

1 UNITED STATES OF AMERICA

2 CENTRAL DISTRICT OF CALIFORNIA

3 THE HON. EDWARD RAFEEDIE, JUDGE PRESIDING

4 THE UNITED STATES OF AMERICA,)

5 Plaintiff,)

6 vs.)

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

7 RAFAEL CARO-QUINTERO,)

RUBEN ZUNO-ARCE,)

8 HUMBERTO ALVAREZ-MACHAIN,)

9 Defendants.)

10
11 REPORTER'S TRANSCRIPT OF PROCEEDINGS

December 9, 1992

12 AFTERNOON SESSION

13 APPEARANCES:

14 FOR THE PLAINTIFF:

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1 LOS ANGELES, CALIFORNIA; WEDNESDAY, DECEMBER 9, 1992, 1:30 PM

2 RENE LOPEZ ROMERO,

3 having been previously sworn, resumed the stand and testified
4 further as follows:

5 (Jury present.)

6 THE COURT: Do we have any further questions for
7 this witness?

8 MR. MEDRANO: Your Honor, with the court's
9 permission, at the first recess we'll provide to Madam Clerk
10 the exhibits referenced by this witness and at this time
11 we'll seek the admission of the exhibits described thus far
12 by this witness.

13 THE COURT: Just proceed with the examination.

14 MR. MEDRANO: Very Well, Your Honor.

15 DIRECT EXAMINATION (Continued)

16
17 BY MR. MEDRANO:

18 Q. Mr. Lopez, with Agent Kuehl's assistance, could I ask
19 you you to look at exhibit 7, I believe.

20 Can you tell me what that is, sir?

21 A. That is Ernesto's house called El Campamento.

22 Q. Thank you. Now, sir, are you familiar with the
23 residence that is referred to as La Oficina?

24 A. Yes.

25 Q. Directing your attention to the fall of 1984, did you

1 ever accompany Fonseca in the direction of that residence?

2 A. Yes.

3 Q. Where did you start from before you went to La Oficina?

4 A. We went up, out of the house of Ernesto Fonseca.

5 Q. And when Fonseca left, was he accompanied by other
6 bodyguards as well?

7 A. Yes.

8 Q. Now, where did you leave to? Where did you go to?

9 A. We went to the crossroads, Tonalá/Puente Grande.

10 Q. What happened there, sir?

11 A. There we met with another vehicle.

12 Q. And who was in that vehicle, if you recall?

13 A. Ernesto Piliado and his group.

14 Q. What happens at that intersection?

15 A. At that intersection Samuel Ramirez Razo ordered for the
16 bodyguards to remain in the carryall. And to be on the alert
17 on that intersection.

18 Q. Did Razo and Fonseca leave?

19 A. Razo, Fonseca and also Jorge Godoy.

20 Q. Did the rest of your bodyguards remain at that
21 intersection?

22 A. Yes, only Piliado's group left with Ernesto Fonesca
23 Carrillo.

24 Q. In what direction did Fonseca go to?

25 A. They went toward the town of Tonalá.

1 Q. How long did you and the remaining bodyguards stay at
2 your intersection location?

3 A. For approximately two hours.

4 Q. At any point did Fonseca and his people rejoin you?

5 A. Yes.

6 Q. And what direction did Fonseca come from when he
7 rejoined you?

8 A. From the town of Tonalá.

9 Q. And thereafter where did you go with Fonseca?

10 A. From there we went to the Venus Hotel, which is owned by
11 Ernesto Fonseca.

12 Q. Now, Mr. Lopez, still directing your attention to the
13 fall of 1984, at any point did you ever accompany Fonseca to
14 another residence in the Tonalá?

15 A. Yes, to a ranch of, Javier Barba.

16 MR. MEDRANO: If I can ask Agent Kuehl to put 172
17 in front of you.

18 Q. Do you recognize what that is, sir?

19 A. That's the entrance to the ranch of Javier Barba.

20 MR. MEDRANO: Move the admission of 172, Your
21 Honor.

22 THE COURT: It may be admitted.

23 (Received in Evidence, Exhibit 172.)

24 Q. BY MR. MEDRANO: Did another bodyguard also accompany
25 Fonseca to that Tonalá residence?

1 A. Yes.

2 Q. Now, Mr. Lopez, at this ranch were there animals at this
3 ranch?

4 A. Yes, they had some wild animals and -- in cages. And
5 they had a feeding lot for bulls.

6 Q. After you arrived at this residence at Tonalá, what did
7 you end up doing?

8 A. We went to play pool.

9 Q. Where exactly?

10 A. Inside the same residence, in front of the living
11 quarters.

12 Q. Did some of the other bodyguards as well -- play pool as
13 well?

14 A. Some of them did.

15 Q. Now, was Jorge Godoy with you playing pool?

16 A. No.

17 Q. Where was Godoy?

18 A. He went into the house.

19 Q. Afterwards, sir, did you end up leaving this residence
20 at Tonalá?

21 A. Yes.

22 Q. And did you leave with Fonseca?

23 A. Yes.

24 Q. Now if I can direct your attention, sir, are you
25 familiar with a residence located on Hidalgo Avenue or

1 street?

2 A. Yes.

3 Q. And if I can direct your attention to early February of
4 1985, were you present at Hidalgo at or about that time?

5 A. Yes.

6 Q. Was Fonseca there?

7 A. Yes.

8 MR. MEDRANO: If I can ask 146 to be put in front
9 of the witness.

10 Q. Do you recognize what that is, sir?

11 A. That's the residence of Avenida Hidalgo belongs to
12 Ernesto Fonseca.

13 MR. MEDRANO: Seek its admission, Your Honor.

14 THE COURT: It may be admitted.

15 (Received in Evidence, Exhibit No. 146.)

16 Q. BY MR. MEDRANO: Sir, while you were at that house, at
17 any point do the other people begin arriving at the Hidalgo
18 house?

19 A. Yes.

20 Q. People from different agencies?

21 A. Different government agencies.

22 Q. Can you tell me who you saw from what agencies?

23 A. From the military, Arrevalo Gardoqui, Dionisio Santoyo,
24 Jorge Garma. That's it.

25 Q. Anyone from the Federal Policia there ?

1 A. Also from the Federal Police.

2 Q. Who, Mr. Lopez?

3 A. Juan Gilberto Hernandez Parra, Migeul Aldana, Manuel
4 Ibarra, Alfonso Vasquez. Sergio Espino Verdin, Armando Pavon
5 Reyes. That's all.

6 Q. Did you see any persons arrive who were politicians?

7 A. Yes.

8 Q. Who?

9 A. Enrique Alvarez Del Castillo, Manuel Valles Diaz, Ruben
10 Zuno Arce, Carlos Acevez Fernandez.

11 Q. Were there any state prosecutors you saw arrive?

12 A. From the state DA's office?

13 Q. Correct.

14 A. Yes. From the DA's office, Edgar Levy Gallardo, Armando
15 Cuellar, Jorge Larios.

16 Q. Were there traffickers that you saw arrive as well, sir?

17 A. Yes.

18 Q. Who?

19 A. Rafael Caro-Quintero. Ernesto Fonseca was also there.
20 Felix Gollardo, Manuel Salcido, Sergio Salcido, Avelardo
21 Fernandez, Javier Barba, Jorge Fonseca. That's all.

22 Q. And was Samuel Razo there as well?

23 A. Yes.

24 Q. When these people initially arrived, where did they --
25 where did they get together or gather?

1 A. First of all they got together in the living room of the
2 house.

3 Q. Okay. At any point did any of the people leave the
4 living room?

5 A. Yes. All of these important people went to the bedroom
6 of Ernesto Fonseca.

7 Q. All of these people or some of them?

8 MR. MEDVENE: Asked and answered.

9 THE COURT: Sustained.

10 Q. BY MR. MEDRANO: Can you tell me who you saw go to that
11 bedroom.

12 MR. MEDVENE: Asked and answered. He said all of
13 these people went. He just identified 30 or more people.

14 MR. MEDRANO: The response is ambiguous, Your
15 Honor, I just want to clarify it.

16 THE COURT: It's not ambiguous.

17 What is it you want to ask the witness? To name
18 the people that went in there?

19 MR. MEDRANO: Yes, Your Honor.

20 THE COURT: He has named them.

21 MR. MEDRANO: Very well.

22 Q. Do you recall, sir, how long these people met in that
23 bedroom?

24 A. More or less an hour and a half, two hours.

25 Q. Incidentally, is this a large bedroom?

1 A. Yes.

2 Q. What happened after that meeting ended in the bedroom?

3 A. Afterwards they went out and remained in the living
4 room.

5 Q. At any point did you see any of these individuals leave
6 this residence of, uh -- this particular residence?

7 A. Yes.

8 Q. Who?

9 A. Like Arevalo Gardoqui, Dionisio Santoyo. Jorge Garma
10 just let them out when the DA's -- people from the DA's
11 office left.

12 Q. Go ahead, I'm sorry.

13 A. Edgar levy Gallardo, Armando Cuellar, Jorge Larios.

14 Q. Did you ever see Ruben Zuno leave the residence?

15 A. Yes, Ruben Zuno, and Enrique Alvarez del Castillo.

16 Q. I'd like to direct your attention now, Mr. Lopez, to the
17 date of February 7, 1985. You're familiar with the residence
18 located at 881 Lope de Vega?

19 A. Yes.

20 Q. On February 7th, did have you a chance to go to Lope de
21 Vega?

22 A. Yes.

23 Q. With Ernesto Fonseca?

24 A. Yes.

25 Q. Where did you depart from before you went to Lope de

1 Vega?

2 A. From Ernesto Fonseca's house.

3 Q. Do you recall -- well, strike that.

4 Approximately how many vehicles did you take to go
5 from Fonseca's house to Lope de Vega?

6 A. Four vehicles.

7 Q. When you left Fonseca's residence, did you know where
8 you were going?

9 A. No. Ernesto Fonseca just told us we were going to run
10 an errand.

11 Q. When you arrived at Lope de Vega, had you ever been at
12 that residence before?

13 A. No.

14 Q. Indeed, had you ever even heard of the residence before
15 February 7th?

16 A. No.

17 Q. If I can ask you to look at government exhibit 13-A.
18 Can you tell me what that is?

19 A. That's the front part of Lope de Vega.

20 MR. MEDRANO: Thank you, Agent Kuehl.

21 Q. When your group arrived, where were the vehicles put at
22 Lope de Vega?

23 A. In the back area, close to the courts.

24 Q. What kind of courts?

25 A. There was a basketball court. Ping-pong. There were

1 several.

2 Q. When you arrived at 881 Lope de Vega with Fonseca, was
3 anyone else already present at that house?

4 A. Yes.

5 Q. Who?

6 A. Ernesto Piliardo Garza was there. Victor Manuel Lopez
7 Razon, Manuel Ruvalcaba, El Tatano, Rafael Caro-Quintero, El
8 Fantasma, La Changa.

9 Q. Are you familiar with someone --

10 A. Several people.

11 Q. Okay. Are you familiar with someone by the name of El
12 Batman?

13 A. Sometimes we would get him mixed up, they would call him
14 -- we would call him El Fantasma or El Batman, but it was
15 the same person.

16 Q. Mr. Lopez, when you arrived at this residence, where did
17 Fonseca go?

18 A. He met in the garden close to a pool and an umbrella
19 that they had there. He met with the other traffic- -- drug
20 traffickers.

21 Q. What is the next thing that happens?

22 A. Once they had met with the drug traffickers there, all
23 of the bodyguards were in the patio on one side of them.

24 Q. At any point, Mr. Lopez, does someone arrive at this
25 house?

1 A. Yes. A person about 30 years old, blonde, who later on
2 I found out it was an employee of the American Consulate.

3 Q. What happens with this -- when this consulate employee
4 arrived at the house?

5 A. When this person arrived to the house, met with Samuel
6 Ramirez Razo, because Samuel Ramirez Razo was also there in
7 the patio, this person from the consulate told Samuel Ramirez
8 Razo that the information he had given to him, that they were
9 correct. That the information was correct. The information
10 was precise.

11 Q. What's the next thing that happens, Mr. Lopez?

12 A. Then Samuel Ramirez Razo and this person from the
13 consulate went toward where the drug traffickers were meeting
14 there next to the umbrella and the pool and Samuel Ramirez
15 Razo told Rafael Caro-Quintero that the information that they
16 had been given was correct, everything was fine.

17 Then Ernesto Fonseca replied and told Samuel
18 Ramirez Razo, "Well, okay, form the operation, Comrade."

19 Q. What's the next thing that happens then, Mr. Lopez?

20 A. Then after, Avelardo Fernandez and Javier Barba met with
21 Samuel Ramirez Razo because among the three of them they each
22 started selecting their group to perform the operation.

23 Q. Now, who are the individuals that will be selecting
24 people for the operation?

25 A. Samuel Ramirez Razo selected Torres Lepe, myself, and

1 the person from the consulate. Javier Barba, he selected
2 from his group the brothers we called Los Tierras Libres,
3 freelancers, Eliseo and Antonio.

4 He also selected the El Italiano and another one
5 named El Nino.

6 Q. Okay.

7 A. Avelardo Fernandez selected three persons whose name I
8 don't remember but we used to call them Los Dormidos.

9 Q. Now, at any point do you or others depart from 881 Lope
10 de Vega?

11 A. Yes.

12 Q. How many vehicles are taken?

13 A. Four.

14 Q. What were they?

15 A. A van carryall. A Gran Marquis. An Atlantic. An LTD
16 Ford.

17 Q. Ramirez Razo, what vehicle did he get into?

18 A. On the Atlantic.

19 Q. Anyone with him in that car?

20 A. The person from the consulate and Torres Lepe.

21 Q. And did the remaining individuals get into the remaining
22 three vehicles?

23 A. Yes. I took the LTD.

24 Q. Now, do these vehicles leave together from Lope de Vega?

25 A. Well, when we left, we were going to take different

1 routes.

2 Q. So what happens next, Mr. Lopez?

3 A. Then we left toward Avenida Chapultepec.

4 Q. So what happens?

5 A. On one of the side streets Samuel Ramirez Razo stopped
6 his Atlantic. I stopped behind him with my LTD.

7 Q. Samuel Ramirez Razo ordered me to leave the LTD parked
8 on that street.

9 Q. Did you do so?

10 A. Yes.

11 Q. And then what happened to you after that?

12 A. I got on the Atlantic.

13 Q. With Ramirez Razo?

14 A. Yes.

15 Q. Who is driving the Atlantic?

16 A. Samuel Ramirez Razo.

17 Q. Now where did your vehicle proceed to then, Mr. Lopez?

18 A. We went on Avenida Chapultepec towards La Libertad
19 Street.

20 Q. And ultimately where did you arrive?

21 A. We continued on La Libertad until we got to Progreso.

22 Q. Did you end up parking the car at any position?

23 THE COURT: Are you going somewhere with this,
24 counsel? Let's get to the point.

25 MR. MEDRANO: Very well.

1 Q. What building did you arrive at, Mr. Lopez?

2 A. We parked in front of the building of the American
3 Consulate.

4 Q. Now tell us what happens when you're parked near the
5 consulate.

6 A. Samuel Ramirez Razo ordered me to get off. I opened the
7 door and I got off but I did not move from the vehicle. From
8 that place we could see Javier Barba. He was towards the
9 east, parked.

10 Then the person that was with him from the
11 consulate told Samuel Ramirez Razo, "Look, the person will be
12 coming out on Progreso Street or through the door of La
13 Libertad Street." But then the person from the consulate
14 emphasized to Samuel Ramirez Razo that he was sure he would
15 be coming out from the door of La Libertad Street.

16 Q. What is the next thing that happens?

17 A. Then Samuel Ramirez Razo ordered me to stand on the
18 sidewalk away from the vehicle. And a few minutes later a
19 person exited the American Consulate exactly through the door
20 of Libertad Street. Then the person from the consulate that
21 was with Samuel Ramirez Razo told him, "Look, that is the
22 person."

23 The person who was exiting the consulate crossed
24 Libertad Street. Samuel Ramirez Razo got out of the Atlantic
25 telling me, "Come," signaling with his hand. Just at the

1 time as the person from the consulate arrived to the
2 sidewalk, Samuel Ramirez Razo confronted him.

3 Q. At that very moment where are you in relation to Razo
4 and the man that has been intercepted?

5 A. I was about two, three meters from them.

6 MR. MEDRANO: Now if I can ask Agent Kuehl to show
7 government exhibit 5 to the witness.

8 Q. Do you recognize that man, sir?

9 A. Yes. That is the person who exited the American
10 Consulate.

11 Q. And did you later learn his name?

12 A. Enrique Camarena Salazar.

13 Q. Now what happened once Camarena is intercepted?

14 A. Samuel Ramirez Razo, showing him a credential from the
15 federal directorate, told Enrique Camarena, "The commander
16 wants to see you." Then Enrique Camarena replied to Samuel
17 Ramirez Razo, "When the commander wants to see us, he
18 sends --" and he just let him get that far.

19 Samuel Ramirez Razo took out his gun, and with the
20 credential and the gun, he just let him talk that far.

21 Samuel Ramirez Razo shut his credentials, placed
22 his left hand on the right shoulder of Camarena, I put my
23 right hand on the left shoulder of Camarena --

24 Q. Where --

25 A. -- and we headed him to the Atlantic.

1 Q. Now, this entire time, where is the consulate employee?

2 A. He remained in the Atlantic.

3 Q. What happens when Camarena is taken back to the
4 Atlantic?

5 A. We placed him in the back seat. I went through the
6 right door in to the back, Camarena came in, and then Samuel
7 Ramirez Razo.

8 Q. So was Camarena between the two of you in the back?

9 A. Between Samuel Ramirez Razo and myself, he was sitting
10 in the middle.

11 Q. Okay. Did anyone sit in the front of the Atlantic?

12 A. The person -- the person from the consulate sat in the
13 driver's seat.

14 Q. Was there anyone in the front passenger seat?

15 A. There was Torres Lepe.

16 Q. Okay. Now what happens once everyone is in the
17 Atlantic, Mr. Lopez?

18 A. Afterwards Samuel Ramirez Razo told Camarena to duck
19 down. Samuel Ramirez Razo placed his shoulder on Camarena's
20 head. Samuel Ramirez Razo got hold of his walkie-talkie and
21 informed the other colleagues who were there in the
22 operation, "We're taking the person. Let's go."

23 Q. Did your vehicle then leave the vicinity of the U.S.
24 Embassy?

25 A. Yes.

1 Q. Where did you go to, Mr. Lopez?

2 THE COURT: Now you said U.S. Embassy. Is that
3 what you meant?

4 MR. MEDRANO: I misspoke, Your Honor. Excuse me.

5 Q. The consulate building.

6 A. American Consulate.

7 Q. Did you leave that area?

8 A. Yes. We went over toward Lope de Vega.

9 Q. When you arrived at Lope de Vega, where was the Atlantic
10 put?

11 A. Inside the house of Lope de Vega, in the garden.

12 Q. Through what gate did you enter Lope de Vega?

13 A. On the side gate of the house.

14 Q. Now, what happens once the Atlantic is inside the Lope
15 de Vega area?

16 A. Later El Italiano, who was there -- in other words, all
17 of the -- all of us who were in the operation were already
18 there. We got out of our vehicles. El Italiano brought to
19 Samuel Ramirez Razo a bag with bandages.

20 Samuel Ramirez Razo did not get Camarena out of
21 the back seat, he just got out; in other words, Samuel
22 Ramirez Razo got out of the vehicle and started to blindfold
23 Camarena.

24 Q. With these bandages?

25 A. Yes.

1 Q. And when you returned to Lope de Vega, were many of
2 these previously mentioned people still in that patio area?

3 A. Yes.

4 Q. Did that include Caro and Fonseca?

5 A. Yes.

6 Q. What's the next thing that happens, Mr. Lopez?

7 A. Once Camarena was blindfolded, Samuel Ramirez Razo
8 directed him, because obviously he couldn't see at this time,
9 and took him to the umbrella where the drug traffickers were
10 meeting, had gathered.

11 Q. And then?

12 A. Then he walked towards where the drug traffickers were
13 and Samuel Ramirez Razo told Rafael Caro-Quintero, "Didn't
14 you say it couldn't be done, Compa? Except you don't have
15 any confidence," no faith, one of those words he used, "to
16 see that we are able to."

17 Rafael Caro-Quintero while embracing Enrique
18 Camarena, told him, "I told you I was going to have you in my
19 hands, you son of a bitch."

20 Q. Where -- strike that.

21 Is Camarena taken anywhere within the Lope de Vega
22 residence?

23 A. Yes. Rafael Caro-Quintero took him to the bedroom. We
24 call that bedroom the maid's bedroom.

25 MR. MEDRANO: Your Honor, may I have Agent Kuehl

1 put up the diagram just briefly.

2 THE COURT: Yes.

3 (Pause in proceedings.)

4 MR. MEDRANO: With the court's permission, may I
5 have Mr. Lopez just point to where --

6 THE COURT: Yes.

7 Q. BY MR. MEDRANO: Mr. Lopez.

8 A. Can I stand up?

9 THE COURT: You may step down and point.

10 Q. BY MR. MEDRANO: Mr. Lopez, could you point on that
11 diagram where Camarena was taken to by Caro-Quintero?

12 A. This part here.

13 Q. Okay. You can sit down.

14 THE COURT: Indicate where the witness pointed.

15 MR. MEDRANO: I'm sorry, Your Honor. He pointed
16 to the portion of the diagram referenced as "guest room."

17 Thank you.

18 Q. Mr. Lopez, after Camarena was walked -- or, taken into
19 that room that you just described, did you ever enter that
20 room?

21 A. Yes.

22 Q. When you enter the room, can you tell us who you find
23 inside?

24 A. When I went into that bedroom, Jorge Fonseca was there,
25 Pedro, the one we called El Urco, and El Fantasma.

1 Q. Was Camarena in that room?

2 A. Yes. He was seated at the bed.

3 Q. Is he still blindfolded?

4 A. Yes.

5 Q. At any point in your presence, Mr. Lopez, is Enrique
6 Camarena questioned?

7 A. Yes. Jorge Fonseca started questioning him there.

8 Q. Can you tell us what you heard, please.

9 A. Jorge Fonseca grabbed Enrique Camarena from his right
10 arm and made him kneel down. Jorge Fonseca said to Enrique
11 Camarena, "What's your name?"

12 Enrique Camarena replied, "Enrique Camarena
13 Salazar."

14 Jorge Fonseca asked him what was his line of
15 business or who was he. Enrique Camarena told him he was a
16 DEA agent.

17 Jorge Fonseca asked him, "Okay, explain to me
18 what does DEA mean?"

19 Enrique Camarena told him, "DEA means it's an
20 agency against narcotics from the United States."

21 Then Jorge Fonseca told Enrique, "How many of you
22 are there? How many are here? Where is your office?"

23 Enrique Camarena told him, "There's several of
24 us. And we don't have a set office because we are sent from
25 one place to the other."

1 Then Jorge Fonseca kicked him -- gave a hard kick
2 on the chest to Enrique Camarena that even knocked him down
3 to the floor, telling him, "You are going to tell me, son of
4 a bitch."

5 Then Pedro, "El Urco," was behind Enrique Camarena
6 and Pedro grabbed him and just raised him, brusquely pushed
7 him.

8 Q. So that he was back on his knees?

9 A. Yes. So he would go back to his position.

10 Q. What happened next, Mr. Lopez?

11 A. Then Enrique Camarena told Jorge Fonseca, "Hey, Jorge,"
12 he told him, "I want to talk to Rafael Caro-Quintero." He
13 said, "I know that he and I can understand each other. I can
14 give him the information he needs."

15 Jorge Fonseca said to Enrique, "Who told you that
16 Rafael Caro-Quintero was here?"

17 Enrique repeated that he could give him the
18 information, that Caro-Quintero and himself understood each
19 other well. And Enrique told him he could be better used
20 alive than dead.

21 Q. At any time, sir, are Camarena's hands tied in your
22 presence?

23 A. Yes.

24 Q. Who did that?

25 A. Jorge Fonseca ordered Pedro, he told him, "Tie his

1 hands." Then El Fantasma went to the bedroom -- I mean, the
2 bathroom of that bedroom and took out some curtain cords. In
3 between El Fantasma and Pedro, they tied Enrique Camarena's
4 hands in the back.

5 Q. At any point in that room are any articles of clothing
6 of Camarena removed?

7 A. Yes. Pedro removed Enrique Camarena's shirt.

8 Then Jorge Fonseca was smoking a cigarette and
9 Enrique Camarena asked if he could have a few puffs or if he
10 could have a cigarette, something like that he said. Then
11 Jorge Fonseca told Enrique, "Where do you want it, you son of
12 a bitch?" and burning him several occasions in all parts of
13 the body with the cigarette.

14 Then the spark would go off. He would puff it
15 again to revive the spark and continued burning Enrique with
16 his cigarette.

17 Q. Mr. Lopez, what did you do after observing this?

18 A. I told El Gueron, "Hey, Gueron" -- we used to call Jorge
19 Fonseca 'El Gueron' -- "why are you beating this person so
20 much? He is telling you -- he's answering everything right."

21 Q. What was --

22 A. I told him, "I don't know why you're doing all this
23 mess."

24 Q. What was Gueron's response?

25 A. Then El Gueron turned to me and said, "Why are you

1 getting into this, you son of a bitch?" And Gueron told me,
2 "You better get out of here."

3 And then I went out of the bedroom.

4 Q. Where did you go to, Mr. Lopez?

5 A. I went there to the patio of the house.

6 Q. Did you speak to anyone in the patio?

7 A. There I met Ernesto Piliado, who had been my leader
8 group in the judicial of the state, and I told him, I told
9 Ernesto Piliado, "You know what? Jorge Fonseca is beating up
10 this person too much."

11 Then Ernesto Piliado went to see Ernesto Fonseca
12 and Piliado told Ernesto Fonseca, "Sir, why don't you allow
13 me and my group to investigate the DEA agent?" He said that
14 El Gueron was beating him up too much. And Ernesto Fonseca
15 didn't like this at all.

16 Ernesto Fonseca talked to Samuel Ramirez Razo and
17 told Samuel Ramirez Razo and Ernesto Piliado to go to see
18 what was going on in the bedroom with the DEA agent. And to
19 take him out because we were going to take him with us.

20 Q. So did Piliado and Samuel Ramirez Razo go anywhere then?

21 A. They went in to the bedroom where Enrique Camarena was.

22 Q. Approximately how long were they in that bedroom?

23 A. For a few minutes.

24 Q. Could you hear anything from that bedroom when they were
25 in there?

1 A. No.

2 Q. What happens next, Mr. Lopez?

3 A. After Ernesto Piliado and Samuel Ramirez Razo came out,
4 Ernesto Piliado told me that they had already tied his hands
5 and his feet and they were giving him Tehuacanes.

6 Q. What is Tehuacanes, sir?

7 A. In other words, that's the natural, umm, drink.

8 Q. Is it a mineral water?

9 A. Mineral water, yes.

10 Q. And what is that used for?

11 A. We use it in Mexico for some investigations.

12 Q. And how is it used?

13 A. It's like a soda pop. It's got gas. And you shake it
14 and with the gas pressure, you place it in the nose. And the
15 person is tied up, so he's receiving everything through the
16 nose.

17 Q. Mr. Lopez, is Fonseca also advised by Piliado of what he
18 had observed in the bedroom?

19 A. Yes.

20 Q. What happens next?

21 A. Then Rafael Caro-Quintero was coming out of the bedroom
22 and Ernesto Fonseca told Caro-Quintero, "We're going to take
23 the person." Rafael Caro-Quintero said to Ernesto, "Wait,
24 wait, Compadre, nothing's happening."

25 Then Rafael Caro-Quintero took Ernesto Fonseca

1 towards the kitchen of the house.

2 Q. Did anyone go with those two to the house?

3 A. He was -- they were being followed by Samuel Ramirez
4 Razo.

5 Q. Now, those three men, do they go into the house? Where
6 do they go exactly in relation to the house?

7 A. They were at the door toward the kitchen.

8 Q. Could you see them from your location?

9 A. Yes. We were in the patio and we didn't remove our
10 vision from Ernesto Fonseca.

11 Q. Now, were all three men talking?

12 A. Yes.

13 Q. Were they arguing?

14 A. You could see them gesturing but you couldn't hear.

15 Q. What happens next, Mr. Lopez?

16 A. Then the three of them came back to the umbrella -
17 Ernesto Fonseca, Samuel Ramirez Razo and Rafael Caro-Quintero
18 - and when they were halfway, I saw that from the kitchen
19 or the living room Alvarez Machain was coming out.

20 Q. Now where did you see him?

21 A. Well, from the door where they were there arguing. And
22 he went in again.

23 Q. Now, with the court's permission, if I can ask the
24 witness to stand.

25 Do you see Dr. Alvarez in this courtroom,

1 Mr. Lopez?

2 A. Yes. It's the gentleman with the blue sweater.

3 THE COURT: Indicating the defendant Machain --
4 Alvarez, rather.

5 Be seated, please.

6 Q. BY MR. MEDRANO: Now, are you familiar with a man by the
7 name of La Changa?

8 A. Yes.

9 Q. When all this is going on, do you see La Changa at Lope
10 de Vega?

11 A. Yes.

12 Q. Tell me what happens.

13 A. La Changa approached Samuel Ramirez Razo and told him
14 that Ruben Zuno Arce --

15 MR. MEDVENE: Excuse me. Objection; hearsay.
16 Talking about some third party conversation.

17 MR. MEDRANO: It's co-conspirator's statement.

18 MR. MEDVENE: Some enforcer, allegedly.

19 THE COURT: The objection is overruled.

20 Q. BY MR. MEDRANO: Tell us what La Changa said.

21 A. La Changa approached Samuel Ramirez Razo and told him
22 that there was also other important people who wanted to know
23 if they were going to give ground to this person - in other
24 words, if they were going to kill him - so he could talk to
25 them in order to interrogate him.

1 Samuel Ramirez Razo responded to La Changa, "I
2 don't know anything about that, ask Rafael Caro-Quintero."

3 Q. Now, Mr. Lopez, as all this is transpiring, how would
4 you describe Ernesto Fonseca's demeanor?

5 A. Well, he was worried, nervous. Yes, you could see that
6 he was worried, nervous.

7 Q. At any time, Mr. Lopez, do you see the arrival of anyone
8 else at Lope de Vega?

9 A. Yes. The bodyguards of Rafael Caro-Quintero came in
10 with a person. He was also blindfolded.

11 Q. Where was this person taken to?

12 A. To another bedroom, right next to where they had
13 Camarena.

14 MR. MEDRANO: And with the court's permission, may
15 I just have Mr. Lopez indicate where he was taken to, Your
16 Honor?

17 THE COURT: Yes.

18 Q. BY MR. MEDRANO: Mr. Lopez, can you stand for a moment
19 and indicate where this other man was taken to.

20 A. This area here more or less.

21 MR. MEDRANO: Pointing, Your Honor, again to the
22 guest room area on diagram exhibit 81.

23 THE COURT: All right.

24 Q. BY MR. MEDRANO: Did you know who this man was,
25 Mr. Lopez?

1 A. No.

2 Q. Were you later advised who he was?

3 A. Yes.

4 Q. Who was it?

5 A. That it was Enrique Camarena Salazar's pilot.

6 Q. When that man is taken to that guest room area, do you
7 ever go back into that room again?

8 A. No. Just when we were about to leave, we heard that
9 person moan as if he was being --

10 MR. RUBIN: Objection; relevance.

11 THE COURT: Overruled.

12 MR. MEDRANO: I didn't hear the answer.

13 THE WITNESS: When we were about to leave that
14 place, through the window you could hear that person moaning
15 as if he was being beaten.

16 Q. BY MR. MEDRANO: Mr. Lopez, at any point does Ernesto
17 Fonseca depart from 881 Lope de Vega?

18 A. Yes. We left the area.

19 Q. Did other guards of Fonseca leave as well?

20 A. Yes, also.

21 Q. Where did you go to?

22 A. We went to Ernesto Fonseca's house.

23 Q. How long were you at that house?

24 A. We were there approximately four -- four hours.

25 Q. Incidentally, what time did you arrive at Fonseca's

1 house?

2 A. We must have arrived at 5:00, 6:00 p.m.

3 Q. At any point -- well, strike that.

4 What happens next, sir, now that you're at this
5 residence of Fonseca?

6 A. He went into his bedroom and we stayed there around the
7 house.

8 Q. At any point did Fonseca ever leave that house?

9 A. Yes.

10 Q. Approximately what time?

11 A. It must have been around 6:00, 7:00 more or less.

12 Q. Did Fonseca leave with his bodyguards?

13 A. Yes.

14 Q. Did Fonseca tell you where he was going?

15 A. No. That we were just going to run an errand.

16 Q. At the point that he is leaving, how would you describe
17 Fonseca's demeanor?

18 A. Well, you could see that he was nervous. Yes, he looked
19 nervous.

20 Q. When you arrived -- strike that.

21 Did you go to 881 Lope de Vega with Fonseca?

22 A. Yes.

23 Q. Were people present already when you got there?

24 A. Yes.

25 Q. Upon arrival, where did Fonseca go?

1 A. He went into the living room of the house.

2 Q. Did anyone go with him?

3 A. Samuel Ramirez Razo and Commander Gabriel Gonzalez.

4 Q. When he is inside the house, where did you stay?

5 A. There in the patio with the other bodyguards.

6 Q. What happened next?

7 A. Then Samuel Ramirez Razo came out to the patio and told
8 Ramiro Perez Arrellano to go with him.

9 Q. Where did they go?

10 A. They went in the house, to the living room.

11 Q. What happens next?

12 A. Next, a few minutes later, Samuel Ramirez Razo came out
13 again and order Guadalupe Fernandez and myself to take ash
14 trays to the living room.

15 Q. Did you do that, Mr. Lopez?

16 A. Yes. We went to the kitchen, picked up some ash trays
17 and took them to the living room.

18 Q. Now when you entered the living room, were people
19 already present in that room?

20 A. Yes.

21 Q. Were pe- -- sorry.

22 Were there people from different agencies there?

23 A. Yes. From different government agencies.

24 Q. Was anyone from the military there?

25 A. There was Arevalo Gardoqui, Vinicia Santoya. A general

1 or commander from the State of Zacatecas by the name of
2 Salas. Jorge Guarma.

3 Q. Were there any politicians in that room when you walked
4 in?

5 A. Yes.

6 Q. Who?

7 A. Manuel Bartlett Diaz, Enrique Alvarez del Castillo,
8 Ruben Zuno Arce, Carlos Arcevez Fernandez.

9 Q. Any federal agents?

10 A. Yes.

11 Q. Who?

12 A. Juan Gilberto-Hernandez Parra, Migeul Aldana, Manuel
13 Ibarra, Armando Pavon Reyes, Alfonso Vasquez, Sergio Espino
14 Verdin.

15 Q. Were the state prosecutors present in the living room as
16 well?

17 A. DA people from the state. Edgar Levy Gallardo, Armando
18 Cuellar, Jorge Larios.

19 Q. Tell me what traffickers, if any, were in that living
20 room.

21 A. There was Ernesto Fonseca, Rafael Caro-Quintero, Felix
22 Gallardo, Manuel Salcido, Sergio Salcido, Avelardo Fernandez,
23 Javier Barba, Jorge Fonseca.

24 Q. Finally, were there any representatives of the DFS
25 there?

1 A. Yes.

2 Q. And their names, if you recall.

3 A. There was Jorge Salazar, Eliseo Soto Martinez, Ruiz
4 Velasco, "El Ruso," "El Nino," "El Chava." That's all.

5 Q. Mr. Lopez, when you walked into that living room with
6 the ash trays, did you see Dr. Alvarez Machain there?

7 MR. RUBIN: Objection; leading.

8 THE COURT: Overruled.

9 THE WITNESS: Yes. When I went into the kitchen.

10 Q. BY MR. MEDRANO: My question is, though, did you see him
11 in the living room?

12 A. Yes.

13 Q. Now, after -- strike that.

14 Just one moment, Your Honor.

15 Your Honor, might this be a good place to break or
16 would you like me to continue?

17 THE COURT: No. Just continue and I'll let you
18 know.

19 MR. MEDRANO: Very well.

20 Q. When you were in that living room, Mr. Lopez, did you
21 overhear any conversation?

22 A. When I went to put in the ash trays, because we would
23 pick up the dirty ash trays and put down some clean ones, you
24 could hear a remark that Ruben Zuno was telling to the drug
25 traffickers. "The same way you guys heard" -- excuse me.

1 "The way that we had told you guys that the DEA
2 was going to get rid of the drug trafficker in Jalisco, we
3 wanted you to hear it from his mouth." In other words,
4 referring to the DEA agent.

5 Q. So that --

6 A. Then we went out of the living room, we returned back to
7 the patio.

8 Q. What did you do next, Mr. Lopez?

9 A. A few minutes later Samuel Ramirez Razo came out again
10 and he ordered us again, Guadalupe Fernandez and myself, to
11 go and take ash trays back into the living room.

12 Q. Now, at any point did you have a chance to go back into
13 the kitchen?

14 A. Yes. Because we would take the dirty ash trays to the
15 kitchen and we would pick up clean ones.

16 Q. So what happens after you receive this order from
17 Ramirez Razo?

18 A. We went in, took clean ash trays to the living room.
19 And while we were picking up the dirty ash trays, we could
20 hear Arevalo Gardoqui also making remarks with the drug
21 traffickers.

22 Q. What did he say?

23 A. Arevalo Gardoqui said that he wanted the bodies to be
24 properly buried. He wanted the job to be done right, to hide
25 them well where they couldn't be found.

1 Then we went back out to the patio. Torres Lepe
2 was also there in the patio. Then I invited him to dinner.
3 We went and had dinner there in the kitchen, a tongue that
4 had been prepared by Eliseo Soto.

5 Q. Then what happened?

6 A. Then we went out of the kitchen in to the patio. I went
7 back to the kitchen to get a drink.

8 Q. Did you see anyone in the kitchen when you are there to
9 get a drink?

10 A. When I picked up the drink from the refrigerator and
11 when I was coming out of the kitchen, I saw that Dr. Alvarez
12 Machain was there. He was doing something there with some
13 syringes. He was sort of washing syringes or something there
14 in the sink. He had, umm, a black bag with him. One of
15 those medical bags.

16 Q. Now, you're saying he was cleaning them. How was he
17 cleaning them?

18 A. Well, when I went by there, I saw him put water and
19 pressing them again, something like that, like pumping them.

20 Q. What happens next, Mr. Lopez?

21 MR. BLANCARTE: Objection, Your Honor; the form of
22 counsel's question allows for ongoing narrative.

23 THE COURT: That's true. The form of the question
24 is inappropriate. See if you can frame a more specific
25 question.

1 The court will take its afternoon recess at this
2 time. The jury may be excused.

3 THE CLERK: Please rise.

4 (Jury excused at 2:45 p.m.)

5 THE COURT: You may step down.

6 THE CLERK: You may be seated.

7 THE COURT: Now, counsel, you wanted to take up
8 something with the court. You, counsel.

9 MR. RUBIN: Yes. Yes, Your Honor, I wanted to.

10 THE COURT: By the way, let me ask you, we do not
11 take up things that will interrupt the testimony to the jury,
12 so you have to anticipate these things and bring them up at
13 the recess.

14 MR. RUBIN: Well --

15 THE COURT: Fortunately we were able to reach the
16 recess before the matter.

17 MR. RUBIN: I anticipated we would, Your Honor,
18 because Mr. Medvene has his cross as well.

19 THE COURT: All right. Now what is it?

20 MR. RUBIN: Your Honor, during my cross-
21 examination I wanted to make sure I could appropriately
22 mention something in front of the jury and that is that in my
23 cross-examination I intend to make reference to the timing of
24 certain statements that this witness had made to the DEA;
25 specifically that much of the information that he gave to the

1 DEA came 14 days after the Supreme Court decided Dr. Alvarez
2 Machain's case.

3 I intend to argue to the jury that the timing of
4 this new improved information that he gave to the DEA and
5 coming on the heels of the Supreme Court's decision, is
6 suspicious and calls it, the information, into question,
7 credibility. But before I mentioned the Supreme Court
8 decision, I wanted to make sure that I could appropriately
9 say that.

10 MR. MEDRANO: Your Honor, just briefly. The
11 problem with that, Your Honor, is, as you know, both in this
12 trial and the past trial, the way these witnesses are
13 interviewed is this information of which Mr. Rubin is
14 alluding to, although dated perhaps after the Supreme Court
15 decision on the DEA-6, would have been elicited from the
16 interview before that date.

17 Now, if he starts doing that, we are compelled in
18 our rebuttal case, perhaps, then to put on witnesses to
19 establish that this information, in fact, was elicited prior
20 to the Supreme Court resolution.

21 The second point, Your Honor, is it doesn't help
22 one way or the other. It's sort of a tangential issue that
23 doesn't add -- doesn't benefit the jury.

24 MR. RUBIN: Excuse me, Your Honor, the --

25 THE COURT: Well, just a moment. I really don't

1 think the Supreme Court decision has anything to do with this
2 case. Now to the extent that the evidence shows some
3 coincidence in timing of other events, you can deal with
4 that.

5 Are you talking about arguing this or asking the
6 witness about his knowledge of the Supreme Court decision?

7 MR. RUBIN: Well, it depends how his questions
8 come out, because I don't know what the government agents may
9 have said to them or what dates they said to him or did they
10 mention something to him at meeting time.

11 THE COURT: You may ask him what was said to him.

12 MR. RUBIN: But it seems to me, Your Honor, the
13 date of this -- the first time in any DEA-6 this witness
14 mentions any cleaning of the syringes, the DEA-6 is dated
15 June 29th. That is 14 days after the Supreme Court decision.
16 That strikes me as highly --

17 THE COURT: You may go into that. You may
18 indicate what the dates were but I don't see any relevance in
19 introducing the Supreme Court decision into it.

20 MR. RUBIN: Fine.

21 THE COURT: I want to stay away from that.

22 MR. MEDRANO: May I raise something else with the
23 court at this juncture? To get a sense --

24 THE COURT: Are you finished with what you had?

25 MR. RUBIN: Yes, Your Honor.

1 THE COURT: All right.

2 MR. MEDRANO: To get a sense of what limitations,
3 if any, the court will impose on defense counsel's cross-
4 examination, the court may be aware - and certainly the
5 defense counsel are because we provided it to them in Giglio
6 information - the fact that this witness has knowledge of the
7 disappearance and ultimate murder of four Jehova Witnesses in
8 December 1984. Now, this witness did not harm anybody but
9 was present when other interrogators were questioning these
10 American individuals.

11 Now, I don't know what the court --

12 THE COURT: What is your point?

13 MR. MEDRANO: Well, my point, Your Honor, is we
14 have evidence, and it would be part of our theory of the
15 case, that not only the disappearance and murder of the four
16 missionaries but the murders of Radelat and Walker and an
17 abundance of other crimes of violence, Your Honor, were a
18 result of the crooks, the traffickers, confusing civilians
19 for DEA agents. That's why Radelat and Walker were
20 murdered. And, unfortunately, why the four American Jehova
21 Witnesses were murdered.

22 I would hope, too, Your Honor, the cross-
23 examination on this issue would be somewhat circumscribed
24 because to the extent the defense counsel opens the door
25 dramatically, it's our position that we should be allowed to

1 put on other evidence to establish there were not only this
2 but other retaliatory acts.

3 THE COURT: Well, how would that affect the
4 credibility of this witness? Presumably this would be
5 impeachment testimony of this witness.

6 MR. MEDRANO: And I agree with that, Your Honor.

7 THE COURT: How would the putting on evidence of
8 other murders affect that? It does not rehabilitate the
9 witness, does it?

10 MR. MEDRANO: Because as opposing counsel is very
11 good at is through the form of the questions and the limiting
12 fashion of his questions, to not bring out the fact that the
13 people were confused with DEA, that's why they were
14 murdered. If I know opposing counsel, they'll dance around
15 that subject heavily and suggest that this person was
16 involved in those crimes.

17 THE COURT: Just a moment. You're exhibiting the
18 same sort of paranoia we heard from defense counsel yesterday.
19 Let's wait until the questions are asked.

20 MR. MEDRANO: Very Well, Your Honor, I just want --

21 THE COURT: I think it's appropriate to question
22 the witness about his participation, isn't it? And if he
23 omits anything that needs to be clarified, you may ask the
24 witness about it.

25 MR. MEDRANO: Well, Your Honor.

1 THE COURT: I don't want to get this jury or this
2 court involved in dealing with other crimes committed by this
3 organization or --

4 MR. MEDRANO: Uh-huh.

5 THE COURT: -- Radelat and Walker or the four
6 missionaries.

7 MR. MEDRANO: Exactly. Well, the question is the
8 403 detail.

9 THE COURT: Maybe we should hear from Mr. Medvene
10 as to what his intentions are.

11 MR. MEDVENE: My intention is to go into it. The
12 prosecutor went into it. In his questioning of this witness,
13 the prosecutor specifically asked this witness if he were
14 present when the people were kidnapped and he elicited from
15 this witness that --

16 MR. MEDRANO: No.

17 MR. MEDVENE: -- there were these two people that
18 were kidnapped. But, at any rate, it seems to us we're
19 permitted to go into it.

20 THE COURT: To what? Elicit details? You're not
21 permitted to elicit details. You can't do that even for a
22 witness who has been convicted of a felony.

23 MR. MEDVENE: Your Honor.

24 MR. MEDRANO: Your Honor, by the way, the incident
25 referenced by Mr. Medvene was a Mexican couple, it has

1 nothing to do with these four Americans. I want to clarify
2 that.

3 MR. MEDVENE: You mean the prosecutor is putting
4 on an incident of torture, and this guy could kill this
5 Mexican couple, and he thinks that's relevant, but we can't
6 ask the person his involvement in kidnapping the four Latter
7 Day Saints?

8 MR. MEDRANO: Your Honor, the relevance --

9 MR. MEDVENE: What relevance does it have to bring
10 in two Mexican citizens and they were kidnapped? They
11 brought that in, we didn't bring that in. In fact, we
12 objected to it and you overruled it.

13 THE COURT: What is the relevance of it?

14 MR. MEDRANO: The relevance, Your Honor, is part
15 of an MO, or method of operation, for interrogators, among
16 other things, besides beating someone up, was the use of bags
17 for suffocation. The court is well aware, I hope, by now
18 that we find at Lope de Vega approximately six to eight
19 plastic cleaners bags with the fingerprints of Dr. Machain.
20 That is the reason it was elicited, Your Honor, for no other
21 reason; that's the reason it's relevant. And, of course, you
22 are aware that Dr. Machain --

23 THE COURT: Well, you may examine this witness on
24 his direct testimony that he gave. You may include evidence
25 about his involvements or knowledge of this, these events,

1 but I am not going to have a run-away inquiry.

2 MR. MEDVENE: No, sir.

3 THE COURT: In great detail or anything else.

4 MR. MEDVENE: No, sir. I just intended to ask
5 maybe three or four questions in that area about what he did
6 and where he was and did he participate.

7 MR. RUBIN: Your Honor, I should point out that
8 some detail, I think, is relevant in this sense: This
9 witness has said in the Camarena episodes, has given the
10 totally self-serving testimony that, "I really had nothing to
11 do with the kidnapping, I was just there. I really had
12 nothing to do with the beating but I was watching it, I was
13 just there." And he is just there doing nothing.

14 THE COURT: What is the point here?

15 MR. RUBIN: The point is that I think we can go
16 into the kidnapping of the missionaries to see if he is going
17 to give the same kind of testimony and to argue that this
18 can't be true, that he is just there for that thing.

19 THE COURT: You heard the limitation that I placed
20 on that. You may inquire about it but I am not going to
21 allow a lot of detail.

22 MR. RUBIN: Very well, Your Honor.

23 MR. MEDRANO: Thank you, Your Honor.

24 THE CLERK: Please rise.

25 Court stands in recess.

1 (Recess from 2:57 p.m. To 3:10 p.m.)

2 (Proceedings held in jury's presence.)

3 THE COURT: Any further questions for this
4 witness?

5 MR. MEDRANO: Yes, Your Honor.

6 THE COURT: Proceed.

7 Q. BY MR. MEDRANO: Mr. Lopez, after seeing Machain in the
8 kitchen, did you ever go back to the living room?

9 A. I went back to the patio again.

10 Q. After that did you have a chance to go back to the
11 living room?

12 A. Yes, a few minutes later.

13 Q. For what purpose?

14 A. For what purpose? Samuel Ramirez Razo came out again.
15 He went out to the patio, and once again he ordered Guadelupe
16 Fernandez and myself. At that time he was smoking a base
17 cigarette and he offered it to everyone. Only Samuel Ramirez
18 Raza gave it a few puffs. Then Samuel Ramirez Razo order
19 Guadelupe Fernandez and myself to go back again to the living
20 room to take clean ash trays.

21 Q. Did you go back to the living room?

22 A. Yes.

23 Q. When you were in that living room, did you ever overhear
24 any other conversation, Mr. Lopez?

25 A. We heard a conversation from Manuel Bartlett Diaz.

1 Q. What did you hear?

2 A. Manuel Bartlett Diaz was telling Rafael Caro-Quintero,
3 "Just the same way that this problem was resolved, we're
4 going to resolve all the others and there's not going to be
5 any problems."

6 Rafael Caro-Quintero replied to Manuel Bartlett,
7 "Don't worry, Compa, you're going to go as far as we want
8 you to. We need you up there. Just tell us what you need
9 and we'll give it to you."

10 Q. Who was that that said that?

11 MR. RUBIN: Objection, Your Honor.

12 THE COURT: Overruled.

13 THE WITNESS: Caro-Quintero told that to Manuel
14 Bartlett Diaz.

15 Q. BY MR. MEDRANO: Mr. Lopez, when Bartlett spoke, did
16 people have difficulty understanding him?

17 MR. MEDVENE: Objection; calls for conclusion.

18 THE COURT: Sustained.

19 Q. BY MR. MEDRANO: At any point, Mr. Lopez, did you exit
20 the living room again?

21 A. Yes. We went back to the patio again.

22 Q. Subsequently at any point does anyone start leaving 881
23 Lope de Vega?

24 A. Yes, people started leaving there.

25 Q. Do you recall approximately what time they started

1 leaving?

2 A. Around 11:00, more or less.

3 Q. When these people left, were they carrying anything?

4 A. Yes, several of them were carrying briefcases and we
5 knew those briefcases, when they were carried, they contained
6 money.

7 Q. Now --

8 MR. RUBIN: Objection; calls for speculation.

9 THE COURT: Overruled.

10 Q. BY MR. MEDRANO: At any point does Fonseca leave 881
11 Lope de Vega?

12 A. Yes.

13 Q. Approximately what time?

14 A. That was early in the morning, 1:00 or 2:00 a.m.

15 Q. Where did Fonseca go to?

16 A. He went to his house.

17 Q. Which house was that?

18 A. On Hidalgo Avenue.

19 Q. Did Fonseca stay at that residence at Hidalgo that
20 evening?

21 A. Yes, he spend the rest of the morning there.

22 Q. So now are we at the morning of February 8?

23 A. Yes.

24 Q. Did you and the other bodyguards also stay at Hidalgo?

25 A. Yes.

1 Q. That morning of February 8th, are there any telephone
2 calls to the Hidalgo residence?

3 A. Yes, there must have been around seven or eight, more or
4 less. The phone rang. And since it rang in other occasions,
5 I felt tempted to pick it up.

6 Q. Did you pick it up?

7 A. Yes.

8 Q. Did you hear who was on the line?

9 A. Yes. When I picked it up, I think Ernesto had picked
10 it up already. And you could hear the voice of Rafael
11 Caro-Quintero, he was telling Ernesto Fonseca, "Comrade, we
12 want you to come here to Lope de Vega because what was to
13 happen already did."

14 Q. After that phone call, did Fonseca leave the Hidalgo
15 house?

16 A. Yes.

17 Q. Did he take you and other bodyguards?

18 A. He told the bodyguards to go and, "We should go and see
19 what those sons of bitches have done."

20 Q. When he said that, was he angry?

21 A. Yes, he was already angry.

22 Q. Thereafter did you return to Lope de Vega?

23 A. Yes.

24 Q. What happened when you got to Lope de Vega?

25 A. When we got to Lope de Vega, outside of the house we

1 parked the vehicles. Ernesto Fonseca got out of his Gran
2 Marquis and went into the house off Lope de Vega. Then
3 Samuel Ramirez Razo went in, also into the house. But he
4 came out shortly thereafter.

5 Samuel Ramirez Razo came out smoking a base
6 cigarette and he leaned on the Gran Marquis of Ernesto
7 Fonseca. We, the bodyguards, approached Samuel Ramirez Razo
8 and also there were bodyguards of Rafael Caro-Quintero, El
9 Fantasma and La Changa. El Fantasma was making a comment to
10 Samuel Ramirez Razo, telling him that they had gone too far
11 and pointing to La Changa.

12 El Fantasma told Samuel Ramirez Razo, "This son of
13 a bitch, he went too far. With a bar he hit him on his head
14 and stuck it."

15 Then Ernesto Fonseca came out very quickly from
16 the house at Lope de Vega, followed by Javier Baldivar.

17 Q. Now when Fonseca exits the house, was he still angry?

18 A. Yes. He came out even more angry.

19 Q. What does he do?

20 A. Javier Baldivar followed after Mr. Fonseca and Javier
21 Baldivar told Mr. Fonseca, "Wait a minute Comrade." Ernesto
22 Fonseca replied to Javier Baldivar, "You're going to take
23 care of that mess, sons of bitches."

24 Q. Fonseca, after that, did he leave Lope de Vega?

25 A. Yes. He got into his Gran Marquis and sped away.

1 Q. Did you and the other bodyguards follow him?

2 A. Yes.

3 Q. And where did Fonseca go to?

4 A. Once again to his house at Avenida Hidalgo.

5 Q. I'd like to direct your attention to the latter part of
6 February of 1985, Mr. Lopez. Are you familiar with the
7 residence called the Loma Bonita Apartments?

8 A. Yes.

9 Q. At this date were you at those apartments with Fonseca?

10 A. Yes.

11 Q. And were other bodyguards of Fonseca there?

12 A. Yes.

13 Q. At any point, Mr. Lopez, did you have to leave the Loma
14 Bonita Apartments?

15 A. Yes. Because I had a problem at my house with my
16 family.

17 Q. What was the problem?

18 A. Well, I had talked on the phone with my wife and she
19 told me she was having some problems with some gang members
20 that would gather in the neighborhood and would bother the
21 family during every night.

22 Q. Did you decide to rejoin your family then?

23 A. I mentioned this to Samuel Ramirez Razo. I told him --
24 I mentioned the problem that I had with my family. Samuel
25 Ramirez Razo told me that at that time I couldn't leave

1 because Ernesto Fonseca was busy.

2 Q. Mr. Lopez, did you then ask Fonseca permission to leave?

3 MR. RUBIN: Objection.

4 THE COURT: Sustained.

5 Q. BY MR. MEDRANO: Did you leave that residence at some
6 point?

7 A. Yes.

8 Q. Did you take anyone with you?

9 A. I took Jorge Godoy and Jorge Hernandez La Petunia.

10 Q. And the three of you left that residence?

11 MR. RUBIN: Objection; asked and answered.

12 THE COURT: Sustained.

13 THE WITNESS: "Si."

14 Q. BY MR. MEDRANO: Where did you go?

15 A. We went toward my house.

16 Q. And did you ends up dropping the other two people off?

17 MR. RUBIN: Objection; relevance.

18 THE COURT: Sustained.

19 MR. MEDRANO: I'll move on, Your Honor. If I may
20 have just a moment.

21 Q. Mr. Lopez, after this problem with your family, did you
22 rejoin Ernesto Fonseca?

23 A. Yes.

24 Q. Directing you to the month of March of 1985, were you
25 with Fonseca that month?

1 A. Yes.

2 Q. Did Fonseca stay at different residences?

3 THE INTERPRETER: Excuse me, counsel?

4 Q. BY MR. MEDRANO: Did Fonseca stay at different
5 residences?

6 A. Yes.

7 Q. Approximately how many?

8 A. About eight approximately.

9 Q. At any point, sir -- strike that.

10 Directing you to April of 1985, did Fonseca ever
11 go to Puerto Vallarta?

12 A. Yes.

13 Q. Did you and the other bodyguards go with him?

14 A. Yes.

15 Q. Did Jorge Godoy go with you?

16 A. Yes.

17 Q. In Puerto Vallarta, were any of these individuals
18 arrested?

19 A. They were all arrested.

20 Q. Were you arrested?

21 A. No.

22 Q. Were you able to escape?

23 A. Yes.

24 Q. After that, sir, did you return to the City of
25 Guadalajara?

1 A. Yes.

2 Q. And you stopped working for Fonseca?

3 A. No, because I heard through the media they had been
4 arrested.

5 Q. But you were no longer working for them?

6 A. No.

7 MR. MEDRANO: One moment, Your Honor.

8 (Pause in proceedings.)

9 Q. When was it, Mr. Lopez, that you arrived in Los Angeles
10 from Mexico?

11 A. Well, I arrived the beginning of '92, the first month
12 of '92.

13 Q. Did you arrive with your family?

14 A. Yes.

15 Q. And have you been in Southern California since then?

16 A. What was that?

17 Q. Have you been in Southern California since you arrived
18 in January?

19 A. Yes.

20 MR. MEDRANO: May I just have one moment, Your
21 Honor? Just about done.

22 (Pause in proceedings.)

23 Q. BY MR. MEDRANO: Mr. Lopez, after arriving in Los
24 Angeles, were you given immunity for your testimony?

25 A. Yes.

1 Q. Are you currently receiving money from the United
2 States?

3 A. Just to eat with my family.

4 Q. And how much are you getting?

5 A. They're giving me three dollars -- \$3,000 a month.

6 MR. MEDRANO: One moment, Your Honor.

7 (Pause in proceedings.)

8 MR. MEDRANO: That concludes direct, Your Honor.

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

10
11 CROSS-EXAMINATION

12 BY MR. MEDVENE:

13 Q. When did you last see Jorge Godoy?

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

15 Q. See him this month?

16 A. No.

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

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

19 THE COURT: Sustained. Strike that.

20 You may answer.

21 Do you understand the question?

22 THE WITNESS: Could you repeat it, please.

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

25 A. Through the media.