you saw Dr. Machain inject vitamins?

12 A Yes.

13 Q Now, when Mr. -- strike that

14 At that meeting on October 8th of 1991, did you  
15 tell the agents that you saw Dr. Machain at a party at the  
16 Horseshoe Ranch?

17 A Yes.

18 Q Did you tell him at the meeting that you saw him  
19 changing gauze at some apartment some time?

20 A In once at La Bonita.

21 Q Did you tell them about that at the meeting on October  
22 8th?

23 A I don't remember the dates, sir, but I did tell them.

24 Q Well, my question to you was do you remember telling  
25 them on October 8th?

- 1 A I don't remember the exact date.
- 2 Q In regard to the other statements that you told them  
3 about, did you tell them that October 8th I want to make  
4 sure I'm not confused about the dates here?
- 5 A I don't remember.
- 6 Q So you are not sure. Now you are not sure whether you  
7 told them on October 8th of 1991?
- 8 A I don't remember the date.
- 9 Q In fact, isn't it true, sir, that at that meeting on  
10 October 8th, you didn't tell the agents any of those things  
11 that I just went through; did you?
- 12 A I don't now.
- 13 Q Sir, now, you also had interviews with agents on  
14 October 22nd, '91; April 7th, 1992; April 8 1992; April  
15 9th, 1992; April 10th, 1992, and April 12th, 1992; is that  
16 true? Does that correct to you?
- 17 A There were several meetings.
- 18 Q Isn't it true that at those meetings you never told  
19 the agents about Ernesto Fonseca, bag of cocaine, giving  
20 injection of vitamins and serum, and all of the other  
21 things I've just asked you about?
- 22 A I had told them, sir. And dates I don't remember  
23 exactly.
- 24 Q Now, do you recall the dates -- do you recall the date  
25 that you actually told them any of these things.

1 MR. CARLTON: Objection. Asked and answered, Your  
2 Honor.

3 THE COURT: Sustained.

4 MR. RUBIN: Now, may I have one moment, Your  
5 Honor?

6 (Pause in proceedings.)

7 BY MR. RUBIN:.

8 Q When Xavier Fonseca gave Dr. Machain the bag of  
9 cocaine, as you said you claimed, did Dr. Machain use it?

10 A Yes.

11 Q So you saw him reach into the bag of cocaine and use  
12 it in front of you?

13 A I was on one side, sir. They were talking on one  
14 side.

15 Q Were they smoking the cocaine or were they snorting  
16 the cocaine?

17 A Snorting.

18 Q And did you partake of the cocaine at that time?

19 A No, sir.

20 Q Sir, the time you were with Mr. Fonseca, did you ever  
21 partake of cocaine?

22 A They wouldn't allow it, sir, because we had to be  
23 alert in order to take care of them.

24 Q Now, is it true that Ernest Fonseca took vitamin  
25 shots; true?

- 1 A It is true.
- 2 Q And when he'd take those vitamin shots was only after  
3 he got drunk or did he take them regularly?
- 4 A When he would get drunk.
- 5 Q Now, when you first met Dr. Machain, what city was  
6 that in?
- 7 A In Guadalajara -- Valista, excuse me. Guadalajara and  
8 Valista are right next to each other. And it was in the  
9 municipality of the City of Valista.
- 10 Q And when you went -- when you first saw doctor -- met  
11 Dr. Machain, were you going to his house with Mr. Fonseca's  
12 courier?
- 13 A Yes.
- 14 Q Dr. Machain house?
- 15 A Since I didn't move into his house.
- 16 Q My question is -- I want to be clear -- my question to  
17 you is this, when you first met Dr. Machain with Fonseca,  
18 did you meet him -- did you meet Dr. Machain at  
19 Dr. Machain's house?
- 20 A Outside in the street.
- 21 Q Was it in the street outside of his house?
- 22 A Yes.
- 23 Q What was the name of that street?
- 24 A I don't remember the name.
- 25 Q Do you remember the name of any nearby street where

- 1 that occurred?
- 2 A It's a in the Colonia Las Italia [phonetic] area.
- 3 Q Could you describe Dr. Machain house at that time?
- 4 A I don't remember it exactly, sir. Only the outside.
- 5 Q Well, do you remember what color the outside was?
- 6 A I don't remember it, sir.
- 7 Q Do you remember whether it was a two-story house or a  
8 one-story house?
- 9 A It had gates, sir.
- 10 Q Do you recall what kind of gates?
- 11 A No.
- 12 Q This house was near a house that Mr. Fonseca-Caro was  
13 building; is that correct?
- 14 A Yes, sir. See, sir, on one side.
- 15 Q Now, on the occasion that you saw Dr. Machain inject  
16 vitamins into Ernesto Fonseca after his drinking binge --  
17 first of all, how did you know they were vitamins?
- 18 A They would leave the vials and wanted me to pick them  
19 up and throw them away.
- 20 Q And the vials said vitamins on them?
- 21 A From Germany.
- 22 Q Did they say what was in the vial on them? What was  
23 the name that told you these were vitamins?
- 24 A I don't remember it exactly.
- 25 Q Do you recall what day this happened, what date?



- 1 A I don't recall exactly what day.
- 2 Q Do you remember what month?
- 3 A It was in 1984. I don't remember the month exactly,  
4 sir.
- 5 Q Would you tell me the dates of the parties at the  
6 Horseshoe Ranch where you saw Dr. Machain?
- 7 A October, November, sir.
- 8 Q Of what year?
- 9 A 1984.
- 10 Q Do you remember the date?
- 11 A No. No, I don't remember them.
- 12 Q Now, do you know Rene Lopez-Romero; do you not?
- 13 A Yes.
- 14 Q He was a colleague of yours; true?
- 15 A Yes.
- 16 Q Both were bodyguards for Mr. Fonseca; true?
- 17 A Yes.
- 18 Q Was he a friend of yours?
- 19 A Yes.
- 20 Q Close friend?
- 21 A No.
- 22 Q It wasn't clear on some testimony, but did you ever  
23 share an apartment with him or live with him?
- 24 A No.
- 25 Q Prior to testifying today, have you discussed your

1 testimony with Mr. Lopez-Romero?

2 A No.

3 Q Did you ever discuss with him your decision to testify  
4 and cooperate with the government?

5 A No.

6 Q Now, in the meetings that Mr. Medvene talked about  
7 with you, where you met with the government before  
8 testifying today, at those meetings did you also discuss  
9 Dr. Machain with the government lawyers and agents, as well  
10 as Mr. Zuno Arce?

11 A Yes.

12 Q And it's fair to say that the government told you what  
13 questions they might be asking or what areas they would  
14 going into on your direct testimony?

15 A Can you repeat that, please?

16 Q During those meetings, did the government go over the  
17 questions that they might be asking you in court?

18 A Yes. They asked me several times.

19 Q And you gave your answer to them?

20 A Yes.

21 Q And you practiced your testimony?

22 A No.

23 Q Sir, when you were a police officer, did you ever make  
24 deals with informants for corporation and testimony?

25 MR. CARLTON: Objection. Irrelevant.

1 THE COURT: Sustained.

2 BY MR. RUBIN:.

3 Q Sir, it's true, isn't it, that you understand that  
4 unless -- strike the question.

5 Mr. RUBIN: One moment, Your Honor. Let me check  
6 my notes.

7 (Counsel confers with client.)

8 MR. RUBIN: No further questions. Thank you, Your  
9 Honor.

10 (Further proceedings had and reported but not transcribed)

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