

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

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HONORABLE EDWARD RAFEEDIE, DISTRICT COURT JUDGE PRESIDING

- - - - -

UNITED STATES OF AMERICA,)
)
) PLAINTIFF,)
)
) VS.) CASE NO: CR 87-422(F)-ER
)
) JUAN RAMON MATTA-BALLESTEROS)
) DEL POZO, RUBEN ZUNO-ARCE,)
) JUAN JOSE BERNABE-RAMIREZ,)
) AND JAVIER VASQUEZ-VELASCO,)
)
) DEFENDANTS.)
)
) VOLUME 14

REPORTERS' TRANSCRIPT OF PROCEEDINGS

THURSDAY, JUNE 7, 1990

LOS ANGELES, CALIFORNIA

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

SPANISH INTERPRETERS

1 LOS ANGELES + CALIFORNIA THURSDAY, JUNE 7, 1990

2 + 9:30 A.M.

3
4 (JURY PRESENT.)

5 ALL COUNSEL: GOOD MORNING.

6 THE COURT: GOOD MORNING. YOU MAY CONTINUE YOUR
7 CROSS-EXAMINATION.

8
9 LAWRENCE V. HARRISON + PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

10 CROSS-EXAMINATION + CONTINUED

11 BY MR. MEDVENE:

12 Q. YESTERDAY, MR. HARRISON, WE DISCUSSED CERTAIN OF YOUR
13 CRIMINAL CONVICTIONS. WERE YOU ALSO CONVICTED OF IMPERSONATING
14 AN OFFICIAL?

15 A. YES, SIR, I WAS.

16 Q. WERE YOU ALSO CONVICTED OF ILLEGALLY TRANSPORTING
17 FIREARMS?

18 A. YES, I WAS.

19 Q. YOU LIVED IN ERNESTO FONSECA'S HOUSE WITH HIM OVER A
20 NUMBER OF YEARS; IS THAT CORRECT, SIR?

21 A. NO, IT IS NOT.

22 Q. DID YOU LIVE WITH HIM IN HIS HOUSE FOR A PERIOD OF TIME?

23 A. YES, SIR, I DID.

24 Q. AND YOU GOT TO KNOW HIM RELATIVELY WELL?

25 A. YES, SIR, I DID.

1 Q. YOU BECAME FAMILIAR, IN GENERAL, WITH THE WAY HE CONDUCTED
2 BUSINESS?

3 A. MORE OR LESS, YES.

4 Q. WITH RESPECT TO THE MEETINGS YOU TOLD US ABOUT YESTERDAY
5 BETWEEN MESSIEURS QUINTERO AND FONSECA, SALCIDO, ESPARRAGOZA
6 AND JAVIER BARBA HERNANDEZ, IN THOSE MEETINGS, IS IT TRUE THAT
7 YOU OBSERVED THESE MEN TREATING EACH OTHER AS EQUALS?

8 A. YES, SIR, IT IS.

9 Q. IS IT ALSO TRUE THAT WAS IN CONTRAST TO THE WAY THEY
10 TREATED SUBORDINATES?

11 A. YES, SIR, IT WAS.

12 Q. NOW, YOU REFERRED TO THESE MEN AS BOSSES. DID THEY HAVE
13 AND DID THEY CARRY ABOUT THEM AN AIR OF LEADERSHIP AND BEING
14 BOSSES?

15 A. THEY EACH HAD A RETINUE OF OTHER PEOPLE WHO LOOKED UP TO
16 THEM AS BOSSES, YES.

17 Q. FROM YOUR OBSERVATION OF THESE MEN THAT YOU DESCRIBED,
18 THEY WERE VERY SENSITIVE TO PROTOCOL, WEREN'T THEY?

19 A. AS IN ANY GROUP, THERE WAS A HIERARCHY ESTABLISHED, YES.

20 Q. NOW, THESE MEN, AS YOU TOLD US YESTERDAY, WOULD MEET
21 TOGETHER FREQUENTLY; IS THAT CORRECT?

22 A. WELL, HOW FREQUENTLY DO YOU MEAN, SIR?

23 Q. YESTERDAY YOU TOLD ABOUT 20 OR 30 MEETINGS; DO YOU RECALL
24 THAT?

25 A. YES, SIR.

1 Q. IS IT TRUE THEY GOT TOGETHER, TO YOUR KNOWLEDGE, ON EVERY
2 LARGE DECISION?

3 A. THEY DID NOT TAKE EVERY LARGE DECISION IN MY PRESENCE, BUT
4 THE ONES THAT THEY DID TAKE IN MY PRESENCE, THEY DID GET
5 TOGETHER, YES.

6 Q. WHEN YOU SAY "IN YOUR PRESENCE", THE MEETINGS WERE WITH
7 THEM IN A PRIVATE ROOM SOMEWHERE THAT YOU WOULD OBSERVE FROM
8 AFAR; IS THAT CORRECT?

9 A. YES, SIR.

10 Q. AND THESE MEN SPOKE BY THEMSELVES IN THEIR BUSINESS
11 DEALINGS; IS THAT CORRECT?

12 A. YES, SIR, THAT'S CORRECT.

13 Q. AND NOBODY WAS ALLOWED IN THE ROOM WITH THEM, TO YOUR
14 KNOWLEDGE, WHEN THEY WERE DOING THERE BUSINESS; IS THAT
15 CORRECT?

16 A. THAT IS CORRECT, SIR.

17 Q. AND THE BASIC RULE, TO YOUR KNOWLEDGE, AROUND THESE MEN IS
18 WHEN THEY WERE DOING BUSINESS, NO ONE OTHER THEN THE MEN WE'VE
19 DESCRIBED WOULD BE IN THE ROOM OR LISTENING TO WHAT WAS GOING
20 ON; IS THAT TRUE?

21 A. THAT DEPENDED ON THE BUSINESS. CERTAIN DECISIONS, THEY
22 CLOSETED THEMSELVES AND TOOK THE DECISION JOINTLY. AND OTHER
23 BUSINESS THEY DISCUSSED OPENLY, BUT IN CERTAIN -- OR CERTAIN
24 DECISIONS THEY WITH GO BY THEMSELVES.

25 Q. CERTAIN SERIOUS BUSINESS DECISIONS THAT WERE SENSITIVE,

1 THEY WITH DO BY THEMSELVES; IS THAT CORRECT, SIR?

2 A. THAT'S THE WAY I UNDERSTOOD IT, YES, SIR.

3 Q. NOW, OTHER THAN THESE 20 OR 30 MEETINGS BETWEEN THESE MEN
4 THAT YOU DESCRIBED, I WANT TO TAKE YOU TO THE PERIOD 1984 AND
5 ASK IF YOU OBSERVED FROM AFAR ERNESTO FONSECA MEET FREQUENTLY
6 WITH CARO QUINTERO?

7 A. IN THE PERIOD AFTER JANUARY OF 1984, NO, SIR. I DID NOT
8 OBSERVE IT DIRECTLY BECAUSE I WAS NO LONGER LIVING IN HIS
9 HOUSE. I DID HEAR THEM SPEAK WITH EACH OTHER ON THE RADIOS
10 FREQUENTLY.

11 Q. THIS WAS THE RADIO SYSTEM THAT YOU BUILT AND THAT YOU
12 MONITORED, AS YOU SAID, 24 HOURS A DAY?

13 A. YES, SIR.

14 Q. WOULD IT BE FAIR TO SAY THAT DURING THIS PERIOD, '83-'84,
15 YOU HEARD FONSECA AND CARO QUINTERO SPEAK FREQUENTLY ON THE
16 PHONE?

17 A. ON THE RADIO, SIR, YES. ON THE TELEPHONE ALSO. I HAD THE
18 TELEPHONES TAPPED.

19 Q. NOW, DID YOU ALSO OBSERVE MEETINGS OR OVERHEAR
20 CONVERSATIONS BETWEEN MR. FONSECA AND FELIX GALLARDO?

21 A. YES, SIR, I DID.

22 Q. AND MR. FONSECA AND MANUEL SALCIDO?

23 A. YES, SIR, I DID.

24 Q. AND YOU OBSERVED MEETINGS BETWEEN MR. FONSECA AND JAVIER
25 BARBA HERNANDEZ?

1 A. YES, SIR.

2 Q. NUMEROUS OCCASIONS?

3 A. YES. NUMEROUS OCCASIONS.

4 Q. NOW, THE RADIO SYSTEM THAT YOU SET UP, WOULD IT BE FAIR TO
5 SAY THAT YOU LITERALLY OVERHEARD THOUSANDS OF DRUG CONNECTED
6 CONVERSATIONS?

7 A. I WOULD ASSUME THAT TO BE TRUE. THEY DID NOT DISCUSS
8 WHETHER THEY WERE DRUGS OR NOT. THEY WOULD JUST SAY ON THE
9 TELEPHONE -- ON THE RADIO: "WE'RE GOING HERE." "REPORT HERE."
10 "DO THIS." BUT THEY DIDN'T MENTION DRUGS.

11 Q. BUT THEY WERE CONVERSATIONS, AT LEAST TO THE BEST OF YOUR
12 KNOWLEDGE, ABOUT THE TRANSPORTATION OR WHERE TO BE IN
13 CONNECTION WITH WHAT YOU ASSUMED WERE DRUG SHIPMENTS?

14 A. IN PART, YES. A GREAT MANY POLICE CONVERSATIONS WERE
15 CONDUCTED ON THAT SYSTEM AS WELL, SIR.

16 Q. SO THERE WOULD BE CONVERSATIONS BETWEEN THE VARIOUS
17 TRAFFICKERS AND VARIOUS POLICE PERSONNEL?

18 A. YES, SIR.

19 Q. AND THEY WOULD TALK TO EACH OTHER ABOUT CONVOYS OR GETTING
20 DRUGS FROM ONE PLACE TO ANOTHER OR WHATEVER?

21 A. AT TIMES THEY WOULD REFER TO THAT. THAT WAS NOT THE MAJOR
22 CONTENT, BUT THEY DID REFER TO THAT, YES.

23 Q. NOW, YOU ON OCCASION CARRIED A GUN, DID YOU NOT, IN
24 CONNECTION WITH YOUR WORK?

25 A. I WAS ORDERED TO CARRY A GUN, YES.

1 Q. AND YOU OBEYED THE ORDER?

2 A. YES, I DID.

3 Q. YOU CARRIED A GUN FREQUENTLY?

4 A. I CARRIED A GUN ALL THE TIMES I WENT OUT ON OFFICIAL
5 BUSINESS.

6 Q. WHAT KIND OF GUN?

7 A. A .22 PISTOL.

8 Q. AND DO YOU KNOW HOW TO USE THAT?

9 A. I BEG YOUR PARDON?

10 Q. DO YOU KNOW HOW TO USE THAT?

11 A. YES, SIR, I DO.

12 Q. YOU DID USE IT IN CONNECTION WITH YOUR WORK?

13 A. I WORE IT. I DIDN'T TAKE IT OUT AND SHOOT IT EXCEPT ON
14 ONE OCCASION.

15 Q. BUT ON ONE OCCASION YOU TOOK IT OUT AND SHOT SOMEBODY, DID
16 YOU NOT, IN CONNECTION WITH YOUR WORK FOR MR. FONSECA?

17 A. NO, SIR, I DID NOT.

18 Q. DIDN'T YOU IN A SEPTEMBER 26, 1989 STATEMENT TO CERTAIN
19 D.E.A. REPRESENTATIVES SAY IN RELATIONSHIP TO TRYING TO GET
20 BACK SOME RADIOS AT MR. FONSECA'S REQUEST, I QUOTE, "I SHOT
21 HIM", END QUOTE.

22 DID YOU SAY THAT?

23 A. NO, SIR, I DID NOT. THERE HAS BEEN A DISCUSSION WITH THE
24 D.E.A. AND MYSELF ABOUT THE TRANSCRIPTION OF THAT TAPE. I'M
25 NOT -- I DO NOT -- THAT IS BADLY TRANSCRIBED. THOSE ARE NOT MY

1 WORDS.

2 MR. CARLTON: EXCUSE ME, MR. MEDVENE. MAY WE HAVE A
3 PAGE REFERENCE OF THAT?

4 MR. MEDVENE: YES. IT'S PAGE 21 OF 59. IT IS TEN
5 LINES DOWN, THE LAST THREE WORDS. "I SHOT HIM."

6 BY MR. MEDVENE:

7 Q. DID YOU SAY, SIR, ON THAT A OCCASION: "THERE WERE 50
8 PEOPLE WAITING FOR US WITH GUNS. I SHOT HIM.?"

9 A. I SAID THERE WERE 50 PEOPLE WAITING FOR US WITH GUNS.
10 YES, I DID SAY THAT.

11 Q. SO THEY GOT THAT PART RIGHT?

12 A. I BELIEVE SO.

13 Q. THE FIRST PART.

14 A. THIS CONVERSATION WAS TRANSCRIBED IN A CAR, DRIVING DOWN
15 THE HIGHWAY. I WAS SITTING IN THE BACK SEAT. I'M NOT -- I'M
16 NOT CONTENT WITH THE WAY IT WAS TRANSCRIBED.

17 I DON'T THINK IT WAS PROPERLY TRANSCRIBED.

18 Q. WHAT WAS THE REASON YOU LEFT THE UNITED STATES FOR MEXICO
19 IN 1968?

20 A. SEEK BROADER HORIZONS, KNOW ANOTHER COUNTRY.

21 Q. WERE YOU EVER IN THE MILITARY?

22 A. NO, I WAS NOT.

23 Q. DID YOU EVER WORK IN ANY CAPACITY FOR ANY AGENCY OF THE
24 U.S. GOVERNMENT?

25 A. NO, I DID NOT.

1 Q. PRIOR TO WHATEVER AFFILIATION YOU HAVE WITH THE D.E.A. AT
2 THIS TIME?

3 A. NO, SIR.

4 Q. IS IT TRUE, SIR, THAT YOU -- STRIKE THAT.

5 IF YOU HAD, IS THAT THE KIND OF THING YOU WOULD TELL
6 US HERE TODAY?

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

8 THE COURT: SUSTAINED.

9 BY MR. MEDVEVE: ---

10 Q. IS IT CORRECT, SIR, THAT YOU KNOW AND ARE FAMILIAR WITH
11 ALL OF CARO QUINTERO'S MAIN PEOPLE?

12 A. I KNEW THEM WHEN THEY BROUGHT RADIOS TO MY HOUSE TO HAVE
13 THEM REPAIRED?

14 Q. YOU KNEW ERNESTO FONSECA'S MAIN GROUP, THE MAIN PEOPLE HE
15 RELIED ON; DID YOU NOT?

16 A. YES, SIR. I DID.

17 Q. AND WOULD YOU IDENTIFY THEM?

18 A. SOME OF THEM I COULD IDENTIFY. NOT ALL OF THEM WERE
19 IDENTIFIED TO ME BY NAME, SIR.

20 Q. JAVIER BARBA HERNANDEZ?

21 A. YES, I COULD IDENTIFY HIM.

22 Q. SAMUEL RAZO RAMIREZ?

23 A. YES, I CAN IDENTIFY SOMEONE.

24 Q. I'M SORRY?

25 A. I CAN IDENTIFY MR. RAZO RAMIREZ OR RAMIREZ RAZO, AS I KNEW

1 HIM.

2 Q. PEPE?

3 A. YES, I CAN IDENTIFY HIM.

4 Q. DO YOU KNOW HIS LAST NAME?

5 A. NO, I DO NOT.

6 Q. CARLOS *CAZARAS.

7 A. CARLOS CAZARAS, YES, I COULD IDENTIFY HIM.

8 Q. COMANDANTE MOLINA?

9 A. YES, I COULD IDENTIFY HIM.

10 Q. YOU KNEW THESE PEOPLE?

11 A. DID I KNOW THEM? YES, SIR, I KNEW THEM.

12 Q. YOU DEALT WITH THEM?

13 A. YES, I WORKED FOR THEM, SIR.

14 Q. YOU KNEW SOME OF THE MAIN PEOPLE OF FELIX GALLARDO; IS
15 THAT CORRECT?

16 A. YES, SIR, THAT'S TRUE.

17 Q. COULD YOU IDENTIFY ANY OF THE OTHERS IN FONSECA'S MAIN
18 GROUP?

19 A. YES, I COULD IDENTIFY OTHER MEMBERS OF HIS GROUP.

20 Q. YOU'VE LISTED, IN ADDITION TO BARBA HERNANDEZ AND SAMUEL
21 RAZO RAMIREZ, JESUS *GALVAZ. IS HE ANOTHER PERSON?

22 A. YES.

23 MR. CARLTON: PAGE REFERENCE, PLEASE?

24 MR. MEDVENE: 14 OF 59.

25 BY MR. MEDVENE:

1 Q. NOW, YOU TOLD US, SIR, OF A SERIES OF CONVERSATIONS IN
2 1989 WITH A COMANDANTE WHOSE NAME YOU CANNOT RECALL.

3 IN ANY OF THOSE CONVERSATIONS, DID YOU TELL THAT
4 COMANDANTE, AS YOU TOLD US YESTERDAY, THAT YOU HAD NO PERSONAL
5 KNOWLEDGE OF THE PLANNING FOR OR ACTUAL KIDNAPPING OF ENRIQUE
6 CAMARENA?

7 A. WE DID NOT DISCUSS THE CASE, SIR.

8 Q. SO THE ANSWER IS YOU DID NOT TELL HIM?

9 A. NO, I DID NOT.

10 Q. WITH RESPECT TO THAT SAME INDIVIDUAL, DID YOU TELL HIM, AS
11 YOU TOLD US YESTERDAY, THAT YOU HAD NO PERSONAL KNOWLEDGE OF
12 ANY INVOLVEMENT OF ANY KIND BY MR. ZUNO IN THE PLANNING AND
13 ACTUAL KIDNAPPING OF ENRIQUE CAMARENA?

14 A. WE DID NOT DISCUSS THE CASE, SIR.

15 Q. WHEN YOU SPOKE TO GARATE BUSTAMANTE ON THE SEVERAL
16 OCCASIONS YOU TOLD US YOU SPOKE TO HIM BEFORE COMING TO THE
17 UNITED STATES, DID YOU TELL HIM WHAT YOU TOLD US YESTERDAY,
18 THAT YOU HAD NO PERSONAL KNOWLEDGE OF ANY KIND OF ANY
19 INVOLVEMENT BY MR. ZUNO IN THE PLANNING FOR AND THE ACTUAL
20 KIDNAPPING OF ENRIQUE CAMARENA?

21 A. ON THE TWO OR THREE OCCASIONS I TOLD YOU I SPOKE TO
22 MR. GARATE BEFORE COMING HERE TO THE UNITED STATES, WE DID NOT
23 DISCUSS ANY ASPECT OF THIS CASE. WE NEVER GOT INTO THAT.

24 Q. SINCE, AGAIN, AS YOU'VE TOLD US, YOU HAD NO PERSONAL
25 KNOWLEDGE WITH RESPECT TO THE ACTUAL PLANNING AND KIDNAPPING OF

1 ENRIQUE CAMARENA, DID YOU ASK EITHER THE COMANDANTE OR
2 MR. GARATE WHAT INFORMATION THE D.E.A. WANTED YOU TO GIVE?

3 A. NO, I DID NOT. THAT WAS NOT -- THE ONLY THING I DISCUSSED
4 WITH THEM WAS COMING TO THE UNITED STATES.

5 Q. EXCUSE ME, SIR.

6 A. THEY ASKED ME TO COME. THEY DID NOT DISCUSS THE CASE OR
7 WHY THEY WANTED ME TO COME, THEY JUST SAID WOULD YOU COME TO
8 THE UNITED STATES. THAT'S ALL.

9 Q. YOU TOLD US YESTERDAY THAT YOU FIRST MET -- STRIKE THAT.
10 IS IT TRUE THAT WHEN YOU CAME TO THE UNITED STATES IN
11 APPROXIMATELY SEPTEMBER OF 1989, THE FIRST GOVERNMENT
12 REPRESENTATIVE YOU MET WAS MR. BERRELLEZ OF THE D.E.A.?

13 A. YES, THAT'S TRUE.

14 MR. CARLTON: OBJECTION. ASKED AND ANSWERED.

15 THE COURT: SUSTAINED.

16 BY MR. MEDVENE:

17 Q. YOU'VE TOLD US THAT YOU MET HIM AT THE BORDER AND HAD A
18 HAMBURGER WITH HIM. WAS THERE ANY DISCUSSION AT THAT TIME
19 ABOUT THE FACT THAT, AS YOU HAD INDICATED, YOU HAD NO KNOWLEDGE
20 OF ANY INVOLVEMENT BY MR. ZUNO IN THE PLANNING OR THE
21 KIDNAPPING OF ENRIQUE CAMARENA?

22 MR. CARLTON: OBJECTION. ASKED AND ANSWERED.

23 THE COURT: SUSTAINED.

24 MR. MEDVENE: I DIDN'T ASK THAT QUESTION, YOUR HONOR.

25 THE COURT: GO AHEAD.

1 BY MR. MEDVENE:

2 Q. YOU TOLD US YESTERDAY THE FIRST TIME THAT YOU MENTIONED
3 MR. ZUNO WAS TO MR. MEDRANO.

4 COULD YOU TELL US, ON THE FIRST OCCASION YOU MET WITH
5 MR. BERRELLEZ, WHAT DISCUSSION DID YOU HAVE?

6 A. HE ASKED ME WHAT I WANTED TO EAT.

7 Q. ALL RIGHT, SIR.

8 A. WE WENT TO A HAMBURGER PLACE AND HAD HAMBURGERS. WE
9 DISCUSSED WHAT TRAVEL ARRANGEMENTS WE WOULD MAKE TO COME TO
10 LOS ANGELES. HE TOLD ME THAT HE WANTED ME TO SPEAK TO THE U.S.
11 ASSISTANT DISTRICT ATTORNEY.

12 WE TALKED IN GENERAL. ON THE WAY, ON THE AIRPLANE,
13 HE ASKED ME -- HE SAID THAT HE KNEW I WORKED FOR ERNESTO
14 FONSECA. WE TALKED ABOUT VERY GENERAL THINGS.

15 HE DID NOT GET INTO A SPECIFIC INTERROGATION OF MY
16 KNOWLEDGE UNTIL WE ARRIVED AT LOS ANGELES. THAT WAS IN THE
17 PRESENCE OF MR. MEDRANO'S OFFICE AND HE WAS JUST SITTING IN.

18 Q. NOW, WAS THERE ANYONE ELSE -- I TAKE IT, THEN, YOU TOOK A
19 PLANE FROM THE BORDER TO LOS ANGELES; IS THAT CORRECT?

20 A. WE TOOK A PLANE, IF I REMEMBER CORRECTLY, FROM TUCSON OR
21 PHOENIX. I'M NOT SURE WHICH ONE. WE DROVE TO EITHER TUCSON OR
22 PHOENIX AND TOOK A PLANE TO LOS ANGELES. I BELIEVE IT WAS
23 TUCSON.

24 Q. SO YOU CAME IN AT THE BORDER WHERE?

25 A. NOGALES, ARIZONA, SIR.

1 Q. AND YOU DROVE FROM THERE TO TUCSON OR PHOENIX?

2 A. YES, SIR.

3 Q. DO YOU REMEMBER WHICH.

4 A. I BELIEVE IT WAS TUCSON.

5 Q. HOW LONG A DRIVE IS THAT?

6 MR. CARLTON: OBJECTION. IRRELEVANT.

7 THE COURT: OVERRULED. YOU MAY ANSWER.

8 THE WITNESS: I THINK IT WAS A COUPLE OF HOURS.

9 BY MR. MEDVENE:

10 Q. AND THEN A PLANE RIDE TO LOS ANGELES ABOUT ANOTHER HOUR?

11 A. I BELIEVE THAT'S TRUE, YES.

12 Q. AND YOU HAD TO WAIT A PERIOD OF TIME WHEN YOU GOT TO THE
13 AIRPORT AT TUCSON BEFORE THE PLANE CAME?

14 A. YES, THAT'S TRUE.

15 Q. ABOUT HOW LONG?

16 A. THEY HAD VARIOUS WAITING PERIODS. WE CHECKED INTO THE
17 D.E.A. OFFICE AT THE FIRST PLACE WE MET. THEY HAD AN OFFICE
18 CLOSE TO THE AIRPORT. WE CHECKED INTO THE D.E.A. OFFICE IN
19 NOGALES, ARIZONA. THERE WERE A NUMBER OF WAITING PERIODS.

20 Q. SO IS IT CORRECT THEN YOU WENT FROM THE BORDER WITH
21 MR. BERRELLEZ IN A CAR TO A D.E.A. OFFICE IN NOGALES?

22 A. YES, THAT'S TRUE.

23 Q. AND HOW LONG WERE YOU AT THE D.E.A. OFFICE IN NOGALES?

24 A. I THINK I WAS THERE IS ABOUT 40 MINUTES.

25 Q. AND DID YOU SPEAK WITH ANYONE THERE?

1 A. NO, I WAS SITTING IN SOMEBODY'S OFFICE AND EVERYBODY ELSE
2 WAS TALKING SOMEWHERE ELSE. I WAS BY MYSELF.

3 Q. AND THEN YOU WENT FROM THAT OFFICE TO THE AIRPORT?

4 A. YES, I REMEMBER -- I THINK WE DID. I THINK WE WENT TO THE
5 HAMBURGER PLACE FIRST AND THEN WE WENT TO THE AIRPORT.

6 Q. WOULD IT BE FAIR TO SAY -- STRIKE THAT.

7 WHEN YOU ARRIVED IN LOS ANGELES, APPROXIMATELY WHAT
8 TIME WAS THAT?

9 A. IT WAS IN THE LATE AFTERNOON.

10 Q. APPROXIMATELY WHAT TIME?

11 A. I WOULD SAY ABOUT 6:00 IN THE EVENING.

12 Q. AND WHERE DID YOU THEN GO?

13 A. IN WE WENT TO --

14 Q. DID YOU GO TO A HOTEL FIRST?

15 A. IN WE WENT TO A HOTEL, AND THEN WE WENT TO EAT.

16 Q. WHAT HOTEL?

17 A. I DON'T REMEMBER THE NAME OF FIRST ONE. IT WAS A KOREAN
18 HOTEL. I DON'T KNOW THE NAME OF IT.

19 Q. YOU WENT TO THE HOTEL, AND GOT THERE SOMETIME BETWEEN 6:00
20 AND 7:00?

21 A. SOMETIME IN THE LATE AFTERNOON, YES.

22 Q. THEN YOU WENT TO EAT AFTER THAT?

23 A. YES, SIR.

24 Q. AND THEN THE NEXT DAY, DO YOU GO TO THE U.S. ATTORNEY'S
25 OFFICE?

1 A. AS I REMEMBER, YES, IT WAS THE NEXT DAY.

2 Q. SO YOU DIDN'T GO THEN DIRECTLY FROM THE BORDER TO THE U.S.
3 ATTORNEY'S OFFICE THE SAME DAY?

4 A. NO, I DON'T THINK SO.

5 Q. NOW, WERE YOU WITH ANY AGENTS OTHER THAN MR. BERRELLEZ ON
6 THIS OCCASION WHEN YOU TRAVELED FROM THE BORDER, AND THEN
7 THROUGH THE SERIES OF STEPS TO GET YOU TO THE HOTEL IN LOS
8 ANGELES?

9 A. I BELIEVE WE WERE ACCOMPANIED BY OTHER AGENTS, YES.

10 Q. AND DO YOU REMEMBER THEIR NAMES?

11 A. NO, SIR, I DON'T KNOW THEM.

12 Q. WOULD IT BE FAIR TO SAY THAT MR. BERRELLEZ WAS WITH YOU
13 FOR APPROXIMATELY TEN HOURS OR SO THAT DAY FROM THE TIME HE
14 FIRST MET YOU UNTIL HE LEFT YOU OFF AT THE HOTEL?

15 A. I THINK THAT'S TOO MUCH TIME. I DON'T THINK IT WAS TEN
16 HOURS, BUT IT WAS PROBABLY FOUR OR FIVE HOURS.

17 Q. AND YOU GOT TO THE BORDER ABOUT WHEN?

18 A. I THINK WE GOT TO THE BORDER AROUND 3:00, BUT HE DIDN'T
19 ARRIVE AT THAT TIME. I WAS PROCESSED THROUGH THE BORDER. THEY
20 WERE STILL ON THEIR WAY IN A CAR.

21 AS FAR AS I COULD UNDERSTAND FROM THE RADIO REPORTS
22 THAT THE PEOPLE WERE RECEIVING AT THE BORDER, THEY WERE STILL
23 ON THEIR WAY IN A CAR FROM TUCSON. I BELIEVE THEY HADN'T
24 ARRIVED THERE YET.

25 Q. YOU SAY "THEY". WHO IS "THEY"; MR. BERRELLEZ AND WHO?

1 A. I DON'T KNOW. WHOEVER ELSE HE HAD IN THE CAR WITH HIM.

2 Q. SO THERE WAS SOMEBODY ELSE WITH HIM WHEN THEY TOOK YOU --

3 A. HE WAS ACCOMPANIED BY OTHER AGENTS, YES.

4 Q. SO THERE WAS SOMEBODY ELSE WITH HIM WHEN THEY TOOK YOU
5 FROM THE BORDER TO THE AIRPORT AT TUCSON; IS THAT CORRECT?

6 A. WHEN HE ARRIVED IN HIS CAR AT THE BORDER, THERE WAS
7 SOMEBODY ELSE WITH HIM, YES.

8 Q. NOW, DURING THESE FIVE OR MORE HOURS FROM THE TIME YOU
9 WERE PICKED UP AT THE BORDER UNTIL YOU WENT TO THE D.E.A.
10 OFFICE IN NOGALES AND YOU WAITED FOR PLANE AND GOT THE PLANE
11 AND WENT TO LOS ANGELES, YOU ATE, AND MR. BERRELLEZ TOOK YOU TO
12 THE HOTEL, HOWEVER MANY HOURS, WE KNOW BECAUSE YOU TOLD US
13 YESTERDAY YOU DIDN'T MENTION THAT YOU HAD ANY KNOWLEDGE ABOUT
14 MR. ZUNO.

15 I WOULD LIKE YOU TO TELL ME IN AS MUCH DETAIL AS YOU
16 CAN ALL THE QUESTIONS YOU WERE ASKED BY MR. BERRELLEZ OR ANY
17 OTHER D.E.A. AGENT AND WHAT YOU RESPONDED.

18 MR. CARLTON: OBJECTION, YOUR HONOR. CALLS FOR A
19 NARRATIVE RESPONSE. VAGUE, AMBIGUOUS AND COMPOUND.

20 THE COURT: OVERRULED.

21 THE WITNESS: ALL RIGHT. NUMBER ONE, I WAS IMPRESSED
22 BY MR. BERRELLEZ'S PROFESSIONALISM. WE -- I'M TRYING TO LET
23 YOU KNOW WHAT WE SAID, SO YOU KNOW THE CONTEXT. YOU'VE ASKED
24 FOR A LONG NARRATIVE. I DON'T WANT TO BORE ANYBODY WITH
25 EVERYTHING THAT WAS SAID.

1 DO YOU WANT ME TO TELL YOU EVERYTHING HE ASKED ME?
2 HE ASKED ME IF I WAS COMFORTABLE. HE ASKED ME IF I WANTED TO
3 PUT THE SEAT BACK. JUST TELL ME WHAT YOU WANT.

4 Q. SIR, I'M NOT INTERESTED IN THE SEAT. I'M NOT INTERESTED
5 IN DID YOU USE KETCHUP FOR YOUR HAMBURGER, SIR. I'M INTERESTED
6 IN WHAT -- YOU TOLD US YESTERDAY YOU DON'T MENTION ANY
7 KNOWLEDGE OF ZUNO, AND WHAT I WANT TO KNOW IS WHAT DOES HE ASK
8 YOU ABOUT DRUGS OR THE DRUG CARTEL OR THE KIDNAPPING OF MR.
9 CAMARENA AND WHAT DID YOU TELL HIM?

10 A. AS I TESTIFIED YESTERDAY, SIR, HE DID NOT ASK ME ABOUT THE
11 CASE. THAT'S WHAT I WAS TRYING TO TELL YOU ABOUT HIS
12 PROFESSIONALISM. HE INDICATED TO ME THAT THE ACTUAL INTERVIEW
13 ABOUT MY KNOWLEDGE OF THE CASE OR ANYTHING HE WANTED TO TALK TO
14 ME ABOUT WOULD BE DONE IN LOS ANGELES.

15 HE ABSTAINED FROM ASKING ME THOSE QUESTIONS. THAT'S
16 WHAT I WAS TRYING TO TELL YOU.

17 Q. SO DURING THIS FIVE OR SIX OR HOWEVER MANY HOURS, ARE YOU
18 TELLING US HERE THAT YOU DID NOT TELL HIM THAT YOU KNEW ERNESTO
19 FONSECA?

20 A. YES, I TOLD HIM THAT.

21 Q. DID YOU TELL HIM YOU KNEW CARO QUINTERO?

22 A. I DON'T RECALL. I PROBABLY DID.

23 Q. DID YOU TELL HIM YOU KNEW JAVIER BARBA HERNANDEZ?

24 A. I DON'T BELIEVE SO. I KNOW THAT HE MADE A GENERAL REMARK
25 TO ME THAT HE KNEW I HAD WORKED AT ERNESTO'S HOUSE.

1 Q. HE ASKED YOU WHAT YOU DID AT ERNESTO'S HOUSE; DID HE NOT?

2 A. NO. HE GAVE ME THE IMPRESSION HE ALREADY KNEW WHAT I HAD
3 DONE.

4 Q. DID YOU DISCUSS WITH HIM YOUR WORK WITH THE TRAFFICKERS?

5 A. NO, NO. MOSTLY WE DISCUSSED MY FAMILY AND WHETHER THEY'RE
6 STILL IN MEXICO, AND HOW I CAME UP AND THINGS LIKE THAT.

7 HE CAN DIDN'T ASK ME ABOUT THE CASE. HE REFRAINED
8 FROM ASKING ME ABOUT IT. HE INDICATED TO ME THAT HE WOULD ASK
9 ME THOSE THINGS IN A FORMAL SETTING IN LOS ANGELES, AND THAT'S,
10 IN FACT, WHAT TRANSPIRED.

11 Q. NOW, WAS THAT DIFFERENT FROM THIS CONVERSATION THAT YOU
12 TOLD US ABOUT THAT OCCURRED AT A LATER TIME IN A CAR WHERE YOU
13 WERE QUESTIONED AND SOMEHOW THE TRANSCRIPTION IS WRONG?

14 A. WELL, WHEN I WENT BACK TO MEXICO, I WAS DRIVEN BY CAR FROM
15 LOS ANGELES AS TO TUCSON, ARIZONA.

16 AND SO IN THE CAR I'M SITTING IN THE BACK SEAT AND
17 THE AGENT WAS SITTING IN THE FRONT SEAT. THAT'S WHERE THAT
18 TRANSCRIPTION WAS MADE. THE HIGHWAY NOISE MADE IT SO THAT I
19 COULDN'T HEAR SOME OF THE QUESTIONS.

20 AND BECAUSE I'M NOT CONTENT WITH THE WAY THE
21 TRANSCRIPTION -- I SAW THE TRANSCRIPTION AND MENTIONED TO THE
22 U.S. DISTRICT ATTORNEY SOMETIME AGO THAT THOSE WERE NOT -- THAT
23 WASN'T A CORRECT TRANSCRIPTION. AND I HADN'T SAID SOME OF THE
24 THINGS THAT ARE IN THERE, AND SOME OF THE THINGS THAT I HAD
25 SAID ARE NOT IN THERE, SO I FEEL IT WAS PROBABLY JUST THE

1 HIGHWAY NOISE.

2 I DIDN'T HEAR ALL THE QUESTIONS. THE AIR
3 CONDITIONING, THE CARS GOING BY -- IT WASN'T A VERY GOOD PLACE
4 TO CONDUCT AN INTERVIEW.

5 Q. DID YOU GO OVER WITH REPRESENTATIVES OF THE GOVERNMENT
6 WHERE THE TRANSCRIPTION WAS IN ERROR?

7 A. YES, I DID.

8 Q. AND THEY TOOK NOTES?

9 A. POINT BY POINT, ALSO IN THE GRAND JURY TESTIMONY. EVERY
10 POINT THAT I WAS NOT CONTENT ABOUT THAT I FELT WAS NOT A PROPER
11 TRANSCRIPTION OF WHAT I HAD SAID, I WENT OVER IT.

12 Q. AND THEY TOOK NOTES OF WHAT YOU SAID?

13 A. I BELIEVE SO.

14 MR. CARLTON: OBJECTION. IRRELEVANT.

15 THE COURT: SUSTAINED.

16 NEXT QUESTION.

17 BY MR. MEDVENE:

18 Q. SO WHEN THE STATEMENT YOU GAVE TO THE D.E.A. AGENTS --
19 STRIKE THAT.

20 THE D.E.A. AGENTS ASKED YOU A NUMBER OF QUESTIONS IN
21 THE CAR THAT YOU ANSWERED ABOUT YOUR DEALINGS WITH THE
22 TRAFFICKERS; IS THAT CORRECT?

23 A. YES, SIR.

24 Q. AND YOU ANSWERED?

25 A. YES, SIR.

1 Q. BUT YOU'RE TELLING US THAT ON THE INITIAL OCCASION WHEN
2 YOU WERE WITH THE D.E.A. REPRESENTATIVES FOR SOME FIVE OR SIX
3 OR MORE HOURS, THERE WAS NOT ONE QUESTION ASKED YOU ABOUT WHAT
4 YOU WERE DOING IN MEXICO WITH THE TRAFFICKERS OR WHAT
5 INFORMATION YOU MIGHT HAVE THAT MIGHT BE HELPFUL IN A
6 GOVERNMENT INVESTIGATION; IS THAT YOUR TESTIMONY, SIR?

7 A. MY TESTIMONY IS THAT I UNDERSTOOD

8 MR. CARLTON: OBJECTION, YOUR HONOR.

9 THE COURT: SUSTAINED. JUST A MOMENT. THE OBJECTION
10 IS SUSTAINED.

11 YOU KEEP ASKING THE SAME QUESTIONS, COUNSEL.

12 BY MR. MEDVENE:

13 Q. WITH RESPECT TO THE TRAFFICKERS OR ANY INFORMATION YOU HAD
14 ABOUT THE GOVERNMENTAL INVESTIGATION, DO YOU REMEMBER ANYTHING
15 AT ALL THAT YOU SAID OTHER THAN THAT YOU WORK FOR ERNESTO
16 FONSECA?

17 MR. CARLTON: OBJECTION, VAGUE AS TO TIME FRAME.

18 THE COURT: OVERRULED.

19 BY MR. MEDVENE:

20 Q. I'M TALKING ABOUT THE TIME FRAME, SIR, FROM WHEN YOU'RE
21 FIRST PICKED UP THROUGH SIX OR MORE HOURS LATER TO WHEN YOU'RE
22 DROPPED OFF AT A HOTEL IN LOS ANGELES.

23 A. THE THING THAT STICKS OUT IN MY MIND IS THAT WE DIDN'T
24 TALK ABOUT THAT. THAT'S WHAT I REMEMBER.

25 Q. THERE IS NOT ONE THING YOU REMEMBER YOU SAID THAT HAD

1 ANYTHING TO DO WITH THE TRAFFICKERS OR KIDNAPPING OR ANYTHING;
2 IS THAT YOUR TESTIMONY?

3 A. THE KIDNAPPING -- THAT IS MY TESTIMONY. I REMEMBER BEING
4 IMPRESSED THAT HE DID NOT ASK ME THOSE THINGS THAT HE TOLD ME
5 WOULD BE DONE LATER IN FRONT OF THE U.S. DISTRICT ATTORNEY.

6 THE COURT: I DON'T WANT TO HEAR THIS AGAIN.

7 BY MR. MEDVENE:

8 Q. THE NEXT DAY, WAS THERE ANY DISCUSSION THAT DAY ABOUT WHAT
9 ARRANGEMENTS WOULD BE MADE WITH YOU IF YOU PROVIDED TESTIMONY?

10 A. NO. ABSOLUTELY NOT.

11 Q. WHEN DO YOU FIRST SEE ANY D.E.A. AGENTS, IF YOU DO, THE
12 FOLLOWING DAY?

13 A. SOMETIME IN THE MORNING.

14 Q. WHO DO YOU SEE AND WHERE?

15 A. I THINK MR. BERRELLEZ CAME AND PICKED ME UP AND TOOK ME TO
16 THE FEDERAL OFFICE BUILDING AND WE SPOKE WITH MR. MEDRANO.

17 Q. ANY CONVERSATION WITH MR. BERRELLEZ ON THE WAY OVER?

18 A. NO.

19 Q. AND THE DAY THAT YOU SPOKE TO MR. MEDRANO, WAS THAT THE
20 DAY THAT YOU TESTIFIED BEFORE THE GRAND JURY?

21 A. IT WAS EITHER THAT DAY OR THE NEXT DAY. IT WAS VERY CLOSE
22 IN TIME FRAME. SO MANY THINGS WERE HAPPENING, AND I WAS SO
23 UPSET ABOUT HAVING TO COME UP HERE, AND BEING IN FEAR OF GOING
24 BACK, AND WHAT WOULD HAPPEN TO MY FAMILY, THAT I'M REALLY NOT
25 CLEAR ON THE ACTUAL TIME FRAME. IT WAS WITHIN TWO DAYS, ONE OR

1 TWO DAYS, I GUESS.

2 VERY SHORTLY AFTER I SPOKE TO MR. MEDRANO I TESTIFIED
3 BEFORE THE GRAND JURY. THAT I DO KNOW.

4 Q. WHEN DID YOU HAVE THE -- WHEN DID YOU FIRST FIND OUT THAT
5 YOU COULD BE RELOCATED TO THIS COUNTRY?

6 A. THAT I COULD BE RELOCATED TO THIS COUNTRY, I KNEW FROM THE
7 VERY FIRST, BUT I REFUSED THAT OFFER.

8 Q. WHEN YOU SAY YOU KNEW FROM THE VERY FIRST, WHAT DO YOU
9 MEAN?

10 A. FROM THE VERY FIRST, AFTER I HAD SPOKEN TO THE U.S.
11 ATTORNEY, AFTER I HAD GIVEN THEM THE GRAND JURY TESTIMONY, I
12 WAS CAUTIONED THAT I SHOULD NOT GO BACK TO MEXICO. THEY ASKED
13 ME TO PLEASE NOT GO BACK TO MEXICO THEY TOLD ME THEY COULD NOT
14 GUARANTEE MY SAFETY.

15 Q. WERE YOU TOLD -- DID YOU KNOW AT THAT TIME THAT YOUR
16 FAMILY WOULD BE RELOCATED TO THE UNITED STATES IF YOU WANTED
17 THEM TO BE?

18 A. I INDICATED TO THEM THAT I COULDN'T EVEN CONSIDER THAT,
19 THAT I HAD TO GO BACK, BECAUSE --

20 Q. EXCUSE ME, SIR. MY QUESTION IS WERE YOU ADVISED THAT YOUR
21 FAMILY WOULD BE RELOCATED HER AT OR ABOUT THE TIME YOU
22 TESTIFIED BEFORE THE GRAND JURY?

23 A. NO, SIR.

24 Q. WHEN WAS THE FIRST TIME YOU WERE ADVISED OF THAT?

25 A. I THINK SOMETIME ON THE -- BEFORE I LEFT TO GO BACK TO

1 MEXICO THE FIRST TIME, THEY TOLD ME THAT THEY COULD ARRANGE FOR
2 MY ENTIRE FAMILY TO COME TO THE UNITED STATES.

3 BUT SINCE MY CHILDREN ARE CITIZENS, I DIDN'T THINK --
4 THEY COULD HAVE COME ANYWAY.

5 Q. THEY COULD HAVE COME WHENEVER THEY WANT?

6 A. MY CHILDREN ARE YOU UNITED STATES CITIZENS. THEY COULD
7 HAVE COME WHENEVER THEY WANT. SINCE MY WIFE IS AN AMERICAN
8 CITIZEN, SHE COULD COME ANYTIME SHE WANTED.

9 Q. WHEN WAS THE FIRST TIME YOU REALIZED YOU WERE GOING TO GET
10 PERIODIC PAYMENT OF MONEY?

11 A. WELL, THAT WAS NEVER DISCUSSED. THERE CAME A TIME WHEN I
12 WAS HERE --

13 Q. EXCUSE ME.

14 A. -- THAT I WAS TOLD NOT TO GO BACK TO MEXICO.

15 Q. EXCUSE ME, SIR. YOU HAVE TOLD ME THAT SEVERAL TIMES.

16 MY QUESTION TO YOU, SIR, IS WHEN IS THE FIRST TIME
17 YOU WERE TOLD, IF AT ALL, THAT YOU WERE GOING TO GET PERIODIC
18 PAYMENTS OF MONEY FROM THE D.E.A.?

19 A. I WAS NEVER TOLD THAT THEY WOULD BE PERIODIC. A PERSON
20 CAME TO THE HOTEL THAT I WAS LIVING IN AND GAVE ME A SUM OF
21 MONEY. THAT WAS THE FIRST TIME.

22 Q. WHEN WAS THAT?

23 A. THE FIRST TIME WAS -- MUST HAVE BEEN IN SEPTEMBER OF 1989.

24 Q. WAS IT AT AROUND THE TIME THAT YOU TESTIFIED BEFORE THE
25 GRAND JURY?

1 A. I BELIEVE IT WAS BEFORE THAT. IT WAS AROUND THAT TIME,
2 YES.

3 Q. YOUR BEST MEMORY IS BEFORE YOU TESTIFIED BEFORE THE GRAND
4 JURY, SOMEBODY CAME TO YOUR HOTEL ROOM AND GAVE YOU AN AMOUNT
5 OF MONEY?

6 A. YES, AND HAD ME SIGN A PAPER.

7 Q. NOW, HOW MUCH DID THEY GIVE YOU?

8 A. THEY GAVE ME THE TRAVEL EXPENSES THAT I HAD INCURRED
9 COMING UP. I THINK IT WAS \$2,000. I'M NOT SURE.

10 Q. IT COST YOU \$2,000 ON THE PLANE TO COME UP?

11 A. NO, SIR. BETWEEN THE AIRPLANE, THE OTHER EXPENSES,
12 WHAT -- THE TIME AWAY FROM MY WORK, THE CONTACTS THAT I DIDN'T
13 ATTEND, THEY DECIDED THAT WAS WHAT THEY WANTED TO GIVE ME.

14 I WAS SURPRISED TO GET THE MONEY. I DIDN'T KNOW
15 ABOUT THAT.

16 Q. NOW, AFTER THIS FIRST PAYMENT YOU RECEIVED -- STRIKE THAT.

17 THE FIRST PAYMENT YOU RECEIVED WAS PRIOR TO THE FIRST
18 TIME YOU MET MR. MEDRANO?

19 A. NO, NO, DEFINITELY NOT.

20 Q. WHEN WAS THE NEXT TIME YOU RECEIVED A PAYMENT?

21 A. THE NEXT TIME I CAME TO THE UNITED STATES, I BELIEVE.

22 Q. AFTER YOU TESTIFIED, DID YOU GO IMMEDIATELY BACK TO
23 MEXICO?

24 A. YES, I DID.

25 Q. HOW LONG WERE YOU IN MEXICO?

1 A. I THINK I WAS THERE FOR ANOTHER TWO OR THREE MONTHS.

2 Q. DID YOU LEAVE TO GO FROM THE UNITED STATES TO MEXICO A DAY
3 OR -- STRIKE THAT.

4 DID YOU LEAVE TO GO BACK TO MEXICO THE DAY AFTER YOU
5 TESTIFIED BEFORE THE GRAND JURY?

6 A. YES, I THINK I DID.

7 Q. AND IF YOU TESTIFIED BEFORE THE GRAND JURY ON SEPTEMBER 7
8 OF '89, THEN IS IT YOUR BEST RECOLLECTION YOU LEFT FOR MEXICO
9 THAT DAY?

10 A. I GUESS I DIDN'T. IF THAT INTERVIEW WAS GIVEN -- THE
11 INTERVIEW THAT YOU'RE SHOWING, THAT YOU SAY IS SEPTEMBER THE
12 29TH, THAT WAS THE DAY I WAS GOING BACK TO MEXICO.

13 Q. NO, SIR, I'M --

14 A. SO IF I TESTIFIED ON THE 7TH, THEN I DIDN'T GO BACK -- I
15 WAS HERE A COUPLE OF WEEKS, I GUESS.

16 Q. WELL, SIR, THE FIRST TIME YOU CAME AND MET MR. BERRELLEZ?

17 A. YES.

18 Q. AND HE TOOK YOU TO THE HOTEL; DO YOU REMEMBER THAT
19 OCCASION?

20 A. UH-HUH.

21 Q. HOW LONG WERE YOU HERE IN THE UNITED STATES PRIOR TO GOING
22 BACK TO MEXICO?

23 A. BY WHAT YOU'RE TELLING ME, I ASSUME IT MUST HAVE BEEN A
24 COUPLE WEEKS.

25 Q. AND WHERE DID YOU STAY DURING THAT COUPLE WEEKS?

1 A. IN A HOTEL.

2 Q. AND WERE YOU QUESTIONED ON A NUMBER OF OCCASIONS DURING
3 THAT COUPLE-WEEK PERIOD OF TIME?

4 A. YES, I BELIEVE I WAS.

5 Q. BY WHOM?

6 A. BY MR. WAYNE SCHMIDT.

7 Q. WHO IS THAT, SIR, OR HOW DID HE IDENTIFY HIMSELF?

8 A. I THINK HE'S A D.E.A. AGENT.

9 Q. DID HE QUESTION YOU HIMSELF?

10 A. YES.

11 Q. ON HOW MANY OCCASIONS?

12 A. I DON'T RECALL.

13 Q. I'M TALKING NOW ABOUT THE TIME BEFORE YOU TOOK THE CAR
14 RIDE?

15 A. YES.

16 Q. THAT'S THE PERIOD YOU HAVE IN MIND?

17 A. YES, SIR.

18 Q. ALL RIGHT. PRIOR TO THE CAR RIDE, DID YOU SPOKE TO
19 MR. SCHMIDT MORE THAN THREE TIMES OR LESS THAN THREE TIMES?

20 A. I THINK IT WAS AROUND THREE TIMES.

21 Q. ALL RIGHT. AND WAS HE THERE HIMSELF OR WITH ANOTHER
22 AGENT?

23 A. HE WAS THERE HIMSELF.

24 Q. AND HE TOOK NOTES OF WHAT YOU WERE SAYING?

25 MR. CARLTON: OBJECTION, YOUR HONOR. IRRELEVANT.

1 MR. MEDVENE: YOUR HONOR, IT'S RELEVANT --

2 THE COURT: OVERRULED.

3 THE WITNESS: HE SAID SOMETHING ABOUT WRITING IT UP
4 LATER. WHETHER HE TOOK NOTES OR NOT, OR WHETHER HE JUST
5 REMEMBERED IT, OR THE WAY THAT HE -- THE ACTUAL WAY HE WAS
6 GOING TO WRITE IT UP LATER, I DON'T KNOW.

7 BY MR. MEDVENE:

8 Q. ON EACH OCCASION HE MET WITH YOU FOR SEVERAL HOURS?

9 A. NO. AN HOUR, TWO HOURS MAX.

10 Q. AND HE DISCUSSED WHAT FACTS OR INFORMATION YOU HAD HAVING
11 TO DO WITH NARCOTIC TRAFFICKERS?

12 A. YES. HE ASKED GENERAL INFORMATION ABOUT THE TRAFFICKING
13 AND ORGANIZATIONS IN MEXICO, AND THE POLICE ORGANIZATIONS IN
14 MEXICO.

15 Q. NOW, WHEN YOU -- AT THE TIME YOU TESTIFIED IN FRONT OF THE
16 GRAND JURY IN EARLY SEPTEMBER, YOU HAD NOT TOLD ANYONE WITH THE
17 GOVERNMENT ANYTHING ABOUT ELECTRIFYING ANY GATES AT LOPE DE
18 VEGA OR TRYING TO OR GOING OVER TO ELECTRIFY THEM, HAD YOU?

19 JUST YES OR NO, SIR.

20 A. I BELIEVE I HAD, YES.

21 Q. YOU DIDN'T TESTIFY TO ANY OF THAT BEFORE THE GRAND JURY,
22 DID YOU?

23 MR. CARLTON: OBJECTION, YOUR HONOR. HE ONLY
24 RESPONDS TO QUESTIONS BEFORE THE GRAND JURY.

25 THE COURT: SUSTAINED.

1 BY MR. MEDVENE:

2 Q. WERE ANY NOTES MADE, SIR, WHEN YOU SPOKE TO
3 MR. MEDRANO? STRIKE THAT.

4 WHEN YOU SPOKE TO MR. MEDRANO FOR THE FIRST TIME, WHO
5 ELSE WAS PRESENT?

6 A. MR. BERRELLEZ.

7 Q. ABOUT HOW LONG DID THAT MEETING TAKE?

8 A. I THINK IT TOOK AN HOUR, PERHAPS AN HOUR. I WASN'T TAKING
9 THE TIME, BUT I THINK IT PROBABLY TOOK AN HOUR.

10 Q. WAS THAT THE ONLY MEETING YOU HAD WHERE YOU DISCUSSED
11 ANYTHING ABOUT THE CASE PRIOR TO THE TIME YOU TESTIFIED BEFORE
12 THE GRAND JURY?

13 A. AS FAR AS I KNOW, YES. AS FAR AS I REMEMBER, THAT WAS THE
14 ONLY MEETING.

15 Q. AND YOU OBSERVED MR. BERRELLEZ TAKING NOTES ON THAT
16 OCCASION; DID YOU NOT?

17 A. NO, I DID NOT.

18 Q. HE DIDN'T TAKE ANY NOTES?

19 A. I DON'T KNOW IF HE DID OR NOT. I WAS TALKING TO
20 MR. MEDRANO.

21 Q. MR. BERRELLEZ WAS RIGHT NEXT TO HIM, WASN'T HE?

22 A. HE WAS SITTING SLIGHTLY BEHIND ME ON ONE SIDE OF ME, AND I
23 WASN'T WATCHING HIM

24 Q. YOU HAVE NO IDEA IF HE TOOK ANY NOTES, SIR?

25 A. I DON'T RECALL THAT.

1 Q. NOW, YOU'VE TOLD US YOUR FIRST PAYMENT WAS PRIOR TO
2 TESTIFYING BEFORE THE GRAND JURY. WHEN WAS YOUR NEXT PAYMENT?
3 HOW LONG AFTER YOUR FIRST?

4 A. I THINK I TESTIFIED JUST THE OPPOSITE, SIR. THE NEXT
5 PAYMENT WAS HE GAVE ME MONEY TO GO BACK TO MEXICO. THEY PAID
6 THE HOTEL ROOM. I WOULD SIGN FOR THE MONEY AND THEN I WOULD
7 PAY FOR THE HOTEL ROOM MYSELF.

8 Q. EXCUSE ME, SIR. MY QUESTION IS WHEN WAS THE NEXT PAYMENT?

9 A. I'M TRYING TO REMEMBER. I DIDN'T JOT THESE DOWN THAT I
10 RECEIVED SO MUCH MONEY ON SUCH AND SUCH A DATE.

11 LIKE I SAID, I WAS SURPRISED TO EVEN GET THE MONEY.
12 I DIDN'T KNOW THEIR PROCEDURES.

13 I HAD TO PAY THE HOTEL ROOM OR IT HAD TO BE PAID, SO
14 THEY WOULD COME AND GIVE ME MONEY AND THEN HAVE ME PAY THE
15 HOTEL ROOM.

16 Q. HOW MUCH WAS THE HOTEL ROOM?

17 A. FOR ONE TIME IT WAS \$800.

18 Q. WAS THAT ON YOUR FIRST OCCASION THAT YOU CAME UP HERE?

19 A. YES.

20 Q. IS IT TRUE THAT ON THE FIRST OCCASION YOU WERE HERE THAT
21 YOU WERE PAID IN EXCESS OF \$8,000, THE FIRST OCCASION WHEN YOU
22 WERE UP HERE IN CONNECTION WITH TESTIFYING?

23 A. I DON'T REMEMBER THE ENTIRE AMOUNT. ON THE FIRST
24 OCCASION, WE PURCHASED SOME ELECTRONIC INSTRUMENTS BECAUSE I
25 HAD AGREED TO INSTALL A LISTENING STATION IN GUADALAJARA ON

1 BEHALF OF THE D.E.A.

2 I PURCHASED WITH SOME OF THE MONEY SOME OF THE
3 ELECTRONIC INSTRUMENTS THAT I NEEDED TO DO THAT.

4 SO THE ACTUAL -- WHAT PART OF IT WAS FOR -- I KNOW
5 THAT WHEN I GOT TO GUADALAJARA, I DIDN'T HAVE ANY MONEY. I DO
6 REMEMBER THAT.

7 Q. WHERE DID YOU INSTALL THIS LISTENING STATION?

8 A. IN MY OFFICE ON ARBOLERAS IN GUADALAJARA.

9 Q. AND THAT WAS A RECORDING MACHINE TO PICK UP ANY CALLS MADE
10 IN TO YOU?

11 A. NO.

12 Q. IT'S TO LISTEN TO WHAT?

13 A. RADIO FREQUENCIES, SIR.

14 Q. AND DID YOU MAKE TAPES OF WHAT YOU WERE ABLE TO PICK UP?

15 MR. CARLTON: OBJECTION, YOUR HONOR. IRRELEVANT.

16 THE WITNESS: IT HAD NOTHING TO DO WITH THIS CASE, TO
17 TELL YOU THE TRUTH.

18 (ANSWER GIVEN BEFORE RULING MADE ON THE OBJECTION.)

19 BY MR. MEDVENE:

20 Q. DID YOU RECEIVE IN EXCESS OF \$10,000 FOR YOUR PERSONAL
21 LIVING EXPENSES PRIOR -- FROM THE TIME YOU FIRST ARRIVED AT THE
22 BORDER UNTIL THE TIME YOU WENT BACK TO MEXICO?

23 A. I DON'T BELIEVE SO. I DON'T KNOW THE EXACT AMOUNT, SIR.

24 Q. YOU THEN WENT BACK TO MEXICO AND YOU WERE IN MEXICO FOR
25 SEVERAL MONTHS?

1 A. YES, SIR.

2 Q. AND THEN WHEN DID YOU COME BACK TO THIS COUNTRY?

3 A. THEY CONTACTED ME SOMEWHERE AROUND FEBRUARY, I BELIEVE,
4 AND TOLD ME THAT IT WAS URGENT THAT I COME UP.

5 Q. YOU RECEIVED MONIES WHILE IN MEXICO; DID YOU NOT?

6 A. NO, SIR, I DID NOT.

7 Q. DIDN'T YOU RECEIVE CERTAIN MONIES IN OCTOBER OF 1989 FROM
8 THE D.E.A.?

9 A. I DIDN'T RECEIVE ANY MONEY IN MEXICO AT ALL. I LIVED ON
10 MY OWN EARNINGS IN MEXICO.

11 Q. DID YOU RECEIVE, ONE WAY OR ANOTHER, \$2,000 ON OCTOBER 3RD
12 OF 1989?

13 A. I DON'T RECALL. I DON'T REMEMBER THAT. I KNOW THAT I
14 DIDN'T RECEIVE ANY MONEY IN MEXICO. I DIDN'T ASK FOR ANY MONEY
15 IN MEXICO.

16 (DISCUSSION HELD OFF THE RECORD BETWEEN MR. MEDRANO,
17 MR. CARLTON AND MR. MEDVENE.)

18 MR. MEDVENE: SORRY, YOUR HONOR.

19 THE PARTIES, YOUR HONOR, CAN STIPULATE THAT PAYMENTS
20 WERE MADE ON THIS MAN'S BEHALF ON OCTOBER 3RD OF 1989 OF \$2,000
21 AND OCTOBER 17 OF 1989 OF \$1,000.

22 THE COURT: IS THAT A STIPULATION?

23 MR. CARLTON: YES, IT IS, YOUR HONOR.

24 THE COURT: YOU MAY ACCEPT THAT AS A FACT.

25 BY MR. MEDVENE:

1 Q. NOW, WHEN, TO YOUR KNOWLEDGE, WERE OTHER MONIES PAID TO
2 YOU?

3 A. I WAS PAID EACH TIME I CAME TO THE UNITED STATES. IF I
4 REMEMBER CORRECTLY, I CAME TO THE UNITED STATES TWICE. AND
5 SINCE THAT TIME, THE LAST TIME I CAME, THEY STRONGLY ADVISED ME
6 NOT TO RETURN.

7 Q. YOU TOLD US THAT A BUNCH OF TIMES. YOU GOT IT OUT.

8 A. YOU ASKED A BUNCH OF TIMES.

9 Q. I'M TRYING TO FIND OUT WHAT MONIES YOU GOT AND WHEN YOU
10 GOT THEM.

11 A. I HAVEN'T KEPT A RECORD OF THESE MONIES. I'M TRYING TO
12 REMEMBER --

13 THE COURT: COUNSEL, IF YOU HAVE A RECORD OF WHAT
14 MONEY WAS PAID AND WHEN, WHY NOT GET AN AGREEMENT FROM COUNSEL
15 AND JUST STIPULATE TO IT?

16 MR. MEDVENE: YES, SIR.

17 (DISCUSSION HELD OFF THE RECORD BETWEEN MR. MEDVENE,
18 MR. MEDRANO, MR. CARLTON AND AGENT DOUGLAS KUEHL.)

19 MR. MEDVENE: THE PARTIES WILL STIPULATE THAT
20 SEPTEMBER 8, 1990, \$3,000; SEPTEMBER -- EXCUSE ME. I
21 APOLOGIZE. YOUR HONOR.

22 FEBRUARY 8 OF '90, \$3,000; FEBRUARY 14 OF '90,
23 \$2,000; FEBRUARY 15 OF '90, \$1,000; FEBRUARY 21 OF '90, \$2,000.

24 THE COURT: IS THAT THE STIPULATION?

25 MR. MEDRANO: NO, YOUR HONOR. THE PAYMENTS WERE MADE

1 ON THE WITNESS'S BEHALF ON THE DATES AND AMOUNTS INDICATED BY
2 COUNSEL. THAT'S THE STIPULATION.

3 THE COURT: DO YOU ACCEPT THAT?

4 MR. MEDVENE: YES, TO START WITH.

5 THE COURT: YOU MAY ACCEPT THOSE FACTS AS BEING TRUE.

6 BY MR. MEDVENE:

7 Q. SINCE FEBRUARY 21, BETWEEN THAT DATE AND NOW, YOU WERE
8 PAID MONIES; IS THAT CORRECT?

9 A. YES. THEY GIVE ME MONEY EVERY MONTH.

10 Q. AND HOW MUCH DID YOU GET EVERY MONTH?

11 A. \$3,000, PLUS A \$500 ALLOWANCE FOR RENT.

12 Q. SO \$3,500 DOLLARS A MONTH?

13 A. THE LAST TWO MONTHS HAVE BEEN \$3,500. THE FIRST ONE WAS
14 \$3,000.

15 Q. WHAT WERE YOU TOLD ABOUT HOW LONG THE PAYMENTS WOULD
16 CONTINUE?

17 A. I HAVEN'T BEEN TOLD ANYTHING. IT'S MUCH LESS MONEY THAN
18 WHAT I'M ACCUSTOMED TO MAKE AND THE TRUTH IS I DIDN'T ASK FOR
19 IT.

20 Q. THE QUESTION IS WHAT WERE YOU TOLD ABOUT HOW LONG THE
21 PAYMENTS WOULD CONTINUE? AND YOUR ANSWER IS YOU WERE TOLD
22 NOTHING; IS THAT YOUR ANSWER?

23 A. THAT IS RIGHT. THAT'S MY ANSWER.

24 I HAVEN'T ASKED.

25 Q. YOU JUST TAKE IT WHEN IT'S GIVEN TO YOU?

1 A. I'M NOT OUT OF WORK, SIR. I CAN WORK. I'LL GO OUT AND
2 MAKE MY OWN MONEY, I DON'T --

3 Q. YOU'VE TOLD US THAT AFTER SEPTEMBER YOU WENT TO MEXICO FOR
4 ABOUT THREE MONTHS. WHEN DID RETURN TO THIS COUNTRY?

5 A. IN FEBRUARY OF THIS YEAR.

6 Q. AND YOU HAVE BEEN HERE CONTINUALLY SINCE THAT TIME?

7 A. YES.

8 Q. YOU MADE REFERENCE, SIR, TO A MEETING, A CARO QUINTERO
9 BIRTHDAY PARTY?

10 A. YES, SIR. IT WAS A BIRTHDAY PARTY, NOT A MEETING.

11 Q. A BIRTHDAY PARTY. WAS ANYBODY RESIDING AT THE HOUSE THAT
12 THAT PARTY OCCURRED AT?

13 A. NO, SIR, NOBODY WAS RESIDING THERE THAT I KNEW OF. THE
14 HOUSE WAS VACANT.

15 Q. NOW, IS IT CORRECT, SIR, WHEN ASKED WHO WAS ATTENDING THE
16 PARTY BEFORE THE GRAND JURY, YOU DID NOT INDICATE FELIX
17 GALLARDO WAS THERE; IS THAT CORRECT, SIR?

18 A. I DON'T REMEMBER BEING ASKED.

19 Q. YOU SAID YESTERDAY HE WAS THERE; DID YOU NOT, SIR?

20 A. YES, HE WAS THERE.

21 Q. I'LL READ FROM THE SEPTEMBER 7TH 1989 GRAND JURY TESTIMONY
22 AT PAGE AT PAGE 11, LINE 20 THROUGH PAGE 12, LINE 6.

23 "Q. NOW, WHO WAS PRESENT AT THIS PARTY IN NOVEMBER OF '83?

24 "A. WELL, THERE WERE MANY PEOPLE PRESENT AT THE PARTY. AT
25 LEAST 175, 200 PEOPLE --"

1 THE COURT: SLOW DOWN WHEN YOU READ.

2 MR. MEDVENE: YES, SIR.

3 "A. (CONTINUING) AT LEAST 175, 200 PEOPLE AT THE PARTY.
4 RAFAEL CARO QUINTERO, ERNESTO FONSECA, ERNESTO FONSECA'S
5 BROTHER, ALL OF THEIR HANGERS ON, ALMOST THE ENTIRE OFFICE OF
6 THE INVESTIGACION -- POLITICAL AND SOCIAL INVESTIGATION UNITS
7 OF THE FEDERAL GOVERNMENT, COMMANDING OFFICER OF THE FEDERAL
8 JUDICIAL POLICE, THE TOP DIRECTING OFFICERS OF THE STATE
9 JUDICIAL POLICE, MR. FONSECA'S BROTHER IN LAW, MR. CHARO. AND
10 I COULDN'T GO THROUGH -- "

11 AND YOU STOPPED.

12 SO WERE YOU ASKED BEFORE THE GRAND JURY WHO WAS
13 PRESENT; IS THAT CORRECT?

14 A. IF YOU READ MY ANSWER, I SAID I COULD NOT GO THROUGH ALL
15 OF THEM. IF YOU WANT TO KNOW THE WHOLE LIST, I THINK WE WOULD
16 BE HERE ALL DAY.

17 Q. DID YOU MAKE ANY NOTES OF ANY KIND AS TO WHO WAS PRESENT
18 AT THE PARTY, SIR?

19 A. NO, I DID NOT.

20 Q. DID YOU MAKE ANY NOTES OF ANY KIND EVER AS TO ANY EVENTS
21 THAT OCCURRED AT THE PARTY?

22 A. NO, I DID NOT.

23 Q. NOW, YOU TOLD US CARO QUINTERO GOT ON A HORSE; IS THAT
24 CORRECT?

25 A. YES, THAT'S CORRECT.

1 Q. AND WHAT KIND OF HORSE WAS IT?

2 A. I BELIEVE IT WAS PALAMINO, A STALLION.

3 Q. AND WHAT WAS HE DOING?

4 A. WELL, THIS HORSE HAD BEEN TAUGHT TO DANCE. IT WAS
5 PURCHASED FROM ANTONIO AGUILAR, FAMOUS MEXICAN RANCHERO.

6 Q. HE WAS DANCING ON THE HORSE?

7 A. HE WAS HAVING THE HORSE DANCE. THERE WAS A BAND PLAYING.
8 HE WAS SMOKING A BIG CIGARETTE.

9 Q. WHEN YOU FIRST SAW MR. ZUNO, YOU CLAIM YOU FIRST SAW HIM,
10 WAS MR. -- WAS CARO QUINTERO EXERCISING THE HORSE OR HAD HE
11 FINISHED?

12 A. HE WAS DANCING ON THE HORSE. HE WAS HAVING THE HORSE
13 DANCE.

14 Q. SO HE WAS STILL DANCING ON THE HORSE?

15 A. YES.

16 Q. DID YOU TELL GRAND JURY THAT HE HAD ALREADY FINISHED?

17 A. I DON'T BELIEVE SO.

18 Q. WHEN YOU FIRST SAW OR CLAIM YOU SAW MR. ZUNO, WAS HE STILL
19 UP ON THE HORSE OR HAD HE GOTTEN DOWN?

20 A. AT ALMOST THE SAME TIME THAT MR. ZUNO APPEARED AND BEGAN
21 TO WALK OVER TO MR. CARO QUINTERO, HE GOT OFF THE HORSE. AND
22 MR. ANTONIO AGUILAR'S HORSE TRAINER GOT UP ON THE HORSE, AND
23 JUST ABOUT THE TIME HE WAS DESCENDING, MR. ZUNO WAS ARRIVING
24 AND THEY EMBRACED. THAT'S ALL I REMEMBER.

25 Q. YOU TOLD THE GRAND JURY, DID YOU NOT, THAT HE HAD FINISHED

1 EXERCISING THE HORSE AND GOT OFF, AND THAT'S THE FIRST TIME YOU
2 SAW MR. ZUNO?

3 ISN'T THAT WHAT YOU TOLD THE GRAND JURY?

4 A. IF YOU'RE IMPLYING ON ORDER, SIR, NO.

5 Q. ALL RIGHT, SIR.

6 A. THESE THINGS ALL HAPPENED AT THE SAME TIME. IF YOU'RE
7 IMPLYING SOME TYPE OF ORDER IN TIME, NO, I DID NOT SAY THAT,
8 NOR DID I MEAN IT. IT ALL HAPPENED AT THE SAME TIME.

9 A PERSON ARRIVED, THEY BEGAN TO GO OVER TO THE HORSE,
10 SOMEBODY ELSE GOT OFF AND THEY EMBRACED.

11 Q. I READ FROM PAGE 12, LINE 24.

12 "WHEN HE FINISHED EXERCISING THE HORSE, HE GOT DOWN
13 OFF THE HORSE, AND AT THAT TIME I SAW MR. ZUNO."

14 THAT'S THROUGH LINE 13. DID YOU SAY THAT UNDER OATH
15 IN FRONT OF THE GRAND JURY?

16 MR. CARLTON: OBJECTION, YOUR HONOR. THE TESTIMONY
17 SPEAKS FOR ITSELF.

18 THE WITNESS: YES, I DID.

19 THE COURT: JUST A MOMENT. THE TESTIMONY SPEAKS FOR
20 ITSELF.

21 MR. MEDVENE: YES, YOUR HONOR.

22 BY MR. MEDVENE:

23 Q. NOW, DID YOU SEE THE PEOPLE SHAKE HANDS?

24 A. WELL, IN MEXICO ESPECIALLY, IF IT IS YOUR BIRTHDAY PARTY,
25 YOU DON'T SHAKE HANDS, YOU EMBRACE.

1 Q. EXCUSE ME, SIR. DID YOU SEE MR. ZUNO AND MR. QUINTERO
2 SHAKE HANDS?

3 A. YES, I DID SEE THEM SHAKE HANDS. THAT'S PART OF THE
4 ABRAZO. YOU UNDERSTAND WHAT THE ABRAZO IS? YOU PUT YOUR HANDS
5 AROUND EACH OTHER AND SHAKE HANDS. THAT'S PART OF THE WHOLE
6 THING. YOU CAN'T SEPARATE THEM.

7 Q. NOW, AT PARTIES LOTS OF PEOPLE SHAKE HANDS AND HAVE THIS
8 ABRAZO, THIS HUGGING; IS THAT CORRECT?

9 MR. MEDRANO: OBJECTION, YOUR HONOR. IT'S
10 ARGUMENTATIVE.

11 MR. MEDVENE: IF I MIGHT ASK YOU, YOUR HONOR --

12 THE COURT: IT IS NOT ARGUMENTATIVE, BUT IT DOESN'T
13 SEEM VERY RELEVANT IF LOTS OF PEOPLE DO IT.

14 IT IS NOT RELEVANT.

15 BY MR. MEDVENE:

16 Q. DO YOU REMEMBER ANYONE ELSE SHAKING HANDS OR HUGGING AT
17 THIS PARTY WITH 175 OR 200 PEOPLE?

18 MR. CARLTON: OBJECTION, IRRELEVANT.

19 THE COURT: SUSTAINED.

20 MR. MEDVENE: YOUR HONOR, I'M ENTITLED TO ASK WHY HE
21 REMEMBERS ONE INCIDENT OF HUGGING.

22 THE COURT: THEN YOU CAN ASK HIM THAT.

23 BY MR. MEDVENE:

24 Q. DO YOU REMEMBER ANYONE ELSE HUGGING AT THIS PARTY?

25 MR. CARLTON: OBJECTION, YOUR HONOR. THAT IS

1 IRRELEVANT. THAT'S NOT THE QUESTION HE SAID HE WOULD ASK.

2 THE COURT: SUSTAINED.

3 BY MR. MEDVENE:

4 Q. YOU DIDN'T SEE MR. ZUNO AND MR. QUINTERO ALLEGEDLY TALK
5 TOGETHER, DID YOU?

6 A. WHAT DO YOU MEAN BY TALK TOGETHER?

7 MR. CARLTON: OBJECTION. VAGUE AS TO TIME PERIOD.

8 THE COURT: OVERRULED.

9 BY MR. MEDVENE:

10 Q. ISN'T IT TRUE YOU DIDN'T SEE THEM TALK TOGETHER?

11 A. I SAW THEM EXCHANGE PLEASANTRIES WHEN THEY EMBRACED. I
12 MEAN, IF YOU GIVE SOMEBODY THE ABRAZO, YOU ALWAYS SAY
13 SOMETHING.

14 WHETHER THEY GOT TOGETHER AND HAD SOME KIND OF
15 DISCUSSION, I DIDN'T SEE THAT. NO, SIR.

16 Q. MY QUESTION IS IS IT CORRECT YOU DID NOT SEE THEM TALK
17 TOGETHER?

18 THE COURT: HE HAS ANSWERED THE QUESTION.

19 THE WITNESS: I DID SEE THEM TALK TOGETHER, SIR.

20 MR. MEDVENE: I READ, YOUR HONOR, FROM PAGE 13 OF THE
21 GRAND JURY TESTIMONY, LINE 3, THE LAST WORD, LINE 4: "I DIDN'T
22 SEE THEM TALK TOGETHER."

23 THE WITNESS: YOU HAVE TO DEFINE THAT.

24 BY MR. MEDVENE:

25 Q. DO YOU KNOW WHETHER MR. ZUNO HAD JUST ARRIVED?

1 A. NO. I DON'T KNOW THAT. I ASSUMED THAT HE HAD.

2 Q. I DIDN'T ASK YOU WHAT YOU ASSUMED, SIR. MY QUESTION IS DO
3 YOU KNOW WHETHER MR. ZUNO HAD JUST ARRIVED?

4 A. NO, I DON'T KNOW THAT.

5 Q. DID YOU SEE HIM COME?

6 A. NO, I DID NOT.

7 Q. DO YOU KNOW WHAT TIME HE GOT THERE?

8 A. IT WAS IN THE AFTERNOON.

9 Q. I READ FROM THE -- STRIKE THAT.

10 DID YOU TELL THE GRAND JURY YOU DID NOT KNOW WHAT
11 TIME HE GOT THERE?

12 A. I SAW HIM IN THE AFTERNOON.

13 Q. EXCUSE ME, SIR.

14 A. I DO NOT KNOW WHAT TIME HE GOT THERE.

15 MR. CARLTON: OBJECTION, YOUR HONOR. HE'S NOT
16 LETTING THE WITNESS ANSWER.

17 THE COURT: LET THE WITNESS ANSWER THE QUESTION.

18 BY MR. MEDVENE:

19 Q. MY QUESTION IS DID YOU TELL THE GRAND JURY YOU DID NOT NO
20 WHAT TIME HE GOT THERE? YES OR NO, SIR?

21 A. I PROBABLY DID. PLEASE DEFINE YOUR TERMS, SIR. THAT'S
22 ALL I'M ASKING YOU. AT THE TIME, I SAW HIM IN THE AFTERNOON.

23 Q. IS IT TRUE THAT YOU DIDN'T SEE HIM COME?

24 A. THAT'S TRUE; I DID NOT SEE HIM COME.

25 Q. YOU DIDN'T SEE HIM LATER?

1 A. I DID NOT SEE HIM LATER.

2 Q. SO YOU DIDN'T SEE HIM TALK, YOU DON'T SEE HIM COME, YOU
3 DIDN'T SEE HIM GO, YOU DON'T KNOW WHERE HE WENT, BUT YOU
4 REMEMBER OUT OF 200 PEOPLE THAT HE HUGGED MR. CARO QUINTERO.

5 MR. CARLTON: OBJECTION, YOUR HONOR. ARGUMENTATIVE.

6 THE COURT: YES. COUNSEL, YOU'RE MAKING AN ARGUMENT
7 HERE.

8 BY MR. MEDVENE:

9 Q. AND EVEN THOUGH YOU WERE SURPRISED TO SEE MR. ZUNO, YOU
10 DIDN'T GO OVER AND SAY HELLO TO HIM, DID YOU? YES OR NO, SIR?

11 DID YOU GO OVER AND SAY HELLO TO HIM?

12 A. NO, I DID NOT.

13 Q. NOW, YOU ALSO MADE SOME REFERENCE TO AN APPEARANCE BY
14 MR. ZUNO AT MR. FONSECA'S HOUSE?

15 A. THAT IS RIGHT.

16 Q. AND WHEN DID THAT PURPORTEDLY OCCUR?

17 A. THAT HAPPENED LATE IN 1983. I AM ASSUMING IT WAS IN
18 DECEMBER. AS I SAID, I DIDN'T WRITE DOWN THE DATES OR
19 ANYTHING. I WASN'T TRYING TO REMEMBER THESE THINGS.

20 Q. WHEN YOU SAY YOU WEREN'T TRYING TO REMEMBER THEM, YOU WERE
21 TOLD WHEN YOU MET WITH GOVERNMENT REPRESENTATIVES THAT EVEN
22 THOUGH YOU DIDN'T HAVE ANY KNOWLEDGE OF WHETHER MR. ZUNO
23 PARTICIPATED IN ANY WAY IN THE KIDNAPPING, THEY WANTED SOME
24 INFORMATION THAT ZUNO ALLEGEDLY HAD MET AT ONE POINT IN TIME
25 MR. FONSECA OR MR. QUINTERO; ISN'T THAT CORRECT?

1 MR. CARLTON: OBJECTION. COMPOUND. AMBIGUOUS.

2 THE WITNESS: NO, THAT'S NOT CORRECT.

3 THE COURT: OBJECTION OVERRULED. THE WITNESS'S
4 ANSWER MAY STAND.

5 THE WITNESS: NO, THAT'S NOT CORRECT.

6 BY MR. MEDVENE:

7 Q. SO EVEN THOUGH YOU DIDN'T TRY TO REMEMBER THE BRIEF TIME
8 YOU CLAIM SAW MR. ZUNO AT THIS BIRTHDAY PARTY, IN THE ONE HOUR
9 THAT YOU MET WITH THE GOVERNMENT, THAT JUST CAME OUT AND WAS
10 VOLUNTEERED BY YOU; IS THAT YOUR TESTIMONY?

11 A. NO, THAT'S NOT MY TESTIMONY.

12 MR. CARLTON: OBJECTION. ARGUMENTATIVE.

13 BY MR. MEDVENE:

14 Q. YOU KNEW THAT THE GOVERNMENT WANTED TO TRY TO GET SOME
15 EVIDENCE, SOMEBODY TO SAY THAT MR. ZUNO KNEW MR. QUINTERO,
16 MR. FONSECA AND MR. QUINTERO (SIC); ISN'T THAT TRUE?

17 A. NO, THAT'S NOT TRUE. I KNEW NOTHING ABOUT THAT.

18 Q. YOU HAD NO KNOWLEDGE OF THAT?

19 A. I HAD NO KNOWLEDGE WHAT THE CASE WAS WITH MR. ZUNO. THEY
20 ASKED ME: "HAVE YOU EVER SEEN MR. ZUNO?" AND I SAID: "YES."

21 AND I EXPLAINED THE TIMES THAT I HAD SEEN HIM.

22 THAT'S IT.

23 Q. WHETHER WAS MR. FONSECA'S HOUSE WHERE YOU CLAIM YOU SAW
24 MR. ZUNO?

25 A. IN THE COLONIAL LAS FUENTES IN GUADALAJARA. IT'S ACTUALLY

1 IN ZAPOPAN.

2 Q. WHERE IS THE HOUSE?

3 A. THE HOUSE IS LOCATED AT CIRCUMUALACION SUR 113, COLONIAL
4 LAS FUENTES.

5 Q. IS THAT THE HOUSE YOU TOLD US THE BIRTHDAY PARTY WAS A
6 TFOR CARO QUINTERO?

7 A. THAT'S WHERE I SAID I SAW HIM, SIR.

8 Q. ISN'T IT TRUE, SIR, THAT YOU TOLD THE GRAND JURY YOU DID
9 NOT SEE MR. ZUNO MEET MR. FONSECA AT THAT HOUSE, BUT YOU
10 CLAIMED IN FRONT OF THE GRAND JURY IT WAS SOME OTHER HOUSE;
11 ISN'T THAT TRUE, SIR?

12 A. NOPE.

13 Q. ALL RIGHT, SIR. GO TO PAGE 16 IN THE GRAND JURY
14 TRANSCRIPT. LINE 9 THROUGH LINE 17.

15 "Q. VERY WELL. NOW, LET ME TAKE YOU PAST THE DATE OF THAT
16 PARTY. SUBSEQUENTLY, DID YOU EVER HAVE AN OCCASION TO BE AT
17 THE HOUSE OR RESIDENCE OF ERNESTO FONSECA CARRILLO?

18 "A. YES.

19 "Q. WOULD THIS HAVE BEEN THE SAME RESIDENCE YOU DESCRIBED OR A
20 DIFFERENT HOUSE?

21 "A. IT IS A DIFFERENT HOUSE LOCATED ON -- AT THE CONFLUENCE OF
22 THE STREETS OF CUARZO AND OBSIDIA, THE RESIDENCE LA VICTORIA."

23 WERE YOU ASKED THOSE QUESTIONS AND DID YOU GIVE THOSE
24 ANSWERS; YES OR NO?

25 MR. CARLTON: OBJECTION, YOUR HONOR. HE'S TRYING TO

1 DICTATE THE ANSWER TO THE WITNESS.

2 THE COURT: YOU JUST READ THE QUESTION AND ANSWER.

3 MR. MEDVENE: YES, SIR. YES, SIR.

4 BY MR. MEDVENE:

5 Q. NOW, WHERE, SIR, IN THIS HOUSE DID THE ALLEGED MEETING
6 TAKE PLACE?

7 A. WHICH MEETING? WHICH HOUSE? I DON'T WANT TO CONFUSE THE
8 TWO INCIDENTS, AS YOU'RE DOING. TELL ME WHAT YOU'RE TALKING
9 ABOUT AND I'LL TELL YOU ABOUT WHICH ONE.

10 ONE WAS AT THE HOUSE ON LAS FUENTES, AND THE OTHER
11 WAS AT THE HOUSE ON CUARZO. TELL ME WHICH ONE YOU'RE REFERRING
12 TO AND I'LL TELL YOU WHAT YOU WANT TO KNOW.

13 Q. SIR, YOU'RE WELL AWARE THAT THERE WAS NO MEETING AT THE
14 CARO QUINTERO PARTY THAT YOU TOLD US ABOUT WITH MR. ZUNO AND
15 FONSECA; THAT IS CORRECT, IS IT NOT, SIR?

16 A. I DIDN'T SEE THE MEETING THERE.

17 Q. YES, SIR. NOW WE'RE TALKING ABOUT THE MEETING WITH MR.
18 FONSECA AND YOU HAVE TOLD US THAT IT WAS AT THIS HOUSE WHERE
19 THE PARTY WAS.

20 AND WE HAVE NOW GOTTEN TO THE POINT WHERE IN THE
21 GRAND JURY YOU SAID IT'S IN A DIFFERENT HOUSE. AND I'M ASKING
22 YOU, SIR, AT WHATEVER HOUSE YOU NOW CLAIM THIS MEETING WAS,
23 WHERE DID THE MEETING TAKE PLACE?

24 IN WHAT ROOM, SIR?

25 A. I'M SAYING NOW AS I HAVE SAID BEFORE --

1 Q. WHAT ROOM, SIR?

2 A. THE MEETING WITH MR. FONSECA OCCURRED AT MR. FONSECA'S
3 HOUSE IN HIS OFFICE. IF YOU WANT ME TO DESCRIBE WHERE HIS
4 OFFICE IS, I WILL.

5 Q. ALL RIGHT, SIR. SIR, WHAT TIME DOES MR. ZUNO ARRIVE?

6 A. IN THE AFTERNOON.

7 Q. APPROXIMATELY WHAT TIME?

8 A. I WOULD SAY AROUND 4:00 OR 5:00. I WAS BUILDING A
9 REPEATER IN THE KITCHEN.

10 THE COURT: YOU HAVE ANSWERED THE QUESTION.

11 BY MR. MEDVENE:

12 Q. YOU HAVE A DISTINCT MEMORY NOW AS YOU SIT HERE THAT FIVE
13 OR SO YEARS AGO, IN NOVEMBER OF '83, WHEN MR. ZUNO ARRIVED AT
14 THIS HOUSE, WHETHER YOU TOLD THE GRAND JURY OR NOT, YOU WERE IN
15 THE KITCHEN BUILDING A REPEATER; IS THAT YOUR TESTIMONY?

16 A. (WITNESS NODDING HEAD.)

17 MR. CARLTON: OBJECTION. ARGUMENTATIVE, COMPOUND AND
18 AMBIGUOUS.

19 THE COURT: YES, WE'VE HEARD HIS TESTIMONY. A
20 QUESTION ASKING A WITNESS WHAT HIS TESTIMONY IS IS NOT PROPER.

21 BY MR. MEDVENE:

22 Q. DO YOU HAVE ANY NOTES OF ANY KIND THAT YOU USED AS AN AID
23 SO YOU COULD YOU TELL US FIVE YEARS LATER THAT ON THIS
24 OCCASION, ABOUT 5:00 IN THE AFTERNOON, YOU WERE BUILDING A
25 REPEATER IN A KITCHEN FIVE YEARS AGO?

1 DO YOU HAVE ANY NOTES OF ANY KIND TO REMIND YOU?

2 A. NO, I JUST HAVE MY MEMORY.

3 Q. IS THIS THE SAME MEMORY THAT YOU DON'T REMEMBER HOW MANY
4 PAYMENTS YOU'VE GOTTEN FROM THE D.E.A.?

5 MR. CARLTON: OBJECTION. ARGUMENTATIVE.

6 THE COURT: SUSTAINED.

7 BY MR. MEDVENE:

8 Q. DO YOU REMEMBER HOW MANY PAYMENTS YOU'VE GOTTEN FROM THE
9 D.E.A., HOW MANY TIMES THEY HAVE GIVEN YOU MONEY?

10 MR. CARLTON: OBJECTION.

11 THE COURT: SUSTAINED. THE OBJECTION IS SUSTAINED BY
12 THE COURT. THAT'S ALREADY BEEN STIPULATED TO.

13 MR. MEDVENE: SOME OF THE PAYMENTS, NOT ALL OF THEM,
14 YOUR HONOR. WE ONLY HAVE THEM UP THROUGH FEBRUARY.

15 THE COURT: JUST ASK YOUR NEXT QUESTION.

16 BY MR. MEDVENE:

17 Q. HOW MANY PAYMENTS HAVE YOU RECEIVED AFTER FEBRUARY 21ST,
18 SIR?

19 A. I WAS IN AGREEMENT WITH THE PAYMENTS I HEARD STIPULATED TO
20 ON THAT PAPER. I BELIEVE I RECEIVED THOSE PAYMENTS.

21 Q. THAT'S UP TO FEBRUARY 21ST. YOU'VE BEEN PAID AFTER
22 FEBRUARY 21ST.

23 THE COURT: HE HAS ALREADY ANSWERED THAT QUESTION,
24 TOO. THAT'S HAS BEEN COVERED.

25 MR. MEDVENE: NOT THE AMOUNT OF PAYMENTS, YOUR HONOR.

1 THE COURT: IT HAS BEEN COVERED. GET BACK TO YOUR
2 HOUSE QUESTIONS; THAT'S WHAT THIS IS ALL ABOUT.

3 BY MR. MEDVENE:

4 Q. WAS MR. FONSECA IN HIS OFFICE ON THIS OCCASION?

5 A. YES, HE WAS.

6 Q. AND HOW DO YOU KNOW THAT IF YOU WERE BUILDING A REPEATER
7 IN SOME OTHER ROOM?

8 A. BECAUSE THE KITCHEN LOOKS DIRECTLY DOWN THE CORRIDOR OFF
9 OF WHICH THE OFFICE IS AND I COULD SEE HIM GOING IN AND OUT.

10 Q. SO WHILE YOU'RE BUILDING THE REPEATER, YOU JUST HAPPENED
11 TO BE LOOKING DOWN THE HALL AT MR. FONSECA'S OFFICE AND YOU SAW
12 HIM SITTING IN THERE; IS THAT TRUE?

13 A. THAT'S RIGHT. DID I SEE HIM SITTING IN HIS OFFICE? NO, I
14 SAW HIM GO INTO HIS OFFICE. YOU COULDN'T SEE INSIDE THE
15 OFFICE.

16 Q. WHEN DID YOU GO SEE HIM GO INTO THE OFFICE?

17 A. HE HAD BEEN THERE ALL DAY. HE HAD GONE IN THERE IN THE
18 MORNING AND HAD BEEN THERE ALL DAY.

19 Q. WAS ANYBODY IN HIS OFFICE WHEN MR. ZUNO ARRIVED?

20 A. THAT, I DON'T KNOW. I DON'T BELIEVE SO.

21 Q. ISN'T IT TRUE YOU TOLD THE GRAND JURY THERE WERE A LOT OF
22 PEOPLE IN THE OFFICE AND THEY HAD TO BE TOLD TO GET OUT OF THE
23 OFFICE?

24 ISN'T THAT WHAT YOU TOLD THE GRAND JURY UNDER OATH,
25 SIR?

1 A. EVERYBODY WAS TOLD --

2 Q. EXCUSE ME, SIR.

3 DID YOU TELL THE GRAND JURY, CONTRARY TO WHAT YOU
4 JUST SAID, THERE WERE A LOT OF PEOPLE IN MR. FONSECA'S OFFICE,
5 AND EVERYBODY HAD TO LEAVE WHEN MR. ZUNO CAME?

6 MR. CARLTON: OBJECTION, ARGUMENTATIVE. BADGERING
7 THE WITNESS.

8 THE COURT: THE OBJECTION IS SUSTAINED. RESTATE YOUR
9 QUESTION.

10 BY MR. MEDVENE:

11 Q. DID YOU TELL THE GRAND JURY, SIR, CONTRARY TO WHAT YOU
12 JUST SAID, THAT WHEN MR. ZUNO CAME EVERYBODY WAS TOLD TO GET
13 OUT OF MR. FONSECA'S OFFICE?

14 DID YOU SAY THAT UNDER OATH, SIR?

15 MR. CARLTON: OBJECTION, YOUR HONOR. THE TESTIMONY
16 SPEAKS FOR ITSELF.

17 THE COURT: IF YOU WISH TO READ IT, YOU MAY.

18 MR. MEDVENE: YES, SIR. I'LL READ IT.

19 MR. CARLTON: PAGE, PLEASE.

20 MR. MEDVENE: PAGE 18, LINES 3 AND 4, STARTING AT
21 LINE 2.

22 "I RECOGNIZED DON RUBEN. HE WAS LET INSIDE
23 IMMEDIATELY. EVERYBODY WAS TOLD TO GET OUT OF MR. FONSECA'S
24 OFFICE."

25 THE WITNESS: THAT IS TRUE. THE ORDER WAS GIVEN.

1 BY MR. MEDVENE:

2 Q. EXCUSE ME, SIR. THERE IS NO QUESTION.

3 NOW, YOU TOLD US -- STRIKE THAT.

4 COULD YOU TELL US IF MR. ZUNO, TO YOUR KNOWLEDGE, GOT
5 TO THE HOUSE THROUGH THE GARAGE OR GOT TO THE HOUSE SOME OTHER
6 WAY?

7 A. I SAW HIM COME IN THE WAY THAT WOULD ONLY HAVE BEEN LET IN
8 THROUGH THE DOOR THAT WAS ADJACENT TO THE GARAGE. THERE WAS
9 ALSO A FRONT DOOR, BUT HE DIDN'T COME IN THAT WAY.

10 Q. YOU'RE SURE OF THAT?

11 A. YES, I'M SURE OF THAT.

12 Q. DIDN'T YOU TELL THE GRAND JURY THAT HE RANG THE BELL AND
13 CAME IN THE DOOR?

14 A. I DIDN'T SAY HE RAN THE BELL, I SAID --

15 Q. YOU DIDN'T SAY HE RANG THE BELL?

16 A. I DIDN'T SAY HE RANG THE BELL. I SAID HE --

17 Q. ARE YOU SAYING YOU DIDN'T SAY IT OR YOU DON'T REMEMBER IF
18 YOU SAID IT?

19 MR. CARLTON: OBJECTION, YOUR HONOR. THE TESTIMONY
20 AGAIN SPEAKS FOR ITSELF.

21 THE COURT: NO, HE MAY ASK HIM WHAT HE SAID WITHOUT
22 REFERRING TO THE TESTIMONY.

23 BY MR. MEDVENE:

24 Q. DIDN'T YOU SAY IT UNDER OATH -- ARE YOU TESTIFYING
25 TODAY -- OR DIDN'T YOU?

1 HE RANG THE BELL?

2 A. I MEANT HE ASKED TO BE ADMITTED.

3 Q. I DIDN'T ASK YOU WHAT HE MEANT. DID YOU SAY HE RANG THE
4 BELL OR DIDN'T YOU?

5 A. I DON'T RECALL IF I SAID THAT OR NOT.

6 Q. BUT INSTEAD OF GOING THROUGH ON THIS PURPORTED MEETING,
7 THE GATE AND THE DOOR AND THE GARAGE, HE WENT TO THE DOOR AND
8 RANG THE BELL AND KNOCKED; WASN'T THAT WHAT YOU PREVIOUSLY SAID
9 UNDER OATH?

10 OR ARE YOU SAYING YOU DIDN'T SAY THAT?

11 THE COURT: HE HAS ANSWERED THAT. HE DOESN'T RECALL
12 IF HE SAID THAT, COUNSEL.

13 BY MR. MEDVENE:

14 Q. I READ FROM THE GRAND JURY TESTIMONY, PAGE 17, LINE 23
15 THROUGH PAGE 18, LINE 1:

16 "Q. AT ANY POINT DOES RUBEN ZUNO ARCE ARRIVE AT THIS HOUSE?"

17 "A. AROUND 5:00 OR 6:00 IN THE AFTERNOON, MR. ARCE KNOCKED AT
18 THE DOOR. RANG THE DOOR."

19 MR. MEDVENE: I HAVE NOTHING FURTHER, YOUR HONOR.

20 THE COURT: ANY REDIRECT EXAMINATION?

21 MS. KELLY: YES, I HAVE A FEW QUESTIONS.

22 MR. STOLAR: ARE WE GOING TO TAKE A RECESS THIS
23 MORNING?

24 THE COURT: I'LL LET YOU KNOW.

25 DO YOU HAVE ANY OTHER QUESTIONS?

REDIRECT EXAMINATION +

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BY MS. KELLY:

Q. GOOD MORNING, MR. HARRISON.

A. GOOD MORNING.

Q. MR. HARRISON, YOU WORKED FOR MR. FONSECA BECAUSE YOU WERE SPECIFICALLY ORDERED BY YOUR COMMANDING OFFICER TO DO SO?

A. YES.

Q. WERE YOU ORDERED TO ASSIST MR. FONSECA IN ANYTHING THAT HE ASKED YOU TO DO?

A. THAT WAS UNDERSTOOD.

Q. BUT YOU DIDN'T RECEIVE A SPECIFIC ORDER TO DO THAT?

A. NO. I WAS TOLD TO GO OVER AND REPORT TO HIM. WHEN YOU REPORT TO SOMEBODY, YOU HAVE TO DO WHAT THEY COMMAND YOU TO DO.

Q. AND YOU RECEIVED -- WHILE YOU WERE WORKING FOR MR. FONSECA, HE PAID YOU; IS THAT RIGHT?

A. I WAS PAID BY THE COMANDANTE, AND I WAS ALSO GIVEN MONEY ON OCCASION BY MR. FONSECA.

Q. AND IS THAT WHAT YOU TOLD THE D.E.A. OFFICERS DURING YOUR INTERVIEW AFTER YOU TESTIFIED BEFORE THE GRAND JURY?

A. I DON'T REMEMBER IF THEY ASKED ME THAT OR NOT. IF THEY ASKED ME THAT, THAT'S WHAT I TOLD THEM, YES.

Q. AND MR. FONSECA HAD A VALID CREDENTIAL THAT IDENTIFIED HIM AS YOUR SUPERIOR OFFICER; IS THAT RIGHT?

A. WELL, HE HAD A VALID CREDENTIAL IDENTIFYING HIMSELF AS AN AGENT-INVESTIGATOR, WHICH WOULD HAVE MADE HIM A SUPERIOR TO ME

1 BECAUSE I WAS JUST A RADIO TECHNICIAN.

2 Q. AND THAT CREDENTIAL WAS FROM THE I.P.S. AND NOT THE
3 D.F.S.; IS THAT RIGHT?

4 A. I UNDERSTAND HE HAD ONE FROM THE D.F.S. ALSO, BUT I SAW
5 THE ONE FROM THE I.P.S.

6 Q. DID YOU EVER SEE THE ONE FROM THE D.P.S.?(AS STATED)

7 A. HE TOLD ME THAT HE HAD IT, BUT I DIDN'T SEE IT.

8 Q. DID YOU BELIEVE THAT HE -- EXCUSE ME. STRIKE THAT.

9 DID YOU WITNESS ON MANY TIMES THAT HE COORDINATED AND
10 COOPERATED IN INVESTIGATIONS AND OPERATIONS THAT YOU KNEW WERE
11 SPECIFICALLY ORDERED BY THE DIRECTOR OF GUBERNACION? EXCUSE MY
12 PRONOUNCIATION.

13 A. THAT WAS ONE OF THE STATEMENTS THAT IS I WAS NOT -- I SAID
14 THE DIRECCION DE GUBERNACION. DIRECCION MEANS THE COMMANDING
15 OFFICER, IT DOESN'T MEAN THE ACTUAL DIRECTOR.

16 DIRECCION AND DIRECTOR ARE TWO DIFFERENT WORDS, AND
17 THAT'S ONE OF THE MISTRANSLATIONS THAT BOTHERED ME. I DID SEE
18 HIM COOPERATE IN INVESTIGATIONS AND IN OPERATIONS THAT I KNEW
19 TO BE ORDERED BY THE DIRECCION DE GUBERNACION, YES.

20 HE DID POLICE WORK AND HE ALSO DID OTHER THINGS.
21 THERE WAS A MIXTURE OF FUNCTIONS THERE.

22 Q. BUT HE DID DO POLICE WORK?

23 A. YES, MA'AM, HE DID.

24 Q. AND IT WAS YOUR COMMANDING OFFICER WHO TOLD YOU THAT
25 MR. FONSECA AND YOUR COMMANDING OFFICER WERE COMPANEROS?

1 A. YES, I SAID COMPANEROS.

2 Q. THAT MEANS THEY'RE WORKING IN THE SAME ORGANIZATION
3 TOGETHER?

4 A. COMPANEROS GENERALLY MEANS PARTNERS OR PEOPLE OF THE SAME
5 ORGANIZATION AS YOU ARE.

6 Q. AND --

7 A. A COLLEAGUE.

8 Q. I'M SORRY?

9 A. COLLEAGUE WOULD BE A BETTER TRANSLATION OF THAT WORD.

10 Q. IS IT MIGUEL NAZAR-HARO WHO WAS YOUR COMANDANTE?

11 A. HE WAS THE EVENTUAL COMANDANTE. HE WAS AT THE TOP OF THE
12 PILE. MY IMMEDIATE COMANDANTE AT THAT TIME WAS MR. SERGIO
13 ESPINO VERDIN.

14 Q. SO MR. NAZAR-HARO WOULD HAVE BEEN HIS COMANDANTE? "HIS"
15 BEING MR. ESPINO VERDIN?

16 A. HE WOULD HAVE BEEN UP THE LINE. MR. NAZAR-HARO HAD BEEN A
17 COMANDANTE, HAD BEEN PRESENT IN AN OPERATION THAT I WAS
18 INVOLVED IN IN MATAMOROS YEARS BEFORE.

19 Q. SO MR. NAZAR-HARO WAS A COMANDANTE IN THE I.P.S.?

20 A. NO, HE WAS IN D.F.S.

21 Q. WERE YOU ALSO IN D.F.S.?

22 A. I WORKED FOR A COMANDANTE IN THE D.F.S. IN THE BORDER AREA
23 IN 1982 AND THE LATER PART OF 1981 ON A VERY SMALL, PIECEMEAL
24 BASIS ON COMMUNICATION.

25 Q. AND TO YOUR KNOWLEDGE, WAS MR. NAZAR-HARO ASSOCIATED WITH

1 THE C.I.A. OF OUR GOVERNMENT?

2 MR. MEZA: OBJECTION, YOUR HONOR. RELEVANCE.

3 THE COURT: CALM DOWN.

4 (COURTROOM LAUGHTER.)

5 MR. MEDRANO: I'M SORRY, YOUR HONOR, TOO MUCH COFFEE
6 THIS MORNING. OBJECTION.

7 THE COURT: SUSTAINED.

8 BY MS. KELLY:

9 Q. WELL, IS IT MR. NAZAR-HARO WHO INTRODUCED YOU TO MR.
10 FONSECA?

11 A. NO, IT WAS NOT.

12 Q. WHO WAS IT THAT INTRODUCED YOU TO MR. FONSECA?

13 A. COMANDANTE MARTINEZ.

14 Q. WAS HE ALSO WITH THE D.F.S.?

15 A. YES, HE WAS.

16 Q. WAS HE UNDER SUPERVISION OF MR. NAZAR-HARO?

17 A. AT VARIOUS TIMES IN HIS CAREER HE WAS, YES.

18 Q. NOW, WITH RESPECT TO THE PARTY THAT YOU REFERRED TO IN
19 1983, IT WAS YOUR ASSUMPTION THAT THE PARTY WAS A BIRTHDAY
20 PARTY FOR MR. QUINTERO; IS THAT RIGHT?

21 A. THEY DIDN'T DISCUSS THEIR BUSINESS WITH ME. YES, IT WAS
22 MY ASSUMPTION.

23 Q. IN FACT, THEY DIDN'T DISCUSS THEIR BUSINESS OPENLY WITH
24 THE SUBORDINATES; IS THAT TRUE?

25 A. SOME THINGS THEY SAID OPENLY; NOT WITH US, BUT AROUND US.

1 WHEN YOU'RE GIVEN AN ORDER, THEY DIDN'T SAY WHY THEY
2 GAVE YOU AN ORDER, THEY JUST TOLD YOU TO GO DO SOMETHING.

3 Q. WHEN YOU SPOKE WITH THE D.E.A. AGENTS FOLLOWING YOUR
4 TESTIMONY BEFORE THE GRAND JURY, DID YOU TELL THEM THAT MR.
5 FONSECA NEVER DISCUSSED HIS BUSINESS OPENLY WITH YOU?

6 A. HE DID NOT DISCUSS HIS BUSINESS OPENLY WITH ME, HE
7 DISCUSSED IT AROUND ME ON SOME OCCASIONS.

8 Q. IS THAT WHAT YOU TOLD THE D.E.A. AGENTS IN YOUR MEETING
9 WITH THEM FOLLOWING THE GRAND JURY?

10 A. THAT'S CORRECT.

11 Q. NOW, IN ADDITION TO MAINTAINING DIFFERENT SYSTEMS FOR MR.
12 FONSECA, YOU WERE ALSO MAINTAINING A RADIO SYSTEM FOR A
13 GENTLEMAN BY THE NAME AFTER CASTEL DEL ORO; IS THAT RIGHT?

14 A. I WORKED ON SOME OF THE SYSTEMS WITH COMANDANTE CASTEL DEL
15 ORO OF THE DIRECCION FEDERAL DE SEGURIDAD; YES, I DID.

16 Q. AND DID THERE COME A TIME WHEN YOU SAW THAT MR. CASTEL DEL
17 ORO AND MR. FONSECA BEGAN WORKING TOGETHER?

18 A. IT WAS UNDERSTOOD THEY WERE WORKING TOGETHER.

19 MR. CARLTON: OBJECTION. LACK OF RELEVANCE.

20 THE WITNESS: I WITNESSED A CONVERSATION BETWEEN
21 THEM, YES.

22 (ANSWER GIVEN BEFORE RULING MADE.)

23 BY MS. KELLY:

24 Q. I WANT TO GO BACK TO THE PERIOD OF TIME IN 1983. DID YOU
25 SAY THERE WAS PERIOD OF SIX MONTHS WHEN YOU WERE IN THE UNITED

1 STATES DURING 1983?

2 A. IT WAS 1982 AND 1983. YES, IT WAS.

3 Q. SO IT WAS A SIX-MONTH PERIOD THAT WENT FROM 1983 INTO --
4 IN 1982 INTO 1983?

5 A. THAT IS CORRECT.

6 Q. AND PRIOR TO THAT TIME PERIOD, HAD YOU LIVED IN THE HOUSE
7 WITH MR. FONSECA?

8 A. NO, I HAD NOT.

9 Q. SO IT WAS UPON YOUR RETURN FROM THE UNITED STATES TO
10 MEXICO THAT YOU WENT TO HIS HOME?

11 A. I WAS APPROACHED BY THEM, YES, IN JULY OF 1983. SOMEWHERE
12 AROUND THAT TIME.

13 I WAS ORDERED TO GO THERE AND ALSO APPROACHED BY
14 THEM. BOTH THINGS HAPPENED AT ONCE.

15 Q. APPROACHED BY WHOM? I'M SORRY.

16 A. BY AN OPERATIVE OF MR. FONSECA, LES PEPE. HE ASKED ME TO
17 GO OUT TO LUNCH WITH HIM AND HE INVITED ME TO COME AND JOIN
18 THEM.

19 AT THE SAME TIME, ON THAT MORNING, I HAD BEEN TOLD BY
20 COMANDANTE ESPINO TO GO OVER THERE AND PUT MYSELF AT
21 MR. FONSECA'S ORDERS.

22 Q. AND THIS WAS IN JULY OF 1983?

23 A. YES.

24 Q. AND YOU REMAINED IN MR. FONSECA'S HOME UNTIL JANUARY OF
25 '84; IS THAT RIGHT?

1 A. UH-HUH.

2 Q. THAT'S A "YES"?

3 A. THAT'S YES.

4 Q. AND THEN AFTER THAT TIME PERIOD, DID YOU HAVE DAILY
5 CONTACT, PERSONAL, VISUAL CONTACT WITH MR. FONSECA?

6 A. YES, I DID.

7 Q. ON A DAY-TO-DAY BASIS?

8 A. SOMETIMES DAY-TO-DAY, SOMETIMES WEEK-TO-WEEK. I DID NOT
9 LIVE IN HIS HOUSE ANY LONGER, BUT I ATTENDED ALL OF THE ORDERS
10 THAT HE GIVE ME.

11 SOMETIMES HE GAVE THEM TO ME PERSONALLY AND SOMETIMES
12 HE RELATED THEM TO ME THROUGH HIS LIEUTENANTS OR HIS
13 SUBALTERNATES.

14 Q. THAT WOULD HAVE BEEN UP UNTIL THE PERIOD OF SEPTEMBER OF
15 1984; IS THAT CORRECT?

16 A. YES.

17 Q. THE TRUSTED PEOPLE IN MR. FONSECA'S ORGANIZATION WERE MR.
18 BARBA?

19 A. MR. BARBA WAS A TRUSTED CONFIDANTE OF MR. FONSECA. LATER
20 ON HE APPEARED TO BE ON AN EQUAL BASIS WITH HIM.

21 Q. AND A PERSON REFERRED TO AS SAMUEL RAMIREZ RAZO?

22 A. SAMUEL RAMIREZ RAZO WAS ALSO A TRUSTED CONFIDANTE.

23 ACTUALLY, YOU MIGHT SAY THAT MR. BARBA TOOK HIS PLACE, EDGED
24 HIM OUT.

25 Q. AND MR. MOLINA?

1 A. COMANDANTE MOLINA WAS A -- HAD BEEN A FORMER CONFIDANTE OF
2 MR. FONSECA. YOU COULD SEE THAT BOTH SAMUEL RAMIREZ RAZO AND
3 JAVIER BARBA WERE TRYING TO HEDGE HIM OUT.

4 THE COURT: WE'LL TAKE A RECESS UNTIL 11:30.

5 THE CLERK: PLEASE RISE. COURT IS NOW IN RECESS.

6 (JURY EXCUSED.)

7 (BRIEF RECESS.)

8 (JURY PRESENT.)

9 (WITNESS RESUMED THE STAND.)

10 THE COURT: DO YOU HAVE ANY FURTHER QUESTIONS FOR
11 THIS WITNESS?

12
13 LAWRENCE V. HARRISON + PLAINTIFF'S WITNESS, SWORN

14 CROSS-EXAMINATION + CONTINUED

15 BY MS. KELLY:

16 Q. MR. HARRISON, I BELIEVE YOU SAID THAT EVERYONE IN THE
17 MEXICAN GOVERNMENT WAS INVOLVED IN NARCOTICS TRAFFICKING; IS
18 THAT RIGHT?

19 MR. CARLTON: OBJECTION. MISCHARACTERIZES THE
20 TESTIMONY.

21 THE COURT: IF YOU HAVE A QUESTION TO ASK THE WITNESS
22 ABOUT HIS TESTIMONY, GO AHEAD AND ASK IT.

23 BY MS. KELLY:

24 Q. WAS EVERYONE IN THE MEXICAN GOVERNMENT, TO YOUR KNOWLEDGE,
25 INVOLVED IN NARCOTICS TRAFFICKING?

1 MR. CARLTON: OBJECTION. LACK OF FOUNDATION.

2 THE COURT: SUSTAINED.

3 BY MS. KELLY:

4 Q. WERE THE COMANDANTES WITH WHOM YOU WORKED IN THE D.F.S.
5 INVOLVED IN NARCOTICS TRAFFICKING?

6 A. YES, THEY WERE.

7 Q. THAT WOULD INCLUDE MR. NAZAR-HARO?

8 A. YES, THAT WOULD INCLUDE MR. NAZAR-HARO.

9 Q. AND DURING THE TIME PERIOD THAT YOU RETURNED TO THE UNITED
10 STATES IN 1983 FOR SIX MONTHS, WHAT EMPLOYMENT DID YOU HAVE?

11 A. I WAS A CHIEF OF SECURITY FOR THE HOUSE OF ANTONIO GARATE
12 BUSTAMANTE.

13 Q. IN THE UNITED STATES?

14 A. YES.

15 Q. WHERE WAS THAT HOUSE?

16 A. IT WAS IN SEAL BEACH. I DON'T REMEMBER THE ADDRESS.

17 Q. AND THAT WAS FOR THE ENTIRE TIME YOU WERE IN THE UNITED
18 STATES?

19 A. YES.

20 Q. IN YOUR VIEW, DID THE COMANDANTE WITH WHOM YOU WORKED --
21 DID THEY CONDONE AND SANCTION THE NARCOTICS TRAFFICKING THAT
22 WAS GOING ON?

23 A. THEY ACTIVELY PARTICIPATED IN IT.

24 Q. AND AT SOME POINT WERE YOU ADVISED THAT MR. FONSECA
25 THOUGHT THAT THERE WAS A SECRET UNDERSTANDING BETWEEN THE

1 AMERICAN'S AND HIMSELF REGARDING NARCOTICS TRAFFICKING?

2 MR. CARLTON: OBJECTION. HEARSAY.

3 THE COURT: SUSTAINED.

4 BY MS. KELLY:

5 Q. DID YOU ADVISE MR. FONSECA ABOUT HIS NARCOTICS TRAFFICKING
6 WITH RESPECT TO THE AMERICANS AT ANY POINT IN TIME?

7 A. I GAVE HIM A WARNING.

8 Q. DID HE INDICATE TO YOU THAT THE WARNING WASN'T NECESSARY
9 BECAUSE HE HAD AN UNDERSTANDING WITH THEM?

10 A. HE TOLD ME I WAS CRAZY.

11 Q. HE DID NOT TELL YOU THAT HE HAD -- THAT HE WAS TOGETHER
12 WITH THE AMERICAN'S AND HAD AN UNDERSTANDING WITH THEM?

13 A. HE SAID HE THOUGHT THERE WAS NO DANGER.

14 Q. SO WHAT YOU'RE SAYING IS HE NEVER SAID THAT TO YOU ABOUT
15 HAVING AN UNDERSTANDING WITH THE AMERICANS OR BEING TOGETHER
16 WITH THE AMERICANS?

17 A. HE DID SAY THAT, YES.

18 Q. DID MR. BARBA HERNANDEZ TELL YOU IT WAS A POLITICAL THING
19 THAT YOU SHOULDN'T BE INVOLVED IN?

20 A. YES, HE DID.

21 Q. WHO IS CHAVA CAMARENA?

22 A. CHAVA CAMARENA WAS AN AGENT OF THE D.F.S. AND A BODYGUARD
23 FOR THE WIFE OF THE PRESIDENT OF MEXICO WHO WAS RETURNED TO
24 SERVICE IN GUADALAJARA AND PUT UNDER THE ORDERS OF FEDERICO
25 CASTEL DEL ORO, COMANDANTE OF THE D.F.S. IN GUADALAJARA.

1 Q. AND WHAT -- WHERE DID YOU RECEIVE YOUR TRAINING IN
2 ELECTRONICS TO BE FAMILIAR WITH THESE RADIO SYSTEMS THAT YOU
3 WERE INSTALLING FOR VARIOUS PEOPLE IN MEXICO?

4 A. IT JUST A HOBBY, MA'AM.

5 Q. YOU HAD NO FORMAL TRAINING?

6 A. NO, NO FORMAL TRAINING.

7 Q. WERE YOU ACTIVE IN THE STUDENT MOVEMENT WHEN YOU WERE
8 ATTENDING CLASSES AT BERKELEY?

9 MR. CARLTON: OBJECTION. IRRELEVANT.

10 THE COURT: YOU MAY ANSWER.

11 THE WITNESS: YES, I WAS.

12 BY MS. KELLY:

13 Q. AND WHICH STUDENT ORGANIZATION WERE YOU INVOLVED IN?

14 A. I WAS INVOLVED IN AN ORGANIZATION CALLED "STUDENTS FOR A
15 DEMOCRATIC SOCIETY".

16 Q. ALSO REFERRED TO AS "S.D.S."?

17 A. YES.

18 Q. DID YOU HOLD ANY OFFICE WITHIN THAT ORGANIZATION?

19 MR. CARLTON: OBJECTION, IRRELEVANT.

20 THE COURT: OVERRULED.

21 THE WITNESS: NO, I DID NOT.

22 BY MS. KELLY:

23 Q. AND DID YOU CHANGE YOUR NAME TO LORENZO HARRISON AT THE
24 SAME TIME YOU WENT TO MEXICO AFTER ATTENDING CLASSES AT
25 BERKELEY?

1 A. NO, IT WAS BEFORE THAT.

2 Q. WAS IT BEFORE YOU ATTENDED CLASSES AT BERKELEY?

3 A. NO, IT WAS NOT.

4 Q. SO IT'S SOMETIME WHILE YOU WERE AT BERKELEY THAT YOU
5 CHANGED YOUR NAME?

6 A. YES, MA'AM, IT WAS.

7 Q. WHAT IS YOUR DATE OF BIRTH?

8 A. SEPTEMBER 19, 1944.

9 Q. DID YOU EVER INSTALL A WIRETAP ON THE D.E.A. OFFICE WITHIN
10 THE CONSULATE IN MEXICO IN GUADALAJARA, MEXICO?

11 A. NO, I DID NOT.

12 Q. WERE YOU FAMILIAR WITH THE D.E.A. RADIO SYSTEM IN THE
13 OFFICE IN GUADALAJARA?

14 A. WITH THE RADIO SYSTEM, YES, NOT WITH THEIR TELEPHONES.

15 Q. AND DID YOU INSTALL ANY KIND OF ELECTRONIC DEVICE ON THEIR
16 WIRETAP -- I'M SORRY, ON THEIR RADIO SYSTEM IN GUADALAJARA?

17 A. YES, I INTERVENED THEIR RADIO TRANSMITTER.

18 Q. HOW DID YOU LEARN ABOUT -- HOW DID YOU LEARN ABOUT THEIR
19 REPEATER SYSTEM IN GUADALAJARA?

20 A. A CERTAIN PARTY WHO HAD DONE PREVIOUSLY A LOT OF WORK FOR
21 POLICE DEPARTMENTS IN GUADALAJARA HAD TOLD ME THAT THEIR
22 REPEATER WAS AT THAT SPOT.

23 I HAD ALREADY RECOGNIZED IT ANYWAY.

24 Q. SO YOU WERE FAMILIAR WITH THE D.E.A. HAVING AN OFFICE IN
25 THE CONSULATE IN GUADALAJARA?

1 A. I WAS FAMILIAR WITH THEM HAVING A RADIO TRANSMITTER.

2 Q. AND WHO WAS THE INDIVIDUAL WHO -- WHO IS THE CERTAIN PARTY
3 WHO TOLD YOU ABOUT THE REPEATER SYSTEM?

4 MR. CARLTON: OBJECTION. IRRELEVANT.

5 THE COURT: OVERRULED.

6 THE WITNESS: HE WAS A RADIO ENGINEER WITH THE
7 MOTOROLA COMPANY IN GUADALAJARA.

8 BY MS. KELLY:

9 Q. AND DO YOU RECALL HIS NAME?

10 A. I'M TRYING TO RECALL IT. I DO KNOW IT, BUT I DON'T RECALL
11 IT AT THE MOMENT.

12 Q. DID YOU SPEAK SPANISH BEFORE YOU WENT TO MEXICO TO RESIDE
13 THERE?

14 A. NOT FLUENTLY, I DIDN'T.

15 Q. YOU LEARNED HOW TO SPEAK IT FLUENTLY WHILE YOU WERE
16 WORKING IN THE ATTORNEY'S OFFICE?

17 A. I HAD TO DO PLEADINGS EVERYDAY.

18 Q. SO THAT'S "YES"?

19 A. YES.

20 Q. OKAY. WHEN YOU -- HOW IS IT THAT YOU CAME TO WORK IN THE
21 I.P.S. OFFICE IN THE BEGINNING? YOU WENT -- STRIKE THAT.

22 YOU WENT FROM THE LAWYER'S OFFICE TO WORKING WITH THE
23 I.P.S.; IS THAT RIGHT?

24 A. I WENT FROM THE LAWYER'S OFFICE TO WORKING FOR THE
25 C.N.O.P.

1 AND FROM THERE, I WENT TO WORK FOR THE I.P.S.

2 Q. DID SOMEBODY RECRUIT YOU INTO THE I.P.S.?

3 A. NO, I CIRCULATED A RESUME AND ASKED TO WORK WITH ANY
4 POLICE AGENCY AND THEY ACCEPTED ME.

5 Q. AND DID YOU HAVE ANY REFERENCES AMONG THE POLICE AGENCIES
6 TO GET THIS JOB?

7 A. THEY KNEW ME VERY WELL AS AN ATTORNEY.

8 Q. BECAUSE OF YOUR WORK WITH THE STUDENTS?

9 A. YES, BECAUSE OF ONE SPECIFIC INCIDENT.

10 Q. INVOLVING STUDENTS?

11 A. INVOLVING THE STUDENT LEADER OF THE COMMUNIST ORGANIZATION
12 THAT HAD KIDNAPPED A HIGH POLITICAL OFFICIAL IN MEXICO.

13 Q. AND THAT'S HOW THE I.P.S. CAME TO KNOW YOU, BECAUSE YOU
14 REPRESENTED THAT PERSON?

15 A. THAT'S HOW THE D.F.S. CAME TO KNOW ME.

16 Q. BUT IT WAS THE I.P.S. WHO RECRUITED YOU?

17 A. SOMETIMES THE D.F.S., SOMETIMES THE I.P.S. THE FIRST
18 COMANDANTE WHO RECRUITED ME WAS MR. MARTINEZ. HE WAS D.F.S.

19 Q. NOW, THE RADIO NAME THAT CARO QUINTERO HAD, IN FACT, WAS
20 "ARIANO"; WASN'T IT?

21 A. "R-UNO", "R-1".

22 Q. AND HOW DO YOU SPELL ARIANO?

23 A. R DASH ONE.

24 Q. SO THE REFERENCE TO "A R I A N O" IN THE TRANSCRIPT OF
25 YOUR CONVERSATION WITH THE D.E.A. AGENTS --

1 A. JUST ANOTHER ONE OF THOSE MISTRANSLATIONS THAT I
2 COMPLAINED ABOUT.

3 Q. DID YOU KNOW AT THE TIME THAT THAT CONVERSATION WAS BEING
4 REPORTED?

5 A. I SAW HE HAD A SMALL MICROCASSETTE RECORDER, AND I
6 REMEMBER THINKING AT THE TIME THAT IT WOULD BE DIFFICULT, THAT
7 IT WOULD BE VERY UNINTELLIGIBLE INSIDE OF A CAR MOVING ALONG A
8 HIGHWAY.

9 Q. DID YOU HAVE TO ASK HIM ON A COUPLE OF OCCASIONS -- I
10 BELIEVE IT WAS MR. MORALES THAT WAS DOING THAT; IS THAT RIGHT?

11 A. (NO AUDIBLE RESPONSE.)

12 Q. YOU SHOOK YOUR HEAD "YES".

13 A. YES, THAT'S TRUE.

14 Q. DID YOU HAVE TO ASK MR. MORALES A COUPLE OF TIMES TO
15 REPEAT HIS QUESTIONS SO YOU COULD HEAR THEM?

16 A. IT IS HARD FOR ME TO HEAR BECAUSE OF THE GUNSHOT. MY
17 HEARING IS SOMEWHAT DIMINISHED, AND PARTICULARLY IN A CAR,
18 SITTING IN THE BACK SEAT.

19 Q. SO YOU HAD TO ASK HIM A NUMBER OF TIMES TO REPEAT HIS
20 QUESTIONS?

21 A. THAT'S TRUE.

22 Q. NOW, WAS THERE A PERIOD OF TIME WHEN THEY TURNED THE
23 RECORDER OFF, TO YOUR KNOWLEDGE?

24 A. WELL, THEY HAD IT IN THE FRONT SEAT. I DON'T KNOW.

25 Q. YOU SUBSEQUENTLY LISTENED TO THE TAPE, THOUGH; IS THAT

1 RIGHT?

2 A. NO, I DIDN'T LISTEN TO THE TAPE.

3 Q. YOU NEVER DID? YOU JUST READ A TRANSCRIPT OF IT?

4 A. I WAS UNAWARE OF THE TRANSCRIPT UNTIL A WEEK AGO OR A WEEK
5 AND A HALF AGO.

6 Q. IS THAT WHEN YOU REVIEWED IT?

7 A. THAT'S WHEN I SAW IT, YES.

8 Q. AND THAT'S WHEN YOU INFORMED THE PROSECUTION THAT YOU

9 THOUGHT THERE WERE A NUMBER OF INACCURACIES?

10 A. THAT'S CORRECT.

11 Q. AND YOU SPECIFIED WHAT YOU THOUGHT THOSE INACCURACIES

12 WERE?

13 A. YES, I DID.

14 Q. WAS A NEW TRANSCRIPT PREPARED WITH THOSE CHANGES, TO YOUR

15 KNOWLEDGE?

16 A. NO, I JUST MADE HIM AWARE OF THE PLACES THAT I WASN'T --

17 THAT I COULDN'T HAVE SAID THAT.

18 FOR INSTANCE, WHERE IT SAID I SHOT SOMEBODY,

19 ACTUALLY, IN THAT INSTANCE, NOBODY WAS SHOT BUT ME. UNLESS I

20 SHOT MYSELF, I WOULD HAVE BEEN A FOOL TO SAY THAT.

21 Q. WHEN YOU WERE HERE IN THE UNITED STATES AFTER YOU CHANGED

22 YOUR NAME TO LAWRENCE HARRISON, DID YOU HAVE A CALIFORNIA

23 DRIVER'S LICENSE.

24 A. COULD YOU REPEAT THAT QUESTION?

25 Q. DID YOU HAVE A CALIFORNIA DRIVER'S LICENSE WHILE YOU WERE

1 A STUDENT AT BERKELEY?

2 A. YES, I DID.

3 Q. AFTER YOU CHANGED YOUR NAME, DID YOU CHANGE YOUR NAME ON
4 YOUR DRIVER'S LICENSE AS WELL?

5 A. YES, I DID.

6 MS. KELLY: YOUR HONOR, COULD I HAVE ONE MOMENT?

7 THE COURT: YES.

8 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL.)

9 BY MS. KELLY:

10 Q. MR. HARRISON, YOU SAY THAT -- STRIKE THAT.

11 BEFORE YOU CAME HERE TO SPEAK WITH GOVERNMENT AGENTS,
12 YOU HAD NO AGREEMENT, RIGHT?

13 A. NO. I HAD NO AGREEMENT.

14 Q. AND YOU HAVE THREE CHILDREN AND A WIFE; IS THAT RIGHT?

15 A. THAT'S TRUE.

16 Q. AND YOU LEFT YOUR THREE CHILDREN AND YOUR WIFE DOWN IN
17 MEXICO WITHOUT ANY PROTECTION AND CAME HERE TO SPEAK WITH
18 AGENTS ABOUT THIS CASE; IS THAT RIGHT?

19 A. BEING AWAY FROM MY WIFE AND CHILDREN IS PROBABLY MORE
20 PROTECTION FOR THEM THAN BEING CLOSE TO THEM. THAT'S TRUE.

21 Q. SO IT'S DANGEROUS FOR THEM TO BE WITH YOU IN MEXICO IS
22 WHAT YOU'RE SAYING?

23 A. YES, IT WAS.

24 Q. AND IT WAS DANGEROUS FOR THEM TO BE WITH YOU IN MEXICO
25 BEFORE YOU CAME TO THE UNITED STATES?

1 A. YES, IT WAS.

2 Q. BUT YOU STAYED IN MEXICO WITH YOUR CHILDREN AND YOUR WIFE
3 ANYWAY; IS THAT RIGHT?

4 A. I WOULD MUCH HAVE PREFERRED HAVE STAYED IN MEXICO.

5 Q. EVEN THOUGH IT WAS DANGEROUS FOR YOUR WIFE AND YOUR
6 CHILDREN?

7 A. THE TRUTH IS THAT IT IS DANGEROUS FOR MY WIFE AND CHILDREN
8 WHEREVER WE ARE: HERE OR THERE.

9 Q. BUT YOU HAD YOUR OWN BUSINESS IN MEXICO, ISN'T THAT RIGHT,
10 IN GUADALAJARA?

11 A. YES, I HAD MY OWN BUSINESS.

12 Q. AND THE BUSINESS IS OPEN TO THE PUBLIC; ISN'T IT?

13 A. WELL, IT IS A BUSINESS THAT MORE OR LESS CATERED TO THE
14 P.R.I. POLITICAL PARTY.

15 Q. TO THE P.R.I.?

16 A. THAT'S CORRECT.

17 Q. AND IN WHAT WAY DID IT CATER TO THE P.R.I.?

18 A. WELL, MY OFFICE WAS LOCATED IN THE SAME BUILDING AS THE
19 ELECTROCENTER, WHERE ALL THE COMPUTERS ARE, WHERE THE ROSTERS
20 OF THE P.R.I. PARTY ARE, IN GUADALAJARA.

21 I WORKED AS THE COMMUNICATIONS COORDINATOR FOR THE
22 REELECTION CAMPAIGN, FOR THE ELECTION CAMPAIGN OF THE PRESENT
23 GOVERNOR OF JALISCO.

24 I DID WORK FOR A NUMBER OF THE ACTUAL OFFICIALS OF
25 THE STATE GOVERNMENT OF JALISCO BOTH BEFORE AND AFTER THE

1 ELECTION.

2 AND THE PRIVATE CLIENTS THAT I HAD WERE, FOR THE MOST
3 PART, RECOMMENDED TO ME BY HIGH OFFICIALS OF THE P.R.I. PARTY
4 IN JALISCO.

5 Q. WERE YOU INSTALLING RADIO SYSTEMS FOR THESE PEOPLE?

6 A. I DID. SOME WERE RADIO SYSTEMS, MANY WERE TELEPHONE
7 SYSTEMS, P.B.X. SYSTEMS, COMBINED RADIO-P.B.X. SYSTEMS, FAXES,
8 SATELLITE DISHES, DATA TRANSMISSION.

9 Q. NOW, DURING YOUR TIME WITH MR. FONSECA, YOU CAME TO KNOW
10 HIM PRETTY WELL; IS THAT RIGHT?

11 A. I CAME TO KNOW HIM, YES.

12 Q. WOULD YOU SAY THAT HE WAS ADDICTED TO COCAINE?

13 A. I DON'T -- I'M NOT A DOCTOR. I DON'T KNOW IF COCAINE
14 CAUSES AN ADDICTION OR NOT.

15 Q. DID YOU SEE HIM SMOKE COCAINE ON A NUMBER OF OCCASIONS?

16 A. YES, I DID.

17 Q. ON A DAILY BASIS?

18 A. ON A DAILY BASIS, YES, I DID.

19 MS. KELLY: I HAVE NOTHING FURTHER.

20 MR. STOLAR: YOUR HONOR, WE HAVE NO QUESTIONS OF THIS

21 WITNESS.

22 THE COURT: ANY OTHER -- DOES COUNSEL HAVE ANY
23 QUESTIONS?

24 MR. NICOLAYSEN: NOTHING FURTHER AT THIS TIME, YOUR
25 HONOR.

1 THE COURT: IS THERE ANY REDIRECT?

2 MS. KELLY: I JUST WANTED TO AT THE BREAK MAKE A
3 PROFFER AS TO THE RELEVANCY OF THE QUESTIONING I ASKED BEFORE
4 THAT WAS OBJECTED TO BY THE GOVERNMENT.

5 MR. CARLTON: NO REDIRECT, YOUR HONOR.

6 THE COURT: YOU MAY STEP DOWN.

7 CALL YOUR NEXT WITNESS.

8 (WITNESS EXCUSED.)

9 MR. MEDRANO: YOUR HONOR, WE WOULD CALL WALTER WHITE
10 TO THE STAND AT THIS TIME.

11 (WITNESS SUMMONED TO THE COURTROOM.)

12 THE COURT: COME FORWARD, PLEASE. COME FORWARD.

13 PLEASE RAISE YOUR RIGHT HAND.

14 PLEASE BE SEATED.

15
16 WALTER J. WHITE + PLAINTIFF'S WITNESS, SWORN

17 THE COURT: STATE YOUR FULL NAME AND SPELL YOUR LAST
18 NAME.

19 THE WITNESS: YES. I'M WALTER J. WHITE. MY LAST
20 NAME IS W H I T E.

21 THE COURT: PROCEED.

22

23

DIRECT EXAMINATION +

24 BY MR. MEDRANO:

25 Q. MR. WHITE, HAVE YOU EVER BEEN EMPLOYED BY THE D.E.A.?

1 A. YES, SIR. I HAVE BEEN.

2 Q. WHEN WERE YOU EMPLOYED BY THEM?

3 A. I WAS EMPLOYED BY THE D.E.A. UP UNTIL APRIL OF 1987. I
4 RETIRED AT THAT TIME.

5 Q. UP UNTIL THE TIME YOU RETIRED, HOW LONG HAD YOU SERVED
6 WITH THE D.E.A.?

7 A. 15 YEARS WITH THE D.E.A., 22 YEARS WITH THE FEDERAL
8 GOVERNMENT.

9 Q. OTHER THAN THE D.E.A., DID YOU HAVE ANY OTHER LAW
10 ENFORCEMENT EXPERIENCE?

11 A. I WAS WITH THE BUREAU OF CUSTOMS AS A SPECIAL AGENT PRIOR
12 TO THAT.

13 Q. FOR HOW LONG WITH CUSTOMS?

14 A. EIGHT YEARS.

15 Q. AND YOUR PRESENT EMPLOYMENT IS WHAT?

16 A. CURRENTLY?

17 Q. YES, SIR.

18 A. I'M WITH EASTERN AIRLINES AND I MANAGE THE DRUG PREVENTION
19 PROGRAM.

20 Q. IF I COULD DIRECT YOUR ATTENTION TO 1985, AT THAT TIME
21 WERE EMPLOYED BY THE D.E.A.?

22 A. YES, SIR.

23 Q. WERE YOU ASSIGNED OUTSIDE OF THE UNITED STATES?

24 A. AT THAT TIME I WAS ASSIGNED TO THE D.E.A. OFFICE IN MEXICO
25 CITY.

1 Q. IN WHAT CAPACITY OR POSITION?

2 A. I WAS THE ASSISTANT AGENT IN CHARGE.

3 Q. OF THE MEXICO CITY OFFICE?

4 A. WELL, OF D.E.A.'S OPERATIONS IN MEXICO. I WAS ASSIGNED IN
5 MEXICO CITY.

6 Q. ESSENTIALLY THE NUMBER TWO MAN FOR ALL AGENTS IN MEXICO?

7 A. YES, SIR.

8 Q. IN 1985?

9 A. YES, SIR.

10 Q. IF I COULD DIRECT YOUR ATTENTION TO ABOUT AUGUST OF 1985,

11 SPECIFICALLY TO ABOUT AUGUST 20 OF 1985, ON OR ABOUT THAT DAY

12 WERE YOU STILL IN MEXICO CITY?

13 A. YES, SIR.

14 Q. AND NOW DO YOU KNOW A MAN BY THE NAME OF ORTEGA PADILLA?

15 A. YES, SIR. ORTEGA PADILLA.

16 Q. WOULD YOU TELL US WHO THIS IS?

17 A. I'M SORRY?

18 Q. WOULD YOU TELL US WHO THIS IS?

19 A. YES. AT THAT TIME, HE WAS -- I SUPPOSE YOU WOULD CALL HIM

20 THE FIRST DEPUTY ATTORNEY GENERAL.

21 Q. DO YOU RECALL HIS FIRST NAME?

22 A. YES. JOSE MARIA.

23 Q. ON OR ABOUT AUGUST 20, 1985, DID YOU HAVE AN OPPORTUNITY

24 TO MEET AND SPEAK WITH DEPUTY ATTORNEY GENERAL ORTEGA PADILLA?

25 A. YES, SIR, I DID.

1 Q. WITHOUT TELLING US WHAT HE SAID, WHAT WAS THE GENERAL
2 SUBSTANCE OR NATURE OF THE CONVERSATION?

3 A. YES. I HAD MET WITH HIM IN AN EFFORT TO PICK UP SOME
4 CASSETTE TAPES THAT THE MEXICAN GOVERNMENT HAD AT THAT TIME.

5 Q. THESE WERE TAPES THAT WERE IN THE POSSESSION OF WHO?

6 A. POSSESSION OF THE MEXICAN GOVERNMENT, THE ATTORNEY
7 GENERAL'S OFFICE SPECIFICALLY.

8 Q. AFTER AUGUST 20, DID YOU HAVE ADDITIONAL MEETINGS WITH
9 REGARD TO YOUR OBTAINING OR TAKING POSSESSION OF THESE TAPES?

10 A. YES. I EVENTUALLY PICKED UP THE TAPES ON AUGUST 27?

11 Q. PRIOR TO THAT, DID YOU HAVE ADDITIONAL MEETINGS WITH
12 ORTEGA PADILLA?

13 A. YES, I DID. I DID.

14 Q. AND AT EACH TIME PRIOR TO THE 27TH, THE SUBJECT MATTER WAS
15 YOUR EFFORTS TO OBTAIN THESE CASSETTE TAPES?

16 A. THAT IS CORRECT.

17 Q. NOW, LET'S GO TO AUGUST 27TH. COULD YOU TELL US WHAT
18 HAPPENED ON AUGUST 27 OF 1985?

19 A. OKAY. I HAD BEEN CALLED BY HIM EARLIER THAT THE TAPES
20 WOULD BE AVAILABLE ON AUGUST THE 27TH, SO I WENT THERE THAT
21 EVENING, ABOUT 7:00, AS I RECALL.

22 Q. YOU WOULDN'T HAPPEN TO RECALL THE DAY OF THE WEEK OFF THE
23 TOP OF YOUR HEAD?

24 A. YES. IT WAS TUESDAY. TUESDAY, AUGUST 27.

25 Q. WHAT HAPPENED THEN?

1 A. I WENT TO HIS OFFICE AT THE ATTORNEY GENERAL'S OFFICE AND
2 MET WITH HIM.

3 HE BROUGHT OUT THIS LARGE ENVELOPE, WHICH HAD FIVE
4 CASSETTE TAPES.

5 Q. NOW, IF I COULD ASK YOU TO LOOK AT WHAT SHOULD BE
6 DESIGNATED AS GOVERNMENT EXHIBIT 75; IS THAT IN FRONT OF YOU,
7 SIR?

8 A. YES, SIR, IT IS.

9 Q. WOULD YOU TELL US WHAT EXHIBIT 75 IS?

10 A. OKAY. IT IS A PACKET OF TAPES. MAY I OPEN IT?

11 Q. YES, IF YOU NEED TO.

12 WITH YOUR PERMISSION, YOUR HONOR, MAY THE WITNESS
13 OPEN IT, IF NECESSARY?

14 THE COURT: YES, YOU MAY OPEN IT.

15 THE WITNESS: YES, HERE IT IS.

16 BY MR. MEDRANO:

17 Q. NOW, WOULD YOU TELL US WHAT IT IS THAT YOU ARE HOLDING OR
18 DESCRIBING?

19 A. YES. THIS IS A LARGE, BROWN ENVELOPE THAT I HAD PICKED UP
20 FROM MR. ORTEGA PADILLA THAT EVENING. AND INSIDE THIS, THEY
21 HAD FIVE CASSETTE TAPES.

22 Q. NOW, DID YOU EVENTUALLY TAKE RECEIPT OF THOSE FIVE
23 CASSETTE TYPES IN THAT FOLDED BROWN ENVELOPE?

24 A. YES, SIR, I DID.

25 Q. WHEN YOU DID SO, DID YOU SEAL IT IN ANY FASHION?

1 A. YES. HE PUT THE TAPES BACK INSIDE. I COUNTED THEM, THERE
2 WERE FIVE. I FOLDED IT OVER, STAPLED IT, AND THEN I PUT MY
3 INITIALS THROUGH THE FOLLOWED ON THE ENVELOPE.

4 MR. MEDRANO: YOUR HONOR, MAY I HAVE JUST ONE MOMENT,
5 PLEASE?

6 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL.)

7 BY MR. MEDRANO:

8 Q. ON AUGUST 27TH, WHAT DO YOU DO ONCE YOU'VE TAKEN
9 POSSESSION OF THE FIVE CASSETTE TAPES?

10 A. AFTER I HAD SEALED THE PACKAGE, I LEFT AND RETURNED TO THE
11 EMBASSY AND I DEPOSITED THEM IN THE SAFE IN MY OFFICE FOR THE
12 EVENING.

13 Q. FOR THE EVENING?

14 A. YES, SIR.

15 Q. NOW, WHAT HAPPENS TO THE TAPES THEREAFTER, SIR?

16 A. OKAY. THE FOLLOWING DAY, I ARRANGED FOR A COURIER TO PICK
17 THEM UP IN MEXICO CITY AND TAKE THEM OVER TO GUADALAJARA,
18 EVENTUALLY GOING ON TO WASHINGTON, D.C. FOR PROCESSING.

19 Q. CAN YOU BE MORE SPECIFIC? WHO DO YOU PHYSICALLY HAND THE
20 TAPES TO?

21 A. YES. OKAY. A SECRETARY FROM OUR GUADALAJARA OFFICE HAD
22 COME TO MEXICO CITY.

23 Q. DO YOU RECALL HER NAME?

24 A. YES. MIRIAM ANGULO.

25 Q. DO YOU MEET WITH MIRIAM ANGULO?

1 A. YES. I MET WITH HER AND I GAVE HER THE PACKAGE, AND WE
2 HAD A -- WELL, SHE WAS ESCORTED OUT TO THE AIRPORT AND RETURNED
3 TO GUADALAJARA, AND SHE WAS MET IN GUADALAJARA. I SUPPOSE SHE
4 WAS MET.

5 Q. WHEN YOU GIVE THIS EXHIBIT 75, THE ENVELOPE AND CASSETTES
6 TO MIRIAM ANGULO, PHYSICALLY WHERE ARE YOU? WHAT BUILDING OR
7 WHERE ARE YOU AT?

8 A. I'M AT MY OFFICE IN THE AMERICAN EMBASSY ON THE FOURTH
9 FLOOR.

10 Q. THEREAFTER, MS. ANGULO TOOK THEM TO GUADALAJARA?

11 A. YES.

12 Q. TO YOUR KNOWLEDGE, SIR, WERE THEY DESTINED FOR WASHINGTON,
13 D.C.?

14 A. YES, THEY WERE.

15 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES DIRECT OF
16 THE WITNESS.

17 YOUR HONOR, I'M SORRY, MAY I HAVE JUST ONE MOMENT?

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

20 BY MR. MEDRANO:

21 Q. MR. WHITE, I JUST WANT TO CLARIFY FOR PURPOSES OF
22 IDENTIFICATION EXHIBIT 75, IS THAT THE ENTIRE ITEMS THAT YOU'VE
23 DISCUSSED OR DESCRIBED, WHAT IS IN FRONT OF YOU, THE PLASTIC
24 SEE-THROUGH CONTAINER, THE BROWN BAG, AND THE VARIOUS TAPES?

25 A. YES. THERE IS WAS A BROWN BAG AND TWO D.E.A. PLASTIC

1 EVIDENCE ENVELOPES. THERE IS A PACKAGE HERE WITH SIX
2 CASSETTES, SIX CASSETTES HERE.

3 MR. MEDRANO: VERY WELL. YOUR HONOR, WITH THE
4 COURT'S PERMISSION, WE'LL ASK TO MAKE THAT ENTIRE MATTER
5 DESCRIBED BY THE WITNESS AS 75.

6 THE COURT: ALL RIGHT.

7 BY MR. MEDRANO:

8 Q. AND IN ADDITION, ONCE YOU SEALED EXHIBIT 75 AND PUT IT IN
9 YOUR SAFE ON THE EVENING OF AUGUST 27TH, DID YOU EVER OPEN THE
10 SEALED ENVELOPE AGAIN?

11 A. NEVER.

12 Q. AND WHEN YOU HANDED IT TO MIRIAM ANGULO, IT REMAINED
13 SEALED?

14 A. YES, SIR.

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

16 THANK YOU.

17 THE COURT: ANY QUESTIONS.

18 CROSS-EXAMINATION +

19 BY MR. STOLAR:

20 Q. GOOD MORNING, SIR.

21 A. YES, SIR.

22 Q. I BELIEVE YOU INDICATED THAT THERE ARE SIX CASSETTES THAT
23 ARE IN THAT EXHIBIT; IS THAT RIGHT?

24 A. YES.

25 Q. AND IS IT YOUR RECOLLECTION, HOWEVER, THAT YOU PICKED UP

1 FIVE CASSETTES FROM ORTEGA PADILLA?

2 A. THAT'S CORRECT.

3 Q. COULD YOU TAKE A LOOK AT THE SIX AND SEE IF -- OPEN UP THE
4 ENVELOPE -- AND SEE WHICH ONE -- OR, IF ANY OF THEM DON'T
5 BELONG THERE.

6 (WITNESS PUTTING ON EYEGLASSES.)

7 MR. STOLAR:

8 Q. ARE YOU LOOKING FOR YOUR INITIALS?

9 A. NO, I'M NOT. ONE OF THESE IS AN EMPTY TAPE CASSETTE. I
10 AM TRYING TO REMEMBER WHICH ONE IS EMPTY.

11 THIS ONE (INDICATING) WOULD BE PROBABLY THE ONE THAT
12 WAS NOT IN THE ORIGINAL PACKAGE.

13 Q. AND DO YOU KNOW HOW THAT ONE GOT INTO THIS EVIDENCE POUCH?

14 A. IT'S MY UNDERSTANDING THAT THE ORIGINAL TAPE MALFUNCTIONED
15 AND THE CONTENTS, THE TAPE ITSELF, HAD TO BE PUT INTO ANOTHER
16 CASSETTE, A BETTER CASSETTE.

17 Q. THE FIRST TIME YOU MADE AN EFFORT TO GET THIS TAPE WAS
18 SOMETIME IN -- OR YOUR OFFICE MADE EFFORTS TO GET IT -- WAS
19 SOMETIME WHEN, IN APRIL OF '85?

20 A. YES, SIR.

21 Q. AND THE MEXICANS WERE SOMEWHAT RELUCTANT TO TURN THE TYPES
22 OVER TO THE D.E.A.; IS THAT RIGHT?

23 A. THAT IS CORRECT.

24 Q. THERE WERE SOME AGREEMENTS OR ASSURANCES REACHED WITH THE
25 ATTORNEY GENERAL; IS THAT RIGHT?

1 A. YES, SIR.

2 Q. WHAT WAS THE NATURE OF THOSE AGREEMENTS REACHED?

3 MR. MEDRANO: OBJECTION. RELEVANCE, YOUR HONOR.
4 BEYOND THE SCOPE OF DIRECT AND HEARSAY.

5 THE COURT: OVERRULED. YOU MAY ANSWER.

6 THE WITNESS: THE BEST I CAN RECALL, IT WAS A MATTER
7 OF HOW THE TAPES WOULD BE HANDLED AND USED.

8 BY MR. STOLAR:

9 Q. FOR EXAMPLE?

10 A. I HAVEN'T SEEN THE FORM FOR A LONG TIME. I DON'T REALLY
11 RECALL.

12 Q. YOU WROTE A SIX ON IT, DIDN'T YOU, AN 86?

13 A. YES, SIR, I DID.

14 Q. YOU ATTACHED TO YOUR SIX WHAT THE UNDERSTANDINGS AND
15 ASSURANCES WERE; DID YOU NOT?

16 A. OH, I KNOW I DID, YES.

17 Q. DO YOU HAPPEN TO HAVE A COPY OF THAT WITH YOU?

18 A. NO, SIR, I DON'T.

19 Q. UNFORTUNATELY, I DON'T EITHER.

20 DID THE AGREEMENT WITH THE MEXICAN GOVERNMENT HAVE
21 ANYTHING TO DO WITH WHETHER OR NOT THE TAPES WOULD BE USED IN
22 EVIDENCE AGAINST ANY MEMBERS OF THE MEXICAN GOVERNMENT?

23 A. I DON'T RECALL.

24 Q. YOU HAVE NO RECOLLECTION AT ALL AS TO WHAT --

25 A. NO, SIR, I DON'T. I HAVEN'T READ THAT IN YEARS.

1 Q. WELL, AT LEAST THREE YEARS, FOUR YEARS LATER?

2 A. YES, SIR.

3 Q. ALL RIGHT. THEN THE FIRST TIME YOU FINALLY GOT TO IT, YOU
4 WENT OVER TO SEE ORTEGA PADILLA ON AUGUST 20, 1985; IS THAT
5 RIGHT?

6 A. YES, SIR.

7 Q. AND HE TOLD YOU THAT DIRECTOR GENERAL IBARRA HAD THE TAPES
8 AT HIS RESIDENCE; IS THAT RIGHT?

9 A. THAT'S WHAT HE TOLD ME, YES.

10 Q. THAT IS MR. IBARRA, WHO IS A DEFENDANT NOW IN THIS CASE;
11 IS THAT RIGHT?

12 A. I DON'T KNOW THAT FOR A FACT, BUT, YES.

13 Q. IT SOUNDS RIGHT; DOESN'T IT?

14 A. YES, HE WOULD BE.

15 Q. HE'S AN INDICTED DEFENDANT IN THE CASE, BUT NOT PRESENT IN
16 COURT?

17 A. I WASN'T AWARE OF THAT, BUT HE WOULD BE THE SAME PERSON.

18 MR. MEDRANO: OBJECTION. LACK OF PERSONAL KNOWLEDGE,
19 LACK OF FOUNDATION.

20 THE COURT: OVERRULED.

21 BY MR. STOLAR:

22 Q. ON THE 20TH, HE TOLD YOU THAT IBARRA HAD THEM, AND HE
23 THOUGHT HE COULD GET THEM AND YOU COULD YOU GET THEM THE NEXT
24 DAY?

25 A. YES, SIR.

1 Q. BUT THEN WHEN YOU WENT BACK ON BE THE 23RD TO ORTEGA
2 PADILLA, HE SAID, "WELL, I'VE GOT THEM BUT NOW I'LL GIVE THEM
3 TO YOU ON MONDAY"; IS THAT WHAT HE SAID?

4 A. YES.

5 Q. DID YOU FEEL LIKE YOU WERE GETTING THE MANANA TREATMENT?

6 A. I FELT HE WAS STALLING.

7 Q. AND THEN, IN ANY EVENT, HE CAME BACK AND FINALLY ON THE
8 27TH OF AUGUST YOU GOT THEM IN YOUR HANDS, RIGHT?

9 A. YES, SIR.

10 Q. AND THEY REMAINED SEALED. AND HERE THEY ARE TODAY; IS
11 THAT CORRECT?

12 A. WELL, THEY WERE UNSEALED WHEN HE SHOWED THEM TO ME, YES,
13 BUT I SEALED THEM IN FRONT OF HIM, YES.

14 Q. DID YOU MAKE ANY MARKINGS ON THEM TO MAKE SURE THEY WERE
15 THE SAME PACKAGES?

16 A. THE TAPES, NO, ONLY ON THE SEALED PACKAGE.

17 Q. WAS IT YOUR UNDERSTANDING THESE WERE ORIGINALS OR COPIES?

18 A. NO, THEY WERE COPIES. HE EXPLAINED TO ME THEY WERE
19 COPIES.

20 Q. THAT THE ORIGINALS HAD BEEN DESTROYED IN THE EARTHQUAKE?

21 A. OH, I HAD NO IDEA ABOUT THAT.

22 MR. STOLAR: OKAY. THANK YOU.

23 THE WITNESS: SURELY.

24 CROSS-EXAMINATION +

25 BY MS. KELLY:

1 Q. GOOD MORNING, MR. WHITE. MR. WHITE, DID LEARN ABOUT THE
2 TAPES FROM A MEMORANDUM FROM A C.I.A. STATION IN MEXICO?

3 MR. MEDRANO: OBJECTION, YOUR HONOR. RELEVANCY AND
4 BEYOND THE SCOPE.

5 THE COURT: SUSTAINED. STRIKE THAT.

6 ANSWER THE QUESTION.

7 THE WITNESS: NO, I DID NOT.

8 BY MS. KELLY:

9 Q. THERE WAS NO MEMORANDUM?

10 A. I DON'T KNOW ABOUT THAT, BUT I DIDN'T LEARN ABOUT IT FROM
11 ANY MEMORANDUM.

12 Q. YOU NEVER TOLD MR. COONCE OR MR. KUYKENDALL THAT A
13 MEMORANDUM HAD COME IN FROM THE C.I.A. STATION WHERE AN
14 INFORMANT HAD CLAIMED TO HAVE HEARD INTERROGATION TAPES OF
15 ENRIQUE CAMARENA?

16 MR. MEDRANO: OBJECTION. RELEVANCE AND HEARSAY.

17 THE COURT: OBJECTION OVERRULED.

18 YOU MAY ANSWER.

19 THE WITNESS: TO THE BEST OF MY KNOWLEDGE, NO.

20 BY MS. KELLY:

21 Q. DID YOU EVER TELL THAT TO MS. SHANNON, ELAINE SHANNON?

22 A. I'VE NEVER MET HER.

23 MS. KELLY: ALL RIGHT. I HAVE NOTHING FURTHER.

24 MR. NICOLAYSEN: YOUR HONOR, I'D LIKE TO EXCEED THE
25 SCOPE OF DIRECT. MAY I BE HEARD AT THE RECESS ON THAT?

1 THE COURT: DO YOU HAVE ANY CROSS-EXAMINATION FOR
2 THIS WITNESS?

3 MR. NICOLAYSEN: WITH THE COURT'S PERMISSION, I'D
4 LIKE TO CROSS ON ISSUES THAT WERE NOT RAISED DURING DIRECT
5 EXAMINATION. AND IF THE COURT WILL ALLOW ME, I'D LIKE TO BE
6 HEARD DURING THE RECESS, IF THAT'S ALL RIGHT.

7 THE COURT: OTHERWISE THERE IS NO CROSS-EXAMINATION?

8 MR. NICOLAYSEN: OTHERWISE THERE IS NO CROSS SPECIFIC
9 AS TO DIRECT; THAT'S CORRECT.

10 THE COURT: IS THERE ANY REDIRECT EXAMINATION?

11 MR. MEDRANO: NONE BY THE GOVERNMENT, YOUR HONOR.

12 THE COURT: YOU MAY STEP DOWN. WE'LL TAKE OUR NOON
13 RECESS AT THIS TIME.

14 (JURY EXCUSED.)

15 MR. NICOLAYSEN: MAY I BE HEARD, YOUR HONOR?

16 THE COURT: YES.

17 THE CLERK: PLEASE BE SEATED.

18 MR. NICOLAYSEN: THANK YOU. I WANTED TO BRING TO THE
19 COURT'S ATTENTION MY INTEREST IN EXAMINING A NUMBER OF THE UP-
20 COMING WITNESSES ON MATTERS SPECIFIC TO THE LA LANGOSTA SIDE OF
21 THE CASE, AND THEREFORE, OUTSIDE THE SCOPE OF DIRECT.

22 I'M ASKING THE COURT PERHAPS FOR SOME GUIDANCE HERE
23 BECAUSE I DON'T WANT TO UNDULY DISRUPT THE FLOW OF THE
24 GOVERNMENT'S PRESENTATION ON THE AUTHENTICITY ISSUE, BUT I DO
25 WANT TO RESERVE THE RIGHT TO INQUIRE OF SEVERAL WITNESSES WHOSE

1 NAMES I'LL LIST NOW, WHO HAVE PERSONAL KNOWLEDGE OF THE LA
2 LANGOSTA INVESTIGATION BACK IN 1985.

3 MY PREFERENCE WOULD BE TO INQUIRE NOW WHILE THEY'RE
4 HERE IN COURT, AND THEREBY AVOID THE NEED AND EXPENSE OF HAVING
5 THEM COME OUT A SECOND TIME FOR THE DEFENSE CASE.

6 THE COURT: YOU'RE NOT TELLING ME WHAT YOU WANT TO
7 ASK THEM ABOUT.

8 MR. NICOLAYSEN: I WANT TO ASK THEM SPECIFICALLY
9 ABOUT --

10 THE COURT: TALK ABOUT THIS WITNESS.

11 MR. NICOLAYSEN: YES, THIS WITNESS IN PARTICULAR
12 SINCE HE WAS THE NUMBER TWO AGENT IN CHARGE IN MEXICO UNDER ED
13 HEATH.

14 WHAT I WANT TO INQUIRE, IS THEIR KNOWLEDGE OF THE
15 INTERROGATIONS OF A NUMBER OF MEXICAN DEFENDANTS WHO WERE
16 ARRESTED AND QUESTIONED ABOUT LA LANGOSTA AND WHO GAVE
17 STATEMENTS.

18 MY SPECIFIC FOCUS --

19 THE COURT: YOU WANT TO ELICIT STATEMENTS THAT WERE
20 MADE BY THE SUSPECTS?

21 MR. NICOLAYSEN: YES. I WANT TO KNOW ABOUT THE
22 D.E.A.'S PRESENCE AT THEIR INTERROGATION, THEIR KNOWLEDGE OF
23 THE CONFESSIONS THAT WERE MADE, THE DATES WHEN THE D.E.A.
24 OBTAINED THOSE CONFESSIONS, IF THEY DID, AND ANY FOLLOW-UP
25 INVESTIGATIONS DONE TO CORROBORATE THE CONTENTS OF THOSE

1 CONFESSIONS.

2 THE COURT: DON'T YOU HAVE A HEARSAY PROBLEM?

3 MR. NICOLAYSEN: NO, YOUR HONOR. I ANTICIPATE THAT
4 I 'LL BE ABLE TO SATISFY THE REQUIREMENTS UNDER RULE 804(B)3
5 REGARDING ADMISSIBILITY OF STATEMENTS OF AN UNAVAILABLE
6 DECLARANT.

7 AS THE COURT KNOWS, THERE IS A SPECIFIC REQUIREMENT
8 IN THAT RULE THAT CORROBORATING CIRCUMSTANCES FIRST BE SHOWN AS
9 TO THE VERACITY OR TRUSTWORTHINESS OF THE STATEMENTS BECAUSE
10 THEY ARE INCULPATORY IN NATURE BEFORE THEY CAN COME IN.

11 ONE OF THE ASPECTS OF DEMONSTRATING CORROBORATING
12 CIRCUMSTANCES WOULD BE TO SHOW THE D.E.A.'S KNOWLEDGE OF THOSE
13 STATEMENTS CLOSE IN TIME TO WHEN THEY WERE MADE, THE
14 D.E.A.'S --

15 THE COURT: JUST A MOMENT. YOU WANT TO ELICIT
16 EVIDENCE THAT OTHER PEOPLE CONFESSED TO THE CRIMES; AND
17 THEREFORE, YOUR CLIENT IS NOT GUILTY?

18 MR. NICOLAYSEN: WELL, THE LOGIC IS NOT QUITE THAT
19 SEQUENTIAL. WHAT I WANT TO SHOW IS THAT THE D.E.A. HAD
20 KNOWLEDGE OF STATEMENTS MADE BY SUSPECTS IN MEXICO REGARDING
21 THE EVENTS THAT HAPPENED AT THE LA LANGOSTA RESTAURANT THE
22 NIGHT THE MURDERS OCCURRED THAT WOULD BE SHOWN LATER IN THE
23 TRIAL TO BE INCONSISTENT WITH ANY EYEWITNESS TESTIMONY THAT THE
24 GOVERNMENT'S WITNESS WOULD, I ANTICIPATE, TESTIFY TO.

25 I'M SAYING THAT BASED ON THE GRAND JURY TESTIMONY OF

1 THAT EYEWITNESS. WE HAVE NOT YET HEARD HIM IN COURT.

2 THESE ARE SUBSTANTIALLY IMPORTANT STATEMENTS. I
3 BELIEVE I CAN LAY THE FOUNDATION UNDER RULE 804.

4 THE COURT: DO YOU WISH TO BE HEARD?

5 MR. MEDRANO: VERY BRIEFLY, YOUR HONOR. THIS IS
6 HEARSAY OF THE MOST BLATANT AND HEINOUS KIND.

7 FIRST OF ALL, LET ME TELL YOU THAT ALTHOUGH WE HAVE
8 HAD PLENTY OF TIME TO PREPARE FOR THIS TRIAL, THIS IS AN ISSUE
9 THAT IS SO SIGNIFICANT AND SUBSTANTIVE IT SHOULD HAVE BEEN
10 BRIEFED EITHER PRETRIAL OR IN AN IN LIMINE MOTION SO WE COULD
11 ADDRESS THIS RULE 804(B)3 HEARSAY EXCEPTION WHERE THE PERSON IS
12 UNAVAILABLE. THAT HASN'T BEEN DONE, YOUR HONOR.

13 THAT ASIDE, THOUGH, IT'S BLATANT HEARSAY, YOUR HONOR.
14 BY NO RULES OF LOGIC CAN WE COME -- CAN WE ESTABLISH THE
15 TRUSTWORTHINESS OF STATEMENTS THAT WERE PROBABLY ELICITED
16 DURING TORTURE, YOUR HONOR.

17 AND THIS IS SIMPLY A BACK DOOR EFFORT TO GET IN
18 STATEMENTS OF PEOPLE THAT WERE TORTURED AND INTERROGATED, AND
19 THEREFORE, ALLOW MR. NICOLAYSEN TO ARGUE AT CLOSING ARGUMENT
20 THAT BECAUSE THOSE MEN DID NOT REFERENCE HIS CLIENT, THEREFORE,
21 HIS CLIENT IS NOT GUILTY.

22 THIS IS UNFAIR, YOUR HONOR, AND INAPPROPRIATE.

23 MR. NICOLAYSEN: THE STATEMENTS WERE GIVEN TO ME BY
24 THE GOVERNMENT, YOUR HONOR.

25 THE COURT: PARDON?

1 MR. NICOLAYSEN: THESE ARE STATEMENTS THAT THE
2 GOVERNMENT GAVE TO ME IN MARCH.

3 THE COURT: WELL, THEY'RE REQUIRED TO GIVE YOU
4 STATEMENTS UNDER THEIR RESPONSIBILITY TO PRODUCE DISCOVERY.

5 THE REQUEST TO BEGINNING THIS EXAMINATION OF THIS
6 WITNESS IS DENIED. IF YOU WISH TO EXAMINE THIS WITNESS AND IF
7 IT RELATES TO THE SUBJECT MATTER THAT YOU'VE INDICATED TO THE
8 COURT, BEFORE YOU DO THAT, YOU MUST SATISFY THE COURT THAT YOU
9 HAVE -- YOU ARE ABLE TO QUALIFY THIS TESTIMONY UNDER ANY THEORY
10 OF ADMISSIBILITY; AND THEREFORE, YOU SHOULD FILE AND BRIEF THE
11 ISSUE WITH THE COURT, AND IF THE COURT IS SATISFIED, THEN YOU
12 MAY CALL THOSE PEOPLE AS YOUR WITNESSES.

13 MR. NICOLAYSEN: NOW, THERE IS ONE WITNESS IN
14 PARTICULAR WHOSE JENKS MATERIAL INCLUDES GRAND JURY TRANSCRIPTS
15 SPECIFIC AS TO ONE OF THOSE SUSPECTS. AND I BELIEVE FROM WHAT
16 I HAVE BEEN GIVEN THAT THERE IS A BASIS FOR PROFFERING NOW TO
17 THE COURT THAT THIS PERSON WAS PRESENT DURING INTERROGATIONS.

18 THE COURT: WHY DON'T WE WAIT UNTIL WE HEAR THE
19 WITNESS'S TESTIMONY?

20 MR. NICOLAYSEN: I DON'T EXPECT THAT ON DIRECT FROM
21 THE GOVERNMENT, IT'S GOING TO COVER THAT ASPECT OF THE GRAND
22 JURY TESTIMONY.

23 THE COURT: I STILL SUGGEST WE WAIT UNTIL WE HEAR THE
24 TESTIMONY BEFORE YOU MAKE YOUR REQUEST TO EXCEED THE SCOPE, IF
25 YOU DO.

1 MR. NICOLAYSEN: I UNDERSTAND. YOUR HONOR, WHAT I
2 WOULD THEN ASK IS THAT THE COURT ORDER THE GOVERNMENT TO MAKE
3 THE FOLLOWING D.E.A. AGENTS AVAILABLE FOR AN INTERVIEW.

4 I THINK THAT WOULD BE MOST EFFICIENT SO I COULD MAKE
5 THE APPROPRIATE PROFFER. FOR EXAMPLE, MR. WHITE, AGENT
6 KUYKENDALL, AGENT STINSON, AGENT MAHER AND AGENT CASTILLO.

7 THE COURT: HAVE YOU MADE ANY EFFORT TO INTERVIEW
8 THOSE PEOPLE BEFORE TRIAL?

9 MR. NICOLAYSEN: NO, I DID NOT. I DIDN'T EVEN KNOW
10 WHO --

11 THE COURT: WHY NOT?

12 MR. NICOLAYSEN: BECAUSE THEY WERE NOT EVEN BROUGHT
13 TO MY ATTENTION UNTIL THE JENKS MATERIAL WAS HANDED OUT.

14 THE COURT: YOU HAVE HAD THE TRANSCRIPT OF THE LAST
15 TRIAL IN THIS CASE.

16 MR. NICOLAYSEN: BUT IT HAD NOTHING TO DO WITH WITH
17 LA LANGOSTA.

18 THE COURT: YOU KNEW ABOUT MR. KUYKENDALL AND HIS
19 INVOLVEMENT IN THESE MATTERS.

20 MR. NICOLAYSEN: IN A GENERIC SENSE I DID, BUT WHEN I
21 GOT THE JENKS MATERIAL, IT BECAME MORE APPARENT TO ME THAT
22 THERE WAS AN ACTIVE D.E.A. OVERSIGHT AT THE LA LANGOSTA PHASE
23 OF THE INVESTIGATION BACK IN 1985.

24 AND AT THAT POINT, I WAS ABLE TO FOCUS MY INQUIRY
25 MORE DIRECTLY. BY THAT TIME, OF COURSE, WE WERE IN TRIAL

1 ITSELF. I WOULD SIMPLY LIKE TO HAVE DIRECT ACCESS TO
2 INTERVIEWING THESE INDIVIDUALS.

3 THE COURT: THESE PEOPLE ARE NOT KEPT IN PRISON. YOU
4 HAVE ACCESS TO THEM, DON'T YOU?

5 MR. NICOLAYSEN: ALL I WANT TO DO IS CONFIRM THAT
6 THE GOVERNMENT IS GOING TO MAKE A SPECIAL EFFORT TO MAKE THEM
7 AVAILABLE TO ME SO I COULD FACILITATE THE PROFFER THAT YOUR
8 HONOR WANTS ME TO MAKE SPECIFIC AS TO THE LA LANGOSTA KNOWLEDGE
9 THAT THEY HAVE.

10 I DON'T KNOW IF THEY'RE GOING TO BE AVAILABLE TO ME.
11 THEY COULD SIMPLY DECLINE TO TALK TO ME. I THINK THE
12 PROSECUTOR SHOULD UNDER THESE CIRCUMSTANCES ASSURE ME THAT THEY
13 WILL BE AVAILABLE SO I CAN AVOID COURT TIME, SPEAK TO THEM AND
14 MAKE MY PROFFER IN WRITING TO THE COURT AS TO WHAT I WOULD
15 INQUIRE ON CROSS, OR LATER, AS AN ADVERSE WITNESS DURING THE
16 DEFENSE CASE.

17 MR. MEDRANO: YOUR HONOR, THIS IS FIRST TIME I'VE
18 EVER HEARD OF THIS. OFF THE RECORD AND OUTSIDE OF COURT
19 MR. NICOLAYSEN HAS NEVER EVEN MADE THE REQUEST. YOUR HONOR,
20 THOSE WITNESSESS ARE AVAILABLE AND HE CAN TALK TO THEM.

21 I CAN'T MAKE ANYBODY TALK TO ANYBODY THEY DON'T WANT
22 TO. I DON'T KNOW WHAT THEIR POSITION IS. BUT CERTAINLY THE
23 WITNESSES WILL BE AVAILABLE EITHER IN PERSON OR BY PHONE TO MR.
24 NICOLAYSEN TO ASK IF THEY WANT TO TALK TO HIM.

25 THE COURT: JUST PROVIDE HIM WITH INFORMATION WHERE

1 THEY CAN BE REACHED.

2 MR. MEDRANO: WE'LL DO THAT, YOUR HONOR.

3 MR. NICOLAYSEN: THAT'S WHAT I'M ASKING FOR, YOUR
4 HONOR.

5 THANK YOU VERY MUCH.

6 MR. MEDRANO: YOUR HONOR, IF I COULD ALSO FLAG
7 SOMETHING ELSE FOR YOU JUST TO ADVISE THE COURT THAT AT 9:15
8 THIS MORNING WE DID FILE OUR PAPERS WITH REGARDS TO PLAYING THE
9 INTERROGATION TAPES.

10 THE COURT: I'VE SEEN THEM.

11 MR. MEDRANO: ALSO TO FLAG FOR YOU WELL IN ADVANCE,
12 YOUR HONOR, THERE IS A SMALL CHANCE, DEPENDING ON HOW LONG
13 CROSS-EXAMINATION GOES OF THE ENSUING WITNESSES, THAT WE MIGHT
14 EVEN BE IN A POSITION TO SEEK TO PLAY THOSE TAPES. AND SHOULD
15 THAT MOMENT ARISE, WE WOULD INSTRUCT --

16 THE COURT: TODAY OR TOMORROW?

17 MR. MEDRANO: YES, YOUR HONOR. A SMALL CHANCE LATE
18 AFTERNOON, IF AT ALL, BUT HOPEFULLY TOMORROW. BUT I JUST
19 WANTED TO LET YOU KNOW IN CASE WE NEEDED A BRIEF RECES TO SET
20 UP THE EQUIPMENT.

21 MR. STOLAR: AND JUDGE RAFEEDIE, I WOULD LIKE TO
22 ADVISE YOU AND PLACE ON THE RECORD THE FACT THAT WE HAVE
23 OFFERED A MORE COMPLETE STIPULATION TO THE GOVERNMENT, WHICH IS
24 SIGNED BY ALL THREE DEFENSE COUNSEL WHO ARE CONCERNED WITH THE
25 CAMARENA HOMICIDE.

1 WE HAVE FILED THE ORIGINAL AND A COPY WITH YOUR CLERK
2 AND I THINK IT WOULD COVER ABSOLUTELY EVERYTHING ABOUT WHY ONLY
3 THE TRANSCRIPTS SHOULD GO BEFORE THE JURY AND NOT THE ENTIRE
4 TAPES.

5 SO THE GOVERNMENT HAS DECLINED --

6 THE COURT: WELL, I'VE SEEN THE STIPULATION.

7 MR. STOLAR: THE NEW STIPULATION?

8 THE COURT: YES.

9 MR. STOLAR: OKAY.

10 MR. MEDVENE: IF THE COURT PLEASE, MAY I ADDRESS YOU
11 ON A DIFFERENT ISSUE, YOUR HONOR?

12 THE COURT: YES.

13 MR. MEDVENE: WITH RESPECT TO LORENZO HARRISON, WE
14 HAVE GOTTEN NO D.E.A. REPORTS AS TO -- OR ANY REPORTS AS TO ANY
15 MEETINGS HE HAD WITH THE GOVERNMENT OR ANY GOVERNMENT
16 REPRESENTATIVES PRIOR TO THE TIME HE TESTIFIED BEFORE THE GRAND
17 JURY.

18 IT IS OUR UNDERSTANDING, YOUR HONOR, THAT IT WOULD BE
19 HIGHLY --

20 THE COURT: YOU'RE SAYING THEY DIDN'T GIVE YOU ANY
21 6'S?

22 MR. MEDVENE: NONE AT ALL PRIOR TO THE --

23 THE COURT: DESCRIBING MEETINGS WITH THIS WITNESS?

24 MR. MEDVENE: THE FIRST THING WE HAVE IS THE GRAND
25 JURY TESTIMONY. AND WHAT WE'D LIKE, YOUR HONOR, IS SOME

1 PROFFER BY THE GOVERNMENT THAT THERE WERE, FOR WHATEVER REASON,
2 NO NOTES OF ANY KIND TAKEN BY ANYONE, THAT HE WAS PUT BEFORE
3 THE GRAND JURY COLD AND QUESTIONED.

4 IF THAT'S NOT THEIR POSITION, AND IF THEY SAY THAT,
5 I'LL ACCEPT IT. IF THAT'S NOT THEIR POSITION AND THERE ARE
6 SOME NOTES, AND THEIR POSITION IS WE ARE NOT ENTITLED TO THEM
7 FOR WHATEVER REASON, I'D ASK YOUR HONOR IF THEY WOULD TELL YOU
8 THAT AND EITHER PERMIT US TO SEE THE NOTES OR LET'S LODGE THEM
9 AND LET YOUR HONOR SEE THEM, BECAUSE IN OUR EXPERIENCE, I'VE
10 NEVER HEARD A CASE WHETHER A WITNESS SUCH AS THIS WOULD BE
11 PLACED COLD WITH NO NOTES OF ANY KIND OF WHAT HE MIGHT SAY.

12 THAT IS THE FIRST ISSUE WITH RESPECT TO MR. HARRISON.

13 THE OTHER ISSUES I HAVE -- NOT TO TAKE YOUR HONOR'S
14 TIME -- SPOKEN TO MR. CARLTON AND/OR MEDRANO OUTSIDE OF COURT,
15 AND THEY'RE GOING TO LOOK INTO -- WE HAVE GOTTEN NO D.E.A.'S
16 FROM THIS MR. SCHMIDT.

17 APPARENTLY, THE WITNESS TESTIFIED TO MEETINGS WITH
18 MR. SCHMIDT. THE PROSECUTORS WERE GOOD ENOUGH TO SAY THEY
19 WOULD LOOK INTO THAT AND ANYTHING ABOUT THIS OTHER WORK HE WAS
20 DOING FOR THE D.E.A.

21 SO WE'LL REVISIT THAT AT THE END OF THE DAY, IF YOU
22 GIVE US TIME. BT FOR RIGHT NOW, SINCE MR. HARRISON IS STILL
23 AVAILABLE, WE'D LIKE SOME STATEMENT OF -- ARE THERE ANY NOTES
24 OF ANY KIND BEFORE HE TESTIFIED BEFORE THE GRAND JURY BY
25 ANYONE?

1 THE COURT: ARE THERE?

2 MR. MEDRANO: YOUR HONOR, AS I TOLD MR. MEDVENE
3 RIGHT BEFORE WE WENT BACK INTO COURT AFTER THIS MORNING'S
4 RECESS, WE'LL LOOK RIGHT NOW DURING THE LUNCH BREAK FOR ANY
5 OTHER NOTES OR 6'S, WHETHER OR NOT THEY EVEN EXIST.

6 AND I'LL IMMEDIATELY GET BACK TO MR. MEDVENE BY THE
7 END OF LUNCH SO HE CAN BRING IT UP TO YOU THEN IF THERE IS ANY
8 DIFFICULTY.

9 THE COURT: YOU PRESENTLY DON'T KNOW OF ANY?

10 MR. MEDRANO: I'M NOT AWARE OF IT, YOUR HONOR, BUT WE
11 WILL RECHECK THAT JUST TO CONFIRM.

12 MR. MEDVENE: IS MR. MEDRANO SAYING THAT HE TOOK NO
13 NOTES AND MR. BERRELLEZ, TO HIS KNOWLEDGE, TOOK NO NOTES?

14 THE COURT: DO YOU CONTEND THAT YOU'RE ENTITLED TO
15 MR. MEDRANO'S NOTES?

16 MR. MEDVENE: I CONTEND THAT WE ARE ENTITLED TO A
17 HEARING ON THE NATURE OF THOSE NOTES AND WHETHER THOSE NOTES
18 EQUAL A STATEMENT, YOUR HONOR. NOT HIS IMPRESSIONS, BUT WHAT
19 THE WITNESS SAID. IN

20 OTHER WORDS, WE HAVE A SITUATION WHERE, AFTER FIVE
21 YEARS, THERE IS NOT A SCRAP OF PAPER INDICATING ANYTHING ABOUT
22 WHAT THE WITNESS IS GOING TO SAY BEFORE HE TESTIFIES.

23 WE'D AT LEAST LIKE TO MARK IT AND LET YOUR HONOR SEE
24 IT, IF WE CAN'T -- OR IF MR. BERRELLEZ TOOK ANY NOTES.

25 THE COURT: DID YOU MAKE ANY NOTES?

1 MR. MEDRANO: YOUR HONOR, THIS IS A RUDIMENTARY LAW
2 SCHOOL ISSUE. I HAVE TAKEN NOTES, THEY ARE MY WORK PRODUCT.
3 AT NO TIME DO I SHOW MY NOTES TO ANY WITNESS BECAUSE THEN THEY
4 BECOME JENKS MATERIAL. THEY ARE MY WORK PRODUCT. I BASE MY
5 DIRECT OR CROSS-EXAMINATION OF WITNESSES ON MY PERSONAL NOTES.

6 SO, YES, SOMEWHERE, SOMEPLACE I HAVE NOTES OF
7 HARRISON INTERVIEWS, BUT NO ONE HAS SEEN THEM, NOT EVEN AGENTS.
8 SO THAT IS WORK PRODUCT AND THIS IS A PREPOSTEROUS REQUEST BY
9 DEFENSE COUNSEL, AND HE KNOWS THAT.

10 THE COURT: YOU SUBMIT SOME BRIEF SHOWING THE LEGAL
11 AUTHORITY TO PERMIT YOU TO GET THE ATTORNEY'S NOTES. THEN I'LL
12 CONSIDER IT.

13 MR. MEDVENE: THE ATTORNEY OR MR. BERRELLEZ'S NOTES,
14 OR TO HAVE THEM LODGED SO WE CAN SEE WHAT THEY SAY.

15 THE COURT: DID MR. BERRELLEZ TAKE NOTS?

16 MR. MEDRANO: AS I SAID, YOUR HONOR, WE'RE GOING TO
17 FIND THAT OUT OVER THE LUNCH HOUR. I ASSUME NOT, BUT WE ARE
18 GOING TO FIND OUT.

19 THE COURT: WHAT IS IT THAT YOU WANT TO DO, MS.
20 KELLY?

21 MS. KELLY: I WANTED TO MAKE A PROFFER TO YOUR HONOR
22 ABOUT WHY I, IN GOOD FAITH, ASKED THE QUESTIONS ABOUT THE
23 RELATIONSHIP OF THE COMANDANTE TO THE C.I.A.

24 THE COURT: WHICH COMANDANTE?

25 MS. KELLY: COMANDANTE NAZAR-HARO, N A Z A R - H A

1 R O.

2 YOUR HONOR, I WOULD LIKE TO BE PERMITTED TO QUESTION
3 THIS WITNESS ABOUT IT. IN HIS STATEMENT TO THE D.E.A. HE DID
4 INDICATE THAT HE KNEW THAT THIS PERSON WAS ASSOCIATED WITH THE
5 C.I.A., AND YOUR HONOR, THERE IS OTHER REFERENCES DURING THIS
6 STATEMENT THAT MR. FONSECA BELIEVED THAT HIS NARCOTICS
7 ACTIVITIES WERE CONDONED BY THE AMERICAN OR WERE IN AGREEMENT
8 WITH THE AMERICANS, YOUR HONOR.

9 THE COURT: TELL ME WHAT THIS HAS TO DO WITH THE
10 GUILT OR INNOCENCE OF YOUR CLIENT.

11 MS. KELLY: THE GOVERNMENT'S THEORY IS THAT MY CLIENT
12 IS ASSOCIATED WITH MR. FONSECA AS AN EMPLOYEE. AND IF, IN
13 FACT, THE NARCOTICS ACTIVITY THAT THESE PEOPLE ARE CONDUCTING
14 IS CONDONED BY THE MEXICAN GOVERNMENT, AS WELL AS SANCTIONED BY
15 THE C.I.A. OR THE STATE DEPARTMENT OF OUR GOVERNMENT, YOUR
16 HONOR, GOES TO THE QUESTION OF WHETHER THERE IS REALLY AN
17 ILLEGAL ENTERPRISE GOING ON AS A SUBJECT OF SECTION 1959.

18 AND I BELIEVE IT WOULD BE --

19 THE COURT: DO YOU HAVE ANY EVIDENCE THAT THESE WERE
20 SANCTIONED OR DRUG TRAFFICKERS WERE SANCTIONED BY THE C.I.A.?

21 MS. KELLY: THIS WITNESS IS TESTIFYING THAT THE
22 MEXICAN GOVERNMENT WAS -- THAT THE MEXICAN COMANDANTES WERE
23 COMPLETELY INVOLVED AND THAT THIS PARTICULAR MAN, MIGUEL
24 NAZAR-HARO WAS INVOLVED IN NARCOTICS TRAFFICKING.

25 AND IN HIS D.E.A. STATEMENT, HE SAYS THAT, IN FACT,

1 HE WAS ASSOCIATED WITH THE C.I.A. AND THAT HE WAS INDICTED FOR
2 SOME KIND OF PROBLEM IN CALIFORNIA OF STOLEN CARS, ET CETERA,
3 ET CETERA AND THAT THE CASE WAS DISMISSED.

4 AND IT WAS BECAUSE HE WAS A C.I.A. OPERATIVE, AND I
5 BELIEVE THAT THERE IS -- I BELIEVE THAT THERE IS EVIDENCE I'M
6 TRYING TO LOCATE THAT THIS PARTICULAR WITNESS MAY HAVE BEEN A
7 C.I.A. OPERATIVE, YOUR HONOR. AND I THINK THAT GIVEN THOSE
8 CIRCUMSTANCES, I SHOULD BE ENTITLED TO QUESTION THIS WITNESS
9 ABOUT THE INVOLVEMENT, HIS KNOWLEDGE OF THE INVOLVEMENT OF THE
10 C.I.A., AND I BELIEVE MY CO-COUNSEL HAS ADDITIONAL GROUNDS.

11 THE COURT: I DON'T BELIEVE I NEED TO HEAR HIM.
12 YOU'RE SPEAKING FOR YOUR POINT OF VIEW HERE.

13 WHAT IS IT THAT YOU WANT TO ASK THIS WITNESS?

14 MS. KELLY: I WOULD LIKE TO INQUIRE OF THIS WITNESS
15 AS TO HIS KNOWLEDGE ABOUT NAZAR-HARO'S RELATIONSHIP TO THE
16 C.I.A.

17 I'D LIKE TO ALSO INQUIRE ABOUT --

18 THE COURT: FIRST OF ALL, DO YOU KNOW WHAT THE
19 WITNESS, IN RELATIONSHIP TO THIS NAZAR-HARO PERSON IS?

20 MS. KELLY: HE TESTIFIED UNDER OATH, YOUR HONOR,
21 THAT HE WAS A COMANDANTE, HIS SUPERIOR.

22 HE ANSWERED TO ESPINO VERDIN, AND IN RETURN, ESPINO
23 VERDIN ANSWERED TO COMANDANTE NAZAR-HARO. AND IN HIS STATEMENT
24 TO THE D.E.A., YOUR HONOR, HE DOES SAY THAT HE HAD KNOWLEDGE OF
25 MR. NAZAR-HARO'S RELATIONSHIP TO THE C.I.A.

1 AND THAT'S THE REASON WHY CHARGES WERE DISMISSED
2 AGAINST NAZAR-HARO IN CALIFORNIA. AND THAT HE KNEW IT BECAUSE
3 HE WAS -- NAZAR-HARO WAS HIS COMANDANTE.

4 THE COURT: AND YOU SAY THAT YOUR CLIENT'S GUILT OR
5 INNOCENCE IS AFFECTED BY THIS INFORMATION?

6 MS. KELLY: WELL, YOUR HONOR, I THINK SO. TO THE
7 EXTENT THAT THE GOVERNMENT IS TRYING TO PAINT AN ASSOCIATION
8 BETWEEN MY CLIENT AND ERNESTO FONSECA, AND MY COLLEAGUES ARE
9 DOING AS WELL, YOUR HONOR, BY CALLING FONSECA A THUG.

10 THE COURT: THIS WITNESS DIDN'T SAY A WORD ABOUT YOUR
11 CLIENT, NOT ONE WORD.

12 MS. KELLY: DID NOT SAY ONE WORD ABOUT MY CLIENT. I
13 UNDERSTAND THAT, YOUR HONOR.

14 THE COURT: NOW YOU WANT TO EXAMINE HIM ON A SUBJECT
15 THAT IS TOTALLY UNRELATED TO YOUR CLIENT.

16 MS. KELLY: YOUR HONOR, I BELIEVE THAT -- AT LEAST
17 FROM WHAT THE GOVERNMENT'S OPENING STATEMENT WAS, IS THAT
18 THEY'RE GOING TO PROVE THAT MY CLIENT WAS INVOLVED IN THIS
19 NARCOTICS TRAFFICKING, BECAUSE HE WAS ASSOCIATED WITH
20 MR. FONSECA AS AN EMPLOYEE, AS HIS BODYGUARD.

21 AND YOUR HONOR, IF, IN FACT, ALL OF THIS NARCOTICS
22 TRAFFICKING ACTIVITY IS CONDONED BY HIGH-RANKING OFFICIALS IN
23 THE MEXICAN GOVERNMENT AND THE C.I.A. AND STATE DEPARTMENT OF
24 OUR COUNTRY, THEN I BELIEVE IT COULD BE A DEFENSE TO THE
25 SECTION 1959 CHARGE.

1 IF YOUR HONOR WOULD LIKE ME TO BRIEF THE ISSUE, I
2 WOULD.

3 THE COURT: I SUGGEST YOU DO THAT.

4 MS. KELLY: VERY WELL, YOUR HONOR.

5 THE COURT: NOW, THIS WITNESS FUENTES, MRS. FUENTES,
6 WILL BE AVAILABLE TOMORROW.

7 MR. MEDRANO: I UNDERSTAND THAT SHE'LL BE FLYING IN
8 AND HOPEFULLY ARRIVE SOMETIME THIS EVENING, AND IS AVAILABLE
9 FOR MORNING, YOUR HONOR, OR ANY TIME THAT IS GOOD FOR YOUR
10 SCHEDULE.

11 THE COURT: WE'LL TRY TO FIND SOMETIME TO HOLD THIS
12 HEARING ON WHETHER OR NOT THERE STILL EXISTED A VIABLE MARITAL
13 RELATIONSHIP BETWEEN HER AND THE DEFENDANT HERE.

14 MR. NICOLAYSEN: I ADVISED MR. MEDRANO ANY TIME
15 TOMORROW IS ACCEPTABLE TO ME. I'LL NOT OBJECT.

16 MR. MEDRANO: MR. NICOLAYSEN AND I FEEL IT WILL BE A
17 VERY SHORT HEARING. IT SHOULD NOT TAKE VERY LONG.

18 THE COURT: I WOULD THINK IT WOULD BE, SINCE IT'S
19 BASICALLY A SINGLE ISSUE, ISN'T IT?

20 MR. MEDRANO: YES, YOUR HONOR.

21 MR. NICOLAYSEN: THAT'S CORRECT.

22 THE COURT: HOW ABOUT 8:30?

23 MR. NICOLAYSEN: I HAVE A 9:00 HEARING ON THE
24 SHERIFF'S CASE TOMORROW. HOW LONG, IF I MAY ASK, HOW LONG DOES
25 THE COURT ANTICIPATE THAT WILL TAKE?

1 THE COURT: I DON'T THINK THAT SHOULD TAKE VERY LONG.

2 MR. MEDRANO: IN THE ALTERNATIVE, YOUR HONOR, WE
3 DON'T OPPOSE COMING IN BEFORE 9:00, IF THAT'S GOOD FOR YOU.

4 MR. NICOLAYSEN: I WOULD BE HAPPY TO DO THAT IF,
5 THAT'S CONVENIENT TO THE COURT.

6 WOULD YOUR HONOR LIKE AN 8:00 HEARING? WOULD THAT BE
7 MORE CONVENIENT?

8 THE COURT: GIVEN THE DIFFICULTY I HAD GETTING HERE
9 TODAY -- IT TOOK ME TWO HOURS -- THAT'S WHY I WAS LATE, I WAS
10 IN A TRAFFIC JAM, I'M NOT SO SURE I COULD MAKE IT HERE UNLESS I
11 SPEND THE NIGHT.

12 THE COURT: NOW THAT I'VE ALIENATED YOUR STAFF WITH
13 MY RECOMMENDATION, I'LL RETRACT IT.

14 THE COURT: I THINK WE'LL HAVE THIS HEARING FOLLOW
15 THE SHERIFF'S HEARING, WHICH SHOULD NOT BE VERY LONG.

16 MR. NICOLAYSEN: FINE.

17 MR. MEDRANO: DO YOU WANT US HERE AT 9:15, YOUR
18 HONOR?

19 THE COURT: ABOUT THAT TIME.

20 MR. MEDRANO: VERY WELL.

21 MR. NICOLAYSEN: THANK YOU, YOUR HONOR.

22 THE COURT: ALL RIGHT.

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

25 (NOON RECESS TAKEN.)

1 LOS ANGELES + CALIFORNIA, THURSDAY, JUNE 7, 1990

2 + 1:30 P.M.

3 (JURY PRESENT:)

4 THE COURT: CALL YOUR NEXT WITNESS.

5 MR. MEDRANO: THANK YOU, YOUR HONOR. THE GOVERNMENT
6 WILL CALL MATTHEW MAHER TO THE STAND.

7 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

8
9 MATTHEW MAHER + PLAINTIFF'S WITNESS, SWORN

10
11 THE CLERK: YOU MAY BE SEATED. PLEASE STATE YOUR FULL
12 NAME FOR THE RECORD AND SPELL YOUR LAST NAME.

13 THE WITNESS: MATTHEW MAHER. M A H E R.

14 DIRECT EXAMINATION +

15 BY MR. MEDRANO:

16 Q MR. MAHER, ARE YOU EMPLOYED BY THE DRUG ENFORCEMENT
17 ADMINISTRATION?

18 A YES, SIR; I AM.

19 Q HOW LONG HAVE YOU SERVED WITH THE D.E.A.?

20 A 20 YEARS.

21 Q CURRENTLY, WHERE ARE YOU ASSIGNED TO?

22 A TO D.E.A. HEADQUARTERS IN WASHINGTON, D.C.

23 Q AND DO YOU HAVE A PARTICULAR POSITION THERE CURRENTLY?

24 A YES, SIR. I'M THE DEPUTY ASSISTANT ADMINISTRATOR FOR THE
25 OFFICE OF INSPECTION.

1 Q LET ME DIRECT YOUR ATTENTION TO ABOUT 1985, SPECIFICALLY
2 ABOUT AUGUST 30 OF 1985. ON THAT DATE, CAN YOU TELL US WHERE
3 YOU WERE STATIONED?

4 A I WAS ASSIGNED TO D.E.A. HEADQUARTERS AT THAT TIME, WORKING
5 ON THE INVESTIGATIVE TEAM THAT WAS IN -- FOLLOWING UP THE
6 INVESTIGATION OF THE KIDNAPPING AND MURDER OF AGENT CAMARENA.

7 Q AND ON THIS DATE OF AUGUST 30, 1985, DO YOU TAKE CUSTODY OF
8 PARTICULAR EVIDENCE?

9 A YES, SIR; I DID.

10 Q NOW, IF YOU CAN DIRECT YOUR ATTENTION TO GOVERNMENT'S
11 EXHIBIT 75, WHICH SHOULD BE IN FRONT OF YOU, I BELIEVE --

12 A YES, SIR.

13 Q -- NOW, CAN YOU TELL US WHAT THAT IS, SIR?

14 A IT'S A QUANTITY OF CASSETTE TAPES, FIVE IN TOTAL, THAT WERE
15 DELIVERED TO ME ON THE 30TH OF AUGUST IN WASHINGTON, D.C.

16 Q WHO WERE THEY DELIVERED TO YOU BY, IF YOU RECALL?

17 A BY JAMES KUYKENDALL, WHO AT THAT TIME WAS THE RESIDENT
18 AGENT IN CHARGE OF THE OFFICE IN GUADALAJARA, JALISCO.

19 Q WHEN YOU TAKE CUSTODY OF THOSE TAPES -- YOU CAN PUT THEM
20 DOWN. THANK YOU.

21 WHEN YOU TAKE CUSTODY OF THESE FIVE TAPES, DO YOU PUT
22 IDENTIFYING INITIALS OR ANYTHING ON THEM?

23 A YES, SIR; I DO. I MARK THEM WITH MY NAME AND DATE ON WHICH
24 I RECEIVED THEM.

25 Q HAVE YOU HAD A CHANCE TO LOOK AT EXHIBIT 75 PRIOR TO YOUR

1 TESTIFYING, YOUR TESTIMONY THIS AFTERNOON?

2 A YES, SIR; I DID.

3 Q AND DO THE FIVE TAPES YOU REFERENCED STILL HAVE YOUR
4 PARTICULAR INITIALS ON THEM?

5 A YES, SIR. THEY HAVE MY INITIALS AND THE DATE OF AUGUST THE
6 30TH 1985.

7 Q IN ADDITION TO THE TAPES, IS THERE ANY OTHER PART OF
8 EXHIBIT 75 THAT ALSO HAS YOUR INITIALS?

9 A YES, SIR. THERE IS A SIXTH CASSETTE TAPE IN THE BAG THAT
10 ALSO HAS MY INITIALS, BUT WITH A LATER DATE ON IT.

11 Q AND IN ADDITION TO TAPES, HOW ABOUT THAT EVIDENCE ENVELOPE
12 OR ANY ENVELOPE IN IT, DOES THAT HAVE YOUR INITIALS, AS WELL?

13 A YES, SIR. THERE ARE A NUMBER OF EVIDENCE ENVELOPES, EITHER
14 WHOLE OR IN PART, WITH THE SEALS ON THEM THAT ARE CONTAINED
15 WITHIN THIS BAG. SOME OF THOSE ENVELOPES OR THE PARTIAL
16 ENVELOPES HAVE ALSO MY NAME AND THE DATES ON WHICH THEY WERE
17 EITHER OPENED OR SEALED BY ME.

18 Q NOW, WHEN YOU TOOK CUSTODY OF THESE ITEMS FROM SPECIAL
19 AGENT KUYKENDALL WHAT DID YOU DO WITH THEM THAT PARTICULAR DAY,
20 ON AUGUST 30TH?

21 A THE FIRST THING I DID WAS MADE WORKING COPIES OF THE FIVE
22 TAPES, AND THEN THE ORIGINAL TAPES WERE SEALED IN AN EVIDENCE
23 ENVELOPE AND PUT INTO A LOCKED SAFE IN THE UNIT THAT WE WORKED
24 OUT OF IN WASHINGTON.

25 Q LET ME TAKE YOU PAST THE DATE OF AUGUST 30, 1985.

1 THEREAFTER, DO YOU STILL HAVE ACCESS TO THE FIVE TAPES?

2 A YES, SIR. THE TAPES WERE THERE UNDER SEAL IN THE OFFICE IN
3 CASE THEY WERE NEEDED.

4 Q AND THEREAFTER, DO YOU HAVE AN OPPORTUNITY TO WIND OR
5 REWIND THE TAPES?

6 A YES, SIR, THERE CAME AN OCCASION LATER ON IN -- ABOUT A
7 YEAR OR SO LATER, I THINK WAS IN LIKE AUGUST OR SEPTEMBER OF
8 1986, WHERE WE NEEDED TO MAKE AN ADDITIONAL COPY, WORKING COPY,
9 OF THE TAPES. AND THE ORIGINALS WERE REMOVED FOR THE PURPOSE
10 OF MAKING THOSE COPIES FROM THE ORIGINALS.

11 Q AND WERE YOU INVOLVED IN THAT INITIAL PROCESS?

12 A YES, SIR; I DID IT MYSELF.

13 Q DURING THAT PROCESS, DOES ANYTHING HAPPEN TO ANY OF THE
14 FIVE ORIGINAL TAPES?

15 A YES, SIR. ONE OF THE TAPES THAT HAD BEEN MARKED COPIA 4,
16 DURING THE PROCESS OF COPYING IT ON A HIGH-SPEED MACHINE, AS IT
17 WENT INTO THE REWIND CELL, IT PULLED LOOSE FROM THE SPOOL. ONE
18 OF THE ENDS OF THE TAPE HAD JUST PULLED LOOSE FROM THE SPOOL ON
19 WHICH IT WAS AFFIXED.

20 Q OKAY. SO THE TAPE HAS COME OFF THE SPOOL INSIDE THE
21 CASSETTE?

22 A THAT'S CORRECT.

23 Q WHEN THIS HAPPENS, WHAT DO YOU NEXT, IF ANYTHING?

24 A WELL, NOT BEING AN EXPERT IN REPAIRING THESE TAPES, WHAT I
25 DID WAS I MADE CONTACT WITH THE F.B.I. AUDIO LABORATORY IN

1 VIRGINIA AND ASKED THEM IF I COULD BRING THE TAPE DOWN THERE
2 FOR THEM TO EXAMINE TO SEE IF THEY COULD DETERMINE THE CAUSE
3 FOR THE SEPARATION OR DO SOMETHING TO PUT IT BACK IN ORDER.

4 Q AND YOU ARE REFERENCING ONLY THAT ONE PARTICULAR TAPE,
5 COPIA 4?

6 A THAT'S CORRECT.

7 Q YOU END UP TAKING COPIA 4 -- I'M SEARCHING FOR THE RIGHT
8 WORD.

9 THE TAPE THAT HAD MALFUNCTIONED, DO YOU TAKE THAT TAPE
10 ANYWHERE?

11 A YES, SIR; I DID. TOOK IT TO THE F.B.I. FORENSIC
12 LABORATORY, I GUESS IS WHAT YOU'D CALLED IT; THEIR AUDIO
13 SECTION IN NEWINGTON, VIRGINIA.

14 Q WHILE THERE, DID YOU DEAL WITH A SPECIFIC AGENT.

15 AS YES. I DEALT WITH THE CHIEF OF THEIR AUDIO SECTION DOWN
16 THERE, AN AGENT BY THE NAME OF MR. BRUCE KOENIG.

17 Q WHAT DOES MR. KOENIG DO WITH THE MALFUNCTIONING TAPE?

18 A WHAT HE DID BASICALLY WAS, HE OPENED UP THE CASSETTE. IT'S
19 HELD TOGETHER WITH, I THINK, FOUR SMALL SCREWS.

20 HE OPENED UP THE CASSETTE AND DETERMINED THAT THE
21 VERY, VERY ENDS OF THE TAPE, WHICH CONTAIN A PLASTIC TYPE OF
22 LEADER THAT AFFIXES TO THE SPOOL, HAD PULLED APART AND
23 SEPARATED FROM THE SPOOL.

24 HE RECOMMENDED THAT THE TAPE BE REWOUND ONTO A BETTER
25 QUALITY CASSETTE TYPE SPOOL. THE CASSETTE THAT WE HAD, THE

1 QUALITY OF THE PLASTIC, HE SAID HE FELT -- IN MR. KOENIG'S
2 OPINION WAS NOT THE BEST KIND OF QUALITY; THAT'S PROBABLY WHY
3 IT SEPARATED DURING THE REWINDING PROCESS.

4 Q I TAKE IT THIS IS ALL HAPPENING IN YOUR PRESENCE?

5 A DIRECTLY IN FRONT ME.

6 Q SO WHAT HAPPENS NEXT?

7 A WHAT HE DID WAS HE JUST TOOK ANOTHER SPOOL, OPENED THAT ONE
8 UP AND TOOK THE TAPE FROM THE COPIA 4 AND WOUND IT BY HAND
9 UNTIL IT WAS ONTO THE NEW, BETTER, MORE -- BETTER QUALITY
10 CAPACITY PLASTIC HOLDER.

11 AND THEN HE PUT THE HOLDER BACK TOGETHER AND RETURNED
12 TO ME THE NEW HOLDER CONTAINING THE TAPE FROM COPIA -- THE
13 ORIGINAL COPIA 4 AND THE OLD CASSETTE, THE ONE FROM WHICH IT
14 HAD SEPARATED.

15 Q AND DID YOU TAKE PERSONAL CUSTODY OF, NOW, BOTH ITEMS?

16 A YES, SIR.

17 Q WHAT DID YOU DO WITH BOTH ITEMS AT THAT TIME?

18 A I TOOK THEM BACK TO D.C. WITH ME AND ATTEMPTED TO GO
19 THROUGH THE COPYING PROCESS AGAIN.

20 Q OKAY. PLEASE, DOES ANYTHING HAPPEN THEREAFTER?

21 A IT SEPARATED AGAIN.

22 Q ALL RIGHT. AND CAN YOU GIVE US US AN APPROXIMATE TIME THAT
23 YOU'RE TALKING ABOUT WHEN IT SEPARATES?

24 A IT WAS THE SAME DATE. I BELIEVE IT WAS THE SAME DAY I
25 BROUGHT IT BACK. THE DATE OF THE ORIGINAL SEPARATION, I THINK,

1 WAS LIKE THE 8TH OR 9TH OF AUGUST. AND I BOUGHT IT DOWN THE
2 NEXT DAY TO HAVE IT FIXED. THAT AFTERNOON WHEN I HAD IT FIXED,
3 I BROUGHT IT BACK AND INTENDED TO CONTINUE THE COPYING PROCESS,
4 AND IT SEPARATED AGAIN. AND AT THAT POINT IN TIME, I WASN'T
5 ABOUT TO FOOL AROUND WITH IT ANY MORE.

6 Q WELL, WHAT HAPPENED THEN, IF ANYTHING?

7 A I JUST SEALED IT BACK UP IN THE EVIDENCE ENVELOPE AND PUT
8 IT BACK IN THE SAFE.

9 Q AND THEREAFTER? WELL, AND THAT'S WHERE I STAYED UNTIL THE
10 PRESENT TIME?

11 A THAT'S WHERE IT STAYED UNTIL I SAW IT TODAY.

12 Q IF I CAN DIRECT YOU TO GOVERNMENT'S EXHIBIT 75, WHICH AGAIN
13 IS RIGHT IN FRONT OF YOU, CAN YOU TELL US HOW MANY CASSETTES
14 ARE IN THAT EXHIBIT?

15 A (REMOVES CONTENTS FROM PLASTIC ENVELOPE.) THERE ARE SIX
16 CASSETTES. HOWEVER, THERE ARE ONLY FIVE CASSETTES WITH TAPES
17 ON THEM.

18 THE SIXTH CASSETTE IS THE ORIGINAL PLASTIC HOUSING
19 THAT CONTAINED COPIA 4, AND THAT ACCOUNTS FOR THE SIXTH
20 CASSETTE PACKAGE, IF YOU WILL.

21 Q AND THE SIXTH -- STRIKE THAT. AND -- STRIKE THAT, AS WELL.

22 IF I MAY HAVE JUST ONE MOMENT, YOUR HONOR. (PAUSE.)

23 YOUR HONOR, THAT CONCLUDES DIRECT.

24 THE COURT: YOU MAY CROSS-EXAMINE.

25 MR. STOLAR: THANK YOU.

CROSS-EXAMINATION +

1

2 BY MR. STOLAR:

3 Q GOOD AFTERNOON, AGENT MAHER.

4 A GOOD AFTERNOON,

5 Q YOUR RECEIPT AND COPYING OF THESE CASSETTES WAS A FAIRLY
6 SIGNIFICANT EVENT IN YOUR LIFE, I WOULD IMAGINE. IS THAT
7 RIGHT?8 A YES, SIR; IT WAS A SIGNIFICANT PIECE OF EVIDENCE AT THE
9 TIME.10 Q YES. AND YOUR RECOLLECTION OF THIS SIGNIFICANT EVENT IS
11 THAT YOU -- THE TAPE BROKE ON YOU, I THINK YOU SAID IN AUGUST
12 OF 1986. IS THAT RIGHT?

13 A THAT'S MY BEST RECOLLECTION.

14 Q IN FACT, IT WAS APRIL OF 87, WASN'T IT?

15 A YOU COULD BE RIGHT. (LAUGHTER.)

16 Q WANT TO REFRESH YOUR RECOLLECTION?

17 A YES, IF YOU'VE GOT -- I KNOW I DID A REPORT ON IT, IF YOU
18 HAVE ONE.

19 Q YOU DID A 6 ON IT; RIGHT?

20 A YES.

21 MR. STOLAR: FOR EVIDENCE?

22 THE COURT: WELL, I DON'T THINK IT'S NECESSARY, IF
23 YOU'RE WILLING TO ACCEPT WHAT'S IN THE REPORT AS CORRECT.

24 BY MR. STOLAR:

25 Q WROTE IT ON APRIL THE 29TH 87 AND YOU TOOK IT DOWN TO THE

1 F.B.I. APRIL THE 30TH?

2 A THAT IS CORRECT. IT WAS ONLY ONE DAY APART.

3 Q SO IT WASN'T AUGUST OF 86, THEN.

4 A NO, IT WAS 87.

5 Q OKAY. NOW, JUST ONE OTHER -- OH, TWO OTHERS.

6 THE FIVE TAPES THAT YOU RECEIVED, WERE THEY ALL MARKED
7 AS COPIA: COPIA 1, COPIA 2, COPIA 3, COPIA 4 AND COPIA 5?

8 A YES, SIR; THEY WERE. YES, SIR; THEY WERE.

9 Q AND YOU HAVE AS PART OF THIS EXHIBIT COPIAS 1, 3 AND 5, AS
10 WELL AS 2 AND 4; IS THAT CORRECT?

11 A (EXAMINES CASSETTES.) 1, 2, 3, 4, AND 5.

12 Q AND THE WORD "COPIA," DO YOU KNOW WHAT THAT MEANS?

13 A COPY.

14 Q COPY. ALL RIGHT. ESSENTIALLY WHAT YOU GOT, WHAT YOU
15 REFERRED TO AS ORIGINALS, WERE IN FACT COPIES OF ORIGINALS,
16 WEREN'T THEY?

17 A THAT'S HOW THEY WERE MARKED.

18 MR. MEDRANO: YOUR HONOR, LACK OF FOUNDATION.

19 BY MR. STOLAR:

20 Q WELL, DO YOU KNOW WHETHER OR NOT THEY ARE?

21 A I HAVE NO IDEA.

22 MR. STOLAR: OKAY. THANK YOU, SIR.

23 THE COURT: ANY OTHER QUESTIONS?

24 MR. NICOLAYSEN: YOUR HONOR, NO CROSS ON THE SPECIFIC
25 MATTERS OF DIRECT, BUT I WOULD RESPECTFULLY RESERVE THE RIGHT

1 TO RECALL AGENT MAHER LATER ON.

2 THE COURT: ALL RIGHT.

3 DO YOU HAVE ANYTHING FURTHER?

4 MR. MEDRANO: NO REDIRECT, YOUR HONOR.

5 THE COURT: YOU MAY STEP DOWN.

6 THE WITNESS: THANK YOU, JUDGE.

7 THE COURT: CALL YOUR NEXT WITNESS.

8 MR. MEDRANO: YOUR HONOR, AT THIS TIME THE GOVERNMENT
9 WOULD CALL ROBERT CASTILLO TO THE STAND.

10 (WITNESS SUMMONED TO COURTROOM.)

11 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

12

13 ROBERT CASTILLO + PLAINTIFF'S WITNESS, SWORN

14

15 THE CLERK: PLEASE BE SEATED.

16 THE WITNESS: THANK YOU.

17 THE CLERK: PLEASE STATE YOUR FULL NAME FOR THE RECORD
18 AND SPELL YOUR LAST NAME.

19 THE WITNESS: YES. ROBERT CASTILLO, C A S T I L
20 L O.

21

DIRECT EXAMINATION +

22 BY MR. MEDRANO:

23 Q MR. CASTILLO, DO YOU WORK WITH THE D.E.A.?

24 A YES, I DO.

25 Q HOW LONG HAVE YOU SERVED WITH THE D.E.A.?

1 A APPROXIMATELY TEN AND ONE HALF YEARS.

2 THE COURT: YOU CAN PUSH THE MIKE AWAY A LITTLE BIT.

3 THE WITNESS: YES, SIR.

4 THE COURT: IT'S TOO CLOSE.

5 MR. MEDRANO: THANK YOU.

6 Q WHAT CITY ARE YOU CURRENTLY ASSIGNED TO AS A D.E.A. AGENT?

7 A DENVER, COLORADO.

8 Q ARE YOU THERE AS A SPECIAL AGENT?

9 A YES AS A SUPERVISOR.

10 Q ARE YOU FLUENT IN SPANISH?

11 A YES, I AM, SIR.

12 Q ORAL AND WRITTEN SKILLS?

13 A YES, SIR.

14 Q HAVE YOU EVER BEEN ASSIGNED TO A D.E.A. OFFICE OUTSIDE THE
15 UNITED STATES?

16 A YES, I HAVE BEEN.

17 Q LET ME DIRECT YOUR ATTENTION TO 1984, AT THAT TIME, WERE
18 YOU EVER OUTSIDE OF THE UNITED STATES AS AN ASSIGNMENT?

19 A YES. IN JUNE OF 1984, I WAS ASSIGNED TO THE D.E.A. OFFICE
20 IN MEXICO CITY.

21 Q AND HOW LONG WERE YOU AT THE MEXICO CITY D.E.A. OFFICE?

22 A UNTIL NOVEMBER OF 86.

23 Q WERE YOU IN MEXICO CITY AT THE TIME OF THE DISAPPEARANCE OF
24 SPECIAL AGENT CAMARENA ON FEBRUARY 1985?

25 A I WAS IN MEXICO, YES, BUT IN THE CITY OF VERACRUZ.

1 Q AFTER HIS DISAPPEARANCE, AT ANY TIME ARE YOU ASSIGNED TO
2 THE INVESTIGATION OF CAMARENA'S DISAPPEARANCE?

3 A YES. APPROXIMATELY TWO WEEKS AFTERWARDS.

4 Q IF I CAN DIRECT YOUR ATTENTION -- WELL, STRIKE THAT.

5 ON WHAT DATE IS IT THAT YOU'RE APPRISED OF THE
6 DISAPPEARANCE OF THE AGENT?

7 A ON FEBRUARY 8TH 1985.

8 Q AT THAT TIME, YOU'RE IN THE CITY OF VERACRUZ?

9 A YES, SIR.

10 Q WHAT STATE IS THAT IN, PLEASE?

11 A IN THE STATE OF VERACRUZ.

12 Q THEREAFTER, DO YOU GO ELSEWHERE IN THE REPUBLIC OF MEXICO?

13 A YES. WE IMMEDIATELY LEAVE THE STATE OF VERACRUZ AND
14 PROCEED TO MEXICO CITY FOR FURTHER INSTRUCTIONS AND ORDERS.

15 Q AND YOU ARRIVE ON WHAT DATE IN MEXICO CITY?

16 A THAT SAME EVENING, ON THE 8TH.

17 Q UPON YOUR ARRIVAL ON FEBRUARY 8TH, GENERALLY, WHAT WERE THE
18 TYPES OF RESPONSIBILITIES YOU HAD WITH REGARD TO THE
19 INVESTIGATION?

20 A WELL, AT THAT TIME, I WAS SOMEWHAT OF A LIAISON FOR OUR
21 GUADALAJARA OFFICE, D.E.A. OFFICE, AND OUR HEADQUARTERS IN
22 WASHINGTON, D.C., RESPONDING TO PHONE CALLS AND INSTRUCTIONS
23 OF -- PROCEEDING TO ASSISTANCE.

24 Q AS PART OF THIS LIAISON POSITION OR CAPACITY, WOULD YOU
25 ASSIST OR PARTICIPATE IN THE TRANSFER OF INFORMATION FROM

1 MEXICO TO WASHINGTON, D.C.?

2 A EXACTLY.

3 Q AND WOULD THIS BE TO THE D.E.A. HEADQUARTERS IN WASHINGTON,
4 D.C.?

5 A CORRECT.

6 Q DO YOU KNOW AN INDIVIDUAL BY THE THE NAME OF RAFAEL CARO
7 QUINTERO?

8 A YES, SIR; I DO.

9 Q I'D LIKE TO DIRECT YOUR ATTENTION TO ABOUT APRIL 4 OF 1985.
10 AT ANY TIME, SIR, ARE YOU ADVISED OF THE ARREST OF RAFAEL CARO
11 QUINTERO?

12 A YES, SIR. I WAS NOTIFIED AT HOME THAT CARO QUINTERO HAD
13 BEEN ARRESTED ON APRIL 4TH IN SAN JOSE, COSTA RICA, AND THAT HE
14 WOULD BE IN MEXICO CITY ON THE 5TH OF APRIL, SOMETIME IN THE
15 EVENING.

16 Q WELL, AFTER LEARNING THIS INFORMATION, DO YOU RECEIVE ANY
17 SPECIFIC ORDERS FROM YOUR D.E.A. SUPERIORS?

18 A YES. I WAS ADVISED -- WELL, BASICALLY INSTRUCTED TO
19 PROCEED TO THE M.F.J.P. HEADQUARTERS, INTERPOL HEADQUARTERS, IN
20 MEXICO CITY AND BE PRESENT DURING THE TIME OF CARO QUINTERO'S
21 ARRIVAL AND ALSO TO BE PRESENT DURING HIS INTERROGATION.

22 Q NOW, YOU MENTIONED INTERPOL. CAN YOU EXPLAIN TO US WHAT
23 INTERPOL IS?

24 A YES. INTERPOL IS AN ELITE GROUP OF MEXICAN FEDERAL POLICE
25 OFFICERS IN MEXICO CITY. THEY NORMALLY CONDUCT THE MORE

1 COMPLEX INVESTIGATIONS IN THE COUNTRY.

2 Q NOW, INTERPOL, IT ALSO HAS AN INTERNATIONAL SCALE TO IT,
3 DOES IT NOT?

4 A YES. THEY MAINTAIN LIAISONS BACK AND FORTH WITH OTHER
5 FOREIGN AGENCIES AND PASS INFORMATION AND INTELLIGENCE WITH
6 EACH OTHER.

7 Q NOW, SIR, TO YOUR KNOWLEDGE, IN EARLY APRIL DID RAFAEL CARO
8 QUINTERO RETURN BACK TO THE REPUBLIC OF MEXICO?

9 A SAY IT AGAIN, SIR?

10 Q IN EARLY APRIL, IS CARO QUINTERO BROUGHT BACK TO MEXICO?

11 A YES, ON APRIL THE 5TH, SOMETIME IN THE EVENING.

12 Q DO YOU HAVE ANY IDEA ABOUT THE TIME HE COMES IN?

13 A HE ARRIVES AT THAT PARTICULAR OFFICE, OH, I THINK IT WAS
14 ABOUT 7:30 P.M.

15 Q AND ARE YOU TALKING ABOUT THE INTERPOL HEADQUARTERS IN
16 MEXICO CITY?

17 A YES, SIR.

18 Q NOW, WHEN HE IS BROUGHT IN, ARE YOU PRESENT WHEN THAT
19 HAPPENS?

20 A YES, I AM.

21 Q AND WHEN HE IS BROUGHT IN -- STRIKE THAT.

22 IS HE BROUGHT IN WITH OTHER INDIVIDUALS, AS WELL?

23 A THERE WAS APPROXIMATELY SIX OTHER INDIVIDUALS ESCORTED IN
24 WITH HIM.

25 Q AND THE SIX INDIVIDUALS OTHER THAN CARO, ARE THEY ALSO IN

1 CUSTODY?

2 A YES, THEY ARE.

3 Q TO YOUR KNOWLEDGE, SIR, WERE THESE OTHER INDIVIDUALS
4 ARRESTED WITH HIM IN COSTA RICA?

5 A TO MY KNOWLEDGE, THEY WERE.

6 Q OTHER THAN YOURSELF, WHEN CARO QUINTERO WAS BROUGHT IN, ANY
7 OTHER D.E.A. AGENTS THAT ARE PRESENT, AS WELL?

8 A YES. THERE WAS AGENT EDWARD HEATH, WHO WAS IN CHARGE OF
9 THE MEXICO CITY D.E.A. OFFICE.

10 Q DID HEATH, EDWARD HEATH, HAVE A PARTICULAR TITLE WHEN YOU
11 SAY THAT HE WAS IN CHARGE OF THE OFFICE?

12 A WELL, HIS TITLE WAS COUNTRY ATTACHE OF MEXICO CITY D.E.A.
13 OFFICE.

14 Q IN A SENSE, DOES THAT MAKE HIM THE NO. 1 D.E.A. AGENT IN
15 MEXICO?

16 A THAT'S CORRECT.

17 Q AND THAT WAS IN 1985?

18 A THAT WAS IN 1985, YES.

19 Q AND JUST BRIEFLY, TO YOUR KNOWLEDGE, WHAT DOES A COUNTRY
20 ATTACHE DO?

21 A AS YOU'VE MENTIONED, SIR, HE IS THE TOP D.E.A. OFFICIAL IN
22 THE COUNTRY, AND HIS RESPONSIBILITIES ARE TO MAINTAIN LIAISON
23 BETWEEN OUR OFFICE, THE MEXICAN GOVERNMENT -- EXCUSE ME -- THE
24 MEXICAN GOVERNMENT AND ALSO TO ASSIST/PARTICIPATE IN
25 INVESTIGATION WITH OUR COUNTERPARTS.

1 Q AT ANY POINT, ON THIS PARTICULAR DATE OF APRIL 5 AT 7:30,
2 IS AN INTERVIEW OF RAFAEL CARO QUINTERO CONDUCTED?

3 A YES, THERE IS.

4 Q AND ARE YOU PRESENT FOR THIS INTERVIEW OF CARO QUINTERO?

5 A YES, I AM.

6 Q IS ED HEATH ALSO PRESENT?

7 A YES, HE IS.

8 Q NOW, JUST FOR CLARIFICATION, THERE'S OTHER INTERVIEWS OF
9 CARO QUINTERO, AS WELL; IS THAT CORRECT?

10 A YES, THERE ARE.

11 Q WITH YOUR PERMISSION, LET'S CALL THIS ONE INTERVIEW NO. 1.

12 A OKAY. NOW, FOR INTERVIEW 1, WHERE WITHIN INTERPOL
13 HEADQUARTERS, IS THE INTERVIEW BEING CONDUCTED?

14 A WELL, IT'S A SMALL OFFICE AT THE END OF THE BUILDING, A
15 VERY SMALL ROOM, ABOUT 8 BY 10 FEET IN DIMENSION. THAT'S WHERE
16 OUR FIRST INTERVIEW WAS HELD.

17 Q ON INTERVIEW NO. 1, WHO'S THE POINT MAN ON THE INTERVIEW?
18 IS IT YOURSELF OR MEXICAN OFFICIALS?

19 A NO, THE MEXICAN OFFICIALS WHO ARE PROCEEDING WITH THE
20 DEBRIEFING OF THE DEFENDANT.

21 Q WHEN YOU SAY "MEXICAN OFFICIALS, WHAT AGENCY?

22 A MEXICAN FEDERAL JUDICIAL POLICE.

23 Q DO YOU RECALL, SIR, APPROXIMATELY WHAT TIME, NOW, THIS
24 FIRST INTERVIEW STARTS ON APRIL 5?

25 A APPROXIMATELY 8:30 P.M.

1 Q OTHER THAN YOURSELF AND HEATH, HOW MANY M.F.J.P. OFFICIALS
2 ARE PRESENT FOR THE INTERVIEW?

3 A I BELIEVE IT WAS ABOUT FOUR OR FIVE OFFICIALS.

4 Q IF YOU RECALL, THE RANKS OF THESE FIVE M.F.J.P. OFFICIALS?

5 A WELL, THEY ARE COMANDANTES AND ABOVE, COMMANDERS.

6 Q NOW, SIR, DO YOU RECALL THE APPROXIMATE LENGTH OF INTERVIEW
7 NO. 1?

8 A THAT ONE WAS APPROXIMATELY TWO HOURS.

9 Q WAS THIS INTERVIEW TAPED?

10 A NO, IT WASN'T.

11 Q WERE YOU PRESENT FOR THE DURATION OF THE TWO-HOUR
12 INTERVIEW, NO. 1?

13 A YES, I WAS.

14 Q IN INTERVIEW NO. 1, WERE YOU IN A POSITION TO OBSERVE CARO
15 QUINTERO?

16 A YES, I WAS.

17 Q TO HEAR HIS VOICE AS HE SPOKE?

18 A YES.

19 Q AND NO DIFFICULTIES OR NO OBSTRUCTIONS TO AFFECT YOUR
20 ABILITY TO HEAR WHAT HE WAS SAYING?

21 A NO.

22 Q AND THIS IS FOR THE ENTIRE TWO PERIOD -- STRIKE THAT.

23 THIS IS FOR THE ENTIRE TWO-HOUR FIRST INTERVIEW?

24 A YES, IT WAS.

25 Q SO NOW LET ME TAKE YOU PAST INTERVIEW NO. 1. AT SOME

1 POINT, IS ANOTHER INDIVIDUAL BROUGHT INTO THE ROOM WHEN CARO
2 QUINTERO IS BEING INTERVIEWED?

3 A THERE WAS ANOTHER INTERVIEW OF A DEFENDANT BY THE NAME OF
4 CONTRERAS SUBIAS.

5 Q WELL, CAN WE CALL THIS INTERVIEW NO. 2, NOW?

6 A YES.

7 Q AND WHO WAS PRESENT -- STRIKE THAT.

8 SUBIAS IS PRESENT FOR THIS INTERVIEW?

9 A YES. SUBIAS IS BEING INTERVIEWED.

10 Q AND IS CARO QUINTERO PRESENT FOR THIS SAME INTERVIEW?

11 A NOT INITIALLY. HE IS BROUGHT IN LATER.

12 Q CAN YOU GIVE US A TIME APPROXIMATELY FOR INTERVIEW NO, 2
13 WHEN IT STARTS?

14 A THIS IS APPROXIMATELY 11:30 P.M.

15 Q ARE WE STILL ON APRIL 5 OF 1985?

16 A YES, WE ARE.

17 Q ARE YOU PRESENT FOR THE ENTIRE INTERVIEW NO. 2?

18 A YES.

19 Q INCLUDING WHEN CARO QUINTERO WAS BROUGHT IN?

20 A YES.

21 Q AND WHEN SUBIAS IS PRESENT, AS WELL?

22 A CORRECT.

23 Q CAN YOU GIVE US AN ESTIMATE OF LENGTH OR DURATION OF
24 INTERVIEW NO. 2?

25 A THIS ONE WAS APPROXIMATELY 15 MINUTES, NOT VERY LONG.

1 Q ARE WE TALKING ABOUT THE SAME LOCATION AS INTERVIEW NO. 1,
2 BY THE WAY?

3 A CORRECT.

4 Q NOW, WHEN YOU WERE PRESENT -- STRIKE THAT.

5 IS ED HEATH ALSO PRESENT FOR THE SECOND INTERVIEW?

6 A YES, HE IS.

7 Q DURING THE SECOND INTERVIEW, OF 15 MINUTES, ARE YOU ABLE TO
8 OBSERVE CARO QUINTERO?

9 A YES, I AM.

10 Q ARE YOU ABLE TO HEAR HIS RESPONSES?

11 A YES, I WAS.

12 Q IS THERE ANYTHING AT ALL THAT IS -- I'M SORRY. DID I CUT
13 YOU OFF?

14 A NO.

15 Q IS THERE ANYTHING AT ALL THAT AFFECTS OR OBSTRUCTS YOUR
16 ABILITY TO SEE OR HEAR HIS RESPONSES?

17 A NO. NONE WHATSOEVER.

18 Q RELATIVE TO THE SECOND INTERVIEW, INTERVIEW NO. 2, IS THIS
19 ONE RECORDED?

20 A YES, THIS ONE IS RECORDED.

21 Q WHY? WHY IS INTERVIEW NO. 2 RECORDED?

22 A WELL, BASICALLY, AT THAT TIME, HAVING THE EQUIPMENT, I
23 DECIDED TO USE IT. I ASKED PERMISSION; THEY ALLOWED ME TO.

24 AND FOR ME, IT ASSISTED ME TO OBTAIN WHATEVER
25 INFORMATION -- I WOULD PROBABLY LOSE SOME OF IT IF I WAS TAKING

1 NOTES. THIS WAS THE BEST WAY OF COLLECTING EVERYTHING I COULD.

2 Q YOU DIDN'T WANT TO MISS ANYTHING?

3 A NOT AT ALL.

4 Q AND WAS IT YOUR SENSE THAT IT MIGHT GIVE YOU INFORMATION TO
5 FURTHER YOUR CAMARENA INVESTIGATION?

6 A CORRECT.

7 Q THE TAPE RECORDING THAT YOU GENERATED FOR THIS SECOND
8 INTERVIEW, DID YOU MAINTAIN CUSTODY OF THAT PARTICULAR TAPE?

9 A YES, SIR; I DID.

10 Q NOW, SIR, IS THERE YET A THIRD INTERVIEW, OTHER THAN THE
11 FIRST INTERVIEWS YOU'VE ALREADY DESCRIBED?

12 A YES, THERE'S ONE MORE, CONDUCTED ON APRIL THE 6TH.

13 Q GIVES A BALLPARK TIME, IF YOU RECALL.

14 A IT BEGAN APPROXIMATELY 11:30 P.M., AND IT CONTINUED UNTIL
15 APPROXIMATELY 3:30, 4 O'CLOCK THAT MORNING, ON APRIL THE 7TH.

16 Q WHAT LOCATION FOR INTERVIEW NO. 3?

17 A SAME LOCATION, BUT A DIFFERENT ROOM.

18 Q STILL AT INTERPOL HEADQUARTERS?

19 A CORRECT.

20 Q BUT A DIFFERENT ROOM?

21 A CORRECT.

22 Q WHO, IF YOU RECALL IS PRESENT FOR INTERVIEW NO. 3 AT THE
23 INTERPOL HEADQUARTERS?

24 A AT THAT TIME, MYSELF, ED HEATH AND ALSO JAMES KUYKENDALL,
25 WHO WAS THE RESIDENT AGENT IN CHARGE OF THE GUADALAJARA D.E.A.

1 OFFICE.

2 Q WERE THERE M.F.J.P. OFFICIALS PRESENT FOR THE INTERVIEW, AS
3 WELL?

4 A CORRECT.

5 Q APPROXIMATE NUMBER, IF YOU KNOW.

6 A OH, AGAIN, ABOUT FIVE OR SIX; THE SAME AMOUNT.

7 Q TELL ME AGAIN ABOUT THE LENGTH -- STRIKE THAT.

8 HOW LONG WAS INTERVIEW NO. 3?

9 A IT WAS IN EXCESS, I BELIEVE, OF THREE TO FOUR HOURS.

10 Q WELL, IT TAKES YOU, THEN, TO THE EARLY MORNING OF THE
11 FOLLOWING DAY?

12 A CORRECT.

13 Q AND NOW WE'RE ON APRIL 7TH?

14 A APRIL 7TH; YES, SIR.

15 Q WERE YOU PRESENT THE ENTIRE DURATION OF INTERVIEW NO. 3?

16 A YES, SIR; WE WERE.

17 Q AND WHILE THERE, YOU HAVE AGAIN AN OPPORTUNITY TO HEAR WHAT
18 CARO QUINTERO WAS SAYING?

19 A THAT'S CORRECT.

20 Q CAN YOU HEAR HIS VOICE?

21 A THAT'S CORRECT.

22 Q NOTHING IS AFFECTING OR OBSTRUCTING YOUR ABILITY TO
23 PERCEIVE AND HEAR HIM?

24 A NOT AT ALL.

25 Q IS INTERVIEW NO. 3 TAPE-RECORDED, IF YOU RECALL?

1 A YES, IT IS.

2 Q WELL, DO YOU END UP RECORDING THE ENTIRE INTERVIEW OF
3 INTERVIEW NO. 3?

4 A NO. I ONLY RECORDED, THAT TIME, APPROXIMATELY TWO HOURS.

5 Q CAN YOU EXPLAIN WHY THAT IS?

6 A WELL, THE ELECTRIC SOCKET IN THE ROOM WASN'T WORKING
7 CORRECTLY, AND I ONLY HAD TWO TAPES AVAILABLE; EACH OF THEM
8 WERE AN HOUR APIECE.

9 Q WELL, DID YOU GET MOST OR THE MAJORITY OF THE INTERVIEW?

10 A I BELIEVE IT WAS THE MAJORITY.

11 Q SO HOW MANY TAPES DID YOU CREATE OR GENERATE OUT OF
12 INTERVIEW NO. 3?

13 A TWO CASSETTE TAPES CONSISTING OF TWO HOURS TOTAL, ONE HOUR
14 EACH.

15 Q WHAT HAPPENED TO THOSE TWO CASSETTE TAPES FROM INTERVIEW
16 NO. 3, AGENT CASTILLO?

17 A I KEPT THOSE IN MY POSSESSION.

18 Q AND AFTER INTERVIEW NO. 3, BETWEEN APRIL 6TH, GOING INTO
19 EARLY MORNING APRIL 7, THOSE TAPES, HAVE YOU SUBSEQUENTLY HAD
20 AN OPPORTUNITY TO REVIEW THEM?

21 A YES. A COUPLE OF DAYS AFTERWARD, I PLAYED THEM BACK.

22 Q WHY?

23 A I HAD TO SUBMIT A REPORT RELATIVE TO THE INFORMATION
24 CONDUCTED OR OBTAINED DURING THE INTERROGATIONS, AND THAT
25 REPORT HAD TO BE SUBMITTED TO OUR HEADQUARTERS IN WASHINGTON,

1 D.C.

2 Q AND IS THAT WHY YOU HAVE TO REVIEW THE TAPES AGAIN?

3 A CORRECT.

4 Q IF YOU RECALL, HOW LONG WOULD YOU ESTIMATE YOU LISTENED TO
5 THE TWO CASSETTE TAPES FROM INTERVIEW NO. 3 BEFORE PREPARING
6 YOUR REPORT TO FORWARD TO WASHINGTON?

7 A THAT WAS IN EXCESS OF FOUR HOURS, POSSIBLY FIVE.

8 Q AND DURING -- STRIKE THAT.

9 OVER THE COURSE OF THE TOTAL OF THREE INTERVIEWS,
10 AGENT CASTILLO, DID YOU HAVE AN OPPORTUNITY THEN TO BECOME
11 FAMILIAR WITH THE THE VOICE OF RAFAEL CARO QUINTERO?

12 A I BELIEVE SO.

13 Q NOW, LET'S ADDRESS THAT VOICE FOR A MOMENT. ANY PARTICULAR
14 QUALITIES ABOUT CARO'S VOICE?

15 A I BELIEVE SO. HE SPEAKS VERY RAPID SPANISH. HE'S VERY
16 ABRUPT WHEN HE SPEAKS. IN MY OPINION, HIS GRAMMAR IS NOT THAT
17 GOOD.

18 Q THAT IS, NOT OF AN EDUCATED PERSON?

19 A CORRECT.

20 Q HOW ABOUT IN TERMS OF ENUNCIATION?

21 A HIS ENUNCIATION OF WORDS ISN'T THAT GOOD, IN MY OPINION.

22 Q NOW, SIR, HAVE YOU HAD AN OPPORTUNITY WHILE ASSIGNED TO
23 MEXICO TO TRAVEL TO VARIOUS STATES THROUGHOUT THE REPUBLIC OF
24 MEXICO?

25 A YES, SIR, I HAVE.

1 Q AND PARTICULARLY, DID YOU EVER HAVE AN OPPORTUNITY TO
2 TRAVEL TO THE NORTHERN PART OR THE NORTHERN STATES OF MEXICO?

3 A YES, I DID.

4 Q NOW, IN TRAVELING IN THE NORTHERN PART, OBVIOUSLY YOU HAD
5 AN OPPORTUNITY TO CONVERSE WITH THE NATIVES OF THE NORTHERN
6 STATES?

7 A CORRECT.

8 Q WERE YOU ABLE TO IDENTIFY, AFTER A WHILE, ANY PARTICULAR OR
9 ANY ACCENT FOR THOSE IN THE NORTHERN PART?

10 A YES. THEY HAVE, IN MY OPINION, A DISTINCT ACCENT.

11 Q IS THERE A TERM IN FOR THIS IN SPANISH?

12 A YES. NORTENO ACCENT.

13 Q AND IS THAT N O R T E N O ?

14 A CORRECT.

15 Q NOW, RAFAEL CARO QUINTERO, DID HE HAVE ANY PARTICULAR TYPE
16 OF ACCENT?

17 A I BELIEVE HE HAD THAT SAME NORTENO ACCENT.

18 Q NOW, IN YOUR TRAVELS THROUGH THE NORTHERN STATES OF MEXICO
19 AND IN YOUR CONTACT WITH THIS NORTENO ACCENT, DID YOU ALSO
20 ENCOUNTER SPECIFIC OR UNIQUE WORDS NATIVE TO THOSE FROM THE
21 NORTHERN PART?

22 A THERE ARE A FEW, YES.

23 Q AND IN YOUR CONVERSATION -- STRIKE THAT.

24 IN YOUR HEARING THE THREE CARO QUINTERO INTERVIEWS,
25 DID CARO QUINTERO USE ANY OF THESE SAME WORDS THAT ARE ENDEMIC

1 TO THE NORTHERN PART OF MEXICO?

2 A I BELIEVE SO.

3 Q CAN YOU GIVE US AN EXAMPLE?

4 A OH, FOR EXAMPLE, THEY USE THE WORD "BATO," B A T O,
5 WHICH TO ME, IT'S A NORTENO WORD MEANING -- FOR "MAN,"
6 DEFINITION OF "MAN." INSTEAD OF USING "HOMBRE," THEY USE THE
7 WORD "BATO."

8 Q SO INSTEAD OF SAYING, "HEY, MAN," THEY SAY, "HEY, BATO"?

9 A SOMETHING TO THAT EFFECT, YES.

10 Q NOW, SIR, CARO QUINTERO IS FROM WHAT STATE?

11 A I BELIEVE THE STATE OF SINALOA.

12 Q AND IS THAT IN THE NORTHERN PART OF MEXICO?

13 A YES, IT IS.

14 Q IN FACT, IS THAT CLOSE TO THE BORDER OF THE UNITED STATES?

15 A I BELIEVE IT IS.

16 Q AND YOU'VE TRAVELED THROUGH THAT PART OF THE WORLD, HAVE
17 YOU NOT?

18 A YES, I HAVE.

19 Q AND, SIR, DID YOU FIND CARO QUINTERO'S ACCENT CONSISTENT
20 WITH THE NORTENO TYPE OF ACCENT?

21 A IN MY OPINION, YES, IT WAS.

22 Q PARTICULARLY, IS THE ACCENT CONSISTENT WITH THE SINALOA
23 ACCENT?

24 A YES.

25 Q I WANT TO DIRECT YOUR ATTENTION JUST FOR A MOMENT TO THE

1 VOLUME OF CARO QUINTERO'S VOICE. CAN YOU DESCRIBE THAT FOR US,
2 ON THE BASIS OF YOUR HEARING THE INTERVIEWS, SIR?

3 A THE VOLUME -- EXCUSE ME, SIR?

4 Q YES. LOUD, MODERATE?

5 A NO. HE SPEAKS MODERATE, BUT AS I MENTIONED, HE SPEAKS VERY
6 RAPID AND HE STOPS VERY ABRUPTLY. BASICALLY, THAT'S HOW I FEEL
7 THAT I CAN DISTINGUISH THAT PARTICULAR VOICE.

8 Q NOW, WHEN YOU WERE ASSIGNED TO MEXICO, IS IT FAIR TO SAY
9 YOU HAD CONTACT WITH HIGH-RANKING MEXICAN OFFICIALS?

10 A YES, I HAVE.

11 Q THAT WERE EDUCATED?

12 A YES.

13 Q AND YOU WOULD CONVERSE WITH THEM AT LENGTH?

14 A YES.

15 Q AND AS A RESULT OF THAT, SIR -- STRIKE THAT.

6
16 IN ADDITION TO THE MEXICAN HIGH-RANKING OFFICIALS, DID
17 YOU ALSO DEAL WITH OTHER CITIZENS OF MEXICO THAT WERE NOT
18 EDUCATED?

19 A YES.

20 Q AND CONVERSE WITH THEM AT LENGTH?

21 A YES.

22 Q WERE YOU ABLE TO DETERMINE -- IN TERMS OF OVERHEARING CARO
23 QUINTERO -- AGAIN, WHETHER HE WAS EDUCATED OR UNEDUCATED?

24 A YES,, I WAS.

25 Q AND IN TERMS OF THE QUALITY OF THE GRAMMAR, HOW WOULD YOU

1 DESCRIBE THAT?

2 A IT'S AGAIN MY OPINION, HIS GRAMMAR WAS VERY POOR, WITH
3 THOSE COMPARISONS.

4 Q NOW, LET ME TAKE YOU PAST INTERVIEWS 1 THROUGH 3. IS THERE
5 YET A FOURTH INTERVIEW WITH REGARD TO RAFAEL CARO QUINTERO?

6 A YES, SIR; THERE IS.

7 Q CAN YOU GIVE ME AN APPROXIMATE DATE FOR THIS INTERVIEW?

8 AS THIS ONE OCCURRED ON JUNE 9TH 1985.

9 Q WHERE DID THIS OCCUR AT, AGENT CASTILLO?

10 A THIS ONE OCCURRED IN THE OFFICE OF -- THE MEXICAN ATTORNEY
11 GENERAL'S OFFICE IN MEXICO CITY.

12 Q I TAKE IT WE'RE NO LONGER AT THE INTERPOL HEADQUARTERS?

13 A NO, WE'RE NOT.

14 Q BALLPARK TIME FOR THE INTERVIEW?

15 A ABOUT 8:30 P.M.

16 Q WHO WAS PRESENT FOR INTERVIEW NO. 4?

17 A MYSELF, EDWARD HEATH AND APPROXIMATELY ANOTHER FOUR TO FIVE
18 MEXICAN OFFICIALS.

19 Q WHAT AGENCY IN MEXICO?

20 A THE MEXICAN FEDERAL JUDICIAL POLICE.

21 Q DO YOU KNOW WHO THOSE FIVE M.F.J.P. OFFICIALS WERE, WHO
22 THEIR COMANDANTE OR COMMANDER WAS?

23 A YES. HE'S -- THE ONE IN CHARGE OF THE INTERROGATION THAT
24 TIME WAS FIRST COMANDANTE MIGUEL ANGEL CORRILLAS LORROBAQUIO.

25 THE REPORTER; YOUR HONOR, I NEED THE SPELLING OF THE

1 SURNAME.

2 THE COURT: SPELL THE NAME.

3 THE WITNESS: YES. THE LAST NAME, LORROBAQUIO:

4 L O R R O B A Q U I O, I BELIEVE.

5 BY MR. MEDRANO:

6 Q IN INTERVIEW NO. 4, IS ANYONE OTHER THAN RAFAEL CARO
7 QUINTERO ALSO BROUGHT INTO THE ROOM TO BE INTERVIEWED?

8 A YES, ONE MORE DEFENDANT.

9 Q CAN YOU RECALL HIS NAME?

10 A FRANCISCO TEJEDA JARAMILLO.

11 Q AND AT SOME POINT, SIR, ARE THE TWO INTERVIEWED?

12 A YES, BOTH OF THEM ARE.

13 Q AND ARE YOU PRESENT FOR THE ENTIRE INTERVIEW?

14 A YES, I AM.

15 Q IS IT TAPED?

16 A NO. THIS ONE'S NOT TAPED.

17 Q ARE YOU ABLE TO HEAR ALL OF CARO QUINTERO'S RESPONSES?

18 A YES, I AM.

19 Q AN UNOBSTRUCTED ABILITY TO HEAR HIS VOICE?

20 A CORRECT.

21 Q HOW LONG WOULD YOU ESTIMATE THE FOURTH INTERVIEW ON JUNE 9
22 LASTED?

23 A THIS ONE'S ABOUT TWO HOURS.

24 Q OTHER THAN INTERVIEWS 1 THROUGH 4, WERE YOU EVER PRESENT FOR
25 ANY OTHER INTERVIEWS OF RAFAEL CARO QUINTERO?

1 A NO, THAT WAS LAST ONE.

2 Q AND AGAIN, OF THE FOUR, IT WAS ONLY NO. 2 AND 3 THAT WERE
3 TAPED BY YOU?

4 A CORRECT.

5 Q NOW, SIR, DOES THERE COME A TIME WHEN YOU BECOME AWARE OF
6 CERTAIN INTERVIEW OR INTERROGATION TAPES?

7 A YES, SIR; THERE IS.

8 Q AND AT ANY POINT, SIR, WHEN YOU ARE AT D.E.A, ARE YOU ASKED
9 TO SIT DOWN AND LISTEN TO THOSE TAPES?

10 A YES, I AM.

11 Q AND GIVE US APPROXIMATELY WHEN IT WAS THAT YOU'RE ASKED TO
12 DO THIS?

13 A THIS WAS DONE IN OCTOBER OF THE YEAR OF 1986, THE 7TH.
14 OCTOBER 7TH OF 1986.

15 Q ARE YOU SURE ABOUT 86?

16 A NO. I'M THINKING AGAIN. NO, IT WAS 85. I'M SORRY.

17 Q IS IT POSSIBLE IT WAS IN 1987?

18 A OH, I'M SORRY. I HAVE MY REPORTS, IF I MAY REFER TO MY --
19 MR. MEDRANO: YOUR HONOR, MAY HE REFRESH HIS
20 RECOLLECTION?

21 THE COURT: YES.

22 MR. MEDRANO: THANK YOU.

23 Q OKAY. GO AHEAD, PLEASE.

24 A (REFERS TO DOCUMENTS IN BINDER.) YES, I DO. IT WAS
25 OCTOBER 7TH IN 1987.

1 Q THANK YOU. AND OF THE TAPES THAT YOU'RE ASKED TO EXAMINE,
2 ARE THEY REFERRED TO AS COPIAS 2 AND 4?

3 A YES, THEY ARE.

4 Q WHEN YOU RECEIVED COPIAS 2 AND 4 OF THE INTERROGATION
5 TAPES, ARE YOU GIVEN SPECIFIC INSTRUCTIONS AS TO WHAT TO DO
6 WITH THEM?

7 A I WAS ASKED TO LISTEN TO THE TWO TAPES COMPLETELY AND
8 ATTEMPT TO IDENTIFY UNKNOWN VOICES, POSSIBLE DEFENDANTS
9 INVOLVED IN THE INTERROGATION OF AGENT CAMARENA.

10 Q AND WHERE IS IT THAT YOU EMBARKED ON THIS PROCESS OF
11 REVIEWING THE INTERROGATION TAPES?

12 A THIS WAS DONE IN OUR HEADQUARTERS, D.E.A. HEADQUARTERS, IN
13 WASHINGTON, D.C.

14 Q NOW, PUTTING ASIDE THE INTERROGATION TAPE FOR A MOMENT, DO
15 YOU RECALL OTHER TAPES YOU GENERATED FROM YOUR CARO QUINTERO
16 INTERVIEWS?

17 A CORRECT.

18 Q UP TO THE TIME THAT YOU'RE REVIEWING THE CAMARENA TAPES
19 ARE, HAVE YOU MAINTAINED CUSTODY OF THE CARO QUINTERO INTERVIEW
20 TAPES?

21 A YES, I DID.

22 Q YOU HAD THEM AT ALL TIMES?

23 A I HAD THEM WITH ME AT ALL TIMES.

24 Q NOW, DO YOU LISTEN TO COPIAS 2 AND 4 IN A ROOM SOMEPLACE?

25 A CORRECT.

1 Q ALONE, OR IS SOMEONE ELSE WITH YOU?

2 A NO, I'M ALONE.

3 Q AND DO YOU LISTEN TO COPIAS 2 AND 4?

4 A CORRECT.

5 Q ANY UNIQUE OR SPECIAL TYPE OF EQUIPMENT THAT YOU'RE
6 UTILIZING TO REVIEW THE TAPES?

7 A JUST THE CASSETTE RECORDER AND EARPHONES.

8 Q GIVE US AN ESTIMATE, AGENT CASTILLO, HOW LONG YOU SAT
9 REVIEWING COPIAS 2 AND 4 THAT DAY?

10 A APPROXIMATELY SIX HOURS.

11 Q AND IN A NUTSHELL, DESCRIBE THE PROCEDURE THAT YOU USED TO
12 REVIEW COPIAS 2 AND 4?

13 A WELL, BASICALLY, I PLACE THEM IN THE CASSETTE RECORDER,
14 PLAY THE TAPES COMPLETELY, REPEAT SEVERAL TIMES, TAKE THE
15 SECOND COPIA 4 AND DO THE SAME THING, CONSTANTLY REPEATING THE
16 TAPES, ATTEMPTING TO LISTEN CLOSELY AND TO IDENTIFY VOICES OF
17 DEFENDANTS ON THE TAPES.

18 Q THEREAFTER, DO YOU REVIEW ANY OTHER TAPES?

19 A I DO, THEN TAKE THE KNOWN TAPES I HAVE OF DEFENDANTS THAT
20 I'VE RECORDED AND TRY TO LISTEN TO THOSE TO MAKE A COMPARISON
21 AND SEE IF I CAN LOCATE OR BASICALLY IDENTIFY VOICES ON ANY
22 INTERROGATION TAPES.

23 Q NOW, YOU'RE TALKING ABOUT THE CARO QUINTERO TAPES YOU
24 CREATED?

25 A CORRECT.

1 Q NOW, AFTER YOU LISTEN TO THE CARO QUINTERO TAPES, DO YOU
2 EVER GO BACK TO COPIAS 2 AND 4?

3 A YES, I DO.

4 Q AND WHAT DO YOU DO AT THAT POINT?

5 A WELL, AGAIN, I CONTINUED LISTENING BACK AND FORTH UNTIL I
6 FOUND A VOICE THAT, IN MY OPINION, I RECOGNIZED.

7 Q DO YOU RECALL WHICH COPIA NUMBER THAT WOULD BE?

8 A THAT WAS IN COPIA 4.

9 Q AND YOU INDICATED THERE WAS A VOICE THAT WAS FAMILIAR TO TO
10 YOU?

11 A YES, IT WAS.

12 Q ON COPIA 4?

13 A ON COPIA 4.

14 Q ONCE YOU THINK IT'S FAMILIAR TO YOU, DID YOU LISTEN TO IT
15 AGAIN AND AGAIN TO BE SURE?

16 A I CONTINUE, YES.

17 Q AND THAT PORTION THAT YOU THINK YOU COULD IDENTIFY, DO YOU
18 COMPARE IT TO YOUR CARO QUINTERO TAPES YOU HAD CREATED BEFORE?

19 A CORRECT.

20 Q NOW, DO YOU MAKE ANY DETERMINATION -- STRIKE THAT.

21 WERE YOU ABLE TO MAKE ANY DETERMINATION AFTER THIS
22 PROCEDURE OF COMPARISON THAT YOU JUST DESCRIBED?

23 A YES, I DID.

24 Q AND WHAT IS THAT AGENT CASTILLO?

25 A I BELIEVE THAT ONE VOICE I HAD IDENTIFIED WAS THE VOICE OF

1 CARO QUINTERO, IN THE INTERROGATION TAPES OF AGENT CAMARENA.

2 Q AND YOU'RE TALKING -- WELL, WHICH TAPE OF CAMARENA?

3 A COPIA 4.

4 Q AND IS THERE A SPECIFIC -- STRIKE THAT.

5 ARE YOU -- APPROXIMATE LENGTH. LET ME START THAT
6 OVER.

7 COPIA 4, ABOUT HOW LONG IS THE SEGMENT THAT YOU
8 BELIEVE IS THE VOICE OF CARO QUINTERO?

9 A FOUR MINUTES, APPROXIMATELY.

10 Q AND IN COPIA 4, THE INTERROGATION TAPE, DID YOU FIND MANY
11 OF THE SAME CHARACTERISTICS THAT YOU'VE ALREADY TESTIFIED TO
12 WITH REGARD TO CARO QUINTERO?

13 A THAT'S HOW I MADE MY COMPARISON.

14 Q WOULD IT INCLUDE THE NORTENO ACCENT, POOR GRAMMAR --

15 Q CORRECT.

16 Q -- ET CETERA?

17 A THE SPEED OF HIS VOICE AND THE ABRUPT STOPPING OF HIS
18 PHRASES.

19 Q NOW, HAVE YOU HAD AN OPPORTUNITY, PRIOR TO TESTIFYING
20 TODAY, TO REVIEW A SPANISH TRANSCRIPT OF COPIA 4?

21 A YES, I DID.

22 Q AND HAVE YOU HAD AN OPPORTUNITY TO COMPARE THE ACCURACY OF
23 THAT SPANISH TRANSCRIPT TO THE ACTUAL INTERROGATION TAPE,
24 COPIA 4?

25 A YES, I DID.

1 Q BECAUSE COPIA 4 IS IN SPANISH; RIGHT?

2 A CORRECT.

3 Q AND YOU COMPARED BOTH FOR ACCURACY?

4 A CORRECT.

5 Q AND DID YOU DEEM THE SPANISH TRANSCRIPT TO BE ACCURATE?

6 A YES, I DID.

7 Q NOW, SIR, TO YOUR KNOWLEDGE WAS, THEN, THE TRANSCRIPT OF
8 COPIA 4 ASSIGNED ANY PARTICULAR IDENTIFYING NUMBERS?

9 A ALL THE PHRASES WERE NUMERICALLY NUMBERED.

10 Q WELL, ARE YOU SAYING THAT EACH LINE HAS A NUMBER ASSIGNED
11 TO IT?

12 A CORRECT.

13 Q SO, IF THERE'S 30 LINES ON A PAGE, IT WILL BE NO. 1 THROUGH
14 30 ON THAT --

15 A RIGHT.

16 Q IN ADDITION TO THE SEQUENTIAL NUMBERS, IS THERE ANY OTHER
17 LETTERS OR NUMBERS OR ANYTHING PUT ON THE TRANSCRIPTS?

18 A YES. THERE'S AN I, WHICH DENOTES "INTERROGATOR," AND C,
19 WHICH DENOTES AGENT CAMARENA'S NAME.

20 Q NOW, WITH RESPECT TO THE TRANSCRIPT THE OF COPIA 4 THAT YOU
21 JUST DESCRIBED AND CHECKED FOR ACCURACY, WERE YOU THEN ABLE TO
22 GO TO THAT LINE OF TRANSCRIPT AND IDENTIFY BY LINE NUMBERS WHAT
23 PORTIONS WERE, IN YOUR VIEW, RAFAEL CARO QUINTERO?

24 A YES, I WAS.

25 Q NOW, OTHER THAN THAT PORTION THAT YOU WERE ABLE TO

1 IDENTIFY, IS THERE ANY OTHER PORTION OR PART OF COPIA 4, THAT
2 TAPE, THAT ALSO HAS CARO QUINTERO SPEAKING?

3 A NO THAT WAS THE ONLY ONE, THE ONLY PART.

4 Q NOW, CAN YOU GIVE US THE LINE NUMBERS FOR WHICH YOU
5 IDENTIFIED CARO QUINTERO SPEAKING ON THE TRANSCRIPT FOR COPIA
6 4, PLEASE?

7 A YES, I CAN, IF I CAN BE ALLOWED TO REFER TO MY REPORT.

8 Q TO REFRESH YOUR MEMORY?

9 A YES, SIR.

10 MR. MEDRANO: YOUR HONOR, WITH YOUR PERMISSION.

11 THE COURT: (NODS HEAD UP AND DOWN.)

12 THE WITNESS: (REFERS TO DOCUMENT IN BINDER.) YES,

13 SIR, I HAVE IT. NUMBER --

14 BY MR. MEDRANO:

15 Q THANK YOU. IF YOU CAN GIVE THAT TO US?

16 A YES. IT WAS NUMBERED 135 TO 193, INCLUDING 193. ALSO, 197
17 AND 199.

18 Q OKAY. SO THESE NUMBERS YOU'VE GIVEN US REPRESENT THE LINES
19 ON THE TRANSCRIPT FOR COPIA 4 THAT YOU'VE IDENTIFIED AS RAFAEL
20 CARO QUINTERO?

21 A THAT IS CORRECT.

22 Q THANK YOU. YOU CAN PUT THAT REPORT DOWN. THANK YOU.

23 NOW, LET ME DIRECT YOUR ATTENTION FOR A MOMENT TO THE
24 OTHER INTERROGATION TAPE, COPIA 2.

25 NOW, DID YOU EVER HAVE AN OPPORTUNITY TO SIT DOWN AND

1 REVIEW THAT TAPE, SIR?

2 A YES, SIR; I DID.

3 Q DID YOU ESSENTIALLY EMPLOY THE SAME PROCEDURE THAT YOU'VE
4 EARLIER DESCRIBED IN DETAIL?

5 A EXACTLY THE SAME PROCEDURE.

6 Q AND AGAIN COMPARING IT TO YOUR CARO QUINTERO INTERVIEW
7 TAPES?

8 A CORRECT.

9 Q AND WERE YOU ABLE TO IDENTIFY CARO QUINTERO'S VOICE
10 ANYPLACE ON COPIA 2 OF THE TAPE?

11 A NO, I WAS NOT.

12 Q NOW, SIR, IN ADDITION TO THE SPANISH TRANSCRIPTS, HAVE YOU
13 ALSO HAD A CHANCE TO REVIEW ENGLISH TRANSLATIONS OR ENGLISH
14 TRANSCRIPTS OF THE COPIAS YOU'VE DESCRIBED?

15 A CORRECT.

16 Q AND HAVE YOU HAD A CHANCE TO EXAMINE THE ENGLISH
17 TRANSCRIPTS FOR ACCURACY?

18 A CORRECT.

19 Q AGAIN YOU'RE FLUENT IN BOTH ENGLISH AND SPANISH?

20 A YES, I AM.

21 Q BOTH ORAL AND WRITTEN SKILLS?

22 A YES.

23 Q AND IN YOUR VIEW, IS THE ENGLISH TRANSCRIPT OF COPIAS 2 AND
24 4 AN ACCURATE TRANSLATION OF THE SPANISH TRANSCRIPTS?

25 A YES, SIR. IN MY OPINION, THEY ARE.

1 Q FINALLY, SIR, THE ENGLISH TRANSCRIPTS, ARE THEY ALSO LINED
2 SEQUENTIALLY, IN THE SAME FASHION AS THE SPANISH TRANSCRIPTS?

3 A YES, THEY ARE.

4 Q AND THE NUMBERS WILL CORRESPOND EXACTLY TO THE SPANISH?

5 A CORRECT.

6 Q THEREFORE, IF YOU WERE ASKED TO IDENTIFY THE LINES ON THE
7 ENGLISH TRANSCRIPT OF CARO QUINTERO, THEY WOULD BE THE SAME
8 NUMBERS YOU'VE ALREADY IDENTIFIED?

9 A YES, THEY WOULD BE.

10 Q NOW, AGENT CASTILLO, DO YOU KNOW A MAN BY THE NAME OF
11 SERGIO ESPINO VERDIN?

12 A YES, I DO.

13 Q TO YOUR KNOWLEDGE, SIR, WAS HE EVER ARRESTED IN MEXICO?

14 A YES, HE WAS.

15 Q THE DATE, IF YOU KNOW?

16 A MAY 28TH OF 1985.

17 Q AND LET ME ASK YOU THIS: ARE YOU CERTAIN ABOUT THE YEAR OF
18 1985?

19 A NO, IT'S 86. I'M SORRY.

20 Q WHAT CITY?

21 A HE WAS ARRESTED IN THE CITY OF DURANGO, IN THE MEXICAN
22 STATE OF DURANGO, MEXICO.

23 Q WAS HE ARRESTED BY THE M.F.J.P.?

24 A YES, HE WAS.

25 Q WITH THE ASSISTANCE OF D.E.A. AGENTS?

1 A YES.

2 Q AT ANY POINT, IS HE BOUGHT TO MEXICO CITY?

3 A THAT EVENING, HE'S FLOWN TO MEXICO CITY.

4 Q DO YOU RECALL WHAT TIME HE'S BROUGHT INTO MEXICO CITY?

5 A APPROXIMATELY 11 O'CLOCK P.M.

6 Q AND AT ANY POINT, IS HE TAKEN TO THE INTERPOL M.F.J.P.

7 HEADQUARTERS IN MEXICO CITY?

8 A YES, HE IS. IMMEDIATELY AFTER ARRIVING AT THE MEXICO CITY

9 AIRPORT, HE IS ESCORTED TO INTERPOL HEADQUARTERS.

10 Q NOW, SIR, ARE WE STILL ON ABOUT MAY 28TH, LATE EVENING?

11 A YES.

12 Q IS HE INTERVIEWED BY M.F.J.P. ON THAT SAME EVENING?

13 A YES, HE IS.

14 Q AND ARE YOU PRESENT FOR THE INTERVIEW?

15 A YES, I AM.

16 Q ANYONE -- STRIKE THAT.

17 ANY OTHER D.E.A. REPRESENTATIVE, OTHER THAN YOURSELF,

18 THAT WAS PRESENT?

19 A YES, THERE WAS SPECIAL AGENT VICTOR CORTEZ.

20 Q AND HE'S A D.E.A. AGENT, AS WELL?

21 A HE'S A D.E.A. AGENT, YES, OUT OF THE GUADALAJARA D.E.A.

22 OFFICE.

23 Q WAS HE ALSO PART OF THE CAMARENA INVESTIGATIVE TEAM

24 ASSIGNED TO MEXICO?

25 A YES, HE WAS.

1 Q OTHER THAN YOURSELF AND VICTOR CORTEZ, ABOUT HOW MANY
2 M.F.J.P. ARE PRESENT FOR THE INTERVIEW?

3 A THERE ARE THREE MORE OFFICIALS.

4 Q OKAY. ANY OF THOSE OF THE RANK OF COMANDANTE?

5 A YES. ONE WAS.

6 Q NOW, IF I CAN DIRECT YOUR ATTENTION TO EXHIBIT 87, A
7 PHOTOGRAPH, DOES THAT HAPPEN TO BE IN FRONT OF YOU?

8 A YES. I HAVE IT RIGHT HERE.

9 Q WOULD YOU PULL THAT OUT AND LOOK AT IT AND JUST TELL ME IF
10 YOU'RE ABLE TO IDENTIFY IT.

11 A YES, I AM.

12 Q WHAT IS THAT?

13 A IT'S A PICTURE OF SERGIO ESPINO VERDIN.

14 MR. MEDRANO: YOUR HONOR, IF IT HASN'T BEEN ADMITTED,
15 WE SEEK ITS ADMISSION AT THIS TIME.

16 THE COURT: MAY BE ADMITTED.

17 MR. STOLAR: NO OBJECTION.

18 (EXHIBIT 87 # RECEIVED IN EVIDENCE.)

19 BY MR. MEDRANO:

20 Q DO YOU ALSO HAVE IN FRONT OF YOU EXHIBITS 16 A AND B?

21 A YES, I DO. I HAVE THEM RIGHT HERE.

22 Q NOW, CAN YOU TELL US WHAT THOSE TWO IDENTIFY?

23 A YES. THESE ARE PHOTOGRAPHS OF RAFAEL CARO QUINTERO.

24 Q AGAIN, THIS IS THE CARO QUINTERO YOU SAT IN ON FOUR
25 INTERVIEWS?

1 A CORRECT.

2 Q NOW, SIR, IF YOU CAN PUT THOSE EXHIBITS ASIDE AND IF I CAN
3 DIRECT TO YOU SOME TRANSCRIPTS, WILL YOU LOOK AT EXHIBIT 78 AND
4 LET ME FLAG FOR YOU THAT THE YELLOW EXHIBIT TAG WILL BE ON THE
5 INSIDE OF THE PAGE, ON THE FIRST PAGE OF EACH TRANSCRIPT.

6 LOOK TO YOUR RIGHT, AT THE BOTTOM. I THINK THAT'S
7 WHERE THEY ARE.

8 THE YELLOW TAG WILL BE INSIDE THE FIRST PAGE, I THINK.

9 A OKAY.

10 Q IF YOU CAN PULL OUT 78 AT THIS TIME.

11 A I HAVE IT RIGHT HERE.

12 Q OKAY. CAN YOU TELL ME WHAT EXHIBIT 78 IS, PLEASE?

13 A YES. THIS IS THE SPANISH TRANSCRIPT OF COPIA 2.

14 Q AND THIS IS THE TRANSCRIPT THAT YOU HAD A CHANCE TO REVIEW
15 PREVIOUSLY?

16 A CORRECT.

17 Q AND TO COMPARE TO THE ACTUAL COPIA 2 TAPE?

18 A CORRECT.

19 Q AND YOU'VE CHECKED IT FOR ACCURACY?

20 A YES.

21 Q AND IT IS AN ACCURATE TRANSCRIPTION OF COPIA 2?

22 A YES.

23 Q NOW, IF I CAN ASK YOU TO LOOK AT EXHIBIT 79 AND TELL ME
24 WHAT THAT IS.

25 A YES. THIS IS THE SPANISH TRANSCRIPT OF COPIA 4.

1 Q AND YOU'VE COMPARED THAT TRANSCRIPT TO THE ACTUAL TAPE?

2 A YES, I HAVE.

3 Q AND IS IT ACCURATE?

4 A CORRECT.

5 Q FINALLY, LOOK AT 80 AND 81.

6 A OKAY.

7 Q WHAT IS 80, FIRST?

8 A 80 IS THE ENGLISH VERSION OF THE SPANISH TRANSCRIPT OF
9 COPIA 2.

10 Q AND YOU COMPARED THAT FOR ACCURACY AGAINST THE SPANISH
11 TRANSCRIPT?

12 A CORRECT.

13 Q FINALLY, WHAT IS 81?

14 A 81 IS ALSO THE ENGLISH VERSION OF THE TRANSCRIPT OF COPIA
15 4.

16 Q SO DO YOU HAVE IN FRONT OF YOU,, THEN THE TWO SPANISH
17 TRANSCRIPTS FOR COPIAS 2 AND 4 AND THEIR ENGLISH COUNTERPARTS?

18 A CORRECT.

19 Q AND ALL FOUR ARE ACCURATE, BECAUSE YOU REVIEWED ALL FOUR?

20 A THEY ARE.

21 MR. MEDRANO: YOUR HONOR, WE SEEK THE ADMISSION OF ALL
22 THOSE EXHIBITS AT THIS TIME.

23 MR. STOLAR: NO OBJECTION.

24 MR. NICOLAYSEN: NO OBJECTION, YOUR HONOR.

25 THE COURT: MAY BE RECEIVED.

1 (EXHIBITS 78, 80, 81 ‡ RECEIVED IN EVIDENCE.)

2 BY MR. MEDRANO:

3 Q AND FINALLY, THE FOUR TRANSCRIPTS HAVE THE LINE NUMBERS IN
4 SEQUENTIAL FASHION; IS THAT CORRECT?

5 A THE ENGLISH VERSIONS DO.

6 Q THANK YOU. NOW, LET ME TAKE YOU BACK JUST BRIEFLY TO THE
7 SERGIO ESPINO VERDIN MATTER.

8 THERE WAS AN INTERVIEW CONDUCTED?

9 A CORRECT.

10 Q AND WERE YOU PRESENT FOR IT?

11 A YES, I WAS.

12 Q THE DATE, IS THAT MAY 28TH?

13 A 28TH.

14 Q NOW, WERE YOU PRESENT -- STRIKE THAT.

15 GIVE US THE APPROXIMATE DURATION OR LENGTH OF THIS
16 SERGIO ESPINO VERDIN INTERVIEW?

17 A THIS INTERVIEW LASTED UNTIL APPROXIMATELY 3 OR 4 O'CLOCK IN
18 THE MORNING, THAT MORNING OF THE 28TH OF MAY.

19 Q AND IT STARTED AT WHAT TIME ON THE 28TH?

20 A ABOUT 11:30, 12:00 MAYBE.

21 Q WERE YOU PRESENT DURING THE ENTIRE INTERVIEW?

22 A YES, I WAS.

23 Q AND PHYSICALLY PRESENT IN THE ROOM WITH THE SAME SERGIO
24 ESPINO VERDIN?

25 A CORRECT.

1 Q AND DURING THAT INTERVIEW, DID YOU HAVE AN OPPORTUNITY TO
2 HEAR HIS VOICE?

3 A CORRECT.

4 Q TO SEE HIM ANSWER HIS QUESTIONS?

5 A CORRECT.

6 Q DID ANYTHING OBSTRUCT YOUR ABILITY TO HEAR WHAT HE'S
7 SAYING?

8 A NOT AT ALL.

9 Q YOU COULD UNDERSTAND WHAT HE'S SAYING, I TAKE IT?

10 A RIGHT.

11 Q NOW, DO YOU RECALL IF THAT INTERVIEW WAS RECORDED, SIR?

12 A NO, I DIDN'T RECALL THAT INTERVIEW.

13 Q NOW, AFTER THAT FIRST INTERVIEW, IS THERE YET A SECOND
14 INTERVIEW OF SERGIO ESPINO VERDIN?

15 A YES, THERE IS.

16 Q NOW, GIVE US THE DATE FOR THAT?

17 A THAT'S MAY 29TH, THAT AFTERNOON.

18 Q BALLPARK TIME IS WHAT?

19 A APPROXIMATELY 2 O'CLOCK P.M., IT BEGAN.

20 Q AND IS THIS IN THE SAME LOCATION AS THE FIRST INTERVIEW?

21 A CORRECT.

22 Q AND BY "THE FIRST INTERVIEW," I MEAN THE EARLIER SERGIO
23 ESPINO VERDIN INTERVIEW.

24 A CORRECT.

25 Q WHO'S PRESENT FOR THAT SECOND INTERVIEW ON THE 29TH?

1 A MYSELF, AGAIN AGENT CORTEZ, AND TWO MEXICAN FEDERAL
2 JUDICIAL POLICE COMANDANTES.

3 Q AT ANY POINT, ARE YOU EVER JOINED BY ANY OTHER D.E.A.
4 AGENTS?

5 A YES. DURING THE INTERVIEW, SPECIAL AGENTS DALE STINSON AND
6 EDWARD HEATH JOINED US.

7 Q AND WHO'S DALE STINSON, PLEASE?

8 A HE WAS BASICALLY MY PARTNER, A SPECIAL AGENT WITH D.E.A. IN
9 MEXICO CITY AT THE TIME.

10 Q THE LENGTH OF THE SECOND SERGIO ESPINO VERDIN INTERVIEW IS
11 WHAT?

12 A APPROXIMATELY TWO HOURS.

13 Q WAS THIS SECOND INTERVIEW RECORDED?

14 A THIS ONE WAS.

15 Q WHO DID IT?

16 A I DID.

17 Q THE ENTIRE INTERVIEW?

18 A YES.

19 Q WHY IS THIS INTERVIEW RECORDED?

20 A OH, AGAIN, I WANTED TO OBTAIN ALL AVAILABLE INFORMATION.
21 BECAUSE I WOULD HAVE TO REPORT TO MY SUPERIORS OF THE
22 INFORMATION OBTAINED AS A RESULT OF THE INTERROGATION, I WANTED
23 TO MAKE SURE I HAD ANYTHING, HAD NOT MISSED ANYTHING.

24 Q HOW MANY HOURS OF THE ESPINO VERDIN INTERVIEW NO. 2 WOULD
25 YOU SAY YOU RECORDED?

1 A TWO HOURS.

2 Q NOW, AT ANY POINT, SIR, ARE YOU INVOLVED IN ANY PROCEDURE
3 TO TAKE A HAIR SAMPLE FROM SERGIO ESPINO VERDIN?

4 A YES, SIR; I AM.

5 MR. STOLAR: OBJECTION. RELEVANCE, YOUR HONOR.

6 MR. NICOLAYSEN: I JOIN, YOUR HONOR.

7 THE COURT: RESTATE THE QUESTION.

8 MR. MEDRANO: THANK YOU, YOUR HONOR.

9 Q AT ANY POINT -- WELL, WHAT ELSE HAPPENS AT THE INTERVIEW
10 OTHER THAN YOUR TAPE RECORDING?

11 A I GET A VOICE EXEMPLAR FROM THE DEFENDANT.

12 Q AND OTHER THAN A VOICE EXEMPLAR, WHAT ELSE IS DONE THEN, IF
13 ANYTHING?

14 A I TAKE HAIR SAMPLES FROM HIS HAIR.

15 MR. STOLAR: OBJECT. IRRELEVANT. HAIR SAMPLES FROM
16 ESPINO VERDIN HAVE NO RELEVANCE IN THIS CASE.

17 MR. MEDRANO: YOUR HONOR, HE'S BEEN IDENTIFIED AS AN
18 INTERROGATOR.

19 THE COURT: WELL, THE OBJECTION IS OVERRULED.

20 BY MR. MEDRANO:

21 Q NOW, EXPLAIN THE PROCESS OR PROCEDURE YOU TOOK TO GET THAT
22 HAIR SAMPLE?

23 A I TOOK VARIOUS HAIR SAMPLES FROM ESPINO VERDIN'S HEAD.

24 Q FROM THE SAME PART OR WHAT?

25 A NO, NO; FROM VARIOUS PLACES ON HIS HEAD.

1 Q IF I CAN DIRECT YOU TO GOVERNMENT'S EXHIBIT 89, IS THAT IN
2 FRONT OF YOU?

3 A YES, IT IS.

4 Q WOULD YOU TELL US WHAT THAT IS?

5 A YES. THIS IS A D.E.A. EVIDENCE -- PLASTIC EVIDENCE BAG,
6 AND IT CONTAINS THE YELLOW, LINED BOND PAPER FOLDED.

7 Q TELL ME WHAT THAT.

8 A YES. IN IT, IT HAS THE SAMPLES I OBTAINED FROM SERGIO
9 ESPINO VERDIN'S HEAD, HAIR SAMPLES.

10 MR. MEDRANO: YOUR HONOR, WE'D MOVE ADMISSION OF 89 AT
11 THIS TIME.

12 MR. STOLAR: SAME OBJECTION: RELEVANCE TO THIS
13 PARTICULAR CASE.

14 MS. KELLY: JOIN, YOUR HONOR.

15 THE COURT: THE EXHIBIT MAY BE RECEIVED.

16 (EXHIBIT 89 # RECEIVED IN EVIDENCE.)

17 BY MR. MEDRANO:

18 Q AND AFTER YOU TOOK POSSESSION OF IT, YOU PUT IT IN THAT
19 YELLOW PAPER?

20 A CORRECT.

21 Q AND DID YOU KEEP POSSESSION OF IT FOR A WHILE?

22 A FOR A WHILE, YES.

23 Q AND THEN DO YOU PROCESS IT --

24 A YES.

25 Q -- IN ANY WAY?

1 A I PROCESSED IT INTO EVIDENCE, SEALED THE PLASTIC BAG, AND I
2 HANDED IT OVER TO ANOTHER AGENT, WHO WAS GOING TO FORWARD IT TO
3 OUR LAB IN HEADQUARTERS.

4 Q AND AFTER YOU GAVE IT TO THEM, YOU HAVEN'T SEEN IT FOR A
5 WHILE?

6 A NO, I HAVEN'T.

7 Q VERY WELL. IN ADDITION TO THE TWO SERGIO ESPINO VERDIN
8 INTERVIEWS, IS THERE YET A THIRD INTERVIEW?

9 A YES, THERE IS.

10 Q WHEN IS THAT?

11 A THAT'S THE NEXT DAY, ON THE 30TH OF MAY.

12 Q APPROXIMATELY WHAT TIME?

13 A THIS IS ABOUT 7:30 P.M.

14 Q SAME LOCATION?

15 A YES, IT IS.

16 Q HOW LONG WOULD YOU SAY THIS INTERVIEW LASTED, THE THIRD
17 INTERVIEW?

18 A THIS ONE WAS ONLY ABOUT AN HOUR.

1 Q AND WHO ELSE, OTHER THAN YOU, WAS PRESENT FOR IT?

20 A MYSELF AND AGENT STINSON.

21 Q WAS THIS RECORDED?

22 A NO, THIS WASN'T.

23 Q NOW, OF THE THREE INTERVIEWS, THERE WAS ONLY A SECOND THAT
24 YOU RECORDED?

25 A CORRECT.

1 Q AND AT ALL TIMES, DID YOU MAINTAIN CUSTODY OF THE CASSETTE
2 OF THAT INTERVIEW?

3 A YES, I DID.

4 Q AND SHORTLY AFTER THE SECOND INTERVIEW, DID YOU REPLAY IT
5 FOR YOURSELF?

6 A YES, I DID.

7 Q AND FOR WHAT PURPOSE?

8 A BASICALLY, AGAIN, TO BE ABLE TO EXTRACT ALL THE INFORMATION
9 THAT I BELIEVED TO BE PERTINENT IN THE REPORT I HAD TO SUBMIT
10 TO OUR HEADQUARTERS.

11 Q AND HOW LONG WOULD YOU ESTIMATE THAT YOU SAT DOWN AND
12 LISTENED TO THE INTERVIEW OF THE SECOND -- OR THE SECOND
13 INTERVIEW OF THE TAPE?

14 A ABOUT FIVE HOURS.

15 Q NOW, SIR, FOR BASICALLY ALL THESE SERGIO ESPINO VERDIN
16 INTERVIEWS, YOU WERE PRESENT DURING THE INTERVIEWS, WERE YOU
17 NOT?

18 A YES, I WAS.

19 Q IN THE SAME ROOM?

20 A CORRECT.

21 Q AND YOU COULD HEAR HIS VOICE VERY CLEARLY?

22 A CORRECT.

23 Q AND AS A RESULT, DID YOU HAVE AN OPPORTUNITY TO BECOME
24 FAMILIAR WITH HIS VOICE?

25 A YES.

1 Q NOW, ANY UNIQUE QUALITIES ABOUT HIS VOICE?

2 A YES, I THINK SO.

3 Q WHAT IS THAT?

4 A HE'S -- SPEAKS VERY LOW, MODERATE VOICE, VERY BORING.

5 Q AS IN A MONOTONE?

6 A YES. LOW.

7 Q IS IT A -- IS IT A SUBORDINATE TYPE OF VOICE?

8 A YES, IT IS, SOMEWHAT. IT COMMANDS RESPECT, IN A MANNER OF
9 SPEAKING.

10 Q OH. IT'S A COMMANDING VOICE?

11 A YES.

12 Q THE ACCENT?

13 A IN MY OPINION, AGAIN, I BELIEVE IT TO BE NORTENO.

14 Q THE VOLUME: LOW, MEDIUM, HIGH?

15 A NO, NO. HE SPEAKS VERY LOW, VERY SLOW.

16 Q NOW, SIR, SERGIO ESPINO VERDIN WAS A COMANDANTE, WAS HE
17 NOT?

18 A YES.

19 Q THE QUALITY OF THE GRAMMAR: GOOD OR BAD?

20 A GOOD. GOOD.

21 Q AND AGAIN, DID HE UTILIZE ANY PARTICULAR WORDS THAT WERE
22 UNIQUE OR ENDEMIC TO THE NORTENO PARTS?

23 A THE SAME WORDAGE THAT I INDICATED IN THE CARO QUINTERO
24 SITUATION.

25 Q WELL, WAS THE WORD BATO --

1 A BATO WAS USED QUITE A LOT, AS AN EXAMPLE. YES, IT WAS.

2 Q NOW, SIR, AGAIN, YOU'VE TESTIFIED YOU DID HAVE A CHANCE TO
3 REVIEW THE COPIAS 2 AND 4 INTERROGATION TAPES?

4 A CORRECT.

5 Q NOW, WHEN YOU WERE REVIEWING COPIAS 2 AND 4, AGENT
6 CASTILLO, DID YOU IDENTIFY ANY VOICE OTHER THAN RAFAEL CARO
7 QUINTERO'S?

8 A YES, I DID.

9 Q AND WHOSE VOICE WOULD THAT BE?

10 A SERGIO ESPINO VERDIN.

11 Q WERE THE CHARACTERISTICS THAT YOU'VE ALREADY IDENTIFIED
12 FROM THE THREE INTERVIEWS ALSO FOUND IN THE INTERROGATION TAPE
13 INTERVIEWS?

14 A CORRECT.

15 Q IT LED YOU TO BELIEVE IT WAS ESPINO VERDIN'S VOICE?

16 A THAT IS CORRECT.

17 Q THAT IS THAT DEEP, LOW VOICE?

18 A CORRECT.

19 Q WITH THE COMMANDING TONE OR PRESENCE?

20 A CORRECT.

21 Q AND, ALSO, WAS THE MANNER OF THE INTERVIEW, AS CONDUCTED BY
22 SERGIO ESPINO VERDIN ON THE INTERROGATION TAPE, WAS THAT
23 CONSISTENT WITH ONE WHO IS A COMANDANTE?

24 A YES.

25 Q AND THAT'S HOW HE CONDUCTED HIMSELF IN THE INTERROGATION

1 INTERVIEW?

2 A IN MY OPINION, YES, HE DID.

3 Q NOW, HAVE YOU SAT IN PREVIOUSLY ON INTERVIEWS OR
4 INTERROGATIONS CONDUCTED BY MEXICAN LAW ENFORCEMENT OFFICIALS?

5 A YES, SEVERAL.

6 Q GIVE US AN ESTIMATE OF ABOUT HOW MANY.

7 A PROBABLY 40 TO 50.

8 Q AND IS THERE ANYTHING UNIQUE OR CHARACTERISTIC ABOUT THESE
9 TYPES OF INTERVIEWS?

10 A NORMALLY, IN THESE INTERVIEWS, THE COMANDANTE IS THE ONE
11 WHO CONDUCTS THE INTERVIEWS, AS OPPOSED TO HOW WE DO IT HERE IN
12 THE UNITED STATES: CASE AGENTS, REGARDLESS OF WHAT RANK, IS
13 NORMALLY THE ONE WHO PROCEEDS WITH THE INTERVIEWS.

14 IT'S TOTALLY DIFFERENT IN MEXICO. THE HIGH OFFICIAL
15 IS IN CONTROL OF THE WHOLE SITUATION.

16 Q AND IN COPIAS 2 OR 4, DID SERGIO ESPINO VERDIN CONDUCT THE
17 INTERVIEW?

18 A IN MY OPINION, HE DID.

19 Q IN A MANNER CONSISTENT WITH OTHER MEXICO INTERVIEWS YOU'VE
20 SEEN?

21 A CORRECT.

22 Q DID HE CONTROL, BASICALLY, THE INTERVIEW?

23 A YES, SIR; HE DID.

24 Q I'D LIKE TO DIRECT YOUR ATTENTION TO COPIA 2. WERE YOU
25 ABLE TO IDENTIFY SERGIO ESPINO VERDIN'S VOICE ON COPIA 2?

1 A YES, I WAS.

2 Q AND AGAIN, WERE YOU ABLE TO DELINEATE OR IDENTIFY SPECIFIC
3 LINES IN COPIA 2?

4 A CORRECT.

5 Q AND I'M ADDRESSING YOU TO THE TRANSCRIPT NOW, OBVIOUSLY,
6 FOR COPIA 2?

7 A YES.

8 Q CAN YOU TELL US WHAT NUMBERS OF THE LINES OF THE TRANSCRIPT
9 FOR COPIA 2 YOU BELIEVE BELONGED TO SERGIO ESPINO VERDIN?

10 A MAY I BE ALLOWED TO AGAIN REFRESH MY MEMORY WITH MY REPORT?

11 MR. MEDRANO: YOUR HONOR?

12 THE COURT: YES.

13 MR. MEDRANO: YES.

14 THE WITNESS: THANK YOU. (EXAMINES DOCUMENT IN
15 BINDER.) YES, SIR. I HAVE IT RIGHT HERE.

16 BY MR. MEDRANO:

17 Q NOW, CAN YOU IDENTIFY WHAT PORTIONS OF COPIA 2 TRANSCRIPTS
18 YOU BELIEVE BELONGED TO SERGIO ESPINO VERDIN?

19 A THE NUMBERS -- THE PHRASES NUMBERED 1 THROUGH 157,
20 INCLUDING 157; 169 THROUGH 197, INCLUDING 197; AND 203 THROUGH
21 326.

22 Q AND DOES THAT -- DOES THAT INCLUDE 326?

23 AS IT INCLUDES 326.

24 Q AND ALL THIS IS IN THE TRANSCRIPT OF COPIA 2?

25 A CORRECT.

1 Q AND RELATIVE TO THIS COPIA 2 TAPE AND TRANSCRIPT, WAS THERE
2 A PARTICULAR SPEAKER THAT DOMINATED THE INTERROGATION?

3 A YES. IN MY OPINION, IT WAS SERGIO ESPINO VERDIN.

4 Q HE WAS THE PRIMARY INTERROGATOR?

5 A CORRECT.

6 Q NOW, LET ME DIRECT YOUR ATTENTION TO THE SECOND
7 INTERROGATION TAPE, COPIA 4. WERE YOU ABLE TO IDENTIFY SERGIO
8 ESPINO VERDIN ON COPIA 4?

9 A YES, SIR; I WAS.

10 Q AND CAN YOU GIVE US THE SPECIFIC LINE NUMBERS AGAIN,
11 PLEASE?

12 A ON COPIA 4? IT WOULD BE PHRASES 107 THROUGH 133, INCLUDING
13 133; 250; 252; 258; PHRASES 272 THROUGH 360, INCLUDING 360; AND
14 ALL THE SIDE OF TWO, WITH THE EXCEPTION OF PHRASES 464 THROUGH
15 469, INCLUDING 469.

16 Q SO WITH REGARD TO SIDE 2, AGENT CASTILLO, SERGIO ESPINO
17 BASICALLY DOES THE INTERROGATION FOR THE ENTIRE TIME EXCEPT FOR
18 SIX LINES?

19 A CORRECT.

20 Q AND ON SIDE 2 OF COPIA 4, IS THERE ANYONE THAT DOMINATES
21 THE INTERVIEW/INTERROGATION?

22 A YES. ESPINO VERDIN.

23 Q FINALLY, LET ME DIRECT YOUR ATTENTION TO ABOUT SEPTEMBER 9
24 OF 1985. ON OR ABOUT THAT DATE, WHAT CITY ARE YOU IN?

25 A SEPTEMBER 9TH, I'M IN MEXICO CITY.

1 Q AT ANY POINT, DO YOU LEAVE MEXICO CITY ON OR ABOUT
2 SEPTEMBER 9?

3 A YES. I LEAVE THAT AFTERNOON FOR GUADALAJARA.

4 Q AND WHY ARE YOU GOING TO GUADALAJARA?

5 A I'M GOING THERE TO ASSIST THE AGENTS THERE IN THE OFFICE,
6 ALONG WITH AGENTS FROM WASHINGTON, D.C., IN THE INVESTIGATION
7 OF THE DEATH OF KIKI.

8 Q NOW, WHAT TIME OR WHEN DO YOU ARRIVE IN GUADALAJARA?

9 A IT WAS, I BELIEVE, SOMETIME IN THAT EVENING, ABOUT 10:00
10 P.M. OR SO.

11 Q LET ME DIRECT YOU TO THE FOLLOWING DAY, SEPTEMBER 10TH.
12 WHAT HAPPENS ON THIS DAY?

13 A WE PROCEED THAT MORNING TO THE PRIMAVERA NATIONAL PARK,
14 WHICH IS NORTHWEST OF GUADALAJARA.

15 Q AND WHY DO YOU GO THERE --

16 A WE'RE GOING IN --

17 Q -- STRIKE THAT.

18 FIRST, TELL ME WHO GOES WITH YOU.

19 A WELL, THERE'S AGENTS MATTHEW MAHER, WILLIAM MOCHLER, AGENT
20 JOE GONZALEZ, ALAN BACHELIER, RAUL DELGADO, ALEX ROMERO.

21 I BELIEVE THAT WAS ALL OF US -- NO, I THINK THERE WAS
22 TWO AGENTS, ALSO, FROM THE F.B.I.

23 Q YOU WOULDN'T RECALL THEIR NAMES OFF THE TOP OF YOUR HEAD,
24 WOULD YOU?

25 A MIKE HARTMAN, I BELIEVE; AND I CAN'T RECALL THE SECOND

1 AGENT'S NAME.

2 Q NOW, DO YOU AND THIS GROUP GO OUT TO LA PRIMAVERA PARK?

3 A CORRECT.

4 Q HOW LONG WOULD YOU SAY THAT IT TOOK YOU TO GET THERE?

5 A WELL, IT TOOK US ABOUT 20 MINUTES FROM THE OFFICE TO GET TO
6 THE BELTWAY -- THERE'S A BELTWAY AROUND THE CITY OF
7 GUADALAJARA -- AND THERE'S AN ADDITIONAL APPROXIMATELY 16 OR 17
8 KILOMETERS AWAY FROM THE CITY LIMITS.

9 Q TOTAL DRIVING TIME UNTIL YOU REACH YOUR ULTIMATE
10 DESTINATION IS HOW LONG?

11 A APPROXIMATELY 40, 45 MINUTES.

12 A ULTIMATE DESTINATION IS APPROXIMATELY WHAT DISTANCE FROM
13 WHERE YOU STARTED IN GUADALAJARA?

14 A I BELIEVE ABOUT 25 KILOMETERS.

15 Q NOW, IS IT PAVED ROAD, THE WHOLE 25 KILOMETERS?

16 A NO. AFTER WE GET TO THE PERIFERICO, WHICH IS THE BELTWAY,
17 PROCEEDING TO THE PARK, WHICH IS -- JUST DIRT ROADS.

18 Q AND HOW LONG -- WHAT DISTANCE DID YOU DRIVE ON THE DIRT
19 ROADS TO GET TO YOUR DESTINATION?

20 A I BELIEVE ABOUT 15 OR 16 KILOMETERS.

21 Q WHEN YOU REACH YOUR DESTINATION, IS IT A POPULATED AREA?
22 DESCRIBE IT FOR US?

23 A NO IT'S VERY REMOTE. THERE'S TREES, GRASS, DIRT ROADS, NO
24 DWELLING AREAS ANYWHERE NEARBY.

25 Q THERE'S NO PEOPLE IN THAT AREA?

1 A NO. THERE'S CATTLE, COWS ROAMING AROUND THE PLACE.

2 Q NOW, WHY ARE YOU OUT THERE AT THIS PRIMAVERA PARK?

3 A WE'RE OUT TO EXCAVATE CERTAIN AREAS OF A GRAVESITE THAT
4 WERE IDENTIFIED TO ME TO BE MR. RADELAT AND MR. WALKER.

5 Q DO YO ACTUALLY TAKE SOIL SAMPLES WHILE YOUR'E OUT THERE?

6 A YES, WE DO.

7 Q LET ME DIRECT YOUR ATTENTION TO EXHIBIT 108. IS THAT IN
8 FRONT OF YOU, SIR?

9 A YES. I HAVE IT RIGHT HERE.

10 Q CAN YOU TELL ME WHAT 108 IS?

11 A YES. THIS IS A SOIL SAMPLE THAT I OBTAINED ON SEPTEMBER
12 THE 10TH 85 FROM THE IMMEDIATE VICINITY OF THE BURIAL SITE OF
13 MR. WALKER AND MR. RADELAT -- EXCUSE ME -- YES, MR. RADELAT AND
14 MR. WALKER.

15 Q AND WHERE -- OKAY. WAS ITS BELOWGROUND THAT YOU TOOK THAT
16 SOIL SAMPLE?

17 A YES. THIS ONE I TOOK APPROXIMATELY TWO FEET DEEP FROM THE
18 IMMEDIATE AREA.

19 Q AND DO YOU HAVE ANY IDENTIFYING MARKS OR NOTATIONS BY
20 YOURSELF SO THAT YOU CAN IDENTIFY EXHIBIT 108?

21 A YES. I HAVE THE TIME. I HAVE HERE 11:47, 9-10-85, WITH MY
22 INITIAL: R C.

23 Q I'M SORRY. YOUR INITIALS, AS WELL?

24 A R C.

25 MR. MEDRANO: YOUR HONOR, WE'D MOVE ADMISSION OF 108

1 AT THIS TIME.

2 MR. STOLAR: NO OBJECTION.

3 THE COURT: MAY BE RECEIVED.

4 (EXHIBIT 108 † RECEIVED IN EVIDENCE.)

5 BY MR. MEDRANO:

6 Q ULTIMATELY, HOW LATE WOULD YOU SAY THAT YOU STAYED AT LA
7 PRIMAVERA PARK DOING THIS EXCAVATION?

8 A ABOUT 5:00, 6:00 P.M., I THINK WE LEFT.

9 Q AND AGAIN, THAT EXHIBIT 108 SOIL SAMPLE WAS RIGHT IN THAT
10 VICINITY OF THAT GRAVESITE?

11 A I RECALL IT FROM THE IMMEDIATE VICINITY, YES.

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

13 (GOVERNMENT COUNSEL CONFER OFF THE RECORD.)

14 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES DIRECT OF THE
15 WITNESS.

16 THE COURT: YOU MAY CROSS-EXAMINE.

17 CROSS-EXAMINATION +

18 BY MR. STOLAR:

19 Q GOOD AFTERNOON, AGENT CASTILLO.

20 A GOOD AFTERNOON, SIR.

21 Q YOU INDICATED THAT INTERPOL IS AN ELITE GROUP OF MEXICAN
22 POLICE OFFICIALS; IS THAT RIGHT?

23 A FEDERAL POLICE OFFICIALS.

24 Q FEDERAL POLICE OFFICIALS. IS THAT THE SAME INTERPOL AS THE
25 INTERNATIONAL INTERPOL?

1 A CORRECT.

2 Q AND AT THE TIME IN 1985, DO YOU KNOW WHO THE HEAD OF
3 INTERPOL IN MEXICO WAS?

4 A YES. AT THAT TIME IT WAS PREMIER COMANDANTE FLORENTINO
5 VENTURA GUTIERREZ.

6 Q NOW, WAS THERE ALSO A GENTLEMAN BY THE NAME OF ALDANA WHO
7 WAS INVOLVED IN INTERPOL?

8 A I BELIEVE HE WAS, BUT I DON'T BELIEVE AT THAT TIME.

9 Q WHEN DID HE BECOME THE HEAD OF IT?

10 A MR. VENTURA?

11 Q ALDANA.

12 A ALDANA I THINK WAS BEFORE HIM.

13 Q ALDANA WAS BEFORE HIM?

14 A CORRECT. I BELIEVE SO

15 Q THE ALDANA WHO'S AN INDICTED DEFENDANT IN THIS CASE?

16 A YES.

17 Q ALL RIGHT. NOW, YOU INDICATED IN YOUR TESTIMONY THAT MR.
18 CARO QUINTERO WAS INTERVIEWED; IS THAT RIGHT?

19 A CORRECT.

20 Q AND THERE'S ALSO A GENTLEMAN NAMED TEJEDA WHO WAS
21 INTERVIEWED; IS THAT RIGHT?

22 A YES, HE WAS ALSO INTERVIEWED.

23 Q WOULD IT BE FAIR TO SAY THE TERM "INTERVIEW" IS
24 INAPPROPRIATE?

25 MR. MEDRANO: OBJECTION. AMBIGUOUS, YOUR HONOR.

1 BY MR. STOLAR:

2 Q WELL, IN FACT, THEY WERE TORTURED AND SLAPPED AROUND TO GET
3 ANSWERS OUT OF THEM, WEREN'T THEY?

4 MR. MEDRANO: OBJECTION, YOUR HONOR. ASK TO REPHRASE
5 THE QUESTION.

6 BY MR. STOLAR:

7 Q WERE THEY TORTURED AND SLAPPED AROUND?

8 A PACO TEJEDA WAS. CARO QUINTERO WAS NOT PRESENT IF AND WHEN
9 IT DID OCCUR.

10 Q BUT THAT'S WHAT HAPPENED TO TEJEDA; RIGHT?

11 A YES.

12 Q IN YOUR PRESENCE?

13 A YES.

14 Q IN FACT, THEY SLAPPED TEJEDA AROUND SO MUCH THEY HAD TO
15 STOP BECAUSE THEY THOUGHT HE WAS HAVING A HEART ATTACK, DIDN'T
16 THEY?

17 A YES.

18 Q CARO -- THE FIRST TIME CARO CAME IN, HE WAS BROUGHT IN
19 BLINDFOLDED WITH HIS HANDS TIED BEHIND HIS BACK; IS THAT
20 CORRECT?

21 A THAT'S CORRECT, COUNSEL.

22 Q HE WAS PUT IN A CHAIR AND HE WAS ASKED DIRECT QUESTIONS;
23 CORRECT?

24 A CORRECT.

25 Q AND HE GAVE DIRECT DENIALS, DIDN'T HE?

12 (1 A CORRECT.

2 Q THE SECOND TIME HE WAS BROUGHT IN, HE WAS BROUGHT IN IN THE
3 SAME FASHION?

4 A IN: HANDS TIED BEHIND HIS BACK AND BLINDFOLDED?

5 Q YES.

6 A YES, HE WAS.

7 Q AND THERE WAS SOME DIFFERENCE IN THE ATTITUDE OF THE
8 MEXICAN POLICE OFFICIALS DURING THAT SECOND INTERROGATION,
9 WASN'T THERE?

10 A I DON'T UNDERSTAND WHAT YOU MEAN: A DIFFERENCE IN
11 ATTITUDES.

12 Q WELL, DO YOU REMEMBER YOU WALKED OUT OF THAT INTERVIEW?

13 A NOT ON THE SECOND ONE.

14 Q NOT ON THE SECOND ONE?

15 A NO.

16 Q WAS THERE ONE OF THE INTERVIEWS WHERE IT TURNED OUT THAT
17 RAFAEL CARO QUINTERO WAS BEING TREATED VERY WELL, WITH WHITE
18 GLOVES?

19 A THAT WAS THE THIRD INTERVIEW.

20 Q THAT WAS THE THIRD INTERVIEW, THE ONE THAT LASTED UNTIL
21 3:30 IN THE MORNING, APPROXIMATELY?

22 Q THAT'S THE ONE YOU WALKED OUT OF?

23 A YES.

24 Q BECAUSE YOU WERE VERY DISGUSTED; IS THAT RIGHT?

25 A MR. HEATH WAS VERY DISGUSTED, YES.

1 Q WAS IT DURING THAT INTERVIEW THAT A CARO QUINTERO GAVE THIS
2 OFFICIAL DECLARATION?

3 A THEY WERE IN THE PROCESS OF GETTING HIS DECLARATION, YES,
4 AT THAT TIME.

5 Q AND IS THAT THE DECLARATION THAT ULTIMATELY HE GAVE THAT
6 WAS SUBMITTED TO THE COURT IN MEXICO?

7 A I DON'T KNOW.

8 MR. MEDRANO: OBJECTION, YOUR HONOR. LACK OF
9 FOUNDATION. LACK OF PERSONAL KNOWLEDGE.

10 THE COURT: WELL, THE WITNESS SAID HE DOES NOT KNOW.

11 BY MR. STOLAR:

12 Q DO YOU KNOW THAT A DECLARATION FROM ONE OF THE
13 INTERROGATIONS THAT YOU WERE PRESENT AT WAS SUBMITTED TO A
14 COURT IN MEXICO?

15 MR. MEDRANO: OBJECTION. RELEVANCE, YOUR HONOR.
16 BEYOND THE SCOPE?

17 THE COURT: SUSTAINED.

18 BY MR. STOLAR:

19 Q ON THE -- LET ME SEE. THERE WAS AN INTERVIEW ON APRIL THE
20 7TH; IS THAT RIGHT?

21 A YES.

22 Q AN INTERROGATION; IS THAT RIGHT?

23 A YES.

24 Q THAT'S THE TIME THEY TOOK A BOTTLE OF SODA WATER AND
25 FORCIBLY PLACED IT UP HIS NOSE; ISN'T IT?

1 MR. MEDRANO: OBJECTION, YOUR HONOR. MISSTATES THE
2 PRIOR TESTIMONY OF THE WITNESS.

3 MR. STOLAR: I'M ASKING HIM IF THAT WAS THE TIME THEY
4 DID THAT.

5 THE COURT: YOU MAY ANSWER.

6 THE WITNESS: I WASN'T PRESENT. I DON'T KNOW IF IT
7 WAS DONE THEN.

8 BY MR. STOLAR:

9 Q THAT'S WHAT HEATH TOLD YOU; IS THAT RIGHT?

10 A NO. I NEVER SPOKE WITH MR. HEATH.

11 MR. MEDRANO: OBJECT. HEARSAY, YOUR HONOR, AS TO WHAT
12 HEATH SAID.

13 THE COURT: THE ANSWER MAY STAND.

14 BY MR. STOLAR:

15 Q FINALLY, CARO, IN THE COURSE OF THE FOURTH INTERVIEW -- THE
16 ONE THAT YOU SAW WHEN THEY BROUGHT IN TEJEDA?

17 A YES.

18 Q -- HE STARTED MAKING CERTAIN ADMISSIONS, DIDN'T HE?

19 A WHO?

20 Q CARO.

21 A NO.

22 Q HE DIDN'T?

23 A NO.

24 Q TEJEDA MADE ADMISSIONS?

25 A YES.

1 Q AFTER THEY BEAT HIM UP A BIT?

2 A YES.

3 Q HE WAS ASKED QUESTIONS AND WHEN THE QUESTIONER DECIDED THAT
4 THE PERSON WAS LYING, HE WOULD BE STRUCK UNTIL HE CAME UP WITH
5 THE ANSWERS; IS THAT RIGHT?

6 A HE WAS STRUCK, YES.

7 Q UNTIL HE CAME UP WITH THE ANSWERS?

8 A CAME UP WITH AN ANSWER, YES.

9 Q AN ANSWER. IN YOUR OWN EXPERIENCE, IS THIS A COMMON MEANS
10 OF CONDUCTING AN INTERVIEW BY THE POLICE IN MEXICO?

11 A YES, IT IS.

12 Q DID YOU OR MR. HEATH RAISE ANY PROTEST AS TO THE METHOD OR
13 MEANS THAT THESE INTERROGATIONS WERE CONDUCTED?

14 A NO, SIR. WE WERE THERE TO OBSERVE.

15 Q THAT'S NOT THE METHOD THAT THE D.E.A. USES, IS IT?

16 A ABSOLUTELY NOT.

17 Q SO THESE ARE MORE CHARACTERIZED, MORE CORRECTLY
18 CHARACTERIZED, AS INTERROGATIONS, NOT INTERVIEWS; WOULD THAT BE
19 FAIR TO SAY?

20 A CORRECT.

21 Q ACCOMPANIED BY PHYSICAL INDUCEMENT?

22 A CORRECT.

23 Q AND THE PERSON IS BLINDFOLDED SO THAT THE PERSON IS NOT
24 AWARE OF WHO THE INTERROGATOR IS; IS THAT RIGHT?

25 A I BELIEVE SO.

1 Q YOU HAVE TESTIFIED ABOUT HAVING LISTENED TO COPIAS, BOTH 2
2 AND 4; RIGHT?

3 A CORRECT.

4 Q DID YOU ALSO LISTEN TO COPIAS 1, 3 AND 5?

5 A I DON'T EVEN KNOW IF THEY EXIST, SIR.

6 MR. STOLAR: THEY'RE PROBABLY RIGHT IN FRONT OF YOU
7 THERE.

8 THANK YOU. I HAVE NOTHING FURTHER.

9 MS. KELLY: YOUR HONOR, I WOULD LIKE TO RESERVE CROSS,
10 PENDING RULING ON THE MATTER.

11 THE COURT: NO. DO YOUR CROSS NOW.

12 MR. NICOLAYSEN: MAY I?

13 CROSS-EXAMINATION +

14 BY MR. NICOLAYSEN:

15 Q GOOD AFTERNOON, AGENT CASTILLO.

16 A GOOD AFTERNOON, SIR.

17 Q I WANT TO DIRECT YOUR ATTENTION TO THOSE FOUR INTERVIEWS OR
18 INTERROGATIONS, HOWEVER YOU CHOOSE TO CHARACTERIZE THEM, WITH
19 CARO QUINTERO.

20 DID THE SUBJECT MATTER OF ALL FOUR SESSIONS CONCERN
21 AGENT CAMARENA AND MR. ZAVALA EXCLUSIVELY?

22 A YES.

23 Q WAS THERE ANY OVERLAP INTO THE SUBJECT MATTER OF THE
24 MURDERS OF AT THE LA LANGOSTA RESTAURANT DURING ANY OF THOSE
25 FOUR INTERROGATIONS?

1 MR. MEDRANO: OBJECTION, YOUR HONOR. IT'S HEARSAY.

2 MR. NICOLAYSEN: I'M ASKING IF THEY DISCUSSED IT.

3 THE COURT: YOU MAY ANSWER.

4 THE WITNESS: NO, THERE WASN'T.

5 BY MR. NICOLAYSEN:

6 Q THERE WAS NOT.

7 NOW, SPECIFICALLY AS TO SESSION NO. 4, THE ONE WHICH
8 MR. TEJEDA ATTENDED -- INCIDENTALLY, THE D.E.A., I WOULD TAKE
9 IT, AND YOURSELF INCLUDED, USED SOME OF THE INFORMATION THAT
10 CARO QUINTERO GAVE, IN FURTHERING ITS OWN INVESTIGATION INTO
11 THE CAMARENA MATTER, DID IT NOT?

12 A WE REPORTED IT TO OUR SUPERIORS.

13 Q NOW, AS FAR AS THE FOURTH SESSION IS CONCERNED, YOU KNEW
14 MR. TEJEDA TO BE A BODYGUARD OF MR. CARO, DID YOU NOT?

15 MR. MEDRANO: OBJECTION. LACK OF FOUNDATION. LACK OF
16 PERSONAL KNOWLEDGE.

17 THE COURT: OVERRULED.

18 THE WITNESS: THAT WAS MY -- TO MY KNOWLEDGE YES.

19 BY MR. NICOLAYSEN:

20 Q ALL RIGHT. NOW, YOU TOLD US ABOUT AN INTERROGATION ON JUNE
21 THE 9TH?

22 A CORRECT.

23 Q ALL RIGHT. AND IF I CAN ASK YOU TO FOCUS ON THAT
24 PARTICULAR SESSION, DO YOU REMEMBER THAT MR. TEJEDA HIMSELF WAS
25 QUESTIONED ON THAT PARTICULAR DAY. DO YOU REMEMBER THAT?

1 A YES, HE WAS QUESTIONED. YES.

2 Q HE DID IN FACT RESPOND TO QUESTIONS SPECIFICALLY REGARDING
3 THE ABDUCTION OF CAMARENA, DID HE NOT?

4 A YES. HE ANSWERED TO SPECIFIC QUESTIONS.

5 Q IN FACT, YOU EVEN TOLD THE GRAND JURY, DID YOU NOT, THAT
6 DURING THAT SESSION ON JUNE THE 9TH, PACO TEJEDA STARTED TO
7 COME AROUND WITH THE RIGHT ANSWERS, IN FACT; ISN'T THAT
8 CORRECT?

9 A CORRECT.

10 Q AND HE TOLD THE INTERROGATOR, IF YOU LOOK, THAT HE --
11 MEANING TEJEDA -- KNEW CARO QUINTERO AND THAT HE HAD BEEN
12 EMPLOYED WITH CARO QUINTERO FOR ABOUT TWO YEARS; ISN'T THAT
13 CORRECT?

14 MR. MEDRANO: THIS IS ALL HEARSAY, YOUR HONOR.
15 OBJECTION.

16 THE COURT: SUSTAINED.

17 BY MR. NICOLAYSEN:

18 Q NOW, YOU WERE SATISFIED, I TAKE IT, THAT AS YOU WERE
19 LISTENING TO THOSE ANSWERS ON JUNE THE 9TH, THAT IN FACT HE WAS
20 BEING FORTHCOMING, FINALLY; WERE YOU NOT?

21 MR. MEDRANO: OBJECTION, YOUR HONOR. THAT CALLS FOR
22 CONCLUSION?

23 THE COURT: SUSTAINED.

24 BY MR. NICOLAYSEN:

25 Q DID THE INFORMATION THAT MR. TEJEDA GAVE ON JUNE THE 9TH

1 FURTHER THE D.E.A.'S INVESTIGATION IN ANY WAY ON THE CAMARENA
2 MATTER?

3 A YES, IT DID.

4 Q NOW, ARE YOU AWARE THAT APPROXIMATELY ONE WEEK LATER -- AND
5 BY THAT, I MEAN APPROXIMATELY THE 16TH OF JUNE OF 1985 -- MR.
6 TEJEDA DISCLOSED SOME ADDITIONAL INFORMATION REGARDING THE LA
7 LANGOSTA MATTER?

8 MR. MEDRANO: OBJECTION, YOUR HONOR. BEYOND THE SCOPE
9 OF DIRECT.

10 THE COURT: SUSTAINED.

11 BY MR. NICOLAYSEN:

12 Q YOU TOLD US ABOUT GOING TO PRIMAVERA PARK IN SEPTEMBER OF
13 1985. DO YOU REMEMBER YOUR TESTIMONY UNDER CROSS-EXAMINATION?

14 A CORRECT.

15 Q AND YOU TOLD US ON DIRECT EXAMINATION, I BELIEVE, THAT YOUR
16 PURPOSE IN GOING TO PRIMAVERA PARK IN SEPTEMBER OF 1985 WAS TO
17 EXCAVATE A GRAVESITE THAT HAD BEEN IDENTIFIED TO YOU TO BE THE
18 GRAVESITE OF WALKER AND RADELAT.

19 DO YOU REMEMBER TELLING US THAT?

20 A CORRECT.

21 Q WHO IDENTIFIED THE GRAVESITE TO YOU AS BEING THAT OF WALKER
22 AND RADELAT. CAN YOU TELL US?

23 A TO MY KNOWLEDGE, IT WAS TEJEDA, JARAMILLO: PACO.

24 Q CAN YOU TELL US THE CIRCUMSTANCES UNDER WHICH HE MADE THAT
25 REVELATION TO YOU?

1 A NO, HE DIDN'T MAKE THAT REVELATION TO ME.

2 Q OKAY. IT'S YOUR KNOWLEDGE, SIR, THAT THE INFORMATION
3 REGARDING THE LOCATION OF WALKER AND RADELAT'S BODIES IN
4 PRIMAVERA PARK CAME FROM MR. TEJEDA HIMSELF; CORRECT?

5 MR. MEDRANO: OBJECTION, YOUR HONOR. LACK OF
6 FOUNDATION. HEARSAY.

7 MR. NICOLAYSEN: DIRECTLY RELATED TO HIS PURPOSE IN
8 GOING TO THE PARK, YOUR HONOR.

9 THE COURT: YOU MAY ANSWER.

10 THE WITNESS: PLEASE REPEAT.

11 MR. NICOLAYSEN: SURE. BE GLAD TO.

12 Q IT'S YOUR KNOWLEDGE, AGENT CASTILLO, THAT IT WAS FROM PACO
13 TEJEDA HIMSELF THAT THE INFORMATION WAS MADE KNOWN THAT IT WAS
14 WALKER AND RADELAT'S BODIES AT THAT GRAVESITE IN PRIMAVERA
15 PARK; CORRECT?

16 A TO MY KNOWLEDGE, IT WAS; YES.

17 Q WHO ELSE IN THE D.E.A. OTHER THAN YOURSELF WAS MADE KNOWN
18 OF THIS ADMISSION BY MR. TEJEDA?

19 A THE ENTIRE OFFICE, I BELIEVE.

20 Q ALL RIGHT. AND THAT WOULD CONSIST OF WHOM?

21 A OH, THERE WAS MYSELF -- SPECIFIC NAMES, COUNSELOR?

22 Q TO THE BEST THAT YOU CAN RECALL, YES.

23 A OKAY. THERE WOULD BE MR. HEATH, MR. WALTER WHITE, I
24 BELIEVE AGENT RAUL DELGADO.

25 ALSO, THERE WAS TWO AGENTS FROM HEADQUARTERS AT THE

1 TIME: MR. MATTHEW MAHER, MR. WILLIAM MOCHLER.

2 Q KUYKENDALL?

3 A EXCUSE ME.

4 Q AGENT KUYKENDALL, AS WELL?

5 A HE WASN'T THERE AT THE TIME WHEN WE HEARD THE INFORMATION.
6 I DON'T KNOW IF HE WAS THEN OR LATER.

7 Q HAVE WE LEFT ANYBODY OUT, TO THE BEST OF YOUR RECOLLECTION?

8 A TO THE BEST OF MY RECOLLECTION, THERE COULD HAVE BEEN ONE
9 MORE, BUT I COULDN'T THINK RIGHT NOW WHO IT WOULD HAVE BEEN.

10 Q NOW, IT'S CERTAINLY SAFE TO SAY THAT MR. TEJEDA'S ADMISSION
11 REGARDING THE LOCATION OF WALKER'S AND RADELAT'S BODIES WAS
12 CONVEYED TO HEADQUARTERS IN WASHINGTON. WAS IT NOT?

13 A I'M SURE IT WAS.

14 Q IT WAS CONSIDERED A SIGNIFICANT PIECE OF INFORMATION AT THE
15 TIME IT, WAS IT NOT?

16 A YES, IT WAS.

17 Q IN FACT, D.E.A. DID NOT HAVE ANY KNOWLEDGE REGARDING THIS
18 GRAVESITE IN PRIMAVERA PARK UNTIL MR. TEJEDA CAME FORTH; ISN'T
19 THAT TRUE?

20 A YES, IT IS.

21 Q DO YOU RECALL WHEN MR. TEJEDA CAME FORWARD WITH THIS
22 INFORMATION?

23 A NO. IT HAD TO HAVE BEEN AFTER THE LAST TIME I WAS PRESENT
24 IN INTERVIEW, JUNE 9TH OF 1985.

25 Q IF I WERE TO SAY THE MIDDLE OF JUNE OF 1985, WOULD THAT IN

1 ANY WAY REFRESH YOUR RECOLLECTION?

2 A NO, IT WOULDN'T.

3 Q ALL RIGHT. NOW, WERE YOU EVER PRESENT DURING ANY INTERVIEW
4 OR INTERROGATION SESSIONS WITH MR. TEJEDA THAT CONCERNED THE
5 GRAVESITE OR THAT CONCERNED THE DEATHS OF WALKER AND RADELAT?

6 A NO, I WASN'T.

7 Q TO YOUR KNOWLEDGE, WAS ANYONE ELSE IN THE D.E.A. OFFICE
8 PRESENT DURING ANY OF THOSE INTERROGATIONS?

9 A NOT TO MY KNOWLEDGE.

10 Q DO YOU RECALL WHETHER THE D.E.A. WAS GIVEN ANY WRITTEN
11 STATEMENTS THAT WERE MADE BY MR. TEJEDA REGARDING THIS
12 GRAVESITE OR REGARDING WALKER AND RADELAT OR THEIR MURDERS? DO
13 YOU KNOW.

14 MR. MEDRANO: OBJECTION, YOUR HONOR. RELEVANCE AND
15 BEYOND THE SCOPE.

16 THE COURT: YOU MAY ANSWER.

17 THE WITNESS: I BELIEVE THERE WERE STATEMENTS GIVEN TO
18 D.E.A. ON DECLARATIONS OF TEJEDA. I DON'T KNOW WHAT THEY
19 CONSISTED OF. IT'S A POSSIBILITY.

20 I NEVER READ THEM MYSELF.

21 BY MR. NICOLAYSEN:

22 Q OKAY. AND IF THEY HAD BEEN GIVEN, TO WHOM WOULD THEY HAVE
23 BEEN GIVEN?

24 A TO MR. HEATH.

25 Q WOULD IT HAVE BEEN DIRECTLY HIM OR THROUGH AN INTERMEDIARY?

1 A NO, IT WOULD HAVE BEEN DIRECTLY TO HIM, ADDRESSED TO HIM
2 DIRECTLY.

3 Q IN MEXICO CITY?

4 A CORRECT.

5 Q NOW, YOU TOLD US ON DIRECT THAT IT WAS COMMON PRACTICE FOR
6 THE COMANDANTE, IN THE MEXICO POLICE SYSTEM, TO DO THE
7 INTERROGATIONS; ISN'T THAT TRUE?

8 A YES, IT IS.

9 Q SO FOR -- IF FLORENTINO VENTURA'S NAME APPEARS ON AN
10 INTERROGATION REPORT IN CONNECTION WITH THE CAMARENA-ZAVALA
11 MATTER OR THE LA LANGOSTA MATTER, THAT WOULD BE CONSISTENT WITH
12 THE PRACTICES THAT YOU OBSERVED, WOULD IT --

13 A TO MY KNOWLEDGE, IT WOULD BE.

14 Q NOW, YOU TOLD US THAT YOU SAT IN ON INTERVIEWS OF ABOUT 40
15 TO 50 PEOPLE DURING YOUR TENURE DOWN IN MEXICO. DO YOU
16 REMEMBER TELLING US THAT?

17 A YES, I DO.

18 Q WERE ANY OF THOSE 40 OR 50 PEOPLE SUSPECTS IN THE LA
19 LANGOSTA CASE?

20 MR. MEDRANO: OBJECTION. RELEVANCE. BEYOND THE
21 SCOPE.

22 MR. NICOLAYSEN: IT'S DIRECTLY IN TERMS OF WHAT HE
23 SAID ON DIRECT EXAMINATION.

24 THE COURT: IT IS BEYOND THE SCOPE. THIS OBJECTION IS
25 SUSTAINED.

1 MR. NICOLAYSEN: MAY I BE HEARD AT THE RECESS ON THAT,
2 YOUR HONOR?

3 THE COURT: YES.

4 MR. NICOLAYSEN: THANK YOU.

5 Q AND TO THE BEST OF YOUR KNOWLEDGE, MR. TEJEDA'S REVELATION
6 REGARDING THE BODIES DID ESSENTIALLY BREAK THE CASE, DID IT
7 NOT, ON THE LA LANGOSTA MATTER.

8 MR. MEDRANO: OBJECTION, YOUR HONOR. AMBIGUOUS.
9 CALLS FOR SPECULATION AND CONCLUSION.

10 THE COURT: HE MAY ANSWER.

11 THE WITNESS: I DON'T BELIEVE SO. AT THAT TIME, I
12 WASN'T VERY FAMILIAR WITH THE INCIDENT.

13 BY MR. NICOLAYSEN:

14 Q YOU WERE NOT ASSIGNED TO THE LA LANGOSTA INVESTIGATION, AS
15 SUCH?

16 A NO.

17 Q OKAY. WHO WAS, DO YOU KNOW?

18 A I HAVE NO IDEA.

19 Q WHO WOULD KNOW?

20 A I COULDN'T TELL YOU.

21 Q ALL RIGHT. NOW, THE INFORMATION THAT YOU GLEANED FROM THE
22 INSPECTION OF THE GRAVESITE IN PRIMAVERA PARK DID LEAD TO AN
23 IDENTIFICATION OF THE BODIES DID IT NOT?

24 A I BELIEVE --

25 MR. MEDRANO: OBJECTION. BEYOND THE SCOPE OF DIRECT,

1 YOUR HONOR.

2 MR. NICOLAYSEN: HE TESTIFIED TO THE GRAVESITE
3 INSPECTION, YOUR HONOR.

4 THE COURT: YOU MAY ANSWER.

5 THE WITNESS: REPEAT IT. PLEASE.

6 BY MR. NICOLAYSEN:

7 Q SURE. I'M DIRECTING YOUR ATTENTION TO THE SEPTEMBER 1985
8 INSPECTION OF THE GRAVESITE IN PRIMAVERA PARK.

9 EVENTUALLY, AS A RESULT OF D.E.A.'S INSPECTION THERE
10 AND WHAT WAS GATHERED FROM THE SURVEY, THE BODIES WERE
11 OBTAINED, WERE THEY NOT?

12 A YES.

13 Q AND OTHER DEBRIS INCIDENTAL TO THE HOMICIDE WAS ALSO
14 OBTAINED, WAS IT NOT?

15 A I BELIEVE SO.

16 Q AND IT WAS EVENTUALLY DETERMINED, I BELIEVE, WAS IT NOT,
17 THAT THE BODIES WERE THOSE OF WALKER AND RADELAT? CORRECT?

18 A I BELIEVE THEY WERE.

19 Q ALL RIGHT. SO TO THE BEST OF MY KNOWLEDGE, THE INFORMATION
20 THAT MR. TEJEDA GAVE WAS IN FACT CORRECT, WAS IT NOT?

21 A YES.

22 MR. NICOLAYSEN: THANK YOU. NOTHING FURTHER, YOUR
23 HONOR.

24 THE COURT: ALL RIGHT. WE'LL TAKE OUR AFTERNOON
25 RECESS AT THIS TIME.

1 THE CLERK: PLEASE RISE.

2 (JURY ABSENT:)

3 THE CLERK: YOU MAY BE SEATED.

4 THE COURT: JUST A MOMENT. THE COURT IS READY TO RULE
5 ON THE ISSUE OF WHETHER OR NOT THE TAPES SHOULD BE ADMITTED AND
6 PLAYED FOR THE JURY.

7 THE COURT HAS READ AND CONSIDERED ALL OF THE DOCUMENTS
8 THAT HAVE BEEN FILED WITH IT, FOR AND AGAINST, AS WELL AS THE
9 PROPOSED STIPULATION.

10 IT IS ONLY WHEN THE PROBATIVE VALUE OF EVIDENCE IS
11 SUBSTANTIALLY OUTWEIGHED BY THE DANGER OF UNFAIR PREJUDICE THAT
12 RELEVANT EVIDENCE SHOULD BE EXCLUDED, AND THE CASES MANDATE
13 THAT THIS IS A REMEDY WHICH SHOULD BE USED SPARINGLY.

14 THE COURT BELIEVES THAT THIS TAPE SHOULD BE ADMITTED,
15 IT SHOULD BE HEARD AND SEEN, IN THE WAY IT WAS IN THE PREVIOUS
16 TRIAL, AND FOR FOLLOWING REASONS:

17 FIRST OF ALL, THE COURT DOES NOT CONSIDER THE TAPE TO
18 BE SO PREJUDICIAL THAT IT OUTWEIGHS ANY PROBATIVE VALUE THAT IT
19 HAS IN THIS CASE. THE POSTURE THAT THIS CASE HAS TAKEN IS ONE
20 OF THE CONSIDERATIONS THE COURT HAS CONSIDERED.

21 FIRST OF ALL, THE UNTIMELINESS OF THIS REQUEST COMES
22 AT A TIME AFTER THE GOVERNMENT HAS PREPARED AND PRESENTED ITS
23 CASE, INTENDING AND EXPECTING TO BE ABLE TO PLAY THIS TAPE TO
24 THE JURY, NOT HAVING HEARD ANY OBJECTION TO IT UNTIL JUST A DAY
25 OR TWO AGO.

1 SECONDLY, THE POSTURE OF SOME OF THE DEFENDANTS IN
2 THIS CASE WHO HAVE CHALLENGED THE ACCURACY OF THE
3 IDENTIFICATION OF AGENT CAMARENA, THROUGH CROSS-EXAMINATION OF
4 VARIOUS WITNESSES AND ACTIVELY PURSUING A COURSE INTENDED TO
5 PROVE THAT CAMARENA WAS NOT INDEED ONE OF THE BODIES THAT WAS
6 INVOLVED IN THIS CASE, I THINK THAT TO CHANGE AT THIS LATE
7 STAGE IN THE GAME TO PERMIT THE DEFENDANTS NOW TO EXCLUDE THIS
8 TESTIMONY AFTER THEY HAVE BEEN CHALLENGING THE IDENTIFICATION
9 OF THE BODIES IS UNFAIRLY PREJUDICIAL TO THE PLAINTIFF IN THE
10 CASE.

11 I THINK THAT THE TAPES SHOULD COME IN. I DON'T THINK
12 THAT IT IS AS PREJUDICIAL AS YOU PEOPLE BELIEVE, HAVING HEARD
13 IT MYSELF PREVIOUSLY IN ANOTHER TRIAL.

14 AND THAT'S THE WAY THE COURT SEES THIS.

15 MR. BLANCARTE: MAY WE BE HEARD, YOUR HONOR?

16 THE COURT: YES, IF YOU CAN DO SO, BRIEFLY.

17 BY MR. BLANCARTE: THANK YOU, YOUR HONOR.

18 VERY BRIEFLY, THE VERY TESTIMONY WE'VE JUST HEARD FROM
19 MR. CASTILLO ALONG WITH THE STIPULATION BEFORE YOUR HONOR SHOWS
20 VERY CLEARLY THAT ANY PROBATIVE VALUE THAT THOSE TAPES COULD
21 HAVE HAD IS NOW NOT PRESENT FOR THE PURPOSES THE GOVERNMENT
22 WOULD HAVE INTENDED, HAD THEY BEEN ABLE TO PRESENT THAT
23 PROBATIVE EVIDENCE.

24 THAT TESTIMONY, SHOWING THAT THOSE TRANSCRIPTS ARE
25 ACCURATE, ALONG WITH THE STIPULATION, ELIMINATES THE PROBATIVE

1 VALUE, YOUR HONOR.

2 THE COURT: COUNSEL, THAT TESTIMONY WAS TO PROVIDE THE
3 FOUNDATION FOR THE ADMISSIBILITY OF THE TAPE.

4 MR. BLANCARTE: YOUR HONOR, I'LL GET RIGHT TO THE
5 POINT. THE TAPES ARE IN SPANISH.

6 THE TAPES ARE IN SPANISH. A WEEK AGO, MR. NICOLAYSEN
7 TRIED TO INTRODUCE TAPES THAT WERE IN SPANISH, AND THE
8 GOVERNMENT DIRECTED TO THIS COURT THE COMMENTS THAT THE TAPES
9 WERE -- IT WAS ABSURD AND RIDICULOUS TO TRY TO INTRODUCE TAPES
10 THAT WERE IN SPANISH TO A JURY THAT IS TAKING EVIDENCE IN
11 ENGLISH.

12 IT'S THE SAME COMPLAINT HERE, YOUR HONOR. IT'S STILL
13 THE SAME RULES, AND THE SAME RULES APPLY --

14 THE COURT: PERHAPS YOU CAN EXPLAIN WHY YOU DIDN'T
15 RAISE THIS UNTIL TWO DAYS AGO.

16 MR. BLANCARTE: VERY WELL, YOUR HONOR. BECAUSE --

17 THE COURT: (TO MR. STOLAR:) YOU SIT DOWN. STOP
18 JUMPING AROUND HERE.

19 MR. STOLAR: YES, YOUR HONOR.

20 THAT'S WHAT I WAS GOING TO EXPLAIN TO THE COURT.

21 MR. BLANCARTE: VERY WELL, YOUR HONOR. AS TO THE
22 TIMELINESS ISSUE, THESE FOUR DEFENDANTS HAVE SOME VERY
23 COMPLICATED DEFENSES THAT THEY MUST EACH PUT ON.

24 THESE ISSUES DID NOT COME TO THE FOREFRONT UNTIL AFTER
25 THE DEFENSES HAD COME TOGETHER ON A VERY PRELIMINARY BASIS TO

1 TRY TO COORDINATE, TO THE BEST THAT THEY COULD, WHAT THEIR
2 DEFENSES WOULD BE. THESE ISSUES CAME TO LIGHT AS TO THESE
3 TAPES AND THE POSITION TAKEN BY THESE DEFENDANTS ONCE THE TRIAL
4 HAD ALREADY BEGUN, YOUR HONOR, AND --

5 THE COURT: COUNSEL, YOU HAD THE TRANSCRIPT OF THE
6 TRIAL THAT TOOK PLACE TWO YEARS AGO. YOU KNEW THAT THESE TAPES
7 WERE PLAYED THEN. YOU HAD COPIES OF THESE TAPES, I ASSUME, AS
8 WELL AS THESE TRANSCRIPTS, FOR SOME TIME.

9 MR. BLANCARTE: THAT'S CORRECT, YOUR HONOR.

10 THE COURT: IT'S BEEN AVAILABLE FOR TWO YEARS.

11 WHY DID IT JUST SUDDENLY OCCUR TO YOU THAT THESE TAPES
12 SHOULD BE KEPT OUT?

13 MR. BLANCARTE: IT DIDN'T SUDDENLY OCCUR TO US, YOUR
14 HONOR. WHEN THIS ISSUE CAME UP --

15 THE COURT: WHY DIDN'T YOU MAKE A MOTION THEN?
16 PARDON?

17 MR. BLANCARTE: WHEN THIS ISSUE FIRST CAME UP, COUNSEL
18 MET AND CAME TO THE DECISION THAT THEY WOULD STIPULATE TO ALL
19 THE PROBATIVE ASPECTS THAT THESE TAPES COULD POSSIBLY EVER HAVE
20 IN TERMS OF BEING PLAYED TO THE JURY. ALL THE PROBATIVE
21 ELEMENTS ARE BEFORE THIS COURT AND IN THE RECORD.

22 THE COURT: BUT YOU DON'T HAVE A STIPULATION FROM THE
23 GOVERNMENT.

24 MR. BLANCARTE: NO, YOUR HONOR. BUT THIS BRINGS US
25 NOW TO THE LAW.

1 THE LAW OF THIS CASE ON THIS ISSUE IS VERY CLEAR. THE
2 GOVERNMENT HAS CITED NO AUTHORITY WHATEVER ON THE ISSUE OF THE
3 BALANCING THAT THIS COURT MUST DO WHEN THERE IS A STIPULATION.
4 EACH AND EVERY CASE THE GOVERNMENT HAS PUT BEFORE THIS COURT
5 SPEAKS TO UNRELATED TYPES OF FACTS AND DISTINGUISHABLE FACTS.

6 THE ONLY CASES BEFORE THIS COURT INVOLVING FACTS WHERE
7 THERE IS A STIPULATION IS THE CASES THAT WE HAVE CITED. THERE
8 IS NOT ONE CITE IN THE BRIEFS SUBMITTED TO YOUR HONOR BY THE
9 GOVERNMENT.

10 THE COURT: JUST A MOMENT. THE CASES YOU CITED DEAL
11 WITH STIPULATIONS BY ONE SIDE, NOT BOTH SIDES?

12 MR. BLANCARTE: THE CASES THAT WE'VE CITED DEAL WITH
13 THE FACT THAT DEFENDANTS STIPULATE AS TO THE UNDERLYING
14 PROBATIVE FACTS AND PROBATIVE VALUE OF THE EVIDENCE, AND NO
15 CASES CITED BY THE GOVERNMENT ARE ON POINT OR EVEN SPEAK TO THE
16 ISSUE OF A STIPULATION.

17 UNDER 403, ONCE THE STIPULATION IS BEFORE YOUR HONOR,
18 THE DISCRETION TO ADMIT OTHERWISE -- EVIDENCE THAT WOULD
19 OTHERWISE BE ADMISSIBLE IS CLEARLY IN THE DISCRETION OF THIS
20 COURT. AND IT SHIFTS THE BURDEN OVER TO THE GOVERNMENT TO SHOW
21 WHY IT IS NECESSARY, WHY IT IS NOT CUMULATIVE, GIVEN THAT WE
22 STIPULATED TO ALL OF THOSE FACTS.

23 YOUR HONOR, THE LAW IS VERY CLEAR ON THAT ISSUE, AND
24 THE GOVERNMENT HAS FAILED CITE EVEN ONE AUTHORITY THAT SHIFTS
25 THAT BURDEN BACK.

1 THE COURT: ALL RIGHT. THAT'S ENOUGH.

2 ANYONE ELSE WISH TO BE HEARD?

3 MS. KELLY: YES, YOUR HONOR. I'D LIKE TO BE HEARD,
4 YOUR HONOR.

5 I'M ASSUMING THAT YOUR HONOR IS DIRECTING YOUR
6 COMMENTS TO ME, OR TO OUR COUNSEL, YOUR HONOR, WITH RESPECT TO
7 CHALLENGING THE IDENTIFICATION.

8 WELL, YOUR HONOR, WITH RESPECT TO THAT, I'D JUST LIKE
9 TO POINT OUT THAT THE ONLY OBJECTIONS THAT WE TENDERED WERE TO
10 DR. SPENCER'S HEARSAY ABOUT THE IDENTIFICATION OF AGENT
11 CAMARENA'S BODY.

12 YOUR HONOR, IN MY OPENING STATEMENT, I NEVER
13 CHALLENGED THE IDENTIFICATION OF AGENT CAMARENA. I SIMPLY
14 FLATLY DENIED THE CHARGES.

15 THE COURT: BUT YOU'VE RECENTLY AND THEN HAVE PENDING
16 BEFORE ME NOW A MOTION TO APPOINT FINGERPRINT EXPERT TO TAKE
17 THE FINGERPRINTS OF AGENT CAMARENA.

18 MS. KELLY: I UNDERSTAND THAT, YOUR HONOR. IN MY
19 OBLIGATION TO DEFEND MY CLIENT, I WILL DO THAT IF YOUR HONOR
20 DOESN'T ACCEPT THE STIPULATION.

21 IF THE STIPULATION IS ACCEPTED, THERE'S NO REASON TO
22 EVEN INVESTIGATE THAT, THAT ASPECT OF IT.

23 THERE'S NOTHING BEFORE THE JURY, YOUR HONOR, THAT WE
24 HAVE CONTESTED THE IDENTITY OF AGENT CAMARENA.

25 THE COURT: WELL, THERE HAVE BEEN PLENTY OF QUESTIONS

1 BEFORE THE JURY.

2 MS. KELLY: YOUR HONOR, THE QUESTIONS WERE JUST
3 RELATED TO THE ISSUE OF THE HEARSAY CONCLUSION BY DR. SPENCER
4 WITH RESPECT TO OTHER PERSONS' IDENTIFICATION. THERE WAS NO
5 OBJECTION TO THE FINGERPRINT CARD COMING IN THAT JUST CAME IN
6 THE OTHER DAY, YOUR HONOR.

7 MR. STOLAR: JUST WITH RESPECT TO THE TIMELINESS
8 QUESTION, THIS IS NOT A UNIFIED DEFENSE TEAM. THERE ARE PEOPLE
9 WITH VERY DIFFERENT IDEAS WHO HAVE INCONSISTENT DEFENSES, WHO
10 HAVE TRIED TO GET THEMSELVES SEVERED FROM EACH OTHER; AND THE
11 LEVELS OF COMMUNICATION AMONG THESE PEOPLE -- THE TEAM, AS IT
12 WERE; THE DEFENSE AS YOU SEE IT -- IS NOT SAME AS IN MANY
13 TRIALS.

14 WE'RE IN VERY DIFFERENT POSSESSIONS, IN VERY DIFFERENT
15 PLACES, AND IN TERMS OF GETTING THROUGH THE EVIDENCE AND TRYING
16 TO FIGURE OUT WHAT MAKES SENSE FOR US.

17 IN FACT, IT WAS ONLY TWO NIGHTS AGO THAT I WAS ABLE TO
18 TRY TO GET EVERYBODY TOGETHER TO SAY, "OKAY, CAN WE ALL AGREE
19 ON THIS?"

20 AND EVEN UP TO THE VERY LAST MINUTE THAT THAT
21 STIPULATION WAS PUT TOGETHER, FINALLY THAT EVERYBODY AGREED TO
22 EVERYTHING, THERE'S EVEN A HANDWRITTEN CORRECTION ON IT.

23 WE WERE NOT UNIFIED. THIS IS NOT THE NORMAL
24 SITUATION. AND SO THAT'S TIMELINESS OF THE QUESTION, TRYING TO
25 PULL IT ALL TOGETHER, TO AVOID HAVING TO PUT ON THE SPANISH

1 TAPE.

2 I MEAN, ESSENTIALLY WHAT THE GOVERNMENT WANTS TO DO
3 WITH IT, THEY MIGHT AS WELL CUT OUT THE SPANISH AND PUT ON THE
4 MOANS AND GROANS. THAT'S WHAT THEY'RE GOING TO USE IT FOR.

5 THE COURT: DO YOU WISH TO BE HEARD?

6 MR. MEDRANO: JUST VERY BRIEFLY, YOUR HONOR

7 NOTHING THAT ANY OF THESE LAWYERS HAVE TOLD YOU
8 OBVIATES THE MAJOR PROBLEM HERE: THEY'VE RAISED THIS THREE
9 QUARTERS OF THE WAY WHEN WE'VE PRESENTED OUR EVIDENCE. THEY
10 DON'T RAISE IT BEFOREHAND.

11 ADMITTEDLY, THEY CAN'T GET THEIR ACT TOGETHER IN
12 UNISON TO AGREE TO A STIPULATION. WELL, WHAT'S TO PRECLUDE ANY
13 ONE OF THEM, INDIVIDUALLY, TO FLAG IT FOR THE GOVERNMENT?
14 NO ONE MENTIONED IT.

15 THEY KNEW TAPES HAD BEEN PLAYED BEFORE. THEY KNEW WE
16 WERE GOING TO PLAY THEM AGAIN.

17 WE GO OUT ON A --

18 THE COURT: WELL, WHAT IS THE -- ASIDE FROM THAT,
19 WHICH IS OFFENSIVE TO THE COURT, WHAT IS THERE IN THE TAPE THAT
20 IS PROBATIVE --

21 MR. MEDRANO: THE FOLLOWING, YOUR HONOR: FIRST --

22 THE COURT: -- THAT WOULDN'T BE PROBATIVE BY THE
23 STIPULATION AND BY THE TRANSCRIPT?

24 MR. MEDRANO: THE FOLLOWING, YOUR HONOR.

25 YOU'LL RECALL WHEN JERRY SPENCER, THE AUTOPSY DOCTOR,

16 (1 WAS ON THE STAND, HE WAS EXAMINED BY ALL THE DEFENDANTS, AND
2 THEY CHALLENGED THE VERY NOTION THAT THE AGENT WAS EVEN
3 TORTURED, BY THE FOLLOWING QUESTIONS: THAT THE EIGHT RIB
4 FRACTURES COULD HAVE OCCURRED POSTMORTEM BY THE MOVING OF THE
5 BODY FROM ONE GRAVESITE TO ANOTHER; THAT THE OVAL, BEVELED HOLE
6 IN THE TOP OF HIS HEAD MIGHT HAVE COME FROM A PITCHFORK, IN
7 TRYING TO DISINTER THE BODY, TO MOVE THE BODY; THAT THE HOLE
8 WAS NOT FROM A LARGE DEVICE OR AN IRON PIPE OF SORTS AS THE
9 DOCTOR DESCRIBED, BUT RATHER THAT IT WAS A GUNSHOT WOUND, AGAIN
10 TO SUGGEST HE WAS HUMANELY PUT OUT OF HIS MISERY, AS OPPOSED TO
11 TORTURED.

12 THE COURT: WELL, BUT --

13 MR. MEDRANO: THEY CHALLENGED THE I.D. AND THE
14 CHALLENGED THE TORTURE ELEMENT. THEREFORE, YOUR HONOR, YOU PUT
15 THAT TOGETHER, THAT'S THE PROBATIVE VALUE OF THE TAPES.

16 THE COURT: BUT WHY ISN'T THAT PROVED THROUGH THE
17 TRANSCRIPT?

18 MR. MEDRANO: BECAUSE, YOUR HONOR, IT'S THE BEST -- AS
19 WE'VE INDICATED IN OUR OPPOSITION, THE BEST EVIDENCE HERE IS
20 THE PLAYING OF THOSE TAPES AND NOT WHAT COUNSEL CONTINUOUSLY --

21 THE COURT: WELL, IF YOU PLAY THE SPANISH TAPE, WHAT
22 GOOD IS THAT?

23 MR. MEDRANO: WELL, YOUR HONOR, WE'VE ELICITED THIS
24 FOUNDATIONAL TESTIMONY AS TO THE VOICE INFLECTIONS, THE TYPE OF
25 PEOPLE THAT ARE CONDUCTING THE INTERVIEW. THAT'S CORROBORATIVE

1 OF WHAT THE WITNESSES HAVE TESTIFIED.

2 AND NOTHING IN THAT TAPE IS PREJUDICIAL, YOUR HONOR,
3 OTHER THAN A FEW AND VERY LIMITED MOANS AND GROANS.

4 AND AGAIN, I WELCOME YOU TO REVIEW THE TAPE ON YOUR
5 OWN.

6 THE COURT: WELL, I HAVE HEARD THE TAPE.

7 MR. MEDRANO: VERY WELL, YOUR HONOR.

8 THERE IS NOT, AS MR. BLANCARTE HAS CHARACTERIZED IN
9 HIS PAPER, PROLONGED SCREAMING. THAT'S DISHONEST AND A LIE.
10 THERE'S NOTHING LIKE THAT IN THAT TAPE.

11 IT'S A VERY DELIBERATE AND CALM INTERVIEW, AS AGENT
12 CASTILLO HAS ALREADY FLAGGED FOR US, AND THE WHOLE TIME, THAT
13 COMANDANTE ESPINO IS IN CONTROL AND THERE'S NOTHING PREJUDICIAL
14 HERE.

15 AND FINALLY, YOU'LL RECALL THAT WE CITED FOR YOU
16 NUMEROUS CASES WHERE ARGUABLY FAR MORE PREJUDICIAL EVIDENCE,
17 LIKE THOSE TERRIBLE PHOTOS, CAME INTO EVIDENCE BECAUSE THEY
18 WERE PROBATIVE.

19 THESE TAPES ARE NOT PUNISHABLE, YOUR HONOR. THIS IS A
20 SANDBAGGING EFFORT.

21 AND FINALLY, THEY'VE OPENED THE DOOR FOR IT BECAUSE OF
22 THE FORM OF CROSS-EXAMINATION. WE SHOULD NOT SUFFER BECAUSE
23 THEY CAN'T GET TOGETHER TO PRESENT THEIR DEFENSE, YOUR HONOR.

24 WE'RE READY TO PLAY THOSE TAPES AND HAVE BEEN FOR
25 MONTHS.

1 MR. STOLAR: THE STIPULATION DEALS WITH THE TORTURE
2 AND INTERROGATION. THE WORD "TORTURE" IS STIPULATED TO.

3 MR. BLANCARTE: YOUR HONOR, MR. ZUNO IS CHARGED WITH
4 KIDNAPPING, CONSPIRACY/KIDNAPPING. THERE'S NO MENTION OF
5 KIDNAPPING ANYWHERE IN THAT TAPE, YOUR HONOR.

6 AS TO THE TORTURE AND INTERROGATION, THAT'S BEFORE THE
7 COURT, IT'S BEFORE THE JURY, AND IT'S ON THE RECORD, YOUR
8 HONOR.

9 THE COURT: THE RULING IS THAT THE TAPES MAY BE
10 PLAYED.

11 MR. MEDRANO: YOUR HONOR, MAY I FLAG SOMETHING ELSE
12 FOR THE COURT? HOWEVER, I CAN DO IT AT 4:30 -- WHATEVER YOU'D
13 LIKE -- THIS FINAL THING THAT I THINK YOU SHOULD BE AWARE OF.

14 IS NOW APPROPRIATE, YOUR HONOR?

15 THE COURT: YES.

16 MR. BLANCARTE: BEFORE HE GETS INTO THAT, THERE'S ONE
17 ISSUE WHICH IS: MR. ZUNO HAS NEVER OBJECTED TO ANY OF THE
18 ISSUES THAT THE COURT HAS FLAGGED ON THIS ARGUMENT.

19 THE COURT: I'M NOT HEARING ANY MORE ARGUMENT ON THE
20 TAPE.

21 MR. BLANCARTE: WE'RE NOT, SIR. WE'RE ASKING FOR
22 SEVERANCE, IN THAT CASE.

23 UNDER THESE CIRCUMSTANCES, WE WOULD ASK THAT THERE BE
24 SEVERANCE GRANTED AS TO MR. ZUNO, GIVEN THE COURT'S RULING ON
25 THESE TAPES.

1 THE GOVERNMENT HAS CALLED THE COURT'S ATTENTION TO
2 THEIR INCONVENIENCE. THIS MAN IS ON TRIAL, FACING A LIFE
3 SENTENCE, AND THE GOVERNMENT'S INCONVENIENCE, BALANCED AGAINST
4 THE PREJUDICE TO OUR CLIENT CLEARLY SPEAKS, AND COMPELLINGLY
5 SO, TO SEVERANCE IN THAT MATTER, YOUR HONOR.

6 THE COURT: YOUR MOTION IS DENIED.

7 MR. NICOLAYSEN: YOUR HONOR, I WOULD RESPECTFULLY ASK
8 THAT THE JURY BE TOLD THAT THESE TAPES ARE NOT BEING OFFERED
9 INTO EVIDENCE AGAINST MY CLIENT.

10 THE COURT: THAT IS DENIED.

11 MR. STOLAR: I JOIN IN THAT REQUEST, YOUR HONOR.

12 MS. KELLY: YOUR HONOR, I JOIN IN THE MOTION FOR
13 SEVERANCE AND REQUEST THAT THE TRANSCRIPTS BE STRICKEN.

14 THE COURT: TRANSCRIPTS BE WHAT?

15 MS. KELLY: THE TRANSCRIPTS BE STRICKEN FROM THE
16 EVIDENCE IF THE TAPES ARE GOING TO BE PLAYED FOR THE JURY.

17 THE COURT: WELL, THAT'S DENIED.

18 MR. STOLAR: JUDGE RAFEEDIE, WHAT HAS BEEN PLACED AS
19 AN EVIDENTIARY EXHIBIT, WHICH IS COPIAS 1 THROUGH 5, IT'S BEEN
20 PLACED, APPARENTLY IN EVIDENCE OR HAS BEEN MARKED FOR
21 IDENTIFICATION.

22 I THINK THAT IT IS APPROPRIATE FOR THE DEFENSE TO BE
23 GIVEN COPIES OF COPIA 1, COPIA 3 AND COPIA 5.

24 THE COURT: DIDN'T WE GO THROUGH THIS ONE BEFORE?

25 MR. MEDRANO: IT WAS RAISED BEFORE.

1 MR. STOLAR: IT'S NEVER BEEN RAISED WITH ME. I DIDN'T
2 KNOW THEY EXISTED UNTIL THEY APPEARED HERE ON THE WITNESS
3 STAND, AND I'VE NEVER RECEIVED COPIES OF THEM.

4 HOW CAN AN EXHIBIT BE PUT IN FRONT OF THE JURY THAT
5 THE DEFENSE HAS NEVER BEEN GIVEN?

6 THE COURT: WELL, THAT'S YOUR PROBLEM. WHY HAVEN'T
7 YOU BEEN GIVEN IT? WHY DIDN'T YOU KNOW ABOUT IT? EVERYBODY
8 ELSE DID.

9 MR. STOLAR: JUDGE, I JUST CAME INTO THAT CASE IN
10 FEBRUARY.

11 THE COURT: OH, DON'T GIVE ME THAT, COUNSEL.
12 FEBRUARY'S A LONG TIME AGO.

13 MR. STOLAR: I DIDN'T KNOW THERE WAS COPIAS 1, 3 AND
14 5.

15 THE COURT: WELL, IT'S YOUR JOB TO FIND OUT.

16 MR. STOLAR: WELL, MAY I REQUEST THAT I GET THOSE
17 COPIAS NOW, THEN?

18 MR. MEDRANO: YOUR HONOR, WHEN THIS WAS RAISED IN
19 PRETRIAL DISCOVERY, IT WAS YOUR RULING AT THE TIME THAT THE
20 MOTION WAS DENIED, AND YOU WANTED THOSE COPIAS 1, 3 AND 5
21 PROVIDED IN CAMERA FOR YOUR REVIEW.

22 YOU HAVE HAD THOSE FOR MONTHS NOW, YOUR HONOR. THAT'S
23 WHERE THAT STANDS.

24 THE COURT: WELL, HAS THERE BEEN A RULING ON IT?

25 MR. MEDRANO: WE HAVEN'T HEARD ANYTHING FROM YOU, YOUR

1 HONOR.

2 THE COURT: WELL, WHO FILED THE MOTION?

3 MR. MEDRANO: ONE OF THE DEFENSE COUNSEL. I DON'T
4 RECALL --

5 THE COURT: WHO FILED THE MOTION REGARDING THAT?

6 MR. MEZA: I BELIEVE WE REQUESTED 1 AND 3 -- FOR ALL
7 THE COPIAS, ACTUALLY, YOUR HONOR.

8 THE COURT: WELL, DID YOU FILE A MOTION?

9 MR. MEZA: I BELIEVE SO, YES, TO MY RECOLLECTION. I
10 DON'T HAVE IT AT MY FINGERTIPS, BUT I RECALL THERE WAS A
11 MOTION, AND I KNOW I MADE A REQUEST THAT THE GOVERNMENT --

12 THE COURT: MY RULING HERE PERTAINS TO COPIAS 2 AND 4.
13 NOW, IF THIS MOTION IS STILL PENDING REGARDING 1, 3 AND 5,
14 WHICH I'M NOT AWARE OF -- ALTHOUGH I DO RECALL DEALING WITH
15 THIS ISSUE ONE TIME BEFORE.

16 MR. MEDRANO: YES, YOUR HONOR.

17 THE COURT: DO YOU RECALL THAT?

18 MR. MEZA: I BELIEVE YOU DID, YOUR HONOR. MY
19 UNDERSTANDING WAS THAT YOU SAID WE COULDN'T HAVE THEM.

20 THE COURT: WELL, THEN, THAT'S THE RULING.

21 COURTROOM: (LAUGHTER.)

22 MR. STOLAR: WELL, WAS THAT DONE BEFORE I CAME INTO
23 THE CASE, MR. MEZA, DO YOU RECALL?

24 MR. MEZA: I KNOW THAT I MADE A REQUEST AT THE TIME WE
25 HAD THE CONFERENCE WITH THE GOVERNMENT.

1 THE COURT: WELL, YOU CHECK THE FILES OF THE COURT AND
2 DETERMINE THAT, COUNSEL.

3 MR. STOLAR: THERE WERE CLEARLY MOTIONS MADE BEFORE WE
4 CAME INTO THE CASE, AND WE REQUESTED ALL DOCUMENTARY EVIDENCE.
5 THE GOVERNMENT, WHEN WE CAME IN, PILED STUFF ON US.

6 THE COURT: ALL RIGHT. YOU CHECK WITH THE OTHER
7 COUNSEL, CHECK THE FILES OF THE COURT, AND SEE WHAT HAS
8 HAPPENED HERE BEFORE, AND THEN YOU CAN RAISE IT AGAIN.

9 MR. STOLAR: OKAY.

10 MR. MEDRANO: FINALLY, YOUR HONOR, WE WOULD JUST LIKE
11 YOU TO POSSIBLY ISSUE AN ORDER TO STAY TWO SUBPOENAS ISSUED BY
12 MR. STOLAR. HE HAS ISSUED TWO OR THREE SUBPOENAS TO EITHER THE
13 D.E.A. AND THE F.B.I., WHICH --

14 MR. STOLAR: AND THE C.I.A.

15 MR. MEDRANO: THE C.I.A.

16 MR. STOLAR: AND AND THE STATE DEPARTMENT.

17 MR. MEDRANO: FOUR SUBPOENAS, IN WHICH WHAT HE DOES IS
18 THE FOLLOWING: HE ATTACHES A MARCH 25, 1990, ARTICLE, I THINK,
19 FROM THE 'NEW YORK TIMES', IN WHICH THERE'S A ONE-PARAGRAPH
20 REFERENCE TO A HEARSAY ALLEGATION THAT FELIX GALLARDO, ONE OF
21 THE NAMED DEFENDANTS, SOMEHOW ASSISTED THE CONTRAS IN
22 GUNRUNNING --

23 MR. STOLAR: IT'S NOT A ONE -- IT IS A REPORT OF THE
24 D.E.A. --

25 MR. MEDRANO: MAY I FINISH, YOUR HONOR?

1 MR. STOLAR: THAT SAYS --

2 THE COURT: JUST A MOMENT.

3 MR. MEDRANO: MAY I FINISH? THANK YOU.

4 SO WHAT HE DOES IS ATTACHES THIS NEWSPAPER ARTICLE,
5 WHICH HE'S HAD, EVIDENTLY, FROM THE END OF MARCH, SLAPS A FACE
6 SHEET OF A SUBPOENA ON IT AND SAYS, IN THIS INCREDIBLY
7 FISHING-EXPEDITION LANGUAGE, "GIVE ME EVERYTHING YOU HAVE THAT
8 SOMEHOW RELATES TO THIS."

9 YOUR HONOR, THIS IS INAPPROPRIATE. IF HE WAS GOING TO
10 RAISE THIS, IT SHOULD HAVE BEEN RAISED PRETRIAL. THE ARTICLE
11 IS DATED LATE MARCH 1990.

12 THIS IS A FISHING EXPEDITION; IT IS INAPPROPRIATE; AND
13 WE WOULD ASK YOU TO STAY THAT, THAT YOU STAYED THAT SUBPOENAS
14 UNTIL IT WAS BRIEFED, THAT YOU STAY THESE SUBPOENAS UNTIL MR.
15 STOLAR COMES BEFORE YOU WITH A WRITTEN PROFFER AND THE
16 APPROPRIATE POINTS AUTHORITIES AS TO WHY --

17 THE COURT: WELL, I'LL DEAL WITH THAT THE SAME WAY I
18 DEALT WITH HIS: I WILL STAY IT, AND YOU FILE A MOTION TO
19 QUASH.

20 AND YOU RESPOND?

21 MR. STOLAR: OKAY.

22 MR. MEDRANO: ANALOGOUSLY, YOUR HONOR, I GUESS, TO
23 YESTERDAY: HE HAS TO FILE A MOTION TO QUASH AND WE RESPOND?

24 THE COURT: THAT'S RIGHT.

25 MR. MEDRANO: VERY WELL. THANK YOU.

1 MR. NICOLAYSEN: YOUR HONOR, MY CLIENT IS THE ONLY
2 DEFENDANT NOT CHARGED WITH ANYTHING CONCERNING CAMARENA. I
3 WOULD RESPECTFULLY URGE THE COURT TO CONSIDER SOME TYPE OF
4 ADMONITION TO THE JURY SO THEY UNDERSTAND THAT THE GOVERNMENT
5 IS NOT SEEKING TO OFFER THAT IN ANY WAY AGAINST HIM.

6 I'M CONCERNED ABOUT THE EMOTIONALLY INFLAMMATORY --
7 THE COURT: YOU'RE CONCERNED THAT YOUR CLIENT CAN BE
8 CONVICTED IN THE CAMARENA MURDER AND KIDNAPPING? IS THAT WHAT
9 YOU'RE CONCERNED ABOUT --

10 MR. NICOLAYSEN: I'M CONCERNED THAT THE JURY --

11 THE COURT: -- WHEN HE'S NOT CHARGE WITH THOSE CRIMES?

12 MR. NICOLAYSEN: YOUR HONOR, I'M CONCERNED THAT HE
13 WILL BE CONVICTED ON THE LA LANGOSTA COUNTS BECAUSE OF THE
14 EMOTIONAL IMPACT --

15 THE COURT: HE IS ALLEGED TO HAVE COMMITTED VIOLENT
16 ACTS IN FURTHERANCE OF THIS ENTERPRISE, AND HE'S ALLEGED TO BE
17 A MEMBER OF THIS ENTERPRISE.

18 THIS IS SUPPOSEDLY CONDUCT OF THIS ENTERPRISE FOR
19 WHICH HE MAY BE RESPONSIBLE IF HE IS FOUND TO BE A MEMBER OF
20 THE ENTERPRISE.

21 MR. NICOLAYSEN: NO, YOUR HONOR. THAT WOULD BE A
22 PINKERTON THEORY. THAT'S NOT THE THEORY AT ALL UNDER COUNTS 1
23 AND 2.

24 THE ONLY LIABILITY FOR SUBSTANTIVE BEHAVIOR, IF YOU
25 WILL -- THAT IS, THE VIOLENT ACT -- HE COULD BE CONVICTED OF

1 WOULD BE THE LA LANGOSTA MURDERS.

2 HE COULD NOT BE HELD VICARIOUSLY LIABLE FOR LA
3 LANGOSTA BECAUSE SOMEBODY ELSE IN THE ENTERPRISE COMMITTED
4 OTHER VIOLENT ACTS; NAMELY, THE CAMARENA TORTURE. THEY'RE
5 DISTINGUISHABLE.

6 BUT I AM, YOUR HONOR, QUITE RIGHT TO BRING THIS UP.
7 I'M DEEPLY CONCERNED ABOUT THE OVERLAPPING EFFECT THAT THE
8 TORTURE TAPES COULD HAVE ON THE OVERALL ASSESSMENT OF THE
9 ENTERPRISE. THE JURY COULD END UP JUST NOT DIFFERENTIATING ONE
10 SET OF MURDERS FROM THE OTHER.

11 THAT'S MY PURPOSE IN ASKING YOUR HONOR AGAIN TO
12 CONSIDER SOME TYPE OF ADMONITION.

13 THE COURT: WELL, YOU SUBMIT A PROPOSED ADMONITION AND
14 I'LL CONSIDER IT.

15 MR. NICOLAYSEN: I'M SIMPLY ASKING YOUR HONOR, IN SO
16 MANY WORDS, TO TELL THE JURY THAT THESE TAPES ARE NOT BEING
17 OFFERED INTO EVIDENCE AGAINST THE DEFENDANT VASQUEZ VELASCO --
18 IT'S THAT SIMPLE; AND I BELIEVE THAT'S CORRECT -- BECAUSE THEY
19 DEAL WITH VIOLENT ACTS, IN AID OF RACKETEERING, AND ARE NOT IN
20 ANY WAY GERMANE TO 1 AND 2.

21 THE COURT: WELL, IS THAT RIGHT, COUNSEL? ARE THESE
22 TAPES OFFERED AGAINST THAT DEFENDANT?

23 MR. MEDRANO: NOT OFFERED AGAINST MR. NICOLAYSEN'S
24 CLIENT, YOUR HONOR.

25 THE COURT: WELL, THEN, THE JURY SHOULD BE SO

1 INSTRUCTED; ISN'T THAT RIGHT?

2 MR. MEDRANO: WE HAVE NO OBJECTION TO THAT, YOUR
3 HONOR.

4 THE COURT: ALL RIGHT.

5 MR. NICOLAYSEN: THANK YOU, YOUR HONOR. I APPRECIATE
6 THAT.

7 THE CLERK: PLEASE RISE.

8 THE COURT: WE'LL TAKE A VERY SHORT RECESS.

9 THE CLERK: COURT IS NOW IN RECESS.

10 (BRIEF RECESS.)

11 (JURY PRESENT:)

12 THE COURT: ANY FURTHER QUESTIONS FOR THIS WITNESS?
13 CROSS-EXAMINATION?

14 CROSS-EXAMINATION +

15 BY MS. KELLY:

16 Q GOOD AFTERNOON, AGENT CASTILLO.

17 ON THE EXEMPLARS THAT YOU MADE OF RAFAEL CARO QUINTERO
18 AND ESPINO VERDIN, DID YOU COMPLETE A D.E.A.-7 REPORT FOR THOSE
19 EXEMPLARS?

20 A NO, I DIDN'T DO THOSE THINGS, EXAMPLARS.

21 OH, EXCUSE ME. I'M SORRY. SAY IT AGAIN.

22 Q MAYBE I SHOULD BACK UP.

23 DID YOU CREATE EXEMPLAR TAPES OF THE VOICE OF RAFAEL
24 CARO QUINTERO DURING AN INTERROGATION IN WHICH YOU
25 PARTICIPATED?

1 A NO.

2 Q WHO DID THOSE EXEMPLARS?

3 A THERE WAS NO EXEMPLARS OF RAFAEL CARO QUINTERO, TO MY
4 KNOWLEDGE.

5 Q THERE WAS NO EXEMPLAR TAPE RECORDING MADE OF CARO
6 QUINTERO'S VOICE?

7 A FOR VOICE COMPARISON, COUNSEL?

8 Q YES.

9 A NO, THERE WASN'T. I MEAN, TO BE SPECIFIC ABOUT THE TAPES,
10 I OBTAINED THOSE JUST FOR MY OWN USAGE.

11 Q BUT IT WAS A TAPE THAT YOU OBTAINED FOR YOUR OWN USAGE; IS
12 THAT WHAT YOU'RE SAYING?

13 A CORRECT.

14 Q THAT YOU -- WELL, LET ME BACK UP.

15 YOU MADE A TAPE RECORDING OF RAFAEL CARO QUINTERO'S
16 VOICE DURING AN INTERROGATION IN MEXICO; IS THAT RIGHT?

17 A I RECORDED RAFAEL CARO QUINTERO'S INTERROGATION, YES.

18 Q AND YOU DID THAT SO THAT YOU WOULD HAVE A COMPARISON OF HIS
19 VOICE AT SOME LATER TIME?

20 A NO. THAT WAS DONE TO ASSIST ME AND TO SUBMIT THE REPORT TO
21 OUR HEADQUARTERS OF OUR INFORMATION OBTAINED FROM HIS
22 INTERROGATION.

23 Q I SEE. SO YOU DID NOT -- THIS WAS NOT NONDRUG PROPERTY, IN
24 YOUR VIEW?

25 A THIS WAS AGAIN A CASSETTE FOR MY USE.

1 Q AND IT WAS NOT IN CONNECTION WITH YOUR OFFICIAL DUTIES A
2 D.E.A. AGENT --

3 A YES, IT WAS.

4 Q OKAY. AND DID YOU MAKE COPIES OF THIS CASSETTE AVAILABLE
5 TO YOUR SUPERVISORS?

6 A THOSE ORIGINALS WERE TURNED IN AS EVIDENCE, YES.

7 Q AND SO DID YOU COMPLETE D.E.A.-7 FORM IN CONNECTION WITH
8 THAT THE ACQUISITION OF THAT CASSETTE OR THOSE CASSETTES?

9 A NONDRUG EXHIBIT, YES, WE NORMALLY WOULD SUBMIT D.E.A.-7 A.

10 Q SO YOU DID COMPLETE ONE WITH RESPECT TO THAT EXHIBIT; IS
11 THAT RIGHT?

12 A YES.

13 Q AND DO YOU STILL MAINTAIN CUSTODY OF THE ORIGINALS?

14 A NO, NO. THAT'S -- NO, I DON'T.

15 Q AT SOME POINT, DID YOU TURN THE ORIGINALS OVER TO AN
16 EVIDENCE TECHNICIAN?

17 A EVIDENCE CUSTODIAN? YES, I DID.

18 Q AND WHEN WAS THAT?

19 A OCTOBER'S -- ON OR ABOUT OCTOBER 7 THE THE 9TH OF 1987.

20 Q THE EXEMPLARS WERE MADE WHEN? OR THE TAPES, THE CASSETTES
21 WERE MADE ON WHAT DATE?

22 A DURING THE INTERROGATION OF CARO QUINTERO ON THE 5TH OF
23 APRIL OF 85 AND THE 7TH OF APRIL OF 85.

24 Q AND DURING THE INTERIM, BETWEEN THE TIME THAT YOU TURNED --
25 YOU MADE THE CASSETTES AND YOU TURNED IT OVER TO THE EVIDENCE

1 CUSTODIAN, THOSE ORIGINAL TAPES WERE MAINTAINED IN YOUR
2 CUSTODY?

3 A YES, THEY WERE.

4 Q WHEN DID YOU PREPARE THE D.E.A.-7 REPORT, IF YOU REMEMBER?

5 A ON THE DATE IT WAS TURNED OVER TO THE EVIDENCE CUSTODIAN, I
6 BELIEVE.

7 Q IS THE USUAL PROCEDURE, WHEN A D.E.A. AGENT ACQUIRES
8 NONDRUG PROPERTY, THAT A D.E.A.-7 IS COMPLETED ON THE DATE OF
9 THE ACQUISITION?

10 A IT IS NORMAL TO PREPARE A D.E.A.-7 AT THE TIME, WHEN IT'S
11 CONSIDERED NONDRUG EVIDENCE. YES, IT IS PREPARED AT THAT TIME.

12 Q AND IS THERE SOME REASON WHY YOU DIDN'T PREPARE IT IN 1985?

13 A AGAIN, COUNSEL, THAT WAS MY OWN USE, TO ASSIST ME IN MAKING
14 REPORTS TO MY HEADQUARTERS. IT WAS NOT THEN CONSIDERED NONDRUG
15 EVIDENCE.

16 Q IT WAS JUST SOMETHING TO ASSIST YOU?

17 A IT WAS AN AID TO ME.

18 Q AND WAS MR. HEATH IN YOUR PRESENCE WHEN THAT CASSETTE --
19 WHEN THOSE CASSETTES WERE MADE?

20 A YES, HE WAS.

21 Q AND SO MR. HEATH WAS AWARE YOU HAD NOT COMPLETED A D.E.A.-7
22 AND THAT THESE TAPES --THAT'S COMPOUND. EXCUSE ME.

23 MR. HEATH WAS AWARE THAT THESE TAPES WERE JUST BEING
24 MADE FOR YOUR OWN USE NOT CONNECTION WITH YOUR OFFICIAL DUTIES
25 AS A D.E.A. AGENT?

1 MR. MEDRANO: OBJECTION. CALLS FOR CONCLUSION OF
2 ANOTHER PERSON.

3 THE COURT: YES. SUSTAINED.

4 BY MS. KELLY:

5 Q WAS MR. HEATH AWARE THAT YOU WERE MAKING THESE --

6 THE COURT: IT'S THE SAME QUESTION.

7 MS. KELLY: I'M SORRY, YOUR HONOR.

8 Q DID YOU MAKE THESE CASSETTES IN MR. HEATH'S RESIDENCE?

9 A YES.

10 Q AND WAS THAT OPEN, WAS IT -- YOU DIDN'T DO IT SECRETLY; IS
11 THAT RIGHT?

12 A NO.

13 Q AND MR. HEATH DIDN'T PREPARE A D.E.A.-7 CONCERNING THOSE
14 TAPES --

15 A NO.

16 Q -- IS THAT RIGHT? DID MR. HEATH EVER ASK YOU FOR ANY
17 REPORT CONCERNING THOSE CASSETTE TAPES?

18 A NO.

19 MS. KELLY: I HAVE NOTHING FURTHER.

20 THE COURT: ANY FURTHER QUESTIONS?

21 ANY REDIRECT?

22 MR. MEDRANO: YES, YOUR HONOR. THANK YOU. VERY
23 BRIEFLY.

24 REDIRECT EXAMINATION +

25 BY MR. MEDRANO:

1 Q THE TEJEDA INTERROGATION THAT YOU WERE PRESENT FOR, I'D
2 LIKE TO DIRECT YOUR ATTENTION TO THAT JUST VERY BRIEFLY.

3 THAT INTERVIEW/INTERROGATION WAS CONDUCTED BY THE
4 M.F.J.P. OFFICIALS?

5 A CORRECT.

6 Q THEY WERE THE POINT MEN ON IT?

7 A CORRECT.

8 A WERE YOU THERE AS SIMPLE OBSERVERS?

9 A OBSERVERS.

10 Q WERE YOU THERE BY PERMISSION OF THE M.F.J.P.?

11 A THE ONLY WAY WE WOULD BE THERE, YES.

12 Q WITHOUT THEIR PERMISSION, YOU WOULD NOT HAVE BEEN ALLOWED
13 IN?

14 A THAT'S CORRECT.

15 Q YOU DID NOT GET TO ASK THE QUESTIONS?

16 A NO.

17 Q THAT WAS DONE BY THE M.F.J.P.?

18 A CORRECT.

19 Q YOU DID NOT PARTICIPATE IN ANY FORM OR FASHION, DID YOU, IN
20 THE BEATINGS OR HURTING TEJEDA?

21 A NO. NO

22 Q NOW, YOU MENTIONED AT ONE TIME THAT MR. HEATH WALKED OUT OF
23 AN INTERVIEW?

24 A YES, HE DID.

25 A AND DID YOU WALK OUT AS WELL?

1 A YES.

2 Q WHY DID YOU LEAVE AN INTERVIEW THAT WAS IN PROGRESS?

3 A MR. HEATH BECAME UPSET IN THE MANNER IN WHICH THE
4 INTERROGATION WAS BEING CONDUCTED.

5 Q AND IS THIS OF CARO QUINTERO?

6 A YES.

7 Q AND WERE YOU UPSET, AS WELL?

8 A I WALKED OUT WITH MY BOSS.

9 Q WELL, WHAT WAS WRONG WITH THE WAY THE INTERVIEW WAS BEING
10 CONDUCTED?

11 A I BELIEVE THE IMPRESSION THAT WE WERE GIVEN, HE WAS BEING
12 TREATED WITH WHITE GLOVES. BASICALLY, HE WAS -- THEY WERE
13 GOING OUT OF THE WAY TO MAKE HIM VERY COMFORTABLE AND SO FORTH
14 AND SO ON AS.

15 BEFORE THEY WERE -- JUST BASICALLY, AS COMPARED TO THE
16 OTHER INTERROGATIONS, IT WAS JUST NOT NORMAL FOR HIM, THAT IT
17 WAS BEING CONDUCTED IN THIS MANNER.

18 Q AS GUESTS, YOU HAD NO CONTROL OVER THE PROGRESS OF THE
19 INTERVIEW?

20 A NO, NOT AT ALL.

21 Q OR THE TYPES OF QUESTIONS TO BE ASKED.

22 A NO.

23 Q OR THE MANNER IN WHICH EITHER CARO OR TEJEDA WERE TO BE
24 TREATED?

25 A NO.

1 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES REDIRECT.
2 THANK YOU.

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

4 THE WITNESS: THANK YOU, YOUR HONOR.

5 THE COURT: CALL YOUR NEXT WITNESS.

6 MR. MEDRANO: AT THIS TIME, YOUR HONOR, THE GOVERNMENT
7 WOULD CALL MR. CARL COLLINS TO THE STAND.

8 (WITNESS SUMMONED TO COURTROOM.)

9 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

10

11 CARL E. COLLINS, JR. + PLAINTIFF'S WITNESS, SWORN

12

13 THE CLERK: YOU MAY BE SEATED. PLEASE STATE YOUR FULL
14 NAME FOR THE RECORD AND SPELL YOUR LAST NAME.

15 THE WITNESS: CARL E. COLLINS, C O L L I N S,
16 JUNIOR.

17 DIRECT EXAMINATION +

18 BY MR. MEDRANO:

19 Q THE MR. COLLINS, WHOM ARE YOU EMPLOYED, AND IN WHAT
20 CAPACITY, SIR?

21 A I'M EMPLOYED BY THE FEDERAL BUREAU OF INVESTIGATION AS A
22 SUPERVISORY FINGERPRINT SPECIALIST.

23 Q NOW, CAN YOU TELL US WHAT YOUR BACKGROUND IS IN THE AREA OR
24 FIELD OF FINGERPRINT ANALYSIS?

25 A YES. I BEGAN WITH THE BUREAU BACK IN JULY OF 1957 AS A

1 FINGERPRINT CLASSIFIER. IN THIS CAPACITY, I WAS TRAINED UNDER
2 THE EXPERT GUIDANCE OF OTHER FINGERPRINT EXPERTS AND THEY
3 TAUGHT ME HOW TO SEARCH, CLASSIFY AND IDENTIFY INKED
4 FINGERPRINTS.

5 WITH THE TRAINING AND KNOWLEDGE THAT I GAINED IN THIS
6 FIELD, I WAS SELECTED TO ENTER INTO WHAT WE CALL THE LATENT
7 FINGERPRINT SECTION. THERE, UNDER MORE EXPERT GUIDANCE, I
8 LEARNED HOW TO DEVELOP AS WELL AS IDENTIFY NOT ONLY INKED
9 FINGERPRINTS, BUT LATENT FINGERPRINTS, AND IDENTIFY DECEASED
10 INDIVIDUALS.

11 AND THIS IN CAPACITY I'M A SUPERVISORY MEMBER OF THE
12 F.B.I.'S DISASTER SQUAD AND, AS SUCH, HAVE ASSISTED IN NUMEROUS
13 DISASTERS, IDENTIFYING THE DECEASED.

14 I HAVE TESTIFIED IN -- APPROXIMATELY 200 TIMES IN BOTH
15 STATE AND FEDERAL COURTS AND HAVE BEEN ACCEPTED AS AN EXPERT IN
16 EACH INSTANCE.

17 Q TOTAL NUMBER OF YEARS THAT YOU'VE BEEN INVOLVED IN
18 FINGERPRINT ANALYSIS IS WHAT?

19 A IT'S OVER 32 YEARS.

20 MR. MEDRANO: YOUR HONOR, WE WOULD OFFER THIS
21 GENTLEMAN AS AN EXPERT IN HIS PARTICULAR FIELD.

22 MR. NICOLAYSEN: NO OBJECTION.

23 THE COURT: VERY WELL.

24 BY MR. MEDRANO:

25 Q NOW, SIR, CAN YOU TELL US WHAT AN INKED FINGERPRINT IS,

1 JUST BRIEFLY?

2 A AN INKED FINGERPRINT IS A COPY OF THE RIDGE ARRANGEMENT ON
3 YOUR FINGER WHICH IS PLACED ON A WHITE BACKGROUND, USING BLACK
4 PRINTER'S INK

5 Q AND BRIEFLY, IN A NUTSHELL, HOW ARE COMPARISON OF
6 FINGERPRINTS MADE?

7 A COMPARISONS ARE MADE BY COMPARING THE RIDGE DETAIL OR THE
8 RIDGE ARRANGEMENT IN TWO FINGERPRINTS TO SEE IF THEY MATCH.

9 Q AND FOR PURPOSES OF A MATCH, DOES THAT UNEQUIVOCALLY
10 ESTABLISH THAT, LET'S SAY, TWO SEPARATE PRINTS CAME FROM THE
11 SAME PERSON?

12 A YES.

13 Q AND FINALLY, GIVE US AN IDEA OF SOME OF THE FACTORS THAT
14 YOU USE FOR PURPOSES OF FINGERPRINT IDENTIFICATION?

15 A THERE ARE TWO BASIC FACTORS, THE FIRST BEING THAT THE RIDGE
16 ARRANGEMENT IN TWO FINGERPRINTS ARE NOT SAME UNLESS MADE BY THE
17 SAME FINGER. THE SECOND BASIC FACTOR IS THAT THIS RIDGE
18 ARRANGEMENT IS PERMANENT.

19 Q SO ONCE YOU HAVE THAT FINGERPRINT, IT'S YOURS FOREVER?

20 A YES.

21 Q AND IT'S UNIQUELY YOURS AND NO ONE ELSE HAS IT, BASICALLY?

22 A VERY UNIQUE.

23 Q NOW, SIR, LET ME DIRECT YOUR ATTENTION TO THE MONTH OF
24 MARCH OF 1985. AT THAT TIME, WERE YOU OUT OF WASHINGTON, D.C.?

25 A YES.

1 Q DID YOU HAVE AN OPPORTUNITY TO TRAVEL TO GUADALAJARA IN
2 MARCH OF 1985?

3 A I DID.

4 Q APPROXIMATELY WHAT DAY, IF YOU RECALL?

5 A MARCH 7TH 1985.

6 Q WHEN YOU ARRIVE IN GUADALAJARA DO YOU PROCEED TO ANY
7 SPECIFIC LOCATION?

8 A YES. TO THE MORGUE.

9 Q AND WHAT HAPPENS WHEN YOU ARRIVE AT THE MORGUE?

10 A WHEN WE ARRIVED AT THE MORGUE, WE WAITED FOR A TIME AND
11 THEY FINALLY LET MYSELF INTO THE MORGUE TO IDENTIFY A BODY.

12 Q IF I MAY, LET'S CALL THAT BODY NO. 1. ALL RIGHT?

13 A YES, BODY NO. 1.

14 Q ARE YOU ABLE TO PROCESS-- OR WHAT DO YOU DO WITH REGARD TO
15 BODY NO. 1?

16 A BODY NO. 1, BECAUSE OF THE CONDITION IT WAS IN, I HAD TO
17 USE A METHOD OF APPLYING ALCOHOL TO THE FINGERS TO DRY THE
18 FINGERS TO A POINT WHERE THE PRINTER'S INK WOULD ADHERE TO THE
19 RIDGES.

20 ONCE I ACCOMPLISHED THIS, THEN I USED A -- WHAT WE
21 CALL A WHITE RUBBER LIFT WHICH HELPS RAISE THE RIDGES FROM THE
22 FINGER, TO GET A GOOD IMPRESSION, ESPECIALLY THE CONDITION
23 THESE HANDS WERE IN.

24 AND AT THAT POINT I TOOK THREE FINGERPRINTS FROM THE
25 BODY, THE RIGHT THUMB, THE RIGHT INDEX AND THE RIGHT MIDDLE

1 FINGERS OF BODY NO. 1.

2 Q THAT'S RIGHT THUMB, INDEX AND WHAT?

3 A RIGHT MIDDLE.

4 Q A TOTAL OF THREE?

5 A YES.

6 Q NOW, IF I CAN DIRECT TO YOU GOVERNMENT'S EXHIBIT 67, IS
7 THAT IN FRONT OF YOU, SIR -- OR, I'M SORRY, BEHIND YOU. BEHIND
8 YOU, TO YOUR RIGHT, ARE THE EXHIBITS THAT PERTAIN TO YOU.

9 IF YOU CAN PICK UP EXHIBIT 67, SIR?

10 A (HOLDS UP EXHIBIT.)

11 Q AND CAN YOU TELL US WHAT THAT IS?

12 A IN THIS ENVELOPE ARE THREE WHITE RUBBER LIFTS, THE SAME
13 RUBBER LIFTS THAT I USED TO DO TAKE THE PRINTS FROM BODY NO. 1.

14 Q AND THOSE ARE IN FACT THE THREE PRINTS FROM BODY NO. 1?

15 A YES, THEY ARE. THEY ARE SO MARKED WITH MY INITIALS AND THE
16 DATE THAT THEY WERE TAKEN.

17 MR. MEDRANO: YOUR HONOR, WE MOVE FOR ADMISSION OF
18 EXHIBIT 67 AT THIS TIME.

19 MR. STOLAR: NO OBJECTION.

20 THE COURT: MAY BE RECEIVED.

21 (EXHIBIT 67 * RECEIVED IN EVIDENCE.)

22 BY MR. MEDRANO:

23 Q NOW, SIR, AT ANY TIME DID YOU HAVE AN OPPORTUNITY -- STRIKE
24 THAT. NOW, LET ME -- STRIKE THAT, AS WELL.

25 SUBSEQUENTLY, DO YOU HAVE AN OPPORTUNITY TO TRY TO

1 COMPARE THE THREE LATENTS THAT YOU LIFTED, EXHIBIT 67, TO
2 ANOTHER SET OF PRINTS?

3 A YES.

4 Q NOW, IF I CAN DIRECT YOU TO GOVERNMENT'S EXHIBIT 66, IS
5 THAT NEAR YOU, AS WELL?

6 A YES, IT IS.

7 Q AND WOULD YOU TELL ME THAT IS, PLEASE?

8 A THIS IS THE INK FINGERPRINTS -- IT'S AN APPLICANT'S
9 FINGERPRINT CARD BEARING THE NAME ENRIQUE SALAZAR CAMARENA.

10 Q NOW, AT ANY OPPORTUNITY -- STRIKE THAT.

11 AT ANY TIME, DID YOU HAVE AN OPPORTUNITY TO COMPARE
12 THE THREE LATENT PRINTS FROM BODY NO. 1 TO THOSE PRINTS THAT
13 YOU HAVE IN FRONT OF YOU DESIGNATED EXHIBIT NO. 66?

14 A YES, I DID.

15 Q OKAY. AND WOULD YOU TELL US WHAT THE RESULTS OF YOUR
16 ANALYSIS WAS?

17 A WHEN I MADE MY COMPARISON, I FOUND THAT THE PRINTS THAT I
18 TOOK FROM BODY NO. 1 MATCHED THE SAME NUMBERED PRINTS ON THIS
19 FINGERPRINT CARD BEARING THE NAME ENRIQUE SALAZAR CAMARENA,
20 WHICH IS EXHIBIT NO. 66.

21 Q NOW, IF I CAN DIRECT YOUR ATTENTION TO THE FINAL EXHIBIT
22 BEHIND YOU, GOVERNMENT'S EXHIBIT 68, IF I CAN ASK YOU TO OPEN
23 THAT UP AND JUST BRIEFLY DESCRIBE WHAT THAT EXHIBIT CONTAINS.

24 A (HOLDS UP.) THIS EXHIBIT CONTAINS BLOWUPS OF THE RIGHT
25 MIDDLE FINGERS, THAT BEING THE RIGHT MIDDLE FINGER THAT I TOOK

1 FROM THE BODY NO. 1, WHICH WOULD BE MARKED FINGERPRINT NO. 2 ON
2 HERE, ON EXHIBIT NUMBER 68, AND THE RIGHT MIDDLE FINGER
3 APPEARING ON EXHIBIT NO. 66, WHICH IS A FINGERPRINT CARD
4 BEARING THE NAME ENRIQUE SALAZAR CAMARENA.

5 THE RED LINES NUMBERED --

6 Q LET ME STOP YOU THERE. YOU HAVE TWO BLOWUPS THERE; IS THAT
7 CORRECT?

8 A THAT'S CORRECT.

9 Q AND THERE'S ONE BLOWUP FROM ONE OF THE THREE LATENT
10 PRESENTS THAT YOU TOOK OFF BODY NO. 1?

11 A YES.

12 Q AND WHICH ONE IS IT ON THAT, ON THE RIGHT OR LEFT SIDE?

13 A IT WOULD BE ON MY LEFT-HAND SIDE.

14 Q THAT'S FROM PRINT NO. 1?

15 A FINGERPRINT NO. 2.

16 Q NO. 2. I APOLOGIZE.

17 NOW, FINGERPRINT NO. 1 ON THE OTHER SIDE IS A BLOWUP
18 OF THE CAMARENA APPLICANT CARD?

19 A YES, YES. IT IS.

20 Q NOW, EVIDENTLY THEY'RE SIDE-BY-SIDE; IS THAT CORRECT?

21 A THAT IS CORRECT.

22 MR. MEDRANO: YOUR HONOR, WE SEEK THE ADMISSION OF
23 THIS EXHIBIT AT THIS TIME.

24 DEFENSE COUNSEL: NO OBJECTION.

25 THE COURT: MAY BE RECEIVED.

1 (EXHIBIT 68 † RECEIVED IN EVIDENCE.)

2 BY MR. MEDRANO:

3 Q NOW, SIR, IF I CAN ASK TO YOU JUST HOLD IT UP FOR ANOTHER
4 MINUTE OR SO AND EXPLAIN TO THE JURY WHAT THOSE OTHER NUMBERS
5 IN RED ARE AND ALSO EXPLAIN TO US HOW IT IS THAT YOU COMPARED
6 THESE TWO AND MADE THE CONCLUSION THAT THEY CAME FROM ONE AND
7 THE SAME PERSON?

8 A (DISPLAYS EXHIBIT.) IN DOING MY ANALYSIS, IN ORDER FOR TWO
9 SEPARATE PRINTS TO HAVE BEEN MADE FROM THE SAME PERSON, THE
10 RIDGE ARRANGEMENT IN BOTH OF THESE PRINTS HAVE TO LIE IN THE
11 SAME RELATIVE POSITION.

12 AND THE REASON I HAVE PLACED THESE LINES ON HERE IS TO
13 DRAW OUT THE SAME CHARACTERISTICS IN EACH PRINT THAT MATCHED.
14 THIS IS TO SHOW YOU HOW MY COMPARISONS WERE MADE AND HOW I
15 ARRIVED AT THIS IDENTIFICATION.

16 Q WELL, LET'S SAY -- THERE'S NOS. 1 THROUGH 12 ON EACH
17 BLOWUP; IS THAT CORRECT?

18 A THAT'S CORRECT.

19 Q SO IF THERE'S A NO. 1 ON THE BLOWUP ON THE LEFT SIDE AND A
20 NO. 1 ON BLOWUP ON THE RIGHT SIDE, ARE YOU SAYING THAT THAT'S
21 AN IDENTIFYING CHARACTERISTIC THAT IS FOUND IN BOTH PRINTS?

22 A THAT IS FOUND IN BOTH PRINTS, YES.

23 Q IF YOU WENT DO NO. 2, SIMILARLY?

24 A CONTINUING, ET CETERA, ET CETERA, ALL THE WAY THROUGH THIS,
25 ALL THE WAY THROUGH NO. 12, ON BOTH PRINTS, ARE THE SAME

1 CHARACTERISTICS ON THE SAME RELATIVE POSITION IN BOTH PRINTS.

2 Q SO AT LEAST 12 IDENTICAL SIMILAR CHARACTERISTICS?

3 A YES.

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

5 (PAUSE IN PROCEEDINGS.)

6 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES DIRECT OF

7 THIS WITNESS. THANK YOU.

8 MR. NICOLAYSEN: NO CROSS, YOUR HONOR.

9 THE COURT: COUNSEL, DO YOU WISH TO CROSS-EXAMINE THE
10 WITNESS?

11 MR. MEZA: YES, THANK YOU.

12 CROSS-EXAMINATION +

13 BY MR. MEZA:

14 Q ISN'T TRUE THAT YOU TOOK FIVE LIFTS AND NOT THREE?

15 A YES. THERE WERE FIVE LIFTS ALL TOLD, YES.

16 Q AND TWO OF THOSE LIFTS, YOU DESTROYED, DID YOU NOT?

17 A YES.

18 Q AND WHEN DID YOU DESTROY THOSE LIFTS?

19 A IN MY OFFICE IN WASHINGTON, D.C., AFTER I ARRIVED BACK FROM
20 GUADALAJARA.

21 Q DID YOU REQUEST THE PERMISSION OF ANY SUPERVISOR TO DESTROY
22 THOSE LIFTS?

23 A NO.

24 Q YOU JUST DID THAT ON YOUR OWN INITIATIVE; IS THAT RIGHT?

25 A YES.

1 MR. MEZA: I HAVE NOTHING FURTHER, YOUR HONOR.

2 CROSS-EXAMINATION +

3 BY MR. STOLAR:

4 Q GOOD AFTERNOON, MR. COLLINS?

5 A GOOD AFTERNOON.

6 Q YOU INDICATED THAT THERE WERE 12 MATCHING CHARACTERISTICS
7 ON THOSE TWO: THE UNKNOWN PRINT AND THE KNOWN PRINT, SO TO
8 SPEAK; IS THAT RIGHT?

9 A THAT IS CORRECT.

10 Q ARE THERE MORE THAN 12 THAT YOU COULD HAVE IDENTIFIED?

11 A THERE WERE 14, ALL TO DO.

12 Q 14 ALL TOLD?

13 A YES.

14 Q BUT THEY'RE NOT ON THE CHART; IS THAT RIGHT.

15 A THERE ARE TWO THAT I DID NOT DRAW LINES TO.

16 Q NOW, YOU HAD ONLY HAD TWO MATCHING CHARACTERISTICS BETWEEN
17 THE KNOWN AND THE UNKNOWN PRINT, COULD YOU HAVE STILL MADE YOUR
18 IDENTIFICATION?

19 A NO.

20 Q THREE?

21 A NO.

22 Q WHAT'S THE MAGIC NUMBER?

23 A THE LOWEST NUMBER I HAVE TESTIFIED TO IS SEVEN PRINTS,
24 SEVEN CHARACTERISTICS. IT'S NOT SAYING THAT I WOULD NOT
25 TESTIFY TO ANYTHING LESS, BECAUSE I HAVEN'T SEEN TWO PRINTS

1 WITH LESS POINTS THAT I WOULD IDENTIFY.

2 Q BUT IN ESSENCE, FINGERPRINTS ARE A BASIS FOR AN -- AN
3 ABSOLUTE BASIS FOR PERSONAL IDENTIFICATION; IS THAT CORRECT?

4 A THAT IS CORRECT.

5 Q BECAUSE FINGERPRINTS ARE UNIQUE TO A PARTICULAR PERSON;
6 RIGHT?

7 A CORRECT.

8 Q SO THEN YOU'RE SAYING IF THERE WERE AT LEAST SEVEN
9 CHARACTERISTICS, THEN YOU WOULD HAVE NO DIFFICULTY IN SAYING
10 THIS IS AN ABSOLUTE BASIS FOR PERSONAL IDENTIFICATION; CORRECT?

11 A IN THE ONE PARTICULAR CASE THAT I TESTIFIED TO, THAT'S THE
12 BASIS I BASED IT ON.

13 Q ALL RIGHT. WHAT DO YOU FEEL COMFORTABLE WITH, HOWEVER, IN
14 SAYING "ABSOLUTE IDENTIFICATION, ABSOLUTE BASIS"? HOW MANY
15 POINTS OF SIMILARITY?

16 A EIGHT.

17 Q EIGHT OR MORE?

18 A WELL, THIS PARTICULAR TIME, SEVEN OR MORE.

19 Q OKAY. BUT IN GENERAL, EIGHT OR MORE; RIGHT?

20 A IN GENERAL, YES.

21 Q OKAY. AND THERE ARE TIMES WHEN, IN THE COURSE OF YOUR
22 WORK, WHEN YOU'VE GOT, SAY, THREE POINTS OF SIMILARITY AND YOU
23 CAN'T GIVE AN INVESTIGATOR AN OPINION THAT SAYS, "THIS UNKNOWN
24 PRINT IS THE SAME AS THIS KNOWN PRINT"; IS THAT RIGHT?

25 A THAT'S CORRECT.

1 Q DID THERE COME A TIME IN APRIL OR JUNE OF 1985 WHEN YOU
2 ATTEMPTED TO GET SOME FINGERPRINTS AT 881 LOPE DE VEGA IN
3 GUADALAJARA?

4 A YES.

5 Q AND DID YOU SUCCEED IN GETTING ANY FINGERPRINTS?

6 A YES, I DID.

7 MR. MEDRANO: OBJECTION. BEYOND THE SCOPE OF DIRECT,
8 YOUR HONOR. IRRELEVANT.

9 MR. STOLAR: WELL, MAY I TAKE HIM?

10 THE COURT: NOT TOO MUCH.

11 MR. STOLAR: IT WON'T BE.

12 THE COURT: PERMITTED.

13 DIRECT EXAMINATION +

14 BY MR. STOLAR:

15 Q WERE YOU THEN ASKED TO COMPARE FINGERPRINTS YOU HAD TAKEN
16 FRO 881 LOPE DE VEGA WITH KNOWN FINGERPRINTS OF SOME SUSPECT?

17 A YES.

18 Q WAS ONE OF THOSE PEOPLE YOU WERE ASKED TO COMPARE WITH,
19 YOU'D TAKEN OUT OF 881, THE KNOWN FINGERPRINTS OF JUAN RAMON
20 MATTA?

21 A YES.

22 Q AND YOU WERE UNABLE TO FIND A MATCH BETWEEN HIS PRINTS AND
23 ANYTHING AT 881; ISN'T THAT CORRECT?

24 A THAT'S CORRECT.

25 MR. STOLAR: THANK YOU, SIR.

1 THE COURT: ANY OTHER QUESTIONS?

2 MR. MEDRANO: JUST BRIEFLY, YOUR HONOR.

3 REDIRECT-EXAMINATION +

4 BY MR. MEDRANO:

5 Q MR. COLLINS, PERHAPS I WASN'T CLEAR ON SOMETHING. YOU HAVE
6 ONE BLOWUP FOR REFERENCE TO ONE FINGERS; IS THAT CORRECT?

7 A THAT'S CORRECT.

8 Q BUT I TAKE IT YOU DID MAKE A MATCH WITH REFERENCE TO THE
9 TWO LATENT PRINTS THAT YOU TOOK FROM THE BODY?

10 A YES.

11 Q THOSE DID MATCH TWO OTHER FINGERS ON THE CAMARENA PRINT
12 CARD THAT YOU HAVE?

13 A YES.

14 MR. MEDRANO: THANK YOU, YOUR HONOR.

15 THE WITNESS: ALL RIGHT. YOU MAY STEP DOWN.

16 THE COURT: THANK YOU.

17 THE COURT: CALL YOUR NEXT WITNESS.

18 MR. MEDRANO: YOUR HONOR, WE WOULD CALL DALE STINSON
19 TO THE STAND AT THIS TIME.

20 (WITNESS SUMMONED TO COURTROOM.)

21 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

22

23 DALE L. STINSON + PLAINTIFF'S WITNESS, SWORN

24

25 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR FULL

1 NAME FOR THE RECORD AND SPELL YOUR LAST NAME.

2 THE WITNESS: DALE L. STINSON, S T I N S O N.

3 DIRECT EXAMINATION +

4 BY MEDRANO:

5 Q YOU'RE EMPLOYED BY THE D.E.A., ARE YOU NOT, YOU SIR?

6 A YES, I AM.

7 Q AND HOW MANY YEARS HAVE YOU SERVED AS A D.E.A. AGENT?

8 A SINCE 1983, AND PRIOR TO THAT I WAS A SPECIAL AGENT WITH
9 THE DEPARTMENT OF JUSTICE.

10 Q AND WHERE IS YOUR CURRENT ASSIGNMENT? WHAT CITY?

11 A PHOENIX, ARIZONA.

12 Q WHAT YOUR TITLE THERE AGAIN IS?

13 A I'M THE ACTING GROUP SUPERVISOR.

14 Q OTHER LAW ENFORCEMENT EXPERIENCE BRIEFLY, IF CAN YOU?

15 A FROM 1973, I'VE BEEN A SPECIAL AGENT WITH THE IMMIGRATION
16 AND NATURALIZATION SERVICE, BORDER PATROL, UNTIL 1983, WHEN I
17 JOINED D.E.A.

18 Q ARE YOU FLUENT IN THE SPANISH LANGUAGE?

19 A YES, SIR.

20 Q AND HAVE YOU EVER BEEN ASSIGNED TO THE REPUBLIC OF MEXICO?

21 A YES, SIR.

22 Q AND WHEN WAS THAT, IF YOU RECALL?

23 A FROM MARCH OF 1986 TO MARCH OF 1988.

24 Q A TOTAL OF TWO YEARS, BASICALLY?

25 A YES, SIR.

1 Q WHAT CITY IN MEXICO WERE YOU ASSIGNED TO?

2 A MEXICO CITY.

3 Q NOW, IF I CAN DIRECT YOUR ATTENTION TO ABOUT MAY OF 1986,
4 DO YOU EVER HAVE AN OPPORTUNITY TO GO TO THE INTERPOL OFFICE --
5 TO AN INTERPOL OFFICE IN MEXICO?

6 A YES, SIR; I DID.

7 Q DO YOU RECALL WHAT CITY THAT WAS?

8 A MEXICO CITY.

9 Q AND WHY ARE YOU THERE?

10 A WE WENT TO ATTEND THE INTERROGATION OF SERGIO ESPINO
11 VERDIN.

12 Q AND SERGIO ESPINO VERDIN HAD BEEN A FORMER MEXICO OFFICIAL;
13 IS THAT CORRECT?

14 A THAT'S CORRECT.

15 Q WAS HE AT THAT TIME BELIEVED TO BE A SUSPECT IN THE
16 CAMARENA CASE?

17 A YES, SIR; HE WAS.

18 Q AND, TO YOUR KNOWLEDGE, ARRESTED ON OR ABOUT WHAT DAY?

19 A I BELIEVE HE WAS ARRESTED ON THE 28TH OF MAY.

20 Q AND WHEN YOU SEE HIM, ITS IN MEXICO CITY?

21 A YES, SIR.

22 Q AND ON -- -- STRIKE THAT.

23 ARE YOU PRESENT FOR AN INTERVIEW WITH SERGIO ESPINO
24 VERDIN AT ANY POINT?

25 A YES, SIR, ON THE 29TH OF 98.

1 Q OTHER AGENTS PRESENT BESIDE YOURSELF, PLEASE?

2 A ROBERT CASTILLO, AND VICTOR CORTEZ AND EDWARD HEATH.

3 Q WHAT TIME ARE YOU AT THIS LOCATION FOR THE SERGIO ESPINO
4 VERDIN INTERVIEW?

5 A IT WAS ABOUT 12:30, 1 O'CLOCK IN THE AFTERNOON.

6 Q NOW, AT ANY TIME DURING THE INTERVIEW, DO YOU SEEK
7 PERMISSION TO TAKE VOICE EXEMPLARS OF ANY SORT?

8 A YES. PERMISSION WAS REQUESTED AND THE MEXICAN GOVERNMENT
9 ALLOWED IT.

10 Q AND A VOICE EXEMPLAR IS WHERE ONE TAKES THE SAMPLES OR
11 EXAMPLES OF ONE'S VOICE?

12 A YES, SIR.

13 Q TAPE RECORDER USED FOR THAT PURPOSE?

14 A TAPE-RECORDED; YES, SIR.

15 Q AND WERE YOU PRESENT WHEN THAT VOICE EXEMPLAR WAS TAKEN?

16 A YES, SIR; I WAS.

17 Q AND IN WHAT MANNER OR FASHION WAS THE VOICE EXEMPLAR TAKEN?

18 A WE -- BOB -- ROBERT CASTILLO, THE SPECIAL AGENT, HELD THE
19 MICROPHONE AND THE COMANDANTE OF THE M.F.J.P. ASKED ESPINO
20 VERDIN TO READ CERTAIN LINES.

21 Q AND DID HE DO --

22 A YES.

23 Q PARDON ME. DID HE DO SO?

24 A YES, SIR; HE DID.

25 Q AND WERE THOSE LINES THAT WERE READ RECORDED?

1 A YES, SIR; THEY WERE.

2 Q AT SOME POINT, I TAKE IT, HAIR SAMPLES ARE ALSO TAKEN FROM
3 SERGIO ESPINO VERDIN?

4 MR. STOLAR: OBJECTION. RELEVANCE.

5 THE COURT: SUSTAINED.

6 BY MR. MEDRANO:

7 Q AFTER THESE VOICE EXEMPLARS, IS AN INTERVIEW CONDUCTED OF
8 ESPINO VERDIN?

9 A YES, SIR; BY THE M.F.J.P.

10 Q AND YOU'RE PRESENT FOR IT, ARE YOU NOT?

11 A YES, SIR.

12 Q WERE YOU ABLE TO SEE ESPINO AS HE IS SPEAKING?

13 A YES, SIR.

14 Q HOW LONG WOULD THAT INTERVIEW HAVE LASTED, DO YOU RECALL?

15 A THREE AND A HALF HOURS, APPROXIMATELY.

16 Q AND SUBSEQUENTLY DO YOU HAVE YET A SECOND -- STRIKE THAT.

17 ARE YOU BACK FOR A SECOND TIME, FOR ANOTHER INTERVIEW
18 OF SERGIO ESPINO VERDIN?

19 A THE FOLLOWING DAY WE RETURNED; YES, SIR.

20 Q ARE WE NOW ON MAY 30?

21 A MAY 30TH.

22 Q AND, AGAIN, DO YOU LISTEN TO THE INTERROGATION OF ESPINO
23 VERDIN?

24 A YES, SIR.

25 Q ARE YOU ABLE TO HEAR HIS VOICE THROUGHOUT THAT WHOLE TIME?

1 A YES, SIR.

2 Q AND AT SOME POINT, PARTS OF THE INTERVIEW RECORDED BY MR.
3 CASTILLO?

4 A THAT WAS DONE BEFORE I ARRIVED.

5 Q NOW, SIR, I WANT TO DIRECT YOUR ATTENTION ABOUT FEBRUARY OF
6 1987. DO YOU HAVE AN OPPORTUNITY IN OR ABOUT THAT DATE TO GO
7 TO A PARTICULAR PRISON FACILITY IN MEXICO CITY?

8 A YES, SIR. WE WENT TO THE RECLUSORIO NORTE.

9 Q R E C L U S --

10 A O R I O.

11 Q RECLUSORIO. THANK YOU.

12 AND DO YOU GO ALONE?

13 A NO, I GO WITH TWO OTHER AGENTS OF THE DRUG ENFORCEMENT
14 ADMINISTRATION AND A COMANDANTE FROM THE M.F.J.P.

15 Q AND THE NAMES OF AGENTS OF D.E.A. THAT ACCOMPANIED AS YOU?

16 A JAMES GARZA AND ERNESTO LOWE.

17 Q AND WHEN YOU ARRIVE AT THE PRISON, DO YOU TALK ANY PRISON
18 OFFICIALS?

19 A WE -- ACTUALLY, MOST THE TALKING WAS DONE, OF COURSE, BY
20 THE M.F.J.P. COMANDANTE. HE REQUESTED PERMISSION OF THE
21 DIRECTOR OF THE PRISON TO INTERVIEW THE TWO PEOPLE WHO WE WNTED
22 TO SHOW A PHOTO TO FOR IDENTIFICATION PURPOSES.

23 Q AND YOU WERE THERE SIMPLY TO OBSERVE?

24 A YES.

25 Q BY PERMISSION OF THE M.F.J.P.?

1 A THAT'S CORRECT.

2 Q NOW, AT SOME POINT ARE YOU LED TO A PARTICULAR AREA OF THE
3 PRISON?

4 A YES. WE'RE TAKEN BY THE DIRECTOR AND THE COMANDANTE TO A
5 DORMITORIO --

6 Q THAT'S A DORMITORY?

7 A A DORMITORY, YES, WHICH IS LIKE A CELL BLOCK.

8 Q DID THAT DORMITORY HAVE A NUMBER ASSIGNED TO IT?

9 A DORMITORIO 10.

10 MS. KELLY: OBJECTION, YOUR HONOR. RELEVANCE.

11 MR. MEDRANO: FOUNDATION FOR THE TAPES, YOUR HONOR.

12 THE COURT: ALL RIGHT. OVERRULED.

13 THE WITNESS: DORMITORIO 10.

14 BY MR. MEDRANO:

15 Q OKAY. NOW, WHAT HAPPENS WHEN YOU ARE TAKEN THERE?

16 A WE GO INSIDE AND WE'RE IN A ROOM UPSTAIRS, TAKEN UPSTAIRS
17 IN THE DORMITORY AND ERNESTO FONSECA COMES IN.

18 Q AND YOU SEE ERNESTO FONSECA THERE AT THAT POINT?

19 A YES, SIR.

20 Q AND DO YOU SPEAK TO HIM?

21 A I DON'T SPEAK TO HIM PERSONALLY. HE SPEAKS TO US, SPEAKS
22 TO THE COMANDANTE.

23 Q HOW LONG WOULD YOU ESTIMATE HE TALKS?

24 A MAYBE 15 MINUTES.

25 Q AND AT SOME POINT, DO YOU GO TO ANOTHER DORMITORY IN THAT

1 VICINITY?

2 A YES WE GO TO THE ANNEX, DORMITORIO 10 B, WHICH IS THE
3 ANNEX.

4 Q WHAT HAPPENS WHEN YOU GET THERE?

5 A WE'RE TAKEN TO A SMALL -- WHAT I WOULD CHARACTERIZE AS AS
6 REC ROOM, AND WERE WAITING FOR THE INDIVIDUAL TO COME IN, AND I
7 MEET RAFAEL CARO QUINTERO.

8 Q GIVE ME THE DIMENSIONS OF THE ROOM THAT YOU'RE IN WHEN THAT
9 HAPPENS.

10 MS. KELLY: OBJECTION, YOUR HONOR. RELEVANCE.

11 MR. STOLAR: OBJECTION.

12 THE COURT: OVERRULED.

13 THE WITNESS: 10 BY 15; 10 BY 20, POSSIBLY.

14 BY MR. MEDRANO:

15 Q DOES HE TALK TO YOU?

16 A YES, HE DOES.

17 Q DOES HE IDENTIFY YOU AS A D.E.A. AGENT?

18 A YES, HE DOES.

19 Q NOW, AGENT STINSON, DO YOU TALK TO HIM OR DOES HE TALK TO
20 YOU OR WHAT HAPPENS?

21 A NO, I DON'T TALK TO HIM. HE TALKS TO ME. AS A MATTER OF
22 FACT, HE WAS VERY UPSET ABOUT --

23 MS. KELLY: OBJECT, YOUR HONOR. HEARSAY. THIS
24 DISCUSSION, HE'S RELATING THE CONTENTS OF THE DISCUSSION.

25 MR. MEDRANO: NOT GOING INTO CONTENTS, YOUR HONOR.

1 THE COURT: THE OBJECTION IS OVERRULED.

2 BY MR. MEDRANO:

3 Q WELL, HE SPOKE TO YOU?

4 A YES, SIR.

5 Q I DON'T WANT TO YOU TELL ME WHAT HE SAID, BUT HE SPOKE TO
6 YOU?

7 A YES, SIR.

8 Q FOR ABOUT HOW LONG WOULD YOU ESTIMATE?

9 A 10 TO 15 MINUTES.

10 Q AND WHILE YOU'RE THERE, YOU'RE ABLE TO HEAR EVERYTHING HE'S
11 SAYING?

12 A QUITE WELL.

13 Q NOTHING AFFECTS YOUR ABILITY TO HEAR WHAT HE'S TELLING YOU?

14 A NO, SIR.

15 Q AND IN ADDITION TO YOU DOES HE TALK TO ANYBODY ELSE? AGAIN
16 DON'T TELL ME WHAT HE SAYS.

17 A YES. HE TALKS TO THE DIRECTOR AND HE TALKS TO THE
18 COMANDANTE.

19 Q OTHER THAN YOURSELF, THE COMANDANTES AND CARO QUINTERO AND
20 THE PRISON DIRECTOR, WHO ELSE IS IN THE ROOM.

21 Q SPECIAL AGENT GARZA AND SPECIAL AGENT LOWE.

22 Q ANYBODY ELSE?

23 A AT THAT POINT, NO.

24 Q WHAT HAPPENS NEXT, SIR?

25 A SOME OF THE PEOPLE THAT ARE INCARCERATED WITH CARO QUINTERO

1 COME INTO THE ROOM AND I'M ESCORTED OUT OF THE DORMITORIO AND
2 OUT OF THE AREA COMPLETELY.

3 Q THOSE MEN, WERE THEY PRISON OFFICIALS?

4 A NO. THE MEN, THEY WERE INCARCERATE- -- THEY WERE OTHER
5 MEMBERS OF CARO QUINTERO'S ORGANIZATION.

6 Q NOW, I'D LIKE TO DIRECT YOUR ATTENTION TO ABOUT DECEMBER OF
7 1987. AT ANY POINT ARE YOU SENT TO D.E.A. HEADQUARTERS IN
8 WASHINGTON, D.C.?

9 A YES, SIR.

10 Q AND FOR WHAT PURPOSE?

11 A TO ATTEMPT TO IDENTIFY SOME VOICES ON THE INTERROGATION
12 TAPES OF AGENT CAMARENA.

13 Q DO YOU RECALL THE APPROXIMATE DAY IN DECEMBER YOU'RE SENT
14 OUT THERE?

15 A IF I CAN REFER TO MY NOTES TO -- MY REPORTS TO REFRESH MY
16 MEMORY.

17 MR. MEDRANO: YOUR HONOR, MAY HE REFRESH HIS
18 RECOLLECTION.

19 THE COURT: (NODS HEAD UP AND DOWN.)

20 MR. MEDRANO: PLEASE, GO AHEAD.

21 THE WITNESS: THANK YOU (EXAMINES DOCUMENTS.)

22 IT WAS DECEMBER 8TH, 1987.

23 BY MR. MEDRANO:

24 Q BEFORE I FORGET TO ASK YOU, OTHER THAN YOUR IN-PERSON
25 HEARING CARO'S VOICE, DID YOU EVER HEAR ANY OTHER RECORDING OF

1 CARO QUINTERO'S VOICE?

2 A YES, I HAD.

3 Q WHICH TAPE ARE YOU TALKING ABOUT THAT YOU HEARD?

4 A THE RECORDING MADE BY ROBERT CASTILLO.

5 Q AND YOU HAD AN OPPORTUNITY TO LISTEN TO THAT, AS WELL?

6 A YES, SIR.

7 Q SO AGAIN, SIR -- I'M SORRY, I DIDN'T HEAR -- WHAT DATES ARE
8 YOU OUT IN D.C.?

9 A DECEMBER 8TH 1987.

10 Q NOW, ARE YOU AVAILABLE -- STRIKE THAT.

11 DID YOU REVIEW THE INTERROGATION TAPES TO SEE IF YOU
12 CAN IDENTIFY ANY OF THE VOICES?

13 A YES, SIR.

14 Q AT SOME POINT, DO YOU HEAR A TAPE, AN INTERROGATION TAPE,
15 CALLED OR IDENTIFIED AS COPIA 4?

16 A YES, SIR; I DID.

17 Q AND YOU SAT DOWN AND LISTENED TO THAT TAPE?

18 A YES, SIR.

19 Q REPEATEDLY?

20 A YES, SIR.

21 Q AND THEREAFTER, DO YOU HAVE A CHANCE TO LISTEN TO THAT TAPE
22 RECORDING BY AGENT CASTILLO OF CARO QUINTERO?

23 A YES, SIR; I DID.

24 Q DO YOU ALSO HAVE A CHANCE TO LISTEN TO THE TAPE OF THE
25 INTERVIEW OF SERGIO ESPINO VERDIN?

1 A YES, SIR; I DID.

2 Q THAT WAS MADE BEFORE THIS DECEMBER 87 TRIP OF YOURS?

3 A THAT IS CORRECT.

4 Q NOW, ARE YOU ABLE AT ANY POINT TO IDENTIFY THE VOICE OF
5 SERGIO ESPINO VERDIN ON INTERROGATION TAPE COPIA 4?

6 A YES, SIR; I DID.

7 Q AND WHAT IS UNIQUE OR CHARACTERISTIC ABOUT HIS VOICE THAT
8 CONVINCED YOU THAT IT WAS ONE AND THE SAME VOICE?

9 A WELL, MAINLY ITS RECOGNITION BY LISTENING TO THE VOICE.
10 BUT SECONDARILY, HE'S GOT A VERY RELAXED VOICE; A MAN THAT
11 KNOWS WHAT HE'S DOING.

12 Q HAVE YOU TRAVELED THROUGHOUT MEXICO AS PART OF YOUR D.E.A.
13 CAREER?

14 A YES, SIR.

15 Q TO VARIOUS STATES?

16 A YES, SIR.

17 MR. MEZA: OBJECT, YOUR HONOR. ITS CUMULATIVE, OR AT
18 LEAST APPEARS TO BE, OF AGENT CASTILLO'S TESTIMONY.

19 MR. MEDRANO: NO, YOUR HONOR. IT IDENTIFIES OTHER
20 PORTIONS.

21 THE COURT: OVERRULED.

22 BY MR. MEDRANO:

23 Q AND YOU TRAVELED THROUGH CENTRAL MEXICO AS WELL AS NORTHERN
24 MEXICO?

25 A YES, SIR.

1 Q AND HAD A CHANCE TO SPEAK WITH THE NATIVES IN BOTH AREAS?

2 A THAT IS CORRECT, SIR.

3 Q ANYTHING UNIQUE OR CHARACTERISTIC ABOUT ESPINO'S VOICE ON
4 COPIA 4?

5 A WELL, HE HAS A VERY WELL MODULATED VOICE THAT SEEMS TO HAVE
6 A CENTRAL MEXICAN OR POSSIBLY A NORTHERN MEXICAN ACCENT IN IT
7 FROM TIME TO TIME.

8 Q AND FROM THE TONE OF HIS VOICE, DOES IT SUGGEST TO YOU
9 SOMEONE WHO'S IN CONTROL?

10 A YES. SOMEBODY WHO'S VERY MUCH IN CONTROL.

11 MR. STOLAR: OBJECT TO THE CONCLUSION, CHARACTERIZING
12 THE VOICE.

13 THE COURT: OVERRULED.

14 BY MR. MEDRANO:

15 Q AT SOME POINT, SIR, IN THE 40'S (PHONETIC), DID YOU SERVE
16 IN THE MILITARY AND HAVE ANYTHING TO DO WITH VOICE
17 IDENTIFICATION OF ANY SORT?

18 A YES, SIR; I DID.

19 Q JUST VERY BRIEFLY, DESCRIBE WHAT THAT EXPERIENCE ENTAILED?

20 A I WAS WITH THE NAVAL SECURITY GROUP AND WE DID VOICE
21 INTERCEPTS.

22 Q I'M SORRY. IS THIS NAVAL INTELLIGENCE OR SOMETHING LIKE
23 THAT?

24 A NAVAL INTELLIGENCE SECURITY GROUP; YES, SIR.

25 Q AS PART OF THAT, DID YOU HAVE AN OPPORTUNITY TO MONITOR

1 NUMEROUS VOICES?

2 A YES, WE DID.

3 Q AND AS PART OF YOUR NAVAL CAREER, DID THAT INVOLVE
4 IDENTIFICATION RESPECTIVE VOICES?

5 A YES, SIR.

6 Q NOW, SIR, HAVE YOU HAD AN OPPORTUNITY TO EXAMINE THE
7 TRANSCRIPTS OF INTERROGATION TAPE COPIA 4?

8 A YES, SIR; I DID.

9 Q AND BOTH THE ENGLISH AND SPANISH?

10 A YES, SIR.

11 Q AND HAVE YOU COMPARED THE SPANISH TO THE TAPE?

12 A YES, SIR.

13 Q AND HAVE YOU DEEMED THE SPANISH TRANSCRIPT ACCURATE?

14 A YES, SIR, I HAVE.

15 Q AND DID YOU PREPARE AN ENGLISH TRANSLATION OF THE
16 TRANSCRIPT TO THE SPANISH TRANSCRIPT?

17 A YES, SIR.

18 Q AND DID YOU FIND THAT TO BE ACCURATE, SIR?

19 A YES, SIR.

20 Q NOW, YOU MENTIONED -- STRIKE THAT.

21 WERE YOU ABLE TO IDENTIFY SERGIO ESPINO VERDIN ON
22 COPIA 4?

23 A YES, SIR.

24 Q IN THESE TRANSCRIPTS, SIR, DO THEY HAVE LINES ON THEM TO
25 INDICATE WHAT LINES --

1 A YES, SIR; THEY'RE NUMBERED.

2 Q I'M SORRY. THIS IS NOT COMING OUT RIGHT.

3 ARE THERE IDENTIFYING LINES ON THE TRANSCRIPT FOR
4 COPIA 4?

5 A YES, SIR.

6 Q NOW, SIR, WERE YOU ABLE TO IDENTIFY WHAT SPECIFIC LINES ON
7 COPIA 4 YOU FELT WERE OR CONCLUDED WERE SERGIO ESPINO VERDIN?

8 A YES, SIR.

9 MR. MEZA: MAY WE KNOW WHICH SIDE, YOUR HONOR?

10 MR. MEDRANO: YES, SIR. WE'LL ELICIT THAT RIGHT NOW,
11 YOUR HONOR.

12 MR. MEZA: THANK YOU.

13 THE WITNESS: LINES 131 THROUGH 181, WHICH WERE
14 DELINEATED ON THE NEW NUMBERING SYSTEMS ON -- I'M SORRY. I'M
15 ON CARO QUINTERO.

16 BY MR. MEDRANO:

17 Q I WANT YOU TO GO TO THE PRESENTLY USED NUMBERING SYSTEM,
18 FOR SERGIO ESPINO VERDIN?

19 A SERGIO ESPINO VERDIN, LINES 107 THREW 133, LINE 250, LINE
20 252, LINE 258, LINES 272 THROUGH 360, LINES 378 THROUGH 422.

21 Q NOW, SIR, IS THAT ONE OF THE SIDES OF THE TAPE ONLY?

22 A THAT'S ONE SIDE.

23 Q WELL, IS THAT SIDE 1? \$\$\$

24 A THAT'S SIDE 1 AND ON SIDE 2, THE ENTIRE SIDE WITH THE
25 EXCEPTION OF LINES 464 THROUGH 469.

1 Q SO SIDE 2, THE ENTIRE SIDE, EXCEPT FOR WHAT YOU'VE JUST
2 INDICATED?

3 A YES, SIR.

4 Q AND IN ADDITION TO SERGIO ESPINO VERDIN, WERE YOU ABLE TO
5 IDENTIFY ANY OTHER SPEAKER ON COPIA 4?

6 A YES, SIR; RAFAEL CARO QUINTERO.

7 Q AND JUST BRIEFLY, WHAT LINES ON COPIA 4 DO YOU ASSIGN TO
8 RAFAEL CARO QUINTERO?

9 A LINES 135 THROUGH 19.

10 Q ALL ON COPIA 4?

11 A YES, SIR.

12 Q NOW, CARO QUINTERO'S VOICE ON COPIA 4, IS THERE ANY
13 PARTICULAR UNIQUE ACCENT?

14 A HE HAS A STACCATO VOICE WITH A NORTHWESTERN MEXICAN ACCENT.

15 Q IS THAT UNIQUE TO ANY NORTHERN STATE THAT YOU'RE FAMILIAR
16 WITH?

17 A SINALOA.

18 Q AND WHEN YOU SAY STACCATO, GIVE ME ANOTHER ADJECTIVE.

19 A HE'S VERY RAPID AND ABRUPT, AND THEN HE STOPS AND CONTINUES
20 ON AGAIN IN ANOTHER RAPID BURST.

21 Q AND YOU ARE, -- WELL, STRIKE THAT.

22 AGAIN YOU'VE PREVIOUSLY HEARD CARO QUINTERO IN YOUR
23 PERSON-TO-PERSON MEETING?

24 A YES, SIR.

25 Q AND HAVE YOU REVIEWED OTHER TAPES AND INTERVIEWS OF CARO

1 QUINTERO BY SPECIAL AGENT BOBBY CASTILLO?

2 A YES, SIR.

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

4 Q FINALLY, SIR, IF I CAN ASK YOU TO DIG OUT OF THE FILE IN
5 FRONT OF YOU EXHIBIT 87 AS WELL AS 16 -- ONE SIX -- A AND B.

6 (PAUSE IN PROCEEDINGS.)

7 THE COURT: YOU MAY PROCEED.

8 BY MR. MEDRANO:

9 Q DID YOU FIND 87?

10 A 87; YES, SIR.

11 Q CAN YOU TELL ME WHAT THAT IS?

12 A SERGIO ESPINO VERDIN.

13 Q THE SAME PERSON WHOSE INTERVIEW YOU WERE PRESENT FOR?

14 A YES, SIR.

15 Q DO YOU HAVE 16 A AND B IN FRONT OF YOU?

16 A NO, I DON'T SEE 16 A AND B.

17 Q CAN YOU LOOK RIGHT UNDER 87? I THOUGHT I SAW IT FROM HERE.
18 SEE, RIGHT IN --

19 A 16 B, YES.

20 Q IF YOU LOOK RIGHT IN FRONT OF YOU -- THERE THEY ARE?

21 A OH.

22 Q CAN YOU TELL ME WHAT 16 A AND B ARE, SIR?

23 A THAT'S RAFAEL CARO QUINTERO.

24 Q SAME PERSON WHO SPOKE TO YOU AT THE PRISON?

25 A YES, SIR.

1 MR. MEDRANO: YOUR HONOR, THAT CONCLUDES DIRECT.
2 THANK YOU.

3 THE COURT: YOU MAY -- ANYBODY WISH TO CROSS-EXAMINE
4 THE WITNESS?

5 CROSS-EXAMINATION +
6 BY MR. NICOLAYSEN:

7 Q GOOD AFTERNOON, AGENT STINSON. DIRECTING YOUR ATTENTION TO
8 THE PRISON VISITS, THAT WAS BACK IN 1986; IS THAT RIGHT?

9 A 1987.

10 Q DO YOU RECALL A SPECIFIC MONTH, BY ANY CHANCE?

11 A FEBRUARY.

12 Q NOW, DID YOU HAVE A PARTICULAR ROLE IN THE CAMARENA
13 INVESTIGATION AT THAT TIME THAT ACCOUNTED FOR YOUR BEING
14 DESIGNATED TO BE PART OF THE VISITATION TEAM?

15 A I WAS ONE OF THE AGENTS IN MEXICO CITY ASSIGNED TO THE
16 INVESTIGATION.

17 Q AND WAS THERE A SPECIFIC PURPOSE IN -- THAT YOU HAD IN MIND
18 IN GOING TO THE PRISON TO SEE MR. FONSECA AND MR. QUINTERO?

19 A YES, SIR.

20 Q WAS THAT TO DISCUSS THE CAMARENA MATTER?

21 A NO, SIR; IT WAS NOT.

22 Q WAS THERE ANY PURPOSE AT THAT TIME IN DISCUSSING THE LA
23 LANGOSTA MURDERS?

24 A NO, SIR.

25 Q AND IN THE COURSE OF YOUR MEETING, WITHOUT TELLING US WHAT

1 WAS SAID, DID THE SUBJECT OF LA LANGOSTA COME UP?

2 A NO, SIR.

3 Q AND TO YOUR KNOWLEDGE, WAS THERE ANY PRIOR VISIT -- WHEN I
4 SAY "PRIOR," I MEAN BEFORE FEBRUARY 1987. WERE THERE ANY
5 ON-SITE VISITS TO THE PRISON --

6 A NO, SIR.

7 Q -- TO SPECIFICALLY DISCUSS -- WERE THERE NONE AT ALL?

8 A NOT THAT I KNOW OF.

9 Q ALL RIGHT. SO JUST SO THE RECORD IS CLEAR, IT'S YOUR
10 KNOWLEDGE, IS IT, THAT THE FIRST ON-SITE VISIT TO A PRISON
11 FACILITY TO SEE ERNESTO FONSECA OR RAFAEL CARO QUINTERO WAS IN
12 FEBRUARY OF 87? IS THAT CORRECT?

13 A TO MY KNOWLEDGE, YES, SIR.

14 Q AND WAS THERE ANY VISIT TO A PRISON FACILITY TO SEE EITHER
15 FONSECA OR QUINTERO OR ANY MEMBERS OF THEIR GANG, IF YOU WILL,
16 AFTER FEBRUARY OF 1987?

17 A I DON'T KNOW.

18 Q TO YOUR KNOWLEDGE, WAS ANYONE EVER GIVEN ANY INSTRUCTIONS
19 TO SEEK TO INTERVIEW EITHER FONSECA OR QUINTERO REGARDING THE
20 EVENTS OF LA LANGOSTA.

21 MR. MEDRANO: OBJECTION, YOUR HONOR. THIS IS BEYOND
22 THE SCOPE OF DIRECT, AND RELEVANCE.

23 THE COURT: SUSTAINED.

24 BY MR. NICOLAYSEN:

25 Q WHO ARE THE OTHER MEMBERS OF QUINTERO'S ORGANIZATION WHOM

1 YOU OBSERVED AT THE PRISON WHEN YOU WENT THERE IN FEBRUARY OF
2 87?

3 A WELL, FRANCISCO TEJEDA WAS THERE.

4 Q AND WAS MR. RAMIREZ THERE, AS WELL?

5 A I WOULDN'T BE ABLE TO SAY.

6 Q DID YOU HAVE ACCESS TO MR. TEJEDA, TO SPEAK WITH HIM AT
7 THAT TIME?

8 A NO, SIR; I DID NOT.

9 MR. NICOLAYSEN: THANK YOU. NOTHING FURTHER.

10 CROSS-EXAMINATION +

11 BY MR. STOLAR:

12 Q WAS ONE OF THE PURPOSES OF YOUR GOING TO SEE ESPINO AND
13 FONSECA AND CARO QUINTERO TO ATTEMPT TO LISTEN TO THEIR VOICES?

14 A NO, SIR.

15 Q SO IT JUST HAPPENED THAT YOU WERE ASKED TO THEN GO BACK AND
16 LISTEN TO THE TAPES AND SEE IF YOU COULD IDENTIFY VOICES ON THE
17 TAPES?

18 A YES, SIR.

19 Q SO THE TESTIMONY YOU GAVE US ABOUT VISITING THEM IN PRISON
20 REALLY HAD NOTHING TO DO SO WITH THE TESTIMONY THAT YOU'RE HERE
21 FOR, WHICH IS IDENTIFYING VOICES ON THE TAPE; IS THAT RIGHT?

22 MR. MEDRANO: OBJECTION. AMBIGUOUS, YOUR HONOR.

23 THE COURT: YES. SUSTAINED.

24 BY MR. STOLAR:

25 Q WHAT DID YOUR TESTIMONY ABOUT GOING TO THE PRISON HAVE TO

1 DO WITH YOUR TESTIMONY ABOUT IDENTIFYING VOICES ON THE TAPE?

2 MR. MEDRANO: OBJECTION, YOUR HONOR. LACK OF
3 FOUNDATION.

4 THE COURT: THAT'S AN IMPROPER QUESTION, TO ASK A
5 WITNESS WHETHER HIS TESTIMONY HAD TO DO WITH ANYTHING.

6 RESTATE YOUR QUESTION.

7 BY MR. STOLAR:

8 Q ALL RIGHT. YOU WERE ASKED TO LISTEN TO THE TAPES, THE
9 INTERROGATION TAPES, AND TO SEE IF YOU COULD IDENTIFY VOICES ON
10 THE TAPE; CORRECT?

11 A YES, SIR.

12 Q WAS THAT BECAUSE SOMEBODY ELSE HAD NOT BEEN ABLE TO
13 IDENTIFY VOICES IN PARTICULAR AREAS?

14 MR. MEDRANO: OBJECTION. LACK OF FOUNDATION. LACK OF
15 KNOWLEDGE.

16 THE COURT: THE WITNESS MAY ANSWER.

17 THE WITNESS: I DON'T KNOW.

18 BY MR. STOLAR:

19 Q BUT WERE YOU TOLD THAT CERTAIN PORTIONS OF THE TAPE HAD
20 BEEN IDENTIFIED AS BEING VOICES THAT BELONGED TO CARO QUINTERO
21 OR ESPINO VERDIN?

22 MR. MEDRANO: OBJECTION. HEARSAY AND RELEVANCE, YOUR
23 HONOR.

24 THE COURT: SUSTAINED.

25 BY MR. STOLAR:

1 Q WHEN YOU LOOKED AT WRITTEN TRANSCRIPTS -- YOU DID LOOK AT
2 WRITTEN TRANSCRIPTS; CORRECT?

3 A YES, SIR.

4 Q WERE IS THERE ANY IDENTIFYING MARKS ON THE TRANSCRIPTS MADE
5 BY SOMEBODY ELSE THAT HAD IDENTIFIED THE SPEAKER WHO IT WAS
6 THOUGHT TO BE IN A PARTICULAR LINE?

7 A NO, SIR.

8 Q SO YOU DID ALL YOUR WORK IN THE COLD, SO TO SPEAK?

9 A YES, SIR.

10 Q NOW,, ESPINO VERDIN AND FONSECA AND CARO WERE ALL IN
11 CUSTODY, JUDICIAL CUSTODY, WHEN YOU SAW THEM, CORRECTS? OR THE
12 CUSTODY OF THE PRISON?

13 A YES, SIR.

14 Q AND THE CUSTODY THEY WERE THERE FOR WAS FOR THEIR
15 INVOLVEMENT WAS THE KIDNAPPING AND MURDER OF AGENT CAMARENA; IS
16 THAT CORRECT?

17 MR. MEDRANO: OBJECTION. LACK OF FOUNDATION, LACK OF
18 KNOWLEDGE, AND HERE'S.

19 MR. STOLAR: MAYBE HE KNEW.

20 THE COURT: THE WITNESS MAY ANSWER IF HE KNOWS?

21 THE WITNESS: I BELIEVE THEY WERE.

22 BY MR. STOLAR:

23 A HAD THEY BEEN CONVICTED YET?

24 A NO, SIR.

25 Q THEY'VE BEEN SUBSEQUENTLY CONVICTED; RIGHT?

1 MR. MEDRANO: OBJECTION, YOUR HONOR. LACK OF
2 KNOWLEDGE, LACK OF FOUNDATION, HEARSAY?

3 THE COURT: THE WITNESS MAY ANSWER.

4 THE WITNESS: I BELIEVE SO.

5 BY MR. STOLAR:

6 Q AND THEY'RE DOING OVER 30 YEARS; IS THAT RIGHT?

7 MR. MEDRANO: SAME OBJECTION.

8 THE COURT: THAT'S AN IMPROPER QUESTION.

9 MR. STOLAR: NOTHING FURTHER.

10 CROSS-EXAMINATION +

11 BY MS. KELLY:

12 Q GOOD AFTERNOON, AGENT STINSON. WERE YOU PRESENT WHEN THE
13 EXEMPLAR OF ESPINO VERDIN'S VOICE WAS MADE?

14 A YES, I WAS.

15 Q AND HOW WAS THE EXEMPLAR MADE -- STRIKE THAT.

16 DID YOU ASK HIM TO MAKE CERTAIN STATEMENTS FOR THE
17 EXEMPLAR TO BE RECORDED?

18 A HE WAS ASKED BY THE M.F.J.P. COMANDANTE TO READ FROM A LIST
19 OF PHRASES.

20 Q AND DID YOU ASK THE COMANDANTE TO ASK HIM TO UTILIZE THOSE
21 PHRASES OR WAS THIS SOMETHING THAT THE COMANDANTE DECIDED ON
22 HIS OWN?

23 A NO, IT WAS ASKED BY US.

24 Q WHAT CERTAIN THINGS WERE YOU LOOKING FOR IN MAKING THIS
25 EXEMPLAR?

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

2 THE COURT: OVERRULED.

3 BY MS. KELLY:

4 Q LET ME STATE IT ANOTHER WAY: WERE YOU LOOKING FOR A
5 CERTAIN CHARACTERISTICS IN MAKING THE VOICE EXEMPLAR THAT YOU
6 BELIEVED MIGHT BE HELPFUL IN IDENTIFYING A VOICE ON A
7 SUBSEQUENT TAPE?

8 A WE WERE TAKING THE EXEMPLARS TO PROVIDE TO THE LABORATORY
9 SO THAT THEY COULD MAKE A MATCH.

10 Q AND IN MAKING AN EXEMPLAR OR CREATING AN EXEMPLAR TO DO A
11 MATCH, ARE THERE CERTAIN PHRASES THAT ARE UTILIZE TO ENABLE YOU
12 OR HELP YOU TO MAKE THAT COMPARISON?

13 A WE WERE GIVEN A LIST OF CERTAIN PHRASES THAT WERE REQUESTED
14 TO BE SPOKEN.

15 Q AND WHO GAVE YOU THAT LIST?

16 A THAT CAME FROM D.E.A. HEADQUARTERS.

17 Q DO YOU HAVE ANY IDEA WHO PREPARED THAT LIST?

18 A NO, I DON'T.

19 Q DID YOU SUBSEQUENTLY PREPARE A D.E.A.-7 REPORT ON THE
20 ACQUISITION OF THIS EXEMPLAR?

21 A I DON'T RECALL.

22 Q WERE YOU AWARE THAT AGENT CASTILLO DID NOT IDENTIFY CERTAIN
23 PORTIONS OF THE EXEMPLAR THAT YOU DID IDENTIFY?

24 MR. MEDRANO: OBJECTION, YOUR HONOR. HEARSAY. LACK
25 OF FOUNDATION.

1 THE COURT: THE WITNESS MAY ANSWER, IF HE KNOWS.

2 THE WITNESS: WOULD YOU REPEAT THE QUESTION, PLEASE.

3 BY MS. KELLY:

4 Q WERE YOU AWARE THAT AGENT CASTILLO DID NOT IDENTIFY CERTAIN
5 PORTIONS OF ESPINO VERDIN'S VOICE ON THE COPIAS THAT YOU DID
6 IDENTIFY?

7 A NO, MA'AM.

8 Q YOU'RE NOT AWARE OF THAT?

9 A NO.

10 Q DO YOU KNOW WHY THERE WAS A NEW NUMBERING SYSTEM UTILIZED
11 IN YOUR REVIEW OF THE TRANSCRIPTS?

12 A NO, MA'AM.

13 Q YOU HAD NOTHING TO DO WITH THE NEW LINE-NUMBERING OF THOSE
14 TRANSCRIPTS?

15 A NO, MA'AM.

16 Q AND DO YOU HAVE ANY INFORMATION THAT, AT ALL, ABOUT ANY --
17 STRIKE THAT.

18 YOU MADE AN IDENTIFICATION AND COMPARISON BY LINE OF A
19 TRAN -- A LINE IDENTIFICATION ON A TRANSCRIPT; IS THAT RIGHT?

20 A YES, MA'AM.

21 Q THEN YOU WENT BACK AND MADE ANOTHER IDENTIFICATION OF LINED
22 TRANSCRIPT WITH NEW NUMBERS?

23 A WE COMPARED IT WITH THE OLD ONES AND THE NEW NUMBERING
24 SYSTEM, YES.

25 Q AND YOU HAVE NO IDEA WHY A NEW NUMBERING SYSTEM WAS

1 UTILIZED?

2 A NO, MA'AM.

3 MS. KELLY: I HAVE NOTHING FURTHER.

4 THE COURT: ANY FURTHER QUESTIONS FOR THIS WITNESS?

5 MR. MEDRANO: NOTHING BY THE GOVERNMENT, YOUR HONOR.

6 THE COURT: YOU MAY STEP DOWN.

7 THE WITNESS: THANK YOU.

8 THE COURT: WE WILL ADJOURN THIS CASE AT THIS TIME,
9 LADIES AND GENTLEMEN OF THE JURY. WE'LL RECONVENE TOMORROW
10 MORNING AT 9:30.

11 PLEASE KEEP IN MIND YOUR DUTY NOT TO DISCUSS THIS CASE
12 WITH EACH OTHER OR WITH ANYONE ELSE, NOT TO READ OR SEE OR HEAR
13 ANYTHING ABOUT IT AND AVOID EXPOSURE TO ANY TYPE OF PUBLICITY.

14 YOU MAY BE EXCUSED.

15 (JURY ABSENT:)

16 THE CLERK: YOU MAY BE SEATED.

17 THE COURT: COUNSEL, SINCE I HAVE INDICATED THAT WE
18 WOULD HEAR THIS FUENTES -- WE'D HAVE THIS FUENTES HEARING
19 TOMORROW MORNING AFTER THE SHERIFFS' CASE, IT OCCURS TO ME THAT
20 WE'RE LIKELY TO HAVE A TRAFFIC JAM HERE, BECAUSE THERE ARE NINE
21 DEFENDANTS AND NINE LAWYERS INVOLVED IN THAT SHERIFFS' CASE.

22 AND IF THERE'S NO OBJECTION BY ANY DEFENDANT, PERHAPS
23 ONLY MR. --

24 MR. NICOLAYSEN: VASQUEZ.

25 THE COURT: IS IT VASQUEZ, VELASQUEZ? AND HIS COUNSEL

			PG	LN
(EXHIBIT 87	‡ RECEIVED IN EVIDENCE.)	BY	141	18
(EXHIBITS 78, 80, 81	‡ RECEIVED IN EVIDENCE.)	BY	144	1
(EXHIBIT 89	‡ RECEIVED IN EVIDENCE.)	BY	148	16
(EXHIBIT 108	‡ RECEIVED IN EVIDENCE.)	BY	159	4
(EXHIBIT 67	‡ RECEIVED IN EVIDENCE.)	BY	205	21
(EXHIBIT 68	‡ RECEIVED IN EVIDENCE.)	BY	208	1
LOS ANGELES	+ CALIFORNIA THURSDAY, JUNE		4	1
JUNE 7, 1990	+ 9:30 A.M.		4	2
LAWRENCE V. HARRISON	+ PLAINTIFF'S WITNESS,		4	9
CROSS-EXAMINATION	+ CONTINUED BY MR. MEDVENE:		4	10
REDIRECT EXAMINATION	+ BY MS. KELLY: Q. GOOD		54	1
LAWRENCE V. HARRISON	+ PLAINTIFF'S WITNESS, SWORN		61	13
CROSS-EXAMINATION	+ CONTINUED BY MS. KELLY:		61	14
WALTER J. WHITE	+ PLAINTIFF'S WITNESS, SWORN		73	16
DIRECT EXAMINATION	+ BY MR. MEDRANO: Q.		73	23
CROSS-EXAMINATION	+ BY MR. STOLAR: Q.		80	18
CROSS-EXAMINATION	+ BY MS. KELLY: Q. GOOD		84	24
LOS ANGELES	+ CALIFORNIA, THURSDAY, JUNE		103	1
JUNE 7, 1990	+ 1:30 P.M. (JURY		103	2
MATTHEW MAHER	+ PLAINTIFF'S WITNESS, SWORN		103	9
DIRECT EXAMINATION	+ BY MR. MEDRANO: Q		103	14
CROSS-EXAMINATION	+ BY MR. STOLAR: Q GOOD		110	1
ROBERT CASTILLO	+ PLAINTIFF'S WITNESS, SWORN		112	13
DIRECT EXAMINATION	+ BY MR. MEDRANO: Q MR.		112	21
CROSS-EXAMINATION	+ BY MR. STOLAR: Q GOOD		159	17
CROSS-EXAMINATION	+ BY MR. NICOLAYSEN: Q		166	13
CROSS-EXAMINATION	+ BY MS. KELLY: Q GOOD		194	14
REDIRECT EXAMINATION	+ BY MR. MEDRANO: Q		198	24
CARL E. COLLINS, JR.	+ PLAINTIFF'S WITNESS, SWORN		201	11
DIRECT EXAMINATION	+ BY MR. MEDRANO: Q THE		201	17
CROSS-EXAMINATION	+ BY MR. MEZA: Q ISN'T		209	12
CROSS-EXAMINATION	+ BY MR. STOLAR: Q GOOD		210	2
DIRECT EXAMINATION	+ BY MR. STOLAR: Q WERE		212	13
REDIRECT-EXAMINATION	+ BY MR. MEDRANO: Q MR.		213	3
DALE L. STINSON	+ PLAINTIFF'S WITNESS, SWORN		213	23
DIRECT EXAMINATION	+ BY MEDRANO: Q YOU'RE		214	3
CROSS-EXAMINATION	+ BY MR. NICOLAYSEN: Q		230	5
CROSS-EXAMINATION	+ BY MR. STOLAR: Q WAS		232	10
CROSS-EXAMINATION	+ BY MS. KELLY: Q GOOD		235	10
AS GOVERNMENT	EXHIBIT 75; IS THAT IN FRONT		77	6
YOU TELL US WHAT	EXHIBIT 75 IS? A. OKAY.		77	9
WHEN YOU GIVE THIS	EXHIBIT 75, THE ENVELOPE AND		79	5
OF IDENTIFICATION	EXHIBIT 75, IS THAT THE		79	22
ONCE YOU SEALED	EXHIBIT 75 AND PUT IT IN YOUR		80	8

		PG	LN
THAT ARE IN THAT	EXHIBIT ; IS THAT RIGHT? A.	80	23
TO GOVERNMENT'S	EXHIBIT 75, WHICH SHOULD BE	104	11
A CHANCE TO LOOK AT	EXHIBIT 75 PRIOR TO YOUR	104	25
ANY OTHER PART OF	EXHIBIT 75 THAT ALSO HAS YOUR	105	8
YOU TO GOVERNMENT'S	EXHIBIT 75, WHICH AGAIN IS	109	12
CASSETTES ARE IN THAT	EXHIBIT ? A (REMOVES	109	14
HAVE AS PART OF THIS	EXHIBIT COPIAS 1, 3 AND 5, AS	111	9
YOUR ATTENTION TO	EXHIBIT 87, A PHOTOGRAPH,	141	6
(	EXHIBIT 87 # RECEIVED IN	141	18
HAVE IN FRONT OF YOU	EXHIBIT S 16 A AND B? A	141	20
IF YOU CAN PUT THOSE	EXHIBIT S ASIDE AND IF I CAN	142	2
WILL YOU LOOK AT	EXHIBIT 78 AND LET ME FLAG	142	3
YOU THAT THE YELLOW	EXHIBIT TAG WILL BE ON THE	142	4
CAN YOU TELL ME WHAT	EXHIBIT 78 IS, PLEASE? A	142	12
ASK YOU TO LOOK AT	EXHIBIT 79 AND TELL ME WHAT	142	23
OF ALL THOSE	EXHIBIT S AT THIS TIME.	143	22
(	EXHIBIT S 78, 80, 81 #	144	1
YOU TO GOVERNMENT'S	EXHIBIT 89, IS THAT IN FRONT	148	1
THE COURT: THE	EXHIBIT MAY BE RECEIVED.	148	15
(	EXHIBIT 89 # RECEIVED IN	148	16
YOUR ATTENTION TO	EXHIBIT 108. IS THAT IN	158	7
THAT YOU CAN IDENTIFY	EXHIBIT 108? A YES. I	158	20
(	EXHIBIT 108 # RECEIVED IN	159	4
Q AND AGAIN, THAT	EXHIBIT 108 SOIL SAMPLE WAS	159	9
AS AN EVIDENTIARY	EXHIBIT , WHICH IS COPIAS 1	187	19
HOW CAN AN	EXHIBIT BE PUT IN FRONT OF	188	4
A NONDRUG	EXHIBIT , YES, WE NORMALLY	196	9
WITH RESPECT TO THAT	EXHIBIT ; IS THAT RIGHT? A	196	10
TO YOU GOVERNMENT'S	EXHIBIT 67, IS THAT IN FRONT	205	6
YOUR RIGHT, ARE THE	EXHIBIT S THAT PERTAIN TO	205	8
IF YOU CAN PICK UP	EXHIBIT 67, SIR? A (HOLDS	205	9
SIR? A (HOLDS UP	EXHIBIT .) Q AND CAN YOU	205	10
MOVE FOR ADMISSION OF	EXHIBIT 67 AT THIS TIME.	205	18
(	EXHIBIT 67 # RECEIVED IN	205	21
THAT YOU LIFTED,	EXHIBIT 67, TO ANOTHER SET OF	206	1
YOU TO GOVERNMENT'S	EXHIBIT 66, IS THAT NEAR YOU,	206	4
OF YOU DESIGNATED	EXHIBIT NO. 66? A YES, I	206	13
CAMARENA, WHICH IS	EXHIBIT NO. 66. Q NOW, IF	206	20
TO THE FINAL	EXHIBIT BEHIND YOU,	206	21
YOU, GOVERNMENT'S	EXHIBIT 68, IF I CAN ASK YOU	206	22
DESCRIBE WHAT THAT	EXHIBIT CONTAINS. A	206	23
(HOLDS UP.) THIS	EXHIBIT CONTAINS BLOWUPS OF	206	24
NO. 2 ON HERE, ON	EXHIBIT NUMBER 68, AND THE	207	2
FINGER APPEARING ON	EXHIBIT NO. 66, WHICH IS A	207	3
THE ADMISSION OF THIS	EXHIBIT AT THIS TIME.	207	23
(	EXHIBIT 68 # RECEIVED IN	208	1
A (DISPLAYS	EXHIBIT .) IN DOING MY	208	8
FILE IN FRONT OF YOU	EXHIBIT 87 AS WELL AS 16 --	229	5

REPORTERS' CERTIFICATION

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WE, THE UNDERSIGNED OFFICIAL COURT REPORTERS FOR THE UNITED STATES DISTRICT COURTS, HEREBY CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE RECORD OF THIS DATE'S PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

Julie A. Churchill
JULIE A. CHURCHILL, CSR
OFFICIAL COURT REPORTER

DATED: JUNE 7, 1990

Susan A. Lee
SUSAN A. LEE, CSR
OFFICIAL COURT REPORTER

DATED: JUNE 7, 1990

