

6290

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FEDERAL GRAND JURY

CENTRAL DISTRICT OF CALIFORNIA

PROCEEDINGS HAD BEFORE THE GRAND JURY
OF THE UNITED STATES OF AMERICA, IN AND
FOR THE CENTRAL DISTRICT OF CALIFORNIA,
AT UNITED STATES DISTRICT COURTHOUSE,
312 NORTH SPRING STREET, 13TH FLOOR,
LOS ANGELES, CALIFORNIA, ON WEDNESDAY,
JANUARY 10, 1990.

PRESENT:

MANUEL MEDRANO
JOHN CARLTON
ASSISTANT U.S. ATTORNEYS

WITNESS: HECTOR BERRELLEZ

REPORTED BY:

MARK SCHWEITZER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WEDNESDAY, JANUARY 10, 1990; LOS ANGELES, CALIFORNIA

11:35 A.M.

-000-

THE FOREPERSON: RAISE YOUR RIGHT HAND. DO YOU SOLEMNLY SWEAR THAT THE TESTIMONY AND EVIDENCE THAT YOU SHALL GIVE IN THE PROCEEDINGS NOW BEFORE THIS FEDERAL GRAND JURY SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH SO HELP YOU GOD?

THE WITNESS: I DO.

THE FOREPERSON: PLEASE STATE YOUR NAME AND OCCUPATION AND BE SEATED.

THE WITNESS: MY NAME IS HECTOR, H-E-C-T-O-R. MY LAST NAME IS BERRELLEZ, SPELLING, B-E-R-R-E-L-L-E-Z. I AM A SPECIAL AGENT WITH THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION.

HECTOR BERRELLEZ,
HAVING BEEN FIRST DULY SWORN, WAS
EXAMINED AND TESTIFIED AS FOLLOWS:

6292

EXAMINATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. MEDRANO: GOOD MORNING, AGENT BERRELLEZ.

THE WITNESS: GOOD MORNING, EVERYBODY.

MR. MEDRANO: I BELIEVE YOU'VE TESTIFIED BEFORE THE GRAND JURY ON A PRIOR OCCASION, HAVE YOU NOT?

THE WITNESS: YES, I HAVE.

MR. MEDRANO: VERY BRIEFLY, TELL US WHAT YOUR TITLE IS AND WHAT YOUR CURRENT RESPONSIBILITIES ARE WITH THE DEA.

THE WITNESS: I AM A GROUP SUPERVISOR IN A TASK FORCE THAT IS KNOWN AS OPERATION LEYENDA. OUR OPERATION IS THE ONE THAT IS RESPONSIBLE FOR THE INVESTIGATION OF THE MURDER OF SPECIAL AGENT ENRIQUE CAMARENA

MR. MEDRANO: AND "LEYENDA" IS A WORD IN SPANISH, IS IT NOT?

THE WITNESS: YES, SIR.

MR. MEDRANO: AND WHAT DOES IT MEAN?

THE WITNESS: "LEYENDA" IS LIKE "THE STORY" OR "THE NOVEL" IT WOULD TRANSLATE TO.

MR. MEDRANO: NOW, AGENT BERRELLEZ, ARE YOU AWARE, SIR, OF THE EXISTENCE OF AN AUDIO CASSETTE TAPE RECORDING OF A CONVERSATION THAT OCCURRED BETWEEN A MAN BY THE NAME OF FEDERICO CASTELL DE ORO AND A DR. HUMBERTO ALVAREZ MACHAIN?

1 THE WITNESS: YES, SIR, I AM AWARE OF A
2 CONVERSATION WHICH WAS TAPE RECORDED ON A CASSETTE TAPE
3 BETWEEN FEDERICO CASTELL DE ORO AND A DR. HUMBERTO ALVAREZ
4 MACHAIN.

5 MR. MEDRANO: AND IS THE TAPE IN ENGLISH OR
6 SPANISH?

7 THE WITNESS: THE TAPE IS ALL IN SPANISH.

8 MR. MEDRANO: AND ARE YOU, SIR, BILINGUAL IN
9 ENGLISH AND SPANISH?

10 THE WITNESS: YES, SIR, I AM.

11 MR. MEDRANO: AND AS TO YOUR SPANISH
12 CAPABILITIES, WERE YOU RAISED AS A SPANISH SPEAKER?

13 THE WITNESS: YES, I AM A NATIVE SPANISH
14 SPEAKER, AND I HAVE ALSO SPENT TIME WORKING IN MEXICO IN
15 WHICH MY SPANISH HAS IMPROVED.

16 MR. MEDRANO: SO CONSEQUENTLY YOU ARE FLUENT IN
17 BOTH LANGUAGES?

18 THE WITNESS: YES, SIR.

19 MR. MEDRANO: AND CAN YOU JUST SHARE WITH THIS
20 GRAND JURY WHAT IT WAS THAT YOU HEARD WHEN YOU REVIEWED
21 THIS TAPE, THIS AUDIO CASSETTE RECORDING?

22 THE WITNESS: IN THAT TAPE RECORDING I HEARD
23 CASTELL DE ORO ASK DR. HUMBERTO MACHAIN IF HE HAD BEEN AT
24 THE HOUSE WHERE CAMARENA HAD BEEN TORTURED, SPECIAL AGENT
25 CAMARENA OF THE DEA.

1 MR. MEDRANO: AND LET ME JUST ASK YOU
2 SOMETHING, MR. BERRELLEZ, AND I NEED YOU TO BE VERY
3 SPECIFIC AS TO WHAT IS ACTUALLY ON THE TAPE WORD FOR WORD.

4 THE WITNESS: THE WAY I RECALL THE CONVERSATION
5 WENT WAS TO THE EFFECT OF "DOCTOR, WERE YOU SUMMONSED TO
6 TREAT SPECIAL AGENT CAMARENA?"

7 AND THE RESPONSE WAS "YES, I DID GO OVER
8 THERE ON TWO OCCASIONS. THE FIRST TIME THAT I WAS THERE,
9 CAMARENA WAS VERY BADLY BEATEN. ON THE SECOND TIME THAT I
10 WENT TO SEE CAMARENA, HE WAS ALREADY DEAD." AND THAT WAS
11 ON THE TAPE.

12 MR. MEDRANO: NOW, THE TAPE CONTINUES TO PLAY,
13 THOUGH; IS THAT CORRECT?

14 THE WITNESS: YES, SIR. THERE IS ANOTHER
15 INDEPENDENT CONVERSATION ON THAT TAPE OF ANOTHER
16 NON-RELATED CONVERSATION.

7

17 MR. MEDRANO: AND ALVAREZ MACHAIN, THE DOCTOR,
18 IS NOT ON THAT UNRELATED PORTION OF THE TAPE?

19 THE WITNESS: NO, SIR, HE IS NOT.

20 MR. MEDRANO: AND IN TERMS OF THE CONVERSATION
21 BETWEEN THE DOCTOR AND CASTELL, IT'S ONLY THAT SHORT PIECE
22 THAT YOU'VE DESCRIBED FOR US THAT IS INTELLIGIBLE; IS THAT
23 CORRECT?

24 THE WITNESS: THAT IS THE ONLY PART THAT IS
25 INTELLIGIBLE. IT WAS A BAD TAPE, BUT WHAT I DID HEAR IS

6295E

1 VERY CLEAR. AND THAT'S ALL THAT I REALLY COULD MAKE OUT
2 OF THAT CONVERSATION, SIR.

3 MR. MEDRANO: LADIES AND GENTLEMEN, CAN I ASK
4 YOU IF YOU HAVE ANY QUESTIONS FOR AGENT BERRELLEZ AT THIS
5 TIME? SEEING NO HANDS, I'LL ASK AGENT BERRELLEZ JUST TO
6 STEP OUTSIDE FOR A MOMENT.

7 THE WITNESS: YES, SIR. THANK YOU VERY MUCH.

8

9 (THE WITNESS WITHDRAWS FROM THE GRAND JURY ROOM
10 AND RETURNS AFTER SUBSEQUENT DISCUSSION.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

62967

1 LOS ANGELES, CALIFORNIA; WEDNESDAY, JANUARY 10, 1990

2

3 1:07 P.M.

4

5 (TESTIMONY CONTINUED)

6

7 MR. MEDRANO: LADIES AND GENTLEMEN, I'VE
8 BROUGHT SPECIAL AGENT HECTOR BERRELLEZ BACK IN HERE TO GET
9 SOMETHING ABSOLUTELY CLEAR FOR PURPOSES OF THE GRAND JURY
10 RECORD.

11 EVIDENTLY MR. BERRELLEZ HAS HAD AN
12 OPPORTUNITY SINCE HE TESTIFIED TO ACTUALLY TRACK DOWN A
13 SPANISH / ENGLISH TRANSCRIPT OF THIS SHORT BLURB ON THAT
14 TAPE RECORDED CONVERSATION THAT HE DESCRIBED FOR YOU; SO
15 WHAT I WOULD LIKE TO DO WITH YOUR PERMISSION IS HAVE HIM
16 REITERATE ONCE MORE WHAT IT WAS THAT WAS ON THAT TAPE TO
17 BE ABSOLUTELY ACCURATE.

8

18 SO AGENT BERRELLEZ, YOU'VE HAD AN
19 OPPORTUNITY TO LISTEN TO THE TAPE THAT YOU'VE ALREADY
20 DESCRIBED FOR US; IS THAT CORRECT?

21 THE WITNESS: YES, SIR.

22 MR. MEDRANO: AND ON THE BASIS OF IT, DID YOU
23 HAVE A OPPORTUNITY TO COMPARE THE TRANSCRIPT THAT WAS
24 GENERATED WITH THE ACTUAL AUDIO CASSETTE TAPE?

25 THE WITNESS: YES, SIR.

J Z 06676

1 MR. MEDRANO: AND DO YOU HAVE A COPY OF THAT
2 TRANSCRIPT WITH YOU?

3 THE WITNESS: YES, SIR, I DO.

4 MR. MEDRANO: AND MAY I ASK YOU TO TELL US ONCE
5 AGAIN WHAT IT IS THAT'S ON THIS TAPED CONVERSATION BETWEEN
6 DR. ALVAREZ MACHAIN AND CASTELL DE ORO?

7 THE WITNESS: YES, SIR. I WILL START WITH
8 CASTELL WHO STARTS SPEAKING ON THE TAPE.

9 "CASTELL DE ORO: HOW ARE YOU, DOCTOR?"

10 REPLY FROM DR. MACHAIN: "FINE,

11 COMMANDER.

12 "CASTELL DE ORO: IS IT TRUE YOU WERE
13 CALLED TO SEE HOW CAMARENA WAS?"

14 ANSWER BY DR. MACHAIN: "YES,
15 COMANDANTE -- COMMANDER. THE FIRST TIME, WELL,
16 HE WAS BADLY BEATEN. AND THE SECOND TIME I
17 WENT, WELL, HE WAS DEAD.

18 CASTELL DE ORO: LET'S SEE. EXPLAIN TO
19 ME -- EXPLAIN TO ME --

20 DR. MACHAIN: HE WAS VERY BADLY BEATEN."

21 AT THIS POINT THE TAPE BECOMES
22 UNINTELLIGIBLE, AND NO MORE CAN BE UNDERSTOOD.

23 MR. MEDRANO: OKAY. ANY QUESTIONS FOR AGENT
24 BERRELLEZ AT THIS JUNCTION?

25 SEEING NO HANDS, AGENT, COULD I ASK YOU

1 TO STEP OUTSIDE, PLEASE.

2 THE WITNESS: YES, SIR, THANK YOU.

3

4 (WHEREUPON THE WITNESS WITHDRAWS FROM THE
5 GRAND JURY ROOM, AND DISCUSSION IS CONTINUED.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

6299

C E R T I F I C A T E

I, MARK IRVIN SCHWEITZER, HEREBY CERTIFY THAT THE FOREGOING PROCEEDINGS WERE HAD AT THE TIME AND PLACE THEREIN SET FORTH, AND WERE TAKEN DOWN BY ME IN SHORTHAND AS GIVEN AND THEREAFTER TRANSCRIBED BY MEANS OF COMPUTER-AIDED TRANSCRIPTION:

THAT THE FOREGOING TRANSCRIPT CONTAINS A FULL, TRUE, AND CORRECT TRANSCRIPTION OF MY SHORTHAND NOTES SO TAKEN.

IN WITNESS WHEREOF, I HAVE HERUNTO SUBSCRIBED MY NAME AND AFFIXED MY SEAL ON THIS 16TH DAY OF FEBRUARY, 1990.

Mark Irvin Schweitzer
MARK IRVIN SCHWEITZER
COURT REPORTER



J Z 06679