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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

HONORABLE EDWARD RAFEEDIE, DISTRICT COURT JUDGE PRESIDING

UNITED STATES OF AMERICA,)
)
) PLAINTIFF,)
)
) VS.)
)
) JUAN RAMON MATTA-BALLESTEROS)
) DEL POZO, RUBEN ZUNO-ARCE,)
) JUAN JOSE BERNABE-RAMIREZ,)
) AND JAVIER VASQUEZ-VELASCO,)
)
) DEFENDANTS.)

COPY

CASE NO: CR 87-422(F)-ER

VOLUME 11

REPORTERS' TRANSCRIPT OF PROCEEDINGS

THURSDAY, MAY 31, 1990

LOS ANGELES, CALIFORNIA

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ALSO PRESENT:

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SPANISH INTERPRETERS

1 LOS ANGELES + CALIFORNIA THURSDAY, MAY 31, 1990

2 + 8:30 A.M.

3
4 (JURY PRESENT.)

5 THE COURT: GOOD MORNING, COUNSEL.

6 THE COURTROOM: GOOD MORNING, YOUR HONOR.

7 MR. NICOLAYSEN: YOUR HONOR, I HAVE JUST A FEW EXTRA
8 QUESTIONS FOR AGENT REYNOSO.

9 THE COURT: ALL RIGHT.

10
11 ABEL REYNOSO + PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

12 RE-CROSS-EXAMINATION +

13 BY MR. NICOLAYSEN:

14 Q. AGENT REYNOSO, I WANT TO TAKE YOU BACK TO YOUR MEETING
15 WITH JAVIER VASQUEZ ON JULY 14, 1985.

16 DO YOU RECALL THAT MEETING?

17 A. YES, SIR.

18 Q. WE DISCUSSED THAT YESTERDAY. DO YOU RECALL THAT?

19 A. YES, SIR.

20 Q. AMONG THE THINGS WE TALKED ABOUT WAS THE RELATIONSHIP THAT
21 JAVIER VASQUEZ HAD WITH HIS OLDER BROTHER ELISEO. DO YOU
22 REMEMBER THAT?

23 A. YES, SIR.

24 Q. DO YOU REMEMBER JAVIER DESCRIBING IN SOME DETAIL THE FACT
25 THAT ELISEO WOULD SHARE WITH HIM A NUMBER OF EXPERIENCES THAT

1 HE HAD?

2 A. YES, SIR.

3 Q. IN FACT, IF I RECALL CORRECTLY, THE TAPE STATES THAT
4 JAVIER SAID ELISEO TOLD HIM ALMOST EVERYTHING. THEY HAD THAT
5 KIND OF RELATIONSHIP.

6 DO YOU REMEMBER HIM SAYING THAT?

7 THE COURT: COUNSEL, YOU'RE ASKING THIS WITNESS ABOUT
8 HIS TESTIMONY YESTERDAY. IF YOU HAVE SOME ADDITIONAL
9 QUESTIONS, PLEASE ASK THEM.

10 MR. NICOLAYSEN: IT DEALS, IN FACT, WITH WHAT CAME UP
11 ON REDIRECT, YOUR HONOR.

12 THE COURT: WELL, LET'S GET ON WITH IT.

13 BY MR. NICOLAYSEN:

14 Q. NOW, DO YOU RECALL JAVIER TELLING YOU THAT ELISEO, IN
15 FACT, WOULD LOOK FOR HIM SPECIFICALLY ON OCCASION TO EAT WITH
16 HIM AND TO DRINK AND CHAT WITH HIM.

17 DO YOU REMEMBER THAT?

18 A. YES, SIR.

19 Q. IN CONNECTION WITH THE DISCUSSION YOU HAD WITH JAVIER
20 VASQUEZ CONCERNING THE EVENTS AT LA LANGOSTA, YOU TOLD JAVIER
21 IN SO MANY WORDS TO TRUST YOU AND NOT TO BE AFRAID TO SHARE
22 WITH YOU WHAT HAPPENED AT LA LANGOSTA; DO YOU REMEMBER THAT?

23 A. YES, SIR.

24 Q. AND TO TELL YOU EXACTLY WHAT HIS BROTHER ELISEO HAD TOLD
25 HIM; DO YOU REMEMBER THAT?

1 A. YES, SIR.

2 Q. AND AS AN INVESTIGATOR, YOU ALSO TOLD JAVIER THAT YOU
3 NEEDED TO KNOW SOME NAMES OF PEOPLE WHO WERE IN THE RESTAURANT
4 AND SOME INFORMATION ABOUT WHERE THE BODIES WERE BURIED.

5 DO YOU REMEMBER DIRECTING JAVIER'S ATTENTION TO THOSE
6 SPECIFIC ISSUES?

7 A. YES, SIR.

8 Q. AND JAVIER TOLD YOU, DID HE NOT, THAT HE DIDN'T KNOW, BUT
9 THAT HE WAS PRETTY SURE HIS NEPHEW OCHOA PROBABLY DID KNOW SOME
10 SPECIFIC NAMES AND SOME INFORMATION ABOUT BURIALS, AND THAT HE
11 WOULD MAKE CONTACT WITH OCHOA. DO YOU REMEMBER THAT?

12 A. YES, SIR.

13 Q. THAT UNDERSTANDING THEN LED TO THE FOLLOW-UP MEETING A
14 WEEK LATER, ON JULY 21, WHEN JAVIER VASQUEZ BROUGHT OCHOA DOWN
15 TO YOUR OFFICE, AND YOU TALKED DIRECTLY WITH OCHOA ABOUT LA
16 LANGOSTA, CORRECT?

17 A. YES, SIR.

18 MR. NICOLAYSEN: ALL RIGHT. THANK YOU. I HAVE
19 NOTHING FURTHER.

20 MR. STOLAR: MAY I INQUIRE OF THE WITNESS. IT CAME
21 UP ON REDIRECT, THE QUESTION I WANTED TO ASK THE WITNESS.

22 THE COURT: ALL RIGHT.

23

24

RECROSS-EXAMINATION +

25 BY MR. STOLAR:

1 Q. GOOD MORNING.

2 A. GOOD MORNING, SIR.

3 Q. YOU WERE ASKED QUESTIONS ABOUT THE COOPERATING INDIVIDUAL
4 AGREEMENT THAT WAS SIGNED WITH THE DEFENDANT JAVIER VASQUEZ
5 VELASCO; DO YOU RECALL?

6 A. YES, SIR.

7 Q. CAN YOU TELL US WHAT THE CIRCUMSTANCES ARE UNDER WHICH
8 SUCH AN AGREEMENT IS SIGNED WITH A PARTICULAR PERSON?

9 A. USUALLY, WHEN THE PERSON AGREES -- IN THIS PARTICULAR
10 CASE, MR. VASQUEZ AGREED TO ASSIST ME AND THE D.E.A. IN THE
11 FOLLOW-UP INVESTIGATION OF THE CAMARENA MURDER CASE.

12 Q. AND IF SOMEBODY AGREES TO ASSIST YOU IN THE CIRCUMSTANCES
13 LIKE THAT, ONE OF THOSE CONTRACTS, ESSENTIALLY, IS SIGNED?

14 A. YES, SIR.

15 MR. STOLAR: THANK YOU.

16 THE COURT: ANY FURTHER QUESTIONS FOR THIS WITNESS?

17 MR. MEDRANO: VERY BRIEFLY, YOUR HONOR, IF I MAY.

18

19

FURTHER + REDIRECT EXAMINATION

20 BY MR. MEDRANO:

21 Q. MR. REYNOSO, ON THIS COOPERATING AGREEMENT, THE DEFENDANT
22 VASQUEZ SIGNED IT. DO YOU KNOW THE APPROXIMATE DATE THAT HE
23 SIGNED IT?

24 A. IT WAS ON THE 14TH, SIR. JULY 14, 1989.

25 Q. AND IS THIS PART OF YOUR PROCESS FOR EVENTUALLY RECRUITING

1 SOMEONE AS AN INFORMANT?

2 A. YES, SIR.

3 Q. AND WAS JAVIER VASQUEZ, THE DEFENDANT, ULTIMATELY
4 RECRUITED AS AN INFORMANT?

5 A. NO, HE WAS NOT.

6 Q. WHY NOT?

7 A. THERE WAS SOME DOUBT TO WHAT HE TOLD ME ABOUT A LOT OF
8 THE -- I HAD SEVERAL CONVERSATIONS WITH VASQUEZ AFTER THE 14TH,
9 AND HE WAS VERY EVASIVE IN SOME OF THE INFORMATION THAT I TRIED
10 TO OBTAIN FROM HIM.

11 SO AFTER SPEAKING TO MY SUPERVISORS, WE DECIDED THAT
12 IT WASN'T PRUDENT TO ESTABLISH MR. VASQUEZ AS AN INFORMANT FOR
13 THE D.E.A.

14 Q. DID YOU FIND HIM UNRELIABLE?

15 A. YES, SIR.

16 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES REDIRECT.

17 THE COURT: ALL RIGHT.

18 MR. NICOLAYSEN: I'M GOING TO OBJECT AND MOVE TO
19 STRIKE. IT'S ALL SPECULATION AND JUST THE OPINION OF THE
20 AGENT, NOTHING MORE.

21 THE COURT: DENIED. YOU MAY STEP DOWN.

22 THE WITNESS: THANK YOU.

23 (WITNESS EXCUSED.)

24 THE COURT: CALL YOUR NEXT WITNESS.

25 MR. CARLTON: YOUR HONOR, THE GOVERNMENT CALLS

1 MIRIAM ANGULO.

2 (WITNESS SUMMONED TO THE COURTROOM.)

3 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR FULL
4 NAME FOR THE RECORD AND SPELL YOUR LAST NAME.

5 THE WITNESS: MIRIAM A., ANGULO. A N G U L O.

6

7 MIRIAM A. ANGULO + PLAINTIFF'S WITNESS, SWORN

8 DIRECT EXAMINATION +

9 BY MR. CARLTON:

10 Q. GOOD MORNING, MS. ANGULO. WHAT IS YOUR PRESENT
11 EMPLOYMENT?

12 A. SECRETARY, ADMINISTRATIVE ASSISTANT FOR THE DRUG
13 ENFORCEMENT ADMINISTRATION.

14 Q. WHERE ARE YOU ASSIGNED?

15 A. CARACAS, VENEZUELA.

16 Q. HOW LONG HAVE YOU WORKED FOR THE D.E.A.?

17 A. ALMOST TEN YEARS.

18 Q. AT ANY POINT DURING YOUR EMPLOYMENT BY THE D.E.A. WERE YOU
19 ASSIGNED TO ITS GUADALAJARA'S OFFICE?

20 A. YES, I WAS, IN '83 TO '85.

21 Q. AND WHILE WERE ASSIGNED TO THE GUADALAJARA OFFICE, WHAT
22 WAS YOUR POSITION?

23 A. THE SAME POSITION I HAVE NOW, SECRETARY ADMINISTRATIVE
24 ASSISTANT.

25 Q. WHAT WERE YOUR DUTIES IN THAT POSITION WHILE YOU WERE IN

1 THE GUADALAJARA OFFICE?

2 A. FINANCIAL MANAGEMENT, PERSONNEL MATTERS.

3 Q. DID YOUR DUTIES INVOLVE HANDLING PAYROLL MATTERS?

4 A. YES, IT DID.

5 Q. AND THE PAYROLL FOR THE AGENTS IN THE OFFICE?

6 A. YES, FOR EVERYONE.

7 Q. DID YOU KNOW AN INDIVIDUAL NAMED ENRIQUE CAMARENA?

8 A. YES, I DID.

9 Q. HOW IS IT THAT YOU KNEW HIM?

10 A. HE WAS ASSIGNED TO THAT OFFICE AT THE TIME I WAS THERE,

11 AND I HAD QUITE A BIT OF PERSONNEL MATTERS FOR HIM.

12 Q. DID YOU HANDLE VOUCHERS THAT HE WOULD PRESENT TO YOU?

13 A. VOUCHERS. ANYTHING I DO, I DID FOR HIM.

14 Q. DID YOU ALSO HANDLE HIS MATTERS RELATING TO HIS PAYCHECKS?

15 A. I DID.

16 Q. DO YOU RECALL WHETHER HE WAS PAID BY CHECK OR BY SOME

17 OTHER MEANS?

18 A. DIRECT DEPOSIT.

19 Q. AND WERE YOU ALSO RESPONSIBLE FOR HANDLING DIRECT DEPOSITS

20 FOR AGENTS?

21 A. YES, YES.

22 Q. DO YOU RECALL WHETHER HE ENCOUNTERED SOME PROBLEMS WITH

23 HIS DIRECT DEPOSITS?

24 A. YES, HE DID. THERE WAS A PERIOD THERE WHERE HE WENT MAYBE

25 A COUPLE OF PAY PERIODS WITHOUT RECEIVING HIS CHECK INTO HIS

1 BANK ACCOUNT.

2 Q. DO YOU RECALL WHEN THAT WAS?

3 A. IT WAS IN JANUARY SOMETIME, RIGHT BEFORE HE WAS ABDUCTED.

4 Q. THAT WAS JANUARY OF 1985?

5 A. YES.

6 Q. DID YOU KNOW AN INDIVIDUAL NAMED ALFREDO ZAVALA?

7 A. YES, I DID.

8 Q. HOW DID YOU KNOW HIM?

9 A. HE USED TO WORK WITH KIKI. HE WAS A HIS PILOT, HIS
10 INFORMANT.

11 Q. DID YOU EVER RECEIVE ANY TELEPHONE CALLS FROM CAPTAIN
12 ZAVALA?

13 A. FREQUENTLY.

14 Q. THIS IS WHILE YOU WERE IN THE OFFICE?

15 A. YES.

16 Q. WHEN HE CALLED, WHO WOULD HE ASK TO SPEAK TO?

17 A. USUALLY FOR KIKI OR KUYKENDALL. JAMES KUYKENDALL.

18 Q. DO YOU RECALL HOW OFTEN HE WOULD PLACE THESE CALLS?

19 A. FREQUENTLY. TWICE A DAY, MAYBE SOMETIMES MORE.

20 Q. NOW, DIRECTING YOUR ATTENTION TO FEBRUARY 7 OF 1985, WERE
21 YOU ON DUTY THAT DAY?

22 A. YES.

23 Q. AND WHILE YOU WERE IN THE OFFICE ON THAT DAY, DID YOU SEE
24 SPECIAL AGENT CAMARENA?

25 A. YES, I DID.

1 Q. ARE YOU AWARE WHETHER SPECIAL AGENT CAMARENA WAS BEING
2 REASSIGNED?

3 A. YES, HE WAS DUE TO LEAVE IN MARCH.

4 Q. DO YOU KNOW WHERE HE WAS BEING REASSIGNED TO?

5 A. SAN DIEGO.

6 Q. WHAT WAS THE LAST TIME THAT YOU SAW SPECIAL AGENT CAMARENA
7 ON FEBRUARY 7TH OF 1985?

8 A. IT WAS MORE OR LESS AROUND 2:00 IN THE AFTERNOON.

9 Q. AND WAS IT COMMON PRACTICE AMONG THE AGENTS IN THE OFFICE
10 TO LET YOU KNOW WHEN THEY WERE LEAVING THE OFFICE AND WHERE
11 THEY WERE GOING?

12 A. YES, THEY DID.

13 Q. AND DID AGENT CAMARENA LEAVE THE OFFICE THAT DAY?

14 A. YES. HE LEFT LIKE ABOUT 2:00, AND HE TOLD ME HE WAS
15 LEAVING TO MEET WITH HIS WIFE.

16 Q. AND WAS THAT THE LAST TIME YOU EVER SAW HIM?

17 A. YES, IT WAS.

18 Q. DID YOU TAKE A TRIP TO MEXICO CITY ON AUGUST 28 OF 1985?

19 A. YES, I DID.

20 Q. DID YOU MEET WITH AN INDIVIDUAL THERE NAMED WALTER WHITE?

21 A. YES, I DID.

22 Q. WHAT WAS WALTER WHITE'S POSITION?

23 A. HE WAS THE ASSISTANT -- AT THAT TIME, THE ASSISTANT
24 COUNTRY ATTACHE ASSIGNED.

25 Q. DID AGENT WHITE GIVE YOU SOMETHING WHEN YOU MET WITH HIM

1 IN MEXICO CITY?

2 A. YES, HE DID. HE GAVE ME A PACKAGE.

3 Q. WHAT DID THE PACKAGE LOOK LIKE?

4 A. IT WAS A MANILA ENVELOPE.

5 Q. WAS IT SEALED?

6 A. YES, IT WAS.

7 Q. COULD YOU FEEL ANYTHING INSIDE?

8 A. YES, I DID. I KNEW WHAT WAS IN IT. I KNEW WHAT THE
9 CONTENTS WERE.

10 Q. WHAT WAS THAT?

11 A. TAPES.

12 Q. CASSETTE TAPES?

13 A. CASSETTE TAPES, YES.

14 Q. WHAT DID YOU DO WITH THAT SEALED ENVELOPE OF CASSETTE
15 TAPES?

16 A. I BROUGHT IT BACK, DELIVERED IT BACK TO CARACAS, AND
17 DELIVERED IT TO MR. KUYKENDALL.

18 Q. AND PRIOR TO THE TIME THAT YOU DELIVERED IT TO MR.
19 KUYKENDALL, DID YOU EVER OPEN UP THE ENVELOPE?

20 A. NO.

21 Q. SO IT REMAINED SEALED FROM THE TIME YOU RECEIVED IT IN
22 MEXICO CITY UNTIL THE TIME YOU DELIVERED IT TO MR. KUYKENDALL
23 IN GUADALAJARA?

24 A. YES.

25 MR. CARLTON: NOTHING FURTHER, YOUR HONOR.

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

2

3 CROSS-EXAMINATION +

4 BY MR. STOLAR:

5 Q. FROM WHOM DID YOU GET THESE TAPES?

6 A. WALTER WHITE.

7 Q. I'M SORRY. GOOD MORNING.

8 A. GOOD MORNING.

9 Q. WAS THERE ANY PAPERWORK THAT WENT ALONG WITH THE TAPES
10 SUCH AS A DOCUMENT THAT WOULD HELP US TRACE THE CHAIN OF
11 CUSTODY?

12 A. NO, THERE WASN'T.

13 Q. YOU NEVER SIGNED FOR THEM WHEN YOU RECEIVED THEM?

14 A. NO.

15 Q. WHEN YOU DELIVERED THEM TO AGENT KUYKENDALL, DID YOU
16 RECEIVE A RECEIPT FROM AGENT KUYKENDALL?

17 A. NO, I DIDN'T.

18 Q. DID YOU WRITE OUT ANY KIND OF MEMORANDUM IN ANY FORM?

19 A. NO, I DIDN'T.

20 Q. WHAT DATE WAS IT THAT YOU GOT THEM FROM WHITE?

21 A. THAT -- I REALLY DON'T REMEMBER.

22 Q. YOU KNOW THE MONTH AND YEAR; DON'T YOU?

23 A. WELL, THE YEAR, YES.

24 Q. WHAT YEAR?

25 A. IT WAS IN '85, AND IT WAS -- IT HAD TO HAVE BEEN MARCH OR

1 APRIL -- WELL, MARCH.

2 Q. MARCH OR APRIL OF '85?

3 A. YES.

4 Q. HOW MANY TAPES WERE THERE?

5 A. I DON'T KNOW. I DID NOT OPEN THE ENVELOPE.

6 Q. WERE THEY CASSETTES?

7 A. YES, THEY WERE.

8 Q. NOW, IF YOU CAN THINK BACK ABOUT IT, YOU KNOW TWO
9 CASSETTES ARE ABOUT, YOU KNOW, AS THICK AS TWO CASSETTES ARE
10 WITH THEIR PLASTIC ENVELOPE AROUND THEM.

11 DID IT FEEL LIKE THERE WERE FOUR OR FIVE?

12 A. MORE THAN THAT?

13 Q. MORE THAN TWO? MORE THAN THAT?

14 A. YES.

15 Q. MORE THAN FIVE?

16 A. MORE THAN FIVE. MAYBE ABOUT SIX.

17 Q. DID YOU EVER HAVE AN OPPORTUNITY TO LISTEN TO THOSE
18 CASSETTES?

19 A. NO, I DIDN'T.

20 Q. DO YOU HAVE ANY RECOLLECTION OF WHEN IT WAS THAT YOU GAVE
21 THEM TO AGENT KUYKENDALL?

22 A. FOLLOWING THE -- AS SOON AS I GOT THE FLIGHT FROM MEXICO
23 CITY TO GUADALAJARA.

24 Q. WHERE IN MEXICO CITY DID WHITE GIVE THEM TO YOU?

25 A. IN THE OFFICE, THE EMBASSY.

1 MR. STOLAR: THANK YOU.

2 THE COURT: ANY FURTHER QUESTIONS?

3 MR. NICOLAYSEN: NOTHING, YOUR HONOR.

4 MR. MEZA: A COUPLE QUICK ONES.

5 IF THE CLERK COULD GIVE EXHIBIT 63 TO THE WITNESS,
6 WHILE SHE'S DOING THAT, I'LL ASK A COUPLE QUESTIONS.

7

8 CROSS-EXAMINATION +

9 BY MR. MEZA:

10 Q. THESE DIRECT DEPOSIT PROBLEMS, HOW WERE YOU FIRST MADE
11 AWARE THERE WAS A PROBLEM WITH DIRECT DEPOSITS?

12 A. KIKI BROUGHT IT UP TO ME AT THE MOMENT. HE SAID HE WAS
13 HAVING PROBLEMS WITH IT, HE HAD MISSED A COUPLE OF PAYCHECKS
14 AND HE WANTED ME TO CALL HEADQUARTERS TO FIND OUT WHAT THE
15 PROBLEM WAS WITH HIS PAY.

16 Q. AND ROUGHLY, JUST A BALLPARK FIGURE, HOW MUCH WAS EACH
17 PAYCHECK?

18 A. OVER A THOUSAND -- I'M NOT EXACTLY SURE HOW MUCH.

19 Q. THIS WAS SHORTLY BEFORE FEBRUARY 7; IS THAT CORRECT?

20 A. YES.

21 Q. DID HE EXPRESS ANY CONCERN ABOUT CREATING A FINANCIAL
22 HARDSHIP ON HIM?

23 A. WELL, HE WAS -- AT THE MOMENT, HE WAS IN THE PROCESS OF
24 MOVING OUT AND HE WAS IN A BIND. DIFFERENT THINGS OUT THERE
25 FOR PREPARATION FOR SAN DIEGO.

1 Q. SO LOSING THAT OR NOT HAVING THAT \$2,000 AVAILABLE TO HIM
2 WAS CREATING SOME PRESSURE; IS THAT RIGHT?

3 A. A LITTLE BIT.

4 Q. IF I COULD DIRECT YOUR ATTENTION TO EXHIBIT 63, WHICH IS
5 THE -- SHOULD BE IN A PLASTIC BAG IN FRONT OF YOU -- IT IS A
6 PHOTOGRAPH OF THREE PEOPLE.

7 IF YOU COULD TAKE A QUICK LOOK AT THAT AND TELL US IF
8 YOU RECOGNIZE ANY OF THE THREE PEOPLE.

9 A. I RECOGNIZE KIKI, BUT OTHER THAN THAT, I DON'T KNOW ANY OF
10 THE OTHER PEOPLE.

11 Q. WHEN YOU SAY KIKI, HE'S THE PERSON ON THE LEFT?

12 A. YES, ON THE LEFT.

13 MR. MEZA: I HAVE NOTHING FURTHER. THANK YOU.

14 THE COURT: ANY FURTHER QUESTIONS FOR THIS WITNESS?

15 MR. CARLTON: JUST ONE MORE.

16
17 REDIRECT EXAMINATION +

18 BY MR. CARLTON:

19 Q. MS. ANGULO, WAS THIS TRIP TO MEXICO CITY WHEN YOU MET WITH
20 WALTER WHITE IN AUGUST OF 1985?

21 A. YES.

22 THE COURT: ALL RIGHT. YOU MAY STEP DOWN.

23 (WITNESS EXCUSED.)

24 MR. MEDRANO: YOUR HONOR, THE GOVERNMENT AT THIS TIME
25 WOULD CALL SALVADOR LEYVA TO THE STAND.

1 (WITNESS SUMMONED TO THE COURTROOM.)

2 THE CLERK: PLEASE STATE YOUR FULL NAME FOR THE
3 RECORD AND SPELL YOUR LAST NAME.

4 THE WITNESS: SALVADOR LEYVA, L E Y V A.

5
6 SALVADOR LEYVA + PLAINTIFFS WITNESS, SWORN

7 DIRECT EXAMINATION +

8 BY MR. MEDRANO:

9 Q. GOOD MORNING, MR. LEYVA.

10 A. GOOD MORNING, SIR.

11 Q. WHO ARE YOU EMPLOYED BY?

12 A. I'M A SPECIAL AGENT FOR THE DRUG ENFORCEMENT
13 ADMINISTRATION, UNITED STATES DEPARTMENT OF JUSTICE.

14 THE COURT: WOULD YOU MOVE BACK FROM THE MIKE,
15 PLEASE.

16 THE WITNESS: YES, YOUR HONOR.

17 BY MR. MEDRANO:

18 Q. MR. LEYVA, HOW LONG HAVE YOU SERVED WITH THE D.E.A.?

19 A. FOR APPROXIMATELY SEVEN AND A HALF YEARS.

20 Q. OTHER THAN YOUR EXPERIENCE AS A D.E.A. AGENT, DO YOU HAVE
21 ANY OTHER LAW ENFORCEMENT EXPERIENCE?

22 A. YES, SIR. I USED TO BE AN OFFICER FOR THE LOS ANGELES
23 POLICE DEPARTMENT. ALSO --

24 Q. HOW LONG DID YOU DO THAT?

25 A. ABOUT TWO AND A HALF YEARS.

1 Q. ANY OTHER LAW ENFORCEMENT EXPERIENCE THAT YOU HAVE HAD IN
2 YOUR CAREER?

3 A. U.S. CUSTOMS INSPECTOR, SAN YSIDRO PORT OF ENTRY.

4 Q. HOW LONG DID YOU DO THAT, MR. LEYVA?

5 A. FOR ABOUT TWO AND A HALF YEARS.

6 Q. ARE YOU FLUENT IN ANY LANGUAGE OTHER THAN ENGLISH?

7 A. SPANISH.

8 Q. BOTH ORAL AND WRITTEN SKILLS, PERFECT FLUENCY?

9 A. YES.

10 Q. I'D LIKE TO DIRECT YOUR ATTENTION TO ABOUT FEBRUARY OF
11 1985. AT THAT TIME, WHERE WERE YOU STATIONED AT WITH THE
12 D.E.A.?

13 A. IN MEXICO.

14 Q. CAN YOU BE MORE SPECIFIC? WHERE IN MEXICO WERE YOU?

15 A. I WAS IN ACAPULCO, MEXICO.

16 Q. DID YOU HAVE A SPECIFIC ASSIGNMENT IN EARLY FEBRUARY OR
17 JANUARY OF 1985?

18 A. YES. AT THE TIME, I WAS SENT TO MEXICO TO BE AN ADVISOR
19 IN THE DRUG WARS, AND THE SPECIFIC AREA OF DETECTING POPPY
20 FIELDS AND MARIJUANA FIELDS.

21 Q. IS THIS A SPECIAL TYPE OF ERADICATION PROGRAM?

22 A. YES, SIR.

23 Q. AND YOU WERE A MEMBER OF IT?

24 A. YES, SIR.

25 Q. THIS ERADICATION PROGRAM IN JANUARY OF 1985, WAS IT

1 INTERNATIONAL IN SCOPE?

2 A, YES, SIR. IT WAS BETWEEN MEXICO AND THE UNITED STATES.

3 Q. FINALLY, MR. LEYVA, WHO WAS THE HEAD OF THIS ERADICATION
4 PROGRAM WHEN YOU WERE A MEMBER OF IT IN JANUARY OF 1985?

5 A. SPECIAL AGENT CHARLIE LUGO.

6 MR. STOLAR: I'M SORRY?

7 THE WITNESS: SPECIAL AGENT CHARLIE LUGO.

8 MR. STOLAR: CHARLIE --

9 MR. MEDRANO: LUGO.

10 THE WITNESS: LUGO.

11 MR. STOLAR: OH. LUGO.

12 MR. MEDRANO: I'M SORRY, YOUR HONOR. PERHAPS I'M THE
13 ONLY ONE HAVING DIFFICULTY.

14 THE COURT: NO, THE WITNESS SHOULD SPEAK UP A LITTLE
15 BIT.

16 MR. MEDRANO: COULD YOU SPEAK UP, AGENT LEYVA? THANK
17 YOU VERY MUCH.

18 BY MR. MEDRANO:

19 Q. FINALLY, THIS ERADICATION PROGRAM, DID IT HAVE A NAME THAT
20 YOU WERE A MEMBER OF?

21 A. OPERATION VANGUARD.

22 Q. I'D LIKE TO DIRECT YOUR ATTENTION TO ABOUT FEBRUARY 8 OF
23 1985, AGENT LEYVA.

24 AT THAT TIME ARE YOU STILL IN ACAPULCO, MEXICO?

25 A. YES, I WAS.

1 Q. WHAT OCCURS ON THAT DAY?

2 A. THAT DAY I RECEIVED A CALL FROM, I BELIEVE, CHARLIE LUGO,
3 AND HE MENTIONED TO ME --

4 MR. STOLAR: OBJECTION. HEARSAY.

5 MR. MEDRANO: IT IS NOT OFFERED FOR A HEARSAY
6 PURPOSE, YOUR HONOR.

7 THE COURT: THE OBJECTION IS OVERRULED.

8 THE WITNESS: I RECEIVED A CALL THAT KIKI HAD
9 DISAPPEARED, AND THEY REQUESTED MY PRESENCE IN MEXICO CITY
10 IMMEDIATELY.

11 BY MR. MEDRANO:

12 Q. DID YOU PROCEED TO MEXICO CITY?

13 A. YES, I DID.

14 Q. DID YOU FLY OR DRIVE THERE?

15 A. I FLEW.

16 Q. DID YOU ARRIVE THERE ON FEBRUARY 8, 1985?

17 A. THAT IS CORRECT.

18 Q. UPON YOUR ARRIVAL, ARE YOU BROUGHT UP TO SPEED ON THE
19 STATUS OF THE INVESTIGATION REGARDING THE MISSING AGENT?

20 A. THAT'S CORRECT.

21 Q. LET ME DIRECT YOU TO THE FOLLOWING DAY NOW, FEBRUARY 9,
22 1985.

23 LET ME STRIKE THAT AND REPHRASE IT.

24 AFTER MEXICO CITY ON FEBRUARY 8, DO YOU GO TO ANY
25 OTHER CITY WITHIN THE REPUBLIC OF MEXICO?

1 A. YES, SIR. I FLEW TO GUADALAJARA, MEXICO.

2 Q. CAN YOU GIVE ME THE TIME AND DATE YOU'RE TALKING ABOUT
3 NOW?

4 A. I ARRIVED APPROXIMATELY 4:00, 4:30 A.M. ON THE 9TH.

5 Q. OF FEBRUARY?

6 A. THAT IS CORRECT.

7 Q. WHEN YOU -- DO YOU FLY TO GUADALAJARA?

8 A. YES, I DID.

9 Q. ARE YOU IN THE COMPANY OF ANYONE ELSE WHEN YOU FLY TO
10 GUADALAJARA?

11 A. YES, I WAS IN THE COMPANY OF SPECIAL AGENT CHARLIE LUGO,
12 PREMIER COMANDANTE OF MEXICAN FEDERAL JUDICIAL POLICE, BRUSOLO,
13 AND APPROXIMATELY 20 MEXICAN FEDERAL AGENTS.

14 Q. AND OTHER THAN CHARLIE LUGO, A D.E.A. AGENT, ARE THERE ANY
15 OTHER D.E.A. AGENTS THAT ARE ON THE FLIGHT WITH YOU TO
16 GUADALAJARA?

17 A. YES, BUT I CANNOT RECALL THEIR NAMES.

18 Q. UPON YOUR ARRIVAL ON FEBRUARY 9 AT 4:00 A.M., WHERE DO YOU
19 GO FIRST IN GUADALAJARA?

20 A. I WENT DIRECTLY TO THE UNITED STATES CONSULATE IN
21 GUADALAJARA.

22 Q. WHAT DO YOU DO THEN?

23 A. THEREAFTER, ALMOST IMMEDIATELY, WE WENT TO THE OFFICE OF
24 THE M.F.J.P., MEXICAN FEDERAL JUDICIAL POLICE, WHICH IS LOCATED
25 A FEW BLOCKS FROM THE CONSULATE.

1 Q. AGAIN IN GUADALAJARA?

2 A. THAT IS CORRECT.

3 Q. THE APPROXIMATE TIME THAT YOU ARRIVE AT THE M.F.J.P.
4 OFFICE, IF YOU RECALL?

5 A. TO THE BEST OF MY RECOLLECTION, WE ARRIVED IN GUADALAJARA
6 AROUND 4:30 IN THE MORNING OR 5:00. IT WAS EARLY.

7 Q. AND THIS M.F.J.P. OFFICE, WAS IT THE MAIN M.F.J.P. OFFICE
8 IN THE CITY OF GUADALAJARA?

9 A. YES, SIR.

10 Q. WHEN YOU ARRIVED AT THE M.F.J.P. OFFICE IN GUADALAJARA,
11 ARE THERE ANY OTHER D.E.A. AGENTS ALSO THERE?

12 A. YES, SIR.

13 Q. WHO, PLEASE?

14 A. I'M SORRY, I CAN'T RECALL THE NAMES.

15 Q. HOW ABOUT JUST A NUMBER OTHER THAN YOURSELF THAT WERE
16 THERE?

17 A. ABOUT FOUR.

18 Q. NOW, DO YOU KNOW A MAN BY THE NAME OF JAMES OR JAIME
19 KUYKENDALL?

20 A. YES, SIR.

21 Q. WHEN YOU ARRIVED AT THE GUADALAJARA M.F.J.P. OFFICE, DO
22 YOU EVER SEE JAIME KUYKENDALL THERE AS WELL?

23 A. YES, SIR. JAIME KUYKENDALL, SPECIAL AGENT JAIME
24 KUYKENDALL USED TO BE THE AGENT IN CHARGE IN GUADALAJARA, AND
25 HE WAS AT THE OFFERS, TO THE BEST OF MY RECOLLECTION.

1 Q. AT THE M.F.J.P. OFFICE?

2 A. YES, SIR.

3 Q. DO YOU KNOW A MAN BY THE NAME OF ARMANDO PAVON REYES?

4 A. ARMANDO PAVON REYES WAS THE MEXICAN FEDERAL JUDICIAL
5 POLICE COMANDANTE WHO WAS IN CHARGE, WHO WAS SENT TO
6 GUADALAJARA AS THE AGENT IN CHARGE OF THE KIKI CAMARENA
7 INVESTIGATION.

8 Q. IS THAT ON BEHALF OF THE M.F.J.P.?

9 A. OF THE MEXICAN GOVERNMENT, YES.

10 Q. NOW, YOU SAID SOMETHING -- "PREMIER COMANDANTE". CAN YOU
11 EXPLAIN TO US WHAT YOU MEAN BY PREMIER COMANDANTE?

12 A. PREMIER COMANDANTE IS A HIGH-RANKING GOVERNMENT OFFICIAL
13 WITHIN THE MEXICAN FEDERAL JUDICIAL POLICE. IT MEANS THAT HE
14 REPORTS DIRECTLY TO THE DIRECTOR WHO'S CABINET LEVEL, MEANING
15 THERE IS ONLY A FEW PREMIER COMANDANTES IN MEXICO. AND UNDER
16 HIM WE HAVE 100, 200 PEOPLE.

17 Q. AFTER YOUR ARRIVAL AT THE M.F.J.P. OFFICE IN GUADALAJARA,
18 DO YOU EVER SEE COMANDANTE PAVON REYES ARRIVE?

19 A. YES, I DID.

20 Q. HOW LONG AFTER YOU ARRIVED DOES PAVON REYES ARRIVE?

21 A. APPROXIMATELY HALF AN HOUR.

22 Q. WHEN HE ARRIVES, IS HE ALONE?

23 A. THERE WERE OTHER M.F.J.P. PERSONNEL WITH ME.

24 Q. FINALLY, AGENT LEYVA, ON THE ISSUE OF PREMIER COMANDANTE,
25 YOU HAVE WORKED IN THE REPUBLIC OF MEXICO FOR YEARS; HAVE YOU

1 NOT?

2 A. YES, SIR.

3 Q. ARE YOU FAMILIAR WITH, APPROXIMATELY, THE NUMBER OF
4 PREMIER COMANDANTES THAT ARE FOUND IN THE REPUBLIC OF MEXICO?

5 A. TO THE BEST OF MY KNOWLEDGE, THEY HAVE ABOUT 22 ALL OVER
6 MEXICO.

7 Q. AND IN 19 -- STRIKE THAT.

8 AT THIS DATE, FEBRUARY 9, 1985, WHO WAS THE LEADER OR
9 THE DIRECTOR OF THE M.F.J.P.?

10 A. I THINK IT WAS IBARRA. I CANNOT RECALL SPECIFICALLY.

11 Q. ARE YOU FAMILIAR WITH THE NAME MANUEL IBARRA HERRERA?

12 A. YES, SIR.

13 Q. IS THAT AT THE TIME THE DIRECTOR OF THE M.F.J.P.?

14 A. YES.

15 MR. STOLAR: OBJECT TO THE LEADING.

16 THE COURT: OVERRULED.

17 BY MR. MEDRANO:

18 Q. FINALLY, TO YOUR KNOWLEDGE, AGENT LEYVA, DO THE 20 OR SO
19 PREMIER COMANDANTES REPORT DIRECTLY TO MR. IBARRA?

20 A. YES, SIR.

21 Q. WHAT HAPPENS AFTER YOU ARRIVE AT THE M.F.J.P. HEADQUARTERS
22 IN GUADALAJARA?

23 A. WE PROCEEDED TO REQUEST SOME ACTION, SOME -- SOMETHING TO
24 BE DONE IMMEDIATELY TO LOCATE SPECIAL AGENT CAMARENA. AND
25 THESE REQUESTS WERE DIRECTED TO PREMIER COMANDANTE PAVON.

1 Q. AND ARE THESE ACTIONS ACTED UPON BY PAVON OR THE OTHER
2 M.F.J.P. OFFICIALS?

3 A. NOT AT ALL, SIR.

4 Q. IS THERE A LOT OF DOWN TIME FOR YOU? DO YOU WAIT AROUND
5 AT THE M.F.J.P. OFFICE?

6 MR. STOLAR: OBJECT TO THE LEADING, YOUR HONOR.

7 THE COURT: OVERRULED.

8 THE WITNESS: WE WAITED ALL MORNING AND PART OF THE
9 AFTERNOON.

10 BY MR. MEDRANO:

11 Q. DO YOU OR OTHER D.E.A. AGENTS MAKE ANY AFFIRMATIVE
12 SUGGESTIONS TO PAVON?

13 A. WE PROVIDED EMPHASIS, WE PROVIDED INTELLIGENCE INFORMATION
14 THAT COULD BE ACTED UPON IMMEDIATELY, AND WE ACTUALLY BEGGED
15 THEM TO DO SOMETHING, AND WITH NEVER ANY RESULT.

16 Q. NOW, AT ANY TIME ON THIS DAY, FEBRUARY 9, ARE YOU INVOLVED
17 AT ALL IN PROCURING VEHICLES OR CARS?

18 A. YES, SIR, I WAS.

19 Q. EXPLAIN TO US THE CIRCUMSTANCES OR HOW THAT CAME ABOUT?

20 A. AFTER WE WAITED HOURS FOR SOMETHING TO BE DONE, SOME TYPE
21 OF INVESTIGATION OR SOMETHING, PREMIER COMANDANTE PAVON TOLD ME
22 THAT HE NEEDED ABOUT TEN VEHICLES, OR MORE, IF I COULD PROVIDE
23 HIM WITH THAT AMOUNT OF VEHICLES.

24 Q. AND WHAT DO YOU OR OTHER AGENTS OF THE D.E.A. DO IN
25 RESPONSE?

1 A. I WENT IMMEDIATELY TO A RENTAL OFFICE IN GUADALAJARA AND
2 WE ACQUIRED TEN OR MORE VEHICLES THAT AFTERNOON.

3 Q. AND ARE THESE -- THESE ARE RENTAL CARS?

4 A. YES, SIR.

5 Q. ARE THE RENTAL CARS TAKEN BACK TO THE M.F.J.P.
6 HEADQUARTERS?

7 A. YES. THEY WERE TAKEN BACK BY MYSELF, AND I GOT THE HELP
8 OF OTHER D.E.A. AGENTS AND ALSO M.F.J.P. PERSONNEL.

9 Q. AGENT LEYVA, WHAT IS THE NEXT THING THAT OCCURS ON
10 FEBRUARY 9 IN GUADALAJARA?

11 A. WELL, THIS OCCURRED AROUND 3:00 IN THE AFTERNOON.

12 WHEN I GET ALL THE CARS PARKED OUTSIDE OF THE
13 M.F.J.P., COMANDANTE PAVON GAVE ORDERS TO GET IN THE CARS TO
14 EVERYBODY AND WE DID.

15 Q. INTO THE TEN OR SO RENTAL CARS THAT YOU HAD OBTAINED?

16 A. YES, IT WAS -- I RENTED 10, 11, 12 CARS. IN TOTAL, WE HAD
17 ABOUT -- I BELIEVE A LITTLE OVER 15 CARS.

18 Q. DOES EVERYONE GO TO THE CARS?

19 A. YES.

20 Q. DO YOU RECALL WHERE -- STRIKE THAT.

21 DO YOU RECALL WHICH CAR PAVON REYES, THE COMANDANTE,
22 WENT TO?

23 A. HE WENT TO ONE OF THE VEHICLES, AND I FOLLOWED IN THE
24 SECOND VEHICLE.

25 Q. WHICH WAS THE LEAD CAR VEHICLE; DO YOU KNOW?

1 A. PREMIER COMANDANTE PAVON WAS THE LEAD VEHICLE.

2 Q. AT SOME POINT DO THESE CARS LEAVE THE M.F.J.P. OFFICE?

3 A. I ASKED HIM DISTINCTLY "WHERE ARE WE GOING?" AND HE SAID
4 "LET'S GO."

5 SO I GOT INTO THE SECOND VEHICLE AND I FOLLOWED
6 PREMIER COMANDANTE PAVON.

7 Q. WHO WAS IN THE SECOND CAR WITH YOU?

8 A. IN THE SECOND CAR WITH ME WAS COMANDANTE ESPINO.

9 Q. DO YOU KNOW HIS FULL NAME?

10 A. I CAN'T RECALL THE FULL NAME. (BRIEF PAUSE)

11 NO, I CANNOT RECALL THE FULL NAME. IT WAS
12 COMANDANTE ESPINO, PREMIER COMANDANTE BRUSOLO AND LICENCIADO
13 SAVEDRA.

14 Q. WHEN YOU SAY "LICENCIADO", EXPLAIN TO US WHAT THAT MEANS.

15 A. TO THE BEST OF MY RECOLLECTION, HE WAS AN ATTORNEY FOR THE
16 M.F.J.P.

17 Q. ARE YOU FAMILIAR WITH SOMEONE BY THE NAME OF SERGIO ESPINO
18 VERDIN?

19 A. ESPINO VERDIN WAS ONE OF THE PEOPLE WHO WAS IN THE VEHICLE
20 WITH ME.

21 Q. SO A TOTAL OF FOUR IF YOU IN YOUR CAR, INCLUDING YOURSELF?

22 A. YES, SIR.

23 Q. WHO'S DRIVING?

24 A. ESPINO.

25 Q. AT ANY POINT, AGENT LEYVA, DO THESE CARS PARK TOGETHER?

1 A. FROM THE M.F.J.P., WE PROCEEDED TO -- I WAS FOLLOWING --
2 WE WERE FOLLOWING COMANDANTE PAVON, AND HE STOPPED AT THE GAS
3 STATION BECAUSE HE NEEDED -- ONE OF THE VEHICLES NEEDED GAS.

4 Q. AT THAT VERY POINT, DO YOU HAVE ANY IDEA WHERE YOU'RE
5 GOING?

6 A. NO, I DO NOT.

7 Q. AT THIS POINT, ARE THE CARS LEAVING TOGETHER IN A CARAVAN
8 OR CONVOY FORM?

9 A. YES, SIR.

10 Q. DOES PAVON GAS UP HIS CAR?

11 A. YES, HE DID.

12 Q. NOW, WHAT HAPPENS AFTER THAT?

13 A. AFTER THAT WE FOLLOWED HIM, THE CONVOY, AND WE WENT
14 DIRECTLY TO THE GUADALAJARA INTERNATIONAL AIRPORT.

15 Q. DO YOU RECALL THE LENGTH OF THE DRIVE?

16 HOW LONG WAS THAT DRIVE TO THE AIRPORT?

17 A. 20 MINUTES.

18 Q. NOW, WHAT HAPPENS WHEN YOU ARRIVE AT THE GUADALAJARA
19 AIRPORT?

20 A. WHEN WE ARRIVE -- WE WERE FOLLOWING HIM. HE WENT DIRECTLY
21 TO THE HANGAR AREAS WHERE PRIVATE AIRCRAFT IS PARKED.

22 Q. WHAT HAPPENS NEXT?

23 A. AS SOON AS WE ARRIVE, WE PARKED RIGHT BEHIND HIM AND
24 EVERYBODY JUST PARKED BEHIND EACH OTHER.

25 COMANDANTE PAVON GOT OUT OF THE CAR. HE WAS CARRYING

1 AN A R-15 IN HIS HANDS. THAT'S A RIFLE.

2 Q. IS THAT A SEMI-AUTOMATIC RIFLE?

3 A. YES, SIR.

4 Q. THAT MEANS IT SHOOTS ONLY ONE ROUND EACH TIME YOU SQUEEZE
5 THE TRIGGER?

6 A. THAT IS CORRECT.

7 Q. JUST BRIEFLY, FOR AN AUTOMATIC, IF YOU HOLD THE TRIGGER
8 DOWN, IT KEEPS FIRING?

9 A. THAT'S CORRECT.

10 Q. NOW, GO AHEAD. WHAT HAPPENS NEXT?

11 A. HE GOT OUT OF THE VEHICLE AND WE ALL GOT OUT OF THE
12 VEHICLES. AND HE IMMEDIATELY SHOUTED IN SPANISH CORTEN
13 CARTUCHO, WHICH MEANS IN ENGLISH --

14 Q. WOULD YOU JUST SPELL THAT FOR THE COURT REPORTER.

15 A. C O R T E N, C A R T U C H O, "CHAMBER A ROUND."

16 AND HE GAVE HIS ORDER, SCREAMED THE ORDER, AND
17 EVERYBODY DID. IT WAS A COMMOTION, SOUNDS OF WEAPONS BEING GOT
18 READY.

19 Q. WHEN YOU SAY -- EXPLAIN TO US WHAT YOU MEAN BY CHAMBERING
20 A ROUND?

21 A. MOST OF THE M.F.J.P. PERSONNEL WERE CARRYING A R-15'S,
22 WHICH IS A SEMI-AUTOMATIC WEAPON. IT IS A LONG WEAPON.

23 AND WHEN YOU CHAMBER A ROUND, YOU PULL THE MECHANISM
24 BACK, AND YOU PULL THE MECHANISM AND LET THE MECHANISM GO, AND
25 IT MAKES A SOUND OF METAL.

1 AND IT IS VERY IMPRESSIVE.

2 Q. WELL, BY DOING THIS ARE YOU INSERTING A BULLET OR A ROUND
3 TO BE PREPARED TO SHOOT THAT ROUND, IF NECESSARY?

4 A. YES, SIR.

5 Q. NOW, WHAT HAPPENS AFTER YOU AND EVERY ONE ELSE CHAMBERS A
6 ROUND IN YOUR WEAPON?

7 BY THE WAY, ARE YOU ARMED AT THIS TIME?

8 A. YES, I HAD A .38 SMITH AND WESSON, SI.. BULLETS.

9 Q. WAS THAT A HAND HELD REVOLVER?

10 A. YES, SIR.

11 Q. NOW, WHAT HAPPENS NEXT AFTER EVERYONE HAS CHAMBERED A
12 ROUND?

13 A. COMANDANTE PAVON IMMEDIATELY RAN TOWARD ONE OF THE HANGARS
14 AND WE FOLLOWED HIM.

15 Q. WHAT HAPPENS NOW?

16 A. WE RAN FOR ABOUT 40 YARDS, OR MORE THAN THAT, AND WHEN WE
17 ARRIVED, I OBSERVED A LEARJET, AND OUTSIDE OF THE LEARJET, I
18 OBSERVED PROBABLY AROUND SEVEN, EIGHT OR MORE INDIVIDUALS
19 HEAVILY ARMED, POINTING THEIR WEAPONS TOWARD US.

20 Q. WHEN PAVON REYES RUNS TOWARD THIS JET, DO YOU AND THE
21 OTHER M.F.J.P. OFFICIALS FOLLOW HIM?

22 A. YES, SIR.

23 Q. AND ARE YOU AND YOUR GROUP ALSO RUNNING?

24 A. YES, SIR.

25 Q. NOW, YOU FIND -- STRIKE THAT.

1 YOU MENTIONED ABOUT EIGHT ARMED MEN, CORRECT?

2 A. YES.

3 Q. NOW, WHERE ARE THESE EIGHT ARMED MEN IN RELATION TO THIS
4 JET THAT YOU'VE DESCRIBED?

5 A. I'M SORRY. CAN YOU --

6 Q. WHERE ARE THE EIGHT ARMED MEN IN RELATION TO THE JET THAT
7 YOU'VE JUST MENTIONED?

8 A. THEY WERE RIGHT ON THE SIDE. THE JET WAS POINTING SOUTH
9 AND THEY WERE RIGHT NEXT TO THE DOOR, A LITTLE BIT TO THE
10 RIGHT, CLOSE TO THE TAIL END OF THE JET.

11 Q. LET ME ASK YOU THIS. ARE THESE EIGHT ARMED MEN BETWEEN
12 PAVON AND YOUR GROUP AND THE JET?

13 A. YES, SIR.

14 Q. THESE MEN STAND IN THE WAY?

15 A. YES, SIR.

16 Q. NOW, YOU MENTIONED THAT THEY WERE ARMED. CAN YOU RECALL,
17 AGENT LEYVA, THE TYPES OF WEAPONS THAT THESE EIGHT MEN HAD?

18 A. THEY HAD WHAT IS CALLED THE "CUERNO DE CHIVO", IT'S CALLED
19 IN MEXICO. IT'S AN AK-47 FULLY AUTOMATIC CHINESE -- IT'S MADE
20 IN CHINA, RED CHINA OR RUSSIA.

21 Q. ANYTHING UNIQUE ABOUT THE AK-47'S THAT THESE EIGHT MEN
22 POSSESSED?

23 A. YES. THEY HAD A BIG DRUM WHERE THEY KEEP ALL THE BULLETS
24 UNDER THEM.

25 Q. THESE DRUMS, ARE THEY ATTACHED TO THE AK-47?

1 A. YES, SIR.

2 Q. AND THIS HOLDS UP TO HOW MANY ROUNDS?

3 A. ABOUT 100.

4 Q. AND DOES THE AMMUNITION, THE ROUNDS, GO FROM THIS DRUM
5 INTO THE WEAPON FOR FIRING?

6 A. THAT'S CORRECT.

7 Q. THE EIGHT ARMED MEN WITH THE AK-47'S, ARE THEY POINTING
8 THEIR WEAPONS?

9 A. YES, SIR. THEY WERE POINTING THEIR WEAPONS TO US.

10 Q. TOWARD YOU AND YOUR GROUP?

11 A. YES, SIR.

12 Q. NOW, IN TERMS OF THE OTHER M.F.J.P. OFFICIALS, OTHER THAN
13 PAVON, NOW YOU INDICATED PAVON REYES HAD AN AR-15, A SEMI-
14 AUTOMATIC RIFLE?

15 A. YES, SIR.

16 Q. HOW ABOUT PAVON'S OTHER M.F.J.P. MEN; DO YOU RECALL WHAT
17 KIND OF WEAPONS THEY HAD?

18 A. THEY HAD AR-15'S, SEMI-AUTOMATIC WEAPONS.

19 Q. AGAIN, ONE ROUND PER SQUEEZE OF THE TRIGGER?

20 A. THAT IS CORRECT.

21 Q. WHEN YOUR GROUP CONFRONTS THESE ARMED MEN POINTING AT YOU,
22 DOES YOUR GROUP DO ANYTHING IN RESPONSE?

23 A. YES, WE RAN. PAVON STOPPED. I WAS RIGHT BEHIND PAVON,
24 AND IT WAS A CONFRONTATION.

25 PAVON YELLED "DROP YOUR WEAPONS", AND THE OTHER GROUP

1 YELLED BACK, "NO, YOU DROP YOUR WEAPONS", AND IT WAS A TENSE
2 STAND OFF.

3 Q. BOTH SIDES POINTING AT EACH OTHER?

4 A. YES.

5 Q. WAS IT BOTH SIDES SHOUTING AT EACH OTHER TO DROP THEIR
6 WEAPONS?

7 A. YES.

8 Q. IN SPANISH, I TAKE IT?

9 A. YES.

10 Q. DO YOU KNOW A MAN BY THE NAME, AGENT LEYVA, OF RAFAEL CARO
11 QUINTERO?

12 A. YES, SIR.

13 Q. NOW, DO YOU EVER SEE RAFAEL CARO QUINTERO AT THE
14 GUADALAJARA AIRPORT ON THIS DAY?

15 A. YES, SIR.

16 Q. TELL US WHERE.

17 A. WELL, AT THE TIME, WE -- IT WAS A LOT OF SHOUTING, "DROP
18 YOUR WEAPONS", AND CARO QUINTERO SCREAMED BACK, "NO, YOU DROP
19 YOUR WEAPONS."

20 THEN CARO QUINTERO ASKED "WHO'S THE COMANDANTE?",
21 WHICH MEANS WHO'S THE COMMANDER IN CHARGE. COMANDANTE PAVON
22 SAID, "I AM." AND COMANDANTE PAVON WALKED TO WHERE RAFAEL CARO
23 QUINTERO WAS LOCATED AND THEY TALKED FOR A FEW SECONDS, AND
24 COMANDANTE PAVON TURNED AROUND --

25 Q. LET ME STOP YOU THERE, BECAUSE I HAVE A COUPLE OF OTHER

1 QUESTIONS BEFORE YOU PROCEED. THANK YOU.

2 AGENT LEYVA -- YOUR HONOR, WITH THE COURT'S
3 PERMISSION -- IF I COULD ASK YOU TO LOOK AROUND THIS COURTROOM,
4 AND STAND UP, IF YOU DEEM IT IS NECESSARY, AND TELL ME IF YOU
5 CAN SEE ANYBODY IN THIS COURTROOM WHO WAS ONE OF THE EIGHT
6 ARMED MEN THAT WAS CONFRONTING YOUR GROUP?

7 A. IF I MIGHT GET CLOSER --

8 MR. MEDRANO: MAY THE WITNESS DESCEND FROM THE
9 WITNESS CHAIR INTO THE WELL?

10 THE COURT: YES, YOU MAY.

11 MR. STOLAR: I THINK THE RECORD SHOULD REFLECT THE
12 WITNESS IS WALKING DIRECTLY OVER TO THE DEFENSE SIDE OF THE
13 COURTROOM AND NOT LOOKING INTO THE WELL.

14 THE COURT: THE WITNESS IS STANDING BY THE PODIUM
15 WHERE COUNSEL IS LOCATED AT THE PRESENT TIME.

16 (BRIEF PAUSE.)

17 (WITNESS RETURNED TO THE WITNESS STAND.)

18 BY MR. MEDRANO:

19 Q. MR. LEYVA, WERE YOU ABLE TO IDENTIFY ANYONE?

20 A. YES.

21 Q. COULD I ASK YOU TO DESCRIBE AN ARTICLE OF CLOTHING THAT
22 THIS PERSON IS WEARING?

23 A. IT IS THE MAN WITH THE RED SWEATER, GLASSES.

24 THE COURT: THAT WOULD INDICATE THE DEFENDANT BERNABE
25 RAMIREZ.

1 BY MR. MEDRANO:

2 Q. NOW, AGENT LEYVA, THIS MAN, BERNABE RAMIREZ, WAS HE ONE OF
3 THE EIGHT ARMED MEN?

4 A. YES, SIR.

5 Q. DID HE ALSO HAVE IN HIS POSSESSION AN AK-47 WITH THAT
6 HUNDRED ROUND DRUM?

7 A. YES, SIR.

8 Q. TO THE BEST OF YOUR RECOLLECTION, WAS HE POINTING THAT GUN
9 AT YOUR GROUP?

10 A. TO THE BEST OF MY RECOLLECTION, HE WAS POINTING THE GUN
11 TOWARD WHERE I WAS LOCATED.

12 Q. ARE YOU SAYING YOU, SPECIFICALLY, OR YOUR GROUP IN
13 GENERAL?

14 A. IN THE WAY I SAW IT, SIR, THE EIGHT MEN WERE POINTING
15 TOWARD WHERE WE WERE AT A DIFFERENT ANGLE.

16 THIS SPECIFIC PERSON WAS POINTING TO WHERE I WAS.
17 THAT'S WHY I REMEMBER HIM.

18 MR. MEDRANO: MAY I HAVE JUST ONE MOMENT, YOUR HONOR?

19 THE COURT: YES.

20 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL.)

21 BY MR. MEDRANO:

22 Q. ALSO, AGENT LEYVA, IF YOU RECALL, CAN YOU GIVE US AN
23 APPROXIMATE DISTANCE BETWEEN THE EIGHT ARMED MEN AND -- THE
24 M.F.J.P. AND YOURSELF AND THE M.F.J.P. OFFICIALS -- THE
25 DISTANCE BETWEEN THE TWO GROUPS THAT ARE IN THE STAND OFF?

1 A. PROBABLY FROM HERE TO WHERE THE FIRST ROW OF PEOPLE ARE.

2 Q. RIGHT HERE WHERE I'M POINTING TO?

3 A. AROUND THAT.

4 MR. MEDRANO: YOUR HONOR, MAY THE RECORD REFLECT
5 PERHAPS 35 FEET OR SO?

6 THE COURT: I WOULDN'T GUESS AT THAT, BUT IT IS MORE
7 LIKE 30 FEET, I WOULD SAY.

8 MR. MEDRANO: VERY WELL, YOUR HONOR. APPROXIMATELY
9 30 FEET. THANK YOU.

10 THE COURT: IF YOU WANT TO BE PRECISE, YOU CAN
11 MEASURE IT LATER AND STIPULATE AND WE WILL INFORM THE JURY.

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

13 BY MR. MEDRANO:

14 Q. AGENT LEYVA, YOU MENTIONED THAT YOU SEE RAFAEL CARO
15 QUINTERO AT THIS CONFRONTATION?

16 A. YES, SIR.

17 Q. NOW, WHERE IS RAFAEL CARO QUINTERO IN RELATION TO THE
18 EIGHT ARMED MEN WITH THE AK-47'S?

19 A. HE IS ABOUT IN THE MIDDLE.

20 Q. OF THE EIGHT ARMED MEN?

21 A. OF THE EIGHT ARMED MEN FACING US.

22 Q. IS HE POINTING A WEAPON, BY THE WAY?

23 A. YES.

24 Q. DO YOU RECALL WHAT KIND OF WEAPON HE HAD?

25 A. THEY ALL HAD THE AK-47'S WITH THE DRUM.

1 Q. NOW, AGAIN, SIR, DOES RAFAEL CARO QUINTERO SPEAK, AND IF
2 SO, WHAT DOES HE SAY?

3 MR. STOLAR: OBJECTION. HEARSAY.

4 THE COURT: OVERRULED.

5 THE WITNESS: HE REQUESTED -- HE WANTED TO KNOW WHO
6 WAS THE COMANDANTE IN CHARGE OF ALL OF US.

7 BY MR. MEDRANO:

8 Q. WAS THERE ANY REPLY BY ANY MEMBER OF YOUR GROUP?

9 A. YES. COMANDANTE PAVON SAID THAT HE WAS IN CHARGE.

10 Q. FINALLY, SIR -- FORGIVE ME, I FORGOT TO ASK YOU.

11 THE DEFENDANT BERNABE, WHERE WAS HE IN RELATION TO
12 CARO QUINTERO?

13 A. HE WAS ON CARO'S RIGHT, SO HE WAS ON MY LEFT.

14 Q. IMMEDIATELY ADJACENT TO CARO?

15 A. YES.

16 Q. WHAT HAPPENS AFTER PAVON STATES "I'M IN CHARGE"?

17 A. PAVON AND CARO QUINTERO TALK A FEW SECONDS AND COMANDANTE
18 PAVON JUST SAID TO HIS MEN, TO US, "EVERYTHING IS OKAY. RELAX
19 YOUR WEAPONS", WHICH WE DID.

20 Q. AND I TAKE IT -- DO PAVON'S MEN COMPLY?

21 A. YES.

22 Q. NOW, RIGHT AT THAT MOMENT, AGENT LEYVA, DO THE EIGHT ARMED
23 MEN PUT DOWN THEIR WEAPONS?

24 MR. STOLAR: OBJECT TO THE LEADING. THE WITNESS
25 TESTIFIED --

1 THE COURT: JUST STATE THE GROUNDS, COUNSEL. STATE
2 YOUR QUESTION IN A NONLEADING FORM.

3 MR. MEDRANO: CERTAINLY, YOUR HONOR. I'LL REPHRASE
4 IT.

5 BY MR. MEDRANO:

6 Q. THE EIGHT ARMED MEN, DO THEY DO ANYTHING IN RESPONSE TO
7 PAVON'S ORDER TO HIS MEN?

8 A. NO. I NOTICE THAT EVEN A FEW PEOPLE FOR NOW JUST PUT DOWN
9 THEIR WEAPONS. AT THIS POINT, HIS WEAPON IS DOWN.

10 AND THE EIGHT MEN CONTINUE POINTING THEIR WEAPONS
11 TOWARD US, IS WHAT I NOTE.

12 Q. WHAT HAPPENS NEXT, AGENT LEYVA?

13 A. PAVON AND CARO QUINTERO CONTINUE TALKING, AND THEN THEY
14 EMBRACE -- PAVON -- CARO PUT HIS ARM AROUND PAVON AND PAVON IN
15 RETURN ALSO GRABBED HIM, AND THEY TALKED FOR A SECOND OR FOR A
16 MINUTE OR TWO.

17 Q. THEY HAVE EACH OTHER'S ARM AROUND EACH OTHER?

18 A. YES.

19 Q. WHAT HAPPENS NEXT?

20 A. THEY TALKED FOR -- I DON'T KNOW -- A MINUTE OR TWO.

21 AS A MATTER OF FACT, WHEN THEY WERE TALKING, THEY
22 TURNED AWAY FROM US, FACING AWAY FROM US.

23 Q. AND WHEN THEY'RE TALKING, ARE YOU ABLE TO HEAR WHAT
24 THEY'RE SAYING?

25 A. NO, SIR.

1 Q. WHAT HAPPENS NEXT, AGENT LEYVA?

2 A. COMANDANTE PAVON TURNED AROUND AND STARTED WALKING TOWARD
3 ONE OF THE HANGARS.

4 Q. ALONE?

5 A. YES.

6 Q. CARO QUINTERO WALKED -- THERE WAS A STATION WAGON PARKED
7 IN THE AREA RIGHT NEXT TO THE LEARJET, AND PAVON AND CARO
8 QUINTERO JUST KIND OF LEANED ON THE FRONT OF THE STATION WAGON
9 AND SHOUTED TO ONE OF HIS MEN, "CALL THE COMANDANTE AND FIND
10 OUT WHAT THE HELL IS GOING ON HERE."

11 Q. WHEN CARO QUINTERO IS LEANING ON THE STATION WAGON, IS
12 THERE ANYONE ELSE WITH HIM AT THAT TIME?

13 A. THERE WAS ONE OF THESE MEN. HE WAS THE ONLY ONE THAT
14 DIDN'T HAVE AN AK-47; HE HAD A SHOTGUN, A LONG SHOTGUN.

15 HE WAS POINTING TOWARD US. HE WAS THE ONLY ONE THAT
16 DIDN'T HAVE AN AK-47.

17 Q. HE'S THE ONLY ONE WITH A SHOTGUN?

18 A. YES.

19 Q. WAS HE POINTING THE SHOTGUN AT ANYBODY?

20 A. IN OUR DIRECTION.

21 Q. THIS WAS -- STRIKE THAT.

22 WAS THIS EVEN AFTER THE M.F.J.P. MEN HAD LOWERED
23 THEIR WEAPONS?

24 A. YES.

25 Q. WHILE CARO QUINTERO IS AT THE STATION WAGON, WHERE DID

1 PAVON REYES GO?

2 A. HE WENT TO THE ONE OF THE M.F.J.P. HANGARS. THEY HAVE AN
3 OFFICE.

4 Q. AND I TAKE IT YOU HAVE BEEN AT THAT M.F.J.P. OFFICE AT THE
5 GUADALAJARA AIRPORT BEFORE?

6 A. THAT'S CORRECT.

7 Q. IS THAT WHERE PAVON REYES GOES?

8 A. YES, SIR.

9 Q. DO YOU DO ANYTHING -- WELL, STRIKE THAT.

10 LET ME STOP THERE FOR A MOMENT. LET ME TAKE YOU BACK
11 TO CARO QUINTERO FOR A MOMENT.

12 WAS THERE ANYTHING UNUSUAL ABOUT HIS APPEARANCE WHILE
13 YOU'RE OBSERVING HIM BY THE STATION WAGON?

14 A. YES, SIR. I NOTICE THAT -- WELL, AT THE TIME, I DIDN'T
15 KNOW THAT HE WAS RAFAEL CARO QUINTERO. I JUST SAW THIS ARMED
16 MAN, BUT HIM, IN PARTICULAR, BECAUSE HE HAD AN EXCESSIVE AMOUNT
17 OF JEWELRY.

18 AND SPECIFICALLY, I NOTICED A BRACELET THAT HE WAS --
19 THAT HE HAD, AND I BELIEVE ON HIS RIGHT ARM. BUT IT WAS ABOUT
20 THIS THICK (INDICATING), PROBABLY -- OR WIDE, I'M SORRY -- FULL
21 OF DIAMONDS, PRETTY BIG DIAMONDS, AND RUBIES ALSO. AND IT SAID
22 THE INITIAL "R PERIOD 1".

23 Q. WHAT WAS THE APPROXIMATE WIDTH OF THIS BRACELET THAT YOU
24 COULD OBSERVE ON HIS WRIST?

25 A. ABOUT FIVE INCHES, SIX. FIVE.

1 Q. IN ADDITION TO THIS BRACELET, DID HE HAVE OTHER JEWELRY
2 ON, AS WELL?

3 A. HE HAD A LOT OF JEWELRY, BUT EXCESSIVE JEWELRY ON HIS
4 PERSON, HIS NECK.

5 AND HE HAD A .45, WHAT HAPPENED TO BE A .45 AT HIS
6 WAIST, ALSO WITH RUBIES AND DIAMONDS.

7 Q. .45 CALIBER HANDGUN?

8 A. PISTOL, YES.

9 Q. AND YOU SAW THAT ON CARO QUINTERO?

10 A. YES, HE HAD THAT IN HIS WAIST.

11 Q. AND AGAIN, DESCRIBE THIS WEAPON.

12 A. I COULD SEE ONLY THE HANDLES, BUT THEY WERE FULL OF RUBIES
13 AND DIAMONDS AND GOLD AND FLASHY.

14 Q. MR. LEYVA, WITH THE COURT'S PERMISSION, YOUR HONOR, IF I
15 COULD ASK YOU TO -- JUST BEHIND YOU ON THE CART, THERE SHOULD
16 BE SOME EXHIBITS. COULD YOU PULL OUT EXHIBIT 62?

17 A. 62.

18 Q. HAVE YOU FOUND IT, SIR?

19 A. YES, SIR.

20 Q. CAN YOU JUST -- DON'T SHOW IT TO ANYBODY, JUST DESCRIBE
21 IT. YOU LOOK AT IT BY YOURSELF AND TELL US WHAT IT IS.

22 A. THIS IS A PIECE OF JEWELRY WITH A LOT OF DIAMONDS AND
23 RUBIES AND INITIALS.

24 Q. DOES IT LOOK FAMILIAR TO YOU?

25 A. YES, SIR.

1 Q. WHAT IS IT?

2 A. THIS IS THE -- IT LOOKS LIKE THE ONE CARO -- RAFAEL CARO
3 QUINTERO WAS WEARING AT THE TIME THAT I SAW HIM.

4 Q. WHILE HE WAS BY THE STATION WAGON?

5 A. YES, SIR.

6 MR. MEDRANO: YOUR HONOR, WE SEEK ADMISSION OF 62 AT
7 THIS TIME.

8 THE COURT: THAT MY BE RECEIVED.

9 (EXHIBIT 62 # RECEIVED IN EVIDENCE.)

10 MR. STOLAR: I CAN'T OBJECT TO THE GOVERNMENT
11 DISPLAYING IT.

12 MR. MEDRANO: MAY HE JUST HOLD IT UP BRIEFLY FOR THE
13 JURY WHILE I MOVE ON WITH MY OTHER QUESTIONS?

14 THE WITNESS: SHOW IT TO THE JURY.

15 MR. MEDRANO: YES, JUST HOLD IT UP.

16 THANK YOU. YOU MAY PUT THAT DOWN NOW.

17 BY MR. MEDRANO:

18 Q. AGENT LEYVA, WHEN PAVON REYES GOES TO THAT M.F.J.P.
19 OFFICE, WHAT DO YOU DO?

20 A. I FOLLOWED HIM.

21 Q. WHAT HAPPENS NEXT?

22 A. WELL, AS I FOLLOWED HIM, HE DIRECTED TWO OF THE AGENTS TO
23 GUARD THE DOOR. HE WALKED INTO THIS OFFICE.

24 Q. WHICH DOOR?

25 A. FOR THE M.F.J.P. OFFICE LOCATED AT THE HANGARS.

1 I SAW HIM JUST WITH TWO OF HIS PEOPLE, AND THEY STOOD
2 RIGHT IN FRONT OF THE DOOR.

3 Q. QUESTION FOR YOU. WHEN PAVON IS GOING TO THAT HANGAR,
4 DOES HE EVER TURN -- STRIKE THAT.

5 WHEN HE'S GOING TO THE HANGAR, DID YOU SEE ONLY THE
6 BACK OF HIM?

7 A. YES.

8 Q. WHILE HE'S GOING TO THE HANGAR AND YOU'RE FOLLOWING HIM,
9 DO YOU EVER SEE PAVON REYES TURN AROUND TO SEE WHO'S BEHIND
10 HIM?

11 A. NO, SIR.

12 Q. WHAT HAPPENS AT THE OFFICE?

13 A. I SAW HIM GOING IN, AND HE DIDN'T KNOW I WAS -- HE DIDN'T
14 KNOW I WAS FOLLOWING, SO I JUST --

15 MR. STOLAR: OBJECT AND MOVE TO STRIKE.

16 THE COURT: OVERRULED.

17 THE WITNESS: I DISREGARD HIS TWO AGENTS, AND I JUST
18 WENT IN.

19 BY MR. MEDRANO:

20 Q. DO YOU SEE OR HEAR ANYTHING INSIDE THE OFFICE?

21 A. WHEN HE IS INSIDE, HE'S ON THE PHONE TALKING TO SOMEBODY
22 AND HE'S LOOKING AWAY FROM ME, AND HE DIDN'T KNOW I WAS IN THE
23 OFFICE.

24 IT IS ONLY HIM AND I INSIDE OF THE OFFICE. AND HE
25 SAID "YES, SIR. YES, SIR. YES, SIR" WITH A LOT OF RESPECT,

1 BUT THAT'S WHAT HE WAS SAYING.

2 Q. AND HE'S REPEATEDLY SAYING "YES, SIR"?

3 A. YES, SIR.

4 Q. WHAT HAPPENS NEXT?

5 A. IT APPEARED THAT HE WAS TALKING TO SOMEBODY, RECEIVING
6 ORDERS, AND HE WAS SAYING "YES, SIR. YES, SIR. YES, SIR."

7 HE HUNG UP AND TURNED AROUND AND SAW ME, AND HE WAS
8 REALLY SURPRISED.

9 Q. WHAT DOES PAVON REYES DO AFTER HE SEES YOU?

10 A. HE WAS FIRST SURPRISED AND HE GOT MAD. HE DIDN'T SAY
11 ANYTHING TO ME. HE GOT OUT OF THE OFFICE AND PROCEEDED TO
12 WHERE CARO QUINTERO WAS LOCATED.

13 Q. NOW, WHEN HE'S LEAVING THIS M.F.J.P. OFFICE, IS HE WALKING
14 OR RUNNING WHEN HE LEAVES?

15 A. HE'S WALKING.

16 Q. SLOW OR FAST PACE?

17 A. SLOW, CALM PACE.

18 Q. WHERE DOES PAVON REYES GO NEXT?

19 A. HE WENT BACK TO CARO QUINTERO. AT THIS TIME, CARO
20 QUINTERO WAS LOCATED IN THE SAME AREA OF THE -- RIGHT NEXT TO
21 THE LEARJET.

22 Q. WHAT DO THE TWO DO WHEN THEY GET TOGETHER?

23 A. THEY GOT TOGETHER -- I WAS CLOSE, BUT PROBABLY 20 FEET
24 FROM WHERE THEY WERE.

25 THEY AGAIN LOOK, THEY TURN AWAY FROM US, THEY TALKED,

1 AND THEN THEY EMBRACE AGAIN, AND THEY WALKED TO THE TAIL END OF
2 THE LEARJET, AND YOU COULD SEE THAT CARO QUINTERO WAS SMILING
3 AND RELAXED.

4 BEFORE HE WAS TENSE. YOU COULD SEE IN HIS FACIAL
5 EXPRESSION, HE WAS TENSE. THEREAFTER, HE WAS CALM AND SMILING
6 A LOT.

7 Q. AND WHEN CARO WAS MEETING WITH COMANDANTE PAVON, CAN YOU
8 SEE WHETHER OR NOT THEY'RE TALKING TO EACH OTHER?

9 A. YES, THEY'RE TALKING.

10 Q. CAN YOU HEAR WHAT IS BEING SAID?

11 A. NO.

12 Q. WHAT HAPPENS NEXT, AGENT LEYVA?

13 A. THEY TALKED A COUPLE OF MINUTES AND THEY SEEMED LIKE OLD
14 FRIENDS ALL OF A SUDDEN.

15 COMANDANTE PAVON TURNED AROUND AND STARTED WALKING TO
16 WHERE I WAS. AT THE SAME TIME, CARO QUINTERO GAVE THE ORDER
17 AND HIS MEN GOT INTO THE LEARJET. AND ALSO PAVON -- I'M
18 SORRY -- CARO QUINTERO GOT INTO THE LEARJET, AND THE DOOR WAS
19 OPEN.

20 HE WENT INSIDE AND -- BUT THIS TIME, THE LEARJET WAS
21 PASSING, BUT VERY, VERY SLOW. VERY SLOW. AND HE HAD A BOTTLE
22 OF CHAMPAGNE, AND HE JUST TOASTED TO US, TO WHERE WE WERE, AND
23 LAUGHING, HE SHOUTED "NEXT TIME, BRING BETTER WEAPONS, MY
24 CHILDREN." HE SAID THIS IN SPANISH, SO I'M JUST INTERPRETING.

25 Q. WHEN CARO QUINTERO SAYS THIS TO YOU AND YOUR GROUP, IS HE

1 AT THE ENTRANCE OR DOOR TO THE YET?

2 A. YES, SIR.

3 Q. AND YOU SAID NOW HE HAS A BOTTLE OF CHAMPAGNE. IS HE
4 HOLDING THAT IN ONE OF HIS HANDS?

5 A. YES, SIR.

6 Q. WAS HE TOASTING YOU AND YOUR GROUP AS HE'S LEAVING?

7 MS. KELLY: OBJECTION, YOUR HONOR. ASKED AND
8 ANSWERED.

9 THE COURT: SUSTAINED.

10 BY MR. MEDRANO:

11 Q. DOES THIS JET LEAVE THE GUADALAJARA AIRPORT?

12 A. YES, SIR.

13 Q. NO ONE STOPS IT FROM LEAVING?

14 A. NO. THEY LEFT.

15 Q. NOW, IF I COULD AGAIN YOU, YOUR HONOR, WITH YOUR
16 PERMISSION, TO LOOK BEHIND YOU AND PULL OUT GOVERNMENT EXHIBITS
17 61-A THROUGH -C, AGENT LEYVA.

18 WOULD YOU FIRST LOOK AT 61-A AND TELL US WHAT THAT
19 IS?

20 A. IT IS A LEARJET -- PICTURE OF A LEARJET, WITH TAIL NUMBER
21 X-RAY BOY ZEBRA ROBERT BOY.

22 Q. AND DOES THAT JET LOOK FAMILIAR TO YOU?

23 A. YES, SIR.

24 Q. HOW SO?

25 A. THIS LEARJET WAS WHAT CARO QUINTERO USED TO LEAVE THE

1 AIRPORT.

2 MR. MEDRANO: YOUR HONOR, WE SEEK ITS ADMISSION AT
3 THIS TIME.

4 THE COURT: THAT MAY BE RECEIVED.

5 (EXHIBIT 61-A # RECEIVED IN EVIDENCE.)

6 BY MR. MEDRANO:

7 Q. AGENT LEYVA, JUST HOLD IT UP BRIEFLY BEFORE YOU GO TO
8 61-B.

9 ARE YOU ABLE TO IDENTIFY 61-B?

10 A. YES, SIR.

11 Q. WHAT IS IT, PLEASE?

12 A. IT IS A PICTURE OF THE SAME LEARJET, AND THE DOOR IS OPEN.
13 THE SAME TAIL NUMBER.

14 MR. MEDRANO: YOUR HONOR, WE SEEK ITS ADMISSION.

15 THE COURT: THAT MAY BE RECEIVED.

16 (EXHIBIT 61-B # RECEIVED IN EVIDENCE.)

17 BY MR. MEDRANO:

18 Q. AGENT LEYVA, JUST HOLD IT UP BRIEFLY, PLEASE.

19 AND FINALLY, WOULD YOU GO TO 61-C. ARE YOU ABLE TO
20 IDENTIFY THAT?

21 A. YES, SIR.

22 Q. WHAT IS IT?

23 A. IT IS THE INSIDE OF THE LEARJET, THE SEATS AND TELEPHONES.

24 Q. THE SAME JET CARO QUINTERO ENTERED?

25 A. THAT'S CORRECT.

1 MR. MEDRANO: WE SEEK ITS ADMISSION.

2 MR. STOLAR: THAT WE OBJECT TO. HE WAS NEVER INSIDE
3 THE PLANE.

4 THE COURT: SUSTAINED.

5 BY MR. MEDRANO:

6 Q. AGENT LEYVA, JUST PUT IT DOWN. THANK YOU.

7 FROM THE ADVANTAGE POINT YOU HAVE AT THE AIRPORT, AT
8 ANY TIME WERE YOU ABLE TO SEE THE INTERIOR OF THIS LEARJET THAT
9 YOU DESCRIBED?

10 A. YES, SIR.

11 Q. AND YOUR RECOLLECTION OF THE INTERIOR, FROM YOUR VANTAGE
12 POINT, DOES THAT JIVE WITH GOVERNMENT EXHIBIT 61-C?

13 A. YES, SIR. THIS IS THE INTERIOR OF THE LEARJET.

14 MR. MEDRANO: YOUR HONOR, AGAIN WE SEEK ITS ADMISSION
15 OF THIS TIME.

16 MR. STOLAR: MAY I TAKE VOIR DIRE ON THIS PHOTO?

17 THE COURT: ALL RIGHT.

18

19 VOIR DIRE + EXAMINATION

20 BY MR. STOLAR:

21 Q. AGENT LEYVA, IS THERE A TAIL NUMBER ON THE PICTURE OF THE
22 INSIDE OF THE PLANE?

23 THE COURT: THAT'S IMPROPER VOIR DIRE. JUST BE
24 SEATED.

25 IF YOU WANT TO CROSS-EXAMINE THE WITNESS, YOU MAY.

1 MR. STOLAR: IT IS ON THE ADMISSION OF THE PICTURE.
2 I THOUGHT YOU SAID --

3 THE COURT: THAT'S NOT A PROPER VOIR DIRE QUESTION IN
4 MY VIEW.

5 MR. MEDRANO: YOUR HONOR, IS THE EXHIBIT ADMITTED OR
6 SUSTAINED?

7 THE COURT: I SUSTAINED THE OBJECTION TO IT. IT'S
8 IMPROPER FOUNDATION.

9 MR. MEDRANO: VERY WELL, YOUR HONOR. I'LL MOVE ON.
10 BY MR. MEDRANO:

11 Q. AGENT LEYVA, AT THE TIME OF THIS OCCURRENCE -- STRIKE
12 THAT.

13 AT THE TIME OF THIS CONFRONTATION AT THE AIRPORT, DID
14 YOU KNOW RAFAEL CARO QUINTERO BY NAME?

15 A. YES, SIR.

16 Q. DID YOU KNOW WHAT HE LOOKED LIKE THOUGH WHEN WERE YOU AT
17 THE AIRPORT?

18 A. NO, I HAD NEVER SEEN HIM BEFORE.

19 Q. NOW, SUBSEQUENTLY, DID YOU LEARN THE IDENTITY OF RAFAEL
20 CARO QUINTERO?

21 A. YES, I DID.

22 Q. AFTER THE LEARJET DEPARTS, DO YOU STAY AT THE AIRPORT OR
23 WHAT HAPPENS?

24 A. COMANDANTE PAVON -- AS THEY WERE DEPARTING, I TALKED TO
25 COMANDANTE PAVON AND I ASKED HIM WHO THAT MAN WAS, BECAUSE I

1 WANT TO KNOW.

2 AND COMANDANTE PAVON TOLD ME IT WAS HIS GOOD
3 FRIEND -- (BRIEF PAUSE)-- HE SAID IT WAS HIS FRIEND COMANDANTE
4 ROGELIO MUNOZ.

5 Q. WAS PAVON REFERRING TO CARO QUINTERO?

6 A. THAT IS CORRECT.

7 Q. AGENT LEYVA, I WANT TO DIRECT YOUR ATTENTION NOW BEYOND
8 THE FEBRUARY 9 AIRPORT INCIDENT. LET ME DIRECT YOU
9 SPECIFICALLY TO ON OR ABOUT FEBRUARY 12 OF 1985.

10 ON THAT SPECIFIC DAY, SIR, DO YOU RECALL WHAT CITY
11 YOU WERE IN?

12 A. YES, SIR.

13 Q. WHERE WAS THAT?

14 A. I WAS -- I STILL WAS IN GUADALAJARA, MEXICO.

15 Q. AND ON FEBRUARY 12, ARE YOU STILL PART OF THE
16 INVESTIGATIVE TEAM REGARDING CAMARENA'S DISAPPEARANCE?

17 A. YES, SIR.

18 Q. ON FEBRUARY 12, DO YOU RECEIVE ANY SPECIFIC ASSIGNMENT IN
19 TERMS OF CARRYING OUT YOUR INVESTIGATIVE DUTIES?

20 A. YES, SIR. I WAS TOLD TO GO --

21 MR. STOLAR: OBJECTION TO WHAT HE WAS TOLD.

22 THE COURT: OVERRULED.

23 THE WITNESS: I WAS TOLD TO GO TO A HOTEL IN
24 GUADALAJARA BY THE NAME OF PLAZA DEL SOL.

25 BY MR. MEDRANO:

1 Q. FOR WHAT PURPOSE?

2 A. WE HAD RECEIVED INFORMATION THAT --

3 MR. STOLAR: OBJECTION TO THE HEARSAY.

4 THE COURT: IT'S RECEIVED TO INDICATE THE PURPOSE FOR
5 WHICH HE WENT THERE, NOT FOR THE TRUTH OF THE MATTER.

6 BY MR. MEDRANO:

7 Q. YOU WERE DESCRIBING INFORMATION YOU RECEIVED.

8 A. THIS WAS INFORMATION THAT A MAN BY THE NAME OF MATTA
9 BALLESTEROS WAS STAYING AT THAT HOTEL.

10 Q. NOW, THIS HOTEL IS CALLED THE PLAZA DEL SOL?

11 A. YES, SIR.

12 Q. IS IT LOCATED IN THE CITY OF GUADALAJARA?

13 A. YES, SIR.

14 Q. DO YOU END UP GOING-- STRIKE THAT.

15 THE COURT: LET ME -- I WANT TO INSTRUCT THE JURY:
16 WHEN I LIMIT THE USE OF EVIDENCE, THIS WITNESS SAID THE
17 INFORMATION HE HAD RECEIVED, THAT IS ONLY RECEIVED TO INDICATE
18 WHY HE WENT TO THE HOTEL. IT DOES NOT MEAN THAT THE
19 INFORMATION IS TRUE.

20 IT CANNOT BE RECEIVED FOR TRUTH OF THE STATEMENT, BUT
21 SIMPLY TO INDICATE WHY HE WENT. AND THAT'S THE ONLY PURPOSE
22 FOR WHICH IT CAN BE CONSIDERED.

23 BY MR. MEDRANO:

24 Q. AGENT LEYVA, DO YOU END UP GOING TO THE HOTEL?

25 A. YES, SIR.

1 Q. ARE YOU ACCOMPANIED BY ANY OTHER AGENT?

2 A. YES. SPECIAL AGENT JOSE AGUILAR.

3 MR. STOLAR: I'M SORRY?

4 MR. MEDRANO: JOSE AGUILAR.

5 BY MR. MEDRANO:

6 Q. WHAT HAPPENS WHEN YOU AND AGENT AGUILAR ARRIVE AT THE
7 PLAZA DEL SOL?

8 A. WE ARRIVED AND OBTAINED A ROOM.

9 Q. AT THE HOTEL?

10 A. YES, SIR.

11 Q. AND WHAT IS YOUR PURPOSE FOR YOURSELF AND AGUILAR GOING TO
12 THE HOTEL?

13 A. TO ESTABLISH SURVEILLANCE ON THIS SUBJECT, MATTA
14 BALLESTEROS.

15 Q. WHAT WAS THE NEXT THING THAT HAPPENS -- STRIKE THAT.
16 WHEN YOU'RE -- STRIKE THAT.

17 DO YOU REGISTER TO GET A ROOM AT THE HOTEL?

18 A. YES, SIR, WE DID.

19 Q. NOW, IS THIS DONE AT THE LOBBY LEVEL OF THE PLAZA DEL SOL?

20 A. YES, SIR.

21 Q. WHILE YOU'RE REGISTERING, ARE YOU ABLE TO OBSERVE THE
22 LOBBY AREA?

23 A. YES, SIR.

24 Q. AND CAN YOU TELL US WHAT IT IS THAT YOU OBSERVED?

25 A. I OBSERVED SEVERAL, IF NOT MANY, ARMED MEN LOCATED IN

1 DIFFERENT AREAS OF THE LOBBY AND ENTRANCE TO THE ELEVATORS.

2 Q. AND THESE ARMED MEN, ARE THEY IN CIVILIAN CLOTHING?

3 A. YES, SIR.

4 Q. ARE YOU ACTUALLY ABLE TO SEE THE FIREARMS THEY'RE
5 CARRYING?

6 A. NO. I COULD SEE -- I COULD JUST ASSUME THERE ARE WEAPONS
7 BECAUSE OF THE BULGE IN THEIR WAISTBANDS, AND IT'S CONSISTENT
8 WITH THE WAY WE USE WEAPONS.

9 Q. CONSISTENT WITH THE WAY YOU'VE CARRIED WEAPONS IN THE
10 PAST?

11 A. CORRECT.

12 Q. IS THAT CONSISTENT WITH THE WAY YOU'VE SEEN OTHER FELLOW
13 LAW ENFORCEMENT OFFICERS CARRY HIDDEN WEAPONS?

14 A. THAT IS CORRECT.

15 Q. DO YOU HAVE AN OPPORTUNITY TO GO UP TO THE ROOM THAT YOU
16 HAD RENTED AT THE HOTEL?

17 MR. STOLAR: OBJECT TO THE LEADING.

18 THE COURT: OVERRULED.

19 THE WITNESS: YES, SIR.

20 BY MR. MEDRANO:

21 Q. WHAT IS THE NEXT THING THAT HAPPENS THEN, AGENT LEYVA?

22 A. WE GOT TO THE ROOM AND -- WELL, BEFORE THIS, WE WALKED
23 TOWARD THE ROOM. I WAS CARRYING TWO BAGS, CARRY BAGS.

24 AND I WANTED TO KNOW HOW MANY MEN WERE IN THE AREA.

25 AND I BELIEVE THEY GAVE US THE 7TH OR 8TH FLOOR. I CAN'T

1 RECALL.

2 SO WHAT I DID -- AND ALSO, I WANTED TO FIND OUT WHERE
3 MATTA BALLESTEROS WAS LOCATED, SO I PUSHED EVERY LEVEL.

4 Q. YOU PUSHED EVERY FLOOR ON THE ELEVATOR?

5 A. EVERY FLOOR, YES.

6 Q. AND WHEN THE DOOR OPENED, I LOOKED AND NOTICED ON ONE OF
7 THE FLOORS THAT THERE WERE SEVERAL ARMED MEN, SO I JUST -- I
8 FELT THAT MATTA BALLESTEROS WAS ON THAT FLOOR.

9 MR. STOLAR: OBJECT AND MOVE TO STRIKE. NO
10 FOUNDATION.

11 THE COURT: THE ANSWER MAY BE STRICKEN WHAT THE
12 WITNESS FELT.

13 BY MR. MEDRANG:

14 Q. AND AFTER DOING THIS PROCEDURE, DO YOU EVENTUALLY END UP
15 WITH THE ROOM YOU RENTED?

16 A. YES, SIR.

17 Q. WHAT IS THE NEXT THING THAT HAPPENS AS PART OF YOUR
18 SURVEILLANCE ON THAT DAY?

19 A. WE RECEIVED INSTRUCTIONS, AND ALSO BECAUSE OF SAFETY, TO
20 BE TOGETHER AT ALL TIMES.

21 WE WERE IN THE ROOM, AGENT -- SPECIAL AGENT AGUILAR
22 DECIDED TO GO DOWNSTAIRS AND ATTEMPT TO CHANGE ROOMS TO
23 WHERE -- TO THE FLOOR WHERE WE SAW THOSE ARMED MEN.

24 Q. AT THIS POINT, DO YOU AND MR. AGUILAR EVER HAVE AN
25 OPPORTUNITY TO GO BACK TO THE LOBBY AREA?

1 A. YES, SIR.

2 Q. AT ANY POINT DO YOU HAVE AN OPPORTUNITY TO MEET WITH ANY
3 OTHER D.E.A. AGENT IN THE LOBBY AREA?

4 A. YES, SIR.

5 Q. WHAT HAPPENS OR WHY DO YOU GO DOWN THERE?

6 A. I BEG YOUR PARDON?

7 Q. PLEASE EXPLAIN. WHY DO YOU GO DOWN TO THE LOBBY AREA?

8 A. I WENT TO THE LOBBY AREA -- WELL, TO RECEIVE A RADIO FOR
9 COMMUNICATIONS.

10 Q. A COMMUNICATIONS RADIO?

11 A. YES, SIR.

12 Q. WHETHER DOES THIS -- DO YOU, IN FACT, RECEIVE THIS RADIO?

13 A. YES, SIR.

14 Q. NOW, TELL US HOW THIS CAME ABOUT.

15 A. WELL, THIS WAS THE -- I WENT DOWNSTAIRS AND I -- I WAS
16 TOLD BY TELEPHONE THAT SPECIAL AGENT --

17 MR. STOLAR: OBJECTION. HEARSAY.

18 MR. MEDRANO: NOT OFFERED FOR HEARSAY, YOUR HONOR.

19 THE COURT: WHY IS IT OFFERED AT ALL?

20 MR. MEDRANO: I CAN MOVE ON, YOUR HONOR. THANK YOU.

21 THE COURT: MOVE ON.

22 BY MR. MEDRANO:

23 Q. NOW, AGENT LEYVA, FORGET THE PHONE CALL. DO YOU GO DOWN
24 TO THE LOBBY?

25 A. I WENT TO THE LOBBY TWICE.

1 Q. WELL, AT SOME POINT, DO YOU RECEIVE A RADIO?

2 A. YES, SIR.

3 Q. THAT'S WHAT I WANT TO DISCUSS WITH YOU. TELL US HOW THAT
4 CAME ABOUT.

5 A. I WENT DOWNSTAIRS TO RECEIVE A RADIO FROM SPECIAL AGENT
6 BILL TERRAZAS.

7 Q. DO YOU MEET WITH AGENT TERRAZAS?

8 A. YES.

9 Q. WHERE?

10 A. AT THE LOBBY AREA OF THE HOTEL.

11 Q. IS IT IN THE LOBBY AREA THAT YOU RECEIVE THE RADIO?

12 A. YES, SIR.

13 Q. NOW, WHILE RECEIVING THIS RADIO, AT ANY TIME ARE YOU
14 APPROACHED OR CONFRONTED BY ANY INDIVIDUALS?

15 A. YES, SIR.

16 Q. EXPLAIN WHAT HAPPENED.

17 A. I MET SPECIAL AGENT TERRAZAS IN THE BATHROOM OF THE LOBBY
18 AREA AND -- TO RECEIVE THE RADIO FROM HIM -- AND WE WERE
19 CONFRONTED BY TWO ARMED INDIVIDUALS.

20 Q. DID THEY SPEAK TO YOU IN THE BATHROOM?

21 A. YES, SIR.

22 Q. WHAT DO THEY TELL YOU?

23 MR. STOLAR: OBJECTION. HEARSAY.

24 THE COURT: OVERRULED.

25 THE WITNESS: THEY ASKED US, YOU KNOW, THE REASON WHY

1 WE WERE THERE. AND THEY WANT TO KNOW WHERE WE WERE COMING
2 FROM.

3 BY MR. MEDRANO:

4 Q. WHAT DID YOU STATE IN REPLY?

5 A. WE SAID THAT WE WERE TOURISTS.

6 Q. DO YOU EVENTUALLY GET THE RADIO FROM SPECIAL AGENT
7 TERRAZAS?

8 A. YES, SIR.

9 Q. WHAT IS THE NEXT THING THAT HAPPENS THEN, AGENT LEYVA?

10 A. WE ARE AGAIN UPSTAIRS IN THE ROOM.

11 Q. AGENT LEYVA, COULD YOU MOVE THE MICROPHONE JUST A LITTLE
12 BIT FROM YOUR FACE?

13 THE COURT: PUSH THE MICROPHONE TO THE SIDE OF YOUR
14 FACE AND JUST SIT BACK.

15 MR. MEDRANO: PULL THE MICROPHONE TOWARD YOU UNTIL
16 IT'S TO YOUR LEFT.

17 THE COURT: YOU DON'T HAVE TO BE THAT CLOSE TO IT.
18 JUST SIT BACK.

19 ALL RIGHT. THAT'S FINE. THAT SHOULD BE FINE.

20 THE WITNESS: THANK YOU, YOUR HONOR.

21 MR. MEDRANO: THANK YOU, AGENT LEYVA.

22 BY MR. MEDRANO:

23 Q. NOW, WHAT HAPPENS AFTER YOU HAVE GOTTEN THE RADIO?

24 A. WE WERE IN THE ROOM AND SPECIAL AGENT AGUILAR DECIDED TO
25 GO DOWNSTAIRS TO CHANGE ROOMS.

1 Q. WHAT HAPPENS NEXT?

2 BY THE WAY, WHAT TIME OF DAY NOW ARE WE AT, RIGHT AT
3 THIS MOMENT?

4 A. PROBABLY 9:30 AT NIGHT. I CAN'T RECALL.

5 Q. SO WHAT HAPPENS -- STRIKE THAT.

6 WHAT HAPPENS AFTER AGUILAR LEAVES THE ROOM TO CHANGE
7 THE ROOMS?

8 A. HE LEFT THE ROOM AND I KIND OF GOT WORRIED BECAUSE HE WENT
9 BY HIMSELF.

10 Q. DO YOU DO ANYTHING?

11 A. YES. AFTER HE LEFT, FIVE MINUTES LATER I WENT DOWNSTAIRS
12 TO MEET HIM.

13 Q. WHERE, SPECIFICALLY, DOWNSTAIRS DID YOU GO?

14 A. I WAS ON MY WAY TO THE LOBBY AREA.

15 Q. NOW, WHAT HAPPENS WHEN YOU GET DOWN THERE?

16 A. I DIDN'T GET TO THE LOBBY AREA.

17 Q. WHAT HAPPENS THEN?

18 A. WHEN I WAS ON MY WAY TO THE LOBBY AREA, I WAS, PERHAPS, AS
19 FAR AS WHERE YOU ARE, I OBSERVED ABOUT THREE OR FOUR PEOPLE IN
20 THE LOBBY AREA.

21 Q. AND WERE YOU ABLE TO IDENTIFY ANY OF THOSE PEOPLE THAT YOU
22 OBSERVED?

23 A. YES, SIR. I OBSERVED -- AND I LOOKED AND I SAW MATTA
24 BALLESTEROS IN THE LOBBY AREA.

25 Q. AND IS HE IN THE COMPANY OF ANYONE?

1 A. ABOUT TWO OR THREE PEOPLE. MEN.

2 Q. NOW, AGENT LEYVA, IF I COULD ASK YOU, IF NECESSARY, TO
3 STAND AND TELL US IN YOU SEE MATTA BALLESTEROS IN THE COURTROOM
4 TODAY?

5 A. (WITNESS STANDING.)

6 YES.

7 Q. COULD YOU DESCRIBE AN ARTICLE OF CLOTHING HE'S WEARING?

8 MR. STOLAR: INDICATING MATTA BALLESTEROS. THERE'S
9 NO PROBLEM.

10 THE COURT: DO YOU AGREE TO THAT? DO YOU STIPULATE?

11 MR. STOLAR: SURE.

12 THE COURT: ALL RIGHT. THE JURY MAY ACCEPT THAT
13 IDENTIFICATION OF MR. MATTA BALLESTEROS.

14 BY MR. MEDRANO:

15 Q. AGENT LEYVA, AT THE EXACT MOMENT THAT YOU'RE ABLE TO
16 OBSERVE MATTA, CAN YOU GIVE ME AN IDEA OF THE DISTANCE BETWEEN
17 YOURSELF AND MATTA?

18 YOU MENTIONED, RIGHT, EARLIER THE DISTANCE BETWEEN
19 YOU AND ME?

20 A. 25, 30 FEET.

21 Q. WHAT HAPPENS NEXT, AFTER YOU'VE SEEN MATTA?

22 A. WHEN I SAW HIM, I WENT BACK TO MY ROOM.

23 Q. WHY?

24 A. TO GET THE WEAPONS THAT I HAD.

25 Q. HAD YOU TAKEN WEAPONS WITH YOU UP TO YOUR RENTED ROOM?

1 A. YES, SIR.

2 Q. WHAT HAPPENS WHEN YOU'RE UP IN THE ROOM?

3 A. WHEN I'M IN THE ROOM GETTING THE WEAPONS, AGENT AGUILAR
4 CAME BACK TO THE ROOM.

5 Q. WHAT HAPPENS AFTER THAT?

6 A. HE TOLD ME THAT HE HAD JUST SEEN MATTA BALLESTEROS.

7 MR. STOLAR: OBJECTION. MOVE TO STRIKE.

8 THE COURT: YES. STRIKE THE ANSWER.

9 WELL, THE QUESTION "WHAT HAPPENS" INVITES THAT TYPE
10 OF ANSWER.

11 MR. MEDRANO: VERY WELL, YOUR HONOR. I'LL BE MORE
12 SPECIFIC. THANK YOU.

13 BY MR. MEDRANO:

14 Q. DON'T TELL US WHAT AGUILAR SAID. WHAT DO YOU DO NEXT?

15 A. WE LEFT THE ROOM IMMEDIATELY WITH THE WEAPONS.

16 Q. NOW, AFTER DOING SO, AT ANY POINT ARE YOU ABLE TO OBSERVE
17 MATTA BALLESTEROS AGAIN?

18 A. YES, SIR. I LOOKED THROUGH THE WINDOW AND I SAW --

19 Q. WHICH WINDOW?

20 A. THE HOTEL WINDOW.

21 Q. YOU'RE ROOM WINDOW?

22 A. YES, SIR. AND THEY WERE GETTING IN A VEHICLE.

23 Q. MATTA WAS?

24 A. YES, SIR.

25 Q. WAS HE WITH ANYONE WHEN HE WAS DOING SO, WHEN HE WAS

1 ENTERING THE CAR?

2 A. ABOUT TWO PEOPLE. TWO OR THREE PEOPLE.

3 Q. HOW DO YOU SEE, AGENT LEYVA? WASN'T IT DARK OUTSIDE?

4 A. IT WAS, HOWEVER, IN THE AREA WHERE -- THE ENTRANCE IS WELL
5 LIT, AND THE CAR WAS RIGHT UNDER THE LIGHTS.

6 Q. AND MATTA ENTERED THE CAR AT THE ENTRANCE?

7 A. YES. WHEN I SAW HIM, HE WAS ABOUT TO ENTER THE CAR.

8 Q. AFTER THAT, AGENT LEYVA, HOW LONG WOULD YOU ESTIMATE YOUR
9 SURVEILLANCE AT THE PLAZA DEL SOL CONTINUED?

10 A. I DON'T RECALL.

11 Q. EVENTUALLY, DO YOU TERMINATE THE SURVEILLANCE?

12 A. YES, SIR.

13 MR. MEDRANO: YOUR HONOR, MAY I HAVE JUST ONE MOMENT?

14 THE COURT: YES.

15 (DISCUSSION OFF THE RECORD BETWEEN COUNSEL.)

16 BY MR. MEDRANO:

17 Q. AFTER YOU SAW MATTA THE SECOND TIME, YOU DID CONTINUE WITH
18 YOUR SURVEILLANCE, CORRECT?

19 A. THAT IS CORRECT.

20 Q. AND DURING YOUR ENSUING SURVEILLANCE, DO YOU EVER SEE
21 MATTA BALLESTEROS AGAIN?

22 A. JUST TODAY.

23 Q. BUT THAT EVENING, ON THE 12TH, I'M ASKING YOU?

24 A. NO.

25 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES DIRECT.

1 THE COURT: WELL TAKE OUR FIRST RECESS AT THIS TIME.

2 THE CLERK: PLEASE RISE.

3 (JURY EXCUSED.)

4 THE COURT: YOU WANTED TO TAKE SOMETHING UP WITH THE
5 COURT?

6 MR. STOLAR: YES, I DID. THE AGENTS BROUGHT DOWN
7 THIS MORNING PROPOSED EXHIBITS, WHICH WILL BE INTRODUCED -- I
8 DON'T KNOW ON WHICH WITNESS -- A COUPLE OF WEAPONS THAT WERE
9 FOUND, I THINK -- CORRECT ME IF I'M WRONG -- IN COSTA RICA,
10 WHEN CARO QUINTERO WAS ARRESTED IN COSTA RICA SOMETIME MUCH
11 SUBSEQUENT TO THE EVENTS THAT WE ARE TALKING ABOUT HERE.

12 MY POINT IS THAT THE INTRODUCTION OF THE WEAPONS
13 WHICH WERE FOUND AT CARO QUINTERO'S PLACE, WHO'S NOT A
14 DEFENDANT IN COURT HERE, HAS NO PROBATIVE VALUE ON THE ISSUES
15 THAT ARE BEFORE THE JURY IN THIS CASE. AND THE PREJUDICIAL
16 EFFECT OF WEAPONS FOUND ON SOMEBODY ELSE FAR OUTWEIGHS ANY
17 PROBATIVE VALUE.

18 THE FACT THAT CARO QUINTERO FLED IS IRRELEVANT. WE
19 HAVE HIM FLEEING FROM THE AIRPORT; NOBODY IS GOING TO FIGHT
20 THAT. BUT THE WEAPONS THAT WERE FOUND GIVE ABSOLUTELY NO VALUE
21 TO ANYBODY.

22 THE COURT: ARE YOU INTENDING TO OFFER SOME WEAPONS?

23 MR. MEDRANO: I THINK SO, YOUR HONOR. MAY I HAVE
24 JUST ONE MOMENT TO CONSULT?

25 THE COURT: YES.

1 MR. MEDRANO: THANK YOU.

2 (DISCUSSION OFF THE RECORD BETWEEN COUNSEL AND AGENT
3 KUEHL.)

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

5 THE COURT: YES.

6 MR. MEDRANO: MR. STOLAR IS CORRECT. THERE WERE
7 SEVERAL WEAPONS RECEIVED WHEN CARO WAS ARRESTED IN COSTA RICA,
8 AND WE HAVE TWO OF THEM.

9 NOW, THE SIGNIFICANCE OF ONE OF THEM, IN PARTICULAR,
10 I'M SURE YOU'LL SEE THE RELEVANCE OF. YOU'VE HEARD
11 DESCRIPTIONS THROUGH THIS WITNESS ALREADY OF THE FANCY
12 JEWELLED -- RUBIES AND DIAMONDS -- FIREARM THAT CARO HAD IN HIS
13 WAISTBAND WHILE HE WAS LEANING ON THE STATION WAGON.

14 HE DESCRIBED IT VERY ACCURATELY AND SAID IT HAD THE
15 LETTER AND NUMBER "R 1". WELL, YOUR HONOR, THAT IS THE WEAPON
16 WE HAVE. THIS CORROBORATES THE EYE-WITNESS TESTIMONY OF AGENT
17 LEYVA AND HIS DESCRIPTION OF WHAT OCCURRED AT THE AIRPORT
18 CONFRONTATION ON FEBRUARY 9.

19 THE COURT: WHY DOES IT NEED CORROBORATION? IT IS
20 NOT IN DISPUTE, IS IT?

21 MR. MEDRANO: IT IS HARD FOR ME TO SPECULATE AS TO
22 WHAT AREAS, IF ANY, OF THE GOVERNMENT'S CASE IN CHIEF THE
23 DEFENSE COUNSEL WILL ATTEMPT TO ATTACK IN THEIR CLOSING
24 ARGUMENT.

25 MAY I FINISH, MR. STOLAR?

1 MR. STOLAR: SURE.

2 MR. MEDRANO: I THINK WE ARE ENTITLED TO CORROBORATE
3 OUR WITNESSES TO OUR BEST ABILITY WITHOUT BEING CUMULATIVE.
4 AND YOUR HONOR, RULE 403 PREJUDICE IS NOT TANTAMOUNT TO
5 RELEVANCE.

6 THIS EVIDENCE, AS I'VE SHOWN YOU, IS RELEVANT AND
7 CORBORATES THE WITNESS.

8 THE COURT: RULE 403 PERMITS THE EXCLUSION OF
9 RELEVANT EVIDENCE IF IT IS PREJUDICIAL.

10 I DON'T VIEW THIS AS BEING VERY PREJUDICIAL.

11 MR. STOLAR: WE HAVE HAD A LOT OF TALK ABOUT WEAPONS
12 IN THE CASE, BUT WE DON'T HAVE ANY ACTUAL WEAPONS IN THE CASE.
13 WE'VE HAD A LOT OF TALK ABOUT DRUGS IN THE CASE, BUT WE DON'T A
14 LOT OF DRUGS IN THE CASE.

15 THE COURT: JUST A MOMENT. WHAT OTHER WEAPONS DO YOU
16 HAVE THERE?

17 MR. MEDRANO: ONE MOMENT, YOUR HONOR.

18 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL AND
19 AGENT KUEHL.)

20 MR. MEDRANO: THE SECOND WEAPON, YOUR HONOR, IS
21 SIMPLY, FOR LACK OF A BETTER TERM, A PLAIN HAND GUN. IT IS A
22 SEMI-AUTOMATIC. THERE IS NO JEWELRY ON IT OR ANYTHING, BUT IT
23 WAS ALSO SEIZED WITH CARO QUINTERO.

24 THE COURT: WHY DO YOU NEED THAT?

25 MR. MEDRANO: VERY WELL, YOUR HONOR.

1 WELL, AT A MINIMUM, WE WOULD RESPECTFULLY ASK THAT
2 THE "R-1 GUN" IS CLEARLY --

3 THE COURT: IS THAT THE SO-CALLED JEWELED --
4 COUNSEL, WOULD YOU PLEASE JUST --

5 MR. STOLAR: I THOUGHT I SAW ANOTHER WEAPON THERE,
6 YOUR HONOR.

7 MR. MEDRANO: THERE IS JUST TWO WEAPONS.

8 THE COURT: EVEN IF YOU DID, YOU DON'T BREAK INTO A
9 DIALOGUE BETWEEN COUNSEL AND THE COURT.

10 THE COURT: THIS IS THE SO-CALLED JEWELED-HANDLED
11 WEAPON THAT THE WITNESS DESCRIBED?

12 MR. MEDRANO: THAT IS CORRECT, YOUR HONOR, "R-1".

13 THE COURT: THAT WILL BE PERMITTED. I DON'T THINK
14 THERE IS ANY NEED FOR ANY OTHER WEAPON.

15 MR. MEDRANO: VERY WELL. WE'LL JUST USE THAT ONE
16 WITH THE WITNESS.

17 THANK YOU.

18 MR. MEZA: YOUR HONOR, BEFORE THE COURT LEAVES THE
19 BENCH, I HAVE A REQUEST BASED ON THIS WITNESS'S PRIOR
20 TESTIMONY.

21 HE TESTIFIED THAT HE SAW MY CLIENT AT THE AIRPORT.
22 TODAY IS THE FIRST DAY THAT EITHER I OR CO-COUNSEL HAVE HEARD
23 THIS INFORMATION CONCERNING HIS IDENTITY.

24 WE HAVE TWO REPORTS PROVIDED TO US CONCERNING THE
25 EVENTS THAT HAPPENED AT THE AIRPORT. THEY ARE IN A REDACTED

1 FORM, AND I WOULD LIKE TO HAVE THOSE IN AN UNREDACTED FORM
2 BEFORE I BEGIN THE CROSS EXAMINATION.

3 SOME OF THE REDACTED PORTIONS HAVE TO DO WITH
4 IDENTIFICATIONS MADE TO -- AND THEN WHATEVER IT'S MADE TO IS
5 BLANKED OUT.

6 SECONDLY, I WOULD MAKE OR RENEW OUR REQUEST -- IT
7 SHOULDN'T BE NECESSARY -- FOR ANY ADDITIONAL JENKS OR GIGLIO
8 MATERIAL; AND I'M SPECIFICALLY THINKING IN TERMS OF ANY REPORTS
9 THAT THIS WITNESS MADE CONCERNING IDENTIFICATION PRIOR TO
10 TODAY'S DATE, AND ANY AND ALL PHOTOGRAPHS THIS WITNESS HAS BEEN
11 SHOWN.

12 AND I KNOW ACCORDING TO HIS GRAND JURY TESTIMONY -- I
13 FORGET WHICH ONE -- HE WAS SHOWN SEVERAL PHOTOGRAPHS, MANY
14 PHOTOGRAPHS, I THINK WAS HIS CHARACTERIZATION, FROM WHICH HE
15 WAS UNABLE TO MAKE IDENTIFICATIONS.

16 AND I WOULD LIKE TO KNOW WHICH PHOTOGRAPHS HE WAS
17 SHOWN BEFORE I CAN EXAMINE HIM.

18 THE COURT: WELL, FIRST, HAS THIS WITNESS PRODUCED
19 ANY REPORTS IN WHICH HE HAS REPORTED THE IDENTIFICATION OF THIS
20 DEFENDANT IN HIS REPORT?

21 MR. MEDRANO: FIRST OF ALL, YOUR HONOR, ALL JENKS BY
22 THIS WITNESS HAS BEEN PROVIDED TO THE DEFENSE.

23 THE COURT: THERE IS NO OTHER REPORT?

24 MR. MEDRANO: THAT IS CORRECT.

25 THEN AS TO THE REDACTED PORTIONS THAT MR. MEZA HAS

1 ALLUDED TO, I'LL NEED TO PULL THE UNREDACTED COPY TO REFRESH MY
2 MEMORY AS TO WHAT IS IN THERE. I'M VIRTUALLY CERTAIN THAT IT
3 HAS NOTHING TO DO WITH THE IDENTIFICATION OF BERNABE RAMIREZ,
4 BECAUSE THAT WOULD BE JENKS, AND HE'S ENTITLED TO IT.

5 I NEED TO LOOK AT A CLEAN COPY, AND I CAN ADVISE MR.
6 MEZA OVER THE BREAK, YOUR HONOR.

7 THE COURT: DO THAT. WHAT ABOUT THESE PHOTOGRAPHS
8 THE WITNESS HAS BEEN SHOWN?

9 MR. MEDRANO: I'M NOT SURE WHICH PHOTOS HE HAS BEEN
10 SHOWN, YOUR HONOR.

11 THE COURT: WELL, WE HAVE HIM ON THE STAND. LET'S
12 FIND OUT. HAVE YOU EVER BEEN SHOWN ANY PHOTOGRAPHS OF ANY
13 PERSONS IN CONNECTION WITH THIS CASE?

14 THE WITNESS: YES, SIR.

15 MR. MEDRANO: YOUR HONOR, I'M SORRY. LET ME
16 INTERJECT. I'M AWARE OF THE SET -- IN MY PRETRIAL PREP OF THE
17 WITNESS, I'VE SHOWN HIM PHOTOGRAPHS, SO I CAN ADVISE YOU OF
18 THAT.

19 I'M NOT AWARE IF ANY OTHER PHOTOGRAPHS HAVE BEEN
20 SHOWN TO HIM. PERHAPS WE CAN ASK THE WITNESS.

21 THE COURT: WELL, LET'S ASK HIM. OTHER THAN WHAT
22 COUNSEL HAS SHOWN YOU BEFORE THE TRIAL, HAVE YOU LOOKED AT ANY
23 OTHER PHOTOGRAPHS AT ANY OTHER TIME IN CONNECTION WITH THIS
24 CASE?

25 THE WITNESS: YES. I SAW A BOOK OF PHOTOGRAPHS WITH

1 A LOT OF PHOTOGRAPHS.

2 MR. MEZA: YOUR HONOR, WE HAD A -- WHAT APPEARED TO
3 BE A BOOK FORM -- I THINK IT WAS 175 -- YESTERDAY DURING THE
4 HEARING. IF THAT COULD BE DISPLAYED TO THE WITNESS AND SEE IF
5 THAT IS WHAT HE'S REFERRING TO.

6 THE COURT: YOU CAN DO THAT AFTER WE ADJOURN HERE,
7 AND GET TOGETHER ON IT AND SEE IF YOU CAN WORK IT OUT.

8 MR. MEDRANO: VERY WELL, YOUR HONOR.

9 MR. STOLAR: FOR THE RECORD, I ALSO DO NOT HAVE ANY
10 KIND OF JENKS MATERIAL ON THE IDENTIFICATION OF MR. MATTA AT
11 THE HOTEL, SO-CALLED. AND IF THERE --

12 MR. MEDRANO: THERE IS NONE, YOUR HONOR. IF WE
13 HAVEN'T PRODUCED IT, THE WITNESS DID NOT GENERATE IT.

14 WE CAN ASK HIM ON THE STAND RIGHT NOW.

15 MR. MEZA: I DON'T MIND ASKING HIM.

16 THE COURT: YOU CAN ASK HIM YOURSELF WHEN YOU
17 CROSS-EXAMINE HIM.

18 MR. MEDVENE: IF THE COURT PLEASE, YOU HAVE A MOTION
19 THAT WAS FILED THIS MORNING.

20 THE COURT: YES, I HAVE IT.

21 MR. MEDVENE: I'D JUST ASK, BEFORE THE GOVERNMENT
22 PUTS THAT WITNESS ON, THAT WE BE GIVEN AN OPPORTUNITY TO HEAR
23 THE RULINGS.

24 THE COURT: YES. WE'LL ADJOURN NOW.

25 (BRIEF RECESS.)

1 (JURY ABSENT:)

2 THE COURT: (TO MR. STOLAR:) COUNSEL, SIT DOWN. I
3 DIDN'T CONVENE THIS SO THAT YOU COULD ADDRESS THE COURT.

4 I WANT TO DISCUSS THIS MOTION TO SUPPRESS THAT WAS
5 FILED BY THE -- (PAUSE.)

6 (JUROR OPENS DOOR; CLERK CLOSES SAME.)

7 THE COURT: THE MOTION TO SUPPRESS ON BEHALF OF THE
8 DEFENDANT ZUNO. THE COURT IS GOING TO DENY THAT MOTION FOR THE
9 FOLLOWING REASONS:

10 FIRST, UNDER RULE 12 OF THE RULES OF CRIMINAL
11 PROCEDURE, A MOTION TO SUPPRESS EVIDENCE MUST BE FILED BEFORE
12 TRIAL. AND I'LL READ IT TO YOU:

13 "THE FOLLOWING MOTIONS MUST BE RAISED PRIOR TO
14 TRIAL: MOTIONS TO SUPPRESS EVIDENCE."

15 NOW, OUR LOCAL RULES ALSO REQUIRE THAT A MOTION TO
16 SUPPRESS EVIDENCE SHALL BE FILED AND SERVED NOT LATER THAN 14
17 DAYS PRIOR TO TRIAL; IT'S LOCAL RULE 9. IT ALSO REQUIRES A
18 DECLARATION IN SUPPORT OF THE MOTION TO BE FILED, WHICH WAS NOT
19 DONE IN THIS CASE. AND SO THE MOTION IS FATALY DEFECTIVE.

20 AS I UNDERSTAND IT, YOU'VE HAD THIS DOCUMENT, WHICH I
21 REFERRED TO YESTERDAY AS A RECORD OF SWORN STATEMENT, A RECORD
22 FROM THE IMMIGRATION AND NATURALIZATION SERVICE, FOR HOW LONG,
23 DID YOU SAY?

24 MR. MEDRANO: MID-JANUARY OF THIS YEAR.

25 THE COURT: MID-JANUARY OF THIS YEAR. THAT'S OVER

1 FIVE MONTHS.

2 AND THE ARGUMENT THAT YOU DIDN'T KNOW THIS WITNESS
3 WOULD BE CALLED OR THIS WOULD BE OFFERED, OF COURSE, YOU NEVER
4 KNOW THAT. YOU ARE REQUIRED TO ANTICIPATE AND FILE THESE
5 MOTIONS BEFOREHAND, NOT DURING THE TRIAL. SO THE COURT IS
6 GOING TO DENY THE MOTION.

7 NOW, TO THE EXTENT THAT THE DEFENDANT RAISES QUESTIONS
8 ABOUT RELEVANCE, THOSE ARE QUESTIONS THAT THE COURT MAY
9 CONSIDER.

10 WHAT IS THE -- YOU MENTIONED YESTERDAY THREE OR FOUR
11 AREAS THAT YOU BELIEVED WERE RELEVANT IN THIS CASE. WHAT IS
12 THE PURPOSE FOR WHICH YOU'RE INTRODUCING THIS OR YOU'RE GOING
13 TO SEEK TO INTRODUCE IT?

14 MR. CARLTON: YOUR HONOR, THERE ARE SEVERAL PURPOSES.
15 FIRST OF ALL, GENERAL BACKGROUND ON THE DEFENDANT, SO THAT THE
16 JURY IS ABLE TO KNOW WHO THIS MAN IS, AND --

17 THE COURT: WELL, I DON'T THINK THAT THAT'S
18 RELEVANT --

19 MR. CARLTON: -- THIS IS ONE OF THE PURPOSES.

20 THE COURT: -- IN A CRIMINAL CASE, THAT YOU INTRODUCE
21 THE GENERAL BACKGROUND OF THE DEFENDANT.

22 MR. CARLTON: WELL, THAT HE LIVES IN THE GUADALAJARA
23 AREA, HE HAS A RESIDENCE IN MASCOTA. I'VE ALREADY INDICATED TO
24 YOU THE CONNECTIONS TO THE MASCOTA --

25 INTERPRETER: YOUR HONOR?

1 THE COURT: JUST A MOMENT.

2 INTERPRETER: I WOULD LIKE HIM TO USE THE MIKE, YOUR
3 HONOR.

4 THE COURT: HE'S UNABLE TO HEAR YOU.

5 WELL, DO YOU INTEND TO USE THE ENTIRE DOCUMENT?

6 MR. CARLTON: THAT SEEMED TO ME TO BE THE EASIEST
7 THING TO DO, YOUR HONOR, WOULD BE TO INTRODUCE THE ENTIRE
8 DOCUMENT.

9 NOW, DEFENSE HAS RAISED OBJECTIONS TO, I BELIEVE, FOUR
10 PARTICULAR QUESTIONS IN THE DOCUMENT, ON A NUMBER OF GROUNDS.
11 IF I CAN JUST REFER TO THEIR MOTION HERE.

12 THE COURT: WELL, ARE YOU INTENDING TO ASK THE WITNESS
13 TO RECITE THE ANSWERS GIVEN IN THE DOCUMENT?

14 MR. CARLTON: NO, YOUR HONOR.

15 THE COURT: TO IDENTIFY DOCUMENTS AND THE
16 CIRCUMSTANCES UNDER WHICH IT WAS TAKEN?

17 MR. CARLTON: THAT'S RIGHT?

18 THE COURT: WELL, THEN THE COURT CAN DETERMINE LATER
19 WHAT SHOULD BE DELETED FROM IT, IF ANYTHING, THAT IS NOT PROPER
20 OR RELEVANT.

21 MR. CARLTON: THAT'S GREAT, YOUR HONOR; AT ANY TIME.

22 THE COURT: AND I DON'T THINK WE NEED TO TAKE TIME
23 DOING THAT NOW.

24 MR. MEDVENE: MY UNDERSTANDING, YOUR HONOR, IS THAT
25 THERE WILL BE NO QUESTIONS ASKED ABOUT SPECIFIC ANSWERS AT THIS

1 TIME, JUST IDENTIFICATION OF DOCUMENTS, CIRCUMSTANCES UNDER
2 WHICH THE DOCUMENT WAS TAKEN.

3 MR. CARLTON: THERE WERE TWO QUESTIONS OR ANSWERS HERE
4 ABOUT WHICH I WANTED TO ASK THE WITNESS TO --

5 THE COURT: WHAT ARE THOSE?

6 MR. CARLTON: WHETHER -- THERE IS A STATEMENT HERE IN
7 THE SWORN STATEMENT. THE QUESTION IS:

8 "WHERE DID YOU LIVE BEFORE?"

9 "IN GUADALAJARA. I LIVED AT LOPE DE VEGA 881 FROM 1970 TO
10 1982."

11 AND I JUST WANTED THE WITNESS TO CLARIFY HER
12 UNDERSTANDING THAT THE WITNESS (AS STATED) HAS SAID
13 "CONTINUOUSLY" DURING THAT PERIOD; AND JUST TO CLARIFY THE,
14 "HAVE YOU EVER LIVED IN THE UNITED STATES?"/"NO, BUT
15 TEMPORARILY FOR ABOUT TWO MONTHS," JUST TO CLARIFY WHAT THE
16 WITNESS SAID IN REGARD TO THAT: THAT HE NEVER LIVED HERE FOR
17 ANY PERIOD OF TIME LONGER THAN TWO MONTHS.

18 THAT WAS ALL THE CLARIFICATION THAT I INTENDED TO ASK.

19 MR. MEDVENE: WE HAVE STRENUOUS OBJECTION TO THOSE,
20 YOUR HONOR, PARTICULARLY THE "TWO MONTHS," BECAUSE IT GETS --
21 THE ISSUE OF HOW LONG HE LIVED IN THE UNITED STATES IS NOT
22 RELEVANT, HAS NOTHING TO DO WITH WHETHER HE'S IN THE CARTEL OR
23 THE KIDNAP. IT REQUIRES US THEN TO EXPLAIN A COLLATERAL ISSUE.

24 IT HAS NO RELEVANCE, HOW LONG HE LIVED IN THE UNITED
25 STATES, YOUR HONOR.

1 THE COURT: WHAT IS THE RELEVANCE?

2 MR. CARLTON: HIS ABILITY TO COME AND GO FROM THE
3 UNITED STATES FOR PERIODS OF TWO MONTHS OR LESS, OR COME IN
4 HERE SEVERAL TIMES, IS A MATTER OF GREAT RELEVANCE.

5 WE ANTICIPATE THE DEFENSE IS GOING TO ARGUE, EITHER
6 THROUGH MR. ZUNO'S TESTIMONY OR IN CLOSING OR BOTH, THAT IN THE
7 AFTERMATH OF THE CAMARENA KILLING, HE WAS SITTING IN THE RANCH
8 IN MASCOTA TENDING TO HIS OWN BUSINESS AND NOT GOING ANYWHERE
9 OR DOING ANYTHING, WHILE EVERYONE ELSE WAS FLEEING. HE'S
10 ALREADY MENTIONED THAT IN HIS OPENING STATEMENT.

11 AND WE WANT TO BRING TO THE JURY'S ATTENTION THIS THE
12 DEFENDANT'S ABILITY -- THROUGH HAVING A PILOT'S LICENSE AND
13 APPARENT REFERENCES TO COMING INTO THE UNITED STATES FOR LESS
14 THAN TWO MONTHS -- TO COME AND GO.

15 THE COURT: ALL RIGHT. THE RULING OF THE COURT IS
16 THAT THE WITNESS MAY BE ASKED ABOUT THOSE QUESTIONS. THE
17 OBJECTION'S OVERRULED IN THAT RESPECT.

18 WE'LL TAKE UP ANY OTHER OBJECTIONS LATER. I'M
19 BRINGING THE JURY IN. NO MORE --

20 MR. STOLAR: I JUST WANTED TO ADVISE THE COURT THERE
21 IS ANOTHER EXHIBIT I WAS JUST SHOWN THAT I WOULD LIKE TO TAKE
22 UP WITH THE COURT LATER.

23 MR. MEDVENE: IF THE COURT PLEASE, WOULD YOU CONSIDER
24 ELIMINATING THE PLANE? IN OTHER WORDS, THAT THEY CAN BRING OUT
25 THAT HE CAN COME BACK AND FORTH IN THE UNITED STATES, BUT

1 THERE'S NO RELEVANCE TO A PLANE, AND IT'S UNDULY PREJUDICIAL.

2 THERE'S BEEN A LOT OF TESTIMONY THAT PLANES HAVE BEEN
3 USED FOR NARCOTICS, AND IT'S MISLEADING TO THINK THIS PLANE
4 MIGHT BE, UNLESS THE GOVERNMENT'S PREPARED TO MAKE AN OFFER OF
5 PROOF THAT THIS PLANE WAS IN SOME WAY USED FOR NARCOTICS, YOUR
6 HONOR.

7 SO IT'S MISLEADING TO GET IN THAT HE HAD A PLANE,
8 WITHOUT TYING IT UP.

9 THE COURT: THE OBJECTION'S OVERRULED.

10 NOW, BRING THE JURY DOWN.

11 THE COURT: PLEASE RISE.

12 (JURY PRESENT:)

13 THE CLERK: YOU MAY BE SEATED.

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

15 CROSS-EXAMINATION +

16 BY MR. STOLAR:

17 Q GOOD MORNING, AGENT LEYVA.

18 A GOOD MORNING, SIR.

19 Q JUST PRIOR TO YOUR ARRIVAL IN GUADALAJARA, WHAT WAS YOUR
20 ASSIGNMENT?

21 A I WAS ASSIGNED TO THE LOS ANGELES DIVISION.

22 Q WELL, IMMEDIATELY PRIOR TO YOUR ARRIVAL IN GUADALAJARA,
23 DIDN'T YOU JUST TELL US THAT YOU WERE IN ACAPULCO?

24 A YES, SIR.

25 Q THAT WAS NOT FOR VACATION PURPOSES, WAS IT?

1 A NO, SIR.

2 Q AND YOU WERE ON A -- PART OF THE PLAN TO DEAL WITH THE
3 ERADICATION OF MARIJUANA AND POPPY FIELDS; IS THAT RIGHT?

4 A THAT'S CORRECT.

5 THE REPORTER: EXCUSE ME. YOUR HONOR, COULD WE HAVE
6 THE MIKE A LITTLE BIT CLOSER TO THE WITNESS?

7 THE COURT: NO, YOU MAY NOT.

8 I'D JUST LIKE YOU TO PUSH THE MIKE OFF TO THE SIDE OF
9 YOU. OFF TO THE SIDE; RIGHT THERE. SPEAK UP.

10 GO AHEAD.

11 MR. STOLAR: (PAUSE.) I FORGOT WHERE I WAS.

12 Q PRIOR TO THAT, YOU WERE IN LOS ANGELES; IS THAT RIGHT?

13 A YES, SIR.

14 Q HOW LONG WERE YOU IN ACAPULCO? HOW LONG WERE YOU ASSIGNED
15 THERE?

16 A A FEW WEEKS.

17 Q ALL RIGHT. PRIOR TO THAT, YOU WERE IN LOS ANGELES; IS THAT
18 RIGHT?

19 A YES, SIR.

20 Q FOR HOW LONG WERE YOU IN LOS ANGELES?

21 A ABOUT A YEAR AND A HALF, TWO YEARS. YEAR AND A HALF.

22 Q WHAT WAS YOUR ASSIGNMENT IN LOS ANGELES? WHAT KIND OF
23 CASES?

24 A I WAS A SPECIAL AGENT WITH THE DRUG ENFORCEMENT
25 ADMINISTRATION, ASSIGNED TO THE L.A.X. TASK FORCE.

1 Q THAT WAS BASICALLY TO CATCH PEOPLE SMUGGLING THINGS IN AND
2 OUT OF LOS ANGELES?

3 A THAT'S CORRECT. DRUGS.

4 Q I'M SORRY?

5 A DRUGS.

6 Q DRUGS, YES. PRIOR TO THAT, WHAT WAS YOUR ASSIGNMENT?

7 A I WAS AT THE ACADEMY.

8 Q ALL RIGHT. WAS IT ON THE 8TH OR THE 9TH OF FEBRUARY 1985
9 THAT YOU RECEIVED YOUR ORDER TO GO TO GUADALAJARA ?

10 A THE 8TH.

11 Q THE 8TH?

12 A AND IS IT YOUR TESTIMONY THAT YOU FIRST WENT TO MEXICO --

13 A YES.

14 Q -- CITY? AND WHO'D YOU SPEAK TO IN MEXICO CITY?

15 A I TALKED TO CHARLIE LUGO AND, AT THE TIME, ASSISTANT
16 COUNTRY ATTACHE -- LAST NAME IS "WHITE," BUT I CAN'T RECALL THE
17 FIRST NAME.

18 Q ALL RIGHT. THEN YOU CAUGHT A PLANE TO GUADALAJARA; IS THAT
19 CORRECT?

20 A YES, SIR.

21 Q AND WITH WHOM DID YOU COME?

22 A WITH SPECIAL AGENT LUGO.

23 Q AND WERE OTHER AGENTS ALSO ON THE PLANE?

24 A YES. I THINK ONE OF THEM WAS -- LAST NAME HERNANDEZ, AND I
25 CAN'T -- I CAN'T RECALL THE NAMES OF THE OTHERS.

1 Q ALL RIGHT. NOW, WHEN YOU LEFT ACAPULCO TO GO MEXICO CITY,
2 DID YOU HAVE YOUR WEAPON WITH YOU?

3 A YES.

4 Q AND YOU KEPT IT WITH YOU FROM THE -- THE ENTIRE TIME THAT
5 YOUR TESTIMONY HAS COVERED; IS THAT RIGHT?

6 A YES.

7 Q ROUGHLY, HOW MANY AGENTS BESIDES YOURSELF AND LUGO AND
8 HERNANDEZ WERE ON THE PLANE FROM MEXICO CITY TO GUADALAJARA?

9 A THREE OR FOUR.

10 Q AND WHEN YOU GOT TO THE GUADALAJARA AIRPORT, YOU TOOK
11 TRANSPORTATION TO THE UNITED STATES CONSULATE IN GUADALAJARA?

12 A YES.

13 Q DID ALL OF YOU GO TOGETHER?

14 A I CAN'T RECALL, BUT I WOULD ASSUME.

15 Q HOW DID YOU GET -- WHAT KIND OF TRANSPORTATION DID YOU
16 TAKE?

17 A I CAN'T RECALL.

18 Q IT WAS EARLY IN THE MORNING, WAS IT NOT?

19 A YES.

20 Q ABOUT WHAT: 3:00, 4:00 A.M., MAYBE A LITTLE EARLIER?

21 A 4:00, 5:00. (NODS HEAD UP AND DOWN.) 4:00.

22 Q ABOUT 5:00?

23 A 4:00, 4:30.

24 Q FROM THE -- HOW LONG DID YOU SPEND AT THE CONSULATE?

25 A JUST ENOUGH TIME TO DROP OUR LUGGAGE AND GO TO THE M.F.J.P.

1 OFFICE.

2 Q AND WHO WAS IT TOLD YOU TO GO TO THE M.F.J.P. OFFICE?

3 A I CAN'T RECALL.

4 Q WAS IT KUYKENDALL, RESIDENT AGENT IN CHARGE KUYKENDALL?

5 A I CAN'T RECALL.

6 Q HOW MANY OF YOU WENT TO THE M.F.J.P.?

7 A THE TWO -- THE THREE OR FOUR.

8 Q AND ANYBODY -- ANY OTHER AGENTS WHO HAD JOINED, FROM EITHER
9 GUADALAJARA OR OTHER PLACES?

10 A THERE WERE OTHER AGENTS IN THE OFFICE.

11 Q DO YOU KNOW WHO ANY OF THOSE WERE, THEIR NAMES?

12 A (PAUSE.) I HAVE THE FACE IN MY -- (TOUCHES FOREHEAD.) BUT
13 I CAN'T REMEMBER IT.

14 Q THE ANSWER IS: YOU CAN'T REMEMBER IT; IS THAT RIGHT?

15 A THAT'S RIGHT.

16 Q IT'S OKAY. YOU CAN SAY THAT.

17 DO YOU KNOW WHAT TIME IT WAS WHEN YOU ARRIVED AT THE
18 M.F.J.P. OFFICE?

19 A AROUND 4:30.

20 Q AND THEN, WHILE AT THE M.F.J.P. OFFICE, IS IT FAIR TO SAY
21 THAT SOME TYPE OF A PLAN WAS DEVELOPED ABOUT WHAT TO DO, OR AT
22 LEAST YOU ATTEMPTED TO DEVELOP A PLAN WITH THE M.F.J.P.?

23 A WE SUGGESTED SEVERAL PLANS.

24 Q WHEN YOU SAY "WE," AMONG YOUR GROUP OF AGENTS, WAS THERE
25 ANY ONE OF YOU, IN PARTICULAR, WHO WAS IN CHARGE?

1 A YES.

2 Q WHO WAS THAT?

3 A KUYKENDALL.

4 Q HE WAS WITH YOU?

5 A HE WAS THERE.

6 Q DID HE DO MOST OF THE TALKING WITH THE M.F.J.P. PEOPLE?

7 A WE ALL -- WE TOOK TURNS. WE JUST -- I WOULD SAY SOMETHING,
8 HE WOULD SAY SOMETHING, HE WOULD SUGGEST SOMETHING, ANOTHER
9 AGENT WOULD SUGGEST -- WE WERE DESPERATE.

10 Q DID IT APPEAR TO YOU THAT KUYKENDALL KNEW PAVON REYES?

11 A I CAN'T RECALL THAT.

12 Q APPROXIMATELY WHAT TIME WAS IT WHEN YOU WENT TO RENT THE
13 CARS?

14 A PROBABLY 1:00 OR 2:00. IT TOOK A COUPLE OF HOURS FOR THE
15 PAPERWORK AND BRINGING THE CARS BACK.

16 Q HOW MANY OF YOU WENT FROM THE M.F.J.P. OFFICE TO THE CAR
17 RENTAL PLACE?

18 A I DON'T KNOW SPECIFICALLY, BUT THERE WERE A FEW, OF D.E.A.
19 AND M.F.J.P. PERSONNEL.

20 Q WOULD IT BE FAIR TO SAY THAT THERE WERE AT LEAST 10?

21 A NO. LESS.

22 Q LESS THAN 10. DO YOU REMEMBER THE NAME OF THE AGENCIES
23 THAT YOU RENTED THE CARS FROM?

24 A NO, I DO NOT.

25 Q WAS IT YOUR CREDIT CARD THAT WAS USED, IF ANY CREDIT CARD

1 WAS USED?

2 A NO.

3 Q HOW WERE CARS RENTED?

4 A BY CREDIT CARD.

5 Q WHOSE?

6 A I THINK AGENT VILLARRUEL.

7 THE REPORTER: I'M SORRY?

8 THE WITNESS: VILLARRUEL. IT'S V I L L A R R U
9 E L.

10 BY MR. STOLAR:

11 Q THEN THE CARS WERE DRIVEN BACK FROM THE RENTAL AGENCY TO
12 THE M.F.J.P. HEADQUARTERS?

13 A YES, SIR.

14 Q WHERE DID YOU GET THE EXTRA DRIVERS FROM?

15 A WE WENT BACK AND FORTH. I WENT ABOUT THREE TIMES.

16 Q YOU MEAN YOU SHUTTLED BACK AND FORTH?

17 A YES.

18 Q SOUNDS LIKE YOU DIDN'T EAT LUNCH THAT DAY.

19 A I DID NOT.

20 Q AND WHAT TIME WAS IT WHEN YOU GOT TO THE AIRPORT?

21 A AROUND 3:00, 3:30; THAT AREA.

22 Q INCLUDING THE RATHER -- WHAT MUST HAVE BEEN A RATHER
23 FRUSTRATING STOP FOR GAS BY PAVON REYES?

24 A CORRECT.

25 Q WHO WAS IN THE CAR WITH YOU?

1 A ESPINO, SAVEDRA, BRUSOLO AND MYSELF.

2 Q WHEN YOU GOT TO THE AIRPORT, YOU HAD WHAT YOU HAVE
3 DESCRIBED AS A RATHER DRAMATIC, INTENSE CONFRONTATION; IS THAT
4 RIGHT?

5 A YES.

6 Q PRIOR TO THE CONFRONTATION, WOULD IT BE FAIR TO SAY THAT
7 YOU WERE PRETTY TIRED?

8 A I DON'T RECALL.

9 Q WELL, YOU HADN'T HAD ANY SLEEP FOR ROUGHLY 24 HOURS; RIGHT?

10 A RIGHT.

11 Q WOULD IT BE FAIR TO SAY THE CONFRONTATION SORT OF GOT YOUR
12 ADRENALIN GOING? IS THAT RIGHT?

13 A THATS CORRECT.

14 Q HOW LONG WAS THE STANDOFF BETWEEN YOU AND THE OTHER PEOPLE?

15 A (PAUSE.) IT SEEMED LIKE ETERNITY.

16 Q WOULD IT BE FAIR TO SAY THAT YOUR ATTENTION WAS RATHER
17 FOCUSED ON THE WEAPONS THAT WERE POINTED AT YOU?

18 A AT THE BEGINNING, YES.

19 Q AND YOU INDICATED TO US THAT YOU THINK THERE WERE
20 APPROXIMATELY EIGHT PEOPLE THERE; IS THAT RIGHT?

21 A APPROXIMATELY.

22 Q LET ME BACK UP. YOU INDICATED THAT YOU REALLY HAD NO IDEA
23 WHY YOU WERE GOING TO THE AIRPORT; IS THAT CORRECT?

24 A THAT'S CORRECT.

25 Q WHEN YOU CAME BACK TO THE M.F.J.P. OFFICE, ON ANY

1 OCCASIONS, DID YOU HAVE ANY OPPORTUNITY TO TALK TO KUYKENDALL?

2 A NO, SIR.

3 Q YOU NEVER HEARD ABOUT ANY INFORMATION THAT MAYBE SOMEBODY
4 HAD BEEN SENT TO THE AIRPORT, THAT SOMEBODY WAS GOING TO LEAVE,
5 AND THAT'S WHY YOU WERE GOING?

6 A I CAN'T RECALL THAT.

7 Q WHEN THEY SAID, "CHAMBER A ROUND," THIS WAS SCREAMED BY
8 PAVON REYES; IS THAT CORRECT?

9 A YES, SIR.

10 Q WHAT KIND OF WEAPONS DID YOU -- DID THE D.E.A. AGENTS ALSO
11 BRING OUT WEAPONS AT THAT POINT?

12 A I HAD MY WEAPON. WE WERE AT DIFFERENT LOCATIONS, SO I
13 DIDN'T SEE -- AT THAT SPECIFIC MINUTE, I DIDN'T KNOW WHERE THE
14 OTHER AGENTS WERE.

15 Q OKAY. AT WHAT POINT DID YOU TAKE YOUR WEAPON OUT, IF YOU
16 DID?

17 A IMMEDIATELY.

18 Q WHAT KIND OF WEAPON WAS IT?

19 A A .38.

20 Q .38?

21 A .38 SMITH AND WESSON REVOLVER.

22 Q AND DID THE OTHER AGENTS -- DID YOU SEE ANY OF THE OTHER
23 AGENTS IN THE AREA WHO ALSO HAD THEIR WEAPONS OUT?

24 A LATER.

25 Q NOW, IS IT FAIR TO SAY THAT UNDER THE RULES OF AGREEMENT

4
1 BETWEEN THE UNITED STATES AND MEXICO THAT ALLOWED YOU AND OTHER
2 D.E.A. AGENTS TO OPERATE IN MEXICO, PART OF THE RULES WERE THAT
3 AGENTS WERE PROHIBITED FROM CARRYING THEIR GUNS?

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

5 THE COURT: WELL, I'LL PERMIT THE ANSWER.

6 THE WITNESS: CAN YOU --

7 BY MR. STOLAR:

8 Q THE RULES BETWEEN THE U.S. AND MEXICO THAT ALLOWED YOU TO
9 BE IN MEXICO SAID D.E.A. AGENTS CAN'T CARRY GUNS; IS THAT
10 RIGHT?

11 A NO, IT'S NOT RIGHT.

12 Q YOU WERE PERMITTED TO CARRY YOUR WEAPONS AT ALL TIMES IN
13 MEXICO; IS THAT CORRECT?

14 A YES, SIR.

15 Q BEFORE YOU WENT TO MEXICO, BEFORE YOU WERE ASSIGNED TO
16 MEXICO, DID YOU HAVE ANY SCHOOLING OR WERE YOU GIVEN ANY
17 INSTRUCTIONS ABOUT WHAT YOUR DUTIES IN MEXICO WERE AND WHAT
18 YOUR POWERS WERE?

19 A I WAS ADVISED.

20 Q FOR EXAMPLE, YOU'RE NOT ALLOWED TO ARREST PEOPLE IN MEXICO,
21 ARE YOU?

22 A THAT'S CORRECT.

23 Q ALL RIGHT. YOU INDICATED YOU SAW SEVEN OR EIGHT OR MORE
24 PEOPLE; IS THAT RIGHT?

25 A YES, SIR.

1 Q THAT'S YOUR PRESENT RECOLLECTION OF WHAT -- WHO WAS AROUND
2 THE AIRPLANE; IS THAT RIGHT?

3 A YES, SIR.

4 Q WOULD IT BE FAIR TO SAY THAT YOUR RECOLLECTION ABOUT WHO
5 WAS AROUND THE AIRPLANE IN 1985 WOULD BE BETTER THAN IT WAS AND
6 IT IS TODAY?

7 A NO, SIR.

8 Q WELL, FEBRUARY 25TH 1985, ABOUT TWO WEEKS AFTER THESE
9 EVENTS, YOU WROTE A REPORT OF INVESTIGATION, A D.E.A.-6; ISN'T
10 THAT RIGHT?

11 A I CAN'T RECALL THAT, SIR.

12 MR. STOLAR: MAY I SHOW THE WITNESS A PIECE OF PAPER
13 TO REFRESH HIS RECOLLECTION? THREE PAGES -- A FOUR-PAGE
14 DOCUMENT.

15 THE COURT: DO YOU RECALL PREPARING A REPORT? YOU SAY
16 YOU DON'T RECALL IT?

17 THE WITNESS: I RECALL PREPARING A D.E.A.-6 REPORT. I
18 CANNOT RECALL THE SPECIFIC DATE, YOUR HONOR.

19 THE COURT: OH. ALL RIGHT.

20 PERHAPS YOU CAN AGREE ON A DATE.

21 BY MR. STOLAR:

22 Q I THINK WE HAVE A STIPULATION THAT IT WAS FEBRUARY 25TH
23 THAT YOU WROTE YOUR REPORT.

24 FEBRUARY 25TH, 1985, DO YOU RECALL IN YOUR REPORT
25 WRITING THAT YOU ENCOUNTERED APPROXIMATELY FIVE HEAVILY ARMED

1 SUBJECTS AROUND THE FALCON JET?

2 A WHAT IS THE QUESTION? I'M SORRY.

3 Q DO YOU RECALL WRITING THAT IN YOUR REPORT?

4 A I RECALL USING THE WORD "APPROXIMATELY," BECAUSE I -- YOU
5 KNOW, FIVE, SIX; I CAN'T -- (SHRUGS.)

6 Q YOU USED THE WORDS "APPROXIMATELY FIVE HEAVILY ARMED
7 SUBJECTS." ARE THOSE YOUR WORDS?

8 A IF IT'S IN MY REPORT, YES, SIR.

9 Q IT IS YOUR REPORT, AND THOSE ARE YOUR WORDS. THAT WAS IN
10 THE FIRST PARAGRAPH; RIGHT?

11 A (NO AUDIBLE RESPONSE.)

12 MR. STOLAR: MAY I GIVE THE WITNESS A COPY OF THIS
13 REPORT SO HE CAN CONFIRM IT, YOUR HONOR?

14 THE COURT: YES.

15 (EXHIBIT PROVIDED TO WITNESS.)

16 BY MR. STOLAR:

17 Q IF YOU'LL LOOK AT THE FIRST PARAGRAPH, ABOUT THE SIXTH LINE
18 DOWN --

19 A YES, SIR.

20 Q YOU'LL SEE YOU WROTE "APPROXIMATELY FIVE HEAVILY ARMED
21 SUBJECTS"; CORRECT?

22 A YES, SIR.

23 Q AND IN THE SECOND PARAGRAPH OF YOUR REPORT, YOU WROTE, "AS
24 THEY ENCOUNTERED FIVE HEAVILY ARMED SUBJECTS STANDING GUARD
25 AROUND THE AIRCRAFT"; CORRECT?

1 A YES, SIR.

2 Q SO YOU USED THE NO. 5 TWICE IN THE OPENING PARAGRAPH OF
3 YOUR REPORT?

4 A YES, SIR.

5 Q WOULD IT BE FAIR TO SAY NOW THAT YOUR MEMORY ABOUT HOW MANY
6 YOU SAW AROUND THE AIRCRAFT IS INACCURATE IN TERMS OF WHAT YOU
7 NOW READ IN YOUR REPORT?

8 A YES, SIR.

9 Q THE BRACELET THAT YOU IDENTIFIED, WOULD IT BE FAIR TO SAY
10 THAT APPEARS TO BE THE BRACELET THAT YOU SAW ON THE MAN YOU
11 LATER LEARNED WAS CARO QUINTERO?

12 A THAT'S -- IT'S THE SAME.

13 Q A RATHER STRIKING BRACELET, ISN'T IT?

14 A YES.

15 Q WOULD IT BE HARD TO IMAGINE THAT THERE WERE MORE THAN ONE?

16 A CORRECT.

17 Q AT THE TIME THAT YOU SAW CARO QUINTERO AT THE AIRPORT, YOU
18 DID NOT KNOW WHO HE WAS; IS THAT RIGHT?

19 A THAT'S CORRECT.

20 Q WOULD IT BE FAIR TO SAY YOU HAD HEARD THE NAME, THOUGH?

21 A YES.

22 Q AS ONE OF THE BIGGEST OF THE BIG MARIJUANA TRAFFICKERS IN
23 MEXICO?

24 A YES.

25 Q AND MARIJUANA BEING ONE OF YOUR SPECIALTIES, SO TO SPEAK;

1 IS THAT RIGHT?

2 A YES.

3 Q AFTER THE CONFRONTATION AT THE AIRPORT, DID YOU GO BACK TO
4 THE D.E.A. OFFICE?

5 A WE WENT BACK TO THE M.F.J.P.

6 Q M.F.J.P. OFFICE. AND WHAT DID YOU DO THERE?

7 A I CAN'T RECALL.

8 Q DID YOU GET SOME LUNCH OR ANYTHING TO EAT?

9 A I CAN'T RECALL.

10 Q THERE CAME A TIME, DID THERE NOT, WHEN YOU WENT TO THE
11 D.E.A. OFFICE AND LOOKED THROUGH A BOOK OF PICTURES, IN AN
12 ATTEMPT TO IDENTIFY THE PERSON WHOM YOU SAW ON THE LEARJET?
13 ISN'T THAT RIGHT?

14 A I SAW SEVERAL. I CANNOT SAY SPECIFICALLY WHETHER IT WAS A
15 BOOK.

16 Q WELL, COULD YOU DESCRIBE FOR US WHAT IT WAS THAT YOU DID
17 LOOK AT AT THE OFFICE?

18 A SEVERAL PICTURES.

19 Q WERE THERE MORE THAN ONE PICTURE ON A PAGE?

20 A I CAN'T RECALL WHETHER IT WAS -- THEY WERE IN A PAGE OR
21 NOT, BUT I DO RECALL SEVERAL PICTURES WHERE -- THAT I SAW.

22 MR. STOLAR: DO WE HAVE GOVERNMENT'S ONE SEVENTY --
23 WHATEVER THE BOOK OF PICTURES IS THAT WAS SUPPOSED TO BE
24 BROUGHT DOWN HERE?

25 MR. MEDRANO: 174.

1 THE CLERK: 174?

2 MR. STOLAR: BUT THE ACTUAL BOOK, THOUGH, IS WHAT I
3 WANTED TO SHOW THE WITNESS. WE HAD ASKED TO HAVE THAT BOOK
4 BROUGHT DOWN.

5 I WANT TO SHOW IT TO THE WITNESS.

6 (BINDER PROVIDED BY GOVERNMENT COUNSEL TO MR. STOLAR,
7 WHO EXAMINES SAME.)

8 BY MR. STOLAR:

9 Q LET ME SHOW I WHAT'S BEEN MARKED FOR IDENTIFICATION AS
10 GOVERNMENT'S EXHIBIT 174 AND ASK YOU TO A LOOK THROUGH IT.

11 A (COMPLIES.)

12 (PAUSE IN PROCEEDINGS.)

13 MR. MEDRANO: YOUR HONOR, IS HE TO REVIEW THE WHOLE
14 THING?

15 MR. STOLAR: I ASKED HIM TO TAKE A LOOK THROUGH THE
16 BOOK TO SEE IF IT APPEARS TO BE PICTURES THAT HE SAW WHEN HE
17 WAS ASKED TO ATTEMPT TO IDENTIFY THE MAN.

18 THE COURT: WELL, ASK THE QUESTION.

19 BY MR. STOLAR:

20 Q DOES THAT APPEAR TO BE THE PICTURES THAT YOU SAW AT THE
21 D.E.A. OFFICE AND USED TO ATTEMPT TO IDENTIFY THE MAN?

22 A IN GUADALAJARA?

23 Q YES.

24 A NO, SIR.

25 Q WOULD YOU LOOK AT PICTURE NO. 47?

1 A (COMPLIES.)

2 Q DOES THAT LOOK FAMILIAR TO YOU?

3 A THE FACE. (NODS HEAD UP AND DOWN.)

4 Q WHO DOES IT APPEAR TO BE?

5 A RAFAEL CARO QUINTERO.

6 Q IS THAT THE PICTURE THAT YOU SAW AT THE D.E.A. OFFICE IN
7 1985?

8 A NO, SIR.

9 Q IT'S NOT?

10 A NO. THAT DOESN'T LOOK LIKE THE PICTURE. I REMEMBER THE
11 FACE, BUT THE PICTURE -- (SHAKES HEAD FROM SIDE TO SIDE.)

12 Q DID YOU ACTUALLY SEE A PICTURE OF CARO QUINTERO AMONG THE
13 PICTURES THAT YOU VIEWED AT THE OFFICE IN 1985?

14 A YES, SIR.

15 Q WERE THERE MORE THAN ONE PICTURE OF CARO QUINTERO?

16 A I CAN'T RECALL. THERE WERE OTHER PICTURES; AND ONE OF
17 THEM, THAT I RECALL, WAS THE MAN THAT I HAD SEEN THE PREVIOUS
18 DAY.

19 Q SO IN OTHER WORDS, YOU ONLY IDENTIFIED ONE OF THE
20 PHOTOGRAPHS. INSTEAD OF MAYBE THERE WERE TWO OR THREE OF THE
21 SAME PERSON, YOU SAID THIS AND THIS AND THIS ONE WERE ALL THE
22 SAME, YOU JUST SAID ONE OF THEM?

23 A I PICKED ONE.

24 Q THE SAME ONE. OKAY.

25 AT THE TIME YOU WERE -- OH. (PAUSE.)

1 THE PHOTOGRAPH OF THE JET THAT YOU IDENTIFIED EARLIER,
2 YOU CALLED IT A LEARJET; IS THAT RIGHT?

3 A YES, SIR.

4 Q IS THAT THE SAME AS A FRENCH-MADE FALCON JET?

5 A TO THE BEST OF MY KNOWLEDGE, I GUESS THEY ARE.

6 Q THEY'RE THE SAME, AS FAR AS YOU KNOW?

7 A I BEG YOUR PARDON?

8 Q THEY'RE THE SAME? A LEARJET IS THE SAME AS A FRENCH-MADE
9 FALCON JET?

10 A I'M NOT AN EXPERT ON JETS, SO I CAN'T -- (PAUSE.)

11 Q IS IS IT TRUE THAT TAIL NUMBERS ON AIRPLANES CAN BE
12 CHANGED, REGISTRATIONS CAN BE CHANGED?

13 MR. MEDRANO: OBJECTION. LACK OF FOUNDATION. LACK OF
14 PERSONAL KNOWLEDGE.

15 THE COURT: THE OBJECTION IS SUSTAINED.

16 BY MR. STOLAR:

17 Q IN THE COURSE OF YOUR WORK WITH THE D.E.A. IN MEXICO, DID
18 YOU GET ANY KNOWLEDGE ABOUT HOW AIRCRAFT IDENTIFICATIONS ARE
19 DONE, TAIL NUMBERS?

20 A I CAN'T RECALL THAT SPECIFIC AREA.

21 Q FOR EXAMPLE, YOU KNOW THAT AN N AT THE BEGINNING OF THE
22 TAIL NUMBERS IS THE UNITED STATES REGISTRATION; RIGHT?

23 A (NO AUDIBLE RESPONSE.)

24 Q OR MAYBE YOU DON'T.

25 A I DON'T.

1 Q AND AN X AT THE BEGINNING OF THE TAIL REGISTRATION IS THE
2 INTERNATIONAL CODE FOR MEXICO, MEXICAN REGISTRATION?

3 A NOW I KNOW THAT, BEING IN MEXICO.

4 Q OKAY. IS IT NOT TRUE THAT WHEN YOU WROTE YOUR REPORT, BACK
5 IN 1985, YOU CALLED THAT AIRPLANE A FRENCH-MADE FALCON JET?

6 A YES, SIR.

7 Q WOULD IT BE FAIR TO SAY YOUR RECOLLECTION OF THE EVENTS
8 BACK IN 85 IS BETTER THAN IT IS TODAY? WAS BETTER?

9 A I -- IT'S POSSIBLE, YES.

10 Q IN FACT, IT IS PROBABLE, ISN'T IT?

11 A YES, SIR.

12 Q THANK YOU. NOW, ON HOW MANY OCCASIONS PRIOR TO FEBRUARY
13 12TH 1985 HAD YOU BEEN INTRODUCED TO THE MAN YOU'VE IDENTIFIED
14 AS MR. MATTA?

15 A I DON'T UNDERSTAND YOUR QUESTION. I'M SORRY.

16 Q WERE YOU EVER INTRODUCED TO MR. MATTA BEFORE FEBRUARY 12TH
17 1985? DID YOU EVER MEET HIM?

18 A INTRODUCED? PERSONALLY?

19 Q YES.

20 A NO, SIR.

21 Q DID YOU EVER CONDUCT ANY SURVEILLANCES ON HIM?

22 A NO, SIR.

23 Q WHEN YOU WENT TO THE HOTEL, DID YOU HAVE A PICTURE OF HIM?

24 A I HAD SEEN PICTURES OF MR. BALLESTEROS PRIOR TO ARRIVING TO
25 GUADALAJARA.

1 Q WHERE HAD YOU SEEN THOSE PICTURES?

2 A I CAN'T RECALL -- (SHRUGS.) I REMEMBER CHECKING FOR KNOWN
3 TRAFFICKERS OF THE WORLD, AND I REVIEWED PICTURES HERE AND
4 THERE, AND I JUST -- FOR MY PERSONAL KNOWLEDGE AND INFORMATION.

5 Q WELL, HOW LONG BEFORE YOU WENT TO GUADALAJARA HAD YOU SEEN
6 A PICTURE OF WHAT SOMEBODY -- OBVIOUSLY, YOU NEVER MET MR.
7 MATTA; CORRECT?

8 A I BEG YOUR PARDON?

9 Q YOU HAD NEVER MET HIM?

10 A MET HIM IN PERSON? NO.

11 Q OR SEEN HIM IN PERSON?

12 A NEVER.

13 Q YOU WERE RELYING ON SOME PICTURES YOU SAY YOU SAW, WHERE
14 SOMEBODY SAID, "THIS IS A PICTURE OF JUAN RAMON MATTA
15 BALLESTEROS"; IS THAT RIGHT?

16 A THAT'S CORRECT.

17 Q HOW MANY DIFFERENT PICTURES OF THAT PERSON HAD YOU SEEN
18 PRIOR TO GOING TO GUADALAJARA?

19 A I SAW, SEVERAL TIMES WHILE --

20 Q SAME PICTURE?

21 A I THINK DIFFERENT PICTURES. IN GUADALAJARA, I SAW HIS
22 PICTURE, JUST LAYING AROUND: (SWEEPS HANDS OVER SURFACE OF
23 WITNESS STAND.)

24 Q BEFORE, YOU TESTIFIED THAT YOU SAW A PICTURE IN
25 GUADALAJARA, TOO?

1 A YES, SIR.

2 Q BEFORE YOU WENT TO THE HOTEL?

3 A YES.

4 Q WHAT DAY WAS IT THAT YOU MADE YOUR IDENTIFICATION OF CARO?
5 HOW LONG AFTER THE AIRPORT?

6 A I THINK THAT I WAS SHOWN SOME PICTURES THE NEXT DAY.

7 Q DID YOU GET ANY SLEEP THE NIGHT OF THE -- NIGHT?

8 A WE SLEPT AN HOUR HERE, AN HOUR THERE, WHEREVER WE WERE.

9 Q YOU WERE, IN FACT, QUITE ANXIOUS AND VERY MUCH ON THE GO
10 DURING THE ENTIRE PERIOD; ISN'T THAT RIGHT?

11 A YES.

12 Q THIS WAS A VERY SERIOUS THING THAT WAS GOING ON; RIGHT?

13 A THAT IS CORRECT.

14 Q HAD YOU KNOWN ABOUT THE SEIZURE AND DESTRUCTION OF ABOUT
15 6,000 TONS OF MARIJUANA AT CHIHUAHUA AND BUFALO PRIOR TO
16 NOVEMBER?

17 A YES, SIR.

18 Q WAS THAT THE SUBJECT OF DISCUSSION AMONG THE AGENTS WHO
19 WERE COMING IN FROM OUT OF TOWN, THE ONES WHO WERE THERE: THAT
20 CARO QUINTERO, FONSECA AND OTHER MARIJUANA TRAFFICKERS MIGHT BE
21 THE ONES RESPONSIBLE FOR THE DISAPPEARANCE OF CAMARENA?

22 MR. MEDRANO: OBJECTION. AMBIGUOUS, COMPOUND AND
23 RELEVANCY, YOUR HONOR.

24 THE COURT: SUSTAINED.

25 BY MR. STOLAR:

1 A DID YOU SEE CARO QUINTERO AT THE AIRPORT HANDING ANYTHING
2 TO PAVON REYES?

3 A NO, SIR.

4 Q WAS PAVON REYES IN YOUR SIGHT AT ALL TIMES WHILE YOU WERE
5 AT THE AIRPORT?

6 A YES, SIR.

7 Q DID YOU SEE ANYBODY ELSE HAND ANYTHING TO PAVON REYES?

8 A NO, SIR.

9 Q DID YOU LATER LEARN THAT PAVON REYES HAD BEEN GIVEN A CHECK
10 AS AN ATTEMPTED -- OR AS A BRIBE?

11 MR. MEDRANO: OBJECTION. LACK OF FOUNDATION.
12 HEARSAY.

13 THE COURT: SUSTAINED.

14 BY MR. STOLAR:

15 Q DID YOU EVER HEAR OF ANYBODY ELSE PAYING A BRIBE WITH A
16 CHECK?

17 MR. MEDRANO: SAME OBJECTION, YOUR HONOR.

18 THE COURT: SUSTAINED.

19 BY MR. STOLAR:

20 Q WERE YOU CALLED TO TESTIFY AT ANY LEGAL PROCEEDING IN
21 MEXICO CONCERNING CHARGES AGAINST PAVON REYES?

22 A NO, SIR.

23 Q DID YOU GIVE ANY FORM OF A DEPOSITION OR A DECLARATION IN
24 CONNECTION WITH CHARGES AGAINST PAVON REYES CONCERNING EVENTS
25 THAT TOOK PLACE AT THE AIRPORT?

1 MR. MEDRANO: SAME OBJECTION. ASSUMES A FACT IN
2 EVIDENCE (AS STATED), THAT THERE'S CHARGES AGAINST HIM.

3 MR. STOLAR: YOU'RE RIGHT. IT'S NOT IN EVIDENCE.

4 THE COURT: YES. THE OBJECTION IS SUSTAINED ON THAT.

5 BY MR. STOLAR:

6 Q DO YOU KNOW WHETHER THERE WERE CHARGES AGAINST PAVON REYES
7 FOR WHAT HAPPENED AT THE AIRPORT?

8 A YES, SIR.

9 Q BRIBERY CHARGES?

10 A YES, SIR.

11 Q IN MEXICO?

12 A YES, SIR.

13 Q NOW, WERE YOU CALLED OR DID YOU GAVE A DECLARATION OR
14 DEPOSITION TO THE COURT IN CONNECTION WITH THAT PROCEEDING?

15 A NO, SIR.

16 Q THE WOMAN WHO WAS ON THE AIRPLANE WITH CARO, DID YOU SEE A
17 PICTURE OF HER WHEN YOU WENT THROUGH THE PHOTOGRAPHS?

18 A IN GUADALAJARA?

19 Q SI. YES.

20 COURTROOM: (LAUGHTER.)

21 THE WITNESS: NO, SIR.

22 BY MR. STOLAR:

23 Q COULD YOU DESCRIBE HER FOR US? DESCRIBE THE WOMAN?

24 A WHAT WOMAN?

25 Q THE WOMAN WHO WAS ON THE AIRPLANE WITH CARO QUINTERO.

1 A I DIDN'T SEE ANY WOMAN.

2 Q WASN'T THERE A FEMALE ON THE PLANE WHEN THE PLANE WAS
3 PULLING OUT?

4 A I SAW A FEMALE, BUT I THINK SHE WAS A COPILOT OR SHE WAS --
5 Q SITTING IN THE COPILOT'S SEAT, PERHAPS?

6 A IF YOU MAY EXPLAIN "THERE WAS A WOMAN THERE."

7 Q THERE WAS A WOMAN SITTING IN A JUMPSEAT, IMMEDIATELY INSIDE
8 THE DOORWAY; IS THAT RIGHT?

9 A THERE WAS A WOMAN THAT CAME OUT OF THE LEARJET.

10 Q CAN YOU DESCRIBE HER, WHAT WAS SHE WAS WEARING?

11 A I CAN'T RECALL. I THINK SHE HAD A JUMPSUIT OR SOMETHING.

12 Q A JUMPSUIT? BUT YOU'RE NOT SURE?

13 A I'M NOT SURE.

14 Q DO YOU REMEMBER -- CAN YOU GIVE US ANY APPROXIMATION OF HER
15 AGE?

16 A SHE WAS YOUNG. PROBABLY 24, 25. (SHAKES HEAD FROM SIDE TO
17 SIDE.)

18 Q LOOK AT PHOTOGRAPH NO. 58 IN THAT BOOK.

19 A (COMPLIES.)

20 Q DOES THAT PHOTOGRAPH LOOK LIKE THE WOMAN THAT YOU SAW AT
21 THE AIRPORT, ON THE PLANE, OR IN THE PLANE?

22 A NO, SIR.

23 Q OKAY. YOUR RECOLLECTION IS THAT YOU DID NOT SEE THE WOMAN
24 ON A JUMPSEAT IN THE AIRPLANE; IS THAT RIGHT?

25 A THERE WAS A WOMAN INSIDE THE LEARJET.

1 Q RIGHT.

2 A ONE OF THE M.F.J.P. AGENTS ASKED -- HE WANTED TO KNOW WHO
3 WAS THE CAPTAIN OF THE VESSEL.

4 Q RIGHT.

5 A THE WOMAN CAME OUT AND SAID, "DON'T SHOOT, DON'T SHOOT!
6 I'LL BRING HIM. I'LL BRING HIM."

7 Q RIGHT.

8 A SHE WENT OUT AND BROUGHT BACK THE PILOT.

9 Q THE PILOT WAS CARO, OR NOT?

10 A PARDON?

11 Q WAS CARO THE PILOT, CARO QUINTERO?

12 A NO, SIR.

13 Q OKAY. NOW, ONCE AGAIN, YOU SAW THIS WOMAN FOR SEVERAL
14 SECONDS OR A COUPLE OF MINUTES, ANYWAY? SHE PASSED IN YOUR
15 PRESENCE; IS THAT RIGHT?

16 A IT WAS BRIEFLY. I WAS FOLLOWING PAVON.

17 Q AGAIN, LET ME ASK YOU TO DESCRIBE HIS CLOTHING, IF YOU CAN.

18 A I CAN'T RECALL.

19 Q THE FACT THAT YOU CAN'T RECALL NOW, FIVE YEARS AFTER THE
20 EVENTS, IS THAT ONE OF THE REASONS WHY AGENTS SUCH AS YOURSELF,
21 WITH THE D.E.A., WRITE DOWN REPORTS: SO THAT THERE'S A RECORD
22 OF WHAT THEY SAW AROUND THE TIME THAT IT HAPPENED?

23 A I DON'T UNDERSTAND THE QUESTION.

24 Q IS IT A FAIR STATEMENT THAT ONE OF THE REASONS THAT YOU
25 WRITE D.E.A.-6'S, REPORTS OF YOUR INVESTIGATIVE WORK, CLOSE TO

1 THE TIME THAT YOU DO THE WORK IS SO THAT LATER, YEARS LATER OR
2 WEEKS OR MONTHS OR DECADES, YOU'LL HAVE YOUR MEMORY REFRESHED,
3 YOU'LL KNOW WHAT THE DETAILS ARE, SO YOU CAN REMEMBER? IS THAT
4 A FAIR STATEMENT?

5 A YOU WRITE WHAT YOU THINK IS RELEVANT TO AN INVESTIGATION,
6 YES.

7 Q AND THE PURPOSE OF THAT IS SO THAT THERE'S A RECORD OF WHAT
8 YOU'VE DONE CLOSE TO THE TIME THAT YOU'VE DONE IT; IS THAT
9 RIGHT?

10 A THAT'S CORRECT.

11 Q IT'S MORE ACCURATE THAT WAY, ISN'T IT?

12 A THAT'S CORRECT.

13 Q I MEAN, WE'RE ASKING TO YOU RELY ON YOUR MEMORY OF EVENTS
14 THAT OCCURRED FIVE YEARS AGO; IS THAT RIGHT?

15 A THAT'S CORRECT.

16 Q IN FACT, WHEN YOU WROTE YOUR REPORT A COUPLE OF WEEKS
17 LATER, DIDN'T YOU DESCRIBE THE WOMAN AS A WHITE FEMALE,
18 MID-TO-LATE 20'S, MEDIUM BUILD, WITH BLACK SHOULDER-LENGTH
19 HAIR, DRESSED IN A BLACK BLOUSE, WHITE JACKET AND SKIRT?

20 MR. MEDRANO: OBJECTION, YOUR HONOR. THIS IS IMPROPER
21 FOUNDATION FOR REFRESHING MEMORY. THAT HASN'T BEEN ESTABLISHED
22 WITH THE WITNESS.

23 MR. STOLAR: I'M ASKING HIM IF THAT'S WHAT HE WROTE.

24 THE COURT: JUST A MOMENT.

25 MR. STOLAR: I'M SORRY, YOUR HONOR.

1 THE COURT: THERE'S AN OBJECTION. THAT DOESN'T CALL
2 FOR YOU TO MAKE ANY COMMENTS UNTIL THE COURT RULES.

3 THE OBJECTION'S OVERRULED.

4 BY MR. STOLAR:

5 Q ISN'T THAT WHAT YOU WROTE IN YOUR REPORT?

6 A CAN I CHECK MY REPORT?

7 Q YES. LOOK ON PAGE 3, SUBJECT NO. 3.

8 A (EXAMINES DOCUMENT.) I'M SORRY. WHAT SUBJECT?

9 Q SUBJECT NO. 3.

10 A NO. 3?

11 Q YEAH.

12 A (EXAMINES REPORT.) YES, SIR.

13 Q YOU HAD SOME GOOD DETAIL IN DESCRIBING THAT WOMAN, DIDN'T
14 YOU?

15 A YES.

16 Q YEAH. BY THE WAY, THE REPORT THAT YOU PREPARED ON FEBRUARY
17 25TH DOESN'T CONTAIN AN IDENTIFICATION OF CARO QUINTERO, DOES
18 IT?

19 A I DON'T KNOW.

20 Q LOOK IN THE INDEX. HAVE YOU GOT CARO QUINTERO DOWN THERE
21 AT ALL?

22 A (EXAMINES DOCUMENT.) I DESCRIBE HIM.

23 Q THE NAME "RAFAEL CARO QUINTERO" DOES NOT APPEAR ANYPLACE IN
24 THAT REPORT, DOES IT?

25 A THAT'S CORRECT.

1 Q WOULD THAT BE A FAIR CONCLUSION, THEN, THAT AS OF FEBRUARY
2 25TH YOU HAD NOT IDENTIFIED CARO QUINTERO'S PICTURE?

3 A I RECALL THAT A DAY AFTER, I SAW SOME PICTURES AND I
4 IDENTIFIED CARO QUINTERO.

5 Q HOW DO YOU ACCOUNT, THEN, FOR THE FACT THAT IN YOUR REPORT,
6 THE PERSON WHO IS CARO QUINTERO, OR SUBJECT NUMBER WHATEVER IT
7 IS, IS NOT IDENTIFIED AS CARO QUINTERO?

8 A A MISTAKE.

9 Q A SERIOUS MISTAKE, ISN'T IT?

10 MR. MEDRANO: OBJECTION. ARGUMENTATIVE.

11 THE COURT: SUSTAINED.

12 BY MR. STOLAR:

13 Q CARO QUINTERO, THE MAN YOU LATER IDENTIFIED AS CARO
14 QUINTERO, DESCRIBED AS WEARING A GOLD BRACELET ENCRUSTED WITH
15 DIAMONDS, IS DOWN HERE AS SUBJECT NO. 1, ALLEGEDLY D.F.S.
16 COMANDANTE ROGELIO MUNOZ; IS THAT RIGHT?

17 A (EXAMINES DOCUMENT.) THAT'S CORRECT, SIR.

18 Q SO YOU DIDN'T LOOK AT THE PICTURES AND IDENTIFY SUBJECT NO.
19 1 AS CARO QUINTERO UNTIL AFTER YOU WROTE THIS REPORT; ISN'T
20 THAT CORRECT?

21 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR
22 HONOR.

23 THE COURT: OVERRULED -- STRIKE THAT. IT HAS BEEN
24 ASKED AND ANSWERED.

25 BY MR. STOLAR:

1 Q WHEN YOU WENT TO THE HOTEL, YOU REGISTERED AT THE HOTEL; IS
2 THAT RIGHT?

3 A MY PARTNER DID.

4 Q WHAT NAMES DID YOU REGISTER UNDER?

5 A I CAN'T RECALL.

6 Q WELL, DID YOU USE SALAZAR LEYVA?

7 A I DIDN'T REGISTER.

8 Q DID HE -- WELL, HE HAD TO PUT DOWN WHO YOU WERE, DIDN'T HE?

9 A I DON'T KNOW WHAT -- I CAN'T RECALL WHAT HE DID. I WAS
10 LOOKING AROUND.

11 Q THE PERSONS YOU SAY YOU SAW IN THE LOBBY WERE ARMED PEOPLE;
12 ISN'T THAT RIGHT? OR PEOPLE YOU ASSUMED WERE ARMED; CORRECT?

13 A THAT'S CORRECT.

14 Q HOW WERE THEY DRESSED?

15 Q CIVILIAN CLOTHES.

16 Q SUITS AND TIES, SPORT COATS?

17 A I CAN'T RECALL.

18 Q SNEAKER, SHORTS?

19 A (SHAKES HEAD FROM SIDE TO SIDE.)

20 Q CAN'T RECALL?

21 A (SHAKES HEAD FROM SIDE TO SIDE.)

22 Q WERE THEY ALL STANDING TOGETHER IN A GROUP, RANK AND FILE?

23 A NO, SIR.

24 Q THEY WERE IN VARIOUS PLACES IN THE LOBBY; IS THAT RIGHT?

25 A YES, SIR.

1 Q DID THEY HAVE WALKIE-TALKIES?

2 A I DIDN'T OBSERVE ANY.

3 Q DO YOU KNOW IF THEY WERE D.F.S. AGENTS?

4 A I DON'T KNOW, SIR.

5 Q DO YOU KNOW IF THEY WERE M.F.J.P. AGENTS?

6 A I DON'T KNOW, SIR.

7 Q DO YOU KNOW IF THEY WERE D.E.A. AGENTS?

8 A (SHAKES HEAD FROM SIDE TO SIDE.)

9 MR. STOLAR: THE RECORD SHOULD REFLECT THE WITNESS
10 SHOOK HIS HEAD NO.

11 THE COURT: JUST A MOMENT. YOU DO NOT DIRECT WHAT'S
12 IN THE RECORD, COUNSEL --

13 MR. STOLAR: ALL RIGHT.

14 THE COURT: -- YOU INQUIRE OF THE COURT IF THAT'S
15 ADMISSIBLE.

16 AND SINCE I DID NOT SEE IT, I WILL NOT AUTHORIZE THAT
17 TO BE INCLUDED.

18 BY MR. STOLAR:

19 Q DO YOU KNOW IF THEY WERE D.E.A. AGENTS?

20 A I KNOW THAT THEY WERE NOT D.E.A. AGENTS.

21 Q DID YOU KNOW D.E.A. AGENTS IN MEXICO?

22 A I BEG YOUR PARDON.

23 Q NEVERMIND. I WITHDRAW THE QUESTION.

24 HOW MANY OF THESE MEN THAT YOU SAW WERE ARMED, IN THE
25 LOBBY, WERE THERE?

1 A I SAW SEVERAL MEN, AND THEY -- HOW MANY, I DON'T KNOW. 15?
2 ALL OVER THE PLACE.

3 Q 15, SCATTERED.

4 NOW, YOU SAY YOU WENT UP IN THE ELEVATOR, CARRYING
5 YOUR LUGGAGE; IS THAT RIGHT?

6 A CARRYING TWO BAGS, YES.

7 Q WERE THEY SUITCASES OR WHAT? WHAT WAS IN THEM?

8 A DUFFEL BAGS.

9 Q DUFFEL BAGS. WHAT WAS IN THE DUFFEL BAGS?

10 A MACHINE GUNS.

11 Q OH, MY GOODNESS. AUTOMATIC OR SEMI-AUTOMATIC?

12 A I THINK THEY WERE AUTOMATIC.

13 Q AK-47'S?

14 A NO.

15 Q WHAT KIND?

16 A I CAN'T RECALL THE BRAND, WHAT THEY WERE. (SHRUGS.)

17 Q HAD YOU EVER USED THAT WEAPON BEFORE?

18 A NOT THAT WEAPON.

19 Q BUT YOU WERE QUALIFIED ON MACHINE GUNS?

20 A YES, SIR.

21 Q DID YOU HAVE ANY SURVEILLANCE EQUIPMENT WITH YOU?

22 A NO, SIR. NOT AT THAT TIME.

23 Q NO BINOCULARS?

24 A NO, SIR.

25 Q WHERE HAD YOU OBTAINED THE MACHINE GUNS?

1 A THEY WERE GIVEN TO ME.

2 Q WHERE?

3 A AT THE -- TO THE BEST OF MY RECOLLECTION, AT THE M.F.J.P.
4 OFFICE.

5 Q WHO GAVE THEM TO YOU?

6 A I CAN'T RECALL.

7 Q WAS IT A D.E.A. AGENT OR AN M.F.J.P. AGENT?

8 A I CAN'T RECALL.

9 Q AT THAT TIME, YOU WEREN'T GIVEN, IN ADDITION, A RADIO TO
10 COMMUNICATE WITH THE D.E.A.?

11 A THAT'S CORRECT.

12 Q WHAT ROOM WAS IT? DO YOU REMEMBER THE ROOM NUMBER THAT YOU
13 RENTED?

14 A NO, SIR.

15 Q DO YOU REMEMBER WHAT FLOOR IT WAS THAT YOU SAY YOU SAW WHAT
16 YOU ASSUMED WERE SOME ARMED MEN, ON YOUR WAY UP AND DOWN?

17 A NO, SIR.

18 Q YOU DON'T REMEMBER THE FLOOR?

19 A (NO AUDIBLE RESPONSE.)

20 Q WELL, YOU THINK YOU WERE ON THE SEVENTH OR EIGHTH FLOOR;
21 CORRECT?

22 A JUST AN ESTIMATION.

23 Q OKAY. DO YOU KNOW WHAT NAME -- NO, YOU DON'T KNOW WHAT
24 NAME.

25 DO YOU HAVE ANY RECOLLECTION OF WHETHER YOU WENT PAST

1 YOUR FLOOR AND HAD TO GO UP AND THEN COME DOWN, GO BACK TO THE
2 FLOOR, SO YOU CAN TELL US MAYBE WHETHER IT WAS ABOVE THE
3 SEVENTH OR EIGHTH FLOOR, BELOW THE SEVENTH OR EIGHTH FLOOR?

4 A NO.

5 Q HOW MANY STORIES WERE IN THE THE HOTEL? HOW MANY FLOORS?

6 A I CAN'T RECALL.

7 Q YOU DECIDED THEN -- YOU HAD A CONVERSATION WITH YOUR
8 PARTNER AND DECIDED TO CHANGE ROOMS. IS THAT WHY HE LEFT TO GO
9 DOWNSTAIRS ALONE?

10 A YES, SIR.

11 Q DO YOU KNOW IF HE WAS ARMED WHEN HE WENT DOWNSTAIRS ALONE?

12 A I CAN'T RECALL.

13 Q WELL, YOU HAD RECEIVED SOME INSTRUCTIONS BASICALLY THAT SAY
14 TO USE A BUDDY SYSTEM; CORRECT? STAY TOGETHER?

15 A I'M SORRY, I --

16 Q HAD YOU RECEIVED INSTRUCTIONS TO STAY TOGETHER?

17 A FOR SAFETY, YES.

18 Q FOR SAFETY, YES. I AGREE.

19 AND YOU SAY YOU WERE A BIT ANXIOUS, AND THAT'S WHY YOU
20 WENT DOWN TO THE LOBBY WHEN HE DIDN'T COME BACK AFTER SEVERAL
21 MINUTES?

22 A THAT'S CORRECT.

23 Q YOU SAY YOU ALSO WENT DOWN TO GET THIS COMMUNICATIONS RADIO
24 FROM TERRAZAS, WHEN YOU HAD THIS CONFRONTATION IN THE BATHROOM;
25 IS THAT RIGHT?

1 A YES, SIR.

2 Q HOW DID YOU RECEIVE INFORMATION THAT THERE WAS SUCH A RADIO
3 FOR YOU?

4 A THE PHONE.

5 Q WHEN YOU REGISTERED IN THE ROOM, DID YOU CALL BACK TO THE
6 OFFICE OR DID YOUR PARTNER CALL BACK TO THE OFFICE TO LET THEM
7 KNOW WHAT ROOM YOU WERE IN?

8 A I CALLED THEM.

9 Q THINK ABOUT IT: WHAT ROOM DID YOU TELL THEM?

10 A I CAN'T RECALL.

11 Q I'M SORRY?

12 A I CAN'T RECALL.

13 Q DID THE TWO MEN IN THE BATHROOM WHO CONFRONTED YOU -- YOU
14 SAID THEY WERE ARMED?

15 A YES, SIR.

16 Q WITH WHAT?

17 A HANDGUNS. WHAT APPEARED TO BE HANDGUNS.

18 Q YOU ACTUALLY SAW THEM?

19 A NO, I DIDN'T.

20 Q YOU ASSUMED THEY WERE ARMED, DIDN'T YOU?

21 A THEY LOOKED ARMED.

22 Q COULD HAVE BEEN VERY LARGE TELEPHONE BEEPERS; RIGHT?

23 WITHDRAW THE QUESTION.

24 WERE YOU ARMED? DID YOU HAVE A HANDGUN?

25 A I CAN'T RECALL.

1 Q DO YOU KNOW IF TERRAZAS WAS ARMED?

2 A I CAN'T RECALL.

3 Q IT WOULD BE A FAIR ASSUMPTION THAT HE WAS, WOULDN'T IT?

4 MR. MEDRANO: OBJECTION, YOUR HONOR. CALLS FOR
5 SPECULATION OF THE WITNESS.

6 THE COURT: SUSTAINED.

7 BY MR. STOLAR:

8 Q WELL, THERE WERE SEVERAL -- A COUPLE OF DOZEN, AT LEAST --
9 D.E.A. AGENTS WHO CAME TO GUADALAJARA, WHO DESCENDED ON
10 GUADALAJARA, BECAUSE OF THE SERIOUSNESS OF WHAT WAS GOING ON;
11 ISN'T THAT RIGHT?

12 A YES, SIR.

13 Q AND WEREN'T THERE GENERAL INSTRUCTIONS GIVEN THAT EVERYBODY
14 GOES ARMED?

15 MR. MEDRANO: OBJECTION. LACK OF FOUNDATION.

16 THE COURT: OVERRULED.

17 THE WITNESS: I DON'T KNOW WHETHER IT WAS A SPECIFIC
18 ORDER. WE NORMALLY -- WE WERE ARMED.

19 BY MR. STOLAR:

20 Q PARTICULARLY UNDER THESE CIRCUMSTANCES; CORRECT?

21 A CORRECT.

22 Q ALL RIGHT. NOW, YOU'RE UP IN THE ROOM; AGUILAR GOES DOWN;
23 SEVERAL MINUTES LATER, YOU GO DOWN; AND ON YOUR WAY TOWARDS THE
24 LOBBY, YOU SAY YOU SAW THREE OR FOUR PEOPLE, ONE OF WHOM YOU
25 IDENTIFY AS MATTA BALLESTEROS. IS THAT RIGHT?

1 A YES, SIR.

2 Q CAN YOU DESCRIBE THE CLOTHING ON THE MAN?

3 A I JUST -- I SAW HIS FACE, AND I TURNED AROUND AND I WENT
4 BACK.

5 Q SO IT WAS LIKE A -- (SNAPS FINGERS.) VERY QUICK, BING, AND
6 WENT BACK?

7 A (SHRUGS.) YES, SIR.

8 Q HOW ABOUT DESCRIBING THE FACE? WAS HE WEARING GLASSES?

9 A JUST THE WAY HE LOOKS RIGHT NOW.

10 Q THE WAY HE LOOKS RIGHT NOW?

11 A YES.

12 Q SHORTLY BEFORE YOU TESTIFIED TODAY, YOU WERE SHOWN A
13 PHOTOGRAPH OF MR. MATTA; ISN'T THAT CORRECT?

14 A YES, I WAS SHOWN.

15 Q WAS THAT IN MR. MEDRANO'S OFFICE?

16 A NO, SIR.

17 Q WHERE WAS IT?

18 A (POINTS OVER JURY BOX.) WITNESS ROOM.

19 Q IN THE WITNESS ROOM.

20 SO BASICALLY, WHAT: SECONDS BEFORE YOU TOOK THE
21 STAND?

22 A I'D SEEN THE PICTURE BEFORE.

23 Q THE PICTURE THAT YOU SAW THIS MORNING; RIGHT?

24 A RIGHT.

25 Q IT WAS XEROXED?

1 A I SAW SEVERAL PICTURES; YES, SIR.

2 Q THIS MORNING?

3 A YES.

4 Q TWO OF THE SEVERAL PICTURES YOU SAW WERE MR. MATTA; ISN'T
5 THAT RIGHT?

6 A I RECALL REVIEWING SOME PHOTOS, AND I IDENTIFIED ONE OF
7 THEM. I -- (SHRUGS.) THAT'S WHAT I RECALL.

8 Q THAT'S WHAT YOU RECALL.

9 WAS THE IDENTIFICATION OF MR. MATTA AS BEING IN
10 GUADALAJARA ON FEBRUARY THE 12TH A SIGNIFICANT EVENT, IN YOUR
11 MIND?

12 A I'M SORRY?

13 MR. MEDRANO: OBJECTION. RELEVANCE.

14 MR. STOLAR: "WAS THAT A SIGNIFICANT EVENT?"
15 DIFFERENT SUBJECT, YOUR HONOR.

16 THE COURT: YOU MAY ANSWER.

17 BY MR. STOLAR

18 Q WAS IT A SIGNIFICANT EVENT IN YOUR MIND, SPOTTING MR. MATTA
19 ON FEBRUARY 12TH IN IN GUADALAJARA?

20 A OH, YES.

21 MR. MEDRANO: OBJECTION. AMBIGUITY, YOUR HONOR.

22 THE COURT: OVERRULED.

23 BY MR. STOLAR:

24 Q YES.

25 A SIGNIFICANT? I DON'T KNOW IF I UNDERSTAND THE QUESTION.

1 Q WELL, WAS IT AN IMPORTANT INVESTIGATIVE FACT?

2 A I JUST DON'T UNDERSTAND "IMPORTANT." I SAW HIM AND I WENT
3 BACK.

4 MR. MEDRANO: YOUR HONOR, WE'RE HAVING TROUBLE HEARING
5 THE WITNESS. MAY I ASK THE WITNESS TO SPEAK UP?

6 THE COURT: SPEAK UP, PLEASE.

7 THE WITNESS: YES, SIR.

8 BY MR. STOLAR:

9 Q YOU SAY YOU SAW THE PEOPLE LEAVE THE HOTEL, THROUGH YOUR
10 WINDOW, AND GET INTO A CAR AND LEAVE; IS THAT RIGHT?

11 A NO, SIR.

12 Q WELL, YOU SAW THEM -- AFTER YOU SPOTTED THEM IN THE LOBBY,
13 YOU WENT BACK, RIGHT TO YOUR ROOM; RIGHT?

14 A YES, SIR.

15 Q THEN YOU SAW, THROUGH THE WINDOW, THE MAN YOU BELIEVED TO
16 BE MR. MATTA AGAIN; IS THAT RIGHT?

17 A YES, SIR.

18 Q AS YOU IMAGINE IT -- ALL RIGHT? -- WHAT STORY ARE YOU ON AS
19 YOU'RE LOOKING DOWN? HOW HIGH UP ARE YOU?

20 A I CAN'T RECALL.

21 Q CAN YOU THINK ABOUT THE ANGLE OF YOUR VISION? WAS YOUR
22 HEAD REALLY TILTED, OR MAYBE YOU'RE LOOKING STRAIGHT AHEAD?

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

25 THE COURT: OVERRULED.

1 THE WITNESS: I CAN'T RECALL. I RECALL JUST LOOKING
2 DOWN, BUT IT WAS A MATTER OF SECONDS, AND THEN I LEFT.

3 BY MR. STOLAR:

4 Q OKAY. WAS THE OTHER AGENT, YOUR PARTNER, IN THE ROOM WITH
5 YOU WHEN THAT HAPPENED?

6 A I CAN'T RECALL.

7 Q DIDN'T YOU JUST TELL US THAT AFTER THE INCIDENT IN THE
8 LOBBY, YOU WENT BACK TO YOUR ROOM TO GET YOUR WEAPON -- THE
9 WEAPONS?

10 ISN'T THAT RIGHT: THAT WAS THE PURPOSE OF YOUR GOING
11 FROM THE LOBBY BACK UPSTAIRS?

12 A YES, SIR.

13 Q AND THAT AGUILAR CAME BACK TO THE ROOM? WASN'T THAT YOUR
14 DIRECT TESTIMONY?

15 A YES, SIR.

16 Q DID YOU SEE THE MAN YOU SAY IS MR. MATTA GET INTO THE BACK
17 SEAT OR FRONT SEAT OF THE VEHICLE?

18 A I DIDN'T SEE THAT, SIR.

19 Q DID YOU SEE HIM FROM THE BACK OR, YOU KNOW, THE BACK OF HIS
20 HEAD, THE FRONT OF HIS FACE, THE SIDE VIEW? WHAT DID YOU SEE
21 IN THAT SPLIT SECOND?

22 A FROM TO THE CAR, AND THAT'S ALL I SAW.

23 Q WHAT KIND OF CLOTHING WAS HE WEARING?

24 A (SHAKES HEAD FROM SIDE TO SIDE.) I CAN'T RECALL.

25 Q AFTER YOU SAW THROUGH THE HOTEL WINDOW, DID YOU GO BACK AND

1 GIVE INFORMATION, OR DID YOU GET ON THE PHONE AND GIVE
2 INFORMATION TO SOMEBODY ELSE, OR ON THE RADIO GIVE INFORMATION?

3 A NO, SIR.

4 Q DID AGUILAR?

5 A NOT TO MY KNOWLEDGE.

6 Q DIDN'T YOU WANT TO REPORT THE FACT THAT YOU'D SEEN MATTA,
7 OR THE MAN YOU BELIEVE IS MATTA, LEAVING THE HOTEL?

8 A MY UNDERSTANDING WAS THAT I HAD SURVEILLANCE INSIDE AND
9 THEY HAD SURVEILLANCE OUTSIDE.

10 Q WHO'S "THEY"?

11 A M.F.J.P. PERSONNEL AND D.E.A. PERSONNEL.

12 Q DO YOU KNOW WHO FROM THE D.E.A.?

13 A SPECIAL AGENT JOE GONZALEZ.

14 Q RIGHT.

15 A (PAUSE.) THERE WERE SEVERAL D.E.A. AGENTS. SEVERAL.

16 Q ON FEBRUARY 26TH -- 25TH, RATHER, WHEN YOU WROTE YOUR
17 REPORT, YOU MADE ABSOLUTELY NO MENTION OF YOUR HAVING SEEN
18 MATTA ON FEBRUARY 12TH IN GUADALAJARA, DID YOU?

19 A YOU'RE TALKING ABOUT THIS REPORT? (HOLDS DOCUMENT UP.)

20 Q YES, SIR.

21 A THIS REPORT DOESN'T HAVE ANYTHING TO DO WITH THAT OF THE
22 AIRPORT.

23 Q WELL, THEN, WHERE IS THE REPORT THAT YOU WROTE ABOUT SEEING
24 MATTA IN GUADALAJARA ON FEBRUARY 12TH?

25 A I DON'T RECALL WRITING THAT, BUT I DO RECALL TELLING THAT.

1 Q SO WE'RE GOING TO HAVE TO RELY ON YOUR MEMORY FOR WHAT
2 HAPPENED FIVE YEARS AGO; IS THAT RIGHT?

3 A I TOLD MY SUPERVISORS IMMEDIATELY.

4 Q IMMEDIATELY?

5 A WELL, THAT EVENING.

6 Q BUT FOR PURPOSES OF THE TESTIMONY HERE, WE HAVE TO RELY ON
7 YOUR MEMORY OF FIVE YEARS AGO, WITHOUT ANY REFERENCE TO A
8 REPORT THAT YOU WROTE; IS THAT RIGHT?

9 A THAT'S CORRECT

10 MR. STOLAR: THANK YOU. I HAVE NOTHING FURTHER.

11 THE COURT: ANY OTHER COUNSEL WISH TO CROSS-EXAMINE
12 THIS WITNESS?

13 MR. MEZA: YES, YOUR HONOR.

14 IF I COULD JUST MAKE ONE REQUEST, I'D LIKE TO GO TO
15 THE RESTROOM FIRST.

16 IT WILL TAKE FIVE MINUTES OR LESS.

17 THE COURT: WELL, THAT'S A REASONABLE REQUEST. WE'LL
18 TAKE A SHORT RECESS.

19 THE CLERK: PLEASE RISE.

20 (BRIEF RECESS.)

21 (JURY PRESENT:)

22 THE COURT: YOU MAY CROSS-EXAMINE.

23 MR. MEZA: THANK YOU.

24 CROSS-EXAMINATION +

25 BY MR. MEZA:

1 Q WHEN DID YOU JOIN THE D.E.A.?

2 A DECEMBER 27TH 1983.

3 Q PRIOR TO THAT, YOU WERE WITH THE LOS ANGELES POLICE
4 DEPARTMENT; IS THAT RIGHT?

5 A YES, SIR.

6 Q HOW LONG HAD YOU BEEN WITH THEM PRIOR TO 1983?

7 A ABOUT TWO, TWO AND A HALF -- I THINK TWO AND A HALF YEARS,
8 APPROXIMATELY.

9 Q AND DID YOU EVER REACH DETECTIVE STATUS WITH THE L.A.P.D.?

10 A NO, SIR.

11 Q NOW, CONCERNING THESE EVENTS THAT TOOK PLACE, OR YOU SAY
12 TOOK PLACE, AT THE AIRPORT, WHAT DATE DID THIS AIRPORT
13 OCCURRENCE OCCUR ON?

14 A I CAN RECALL IF I CAN --

15 Q IF IT WOULD HELP TO REFRESH YOUR RECOLLECTION TO LOOK AT
16 YOUR 6, WITH THE COURT'S PERMISSION --

17 THE COURT: YES, YOU MAY LOOK AT YOUR REPORT.

18 THE WITNESS: (COMPLIES.) FEBRUARY 9TH 1985.

19 BY MR. MEZA:

20 Q WHAT DAY OF THE WEEK WAS THAT?

21 A SATURDAY.

22 Q OKAY. YOU SAID YOU ARRIVED AT THE AIRPORT AT ABOUT -- I'LL
23 WITHDRAW THAT.

24 WHAT TIME DID YOU ARRIVE AT THE AIRPORT?

25 A (NO AUDIBLE RESPONSE.)

1 Q ON THE 9TH OF FEBRUARY, WITH THIS GROUP OF MEN.

2 A FROM MEXICO CITY, OR YOU ARE TALKING ABOUT WHEN I WAS WITH
3 PAVON?

4 Q WHEN YOU WERE WITH PAVON.

5 A WHAT TIME? PROBABLY 3:00, 3:30 IN THE AFTERNOON, SIR.

6 Q HOW MANY VEHICLES WERE IN MR. PAVON'S ENTOURAGE?

7 A PERHAPS THERE WERE 15.

8 Q WHAT TYPES OF VEHICLES WERE THEY?

9 A THEY WERE, TO THE BEST OF MY RECOLLECTION, CELEBRITIES. I
10 CAN'T THINK. THEY WERE SMALL CARS AND SOME BIG ONES.

11 Q THEY WERE ALL RENTAL CARS; RIGHT?

12 A NOT ALL OF THEM. ABOUT 10 OR MORE WERE RENTAL, AND THEY
13 USED SOME OF THERE EMERGENCY VEHICLES.

14 Q I'M SORRY. SOMEBODY COUGHED. I DIDN'T HEAR THE LAST PART
15 OF YOUR ANSWER.

16 A 10 OR MORE WERE RENTALS. THE REST WERE OTHER CARS:
17 PICKUPS, STATION WAGONS, DIFFERENT CARS.

18 Q AND HOW MANY PEOPLE DID THESE VEHICLES CARRY,
19 APPROXIMATELY?

20 A I DON'T KNOW, BUT I KNOW THAT THEY WERE FULL.

21 Q MORE THAN 10 PEOPLE?

22 A PER VEHICLE?

23 Q TOTAL NUMBER OF PEOPLE: WERE THERE MORE THAN 10 IN A
24 GROUP?

25 A TO A GROUP? THERE WERE 50 OR MORE.

1 Q ALL RIGHT. AND TO YOUR KNOWLEDGE -- BEFORE I GET TO THAT,
2 AND THESE 50 OR MORE PEOPLE, THESE WERE ALL M.F.J.P. PERSONNEL,
3 AS FAR AS YOU KNEW?

4 A NO, SIR. THERE WERE D.E.A., M.F.J.P. AND STATE JUDICIAL
5 POLICE FROM THE STATE OF JALISCO

6 Q HOW MANY STATE JUDICIAL POLICE?

7 A I DON'T KNOW, SIR.

8 Q DID THEY HAVE A SUPERVISOR?

9 A TO THE BEST OF MY RECOLLECTION, THEY DID HAVE A SUPERVISOR
10 AND OTHER AGENTS.

11 Q WHAT WAS THAT PERSON'S NAME, THE SUPERVISOR?

12 A HMM. I CAN'T RECALL.

13 Q HOW MANY M.F.J.P. PERSONNEL?

14 A I CANNOT GIVE A SPECIFIC NUMBER, SIR. I CAN ONLY --

15 Q APPROXIMATELY.

16 A OUT OF THE 50, 60 PEOPLE, I WOULD VENTURE TO SAY THAT WE
17 HAD FOUR OR FIVE D.E.A; 40, 45 M.F.J.P.; AND THE REST, STATE
18 POLICE. THAT'S JUST AN ESTIMATION.

19 Q SURE. THE STATE POLICE, WERE THEY DRESSED IN ANY
20 DISTINCTIVE MANNER?

21 A NO, SIR; CIVILIAN.

22 Q AND THE M.F.J.P. PERSONNEL, WERE THEY DRESSED IN ANY
23 DISTINCTIVE MANNER?

24 A NO, SIR.

25 Q THEY WERE ALSO WEARING CIVILIAN CLOTHES?

1 A YES, SIR.

2 Q AND THE D.E.A. AGENTS THAT WENT WITH YOU, OTHER THAN
3 YOURSELF, WHO WERE THE OTHER AGENTS, THEIR NAMES?

4 A TO THE BEST OF MY RECOLLECTION, AGENT VILLARRUEL, JOHN
5 BROWN. I HAVE A NAME, RAUL DELGADO.

6 Q ANYONE ELSE?

7 A AND MYSELF. I MAY -- PERHAPS I LEFT SOMEBODY OFF THAT I
8 DON'T RECALL.

9 Q NOW, WERE ANY OF THOSE AGENTS AT THE AIRPORT -- THE ONES
10 THAT YOU'VE JUST NAMED, TALKING ABOUT THE D.E.A. AGENTS --
11 WERE ANY OF THOSE AGENTS AT THE AIRPORT WHEN YOU ARRIVED?

12 A I THINK WE HAD A COUPLE OF AGENTS AT THE AIRPORT PRIOR TO
13 OUR ARRIVAL, DOING SOMETHING ELSE.

14 INTERPRETER: YOUR HONOR, I'M SORRY. I DIDN'T HEAR
15 THE LAST PART OF THE ANSWER.

16 THE COURT: "DOING SOMETHING ELSE."

17 INTERPRETER: THANK YOU.

18 THE COURT: KEEP YOUR VOICE UP.

19 THE WITNESS: YES, YOUR HONOR.

20 BY MR. MEZA:

21 Q NOW, THESE THREE AGENTS THAT YOU MENTIONED, WERE ANY OF
22 THOSE AGENTS AT THE AIRPORT WHEN YOU ARRIVED?

23 A I THINK TWO OF THEM WERE AT THE AIRPORT DOING SOMETHING
24 ELSE, BUT I CAN'T RECALL. I WASN'T INVOLVED IN IT.

25 Q WHICH TWO OF THOSE AGENTS?

1 A I CAN'T RECALL, SIR.

2 Q WELL, DO YOU RECALL AGENT -- IS IT VILLAREAL? IS THAT HOW
3 YOU PRONOUNCE IT?

4 A VILLARRUEL.

5 MR. MEZA: I'M NOT GOING TO ROLL THOSE R'S.

6 COURTROOM: (LAUGHTER.)

7 BY MR. MEZA:

8 Q DOES HE HAVE A FIRST NAME?

9 A I'M SURE HE DOES, BUT I CAN'T RECALL IT.

10 COURTROOM: (LAUGHTER.)

11 BY MR. STOLAR:

12 Q IS IT RALPH, BY ANY CHANCE?

13 A RAFAEL, YES.

14 Q OKAY. HOW ABOUT IF I JUST CALL HIM RALPH?

15 A RALPH, YES.

16 Q NOW, JUST PRIOR TO LEAVING FOR THE AIRPORT WITH PAVON, WAS
17 RALPH WITH YOU?

18 A YES, SIR, WHEN WE WERE RENTING VEHICLES.

19 Q ALL RIGHT. SO BOTH OF YOU WERE RENTING VEHICLES, SO YOU'RE
20 SURE THAT HE WAS THERE BEFORE YOU WENT TO THE AIRPORT; RIGHT?

21 A THAT'S CORRECT.

22 Q ALL RIGHT. WAS AGENT BROWN WITH YOU JUST BEFORE YOU LEFT
23 TO GO TO THE AIRPORT?

24 A THAT, I CANNOT RECALL.

25 Q ALL RIGHT. WAS AGENT DELGADO WITH YOU JUST BEFORE YOU LEFT

1 TO GO TO THE AIRPORT?

2 A SEE, I NORMALLY WAS BY MYSELF, BECAUSE OF THE LANGUAGE. I
3 WAS WITH THE COMANDANTES AND STUFF LIKE THAT.

4 Q SO WHAT DOES THAT MEAN: THAT AGENT DELGADO WAS OR WAS NOT
5 WITH YOU WHEN YOU LEFT TO GO TO THE AIRPORT?

6 A I CAN'T RECALL.

7 Q PRIOR TO LEAVING FOR THE AIRPORT, DID YOU CHECK WITH AGENT
8 KUYKENDALL AT ALL?

9 A JUST PRIOR -- AS A MATTER OF FACT, PAVON GAVE THE ORDER TO
10 GET IN THE CARS. AND AS A MATTER OF FACT, JAIME TOLD ME TO GET
11 IN ONE OF THE CARS, AND I GOT IN THE SECOND CAR WITH BRUSOLO.

12 Q WHEN YOU SAY "JAIME," YOU'RE REFERRING TO AGENT KUYKENDALL?

13 A THAT'S CORRECT. I'M SORRY.

14 Q ALL RIGHT. WHEN YOU ARRIVED AT THE AIRPORT, WHAT'S THE
15 FIRST THING -- I'LL WITHDRAW THAT.

16 PRIOR TO ARRIVING AT THE AIRPORT AT 3:00 OR 3:30, HAD
17 YOU EVER BEEN AT THE AIRPORT BEFORE, ON ANY OCCASION, FOR ANY
18 REASON?

19 A JUST WHEN I ARRIVED.

20 Q OKAY. SO IN YOUR EXPERIENCE, THAT WAS THE SECOND TIME
21 YOU'D EVER BEEN TO THAT AIRPORT; CORRECT?

22 A TO THE BEST OF MY RECOLLECTION; YES, SIR.

23 Q HAD YOU EVER -- THE SECTION THAT PAVON REYES -- YOU SAID
24 THAT PAVON REYES -- WHO WAS THE LEAD VEHICLE?

25 A PAVON.

1 Q WHAT KIND OF CAR WAS HE IN?

2 A I THINK IT WAS A CELEBRITY.

3 Q WAS HE IN ONE OF THE CARS THAT YOU RENTED?

4 A YES, SIR.

5 Q AND WAS HE DRIVING?

6 A NO, SIR; SOMEBODY ELSE WAS. HE WAS IN THE PASSENGER SEAT,
7 THE FRONT SEAT.

8 Q HOW WAS PAVON REYES DRESSED?

9 A THAT, I CANNOT RECALL, SIR.

10 Q WAS HE WEARING CIVILIAN CLOTHES? WAS HE WEARING SOME SORT
11 OF --

12 A CIVILIAN.

13 Q NOW, THIS AREA OF THE AIRPORT THAT YOU WENT TO, HAD YOU
14 EVER BEEN TO THAT PART OF THE AIRPORT BEFORE?

15 A NOT TO THE BEST OF MY RECOLLECTION.

16 Q IN ORDER TO GET INTO THAT SECTION OF THE AIRPORT, DID YOU
17 HAVE TO GO THROUGH A GATE OR ENTRANCE OF ANY KIND?

18 A YES, SIR.

19 Q WAS THERE ANYONE AT THAT GATE OR ENTRANCE WHEN YOU WENT
20 THROUGH IT?

21 A YES, SIR.

22 Q ALL RIGHT. AND WAS THAT GATE OPEN OR CLOSED PRIOR TO YOUR
23 CARAVAN ENTERING?

24 A IT WAS CLOSED. AND AS WE APPROACHED -- WE APPROACHED AND
25 THERE WAS A GUARD, AND THEY TALKED FOR -- SECONDS. AND WE

1 PROCEEDED.

2 Q AND THEN THE GUARD OPENED THE GATE AND LET YOU THROUGH?

3 A YES, SIR.

4 Q WAS THAT GUARD ARMED, IF YOU KNOW?

5 A I THINK HE WAS.

6 Q NOW, THESE VEHICLES THAT WENT OUT TO THE AIRPORT, WAS THERE
7 ANY COMMUNICATION BETWEEN THE VEHICLES, ANY COMMUNICATION
8 DEVICES INSIDE THE VEHICLES, LIKE TWO-WAY RADIOS OR THAT SORT
9 OF THING?

10 A NOT IN THE RENTALS.

11 Q YOU WEREN'T CARRYING HAND-HELD COMMUNICATIONS?

12 A NOT AT THE TIME --

13 Q RADIO?

14 A -- THAT I RECALL.

15 Q AND YOU WERE DRESSED IN CIVILIAN CLOTHES; CORRECT?

16 A THAT'S CORRECT.

17 Q THIS .38 THAT YOU WERE CARRYING, WAS THAT A REVOLVER?

18 A YES, SIR.

19 Q WHAT WAS THE LENGTH OF THE BARREL? SHORT BARREL OR LONGER
20 ONE?

21 A I THINK IT'S FOUR INCHES.

22 Q IS THAT A SIX-SHOT REVOLVER OR MORE?

23 A SIX.

24 Q JUST LOADED WITH STANDARD LOAD?

25 A NOT STANDARD. I THINK I HAD THE EXPANSIVE ONE THAT WILL

1 HIT AND EXPLODE.

2 Q ARE YOU FAMILIAR WITH THE TERM "SUBMACHINE GUN"?

3 A YES, SIR.

4 Q WHAT IS A SUBMACHINE GUN?

5 A A SUBMACHINE GUN IS A -- (HOLDS HANDS APART) -- A LONG
6 RIFLE NORMALLY, AND IT CARRIES, LET'S SAY, THEY HAVE MAGAZINES
7 OF 12, 15, 30 ROUNDS; AND YOU HAVE TO SQUEEZE THE TRIGGER EACH
8 TIME THAT YOU WANT A BULLET TO GO OUT, BASICALLY.

9 Q IS THERE SUCH A THING AS A SUBMACHINE GUN THAT'S AUTOMATIC,
10 FULLY AUTOMATIC, IN YOUR EXPERIENCE?

11 THE COURT: WHAT DO WE NEED TO KNOW THIS FOR, COUNSEL?
12 IT DOESN'T SEEM TO HAVE ANYTHING TO DO WITH THIS.

13 MR. MEZA: I'LL MOVE ON, YOUR HONOR.

14 Q NOW, THIS JET THAT YOU SAW, THE FALCON OR THE LEAR, HOW
15 LONG AFTER ENTERING THROUGH THIS GATE TO THE AIRPORT, WAS IT
16 BEFORE FIRST SAW THIS JET?

17 A ONE MINUTE? TWO MINUTES? NO MORE THAN THAT.

18 Q AND WHEN THE VEHICLE STOPPED, HOW CLOSE WERE YOU TO THIS
19 JET?

20 A ABOUT 40, 50 -- ABOUT 40 OR 50 FEET.

21 Q NOT 40 FEET YARDS?

22 A (PAUSE.) I WOULD SAY THAT IT WOULD BE THE SIZE OF THIS --
23 THE LENGTH OF THIS ROOM.

24 Q THE COURTROOM?

25 A YES. A LITTLE BIT -- PROBABLY AT LITTLE BIT MORE, BUT

1 ABOUT THAT.

2 Q NOW, THIS CARAVAN OF CARS, WHERE WAS YOUR CAR POSITIONED?
3 IT WASN'T THE FIRST CAR. WHERE WAS IT POSITIONED?

4 A SECOND ONE.

5 Q THE SECOND ONE. WHICH CAR WAS AGENT RALPH IN?

6 A I HAVE NO IDEA.

7 Q BUT HE WAS IN THAT PROCESSION SOMEPLACE; RIGHT?

8 A TO THE BEST OF MY KNOWLEDGE.

9 Q HE STARTED OUT WITH YOUR PROCESSION; RIGHT?

10 A HE WAS AT THE M.F.J.P., TO THE BEST OF MY RECOLLECTION.

11 AND I RECEIVED THE ORDER AND I GOT IN THE CAR AND I WENT, SO I
12 DIDN'T KNOW WHAT THE OTHER AGENTS DID.

13 Q ALL RIGHT. NOW, WHEN THIS LEAD VEHICLE STOPPED THIS
14 DISTANCE FROM THE JET, WHAT'S THE FIRST THING THAT HAPPENED?

15 A COMANDANTE PAVON GOT OUT AND I GOT OUT AND EVERYBODY
16 STARTED TO GET OUT, AND HE SHOUTED, "CORTEN CARTUCHO"; AND
17 EVERYBODY JUST WENT LIKE THIS (GESTURES), THE SOUND OF 50, 60
18 WEAPONS BEING -- (PAUSE.)

19 Q LOADED?

20 A GETTING READY TO FIRE. AND THEN HE STARTED RUNNING. I
21 JUST RAN AFTER HIM. I -- (SHRUGS.)

22 Q HOW CLOSE WERE YOU BEHIND HIM WHEN YOU STARTED RUNNING?

23 A FROM HERE TO WHERE THIS YOUNG LADY IS THAT -- (WIGGLES
24 FINGERS.)

25 Q INDICATING WHAT: MAYBE FOUR OR FIVE FEET?

1 A YES, SIR.

2 Q STAY RIGHT ON HIS TAIL?

3 A YES, SIR.

4 Q AND THESE OTHER 40 OR 50 OR 60 OTHER PEOPLE, THEY WERE
5 RIGHT BEHIND YOU?

6 A THEY WENT LIKE THIS. (SPREADS HANDS.)

7 Q THEY FANNED OUT?

8 A YES.

9 Q WERE THEY ALL RUNNING IN THE SAME DIRECTION?

10 A YES, SIR.

11 Q AT THE TIME YOU STARTED RUNNING, DID YOU HAVE ANY IDEA
12 WHERE PAVON WAS GOING?

13 A NO, SIR.

14 Q AT THE TIME YOU STARTED RUNNING, HAD YOU SEEN THE JET?

15 A MY VIEW WAS FOCUSED ON THE COMANDANTE, AND EVENTUALLY I SAW
16 THE MAN, POINTING AT US.

17 Q WELL, DID YOU SEE THE MAN POINTING AT YOU FIRST OR DID YOU
18 NOTICE THE JET FIRST?

19 A I SAW THE GUNS FIRST.

20 Q IS THAT WHILE YOU WERE STILL RUNNING OR AFTER YOU HAD
21 STOPPED RUNNING?

22 A RIGHT BEFORE WE STOPPED.

23 Q YOU SAW THE GUNS AND YOU WENT (HOLDS UP HANDS); STOPPED.
24 RIGHT?

25 A WELL, I SAW THE GUNS. WE ALL RAN. WE KIND OF STOPPED.

1 THE COMANDANTE STOPPED; I STOPPED. AND I POINTED MY GUN TO
2 THAT DIRECTION. (GESTURES.)

3 Q THE REASON YOU WERE POINTING YOUR GUN WAS BECAUSE THESE
4 OTHER PEOPLE AROUND THE JET WERE POINTING GUNS AT YOU; RIGHT?

5 A TO BE SPECIFIC, THEY KIND OF WENT LIKE THIS (DEMONSTRATES).
6 SOME POINTED THIS DIRECTION, SOME IN THIS, SOME IN THIS; BUT
7 EVERYBODY WAS SCATTERED.

8 I POINTED DIRECTLY TO THIS GENTLEMAN RIGHT HERE
9 (POINTS TO DEFENSE TABLE), BECAUSE HE WAS POINTING AT ME, IN MY
10 DIRECTION.

11 Q YOU'RE TALKING ABOUT BERNABE RAMIREZ?

12 A THAT'S CORRECT.

13 Q SO WHAT'D YOU NOTICE FIRST, THE GUN OR THE PERSON?

14 A THE GUN, BECAUSE I SAW IT IN MY DIRECTION, SO -- I MEAN, I
15 SAW THE DRUM. I'D NEVER SEEN ANYTHING LIKE THAT BEFORE IN MY
16 LIFE.

17 AND I -- I KNEW THAT I HAD NO CHANCE, SO I POINTED
18 EXACTLY AT HIM, BECAUSE HE WAS THE ONE THAT WAS GOING TO HURT
19 ME. SO I POINTED AT HIS FOREHEAD. THAT'S WHY I REMEMBER HIS
20 FACE.

21 Q WHEN YOU SAY YOU POINTED AT HIM, DID YOU HOLD YOUR PISTOL
22 UP.

23 A LIKE THIS. (DEMONSTRATES.)

24 Q YOU SAY YOU'D NEVER SEEN ANYTHING LIKE THAT BEFORE. HOW
25 DID YOU KNOW WHAT IT WAS?

1 A I'D SEEN THE WEAPON, THE AK-47; BUT I HAD NOT SEEN THE
2 DRUM. IT'S VERY SPECIAL.

3 Q HOW WAS HE HOLDING THIS WEAPON?

4 A RIGHT LIKE THIS. (DEMONSTRATES.)

5 Q UP NEAR HIS FACE?

6 A NOT IN HIS FACE, BUT RIGHT HERE. (DEMONSTRATES.)

7 THE COURT: SHOULDER HIGH.

8 BY MR. MEZA:

9 Q SHOULDER HIGH?

10 A THAT'S CORRECT.

11 Q IS THAT RIGHT: SHOULDER HIGH?

12 A A LITTLE BIT LOWER.

13 Q DID YOU SAY ANYTHING TO THIS PERSON?

14 A NOT AT ALL, SIR.

15 Q DID HE SAY ANYTHING TO YOU?

16 A NO. WE JUST --

17 Q DID HE SAY ANYTHING?

18 A NO.

19 Q NOW, WHEN YOU STOPPED, WHERE WAS PAVON REYES IN
20 RELATIONSHIP TO WHERE YOU STOPPED?

21 A RIGHT IN FRONT OF ME; A LITTLE BIT TO THE RIGHT.

22 Q OKAY. TO YOUR RIGHT?

23 A TO MY RIGHT, JUST -- JUST A BIT.

24 Q SO HE WAS STANDING A LITTLE BIT IN FRONT OF YOU; IS THAT
25 CORRECT?

1 A HE WAS IN FRONT OF ME, YES.

2 Q RIGHT. TO YOUR RIGHT?

3 A YES, SIR.

4 Q COULD YOU REACH OUT AND TOUCH HIM?

5 A NO. HE WAS ABOUT FIVE FEET.

6 Q ARE YOU LEFT-HANDED OR RIGHT-HANDED?

7 A RIGHT-HANDED.

8 Q SO YOU WERE HOLDING YOUR GUN IN THE RIGHT HAND; IS THAT

9 RIGHT?

10 A YES, SIR.

11 Q SO YOUR LINE OF FIRE WAS PAST PAVON REYES, IS THAT RIGHT,

12 AS YOU STOOD THERE?

13 A HE WAS IN FRONT, TO THE RIGHT OF MY LINE OF FIRE. I WOULD

14 PROBABLY HAVE SHOT RIGHT THERE, JUST LIKE THIS. (GESTURES.)

15 Q YOU WERE INDICATING THAT IF YOU WERE TO SHOOT HIM, THE

16 BULLET WOULD HAVE GONE BY HIS LEFT SHOULDER; CORRECT?

17 A LEFT SHOULDER. (NODS HEAD UP AND DOWN.)

18 Q WHO WAS ON YOUR LEFT, IF ANYONE?

19 A I JUST FOCUSED ON ONE THING, AND ONE THING ONLY.

20 Q WELL, ACTUALLY, YOU WERE FOCUSING ON TWO THINGS, BECAUSE

21 YOU WERE FOCUSING ON PAVON, ALSO; RIGHT?

22 A NOT AT THAT TIME, ANY MORE.

23 Q WHEN DID YOU FINALLY FOCUS ON PAVON? HOW LONG DID IT TAKE

24 YOU TO REALIZE HE WAS STANDING THERE?

25 A I KNEW HE WAS THERE, BECAUSE I FOLLOWED HIM. YOU CAN

1 SEE -- I MEAN, YOU KNOW -- (SHRUGS.) HE WAS TOO CLOSE FOR ME
2 NOT TO KNOW THAT HE WAS THERE.

3 Q PAVON WAS THERE?

4 A THAT'S CORRECT.

5 Q WHEN PAVON STARTED AND YOU STARTED RUNNING, DID ANY OF THE
6 MEN, PAVON'S MEN, RUN WITH HIM AND YOU?

7 A I HAD SOME NEXT TO ME. MOST OF THE MEN WERE TO THE RIGHT,
8 FOR SOME UNKNOWN REASON.

9 Q AND AGAIN, HOW CLOSE -- THIS PERSON YOU SAY WAS MR.
10 RAMIREZ, HOW CLOSE WERE YOU TO HIM WHEN YOU STOPPED?

11 A JUST A LITTLE BIT FURTHER THAN WHERE YOU ARE; FROM ME TO
12 YOU.

13 Q YOU MEAN, 15 FEET, 20 FEET, SOMETHING LIKE THAT?

14 A 20 FEET. PROBABLY 20.

15 Q 20 FEET?

16 A YEAH.

17 Q HOW LONG DID IT TAKE YOU, FROM WHEN YOU FIRST STOPPED, TO
18 FOCUS YOUR ATTENTION FROM LOOKING AT THIS GUN -- FROM LOOKING
19 INTO THIS GUN, TO FOCUSING ON THE FACE OF THE PERSON WHO WAS
20 HOLDING THE GUN?

21 A NO TIME AT ALL.

22 Q SO YOU WENT RIGHT FROM THE GUN, LOOKING AT THE GUN,
23 IMMEDIATELY TO LOOKING AT THE PERSON WHO WAS HOLDING THE GUN AT
24 YOU; IS THAT RIGHT?

25 A THAT'S EXACTLY RIGHT.

1 Q HOW LONG DID YOU STAND IN THAT POSITION?

2 A UNTIL COMANDANTE PAVON TOLD US TO RELAX THE WEAPONS.

3 Q HOW LONG WAS THAT AFTER YOU HAD STOPPED RUNNING?

4 A SEEMED LIKE ETERNITY.

5 Q WELL, I KNOW. BUT WE KNOW IT WASN'T AN ETERNITY, SO HOW
6 LONG WAS IT?

7 A I DON'T KNOW, SIR.

8 Q WELL, WAS IT 10 MINUTES?

9 A (SHRUGS.) IT SEEMED LIKE A LONG TIME.

10 Q 10 SECONDS?

11 A I -- I DON'T KNOW -- (SHRUGS.)

12 Q AND WHEN PAVON -- OH. BY THE WAY, THIS PERSON YOU SAID WAS
13 HOLDING THE WEAPON, HOW TALL WAS HE?

14 A WHICH ONE, SIR?

15 Q THE ONE YOU SAY YOU WERE FOCUSING YOUR ATTENTION ON, THAT
16 WAS POINTING THIS WEAPON AT YOU?

17 A (PAUSE.) I CAN'T RECALL. I JUST RECALL POINTING AT HIM.
18 NOT LIKE THAT, NOT LIKE THIS (DEMONSTRATING), BUT -- (SHRUGS.)

19 Q HOW TALL ARE YOU?

20 A 5-7.

21 Q WAS THIS PERSON TALLER THAN YOU OR SHORTER?

22 A I CAN'T RECALL THAT. I JUST REMEMBER HIS FACE AND -- AND
23 THAT'S IT.

24 Q WHAT SORT OF A BUILD DID THIS PERSON HAVE? STOCKY?

25 A HE WAS -- (SHRUGS.) I CAN'T RECALL. (SHAKES HEAD FROM

1 SIDE TO SIDE.)

2 Q WHAT SORT OF CLOTHES WAS HE WEARING?

3 A HE SEEMED DARK, BECAUSE HE LOOKED DARK, WITH THE WEAPON.
4 HE WAS CONSISTENT WITH THE CLOTHES, THE WEAPON. HE WAS NOT
5 CLASH -- YOU KNOW, LIKE LIGHT AND DARK. HE WAS DARK.

6 Q THE BLEND OF THE CLOTHING?

7 A THE BLEND, YES.

8 Q WHEN YOU SAY "DARK," YOU'RE NOT REFERRING TO THE SKIN
9 COLOR, ARE YOU?

10 A NO, NO, NO. THE CLOTHING.

11 Q WAS HE WEARING ANY JEWELRY?

12 A I CAN'T RECALL THAT. (SHAKES HEAD FROM SIDE TO SIDE.)
13 CAN'T.

14 Q NOW, THIS PERSON THAT YOU SAY YOU WERE LOOKING AT, WHAT
15 COLOR HAIR DID HE HAVE?

16 A DARK.

17 Q WAS IT LONG OR SHORT?

18 A HE LOOKED, LIKE, ROUND. (FRAMES HAIR WITH HANDS.) I DON'T
19 KNOW.

20 HE LOOKED DARK. I WAS LOOKING AT THIS AREA
21 (INDICATING), BUT HE LOOKED DARK.

22 Q YOU SAY YOU WERE "LOOKING AT THIS AREA," AND YOU MADE A
23 GESTURE. YOU WERE LOOKING AT HIS FACE AREA?

24 A I WAS POINTING AT HIS FOREHEAD.

25 Q SO YOU WERE LOOKING RIGHT BETWEEN HIS EYES; IS THAT RIGHT?

1 A YES.

2 Q DID YOU NOTICE WHAT COLOR EYES HE HAD?

3 A DARK.

4 Q DARK? HOW LONG WAS HIS HAIR?

5 A NOT LONG, BUT, YOU KNOW, A LOT OF HAIR.

6 Q DID HE HAVE ANY FACIAL HAIR?

7 A MUSTACHE.

8 Q DID HE HAVE A GOATEE OF ANY KIND OR JUST A MUSTACHE?

9 A MUSTACHE.

10 Q WAS HE WEARING GLASSES?

11 A NO. NOT AT THE TIME.

12 Q WAS HE WEARING A HAT OF ANY KIND?

13 A (SHRUGS.) I -- I CAN'T RECALL THAT.

14 Q NOW, THIS PERSON -- ALL RIGHT. THIS PERSON THAT YOU'VE
15 JUST DESCRIBED, SORT OF, DID YOU WRITE ABOUT HIM IN YOUR REPORT
16 OF FEBRUARY 25TH?

17 A I DON'T KNOW, SIR.

18 Q WELL, WOULD IT HELP TO REFRESH YOUR RECOLLECTION BY LOOKING
19 AT THE REPORT?

20 A YES, SIR.

21 MR. MEZA: THE REPORT'S IN FRONT OF YOU.

22 YOUR HONOR, MAY THIS WITNESS LOOK AT HIS REPORT TO
23 REFRESH HIS RECOLLECTION?

24 THE COURT: DO YOU HAVE IT -- YES.

25 MR. MEZA: THANK YOU.

1 THE WITNESS: (EXAMINES DOCUMENT.)

2 I KNOW THAT I DESCRIBED SOME SUBJECTS THAT WERE THERE.
3 (SHRUGS.) I CAN'T RECALL WHETHER IT WAS NO. 1 -- 1, 2, 3 OR 4,
4 THAT I DESCRIBED HIM. I DON'T KNOW WHETHER I DESCRIBED HIM.

5 Q YOU'RE NOT SURE WHETHER YOU DESCRIBED HIM AT ALL, FROM YOUR
6 REPORT; IS THAT CORRECT?

7 A CORRECT.

8 Q BY THE WAY, YOU TOLD -- YOUR REPORT INDICATES THAT YOU
9 ENCOUNTERED FIVE HEAVILY ARMED SUBJECTS STANDING GUARD AROUND
10 THE FRENCH-MADE FALCON; IS THAT RIGHT?

11 A THAT'S CORRECT.

12 Q AND YOUR RECOLLECTION IS, NOW, THAT THERE ARE -- THERE WERE
13 ABOUT EIGHT; RIGHT?

14 A APPROXIMATELY.

15 Q IN YOUR REPORT, YOU ONLY DESCRIBED FOUR GUARDS, THOUGH,
16 DIDN'T YOU?

17 A APPARENTLY DESCRIBED MORE THAN THAT.

18 Q WELL, YOU DESCRIBED SEVEN PEOPLE; ISN'T THAT RIGHT?

19 A CORRECT.

20 Q ONE PERSON YOU REFERRED TO AS SUBJECT 1, WHO WAS ALLEGEDLY
21 ROGELIO MUNOZ. THAT WAS CARO QUINTERO; RIGHT? YOU KNOW THAT
22 NOW?

23 A THAT'S CORRECT.

24 Q AND HE WASN'T DESCRIBED AS A GUARD. HE WAS THE MAIN GUY,
25 RIGHT, OF THIS GROUP?

1 A THAT'S CORRECT.

2 Q WELL, I DON'T KNOW, WAS THIS PERSON THAT YOU DESCRIBED AS
3 NO. 1, THAT YOU LATER IDENTIFIED AS CARO -- WAS HE ONE OF THESE
4 PEOPLE STANDING OUTSIDE OF THE JET PLANE?

5 A YES, SIR.

6 Q YOU ALSO DESCRIBED A SUBJECT IN YOUR REPORT, A WHITE
7 FEMALE; RIGHT?

8 A THAT'S CORRECT.

9 Q SHE WASN'T STANDING OUTSIDE THE PLANE WHEN YOU FIRST
10 ARRIVED, WAS SHE?

11 A NO, SIR. THAT'S THAT ONE THAT CAME OUT.

12 Q CAME OUT LATER?

13 A CAME OUT LATER.

14 Q RIGHT. YOU DESCRIBED SOMEBODY AS A PILOT OF THE AIRCRAFT.

15 A A WHAT?

16 Q PILOT OF THE AIRCRAFT?

17 A WHICH ONE IS THAT?

18 Q NO. 4?

19 A YES, SIR.

20 Q HOW DID YOU KNOW HE WAS THE PILOT OF THE AIRCRAFT?

21 A BECAUSE THE FEMALE THAT CAME OUT OF THE PLANE -- SAID,
22 "DON'T SHOOT, DON'T SHOOT"? -- SHE BROUGHT HIM.

23 Q SHE BROUGHT THE PILOT, THIS PERSON, OUT OF THE PLANE?

24 A NO, OUT OF ONE OF THE HANGARS.

25 Q OH, I SEE. SO THIS PERSON YOU DESCRIBED AS A PILOT, HE

1 WASN'T ONE OF THE PEOPLE STANDING IN FRONT OF THE PLANE
2 WITH A --

3 A THAT'S CORRECT.

4 Q SO THOSE THREE PEOPLE THAT YOU'VE JUST TALKED ABOUT --
5 SUBJECT NO. 1, WHO WE NOW KNOW AS CARO; SUBJECT NO. 3, WHO WAS
6 THE WOMAN; AND SUBJECT NO. 4, WHO WAS THE PILOT -- THOSE
7 WEREN'T THE GUARDS, WERE THEY, THAT YOU'RE REFERRING TO?

8 A THE GUARDS? I --

9 Q I'LL WITHDRAW THAT. I'LL WITHDRAW THAT QUESTION.

10 ACCORDING TO YOUR REPORT, YOU ONLY DESCRIBED FIVE
11 PEOPLE WHO STOOD OUTSIDE THAT PLANE, ISN'T THAT RIGHT, WHEN YOU
12 FIRST ARRIVED?

13 A WELL, APPARENTLY I DESCRIBED SEVEN.

14 Q BUT OF THE PEOPLE WHO WERE STANDING OUTSIDE THE PLANE WHEN
15 YOU FIRST ARRIVED, YOU ONLY DESCRIBED FIVE; ISN'T THAT RIGHT?

16 A I THINK SO, SIR.

17 Q DID YOU HAVE AN OPPORTUNITY TO REVIEW AGENT RALPH'S REPORT?

18 A I HAVEN'T.

19 Q NOW, AFTER PAVON TOLD EVERYBODY TO RELAX, WHAT HAPPENED
20 NEXT?

21 A HE TALKED TO CARO QUINTERO, TALKED TO HIM A FEW MINUTES;
22 AND THEN PAVON TURNED AROUND AND STARTED WALKING TOWARDS ONE OF
23 THE HANGARS, THE OFFICE.

24 AND CARO QUINTERO WALKED TO WHERE THERE WAS A STATION
25 WAGON PARKED; AND HE JUST SAID, "I WANT YOU TO CALL THE

1 COMANDANTE AND SEE WHAT THE HELL'S GOING ON HERE."

2 Q ALL RIGHT. THANKS.

3 A I'M SORRY.

4 Q YOU'VE GIVEN ME ENOUGH, AT LEAST FOR THE MOMENT.

5 NOW, THE STATION WAGON, WHAT COLOR WAS IT?

6 A LIGHT COLOR, TO THE BEST OF MY RECOLLECTION.

7 Q AND HOW MANY PEOPLE WERE AT THE STATION WAGON WHEN CARO
8 WENT OVER THERE?

9 A THERE WAS ONE OUTSIDE, WITH THE -- HE WAS THE ONLY ONE THAT
10 HAD A SHOTGUN, A LONG SHOTGUN.

11 Q DID YOU NOTICE THAT CAR WHEN YOU FIRST DROVE UP?

12 A NO.

13 Q HOW CLOSE WAS THE CAR TO THE JET, IN FEET?

14 A IT WAS AT THE TAIL END OF THE JET. AH, 30 FEET? 40?

15 Q AND AS YOU'RE LOOKING AT THIS GROUP OF MEN IN FRONT OF YOU,
16 IS THIS CAR TO THE LEFT? TO THE LEFT OR THE RIGHT?

17 A IT'S TO THE RIGHT; FACING THE JET, THE STATION WAGON TO THE
18 RIGHT.

19 Q HOW FAR WAS THAT CAR FROM YOU?

20 A AGAIN, PROBABLY ABOUT 30 FEET, 40.

21 Q NOW, WHEN PAVON -- YOU SAID HE STARTED TELLING EVERYBODY TO
22 RELAX AND HE STARTED TALKING TO CARO.

23 DID HE APPROACH CARO TO SPEAK TO HIM?

24 A HE WENT UP AND HE LEANED, THE FRONT PART.

25 Q I'M SORRY. I DIDN'T GET THAT?

1 A HE JUST WALKED TO THE FRONT PART OF THE STATION WAGON AND
2 KIND OF, YOU KNOW, SET THERE.

3 Q YOU'RE TALKING ABOUT CARO TALKING TO A PERSON IN THE
4 STATION WAGON?

5 A THAT'S CORRECT.

6 Q DIRECTING YOUR ATTENTION BACK TO THE TIME THAT PAVON TOLD
7 EVERYBODY TO RELAX, HE THEN SPOKE TO CARO; CORRECT?

8 A YES, SIR.

9 Q DID HE APPROACH CARO?

10 A THEY KIND OF -- YES. HE APPROACHED CARO, AND THEN THEY GOT
11 TOGETHER, AND --

12 Q WHAT: SORT OF MET IN THE MIDDLE OF THESE TWO GROUPS?

13 A THAT'S CORRECT.

14 Q HOW LONG DID THAT CONVERSATION BETWEEN CARO AND PAVON LAST?

15 A OH, A MINUTE OR TWO; A COUPLE OF MINUTES.

16 Q DID YOU HEAR ANYTHING THAT WAS BEING SAID BETWEEN THEM?

17 A NO, SIR.

18 Q WERE YOU ATTEMPTING TO HEAR WHAT WAS BEING SAID BETWEEN
19 THEM?

20 A NO. AT THIS TIME, I FOLLOWED THE ORDERS, PUT MY GUN BACK,
21 AND I STARTED OBSERVING JUST WHAT WAS GOING ON WITH THE PEOPLE
22 AND TAKING NOTES.

23 Q NOTES OF THE GENERAL SITUATION; RIGHT?

24 A YES.

25 Q SO AFTER CARO OR -- I'M SORRY -- AFTER PAVON TOLD EVERYBODY

1 TO RELAX, THEN YOUR ATTENTION LEFT THIS PERSON YOU WERE STARING
2 AT; RIGHT?

3 A YES, SIR.

4 Q AND YOU STARTED LOOKING AROUND, TO OTHER PEOPLE; RIGHT?

5 A YEAH. JUST LOOKING THERE -- IN THEIR DIRECTION.

6 Q OH, THIS PERSON THAT YOU WERE STARING AT AND HAD YOUR
7 WEAPON POINTED AT, DID HE APPEAR TO HAVE ANY OTHER WEAPONS ON
8 HIM?

9 A NOT TO THE BEST OF MY RECOLLECTION.

10 Q IT MAY BE A SILLY QUESTION, BUT IN TERMS OF YOUR
11 RECOLLECTION OF THE EVENTS THAT HAPPENED AT THE AIRPORT, DID
12 YOU EVER USE A HYPNOTIST TO RECALL YOUR EVENTS?

13 MR. MEDRANO: OBJECTION. SILLY QUESTION, YOUR HONOR.

14 THE COURT: SUSTAINED.

15 BY MR. MEZA:

16 Q NOW, HOW LONG AFTER THIS -- HOW LONG DID THE CONVERSATION
17 BETWEEN CARO AND PAVON LAST, IN THE CENTER OF THE TWO GROUPS?

18 A A COUPLE OF MINUTES.

19 Q SO YOU WERE LOOKING AROUND THIS GROUP OF PEOPLE FOR A
20 COUPLE OF MINUTES, THEN; RIGHT?

21 A YES.

22 Q WHEN PAVON TOLD EVERYBODY TO RELAX, THIS GROUP BY THE
23 PLANE, DID THEY DROP THEIR WEAPONS, ALSO?

24 A NO.

25 Q THEY JUST KEPT THEIRS RAISED; RIGHT?

1 A YES, SIR.

2 Q THEN PAVON WALKED TOWARDS A HANGAR. HOW LONG AFTER THIS
3 CONVERSATION BETWEEN HE AND CARO DID HE WALK TOWARDS THE
4 HANGAR?

5 A I SAID A COUPLE OF MINUTES.

6 Q AND DID PAVON GO INTO THE HANGAR?

7 A YES, SIR.

8 Q YOU FOLLOWED HIM INTO THE HANGAR; RIGHT?

9 A YES, SIR.

10 Q HOW FAR WERE YOU BEHIND PAVON WHEN HE WALKED INTO THE
11 HANGAR?

12 A AH, A LITTLE BIT FURTHER FROM WHERE YOU ARE.

13 Q ABOUT 20 FEET OR SO?

14 A ABOUT THERE.

15 Q WAS THIS HANGAR -- WHEN YOU WERE LOOKING AT THE PLANE, THIS
16 GROUP OF PEOPLE, WAS THE HANGAR TO THE LEFT OR TO THE RIGHT?

17 A TO THE LEFT.

18 Q SO PAVON, IN WALKING TO THE HANGAR, HE'D CROSSED IN FRONT
19 OF YOUR VISION, TO WALK TOWARD THE HANGAR?

20 A HE WENT THAT WAY; YES, SIR. (SWEEPS HAND IN FRONT OF
21 SELF.)

22 Q CROSSED FROM YOUR RIGHT TO YOUR LEFT; RIGHT?

23 A THAT'S RIGHT.

24 Q AND YOU STARTED TO FOLLOW HIM; RIGHT?

25 A YES, SIR.

1 Q AND AS YOU WERE WALKING TOWARDS THE HANGAR, THAT'S WHEN YOU
2 NOTICED THIS PERSON YOU KNEW TO BE LLAMADA CARO GOING OVER TO
3 THE STATION WAGON AND TALKING TO A PERSON IN THE STATION WAGON?

4 A NO. YOU SEE, THEY WERE AT AN ANGLE, LIKE THIS. (HAND
5 STRETCHED FORWARD.)

6 THEY TALKED, CARO WALKED IN THIS DIRECTION, PAVON
7 WALKED IN THIS DIRECTION; SO I COULD SEE WHAT WAS HAPPENING.

8 THEN WHILE THE COMANDANTE, PAVON, WAS TALKING -- HE
9 WAS WALKING SLOW -- IS WHEN CARO MADE THE STATEMENT. AND AS
10 PAVON WAS WALKING RIGHT HERE, TO MY LEFT, IS WHEN THIS FEMALE
11 CAME OUT, AND SHE MADE THE STATEMENT.

12 AND WHILE I WAS WALKING AFTER PAVON, THIS WOMAN
13 BROUGHT THE -- IT HAPPENED -- YOU KNOW, SHE WENT OUT AND CAME
14 BACK, SO.

15 Q SO THIS PERSON THAT YOU SAY WAS THE PILOT THAT CAME OUT OF
16 THE HANGAR, WAS THIS THE SAME HANGAR THAT PAVON HAD WALKED
17 INTO?

18 A NO.

19 Q IT WAS A DIFFERENT HANGAR?

20 A A LITTLE BIT MORE TO THE RIGHT.

21 Q THEY WERE RIGHT -- THE TWO HANGARS WERE NEXT TO EACH OTHER;
22 CORRECT?

23 A THE SAME AREA.

24 Q NOW, YOU TOLD US -- I'M SORRY. FORM OF THE QUESTION.

25 YOU LOOKED AT PHOTOGRAPHS THE NEXT DAY; CORRECT?

1 A I BEG YOUR PARDON?

2 Q AFTER THE AIRPORT INCIDENT, YOU LOOKED AT PHOTOGRAPHS;
3 CORRECT?

4 A THE NEXT DAY, TO THE BEST OF MY RECOLLECTION.

5 Q AND HOW MANY PHOTOGRAPHS WERE YOU SHOWN?

6 A SEVERAL. I DON'T KNOW. FIVE? TEN? I DON'T KNOW.

7 Q AND DID YOU RECOGNIZE ANY OF THOSE PHOTOGRAPHS, THE PERSONS
8 DEPICTED IN THEM?

9 A I RECOGNIZED CARO.

10 Q DID YOU RECOGNIZE -- AND YOU WERE LOOKING AT THOSE
11 PHOTOGRAPHS IN ORDER TO DETERMINE IF YOU COULD IDENTIFY ANYBODY
12 WHO WAS AT THE AIRPORT THE DAY BEFORE; IS THAT RIGHT?

13 A THAT'S CORRECT.

14 Q AND YOU ONLY IDENTIFIED ONE PHOTOGRAPH OUT OF ALL OF THOSE;
15 ISN'T THAT RIGHT?

16 A WHAT I RECALL IS --

17 Q WELL, DID YOU IDENTIFY MORE THAN ONE PERSON FROM
18 PHOTOGRAPHS THE NEXT DAY?

19 A I CAN'T RECALL. I DO RECALL I.D.'ING CARO.

20 Q SO IF YOU DID IDENTIFY OTHER PEOPLE THE NEXT DAY FROM THE
21 PHOTOGRAPHS, YOU JUST HAVE NO RECOLLECTION OF THAT; CORRECT?

22 A THAT'S CORRECT.

23 Q AND YOU CERTAINLY DIDN'T REDUCE ANY OF THESE
24 IDENTIFICATIONS TO WRITING, SO THERE'S NO WAY OF REVIVING YOUR
25 RECOLLECTION NOW; IS THAT RIGHT?

1 A I REMEMBER A LOT OF THINGS THAT I DID NOT PUT IN WRITING,
2 BUT I COMMUNICATED A LOT OF THINGS TO MY SUPERVISORS.

3 Q WELL, OKAY. YOU SAID YOU IDENTIFIED THIS PHOTO OF CARO.
4 WHO'D YOU TELL?

5 YOU SAID YOUR SUPERVISOR. WHO'S THAT?

6 A I BELIEVE JAIME, KUYKENDALL. I -- THERE WAS TOO MANY OF
7 US, AND THEY SHOWED -- SOMEBODY SHOWED ME SOME PICTURES, AND I
8 SAID, "THIS IS THE GUY WHO HAD THIS BRACELET," AND THIS AND
9 THAT; AND THEY TOLD ME, "THAT'S CARO QUINTERO."

10 Q OKAY. SO WHEN THEY TOLD YOU THAT WAS CARO QUINTERO, WAS
11 THAT THE FIRST TIME YOU'D EVER HEARD HIS NAME?

12 A NO. NO, NO.

13 Q YOU KNEW ABOUT HIM BEFORE EVEN GETTING INTO GUADALAJARA;
14 RIGHT?

15 A I KNEW THE NAME, NOT THE FACE.

16 Q RIGHT. YOU KNEW HIS NAME. I MEAN, IT WAS A NAME THAT HAD
17 CIRCULATED AROUND D.E.A. OFFICES IN MEXICO FOR QUITE SOME TIME
18 PRIOR TO THIS AIRPORT INCIDENT; RIGHT?

19 A THAT'S CORRECT.

20 Q SO WOULD IT BE FAIR TO SAY -- SO THIS WAS A FAIRLY
21 IMPORTANT IDENTIFICATION FOR YOU, AT ANY RATE IT; RIGHT? YOU'D
22 FINALLY PUT A FACE TO THE NAME; RIGHT?

23 A I DON'T KNOW IF IT WAS IMPORTANT. IT WAS A FACT.

24 Q IT WASN'T IMPORTANT TO YOU THAT YOU KNEW -- NOW KNOW WHO
25 THIS PERSON CARO LOOKED LIKE? WHAT HE LOOKED LIKE?

1 A IMPORTANT? I -- (SHRUGS.)

2 Q WELL, IF YOU'RE INVESTIGATING DRUG TRAFFICKERS, ISN'T IT
3 SIGNIFICANT THAT YOU KNOW WHAT THESE PEOPLE LOOK LIKE?

4 A IT IS IMPORTANT TO KNOW HOW THEY LOOK LIKE, BUT I DON'T
5 KNOW WHAT YOU'RE SAYING. I'M SORRY.

6 Q SO YOU DIDN'T FEEL THAT IT WAS SIGNIFICANT ENOUGH TO REDUCE
7 THAT TO A WRITING; IS THAT RIGHT?

8 A WE HAD SO MANY THINGS GOING THAT I DIDN'T PUT EVERYTHING IN
9 WRITING. I COMMUNICATED THIS TO -- I WAS A JUNIOR AGENT, SO I
10 COMMUNICATED THIS TO WHOEVER I KNEW WAS A HIGH RANK.

11 Q YOU JUST RELIED ON THEM TO DO THE WRITING?

12 A THAT'S CORRECT.

13 Q NOW, GOING BACK TO THE AIRPORT, WHEN YOU FOLLOWED PAVON
14 REYES, DID YOU GO INTO THE HANGAR WITH HIM?

15 A TO THE OFFICES, YOU MEAN?

16 Q INTO THE OFFICE.

17 A YES, SIR.

18 Q AND HOW FAR WAS THIS OFFICE FROM THE JET?

19 A NOT TOO FAR. FROM THIS CORNER TO THAT CORNER.

20 Q 50, 60 FEET?

21 A APPROXIMATELY.

22 Q AND WHEN YOU WENT INTO THE OFFICE, DID YOU LOSE SIGHT OF
23 THE AIRCRAFT?

24 A YES, SIR.

25 Q HOW LONG WAS THE AIRCRAFT OUT OF YOUR SIGHT?

1 A FIVE MINUTES? I DON'T KNOW. JUST -- NOT TOO LONG.

2 Q ALL RIGHT. SO AFTER THIS FIVE-MINUTE PERIOD, THEN YOU
3 RETURNED BACK OUTSIDE TO THE AIRCRAFT; RIGHT?

4 A THAT'S CORRECT.

5 Q ALL RIGHT. THEN WHAT HAPPENED?

6 OH, I'LL WITHDRAW THAT.

7 WHEN YOU RETURNED BACK TO THE AIRPORT, THE 50 PEOPLE
8 OR SO THAT YOU CAME WITH, WHERE WERE THEY, IN RELATIONSHIP TO
9 THE AIRPLANE, WHEN YOU RETURNED FROM THE OFFICE?

10 A AROUND THE SAME AREA.

11 Q SO THEY HADN'T MOVED TOO MUCH; RIGHT?

12 A THEY WERE WAITING.

13 Q ALL RIGHT. AND THIS GROUP OF PEOPLE THAT YOU SAID WERE IN
14 FRONT OF THE JET, WHERE WERE THEY WHEN YOU RETURNED?

15 A SAME AREA.

16 Q SO EVERYBODY WAS PRETTY MUCH STANDING IN THE SAME POSITION
17 AS WHEN YOU HAD LEFT TO GO BACK INTO THE HANGAR; IS THAT RIGHT?

18 A CORRECT.

19 Q SO WHEN YOU RETURNED BACK TO THE VICINITY OF THE -- I'LL
20 WITHDRAW THAT.

21 AFTER LEAVING THE OFFICE, DID YOU RETURN BACK TO THE
22 VICINITY OF THE PLANE?

23 A I FOLLOWED PAVON.

24 Q WHERE DID HE GO?

25 A HE MET CARO QUINTERO AGAIN, AT THE SAME AREA THAT THEY HAD

1 TALKED BEFORE.

2 Q ORIGINALLY?

3 A ORIGINALLY.

4 Q SO YOU WERE LIKE PAVON'S SHADOW; RIGHT? FROM THE TIME YOU
5 FIRST ARRIVED AT THE AIRPORT AND JUMPED OUT OF THE CAR, HE WAS
6 GOING LIKE THIS (UNDULATES HAND) AND YOU WERE MOVING WITH HIM;
7 IS THAT FAIR TO SAY?

8 A I SAW HIM AT ALL TIMES.

9 Q WELL, YOU WERE FOLLOWING HIM, TOO; RIGHT?

10 A THAT'S CORRECT.

11 Q NOW, WHAT HAPPENS WHEN PAVON AND CARO GOT BACK TOGETHER
12 AGAIN?

13 A THEY TALKED AGAIN. THEY --

14 Q FOR HOW LONG?

15 A A FEW MINUTES. THEY --

16 Q WERE YOU ATTEMPTING -- HOW CLOSE WERE YOU TO PAVON AT THAT
17 TIME?

18 A SAME DISTANCE THAT I WAS BEFORE.

19 Q 15 OR 20 FEET?

20 A I LET THEM TALK. I DIDN'T KNOW WHAT THEY WERE SAYING.

21 Q DID YOU ATTEMPT TO HEAR WHAT THEY WERE SAYING?

22 A YEAH -- YES. I'M SORRY. BUT I DIDN'T HEAR.

23 Q SO YOUR FOCUS WAS ON THEM AND THEIR CONVERSATION; RIGHT?

24 A MY FOCUS WAS, AT THAT TIME, ON EVERYTHING; BUT, YES, YOU'RE
25 CORRECT: I WANTED TO LISTEN OR SOMETHING. I WANTED TO KNOW

1 WHAT WAS GOING ON. THAT'S BASICALLY IT.

2 Q AND HOW LONG DID THEY STAND THERE?

3 A A FEW MINUTES.

4 Q THEN WHAT HAPPENED?

5 A AFTER THEY TALKED, AND CARO SMILED AND THEY EMBRACED EACH
6 OTHER, CARO -- NO.

7 PAVON TURNED AROUND AND STARTED WALKING TO WHERE
8 VILLARRUEL WAS. CARO GAVE THE ORDERS TO HIS MEN TO GET IN THE
9 PLANE, AND THEN HE BOARDED THE PLAN.

10 Q SO ALL OF THE PEOPLE WHO WERE IN FRONT OF THE PLANE, AS YOU
11 SAY, THEY THEN GOT ON THE PLANE; IS THAT RIGHT?

12 A NOT ALL OF THEM. I -- THERE WAS -- THE SUBJECT THAT HAD
13 THE STATION WAGON, HE STAYED IN THE STATION WAGON.

14 Q THAT'S THE GUY WITH THE SHOTGUN?

15 A THAT'S CORRECT.

16 Q HE STAYED. ANYBODY ELSE STAY?

17 A NO. THE REST GOT IN THE PLANE.

18 Q SO THIS PERSON THAT YOU SAY IS MR. RAMIREZ, YOU SAW HIM GET
19 ON THE PLANE?

20 A THAT, I CAN'T RECALL.

21 Q SO IT'S FAIR TO SAY, THEN, AT SOME POINT DURING THIS
22 CONFRONTATION, YOU JUST FORGOT ABOUT THIS PERSON WHO WAS
23 POINTING THIS WEAPON AT YOU; RIGHT? YOUR FOCUS WAS OTHER
24 PLACES?

25 A THAT'S CORRECT.

1 Q SO YOU DON'T KNOW IF HE GOT ON THIS PLANE OR DIDN'T GET ON
2 THAT PLANE: RIGHT?

3 A THAT'S CORRECT.

4 Q YOU HEARD THE ORDER FROM CARO FOR HIS MEN TO GET ON THE
5 PLANE; IS THAT CORRECT?

6 A THAT'S CORRECT.

7 Q AS FAR AS YOU KNOW, THEY ALL GOT ON THE PLANE?

8 A THAT, I CAN'T SAY.

9 Q OH, BY THE WAY, WHEN YOU ARRIVED AT THE PLANE, WHEN YOU RAN
10 UP THERE, THE FIRST CONFRONTATION YOU HAD AT THE PLANE --

11 A YES.

12 Q -- WAS THE ENGINE RUNNING OR NOT?

13 A I DON'T THINK SO.

14 Q DO YOU RECALL WHEN THE ENGINE WAS STARTED?

15 A TO THE BEST OF MY RECOLLECTION, IT WAS AFTER PAVON MADE THE
16 CALL.

17 Q NOW, THESE PEOPLE THAT WERE STANDING AROUND THE PLANE, DID
18 THEY EVER DISPLAY ANY CREDENTIALS TO YOU?

19 A TO ME? NO.

20 Q YES, TALKING ABOUT PEOPLE THAT YOU SAY WERE WITH CARO. DID
21 THEY DISPLAY ANY CREDENTIALS TO YOU?

22 A NO, SIR.

23 MR. MEZA: (PAUSE.) I'M SORRY, YOUR HONOR.

24 THE COURT: I THINK YOU'VE HAD ABOUT ENOUGH TIME HERE,
25 COUNSEL. THIS WITNESS HAS BASICALLY BEEN ASKED QUESTIONS THAT

1 EVERYBODY ELSE HAS ASKED HIM -- THAT IS, THE OTHER COUNSEL --
2 AND I SEE NO POINT TO IT.

3 IF YOU HAVE SOME OTHER QUESTIONS THAT YOU WISH TO ASK,
4 LET'S GET TO IT.

5 MR. MEZA: YES. THANK YOU.

6 Q NOW, OTHER THAN THE PHOTOGRAPHS YOU LOOKED AT THE FOLLOWING
7 DAY, HAVE YOU LOOKED AT ANY OTHER PHOTOGRAPHS?

8 A WHILE I WAS THERE, YOU MEAN, OR? I DON'T SEE WHAT --

9 Q AT ANY OTHER TIME, IN ORDER TO DETERMINE WHO WAS AT THE
10 AIRPORT.

11 A YES, I HAVE.

12 Q ON HOW MANY DIFFERENT OCCASIONS?

13 A ONCE OR TWICE. PROBABLY TWICE.

14 Q OKAY. HOW LONG AGO WAS THE LAST TIME?

15 A THE LAST TIME -- (PAUSE) -- WAS THIS MORNING.

16 Q OKAY. AND PRIOR TO THIS MORNING, WHEN WAS THE LAST TIME?

17 A A FEW MONTHS BACK.

18 Q WHEN YOU SAY "A FEW MONTHS BACK," WAS THAT IN 1990 OR IN
19 1989?

20 A THAT, I CAN'T RECALL; BUT I KNOW IT'S IN -- IN MONTHS.

21 Q COULD IT HAVE BEEN TWO OR THREE YEARS AGO?

22 A MONTHS.

23 Q NOW, THE PHOTOGRAPH -- HOW MANY PHOTOGRAPHS WERE YOU SHOWN
24 TODAY?

25 A 40? PROBABLY. 50? I DON'T KNOW. MANY.

1 Q TODAY?

2 A YES.

3 Q WHO SHOWED YOU THOSE PHOTOGRAPHS?

4 A MR. MEDRANO.

5 Q NOW, THIS LAST TIME YOU WERE SHOWN PHOTOGRAPHS, MONTHS AGO,
6 HOW MANY PHOTOGRAPHS WERE YOU SHOWN?

7 A OH, 50, 60; SAME AMOUNT.

8 Q WERE THEY -- IF I CAN ASK YOU TO DIRECT YOUR ATTENTION TO
9 THAT RED BOOK, I BELIEVE IT'S 175, GOVERNMENT'S 175.

10 I'M SORRY. 174.

11 A (COMPLIES.)

12 Q YOUR HONOR ASKED TO LOOK AT IT PREVIOUSLY.

13 WAS THAT THE GROUP OF PHOTOGRAPHS YOU WERE ASKED TO
14 LOOK AT MONTHS AGO?

15 A IT LOOKS LIKE THE ONE.

16 Q OKAY. WAS IT CONTAINED IN THAT FOLDER?

17 A THAT, I CANNOT RECALL, WHETHER IT WAS IN THIS FOLDER; BUT I
18 REMEMBER MANY PHOTOGRAPHS LIKE THIS.

19 Q WAS THAT THE SAME GROUP OF PHOTOGRAPHS YOU WERE ASKED TO
20 LOOK AT TODAY?

21 A YES, I THINK SO.

22 Q NOW, WOULD YOU TURN TO NO. 28?

23 A YES, SIR.

24 Q AND DO YOU RECOGNIZE WHO'S DEPICTED IN THAT PHOTOGRAPH?

25 A THAT'S THAT MAN RIGHT THERE, IN RED. (POINTS TO DEFENSE

1 TABLE.)

2 Q YOU'RE REFERRING TO MR. BERNABE RAMIREZ?

3 A YES, SIR.

4 Q AND WHEN YOU LOOKED AT THAT GROUP OF PHOTOGRAPHS, MONTHS
5 AGO, YOU DIDN'T PICK THAT PHOTOGRAPH OUT, DID YOU?

6 A I'VE -- I'VE SEEN THE PHOTO -- I'VE SEEN THIS MAN BEFORE,
7 IN THE PHOTOGRAPH.

8 Q THE QUESTION IS: WHEN YOU LOOKED AT THOSE PHOTOGRAPHS
9 MONTHS AGO, YOU DIDN'T IDENTIFY THAT PHOTOGRAPH, DID YOU?

10 A I THINK I DID.

11 Q WELL, THAT'S NOT WHAT YOU SAID ON AUGUST 10TH 1988.

12 DO YOU RECALL TESTIFYING BACK IN AUGUST OF 1988?

13 A I TESTIFIED SEVERAL TIMES, SIR.

14 Q DO YOU REMEMBER TESTIFYING IN A TRIAL IN AUGUST OF 1988?

15 A YES, SIR; I DO.

16 Q AND YOU WERE ASKED AT THAT TRIAL, WERE YOU NOT, IF YOU HAD
17 LOOKED AT PHOTOGRAPHS, PICTURES; RIGHT?

18 A I CAN'T RECALL, SIR. THERE WERE TOO MANY QUESTIONS.

19 Q IF I WERE TO SHOW YOU A COPY OF A TRANSCRIPT WHICH PURPORTS
20 TO BE YOUR TESTIMONY, DO YOU THINK THAT WOULD HELP TO REFRESH
21 YOUR RECOLLECTION AS TO WHETHER OR NOT YOU WERE ASKED IF YOU
22 LOOKED AT PHOTOGRAPHS?

23 A YES.

24 THE COURT: COUNSEL, IF YOU HAVE SOME TESTIMONY AND
25 YOU WISH TO READ IT, INDICATE WHERE IT IS AND READ IT.

1 MR. MEZA: ALL RIGHT. IT'S AT VOLUME 12. IT'S AUGUST
2 10TH 1988, LINES -- STARTING AT LINE 9.

3 MR. MEDRANO: WHAT PAGE, YOUR HONOR?

4 MR. MEZA: 1210. GOT IT?

5 "Q NOW, YOU TALKED ABOUT SOME PICTURES THAT YOU WERE SHOWN;
6 CORRECT?

7 "A THAT'S CORRECT.

8 "Q WAS THAT AN ATTEMPT TO HAVE YOU IDENTIFY PEOPLE WHO WERE
9 THERE?

10 "A THAT'S CORRECT.

11 "AND ABOUT WHEN DID THAT HAPPEN?

12 "A I CAN'T RECALL. IT WAS A LONG TIME AGO."

13 AND THEN THERE'S, AT LINE 20, THE LAST PART OF THE
14 QUESTION:

15 "JUST GIVE US A BALLPARK NUMBER.

16 "A I'M TRYING TO THINK. POSSIBLY TWO YEARS AGO."

17 AND GOING TO PAGE 1211, AT LINE 6:

18 "Q HOW MANY PICTURES DID YOU LOOK AT?

19 "A MANY."

20 Q ALL RIGHT. NOW, YOU WERE ASKED, AFTER THAT SERIES OF
21 QUESTIONS, WHO YOU IDENTIFIED; RIGHT?

22 A (SHRUGS.) I DON'T KNOW, SIR. I --

23 Q WELL, YOU ONLY TOLD THEM YOU IDENTIFIED ONE PERSON FROM
24 LOOKING AT THOSE MANY PHOTOGRAPHS, AND THAT WAS CARO QUINTERO;
25 ISN'T THAT CORRECT?

1 A YOU'RE TALKING ABOUT THE TIME, 1985, THAT I WAS IN
2 GUADALAJARA?

3 Q NO. I'M ASKING YOU ABOUT THE TIME THAT YOU LOOKED AT THESE
4 GROUP OF PHOTOGRAPHS THAT YOU TOLD US ABOUT, A MONTH AGO.

5 THE COURT: SO WHAT IS YOUR QUESTION?

6 BY MR. MEZA:

7 Q ISN'T IT TRUE THAT YOU TESTIFIED THAT WHEN YOU LOOKED AT
8 THAT GROUP OF PHOTOGRAPHS, YOU ONLY IDENTIFIED ONE PERSON, AND
9 THAT WAS CARO QUINTERO?

10 A I DON'T THINK I UNDERSTAND YOUR QUESTION.

11 Q ALL RIGHT. DIRECTING -- AT PAGE 12. OH, I'M SORRY.
12 VOLUME 12, PAGE 14. QUESTION, AT LINE 3:

13 "AND CAN YOU TELL US WHO YOU IDENTIFIED IN THOSE PICTURES?

14 "A IDENTIFIED CARO QUINTERO.

15 "Q ANYBODY ELSE?

16 "A NOT TO MY KNOWLEDGE."

17 YOU'RE TELLING US NOW THAT YOU'VE SEEN THAT PHOTOGRAPH
18 BEFORE.

19 HAVE YOU WRITTEN ANY REPORTS IN CONNECTION WITH
20 IDENTIFYING THAT PHOTOGRAPH?

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

23 THE COURT: WELL, FIRST OF ALL, THE QUESTION DOES NOT
24 INDICATE WHAT PHOTOGRAPH YOU'RE TALKING ABOUT.

25 MR. MEZA: I'M REFERRING TO NO. 28, YOUR HONOR.

1 THE COURT: ALL RIGHT. THEN YOU SHOULD SAY SO.

2 BY MR. MEZA:

3 Q ALL RIGHT. NO. 28, IN THIS BOOK OF MANY PHOTOGRAPHS --

4 A UH-HUH.

5 Q -- HAVE YOU EVER WRITTEN A REPORT CONCERNING YOUR
6 IDENTIFICATION OF THAT NO. 28?

7 A NO, I HAVE NOT. I CONFIRMED IT WITH --

8 Q WELL, I'M NOT ASKING --

9 MR. MEDRANO: OBJECTION, YOUR HONOR. MAY THE WITNESS
10 BE ALLOWED TO ANSWER?

11 MR. MEZA: WELL, IT'S NONRESPONSIVE TO THE QUESTION.

12 THE COURT: HE DID ANSWER.

13 BY MR. MEZA:

14 Q NOW, YOU SAID YOU SAW THAT AS AN INDIVIDUAL PHOTOGRAPH.
15 WHEN DID YOU SEE IT AS AN INDIVIDUAL PHOTOGRAPH?

16 A WHAT DO YOU MEAN, "AS AN INDIVIDUAL"? I DON'T UNDERSTAND
17 YOUR QUESTION.

18 Q HAVE YOU EVER SEEN NO. 28 OUTSIDE OF THIS BOOK?

19 A I DON'T THINK SO. I SAW IT IN -- LIKE THIS, A LOT OF
20 PHOTOGRAPHS; NEVER ONE BY ITSELF.

21 Q LET ME ASK YOU TO LOOK AT, I BELIEVE IT'S EXHIBIT --
22 GOVERNMENT'S EXHIBIT 171. IT SHOULD BE IN THERE.

23 A IN THIS BOOK?

24 Q NO, NO. I THINK IT'S UNDERNEATH THE PLASTIC -- NO, THE
25 PLASTIC -- CLEAR PLASTIC CONTAINER? UNDERNEATH THAT.

1 THE CLERK: (ASSISTS WITNESS.)

2 BY MR. MEZA:

3 Q DO YOU RECOGNIZE WHAT'S DEPICTED IN THAT PHOTOGRAPH?

4 A YES, SIR.

5 Q AND IS THAT THE SAME PHOTOGRAPH THAT'S REPRESENTED IN NO.
6 28 IN THE BOOK, EXHIBIT 174?

7 A THEY APPEAR ALIKE, YES.

8 Q AND HAVE YOU EVER SEEN THAT PHOTOGRAPH, AS REPRESENTING
9 171, BEFORE TODAY, IN ITS -- IN INDIVIDUAL FORM?

10 A I DON'T THINK SO. I'VE SEEN IT IN A GROUP OF PICTURES, BUT
11 I -- I CAN'T RECALL WHETHER I JUST SAW THE ONE PICTURE.

12 Q OKAY. DIRECTING YOUR ATTENTION TO, I BELIEVE IT'S 172
13 THAT'S DOWN THERE, IT'S A GROUP OF -- NO. FURTHER DOWN IN THE
14 STACK.

15 THE COURT: READ THE YELLOW TAG. THAT HAS A NUMBER ON
16 IT.

17 BY MR. MEZA:

18 Q IT'S A COPY OF SOME PHOTO -- FIVE PHOTOGRAPHS.

19 A YES, SIR.

20 Q HAVE YOU EVER SEEN THAT GROUP OF PHOTOGRAPHS BEFORE?

21 A THIS ONE? YES, SIR.

22 Q AND HOW LONG AGO DID YOU SEE THAT GROUP OF PHOTOGRAPHS?

23 I'LL WITHDRAW IT.

24 IS THAT A GROUP OF PHOTOGRAPHS YOU SAW THIS MORNING?

25 A I SAW THIS AND I SAW THE BOOK.

- 1 Q THIS MORNING?
- 2 A WELL -- YEAH, THIS MORNING.
- 3 Q OKAY. AND THIS WAS IN A ROOM SOMEPLACE IN THE BUILDING;
- 4 RIGHT?
- 5 A THAT'S CORRECT.
- 6 Q HAD YOU EVER -- DIRECTING YOUR ATTENTION TO THE SINGLE
- 7 PHOTOGRAPH, WHICH I BELIEVE IS -- DO YOU SEE A SINGLE
- 8 PHOTOGRAPH, THAT YOU HAVE IN YOUR RIGHT HAND?
- 9 A YES, SIR.
- 10 Q HAVE YOU EVER SEEN THAT PHOTOGRAPH PRIOR TO TODAY?
- 11 A IN THE WAY IT IS RIGHT NOW?
- 12 Q YES.
- 13 Q NO, I'VE SEEN IT -- I'VE SEEN A GROUP OF PHOTOS, BUT NOT AN
- 14 INDIVIDUAL PHOTO, THAT I RECALL.
- 15 Q ALL RIGHT. NOW, THAT GROUP PHOTOGRAPH, I BELIEVE THAT'S
- 16 DEFENDANTS' D FOR IDENTIFICATION. DO YOU SEE DOWN IN THE
- 17 RIGHT-HAND CORNER?
- 18 A D?
- 19 Q D. IS THAT D?
- 20 A YES, SIR.
- 21 Q DIRECTING YOUR ATTENTION TO DEFENDANT'S E FOR
- 22 IDENTIFICATION, THAT'S THE MULTIPLE PHOTOGRAPH.
- 23 A YES, SIR.
- 24 Q HAVE YOU SEEN THAT GROUP OF PHOTOGRAPHS OTHER THAN TODAY,
- 25 THIS MORNING?

1 A YES, SIR.

2 Q HOW MANY TIMES?

3 A PROBABLY ONCE OR TWICE.

4 Q HOW LONG AGO?

5 A PROBABLY ONCE, A FEW DAYS AGO.

6 Q AND THERE IS A PHOTOGRAPH OF MR. BERNABE RAMIREZ IN THERE,
7 IS THERE NOT, IN THAT GROUP OF PHOTOGRAPHS?

8 A YES, SIR.

9 Q AND THERE IS A PHOTO OF HIM AS HE APPEARS TODAY; ISN'T THAT
10 RIGHT?

11 A NO, SIR.

12 Q WHAT IS THE DIFFERENCE?

13 A HE HAS GLASSES ON.

14 Q BUT OTHER THAN THE GLASSES, IT APPEARS AS HE DOES TODAY;
15 RIGHT?

16 A OTHER THAN THAT, YEAH, IT LOOKS LIKE HIM.

17 Q NOW, WHEN YOU WERE SHOWN DEFENDANTS' E FOR IDENTIFICATION,
18 WERE YOU ASKED TO MAKE IDENTIFICATION?

19 A I WAS ASKED IF I RECOGNIZED ANYONE IN THE GROUP.

20 Q ALL RIGHT. AND WHO ASKED YOU THAT?

21 A I BELIEVE MR. MEDRANO.

22 Q AND THAT WAS A COUPLE OF DAYS AGO; RIGHT?

23 A YES. AS A MATTER OF FACT -- (PAUSE.)

24 YEAH. IT WAS LONGER THAN THAT, I GUESS.

25 Q WITHIN THE LAST MONTH, THOUGH; IS THAT RIGHT?

1 A I THINK SO, YES.

2 Q DID YOU IDENTIFY MR. RAMIREZ OUT OF THAT GROUP OF
3 PHOTOGRAPHS?

4 A YES, SIR.

5 Q AND WHAT DID YOU TELL MR. MEDRANO ABOUT THAT PERSON?

6 A I SAID THAT THIS PERSON HAD BEEN AT THE AIRPORT WHEN CARO
7 QUINTERO HAD LEFT, AND THAT I KNEW IT BECAUSE I JUST --

8 Q YOU JUST KNEW IT?

9 A -- I DREAMED OF THIS MAN FOR A WHILE.

10 Q BUT YOU DREAMED OF HIM WITH LONG HAIR; RIGHT?

11 A LONG HAIR? NO, I NEVER SAID LONG HAIR.

12 Q YOU SAID, "HIS HAIR CAME OUT LIKE THIS," AND YOU MADE A
13 MOVEMENT AROUND YOUR HEAD; RIGHT?

14 A NOT LONG. YOU KNOW, BUSHY.

15 Q RIGHT.

16 A BUT I'M TALKING ABOUT THE EYES. I WAS ALWAYS --

17 Q DARKER?

18 A PARDON?

19 Q THE PHOTOGRAPH THAT'S REPRESENTED IN 174, NO. 28, THAT'S --
20 ISN'T THAT THE WAY THE PERSON LOOKS, THAT WAS HOLDING THIS GUN,
21 THAT YOU IDENTIFIED, OR DID HE LOOK DIFFERENT?

22 A NO, HE LOOKED DIFFERENT.

23 Q THE PERSON IN NO. 28?

24 A HE DIDN'T HAVE THE -- THIS. HE HAD ONLY A MUSTACHE.

25 AND HIS EYES IN EITHER ARE THE SAME. THERE'S NO

1 CHANGE. IF YOU LOOK AT BOTH PHOTOGRAPHS, IT'S THE SAME.

2 THE MOUTH HE MAY HAVE CHANGED A LITTLE BIT, BUT HE
3 HASN'T CHANGED AT ALL.

4 Q SO THE PERSON THAT YOU SAW ON FEBRUARY 9TH DIDN'T HAVE ANY
5 HAIR AROUND HIS MOUTH OR IN HIS CHIN AREA, IS THAT RIGHT, AS IS
6 REFLECTED IN THE PHOTOGRAPH?

7 A NOT THAT I RECALL. I RECALL HIS EYES. THAT, I CAN
8 TESTIFY: THAT I KNOW THOSE EYES, RIGHT HERE. (HAND IN FRONT
9 OF FACE.)

10 Q IT HAS NOTHING TO DO WITH HIS NOSE OR HIS MOUTH?

11 A NO, SIR. ONLY HIS EYES, RIGHT HERE.

12 Q THE HAIR HAS NOTHING TO DO WITH IT?

13 A AS I MENTIONED BEFORE, IT WAS DARK; BUT I WAS LOOKING AT
14 BETWEEN HIS EYES, BECAUSE I WAS POINTING AT THAT. THAT'S WHY I
15 REMEMBER THAT.

16 Q WERE YOU EVER TOLD THAT MR. RAMIREZ HAD MADE A STATEMENT
17 THAT HE WAS AT THE AIRPORT?

18 MR. MEDRANO: OBJECTION, YOUR HONOR. RELEVANCE.
19 BEYOND THE SCOPE.

20 THE COURT: WHO HAD MADE A STATEMENT?

21 MR. MEZA: THAT MY CLIENT HAD MADE A STATEMENT THAT HE
22 WAS AT THE AIRPORT.

23 MR. MEDRANO: HEARSAY, YOUR HONOR.

24 THE COURT: THE OBJECTION IS OVERRULED.

25 HAD YOU EVER BEEN TOLD THAT --

1 THE WITNESS: NO, SIR. I --

2 THE COURT: WELL, YOU'VE ANSWERED THE QUESTION.

3 MR. MEZA: MAY I JUST HAVE A MOMENT, YOUR HONOR?

4 (PAUSE IN PROCEEDINGS:)

5 (JURY PRESENT.)

6
7 BY MR. MEZA:

8 Q. THIS GROUPING OF PHOTOGRAPHS THAT'S IN 174, DO YOU RECALL
9 WHERE YOU WERE WHEN YOU FIRST SAW IT?

10 WAS IT IN THE U.S. ATTORNEY'S OFFICE OR THE D.E.A.
11 OFFICE, IN FRONT OF THE GRAND JURY?

12 A. THE ONE IN THE RED BOOK?

13 Q. YES.

14 A. NO, I CAN'T RECALL.

15 MR. MEZA: YOUR HONOR, I HAVE NOTHING FURTHER AT THIS
16 TIME. I'D LIKE TO RESERVE BASED ON A REQUEST WE HAD FOR A
17 REDACTED REPORT, WHICH WE HAVEN'T RECEIVED YET.

18 THE COURT: ALL RIGHT.

19 MR. MEZA: THANK YOU.

20 THE COURT: DOES ANY OTHER COUNSEL HAVE ANY OTHER
21 QUESTIONS FOR THIS WITNESS?

22 MR. NICOLAYSEN: NOTHING, YOUR HONOR.

23 THE COURT: ANY REDIRECT?

24 MR. MEDRANO: VERY BRIEF, YOUR HONOR.

25 REDIRECT EXAMINATION +

1 BY MR. MEDRANO:

2 Q. MR. LEYVA, IS YOUR IDENTIFICATION OF BERNABE IN COURT
3 TODAY BASED ON YOUR INDEPENDENT MEMORY OR BECAUSE YOU'VE SEEN
4 PHOTOS OF HIM?

5 A. INDEPENDENT MEMORY. AND WHEN I SAW THE PHOTO, I KNEW THAT
6 I KNEW HIM.

7 Q. WHEN YOU IDENTIFIED DEFENDANT BERNABE IN COURT, DO YOU
8 RECALL YOU ACTUALLY HAD TO STAND AND WALK DOWN FROM THE WITNESS
9 STAND?

10 A. YES, SIR.

11 Q. WHY WERE YOU UNABLE TO MAKE AN IDENTIFICATION FROM YOUR
12 LOCATION AT THE WITNESS STAND?

13 A. I CAN'T SEE.

14 Q. EVEN AFTER STANDING?

15 A. YES. THERE ARE TOO MANY PEOPLE, AND FROM HERE, THIS
16 (INDICATING THE MICROPHONE) BLOCKS YOUR VISION, THE MICROPHONE,
17 AND THIS --

18 THE COURT: IS THERE SOMETHING WRONG WITH YOUR VISION
19 OR YOU MEAN THE OBSTRUCTIONS GOT IN YOUR WAY?

20 THE WITNESS: THE OBSTRUCTIONS, YOUR HONOR.

21 THE COURT: OTHERWISE, YOUR VISION IS OKAY?

22 THE WITNESS: YES, YOUR HONOR.

23 BY MR. MEDRANO:

24 Q. THE FEBRUARY 25, 1985 REPORT THAT YOU WROTE, DO YOU RECALL
25 THAT?

1 A. YES, SIR.

2 Q. THE ONE YOU'VE HAD AN OPPORTUNITY TO REVIEW DURING YOUR
3 TESTIMONY?

4 A. YES, SIR.

5 Q. IN THAT REPORT, DO YOU GIVE A DETAILED DESCRIPTION OF THE
6 PERSON YOU LATER IDENTIFIED AS CARO QUINTERO?

7 A. TO THE BEST OF MY RECOLLECTION, YES, SIR.

8 Q. BUT YOU SIMPLY OMITTED TO WRITE THE NAME CARO QUINTERO BY
9 THAT DESCRIPTION?

10 MR. STOLAR: OBJECTION. LEADING AND SUGGESTIVE.

11 THE COURT: SUSTAINED.

12 BY MR. MEDRANO:

13 Q. WHY DID YOU NOT PUT THE NAME CARO QUINTERO IN YOUR REPORT?

14 A. AT THE TIME, MANY, MANY MISTAKES WERE MADE BECAUSE OF
15 BEING TIRED. WE SLEPT ONE, TWO HOURS A DAY, IF THAT, AND WE
16 WERE ANXIOUS TO FIND KIKI ALIVE.

17 Q. WAS IT AN OVERSIGHT?

18 A. YES.

19 Q. WHEN YOU WERE GROWING UP, MR. LEYVA, WHAT WAS YOUR FIRST,
20 PRIMARY LANGUAGE?

21 A. SPANISH.

22 Q. WAS IT LATER ON THAT YOU LEARNED ENGLISH?

23 A. YES.

24 Q. APPROXIMATELY WHAT AGE?

25 A. I WAS 20 YEARS OLD.

1 Q. AGENT LEYVA, DO YOU RECALL MR. MEZA'S QUESTIONS TO YOU
2 ABOUT YOUR EARLIER TESTIMONY IN 1988?

3 A. YES, SIR.

4 Q. AT THAT OTHER PROCEEDING?

5 A. YES, SIR.

6 Q. DO YOU RECALL DURING THAT PROCEEDING BEING ASKED WHETHER
7 YOU HAD BEEN SHOWN PHOTOGRAPHS?

8 A. YES, SIR.

9 Q. AND AT THAT TIME, DID YOU INDICATE, IF YOU RECALL,
10 IDENTIFYING CARO QUINTERO?

11 A. YES, SIR.

12 Q. NOW, AS FAR AS YOU CAN RECALL, AGENT LEYVA, WAS 174, THE
13 RED BOOK, IN FRONT OF YOU?

14 A. YES, SIR.

15 Q. WERE THOSE PART OF THE PHOTOGRAPHS SHOWN TO YOU AT THAT
16 TIME, BEFORE 1988, BEFORE THAT TESTIMONY?

17 A. IN '85, NO, SIR.

18 MR. MEDRANO: MAY I HAVE JUST ONE MOMENT, YOUR HONOR?

19 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL.)

20 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES REDIRECT.

21 THE COURT: IS THERE ANY RECROSS CONFINED STRICTLY
22 WITHIN THE REDIRECT SCOPE?

23 MR. STOLAR: YES, SIR.

24

25

1 BY MR. STOLAR:

2 Q. THE TESTIMONY THAT MR. MEDRANO ASKED YOU ABOUT, THAT WAS
3 GIVEN AT A PRIOR TRIAL IN THIS COURTROOM; WASN'T IT?

4 A. YES, IT WAS.

5 Q. AND YOU WERE ASKED THEN ABOUT PICTURES THAT YOU HAD SEEN,
6 AND YOU BELIEVE IT'S THAT RED BOOK; IS THAT RIGHT?

7 A. I DON'T UNDERSTAND YOUR QUESTION. I'M SORRY.

8 Q. LET ME REPHRASE IT. PRIOR TO TESTIFYING IN THAT OTHER
9 CASE, RIGHT, YOU WERE SHOWN PICTURES TO SEE IF YOU COULD
10 IDENTIFY SOMEBODY; IS THAT RIGHT?

11 A. THAT'S CORRECT.

12 Q. AND YOU BELIEVED THAT THE PICTURES YOU WERE SHOWN TO
13 IDENTIFY WERE THE PICTURES CONTAINED IN THAT RED BOOK,
14 GOVERNMENT'S EXHIBIT 174?

15 A. I KNOW I WAS SHOWN A LOT OF PICTURES, BUT I CANNOT SAY
16 THAT IT WAS THIS BOOK RIGHT HERE.

17 Q. OKAY. WERE YOU SHOWN PICTURES BEFORE YOU TESTIFIED IN THE
18 LAST TRIAL UPSTAIRS IN THE OPERATION LEYENDA OFFICE?

19 A. I HAVE BEEN SHOWN PICTURES MANY TIMES.

20 Q. I'M ASKING YOU -- DO YOU KNOW WHAT I'M TALKING ABOUT, THE
21 LEYENDA OFFICE UPSTAIRS?

22 A. YES, SIR.

23 Q. WERE YOU SHOWN PICTURES IN CONNECTION WITH YOUR TESTIMONY
24 IN THE TRIAL A YEAR AGO, OR A LITTLE LESS, ACTUALLY, IN THAT
25 OFFICE?

1 MR. MEDRANO: OBJECTION, YOUR HONOR. IT'S TWO YEARS,
2 1988.

3 MR. STOLAR: TWO YEARS, I'M SORRY.

4 THE WITNESS: WHAT PICTURES?

5 BY MR. STOLAR:

6 Q. WERE YOU SHOWN A GROUP OF PICTURES IN THE LEYENDA OFFICE A
7 COUPLE OF YEARS AGO PRIOR TO YOUR TESTIFYING IN THE OTHER
8 TRIAL?

9 A. YES, I WAS SHOWN PICTURES.

10 Q. IN THE LEYENDA OFFICE?

11 A. THAT I CAN'T RECALL.

12 Q. THAT YOU CAN'T RECALL.

13 IT WASN'T LIKE THIS MORNING IN THE WITNESS ROOM WHEN
14 YOU WERE SHOWN PICTURES, RIGHT?

15 MR. MEDRANO: OBJECTION. AMBIGUOUS QUESTION.

16 THE COURT: SUSTAINED.

17 BY MR. STOLAR:

18 Q. IN ANY EVENT, WHEN YOU TESTIFIED ABOUT PRIOR PICTURES THAT
19 YOU WERE SHOWN, YOU TESTIFIED THAT YOU IDENTIFIED CARO
20 QUINTERO; IS THAT RIGHT?

21 A. THAT'S CORRECT.

22 Q. AND YOU WERE ASKED IF YOU IDENTIFIED ANYBODY ELSE; IS THAT
23 RIGHT?

24 A. THAT'S CORRECT.

25 Q. AND YOUR ANSWER WAS "NOT TO MY KNOWLEDGE"; IS THAT

1 CORRECT?

2 A. THAT'S CORRECT.

3 MR. STOLAR: THANK YOU, SIR.

4 MR. MEZA: (RISING TO ASK QUESTIONS)

5 THE COURT: NO FURTHER QUESTIONS.

6 MR. MEZA: JUST INDICATE FOR THE RECORD THAT I HAD
7 SOME, YOUR HONOR. THANK YOU.

8 THE COURT: DO YOU HAVE ANYTHING FURTHER?

9 MR. MEDRANO: NOTHING ELSE, YOUR HONOR.

10 THE COURT: ALL RIGHT. YOU MAY STEP DOWN.

11 (WITNESS EXCUSED.)

12 THE WITNESS: THANK YOU, YOUR HONOR.

13 THE COURT: THE COURT WILL ADJOURN AT THIS TIME AND
14 WE'LL RECONVENE THIS CASE TUESDAY MORNING AT 9:30. I WOULD
15 LIKE TO REMIND --

16 MR. CARLTON: YOUR HONOR, MAY I JUST MAKE A --

17 THE COURT: YOU MAY NOT.

18 I WOULD LIKE TO REMIND THE JURY OF YOUR OBLIGATION
19 NOT TO DISCUSS THIS CASE WITH EACH OTHER OR WITH ANYONE ELSE,
20 NOT TO FORM OR EXPRESS ANY OPINION OR CONCLUSION ABOUT THIS
21 CASE UNTIL IT HAS BEEN SUBMITTED TO YOU.

22 PARTICULARLY, YOU SHOULD AVOID EXPOSURE TO ANY
23 PUBLICITY IN THE FORM OF NEWSPAPERS, MAGAZINES, TELEVISION
24 PROGRAMS OR RADIO BROADCASTS THAT MIGHT RELATE TO THIS CASE.
25 THAT SIMPLY SHOULD BE AVOIDED BY YOU AT ALL. YOU SHOULD TAKE

1 EVERY STEP TO ENSURE THAT DOESN'T HAPPEN.

2 HAVE A NICE WEEKEND, AND I'LL SEE YOU ON TUESDAY
3 MORNING.

4 THE CLERK: PLEASE RISE.

5 (JURY EXCUSED.)

6 MR. STOLAR: YOUR HONOR, I HAD INDICATED THERE WAS
7 ONE MATTER ON AN EXHIBIT THAT I WANTED TO DISCUSS. I'M SORRY.

8 THE COURT: JUDY, DID HE INDICATE THAT TO YOU?

9 MR. STOLAR: I COMMUNICATED IT TO YOU AT THE LAST
10 RECESS.

11 THE COURT: I DON'T WANT YOU TO POINT FINGERS AT ME,
12 COUNSEL. IF YOU HAVE SOMETHING TO SAY, NOTIFY THE CLERK.

13 MR. STOLAR: I NOTIFIED THE COURT AT THE LAST RECESS.
14 I TOLD YOU I HAD ANOTHER EXHIBIT I WANTED TO DISCUSS WITH YOU.

15 THE COURT: WHAT IS IT?

16 THE CLERK: YOU MAY BE SEATED.

17 MR. STOLAR: THE GOVERNMENT INDICATED TO US THIS
18 MORNING OR SHOWED US --

19 (DISCUSSION HELD OFF THE RECORD BETWEEN MR. MEDRANO
20 AND MR. STOLAR.)

21 MR. STOLAR: OH, THEY'RE NOT GOING TO USE IT. THANK
22 YOU.

23 THE CLERK: COURT STANDS IN RECESS.

24 (COURT ADJOURNED UNTIL TUESDAY, JUNE 5, 1990 AT 9:30
25 A.M.)

(EXHIBIT 62 # RECEIVED IN EVIDENCE.)		43	9
(EXHIBIT 61-A # RECEIVED IN EVIDENCE.)	BY	48	5
(EXHIBIT 61-B # RECEIVED IN EVIDENCE.)	BY	48	16
LOS ANGELES + CALIFORNIA THURSDAY, MAY		4	1
MAY 31, 1990 + 8:30 A.M.		4	2
ABEL REYNOSO + PLAINTIFF'S WITNESS,		4	11
RE-CROSS-EXAMINATION + BY MR. NICOLAYSEN: Q.		4	12
RE-CROSS-EXAMINATION + BY MR. STOLAR: Q.		6	24
FURTHER + REDIRECT EXAMINATION BY		7	19
MIRIAM A. ANGULO + PLAINTIFF'S WITNESS, SWORN		9	7
DIRECT EXAMINATION + BY MR. CARLTON: Q.		9	8
CROSS-EXAMINATION + BY MR. STOLAR: Q.		14	3
CROSS-EXAMINATION + BY MR. MEZA: Q.		16	8
REDIRECT EXAMINATION + BY MR. CARLTON: Q.		17	17
SALVADOR LEYVA + PLAINTIFFS WITNESS, SWORN		18	6
DIRECT EXAMINATION + BY MR. MEDRANO: Q.		18	7
VOIR DIRE + EXAMINATION BY MR.		49	19
CROSS-EXAMINATION + BY MR. STOLAR: Q GOOD		75	15
CROSS-EXAMINATION + BY MR. MEZA: Q WHEN		114	24
REDIRECT EXAMINATION + BY MR. MEDRANO: Q.		159	25
RE-CROSS-EXAMINATION + BY MR. STOLAR: Q. THE		162	25
THE CLERK COULD GIVE EXHIBIT 63 TO THE WITNESS,		16	5
YOUR ATTENTION TO EXHIBIT 63, WHICH IS THE --		17	4
THERE SHOULD BE SOME EXHIBIT S. COULD YOU PULL		42	16
COULD YOU PULL OUT EXHIBIT 62? A. 62. Q.		42	16
(EXHIBIT 62 # RECEIVED IN		43	9
PULL OUT GOVERNMENT EXHIBIT S 61-A THROUGH -C,		47	16
(EXHIBIT 61-A # RECEIVED IN		48	5
(EXHIBIT 61-B # RECEIVED IN		48	16
GIVE WITH GOVERNMENT EXHIBIT 61-C? A. YES,		49	12
YOUR HONOR, IS THE EXHIBIT ADMITTED OR		50	5
THIS MORNING PROPOSED EXHIBIT S, WHICH WILL BE		63	7
THERE IS ANOTHER EXHIBIT I WAS JUST SHOWN THAT		74	21
YES. (EXHIBIT PROVIDED TO WITNESS.)		86	15
AS GOVERNMENT'S EXHIBIT 174 AND ASK YOU TO A		89	10
AT, I BELIEVE IT'S EXHIBIT -- GOVERNMENT'S		153	21
-- GOVERNMENT'S EXHIBIT 171. IT SHOULD BE IN		153	22
NO. 28 IN THE BOOK, EXHIBIT 174? A THEY		154	6
BOOK, GOVERNMENT'S EXHIBIT 174? A. I KNOW I		163	14
WAS ONE MATTER ON AN EXHIBIT THAT I WANTED TO		166	7
YOU I HAD ANOTHER EXHIBIT I WANTED TO DISCUSS		166	14

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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 A. Churchill
JULIE A. CHURCHILL, CSR
OFFICIAL COURT REPORTER

DATED: June 2, 1990

Susan A. Lee
SUSAN A. LEE, CSR
OFFICIAL COURT REPORTER

DATED: June 2, 1990