

1 APPEARANCES OF COUNSEL:

2 FOR THE PLAINTIFF:

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4 UNITED STATES ATTORNEY
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12 FOR DEFENDANT JUAN RAMON MATTA-BALLESTEROS DEL POZO:

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14 MICHAEL J. BURNS, ESQ.
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16 ATTORNEYS AT LAW
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20 FOR DEFENDANT RUBEN ZUNO-ARCE:

21 MITCHELL, SILBERBERG & KNUPP
22 BY: EDWARD M. MEDVENE, ESQ.
23 JAMES BLANCARTE, ESQ.
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28 FOR DEFENDANT JUAN JOSE BERNABE-RAMIREZ:

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34 AND
35 BRIDGMAN, MORDKIN, GOULD & SHAPIRO, INC.
36 BY: MICHAEL S. MEZA, ESQ.
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1 APPEARANCES (CONTINUED):

2 FOR DEFENDANT JAVIER VASQUEZ-VELASCO:

3 FEDERAL LITIGATORS GROUP
4 BY: GREGORY NICOLAYSEN, ESQ.
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6 BEVERLY HILLS, CALIFORNIA 90211
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8 ALSO PRESENT:

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

11 SPANISH INTERPRETERS

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1 LOS ANGELES, CALIFORNIA; MONDAY, NOVEMBER 5, 1990; 10:00

2 THE CLERK: CRIMINAL 87-422. UNITED STATES OF
3 AMERICA VERSUS JUAN RAMON-MATTA BALLESTEROS AND OTHERS.
4 COUNSEL, PLEASE STATE YOUR NAME FOR THE RECORD.

5 MR. MEDRANO: GOOD MORNING, YOUR HONOR, FOR THE
6 UNITED STATES, MANUEL MEDRANO, JOHN CARLTON AND SPECIAL
7 AGENT DOUG KUEHL.

8 MR. STOLAR: MARTIN STOLAR AND MICHAEL BURNS FOR
9 DEFENDANT MATTA-BALLESTEROS.

10 MR. MEDVENE: FOR DEFENDANT ZUNO-ARCE, EDWARD
11 MEDVENE AND JAMES BLANCARTE, YOUR HONOR.

12 MR. NICOLAYSEN: GOOD MORNING, YOUR HONOR, GREGORY
13 NICOLAYSEN FOR DEFENDANT VASQUEZ-VELASCO WHO IS PRESENT.

14 THE COURT: WHERE IS HE?

15 MR. NICOLAYSEN: HE IS IN THE FRONT ROW.

16 MR. MEZA: MIKE MEZA AND MARY KELLY ON BEHALF OF
17 DEFENDANT BERNABE-RAMIREZ.

18 THE COURT: NOW, I WANT TO DISCUSS WITH YOU A FEW
19 THINGS PRELIMINARILY. THEN I AM GOING TO BRING THE JURORS
20 DOWN AND TALK TO THEM SELECTIVELY FOR A MINUTE OR TWO JUST
21 TO GIVE THEM SOME INSTRUCTIONS AND TELL THEM HOW WE INTEND
22 TO PROCEED AND THEN WE WILL BEGIN THE PROPOSED JURY
23 QUESTIONS.

24 NOW, THE COURT IS HOLDING THIS SESSION IN OPEN
25 COURT BECAUSE I BELIEVE THE DEFENDANTS HAVE A RIGHT TO BE

1 PRESENT AND MY CHAMBERS ARE NOT BIG ENOUGH FOR ALL PEOPLE TO
2 BE INVOLVED. THEY SHOULD BE PRESENT AT THESE PROCEEDINGS.

3 AS I TOLD YOU THE LAST TIME, WHEN THIS HEARING IS
4 OVER AND WHEN ALL THE EVIDENCE HAS BEEN ELICITED, THEN IT
5 WILL BE THE RESPONSIBILITY FOR EACH COUNSEL WITHIN TEN DAYS
6 AFTER THE CONCLUSION OF THIS HEARING TO SUBMIT TO THE COURT
7 A BRIEF OR A MEMORANDUM ON BEHALF OF YOUR OWN CLIENT USING
8 THE EVIDENCE THAT IS PRESENTED IN DEMONSTRATING TO THE COURT
9 WHY YOUR CLIENT IS ENTITLED TO A NEW TRIAL. IT IS NOT GOOD
10 ENOUGH TO HAVE ALL DEFENDANTS JOIN TOGETHER BECAUSE EACH
11 DEFENDANT IS SEPARATELY AFFECTED AND IN DIFFERENT WAYS.

12 THE SCOPE OF THE HEARING WILL BE AS FOLLOWS.

13 AT THE HEARING ON THE OCTOBER 15, 1990, THE COURT
14 TOOK UNDER SUBMISSION SUGGESTIONS CONCERNING THE SCOPE OF
15 THE HEARING, THAT IS, OTHER INQUIRIES THAT OUGHT TO BE MADE
16 IN ADDITION TO THOSE THAT THE COURT INDICATED WOULD BE
17 MADE.

18 I HAVING HEARD AND CONSIDERED THOSE SUGGESTIONS. I
19 BASICALLY DO NOT INTEND TO EXPAND THE SCOPE OF THE HEARING
20 SPECIFICALLY ON THE FOLLOWING SUBJECTS: THE ATTORNEY
21 GENERAL THORNBURGH ARTICLE. AFTER REVIEWING THE COMMENTS
22 RECEIVED FROM THE ATTORNEYS, THE COURT BELIEVES THAT IT IS
23 UNNECESSARY TO INCLUDE INQUIRY INTO THE ATTORNEY GENERAL
24 THORNBURGH ARTICLE. THAT ARTICLE'S PRIMARY REFERENCE AND
25 BASICALLY ONLY REFERENCE TO THIS CASE WAS THORNBURGH'S

1 STATEMENT THAT," WE WILL NOT LET REST CAMARENA'S MURDER.
2 WE WILL HAVE BROUGHT TO THE BAR OF JUSTICE THOSE PERSONS
3 RESPONSIBLE." AT THIS TIME THERE IS NO INDICATION THE JURORS
4 TALKED ABOUT ANY STATEMENT MADE BY THORNBURGH. FURTHERMORE,
5 THE COURT, ACCEPTING THE ALLEGATION THAT THE JURY WAS EXPOSED
6 TO THIS ARTICLE, THE COURT IS ABLE TO DETERMINE WHETHER THE
7 ARTICLE WAS PREJUDICIAL WITHOUT THE NEED FOR ANY FURTHER
8 QUESTIONS ON THE SUBJECT, SO IT IS THE COURT'S OPINION THAT
9 NO FURTHER INQUIRY IS NEEDED.

10 THE PRESS ACCOUNTS OF D.E.A. AGENT BERRELLEZ WAS
11 ONE OF THE OTHER AREAS THAT COUNSEL SOUGHT TO OPEN FOR
12 QUESTION. IT IS UNNECESSARY, IN THE COURT'S VIEW, THAT THIS
13 BE DONE BECAUSE IT INVADES THE INTERNAL THOUGHT PROCESSES OF
14 THE JURORS AND IS NOT SUBJECT TO INQUIRY. THIS NOTION THAT
15 FEELINGS OF PATRIOTISM AND EMOTIONAL BONDS WITH WITNESSES IS
16 NOT GROUNDS FOR A NEW TRIAL. FURTHERMORE, IT IS NOT
17 PROPERLY THE SUBJECT OF ANY INQUIRY. THE TOPIC IS
18 IRRELEVANT IN DECIDING THIS MOTION. FURTHER INQUIRY IS NOT
19 NECESSARY AND THERE WILL BE NONE. AT THIS TIME, AT LEAST,
20 THERE IS NO INDICATION THAT ANY JUROR DISCUSSED ANY ARTICLE
21 CONCERNING AGENT BERRELLEZ.

22 EX PARTE CONTACT BY COURTHOUSE PERSONNEL. THE
23 GOVERNMENT HAS NOT CONTRADICTED THESE ALLEGATIONS. THE
24 COURT HAS SUFFICIENT INFORMATION CONCERNING THE TIME, PLACE
25 AND CONTENT OF THESE ALLEGED CONTACTS TO FULLY EVALUATE ANY

1 POTENTIAL FOR PREJUDICE EXCEPT FOR THE ALLEGATION THAT A
2 BAILIFF STATED SOMETHING TO THE EFFECT THAT HE COULD NOT
3 SERVE ON A JURY BECAUSE HE WOULD ONLY BE ABLE TO VOTE ONE
4 WAY. THE COURT BELIEVES THAT THIS ALLEGATION IS NOT
5 SUFFICIENTLY PARTICULARIZED AT THIS TIME AND THE COURT WILL
6 INQUIRE ABOUT THIS TO DETERMINE IF ANY JUROR HEARD THAT
7 STATEMENT MADE.

8 PESO/ DOLLAR EXCHANGE. AT THE OCTOBER 15TH HEARING
9 IT WAS REQUESTED THAT THE COURT MAKE FURTHER INQUIRY OF THE
10 PESO/ DOLLAR EXCHANGE RATE ALLEGEDLY USED BY THE JURY. THE
11 COURT BELIEVES NO FURTHER INQUIRY IS NEEDED FOR THE REASONS
12 THAT I PREVIOUSLY STATED.

13 THE JURORS' ALLEGED PRETRIAL BIAS.

14 IT WAS SUGGESTED AT THE OCTOBER 15TH HEARING THAT
15 INQUIRY SHOULD BE MADE INTO WHETHER A JUROR WAS CAPABLE OF
16 AND ACTUALLY DID DECIDE THE VERDICT IN THIS CASE SOLELY ON
17 THE EVIDENCE ADMITTED AT TRIAL. THIS IS A DEFENDANT'S
18 POSITION. BUT THAT IS CONTRARY TO THE SUPREME COURT WHICH
19 HAS DISTINGUISHED A CLAIM THAT A JUROR MAY HAVE HAD A
20 PRE-EXISTING BIAS FROM CLAIMS OF JURY MISCONDUCT. THE COURT
21 HAS HELD THAT SUCH DETERMINATION MAY PROPERLY BE MADE AT A
22 HEARING. THE COURT BELIEVES INQUIRY INTO WHETHER THE JUROR
23 WAS CAPABLE OF AND WHETHER SHE ACTUALLY DID DECIDE THE
24 VERDICT ON THE EVIDENCE, AND NOT ON HER ALLEGED PRETRIAL
25 BIAS, IS A NECESSARY STEP IN DETERMINING WHETHER DEFENDANTS

1 WERE GIVEN A FAIR TRIAL, AND THE COURT INTENDS TO INQUIRE
2 ABOUT THAT ISSUE.

3 NOW, THE DEFENDANTS HAVE CONTINUED TO FILE THINGS,
4 INCLUDING AS LATE AS TODAY, WHICH ARE NOT VERY HELPFUL. WITH
5 RESPECT TO THE SUGGESTED QUESTIONS THAT THE COURT HAS ASKED
6 COUNSEL TO SUBMIT, THE ONLY QUESTIONS THAT WERE HELPFUL WERE
7 THOSE SUBMITTED BY COUNSEL FOR MR. ZUNO. THE OTHERS WERE
8 CLEARLY IMPROPER QUESTIONS. THEY INVADE THE THOUGHT
9 PROCESSES OF THE JURY. THEY ARE INQUISITORIAL IN THEIR
10 NATURE, AND THEY WERE NOT DEEMED BY THE COURT TO BE
11 APPROPRIATE. THE COURT HAS INCORPORATED ANY OF THE
12 QUESTIONS THAT HAVE BEEN SUBMITTED WHICH IT CONSIDERS TO BE
13 APPROPRIATE. ANY OTHERS MAY BE DEEMED DENIED.

14 NOW, SINCE THAT HEARING, COUNSEL FOR MR. ZUNO HAVE
15 FILED ADDITIONAL QUESTIONS, NONE OF WHICH THE COURT IS GOING
16 TO GRANT, ALTHOUGH MANY OF WHICH WILL BE COVERED BY THE
17 PRESENT INQUIRY.

18 THE PAPERS IN THE JURY ROOM -- SKIMMING HEADLINES,
19 RADIO AND TELEVISION BROADCASTS, PESO/ DOLLAR EXCHANGE RATE
20 I HAVE ALREADY RULED ON. EX PARTE CONTACT WITH COURT
21 PERSONNEL, I HAVE ALREADY INDICATED WHAT I AM GOING TO DO.
22 SPECIFIC ALLEGATIONS ABOUT JUROR WEST. I BELIEVE THIS WILL
23 BE COVERED DURING THE EXAMINATION OF THE JURORS THAT WILL
24 TAKE PLACE. THERE IS AN ALLEGATION HERE, WITHOUT ANY
25 SUBSTANTIATION OR FACTUAL BASIS, THAT ONE OF THE JURORS HAD

1 COMMUNICATION WITH MEMBERS OF THE GOVERNMENT PROSECUTION
2 TEAM. IS THAT BASED ON ANYTHING OTHER THAN YOUR
3 SUPPOSITION? IN ANY EVENT, I AM NOT GOING TO GO INTO IT.
4 THAT WILL BE THE SCOPE OF THE HEARING. I AM GOING TO BRING
5 THE ENTIRE JURY PANEL HERE FIRST FOR SOME PRELIMINARY
6 INSTRUCTIONS, BASICALLY TO TELL THEM WHAT WE ARE GOING TO DO
7 AND HOW WE ARE GOING TO DO IT. THEN THEY WILL BE RETURNED
8 TO THE JURY ROOM AND WE WILL THEN START WITH THE JURORS IN
9 THE ORDER THAT THEY APPEARED ON THE PANEL. JUROR NUMBER ONE
10 WILL BE FIRST, JUROR NUMBER TWO AND SO FORTH.

11 MR. MEDRANO: YOUR HONOR --

12 THE COURT: YES.

13 MR. MEDRANO: WOULD THE COURT ENTERTAIN FURTHER
14 ARGUMENT ON THE POSSIBILITY OF A CLOSED IN CAMERA HEARING
15 WITH REGARD TO THE JURORS?

16 THE COURT: NO.

17 BRING THE JURY PANEL DOWN, PLEASE.

18 THE COURT: LADIES AND GENTLEMEN OF THE JURY, LET
19 ME WELCOME YOU BACK. WE ARE GOING TO CONDUCT A HEARING
20 TODAY AT WHICH EACH OF YOU WILL BE CALLED TO INDIVIDUALLY
21 TESTIFY IN THIS CASE. YOU WILL BE SWORN AND YOU WILL
22 TESTIFY ONE AT A TIME BEGINNING WITH JUROR NUMBER ONE AND SO
23 FORTH AND RIGHT ON THROUGH.

24 NOW, AFTER YOU HAVE GIVEN YOUR TESTIMONY HERE IN
25 COURT, YOU WILL THEN BE ASKED TO RETURN UPSTAIRS TO ANOTHER

1 JURY ROOM AND YOU WILL BE ASKED AND YOU ARE ASKED AND
2 ORDERED NOT TO DISCUSS YOUR TESTIMONY WITH ANY OTHER JUROR
3 OR ANYONE ELSE.

4 WHAT TAKES PLACE WHEN YOU ARE HERE IN COURT IS
5 BETWEEN YOU AND THE COURT. IT SHOULD NOT BE DISCUSSED WITH
6 ANY OTHER JUROR OR WITH ANYONE ELSE. IF IT IS NECESSARY --
7 THIS HEARING MAY NOT BE FINISHED UNTIL AFTER LUNCH.
8 THEREFORE, YOU WILL BE TAKEN TO LUNCH AS THOUGH YOU WERE
9 STILL A DELIBERATING JURY. I WILL ASK THEN THAT THE JURORS
10 RETURN TO THE JURY ROOM EXCEPT FOR MISS HINES. YOU WILL BE
11 THE FIRST WITNESS AND WE WILL ASK YOU TO REMAIN.

12 MISS HINES, PERHAPS YOU COULD MOVE DOWN HERE TO THE
13 -- PERHAPS WE COULD HAVE YOU HERE ON THE WITNESS STAND.

14 SWEAR THE JUROR.

15 MYRTLE HINES, WITNESS, DULY SWORN.

16 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR
17 FULL NAME FOR THE RECORD.

18 THE WITNESS: MYRTLE HINES.

19 DIRECT EXAMINATION BY THE COURT:

20 Q. MISS HINES, I AM GOING TO BE ASKING YOU THE QUESTIONS
21 HERE. AT ANY TIME DURING THE TRIAL ON WHICH YOU SERVED AS A
22 JUROR OR DURING THE JURY DELIBERATION, DID YOU BECOME AWARE
23 THAT THE DEFENDANT MATTA HAD PREVIOUSLY BEEN CONVICTED OF
24 ANOTHER CRIME AT ANY TIME EITHER DURING THE TRIAL OR DURING
25 THE JURY DELIBERATION?

1 A. NO, I WAS NOT AWARE.

2 Q. YOU NEVER HEARD THAT INFORMATION FROM ANYONE?

3 A. NO, I DID NOT.

4 Q. ALL RIGHT. DID YOU BECOME AWARE AT ANY TIME DURING THE
5 TRIAL OR DURING JURY DELIBERATIONS THAT THE DEFENDANT MATTA
6 WAS ALREADY SERVING A LIFE SENTENCE?

7 A. NO. I WAS NOT AWARE OF THAT.

8 Q. AT ANY TIME?

9 A. AT ANY TIME.

10 Q. NEVER HEARD THAT?

11 A. NEVER HEARD THAT.

12 Q. ALL RIGHT. AT ANY TIME DURING THE TRIAL OR JURY
13 DELIBERATIONS, DID YOU BECOME AWARE OF ANY NEWS REPORTS,
14 EITHER TELEVISION, RADIO, NEWSPAPER OR FROM ANOTHER PERSON
15 REGARDING THE JURY'S VERDICT WITH RESPECT TO THE DEFENDANT
16 MATTA?

17 A. NO. I WAS NOT AWARE. I DID NOT BECOME AWARE.

18 Q. IS THAT A SUBJECT THAT WAS DISCUSSED AT ANY TIME BY THE
19 JURY, NEWS REPORTS ABOUT THE MATTA VERDICT?

20 A. NO. THAT WAS NOT A SUBJECT.

21 Q. YOU DID NOT HEAR ANYONE DISCUSS IT?

22 A. NO.

23 Q. AT ANY TIME DURING THE TRIAL OR JURY DELIBERATIONS,
24 WERE YOU AWARE OF ANY NEWS REPORTS REGARDING STATEMENTS BY
25 DEFENSE COUNSEL CONCERNING THE MATTA VERDICT?

1 A. NO, NOT LIKE YOU ARE SAYING IT.

2 Q. WELL, WAS THERE ANY DISCUSSION OF ANY STATEMENTS BY
3 COUNSEL THAT WERE CRITICAL OF THE JURY?

4 A. THERE WAS A DISCUSSION BY ONE OF THE DEFENSE COUNSEL
5 CONCERNING ANOTHER CASE THAT MATTA WAS INVOLVED IN.

6 Q. WELL, CAN YOU RECALL EXACTLY WHAT IT WAS THAT YOU HEARD
7 IN THAT REGARD?

8 A. OKAY. I OVERHEARD -- I THINK IT WAS, UH, MR. STOLAR
9 -- SAYING THAT MATTA -- THERE WAS SOME OTHER CHARGES
10 PENDING AGAINST MATTA BUT THESE WERE IN ANOTHER COURT -- TO
11 BE HANDLED IN ANOTHER COURT AT ANOTHER TIME AND WE SHOULD
12 NOT INVOLVE OURSELVES WITH THAT CASE.

13 Q. WELL, I AM NOT TALKING ABOUT THINGS YOU HEARD IN COURT.

14 A. OKAY.

15 I THOUGHT YOU SAID DURING THE TRIAL.

16 Q. WELL, I DID SAY THAT, BUT I REALLY DIDN'T MEAN WHAT
17 YOU HEARD HERE IN COURT. I AM TRYING TO GET AT WHAT YOU
18 HEARD OUTSIDE THE COURT.

19 NOW, DID YOU AT ANY TIME DURING THE TRIAL OR JURY
20 DELIBERATIONS BUT NOT HERE IN COURT --

21 A. NO.

22 Q. -- THAT WAS NOT DURING THE CONDUCT OF THE CASE, WERE
23 YOU AWARE OF ANY NEWS REPORTS REGARDING STATEMENTS BY
24 DEFENSE COUNSEL CONCERNING THE MATTA VERDICT?

25 A. NO, NO NEWS REPORTS, NO, I WAS NOT AWARE.

1 Q. WERE YOU AT ANY TIME DURING THE TRIAL OR JURY
2 DELIBERATIONS AND I MEAN NOW AGAIN SPECIFYING NOT WHAT
3 YOU HEARD HERE IN COURT -- DURING THE TRIAL OR JURY
4 DELIBERATIONS, DID YOU BECOME AWARE ON THE BASIS OF
5 INFORMATION RECEIVED FROM OUTSIDE THE COURT THAT THE
6 DEFENDANT MATTA WAS A DRUG KINGPIN?

7 A. NO. I DID NOT BECOME AWARE.

8 Q. AT ANY TIME DURING THE TRIAL OR JURY DELIBERATIONS --
9 AGAIN INCLUDING WHAT YOU HEARD HERE DURING THE TRIAL, DID
10 YOU LEARN THAT THERE HAD BEEN AN EARLIER TRIAL DEALING WITH
11 THE CAMARENA CASE AND THAT CERTAIN DEFENDANTS, OTHER
12 DEFENDANTS HAD ALREADY BEEN CONVICTED AND SENTENCED?

13 A. COULD YOU REPEAT THAT AGAIN.

14 Q. DID YOU LEARN DURING THE TRIAL OR DURING JURY
15 DELIBERATIONS THAT THERE HAD BEEN AN EARLIER TRIAL DEALING
16 WITH THE CAMARENA CASE AND THAT CERTAIN OTHER DEFENDANTS HAD
17 ALREADY BEEN CONVICTED AND SENTENCED?

18 A. ONLY DURING THE TRIAL. THAT WAS STATED THAT THERE WAS
19 ANOTHER CAMARENA CASE.

20 Q. YOU HEARD THAT DURING THE TRIAL?

21 A. YES.

22 Q. BUT THAT IS NOT A SUBJECT THAT YOU HEARD DISCUSSED AT
23 ANY TIME IN THE JURY ROOM?

24 A. NO.

25 Q. ALL RIGHT. AT ANY TIME DURING THE TRIAL OR JURY

1 DELIBERATIONS, DID YOU BECOME AWARE THAT A MEXICAN DOCTOR
2 KNOWN AS DOCTOR ALVAREZ MACHAIN HAD BEEN ABDUCTED OR
3 KIDNAPPED FROM MEXICO AND BROUGHT TO THE UNITED STATES IN
4 CONNECTION WITH THE CAMARENA CASE?

5 A. SIR, I WAS AWARE -- THAT WAS THE ONE THING THAT I WROTE
6 ON MY QUESTIONNAIRE BEFORE THE HEARING. I WAS AWARE OF THAT
7 AT THE TIME, BUT THAT WAS NOT A DISCUSSION -- A SUBJECT OF
8 THE DISCUSSION WE HAD IN THE JURY ROOM.

9 Q. WELL, YOU KNEW THAT BEFORE YOU BECAME A JUROR IN THIS
10 CASE?

11 A. EXACTLY.

12 Q. AND YOU DID PUT THAT ON YOUR QUESTIONNAIRE?

13 A. YES, I DID.

14 Q. ALL RIGHT. BUT YOU DID NOT HEAR ANYTHING FURTHER ABOUT
15 IT DURING THE JURY TRIAL, THAT IS, DURING THE TRIAL OR JURY
16 DELIBERATIONS?

17 A. I DON'T KNOW WHO BUT ONE OF THE WITNESSES MADE A
18 STATEMENT THAT ONE OF THE GUYS PASSED OUT AND THE DOCTOR HAD
19 TO REVIVE THEM. DURING OUR DISCUSSION SOMEBODY SAID, WERE
20 THEY TALKING ABOUT THE DOCTOR FROM MEXICO? THAT WAS SAID
21 DURING THE DELIBERATIONS. WAS THAT WHEN WE WERE READING OUR
22 NOTES?

23 Q. I SEE. AND WAS THAT ALL THAT WAS SAID ABOUT THAT?

24 A. YES.

25 Q. AND DID THIS -- WHEN WAS IT THAT THIS DISCUSSION TOOK

1 PLACE? DURING THE DELIBERATIONS?

2 A. DURING THE DELIBERATION WE WERE GOING OVER THE
3 TESTIMONY OF ONE OF THE WITNESSES. THAT WAS SAID.

4 Q. WAS THIS -- CAN YOU BE MORE SPECIFIC ABOUT THE TIME,
5 WAS THIS BEFORE ANY VERDICT HAD BEEN REACHED?

6 A. SIR, I DON'T REMEMBER NOW. I REALLY DON'T.

7 Q. BUT THAT IS THE ONLY REFERENCE THAT YOU CAN RECALL
8 ABOUT IT THAT TOOK PLACE?

9 A. YES.

10 Q. WAS IT IN DISCUSSING THE TESTIMONY OF A WITNESS WHO HAD
11 TESTIFIED ABOUT A DOCTOR HAVING REVIVED IN THE CAMARENA
12 CASE?

13 A. YES.

14 Q. AT ANY TIME DURING THE TRIAL OR JURY DELIBERATIONS, DID
15 YOU BECOME AWARE OF ANY MEDIA REPORT OR OTHER STATEMENT THAT
16 THE CURRENT MEXICAN GOVERNMENT WAS CORRUPT AND WAS NOT
17 COOPERATING IN THE INVESTIGATION OF THE CAMARENA CASE? DID
18 YOU HEAR THAT AT ANY TIME?

19 A. NO, NO.

20 Q. DID YOU AT ANY TIME BECOME AWARE THAT MARSHAL CLAY
21 MITCHELL, WHO WAS ONE OF THE BAILIFFS, TOLD ONE OR MORE OF
22 THE JURORS THAT HE COULD NOT SERVE ON A JURY BECAUSE HE
23 WOULD ONLY BE ABLE TO VOTE ONE WAY?

24 A. NO.

25 Q. DID YOU EVER HEAR THAT?

1 A. I HAVE NEVER HEARD THAT STATEMENT.

2 Q. SO YOU NEVER BECAME AWARE OF THAT AT ALL?

3 A. NO, NEVER.

4 Q. WELL, I HAVE NO FURTHER QUESTIONS FOR YOU, MISS HINES.

5 I WILL EXCUSE YOU NOW AND ASK YOU TO RETURN TO THE JURY ROOM

6 WHERE THE BAILIFF WILL SHOW YOU.

7 A. THANK YOU.

8 Q. WE WILL ASK FOR MR. WEST, JOHN WEST. HE IS TO BE NEXT

9 TO APPEAR. THANK YOU, MISS HINES.

10 MR. MEDVENE: MAY I JUST QUESTION BRIEFLY, YOUR

11 HONOR?

12 THE COURT: (INDICATING.)

13 MR. MEDVENE: WERE YOU GOING TO PICK UP ANY

14 QUESTIONS AT ALL ABOUT NEWSPAPERS, WHETHER ANY NEWSPAPERS

15 WERE IN THE JURY ROOM THROUGHOUT THE TRIAL? IF YOU WERE, I

16 WASN'T SURE WHAT YOUR RULING WAS ON THAT.

17 THE COURT: WELL, I SAID NO. THERE ALREADY HAS

18 BEEN ENOUGH RECORD ON THAT.

19 MR. MEDVENE: THERE IS ONLY A RECORD, YOUR HONOR,

20 OF THE PAPERS THAT WERE FOUND AT THE TIME THAT THE REPORTER

21 WAS THERE, BUT THERE IS NO PARTICULAR RECORD ABOUT PRIOR TO

22 THAT SO --

23 THE COURT: I HAVE ALREADY RULED ON WHAT THE SCOPE

24 OF THIS HEARING WAS AND THAT WAS EXCLUDED.

25 MR. MEDVENE: ALL RIGHT, SIR. THERE IS ONE OTHER

1 QUESTION AND THAT IS --

2 THE COURT: I AM NOT INVITING QUESTIONS, SIR. JUST
3 BE SEATED.

4 MR. MEDVENE: I WANT TO MAKE MY RECORD, YOUR
5 HONOR. I WOULD LIKE YOUR HONOR TO ASK A QUESTION WHETHER
6 THESE JURORS HAVE DISCUSSED WITH ANY OTHER JURORS THE
7 ALLEGATIONS OF MISCONDUCT AND BEFORE COMING HERE IF THEY
8 TALKED TO ONE ANOTHER ABOUT THIS PROCEEDING OR WHAT THEY
9 MIGHT SAY. I JUST ASK IF YOU WOULD ASK THAT.

10 THE COURT: THAT IS DENIED.

11 MR. MEDVENE: THANK YOU, VERY MUCH, YOUR HONOR.

12 MR. STOLAR: YOUR HONOR, SO THE RECORD IS CLEAR, IN
13 THE DECLARATION OF BRUCE MITCHELL THAT WAS SUBMITTED BY
14 THE --

15 THE COURT: JUST A MOMENT.

16 MR. WEST, COME FORWARD HERE, PLEASE.

17 JOHN WEST, WITNESS, DULY SWORN.

18 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR
19 FULL NAME FOR THE RECORD.

20 THE WITNESS: JOHN WARD WEST.

21 DIRECT EXAMINATION BY THE COURT:

22 Q. MR. WEST, I AM GOING TO ASK YOU A SERIES OF QUESTIONS
23 HERE THAT RELATE TO THE TIME THAT THE JURY WAS NOT IN THE
24 COURTROOM HEARING THE CASE, SO MY QUESTIONS RELATE TO THE
25 TIME DURING THE TRIAL OR JURY DELIBERATIONS WHEN YOU WERE

1 NOT ACTUALLY IN THE COURT HEARING EVIDENCE OR ARGUMENT IN
2 THE CASE.

3 DO YOU UNDERSTAND?

4 A. YES.

5 Q. ALL RIGHT. SO MY QUESTION IS FIRST, AT ANY TIME DURING
6 THE TRIAL OR THE JURY DELIBERATIONS DID YOU BECOME AWARE
7 THAT THE DEFENDANT MATTA HAD PREVIOUSLY BEEN CONVICTED OF
8 ANOTHER CRIME?

9 A. NO, SIR.

10 Q. YOU NEVER BECAME AWARE OF THAT?

11 A. NO, SIR.

12 Q. DID YOU AT ANY TIME DURING THE TRIAL OR THE JURY
13 DELIBERATIONS BECOME AWARE THAT THE DEFENDANT MATTA WAS
14 SERVING A LIFE SENTENCE?

15 A. NO, SIR.

16 Q. YOU DID NOT?

17 A. NO, SIR.

18 Q. DID YOU AT ANY TIME DURING THE TRIAL OR DURING THE JURY
19 DELIBERATIONS BECOME AWARE OF ANY NEWS REPORTS, EITHER
20 TELEVISION, RADIO, NEWSPAPER OR FROM ANOTHER PERSON
21 REGARDING THE JURY'S VERDICT WITH RESPECT TO THE DEFENDANT
22 MATTA?

23 A. I BECAME AWARE THAT THERE WERE REPORTS ABOUT OUR
24 VERDICT BUT I DID NOT HEAR IT ON RADIO OR WATCH IT ON TV.

25 Q. WELL, CAN YOU DESCRIBE WHAT IT WAS THAT YOU HEARD?

1 A. I HEARD THAT THERE WAS A CRITICISM ABOUT THE JURY,
2 ABOUT THE JURY'S VERDICT.

3 Q. REGARDING MR. MATTA?

4 A. REGARDING OUR VERDICT ON MR. MATTA.

5 Q. AND WHEN DID YOU FIRST HEAR THAT?

6 A. I HEARD THAT THERE WERE REPORTS OF IT -- I BELIEVE IT
7 WAS A FRIDAY AFTER WE GAVE OUR VERDICT.

8 Q. WAS IT THE DAY AFTER OR LATER?

9 A. THE DAY AFTER.

10 Q. THE DAY AFTER THE VERDICT WAS RENDERED?

11 A. YES.

12 Q. FROM WHOM DID YOU HEAR ABOUT THESE NEWS REPORTS? YOU
13 DIDN'T HEAR THEM YOURSELF?

14 A. IT WAS MENTIONED IN THE DELIBERATION ROOM THAT THERE
15 WERE COMMENTS MADE, BUT I DIDN'T KNOW WHAT THOSE COMMENTS
16 WERE.

17 Q. YOU, YOURSELF, NEVER HEARD THE COMMENTS?

18 A. NO, SIR.

19 Q. OR READ THEM?

20 A. NO, SIR.

21 Q. DO YOU RECALL WHO IT WAS THAT FIRST DISCUSSED THIS
22 REPORT?

23 A. NO, SIR. IT MIGHT HAVE BEEN ONE OF THE GIRLS
24 MENTIONING THAT SOME COMMENTS WERE MADE ON THE RADIO. I
25 THINK SHE SAID SHE HEARD IT ON THE RADIO DRIVING HOME.

1 Q. DID THE JURY DISCUSS THE NEWS REPORTS CONCERNING THE
2 MATTA VERDICT, WITHOUT TELLING ME WHAT WAS SAID.

3 A. NOT TO MY KNOWLEDGE.

4 Q. YOU WOULD SAY OTHER THAN THE FACT THAT THERE WAS A
5 STATEMENT MADE ABOUT THE GIST OF THE REPORT, WHAT HAD BEEN
6 REPORTED, THERE WAS NO FURTHER DISCUSSION BY THE JURORS
7 ABOUT IT?

8 A. THE COMMENT THAT I HEARD WAS NOT IN THE FORM OF A
9 DISCUSSION, BUT IT WAS MENTIONED -- I BELIEVE IT WAS
10 MENTIONED BY ONE OF THE GIRLS THAT EITHER IN THE OPINION OF
11 THE COMMENTATOR ON THE NEWS THEY WERE HIGHLY CRITICAL OF THE
12 JURY OR THAT THE NEWS REPORTERS WERE REPORTING THAT MR.
13 STOLAR WAS HIGHLY CRITICAL OF THE JURY.

14 Q. AND THAT WAS A DISCUSSION?

15 A. NO, SIR. THAT COMMENT WAS MADE AND --

16 Q. WELL, WAS IT MADE TO YOU PRIVATELY OR WAS IT MADE TO
17 EVERYONE IN THE JURY ROOM?

18 A. AT THE POINT--IT WAS PRIOR TO OUR DELIBERATING FOR THAT
19 DAY. IT WAS EARLY IN THE MORNING AND THE COMMENT WAS MADE,
20 NOT TO ME PERSONALLY, BUT I DO NOT BELIEVE ALL THE JURORS
21 WERE PRESENT, AND I DID NOT HEAR A DISCUSSION REGARDING IT.

22 Q. YOUR RECOLLECTION IS THAT THAT OCCURRED THE MORNING
23 AFTER THE VERDICT WAS RENDERED?

24 A. YES, SIR.

25 Q. WAS THERE ANY DISCUSSION BY ANYONE ABOUT THAT AT ANY

1 LATER TIME?

2 A. NO, SIR.

3 Q. AT ANY TIME DURING THE TRIAL OR JURY DELIBERATIONS, DID
4 YOU BECOME AWARE, ON THE BASIS OF INFORMATION RECEIVED FROM
5 OUTSIDE THE COURT, THAT THE DEFENDANT MATTA WAS A DRUG
6 KINGPIN?

7 A. NO, SIR. THERE WAS A REMARK MADE BY MR. STOLAR IN HIS
8 CLOSING ARGUMENTS OF THE FACT THAT HE WAS APPARENTLY BEING
9 CHARGED. THE OUTCOME OF THAT CHARGE OR EXACTLY WHAT BECAME
10 OF THE CHARGE WAS NEVER KNOWN TO ME.

11 Q. ARE YOU SPEAKING OF THE CLOSING ARGUMENT THAT WAS
12 PRESENTED IN COURT?

13 A. YES, AS FAR AS HIS DRUG CONNECTION.

14 Q. I AM TRYING TO -- BUT YOU DON'T RECALL EVER HAVING
15 RECEIVED SUCH INFORMATION OUTSIDE THE COURT?

16 A. NO, SIR.

17 Q. DO YOU RECALL HEARING ANY DISCUSSIONS TAKING PLACE BY
18 THE JURY REGARDING THE SUBJECT OF MR. MATTA BEING A DRUG
19 KINGPIN?

20 A. I BELIEVE THAT THE FACT THAT HE HAD BEEN CHARGED WITH A
21 DRUG CHARGE PRIOR OR SEPARATE FROM OUR CASE WAS DEFINITELY
22 MENTIONED.

23 Q. WELL, WHAT WAS THE SOURCE OF THAT INFORMATION? WHERE
24 DID THE INFORMATION COME FROM, THAT HE WAS CHARGED IN
25 ANOTHER CASE AS A DRUG KINGPIN?

1 A. TO MY KNOWLEDGE, FROM MR. STOLAR HIMSELF.

2 Q. DURING THE TRIAL?

3 A. DURING THE CLOSING ARGUMENT.

4 Q. DO YOU RECALL HAVING HEARD IT FROM ANY OTHER SOURCE
5 OUTSIDE THE COURTROOM?

6 A. NO, SIR, DEFINITELY NOT.

7 Q. AT ANY TIME DURING THE TRIAL OR THE JURY DELIBERATIONS,
8 DID YOU LEARN OR HEAR THAT THERE HAD BEEN AN EARLIER TRIAL
9 DEALING WITH THE CAMARENA CASE AND THAT CERTAIN DEFENDANTS
10 HAD ALREADY BEEN CONVICTED, THAT IS, OTHER THAN THE ONES
11 THAT WERE ON TRIAL HERE?

12 A. NO, SIR.

13 Q. DID YOU HEAR THAT THERE HAD BEEN AN EARLIER CAMARENA
14 CASE?

15 A. NO, SIR.

16 Q. AND THAT, TO YOUR KNOWLEDGE, WAS NOT DISCUSSED BY
17 ANYONE?

18 A. NO, SIR.

19 Q. ALL RIGHT. DID YOU BECOME AWARE AT ANY TIME DURING THE
20 TRIAL OR JURY DELIBERATIONS THAT A MEXICAN DOCTOR KNOWN AS
21 DOCTOR ALVAREZ MACHAIN HAD BEEN KIDNAPPED FROM MEXICO AND
22 BROUGHT TO THE UNITED STATES IN CONNECTION WITH THE CAMARENA
23 CASE?

24 A. YES, SIR.

25 Q. YOU DID HEAR THAT?

1 A. I DID HEAR THAT THE DOCTOR, I DON'T KNOW THAT I KNEW
2 HIS NAME SPECIFICALLY, BUT THAT A DOCTOR HAD BEEN KIDNAPPED
3 AND BROUGHT HERE.

4 Q. IS THIS SOMETHING THAT YOU HEARD DURING THE TRIAL OR
5 JURY DELIBERATIONS?

6 A. YES, SIR.

7 Q. WHAT INFORMATION DID YOU RECEIVE REGARDING DOCTOR
8 MACHAIN?

9 A. ONLY THE FACT THAT A DOCTOR HAD BEEN -- DURING OUR CASE,
10 THAT A DOCTOR HAD BEEN BROUGHT IN FROM MEXICO IN CONNECTION
11 WITH THE CAMARENA MURDER.

12 Q. DO YOU RECALL WHEN IT WAS THAT YOU FIRST HEARD THAT?

13 A. NO, SIR, NOT SPECIFICALLY.

14 Q. WELL, WAS IT BEFORE OR AFTER THE JURY STARTED
15 DELIBERATING?

16 A. I BELIEVE IT WAS BEFORE THE JURY STARTED DELIBERATING.

17 Q. WAS THAT A SUBJECT THAT WAS DISCUSSED AT ANY TIME
18 DURING THE JURY DELIBERATIONS?

19 A. NO, SIR.

20 Q. AT ANY TIME DURING THE TRIAL OR JURY DELIBERATIONS, DID
21 YOU BECOME AWARE OF ANY MEDIA REPORT OR OTHER STATEMENT THAT
22 THE CURRENT MEXICAN GOVERNMENT WAS CORRUPT AND WAS NOT
23 COOPERATING IN THE INVESTIGATION OF THE CAMARENA CASE?

24 A. NO, SIR.

25 Q. YOU DID NOT HEAR THAT AT ANY TIME?

1 A. NO, SIR.

2 Q. YOU DID NOT HEAR THAT DISCUSSED BY ANY MEMBER OF THE
3 JURY?

4 A. NO, SIR, EXCEPT IN CONNECTION WITH SPECIFIC BITS OF
5 EVIDENCE THAT WERE ADMITTED INTO THE COURT. THERE WAS A
6 COMMENT BY, I BELIEVE THE PROSECUTION, THAT CERTAIN BITS OF
7 INFORMATION WAS NOT ALLOWED OUT OF MEXICO AT A SPECIFIC TIME
8 WHERE INVESTIGATIONS WERE GOING ON BECAUSE OF THE CONDUCT OF
9 THE MEXICAN GOVERNMENT.

10 Q. YOU ARE TALKING ABOUT THE ARGUMENT THAT WAS MADE HERE
11 BY THE PROSECUTOR AT CLOSING ARGUMENT?

12 A. YES, SIR.

13 Q. EXCEPT FOR THAT -- AND I AM TRYING TO STAY AWAY FROM
14 WHAT YOU HEARD IN COURT -- OUTSIDE THE COURTROOM WHILE THE
15 JURY WAS TOGETHER OR AT ANY OTHER TIME, DID YOU HEAR THAT?

16 A. NO, SIR.

17 Q. YOU NEVER HEARD IT DISCUSSED?

18 A. NO, SIR.

19 Q. ALL RIGHT. NOW, DID YOU BECOME AWARE OR DID YOU HEAR
20 THAT ONE OF THE BAILIFFS, ONE OF THE MARSHALS, CLAY
21 MITCHELL, TOLD ONE OR MORE OF THE JURORS THAT HE COULD NOT
22 SERVE ON A JURY BECAUSE HE WOULD ONLY BE ABLE TO VOTE ONE
23 WAY?

24 A. NO, SIR.

25 Q. YOU NEVER HEARD THAT STATEMENT MADE?

1 A. NO, SIR.

2 Q. DID YOU EVER HEAR THAT DISCUSSED BY ANY JUROR?

3 A. NO, SIR.

4 Q. ALL RIGHT.

5 THE COURT: ALL RIGHT.

6 THAT IS ALL THE QUESTIONS I HAVE, FOR YOU, MR.
7 WEST.

8 YOU MAY STEP DOWN AND RETURN TO THE JURY ROOM.

9 MR. MEDVENE: IF THE COURT PLEASE. YOU DIDN'T
10 INQUIRE BY INADVERTANCE, I AM SURE, HOW HE LEARNED OF DOCTOR
11 MACHAIN OR A DOCTOR BEING KIDNAPPED FROM MEXICO. YOU
12 ESTABLISHED HE KNEW OF IT, BUT NOT WHERE HE HEARD OF IT. WE
13 RESPECTFULLY ASK THAT YOU INQUIRE IN THAT AREA, YOUR HONOR,
14 BECAUSE IT MAY LEAD SOMEWHERE.

15 THE COURT: ALL RIGHT.

16 NOW, WHAT WAS IT YOU WANTED TO SAY?

17 MR. STOLAR: WE HAVE TWO THINGS, FROM A DECLARATION,
18 INCLUDING MR. MITCHELL'S THAT MISS KELLY SUBMITTED TO THE
19 COURT, IN THE INTERVIEW OF BOTH MYRTLE HINES AND THE
20 INTERVIEW OF DUANE WOOD THERE IS A REFERENCE TO THE FACT
21 THAT MISS HINES ADMONISHED JUROR JOHN WEST TO STOP TALKING
22 ABOUT INFORMATION THAT WAS HEARD OBVIOUSLY FROM THE
23 NEWSPAPER. IT COMES FROM TWO SOURCES, SO I WOULD THINK THAT
24 MISS HINES SHOULD HAVE BEEN ASKED DID SHE HAVE TO TELL MR.
25 WEST TO STOP TALKING ABOUT SOMETHING THAT HE COULD ONLY HAVE

1 READ IN THE NEWSPAPER.

2 THE SECOND THING IS, THE OTHER QUESTION FOR MISS
3 HINES IS IN PARAGRAPH 3-H OF THE DECLARATION.

4 THE COURT: JUST A MINUTE.

5 PLEASE, SWEAR THE JUROR.

6 NATHANIEL THOMPSON, WITNESS, DULY SWORN.

7 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR
8 FULL NAME FOR THE RECORD.

9 THE WITNESS: NATHANIEL THOMPSON.

10 THE COURT: MR. THOMPSON, I WANT TO ASK YOU A FEW
11 QUESTIONS, SIR.

12 DIRECT EXAMINATION BY THE COURT:

13 Q. AT ANY TIME DURING THE TRIAL OF THIS CASE OR DURING THE
14 JURY DELIBERATIONS, DID YOU BECOME AWARE THAT THE DEFENDANT
15 MATTA, MR. MATTA-BALLESTEROS, HAD PREVIOUSLY BEEN CONVICTED
16 OF ANOTHER CRIME?

17 A. NO.

18 Q. YOU NEVER HEARD THAT?

19 A. NO.

20 Q. YOU NEVER BECAME AWARE OF IT?

21 A. NO, I HAVEN'T.

22 Q. DID YOU AT ANY TIME HEAR THAT THE DEFENDANT MATTA WAS
23 SERVING A LIFE SENTENCE FOR ANOTHER CRIME?

24 A. NO.

25 Q. YOU DID NOT HEAR THAT DURING THIS TRIAL OR JURY

1 DELIBERATIONS?

2 A. I THINK IT WAS MENTIONED ONCE.

3 Q. PARDON?

4 A. I THINK IT WAS MENTIONED ONCE, BUT I DIDN'T PAY NO
5 ATTENTION TO IT.

6 Q. IT WAS MENTIONED ONCE?

7 A. YES.

8 Q. CAN YOU TELL US WHO MENTIONED IT?

9 A. I CAN'T SAY OFFHAND WHO MENTIONED IT.

10 Q. CAN YOU TELL US WHEN IT WAS FIRST MENTIONED?

11 A. I SURE CAN'T.

12 Q. CAN YOU TELL US WHAT YOU HEARD MENTIONED?

13 A. WELL, THE ONLY THING THAT I COULD GATHER, SOMEONE,
14 WHOEVER SPOKE, SAID THAT HE WAS, YOU KNOW, THAT HE WAS
15 SERVING TIME.

16 Q. THAT HE WAS SERVING TIME?

17 A. YES.

18 Q. THAT IS ALL THAT WAS SAID ABOUT IT?

19 A. THAT IS ALL THAT WAS SAID ABOUT IT.

20 Q. CAN YOU REMEMBER WHETHER THAT WAS SAID BEFORE THE JURY
21 REACHED -- FIRST OF ALL, WAS THE JURY IN DELIBERATIONS WHEN
22 THIS WAS SAID OR BEFORE THE DELIBERATIONS?

23 A. UHM, IT COULD HAVE BEEN BEFORE. I DON'T KNOW, BECAUSE
24 I NEVER PAID TOO MUCH ATTENTION TO IT, TO THAT PART OF IT.

25 Q. YOU ARE NOT ABLE TO TELL US WITH ANY MORE EXACTNESS

1 WHETHER IT WAS BEFORE THE DELIBERATIONS OF THE JURY OR
2 AFTER?

3 A. NO. I SURE COULDN'T.

4 Q. YOU DO NOT REMEMBER?

5 A. I DON'T REMEMBER.

6 Q. ALL RIGHT. BUT YOU DO RECALL IN THE INFORMATION THAT
7 YOU THINK YOU HEARD, WAS THAT SOMEONE SAYING MR. MATTA WAS
8 ALREADY SERVING TIME?

9 A. YES.

10 Q. WAS THERE ANY MENTION OF A LIFE SENTENCE?

11 A. NO. IT WASN'T -- WELL, I DON'T KNOW. ALL I HEARD WAS
12 THAT HE WAS SERVING TIME BUT OTHER THAN THAT, I DIDN'T KNOW.

13 Q. WAS THERE ANY DISCUSSION OF WHAT HE WAS SERVING TIME
14 FOR?

15 A. THERE WASN'T NO FURTHER DISCUSSION ON IT.

16 Q. YOU ARE NOT ABLE TO TELL US WHEN YOU HEARD IT?

17 A. NO, I AM NOT.

18 Q. ALL RIGHT. NOW, HOW ABOUT -- DID YOU BECOME AWARE AT
19 ANY TIME HEARING -- DID YOU BECOME AWARE OF ANY NEWS
20 REPORTS, EITHER TELEVISION, RADIO OR NEWSPAPER THAT THE JURY
21 WAS BEING CRITICIZED FOR THE VERDICT IT HAD REACHED IN THE
22 MATTA CASE?

23 A. NO. I HEARD PEOPLE SPEAK OF IT, BUT I NEVER DID READ
24 IT. I DON'T READ PAPERS.

25 Q. I WANT TO KNOW WHAT YOU HEARD, SIR.

1 A. WELL, THE ONLY THING THAT I GATHER, THAT THEY SAID THAT
2 IT WAS -- THAT THE JURY DIDN'T KNOW WHAT THEY WAS DOING OR
3 SOMETHING LIKE THAT. I DON'T KNOW. I DIDN'T PAY TOO MUCH
4 ATTENTION TO IT.

5 Q. WHEN DID YOU FIRST HEAR ABOUT IT?

6 A. THAT WAS ABOUT THE -- DURING THE TIME THAT WE WAS IN
7 DELIBERATIONS.

8 Q. WAS IT AFTER THE VERDICT OR BEFORE? I GUESS IT HAD TO
9 BE AFTER.

10 A. IT HAD TO BE AFTER.

11 Q. CAN YOU PINPOINT EXACTLY WHEN IT WAS AFTER, THE DAY
12 AFTER OR LATER?

13 A. I THINK, IF I AM NOT MISTAKEN, IT COULD HAVE BEEN ABOUT
14 A DAY LATER OR THE NEXT DAY.

15 Q. ALL RIGHT. WAS IT DISCUSSED ONCE OR MORE THAN ONCE?

16 A. WELL, I ONLY HEARD IT ONCE.

17 Q. DO YOU REMEMBER WHO FIRST BROUGHT THAT SUBJECT UP, WHAT
18 WAS THE SOURCE THAT YOU HEARD IT FROM?

19 A. IT WAS -- IF I AM NOT MISTAKEN, IT WAS IN THE PAPER.

20 Q. WELL, BUT DID YOU READ IT IN THE PAPER?

21 A. NO. I DIDN'T READ IT.

22 Q. WAS IT SOMEBODY IN THE JURY ROOM THAT READ IT IN THE PAPER?

23 A. NO. THERE WAS NO ONE IN THE JURY ROOM READING.

24 Q. WELL, WHO DID YOU FIRST HEAR SAY THOSE WORDS?

25 A. IF I CAN RECALL I THINK IT WAS SOMETHING -- IT WAS ON

1 THE TELEVISION.

2 Q. WELL, WHO SAID THEY HEARD IT ON TELEVISION?

3 A. I HEARD IT ON TELEVISION.

4 Q. YOU HEARD IT YOURSELF?

5 A. YES, MYSELF. BUT I DIDN'T READ IT IN NO PAPER.

6 Q. ALL RIGHT. BUT YOU DID HEAR IT ON TELEVISION YOURSELF?

7 A. YES.

8 Q. DID YOU THEN TELL THE JURY ABOUT IT?

9 A. NO.

10 Q. WAS THERE ANYONE ELSE IN THE JURY WHO REPORTED HEARING
11 IT OR SEEING IT?

12 A. NOT THAT I KNOW OF. I DIDN'T HEAR NO ONE SPEAK OF IT.

13 Q. DO YOU REMEMBER THE JURY TALKING ABOUT IT?

14 A. NO, NO, I DIDN'T. NO ONE SPOKE OF IT IN THE JURY ROOM.

15 Q. YOU DID SAY THAT IT WAS MENTIONED?

16 A. YES. BUT NOT IN THE JURY ROOM. BUT I DIDN'T HEAR ANY
17 OF THE JURORS SPEAK OF IT.

18 Q. WHETHER IT WAS IN THE JURY ROOM OR ANYWHERE ELSE, DID
19 ANY JURORS TALK ABOUT IT AMONGST THEMSELVES?

20 A. NO.

21 Q. DIDN'T YOU TELL ME THAT IT WAS MENTIONED IN THE JURY
22 ROOM, THAT THE JURY WAS BEING CRITICIZED?

23 A. NOT IN THE JURY ROOM.

24 Q. WHERE WAS IT THEN?

25 A. I HEARD IT ON THE TV.

1 Q. WELL, I KNOW YOU DID, BUT YOU DIDN'T HEAR ANYBODY TALK
2 ABOUT IT?

3 A. I DIDN'T HEAR ANY OF THE JURORS SPEAK OF IT IN THE JURY
4 ROOM.

5 Q. ALL RIGHT. DID YOU HEAR -- STRIKE THAT.

6 AT ANY TIME DURING THE TRIAL OR JURY DELIBERATIONS,
7 DID YOU BECOME AWARE ON THE BASIS OF INFORMATION RECEIVED
8 FROM OUTSIDE THE COURT THAT THE DEFENDANT, MR. MATTA, WAS A
9 DRUG KINGPIN?

10 A. NO.

11 Q. YOU DID NOT HEAR THAT?

12 A. NO.

13 Q. AT ANY TIME?

14 A. NO.

15 Q. IN THE JURY ROOM OR OTHERWISE?

16 A. NO.

17 Q. YOU DID NOT HEAR ANY OTHER JURORS DISCUSS IT?

18 A. NO. THEY NEVER DID DISCUSS THAT THING WITH ANYBODY.

19 Q. DID YOU HEAR AT ANY TIME DURING THE TRIAL OR JURY
20 DELIBERATIONS THAT THERE HAD BEEN ANOTHER TRIAL EARLIER
21 INVOLVING THE CAMARENA CASE AND THAT THERE HAD BEEN OTHER
22 DEFENDANTS ALREADY CONVICTED AND SENTENCED? DID YOU HEAR
23 ABOUT THAT AT ANY TIME?

24 A. IF I AM NOT MISTAKEN, I THINK IT WAS SPOKEN IN THE
25 COURTROOM ABOUT OTHER TRIALS. THAT WAS DURING -- ABOUT THE

1 FIRST PART OF THE CASE, OF THE INVESTIGATION.

2 Q. DO YOU REMEMBER WHO SPOKE IT IN THE COURTROOM?

3 A. I SURE DON'T.

4 Q. DID YOU EVER HEAR ANY -- SPOKEN IN THE JURY ROOM THAT
5 THERE HAD BEEN AN EARLIER TRIAL DEALING WITH THE CAMARENA
6 CASE AND THAT OTHER DEFENDANTS HAD ALREADY BEEN CONVICTED
7 AND SENTENCED? DID YOU HEAR THAT?

8 A. NO.

9 Q. NEVER?

10 A. NO.

11 Q. DID YOU HEAR AT ANY TIME DURING THE TRIAL OR DURING
12 DELIBERATIONS THAT A MEXICAN DOCTOR KNOWN AS DOCTOR ALVAREZ
13 MACHAIN HAD BEEN ABDUCTED OR KIDNAPPED FROM MEXICO AND
14 BROUGHT TO THE UNITED STATES IN CONNECTION WITH THE CAMARENA
15 CASE?

16 A. I HAVE HEARD OF A DOCTOR, BUT I DON'T TOO MUCH ABOUT
17 IT. I DON'T KNOW THE DETAILS OF IT.

18 Q. WELL, WHAT -- CAN YOU TELL ME YOU HEARD.

19 A. WELL, THE ONLY THING THAT I KNOW ABOUT THIS DOCTOR THAT
20 WAS SUPPOSED TO EXAMINE SOME BODIES IN MEXICO, BUT NOW I
21 DON'T KNOW WHETHER THEY SAID HE WAS ABDUCTED FROM SOME
22 PLACE.

23 Q. YOU DIDN'T HEAR THAT HE WAS KIDNAPPED FROM MEXICO?

24 A. NO.

25 Q. AT ANY TIME?

1 A. NO.

2 Q. EITHER BEFORE THE TRIAL OR DURING THE TRIAL?

3 A. EVEN BEFORE OR AFTER.

4 Q. THAT IS NOT A SUBJECT YOU HEARD DISCUSSED IN THE JURY
5 ROOM?

6 A. NO.

7 Q. NOW, AT ANY TIME DURING THE TRIAL OR JURY
8 DELIBERATIONS, DID YOU BECOME AWARE OF ANY MEDIA REPORT OR
9 OTHER STATEMENTS THAT THE CURRENT MEXICAN GOVERNMENT WAS
10 CORRUPT AND WAS NOT COOPERATING IN THE INVESTIGATION OF THE
11 CAMARENA CASE?

12 A. NO.

13 Q. YOU NEVER HEARD THAT?

14 A. NO.

15 Q. AT ANY TIME?

16 A. NOT AT ANY TIME.

17 Q. YOU DID NOT -- DID YOU HEAR IT DISCUSSED BY ANYONE?

18 A. I NEVER HEARD IT MENTIONED.

19 Q. ALL RIGHT. THAT IS ALL THE QUESTIONS I HAVE FOR YOU,
20 MR. THOMPSON. YOU MAY STEP DOWN AND RETURN TO THE JURY
21 ROOM.

22 THE COURT: I SUGGEST THAT YOU WAIT UNTIL WE ARE
23 FINISHED AND THEN YOU PRESENT TO THE COURT ANY FOLLOW-UP
24 QUESTIONS THAT YOU THINK ARE APPROPRIATE.

25 MR. STOLAR: ALL RIGHT.

1 THE COURT: THAT IS WHY I AM KEEPING THE JURORS
2 HERE.

3 MR. STOLAR: I'D ASK THE COURT, INSTEAD OF
4 SAYING, "DISCUSSION IN THE JURY ROOM," TO SAY "DISCUSSION
5 AMONG THE JURORS "BECAUSE SOMETIMES THEY TAKE THE QUESTION
6 QUITE LITERALLY. THINGS COULD HAVE BEEN DISCUSSED AT LUNCH,
7 FOR EXAMPLE, AND THAT WOULD BE EXCLUDED.

8 MR. MEDRANO: YOUR HONOR, IN ADDITION PERHAPS
9 INTENTIONALLY YOU DIDN'T ASK THIS JURY ABOUT CLAY, THE
10 MARSHAL.

11 THE COURT: WELL, I WILL HAVE TO ASK HIM ABOUT
12 THAT. I ASK YOU TO REMIND ME IN THE FUTURE IF I OMIT ONE OF
13 THESE AREAS.

14 FRANK MARQUEZ, WITNESS, DULY SWORN.

15 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR
16 NAME FOR THE RECORD.

17 THE WITNESS: MY NAME IS FRANK D. MARQUEZ.

18 DIRECT EXAMINATION BY THE COURT:

19 Q. ALL RIGHT. MR. MARQUEZ, AT ANY TIME DURING THE TRIAL
20 OR THE JURY DELIBERATIONS, DID YOU BECOME AWARE THAT THE
21 DEFENDANT MATTA HAD PREVIOUSLY BEEN CONVICTED OF ANOTHER
22 CRIME?

23 A. NO.

24 Q. YOU NEVER HEARD THAT?

25 A. NO.

1 Q. ALL RIGHT. DID YOU AT ANY TIME HEAR DURING THE JURY
2 DELIBERATIONS OR IN THE JURY ROOM AT ANY OTHER TIME THAT
3 MR. MATTA -- OR NOT ONLY IN THE JURY ROOM BUT AT ANY TIME
4 DURING THE TIME YOU WERE A JUROR ON THIS CASE, DID YOU
5 BECOME AWARE THAT THE DEFENDANT MATTA WAS SERVING A LIFE
6 SENTENCE FOR ANOTHER CRIME?

7 A. NO.

8 Q. YOU DID NOT HEAR THAT AT ANY TIME?

9 A. NO.

10 Q. ALL RIGHT. DID YOU BECOME AWARE DURING THE TIME THAT
11 YOU WERE A JUROR ON THIS CASE THAT THERE HAD BEEN NEWS
12 REPORTS OR EITHER TELEVISION, RADIO OR NEWSPAPERS REGARDING
13 THE JURY'S VERDICT WITH RESPECT TO MR. MATTA, THAT IS, NEWS
14 REPORTS THAT WERE CRITICAL OF THE JURY'S VERDICT?

15 A. OUR VERDICT?

16 Q. YES, IT'S VERDICT ON MR. MATTA?

17 A. NO, I DIDN'T HEAR NOTHING.

18 Q. YOU DID NOT HEAR THAT YOURSELF?

19 A. NO.

20 Q. DID YOU HEAR IT DISCUSSED AT ANY TIME IN THE JURY ROOM?

21 A. NO, NOT THAT I RECALL.

22 Q. DID YOU AT ANY TIME DURING THE -- HEAR THAT ONE OF THE
23 LAWYERS, THE LAWYER FOR MR. MATTA HAD MADE STATEMENTS
24 REGARDING THE JURY'S VERDICT, THE MATTA VERDICT, WHICH WERE
25 CRITICAL OF THE JURORS?

- 1 A. NO, I DIDN'T HEAR NOTHING.
- 2 Q. YOU NEVER HEARD THAT?
- 3 A. NO.
- 4 Q. DID YOU EVER HEAR DURING THE TIME YOU WERE A JUROR ON
5 THIS CASE THAT MR. MATTA WAS A DRUG KINGPIN?
- 6 A. WELL, WHEN YOU EXPLAINED IT TO US.
- 7 Q. WHEN I EXPLAINED IT TO YOU?
- 8 A. WHEN YOU FIRST --
- 9 Q. PARDON?
- 10 A. WHEN WE FIRST HEARD THE CASE.
- 11 Q. WELL, I MEAN OTHER THAN IN THE COURTROOM?
- 12 A. OH, NO.
- 13 Q. I AM TALKING ABOUT IF YOU HEARD HIM DESCRIBE OR
14 SOMEBODY REPORTED OR SAID THAT HE WAS A DRUG KINGPIN?
- 15 A. NO, NO.
- 16 Q. YOU NEVER HEARD THAT AT ANY TIME OUTSIDE THE COURT?
- 17 A. NOT OUTSIDE THE COURTROOM, NO.
- 18 Q. DID YOU LEARN AT ANY TIME WHILE YOU WERE A JUROR ON
19 THIS CASE THAT THERE HAD BEEN AN EARLIER TRIAL IN WHICH --
20 IN THE CAMARENA CASE, THAT OTHER DEFENDANTS HAD ALREADY BEEN
21 CONVICTED AND SENTENCED IN THAT CASE?
- 22 A. NO, I DIDN'T HEAR NOTHING.
- 23 Q. YOU NEVER BECAME AWARE OF THAT?
- 24 A. NO.
- 25 Q. YOU NEVER HEARD THAT DISCUSSED?

1 A. NO.

2 Q. DID YOU BECOME AWARE AT ANY TIME WHEN YOU WERE A JUROR
3 ON THIS CASE OR EVEN BEFORE YOU WERE A JUROR ON THIS CASE
4 THAT A MEXICAN DOCTOR KNOWN AS DOCTOR ALVAREZ MACHAIN HAD
5 BEEN KIDNAPPED FROM MEXICO AND BROUGHT TO THE UNITED STATES
6 IN CONNECTION WITH THE CAMARENA CASE?

7 A. NO.

8 Q. YOU NEVER HEARD ABOUT THAT AT ALL?

9 A. NO.

10 Q. AND HAVE YOU EVER HEARD IT DISCUSSED DURING THE TIME
11 YOU WERE A JUROR ON THE CASE?

12 A. NO.

13 Q. AT ANY TIME DURING THE TIME THAT YOU WERE A JUROR ON
14 THIS CASE, DID YOU BECOME AWARE OF ANY MEDIA REPORT OR OTHER
15 STATEMENT THAT THE CURRENT MEXICAN GOVERNMENT WAS CORRUPT
16 AND WAS NOT COOPERATING IN THE INVESTIGATION OF THE CAMARENA
17 CASE?

18 A. NO, JUST WHAT WE HEARD HERE IN THE COURTROOM.

19 Q. OTHER THAN THAT?

20 A. NO, THAT'S IT.

21 Q. YOU DID NOT HEAR THAT FROM ANYONE?

22 A. NO.

23 Q. DID YOU HEAR IT DISCUSSED BY ANYONE?

24 A. NO.

25 Q. DURING THE TIME THAT YOU WERE A JUROR ON THIS CASE, AND

1 THIS WOULD -- DID YOU BECOME AWARE THAT MARSHAL CLAY
2 MITCHELL, DO YOU KNOW WHO HE IS?

3 A. YES.

4 Q. HE WAS ONE OF THE BAILIFFS?

5 A. YES.

6 Q. THAT HE HAD TOLD ONE OR MORE OF THE JURORS THAT HE
7 COULD NOT SERVE ON THE JURY BECAUSE HE WOULD ONLY BE ABLE TO
8 VOTE ONE WAY?

9 A. NO, HE NEVER TOLD ME NOTHING.

10 Q. YOU NEVER HEARD HIM SAY THAT?

11 A. NO.

12 Q. DID YOU HEAR HIM SAY THAT TO ANY OTHER JUROR?

13 A. NO.

14 Q. DID YOU HEAR ANY OTHER JUROR SAY THAT HE HAD SAID THAT?

15 A. NO.

16 THE COURT: ALL RIGHT, MR. MARQUEZ. THAT CONCLUDES
17 MY QUESTIONS. YOU MAY BE EXCUSED AND RETURN TO THE JURY
18 ROOM, PLEASE. THANK YOU.

19 THE WITNESS: THANK YOU.

20 WILLIAM PARRIS, WITNESS, DULY SWORN.

21 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR
22 FULL NAME FOR THE RECORD.

23 THE WITNESS: WILLIAM R. PARRIS.

24 DIRECT EXAMINATION BY THE COURT:

25 Q. MR. PARRIS, AT ANY TIME DURING THE TRIAL OR THE JURY

1 DELIBERATIONS IN THIS CASE, DURING THE TIME THAT YOU WERE A
2 JUROR ON THIS CASE, DID YOU BECOME AWARE THAT THE DEFENDANT
3 MATTA HAD PREVIOUSLY BEEN CONVICTED OF ANOTHER CRIME?

4 A. YES, SIR, I DID.

5 Q. WHEN DID YOU FIRST LEARN THIS INFORMATION?

6 A. I DON'T RECALL EXACTLY WHEN. IT SEEMED LIKE IT WAS
7 EARLY.

8 Q. LET ME ASK YOU, WAS IT BEFORE YOUR DELIBERATIONS BEGAN?
9 WAS IT BEFORE THE DELIBERATIONS BEGAN OR AFTER?

10 A. I DON'T RECALL, SIR, IF IT WAS BEFORE OR AFTER. IT
11 SEEMED LIKE IT WAS EARLY ON.

12 Q. DO YOU RECALL WHETHER IT WAS BEFORE OR AFTER THE MATTA
13 VERDICT HAD BEEN REACHED?

14 A. IT WAS BEFORE.

15 Q. HOW DID YOU LEARN THIS INFORMATION?

16 A. A DISCUSSION FROM ANOTHER JUROR.

17 Q. WAS IT ONE JUROR OR MORE THAN ONE?

18 A. IT WAS -- MY RECOLLECTION IS THAT IT WAS ONE JUROR,
19 PARTICULARLY ONE JUROR.

20 Q. DID THE JURY DISCUSS AT ANY TIME THAT THE DEFENDANT
21 MATTA HAD PREVIOUSLY BEEN CONVICTED?

22 A. YES. YES, AT THIS TIME THERE WAS A GENERAL DISCUSSION
23 ABOUT IT.

24 Q. AT THE TIME THAT IT WAS --

25 A. WHEN IT WAS BROUGHT UP.

- 1 Q. WHO WAS THE JUROR THAT BROUGHT IT UP?
- 2 A. IT WAS A JUROR BY THE -- HIS NAME WAS JOHN.
- 3 Q. JOHN WHAT?
- 4 A. I DON'T RECALL HIS LAST NAME.
- 5 Q. WAS IT JOHN WEST?
- 6 A. YES, JOHN WEST.
- 7 Q. CAN YOU TELL ME -- STRIKE THAT.
- 8 YOU SAY THE JURY DID DISCUSS IT?
- 9 A. YES.
- 10 Q. WAS THAT BEFORE ANY VERDICT HAD BEEN REACHED IN THIS
- 11 CASE?
- 12 A. YES.
- 13 Q. WAS IT BEFORE THE JURY STARTED DELIBERATING?
- 14 A. I DON'T RECALL. I DON'T REMEMBER EXACTLY. IT SEEMS
- 15 LIKE IT WAS, BUT I DON'T KNOW FOR SURE.
- 16 Q. YOU SAID THAT IT WAS EARLY ON.
- 17 A. YES.
- 18 Q. DOES THAT MEAN IT WAS SOMETIME DURING THE TRIAL, BEFORE
- 19 THE JURY STARTED TO DELIBERATE?
- 20 A. IT COULD HAVE BEEN, BUT LIKE I SAID, I DON'T KNOW.
- 21 Q. YOU ARE NOT SURE?
- 22 A. I AM NOT SURE.
- 23 Q. ALL RIGHT. DID YOU AT ANY TIME WHILE YOU WERE A JUROR
- 24 ON THIS CASE BECOME AWARE THAT THE DEFENDANT MATTIA WAS
- 25 SERVING A LIFE SENTENCE?

1 A. YES, SIR, AT THE SAME TIME.

2 Q. AT THE SAME TIME?

3 A. YES, SIR.

4 Q. AGAIN, YOU ARE NOT ABLE TO PINPOINT WHEN THAT TIME WAS,
5 WHETHER IT WAS BEFORE DELIBERATIONS BEGAN OR AFTER?

6 A. NOT WITH ABSOLUTE CERTAINTY, NO. LIKE I SAID, IT
7 SEEMED LIKE IT WAS EARLY ON, BUT I CAN'T BE ABSOLUTELY SURE
8 THAT IT WAS BEFORE OR AFTER WE STARTED DELIBERATING.

9 Q. WAS THE SOURCE THE SAME?

10 A. YES, SIR.

11 Q. DID THE JURY DISCUSS AT THAT TIME -- OR WHEN I SPEAK --
12 NOW YOU SAY WAS THIS DISCLOSURE MADE IN A JURY ROOM?

13 A. YES, SIR.

14 Q. WAS IT AT A RECESS?

15 A. NO, SIR, IT WAS DURING DELIBERATIONS -- WELL -- YOU
16 KNOW --

17 Q. YOU CAN'T PINPOINT THAT?

18 A. WELL, IT SEEMS LIKE NOW THAT WE WERE TOGETHER AND WE
19 DISCUSSED -- WE REALLY DIDN'T DISCUSS THE CASE UNTIL WE
20 STARTED DELIBERATING, SO I GUESS IT WOULD HAVE HAD TO HAVE
21 BEEN DURING DELIBERATIONS.

22 Q. PRIOR TO THE TIME THAT YOU BEGAN DELIBERATIONS, THERE
23 WAS NEVER ANY DISCUSSION ABOUT THE CASE OR ABOUT ANY
24 DEFENDANT BY ANY JUROR DURING THE RECESSES WHEN YOU WERE IN
25 THE JURY ROOM TOGETHER?

1 A. BEFORE DELIBERATIONS IT SEEMS THERE -- IF THERE WAS
2 ANY, IT WAS VERY, VERY LITTLE. NOW I AM STARTING TO
3 REMEMBER THAT IT SEEMS LIKE REALLY A DISCUSSION DIDN'T ENSUE
4 UNTIL AFTER WE STARTED DELIBERATING, SO DURING THE BREAKS,
5 DURING THE TESTIMONY THERE -- I DON'T BELIEVE THERE WAS
6 ANYTHING DISCUSSED THEN. IF THERE WAS, IT MIGHT HAVE BEEN
7 SOMETHING THAT -- ABOUT SOME OF THE TESTIMONY THAT SOMEONE
8 MAY HAVE STARTED TO COMMENT ON AND THEN THE OTHER JURORS
9 WOULD SAY, "OH, NO. WE ARE NOT SUPPOSED TO TALK ABOUT
10 THAT." SO IT SEEMS LIKE IT WOULD HAVE HAD TO HAVE BEEN
11 AFTER WE WENT INTO DELIBERATIONS.

12 Q. THAT IS WHAT YOU CONCLUDE?

13 A. YES, IT MUST HAVE BEEN.

14 Q. ALL RIGHT.

15 NOW, ARE YOU ABLE THEN BY THINKING BACK ON IT TO
16 TELL US WHETHER IT WAS BEFORE THE VERDICT WAS REACHED
17 REGARDING MR. MATTA OR AFTER?

18 A. NO. IT WAS BEFORE A VERDICT WAS REACHED ON MR. MATTA.

19 Q. WAS IT BEFORE ANY OTHER VERDICT WAS REACHED? WELL,
20 STRIKE THAT.

21 MATTA I THINK WAS THE FIRST ONE.

22 A. I WAS GOING TO SAY.

23 Q. WAS THERE ANY DISCUSSION OF IT AFTER THE MATTA VERDICT?

24 A. THERE WAS A LOT OF DISCUSSION ABOUT IT AFTER THE MATTA
25 VERDICT, YES.

1 Q. WELL, SO THAT WE ARE ON THE SAME PAGE, A LOT OF
2 DISCUSSION ABOUT WHAT? THAT HE WAS SERVING A LIFE SENTENCE?

3 A. THERE WAS A LOT OF DISCUSSION ABOUT MATTA IN PARTICULAR
4 AND IN GENERAL. AFTER THE VERDICT WE DISCUSSED MATTA FOR
5 ABOUT HALF A DAY AFTER THE VERDICT BECAUSE THE JURY WAS VERY
6 UPSET.

7 Q. ALL RIGHT. I DON'T WANT YOU TO TELL ME WHAT THE JURY
8 SAID.

9 A. YES, SIR.

10 Q. BUT THERE WAS DISCUSSION ABOUT THIS SUBJECT THAT I
11 ASKED YOU ABOUT, ABOUT MATTA SERVING A LIFE SENTENCE?

12 A. YES. THERE WAS BEFORE THE VERDICT AND AFTER THE
13 VERDICT, YES.

14 Q. DURING THE TIME THAT YOU WERE A JUROR THEN, WAS THERE
15 ANY DISCUSSION ABOUT IT? YOU HAVE ALREADY TOLD US THERE WAS
16 SOME DISCUSSION ABOUT THE MATTA VERDICT. WAS THERE ANY
17 DISCUSSION ABOUT THAT VERDICT WITH RESPECT TO ANY NEWS
18 REPORTS, EITHER TELEVISION, RADIO OR NEWSPAPER REGARDING THE
19 VERDICT?

20 A. AFTER THE VERDICT?

21 Q. YES. DID YOU BECOME AWARE OF ANY NEWS REPORTS, EITHER
22 TELEVISION, RADIO OR NEWSPAPER REGARDING THE JURY'S VERDICT
23 WITH RESPECT TO THE DEFENDANT MATTA?

24 A. AFTER THE VERDICT?

25 Q. AT ANY TIME.

1 Q. WELL, IT WOULD HAVE TO BE AFTER THE VERDICT.

2 A. YES.

3 Q. DID YOU BECOME AWARE OF THAT?

4 A. YES, I DID.

5 Q. WHAT WAS IT THAT YOU HEARD? PLEASE DESCRIBE THE NEWS
6 REPORT OR REPORTS THAT YOU BECAME AWARE OF.

7 A. THERE WAS GENERAL DISCUSSION ABOUT PARTICULARLY SYLVIA
8 LOPEZ' COMMENTARY ON THE CASE THAT NIGHT AND ALSO ANOTHER
9 COMMENTATOR, I DON'T KNOW WHICH CHANNEL HE WAS ON. I DON'T
10 SEE HIM IN THE COURTROOM, BUT I THINK IT WAS CHANNEL FOUR.
11 BUT THERE WAS QUITE A BIT OF DISCUSSION ABOUT HOW SYLVIA
12 LOPEZ THOUGHT OUR VERDICTS WERE -- I DIDN'T SEE THE TV SO I
13 WOULD HAVE TO JUST TELL YOU WHAT I HEARD BUT I --

14 Q. I DON'T WANT TO KNOW THAT. I SIMPLY WANT TO KNOW IF
15 YOU HEARD ABOUT THESE REPORTS.

16 A. YES.

17 Q. HOW DID YOU BECOME AWARE OF THESE REPORTS?

18 A. IT WAS DISCUSSED IN THE -- BY MEMBERS OF THE JURY.

19 Q. AND DO YOU REMEMBER WHO FIRST DISCUSSED IT?

20 A. THE SYLVIA LOPEZ DISCUSSION STARTED WITH JOANNE, A
21 JUROR NAMED JOANNE. I DON'T RECALL HER LAST NAME.

22 Q. WELL, I DON'T SEE JOANNE ON THIS LIST. DO YOU REMEMBER
23 WHAT NUMBER SHE WAS?

24 THE CLERK: ELEVEN.

25 Q. JOANNE FREDERICK?

1 A. YES. BUT THEN IT WAS --

2 Q. NOW, WHEN DID YOU BECOME AWARE OF THESE REPORTS IN
3 TERMS OF THE MATTA VERDICT?

4 A. THE NEXT DAY AFTER THE VERDICT.

5 Q. IS THAT THE DAY THEY WERE DISCUSSED?

6 A. YES.

7 Q. WAS THERE ANY DISCUSSION AFTER THAT DAY REGARDING THE
8 MATTA VERDICT?

9 A. I BELIEVE THERE WAS GENERAL DISCUSSION UP UNTIL THE
10 TIME THAT WE WERE CALLED INTO YOUR CHAMBERS.

11 Q. ALL RIGHT. I THINK YOU MAY HAVE ALREADY ANSWERED THIS,
12 BUT DID YOU BECOME AWARE OF ANY NEWS REPORTS REGARDING
13 STATEMENTS BY DEFENSE COUNSEL CONCERNING THE MATTA VERDICT?

14 A. YES, SIR. AT THE SAME TIME AFTER -- THE DAY AFTER THE
15 VERDICT.

16 Q. THAT IS WHEN YOU FIRST BECAME AWARE OF THIS. DID THE
17 JURY DISCUSS THE COMMENTS OF DEFENSE COUNSEL?

18 A. YES.

19 Q. THE DISCUSSION TOOK PLACE AT THE SAME TIME, THE NEXT
20 DAY AFTER THE VERDICT?

21 A. YES, SIR.

22 Q. AT ANY TIME DURING THE TRIAL OR WHILE YOU WERE A JUROR
23 ON THIS CASE, DID YOU BECOME AWARE ON THE BASIS OF
24 INFORMATION RECEIVED FROM OUTSIDE THE COURT THAT DEFENDANT
25 MATTA WAS A DRUG KINGPIN?

1 A. YES, SIR.

2 Q. WHEN DID YOU FIRST LEARN THIS INFORMATION?

3 A. THIS, AGAIN, WAS EARLY ON IN THE DELIBERATIONS.

4 Q. BEFORE ANY VERDICT HAD BEEN REACHED?

5 A. YES, SIR. IT WAS THE SAME TIME THAT WE HEARD THAT HE
6 HAD BEEN CONVICTED IN FLORIDA, I BELIEVE IT WAS.

7 Q. HOW DID YOU LEARN THIS INFORMATION?

8 A. AGAIN, THROUGH A DISCUSSION FROM ANOTHER JUROR.

9 Q. WHAT JUROR WAS THAT?

10 A. I BELIEVE IT WAS JOHN WEST.

11 Q. DID THE JURY DISCUSS THAT THE DEFENDANT MATTA WAS A
12 DRUG KINGPIN?

13 A. YES, SIR.

14 Q. WHEN DID THAT DISCUSSION TAKE PLACE?

15 A. AT THE SAME TIME.

16 Q. THE SAME TIME AS WHEN?

17 A. AT THE SAME TIME WHEN IT WAS DISCUSSED THAT HE HAD BEEN
18 CONVICTED OF AND WAS SERVING A LIFE -- CONVICTED OF COCAINE
19 DISTRIBUTION I BELIEVE, AND WAS SERVING A LIFE -- HAD GOTTEN
20 A LIFE SENTENCE FOR THIS IN FLORIDA. IT WAS THE SAME TIME
21 THAT IT WAS BROUGHT UP THAT HE WAS A DRUG KINGPIN THE FIRST
22 TIME. THROUGHOUT THE DELIBERATIONS IT WAS BROUGHT UP THAT
23 -- TIME AND TIME AGAIN -- THAT HE WAS A DRUG KINGPIN, AND
24 THEN AFTER THE VERDICT IT WAS BROUGHT UP AGAIN JUST HOW
25 LARGE OF A DRUG KINGPIN HE HAD BEEN.

1 Q. SO IT WAS DISCUSSED AFTER THE VERDICT, AS WELL?

2 A. AS WELL, YES.

3 Q. AT ANY TIME DURING THE TRIAL OR JURY DELIBERATIONS, DID
4 YOU LEARN THAT THERE HAD BEEN AN EARLIER TRIAL DEALING WITH
5 THE CAMARENA CASE AND THAT OTHER DEFENDANTS HAD ALREADY BEEN
6 CONVICTED AND SENTENCED?

7 A. YES, SIR.

8 Q. WHEN DID YOU FIRST LEARN THIS INFORMATION?

9 A. I CAN'T BE CERTAIN AGAIN, BUT AGAIN I BELIEVE IT
10 WAS EARLY ON IN DELIBERATIONS.

11 Q. HOW DID YOU LEARN THIS INFORMATION?

12 A. AGAIN, A DISCUSSION IN THE JURY ROOM. I BELIEVE JOHN
13 WEST AGAIN BROUGHT IT UP.

14 Q. DID THE JURY DISCUSS THERE HAVING BEEN AN EARLIER TRIAL
15 DEALING WITH THE CASE AND OTHER DEFENDANTS HAD ALREADY BEEN
16 CONVICTED AND SENTENCED?

17 A. THERE WAS A DISCUSSION ABOUT IT. IT REALLY -- I CAN'T
18 SAY THAT ALL OF THE JURY MEMBERS PARTICIPATED. IT WAS
19 BROUGHT UP. PEOPLE ASKED -- I DON'T RECALL WHO -- IT MIGHT
20 HAVE EVEN BEEN MYSELF, SAID, "WELL, HOW DO YOU KNOW THIS?
21 WHERE ARE YOU GETTING THIS INFORMATION?" ACTUALLY I BELIEVE
22 MYRTLE HINES ASKED THE QUESTION, "WHERE ARE YOU GETTING THIS
23 INFORMATION?" AND IT WAS STATED THAT WE JUST KNEW, AND LIKE
24 I SAID, I DON'T THINK IT WAS REALLY A BIG DISCUSSION, BUT IT
25 WAS BROUGHT UP -- MYRTLE BROUGHT THAT UP. SHE ASKED WHERE

1 THEY WERE GETTING THE INFORMATION AND HE SAID PEOPLE WERE
2 TELLING HIM OR HE KNEW. LIKE I SAID, IT WASN'T DISCUSSED AT
3 LENGTH BUT IT WAS DISCUSSED.

4 Q. WHEN DID THE DISCUSSION TAKE PLACE?

5 A. EARLY ON IN DELIBERATIONS IS MY BEST RECOLLECTION OF
6 IT, BEFORE THE VERDICT.

7 Q. BEFORE WHAT VERDICT?

8 A. BEFORE MATTA'S VERDICT.

9 Q. AT ANY TIME DURING THE TRIAL OR JURY DELIBERATIONS, DID
10 YOU BECOME AWARE THAT A MEXICAN DOCTOR KNOWN AS DOCTOR
11 ALVAREZ MACHAIN HAD BEEN KIDNAPPED FROM MEXICO AND BROUGHT
12 TO THE UNITED STATES?

13 A. YES, SIR.

14 Q. IN CONNECTION WITH THIS CAMARENA CASE?

15 A. YES, SIR.

16 Q. WHAT INFORMATION DID YOU RECEIVE REGARDING DOCTOR
17 MACHAIN.

18 A. THAT AGENT BERRELLEZ HAD BEEN INSTRUMENTAL IN THE
19 KIDNAPPING OF DOCTOR MACHAIN AND BRINGING HIM BACK TO THIS
20 COUNTRY.

21 Q. WHEN DID YOU FIRST LEARN THIS INFORMATION?

22 A. AGAIN, IT IS HARD TO BE CERTAIN, BUT IT SEEMS LIKE IT
23 WAS EARLY ON IN THE DELIBERATIONS.

24 Q. BEFORE OR AFTER ANY VERDICTS WERE REACHED?

25 A. I BELIEVE IT WAS BEFORE. I KNOW THAT IT WAS -- THERE

1 WAS A PARTICULAR DAY, A COUPLE OF DAYS THAT AGENT BERRELLEZ
2 WAS NOT IN THE COURTROOM, AND I KNOW IT WAS BEFORE THAT. I
3 DON'T RECALL WHAT DAYS THOSE WERE, BUT I KNOW IT WAS BEFORE
4 THAT BECAUSE WE HAD DISCUSSED -- WE WERE FEARFUL THAT AGENT
5 BERRELLEZ MAY HAVE BEEN KIDNAPPED BY THE MEXICAN GOVERNMENT.

6 Q. SO IT WAS BEFORE DELIBERATIONS BEGAN WHILE THE TRIAL
7 WAS STILL GOING ON?

8 A. YES, SIR. WELL, AGAIN, I DON'T KNOW IF IT WAS
9 BEFORE -- I DON'T RECALL IF IT WAS BEFORE DELIBERATIONS. IT
10 MAY HAVE BEEN EARLY ON IN DELIBERATIONS OR IT MAY HAVE BEEN
11 BEFORE BUT AGAIN, IT SEEMS LIKE WE REALLY DIDN'T TALK ABOUT
12 THAT KIND OF THING UNTIL WE WENT INTO DELIBERATIONS WHERE I
13 THINK THAT -- IT MAKES ME THINK IT WAS AFTER DELIBERATIONS
14 HAD STARTED.

15 Q. BUT YOU SAID --

16 A. BUT I AM NOT SURE.

17 Q. YOU SAID SOMETHING ABOUT NOT SEEING AGENT BERRELLEZ IN
18 COURT. THAT WOULD INDICATE IT WAS DURING THE TRIAL,
19 WOULDN'T IT?

20 A. WELL, AGAIN, I AM NOT SURE, BUT I KNOW THERE WERE A
21 COUPLE OF DAYS THAT AGENT BERRELLEZ WAS NOT HERE. I GUESS
22 THAT COULD BE CHECKED, BUT I KNOW IT WAS BEFORE THAT.

23 Q. BEFORE WHAT?

24 A. BEFORE THE DAYS THAT HE WAS NOT IN COURT, YES.
25 BECAUSE, AGAIN, WE WERE FRIGHTENED.

1 Q. YOU OBSERVED THAT HE WAS NOT IN COURT FROM THE JURY
2 BOX?

3 A. YES, SIR.

4 Q. SO THAT INDICATES THAT IT WAS DURING THE COURSE OF THE
5 TRIAL; ISN'T THAT RIGHT?

6 A. WELL, I BELIEVE HE WAS SITTING AT THE TABLE DURING
7 DELIBERATIONS. YES. I GUESS IT WOULD HAVE HAD TO HAVE
8 BEEN. YES, YES. I KNOW HE SAT RIGHT ACROSS FROM ME AND I
9 MADE EYE CONTACT WITH HIM TWO OR THREE TIMES A DAY, SO YOU
10 KNOW, I KNEW HE WASN'T HERE.

11 Q. HOW DID YOU LEARN THIS INFORMATION ABOUT DOCTOR
12 MACHAIN?

13 A. AGAIN, IT WAS DISCUSSED IN THE JURY ROOM.

14 Q. SOMEBODY IN THE JURY ROOM MENTIONED IT?

15 A. UH-HUH.

16 Q. WHO WERE THEY?

17 A. I AM NOT ABSOLUTELY CERTAIN BUT IT SEEMED -- IT SEEMED
18 THAT JOHN WAS THE ONE THAT MOST ALWAYS HAD THIS TYPE OF
19 INFORMATION. IT SEEMED LIKE IT WAS ALWAYS JOHN THAT WAS
20 COMING UP AND SAYING THESE, YOU KNOW -- WE THOUGHT THEY
21 WERE KIND OF OFF-THE-WALL TYPE OF THINGS AT THE TIME. LIKE
22 I SAID, WE ASKED HIM, "WHERE ARE YOU GETTING THESE THINGS?"
23 AND HE SAID, "I JUST KNOW THESE. I JUST KNOW IT." I BELIEVE
24 IT WAS JOHN WEST.

25 Q. DID THE JURY DISCUSS AT ANY TIME THE KIDNAPPING OF

1 DOCTOR MACHAIN OR THE DOCTOR'S INVOLVEMENT IN THE CAMARENA
2 CASE?

3 A. I BELIEVE WE DID.

4 Q. WHEN DID THE DISCUSSION TAKE PLACE?

5 A. THE SAME DAY THAT IT WAS BROUGHT UP.

6 Q. WHEN WAS THAT?

7 A. AGAIN, I CAN'T BE CERTAIN.

8 Q. AT ANY TIME WHILE YOU WERE A JUROR ON THIS CASE, DID
9 YOU BECOME AWARE OF ANY MEDIA REPORT OR OTHER STATEMENT THAT
10 THE CURRENT MEXICAN GOVERNMENT WAS CORRUPT AND NOT
11 COOPERATING IN THE INVESTIGATION OF THE CAMARENA CASE?

12 A. YES, SIR. IT WAS DURING THE SAME CONVERSATION.

13 Q. THE SAME CONVERSATIONS ABOUT DOCTOR MACHAIN?

14 A. YES.

15 Q. WHAT INFORMATION DID YOU RECEIVE IN THAT REGARD, ABOUT
16 THE CORRUPTION IN THE CURRENT MEXICAN GOVERNMENT? WAS THIS
17 JUST SOMEBODY'S OPINION OR WAS THIS A REPORTED MEDIA REPORT?

18 A. I ASSUMED AT THE TIME THAT IT WAS JUST SOMEBODY'S
19 OPINION AS MOST OF THIS - I ASSUMED THAT IT WAS JUST
20 SOMEBODY'S OPINION OR SOMETHING THAT THEY HAD FROM GENERAL
21 KNOWLEDGE BEFORE THE TRIAL.

22 Q. ALL RIGHT. CAN YOU TELL US WHEN YOU FIRST HEARD THIS
23 INFORMATION THE FIRST TIME? WAS IT BEFORE DELIBERATIONS OR
24 AFTER OR DURING?

25 A. I CAN'T BE SURE. I KNOW THAT IT WAS BEFORE THE

1 VERDICT, BUT I CAN'T BE SURE AS TO EXACTLY WHEN IT WAS.

2 Q. WAS IT THE SAME TIME AS THE DOCTOR MACHAIN
3 DISCUSSION?

4 A. NO. ALL OF THESE THINGS HAPPENED THROUGH -- IT WASN'T
5 THE SAME DAY. IT WAS A NUMBER OF DAYS THAT THESE THINGS
6 WERE SPOKEN ABOUT.

7 Q. DID THE JURY DISCUSS THE CORRUPTION IN THE CURRENT
8 MEXICAN GOVERNMENT?

9 A. ON A NUMBER OF OCCASIONS, YES.

10 Q. NOW, AT ANY TIME WHILE YOU WERE A JUROR, DID YOU BECOME
11 AWARE THAT MARSHAL CLAY MITCHELL TOLD ONE OR MORE OF THE
12 JURORS THAT HE COULD NOT SERVE ON A JURY BECAUSE HE WOULD
13 ONLY BE ABLE TO VOTE ONE WAY?

14 A. YES. HE TOLD ME THAT.

15 Q. WHEN DID -- WHEN DID HE TELL YOU THAT?

16 A. IT WAS -- IT WAS BEFORE THE VASQUEZ-VELASCO VERDICT. IT
17 MAY HAVE BEEN BEFORE THE BERNABE-RAMIREZ VERDICT. IT WAS IN
18 THAT TIME PERIOD SOMETIME. I AM NOT SURE EXACTLY WHEN.

19 Q. WAS THAT ALL THAT HE SAID?

20 A. AT THAT TIME, YES. IT WAS DURING A BREAK. IT WAS KIND
21 OF A FRIENDLY DISCUSSION ABOUT -- SOMEONE, IT MIGHT HAVE
22 EVEN BEEN I, THAT ASKED HIM WHETHER HE COULD SERVE AS A
23 JUROR BEING A MARSHAL, AND HE SAID HE DIDN'T SEE ANY REASON
24 WHY HE COULDN'T SERVE, AND THEN HE MADE -- AGAIN, IT WAS
25 KIND OF A JUST OFF-THE-HAND COMMENT;" I DON'T THINK THEY

1 WOULD WANT ME TO SERVE BECAUSE I COULD ONLY VOTE ONE WAY,"
2 IS MY RECOLLECTION OF WHAT WAS STATED.

3 Q. ALL RIGHT. DID THE JURORS EVER DISCUSS THIS STATEMENT
4 ABOUT THE MARSHAL?

5 A. NO.

6 Q. TO YOUR KNOWLEDGE, DID ANY OTHER JUROR HEAR IT?

7 A. THERE WERE OTHER JURORS AROUND ME WHEN THE STATEMENT
8 WAS MADE. I BELIEVE MYRTLE HINES WAS, BUT I AM NOT SURE.
9 THEY MAY NOT HAVE BEEN PAYING ATTENTION.

10 Q. YOU WERE HAVING A CONVERSATION WITH HIM?

11 A. YES, SIR.

12 Q. ONE-ON-ONE?

13 A. YES, SIR.

14 Q. LIKE I SAID, THERE WERE PEOPLE -- I THOUGHT -- IT SEEMS
15 LIKE THERE WERE PEOPLE AROUND LISTENING, BUT I CAN'T BE
16 SURE.

17 Q. PRIOR TO THE SELECTION OF THE JURY IN THIS CASE, DID
18 YOU OVERHEAR THE JUROR PEGGY DOLAN MAKE A STATEMENT
19 CONCERNING THE GUILT OR INNOCENCE OF ANY DEFENDANT?

20 A. YES, I DID.

21 Q. WHAT EXACTLY DID SHE SAY?

22 A. SHE SAID, THE BEST I CAN RECOLLECT IS, "I DON'T KNOW
23 WHY THEY WANT ME TO SERVE ON THIS JURY. THEY ARE ALL
24 GUILTY ANYWAY."

25 Q. DID SHE SAY -- WHERE WAS THIS CONVERSATION?

1 A. THIS WAS IN THE JURY WAITING ROOM, IN THE FOYER THERE.

2 Q. WAS THAT BEFORE YOU HAD BEEN CALLED TO THIS COURT?

3 A. IT WAS BEFORE WE CAME INTO THE COURTROOM, YES.

4 Q. WELL, WAS IT BEFORE YOU KNEW WHAT CASE YOU WERE COMING
5 FOR?

6 A. YES. WELL, WE HAD ALREADY BEEN A PANEL ALONG WITH
7 ABOUT THREE HUNDRED OTHERS. I MEAN, WE KNEW WE WERE GOING
8 TO BE COMING DOWN FOR THE CAMARENA CASE.

9 Q. YOU DID KNOW THAT?

10 A. YES.

11 Q. YOU KNEW THAT, AT LEAST.

12 A. I KNEW THAT, YES.

13 Q. WAS THIS STATEMENT MADE TO YOU?

14 A. NO, IT WAS NOT.

15 Q. IT WAS SOMETHING THAT YOU OVERHEARD?

16 A. YES. IT WAS -- THERE WAS A DISCUSSION GOING ON WITH
17 ABOUT 20 PROSPECTIVE JURORS. IT WAS ALL IN ONE OF THOSE
18 CROWDED LITTLE PLACES WHERE WE SAT AND IT WAS VERY CROWDED
19 THAT DAY AND PEGGY IS A VERY VOCIFEROUS TYPE PERSON AND SHE
20 WAS TALKING TO THE GROUP AND SHE -- SHE WAS TALKING TO THE
21 GROUP, AND I HEARD THAT, AND THERE WAS ANOTHER GENTLEMAN
22 THAT I KNOW THAT WAS WITH ME AND WE LOOKED AT EACH OTHER,
23 AND SAID, "GEE. WE SHOULDN'T BE LISTENING TO THIS," AND WE
24 GOT UP AND LEFT. THAT IS WHY I REMEMBER IT.

25 Q. DO YOU REMEMBER IF ANYONE ELSE WAS PRESENT -- WHO ELSE

1 WAS PRESENT THAT YOU KNOW?

2 A. THERE WERE ABOUT 20 OTHER PEOPLE PRESENT. I DO KNOW
3 ONE OTHER INDIVIDUAL THAT WAS WITH ME. I HAVE HIS NAME AND
4 ADDRESS IF YOU LIKE.

5 Q. WHAT IS HIS NAME?

6 A. I HAVE HIS CARD IN MY WALLET. MAY I GET IT? HIS FIRST
7 NAME IS JOHN, IF I MAY. HIS NAME IS JOHN CLARK.

8 Q. ALL RIGHT. THAT IS ALL THE QUESTIONS THAT I HAVE OF
9 YOU, MR. PARRIS. YOU MAY BE EXCUSED NOW.

10 THE WITNESS: MAY I LEAVE?

11 THE COURT: NO, NO. WE NEED TO HAVE YOU STAY.

12 MR. MEZA: YOUR HONOR, THERE IS ONE QUESTION I
13 WOULD ASK THE COURT TO MAKE SURE TO INDICATE. THERE WAS A
14 DISCUSSION CONCERNING THE NEWS MEDIA ON THE POST-MATTA
15 VERDICT, IF THEY COULD DETERMINE WHETHER THAT WAS PRE-
16 BERNABE. THEY KEEP SAYING --

17 THE COURT: MOST OF THEM SAID IT WAS THE NEXT DAY.

18 MR. MEZA: THE NEXT DAY, RIGHT, BUT I WANT TO
19 CLARIFY THAT IT WAS PRE BERNABE.

20 MR. STOLAR: YOUR HONOR, WOULD YOU CONSIDER A TEN
21 MINUTE RECESS?

22 THE COURT: NO. WE ARE GOING TO GO THROUGH UNTIL
23 NOON. WHO NEEDS THE RECESS?

24 MR. STOLAR: MY CLIENT DOES.

25 THE INTERPRETER: I DO.

1 MR. STOLAR: NO, IT IS NOT THE INTERPRETER.

2 THE COURT: COME, MISS OVERHOLT.

3 LINDA OVERHOLT, WITNESS, DULY SWORN.

4 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR
5 FULL NAME FOR THE RECORD.

6 THE WITNESS: LILIDA OVERHOLT, O V E R H O L T.

7 DIRECT EXAMINATION BY THE COURT:

8 THE COURT: MISS OVERHOLT, DURING THE TIME YOU WERE
9 A JUROR ON THIS CASE, DID YOU BECOME AWARE THAT THE
10 DEFENDANT, MR. MATTA, HAD PREVIOUSLY BEEN CONVICTED OF ANOTHER
11 CRIME?

12 A. NO, I DID NOT.

13 Q. YOU DID NOT HEAR THAT AT ALL WHILE YOU WERE A JUROR?

14 A. NO, I DID NOT.

15 Q. ALL RIGHT. DID YOU BECOME AWARE AT ANY TIME DURING THE
16 TRIAL THAT MR. MATTA NOT ONLY HAD BEEN CONVICTED, BUT WAS
17 SERVING A LIFE SENTENCE FOR ANOTHER CRIME?

18 A. NO, I WAS NOT AWARE OF THAT.

19 Q. YOU WERE NOT AWARE OF THAT AT ANY TIME DURING THE
20 TRIAL?

21 A. NO.

22 Q. OR THE DELIBERATION?

23 A. NO.

24 Q. ALL RIGHT. DID YOU BECOME AWARE AT ANY TIME DURING THE
25 TRIAL OR DELIBERATIONS OF SOME NEWS REPORTS ABOUT THE MATTA

1 VERDICT?

2 A. THE ONLY THING THAT I HEARD ABOUT THE MATTA VERDICT WAS
3 ON THE CAR RADIO DRIVING HOME THAT DAY.

4 Q. CAN YOU DESCRIBE WHAT YOU HEARD?

5 A. IT WAS -- I LISTENED TO WHAT IS THE ALL NEWS STATION
6 KFVB AND THEY HAD WHATEVER THEY CALL THOSE THINGS, THE NEWS
7 FLASHES AND THEY SAID THAT A VERDICT HAD BEEN REACHED, AND
8 LISTED THE VERDICT, AND THEN I THINK THERE WAS ALSO A
9 STATEMENT BY MR. STOLAR.

10 Q. YOU MEAN MR. STOLAR WAS ON THE AIR?

11 A. YES.

12 Q. YOU HEARD HIS STATEMENT?

13 A. YES.

14 Q. ALL RIGHT. NOW, THAT WAS THE SAME DAY THAT THE JURY
15 HAD REACHED A VERDICT?

16 A. YES.

17 Q. IN THE MATTA CASE?

18 A. THAT'S CORRECT.

19 Q. THE SAME DAY?

20 A. YES.

21 Q. ALL RIGHT. NOW, DID THE JURY DISCUSS THIS NEWS REPORT
22 OR ANY SIMILAR NEWS REPORT CONCERNING THE MATTA VERDICT?

23 A. YES, WE DID.

24 Q. WHEN DID THAT DISCUSSION TAKE PLACE?

25 A. THAT WAS THE NEXT MORNING WHEN WE RECONVENED.

1 Q. ALL RIGHT. WAS THERE A DISCUSSION -- STRIKE THAT.
2 WERE YOU AWARE OF ANY NEWS REPORTS REGARDING
3 STATEMENTS BY DEFENSE COUNSEL OTHER THAN WHAT YOU HAVE
4 ALREADY TOLD US REGARDING THE MATTA VERDICT?

5 A. NO. THERE WAS THE NEWS REPORTS AND WHEN WE TALKED
6 ABOUT IT NEXT MORNING IN THE JURY ROOM AND THAT WAS IT.

7 Q. THAT RELATED TO THE STATEMENTS MADE BY COUNSEL?

8 A. THAT'S CORRECT.

9 Q. REGARDING THE JURY'S VERDICT?

10 A. YES.

11 Q. WAS THERE ANY DISCUSSION OF THIS BEYOND THAT MORNING,
12 AFTER, AT ANY LATER TIME?

13 A. NOT THAT I CAN RECALL. WE WENT BACK OVER THE VERDICT
14 THAT WE HAD REACHED THE PRECEDING DAY. WE RECONSIDERED
15 EVERYTHING, AND I THINK WE DID THAT BECAUSE OF WHAT WE HAD
16 HEARD AND BECAUSE WE WANTED TO MAKE SURE ABOUT OUR FEELINGS
17 ABOUT WHAT WE DID.

18 Q. ALL RIGHT. NOW, AT ANY TIME WHILE YOU WERE A JUROR ON
19 THIS CASE, DID YOU BECOME AWARE ON THE BASIS OF INFORMATION
20 RECEIVED FROM OUTSIDE THE COURT, THAT THE DEFENDANT MATTA
21 WAS A DRUG KINGPIN?

22 A. NO, OTHER THAN THE DRUG STUFF WE HEARD IN THE
23 COURTROOM.

24 Q. OTHER THAN THAT, YOU DIDN'T HEAR ANYTHING?

25 A. NO.

1 Q. ANY CHARACTERIZATION OF MR. MATTA AS A DRUG KINGPIN?

2 A. NO.

3 Q. AT ANY TIME WHILE YOU WERE A JUROR ON THIS CASE, DID
4 YOU LEARN THAT THERE HAD BEEN AN EARLIER CAMARENA TRIAL IN
5 WHICH OTHER DEFENDANTS HAD ALREADY BEEN CONVICTED AND
6 SENTENCED?

7 A. I THINK SOMEHOW I WAS AWARE OF THAT BUT I AM NOT SURE
8 WHAT IT WAS THAT MADE ME AWARE OF IT. YOU MIGHT HAVE SAID
9 SOMETHING.

10 Q. I?

11 A. I BELIEVE SO, AT SOME POINT. THIS WAS NOT THE FIRST
12 TRIAL OR SOMETHING.

13 Q. BUT OTHER THAN WHAT YOU THINK YOU MAY HAVE HEARD FROM
14 ME?

15 A. NO.

16 Q. YOU SAID YOU WERE AWARE OF IT. YOU THINK YOU WERE
17 AWARE OF IT?

18 A. YES. I HAVE A FEELING I WAS AWARE. I KNOW IT WAS IN
19 THE JURY ROOM. THE -- WE WERE CURIOUS ABOUT THE POSSIBILITY
20 OF BEING SEQUESTERED DURING THE DELIBERATIONS SO I WENT INTO
21 THE JURY ROOM AND ASKED ONE OF THE CLERKS, AND HE SAID IT
22 WAS EXTREMELY UNLIKELY, AND I THINK HE SAID THIS WAS THE
23 SECOND OR THIRD TRIAL WE HAD IN THIS CASE.

24 Q. THIS WAS IN THE JURY ASSEMBLY ROOM?

25 A. YES. THE CLERKS THAT WORK UP THERE.

1 Q. WAS THIS BEFORE YOU WERE SELECTED AS A JUROR?

2 A. NO, NO. THIS IS WHEN WE WERE NEARING COMPLETION. I
3 THINK WE WERE HEARING THE FINAL ARGUMENTS.

4 Q. YOU ASKED A CLERK THERE IF THERE WAS ANY POSSIBILITY OF
5 BEING SEQUESTERED?

6 A. YES.

7 Q. AND THAT'S -- HE MENTIONED THE PRIOR TRIAL?

8 A. YES.

9 Q. DID HE MENTION ANYBODY HAVING BEEN CONVICTED OR
10 SENTENCED?

11 A. NO. ALL HE SAID WAS THAT THIS WAS THE SECOND OR THIRD
12 TRIAL REGARDING THIS CASE.

13 Q. WELL, DID THE JURY DISCUSS THERE HAVING BEEN AN EARLIER
14 TRIAL DEALING WITH THIS CASE?

15 A. NO. THAT HAD NOTHING TO DO WITH US.

16 Q. I KNOW IT DIDN'T, BUT WAS IT DISCUSSED BY THEM?

17 A. NO.

18 Q. ALL RIGHT. WHAT ABOUT THE KIDNAPPING OF DOCTOR ALVAREZ
19 MACHAIN. DURING THE TIME THAT YOU WERE A JUROR ON THIS
20 CASE, DID YOU BECOME AWARE THAT A MEXICAN DOCTOR KNOWN AS
21 DOCTOR ALVAREZ MACHAIN HAD BEEN ABDUCTED FROM MEXICO AND
22 BROUGHT TO THE UNITED STATES?

23 A. I THINK THAT HAD HAPPENED BEFORE WE WERE PICKED. THERE
24 HAD BEEN SOMETHING IN THE PAPER ABOUT THAT.

25 Q. HAD YOU HEARD ABOUT IT?

1 A. YES.

2 Q. WHAT HAD YOU HEARD ABOUT IT?

3 A. I REALLY CAN'T RECALL OTHER THAN SOMETHING HAD HAPPENED
4 AND SOMEBODY HAD BEEN BROUGHT HERE. THAT IS ALL I KNEW
5 ABOUT IT.

6 Q. WAS THIS SOMETHING THAT THE JURY DISCUSSED AT ANY TIME,
7 THE KIDNAPPING OF DOCTOR MACHAIN?

8 A. NO, NOT THAT I CAN RECALL.

9 Q. DURING THE TIME THAT YOU WERE A JUROR ON THIS CASE, DID
10 YOU BECOME AWARE OF ANY MEDIA REPORT OR OTHER STATEMENT THAT
11 THE CURRENT MEXICAN GOVERNMENT WAS CORRUPT AND WAS NOT
12 COOPERATING IN THE INVESTIGATION OF THE CAMARENA CASE?

13 A. NO.

14 Q. THAT IS NOT A SUBJECT YOU HEARD DISCUSSED?

15 A. NO, NOT AT ALL. WHEN WE DISCUSSED THE MEXICAN
16 GOVERNMENT, WE WERE DISCUSSING THE PEOPLE THAT HAD BEEN
17 INTRODUCED IN EVIDENCE HERE, THE POLICE OFFICIALS MAINLY, AND
18 EVERYTHING THAT WE TALKED ABOUT WAS RELATED TO WHAT WE HAD
19 HEARD HERE.

20 Q. ALL RIGHT. AT ANY TIME DURING THE TRIAL OR JURY
21 DELIBERATIONS, DID YOU BECOME AWARE THAT MARSHAL CLAY
22 MITCHELL TOLD ONE OR MORE OF THE JURORS THAT HE COULD NOT
23 SERVE ON A JURY BECAUSE HE WOULD ONLY BE ABLE TO VOTE ONE
24 WAY?

25 A. NO, I DON'T RECALL HIM SAYING THAT.

1 Q. YOU DID NOT HEAR THAT SAID?

2 A. NO.

3 Q. DID YOU HEAR THAT DISCUSSED?

4 A. NO. SOUNDS LIKE A SILLY THING TO SAY.

5 Q. PARDON?

6 A. SOUNDS LIKE A SILLY THING TO SAY, ANYWAY.

7 THE COURT: ALL RIGHT. THAT'S ALL THE QUESTIONS I
8 HAVE FOR YOU.

9 THE WITNESS: I DON'T GET TO SAY ANYTHING?

10 THE COURT: YOU DON'T GET TO WHAT?

11 THE WITNESS: SAY ANYTHING. THE ONLY THING WAS,
12 YOU KNOW, WHEN I READ IN THE NEWSPAPER ABOUT THE JUROR WHO
13 HAD FILED THE AFFIDAVIT, I WAS EXTREMELY UPSET AND INSENSED
14 THAT HE FELT THAT HE COULD INPUTE MOTIVES TO HIS FELLOW
15 JURORS.

16 MR. MEZA: YOUR HONOR, I WILL OBJECT AS IRRELEVANT
17 AND BEYOND THE SCOPE.

18 MR. NICOLAYSEN: I, ALSO OBJECT, YOUR HONOR.

19 MR. MEDRANO: OBJECTION TO THE OBJECTION, YOUR
20 HONOR. IT'S THEIR MOTION.

21 THE COURT: ALL RIGHT. MISS OVERHOLT, YOU MAY
22 STEP DOWN.

23 THE WITNESS: THANK YOU.

24 MR. MEZA: YOUR HONOR, THERE WAS A MOTION TO STRIKE
25 THAT LAST COMMENT.

1 MR. MEDVENE: WE JOIN IN THE MOTION TO STRIKE.

2 MR. NICOLAYSEN: WE JOIN AS WELL, YOUR HONOR.

3 THE COURT: ON WHAT GROUNDS?

4 MR. STOLAR: IT IS IRRELEVANT.

5 MR. MEZA: THERE IS NO QUESTION PENDING. IT'S
6 BEYOND THE SCOPE OF THE --

7 MR. STOLAR: SUBJECTIVE FEELINGS ABOUT WHAT
8 HAPPENED SUBSEQUENTLY.

9 MR. MEDRANO: THAT IS STANDARD, YOUR HONOR. YOU
10 HAVE TO STRIKE 90 PERCENT OF THEIR AFFIDAVITS SUBMITTED BY
11 DEFENSE COUNSEL. WE ASK THAT IT STAY ON THE RECORD,
12 OTHERWISE, WHAT IS GOOD FOR THE GOOSE IS GOOD FOR THE
13 GANDER.

14 MR. MEZA: LET ME WRITE THAT DOWN.

15 THE COURT: THE MOTION IS DENIED.

16 DIDN'T YOU GO BEFORE YOU CAME IN HERE? LET'S --
17 MR. MATTA IS GOING TO NEED THE EYE APPEAL. LET'S JUST HOLD
18 UP. WE'LL TAKE ABOUT FIVE.

19 MR. STOLAR: THANK YOU, YOUR HONOR.

20 THE CLERK: ALL RISE.

21 (RECESS TAKEN.)

22

23 ROBERT ESPINOSA, WITNESS, DULY SWORN.

24 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR
25 FULL NAME FOR THE RECORD.

1 THE WITNESS: ROBERT M. ESPINOSA.

2 DIRECT EXAMINATION BY THE COURT:

3 THE COURT: MR. ESPINOSA, WOULD YOU SIT BACK IN
4 YOUR CHAIR.

5 AT ANY TIME WHILE YOU WERE A JUROR ON THIS CASE,
6 DID YOU BECOME AWARE THAT THE DEFENDANT MATTA HAD PREVIOUSLY
7 BEEN CONVICTED OF ANOTHER CRIME?

8 A. NO, SIR.

9 Q. YOU NEVER HEARD THAT?

10 A. NO.

11 Q. DID YOU AT ANY TIME DURING THE TRIAL WHILE YOU WERE ON
12 THIS JURY BECOME AWARE THAT THE DEFENDANT MATTA WAS ALREADY
13 SERVING A LIFE SENTENCE?

14 A. NO, SIR.

15 Q. YOU DID NOT HEAR THAT?

16 A. NO.

17 Q. YOU DID NOT HEAR IT DISCUSSED?

18 A. NO.

19 Q. DID YOU BECOME AWARE AT ANY TIME WHILE YOU WERE A JUROR
20 ON THIS CASE OF NEWS REPORTS CONCERNING THE MATTA VERDICT,
21 OF ANY NEWS OR TELEVISION REPORTS CONCERNING THE JURY'S
22 VERDICT REGARDING MR. MATTA?

23 A. WE HAD JUST -- THERE WAS A DISCUSSION OF HOW WE WERE
24 CRITICIZED FOR OUR DECISION.

25 Q. WHEN DID YOU FIRST HEAR THAT YOU HAD -- DID YOU

1 PERSONALLY HEAR ANY SUCH REPORTS YOURSELF?

2 A. NO, ONLY -- WELL, IT WAS JUST SAID.

3 Q. OTHER THAN WAS SAID IN THE JURY ROOM, DID YOU
4 PERSONALLY HEAR ANY REPORTS?

5 A. NO, SIR.

6 Q. HOW DID YOU BECOME AWARE OF THESE REPORTS?

7 A. I REALLY DON'T -- I DON'T KNOW. I THINK IT WAS --
8 SOMEBODY MUST HAVE MENTIONED IT. IT WAS JUST LIKE, YOU
9 KNOW, LIKE A REGULAR CONVERSATION. IT JUST -- IT WAS JUST
10 SAID AND THEN THAT WAS IT.

11 Q. DID THE JURY DISCUSS THE NEWS REPORTS CONCERNING THE
12 MATTA VERDICT?

13 A. NOT REALLY. WE JUST -- THEN WE JUST WENT ON WITH
14 BUSINESS. IT WAS JUST, YOU KNOW, IT WAS MENTIONED AND THEN
15 WE JUST WENT ON.

16 Q. WAS THERE ANY MENTION MADE OR ANY DISCUSSION OF
17 STATEMENTS REGARDING THE MATTA VERDICT MADE BY DEFENSE
18 COUNSEL?

19 A. I DIDN'T UNDERSTAND THAT QUESTION.

20 CAN YOU REPHRASE THAT, PLEASE?

21 Q. DID YOU, WHILE YOU WERE A JUROR ON THIS CASE, BECOME
22 AWARE OF ANY NEWS REPORTS REGARDING STATEMENTS MADE BY
23 DEFENSE COUNSEL FOR MR. MATTA REGARDING THE MATTA VERDICT?

24 A. YES, JUST WHEN THEY WERE -- WHEN MR. STOLAR HAD
25 CRITICIZED US FOR OUR DECISION. THAT WAS WHAT THEY HAD --

1 THAT WAS THE ONLY THING WE HAD HEARD, AND LIKE I SAID, THAT
2 WAS JUST MENTIONED AND THEN WE WENT ON WITH BUSINESS.

3 Q. WELL, YOU JUST HEARD ABOUT THIS CRITICISM IN THE JURY
4 ROOM OR DID YOU SEE OR HEAR SOMETHING ON TELEVISION OR
5 RADIO?

6 A. NO, IT WAS ONLY IN THE JURY ROOM.

7 Q. WHEN DID YOU BECOME AWARE OF THESE REPORTS CONCERNING
8 THE MATTA VERDICT?

9 A. I GUESS IT WAS THE NEXT DAY.

10 Q. THE DAY AFTER THE VERDICT WAS REACHED?

11 A. YES.

12 Q. AND DID THE JURY DISCUSS THE COMMENTS MADE BY THE
13 ATTORNEY REGARDING THE JURY'S VERDICT?

14 A. YES, JUST VERY CASUALLY AND THEN WE JUST WENT ON WITH
15 BUSINESS.

16 Q. ALL RIGHT. THAT WAS THAT SAME MORNING?

17 A. YES.

18 Q. AT ANY TIME WHILE YOU WERE A JUROR ON THIS CASE, DID
19 YOU BECOME AWARE, ON THE BASIS OF INFORMATION RECEIVED FROM
20 OUTSIDE THE COURT, THAT THE DEFENDANT, MR. MATTA, WAS A DRUG
21 KINGPIN?

22 A. NO, SIR.

23 Q. YOU DID NOT?

24 A. NO. I JUST ASSUMED IT. I MEAN BY -- FROM HEARING
25 TESTIMONY.

1 Q. OTHER THAN WHAT YOU CONCLUDED FROM THE EVIDENCE, DID
2 YOU BECOME AWARE ON THE BASIS OF INFORMATION RECEIVED FROM
3 OUTSIDE THE COURT?

4 A. NO, SIR.

5 Q. THAT IS NOT SOMETHING THAT YOU HEARD DISCUSSED BY
6 ANYONE IN THE JURY ROOM?

7 A. NO. I DON'T REMEMBER EVER HEARING ANYTHING.

8 Q. ALL RIGHT. NOW, DURING THE TIME THAT YOU WERE A JUROR,
9 DID YOU LEARN AT ANY TIME THAT THERE HAD BEEN AN EARLIER
10 TRIAL DEALING WITH THE CAMARENA CASE AND THAT CERTAIN OTHER
11 DEFENDANTS HAD ALREADY BEEN CONVICTED AND SENTENCED?

12 A. YES. I KNEW THAT BECAUSE WHEN I WAS PICKED FOR THE
13 JURY I DISCUSSED THAT I HAD SEEN THE MOVIE AND, YOU KNOW, I
14 MEAN -- AND YOU EXPLAINED TO ME THAT THE MOVIE HAD NOTHING
15 TO DO WITH THIS TRIAL AND I SAID, " I UNDERSTAND THAT."

16 Q. SO YOU DID HAVE SOME KNOWLEDGE OF THAT BEFORE BECOMING
17 A JUROR?

18 A. YES.

19 Q. THAT THERE HAD BEEN ANOTHER CAMARENA CASE?

20 A. YES, AND I EXPLAINED THAT, AND I SAID I HAD SEEN THE
21 MOVIE.

22 Q. HAD YOU READ ABOUT THE OTHER CASE AT ANY TIME?

23 A. NO, SIR. I ONLY SEEN THE MOVIE AND THAT WAS THE
24 ONLY --

25 Q. ALL RIGHT. WELL, DID THE JURY DISCUSS THERE HAVING

1 BEEN AN EARLIER TRIAL DEALING WITH THE CASE AND THAT CERTAIN
2 DEFENDANTS HAD ALREADY BEEN CONVICTED AND SENTENCED?

3 A. NO, SIR.

4 Q. DURING THE TRIAL OR JURY DELIBERATIONS, DID YOU BECOME
5 AWARE THAT A MEXICAN DOCTOR KNOWN AS DOCTOR ALVAREZ MACHAIN
6 HAD BEEN ABDUCTED FROM MEXICO AND BROUGHT TO THE UNITED
7 STATES IN CONNECTION WITH THE CAMARENA CASE?

8 DID YOU EVER BECOME AWARE OF THAT AT ANY TIME?

9 A. NO, SIR.

10 Q. YOU DID NOT HEAR OF IT DURING THE TRIAL?

11 A. NO, SIR.

12 Q. BEFORE THE TRIAL?

13 A. NO, SIR.

14 Q. AFTER THE TRIAL?

15 A. AFTER THE TRIAL, YES.

16 Q. AFTER THE TRIAL YOU HEARD ABOUT IT?

17 A. YES, I DID.

18 Q. THAT WAS THE FIRST TIME YOU LEARNED OF IT?

19 A. YES, SIR.

20 Q. ALL RIGHT. WAS THAT A SUBJECT THAT YOU HEARD DISCUSSED
21 IN THE JURY ROOM, THE KIDNAPPING OF DOCTOR MACHAIN?

22 A. NO, SIR.

23 Q. DURING THE TRIAL OR JURY DELIBERATIONS, DID YOU BECOME
24 AWARE OF ANY MEDIA REPORT OR OTHER STATEMENTS THAT THE
25 CURRENT MEXICAN GOVERNMENT WAS CORRUPT AND WAS NOT

1 COOPERATING IN THE INVESTIGATION OF THE CAMARENA CASE?

2 A. BEFORE WHAT, SIR?

3 COULD YOU REPEAT THAT?

4 Q. DURING THE TIME THAT YOU WERE ON THIS JURY IN THIS
5 CASE, DID YOU BECOME AWARE OF ANY MEDIA REPORT, EITHER
6 NEWSPAPER STORY OR TELEVISION OR OTHER STATEMENT, THAT THE
7 CURRENT MEXICAN GOVERNMENT WAS CORRUPT AND WAS NOT
8 COOPERATING IN THE INVESTIGATION OF THE CAMARENA CASE?

9 A. NO, SIR.

10 Q. IS THAT A SUBJECT THAT YOU HEARD DISCUSSED BY ANYONE?

11 A. NO, BUT I HAVE KIND OF, YOU KNOW -- BECAUSE I GO DOWN
12 TO MEXICO ONCE IN AWHILE, AND I KIND OF KNOW, TALKING TO
13 OTHER FRIENDS, THAT THERE IS CORRUPTION.

14 Q. WELL, I AM SIMPLY ASKING IF DURING THE TRIAL --

15 A. DURING THE TRIAL, NO.

16 Q. -- WHETHER ANYONE DISCUSSED THIS OR WHETHER YOU HEARD
17 ANY REPORTS OR OTHER THINGS ABOUT IT AND YOUR ANSWER IS?

18 A. NO, SIR.

19 Q. ALL RIGHT. TO YOUR KNOWLEDGE, IT WAS NOT DISCUSSED BY
20 ANYONE IN THE JURY?

21 A. NO, SIR.

22 Q. NOW, AT ANY TIME WHILE YOU WERE A JUROR ON THIS CASE,
23 DID YOU BECOME AWARE THAT THE MARSHAL, ONE OF THE BAILIFFS,
24 CLAY MITCHELL, TOLD ONE OR MORE OF THE JURORS THAT HE COULD
25 NOT SERVE ON A JURY BECAUSE HE WOULD ONLY BE ABLE TO VOTE

1 ONE WAY?

2 A. NO, SIR.

3 Q. YOU WERE NOT AWARE OF THAT?

4 A. NO, SIR.

5 Q. DID YOU EVER HEAR THAT?

6 A. NO, SIR.

7 Q. DID YOU HEAR ANY OTHER JUROR SAY THAT?

8 A. NO, SIR.

9 Q. DID YOU HEAR ANY DISCUSSION BY ANY JUROR ABOUT THAT?

10 A. NO, SIR.

11 THE COURT: ALL RIGHT. MR. ESPINOSA, THAT IS ALL
12 THE QUESTIONS I HAVE FOR YOU. YOU ARE EXCUSED NOW.

13 WE WILL TAKE ONE MORE BEFORE WE ADJOURN FOR LUNCH.

14 DUANE WOOD, WITNESS, DULY SWORN.

15 THE CLERK: PLEASE BE SEATED.

16 PLEASE STATE YOUR FULL NAME FOR THE RECORD.

17 THE WITNESS: DUANE WOOD, W-O-O-D.

18 DIRECT EXAMINATION BY THE COURT:

19 Q. MR. WOOD, DURING THE TIME THAT YOU WERE A JUROR ON THIS
20 CASE, DID YOU EVER BECOME AWARE THAT THE DEPENDANT MATTA HAD
21 PREVIOUSLY BEEN CONVICTED OF ANOTHER CRIME?

22 A. NO.

23 Q. DID YOU AT ANY TIME BECOME AWARE THAT HE NOT ONLY HAD
24 BEEN CONVICTED BUT WAS SERVING A LIFE SENTENCE FOR ANOTHER
25 CRIME?

1 A. NO. NOT UNTIL AFTERWARDS.

2 Q. AFTERWARDS?

3 A. YES.

4 Q. AFTER THE JURY WAS DISCHARGED?

5 A. YES.

6 Q. DID YOU HEAR EITHER ANY MEMBER OF THE JURY DISCUSS
7 MATTA'S PRIOR CONVICTION OR THAT HE WAS SERVING A LIFE
8 SENTENCE DURING THE JURY DELIBERATIONS OR BEFORE?

9 A. NO.

10 Q. AT ANY TIME DURING THE TRIAL OR JURY DELIBERATIONS, DID
11 YOU BECOME AWARE OF ANY NEWS REPORTS REGARDING THE MATTA
12 VERDICT?

13 A. THE ONLY THING -- WHEN I WAS GOING HOME, WHEN I --
14 AFTER WE DID THE VERDICT, WHEN I FIRST TURNED THE RADIO ON
15 SOMETHING STARTED TO COME ON AND I JUST TURNED IT OFF,
16 THAT'S ALL. I TRIED TO CHANGE CHANNELS ON THE RADIO AND
17 EVERYTHING WAS ON IT.

18 Q. DID YOU HEAR ANYTHING BEFORE YOU GOT IT TURNED OFF?

19 A. NO, BECAUSE I JUST CHANGED CHANNELS. IT SAID THE
20 VERDICT HAD COME IN.

21 Q. WELL, WAS THERE A -- DID YOU HEAR AT ANY TIME OTHER
22 THAN BY RADIO OR TELEVISION OR THROUGH ANOTHER PERSON
23 ANYTHING REGARDING THE MATTA VERDICT?

24 A. NO.

25 Q. DID YOU HEAR ANY DISCUSSION IN THE JURY ROOM REGARDING

1 THE MATTA VERDICT?

2 A. NO. THE -- A COUPLE OF THE JURORS WERE UPSET A LITTLE
3 BIT AFTER WE GOT OUT OF HERE.

4 Q. WELL, WERE THEY UPSET ABOUT STATEMENTS MADE BY COUNSEL
5 REGARDING THE VERDICT?

6 A. NO, NO, NO. THEY WERE JUST, YOU KNOW, LIKE I WOULD SAY
7 AFTER WE COME DOWN HERE AND WE FACED THE DEFENDANT AND WE
8 READ THE VERDICT, IT JUST MADE THEM NERVOUS. THEY WERE
9 UPSET IN THAT SENSE.

10 Q. WELL, WAS THERE ANY DISCUSSION -- STRIKE THAT.

11 DID YOU AT ANY TIME HEAR OR BECOME AWARE THAT ONE
12 OF THE DEFENSE COUNSEL FOR MR. MATTA HAD MADE CRITICAL
13 STATEMENTS, STATEMENTS CRITICIZING THE JURY CONCERNING THE
14 MATTA VERDICT?

15 A. NO.

16 Q. YOU NEVER HEARD OF THAT? DID YOU EVER HEAR THAT
17 DISCUSSED IN THE JURY ROOM OR AT ANY OTHER PLACE?

18 A. NO, NOT IN THE JURY ROOM.

19 Q. ANY OTHER PLACE?

20 A. NO.

21 Q. DID YOU AT ANY TIME DURING THE TRIAL OR JURY
22 DELIBERATIONS BECOME AWARE ON THE BASIS OF INFORMATION
23 RECEIVED FROM OUTSIDE THE COURT, NOT IN THE COURT, THAT THE
24 DEFENDANT MATTA WAS A DRUG KINGPIN?

25 A. NO.

1 Q. DID YOU HAVE ANY -- DID YOU HEAR ANY DISCUSSION
2 ABOUT MR. MATTA BEING A DRUG KINGPIN BY ANY JUROR?

3 A. NO.

4 Q. DID YOU DURING THE TIME THAT YOU WERE A JUROR ON THIS
5 CASE LEARN OR HEAR THAT THERE HAD BEEN AN EARLIER TRIAL
6 DEALING WITH THE CAMARENA CASE AND THAT OTHER DEFENDANTS HAD
7 ALREADY BEEN CONVICTED AND SENTENCED?

8 A. NO.

9 Q. YOU NEVER HEARD OF THAT?

10 A. THAT WAS ASKED IN THE QUESTIONNAIRE, I THINK, THAT YOU
11 GAVE US.

12 Q. YES.

13 A. AND I ANSWERED THAT NO.

14 Q. DID YOU HEAR OF IT DURING THE TRIAL?

15 A. NO.

16 Q. YOU DID NOT? YOU DIDN'T READ OR HEAR ANYTHING ABOUT IT
17 OR HEAR ANY OTHER JUROR MENTION IT; IS THAT RIGHT?

18 A. RIGHT.

19 Q. DURING THE TIME THAT YOU WERE A JUROR ON THIS CASE, DID
20 YOU BECOME AWARE THAT A MEXICAN DOCTOR KNOWN AS DOCTOR
21 ALVAREZ MACHAIN HAD BEEN KIDNAPPED FROM MEXICO AND BROUGHT
22 TO THE UNITED STATES IN CONNECTION WITH THE CAMARENA CASE?

23 A. I HEARD THE DOCTOR HAD BEEN KIDNAPPED, BUT NOT TO
24 WHAT. THAT IS ALL, I JUST HEARD THE DOCTOR HAD BEEN
25 KIDNAPPED FROM MEXICO.

1 Q. ALL RIGHT. WHEN DID YOU FIRST HEAR THAT?

2 A. I DON'T KNOW. THAT WAS WAY -- I DON'T KNOW WHEN THAT
3 WAS. IT WAS RIGHT TOWARDS THE END, I THINK.

4 Q. WAS IT DURING THE TRIAL OR BEFORE OR AFTER?

5 A. I THINK IT WAS RIGHT AFTER BECAUSE I HAD MY DAUGHTER
6 KEEP ALL THE NEWSPAPER ARTICLES FOR ME SO THAT I COULD READ
7 THEM AFTER I GOT DONE.

8 Q. YOU THINK THAT IS WHEN YOU FIRST LEARNED ABOUT THE
9 DOCTOR?

10 A. YES.

11 Q. AT ANY TIME DURING THE TRIAL OR JURY DELIBERATIONS, DID
12 YOU BECOME AWARE OF ANY MEDIA REPORT OR OTHER STATEMENT THAT
13 THE CURRENT MEXICAN GOVERNMENT WAS CORRUPT AND WAS NOT
14 COOPERATING IN THE INVESTIGATION OF THE CAMARENA CASE?

15 A. NO.

16 Q. YOU DID NOT HEAR THAT?

17 A. NO.

18 Q. AT ANY TIME DURING THE TRIAL OR JURY DELIBERATIONS, DID
19 YOU BECOME AWARE THAT THE MARSHAL, CLAY MITCHELL, TOLD ONE
20 OR MORE OF THE JURORS THAT HE COULD NOT SERVE ON A JURY
21 BECAUSE HE WOULD ONLY BE ABLE TO VOTE ONE WAY?

22 A. NO.

23 Q. YOU NEVER HEARD THAT?

24 A. NO.

25 Q. NO ONE EVER SAID THAT TO YOU?

1 A. NO.

2 Q. YOU DID NOT HEAR IT SAID?

3 A. NO, SIR.

4 THE COURT: ALL RIGHT. THAT IS ALL THE QUESTIONS
5 I HAVE FOR YOU, MR. WOOD. YOU MAY BE EXCUSED.

6 THE WITNESS: OKAY. THANK YOU.

7 WE WILL TAKE OUR NOON RECESS AT THIS TIME AND
8 RECONVENE AT 1:30.

9 MR. MEDVENE: MAY I BRIEFLY BE HEARD, YOUR
10 HONOR?

11 THE COURT: NO. IF YOU HAVE THINGS THAT YOU WANT
12 TO HAVE THE COURT FOLLOW UP ON, PUT THEM IN WRITING AND
13 SUBMIT THEM SO WE CAN LOOK AT THEM.

14 WHAT DO YOU WANT TO BE HEARD ABOUT?

15 MR. MEDVENE: THE LAST WITNESS.

16 THE COURT: THAT IS WHAT YOU WANT TO BE HEARD
17 ABOUT?

18 MR. MEDVENE: WITH RESPECT TO JUROR ESPINOSA, I
19 BELIEVE HE WAS TRYING TO SAY HE GOT INFORMATION OUTSIDE THE
20 COURT.

21 THE COURT: IF YOU WANT TO HAVE FOLLOW UP
22 QUESTIONS, THEN I THINK YOU OUGHT TO WRITE THEM DOWN SO I
23 CAN LOOK AT THEM AND SUBMIT THEM BY 1:30 IF YOU CAN.

24 MR. MEDRANO: YOUR HONOR, FINALLY, DOES THE
25 COURT'S LAST ORDER PROHIBITING CONTACT WITH THE PRESS -- IS

1 THAT IN EFFECT UNTIL WE ARE DONE?

2 THE COURT: THAT'S IN EFFECT.

3 MR. NICOLAYSEN: YOUR HONOR, WE DON'T HAVE THE
4 ABILITY TO TYPE QUESTIONS DURING THE NOON HOUR.

5 THE COURT: WRITE THEM OUT.

6 MR. MEDRANO: MAY THEY BE SHOWN TO COUNSEL, YOUR
7 HONOR, BEFORE THEY GO TO COURT OR A COPY PROVIDED TO
8 COUNSEL?

9 THE COURT: WELL, I THINK IF YOU HAVE ANY QUESTIONS
10 YOU SHOULD DO THE SAME.

11 MR. MEDRANO: THANK YOU.

12 THE CLERK: PLEASE RISE.

13 THIS COURT IS NOW IN RECESS FOR LUNCH.

14 (RECESS TAKEN.)

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1 LOS ANGELES, CALIFORNIA; MONDAY, NOVEMBER 5, 1990; 1:35 P.M.

2 PEGGY DOLAN, WITNESS, DULY SWORN.

3 PLEASE BE SEATED. PLEASE STATE YOUR FULL NAME FOR
4 THE RECORD.

5 THE WITNESS: PEGGY DOLAN.

6 DIRECT EXAMINATION BY THE COURT:

7 Q. MISS DOLAN, DURING THE TIME THAT YOU WERE A JUROR ON
8 THIS CASE, EITHER DURING THE TRIAL OR DURING THE JURY
9 DELIBERATIONS OR AT ANY OTHER TIME, DID YOU BECOME AWARE
10 THAT THE DEFENDANT MATTA HAD PREVIOUSLY BEEN CONVICTED OF
11 ANOTHER CRIME?

12 A. I DON'T RECALL. I BELIEVE I DID, BUT I CAN'T TELL YOU
13 WHEN DURING THE PROCESS IT WAS THAT I HEARD THAT.

14 Q. CAN YOU TELL ME IF IT WAS BEFORE THE JURY BEGAN
15 DELIBERATIONS OR AFTER?

16 A. TO THE BEST OF MY RECOLLECTION, IT WAS AFTER WE HAD
17 ALREADY HANDED DOWN THE VERDICT ON MATTA.

18 Q. AFTER THE VERDICT.

19 HOW DID YOU LEARN THAT INFORMATION?

20 A. ONE OF THE OTHER JURORS I BELIEVE MENTIONED HAVING
21 HEARD IT THROUGH THE MEDIA.

22 Q. WHAT JUROR WAS THAT, DO YOU KNOW?

23 A. I WOULD HATE TO SAY AND BE WRONG. I DON'T RECALL.
24 THERE WAS A LOT OF OPEN DISCUSSION, AND I DON'T RECALL.

25 Q. SO YOU'RE NOT SURE?

1 A. I AM NOT SURE.

2 Q. NOW, HAVING HEARD THIS, DID THE JURY DISCUSS AT ANY
3 TIME THAT THE DEFENDANT MATTA HAD PREVIOUSLY BEEN CONVICTED?

4 A. NOT THAT I RECALL.

5 Q. ALL RIGHT. NOW, IN CONNECTION WITH THE SAME THING, DID
6 YOU HEAR ANY INFORMATION THAT MATTA NOT ONLY HAD BEEN
7 CONVICTED, BUT WAS SERVING A LIFE SENTENCE AT ANY TIME
8 DURING THE TRIAL OR JURY DELIBERATIONS?

9 A. NO. I DON'T REMEMBER ANY OF THAT.

10 Q. THAT IS SOMETHING THAT YOU DON'T RECALL HEARING?

11 A. I DON'T RECALL.

12 Q. DO YOU RECALL THE JURY EVER HAVING DISCUSSED THAT?

13 A. I DON'T RECALL.

14 Q. YOU DON'T RECALL OR THEY DID NOT?

15 A. I DON'T RECALL.

16 Q. YOU DON'T PRESENTLY HAVE A RECOLLECTION OF HAVING HEARD
17 A DISCUSSION ABOUT THAT AT THIS MOMENT?

18 A. ABOUT A LIFE SENTENCE?

19 Q. ABOUT HIM SERVING A LIFE SENTENCE, YES.

20 A. I DON'T RECALL. THERE WAS SOME TALK ABOUT A PRIOR
21 CASE, BUT I DON'T REMEMBER ANY OF THE PARTICULARS.

22 Q. ALL RIGHT.

23 WELL, THIS TALK ABOUT A PRIOR CASE, WAS THIS A CASE
24 THAT -- THE SAME ONE YOU SAY THAT YOU HEARD THAT HE HAD HAD
25 A PRIOR CONVICTION?

1 A. YES.

2 Q. YES?

3 A. YES.

4 Q. ALL RIGHT. NOW, WHEN THE -- AT ANY TIME DURING THE
5 TRIAL OR JURY DELIBERATIONS, DID YOU BECOME AWARE OF NEWS
6 REPORTS REGARDING THE JURY'S VERDICT WITH RESPECT TO MR.
7 MATTA.

8 A. YES.

9 Q. WHEN IS IT THAT YOU FIRST HEARD ABOUT THAT?

10 A. AS I RECALL IT WAS THE DAY -- THE NEXT DAY FOLLOWING
11 THE VERDICT.

12 Q. YES.

13 A. AND THAT THERE WAS MENTION THAT MR. MATTA'S LAWYER WAS
14 UPSET THAT WE WERE CONFUSED.

15 Q. WAS THAT THE EXTENT OF THE REPORT AS IT WAS DESCRIBED
16 TO YOU OR THAT YOU HEARD?

17 A. YES.

18 Q. HOW DID YOU BECOME AWARE OF THE REPORT?

19 A. UHM, SOME OF THE OTHER JURORS HAD OVERHEARD THAT
20 INFORMATION THROUGH THE NEWS -- ON THE RADIO, I BELIEVE.

21 Q. ALL RIGHT. NOW, DID THE -- YOU SAY THIS WAS THE
22 MORNING AFTER THE VERDICT ON MATTA?

23 A. YES.

24 Q. DID THE JURY DISCUSS THESE NEWS REPORTS CONCERNING THE
25 MATTA VERDICT?

- 1 A. YES, WE DID.
- 2 Q. WHEN DID THE DISCUSSION TAKE PLACE? THAT SAME TIME?
- 3 A. IN THE MORNING.
- 4 Q. THE MORNING AFTER THE VERDICT?
- 5 A. THE MORNING AFTER THE VERDICT.
- 6 Q. ALL RIGHT. IN THAT DISCUSSION WAS THERE A DISCUSSION
7 ALSO OF STATEMENTS MADE BY MR. MATTA'S ATTORNEY REGARDING
8 THE MATTA VERDICT?
- 9 A. YES.
- 10 Q. AND THE JURY DISCUSSED THOSE COMMENTS AS WELL?
- 11 A. YES, WE DID.
- 12 Q. DID THIS TAKE PLACE ON THE MORNING AFTER THE VERDICT AS
13 WELL?
- 14 A. YES, IT DID.
- 15 Q. ALL RIGHT. AT ANY TIME DURING THE TRIAL OR JURY
16 DELIBERATIONS, DID YOU BECOME AWARE, ON THE BASIS OF
17 INFORMATION RECEIVED FROM OUTSIDE THE COURT, THAT DEFENDANT
18 MATTA WAS A DRUG KINGPIN OR A MAJOR DRUG TRAFFICKER OR
19 ANYTHING OF THAT NATURE, OTHER THAN WHAT EVIDENCE WAS
20 PRESENTED IN COURT?
- 21 A. NO.
- 22 Q. YOU DON'T RECALL EVER HEARING THAT?
- 23 A. I DON'T RECALL ANY DISCUSSION REGARDING THAT.
- 24 Q. ALL RIGHT. AT ANY TIME DURING THE TRIAL OR JURY
25 DELIBERATIONS, DID YOU LEARN THAT THERE HAD BEEN AN EARLIER

1 TRIAL DEALING WITH THE CAMARENA CASE AND THAT OTHER
2 DEFENDANTS HAD ALREADY BEEN CONVICTED AND SENTENCED?

3 A. NO.

4 Q. YOU DID NOT HEAR THAT?

5 A. NO.

6 Q. AT ANY TIME DURING THE TRIAL OR JURY DELIBERATIONS, DID
7 YOU BECOME AWARE THAT A MEXICAN DOCTOR KNOWN AS DOCTOR
8 ALVAREZ MACHAIN HAD BEEN ABDUCTED FROM MEXICO AND BROUGHT TO
9 THE UNITED STATES IN CONNECTION WITH THE CAMARENA CASE?

10 A. I RECALL THAT INCIDENT.

11 Q. WHEN DID YOU FIRST LEARN ABOUT THAT?

12 A. I BELIEVE IT WAS BEFORE THE TRIAL.

13 Q. YOU BELIEVE IT WAS?

14 A. I DON'T RECALL, BUT I WAS AWARE OF IT.

15 Q. NOW, DURING -- WAS THE SUBJECT OF DOCTOR MACHAIN'S
16 KIDNAPPING SOMETHING THAT WAS DISCUSSED IN THE JURY ROOM AT
17 ANY TIME OR OTHERWISE BY ANY MEMBER OF THE JURY, AS FAR AS
18 YOU KNOW?

19 A. I REMEMBER A DISCUSSION ABOUT IT SO I WILL HAVE TO SAY
20 THAT IT WAS DISCUSSED, BUT I CAN'T SAY WHEN.

21 Q. YOU CAN'T SAY WHEN?

22 A. I CAN'T SAY WHEN.

23 Q. CAN YOU AT LEAST SAY WHETHER IT WAS DURING
24 DELIBERATIONS OR BEFORE?

25 A. IT SEEMS TO ME THAT IT WAS IN THE VERY BEGINNING OF THE

1 TRIAL BEFORE DELIBERATIONS.

2 Q. BEFORE THE JURY STARTED TO DELIBERATE, ALL RIGHT.

3 DID YOU AT ANY TIME DURING THE TRIAL OR JURY
4 DELIBERATIONS BECOME AWARE OF ANY MEDIA REPORT OR OTHER
5 STATEMENT THAT THE CURRENT MEXICAN GOVERNMENT WAS CORRUPT
6 AND WAS NOT COOPERATING IN THE INVESTIGATION OF THE CAMARENA
7 CASE?

8 A. NO.

9 Q. THAT IS NOT A SUBJECT YOU HEARD ABOUT DURING THE TRIAL?

10 A. NO.

11 Q. OTHER THAN IN THE COURT HERE?

12 A. THAT'S CORRECT.

13 Q. WAS THIS SOMETHING THAT WAS DISCUSSED AT ANY TIME IN
14 YOUR PRESENCE BY ANY JUROR?

15 A. NO.

16 Q. AT ANY TIME DURING THE TRIAL OR THE JURY DELIBERATION
17 DID YOU BECOME AWARE THAT MARSHAL CLAY MITCHELL TOLD ONE OR
18 MORE OF THE JURORS THAT HE COULD NOT SERVE ON A JURY BECAUSE
19 HE WOULD ONLY BE ABLE TO VOTE ONE WAY?

20 DID YOU BECOME AWARE THAT A STATEMENT OF THAT TYPE
21 HAD BEEN MADE BY THE MARSHAL?

22 A. NO.

23 Q. DID -- YOU YOURSELF DID NOT HEAR ANY SUCH STATEMENT?

24 A. I DID NOT.

25 Q. DID YOU HEAR A STATEMENT OF THAT TYPE DISCUSSED AT ANY

1 TIME BY ANY MEMBER OF THE JURY?

2 A. NO.

3 Q. PRIOR TO YOUR SELECTION AS A JUROR IN THIS CASE, DID
4 YOU MAKE ANY COMMENT REGARDING THE GUILT OR INNOCENCE OF ANY
5 OF THE DEFENDANTS?

6 A. DID I?

7 Q. YES.

8 A. NO.

9 Q. THIS IS BEFORE YOU EVEN BECAME A JUROR ON THE CASE I AM
10 TALKING ABOUT.

11 A. I UNDERSTAND.

12 Q. YOU DID NOT MAKE ANY SUCH STATEMENT?

13 A. I DID NOT.

14 Q. DID YOU -- DO YOU RECALL BEING SWORN IN AS A JUROR IN
15 THIS CASE, MISS DOLAN?

16 A. YES, I DO.

17 Q. DO YOU RECALL SWEARING TO DECIDE THE CASE ON THE
18 EVIDENCE ADMITTED AT TRIAL AND NOT ON ANY BIAS OR
19 PREDISPOSITION?

20 A. YES.

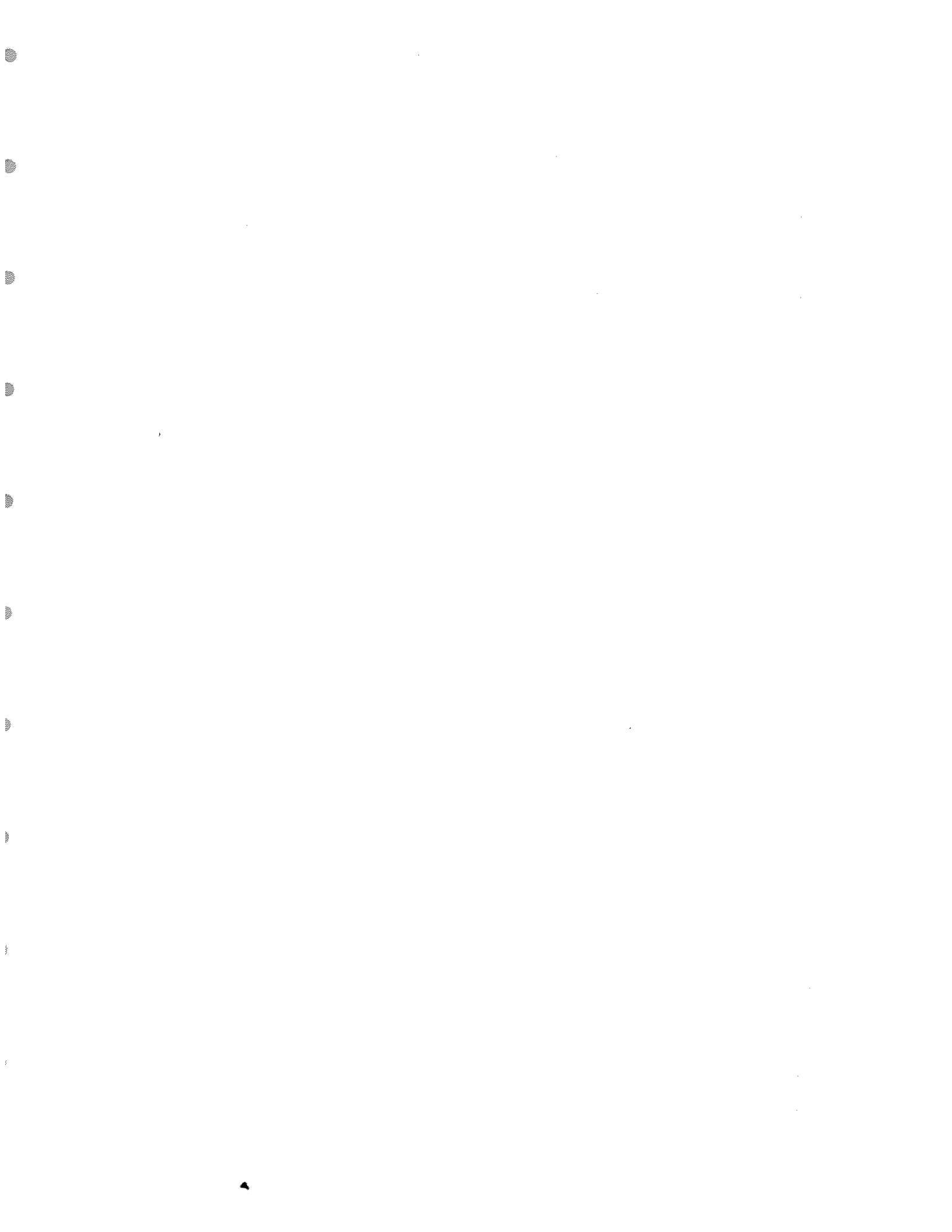
21 Q. AND DID YOU DO THAT IN THIS CASE?

22 A. YES, I DID.

23 THE COURT: ALL RIGHT.

24 THAT'S ALL THE QUESTIONS I HAVE FOR YOU.

25 YOU MAY BE EXCUSED NOW.



1 THE WITNESS: THANK YOU.

2 DENISE MC DANIELS, WITNESS, DULY SWORN.

3 THE CLERK: PLEASE BE SEATED.

4 PLEASE STATE YOUR FULL NAME FOR THE RECORD.

5 THE WITNESS: DENISE MC DANIELS.

6 DIRECT EXAMINATION BY THE COURT:

7 Q. MISS MC DANIELS, AT ANY TIME DURING THE TIME THAT YOU
8 WERE A JUROR IN THIS CASE, DID YOU BECOME AWARE THAT THE
9 DEFENDANT MATTA HAD PREVIOUSLY BEEN CONVICTED OF ANOTHER
10 CRIME?

11 A. NO.

12 Q. DID YOU BECOME AWARE AT ANY TIME THAT MR. MATTA WAS
13 SERVING A LIFE SENTENCE FOR SOME OTHER CRIME?

14 A. NO.

15 Q. YOU NEVER HEARD THAT, EITHER ONE OF THOSE THINGS?

16 A. I HEARD IT AFTER, BUT --

17 Q. AFTER THE JURY WAS DISCHARGED?

18 A. YES.

19 Q. NOT BEFORE?

20 A. NO, NOT THAT I REMEMBER.

21 Q. ALL RIGHT. DURING THE TRIAL OR THE JURY DELIBERATIONS,
22 DID YOU BECOME AWARE OF ANY NEWS REPORTS CONCERNING THE
23 JURY'S VERDICT REGARDING THE DEFENDANT MATTA, COMMENTS BY
24 HIS ATTORNEYS ABOUT IT?

25 A. THERE WAS ONE TIME WHEN I WAS DRIVING HOME WITH LINDA

1 WHEN WE FIRST DID THE VERDICT WITH MR. MATTA, WE HEARD IT
2 AND WE KEPT FLICKING IT ON AND THEN WE TURNED THE RADIO BACK
3 ON AND IT WOULD COME AGAIN, AND WE FLICKED IT OFF, AND I HAD
4 HEARD SOME OF THE COMMENTS.

5 Q. WHAT WAS IT THAT YOU HEARD?

6 A. I THINK IT WAS THE COMMENT OF MR. STOLAR SAYING THAT WE
7 DIDN'T KNOW WHAT WE WERE DOING.

8 Q. AND WAS THIS SUBJECT DISCUSSED IN THE JURY ROOM THE
9 NEXT DAY OR AT ANY TIME?

10 A. IT WAS DISCUSSED THE NEXT DAY.

11 Q. ALL RIGHT. WAS IT DISCUSSED AT ANY TIME AFTER THE NEXT
12 DAY?

13 A. NOT THAT I REMEMBER.

14 Q. AND THE DISCUSSION RELATED TO THE NEWS REPORTS EITHER
15 FROM RADIO, TELEVISION OR NEWSPAPER ABOUT THE VERDICT AND
16 WHAT WAS SAID BY MR. STOLAR. IS THAT WHAT WAS DISCUSSED IN
17 THE JURY ROOM?

18 A. YES.

19 Q. WAS THERE ANYTHING ELSE DISCUSSED?

20 A. I AM TRYING TO REMEMBER -- NOT THAT I REMEMBER.

21 Q. ALL RIGHT. AT ANY TIME DURING THE TRIAL OR JURY
22 DELIBERATIONS, DID YOU BECOME AWARE ON THE BASIS OF
23 INFORMATION RECEIVED FROM OUTSIDE THE COURT, THAT IS NOT
24 WHAT YOU HEARD HERE IN COURT, BUT OUTSIDE, THAT THE
25 DEFENDANT MATTA WAS A DRUG KINGPIN OR A MAJOR DRUG

1 TRAFFICKER?

2 A. NO.

3 Q. THAT IS NOT SOMETHING YOU HEARD DURING THE TIME YOU
4 WERE ON THE JURY?

5 A. THE ONLY THING THAT I HEARD IS WHEN, YOU KNOW, MR.
6 STOLAR SAID, YOU KNOW, THIS IS A DIFFERENT TRIAL AND A
7 DIFFERENT TIME. WE COULDN'T CONVICT HIM FOR DRUGS. THAT IS
8 THE ONLY THING THAT I EVER HEARD.

9 Q. ALL RIGHT. AT ANY TIME DURING THE TRIAL OR JURY
10 DELIBERATIONS, DID YOU LEARN THAT THERE HAD BEEN AN EARLIER
11 TRIAL DEALING WITH THE CAMARENA CASE AND THAT OTHER
12 DEFENDANTS HAD ALREADY BEEN CONVICTED AND SENTENCED IN
13 ANOTHER CASE?

14 A. NO. I KNEW NOTHING ABOUT IT BEFORE I WAS ON THIS JURY.

15 Q. YOU DIDN'T HEAR ABOUT IT DURING THE TIME YOU WERE ON
16 THE JURY?

17 A. NO.

18 Q. AT ANY TIME DURING THE TRIAL WHILE YOU WERE ON THIS
19 JURY DID YOU BECOME AWARE THAT A MEXICAN DOCTOR KNOWN AS
20 DOCTOR ALVAREZ MACHAIN HAD BEEN ABDUCTED FROM MEXICO AND
21 BROUGHT TO THE UNITED STATES IN CONNECTION WITH THE CAMARENA
22 CASE?

23 A. SOMEBODY HAD SAID SOMETHING TO ME -- ONE OF MY FRIENDS
24 OR SOMETHING -- "YOU MUST BE TRYING A DOCTOR" OR SOMETHING
25 AND I SAID, " I DON'T KNOW ANYTHING. YOU ARE NOT SUPPOSED TO

1 TELL ME," AND I DIDN'T KNOW ANYTHING ABOUT IT.

2 Q. YOU DID NOT KNOW?

3 A. NO.

4 Q. THIS COMMENT THAT YOU JUST DESCRIBED WAS MADE TO YOU
5 WHILE YOU WERE ON THE JURY?

6 A. YES. AND I TOLD THEM I COULDN'T, YOU KNOW, DISCUSS IT
7 WITH THEM. I DON'T KNOW. AND THEY SAID YOU MUST BE TRYING
8 THAT DOCTOR, AND I SAID I DON'T KNOW ANYTHING ABOUT THAT.
9 I CAN'T TELL YOU.

10 Q. WAS THIS DURING THE TIME THE JURY WAS IN DELIBERATION
11 OR BEFORE?

12 A. NO, WAY BEFORE.

13 Q. DO YOU RECALL THE SUBJECT OF DOCTOR ALVAREZ MACHAIN
14 BEING DISCUSSED BY THE JURY AT ANY TIME DURING THE TRIAL OR
15 DURING DELIBERATIONS?

16 A. NOT THAT I REMEMBER.

17 Q. ALL RIGHT. WAS THERE ANY DISCUSSION THEN DURING THE
18 TRIAL -- STRIKE THAT.

19 DID YOU BECOME AWARE AT ANY TIME THAT YOU WERE A
20 MEMBER OF THIS JURY OF ANY MEDIA REPORT OR ANY OTHER
21 STATEMENT THAT THE CURRENT MEXICAN GOVERNMENT WAS CORRUPT
22 AND WAS NOT COOPERATING IN THE INVESTIGATION OF THE CAMARENA
23 CASE?

24 A. NO.

25 Q. AT ANY TIME DURING THIS TRIAL, WHILE YOU WERE ON THE

1 JURY, DID YOU BECOME AWARE THAT THE MARSHAL CLAY MITCHELL
2 TOLD ONE OR MORE OF THE JURORS THAT HE COULD NOT SERVE ON A
3 JURY BECAUSE HE WOULD ONLY BE ABLE TO VOTE ONE WAY?

4 A. NO.

5 Q. YOU NEVER HEARD SUCH A STATEMENT?

6 A. NO. ONE DAY AT LUNCH HE TOLD ME HE WOULD LIKE TO SERVE
7 AS A JUROR, BUT HE NEVER COULD BECAUSE HE WAS A MARSHAL.
8 NOW, THAT IS ALL I HAVE EVER HEARD.

9 Q. DID YOU HEAR HIM MAKE THAT STATEMENT TO ANY OTHER
10 JUROR?

11 A. NO, I DIDN'T.

12 Q. DID YOU HEAR OTHER ANY JUROR OR JURORS DISCUSSING THIS
13 STATEMENT AT ANY TIME?

14 A. NO, I DIDN'T.

15 Q. ALL RIGHT.

16 THE COURT: I HAVE NO FURTHER QUESTIONS FOR YOU.
17 THANK YOU.

18 HAVE YOU SUBMITTED ANY OTHER PROPOSED QUESTIONS
19 THAT YOU THINK MIGHT BE APPROPRIATE?

20 MR. MEDVENE: I HAVE THEM HERE, IF I MIGHT APPROACH
21 THE CLERK, YOUR HONOR.

22 THE COURT: YES. GO AHEAD.

23 MR. MEDRANO: YOUR HONOR, WE HAVE NOT SEEN THEM,
24 JUST FOR THE RECORD.

25 MS. KELLY: YOUR HONOR, I DID SUBMIT SOME.

1 MR. MEDRANO: WE HAVE SEEN MISS KELLY'S, BUT WE
2 HAVE NOT SEEN MR. MEDVENE'S.

3 JOANNE FREDERICK, WITNESS, DULY SWORN.

4 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR
5 FULL NAME FOR THE RECORD.

6 THE WITNESS: JOANNE FREDERICK.

7 DIRECT EXAMINATION BY THE COURT:

8 Q. MISS FREDERICK, DURING THE TIME YOU WERE ON THIS JURY
9 IN THIS CASE, DID YOU BECOME AWARE THAT THE DEFENDANT, MR.
10 MATTA, HAD PREVIOUSLY BEEN CONVICTED OF ANY OTHER CRIME?

11 A. NO, SIR.

12 Q. DID YOU BECOME AWARE AT ANY TIME DURING THE TIME YOU
13 WERE ON THIS JURY THAT MR. MATTA WAS ACTUALLY SERVING A LIFE
14 SENTENCE?

15 A. NO, SIR.

16 Q. YOU NEVER HEARD THAT?

17 A. NO, I DID NOT.

18 Q. ALL RIGHT. AT ANY TIME DURING THE TRIAL OR JURY
19 DELIBERATIONS, DID YOU BECOME AWARE OF ANY NEWS REPORTS
20 REGARDING THE JURY'S VERDICT RESPECTING MR. MATTA?

21 A. YES. WE -- IT SEEMS TO ME THAT AT ONE POINT WE HAD --
22 IT WAS THE DAY AFTER THE VERDICT AND WE DISCUSSED OUR
23 VERDICT AND OUR FEELINGS AND THINGS OF THAT NATURE.

24 Q. CAN YOU DESCRIBE THE NEWS REPORT OR REPORTS THAT YOU
25 BECAME AWARE OF AT THAT TIME.

1 A. AT ONE POINT THE FACT THAT MR. STOLAR HAD BROUGHT UP
2 THE FACT THAT WE SEEMED TO BE CONFUSED. I DO REMEMBER THAT.

3 Q. DO YOU REMEMBER ANYTHING ELSE?

4 A. NO.

5 Q. ALL RIGHT. NOW, HOW DID YOU BECOME AWARE OF THESE
6 REPORTS?

7 A. I DON'T REMEMBER HOW IT HAPPENED. IT JUST CAME OUT IN
8 THE COURSE OF A CONVERSATION IN THE JURY ROOM.

9 Q. IN THE JURY ROOM?

10 A. UH-HUH.

11 Q. DID THE JURY DISCUSS THESE NEWS REPORTS CONCERNING THE
12 MATTA VERDICT AND THE STATEMENTS MADE BY MR. STOLAR ABOUT
13 THE MATTA VERDICT?

14 A. AFTER THE STATEMENT WAS MADE BY WHOEVER SAID IT, WE
15 RATHER HAD A GOOD LAUGH AND SAID WE WERE GOING TO -- NOW WE
16 HAD GOTTEN -- IT'S ALL OVER WITH, WE WERE GOING TO MOVE ON
17 TO THE NEXT DEFENDANT AND THAT WAS THE END OF IT. WE DIDN'T
18 DISCUSS IT AGAIN.

19 Q. THAT MEANS IT NEVER WAS BROUGHT UP AGAIN DURING THE
20 DELIBERATIONS?

21 A. NO. WE HAD FINISHED WITH OUR -- WITH THIS DEFENDANT
22 AND WE JUST MOVED RIGHT ON TO THE NEXT ONE.

23 Q. ALL RIGHT. AT ANY TIME DURING THE TRIAL OR JURY
24 DELIBERATIONS DID YOU BECOME AWARE, ON THE BASIS OF
25 INFORMATION RECEIVED FROM OUTSIDE THE COURT, THAT THE

1 DEFENDANT, MATTA, WAS A DRUG KINGPIN OR MAJOR DRUG
2 TRAFFICKER?

3 A. NO, SIR.

4 Q. THAT IS NOT SOMETHING THAT YOU HEARD DISCUSSED AT ANY
5 TIME?

6 A. NO, SIR.

7 Q. AT ANY TIME DURING THE TRIAL WHILE YOU WERE ON THIS
8 JURY, DID YOU HEAR THAT THERE HAD BEEN AN EARLIER TRIAL
9 DEALING WITH THE CAMARENA CASE AND THAT OTHER DEFENDANTS HAD
10 ALREADY BEEN CONVICTED AND SENTENCED IN THE OTHER CASE?

11 A. NO, SIR.

12 Q. YOU DID NOT HEAR THAT?

13 A. I DID NOT.

14 Q. DID YOU AT ANY TIME DURING THE TRIAL OR WHILE YOU WERE
15 A JUROR ON THIS CASE BECOME AWARE THAT A MEXICAN DOCTOR
16 KNOWN AS DOCTOR ALVAREZ MACHAIN HAD BEEN ABDUCTED FROM
17 MEXICO AND BROUGHT TO THE UNITED STATES IN CONNECTION WITH
18 THE CAMARENA CASE?

19 A. YES. I HAD HEARD THAT IN THE JURY DELIBERATION ROOM.

20 Q. YOU HEARD THAT IN THE JURY DELIBERATION ROOM?

21 A. UH-HUH.

22 Q. WHERE DID YOU RECEIVE THAT INFORMATION. WHAT -- THAT
23 IS, HOW DID YOU HEAR IT?

24 A. IT JUST CAME UP IN THE COURSE OF A CONVERSATION THAT WE
25 WERE HAVING.

1 Q. WAS THAT THE FIRST TIME?

2 A. THAT WAS IT. THAT WAS THE FIRST TIME THAT I HAD HEARD
3 ANYTHING ABOUT IT, AND I REALLY HAVEN'T FOLLOWED IT SINCE.

4 Q. WHAT WAS THE TIME THAT YOU FIRST HEARD ABOUT IT, DO YOU
5 REMEMBER? WAS IT DURING DELIBERATIONS OR BEFORE?

6 A. NO, SIR. IT WAS DURING DELIBERATIONS.

7 Q. WAS IT BEFORE ANY VERDICT HAD BEEN REACHED OR AFTER?

8 A. IT WAS THE LAST DAY. IT WAS OUR LAST DAY, AND WE HAD
9 ALREADY SENT DOWN OUR FINAL VERDICT ON THE FINAL DEFENDANT,
10 AND IT WAS A DISCUSSION THAT WE WERE JUST HAVING WAITING TO
11 BE CALLED BACK INTO THE COURTROOM.

12 Q. YOU MEAN YOU HAD ALREADY NOTIFIED THE COURT THAT YOU
13 HAD REACHED A VERDICT?

14 A. THAT IS CORRECT.

15 Q. AND WERE WAITING TO BE CALLED TO COURT?

16 A. THAT IS CORRECT.

17 Q. THAT IS THE FIRST TIME THAT YOU HEARD ABOUT DOCTOR
18 MACHAIN?

19 A. YES, SIR. THAT'S THE FIRST TIME.

20 Q. HOW DID YOU HEAR ABOUT IT?

21 A. WE WERE JUST HAVING A GENERAL DISCUSSION ABOUT THINGS
22 IN GENERAL AND THAT JUST SOMEHOW OR ANOTHER, SOMEBODY SAID
23 SOMETHING ABOUT THIS DOCTOR AND SOME PEOPLE -- MOST OF US
24 DIDN'T KNOW ANYTHING ABOUT IT.

25 Q. DO YOU REMEMBER WHO IT WAS THAT SAID IT?

1 A. I AM SORRY, YOUR HONOR, I DON'T. I JUST -- I REALLY
2 DIDN'T GIVE IT MUCH THOUGHT AT THAT POINT. IT JUST DIDN'T
3 MEAN ANYTHING TO ME.

4 Q. THIS DISCUSSION TOOK PLACE AFTER THE LAST VERDICT HAD
5 BEEN REACHED?

6 A. YES, SIR, IT DID.

7 Q. NOW, AT ANY TIME THAT YOU WERE A JUROR ON THIS CASE,
8 DID YOU BECOME AWARE OF ANY MEDIA REPORT OR ANY OTHER
9 STATEMENT TO THE EFFECT THAT THE CURRENT MEXICAN GOVERNMENT
10 WAS CORRUPT AND WAS NOT COOPERATING IN THE INVESTIGATION OF
11 THE CAMARENA CASE?

12 A. NO, YOUR HONOR.

13 Q. YOU NEVER HEARD THAT?

14 A. NO, SIR.

15 Q. DID YOU HEAR THAT DISCUSSED BY ANYONE?

16 A. NO, SIR, I DID NOT.

17 Q. DURING THIS TRIAL DID YOU BECOME AWARE THAT THE
18 MARSHAL, CLAY MITCHELL, HAD TOLD ONE OR MORE OF THE JURORS
19 THAT HE COULD NOT SERVE ON A JURY BECAUSE HE WOULD ONLY BE
20 ABLE TO VOTE ONE WAY?

21 A. NO, NO.

22 Q. YOU DID NOT?

23 A. NO. HE NEVER EVER SAID ANYTHING IN MY HEARING THAT HAD
24 ANYTHING TO DO WITH THIS CASE IN ANY WAY, SHAPE OR FORM.

25 Q. WHAT ABOUT THIS STATEMENT?

1 A. NO, SIR. NO, NO.

2 Q. YOU NEVER HEARD THAT?

3 A. NEVER DID.

4 Q. DID YOU EVER HEAR ANY OTHER JUROR SAY THAT HE HAD SAID
5 THAT?

6 A. NO, I DID NOT.

7 Q. DID YOU HEAR ANY OTHER JUROR DISCUSS IT?

8 A. I DID NOT.

9 Q. ALL RIGHT. THANK YOU.

10 THE WITNESS: YOU'RE WELCOME.

11 IRENE MC LANE, WITNESS, DULY SWORN.

12 THE CLERK: PLEASE BE SEATED. PLEASE STATE YOUR
13 FULL NAME FOR THE RECORD.

14 THE WITNESS: IT'S IRENE MC LANE.

15 DIRECT EXAMINATION BY THE COURT:

16 Q. MISS MC LANE, DURING THE TIME THAT YOU WERE A MEMBER OF
17 THIS JURY, DID YOU AT ANY TIME DURING THE TRIAL OR THE JURY
18 DELIBERATIONS BECOME AWARE THAT THE DEFENDANT, MR. MATTA,
19 HAD PREVIOUSLY BEEN CONVICTED OF ANY OTHER CRIME?

20 A. I BELIEVE AT ONE POINT DURING THE TESTIMONY WHEN THEY
21 WERE TALKING ABOUT THE HAIR FIBERS, THAT I HAD THE INKLING
22 THAT HE WAS IN JAIL OVER THE HAIR FIBERS BECAUSE THEY HAD
23 TALKED ABOUT THE D.E.A. AGENTS GOING AND OBTAINING THEM.

24 Q. GOING TO THE CELL?

25 A. SOME PLACE AND OBTAINING THEM, SO I FIGURED HE WAS HELD

1 SOMEWHERE.

2 Q. WELL -- BUT THE QUESTION WAS RELATING TO WHETHER YOU
3 HAD HEARD HE HAD BEEN CONVICTED.

4 A. NO. I HAD NO IDEA.

5 Q. I AM REALLY REFERRING TO OUTSIDE THE COURTROOM --
6 WHETHER YOU HEARD THIS IN THE JURY ROOM OR ANY OTHER PLACE,
7 NOT IN A COURTROOM.

8 A. NO.

9 Q. YOU DID NOT?

10 A. NOT THAT -- NO.

11 Q. THAT HE HAD BEEN CONVICTED OF ANY OTHER CRIME?

12 A. NO.

13 Q. DID YOU HEAR AT ANY TIME DURING THE TRIAL DURING THE
14 TIME YOU WERE ON THIS JURY THAT MR. MATTA WAS SERVING A LIFE
15 SENTENCE?

16 A. NO. I DON'T RECALL HEARING ANYTHING ABOUT THAT.

17 Q. DID YOU EVER HEAR THAT SUBJECT DISCUSSED?

18 MY QUESTION, WHEN I ASKED YOU IF YOU HAD HEARD IT,
19 IS WHETHER YOU HEARD IT DISCUSSED BY ANYONE ELSE THAT MR.
20 MATTA WAS SERVING A LIFE SENTENCE.

21 A. NO. I CAN'T RECALL.

22 Q. OKAY. NOW, DID YOU HEAR AT ANY TIME DURING THE TRIAL
23 OR JURY DELIBERATIONS -- STRIKE THAT.

24 DID YOU BECOME AWARE OF ANY NEWS REPORTS CONCERNING
25 THE JURY'S VERDICT ABOUT MR. MATTA?

1 DID YOU BECOME AWARE OF SOME NEWS REPORTS IN THAT
2 REGARD?

3 A. YES, I DID.

4 Q. CAN YOU DESCRIBE THE NEWS REPORT OR REPORTS THAT YOU
5 BECAME AWARE OF.

6 A. WELL, JUST THE FOLLOWING MORNING SOMEONE HAD SAID THAT
7 -- WE GET THE NEWS -- AND MR. STOLAR WAS NOT REAL HAPPY
8 WITH OUR DELIBERATIONS OR SOMETHING, THAT WE WERE CONFUSED,
9 THAT WAS HIS TERM. I BELIEVE HE SAID THAT WE WERE
10 CONFUSED.

11 Q. ALL RIGHT. DID THE JURY DISCUSS THIS NEWS REPORT
12 CONCERNING THE MATTA VERDICT AND WHAT MR. STOLAR SAID?

13 A. JUST THE POINT THAT WE WERE CONFUSED AND THAT WE DIDN'T
14 KNOW WHAT WE WERE DOING, AND WE SAID FORGET IT. LET'S MOVE
15 ON.

16 Q. ALL RIGHT. DID YOU AT ANY TIME -- INCIDENTALLY, THESE
17 DISCUSSIONS ABOUT THE MATTA VERDICT, WOULD YOU SAY THEY
18 OCCURRED THE MORNING AFTER THE MATTA VERDICT?

19 A. YES, ABSOLUTELY.

20 Q. WERE THERE ANY FURTHER DISCUSSIONS AFTER THAT TIME
21 ABOUT THIS?

22 A. I DO NOT RECALL ANY OTHER CONVERSATION IN REGARD TO MR.
23 MATTA.

24 Q. ALL RIGHT. DID YOU AT ANY TIME DURING THE TRIAL BECOME
25 AWARE ON THE BASIS OF INFORMATION RECEIVED FROM OUTSIDE THE

1 TRIAL THAT THE DEFENDANT MATTA WAS A DRUG KINGPIN OR MAJOR
2 DRUG TRAFFICKER?

3 A. NOT OUTSIDE THIS COURTROOM HERE.

4 Q. ALL RIGHT. AT ANY TIME DURING THE TRIAL OR THE JURY
5 DELIBERATIONS, DID YOU LEARN THAT THERE HAD BEEN AN EARLIER
6 TRIAL DEALING WITH THE CAMARENA CASE AND THAT OTHER
7 DEFENDANTS HAD ALREADY BEEN CONVICTED AND SENTENCED IN
8 ANOTHER CASE?

9 A. NO. I HAD NOT KNOWN ABOUT IT.

10 Q. YOU DID NOT HEAR THAT?

11 A. NO. I DID NOT KNOW ANYTHING ABOUT IT.

12 Q. ALL RIGHT. DID YOU AT ANY TIME DURING THE TRIAL OR
13 JURY DELIBERATIONS BECOME AWARE THAT A MEXICAN DOCTOR KNOWN
14 AS DOCTOR ALVAREZ MACHAIN HAD BEEN ABDUCTED FROM MEXICO AND
15 BROUGHT TO THE UNITED STATES IN CONNECTION WITH THE CAMARENA
16 CASE?

17 A. YES. I HAVE TO ADMIT THAT -- I THINK IT HAD BEEN A
18 HEADLINE IN THE L.A. TIMES, BUT I DID NOT READ THE ARTICLE
19 OTHER THAN TO SEE THE HEADLINES -- SOMETHING ABOUT A DOCTOR
20 COMING UP TO THE UNITED STATES, BUT THAT WAS IT.

21 Q. WHEN WAS IT THAT YOU FIRST SAW THIS OR LEARNED OF IT?

22 A. I COULD NOT TELL YOU THE PARTICULAR DATE. IT WAS IN
23 THE PAPER SO --

24 Q. YOU'RE SAYING THAT YOU SAW A HEADLINE.

25 WAS THIS AT OR ABOUT THE TIME THIS HAPPENED --

1 WHEN THIS DOCTOR WAS KIDNAPPED?

2 A. YES. I BELIEVE IT WAS DURING OUR DELIBERATIONS. IT
3 WAS A POINT THAT -- IT WAS IN THE NEWSPAPER THAT A DOCTOR
4 HAD BEEN KIDNAPPED AND BROUGHT TO THE UNITED STATES, YES.

5 Q. WAS THAT -- YOU LEARNED OF IT HOW?

6 A. WELL, AS YOU WELL KNOW, YOUR HONOR, THERE WAS
7 NEWSPAPERS IN THE ROOM AND OF COURSE WE DID NOT READ THE
8 ARTICLES. I DID NOT READ THE ARTICLES ANYWAY, BUT AS
9 THUMBING THROUGH THE NEWSPAPER I DID COME ACROSS A HEADLINE
10 AND SKIMMED OVER AS FAR AS --

11 Q. DO YOU REMEMBER WHAT THE HEADLINE SAID?

12 A. NO. I COULD NOT TELL YOU, JUST SOMETHING ABOUT A
13 DOCTOR COMING UP TO THE UNITED STATES.

14 Q. WAS THAT -- CAN YOU PINPOINT THE TIME WHEN THIS
15 OCCURED? WAS THIS DURING THE TRIAL? BEFORE
16 DELIBERATION? AFTER DELIBERATION?

17 A. NO. I CANNOT. IF WE WERE IN DELIBERATIONS OR NOT, I
18 REALLY DON'T RECALL. I DIDN'T READ THE ARTICLE, AND I NEVER
19 PAID MUCH ATTENTION TO IT.

20 Q. DID YOU SEE ANYBODY ELSE READ IT?

21 A. NO, I DID NOT.

22 Q. WAS IT DISCUSSED BY THE JURY?

23 A. NO.

24 Q. AT ANY TIME DURING THE TRIAL OR JURY DELIBERATIONS DID
25 YOU BECOME AWARE OF ANY MEDIA REPORT OR OTHER STATEMENT THAT

1 THE CURRENT MEXICAN GOVERNMENT WAS CORRUPT AND WAS NOT
2 COOPERATING IN THE INVESTIGATION OF THE CAMARENA CASE?

3 A. NO, I DID NOT, OTHER THAN WHAT I HEARD RIGHT HERE IN
4 THIS COURTROOM.

5 Q. NOTHING OTHER THAN WHAT YOU HEARD IN THE COURTROOM?

6 A. RIGHT.

7 Q. IS THIS A SUBJECT YOU HEARD DISCUSSED BY ANYBODY IN THE
8 JURY ROOM?

9 A. IN THE JURY ROOM?

10 Q. YES.

11 A. NO. I DID NOT HEAR ANYBODY TALK ABOUT MEXICO AND THE
12 CORRUPTION, NO.

13 Q. I AM SPEAKING OF THE CURRENT MEXICAN GOVERNMENT, THAT
14 IS, THE GOVERNMENT NOW.

15 A. NO.

16 Q. NOW, AT ANY TIME DURING THE TRIAL OR THE JURY
17 DELIBERATIONS, DID YOU BECOME AWARE THAT MARSHAL CLAY
18 MITCHELL TOLD ONE OR MORE OF THE JURORS THAT HE COULD NOT
19 SERVE ON A JURY BECAUSE HE WOULD ONLY BE ABLE TO VOTE ONE
20 WAY?

21 A. NO. I NEVER EVEN -- NO.

22 Q. YOU DID NOT HEAR THAT?

23 A. I DID NOT HEAR THAT, NO.

24 Q. YOU DID NOT HEAR HIM SAY THAT?

25 A. I DIDN'T HEAR ANY OF THAT UNTIL JUST THIS MOMENT.

1 Q. DID YOU HEAR ANY OTHER JUROR SAY THAT?

2 A. NO. NOT UNTIL JUST THIS MOMENT. YOU SURPRISED ME.

3 Q. THIS IS THE FIRST YOU HAVE HEARD IT?

4 A. YES -- EVEN HEARING ABOUT IT.

5 THE COURT: OKAY. WELL, THAT IS ALL THE QUESTIONS
6 I HAVE. THANK YOU.

7 THE WITNESS: THANK YOU.

8 MR. MEDVENE: YOUR HONOR, MAY I APPROACH YOUR
9 CLERK, PLEASE?

10 THE COURT: THAT COMPLETES THE EXAMINATION OF THE
11 JURORS.

12 WE WILL NOW TAKE A SHORT RECESS.

13 MR. MEDRANO: YOUR HONOR, ON MR. NATHANIEL THOMPSON
14 ON THE CLAY ISSUE, YOU MAY RECAAL THAT IS THE ONE QUESTION
15 YOU DIDN'T ASK HIM.

16 THE COURT: YES.

17 MR. MEDRANO: WOULD YOU LIKE TO DO THAT AFTER THE
18 RECESS?

19 THE COURT: YES. IF WE ARE GOING TO HAVE ANY
20 FOLLOW-UP QUESTIONS. I WILL LOOK OVER THESE QUESTIONS.

21 MR. MEDRANO: VERY WELL. THANK YOU.

22 MR. STOLAR: MAY I JUST INQUIRE, YOUR HONOR,
23 WHETHER OR NOT YOU HAVE THE DECLARATION OF BRUCE MITCHELL,
24 THE INVESTIGATOR THAT I BELIEVE HAS SUBMITTED A DECLARATION
25 IN CONNECTION WITH MISS KELLY'S -- AND IF YOU HAVE THAT

1 BACK THERE, MAY I ASK IN CONNECTION WITH SOME OF THESE
2 QUESTIONS, YOU LOOK AT THAT DECLARATION.

3 THE COURT: YES. I HAVE READ IT AND SEEN IT.

4 MR. STOLAR: OKAY.

5 THE COURT: ALL RIGHT. WE WILL TAKE A BRIEF
6 RECESS.

7 THE CLERK: PLEASE RISE.

8 THIS COURT IS NOW IN RECESS.

9 (RECESS TAKEN.)

10 THE CLERK: YOU MAY BE SEATED.

11 THE COURT: COUNSEL, LET THE RECORD SHOW THE
12 DEFENDANTS AND ALL COUNSEL ARE PRESENT.

13 THE COURT HAS REVIEWED THE PROPOSED ADDITIONAL
14 QUESTIONS THAT YOU HAVE SUBMITTED TO THE COURT. THE
15 COURT -- INCLUDING THE ONES JUST SUBMITTED AFTER WE
16 RECONVENED.

17 THE COURT IS OF THE VIEW THAT THESE ARE NOT
18 QUESTIONS THAT ARE APPROPRIATE TO ASK.

19 THE HEARING HAS BEEN CONDUCTED AND THE QUESTIONING
20 IS WHAT THE COURT BELIEVES IS PERMISSIBLE BY LAW TO BE
21 CONDUCTED, AND THEREFORE, I AM NOT GOING TO RECALL ANY JUROR
22 NOR ASK ANY OF THESE PROPOSED QUESTIONS.

23 THESE QUESTIONS MAY BE FILED TO PRESERVE YOUR
24 RECORD THAT YOU HAVE REQUESTED THE COURT TO DO SO AND THE
25 COURT HAS DENIED YOUR REQUEST. YOU CAN FILE THESE.

1 BRING THE ENTIRE JURY DOWN.

2 MR. CARLTON: YOUR HONOR, MAY I POINT OUT THAT
3 NATHANIEL THOMPSON WAS NOT ASKED ABOUT CLAY.

4 THE COURT: I KNOW HE WAS NOT.

5 I DON'T THINK IT IS NECESSARY.

6 MS. KELLY: YOUR HONOR, ONE OTHER MATTER, IF I
7 MIGHT APPROACH.

8 YOUR HONOR, I WOULD REQUEST THAT THE DECLARATION OF
9 MR. MITCHELL BE OFFERED INTO EVIDENCE. HE IS AVAILABLE,
10 YOUR HONOR, IF YOU WANT TO ASK HIM ANY OTHER QUESTIONS,
11 ADDITIONAL QUESTIONS.

12 THE COURT: THAT IS NOT COMPETENT EVIDENCE.

13 MS. KELLY: HE IS AVAILABLE, YOUR HONOR. I WAS
14 TREATING IT AS IF IT WERE A MOTION TO SUPPRESS. THE
15 DECLARATIONS ARE SUBMITTED IN LIEU OF DIRECT TESTIMONY AND
16 THE WITNESS IS AVAILABLE.

17 THE COURT: THE REQUEST IS DENIED.

18 IF YOU WANT TO MAKE A FORMAL MOTION THAT I HEAR
19 THIS WITNESS SUPPORTED BY POINTS AND AUTHORITIES THAT IT'S
20 PERMISSIBLE, YOU MAY DO SO.

21 MS. KELLY: VERY WELL, YOUR HONOR.

22 MR. MEDVENE: IF THE COURT PLEASE, MAY I ADDRESS IT
23 FROM HERE?

24 WE SUBMITTED A DECLARATION OF MR. RIOS, NEWS
25 DIRECTOR FOR TV STATION AND THE TAPE OF SYLVIA LOPEZ. IT

1 IS THE ACTUAL TAPE.

2 WE DIDN'T WANT TO TAKE THE COURT'S TIME ON BRINGING
3 HIM HERE.

4 THE COURT: YES. IS THAT IN DISPUTE -- THAT THAT
5 IS THE ACTUAL TAPE?

6 MR. MEDRANO: YOUR HONOR, HERE IS THE PROBLEM. IN
7 TYPICAL FASHION, WE GOT THAT ITEM ON FRIDAY AFTERNOON. THEY
8 HAVE HAD THAT DOCUMENT FOR THREE OR FOUR WEEKS AT LEAST, SO
9 WE WOULD OBJECT UNTIL WE HAVE HAD A CHANCE TO SIT DOWN AND
10 LOOK AT IT AND COMPARE IT TO THE TRANSCRIPT THAT DEFENSE
11 COUNSEL GENERATED, SO WE OBJECT UNTIL WE HAVE HAD THAT
12 OPPORTUNITY.

13 THE COURT: OBJECT TO WHAT?

14 MR. MEDRANO: YOUR HONOR, WE DON'T KNOW WHAT THIS
15 IS.

16 THE COURT: WELL, WHAT IS IT YOU ARE OBJECTING TO?

17 MR. MEDRANO: WELL --

18 THE COURT: WHAT ARE YOU ASKING FOR?

19 MR. MEDRANO: NUMBER ONE, TIMELINESS, YOUR HONOR.
20 THIS MOTION WAS ALREADY FILED PREVIOUSLY.

21 THE COURT: ARE YOU OBJECTING TO THE COURT'S
22 CONSIDERING IT. IS THAT WHAT YOU ARE OBJECTING TO? I AM
23 TRYING TO FIND OUT WHAT YOU ARE --

24 MR. MEDRANO: THAT'S EXACTLY RIGHT, YOUR HONOR.
25 YES, YOUR HONOR. THAT IS WHAT WE OBJECT TO.

1 MR. MEDVENE: WHAT WE SUGGEST, YOUR HONOR, WE HAD
2 IT SUBPOENAED FROM THE NEWS STATION -- THAT THE GOVERNMENT
3 BE GIVEN WHATEVER OPPORTUNITY THEY WANT -- JUST TO SAVE
4 TIME -- THAT WE OFFERED A DECLARATION OF MR. RIOS AS HIS
5 DIRECT.

6 WE OFFERED THE TAPE AS AUTHENTIC.

7 WE OFFERED DEBORAH ROBERTS' TRANSLATION OF THE TAPE
8 AND THE GOVERNMENT CAN HAVE WHATEVER TIME THEY WANT TO CHECK
9 IT OR CORRECT IT IN ANY WAY. I MEAN, WE HAVE NO OBJECTION
10 TO THAT, BUT WE JUST GOT IT.

11 MR. MEDRANO: THAT IS INACCURATE, YOUR HONOR.

12 THEY HAVE HAD IT.

13 THE COURT: SATISFY YOURSELF ABOUT THE AUTHENTICITY
14 OF IT, AND IF IT IS AUTHENTIC, AND THERE IS NO PROBLEM, THEN
15 I WILL LOOK AT IT AND CONSIDER IT AS PART OF THE EVIDENCE IN
16 THIS CASE.

17 MR. MEDRANO: THANK YOU, YOUR HONOR.

18 MR. NICOLAYSEN: YOUR HONOR, ON BEHALF OF MR.
19 VASQUEZ-VELASCO, I WOULD MOVE THE COURT TO HAVE BRUCE
20 MITCHELL, THE INVESTIGATOR FOR DEFENDANT BERNABE, ALLOWED TO
21 TESTIFY LIVE TODAY IN LIEU OF THE DECLARATION SO WE CAN
22 PRESENT REBUTTAL EVIDENCE THAT I HAD RAISED WITH YOUR HONOR
23 AT THE OCTOBER 15TH HEARING AS A POSSIBLE ADDITIONAL
24 PROCEDURAL ADDITION, IF YOU WILL, TO TODAY'S INQUIRY. YOUR
25 HONOR SAID AT THAT TIME YOU WOULD CONSIDER THE POSSIBILITY

1 OF SOME REBUTTAL EVIDENCE.

2 THE COURT: THE MOTION IS DENIED.

3 YOU MAY DO WHATEVER MISS KELLY IS GOING TO DO.

4 MR. STOLAR: YOUR HONOR, I ALSO BELIEVE THAT THE
5 TESTIMONY OF MR. MITCHELL IS RELEVANT PARTICULARLY IN LIEU
6 OF THE TESTIMONY THAT REFERS TO THE JURORS. AT A TIME WHEN
7 THE EVENTS WERE FRESHER IN THEIR MINDS THAN THEY ARE TODAY,
8 THEY WERE INTERVIEWED AND MADE CERTAIN STATEMENTS TO THE
9 INVESTIGATOR WHICH ARE PART OF THE DECLARATION WHICH HE
10 WOULD BE PREPARED TO TESTIFY TO. THOSE STATEMENTS ARE
11 SOMEWHAT INCONSISTENT.

12 THE COURT: THE FIRST PROBLEM IS THAT I AM NOT
13 CERTAIN THAT THOSE KIND OF STATEMENTS CAN BE CONSIDERED AT
14 ALL. THAT'S THE FIRST HURDLE WHICH YOU HAVE -- IS TO FILE
15 A PROPER MOTION SUPPORTED BY POINTS AND AUTHORITIES THAT THE
16 COURT CAN CONSIDER THAT TYPE OF STATEMENT, AND THE COURT
17 WILL CONSIDER IT IF IT IS APPROPRIATE.

18 MR. STOLAR: IT MIGHT ALSO BE APPROPRIATE TO ASK
19 THE FOUR JURORS WHO ARE THE SUBJECT OF THE DECLARATIONS
20 WHETHER OR NOT THEY SAID THOSE THINGS TO MR. MITCHELL AND AT
21 THE TIME THAT THEY SAID IT AND WAS IT TRUE.

22 THE COURT: COUNSEL, BRIEF THIS AND FILE A MOTION,
23 AND I WILL CONSIDER IT.

24 MR. STOLAR: VERY WELL.

25 MR. MEDVENE: IF THE COURT PLEASE, ONE LAST THING

1 JUST FOR THE RECORD. YOU HAVE MARKED THE -- OR YOU HAVE TO
2 INCLUDE -- YOU WERE GOOD ENOUGH TO QUESTION -- I MIGHT
3 SUGGEST THAT IF WE CAN SAY DEFENDANT'S A-1, JUST FOR
4 PURPOSES OF THE RECORD IS THE FIVE PAGES OF QUESTIONS.

5 THE COURT: FIVE PAGES OF QUESTIONS PURPORTS TO BE
6 FOR ZUNO-ARCE, JUAN JOSE BERNABE-RAMIREZ, JUAN RAMON-MATTA
7 BALLESTEROS AND JAVIER VASQUEZ.

8 MR. MEDVENE: IF WE CAN MAKE THAT DEFENDANT'S A-1.

9 THE COURT: THAT CAN BE WHAT? A-1?

10 MR. MEDVENE: YES, SIR.

11 THE COURT: A-1.

12 MR. MEDVENE: TWO IS THE ONE PAGE OF QUESTIONS,
13 AGAIN FOR ALL DEFENDANTS AND IT STARTS AT THE
14 TOP " QUESTIONS FOR THE JUROR WEST."

15 THE COURT: YES. THAT IS DATED NOVEMBER 5TH?

16 MR. MEDVENE: YES.

17 THE COURT: THIS HAS NO NAME ON IT.

18 MR. MEDVENE: YES. IT IS FOR ALL DEFENDANTS. WE
19 ARE JUST TRYING TO GET EVERYBODY'S QUESTIONS.

20 THE COURT: ALL RIGHT. A-2.

21 MR. MEDVENE: A-3.

22 THE COURT: MISS KELLY'S DOCUMENT THAT HAS HER NAME
23 ON IT WILL BE A-3.

24 MR. MEDVENE: FOR ALL DEFENDANTS, A-3. A-4 --

25 THE COURT: A-4 WILL BE THE LAST PAGE THAT IS NOT

1 OTHERWISE IDENTIFIED.

2 MR. MEDVENE: IT STARTS AT THE TOP " QUESTIONS FOR
3 WILLIAM PARRIS."

4 THE COURT: YES. SO THOSE WILL BE RECEIVED AS
5 EXHIBITS.

6 MR. MEDVENE: THANK YOU.

7 MR. MEDRANO: YOUR HONOR, MAY WE ASK THAT DEFENSE
8 COUNSEL -- WE HAVE ONLY THREE OF THESE EXHIBITS, YOUR
9 HONOR. MAY WE ASK DEFENSE COUNSEL THAT THEY BE COPIED AND
10 DELIVERED TO US?

11 THE COURT: DO YOU HAVE COPIES OR NOT. THESE ARE
12 ALL HAND-WRITTEN.

13 MR. MEDRANO: WE HAVE THREE, AND YOU JUST MENTIONED
14 FOUR.

15 THE COURT: THE FOURTH ONE IS THE ONE THAT HE MUST
16 HAVE JUST SUBMITTED.

17 MS. KELLY: NO, YOUR HONOR, I BELIEVE THE FOURTH
18 ONE IS MINE WHICH I DID SHOW TO GOVERNMENT'S COUNSEL.

19 THE COURT: WELL, MAKE SURE THAT YOU GET IT,
20 COUNSEL. IF NOT, YOU CAN ALWAYS COPY ONE OF THESE.

21 MR. MEDRANO: VERY WELL, YOUR HONOR.

22 THE COURT: ALL RIGHT. NOW --

23 MR. MEDRANO: YOUR HONOR, WE HAVE ONE FINAL REQUEST
24 OF THE COURT RESPECTFULLY. TO AVOID HARASSMENT OF THE
25 JURORS, WE WOULD ASK THAT YOU CONTINUE TO MAINTAIN THE ORDER

1 THAT NO COUNSEL FOR EITHER SIDE OR INVESTIGATOR HAVE
2 ANY CONTACT WITH JURORS UNTIL YOU HAVE RESOLVED THIS ISSUE.

3 THE COURT: I INTEND FOR THAT ORDER TO CONTINUE.

4 MR. MEDRANO: THANK YOU.

5 THE COURT: AND THE OTHER ORDER REGARDING COMMENTS
6 BECAUSE THIS MATTER IS STILL NOT FINISHED AND THERE IS A
7 POSSIBILITY OF IT BEING REOPENED IF COUNSEL ARE ABLE TO
8 PERSUADE THE COURT THAT IS APPROPRIATE.

9 BRING THE JURY IN HERE. ARE THEY UPSTAIRS?

10 THE CLERK: YES. THEY ARE COMING DOWN NOW.

11 (JURY PANEL PRESENT IN COURT.)

12 THE CLERK: PLEASE RISE.

13 YOU MAY BE SEATED.

14 THE COURT: LADIES AND GENTLEMEN OF THE JURY, THIS
15 HEARING HAS BEEN CONCLUDED AND I CALLED YOU DOWN HERE FOR
16 TWO REASONS.

17 ONE IS TO THANK YOU VERY MUCH AND I AM SORRY THAT
18 WE HAD TO IMPOSE UPON YOU TO BRING YOU BACK INTO THE COURT
19 AGAIN AND I APPRECIATE YOUR COOPERATION AND YOUR TIME HERE
20 WITH US HERE TODAY, SO I DO APPRECIATE THAT.

21 THE OTHER THING IS THAT I WANT YOU NOT TO DISCUSS
22 THIS MATTER, THIS CASE OR ANYTHING THAT HAS TRANSPIRED
23 DURING THE TIME THAT YOU HAVE BEEN TESTIFYING WITH EACH
24 OTHER OR WITH ANYONE ELSE BECAUSE THE MATTER IS NOT YET
25 CONCLUDED, SO YOU ARE NOT TO TALK TO ANYONE ABOUT IT AND NOT

1 WITH EACH OTHER, AND I THANK YOU AGAIN.

2 YOU MAY NOW BE EXCUSED.

3 THE CLERK: PLEASE RISE.

4 (JURY EXCUSED.)

5 THE COURT: ALL ORDERS PREVIOUSLY MADE BY THE COURT
6 DIRECTED TO COUNSEL WITH REGARD TO COMMENTS ABOUT THE MATTER
7 ARE STILL IN FORCE AND EFFECT.

8 THE ORDER REGARDING CONTACT WITH JURORS IS STILL IN
9 FORCE AND EFFECT, SO IF YOU ARE GOING TO FILE ANY MOTION --

10 MS. KELLY: YES, YOUR HONOR.

11 THE COURT: -- ON THIS YOU SHOULD DO SO NOT LATER
12 THAN ONE WEEK FROM TODAY.

13 THE GOVERNMENT MAY HAVE ONE WEEK TO RESPOND.

14 MR. NICOLAYSEN: WHAT WOULD BE THE HEARING DATE,
15 YOUR HONOR?

16 THE COURT: THE HEARING DATE YOU WILL BE NOTIFIED
17 ABOUT, IF THERE IS ONE.

18 THE OTHER MOTION THAT I DISCUSSED WITH YOU, THAT
19 EACH COUNSEL IS NOW REQUIRED TO FILE A -- NOT A MOTION
20 NECESSARILY, BUT AT LEAST A BRIEF DISCUSSING THE EVIDENCE
21 THAT HAS BEEN PRODUCED AT THE TRIAL WITH RESPECT TO YOUR OWN
22 INDIVIDUAL CLIENT. THE MOTION THAT WAS ORIGINALLY FILED
23 HERE IS AN OMNIBUS MOTION. I THINK EACH DEFENDANT MAY BE
24 DIFFERENTLY EFFECTED AND THE COURT WOULD LIKE TO KNOW WHAT
25 YOU BELIEVE THE CIRCUMSTANCES AND THE EVIDENCE THAT HAVE

1 BEEN PRESENTED SHOWS WITH RESPECT TO YOUR CLIENT AND WHY
2 YOUR INDIVIDUAL CLIENT IS ENTITLED TO A NEW TRIAL, SO I WILL
3 EXPECT THOSE ALL TO BE FILED TEN DAYS FROM TODAY.

4 TODAY IS NOVEMBER 5TH.

5 THEY SHOULD BE FILED ON OR ABOUT NOVEMBER 15TH.

6 THE GOVERNMENT WILL HAVE TEN DAYS TO RESPOND.

7 THE COURT WILL SCHEDULE A HEARING ON THESE MOTIONS
8 AND ALL OTHER PENDING MOTIONS. I BELIEVE MR. MEDVENE HAS
9 SEVERAL MOTIONS.

10 I THINK ALL MOTIONS OTHER THAN THESE JURY
11 MISCONDUCT MOTIONS HAVE BEEN FILED, AND THE TIME HAS
12 EXPIRED, HAS IT NOT, WITHIN WHICH THEY WERE TO BE FILED; IS
13 THAT RIGHT, MR. MEDVENE?

14 MR. MEDVENE: WE FILED ALL OUR MOTIONS, YOUR HONOR.

15 THE COURT: WELL, AT THE OUTSET, MOTIONS FOR A NEW
16 TRAIL ARE REQUIRED TO BE FILED WITHIN SEVEN DAYS OF THE DATE
17 THAT THE JURY RETURNS A VERDICT.

18 I EXTENDED THAT TIME TO --

19 MR. STOLAR: YES, YOU DID.

20 THE COURT: -- I HAVE FORGOTTEN WHAT DATE.

21 THE RECORD WILL SHOW WHAT IT WAS. ANY MOTIONS THAT
22 WERE NOT FILED WITHIN THAT TIME WOULD BE UNTIMELY.

23 MR. STOLAR: I DON'T KNOW IF A SPECIFIC DATE WAS
24 SET, BUT I DO KNOW THAT WHEN THIS MOTION WAS FILED I
25 CERTAINLY HELD UP THE FILING DATE ON A RULE 29 MOTION AND ON

1 A TECHNICAL RULE 34 MOTION. I WOULD APPRECIATE -- THE COURT
2 WOULD APPRECIATE THE FACT THAT THAT MOTION, GIVEN WHAT
3 HAPPENED AT THIS PARTICULAR HEARING, SEEMED TO BE SORT OF
4 INAPPROPRIATE.

5 THE COURT: WELL, THE RULE 29 MOTION, THE SEVEN
6 DAYS IS GENERALLY CONSIDERED JURISDICTIONAL AND THE COURT
7 CAN EXTEND THE SEVEN DAYS WITHIN THE SEVEN DAYS TO A LATER
8 DATE, BUT IF THAT DATE HAS BEEN FIXED, AND I BELIEVE IT HAS,
9 THERE MAY NOT BE ANY JURISDICTION TO ENTER ANY SPECIFIC
10 MOTION.

11 MR. STOLAR: I DON'T THINK A SPECIFIC DATE WAS
12 FIXED BUT I WILL CHECK MY RECORDS.

13 THE COURT: WELL, IF THE DATE HAS PASSED AND YOU
14 BELIEVE YOU ARE ENTITLED TO RELIEF FROM THE DATE, THEN YOU
15 SHOULD FILE A MOTION TO BE RELIEVED AND SUPPORT IT BY POINTS
16 AND AUTHORITIES INDICATING THAT THE COURT STILL HAS
17 JURISDICTION TO ACT.

18 MR. STOLAR: FINE.

19 THE COURT: WE ARE ADJOURNED.

20 THE CLERK: ALL RISE.

21 (PROCEEDINGS CONCLUDED.)

22

23 I CERTIFY THAT THE FOREGOING IS A TRUE AND
24 CORRECT TRANSCRIPT FROM THE STENOGRAPHIC
RECORD OF PROCEEDINGS IN THE FOREGOING MATTER.

25

Bob E. Zaccaro