

1 APPEARANCES OF COUNSEL:

2 FOR THE PLAINTIFF:

3 GARY A. FEES,
4 UNITED STATES ATTORNEY
5 BY: MANUEL A. MEDRANO
6 JOHN L. CARLTON
7 ASSISTANT U.S. ATTORNEYS
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12 FOR DEFENDANT JUAN RAMON MATTA-BALLESTEROS DEL POZO:

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20 FOR DEFENDANT RUBEN ZUNO-ARCE:

21 MITCHELL, SILBERBERG & KNUPP
22 BY: EDWARD M. MEDVENE, ESQ.
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AND

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APPEARANCES (CONTINUED):

FOR DEFENDANT JAVIER VASQUEZ-VELASCO:

FEDERAL LITIGATORS GROUP
BY: GREGORY NICOLAYSEN, ESQ.
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ALSO PRESENT:

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

SPANISH INTERPRETERS

1 LOS ANGELES + CALIFORNIA FRIDAY, MAY 18, 1990

2 + 9:30 A.M.

3
4 (JURY NOT PRESENT.)

5 MR. MEDRANO: GOOD MORNING, YOUR HONOR.

6 ALL COUNSEL: GOOD MORNING.

7 THE COURT: GOOD MORNING. I WANT TO CLARIFY WITH YOU
8 THIS PROBLEM THAT WE HAVE BEEN DEALING WITH -- CONCERNING ACTS
9 AND DECLARATIONS OF OTHER PERSONS AND THEIR ADMISSIBILITY
10 AGAINST THESE DEFENDANTS.

11 THE PRESENT STATE OF THE LAW IS THAT A
12 CO-CONSPIRATOR'S STATEMENT MAY ONLY BE USED AGAINST ANOTHER
13 DEFENDANT WHEN THE EVIDENCE ESTABLISHES THE EXISTENCE OF THE
14 CONSPIRACY. AND IN THIS CASE, WE ARE TALKING ABOUT AN
15 ENTERPRISE ENGAGED IN RACKETEERING ACTIVITY, WHICH I HAVE
16 ALREADY RULED WAS TANTAMOUNT TO A CONSPIRACY, AND WOULD BE
17 SUBJECT TO THE SAME RULES WITH RESPECT TO THE ADMISSIBILITY OF
18 CO-MEMBER'S STATEMENTS.

19 THE STATEMENTS THAT WERE ELICITED YESTERDAY FROM THIS
20 WITNESS, THE LAST WITNESS, MR. RETAMOZA, ARE NOT ADMISSIBLE
21 AGAINST THE OTHER DEFENDANTS AT THIS TIME BECAUSE THERE HAS
22 BEEN NO SHOWING MADE THAT THE OTHER DEFENDANTS WERE MEMBERS OF
23 THIS ENTERPRISE. AND THEREFORE, IT SEEMS TO ME THAT THE JURY
24 SHOULD BE INSTRUCTED THAT EVIDENCE OR STATEMENTS OR
25 DECLARATIONS BY ONE DEFENDANT MAY NOT BE CONSIDERED AS EVIDENCE

1 AGAINST ANOTHER DEFENDANT AND THIS EVIDENCE MAY ONLY BE
2 CONSIDERED AGAINST MR. MATTA AT THIS TIME.

3 THERE IS AN INSTRUCTION COVERING THIS WHICH RELATES
4 TO THE ACTS AND DECLARATIONS OF CO-CONSPIRATORS, WHICH I WILL
5 READ TO YOU, AND I HAVE AMENDED IT TO SIMPLY SUBSTITUTE "AN
6 ENTERPRISE ENGAGED IN RACKETEERING ACTIVITY" FOR THE WORD
7 CONSPIRACY.

8 IT WOULD READ AS FOLLOWS:

9 "WHENEVER IT APPEARS BEYOND A REASONABLE DOUBT
10 FROM THE EVIDENCE IN THE CASE THAT AN ENTERPRISE
11 ENGAGED IN RACKETEERING ACTIVITY, AS ALLEGED IN THE
12 INDICTMENT EXISTED, AND THAT A DEFENDANT WAS ONE OF
13 THE MEMBERS, THEN THE STATEMENTS THEREAFTER --"
14 THEREAFTER, I ASSUME, MEANING AFTER IT BECAME --
15 AFTER IT EXISTED -- "KNOWINGLY MADE AND THE ACTS
16 THEREAFTER KNOWINGLY DONE BY ANY PERSON LIKEWISE
17 FOUND TO BE A MEMBER, MAY BE CONSIDERED BY THE JURY
18 AS EVIDENCE IN THE CASE AS TO THE DEFENDANT FOUND TO
19 HAVE BEEN A MEMBER, EVEN THOUGH THE STATEMENTS AND
20 ACTS MAY HAVE OCCURRED IN THE ABSENCE AND WITHOUT THE
21 KNOWLEDGE OF THE DEFENDANT PROVIDED SUCH STATEMENTS
22 AND ACTS WERE KNOWINGLY MADE AND DONE DURING THE
23 CONTINUANCE OF SUCH RACKETEERING ENTERPRISE AND IN
24 FUTHERANCE OF SOME OBJECT OR PURPOSE OF THE
25 ENTERPRISE.*

1 "OTHERWISE, ANY STATEMENT MADE OR ACT DONE
2 OUTSIDE OF COURT BY ONE PERSON MAY NOT BE CONSIDERED
3 AS EVIDENCE AGAINST ANY PERSON WHO WAS NOT PRESENT
4 AND DID NOT HEAR THE STATEMENT MADE OR SEE THE ACT
5 DONE.

6 "THEFORE, STATEMENTS OF ANY MEMBER OF THE
7 ENTERPRISE, WHICH ARE NOT IN FURTHERANCE OF THE
8 ENTERPRISE OR MADE BEFORE ITS EXISTENCE OR AFTER ITS
9 TERMINATION, MAY BE CONSIDERED AS EVIDENCE ONLY
10 AGAINST THE PERSON MAKING THEM."

11 THIS IS A STANDARD INSTRUCTION THAT IS OFTEN GIVEN IN
12 CONSPIRACY CASES.

13 MR. STOLAR: ONE OF THE PROBLEMS WITH THE INSTRUCTION
14 AND WITH EQUATING THAT IN AN ENTERPRISE UNDER RACKETEERING LAW
15 WITH THE CONSPIRACY IS THAT THE LANGUAGE IS VERY DIFFERENT IN
16 TERMS OF WHAT THE JURY IS GOING TO GET AT THE END OF THE CASE.

17 THE COURT: HOW DO YOU KNOW THAT?

18 MR. STOLAR: BECAUSE WHEN YOU DEFINE ENTERPRISE FOR
19 THEM, YOU'RE GOING TO DEFINE IT IN STATUTORY TERMS, WHICH TALK
20 ABOUT A GROUP OF PEOPLE ASSOCIATED, IN FACT. THERE IS NO
21 MEMBERSHIP LANGUAGE ABOUT AN ENTERPRISE THAT IS IN THE
22 INSTRUCTIONS OR IN THE LAW, AND SO THEY'RE GOING TO HEAR THE
23 WORDS "ASSOCIATED, IN FACT" AS BEING HOW YOU DEFINE AN
24 ENTERPRISE AND SEE WHO'S INVOLVED AND SEE THE EXISTENCE OF THE
25 ENTERPRISE.

1 THE LIMITING INSTRUCTION TALKS ABOUT MEMBERSHIP,
2 WHICH IS NOT GOING TO BE THE FINAL CHARGE, OR SHOULDN'T BE IN
3 THE FINAL CHARGE BECAUSE THE ENTERPRISE IS DEFINED VERY
4 DIFFERENTLY THAN A CONSPIRACY IS DEFINED.

5 THE COURT: YOU'RE LOSING ME NOW. AND THIS REALLY
6 DOES NOT CONCERN YOU SO MUCH AS IT DOES THE OTHER DEFENDANTS.

7 I HAD RULED IN YOUR CASE THAT THERE HAS BEEN A
8 SUFFICIENT SHOWING OF THE EXISTENCE OF AN ENTERPRISE, AND THAT
9 THE STATEMENTS MADE BY MR. MATTA IN ANY EVENT COULD BE RECEIVED
10 AGAINST HIM, WHETHER HE HAD AN ENTERPRISE OR NOT.

11 MR. STOLAR: THAT IS CORRECT.

12 THE COURT: SO I'M TRYING TO BE CERTAIN HERE THAT THE
13 OTHER DEFENDANT -- THAT THIS EVIDENCE SHOULD NOT BE CONSIDERED
14 AGAINST THE OTHER DEFENDANTS, BECAUSE AT THE PRESENT TIME THERE
15 HAS BEEN NO EVIDENCE OF CONNECTING THE OTHER DEFENDANTS TO THIS
16 ENTERPRISE.

17 MR. MEDRANO: ON THAT POINT, YOUR HONOR, THE
18 DIFFICULTY AT THIS EARLY JUNCTURE WITH YOUR PROPOSED CAUTIONARY
19 INSTRUCTION IS THAT THE GOVERNMENT SIMPLY HAS NOT COME TO THAT
20 EVIDENCE YET IN ITS CASE.

21 IT'S GOING TO BE A MULTI-WEEK TRIAL, AND SINCE YOU
22 HAVE ESSENTIALLY STATED THAT THE ENTERPRISE IS TANTAMOUNT TO
23 CONSPIRACY. IF THAT'S THE CASE, UNDER NINTH CIRCUIT LAW FOR
24 CONSPIRACY, YOUR HONOR, YOU'RE PERMITTED TO ADMIT STATEMENTS
25 SUBJECT TO A MOTION TO STRIKE WHILE WE CONNECT THE ENTIRE

1 ENTERPRISE.

2 I WOULD RESPECTFULLY SUBMIT, YOUR HONOR, THAT GIVEN A
3 FEW MORE DAYS WITH THE ENSUING WITNESSES TO FOLLOW, THERE WOULD
4 BE SUFFICIENT EVIDENCE TO SHOW THAT OTHER THREE CO-DEFENDANTS
5 ARE ALSO TIED TO THE NARCOTICS ENTERPRISE. UNFORTUNATELY, WHAT
6 WE'VE DONE SO FAR IS GOING THROUGH IT CHRONOLOGICALLY, AND
7 OBVIOUSLY, WE COME TO MATTA AND FELIX GALLARDO FIRST. BUT I
8 CAN ASSURE YOU THAT CONNECTION WILL BE ESTABLISHED WITH THE
9 CO-DEFENDANTS.

10 AND FOR THAT REASON, YOUR HONOR, I WOULD RESPECTFULLY
11 SUBMIT THAT PERHAPS THE JURY INSTRUCTION IS INAPPROPRIATE AT
12 THIS JUNCTURE BECAUSE THE GOVERNMENT JUST HAS NOT GOTTEN TO THE
13 OTHER EVIDENCE YET, AND I ASSURE YOU WE WILL.

14 THE COURT: ARE YOU SAYING THAT THESE STATEMENTS
15 WHICH WERE ATTRIBUTED TO MR. MATTA AND THE CONDUCT ATTRIBUTED
16 TO HIM YESTERDAY BY THIS WITNESS, WHICH OCCURRED IN -- WHAT?

17 MR. MEDRANO: ABOUT '84, ACCORDING TO MR. RETAMOZA.

18 THE COURT: -- IN 1984, WERE AFTER THE TIME THAT THIS
19 ENTERPRISE BECAME INTO EXISTENCE?

20 MR. MEDRANO: IT'S DURING THE COURSE OF THAT
21 ENTERPRISE, YOUR HONOR. AND WITH THE OTHER WITNESSES THAT WILL
22 BE SOON TO FOLLOW, THERE WILL BE ADDITIONAL EVIDENCE THAT IN
23 THAT SAME YEAR, YOUR HONOR, IN 1984 THAT MR. RETAMOZA HAS
24 TESTIFIED ABOUT, WE ARE GOING TO CONNECT IN '84, ZUNO, BERNABE
25 AND JAVIER VASQUEZ TO THE SAME NARCOTICS ENTERPRISE, YOUR

1 HONOR.

2 SO FOR THAT REASON, I DON'T THINK THE INSTRUCTION IS
3 APPROPRIATE, BECAUSE WE WILL CONNECT IT ALL UP. AND ALL OF
4 THESE STATEMENTS, AS A RESULT, SHOULD BE ADMISSIBLE SUBJECT TO
5 A MOTION TO STRIKE IF WE FAIL TO MEET THAT BURDEN. BUT I'M
6 CONFIDENT THAT WE WILL, YOUR HONOR. JUST AS WE HAVE WITH
7 MATTA, WE WILL WITH THE CO-DEFENDANTS.

8 THE COURT: WELL, DOES ANYBODY WANT TO BE HEARD HERE
9 FOR THE DEFENDANTS?

10 MR. MEDVENE: SPEAKING FOR MR. ZUNO, YOUR HONOR, TWO
11 THINGS. ONE, WE ARE NOT TRYING TO REARGUE THE RULING, BUT WE
12 THINK IT IS INAPPROPRIATE FOR CONSPIRATORIAL STATEMENTS OF
13 OTHERS TO BE USED TO PROVE THE ENTERPRISE, BUT YOUR HONOR HAS
14 ALREADY RULED ON THAT SO WE'VE LODGED OUR OBJECTIONS, BUT I
15 THINK --

16 THE COURT: LET ME SAY THIS: IN MY VIEW, NO
17 STATEMENTS ARE NEEDED TO PROVE THE ENTERPRISE. THE ENTERPRISE
18 HAS BEEN PROVEN BY THE TESTIMONY OF WITNESSES WHO HAVE
19 DESCRIBED IT.

20 MR. MEDVENE: BUT IF THAT IS SO, YOUR HONOR -- AND
21 THE RECORD IS WHAT THE RECORD IS, OF COURSE -- THEN SINCE THE
22 GOVERNMENT HAS ADMITTED THAT THESE STATEMENTS ARE ONLY FOR
23 PURPOSES OF PROVING THE ENTERPRISE, WE THINK THE STATEMENTS
24 SHOULD BE STRUCK.

25 IN OTHER WORDS, WE'RE AT THE CROSSROADS. YOUR HONOR

1 FEELS THEY HAVE PROVEN THE ENTERPRISE. THEY HAVE OR THEY
2 HAVEN'T LEGALLY, BUT THE GOVERNMENT HAS FOCUSED THE ISSUE
3 CLEARLY FOR US, BECAUSE THESE STATEMENTS ARE NOT OFFERED IN AID
4 OF THE SUBSTANTIVE CHARGE OF THE KIDNAPPING, BUT JUST FOR THE
5 ENTERPRISE.

6 AND WE SAY UNDER A CONSPIRATORIAL THEORY, THEY CAN'T
7 COME INTO PROVE THE ENTERPRISE. HAVING SAID THAT, WHATEVER YOU
8 RULE, YOU RULE. IF YOU DON'T PERMIT THE STATEMENTS IN TO PROVE
9 THE ENTERPRISE, THEN WHAT I'M GOING TO SAY IS ACADEMIC.

10 IF YOU DO PERMIT THEM IN TO PROVE THE ENTERPRISE,
11 THEN WITHOUT WAIVING OUR OBJECTION, WE WOULD LIKE A CURATIVE
12 INSTRUCTION AT THIS TIME BECAUSE OF THE EXTREMELY DAMAGING
13 NATURE OF THOSE STATEMENTS YESTERDAY.

14 IF THE GOVERNMENT LATER --

15 THE COURT: I DON'T KNOW THAT THEY'RE DAMAGING TO
16 YOUR CLIENTS.

17 MR. MEDVENE: WELL, THEY'RE POTENTIALLY DAMAGING,
18 YOUR HONOR, IN THAT THE GOVERNMENT HAS LUMPED US ALL TOGETHER
19 IN THIS CONSPIRACY, AND THEY CLAIM THAT CERTAIN THINGS WERE
20 SAID BY ONE MEMBER.

21 AND THE LOGICAL IMPLICATION TO THE JURY MAY WELL BE
22 THAT THOSE STATEMENTS ARE BINDING AGAINST OTHERS. THEY'RE
23 CERTAINLY -- CERTAINLY WHAT YOUR HONOR SAID THAT THESE
24 STATEMENTS ARE NOT BINDING AGAINST US AT THIS TIME IS CERTAINLY
25 CORRECT, AND WE THINK THAT CAUTIONARY INSTRUCTION SHOULD BE

1 GIVEN.

2 IF AT THE END OF THE CASE YOUR HONOR FEELS THAT THERE
3 HAS BEEN A PROVE-UP, AND IF YOU STILL FEEL THAT
4 CO-CONSPIRATOR'S STATEMENTS CAN BE USED TO PROVE THE
5 ENTERPRISE, THEN YOU GIVE WHATEVER INSTRUCTION YOU OBVIOUSLY
6 WANT TO GIVE. BUT WE THINK AT THIS JUNCTURE THERE IS NO
7 EVIDENCE THAT THIS STATEMENT SHOULD COME IN AGAINST ANYONE
8 ELSE, EVEN ON THE ENTERPRISE THEORY THAT WE DISAGREE WITH.

9 SO WE THINK, MINIMALLY, YOU SHOULD GIVE THE
10 CAUTIONARY INSTRUCTION.

11 THE COURT: WHICH INSTRUCTION; THE ONE I DID?
12 DO YOU WANT TO PROPOSE ONE DIFFERENT THAN THE ONE I
13 READ TO YOU?

14 MR. MEDVENE: ALL WE ARE TRYING TO GET IS THAT THESE
15 STATEMENTS DON'T APPLY TO US. THAT'S THE BOTTOM LINE OF WHAT
16 WE WANT. HAVING SAID INITIALLY, YOUR HONOR, WE DON'T EVEN
17 THINK YOU HAVE TO GET TO THAT, BECAUSE WE DON'T THINK ANY OF
18 THESE STATEMENTS SHOULD BE PERMITTED TO BE UTILIZED TO PROVE
19 THE ENTERPRISE.

20 THE COURT: HOW ABOUT IF I TELL THE JURY THAT THE
21 STATEMENTS WERE OFFERED AGAINST MR. MATTA MAY NOT BE CONSIDERED
22 AS EVIDENCE AGAINST THE OTHER DEFENDANTS UNLESS THEY ARE
23 OTHERWISE INSTRUCTED AT A LATER TIME DURING THE TRIAL.

24 MR. NICOLAYSEN: THAT'S ACCEPTABLE TO ME ON BEHALF OF
25 DEFENDANT VASQUEZ, YOUR HONOR.

1 MR. MEZA: THAT'S FINE, YOUR HONOR. WE WANTED TO
2 JOIN IN THE MOTION. I JUST WANTED TO POINT OUT THAT IN MY
3 VIEW, TO DATE, THE EVIDENCE ESTABLISHED TWO ENTERPRISES THAT
4 HAVEN'T BEEN INTERCONNECTED.

5 WE HAVE HEARD TESTIMONY ABOUT THE CHAVEZ CARD ENTER-
6 PRISE, AND WE'VE HEARD TESTIMONY ABOUT THE GALLARDO ENTERPRISE.
7 BUT I DON'T BELIEVE THERE HAS BEEN ANY WITNESS THAT HAS
8 CONNECTED THE TWO OF THEM.

9 AT ANY RATE, WE WOULD JOIN IN COUNSEL'S OBJECTIONS
10 AND ARGUMENTS, AND I WOULD ASK THE COURT TO --

11 THE COURT: DO YOU WISH TO BE HEARD?

12 MR. MEDRANO: ONE FINAL STATEMENT, YOUR HONOR. THE
13 DIFFICULTY WITH THE CAUTIONARY INSTRUCTION AT THIS POINT IS WE
14 ARE BASICALLY FLAGGING AN ISSUE FOR THE JURY THAT THEY'RE NOT
15 EVEN AWARE OF.

16 THEY'RE JUST HEARING THIS EVIDENCE, AND THEY HAVE
17 HEARD MATTA'S NAME. UNLESS YOU FLAG IT FOR THEM, I WOULD
18 SUGGEST THAT THEY REALLY DON'T KNOW OR SUSPECT THAT AT A LATER
19 TIME, THE GOVERNMENT AT CLOSING ARGUMENT WILL BE ARGUING THAT
20 THOSE STATEMENTS ARE CO-CONSPIRATOR'S STATEMENTS, AND HENCE,
21 APPLY TO THE CO-DEFENDANTS.

22 IT SEEMS TO ME IT IS MORE CONFUSING TO READ IT NOW
23 WHEN WE ARE GOING TO CONNECT THE WHOLE CASE UP.

24 THE COURT: ULTIMATELY, IT'S FOR THE COURT TO RULE
25 WHETHER THE STATEMENTS UNDER RULE 104 --

1 MR. MEDRANO: I UNDERSTAND, YOUR HONOR.

2 THE COURT: AS TO WHETHER OR NOT EACH DEFENDANT HAS
3 BEEN SUFFICIENTLY CONNECTED TO THE ENTERPRISE OR CONSPIRACY
4 THAT THE STATEMENTS MAY BE USED AGAINST THEM.

5 MR. MEDRANO: OF COURSE, YOUR HONOR. THAT'S YOUR
6 RESPONSIBILITY UNDER 104.

7 ALL I'M SAYING IS THAT WE ARE FLYING THROUGH THE
8 WITNESSES AT A VERY RAPID PACE. WE SIMPLY HAVE NOT YET COME TO
9 CONNECTING THE OTHERS UP BECAUSE WE ARE DEALING WITH THE MATTA
10 ISSUE RIGHT NOW.

11 I CAN ASSURE YOU, THOUGH, BY NEXT WEEK WE ARE GOING
12 TO START GETTING TO THE NARCOTICS ENTERPRISE, THE OTHER
13 CO-DEFENDANTS' MEMBERSHIP IN THE NARCOTICS ENTERPRISE. IT'S
14 JUST A QUESTION OF DAYS, YOUR HONOR. IT IS NOT BECAUSE WE ARE
15 NOT GOING TO DO IT.

16 SO WE WOULD RESPECTFULLY SUBMIT FINALLY, YOUR HONOR,
17 THAT I JUST THINK IT WOULD BE MORE CONFUSING TO READ IT AT THIS
18 TIME BECAUSE WE ARE GOING TO CONNECT EVERYBODY TO THE NARCOTICS
19 ENTERPRISE. AND ULTIMATELY, I COME CONFIDENT, YOUR HONOR, THAT
20 SINCE YOU RULED INITIALLY THAT SINCE NARCOTICS ENTERPRISE IS
21 TANTAMOUNT TO CONSPIRACY, THAT ULTIMATELY, YOU WERE GOING TO
22 ALLOW A PINKERTON INSTRUCTION AND ALL THE CO-CONSPIRATORS'
23 STATEMENTS.

24 THE COURT: ONE QUESTION HERE. IF THIS IS TANTAMOUNT
25 TO A CONSPIRACY, WHAT IS ITS OBJECT? WHAT ARE THE OBJECTS?

1 MR. MEDRANO: IT WAS TO COMMIT -- CONSPIRACY TO
2 COMMIT VIOLENT CRIMES IN AID OF A NARCOTICS ENTERPRISE, YOUR
3 HONOR. SO IT IS THE -- IT'S THE CONSPIRACY TO DO THE VIOLENT
4 CRIMES AND THE CONSPIRACY TO BE ENGAGED IN A NARCOTICS
5 ENTERPRISE. THEY'RE INTERRELATED, SO THAT'S THE POINT OF THE
6 CONSPIRACY.

7 AS TO THE 1959 CHARGE, YOUR HONOR, OF COURSE THE
8 CONSPIRACY ON THE CONSPIRACY TO KIDNAP A FEDERAL AGENT, IS
9 RELATED TO THAT BUT HAS A DIFFERENT OBJECTIVE.

10 MR. STOLAR: MAY I MAKE ONE COMMENT?

11 THE COURT: YES.

12 MR. STOLAR: SOMETHING MR. MEDRANO SAID REALLY POINTS
13 UP THE DISTINCTION BETWEEN THE CONSPIRACY WHICH IS CHARGED,
14 LIKE THE CONSPIRACY TO KIDNAP, AND THE ENTERPRISE.

15 HE MENTIONED THE WORD PINKERTON. IF SOMEBODY IS
16 CONVICTED ON A 1959 COUNT, THEY CANNOT GET PINKERTONED (SIC) IN
17 TO SUBSTANTIVE LIABILITY FOR A CRIME COMMITTED IN THE COURSE OF
18 THE ENTERPRISE'S ACTIVITIES. THERE IS NO PINKERTON LIABILITY
19 FOR AN ENTERPRISE.

20 THE COURT: HOW DID PINKERTON GET INTO THIS?

21 MR. STOLAR: HE MENTIONED IT; HE SAID PINKERTON
22 APPLIES.

23 MS. KELLY: YOUR HONOR, HE SAID HE WAS GOING SEEK THE
24 PINKERTON INSTRUCTION AT THE END OF THE CASE.

25 MR. NICOLAYSEN: YOUR HONOR, THAT'S CORRECT. I THINK

1 THE GOVERNMENT HAS NOW MADE IT VERY CLEAR FOR ALL OF OUR
2 BENEFIT THAT THE GOVERNMENT IS USING ENTERPRISE AND CONSPIRACY
3 THEORIES INTERCHANGEABLY.

4 MR. STOLAR HAS EMPHASIZED THAT. MY MEMO TO THE COURT
5 YESTERDAY DID. THIS IS THE ANALYTICAL FLAW, I WOULD
6 RESPECTFULLY SUBMIT, IN THE GOVERNMENT'S PREMISE OF THIS CASE.
7 AND MR. MEDVENE HAS JUST ADDRESSED THAT, AS WELL. THERE HAS TO
8 BE A DOCTRINAL DIFFERENTIATION BETWEEN ENTERPRISE AND
9 CONSPIRACY LIABILITY.

10 FOR THE GOVERNMENT NOW TO ADVISE THE COURT THAT
11 PINKERTON IS THE HOOK BY WHICH TO VICARIOUSLY --

12 THE COURT: COUNSEL, I DON'T WANT TO GET INTO
13 PINKERTON. THAT WE'LL TAKE CARE OF AT A LATER TIME. I DON'T
14 WANT TO YOU BOUNCE ON EVERY WORD HE SAYS AND MAKE A BIG DEAL
15 OUT OF IT. THAT'S WHAT YOU PEOPLE SPECIALIZE IN. JUST BE
16 SEATED, PLEASE.

17 THERE IS ONE OTHER THING I WANT TO TALK TO YOU ABOUT,
18 MR. NICOLAYSEN. YOU MADE SOME STATEMENT HERE ABOUT THE WAY THE
19 COURT IS DEALING WITH OBJECTIONS. AND I WANT TO CLARIFY THE
20 RULE TO YOU BECAUSE YOU DON'T APPEAR TO UNDERSTAND IT.

21 I WANT YOU TO MAKE YOUR OBJECTION. WHENEVER YOU HAVE
22 A PROPER BASIS FOR AN OBJECTION, I WANT YOU TO MAKE IT AND
23 STATE YOUR GROUNDS. IF YOU WISH TO BE HEARD ON IT FURTHER, YOU
24 SHOULD ALSO SAY THAT.

25 IF IT IS IMPORTANT ENOUGH, IF IT IS NOT JUST A MINOR

1 EVIDENTIARY OBJECTION, WHICH I DO NOT THINK WARRANTS A HEARING,
2 IF IT IS IMPORTANT ENOUGH, SUCH AS THE ISSUE WE HAVE BEEN
3 DEALING WITH, THEN I WILL TAKE SOME ACTION TO ALLOW YOU TO BE
4 HEARD, AS I DID IN THIS CASE.

5 I POSTPONED THE TESTIMONY OF ONE WITNESS, PERMITTED
6 BRIEFING TO BE DONE, PERMITTED EVERYBODY TO BE HEARD SO THAT WE
7 COULD RULE ON IT. NOBODY WILL BE PREJUDICED BY THE FACT THAT I
8 DO NOT HOLD BENCH CONFERENCES WHILE THE JURY IS SITTING IN THE
9 JURY BOX. IF IT IS AN ISSUE OF IMPORTANCE, EVEN THAT CAN BE --
10 THERE CAN BE AN EXCEPTION TO THAT. IS THAT WHAT YOU WERE
11 COMPLAINING ABOUT YESTERDAY?

12 MR. NICOLAYSEN: I'M SORRY. I DON'T REMEMBER THE
13 CONTEXT IN WHICH THIS CAME UP, YOUR HONOR. I VIRTUALLY HAVE
14 MADE NO OBJECTIONS DURING THE TRIAL.

15 WAS IT MY REQUEST FOR A RUNNING OBJECTION; IS THAT
16 WHAT YOUR HONOR IS REFERRING TO?

17 THE COURT: I THOUGHT YOU WERE COMPLAINING THAT
18 SOMEHOW YOU WERE BEING PREJUDICED BY AN INABILITY TO BE HEARD
19 OR MAKE OBJECTIONS OR SOMETHING OF THAT NATURE.

20 MR. NICOLAYSEN: NO. I WAS ASKING YOUR HONOR WHETHER
21 IT WOULD BE APPROPRIATE TO HAVE WHAT I REFER TO AS "A RUNNING
22 OBJECTION" SO I DIDN'T HAVE TO CONTINUALLY STAND UP AND DISRUPT
23 THE TRIAL BY ASKING FOR A LIMITING INSTRUCTION.

24 THAT'S WHAT I WOULD HAVE BEEN REFERRING TO, YOUR
25 HONOR.

1 MS. KELLY: YOUR HONOR, BEFORE YOU RULE, I JUST
2 WANTED TO MAKE SURE THE RECORD REFLECTS THAT WE JOIN IN OUR
3 COUNSEL'S (SIC) OBJECTIONS.

4 AND ALSO, YOUR HONOR, IF YOUR HONOR THINKS THAT THE
5 ENTERPRISE HAS BEEN PROVEN ALREADY, THEN I ASSERT ANOTHER
6 OBJECTION TO CUMULATIVE EVIDENCE ON THE ENTERPRISE ISSUE SHOULD
7 BE EXCLUDED UNDER RULE 403 AS MORE PREJUDICIAL.

8 THE COURT: THAT OBJECTION WILL BE DENIED. LET'S
9 BRING THE JURY IN HERE AND RESUME.

10 I HAVE RECONSIDERED THIS MATTER. I'M NOT GOING TO
11 GIVE ANY LIMITING INSTRUCTIONS AT THIS TIME. ALL THIS EVIDENCE
12 IS ADMITTED PROVISIONALLY SUBJECT TO A MOTION TO STRIKE IF THE
13 PROPER BASIS IS NOT ESTABLISHED, WHICH IS PERMITTED UNDER THE
14 NINTH CIRCUIT LAW.

15 I FRANKLY THINK THE OTHER THREE DEFENDANTS ARE IN NO
16 WAY INJURED BY THIS TESTIMONY BECAUSE THEY HAVE NOT BEEN
17 MENTIONED AT ALL, SO I CANNOT SEE ANY PREJUDICE TO THOSE
18 DEFENDANTS.

19 THE COURT: ALL RIGHT. LET'S BRING THE JURY IN.

20 (BRIEF INTERRUPTION.)

21 (JURY PRESENT.)

22 THE CLERK: YOU MAY BE SEATED.

23 THE COURT: GOOD MORNING.

24 THE JURY: GOOD MORNING.

25 THE COURT: ALL RIGHT, COUNSEL, YOU MAY CONTINUE YOUR

1 DIRECT EXAMINATION OF THIS WITNESS.

2 MR. MEDRANO: THANK YOU, YOUR HONOR.

3
4 FRANK RETAMOZA + DIRECT EXAMINATION (CONTINUED)

5 BY MR. MEDRANO:

6 Q. GOOD MORNING, MR. RETAMOZA. JUNE 22, 1984: I WANT TO
7 BRING YOU BACK TO THAT DATE JUST FOR A MINUTE OR TWO,
8 MR. RETAMOZA.

9 ON JUNE 22, APPROXIMATELY HOW MANY PHONE CALLS DID
10 YOU MAKE TO THAT HOTEL IN ANAHEIM?

11 A. AT LEAST THREE.

12 Q. AFTER THAT, DID YOU MOVE THE MONEY INTO YOUR HOUSE?

13 THE COURT: COUNSEL, THAT WAS COVERED YESTERDAY.

14 MR. MEDRANO: I'LL MOVE ON, YOUR HONOR.

15 BY MR. MEDRANO:

16 Q. WHAT DID YOU ULTIMATELY DO, MR. RETAMOZA, WITH THE
17 \$7 MILLION THAT YOU MOVED FROM YOUR RESIDENCE ON JUNE 22?

18 A. I OPENED THE DELIVERY TO GUADALAJARA.

19 Q. AND WHO DID YOU DELIVER IT TO?

20 A. TO FELIX GALLARDO.

21 Q. WHILE IN GUADALAJARA, DID YOU HAVE AN OPPORTUNITY TO MEET
22 WITH FELIX GALLARDO?

23 A. YES.

24 Q. DO YOU ALSO HAVE AN OPPORTUNITY TO MEET WITH DEFENDANT
25 MATTA BALLESTEROS?

1 A. YES.

2 Q. WHAT DID YOU TELL BOTH OF THEM IN GUADALAJARA, IF
3 ANYTHING?

4 A. I JUST TOLD THEM WHAT HAPPENED WITH THE FOUR MILLION
5 SEIZED IN THE HOTEL IN ANAHEIM.

6 Q. I DIDN'T HEAR YOU, MR. RETAMOZA. COULD YOU REPEAT
7 THAT?

8 THE COURT: SPEAK UP, PLEASE.

9 THE WITNESS: I TOLD HIM WHAT HAPPENED WITH THE OTHER
10 \$4 MILLION SEIZED IN THE HOTEL IN ANAHEIM.

11 BY MR. MEDRANO:

12 Q. WAS FELIX GALLARDO UPSET ABOUT THAT?

13 A. YES, HE WAS.

14 Q. WAS MATTA BALLESTEROS UPSET ABOUT THAT?

15 A. YES.

16 Q. WHILE YOU WERE -- STRIKE THAT.

17 WHILE WERE YOU IN GUADALAJARA, DID YOU EVER HAVE AN
18 OPPORTUNITY TO SERVE AS A TRANSLATOR FOR EITHER FELIX GALLARDO
19 OR MATTA BALLESTEROS?

20 A. YES.

21 Q. WHICH OF THE TWO?

22 A. BOTH.

23 Q. LET'S DEAL WITH FELIX GALLARDO FIRST. WHAT WAS THE
24 OCCASION OR CIRCUMSTANCE THAT YOU SERVED AS TRANSLATOR FOR
25 FELIX GALLARDO IN GUADALAJARA?

1 A. THERE WERE -- THERE WAS AN ATTORNEY THAT COULDN'T SPEAK
2 SPANISH, AND I HAD TO TRANSLATE WHATEVER THEY WANTED ME TO SAY,
3 YOU KNOW, TRANSLATE IT IN ENGLISH TO THIS ATTORNEY.

4 Q. THIS ATTORNEY; DO YOU KNOW WHAT NATIONALITY HE WAS?

5 A. HE WAS AMERICAN.

6 Q. AND YOU TRANSLATED BETWEEN THE AMERICAN ATTORNEY AND WHO
7 ELSE?

8 A. TOMAS VALLES.

9 Q. HOW ABOUT FOR FELIX GALLARDO?

10 A. YES. FOR EVERYBODY IN THE ROOM.

11 Q. WOULD YOU TELL US WHAT FELIX GALLARDO SAID THAT YOU
12 TRANSLATED FOR THE AMERICAN LAWYER?

13 A. THEY WERE TRYING TO TELL THIS ONE LAWYER THAT THE MONEY
14 RECEIVED IN GUADALAJARA BELONGED TO SOME AMERICAN INVESTOR.

15 Q. THE MONEY RECEIVED IN GUADALAJARA?

16 A. I MEAN IN ANAHEIM.

17 Q. BELONGED TO MEXICAN INVESTORS?

18 A. RIGHT.

19 Q. WHAT ELSE DID FELIX GALLARDO SAY TO THE AMERICAN LAWYER
20 THAT YOU TRANSLATED?

21 MR. STOLAR: MAY I LODGE AN OBJECTION ON THE GROUND
22 OF PRIVILEGE?

23 THE COURT: OVERRULED.

24 MS. KELLY: YOUR HONOR, I HAVE AN OBJECTION ON
25 HEARSAY GROUNDS.

1 THE COURT: OVERRULED.

2 THE WITNESS: THEY WERE ALSO SAYING ABOUT -- THAT
3 THEY WERE GOING TO SPEAK TO ANOTHER ATTORNEY. AND THAT AT THAT
4 MOMENT, THEY WERE JUST TRYING TO FIND OUT WHO THEIR BEST OPTION
5 WAS, AS FAR AS WHO TO HAVE REPRESENT THESE INVESTORS. SO IT
6 WAS JUST LIKE A HEARING. THAT'S WHAT IT WAS.

7 BY MR. MEDRANO:

8 Q. FROM JUNE OF 1984 -- STRIKE THAT.

9 AFTER YOU TOOK THE \$7 MILLION TO GUADALAJARA, DID YOU
10 HAVE AN OPPORTUNITY TO RETURN TO THE UNITED STATES?

11 A. YES, I DID.

12 Q. WHERE, SPECIFICALLY?

13 A. TO THE AREA OF LOS ANGELES.

14 Q. FROM JUNE OF 1984, MR. RETAMOZA, TO FEBRUARY OF 1985, WERE
15 YOU INVOLVED IN TRANSPORTATION OF MONEY DURING THAT 8-MONTH
16 PERIOD?

17 A. YES.

18 Q. IN THE MANNER THAT YOU PREVIOUSLY TESTIFIED?

19 A. YES.

20 Q. TAKING MONEY BACK TO GUADALAJARA?

21 A. YES.

22 Q. DID YOU USE THAT MOTORHOME REPEATEDLY?

23 A. MOST OF THE TIME.

24 Q. AND DID YOU DELIVER THIS MONEY TO FELIX GALLARDO AND THE
25 DEFENDANT MATTA BALLESTEROS?

1 A. YES.

2 Q. DO YOU HAVE ANY ESTIMATES, SIR -- WELL, STRIKE THAT.

3 AND HOW FREQUENTLY -- STRIKE THAT.

4 HOW FREQUENTLY WOULD YOU MAKE THESE TRIPS TO

5 GUADALAJARA WITH THE CASH?

6 A. ALMOST EVERY WEEK.

7 Q. ONCE A WEEK?

8 A. YES.

9 Q. DO YOU HAVE ANY IDEA OR CAN YOU GIVE US AN ESTIMATE OF THE

10 APPROXIMATE DOLLAR AMOUNT OF MONEY THAT YOU TRANSPORTED IN THE

11 MOTORHOME IN THAT 8-MONTH PERIOD TO GUADALAJARA?

12 MS. KELLY: OBJECTION, YOUR HONOR, ON LACK OF

13 FOUNDATION.

14 THE COURT: OVERRULED.

15 THE WITNESS: TOTAL WAS ABOUT \$150 MILLION.

16 BY MR. MEDRANO:

17 Q. DID FELIX GALLARDO OR MATTA BALLESTEROS EVER DESCRIBE TO

18 YOU ANY OTHER SEIZURES THAT HAD BEEN MADE?

19 MR. STOLAR: OBJECTION.

20 THE COURT: OVERRULED.

21 THE WITNESS: CAN YOU REPEAT THE QUESTION, PLEASE?

22 BY MR. MEDRANO:

23 Q. DID FELIX GALLARDO OR MATTA BALLESTEROS EVER DESCRIBE FOR

24 YOU -- IN PERSON TO YOU -- ANY OTHER SEIZURES THAT HAD BEEN

25 MADE?

1 A. ANY OTHER KIND OF SEIZURES?

2 Q. YES, SIR.

3 A. YES.

4 Q. WHAT DID THEY SAY TO YOU?

5 MR. STOLAR: OBJECTION.

6 MR. MEZA: OBJECTION, YOUR HONOR. LACK OF
7 FOUNDATION.

8 THE COURT: WELL, WAIT A MINUTE. WHAT DID THEY SAY
9 TO YOU? LET'S PIN IT DOWN HERE.

10 MR. STOLAR: THE OBJECTION IS BASED ON THE FACT THAT
11 ANYTHING THAT IS ALLEGEDLY REPORTED BY FELIX OR MATTA HAS TO
12 COME FROM ANOTHER HEARSAY SOURCE, SO WE'RE ON TWO LEVELS OF
13 HEARSAY NOW, WHAT THE WITNESS IS TESTIFYING, FOR THE TRUTH OF
14 THE FACT OF THE SEIZURE.

15 THE COURT: THE OBJECTION IS OVERRULED.

16 BY MR. MEDRANO:

17 Q. TELL ME FIRST, IF YOU RECALL, WHAT FELIX GALLARDO STATED
18 TO YOU IN TERMS OF OTHER SEIZURES.

19 A. THERE WERE OTHER SEIZURES --

20 THE COURT: JUST A MOMENT. ESTABLISH WHO WAS PRESENT
21 AND WHEN AND WHERE THIS OCCURRED.

22 MR. MEDRANO: THANK YOU, YOUR HONOR.

23 BY MR. MEDRANO:

24 Q. LET ME DIRECT YOUR ATTENTION -- WELL, STRIKE THAT.

25 CAN YOU TELL ME, BEFORE YOU SAY WHAT FELIX GALLARDO

1 SAID, WHERE THIS MEETING WAS AND THE APPROXIMATE DATE, FIRST OF
2 ALL?

3 A. THERE WERE MORE THAN ONE OCCASION, AND AROUND SEPTEMBER OF
4 '84 WHEN --

5 Q. WERE YOU IN A MEETING WITH FELIX GALLARDO?

6 A. YES.

7 Q. WHERE?

8 A. IN GUADALAJARA.

9 Q. WAS ANYONE ELSE PRESENT AT YOUR MEETING IN GUADALAJARA?

10 A. YES.

11 Q. WHO ELSE, IF YOU RECALL?

12 A. DON JOSE.

13 Q. ARE YOU REFERRING TO MATTA BALLESTEROS?

14 A. YES.

15 Q. ANYBODY ELSE PRESENT OTHER THAN MATTA AND FELIX GALLARDO?

16 A. NO.

17 Q. AND DID FELIX GALLARDO MAKE STATEMENTS TO YOU AT THAT
18 MEETING ABOUT OTHER SEIZURES?

19 A. YES.

20 Q. NOW, COULD YOU TELL US WHAT FELIX GALLARDO TOLD YOU?

21 A. HE HAD AN AGREEMENT WITH ME TO PAY ME SOME MONEY, AND THEY
22 WERE TRYING TO SAY THAT --

23 MS. KELLY: OBJECTION, YOUR HONOR, NOT RESPONSIVE AND
24 MOVE TO STRIKE.

25 BY MR. MEDRANO:

1 Q. JUST TELL US WHAT FELIX GALLARDO TOLD YOU?

2 A. THEY TOLD ME THAT THEY HAD SOME LOSSES THAT I HAD TO ALSO
3 CONSIDER, AND HE REFERRED TO SOME COCAINE SEIZURES IN ARIZONA.

4 Q. DID HE GIVE YOU A LOCATION IN ARIZONA OF A COCAINE
5 SEIZURE?

6 A. NO.

7 Q. DID HE GIVE YOU A -- DID HE INDICATE THE AMOUNT THAT HAD
8 BEEN SEIZED?

9 A. NO.

10 Q. WHEN FELIX GALLARDO IS STATING THIS TO YOU, MATTA
11 BALLESTEROS IS PRESENT AS WELL?

12 A. YES, SIR.

13 Q. AT THIS MEETING, WAS THERE ANY DISCUSSION BY FELIX
14 GALLARDO OF BRIBES OR PAYOFFS?

15 MR. STOLAR: OBJECTION. RELEVANCY.

16 THE COURT: OVERRULED.

17 THE WITNESS: WELL, THEY CLAIMED THOSE WERE OTHER
18 EXPENSES THAT I HAD TO CONSIDER ALSO.

19 BY MR. MEDRANO:

20 Q. WHAT WERE EXPENSES?

21 A. THE BRIBES.

22 Q. AND WAS MATTA BALLESTEROS PRESENT FOR THAT AS WELL WHEN
23 GALLARDO SAID THAT?

24 A. YES.

25 Q. DID FELIX GALLARDO INDICATE TO YOU WHO THESE BRIBES HAD TO

1 BE PAID TO?

2 A. NO.

3 Q. EVERY TIME YOU SAW FELIX GALLARDO IN GUADALAJARA,
4 MR. RETAMOZA, WERE THERE BODYGUARDS PRESENT?

5 A. ALL THE TIME.

6 Q. EVERY TIME YOU EVER SAW MATTA BALLESTEROS IN GUADALAJARA,
7 WERE THERE BODYGUARDS PRESENT?

8 A. YES.

9 Q. WHEN IS THE LAST TIME THAT YOU RECALL SEEING MATTA
10 BALLESTEROS PRIOR TO YOUR APPEARANCE IN COURT YESTERDAY -- IN
11 PERSON?

12 A. IT WAS IN AROUND DECEMBER OF '84.

13 Q. AND THEREAFTER YOU DID NOT SEE HIM IN PERSON AGAIN?

14 A. NO, SIR.

15 Q. GIVE ME -- STRIKE THAT. TELL ME AGAIN THE NAME OF MATTA'S
16 WIFE, IF YOU KNOW.

17 MS. KELLY: OBJECTION, YOUR HONOR. THIS HAS BEEN
18 ASKED AND ANSWERED.

19 THE COURT: WHAT'S THE DIFFERENCE?

20 MS. KELLY: I DON'T THINK IT IS NECESSARY TO KEEP
21 REPEATING WITNESS'S TESTIMONY. WHAT IS THE RELEVANCE OF WHAT
22 HIS WIFE'S NAME IS?

23 MR. STOLAR: I AGREE. OBJECTION TO RELEVANCE ABOUT
24 MATTA'S WIFE.

25 THE COURT: SUSTAINED.

1 BY MR. MEDRANO:

2 Q. I WANT TO DIRECT YOUR ATTENTION STILL TO 1984. AFTER YOU
3 DELIVERED MONEY TO FELIX AND TO MATTA BALLESTEROS, WOULD YOU
4 MEET WITH MATTA'S WIFE?

5 A. YES.

6 Q. AND WAS HER NAME NANCY?

7 MR. STOLAR: OBJECTION TO LEADING.

8 THE COURT: OVERRULED.

9 THE WITNESS: YES. AS FAR AS I KNOW, YES, THAT'S HER
10 NAME.

11 BY MR. MEDRANO:

12 Q. IF I COULD ASK TO YOU LOOK AT AN EXHIBIT IN FRONT OF YOU,
13 GOVERNMENT EXHIBIT 29, FOR PURPOSES OF IDENTIFICATION. IT'S
14 RIGHT IN FRONT OF YOU. CAN YOU TURN THAT OVER?

15 COULD YOU TELL US WHAT THAT IS, MR. RETAMOZA?

16 A. THAT'S HIS WIFE.

17 Q. THIS IS NANCY, MATTA'S WIFE?

18 A. YES. NANCY, YES.

19 MR. MEDRANO: YOUR HONOR, I SEEK THE ADMISSION OF
20 GOVERNMENT'S EXHIBIT NUMBER 29.

21 THE COURT: THAT MAY BE RECEIVED.

22 MR. STOLAR: I OBJECT UNTIL THERE A REASON FOR IT TO
23 BE HERE. IT IS IRRELEVANT.

24 MR. MEDRANO: THAT WILL BE ESTABLISHED, YOUR HONOR.

25 THE COURT: WELL, ALL RIGHT.

1 (EXHIBIT # 29 RECEIVED IN EVIDENCE.)

2 BY MR. MEDRANO:

3 Q. DESCRIBE FOR US THE CIRCUMSTANCES THAT YOU WOULD SEE NANCY
4 IN GUADALAJARA?

5 A. AFTER MY ARRIVAL TO GUADALAJARA WITH THE MONEY, I WAS
6 ALWAYS TAKEN TO A PLACE WHERE THEY COUNTED THE MONEY. AND I
7 HAD THIS DOCUMENT WITH ME WITH THE AMOUNTS OF MONEY AND DATES
8 AND PEOPLE THAT I RECEIVED THE MONEY FROM, AND CODE NUMBER.

9 AND AFTER THEY WERE SATISFIED WITH THIS DOCUMENT,
10 THEN THEY WOULD THEN TAKE ME TO NANCY.

11 Q. LET ME STOP YOU THERE. WHO WROTE THIS DOCUMENT INITIALLY?

12 A. I DID.

13 Q. AND YOU SAID ON THIS DOCUMENT, THERE WERE AMOUNTS?

14 A. YES.

15 Q. AMOUNTS OF MONEY THAT YOU WERE TRANSPORTING?

16 A. YES.

17 Q. YOU SAID IT HAD DATES. WHAT DID THE DATES REFLECT?

18 A. WHEN I RECEIVED THE MONEY.

19 Q. YOU MENTIONED CODE NUMBERS.

20 A. CODE NUMBERS.

21 Q. DID YOU EVER HAVE CODE NAMES ON THERE, TOO?

22 A. CODE NAMES AND NUMBERS.

23 Q. AND WHAT DID THAT REPRESENT, THAT INFORMATION?

24 A. I GUESS -- I DON'T KNOW WHAT THOSE MEAN, BUT THEY WERE

25 CODES SO THAT THEY WOULD KNOW WHO THE MONEY WAS FROM AND FROM

1 WHAT LOAD OF COCAINE OR SOMETHING LIKE THAT.

2 Q. NOW, WHAT WOULD YOU DO THEN WITH THIS PIECE OF PAPER THAT
3 YOU HAD WRITTEN?

4 A. I HAD TO -- THE FINAL THING FOR ME TO DO THERE WAS TO GO
5 BEFORE NANCY AND GIVE HER THESE FIGURES, AND THAT WAS IT. ONCE
6 I CLEARED THAT OUT, THEN I WAS JUST SUPPOSED TO TEAR THIS
7 DOCUMENT AND PUT IT IN THE TRASH CAN. THAT WAS THAT.

8 Q. SO WOULD YOU SHARE THAT INFORMATION ON THAT PAPER WITH
9 NANCY?

10 A. YES. SHE KEPT HER OWN FIGURES ON ANOTHER SEPARATE PIECE
11 OF PAPER.

12 Q. DID YOU EVER SEE ANY CALCULATORS PRESENT WHEN NANCY WOULD
13 DO THAT?

14 A. YES.

15 Q. AND WOULD SHE USE THAT CALCULATOR IN YOUR PRESENCE WHILE
16 WRITING DOWN HER OWN NUMBERS?

17 A. YES.

18 Q. AND THE ORIGINAL DOCUMENT THAT YOU HAD, YOU WOULD DESTROY
19 THAT THEN?

20 A. ONCE I WAS CLEARED, YES.

21 Q. WHAT DO YOU MEAN WHEN YOU SAY ONCE YOU WERE CLEARED?

22 A. THAT WAS THE FINAL THING FOR ME TO DO. AND ONCE THEY WERE
23 SATISFIED WITH THE FIGURES AND NUMBERS THAT I HAD, THERE WAS NO
24 NEED FOR ME TO KEEP THAT DOCUMENT ANY MORE, SO I WOULD JUST
25 TEAR IT APART.

1 Q. AFTER DOING THAT WITH NANCY, WOULD YOU RETURN TO THE U.S.
2 NOW?

3 A. YES.

4 Q. TO GET MORE LOADS OF MONEY?

5 A. YES.

6 Q. ARE YOU FAMILIAR WITH A RESORT IN MEXICO ENTITLED OR
7 CALLED ALTATA?

8 A. YES, I AM.

9 Q. WOULD YOU SPELL THAT FOR THE COURT REPORTER. ALTATA?

10 A. A L T A T A.

11 Q. WHETHER IS THIS LOCATED?

12 A. IT'S NORTHWEST OF CULIACAN, SINALOA. SOMEWHERE AROUND
13 THERE.

14 Q. I'D LIKE TO DIRECT YOUR ATTENTION, MR. RETAMOZA, TO ABOUT
15 APRIL OF 1983 MOMENTARILY. AT OR ABOUT THAT TIME, WERE YOU AT
16 THIS RESORT IN ALTACA?

17 A. YES.

18 Q. AND WHAT STATE IS ALTACA IN?

19 A. WHAT STATE?

20 Q. OF MEXICO?

21 A. SINALOA.

22 Q. WHILE YOU WERE AT THIS RESORT, IS FELIX GALLARDO PRESENT,
23 AS WELL?

24 A. YES.

25 Q. WHILE WERE YOU THERE WITH FELIX GALLARDO, DOES ANYTHING

1 UNUSUAL OCCUR?

2 A. YES. A LOT OF THINGS UNUSUAL.

3 Q. LET ME BE MORE SPECIFIC. DO ANY TYPE OF AIRCRAFT LAND IN
4 THAT VICINITY WHILE YOU ARE AT THE RESORT?

5 A. YES.

6 Q. DESCRIBE THIS INCIDENT.

7 A. ON OCCASION, THERE WAS A HELICOPTER THAT LANDED RIGHT IN
8 FRONT OF THE HOUSE.

9 Q. DESCRIBE THE HELICOPTER.

10 A. IT WAS ONE OF THOSE -- ONE OF THOSE POLICE HELICOPTERS
11 WITH THE ACRONYM P.G.R., I THINK.

12 Q. DO YOU KNOW WHAT P.G.R. STANDS FOR?

13 A. YES, I KNOW WHAT IT STANDS FOR.

14 Q. WHAT, MR. RETAMOZA?

15 A. IT STANDS FOR PROCURARIA GENERAL DE LA REPUBLICA.

16 Q. DO YOU KNOW WHAT AGENCY THIS IS IN MEXICO?

17 A. I SUPPOSE IT'S SOMETHING LIKE THE D.E.A. OVER HERE.

18 Q. KEEP GOING. WHAT HAPPENS WITH THIS HELICOPTER?

19 A. IT LANDS RIGHT ON THE BEACH THERE. AND WE WERE SITTING ON
20 A FENCE -- A BRICK FENCE IN FRONT OF THIS HOUSE.

21 AND WHEN THE HELICOPTER TOUCHES THE GROUND, THE DOORS
22 OPEN, AND THERE IS THIS GUY IN UNIFORM THAT COMES OUT OF IT AND
23 WALKS STRAIGHT OVER TO FELIX GALLARDO'S PRESENCE AND HE
24 SALUTES.

25 Q. HE SALUTES FELIX GALLARDO?

1 A. YES. AND HE TALK FOR A LITTLE WHILE AND THE GUY GOES
2 BACK. I THINK HE WAS INVITED TO A PARTY AT THAT TIME. HE WAS
3 GOING TO -- IT WAS SUPPOSED TO BE THAT DAY OR THE FOLLOWING
4 DAY.

5 Q. HOW LONG DID THIS UNIFORMED MAN MEET WITH FELIX GALLARDO
6 AT THE BEACH?

7 A. IT WAS NO MORE THAN TEN MINUTES.

8 Q. AFTER THIS MEETING, DOES THAT MAN GET -- DOES THE
9 UNIFORMED MAN GET BACK IN THE HELICOPTER?

10 A. YES, HE DOES.

11 Q. LEAVES?

12 A. YES.

13 Q. THAT UNIFORM, DO YOU KNOW WHAT KIND OF UNIFORM IT WAS?

14 A. I'M NOT VERY FAMILIAR WITH THIS UNIFORM, BUT IT WAS SOME
15 MILITARY UNIFORM TYPE.

16 Q. DID YOU AT ONE POINT EVER LEARN THE IDENTITY OF THIS
17 MILITARY UNIFORMED MAN?

18 A. YES.

19 MS. KELLY: OBJECTION, YOUR HONOR. LACK OF
20 FOUNDATION.

21 THE COURT: WHAT IS THE QUESTION?

22 MS. KELLY: THE OBJECTION WAS LACK OF FOUNDATION.

23 THE COURT: HE ONLY ASKED HIM IF HE EVER LEARNED IT.
24 THAT DOES NOT REQUIRE A FOUNDATION.

25 MS. KELLY: THE KNOWLEDGE IS BASED ON HEARSAY, YOUR

1 HONOR, NOT ON PERSONAL KNOWLEDGE.

2 THE COURT: THAT QUESTION HASN'T BEEN ASKED YET.

3 BY MR. MEDRANO:

4 Q. DID YOU EVER MEET THE MILITARY UNIFORMED MAN?

5 A. YES, I MET HIM. YES.

6 Q. AND GOT TO KNOW HIM?

7 A. YES.

8 Q. HIS NAME IS WHAT?

9 A. HIS NAME WAS BATRICIO SALDANO .

10 Q. HAVE YOU EVER HEARD OF A MAN BY THE NAME OF RAFAEL CARO
11 QUINTERO?

12 A. YES.

13 Q. DID YOU EVER ACTUALLY SEE RAFAEL CARO QUINTERO?

14 A. YES.

15 Q. IN WHAT CITY?

16 A. IN GUADALAJARA.

17 Q. IN WHAT YEAR?

18 A. 1984.

19 Q. DID YOU EVER SEE RAFAEL CARO QUINTERO WITH FELIX GALLARDO?

20 A. YES.

21 Q. DID YOU EVER SEE RAFAEL CARO QUINTERO WITH MATTA
22 BALLESTEROS?

23 A. YES.

24 Q. AND ALL THIS WAS IN 1984?

25 A. YES.

1 Q. THROUGH 1987 -- STRIKE THAT. FROM 1985 THROUGH 1987,
2 MR. RETAMOZA, WERE YOU STILL INVOLVED IN THE TRANSPORTATION OF
3 MONEY?

4 A. YES.

5 Q. AND WHO WOULD YOU RECEIVE THIS MONEY FROM?

6 A. THERE WAS A GUY WHOSE NAME WAS JORGE FELIX.

7 Q. JORGE FELIX?

8 MR. STOLAR: I'D LIKE TO LODGE AN OBJECTION TO THIS
9 TESTIMONY. WE ARE TALKING FROM 1985 TO 1987. THE EVENTS WE
10 ARE TALKING ABOUT IN THIS TRIAL --

11 THE COURT: COUNSEL, I WANT JUST A STATEMENT OF THE
12 GROUNDS FOR THE OBJECTION.

13 MR. STOLAR: FINE. RELEVANCE. OUTSIDE THE SCOPE OF
14 THE INDICTMENT.

15 THE COURT: OVERRULED.

16 BY MR. MEDRANO:

17 Q. JORGE FELIX WAS THIS MAN'S NAME?

18 A. RIGHT.

19 Q. DURING '85 TO '87, WERE YOU STILL EMPLOYED UNDER FELIX
20 GALLARDO?

21 A. YES.

22 Q. APPROXIMATELY -- STRIKE THAT.

23 YOU TRANSPORTED MONEY DURING THAT TWO-YEAR PERIOD?

24 A. YES.

25 Q. WHERE WOULD YOU TAKE THE MONEY TO?

1 A. TO TIJUANA.

2 Q. DO YOU RECALL APPROXIMATELY HOW MANY TRIPS YOU MADE
3 TRANSPORTING MONEY TO TIJUANA IN THAT TIME PERIOD?

4 A. ABOUT 25. 25 TRIPS.

5 Q. AUGUST OF '87. AUGUST OF 1987: WERE YOU STILL INVOLVED
6 WITH QUANTITIES OF COCAINE?

7 A. ON ONE OCCASION.

8 Q. WHAT QUANTITY? WHAT AMOUNT?

9 A. TWELVE HUNDRED. HUNDREDS, FIFTIES.

10 Q. WHAT DID YOU ULTIMATELY DO WITH THE 100 KILOS IN AUGUST OF
11 1987?

12 A. I GAVE THEM TO THIS GUY. ANOTHER PERSON.

13 Q. AND THAT'S THE LAST YOU SAW OF THAT COCAINE?

14 A. YES.

15 Q. AND WHEN YOU WOULD DELIVER THAT 100 KILOS TO THIS OTHER
16 PERSON; WHAT CITY WAS THAT IN?

17 A. I THINK IT WAS LONG BEACH.

18 Q. MR. RETAMOZA --

19 MR. STOLAR: MAY I OBJECT AND MOVE TO STRIKE THE
20 TESTIMONY ON THE BASIS THAT IT'S OUTSIDE THE INDICTMENT, AND
21 ASK THAT IT NOT BE CONSIDERED.

22 THE COURT: WHAT IS THE RELEVANCE OF WHAT HE DID IN
23 1987?

24 MR. MEDRANO: ANTICIPATING CROSS-EXAMINATION, YOUR
25 HONOR, I WOULD LIKE TO BRING IT OUT IN MY DIRECT.

1 MR. NICOLAYSEN: I JOIN IN THE OBJECTION.

2 MS. KELLY: I JOIN, YOUR HONOR.

3 THE COURT: THEN THE OBJECTION IS SUSTAINED AND THE
4 ANSWERS RELATING TO THOSE ACTIVITIES IN 1987 AND '86 ARE
5 STRICKEN. THE JURY WILL DISREGARD IT.

6 BY MR. MEDRANO:

7 Q. MR. RETAMOZA, HOW MUCH MONEY DID YOU MAKE IN YOUR YEARS
8 INVOLVED IN THE MOVEMENT OF QUANTITIES OF COCAINE AND IN THE
9 MOVEMENT OF QUANTITIES OF MONEY?

10 A. APPROXIMATELY A HALF A MILLION DOLLARS.

11 Q. ARE YOU FAMILIAR WITH A PROGRAM CALLED THE WITNESS
12 SECURITY PROGRAM?

13 A. YES, I AM.

14 Q. ARE YOU IN THIS PROGRAM?

15 A. YES.

16 Q. WHEN DID YOU ENTER THIS PROGRAM, MR. RETAMOZA?

17 A. JUNE 22, 1989.

18 Q. WHAT WERE THE CIRCUMSTANCES THAT YOU CAME TO ENTER THE
19 WITNESS SECURITY PROGRAM?

20 MR. STOLAR: OBJECT TO THIS, YOUR HONOR, ON THE BASIS
21 THAT IT IS NOT RELEVANT.

22 THE COURT: SUSTAINED.

23 MR. MEDRANO: MAY I BE HEARD BRIEFLY ON THIS, YOUR
24 HONOR?

25 THE COURT: (NODDING HEAD.) YOU MAY BE HEARD AT THE

1 RECESS. WE'LL COME BACK TO IT IF THE RULING IS CHANGED.

2 MR. MEDRANO: I DIDN'T HEAR THE LAST --

3 THE COURT: YOU MAY BE HEARD AT THE RECESS. IF THE
4 RULING IS CHANGED, YOU CAN COME BACK TO IT.

5 MR. MEDRANO: I'LL MOVE ON, YOUR HONOR. THANK YOU.

6 BY MR. MEDRANO:

7 Q. HAVE YOU ENTERED INTO A PLEA AGREEMENT WITH THE UNITED
8 STATES OF AMERICA?

9 A. YES, I DID.

10 Q. I'D LIKE TO DESCRIBE WITH YOU JUST BRIEFLY WHAT THE TERMS
11 OF THAT PLEA AGREEMENT ARE.

12 WHAT ARE YOUR OBLIGATIONS UNDER THE --

13 MR. STOLAR: I'M GOING TO OBJECT TO THE TESTIMONY --

14 THE COURT: OVERRULED.

15 MR. STOLAR: -- ON THE GROUNDS OF RELEVANCE.

16 THE COURT: OVERRULED.

17 MR. STOLAR: IT'S BOLSTERING THE WITNESS BEFORE HIS
18 CREDIBILITY HAS BEEN ESTABLISHED.

19 MR. MEDRANO: MAY I MOVE ON, YOUR HONOR?

20 THE COURT: YOU MAY PROCEED, COUNSEL.

21 BY MR. MEDRANO:

22 Q. WHAT ARE YOUR OBLIGATIONS UNDER THIS PLEA AGREEMENT,
23 MR. RETAMOZA?

24 A. JUST TO TELL THE TRUTH.

25 Q. HAVE YOU BEEN GIVEN IMMUNITY PURSUANT TO THIS AGREEMENT?

1 A. YES, SIR.

2 Q. HAVE YOU BEEN GIVEN IMMUNITY IN THE CENTRAL DISTRICT OF
3 CALIFORNIA?

4 A. YES.

5 Q. EASTERN DISTRICT OF CALIFORNIA?

6 A. YES.

7 Q. SAN DIEGO OR THE SOUTHERN DISTRICT OF CALIFORNIA?

8 A. YES.

9 Q. FLORIDA, SOUTHERN DISTRICT?

10 A. YES.

11 Q. DISTRICT OF ARIZONA?

12 A. YES.

13 Q. FINALLY, IN WASHINGTON; FEDERAL DISTRICT IN WASHINGTON?

14 A. YES.

15 Q. ARE THESE DISTRICTS WHERE YOU WERE INVOLVED PREVIOUSLY
16 WITH NARCOTICS TRAFFICKING?

17 A. CORRECT.

18 Q. WHAT ARE THE CONSEQUENCES -- STRIKE THAT.

19 YOUR HONOR, MAY I HAVE JUST ONE MOMENT?

20 THE COURT: (NODDING HEAD.)

21 (BRIEF PAUSE.)

22 MR. MEDRANO: THANK YOU, YOUR HONOR.

23 BY MR. MEDRANO:

24 Q. DID YOU REQUEST TO ENTER THE WITNESS SECURITY PROGRAM?

25 A. YES, I DID.

1 MS. KELLY: OBJECTION, YOUR HONOR, ON RELEVANCE.

2 THE COURT: SUSTAINED. STRIKE THE ANSWER.

3 BY MR. MEDRANO:

4 Q. AS PART OF YOUR PLEA AGREEMENT WITH THE UNITED STATES,
5 MR. RETAMOZA, HAVE YOU ENTERED INTO AN ARRANGEMENT WITH THE
6 I.R.S.?

7 A. YES.

8 Q. WHAT IS THAT ARRANGEMENT?

9 A. IT IS A SWISS BANK. THEY'RE TRYING TO FIGURE OUT WHAT MY
10 OBLIGATIONS ARE AS FAR AS PAYING MY TAXES.

11 Q. AND AFTER THAT DETERMINATION HAS BEEN MADE, WHAT HAPPENS
12 NEXT?

13 A. I'LL PAY MY TAXES.

14 Q. YOU WILL PAY THAT AFTER THE COMPUTATION HAS BEEN MADE?

15 A. THAT IS CORRECT. THAT'S MY UNDERSTANDING.

16 Q. AT ANY POINT, MR. RETAMOZA, HAVE YOU EVER RECEIVED ANY
17 REWARD FOR DEBRIEFING US BEFORE TESTIMONY?

18 A. NO.

19 Q. AT ANY POINT, MR. RETAMOZA, HAS ANY REPRESENTATION OR
20 PROMISE BEEN MADE TO YOU OF A FUTURE REWARD FOR DEBRIEFING US
21 FOR TESTIMONY?

22 A. NO, SIR.

23 Q. ARE YOU THE ONLY MEMBER OF YOUR FAMILY THAT IS IN THE
24 WITNESS SECURITY PROGRAM?

25 MS. KELLY: OBJECTION TO THIS LINE OF QUESTIONING ON

1 RELEVANCE.

2 THE COURT: SUSTAINED.

3 BY MR. MEDRANO:

4 Q. DO YOU KNOW, MR. RETAMOZA, HOW MUCH MONEY HAS BEEN SPENT
5 FOR YOUR PARTICIPATION IN THE WITNESS SECURITY PROGRAM?

6 MS. KELLY: SAME OBJECTION, YOUR HONOR.

7 MR. NICOLAYSEN: I JOIN, YOUR HONOR.

8 THE COURT: SUSTAINED.

9 MR. MEDRANO: IF I MAY HAVE JUST ONE MOMENT, YOUR
10 HONOR, I BELIEVE I'M JUST ABOUT DONE.

11 THE COURT: (NODDING HEAD.)

12 MR. MEDRANO: THANK YOU.

13 (BRIEF PAUSE.)

14 MR. MEDRANO: YOUR HONOR, THAT WOULD CONCLUDE THE
15 DIRECT OF MR. RETAMOZA.

16 THE COURT: YOU MAY CROSS-EXAMINE THE WITNESS.

17

18 CROSS-EXAMINATION +

19 BY MR. STOLAR:

20 Q. GOOD MORNING, MR. RETAMOZA. MY NAME IS MARTIN STOLAR.
21 I'M MR. MATTA'S TRIAL ATTORNEY. WE MAY GET TO KNOW EACH OTHER
22 A LITTLE; ISN'T THAT RIGHT?

23 THE COURT: OBJECTION, YOUR HONOR. THIS IS
24 IRRELEVANT.

25 THE COURT: YES, THE COMMENTARY IS UNCALLED FOR.

1 BY MR. STOLAR:

2 Q. YOU AGREED WITH THE GOVERNMENT TO TESTIFY AGAINST MR.
3 MATTA IN THIS CASE; DIDN'T YOU?

4 A. YES, SIR.

5 Q. THAT'S PART OF YOUR AGREEMENT WITH CHARLES S. SUFFOS,
6 (PHONETIC) CHIEF OF THE NARCOTICS AND DANGEROUS DRUG SECTION,
7 CRIMINAL DIVISION, FROM THE DEPARTMENT OF JUSTICE IN
8 WASHINGTON, D.C.; ISN'T THAT RIGHT?

9 A. YES.

10 Q. AND YOU SIGNED A LETTER TO THAT EFFECT THREE DAYS AGO; IS
11 THAT CORRECT?

12 A. THAT IS CORRECT.

13 Q. YOU ALSO AGREED TO TESTIFY AGAINST MR. MATTA IN ANOTHER
14 NARCOTICS CONSPIRACY CASE PENDING IN LOS ANGELES; DIDN'T YOU?

15 A. YES.

16 Q. THAT CASE HASN'T GONE TO TRIAL YET; HAS IT?

17 A. NO.

18 Q. YOUR TESTIMONY IN THAT TRIAL WILL BE THE SAME, PRETTY
19 MUCH, AS YOU'RE GIVING IN THIS TRIAL; ISN'T THAT TRUE?

20 MR. MEDRANO: OBJECTION. HE ONLY ANSWERS QUESTIONS.
21 HE WOULD HAVE NO KNOWLEDGE.

22 THE COURT: WHAT'S THAT?

23 MR. MEDRANO: THE WITNESS CAN ONLY ANSWER QUESTIONS
24 THAT ARE ASKED. HE WOULD HAVE NO IDEA.

25 MR. STOLAR: HOW DO YOU KNOW?

1 THE COURT: JUST A MOMENT, COUNSEL.

2 MR. STOLAR: I'M SORRY.

3 THE COURT: RESTATE YOUR QUESTION, COUNSEL.

4 BY MR. STOLAR:

5 Q. THE TESTIMONY THAT YOU WILL GIVE IN THAT TRIAL WILL BE THE
6 SAME AS YOU HAVE GIVEN IN THIS TRIAL; ISN'T THAT CORRECT?

7 THE COURT: THE OBJECTION IS SUSTAINED.

8 BY MR. STOLAR:

9 Q. WELL, IF YOU'RE ASKED THE SAME QUESTIONS IN THAT TRIAL
10 YOU'LL GIVE THE SAME ANSWERS THAT YOU GIVE IN THIS TRIAL; ISN'T
11 THAT CORRECT?

12 A. YES.

13 Q. JUST LET ME GET THIS STRAIGHT. YOU INDICATED THAT FROM
14 1985 TO 1987 YOU SAY YOU WERE INVOLVED IN TRANSPORTING MONEY
15 AGAIN FOR NARCOTICS TRAFFICKERS?

16 MR. MEDRANO: OBJECTION. OUTSIDE THE SCOPE AND
17 RELEVANCE.

18 MR. STOLAR: CREDIBILITY.

19 THE COURT: I STRUCK THAT EVIDENCE ON DIRECT.

20 MR. STOLAR: ON DIRECT. I AM ALLOWED TO RAISE IT ON
21 CROSS, I BELIEVE.

22 THE COURT: WELL, IT STILL HAS TO BE RELEVANT.

23 MR. STOLAR: IT'S RELEVANT TO HIS CREDIBILITY.
24 LET ME CONNECT IT UP.

25 THE COURT: ALL RIGHT. GO AHEAD.

1 BY MR. STOLAR:

2 Q. YOU HAVE ALSO BEEN GIVEN IMMUNITY FROM THOSE NARCOTICS
3 TRANSACTIONS; HAVEN'T YOU?

4 A. YES, SIR.

5 Q. THEY WON'T PROSECUTE YOU FOR THOSE; WILL THEY?

6 A. NO.

7 Q. YOU FIRST MADE YOUR ARRANGEMENTS WITH THE JUSTICE
8 DEPARTMENT IN AUGUST OF 1989; ISN'T THAT RIGHT?

9 A. YES.

10 Q. THAT IS, DO YOU KNOW KEVIN CONNOLLY FROM THE DEPARTMENT OF
11 JUSTICE?

12 DO YOU KNOW WHO HE IS?

13 A. YES, SIR, I DO.

14 Q. HE WROTE A SERIES OF LETTERS TO THE UNITED STATES
15 ATTORNEYS ALL AROUND THE COUNTRY, EVERY PLACE THAT MR. MEDRANO
16 LISTED, ASKING THEM NOT TO PROSECUTE YOU FOR VARIOUS CRIMES
17 THAT YOU HAD COMMITTED STARTING IN 1982 OR IN 1983 UP TO
18 FEBRUARY 1985.

19 THAT WAS THE SERIES OF LETTERS HE WROTE; DO YOU
20 RECALL THAT?

21 MR. MEDRANO: OBJECTION, YOUR HONOR. THAT'S A
22 COMMENT. LACK OF KNOWLEDGE ON THIS.

23 BY MR. STOLAR:

24 Q. DID YOU EVER SEE THE LETTERS THAT WERE WRITTEN ON YOUR
25 BEHALF BY MR. CONNOLLY TO U.S. ATTORNEYS ALL AROUND THE

1 COUNTRY?

2 A. NO, SIR.

3 Q. WERE YOU INFORMED THAT HE WAS WRITING TO U.S. ATTORNEYS
4 AROUND THE COUNTRY ASKING THEM NOT TO PROSECUTE YOU FOR CRIMES
5 THAT WERE COMMITTED IN THEIR DISTRICT?

6 MR. MEDRANO: OBJECTION. HEARSAY.

7 THE COURT: OVERRULED.

8 THE WITNESS: I HEARD THAT WAS THEIR POSITION.

9 BY MR. STOLAR:

10 Q. AND THAT WAS FOR CRIMES THAT HAD BEEN COMMITTED ACCORDING
11 TO WHAT YOU HAD TOLD THE GOVERNMENT AGENTS IN YOUR DEBRIEFINGS
12 WITH THEM; IS THAT RIGHT?

13 A. THAT'S CORRECT.

14 Q. AND YOU HAD QUITE A SERIES OF DEBRIEFINGS; CORRECT?

15 A. CORRECT.

16 Q. THE FIRST ONE HAPPENED ON APRIL 27TH, 1989; ISN'T THAT
17 RIGHT?

18 A. YES.

19 Q. YOU CAME IN TO THE AGENTS AND YOU SAID YOU WANTED TO TALK
20 TO THEM, YOU WANTED PROTECTION BECAUSE YOU WERE AFRAID OF YOUR
21 UNCLE FELIX -- OR COUSIN FELIX; ISN'T THAT RIGHT?

22 A. (NO RESPONSE.)

23 Q. DID YOU TELL THEM THAT?

24 A. COULD YOU REPEAT THE QUESTION, PLEASE?

25 Q. DID YOU TELL THEM THAT YOU WERE AFRAID OF YOUR COUSIN

1 MIGUEL ANGEL FELIX GALLARDO AND THAT YOU WANTED TO BE
2 PROTECTED?

3 A. YES.

4 Q. AND AFTER THAT, YOU HAD A WHOLE SERIES OF MEETINGS IN
5 APRIL, AT THE END OF APRIL AND IN MAY -- 1, 2, 3, 4 MEETINGS,
6 DEBRIEFINGS IN MAY -- WHERE YOU TOLD THEM ALL ABOUT THE
7 ACTIVITIES THAT YOU WERE INVOLVED IN AND WHAT YOU KNEW ABOUT
8 OTHER PEOPLE'S ACTIVITIES; IS THAT CORRECT?

9 A. THAT IS CORRECT.

10 Q. YOU EVEN WENT WITH THE AGENTS, A COUPLE OF AGENTS, FOR TWO
11 DAYS TAKING THEM AROUND THE CALIFORNIA AREA TO VARIOUS LANDING
12 SITES AND HOUSES AND HOTELS THAT YOU KNEW WERE INVOLVED IN
13 VARIOUS THINGS; IS THAT RIGHT?

14 A. THAT IS RIGHT.

15 Q. YOU ALSO HAD ANOTHER DEBRIEFING IN SEPTEMBER OF 1989; IS
16 THAT RIGHT?

17 A. THAT IS RIGHT.

18 Q. AND THEN IN LATE JANUARY AND EARLY FEBRUARY OF THIS YEAR,
19 YOU HAD A TWO-DAY DEBRIEFING; IS THAT RIGHT?

20 A. YES.

21 Q. AND THE AGENTS TOOK NOTES ABOUT WHAT YOU WERE SAYING; IS
22 THAT RIGHT?

23 A. YES. THEY DID TAKE SOME NOTES.

24 Q. DID THEY TAPE RECORD WHAT WERE YOU TELLING THEM?

25 A. NO, SIR.

1 Q. OKAY. AND THEY MADE REPORTS ABOUT WHAT WERE YOU SAYING;
2 IS THAT RIGHT?

3 A. I DON'T KNOW THAT.

4 Q. DID YOU EVER SEE THE REPORTS THE AGENT WROTE ABOUT WHAT
5 YOU TOLD THEM?

6 A. I NEVER DID.

7 Q. AND PRIOR TO TESTIFYING HERE TODAY, YOU SAT DOWN AND
8 TALKED TO MR. MEDRANO ABOUT YOUR TESTIMONY; HAVEN'T YOU?

9 A. YES, I DID.

10 Q. HOW MANY TIMES? A LOT OF TIMES, RIGHT?

11 A. THREE TIMES, YES.

12 Q. WHEN WAS THAT?

13 A. THIS MORNING.

14 Q. YES.

15 A. YESTERDAY MORNING.

16 Q. YES.

17 A. AND THE NIGHT BEFORE.

18 Q. HOW LONG THE NIGHT BEFORE DID YOU GO OVER YOUR TESTIMONY
19 WITH MR. MEDRANO?

20 A. EXCUSE ME.

21 Q. FOR HOW LONG THE NIGHT BEFORE DID YOU GO OVER YOUR
22 TESTIMONY WITH MR. MEDRANO?

23 A. THE NIGHT BEFORE WHEN?

24 Q. THE NIGHT BEFORE YOU TESTIFIED, DID YOU GO OVER YOUR
25 TESTIMONY WITH MR. MEDRANO?

1 A. YES.

2 Q. FOR HOW LONG?

3 A. ABOUT A HALF HOUR, MAYBE.

4 Q. HALF AN HOUR?

5 A. YES.

6 Q. HOW ABOUT ANY TIME BEFORE THAT; DID YOU GO OVER YOUR
7 TESTIMONY WITH MR. MEDRANO?

8 A. BEFORE WHEN?

9 Q. WELL, THIS IS THE SECOND DAY YOU TESTIFIED; RIGHT?

10 A. RIGHT.

11 Q. SO LET'S BACK UP. YESTERDAY IS THE FIRST DAY?

12 A. RIGHT.

13 Q. BEFORE YESTERDAY, DID YOU GO OVER WHAT WERE YOU GOING TO
14 TESTIFY TO WITH MR. MEDRANO?

15 A. YES.

16 Q. HOW MANY TIMES?

17 A. ONCE.

18 Q. ONLY ONCE? THAT IS, YOU ONLY TALKED TO MEDRANO ONE TIME
19 ABOUT WHAT YOU WERE GOING TO TESTIFY TO IN COURT?

20 A. I TOLD YOU THAT I TALKED TO HIM THREE TIMES.

21 Q. THREE TIMES BEFORE YOU TESTIFIED OR ONCE BEFORE YOU
22 TESTIFIED?

23 A. THREE TIMES.

24 Q. WHEN WERE THOSE TIMES?

25 A. THE NIGHT BEFORE YESTERDAY, YESTERDAY MORNING AND TODAY

1 MORNING (SIC).

2 Q. AND NO OTHER TIMES HAVE YOU DISCUSSED YOUR TESTIMONY WITH
3 MR. MEDRANO?

4 A. THERE WAS ONE OCCASION.

5 Q. WHEN WAS THAT?

6 A. I THINK IT WAS IN MARCH.

7 Q. IN MARCH. NO OTHER OCCASIONS?

8 A. NO OTHER OCCASIONS.

9 Q. HOW ABOUT WITH MR. CARLTON; DID YOU DISCUSS IT WITH HIM?
10 DO YOU KNOW MR. CARLTON?

11 A. (SHAKING HEAD.)

12 MR. STOLAR: THE RECORD SHOULD REFLECT THE WITNESS IS
13 SHAKING HIS HEAD "NO".

14 THE WITNESS: NO, I DON'T KNOW. I DON'T KNOW WHO
15 YOU'RE TALKING ABOUT.

16 BY MR. STOLAR:

17 Q. THIS GENTLEMAN RIGHT HERE.

18 A. I DON'T KNOW HIM.

19 Q. HOW ABOUT THIS GENTLEMAN? DO YOU KNOW HIM?

20 A. I DON'T KNOW HIM EITHER.

21 Q. HOW ABOUT THE GENTLEMAN IN THE BLUE SUIT AND BRIGHT RED
22 TIE?

23 A. I DON'T KNOW HIM EITHER.

24 Q. THESE GENTLEMEN ARE THE CASE AGENTS ON THIS CASE AND YOU
25 NEVER MET THEM?

1 A. I NEVER DID, SIR.

2 Q. YOU CERTAINLY MET AGENTS ANTHONY RICEVUTO AND ED APODACA;
3 HAVEN'T YOU?

4 A. YES.

5 Q. QUITE A FEW TIMES; HAVEN'T YOU?

6 A. RIGHT. QUITE A FEW TIMES.

7 Q. THOSE ARE THE ONES WHO SIT DOWN AND TALK TO YOU ABOUT YOUR
8 TESTIMONY, ABOUT WHAT YOU KNOW ABOUT MR. MATTA, ABOUT MR. FELIX
9 AND ABOUT OTHER PEOPLE; IS THAT RIGHT?

10 A. THAT IS RIGHT.

11 Q. THEY'RE THE CASE AGENTS ON THE OTHER CASE; AREN'T THEY?

12 A. I DON'T KNOW.

13 Q. YOU DON'T KNOW.

14 DID YOU READ THE PLEA AGREEMENT LETTER BEFORE YOU
15 SIGNED IT? NOT A PLEA AGREEMENT, I'M SORRY, A COOPERATION
16 AGREEMENT.

17 YOU DIDN'T PLEAD GUILTY TO ANYTHING; DID YOU?

18 A. NO.

19 Q. DID YOU EVER DISCUSS WITH YOUR ATTORNEY HOW MANY YEARS IN
20 JAIL YOU WERE FACING IF THE GOVERNMENT DECIDES THEY DON'T LIKE
21 YOUR TESTIMONY?

22 MR. MEDRANO: OBJECTION. ATTORNEY-CLIENT PRIVILEGE
23 FOR THE WITNESS, YOUR HONOR.

24 MR. STOLAR: ALL RIGHT. FINE.

25 THE COURT: OVERRULED.

1 BY MR. STOLAR:

2 Q. DID YOU EVER DISCUSS HOW MANY YEARS YOU WERE FACING?

3 A. NO.

4 Q. HOW MANY LIFETIMES IN JAIL WERE POTENTIALLY INVOLVED?

5 MR. MEDRANO: OBJECTION, YOUR HONOR. SENTENCING IS
6 WITHIN THE PURVIEW OF THE COURT.

7 THE COURT: OVERRULED.

8 BY MR. STOLAR:

9 Q. YOU NEVER DISCUSSED THAT?

10 A. NO.

11 Q. DID YOU READ THE COOPERATION AGREEMENT BEFORE YOU SIGNED
12 IT?

13 A. YES.

14 Q. YOU SAW THE SECTION THAT SAYS THAT IF YOU DON'T COOPERATE,
15 IF YOU DON'T DO -- IF YOU BREAK THE AGREEMENT, GIVE FALSE
16 TESTIMONY, REFUSE TO TESTIFY, THEN YOU CAN BE PROSECUTED FOR
17 ALL THE VIOLATIONS THAT YOU COMMITTED UNDER THE DRUG LAWS OR
18 THE MONEY LAUNDERING LAWS, OR THE INTERNAL REVENUE SERVICE LAWS
19 AND ANOTHER CRIMINAL LAWS?

20 DID YOU READ THAT PART OF THE AGREEMENT?

21 A. YES, I DID.

22 Q. AND THAT'S IF YOU GIVE FALSE TESTIMONY, IS THAT RIGHT,
23 THEY CAN BREAK THE AGREEMENT, RIGHT?

24 A. THAT'S CORRECT.

25 Q. WHO IS IT THAT JUDGES WHETHER YOU HAVE GIVEN FALSE

1 TESTIMONY?

2 A. I DON'T KNOW.

3 Q. DID YOU READ THE PART HERE THAT SAID IT IS ONLY UP TO THE
4 PROSECUTORS TO MAKE THAT JUDGMENT?

5 DOESN'T THE AGREEMENT SAY THAT?

6 A. YES.

7 Q. SO YOU HAVE TO DO WHATEVER THEY WANT; DON'T YOU?

8 MR. MEDRANO: OBJECTION, YOUR HONOR. MISSTATES --
9 MISCHARACTERIZES THE COOPERATION AGREEMENT.

10 MR. STOLAR: SORRY.

11 BY MR. STOLAR:

12 Q. IN FACT, IT IS NOT EVEN MR. MEDRANO WHO CAN MAKE THAT
13 JUDGMENT ABOUT WHETHER YOU HAVE GIVEN FALSE TESTIMONY, IS IT,
14 UNDER THIS AGREEMENT?

15 A. I'M ONLY SUPPOSED TO SAY THE TRUTH, THAT'S ALL.

16 Q. DOESN'T THE TRUTH GET JUDGED BY THE NARCOTICS AND
17 DANGEROUS DRUG SECTION OF THE DEPARTMENT OF JUSTICE?

18 THAT'S WHO MAKES THE JUDGMENT ABOUT WHETHER YOU'RE
19 TELLING THE TRUTH; ISN'T THAT CORRECT?

20 A. I HAVE NO KNOWLEDGE OF THAT.

21 Q. WELL, DO YOU REMEMBER THAT LANGUAGE IN THE PLEA, IN THE
22 COOPERATION AGREEMENT THAT YOU SIGNED?

23 A. THAT EXACT LANGUAGE?

24 A. I JUST WANT TO SAY THE TRUTH, THAT'S ALL.

25 Q. DID YOU FORGET THAT LANGUAGE?

1 A. I DON'T UNDERSTAND IT, IF THAT'S WHAT IT IS.

2 Q. DOESN'T THE COOPERATION AGREEMENT SAY: "SHOULD IT BE
3 JUDGED AT ANY TIME BY THE NARCOTIC AND DANGEROUS DRUG SECTION
4 OF THE DEPARTMENT OF JUSTICE THAT FRANK RETAMOZA GALLARDO HAS
5 KNOWINGLY GIVEN A FALSE, MISLEADING, INCOMPLETE OR REFUSES TO
6 TESTIFY OR BALKS AT TESTIFYING," ET CETERA, THEN THE WHOLE DEAL
7 IS OFF AND YOU GET PROSECUTED.

8 DOESN'T THE AGREEMENT SAY THAT?

9 A. I DON'T UNDERSTAND IT SAYING --

10 Q. YOU DON'T UNDERSTAND THE TECHNICAL TERMS?

11 DO YOU UNDERSTAND THE PART THAT SAYS IF YOU DON'T
12 TELL THE TRUTH, THEN YOU CAN GET PROSECUTED, RIGHT? YOU KNOW
13 THAT.

14 A. BUT I AM SAYING THE TRUTH.

15 Q. THEY JUDGE WHETHER YOU'RE TELLING THE TRUTH; ISN'T THAT
16 CORRECT?

17 A. I WANT TO SAY THE TRUTH; THAT'S IT.

18 Q. MR. RETAMOZA, PERHAPS YOU FORGOT. MAY I SHOW YOU THIS
19 DOCUMENT TO REFRESH YOUR RECOLLECTION.

20 THE COURT: COUNSEL, DO YOU WISH TO OFFER THAT
21 DOCUMENT INTO EVIDENCE OR AT LEAST PROVIDE THE WITNESS WITH A
22 COPY OF IT SO HE CAN SEE IT.

23 BY MR. STOLAR:

24 Q. I WOULD. I'VE JUST MADE SOME MARKS ON THIS, BUT I HAVE NO
25 PROBLEM OFFERING IT IN EVIDENCE.

1 MR. MEDRANO: OBJECTION TO ADMISSIBILITY. NO
2 OBJECTION TO SHOWING IT TO THE WITNESS BECAUSE THE WITNESS CAN
3 EXPLAIN THE TERMS OF THE AGREEMENT AFTER REFRESHING HIS MEMORY
4 WITH IT.

5 MR. STOLAR: DO YOU HAVE A CLEAN COPY?

6 (BRIEF PAUSE.)

7 MR. STOLAR: DO WE HAVE ANY DEFENSE EXHIBITS MARKED
8 YET?

9 THE COURT: IF NOT, THEN THIS WILL BE THE FIRST.
10 YOU MAY OFFER THAT AND THE COURT WILL RECEIVE IT, AND IT WILL
11 SPEAK FOR ITSELF AS TO ITS CONTENTS.

12 MR. STOLAR: DEFENDANTS' A?

13 THE COURT: DEFENDANTS' A.

14 (EXHIBIT # A RECEIVED IN EVIDENCE.)

15 BY MR. STOLAR:

16 Q. OKAY. MR. RETAMOZA, WHEN THE FIRST SERIES OF LETTERS WENT
17 OUT THAT WERE TO GET YOU -- TO GET THE VARIOUS U.S. ATTORNEYS
18 AROUND THE COUNTRY NOT TO PROSECUTE YOU, THAT WAS -- AGAIN,
19 THAT WAS AROUND JUNE OR JULY 1989?

20 IS THAT YOUR RECOLLECTION?

21 A. I DON'T KNOW WHEN THOSE LETTERS WENT OUT.

22 Q. WELL, WERE YOU EVER ADVISED THAT THE UNITED STATES
23 ATTORNEYS IN THE CENTRAL, SOUTHERN AND EASTERN DISTRICT OF
24 CALIFORNIA, THE NORTHERN DISTRICT OF WASHINGTON, THE SOUTHERN
25 DISTRICT OF FLORIDA AND THE DISTRICT OF ARIZONA -- WERE YOU

1 EVER ADVISED THAT THEY HAD AGREED NOT TO PROSECUTE YOU FOR THE
2 CRIMES THAT YOU COMMITTED?

3 A. YES, I WAS.

4 Q. DO YOU REMEMBER WHEN THAT WAS?

5 A. ABOUT TWO, THREE WEEKS AGO. OR A WEEK, TWO WEEKS,
6 SOMETHING LIKE THAT.

7 Q. WEREN'T YOU TOLD WHEN YOU ENTERED THE WITNESS PROGRAM THAT
8 THEY HAD AGREED NOT TO PROSECUTE YOU?

9 A. NO.

10 Q. REALLY? NOBODY EVER TOLD YOU THAT?

11 A. REALLY.

12 Q. WELL, IN ANY EVENT, THERE CAME A TIME AFTER YOU ENTERED
13 THE WITNESS PROGRAM AND, IN FACT, WHEN YOU SPOKE AFTER YOU
14 ENTERED THE WITNESS PROGRAM, THEY HAD TO REWRITE THE -- GET
15 SOME MORE IMMUNITY FOR YOU, DIDN'T THEY, BECAUSE YOU TOLD THEM
16 ABOUT SOME NEW CRIMES THAT YOU COMMITTED BECAUSE YOU HADN'T
17 TOLD THEM ABOUT IT BEFORE?

18 A. NO.

19 Q. WHEN YOU FIRST TALKED TO THEM THROUGH JANUARY AND FEBRUARY
20 OF 1990, WHEN YOU SPOKE TO THE AGENTS AND TOLD THEM WHAT YOU
21 HAD BEEN INVOLVED IN, YOU DIDN'T TELL THEM THEN ABOUT WHAT YOU
22 WERE DOING IN 1987; DID YOU?

23 A. YOU'RE WRONG.

24 Q. I'M SORRY?

25 A. YOU'RE WRONG.

1 Q. I'M WRONG? YOU DID THEY WILL THEM WHAT WERE YOU DOING IN
2 1987?

3 A. YES, SIR.

4 Q. YOUR ASSOCIATION WITH JORGE FELIX?

5 A. YES, SIR.

6 Q. YOU TOLD THEM THAT BEFORE FEBRUARY OF THIS YEAR?

7 A. YES, SIR.

8 Q. YOU'RE ABSOLUTELY SURE ABOUT THAT?

9 A. ABSOLUTELY.

10 Q. OKAY. IN FACT, YOUR WORK WITH JORGE FELIX WENT FROM
11 JANUARY OF 1987 THROUGH 1987 AND 1988; DIDN'T IT?

12 A. YES. CORRECT.

13 Q. NOT '85 TO '87, BUT '87 TO '88; IS THAT RIGHT?

14 A. THAT IS CORRECT.

15 Q. WHAT WERE YOU DOING FROM '85 TO '87?

16 A. I WAS WORKING.

17 Q. WERE YOU DOING COCAINE?

18 A. WHAT DO YOU MEAN "WAS I DOING"?

19 Q. WERE YOU SNORTING COCAINE?

20 MR. MEDRANO: OBJECTION, YOUR HONOR.

21 MR. STOLAR: IT'S A GOOD FAITH BASIS.

22 MR. MEDRANO: THAT'S IRRELEVANT, YOUR HONOR.

23 THE COURT: SUSTAINED.

24 BY MR. STOLAR:

25 Q. THERE'S A GOOD FAITH BASIS FOR THE QUESTION, YOUR HONOR.

1 THE COURT: THE OBJECTION IS SUSTAINED.

2 BY MR. STOLAR:

3 Q. HAVE YOU EVER IN YOUR LIFE USED DRUGS?

4 MR. MEDRANO: OBJECTION, YOUR HONOR. IRRELEVANT.

5 THE COURT: SUSTAINED.

6 MR. STOLAR: CREDIBILITY.

7 THE COURT: WELL, THE WITNESS MAY ANSWER.

8 THE WITNESS: THAT'S A PERSONAL AFFAIR, SIR.

9 BY MR. STOLAR:

10 Q. THAT'S A PERSONAL AFFAIR?

11 A. YES, SIR.

12 Q. IF THE JUDGE ASKED YOU TO ANSWER IT, DO YOU THINK YOU
13 COULD ANSWER IT?

14 A. IF HE ASKED, YES.

15 Q. HAVE YOU EVER IN YOUR LIFE USED DRUGS?

16 MR. STOLAR: JUDGE, I'D ASK YOU TO DIRECT HIM TO
17 ANSWER, PLEASE.

18 THE COURT: YES. YOU MAY ANSWER THE QUESTION.

19 THE WITNESS: YES, ON A FEW OCCASIONS I DID.

20 BY MR. STOLAR:

21 Q. WHEN?

22 A. I DON'T REMEMBER THE TIMES.

23 Q. YOU DON'T REMEMBER THE TIMES?

24 A. THAT'S CORRECT. I DON'T.

25 Q. IN MEXICO, DID YOU EVER KNOW A PERSON NAMED ROBERTO

1 JACOBAL?

2 A. WHO?

3 Q. ROBERTO JACOBAL?

4 A. I DON'T REMEMBER IF I DID.

5 Q. DO YOU KNOW A PERSON NAMED ANTONIO GARATE BUSTAMANTE?

6 A. YES.

7 MR. MEDRANO: OBJECTION, YOUR HONOR. OUTSIDE THE
8 SCOPE OF DIRECT AND RELEVANCY.

9 THE COURT: OVERRULED.

10 BY MR. STOLAR:

11 Q. WERE YOU INVOLVED IN THE COMMISSION OF ANY CRIMES WITH MR.
12 BUSTAMANTE IN MEXICO?

13 A. CAN YOU REPEAT THAT QUESTION?

14 Q. WERE YOU INVOLVED IN THE COMMISSION OF ANY CRIMES WITH MR.
15 BUSTAMANTE IN MEXICO?

16 A. NO.

17 Q. WERE YOU INVOLVED IN THE COMMISSION OF ANY CRIMES YOURSELF
18 IN MEXICO OTHER THAN THE NARCOTICS CRIMES THAT YOU HAVE
19 DESCRIBED?

20 A. NO.

21 Q. ABSOLUTELY SURE, RIGHT?

22 A. ABSOLUTELY SURE.

23 Q. NEVER BEEN CHARGED WITH ANYTHING IN MEXICO?

24 A. NO.

25 Q. WHAT HAPPENED BETWEEN YOU AND FELIX TO MAKE YOU AFRAID OF

1 FELIX AND WANT PROTECTION IN 1989?

2 A. WHAT HAPPENED?

3 Q. YES, WHAT HAPPENED? WHY WAS FELIX MAD AT YOU IN 1989?

4 WHY DID YOU NEED PROTECTION FROM FELIX?

5 A. WHO SAID TO YOU THAT HE WAS MAD AT ME?

6 Q. WHY DID YOU NEED PROTECTION FROM FELIX THEN? WHEN WHY

7 WERE YOU AFRAID OF HIM?

8 A. I'M AFRAID BECAUSE HE MIGHT BE MAD AT ME.

9 Q. WHY MIGHT HE BE MAD AT YOU?

10 A. BECAUSE OF MY TESTIMONY.

11 Q. NO, NO. YOU CAME AND OFFERED YOUR TESTIMONY BECAUSE YOU

12 WERE AFRAID OF FELIX. THAT'S WHAT YOU JUST TOLD US, THAT'S

13 WHAT YOU TOLD THE AGENTS. WHY WERE YOU AFRAID OF HIM?

14 A. I WANTED TO SAY WHAT I KNEW ABOUT THE TRAFFICKING. AND

15 THAT WOULD UPSET MY COUSIN. I KNEW THAT.

16 Q. AND YOU WANTED TO DO THAT BECAUSE YOU WERE A GOOD CITIZEN;

17 IS THAT WHY YOU CAME IN TO TALK TO THE AGENTS?

18 YOU VOLUNTEERED YOURSELF BECAUSE YOU'RE A GOOD

19 CITIZEN?

20 A. YES.

21 Q. NOT BECAUSE YOU HAD A FALLING OUT WITH FELIX AND YOU WERE

22 AFRAID OF HIM; IS THAT CORRECT?

23 A. THAT IS RIGHT.

24 Q. IT IS NOT A QUESTION OF YOU SORT OF KEEPING SOME OF THE

25 MONEY THAT YOU WERE TRANSPORTING FOR FELIX?

1 A. NO.

2 Q. NO.

3 OKAY. FELIX IS IN JAIL NOW; ISN'T HE?

4 MR. MEDRANO: OBJECTION. LACK OF PERSONAL KNOWLEDGE,
5 YOUR HONOR.

6 THE COURT: OVERRULED. THE WITNESS MY ANSWER, IF HE
7 KNOWS.

8 THE WITNESS: (NO ANSWER GIVEN.)

9 BY MR. STOLAR:

10 Q. HE'S IN JAIL IN MEXICO; ISN'T HE?

11 A. I DON'T KNOW WHERE HE IS.

12 Q. YOU DON'T KNOW?

13 A. OF COURSE I DON'T.

14 Q. DO YOU READ THE NEWSPAPERS?

15 A. MEXICAN NEWSPAPERS?

16 Q. AMERICAN NEWSPAPERS.

17 GESUNDHEIT.

18 A. (NO RESPONSE.)

19 Q. DO YOU READ AMERICAN NEWSPAPERS?

20 A. YES, I DO. THE SPORTS SECTION.

21 Q. THE SPORTS SECTION?

22 A. YES, SIR.

23 Q. YOU HAVE A LOT OF BROTHERS AND SISTERS, DON'T YOU, ALL OF
24 WHOM HAVE THE FAMILY NAME GALLARDO?

25 A. YES, I DO.

1 Q. DO YOU EVER DISCUSS FAMILY BUSINESS WITH THEM?

2 A. WITH WHOM; WITH MY FAMILY MEMBERS?

3 Q. YES.

4 A. DISCUSS BUSINESS?

5 Q. FAMILY BUSINESS. WHAT IS THE -- HOW IS THE FAMILY DOING?

6 AUNTS, UNCLES, BROTHERS, SISTERS, COUSINS, MOTHERS, FATHERS:

7 DID YOU TALK ABOUT EACH OTHER WITH EACH OTHER?

8 A. WE USED TO.

9 Q. YOU DON'T ANY MORE?

10 A. NOT ANY MORE.

11 Q. BECAUSE THEY ALL LIVE SEPARATE AND APART FROM YOU AND

12 YOU'RE NOT IN COMMUNICATION?

13 A. THAT'S CORRECT.

14 Q. THEY'RE ALL BEING PROTECTED BY THE WITNESS PROGRAM, TOO;

15 IS THAT RIGHT?

16 A. THAT IS RIGHT.

17 Q. HOW MANY BROTHERS AND SISTERS ARE BEING PROTECTED BY THE

18 U.S. GOVERNMENT ON YOUR BEHALF?

19 Q. JOSE, ANTONIO; IS THAT RIGHT?

20 THE COURT: LET THE WITNESS ANSWER THE QUESTION

21 BEFORE YOU POSE ANOTHER ONE.

22 BY MR. STOLAR:

23 Q. I'M SORRY. GO AHEAD.

24 A. TWO BOYS AND THREE GIRLS AND MYSELF.

25 Q. TWO BOYS, THREE GIRLS AND YOURSELF.

1 Q. AND THEIR WIVES AND CHILDREN ARE ALSO BEING PROTECTED?

2 A. CORRECT.

3 Q. THAT MEANS THEY'RE GIVEN A HOUSE, SUPPORT, MEDICAL CARE,
4 DOCUMENTS, TRANSPORTATION, FOOD, CLOTHING, SHELTER; RIGHT?

5 THE GOVERNMENT TAKES CARE OF THAT ON THEIR BEHALF; IS
6 THAT CORRECT?

7 A. THAT'S CORRECT.

8 Q. AND ON YOUR BEHALF, TOO; IS THAT RIGHT?

9 A. NOT ON MY BEHALF.

10 Q. THE GOVERNMENT DOESN'T TAKE CARE OF YOUR FOOD, CLOTHING
11 AND SHELTER?

12 A. MY OWN, YES.

13 Q. HOW ABOUT YOUR FAMILY'S? DO YOU HAVE ANY FAMILY?

14 DO YOU HAVE A WIFE AND CHILDREN?

15 A. YES.

16 Q. ARE THEY WITH YOU?

17 A. YES, THEY'RE WITH ME.

18 Q. THE GOVERNMENT TAKES CARE OF THEM, TOO?

19 A. YES.

20 Q. AND YOUR BROTHERS AND SISTERS, WIVES AND CHILDREN, THE
21 GOVERNMENT TAKES CARE OF THEM, TOO?

22 A. I THINK THEY DO YES,

23 Q. CAN YOU COUNT UP FOR ME, PLEASE, IF YOU COULD -- BECAUSE I
24 DON'T KNOW HOW MANY BROTHERS AND SISTERS HAVE CHILDREN AND
25 WIVES -- HOW MANY PEOPLE IN TOTAL THE GOVERNMENT IS TAKING CARE

1 OF IN YOUR FAMILY?

2 A. ABOUT 30 ALTOGETHER.

3 Q. 30?

4 A. YES.

5 Q. THERE ARE FIVE PEOPLE IN YOUR FAMILY THAT THE GOVERNMENT
6 IS TAKING CARE OF, INCLUDING YOURSELF?

7 A. MY IMMEDIATE FAMILY, YOU MEAN?

8 Q. YOUR FAMILY UNIT.

9 A. THREE KIDS AND MYSELF, YES.

10 Q. THAT'S FOUR?

11 A. THAT'S FIVE.

12 Q. THREE KIDS, A WIFE AND YOURSELF; THAT'S FIVE.

13 THEN ONE OF YOUR BROTHERS AND SISTERS HAS SEVEN
14 PEOPLE IN THE FAMILY; ISN'T THAT RIGHT?

15 A. NO, THAT'S NOT RIGHT.

16 Q. WELL, THAT'S NOT RIGHT? ONE OF THEM HAD FIVE PEOPLE IN
17 THE FAMILY?

18 A. YES, ONE OF THEM HAD FIVE.

19 Q. ALL RIGHT. ONE OF THEM HAS FIVE. ONE OF THEM HAS TWO
20 PEOPLE IN THE FAMILY?

21 A. I THINK THERE IS ONE FAMILY OF TWO.

22 Q. OKAY. ANOTHER ONE HAS FIVE PEOPLE IN THE FAMILY?

23 A. YES.

24 Q. ANOTHER ONE HAS FOUR PEOPLE IN THE FAMILY?

25 A. YES.

1 Q. ANOTHER ONE HAS THREE PEOPLE IN THE FAMILY?

2 A. YES.

3 Q. ANOTHER ONE HAS FIVE PEOPLE IN THE FAMILY?

4 A. YES.

5 Q. ANOTHER ONE HAS FOUR PEOPLE IN THE FAMILY?

6 A. NO.

7 Q. NO? ONE HAS SEVEN PEOPLE IN THE FAMILY?

8 A. I DON'T KNOW WHO THEY ARE.

9 Q. YOU DON'T?

10 A. I DON'T. IT DOESN'T COME TO MY MIND RIGHT NOW.

11 Q. AND THE GOVERNMENT TAKES CARE OF ROUGHLY 41 PEOPLE ON YOUR
12 BEHALF FOR YOUR TESTIMONY; ISN'T THAT RIGHT?

13 PROVIDES SUBSISTENCE, HOUSING, MEDICAL, TRAVEL,
14 DOCUMENTS, RELOCATION, MOVING, ET CETERA; ISN'T THAT RIGHT?

15 A. THAT IS RIGHT.

16 Q. AND IS IT A FAIR STATEMENT THAT FROM THE TIME YOU ENTERED
17 THE WITNESS PROGRAM UNTIL THE MIDDLE OF MARCH OF THIS YEAR, AND
18 ONLY THE MIDDLE OF MARCH -- IF I COULD FIND A PIECE OF PAPER --
19 THAT THE TOTAL MONEY EXPENDED FOR YOU AND YOUR DEPENDENTS AND
20 THE FAMILY WAS \$419,349?

21 DO YOU KNOW THAT?

22 A. I DIDN'T KNOW THAT.

23 Q. WOULD YOU DOUBT IT?

24 A. NO, I WOULDN'T.

25 Q. OKAY. LET ME ASK YOU AGAIN WHY IT WAS THAT YOU WERE

1 AFRAID OF FELIX GALLARDO WHEN YOU CAME AND SPOKE TO THE
2 GOVERNMENT?

3 A. I WAS AFRAID BECAUSE I KNOW MY COUSIN.

4 Q. WHAT MOTIVATED YOU TO COME IN AND ASK FOR PROTECTION?

5 A. MY OWN PERSONAL FEELINGS.

6 Q. ABOUT WHAT?

7 A. ABOUT ALL OF THE TRAFFICKING.

8 Q. EVEN THOUGH YOU HAD BEEN DOING IT FOR THE LAST SIX OR
9 SEVEN YEARS, RIGHT?

10 A. YES.

11 Q. YOU SAW THE LIGHT?

12 A. I ALWAYS DID.

13 Q. WHO FORCED YOU TO BE INVOLVED AS A COCAINE TRANSPORTER AND
14 MONEY TRANSPORTER?

15 A. CIRCUMSTANCES.

16 Q. CIRCUMSTANCES?

17 A. RIGHT.

18 Q. YOU DID MAKE MONEY DOING IT OVER THE YEARS; DIDN'T YOU?

19 A. YES.

20 Q. ANY IDEA HOW MUCH MONEY YOU MADE?

21 A. YES.

22 Q. HOW MUCH?

23 A. HALF A MILLION DOLLARS.

24 Q. YOU MADE HALF A MILLION DOLLARS?

25 A. YES.

1 Q. AND YOU HAD EXPENSES THAT YOU'RE GOING TO DEDUCT WHEN THEY
2 AUDIT YOU FOR TAXES?

3 A. YES.

4 Q. HAS THE I.R.S. PRESENTED YOU WITH A TAX BILL YET?

5 A. NOT YET.

6 Q. DO YOU HAVE ANY IDEA WHAT IT'S GOING TO BE?

7 A. NO, SIR.

8 Q. DO YOU HAVE ANY RESOURCES WITH WHICH TO PAY?

9 A. I WOULDN'T KNOW THAT. I NEED TO KNOW HOW MUCH I HAVE TO
10 PAY FIRST.

11 Q. LET'S GIVE YOU A MARGINAL TAX RATE OF 20 PERCENT. HOW'S
12 THAT?

13 DO YOU HAVE A \$100,000 IN RESOURCES TO PAY TAXES?

14 A. NOT IN CASH.

15 Q. IN PROPERTY THEN?

16 A. YES.

17 Q. OKAY. SO YOU CAME OUT OF THIS ALL RIGHT, INVESTING YOUR
18 MONEY OVER THE COURSE OF TIME THAT YOU DID THIS, AND YOU WERE
19 ABLE TO SAVE YOUR RESOURCES; RIGHT?

20 A. YES.

21 Q. YOU DID PRETTY WELL FROM DRUG TRAFFICKING; HUH?

22 A. YOU CAN SAY THAT.

23 Q. LET ME ASK JUST A FEW MORE QUESTIONS ABOUT -- SOME DETAILS
24 ABOUT WHAT YOU TESTIFIED ABOUT.

25 YOU DID INDICATE, DIDN'T YOU, THAT THE FIRST TIME YOU

1 GOT INVOLVED WITH COCAINE AND FELIX WAS WHEN HE GAVE YOU TWO
2 KILOGRAMS AS PAYMENT, I GUESS, FOR SOME MONEY HE OWED TO YOU OR
3 YOUR MOTHER? TO YOUR MOTHER.

4 A. THAT'S CORRECT.

5 Q. AND THEN YOU SAID YOU INDICATED THAT HE WAS ANGRY WITH YOU
6 FOR HAVING LOST THAT; IS THAT RIGHT?

7 A. THAT IS RIGHT.

8 Q. BUT THOSE WERE YOUR KILOGRAMS TO LOSE OR DO ANYTHING YOU
9 WANTED TO WITH; ISN'T THAT RIGHT?

10 A. THAT IS RIGHT.

11 Q. AND THE DEBT THAT WAS OWED WAS REDUCED BY THE AMOUNT OF
12 THE VALUE OF THE KILOGRAMS; IS THAT CORRECT?

13 A. I DIDN'T HEAR YOUR QUESTION, SIR.

14 Q. WAS THE AMOUNT OF THE DEBT THAT YOU SAY FELIX OWED TO YOUR
15 MOTHER REDUCED BY THE VALUE OF THE KILOGRAMS THAT YOU LOST?

16 A. YES.

17 Q. BY HOW MUCH?

18 A. I WAS SUPPOSED TO PAY FOR THE EQUITY ON MY HOUSE.

19 Q. ON YOUR HOUSE?

20 A. YES.

21 Q. YOUR MOTHER'S HOUSE, YOU MEAN?

22 A. WELL, AT THIS TIME IT IS NOT MY MOTHER'S YET, BECAUSE HE
23 HASN'T PAID ME YET.

24 Q. IN 1980 -- 19 -- LET GET THE DATE RIGHT.

25 IN THE 1980'S, THAT'S WHEN YOUR MOTHER OWNED SOME

1 PROPERTY IN SINALOA; RIGHT?

2 Q. NAVOLATO?

3 A. YES.

4 Q. SHE OWNED PROPERTY THERE, CORRECT?

5 A. NOT IN 1980.

6 Q. BEFORE 1980?

7 A. YES.

8 Q. I'LL COME BACK TO THAT IN A SECOND.

9 YOU INDICATED THAT YOU KNEW THE NAMES OF SOME OF THE
10 GUARDS THAT WERE THERE WHEN YOU MET FELIX AT THE EL PRESIDENTE
11 HOTEL; IS THAT RIGHT?

12 A. SOME OF THEM, I DID.

13 Q. WHAT ARE THEIR NAMES?

14 A. I REMEMBER BARDO DOMINGEZ (SIC).

15 Q. HOW DO YOU SPELL THAT?

16 A. LAST NAME IS D O M I N G E Z, I THINK.

17 Q. ANY OTHERS?

18 A. YES. MIGUELANTE LEYABREA (PHONETIC).

19 Q. ANY OTHERS?

20 A. THERE WERE OTHERS THAT I KNOW THEIR NAMES NOW, BUT THEN I
21 DIDN'T.

22 Q. WHAT ARE THEIR NAMES NOW?

23 A. EDMOND HARPER.

24 Q. ALL RIGHT.

25 A. TOMAS VALLES.

1 Q. TOMAS VALLES WAS A BODYGUARD?

2 A. YES.

3 Q. OKAY. ANY OTHERS? THIS IS THE FIRST TIME YOU MEET THEM;
4 RIGHT?

5 ISN'T THAT WHEN YOU WENT DOWN TO THE EL PRESIDENTE?

6 A. YES.

7 Q. NOW, LET ME JUST MOVE UP TO 1982. THE TWO KILOGRAMS THAT
8 YOU GOT FROM FELIX; WHERE DID HE GIVE THOSE TO YOU?

9 A. HE GAVE THEM TO A GUY NAMED --

10 Q. WHERE DID HE GIVE THEM TO YOU?

11 A. OH, IN HOLLYWOOD. IN THE HOLLYWOOD AREA.

12 Q. HERE IN LOS ANGELES?

13 A. YES.

14 Q. SO FELIX WAS IN -- MIGUEL FELIX WAS IN L.A. IN 1982 AND
15 PERSONALLY GAVE YOU THESE TWO KILOGRAMS OF COCAINE?

16 A. THAT'S NOT CORRECT.

17 Q. OKAY. THEN TELL ME WHAT IS CORRECT. HOW DID YOU A
18 INQUIRE THOSE TWO KILOGRAMS, THE FIRST TWO YOU EVER HAD, YOU
19 SAY?

20 A. THEY WERE GIVEN TO ME BY A LADY.

21 Q. NOT BY FELIX DIRECTLY?

22 A. NO.

23 Q. WHAT IS THE NAME OF THE LADY THAT GAVE THEM TO YOU?

24 A. THE ONLY THING I KNOW ABOUT HER NAME IS SHE WAS MARIA TO
25 ME THEN.

1 Q. DID YOU KNOW THE KILOGRAMS WERE COMING?

2 A NO.

3 Q DID YOU KNOW THAT MARIA WAS ACTUALLY COMING?

4 A NO.

5 Q SO SHE JUST ARRIVED ONE DAY AND SAID, "HI. HERE'S TWO
6 KILOGRAMS FROM FELIX"?

7 A NO, IT WASN'T THAT WAY.

8 Q HOW WAS IT?

9 A AFTER CALLING MIGUEL MANY TIMES ABOUT PAYMENT, SHE -- I
10 MEAN, HE FINALLY SAID TO ME THAT HE WAS GOING TO PAY ME. AND
11 ONE DAY HE CALLED ME AND HE TOLD ME TO CALL THIS GIRL AND THAT
12 SHE WAS GOING TO PAY ME. AND I DID, AND WE MET IN THIS PLACE
13 IN HOLLYWOOD, AND SHE HANDED ME THESE TWO KILOS.

14 Q HOW DID YOU IDENTIFY YOURSELF, IF YOU WOULD? HOW DID SHE
15 KNOW THAT YOU WEREN'T A POLICE OFFICER OR SOMETHING?

16 IT SOUNDS AWFULLY STRANGE: SOMEBODY WALKS OFF AND
17 GIVES YOU TWO KILOGRAMS OF COCAINE.

18 MR. MEDRANO: OBJECTION. COMPOUND QUESTION, YOUR
19 HONOR.

20 BY MR. STOLAR:

21 Q WASN'T THERE MORE TO IT, IS WHAT I'M SAYING.

22 A YES. I BELIEVE I HAD TO TELL HER MY NAME.

23 Q ANY MORE THAN THAT?

24 A I DON'T REMEMBER IF THERE WAS ANY MORE.

25 Q DO YOU REMEMBER WHAT TIME OF THE YEAR IT WAS, OR MONTH?

1 A IT HAD TO BE AROUND OCTOBER -- OCTOBER, SOMETHING LIKE
2 THAT, 1982.

3 Q 1982, OCTOBER. YOU'RE NOT REAL SURE OF WHEN IT HAPPENED?

4 A NOT COMPLETELY SURE.

5 Q SORRY?

6 A NOT COMPLETELY SURE.

7 Q THIS WAS A PRETTY BIG EVENT IN YOUR LIFE, WASN'T IT:
8 SOMEBODY WALKS UP AND GIVES YOU TWO KILOGRAMS OF COCAINE?

9 HAS THAT EVER HAPPENED TO YOU BEFORE? \$\$\$

10 THE COURT: COUNSEL, YOU PERSIST IN ASKING ONE
11 QUESTION, AND BEFORE IT'S ANSWERED, YOU ASK ANOTHER.

12 MR. STOLAR: I'M SORRY.

13 THE COURT: WHICH QUESTION DO YOU WANT THE WITNESS TO
14 ANSWER?

15 BY MR. STOLAR:

16 Q HAS THAT EVER HAPPENED TO YOU BEFORE?

17 A NO, SIR.

18 Q WAS IT A FAIRLY BIG EVENT IN YOUR LIFE?

19 A THEN, IT WAS.

20 Q SORRY? THEN? YES?

21 A YES.

22 Q WHAT DID YOU DO WITH THE TWO KILOGRAMS AFTER YOU RECEIVED
23 THEM FROM MARIA?

24 A TRIED TO SELL THEM.

25 Q NO, NO. I MEAN, YOU'RE IN THE RESTAURANT. YOU MET HER

1 SOMEPLACE IN HOLLYWOOD; RIGHT?

2 A UH-HUH.

3 Q WHAT DID YOU DO WITH THEM, RIGHT ON THE SPOT, RIGHT THEN?
4 WHAT DID YOU DO WITH THEM?

5 A AFTER CONTACTING MIGUEL --

6 Q NO, NO, NO. YOU'RE IN THE RESTAURANT. DID YOU MEET HER IN
7 A RESTAURANT?

8 A YES.

9 Q YOU'RE IN THE RESTAURANT. HOW DOES SHE HAND YOU THESE TWO
10 KILOGRAMS?

11 A SHE'S NOT HANDING THE TWO KILOGRAMS IN THE RESTAURANT TO
12 ME.

13 Q OH. WHEN DID SHE GIVE THEM TO YOU?

14 A WHEN WE WENT OUT TO THE PARKING LOT.

15 Q OKAY. TELL ME WHAT HAPPENED IN THE PARKING LOT.

16 A SHE HANDED THEM TO ME.

17 Q HOW WERE THEY WRAPPED?

18 A THEY WERE JUST IN A BAG.

19 Q A PAPER BAG, PLASTIC BAG?

20 A ONE OF THE TWO.

21 MR. STOLAR: ONE OF THE TWO.

22 COULD WE TAKE A BREAK NOW, JUDGE? I DO HAVE SOME MORE
23 QUESTIONS?

24 THE COURT: WELL, I HADN'T INTENDED TO TAKE ONE. WE
25 ALREADY TOOK OUR BREAK THIS MORNING BEFORE WE CONVENED.

1 MR. STOLAR: I THOUGHT WE WERE WORKING.

2 THE COURT: YOU NEED A BREAK?

3 MR. STOLAR: I WOULD APPRECIATE ONE.

4 THE COURT: WELL, WE'LL TAKE A SHORT ONE.

5 THE JURY: WHEW.

6 THE COURT: WELL, WE'LL TAKE A SHORT ONE. WE'LL TAKE
7 A SHORT BREAK.

8 THE CLERK: PLEASE RISE.

9 MR. MEDRANO: YOUR HONOR?

10 (COURT REMAINS IN SESSION; JURY ABSENT:)

11 THE CLERK: YOU MAY BE SEATED.

12 MR. MEDRANO: THANK YOU, YOUR HONOR.

13 THE COURT: YOU WANT TO TAKE UP SOMETHING WITH THE
14 COURT?

15 MR. MEDRANO: YES, YOUR HONOR, VERY BRIEFLY.

16 ONE OF THE WITNESSES WE INTEND TO CALL THIS AFTERNOON
17 IS SPECIAL AGENT MIKE VIGIL, ON THE POST-ARREST STATEMENTS OF
18 MATTA, YOUR HONOR. AND IN ORDER TO PREPARE HIM PROPERLY OVER
19 THE LUNCH HOUR, I JUST WANTED TO ASK YOU TO GIVE US SOME
20 GUIDANCE, BECAUSE I WANT TO MAKE SURE THAT HE DOESN'T
21 ACCIDENTALLY STATE ANYTHING THAT YOU DON'T WANT HIM TO, AND I
22 WANT TO PREP HIM.

23 THE COURT: WELL, LET'S SEE. I LOOKED AT THAT THIS
24 MORNING. FRANKLY, I COULDN'T SEE ANY GOOD REASON NOT TO ELICIT
25 THE ENTIRE STATEMENT.

1 MR. STOLAR: I'M SORRY?

2 THE COURT: DID YOU HEAR THAT?

3 MR. STOLAR: I'M SORRY?

4 THE COURT: I SAW NO GOOD REASON NOT TO PERMIT THE
5 AGENT TO TESTIFY TO THE ENTIRE STATEMENT.

6 MR. STOLAR: THE ENTIRE STATEMENT?

7 THE COURT: DO YOU KNOW WHAT WE'RE REFERRING TO HERE?

8 MR. STOLAR: INCLUDING THE -- I MEAN, MR. MEDRANO
9 EXCISED SOME THINGS.

10 CAN WE EXCUSE THE WITNESS FOR THIS DISCUSSION, SIR?

11 THE COURT: PARDON?

12 MR. STOLAR: CAN WE EXCUSE THE WITNESS FOR THIS
13 DISCUSSION?

14 THE COURT: DO YOU HAVE SOME REASON WHY WE SHOULD?

15 MR. STOLAR: YES, SIR.

16 THE COURT: WHAT IS IT?

17 MR. STOLAR: THAT WE'RE DISCUSSING MATTERS OF EVIDENCE
18 THAT HE HAS NO REASON TO BE HEARING.

19 THE COURT: LET ME DECIDE THAT. YOU JUST WORRY ABOUT
20 YOUR STATEMENT.

21 MR. STOLAR: WE'RE DISCUSSING MATTERS THAT ANOTHER
22 WITNESS IS GOING TO TESTIFY TO.

23 THE COURT: JUST GO AHEAD. WHAT IS YOUR PROBLEM WITH
24 THIS STATEMENT?

25 MR. STOLAR: THE PROBLEM IS THAT THERE ARE

1 DESCRIPTIONS OF OTHER PROCEEDINGS IN HERE WHICH DO NOT BEAR ON
2 THE ISSUES ON TRIAL HERE.

3 THE COURT: THESE ARE ALLEGEDLY STATEMENTS MADE BY
4 YOUR CLIENT.

5 MR. STOLAR: THAT'S CORRECT. THAT'S CORRECT.

6 THE COURT: WELL, YOU THINK YOU'RE --

7 MR. STOLAR: HIS RELATIONSHIP WITH BERNARDO LONDONIO,
8 FOR EXAMPLE: WHAT HAS THAT GOT TO DO WITH THE ISSUES ON TRIAL
9 HERE?

10 THE FACT THAT HE OWNS -- THAT HE SAID IN HIS STATEMENT
11 THAT HE HAS SOME RANCHES OF SO MANY ACRES: WHAT HAS THAT GOT
12 TO DO WITH THE ISSUES ON TRIAL HERE?

13 THE STATEMENT IS A STATEMENT THAT IS SUPPOSED -- OR
14 THE TRIAL IS ABOUT CAMARENA. THERE ARE -- THIS STATEMENT IS
15 SPECIFIC ABOUT CERTAIN THINGS ABOUT CAMARENA.

16 OTHER THINGS, SUCH AS WHO THE OTHER MEMBERS OF HIS
17 FAMILY ARE, THAT HE HAD SOME RANCHES AND EXPENSES BECAUSE HE
18 WAS LOCATED IN AREAS WHERE THERE WAS INTENSE GUERRILLA
19 ACTIVITY, AND HE HAS NO PROBLEMS WITH IT, THE SUBVERSIVE
20 ORGANIZATIONS IN HONDURAS, WHERE HE IS A CITIZEN: WHAT HAS
21 THAT GOT TO DO WITH ANYTHING THAT'S INVOLVED IN THIS TRIAL?

22 THAT'S WHY.

23 THE COURT: ALL RIGHT. I READ THE STATEMENT. NOW,
24 WHY IS IT RELEVANT?

25 MR. MEDRANO: FIRST OF ALL, YOUR HONOR, LET ME STATE

1 THAT THERE ARE CERTAIN MATTERS THAT THE GOVERNMENT HAS CHOSEN
2 UNILATERALLY NOT TO ADMIT. I'VE ADVISED MR. STOLAR WHAT THOSE
3 STATEMENTS ARE. AND IF IT'S OKAY WITH YOU, YOUR HONOR, WE'LL
4 JUST AVOID A COUPLE OF MATTERS THAT BOTH OF US AGREE ON.

5 THE COURT: WELL, WHAT YOU AGREE ON IS FINE WITH ME.

6 MR. MEDRANO: VERY WELL, YOUR HONOR. NOW LET ME
7 ADDRESS WHAT MR. STOLAR IS OBJECTING TO.

8 MANY OF THESE STATEMENTS ARE FALSE EXCULPATORY
9 STATEMENTS; FOR EXAMPLE, WHERE MATTA GOES ON TO DESCRIBE HOW
10 WEALTHY HE IS AND STATES THAT HIS WEALTH IS FROM LEGITIMATE
11 SOURCES.

12 WELL, YOUR HONOR, THAT'S A FALSE STATEMENT, AND THAT'S
13 CONTRADICTED BY THE TESTIMONY THAT WE HAVE PRESENTED, AND
14 INDEED WILL CONTINUE TO PRESENT, HOW HE MADE HIS MONEY FROM
15 NARCOTICS TRAFFICKING.

16 SO THAT'S DIRECTLY RELEVANT, YOUR HONOR; PLUS IT'S A
17 FALSE EXCULPATORY STATEMENT, ALONG WITH OTHERS THAT HE MADE.
18 FOR EXAMPLE --

19 THE COURT: (TO MR. STOLAR:) CALM DOWN THERE. CALM
20 DOWN.

21 MR. MEDRANO: IT'S ONE OF A SERIES OF FALSE
22 STATEMENTS, YOUR HONOR, BESIDES THAT HIS MONEY IS LEGITIMATE.
23 THAT'S A LIE.

24 HE ALSO SAYS THAT HIS REAL NAME IS LOPEZ, WHEN THAT'S
25 NOT TRUE. SO IT'S A FALSE STATEMENT.

1 SO ALL THAT IS DIRECTLY RELEVANT, YOUR HONOR, BECAUSE
2 IT GOES TO SHOW WHAT HE STATES TO AN AGENT, WHERE HIS MONEY
3 COMES FROM, HE SAYS IT'S LEGITIMATE, AND YET THAT'S DIRECTLY
4 CONTRADICTED BY THE TRUTH, YOUR HONOR.

5 MR. STOLAR: BUT HE'S NOT ON TRIAL IN THIS CASE FOR
6 WHERE HIS MONEY CAME FROM. THAT'S NOT THE NATURE OF THE TRIAL.
7 THAT'S THE TRIAL DOWN THE HALL. THAT'S A FALSE EXCULPATORY
8 STATEMENT IF HE'S CHARGED WITH THE COMMISSION OF THE OFFENSE OF
9 DEALING IN NARCOTICS.

10 HERE, THE GOVERNMENT'S POSITION IS: IT'S A FALSE
11 EXCULPATORY STATEMENTS WHEN HE SAYS, "I DON'T KNOW, AND I HAVE
12 NO INVOLVEMENT IN CAMARENA."

13 THAT'S THE ISSUE THAT WE'RE ON TRIAL FOR HERE. THE
14 CASE --

15 THE COURT: A FALSE EXCULPATORY STATEMENT IS WHERE A
16 PERSON'S ACCUSED -- ARRESTED FOR A SPECIFIC CRIME.

17 AT THE TIME THIS STATEMENT WAS MADE, HAD MR. MATTA
18 BEEN ARRESTED FOR THE CRIMES WHICH HE'S CHARGED WITH HERE?

19 MR. STOLAR: NO, SIR.

20 THE COURT: HADN'T EVEN BEEN INDICTED.

21 MR. STOLAR: THAT'S CORRECT.

22 MR. MEDRANO: BUT THAT MISSTATES, YOUR HONOR.

23 PERHAPS I MISSPOKE. LET ME CLARIFY, THEN, YOUR HONOR.

24 IT'S A FALSE STATEMENT BY THE DEFENDANT AT THE TIME.
25 IT GOES TO HIS STATE OF MIND, IN THAT HE'S NOT BEING TRUTHFUL,

1 POST MIRANDA ADVISEMENT OF HIS RIGHTS, SO THAT WHEN HE LIES AND
2 WHEN HE SAYS HIS NAME LOPEZ, THAT'S A LIE. WE SHOULD BE ABLE
3 TO ADMIT THAT.

4 WHEN HE LIES AND SAYS THAT --

5 THE COURT: ALL RIGHT. THAT'S ENOUGH ARGUMENT. I
6 WILL TELL YOU, I WILL RULE ON THIS BEFORE OUR NEXT SESSION.

7 MR. MEDRANO: THANK YOU VERY MUCH, YOUR HONOR.

8 THE CLERK: PLEASE RISE. THIS COURT IS NOW IN RECESS.

9 (BRIEF RECESS.)

10 (JURY PRESENT:)

11 THE COURT: YOU MAY CONTINUE

12 MR. STOLAR: ALL RIGHT. LET'S MOVE ON FROM THE TWO
13 KILOGRAMS THAT YOU GOT -- OH, THE TRANSLATOR.

14 MS. KOHN IS NOT HERE AT THE MOMENT, JUDGE, TO
15 TRANSLATE MR. MATTA.

16 (INTERPRETER SUMMONED TO COURTROOM.)

17 THE COURT: EVERYBODY HERE?

18 MR. STOLAR: YES, SIR.

19 THE COURT: ALL RIGHT. YOU MAY PROCEED.

20 CROSS-EXAMINATION + (RESUMED)

21 BY MR. STOLAR:

22 Q HOW LONG AFTER YOU RECEIVED THE TWO KILOGRAMS DID IT TAKE
23 FOR YOU TO TRY TO FIND SOMEBODY TO BUY THEM FROM YOU?

24 A I DIDN'T HEAR THE QUESTION WELL ENOUGH.

25 Q YOU RECEIVED THE TWO KILOGRAMS IN OCTOBER, SOMETIME, IN

1 1982. YOU THEN HAD TO GO OUT AND FIND A BUYER, SOMEBODY TO BUY
2 THEM FROM YOU; IS THAT RIGHT?

3 A RIGHT.

4 Q HOW DID YOU GO ABOUT DOING THAT?

5 A CALLED HIM, FELIX GALLARDO, AND I TOLD HIM THAT I DIDN'T
6 KNOW ANYBODY THAT WOULD BUY THEM.

7 Q AND WHAT DID HE TELL YOU?

8 A HE SAID HE WAS GOING TO REFER ME TO SOMEBODY.

9 Q WHEN WAS THIS CONVERSATION?

10 A SOMEWHERE THEREAFTER.

11 Q HOW LONG AFTER?

12 A I'D SAY TWO OR THREE WEEKS.

13 Q WHERE DID YOU KEEP THE COCAINE FOR THAT PERIOD OF TIME?

14 A I KEPT IT IN MY POSSESSION.

15 Q DID YOU USE ANY OF IT YOURSELF?

16 A NO, SIR.

17 Q AND HOW DID HE REFER SOMEBODY TO YOU? HOW DID IT COME
18 ABOUT THAT HE HAD TO TELL YOU TO CALL MIKE?

19 A HE GAVE ME A PHONE NUMBER TO CALL THIS PERSON, AND I DID.

20 Q WHAT DID YOU SAY TO THIS PERSON?

21 A THAT I NEEDED TO TALK TO HIM.

22 Q AND DID THE PERSON AGREE TO SPEAK TO YOU?

23 A YES.

24 Q WHERE DID YOU MEET?

25 A A PARKING LOT SOMEPLACE AROUND THE AREA WHERE I LIVED.

1 Q WHAT DID YOU SAY TO HIM?
2 A HE KNEW ABOUT IT ALREADY.
3 Q AND DID YOU SET A PRICE?
4 A I THINK I DID.
5 Q HOW MUCH?
6 A 55, I THINK.
7 Q \$55,000.00 PER KILO?
8 A YES.
9 Q AND THEN YOU GAVE IT TO HIM?
10 A SHORTLY THEREAFTER, YES.
11 Q HOW SHORTLY THEREAFTER?
12 A THE SAME DAY, AGAIN.
13 Q BECAUSE YOU DIDN'T BRING IT TO THE PARKING LOT WITH YOU; IS
14 THAT RIGHT?
15 A RIGHT.
16 Q DID YOU DELIVER THEM TO HIS HOUSE OR TO SOME OTHER PLACE?
17 A NO. I DELIVERED IT IN A PARKING LOT.
18 Q AND HE DIDN'T PAY YOU FOR THEM?
19 A NO.
20 Q HE PROMISED TO PAY YOU FOR THEM?
21 A YES.
22 Q YOU SET UP ARRANGEMENTS FOR HOW LONG IT WOULD BE?
23 A HE TOLD ME IT WOULDN'T TAKE VERY LONG.
24 Q WHAT WAS THE NEXT CONTACT YOU HAD WITH HIM?
25 A I DON'T REMEMBER WHEN WAS THE LAST TIME, BUT IT WAS ONE

1 MORE TIME AFTER I DELIVERED THOSE TWO KILOS.

2 Q YOU HAD ONE MORE CONTACT WITH HIM AFTER THAT?

3 A RIGHT.

4 Q AND WHAT WAS THE SUBSTANCE OF THAT CONTACT?

5 A TO GET PAID.

6 Q AND WHAT DID HE SAY?

7 A HE WASN'T LIKING IT.

8 THE COURT: COUNSEL, YOU APPEAR TO BE STRAYING A BIT
9 HERE.

10 BY MR. STOLAR:

11 Q WELL, THE PERSON NEVER PAID YOU FOR THE KILOGRAM THAT YOU
12 GAVE HIM; IS THAT RIGHT?

13 A THAT'S CORRECT.

14 Q DID YOU TELL THAT TO FELIX?

15 A YES.

16 Q DID YOU ATTEMPT TO CALL THE MAN YOURSELF? YOU HAD HIS
17 PHONE NUMBER?

18 A I NEVER PHONED HIM AGAIN.

19 Q HE NEVER ANSWERED THE TELEPHONE AGAIN?

20 A SOMEBODY THERE DID, BUT NOBODY SEEMED TO KNOW THIS GUY.

21 Q DID FELIX, MIGUEL FELIX, SAY THAT HE WAS GOING TO TRY TO
22 TAKE CARE OF IT? AFTER ALL, HE REFERRED YOU TO HIM.

23 A BUT HE DIDN'T.

24 Q SO HE WAS ANGRY WITH YOU, HE WASN'T ANGRY WITH MIKE, WHEN
25 YOU WENT BACK AND TOLD HIM; IS THAT RIGHT?

1 A THAT'S RIGHT.

2 Q HOW MUCH DID IT TAKE OFF THE AMOUNT OF MONEY THAT HE OWED,
3 THAT MIGUEL FELIX OWED, FOR THE TWO KILOGRAMS? HOW MUCH WAS
4 TAKEN OFF FOR THAT?

5 A ACCORDING TO HIM, HE DIDN'T OWE ME ANYTHING.

6 Q WELL, WASN'T IT -- YOU SAID IT WAS SOMETHING LIKE
7 \$200,000.00 OR \$300,000.00 FOR THE PROPERTY?

8 A THAT WAS ANOTHER DEAL.

9 Q I SEE. THEN THE NEXT TIME, YOU GOT FOUR KILOGRAMS; IS THAT
10 RIGHT?

11 A THAT'S RIGHT.

12 Q WHEN WAS THAT?

13 A IT WAS AROUND OCTOBER.

14 Q OCTOBER OF WHAT YEAR?

15 A 82.

16 Q DIDN'T YOU JUST TELL US YOU GOT THE TWO KILOGRAMS IN
17 OCTOBER OF 82?

18 A I SAID "AROUND."

19 Q WHEN DID YOU GET THE TWO KILOGRAMS?

20 A AROUND OCTOBER.

21 Q AROUND OCTOBER?

22 A I DON'T KNOW; MAYBE THE END OF SEPTEMBER.

23 Q AND YOUR RECOLLECTION IS THAT YOU GOT THE FOUR KILOGRAMS
24 ABOUT WHAT: ABOUT A MONTH AFTER YOU GOT THE TWO?

25 A YEAH.

1 Q AND HOW WERE THOSE DELIVERED TO YOU?

2 A I PICKED THEM UP IN A HOTEL.

3 Q WHERE?

4 A SOMEWHERE IN NORTH LONG BEACH.

5 Q DO YOU REMEMBER THE NAME OF THE HOTEL?

6 A NO, I DON'T.

7 Q DO YOU REMEMBER WHO GAVE IT TO YOU?

8 A A MAN A I MET THERE. HIS NAME WAS CHICO FUENTES.

9 Q CHICO FUENTES?

10 A YES.

11 Q HOW DID YOU ESTABLISH CONTACT WITH HIM?

12 A I WAS TOLD TO CALL THIS TELEPHONE NUMBER AND THIS ROOM
13 NUMBER, AND I DID, AND I TOLD HIM WHO I WAS.

14 Q AND HE TOLD YOU TO COME ON OVER?

15 A THAT'S WHAT HE SAID.

16 Q ALL RIGHT. AND WHAT DID YOU DO WITH THE FOUR KILOGRAMS
17 AFTER YOU GOT TO THE HOTEL ROOM?

18 A I TOOK THEM WITH ME.

19 Q WHERE DID YOU TAKE THEM?

20 A WHERE DID I TAKE THEM?

21 Q FROM THE HOTEL, WHERE DID YOU TAKE THEM?

22 A TO MY HOUSE.

23 Q AND YOU KEPT THEM IN YOUR HOUSE?

24 A NO.

25 Q WHERE DID YOU KEEP THEM?

1 A I KEPT THEM IN MY CAR.

2 Q IN YOUR CAR. NOW, COULD YOU DESCRIBE FOR US THE EFFORTS
3 THAT YOU MADE TO SELL THOSE FOUR KILOGRAMS?

4 A WHAT DO YOU MEAN?

5 Q DID YOU MAKE EFFORTS TO SELL THOSE FOUR KILOGRAMS?

6 A YES, I DID.

7 Q COULD YOU DESCRIBE THAT EFFORTS THAT YOU MADE?

8 A YES.

9 Q PLEASE DO SO.

10 A SINCE I DIDN'T KNOW ANYBODY IN THE BUSINESS, I JUST WENT TO
11 THE PEOPLE I TRUSTED THE MOST, WHICH WAS MY RELATIVES, JUAN --

12 Q WERE YOU ABLE TO SELL ANY TO YOUR RELATIVES?

13 A NOT TO MY RELATIVES, BUT THEY HELPED ME SELL IT TO OTHER
14 PEOPLE.

15 Q HOW MANY OTHER PEOPLE DID YOU SELL IT TO?

16 A WHAT DO YOU MEAN?

17 Q HOW MANY PEOPLE DID YOU SELL THE COCAINE TO? HOW MANY
18 DIFFERENT PEOPLE?

19 YOU SOLD SOME OF IT, DIDN'T YOU?

20 A YES, I DID.

21 Q HOW MANY PEOPLE DID YOU SELL SOME OF IT TO?

22 A MY ONLY CONTACT WAS WITH MY RELATIVES.

23 Q SO YOU WOULD GIVE IT TO YOUR RELATIVES AND THEY WOULD GIVE
24 IT TO SOMEBODY.

25 A YES.

1 Q HOW DID YOU GIVE IT TO YOUR RELATIVES? HOW DID YOU KNOW
2 WHAT QUANTITY WAS NEEDED, OR DID YOU SELL IT IN KILOGRAM
3 AMOUNTS?

4 A THE PACKAGES WERE WRAPPED IN HALF KILOGRAMS.

5 Q RIGHT.

6 A AND I HANDED THEM TO THEM LIKE THAT.

7 Q A HALF A KILOGRAM YOU GAVE TO ONE OF YOUR RELATIVES?

8 A YEAH.

9 Q AND DID YOU RECEIVE MONEY WHEN THE STUFF WAS SOLD?

10 A PART. (NODS HEAD UP AND DOWN.)

11 Q PART PAYMENT?

12 A YEAH. PART OF THE PAYMENT, IT WAS -- I RECEIVED IT, YES.

13 Q HOW MUCH MONEY DID YOU MAKE FROM SELLING THE PART OF THE
14 FOUR KILOGRAMS?

15 A EACH HALF KILOGRAM, MAYBE 3,000, \$4,000.00.

16 Q 3- OR 4,000 FOR HALF A KILOGRAM?

17 A YEAH.

18 Q EVEN THOUGH YOU WERE TRYING SELL THE WHOLE KILOGRAM FOR
19 55,000?

20 A YES.

21 Q COULD YOU EXPLAIN THE DISCREPANCY?

22 A THE DISCREPANCY?

23 Q WELL, IF YOU'RE SELLING A HALF AND YOU'RE MAKING \$3,000.00
24 ON HALF A KILOGRAM, THAT WOULD MEAN YOU'D MAKE \$6,000.00 ON A
25 WHOLE KILOGRAM. YET, THE FIRST TIME YOU WERE SELLING TO IT

1 MIKE FOR 55,000 A KILOGRAM.

2 A YES.

3 Q WHY WAS THERE SUCH A MAJOR DISCOUNT?

4 A BECAUSE I HAD TO PAY FOR IT, TOO.

5 Q PAY FOR WHAT?

6 A FOR THE KILOS.

7 Q OH. THESE WEREN'T GIVEN TO YOU TO REDUCE A DEBT?

8 A NO.

9 Q I SEE. SO MIGUEL FELIX GAVE THEM TO YOU AND CHARGED YOU
10 FOR THEM, IN ESSENCE?

11 A YES, SIR.

12 Q HOW MUCH DID HE CHARGE YOU?

13 A I THINK IT WAS 50,000.

14 Q 50,000?

15 A (NODS HEAD UP AND DOWN.)

16 Q HE CHARGED YOU 50. SO AT THE TIME HE GAVE YOU THE FOUR
17 KILOGRAMS, YOU OWED HIM \$200,000.00?

18 A CORRECT.

19 Q AND HOW MUCH OF IT DID YOU SELL?

20 A I GOT TO SELL TWO KILOS; AND I GOT RIPPED OFF BY ONE WHOLE
21 KILO; AND THE OTHER ONE, I RETURNED IT.

22 Q DID YOU GET A CREDIT AGAINST YOUR DEBT FOR THE ONE YOU
23 RETURNED?

24 A YES.

25 Q WHEN DID YOU RETURN IT?

1 A TWO, THREE MONTHS AFTER I RECEIVED THEM. TWO MONTHS, I
2 THINK.

3 Q TO WHOM DID YOU RETURN THEM?

4 A TO A MAN THAT CAME AND PICKED UP SOME OTHER COCAINE.

5 Q WHAT OTHER COCAINE?

6 A BY NOW I'M --

7 Q NOW, YOU'RE IN BUSINESS?

8 A I'M DOING OTHER THINGS.

9 Q UNLOADING FUEL TANKS?

10 A YES.

11 Q STORING THE COCAINE. (PAUSE.) STORING IT?

12 A YES.

13 Q YOU SAID THE FIRST TIME THAT HAPPENED, A WOMAN NICKNAMED LA
14 TIA, L A, T I A, MET YOU; RIGHT? SHE WAS SENT BY FELIX AND
15 SHE GAVE YOU A CAR; IS THAT RIGHT?

16 A THAT'S RIGHT.

17 Q DO YOU REMEMBER WHEN THAT WAS?

18 A NO.

19 Q WHAT YEAR?

20 A YES.

21 Q WHAT YEAR WAS IT?

22 A I'M NOT EXACTLY SURE IF IT WAS LATE 82 OR THE BEGINNING OF
23 83, BUT AROUND THAT TIME.

24 Q DID SHE COME TO YOUR HOUSE?

25 A NO.

1 Q WHERE DID YOU MEET HER?

2 A IN A HOTEL.

3 Q WHERE WAS THE HOTEL?

4 A THERE WERE MANY HOTELS. I DON'T KNOW WHICH ONE WAS THE
5 FIRST TIME.

6 Q WELL, THAT WAS A PRETTY SIGNIFICANT EVENT, WASN'T IT, THE
7 FIRST TIME?

8 A YES, IT WAS.

9 Q YOU'D NEVER SEEN THAT MUCH COCAINE IN YOUR LIFE, HAD YOU?

10 A CORRECT.

11 Q YOU'D NEVER SEEN COCAINE COME OUT OF A PHONY FUEL TANK, DID
12 YOU?

13 A THAT'S CORRECT.

14 Q YOU TOLD US ON YOUR DIRECT EXAMINATION THAT YOU TOOK THE
15 CAR TO A FRIEND'S HOUSE WHERE YOU PULLED THE FUEL TANK; IS THAT
16 RIGHT?

17 A THAT'S RIGHT.

18 Q WHAT WAS THE NAME OF THE FRIEND?

19 A HECTOR GONZALEZ.

20 Q WHERE DID HE LIVE?

21 A FIRST STREET, SAN PEDRO.

22 Q SAN PEDRO, CALIFORNIA. DO YOU KNOW THE ADDRESS?

23 A NO, I DON'T.

24 Q WHERE DID YOU KEEP THE COCAINE? YOU SAID THAT YOU TOOK IT
25 SOMEPLACE AFTER YOU UNLOADED IT. WHERE DID YOU KEEP IT?

1 A I KEPT IT RIGHT THERE.

2 Q AT YOUR FRIEND'S HOUSE?

3 A YES.

4 Q AND HOW DID THEY THEN GET DELIVERED TO OTHER PEOPLE? WHAT
5 WOULD HAPPEN?

6 A (NO AUDIBLE RESPONSE.)

7 Q OR DID YOU DELIVER IT TO SOMEBODY ELSE?

8 A YES, I DID DELIVER IT TO SOMEBODY ELSE.

9 Q TO WHOM DID YOU DELIVER IT?

10 A THERE WERE A LOT OF OTHER PEOPLE.

11 Q CAN YOU GIVE US THEIR NAMES?

12 A IF I KNEW THEM. SOME OF THEM, I DIDN'T.

13 Q WELL, GIVE US THE ONES YOU KNOW.

14 A WELL, THERE WAS A LADY THAT CAME AROUND. HER NAME WAS
15 VICKI. I DON'T KNOW WHAT ELSE -- WHAT OTHER NAME SHE HAD.

16 THERE WAS ALSO A GUY, HIS NAME WAS DOUGHERTY. THERE
17 WAS ANOTHER GUY; HIS NAME WAS BORDEN.

18 AND THEN THERE WAS THESE AMERICAN GUYS THAT I DON'T
19 KNOW THE NAMES, NEVER KNEW THEM, AND MANY OTHER PEOPLE.

20 Q HOW DID YOU KNOW WHO TO DELIVER IT TO?

21 A I WAS INSTRUCTED BY FELIX GALLARDO.

22 Q PERSONALLY?

23 A PERSONALLY.

24 Q DID YOU CALL HIM UP?

25 A HE WOULD CALL ME UP.

1 Q I SEE. AND WAS IT ALWAYS THAT YOU WOULD GIVE THE FULL LOAD
2 TO ONE PERSON?

3 A NO, SIR.

4 Q WHAT WERE THE CIRCUMSTANCES?

5 A WHAT CIRCUMSTANCES?

6 Q OF HOW YOU WOULD DISTRIBUTE THE 18 OR 20 KILOGRAMS THAT
7 CAME IN THE FALSE GAS TANK?

8 A I WAS INSTRUCTED TO DO IT ONE WAY OR ANOTHER.

9 Q I UNDERSTAND THAT. WAS THERE EVER -- WAS THERE A PATTERN?
10 DID YOU USUALLY GIVE THE WHOLE LOAD TO ONE PERSON OR GIVE
11 SO-AND-SO FIVE KILOGRAMS, GIVE SO-AND-SO THREE KILOGRAMS?

12 A YES, IT WAS.

13 Q IT WAS WHAT?

14 A IT WAS DIFFERENT WAYS. SOMETIMES I GAVE FIVE KILOGRAMS AT
15 ONCE TO THE SAME PERSON, FIVE TO SEVEN.

16 Q HOW OFTEN DID THESE LOADS COME?

17 A IT VARIED. AT TIMES IT WAS EVERY WEEK, THREE CARS A WEEK.

18 Q AND DID YOU ALWAYS GO TO YOUR FRIEND'S HOUSE TO UNLOAD IT
19 AND PULL THE TANK?

20 A NO.

21 Q WHAT OTHER PLACES DID YOU GO TO?

22 A OTHER FRIENDS.

23 Q CAN YOU GIVE ME THEIR NAMES, PLEASE?

24 A WELL, THERE WAS MIGUEL SAMAYOA.

25 Q WHERE DID HE LIVE?

1 A HE LIVED IN SAN PEDRO AT THE TIME. I DON'T KNOW THE
2 ADDRESS.

3 Q ANYBODY ELSE?

4 A MY OWN HOUSE NOW.

5 Q YOUR OWN HOUSE NOW?

6 A I MEAN, BY NOW --

7 Q "NOW" MEANING THE HOUSE THAT YOU USED TO LIVE IN BEFORE YOU
8 GOT INTO THE WITNESS PROGRAM?

9 A THAT'S EXACTLY CORRECT.

10 Q OKAY. WHERE ELSE? WHO ELSE?

11 A BASICALLY THOSE THREE HOUSES, SIR.

12 Q JUST THOSE THREE. AND CAN YOU REMEMBER ANY MORE OF THE
13 NAMES OF PEOPLE THAT YOU GAVE IT TO?

14 A THERE WAS ANOTHER NAME OF A GUY THAT -- NO, I DON'T
15 REMEMBER OTHER NAMES.

16 Q YOU DON'T. ALL RIGHT.

17 THEN YOU GOT INVOLVED IN THE DELIVERIES OF COCAINE BY
18 AN AIRPLANE; IS THAT RIGHT?

19 A THAT'S CORRECT.

20 Q YOU SAID IN 1984 YOU WENT TO MARICOPA; IS THAT RIGHT?

21 A YES.

22 Q WHEN IN 1984?

23 A AROUND FEBRUARY.

24 Q I'M SORRY?

25 A SOMEWHERE AROUND FEBRUARY OF 1984.

1 Q AND THAT'S WHERE YOU DISCUSSED DIRECTLY WITH FELIX WHAT YOU
2 WERE GOING TO DO TO ASSIST THE AIRPLANES COMING IN?

3 A I DON'T KNOW IF THAT'S THE TIME YOU'RE TALKING ABOUT. I
4 WENT TO HIS PLACE A FEW TIMES.

5 Q YEAH. WELL, WHEN IS THE FIRST TIME YOU DISCUSSED WITH
6 FELIX WHAT YOU WERE GOING TO DO WITH AIRPLANE LOADS OF COCAINE?

7 A I DON'T REMEMBER WHEN WAS THE FIRST TIME.

8 Q WHEN WAS THE FIRST LOAD THAT CAME IN THAT YOU WERE INVOLVED
9 WITH?

10 A AROUND FEBRUARY OF 1984.

11 Q WHERE DID THE PLANE LAND?

12 A RIGHT THERE IN MARICOPA.

13 Q AND YOU WERE THERE TO MEET IT?

14 A YES.

15 Q ANYBODY WITH YOU?

16 A YES.

17 Q WHO?

18 A A WHOLE BUNCH OF PEOPLE.

19 Q DO YOU REMEMBER THEIR NAMES?

20 A SOME OF THEM.

21 Q COULD YOU TELL US WHO THEY WERE?

22 A THERE WAS A GUY THAT THEY CALLED HIM CACHITA. I THINK HIS
23 NAME IS OSCAR.

24 THE COURT: SPEAK UP, PLEASE.

25 THE WITNESS: AND THIS GUY, HIS NAME WAS OSCAR, IN

1 ENGLISH. EVERYBODY CALLED HIM CACHITA.

2 THEN THERE WAS ANOTHER ONE THAT'S PACHI. I DON'T KNOW
3 HER NAME.

4 THERE WAS ANOTHER ONE. THEY CALLED HIM CHULETA.

5 THEN THERE WAS CHARLIE OLSEN.

6 Q CHARLIE BEING SOMEBODY WHO WE'VE TALKED ABOUT BEFORE; IS
7 THAT RIGHT? CARLOS?

8 A YES.

9 Q IS THAT CARLOS HOYOS?

10 A I DON'T KNOW THAT IT WAS CARLOS HOYOS.

11 Q VALDIVIR (PHONETIC)?

12 A YES.

13 Q BY THE WAY, ANY OF THESE PEOPLE WHICH YOU'VE DISCUSSED AND
14 GIVEN FIRST NAMES FOR -- YOU SAY YOU'RE ON A FIRST NAME
15 BASIS -- HAVE YOU SUBSEQUENTLY LEARNED ALL OF THEIR TRUE NAMES,
16 OF SOME OF THESE PEOPLE, BY LOOKING AT PICTURES?

17 A EXCUSE ME?

18 Q HAVE YOU SUBSEQUENTLY LEARNED THE TRUE NAMES OR THE FULL
19 NAMES OF SOME OF THE PEOPLE WE'VE TALKED ABOUT THIS MORNING BY
20 LOOKING AT PICTURES THAT THE D.E.A. HAS SHOWN YOU?

21 A ON OCCASIONS.

22 Q ALL RIGHT. OF THE PEOPLE YOU'VE JUST TOLD US WHO MET THE
23 FIRST LOAD -- RIGHT? -- DID YOU LEARN THE LAST NAMES OF ANY OF
24 THOSE PEOPLE OR THEIR TRUE NAMES?

25 A NO.

1 Q NONE OF THEM?

2 A I DON'T REMEMBER I DID.

3 Q I'M SORRY?

4 A I DON'T REMEMBER I DID LEARN THEIR LAST NAMES.

5 Q YOU DON'T REMEMBER "IF" YOU DID LEARN?

6 A IF I DID, YES.

7 Q OKAY. NOW, YOU TOOK THESE -- WHEN THE FIRST LOAD CAME IN,

8 IT WAS WHAT: SOMETHING LIKE 600 KILOGRAMS?

9 A RIGHT.

10 Q AND WHAT DID YOU DO WITH IT WHEN IT CAME IN?

11 A I TRANSPORTED THIS LOAD TO A HOUSE.

12 Q WHAT HOUSE?

13 A A HOUSE IN ELSINORE, LAKE ELSINORE.

14 Q WHOSE HOUSE WAS IT?

15 A WE HAD IT RENTED.

16 Q WHO'S "WE"?

17 A ME AND HECTOR.

18 Q HECTOR WHO?

19 A GONZALEZ.

20 Q UNDER WHAT NAME DID YOU RENT IT?

21 A (PAUSE.) I'M NOT REALLY SURE ABOUT THAT.

22 Q CAN YOU TELL US WHEN YOU RENTED IT?

23 A AROUND JANUARY.

24 Q JANUARY OF WHAT YEAR?

25 A OF 84.

1 Q DID YOU HAVE A TELEPHONE INSTALLED?

2 A YES.

3 Q CAN YOU TELL US WHAT NAME YOU USED TO HAVE THE TELEPHONE
4 INSTALLED?

5 A NO, I CAN'T.

6 Q DID YOU TAKE CARE OF THOSE DETAILS?

7 A NO, SIR.

8 Q WHO DID?

9 A THE PERSON WE RENTED THE HOUSE FOR AND THE PERSON WHO
10 RENTED THE HOUSE.

11 Q THE PERSON YOU RENTED THE HOUSE FOR?

12 A YES.

13 Q WHO WAS THAT?

14 A LEOPOLDO SANCHEZ DUARTE.

15 Q SO SOMEBODY ACTUALLY STAYED IN THE HOUSE?

16 A NO, SIR.

17 Q WELL, WHAT DO YOU MEAN YOU RENTED THE HOUSE "FOR THAT
18 PERSON"?

19 A I DID.

20 Q I DON'T UNDERSTAND WHAT YOU MEAN, "FOR THAT PERSON."

21 A BUT THEN, AFTER ALL, HE DIDN'T LIKE IT AND HE NEVER SPENT
22 ANY TIME IN IT.

23 Q SO THAT'S WHERE THE COCAINE GOT STORED, INSTEAD OF THE
24 PERSON?

25 A THAT'S CORRECT.

1 Q AT THE TIME THE HOUSE WAS RENTED, DID YOU RENT IT
2 SPECIFICALLY TO USE IT AS A PLACE TO STORE COCAINE?

3 A NO, SIR.

4 Q SO YOU JUST HAPPENED TO COME UPON A LUCKY BREAK THAT
5 SOMEBODY DIDN'T LIKE THE HOUSE?

6 A SORT OF, YES.

7 Q DO YOU REMEMBER THE ADDRESS OF THE HOUSE?

8 A NO.

9 Q HOW MANY TIMES WERE YOU THERE WITH THIS 600 KILOGRAMS?

10 A WITH THE 600 KILOS?

11 Q YOU WERE THERE ONCE WITH 600 KILOGRAMS FOR SURE; RIGHT?

12 A YES.

13 Q HOW MANY TIMES AFTER, THAT YOU DROPPED IT OFF AT THE HOUSE,
14 DID YOU GO BACK?

15 A MANY TIMES.

16 Q YOU DON'T REMEMBER THE ADDRESS?

17 A NO.

18 Q YOU REMEMBER THE STREET?

19 A I REMEMBER THE STREET. I DON'T REMEMBER THE NAME.

20 Q SORRY?

21 A I REMEMBER THE STREET. I DON'T REMEMBER THE NAME.

22 Q OKAY. DO YOU REMEMBER WHAT TYPE OF HOUSE IT WAS?

23 A A REGULAR OLD HOUSE. IT WAS A BUNKER.

24 Q DID ANYBODY STAY IN THE HOUSE WITH THE COCAINE?

25 A YES.

1 Q WHO?

2 A THERE WERE TWO PEOPLE.

3 Q WHO WERE THEY?

4 A THE FIRST PEOPLE WAS HECTOR GONZALEZ, AND THE SECOND PEOPLE
5 I DON'T KNOW ABOUT. I NEVER LEARNED HIS NAME. HE WAS A
6 COLOMBIAN NATIONAL.

7 Q WHAT HAPPENED WITH THAT 600 KILOGRAMS OF COCAINE?

8 A IT WAS DISTRIBUTED.

9 Q HOW?

10 A I DON'T KNOW, SIR.

11 Q WELL, WHAT IS YOUR KNOWLEDGE OF WHERE THE 600 KILOGRAMS
12 WENT? I MEAN, YOU JUST DROPPED IT THERE? DID YOU EVER GO BACK
13 AND SEE IT AGAIN OR WHAT?

14 A NEVER SAW THEM AGAIN.

15 Q NEVER SAW THE COCAINE AGAIN?

16 A NO.

17 Q SOMEBODY CAME TO PICK IT UP?

18 A YES.

19 Q SO WHEN YOU WENT BACK TO THIS HOUSE ON MANY OCCASIONS, THE
20 COCAINE WAS GONE?

21 A THE COCAINE WAS GONE, YES.

22 Q WHO PICKED IT UP?

23 A CHARLIE.

24 Q CHARLIE. CHARLIE, WHOSE FULL NAME IS?

25 A CARLOS HERNANDEZ.

1 Q CARLOS HERNANDEZ.

2 THE SECOND LOAD OF COCAINE THAT CAME IN, NOW, WHEN WAS
3 THAT?

4 A ABOUT TWO WEEKS AFTER THE FIRST ONE, OR THREE WEEKS,
5 SOMETHING LIKE THAT.

6 Q THAT WOULD PUT IT INTO WHAT: MARCH, MAYBE, OF 84?

7 A CORRECT.

8 Q AND DID YOU HAVE THE SAME GROUND CREW HELPING YOU UNLOAD
9 THE PLANE?

10 A ALMOST. ALMOST THE SAME, SIR; YES.

11 Q WHO WAS DIFFERENT?

12 A (PAUSE.) I DON'T REMEMBER WHO WAS DIFFERENT. I DON'T EVEN
13 REMEMBER IF THERE WAS ANY DIFFERENCE.

14 Q NOW, WHERE WAS THE SECOND LOAD TAKEN TO?

15 A THE SECOND LOAD WAS TAKEN TO A PLACE IN SANTA MONICA.

16 Q CAN YOU TELL US THE ADDRESS?

17 A NO.

18 Q WAS IT SOMEBODY'S HOUSE?

19 A YES.

20 Q CHARLIE'S BROTHER'S HOUSE, MAYBE?

21 A YES.

22 Q DIEGO; IS THAT RIGHT?

23 A YES.

24 Q WHAT'S DIEGO'S LAST NAME?

25 A I DIDN'T KNOW IT.

1 Q DID YOU EVER LEARN IT?

2 A I DON'T KNOW IT.

3 Q DID YOU EVER LEARN IT?

4 A NO.

5 Q YOU NEVER SAW THE PICTURE, OF ALL THE PICTURES -- D.E.A.
6 SHOWED YOU PICTURES OF VARIOUS PEOPLE; RIGHT?

7 A WITHOUT NAMES.

8 Q YES. AND DID YOU EVER IDENTIFY DIEGO?

9 A YES.

10 Q DID YOU THEN LEARN HIS NAME?

11 A NO.

12 Q THEY DIDN'T TELL YOU?

13 A NO.

14 Q HOW LONG AFTER THE SECOND LOAD DID YOU GO TO DISCUSS WITH
15 FELIX, TO TALK WITH HIM IN GUADALAJARA?

16 A I THINK IT WAS ABOUT THE SAME WEEK.

17 Q THAT WOULD BE FEBRUARY, MARCH?

18 A MARCH.

19 Q MARCH. HOW DID YOU GET TO GUADALAJARA?

20 A FLEW THERE.

21 Q WHAT AIRLINE?

22 A EXCUSE ME?

23 Q WHAT AIRLINE?

24 A I DON'T KNOW THE AIRLINE.

25 Q OKAY. AND YOU SAY YOU MET WITH FELIX THERE IN AN ORDINARY

1 HOUSE; IS THAT RIGHT?

2 A ON OCCASIONS.

3 Q NO. AFTER THE SECOND LOAD -- RIGHT? -- YOU INDICATED -- I
4 WITHDRAW THE QUESTION.

5 YOU INDICATED, I BELIEVE, THAT WAS THE FIRST TIME YOU
6 MET DON JOSE, WHEN YOU WENT DOWN THERE WITH THE SECOND LOAD?

7 A YES.

8 Q THAT WAS AN ORDINARY HOUSE, WAS YOUR DIRECT TESTIMONY?

9 A YES.

10 Q AND THIS IS IN MARCH OF 1984; IS THAT CORRECT?

11 A YES.

12 Q THE MOTOR HOME THAT YOU USED TO TRANSPORT THE MONEY THAT
13 YOU TOOK OVER THE NEXT SEVERAL MONTHS, WHOSE NAME WAS THAT
14 REGISTERED IN?

15 A WHEN?

16 Q DID IT CHANGE?

17 A YES, IT DID.

18 Q OKAY. WHEN YOU FIRST USED THE MOTOR HOME, WHOSE NAME WAS
19 IT REGISTERED IN?

20 A I DON'T REMEMBER.

21 Q YOU DROVE IT, DIDN'T YOU?

22 A YES.

23 Q HOW MANY TIMES DID YOU DRIVE IT, THAT MOTOR HOME?

24 A MANY TIMES.

25 Q AND YOU NEVER LOOKED AT THE REGISTRATION?

1 A YES, I DID.

2 Q AND YOU DON'T REMEMBER THE NAME ON THE REGISTRATION?

3 A NO, I DON'T.

4 Q AND YOU SAY THE REGISTRATION NAME CHANGED AT SOME POINT; IS
5 THAT RIGHT?

6 A YES.

7 Q WHAT NAME DID IT CHANGE INTO?

8 A I THINK IT CHANGED TO A FICTITIOUS NAME.

9 Q WHAT WAS THE NAME?

10 A JOSE ACOSTA, I THINK IT WAS.

11 Q AND WHO CAUSED THAT CHANGE OF NAME TO TAKE PLACE?

12 A ME.

13 Q ON SOMEBODY'S INSTRUCTIONS?

14 A YES.

15 Q HOW DID YOU ACCOMPLISH THAT? DID YOU SELL THE CAR
16 YOURSELF?

17 THAT WAS TWO QUESTIONS. WITHDRAWN.

18 HOW WAS THAT ACCOMPLISHED?

19 A WENT TO D.M.V. AND DID THE PROCEDURE.

20 Q WELL, WAS THERE A CERTIFICATE OF TITLE WHERE YOU HAD TO
21 SIGN OVER THE REGISTRATION FROM THE OTHER NAME INTO THE
22 FICTITIOUS NAME?

23 A YES.

24 Q NOW, DO YOU REMEMBER THE FIRST NAME?

25 A I DON'T.

1 Q DO YOU REMEMBER THE LICENSE PLATE NUMBER?

2 A NO.

3 Q WERE YOU EVER STOPPED BY THE POLICE WHILE DRIVING THE MOTOR
4 HOME?

5 A NO.

6 Q DID YOU EVER GET ANY PARKING TICKETS WITH THE MOTOR HOME?

7 A (PAUSE.) AS FAR AS I KNOW, NO.

8 Q WHERE DID YOU KEEP THE MOTOR HOME WHEN YOU WERE IN THE LOS
9 ANGELES AREA?

10 A I DON'T REMEMBER.

11 Q DID YOU KEEP IT AT YOUR RESIDENCE?

12 A NO.

13 Q IN A GARAGE?

14 A WASN'T THERE.

15 Q PARKING LOT?

16 A THERE WAS A PARKING LOT. I DON'T REMEMBER WHICH PARKING
17 LOT.

18 Q ALWAYS THE SAME PARKING LOT?

19 A NO. VARIOUS.

20 Q WHEN YOU WOULD GET MONEY THAT YOU ULTIMATELY TRANSPORTED TO
21 GUADALAJARA, WHAT WOULD HAPPEN? HOW WOULD YOU GET THE MONEY, I
22 MEAN.

23 A CAN YOU ASK ME THE SAME THING AGAIN?

24 Q HOW WOULD YOU GET MONEY? WOULD PEOPLE DROP MONEY OFF TO
25 YOU?

1 A NO.

2 Q HOW DID IT COME INTO YOUR POSSESSION?

3 A I'D PICK IT UP.

4 Q ALL IN ONE LOAD, OR DID YOU GO TO VARIOUS PEOPLE TO PICK IT
5 UP?

6 A I'D GO TO VARIOUS PEOPLE.

7 Q ON WHOSE INSTRUCTIONS, IF ANYONE'S?

8 A FELIX GALLARDO.

9 Q HE WOULD TELL YOU WHO TO GO TO?

10 A NO.

11 Q HOW WOULD YOU KNOW THAT?

12 A I HAD A BEEPER AND HE CALLED ME ON THE BEEPER.

13 DEFENSE INTERPRETER: YOUR HONOR, I WASN'T ABLE TO
14 HEAR THAT LAST ANSWER.

15 THE COURT: REPEAT YOUR ANSWER.

16 MR. STOLAR: HE WOULD GET CALLED ON THE BEEPER.

17 Q YOU WOULD GET CALLED BY WHOM?

18 A BY ALL OF THESE PEOPLE.

19 Q SO THEY HAD YOUR BEEPER NUMBER, IN OTHER WORDS.

20 A YES.

21 Q AND YOU WOULD SEE THE NUMBER ON THE BEEPER AND CALL BACK;
22 IS THAT RIGHT?

23 A THAT'S RIGHT.

24 Q AND YOU WOULD INDICATE WHO YOU WERE AND ASK THEM WHAT
25 ADDRESS TO GO TO TO PICK UP THE MONEY?

1 A YES.

2 Q CAN YOU REMEMBER SOME OF THE ADDRESSES THAT YOU WENT TO TO
3 PICK UP MONEY?

4 A THERE'S ONE.

5 Q GO AHEAD.

6 A THERE WAS A HOUSE ON VIA CORDOVA IN SAN PEDRO. I DON'T
7 KNOW THE NUMBER.

8 Q YOU DON'T KNOW THE NUMBER?

9 A NO.

10 Q WHO WAS THE PERSON YOU PICKED UP FROM THERE?

11 A CHARLIE.

12 Q CARLOS. WERE THERE REGULAR PEOPLE YOU PICKED UP MONEY
13 FROM, SOME?

14 A YES.

15 Q WHO WERE THE REGULARS?

16 A JAVIER, CHARLIE, DIEGO, DON JESUS, TRINE QUINTERO.

17 THE REPORTER: "WHO" QUINTERO?

18 THE WITNESS: "TRINE," T R I N E.

19 AND JAIME.

20 THE COURT: WE'LL TAKE OUR AFTERNOON RECESS AND
21 RECONVENE AT 1:30. THE JURY CAN BE EXCUSED.

22 (JURY ABSENT:)

23 MR. STOLAR: JUDGE RAFFEDIE, BEFORE YOU --

24 THE CLERK: YOU MAY BE SEATED.

25 THE COURT: I WANT TO RULE ON THIS.

1 MR. STOLAR: BEFORE YOU RULE, I WOULD LIKE YOU TO KNOW
2 SOMETHING.

3 THE COURT: WHAT?

4 MR. STOLAR: BEFORE YOU RULE, I WOULD LIKE YOU TO KNOW
5 SOMETHING WHICH I THINK MAY BE SIGNIFICANT.

6 IT IS NOT OUR INTENTION TO HAVE MR. MATTA TESTIFY IN
7 THIS CASE. THEREFORE, PARTS OF THE STATEMENT, ANY PARTS OF THE
8 STATEMENT, WHICH COULD BE USED TO IMPEACH HIM -- AND THAT'S
9 WHAT THIS STATEMENT IS. IT'S IMPEACHING MATERIAL. THAT'S WHAT
10 IT CAN BE USED FOR.

11 HE'S NOT GOING TO TESTIFY IN THE CASE, SO FOR MR.
12 MEDRANO TO OFFER THE STATEMENT, IN WHOLE OR IN PART, NOW
13 BECOMES A QUESTION OF CHARACTER --

14 THE COURT: WELL, I THINK YOU SHOULD LISTEN TO THE
15 COURT'S RULING FIRST.

16 MR. STOLAR: ALL RIGHT.

17 THE COURT: PARAGRAPHS 2 AND 3 ARE NOT PERMISSIBLE.

18 PARAGRAPH 4, ONLY THE FIRST SENTENCE MAY BE USED. THE
19 REMAINDER SHOULD BE AVOIDED.

20 PARAGRAPH 5 MAY BE ADMITTED -- STRIKE THAT.

21 MR. MEDRANO: YOUR HONOR, I APOLOGIZE.

22 THE COURT: PARDON?

23 MR. MEDRANO: I APOLOGIZE, YOUR HONOR. COULD I ASK
24 YOU TO START OVER? I'M SORRY.

25 THE COURT: ALL RIGHT.

1 MR. MEDRANO: I WAS WITH YOU, AND THEN I MISHEARD
2 SOMETHING.

3 THE COURT: PARAGRAPHS 2 AND 3 SHOULD NOT BE
4 DISCUSSED.

5 PARAGRAPH 4, THE FIRST SENTENCE MAY BE DISCUSSED; THE
6 REMAINDER SHOULD NOT.

7 PARAGRAPH 5 MAY BE USED.

8 PARAGRAPH 6 IS NOT; PARAGRAPH 7, NOT.

9 PARAGRAPH 8 IS OKAY, ALSO.

10 THAT'S ALL WE'RE GOING TO SAY ABOUT IT.

11 MR. STOLAR: THE END OF PARAGRAPH 8 TALKS ABOUT A
12 WARRANT FOR MATTA'S ARREST IN SPAIN. I BELIEVE THE LAST
13 SENTENCE SHOULD BE OUT.

14 THE COURT: THAT SENTENCE SHOULD BE OUT.

15 ALL RIGHT, WE'LL ADJOURN TILL 1:30.

16 THE CLERK: PLEASE RISE. THIS COURT IS NOW IN RECESS.

17 (NOON RECESS.)

18 ---0---

19

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1 LOS ANGELES + CALIFORNIA, FRIDAY, MAY 18, 1990

2 + 1:30 P.M.

3 (JURY PRESENT:)

4
5 THE COURT: DO YOU HAVE ANY FURTHER QUESTIONS FOR THIS
6 WITNESS?

7 MR. STOLAR: YES, SIR.

8
9 FRANK RETAMOZA + PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

10
11 CROSS-EXAMINATION + (RESUMED)

12 BY MR. STOLAR:

13 Q MR. RETAMOZA, I BELIEVE WHEN WE BROKE WE WERE TALKING ABOUT
14 SOME OF THE REGULARS YOU PICKED MONEY UP FROM. DO YOU RECALL
15 ANY OF THE ADDRESSES OF THOSE PEOPLE?

16 A NO.

17 Q THESE ARE PEOPLE THAT YOU VISITED ON A REGULAR BASIS:
18 DIEGO, CHARLIE, DON JESUS, JAVIER, CUCHO; IS THAT RIGHT? YES?

19 A YES.

20 Q CAN YOU TELL ME ANY OF THEIR ADDRESSES?

21 A NO.

22 Q HOW MANY TIMES DID YOU PICK UP FROM DIEGO, WOULD YOU SAY?

23 A THERE WERE MANY TIMES.

24 Q WHAT AREA OF LOS ANGELES?

25 A SAN PEDRO.

1 Q HOW ABOUT CHARLIE?

2 A ALSO IN SAN PEDRO.

3 Q HOW ABOUT DON JESUS?

4 A IN ANAHEIM.

5 Q HOW ABOUT JAVIER?

6 A THAT WAS AN AREA IN SANTA MONICA. I DON'T KNOW THE NAME OF
7 IT.

8 Q CUCHO?

9 A HE WOULD COME TO ME IN THE AREA OF SAN PEDRO, ALSO.

10 Q HE WOULD COME TO YOU?

11 A (NODS HEAD UP AND DOWN.)

12 Q CAN YOU GIVE US AN ESTIMATE OF HOW MANY DIFFERENT PEOPLE
13 YOU PICKED UP FROM OTHER THAN THESE FIVE?

14 A THEY'D HAVE BEEN ANOTHER FIVE PEOPLE, MAYBE.

15 Q ANOTHER FIVE. WHEN YOU PICKED UP THE MONEY, YOU WOULD
16 BRING IT TO YOUR HOME?

17 A NOT ALWAYS.

18 Q WHAT ELSE WOULD YOU DO WITH IT?

19 A WHAT WAS THE OTHER QUESTION? THE ONE BEFORE THIS ONE?

20 Q "WHEN YOU PICKED UP THE MONEY, YOU WOULD BRING IT TO YOUR
21 HOME," QUESTION MARK.

22 A NO.

23 Q WHAT WOULD YOU DO WITH IT?

24 A I TOOK IT TO OTHER PLACES.

25 Q WHAT OTHER PLACES?

1 A TOOK IT TO FRIENDS' HOUSES.

2 Q WHAT FRIENDS?

3 A MIGUEL SAMAYOA WAS ONE OF THEM; HECTOR GONZALEZ; AND I
4 THINK THERE WAS ANOTHER ONE, ALFREDO. ALFREDO -- I FORGET HIS
5 LAST NAME.

6 Q SO SOMEBODY ELSE KEPT CUSTODY OF THE MONEY?

7 A YES.

8 Q AND THEN, AFTER -- HOW OFTEN WAS IT THAT YOU DROVE THE
9 MOTOR HOME DOWN TO GUADALAJARA?

10 A ALMOST EVERY WEEK.

11 Q ALMOST EVERY WEEK. SO DID YOU MAKE COLLECTIONS EVERY WEEK,
12 PICKUPS EVERY WEEK?

13 A SOMEBODY ELSE DID IT FOR ME.

14 Q WHO WAS THAT?

15 A THE SAME PEOPLE THAT YOU MENTIONED.

16 Q WHICH SAME PEOPLE?

17 A HECTOR GONZALEZ AND MIGUEL SAMAYOA.

18 Q THEY MADE PICKUPS FOR YOU AND TOOK IT TO THEIR HOUSE, OR
19 DID YOU MAKE THE PICKUPS?

20 A ON OCCASION, THEY MADE THEM.

21 Q AND TOOK IT TO THEIR HOUSES, AND ON OCCASIONS YOU MADE THEM
22 AND TOOK THEM TO THEIR HOUSES?

23 A CORRECT.

24 Q WAS THERE A METHOD ESTABLISHED FOR GIVING RECEIPTS TO THE
25 PEOPLE THAT EITHER YOU OR THEY PICKED IT UP FROM OR YOU DROPPED

1 IT OFF AT THEIR HOUSE AND GOT A RECEIPT?

2 A NO, SIR.

3 Q HOW DID YOU KEEP TRACK OF HOW MUCH MONEY YOU HAD?

4 A THEY WROTE DOWN THE AMOUNT AND THEY TURNED IT OVER TO ME.

5 Q DID THE PERSON WHO WROTE DOWN THE AMOUNT KEEP A COPY OR
6 RECORD FOR THEMSELVES, IN CASE THERE WERE QUESTIONS ASKED
7 LATER?

8 A I DON'T THINK SO.

9 Q THEN, HOW WOULD THE MONEY BE GATHERED UP AND PUT INTO THE
10 MOTOR HOME FOR THE TRIP? HOW DID YOU DO THAT?

11 A WE HAD A PLACE WHERE WE LOADED THE MOTOR HOME WITH THE
12 MONEY, AND EVERYONE WHO HAD THE MONEY BROUGHT IT OVER.

13 Q AN OUTDOOR PLACE?

14 A NO, SIR.

15 Q WHERE?

16 A IT WAS A WAREHOUSE.

17 Q WHERE WAS THE WAREHOUSE?

18 A LONG BEACH.

19 Q CAN YOU GIVE ME THE ADDRESS?

20 A I DON'T.

21 Q GIVE ME THE STREET.

22 A I DON'T REMEMBER THE STREET.

23 Q WHOSE WAREHOUSE WAS IT?

24 A I DON'T KNOW. WE RENTED IT.

25 Q WHO DID YOU RENT IT FROM?

1 A I DON'T REMEMBER.

2 Q UNDER WHAT NAME DID YOU RENT IT?

3 A I DON'T REMEMBER.

4 Q IS THERE ANY WAY TO CORROBORATE THAT WAREHOUSE?

5 MR. MEDRANO: OBJECTION. LACK OF KNOWLEDGE, YOUR
6 HONOR; LACK OF PERSONAL KNOWLEDGE.

7 THE COURT: THE OBJECTION IS SUSTAINED TO THE FORM OF
8 THE QUESTION.

9 BY MR. STOLAR:

10 Q ARE THERE ANY RECORDS AROUND ANYPLACE WITH RESPECT TO YOUR
11 RENTING OR USING THAT WAREHOUSE?

12 MR. MEDRANO: SAME OBJECTION, YOUR HONOR.

13 THE COURT: OVERRULED.

14 THE WITNESS: NOT TO MY KNOWLEDGE.

15 BY MR. STOLAR:

16 Q WOULD YOU COUNT THE MONEY BEFORE YOU LEFT IN THE MOTOR
17 HOME?

18 A ON OCCASIONS.

19 Q AND ON SOME OCCASIONS, YOU WOULD NOT COUNT THE MONEY?

20 A CORRECT.

21 Q WHEN YOU DELIVERED THE MONEY TO GUADALAJARA, WAS IT COUNTED
22 THERE?

23 A YES, SIR.

24 Q YOU SAID ONE TIME THERE WAS A SHORTAGE, THERE WAS
25 \$150,000.00 MISSING; IS THAT RIGHT?

1 A CORRECT.

2 Q DID YOU KNOW HOW MUCH MONEY YOU WERE TRANSPORTING ON THAT
3 TRIP?

4 A NO, SIR.

5 Q SO IT WAS SOMEBODY ELSE'S RESPONSIBILITY TO TELL
6 GUADALAJARA HOW MUCH MONEY HAD LEFT LOS ANGELES; IS THAT YOUR
7 UNDERSTANDING?

8 A YES, SIR.

9 Q WHO WAS THAT PERSON IN LOS ANGELES?

10 A CHARLIE AND DIEGO.

11 Q SO WAS CHARLIE THERE WHEN THE MOTOR HOME WAS PACKED UP?

12 A YES.

13 Q WHERE IN THE MOTOR HOME WOULD YOU PUT THE MONEY?

14 A AT THE TIME, I DIDN'T KNOW WHERE. AT THE TIME I
15 TRANSPORTED THIS MONEY YOU WERE REFERRING TO, I DID NOT KNOW
16 WHERE THE MONEY WAS STASHED IN THE MOTOR HOME.

17 Q SO YOU DIDN'T DO THE PACKING OF THE MONEY?

18 A NO, SIR.

19 Q OTHER PEOPLE DID; IS THAT RIGHT?

20 A YES.

21 Q YOU WERE MERELY THE DRIVER?

22 A CORRECT.

23 Q DID YOU ALSO DEPOSIT MONEY INTO A BANK ACCOUNT HERE IN LOS
24 ANGELES?

25 A NO.

1 Q DID YOU EVER DEPOSIT MONEY THAT YOU COLLECTED TO A BANK
2 ACCOUNT?

3 A NO.

4 Q HOW ABOUT WHEN YOU WERE WORKING IN 1987-88, DID YOU DEPOSIT
5 MONEY IN BANK ACCOUNTS THEN?

6 A NO.

7 Q ARE YOU SURE ABOUT THAT?

8 A YES, I'M SURE.

9 Q YOU SAID THAT YOU SAW SOME NIGHT VISION BINOCULARS IN
10 GUADALAJARA ONCE; IS THAT CORRECT?

11 A CORRECT.

12 Q WHEN WAS IT THAT YOU SAW THAT? DO YOU REMEMBER THE DATE?

13 A I DON'T REMEMBER THE DATE.

14 Q WAS IT 1984?

15 A YES, SIR.

16 Q CAN YOU GIVE US THE MONTH?

17 A NO.

18 Q YOU ALSO TESTIFIED THAT THERE WAS SOME EQUIPMENT THAT YOU
19 PURCHASED IN GUADALAJARA, FOR FELIX; IS THAT CORRECT?

20 A YES.

21 Q CAN YOU TELL US THE STORE THAT YOU BOUGHT IT FROM?

22 A WHAT EQUIPMENT ARE YOU REFERRING TO, SIR?

23 Q YOU SAID YOU BOUGHT SOME SURVEILLANCE AND RADIO EQUIPMENT?

24 A (NODS HEAD UP AND DOWN.)

25 Q WHAT STORE OR STORES?

- 1 A THERE WERE MANY DIFFERENT STORES.
- 2 Q CAN YOU TELL US ANY OF THEM?
- 3 A HAM RADIOS OUTLET IS ONE.
- 4 Q WHERE'S THAT LOCATED?
- 5 A THEY'RE ALL OVER THE PLACE.
- 6 Q WHICH ONE DID YOU GO TO?
- 7 A MOST OF THEM.
- 8 Q MOST OF THEM?
- 9 A YES.
- 10 Q ALL RIGHT. WHERE ELSE?
- 11 A THERE'S ANOTHER STORE, HENRY RADIOS.
- 12 Q HENRY RADIOS?
- 13 A (NODS HEAD UP AND DOWN.)
- 14 Q WHERE'S THAT LOCATED?
- 15 A THEY'RE ALL OVER THE PLACE, TOO.
- 16 Q DO YOU REMEMBER WHICH ONE YOU WENT TO?
- 17 A MOST OF THEM.
- 18 Q WHICH ONES DID YOU PURCHASE THINGS AT? WHICH ONES DID YOU
- 19 BUY THINGS AT?
- 20 A ALL OF THEM.
- 21 Q ANY OTHER STORES?
- 22 A NOT THAT I REMEMBER OFF -- RIGHT NOW.
- 23 Q YOU TESTIFIED AT ONE POINT THAT DIEGO APPROACHED YOU AND
- 24 TRIED TO HIRE YOU AWAY; IS THAT CORRECT?
- 25 A CORRECT.

1 Q WHEN WAS THAT, THAT DIEGO APPROACHED YOU?

2 A I DON'T KNOW THE DATE.

3 Q WELL, THAT'S WHEN THIS COMMENT IS SUPPOSED TO HAVE BEEN
4 MADE BY MR. MATTA, RIGHT, ABOUT HE WAS GOING TO GO KILL
5 SOMEBODY IN DIEGO'S FAMILY? RIGHT?

6 A THAT'S CORRECT.

7 Q WHEN WAS THAT COMMENT MADE?

8 A I DON'T KNOW THE DATE, SIR.

9 Q WAS IT 1984, DO YOU KNOW?

10 A YES.

11 Q CAN YOU TELL ME THE MONTH?

12 A NO, I CAN'T.

13 Q WAS THIS ON A FLIGHT TO GUADALAJARA THAT YOU TOOK, OR WAS
14 IT ON A MOTOR HOME TRIP THAT YOU TOOK, THAT THIS COMMENT WAS
15 SUPPOSED TO HAVE BEEN MADE?

16 A IT WAS ON ANOTHER OCCASION.

17 Q HOW DID YOU GET TO GUADALAJARA TO HEAR THAT COMMENT?

18 A FLOWN THERE.

19 Q WHAT AIRLINES DID YOU USE?

20 A PRIVATE.

21 Q PRIVATE AIRLINE?

22 A YES.

23 Q YOU CHARTERED A PLANE?

24 A THEIR PLANES.

25 Q SORRY?

1 A THEIR PLANES.

2 Q THEIR PLANES?

3 A YES.

4 Q WHO IS "THEIR"?

5 A FELIX AND DON JOSE.

6 Q THEY CAME TO PICK YOU UP?

7 A THEY DID.

8 Q THEY DID. WHO CAME?

9 A PILOT AND A COPILOT.

10 Q I SEE. WHEN WAS THIS? NO IDEA?

11 A ALMOST EVERY WEEK.

12 Q NO, NO, NO, NO, NO. AFTER DIEGO APPROACHED YOU, AND YOU
13 TOLD FELIX ABOUT IT -- REMEMBER YOU TESTIFIED ABOUT THAT?

14 A YES, I DO.

15 Q -- AND YOU HEARD A COMMENT FROM MR. MATTA SAYING THAT HE
16 WANTED TO KILL SOMEBODY IN FELIX'S FAMILY?

17 A YES.

18 Q WHEN DID THOSE THINGS TAKE PLACE?

19 A ONE OF THOSE TRIPS, SIR.

20 Q FEBRUARY 1985, JANUARY 1985, DECEMBER 1984, NOVEMBER,
21 OCTOBER?

22 A I DON'T REMEMBER THE MONTH.

23 Q SO IT COULD HAVE BEEN ANY ONE OF THE MONTHS OF 1984 OR
24 EARLY 85; IS THAT RIGHT?

25 A IT WASN'T IN 85.

1 Q IT WASN'T IN 85. YOU TESTIFIED, ALSO, THAT THE TRIPS WERE
2 VERY REGULAR; IS THAT CORRECT?

3 A YES.

4 Q ABOUT ONCE A WEEK, ALL THE WAY THROUGH THE PERIOD YOU WERE
5 DOING THIS, UP UNTIL FEBRUARY OF 85; IS THAT RIGHT?

6 A NO.

7 Q WHEN DID THEY GET INTERRUPTED?

8 A ON OCCASIONS.

9 Q ON OCCASION. THE AMOUNTS OF MONEY THAT YOU WERE
10 TRANSPORTING, DID THAT STAY REGULAR, CONSTANT?

11 A NO. THERE WERE SOME BREAKS.

12 Q WELL, IN TERMS OF THE AMOUNTS THAT YOU WOULD TAKE, YOU
13 ESTIMATED \$150,000.00 -- 150 MILLION.

14 DID THAT SORT OF FLOW ON A REGULAR BASIS, OR ONE TIME
15 DID YOU TAKE 3 MILLION, ANOTHER TIME 1 MILLION, 8 MILLION, 2
16 MILLION? DO YOU HAVE ANY RECOLLECTION?

17 A WE DIDN'T MAKE TRIP FOR LESS THAN FIVE MILLIONS, AT LEAST.

18 Q AT LEAST 5 MILLION?

19 A YES.

20 Q ONCE A WEEK, ROUGHLY, 5 MILLION, CONSTANT, UP UNTIL
21 FEBRUARY OF 85; IS THAT CORRECT?

22 A YES.

23 Q YOU TESTIFIED ABOUT THE INCIDENT WITH THE HOTEL, JUNE 21ST
24 AND JUNE 22ND, WHERE YOU TOOK 7 MILLION DOLLARS TO GUADALAJARA
25 YOU SAY, BUT 4.1 MILLION DOLLARS WAS ESSENTIALLY LOST; IS THAT

1 RIGHT?

2 A YES.

3 Q THAT 4.1 MILLION BELONGED TO COCHILOCO, EL AZUL AND FELIX;
4 ISN'T THAT RIGHT?

5 A NO, IT'S NOT RIGHT.

6 Q DIDN'T YOU TELL THAT TO THE D.E.A.?

7 A NO, I DIDN'T.

8 Q YOU DIDN'T SAY THAT TO THE D.E.A.?

9 A I DIDN'T.

10 Q YOU DID SAY THAT TO THE D.E.A.

11 A I DID NOT.

12 Q YOU DID NOT SAY THAT TO THE D.E.A. OKAY.

13 YOU TESTIFIED THAT YOU HEARD ABOUT MR. CARO QUINTERO,
14 IS THAT RIGHT, BUT YOU NEVER MET HIM?

15 A I DID NOT DO THAT; I DID NOT SAY THAT I NEVER MET HIM.

16 Q YOU SAID YOU'D HEARD OF HIM, ON YOUR DIRECT. DID YOU MEET
17 THE MAN, MR. CARO QUINTERO?

18 A DID I WHAT?

19 Q MEET HIM. MEET HIM.

20 A YES, I DID.

21 Q WHEN DID YOU MEET HIM?

22 A I DON'T KNOW THE DATE.

23 Q YOU SAID YOU SAW HIM WITH FELIX ONCE; IS THAT RIGHT?

24 A MORE THAN ONCE.

25 Q MORE THAN ONCE. WHEN WAS THAT?

1 A I DON'T KNOW THE DATES.

2 Q DID YOU EVER TALK TO MR. CARO QUINTERO?

3 A NO, SIR.

4 Q HOW MANY TIMES DID YOU MEET HIM?

5 A TWO, THREE.

6 Q WHERE?

7 A GUADALAJARA.

8 Q WHERE IN GUADALAJARA?

9 A ONCE IN A RESIDENCE AND TWO OCCASIONS IN A HOTEL.

10 Q WHAT HOTEL?

11 A SUITES REAL AND LAS AMERICAS.

12 Q WHERE DID YOU STAY? DID YOU EVER STAY OVERNIGHT IN
13 GUADALAJARA WHEN YOU MADE THESE TRIPS?

14 A YES.

15 Q WHERE DID YOU STAY?

16 A THESE HOTELS.

17 Q THOSE TWO HOTELS. ANY OTHER PLACES?

18 THE COURT: COUNSEL, DO YOU MEAN ANY OTHER PLACES
19 WHERE HE STAYED OR WHERE HE MET HIM?

20 MR. STOLAR: WHERE HE STAYED.

21 THE WITNESS: I DON'T REMEMBER ANY OTHER PLACES.

22 BY MR. STOLAR:

23 Q DID YOU CHECK INTO THESE HOTELS LIKE A REGULAR GUEST?

24 A SOMETIMES.

25 Q WHEN YOU FLEW TO GUADALAJARA, HOW DID YOU PAY FOR YOUR

1 TICKET?

2 A PAID CASH.

3 Q DID YOU EVER PAY WITH A CREDIT CARD?

4 A NO, SIR.

5 Q YOU ALWAYS USED YOUR NAME WHEN YOU FLEW?

6 A I WOULDN'T SAY ALWAYS.

7 Q YOU ALWAYS -- DID YOU CARRY A PASSPORT?

8 A YES.

9 Q DID YOU GET ENTRY VISAS INTO MEXICO EVERY TIME YOU CROSSED
10 THE BORDER?

11 A NO.

12 Q DID YOU GET VISITOR'S CARDS?

13 A NO.

14 Q DID YOU GET ANY KIND OF DOCUMENT WHEN YOU CROSSED THE
15 BORDER INTO MEXICO?

16 A NO.

17 Q DID YOU EVER HAVE TO PROVE WHO YOU WERE TO GET ACROSS THE
18 BORDER INTO MEXICO?

19 A NO.

20 Q DID YOU USE REGULAR ROADS?

21 A NO, NOT ALWAYS.

22 MR. STOLAR: EXCUSE ME ONE MOMENT.

23 (MESSRS. STOLAR AND BURNS CONFER OFF THE RECORD.)

24 BY MR. STOLAR:

25 Q DID FELIX TELL YOU -- WELL, THERE CAME A TIME WHEN YOU

1 STOPPED GOING. THAT WAS FEBRUARY 85, YOU STOPPED GOING TO
2 GUADALAJARA, IS THAT RIGHT, FOR A PERIOD OF TIME?

3 A FOR A PERIOD OF TIME, YES.

4 Q AND YOU SPOKE WITH FELIX ABOUT THAT? FELIX IS THE ONE WHO
5 TOLD YOU TO STOP COMING?

6 A HE DIDN'T TELL ME TO STOP COMING. HE JUST DIDN'T TELL ME
7 TO COME.

8 Q BUT YOU DID SPEAK TO HIM?

9 A NO, I DIDN'T.

10 Q DIDN'T FELIX TELL YOU THAT HE HAD NOTHING TO DO WITH THE
11 PROBLEM AND IT WAS CARO QUINTERO WHO WAS CAUSING THE PROBLEMS?

12 MR. MEDRANO: OBJECTION.

13 THE COURT: JUST A MOMENT. WHAT IS THE OBJECTION?

14 MR. MEDRANO: OBJECT TO THE FORM OF THE QUESTION.

15 IT'S HEARSAY, YOUR HONOR.

16 THE COURT: SUSTAINED.

17 MR. STOLAR: COMES IN UNDER THE SAME HEARSAY
18 EXCEPTION.

19 THE COURT: THE OBJECTION IS SUSTAINED.

20 BY MR. STOLAR:

21 Q DO YOU HAVE ANY KNOWLEDGE OF MR. MATTA AND AGENT CAMARENA?

22 A EXCUSE ME?

23 Q DO YOU HAVE ANY KNOWLEDGE OF MR. MATTA'S INVOLVEMENT IN THE
24 CAMARENA HOMICIDE AND KIDNAPPING?

25 A NO, SIR.

1 Q DO YOU HAVE ANY KNOWLEDGE OF MIGUEL FELIX GALLARDO'S
2 INVOLVEMENT?

3 A NO, SIR.

4 Q ANY KNOWLEDGE OF RAFAEL CARO QUINTERO'S INVOLVEMENT?

5 A NO.

6 Q WERE YOU TOLD ABOUT HIS INVOLVEMENT?

7 MR. MEDRANO: OBJECTION. HEARSAY, YOUR HONOR.

8 THE COURT: SUSTAINED.

9 MR. STOLAR: THE QUESTION WAS, "WAS HE TOLD," NOT WHAT
10 HE WAS TOLD.

11 THE COURT: WELL, THE QUESTION CONTAINS WHAT HE WAS
12 TOLD.

13 MR. STOLAR: NO. I ASKED HIM: WAS HE TOLD ABOUT IT?
14 IT COULD BE YES OR NO.

15 MR. MEDRANO: SAME OBJECTION, YOUR HONOR.

16 THE COURT: SUSTAINED.

17 MR. STOLAR: I'LL WITHDRAW IT.

18 Q ALL RIGHT. NOW, YOUR AGREEMENT, YOUR COOPERATION
19 AGREEMENT, OBLIGATES YOU TO TESTIFY IN THREE SPECIFIC TRIALS;
20 ISN'T THAT CORRECT?

21 A THAT'S CORRECT.

22 Q THIS TRIAL IS ONE OF THEM; IS THAT RIGHT?

23 A YES.

24 Q ANOTHER TRIAL IN ANOTHER FEDERAL COURT IS THE SECOND ONE?

25 A YES.

1 Q AND MR. MATTA'S TRIAL IN THIS COURT NEXT FALL; IS THAT
2 CORRECT?

3 A YES.

4 Q WE WILL BE SEEING EACH OTHER AGAIN. BUT LET ME ASK YOU
5 THIS BEFORE I LEAVE: YOU TESTIFIED ON YOUR DIRECT EXAMINATION
6 ABOUT THE HOUSE THAT YOUR MOTHER WAS HAVING TROUBLE SELLING; IS
7 THAT RIGHT?

8 A OH. YES.

9 Q ISN'T IT TRUE THAT YOUR MOTHER, GUADALUPE GALLARDO, HAD
10 ACQUIRED A LOT OF PROPERTY, A VAST AMOUNT OF PROPERTY, IN
11 NAVOLATA; AND THAT SHE HAD A PERSON WHO TOOK CARE OF THE
12 PROPERTY, WHO WAS PROMISED A PERCENTAGE OF THE PROPERTY WHEN IT
13 WAS SOLD; AND THAT WHEN SHE ATTEMPTED TO SELL THE PROPERTY, THE
14 CARETAKER FILED LEGAL DOCUMENTS THAT DETAINED THE SALE; AND
15 THAT YOUR MOTHER ASKED FELIX GALLARDO TO OVERSEE HER
16 INVESTMENT; THEN SHE GAVE FELIX GALLARDO THE OWNERSHIP?

17 MR. MEDRANO: OBJECTION. COMPOUND QUESTION AS TO THE
18 FORM.

19 THE COURT: SUSTAINED.

20 BY MR. STOLAR:

21 Q ALL RIGHT. IS IT NOT TRUE THAT YOUR MOTHER ACQUIRED A VAST
22 AMOUNT OF PROPERTY IN THE AREA OF NAVOLATO?

23 A NO, IT'S NOT TRUE.

24 Q DID YOU TELL THAT TO THE D.E.A.?

25 A YES, I DID.

1 Q DID YOUR MOTHER HAVE A PERSON WHO TOOK CARE OF THIS
2 PROPERTY?

3 A WELL, IT WAS ONE PROPERTY, NOT "A VAST."

4 Q DID YOUR MOTHER HAVE A PERSON WHO TOOK CARE OF THE
5 PROPERTY?

6 A YES.

7 Q AND WAS PROMISED A PERCENTAGE OF THE PROPERTY WHEN THE
8 PROPERTY WAS SOLD?

9 A THAT'S MY UNDERSTANDING.

10 Q AND THAT WHEN SHE TRIED SELL THE PROPERTY, THE CARETAKER
11 FILED SOME DOCUMENTS THAT DELAYED THE SALE?

12 A YES.

13 Q AND THAT'S WHEN SHE ASKED FELIX GALLARDO TO OVERSEE THE
14 PROPERTY AND SHE GAVE HIM THE TITLE; IS THAT RIGHT?

15 A THAT'S MY UNDERSTANDING.

16 Q NOW, ALSO, I BELIEVE YOU TOLD US THAT THE FIRST TIME THAT
17 YOU MET MR. MATTA WAS AT FELIX'S HOUSE, WHEN YOU TRAVELED DOWN
18 THERE, AND IT WAS IN FELIX'S OFFICE, ISN'T THAT RIGHT, WHEN YOU
19 FIRST MET DON JOSE?

20 A THAT'S RIGHT.

21 Q ISN'T IT TRUE, HOWEVER, THAT YOU TOLD THE D.E.A. THAT THE
22 FIRST TIME YOU WERE INTRODUCED TO MATTA WAS AT THE HOTEL, ONE
23 OF FELIX'S HOTELS, BY THE POOL, IN GUADALAJARA?

24 A I DON'T REMEMBER MAKING THAT STATEMENT.

25 Q IS THAT THE FIRST TIME YOU MET MR. MATTA, AT THE POOL AT

1 THE HOTEL?

2 A I SAID I DON'T REMEMBER.

3 MR. STOLAR: MAY I SHOW THIS TO THE WITNESS TO TRY TO
4 REFRESH HIS RECOLLECTION, YOUR HONOR?

5 THE COURT: IS THIS A DOCUMENT THAT HE WROTE?

6 MR. STOLAR: IT'S A DOCUMENT THAT EMBODIES THINGS HE
7 TOLD THE D.E.A. IT MAY REFRESH HIS RECOLLECTION.

8 MR. MEDRANO: OBJECTION, YOUR HONOR. THE WITNESS HAS
9 NEVER REVIEWED THIS.

10 THE COURT: WELL, ARE YOU SAYING YOU DON'T REMEMBER
11 THE INCIDENT?

12 MR. STOLAR: HE DOESN'T REMEMBER MAKING THE STATEMENT.

13 THE COURT: THE QUESTION WAS ASKED WHETHER OR NOT YOU
14 MET HIM BY THE POOL AT THIS HOTEL SOMETIME. DID YOU EVER MEET
15 HIM AT THAT HOTEL POOL?

16 THE WITNESS: I MET HIM AT HIS HOTEL, BUT I DON'T KNOW
17 IF THAT WAS THE FIRST TIME I MET HIM.

18 BY MR. STOLAR:

19 Q DID YOU TELL THE D.E.A. THAT THAT'S WHEN YOU WERE
20 INTRODUCED TO MATTA BALLESTEROS?

21 A I DON'T REMEMBER IF I SAID THAT WAS THE FIRST TIME.

22 MR. STOLAR: MAY I SHOW THE DOCUMENT TO HIM, TO
23 REFRESH HIS RECOLLECTION?

24 THE COURT: YOU HAVE TO LAY A FOUNDATION --

25 MR. STOLAR: DO YOU RECALL --

1 THE COURT: -- THAT HIS RECOLLECTION NEEDS REFRESHING.

2 MR. STOLAR: ALL RIGHT.

3 Q DO YOU RECALL TELLING THE D.E.A. --

4 THE COURT: JUST A MOMENT.

5 DO YOU HAVE ANY PRESENT RECOLLECTION OF MAKING ANY
6 STATEMENT OF THAT TYPE TO THE D.E.A.?

7 THE WITNESS: WHAT I DON'T REMEMBER, SIR, IS IF THAT
8 WAS THE FIRST TIME I MET HIM. I THOUGHT I MET HIM IN HIS
9 OFFICE FIRST.

10 THE COURT: WELL, IRRESPECTIVE OF WHETHER IT WAS THE
11 FIRST TIME OR NOT, DID YOU MAKE THAT STATEMENT?

12 THE WITNESS: I DON'T REMEMBER I DID, SIR.

13 THE COURT: WOULD IT HELP IF YOU SAW THIS DOCUMENT?

14 THE WITNESS: I DON'T THINK SO.

15 THE COURT: PARDON?

16 THE WITNESS: I DON'T THINK SO.

17 BY MR. STOLAR:

18 Q DO YOU REMEMBER BEING INTERVIEWED ON APRIL 27TH OF 1989 BY
19 AGENT RICEVUTO, WHO WAS ACCOMPANIED BY I.R.S. AGENTS DON
20 FRICHETTE (PHONETIC) AND RICHARD NAKITA (PHONETIC)?

21 A YES, I REMEMBER THE NAME.

22 Q AND YOU WERE THERE WITH YOUR LAWYER; IS THAT RIGHT?

23 A THAT'S RIGHT.

24 Q AND YOU GAVE THEM INFORMATION ABOUT FELIX AND ABOUT WHAT
25 YOU WERE DOING; IS THAT RIGHT?

1 A SOME INFORMATION.

2 Q AND YOU ALSO DESCRIBED TO THEM HOW YOU MET FELIX GALLARDO,
3 THAT YOUR MOTHER HAD TROUBLE SELLING THE PROPERTY? DO YOU
4 REMEMBER TELLING THEM THAT, THE VERY FIRST INTERVIEW?

5 A THAT'S NOT HOW I MET MY COUSIN.

6 Q ALL RIGHT. THAT'S WHY YOU WENT TO GUADALAJARA AND STARTED
7 DOING BUSINESS WITH FELIX -- THAT'S THE BEGINNING OF YOUR
8 RELATIONSHIP -- BECAUSE OF THE MONEY THAT WAS OWED. THAT'S
9 WHAT YOU'RE TELLING US, BASICALLY.

10 A WHAT IS YOUR QUESTION, SIR?

11 Q I'M TRYING TO FIND OUT IF YOU REMEMBER THAT IN 1984 YOU
12 TRAVELED TO GUADALAJARA AND YOU STAYED AT THE HOTEL SUITES
13 REAL. RIGHT?

14 A WHEN WAS THE DATE, SIR?

15 Q IN 1984. DO YOU REMEMBER TELLING THE -- WITHDRAW THE
16 QUESTION.

17 DO YOU REMEMBER TELLING D.E.A. WHEN YOU FIRST WENT TO
18 GUADALAJARA YOU DID NOT KNOW WHAT TYPE OF WORK FELIX GALLARDO
19 DID, BUT THAT FELIX HAD D.F.S. COMANDANTE CREDENTIALS?

20 A IT'S NOT EXACTLY HOW I PUT IT.

21 Q YOU DID TELL THEM IN THAT FIRST MEETING THAT YOU TRAVELED
22 TO GUADALAJARA ON SEVERAL OCCASIONS TO TRY TO COLLECT THE MONEY
23 THAT FELIX GALLARDO OWED YOUR MOTHER. YOU TOLD THEM ABOUT
24 THAT, DIDN'T YOU?

25 A I DON'T REMEMBER.

1 MR. STOLAR: MAY I SHOW THE WITNESS THIS DOCUMENT AND
2 ASK IF IT REFRESHES HIS RECOLLECTION?

3 MR. MEDRANO: LACK OF FOUNDATION, YOUR HONOR.

4 THE COURT: YES. HE'S INDICATED IT WOULDN'T REFRESH
5 HIS RECOLLECTION.

6 MR. STOLAR: OKAY.

7 THE COURT: YOU'VE ALREADY PRACTICALLY READ IT TO HIM.
8 BY MR. STOLAR:

9 Q DO YOU REMEMBER TELLING HIM IN THIS FIRST INTERVIEW THAT
10 FELIX KEPT ANTIQUE AUTOMOBILES IN THE PARKING LOT OF THE HOTEL?

11 A I DO NOT KNOW IF I SAID THAT TO THE AGENTS AT THIS
12 INTERVIEW.

13 Q DO YOU REMEMBER IF YOU TOLD THE AGENTS THAT HE WAS THE
14 OWNER OF THE SUITES REAL AND THE LAS AMERICAS HOTEL IN THAT
15 FIRST INTERVIEW?

16 A I DON'T REMEMBER.

17 Q AND THAT DURING THIS MEETING WITH FELIX, YOU WERE
18 INTRODUCED TO MATTA BALLESTEROS NEAR THE POOL? "INTRODUCED"?

19 A NO, I DO NOT REMEMBER THAT.

20 Q YOU DON'T REMEMBER SAYING THAT?

21 A NO.

22 Q AND THAT'S NOT THE WAY IT HAPPENED, ACCORDING TO WHAT YOU
23 BELIEVE NOW; ISN'T THAT RIGHT?

24 A THAT'S RIGHT.

25 MR. STOLAR: I HAVE NOTHING FURTHER.

1 THE COURT: ANY OTHER COUNSEL WISH TO CROSS-EXAMINE
2 THIS WITNESS?

3 DEFENSE COUNSEL: NO, YOUR HONOR.

4 THE COURT: DO YOU HAVE ANY REDIRECT?

5 MR. MEDRANO: VERY BRIEF, YOUR HONOR.

6 REDIRECT EXAMINATION +

7 BY MR. MEDRANO:

8 Q MR. STOLAR ASKED YOU ABOUT THE WITNESS SECURITY PROGRAM,
9 MR. RETAMOZA. IN YOUR IMMEDIATE FAMILY, PEOPLE THAT LIVE WITH
10 YOU, HOW MANY ARE IN THE FAMILY UNIT THAT IS IN THE WITNESS
11 PROTECTION PROGRAM?

12 A THERE IS ABOUT 30-SOME MEMBERS OF MY FAMILY. I DON'T
13 EXACTLY KNOW THE NUMBER.

14 Q YOU DON'T KNOW WHERE THE OTHERS LIVE, THOUGH?

15 A NO, I DON'T.

16 Q PEOPLE THAT LIVE WITH YOU, JUST THE NUMBER?

17 A FIVE?

18 Q THAT'S YOUR WIFE --

19 A AND THREE KIDS.

20 Q DO YOU RECEIVE SUBSISTENCE OR ASSISTANCE FROM THE
21 GOVERNMENT IN THE PROGRAM?

22 A YES, I DO.

23 Q CAN YOU TELL US HOW MUCH A MONTH YOU RECEIVE FROM THE
24 WITNESS SECURITY PROGRAM?

25 A I RECEIVE 16 -- 1675, I THINK.

1 Q \$1,675.00?

2 A \$1,675.00.

3 Q THAT'S PER MONTH?

4 A THAT'S PER MONTH.

5 Q AND WHAT DO YOU USE -- STRIKE THAT.

6 DO YOU USE THIS MONEY FOR YOUR LIVING EXPENSES?

7 A YES, I DO.

8 Q DOES THAT INCLUDE RENT?

9 A IT INCLUDES RENT, UTILITIES, GASOLINE, ALL MY EXPENSES.

10 Q THERE'S NO REWARD IN THAT \$1,675.00 IS THERE?

11 A I DON'T THINK SO.

12 Q DID YOU REQUEST TO ENTER INTO THE WITNESS SECURITY PROGRAM?

13 A YES, I DID.

14 MR. MEDRANO: MAY I HAVE ONE MOMENT, YOUR HONOR? I
15 BELIEVE I'M JUST ABOUT FINISHED.

16 (GOVERNMENT COUNSEL CONFER OFF THE RECORD.)

17 BY MR. MEDRANO:

18 Q FINALLY, MR. RETAMOZA, WAS IT AT YOUR REQUEST THAT THE
19 ADDITIONAL FAMILY MEMBERS, BESIDES YOUR IMMEDIATE FIVE MEMBERS
20 OF YOUR FAMILY, CAME INTO THE WITNESS SECURITY PROGRAM?

21 A I THINK IT WAS THEIR OWN REQUEST.

22 Q FOR THEIR PERSONAL SAFETY?

23 A YES, SIR.

24 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES REDIRECT.

25 THANK YOU.

1 THE COURT: ALL RIGHT.

2 MR. STOLAR: MAY I? JUST A BIT.

3 THE COURT: AS LONG AS YOU STATE WITHIN THE SCOPE.

4 MR. STOLAR: I CERTAINLY WILL.

5 RECROSS-EXAMINATION +

6 BY MR. STOLAR:

7 Q MR. RETAMOZA, YOU'VE ALSO RECEIVED MONEY FOR INFORMATION
8 AND EXPENSES FROM THE D.E.A., HAVEN'T YOU?

9 A EXCUSE ME?

10 Q HAVEN'T YOU RECEIVED SOME MONEY FROM THE D.E.A. THAT YOU
11 HAD TO SIGN FOR?

12 A YEAH, I THINK I DID.

13 Q JUNE 6TH, \$448.00 THAT YOU MADE; JUNE 8TH, \$500.00; JUNE
14 28TH, \$500.00.

15 MR. MEDRANO: OBJECTION, YOUR HONOR. IS THERE A
16 QUESTION PENDING?

17 THE COURT: YES.

18 BY MR. STOLAR:

19 Q DID YOU RECEIVE THOSE AMOUNTS ON THOSE DATES?

20 A I DON'T KNOW IF THOSE DATES ARE CORRECT; BUT, YES, I DID
21 RECEIVE SOME MONEY. I DON'T KNOW FROM WHICH AGENCY, BUT I DID
22 RECEIVE SOME MONEY.

23 Q DO YOU KNOW SOMEBODY BY THE NAME OF MATTHEWS?

24 A NO, I DON'T KNOW.

25 Q YOU KNOW SOMEBODY BY THE NAME OF RICEVUTO, THOUGH, DON'T

1 YOU?

2 A YES.

3 Q DIDN'T HE GIVE YOU THE \$500.00 ON JUNE 8TH 89?

4 A I DON'T RECALL THE DATE, BUT I RECALL THAT THEY PROVIDED
5 SOME MONEY.

6 Q YOU GOT \$2,000.00 DURING THE MONTH OF JULY?

7 A HOW MUCH?

8 Q 2,000. JULY 18TH, JULY 26?

9 A NO, I DON'T REMEMBER THAT.

10 Q AND IN AUGUST OF 89, DO YOU RECALL GETTING PAYMENTS OF --
11 FOR WHATEVER -- OF \$2,025.00, \$2527.00 --

12 MR. MEDRANO: OBJECTION, YOUR HONOR, TO THE FORM OF
13 THE QUESTION.

14 THE COURT: YES.

15 BY MR. STOLAR:

16 Q DID YOU GET A PAYMENT OF \$2,025.00 IN AUGUST OF 89?

17 A I DON'T REMEMBER THAT MONEY.

18 Q DID YOU GET \$2,025.80 IN AUGUST OF 89?

19 A I DON'T REMEMBER THAT.

20 Q \$4,740.16 IN AUGUST OF 89?

21 A I HAVE NO KNOWLEDGE OF THIS.

22 Q A THOUSAND DOLLARS IN SEPTEMBER? I'M SORRY. LOOKS LIKE
23 AUGUST AGAIN, AUGUST THE 17TH OF 89?

24 A I HAVE NO KNOWLEDGE OF THIS.

25 Q AUGUST 23RD, \$2520.00?

1 A (NO AUDIBLE RESPONSE.)

2 Q YES? NO?

3 A I HAVE NO KNOWLEDGE.

4 Q FINALLY, AUGUST 24TH 89, \$800.00. DO YOU RECALL THAT?

5 A I RECALL THAT THEY PROVIDED A HOTEL ROOM FOR ME IN ALL
6 THROUGH THOSE DATES THAT YOU ARE STATING, BUT I DON'T KNOW WHAT
7 THE COST WAS FOR THOSE.

8 Q YOU DIDN'T SIGN FOR THOSE FUNDS? YOU DIDN'T PAY FOR THE
9 HOTEL?

10 A YES, I SIGNED FOR IT.

11 Q AND YOU PAID FOR IT, THE HOTEL?

12 A NOT ALWAYS.

13 Q THAT WAS FOR YOUR SECURITY; IS THAT RIGHT?

14 A EXCUSE ME?

15 MR. STOLAR: WITHDRAWN. QUESTION WITHDRAWN.

16 I HAVE NOTHING FURTHER. I'LL BE SEATED.

17 MR. MEDRANO: VERY BRIEFLY, YOUR HONOR.

18 FURTHER + REDIRECT EXAMINATION

19 BY MR. MEDRANO:

20 Q WHEN YOU RECEIVED SOME SUMS OF MONEY FROM THE D.E.A., WAS
21 THAT FOR YOUR EXPENSES?

22 A I'M NOT REALLY SURE. THEY PAID FOR SOME TICKETS FOR A TRIP
23 THAT I HAVE TO MAKE.

24 Q DID THEY PAY FOR YOUR HOTEL WHILE THEY WERE DEBRIEFING YOU?

25 A YES.

1 Q FOR YOUR AIRLINE TICKETS, WHILE THEY WERE DEBRIEFING YOU?

2 A YES.

3 Q FOR YOUR GENERAL SECURITY, WHILE THEY WERE DEBRIEFING YOU?

4 A YES.

5 MR. MEDRANO: THAT CONCLUDES IT. THANK YOU, YOUR
6 HONOR.

7 THE COURT: ALL RIGHT.

8 MR. STOLAR: NOTHING FURTHER.

9 THE COURT: YOU MAY STEP DOWN.

10 CALL YOUR NEXT WITNESS.

11 MR. MEDRANO: AT THIS TIME, THE GOVERNMENT WOULD CALL
12 ANTHONY RICEVUTO TO THE STAND, YOUR HONOR.

13 (WITNESS SUMMONED TO COURTROOM.)

14 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

15

16 ANTHONY RICEVUTO + PLAINTIFF'S WITNESS, SWORN

17

18 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR FULL
19 NAME FOR THE RECORD AND SPELL YOUR LAST NAME.

20 THE WITNESS: YES. ANTHONY RICEVUTO. THAT'S R I C
21 E V, AS IN VICTOR, U T O.

22

DIRECT EXAMINATION +

23

BY MR. MEDRANO:

24

Q WHO ARE YOU EMPLOYED BY, MR. RICEVUTO?

25

A I'M EMPLOYED BY THE DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT

1 ADMINISTRATION.

2 Q HOW LONG HAVE YOU SERVED WITH THE D.E.A.?

3 A ABOUT 17 YEARS.

4 Q WHERE IS YOUR CURRENT ASSIGNMENT, MR. RICEVUTO?

5 A I'M A SENIOR INSPECTOR IN WASHINGTON, D.C.

6 Q JUST BRIEFLY, WHAT RESPONSIBILITIES ARE ENTAILED BY BEING A
7 SENIOR INSPECTOR?

8 A I'M WITH THE OFFICE OF PROFESSIONAL RESPONSIBILITY; SORT OF
9 LIKE THE INTERNAL AFFAIRS OF THE DRUG ENFORCEMENT
10 ADMINISTRATION.

11 Q HOW LONG HAVE YOU BEEN ASSIGNED TO THE WASHINGTON, D.C.,
12 HEADQUARTERS OFFICE?

13 A TWO YEARS NOW.

14 Q DO YOU HAVE ANY LAW ENFORCEMENT EXPERIENCE OTHER THAN YOUR
15 D.E.A. CAREER?

16 A YES, SIR.

17 Q WHAT IS THAT, SIR?

18 A I WAS A CHICAGO POLICE OFFICER, FIVE YEARS

19 Q HAVE YOU -- STRIKE THAT.

20 IN THE COURSE OF YOUR CAREER WITH THE D.E.A., HAVE YOU
21 EVER SERVED ABROAD?

22 A YES, SIR.

23 Q WHERE?

24 A I SERVED FOUR YEARS: TWO YEARS IN MERIDA, YUCATAN, MEXICO;
25 TWO YEARS IN IN MAZATLAN, SINALOA, MEXICO.

1 Q CAN YOU BREAK THAT DOWN?

2 A YES. FROM 1976 TO 1978, I WAS IN MERIDA, YUCATAN; AND THEN
3 FROM 1978 TO 1980, JULY OF 1980, APPROXIMATELY, I WAS IN
4 MAZATLAN, SINALOA.

5 Q DO YOU SPEAK ANY SPANISH, MR. RICEVUTO?

6 A YES, SIR.

7 Q I'D LIKE TO DIRECT YOUR ATTENTION TO ABOUT 1984. AT THAT
8 TIME, WHERE WERE YOU ASSIGNED?

9 A I WAS ASSIGNED AS A SPECIAL AGENT AT THE LOS ANGELES FIELD
10 OFFICE OF D.E.A.

11 Q AND AT THAT TIME, WERE YOU ASSIGNED TO WORKING ON ANY
12 SPECIFIC INVESTIGATION?

13 A YES, SIR; I WAS.

14 Q DID THIS INVESTIGATION HAVE A NAME?

15 A YES, SIR.

16 Q AND WHAT WAS THAT?

17 A WE ENTITLED IT "OPERATION PADRINO."

18 MR. STOLAR: YOUR HONOR, I OBJECT AT THIS POINT. AND
19 THIS IS SERIOUS ENOUGH THAT I WOULD LIKE TO SPEAK TO THE COURT.

20 THIS IS SOMETHING THAT WAS RAISED IN A PRETRIAL MEMO
21 OF WHAT THIS WITNESS IS GOING TO TESTIFY TO.

22 THE COURT: ARE YOU INTENDING TO GO INTO THAT,
23 COUNSEL?

24 MR. MEDRANO: I'LL SKIP OVER A PORTION, YOUR HONOR, TO
25 RESOLVE IT AT THE RECESS.

1 THE COURT: ALL RIGHT.

2 BY MR. MEDRANO:

3 Q LET ME DIRECT YOUR ATTENTION, MR. RICEVUTO, TO
4 APPROXIMATELY JUNE 22 OF 1984. ON OR ABOUT THAT DATE, SIR,
5 WERE YOU INVOLVED IN ANY INVESTIGATION?

6 A YES, SIR; I WAS.

7 Q AND CAN YOU EXPLAIN TO US HOW -- LET ME REPHRASE THIS.

8 ON THIS DAY, WHAT SPECIFICALLY WERE YOU DOING WITH
9 REGARD TO THE INVESTIGATION YOU WERE WORKING ON?

10 A YES, SIR. I HAD RECEIVED A TELEPHONE CALL THAT --

11 MR. STOLAR: OBJECTION.

12 MR. MEDRANO: NOT OFFERED FOR THE TRUTH OF THE MATTER
13 ASSERTED, YOUR HONOR.

14 THE COURT: WHAT IS IT OFFERED FOR?

15 MR. MEDRANO: TO INDICATE WHAT THIS SPECIAL AGENT DOES
16 IN RESPONSE TO THE INFORMATION RECEIVED IN CARRYING OUT HIS
17 INVESTIGATION.

18 THE COURT: WELL, IT MAY BE RECEIVED FOR THAT PURPOSE.

19 BY MR. MEDRANO:

20 Q YOU RECEIVED A PHONE CALL, AGENT RICEVUTO?

21 A YES, FROM ANOTHER AGENT IN GUADALAJARA, MEXICO.

22 Q HIS NAME, IF YOU RECALL?

23 A ROGER KNAPP.

24 Q WHAT DOES HE TELL YOU ON THE PHONE?

25 A HE TOLD ME THAT THERE WERE TWO PEOPLE STAYING IN ANAHEIM,

1 CALIFORNIA, AT A CERTAIN HOTEL, AND THEY WERE ATTEMPTING TO
2 CONTACT MIGUEL ANGEL FELIX GALLARDO AT HIS HOTEL IN
3 GUADALAJARA, MEXICO.

4 Q IN RESPONSE -- STRIKE THAT.

5 AFTER RECEIVING THIS INFORMATION, WHAT IS YOUR NEXT
6 MOVE? WHAT DO YOU DO NEXT?

7 MR. STOLAR: MAY I MOVE TO STRIKE THE PHONE CALL, THE
8 CONVERSATION?

9 MR. MEDRANO: NOT OFFERED FOR THE TRUTH.

10 THE COURT: DENIED.

11 THE WITNESS: AFTER I RECEIVED THAT PHONE CALL, I
12 CALLED THE -- FRANK BRIGGS, WHO AT THAT TIME WAS THE RESIDENT
13 AGENT IN CHARGE OF OUR SANTA ANA OFFICE, WHICH ENCOMPASSES THE
14 ANAHEIM AREA.

15 AND I ADVISED HIM THERE WERE TWO PEOPLE IN A HOTEL. I
16 GAVE HIM THE HOTEL'S NAME, AND I TOLD HIM THAT IT WOULD BE A
17 GOOD IDEA IF HE SET UP A SURVEILLANCE ON THESE TWO PEOPLE, AND
18 I EXPLAINED MY REASONING FOR DOING SO.

19 BY MR. MEDRANO:

20 Q TO COMMENCE SURVEILLANCE AT A HOTEL?

21 A YES, SIR.

22 Q DO YOU HAVE ANY IDEA WHAT TIME THE SURVEILLANCE COMMENCED
23 ON JUNE 22?

24 A IT WAS ABOUT --

25 MR. STOLAR: OBJECT. NO FOUNDATION.

1 THE COURT: SUSTAINED.

2 BY MR. MEDRANO:

3 Q ARE YOU ABLE TO OBTAIN THE ASSISTANCE OF THE SANTA ANA
4 D.E.A. OFFICE?

5 A YES, SIR; I WAS.

6 Q NOW, DESCRIBE FOR US WHAT YOU DO NEXT.

7 A I STARTED IN MY VEHICLE TO DRIVE OUT TO SANTA ANA TO MEET
8 UP WITH FRANK BRIGGS AND THE AGENTS FROM THE SANTA ANA OFFICE.

9 Q WHAT HAPPENS NEXT?

10 A I ARRIVED THERE ABOUT 5:30, 6 O'CLOCK, DUE TO ALL THE
11 TRAFFIC CONGESTION, AND --

12 Q DID YOU -- I'M SORRY. I DIDN'T MEAN TO INTERRUPT YOU.

13 A AND I WAS IN RADIO CONTACT WITH MR. BRIGGS. I FOUND OUT
14 THAT HE HAD ALREADY DEPARTED THE AREA. THEY WERE FOLLOWING A
15 VEHICLE THAT HAD LEFT THE CONVENTION CENTER INN.

16 I STAYED AT THE CONVENTION CENTER INN WITH TWO OR
17 THREE OTHER AGENTS, AND WE PLACED TWO PARTICULAR ROOMS UNDER
18 SURVEILLANCE.

19 Q AND THIS WAS AT A HOTEL THAT YOU'RE DOING YOUR
20 SURVEILLANCE?

21 A YES, SIR.

22 Q AND WAS THIS HOTEL -- WHAT CITY WAS THIS HOTEL LOCATED IN?

23 A IN ANAHEIM, CALIFORNIA. AND IT WAS THE CONVENTION CENTER
24 INN, I BELIEVE.

25 Q WHAT'S THE NEXT THING THAT HAPPENED WITH REGARD TO YOUR

1 SURVEILLANCE, AGENT RICEVUTO?

2 A IT WAS LATER ON, MAYBE ABOUT 8 O'CLOCK OR SO, AGENT BRIGGS,
3 AND ALONG WITH ANOTHER AGENT BY THE NAME OF BOBBY PAES,
4 RETURNED AND SPOKE WITH ME ABOUT WHAT HAD HAPPENED, WHAT HAD
5 TRANSPIRED, DURING THEIR SURVEILLANCE. AND I ALSO HAD AN
6 OPPORTUNITY TO SPEAK TO A PERSON THAT THEY HAD IN CUSTODY AT
7 THAT TIME.

8 Q AND WHAT DID YOU DO AFTER THAT?

9 A AFTER THAT, WE OBTAINED PERMISSION FROM THAT PERSON TO GO
10 INTO ONE OF THE ROOMS THAT HE WAS OCCUPYING. HE TOLD US THAT
11 THERE WAS A FEMALE AND A SMALL BOY INSIDE THE ROOM AND THAT HE
12 WOULD GIVE US PERMISSION TO ENTER THAT ROOM.

13 Q THE NAME OF THIS PERSON THAT GAVE YOU PERMISSION TO ENTER
14 THAT HOTEL ROOM IS WHAT?

15 A JESUS FELIX.

16 Q DO YOU ENTER THE ROOM?

17 A YES, WE DID. WE KNOCKED ON THE ROOM, WERE MET BY A FEMALE.
18 I ADVISED HER OF WHAT WE ARE, WHAT OUR PURPOSE WAS; AND SHE
19 GAVE US PERMISSION, ALSO, TO ENTER THE ROOM AND TO CONDUCT A
20 SEARCH.

21 Q ANYONE PRESENT WITH THE FEMALE INSIDE THE ROOM WHEN YOU
22 ENTER?

23 A YES, THERE WAS A LITTLE BOY, A SEVEN-YEAR-OLD BOY NAMED
24 TOMAS VALLES -- I'M SORRY.

25 Q I'M SORRY. DID YOU IDENTIFY YOURSELF, AGENT RICEVUTO, TO

1 THE WOMAN WHO OPENED TO DOOR?

2 A YES, SIR.

3 Q AS A D.E.A. AGENT?

4 A YES, SIR.

5 Q DID YOU OBTAIN -- YOU OBTAINED CONSENT TO ENTER THE ROOM?

6 A WE OBTAINED CONSENT TO THE ROOM THAT SHE WAS IN.

7 Q WHAT'S INSIDE THIS ROOM?

8 A AS I WAS LOOKING AROUND THE ROOM, I CAN SEE A STACK OF
9 BOXES JUST PILED UP AND, ALSO, A SORT OF LIKE AN ORANGE NYLON
10 DUFFEL BAG. YOU COULD ALMOST SEE THROUGH IT. AND JUST FROM
11 WHERE I WAS LOOKING, I COULD SEE THAT THAT DUFFEL BAG CONTAINED
12 MONEY.

13 WE STARTED LOOKING AT THE BOXES. IN THE BOXES, WE
14 FOUND TWO MONEY COUNTERS, GOERING (PHONETIC) MONEY COUNTERS.

15 AND AS WE OPENED UP THE BOXES, THE BAG, WE FOUND A
16 LARGE AMOUNT OF U.S. CURRENCY.

17 Q AT THIS ANAHEIM HOTEL, DO YOU OR ANY OTHER MEMBER OF YOUR
18 TEAM SEARCH ANY OTHER ROOM?

19 A YES. WE LATER WENT TO ANOTHER ROOM THAT THEY OCCUPIED.
20 THIS IS ACTUALLY DOWN THE HALL A WAYS. AND YOU COULD SEE BOTH
21 ROOMS FROM EACH SIDE.

22 AND THERE WERE TWO ROOMS. IT WAS A CONNECTING ROOM.
23 I BELIEVE IT WAS 220 AND 221, BUT I MAY NOT BE CERTAIN ABOUT
24 THAT.

25 AS WE ENTERED, A PERSON WAS THERE, AND WE ASKED HIM IF

1 THIS WAS HIS ROOM. HE SAID IT'S NOT. WE ASKED HIM IF WE CAN
2 HAVE PERMISSION TO SEARCH HIS ROOM. HE SAID HE COULDN'T GIVE
3 IT BECAUSE THE OWNERS WERE NOT THERE.

4 SO WE ADVISED HIM THAT WE WERE GOING TO TAKE CUSTODY
5 OF EVERYTHING AS IT WAS, NOT SEARCH THE ROOM, AND GO OUT AND
6 GET A SEARCH WARRANT. SO WE STAYED IN THE ROOM.

7 I HAD TALKED TO THE ASSISTANT U.S. ATTORNEY WHO WAS
8 HELPING ME WITH THE AFFIDAVIT, AS I WAS WRITING IT, ALONG WITH
9 MR. VALLES.

10 AND DURING THAT PERIOD OF TIME -- OH, IT WAS PROBABLY
11 MAYBE 9 O'CLOCK OR SO, AND JUST -- I THINK WE WERE IN THAT ROOM
12 TILL ABOUT 12:30, 1 O'CLOCK, UNTIL WE LEFT TO GET TO THE
13 MAGISTRATE WHO WAS ON DUTY.

14 Q DO YOU ALSO GET A SEARCH WARRANT FOR THAT SECOND ROOM?

15 A YES, SIR; I DID.

16 A DO YOU RECALL THE APPROXIMATE TIME THAT IT IS SIGNED BY A
17 JUDICIAL OFFICER?

18 A IT WAS ABOUT 1:30, 2 O'CLOCK, IN THE MORNING.

19 Q ARMED WITH A SEARCH WARRANT, WHAT DO YOU DO NEXT?

20 A WE GO BACK AND WE SEARCH THAT ROOM. AND INSIDE THE SECOND
21 ROOM, WHICH WAS THE ADJOINING ROOM, WE FOUND TWO OTHER
22 SUITCASES, AGAIN CONTAINING QUITE A BIT OF MONEY.

23 Q NOW, DID YOU PARTICIPATE IN THE ACTUAL COUNTING OF THE
24 UNITED STATES CURRENCY FOUND IN EACH ROOM?

25 A YES, SIR; I DID.

1 Q AND WHAT DOLLAR AMOUNT OF U.S. CURRENCY WAS FOUND IN THE
2 FIRST ROOM THAT YOU'VE DESCRIBED FOR US?

3 A IT WAS ABOUT 2.1 MILLION DOLLARS.

4 Q LET ME DIRECT YOUR ATTENTION NOW TO THE SECOND ROOM.

5 A ABOUT 2 MILLION.

6 Q HOW MUCH WAS LOCATED IN THE SECOND HOTEL ROOM?

7 A ABOUT ANOTHER 2 MILLION DOLLARS.

8 Q LET ME TAKE YOU BACK NOW TO JUST A MOMENT ON JUNE 22, AGENT
9 RICEVUTO, TO WHEN YOU'RE AT THE SECOND ROOM, BUT BEFORE YOU'VE
10 OBTAINED A SEARCH WARRANT FOR IT.

11 A YES.

12 Q WHILE YOU WERE AT THAT ROOM, YOU SAID YOU WERE DRAFTING
13 SOMETHING?

14 A I WAS DRAFTING AN AFFIDAVIT TO OBTAIN THE SEARCH WARRANT
15 FROM THE MAGISTRATE.

16 Q AND WHILE YOU ARE DOING SO, DOES ANYTHING OCCUR?

17 A YES, SIR.

18 Q WHAT, AGENT RICEVUTO?

19 A I RECEIVED A SERIES OF PHONE CALLS.

20 Q WITHOUT TELLING ME WHAT THE PERSON ON THE OTHER SIDE OF THE
21 LINE TOLD YOU, CAN YOU TELL ME WHAT YOU SAID?

22 A WELL, I ASKED HIM IN SPANISH WHO WAS CALLING AND REALLY
23 DIDN'T GET AN ANSWER. AND I ASKED AGAIN, AND HE SAID, "WHO'S
24 THIS?" AND I SAID, "IT'S ANTONIO."

25 AND HE SAID, WHERE'S THE PERSON -- I FORGOT THE

1 PERSON'S NAME THAT WAS IN THAT ROOM AT THE TIME, BUT HE ASKED
2 ME WHERE HE WAS, AND I SAID, "HE LEFT FOR A WHILE," AND THE
3 PHONE HUNG UP.

4 Q HE HUNG UP ON YOU?

5 A YES, SIR.

6 Q WAS IT A MALE VOICE, HOWEVER?

7 A IT WAS A MALE VOICE.

8 Q ANY OTHER PHONE CALLS?

9 A AGAIN, ABOUT MAYBE 10 MINUTES LATER, THE SAME PERSON CALLED
10 AND AGAIN ASKED ME WHO I WAS, AND I SAID, "ANTONIO."

11 AND THE PERSON SORT OF STAMPERED (SIC). I REMEMBER
12 HE -- HE JUST DIDN'T SAY ANYTHING AGAIN. HE STUTTERED AROUND
13 AND HUNG UP THE PHONE.

14 AND I BELIEVE THE PHONE RANG A THIRD TIME. WHEN I
15 ANSWERED IT THIS TIME, HE JUST HUNG UP ON ME; AND THAT WAS IT.

16 Q APPROXIMATELY HOW MANY SUCH CALLS DID YOU RECEIVE WHILE
17 DRAFTING YOUR AFFIDAVIT?

18 A I THINK THERE WERE ABOUT THREE.

19 Q AND EACH PHONE CALL THAT YOU RECEIVED, WAS IT THE SAME
20 VOICE ON THE OTHER SIDE OF THE LINE?

21 A YES, SIR, EXCEPT FOR THE LAST ONE. I'M NOT SURE IF THAT --
22 I THINK IT WAS.

23 I SAID, "WHO'S THERE?" AND HE SAID, "OH, GOD," OR
24 SOMETHING LIKE THAT AND JUST HUNG UP.

25 Q A TOTAL OF 4.1 MILLION DOLLARS FOUND AT THAT ANAHEIM MOTEL?

1 A YES, SIR.

2 Q DID THE D.E.A. SEIZE THAT MONEY?

3 A YES, SIR; WE DID.

4 Q AT THE TIME OF THE SEIZURE IN ANAHEIM, WAS IT A SIGNIFICANT
5 SEIZURE?

6 MR. STOLAR: OBJECTION. WHAT'S THE RELEVANCE?

7 THE COURT: SUSTAINED.

8 MR. MEDRANO: I'LL MOVE ON, YOUR HONOR.

9 MAY I HAVE JUST ONE MOMENT?

10 (GOVERNMENT COUNSEL CONFER OFF THE RECORD.)

11 MR. MEDRANO: THAT CONCLUDES DIRECT, YOUR HONOR.

12 THE COURT: YOU MAY CROSS-EXAMINE.

13 MR. STOLAR: JUDGE RAFEEDIE, I REALLY HAVE NO
14 CROSS-EXAMINATION SPECIFICALLY ABOUT THAT; BUT AS LONG AS THE
15 AGENT IS HERE FROM WASHINGTON, I WOULD LIKE TO TAKE HIM AS MY
16 WITNESS ON THREE COMMENTS IN THE DEBRIEFING OF FRANK RETAMOZA,
17 THE PRIOR WITNESS.

18 THE COURT: I'LL PERMIT THAT.

19
20 ANTHONY RICEVUTO + DEFENSE WITNESS, PREVIOUSLY SWORN

21
22 DIRECT EXAMINATION +

23 BY MR. STOLAR:

24 Q DO YOU RECALL THE FIRST DEBRIEFING OF -- I THINK IT'S THE
25 FIRST -- OR ONE OF THE DEBRIEFINGS OF FRANK RETAMOZA, I THINK

1 CONDUCTED BY YOU? YOU DID THE FIRST COUPLE OF DEBRIEFS; IS
2 THAT RIGHT, AGENT?

3 A YES, SIR.

4 Q ALL RIGHT. DO YOU RECALL THAT HE TOLD YOU, WITH RESPECT TO
5 THE 4.1 MILLION DOLLARS THAT YOU JUST TESTIFIED ABOUT, THAT
6 THAT MONEY BELONGED TO COCHILOCO, EL AZUL AND FELIX GALLARDO?

7 A AND OTHER PEOPLE.

8 Q ALL RIGHT. IF YOU HE TOLD YOU "OTHER PEOPLE," WOULD YOU
9 HAVE WRITTEN DOWN "OTHER PEOPLE"?

10 A YES, SIR.

11 Q IF YOUR REPORT SAYS ONLY, "ACCORDING TO RETAMOZA, THE 4.1
12 MILLION DOLLARS THAT WAS SEIZED, BELONGED TO COCHILOCO" --
13 MANUEL SALCIDO -- "EL AZUL" -- JUAN ESPARRAGOZA MORENO -- "AND
14 FELIX GALLARDO," PERIOD, THAT WOULD BE WHAT HE TOLD YOU; IS
15 THAT CORRECT?

16 A YES, SIR.

17 Q AND HE TOLD YOU THAT, THEN; IS THAT RIGHT?

18 A I DON'T KNOW IF THAT REPORT SAYS IT. I HAVE NOT READ WHAT
19 YOU HAVE IN YOUR HAND, SIR.

20 Q I'LL CONFIRM IT WITH YOU AS SOON AS YOU VIEW THIS.

21 A THANK YOU, SIR.

22 THE COURT: ARE YOU GOING TO ASK SOME OTHER QUESTIONS
23 ABOUT THIS?

24 MR. STOLAR: I HAVE ANOTHER PAGE TO ASK HIM ABOUT, AND
25 THAT'S IT.

1 Q DURING THE VERY FIRST INTERVIEW THAT YOU HAD WITH HIM,
2 ALSO, RETAMOZA TOLD YOU ABOUT THE BUSINESS WITH THE PROPERTY
3 AND HIS MOTHER AND HOW FELIX OWED HIM MONEY. DO YOU RECALL
4 THAT?

5 A YES, SIR.

6 Q THAT HE THEREFORE WENT DOWN GUADALAJARA ON SEVERAL
7 OCCASIONS TO TRY TO COLLECT THE MONEY, ET CETERA; AND THAT
8 DURING ONE OF THE TRIPS DOWN THERE TO TRY COLLECT THE MONEY, HE
9 STAYED AT -- OR HE LEARNED THAT FELIX WAS THE OWNER OF THE
10 SUITES REAL AND THE LAS AMERICAS; AND THAT DURING HIS MEETING
11 WITH FELIX, HE WAS INTRODUCED TO MATTA BALLESTEROS NEAR THE
12 POOL.

13 A I BELIEVE THAT WAS THE FIRST DEBRIEFING WE HAD WITH HIM;
14 YES, SIR.

15 Q AND HE TOLD YOU THAT?

16 A I BELIEVE SO.

17 Q THAT HE WAS INTRODUCED TO MATTA BALLESTEROS BY THE POOL AT
18 THE HOTEL?

19 A YES, SIR.

20 Q ALL RIGHT. NOW, LET ME SHOW YOU THE EXCERPT FROM THAT
21 REPORT, IF I MAY.

22 THE COURT: ALL RIGHT.

23 (DOCUMENT PLACED BEFORE WITNESS, WHO EXAMINES SAME.)

24 THE WITNESS: YES.

25 MR. STOLAR: YOU HAVE TO SAY IT FOR THE RECORD.

1 THE WITNESS: YES.

2 BY MR. STOLAR:

3 Q HE DID SAY THOSE THREE NAMES, AND ONLY THOSE THREE NAMES?

4 A YES, SIR.

5 MR. STOLAR: THANK YOU VERY MUCH, SIR.

6 MS. KELLY: I WOULD LIKE TO ASK THE WITNESS QUESTIONS,
7 BUT IT'S DEFINITELY BEYOND THE SCOPE OF CROSS.

8 THE COURT: JUST ONE QUESTION?

9 MS. KELLY: JUST A COUPLE YOUR HONOR.

10 THE COURT: WELL, ALL RIGHT.

11 MS. KELLY: PARDON?

12 THE COURT: GO AHEAD.

13 DIRECT EXAMINATION +

14 BY MS. KELLY:

15 Q GOOD AFTERNOON, AGENT. YOU ARE WITH THE OFFICE OF
16 PROFESSIONAL RESPONSIBILITY?

17 A YES.

18 Q AND WHAT IS THAT OFFICE RESPONSIBLE FOR?

19 A BASICALLY, WE DEAL WITH THE CONDUCT OF OUR SPECIAL AGENTS
20 IN THE FIELD.

21 Q SO YOU DO INVESTIGATIONS OF ALLEGED CORRUPTION?

22 A YES, I DO.

23 Q WITHIN THE D.E.A.?

24 Q YES.

25 Q AND ARE THERE CASES OF ALLEGED CORRUPTION WITHIN THE D.E.A.

1 THAT YOU HAVE INVESTIGATED?

2 A YES.

3 MS. KELLY: I HAVE NOTHING FURTHER AT THIS TIME, YOUR
4 HONOR.

5 THE COURT: ALL RIGHT.

6 MR. MEDRANO: NO REDIRECT, YOUR HONOR.

7 THE COURT: YOU MAY STEP DOWN.

8 THE WITNESS: THANK YOU, YOUR HONOR.

9 THE COURT: YOU MAY CALL YOUR NEXT WITNESS.

10 MR. MEDRANO: THE GOVERNMENT WILL CALL MICHAEL VIGIL,
11 V I G I L, TO THE STAND, YOUR HONOR.

12 (WITNESS SUMMONED TO COURTROOM.)

13 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

14

15 MICHAEL S. VIGIL + PLAINTIFF'S WITNESS, SWORN

16

17 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR FULL
18 NAME FOR THE RECORD AND SPELL YOUR LAST NAME.

19 THE WITNESS: MY NAME IS MICHAEL S. VIGIL. MY
20 SURNAME IS SPELLED V, AS IN VICTOR, I G I L.

21

DIRECT EXAMINATION +

22

BY MR. MEDRANO:

23

Q WHO ARE YOU EMPLOYED BY, MR. VIGIL?

24

A I'M EMPLOYED BY THE FEDERAL DRUG ENFORCEMENT
25 ADMINISTRATION.

1 Q HOW LONG HAVE YOU SERVED WITH THE D.E.A.?

2 A APPROXIMATELY 16-1/2 YEARS.

3 Q HAVE YOU EVER SERVED, AS PART OF YOUR D.E.A. CAREER,
4 ABROAD?

5 A YES, I HAVE; FOR APPROXIMATELY NINE CONSECUTIVE YEARS.

6 Q HAVE YOU EVER SERVED IN THE COUNTRY OF COLOMBIA?

7 A YES, I DID.

8 Q WERE YOU ASSIGNED TO AN OFFICE THERE?

9 A I WAS INITIALLY ASSIGNED TO THE MEDELLIN RESIDENT OFFICE.

10 I WAS THE RESIDENT AGENT IN CHARGE.

11 Q WHAT DATE DID YOU GET THERE?

12 A I ARRIVED THERE THE LATTER PART OF AUGUST OF 1983.

13 Q GO AHEAD.

14 A I SERVED APPROXIMATELY A YEAR IN MEDELLIN; AND AS A RESULT
15 OF SUBVERSIVE THREATS, I WAS RELOCATED.

16 MR. STOLAR: OBJECT AND MOVE TO STRIKE.

17 THE COURT: OVERRULED.

18 THE WITNESS: AS A RESULT OF SUBVERSIVE THREATS, I WAS
19 RELOCATED TO THE COASTAL CITY IN COLOMBIA KNOWN AS
20 BARRANQUILLA.

21 MR. MEDRANO: DIRECTING YOUR ATTENTION TO APRIL 29,
22 1985 -- YOUR HONOR, MAY I HAVE JUST ONE MOMENT?

23 (GOVERNMENT COUNSEL CONFER OFF THE RECORD.)

24 MR. MEDRANO: I'M SORRY, YOUR HONOR.

25 Q LET ME DIRECT TO YOU APRIL 29, 1985, SPECIAL AGENT VIGIL.

1 AT THAT TIME, WERE YOU IN COLOMBIA?

2 A YES, I WAS.

3 Q ON APRIL 29, WHAT CITY WERE YOU AT?

4 A I WAS IN THE CITY OF CARTAGENA, COLOMBIA, IN THE STATE OF
5 BOLIVAR.

6 Q ON THIS DATE, ARE YOU INVOLVED IN THE SEARCH OF ANY
7 RESIDENCE OR PREMISES?

8 A YES.

9 Q AND ARE YOU ACCOMPANIED BY ANY OTHER LAW ENFORCEMENT
10 OFFICIALS?

11 A BY THE -- I WAS ACCOMPANIED BY THE COLOMBIAN NATIONAL
12 POLICE.

13 Q WHO ARE THE FIRST INDIVIDUALS TO ENTER THIS RESIDENCE THAT
14 IS SEARCHED?

15 A THE SEARCH WAS CONDUCTED BY THE COLOMBIAN NATIONAL POLICE.

16 Q WHY ARE YOU, AS A D.E.A. AGENT, EVEN PRESENT IN THE COMPANY
17 OF THE COLOMBIAN NATIONAL POLICE ON APRIL 29?

18 A I WAS REQUESTED TO ACCOMPANY THE COLOMBIAN NATIONAL POLICE
19 IN THIS SEARCH, IN THE EVENT THAT THEY FOUND DOCUMENTS THAT
20 THEY NEEDED TO BE TRANSLATED FROM SPANISH INTO ENGLISH.

21 Q AT SOME POINT, IS THIS RESIDENCE SECURED BY THE COLOMBIAN
22 NATIONAL POLICE?

23 A THAT'S CORRECT.

24 Q AT SOME POINT, DO YOU HAVE AN OPPORTUNITY TO ENTER THE
25 RESIDENCE?

1 A AFTER THE RESIDENCE WAS SECURED, I WAS ASKED BY THE
2 COLOMBIAN NATIONAL POLICE TO ENTER THE RESIDENCE.

3 Q WHAT HAPPENS ONCE YOU ARE INSIDE THE RESIDENCE?

4 A I WAS ESCORTED INTO WHAT I BELIEVE TO BE THE MASTER BEDROOM
5 OF THE RESIDENCE.

6 Q WHO IS INSIDE THAT MASTER BEDROOM WHEN YOU ENTER?

7 A THERE WERE SEVERAL MEMBERS OF THE COLOMBIAN NATIONAL
8 POLICE.

9 Q ANYBODY ELSE?

10 A AND ALSO JUAN RAMON MATTA BALLESTEROS.

11 Q DO YOU SEE THIS MAN IN THE COURTROOM HERE TODAY, MR. VIGIL?

12 MR. STOLAR: MR. VIGIL WILL INDICATE MR. MATTA.

13 (DEFENDANT MATTA RAISES HAND.)

14 THE COURT: DO YOU SEE HIM?

15 THE WITNESS: YES.

16 THE COURT: ALL RIGHT.

17 THE WITNESS: HE'S THE INDIVIDUAL THAT RAISED HIS
18 HAND. HE'S GOT A BLACK --

19 THE COURT: INDICATING MR. MATTA.

20 BY MR. MEDRANO:

21 Q AT THE HOUSE, ARE YOU ALLOWED TO EXAMINE ANYTHING?

22 A AT THAT TIME, I EXAMINED SEVERAL DOCUMENTS AND ALSO A
23 VENEZUELAN PASSPORT.

24 Q NOW, IS THERE A PHOTOGRAPH IN THIS VENEZUELAN PASSPORT?

25 A THAT IS CORRECT.

1 Q OF WHOM?

2 A OF JUAN RAMON MATTA BALLESTEROS.

3 Q IS THERE A NAME IN THE PASSPORT?

4 A THE NAME IN THE PASSPORT WAS A FICTITIOUS NAME: JAIRO RIOS
5 VALLEJO.

6 MR. MEDRANO: MAY I HAVE THE AGENT HAND THE WITNESS AN
7 EXHIBIT, YOUR HONOR?

8 THE COURT: YES.

9 MR. MEDRANO: GOVERNMENT'S EXHIBIT 30, THREE ZERO?

10 THE COURT: YES.

11 BY MR. MEDRANO:

12 Q CAN YOU TELL US WHAT THAT IS, AGENT VIGIL, GOVERNMENT'S
13 EXHIBIT 30?

14 A THIS IS A PHOTOSTATIC COPY OF THAT PARTICULAR PASSPORT THAT
15 I OBSERVED ON THAT PARTICULAR DATE.

16 MR. MEDRANO: YOUR HONOR, I WOULD MOVE THE ADMISSION
17 OF GOVERNMENT'S EXHIBIT 30.

18 MR. STOLAR: JUDGE RAFEEDIE, I HAVE NO OBJECTION TO
19 THE PASSPORT GOING INTO EVIDENCE; BUT I DO HAVE AN OBJECTION TO
20 THE PHOTOCOPY, BECAUSE SOME OF THE ENTRY AND EXIT STAMPS ARE
21 NOT LEGIBLE. THE ORIGINAL, I BELIEVE, IS IN THE CUSTODY OF THE
22 CLERK OF THIS COURT.

23 THE COURT: WELL, WE'LL RECEIVE THIS, TO BE REPLACED
24 BY THE ORIGINAL.

25 MR. STOLAR: RIGHT.

1 MR. MEDRANO: THANK YOU. NO OBJECTION BY THE
2 GOVERNMENT, YOUR HONOR.

3 THE COURT: ALL RIGHT.

4 (EXHIBIT 30 † RECEIVED IN EVIDENCE.)

5 BY MR. MEDRANO:

6 Q AGENT VIGIL, LET ME DIRECT YOUR ATTENTION TO THE FOLLOWING
7 DATE: APRIL 30, 1985.

8 ON THAT DATE, DO YOU HAVE AN OPPORTUNITY TO CONDUCT AN
9 INTERVIEW OF THE DEFENDANT MATTA BALLESTEROS?

10 A THAT IS CORRECT.

11 Q AND PRIOR TO CONDUCTING THIS INTERVIEW, DO YOU ADVISE HIM
12 OF ANY SPECIFIC RIGHTS?

13 MR. STOLAR: I OBJECT TO THE LEADING.

14 THE COURT: OVERRULED.

15 MR. MEDRANO: I CAN REPHRASE IT, YOUR HONOR.

16 THE COURT: OVERRULED.

17 THE WITNESS: AT THAT TIME, I WAS ACCOMPANIED TO THE
18 F 2 SECTION OF THE COLOMBIAN --

19 THE COURT: WELL, I THINK THE QUESTION WAS: DID YOU
20 ADVISE HIM OF ANY RIGHTS?

21 THE WITNESS: I WAS ACCOMPANIED BY SPECIAL AGENT RALPH
22 AGUIRRE, WHO ADVISED MR. MATTA BALLESTEROS OF HIS
23 CONSTITUTIONAL RIGHTS.

24 BY MR. MEDRANO:

25 Q IN WHAT LANGUAGE?

1 A IN THE SPANISH LANGUAGE.

2 AT THAT TIME, MR. MATTA BALLESTEROS INDICATED THAT HE
3 FULLY UNDERSTOOD HIS CONSTITUTIONAL RIGHTS AND THAT HE WOULD
4 WAIVE HIS RIGHT TO AN ATTORNEY AND SPEAK WITH US.

5 Q ARE YOU FLUENT IN SPANISH?

6 A YES, I AM.

7 Q WHAT DID MATTA BALLESTEROS -- STRIKE THAT.

8 DID YOU CONDUCT THE INTERVIEW OF MATTA BALLESTEROS IN
9 SPANISH?

10 A YES.

11 Q WHAT DID MATTA BALLESTEROS STATE TO YOU ON THIS DAY?

12 A HE INDICATED THAT HE HAD BECOME FAMILIAR WITH MR. FELIX
13 GALLARDO, MIGUEL ANGEL FELIX GALLARDO, THROUGH AN ATTORNEY. HE
14 DIDN'T RECALL HIS FIRST NAME, BUT HE REMEMBERED THAT THE
15 ATTORNEY'S SURNAME WAS PIMENTEL (PHONETIC).

16 Q DID HE INDICATE WHAT NATIONALITY THIS LAWYER NAMED PIMENTEL
17 WAS?

18 A HE INDICATED HE WAS A MEXICAN ATTORNEY.

19 Q ANY INDICATION BY MATTA WHEN HE FIRST MET FELIX GALLARDO?

20 A HE INDICATED THAT HE HAD MET HIM APPROXIMATELY THREE YEARS
21 PRIOR TO HIS ARREST, WHICH WOULD HAVE PLACED IT ON OR ABOUT
22 1982.

23 Q THREE YEARS PRIOR TO THE DATE OF YOUR INTERVIEW?

24 A CORRECT.

25 Q DID MATTA BALLESTEROS MAKE ANY OTHER STATEMENTS ABOUT FELIX

1 GALLARDO TO YOU IN SPANISH?

2 A HE INDICATED THAT AFTER BEING INTRODUCED BY THE MEXICAN
3 ATTORNEY PIMENTEL, THAT HE HAD ENJOYED A FRIENDLY RELATIONSHIP
4 WITH FELIX GALLARDO; HOWEVER, THAT HE WAS NOT AWARE OF FELIX
5 GALLARDO'S ROLE WITH COCAINE.

6 Q DID HE EVER INDICATE WHETHER HE HAD EVER MET A MAN BY THE
7 NAME OF RAFAEL CARO QUINTERO? WHETHER MATTA HAD.

8 A YES. HE INDICATED THAT HE HAD MET RAFAEL CARO QUINTERO ON
9 ONE OCCASION, AT A PARTY AT THE HOTEL LAS AMERICAS IN MEXICO,
10 AND THAT HE HAD BEEN INTRODUCED BY FELIX GALLARDO, WHO WAS CARO
11 QUINTERO'S COMPADRE.

12 Q AND HOW LONG BEFORE YOUR INTERVIEW WAS THIS PARTY HELD,
13 WHERE HE MET CARO QUINTERO?

14 A HE INDICATED THAT THAT HAD BEEN TWO YEARS PRIOR TO THE
15 INTERVIEW.

16 Q DID YOU DISCUSS WITH MATTA BALLESTEROS IF HE HAD EVER BEEN
17 IN MEXICO?

18 A THAT IS CORRECT.

19 Q DID HE STATE ANYTHING ABOUT THAT?

20 A HE INDICATED THAT HE HAD BEEN IN MEXICO APPROXIMATELY FIVE
21 MONTHS PRIOR TO THE INTERVIEW.

22 Q WHICH WOULD HAVE MADE IT WHEN, APPROXIMATELY?

23 A WHICH WOULD HAVE PUT HIM THERE APPROXIMATELY IN DECEMBER.

24 Q OF WHAT YEAR, SIR?

25 A OF 1985 -- 84. I'M SORRY.

1 Q DECEMBER 1984?

2 A CORRECT.

3 Q DID MATTA STATE TO YOU WHERE HE STAYED WHEN HE WAS THERE IN
4 DECEMBER OF 84?

5 A HE INDICATED THAT HE HAD BEEN IN MEXICO CITY AND HAD BEEN
6 AT THE HOLIDAY INN WHEN HE MET WITH FELIX GALLARDO.

7 Q WHAT OTHER STATEMENTS DID MATTA BALLESTEROS MAKE TO YOU?

8 A HE INDICATED THAT DURING THE MEETING WITH FELIX GALLARDO,
9 THAT FELIX GALLARDO HAD TOLD HIM THAT RAFAEL CARO QUINTERO HAD
10 KILLED A D.E.A. AGENT THAT HAD BEEN RESPONSIBLE FOR SEIZING A
11 LARGE AMOUNT OF MARIJUANA BELONGING TO CARO QUINTERO.

12 Q DID HE INDICATE WHERE THIS MARIJUANA HAD BEEN SEIZED?

13 A I DON'T BELIEVE SO -- WELL, LET ME CORRECT THAT.

14 MR. MEZA: I'M GOING TO OBJECT ON BEHALF OF MY CLIENT
15 AND MOVE TO STRIKE THAT AS HEARSAY, ON BEHALF OF MY CLIENT; IN
16 THE ALTERNATIVE, REQUEST A LIMITING INSTRUCTION.

17 THE COURT: DENIED.

18 THE WITNESS: HE INDICATED THAT THE AREAS WERE SONORA
19 AND CHIHUAHUA.

20 THE COURT: STRIKE THAT: THE COURT WILL SUSTAIN THE
21 OBJECTION AND INSTRUCT THE JURY THAT THIS EVIDENCE OF WHAT MR.
22 MATTA SAID MAY BE CONSIDERED ONLY AS EVIDENCE AS TO HIM AND NOT
23 TO THE OTHER DEFENDANTS.

24 MR. MEZA: THANK YOU.

25 BY MR. MEDRANO:

1 Q ANY OTHER STATEMENTS BY MATTA BALLESTEROS ABOUT THIS
2 AGENT-KILLING?

3 A YES. HE INDICATED THAT NEITHER HE NOR FELIX GALLARDO HAD
4 ANYTHING TO DO WITH THE HOMICIDE AND THAT FELIX GALLARDO HAD
5 BEEN VERY INDIGNANT ABOUT THE KILLING AND THAT HE HAD INDICATED
6 THAT THAT WOULD CREATE PROBLEMS FOR ALL OF THEM.

7 Q DID YOU QUESTION MATTA BALLESTEROS FURTHER ABOUT HIS STAY
8 AT THE HOLIDAY INN IN MEXICO CITY?

9 A YES. I ASKED HIM UNDER WHAT NAMES HE HAD REGISTERED AT THE
10 HOTEL, AND HE INDICATED THAT HE HAD USED AN ALIAS, FIRST NAME
11 BY FERNANDO. HE DIDN'T RECALL THE SURNAME THAT HE HAD USED.

12 Q DID YOU QUESTION MATTA BALLESTEROS WHETHER HE HAD ANY
13 PERSONAL KNOWLEDGE OF THE MURDER OF SPECIAL AGENT CAMARENA?

14 A DURING THE INITIAL -- DURING THE ONSET OF THE INTERVIEW,
15 MR. MATTA BALLESTEROS INDICATED THAT HE DID NOT HAVE ANY
16 PERSONAL KNOWLEDGE OTHER THAN WHAT HE HAD LEARNED FROM THE
17 MEDIA.

18 LATER, HE RECANTED THAT AND HE INDICATED THAT HE DID
19 IN FACT HAVE PERSONAL KNOWLEDGE; HOWEVER, THAT IF HE DIVULGED
20 THAT INFORMATION, THAT HE WOULD BE KILLED.

21 MR. MEDRANO: MAY I HAVE ONE MOMENT, YOUR HONOR?

22 (PAUSE.) THAT CONCLUDES DIRECT, YOUR HONOR.

23 THE COURT: CROSS-EXAMINE?

24 MR. STOLAR: YES, SIR.

25 CROSS-EXAMINATION +

1 BY MR. STOLAR:

2 Q PERSONAL KNOWLEDGE WOULD INCLUDE HAVING HEARD FROM OTHER
3 PEOPLE WHAT HAD GONE ON; IS THAT CORRECT?

4 MR. MEDRANO: OBJECTION. CALLS FOR SPECULATION OR
5 CONCLUSION BY THE WITNESS.

6 THE COURT: YES. SUSTAINED.

7 BY MR. STOLAR:

8 Q ALL RIGHT. AGENT VIGIL, YOU WERE THERE AT THE HOUSE IN
9 CARTAGENA WITH THE COLOMBIAN NATIONAL POLICE ON THE 29TH. THEY
10 WERE IN THE PROCESS OF EXECUTING A SEARCH WARRANT, OR SO YOU
11 HAVE BEEN TOLD, THAT HAD BEEN ISSUED BY A JUDGE FOR THAT HOUSE;
12 IS THAT CORRECT?

13 A THAT IS CORRECT.

14 Q AND THAT WAS THE HOUSE -- THE SEARCH WARRANT WAS FOR THE
15 HOUSE OF JAIME GARCIA GARCIA; IS THAT RIGHT?

16 A THAT IS CORRECT.

17 Q YOU WEREN'T THERE LOOKING FOR MR. MATTA, WERE YOU?

18 A PARDON ME?

19 Q NEVER MIND. I'LL WITHDRAW THE QUESTION.

20 NOW, WHEN YOU SAW MR. MATTA, YOU SAW HIM IN BOGOTA; IS
21 THAT CORRECT?

22 A I SAW HIM AT THE RESIDENCE ON APRIL 29TH 1985.

23 Q NO. WHEN YOU -- HE MADE THE STATEMENT TO YOU, YOU SAW HIM
24 IN BOGOTA?

25 A CORRECT.

1 Q NOT IN CARTAGENA; IS THAT RIGHT?

2 A CORRECT.

3 Q HE HAD GONE FROM CARTAGENA TO BOGOTA ON AN AIRPLANE; IS
4 THAT CORRECT?

5 A THAT IS CORRECT.

6 Q AND THERE WAS, IN ADDITION -- DO YOU KNOW IF SPECIAL AGENT
7 LECZYNSKI ACCOMPANIED HIM ON THAT AIRPLANE, ANOTHER SPECIAL
8 AGENT FROM YOUR OFFICE?

9 A THAT'S INCORRECT. THE ONLY AGENT FROM D.E.A. WAS MYSELF.

10 Q I SEE. ANYWAY, YOU ASKED THE BOGOTA F 2 POLICE FOR
11 PERMISSION TO SPEAK TO MR. MATTA; IS THAT RIGHT?

12 A THAT IS CORRECT.

13 Q AND THEY SAID OKAY, AND MR. MATTA CAME OUT AND YOU SAT DOWN
14 AND YOU TALKED TO HIM; RIGHT? YOU AND AGENT AGUIRRE?

15 A YES.

16 Q HE WASN'T HANDCUFFED, HE WASN'T BRUISED, HE WASN'T BEATEN?

17 A NO, HE WAS NOT.

18 Q HE WAS COOPERATIVE WITH YOU?

19 A YES, HE WAS.

20 Q HE WAIVED HIS RIGHTS?

21 A HE WAIVED HIS RIGHTS.

22 Q HOW LONG DID THIS CONVERSATION TAKE PLACE? DO YOU KNOW?

23 A I WOULD ESTIMATE IT APPROXIMATELY AN HOUR.

24 Q ALL RIGHT. BY THE WAY, YOU DID NOT GET A WRITTEN WAIVER OF
25 RIGHTS, DID YOU?

1 A NO, I DID NOT.

2 Q YOU HAVE THAT FORM IN YOUR OFFICE, DON'T YOU?

3 A THAT IS CORRECT.

4 Q ALL RIGHT. DO YOU HAVE IT IN SPANISH, ALSO, WHEN YOU WERE
5 IN SOUTH AMERICA ?

6 A THAT IS CORRECT.

7 Q BUT YOU DIDN'T HAVE ONE WITH YOU?

8 A NO, I DID NOT.

9 Q WHAT TIME OF DAY WAS IT THAT YOU WENT TO SEE MR. MATTA?

10 A I BELIEVE THIS WAS CLOSE TO NOON.

11 Q SO YOU CHECKED IN YOUR OFFICE IN THE MORNING BEFORE YOU
12 WENT?

13 A CORRECT.

14 Q AND YOU DIDN'T BRING A TAPE RECORDER WITH YOU, DID YOU?

15 A NO, WE DID NOT.

16 Q YOU DO HAVE TAPE RECORDERS AND TAPE RECORDING FACILITIES IN
17 YOUR OFFICE, DON'T YOU?

18 A THAT IS CORRECT.

19 Q HOW ABOUT VIDEO?

20 A NO VIDEO.

21 Q NO VIDEO?

22 A NO VIDEO.

23 Q ALL RIGHT. YOU BROUGHT A PENCIL AND PAPER, THOUGH, I TAKE
24 IT.

25 A YES.

1 Q AND YOU MADE SOME NOTES WHILE YOU WERE TALKING TO MR.
2 MATTA?

3 A I BELIEVE SPECIAL AGENT AGUIRRE MADE NOTES. I DID NOT TAKE
4 NOTES.

5 Q ALL RIGHT. BUT IN ANY EVENT, YOU WROTE UP THE REPORT, YOU
6 KNOW, OF WHAT THE CONVERSATION WAS SOME TIME LATER; DIDN'T YOU?

7 A THAT IS CORRECT.

8 Q AND DID YOU WRITE IT USING AGUIRRE'S NOTES OR FROM MEMORY?

9 A FROM BOTH.

10 Q FROM BOTH. BUT IT WAS SEVERAL DAYS LATER THAT YOU WROTE
11 YOUR STATEMENTS UP, THE D.E.A.-6?

12 A THE REPORT WAS WRITTEN, I BELIEVE, TWO DAYS LATER.

13 Q A COUPLE OF DAYS LATER. BY THE WAY, THE PURPOSE OF YOUR
14 CONDUCTING THE INTERVIEW OF MR. MATTA AT THE TIME WAS TO
15 ESTABLISH OR TO GAIN INTELLIGENCE ON SEVERAL MATTERS, WASN'T
16 IT?

17 A INFORMATION ON WHAT, SIR? I DIDN'T HEAR.

18 Q TO ESTABLISH OR GAIN INFORMATION -- ESTABLISH OR GAIN
19 INTELLIGENCE INFORMATION ON SEVERAL MATTERS, SEVERAL CRIMINAL
20 MATTERS?

21 A CORRECT.

22 MR. STOLAR: THANK YOU.

23 THE COURT: ALL RIGHT. ANY OTHER DEFENSE COUNSEL WISH
24 TO CROSS-EXAMINE?

25 DEFENSE COUNSEL: NO, YOUR HONOR.

1 MR. MEDRANO: NO REDIRECT, YOUR HONOR.

2 THE COURT: ALL RIGHT. YOU MAY STEP DOWN.

3 THE COURT: CALL YOUR NEXT WITNESS.

4 MR. MEDRANO: YOUR HONOR, WE WOULD RECALL AUGUSTIN
5 BUENO GONZALEZ AT THIS TIME AND ASK THE CERTIFIED INTERPRETER
6 TO JOIN US.

7 MR. STOLAR: JUDGE RAFEEDIE?

8 THE COURT: YES.

9 MR. STOLAR: DID YOUR RULING HERE THIS MORNING INCLUDE
10 THIS PARTICULAR WITNESS?

11 THE COURT: WELL, LET'S TAKE OUR RECESS AT THIS TIME.
12 WE'LL TAKE OUR AFTERNOON RECESS.

13 THE CLERK: PLEASE RISE.

14 (JURY ABSENT:)

15 THE CLERK: YOU MAY BE SEATED.

16 THE COURT: COUNSEL, SINCE IT WAS THIS WITNESS THAT
17 PRECIPITATED THAT INQUIRY --

18 MR. STOLAR: I ASKED THAT BECAUSE --

19 THE COURT: -- THE RULING WAS INTENDED TO DISPENSE
20 WITH THAT AND TO COVER IT.

21 MR. STOLAR: I'M SORRY. WE SPECIFICALLY TALKED THIS
22 MORNING ABOUT THE WITNESS RETAMOZA, WHO WAS TALKING ABOUT
23 STATEMENTS MADE WITH RESPECT TO FELIX GALLARDO THAT WERE
24 ADMISSIBLE AGAINST MR. MATTA.

25 THE COURT: AS I UNDERSTAND IT, THIS WITNESS WILL

1 TESTIFY TO HAVING BEEN PRESENT AT A PLACE WHERE SOME OR ALL OF
2 THESE DEFENDANTS OR ONE OR MORE OF THESE DEFENDANTS WAS
3 PRESENT?

4 MR. MEDRANO: THAT'S CORRECT, YOUR HONOR.

5 THE COURT: HE WILL TESTIFY TO CONVERSATIONS THAT TOOK
6 PLACE AT THAT TIME?

7 MR. MEDRANO: THAT'S CORRECT, YOUR HONOR.

8 THE COURT: VERY SIMILAR TO THE TESTIMONY THAT WAS
9 PRESENTED BY THE LAST WITNESS --

10 MR. MEDRANO: THAT'S CORRECT.

11 THE COURT: -- THE ONE THAT WAS ON BEFORE; IS THAT
12 RIGHT?

13 MR. MEDRANO: CORRECT, YOUR HONOR.

14 MR. STOLAR: THAT IS NOT MY UNDERSTANDING.

15 MR. MEDRANO: YOUR HONOR, THE PROFFER I MADE THIS
16 MORNING WAS -- AND I'LL RESTATE IT BRIEFLY -- THAT AT THIS
17 MEETING THAT MR. BRIGGS WILL TESTIFY ABOUT WAS MATTA
18 BALLESTEROS, FELIX GALLARDO, CARO QUINTERO, FONSECA CARRILLO,
19 AND OTHERS, AND BODYGUARDS; AND AT THAT MEETING, YOUR HONOR,
20 THEY DISCUSSED HOW THEY WERE GOING TO START SHIPPING COCAINE
21 FROM COLOMBIA THROUGH MEXICO INTO THE UNITED STATES FOR
22 DISTRIBUTION.

23 SO THAT'S THE PROFFER I MADE EARLIER.

24 THE COURT: WELL, YES. ALL RIGHT.

25 THEN THIS IS SUBJECT TO THE SAME RULE: THIS IS

1 RECEIVED PROVISIONALLY AND SUBJECT TO A MOTION TO STRIKE IF IT
2 IS NOT PROVED THAT EACH OF THESE DEFENDANTS WAS A MEMBER OF THE
3 ENTERPRISE ABOUT WHICH THESE STATEMENTS WERE MADE AND WHICH
4 WERE MADE IN FURTHERANCE OF THE ENTERPRISE.

5 SO IT'S THE SAME SITUATION.

6 MR. STOLAR: ALL RIGHT. WE HAVE THE SAME OBJECTION,
7 THEN.

8 MR. MEDRANO: THANK YOU, YOUR HONOR.

9 MR. MEZA: JUST QUICKLY, REGARDING THE LAST WITNESS'S
10 STATEMENTS CONCERNING THE COURT'S ADMONITION TO THE JURY WITH
11 THE WITNESS VIGIL, I AM CONTEMPLATING ON BEHALF OF MY CLIENT TO
12 MAKE A MOTION -- RENEW THE MOTION TO SEVER AND MAKE A MOTION
13 FOR MISTRIAL BASED ON WHAT I --

14 THE COURT: YOU'RE CONTEMPLATING THAT OR YOU'RE DOING
15 IT?

16 MR. MEZA: WELL, I'M MAKING THE MOTION. I WANT TO
17 RESERVE IT, BECAUSE BEFORE I MAKE IT FULLY, I WANT TO DO
18 RESEARCH OVER THE WEEKEND. BUT I WANT TO MAINTAIN THE
19 INTEGRITY OF THE RECORD.

20 THE COURT: YOU MAY DO WHATEVER YOU WISH TO DO,
21 COUNSEL.

22 MR. MEZA: ALL RIGHT. THANK YOU.

23 THE CLERK: PLEASE RISE. THIS COURT IS NOW IN RECESS.

24 (BRIEF RECESS.)

25

1 (JURY PRESENT.)

2 THE COURT: DO YOU WISH TO CALL THIS WITNESS AT THIS
3 TIME?

4 MR. MEDRANO: WE WOULD RECALL YOU AUGUSTIN BUENO
5 GONZALEZ, WITH YOUR PERMISSION, YOUR HONOR.

6 THE COURT: THE WITNESS WILL PLEASE RESTATE HIS NAME
7 FOR THE RECORD.

8 THE WITNESS: MY NAME IS AUGUSTIN BUENO.

9 THE COURT: YOU MAY PROCEED.

10

11 AUGUSTIN BUENO GONZALEZ + PLAINTIFF'S WITNESS

12 SWORN THROUGH SPANISH INTERPRETER

13 DIRECT EXAMINATION +

14 BY MR. MEDRANO:

15 Q. MR. BUENO, I'D LIKE TO DIRECT YOUR ATTENTION TO WHERE WE
16 LEFT OFF.

17 YOU WERE DESCRIBING A MEETING IN '82 OR '83. DO YOU
18 RECALL THAT?

19 A. YES.

20 Q. AND WAS MATTA BALLESTEROS AT THAT MEETING?

21 A. YES.

22 Q. WHO ELSE?

23 A. RAFAEL CARO QUINTERO, MIGUEL FELIX GALLARDO, ERNESTO
24 FONSECA, AND RUDOLFO LEPE.

25 Q. INEZ CALDERON, RENE CALDERON, JESUS FELIX.

1 Q. ARE THERE ANY BODYGUARDS AT THE MEETING, AS WELL, MR.
2 BUENO?

3 A. SOME.

4 Q. AND ARE YOU PRESENT -- WELL, STRIKE THAT. IS A DISCUSSION
5 HELD AT THIS MEETING?

6 A. YES.

7 Q. ARE YOU PRESENT FOR THE DISCUSSION?

8 A. YES.

9 Q. DOES MATTA BALLESTEROS SAY ANYTHING AT THIS MEETING?

10 A. YES.

11 Q. PLEASE TELL US WHAT HE SAID.

12 A. WELL, HE SPOKE ABOUT THE DEAL IN PANAMA.

13 Q. WHAT KIND OF DEAL WAS HE REFERRING TO?

14 A. COCAINE.

15 Q. DID ANY -- STRIKE THAT.

16 DID EVERYONE PRESENT AT THE MEETING PARTICIPATE IN
17 THE DISCUSSION?

18 A. YES.

19 Q. WAS THERE A DISCUSSION OF COCAINE AT THIS MEETING?

20 A. YES.

21 Q. CAN YOU TELL ME WHAT WAS DISCUSSED? AND PLEASE SPECIFY
22 WHO SAID WHAT, MR. BUENO?

23 A. WELL, THE ARRIVAL OF THE COCAINE IN MEXICO WAS DISCUSSED.

24 Q. AN ARRIVAL FROM WHERE?

25 A. FROM COLOMBIA.

1 CARO QUINTERO, FELIX GALLARDO AND MR. BALLESTEROS
2 SPOKE ABOUT THAT. AND THEY ARRIVED AT AN AGREEMENT THAT IT
3 WOULD BE RECEIVED IN PANAMA.

4 Q. THAT WHAT WOULD BE RECEIVED IN PANAMA?

5 A. COCAINE.

6 Q. WAS THERE DISCUSSION OF PRICE FOR THIS COCAINE TO BE
7 RECEIVED IN PANAMA?

8 A. ABOUT THE AMOUNT, YES, BUT I DON'T REMEMBER ABOUT THE
9 PRICE.

10 Q. WHAT AMOUNTS OF COCAINE WERE DISCUSSED AT THE MEETING?

11 A. AMOUNTS GREATER THAN 1,000 KILOS.

12 Q. AFTER THE COCAINE ARRIVED IN PANAMA, WHERE WAS IT GOING TO
13 GO?

14 A. TO MEXICO.

15 Q. AFTER MEXICO, WHERE WAS IT TO GO?

16 A. HERE. THE UNITED STATES.

17 Q. LET ME DIRECT YOUR ATTENTION TO THE FOLLOWING DAY OF THIS
18 MEETING, MR. BUENO. ON THAT DAY DID YOU HAPPEN TO SEE FELIX
19 GALLARDO AGAIN?

20 A. THE FOLLOWING DAY?

21 Q. CORRECT, SIR.

22 A. YES.

23 Q. WHAT WERE THE CIRCUMSTANCES?

24 A. I TOOK HIM TO THE AIRPORT.

25 Q. I WANT TO DIRECT YOUR ATTENTION TO ABOUT ONE MONTH LATER.

1 ARE YOU FAMILIAR WITH A TOWN OR CITY BY THE NAME OF
2 MAYARIT? M A Y A R I T.

3 A. YES. \$\$\$

4 Q. DO YOU KNOW WHAT STATE THIS CITY OR TOWN IS IN?

5 A. WELL, IT IS A STATE OF MEXICO.

6 Q. DID YOU EVER HAVE AN OPPORTUNITY TO TRAVEL TO MAYARIT?

7 A. YES.

8 Q. DID YOU GO WITH ANYBODY?

9 A. YES.

10 Q. WHO WAS THAT?

11 A. MR. INES CALDERON.

12 Q. WHERE DID YOU TAKE HIM TO IN MAYARIT?

13 A. I TOOK HIM TO MAYARIT, BUT I DON'T REMEMBER THE NAME OF

14 THE TOWN BECAUSE I DON'T KNOW MAYARIT SUFFICIENTLY.

15 Q. WERE YOU GIVING INES CALDERON A RIDE?

16 A. YES, I TOOK HIM.

17 Q. WHAT HAPPENED NEXT? THE INTERPRETER DIDN'T HEAR THAT.

18 A. HE WENT TO GET TOGETHER WITH MR. BALLESTEROS THERE.

19 Q. DID YOU SEE MATTA BALLESTEROS THERE?

20 A. YES. HE CAME OUT AND THEY SHOOK EACH OTHER'S HANDS.

21 Q. AND WERE YOU PRESENT WHEN THAT OCCURRED?

22 A. YES.

23 Q. IS THAT WHERE YOU LEFT OFF INEZ CALDERON WITH MATTA
24 BALLESTEROS?

25 A. THAT IS CORRECT.

1 Q. WHAT DID YOU DO NEXT THEN?

2 A. I RETURNED TO CULIACAN.

3 Q. I'D LIKE TO DIRECT YOUR ATTENTION NOW TO ABOUT 1983.

4 MR. STOLAR: I HAVE AN OBJECTION ON THE FOUNDATION
5 FOR THAT QUESTION. THE WITNESS HAS TESTIFIED --

6 THE COURT: WHICH QUESTION?

7 MR. STOLAR: HE SAID I WANT TO DIRECT HIS ATTENTION
8 TO 1983.

9 THE COURT: WHAT FOUNDATION IS REQUIRED FOR THAT
10 QUESTION?

11 MR. STOLAR: HE TESTIFIED THAT HE DIDN'T KNOW WHEN
12 THIS MEETING TOOK PLACE; '82 OR '83.

13 THE COURT: OVERRULED.

14 BY MR. MEDRANO:

15 Q. DIRECTING YOU TO 1983, AT OR ABOUT THAT TIME, WERE YOU
16 FAMILIAR WITH AN AREA CALLED INDIO, CALIFORNIA?

17 A. YES, THAT IS CORRECT.

18 Q. ARE YOU FAMILIAR -- STRIKE THAT. WERE YOU FAMILIAR IN
19 1983 WITH AN AREA ENTITLED OR CALLED CHINO, CALIFORNIA?

20 A. YES.

21 Q. AFTER THIS MEETING THAT YOU DESCRIBED, WERE YOU INVOLVED
22 AT ALL IN THE RECEIPT OF COCAINE IN THE UNITED STATES?

23 THE COURT: WHICH MEETING, COUNSEL?

24 MR. MEDRANO: I'LL REPHRASE, YOUR HONOR.

25 MR. MEDRANO: WERE YOU EVER INVOLVED IN THE RECEIPT

1 OF QUANTITIES OF COCAINE IN THE UNITED STATES, MR. BUENO?

2 A. YES.

3 Q. WHERE WERE YOU WHEN YOU WOULD RECEIVE THOSE QUANTITIES OF
4 COCAINE?

5 A. HERE IN LOS ANGELES.

6 Q. APPROXIMATELY -- WELL, STRIKE THAT. WERE THESE LOADS OF
7 COCAINE?

8 A. YES.

9 Q. APPROXIMATELY HOW MANY LOADS OF COCAINE DID YOU
10 PARTICIPATE IN THE RECEIPT OF?

11 A. SOME TEN.

12 Q. AFTER ARRIVAL OF THE COCAINE, WOULD YOU DO ANYTHING WITH
13 IT?

14 A. YES.

15 Q. WHAT WOULD HAPPEN TO THESE LOADS OF COCAINE?

16 A. THEY WOULD BE TAKEN TO A HOUSE.

17 Q. WHAT WOULD HAPPEN AT THE HOUSE, MR. BUENO?

18 A. DELIVERIES WOULD BE MADE FROM THERE. IT WOULD BE
19 DISTRIBUTED.

20 Q. THE COCAINE WOULD BE DISTRIBUTED OUT OF THAT HOUSE?

21 A. YES.

22 Q. DO YOU RECALL WHERE THIS HOUSE WAS LOCATED?

23 A. HERE IN LA PUENTE, CALIFORNIA.

24 Q. IF I COULD ASK YOU, WITH THE COURT'S PERMISSION, YOUR

25 HONOR, TO TURN TO YOUR RIGHT, MR. BUENO. LOOK AT EXHIBIT 19

1 FOR IDENTIFICATION, THE LARGE PHOTOGRAPH. DO YOU SEE THAT?

2 A: YES.

3 Q. CAN YOU IDENTIFY WHAT GOVERNMENT EXHIBIT 19 IS?

4 A. YES. THAT'S THE HOUSE THAT THE DRAWINGS WERE TAKEN TO.

5 MR. MEDRANO: I MOVE TO ADMIT 19, YOUR HONOR.

6 THE COURT: THAT MAY BE RECEIVED.

7 (EXHIBIT # 19 RECEIVED IN EVIDENCE.)

8 BY MR. MEDRANO:

9 Q. IN WHAT MANNER OF TRANSPORTATION WOULD THE COCAINE BE
10 BROUGHT TO THAT HOUSE IN LA PUENTE?

11 A. SOMETIMES U-HAUL TRACKS OR VANS.

12 Q. HOW OFTEN WOULD YOU RECEIVE LOADS OF COCAINE TO BE BROUGHT
13 TO LA PUENTE?

14 A. ABOUT TWICE A MONTH.

15 Q. WHAT WAS THE AVERAGE SIZE OF EACH LOAD THAT YOU WORKED ON?

16 A. WELL, THERE WERE SEVERAL, BUT I REMEMBER THAT I WENT TO
17 PICK UP OVER 1,000 KILOS ONCE.

18 Q. WHEN YOU SAY YOU WENT TO PICK UP, WHERE DID YOU GO TO BIG
19 UP THE LOADS?

20 A. ONCE A PICKUP WAS MADE AT THE CHINO AIRPORT.

21 Q. ANY OTHER PLACE THAT YOU PICKED UP?

22 A. ANOTHER TIME IN INDIO, IN THE DESERT.

23 Q. THESE LOADS OF COCAINE, DID YOU START RECEIVING THESE
24 LOADS AFTER THAT GUADALAJARA MEETING THAT YOU HAVE DESCRIBED
25 WHERE MATTA BALLESTEROS WAS PRESENT?

1 A. THAT IS CORRECT.

2 Q. HOW MUCH TOTAL COCAINE DID YOU ACCEPT DELIVERY OF AND KEEP
3 AT THE LA PUENTE HOUSE, MR. BUENO?

4 A. MORE THAN 30 TONS.

5 Q. MR. BUENO, IF COULD YOU GO BACK JUST FOR ONE MOMENT TO
6 THAT GUADALAJARA MEETING YOU DESCRIBED WHERE MATTA WAS PRESENT,
7 YOU STATED COCAINE WOULD GO TO PANAMA AT THE BEGINNING,
8 CORRECT?

9 A. YES, THAT IS CORRECT.

10 Q. AND WHO WAS GOING TO ARRANGE TO TAKE THE COCAINE TO
11 PANAMA?

12 A. MR. BALLESTEROS.

13 Q. FOR YOUR PARTICIPATION IN THESE COCAINE LOADS, MR. BUENO,
14 WERE YOU PAID?

15 A. YES, I WAS BEING PAID A SALARY.

16 Q. WHAT WAS YOUR SALARY?

17 A. \$200 A WEEK.

18 Q. ANY OTHER FORM OF PAYMENT TO YOU?

19 A. NOT AS FAR AS I RECALL.

20 Q. DID YOU PAY RENT ON THE LA PUENTE HOUSE?

21 A. NO, THE RENT WAS FREE.

22 Q. NOW, MR. BUENO, HAVE YOU EVER BEEN CONVICTED OF ANYTHING,
23 SIR?

24 A. YES.

25 Q. WHAT?

1 A. ONCE IN '84, FOR USE OF A TELEPHONE.

2 Q. WAS THIS USE OF A TELEPHONE IN FURTHERANCE OF NARCOTICS
3 TRAFFICKING?

4 A. YES, THAT IS CORRECT.

5 Q. DID YOU PLEAD GUILTY TO THAT?

6 A. YES.

7 Q. DID YOU RECEIVE A SENTENCE?

8 A. YES.

9 Q. WHAT WAS THAT SENTENCE?

10 A. TWO YEARS.

11 Q. TWO YEARS IN JAIL OR PRISON?

12 A. TWO YEARS IN JAIL.

13 Q. ANY PROBATION IMPOSED?

14 A. THREE YEARS.

15 Q. HAVE YOU BEEN CONVICTED OF ANYTHING BESIDES WHAT YOU JUST
16 DESCRIBED, MR. BUENO?

17 A. YES.

18 Q. WHAT, MR. BUENO?

19 A. OF HAVING USED SOME FALSE PAPERS.

20 Q. AND WHAT WAS THE DATE OF THAT CONVICTION; DO YOU RECALL?

21 A. IN 1988.

22 Q. NO, BEFORE THIS 1988 CONVICTION, DID YOU EVER ESCAPE FROM
23 ANY PRISON FACILITY, MR. BUENO?

24 A. YES, IN TUCSON, ARIZONA.

25 Q. WHEN WAS THAT?

1 A. IN 1984.

2 Q. WHAT HAPPENED AFTER YOU ESCAPED FROM THAT FACILITY IN
3 ARIZONA?

4 A. I TURNED MYSELF IN VOLUNTARILY.

5 Q. DID YOU PLEAD GUILTY TO ANYTHING AS RESULT OF ESCAPING?

6 A. YES.

7 Q. DID YOU RECEIVE A SENTENCE, MR. BUENO?

8 A. YES.

9 Q. YOU MENTIONED A CONVICTION IN 1988; IS THAT CORRECT?

10 A. YES.

11 Q. AND WHAT WAS THAT FOR?

12 A. FOR HAVING USED FALSE PAPERS. I TRIED TO OBTAIN AN
13 AMERICAN PASSPORT USING FALSE PAPERS.

14 Q. DID YOU PLEAD GUILTY FOR THAT?

15 A. YES.

16 Q. WAS THERE A SENTENCE THAT WAS IMPOSED?

17 A. YES.

18 Q. WHAT WAS THAT?

19 A. TEN MONTHS.

20 Q. ANYTHING ELSE?

21 A. YES, I MADE AN AGREEMENT WITH THE GOVERNMENT AS FAR AS
22 SOME INFORMATION.

23 Q. AS TO THIS PASSPORT CHARGE, WAS A PERIOD OF A TERM OF
24 PROBATION IMPOSED UPON YOU?

25 A. YES.

1 Q. WHAT WAS THAT, MR. BUENO?

2 A. THREE YEARS.

3 Q. WAS THERE ANY FINE RELATED TO THE PASSPORT CHARGE?

4 A. YES.

5 Q. NOW, WHEN YOU PLEAD GUILTY TO THE PASSPORT CHARGE --
6 STRIKE THAT.

7 WHAT WAS THE FINE? I APOLOGIZE.

8 A. \$20,000.

9 Q. NOW, RELATING TO YOUR CONVICTION FOR THE PASSPORT CHARGE
10 IN '88, DID YOU ENTER INTO ANY PLEA AGREEMENT WITH THE UNITED
11 STATES?

12 A. YES. THAT IS CORRECT.

13 Q. WHAT WERE THE TERMS OF THAT PLEA AGREEMENT?

14 MR. STOLAR: OBJECTION. IRRELEVANT ON DIRECT.

15 THE COURT: SUSTAINED.

16 BY MR. MEDRANO:

17 Q. ARE YOU CURRENTLY RESIDING IN THE UNITED STATES,
18 MR. BUENO?

19 A. YES.

20 Q. WHY DO YOU NOT RESIDE IN MEXICO?

21 A. BECAUSE MY LIFE WOULD BE IN DANGER.

22 MR. STOLAR: OBJECTION. MOVE TO STRIKE.

23 THE COURT: GROUND.

24 MR. STOLAR: I'M SORRY. IT'S BOLSTERING THE WITNESS
25 AND IT'S IRRELEVANT TO THE TRIAL, AND PREJUDICIAL.

1 THE COURT: THAT WAS WHY HE DOESN'T LIVE IN MEXICO.

2 MR. STOLAR: IT'S PREJUDICIAL.

3 THE COURT: IT IS NOT BOLSTERING THE WITNESS.

4 MR. STOLAR: IT PREJUDICIAL. THE ANSWER MAY BE
5 STRICKEN. THE JURY WILL DISREGARD IT.

6 MR. STOLAR: THANK YOU.

7 BY MR. MEDRANO:

8 Q. HAVE YOU BEEN GIVEN ANY REWARD FOR YOUR TESTIMONY TODAY?

9 A. NO.

10 Q. DO YOU ANTICIPATE RECEIVING ANY REWARD FOR YOUR TESTIMONY
11 TODAY, MR. BUENO?

12 A. NO.

13 Q. FINALLY, MR. BUENO, HAVE YOU EVER WORKED WITH THE D.E.A.?

14 A. I AM WORKING RIGHT NOW.

15 Q. WHEN DID YOU START WORKING WITH THE D.E.A.?

16 A. IN 1989.

17 Q. DO YOU RECALL THE MONTH?

18 A. ABOUT JULY.

19 Q. ARE YOU AN INFORMANT WITH THE D.E.A. SINCE JULY OF '89?

20 A. YES.

21 Q. HAVE YOU WORKED ON UNRELATED INVESTIGATIONS?

22 A. THAT IS CORRECT.

23 Q. HAVE YOU RECEIVED ANY MONEY FROM THE D.E.A. IN RETURN FOR
24 YOUR WORK ON THESE UNRELATED INVESTIGATIONS?

25 A. YES.

1 Q. HOW MUCH?

2 A. ABOUT \$6,000.

3 Q. WHAT WAS THIS MONEY FOR?

4 A. ONE PART WAS FOR A SEIZURE THAT WAS MADE WHERE I TOOK
5 PART. IT WAS LIKE A REWARD THAT I WAS GIVEN, \$3,000. AND THE
6 REST HAS BEEN GIVEN TO ME IN 500, 600, LIKE THAT.

7 Q. THAT BALANCE THAT YOU'RE DESCRIBING, HAS ANY OF THAT BEEN
8 FOR YOUR EXPENSES?

9 A. YES, FOR EXPENSES.

10 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES DIRECT OF
11 THIS WITNESS.

12 THE COURT: YOU MAY CROSS-EXAMINE THE WITNESS.

13 MR. STOLAR: THANK YOU.

14

15

CROSS-EXAMINATION +

16 BY MR. STOLAR:

17 Q. GOOD AFTERNOON, MR. BUENO GONZALEZ.

18 A. GOOD AFTERNOON.

19 Q. I BELIEVE YOU TESTIFIED THAT YOU CAN'T REMEMBER WHEN THIS
20 MEETING TOOK PLACE THAT YOU SAID YOU SAW MR. MATTA, MR. CARO
21 QUINTERO AND OTHER PEOPLE AT.

22 MR. MEDRANO: OBJECTION. MISCHARACTERIZES THE
23 TESTIMONY.

24 MR. STOLAR: I'LL REPHRASE IT.

25 THE COURT: REPHRASE IT.

1 BY MR. STOLAR:

2 Q. CAN YOU REMEMBER WHEN THIS MEETING TOOK PLACE?

3 A. OF COURSE.

4 Q. WHEN?

5 A. IN '82.

6 Q. IN 1982?

7 A. THAT IS CORRECT.

8 Q. POSITIVE?

9 A. THAT IS CORRECT.

10 Q. WHAT DAY? WHAT MONTH?

11 A. THAT I CANNOT ANSWER BECAUSE I DON'T REMEMBER THE DAY OR
12 THE MONTH, BUT IT WAS IN '82.

13 Q. WAS IT CLOSER TO CHRISTMAS OR CLOSER TO EASTER?

14 A. I WOULD SAY TOWARD THE MIDDLE OF THE YEAR.

15 Q. TOWARD THE MIDDLE OF THE YEAR. DO YOU FOLLOW WORLD CUP
16 SOCCER?

17 MR. MEDRANO: OBJECTION. RELEVANCE.

18 THE COURT: OVERRULED.

19 THE WITNESS: NO.

20 BY MR. STOLAR:

21 Q. IN 1981, YOU TRIED TO COME INTO THE UNITED STATES USING A
22 FALSE CLAIM, DIDN'T YOU?

23 A. IF YOU COULD MAKE THAT QUESTION A LITTLE MORE CLEAR, I
24 WILL ANSWER IT.

25 Q. IN MARCH 1981, YOU GOT ARRESTED FOR CROSSING THE BORDER

1 WITHOUT PAPERS AND THEY DEPORTED YOU; RIGHT?

2 A. NOT AS FAR AS I RECALL.

3 Q. YOU DON'T RECALL BEING ARRESTED AND CHARGED WITH
4 ATTEMPTING TO ENTER THE U.S. BY FALSE CLAIM, PROSECUTION WAS
5 DECLINED AND YOU WERE DEPORTED?

6 A. I ONLY REMEMBER THAT IT WAS IN '86, NOT '81.

7 Q. WELL, IT HAPPENED FIRST IN 1979, DIDN'T IT, IN APRIL OF
8 1979?

9 (READING FROM DOCUMENT) ATTEMPTED ENTRY, FALSE CLAIM,
10 VIOLATING 18 U.S. CODE SECTION 911. PROSECUTION WAS DECLINED
11 AND YOU WERE DEPORTED.

12 A. I WAS ARRESTED IN '79 FOR USING A FALSE NAME, BUT I WAS
13 NOT -- I WAS NOT PROSECUTED AND I WAS NOT DEPORTED. I STAYED
14 HERE IN THE COUNTRY.

15 Q. YOU STAYED HERE IN THE COUNTRY?

16 A. THAT IS CORRECT.

17 Q. ALL RIGHT. AND THE NEXT TIME YOU GOT ARRESTED WAS
18 NOVEMBER THE 11TH, 1980, AGAIN MAKING A FALSE CLAIM.

19 DO YOU RECALL THAT?

20 A. THESE ARE NOT ARRESTS. THESE INVOLVE BEING RETURNED AT
21 THE BORDER.

22 Q. THEY'RE NOT ARRESTS?

23 A. I HAVE ONLY BEEN ARRESTED THREE TIMES IN MY LIFE HERE IN
24 THE UNITED STATES.

25 Q. ALL RIGHT. WELL, WE HAVE SEVERAL ENTRIES HERE. WHICH OF

1 THE THREE?

2 A. THESE ENTRIES ARE JUST FOR HAVING BEEN TURNED BACK AT THE
3 BORDER. THE ARRESTS ARE ONLY THREE.

4 Q. WHAT ARE THEY?

5 A. AND I CAN TELL YOU ABOUT THEM.

6 Q. I'D APPRECIATE THAT.

7 A. ONE IS IN 1984, THE SECOND ONE WAS IN '88, AND THE FIRST
8 ONE WAS IN '79 FOR HAVING USED THE NAME OF SOMEONE WHO WAS A
9 CITIZEN HERE.

10 AND I WAS ARRESTED BECAUSE HE HAD RAPED A GIRL AND I
11 WAS ARRESTED BECAUSE I WAS USING HIS NAME AND THEY THOUGHT I
12 WAS HE.

13 Q. SO WERE YOU ARRESTED AND CHARGED WITH RAPE AND SODOMY, BUT
14 IT WASN'T YOU?

15 THE INTERPRETER: EXCUSE ME, YOUR HONOR. I DID NOT
16 HEAR.

17 BY MR. STOLAR:

18 Q. THE QUESTION WAS YOU WERE ARRESTED AND CHARGED WITH RAPE
19 AND SODOMY, BUT IT WASN'T YOU?

20 A. THAT IS CORRECT.

21 Q. FOUR MONTHS BEFORE THAT ARREST, YOU GOT ARRESTED AT THE
22 BORDER?

23 A. AS FAR AS I RECALL, I HAVE NOT BEEN ARRESTED MORE THAN
24 THOSE THREE TIMES.

25 Q. SO WHAT IS YOUR EXPLANATION FOR THE BORDER PROBLEMS OR THE

1 FALSE DECLARATION CHARGES THAT HAVE BEEN BROUGHT?

2 A. WELL, I HAVE NO REASON TO LIE HAD I BEEN ARRESTED ALL
3 THOSE TIMES. I DON'T KNOW WHY THAT IS THERE. MAYBE
4 IMMIGRATION PUTS IT THAT WAY. THESE ARE ENTRIES AND EXITS.

5 THEY HAVE JUST BEEN PUT DOWN THAT WAY. I HAVE NO
6 REASON TO LIE, ESPECIALLY IN FRONT OF A JURY, LIKE HERE.

7 Q. YOU HAVE PLENTY OF REASON TO LIE. YOU HAVE BEEN PAID TO
8 LIE; HAVEN'T YOU?

9 MR. MEDRANO: OBJECTION, YOUR HONOR.

10 THE COURT: COUNSEL, THAT'S CLEARLY AN IMPROPER
11 COMMENT AND I DON'T WANT TO HEAR ANY MORE OF THAT.

12 YOUR JOB IS TO ASK QUESTIONS OF THIS WITNESS, NOT TO
13 MAKE COMMENTARY. I'LL ASK THE JURY TO DISREGARD COUNSEL'S
14 COMMENTS.

15 BY MR. STOLAR:

16 Q. JANUARY 14, 1982, WEREN'T YOU ARRESTED AND CHARGED WITH
17 USING A FALSE DOCUMENT AND THEN DEPORTED?

18 A. NO.

19 Q. YOU WERE DEPORTED THEN, THOUGH; WEREN'T YOU?

20 A. NO.

21 Q. YOU WERE NOT DEPORTED?

22 MR. MEDRANO: OBJECTION, YOUR HONOR. HE'S NOT
23 ALLOWING THE WITNESS TO ANSWER.

24 THE COURT: ALLOW THE WITNESS TO FINISH HIS ANSWER
25 BEFORE YOU --

1 MR. STOLAR: I THOUGHT I HEARD THE ANSWER. I'M
2 SORRY, JUDGE.

3 THE WITNESS: NO.

4 BY MR. STOLAR:

5 Q. YOU WERE NOT DEPORTED THEN; IS THAT CORRECT?

6 A. NO. JUST ONCE IN '86.

7 Q. APRIL 4TH 1983, ARRESTED AGAIN, CHARGED WITH FALSE CLAIM
8 TO U.S. CITIZENSHIP?

9 A. ALL OF THESE ARE RETURNS AT THE BORDER FOR HAVING LIED
10 ABOUT BEING A CITIZEN.

11 Q. THEN JANUARY 13TH, 1984, D.E.A. IN NATIONAL CITY ARRESTED
12 YOU AND YOU WERE CHARGED WITH HEROIN CONSPIRACY, COCAINE
13 CONSPIRACY AND MARIJUANA CONSPIRACY; WEREN'T YOU?

14 A. THAT IS TRUE.

15 Q. AND THAT'S WHEN YOU WERE SENTENCED FOR THE CHARGE OF USING
16 THE TELEPHONE TO DEAL IN NARCOTICS; IS THAT RIGHT?

17 A. THAT IS CORRECT.

18 Q. YOUR SENTENCE WAS TWO AND A HALF YEARS, THOUGH, WASN'T IT,
19 30 MONTHS?

20 A. THAT IS CORRECT.

21 Q. SO YOU MADE A MISTAKE WHEN YOU SAID TWO YEARS BEFORE; IS
22 THAT CORRECT?

23 A. I SERVED TWO YEARS IN JAIL, INSIDE. WITH GOOD TIME, THAT
24 INCLUDED ALL 30 MONTHS.

25 Q. AND THEN YOU HAD THIS ESCAPE PROBLEM?

1 MR. MEDRANO: OBJECTION TO THE FORM OF THE QUESTION.

2 BY MR. STOLAR:

3 Q. DIDN'T YOU HAVE A PROBLEM ESCAPING FROM JAIL?

4 A. YES, I DID HAVE THAT PROBLEM.

5 Q. WHEN WAS IT THAT YOU ESCAPED?

6 A. IN '84.

7 Q. WHERE DID YOU GO?

8 A. NOWHERE.

9 Q. YOU JUST STAYED AROUND THE AREA WHERE THE PRISON WAS?

10 A. NO, I WALKED FOR ONE NIGHT.

11 Q. THEN YOU CAME BACK IN?

12 A. I WENT ONTO THE HIGHWAY TO BE CAUGHT.

13 Q. YOU WERE BASICALLY ARRESTED THEN AGAIN ON THAT ESCAPE
14 CHARGE; WERE YOU NOT?

15 A. WELL, A PATROL CAR STOPPED AND I TOLD THEM THAT I HAD --
16 THE INTERPRETER: EXCUSE ME, YOUR HONOR. COULD I ASK
17 HIM TO REPEAT?

18 (WITNESS REPEATING ANSWER TO THE INTERPRETER.)

19 THE INTERPRETER: A PATROL CAR CAME BY AND I ASKED
20 THEM FOR HELP. HE ASKED ME IF I HAD ESCAPED AND I SAID YES.

21 MY LEG WAS BROKEN, AND I WAS ON THE VERGE OF DYING.
22 NO, NO, NO, IT WAS MY FRIEND'S LEG THAT WAS BROKEN.

23 AND HE PUT US IN THE PATROL CAR AND TOOK US TO A
24 COUNTY THAT WAS NEARBY IN ARIZONA FOR HIM TO GET HELP.

25 AND HE CALLED THE PRISON SO THAT I WOULD BE PICKED

1 UP, AND THAT'S ALL.

2 BY MR. STOLAR:

3 Q. WEREN'T YOU ALSO CHARGED AT THAT TIME WITH UNLAWFUL
4 POSSESSION OF A FIREARM?

5 A. WHERE WOULD I HAVE GOTTEN AHOLD OF THAT?

6 Q. DIDN'T YOU GET SENTENCED TO 8 MONTHS FOR POSSESSION OF A
7 FIREARM?

8 A. WHICH YEAR IS THIS?

9 Q. IN CONNECTION WITH THE ESCAPE. 1989.

10 THE COURT: JUST A MOMENT. THE WITNESS IS STILL
11 ANSWERING.

12 THE WITNESS: THIS WAS WHEN I WAS ARRESTED IN SAN
13 DIEGO FOR THE FIRST TIME. IT WAS FOR A GUN THAT WAS FOUND AT
14 MY HOUSE, AND I WAS GIVEN THREE YEARS PROBATION FOR THAT, AND
15 30 MONTHS FOR HAVING USED THE TELEPHONE.

16 BY MR. STOLAR:

17 Q. IN 1989, JUNE OF 1989, DIDN'T YOU GO TO THE FEDERAL
18 CORRECTIONAL INSTITUTE IN -- INSTITUTION IN PHOENIX, ARIZONA TO
19 SERVE A SENTENCE?

20 A. THAT IS WHERE I FINISHED SERVING MY SENTENCE; THAT IS
21 CORRECT.

22 Q. AND PART OF THAT SENTENCE WAS AN ADDITIONAL EIGHT MONTHS;
23 WASN'T IT?

24 A. FIRST, I WOULD LIKE TO KNOW WHAT YEAR YOU'RE TALKING
25 ABOUT.

1 Q. 1989.

2 A. THAT IS BECAUSE OF THE PASSPORT.

3 Q. THAT'S WHEN YOU MADE THE FALSE STATEMENT ON THE
4 APPLICATION FOR THE PASSPORT?

5 A. THAT IS CORRECT.

6 Q. DIDN'T YOU GET CONVICTED OF POSSESSION OF A FIREARM AND DO
7 EIGHT MONTHS FOR IT?

8 A. NO.

9 Q. ABSOLUTELY SURE?

10 A. WHERE WAS I FOUND WITH A WEAPON? WHEN THE PASSPORT THING
11 HAPPENED, A WEAPON WAS FOUND AT MY HOUSE.

12 Q. WELL, YOU WERE CHARGED WITH A FALSE STATEMENT IN THE
13 PASSPORT IN NOVEMBER OF 1988.

14 A. YES. WHEN I GOT OUT OF THE PRISON IN PHOENIX, THAT WAS ON
15 THE 21ST OF JULY OF '89, AND I AM STILL -- I'M HERE AND I'M
16 STILL OUT, AND I DON'T REMEMBER THE THING ABOUT THE 8 MONTHS.

17 Q. YOU TOLD, I BELIEVE, MR. MEDRANO ON YOUR DIRECT
18 EXAMINATION THAT YOU GOT EIGHT MONTHS FOR AN ESCAPE CONVICTION;
19 IS THAT TRUE?

20 MR. MEDRANO: MISSTATES THE TESTIMONY, YOUR HONOR.

21 THE COURT: ALL RIGHT. DON'T ASK QUESTIONS THAT WAY,
22 COUNSEL. JUST ASK HIM WHAT YOU WANT TO ASK HIM.

23 MR. STOLAR: ALL RIGHT.

24 BY MR. STOLAR:

25 Q. DID YOU MAKE A FALSE STATEMENT IN A PASSPORT?

1 A. THAT IS CORRECT.

2 Q. THE CHARGE THAT YOU MADE A FALSE STATEMENT IN A PASSPORT
3 WAS NOVEMBER OF '88; IS THAT RIGHT?

4 A. THAT IS CORRECT.

5 Q. SINCE JULY OF '89, DID YOU HAVE ANOTHER PROBLEM WITH THE
6 IMMIGRATION PEOPLE; DEPORTATION PROCEEDINGS?

7 A. NO. AS FAR AS I KNOW.

8 Q. IS THERE AN IMMIGRATION WARRANT OR DEPORTATION WARRANT
9 THAT IS PENDING AGAINST YOU NOW?

10 A. NO.

11 Q. DID YOU HAVE A PAROLE HEARING BEFORE YOU WERE RELEASED
12 FROM JAIL?

13 MR. MEDRANO: OBJECTION AMBIGUOUS AS TO WHICH CHARGE
14 WE ARE REFERRING TO, YOUR HONOR.

15 MR. STOLAR: THE MOST RECENT ONE, YOUR HONOR.

16 THE WITNESS: I DID NOT GET OUT ON PAROLE.

17 BY MR. STOLAR:

18 Q. WHAT DID YOU DO; YOU FINISHED YOUR SENTENCE?

19 A. ALL OF IT.

20 Q. THE AGREEMENT THAT YOUR ATTORNEY MADE WITH THE U.S.
21 ATTORNEYS, THE COOPERATION AND PLEA AGREEMENT, IS DATED APRIL
22 28TH 1989.

23 YOU SIGNED IT; DID YOU NOT?

24 A. YES.

25 Q. PART OF THE AGREEMENT WAS THAT YOU WOULD BE GRANTED

1 IMMUNITY FROM PROSECUTION.

2 Q. AND THAT NONE OF THE INFORMATION THAT YOU WOULD SUPPLY
3 DURING THE COURSE OF OUR TESTIMONY CAN BE USED AGAINST YOU; IS
4 THAT CORRECT?

5 A. THAT IS CORRECT.

6 Q. HAVE YOU BEEN PROVIDED WITHIN IMMUNITY?

7 A. I DON'T UNDERSTAND THAT WORD.

8 Q. HAVE THEY PROMISED NOT TO USE YOUR TESTIMONY AGAINST YOU,
9 TO PROSECUTE YOU?

10 A. THAT IS CORRECT.

11 Q. IN CONNECTION WITH YOUR RECEIPT AND DISTRIBUTION OF 30
12 TONS OF COCAINE IN THE LOS ANGELES AREA, HOW MANY PEOPLE WORKED
13 WITH YOU?

14 A. IN THE FIRST PLACE, I WAS NOT DISTRIBUTING IT.

15 Q. YOU WERE GIVING IT TO SOMEBODY AFTER YOU RECEIVED IT;
16 WEREN'T YOU?

17 A. I WOULD ONLY TAKE IT TO THE HOUSE.

18 Q. AND THEN DID YOU SEE IT AFTER THAT?

19 A. THE OWNERS OF THE COCAINE WOULD GO THERE AND DELIVER IT
20 FROM THERE, DISTRIBUTE IT FROM THERE?

21 Q. THE OWNERS OF THE COCAINE CAME TO THE U.S. TO DISTRIBUTE
22 IT OR THEY WERE IN THE U.S. ALREADY?

23 A. THE PERSON WHO WAS IN CHARGE OF DOING ALL OF THAT WAS MR.
24 INES.

25 Q. ALL RIGHT. FOR EACH OF THOSE TIMES YOU CARRIED A LOAD,

1 YOU HELPED THE DISTRIBUTION OF IT, YOU REALIZE THAT EACH TIME
2 THAT'S A SEPARATE CRIME THAT YOU COULD BE PROSECUTED FOR?

3 MR. MEDRANO: OBJECTION. CALLS FOR A LEGAL
4 CONCLUSION BY THE WITNESS.

5 THE COURT: THE OBJECTION IS SUSTAINED.

6 BY MR. STOLAR:

7 Q. DO YOU REALIZE YOU WERE COMMITTING A CRIME EACH TIME
8 CARRIED THAT COCAINE?

9 A. YES, BUT THAT IS WHY I CHANGED. I AM REMORSEFUL AND THAT
10 IS WHY I CHANGED.

11 Q. YOU DIDN'T CHANGE IN ORDER TO GET A BETTER SENTENCE?

12 A. WELL, WHAT SENTENCE? AS FAR AS I KNOW, I WAS NEVER
13 ARRESTED.

14 Q. YOU'RE GOING TO NOW STAY IN THE UNITED STATES; IS THAT
15 CORRECT?

16 A. THAT IS CORRECT.

17 Q. ARE YOU AWARE -- WERE YOU AWARE AT THE TIME YOU WERE
18 HANDLING THE COCAINE WHAT THE POSSIBLE PENALTY WAS, WHAT KIND
19 OF SENTENCE YOU WOULD GET IF YOU GOT CONVICTED OF DEALING IT?

20 MR. MEDRANO: OBJECTION. CALLS FOR A LEGAL
21 CONCLUSION.

22 THE COURT: OVERRULED.

23 THE WITNESS: NO, I DIDN'T KNOW WHAT I WAS COMMITTING
24 NOR WHAT I WAS DOING.

25 BY MR. STOLAR:

1 Q. YOU DIDN'T KNOW WHAT WERE YOU DOING.

2 DID YOU DISCUSS WITH YOUR ATTORNEY WHEN YOU ENTERED
3 INTO THIS AGREEMENT AND WERE PROMISED IMMUNITY FROM PROSECUTION
4 WHAT KIND OF POSSIBLE SENTENCE YOU COULD HAVE GOTTEN IF YOU HAD
5 BEEN CONVICTED OF TEN SEPARATE COCAINE POSSESSIONS?

6 A. WELL, IN THE FIRST PLACE, I SPOKE VOLUNTARILY. AND WHAT I
7 STATED WAS STATED VOLUNTARILY.

8 MR. STOLAR: I WOULD ASK THAT THE --

9 THE COURT: JUST A MOMENT. LET HIM FINISH HIS

10 ANSWER.

11 MR. STOLAR: HE'S NOT RESPONDING TO THE QUESTION.

12 MR. MEDRANO: OBJECTION, YOUR HONOR. MAY WE HEAR THE

13 ANSWER.

14 THE COURT: I THINK HE IS. HAVE YOU FINISHED YOUR

15 ANSWER?

16 THE WITNESS: WELL, YES.

17 BY MR. STOLAR:

18 Q. YOU DID SPEAK ABOUT THE POTENTIAL OF HOW MANY YEARS IN
19 JAIL YOU COULD GET FOR THESE TEN SEPARATE OFFENSES?

20 A. NO, BECAUSE THAT WAS GOING TO BE MY PAYMENT FOR HAVING
21 MADE THAT STATEMENT AND FOR HAVING CHANGED MY LIFE.

22 Q. YOU HAVE BEEN GIVEN IMMUNITY. YOU CAN'T BE PROSECUTED FOR
23 ANY OF THOSE TEN LOADS OF COCAINE; DO YOU UNDERSTAND THAT?

24 A. YES.

25 Q. ALL RIGHT. FINALLY, SIR, YOU WERE CONVICTED OF MAKING A

1 FALSE STATEMENT IN A PASSPORT.

2 THE COURT: THAT HAS BEEN COVERED SEVERAL TIMES.

3 MR. STOLAR: NO.

4 THE COURT: YOU HAVE ASKED HIM THAT QUESTION AND HE
5 HAS ANSWERED IT.

6 BY MR. STOLAR:

7 Q. YOU RECEIVED A SENTENCE OF TEN MONTHS FOR THAT?

8 A. NINE MONTHS.

9 Q. HOW LONG AGO WAS THAT?

10 A. WELL, IT WAS IN '88 AND I FINISHED IN '89.

11 Q. MR. BUENO GONZALEZ, YOU WERE CHARGED WITH VIOLATION OF 18
12 U.S. CODE 1001, MAKING A FALSE STATEMENT IN A 1989 CASE IN THIS
13 COURT.

14 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR
15 HONOR.

16 THE COURT: SUSTAINED.

17 BY MR. STOLAR:

18 Q. WASN'T THE DISPOSITION OF THAT CASE PART OF YOUR DEAL?

19 A. WHAT YEAR? '88?

20 Q. '89.

21 A. AS FAR AS I REMEMBERV IT WAS IN 1988, AND I TOLD THAT
22 VOLUNTARILY WHEN I CAME TO THAT AGREEMENT WITH THEM.

23 Q. PERHAPS THE ARREST WAS IN '88, BUT THE CONVICTION WAS PART
24 OF THIS PLEA, THIS AGREEMENT IN '89; WASN'T IT?

25 A. THAT IS CORRECT.

1 Q. AND YOU GOT OUT OF JAIL, YOU SAID, IN JULY OF '89?

2 A. (NO RESPONSE.)

3 Q. YOU GOT OUT OF JAIL IN JULY OF '89; IS THAT RIGHT?

4 A. THAT IS CORRECT.

5 Q. AND THEN IN SEPTEMBER IS WHEN YOU GOT YOUR FIRST PAYMENT
6 FROM THE D.E.A., IS THAT RIGHT?

7 A. I DON'T REMEMBER WHAT MONTH I RECEIVED MY FIRST PAYMENT
8 IN.

9 Q. WELL, DO YOU RECALL RECEIVING THREE PAYMENTS TOTALLING
10 ALMOST \$2200 DURING THE MONTH OF SEPTEMBER '89?

11 A. WELL, YES. THERE WAS ONE, AND I DON'T REMEMBER WHETHER IT
12 WAS \$3,000 OR \$2200 OR SOMETHING LIKE THAT.

13 Q. WELL, DID YOU GET A PAYMENT ON SEPTEMBER 13 OF '89 OF
14 \$400?

15 A. I CAN'T ANSWER THESE QUESTIONS BECAUSE I DON'T WRITE DOWN
16 EACH AND EVERY PAYMENT THAT I RECEIVE.

17 Q. MAY I SHOW THE WITNESS A DOCUMENT AND SEE IF IT REFRESHES
18 HIS RECOLLECTION WITH RESPECT TO THE PAYMENTS THAT HE RECEIVED?

19 THE COURT: CAN WE HAVE A STIPULATION HERE ON THIS?

20 MR. MEDRANO: MAY I QUICKLY LOOK AT THE DOCUMENT,
21 YOUR HONOR?

22 THE COURT: YES.

23 MR. MEDRANO: YOUR HONOR, WE CAN STIPULATE WITH MR.
24 STOLAR.

25 THE COURT: ALL RIGHT. THEN YOU CAN READ WHAT THE

1 DATES AND THE PAYMENTS WERE.

2 MR. STOLAR: ALL RIGHT. LET THE RECORD REFLECT:

3 "SEPTEMBER 13, '89, \$400 FOR INFORMATION AND EXPENSES;

4 SEPTEMBER 28, '89, \$500 FOR INFORMATION AND EXPENSES" --

5 THE COURT: SLOW DOWN, PLEASE.

6 MR. STOLAR: -- FOR INFORMATION AND EXPENSES.

7 "SEPTEMBER 29, '89, \$1350 FOR INFORMATION AND

8 EXPENSES; OCTOBER 25TH 1989, \$500 INFORMATION AND

9 EXPENSES; DECEMBER 4TH 1989, \$3,000, INFORMATION AND

10 EXPENSES; JANUARY 17TH 1990, \$300 INFORMATION AND

11 EXPENSES."

12 BY MR. STOLAR:

13 Q. BETWEEN JANUARY OF 1990 AND NOW, HAVE YOU RECEIVED ANY

14 ADDITIONAL MONIES FROM THE D.E.A?

15 A. I DON'T REMEMBER. I CAN'T ANSWER YOU. I DON'T REMEMBER.

16 MR. STOLAR: THANK YOU, SIR.

17 THE COURT: ANY OTHER COUNSEL WISH TO EXAMINE THIS

18 WITNESS?

19
20 CROSS-EXAMINATION +

21 BY MS. KELLY:

22 Q. GOOD AFTERNOON.

23 A. GOOD AFTERNOON.

24 Q. DO YOU RECALL PROVIDING INFORMATION TO SEVERAL D.E.A.

25 AGENTS CONCERNING THE 1982 MEETING THAT YOU HAVE TESTIFIED TO

1 HERE TODAY?

2 THE INTERPRETER: I'M SORRY. I LOST THE MIDDLE OF
3 THE QUESTION.

4 MS. KELLY: DO YOU WANT ME TO REPEAT IT?

5 THE INTERPRETER: PLEASE.

6 BY MS. KELLY:

7 Q. DO YOU REMEMBER TALKING WITH SOME D.E.A. AGENTS IN MARCH
8 OF 1989 CONCERNING THE EVENTS THAT YOU HAVE TESTIFIED TO
9 EARLIER, THE 1982 MEETING?

10 A. WELL, I HAVE SPOKEN SEVERAL TIMES BUT I DON'T REMEMBER
11 EXACTLY.

12 Q. WAS ONE OF THE FIRST TIMES THAT YOU SPOKE TO HECTOR
13 BERRELLEZ, AGENT BERRELLEZ, IN MARCH OF 1989?

14 A. NO, IT WAS IN '88.

15 Q. AND WAS AGENT BERRELLEZ TAKING NOTES IN '88 WHEN HE WAS
16 SPEAKING WITH YOU?

17 A. YES.

18 Q. AND WAS THE SUBJECT OF THAT DISCUSSION THE 1982 MEETING
19 THAT YOU TESTIFIED TO ON DIRECT EXAMINATION?

20 A. THAT IS CORRECT.

21 Q. AND AT THAT TIME, WAS THERE ANOTHER AGENT THERE BY THE
22 NAME OF SPECIAL AGENT JAMES SPUR?

23 A. WELL, AS I DIDN'T ASK EVERYBODY THEIR NAME. I CAN'T
24 ANSWER YOU.

25 Q. WAS THERE -- LET'S ASK IT THIS WAY: WAS THERE ANOTHER

1 AGENT BESIDES AGENT BERRELLEZ?

2 A. THERE WERE SEVERAL.

3 Q. AND AT THAT TIME, WERE YOU ASKED ABOUT THE MEMBERS WHO
4 WERE PRESENT AT THE '82 MEETING, THE MEMBERS OF THE TRAFFICKERS
5 WHO WERE PRESENT AT THE '82 MEETING?

6 A. THAT IS CORRECT.

7 Q. AND YOU NEVER TOLD THE AGENTS AT THAT TIME THAT ERNESTO
8 FONSECA WAS PRESENT AT THAT '82 MEETING; DID YOU?

9 A. YES, I DID TELL THEM, BUT MAYBE THERE WAS SOME CONFUSION
10 AND THEY DIDN'T WRITE IT DOWN. I DON'T KNOW. OR MAYBE THEY
11 DIDN'T UNDERSTAND ME.

12 Q. DID YOU HAVE ANOTHER MEETING WITH AGENT BERRELLEZ IN 1989
13 CONCERNING YOUR 1982 MEETING WITH THE NARCOTICS TRAFFICKERS?

14 A. WHETHER I WAS WITH HIM IN '82? WITH WHOM?

15 Q. YOU'VE DISCUSSED ON DIRECT EXAMINATION A MEETING THAT
16 OCCURRED IN '82, WHERE VARIOUS ALLEGED NARCOTICS TRAFFICKERS
17 DISCUSSED COCAINE; IS THAT RIGHT?

18 A. THAT IS CORRECT.

19 Q. AND I'M ASKING YOU IF YOU RELATED THE SUBSTANCE OF THAT
20 MEETING TO AGENT BERRELLEZ IN 1989?

21 A. IN '88.

22 Q. YOUR RECOLLECTION IS THAT THE DISCUSSION WITH AGENT
23 BERRELLEZ HAPPENED IN 1988; IS THAT CORRECT?

24 A. WELL, YES.

25 Q. AND IS THAT THE ONLY CONVERSATION THAT YOU HAD WITH AGENT

1 BERRELLEZ CONCERNING THE 1982 MEETING PRIOR TO YOUR GRAND JURY
2 TESTIMONY?

3 A. I DIDN'T UNDERSTAND THAT QUESTION.

4 Q. WELL, DID YOU HAVE MORE THAN ONE CONVERSATION WITH AGENT
5 BERRELLEZ ABOUT THE 1982 MEETING BEFORE YOU TESTIFIED BEFORE
6 THE GRAND JURY?

7 A. AS FAR AS I RECALL, NO.

8 Q. AND WHEN YOU TESTIFIED BEFORE THE GRAND JURY, DID YOU TELL
9 THE GRAND JURY MEMBERS THAT THE DISCUSSION ABOUT THE COCAINE
10 WAS BETWEEN MATTA BALLESTEROS, RAFAEL CARO QUINTERO, INES
11 CALDERON AND FELIX GALLARDO?

12 A. THAT IS CORRECT.

13 Q. AND YOU DO NOT MENTION THAT ERNESTO FONSECA WAS TALKING
14 ABOUT THE COCAINE BUSINESS WAS THEM; DID YOU?

15 A. I THINK I ALREADY ANSWERED THAT QUESTION A LITTLE WHILE
16 AGO.

17 Q. I'M REFERRING NOW TO YOUR GRAND JURY TESTIMONY. THAT'S
18 TWO DIFFERENT OCCASIONS THAT WE HAVE BEEN TALKING ABOUT.

19 LET ME CLEAR IT UP. YOU DID TESTIFY BEFORE THE GRAND
20 JURY IN CONNECTION WITH THIS CASE AND THE 1982 MEETING,
21 CORRECT?

22 A. THAT IS CORRECT.

23 Q. AND THAT WAS IN MAY OF 1989, CORRECT?

24 A. THE MONTH OF MAY IN '89 THAT I WAS BEFORE THE GRAND JURY?

25 Q. YES.

1 A. I THINK I WAS IN PRISON DURING THAT MONTH.

2 Q. SO YOU DON'T RECALL TESTIFYING BEFORE THE GRAND JURY THEN?

3 A. I DON'T THINK SO.

4 MS. KELLY: YOUR HONOR, COULD I APPROACH COUNSEL FOR
5 A MOMENT?

6 THE COURT: (NODDING HEAD.)

7 (DISCUSSION HELD OFF THE RECORD.)

8 MS. KELLY: YOUR HONOR, COUNSEL IS PREPARED TO
9 STIPULATE THAT THE DATE -- THE WITNESS DOESN'T REMEMBER THE
10 DATE, BUT THE DATE WAS MAY 10, 1989 THAT HE DID TESTIFY BEFORE
11 THE GRAND JURY.

12 THE COURT: ALL RIGHT. THE JURY WILL ACCEPT THAT
13 DATE AS BEING CORRECT.

14 BY MS. KELLY:

15 Q. PRIOR TO YOUR GRAND JURY TESTIMONY, YOU WERE INTERVIEWED
16 BY AGENT BERRELLEZ CONCERNING THE 1982 MEETING, RIGHT?

17 A. YES.

18 Q. AND YOU'RE SAYING THAT YOU DID TELL AGENT BERRELLEZ THAT
19 ERNESTO FONSECA WAS PRESENT AT THE 1982 MEETING WHEN HE
20 INTERVIEWED YOU BEFORE YOUR GRAND JURY TESTIMONY; RIGHT?

21 A. WELL, I DID TELL THE AGENT, BUT I DON'T REMEMBER WHETHER I
22 SAID IT BEFORE THE GRAND JURY OR NOT.

23 Q. AND WHEN YOU WERE ASKED ABOUT DURING YOUR GRAND JURY
24 TESTIMONY, WHEN YOU WERE ASKED ABOUT WHO WAS DISCUSSING THE
25 COCAINE BUSINESS AT THE 1982 MEETING, DID YOU MENTION THE NAME

1 ERNESTO FONSECA?

2 A. I DON'T REMEMBER EXACTLY.

3 Q. WOULD A COPY OF OUR GRAND JURY TESTIMONY REFRESH YOUR
4 MEMORY AS TO THAT?

5 THE COURT: COUNSEL, DO YOU WANT TO READ FROM HIS
6 GRAND JURY TESTIMONY?

7 MS. KELLY: YES, YOUR HONOR.

8 THE COURT: WHY DON'T YOU READ IT. READ THE
9 QUESTIONS AND THE ANSWERS.

10 MS. KELLY: YES, YOUR HONOR. THANK YOU.

11 MR. MEDRANO: MAY WE HAVE THE PAGE NUMBER?

12 MS. KELLY: YES. PAGE 16, LINES 20 THROUGH 25. BY
13 MR. MEDRANO -- WELL, EXCUSE ME. I SHOULD START AT LINE 13.

14 "BY MR. MEDRANO:

15 "Q. WAS THERE ANY DISCUSSION AT THIS MEETING BETWEEN RAFAEL
16 CARO-QUINTERO, MIGUEL ANGEL FELIX GALLARDO, MATTA BALLESTEROS
17 AND INES CARO QUINTERO ABOUT IMPORTING COCAINE?

18 "A. THAT'S WHAT THE MEETING WAS ABOUT.

19 "Q. CAN YOU TELL US WHO IT WAS THAT SAID WHAT AT THIS MEETING?

20 "A. WELL, THE DISCUSSION WAS BETWEEN MATTA BALLESTEROS AND
21 RAFAEL CARO QUINTERO AND INES CALDERON AND FELIX GALLARDO.
22 THEY WERE TALKING ABOUT BUSINESS AMONG THEM."

23 MS. KELLY: THAT'S THE SUM AND SUBSTANCE OF IT, YOUR
24 HONOR.

25 BY MS. KELLY:

1 Q. NOW, DIRECTING YOUR ATTENTION TO THE 1979 ARREST THAT YOU
2 HAD FOR FORCIBLE RAPE AND SODOMY, ARE YOU SAYING THAT YOU WERE
3 MISTAKENLY ARRESTED FOR THOSE CRIMES BECAUSE WERE YOU USING THE
4 NAME OF SOMEONE ELSE?

5 A. WELL, I WAS CROSSING THE BORDER. I WAS DID DETAINED AND
6 ASKED ABOUT MY CITIZENSHIP. AND SINCE MY ENGLISH IS NOT VERY
7 GOOD, I SHOWED THE DOCUMENTS OF AN AMERICAN. THEY DIDN'T
8 BELIEVE ME, AND THEY CHECKED ME OUT THERE.

9 I HAD A LICENSE IN MY NAME, BUT WITH THAT PERSON'S
10 PICTURE ON IT, NOT WITH MY PHOTOGRAPH, AND HIS NAME. AND THEY
11 THOUGHT THAT I WAS THE JOHN DOE WHO HAD COMMITTED THAT RAPE
12 AND I WAS ARRESTED FOR THAT AND NOT BECAUSE THEY THOUGHT ME TO
13 BE ILLEGAL.

14 AND THEN AS I SAW THAT I WAS GOING TO BE GIVEN TIME,
15 I TOLD THE TRUTH AND I SAID THAT I WAS NOT THAT PERSON. AND
16 THE PERSON WHO HAD BEEN RAPED WAS CALLED AS A WITNESS TO
17 IDENTIFY ME AND SHE SAID THAT I WAS NOT THAT PERSON. AND THE
18 JUDGE DISMISSED IT AND I WAS NOT DEPORTED. I STAYED HERE.
19 THAT IS ALL.

20 Q. DO YOU REMEMBER THE NAME OF THE PERSON WHOSE NAME YOU
21 USED?

22 A. YES.

23 Q. WHAT WAS THAT NAME?

24 A. DANNY GONZALEZ LOPEZ.

25 Q. NOW, YOU HAVE WANTED TO LIVE IN THE UNITED STATES FOR

1 QUITE SOME TIME; ISN'T THAT RIGHT?

2 A. I HAVE BEEN -- I HAVE LIVED HERE FOR MANY YEARS. I
3 HAVEN'T BEEN WANTING TO.

4 Q. YOU HAVE CROSSED THE BORDER A FEW TIMES WITHOUT PROPER
5 DOCUMENTATION SO THAT COULD YOU BE HERE IN THE UNITED STATES;
6 IS THAT RIGHT?

7 A. WELL, IN THE FIRST PLACE I HAVE BEEN LIVING HERE FOR
8 YEARS. WELL -- AND THEN WHENEVER I COME OR GO, I CROSS THE
9 BORDER. AND SINCE I'M NOT A CITIZEN, I HAVE BEEN TURNED BACK
10 AT THE BORDER AND THEY HAVEN'T --

11 THE INTERPRETER: EXCUSE ME, YOUR HONOR.

12 THE WITNESS: -- SINCE I LIVE HERE AND I HAVE FAMILY
13 IN MEXICO, I GO THERE. AND I DIDN'T HAVE ANY PAPERS, SO I HAD
14 TO TRY TO CROSS ANY WAY I COULD BECAUSE I HAVE FAMILY HERE.
15 BY MS. KELLY:

16 Q. AND YOU HAVEN'T BEEN IN THE UNITED STATES LEGALLY,
17 HOWEVER, PRIOR TO THE CURRENT TIME; IS THAT RIGHT?

18 A. WELL, BECAUSE OF CERTAIN CIRCUMSTANCES.

19 Q. AND ONE OF THE MOST IMPORTANT THINGS THAT YOU WERE
20 INTERESTED IN IN OBTAINING YOUR PLEA AGREEMENT TO TESTIFY IN
21 THIS CASE WAS TO BE ABLE TO STAY IN THE UNITED STATES; WASN'T
22 IT?

23 A. THAT IS CORRECT.

24 MS. KELLY: JUST ONE MINUTE.

25 I HAVE NOTHING FURTHER.

1 THE COURT: ANY REDIRECT?

2 MR. MEDRANO: TWO QUESTIONS, YOUR HONOR.

3

4

REDIRECT EXAMINATION +

5 BY MR. MEDRANO:

6 Q. WHY IS IT THAT YOU WANT TO STAY IN THE U.S. NOW, MR.

7 BUENO?

8 A. BECAUSE I THINK THAT MY LIFE IS IN DANGER, AND THAT OF MY

9 FAMILY, AS WELL.

10 MR. MEDRANO: THAT CONCLUDES REDIRECT, YOUR HONOR.

11 MS. KELLY: ONE QUESTION ON RECROSS, YOUR HONOR.

12 I'LL JUST ASK IT FROM HERE, IF YOU COULD HEAR ME.

13 THE COURT: DOES IT RELATE TO THE REDIRECT?

14 MS. KELLY: YES, YOUR HONOR.

15

16

RECROSS-EXAMINATION +

17 BY MS. KELLY:

18 Q. DIDN'T YOU TELL THE MEMBERS OF THE GRAND JURY THAT WHAT

19 YOU WERE MOST INTERESTED IN WAS TO BE ABLE TO STAY IN THE

20 UNITED STATES TO PROVIDE A DIFFERENT KIND OF LIFE FOR YOUR

21 CHILDREN?

22 A. WELL, OF COURSE, BECAUSE THEY ARE BORN HERE.

23 MS. KELLY: NOTHING FURTHER, YOUR HONOR.

24 MR. MEDRANO: NOTHING FURTHER, YOUR HONOR.

25 THE COURT: ALL RIGHT. THE WITNESS MAY STEP DOWN.

1 ALL RIGHT, LADIES AND GENTLEMEN OF THE JURY, WE'LL
2 ADJOURN AT THIS TIME.

3 WE'LL RECONVENE THIS CASE TUESDAY MORNING AT 9:30.
4 PLEASE KEEP IN MIND YOUR DUTY NOT TO DISCUSS THIS CASE WITH
5 EACH OTHER OR WITH ANYONE ELSE AND NOT TO FORM OR EXPRESS ANY
6 OPINION OR CONCLUSION ABOUT THIS CASE, NOR TO EXPOSE YOURSELF
7 TO ANY PUBLICITY ABOUT THIS CASE. DO NOT READ, WATCH OR HEAR
8 ANYTHING ABOUT IT.

9 YOU MAY BE EXCUSED NOW. WE'LL SEE YOU ON TUESDAY.
10 HAVE A NICE WEEKEND.

11 (JURY EXCUSED.)

12 THE COURT: YOU MAY BE SEATED.

13 MR. STOLAR: IT'S VERY SHORT, JUDGE, BUT I JUST
14 WANTED TO SAY THAT TO THE EXTENT MY CONDUCT MAY HAVE GONE OVER
15 ANY OF THE RULES THIS WEEK, I HAVE BEEN UNDER TREMENDOUS
16 PRESSURE THIS WEEK.

17 THIS HAS BEEN MATTA WEEK IN THE COURT AND I HAVE HAD
18 A TREMENDOUS AMOUNT OF WORK TO DO AND I APOLOGIZE TO THE COURT
19 IF IT HAS BEEN OFFENDED.

20 THAT'S ALL I WANTED TO SAY.

21 MR. MEZA: YOUR HONOR, I HAVE A MOTION TO SEVER OR
22 WOULD RENEW A MOTION TO SEVER BASED ON A SEPARATE GROUND WHICH
23 WE WERE UNAWARE OF PRIOR TO THE TIME OF TRIAL.

24 AND ALSO, IN THE ALTERNATIVE, A MOTION FOR MISTRIAL
25 BASED ON THE TESTIMONY OF AGENT MICHAEL VIGIL, WHO TESTIFIED

1 CONCERNING STATEMENTS MADE TO HIM BY MR. MATTA TO THE EFFECT
2 THAT MATTA HAD BEEN TOLD BY GALLARDO THAT CARO QUINTERO KILLED
3 A D.E.A. AGENT WHO HAD BEEN RESPONSIBLE FOR SEIZING A LARGE
4 QUANTITY OF CARO'S MARIJUANA.

5 THE COURT RECOGNIZED, I THINK, CORRECTLY THAT THAT
6 STATEMENT WAS INADMISSIBLE AGAINST THE OTHER DEFENDANTS. THE
7 PROBLEM WAS -- AND IT CAUGHT ME BY SURPRISE, BECAUSE THE
8 STATEMENT -- AT LEAST THE STATEMENTS CONTAINED IN A 3-PAGE
9 DOCUMENT, WHICH WAS THE SUBJECT OF CONVERSATION BETWEEN THE
10 GOVERNMENT AND MR. MATTA'S COUNSEL -- TODAY WAS THE FIRST DAY I
11 SAW IT. THE FIRST TIME I HEARD ANYTHING ABOUT THIS REFERENCE
12 IS WHEN THE WITNESS TESTIFIED TO IT.

13 THE COURT: WHAT IS THE POINT? WHY DOES THAT
14 TESTIMONY ENTITLE YOU TO EITHER A MISTRIAL OR SEVERANCE?

15 MR. MEZA: WELL, I THINK PURSUANT TO BROUGHTON, IT
16 CREATES A BROUGHTON PROBLEM, YOUR HONOR?

17 THE COURT: HOW SO?

18 MR. MEZA: WELL, BECAUSE IT MAKES A REFERENCE TO --

19 THE COURT: DOES THAT IMPLICATE YOUR CLIENT IN ANY
20 WAY?

21 MR. MEZA: IT ULTIMATELY WILL, YOUR HONOR, BECAUSE OF
22 THE STATE OF THE EVIDENCE, AS REFLECTED IN THE GOVERNMENT'S
23 BRIEF, HOW OUR CLIENT IS GOING TO BE CONNECTED SPECIFICALLY TO
24 CARO AND HIS ESCAPE AT THE AIRPORT, AND ALSO THERE IS GOING TO
25 BE, ACCORDING TO THE GOVERNMENT'S EVIDENCE, EVIDENCE THAT OUR

1 CLIENT WAS PRESENT AT THE HOUSE AT THE TIME -- AT CARO'S HOUSE
2 AT THE TIME AGENT CAMARENA WAS ALLEGEDLY TORTURED AND MURDERED.

3 THE COURT: ARE YOU MAKING THIS MOTION NOW?

4 MR. MEZA: YES.

5 THE COURT: TO SEVER?

6 MR. MEZA: TO SEVER AND FOR A MISTRIAL.

7 THE COURT: THE MOTION FOR A MISTRIAL IS DENIED AND
8 THE MOTION TO SEVER IS DENIED ALSO.

9 MR. MEZA: THANK YOU.

10 THE COURT: NOW, IF THE EVIDENCE SUPPORTS YOUR VIEW,
11 YOU MAY RENEW THE MOTION, ALTHOUGH I FRANKLY DO NOT BELIEVE IT
12 TO BE MERITORIOUS, EVEN IF THE EVIDENCE IS WHAT YOU BELIEVE IT
13 WILL BE. BUT YOU CAN MAKE ANOTHER MOTION.

14 MR. MEZA: THANK YOU.

15 MS. KELLY: YOUR HONOR, IN ADDITION, I'D JUST LIKE TO
16 POINT OUT THAT HAD WE BEEN GIVEN THIS IN DISCOVERY, WE WOULD
17 HAVE PARTICIPATED IN THE REQUEST TO REDACT IT.

18 THIS WAS NOT A PART OF THE JENKS MATERIAL, YOUR
19 HONOR.

20 MR. MEDRANO: YOUR HONOR, THIS WAS TURNED OVER AS
21 PART OF DISCOVERY BY THE GOVERNMENT MONTHS AGO. I THINK THE
22 PAGE NUMBER IS MAYBE 3727. MR. STOLAR HAS A COPY WITH THE
23 DISCOVERY NUMBER ON IT.

24 BUT THAT WAS TURNED OVER EVEN BEFORE THE JENKS
25 MATERIAL WENT OVER IN THIS CASE, YOUR HONOR.

1 MR. NICOLAYSEN: YOUR HONOR, MAY I BE HEARD ON ONE
2 POINT REGARDING INCOMPLETENESS OF JENKS MATERIAL?

3 THE COURT: YES.

4 MR. NICOLAYSEN: IN REVIEWING THE JENKS MATERIAL THAT
5 WAS PROVIDED TO ALL DEFENSE COUNSEL YESTERDAY -- AND I ONLY
6 BECAME AWARE OF THIS THIS MORNING -- IT CAME TO MY ATTENTION
7 THAT THE ONE PERCIPIENT WITNESS THAT THE GOVERNMENT INTENDS TO
8 CALL AGAINST MY CLIENT REGARDING LA LANGOSTA HAS TESTIFIED AT
9 LEAST TWICE, POSSIBLY THREE TIMES, BEFORE THE GRAND JURY
10 REGARDING THE LA LANGOSTA INCIDENT SPECIFICALLY.

11 IN THE JENKS MATERIAL THAT WE HAVE, WE HAVE ONE GRAND
12 JURY TRANSCRIPT, AND THAT IS OF OCTOBER 11, 1989. I HAVE ASKED
13 THE GOVERNMENT -- STRIKE THAT.

14 IN THAT TRANSCRIPT, THE U.S. ATTORNEY SPECIFICALLY
15 REFERS THE WITNESS TO TESTIMONY THAT HE GAVE ON A PRIOR
16 OCCASION, WHICH WAS MAY 10 OF 1989, THE TESTIMONY BEFORE THE
17 GRAND JURY, AGAIN ON EXACTLY THE SAME SUBJECT.

18 THAT TRANSCRIPT, THE MAY TRANSCRIPT, IS NOT IN THE
19 JENKS MATERIAL. I HAVE ASKED GOVERNMENT COUNSEL IF WE COULD
20 STIPULATE THAT THEY WOULD GIVE IT TO US. THEY WERE KIND ENOUGH
21 TO SAY THEY WOULD THINK ABOUT IT AND LOOK IN THEIR FILES, BUT I
22 WOULD LIKE TO GO ON THE RECORD NOW BECAUSE IT'S ABSOLUTELY
23 FUNDAMENTAL TO THE CASE TO PRESERVE MY RIGHT TO HAVE THAT, AND
24 LIKEWISE --

25 THE COURT: IF THERE IS A TRANSCRIPT OF THE PRIOR

1 TESTIMONY IN ANOTHER GRAND JURY BY THIS WITNESS, IT SHOULD BE
2 PROVIDED.

3 MR. MEDRANO: ABSOLUTELY, YOUR HONOR.

4 MR. NICOLAYSEN, I BELIEVE, WAS KIND ENOUGH TO FLAG
5 THIS FOR US TODAY. I'M GOING TO GO BACK TO MY OFFICE AND SEE
6 IF THERE ARE OTHER TRANSCRIPTS. IF THERE ARE, HE'LL BE GIVEN
7 THAT IMMEDIATELY AS PART OF JENKS.

8 MR. NICOLAYSEN: I APPRECIATE THAT, AND I BELIEVE THE
9 SAME WITNESS ALSO TESTIFIED IN JANUARY OF 1990 IN CONNECTION
10 WITH THE ISSUANCE OF THE SIXTH SUPERSEDING INDICTMENT, WHICH IS
11 THE ONE WE ARE ON TRIAL ON HERE.

12 I DON'T KNOW THAT FOR A FACT, BUT I BELIEVE THAT'S
13 CORRECT, AND I WOULD RESPECTFULLY SUBMIT THAT THAT ALSO BECOMES
14 JENKS MATERIAL BECAUSE IT WOULD INVOLVE, AGAIN, TESTIMONY ON
15 THE LA LANGOSTA MURDERS; SPECIFICALLY, WHO WAS THERE AND WHO
16 WAS INVOLVED AND SO ON AND SO FORTH.

17 THE COURT: IF THAT'S TRUE, THAT TRANSCRIPT SHOULD
18 ALSO BE PROVIDED.

19 MR. MEDRANO: AS I SAID, YOUR HONOR, WE'LL GO TRACK
20 IT DOWN AND IF IT EXISTS, THAT WILL BE JENKS TURNED OVER TO
21 MR. NICOLAYSEN AND CO-COUNSEL.

22 THE COURT: ALL RIGHT.

23 MR. NICOLAYSEN: THANK YOU, YOUR HONOR.

24 THE COURT: THAT IS ALL.

25 THE CLERK: PLEASE RISE. THIS COURT IS NOW IN

1 RECESS.

2 (COURT STANDS IN RECESS UNTIL TUESDAY, MAY 22, 1990

3 AT 9:30 A.M.)

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(EXHIBIT	‡	29 RECEIVED IN EVIDENCE.)	28	1
(EXHIBIT	‡	A RECEIVED IN EVIDENCE.)	53	14
(EXHIBIT 30	‡	RECEIVED IN EVIDENCE.)	153	4
(EXHIBIT	‡	19 RECEIVED IN EVIDENCE.)	171	6
A. HIS NAME WAS		BATRICIO SALDANO . Q.	33	9
WAS		. Q. HAVE YOU EVER	33	9
LOS ANGELES	+	CALIFORNIA FRIDAY, MAY	4	1
MAY 18, 1990	+	9:30 A.M.	4	2
FRANK RETAMOZA	+	DIRECT EXAMINATION	18	4
CROSS-EXAMINATION	+	BY MR. STOLAR: Q.	40	18
CROSS-EXAMINATION	+	(RESUMED) BY MR. STOLAR:	77	20
LOS ANGELES	+	CALIFORNIA, FRIDAY, MAY 18,	106	1
MAY 18, 1990	+	1:30 P.M. (JURY	106	2
FRANK RETAMOZA	+	PLAINTIFF'S WITNESS,	106	9
CROSS-EXAMINATION	+	(RESUMED) BY MR. STOLAR:	106	11
REDIRECT EXAMINATION	+	BY MR. MEDRANO: Q	128	6
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FURTHER	+	REDIRECT EXAMINATION BY	132	18
ANTHONY RICEVUTO	+	PLAINTIFF'S WITNESS, SWORN	133	16
DIRECT EXAMINATION	+	BY MR. MEDRANO: Q WHO	133	22
ANTHONY RICEVUTO	+	DEFENSE WITNESS, PREVIOUSLY	144	20
DIRECT EXAMINATION	+	BY MR. STOLAR: Q DO	144	22
DIRECT EXAMINATION	+	BY MS. KELLY: Q GOOD	147	13
MICHAEL S. VIGIL	+	PLAINTIFF'S WITNESS, SWORN	148	15
DIRECT EXAMINATION	+	BY MR. MEDRANO: Q WHO	148	21
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BUENO GONZALEZ	+	PLAINTIFF'S WITNESS	165	10
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REDIRECT EXAMINATION	+	BY MR. MEDRANO: Q.	200	3
RECROSS-EXAMINATION	+	BY MS. KELLY: Q.	200	15
ASK TO YOU LOOK AT AN		EXHIBIT IN FRONT OF YOU,	27	12
OF YOU, GOVERNMENT		EXHIBIT 29, FOR PURPOSES OF	27	13
OF GOVERNMENT'S		EXHIBIT NUMBER 29.	27	20
RIGHT.	(EXHIBIT ‡ 29 RECEIVED IN	28	1
WE HAVE ANY DEFENSE		EXHIBIT S MARKED YET?	53	7
A.	(EXHIBIT ‡ A RECEIVED IN	53	14
HAND THE WITNESS AN		EXHIBIT , YOUR HONOR?	152	7
GOVERNMENT'S		EXHIBIT 30, THREE ZERO?	152	9
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			PG	LN
OF GOVERNMENT'S	EXHIBIT	30.	152	17
RIGHT.	(EXHIBIT	30 † RECEIVED IN	153	4
MR. BUENO. LOOK AT	EXHIBIT	19 FOR	170	24
WHAT GOVERNMENT	EXHIBIT	19 IS? A. YES.	171	2
(EXHIBIT	† 19 RECEIVED IN	171	6

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REPORTERS' CERTIFICATION

WE, THE UNDERSIGNED OFFICIAL COURT REPORTERS FOR THE UNITED STATES DISTRICT COURTS, HEREBY CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

Julie A. Churchill
JULIE A. CHURCHILL, CSR
OFFICIAL COURT REPORTER

DATED: July 30, 1990

Susan A. Lee
SUSAN A. LEE, CSR
OFFICIAL COURT REPORTER

DATED: July 30, 1990