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ALSO PRESENT:

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

SPANISH INTERPRETERS

1 LOS ANGELES + CALIFORNIA TUESDAY, MAY 29, 1990

2 + 9:30 A.M.

3  
4 (JURY PRESENT.)

5 THE COURT: GOOD MORNING.

6 THE COURTROOM: GOOD MORNING, YOUR HONOR.

7 THE COURT: YOU MAY CONTINUE YOUR CROSS-EXAMINATION  
8 OF THIS WITNESS.

9 MR. STOLAR: THANK YOU.

10  
11 HECTOR CERVANTES SANTOS + PLAINTIFFS WITNESS, PREVIOUSLY SWORN  
12 CROSS-EXAMINATION + CONTINUED

13 BY MR. STOLAR:

14 Q. GOOD MORNING, MR. CERVANTES.

15 A. GOOD MORNING.

16 Q. DID YOU HAVE A GOOD WEEKEND?

17 A. YES.

18 Q. OVER THE WEEKEND, DID YOU HAVE A CHANCE TO SPEAK TO  
19 MR. MEDRANO ABOUT YOUR TESTIMONY?

20 A. NO.

21 Q. DID YOU SPEAK TO MR. BERRELLEZ ABOUT YOUR TESTIMONY?

22 A. NO.

23 Q. DID YOU SPEAK TO ANYBODY ABOUT YOUR TESTIMONY?

24 A. NO.

25 Q. HAVE YOU THOUGHT ABOUT THE TESTIMONY YOU GAVE LAST WEEK?

1 A. YES.

2 Q. IS THERE ANYTHING THAT YOU WOULD LIKE TO CHANGE FROM WHAT  
3 YOU TESTIFIED ABOUT LAST WEEK?

4 A. YES. I THOUGHT ABOUT SOME THINGS, SOME QUESTIONS THAT YOU  
5 ASKED ME.

6 Q. WHAT IS IT YOU'D LIKE TO CHANGE?

7 A. WELL, I REMEMBER ABOUT SOME PHOTOGRAPHS THAT YOU WERE  
8 TALKING ABOUT.

9 Q. REALLY?

10 A. YES.

11 Q. TELL ME ABOUT THE PHOTOGRAPHS.

12 A. WELL, YOU WERE ASKING ME WHETHER AT SOME POINT I HAD BEEN  
13 SHOWN PHOTOGRAPHS BY SOMEBODY. AT THE MOMENT, I COULDN'T  
14 REMEMBER.

15 BUT, YES, I WAS SHOWN PHOTOGRAPHS, BUT I DON'T  
16 REMEMBER OF WHOM OR WHO SHOWED THEM TO ME.

17 Q. YOU DO KNOW AN AGENT BY THE NAME OF THOMAS MORALES; DON'T  
18 YOU?

19 A. YES.

20 Q. WASN'T IT AGENT MORALES THAT SHOWED YOU THOSE PHOTOGRAPHS?

21 A. I DON'T REMEMBER.

22 Q. DO YOU REMEMBER HOW MANY PHOTOGRAPHS YOU SAW?

23 A. NO, I DON'T REMEMBER.

24 Q. DO YOU REMEMBER IF YOU SAW A PICTURE IN THOSE PHOTOGRAPHS  
25 OF THE MAN YOU PICKED UP AT THE AIRPORT ON THE DAY OF THE

1 WEDDING?

2 A. YES, YES, I DO REMEMBER.

3 Q. TELL ME ABOUT THAT.

4 A. WELL, YES, I REMEMBER I WAS SHOWN SOME PHOTOGRAPHS AND  
5 YES, THAT PERSON WAS THERE AND YES, I DID RECOGNIZE HIM.

6 Q. HE WAS IN THAT SERIES OF PHOTOGRAPHS; IS THAT CORRECT?

7 A. YES.

8 Q. NOW, THIS IS A BUNCH OF PICTURES THAT WERE SHOWN TO YOU ON  
9 FEBRUARY 7TH OF THIS YEAR; DOES THAT SOUND RIGHT?

10 A. NO, I DON'T REMEMBER WHEN I WAS SHOWN THE PHOTOGRAPHS.

11 A. WELL, DO YOU REMEMBER AROUND THE TIME OF YOUR FIRST GRAND  
12 JURY APPEARANCE, NOVEMBER 30TH, WERE YOU SHOWN PHOTOGRAPHS  
13 THEN?

14 A. NO, I WAS NOT SHOWN ANY PHOTOGRAPHS ON THAT OCCASION. I  
15 DON'T REMEMBER.

16 Q. DO YOU REMEMBER YOU TESTIFIED BEFORE THE GRAND JURY ON  
17 JANUARY 17TH FOR THE SECOND TIME? DO YOU RECALL THAT?

18 A. YES.

19 Q. WERE YOU SHOWN PHOTOGRAPHS AROUND THAT TIME?

20 A. YES, I THINK BY THEN I HAD ALREADY SEEN THE PHOTOGRAPHS.

21 Q. THE PHOTOGRAPHS THAT YOU REMEMBER SEEING, CAN YOU DESCRIBE  
22 WHAT KIND OF PICTURES THEY WERE? THAT IS, WERE THEY SINGLE  
23 PICTURES OF ONE PERSON OR PICTURES WITH A NUMBER OF PEOPLE IN  
24 EACH PHOTO?

25 A. WELL, I WAS SHOWN BOTH KINDS THAT YOU'RE SPEAKING ABOUT.

1 Q. ON THE SAME OCCASION OR ON DIFFERENT OCCASIONS?

2 A. NO. I DON'T REMEMBER HOW MANY TIMES I WAS SHOWN  
3 PHOTOGRAPHS.

4 Q. I'M NOT ASKING YOU HOW MANY TIMES, I'M ASKING YOU IF YOU  
5 SAW SINGLE PICTURE PHOTOGRAPHS AND LIKE THE GROUP PHOTOGRAPHS  
6 AT THE SAME TIME OR AT DIFFERENT TIMES?

7 A. NO.

8 Q. NO, YOU DON'T REMEMBER WHETHER YOU WERE SHOWN THEM  
9 SEPARATELY, AT DIFFERENT TIMES OR AT THE SAME TIME?

10 A. I DON'T REMEMBER AT THIS MOMENT.

11 Q. YOU DO YOU REMEMBER BEING SHOWN A SERIES OF PHOTOGRAPHS  
12 THAT WERE LIKE GROUP PHOTOS, A NUMBER OF PEOPLE IN EACH PHOTO;  
13 IS THAT CORRECT?

14 A. YES, I DO REMEMBER THAT.

15 Q. AND OF THOSE PHOTOGRAPHS, IS IT YOUR MEMORY THAT YOU  
16 IDENTIFIED THE MAN THAT YOU PICKED UP AT THE AIRPORT ON THE DAY  
17 OF THE WEDDING?

18 A. YES.

19 Q. OKAY. NOW, LET'S TALK ABOUT GOING TO THE AIRPORT. DO YOU  
20 RECALL WHAT AIRLINE YOU WENT TO ON THE DAY OF THE WEDDING?

21 A. NO, WE DIDN'T GO TO ANY AIRLINE. THE PEOPLE WERE ALREADY  
22 WAITING FOR US WHEN WE WENT TO PICK THEM UP.

23 Q. I SEE. HAD SOMEBODY GIVEN YOU A DESCRIPTION OF THESE  
24 PEOPLE FOR YOU TO PICK UP?

25 A. WELL, WE JUST KNEW THAT THEY WERE FROM THE SOUTH, THAT

1 THEY WERE SOUTH AMERICANS, THAT THEY WERE COLOMBIANS, AND JORGE  
2 ALREADY KNEW THEM.

3 Q. I SEE. HOW WAS JORGE DRESSED TO GO TO THE AIRPORT?

4 A. HE HAD ON AN ETHNIC SHIRT, GUYA BERA, AND HE HAD HIS PANTS  
5 ON AND SOME BOOTS.

6 Q. DO YOU REMEMBER WHAT TIME OF DAY IT WAS THAT YOU WENT TO  
7 THE AIRPORT?

8 A. IT WAS AROUND NOON, MORE OR LESS.

9 Q. WHAT TIME WAS THE WEDDING?

10 A. 8:00 IN THE EVENING.

11 Q. AND HOW FAR IS IT -- HOW LONG DOES IT TAKE TO DRIVE FROM  
12 LA QUINTA TO THE AIRPORT?

13 A. ABOUT 40 MINUTES.

14 Q. SO THE BRIDEGROOM ON THE DAY OF THE WEDDING WENT TO PICK  
15 UP THE GUESTS AT THE AIRPORT; IS THAT YOUR TESTIMONY?

16 A. I DON'T UNDERSTAND THE QUESTION.

17 Q. I'LL WITHDRAW IT.

18 AND YOUR RECOLLECTION IS THAT THIS IS THE DAY OF THE  
19 WEDDING THAT YOU WENT TO THE AIRPORT; IS THAT RIGHT?

20 A. YES.

21 Q. DO YOU RECALL SPEAKING TO AGENT SALAZAR ON JANUARY 2ND OF  
22 THIS YEAR?

23 A. YES, I DID SPEAK WITH MR. SALAZAR AROUND THAT TIME.

24 Q. NOW, THAT'S THE FIRST TIME YOU TOLD THEM SOMETHING ABOUT  
25 THE COLOMBIAN YOU PICKED UP AT THE AIRPORT; IS THAT RIGHT?

1 A. I DON'T UNDERSTAND.

2 Q. WHEN IS THE FIRST TIME YOU TOLD ANY D.E.A. AGENT ABOUT THE  
3 COLOMBIAN YOU PICKED UP AT THE AIRPORT?

4 A. WELL, IT WAS MORE OR LESS THIS JANUARY. I DON'T REMEMBER  
5 THE EXACT DATE.

6 Q. ALL RIGHT. DO YOU RECALL TELLING AGENT SALAZAR THAT YOU  
7 WENT TO PICK UP THE PERSON AT THE AIRPORT ONE DAY PRIOR TO THE  
8 WEDDING?

9 A. NO, I DIDN'T SAY THAT.

10 Q. YOU DIDN'T SAY THAT?

11 A. NO.

12 Q. YOU'RE ABSOLUTELY SURE YOU DIDN'T TELL HIM IT WAS ONE DAY  
13 BEFORE THE WEDDING THAT YOU WENT TO PICK UP THE MAN?

14 A. I'M SURE I DID NOT SAY THAT.

15 Q. IF YOU WOULD, DESCRIBE FOR ME THE COLOMBIAN THAT YOU  
16 PICKED UP.

17 A. WELL, HE WAS DARK SKINNED, HE WAS SOUTH AMERICAN, HE HAD  
18 CURLY HAIR, HE HAD A MOUSTACHE AND HE HAD A SUIT ON.

19 Q. DID HE HAVE ANY LUGGAGE?

20 A. HE ONLY HAD A BRIEFCASE.

21 Q. WAS HE ARMED?

22 A. NO.

23 Q. WHAT ABOUT THE OTHER MAN? CAN YOU DESCRIBE HIM?

24 A. WELL, HE WAS THE SAME. THE OTHER PERSON WAS BLACKER, HE  
25 WAS DARKER.

1 Q. THIS IS -- THE ASSISTANT WAS DARKER?

2 A. YES.

3 Q. CAN YOU DESCRIBE HIM PHYSICALLY, THE ASSISTANT?

4 A. WELL, HIS HAIR WAS COMPLETELY CURLY AND SHORT, HE DIDN'T  
5 HAVE A MOUSTACHE, AND HE ALSO HAD A SUIT ON AND A BRIEFCASE.

6 Q. DID HE HAVE ANY BAGGAGE OR LUGGAGE?

7 A. NO.

8 Q. DID JORGE GREET THESE PEOPLE?

9 A. YES.

10 Q. WHAT DID HE SAY?

11 A. THAT HE WAS -- HAD BEEN SENT BY THE ATTORNEY.

12 Q. YOU JUST TOLD US THAT JORGE KNEW THESE PEOPLE; DIDN'T YOU?

13 A. WELL, YES. YES, HE SAID THAT HE ALREADY KNEW THEM, AND WE  
14 SAW THEM OUTSIDE THE AIRPORT, AND WE JUST STOPPED AND PICKED  
15 THEM UP.

16 Q. WERE YOU INTRODUCED TO THEM?

17 A. EXCUSE ME?

18 Q. WERE YOU INTRODUCED TO THE GENTLEMEN?

19 A. NO, THEY JUST GOT INTO THE CAR.

20 Q. AND YOU DIDN'T KNOW THEIR NAMES AT THAT TIME; DID YOU?

21 A. NO, I DID NOT.

22 Q. IN FACT, YOU DIDN'T LEARN THE NAME OF THE MAN YOU SAY WAS  
23 AT THE AIRPORT UNTIL MUCH LATER; IS THAT RIGHT?

24 A. YES.

25 Q. MUCH LATER, LIKE 1990?

1 A. NO.

2 Q. DID YOU LEARN HIS NAME LATER THAT DAY?

3 A. YES.

4 Q. HOW DID YOU FIND OUT HIS NAME?

5 A. WELL, HE WAS BEING CALLED "EL NEGRO", "EL NEGRO  
6 BALLESTEROS" IS WHAT HE WAS BEING CALLED.

7 Q. BY WHOM?

8 A. THE ATTORNEY, JAVIER BARBA HERNANDEZ, CALLED HIM THAT WAY.

9 Q. THE NAME MATTA WAS NOT USED?

10 A. NO, I ONLY HEARD EL NEGRO BALLESTEROS.

11 Q. WHEN DID YOU FIRST HEAR THE NAME JUAN RAMON MATTA?

12 A. EXCUSE ME?

13 Q. WHEN DID YOU FIRST LEARN THE NAME JUAN RAMON MATTA?

14 A. I FOUND OUT THE FOLLOWING DAY WHEN HE LEFT.

15 Q. HOW DID YOU FIND OUT?

16 A. EVERYBODY WHO WAS AROUND THE ATTORNEY MADE COMMENTS THAT  
17 HE WAS SOMEBODY IMPORTANT FROM COLOMBIA, AND THAT HIS NAME WAS  
18 JUAN RAMON MATTA BALLESTEROS.

19 Q. THEY USED HIS FULL NAME; IS THAT WHAT YOU OVERHEARD?

20 A. WELL, JUST THE LAST NAMES, THE LAST TWO NAMES.

21 Q. WHAT ABOUT JUAN RAMON; WHEN DID YOU FIRST LEARN THAT?

22 A. WELL, A SHORT TIME AGO.

23 Q. WHO TOLD IT TO YOU?

24 A. WELL, WHEN HIS PHOTOGRAPH WAS THERE, HIS FULL NAME WAS  
25 THERE AS WELL, AND THAT IS WHERE I SAW IT.

1 Q. WHEN WAS THIS; 1990?

2 A. NO.

3 Q. 1989?

4 A. YES.

5 Q. WHEN DID YOU SEE HIS PICTURE IN 1989; BEFORE OR AFTER YOUR  
6 GRAND JURY TESTIMONY?

7 A. I SAW IT BEFORE THE TESTIMONY.

8 Q. IN NOVEMBER YOU SAW HIS PICTURE?

9 A. NO.

10 Q. WELL, WHEN THEN?

11 A. I SAW IT IN JANUARY. THAT'S WHEN I RECOGNIZED HIM.

12 Q. AND YOU SAW IT -- WAS IT A SINGLE PHOTOGRAPH OF MR. MATTA  
13 BALLESTEROS OR WAS HE ONE OF THE NUMBER OF PEOPLE IN A GROUP?

14 A. HE WAS ALONE.

15 Q. WERE THERE ANY OTHER PICTURES IN THE SERIES THAT YOU WERE  
16 ASKED TO LOOK AT AT THAT TIME?

17 A. YES.

18 Q. DO YOU REMEMBER WHO ELSE'S PICTURE WAS THERE?

19 A. NO, I DON'T REMEMBER.

20 Q. WHO WAS IT WHO SHOWED YOU THESE PICTURES?

21 A. I DON'T REMEMBER WHO SHOWED THEM TO ME RIGHT NOW.

22 Q. WAS IT MR. BERRELLEZ?

23 A. I DON'T REMEMBER.

24 Q. COULD IT HAVE BEEN DELBERT SALAZAR, SPECIAL AGENT SALAZAR?

25 A. I DON'T REMEMBER EXACTLY WHO SHOWED ME THE PHOTOGRAPHS.

1 Q. WHERE WERE YOU WHEN YOU SAW THE PICTURES?

2 A. I WAS IN THE OFFICE OF -- WELL, NOT IN THE OFFICE --  
3 BEFORE MR. MEDRANO'S OFFICE.

4 Q. IN THE WAITING ROOM IN THE U.S. ATTORNEY'S OFFICE,  
5 UPSTAIRS ON THE 14TH FLOOR?

6 A. WELL, I DON'T KNOW WHAT FLOOR IT WOULD BE ON, BUT IT IS  
7 BEFORE WHERE MR. MEDRANO IS.

8 Q. IN THIS BUILDING, UPSTAIRS?

9 A. YES.

10 Q. AND THIS IS SOMETIME IN JANUARY; IS THAT CORRECT?

11 A. YES.

12 Q. THE PHOTOGRAPH -- DID THAT PHOTOGRAPH THAT YOU SAW IN  
13 JANUARY LOOK LIKE THE MAN SITTING HERE IN COURT?

14 A. YES.

15 Q. DO YOU WANT TO TAKE A LOOK AT IT AND MAKE SURE?

16 MR. MEDRANO: OBJECTION, YOUR HONOR. THE WITNESS HAS  
17 ANSWERED.

18 THE COURT: THE OBJECTION IS SUSTAINED.

19 BY MR. STOLAR:

20 Q. I'D LIKE TO -- LET ME ASK YOU SOME QUESTIONS ABOUT THE  
21 WEDDING ITSELF.

22 YOU SAY IT TOOK PLACE AT 8:00?

23 A. THAT'S THE TIME THE WEDDING WAS.

24 Q. WERE YOU PRESENT AT THE WEDDING?

25 A. YES.

1 Q. DURING THE ENTIRE WEDDING?

2 A. YES.

3 Q. WAS IT PART OF YOUR JOB BEFORE THE WEDDING TO SERVE THE  
4 GUESTS FOOD AND DRINK?

5 A. NO.

6 Q. GUESTS WERE ARRIVING ALL AFTERNOON; WEREN'T THEY?

7 A. YES.

8 Q. DID YOU GREET ALL OF THEM AT THE DOOR?

9 A. YES, THEY WOULD COME IN FROM WHERE I WAS.

10 Q. CAN YOU REMEMBER ANY OF THE NAMES OF THE GUESTS WHO CAME  
11 TO THE WEDDING?

12 A. YES.

13 Q. TELL US SOME OF THEM, PLEASE.

14 A. MR. RUBEN ZUNO ARCE WAS AT THE WEDDING, MAJOR ALDANA WAS  
15 THERE, MANUEL IBARRA WAS THERE, MR. JAVIER GARCIA PANIAGUA WAS  
16 THERE, HIS BROTHER, ARMANDO PAVON REYES WAS THERE, COCHILOCO  
17 WAS THERE.

18 A. RAFAEL CARO QUINTERO WAS THERE, DON ERNESTO FONSECA WAS  
19 THERE, MATTA BALLESTEROS WAS THERE, AND HIS HELPER.

20 Q. WHAT WAS HIS HELPER'S NAME?

21 A. I DID NOT FIND OUT.

22 Q. THESE GENTLEMEN WHO YOU JUST NAMED, DID THEY COME WITH  
23 THEIR BODYGUARDS?

24 A. YES.

25 Q. DO YOU REMEMBER HOW MANY?

1 Q. DID THE BODYGUARD COME INSIDE THE HOUSE TO ATTEND?

2 A. YES.

3 Q. HOW MANY BODYGUARDS DID CARO QUINTERO COME WITH; DO YOU  
4 RECALL?

5 A. RAFAEL CARO QUINTERO HAD TWO CARS WITH HIM. THERE WERE  
6 EIGHT PERSONS.

7 Q. DID OTHER PEOPLE COME WITH BODYGUARDS, AS WELL?

8 A. YES.

9 Q. CAN YOU TELL US HOW MANY GUESTS WERE AT THE WEDDING,  
10 EXCLUDING BODYGUARDS?

11 A. ABOUT 50 OR 60 PEOPLE.

12 Q. AND IF YOU ADD BODYGUARDS TO IT, HOW MANY DOES THAT MAKE  
13 WHO WERE PRESENT?

14 A. ABOUT 80 PEOPLE, MORE OR LESS.

15 Q. THE NAME OF THE BRIDE WAS WHAT?

16 A. ROSA.

17 Q. ROSA WHAT?

18 A. IT'S ROSE FIGUEORA TEJEDA. I DON'T REMEMBER HER LAST NAME  
19 VERY WELL.

20 Q. WHO PERFORMED THE WEDDING CEREMONY?

21 A. I DON'T UNDERSTAND.

22 Q. WELL, SOMEBODY HAS TO STAND UP IN FRONT OF THE COUPLE  
23 GETTING MARRIED AND PRONOUNCE THEM MAN AND WIFE.

24 A. WELL, I DIDN'T GO TO THE WEDDING. I WASN'T AT CHURCH.

25 Q. YOU MEAN THE WEDDING DIDN'T TAKE PLACE IN THE HOUSE?

1 A. NO.

2 Q. WHERE DID THE WEDDING TAKE PLACE?

3 A. IN A CHURCH.

4 Q. WHAT CHURCH?

5 A. I DON'T REMEMBER.

6 Q. WAS IT A CHURCH IN GUADALAJARA?

7 A. YES.

8 Q. WHAT SECTOR?

9 A. NO, I DON'T REMEMBER.

10 Q. WAS IT A CATHOLIC CHURCH?

11 A. YES.

12 Q. WERE YOU OUTSIDE THE CHURCH WHILE THE WEDDING WAS GOING  
13 ON?

14 A. I WAS AT ATTORNEY JAVIER BARBA HERNANDEZ'S HOUSE.

15 Q. YOU STAYED HOME ALL DAY; IS THAT RIGHT?

16 A. YES.

17 Q. WHAT TIME DID PEOPLE COME BACK FROM THE WEDDING, IF THEY  
18 DID?

19 A. ABOUT 10:00. EVERYBODY ARRIVED AROUND 10:00.

20 Q. WERE THERE A NUMBER OF PEOPLE WHO HAD TO LEAVE THE HOUSE  
21 TO GO TO THE WEDDING IN GUADALAJARA?

22 A. I DON'T UNDERSTAND.

23 Q. WELL, YOU TESTIFIED YOU PICKED UP THE COLOMBIAN AND HIS  
24 ASSISTANT AT THE AIRPORT AND YOU BROUGHT THEM TO LA QUINTA,  
25 WHICH IS NOT IN THE CITY OF GUADALAJARA, IS IT?

1 A. YES, IT IS IN THE CITY OF GUADALAJARA.

2 Q. ISN'T IT REALLY SOMEPLACE CALLED LOMA DORADA?

3 A. IT IS IN GUADALAJARA, BUT IT IS ON A BORDER OF LOMA DORADA  
4 AND TONALA.

5 Q. DO YOU RECALL TESTIFYING IN THE GRAND JURY ON THE VERY  
6 FIRST TIME ON NOVEMBER 30TH?

7 PAGE 6, LINE 10. WERE YOU ASKED THE FOLLOWING  
8 QUESTIONS AND DID YOU GIVE THE FOLLOWING ANSWERS?

9 "Q. AND THIS HOUSE OF JAVIER BARBA HERNANDEZ, WAS IT ACTUALLY  
10 IN THE CITY OF GUADALAJARA, SIR?"

11 ANSWER BY YOU:

12 "A. NO.

13 "Q. WHERE WAS IT, IF YOU RECALL?

14 "A. IN LOMA DORADA, ON THE ROAD TO DOWNTOWN GUADALAJARA IN  
15 JALISCO."

16 WERE YOU ASKED THOSE QUESTIONS AND DID YOU GIVE THOSE  
17 ANSWERS?

18 A. YES, IT IS BECAUSE IT WAS IN GUADALAJARA. THAT'S WHY I  
19 ANSWERED THAT WAY. THERE MAY HAVE BEEN A MISUNDERSTANDING. I  
20 DON'T KNOW.

21 Q. MAYBE THE COURT REPORTER WROTE IT DOWN WRONG?

22 A. WELL, MAYBE -- WELL, I ANSWERED THAT WAY BUT IT REALLY IS  
23 IN GUADALAJARA.

24 Q. SO YOUR TESTIMONY BEFORE THE GRAND JURY MIGHT HAVE BEEN  
25 INCORRECT?

1 A. YES. IF I SAID THAT, I SAID IT.

2 Q. IT WASN'T A CONFUSING QUESTION, WAS IT?

3 MR. MEDRANO: OBJECTION; ARGUMENTATIVE.

4 THE COURT: SUSTAINED.

5 BY MR. STOLAR:

6 Q. HOW DID THE COLOMBIAN AND HIS ASSISTANT GET TO THE CHURCH,  
7 IF YOU KNOW?

8 A. HE WENT WITH ATTORNEY JAVIER BARBA HERNANDEZ.

9 Q. IN WHICH CAR?

10 A. IN ONE OF THE ATTORNEY'S MARQUIS.

11 Q. WAS HE WEARING THE SAME CLOTHES WHEN HE LEFT AS HE HAD ON  
12 WHEN YOU PICKED HIM UP AT THE AIRPORT?

13 A. YES.

14 Q. HE DIDN'T EVER BODYGUARDS WITH HIM, DID HE?

15 A. JUST HIS AIDE, HIS HELPER.

16 Q. DID THE HELPER GO TO THE WEDDING, TOO?

17 A. YES.

18 Q. DO YOU KNOW HOW THEY CAME BACK FROM THE WEDDING, IF THEY  
19 DID?

20 A. YES, THEY DID RETURN.

21 Q. DO YOU REMEMBER THEM RETURNING?

22 A. THEY RETURNED WITH THE ATTORNEY.

23 Q. WHO ELSE WAS IN THE CAR?

24 A. THERE WAS ELISEO VASQUEZ VELASCO AND THE ENGINEER AVELARDO  
25 FERNANDEZ.

1 Q. DO YOU RECALL IF -- THERE WAS A PARTY AT THE HOUSE THAT  
2 NIGHT; WAS THERE NOT?

3 A. YES.

4 Q. IN CELEBRATION OF THE WEDDING?

5 A. YES.

6 Q. WAS SOMEBODY TAKING PICTURES?

7 A. YES.

8 Q. DO YOU KNOW THE NAME OF THE PHOTOGRAPHER OR PHOTOGRAPHERS?

9 A. NO.

10 Q. WAS IT A HIRED PHOTOGRAPHER, A PROFESSIONAL PHOTOGRAPHER  
11 WHO CAME IN TO TAKE PICTURES; DO YOU KNOW?

12 A. NO, IT WAS ONE OF THE PEOPLE KNOWN TO THE ATTORNEY, BUT  
13 THEY WERE -- THERE WERE PHOTOGRAPHERS.

14 Q. PROFESSIONAL PHOTOGRAPHERS?

15 A. I COULDN'T TELL YOU.

16 Q. DID YOU EVER SEE ANY OF THE PICTURES FROM THE WEDDING  
17 PARTY?

18 A. YES.

19 Q. WHERE DID YOU SEE THEM?

20 A. AFTERWARDS, AT THE SAME HOUSE THEY WERE BEING SHOWN.

21 Q. DO YOU KNOW WHERE THESE PICTURES ARE TODAY?

22 A. WELL, I IMAGINE THAT -- WITH THE LADY THAT WAS JUST  
23 MARRIED OR WITH THE ATTORNEY'S PARENTS. I DON'T KNOW WHO WOULD  
24 HAVE THEM.

25 Q. DID YOU ATTEND THE PARTY AS A CELEBRANT OR WERE YOU THERE

1 AS SORT OF A SERVANT OR HELPER?

2 A. I WAS AT THE HOUSE. I WAS WORKING WHEN THE WEDDING PARTY  
3 WAS CARRIED OUT.

4 Q. WHAT KIND OF WORK WERE YOU DOING?

5 A. I WAS THE CHIEF OF SECURITY OF THE ATTORNEY'S HOUSE.

6 Q. SO WHAT WERE YOU DOING?

7 A. WATCHING THE HOUSE.

8 Q. WERE YOU WALKING AROUND?

9 A. WELL, WHEN THE MEETING WAS HELD, I WAS IN THE DOORWAY.  
10 AND WHEN THE MEETING WAS GOING TO BE HELD, HE TOLD ME AND WE  
11 SHUT THE DOOR.

12 Q. THAT WAS THE MEETING THAT TOOK PLACE IMMEDIATELY AFTER YOU  
13 CAME BACK FROM THE AIRPORT; ISN'T THAT RIGHT?

14 A. YES.

15 Q. DO YOU RECALL WHAT TIME OF DAY IT WAS THAT MANUEL IBARRA,  
16 MAJOR ALDANA AND MAJOR ALDANA (SIC) CAME TO THE HOUSE, CAME TO  
17 LA QUINTA?

18 A. NO.

19 Q. WERE YOU PRESENT WHEN THEY ARRIVED?

20 A. NO.

21 Q. THEY WERE THERE WHEN YOU CAME BACK FROM THE AIRPORT; IS  
22 THAT YOUR MEMORY?

23 A. YES.

24 Q. DID MR. MATTA'S OR THE COLOMBIAN THAT YOU PICKED UP -- DID  
25 HIS ASSISTANT COME INTO THE MEETING, TOO?

1 A. YES.

2 Q. AND THIS MEETING, THIS WEDDING TOOK PLACE IN LATE OCTOBER  
3 1984; IS THAT YOUR RECOLLECTION?

4 A. YES.

5 Q. AND THAT IS, BY YOUR COURTROOM TESTIMONY, IS IT NOT, THE  
6 VERY FIRST TIME THAT THE MAN YOU SAY IS MR. MATTA HAD ANYTHING  
7 TO DO WITH THE DISCUSSIONS ABOUT KIDNAPPING; IS THAT CORRECT?

8 MR. MEDRANO: OBJECTION; AMBIGUOUS, YOUR HONOR.

9 MR. STOLAR: I'LL REPHRASE IT.

10 THE COURT: RESTATE YOUR QUESTION.

11 BY MR. STOLAR:

12 Q. IS IT NOT CORRECT THAT THAT IS THE FIRST TIME THAT THE MAN  
13 YOU SAY IS MR. MATTA PARTICIPATED IN A DISCUSSION ABOUT  
14 KIDNAPPING?

15 MR. MEDRANO: OBJECTION, NO FOUNDATION, YOUR HONOR.

16 THE COURT: YOU'RE ASKING THE WITNESS WHETHER THAT  
17 WAS THE FIRST TIME HE OBSERVED IT; IS THAT CORRECT?

18 MR. STOLAR: YES.

19 BY MR. STOLAR:

20 Q. IS THAT THE FIRST TIME OBSERVED THE MAN YOU SAY IS MR.  
21 MATTA IN CONNECTION WITH THE KIDNAPPING?

22 A. YES.

23 Q. BY YOUR TESTIMONY, IS IT NOT CORRECT THAT THAT IS THE  
24 SECOND TIME THE KIDNAPPING WAS DISCUSSED IN YOUR PRESENCE; IS  
25 THAT RIGHT?

1 A. YES.

2 Q. THE FIRST TIME BEING AROUND THE TIME OF THE BAPTISM; IS  
3 THAT RIGHT?

4 Q. YES.

5 Q. AND MR. MATTA WAS NOT PRESENT FOR THAT; WAS HE?

6 A. NOT AT THE BAPTISM, NO.

7 Q. AND THAT, BY YOUR RECOLLECTION, TOOK PLACE IN SEPTEMBER;  
8 IS THAT RIGHT?

9 A. MORE OR LESS DURING THAT MONTH.

10 Q. WHERE DID THE BAPTISM TAKE PLACE?

11 A. AT THE SAME HOUSE WHERE I WAS WORKING.

12 Q. DID A PRIEST COME?

13 A. NO.

14 Q. WHO DID THE BAPTISM?

15 A. THE BAPTISM WAS CARRIED OUT AT CHURCH.

16 Q. OKAY. DO YOU KNOW THE NAME OF THE CHURCH?

17 A. NO, I DON'T REMEMBER.

18 Q. WAS IT THE SAME CHURCH THAT WAS GONE TO FOR THE WEDDING?

19 A. NO, I THINK IT WAS ANOTHER ONE.

20 Q. YOU LIVED IN GUADALAJARA ALMOST ALL YOUR LIFE; HAVEN'T  
21 YOU?

22 A. 29 YEARS.

23 Q. DID YOU GO TO CHURCH THERE?

24 MR. MEDRANO: OBJECTION, RELEVANCE, YOUR HONOR,  
25 THE COURT: OVERRULED.

1 THE WITNESS: I DIDN'T UNDERSTAND.

2 BY MR. STOLAR:

3 Q. DID YOU GO TO CHURCH WHEN YOU LIVED IN GUADALAJARA?

4 A. EVERY NOW AND THEN.

5 Q. DID YOU GO TO THE SAME CHURCH THAT JAVIER BARBA HERNANDEZ  
6 WENT TO?

7 A. NO.

8 Q. IS THAT A SILLY QUESTION?

9 MR. MEDRANO: OBJECTION, YOUR HONOR; ARGUMENTATIVE,  
10 RELEVANCE.

11 THE COURT: I'LL PERMIT THE ANSWER. I WANT TO KNOW  
12 MYSELF.

13 (COURTROOM LAUGHTER.)

14 THE WITNESS: NO.

15 BY MR. STOLAR:

16 Q. YOUR TESTIMONY IS OR IS IT YOUR TESTIMONY THAT JAVIER  
17 GARCIA PANIAGUA WAS THE GODFATHER, THE PADRINO, AT THIS  
18 BAPTISM?

19 A. YES.

20 Q. AND IT'S ALSO YOUR TESTIMONY THAT MR. JAVIER GARCIA  
21 PANIAGUA WAS PRESENT AND PARTICIPATED IN DISCUSSIONS ABOUT THE  
22 KIDNAPPING; IS THAT RIGHT?

23 A. YES.

24 Q. THIS IS THE SAME GARCIA PANIAGUA WHO'S PRESENTLY, RIGHT  
25 TODAY, THE CHIEF OF POLICE OF MEXICO CITY?

1 A. YES.

2 Q. THE SAME MAN WHO USED TO BE THE SECRETARY OF STATE OF THE  
3 REPUBLIC OF MEXICO?

4 A. I DON'T KNOW.

5 Q. WAS IT THE SAME MAN WHO USED TO BE THE PRESIDENT OF THE  
6 P.R.I., THE P R I?

7 A. YES, HE WAS THE PRESIDENT OF P.R.I.

8 Q. WHAT IS P.R.I.?

9 A. IT'S A MEXICAN POLITICAL PARTY.

10 Q. IT IS THE MEXICAN POLITICAL PARTY, ISN'T IT?

11 A. (ANSWER GIVEN BUT NOT YET INTERPRETED.)

12 (COURTROOM LAUGHTER.)

13 THE INTERPRETER: PLEASE REPEAT YOUR ANSWER.

14 THE WITNESS: IT ALWAYS HAS BEEN.

15 BY MR. STOLAR:

16 Q. IN FACT, NO OTHER PARTY HAS HELD NATIONAL OFFICE IN MEXICO  
17 SINCE THAT PARTY WAS FOUNDED; ISN'T THAT RIGHT?

18 MR. MEDRANO: OBJECTION, RELEVANCE, YOUR HONOR.

19 THE COURT: SUSTAINED.

20 BY MR. STOLAR:

21 Q. ANYWAY, MR. GARCIA PANIAGUA WAS THE PRESIDENT OF THE  
22 PARTIDO REVOLUCIONARIO INSTITUCION; ISN'T THAT RIGHT?

23 MR. MEDRANO: OBJECTION, YOUR HONOR.

24 THE COURT: SUSTAINED.

25 BY MR. STOLAR:

1 Q. WASN'T RAFAEL CARO QUINTERO TO BE THE GODFATHER OF BARBA'S  
2 CHILD?

3 A. NO.

4 Q. BUT YOU DID TESTIFY THAT WAY BEFORE THE GRAND JURY; DIDN'T  
5 YOU?

6 A. I DON'T REMEMBER HAVING TESTIFIED THAT HE WAS. I REMEMBER  
7 SAYING THAT JAVIER WAS THE COMPADRE AND HE ALSO WAS ONE OF THE  
8 BRIDEGROOM'S ATTENDANTS AT THE WEDDING.

9 Q. PAGE 26, LINE 12 AND 13. THIS IS YOUR GRAND JURY  
10 TESTIMONY OF NOVEMBER 30, 1989.

11 "Q. BY MR. MEDRANO: AND WHO WAS TO BE THE GODFATHER FOR  
12 BARBA'S DAUGHTER?

13 "A. RAFAEL CARO QUINTERO.

14 "Q. SO CARO QUINTERO WAS ALSO AT THIS BAPTISM PARTY?

15 "A. YES."

16 WERE YOU ASKED THOSE QUESTIONS AND DID YOU GIVE THOSE  
17 ANSWERS?

18 A. WELL, IF THAT'S WHAT IT SAYS, YES. BUT REALLY I -- I HAD  
19 SAID THAT RAFAEL CARO QUINTERO WAS NOT AT THE BAPTISM.

20 Q. YOU SAID CARO QUINTERO WAS NOT AT THE BAPTISM?

21 A. HE WAS NOT AT THE BAPTISM.

22 Q. HE WAS AT THE BAPTISM PARTY, THOUGH; ISN'T THAT RIGHT?

23 A. NO.

24 Q. DIDN'T YOU TESTIFY THAT WAY BEFORE THE GRAND JURY?

25 A. YES. WELL -- WELL, IF THAT'S WHAT IT SAYS, THAT'S HOW I

1 TESTIFIED, BUT I DON'T REMEMBER RIGHT NOW.

2 Q. NOW, YOU REMEMBER THAT GARCIA PANIAGUA WAS TO BE THE  
3 GODFATHER OR WAS THE GODFATHER, RIGHT?

4 A. YES.

5 Q. BUT ON NOVEMBER 30, YOU TESTIFIED THAT CARO QUINTERO WAS  
6 TO BE THE GODFATHER.

7 MR. MEDRANO: OBJECTION; ASKED AND ANSWERED, YOUR  
8 HONOR.

9 THE COURT: SUSTAINED.

10 BY MR. MEDRANO:

11 Q. YOUR TESTIMONY NOW IS THAT CARO QUINTERO WAS NOT AT THE  
12 MEETING DURING THE BAPTISM PARTY; IS THAT RIGHT?

13 MR. MEDRANO: OBJECTION.

14 THE COURT: SUSTAINED.

15 BY MR. STOLAR:

16 Q. AND YOUR GRAND JURY TESTIMONY WAS THAT HE WAS THERE;  
17 CORRECT?

18 A. YES.

19 Q. WHICH ONE IS TRUE?

20 MR. MEDRANO: OBJECTION; ARGUMENTATIVE, YOUR HONOR.

21 THE COURT: OVERRULED.

22 THE WITNESS: COULD YOU ASK AGAIN, PLEASE?

23 BY MR. STOLAR:

24 Q. YOU TESTIFIED IN COURT THAT GARCIA PANIAGUA WAS THE  
25 GODFATHER AND THAT CARO WAS NOT AT THE BAPTISM.

1                   AND YOU TESTIFIED BEFORE THE GRAND JURY LAST NOVEMBER  
2 THAT CARO QUINTERO WAS TO BE THE GODFATHER AND THAT CARO  
3 QUINTERO WAS PRESENT AT THE BAPTISM PARTY.

4                   WHICH OF THOSE IS THE TRUE STATEMENT, IF EITHER?

5 A.    RAFAEL AND DON ERNESTO WERE NOT AT THE FIRST MEETING,  
6 WHICH WAS THE ONE OF THE BAPTISM. THEY WERE NOT THERE.

7 Q.    SO YOUR TESTIMONY BEFORE THE GRAND JURY WAS INCORRECT?

8 A.    YES.

9 Q.    FOR THE BAPTISM PARTY, WERE BARBA HERNANDEZ'S BROTHERS AND  
10 SISTERS THERE?

11 A.    ONLY JORGE.

12 Q.    ONLY JORGE?

13 A.    YES.

14 Q.    HOW ABOUT FOR JORGE'S WEDDING?

15 A.    WELL, THE ATTORNEY'S SIBLINGS WERE THERE AT THE WEDDING.

16 Q.    FRANCISCO?

17 A.    FRANCISCO?

18 Q.    IS THAT ONE OF HIS BROTHERS?

19 A.    NO.

20 Q.    NAME HIS BROTHERS AND SISTERS.

21 A.    I DON'T KNOW ALL OF THEM, I JUST KNOW MANUEL, PANCHO,  
22 ROSA, LETIE, MARTA. I KNOW YOU AUGUSTINA, CARLOS,

23 Q.    SALVADOR?

24 A.    YES, YES.

25 Q.    WHO'S KNOWN AS CHAVA; IS THAT RIGHT? C H A V A.

1 A. YES.

2 Q. RAOUL?

3 A. NO, RAOUL WAS NOT THERE.

4 Q. WERE ANY OF THEM AT THE BAPTISM? OR THE BAPTISM PARTY?

5 A. CARLOS WAS THERE AND MANUEL. THE OTHERS WERE AWAY; THEY  
6 DIDN'T COME.

7 Q. I TAKE IT FROM YOUR TESTIMONY THAT THERE WERE ALSO FEMALE  
8 PEOPLE PRESENT AT BOTH THE BAPTISM AND THE WEDDING; IS THAT  
9 RIGHT?

10 A. YES.

11 Q. DO YOU REMEMBER ANY OF THE WOMEN WHO WERE THERE?

12 FIRST GO TO THE BAPTISM PARTY, THEN WE'LL GO TO THE  
13 WEDDING.

14 A. NO, I DON'T REMEMBER WHO WERE THERE.

15 Q. YOU DON'T REMEMBER ANY OF THE WOMEN?

16 A. WELL, THERE WERE EVERYBODY'S WIVES AND THEIR SISTERS. I  
17 DON'T REMEMBER THE ATTORNEY'S BROTHER'S WIFE'S NAMES.

18 Q. HOW ABOUT AT THE WEDDING; WERE THERE FEMALE PEOPLE AT THE  
19 WEDDING?

20 A. YES.

21 Q. DO YOU REMEMBER ANY OF THEIR NAMES?

22 A. WELL, THE ATTORNEY'S SISTERS, THE ATTORNEY'S WIFE. I  
23 DON'T REMEMBER THEIR NAMES.

24 Q. THE HOUSE, LA QUINTA, IS MORE LIKE A SMALL RANCH; ISN'T  
25 IT?

1 A. IT IS A BIG HOUSE. IT HAS LIONS (SIC).

2 Q. HOW MANY?

3 A. ONE. (COURTROOM LAUGHTER.)

4 Q. WHERE WAS THE LION KEPT?

5 MR. MEDRANO: OBJECTION; RELEVANCE, YOUR HONOR.

6 THE WITNESS: IT WAS IN ITS CAGE. (LAUGHTER.)

7 BY MR. STOLAR:

8 Q. INSIDE THE HOUSE?

9 A. YES.

10 Q. DID IT EVER GO OUT FOR A WALK? (LAUGHTER.)

11 MR. MEDRANO: OBJECTION, YOUR HONOR. RELEVANCE, YOUR  
12 HONOR.

13 THE COURT: SUSTAINED.

14 BY MR. STOLAR:

15 Q. I'LL CONNECT IT UP.

16 MR. MEDRANO: OBJECTION, YOUR HONOR. LET'S HAVE A  
17 PROFFER.

18 BY MR. STOLAR:

19 Q. ALL RIGHT. I'LL CONNECT IT UP THIS WAY.

20 ELISEO, ONE OF THE TIERRA LIBRES, ELISEO VELASO  
21 VASQUEZ OR VELASCO -- WHAT THE HELL IS HIS LAST NAME? ELISEO  
22 VASQUEZ VELASCO HAS A SON NAMED RICARDO; DOESN'T HE?

23 A. I DON'T KNOW.

24 Q. DIDN'T ELISEO'S SON COME TO LA QUINTA ONCE A WEEK OR ONCE  
25 EVERY OTHER WEEK TO BRING FOOD FOR THE ANIMALS, INCLUDING THE

1 LION?

2 A. NO.

3 Q. DID SOMEBODY COME TO DELIVER FOOD?

4 A. YES.

5 Q. WHO WAS THAT PERSON, IF IT WAS THE SAME PERSON ALL THE  
6 TIME?

7 A. YES. DON ESEBIO.

8 Q. SPELL THAT, IF YOU CAN.

9 A. E S E B I O.

10 Q. IS THAT HIS FIRST NAME OR LAST NAME?

11 A. THAT'S HIS NAME, THAT'S HOW I KNOW HIM.

12 Q. DID HE HAVE A STORE OR A SUPPLY OR FOOD SUPPLY BUSINESS?

13 A. NO. THE ATTORNEY WOULD SEND HIM OUT FOR FOOD.

14 Q. SO THIS IS SOMEBODY WHO WAS EMPLOYED AT LA QUINTA?

15 A. YES.

16 Q. AND THE FOOD WAS NOT DELIVERED BY A FEED SUPPLY PLACE; IS  
17 THAT CORRECT?

18 A. NO.

19 Q. WAS THERE ALSO ANOTHER PERSON WHO WAS EMPLOYED THERE BY  
20 THE NAME OF PEDRO EMPLOYED BY LA QUINTA?

21 A. NO.

22 Q. WHO WOULD FEED ANIMALS?

23 A. EUSEBIO DID.

24 Q. ANYBODY ELSE?

25 A. AT TIMES, THE GARDENER.

1 Q. WHAT WAS THE GARDENER'S NAME?

2 A. WELL, HIS NAME WAS FELIPE, FELIPE, THE YOUNGER. HE WAS  
3 CALLED BARIGUAY.

4 Q. TELL US WHO THE OTHER PEOPLE WERE WHO WERE EMPLOYED AT LA  
5 QUINTA.

6 A. THERE WERE JUST THE TWO OF THEM AND MYSELF.

7 Q. WHO DID THE COOKING?

8 A. NO COOKING WAS DONE THERE.

9 Q. NO MEALS WERE EATEN THERE?

10 A. WELL, I WAS THE ONLY ONE THERE DAY AND NIGHT, AND THE  
11 REFRIGERATOR WAS ALWAYS FULL. I WAS NEVER SHORT ON FOOD.  
12 SOMETIMES IT WOULD BE BROUGHT FOR ME.

13 Q. WAS THERE A KITCHEN THERE?

14 A. YES.

15 Q. WAS THERE A STOVE AND AN OVEN?

16 A. YES.

17 Q. BUT NO COOK WAS EMPLOYED FOR THE HOUSE?

18 A. NO.

19 Q. JAVIER NEVER TOOK A MEAL AT THAT HOUSE?

20 A. WELL, JUST FROM THE REFRIGERATOR -- SNACKS, BUT HE DIDN'T  
21 REALLY EAT THERE.

22 Q. WEREN'T THERE ALSO SOCIAL GATHERINGS AT LA QUINTA?

23 A. YES, BUT THE FOOD WAS ALWAYS BROUGHT IN.

24 Q. WAS THERE A BUTLER-TYPE PERSON OR SOMEBODY WHO WENT AROUND  
25 AND SERVED PEOPLE OTHER THAN YOU?

1 MR. MEDRANO: OBJECTION; AMBIGUOUS, YOUR HONOR. AT  
2 THE GATHERINGS, OR HIM ALONE? IT'S UNCLEAR.

3 BY MR. STOLAR:

4 Q. WHO WAS EMPLOYED THERE?

5 THE COURT: THE WITNESS MAY ANSWER.

6 THE WITNESS: NO.

7 BY MR. STOLAR:

8 Q. YOU HAD ASSISTANTS; DIDN'T YOU?

9 A. YES.

10 Q. HOW MANY?

11 A. JUST TWO.

12 Q. ONLY TWO?

13 A. (NO RESPONSE.)

14 Q. NOW, THERE ARE, I THINK, FIVE PEOPLE WHO ARE EMPLOYEES AT  
15 LA QUINTA; IS THAT RIGHT?

16 A. NO, THAT'S NOT CORRECT.

17 Q. YOUR TWO ASSISTANTS AND YOURSELF?

18 A. THAT'S IT.

19 Q. WHAT ABOUT THE GARDENER?

20 A. WELL, THERE IS THE GARDENER, AND THERE IS DON EUSEBIO, AND  
21 I; THAT'S IT.

22 Q. SO THOSE TWO GENTLEMEN WERE YOUR ASSISTANTS; IS THAT WHAT  
23 YOU'RE TELLING US?

24 A. WELL, YES, THEY WERE THERE HELPING ME. THAT'S ALL I  
25 NEEDED.

1 Q. AND THERE WAS NO OTHER STAFF TO HELP TAKE CARE OF LA  
2 QUINTA?

3 MR. MEDRANO: OBJECTION, YOUR HONOR. THIS WAS  
4 COVERED.

5 THE COURT: OVERRULED.

6 THE WITNESS: NO, JUST US.

7 BY MR. STOLAR:

8 Q. HOW MANY BEDROOMS ARE IN THE HOUSE?

9 A. THREE.

10 Q. ONE OF THEM WAS USED BY YOU?

11 A. WELL, THEY COULD USE IT, TOO. SOMETIMES PEOPLE WOULD BE  
12 STAYING THERE. THEN THEY WOULD STAY THERE.

13 Q. WHERE WOULD YOU STAY WHEN THEY WERE STAYING THERE?

14 A. I WAS ALWAYS AT THE DOOR. I WOULD SLEEP SITTING DOWN.

15 Q. IS THERE A FORMAL DINING ROOM IN THE HOUSE?

16 A. YES.

17 Q. HOW MANY BATHROOMS?

18 A. TWO BATHROOMS.

19 Q. IS THERE ANOTHER ROOM THAT IS LIKE A LIVING ROOM, LIKE A  
20 PARLOR OR STUDY?

21 A. IT IS A LIVING ROOM.

22 Q. COULD YOU DESCRIBE ITS DIMENSIONS, HOW BIG IT IS, SAY IN  
23 RELATION TO THE COURTROOM HERE FROM WHERE YOU ARE MAYBE BACK TO  
24 THE BENCH OR FROM THE WALL BACK THERE BACK TO THE BENCH?

25 A. ABOUT HALF OF WHAT IS HERE.

1 Q. HALF OF WHAT IS HERE. LET'S SEE IF WE COULD GET IT --  
2 WHAT I'D LIKE YOU TO DO IS TO ASSUME THE BACK WALL -- IS IT A  
3 SQUARE ROOM OR RECTANGULAR?

4 A. SQUARE.

5 Q. FINE. FROM THE BACK WALL, TELL ME WHERE TO STOP SO I KNOW  
6 HOW LONG THE ROOM WAS?

7 A. WELL, FROM HERE TO THERE, IN THE BACK.

8 Q. AND HOW ABOUT FROM THE BACK WALL TO ME?

9 A. YES.

10 Q. ABOUT WHERE I AM HERE?

11 A. MORE OR LESS.

12 (MR. STOLAR PLACING YELLOW POST-IT STICKER ON JURY  
13 BOX.)

14 MR. STOLAR: I'LL GET THE DIMENSIONS AT THE RECESS,  
15 IF THAT WOULD BE ALL RIGHT, JUDGE.

16 THE COURT: ALL RIGHT.

17 BY MR. STOLAR:

18 Q. IN THE LIVING ROOM, DESCRIBE THE FURNITURE.

19 A. WELL, IT HAD A TABLE, A CENTER TABLE, IT HAD ARM CHAIRS,  
20 PICTURES, PHOTOGRAPHS,

21 Q. TELEVISION SET?

22 A. YES. YES. VIDEO, STEREO, STEREO FOR PLAYING SONGS.

23 Q. WAS THE LIQUOR CABINET IN THE LIVING ROOM?

24 A. YES.

25 Q. HOW ABOUT GLASSES; WERE THEY IN THE LIQUOR CABINET, AS

1 WELL?

2 A. WELL, YES, IT WAS A BAR.

3 Q. WAS THERE AN ICE MACHINE IN THE BAR?

4 A. NO.

5 Q. WAS THERE A TELEPHONE IN THE LIVING ROOM?

6 A. YES.

7 Q. WAS THERE ANY OTHER TELEPHONE IN THE HOUSE?

8 A. ONLY THE ONE THAT I HAD AND THE ONE IN LIVING ROOM, YES,  
9 IN THE HOUSE.

10 Q. WHAT DO YOU MEAN THE ONE YOU HAD?

11 A. WELL, WHERE I WAS RECEIVING THE CALLS. I WAS IN THE  
12 DOORWAY WITH THE TELEPHONE AND WITH MY WALKIE-TALKIE.

13 Q. WHO DID YOU COMMUNICATE WITH WITH THE WALKIE-TALKIE?

14 A. WITH THE ATTORNEY.

15 Q. HE CARRIED ONE?

16 A. YES.

17 Q. WAS THE TELEPHONE THAT YOU HAD BY THE DOOR AND THE  
18 TELEPHONE IN THE LIVING ROOM THE SAME TELEPHONE NUMBER?

19 A. YES.

20 Q. AND THIS IS THE TELEPHONE THAT WAS CONNECTED UP BY THE  
21 TELEPHONE LINES TO GO TO THE CENTRAL OFFICE?

22 A. YES.

23 Q. THIS IS NOT A RADIO TELEPHONE OR CAR TELEPHONE YOU'RE  
24 TALKING ABOUT; IS THAT RIGHT?

25 A. NO.

1 Q. WHAT WAS THE PHONE NUMBER OF THE HOUSE?

2 A. I DON'T REMEMBER, BUT I THINK I HAVE IT WRITTEN DOWN.

3 Q. WHERE DO YOU HAVE IT WRITTEN DOWN?

4 A. IN GUADALAJARA.

5 Q. DO YOU REMEMBER THE PHONE NUMBER FOR MR. BARBA'S CAR  
6 TELEPHONE?

7 A. NO.

8 Q. DO YOU HAVE THAT WRITTEN DOWN IN GUADALAJARA, TOO?

9 A. YES.

10 Q. ISN'T IT TRUE THAT THERE REALLY WAS NO TELEPHONE IN THE  
11 HOUSE?

12 A. NO. THERE WAS A TELEPHONE.

13 Q. WERE THERE ANY OTHER BUILDINGS AT LA QUINTA OTHER THAN THE  
14 HOUSE THAT WE'VE DISCUSSED?

15 A. I DON'T UNDERSTAND THE QUESTION.

16 Q. WAS THERE A GARAGE, A SEPARATE GARAGE?

17 Q. OR A TOOL SHED?

18 A. NO.

19 Q. WAS THERE ANYTHING LIKE A BARN?

20 A. I DON'T KNOW WHAT THAT IS.

21 Q. WERE THERE ANY OTHER ANIMALS KEPT THERE BESIDES THE LION?

22 A. NO.

23 Q. NO DOGS OR CATS?

24 A. NO.

25 Q. HORSES?

1 A. NO.

2 Q. WHAT PART TO HAVE HOUSE WAS THE LION KEPT IN?

3 A. OVER TO ONE SIDE IN THE BACK.

4 Q. NEAR THE LIVING ROOM?

5 A. NO.

6 Q. WAS THERE A SAFE IN THE HOUSE WHERE MONEY WAS KEPT?

7 A. NO.

8 Q. DID MR. BARBA KEEP LARGE AMOUNTS OF MONEY IN THE HOUSE, TO  
9 YOUR KNOWLEDGE?

10 A. NO, NO. THERE WASN'T A LOT OF MONEY THERE.

11 Q. YOU TESTIFIED A COUPLE OF TIMES ABOUT A COUPLE OF  
12 OCCASIONS WHERE ONCE A BRIEFCASE FULL OF MONEY AND ONCE A BOX  
13 FULL OF MONEY WAS GIVEN TO SOMEBODY; IS THAT RIGHT?

14 A. YES.

15 Q. DO YOU KNOW WHERE THAT MONEY CAME FROM?

16 A. NO.

17 Q. DID YOU SEE MR. BARBA BRING THE MONEY TO THE HOUSE?

18 A. YES. HE ARRIVED WITH THE MONEY.

19 Q. AND YOU HAPPENED TO SEE HIM JUST AS HE CLOSED HIS  
20 BRIEFCASE ONE TIME; IS THAT CORRECT?

21 A. YES.

22 Q. AND YOU ALSO HAPPENED TO SEE IT -- JUST HAPPENED TO SEE IT  
23 WHEN THERE WAS MONEY IN A BOX THAT WAS GIVEN TO SOMEONE?

24 A. YES.

25 Q. YOU'VE TESTIFIED, I BELIEVE, THAT YOU CHARACTERIZED LA

1 QUINTA AS A SAFE HOUSE; IS THAT RIGHT?

2 A. YES.

3 Q. WHAT DO YOU MEAN "SAFE HOUSE"?

4 A. WELL, WHILE I WAS WORKING THERE, THAT IS WHERE THE  
5 ATTORNEY WOULD KEEP HIS WEAPONS AND THAT'S WHERE HE WOULD SPEAK  
6 WITH PEOPLE, BUT HE NEVER HAD VERY MUCH MONEY THERE.

7 Q. DID HE HAVE ANOTHER HOUSE THAT HE LIVED IN?

8 A. YES.

9 Q. WHERE WAS THAT?

10 A. I DON'T KNOW.

11 Q. YOU WERE NEVER THERE?

12 A. NO.

13 Q. IT WAS IN GUADALAJARA, THOUGH; WASN'T IT?

14 A. YES.

15 Q. DID HE LIVE THERE WITH HIS WIFE?

16 A. YES.

17 Q. AND CHILD OR CHILDREN?

18 A. YES, WITH TWO.

19 Q. TWO CHILDREN?

20 A. YES.

21 Q. DO YOU KNOW HOW OLD THEY ARE NOW?

22 A. NO, I DON'T REMEMBER WHAT THEIR AGES WERE.

23 Q. DO YOU KNOW THEIR NAMES?

24 A. YES.

25 Q. CAN YOU GIVE THEM TO US, PLEASE.

1 A. YES. THE GIRL'S NAME IS YOREMI AND THE BOY'S NAME IS  
2 JAVIER. WELL, THE BOY IS DEAD NOW.

3 Q. YOU INDICATED THAT THERE WERE HAND GRENADES KEPT IN THE  
4 HOUSE; IS THAT CORRECT?

5 A. YES.

6 Q. HOW MANY WERE THERE?

7 A. ABOUT SOME TEN.

8 Q. WERE THEY THE ROUND KIND, THE PINEAPPLE SHAPE, OR SORT OF  
9 THE LONG KIND?

10 A. NO, THEY WERE PINEAPPLE SHAPED.

11 Q. DO YOU KNOW WHERE THEY WERE OBTAINED FROM?

12 A. NO.

13 Q. WHEN YOU WERE HIRED AS CHIEF OF SECURITY, WERE THEY  
14 ALREADY IN THE HOUSE?

15 A. NO.

16 Q. WHEN DID THEY ARRIVE?

17 A. THEY ARRIVED AFTER I HAD ALREADY STARTED THERE. HE CAME  
18 WITH A BOX OF GRENADES, BUT I DIDN'T FIND OUT FROM WHERE.

19 Q. YOU ALSO SAID THERE WERE OTHER WEAPONS IN THE HOUSE: A  
20 BAZOOKA; IS THAT RIGHT?

21 A. YES.

22 Q. HOW MANY BAZOOKAS, IF MORE THAN ONE?

23 A. NO, THERE WAS JUST ONE.

24 Q. WERE THERE SHELLS FOR THE BAZOOKA?

25 A. YES, THERE WERE.

1 Q. HOW MANY SHELLS WERE THERE FOR THE BAZOOKA?

2 A. THERE WERE ABOUT SIX OR SEVEN SHELLS. THAT'S ALL.

3 Q. NOW, WAS THE BAZOOKA AND THE THOMPSON SUBMACHINE GUN PART  
4 OF A COLLECTION OF LIKE ANTIQUES?

5 A. YES. THEY WERE OLD WEAPONS.

6 Q. WHERE WAS THE COLLECTION KEPT?

7 A. THAT COLLECTION WAS PRECISELY IN LIVING ROOM.

8 Q. OKAY. WHAT IS IN THE COLLECTION? WHICH WEAPONS ARE IN  
9 THE COLLECTION?

10 A. WELL, THERE ARE HANDGUNS AND RIFLES.

11 Q. THOSE ARE COLLECTOR'S PIECES IN BOXES ON A SHELF,  
12 DISPLAYED; WHAT?

13 A. WELL, SOME WERE ON THE WALL AND OTHERS WERE IN A BIG BOX.

14 Q. WHAT BIG BOX?

15 A. LIKE THE WOODEN ONE THAT'S IN FRONT OF YOU.

16 Q. LIKE THE PODIUM IN FRONT OF ME?

17 A. MORE OR LESS.

18 Q. WAS IT LIKE WITH A GLASS FRONT; A DISPLAY CASE?

19 A. NO.

20 Q. WAS THE BOX WITH THE WEAPONS THAT WERE TO BE USED AS  
21 OPPOSED TO DISPLAYED?

22 A. LIKE I TOLD YOU, IT WAS A COLLECTION.

23 THE COURT: WE'LL TAKE OUR MORNING RECESS AT THIS  
24 TIME.

25 THE CLERK: PLEASE RISE.

1 (JURY EXCUSED.)

2 THE CLERK: PLEASE BE SEATED.

3 THE COURT: SOMEBODY WANTED TO TAKE SOMETHING UP WITH  
4 THE COURT?

5 MR. MEZA: THIS MORNING MR. MEDRANO INFORMED ME THAT  
6 HIS REDIRECT EXAMINATION WILL SEEK TO INTRODUCE THE PHOTOGRAPH  
7 WHICH WAS IDENTIFIED BY THIS WITNESS THIS MORNING.

8 WE HAVE AN OBJECTION TO THE INTRODUCTION OF THAT  
9 EVIDENCE. FIRST OFF, IT IS A PHOTOGRAPH OF SOMEONE WHO THEY  
10 SAY IS MY CLIENT. THERE IS NO FOUNDATION TO INDICATE WHO THAT  
11 PERSON IN THE PHOTOGRAPH IS.

12 SECONDLY, I BELIEVE THAT SHOWING THAT PHOTOGRAPH TO  
13 THIS PERSON AND ASKING HIM TO IDENTIFY IT IS IRRELEVANT BECAUSE  
14 THERE HAS ALREADY BEEN AN IN-COURT IDENTIFICATION.

15 AND LASTLY, AND THE AREA I'M MOST CONCERNED WITH IS  
16 THAT IT APPARENTLY WAS A ONE-PHOTO SHOW UP PRESENTED TO THIS  
17 WITNESS -- UNDER SIMMONS VERSUS THE UNITED STATES, THAT THE  
18 PROCEDURE THAT WAS USED WAS UNDULY SUGGESTIVE. AND THAT IF THE  
19 COURT FEELS THAT THE IDENTIFICATION IS RELEVANT, THERE SHOULD  
20 BE AN OUT-OF-COURT HEARING ON THE SIMMONS ISSUE.

21 THE COURT: WHAT IS IT YOU INTEND TO DO?

22 MR. STOLAR: COULD WE EXCUSE THE WITNESS FOR THIS  
23 DISCUSSION? DO YOU THINK THAT WOULD BE POSSIBLE?

24 THE COURT: YES. THE WITNESS MAY BE EXCUSED.

25 MR. STOLAR: THANK YOU.

1 THE COURT: YOU THINK THAT HE CAN UNDERSTAND ENGLISH,  
2 DO YOU?

3 MR. STOLAR: HE KNOWS THAT WE ARE TALKING ABOUT  
4 PHOTOGRAPHS, AND I ALSO INTENDED TO RAISE, WHEN MR. MEZA GETS  
5 THROUGH, A QUESTION ABOUT THE PHOTOGRAPHS OF MY CLIENT THAT HE  
6 IDENTIFIED.

7 THE COURT: WHAT IS IT YOU INTEND TO DO?

8 MR. MEDRANO: YOUR HONOR, THE GOVERNMENT'S NEXT  
9 EXHIBIT IN LINE IS GOVERNMENT EXHIBIT 172.

10 THIS IS A PHOTOGRAPH, YOUR HONOR, TAKEN SEVERAL YEARS  
11 AGO AT OR AROUND '84 OR '85. ACCORDING TO THIS WITNESS, IT IS  
12 A PHOTOGRAPH OF THE DEFENDANT JUAN JOSE BERNABE RAMIREZ.

13 ON REDIRECT, THE GOVERNMENT INTENDED TO SHOW THIS  
14 PHOTOGRAPH TO THE WITNESS SO THAT HE COULD IDENTIFY HIM AND  
15 ESSENTIALLY SAY -- AND MY PROFFER TO YOU IS AS FOLLOWS: THAT  
16 THIS PHOTOGRAPH IS PRETTY MUCH WHAT BERNABE RAMIREZ LOOKED LIKE  
17 IN '85.

18 LET ME TELL YOU WHY THAT'S RELEVANT, YOUR HONOR.  
19 ON CROSS-EXAMINATION BY MR. MEZA, HE SHOWED THE WITNESS AN  
20 EXHIBIT -- GOVERNMENT EXHIBIT 63, WHICH HAS BEEN ALREADY  
21 IDENTIFIED FOR THE RECORD BY A PREVIOUS WITNESS AS A PHOTOGRAPH  
22 TAKEN ABOUT IN '83.

23 THE LEAD PERSON IN THE PHOTO IS CAMARENA. THERE ARE  
24 TWO OTHER INDIVIDUALS IN THE PHOTO. ONE PERSON IN THE  
25 BACKGROUND, TO THE EXTREME RIGHT, WAS IDENTIFIED BY MR.

1 CERVANTES FOR MR. MEZA ON HIS CROSS AS BEING THE DEFENDANT  
2 BERNABE RAMIREZ.

3 NOW, THAT IS AN OLD PHOTOGRAPH, YOUR HONOR, AND MY  
4 SENSE IS THAT COUNSEL AT CLOSING ARGUMENT IS NOT GOING TO TRY  
5 TO ARGUE THAT THE I.D. IN THAT PHOTOGRAPH IS NOT BERNABE; AND  
6 HENCE, THE IN-COURT IDENTIFICATION OF BERNABE RAMIREZ IS ALSO  
7 INACCURATE.

8 WE HAVE EVERY RIGHT, AS A RESULT OF MR. MEZA OPENING  
9 THE DOOR, YOUR HONOR, TO NOW INTRODUCE A PHOTOGRAPH TO SHOW  
10 WHAT HIS CLIENT LOOKED LIKE IN '85. AND THAT IS VERY RELEVANT,  
11 BECAUSE THAT'S WHAT THE PEOPLE LOOKED LIKE; NOT CLEAN CUT,  
12 SHAVEN, JOE COLLEGE FOR THE JURY'S VIEWING AT THIS TIME. SO  
13 THAT IS THE REASON WE WANTED TO TRY TO ADMIT THIS PHOTOGRAPH,  
14 YOUR HONOR.

15 AND IN TERMS OF THE PROFFER OF THIS WITNESS, YOUR  
16 HONOR, HE'LL STATE THE FOLLOWING: HE WAS NEVER, EVER SHOWN  
17 THIS PHOTOGRAPH UNTIL THIS MORNING BY MYSELF AFTER HIS IN-COURT  
18 IDENTIFICATION OF BERNABE RAMIREZ CLEARLY.

19 HE WILL BE ABLE TO TELL THE YOU AND THE JURY, YOUR  
20 HONOR, THAT THIS IS BERNABE RAMIREZ, AND HE'S UNEQUIVOCAL IN  
21 HIS IDENTIFICATION OF THE PHOTOGRAPH.

22 AS TO FOUNDATION, YOUR HONOR, WE ALL KNOW THAT FOR  
23 FOUNDATION FOR A PHOTOGRAPH, ALL THE WITNESS HAS TO SAY IS THAT  
24 THE PHOTOGRAPH DEPICTS BLAH-BLAH OR SOMEONE I KNEW OR SOMETHING  
25 I'M FAMILIAR WITH. THAT'S ALL THE FOUNDATION THAT IS

1 NECESSARY.

2 IT'S UNNECESSARY TO CALL IN THE PHOTOGRAPHER OR EVEN  
3 ESTABLISH WHEN THE PHOTO WAS TAKEN, IF THE TESTIFYING WITNESS  
4 CAN DO THAT, YOUR HONOR. SO THAT'S OUR PROFFER AS TO THIS  
5 GOVERNMENT EXHIBIT.

6 MAY I SHOW IT TO THE COURT, YOUR HONOR?

7 THE COURT: YES, YOU MAY

8 MR. MEDRANO: MAY I APPROACH THE CLERK?

9 THE COURT: I'M NOT SURE I FOLLOW WHY IT IS  
10 NECESSARY.

11 MR. MEDRANO: LET ME JUST REITERATE THAT PART THEN,  
12 YOUR HONOR. THE WITNESS IN COURT HAS IDENTIFIED BERNABE  
13 RAMIREZ HOW HE LOOKS TODAY. EXHIBIT 63 IS AN '83 PHOTOGRAPH  
14 ALREADY IN EVIDENCE --

15 THE COURT: I KNOW.

16 MR. MEDRANO: -- SHOWN BY MEZA. BERNABE IN THAT  
17 PHOTOGRAPH LOOKS DIFFERENT FROM HOW HE LOOKS IN COURT TODAY,  
18 YOUR HONOR. AND THE REASON IS BECAUSE THE PHOTOGRAPH IS SEVEN  
19 YEARS OLD, AND HE HAS LONGER HAIR, AS WELL.

20 WE HAVE EVERY RIGHT TO SHOW A PHOTOGRAPH THAT THE  
21 WITNESS WILL SAY THAT THIS IS HOW BERNABE RAMIREZ LOOKED AT  
22 ABOUT THE TIME OF THE CONSPIRACY IN '84. SO THAT'S DIRECTLY  
23 RELEVANT, YOUR HONOR -- WITH LONGER HAIR IN THIS PHOTOGRAPH, I  
24 MIGHT ADD.

25 THE COURT: ALL RIGHT.

1 MR. MEDRANO: MAY I APPROACH THE CLERK, YOUR HONOR,  
2 WITH THE PHOTOGRAPH, WITH YOUR PERMISSION?

3 THE COURT: HAND IT TO THE CLERK.

4 MR. MEDRANO: (COMPLIES.)

5 MR. MEDRANO: AND, YOUR HONOR, MIGHT I HAVE MADAM  
6 CLERK SHOW YOU EXHIBIT 63 OF THE 1983 PHOTOGRAPH SO YOU CAN SEE  
7 WHAT OUR BASIS OF COMPARISON, IS YOUR HONOR.

8 THE WITNESS IDENTIFIED THE PERSON AT THE EXTREME RIGHT  
9 OF THE PHOTOGRAPH AS BERNA. I THINK IT'S THE MAN WITH THE BLUE  
10 SHIRT ON THE EXTREME RIGHT, YOUR HONOR.

11 THE COURT: (EXAMINES PHOTOGRAPH.) I THINK THAT THE  
12 GOVERNMENT MAY USE THAT PHOTOGRAPH, AND I DON'T THINK A  
13 SEVERANCE HEARING IS REQUIRED. SO YOUR OBJECTIONS GO TO  
14 RULE -- IS THERE ANY OTHER --

15 MR. STOLAR: YES. THE WITNESS ON CROSS-EXAMINATION  
16 THIS MORNING INDICATED THAT HE IDENTIFIED PHOTOS OF MR. MATTA  
17 IN JANUARY OF THIS YEAR, I BELIEVE THE TESTIMONY WAS.

18 THERE'S NO 6 ON THAT AND I'VE NOT BEEN GIVEN IN  
19 DISCOVERY ANY PHOTOS OR ANY COPIES OF PHOTOGRAPHS THAT WERE  
20 IDENTIFIED BY THE WITNESS. SO I WOULD ASK FOR THEM AT THIS  
21 TIME.

22 THE COURT: WELL, ALL PHOTOGRAPHS THAT HAVE BEEN  
23 IDENTIFIED OR SHOWN TO THIS WITNESS SHOULD BE PROVIDED IF THEY  
24 HAVE NOT BEEN PREVIOUSLY.

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

1 MR. STOLAR: DO THEY EXIST, MAY I ASK?

2 MR. MEDRANO: WE'LL BE HAPPY TO MAKE PHOTO COPIES FOR  
3 MR. STOLAR, AS WELL AS SHOW HIM ORIGINALS, IF HE SO DESIRES.

4 MR. STOLAR: COULD YOU BRING THEM DOWN SO I CAN VIEW  
5 THE ORIGINALS?

6 MR. MEDRANO: AS I'VE STATED, YOUR HONOR.

7 MS. KELLY: WE JOIN IN THAT REQUEST AND ASK TO SEE THE  
8 ORIGINALS.

9 MR. MEDVENE: WE JOIN IN THAT REQUEST, ALSO, YOUR  
10 HONOR.

11 THE COURT: BRING THE ORIGINALS.

12 MR. MEZA: ONE OTHER QUESTION, YOUR HONOR, THAT I  
13 SHOULD HAVE ASKED LAST FRIDAY, AND THAT WAS, PURSUANT TO  
14 JENCKS, THE WITNESS TESTIFIED THAT HE TOLD AGENT BERRELLEZ  
15 ABOUT THIS PERSON BERNA, AND AT THE TIME AGENT BERRELLEZ WAS  
16 TAKING NOTES OF THIS INTERVIEW.

17 I'VE ASKED THE GOVERNMENT -- I JUST WANT TO PUT ON THE  
18 RECORD THAT I'VE ASKED THE GOVERNMENT FOR ANY 6'S ON THAT  
19 INTERVIEW OR, IN THE ALTERNATIVE, THE NOTES FROM AGENT  
20 BERRELLEZ.

21 I'M TOLD THERE ARE NO 6'S AND THERE ARE NO NOTES. IF  
22 THAT'S THE GOVERNMENT'S REPRESENTATION, I'LL ACCEPT IT AT FACE  
23 VALUE AT THIS MOMENT. BUT I JUST WANT TO PUT ON THE RECORD  
24 THAT I WAS TOLD THERE IS NO JENCKS ON THIS MATERIAL.

25 THE COURT: IS THAT YOUR POSITION?

1 MR. MEDRANO: THERE'S NO FORMAL JENCKS IN THE FORM OF  
2 A 6, YOUR HONOR. AND MR. MEZA'S CORRECT. I WAS GOING TO CHECK  
3 IT WITH MR. BERRELLEZ TONIGHT AND I HAVEN'T HAD A CHANCE, SO  
4 I'LL ASK HIM RIGHT NOW IF THERE ARE HANDWRITTEN NOTES AND I'LL  
5 GET BACK TO MR. MEZA.

6 THE COURT: ALL RIGHT.

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

8 (BRIEF RECESS.)

9 (JURY PRESENT:)

10 THE COURT: YOU DO YOU HAVE ANY FURTHER QUESTIONS?

11 MR. STOLAR: I DO.

12 CROSS-EXAMINATION + (RESUMED)

13 BY MR. STOLAR:

14 Q MR. CERVANTES, DO YOU RECALL SPEAKING TO AGENTS BERRELLEZ  
15 AND SALAZAR ON JANUARY THE 2ND OF THIS YEAR?

16 A YES.

17 Q NOW, THIS IS THE FIRST TIME YOU TOLD THE D.E.A. ANYTHING  
18 ABOUT THESE MEETINGS THAT YOU SAY TOOK PLACE IN OCTOBER; ISN'T  
19 THAT CORRECT?

20 A YES.

21 Q DIDN'T YOU TELL THOSE AGENTS THAT THE MEETINGS WERE ALL  
22 HELD AT THE RESIDENCE OF JAVIER BARBA HERNANDEZ?

23 A WELL, IT WAS LA QUINTA. IT WAS CALLED THE LA QUINTA  
24 RESIDENCE. I DON'T KNOW.

25 Q HE NEVER RESIDED THERE, DID HE, ACCORDING TO YOUR

1 TESTIMONY?

2 A WELL, HE HAD HIS HOUSE, AND THERE WAS HIS SAFE HOUSE, AS I  
3 ALREADY TOLD YOU.

4 Q BUT DIDN'T YOU TELL THE AGENTS THAT THE MEETINGS WERE HELD  
5 AT HIS RESIDENCE?

6 A I DON'T UNDERSTAND.

7 Q DIDN'T YOU TELL THE AGENTS THAT THE FIRST MEETINGS OCCURRED  
8 SOMETIME IN EARLY OCTOBER OF 1984?

9 A WELL, NOT THE EXACT DATE; BUT, YES, I DID TELL THEM.

10 Q THAT IT WAS EARLY OCTOBER, WAS THE FIRST MEETING WHERE  
11 THERE WERE DISCUSSIONS ABOUT THE KIDNAPPING; IS THAT RIGHT?

12 A NO. I TOLD THEM IT WAS IN SEPTEMBER.

13 Q DIDN'T YOU TELL THE AGENTS THAT MR. MATTA -- MATTA  
14 BALLESTEROS -- WAS AT THAT FIRST MEETING?

15 A WELL, NO. ARE YOU TALKING ABOUT THE WEDDING GET-TOGETHER  
16 OR THE BAPTISM GET-TOGETHER? I DON'T KNOW WHICH ONE YOU'RE  
17 TALKING ABOUT.

18 Q YOU TOLD AGENTS THE SECOND METTING OCCURRED WHILE THE  
19 WEDDING OF JORGE BARBA HERNANDEZ WAS GOING ON, DIDN'T YOU?

20 A YES.

21 Q AND AT THAT SAME DEBRIEFING, THE FIRST TIME YOU MENTIONED  
22 MR. MATTA'S NAME, YOU TOLD THEM THE FIRST MEETING WAS EARLY  
23 OCTOBER AND MATTA WAS THERE?

24 A MATTA WAS THERE ON THE DAY OF THE WEDDING.

25 Q BUT YOU TOLD THE AGENTS THAT THE VERY FIRST MEETING THAT

1 WAS HELD THAT YOU KNOW OF, ABOUT THE KIDNAPPING, WAS EARLY  
2 OCTOBER AND MATTA WAS PRESENT FOR IT; DIDN'T YOU?

3 A MATTA WAS THERE ON THE DAY OF THE WEDDING.

4 Q BUT DIDN'T YOU TELL THE AGENTS THAT HE WAS THERE AT THE  
5 FIRST MEETING, WHICH TOOK PLACE IN EARLY OCTOBER?

6 A I DON'T UNDERSTAND THAT QUESTION.

7 THE COURT: WELL THE QUESTION IS: DID YOU TELL THEM  
8 THAT?

9 THE WITNESS: YES.

10 BY MR. STOLAR:

11 Q YOU DID TELL THEM THAT?

12 A WELL, I TOLD THEM THAT THERE HAD BEEN TWO MEETINGS THAT  
13 DAY.

14 Q THERE WERE TWO MEETINGS AROUND THE WEDDING; IS THAT  
15 CORRECT?

16 A ON THE DAY OF THE WEDDING, THERE WERE TWO.

17 Q ACTUALLY, ONE THE DAY OF THE WEDDING AND THE NEXT ONE AT  
18 SORT OF DAWN THE FOLLOWING DAY; RIGHT?

19 A YES.

20 Q LET'S CALL THAT MEETING NO. 2 AND MEETING NO. 3, ABOUT THE  
21 KIDNAPPING, THAT YOU KNOW ABOUT, OKAY?

22 ALL RIGHT? DO YOU UNDERSTAND?

23 A YES.

24 Q NOW, WHAT ABOUT MEETING NO. 1? YOU'VE TESTIFIED HERE THAT  
25 MEETING NO. 1 WAS A MEETING AT A BAPTISM IN SEPTEMBER, AND THAT

1 MR. MATTA WAS NOT PRESENT FOR IT; ISN'T THAT CORRECT?

2 A YES, THAT IS CORRECT.

3 Q AND YET WHEN YOU SPOKE TO MR. SALAZAR AND MR. BERRELLEZ IN  
4 JANUARY, DIDN'T YOU TELL THEM THE FIRST MEETING ABOUT THE  
5 KIDNAPPING WAS HELD IN EARLY OCTOBER AND MATTA WAS PRESENT?

6 A I TOLD THEM ABOUT THE BAPTISM AND THE WEDDING, AND I TOLD  
7 THEM ABOUT THAT ON THE SAME DAY.

8 Q IS IT YOUR TESTIMONY THAT YOU RECALL TELLING THE AGENTS AT  
9 THAT JANUARY INTERVIEW ABOUT THE BAPTISM?

10 A YES. ABOUT THE BAPTISM, YES.

11 Q YOU TESTIFIED TO THE GRAND JURY THE FIRST TIME ABOUT THE  
12 BAPTISM; RIGHT?

13 A YES.

14 Q THAT'S WHEN YOU TESTIFIED THAT RAFAEL CARO QUINTERO WAS TO  
15 BE GODFATHER, REMEMBER?

16 A YES. LIKE I TOLD YOU, THERE WAS SOME CONFUSION ON THIS, OR  
17 A MISUNDERSTANDING; BUT JAVIER GARCIA PANIAGUA WAS YOREMI'S  
18 GODFATHER.

19 Q AT YOUR FIRST GRAND JURY APPEARANCE, WHERE YOU TALKED ABOUT  
20 THE BAPTISM, YOU GAVE NO TESTIMONY CONCERNING THE DISCUSSION OF  
21 KIDNAPPING, DID YOU?

22 A NO, THAT'S NOT TRUE. I DID TELL THEM THAT DAY.

23 Q DO YOU REMEMBER THE FIRST TIME THAT YOU SAT DOWN WITH AGENT  
24 BERRELLEZ AND AGENT SALAZAR AND THEY TOOK NOTES ABOUT WHAT YOU  
25 WERE SAYING?

1 A YES.

2 Q ON THAT OCCASION, DO YOU RECALL TELLING THEM ABOUT THE  
3 BAPTISM?

4 A I THINK SO, YES.

5 Q DID YOU TELL THEM ABOUT THE MEETING ABOUT THE KIDNAPPING ON  
6 THE DAY OF THE BAPTISM?

7 MR. MEDRANO: OBJECTION, YOUR HONOR. THIS IS ASKED  
8 AND ANSWERED.

9 MR. STOLAR: (SHAKES HEAD FROM SIDE TO SIDE.) NOVEMBER  
10 30TH.

11 THE COURT: YOU MAY ANSWER.

12 THE WITNESS: COULD YOU REPEAT THE QUESTION?

13 BY MR. STOLAR:

14 Q DID YOU TELL THOSE AGENTS ON NOVEMBER 30TH ABOUT THE  
15 MEETING ABOUT THE KIDNAPPING THAT TOOK PLACE ON THE DAY OF THE  
16 BAPTISM?

17 A NO, I DON'T REMEMBER HAVING TOLD THEM IN NOVEMBER.

18 Q AND WHEN YOU WENT TO THE GRAND JURY ON THAT SAME DAY, YOU  
19 GAVE SOME TESTIMONY ABOUT THE BAPTISM, DID YOU NOT?

20 A NO, I DON'T REMEMBER.

21 Q BUT YOU GAVE NO TESTIMONY ABOUT A MEETING ABOUT THE  
22 KIDNAPPING TAKING PLACE ON THE DAY OF THE BAPTISM, DID YOU?

23 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR  
24 HONOR.

25 THE COURT: SUSTAINED.

1 BY MR. STOLAR:

2 Q THE FIRST TIME YOU MENTIONED MR. MATTA'S NAME TO AGENT  
3 BERRELLEZ AND TO AGENT ZAVALA IS IN JANUARY OF 1990; ISN'T THAT  
4 CORRECT?

5 A YES.

6 Q AND THAT'S WHEN YOU TOLD THEM THE FIRST MEETING MATTA WAS  
7 PRESENT FOR WAS EARLY OCTOBER; ISN'T THAT RIGHT?

8 A YES.

9 Q AND THAT MATTA WAS THEN PRESENT FOR THE TWO MEETINGS AROUND  
10 THE WEDDING. YOU TOLD THEM THAT; CORRECT?

11 A YES.

12 Q YOU ALSO TOLD THEM ON THAT OCCASION THAT THERE WAS A THIRD  
13 MEETING THAT TOOK PLACE SOMETIME IN JANUARY OF 1985, DIDN'T  
14 YOU?

15 A I REMEMBER HAVING TOLD THEM THAT IT WAS IN FEBRUARY.

16 Q WELL, NO. YOU TOLD THEM ON THAT OCCASION THAT THE LAST  
17 MEETING WAS HELD APPROXIMATELY FOUR OR FIVE DAYS PRIOR TO THE  
18 KIDNAPPING?

19 A YES.

20 Q BUT YOU TOLD THEM ABOUT A THIRD MEETING -- OR ACTUALLY  
21 FOURTH, BY OUR -- WITHDRAWN.

22 YOU RECALLED THAT THIRD MEETING TOOK PLACE SOMETIME IN  
23 JANUARY OF 1985 AND THAT IT INCLUDED MR. MATTA?

24 A NO.

25 Q YOU NEVER TOLD THEM THAT?

1 A NO.

2 Q POSITIVE?

3 A POSITIVE.

4 Q DID MR. BARBA HERNANDEZ SEE CLIENTS AT THE SAFE HOUSE AT LA  
5 QUINTA?

6 A I DON'T KNOW WHAT CLIENTS OR WHICH CLIENTS. I DON'T KNOW  
7 WHAT YOU'RE TALKING ABOUT.

8 Q HE WAS A LAWYER; IS THAT RIGHT?

9 A YES.

10 Q DO YOU KNOW IF HE HAD A LAW PRACTICE OR HE HANDLED CLIENTS  
11 AND CASES?

12 A (LAUGHTER.) NO.

13 Q DID HE EVER?

14 A NO.

15 Q DID HE HAVE AN OFFICE?

16 A THE HOUSE WAS HIS OFFICE.

17 Q LA QUINTA WAS HIS OFFICE; IS THAT RIGHT?

18 A YOU COULD SAY IT THAT WAY.

19 Q DID HE HAVE A SECRETARY?

20 A (LAUGHTER.) NO.

21 Q DID HE HAVE STATIONERY THAT SAID HE WAS A LAWYER?

22 A WELL, JUST THE TITLE OF ATTORNEY.

23 Q ON THIS STATIONERY, LETTERHEAD?

24 A HE WAS GIVEN THE TITLE OF ATTORNEY.

25 Q WERE THERE ANY SIGNS OUTSIDE LA QUINTA THAT SAID HE'S A

1 LAWYER: A LAWYER LIVES HERE?

2 A (LAUGHTER.) NO.

3 Q JUST BEFORE COMING TO THE UNITED STATES IN NOVEMBER OF LAST  
4 YEAR, HOW WERE YOU EMPLOYED?

5 A I WAS WORKING FOR AN ATTORNEY, AS HIS DRIVER; AND HE WAS ON  
6 IN YEARS ALREADY, SO I WOULD TAKE HIM TO THE PENITENTIARY.

7 Q TO VISIT CLIENTS, YOU PRESUME.

8 A YES.

9 Q WHAT'S THE LAWYER'S NAME?

10 A ARTURO ARELLANA.

11 Q COULD YOU SPELL IT FOR US?

12 A A R T U R O , ARELLANA?

13 A I DID.

14 Q SPELL IT?

15 A A R E L L A N A .

16 Q WHAT PENITENTIARY WOULD YOU TAKE HIM TO?

17 A TO THE ONLY ONE THAT THERE IS IN GUADALAJARA, AT -- IT'S AT  
18 PUENTE GRANDE. IT'S A TOWNSHIP THERE

19 Q AND FROM WHERE WOULD YOU TAKE HIM? WHERE WOULD YOU PICK  
20 HIM UP?

21 A I WOULD GO TO HIS HOUSE AND I WOULD WARM UP THE CAR AND I  
22 WOULD TAKE HIM WHEREVER HE TOLD ME. I WOULD TAKE HIM TO THE  
23 PENITENTIARY.

24 Q WHAT IS THE ADDRESS OF THIS HOUSE?

25 A I DON'T KNOW. HE LIVES IN THE ATLAS DISTRICT.

1 Q WHAT IS HIS TELEPHONE NUMBER?

2 A I DON'T REMEMBER.

3 Q DID YOU EVER HAVE OCCASION TO USE IT?

4 A YES.

5 Q FAIRLY OFTEN?

6 A NO.

7 Q DO YOU KNOW IF IT'S LISTED IN THE GUADALAJARA TELEPHONE  
8 DIRECTORY?

9 A YES.

10 Q HOW LONG WERE YOU EMPLOYED BY HIM?

11 A SOME MONTHS. I DON'T REMEMBER.

12 Q MORE THAN A YEAR?

13 A NO.

14 Q WHEN WAS TO BE -- WHEN DID YOU STOP WORKING FOR HIM?

15 A A FEW DAYS BEFORE I WENT TO WORK FOR THE RIOT POLICE.

16 Q WHEN DID YOU GO TO WORK FOR THE RIOT POLICE?

17 A I DON'T REMEMBER RIGHT NOW.

18 Q IN NOVEMBER OF 1989, WERE YOU EMPLOYED?

19 A NO.

20 Q IN OCTOBER OF 1989, WERE YOU EMPLOYED?

21 A I WAS WITH THE RIOT POLICE.

22 Q HOW LONG HAD YOU BEEN WITH THE RIOT POLICE?

23 A THAT WAS THE SECOND TIME THAT I HAD GONE TO WORK FOR THEM.  
24 I DON'T REMEMBER.

25 Q WERE YOU EMPLOYED BY THEM IN SEPTEMBER OF 1989?

1 A YES.

2 Q AUGUST OF 1989?

3 A YES.

4 Q JULY?

5 A I DON'T REMEMBER FOR HOW MANY MONTHS I WAS THERE.

6 Q WHILE YOU WERE WORKING FOR THE RIOT POLICE IN 1989, DID YOU  
7 HAVE ANY OTHER JOBS DURING THAT PERIOD?

8 A NO.

9 Q WOULD YOU REPORT FOR WORK ON A REGULAR BASIS, COME IN AT  
10 9:00 LEAVE AND 5:00, OR A MIDNIGHT SHIFT, OR SOMETHING LIKE  
11 THAT?

12 A MY SCHEDULE WAS 24 HOURS OF SERVICE FOR 48 HOURS OFF.

13 Q WHAT WAS YOUR SALARY, PESOS?

14 A 300 AND SOME.

15 Q PER WHAT? FOR WHAT PERIOD OF TIME?

16 A EVERY TWO WEEKS.

17 Q SO 150 PESOS PER WEEK?

18 A 150,000 PESOS A WEEK.

19 Q OH, WAIT. 300,000 PESOS EVERY TWO WEEKS; WAS THAT YOUR  
20 SALARY?

21 A YES.

22 Q AND HOW MUCH WERE YOU PAID BY THE LAWYER WHO YOU WERE A  
23 CHAUFFEUR FOR?

24 A HE WOULD GIVE ME A HUNDRED A WEEK, SOMETIMES MORE.

25 Q A HUNDRED PESOS A WEEK?

1 A 100,000 PESOS.

2 Q 100,000 PER WEEK. THAT'S ABOUT \$50.00 AMERICAN, ISN'T IT?

3 MR. MEDRANO: OBJECTION. FOUNDATION, YOUR HONOR.

4 THE COURT: WHAT IS THE QUESTION?

5 MR. STOLAR: I SAID I SUGGEST THAT'S ABOUT \$50.00

6 AMERICAN.

7 THE COURT: WHAT IS THE OBJECTION?

8 MR. MEDRANO: FOUNDATION, YOUR HONOR.

9 THE COURT: SUSTAINED.

10 BY MR. STOLAR:

11 Q DO YOU KNOW WHAT THE CONVERSION RATE BETWEEN PESOS AND  
12 DOLLARS WAS IN 1989?

13 A NO.

14 Q WHILE YOU WERE WORKING AS A CHAUFFEUR FOR THE LAWYER, DID  
15 YOU HAVE ANY OTHER JOBS?

16 A NO.

17 Q WHAT JOB DID YOU HAVE, IF ANY, BEFORE YOU WORKED AS A  
18 CHAUFFEUR?

19 A THE RIOT POLICE. I TOLD YOU, I HAD BEEN WITH THE RIOT  
20 POLICE.

21 Q IN 1988, WERE YOU WORKING WITH THE RIOT POLICE?

22 A YES.

23 Q DURING THE ENTIRE YEAR, DO YOU RECALL?

24 A NO.

25 Q WHAT PART OF IT?

1 A I DON'T REMEMBER THE EXACT MONTHS WHILE I WAS THERE.

2 Q DID YOU HAVE ANY OTHER JOBS WHILE YOU WERE WORKING FOR THE  
3 RIOT POLICE IN 1988?

4 A NO.

5 Q WAS YOUR SALARY THE SAME AS IT WAS IN 1989?

6 A NO.

7 Q HOW MUCH WAS IT?

8 A IT WAS 50 SOME EVERY TWO WEEKS.

9 Q 50,000?

10 A YES, MORE OR LESS.

11 Q EVERY TWO WEEKS?

12 A YES.

13 THE INTERPRETER: I'M SORRY. I DIDN'T HEAR HIM.

14 (CONFERS WITH WITNESS.)

15 THE WITNESS: YES. I WAS BEING PAID EVERY TWO WEEKS.

16 BY MR. STOLAR:

17 Q BEFORE YOU SIGNED UP OR WENT TO WORK FOR THE RIOT POLICE IN  
18 1988, DID YOU HAVE ANOTHER JOB?

19 A YES.

20 Q WHAT DID YOU DO?

21 A EXCUSE ME. WHAT PERIOD ARE WE TALKING ABOUT?

22 Q PRIOR TO BEING WITH THE RIOT POLICE IN 1988.

23 A I ALSO WORKED TAKING CARE OF A PERSON AT THE LABORATORY.

24 Q COULD YOU EXPLAIN THAT FOR US?

25 A I WOULD GO PICK UP THAT PERSON. I WOULD TAKE HIM TO WORK

1 AND WHEN HE WENT OUT.

2 Q SO THAT WAS LIKE A CHAUFFEUR'S JOB?

3 A YES.

4 Q AND WHILE YOU HAD THAT JOB, DID YOU HAVE ANY OTHER JOBS?

5 A NO.

6 Q HOW MUCH WERE YOU PAID TO DO THAT?

7 A HE DIDN'T GIVE ME A FIXED AMOUNT EVERY WEEK. IT WOULD BE  
8 MORE SOMETIMES AND LESS OTHER TIMES.

9 Q CAN YOU GIVE US SOME RANGE OF NUMBERS, WHAT KIND OF MONEY  
10 WE'RE TALKING ABOUT?

11 A ABOUT 50,000 A WEEK; THAT'S WHAT HE WOULD GIVE ME.

12 Q ALL RIGHT. BEFORE YOU WENT TO WORK -- CAN WE HAVE THAT  
13 PERSON'S NAME?

14 A YES INGENIERO, RUBEN REA.

15 Q R E Y E S ?

16 A NO. THREE LETTERS.

17 Q PLEASE SPELL IT?

18 A R A E -- NO: R E A.

19 Q PRIOR TO HAVING THAT JOB, HOW WERE YOU EMPLOYED?

20 A WELL, I WAS WORKING FOR A COUSIN OF MINE IN A JEWELRY STORE  
21 THAT HE HAD.

22 Q WHERE'S THE JEWELRY STORE?

23 A IT'S IN SAN PEDRO.

24 Q WHAT'S THE NAME OF THE STORE?

25 A I DON'T KNOW WHAT THE NAME IS. IT DOESN'T HAVE A NAME.

1 Q WHAT'S THE NAME OF YOUR COUSIN?

2 A OH. MY COUSIN'S NAME IS MARIO CERVANTES FLORES.

3 Q ARE YOU STILL IN TOUCH WITH HIM?

4 A NO. IF I WANT TO, I HAVE A PHONE NUMBER; BUT I'M NOT  
5 REALLY IN TOUCH WITH HIM.

6 Q HAVE YOU MEMORIZED HIS PHONE NUMBER?

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

8 THE COURT: SUSTAINED.

9 BY MR. STOLAR:

10 Q WHEN YOU WORKED FOR HIM, WERE YOU PAID IN CASH OR CHECK?

11 MR. MEDRANO: OBJECTION, YOUR HONOR, TO THIS LINE OF  
12 QUESTIONING: RELEVANCE.

13 THE COURT: SUSTAINED.

14 BY MR. STOLAR:

15 Q WHEN YOU WORKED FOR THE RIOT POLICE, WERE YOU PAID IN CASH?

16 A NO.

17 Q WOULD YOU HAVE TO SIGN SOMETHING TO GET A CHECK?

18 A YES. THE PAYROLL.

19 Q WHERE'S THE OFFICE WHERE YOU WENT TO PICK UP THE PAYROLL?

20 MR. MEDRANO: OBJECTION. RELEVANCE, YOUR HONOR.

21 THE COURT: SUSTAINED.

22 MR. STOLAR: IT'S SOMETHING THAT I CAN ATTEMPT TO  
23 CORROBORATE, YOUR HONOR.

24 MR. MEDRANO: OBJECTION. IMPEACHMENT ON COLLATERAL

25 MATTERS --

1 THE COURT: WE'LL TALK ABOUT THIS AT THE RECESS. I'LL  
2 LET THE WITNESS ANSWER THE QUESTION.

3 MR. STOLAR: CAN YOU ANSWER?

4 THE INTERPRETER: THE QUESTION WAS NOT TRANSLATED,  
5 YOUR HONOR.

6 BY STOLAR:

7 Q WHERE'S THE OFFICE?

8 A NO. NO OFFICE. WE WOULD ALWAYS BE PAID ON THE SPOT. WE  
9 WOULD LINE UP AND WE WOULD BE PAID.

10 Q WHILE YOU WERE WORKING FOR THE RIOT POLICE, DID ANTONIO  
11 GARATE BUSTAMANTE WORK FOR THEM, AS WELL, IN 88 AND 89?

12 A NO.

13 Q WHO WAS YOUR COMANDANTE THEN?

14 A PENA. WE CALLED HIM PENA. PENA OSORIO.

15 Q DID YOUR FRIEND LA PANTERA WORK IN THE RIOT POLICE, AS  
16 WELL, WHILE YOU WERE THERE?

17 A YES.

18 Q AND WAS HE WORKING IN THE RIOT POLICE IN 1989 WHEN YOU  
19 WORKED FOR THEM?

20 A YES.

21 Q WHEN IS THE FIRST TIME THAT LA PANTERA APPROACHES YOU ABOUT  
22 YOUR KNOWLEDGE OF THE CAMARENA CASE?

23 MR. MEDRANO: OBJECTION. RELEVANCE, YOUR HONOR, AND  
24 OUTSIDE THE SCOPE OF DIRECT.

25 THE COURT: WHAT IS THE QUESTION?

1 MR. STOLAR: WHEN IS THE FIRST TIME THAT HE IS  
2 CONTACTED BY LA PANTERA IN THE CAMARENA CASE.

3 THE COURT: CONTACTED WHO?

4 MR. STOLAR: HIM, THE WITNESS.

5 THE COURT: OH. RESTATE YOUR QUESTION.

6 MR. STOLAR: FINE.

7 Q HOW WAS IT THAT YOU MADE KNOWN THE FACT THAT YOU HAD  
8 INFORMATION ABOUT THE CAMARENA CASE?

9 MR. MEDRANO: OBJECTION. THIS WAS ASKED AND ANSWERED,  
10 YOUR HONOR, PREVIOUSLY.

11 MR. STOLAR: NOT BY THIS LAWYER.

12 THE COURT: OVERRULED.

13 THE WITNESS: WELL, PANTERA ASKED ME THAT, SINCE I HAD  
14 WITH THE ATTORNEY, DID I KNOW SOMETHING.

15 BY MR. STOLAR:

16 Q AND THIS WAS IN WHAT MONTH OF 1989?

17 A I THINK ABOUT IN OCTOBER, MORE OR LESS.

18 Q THIS WAS RIGHT WHEN YOU WERE LOSING YOUR JOB WITH THE RIOT  
19 POLICE?

20 MR. MEDRANO: OBJECTION, YOUR HONOR. THERE'S NO  
21 TESTIMONY HE WAS LOSING HIS JOB. MISTATES THE TESTIMONY.

22 BY MR. STOLAR:

23 Q ALL RIGHT. THIS WAS WHILE YOU WERE NOT WITH THE RIOT -- I  
24 WITHDRAW QUESTION.

25 THIS IS WHILE YOU WERE NOT EMPLOYED WITH THE RIOT

1 POLICE, CORRECT, IN OCTOBER?

2 A I HAD LEFT A FEW DAYS PRIOR.

3 Q WHAT WAS THE CAUSE OF YOUR LEAVING THE RIOT POLICE?

4 A I JUST WANTED TO BE DISCHARGED.

5 Q WHEN PANTERA APPROACHED YOU INITIALLY, DID HE TALK ABOUT  
6 HOW YOU COULD MAKE SOME MONEY IF YOU KNEW ABOUT THE CAMARENA  
7 CASE?

8 A NO.

9 Q DID THERE COME A TIME WHEN YOU LEARNED THAT IF YOU GAVE  
10 INFORMATION ABOUT THE CAMARENA CASE, THAT YOU COULD RECEIVE  
11 MONEY?

12 A NO.

13 Q WHEN IS THE FIRST TIME YOU TALKED ABOUT GETTING YOUR  
14 \$3,000.00 A MONTH FOR EXPENSES?

15 A I DON'T REMEMBER.

16 Q THE FIRST TIME THAT YOU SPOKE TO AGENT BERRELLEZ IN  
17 NOVEMBER -- NOVEMBER THE 23RD OR 24TH, 1989 -- YOU WERE GIVEN  
18 \$2,000.00, WEREN'T YOU?

19 A YES.

20 Q DID YOU HAVE ANY ADVANCE KNOWLEDGE THAT YOU WOULD BE  
21 RECEIVING THAT MONEY?

22 A NO.

23 Q IT CAME AS A COMPLETE SURPRISE TO YOU?

24 A YES.

25 Q WERE YOU PLEASED TO RECEIVE IT?

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

2 THE COURT: SUSTAINED.

3 BY MR. STOLAR:

4 Q AT THE TIME YOU GOT THAT \$2,000.00, YOU WERE UNEMPLOYED,  
5 WEREN'T YOU?

6 A NO.

7 Q LET ME REPHRASE THE QUESTION: DID YOU HAVE A JOB AT THE  
8 TIME YOU GOT THAT \$2,000.00?

9 A NO. I DON'T KNOW WHAT YOU'RE TALKING ABOUT.

10 Q IN NOVEMBER OF 1989, YOU DID NOT HAVE A JOB, DID YOU?

11 A NO.

12 Q YOU WERE UNEMPLOYED?

13 A YES.

14 Q THE NEXT TIME YOU SPOKE WITH THE AGENTS WAS ABOUT A WEEK  
15 AFTER THIS \$2,000.00 PAYMENT; ISN'T THAT CORRECT?

16 A I DON'T REMEMBER.

17 Q THAT WAS NOVEMBER 30TH, WHEN YOU CAME AND SAT DOWN WITH  
18 THEM AND YOU TESTIFIED BEFORE THE GRAND JURY?

19 A YES, IT WAS IN NOVEMBER THAT I SPOKE BEFORE THE GRAND JURY.

20 Q AND ON THE SAME DAY, YOUR -- YOU SPOKE TO THE GRAND JURY IN  
21 THE AFTERNOON, DIDN'T YOU?

22 A YES, I THINK SO.

23 Q AND YOU SPOKE TO AGENTS BERRELLEZ AND SALAZAR IN THE  
24 MORNING?

25 A NO.

1 Q WAS NOVEMBER 23RD TO 24TH THE VERY FIRST TIME THAT YOU MET  
2 AGENTS BERRELLEZ AND SALAZAR?

3 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR  
4 HONOR.

5 THE COURT: SUSTAINED.

6 BY MR. STOLAR:

7 Q THE DAY AFTER YOU TESTIFIED IN THE GRAND JURY, YOU GOT  
8 \$1500.00, DIDN'T YOU?

9 A YES, I THINK SO. I DON'T REMEMBER REALLY WELL HOW MUCH I  
10 WAS GIVEN.

11 Q IT WAS GIVEN TO YOU IN CASH AGAIN?

12 A YES. EVERYTHING WAS IN CASH.

13 Q WAS IT AROUND THE TIME FRAME OF YOUR GRAND JURY TESTIMONY  
14 THAT YOU CAME TO THE UNDERSTANDING THAT YOU WOULD BE GETTING A  
15 \$3,000.00-A-MONTH PAYMENT FROM THE D.E.A.?

16 A I DON'T REMEMBER EXACTLY WHEN THIS OFFER WAS MADE TO ME. I  
17 DON'T REMEMBER THE TIME.

18 Q AFTER YOU TESTIFIED IN THE GRAND JURY, YOU WENT BACK TO  
19 MEXICO, DIDN'T YOU?

20 A YES. I ALREADY TOLD YOU THAT I DID.

21 Q BUT THEN YOU WERE BACK HERE IN LOS ANGELES ON DECEMBER THE  
22 18TH OF 1989; ISN'T THAT CORRECT?

23 A YES. THAT IS THE APPROXIMATE TIME.

24 Q ON THAT DAY, YOU WERE GIVEN \$7,000.00 IN CASH, WEREN'T YOU?

25 A YES.

1 Q SO BETWEEN NOVEMBER 24TH AND DECEMBER 18TH, WOULD IT BE  
2 FAIR TO SAY THAT YOU WERE PAID BY THE D.E.A. A TOTAL OF  
3 \$10,500.00?

4 A MORE OR LESS.

5 Q ACTUALLY, THERE WAS ANOTHER \$140.00 PAYMENT THAT YOU  
6 RECEIVED ON DECEMBER 1ST, ALSO, WASN'T THERE?

7 A I DON'T REMEMBER.

8 Q IN JANUARY, YOU RECEIVED A TOTAL OF \$6,000.00, DIDN'T YOU?

9 A YES. IF THAT'S WHAT IT SAYS, YES.

10 Q THEN ON FEBRUARY 1ST YOU GOT ANOTHER PAYMENT: \$3,000.00.  
11 IS THAT CORRECT?

12 A YES.

13 Q THAT MONEY IS MORE MONEY THAN YOU'VE EVER MADE IN YOUR  
14 LIFE, ISN'T IT?

15 A YES.

16 Q BY FAR THE MOST MONEY EVER; IS THAT CORRECT?

17 MR. MEDRANO: OBJECT, YOUR HONOR. ASKED AND ANSWERED  
18 AND ARGUMENTATIVE.

19 THE COURT: SUSTAINED.

20 BY MR. STOLAR:

21 Q WHEN WAS IT THAT YOU CAME TO THE AGREEMENT WITH THE D.E.A.  
22 THAT YOU WERE GOING TO GET YOUR \$3,000.00 A MONTH?

23 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR  
24 HONOR, AS WELL.

25 THE COURT: WELL, I DON'T RECALL THE ANSWER TO THAT

1 QUESTION, IF THERE WAS AN ANSWER.

2 THE WITNESS: I DIDN'T UNDERSTAND THE QUESTION.

3 BY MR. STOLAR:

4 Q WHEN WAS IT THAT YOU CAME TO THE UNDERSTANDING WITH THE  
5 D.E.A. THAT YOU WERE GOING TO GET YOUR \$3,000.00 A MONTH?

6 A I DON'T REMEMBER EXACTLY WHEN WE TALKED ABOUT IT. I DON'T  
7 REMEMBER THE EXACT DATE OF THAT AGREEMENT.

8 Q YOU'RE TESTIFYING AS TRUTHFULLY AS YOU CAN?

9 MR. MEDRANO: OBJECTION, YOUR HONOR. THIS IS  
10 ARGUMENTATIVE.

11 THE COURT: SUSTAINED.

12 BY MR. STOLAR:

13 Q WHEN YOU SAT DOWN WITH AGENTS BERRELLEZ AND SALAZAR, DID  
14 THEY EVER ASK TO YOU FILL OUT A PERSONAL HISTORY INFORMATION  
15 SHEET QUESTIONNAIRE ABOUT YOUR BACKGROUND?

16 MR. MEDRANO: OBJECTION. RELEVANCE.

17 THE COURT: WE'LL TAKE OUR NOON RECESS AT THIS TIME  
18 AND RECONVENE THIS CASE AT 1:30.

19 THE CLERK: PLEASE RISE.

20 (COMMOTION IN COURTROOM AS JURY EXITS.)

21 THE COURT: ORDER IN THE COURT.

22 (JURY ABSENT:)

23 THE CLERK: YOU MAY BE SEATED.

24 THE COURT: COUNSEL, THE CROSS-EXAMINATION OF THIS  
25 WITNESS IS NOT LIMITLESS. HE'S BEEN UP HERE FOR THREE DAYS, OR

1 MORE, PERHAPS. THE QUESTIONS ARE GETTING REPETITIOUS, AND  
2 THEY'RE COVERING A LOT OF COLLATERAL MATTERS, AND THE  
3 QUESTIONS, MANY OF THEM, ARE MERELY ARGUMENTS AND NOT  
4 QUESTIONS.

5 NOW, HOW LONG DO YOU EXPECT --

6 MR. STOLAR: I EXPECT I'LL BE UP FOR A COUPLE OF HOURS  
7 THIS AFTERNOON.

8 THE COURT: WELL YOU'D BETTER TELL ME WHAT YOU'RE  
9 GOING TO INQUIRE ABOUT.

10 MR. STOLAR: I WILL DO THAT. BUT LET ME PREFACE IT BY  
11 SAYING THAT ACCORDING TO THE GOVERNMENT'S OPENING AND THEIR  
12 TRIAL MEMORANDUM, THIS IS THE ONLY WITNESS AGAINST MR. MATTA.  
13 THE ONLY WITNESS. SO HIS CROSS-EXAMINATION IS EXTREMELY  
14 IMPORTANT FOR MR. MATTA'S CASE.

15 THE COURT: WELL, THAT'S WHY I'VE LET IT GO THIS FAR,  
16 BUT --

17 MR. STOLAR: OKAY. THE AREAS THAT -- THE AREAS I  
18 INTEND TO COVER NOW ARE THE DETAILS ABOUT THIS PRE-MEETING  
19 WEDDING (AS STATED) AND CERTAIN THINGS THAT WERE DISCUSSED  
20 THERE -- THE POST-MEETING WEDDING.

21 I'M GOING TO QUESTION THE WITNESS AS TO WHETHER HE WAS  
22 EVER AT 881 LOPE DE VEGA. I'M GOING QUESTION HIM ABOUT CERTAIN  
23 OTHER CRIMES THAT HE SOLVES AND DOESN'T SOLVE. I'M GOING TO  
24 QUESTION HIM ABOUT CERTAIN CONTRADICTIONS BETWEEN THE GRAND  
25 JURY TESTIMONY AND THE 6'S, CONCERNING WHO WAS PRESENT AT

1 MEETINGS AND WHEN MEETINGS TOOK PLACE THAT MR. MATTA IS  
2 SUPPOSED TO BE AT.

3 THE COURT: I ASSUME YOU MEAN THOSE YOU HAVEN'T  
4 ALREADY COVERED.

5 MR. STOLAR: YES. THERE'S A COUPLE OF OTHERS.

6 I'M GOING TO QUESTION HIM, IF I GET THE PICTURE, ABOUT  
7 THE PHOTOGRAPH HE VIEWED OF MR. MATTA. I'M GOING QUESTION HIM  
8 A LITTLE ABOUT MR. FELIX GALLARDO, DO A LITTLE SUMMARY ABOUT  
9 THE MEETING BUSINESS.

10 THE COURT: ALL RIGHT. WELL, THAT'S SUFFICIENT.

11 MR. MEDRANO: MAY I BE HEARD JUST BRIEFLY, YOUR HONOR?

12 THE COURT: YES.

13 MR. MEDRANO: YOUR HONOR, WE WOULD OBJECT TO MUCH OF  
14 THIS QUESTIONING, FOR THE FOLLOWING REASON: I ANTICIPATE THAT  
15 THE REASON FOR DETAILS AS TO WHERE THE LION IS FED, THE  
16 TELEPHONE NUMBER AND ADDRESSES, IS CONTEMPLATED IMPEACHMENT BY  
17 THE DEFENSE IN THEIR CASE IN CHIEF.

18 WELL, YOUR HONOR, AS YOU WELL KNOW, IMPEACHMENT ON  
19 COLLATERAL MATTERS NOT PERMITTED. WHO CARES ABOUT THAT TIME  
20 FRAME INFORMATION? IF IT DOESN'T GO TO THE HEART OF THE  
21 MATTER, YOUR HONOR, THEY WON'T BE ALLOWED TO PUT ON THAT TYPE  
22 OF INFORMATION, ANYWAY. THEREFORE, THIS KIND OF  
23 CROSS-EXAMINATION BY MR. STOLAR IS IRRELEVANT AND  
24 IMPERMISSIBLE. SO WE WOULD JUST LIKE TO STATE OUR POSITION AS  
25 TO THAT.

1 MR. STOLAR: I HAVE INFORMATION --

2 MR. MEDRANO: IF I MAY CONCLUDE, MR. STOLAR, FINALLY,  
3 YOUR HONOR, LET'S JUST ADDRESS BRIEFLY ABOUT WHAT ELSE HE  
4 INTENDS TO COVER.

5 THE WEDDING MEETINGS HAVE BEEN DISCUSSED AD NAUSEAM BY  
6 EVERYONE FOR THREE OR FOUR DAYS IN THIS COURTROOM.

7 MR. STOLAR: NOT WITH RESPECT TO MR. MATTA.

8 MR. MEDRANO: MAY I CONCLUDE, YOUR HONOR? IN  
9 ADDITION, YOUR HONOR, AS TO QUESTIONS ABOUT CRIME HE SOLVED OR  
10 DIDN'T SOLVE, WHAT IN THE WORLD DOES THAT MEAN, YOUR HONOR?  
11 THAT'S TOTALLY IRRELEVANT. WHAT'S THE FOUNDATION FOR THAT?

12 THE COURT: WELL, IT MAY BE IRRELEVANT AND YOU MAY  
13 OBJECT TO ANY OF THESE QUESTIONS THAT ARE ASKED. I'M NOT GOING  
14 TO JUST PERMIT A CARTE BLANCHE TYPE OF EXAMINATION --

15 MR. STOLAR: I UNDERSTAND.

16 THE COURT: -- OF EACH PERSON.

17 MR. STOLAR: I HAVE INFORMATION THAT THIS MAN WAS NOT  
18 EMPLOYED AS THE CHIEF OF SECURITY. THAT'S WHAT THE BASIS OF  
19 THE QUESTIONING IS.

20 THE COURT: YOU INTEND TO PRESENT EVIDENCE TO THAT  
21 EFFECT?.

22 MR. STOLAR: I HAVE INFORMATION TO THAT EFFECT, A GOOD  
23 FAITH BASIS TO ASK THAT QUESTION. I HOPE WE'RE ABLE TO GET THE  
24 WITNESS UP HERE.

25 MR. MEDRANO: FINALLY, YOUR HONOR, LET ME STATE TO YOU

1 THAT MR. STOLAR'S CHARACTERIZATION OF CERVANTES IS INACCURATE.

2 IN ADDITION TO CERVANTES, THERE'S HAIR EVIDENCE THAT  
3 MATTA WAS AT THE HOUSE, THERE'S SPECIAL AGENT SURVEILLANCE  
4 EVIDENCE THAT PLACES MATTA IN GUADALAJARA ONLY A FEW DAYS AFTER  
5 THE ABDUCTION.

6 THE COURT: WELL, I THINK IT'S PREMATURE TO GET INTO  
7 ALL OF THIS.

8 I'M GOING TO PERMIT SOME FURTHER CROSS-EXAMINATION IN  
9 THE AREA SUGGESTED. THIS DOES NOT MEAN THAT ALL QUESTIONS  
10 SHOULD BE UNOBJECTIONABLE OR ALL AREAS ARE UNOBJECTIONABLE.

11 MR. MEDRANO: VERY WELL, YOUR HONOR.

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

13 (NOON RECESS.)

14 ---0---

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1 LOS ANGELES + CALIFORNIA, TUESDAY, MAY 29, 1990

2 + 1:30 P.M.

3 (JURY PRESENT:)

4 THE COURT: YOU MAY CONTINUE.

5 MR. STOLAR: THANK YOU, YOUR HONOR.

6  
7 HECTOR CERVANTES SANTOS + PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

8  
9 CROSS-EXAMINATION + (RESUMED)

10 BY MR. STOLAR:

11 Q MR. CERVANTES, THE RIOT SQUAD AGENCY THAT YOU WORKED FOR IN  
12 1988 AND 1989, WHAT AGENCY WAS THAT? WHAT WAS THE NAME OF THE  
13 AGENCY?

14 A THE D.P.S.

15 Q NOW, WITHIN THE LAST TWO WEEKS, DO YOU RECALL BEING ASKED  
16 BY A D.E.A. AGENT OR MR. MEDRANO TO CALL THE DEFENSE ATTORNEYS,  
17 THAT THEY WANTED TO SPEAK WITH YOU?

18 A YES.

19 Q DID YOU MAKE THE CALL?

20 A YES.

21 Q DO YOU REMEMBER THE NAME OF THE ATTORNEY THAT YOU CALLED?

22 A A LADY ANSWERED. I DON'T KNOW.

23 Q DID YOU WIND UP TALKING TO A LAWYER, THOUGH?

24 A YES. YES, WITH SOMEONE. I DIDN'T FIND OUT THAT PERSON'S  
25 NAME.

1 Q YOU DON'T RECALL THE PERSON INTRODUCING HIMSELF TO YOU BY  
2 NAME?

3 A NO. I WAS THE ONE WHO CALLED.

4 Q BUT THEN YOU SPOKE TO A MALE LAWYER IN SPANISH, DIDN'T YOU?

5 A YES.

6 Q DO YOU REMEMBER THAT LAWYER'S NAME?

7 A NO.

8 Q AND YOU DECLINED TO SPEAK TO THE DEFENSE LAWYER, DIDN'T  
9 YOU?

10 A YES.

11 Q THAT WAS YOUR RIGHT AND YOU EXERCISED THAT RIGHT; IS THAT  
12 CORRECT?

13 A YES.

14 Q I BELIEVE YOU INDICATED ON SOMEBODY ELSE'S QUESTIONING THAT  
15 YOU SPOKE TO CERTAIN MEXICAN AUTHORITIES ABOUT THIS CASE IN  
16 OCTOBER OF 1989. IS THAT CORRECT?

17 A THAT IS NOT TRUE.

18 Q DID YOU SPEAK TO ANY MEXICAN JUDICIAL OR POLICE AUTHORITIES  
19 ABOUT YOUR KNOWLEDGE OF THE CAMARENA CASE?

20 A NO.

21 Q AT NO TIME?

22 A NO.

23 Q BETWEEN NOVEMBER 30TH, WHEN YOU CAME TO -- BY THE WAY, WAS  
24 NOVEMBER 23RD/24TH, THE FIRST TIME YOU'D EVER COME TO THE  
25 UNITED STATES?

1 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR  
2 HONOR.

3 THE COURT: SUSTAINED.

4 BY MR. STOLAR:

5 Q ALL RIGHT. BETWEEN NOVEMBER 23RD AND 24TH AND TODAY, HAVE  
6 YOU SPOKEN ABOUT THE CASE WITH YOUR FRIEND LA PANTERA OR GARATE  
7 BUSTAMANTE?

8 A NO.

9 Q YOU DID SPEAK TO GARATE BUSTAMANTE IN NOVEMBER ABOUT YOUR  
10 KNOWLEDGE OF THE CASE, DIDN'T YOU?

11 A NO. HE ONLY CONNECTED ME. I DIDN'T SAY ANYTHING TO HIM.

12 Q YOU DIDN'T GIVE HIM ANY OF THE INFORMATION THAT YOU'VE  
13 GIVEN US HERE?

14 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR  
15 HONOR.

16 THE COURT: SUSTAINED.

17 BY MR. STOLAR:

18 Q LET ME DIRECT YOUR ATTENTION TO THIS MEETING THAT YOU SAY  
19 TOOK PLACE BEFORE THE WEDDING. IS IT TRUE THAT WHEN YOU SAY  
20 YOU BOUGHT THE MAN WHOM YOU IDENTIFY AS MATTA INTO THE LIVING  
21 ROOM, PEOPLE WERE ALREADY PRESENT THERE?

22 A NO. JUST MAJOR ALDANA AND MANUEL IBARRA WERE THERE. I HAD  
23 ALREADY TOLD YOU THIS.

24 Q AND JAVIER BARBARA WAS THERE, ALSO, WASN'T HE?

25 A YES.

1 Q WAS IT YOUR JOB AT THAT PARTICULAR FUNCTION TO SERVE DRINKS  
2 AND TO SERVE FOOD TO THE GENTLEMEN WHO ASSEMBLED?

3 A YES.

4 Q SO YOU WOULD OCCASIONALLY LEAVE THE ROOM GO TO THE KITCHEN  
5 GET SOME ICE OR GET SOME FOOD AND BRING IT BACK?

6 A NO.

7 Q THERE WAS ICE AND FOOD ALREADY IN THE ROOM?

8 A YES.

9 Q IS IT YOUR TESTIMONY THAT THE SUBJECT OF DISCUSSION AT THIS  
10 PARTICULAR MEETING WAS ABOUT SOME AGENT WHO WAS CAUSING  
11 PROBLEMS?

12 A YES.

13 Q AND IS THIS THE MEETING WHERE THEY WERE TRYING TO DETERMINE  
14 THE IDENTITY OF THAT AGENT?

15 A YES.

16 Q BECAUSE THEY DIDN'T KNOW WHO THE AGENT WAS WHO WAS  
17 RESPONSIBLE FOR A SEIZURE OF MARIJUANA?

18 MR. MEDRANO: OBJECTION. THAT CALLS FOR SPECULATION  
19 BY THE WITNESS, YOUR HONOR.

20 MR. STOLAR: THE QUESTION IS WHAT HE HEARD.

21 THE COURT: I DON'T UNDERSTAND THE QUESTION.

22 MR. STOLAR: ALL RIGHT.

23 Q DID YOU OVERHEAR THEM TALKING ABOUT THE REASON THAT THEY  
24 WANTED THIS AGENT IS BECAUSE HE WAS SUPPOSED TO BE INVOLVED IN  
25 A LARGE SEIZURE OF MARIJUANA?

1 A NO. THEY DID NOT SPECIFY AS TO WHAT.

2 Q DO YOU RECALL SPEAKING TO AGENT ZAVALA ON JANUARY THE 11TH  
3 OF THIS YEAR, ALONG WITH AGENT BERRELLEZ?

4 A YES.

5 Q YOU TOLD THEM, WITH RESPECT TO THIS MEETING, THAT THE MAN  
6 YOU IDENTIFIED AS MR. MATTA WAS READING MEXICAN POLICE REPORTS?

7 A YES.

8 Q THAT THESE POLICE REPORTS PERTAINED TO MEXICAN POLICE  
9 ACTIVITIES ABOUT THE ZACATECAS MARIJUANA SEIZURE?

10 A YES.

11 Q IS IT YOUR TESTIMONY THAT MR. -- THE MAN YOU IDENTIFY AS  
12 MR. MATTA WAS READING THOSE POLICE REPORTS?

13 A YES.

14 Q WAS HE ACTUALLY LOOKING AT THEM AND GETTING INFORMATION  
15 FROM THEM AND THEN SAYING SOMETHING TO SOMEBODY ABOUT THE  
16 INFORMATION?

17 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED AND  
18 COMPOUND.

19 THE COURT: OVERRULED -- STRIKE THAT.

20 YOU CAN RESTATE THE QUESTION: WAS HE DISCUSSING THE  
21 CONTENTS OF THE REPORTS?

22 BY MR. STOLAR:

23 Q WAS HE DISCUSSING THE CONTENTS OF THE REPORTS BASED ON WHAT  
24 HE HAD READ?

25 A YES.

1 Q HOW LONG DID HE SPEND READING THE REPORTS?

2 A ABOUT ONE HOUR.

3 Q AND YOU WERE THERE THE ENTIRE TIME; IS THAT CORRECT?

4 A YES.

5 Q AND THE NAME CAMARENA WAS NOT DISCUSSED?

6 A NO.

7 Q BECAUSE THEY DIDN'T KNOW WHO IT WAS; IS THAT RIGHT?

8 A YES.

9 Q DID ALDANA AND IBARRA MAKE ANY STATEMENTS INDICATING THAT  
10 THEY HAD BEEN INVOLVED IN THE ZACATECAS SEIZURE?

11 A NO.

12 Q WAS MR. MATTA WEARING THE SAME CLOTHING -- THE MAN YOU SAY  
13 WAS MR. MATTA, WEARING THE SAME CLOTHING WHEN HE WENT TO THE  
14 AIRPORT?

15 A YES.

16 Q YOUR TESTIMONY IS THAT MR. MATTA SAID SOMETHING ABOUT HE  
17 WAS HAVING TROUBLE DOWN SOUTH?

18 A YES.

19 Q CAN YOU BE ANY MORE SPECIFIC THAN THAT?

20 A WELL, JUST WHAT YOU SAID; THAT'S WHAT HE SAID.

21 Q THAT'S ALL YOU OVERHEARD: TROUBLE DOWN SOUTH?

22 A YES.

23 Q DID YOU TAKE THAT TO MEAN COLOMBIA?

24 MR. MEDRANO: OBJECTION. THAT CALLS FOR SPECULATION.

25 THE COURT: SUSTAINED.

1 BY MR. STOLAR:

2 Q DID ANYBODY SAY "DOWN SOUTH" MEANT COLOMBIA?

3 A NO.

4 Q AND YOUR TESTIMONY IS THAT THE MAN YOU SAY IS MR. MATTA  
5 SAID IT'S THE SAME AGENT THAT WAS INVOLVED IN THE ZACATECAS  
6 SEIZURE; IS THAT RIGHT?

7 A YES.

8 Q WERE THERE ANY PICTURES OF THIS AGENT PASSED AROUND AT THE  
9 MEETING?

10 A NO.

11 Q ISN'T IT TRUE THAT DURING THESE MEETINGS THAT YOU SAY TOOK  
12 PLACE, THAT YOUR DUTIES REQUIRED YOU TO BE IN AND OUT OF THE  
13 ROOM, THAT YOU WERE NOT PRESENT THE ENTIRE TIME?

14 A I WAS THERE AT ALL TIMES.

15 Q DID YOU TELL AGENTS SALAZAR AND BERRELLEZ, IN YOUR MEETING  
16 WITH THEM ON JANUARY 2ND OF THIS YEAR, THAT YOU DID NOT  
17 OVERHEAR SPECIFICS SPECIFICATION ABOUT THE KIDNAP BECAUSE YOU  
18 WERE NOT PRESENT THROUGHOUT THE ENTIRE MEETING?

19 A NO, I DID NOT SAY THAT TO THEM. I WAS PRESENT. I WAS  
20 THERE DURING ALL THE MEETINGS.

21 Q DIDN'T YOU TELL THOSE TWO AGENTS ON THAT DAY THAT YOU WERE  
22 RESPONSIBLE FOR PROVIDING THE ESSENTIAL NECESSITIES TO ANY AND  
23 ALL OF BARBA HERNDANDEZ'S GUESTS AND THEREFORE WAS NEVER IN ONE  
24 PLACE FOR AN EXTENDED PERIOD OF TIME DURING THE GATHERINGS?

25 A NO, I DID NOT SAY THAT. I WAS IN THE SAME PLACE FROM THE

1 BEGINNING TO THE END.

2 Q YOU NEVER SAID THAT TO THOSE AGENTS; IS THAT YOUR  
3 TESTIMONY?

4 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED.

5 THE COURT: SUSTAINED.

6 BY MR. STOLAR:

7 Q AT THIS MEETING BEFORE THE WEDDING, IS IT YOUR TESTIMONY  
8 THAT MR. IBARRA SAID THAT THERE HAD BEEN SOME PROBLEMS WITH THE  
9 SECRETARY BARTLETT?

10 A YES.

11 Q WHAT WAS THE NATURE OF THE PROBLEM THAT SECRETARY BARTLETT  
12 WAS HAVING?

13 A I DON'T KNOW.

14 Q THAT IS, MANUEL BARTLETT DIAZ; IS THAT CORRECT?

15 A YES.

16 Q SECRETARY OF STATE, BASICALLY; ISN'T THAT RIGHT?

17 MR. MEDRANO: OBJECTION. LACK OF FOUNDATION?

18 THE COURT: SUSTAINED.

19 BY MR. STOLAR:

20 Q HOW WOULD YOU TRANSLATE SECRETIARIO DE GOBERNACION?

21 A I DON'T KNOW.

22 Q DO YOU KNOW WHAT THAT JOB ENTAILS?

23 MR. MEDRANO: OBJECTION. RELEVANCE.

24 THE COURT: SUSTAINED.

25 BY MR. STOLAR:

1 Q DID THE WEDDING PARTY GO ALL NIGHT?

2 A YES. ALMOST UNTIL DAWN.

3 Q NOW, YOUR TESTIMONY IS THAT THERE WAS A SECOND MEETING HELD  
4 AROUND DAWN, THE DAY AFTER THE WEDDING; IS THAT CORRECT?

5 A YES.

6 Q WHO WAS PRESENT AT THIS MEETING?

7 MR. MEDRANO: OBJECTION, YOUR HONOR. ASKED AND  
8 ANSWERED.

9 MR. STOLAR: I HAVE A REASON FOR THIS.

10 THE COURT: ALL RIGHT. HE MAY ANSWER THE QUESTION.

11 THE WITNESS: THIS A SECOND MEETING?

12 MR. STOLAR: THIS IS A MEETING AT DAWN, AFTER THE  
13 WEDDING.

14 THE WITNESS: YES. YOU'RE ASKING WHO WERE THERE?

15 MR. STOLAR: YES.

16 THE WITNESS: DON JAVIER GARCIA PANIAGUA, DON RUBEN  
17 ZUNO ARCE, MATTA BALLESTEROS, HIS AIDE, MANUEL IBARRA, MIGUEL  
18 ALDANA, PAVON REYES, RAFAEL CARO QUINTERO, ERNESTO FONSECA  
19 CARRILLO, COCHILOCO, AND MARCELINO, DON JAVIER GARCIA  
20 PANIAGUA'S BROTHER, AND ATTORNEY JAVIER BARBA.

21 BY MR. STOLAR:

22 Q WERE YOU PRESENT DURING THIS ENTIRE MEETING, BY YOUR  
23 RECOLLECTION OF IT?

24 A YES.

25 Q DO YOU RECALL TESTIFYING IN THE GRAND JURY ON JANUARY 17TH

1 OF THIS YEAR?

2 A YES.

3 Q THAT WAS FIRST TIME YOU'D EVER GIVEN ANY TESTIMONY  
4 CONCERNING MR. MATTA; ISN'T THAT CORRECT?

5 A YES.

6 Q IS IT YOUR RECOLLECTION THAT YOU TOLD THE GRAND JURY THAT  
7 MR. MATTA WAS AT THAT MEETING?

8 A YES. I THINK SO.

9 Q PAGE 12, STARTING AT LINE 9, QUESTION BY MR. MEDRANO:

10 "Q LET ME DIRECT YOUR ATTENTION TO IMMEDIATELY AFTER THE  
11 CONCLUSION OF THE WEDDING. DOES THE SECOND MEETING OCCUR AT  
12 JAVIER BARBA'S HOUSE?

13 "A YES.

14 "Q NOW, CAN YOU TELL THE GRAND JURY SLOWLY WHO'S PRESENT AT  
15 THIS MEETING?

16 "A RUBEN ZUNO ARCE, JAVIER GARCIA PANIAGUA, MANUEL IBARRA,  
17 MAJOR ALDANA, RAFAEL CARO QUINTERO, ERNESTO CARRILLO FONSECA.

18 "Q WAS YOUR BOSS, JAVIER BARBA, PRESENT?

19 "A YES.

20 "Q NOW, WAS A PERSON BY THE NAME OF ARMANDO PAVON REYES  
21 PRESENT?

22 "A YES, PAVON REYES.

23 "Q AND FINALLY, AT THIS MEETING, WAS THERE A PERSON PRESENT  
24 WHOSE NAME IS MANUEL SALCIDO?

25 "YES, EL COCHILOCO."

1 DO YOU RECALL THOSE QUESTIONS AND THOSE ANSWERS BEFORE  
2 THE GRAND JURY?

3 A WELL, IF THAT'S WHAT IT SAYS, YES.

4 Q DID YOU NOTICE NAME "MATTA" BEING DESCRIBED AS AT THAT  
5 MEETING.

6 MR. MEDRANO: OBJECTION, YOUR HONOR. THAT GRAND JURY  
7 TRANSCRIPT SPEAKS FOR ITSELF.

8 THE COURT: YES. SUSTAINED.

9 BY MR. STOLAR:

10 Q WHAT WAS THE DISCUSSION ABOUT AT THAT MEETING?

11 A ABOUT PICKING UP THAT PERSON, A D.E.A. AGENT.

12 Q WHAT PERSON? DID THEY KNOW WHO IT WAS?

13 A NO.

14 Q DID MR. MATTA SAY ANYTHING AT THIS POST-WEDDING MEETING?

15 A NO. EVERYBODY WAS IN AGREEMENT.

16 Q HE'S NODDING HIS HEAD.

17 A EXCUSE ME?

18 Q THIS MEETING, YOU SAY, IS A MEETING TO PUT TOGETHER THE  
19 LAST DETAILS ABOUT PICKING UP THE PERSON?

20 MR. MEDRANO: OBJECTION, YOUR HONOR MISSTATES THE  
21 DIRECT.

22 BY MR. STOLAR:

23 Q ALL RIGHT. IS IT YOUR TESTIMONY THAT THIS MEETING WAS TO  
24 PUT TOGETHER THE LAST DETAILS ABOUT PICKING UP THE PERSON?

25 MR. MEDRANO: OBJECTION. COMPOUND.

1 MR. STOLAR: I'LL REPHRASE IT.

2 Q WAS THE SUBJECT OF THE DISCUSSION AT THIS MEETING TO PUT  
3 TOGETHER THE LAST DETAILS TO PICK UP THE PERSON, SPECIFICALLY?

4 A YES, THEY DID TALK ABOUT PICKING UP THAT PERSON, AND THEY  
5 DID TALK ABOUT DETAILS, AND EVERYBODY WAS IN AGREEMENT.

6 Q WAS THIS THE LAST DETAILS, BY YOUR RECOLLECTION?  
7 FINALIZATION OF THE PLAN?

8 MR. MEDRANO: OBJECTION. COMPOUND.

9 THE COURT: SUSTAINED.

10 BY MR. STOLAR:

11 Q WAS THIS THE LAST DETAILS OF THE PLAN?

12 A YES. THERE WAS SOME TALK AT THE LATER MEETING, BUT --  
13 (PAUSE.)

14 Q PAGE 13. DO YOU RECALL THE FOLLOWING QUESTIONS AND ANSWERS  
15 AT THE GRAND JURY:

16 "NOW, CAN YOU TELL THIS GRAND JURY, WHAT WAS THE SUBSTANCE  
17 OF THIS DISCUSSION AT THE SECOND MEETING?

18 "A THE LAST DETAILS, TO PICK UP THIS PERSON SPECIFICALLY."

19 DO YOU RECALL THAT QUESTION AND THAT ANSWER?

20 A YES.

21 Q IS THAT CORRECT?

22 A YES.

23 Q ANY DISCUSSION ABOUT WHEN THIS WAS SUPPOSED TO TAKE PLACE?

24 A NO.

25 Q ANY DISCUSSION AS TO WHO WAS GOING TO DO IT AT THIS

1 PARTICULAR MEETING?

2 A YES, WHO WAS GOING TO DO IT WAS TALKED ABOUT.

3 Q AT THIS PARTICULAR MEETING?

4 A YES, THEY DID TALK ABOUT IT.

5 Q WHO DID THEY SAY WAS GOING TO DO IT?

6 A ATTORNEY JAVIER BARBA HERNANDEZ.

7 Q HE WAS PERSONALLY GOING TO DO THE KIDNAPPING?

8 A NO. HIS PEOPLE.

9 Q WERE SPECIFIC PLANS DISCUSSED AS TO WHEN IT WAS GOING TO  
10 HAPPEN, WHO WAS GOING TO DO IT, AND HOW IT WAS GOING TO BE  
11 DONE?

12 A ONLY AS TO WHO, LIKE I'VE JUST TOLD YOU.

13 Q ONLY THAT JAVIER BARBA WAS GOING TO BE RESPONSIBLE FOR  
14 TAKING CARE OF IT?

15 A YES.

16 Q NO DISCUSSION ABOUT WHEN IT WAS SUPPOSED TO HAPPEN?

17 A NO.

18 Q HOW IT WAS SUPPOSED TO HAPPEN?

19 A NO.

20 Q WHERE IT WAS GOING TO HAPPEN?

21 A NO.

22 Q WHAT WAS GOING TO HAPPEN AFTER HE WAS PICKED UP?

23 A NO.

24 Q HOW WAS MR. MATTA -- THE MAN YOU SAY WAS MR. MATTA --  
25 DRESSED THAT MORNING?

1 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED.

2 THE COURT: SUSTAINED.

3 MR. STOLAR: NO, I DIDN'T ASK IT AT THAT MEETING,  
4 JUDGE.

5 THE COURT: RESTATE YOUR QUESTION.

6 BY MR. STOLAR:

7 Q HOW WAS MR. MATTA DRESSED AT THE DAWN MEETING?

8 A LIKE I TOLD YOU, IT WAS THE SAME DARK SUIT. IT'S THE SAME  
9 ONE HE HAD ON UNTIL THE LAST TIME I SAW HIM.

10 Q DIDN'T BRING A CHANGE OF CLOTHES WITH HIM, THEN; IS THAT  
11 YOUR TESTIMONY?

12 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED.

13 THE COURT: JUST A MOMENT. THE QUESTION IS  
14 OBJECTIONABLE, BUT THAT IS THE WRONG GROUND.

15 MR. MEDRANO: LACK OF FOUNDATION.

16 THE COURT: SUSTAINED.

17 BY MR. STOLAR:

18 Q DID YOU EVER SEE WHAT THE THE MAN YOU SAY WAS MR. MATTA HAD  
19 IN HIS BRIEFCASE?

20 A WELL, NO. HE HAD DOCUMENTS. I DON'T KNOW WHAT HE HAD IN  
21 THERE.

22 Q NOW, IS IT TRUE THAT ABOUT A WEEK AFTER THE DAWN MEETING  
23 THERE WAS ANOTHER MEETING AT JAVIER BARBA'S HOUSE?

24 A NO, I DON'T UNDERSTAND THE QUESTION.

25 Q ABOUT A WEEK AFTER THE DAWN WEDDING MEETING, WAS THERE

1 ANOTHER MEETING HAS THE JAVIER BARBA'S HOUSE, FOR THEM TO MORE  
2 EFFECTIVELY PREPARE THEMSELVES?

3 A NO.

4 Q BUT YOU DID TELL THE GRAND JURY THAT THERE WAS, DIDN'T YOU?

5 A THERE WERE ONLY FOUR MEETINGS.

6 Q PAGE 14, QUESTION BY MR. MEDRANO.

7 MR. MEDRANO: GRAND JURY DATE, YOUR HONOR?

8 MR. STOLAR: OH, THE SAME, JANUARY 2ND, GRAND JURY  
9 DATE. I'M SORRY. 14:

10 "Q NOW, LET ME DIRECT YOUR ATTENTION TO ABOUT ONE WEEK LATER,  
11 MR. CERVANTES. WAS THERE ANOTHER MEETING AT THE HOUSE OF  
12 JAVIER BARBA?

13 "A YES.

14 "AND WERE YOU PRESENT FOR THIS MEETING, AS WELL?

15 "A YES.

16 "AND AGAIN TO SERVE THE PEOPLE WHO WERE PRESENT?

17 "A YES. THIS WAS MY JOB.

18 "Q AND IF YOU CAN, TELL US, IF YOU RECALL, WHO WAS PRESENT AT  
19 THIS PARTICULAR MEETING, AND GIVE US THE NAMES VERY SLOWLY.

20 "A DON RUBEN ZUNO ARCE, JAVIER GARCIA PANIAGUA, MANUEL IBARRA,  
21 MAJOR ALDANA, RAFAEL CARO QUINTERO, DON ERNESTO FONSECA  
22 CARRILLO.

23 "Q WAS JAVIER BARBA PRESENT, AS WELL?

24 "A YES, HE WAS. YES.

25 "Q WAS MATTA BALLESTEROS PRESENT AT THIS MEETING?

1 "A NO.

2 "NOW, CAN YOU TELL THE GRAND JURY, MR. CERVANTES, WHAT WAS  
3 THE SUBJECT OF DISCUSSION AT THAT MEETING?

4 "A TO PREPARE THEMSELVES EFFECTIVELY TO ALL BE IN AGREEMENT  
5 AND PICK UP THAT PERSON."

6 Q DID YOU GIVE THAT TESTIMONY TO THE GRAND JURY?

7 A THERE IS A MISTAKE THERE. I DIDN'T SAY "A WEEK LATER."

8 Q NO. MR. MEDRANO, WHEN HE ASKED YOU THE QUESTION, DIRECTED  
9 YOUR ATTENTION TO A MEETING ONE WEEK AFTER THE WEDDING.

10 A NO. THERE WERE ONLY FOUR MEETINGS. THE ONE THAT'S MISSING  
11 IS THE ONE IN FEBRUARY. AFTER THAT, THERE WERE NO OTHERS.

12 Q THE ONE IN FEBRUARY IS THE ONE THAT YOU TESTIFIED ABOUT  
13 BEFORE THE GRAND JURY ON YOUR FIRST APPEARANCE IN NOVEMBER;  
14 CORRECT?

15 A YES.

16 Q THAT'S THE ONE WHERE, DURING THE FIRST BIG INTERVIEW YOU  
17 HAD WITH AGENTS AGENTS SALAZAR AND BERRELLEZ, YOU TOLD THEM  
18 THAT THE PRIMARY TOPIC OF DISCUSSION AT THIS MEETING WAS THE  
19 POSSIBLE ABDUCTION OF THE AMERICAN AMBASSADOR TO MEXICO, JOHN  
20 GAVIN?

21 A YES, THAT IS CORRECT.

22 Q THAT WAS THE PRIMARY TOPIC OF DISCUSSION AT THAT FEBRUARY  
23 MEETING; IS THAT YOUR TESTIMONY?

24 A YES.

25 Q CARO QUINTERO WANTED TO KIDNAP BOTH THE AMBASSADOR AND

1 AGENT CAMARENA; ISN'T THAT CORRECT?

2 A YES.

3 Q BUT BARBA HERNANDEZ TALKED THE GROUP INTO KIDNAPPING ONLY  
4 CAMARENA?

5 A YES.

6 Q DID THE NAME CAMARENA COME UP AT THIS MEETING? WAS IT  
7 USED?

8 A NO.

9 Q DID YOU TELL THE AGENTS THAT THE NAME CAMARENA WAS USED?

10 A NO.

11 Q WHEN YOU TALKED TO THE AGENTS IN EARLY JANUARY, YOU DID  
12 TELL THEM THAT THERE WAS A MEETING THAT TOOK PLACE IN JANUARY  
13 OF 1985 CONCERNING THE KIDNAPPING, DIDN'T YOU?

14 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR  
15 HONOR.

16 THE COURT: SUSTAINED.

17 BY MR. STOLAR:

18 Q MR. MATTA -- THE PERSON YOU SAY WAS MR. MATTA -- WAS NOT  
19 PRESENT AT THIS MEETING, WAS HE?

20 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED AND  
21 AMBIGUOUS.

22 THE COURT: WHAT IS YOUR OBJECTION?

23 MR. MEDRANO: ASKED AND ANSWERED AND AMBIGUOUS.

24 THE COURT: YES, IT'S BEEN ASKED AND ANSWERED.

25 SUSTAINED.

1 BY MR. STOLAR:

2 Q WOULD IT BE FAIR TO SAY THAT THE LAST TIME YOU SAW THE MAN  
3 YOU SAY IS MR. MATTA WAS DAWN AFTER THE WEDDING?

4 A YES.

5 Q WERE YOU EVER AT RAFAEL CARO QUINTERO'S HOUSE?

6 A NO.

7 Q DO YOU KNOW WHERE IT WAS?

8 A NO.

9 Q DO YOU KNOW WHERE LOPE DE VEGA IS IN GUADALAJARA?

10 A YES.

11 Q YOU NEVER WERE AT THAT HOUSE, THOUGH; IS THAT CORRECT?

12 A NO.

13 Q IN ANY OF THE MEETINGS THAT YOU SAY YOU OVERHEARD  
14 DISCUSSION IN, DID YOU PARTICIPATE IN THE DISCUSSION?

15 A WELL, NO. I WAS NOT AMONGST THOSE ON TOP.

16 Q BUT DID YOU PARTICIPATE AT ALL IN THE CONVERSATION?

17 A NOT AT ALL.

18 Q WERE YOU ALSO IN AGREEMENT THAT THE AGENT SHOULD BE PICKED  
19 UP?

20 MR. MEDRANO: OBJECTION, YOUR HONOR. ARGUMENTATIVE  
21 AND IRRELEVANT.

22 MR. STOLAR: I BEG TO DIFFER.

23 THE COURT: SUSTAINED.

24 Q DID YOU EVER HEAR ANY DISCUSSIONS IN ANY OF THE MEETINGS  
25 THAT YOU SAY TOOK PLACE ABOUT AN AIRPLANE PILOT NAMED ALFREDO

1 ZAVALA?

2 A NO.

3 Q DID YOU EVER HEAR DISCUSSIONS ABOUT CARO OR OTHER PEOPLE  
4 KILLING OTHER AMERICANS?

5 A NO.

6 Q OR PEOPLE WHO WERE JEHOVAH'S WITNESSES? DO YOU RECALL  
7 HEARING DISCUSSION ABOUT THAT?

8 A NO.

9 Q DIDN'T YOU TELL THAT TO AGENTS SALAZAR AND BERRELLEZ AT  
10 YOUR INITIAL DEBRIEFING ON NOVEMBER 30TH 1989?

11 A NO, I DON'T REMEMBER HAVING TOLD THEM THAT.

12 Q YOU DON'T REMEMBER SAYING THAT FONSECA CARRILLO HAD VISITED  
13 BARBA HERNANDEZ AT HIS RESIDENCE AND THAT HE TOLD BARBA  
14 HERNANDEZ THAT THERE WERE FOUR PEOPLE ROAMING THE STREETS OF  
15 GUADALAJARA, TRYING TO MAKE EVERYONE BELIEVE THAT THEY WERE  
16 JEHOVAH'S WITNESSES, BUT THAT IN FACT THEY WERE D.E.A. SPIES  
17 AND SHOULD BE TAKEN OFF THE STREET?

18 A I DON'T KNOW WHAT YOU'RE TALKING ABOUT.

19 Q YOU NEVER SAID ANYTHING LIKE THAT TO BERRELLEZ AND SALAZAR?

20 A I DID NOT TELL THEM THAT IN THE MANNER THAT YOU'RE SAYING  
21 IT.

22 Q WHEN YOU FIRST CAME HERE IN NOVEMBER AND YOU FIRST MET  
23 AGENT BERRELLEZ, YOU DID NOT GIVE HIM THE NAME MATTA  
24 BALLESTEROS, DID YOU?

25 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED.

1 THE COURT: SUSTAINED.

2 BY MR. STOLAR:

3 Q DID HE ASK YOU ABOUT MATTA BALLESTEROS?

4 MR. MEDRANO: SAME OBJECTION.

5 MR. STOLAR: NO, IT'S NOT.

6 THE COURT: OVERRULED.

7 THE WITNESS: NO.

8 BY MR. STOLAR:

9 Q THE FIRST TIME HE ASKED YOU ABOUT MATTA BALLESTEROS WAS IN  
10 JANUARY; IS THAT RIGHT?

11 A SHOWED YOU SOME PICTURES OF HIM, DIDN'T HE? SAID, "THIS IS  
12 MATTA BALLESTEROS"?

13 A NO. I WAS THE ONE WHO TOLD HIM.

14 Q DID HE ASK YOU QUESTIONS ABOUT MIGUEL FELIX GALLARDO?

15 A NO.

16 Q DID HE SHOW YOU MIGUEL FELIX'S PICTURE?

17 MR. MEDRANO: OBJECTION. AMBIGUOUS. NOVEMBER OR  
18 JANUARY, YOUR HONOR?

19 MR. STOLAR: JANUARY.

20 THE WITNESS: NO.

21 BY MR. STOLAR:

22 Q DID HE SHOW YOU MIGUEL FELIX'S PICTURE IN NOVEMBER OR  
23 DECEMBER?

24 A NO --

25 Q DID HE EVER SHOW YOU PICTURES OF MIGUEL FELIX?

1 A -- I DON'T REMEMBER.

2 Q DID YOU EVER SHOW YOU PICTURES OF MIGUEL FELIX IN FEBRUARY  
3 MARCH, APRIL OR MAY OF THIS YEAR?

4 A NO.

5 Q WHEN IS THE LAST TIME YOU CAN RECALL SEEING A PICTURE OF  
6 THIS GENTLEMAN IN COURT, MR. MATTA?

7 A JUST THE TIME WHEN I WAS SHOWN THE PHOTOGRAPHS.

8 Q WHEN IS THE LAST TIME YOU WERE SHOWN THE PHOTOGRAPHS?

9 A I DON'T REMEMBER.

10 Q IN ANY OF THE DISCUSSIONS THAT YOU OVERHEARD IN MEETINGS,  
11 DID ANYBODY TALK ABOUT SEIZURES OF COCAINE?

12 A NO.

13 MR. STOLAR: EXCUSE ME ONE MOMENT, YOUR HONOR.

14 (MESSRS. STOLAR AND BURNS CONFER OFF THE RECORD.)

15 BY MR. STOLAR:

16 Q THERE CAME A TIME, DIDN'T THERE, WHEN JAVIER BARBA LEFT  
17 TOWN?

18 A YES.

19 Q WHEN WAS THAT?

20 A WOULD HAVE BEEN LIKE APRIL OR THE END OF MARCH.

21 Q AFTER MR. CAMARENA'S BODY WAS FOUND?

22 A NO, I DON'T REMEMBER.

23 Q BUT YOU DO RECALL THERE WAS NEWS WHEN THE BODIES WERE  
24 FOUND, DON'T YOU?

25 A I DON'T REMEMBER THE DATE WHEN THAT CAME OUT.

1 Q YOU TESTIFIED ABOUT 25 PEOPLE LEAVING THE RESIDENCE TO GO  
2 DIG UP FIVE TONS OF MARIJUANA; RIGHT?

3 MR. MEDRANO: OBJECTION TO THE FORM OF THE QUESTION.  
4 COUNSEL IS TESTIFYING.

5 MR. STOLAR: I'M SETTING A TIME FOR THE QUESTION.

6 THE COURT: YES. THE OBJECTION IS OVERRULED.

7 BY MR. STOLAR:

8 Q DO YOU RECALL THAT TESTIMONY?

9 A YES.

10 Q WAS THAT IN FEBRUARY OF 1985, THAT THAT EVENT TOOK PLACE?

11 A YES.

12 Q THAT WOULD BE -- DO YOU KNOW WHEN IT IS THAT THE TWO BODIES  
13 WERE FOUND?

14 A I DON'T REMEMBER.

15 Q WASN'T THAT A PRETTY BIG PIECE OF NEWS FOR YOU, PERSONALLY?

16 MR. MEDRANO: OBJECTION, YOUR HONOR. ARGUMENTATIVE  
17 AND IRRELEVANT.

18 THE COURT: SUSTAINED.

19 BY MR. STOLAR:

20 Q IT WAS THE DAY AFTER THE TRUCK WITH THE WORKERS WENT TO DIG  
21 UP THE MARIJUANA THAT JAVIER BARBA TOLD YOU HE WAS LEAVING,  
22 ISN'T IT?

23 A YES, BUT HE DID NOT LEAVE THE CITY.

24 Q THAT'S WHEN HE TOLD YOU HE HAD TO LEAVE; IS THAT RIGHT?

25 A YES.

1 Q AND THEN YOU COULDN'T STAY IN THE HOUSE ANY MORE; IS THAT  
2 RIGHT?

3 A NO, HE DID NOT SAY THAT I COULDN'T STAY.

4 Q PAGE 35, NOVEMBER 30TH, GRAND JURY, QUESTION BY MR.  
5 MEDRANO, LINE 4:

6 "DID HE TELL YOU ANYTHING ELSE AT THAT TIME IN TERMS OF  
7 WHETHER OR NOT YOU COULD CONTINUE WORKING FOR HIM?

8 "A HE TOLD ME HE HAD TO LEAVE, THAT HE WAS HAVING SOME  
9 PROBLEMS, AND THAT I COULD KEEP HIS BEDROOM AND SOME BOOTS, A  
10 BELT, AND THE ROOM.

11 "MR. MEDRANO: AND THE BEDROOM FURNITURE?

12 "THE WITNESS: THE BED.

13 "Q AND HE TOLD YOU THAT HE HAD TO LEAVE?

14 "THE WITNESS: YES, THAT I COULDN'T STAY AT THE HOUSE  
15 ANY LONGER."

16 NOW, DO YOU RECALL HIM TELLING YOU WHY HE HAD TO  
17 LEAVE?

18 THE INTERPRETER: I'M SORRY, YOUR HONOR. COULD THE  
19 INTERPRETER HAVE THAT AGAIN?

20 BY MR. STOLAR:

21 Q DO YOU RECALL HIM TELLING YOU -- JAVIER BARBA TELLING  
22 YOU -- WHY HE HAD TO LEAVE TOWN?

23 A NO.

24 Q SAME PAGE:

25 "Q AND DID HE TELL YOU WHY HE HAD TO LEAVE?"

1 ANSWER, BY YOU:

2 "BECAUSE HE WAS WANTED BECAUSE OF CAMARENA'S MURDER."

3 DO YOU RECALL GIVING THAT TESTIMONY TO THE GRAND JURY?

4 A YES.

5 Q THAT WAS BEFORE THE POLICE EVEN KNEW THERE WAS A MURDER.

6 MR. MEDRANO: OBJECTION, YOUR HONOR. THAT CALLS FOR  
7 SPECULATION, AND LACK OF FOUNDATION.

8 THE COURT: WELL, IT'S NOT A QUESTION. IT'S A  
9 STATEMENT.

10 BY MR. STOLAR:

11 Q ISN'T IT?

12 COURTROOM: (LAUGHTER.)

13 MR. MEDRANO: SAME OBJECTION, YOUR HONOR.

14 THE COURT: OVERRULED.

15 THE WITNESS: I DON'T UNDERSTAND YOU.

16 BY MR. STOLAR:

17 Q JAVIER BARBA LEFT GUADALAJARA PRIOR TO THE TIME THAT THE  
18 POLICE KNEW CAMARENA WAS DEAD; ISN'T THAT SO?

19 THE COURT: WELL, THAT QUESTION'S NOT CLEAR, COUNSEL.  
20 DO YOU MEAN PRIOR TO THE TIME THAT THERE WAS A DISCOVERY OF HIS  
21 BODY?

22 MR. STOLAR: YES, SIR.

23 BY MR. STOLAR:

24 Q YOU TOLD THE GRAND JURY, DID YOU NOT, THAT JAVIER BARBA HAD  
25 TO LEAVE BECAUSE HE WAS WANTED FOR MURDER?

1 A HE WAS BEING SOUGHT. HE WAS BEING SOUGHT.

2 Q FOR MURDER?

3 A WELL, YES.

4 Q ARE YOU SURE YOU DON'T HAVE YOUR DATES AND TIMES MIXED UP,  
5 SIR?

6 MR. MEDRANO: OBJECTION TO THE FORM OF THE QUESTION,  
7 YOUR HONOR.

8 THE COURT: SUSTAINED.

9 BY MR. STOLAR:

10 Q IN FACT, YOU ARE MAKING UP WHAT GOES ON AT THESE MEETINGS,  
11 AREN'T YOU?

12 A NO WAY. EVERYTHING IS TRUE.

13 Q ON JANUARY 16TH -- I'M SORRY. ON JANUARY 11TH OF THIS  
14 YEAR, YOU WERE INTERVIEWED AGAIN BY SALAZAR AND BERRELLEZ; IS  
15 THAT RIGHT?

16 A YES.

17 Q THE SUBJECT OF THAT MEETING WAS BECAUSE YOU REMEMBERED SOME  
18 MORE SPECIFIC STATEMENTS THAT PEOPLE HAD MADE AT MEETINGS;  
19 RIGHT?

20 A YES.

21 Q YOU WERE TALKING ABOUT THE MEETING AROUND THE TIME OF THE  
22 WEDDING, WHICH IS OCTOBER OF 1984; IS THAT RIGHT?

23 A YES.

24 Q DIDN'T YOU TELL AGENTS SALAZAR AND BERRELLEZ THAT AT THAT  
25 MEETING, MANUEL IBARRA HERRERA STATED THAT BECAUSE OF ALL THE

1 RECENT SEIZURES IN ZACATECAS AND BUFALO THAT HAD OCCURRED, THE  
2 SECRETARIO OF GOBERNACION HAD RECEIVED A LOT OF NEGATIVE  
3 EXPOSURE?

4 A NO, I DID NOT SPEAK THOSE WORDS.

5 Q YOU DIDN'T SAY THAT TO THE AGENT, ON YOUR JANUARY 11TH  
6 DISCUSSION WITH HIM?

7 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED.

8 THE COURT: SUSTAINED.

9 BY MR. STOLAR:

10 Q DID YOU SAY ANYTHING TO THE AGENT AT THAT INTERVIEW ABOUT  
11 THE SUBJECT OF DISCUSSION BEING THAT THE SECRETARY OF STATE WAS  
12 HAVING A PROBLEM BECAUSE OF THE SEIZURES AT ZACATECAS AND  
13 BUFALO?

14 MR. MEDRANO: SAME OBJECTION, YOUR HONOR. ASKED AND  
15 ANSWERED.

16 THE COURT: OVERRULED.

17 THE WITNESS: BUFALO WAS NOT NAMED.

18 BY MR. STOLAR:

19 Q YOU NEVER SAID "BUFALO"?

20 A NO.

21 Q DO YOU KNOW WHEN THE SEIZURE TO BUFALO TOOK PLACE?

22 MR. MEDRANO: OBJECTION. LACK OF FOUNDATION.

23 THE COURT: OVERRULED.

24 THE WITNESS: NO.

25 BY MR. STOLAR:

1 Q THE SEIZURES AT BUFALO WERE NOT DISCUSSED AT THE FEBRUARY  
2 MEETING?

3 A NO.

4 Q DID YOU EVER OVERHEAR ANY CONVERSATIONS CONCERNING THE  
5 SEIZURES AT BUFALO?

6 A AS I JUST TOLD YOU, NO.

7 Q WERE YOU AWARE THAT IT WAS BIGGEST MARIJUANA BUST IN  
8 HISTORY?

9 MR. MEDRANO: OBJECTION. LACK OF FOUNDATION.  
10 RELEVANCE.

11 THE COURT: THE WITNESS SAID HE DIDN'T KNOW ABOUT IT.

12 MR. STOLAR: LET ME TRY ONE MORE QUESTION, YOUR HONOR.

13 Q WERE YOU AWARE THAT THE BUFALO SEIZURE WAS THE LARGEST  
14 MARIJUANA BUST IN HISTORY?

15 MR. MEDRANO: OBJECTION. LACK OF FOUNDATION AND  
16 RELEVANCE.

17 MR. STOLAR: LAST QUESTION, YOUR HONOR. I PROMISE.

18 COURTROOM: (LAUGHTER.)

19 THE COURT: WELL, IF IT'S NOT SAME ONE, IT'S ALL  
20 RIGHT.

21 MR. STOLAR: THERE IS A MATTER OF FURTHER CROSS THAT I  
22 HAVE TO RESERVE ON; BUT OTHERWISE, I HAVE NO QUESTIONS.

23 THE COURT: ALL RIGHT. REDIRECT.

24 MR. MEZA: YOUR HONOR BEFORE THE REDIRECT, I'D LIKE TO  
25 REOPEN MY CROSS BASED ON SOME EXAMINATION THAT WAS BROUGHT OUT

1 ON CROSS. I WOULD ALSO LIKE TO RENEW MY SIMMONS MOTION BASED  
2 ON AN ENTIRELY NEW SET OF FACTS. AND THE REASON I SAY IT IS  
3 I'M ANTICIPATING --

4 THE COURT: THERE'S NO REASON TO RENEW THE MOTION AND  
5 THERE'S NO REASON TO CHANGE THE RULING ON IT.

6 MR. MEZA: THERE'S AN ENTIRELY DIFFERENT SET OF FACTS.  
7 IT HAS NOTHING TO DO WITH THE FACTS I RAISED IT ON.

8 THE COURT: THEN WE'LL TAKE IT UP AT THE RECESS.

9 NOW, DO YOU WANT TO DO SOME CROSS-EXAMINATION?

10 MR. MEZA: JUST A REAL LIMITED AREA.

11 THE COURT: WELL, I WOULD HOPE SO

12 MR. MEZA: THANK YOU.

13 CROSS-EXAMINATION + (REOPENED)

14 BY MR. MEZA:

15 Q WHAT IS THE D.P.S.?

16 A IT'S THE STATE DEPARTMENT OF PUBLIC SAFETY.

17 Q ALL RIGHT. AND THAT IS THE AGENCY UNDER WHICH YOU WORKED  
18 FOR THE RIOT SQUAD; CORRECT?

19 A YES.

20 Q ON BOTH OCCASIONS THAT YOU'D WORKED FOR THE RIOT SQUAD;  
21 CORRECT?

22 A YES.

23 Q IS THERE A DIFFERENCE BETWEEN THE D.P.S. AND THE JALISCO  
24 STATE POLICE DEPARTMENT, THE POLICE OFFICERS?

25 A IT'S THE SAME THING.

1 MR. MEZA: FINE. THANK YOU. I HAVE NOTHING FURTHER.

2 THE COURT: REDIRECT?

3 MR. MEDRANO: VERY BRIEFLY, YOUR HONOR. THANK YOU.

4 REDIRECT EXAMINATION +

5 BY MR. MEDRANO:

6 Q MR. CERVANTES, CAN I DIRECT TO YOU GOVERNMENT'S EXHIBIT  
7 174, WHICH SHOULD BE RIGHT IN FRONT OF YOU THERE, SIR?

8 MR. MEZA: YOUR HONOR -- (WHISPERS OUT OF HEARING OF  
9 REPORTER AND SITS DOWN.)

10 BY MR. MEDRANO:

11 Q DO YOU SEE EXHIBIT 172, SIR? CAN YOU TELL ME WHAT IT IS?

12 MS. KELLY: YOUR HONOR --

13 THE WITNESS: YES. IT'S A PHOTOGRAPH OF BERNA.

14 MS. KELLY: YOUR HONOR.

15 THE COURT: YES.

16 MS. KELLY: YOUR HONOR, BEFORE THIS DOCUMENT IS  
17 ADMITTED INTO EVIDENCE, YOUR HONOR, WE HAVE A NEW BASIS FOR  
18 OBJECTING.

19 THE COURT: WE'LL JUST PASS THIS MATTER UNTIL THE  
20 RECESS.

21 MR. MEDRANO: VERY WELL, YOUR HONOR.

22 Q MR. CERVANTES, SINCE YOU'VE STARTED MEETING WITH THE D.E.A.  
23 IN THIS CASE, YOU'VE BEEN SHOWN PHOTOGRAPHS; IS THAT CORRECT?

24 MR. MEZA: YOUR HONOR, I'M GOING TO OBJECT TO THIS.  
25 THIS IS THE SUBJECT MATTER OF THE RENEWED SIMMONS MOTION.

1 MR. MEDRANO: IT HAS NOTHING TO DO WITH 172.

2 MR. STOLAR: I OBJECT, ALSO, BECAUSE IT HAS TO DO SO  
3 WITH CERTAIN PHOTOGRAPHS WHICH ARE THE SUBJECT OF SOME  
4 DISCUSSION WITH THE COURT AND COUNSEL.

5 MR. MEDRANO: NO PHOTOGRAPHS WILL BE SHOWN TO THE  
6 WITNESS, YOUR HONOR.

7 MR. STOLAR: I UNDERSTAND THAT.

8 THE COURT: THE OBJECTION IS OVERRULED.

9 BY MR. MEDRANO:

10 Q MR. CERVANTES, SINCE YOU'VE MET WITH THE D.E.A. IN THIS  
11 CASE, SEVERAL PHOTOGRAPHS HAVE BEEN SHOWN TO YOU; IS THAT  
12 RIGHT?

13 A YES.

14 Q ON MANY DIFFERENT OCCASIONS?

15 A YES.

16 Q BY DIFFERENT AGENTS?

17 A YES.

18 Q DO YOU RECALL HOW MANY TIMES PHOTOGRAPHS HAVE BEEN SHOWN TO  
19 YOU, IN TOTAL?

20 A NO.

21 Q DO YOU RECALL HOW MANY DIFFERENT AGENTS HAVE SHOWN PHOTOS  
22 TO YOU IN TOTAL?

23 A NO.

24 Q MR. CERVANTES, PRIOR TO YOUR TESTIMONY TODAY, HAVE YOU  
25 EVERY REVIEWED ANY REPORTS BY THE D.E.A.?

1 A NO.

2 Q ANY WRITTEN BY HECTOR BERRELLEZ, THE D.E.A. AGENT?

3 A NO.

4 Q BY DELBERT SALAZAR?

5 A NO.

6 Q TOMMY MORALES?

7 A NO.

8 Q ANYBODY?

9 A NO.

10 Q YOU'VE APPEARED BEFORE GRAND JURY THREE SEPARATE TIMES; IS  
11 THAT RIGHT?

12 A YES.

13 Q HAVE YOU EVER REVIEWED THE TRANSCRIPTS FROM ANY OF THOSE  
14 GRAND JURY APPEARANCES?

15 A NO.

16 Q LET ME DIRECT YOU VERY QUICKLY TO THE WEDDING MEETINGS IN  
17 OCTOBER OF 1984.

18 MR. CERVANTES, I'D LIKE TO UNDERSTAND THE CHRONOLOGY  
19 OF EVENTS ON THAT DAY.

20 ON THE DAY OF THE WEDDING, WHAT IS THE FIRST THING  
21 THAT HAPPENS?

22 A GOING TO THE AIRPORT.

23 Q WHEN YOU RETURN FROM THE AIRPORT, IS THAT WHEN THE FIRST  
24 MEETING OCCURS IN THE LIVING ROOM?

25 A YES.

1 Q WHAT HAPPENS AFTER THE FIRST MEETING, MR. CERVANTES?

2 A WELL, WE GO -- THE PEOPLE GO TO THE CHURCH.

3 Q AND THAT'S WHERE THE WEDDING IS HELD?

4 A YES. IN THE CHURCH.

5 Q AFTER THE WEDDING AT THE CHAPEL -- STRIKE THAT.

6 AFTER THE WEDDING AT THE CHURCH, MR. CERVANTES, DO  
7 PEOPLE RETURN TO LA QUINTA?

8 A YES.

9 Q IS THAT WHEN THE PARTY STARTS?

10 A YES.

11 Q AND AFTER THE PARTY, AT DAWN, IS THAT WHEN THE SECOND  
12 MEETING OCCURS THAT YOU TESTIFIED ABOUT?

13 MR. MEDVENE: OBJECTION. LEADING AND SUGGESTIVE, YOUR  
14 HONOR.

15 THE COURT: OVERRULED.

16 THE WITNESS: YES

17 BY MR. MEDRANO:

18 Q MR. CERVANTES, GIVE ME THE APPROXIMATE DATE THAT YOU  
19 STOPPED WORKING AT LA QUINTA IN 1985?

20 A IT WAS APPROXIMATELY IN THE MONTH OF MARCH, TOWARD THE END  
21 OF MARCH.

22 Q FROM MARCH OF 1985 TO OCTOBER OF 1989, WHERE DID YOU AND  
23 YOUR FAMILY RESIDE?

24 A AT THE HOUSE BELONGING TO MY MOTHER-IN-LAW.

25 Q YOUR MOTHER-IN-LAW OWNED THAT HOUSE?

1 A YES.

2 Q YOU AND YOUR FAMILY LIVED AT THE HOUSE?

3 A YES.

4 Q FROM MARCH OF 85 TO OCTOBER OF 89, DID YOU PAY RENT TO LIVE  
5 AT THAT HOUSE?

6 A NO.

7 Q PRIOR TO YOUR TESTIMONY TODAY, YOU RECEIVED ABOUT \$3,000.00  
8 A MONTH FROM THE D.E.A.; IS THAT CORRECT?

9 MR. MEZA: OBJECTION, YOUR HONOR. MISSTATES THE  
10 EVIDENCE.

11 THE COURT: WELL, RESTATE YOUR QUESTION.

12 BY MR. MEDRANO:

13 Q SINCE YOUR ARRIVAL IN LOS ANGELES IN OCTOBER AND NOVEMBER  
14 OF 1989, MR. CERVANTES, ABOUT HOW MUCH HAVE YOU BEEN RECEIVING  
15 A MONTH FROM THE D.E.A.?

16 A 3,000.

17 Q YOU AND YOUR IMMEDIATE FAMILY CURRENTLY RESIDE IN THE  
18 UNITED STATES?

19 A YES.

20 Q IS THAT YOU, YOUR WIFE, AND TWO CHILDREN?

21 A YES.

22 Q DID THE FAMILIES -- STRIKE THAT.

23 IN THE UNITED STATES, WITHOUT TELLING MEE THE CITY,  
24 HOW MUCH APPROXIMATELY DO YOU PAY A MONTH IN RENT.

25 MR. MEZA: OBJECTION, YOUR HONOR. IRRELEVANT.

1 MR. STOLAR: YES, I OBJECT, ALSO. THE BASIS IS THAT  
2 GIVEN THE WAY THE QUESTION'S PHRASED AND THE QUESTIONS I EXPECT  
3 FROM MR. MEDRANO, IF I WANT TO FIND OUT WHERE IT IS, THERE'S NO  
4 WAY WE CAN CORROBORATE THE INFORMATION.

5 THE COURT: THE OBJECTION'S OVERRULED.

6 BY MR. MEDRANO:

7 Q HOW MUCH A MONTH IN RENT DO YOU PAY IN THE UNITED STATES?

8 A \$1,000.00.

9 Q DOES THIS COME FROM THAT 3,000 A MONTH THAT YOU'VE BEEN  
10 RECEIVING?

11 A YES.

12 Q OUT OF THAT 3,000 A MONTH, WHAT OTHER EXPENSES DO YOU PAY  
13 FROM THAT MONEY, IN THE UNITED STATES?

14 A WELL, THERE'S FOOD, CLOTHING; EVERYTHING THAT YOU NEED FOR  
15 A FAMILY.

16 Q IN ADDITION TO YOUR WIFE AND TWO CHILDREN, DO YOU HAVE ANY  
17 OTHER FAMILY MEMBERS PRESENTLY RESIDING WITH YOU IN THE UNITED  
18 STATES?

19 A YES.

20 Q WITHOUT GIVING ME NAMES, WHAT RELATIONSHIP ARE THESE  
21 PEOPLE? WHO ARE THEY?

22 A THEY'RE MY BROTHERS AND MY SISTERS.

23 Q HOW MANY BROTHERS AND HOW MANY SISTERS?

24 A TWO BROTHERS AND FOUR SISTERS AND MY MOTHER.

25 Q IN ADDITION TO YOUR IMMEDIATE FAMILY, DO YOU ALSO SUPPORT

1 THESE PEOPLE ON THE 3,000 A MONTH THAT YOU'RE RECEIVING?

2 A YES.

3 Q FINALLY, MR. CERVANTES, DO YOU REMEMBER TESTIFYING BEFORE  
4 THE FEDERAL GRAND JURY ABOUT JANUARY 17 OF 1990?

5 A YES.

6 Q AND DO YOU RECALL IN THE EARLY PART OF YOUR TESTIMONY THAT  
7 YOU DID NOT MENTION THAT MATTA BALLESTEROS WAS AT THE SECOND  
8 MEETING?

9 A YES.

10 Q DO YOU RECALL LATER ON, STILL ON JANUARY 17, CORRECTING  
11 YOUR TESTIMONY BEFORE THE GRAND JURY?

12 MR. STOLAR: IT OBJECT TO THE CHARACTERIZATION THAT HE  
13 CORRECTED THE TESTIMONY.

14 THE COURT: WELL, YOU MAY READ THE TESTIMONY.

15 MR. MEDRANO: THANK YOU, YOUR HONOR.

16 JANUARY 17, PAGE 15, LINE 23, QUESTION TO MR.

17 CERVANTES:

18 "Q NOW, YOU MENTIONED SEVERAL PEOPLE WHO WERE PRESENT AT THAT  
19 MEETING. AND PERHAPS I FAILED TO ASK YOU, BUT WAS MATTA  
20 BALLESTEROS PRESENT FOR THAT MEETING, AS WELL?

21 "A OH, YES. ON THE SECOND ONE, YES. YES."

22 Q IS THAT HOW YOU TESTIFIED ON JANUARY 17TH?

23 A YES.

24 MR. MEDRANO: MAY I HAVE JUST ONE MOMENT, YOUR HONOR?

25 (PAUSE IN PROCEEDINGS.)

1 MR. MEDRANO: YOUR HONOR, THE GOVERNMENT HAS FINISHED  
2 REDIRECT OTHER THAN GOVERNMENT'S EXHIBIT 172, WHICH --

3 THE COURT: WELL, WE'LL TAKE OUR AFTERNOON RECESS AT  
4 THIS TIME. THE JURY MAY BE EXCUSED.

5 THE CLERK: PLEASE RISE.

6 THE COURT: ORDER IN THE COURT.

7 PLEASE RISE.

8 (JURY ABSENT:)

9 MR. MEDRANO: MAY THE WITNESS BE EXCUSED, YOUR HONOR?

10 THE COURT: YES, THE WITNESS MAY BE EXCUSED.

11 THE CLERK: YOU MAY BE SEATED.

12 JUDY, DID ONE OF THE ALTERNATES HAND YOU A NOTE? MAY  
13 I SEE IT? (EXAMINES NOTE PROVIDED BY CLERK.)

14 WELL, THIS IS A NOTE FROM THE ALTERNATE NO. 3, MR.  
15 STORMS, COMPLAINING ABOUT BEING SHORTED ON HIS PAY BY THE JURY  
16 CLERK.

17 COURTROOM: (LAUGHTER.)

18 THE COURT: IT HAD NOTHING TO DO WITH THE CASE.

19 NOW, LET ME ASK -- YOU MAY SEE IT IF YOU WISH, ANY  
20 COUNSEL.

21 COUNSEL, WHAT IS IT YOU INTEND TO GO INTO WITH THIS  
22 WITNESS REGARDING THESE PHOTOGRAPHS?

23 MR. MEDRANO: FIRST OF ALL YOUR HONOR, IT'S ONLY ONE  
24 PHOTOGRAPH, EXHIBIT 172, WHICH I SHOWED TO YOU AT THE EARLIER  
25 RECESS.

1 THE COURT: THAT IS THE ONLY PHOTOGRAPH?

2 MR. MEDRANO: THAT'S THE ONLY PHOTOGRAPH, YOUR HONOR.

3 THE COURT: AND YOU ARE GOING TO ASK THIS WITNESS TO  
4 IDENTIFY THE PERSON DEPICTED IN THE PHOTOGRAPH?

5 MR. MEDRANO: YES, YOUR HONOR, AND THE PROFFER IS THAT  
6 HE WILL DO SO. AND I WILL FURTHER ASK HIM IF THE APPEARANCE OF  
7 BERNABE IN THIS PHOTOGRAPH IS SIMILAR TO HOW HE REMEMBERS HIM  
8 IN 84, AT THE TIME OF THE DISAPPEARANCE, AND WHEN HE SAW HIM.  
9 AND I BELIEVE HIS ANSWER WILL BE --

10 THE COURT: NOW, YOU SAID THIS MORNING --

11 MR. MEDRANO: -- YES.

12 THE COURT: -- UNTIL THIS MORNING, THIS WITNESS HAD  
13 NEVER SEEN THE PHOTOGRAPH.

14 MR. MEDRANO: THAT'S CORRECT, YOUR HONOR. I SHOWED  
15 THAT TO MR. CERVANTES THIS MORNING BEFORE WE COMMENCED TRIAL  
16 TODAY.

17 THE COURT: WELL, WHAT IS THE OBJECTION TO THIS?

18 MS. KELLY: YOUR HONOR, THE OBJECTION TO THIS IS THAT  
19 IT'S A HEARSAY STATEMENT. IT'S A SUBSEQUENT IDENTIFICATION  
20 MADE AFTER AN IN-COURT IDENTIFICATION.

21 THIS IS NOT THE CLASSIC PRIOR IN-COURT/PRIOR  
22 OUT-OF-COURT IDENTIFICATION, WHERE A WITNESS, PRESUMABLY A BANK  
23 TELLER, LOOKS AT A PHOTOGRAPH AT OR AROUND THE TIME OF THE  
24 EVENT, IDENTIFIES THE PERPETRATOR OF THE OFFENSE AND THEN COMES  
25 INTO COURT AND, THROUGH SOME EITHER FEAR OR LAPSE OF MEMORY,

1 CANNOT IDENTIFY THE PERPETRATOR IN COURT.

2 AND THEN IF THE STATEMENT -- THE PRIOR IDENTIFICATION  
3 COMES IN AS AN EXCEPTION UNDER 801(D)(1)(C), AND YOUR HONOR,  
4 BECAUSE THERE IS A SUBSEQUENT --

5 THE COURT: WELL, JUST A MOMENT. WE HAD AN IN-COURT  
6 IDENTIFICATION --

7 MS. KELLY: YES, YOUR HONOR.

8 THE COURT: -- IN WHICH THIS WITNESS SAID THAT YOUR  
9 CLIENT WAS PRESENT AT A GIVEN PLACE AND TIME.

10 MS. KELLY: EXACTLY.

11 THE COURT: BUT HE ALSO DESCRIBED HIM AS LOOKING  
12 DIFFERENT THAN HE DOES NOW. I THINK YOU'LL RECALL HE HELD HIS  
13 HANDS OUT HERE TO INDICATE THAT HIS HAIR WAS OUT AND THAT HE  
14 HAD A --

15 MR. MEDRANO: CORRECT.

16 THE COURT: -- GOATEE. NOT A GOATEE, BUT A MUSTACHE  
17 WHICH ENCIRCLED HIS CHIN.

18 SO THIS IS AN EFFORT BY THE GOVERNMENT TO SHOW THE  
19 WITNESS A PHOTOGRAPH OF WHAT IS PURPORTED TO BE THE DEFENDANT.

20 YOU CAN ASK THE WITNESS IF THIS IS WHAT HE LOOKED LIKE  
21 AT THAT TIME.

22 WHAT IS WRONG WITH THAT?

23 MS. KELLY: WELL, YOUR HONOR, THERE ARE TWO THINGS  
24 THAT ARE WRONG. I DO BELIEVE THAT IT'S IMPROPER HEARSAY  
25 MATERIAL AND THERE'S NO EXCEPTION FOR IT.

1 THE COURT: IMPROPER WHAT?

2 MS. KELLY: HEARSAY. I DON'T BELIEVE THAT THE  
3 OUT-OF-COURT IDENTIFICATION OF THIS WITNESS IS PROPER TO HAVE  
4 ANY TESTIMONY ABOUT.

5 SECONDLY, YOUR HONOR, I THINK IT'S SUGGESTIVE, WHICH  
6 HAS ALREADY BEEN RAISED BY MY CO-COUNSEL, THAT THE PHOTOGRAPH  
7 ITSELF, YOUR HONOR, WHICH I BELIEVE IS THE PHOTOGRAPH WE  
8 RECEIVED IN DISCOVERY, WAS A PHOTOGRAPH OF MY CLIENT TAKEN  
9 AFTER HIS ARREST BY MEXICAN AUTHORITIES IN MARCH OF 1985, AFTER  
10 HE HAD BEEN SUBJECTED TO BEING URINATED ON HIS FACE, HE HADN'T  
11 HAD ANY FOOD FOR THREE DAYS, HE HADN'T BATHED, AND HIS HAIR WAS  
12 NOT COMBED.

13 NOW, THIS PICTURE I BELIEVE NOT AN ACCURATE  
14 REPRESENTATION OF WHAT HE LOOKED LIKE IN 1984, YOUR HONOR. AND  
15 THERE'S NOT GOING TO BE ANY FOUNDATIONAL TESTIMONY TO ASSERT  
16 WHEN THIS PHOTOGRAPH WAS TAKEN.

17 THE ONLY -- I HAVE NO ONE TO PROFFER AS A WITNESS WITH  
18 RESPECT TO THAT. I THINK THAT THERE SHOULD BE SOME FOUNDATION  
19 LAID FOR THE PHOTOGRAPH.

20 AND, FINALLY, YOUR HONOR, WE LEARNED FOR THE FIRST  
21 TIME THAT THERE WAS AN IN-COURT AND OUT-OF-COURT IDENTIFICATION  
22 OF BERNABE RAMIREZ FROM THE PHOTO LINEUP, YOUR HONOR, OF THE  
23 OTHER DEFENDANTS. MR. MEDRANO ADVISED US OF THIS AT THE NOON  
24 RECESS TODAY.

25 THE COURT: WELL, THIS CAME UP SOME TIME AGO, DIDN'T

1 IT?

2 MR. MEZA: NO, YOUR HONOR.

3 MS. KELLY: NO, NOT WITH RESPECT TO THIS WITNESS, YOUR  
4 HONOR.

5 MR. MEZA: THE COURT HAS BEFORE IT THE SAME  
6 PHOTOSPREAD WE'RE CONCERNED WITH. ON FRIDAY --

7 THE COURT: HE DIDN'T SAY THAT HE'S GOING TO GO INTO  
8 THAT.

9 MR. MEDRANO: I'M NOT USING THAT --

10 MR. MEZA: BUT THE PROBLEM IS WE HAD A PRETRIAL  
11 IDENTIFICATION. THIS WITNESS ON FRIDAY SAID HE NEVER SAW ONE  
12 PHOTOGRAPH OF ANYBODY. HE WAS ADAMANT ABOUT IT. WE FIND --  
13 THAT WAS ON FRIDAY, IN THE MORNING.

14 THE COURT: YES.

15 MR. MEZA: WE FOUND OUT AT 1:30 THIS AFTERNOON THAT IN  
16 FACT THERE HAD BEEN A PRETRIAL IDENTIFICATION OF OUR CLIENT  
17 FROM THIS VERY SAME PHOTOSPREAD BY THIS WITNESS, CERVANTES. WE  
18 FOUND IT OUT -- DIDN'T FIND IT OUT UNTIL FOUR OR FIVE DAYS  
19 LATER.

20 THE COURT: WELL --

21 MR. MEDRANO: YOUR HONOR, IF I MAY ADDRESS THESE  
22 ISSUES --

23 THE COURT: YES.

24 MR. MEDRANO: -- FIRST OF ALL, AS YOU CORRECTLY  
25 INDICATED, I'M NOT USING THAT PHOTOSPREAD. THAT PHOTOSPREAD

1 HAS NOTHING TO DO WITH AN 84 AND 85 --

2 THE COURT: WELL, THEY'RE COMPLAINING THAT MAYBE THE  
3 IN-COURT IDENTIFICATION BY YOUR WITNESS WAS PRECIPITATED BY A  
4 SUGGESTIVE AND IMPERMISSIBLE PHOTOSPREAD.

5 MR. MEZA: THAT'S RIGHT.

6 THE COURT: THAT'S WHAT THEY'RE SAYING.

7 MR. MEDRANO: BUT THE ISSUE IS THIS, YOUR HONOR: THE  
8 IN-COURT I.D. OF HOW BERNABE LOOKS TODAY WAS MADE UNEQUIVOCALLY  
9 BY THE WITNESS. THAT HAS NO EFFECT WHATSOEVER ON A PHOTOGRAPH  
10 THAT THE WITNESS HAS NEVER SEEN, TAKEN IN 84 OR 85, UNTIL THIS  
11 MORNING.

12 THE COURT: BUT WE'RE TALKING ABOUT THIS. WAS THERE A  
13 PHOTO LINE-UP AT WHICH THIS WITNESS IDENTIFIED ANY OF THESE  
14 DEFENDANTS?

15 WHAT I'M HOLDING IN MY HAND IS A PHOTOCOPY.

16 MR. MEDRANO: YES, YOUR HONOR. THAT PHOTOSPREAD, A  
17 PHOTOCOPY OF IT, THAT YOU HAVE NOW, WAS SHOWN TO THIS WITNESS.

18 THE COURT: ALL RIGHT. AND FROM THIS PHOTOSPREAD, DID  
19 HE IDENTIFY ANY OF THE DEFENDANTS?

20 MR. MEDRANO: YES, YOUR HONOR.

21 THE COURT: WHICH ONE?

22 MR. MEDRANO: HE IDENTIFIED EVERY DEFENDANT IN THAT  
23 PHOTOSPREAD.

24 MR. NICOLAYSEN: YOUR HONOR, I JOIN IN THE OBJECTION  
25 ON BEHALF OF DEFENDANT VASQUEZ, BASED ON THE GOVERNMENT'S --

1 THE COURT: WELL, I DON'T KNOW WHAT THE OBJECTIN IS  
2 YET, BUT THERE'S A LOT OF RAMBLING AROUND. NOBODY HAS  
3 SPECIFICALLY STATED, EXCEPT THE COURT --

4 MR. STOLAR: EXCEPT THE COURT. THE COURT  
5 SPECIFICALLY --

6 THE COURT: -- THAT THE IN-COURT IDENTIFICATION IS  
7 TAINTED BY AN IMPERMISSIBLE AND SUGGESTIVE OUT-OF-COURT  
8 IDENTIFICATION BASED ON THIS PHOTO LINE-UP.

9 MR. MEDRANO: WELL, THAT ASSUMES, YOUR HONOR, FIRST OF  
10 ALL, THAT --

11 THE COURT: THAT'S THE CLAIM.

12 MR. MEDRANO: THAT IS THE CLAIM, BUT THERE'S NO BASIS  
13 FOR THAT. I UNDERSTAND WHAT YOU'RE SAYING.

14 IF THAT'S THE ALLEGATION, THEN, THE PHOTOSPREAD, I  
15 WOULD SUBMIT THAT THERE'S TWO THINGS THAT RECTIFIES IT, YOUR  
16 HONOR.

17 FIRST OF ALL, THE PHOTOSPREAD SPEAKS FOR ITSELF AND, I  
18 STRONGLY FEEL, WOULD NOT SUGGEST ANY TAIN.

19 SECOND OF ALL, YOUR HONOR, WHAT YOU'RE ASKING, OR THE  
20 STATEMENTS THAT ALL COUNSEL NOW ARE MAKING IN UNISON, IS THE  
21 BASIS FOR FURTHER CROSS OF THE WITNESS AND GOES TO HIS  
22 CREDIBILITY AND THE STRENGTH OR WEAKNESS OF HIS IN-COURT  
23 IDENTIFICATION.

24 THAT'S THE ISSUE. THAT'S THE WAY IT SHOULD BE  
25 PHRASED.

1 THE COURT: HOW LONG HAVE THESE BEEN AVAILABLE TO THE  
2 DEFENDANTS?

3 MR. MEDRANO: THOSE WERE PROVIDED TO COUNSEL LAST  
4 WEEK, WHEN PLASCENCIA AGUILAR, THE OTHER INFORMANT, WAS ON THE  
5 STAND, YOUR HONOR. YOU MAY RECALL THAT --

6 THE COURT: THAT WAS THE FIRST TIME THEY WERE  
7 PROVIDED?

8 MR. MEDRANO: AND WE ARE IN THE PROCESS OF --

9 THE COURT: WELL, WERE THERE ANY REPORTS PROVIDED TO  
10 THEM INDICATING THAT IDENTIFICATION HAD BEEN MADE FROM THE  
11 PHOTOSPREAD?

12 MR. MEDRANO: I'VE TOLD COUNSEL, THERE ARE NO REPORTS,  
13 YOUR HONOR.

14 THE COURT: SO THEIR FIRST KNOWLEDGE OF THEM WAS LAST  
15 WEEK?

16 MR. MEZA: NO.

17 MS. KELLY: TODAY.

18 (COMMOTION IN COURTROOM.)

19 THE COURT: CALM DOWN. CALM DOWN.

20 MR. MEDRANO: LAST WEEK WAS PLASCENCIA.

21 MR. NICOLAYSEN: MAY 23RD, YOUR HONOR.

22 MR. MEDRANO: TODAY I ALSO ADVISED COUNSEL THAT THAT  
23 PHOTOSPREAD WAS ALSO SHOWN TO THIS WITNESS, MR. CERVANTES.

24 THE COURT: WELL, WHAT IS IT THAT YOU THINK SHOULD BE  
25 DONE WITH RESPECT --

1 MR. STOLAR: MAY I BE HEARD?

2 MR. MEDRANO: YOUR HONOR --

3 MR. STOLAR: MAY I BE HEARD?

4 MR. MEDRANO: -- MAY I STATE ONE OBJECTION?

5 THE COURT: NOW, JUST A MOMENT. NORMALLY,  
6 DETERMINATION OF WHETHER OR NOT A PHOTOSPREAD IS SUGGESTIVE OR  
7 NOT IS MADE ON THE BASIS OF THE PHOTOGRAPHS THAT APPEAR IN IT  
8 AND THE BASIS ON THE SURROUNDING CIRCUMSTANCES.

9 WHAT IS THE POINT HERE?

10 MR. STOLAR: BASED ON WHAT THE WITNESS SAYS WITH  
11 RESPECT TO MY CLIENT, THE ONLY TIME HE SAW THE MAN IN HIS LIFE  
12 WAS OVER A SPACE OF PROBABLY, MAXIMUM, FIVE HOURS, FIVE YEARS  
13 AGO, AND HE NEVER SAW HIM AGAIN.

14 NOW WE FIND OUT THAT HE WAS SHOWN PICTURES OF MR.  
15 MATTA, THE MAN IN COURT, BY AGENTS IN JANUARY AND FEBRUARY AND  
16 ALSO SHOWN THIS PHOTOSPREAD.

17 MY POINT IS THAT HIS IN-COURT IDENTIFICATION IS BASED  
18 ON THE PICTURES THAT YOU WERE SHOWN TO HIM BY THE POLICE, NOT  
19 BASED ON WHAT HE REMEMBERS FROM FIVE YEARS AGO, GIVEN THOSE  
20 CIRCUMSTANCES.

21 SO THE COURT SHOULD CONDUCT A HEARING, OUT OF THE  
22 PRESENCE OF THE JURY, TO INQUIRE WHETHER -- OR WHAT WERE THE  
23 CIRCUMSTANCES OF THE OUT-OF-COURT IDENTIFICATION AND TO  
24 DETERMINE WHETHER THOSE OUT-OF-COURT IDENTIFICATIONS ARE THE  
25 BASIS FOR THE IN-COURT IDENTIFICATION.

1 IF SO, THEN COURT HAS TO STRIKE THE IN-COURT  
2 IDENTIFICATION. IF NOT, THEN THE IN-COURT IDENTIFICATION IS  
3 PERMISSIBLE, AS HAVING AN INDEPENDENT SOURCE; NAMELY, SEEING  
4 MR. MATTA FIVE YEARS AGO.

5 THAT'S THE WAY -- THE SIMMONS PROBLEM.

6 MR. MEZA: YOUR HONOR, FACTUALLY IT'S VERY SIMILAR TO  
7 THE -- BERNABE RAMIREZ FINDS HIMSELF FACTUALLY IN A SIMILAR  
8 POSITION TO THE MATTA POSITION.

9 IN ADDITION TO THAT, MR. CERVANTES, ALL THROUGH THE  
10 GRAND JURY TESTIMONY, NEVER MENTIONS MY CLIENT; THROUGH ALL THE  
11 D.E.A.-6'S WHICH WERE PROVIDED, NEVER MENTIONS MY CLIENT.

12 MR. CERVANTES SAYS THAT ON THE LAST NIGHT HE WAS  
13 INTERVIEWED BY THE AGENT, BERRELLEZ, WHO WAS TAKING NOTES AT  
14 THE TIME, THAT'S WHEN HE FIRST MENTIONS THIS BERNA CHARACTER;  
15 AND YET HE DOESN'T SAY ANYTHING ADDITIONAL ABOUT IT.

16 THE WAY I -- ACCORDING TO MY UNDERSTANDING OF THE  
17 D.E.A. MANUAL, ONCE THERE'S AN INTERVIEW, THERE HAS TO BE A  
18 D.E.A.-6 GENERATED WITHIN ONE OR TWO DAYS AFTER THE INTERVIEW.  
19 WE DON'T HAVE THAT.

20 MR. MEDVENE: WE MIGHT JUST ADD, YOUR HONOR, IF WE  
21 MIGHT, TWO OTHER THINGS: ONE, THE WITNESS HAS PREVIOUSLY SAID  
22 HE DIDN'T SEE ANY PHOTOS, WHICH IS SUSPECT.

23 TWO, IN THE PARTICULAR CASE OF MR. ZUNO, WHEN HE WAS  
24 IDENTIFIED, IT WAS A QUESTIONABLE IDENTIFICATION. THE  
25 TRANSCRIPT REFLECTS THE MAN HAD TO GET OFF THE STAND, HE CAME

1 OVER TO POINT, HE POINTED TO TWO PEOPLE DRESSED SIMILARLY, AND  
2 YOUR HONOR SAID, "WHICH ONE?" AND THEN MR. MEDRANO  
3 DIFFERENTIATED IN THE HAIR COLOR BETWEEN TWO DIFFERENT PEOPLE,  
4 AND ONLY THEN DID HE IDENTIFY MR. ZUNO. AND WE THINK THIS  
5 HEIGHTENS THE PROBLEM OF THE SUSPECT PHOTOS.

6 YOUR HONOR, ON FRIDAY, WHEN COUNSEL FOR THE GOVERNMENT  
7 SAID THE PHOTOS ARE VERY SIMILAR, YOUR HONOR SPECIFICALLY SAID  
8 AT PAGE 6: "ACTUALLY NOT. THERE'S ONLY ONE PHOTO THAT  
9 RESEMBLES THE DEFENDANT."

10 THE COURT: WELL, THAT'S TRUE. NORMALLY, WHEN A  
11 WITNESS IS ASKED TO IDENTIFY A DEFENDANT, OR SUSPECT, ALL OF  
12 THE PHOTOS LOOK LIKE THAT PERSON OR REASONABLY CLOSE TO WHAT  
13 THE DEFENDANT LOOKS LIKE. AND HERE YOU HAVE EACH OF THE  
14 DEFENDANTS SHOWN IN THIS PHOTOSPREAD, INCLUDING DR. ALVAREZ,  
15 WHO DOES NOT LOOK LIKE EITHER OF -- ANY OF THE DEFENDANTS.

16 MR. MEDRANO: YOUR HONOR, THE DIFFICULTY HERE, YOUR  
17 HONOR, IS, TO SPEAK CANDIDLY, THIS IS A COMPLETE RED HERRING,  
18 FOR THE FOLLOWING REASONS:

19 FIRST OF ALL, YOU WERE PRESENT FOR THE IN-COURT I.D.'S  
20 OF MATTA, ZUNO, ALL THE OTHER DEFENDANTS, BY CERVANTES.

21 THE COURT: OH, THERE'S NO QUESTION THE DEFENDANT  
22 IDENTIFIED ALL OF THE DEFENDANTS --

23 MR. MEDRANO: IT IS UNEQUIVOCAL, AND --

24 THE COURT: -- THAT IS, THE WITNESS IDENTIFIED --

25 MR. MEDRANO: -- HE HAD TO GET OFF THE STAND TO GET A

1 BETTER VIEW.

2 THE COURT: THAT'S ARGUMENT AND IS OF VERY LITTLE  
3 VALUE.

4 MR. MEDRANO: I UNDERSTAND. SECOND OF ALL --

5 THE COURT: THE WITNESS IDENTIFIED EACH DEFENDANT.  
6 THE ONLY QUESTION IS WHETHER OR NOT HE HAD AN INDEPENDENT  
7 SOURCE FOR EITHER THAT IDENTIFICATION OR WHETHER THIS  
8 PHOTOSPREAD HE WAS SHOWN WAS IMPERMISSIBLY SUGGESTIVE.

9 MR. MEDRANO: I UNDERSTAND.

10 MR. STOLAR: OR OTHER PHOTOS, ALSO. APPARENTLY, BASED  
11 ON THE QUESTIONING, THERE ARE OTHER PHOTOS OF MY CLIENT THAT  
12 WERE SHOWN TO HIM IN ADDITION TO THAT.

13 THE COURT: IS THAT RIGHT?

14 MR. MEDRANO: I BELIEVE THAT MIGHT BE RIGHT, AND I'M  
15 TRYING TO FIND THOSE PHOTOGRAPHS TO SHOW TO DEFENSE COUNSEL,  
16 YOUR HONOR.

17 MR. NICOLAYSEN: YOUR HONOR, I WOULD MOVE FOR AN ORDER  
18 COMPELLING THE GOVERNMENT TO PRODUCE ALL PHOTOS OF MY CLIENT --  
19 (CONTINUES SPEAKING THROUGHOUT COURT'S STATEMENT.)

20 THE COURT: WELL, I'VE ALREADY GIVEN AN ORDER. I'VE  
21 ALREADY MADE AN ORDER THAT ALL PHOTOGRAPHS SHOWN THIS WITNESS,  
22 OR ANY WITNESS, FOR THAT MATTER, SHOULD BE PRODUCED.

23 MR. MEDRANO: YOUR HONOR, MIGHT I SUGGEST THE  
24 FOLLOWING, BECAUSE, AGAIN, I'M REITERATING: I THINK WHAT'S  
25 HAPPENING HERE IS MR. MEZA OPENS THE DOOR WITH EXHIBIT 63, AN

1 85 PHOTO, GIVES THE WRONG IMPRESSION TO THE JURY, AND WE'RE  
2 TRYING TO RECTIFY THAT WITH GOVERNMENT'S EXHIBIT 172.

3 THE COURT: WELL, THAT'S FINE. I ALREADY SAID YOU  
4 COULD DO THAT.

5 MR. MEDRANO: VERY WELL.

6 THE COURT: THAT IS A DIFFERENT QUESTION.

7 MR. MEDRANO: AND THE ENORMITY OF LOGIC, YOUR HONOR,  
8 FROM THAT TO NOW, IS THAT THE WITNESS'S IN-COURT I.D. HAS BEEN  
9 PREJUDICED OR HAS BEEN TAINTED BECAUSE OF THE PHOTOGRAPHS IN  
10 FRONT OF YOU. AND I SUGGEST THE FOLLOWING, JUDGE:

11 IF THAT'S THEIR POSTURE, NO. 1, LET THEM ARGUE IT IN  
12 CLOSING.

13 AND, NO. 2, THE WITNESS IS HERE. LET'S DO  
14 CROSS-EXAMINATION AND LET THEM FLUSH THAT OUT, LET THEM  
15 ESTABLISH --

16 THE COURT: WELL, YOU KNOW, YOU DIDN'T REALLY LAY MUCH  
17 FOUNDATION TO INDICATE THAT THIS WITNESS HAD ANY PERSONAL  
18 RECOLLECTION OF THE IDENTITIES OF THESE PEOPLE.

19 MR. MEDRANO: AND THAT CAN BE DONE, YOUR HONOR. IF  
20 THAT IS THE ERROR OR OMISSION --

21 THE COURT: WELL, WHAT THEY'RE SUGGESTING THAT SHOULD  
22 BE SHOWN IS THAT THE ABILITY TO IDENTIFY THESE DEFENDANTS WAS  
23 NOT DEPENDENT ON HIS VIEW OF THE PHOTOSPREAD, BUT WAS BASED ON  
24 HIS INDEPENDENT RECOLLECTION, BASED ON THE RELATIONSHIP OR  
25 ASSOCIATIONS OR TIME SPENT WITH THESE PEOPLE AND OPPORTUNITY TO

1 SEE THEM.

2 MR. MEDRANO: YOU HIT THE NAIL ON THE HEAD, YOUR  
3 HONOR.

4 THE COURT: THAT'S WHAT THIS IS ALL ABOUT.

5 MR. MEDRANO: WELL, IF THAT IS THE ERROR IN HERE, THE  
6 GOVERNMENT'S FAILURE TO ASK THE LAST QUESTION AS TO THE I.D.,  
7 WHETHER IT'S BASED ON AN IMPERMISSIBLE, TAINTED PHOTOSPREAD OR  
8 ON HIS OWN INDEPENDENT RECOLLECTION, MY SUGGESTION IS THAT ON  
9 FURTHER REDIRECT, IN ADDITION, TO SAY, YOUR HONOR, THAT PHOTO,  
10 I COULD BRING THAT UP WITH THE WITNESS. (AS STATED.)

11 MR. MEZA: YOUR HONOR, THAT SHOULD BE DONE OUT OF THE  
12 PRESENCE OF THE JURY.

13 THE COURT: WELL, I THINK THAT IT SHOULD BE A HEARING  
14 OUTSIDE THE PRESENCE OF THE JURY, AND YOU CAN THEN ESTABLISH  
15 THE BASIS FOR THE IN-COURT IDENTIFICATION, IF IT WAS  
16 INDEPENDENT FROM THE PHOTOSPREAD.

17 MR. MEDRANO: I UNDERSTAND, YOUR HONOR.

18 THE COURT: THAT IS STANDARD PROCEDURE. IT WOULD  
19 FOLLOW WHERE THAT TYPE OF -- WHERE IT IS CLAIMED THAT THE  
20 IN-COURT EXAMINATION HAS BEEN CONTAMINATED BY EXPOSURE TO A  
21 SUGGESTIVE PHOTOSPREAD OR LINE-UP.

22 MR. MEDRANO: I UNDERSTAND. VERY WELL.

23 MS. KELLY: YOUR HONOR, WE WOULD LIKE TO RENEW THE  
24 OBJECTION TO EXHIBIT 172, THAT IT IS, FROM MY UNDERSTANDING, AN  
25 ARREST PHOTOGRAPH, YOUR HONOR, WHICH WAS TAKEN IN MARCH OF

1 1985. SO IF IT'S PROFFERED AS EVIDENCE OF HOW DEFENDANT  
2 BERNABE LOOKED IN 1984, WE WOULD OPPOSE IT.

3 THE COURT: WELL, I DON'T THINK THERE'S ANYTHING WRONG  
4 WITH THAT EVIDENCE OR THAT PICTURE, OR THEIR TRYING TO SHOW  
5 WHAT HE LOOKED LIKE, IF THIS WITNESS IS ABLE TO SAY THAT.

6 THIS DEPENDS, OF COURSE, ON HIS HAVING AN INDEPENDENT  
7 ABILITY TO DO SO, AS I'VE ALREADY SUGGESTED, OR TO TIE IT IN TO  
8 SOME EXTENT TO THE PHOTOCOPY PHOTOSPREAD, PROBABLY.

9 WE'LL NEXT CONVENE WITH THE WITNESS ONLY --

10 MR. MEDRANO: VERY WELL, YOUR HONOR.

11 THE COURT: -- IN AN ATTEMPT TO ESTABLISH --

12 MR. MEDVENE: IF THE COURT PLEASE, MAY I TAKE UP ONE  
13 OTHER MATTER SO WE DON'T TAKE UP THE JURY'S TIME?

14 WE WOULD LIKE TO BRIEFLY RE-CROSS. THERE ARE CERTAIN  
15 AREAS THAT I BELIEVE WERE BROUGHT UP EITHER BY CROSS, MAYBE  
16 NOT, BY REDIRECT.

17 THE REASON I ASK, YOUR HONOR, IS SO THE WITNESS CAN BE  
18 RELEASED. WE COULD CERTAINLY CALL HIM BACK UP, BUT I DON'T  
19 THINK OUR RE-CROSS WILL TAKE MORE THAN 10 MINUTES.

20 CAN I TELL YOU EXACTLY --

21 THE COURT: WHAT IS IT?

22 MR. MEDVENE: THERE WERE AREAS THAT WERE BROUGHT UP --  
23 ON THE PRE-WEDDING MEETING, THE WITNESS'S TESTIMONY IS  
24 BASICALLY THAT THEY DIDN'T KNOW WHO THE D.E.A. AGENT WAS.

25 AND CERTAIN REPORTS WE GOT THE DAY BEFORE HE TOOK THE

1 STAND AND THE REPORT WE GOT THE DAY BEFORE HE TOOK THE STAND,  
2 IT UNEQUIVOCALLY STATES THAT THE AGENT BEING DISCUSSED AND THE  
3 MAIN TOPIC OF CONVERSATION AT THAT MEETING WAS ENRIQUE  
4 CAMARENA. THAT HASN'T BEEN BROUGHT OUT ON CROSS.

5 I'D LIKE TO BRING OUT --

6 THE COURT: IT'S BEEN BROUGHT OUT MORE THAN ONCE.  
7 IT'S BEEN BROUGHT OUT A HALF A DOZEN TIMES. THE WITNESS HAS  
8 INDICATED REPEATEDLY THAT HE NEVER HEARD THEM DISCUSS THE NAME  
9 CAMARENA.

10 THAT IT WAS WRITTEN DOWN BY AN AGENT, IF THAT'S WHAT  
11 YOU'RE TALKING ABOUT, IS NOT INDICATIVE THAT HE HEARD THEM  
12 DISCUSS THE NAME. IT MAY BE AN ASSUMPTION ON THE PART OF THE  
13 AGENT, PARAPHRASING WHAT THE WITNESS SAID.

14 MR. MEDVENE: WELL, BUT WHAT I WANT TO ESTABLISH, YOUR  
15 HONOR, THAT HASN'T APPARENTLY BEEN YET, IS THAT WHAT THE  
16 REPORTS THAT WERE READ SAID, THAT THE REPORTS STATED WHICH  
17 AGENT WAS RESPONSIBLE, THAT ALDANA STATED CERTAIN THINGS ABOUT  
18 THIS AGENT, AND LASTLY, THAT THE AGENT BEING DISCUSSED WAS  
19 CAMARENA.

20 THERE ARE A FEW OTHER AREAS.

21 I MIGHT JUST ALSO NOTE, YOUR HONOR, THIS IS THE ONLY  
22 WITNESS AGAINST MR. ZUNO. AND I JUST ASK THAT WE BE PERMITTED  
23 TO GO INTO THIS AND A FEW OTHER AREAS. THERE ARE NO OTHER  
24 KIDNAPPING WITNESSES, AS WE UNDERSTAND IT FROM THE TRIAL BRIEF  
25 AND FROM THE OPENING.

1           THERE'S ALSO A QUESTION WITH RESPECT TO THE FEBRUARY  
2 MEETING AND CERTAIN THINGS THAT WERE SAID.

3           AND THERE'S, LASTLY, A QUESTION ABOUT WHETHER IT'S NOT  
4 TRUE THAT IN NONE OF THE WITNESS'S PRIOR TESTIMONY DID HE  
5 TESTIFY ABOUT ANY KIDNAPPING DISCUSSION AT THIS SEPTEMBER  
6 BAPTISM MEETING.

7           BUT IT'S THAT SHORT.

8           THE COURT: IT DOESN'T SOUND SHORT, AND IT SOUNDS LIKE  
9 IT'S GOING TO BE A COMPLETE REHASH OF WHAT'S ALREADY BEEN GONE  
10 INTO.

11           NOW, YOU'VE HAD AMPLE TIME TO CROSS-EXAMINE THIS  
12 WITNESS. ALL THE OTHER COUNSEL HAVE, AS WELL. I THINK  
13 EVERYTHING IS BEFORE THE JURY. AND I'M NOT SURE THAT YOU'VE  
14 INDICATED ANY NEW AREA THERE THAT YOU HAVEN'T ALREADY COVERED.

15           MR. MEDVENE: BUT WHAT I'D LIKE --

16           THE COURT: YOU'RE ATTEMPTING TO REEMPHASIZE THINGS,  
17 PERHAPS.

18           MR. MEDVENE: WELL, THAT WASN'T MY INTENT, YOUR HONOR,  
19 BUT WHAT I'D LIKE TO DO IS ONE OF TWO THINGS. EITHER, WITH  
20 YOUR PERMISSION, ASK THE QUESTION; OR, IF NOT, CAN YOU JUST  
21 GIVE ME TIME, WITH DUE RESPECT, YOUR HONOR, TO MAKE MY OFFER OF  
22 PROOF OF THE QUESTIONS I WOULD HAVE ASKED AND WHAT I BELIEVE  
23 THE ANSWERS WOULD BE?

24           THE COURT: ALL RIGHT. YOU MAY DO THAT.

25           MR. STOLAR: YOUR HONOR, ON THE QUESTION, BRIEFLY,

1 WITH THE WITNESS, I THINK IT WOULD BE QUITE HELPFUL IF WE HAD  
2 THE PHOTOGRAPHS FROM THE GOVERNMENT.

3 MR. MEDRANO: AGAIN, YOUR HONOR, AS I'VE TOLD COUNSEL  
4 REPEATEDLY ALL DAY, WE HAVE BEEN LOOKING FOR THOSE SINCE WE  
5 WALKED INTO COURT THIS MORNING. I HAVE AGENTS UP IN OUR OFFICE  
6 AND THE D.E.A. AT THIS TIME TRYING TO PULL TOGETHER ALL THE  
7 PHOTOGRAPHS.

8 THE ONES I DO HAVE SO FAR HAVE BEEN GIVEN TO DEFENSE  
9 COUNSEL; BUT TO THE EXTENT THERE ARE OTHERS, YOUR HONOR, WE'RE  
10 TRYING TO FIND THEM RIGHT NOW.

11 THE COURT: ALL RIGHT.

12 MR. MEDRANO: THE MINUTE I GET THEM, I'LL PROVIDE THEM  
13 TO COUNSEL.

14 THE COURT: WE'LL ADJOURN.

15 MR. MEDVENE: IF THE COURT PLEASE, YOU WANT US TO DO  
16 THAT LATER?

17 THE COURT: YES.

18 MR. MEDVENE: THANK YOU

19 (BRIEF RECESS.)

20 (SIMMONS HEARING + JURY NOT PRESENT.)

21 THE COURT: LET THE RECORD SHOW THE COURT HAS CONVENEED  
22 WITHOUT THE PRESENCE OF THE JURY. ALL DEFENDANTS AND COUNSEL  
23 ARE PRESENT AND THE PURPOSE IS TO CONSIDER THE QUESTION  
24 REGARDING THIS WITNESS'S IN-COURT IDENTIFICATION OF ANY  
25 DEFENDANT.

1                   YOU MAY PROCEED.

2                   MR. MEDRANO: I'LL BE VERY BRIEF.

3

4                   HECTOR CERVANTES SANTOS + PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

5

6

DIRECT EXAMINATION +

7

BY MR. MEDRANO:

8

Q. MR. CERVANTES, DO YOU RECALL IN THIS TRIAL YOU HAVE BEEN

9

ABLE TO IDENTIFY FOUR INDIVIDUALS IN COURT?

10

A. YES.

11

Q. I WANT TO TALK ABOUT THEM ONE AT A TIME.

12

REMEMBER WHEN YOU IDENTIFIED MATTA BALLESTEROS?

13

A. YES.

14

Q. CAN YOU TELL US AND THE JUDGE WHY IT IS THAT YOU YOU ARE

15

ABLE TO MAKE AN IDENTIFICATION OF MATTA?

16

MR. STOLAR: OBJECTION.

17

THE COURT: OVERRULED.

18

THE WITNESS: WELL, WHEN WE WENT TO PICK HIM UP AT

19

THE AIRPORT, WE WERE ALL ALONE WITH HIM. HE WAS WITH US IN

20

THE AFTERNOON. THE ONLY TIME I DID NOT SEE HIM WAS WHEN THEY

21

WENT TO MASS. HE RETURNED THEN, AND THERE HE WAS.

22

BY MR. STOLAR:

23

Q. AND YOU SAW HIM AT THE TWO MEETINGS YOU TESTIFIED BE?

24

A. YES.

25

Q. YOU SPEND A LOT OF HOURS WITH MATTA THE DAY OF THE

1 WEDDING?

2 A. YES, SEVERAL HOURS.

3 Q. IS IT BECAUSE OF THAT EXPERIENCE, MR. CERVANTES, THAT YOU  
4 WERE ABLE TO IDENTIFY MR. MATTA IN THE COURTROOM?

5 MR. STOLAR: OBJECTION; IT CALLS FOR A CONCLUSION  
6 THAT THE COURT IS ASKED TO REACH.

7 THE COURT: OVERRULED.

8 THE WITNESS: YES.

9 BY MR. MEDRANO:

10 Q. LET'S TALK ABOUT DON RUBEN ZUNO. CAN YOU TELL US AND THE  
11 JUDGE WHY YOU WERE ABLE TO IDENTIFY ZUNO IN THE COURTROOM A  
12 COUPLE DAYS AGO?

13 A. WELL, IT'S BECAUSE HE WAS A PERSON THAT I WAS VERY CLOSE  
14 TO WHEN HE CAME TO THE HOUSE. AND I DON'T KNOW IF HE REMEMBERS  
15 THAT ONCE HE THREATENED ME WITH DEATH ONCE WHEN HE CAME IN.

16 Q. WHY WAS THAT?

17 A. WELL, IT'S BECAUSE HE WAS COMING AND I WAS IN THE DOORWAY  
18 AND I DID NOT OPEN THE DOOR UNTIL I STUCK MY HEAD OUT AND I SAW  
19 THAT IT WAS HE, AND THEN I OPENED FOR HIM.

20 Q. AND YOU ALSO SPENT TIME WITH ZUNO AT THE VARIOUS MEETINGS  
21 THAT YOU HAVE ALREADY TESTIFIED ABOUT?

22 A. YES, I WAS THERE DURING ALL OF THEM.

23 Q. MR. CERVANTES, IS IT FOR ALL OF THESE REASONS THEN, AS YOU  
24 HAVE INDICATED, THAT YOU WERE ABLE TO IDENTIFY ZUNO IN THE  
25 COURTROOM A COUPLE DAYS AGO?

1 A. YES.

2 THE COURT: JUST A MOMENT. HAD MR. ZUNO BEEN AT MR.  
3 BARBA'S HOUSE AT OTHER TIMES BESIDES THESE MEETINGS YOU HAVE  
4 DESCRIBED?

5 THE WITNESS: YES.

6 THE COURT: HOW MANY TIMES?

7 THE WITNESS: SOME THREE OR FOUR TIMES.

8 THE COURT: AND ON THOSE OCCASIONS, DID YOU HAVE AN  
9 OPPORTUNITY TO SEE HIM OR BE NEAR HIM OR WITH HIM?

10 THE WITNESS: WELL, I WOULD BE THE ONE TO OPEN THE  
11 DOOR FOR HIM WHENEVER HE CAME.

12 BY MR. MEDRANO:

13 Q. LET ME DIRECT YOU NOW TO BERNA. DO YOU REMEMBER WHEN YOU  
14 IDENTIFIED HIM IN COURT, MR. CERVANTES?

15 A. YES.

16 Q. CAN YOU TELL US WHY YOU WERE ABLE TO IDENTIFY HIM IN  
17 COURT?

18 A. WELL, BECAUSE HE CAME TO THE HOUSE SEVERAL TIMES WITH DON  
19 ERNESTO FONSECA. WELL -- AND SINCE HE WAS ONE OF THE ONES WHO  
20 STAYED OUTSIDE, I HAD TO BE CHECKING ON HIM TO SEE WHAT THEY  
21 WERE DOING, AND THAT IS WHY I KNOW HIM VERY WELL.

22 Q. DURING ANY OF THOSE TIMES, DID YOU EVER SPEAK TO BERNABE?

23 A. YES. OF COURSE, I DID.

24 Q. IS IT FOR ALL THESE REASONS THAT YOU WERE ABLE TO IDENTIFY  
25 BERNA IN COURT A COUPLE DAYS AGO?

1 A. YES.

2 Q. FINALLY, MR. CERVANTES, DO YOU REMEMBER WHEN YOU  
3 IDENTIFIED TIERRA LIBRE, JAVIER VASQUEZ?

4 A. YES.

5 Q. TELL US WHY YOU WERE ABLE TO IDENTIFY HIM IN COURT.

6 A. WELL, BECAUSE IN THE FIRST PLACE, HE WOULD COME AROUND  
7 THERE MANY TIMES, AND HIS BROTHER ELISEO WOULD BE THERE ALSO.

8 THE COURT: BE WHERE?

9 THE WITNESS: THERE AT ATTORNEY JAVIER BARBA  
10 HERNANDEZ'S HOUSE.

11 BY MR. MEDRANO:

12 Q. AND YOU SPOKE TO HIM FREQUENTLY AT THE HOUSE; DID YOU NOT?

13 MR. NICOLAYSEN: YOUR HONOR, I'M GOING TO OBJECT TO  
14 THE LEADING NATURE OF THE QUESTIONS.

15 THE COURT: RESTATE THE QUESTION.

16 BY MR. MEDRANO:

17 Q. DID YOU EVER SPEAK TO JAVIER VASQUEZ AT LA QUINTA?

18 A. SEVERAL TIMES.

19 MR. MEDRANO: MAY I HAVE JUST ONE MOMENT, YOUR  
20 HONOR?

21 THE COURT: HOW MANY TIMES WOULD YOU SAY MR. VASQUEZ  
22 WAS AT THAT HOUSE AT LA QUINTA?

23 THE WITNESS: AT LEAST 15 TIMES.

24 THE COURT: AND HOW LONG WOULD HE USUALLY BE THERE ON  
25 THOSE OCCASIONS?

1 THE WITNESS: WELL, HE STAYED THERE SEVERAL TIMES --  
2 WELL, WHENEVER HE WOULD COME, HE WOULD STAY FOR HOURS ON END.

3 THE COURT: AND DURING THAT TIME THAT HE WAS THERE  
4 FOR HOURS, WOULD YOU SPEAK TO HIM?

5 THE WITNESS: YES.

6 THE COURT: AND HOW LONG WOULD YOU SPEAK TO HIM?

7 THE WITNESS: WELL, SOMETIMES FOR AN HOUR -- AN  
8 HOUR. HE WOULD WALK AROUND WITH ME BECAUSE I WAS KEEPING  
9 WATCH.

10 THE COURT: DID YOU KNOW MR. VASQUEZ BEFORE YOU WENT  
11 TO WORK FOR MR. BARBA?

12 THE WITNESS: NO.

13 THE COURT: SINCE YOU STOPPED WORKING FOR MR. BARBA,  
14 HAVE YOU HAD OCCASION TO SEE HIM BEFORE IN COURT HERE?

15 THE WITNESS: NO.

16 THE COURT: AND IS THAT -- HOW ABOUT MR. BERNABE; DID  
17 YOU KNOW HIM BEFORE YOU WENT TO WORK FOR MR. BARBA?

18 THE WITNESS: NO.

19 THE COURT: HAVE YOU SEEN HIM SINCE YOU STOPPED  
20 WORKING FOR MR. BARBA?

21 THE WITNESS: NO.

22 THE COURT: WHAT ABOUT MR. ZUNO? DID YOU KNOW HIM  
23 BEFORE YOU WORKED FOR MR. BARBA?

24 THE WITNESS: NO.

25 THE COURT: HAVE YOU SEEN HIM SINCE YOU STOPPED

1 WORKING FOR MR. BARBA?

2 THE WITNESS: NO.

3 THE COURT: AND I TAKE IT THAT THE ONLY TIME YOU HAVE  
4 SEEN MR. BALLESTEROS WAS AT THOSE TWO MEETINGS THAT YOU HAVE  
5 TESTIFIED ABOUT; IS THAT CORRECT?

6 THE WITNESS: YES.

7 THE COURT: YOU WERE SHOWN SOME PICTURES OF THESE  
8 DEFENDANTS AT ONE POINT IN TIME; WERE YOU NOT?

9 THE WITNESS: YES.

10 THE COURT: DID YOU IDENTIFY ANY OF THESE DEFENDANTS  
11 IN COURT BASED ON PICTURES THAT HAD BEEN SHOWN TO YOU?

12 THE WITNESS: NO, I ALREADY KNEW THEM.

13 THE COURT: YOU FEEL THAT YOU KNEW EACH ONE OF THEM  
14 AND WOULD BE ABLE TO IDENTIFY THEM INDEPENDENTLY OF ANY  
15 PICTURES?

16 THE WITNESS: YES, OF COURSE.

17 THE COURT: ALL RIGHT. COUNSEL, DO YOU WISH TO  
18 CROSS-EXAMINE THE WITNESS?

19 MR. STOLAR: YES, SIR.

20 THE COURT: DO YOU HAVE ANYTHING FURTHER?

21 MR. MEDRANO: NOTHING ELSE, YOUR HONOR. THANK YOU.

22

23

CROSS-EXAMINATION +

24 BY MR. STOLAR:

25 Q. HOW LONG DID THE DAWN MEETING LAST ON THE DAY AFTER THE

1 WEDDING?

2 A. MORE OR LESS A COUPLE OF HOURS.

3 Q. DO YOU KNOW WHAT TIME IT WAS THAT MR. MATTA AND HIS  
4 ASSISTANT LEFT THE HOUSE?

5 A. YES.

6 Q. WHAT TIME?

7 A. THE FOLLOWING DAY IN THE MORNING.

8 Q. WHAT TIME IN THE MORNING?

9 A. I DON'T REMEMBER.

10 Q. WAS THE SUN UP?

11 A. IT WAS ABOUT TO RISE.

12 Q. THAT WAS THE LAST TIME YOU SAW MR. MATTA; IS THAT CORRECT?

13 A. I ONLY SAW HIM THAT DAY.

14 Q. THAT WOULD BE MAYBE 6:00 IN THE MORNING?

15 A. NO, LATER.

16 Q. 7:00?

17 A. I DON'T REMEMBER THE EXACT TIME.

18 Q. CERTAINLY NOT LATER THAN 8:00?

19 A. YES, IT WAS AFTER 8:00.

20 Q. 9:00?

21 A. IT WAS AROUND 8:00, MORE OR LESS.

22 Q. DO YOU KNOW HOW HE GOT TO THE AIRPORT?

23 A. YES.

24 Q. HOW?

25 A. TWO PEOPLE TOOK HIM.

1 Q. NOT YOU?

2 A. NO.

3 Q. AND THE FIRST TIME EVER SAW HIM IN YOUR LIFE WAS WHEN YOU  
4 PICKED HIM UP AT THE AIRPORT ABOUT 2:00 THE PRIOR --

5 THE COURT: COUNSEL, WE'VE ALREADY HEARD THAT.

6 MR. STOLAR: I'M PINNING THE TIME DOWN.

7 BY MR. STOLAR:

8 Q. 2:00 THE PRIOR AFTERNOON?

9 A. YES.

10 Q. DURING THE MEETINGS, DIDN'T YOU JUST TESTIFY THAT YOU WENT  
11 OUTSIDE OF THE RESIDENCE TO CHECK ON BERNA?

12 A. WELL, THEY WERE OUTSIDE. THEY WERE ON THE OTHER SIDE OF  
13 THE WALL OR THE FENCE. I WAS INSIDE AND I COULD SEE WHAT THEY  
14 WERE DOING ON THE OUTSIDE.

15 Q. FROM THE LIVING ROOM YOU COULD SEE?

16 A. NO, FROM MY PLACE.

17 Q. DURING THE PARTY AT NIGHT, THE PARTY THAT WENT FROM AFTER  
18 THE WEDDING UNTIL NEXT MORNING, WHAT WERE YOUR DUTIES?

19 MR. MEDRANO: OBJECTION, YOUR HONOR, IRRELEVANT IN  
20 LIGHT OF THE ISSUE HERE.

21 THE COURT: YES. SUSTAINED.

22 MR. STOLAR: I WANT TO KNOW IF HE WAS STAYING AT THE  
23 DOOR.

24 THE COURT: THEN ASK HIM IF HE WAS STAYING AT THE  
25 DOOR.

1 BY MR. STOLAR:

2 Q. WERE YOU STAYING AT THE DOOR DURING THE WEDDING PARTY?

3 A. NO.

4 Q. WHAT WERE YOU DOING?

5 A. I WAS LOOKING AFTER ATTORNEY JAVIER BARBA HERNANDEZ IN THE  
6 LIVING ROOM.

7 Q. WAS EVERYBODY, INCLUDING MR. MATTA, IN THE LIVING ROOM  
8 DURING THE PARTY?

9 A. NO, THE PARTY WAS OUTSIDE.

10 Q. WHERE WAS MR. MATTA DURING THE PARTY?

11 A. IN THE LIVING ROOM.

12 Q. THE ENTIRE TIME, FROM THE TIME THEY GOT BACK FROM CHURCH  
13 UNTIL THE DAWN MEETING?

14 A. YES. THAT'S WHERE HE WAS.

15 Q. DIDN'T HE GO TO THE BATHROOM ONCE OR TWICE?

16 A. I WASN'T CHECKING UP ON HIM.

17 MR. MEDRANO: OBJECTION, YOUR HONOR.

18 BY MR. STOLAR:

19 Q. YOU WEREN'T CHECKING UP ON HIM; IS THAT YOUR TESTIMONY?

20 A. I WAS NOT LOOKING AFTER HIM; I WAS LOOKING AFTER THE  
21 ATTORNEY, JAVIER BARBA HERNANDEZ.

22 Q. AND YOUR DUTIES FOR BARBA HERNANDEZ WERE THE MAIN FOCUS OF  
23 YOUR ATTENTION; ISN'T THAT RIGHT?

24 A. I DON'T UNDERSTAND THE QUESTION.

25 Q. PART OF YOUR JOB WAS TO PROVIDE SECURITY IN THE HOUSE FOR

1 ATTORNEY JAVIER BARBA HERNANDEZ; ISN'T THAT RIGHT?

2 MR. MEDRANO: OBJECTION, YOUR HONOR, RELEVANCE.

3 THE COURT: COUNSEL, I DON'T WANT TO HEAR ALL THIS.  
4 THIS HAS BEEN GONE OVER INTERMINABLY THROUGH THE TRIAL.

5 WHEN YOU HAVE QUESTIONS RELATING TO THIS  
6 IDENTIFICATION, THAT'S WHAT YOU SHOULD BE ASKING.

7 MR. STOLAR: I BELIEVE THAT DOES, INDEED.

8 THE COURT: YOU CAN TAKE IT FOR GRANTED THE COURT HAS  
9 IN MIND ALL OF THE TESTIMONY THAT HAS BEEN GIVEN ALREADY.  
10 BY MR. STOLAR:

11 Q. WHEN WERE YOU SHOWN PICTURES OF MR. MATTA, CAN YOU TELL US  
12 ON HOW MANY DIFFERENT OCCASIONS YOU WERE SHOWN HIS PICTURE?

13 A. NO, I DON'T REMEMBER.

14 Q. WERE THERE QUITE A FEW?

15 A. PERHAPS.

16 Q. WAS IT ALWAYS THE SAME PICTURE OF MR. MATTA THAT YOU WERE  
17 SHOWN?

18 A. NO.

19 Q. CAN YOU TELL US HOW MANY DIFFERENT PICTURES OF MR. MATTA  
20 YOU'VE SEEN?

21 A. SEVERAL. I DON'T REMEMBER.

22 Q. WHEN YOU SAW THESE PICTURES OF MR. MATTA, WERE YOU SHOWN A  
23 SINGLE PICTURE OF MR. MATTA WITHOUT ANY OTHER PHOTOGRAPHS  
24 AROUND IT SOMETIMES?

25 A. YES.

1 Q. ON ANY OF THE PICTURES OF MR. MATTA THAT YOU SAW, WAS HIS  
2 NAME ON THE PICTURE?

3 A. NO.

4 Q. WERE YOU EVER SHOWN ANY PICTURES OF THE MAN WHO IS MR.  
5 MATTA'S ASSISTANT?

6 MR. MEDRANO: OBJECTION; RELEVANCY.

7 MR. STOLAR: IT CERTAINLY IS RELEVANT.

8 THE COURT: OVERRULED.

9 THE WITNESS: NO.

10 BY MR. STOLAR:

11 Q. AND THAT MAN YOU HAD NEVER SEEN BEFORE YOU PICKED HIM UP  
12 AT THE AIRPORT AND NEVER SAW HIM SINCE HE LEFT THE WEDDING?

13 A. YES, I NEVER SAW HIM AGAIN.

14 Q. AT THE TIMES WHEN YOU WERE SHOWN PICTURES OF MR. MATTA AND  
15 YOU IDENTIFIED HIM AS SUCH, DID ANY OF THE AGENTS WHO HAD SHOWN  
16 YOU HIS PICTURE MAKE NOTES THAT YOU HAD MADE THE  
17 IDENTIFICATION?

18 A. I DON'T REMEMBER WHETHER THEY TOOK ANYTHING DOWN.

19 MR. STOLAR: JUDGE RAFEEDIE, I WOULD RESERVE THE  
20 BALANCE OF CROSS ON THE WITNESS UNTIL THE PHOTOGRAPHS ARE  
21 PRODUCED AND THE RECORDS OF AGENTS ON WHICH HE ACTUALLY SAW THE  
22 PHOTOGRAPHS AND FOR HOW LONG A PERIOD OF TIME AND HOW CLOSE IT  
23 IS TO THE TIME HE CAME TO COURT.

24 THE COURT: YOU MAY CERTAINLY CROSS-EXAMINE HIM ON THE  
25 PICTURES WHEN THEY ARE AVAILABLE.

1                   NOW, DOES ANY OTHER COUNSEL WISH TO INQUIRE OF THIS  
2 WITNESS?

3                   MR. MEZA: YES, YOUR HONOR.

4                                   CROSS EXAMINATION +

5 BY MR. MEZA:

6 Q.   HOW MANY TIMES WERE YOU SHOWN PHOTOGRAPHS OF MR. BERNABE  
7 PRIOR TO TODAY?

8 A.   NO, JUST -- NO, I HADN'T BEEN SHOWN ANY PHOTOGRAPH OF HIM.  
9 I DIDN'T UNDERSTAND THE QUESTION WELL.

10 Q.   PRIOR TO TODAY, HAVE YOU EVER BEEN SHOWN ANY PHOTOGRAPHS  
11 OF BERNABE RAMIREZ, THE PERSON WHO YOU IDENTIFIED AS BERNA?

12 A.   YES, I HAD BEEN SHOWN PHOTOGRAPHS PREVIOUSLY.

13 Q.   AND YOU IDENTIFIED A PHOTOGRAPH OF THIS PERSON, BERNA?

14 A.   YES.

15 Q.   HOW MANY TIMES?

16 A.   THE TIMES THAT HIS PHOTO WAS PLACED IN FRONT OF ME.

17 Q.   HOW MANY TIMES IS THAT?

18 A.   I DON'T REMEMBER.

19 Q.   WAS IT MORE THAN ONCE?

20 A.   YES.

21 Q.   HOW MANY TIMES; MORE THAN FIVE TIMES?

22 A.   NO, I DON'T REMEMBER.

23 Q.   IT COULD HAVE BEEN MORE THAN FIVE TIMES; IS THAT RIGHT?

24 A.   I DON'T REMEMBER.

25 Q.   ALL RIGHT. THE FIRST TIME YOU WERE SHOWN THE PHOTOGRAPH

1 OF MR. RAMIREZ, HOW WAS IT SHOWN TO YOU?

2 WAS IT BY ITSELF OR IN A GROUP OF PHOTOGRAPHS?

3 A. IT WAS AMONGST SEVERAL PEOPLE.

4 Q. HOW MANY OTHER PEOPLE; DO YOU KNOW?

5 A. I DON'T REMEMBER.

6 Q. DO YOU REMEMBER IF YOU RECOGNIZED ANY OF THE OTHER PEOPLE  
7 THAT FIRST TIME?

8 A. YES. THE ONES THAT I KNEW, YES.

9 Q. WHO WERE THOSE OTHERS THAT YOU KNEW?

10 MR. MEDRANO: OBJECTION; RELEVANCE, YOUR HONOR.

11 THE COURT: WHAT IS THE RELEVANCE FOR THIS ISSUE?

12 MR. MEZA: I'M TRYING TO FIND OUT IF THERE WAS MORE  
13 THAN ONE PHOTOSPREAD THAT WAS SHOWN TO HIM.

14 THE COURT: HE HAS ALREADY TOLD YOU THAT; HASN'T HE?

15 MR. MEZA: NO, I DON'T BELIEVE SO. HE SAID HE WAS  
16 SHOWN PHOTOGRAPHS -- HE HAS IDENTIFIED PHOTOGRAPHS ON MORE THAN  
17 ONE OCCASION.

18 MR. MEDRANO: HE DOESN'T REMEMBER HOW MANY TIMES.  
19 THAT'S THE TESTIMONY, YOUR HONOR.

20 MR. MEZA: THAT'S RIGHT, SO IT'S MULTIPLE TIMES.

21 THE COURT: GO AHEAD AND ASK HIM.

22 MR. MEZA: THANK YOU. I'LL REPEAT THE QUESTION.

23 BY MR. MEZA:

24 Q. WHEN YOU WERE SHOWN -- WHEN YOU IDENTIFIED THE PHOTOGRAPH  
25 OF THIS PERSON BERNA THE FIRST TIME, WHO WERE SOME OF THE OTHER

1 PEOPLE THAT YOU RECOGNIZED IN THAT GROUP OF PHOTOGRAPHS?

2 A. I DON'T REMEMBER WHO THEY WERE.

3 Q. WHO WAS PRESENT WHEN WERE YOU SHOWN THOSE PHOTOGRAPHS?

4 MR. MEDRANO: OBJECTION, YOUR HONOR, AMBIGUOUS --  
5 THE FIRST TIME. CAN WE BE MORE SPECIFIC?

6 MR. MEZA: I'M STILL ON THE FIRST TIME. I HAVEN'T  
7 CHANGED.

8 THE WITNESS: I DON'T REMEMBER.

9 BY MR. MEZA:

10 Q. WAS IT AN AGENT?

11 A. I DON'T KNOW WHETHER IT WAS ATTORNEY MEDRANO OR THE D.E.A.  
12 AGENTS WHO SHOWED THEM TO ME.

13 Q. ALL RIGHT. NOW THIS PHOTOGRAPH OF BERNA, THE ONE THAT YOU  
14 IDENTIFIED THE FIRST TIME, WHAT DID IT LOOK LIKE?

15 A. (NO RESPONSE.)

16 Q. LET ME BE MORE SPECIFIC. DID THE PHOTOGRAPH LOOK LIKE  
17 BERNA, AS THE PERSON YOU IDENTIFIED IN COURT LAST WEEK, OR DID  
18 IT LOOK MORE LIKE THE BERNA THAT YOU SAY YOU KNEW BACK IN 1985?

19 A. LIKE THE PERSON THAT I KNEW IN '85.

20 Q. THE PERSON WITH THE LONG HAIR, THE HAIR AND THE MOUSTACHE  
21 AND CHIN WHISKERS?

22 A. LIKE I SAID THE LAST TIME THAT I WAS ASKED -- AND THIS IS  
23 THE SAME QUESTION YOU'RE ASKING ME -- HE LOOKED THE SAME AS  
24 WHEN I SAW HIM.

25 Q. IN THE FIRST PHOTOGRAPH YOU IDENTIFIED WITH THESE

1 OTHERS -- WITH THE OTHER PHOTOGRAPHS?

2 THE INTERPRETER: THE INTERPRETER DOES NOT UNDERSTAND  
3 THE QUESTION.

4 THE COURT: I DON'T UNDERSTAND IT EITHER. RESTATE  
5 YOUR QUESTION.

6 BY MR. MEZA:

7 Q. THE FIRST TIME YOU IDENTIFIED A PHOTOGRAPH OF THIS BERNA  
8 WAS A PHOTOGRAPH OF THE BERNA THAT YOU REMEMBERED FROM 1985; IS  
9 THAT RIGHT?

10 A. YES.

11 Q. ALL RIGHT. THANK YOU. NOW, THE SECOND TIME YOU  
12 IDENTIFIED A PHOTOGRAPH OF BERNA -- I WILL WITHDRAW THAT  
13 QUESTION.

14 LET'S GO BACK TO THE FIRST TIME. BEFORE YOU WERE  
15 SHOWN THE PHOTOGRAPHS, WHAT WERE YOU TOLD ABOUT BEFORE YOU  
16 LOOKED AT THOSE PHOTOGRAPHS?

17 A. NOTHING. THEY WERE JUST SHOWN TO ME.

18 Q. THEY DIDN'T TELL YOU WHY THEY WERE SHOWING YOU THE  
19 PHOTOGRAPHS?

20 A. NO. I WAS JUST SHOWN A PHOTOGRAPH AND I WAS ASKED WHO I  
21 KNEW.

22 Q. THIS PHOTOGRAPH YOU SAY WAS WITH OTHERS, WAS THAT IN A  
23 BOOK OF PHOTOGRAPHS?

24 A. I DON'T REMEMBER.

25 Q. THE PHOTOGRAPH THAT YOU WERE SHOWN, WAS IT PLACED SIDE BY

1 SIDE TO OTHER PHOTOGRAPHS?

2 A. YES.

3 Q. THE OTHER PHOTOGRAPHS THAT IT WAS PLACED NEXT TO, DID  
4 THOSE OTHER PHOTOGRAPHS LOOK LIKE BERNA OR DID THEY LOOK  
5 DIFFERENT FROM BERNA?

6 A. NO. I DON'T REMEMBER.

7 Q. YOU TOLD US YESTERDAY OR FRIDAY, RATHER, THAT YOU TOLD  
8 AGENT BERRELLEZ ABOUT BERNA A FEW WEEKS -- OR THE LAST TIME YOU  
9 SPOKE TO AGENT BERRELLEZ. DO YOU REMEMBER THAT?

10 THE COURT: DOES THIS HAVE TO DO WITH THE  
11 IDENTIFICATION?

12 MR. MEZA: I WANT TO FIND OUT WHEN THE PHOTOGRAPH WAS  
13 SHOWN THE HIM IN RELATIONSHIP TO THAT CONVERSATION.

14 THE COURT: WHY DON'T YOU ASK HIM.  
15 BY MR. MEZA:

16 Q. THE PHOTOGRAPH, THE FIRST ONE YOU IDENTIFIED OF BERNA, WAS  
17 THAT SHOWN TO YOU BEFORE OR AFTER YOU TALKED TO AGENT BERRELLEZ  
18 AND TOLD HIM ABOUT BERNA?

19 A. IT WAS SHOWN TO ME BEFORE.

20 Q. HOW MUCH BEFORE?

21 A. I DON'T REMEMBER.

22 Q. HAVE YOU EVER BEEN SHOWN A PHOTOGRAPH OF BERNA AS HE LOOKS  
23 TODAY?

24 A. YES.

25 Q. ALL RIGHT. HOW LONG AFTER THE FIRST TIME WERE YOU SHOWN

1 THAT PHOTOGRAPH?

2 I WILL WITHDRAW THAT QUESTION.

3 THE COURT: NEVER MIND. (SPEAKING TO THE WITNESS.)

4 BY MR. MEZA:

5 Q. HOW LONG AFTER YOUR FIRST IDENTIFICATION OF THE PHOTOGRAPH  
6 OF BERNA WERE YOU SHOWN A PHOTOGRAPH OF BERNA AS YOU SAY HE  
7 LOOKS TODAY?

8 A. IT WAS A WHILE LATER. I DON'T KNOW HOW LONG.

9 Q. WAS THAT PHOTOGRAPH SHOWN TO YOU ALONE OR IN A GROUP OF  
10 PHOTOGRAPHS?

11 A. IT WAS AMONG A GROUP OF PHOTOGRAPHS.

12 Q. HOW MANY OTHER PHOTOGRAPHS?

13 A. I DON'T REMEMBER.

14 Q. WHO SHOWED IT TO YOU?

15 A. I DON'T REMEMBER WHO SHOWED ME THE PHOTOGRAPHS.

16 Q. WERE YOU GIVEN ANY INSTRUCTIONS BEFORE YOU WERE SHOWN THAT  
17 SET OF PHOTOGRAPHS?

18 A. NO.

19 Q. THEY JUST PUT THE PHOTOGRAPHS IN FRONT OF YOU AND YOU  
20 STARTED IDENTIFYING PEOPLE WITHOUT ANY INSTRUCTIONS?

21 A. YES.

22 Q. WERE YOU SHOWN THAT PHOTOGRAPH -- I'M TALKING ABOUT THE  
23 SECOND BERNA PHOTOGRAPH -- WERE YOU SHOWN THAT PHOTOGRAPH MORE  
24 THAN ONCE?

25 A. I DON'T KNOW WHICH SECOND PHOTOGRAPH YOU'RE TALKING ABOUT.

1 Q. THE ONE THAT YOU SAY LOOKS LIKE BERNA AS HE LOOKS TODAY?

2 A. I DIDN'T UNDERSTAND THAT QUESTION.

3 Q. HAVE YOU BEEN SHOWN THAT SECOND PHOTOGRAPH MORE THAN ONE  
4 TIME?

5 A. NO.

6 Q. NOW, YOU TOLD US THAT YOU TALKED TO BERNA. WHAT DID YOU  
7 TALK TO HIM ABOUT ON THE DAY THAT MR. FONSECA WAS THERE IN  
8 FEBRUARY?

9 MR. MEDRANO: OBJECTION; RELEVANCE, YOUR HONOR. THE  
10 ISSUE IS WHETHER OR NOT THEY HAD A CONVERSATION.

11 THE COURT: THE ISSUE IS IRRELEVANT EXCEPT TO REFRESH  
12 THE RECOLLECTION OF THE WITNESS. YOU MAY ANSWER THAT.

13 MR. MEZA: YES, YOUR HONOR. THANK YOU.

14 THE WITNESS: WELL, I DON'T REMEMBER WHAT WE TALKED  
15 ABOUT, BUT WE DID TALK FOR A WHILE.

16 BY MR. MEZA:

17 Q. HOW LONG? I'M SORRY.

18 A. WHILE THESE PEOPLE WERE THERE.

19 Q. WAS THAT DURING THE MEETING OR BEFORE THE MEETING OR AFTER  
20 THE MEETING?

21 A. THAT WAS BEFORE THE MEETING.

22 Q. FOR HOW LONG?

23 THE COURT: WAIT A MINUTE NOW.

24 MR. MEZA: I'M NOT GETTING INTO THE SUBSTANCE.

25 THE COURT: WHAT MEETING ARE YOU TALKING ABOUT?

1 MR. MEZA: THE ONE IN FEBRUARY THAT I PREFACED THE  
2 QUESTION WITH.

3 THE COURT: YOU DIDN'T SAY THAT.

4 MR. MEZA: YES, SIR.

5 THE COURT: HE SAID HE SAW YOUR CLIENT WHEN FONSECA  
6 CAME SEVERAL TIMES TO THE HOUSE.

7 MR. MEZA: AND I ASKED HIM IN THIS MEETING HE HAD IN  
8 FEBRUARY, WHAT WAS THE SUBSTANCE OF THE CONVERSATION OR DID HE  
9 HAVE A CONVERSATION, AND I'M ASKING HOW LONG IT LASTED.

10 THE WITNESS: I DON'T REMEMBER.

11 BY MR. MEZA:

12 Q. WELL WAS IT A HOUR HOUR, AN HOUR OR FIVE MINUTES? HOW  
13 LONG?

14 A. AN HOUR.

15 BY MR. MEZA:

16 Q. SO THESE PEOPLE WERE THERE AN HOUR BEFORE THIS MEETING  
17 TOOK PLACE; IS THAT RIGHT?

18 A. YES.

19 Q. OTHER THAN BEING SHOWN PHOTOGRAPHS AND OTHER THAN LOOKING  
20 AT MR. RAMIREZ IN THE COURTROOM TODAY AND THE OTHER DAY YOU  
21 WERE HERE, HAVE YOU EVER BEEN ASKED TO IDENTIFY HIM IN PERSON  
22 ANYWHERE ELSE?

23 A. NO.

24 MR. MEZA: IF I COULD JUST HAVE TO SHOW -- WHAT WAS  
25 IT, 172?

1           COULD I APPROACH, YOUR HONOR? THIS IS 172.

2           THE COURT: YES.

3           (EXHIBIT TENDERED TO THE WITNESS.)

4 BY MR. MEZA:

5 Q.    SHOWING YOU GOVERNMENT EXHIBIT 172, IS THAT THE PHOTOGRAPH  
6 YOU WERE SHOWN THE FIRST TIME IDENTIFIED THIS BERNA?

7 A.    NO.

8 Q.    THE PHOTOGRAPH THAT YOU WERE SHOWN THE FIRST TIME, WHAT IS  
9 THE DIFFERENCE BETWEEN THAT PHOTOGRAPH AND THIS PHOTOGRAPH, IF  
10 ANY?

11 A.    IN '85, WHEN I KNEW HIM, HE DIDN'T HAVE THAT BEARD -- IN  
12 '84.

13 Q.    MY QUESTION IS THE FIRST TIME YOU IDENTIFIED A PHOTO --

14           THE COURT: WHY DON'T YOU SHOW HIM THIS.

15           MR. MEZA: THAT'S NOT THE ONE HE'S TALKING ABOUT,  
16 YOUR HONOR.

17           HE SAID THE FIRST ONE HE IDENTIFIED LOOKED LIKE THE  
18 BERNA HE KNEW IN '85. THAT'S NOT LIKE THE BERNA HE KNEW IN  
19 '85.

20 BY MR. MEZA:

21 Q.    NOW, THE PHOTOGRAPH YOU SAID YOU IDENTIFIED AS BERNA, THE  
22 FIRST PHOTOGRAPH YOU IDENTIFIED, DOES IT LOOK LIKE THE  
23 PHOTOGRAPH YOU HAVE IN FRONT OF YOU, 172?

24 A.    NO.

25 Q.    WHAT IS THE DIFFERENCE?

1 A. HE DOESN'T HAVE A BEARD AND HIS MOUSTACHE IS SHORTER.

2 Q. SO THE FIRST PHOTOGRAPH YOU IDENTIFIED OF BERNA DIDN'T  
3 HAVE A BEARD ON IT?

4 A. NO, IT DID NOT HAVE A BEARD.

5 Q. BUT YOU SAID IT LOOKED LIKE BERNA AS HE LOOKED IN '85,  
6 RIGHT?

7 A. YES.

8 Q. SO ARE YOU SAYING THERE WAS A TIME IN 1985 WHEN BERNA DID  
9 NOT HAVE A BEARD?

10 A. NO, HE DID HAVE A BEARD. HE LOOKED THIS WAY, THE WAY HE  
11 IS HERE IN '84-'85.

12 Q. I'M SORRY, I MAY HAVE ASKED THIS QUESTION. HAVE YOU EVER  
13 SEEN THAT PHOTOGRAPH BEFORE TODAY, 172?

14 A. NO.

15 MR. MEZA: I'LL TAKE THE COURT'S INVITATION NOW AND  
16 SHOW HIM THIS, IF I CAN. THE DEFENDANT'S NEXT IN ORDER IS D OR  
17 E.

18 THE CLERK: D.

19 MR. MEDRANO: YOUR HONOR, MAY WE PROCEED WITH A  
20 BETTER ORIGINAL OR BETTER COPY? EXHIBIT 171 FOR  
21 IDENTIFICATION.

22 IT IS ALREADY MARKED, YOUR HONOR.

23 MR. MEZA: IF I COULD APPROACH THE WITNESS.

24 (EXHIBIT TENDERED TO THE WITNESS.)

25 BY MR. MEZA:

1 Q. I'M SHOWING YOU THAT GROUP OF PHOTOGRAPHS BEFORE YOU,  
2 GOVERNMENT'S 172. HAVE YOU EVER SEEN THAT GROUP OF PHOTOGRAPHS  
3 BEFORE TODAY?

4 A. YES.

5 Q. HOW MANY TIMES BEFORE TODAY?

6 A. ONCE.

7 Q. HOW LONG AGO WERE YOU SHOWN THAT GROUP OF PHOTOGRAPHS?

8 A. I DON'T REMEMBER. IT WAS A WHILE AGO.

9 Q. WHO SHOWED THAT GROUP OF PHOTOGRAPHS TO YOU?

10 A. MR. HECTOR BERRELLEZ.

11 Q. OKAY. AND WAS ANYONE ELSE PRESENT BESIDE MR. BERRELLEZ  
12 WHEN HE SHOWED YOU THOSE PHOTOGRAPHS?

13 A. YES.

14 Q. WHO?

15 A. MR. MEDRANO.

16 Q. WHEN YOU WERE SHOWN THOSE PHOTOGRAPHS, WERE YOU GIVEN ANY  
17 INSTRUCTIONS BEFORE YOU LOOKED AT THOSE PHOTOGRAPHS?

18 A. NO.

19 Q. NOW, DID YOU IDENTIFY ANYBODY FROM THOSE PHOTOGRAPHS THE  
20 ONLY TIME YOU WERE SHOWN THEM?

21 A. YES.

22 Q. AND DID YOU IDENTIFY THIS PERSON NAMED BERNA?

23 A. YES.

24 Q. AND YOU HAD ALREADY IDENTIFIED BERNA PRIOR TO BEING SHOWN  
25 THOSE PHOTOGRAPHS, RIGHT?

1 A. YES.

2 Q. HOW LONG BEFORE YOU TESTIFIED IN COURT LAST WEEK, HOW MUCH  
3 TIME PASSED BETWEEN THE TIME YOU WERE SHOWN THIS SET OF  
4 PHOTOGRAPHS AND THE TIME YOU TESTIFIED LAST FRIDAY?

5 THE COURT: RESTATE THAT QUESTION. MAKE IT SHORT.

6 BY MR. MEZA:

7 Q. WHEN WERE YOU SHOWN THOSE PHOTOGRAPHS?

8 A. I DON'T REMEMBER, AS I MENTIONED TO YOU A WHILE AGO.

9 Q. HOW LONG BEFORE YOU TESTIFIED WERE YOU SHOWN THOSE  
10 PHOTOGRAPHS?

11 A. I DON'T REMEMBER.

12 Q. WERE YOU SHOWN THAT SET OF PHOTOGRAPHS BEFORE OR AFTER YOU  
13 RECEIVED YOUR LAST \$3,000 PAYMENT?

14 MR. MEDRANO: OBJECTION, RELEVANCE, YOUR HONOR.

15 MR. MEZA: JUST FIXING THE TIME, YOUR HONOR.

16 THE COURT: THE OBJECTION IS SUSTAINED. STRIKE THAT.  
17 YOU MAY ANSWER.

18 MR. MEZA: THANK YOU.

19 THE WITNESS: HUH? I DIDN'T UNDERSTAND THE QUESTION.

20 /

21 BY MR. MEZA:

22 Q. THE SET OF PHOTOGRAPHS THAT YOU HAVE IN FRONT OF YOU, WERE  
23 YOU SHOWN THAT SET OF PHOTOGRAPHS BEFORE OR AFTER YOU RECEIVED  
24 YOUR LAST \$3,000 PAYMENT?

25 A. BEFORE.

1 Q. HOW MUCH BEFORE?

2 A. I DON'T REMEMBER.

3 Q. WELL, WAS IT A MONTH BEFORE, TWO MONTHS BEFORE? SIX  
4 MONTHS BEFORE?

5 A. I DON'T WANT TO LIE TO YOU. I DON'T REMEMBER.

6 MR. MEZA: MAY I HAVE JUST ONE MOMENT, YOUR HONOR.

7 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL.)

8 MR. MEZA: I DON'T BELIEVE I HAVE ANYTHING FURTHER,  
9 YOUR HONOR, SUBJECT TO REOPENING ONCE WE GET THE ORIGINAL  
10 PHOTOGRAPHS.

11 CROSS-EXAMINATION +

12 BY MR. MEDVENE:

13 Q. MR. CERVANTES, WHEN WAS THE LAST TIME YOU SAW MR. ZUNO  
14 PRIOR TO THE START OF THE TRIAL?

15 A. IN FEBRUARY.

16 THE COURT: WHAT YEAR?

17 THE WITNESS: '85.

18 BY MR. MEDVENE:

19 Q. WHEN WAS THE FIRST TIME YOU HAD EVER SEEN HIM?

20 A. I DON'T UNDERSTAND THE QUESTION.

21 Q. WHEN WAS THE FIRST TIME THAT YOU EVER MET MR. ZUNO?

22 A. 1982.

23 MR. STOLAR: YOUR HONOR, MAY I BE EXCUSED FROM THE  
24 COURTROOM FOR A COUPLE MINUTES?

25 THE COURT: AS LONG AS YOUR ASSOCIATE IS HERE.

1 MR. STOLAR: THANK YOU.

2 BY MR. MEDVENE:

3 Q. WHAT MONTH, SIR?

4 A. I DON'T REMEMBER THE MONTH.

5 Q. WAS IT BEFORE SEPTEMBER?

6 A. I DON'T REMEMBER. IT WAS IN 1982. I DON'T REMEMBER THE  
7 MONTH.

8 Q. DO YOU KNOW IF IT WAS BEFORE OR AFTER SEPTEMBER?

9 A. NO, I DON'T REMEMBER.

10 Q. AFTER FEBRUARY OF 1985, HAD YOU EVER SEEN ANY PICTURES OF  
11 MR. ZUNO IN NEWSPAPERS?

12 A. NO.

13 Q. WAS THE FIRST TIME YOU SEEN MR. ZUNO AFTER -- STRIKE THAT.

14 WHEN YOU SAY FEBRUARY OF 1985, WHEN IN FEBRUARY OF  
15 1985 WAS THE LAST TIME YOU SAW HIM?

16 A. NO, I DON'T REMEMBER. BUT IT WAS -- I DON'T REMEMBER THE  
17 TIME.

18 Q. WAS IT BEFORE OR AFTER THE DATE THAT MR. CAMARENA WAS  
19 ABDUCTED?

20 A. IT WAS AFTER.

21 Q. HOW LONG AFTER?

22 A. I DON'T REMEMBER HOW LONG.

23 Q. A DAY, A MONTH, A YEAR?

24 A. DAYS. I DON'T REMEMBER HOW MANY.

25 Q. WAS THE FIRST TIME THEN AFTER EARLY FEBRUARY OF 1985 THAT

1 YOU SAW A PICTURE OF MR. ZUNO WHEN SOMEONE FROM THE U.S.  
2 GOVERNMENT SHOWED YOU A PICTURE SOMETIME BEFORE YOU TESTIFIED  
3 HER?

4 A. NO.

5 Q. DID SOMEONE, EITHER A D.E.A. REPRESENTATIVE OR U.S.  
6 ATTORNEYS OFFICE REPRESENTATIVE, SHOW YOU A PICTURE OF MR. ZUNO  
7 BEFORE YOU TESTIFIED?

8 A. NO.

9 Q. PRIOR TO TESTIFYING BEFORE HIS HONOR OVER THE LAST SEVERAL  
10 DAYS, ARE YOU SAYING YOU WERE NOT SHOWN ANY PICTURE OF MR. ZUNO  
11 BY ANY MEMBER OF THE PROSECUTION?

12 A. WHEN?

13 Q. ANY TIME BEFORE YOU TESTIFIED, SIR, WERE YOU SHOWN A  
14 PICTURE OF MR. ZUNO BY ANY REPRESENTATIVE OF THE PROSECUTION?

15 A. I DON'T REMEMBER.

16 Q. WE ARE TALKING ABOUT THE LAST SEVERAL MONTHS, SIR. IS IT  
17 TRUE THAT YOU WERE SHOWN A PICTURE OF MR. ZUNO BY MEMBERS OF  
18 THE PROSECUTION?

19 MR. MEDRANO: OBJECTION, ASKED AND ANSWERED.

20 THE COURT: SUSTAINED.

21 BY MR. MEDVENE:

22 Q. DID YOU IDENTIFY MR. ZUNO -- STRIKE THAT.

23 DID YOU IDENTIFY MR. ZUNO'S PICTURE AT ANY TIME PRIOR  
24 TO THE TIME YOU TESTIFIED HERE LAST WEEK?

25 A. NOT LAST WEEK.

1 Q. BEFORE LAST WEEK?

2 A. I DON'T REMEMBER.

3 Q. WEREN'T YOU SHOWN A PICTURE AND TOLD THIS IS MR. ZUNO?

4 MR. MEDRANO: OBJECTION, YOUR HONOR, ASKED AND  
5 ANSWERED.

6 THE COURT: SUSTAINED.

7 MR. MEDVENE: IF THE COURT PLEASE, ON PROSECUTION,  
8 THE WITNESS TESTIFIED ON DIRECT THAT HE WASN'T SHOWN ANY  
9 PHOTOS.

10 THE COURT: YOU'RE NOT HERE TO CROSS-EXAMINE HIM ON  
11 HIS DIRECT EXAMINATION. THIS IS A HEARING TO DETERMINE WHETHER  
12 THE IN-COURT IDENTIFICATION WAS TAINTED BY ANYTHING HE WAS  
13 SHOWN PREVIOUSLY.

14 MR. MEDVENE: MAY I APPROACH THE WITNESS TO SEE THE  
15 PHOTOSPREAD IN FRONT OF HIM, YOUR HONOR?

16 THE COURT: YES.

17 BY MR. MEDVENE:

18 Q. WERE YOU EVER SHOWN, SIR, WHAT HAS BEEN MARKED AS  
19 GOVERNMENT 171 BEFORE?

20 THE COURT: HE HAS ALREADY TESTIFIED THAT HE HAS.

21 BY MR. MEDVENE:

22 Q. WHEN WERE YOU SHOWN THAT, SIR?

23 A. WHAT?

24 Q. WHEN WERE YOU SHOWN EXHIBIT 171, SIR?

25 A. THIS MORNING.

1 Q. WAS THIS MORNING THE FIRST TIME YOU WERE EVER SHOWN  
2 EXHIBIT 171, SIR?

3 A. NO, I MADE A MISTAKE. I THOUGHT IT WAS THIS ONE HERE.

4 MR. MEDVENE: MAY I APPROACH AGAIN, YOUR HONOR?

5 THE COURT: YES.

6 BY MR. MEDVENE:

7 Q. BY "THIS ONE HERE", YOU MEAN WHAT HAS BEEN MARKED AS  
8 EXHIBIT 172?

9 A. YES.

10 Q. I'M ASKING YOU ABOUT 171, SIR. WHEN DID YOU SEE THAT FOR  
11 THE FIRST TIME?

12 A. AS I TOLD YOUR COLLEAGUE, I DON'T REMEMBER EXACTLY WHEN I  
13 WAS SHOWN THESE PHOTOGRAPHS.

14 Q. APPROXIMATELY HOW LONG AGO, SIR?

15 MR. MEDRANO: OBJECTION; ASKED AND ANSWERED.

16 THE COURT: SUSTAINED.

17 BY MR. MEDVENE:

18 Q. WERE YOU SHOWN EXHIBIT 171 IN THE LAST TWO WEEKS, SIR?

19 MR. MEDRANO: OBJECTION, ASKED AND ANSWERED.

20 THE COURT: NO. YOU MAY ANSWER.

21 THE WITNESS: I DON'T REMEMBER.

22 BY MR. MEDVENE:

23 Q. HOW MANY TIMES WERE YOU SHOWN EXHIBIT 171, SIR?

24 A. I DON'T REMEMBER.

25 Q. DO YOU KNOW IF IT WAS MORE THAN ONE TIME, SIR?

1 A. I'M NOT SURE.

2 Q. COULD IT HAVE BEEN FIVE TIMES, SIR?

3 A. NO.

4 Q. FOUR TIMES?

5 A. I DON'T REMEMBER HOW MANY TIMES; MAYBE ONCE OR TWICE. I  
6 DON'T REMEMBER HOW MANY TIMES.

7 Q. IS IT CORRECT, SIR, YOU WERE SHOWN EXHIBIT 171 ON A NUMBER  
8 OF DIFFERENT OCCASIONS?

9 MR. MEDRANO: OBJECTION; ASKED AND ANSWERED, YOUR  
10 HONOR.

11 THE COURT: SUSTAINED.

12 HOW MANY TIMES ARE YOU GOING TO ASK THE SAME  
13 QUESTION?

14 MR. MEDVENE: UNTIL I GET AN ANSWER, YOUR HONOR.

15 THE COURT: IF YOU DON'T LIKE THE ANSWER, IT'S NOT A  
16 REASON FOR ASKING THE QUESTION AGAIN.

17 MR. MEDVENE: IT'S NOT A MATTER OF NOT LIKING IT; I  
18 HAVEN'T GOT AN ANSWER.

19 THE COURT: THAT'S WHAT IT APPEARS TO BE.

20 NOW, YOU'VE ASKED THAT QUESTION FOUR OR FIVE  
21 DIFFERENT WAYS. GO ON TO SOMETHING ELSE, IF YOU HAVE SOMETHING  
22 FURTHER.

23 BY MR. MEDVENE:

24 Q. WHAT WAS SAID TO YOU WHEN YOU LOOKED AT EXHIBIT 171, SIR?

25 A. I WAS ONLY SHOWN THE PHOTOGRAPHS.

1 Q. WERE YOU TOLD WHO WAS IN THE PHOTOGRAPHS?

2 A. NO, I ALREADY KNEW THEM.

3 Q. WHEN YOU APPEARED IN THIS COURT ON WEDNESDAY, MAY 23RD,  
4 YOU WERE ASKED TO IDENTIFY MR. ZUNO; IS THAT CORRECT, SIR?

5 A. YES.

6 Q. AND AFTER YOU STOOD AND LOOKED AROUND, YOU WERE NOT ABLE  
7 TO IDENTIFY HIM; ISN'T THAT CORRECT, SIR?

8 MR. MEDRANO: OBJECTION, YOUR HONOR, MISSTATES WHAT  
9 OCCURRED ON DIRECT.

10 THE COURT: WELL, FURTHER, HE SHOULD NOT ASK THE  
11 WITNESS TO CHARACTERIZE WHAT THE COURT SAW.

12 MR. MEDVENE: MAY I RESTATE THE QUESTION, YOUR HONOR?

13 THE COURT: YES,

14 BY MR. MEDVENE:

15 Q. IS IT CORRECT THAT YOU COULD NOT IDENTIFY MR. ZUNO AT THE  
16 TIME YOU WERE FIRST ASKED TO IDENTIFY HIM?

17 MR. MEDRANO: OBJECTION, YOUR HONOR. THE COURT'S  
18 OBSERVATIONS CONTROL HERE, NOT THE DEFENSE COUNSEL'S  
19 CHARACTERIZATION OF WHAT OCCURRED.

20 CAN I RESTATE THAT, YOUR HONOR? I DON'T KNOW THAT IT  
21 CAME OUT CLEAR.

22 THE COURT: WHAT IS YOUR QUESTION?

23 MR. MEDVENE: THE QUESTION, YOUR HONOR, IS ISN'T IT  
24 TRUE THAT WHEN MR. CERVANTES WAS ASKED TO IDENTIFY MR. ZUNO,  
25 THAT INITIALLY HE WAS NOT ABLE TO IDENTIFY HIM.

1 MR. MEDRANO: OBJECTION TO THE FORM OF THE QUESTION.

2 THE COURT: I'M GOING TO LET THE WITNESS ANSWER AND  
3 GET ON WITH THIS.

4 THE WITNESS: I DIDN'T UNDERSTAND HIS QUESTION.  
5 BY MR. MEDVENE:

6 Q. IS IT TRUE, MR. CERVANTES, THAT WHEN WERE YOU ASKED TO  
7 IDENTIFY MR. ZUNO, YOU SAID "COULD I GET A LITTLE CLOSER? I  
8 CAN'T SEE WELL."

9 A. YES. SURE, OF COURSE.

10 Q. THAT'S BECAUSE WHILE STANDING IN THE WITNESS BOX, YOU WERE  
11 NOT ABLE TO IDENTIFY MR. ZUNO AT THAT TIME; IS THAT CORRECT,  
12 SIR?

13 A. YES, I DID IDENTIFY HIM. I DO IDENTIFY HIM. I ASKED TO  
14 GET UP A LITTLE CLOSER JUST TO BE SURE.

15 Q. WHEN YOU INITIALLY GOT UP, YOU WERE NOT ABLE TO CERTAINLY  
16 IDENTIFY HIM; ISN'T THAT CORRECT, MR. CERVANTES?

17 THE COURT: COUNSEL, YOU'RE NOT ARGUING TO THE JURY  
18 HERE. I SAW WHAT TOOK PLACE HERE. THERE IS NO POINT IN ASKING  
19 THIS WITNESS. HE MADE A CLEAR IDENTIFICATION OF YOUR CLIENT.

20 NOW, IF YOU WANT TO ARGUE TO THE JURY TO THE  
21 CONTRARY, YOU'RE FREE TO DO THAT. AS FAR AS THIS COURT IS  
22 CONCERNED, HE HAS MADE AN IDENTIFICATION OF YOUR CLIENT.

23 MR. MEDVENE: I UNDERSTAND, YOUR HONOR. THERE WAS  
24 JUST A QUESTION OR TWO MORE THAT I'D LIKE TO ASK, IF I MIGHT.

25 THE COURT: ALL RIGHT.

1 BY MR. MEDVENE:

2 Q. AFTER NOT IDENTIFYING MR. ZUNO AND GETTING CLOSER, SIR,  
3 DID YOU SAY THAT YOU THOUGHT MR. ZUNO WAS THE MAN IN THE GRAY  
4 JACKET AND BLACK TIE?

5 A. I DON'T REMEMBER WHAT CLOTHING HE HAD ON ON THAT DAY, BUT  
6 I DID IDENTIFY HIM THAT DAY.

7 Q. WERE YOU TOLD BEFORE COMING INTO THE COURTROOM,  
8 MR. CERVANTES, WHERE ANY PARTICULAR INDIVIDUALS WERE SITTING?

9 A. NO.

10 Q. WHEN YOU IDENTIFIED AN INDIVIDUAL WITH A GRAY JACKET AND  
11 BLACK TIE, MR. CERVANTES, ISN'T IT TRUE THAT THERE WERE TWO  
12 INDIVIDUALS DRESSED THE SAME WAY?

13 MR. MEDRANO: OBJECTION, YOUR HONOR.

14 THE COURT: OBJECTION SUSTAINED. THE QUESTION IS  
15 IMPROPER FOR THIS HEARING.

16 BY MR. MEDVENE:

17 Q. WERE YOU ADVISED, MR. CERVANTES, BEFORE YOU MADE THE  
18 IDENTIFICATION OF MR. ZUNO, THAT HE HAD GRAY HAIR?

19 A. NO.

20 Q. ISN'T IT TRUE, SIR, THAT BEFORE YOU IDENTIFIED MR. ZUNO,  
21 MR. MEDRANO SAID HE HAS GRAY HAIR?

22 A. NO, THAT IS NOT TRUE.

23 Q. ISN'T IT TRUE MR. MEDRANO SAID HE HAS GRAY HAIR, A DARK  
24 TIE AND A GREY SUIT BEFORE YOU IDENTIFIED MR. ZUNO?

25 MR. MEDRANO: OBJECTION; THIS IS INAPPROPRIATE.

1 THE COURT: NO, IT'S PERFECTLY APPROPRIATE. THE  
2 WITNESS MAY ANSWER.

3 THE WITNESS: NO. NO. THAT IS NOT TRUE, HE DIDN'T  
4 SAY ANYTHING TO ME. I IDENTIFIED HIM ON MY OWN BECAUSE I KNOW  
5 HIM.

6 MR. MEDVENE: IF THE COURT PLEASE, MAY I READ FROM  
7 THE TRANSCRIPT OF WEDNESDAY, MAY 23, VOLUME 6, PAGE 24, LINE 4  
8 THROUGH THE IDENTIFICATION, LINE 13.

9 "THE COURT: WELL, THERE ARE TWO GENTLEMEN  
10 THERE" --

11 EXCUSE ME, YOUR HONOR, STARTING AT LINE 1.

12 "THE WITNESS: YES, IT'S THE MAN IN THE GRAY  
13 JACKET AND BLACK TIE.

14 "MR. MEDRANO: YOUR HONOR, WE'D LIKE THE RECORD  
15 TO REFLECT AN IDENTIFICATION.

16 "THE COURT: WELL, THERE ARE TWO GENTLEMEN  
17 THERE. I THINK YOU NEED SOME FURTHER --

18 "MR. MEDRANO: HE SAID GRAY HAIR, YOUR HONOR,  
19 DARK SUIT AND -- DARK TIE AND GRAY SUIT."

20 MAY WE HAVE, THEN, THE WITNESS WALK  
21 DIRECTLY TO THE DEFENDANT?

22 "THE COURT: HE CAN POINT."

23 AND THEN THE WITNESS POINTED.

24 BY MR. MEDVENE:

25 Q. DOES THAT REFRESH YOU, MR. CERVANTES, THAT YOU HEARD PRIOR

1 TO YOUR IDENTIFICATION OF MR. ZUNO, MR. MEDRANO TELL YOU THAT  
2 THE PERSON WITH GRAY HAIR, DARK TIE AND GRAY SUIT?

3 A. I KNEW HIM PERFECTLY WELL. I KNOW HIM PERFECTLY WELL. I  
4 JUST ASKED TO GET CLOSER UP TO HIM TO BE SURE ABOUT WHO IT WAS.

5 MR. MEDVENE: MOVE TO STRIKE, YOUR HONOR. MY  
6 QUESTION WAS DID THAT REFRESH HIM THAT HE HEARD MR. MEDRANO SAY  
7 WHAT WE SAID HE SAID.

8 MR. MEDRANO: OBJECTION, YOUR HONOR. THE TESTIMONY  
9 SHOULD BE ALLOWED TO STAY.

10 THE COURT: RESTATE YOUR QUESTION.

11 MR. MEDVENE: MOVE TO STRIKE THE LAST ANSWER, YOUR  
12 HONOR.

13 THE COURT: ALL RIGHT. THAT MAY BE STRICKEN.  
14 BY MR. MEDVENE:

15 Q. MY QUESTION, SIR, IS, ARE YOU REFRESHED NOW THAT PRIOR TO  
16 YOUR IDENTIFYING MR. ZUNO, YOU HEARD MR. MEDRANO SAY HE HAS  
17 GRAY HAIR, DARK TIE AND A GRAY SUIT?

18 A. I DID NOT HEAR HIM SAY THAT. I DID NOT HEAR HIM.

19 MR. MEDVENE: THANK YOU, YOUR HONOR.

20 /

21 CROSS-EXAMINATION +

22 BY MR. NICOLAYSEN:

23 Q. MR. CERVANTES, WHEN YOU WERE BEING PRESENTED WITH  
24 PHOTOGRAPHS, WAS THAT ALWAYS BY EITHER ONE OF THE D.E.A. AGENTS  
25 OR BY EITHER ASSISTANT U.S. ATTORNEY MEDRANO OR CARLTON?

1 A. JUST MR. MEDRANO AND THE D.E.A. AGENTS.

2 Q. YOU HAVE TOLD US THAT MR. BERRELLEZ OF THE D.E.A. AT LEAST  
3 ON ONE OCCASION PRESENTED YOU WITH A PHOTOGRAPH.

4 CAN YOU TELL US WHETHER YOU CAN RECALL ANY OTHER  
5 D.E.A. AGENTS PRESENT WHEN WERE YOU BEING SHOWN ANY  
6 PHOTOGRAPHS?

7 A. I DON'T REMEMBER.

8 Q. ALL RIGHT. NOW, DO YOU RECALL ON ANY OCCASION BEFORE THIS  
9 TRIAL WHETHER YOU EVER IDENTIFIED A PHOTO OF SOMEONE YOU  
10 BELIEVED TO BE JAVIER VASQUEZ VELASCO?

11 A. NO, I DON'T UNDERSTAND.

12 Q. YOU HAVE BEEN SHOWN PHOTOS, YOU TOLD US, CORRECT?

13 A. YES. I SAID THAT I HAD BEEN SHOWN PHOTOGRAPHS.

14 Q. AND AS YOU SIT HERE TODAY, DO YOU BELIEVE THAT YOU EVER  
15 SAW JAVIER VASQUEZ VELASCO ON ANY OF THOSE PHOTOS?

16 A. YES.

17 Q. WELL, NOW I SEE YOU LOOKING AT GOVERNMENT EXHIBIT 171 AS  
18 YOU WERE ANSWERING MY QUESTION.

19 THE COURT: HOW DO YOU KNOW THAT?

20 MR. NICOLAYSEN: I SAW HIM LOOKING AT IT.

21 THE COURT: YOU SAW HIM LOOKING, BUT YOU DON'T SEE  
22 WHAT HE'S LOOKING AT.

23 MR. NICOLAYSEN: WELL, I SEE THE EXHIBIT DIRECTLY IN  
24 FRONT OF HIM, YOUR HONOR.

25 THE COURT: PARDON?

1                   MR. NICOLAYSEN: I SEE THE EXHIBIT DIRECTLY IN FRONT  
2 OF THE WITNESS, YOUR HONOR.

3 BY MR. NICOLAYSEN:

4 Q. MR. CERVANTES, DID YOU NEED TO LOOK AT GOVERNMENT EXHIBIT  
5 171 IN ORDER TO ANSWER MY QUESTION?

6 A. I DID LOOK AT IT.

7 Q. DID YOU NEED TO LOOK AT THAT COLLECTION OF PHOTOS IN ORDER  
8 TO TELL ME WHETHER YOU HAD IDENTIFIED JAVIER VASQUEZ ON A PRIOR  
9 OCCASION IN THE PHOTOGRAPH?

10 A. NO, I DON'T REMEMBER.

11 Q. NOW, YOU TOLD US EARLIER THAT YOU CAN'T REMEMBER WHEN YOU  
12 WERE SHOWN THIS EXHIBIT, GOVERNMENT EXHIBIT 171. CAN YOU AT  
13 LEAST GIVE US A MONTH, IF NOT AN EXACT DATE?

14 A. I DON'T REMEMBER.

15 Q. WAS IT BEFORE YOU TESTIFIED BEFORE THE GRAND JURY IN  
16 JANUARY? DOES THAT --

17                   MR. MEDRANO: OBJECTION, ASKED AND ANSWERED, YOUR  
18 HONOR, AS TO WHEN HE SAW 171.

19                   THE COURT: WELL, THEY MAY ATTEMPT TO REFRESH HIS  
20 RECOLLECTION.

21 BY MR. NICOLAYSEN:

22 Q. I WANT TO ASK YOU TO FOCUS IN YOUR MIND RIGHT NOW, MR.  
23 CERVANTES, THE MONTH OF JANUARY, THE FIRST MONTH OF THE 1990  
24 YEAR.

25                   CAN YOU PICTURE THAT IN YOUR MIND FOR US?

1 A. YES.

2 Q. DO YOU REMEMBER HOW YOU MADE TWO GRAND JURY APPEARANCES  
3 DURING THAT PARTICULAR MONTH?

4 A. YES, I THINK SO.

5 Q. NOW, DOES THAT HELP REFRESH YOUR MEMORY AS TO WHETHER YOU  
6 SAW THIS DISPLAY OF PHOTOGRAPHS, WHICH IS GOVERNMENT EXHIBIT  
7 171 BEFORE JANUARY?

8 A. NO, MY MEMORY CANNOT BE REFRESHED.

9 Q. WERE THERE ANY OTHER OCCASIONS WHERE YOU WERE SHOWN PHOTOS  
10 OTHER THAN GOVERNMENT 171 WHERE YOU BELIEVED YOU SAW A PICTURE  
11 OF JAVIER VASQUEZ VELASCO?

12 A. I KNOW HIM WELL. YES, ANY PHOTOGRAPH THAT I'M SHOWN, I DO  
13 KNOW HIM.

14 Q. THAT'S NOT MY QUESTION. ASIDE FROM GOVERNMENT 171 THAT IS  
15 UIN FROM OF YOU NOW, WERE YOU SHOWN ANY OTHER PHOTOGRAPHS OF A  
16 PERSON THAT YOU BELIEVED AT THE TIME -- YOU BELIEVED WHEN YOU  
17 SAW THE PHOTO TO BE JAVIER VASQUEZ VELASCO?

18 A. I DON'T REMEMBER.

19 Q. WHEN YOU WERE SHOWN EXHIBIT 171, WHICH IS THE COLLECTION  
20 OF PHOTOS IN FRONT OF YOU, WERE THE GOVERNMENT AGENTS OR WAS  
21 MR. MEDRANO TAKING ANY NOTES?

22 A. NO, I DON'T REMEMBER WHETHER ANYTHING WAS WRITTEN DOWN OR  
23 NOT. I WAS JUST ANSWERING. I DON'T REMEMBER.

24 Q. WERE YOU EVER SHOWN BEFORE THIS TRIAL ANY PHOTOGRAPHS OF  
25 ANY INDIVIDUALS WHO YOU BELIEVED TO BE BROTHERS OF JAVIER

1 VASQUEZ VELASCO?

2 MR. MEDRANO: OBJECTION, RELEVANCY, YOUR HONOR.

3 MR. NICOLAYSEN: IT'S VERY RELEVANT, YOUR HONOR.

4 THE COURT: OVERRULED.

5 THE WITNESS: YES.

6 BY MR. NICOLAYSEN:

7 Q. CAN YOU TELL US WHEN?

8 A. I DON'T REMEMBER WHEN.

9 Q. BY WHOM WERE YOU SHOWN THESE PHOTOS?

10 A. I DON'T REMEMBER WHO SHOWED THEM TO ME EITHER.

11 Q. HOW MANY PHOTOS ARE WE TALKING ABOUT?

12 A. I DO NOT KNOW HOW MANY PHOTOS YOU WOULD BE TALKING ABOUT.

13 Q. I'M ASKING YOU WHETHER YOU CAN RECALL ANY OCCASION BEFORE  
14 THIS TRIAL IN WHICH YOU IDENTIFIED A PHOTO OF SOMEONE THAT YOU  
15 BELIEVED TO BE ONE OF THE BROTHERS OF JAVIER VASQUEZ VELASCO?

16 A. I'M ANSWERING YOU THAT I CAN'T RECALL AT THIS TIME WHAT  
17 YOU'RE ASKING ME ABOUT.

18 Q. I BELIEVE YOU TOLD US JUST A MOMENT AGO THAT THERE WAS  
19 SUCH AN OCCASION BUT YOU COULDN'T REMEMBER.

20 A. YES.

21 Q. ARE YOU WITH ME? WHICH BROTHERS DO YOU BELIEVE YOU SAW IN  
22 THE PHOTOGRAPHS?

23 A. ELISEO, RICA, ANTONIO.

24 Q. CAN YOU GIVE US THE FULL NAME OF ANTONIO THAT YOU BELIEVED  
25 YOU SAW IN THE PHOTOGRAPHS?

1 A. IT IS THE SAME ONE AS JAVIER.

2 THE COURT: SAME NAME?

3 BY MR. NICOLAYSEN:

4 Q. SAME NAME; IS THAT WHAT YOU'RE TELLING US?

5 A. SAME LAST NAME.

6 Q. WHEN YOU WERE SHOWN --

7 MR. NICOLAYSEN: BY THE WAY, YOUR HONOR, I WOULD  
8 RESPECTFULLY ASK THAT THOSE PHOTOS THAT THE WITNESS HAS JUST  
9 TESTIFIED TO BE INCLUDED IN THE COURT'S ORDER COMPELLING  
10 PRODUCTION OF ALL PHOTOGRAPHS SHOWN TO THE WITNESS.

11 MR. MEDRANO: TO THAT WE WOULD OBJECT, YOUR HONOR.  
12 THE ISSUE IS PHOTOS OF THESE DEFENDANTS.

13 THE COURT: ALL PHOTOGRAPHS SHOWN TO THIS WITNESS  
14 WILL BE PRODUCED.

15 MR. MEDRANO: VERY WELL, YOUR HONOR. IN FACT, I'M  
16 ADVISED THAT PHOTOS OF THE BROTHERS HAVE ALREADY BEEN DISCLOSED  
17 AS PART OF THE DISCOVERY BY THE GOVERNMENT.

18 BY MR. NICOLAYSEN:

19 Q. MR. CERVANTES, I'M GOING TO DIRECT YOUR ATTENTION AGAIN TO  
20 THAT COLLECTION OF PHOTOS AGAIN THAT IS RIGHT IN FRONT OF YOU.

21 YOUR HONOR, I REALIZE IT'S GETTING ON TO THE END OF  
22 THE AFTERNOON.

23 THE COURT: SHOW IT IN A TANGIBLE WAY.

24 (COURTROOM LAUGHTER.)

25 BY MR. NICOLAYSEN:

1 Q. MR. CERVANTES, I'M GOING TO ASK YOU TO LOOK AT THAT  
2 COLLECTION OF PHOTOS IN FRONT OF YOU, WHICH IS GOVERNMENT'S  
3 EXHIBIT 171.

4 A. YES.

5 Q. AND YOU TOLD US THAT YOU OBSERVED -- THAT YOU IDENTIFIED  
6 JAVIER VASQUEZ IN THAT COLLECTION OF PHOTOS; IS THAT RIGHT?

7 A. YES.

8 Q. AND DID AGENT BERRELLEZ PRESENT YOU WITH THIS SHEET OF  
9 PAPER, WHICH IS GOVERNMENT 171? IS HE THE ONE WHO GAVE IT TO  
10 YOU?

11 A. AS I JUST FINISHED TELLING YOU, I DON'T REMEMBER WHO  
12 SHOWED IT TO ME, BUT I HAD SEEN THOSE PHOTOGRAPHS.

13 Q. WHEN THE PHOTOS WERE PRESENTED TO YOU, THAT IS, WHEN THIS  
14 PIECE OF PAPER WAS PRESENTED TO YOU, WHAT WERE YOU TOLD?

15 MR. MEDRANO: OBJECTION; ASKED AND ANSWERED, YOUR  
16 HONOR.

17 MR. NICOLAYSEN: NOT WITH RESPECT TO MY CLIENT.

18 THE COURT: ANSWER THE QUESTION.

19 THE WITNESS: NOTHING. IT WAS JUST SHOWN TO ME AND I  
20 IDENTIFIED THEM.

21 BY MR. NICOLAYSEN:

22 Q. AND WHAT DID YOU SAY?

23 A. JUST THEIR NAMES, THE ONES THAT I KNEW.

24 Q. AND WHAT NAMES DID YOU STATE, EXACTLY?

25 MR. MEDRANO: OBJECTION, YOUR HONOR, RELEVANCE. HE

1 HAS MADE THE IDENTIFICATION.

2 THE COURT: WELL, HE MAY ANSWER.

3 THE WITNESS: YOU'RE TALKING ABOUT THE PHOTOGRAPHS?

4 BY MR. NICOLAYSEN:

5 Q. THAT IS RIGHT.

6 A. WELL, THERE IS BERNA, JAVIER, DON RUBEN, MATTA, AND THE  
7 DOCTOR, MACHAIN.

8 Q. WERE YOU SHOWN ONLY A PHOTOCOPY; THAT IS, WERE YOU SHOWN  
9 EXACTLY WHAT IS IN FRONT OF YOU NOW OR THE ORIGINALS?

10 A. NO, IT WAS JUST LIKE THIS.

11 Q. THE PHOTOCOPY?

12 A. I DON'T KNOW WHAT IT'S CALLED, BUT IT IS THE SAME.

13 MR. NICOLAYSEN: YOUR HONOR, SUBJECT TO PRODUCTION  
14 OF THE PHOTOS, I HAVE NOTHING MORE AT THIS TIME.

15 MR. STOLAR: I WOULD ALSO THINK THAT THE AGENTS OUGHT  
16 TO BE PRODUCED WHO CAN TESTIFY ABOUT WHAT THE CIRCUMSTANCES  
17 WERE AND WHEN AND HOW MANY TIMES, AND HOW CLOSE TO THE  
18 TESTIMONY, THE WITNESS'S IN-COURT I.D., SINCE THIS WITNESS'S  
19 MEMORY OF THOSE OCCASIONS IS POOR, TO SAY THE LEAST.

20 MR. MEDRANO: OBJECTION TO THAT, YOUR HONOR, BECAUSE  
21 WHAT THE WITNESS IS SOLID ON IS THAT THERE WERE NO INSTRUCTIONS  
22 GIVEN AND HE WAS IMMEDIATELY ABLE TO IDENTIFY OUT OF THE  
23 PHOTOGRAPHS. SO HE WOULD OPPOSE ANY OTHER EXAMINATION OF OTHER  
24 WITNESSES AS UNNECESSARY.

25 THE COURT: THE PROBLEM HERE IS THAT THIS

1 DEFENDANT -- THAT IS, THIS WITNESS HAS ESTABLISHED AN  
2 INDEPENDENT SOURCE OF HIS IDENTIFICATION.

3 THREE OF THESE PEOPLE HE SAYS HE KNOWS VERY WELL  
4 BECAUSE HE HAS SEEN THEM ON NUMEROUS OCCASIONS. AND HE HAS  
5 DESCRIBED THE CIRCUMSTANCES UNDER WHICH HE HAS SEEN THEM. THAT  
6 HAS NOT BEEN SHAKEN BY ANY TESTIMONY THAT I HAVE HEARD.

7 WITH RESPECT TO MR. BALLESTEROS, THIS WITNESS HAD A  
8 GOOD DEAL OF OPPORTUNITY TO SEE HIM AND SPEND TIME WITH HIM,  
9 NOT ONLY ON THE RIDE FROM THE AIRPORT, BUT ALSO IN THE TWO  
10 MEETINGS THAT HE ALLEGED HE ATTENDED AT WHICH HE WAS PRESENT.

11 HE HAS TESTIFIED THAT THAT WAS THE SOURCE OF HIS  
12 IDENTIFICATION, AND HE HAS REPEATEDLY SAID HE KNEW THESE  
13 PEOPLE. HE SAID "I ALREADY KNEW THEM WHEN I WAS SHOWN THIS  
14 PICTURE", AND I'M REFERRING TO EXHIBIT 171.

15 IT SEEMS OBVIOUS THAT HE WAS SHOWN PICTURES OF THE  
16 FIVE DEFENDANTS IN THIS CASE AND SIMPLY ASKED TO STATE THEIR  
17 NAMES, WHICH HE SAYS HE DID, WHICH HE DID JUST NOW ON THE  
18 WITNESS STAND.

19 MR. STOLAR: HE ALSO SAID THAT HE WAS SHOWN NUMEROUS  
20 PICTURES OF MR. MATTA ON NUMEROUS OCCASIONS SOMETIME AGO.

21 THE COURT: IT WOULDN'T MATTER HOW MANY PICTURES HE  
22 WAS SHOWN IF HIS IDENTIFICATION IS BASED ON HIS PERSONAL  
23 KNOWLEDGE AND INVOLVEMENT WITH THESE PEOPLE.

24 MR. STOLAR: HIS IDENTIFICATION OF MR. MATTA IS BASED  
25 ON VIEWING MR. MATTA FOR A TOTAL MAYBE OF 8 HOURS OR SO FIVE

1 YEARS BEFORE HE IS SHOWN PICTURES. AND THEN HE'S SHOWN A LOT  
2 OF PICTURES OF MR. MATTA.

3 SO THE QUESTION BECOMES IS THE IN-COURT  
4 IDENTIFICATION BASED ON A FEW HOURS YEARS AGO, WHEN HIS  
5 ATTENTION WAS FOCUSED ON HIS BOSS AND HIS SECURITY, OR IS IT  
6 BASED ON SEEING THE PICTURES THAT HE SAW SHORTLY BEFORE HE  
7 TESTIFIED AND BEFORE HIS GRAND JURY TESTIMONY WHEN HE WAS  
8 DEBRIEFED?

9 THAT'S REAL SERIOUS LEGAL QUESTION. THE INDEPENDENT  
10 SOURCE PROBLEM IS SUCH THAT HE'S SITTING IN THE FRONT SEAT OF  
11 THE CAR, THEY PICK HIM UP FROM THE AIRPORT AND HIS BACK WAS  
12 TURNED, SO HE DOESN'T WATCH HIM IN THE CAR.

13 MR. MEDRANO: OBJECTION; THERE IS NO TESTIMONY --

14 THE COURT: THERE'S NO EVIDENCE --

15 MR. MEDRANO: NO EVIDENCE OF THAT AT ALL.

16 MR. STOLAR: ALL RIGHT. WELL, LET'S ASK HIM.

17 THE COURT: NO, LET'S NOT ASK HIM. JUST SIT DOWN.

18 MR. STOLAR: I'M PREPARED TO ASSUME THAT'S WHAT IT  
19 WAS.

20 MR. MEZA: YOUR HONOR, I WOULD JOIN IN THE MOTION TO  
21 CALL THE AGENTS WHO CONDUCTED THE PHOTO IDENTIFICATION BASED  
22 ON, IF NOTHING ELSE, THIS WITNESS'S LACK OF MEMORY.

23 WHEN IT SUPPORTS THE GOVERNMENT'S CASE, HE HAS A  
24 VELCRO MEMORY. WHEN IT STARTS TO SUPPORT THE DEFENSE CASE, IT  
25 TURNS INTO TEFLON.

1 (COURTROOM LAUGHTER.)

2 MR. NICOLAYSEN: I WOULD JOIN IN THAT AS WELL, YOUR  
3 HONOR.

4 MR. MEDVENE: WE WOULD JOIN ALSO, YOUR HONOR.

5 THE COURT: WHAT WERE YOU JOINING?

6 MR. MEZA: THE MOTION TO CALL THE AGENTS WHO  
7 CONDUCTED THE PHOTO LINE-UP.

8 THE COURT: YOU MEAN AS A PART OF THIS HEARING OR FOR  
9 CROSS-EXAMINATION?

10 MR. STOLAR: YES, YOUR HONOR.

11 MR. MEZA: NO, AS PART OF THIS HEARING. PART OF  
12 SIMMONS IS THE PROCEDURE WHICH IS EMPLOYED IN DISPLAYING THE  
13 PHOTOGRAPHS.

14 MR. NICOLAYSEN: YOUR HONOR, THE REASON WE HAVEN'T  
15 BEEN ABLE, PERHAPS, TO MAKE MUCH INROADS FOUNDATIONALLY IS  
16 BECAUSE HIS MEMORY HAS SUDDENLY GONE BLANK AND THERE HAS BEEN  
17 NO CONSTRUCTIVE FEEDBACK FROM THIS WITNESS BY WHICH WE CAN  
18 FOCUS OUR INQUIRIES, SO WE NEED IT DIRECTLY FROM THE  
19 GOVERNMENT'S END.

20 THE COURT: WELL, THAT'S TRUE. I RECOGNIZED THAT  
21 MYSELF. IT'S DIFFICULT TO EXAMINE A WITNESS WITHOUT KNOWING  
22 WHEN AND WHERE AND WHAT HE WAS SHOWN AND BY WHOM.

23 MR. MEDRANO: I UNDERSTAND THAT, YOUR HONOR, CLEARLY  
24 AND I DEFER TO THAT COMPLETELY. BUT THE MILLION DOLLAR  
25 QUESTION HERE, YOUR HONOR, IS HE CAN TELL YOU THAT NO MATTER

1 HOW MANY PHOTOGRAPHS HE SAW, IT DOESN'T MATTER BECAUSE IT'S  
2 BASED ON INDEPENDENT RECOLLECTION.

3 THE COURT: WELL, I UNDERSTAND THAT'S YOUR POSITION,  
4 BUT THE DEFENDANTS ARE ENTITLED TO KNOW, TO RAISE THESE ISSUES  
5 AND YOU HAVEN'T PROVIDED IT.

6 THIS CAGINESS WHICH HAS OCCURRED IS WHAT IS CAUSING  
7 ALL THESE PROBLEMS. IF YOU HAD MADE A DISCLOSURE OF THIS IN A  
8 TIMELY MANNER AND HAD GIVEN THE INFORMATION THAT THIS  
9 WITNESS -- AND IT SHOULD BE DONE WITH ANY OTHER WITNESS THAT  
10 YOU INTEND TO USE HERE TO IDENTIFY THESE DEFENDANTS -- THE  
11 DEFENDANTS SHOULD KNOW WHAT, IF ANY, PHOTOGRAPHS WERE SHOWN TO  
12 THE WITNESS AND WHEN AND BY WHOM AND UNDER WHAT CIRCUMSTANCES.

13 MR. MEDRANO: I UNDERSTAND, YOUR HONOR.

14 THE COURT: SO WE DON'T HAVE THIS AGAIN.

15 NOW, ALL PHOTOGRAPHS THAT HAVE BEEN SHOWN TO THIS  
16 WITNESS SHOULD BE PROVIDED TO THE DEFENDANTS, AND THEY SHOULD  
17 HAVE THE OPPORTUNITY TO CROSS-EXAMINE HIM ON THOSE AND THE  
18 AGENTS WHO SHOWED HIM, TO DETERMINE WHAT, IF ANYTHING, WAS SAID  
19 AND THE CIRCUMSTANCES UNDER WHICH THESE PHOTOGRAPHS WERE SHOWN.

20 MR. MEDRANO: VERY WELL, YOUR HONOR.

21 THE COURT: THAT IS THE ONLY WAY THIS CAN BE  
22 RESOLVED.

23 NOW, ARE YOU GOING TO HAVE ALL THESE PHOTOGRAPHS?

24 MR. MEDRANO: YES, YOUR HONOR, BY TOMORROW MORNING.

25 I'LL HAVE ALL PHOTOGRAPHS BY TOMORROW MORNING, I'LL BE ABLE TO

1 PUT ON, PREFERABLY AT 4:30, BECAUSE I THINK WE CAN PROCEED ON  
2 THIS ISSUE UNTIL AFTER THE JURY FINISHES AT 4:30.

3 THE COURT: THAT WOULD BE MY PREFERENCE SINCE THE  
4 IN-COURT IDENTIFICATION HAS ALREADY BEEN MADE. I DON'T SEE ANY  
5 HARM IN PROCEEDING IN THAT WAY AND THEN CONTINUING THE HEARING  
6 UNTIL AFTER THE JURY IS GONE, RATHER THAN TAKE UP THEIR TIME.

7 MR. MEDRANO: THAT IS OUR PREFERENCE, YOUR HONOR.

8 MR. STOLAR: HOW ABOUT 4:00, THOUGH, THAT WE START  
9 INSTEAD OF 4:30?

10 THE COURT: WE'LL SEE. WE ARE NOT PROGRESSING VERY  
11 SATISFACTORILY IN THE LAST FEW DAYS. I'M NOT VERY PLEASED WITH  
12 THAT, SO IT MAY BE WE'LL START KEEPING LONGER HOURS.

13 MR. STOLAR: JUST SO YOU UNDERSTAND, THIS WITNESS IS  
14 A SIGNIFICANT WITNESS FOR EVERYBODY WHO'S HERE.

15 THE COURT: WE UNDERSTAND THAT.

16 MR. NICOLAYSEN: YOUR HONOR, I WOULD ALSO MOVE FOR  
17 PRODUCTION OF ALL NOTES, HANDWRITTEN OR TYPED, BY THE AGENTS  
18 SPECIFICALLY IN CONNECTION WITH THIS.

19 THE COURT: IF THERE ARE ANY NOTES THAT WERE PREPARED  
20 BY ANYONE WHO PARTICIPATED IN SHOWING THIS WITNESS ANY  
21 PHOTOGRAPHS, THOSE ALSO SHOULD BE PREPARED AND PRODUCED.

22 MR. MEDRANO: VERY WELL, YOUR HONOR. SO TOMORROW THE  
23 GOVERNMENT WILL PUT ON THE AGENTS, YOUR HONOR, AND WE'LL HAVE  
24 THE PHOTOS.

25 AND AS TO THIS WITNESS, YOUR HONOR, IF I UNDERSTAND

1 THE COURT'S EARLIER RULING CORRECTLY, THERE IS THAT OTHER  
2 EXHIBIT WITH THE '85 PHOTO OF BERNABE, WHICH IS MY LAST  
3 QUESTION ON REDIRECT WITH THE WITNESS. I ASSUME I CAN ADMIT  
4 THAT TOMORROW MORNING AND THAT WOULD CONCLUDE GOVERNMENT'S  
5 REDIRECT. I JUST THAT HAVE ONE QUESTION LEFT FOR WITNESS.

6 THANK YOU.

7 THE COURT: THEN WE'LL HAVE SOME RE-CROSS EXAMINATION  
8 OF THIS WITNESS?

9 MR. STOLAR: NOT VERY LONG.

10 THE COURT: IT SHOULD BE JUST LIMITED TO WHAT WAS  
11 COVERED ON THE REDIRECT.

12 YOU WANTED TO GO INTO SOMETHING ELSE.

13 MR. MEDVENE: MAY I BRIEFLY, SO I DON'T TAKE YOUR  
14 TIME TOMORROW. IF IT'S PERMISSIBLE TO GO INTO IT, I WILL. IF  
15 NOT, I WON'T, BUT I COULD HIGHLIGHT THE AREA FOR YOU RIGHT  
16 NOW.

17 THE COURT: ALL RIGHT.

18 THE INTERPRETER: SHALL I GO ON INTERPRETING FOR THE  
19 WITNESS?

20 THE COURT: NO, I DON'T. THINK THAT'S NECESSARY.  
21 THIS HAS NOTHING TO DO WITH HIM.

22 MR. MEDVENE: MAY WE EXCUSE THE WITNESS, BECAUSE  
23 THESE ARE THE -- I'M GOING TO PURPORT TO TELL YOU THE --

24 THE COURT: IT IS NOT BEING INTERPRETED, UNLESS YOU  
25 THINK HE HAS SUDDENLY DEVELOPED AN ABILITY IN THE ENGLISH

1 LANGUAGE.

2 MS. KELLY: YOUR HONOR, HE HAS ANSWERED A NUMBER OF  
3 QUESTIONS WITHOUT AID OF THE INTERPRETER.

4 THE COURT: THE WITNESS IS EXCUSED.

5 (WITNESS EXCUSED.)

6 MR. MEDVENE: YOUR HONOR, WE WOULD --

7 THE COURT: JUST GET TO THE POINT HERE. JUST GIVE IT  
8 TO ME WHAT IT IS THAT YOU THINK YOU NEED TO EXAMINE THIS  
9 WITNESS ABOUT.

10 MR. MEDVENE: YES, SIR. FIRST, YOUR HONOR, WITH  
11 REFERENCE TO THE PREWEDDING MEETING, WE WANT TO ASK THE WITNESS  
12 TO TIE IT INTO THE JANUARY 16 D.E.A. REPORT, WHETHER IT IS NOT  
13 TRUE THAT AFTER THE DISCUSSION OF -- THE REPORTS THAT WERE  
14 BROUGHT BY MR. ALDANA CONTAINED INFORMATION AS TO WHICH  
15 AMERICAN AGENT WAS RESPONSIBLE FOR SUPPLYING THE INFORMATION  
16 WHICH RESULTED IN THE ZACATECAS SEIZURE, AND THAT MR. ALDANA  
17 MADE REFERENCE TO THE PARTICULAR AGENT WHICH CAUSED PROBLEMS.

18 AND LASTLY, THAT THE WITNESS WOULD SAY, WE THINK,  
19 THAT THE AGENT BEING DISCUSSED WAS CAMARENA.

20 THE COURT: I'M GOING TO PERMIT YOU TO REOPEN.

21 MR. MEDVENE: I'M SORRY?

22 THE COURT: I'M GOING TO PERMIT YOU TO REOPEN YOUR  
23 CROSS-EXAMINATION, BUT DURING THE RE-CROSS, AND IF YOU STRAY  
24 INTO SUBJECTS THAT I DON'T BELIEVE ARE APPROPRIATE, THEN I'M  
25 GOING TO STOP YOU.

1 MR. MEDVENE: YES, SIR.

2 MR. STOLAR: THE RECORD SHOULD REFLECT I HAVE AN  
3 OBJECTION TO THOSE QUESTIONS. THEY ARE INCONSISTENT WITH A  
4 VERY IMPORTANT PART OF MY DEFENSE.

5 THE COURT: THEY MAY BE INCONSISTENT, BUT IF THEY'RE  
6 APPROPRIATE FOR HIM TO ASK, THAT'S PERMISSIBLE.

7 MR. STOLAR: THAT'S WHY I'M MAKING FOR THE RECORD MY  
8 OBJECTION.

9 THE COURT: YES. ALL RIGHT.

10 MR. MEDVENE: DO YOU WANT ME TO GO THROUGH THE OTHER  
11 AREAS OR NOT NECESSARY?

12 THE COURT: IF YOU CAN DO IT MORE BRIEFLY THAN YOU  
13 HAVE, I DON'T WANT A HALF HOUR'S WORTH. JUST TELL ME WHAT IT  
14 IS THAT YOU WANT TO EXAMINE THIS WITNESS ABOUT IN A VERY BRIEF  
15 STATEMENT.

16 MR. MEDVENE: YES, SIR. I WAS GOING TO ASK HIM WITH  
17 RESPECT TO THE FIRST MEETING WHERE HE SAID KIDNAPPING WAS  
18 DISCUSSED, I WAS GOING TO ASK HIM WHAT HE TOLD THE D.E.A. IN  
19 CONTRAST TO WHAT HE SAID AT TRIAL.

20 THE COURT: YOU ASKED HIM INTERMINABLY ABOUT WHAT HE  
21 TOLD THE D.E.A. CONTRASTED WITH WHAT HE SAID AT TRIAL.

22 MR. MEDVENE: I DIDN'T ASK HIM ANYTHING ABOUT WHAT HE  
23 SAID AT TRIAL BECAUSE HE SAID IT, BUT I DIDN'T ASK HIM WHAT HE  
24 TOLD THE D.E.A. IN TERMS OF WHO WAS PRESENT.

25 ALL I'M TALKING ABOUT IS WHO WAS PRESENT AT THE

1 MEETINGS? AND DID NOT ASK THAT FROM --

2 THE COURT: I RECALL YOU ASKING HIM TIME AFTER TIME  
3 DIDN'T YOU TELL THE D.E.A. AGENTS THIS, THIS AND THAT?

4 MR. MEDVENE: YES, SIR. WHAT I WANT TO ASK HIM IS  
5 ISN'T IT TRUE THAT HE SAID TO THE D.E.A. THAT A, B, C, D AND E  
6 WERE PRESENT OR NOT PRESENT AT A CONTINUING MEETING?

7 I NEVER ASKED HIM THAT.

8 MR. MEDRANO: OBJECTION, YOUR HONOR, ASKED AND  
9 ANSWERED AD NAUSEUM. WE WOULD OBJECT.

10 MR. MEDVENE: IF THEY CAN CITE IT, YOUR HONOR -- I  
11 WOULDN'T TELL YOU IT IS IN THE TRANSCRIPT, BECAUSE WE HAVE IT  
12 AND THEY HAVE IT. IT IS NOT IN THE TRANSCRIPT.

13 I DIDN'T ASK HIM WITH RESPECT TO THE FIRST MEETING  
14 WHERE THE KIDNAPPING WAS DISCUSSED, WHO DID YOU TELL THE D.E.A.  
15 WAS THERE? THAT'S ALL I WANT TO HIM HIM, THE NAMES OF THE  
16 PEOPLE. I AM NOT GOING TO ASK HIM ANYTHING ABOUT THE  
17 CONVERSATION.

18 THE COURT: OKAY.

19 MR. MEDVENE: FEBRUARY '85, I JUST WANT TO ASK HIM  
20 ONE OR TWO STATEMENTS -- IF THEY WEREN'T SAID, THAT TIE INTO  
21 THE D.E.A. REPORT. I WANT TO ASK HIM --

22 MR. MEDRANO: OBJECTION, YOUR HONOR. AGAIN, THAT HAS  
23 BEEN ASKED AND ANSWERED REPEATEDLY ON CROSS BY COUNSEL.

24 MR. MEDVENE: THE QUESTION WAS NOT ASKED BEFORE OR I  
25 WOULDN'T ASK IT.

1 MR. MEDRANO: THE SUBJECT MATTER WAS COVERED  
2 EXTENSIVELY, YOUR HONOR, WHAT HAPPENED AND WHO SAID WHAT IN  
3 FEBRUARY '85.

4 MR. MEDVENE: I WANT TO ASK HIM IF BARBA HERNANDEZ  
5 KNOWS GENERAL GARDOQUI, WHICH WASN'T ASKED BEFORE.

6 I WANT TO ASK HIM CERTAIN QUESTIONS GOING TO HIS  
7 MOTIVATION TO TESTIFY THAT WERE BROUGHT UP ON CROSS -- SOMEONE  
8 ELSE'S CROSS, AND WHY HE IS TESTIFYING.

9 MR. MEDRANO: WHAT AREAS, YOUR HONOR? MAY WE HEAR?

10 MR. MEDVENE: I DON'T WANT TO PREPARE. IF THE  
11 PROSECUTION WILL TELL ME THEY WON'T SPEAK TO THE WITNESS ABOUT  
12 IT AND THE D.E.A. WON'T, I'LL TELL YOU. BUT IF THEY WON'T GIVE  
13 THAT, I'M NOT GOING TO SAY WHAT IT IS SO HE CAN GET PREPARED ON  
14 IT.

15 THE COURT: IF IT HAS BEEN COVERED, THEN YOU CAN  
16 OBJECT.

17 MR. MEDRANO: VERY WELL.

18 MR. MEDVENE: LASTLY, I WANT TO ASK -- BUT WE'LL  
19 ACCEPT A STIPULATION FROM THE GOVERNMENT ON THIS TO SAVE  
20 TIME -- IF IT ISN'T TRUE THAT THE WITNESS NEVER SAID BEFORE ANY  
21 GRAND JURY THAT THERE WAS ANY DISCUSSION OF KIDNAPPING AT ANY  
22 BAPTISM MEETING? IF THE GOVERNMENT IS WILLING TO STIPULATE  
23 THEN WHAT I'M TELLING YOU IS A FACT, HE NEVER SAID KIDNAPPING  
24 WAS DISCUSSED.

25 THE COURT: WAS HE ASKED THE QUESTION?

1 MR. MEDVENE: WHAT'S THAT?

2 THE COURT: WAS ASKED BY THE QUESTIONS?

3 MR. MEDVENE: HE WAS ASKED BY THE D.E.A.

4 THE COURT: NO. AT THE GRAND JURY WAS HE ASKED THE  
5 QUESTION WHETHER OR NOT KIDNAPPING WAS DISCUSSED AT THE BAPTISM  
6 MEETING?

7 MR. MEDVENE: NO. HE WAS ASKED ABOUT THE BAPTISM.  
8 THE SPECIFIC QUESTION WAS IT DISCUSSED WASN'T ASKED, BUT HE WAS  
9 ASKED ABOUT THE BAPTISM. BUT THE D.E.A. DID ASK HIM WHEN WAS  
10 KIDNAPPING FIRST DISCUSSED, AND HE DOES INDICATE THE BAPTISM  
11 MEETING -- WAS THERE EVER A TIME WHEN THE KIDNAPPING WAS  
12 DISCUSSED? WE JUST WANT TO GET IT CLEAR ON THE RECORD.

13 NOW, THE GOVERNMENT KNOWS IT IS NOT THERE AND WE JUST  
14 WANT A CLEAN RECORD.

15 THE COURT: HOW ELSE WOULD YOU GET IT THERE WITHOUT A  
16 STIPULATION? I'M NOT GOING TO PERMIT YOU TO READ THE WHOLE  
17 TRANSCRIPT.

18 MR. MEDVENE: I WOULD ASK HIM -- YOU MET THE D.E.A.  
19 NOVEMBER 30 --THREE QUESTIONS: YOU MET THEM NOVEMBER 30, YOU  
20 MET THEM JANUARY 2ND AND YOU MET THEM JANUARY 11TH AND YOU  
21 NEVER TOLD THEM THAT KIDNAPPING WAS DISCUSSED AS PART OF THE  
22 BAPTISM MEETING? THAT'S THE FIRST SERIES OF A, B AND C.

23 SECOND, YOU DISCUSSED AND WERE QUESTIONED ABOUT THE  
24 BAPTISM AT THE NOVEMBER 30 GRAND JURY. YOU NEVER INDICATED  
25 KIDNAPPING WAS DISCUSSED AT THE BAPTISM.

1 THE COURT: THAT'S WHAT IS WRONG WITH THOSE KINDS OF  
2 QUESTIONS. AND SOMETIMES THE GOVERNMENT DOESN'T UNDERSTAND  
3 THAT, IS THAT YOU DON'T ASK A WITNESS "DID YOU EVER MENTION TO  
4 THE GRAND JURY X Y AND Z", BECAUSE THE WITNESS DOESN'T GO IN  
5 THERE AND SIMPLY GIVE A NARRATION; HE'S ASKED QUESTIONS AND HE  
6 GIVES ANSWERS.

7 IF HE WASN'T ASKED A SPECIFIC QUESTION AT THE GRAND  
8 JURY HEARING, THE FACT THAT HE DID NOT PROVIDE ANY INFORMATION  
9 ON A GIVEN SUBJECT IS IRRELEVANT.

10 MR. MEDVENE: WE ARE CERTAINLY ENTITLED TO ASK HIM  
11 DID THE AGENTS ASK YOU ABOUT ALL THE MEETINGS?

12 THE COURT: MY RECOLLECTION IS THAT HE HAS ALREADY  
13 BEEN ASKED THAT, EITHER BY YOU OR OTHERS, ABOUT WHY -- ABOUT  
14 HIS TESTIMONY OR HIS STATEMENTS IN COURT DIFFERING FROM WHAT HE  
15 TOLD THE AGENTS.

16 ARE YOU TELLING ME THOSE ARE THINGS YOU HAVEN'T ASKED  
17 HIM BEFORE?

18 MR. MEDVENE: I TRIED TO GET AT IT. I DON'T THINK I  
19 DID IT VERY WELL, AND THE ONLY THING I'M TRYING TO GET IS THAT  
20 HE NEVER MENTIONED THAT THERE WAS ANY KIDNAPPING DISCUSSION AS  
21 PART OF THE BAPTISM.

22 AND MAYBE ANOTHER WAY TO GET AT IT IS WHEN DOES HE  
23 CLAIM HE FIRST TOLD THE AGENT THERE WAS ANY DISCUSSION ABOUT  
24 KIDNAPPING AT A BAPTISM? I'LL REPRESENT TO YOU HE DIDN'T DO IT  
25 IN THE THREE D.E.A. REPORTS AND HE NEVER DID IT IN THE GRAND

1 JURY.

2 THE COURT: THE OTHER THING IS THAT EQUATING THE  
3 D.E.A. REPORTS WITH WHAT THESE DEFENDANTS SAID VERBATIM -- THAT  
4 TENDS TO BE MISLEADING, TOO.

5 MR. MEDVENE: I UNDERSTAND, BUT I'LL REPRESENT TO  
6 YOUR HONOR THAT IN THE JANUARY 3RD D.E.A. REPORT, THE D.E.A.  
7 AGENT SAYS HE TOLD ME ABOUT FOUR MEETINGS WHERE KIDNAPPING WAS  
8 DISCUSSED: A, B, C, D.

9 A IS EARLY OCTOBER, B IS THE WEDDING. THERE IS NO  
10 BAPTISM MEETING, AND WE THINK THE JURY SHOULD UNDERSTAND THAT  
11 AND THE GOVERNMENT SHOULDN'T HIDE THAT.

12 THE COURT: HASN'T THAT BEEN BROUGHT OUT AMPLY?

13 MR. MEDRANO: REPEATEDLY, YOUR HONOR.

14 MR. MEDVENE: I DON'T THINK IT'S CLEAN. MR. STOLAR  
15 TRIED TO GET, AN OBJECTION WAS SUSTAINED -- WAS THAT MENTIONED  
16 IN THE GRAND JURY WHEN THERE WAS A DISCUSSION OF BAPTISM?

17 I TRIED TO GET IT, BUT I DON'T THINK I HAVE IT CLEAN.

18 THE COURT: THAT'S ENOUGH. THAT'S ENOUGH, I DON'T  
19 WANT TO HEAR ANYMORE FROM ANYONE. I DON'T WANT TO HEAR ANY  
20 MORE FROM YOU, COUNSEL.

21 YOU WILL NOW LISTEN. I'M GOING TO PERMIT YOU -- I'M  
22 NOT -- UNDERSTAND IT SOUNDS TO ME A GREAT DEAL LIKE YOU WOULD  
23 LIKE NOW TO EMBELLISH NOW WHAT YOU HAVE ALREADY PROVIDED  
24 BECAUSE DON'T FEEL YOU DID IT ADEQUATELY. THAT'S NOT THE  
25 PURPOSE OF ALLOWING YOU TO CROSS.

1           YOU HAVE SAID THAT CERTAIN AREAS ARE NEW BECAUSE OF  
2 THE CROSS-EXAMINATION OF OTHER COUNSEL --

3           MR. MEDVENE: YES, SIR.

4           THE COURT: -- THAT RAISED NEW QUESTIONS. AND THAT'S  
5 WHAT I'M GOING TO PERMIT YOU TO CROSS-EXAMINE ON.

6           MR. MEDVENE: YES, SIR.

7           THE COURT: THEY'D BETTER BE NEW, OTHERWISE, YOU'LL  
8 NOT GET TO DO IT. THIS IS NOT THE TIME TO ENHANCE YOUR  
9 QUESTIONING OF THE WITNESS OR MAKE IT LOOK BETTER THAN IT WAS.

10          MR. MEDVENE: YES, SIR. THANK YOU VERY MUCH, SIR.

11          THE COURT: ALL RIGHT, WE'LL CONVENE TOMORROW  
12 MORNING.

13          MS. KELLY: JUST FOR THE RECORD, NOT WITH RESPECT TO  
14 THIS ISSUE, BUT WITH RESPECT TO EXHIBIT 172, I'M NOT SURE THAT  
15 I MADE A PROPER RECORD BEFORE YOUR HONOR ON THE RULE 403  
16 GROUNDS.

17          AND YOUR HONOR SAID IT WASN'T CLEAR, AND I'M ARGUING  
18 FOR THE RECORD, YOUR HONOR, THAT THE PICTURE -- THE PREJUDICE  
19 THAT RESULTS TO THE CLIENT IS GREATER THAN THE PROBATIVE VALUE,  
20 YOUR HONOR, FOR THIS REASON.

21          THE PICTURE, I BELIEVE, IS FROM AN ARREST THAT  
22 OCCURRED IN MEXICO SO I DON'T THINK IT IS A PROPER  
23 REPRESENTATION OF MY CLIENT.

24          THE COURT: WELL, FOR THE PURPOSE THAT IT HAS BEEN  
25 INDICATED IT WOULD BE USED, IT'S PERFECTLY PERMISSIBLE. I

1 DON'T THINK IT'S PREJUDICIAL IN ANY WAY.

2 IT'S AN ATTEMPT BY THE GOVERNMENT TO RESPOND TO YOUR  
3 SUGGESTION OR INNUENDO THAT YOUR CLIENT NEVER LOOKED LIKE THAT.

4 MS. KELLY: I KNOW, YOUR HONOR. I BELIEVE THAT THE  
5 PROFFER WAS THAT THEY COME IN HERE LOOKING LIKE CLEAN-CUT TYPES  
6 AND THIS PICTURE IS BEING OFFERED TO SHOW THAT MY CLIENT WASN'T  
7 A CLEAN-CUT TYPE.

8 THE COURT: I DON'T SEE IT THAT WAY. I THINK IT IS  
9 BEING SHOWN TO CORROBORATE THE WITNESS'S VERBAL DESCRIPTION OF  
10 WHAT YOUR CLIENT LOOKED LIKE, WHICH WAS CHALLENGED BY YOU  
11 DURING YOUR CROSS-EXAMINATION, OR BY YOUR COLLEAGUE, AND THAT  
12 IS THE PERMISSIBLE PURPOSE.

13 MR. BLANCARTE: YOUR HONOR, ONE MINOR HOUSEKEEPING  
14 CHORE WHILE WE'RE ON THIS WITNESS. WE HAVE NOT RECEIVED ANY  
15 BRADY MATERIAL ON PHONE NUMBERS FOR LA QUINTA, BUT ON DIRECT  
16 THE PROSECUTION HAS ELICITED TESTIMONY AND STATEMENTS  
17 PURPORTEDLY --

18 THE COURT: THIS IS SOMETHING I'VE ALREADY RULED ON,  
19 ISN'T IT, BEFORE TRIAL?

20 MR. BLANCARTE: I DON'T BELIEVE THIS HAS COME UP  
21 BECAUSE WE HAVE NOT RECEIVED ANY.

22 THE COURT: WASN'T THERE A MOTION INVOLVING THIS?

23 MR. MEDRANO: THERE WAS NO MOTION FOR TOLLS FOR LA  
24 QUINTA, YOUR HONOR. AND IN ADDITION, NONE EXIST ANYWAY.

25 MR. BLANCARTE: IF THEY'LL GO ON THE RECORD SAYING

1       THERE IS NO PHONE RECORDS FOR THAT PHONE THAT THEY'VE ELICITED  
2       ON DIRECT, THAT WOULD BE FINE.

3               MR MEDRANO:  I REITERATE THERE IS NO TOLLS FOR LA  
4       QUINTA.  YOUR HONOR.

5               THE COURT:  THAT IS WHAT HE SAID.

6               ADIOS.

7               (COURT STANDS IN RECESS.)

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| LOS ANGELES          | + | CALIFORNIA, TUESDAY, MAY | 4   | 1  |
| MAY 29, 1990         | + | 9:30 A.M. / / / /        | 4   | 2  |
| CERVANTES SANTOS     | + | PLAINTIFF'S WITNESS,     | 4   | 11 |
| CROSS-EXAMINATION    | + | CONTINUED 72             | 4   | 12 |
| LOS ANGELES          | + | CALIFORNIA, TUESDAY, MAY | 72  | 1  |
| MAY 29, 1990         | + | 1:30 P.M. (JURY          | 72  | 2  |
| CERVANTES SANTOS     | + | PLAINTIFF'S WITNESS,     | 72  | 7  |
| CROSS-EXAMINATION    | + | (RESUMED) BY MR. STOLAR: | 72  | 9  |
| CROSS-EXAMINATION    | + | (REOPENED) BY MR. MEZA:  | 99  | 13 |
| REDIRECT EXAMINATION | + | BY MR. MEDRANO: Q MR.    | 100 | 4  |
| (SIMMONS HEARING     | + | JURY NOT PRESENT.)       | 124 | 20 |
| CERVANTES SANTOS     | + | PLAINTIFF'S WITNESS,     | 125 | 4  |
| DIRECT EXAMINATION   | + | BY MR. MEDRANO: Q.       | 125 | 6  |
| CROSS-EXAMINATION    | + | BY MR. STOLAR: Q.        | 130 | 23 |
| CROSS EXAMINATION    | + | BY MR. MEZA: Q. HOW      | 136 | 4  |
| CROSS-EXAMINATION    | + | BY MR. MEDVENE: Q.       | 148 | 11 |
| CROSS-EXAMINATION    | + | BY MR. NICOLAYSEN: Q.    | 158 | 21 |

REPORTERS' CERTIFICATION

WE, THE UNDERSIGNED REPORTERS, HEREBY CERTIFY THAT THE  
FOREGOING IS A CORRECT TRANSCRIPT FROM THE RECORD OF  
PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

Julie Churchill  
JULIE A. CHURCHILL, CSR  
OFFICIAL COURT REPORTER

DATED: May 30, 1990

Susan A Lee  
SUSAN A. LEE, CSR  
OFFICIAL COURT REPORTER

DATED: May 30, 1990

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