

UNITED STATES OF AMERICA

CENTRAL DISTRICT OF CALIFORNIA

THE HON. EDWARD RAFEEDIE, JUDGE PRESIDING

THE UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 RAFAEL CARO-QUINTERO,)
 RUBEN ZUNO-ARCE,)
 HUMBERTO ALVAREZ-MACHAIN,)
)
 Defendants.)

NO. CR-87-422-(G)-ER

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REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS
 December 9 and 10, 1992
 CROSS-EXAMINATION OF RENE LOPEZ-ROMERO

APPEARANCES:

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1 RENE LOPEZ ROMERO,
2 called as a witness on behalf of the Government, having been
3 first duly sworn, was examined and testified through the
4 interpreter as follows:

5 THE CLERK: Please raise your right hand.

6 You do solemnly swear that the testimony you may
7 give in the cause now pending before this Court shall be the
8 truth, the whole truth, and nothing but the truth, so help
9 you God?

10 (Direct examination reported but not transcribed.)

11

CROSS-EXAMINATION

12

13 BY MR. MEDVENE:

14 Q. When did you last see Jorge Gadoy?

15 A. I don't remember exactly which month.

16 Q. See him this month?

17 A. No.

18 Q. You know he testified yesterday, don't you?

19 MR. MEDRANO: Objection; relevance, Your Honor.

20 THE COURT: Sustained. Strike that.

21 You may answer.

22 Do you understand the question?

23 THE WITNESS: Could you repeat it, please.

24 Q. BY MR. MEDVENE: You know he testified yesterday, don't
25 you?

1 A. Through the media.

2 Q. Well, you had spoken to him about the fact that you and
3 him were both going to testify; isn't that correct?

4 A. No. We have never done that because that was forbidden
5 for us.

6 Q. Now, you knew when you went to work for Ernesto Fonseca
7 he was a drug dealer; isn't that correct?

8 A. Yes.

9 Q. You knew he sold cocaine in large quantities, and
10 marijuana; correct?

11 A. Who?

12 Q. Ernesto Fonseca.

13 A. I never saw him deal with cocaine or marijuana.

14 Q. But you knew he was a drug dealer when you went to work
15 for him.

16 A. Afterwards, eventually, I did find out that he was a
17 drug dealer but when he was introduced to me, he was
18 introduced as commander of the federal judicial.

19 Q. Well, you knew shortly after -- strike that.

20 As a -- strike that.

21 You were dismissed from the police force when?

22 A. More or less in September of '84.

23 Q. Now you knew at that time that Ernesto Fonseca was a bi
24 drug dealer, didn't you?

25 A. No.

1 Q. Well, you knew Mr. Gadoy, did you not?

2 A. Yes.

3 Q. And you worked with him in the police force. We were
4 colleagues in the judicial of the state.

5 Q. And you knew Mr. Gadoy went to work for Mr. Fonseca.

6 A. Afterwards I joined them, I saw him. After a few month

7 Q. And you knew Mr. Gadoy on behalf of Mr. Fonseca would
8 bribe public officials to protect his drug enterprise, didn'
9 you?

10 A. Could you repeat the question.

11 Q. You knew Mr. Gadoy and Sammy Razo on behalf of
12 Mr. Fonseca would bring large amounts of money to officials
13 to bribe them in connection with Mr. Fonseca's drug
14 organization; isn't that correct?

15 A. I didn't realize, I didn't notice if they were sent
16 money or not.

17 Q. Now you said something about when you were introduced t
18 Mr. Fonseca, something about a corporation. Did you think
19 Mr. Fonseca ran some corporation, making machinery of some
20 sort or canned goods of some sort, Mr. Lopez, when you went
21 to work for him?

22 MR. MEDRANO: Objection, Your Honor; argumentativ
23 and calls for speculation.

24 THE COURT: Overruled.

25 THE WITNESS: What was that again?

1 Q. BY MR. MEDVENE: When you went to work for Mr. Fonseca,
2 did you think he ran some corporation that made machinery of
3 some kind or canned goods of some kind?

4 A. No, they introduced me as commander of the federal
5 judicial and I was going to be his "medrina."

6 Q. You were to be his enforcer, weren't you?

7 A. No. Just to run his errands.

8 Q. With a gun?

9 A. Yes, I was armed.

10 Q. And you were armed by him; isn't that true?

11 A. Yes.

12 Q. And you knew after a short time that Mr. Fonseca killed
13 people, didn't you?

14 A. Well, not him particularly. He had people to do it.

15 Q. Uh-huh. Now, you and Mr. Gadoy were two of those peopl
16 that helped in kidnapping and torturing folks for him; isn't
17 that right?

18 A. We never kidnapped anybody. He had his special people
19 to do that.

20 Q. Well, you told us this afternoon you helped kidnap
21 Enrique Camarena, didn't you?

22 A. Well, yes, I did help but I didn't know I was going --
23 we were going to kidnap a person, since they always sent us
24 to talk to some people, to some commanders.

25 Q. So when you went up and you walked up to Enrique

1 Camarena and you put your hand on him and you heard the othe
2 man say, "Come over to the car," you didn't know you were
3 going to kidnap him; is that what you're telling us?

4 A. Not. Because not until the moment that we grabbed
5 Enrique Camarena by the arm, then I realized it.

6 Q. You got out of the car and went over to Enrique
7 Camarena, didn't you?

8 A. Yes.

9 Q. Now, did some vision come to you or had somebody told
10 you before that that you were to get out of the car and
11 physically grab Enrique Camarena?

12 MR. MEDRANO: Objection; argumentative, compound.

13 THE COURT: What is that?

14 MR. MEDRANO: Argumentative and compound.

15 THE COURT: Overruled.

16 THE WITNESS: Well, what was the question?

17 Q. BY MR. MEDVENE: Didn't you tell us earlier today, sir,
18 that you overheard a conversation with a consular employee,
19 where there was a discussion about kidnapping Enrique
20 Camarena that day?

21 A. I never heard kidnapping, I never heard the word
22 "kidnap."

23 Q. Did you hear a conversation that day with somebody from
24 the consulate in which there was some discussion about a DEA
25 agent and where he could be found?

- 1 A. Yes, but at that time I didn't know what DEA was, if it
2 was a corporation or -- I had no idea what DEA meant.
- 3 Q. Didn't you know when you left in the car, you were going
4 to physically take somebody and take them somewhere they
5 didn't want to go?
- 6 A. They did that very frequently.
- 7 Q. "They," being Fonseca's people, very frequently would go
8 and grab people that didn't want to be grabbed and take them
9 places they didn't want to go?
- 10 A. Yes. The special people that Ernesto Fonseca had which
11 he would order for somebody to be picked up. And whoever
12 didn't want to go, they would force him. But he didn't kill
13 everybody.
- 14 Q. Just killed some. Some he let live and some he killed,
15 is that it?
- 16 A. Well --
- 17 Q. Is that right?
- 18 A. -- yes, but Ernesto Fonseca didn't do that.
- 19 Q. No. He had people like you do it.
- 20 A. I just went with him as a bodyguard.
- 21 Q. You just followed orders to make a living; is that it?
- 22 A. That's right.
- 23 Q. So in order to make some money, if Mr. Fonseca said
24 kidnap or torture or maim or kill, you would do it because
25 you to do make some money for you and your family; isn't that

1 right, Mr. Romero?

2 A. What did you say, sir?

3 Q. If Mr. Fonseca said kidnap somebody or take them or do
4 something to them, you would do it because you wanted to ear
5 your salary, you needed money?

6 A. Fonseca never gave me orders to arrest or kidnap anybod
7 except Enrique Camarena.

8 Q. Now, when these two folks that were bothering
9 Mrs. Fonseca came to the house, you said, "Kill them," didn'
10 you?

11 A. No. Because Samuel Reyes Razo was giving him an awful
12 torture.

13 Q. Didn't you say "Why torture, just let him die"?

14 A. He was suffering.

15 THE INTERPRETER: Excuse, me counsel.

16 Q. BY MR. MEDVENE: Didn't you tell us this morning that
17 you said, "Let's not torture them, let's kill them both"?
18 Isn't that what you said?

19 A. No, I didn't simply say that. But since he was
20 torturing him so much and with the torture, he was going to
21 be killed....

22 Q. So you said it would be easier to kill him.

23 A. Not easier, but torturing a person like that and killing
24 them with suffering.

25 Q. I understand. So it would be better to kill them to

1 take them out of their suffering. Was that it, Mr. Romero?

2 A. Well, actually, if he is torturing him and he is going
3 to kill him anyways, why make him suffer.

4 Q. So in order to spare these two people that were walking
5 down the street, this man and woman, in order to spare them
6 some pain, you suggested that they be killed?

7 MR. MEDRANO: This is asked and answered, Your
8 Honor.

9 THE COURT: Sustained.

10 Q. BY MR. MEDVENE: You did say "Kill them," though, didn't
11 did you, sir?

12 MR. MEDRANO: Asked and answered, Your Honor.

13 THE COURT: Sustained.

14 Q. BY MR. MEDVENE: Now, you were involved in the holding
15 of four Jehova's Witness missionaries in early December of
16 1984; isn't that correct, sir?

17 A. Yes.

18 Q. That's two men and two women.

19 A. Yes.

20 Q. And you were involved in having them undress and be
21 tortured; isn't that so?

22 A. Well, no. I was involved not even in the detention;
23 because when we got there, they had already been detained.

24 Q. But you were there when they were ordered the women into
25 a room and ordered to undress and were tortured; isn't that

1 so?

2 MR. MEDRANO: Your Honor, I object to this line o
3 questioning.

4 THE COURT: Overruled.

5 THE WITNESS: Yes, I saw them be undressed.

6 Q. BY MR. MEDVENE: And tortured.

7 A. Well, yes, they did torture them and, uh....

8 Q. You are not a stranger to torture, because when Enrique
9 Camarena was being tortured, you sat down and had a meal of
10 beef tongue; didn't you tell us that, sir?

11 MR. MEDRANO: Objection; argumentative and
12 compound.

13 THE COURT: Yes. Sustained.

14 Q. BY MR. MEDVENE: Now after the torture, Mr. Romero,
15 people were lined up by the side of the grave and killed and
16 put in one grave; isn't that right, sir?

17 A. I saw the grave but I didn't see when they were shot; I
18 just heard.

19 Q. And did you get your paycheck from Mr. Fonseca that
20 month for your work for him?

21 A. Well, he didn't have a date to pay us.

22 Q. How much did you get from Mr. Fonseca each month there
23 in '84 for -- and '85 for being involved in these kinds of
24 things you're telling us about?

25 A. I didn't have an exact amount. Sometimes he would give

- 1 us-50, 80, 30.
- 2 Q. About how much in -- do You know the conversion rate
3 then in American dollars from Mexican pesos?
- 4 A. Well, at that time.
- 5 Q. What was the American equivalent of what you made a
6 month for this torturing and maiming?
- 7 MR. MEDRANO: Objection; lack of foundation.
- 8 THE COURT: Restate your question.
- 9 Q. BY MR. MEDVENE: What was your -- what did you make a
10 month, approximately?
- 11 A. We didn't have a set amount.
- 12 Q. Could you tell me in approximate amount that you made a
13 month?
- 14 A. Well, 30, sometimes 40, sometimes 50. We didn't
15 have....
- 16 Q. Is that about \$50 American a month?
- 17 MR. MEDRANO: Objection, Your Honor; lack of
18 foundation --
- 19 THE COURT: This witness --
- 20 MR. MEDRANO: -- as to conversion rate.
- 21 THE COURT: Objection is overruled.
- 22 Q. BY MR. MEDVENE: How much did you make the month the
23 American Jehovah Witnesses were killed? What did you make
24 that month?
- 25 A. Well, I don't -- I really don't remember.

1 Q. You had an awfully precise memory earlier when the
2 prosecutor was questioning you. Do you remember any amount
3 of money that you received from Mr. Fonseca in 1984?

4 MR. MEDRANO: Objection; argumentative, Your
5 Honor.

6 THE COURT: Overruled.

7 THE WITNESS: Can I answer?

8 THE COURT: Yes.

9 THE WITNESS: I repeat once again, we didn't have
10 a set salary with him.

11 Q. BY MR. MEDVENE: Ask you for the last time and then I am
12 going to move on.

13 Can you tell me approximately how many -- how much
14 in American dollars you received in 1984 from Mr. Fonseca?

15 MR. MEDRANO: Objection; asked and answered.

16 MR. MEDVENE: He has not answered one --

17 THE COURT: No. He may answer.

18 THE WITNESS: In '84?

19 Q. BY MR. MEDVENE: Yes, sir.

20 A. Well, listen, approximately from '84 and '85 that I was
21 with him, I must have received about a million, umm, Mexican
22 pesos. During all the time that I spent with him.

23 Q. Is that more or less than a couple thousand dollars U.S.

24 A. No. It's about some \$500 --

25 Q. All the time with him for all this --

- 1 A. -- or less.
- 2 Q. -- that you told us about you received about \$500?
- 3 A. A little less.
- 4 Q. And now, am I correct, you're receiving \$3,000 a month?
- 5 A. Yes.
- 6 Q. Now, you said after Mr. Fonseca was arrested, you
7 escaped. Is that correct?
- 8 A. Yes.
- 9 Q. And are you still an escapee in Mexico?
- 10 A. Escapee? I've never been called that.
- 11 Q. Well, did you ever turn yourself in in Mexico and say,
12 "Here I am. I know that I'm -- that you want to arrest me"?
- 13 A. Well, no, because it was never mentioned I was going to
14 be arrested.
- 15 Q. Now, you also, while a Jalisco state policeman, accepted
16 a bribe, didn't you?
- 17 A. What are you referring to?
- 18 Q. Referring to a payment of -- a payment that you received
19 so you wouldn't -- strike that.
- 20 I'm talking about a payment that you received when
21 you were a policeman so you would violate your oath of trust.
- 22 A. But that payment I --
- 23 I really don't understand your question.
- 24 Q. Didn't you -- didn't you receive a payment from somebody
25 from whom you had confiscated a weapon; they gave you some

1 money so you'd forget about it?

2 A. Oh, yes.

3 Q. So you knew you were violating an oath at that time but
4 you violated the oath because you wanted the money?

5 A. I wouldn't call it an oath because we don't go through
6 an oath when we are going to join a corporation.

7 Q. You took money and you accepted a bribe in violation of
8 your duties; isn't that correct?

9 A. Yes.

10 Q. Now, isn't it true, sir, that if you took money from
11 Mr. Fonseca for the things you said and you accepted a bribe
12 you would tell untruths for money?

13 A. Well, no. Why should I lie? That was the only problem
14 that I had with the judicial of the state.

15 Q. If you'd murder and maim for money, you'd lie for money
16 wouldn't you?

17 MR. MEDRANO: Objection, Your Honor. There is no
18 evidence.

19 THE COURT: You're arguing with the witness,
20 counsel.

21 Q. BY MR. MEDVENE: Now after, after you escaped from
22 Puerto Vallarta, where did you go?

23 A. I went to Guadalajara Jalisco.

24 Q. And did you work there?

25 A. No.

1 Q. Were you in Guadalajara Jalisco the remainder of the
2 year 1985?

3 A. No. I went around to little towns.

4 Q. Did you work at all in 1986?

5 A. Yes.

6 Q. And how much money did you make American equivalent in
7 all of 1986?

8 A. About some \$300.

9 Q. For the year of '86?

10 A. Yes.

11 Q. And how about '87, sir, how much did you earn American
12 for the year '87?

13 A. Well, I don't remember any more exactly.

14 Q. You told us about so many people at meetings, can't you
15 remember approximately how much you earned in 1987? Not
16 exact amounts.

17 MR. MEDRANO: Argumentative; badgering the
18 witness.

19 THE COURT: Sustained.

20 Q. BY MR. MEDVENE: Can you tell us approximately how much
21 you earned in 1987, sir?

22 A. Well, no, I don't really remember because I just went
23 into business and the sales were different.

24 Q. Was it less than \$300 for the year 1987?

25 A. Well in dollars I wouldn't know because I wouldn't make

1 the exchange.

2 Q. Well, you told us in 1986 it was about \$300 for the
3 year. Was it approximately the same amount in 1987?

4 MR. MEDRANO: Objection; asked and answered.

5 THE COURT: Overruled.

6 THE WITNESS: Well, let's say, yes, more or less.

7 Q. BY MR. MEDVENE: And about the same in 1988?

8 A. Well, every year it was different.

9 Q. You can tell me whatever it was, sir. Tell me
10 approximately what it was in 1988. More or less than \$500
11 American for the whole year?

12 A. Well, no, no, I can't actually say the amount that I
13 earned.

14 Q. Could you tell me approximately. Was it more or less
15 than \$500 American for the year?

16 A. No. I really don't. I had a small business. It was
17 more my business, I really didn't keep any accounting.

18 Q. Could you tell me any amount within any range that you
19 earned in 1988?

20 A. No, no. I'm not certain.

21 Q. How about 1989, more or less than \$500.

22 A. Well, no, no, no, I actually didn't keep accounting of
23 any sort.

24 Q. Could it have been as little as \$200 for the whole year
25 1989?

- 1 A. Well, actually, I can't tell you. I would lie to you if
2 I mentioned an exact amount.
- 3 Q. Doesn't have to be exact, just approximate.
- 4 A. Well, let's say some, uh, (pause) \$2,000 a month.
- 5 Q. Huh?
- 6 A. \$2,000 a month. 1979
- 7 Q. You're saying from \$300 --
- 8 THE COURT: Well, he said what he said.
- 9 Q. BY MR. MEDVENE: So you made \$2,000 a month when?
- 10 A. During the time that I was in business.
- 11 Q. Uh-huh. Now, were you charged, Mr. Lopez, with
12 obstruction of justice when you were in the state police
13 force?
- 14 A. Accused of what?
- 15 Q. Charged with obstruction of justice.
- 16 (Discussion between Mr. Blancarte and
17 Mr. Medvene sotto voce.)
- 18 Q. BY MR. MEDVENE: "Abuso de proceso."
- 19 A. I do not understand the words. I do not understand the
20 phrase.
- 21 Q. Were you -- was a criminal charge filed against you in
22 connection with a shooting of a state police colleague?
- 23 A. For me? That I shot?
- 24 Q. A state police colleague that was shot. Were you
25 charged with some offense in Mexico in connection with that?

1 A. Oh, about the problem of my friend, my colleague? When
2 he shot a person, when he confronted fire with a person?

3 Q. Now, were you charged with an offense in connection with
4 that, charged with violating your duty?

5 A. Yes. "Abuso de autoridad".

6 Q. Were you ever questioned by the Mexican authorities in
7 connection with the kidnapping of Enrique Camarena?

8 A. No.

9 Q. To your knowledge was there ever any -- strike that.

10 Did you know that Mr. Gadoy had been questioned?

11 MR. MEDRANO: Objection, Your Honor; relevance,
12 lack of personal knowledge.

13 THE COURT: Sustained.

14 Q. BY MR. MEDVENE: You knew that DEA was looking for any
15 one that had information about the participants in the
16 Enrique Camarena kidnapping as early as 1985; isn't that
17 correct, sir?

18 A. No.

19 Q. Did you know an offer had been made for any one that had
20 information about who planned the kidnapping?

21 A. No.

22 Q. You knew that Ruben Zuno Arce had been charged with
23 planning the kidnapping; isn't that true?

24 A. That Ruben Zuno Arce had what?

25 Q. Had been charged with being a participant in the

1 planning. Is that true?

2 A. I heard it on the news when he was detained for the
3 first time here in the United States.

4 Q. And so it's -- strike it.

5 And you knew then that the -- strike that.

6 You knew that -- strike that.

7 Was that sometime in or about the summer of 1989?

8 A. More or less.

9 Q. You knew, did you not, from the news accounts that there
10 was to be a trial about that charge approximately May of
11 1990; isn't that correct?

12 A. Well, no. I was informed through the news only.

13 Q. But you knew through the news that there was to be a
14 trial in about May of 1990; isn't that true?

15 A. No. Something like a trial? No.

16 Q. Did you follow the matter in the news?

17 A. Well, yes. Because I had no other means of
18 communication nor information.

19 Q. And you knew from your listening to the news and reading
20 the news that as of May of 1990, Hector Cervantes Santos was
21 the only individual who said Ruben Zuno was at a planning
22 meeting?

23 MR. MEDRANO: Objection, Your Honor; this is
24 improper in that the point --

25 THE COURT: Restate your question, counsel.

1 Q. BY MR. MEDVENE: From your reading in the paper and wha
2 you heard in the press, isn't it true that you knew as of Ma
3 of 1990 that the only individual --

4 MR. MEDRANO: Your Honor, I object to this
5 question. The question is improper.

6 THE COURT: Let him finish the question.

7 Q. BY MR. MEDVENE: That the only individual that claimed
8 Ruben Zuno was at any meeting where a kidnapping was
9 discussed was a person named Hector Cervantes Santos?

10 MR. MEDRANO: Your Honor, renew our objection to
11 the form.

12 THE COURT: What is the ground?

13 MR. MEDRANO: Irrelevant and beyond the scope of
14 direct, Your Honor.

15 THE COURT: The objection is overruled.

16 You may answer that.

17 THE WITNESS: Could you repeat the question.

18 Q. BY MR. MEDVENE: From your reading in the paper and
19 listening on TV, or whatever, did you know in mid 1990 that
20 the only individual that said that Ruben Zuno was at any
21 meeting where the planning of Enrique Camarena was allegedly
22 planned was a man named Hector Cervantes Santos?

23 A. I didn't realize about that notice, that information.

24 Q. Did you ever hear of Hector Cervantes Santos?

25 A. No.

1 Q. Did you ever meet Hector Cervantes Santos?

2 MR. MEDRANO: Objection, Your Honor; asked and
3 answered.

4 THE COURT: Sustained.

5 Q. BY MR. MEDVENE: Hector Cervantes Santos was never at
6 any of these meetings that you've testified about over the
7 last couple of days, was he, sir?

8 A. What was that again? These "last couple of days"?

9 Q. You've testified about a number of meetings the last
10 several days. My question is: Is it correct that Hector
11 Cervantes Santos was not at any of those meetings?

12 MR. MEDRANO: Objection, Your Honor. Witness says
13 he doesn't know this man.

14 THE COURT: Well, that is the point here. You
15 have to state first that he knows who you are talking about.
16 Ask him that.

17 Q. BY MR. MEDVENE: Were you ever introduced at any of the
18 meetings you've talked about over the last couple of days to
19 anybody named Hector Cervantes Santos?

20 A. No. I don't know him.

21 THE COURT: All right, let's move on here.

22 MR. MEDVENE: Yes, sir.

23 Q. When did you -- strike that.

24 You came to the United States in what month?

25 A. At the first few months of this year.

1 Q. Did you know at that time that the DEA had any interest
2 in talking to anyone who had information about the kidnapping

3 A. Well, I didn't find out such thing as persons. I came
4 here -- Do you want to know why I came here?

5 Q. Did you while you were in Mexico -- strike that.

6 While you were in Mexico, did you speak with
7 anyone about the fact that you had any information about
8 meetings where the kidnapping of Enrique Camarena was
9 planned?

10 A. Someone -- (Pause.) who are you referring to?

11 THE COURT: Anyone. He asked you if you discussed
12 with anyone that you had information about this case while
13 you were in Mexico.

14 THE WITNESS: I talked to the supervisor of DEA.

15 Q. BY MR. MEDVENE: Supervisor where?

16 A. Well, here in the United States. The DEA.

17 Q. The question was in Mexico, did you talk --

18 while you were in Mexico before you came to the
19 United States in January of this year, did you talk to anyone
20 about whether or not you had any information regarding
21 planning meetings with respect to Agent Camarena's
22 kidnapping?

23 A. If I talked to somebody?

24 THE COURT: That's the question.

25 Q. BY MR. MEDVENE: Yes. Yes, sir.

1 A. Just on the telephone, I talked to the supervisor,
2 Hector Berrellez.

3 Q. And the did you talk to him -- strike that.

4 Were you in Mexico when you spoke to him?

5 A. Yes.

6 Q. And when was that phone call?

7 A. Well, I don't remember the exact date in '92. The first
8 month of '92.

9 Q. My initial question, sir, was while you were in Mexico,
10 did you talk to anyone about your claim that you had any
11 information about any meetings where the kidnapping of
12 Enrique Camarena was planned?

13 A. Well, the reason I decided to come was through a friend
14 who told me.

15 Q. Are you saying that you did speak to someone in Mexico?

16 THE COURT: That's what he said, counsel.

17 Q. BY MR. MEDVENE: Okay, who was the friend?

18 MR. MEDRANO: Your Honor, I'd object.

19 THE COURT: Well, if the witness is willing to
20 answer, let him.

21 MR. MEDRANO: Your Honor, it's the same ground as

22 THE COURT: Well.

23 You may answer.

24 THE WITNESS: That friend told me that the DEA
25 agents could help me in my problem.

*Reason
came to
U.S.*

1 Q. BY MR. MEDVENE: What problem was that?

2 A. Because I also had been involved in the murder of
3 Enrique Camarena Salazar.

4 Q. And your friend told you that he knew somebody you could
5 call so you could get immunity if you would give testimony
6 about somebody?

7 A. Well, my friend didn't talk to me about immunity, he
8 just told me that if I spoke the truth, they could help me.
9 And if I were to lie to them, the first law lie they caught
10 me in, they could also arrest me.

11 Q. Your friend told you if you gave them the information
12 that they wanted, you would not be charged in the Camarena
13 murder that you were involved in; isn't that true?

14 A. Well, not talking about details, deep details. We
15 didn't talk about that.

16 Q. The friend said, "If you have the right kind of
17 testimony, you can get out of this thing. You can get out of
18 this murder you were involved in"; isn't that correct, sir?

19 MR. MEDRANO: Asked and answered, Your Honor.

20 THE COURT: Overruled.

21 THE WITNESS: No, he just told me if I were to
22 tell them the truth in what I had lived through. But at no
23 time did he tell me that I would be free of the
24 responsibility of the murder.

25 Q. Well, what problem did you have in Mexico? Was the

1 Mexican government looking for you to prosecute you, to your
2 knowledge, about the Camarena abduction?

3 A. Well, my motivation mostly was that I decided to come to
4 the United States because I had realized that -- through all
5 the time that had gone by, I could realize through the media
6 that a lot of people were being killed whom I knew had been
7 involved in the murder of Enrique Camarena. In other words,
8 it was no longer detaining us but everybody was being killed.

9 Q. You knew that the DEA --

10 If the court please, I don't know what question he
11 is answering.

12 THE COURT: Well, he's answered the question.
13 Pose the next question.

14 Q. BY MR. MEDVENE: You knew that the DEA had gone to
15 Mexico and kidnapped somebody accusing them of the events and
16 you were afraid they're going to come and kidnap you because
17 you were involved; isn't that true?

18 MR. MEDRANO: Objection, Your Honor; calls for
19 speculation, lack of personal knowledge.

20 THE COURT: You may answer it.

21 THE WITNESS: I didn't find out that they had gone
22 to kidnap anybody. I just heard on the news that DEA was not
23 finished with investigation.

24 Q. BY MR. MEDVENE: And you were afraid that you would be
25 picked up by the DEA and arrested and charged with a murder

1 that you were involved in. Isn't that true?

2 A. Well, I was rather afraid that they were going to kill
3 me over there in Mexico. Because Ernesto Fonseca had ordered
4 me murdered. And they were doing all of this to hide
5 politicians --

6 Q. Well --

7 A. -- because of all these people that had been involved.

8 Q. Well, what --

9 A. Because there's no equity in the government when they do
10 their arrests according to who's guilty.

11 Q. Well, we're six years later and you said that your
12 friend indicated that you could -- the DEA could help solve
13 your problem. Your problem was you were worried the DEA
14 would arrest you and charge you with the murder of Enrique
15 Camarena; isn't that correct?

16 MR. MEDRANO: That's been asked and answered.

17 THE COURT: Sustained.

18 Q. BY MR. MEDVENE: What was the name of your friend?

19 MR. MEDRANO: Objection to that.

20 THE COURT: Yes, sustain the objection. I'll
21 hear you on it later, if you wish.

22 MR. MEDVENE: You didn't sustain it you said it
23 was up to the witness, Your Honor.

24 THE COURT: That's all right. Just proceed.

25 Q. BY MR. MEDVENE: Was it the same friend that Mr. Gadoy

1 had spoken to?

2 MR. MEDRANO: Objection; lack of personal
3 knowledge, lack of foundation.

4 THE COURT: Well, if the witness knows, he may
5 answer.

6 THE WITNESS: Do I answer?

7 THE COURT: Yes.

8 Q. BY MR. MEDVENE: Yes.

9 A. Could you repeat the question again.

10 (Pause in proceedings.)

11 THE COURT: The question was: Do you know if your
12 friend also spoke to Mr. Gadoy?

13 THE WITNESS: No, I don't know.

14 Q. BY MR. MEDVENE: Do you know who called Mr. Gadoy and
15 got him to come up here?

16 A. No, I don't know.

17 Q. So you don't know if it's the same person that called
18 you or not.

19 THE COURT: He's already answered that.

20 Q. BY MR. MEDVENE: Okay. Where did you know this person
21 from? From the state police?

22 A. No, that person was never in the judicial of the state.

23 Q. Well, what was his position? Or if you could tell me
24 something about him.

25 A. He worked at a bar.

1 Q. And he told you, didn't he, that the DEA was paying
2 money and giving housing in the United States to certain
3 people. That's correct, isn't it?

4 A. He didn't tell me anything about that.

5 Q. He just told you the DEA could solve your problem.

6 A. That they could help me. Not "solve it," help me.

7 MR. MEDVENE: May I approach the witness, Your?
8 Honor. May I approach the witness just to hand him this
9 exhibit?

10 THE COURT: Yes.

11 Q. BY MR. MEDVENE: I place before you, sir, 164.

12 Previously agreed to, Your Honor, as Hector
13 Cervantes Santos.

14 . Do you know that individual?

15 A. No.

16 Q. Never saw him at any of the meetings that you've told us
17 about the last two days?

18 THE COURT: You've already asked that question.
19 He's answered that question previously.

20 MR. MEDVENE: Not with the picture in front of
21 him.

22 THE COURT: Well, are you asking him if he ever
23 saw that face?

24 MR. MEDVENE: Yes. I'll change it.

25 Q. Did you ever see anyone with that face at any meetings

1 you talked about the last couple of days?

2 A. I don't remember having seen him.

3 Q. Now, when did this friend first talk to you about your
4 talking to the DEA? In what month?

5 A. The first months of '92.

6 Q. Was it after your friend talked to you that you decided
7 to come to the United States in January of 1992?

8 A. Yes.

9 Q. Had you talked to anyone from the DEA before coming to
10 the United States in January of '92?

11 A. With people from DEA?

12 Q. Yes.

13 A. Before I came, I talked to the supervisor on the phone.
14 Hector Berrellez.

15 Q. And what did you say to him and what did he say to you?

16 A. He told me if I could cooperate with the investigation
17 that only if I told him the truth.

18 Q. If you would cooperate, did he tell you that you would
19 not be prosecuted in this country for your direct involvement
20 in the kidnapping of Enrique Camarena?

21 A. He didn't tell me that.

22 Q. Did he tell you if you came to this country, you would
23 not be arrested?

~~24~~ A. No. If I told him the truth, they could help me.

25 Q. So you would not be arrested depending on what you told

1 them; is that correct, sir?

2 A. They didn't tell me that. They only told me if I could
3 cooperate with the truth and what I had lived through.

4 Q. Did they tell you whether or not you would be arrested
5 when you came here?

6 A. No. We didn't talk about an arrest.

7 Q. When did you first find out you weren't going to be
8 arrested?

9 A. Not till the present time, I have not found out.

10 Q. When did you first find out you were going to get paid?

11 A. About a month -- During the first days that I arrived
12 here.

13 Q. You were told that you would be paid \$3,000 a month?

14 A. Yes.

15 Q. You were told that you'd be able to stay permanently in
16 the United States?

17 A. They haven't talked to me about that.

18 Q. Is it your understanding that you can stay as long as
19 the DEA says it's okay for you to stay?

20 A. Well, yes; until they tell me.

21 Q. So if they tell you, you can stay; and if they tell you
22 to go, you have to leave this country, that's your under-
23 standing; right?

24 A. Well, actually, yes.

25 Q. And you get your \$3,000 a month until DEA decides you

- 1 don't get \$3,000 a month any more; isn't that right?
- 2 A. Well, they haven't said anything about that, only that
3 they were going to pay \$3,000 a month.
- 4 Q. And when this is all over, your understanding is you'll
5 be able to stay in this country and go work; isn't that true?
- 6 A. Well, I actually -- I haven't, I haven't thought about
7 that decision.
- 8 Q. Do you work?
- 9 A. No.
- 10 Q. Just get money and you stay home?
- 11 A. Yes.
- 12 Q. You were told that when this is all over, even though
13 you were involved in the kidnapping, torture and murder of
14 five Americans, the four latter day saints and Enrique
15 Camarena, there would be no charges filed against you; isn't
16 that true?
- 17 A. Well, I don't know if I'll be charged later but I'd
18 prefer to be arrested here than there in Mexico.
- 19 Q. Your hope is that you're not charged. That's certainly
20 correct, isn't it?
- 21 A. Well, that is what I ask God. I am sorry of having done
22 what -- of having been involved in this.
- 23 Q. Now, in January of 1992 did you talk to any
24 representative of the DEA and tell him anything of your
25 knowledge in this matter?

1 THE COURT: That is not a very

2 MR. MEDVENE: No, it's not a g

3 me withdraw it.

4 Q. Did you -- strike that.

5 THE COURT: Are you asking him -- ... y
6 information.

7 MR. MEDVENE: Yes, sir.

8 Q. In front of you, sir, is -- Ms. Reporter --

9 THE COURT: Don't charge into the well
10 permission, counsel.

11 MR. MEDVENE: I'm sorry I just want to
12 number. Could you tell me --

13 THE CLERK: 406.

14 MR. MEDVENE: 406, Your Honor.

15 Q. Do you remember, sir, when you first spoke t
16 from the DEA about the facts of this case?

17 A. Well, as soon as I arrived, I started talkin

18 Q. Now, exhibit 406, the first document, it's d
19 5th, 1992. Do you see that in front of you, just
20 your recollection?

21 MR. MEDRANO: Your Honor,, there is no
22 the witness reads English.

23 THE COURT: Sustained.

24 What is your question?

25 MR. MEDVENE: Ms. Reporter -- or, excu

1 Clerk, I would like --

2 THE COURT: Counsel, there is no reason for the
3 witness to read it. If you have a question, ask him.

4 Q. BY MR. MEDVENE: Wasn't March 5th of 1992 the first time
5 you gave any information to the DEA? Does that refresh your
6 recollection? I show you 406.

7 THE COURT: Just a moment. Let the witness
8 answer.

9 MR. MEDVENE: Yes, sir.

10 THE WITNESS: Well, no. As soon as I arrived,
11 they started asking for information.

12 Q. BY MR. MEDVENE: And who did you meet with in addition
13 to Mr. Berrellez?

14 A. With Agent Salvador Leyva.

15 Q. How many meetings did you have with Salvador Leyva
16 and/or Mr. Berrellez in January of 1992?

17 A. Well, we met several times.

18 Q. Several times in January of 1992?

19 A. Well, during all the time that has gone by.

20 Q. I'm talking about January of '92, yourself meeting with
21 Mr. Leyva and Mr. Berrellez, how many meetings?

22 A. Well, I don't remember. There were several.

23 THE COURT: We will take our evening recess at
24 this time and reconvene this case tomorrow morning at 9:30.
25 The jury will be good enough to remember the admonition that

1 I have repeated to you throughout the trial and to follow
2 that admonition carefully. The jury may be excused.

3 THE CLERK: Please rise.

4 (Jury excused at 4:30 p.m.)

5 THE CLERK: You may be seated.

6 MR. MEDRANO: Could we excuse the witness, Your
7 Honor.

8 THE COURT: Yes. The witness may be excused.

9 Please be seated. You wanted to take something up
10 with the court.

11 MR. MEDVENE: Your Honor, we were given certain
12 Jencks material, the first document dated March 5th of '92.
13 It was our understanding this was the first meeting with the
14 witness. And the witness has now said he started meeting in
15 January and, as far as we got, I believe he said he met a
16 couple of times in January.

17 The first document we have is March 5th of '92.
18 I ask through the court if the government would respond to
19 were there any earlier meetings and is there any other Jencks
20 or explanation for why there is no Jencks.

21 MR. MEDRANO: Your Honor, first let me state that
22 all the Jencks has been provided to Mr. Medvene. There were
23 interviews January-February and obviously the agents didn't
24 draft their reports until starting March. So that would
25 explain that.

1 THE COURT: All right. You accept that?

2 MR. MEDVENE: Well, uh.

3 THE COURT: Now, this is not something that the
4 court can --

5 He says that he's given you all the Jencks
6 material.

7 MR. MEDVENE: But the difficulty is, Judge, that
8 in the ordinary course with all other witnesses, they started
9 paying them when they start seeing them. This witness they
10 start paying March 25th of '92. The first report is March
11 5th. It's our belief --

12 THE COURT: Well, you're free to call the agents
13 and ask them about it, counsel.

14 MR. MEDVENE: Well, then we may lose this witness.

15 THE COURT: I don't think you are going to lose
16 the witness.

17 MR. RUBIN: Your Honor, I have one matter I'd like
18 to put on.

19 Your Honor, I would request, in light of the fact
20 we couldn't make the request earlier because we just got the
21 Jencks material, I would request the government provide to us
22 all the copies of photographs of all the employees of the
23 American Consulate at that time so we can question this
24 witness about the person he said allegedly was at that
25 meeting and see if there is such a witness at the consulate.

1 We'd potentially call that person, if he can be identified,
2 as an impeachment witness against this witness. But in order
3 to do that process, I'd ask the government to provide
4 photographs of all the employees at the American Consulate at
5 that time.

6 THE COURT: This is not the time to make a
7 discovery request.

8 MR. RUBIN: Your Honor, we didn't know about this
9 until two days ago when they complied with the Jencks Act.
10 How could we make a discovery request without knowing --

11 THE COURT: Well, your request is denied.

12 MR. MEDVENE: If the court please, before you
13 leave the bench -- I'm sorry. See, we just got this stuff
14 Sunday afternoon, Your Honor. And we would ask that if the
15 government has any notes, that they either give us the
16 investigator notes or give them to Your Honor. Because there
17 is no magic in typing up the notes and putting it in the
18 DEA-6.

19 THE COURT: What notes are you talking about?

20 MR. MEDVENE: Well, if they spoke to this witness
21 it strains credibility that they wouldn't have taken some
22 notes if they met with him in January or February. The first
23 thing we have is March, so we'd like to know did they speak
24 to him before.

25 Now, possibly the witness is mistaken and the

1 first meeting is in March but if they spoke to him in January
2 or February, we're entitled to know if they have any notes.
3 I mean, it's only fair.

4 THE COURT: Do you wish to be heard on this?

5 MR. MEDRANO: Your Honor, what I need to ascertain
6 with certainty to advise everybody is the exact date when
7 this witness arrived. I think it's mid February and perhaps
8 the witness is just mistaken as to when he came. I can find
9 that out and apprise Mr. Medvene of that information.

10 I just don't know off the top of my head. I'd
11 have to speak to the case agents and find out when he came.

12 MR. MEDVENE: Whatever the February notes then are
13 and anything before March 5th. I mean, we're entitled to it;
14 we're getting the stuff --

15 THE COURT: No, you're not entitled to anything
16 except what Rule 16 says you're entitled to. Now if you want
17 to brief the issue and submit something, let me see it.
18 Don't bring me these off-the-cuff disputes and demands.

19 MR. MEDVENE: Well, judge --

20 THE COURT: Brief the law that says you're entitled
21 to what you are asking for and let them respond to it.

22 MR. MEDVENE: Your Honor, under Jencks the witness
23 has taken the stand. We're just asking for --

24 THE COURT: The government has represented they've
25 given you all the statements made by this witness. Now

1 you're asking for more than that.

2 MR. MEDVENE: We're saying, Your Honor, to ask
3 them directly: Do they have any notes? when did he arrive?
4 did they talk to him?

5 THE COURT: Well,, before I do that, you provide
6 me with some authority that you're entitled to what you're
7 asking for.

8 And you do the same.

9 MR. RUBIN: That's fine, Your Honor. For purposes
10 of the record, though, since we are not getting photographs
11 during the investigation, I would formally move the court for
12 a continuance of the trial to give us time to investigate
13 this employee of the consulate and gain a possible
14 impeachment witness.

15 THE COURT: What difference does that make to
16 anything, this employee of the consulate?

17 MR. RUBIN: Well, sir -- excuse me, Your Honor,
18 this employee --

19 THE COURT: As I understand, the evidence is that
20 he is the one that pointed out Camarena. So what?

21 MR. RUBIN: Well, this person --

22 THE COURT: How does that help your defense to
23 know who this person is --

24 MR. RUBIN: There may not be such a person.

25 THE COURT: -- or a picture of him?

1 MR. RUBIN: There may not be such a person.

2 THE COURT: What difference does it make? A
3 kidnapping occurred. I mean, that is not in dispute. You
4 told the jury that.

5 MR. RUBIN: Your Honor, the credibility of this
6 witness is certainly in dispute and if he is identifying
7 somebody as an employee of the American Consulate who doesn't
8 exist, that certainly impeaches his credibility. If there is
9 such a witness that does exist and that person could be
10 called as a witness and say that those conversations never
11 happened --

12 THE COURT: By the same token, you could make that
13 same request of every witnesses he's identified or talked
14 about. And you would want the government to produce pictures
15 of these people?

16 MR. RUBIN: No.

17 THE COURT: I consider that a collateral matter.

18 MR. RUBIN: This witness was also at Lope de Vega,
19 directly there.

20 THE COURT: I understand that.

21 MR. RUBIN: Well, not every person they talked
22 about was at Lope de Vega. This is a percipient witness to
23 those events on those two days.

24 THE COURT: I don't see your theory about this at
25 all. If you want to write it up and submit it, I'll consider

1 it.

2 MR. MEDVENE: Could we meet -- in other words,
3 could the government -- It may be academic. Maybe the first
4 interview was in March but I think we're entitled to it if it
5 was before then.

6 THE COURT: I've said all I'm going to say about
7 it at this time.

8 MR. MEDVENE: Yes, Your Honor.

9 THE CLERK: Please rise.

10 This court stands in recess.

11 (End day at 4:37 p.m.)

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LOS ANGELES, CALIFORNIA; THURSDAY, DECEMBER 10, 1992; 9:30 A.

RENE LOPEZ ROMERO,

having been previously sworn, resumed the stand and testified further through the Spanish interpreter as follows:

(Jury present.)

THE COURT: Good morning.

MR. MEDVENE: Good morning.

MR. RUBIN: Good morning.

MR. CARLTON: Good morning.

MS. FULGINITI: Good morning.

MR. MEDRANO: Good morning.

THE COURT: Do you have any further questions for this witness?

MR. MEDVENE: Yes, Your Honor.

CROSS-EXAMINATION

BY MR. MEDVENE:

Q. Did you ever tell Jorge Gadoy about what you yesterday referred to as your problem?

THE INTERPRETER: As your what, counsel?

Q. BY MR. MEDVENE: "Problem."

A. To whom?

Q. Jorge Gadoy.

1 A. No, sir, I haven't seen him.

2 Q. Did you ever talk with Jesus Pacitos about what you
3 called yesterday was your problem?

4 A. Jesus who?

5 Q. Pacitos?

6 A. I don't know any such person.

7 Q. Do you know whether the same person that made arrange-
8 ments for you to come to the United States also made
9 arrangements for Mr. Gadoy to come to the United States?

10 A. No. I wouldn't be able to tell you. I don't know
11 anything about that.

12 Q. You don't know if it was the same person or not?

13 THE COURT: That's what he said, counsel.

14 Q. BY MR. MEDVENE: Do you know whether the same person
15 that made arrangements for Mr. Lira to come to the United
16 States --

17 THE INTERPRETER: Mr. Who, sir.

18 Q. BY MR. MEDVENE: Mr. Lira, also made arrangements for
19 you?

20 A. No. I don't know. I don't even know if Mr. Lira is
21 here.

22 Q. Now, the first payment you received from the DEA was
23 March 25th, 1992; is that correct, sir?

24 A. I don't remember the exact date.

25 MR. MEDVENE: The parties will stipulate, Your

1 Honor, the first date was March 25th, 1992.

2 THE COURT: Very well. Then you may accept that
3 fact.

4 Q. BY MR. MEDVENE: If that is the date of the first
5 payment, does that refresh your memory that your first
6 meeting with the DEA was sometime in early March of 1982?

7 A. March of '82?

8 Q. Yes.

9 THE COURT: '82?

10 MR. MEDVENE: Excuse me. Excuse me. March
11 of '92.

12 THE WITNESS: It would be around, uh, the middle
13 of February when I got here.

14 Q. BY MR. MEDVENE: Place before you what has been marked
15 406, the first page. For purposes of refreshing your
16 recollection, could you look at line 10, Initial Debriefing
17 of Cooperating Individual, March 5th, 1992 --

18 MR. MEDRANO: Objection, Your Honor.

19 Q. BY MR. MEDVENE: -- and ask if that refreshes your
20 recollection that your first meeting with the DEA where you
21 gave any information was March 5th, 1992?

22 MR. MEDRANO: Objection. No indication witness
23 reads English. And, in addition, lack of foundation that th
24 witness needs memory refreshed at all, Your Honor.

25 THE COURT: This is something that should be

1 stipulated to, not be the cause of a lot of waste of time.

2 Was that the first meeting or the first --

3 MR. MEDRANO: May I consult with Mr. Medvene for
4 moment, Your Honor?

5 MR. MEDVENE: Yes.

6 (Pause in proceedings.)

7 MR. MEDVENE: The parties have stipulated, Your
8 Honor, that March 5th was the initial debriefing of this
9 witness.

10 THE COURT: Very well.

11 Q. BY MR. MEDVENE: Now, you told us yesterday, sir, you
12 first came to this country in January of 1992. What did you
13 do between January and March 5th?

14 MR. MEDRANO: Objection; misstates. He indicated
15 he came in February.

16 THE COURT: Well.

17 MR. MEDVENE: The record will be what it is. I
18 don't --

19 THE COURT: Yes. The testimony is what it was.

20 Are you asking him what he did between the time he
21 arrived here and March 5th?

22 MR. MEDVENE: Yes, sir.

23 THE COURT: That is the question.

24 Mr. Interpreter.

25 THE INTERPRETER: Pardon me, Your Honor.

1 Q. BY MR. MEDVENE: The question is, sir, what did you do
2 between the time you first arrived in the United States and
3 March 5th?

4 A. What I did was that I was interviewed by the agents of
5 the DEA. I started to give them information.

6 Q. Now, on March 5th, the initial debriefing, you told them
7 that you were with the Jalisco state police until the middle
8 of 1984. Is that correct?

9 A. Yes.

10 Q. And that while with the Jalisco state police, you worked
11 with Comandante Gonzalez-Gonzalez and Antonio Ochoa?

12 A. Yes.

13 Q. And after you left Jalisco state police, you became a
14 bodyguard for Mexican drug lord Ernesto Fonseca; is that
15 correct?

16 A. Yes.

17 Q. And at the initial meeting, you didn't give any further
18 details. Is that correct?

19 A. The only thing I said there.

20 Q. Was what I said the only thing you said at that meeting?

21 A. What meeting are you referring to?

22 Q. At your initial meeting with the DEA representatives,
23 the total of what you said is what you've just told us; is
24 that correct?

25 A. Yes. What was said yesterday.

1 Q. Sir, my question is -- and you're free to look at
2 exhibit 406, what's marked as 6558, and have the interpreter
3 read it to you if you want, but the totality of what you said
4 to the DEA representatives at this first meeting on March 5th
5 was just what you've just told us; is that correct, sir?

6 A. Well, since I was debriefed on several occasions, I don'
7 know if it was exactly on that date that I told them that.

8 Q. Is it your best memory that what you told them on that
9 occasion was no more or no less than what you've just told us

10 MR. MEDRANO: Objection; vague and ambiguous.

11 THE COURT: Very confusing, that question.

12 MR. MEDVENE: Okay.

13 THE COURT: I think you should move on here,
14 counsel. We're not getting anywhere.

15 Q. BY MR. MEDVENE: Now, is it correct, sir, that April
16 15th of 1992 was the first occasion where you tell the DEA
17 representatives of anything about a meeting at the Las
18 Americas Hotel, and if you'd like to refresh your
19 recollection, I direct you --

20 THE COURT: Well, he can't.

21 MR. MEDVENE: I'm sorry, Your Honor.

22 THE COURT: Let him answer the question.

23 Q. BY MR. MEDVENE: Was that the first time?

24 A. I don't know if, in fact, it was at that meeting; that I
25 spoke to that meeting.

1 Q. Would you look, sir, for purposes of refreshing your
2 recollection, to the exhibit in front of you, page 6528, and
3 please read -- and we'll have the interpreter go over for you
4 the first three lines where there's reference to a date and
5 meeting.

6 (Pause in proceedings for reading in Spanish.)

7 A. Yes, in fact, that is.

8 Q. What is?

9 A. Exactly. Exactly. I don't know if it was exactly on
10 that date.

11 Q. Is it also correct, sir, that it was that date, some 40
12 days after you first spoke with the DEA, that you first
13 mentioned the meeting at Ernesto Fonseca's house where there
14 was some reference to an AK-47?

15 A. Well, at different times that I would see the agents, I
16 would give them information, I would say, about everything.

17 Q. My question, sir, is it correct that it was on that
18 occasion some 40 days after you met the agents that you for
19 the first time recounted anything about this alleged meeting
20 at Ernesto Fonseca's house?

21 A. I don't know exactly if it may have been 40 days later
22 or 8 days later because I saw those agents many times.

23 Q. I direct your attention, sir, to same exhibit, page
24 6531, for purposes of refreshing your recollection and ask
25 the interpreter to read under date, Date Prepared, what date

1 it says, and also make reference to the synopsis of three or
2 four sentences talking about the Ernesto Fonseca meeting.

3 THE INTERPRETER: Excuse me, counsel, what do you
4 want me to read?

5 MR. MEDVENE: I want you to read the synopsis
6 where it talks about the meeting and the date the report was
7 prepared. I'd like you to read that to him to see if that
8 refreshes his recollection. Where it says Date Prepared,
9 April 15th.

10 THE INTERPRETER: On 6531?

11 MR. MEDVENE: On 6531.

12 THE INTERPRETER: Where does it say "Date
13 Prepared"?

14 MR. MEDVENE: I'm sorry.

15 May I approach, Your? Honor.

16 Date Prepared. Synopsis.

17 THE INTERPRETER: Oh. Up to where. Up to the end
18 of that sentence.

19 MR. MEDVENE: Yes.

20 (Pause in proceedings for reading in Spanish.)

21 THE WITNESS: Yes. That is true, I told them
22 about that. But I don't remember the exact date.

23 Q. BY MR. MEDVENE: And is it true, sir, that the first
24 time you made any reference to the meeting at 114 Tonalá and
25 people there was also about 40 days after you first met the

1 DEA on April 15th?

2 A. I also let them know about a meeting that occurred at
3 that house.

4 Q. And sometime after that you first told them about this
5 alleged Mariachi meeting; is that true?

6 A. The thing is on different occasions I would tell them
7 everything, whenever I would see them.

8 Q. My question is: Is it true that that was about a month
9 and a half after you first started talking to them that you
10 told them about this alleged Mariachi meeting?

11 A. Well, no, I don't remember that because I would speak
12 I would give them all of the information on different
13 occasions.

14 Q. You knew, didn't you, sir, that from the first time you
15 met the agents on March 5th, they wanted you to provide all
16 the information that you had about the kidnapping; isn't that
17 correct?

18 A. That they prohibited me?

19 Q. Didn't the agents the first time that they met you way
20 back in early March, say, "Please tell us everything you know
21 about the kidnapping and anybody that was at any meetings or
22 any information you have about the kidnapping."

23 A. From the very beginning when I arrived, they asked me to
24 give them information about everything.

25 Q. Now, is it true, sir -- we're now talking about the

1 Mariachi meeting. You mentioned you didn't remember the
2 date. Could you look, to refresh your recollection, at page
3 6536 and would you look at Date Prepared, sir, April 16th,
4 and under 10, Report Re Debriefing of Mariachi Meeting.

5 Does that refresh your recollection that that's
6 the first time you told the agents anything about that
7 alleged meeting?

8 (Pause in proceedings for reading in Spanish.)

9 THE WITNESS: Yes, I did tell them about that.

10 Q. BY MR. MEDVENE: At that time?

11 A. I don't remember the date, I don't remember the day.

12 Q. Is it your best recollection it was about that time?

13 A. No. We would speak about different meetings and
14 different events.

15 Q. Is it true, sir, that it was some 35 days after you
16 first started talking to the DEA representatives that you
17 made any claim that Ruben Zuno was at 881 Lope de Vega on
18 February 7th?

19 MR. MEDRANO: Objection to the form of the
20 question, Your Honor. The witness indicates he doesn't
21 recall the date.

22 THE COURT: He has indicated that.

23 MR. MEDVENE: Different question, Your Honor.

24 THE COURT: Well, ask the witness if he remembers
25 when he first told them the information.

1 Q. BY MR. MEDVENE: Did you, sir, on April 9th tell the
2 agents for the first time that you saw Ruben Zuno at 881 Lope
3 de Vega on February 7, 1985?

4 A. From when I first arrived, I started giving them
5 information about everything and about everybody who had
6 arrived.

7 Q. Would you please look at the document marked 6514.
8 Under Date Prepared, April 9th, and under item 10, debriefing
9 of events at 881 Lope de Vega.

10 If you could interpret that.

11 And does that refresh you that that's
12 approximately the time that you first told the agents that
13 you saw Ruben Zuno on February 7th?

14 THE INTERPRETER: Is that where it says 3,
15 counsel?

16 MR. MEDVENE: I'm sorry.

17 THE INTERPRETER: Where am I supposed to read?

18 MR. MEDVENE: April 9. The date under 8 and 10,
19 Debriefing.

20 THE COURT: All right, counsel, you don't need to
21 approach here.

22 MR. MEDVENE: Under item 8 up at the top,
23 Mr. Interpreter, on the right-hand side, three lines down.
24 See, it says Date Prepared.

25 THE INTERPRETER: Okay, it says Date Prepared.

1 And then what?

2 MR. MEDVENE: Three lines down it says Report Re
3 Debriefing Events. It says 10.

4 Up at the top, sir.

5 THE INTERPRETER: I see it starts with Bodyguards,
6 I don't know.

7 MR. MEDVENE: Sir, up at the top. Item No. D, the
8 top of the page.

9 THE INTERPRETER: I don't know what you're asking
10 for.

11 MR. MEDVENE: You see where it says item 8, sir.

12 THE INTERPRETER: No, I don't.

13 MR. MEDVENE: You just read Date Prepared.

14 THE INTERPRETER: Yes.

15 MR. MEDVENE: Under that is item 9.

16 THE COURT: May I approach, Your Honor, it will
17 just take one second?

18 THE COURT: All right.

19 (Mr. Medrano turns page of report.)

20 THE INTERPRETER: Sorry.

21 (Pause in proceedings for reading in Spanish.)

22 THE COURT: What is your question?

23 MR. MEDVENE: Oh.

24 Q. My question is, does that refresh you that the first
25 time that you claimed to the DEA agents that Mr. Zuno was at

1 881 Lope de Vega on February 7th was some 35 days after you
2 first started talking to him?

3 A. From the very first day that I arrived here, I started
4 giving them information about everything and everyone.

5 Q. Did you give them the information about 881 Lope de Vega
6 on or about April 9th of 1992?

7 A. I don't remember the exact date but I did give them the
8 information.

9 Q. Does that document refresh your recollection?

10 A. Well, no, since I spoke to them on several occasions, it
11 really doesn't.

12 Q. Could you explain, sir, to us how you're able to
13 remember with such precision?

14 THE COURT: Counsel, that sounds like an argument

15 MR. MEDRANO: Objection as to form.

16 THE COURT: Not a question.

17 MR. MEDVENE: It was going to be a question.

18 THE COURT: It's an argument. You can argue it
19 when the time comes.

20 Q. BY MR. MEDVENE: You've made some reference yesterday to
21 a man who said the DEA might be able to help you with your
22 problem. When did you first tell this individual you had a
23 problem?

24 A. Well, he knew about it from the news and since he knew
25 me, then all the names came to light.

1 Q. He knew your problem was you were involved in the
2 kidnapping of Enrique Camarena?

3 A. Exactly. Because all of that was published and all
4 those names came out of the media.

5 Q. Now, how long prior to the time that -- strike that.

6 How long before the time that he called you and
7 told you that DEA might be able to help you with your proble
8 had you last seen or spoken to this individual?

9 MR. MEDRANO: Objection; vague and ambiguous, You
10 Honor, compound.

11 THE COURT: Sustained. And you went into this
12 yesterday and I'm not going to have repetition.

13 MR. MEDVENE: Fine.

14 Q. Were you ever assigned, sir, to Mascota in the course o
15 your work for the state judicial police?

16 THE INTERPRETER: Where, counsel?

17 Q. BY MR. MEDVENE: Mascota.

18 A. Yes.

19 Q. And when was this?

20 A. Approximately it must have been around April of '84.

21 Q. And how long were you assigned to Mascota?

22 A. About three months.

23 Q. And while there, were you in the course of your officia
24 duties involved in a road block where you were stopping
25 vehicles that might have marijuana?

- 1 A. Well, it wasn't really a road block. We set up
2 surveillance on the crossroad from Mascota to Talpa.
- 3 Q. And as a police officer, you realized it would be
4 important to get all the details of any one that you found
5 that had marijuana; isn't that correct?
- 6 A. Exactly.
- 7 Q. And the ordinary practice of a police officer would be
8 to collect these details and write them down in a report;
9 isn't that true?
- 10 A. That's true. That's what one should do.
- 11 Q. And what one ordinarily would do would be to write down
12 the kind of car that was involved.
- 13 A. Well, the proper thing to do is to detain that vehicle,
14 to detain those drivers and to detain the individuals and
15 everybody responsible.
- 16 Q. Now, in the course of making your report, you would put
17 down the license number of the car involved; is that correct?
- 18 A. Yes.
- 19 Q. The make of the car?
- 20 A. All of the features on the vehicle and the person.
- 21 Q. Now, what was the license number of the state bed truck
22 that you claimed you saw?
- 23 A. Well, since no vehicle and no persons were detained at
24 that time, no data was gathered either.
- 25 Q. So you didn't write down license number, make or model

1 of car?

2 THE COURT: Counsel. He's just answered that
3 question. No data, he said.

4 Q. BY MR. MEDVENE: Did you make any notes yourself to help
5 refresh you about the incident that occurred so many years
6 ago?

7 THE COURT: You mean at that time?

8 MR. MEDVENE: At that time.

9 THE WITNESS: About that incident?

10 Q. BY MR. MEDVENE: Yes. Any notes?

11 A. No. Because, as I said before, since no vehicle or
12 persons or anyone were detained, no data were gathered.

13 Q. Since that time, during the eight years, have you
14 written anything down to help refresh you on that incident
15 and who you saw or if it happened?

16 A. Well, no, it's only in my memory.

17 Q. Now, during the three months in Mascota, who else, if
18 anyone, did you stop on the road and arrest for transporting
19 marijuana?

20 A. Before that incident at the crossroads, one person was
21 stopped.

22 Q. What was his name?

23 A. I don't recall.

24 Q. What was he driving?

25 A. He was driving a pickup.

1 Q. Do you know the license of it?

2 A. No.

3 Q. Do you remember any other incident where you stopped
4 anybody that was driving a car or truck with marijuana?

5 A. The only outstanding incidents that occurred there were
6 when he stopped that person with the marijuana and then the
7 incident with the truck at the crossing of Talpa Mascota.

8 Q. How about Yahualica? You went to work there after
9 Mascota?

10 A. Yes.

11 Q. Did you prepare any reports showing you stopped anyone
12 that was involved in transporting marijuana?

13 A. No. Not at the town of Yahualica.

14 Q. You told us yesterday about a meeting at the Las
15 Americas Hotel?

16 A. Yes.

17 Q. When was that meeting?

18 A. Well, more or less around the end of October or
19 beginning of November of '84.

20 Q. Now, was your function at that meeting to be a guard?

21 A. Yes.

22 Q. You had your gun?

23 A. Yes.

24 Q. And is it correct that your general function for
25 Mr. Fonseca was to be a guard?

1 A. Yes, that is so.

2 Q. And isn't it also true that as a guard, you spent all
3 your time outside the hotel?

4 A. We were outside the hotel.

5 Q. And you were outside the hotel the whole time that you
6 claim this meeting was going on; isn't that correct?

7 A. Yes.

8 Q. And how many guards were there with guns like yourself
9 that were outside the hotel guarding?

10 A. Well, there were many. The whole hotel was surrounded
11 by bodyguards.

12 Q. How many?

13 A. From what I saw, approximately 20 of what I saw.

14 Q. You were one of these 20 guards guarding the outside of
15 the hotel; is that it?

16 A. Yes.

17 Q. And there are all these military and police people
18 inside the hotel that you'd told us about yesterday; is that
19 correct?

20 A. I saw them leave there.

21 Q. Now, what were you guarding all these military and
22 police people against, you and these 19 other guards that
23 were outside with your guns?

24 A. Well, the truth is, what we could say, that the securit
25 was, well, just simply an order or mandate from Ernesto

1 Fonseca.

2 Q. Well, did you know, sir, as you and the 20 other people
3 with guns were outside the hotel, what you were guarding all
4 these military and police that were inside the hotel from?

5 A. Well, at one time it was said that on those occasions w
6 would be protecting them against other drug traffickers.

7 Q. So you had -- strike that.

8 Are you saying that you had some of the --

9 THE COURT: Well, he said what he said. No need
10 to rephrase it. Ask your next question.

11 Q. BY MR. MEDVENE: Well, what drug traffickers were you
12 protecting all the drug traffickers that were in the meeting
13 against?

14 A. Well, at one time it was commented that they had enemies
15 who were drug traffickers.

16 Q. Now, is it correct, sir, that when you first saw these
17 people come out to get their cars after this meeting, your
18 job was to be looking around for other drug traffickers who
19 might be coming to attack these drug traffickers?

20 A. Well, my real job, the truth is, was to protect Ernesto
21 Fonseca.

22 Q. So your job wasn't to record each and every person that
23 was coming out of the hotel to get in their car. That wasn't
24 your job, to see who that was, was it?

25 A. No.

1 Q. Would you say you have a photographic memory?

2 MR. MEDRANO: Objection to the question, Your
3 Honor.

4 THE COURT: Overruled.

5 THE WITNESS: What's the question?

6 Q. BY MR. MEDVENE: Would you characterize your memory as
7 photographic memory?

8 A. (Pause.) Well, thanks to the good Lord, I've always ha
9 good memory.

10 Q. Are you saying that you were able in the split seconds
11 it would take somebody to walk out of --

12 THE COURT: Counsel.

13 MR. MEDRANO: Objection.

14 THE COURT: Restate that question, if you have a
15 question.

16 Q. BY MR. MEDVENE: Is it correct, sir, that the amount of
17 time it would take somebody to walk out of the hotel and get
18 into their car would be a matter of a few seconds?

19 A. Well, let's talk about minutes.

20 Q. And in connection with protecting Mr. Fonseca, you were
21 able to make a mental note of some 30 people coming out of
22 the hotel. Is that correct?

23 MR. MEDRANO: Argumentative form of the question.

24 THE COURT: Sustained.

25 Q. BY MR. MEDVENE: Were you able to recall all the people

1 that came out of the hotel in those moments it took them to
2 come out of the hotel and get in their car?

3 A. That is a fact. Those and other people. Because they
4 were people we saw every day.

5 Q. You saw them every day and so for that reason you were
6 able to remember all 30 people that came out of the hotel
7 that particular meeting; is that correct?

8 A. That is a fact, yes.

9 Q. You made reference to the Hidalgo residence that was a
10 -- or Hidalgo.

11 THE INTERPRETER: Is that Hidalgo?

12 MR. MEDVENE: Yes, sir.

13 THE WITNESS: Yes.

14 Q. BY MR. MEDVENE: There's some meeting where you make
15 reference to Mariachi's; is that correct?

16 A. Yes.

17 Q. Did you know that Mr. Gadoy first claimed he attended
18 any meetings some seven months after he first started talkin
19 to the DEA in about April of 1992?

20 MR. MEDRANO: Objection. Speculation.

21 THE COURT: Objection is sustained.

22 Q. BY MR. MEDVENE: You have spoken to Mr. Gadoy since
23 you've been in this country, haven't you?

24 MR. MEDRANO: Asked and answered.

25 THE COURT: Sustained.

1 Q. BY MR. MEDVENE: At the Hidalgo residence meeting, was
2 your job again providing security --

3 A. Yes.

4 Q. -- and standing outside the residence?

5 A. Whether I was providing security outside the residence?

6 Q. You were providing security outside the residence,
7 weren't you?

8 A. No. Within the residence.

9 Q. Didn't you tell the representatives of the DEA on April
10 16th that you and other state police personnel and enforcers
11 remained outside the residence providing security?

12 A. No. All of us were inside the residence.

13 Q. To refresh your recollection, would you look at page
14 6536.

15 MR. MEDRANO: Objection, Your Honor; he doesn't
16 need his memory refreshed.

17 THE COURT: Sustained.

18 Q. BY MR. MEDVENE: Did you see about 20 people meeting in
19 the living room?

20 A. More or less.

21 Q. And did you overhear any of the conversation the people
22 were having?

23 A. Well, at the Hidalgo house when they went into the bed-
24 room, at that time we didn't hear any of that conversation.

25 Q. Did 20 people or more get up from the living room and

1 all walk into the bedroom?

2 A. Yes.

3 Q. What did you overhear anyone say in the living room, if
4 anything, about why all the people should get up and go into
5 the bedroom?

6 A. No, we didn't hear any comments.

7 Q. Did they sit on the bed in the bedroom, these 20 people
8 who were before sitting on the chairs in the living room?

9 A. I don't know where they may have sat.

10 Q. Do you have any idea why everybody would get up from th
11 living room and go into the bedroom?

12 MR. MEDRANO: Objection. Asked and answered, You
13 Honor.

14 THE COURT: Sustained.

15 Q. BY MR. MEDVENE: Now you've spoken about Lope de Vega.

16 A. Yes.

17 Q. Yesterday you walked up to a diagram and pointed out
18 certain things. Is it true, sir, that before yesterday
19 someone went over with you that diagram and where to point
20 out?

21 A. Well, let's see. I don't really understand your
22 question.

23 Q. Remember yesterday getting out of the witness chair and
24 walking over to a diagram?

25 A. Yes.

1 Q. Before you got off the witness stand yesterday to walk
2 over to that diagram, hadn't someone told you, "You're going
3 to be shown a diagram" and where to point?

4 A. No. I don't know. I know that house.

5 Q. Was that the first time you saw that diagram yesterday
6 when you got off the stand?

7 A. Yes, sir.

8 Q. Did you speak with anyone in preparation for your --
9 strike that.

10 Did you speak to anyone about your testimony in
11 the last 40 days?

12 A. I don't remember exactly how many days before.

13 Q. How many different times did you speak with people about
14 the subject matter of your testimony?

15 A. About giving them information?

16 Q. About the subject matter of your testimony, about what
17 you were going to be asked and what you were going to
18 answer.

19 A. No. I don't understand your question.

20 Q. Before testifying yesterday, people told you, did they
21 not, that you were going to be asked certain questions in
22 court?

23 A. No.

24 Q. Did you speak to anybody in the last month where you
25 discussed any of the things you've talked about yesterday and

1 today?

2 A. Since I came here, I've been giving them information. I
3 don't know about what I had to tell them, I have been giving
4 them information about what I knew.

5 Q. You've been giving information and you've been getting
6 money; isn't that correct?

7 THE COURT: Asked and answered. Asked and
8 answered.

9 MR. MEDVENE: We didn't go through the payments, I
10 believe, Your Honor. I might have gone through it but I
11 don't think I went through --

12 THE COURT: You did. Ask your next question.

13 Q. BY MR. MEDVENE: Do you remember in the last three weeks
14 talking to anybody about the facts that you were going to be
15 questioned about?

16 A. No, nobody told me what questions I was going to be
17 asked or what I had to say. I gave them information.

18 Q. Did you -- when you were at the Lope de Vega house, did
19 you listen to any of the interrogation of Enrique Camarena?

20 A. Yes.

21 Q. And the interrogation was being tape recorded, to your
22 knowledge, wasn't it?

23 A. I didn't notice that. Whether they'd written or
24 anything. The thing is, I didn't see if they were taking
25 notes or recording.

1 Q. But the drug traffickers let you go into the room and
2 sit and watch the interrogation; is that right?

3 A. Yes. Nobody asked for anything there.

4 Q. Were you changing ash trays there, going in because a
5 lot of people were smoking?

6 A. Yes.

7 Q. How many times were you in and out of the interrogation
8 room because you had to change the ash trays?

9 A. In the room where they had the meeting?

10 Q. Well, you told us you were in the interrogation room.
11 How many times were you in and out of that room changing ash
12 trays?

13 A. The interrogation room? I don't understand.

14 Q. You've told us you were in the interrogation room when
15 Mr. --

16 THE COURT: Counsel, restate that. The room wher
17 the agent was?

18 Q. BY MR. MEDVENE: The room where the agent was being
19 questioned, how many times were you in and out of that room
20 changing the ash trays of people?

21 A. No, no, no. The room where they had the agent? There
22 was no meeting, they were interrogating him there. Ernesto
23 Fonseca and two of his people.

24 THE COURT: Well, the question is how many times
25 was he in that room? How many times had he left and came

1 back?

2 THE WITNESS: Once.

3 Q. BY MR. MEDVENE: Now, no one said, in substance, did
4 they, sir, that "We know from our own means the DEA is going
5 to stop drug trafficking in Jalisco but we want you to hear
6 it from the agent's own mouth"? No one said that, did they?

7 A. Well, at that time, no, no. I don't understand.

8 Q. Did you hear anyone say, "We know from our own means th
9 DEA is going to stop drug trafficking in Jalisco, but I want
10 you to hear it from his own mouth"?

11 A. Ruben Zuno said that.

12 Q. And he said that to Caro-Quintero?

13 A. To several drug traffickers that he had close to him at
14 the meeting.

15 Q. And didn't Caro-Quintero say, "Well, what are you
16 talking about? I know it's Enrique Camarena because he
17 arrested Manuel Chavez, my lieutenant, in May of 1984"?

18 MR. MEDRANO: Objection. This is argumentative,
19 it's compound, it's vague and ambiguous.

20 THE COURT: The objection is sustained.

21 Q. BY MR. MEDVENE: Was there any discussion by Caro
22 Quintero about he knew who Enrique Camarena was as of May of
23 1984?

24 A. Well, I didn't find out about that, about whether Rafae
25 Caro-Quintero knew who Enrique Camarena was.

1 Q. Now, at the time of the meeting at Mr. Fonseca's house
2 that you say occurred in about November of 1984 -- (Pause.)
3 Excuse me.

4 At the meeting at Mr. Fonseca's house, yes. Was
5 the topic of that meeting finding out who the DEA agent was
6 so he could be identified and then kidnapped?

7 MR. MEDRANO: Your Honor, objection. Which
8 meeting? What timeframe? There's many.

9 THE COURT: Sustained.

10 Q. BY MR. MEDVENE: At the meeting at Ernesto Fonseca's
11 house that you say was held in November of 1984.

12 MR. MEDRANO: Objection.

13 THE COURT: What is the question now?

14 MR. MEDRANO: The witness said --

15 THE COURT: Are you asking the witness what was
16 discussed at that meeting?

17 MR. MEDVENE: Yes. I'm asking him if the topic
18 conversation there was the identification of the DEA agent
19 who was causing problems so he could be picked up and
20 kidnapped.

21 MR. MEDRANO: Objection, Your Honor. Counsel is
22 reading from the report. The witness' testimony is fall of
23 '84. It's still unclear.

24 THE COURT: Your question is? Again, counsel,
25 restate your question. Identify the meeting that you're

1 talking about.

2 Q. BY MR. MEDVENE: You claim that --

3 THE COURT: And try to be concise, you know.
4 These convoluted questions are what I think are creating some
5 of the problems. Short questions are better than long ones.

6 MR. MEDVENE: Yes, sir.

7 Q. Were you at a meeting in 1984 at the residence of
8 Ernesto Fonseca?

9 A. Yes.

10 Q. And at that meeting was the general topic of
11 conversation finding out who the DEA agent was so he could be
12 kidnapped?

13 A. Well, only Rafael Caro-Quintero told Enrique Alvarez de
14 Castillo what was happening with that person that they had
15 put him in charge of.

16 Q. The did Caro-Quintero tell Enrique Castillo that they
17 should be the ones to identify the DEA agent?

18 A. That is a fact, that the politicians and the government
19 should -- that is, that Caro-Quintero said to Enrique Alvarez
20 that they were the ones who had to do the job. That he
21 didn't want to become famous that they should make themselves
22 famous.

23 Q. My question is, sir, did Caro-Quintero tell Enrique
24 Alvarez del Castillo they should identify who the agent is?

25 A. Yes.

1 Q. And did Caro-Quintero, according to you, say, "Huh, we
2 are trying to find out who he is"?

3 A. No. Enrique Camarena said that they had all the data
4 and they had all of -- the person located.

5 MR. MEDRANO: Your Honor.

6 Q. BY MR. MEDVENE: Did you just tell us, sir, that you
7 said that Rafael Caro-Quintero told del Castillo that they
8 ought to try to find out who the agent is?

9 A. Yes, Caro-Quintero said that to Alvarez Castillo.
10 Alvarez Castillo said yes they had all of the data, they had
11 all of it located but they wanted to make sure that all of
12 the data were correct. Alvarez Castillo had apparently sent
13 all of his people to investigate that; that they were only
14 missing, to make sure -- for the politicians to make sure
15 that those data were correct, to then give them to the drug
16 traffickers.

17 That's when Caro-Quintero said that they had to do
18 that job. That they didn't want for them to make him famous,
19 that they should make themselves famous.

20 Q. Well, was the discussion at the meeting, "We have to
21 find out who the agent is"? Or was it discussion, "We
22 already know who the agent is"?

23 MR. MEDRANO: Objection. This is asked and
24 answered, Your Honor.

25 THE COURT: Sustained.

1 Q. BY MR. MEDVENE: Did you hear at any of these other
2 meetings you attended anybody talk about, "If we know who t
3 agent is, why are we having meeting after meeting after
4 meeting discussing who is the agent"?

5 MR. MEDRANO: Objection, improper question.

6 THE COURT: Sustained.

7 Q. BY MR. MEDVENE: Did you hear any discussion at any of
8 these other meetings about, "Why don't we get on with the
9 kidnapping if we know who the agent is"?

10 MR. MEDRANO: This is argumentative, Your Honor.

11 THE COURT: Sustained.

12 Q. BY MR. MEDVENE: Did you hear anyone identify the agent
13 as Enrique Camarena?

14 A. No. At no time was his name mentioned.

15 Q. Well, didn't somebody in a very early meeting say that,
16 "We know this person is going to soon be going to the United
17 States, going to be transferred"?

18 A. Well, the only comment was that they were going to
19 transfer, that they were going to move that person. But I
20 don't know to where.

21 Q. So at an early meeting, then, from what you heard while
22 you were walking in and out with the ash trays, you knew that
23 they knew who the agent was. Isn't that correct?

24 MR. MEDRANO: Asked and answered, calls for
25 speculation.

1 THE COURT: You may answer. Overruled.

2 THE WITNESS: What was the question?

3 Q. BY MR. MEDVENE: At a very early meeting that you claim
4 you attended in about October, isn't it true that, from what
5 you overheard, it seemed the people knew who the agent was
6 that was causing all of the problems?

7 MR. MEDRANO: Objection. That calls for
8 speculation, Your Honor.

9 THE COURT: Yes.

10 You've asked him that question and he has answered.

11 MR. MEDVENE: Pardon, Your Honor. ?

12 (Pause in proceedings.)

13 Q. BY MR. MEDVENE: Your motive in coming to the United
14 States, sir, some seven years after the kidnapping was you
15 were afraid you were going to be killed?

16 A. It was not just fear. Ernesto Fonseca had already given
17 the order for me to be killed. I learned about that from
18 colleagues that I ran into in the streets.

19 Q. When did you first learn about it?

20 A. These colleagues were surprised to see me alive --

21 Q. My question, sir, is when did you first start --

22 (Spanish speaking.)

23 THE COURT: Wait. Let him finish the answer.

24 THE WITNESS: During all of those seven years
25 there was news; my name came out in the news. And then I

1 found out that many of our colleagues who had been involved
2 in that matter with the DEA agent had been killed.

3 Q. BY MR. MEDVENE: Well, is the first time you knew that
4 you might be killed 1985?

5 A. From Fonseca's arrest to date.

6 Q. Now, why -- Mr. Fonseca was arrested in about April of
7 1985; isn't that correct?

8 A. Yes.

9 Q. Now, if you had any information that Mr. Zuno did
10 anything wrong, why didn't you come to the United States in
11 1987, '88, '89, '90, '91? Any of those years?

12 A. I was not familiar with the United States system. I
13 believed that it was the same as the Mexican one.

14 Q. Well.

15 A. Until later I found out about the system of government
16 that existed here and that here if you acted truthfully, the
17 government here would act pursuant to law.

18 Q. So you learned that even though you participated in the
19 murder of seven people, you could come here and make a deal

20 MR. MEDRANO: Argumentative.

21 Q. BY MR. MEDVENE: -- so you'd get immunity. Is that what
22 you learned about the system?

23 MR. MEDRANO: Objection; argumentative.

24 THE COURT: Sustained.

25 Q. BY MR. MEDVENE: Well, did you learn, sir, in the course

1 of your finding out about our system, that you could be
2 involved in the physical kidnapping of Mr. Camarena, in the
3 killing of four --

4 MR. MEDRANO: Your Honor.

5 MR. MEDVENE: -- missionaries and be given
6 immunity?

7 MR. MEDRANO: Objection.

8 THE COURT: The objection is sustained.

9 Q. BY MR. MEDVENE: You don't want to go back to Mexico; i
10 that correct, sir?

11 A. I have not thought about that now.

12 Q. Is it true, sir, that your understanding of your deal i
13 you're provided protection and security and money until --
14 strike that.

15 That your deal is you're provided protection,
16 security, money and the right to live in this country as lon
17 as you testify Mr. Zuno is involved in the kidnapping; isn't
18 that correct, sir?

19 MR. MEDRANO: Asked and answered yesterday.

20 THE COURT: Yes. Sustained.

21 Q. BY MR. MEDVENE: Your understanding that your continuin
22 to stay in this country is dependent upon your testifying as
23 you did the last two days; is that correct, sir?

24 MR. MEDRANO: Objection; asked and answered
25 yesterday.

1 MR. MEDVENE: It's not been asked and answered
2 specifically.

3 THE COURT: Well, he may answer that.

4 THE WITNESS: What was the question?

5 THE COURT: See, the convoluted questions are a
6 problem, counsel.

7 Q. BY MR. MEDVENE: Is it your understanding you can
8 continue to remain in the United States if you testify as you
9 did yesterday and today?

10 A. I understand that to be, well, the agents have all the
11 time been telling me --

12 MR. MEDVENE: Thank you I have nothing further.

13 THE INTERPRETER: That question was not finished.

14 MR. MEDVENE: I'm sorry.

15 THE COURT: Let the witness finish his answer.

16 MR. MEDVENE: I'm sorry.

17 THE WITNESS: That only if here I were to tell the
18 truth could they help me with my problem.

19 MR. MEDVENE: Thank you, Your Honor.

20 THE COURT: You may cross-examine the witness.

21

CROSS-EXAMINATION

22

23 BY MR. RUBIN:

24 Q. Mr. Lopez, you worked for Ernesto Fonseca for a period
25 of seven months; is that correct?

1 A. Approximately.

2 Q. And during those seven months, you were involved in
3 three separate instances of kidnapping, torture and murder;
4 isn't that right?

5 MR. MEDRANO: Objection, Your Honor. That
6 misstates the testimony of this witness.

7 THE COURT: The witness may answer the question.

8 THE WITNESS: What was the question?

9 Q. BY MR. RUBIN: Sir, in seven months you were involved in
10 three separate instances of kidnap, torture and murder; isn't
11 that correct?

12 A. What do you mean by "kidnapping"?

13 Q. Well, we'll go through that. Sir --

14 (Spanish speaking.)

15 MR. MEDRANO: He is still answering the question,
16 Your Honor.

17 THE COURT: Let the witness finish.

18 MR. RUBIN: I'll be happy to let him.

19 THE WITNESS: What were you telling me about?

20 That I was involved in what?

21 Q. BY MR. RUBIN: Three separate instances of kidnap,
22 torture and murder.

23 A. What do you mean by "involved"?

24 Q. Well, the Mexican couple, the two Mexican people that
25 you spoke of on direct examination, you were there when they

1 were being held against their will; true?

2 A. Of whom?

3 Q. Do you recall your testimony on direct examination about
4 your presence when two Mexican individuals were being held
5 and questioned and a plastic bag put over their head? Do you
6 remember that?

7 A. Yes.

8 Q. And when did that incident occur?

9 A. In November of '84.

10 Q. And you were present when that Mexican couple was being
11 held, weren't you?

12 A. When they were detained? No.

13 THE COURT: We'll take our morning recess at this
14 time. The jury will be excused.

15 THE CLERK: Please rise.

16 (Jury excused at 10:43 a.m.)

17 THE COURT: You may step down.

18 THE CLERK: You may be seated.

19 THE COURT: Now Mr. Rubin, I want to remind you
20 that it is not necessary to repeat what has already been
21 extensively covered by Mr. --

22 MR. RUBIN: I understand that.

23 THE COURT: And do you not have license to do
24 that simply for emphasis.

25 MR. RUBIN: Your Honor, I am not trying to do tha

1 but I don't think this particular line has been gone into.

2 THE COURT: Well, once facts have been elicited,
3 regardless of who has elicited them, they are in the record,
4 they may be used and argued about.

5 MR. RUBIN: I understand.

6 THE COURT: And I consider it a waste of time to
7 duplicate. Bear that in mind.

8 MR. RUBIN: I understand it. I bear it in mind,
9 Your Honor.

10 THE COURT: Now you wanted to take up something
11 with the court?

12 MR. CARLTON: Yes, Your Honor. There are several
13 matters. We expect that when the cross-examination of this
14 witness is concluded, that we would like to deal with the
15 interrogation tape issue and we wanted to discuss with you
16 how you best thought it fit. We have a stipulation --

17 THE COURT: All right.

18 MR. CARLTON: -- and a transcript and we'd like to
19 communicate the transcript in some fashion to the jury.
20 There are several ways to go about doing that.

21 THE COURT: Well, I would like you to try to agree
22 on the way to do it. I am not going to decide how you want
23 to do that.

24 MR. CARLTON: What we would like --

25 THE COURT: If you cannot reach a satisfactory

1 stipulation, it may be that you need to play the tape.

2 MR. CARLTON: Well, we'll discuss that --

3 Well, may I confer for just a moment, Your Honor.

4 THE COURT: Well, I prefer you do it on your own
5 time.

6 MR. CARLTON: All right. I hadn't heard -- I tol
7 them several options. I haven't heard any objection to any
8 of them.

9 THE COURT: Were there other things you wanted to
10 take up?

11 MR. MEDRANO: Yes.

12 MR. CARLTON: A couple of other things. There wa
13 a motion we filed on November 16th concerning the
14 admissibility of a deed 538.

15 THE COURT: What?

16 MR. CARLTON: Deed 538 concerning 881 Lope de
17 Vega.

18 THE COURT: What was it you filed?

19 MR. CARLTON: Motion in limine regarding the
20 admissibility of that document. An opposition was filed to
21 its relevance.

22 THE COURT: Wasn't there a ruling on that?

23 MR. CARLTON: No, there's been no ruling on that.
24 I just bring that to the court's attention. And we have
25 another document --

1 THE COURT: Wait a minute.

2 MR. CARLTON: -- which we recently received and
3 I'd like to file a motion in limine regarding the
4 admissibility of that as well.

5 THE COURT: First, you wish to admit -- to have
6 the court admit into evidence - what? - the document relatin
7 to the purchase and sale of --

8 MR. CARLTON: Correct, Your Honor.

9 THE COURT: -- 881 Lope de Vega?

10 MR. CARLTON: Yes.

11 THE COURT: Now, these were admitted before, in
12 the last trial, weren't they?

13 MR. CARLTON: This is essentially the same
14 document or part of the same documents that the defense
15 admitted, except that the documents we have proffered were
16 obtained from the public registry of the state of Guadalajara
17 and bear various file stamps and notations from that office.
18 The deed that was admitted in the last trial is virtually
19 identical.

20 THE COURT: Well, who is objecting here? Is ther
21 an objection to these?

22 MR. CARLTON: There's been an objection on the
23 basis of relevance but no other objection.

24 THE COURT: Well, is that your objection,
25 relevance?

1 MS. FULGINITI: Well, our objection is twofold.
2 One is relevance; because we find the government has just
3 asked that the deed be admitted without giving any
4 explanation of the relevance. We contend the sale of the
5 house is not an issue and it should not be an issue, that
6 it's a legitimate sale. We've given the court much evidence
7 regarding the legitimacy of the sale and the court has
8 actually declined to allow the Government to introduce any
9 evidence regarding this sale until it produces evidence to
10 the court showing that the sale was in some way not
11 legitimate.

12 They presented no evidence to us except the deed.
13 It is our belief they're going to misuse the deed in some way
14 to somehow explain that the sale was not legitimate when we
15 see no evidence; to the contrary, that the sale was nothing
16 but a legitimate sale.

17 MR. CARLTON: I believe Your Honor has ordered us
18 to not present argument before the jury without first
19 presenting you evidence that the sale was illegitimate.

20 THE COURT: That is correct.

21 Now, what is the relevance of the sale?

22 MR. CARLTON: The relevance is severalfold, Your
23 Honor. First of all, these documents show -- this document
24 and in conjunction with the additional document which we
25 would like to submit to the court show that --

1 THE COURT: What additional document?

2 MR. CARLTON: Well, there is another motion I
3 would like to file regarding another deed concerning this
4 property.

5 If Your Honor will give me a moment, I'll explain
6 the sequence.

7 THE COURT: Well, if you will get to the point.

8 MR. CARLTON: Okay, the point is this --

9 THE COURT: Tell me what you have and why it's
10 relevant.

11 MR. CARLTON: The sale by Ruben Zuno Arce to Ruber
12 Sanchez Barba was affected by deed 538, of which was drawn up
13 the Notary of Jalisco Ameca on January 11.

14 The document that we have that we've provided to
15 you says a couple of things: That Ruben Zuno acquired the
16 title to that property in his own name by virtue of a deed
17 537. This document was not filed with the public registry
18 until June of 1985, which was many, many months after the
19 sale. You can see from the various stamps that it was
20 submitted on various dates between January and June.

21 Also Ruben Zuno, by virtue of deed 537, didn't
22 even have final title to the property in his own name until
23 April 19th of 1989. Deed 537, which gave him the right to
24 sell 538, wasn't filed with the public registry and finalized
25 until June 4th and it was --

1 THE COURT: Well, what is the point?

2 MR. CARLTON: The point of all of this, Your
3 Honor, is that there is a question regarding Ruben Zuno's
4 chronology as to exactly what happened. He says that the
5 sale was finalized on January 11th of 1985. We contend that
6 the sequence of events having --

7 By the way, Mr. Zuno went and filed a declaration
8 with the public registry in June, I believe it was, to
9 correct an impropriety with one of the deeds that prevented
10 its being filed and registered. So that this whole sequence
11 shows that there was a continuing collaboration between
12 Mr. Zuno and somebody, Ruben Sanchez Barba, or whomever,
13 going on many months after the murder, months after the house
14 was revealed to be the murder site when it was opened up for
15 investigation and revealed in all of the --

16 We believe that this continuing series of actions
17 and Mr. Zuno's prior representations as to exactly when
18 everything happened contributes to our argument that the sale
19 was not exactly legitimate.

20 One last thing. In his statement to
21 Mr. Kirkendahl, Ruben Zuno has contended that the price of
22 the property was 70 million pesos paid by two checks from
23 Ruben Sanchez Barba. Deed 538, which is virtually identical
24 to the copy which he submitted in the last trial, says, as I
25 understand it, 4,597,000 pesos was the price.

1 Now, all of this information, we believe, is
2 relevant to the jury's determination as to whether this was
3 an arm's length transaction.

4 MS. FULGINITI: Your Honor, if I may be heard
5 briefly on this.

6 THE COURT: Yes.

7 MS. FULGINITI: It's our position that the
8 government at the previous trial had argued that not only
9 that we owned the house with Caro-Quintero at some point in
10 time but they argued to the jury also that we used it to
11 disguise a middle and in reality sold the house to
12 Caro-Quintero. This is at most spec -- I mean, it is by no
13 means evidence that we actually sold the house to Caro. And
14 the fact that the date on the deed itself says January 11 and
15 the stamp is later stamped is evidence basically of what
16 we've been contending: That on January 11 is when the notar
17 and the document was finalized with the parties. The fact
18 that it was recorded later in Mexico, the recordation doesn'
19 always happen on the same day, it happens many months later.

20 And the bottom line --

21 THE COURT: Well, I'll rule on this. It sounds t
22 me like this is probably relevant and may be admitted. But
23 I'll rule on it.

24 MR. CARLTON: May I file the additional motion?

25 THE COURT: Pardon?

1 MR. CARLTON: May I file the additional motion
2 regarding the deed 537?

3 THE COURT: You may.

4 MR. CARLTON: Thank you.

5 THE COURT: You don't need permission to file a
6 motion on this. I want these things brought out that are in
7 dispute.

8 MR. CARLTON: Well, I understood your order was
9 that we had to have your permission before filing additional
10 motions.

11 THE COURT: Well, yes. But it's also my order
12 that evidentiary problems are to be anticipated and dealt
13 with so that we don't impinge on the jury's time. I don't -
14 so that I will rule on these things in due course.

15 MR. BLANCARTE: Your Honor, just briefly. You had
16 mentioned that you were not going to allow evidence that was
17 not connecting evidence. The confusion and the time delay
18 that is going to result from this red herring on the deed is
19 going to take up an inordinate amount of time and it is only
20 going to cause confusion with the jury, because in Mexico
21 it's very clear that if you have a divorce - which Mr. Zuno
22 had in 1977 - and you're holding title to property, until
23 that divorce is finalized, there may not be an official
24 recording of deed.

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20 going to cause confusion with the jury, because in Mexico
21 it's very clear that if you have a divorce - which Mr. Zuno
22 had in 1977 - and you're holding title to property, until
23 that divorce is finalized, there may not be an official
24 recording of deed.

25 In this case the fact that the money changed hands

1 with a notary, which, in Mexico, someone with higher
2 authority and power than a lawyer, took the documents and
3 notarized them on January 11 of 1985, and that because of the
4 type of recording system they have in Mexico, the date stamp
5 actually comes some time after the notary blesses it, puts
6 melted wax on it and otherwise signs off on the document, is
7 only going to cause confusion, waste of time and is not
8 connecting evidence.

9 The government was not able to show and to this
10 date has not presented this court with any evidence that this
11 is a connecting issue or even that Caro-Quintero was somehow
12 involved.

13 They interviewed Dr. Ruben Sanchez Barba in 1985.
14 They brought him to this country. They brought Jesus Sanchez
15 Barba, his brother, the two principles --

16 THE COURT: Well, you're arguing the same motion.
17 I am not going to have two attorneys argue the same motion.
18 I'll rule on this in due course.

19 MR. BLANCARTE: Just that --

20 THE CLERK: Please rise. The court stands in
21 recess.

22 (Recessed from 10:53 a.m. to 11:09 a.m.)

23 (Jury present.)

24 THE COURT: You may continue.

25 Q. BY MR. RUBIN: Mr. Lopez, it is -- isn't it true that

1 you participated in three separate instances of kidnap,
2 torture and murder during your employment as Ernesto
3 Fonseca's bodguards?

4 THE INTERPRETER: Counsel, during what?

5 Q. BY MR. RUBIN: During the time that you were employed as
6 Ernesto Fonseca's bodyguard?

7 A. Yes. I was actually involved because I was with Ernesto
8 Fonseca. But I want to emphasize that I have never killed
9 anybody nor have I tortured anybody the way they did.

10 Q. And with regard to the first one, Mexican couple, your
11 job was to make sure they didn't leave?

12 THE COURT: Counsel, this is not permissible.
13 There is no need to go into the detail. The witness has
14 stated what his involvement was.

15 Q. BY MR. RUBIN: Now during --

16 You indicated you were familiar with how mineral
17 water was used by the drug traffickers as a torture device.
18 How did you become familiar with that?

19 A. Through some colleagues in the agency when I was with
20 the judicial agency. ?

21 Q. Now, when you were present with the Mexican couple, did
22 you ever consider going to get help to stop them from being
23 tortured?

24 A. I don't understand your question.

25 Q. Well, you suggested one alternative to stopping the

1 torture was that they could be killed. Did you ever --

2 MR. MEDRANO: Objection; misstates the testimony,
3 Your Honor. Objection.

4 Q. BY MR. RUBIN: Did you ever --

5 THE COURT: Objection is sustained. Make your
6 question precise.

7 Q. BY MR. RUBIN: At that time did it ever occur to you to
8 go to officials or somebody --

9 THE COURT: It's irrelevant if it occurred to him,
10 he didn't do it, so let's get on with it.

11 Q. BY MR. RUBIN: And when you were present when the four
12 American Jehova Witnesses missionaries were kidnapped,
13 tortured, murdered, you didn't go get help for them, either,
14 did you?

15 A. Well, I didn't do it because if I were to do it, I would
16 be killed.

17 Q. Sir, you knew, did you not, from the newspaper that the
18 Americans were looking to solve the crime of the
19 disappearance of these American missionaries and you didn't
20 go to the American Consulate for help, did you?

21 A. No.

22 Q. And isn't it true that the American Consulate could have
23 offered you the same protection against being killed as
24 they're giving you now?

25 MR. MEDRANO: That calls for speculation, Your

1 Honor.

2 THE COURT: Yes. Sustained.

3 Q. BY MR. RUBIN: Now, you found out soon after you joined
4 Ernesto Fonseca that he was a drug trafficker, did you not?

5 A. Yes, I found out later that he was a drug trafficker.

6 Q. How soon after you joined him as his bodyguard did you
7 find out he was a drug trafficker?

8 A. Well, about a month, a month and a half.

9 Q. In fact, you found out he was one of the biggest drug
10 traffickers in Mexico; true?

11 A. Well, not so much that; but I did know he was a drug
12 trafficker.

13 Q. Well, he was the boss and everybody treated him like he
14 was the boss, didn't they?

15 A. Everybody treated him like a commander, like a
16 gentleman.

17 Q. And, sir, as a police officer, you knew that narcotics
18 trafficking -- as a former policeman, you knew that narcotics
19 trafficking was illegal in Mexico; true?

20 THE INTERPRETER: Excuse me, counsel.

21 Q. BY MR. RUBIN: It's true that as a former police officer
22 you knew that drug trafficking was illegal in Mexico?

23 A. Yes, it has been so all the time.

24 Q. And despite the fact that you knew you were breaking the
25 law by being part of this drug trafficking enterprise, you

1 continued to work for Ernesto Fonseca; correct?

2 A. Yes. Because at different times I wanted to ask question
3 to find out actually what those people were doing --

4 Q. Well, did you consider --

5 A. -- and --

6 Q. Go ahead.

7 A. And several people told me not to make any questions
8 because I could be killed. Including several times I wanted
9 to just, umm, depart from them. But it was no longer
10 possible because I found out that other colleagues who had
11 tried to leave had been killed.

12 Q. And so if anybody tried to do something that Ernesto
13 Fonseca didn't like or tried to leave him, he would kill
14 them?

15 A. Yes.

16 Q. What type of gun -- well, strike that.

17 It's fair to say that, is it not, your job as
18 bodyguard was more than running errands. Isn't that true?

19 A. Well, later on it was more than running errands; for
20 example, when the Camarena thing happened.

21 Q. In fact,, your job was to protect -- as you said, your
22 job was to protect Ernesto Fonseca; true?

23 A. Yes.

24 Q. And, sir, if someone had tried to arrest or kill Ernesto
25 Fonseca, you were prepared to kill that person in defense of

1 him, were you not?

2 A. If he ordered me, yes.

3 Q. And what kind of weapon did you carry when you were
4 protecting Ernesto Fonseca?

5 A. A .38 super.

6 Q. Did you have other weapons that you had access to if you
7 needed to use them, such as AK 47's or AR 15's?

8 A. AK-47 or AR-15. They had all sorts of weapons there.

9 Q. Did you ever use those weapons?

10 A. No.

11 Q. By the way, were there, other than the three incidents
12 of kidnap and torture and murder that you were involved in
13 that you've already testified to, were there any others that
14 you were involved in in the seven months that you worked for
15 Ernesto Fonseca?

16 A. No.

17 Q. Now, I'd like to turn your attention to the interviews
18 with the government agents when you came to the United
19 States. Now, in your first interview on March 5th, 1992, you
20 never even mentioned Dr. Humberto Alvarez Machain; isn't that
21 correct?

22 A. Ever since I arrived to the United States, I started
23 give information to the agents about everything.

24 Q. Well, I want to -- I'd like to go through it interview
25 by interview, if you could remember.

1 On March 5th, that interview, you never mentioned
2 a single word about Dr. Alvarez Machain being involved in
3 Camarena, did you?

4 MR. MEDRANO: Objection. Asked and answered
5 previously.

6 MR. RUBIN: He didn't answer the question.

7 THE COURT: You may answer the question.

8 THE WITNESS: I don't remember at that time if I
9 told him about Alvarez Machain.

10 Q. BY MR. RUBIN: Now, you had a second interview with them
11 on April -- with the government agents on April 9th of 1992;
12 isn't that right?

13 A. Well, I don't remember exactly the dates. I had several
14 interviews with them.

15 Q. Well, you've been blessed with a good memory. Are you
16 now able to remember the dates?

17 THE COURT: The witness has answered that
18 question, counsel.

19 Q. BY MR. RUBIN: Do you remember what month?

20 A. Well, I arrived in February. And since that date on, I
21 have been informing them.

22 Q. Well, putting aside what the actual date was, do you
23 recall having an interview with the agents concerning what
24 happened at 881 Lope de Vega in Guadalajara?

25 A. Yes.

1 Q. And this interview was specifically on the issue of the
2 abduction interrogation and torture of Enrique Camarena;
3 true?

4 A. Yes.

5 Q. And isn't it true in that interview they specifically
6 focused on the events that occurred on February 7th and
7 February 8th of 1985?

8 A. Well, not specifically on that. They would ask me about
9 everything I had lived through.

10 Q. And they wanted you to give -- and they wanted you to
11 give them as much detail as you could remember; is that
12 correct?

13 A. Exactly. They told me to inform them about everything I
14 remembered and everything I had lived through during....

15 Q. Well, was this --

16 A. Well, during the time I was with Ernesto Fonseca and
17 part of my previous jobs.

18 Q. Now, when you say things you lived through, was this a
19 particularly stressful period of time that you lived through?

20 A. How? I don't understand your question.

21 Q. I'll rephrase it.

22 And isn't it true that -- by the way that first
23 interview where you were really talking about the events at
24 Lope de Vega, do you recall how many hours it took?

25 A. Well, no, I don't remember how many hours.

1 Q. It took several hours, though, didn't it?

2 A. Well, during all the interviews, it was hours, not
3 minutes. Hours.

4 Q. And isn't it true that in that interview in April, you
5 never once mentioned that you saw Dr. Machain clean the
6 syringes in the kitchen?

7 A. Ever since the time I have arrived, I've informed them
8 of everything that has happened.

9 Q. So if they didn't put it in their report of that inter-
10 view, they must have just left it out or forgot about it?

11 MR. MEDRANO: That calls for speculation.

12 Objection.

13 THE COURT: Sustained.

14 Q. BY MR. RUBIN: In fact, sir, isn't it true that in that
15 first interview, the only thing you said about Dr. Machain is
16 that you allegedly saw him in the dining room, whereas
17 yesterday you testified you saw him in the living room?

18 A. I actually saw him in the dining room and in the kitchen
19 of the house, and in the living room.

20 Q. Well, all rooms. He was in all three of those rooms?

21 A. Yes.

22 Q. Walking around in all of them; is that correct?

23 A. No. For example, he was in the kitchen, in the living
24 room. At other times when he went out of the kitchen.

25 Q. Now, when the government wanted to interview you about

1 what happened, did they contact you to come in for an
2 interview or did you call them up and say, "Hey, I remembered
3 something and I'll come in and talk"?

4 A. They would contact me and call me.

5 Q. And it's true, is it -- and they called you and then you
6 would come into the office and be interviewed?

7 A. Well, I was interviewed in different parts: Hotels,
8 parking lot, different places.

9 Q. Now, isn't it true that in June of 1992 the government
10 called you in for an interview?

11 A. Well, I don't remember dates since there were several
12 interviews.

13 Q. Now, on June 29th you were interviewed by DEA agents;
14 correct?

15 A. I repeat once again that the dates I don't remember.
16 Since we had several interviews, I don't remember the dates.

17 Q. Now, and isn't it true that at that interview in June,
18 only six months ago, was the first time you ever mentioned
19 anything about Dr. Machain and syringes?

20 MR. MEDRANO: Objection, Your Honor. The witness
21 states he doesn't recall the dates of interviews so how can
22 he focus on June?

23 THE COURT: Yes. Restate your question.

24 Q. BY MR. RUBIN: Isn't it true that at a later interview
25 than your first interview, that you -- that that was the

1 first time you ever mentioned anything about Dr. Machain
2 cleaning syringes?

3 A. Well, I don't remember which interview or which month.

4 Q. And do you recall an interview where Dr. Machain was a
5 specific focus of the interview? All they wanted to know was
6 what you knew about Dr. Machain.

7 A. Well, no. When they interviewed me, they wanted to know
8 about everything.

9 Q. Now, prior to any of the interviews, did they ever show
10 you any items for you to identify or look at? Other than
11 photographs.

12 A. What was that? I didn't understand your question.

13 Q. Well, for example, did the government ever tell you that
14 they were interested in any information you might have about
15 Dr. Machain and syringes?

16 A. Well, that information I gave to them.

17 Q. Did they ever advise you that they were particularly
18 interested in that information?

19 A. They were interested in all the information I was giving
20 them.

21 Q. Did they ever show you any syringes?

22 A. No.

23 Q. Now, you testified that you came to the United States
24 because you had a problem; is that correct? Strike that.

25 You came to the United States and agreed to

1 cooperate with the government to solve your problem; is that
2 right?

3 A. Yes.

4 Q. In fact, that problem had two parts to it, did it not?
5 One, that you might be killed in Mexico by Fonseca. And the
6 second part was that you might be kidnapped by the DEA for
7 your participation.

8 MR. MEDRANO: Objection to the form of the
9 question. It's compound, calls for speculation, Your Honor.

10 THE COURT: Overruled.

11 THE WITNESS: Well, I decided to come to the
12 United States risking to be detained by the DEA agents, but I
13 preferred to be detained here in the United States than to be
14 killed over there in Mexico.

15 Q. BY MR. RUBIN: Well, sir, you also knew that Dr. Machain
16 had been kidnapped from Mexico and brought to the United
17 States?

18 MR. MEDRANO: Objection. Calls for speculation,
19 lack of foundation.

20 THE COURT: Overruled.

21 You may answer.

22 THE WITNESS: Through the media.

23 Q. BY MR. RUBIN: It was a big story in the newspaper,
24 wasn't it, in Mexico?

25 A. Well, I didn't hear much about that.

1 Q. But you were aware of it, were you not?

2 THE COURT: He answered that.

3 Q. BY MR. RUBIN: And so at the time that you decided to
4 cooperate with the government, you had really two problems.
5 One in Mexico being killed and one was being kidnapped by the
6 DEA to stand trial; correct?

7 A. Yes.

8 Q. And in one agreement with the government, you took care
9 of both problems. All you had to do was testify for them.

10 A. Well, I, uh -- What was your question?

11 Q. You were able to take care of both problems with one
12 agreement: To cooperate and testify against these
13 defendants; true?

14 A. Well, as far as -- I don't know what you mean by "deal".

15 Q. Well, you have an agreement with the government, don't
16 you?

17 A. The only thing they told me is to tell the truth. Ever
18 since I had a connection with them, that is what they've been
19 repeating. If I lied at any time, they could arrest me.

20 Q. Now, you understand, however, that they believe the
21 truth to be that the defendants are involved in the case?

22 MR. MEDRANO: Objection, Your Honor; that calls
23 for speculation.

24 MR. RUBIN: I asked for his understanding.

25 THE COURT: Sustained.

1 Q. BY MR. RUBIN: Sir, in your own mind do you believe tha
2 the government would have given you immunity, \$3,000 a month
3 a work permit, permission to live in the United States if yo
4 had told them that these defendants were not involved?

5 MR. MEDRANO: Objection; calls for speculation.

6 MR. RUBIN: I asked about in his own mind.

7 THE COURT: The objection is sustained. It's an
8 argumentative question.

9 Q. BY MR. RUBIN: Now, did you know an individual named
10 Raul Lopez Alvarez?

11 A. Yes.

12 Q. Was he present at the Lope de Vega on February 7th or
13 February 8th?

14 A. 7-8. Yes.

15 Q. And had you heard what had happened to him -- well,
16 strike that. What was his position? Well, let me rephrase
17 it. I'll strike that.

18 He had a job similar to yours, didn't he, with
19 Fonseca?

20 A. He was an agent of the judicial of the state.

21 Q. Well, he helped Fonseca, did he not?

22 A. He offered protection to Fonseca Carrillo.

23 Q. Was he involved in the kidnapping of Agent Camarena as
24 you were?

25 A. No.

1 Q. Now, Mr. Lopez, how much education do you have?

2 A. I went to the third grade in high school.

3 Q. How many years of schooling is that, third grade in high
4 school?

5 A. It's six and three, nine.

6 Q. And during these events in 1985 that you described in
7 such detail, did you take any notes about what was going on?

8 A. No.

9 Q. And when you were interviewed by the DEA agents, did
10 they help you jog your memory of these events that happened
11 so many years ago?

12 A. No. I gave them the information.

13 Q. Now, so far under the deal that you have with the
14 government, you've earned about \$30,000 -- you've been paid
15 about \$30,000; is that correct?

16 A. Well, exactly, I have not counted what they've given
17 me. I carry no sort of, well, accounting of what they have
18 given to me.

19 (Discussion between Mr. Rubin and the
20 prosecutors sotto voce.)

21 MR. RUBIN: Your Honor, parties will stipulate
22 that he's received \$30,000.

23 THE COURT: Very well.

24 You may accept that as a fact.

25 Q. BY MR. RUBIN: Mr. Lopez, how many years -- based on

1 what you were earning, your average earnings when you were
2 working in Mexico, how many years would it take you to earn
3 the equivalent of 30,000 American dollars in Mexico?

4 MR. MEDRANO: Objection, Your Honor; relevance.

5 THE COURT: Sustained.

6 Q. BY MR. RUBIN: Now going to the events of February 7th
7 and February 8th of 1985. Could you turn your attention to
8 those? Do you know an individual named Ramon Lira?

9 A. Yes.

10 Q. And what was his position or how do you know him?

11 A. He was also an agent of the judicial of the state.

12 Q. Was he one of Mr. Fonseca's bodyguards?

13 A. Rather he would help Ernesto Fonseca.

14 Q. And he participated in the abduction of Enrique
15 Camarena?

16 A. In the abduction? No.

17 Q. Was he present at Lope de Vega that you saw on the days
18 you were there?

19 A. Yes.

20 Q. Was he -- were you near him and did he stay near you
21 during those days?

22 A. Well, we were there in the house.

23 Q. Now, you said that a consulate employee came to the
24 house and had discussions about the DEA agent; is that
25 correct?

1 A. Yes. That's right. But I want to emphasize that I
2 didn't know specifically that he was an employee.

3 Q. Well, they said they were from the consulate?

4 A. Yes. That that person came from there. But I don't
5 know what was his position there.

6 Q. It was your understanding, however, from what you heard,
7 that that person did have some position in the United States
8 Consulate?

9 A. Well, yes.

10 Q. Now, could you describe -- how tall was this --

11 This person had blond hair, you say. Was it man
12 or a woman?

13 A. It was a man.

14 Q. And how tall was this man?

15 A. Well, about 180, I believe.

16 THE COURT: 180?

17 Q. BY MR. RUBIN: Is that in centimeters?

18 A. Meter and centimeters.

19 Q. And how much did the person weigh?

20 A. Well, he was thin. I couldn't tell you exactly how much
21 he weighed.

22 Q. Less than 150 pounds?

23 A. What's the equivalent of a pound to a kilo?

24 Q. Okay. That would be less than -- (Pause.) Less than 60
25 kilos.

1 A. I believe more or less.

2 Q. Is the person an American or a Mexican?

3 A. Well, he spoke Spanish very well but I don't know if he
4 was an American or Mexican.

5 Q. Now -- and this is the person who during the kidnapping
6 actually fingered Enrique Camarena, said "That's him"; is
7 that correct?

8 A. Yes.

9 Q. And during your interviews that you had with the govern-
10 ment, did the government ever show you the photographs --
11 show you photographs of all the employees of the U.S.
12 Consulate in Guadalajara at that time?

13 A. That who showed me what?

14 Q. During your interviews when you were giving all the
15 information to the government this year, did any of the
16 agents show you a set of photographs of the people who worked
17 at the consulate so that they could try and identify who this
18 person was?

19 A. Well, at one time they showed me an album of
20 photographs.

21 Q. But to your knowledge, you don't have any knowledge
22 whether they showed you any photographs of the consulate
23 employees, do you?

24 A. Well, no. There were several photographs.

25 Q. Did you ever identify -- were you ever able to identify

1 the person from any of the photographs?

2 A. No. On the photographs they had there, he wasn't there

3 Q. He was there?

4 THE COURT: He was not.

5 MR. RUBIN: I'm sorry.

6 Q. He was not there?

7 A. No.

8 Q. And during the interviews, did the agents ever ask you
9 to describe or identify this person more than in the kind of
10 detail that I just asked you?

11 A. No. The same details. How tall he was, the color of
12 his skin.

13 Q. Now, going back to the events of February 7th and
14 February 8th, what time of the day did you arrive at Lope de
15 Vega?

16 A. It must have been about 10:30, I believe.

17 THE COURT: In the morning or afternoon?

18 THE WITNESS: In the morning.

19 THE COURT: Or evening?

20 Q. BY MR. RUBIN: Now, when you saw -- when you say you saw
21 Dr. Machain when you were at the patio in the house, what
22 time was it then?

23 A. It must have been, umm, 3:00, 3:30.

24 Q. Isn't it true, Mr. Lopez, that in no statement that you
25 ever gave prior to testifying today did you ever say that you

1 had seen Dr. Machain while you were on the patio?

2 A. Yes, I saw Dr. Machain for the first time when I was in
3 the patio.

4 Q. Sir, my question to you was: Isn't it true that you
5 never said that to any agent at any meeting prior to
6 testifying today?

7 THE COURT: You mean yesterday.

8 MR. RUBIN: Excuse me. Yesterday.

9 Q. Prior to testifying yesterday.

10 A. What was that again? I didn't understand your question

11 THE COURT: Well, the question is: Did you tell
12 the agents before you came to court here that you had seen
13 Dr. Machain when you were in the patio?

14 THE WITNESS: Yes. During the interviews that I
15 had with them, I told them all that.

16 Q. BY MR. RUBIN: Now, when you saw Dr. Machain, what was
17 he wearing?

18 A. Well, exactly, I don't remember, because I saw him from
19 the patio to the kitchen.

20 Q. When you saw him later in the evening, what was he
21 wearing?

22 A. He was wearing dark clothing.

23 Q. Anything else that you can remember?

24 A. Well, when I saw him in the kitchen, he had his medical
25 bag, black.

1 Q. And is that all -- and is that all that you can remember
2 about what he was wearing?

3 A. Yes. Regarding his clothing, yes.

4 Q. During those two days, what kind of vehicles did you see
5 at Lope de Vega? And by that I mean the makes and models.

6 A. I saw Gran Marquis, carry-all van, Atlantic. That's
7 all.

8 Q. Did you ever see any trucks there?

9 A. Trucks?

10 Q. Yeah. Did you ever see any trucks there?

11 A. Pickup?

12 Q. Any kind of trucks.

13 A. Well, a truck we called the pickup.

14 Q. Did you ever see any ambulances or anything like that
15 there?

16 A. No.

17 Q. Now, during the evening when you were testifying about
18 overhearing these conversations in the living room, am I
19 correct that you changed the ash trays three different times?

20 A. In Lope de Vega?

21 Q. Yes. Three different times you changed them?

22 A. Yes.

23 Q. And during what period of time did you change these ash
24 trays three times?

25 THE COURT: Well.

- 1 Q. BY MR. RUBIN: Was it within an hour, within two hours,
2 within three hours?
- 3 A. Well, it was hours but I don't remember how many between
4 Q. What kind of ash trays were these?
- 5 A. Well, glass ash trays, crystal.
- 6 Q. And did you see Dr. Machain smoking?
- 7 A. I don't remember.
- 8 Q. And were people during the day smoking crack cocaine?
- 9 A. They would smoke it all the day, every time they had a
10 meeting.
- 11 Q. And who did you see smoking crack cocaine?
- 12 A. Several persons.
- 13 Q. Do you remember any names?
- 14 A. No. Specifically, Samuel Ramirez Razo, Ernesto Fonseca
15 Felix Gallardo, Javier Barba, Avelardo Fernandez. In other
16 words, there were several who would smoke that.
- 17 Q. Was Bartlett Diaz smoking crack cocaine?
- 18 A. (Pause.) I don't remember but I do remember he was
19 drinking wine.
- 20 Q. Was the governor of Jalisco, Enrique Alvarez del
21 Castillo smoking crack cocaine?
- 22 A. I don't remember if he was smoking but I did see him
23 drinking wine.
- 24 Q. Now, when you allegedly saw Dr. Machain cleaning the
25 syringes, he was using water; is that correct?

1 A. Yes.

2 Q. And was this the water from the sink, the tap water that
3 he was cleaning them out with?

4 A. Yeah, he had the water running, yes.

5 Q. And how many syringes was he cleaning at the time?

6 A. Well, the ones I saw, uh, on one side of the rack.

7 Q. How many?

8 A. There were several.

9 Q. More than 10?

10 A. Well, I think, I couldn't tell you exactly the amount.
11 There were six, eight, I don't.....

12 Q. Were they big syringes, little syringes? Describe them

13 A. The syringes that I've seen, the regular ones, I don't
14 know about big ones or little ones.

15 Q. Are you able to describe them in any way?

16 A. Well, they were disposable. Well, syringes. Like
17 plastic.

18 Q. Now, did you ever -- what time did you go to sleep that
19 night?

20 THE COURT: What night are you referring to?

21 Q. BY MR. RUBIN: Excuse me. The night of February 7th.

22 A. We retired at dawn.

23 Q. And did you ever see Dr. Machain leave?

24 A. No.

25 Q. When you looked at the syringes that he was supposedly

1 cleaning, were there any needles with them?

2 A. Yes, the syringes had needles.

3 Q. And how big were the needles?

4 A. I just saw when he was cleaning, just squirting water
5 with one.

6 Q. How long was the needle?

7 A. Well, I can't -- I can't really tell in centimeters very
8 well.

9 Q. When he finished cleaning the syringes, did he put them
10 back in bags or was he just in the process of cleaning them
11 at the time?

12 A. I just saw him cleaning them.

13 MR. RUBIN: May I have a moment, Your Honor?

14 (Pause in proceedings.)

15 Q. BY MR. RUBIN: Now later on you talk about a meeting
16 where you picked up the telephone and heard Ernesto Fonseca
17 talking. Is that correct?

18 A. I heard Rafael Caro-Quintero, not Ernesto Fonseca.

19 Q. I'm sorry. But you picked up the telephone. What I'm
20 saying, you did pick up the telephone.

21 A. Yes. At Ernesto Fonseca's house.

22 Q. And was Mr. Fonseca there when you picked up the
23 telephone?

24 A. Yes. It could be heard that he also picked it up.

25 Q. And isn't it true that the bodyguards were always sent

1 away when business was being discussed among the bosses?

2 A. At times.

3 Q. And had Mr. Fonseca ever given you permission to listen
4 in on his telephone calls?

5 A. No.

6 Q. In fact, isn't it true that if Mr. Fonseca had caught
7 you listening in on his telephone calls, he might have killed
8 you?

9 A. Yes, it is very possible, sir.

10 Q. Was there any particular reason why you risked your life
11 to listen in on this telephone call? Or was it just curiosity?

12 A. No. It's just curiosity because the telephone rang
13 several times.

14 MR. RUBIN: I have no further questions.

15 THE COURT: Is there any redirect?

16 MR. MEDRANO: Just briefly, Your Honor.

17 THE COURT: Well, could you do it in a few minutes?

18 MR. MEDRANO: I think I can. If you'd like me to.

19

REDIRECT EXAMINATION

20

21 BY MR. MEDRANO:

22 Q. Mr. Lopez, when you arrived in Southern California, you
23 were interviewed many times by DEA agents?

24 A. Yes.

25 Q. And have you been interviewed continuously since you

1 arrived to the present date?

2 A. Yes.

3 Q. Did you ever write any of the reports referenced by
4 defense counsel?

5 A. No, I never wrote any report.

6 Q. Did you ever review any reports written by any DEA agen

7 A. No.

8 Q. Did you ever tell the agents what to write in the
9 reports?

10 A. No. I would just provide them with the information.

11 Q. Now would you answer the questions that were asked of
12 you?

13 MR. MEDVENE: Objection; leading and suggestive
14 Your Honor. He said he was asked for everything he knew fr
15 the first interview.

16 MR. MEDRANO: I'm trying to clarify that.

17 THE COURT: The objection is overruled.

18 THE INTERPRETER: Excuse me, counsel.

19 Q. BY MR. MEDRANO: Were you asked the questions asked of
20 you?

21 THE COURT: I think you misspoke, counsel.

22 MR. MEDRANO: Did I?

23 THE COURT: Restate your question.

24 Q. BY MR. MEDRANO: Would you answer -- would you answer
25 the questions that were asked by the agents?

1 A. Yes.

2 Q. Would you only meet with the agents when they called you
3 to meet with them?

4 A. Yes.

5 Q. When you were interviewed, did you cover different topics?

6 A. On different occasions then we would talk about all of
7 the topics.

8 Q. Mr. Lopez, let me take you to the Mexican couple incident.
9 Did you kidnap that couple?

10 MR. RUBIN: Objection.

11 MR. BLANCARTE: Objection; asked and answered.

12 THE COURT: Yes, sustained.

13 Q. BY MR. MEDRANO: Were they at that house when you got
14 there?

15 MR. BLANCARTE: Objection.

16 MR. RUBIN: Objection. We can't go into detail.

17 MR. BLANCARTE: And it was asked and answered.

18 THE COURT: The objection is sustained.

19 Q. BY MR. MEDRANO: Did you interrogate those people?

20 MR. RUBIN: Objection. Asked and answered and no
21 details.

22 THE COURT: Overruled.

23 THE WITNESS: The man, I did.

24 Q. BY MR. MEDRANO: Did you kill that couple?

25 A. No.

1 Q. Do you know what happened to the couple?

2 A. No, I don't know what that couple's fate may have been.

3 Q. If four Jehova's Witnesses, did you kill those people?

4 A. No, sir. In my life I have never killed anybody. In
5 spite of the fact that if Ernesto had ordered me to do so, I
6 may have done so; but I never killed anybody.

7 Q. Camarena? Were you the one that killed Camarena?

8 MR. RUBIN: Objection, Your Honor. That's a legal
9 conclusion.

10 THE COURT: I'll sustain the objection.

11 Q. BY MR. MEDRANO: Do you know who it was that killed
12 Camarena?

13 MR. RUBIN: Objection; calls for a legal
14 conclusion.

15 THE COURT: The objection is overruled.

16 THE WITNESS: No, because there was commentary
17 about there being several of them who were torturing them, so
18 any specific one, I couldn't say.

19 Q. BY MR. MEDRANO: All right. Now your job was to guard
20 Fonseca; is that correct?

21 A. Yes. Just to protect him.

22 Q. Now did Fonseca have other guards with other
23 responsibilities?

24 MR. BLANCARTE: Objection; asked and answered.

25 THE COURT: Sustained. Let's not go over all of

1 this that has been before the court previously.

2 Q. BY MR. MEDRANO: Mr. Lopez, was Gueron one of the guard
3 for Fonseca that was responsible for killing people?

4 MR. RUBIN: Objection; lack of foundation.

5 THE COURT: Overruled.

6 THE WITNESS: That is, Ernesto Fonseca had several
7 groups. In each group he had for them something. For
8 instance one of them was for killing people. Those were the
9 ones we knew as "the sleeping ones." He had another group
10 for torture. And another group for delivering money. And I
11 was of the group who only served him personally.

12 Q. Mr. Lopez --.

13 THE COURT: Well, just a moment. We'll take our
14 noon recess at this time and reconvene at 1:30. The jury
15 will remember the admonition that I have repeatedly given to
16 you.

17 THE CLERK: Please rise.

18 (Lunch recess at at 12:07 p.m.)

19

20

21

22

23

24

25

1 LOS ANGELES, CALIFORNIA; THURSDAY, DECEMBER 10, 1992; 1:35

2

RENE LOPEZ ROMERO,

3

4 having been previously sworn, resumed the stand and testifi
5 further as follows:

6

(Jury present.)

7

THE COURT: You may continue.

8

REDIRECT EXAMINATION (Continued)

9

10 BY MR. MEDRANO:

11 Q. Mr. Lopez, when you would be with Fonseca at any one of
12 his residences --

13

THE INTERPRETER: Excuse me, counsel, I didn't
14 hear.

15

16 Q. BY MR. MEDRANO: When you would be with Fonseca at any
17 one of his residences, would it be Fonseca who gave the order
18 that he would be leaving?

18

19 MR. MEDVENE: Objection; outside the scope, Your
20 Honor.

20

THE INTERPRETER: The answer was yes.

21

THE COURT: Overruled.

22

23 Q. BY MR. MEDRANO: When you and the guards would go with
24 Fonseca, would you usually know where you were going at that
25 moment?

25

A. No. We would always just say we were going on an

1 errand.

2 Q. Let me just briefly take you to Las Americas, that
3 meeting. People other own Fonseca, did they have their own
4 bodyguards?

5 THE COURT: That's already been covered in your
6 direct examination.

7 MR. MEDRANO: I'll move on, Your Honor.

8 Q. Now, you told the defense counsel that you saw those
9 people every day when you were discussing the Las Americas
10 meeting. Who were you referring to when you said you saw
11 them every day?

12 A. He asked me if I saw all of these important people, as
13 he said, from the government, and politicians. Well, not
14 every day but we'd see them often.

15 Q. Finally, Mr. Lopez, let me direct you to February 7th
16 when Camarena is being interrogated. Now, did you take ash
17 trays into that room?

18 MR. MEDVENE: Asked and answered, Your Honor.

19 THE COURT: Sustained.

20 Q. BY MR. MEDRANO: Were you in that room to observe?

21 THE INTERPRETER: Excuse me, I didn't hear the
22 decision on that.

23 MR. MEDRANO: Sustained.

24 THE COURT: Never mind.

25 THE INTERPRETER: Oh.

1 Q. BY MR. MEDRANO: Were you there -- (Pause.)

2 Mr. Lopez, when you would take in clean ash trays
3 what room would you take them into?

4 MR. MEDVENE: Objection; asked and answered.

5 THE COURT: Sustained.

6 MR. MEDRANO: This is for clarification, Your Hon

7 THE COURT: There's no need for clarification.

8 MR. MEDRANO: If I may just have one moment.

9 (Discussion held off the record between
10 prosecuting attorneys sotto voce.)

11 MR. MEDRANO: That concludes the direct.

12 THE COURT: Is there any recross within the --

13 MR. RUBIN: No recross.

14 MR. MEDVENE: No, Your Honor.

15 THE COURT: Very well. You may step down.

16 Call the next witness.

17 (Remainder reported but not transcribed.)

18 --oOo--

19 I certify that the foregoing is a correct transcript of the
20 witness Rene Lopez, from cross-examination to excusal, in
21 proceedings held on December 9 and 10, 1992 in the above-
22 entitled matter.

24 DATE: Dec 11, 1992

Lucille M. Litsheim
LUCILLE M. LITSHEIM
U.S. Court Reporter
CSR NO. 2409

25