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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
HONORABLE EDWARD RAFFEDIE JUDGE PRESIDING

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 RAFAEL CARO-QUINTERO, et al.,)
)
 Defendants.)

Case No. CR-87-422-ER

COPY

REPORTER'S TRANSCRIPT OF PROCEEDINGS
LOS ANGELES, CALIFORNIA
WEDNESDAY, DECEMBER 16, 1992

MARY TUCKER, CSR 9308
Official Court Reporter
429-D U.S. Courthouse
312 North Spring Street
Los Angeles, Calif. 90012
213/687-0530

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1 APPEARANCES:

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3 For the Plaintiff:

4 TERREE A. BOWERS
United States Attorney
5 ROBERT BROSIO
Assistant United States Attorney
6 Chief, Criminal Division
JOHN CARLTON
7 Assistant United States Attorney
MANUEL MEDRANO
8 Special Assistant United States Attorney
312 North Spring Street
9 Los Angeles, California 90012

10
11 For the Defendant:

12 JAMES E. BLANCARTE
MARY FULGINITI
13 JEFFER, MANGELS, BUTLER & MARMARO
2121 Avenue of the Stars
14 10th Floor
Los Angeles, California 90067
15 - and -
EDWARD M. MEDVENE
16 JACK R. LUELLEN
MITCHELL, SILBERBERG & KNUPP
17 11377 West Olympic Boulevard
Los Angeles, California 90064
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EXHIBITS: NONE

1 LOS ANGELES, CALIFORNIA; WEDNESDAY, DECEMBER 16, 1992

2 (9:30 AM)

3 (Jury out.)

4 THE COURT: Let the record show that the Court has
5 convened without the presence of the jury. The defendant
6 and all counsel are present.

7 I want to settle the jury instructions at this
8 time. I commend counsel on having agreed on virtually all
9 of the instructions to be used in this case.

10 With respect to those which objection was made,
11 the one instruction regarding the treatment of the
12 testimony of a perjurer, I will give that instruction.

13 The other instructions that have been requested by
14 the defendant, the one relating to absence of witness, this
15 is something that may be argued, but need not be in the
16 form of an instruction. I will not give that.

17 And the instruction relating to weaker or less
18 satisfactory evidence, similarly, that may be argued by any
19 counsel on either side, if appropriate under the evidence.
20 But the Court does not see any need to have an instruction
21 on it.

22 The remaining instructions upon which you have
23 agreed appear to be satisfactory, and the Court will give
24 those instructions.

25 Now, is there anybody who wishes to be heard

1 regarding that?

2 MS. FULGINITI: No, Your Honor.

3 THE COURT: All right.

4 MR. CARLTON: No, Your Honor.

5 THE COURT: How much time does the government
6 require, or believe they require, for the argument?

7 MR. MEDRANO: For this opening portion, Your
8 Honor, tops, an hour and a half, if not less than that.

9 THE COURT: And the Defendant? How much time did
10 I give you in the last case?

11 MR. MEDRANO: The last case, Your Honor, three
12 hours opening, two hours rebuttal.

13 MR. MEDVENE: My thought overall is we'd like the
14 same amount as the prosecution. I thought approximately
15 two hours; but the one thing we want to make sure of, Your
16 Honor, is that if we don't finish on both sides before the
17 lunch break, that we have an opportunity to argue after the
18 lunch break, so that's the only thing that --

19 THE COURT: Well, you may leave that to the Court,
20 Counsel.

21 MR. MEDVENE: Yes, Your Honor.

22 MR. MEDRANO: In addition, Your Honor, may I ask
23 the Court's guidance. Mr. Medvene indicated that he would
24 prefer that I not look at his flip charts until we finish
25 our closing. At this point, my only concern is what

1 happened in the opening statement, is I want to make sure I
2 have at least a minute to do that before he begins, and I
3 just wanted to flag that for the Court.

4 Of course, I can look at them now, but Mr. Medvene
5 prefers that I not until I finish my portion.

6 THE COURT: What is the point?

7 MR. MEDRANO: Your Honor, he examined ours. We
8 would like to peruse his to make sure --

9 THE COURT: Each side should be able to look at
10 the others.

11 MR. MEDVENE: I'm sure it will probably be -- I'm
12 not sure, but if we take a one-minute break, they can take
13 a look at ours, and what we are going to argue. Just take
14 them a minute to look at them.

15 THE COURT: All right.

16 MR. MEDVENE: I took a minute this morning. It's
17 like what we're going to argue. I just didn't want to tell
18 them the whole argument.

19 THE COURT: Why not?

20 MR. MEDVENE: Because he has rebuttal to argue.
21 It's just going to take him a minute to look at it.

22 THE COURT: Let him look at it, Counsel.

23 Now, I want to take up something that is very
24 disturbing to me, and that is this statement that you
25 submitted to the Court under seal on Monday morning, which

1 in the view of the Court was clearly -- contained
2 exculpatory information with respect to Dr. Alvarez, and
3 which has been in the hands of the United States Government
4 since September the 9th, 1992, and which is, in the view of
5 the Court, contains clearly exculpatory information that
6 should have been provided to the defendant.

7 I am disturbed by the sequence of events under
8 which this came to surface.

9 First of all, on Thursday afternoon, I indicated
10 orally that after defendant had made a motion for judgment
11 of acquittal, that it had some merit in the view of the
12 Court. And I asked you to prepare a brief addressing it.
13 You then told me the other day this statement came into
14 your hands that very night, Thursday night.

15 It raises a question in my mind whether there's
16 any connection between the indication about the motion for
17 judgment of acquittal, and the fact that this came into
18 your hands for the first time Thursday night when it had
19 been taken by Special Agent Arthur V. Werge, Jr., on
20 September the 9th, 1992.

21 Then after the judgment was granted, you argued
22 that this is now moot. It is not moot in the view of the
23 Court.

24 First, the statement that is taken is from a
25 former Mexican Federal Judicial Police officer, who was

1 involved in the investigation of the Camarena case in
2 Mexico, and questioned the suspect.

3 Among other things, this person said that in his
4 questioning of subjects, he was able to determine that a
5 Dr. Gonzalez, later identified as Fidel Kosonoy, the
6 personal physician of Rafael Caro-Quintero, was present
7 during the torture of Camarena, and, in fact, assisted by
8 keeping Camarena alive during the long interrogation.

9 This is the conduct which your indictment accused
10 Dr. Alvarez of. It seems to me that any government agent
11 knowing that that case was pending, and soon to go to
12 trial, would realize that this was the type of information
13 that should be provided to the defense counsel, yet it did
14 not surface until the day that the Court granted the
15 judgment of acquittal.

16 So an ugly thought runs through the Court's mind,
17 whether it would have surfaced at all had that not
18 occurred.

19 I want you to address some of these concerns that
20 I have. Number one, I want you to explain to the Court why
21 this information, which if true, is exculpatory of Dr.
22 Alvarez, and corroborates the testimony that he gave in
23 Court. Why this was not disclosed sooner, since it was
24 taken on September the 9th, 1992?

25 Do you have personal knowledge of why this was not

1 brought forward?

2 MR. MEDRANO: Yes, Your Honor, if I can apprise
3 the Court of the chronology, because I very much want to
4 sway any concerns the Court may have that anything wrong
5 occurred here.

6 This informant, first interviewed by the D.E.A. in
7 April of '91 -- you have the D.E.A. report. We had that
8 D.E.A. report. If you look at it, there is absolutely no
9 reference to any Dr. Kosonoy. There is -- it has nothing
10 to do with that.

11 THE COURT: Yes.

12 MR. MEDRANO: So it was our judgment call at that
13 juncture, which we still feel is accurate, that it's mere
14 intelligence information. It serves no purpose. It's not
15 exculpatory.

16 Furthermore, Your Honor, you can glean from the
17 D.E.A. Six, it was derived by torture of individuals in
18 Mexico.

19 We finished on Thursday last week, you may recall.
20 Mr. Carlton and I returned to my office, and we received a
21 telephone call later in the -- late afternoon from the
22 Department of Justice Narcotics Section back in Washington,
23 D.C., advising us of the existence again of this informant,
24 and of an additional interview done in September by the
25 F.B.I.

1 That is the first time on Thursday night, Your
2 Honor, that Mr. Carlton and I learned that the F.B.I. in
3 another state had conducted a further interview of that
4 same C.I.

5 We immediately asked for the pertinent 302 Report,
6 which is attached as Exhibit B. We got it late Thursday.
7 We reviewed it, and that's the first time there is any
8 reference to this other doctor, a Dr. Kosonoy.

9 Now, if you review that 302, it further
10 establishes that this C.I. derived all of his information
11 through torture of Mexican suspects, including putting
12 their feet in these microwave ovens, and other forms of
13 torture.

14 Nonetheless, just as you've treated other Mexican
15 declarations, and you know there's hundreds of them, Your
16 Honor, in this case, and in prior trials the defense has
17 tried to admit them, but we all know that --

18 THE COURT: Do you view it as your responsibility
19 to determine the reliability of this information before you
20 disclose it?

21 MR. MEDRANO: Well, Your Honor, no, because it
22 was, we felt that we should let you know when we learned of
23 the F.B.I. interview. We got it late Thursday. You gave
24 us marching orders Thursday afternoon to prepare this Rule
25 29 Motion.

1 To be candid with you, Mr. Carlton and I worked on
2 that throughout the entire weekend; and in addition to
3 that, we put together that in-camera filing, and both
4 documents were delivered to you simultaneously in chambers
5 Monday morning at 8:00 o'clock.

6 THE COURT: Do I understand that this doctor, who
7 was identified by this informant, is presently in the
8 United States in prison?

9 MR. MEDRANO: Yes, Your Honor. As my papers
10 indicate, because we did further investigation, and we
11 found that out, as our papers indicate.

12 THE COURT: Where did it come from? Who sent it
13 to you?

14 MR. MEDRANO: Again, Your Honor, an attorney, the
15 Department of Justice, Major Narcotics Section.

16 THE COURT: So it was in the Department of Justice
17 since September the 9th?

18 MR. MEDRANO: Evidently, Your Honor, but Mr.
19 Carlton and I and the Leyenda Team did not know of its
20 existence.

21 MR. CARLTON: Your Honor, my understanding, based
22 on telephone conversations I had Thursday evening, and
23 again, this is just through these conversations, was that
24 those materials were sent by F.B.I. Phoenix to DOJ that
25 same day, on Thursday. I don't know what it was that

1 prompted the F.B.I. in Phoenix to get in touch with the
2 Department of Justice; but my understanding is that it was
3 that day that those materials were sent to DOJ, and it was
4 that evening that DOJ contacted us. And outside of that --

5 THE COURT: You mean it wasn't at the Department
6 of Justice prior to that day?

7 MR. CARLTON: I don't believe so, no.

8 THE COURT: Where do you believe it was?

9 MR. CARLTON: I believe it was in F.B.I., Phoenix.

10 THE COURT: What is your belief based on? What
11 precipitated the F.B.I., Phoenix on the eve of the
12 discussion about the judgment of acquittal and suddenly
13 surfacing with this document and sending it in?

14 MR. MEDRANO: I think I have something to add
15 there, Your Honor, because I had a chance to speak to the
16 F.B.I. agent who drafted the 302 Report that you have; and
17 evidently, that, if my recollection is correct, that F.B.I.
18 agent out of Arizona, Mr. Werge, was working with that
19 Department of Justice attorney on an unrelated narcotics
20 case. That attorney asked for any pertinent reports
21 generated by that particular informant. Mr. Werge sent
22 them to that DOJ attorney, and maybe that's when the light
23 started flashing that the Camarena trial was in progress,
24 and then that attorney reached out to myself and Mr.
25 Carlton when we got out of court late Thursday.

1 So, armed with that information, we got the
2 report, we filed it with you as quickly as we could, Monday
3 morning, at the same time you got the Rule 29. And as Mr.
4 Carlton indicated, Your Honor, the first time Mr. Carlton
5 and I and any member of the Leyenda Team was aware of that
6 302 Report, was after we got out of court on Thursday
7 afternoon.

8 THE COURT: Well, Counsel, I believe this report
9 should be disclosed to counsel.

10 MR. MEDRANO: Well, Your Honor, if I just may be
11 heard on that before you make that ruling.

12 THE COURT: Yes.

13 MR. MEDRANO: Briefly --

14 THE COURT: I mean, the part about Dr. Alvarez is
15 not his concern, but there are other things in there.

16 MR. MEDRANO: I realize that, Your Honor. Just
17 two things to highlight for the Court.

18 As is manifested from the documents you have, all
19 of those statements which the C.I. has stated to Mr. Werge,
20 F.B.I. Agent Werge in Arizona, were elicited through the
21 torture and interrogation of Mexican suspects. So the
22 manner in which the information was elicited calls into
23 question their veracity.

24 In addition, Your Honor, we ask the Court to
25 question the veracity of the informant that's providing the

1 information. This is an individual that's incarcerated,
2 apparently on Federal narcotics charges, query what motive
3 this person had to give this information, but it's utterly
4 unreliable. Your Honor, it is no more reliable than other
5 Mexican declarations that --

6 THE COURT: But is reliability the test?

7 MR. MEDRANO: Well, Your Honor, I think --

8 THE COURT: Is that your understanding, that the
9 government must first determine that this information is
10 reliable before it is required to disclose it under Brady?

11 MR. MEDRANO: I think it's sort of a totality of
12 circumstances approach, Your Honor. I think it's one
13 factor to consider. Clearly, we have some concerns, and
14 that's why we gave it to you in-camera. But we think it
15 does -- it's intelligence information solely -- it's not
16 exculpatory as to Mr. Zuno in any form or fashion.

17 THE COURT: Well, do you know if any further
18 investigation was done regarding this doctor?

19 MR. MEDRANO: That I don't have an answer to, Your
20 Honor. I'd have to find that out for you. I don't know.

21 The point is, Your Honor, it doesn't exculpate Mr.
22 Zuno in any way, as you can tell from the document. It
23 solely had to do with this Dr. Kosonoy, and arguably
24 Alvarez-Machain. It was obtained through torture, but has
25 nothing to do with this Defendant, Your Honor.

1 MR. MEDVENE: They can say it has nothing to do
2 with Mr. Zuno, but they've put Romero on the stand who
3 places Zuno at the house. The first time in seven years
4 anybody places him at the house. They got a witness under
5 their control that they haven't hold us who I believe would
6 say he doesn't know Zuno, and Zuno was never at the house;
7 and now for the first time we are hearing about that. And
8 they're talking about a narcotic dealer. They've got to
9 verify his information. How about the two witnesses they
10 put on, Judge?

11 They're sitting with a witness that we, at a
12 minimum, ought to be able to argue they're sitting with.
13 He is under their control. They haven't put him on. And
14 the inference from that is that Mr. Zuno was not at the
15 house and he would so testify, which undermines one of
16 their two witnesses. It's directly probative to us.

17 THE COURT: I think the information should be
18 disclosed to counsel.

19 MR. MEDVENE: We think at a minimum, Your Honor,
20 that we be ought to be able to argue. I mean, we think we
21 ought to have had an opportunity to question this witness
22 and put him on to undermine their witness; but at a minimum
23 at this late date, if Your Honor would not permit that, we
24 think we ought to be able to argue that they have a man in
25 custody who was there on the 8th, and they have not put him

1 on and: Jury, you figure out why they haven't put him on.
2 They haven't put him on because he wouldn't identify Zuno.

3 THE COURT: There's no evidence in the record that
4 would permit that argument to be made.

5 MR. MEDVENE: Well, that's why I raise it to Your
6 Honor, but there apparently --

7 THE COURT: It's not -- pardon me?

8 MR. MEDVENE: There apparently -- unless I
9 misunderstood, there apparently is evidence that they
10 have -- unless I misunderstand -- that they have this
11 witness in custody.

12 THE COURT: They have the informant's statement.

13 MR. MEDVENE: But isn't the doctor in custody?

14 THE COURT: That's what I understand.

15 MR. MEDVENE: In the United States?

16 THE COURT: That's right.

17 MR. MEDVENE: And they know he is here. They
18 could get him here, and he's not here. And I think we
19 ought to be able to argue that. Directly it goes to their
20 witness. It's the only person ever put us at the house.

21 THE COURT: Well, I don't think you can argue it
22 from the state of the record.

23 MR. MEDVENE: Well, but I ask, since the
24 government -- since this has not been available to the
25 Court up to now, that something extraordinary should be

1 done, and I would think at a minimum there ought to be some
2 statement to the Court that the -- this man is under the
3 control of the government, and --

4 THE COURT: Well, how do you know that, he is
5 under the control?

6 MR. MEDVENE: He's in prison here. I take it,
7 it's a federal prison.

8 THE COURT: I'm not sure whether it is federal or
9 state. I think it is Federal.

10 MR. MEDVENE: I would --

11 MR. MEDRANO: Your Honor, just so you'll know, the
12 informant that gave those statements is already serving
13 Federal time in the United States. The reference to this
14 other Dr. Kosonoy, he evidently is facing Federal charges
15 as we speak.

16 THE COURT: He is not in prison?

17 MR. MEDRANO: He is here -- I don't know where he
18 is, but he is in prison in the United States facing
19 narcotics charges.

20 THE COURT: He is facing other charges?

21 MR. MEDRANO: Other unrelated charges; correct.

22 MR. MEDVENE: We would formally move for a
23 mistrial, Your Honor, based on prosecutorial misconduct.
24 We think it goes to the heart of their case. It goes to
25 their main witness who says -- the only person ever said

1 we're at the house, and they're sitting with a witness.
2 God knows if he were to say we were to be at the house,
3 he'd be here. He'd be here and he'd probably then be on
4 his way back to Mexico.

5 I mean, they let murderers go. So they're holding
6 that witness, and we think a mistrial is appropriate; and
7 if you deny that, we think we ought to be able to make the
8 argument, Judge, that this witness is in custody.

9 THE COURT: Counsel, I think I'm going to deny the
10 motion for a mistrial.

11 MR. MEDVENE: Yes, Your Honor.

12 THE COURT: You may not make the argument. This
13 information will be provided to you. You may make whatever
14 use -- I think we should go ahead with the argument, and
15 let this jury decide the case on the evidence that has been
16 presented.

17 MR. MEDVENE: Yes, sir.

18 THE COURT: Thereafter, you may make any
19 post-trial motions that you think are appropriate.

20 MR. MEDVENE: Yes, Your Honor.

21 THE COURT: All right. The clerk will summon the
22 jury.

23 (Jury in.)

24 THE COURT: Good morning.

25 THE JURY PANEL: Good morning, Your Honor.

1 THE COURT: Ladies and gentlemen of the jury,
2 we've reached that point in the trial now where counsel
3 will be given an opportunity to present their closing
4 arguments to you.

5 I want to remind you that the statements which
6 will be made by counsel during the closing argument are not
7 evidence. The evidence is what you have heard and seen
8 presented here in the courtroom during the trial. And
9 ultimately you must determine the facts from that evidence.

10 The arguments of counsel are helpful, and they
11 should be considered. They are not binding upon you. If
12 you have seen the evidence differently, or you recall
13 testimony differently than that stated by counsel, you
14 should rely on your only memory of the facts, and when you
15 go to decide this case, you will have to decide it on your
16 own recollection of the events that have been presented to
17 you during the trial.

18 Similarly, if counsel make any reference to the
19 pertinent law, which later appears to you to differ from
20 the Court's instructions, you, of course, will follow the
21 Court's instructions about the law.

22 Now, counsel for the government has the first
23 opportunity. Mr. Medrano, you may begin.

24 MR. MEDRANO: Your Honor, may it please the Court,
25 opposing counsel, ladies and gentlemen of the jury, good

1 morning.

2 In 1983, 1984, and 1985, the City of Guadalajara,
3 State of Jalisco, the Republic of Mexico, it was frankly a
4 period of madness. It was a time something reminiscent out
5 of the American Old Wild West. You had a city, the City of
6 Guadalajara, that was completely controlled by and within
7 the grips of palatal, violent narcotic traffickers.

8 Ladies and gentlemen, these were traffickers that
9 did whatever they wanted, whenever they wanted, and they
10 did so because, frankly, they considered themselves beyond
11 the reach of the law. And candidly in those frenetic days
12 of '84 and '85, they were.

13 Now, the operations of the traffickers were
14 supported and facilitated by corrupt government Mexican
15 officials. In the City of Guadalajara alone, virtually
16 every law enforcement agency was touched. The Mexican
17 Federal Judicial Police, the M.F.J.P., they handled
18 narcotics investigations. The D.F.S., the Direccion
19 Federal de Seguridad, they handled political
20 investigations. The State Judicial Police, the Municipal
21 Police, the Military, every one in Guadalajara was on the
22 payroll, in law enforcement, of the Mexican traffickers
23 Cartel.

24 Now, this corruption extended in Guadalajara all
25 the way to the Governor's Mansion. Governor Enrique

1 Alvarez del Castillo, the Governor of Jalisco, when these
2 heinous events occurred, was also involved and part and
3 parcel of this Cartel.

4 And finally, ladies and gentlemen, the tentacles
5 of this corruption extended all the way to the corridors of
6 the capital, Mexico City. And there it touched, amongst
7 others, Manuel Bartlett-Diaz, Minister of the Interior.
8 Juan Arevalo-Gardoqui, Minister of Defense.

9 Into this den of wolves in Guadalajara, came the
10 courageous agents of the Drug Enforcement Administration,
11 the D.E.A. These were courageous people who were willing
12 to serve their country by serving on a foreign coast.

13 The Guadalajara D.E.A. office didn't have many
14 men, had limited resources, they had no authority to
15 arrest, but what they could do they did well. They
16 developed informants, they developed intelligence
17 information, and they did one more thing, which ironically
18 in this particular case led to the demise of Kiki Camarena,
19 and that was the mandate to work closely with and share
20 information with their Mexican law enforcement
21 counterparts, which in this case, in this timeframe, we
22 know those people were corrupt.

23 Ruben Zuno-Arce, this gentleman in the light blue
24 sweater to my right, he had a particularly unique role in
25 this Cartel. He had a role in the Cartel, he had a role in

1 the conspiracy to kidnap and murder Kiki Camarena. But
2 regardless of the Cartel, he was a trafficker in and of
3 itself. Dealt in marijuana. You heard testimony to that
4 effect, and I will cover it in more detail in a moment.

5 Second of all, he had not insignificant government
6 connections. You've heard testimony, among other things,
7 that he was a former government official, and in addition,
8 was the brother-in-law of the former president of the
9 Republic of Mexico from 1970 to 1976, Luis Echeverria.

10 Mr. Zuno also had a role in the kidnapping. You
11 have heard evidence, and we'll cover it again briefly just
12 a short time from now, but this man, Mr. Zuno, was involved
13 in numerous preabduction meetings. A substance of the
14 conversation of these meetings was to ascertain who this
15 agent was, and to do something about it.

16 The D.E.A. Office in Guadalajara, they had four
17 agents in early 1985: James Kuykendall, Alan Bachelier,
18 Victor Wallace, and Kiki Camarena. Now, Kiki Camarena is
19 in his late 30's, basically been in law enforcement most of
20 his life. Married, kids. Was easily the hardest working
21 agent in that office. You heard that from fellow agents
22 that testified in this case. And he burned out, because,
23 as you heard in this case, he received his transfer orders.
24 In late February of 1985, he was to transfer to the City of
25 San Diego, where he would join the office there for the

1 D.E.A. in early March of 1985.

2 You also heard of another man in this case Alfredo
3 Zavala. This was an informant that worked closely with
4 Camarena. He was a pilot. You recall the testimony. It
5 was through the assistance of this pilot, Alfredo Zavala,
6 that they found those initial marijuana fields in the State
7 of Zacatecas.

8 The defense in this case, you know, they say
9 sometimes that fiction -- that truth is stranger than
10 fiction, and I can't think of a better situation than the
11 facts you've heard in this particular investigation.

12 We know, cause you've heard the testimony to this
13 effect, that Kiki Camarena on the morning of February 7th,
14 1985 left his home to go to work. He was supposed to have
15 a 2:00 o'clock luncheon with his wife. He walked out of
16 the office at 2:00 o'clock, and he was never seen alive
17 again by fellow agents or Mrs. Camarena.

18 February 8th, 6:30 in the morning, telephone call
19 from Mrs. Camarena to Victor Wallace. "Kiki isn't here.
20 Do you know where he is?"

21 Wallace called James Kuykendall. Kuykendall
22 immediately goes to the Guadalajara D.E.A. office at the
23 U.S. Consulate. There's Kiki Camarena's truck. The alarm
24 is off. The doors are open. And there is dew everywhere
25 outside the vehicle, but not underneath, suggesting that

1 the vehicle had been there all night.

2 This concerns Agent Kuykendall. He gets on the
3 phone. He starts calling other agents from Guadalajara to
4 come in. They start doing a quick investigation. They
5 immediately reach Mr. Ed Heath, who is the Country Attache,
6 which means that he is the agent in charge of all the
7 D.E.A. agents in Mexico, to apprise him of what is going
8 on.

9 He, Lugo, and others start apprising their
10 counterparts, the M.F.J.P., among others, Manuel
11 Ibarra-Herrera. You've heard this name frequently. This
12 man was the director of the M.F.J.P. at this time. Think
13 of it this way, it would be the counterpart to the Director
14 of the F.B.I. here in the United States.

15 Mr. Heath and Mr. Lugo implore the M.F.J.P. to
16 assist. Their initial reaction is no. They continue to
17 press, and finally Mexico City M.F.J.P. agrees to send
18 agents, M.F.J.P. agents, to the City of Guadalajara.
19 That's done. But not in a timely fashion.

20 You remember some of the testimony you've heard in
21 this case. Lugo, particularly. Lugo's in Mexico City.
22 They want Florentino Ventura to run this investigation.
23 They feel he can do it. He's the man. Lugo had seen him
24 in action on other occasions.

25 Manuel Ibarra, who you now know was part and

1 parcel of this conspiracy, denies that. And instead
2 appoints Armando Pavon-Reyes. You've heard this name. He
3 was a premier comandante, of which there are only a few in
4 Mexico, and this man who the D.E.A. does not know, and
5 frankly they don't want, who's made -- who's put in charge
6 of the Mexican investigation into the disappearance of Kiki
7 Camarena.

8 And talk about ironies. Not only was Ibarra
9 present at these meetings, but also Pavon, so you have the
10 D.E.A. agents going to the very officials who knew where
11 Camarena was on that day, begging and imploring for their
12 assistance. It's like moving mountains.

13 Lugo implores Pavon, "Get to Guadalajara, get
14 started." You remember what he told him, what Pavon told
15 Lugo, because this was what Lugo's testimony was. First
16 Pavon says, "Well, I can't catch a flight," and Lugo
17 reminds him, "There's flights every hour from Guadalajara
18 to Mexico City. "

19 Then Pavon says, "Well, the airlines won't cash my
20 paycheck, so I can't pay for the ticket." Lugo is
21 dismayed. And this was his testimony, because Lugo then
22 tells Pavon, "You know, if you guys wanted to get from here
23 to there, you can do it. Take the Attorney General's jet."

24 Lo and behold, February 9th, in the morning,
25 Pavon-Reyes finally arrives in Guadalajara.

1 Now, let's bring Agent Sal Leyva into the picture
2 at this point. One of the agents that testified for you in
3 this case. He, like other D.E.A. agents, was brought in to
4 assist with the investigation. Agent Leyva got in early on
5 the 9th, around 4:00 o'clock in the morning, I believe.
6 goes straight to the Consulate, then to the M.F.J.P.
7 office, and he and Kuykendall and other D.E.A. agents are
8 there, and they want this thing to get moving. Precious
9 time is escaping. The M.F.J.P. is doing nothing.

10 February 9th, Pavon straddles in and takes his
11 time. Leyva told you that they're giving him information.
12 Well, maybe we can check out this informant. Maybe we can
13 go raid this house. Nothing is done that morning, nothing.
14 Slaps in the face.

15 At one point, Pavon says, "Well, go rent me 15
16 vehicles," and Sal Leyva told you, "I just saw that many
17 M.F.J.P. cars parked outside."

18 Fine. They go and rent the cars. Finally, at
19 around two or three o'clock in the afternoon of February
20 9th, Pavon just runs out the door of the M.F.J.P. "Let's
21 go," he says.

22 Leyva asks, "Where are we going?" No response.
23 They get into the cars. They start a caravan, around 15 or
24 20 vehicles, and those vehicles go in unison, in a convoy,
25 to the Guadalajara International Airport. And then this

1 occurs. They go to one of the hangers. Pavon literally
2 jumps out of his car. And the first words out of his mouth
3 to all his M.F.J.P. troops, who, by the way, are armed with
4 AR-15 semi-automatic rifles, while Sal Leyva has his
5 pea-shooter of a Smith and Wesson .38, six rounds.

6 Pavon jumps out of the car and yells, in Spanish,
7 "Camara Rotundo," "chamber a round." And suddenly you
8 hear the cacophony of many semi-automatic rifles, with a
9 bullet being put in there, to get ready for action.

10 Pavon starts running in the direction of a jet,
11 followed by everybody, including Leyva. No one knows what
12 is going on. They find a Falcon Jet, blocked right in
13 front of it by seven or eight heavily armed men, and right
14 smack dab in the middle is Rafael Caro-Quintero, one of the
15 leaders of this narcotic Cartel.

16 Remember the descriptions of the hardware that
17 those men surrounding Caro had? AK-47's, automatic rifles.
18 In Spanish they're nicknamed "Cabra bocina." With round
19 drum magazines that could hold up to a hundred rounds. Sal
20 Leyva said he had never seen anything like that in his
21 life. And these men are having a stand-off with the
22 M.F.J.P. officers and the D.E.A. agents. It's an
23 incredibly tense situation, something like out of a movie.
24 Both sides are screaming at each other, "Drop your
25 weapons." "No, you drop yours." "Who's in charge?"

1 Finally, Pavon walks from his men, and he goes up
2 to Caro-Quintero, and they shake hands, they embrace
3 slightly. They talk. Pavon orders his men, "Lower your
4 weapons." They do so. Of course, Caro's men don't.
5 They're still pointing their AK-47's at the M.F.J.P., and
6 then Pavon and Caro-Quintero walk behind near the tail end
7 of the jet, they have a private conversation. Pavon walks
8 back and walks in the direction of the M.F.J.P. hanger, and
9 unbeknownst to him, followed by Sal Leyva, if you recall.

10 He goes to the hanger, and in the meantime
11 Caro-Quintero goes and leans on a station wagon, and right
12 next to him is a man with a shotgun.

13 Remember how Caro's dressed at the airport that
14 day? Basically just dripping with gold jewelry. He had a
15 four or five inch bracelet with rubies and diamonds that
16 spelled "R-1," and you know now what that is. That was the
17 radio call name for Rafael Caro-Quintero, "R-1."

18 Pavon goes to the hanger. He is on the phone. He
19 doesn't know Leyva is behind him, and Pavon is on the
20 phone, very differentially, "Yes, sir. Yes, sir."
21 Obviously, he's talking to his superior, and I suggest to
22 you that superior is Manuel Ibarra-Herrera, the Director of
23 the M.F.J.P. He hangs up, turns around, and is shocked to
24 find Sal Leyva there. In fact, that infuriates him.

25 He bolts out of that hanger, walks back to

1 Caro-Quintero, trailing behind is Sal Leyva. Pavon once
2 again meets with Caro-Quintero. They privately go behind
3 the tail end of the jet. They speak briefly. Then Pavon
4 comes out and tells his men, "No problem."

5 Caro-Quintero is allowed to board that Falcon Jet.
6 You recall the testimony? He is at the doorway of this jet
7 as it is taxiing away, getting ready to take off from
8 Guadalajara Airport. In one hand, a bottle of champagne,
9 in the other hand, an AK-47. He's toasting the M.F.J.P.
10 agents and the D.E.A., and saying, "Next time my children,
11 bring better weapons." And Caro's allowed to escape.

12 Leyva asked Pavon who is this guy, because
13 remember on that day, February 9th, no one in the D.E.A.
14 knew what Caro-Quintero looked like. It wasn't until
15 subsequently when someone was able to identify his photo.
16 And Pavon says, "Oh, that's my friend, Rogelio Munoz
17 (phonetic)."

18 Ultimately, as you know, Caro-Quintero, according
19 to the testimony of the former D.E.A. agent, Don Clements,
20 was arrested in Costa Rica at a residence called La Quinta,
21 I believe. He was arrested with four other men.

22 March 6th, ladies and gentlemen, 1985, the bodies
23 of Kiki Camarena and Alfredo Zavala, the informant, are
24 found side-by-side, thrown on the road, an agricultural
25 road, near the town of Zamora, which is in the State of

1 Michoacan.

2 Agent Joe Gonzalez testified for you he went out
3 there immediately, taken into the morgue in Zamora, two
4 bodies on two different slabs, piles of clothing associated
5 with each body. That's important, because later that ties
6 into the forensic evidence of Mr. Michael Malone of the
7 F.B.I.

8 Then Joe Gonzalez is taken to the site where the
9 bodies were initially found. It's about 1,500 meters near
10 a ranch belonging to the Bravo family.

11 Now, Gonzalez told you it was clear those bodies
12 had not been there long for several reasons. One, this was
13 a well-traveled road, he said, so someone would have found
14 those bodies a hell of a lot sooner.

15 And second of all, there was no body fluids there
16 on the road, suggesting that they had just been dumped.
17 And that's confirmed by Mr. Spencer, Jerry Spencer, the
18 forensic pathologist, who told you that when he finally got
19 to the bodies, in his autopsy, there was no evidence of any
20 insects or maggots, clearly suggesting they had been
21 buried. Therefore insects can't get to them. If they had
22 been left above ground, they would have been reduced to
23 skeletons in no time.

24 Another thing, you know unequivocally that those
25 bodies were dumped there. Do you recall the testimony of

1 Mr. Ron Rawalt with the F.B.I.? He told you that he took a
2 little dirt sample from the right knee of Kiki. He
3 compared that to the soil sample from Zamora where the
4 bodies were tossed, utterly dissimilar. Nothing in common.

5 What he did find, though, is when they went to a
6 location, a grave side, in a park called La Primavera, they
7 took some soil from below ground there, and that soil
8 perfectly matched the soil found on Kiki Camarena. So it
9 was manifest. Ladies and gentlemen, Kiki's murdered,
10 buried in La Primavera Park, the bodies are disinterred and
11 dumped by the road side in Zamora.

12 Jerry Spencer told you the nature of the injuries
13 suffered by Kiki Camarena. I won't belabor it, but
14 briefly, his skull was like a cracked eggshell. His skull
15 had fractures that started in the cheek area called the
16 maxilla bone, which is a thick bone, according to Mr.
17 Spencer. A fist won't break it, maybe even a kick won't.
18 You need some kind of object that has to be swung in a wide
19 arc to break your cheek or maxilla bone.

20 The fractures extended behind the eyeball, called
21 the orbital area, went up the forehead, and entirely up the
22 top and toward the back of the skull. Utterly fractured.

23 Kiki Camarena had a total of eight broken ribs,
24 four on each side. He had a large hole in his skull, which
25 Mr. Spencer initially thought was a gunshot wound. But

1 after further investigation, there was no gun powder
2 residue, no bullet found when they did X-rays. Mr. Spencer
3 concluded that that wound, that hole in the top of Kiki
4 Camarena's skull, about three-eighth by three-eighth inch
5 diameter, was caused by some kind of object going in, which
6 caused the internal bevelling on the inside of the skull,
7 and then it being withdrawn, which created the external
8 bevelling.

9 That, in essence, according to Mr. Spencer,
10 ultimately was the death blow. Kiki Camarena died from
11 multiple blunt force, but the death blow was this bar that
12 was sunk into the top of his head.

13 Now, ladies and gentlemen, I told you very briefly
14 what happened in this case. I would like to share with you
15 the government thoughts on why this happened. You've heard
16 testimony, you know now that there were significant
17 monetary and narcotic losses inflicted upon the Guadalajara
18 narcotics Cartel, of which Mr. Ruben Zuno-Arce was a
19 member. And the Cartel, like any organization or
20 corporation, they're businessmen, they are not stupid. If
21 something is wrong, you got to fix it.

22 We'll come to that in a moment, but there was
23 significant losses suffered by the Cartel. The first one,
24 Zacatecas, very brief. May of 1984, you've heard the
25 testimony of not only James Kuykendall, but an informant by

1 Guadalupe Gamez. Remember what they told you. In May of
2 1984, they developed intelligence information that there
3 was a lot marijuana being grown in the State of Zacatecas.
4 They tell the M.F.J.P., and the M.F.J.P. at first doesn't
5 want to do anything about it.

6 Finally, after a lot of prodding by the D.E.A.,
7 they finally get off their behinds, and they start
8 investigating. Mr. Gamez told you, the informant, that he
9 was ordered by Kiki Camarena to work with the guy named
10 Manuel Chavez, who, now you know, according to Mr. Gamez,
11 was a supervisor for Caro-Quintero and other drug dealers.
12 And what Mr. Chavez did was he was the supervisor for over
13 40 marijuana fields in that state alone.

14 So the informant, Mr. Gamez, hung with him. He
15 was the gopher. He did whatever he was told. Mr. Gamez
16 told you how he witnessed pay-offs to corrupt law
17 enforcement officials in that state. And ultimately the
18 decision is made to take that marijuana down; and in May of
19 1984, that's what happens. Seizes approximately ten tons
20 of marijuana, approximately 6,000 pounds of marijuana seed,
21 about 200 liters of hashish oil.

22 Remember what Mr. Kuykendall told you after the
23 seizure was done. He said that what was unusual about the
24 seizure, a couple of things, one, is we had information
25 that there was supposed to be a lot of employees of this

1 Cartel living at a hotel in the town of Zacatecas. Lo and
2 behold, when this finally is taken down, those people are
3 gone.

4 In fact, Mr. Kuykendall concluded, he felt the
5 Mexicans were not being honest with regard to investigating
6 that seizure, and he told you one more thing that really
7 upset him. There was one or two lower employees, lower
8 level employees, that where arrested. They wanted to talk
9 to Kuykendall and discuss who the financiers of this
10 operation were, and the Mexicans shut that down. They
11 would not let that man be interviewed by the D.E.A.

12 So Zacatecas goes down. There was "Padrino,"
13 translated "the godfather." You heard the agent Tony
14 Ricevuto tell you about many of the losses suffered by the
15 Cartel.

16 But I do want to spend just one minute right now
17 and talk to you about one of the witnesses we called who
18 told you about some of these seizures.

19 Remember a man by the name of Frank Retamoza,
20 Witness Security Program. The first cousin to
21 Felix-Gallardo, another Cartel member, an associate of Mr.
22 Zuno, because he is also at many of these preabduction
23 meetings.

24 Retamoza was almost comical at times. Mr.
25 Retamoza was probably the worst drug dealer that ever

1 lived.

2 Remember, he had a debt owed to him from
3 Felix-Gallardo, because Felix-Gallardo owed Retamoza's
4 mother some money. So Gallardo didn't want to pay him so
5 he gives him initially two kilos of cocaine. Mr. Retamoza
6 told you that he was being candid. "I don't know what to
7 do with this stuff."

8 Gallardo said, "Call this guy named Mike. He'll
9 help you out. He'll help you out."

10 Retamoza gives Mike the two kilos and he never
11 sees him again. Mike ripped him off for the two kilos.
12 Retamoza tells Felix-Gallardo. He gets very upset. He
13 decides -- Gallardo decides to give Retamoza another
14 chance. He gives him four more kilos to try to payoff the
15 debt owed to Retamoza. He can't even get rid of them. He
16 ends up giving most of the cocaine back, and now the tables
17 are turned.

18 Felix-Gallardo announces to his cousin, Retamoza,
19 you owe me now \$160,000 because of the cocaine that was
20 ripped off from you. You got to work it off. That's what
21 Retamoza starts doing.

22 Fortunately, not drug dealing because he was so
23 inept at that, but he was good at something else. One, was
24 accepting deliveries of cocaine hidden in the fuel tanks of
25 vehicles, which were given to him. He would take out the

1 cocaine and pass it on to others for distribution. He did
2 about 40, 60 kilos of that of maybe 18 kilos a shot, you
3 may recall.

4 In addition, he accepted two deliveries of cocaine
5 via aircraft out in the desert someplace, 600 kilos a load.
6 But Frank Retamoza's strength, his talent, lay in
7 transporting money back to headquarters.

8 You may recall that he said he made about 15 trips
9 from L.A. to Guadalajara, at a minimum, no less than \$4
10 million he would carry each time, sometimes more. His own
11 conservative estimate, the times he did this, 150 to 200
12 million dollars in drug proceeds he transported from L.A.
13 back to Guadalajara to Felix-Gallardo and his colleague, a
14 man named Juan Matta.

15 Be that as it may, Retamoza told you about another
16 seizure inflicted pursuant to Operation Padrino. Remember
17 June 22, 1984. It was an Anaheim hotel. There were some
18 crooks there. They counted \$4 million and Retamoza is at
19 his house with another guy named Tomas Vias. They call the
20 hotel to find out what's going on, and this strange guy
21 answers the phone. They do that two or three times, and
22 that really upsets Tomas Vias, because his son is at the
23 hotel.

24 Now, you know what happened, because Retamoza, the
25 agent, came up and testified for you. They did

1 surveillance. They go to that hotel. They get a consent
2 search for one of the rooms. Boom. \$2 million in United
3 States currency. They go to a second room in that hotel.
4 Boom, after a search warrant, \$2.1 million. A total of
5 \$4.1 million lost by the Cartel on June 22 of 1984.
6 Retamoza told you that, and that was corroborated by Agent
7 Ricevuto.

8 And Ricevuto told you about a few other losses
9 with regards to Operation Padrino, at least three. In
10 October and November of 1984, two separate seizures in
11 Arizona of 1,400 kilos of cocaine each. And in November of
12 1984, in West Covina, the seizure of \$3.5 million. All of
13 this belongs to the Cartel, of which Mr. Zuno was a member.
14 These are severe losses being inflicted upon that Cartel.

15 Chihuahua. The numbers with regard to Chihuahua
16 are utterly boggling. Charles Lugo of the D.E.A. took the
17 stand and told you about that situation. They developed
18 intelligence information that out in the middle of nowhere
19 in the desert are these huge fields of marijuana. They
20 tell the M.F.J.P., and their first reaction is, "No, no,
21 no. Your information is exaggerated. It can't be true.
22 Let us look into it."

23 Lugo says, "Uh-uh. We don't want anyone -- we
24 don't want any leaks. We've got to move on this quickly. "
25 Finally Lugo, and I believe Mr. Heath goes to Mexico City

1 to meet with the Deputy Attorney General. They try to
2 cajole him to do something about these marijuana fields in
3 Chihuahua, and all kinds of excuses are raised. "Well, we
4 don't have aircraft. We don't have fuel. We don't have
5 the manpower." Each point Lugo would rebut because he was
6 one of the heads of Operation Padrino, and he knew the
7 resources available, to both the Mexican and to the U.S.
8 government.

9 Ultimately, after a lot of pressure, on or about
10 November 6 or November 7th, this is a go. Lugo told you
11 that he was out in the City of Chihuahua. Miguel
12 Aldana-Ibarra, the Director of Interpol, yet another man
13 who keeps surfacing at the preabduction meetings with Ruben
14 Zuno-Arce. Aldana arrives and they're ready to take off,
15 and he is procrastinating. He keeps -- on the phone, he
16 says he has to get clearance from his supervisor. Lugo is
17 pacing, getting frantic. And finally Lugo says, "You know,
18 I have got men out there in the field, my D.E.A. guys. I'm
19 going up with or without you."

20 And finally, Aldana agrees. They go up in
21 separate helicopters. Before they take off, Lugo's pilot
22 tells him, "I have three hours flying time of fuel."
23 That's going to be important in a second.

24 They go up, and within 15 minutes -- you recall
25 Lugo's words -- he saw the largest marijuana field he had

1 ever seen in his career, 100 hectares at 2.2 acres per
2 hectare. It's huge. Military-style barracks that was a
3 hundred yards long. Electric lines. Water wells. Diesel
4 engines. It was like a little camp, military camp, and you
5 know that -- remember when we played the video of the
6 Chihuahua -- it's called Bufalo -- the Bufalo, Chihuahua
7 seizure, and it was like a little -- it was like a military
8 camp out in the middle of nowhere. Just unbelievable. The
9 magnitude of these marijuana fields out there.

10 So, they find the first field. Aldana comes in,
11 flies in to join them, and Aldana pats Lugo on the back and
12 says, "Okay, we're done. Good job. There's no more."

13 Lugo says, "Uh-uh, we've got to go back up.
14 There's got to be more marijuana out here."

15 Aldana says, "No, we can't."

16 Lugo says, "If we don't go back up, I'm going to
17 have to tell the U.S. Ambassador to Mexico that this job
18 was not completed."

19 Then Aldana goes and talks to his pilot and
20 says -- and then he returns and says, "Well, my pilot says
21 I have only 15 minutes of fuel left."

22 And then Lugo's pilot says the same thing. And
23 Lugo says, "No, we had three hours 15 minutes ago. We have
24 more fuel. Let's go back up." And that's what they do,
25 and they find in a matter of minutes another huge field,

1 this one twice the size of the first one. And you heard
2 the testimony of Agent Celaya. Ultimately what was found
3 and seized, 10,000 metric tons of marijuana. Wholesale
4 street value, \$5 billion. That's a tremendous loss.
5 That's the largest marijuana seizure to date. That was
6 Chihuahua, and that was yet another loss inflicted on the
7 Guadalajara Narcotics Cartel.

8 And finally, briefly, you've heard testimony from
9 a gentleman by the name of Eugene Hostelle. He told you
10 that he worked with, among others, a man named Verdugo.
11 Verdugo worked for Caro, bringing Caro's marijuana to
12 Southern California, via helicopter.

13 Ladies and gentlemen, the bottom line is: The
14 seizures that were being imposed or inflicted upon this
15 Cartel were tremendous. And I submit to you that that was
16 the motive that led to this retaliatory act against Kiki
17 Camarena on February 7th, of 1985.

18 Bear this in mind, however, there were other
19 instances being perpetrated by the Cartel to reflect their
20 unhappiness or dissatisfaction. You've heard testimony
21 about other acts of harassment.

22 Remember Agent Acuna. He was down in Guadalajara
23 with Agent Knabb. They were doing surveillance, trying to
24 find a residence of Felix-Gallardo. They find it.
25 Felix-Gallardo spots them, sends one of the guards after

1 him, and a vehicle is chasing Acuna down this public street
2 in Guadalajara, guns in the air, and badges flashing,
3 telling him to pull over. Acuna, fortunately, and Agent
4 Knapp were able to get out of that situation.

5 Coincidentally, you heard of another act of
6 harassment through Agent Kuykendall. The same Agent Knapp,
7 his car, machine gunned right in front of his house in
8 Guadalajara. He had to be evacuated out of Guadalajara.

9 Another instance Tommy Gomez. Remember he is
10 doing surveillance at the Guadalajara Airport. He's taking
11 photographs of Felix-Gallardo. Felix spots him, sends a
12 Marquis full of guards after him, and Tommy Gomez and his
13 other agent have to flee to safety to the Guadalajara
14 Terminal. After running in there, ultimately they had to
15 call the D.E.A. Headquarters, who had to send armed men to
16 go bring those guys out of the airport.

17 And finally, you've heard Kuykendall tell you that
18 a threat had been conveyed to him, that Felix-Gallardo was
19 upset that they were investigating him, to leave him alone.

20 Ladies and gentlemen, we've shared with you what
21 happened. We've shared with you why it happened, because
22 of these enormous seizures suffered by the Cartel. The
23 next logical question is: How did this come about? How
24 did these people get this plan together to decide to
25 ultimately kidnap and murder Kiki Camarena?

1 Well, you know now. Two witnesses have come
2 forward: Jorge Godoy and Rene Lopez. They were there,
3 first-hand personal observers, and they told you that they
4 knew of five different meetings, four of which -- pardon
5 me -- Zuno was present at all five, and four of which the
6 top four, this agent from the D.E.A. was discussed.

7 Briefly, though, I want to just remind you of
8 something else that you've heard in this case. That is
9 that Mr. Zuno was an associate, was seen physically
10 associating with some of the heavy drug traffickers in
11 Guadalajara, among them Rafael Caro-Quintero and Ernesto
12 Fonseca. And one way you know that is the pretty amazing
13 testimony of a man by the name of Lawrence Harrison.

14 It's hard to forget this guy. He's about 6'5",
15 Anglo, speaks fluent Spanish, lived about 20 years in
16 Mexico, worked as a law clerk first, then became an
17 attorney, and then decided to pursue his hobby, and that
18 was electronics. A whiz. Unbelievable.

19 He came in. He offered his service to law
20 enforcement agencies; and before you know it, he's helping
21 out, among others, the D.F.S. and the M.F.J.P. And at one
22 point -- and he's also given credentials from these
23 agencies. That's important in a second.

24 He is ordered at one point by Sergio Espino --
25 now, Espino is a comandante. You may recall from the

1 stipulation read to you, Espino was the lead interrogator
2 on those interrogation tapes, those transcripts, that you
3 will have a chance to review in your deliberations.

4 But any ways, Espino orders Harrison, "You are now
5 to go work full time for Fonseca," and that's what he does;
6 and his job is to install and set up a more modernized
7 communication system, because what the Mexicans had at that
8 point, was antiquated. So he put up a repeater system,
9 combined with hand-held radios. Remember, he described all
10 that in detail for you.

11 And that was his job, solely dealing with the
12 electronics for the Cartel. He had other responsibilities,
13 too, because, you know, there's a common fame for many of
14 these witnesses, ladies and gentlemen, in terms of what
15 their roles are. If they work for people like Fonseca, or
16 Caro, or whoever, they do what they are told, when they are
17 told to do it, and no questions asked. Because if you
18 don't, consequences can be very serious.

19 Be that as it may, another responsibility assigned
20 to Lawrence Harrison was to bring in and guard caravans.
21 Did that four times, and one of those times he goes out
22 with others, with credentials, and a marked vehicle, you
23 know, indicating that it's a police vehicle, and they go
24 out there, they get a radio signal, a message, "Here comes
25 the truck," and then with lights, you know, blazing and

1 sirens running, they escort that truck back to Guadalajara.
2 He later knew what was in that truck. It was marijuana.
3 Coincidentally, from Mascota, and Mr. Zuno is from the City
4 of Mascota.

5 He also told you, he was very specific about this,
6 Harrison saw Ruben Zuno on two occasions with known drug
7 traffickers. One occasion was the party, the dancing horse
8 party. You remember this in 1984? He told you he's there
9 as a gopher, taking care of -- you know, he delivered the
10 beer. He's there to do whatever he's ordered to do.

11 Caro-Quintero had purchased and was on top of his
12 dancing horse. He had a base cigarette in one hand. He's
13 making it dance. Zuno appears. Caro-Quintero dismounts,
14 walks over to Mr. Zuno, and they gave each other "me
15 agrassa." It's a sign of people that know each other.
16 That was the testimony. A sign of affection.

17 The second instance that Mr. Harrison saw Zuno in
18 the company of traffickers, was one time at one of the
19 houses of Fonseca. Zuno arrived, and Zuno met privately
20 with Fonseca in his office for 45 minutes.

21 Mr. Jorge Godoy also told you of other evidence
22 establishing that Mr. Zuno associated with drug
23 traffickers. You may recall that there was a wedding party
24 for Fonseca at Rancho La Rose, and at that party, Mr. Godoy
25 saw Zuno and Alvarez del Castillo, and they were toasting

1 with the traffickers.

2 And finally, Mr. Godoy told you that in January or
3 early 1985, they were at the La Langosta Restaurant, and
4 once again Zuno was seen with Caro and Fonseca.

5 One interesting note about 881 Lope de Vega. You
6 know now that's where the house was where Mr. Camarena was
7 taken and was tortured there. Mr. Harrison told you that
8 two interesting things happened in 1984 with regard to Lope
9 de Vega.

10 One, in 1984, and this is the time now when that
11 house is still owned by Zuno, in 1984 he is driving by and
12 there's a clear, an unequivocal radio signal that's
13 emanating from Lope de Vega, and Mr. Harrison can hear,
14 it's the voice of Caro-Quintero.

15 The second instance, Zuno (sic) receives orders by
16 Barba, and the orders are go to Lope de Vega. It is Caro's
17 house, go fix the garage door. Harrison goes there. He
18 doesn't go beyond the front gate. Remember he said you
19 just don't do that with Caro-Quintero. So he knocked on
20 the gate. The caretaker exited from the main door and
21 said, "No one is here, come back later."

22 Of course, you know what happens to Mr. Harrison,
23 as he told you in graphic detail. Ultimately Fonseca and
24 others displeased with him, set up an ambush. He was
25 ambushed by 50 men. He took nine rounds to the body and

1 survived. Thereafter, it was ironic enough, arrested by
2 the Mexicans and charged with a variety of charges, among
3 them possession of a radio and impersonating an officer,
4 because he had credentials, credentials given to him by the
5 traffickers.

6 One additional thing, ladies and gentlemen, you
7 have heard testimony that Mr. Zuno is a marijuana
8 trafficker. Rene Lopez, remember this instance, in
9 Mascota, when he was assigned to the State Judicial Police,
10 they make an arrest. They find someone with marijuana, and
11 based on that information, they set up a surveilling
12 roadblock at an intersection, and lo and behold, here comes
13 a big truck, two men driving, loaded to the gills with one
14 ton of marijuana.

15 On the heels of that, arrives Mr. Zuno with
16 another man in a pickup truck. Zuno, according to Mr.
17 Lopez, meets privately with Eliazar Flores, who was
18 Mr. Lopez' boss, and thereafter Flores -- pardon me -- Mr.
19 Eliazar Flores let's everyone go and says, "Leave the truck
20 alone. It belongs to El Hefha, referring to Ruben
21 Zuno-Arce.

22 The second instance that Zuno is a trafficker,
23 particularly in marijuana, is Mr. Jorge Godoy. He told you
24 this instance. In about August of 1984, he is at a house
25 of Fonseca's called La Bajadita. Fonseca's there. Fonseca

1 is showing everyone hand drawn maps of marijuana that is to
2 be destroyed. And the further instructions are that these
3 maps are to be distributed to the various agencies that are
4 on the take.

5 One of these maps is taken to Mascota by Mr. Godoy
6 and Mr. Barba. There they meet with Zuno. Barba gives the
7 map to Zuno and says, "Here is the map. Everything needs
8 to be destroyed." Zuno replies, "Don't worry. I will
9 check which fields will be left, and which ones will be
10 destroyed."

11 Now, bear this in mind. I anticipate hearing
12 shortly from the Defense that there are two witnesses here,
13 Jorge Godoy and Rene Lopez, who are lying to you, and
14 they're lying because they're not corroborated in any way.
15 Well, I dispute that vehemently because there is plenty of
16 evidence in this case that you've heard that serves to
17 corroborate these two witnesses for you. And this is one
18 perfect example.

19 When Jorge Godoy described that meeting out in
20 Mascota where the map, hand drawn map is given to Mr. Zuno,
21 another witness took the stand. Remember Mr. Sal Leyva.
22 What did he tell you? At one point, he says, early '85, he
23 was part of something called Operation Vanguard. And
24 here's the way this worked. He and some Mexican officials
25 would go up in a small aircraft, combing the area, the

1 entire area, looking for marijuana fields. And they had
2 with them a printed regular map.

3 On some instances, Leyva says, the Mexican
4 officials showed up with a hand drawn map, "X's" already on
5 it, indicating where the marijuana is. And then on those
6 instances, the Mexican pilot would go straight to the "X's"
7 and they would find some marijuana there, but small,
8 insignificant patches, according to Mr. Leyva. And
9 furthermore, when Mr. Leyva told the Mexicans, all right,
10 can we now -- let's comb the rest of the area like we
11 usually do. They refuse to do that.

12 That instance corroborates, I submit to you, what
13 Jorge Godoy told you about Mr. Zuno's involvement in
14 marijuana trafficking.

15 Ladies and gentlemen, five meetings, four of which
16 Camarena are discussed. The first one, according to Jorge
17 Godoy and Rene Lopez, the Hotel Las Americas. What's great
18 about these two witnesses, if you listened closely, their
19 testimony interweaves and dovetails. They support each
20 other, and let me explain to you how.

21 Las Americas is a perfect example. Fonseca and
22 guards, including Lopez and Godoy, go from Fonseca's house.
23 They go to Las Americas. They arrive. Lopez tells you,
24 "At first I was assigned to guard the front. I see one or
25 two people arrive. Then Samuel Ramirez-Razo orders me and

1 other guards to go to the side, and we're there for two
2 hours doing security." So he really doesn't see anything
3 else at that point.

4 Godoy also tells you then he goes in with Fonseca
5 into a suite at Las Americas where Felix-Gallardo is, and
6 there are many, heavy duty traffickers showing up,
7 including Mr. Zuno, including Felix. Also present are
8 Gardoqui, Minister of Defense; Mr. Barba, Minister of the
9 Interior; as well as other drug traffickers. And also
10 present are Enrique Alvarez del Castillo.

11 Here is the conversation at that meeting. Fonseca
12 and Caro are asking, "Why are we losing so many fields?
13 Have you talked to the D.E.A. agent?"

14 Aldana replied that he has tried, but the agent
15 refuses. Mr. Zuno says, "If the agent does not want
16 money," "di la pieso," translated "kidnap and kill him,"
17 according to the translator.

18 Manuel Bartlett says that the problem with the
19 agent had to be resolved quickly, because it could affect
20 all of their futures. And Enrique Alvarez, the Governor of
21 the State of Jalisco says, the agent has to be dealt with
22 because the D.E.A. might uncover the protection that's
23 being given by the Jalisco Police.

24 Gardoqui interjects and says, "I can't do
25 anything. The military is receiving pressure to destroy

1 the fields."

2 And finally Bartlett says, "We need a rapid
3 solution, because they will discover that I am signing the
4 credentials of the traffickers."

5 That was the first meeting, and again, these two
6 witnesses they dovetailed.

7 The second meeting. Just so we can remember it,
8 we called it "the Gold AK-47 meeting" at the Mar Marmara
9 house, belonging to Fonseca. What happened here, as you
10 recall, this again is the testimony of Mr. Godoy and Mr.
11 Lopez. There's this big meeting at that house. At some
12 point -- and Lopez and Mr. Godoy tell you the same thing.
13 It's amazing how they interweave.

14 Ramirez-Razo orders us and all the rest of the
15 guards into the kitchen because he doesn't want the people
16 who are coming to see them. So everyone is marched into
17 the kitchen, the guards, but there is a round window on the
18 kitchen door through which they can see. And many people
19 are seen arriving, according to these two witnesses.
20 Again, Mr. Zuno, Alvarez del Castillo, Caro, Fonseca's
21 there.

22 Now, for the first time, with three district
23 attorneys, state prosecutors, Larios, Cuellar, Levi. At
24 this meeting, according to the witnesses, Caro tells
25 Alvarez del Castillo, "Do you have all the information

1 regarding the D.E.A.?"

2 Alvarez says, "My people are working on it."

3 Caro angrily states, "Give me the information fast
4 so I can solve the D.E.A. problem."

5 Zuno tells Caro, "Calm down. Calm down. The
6 government is getting all the information. Everything must
7 be properly planned so it all works out okay."

8 Tempers were flaring. High tension. And to break
9 the ice, you may recall, both Godoy and Lopez told you
10 this, Mr. Fonseca gave a gold plated AK-47 as a gift to
11 Alvarez del Castillo.

12 The next meeting, 114 Tonalá, identified here by
13 the witnesses. This is the entrance to it. Lopez and
14 Godoy tell you they both go to this house. And Lopez was
15 very honest with you. He said there are a lot of animals
16 there, I went looking at them, and then I go to the game
17 room and I play pool.

18 Godoy is also there, and he says he goes into the
19 main house with Fonseca and is privy to the conversation in
20 there by the traffickers and the people that are present.
21 Again, Alvarez del Castillo. This time Miguel Aldana is
22 there. Again, Ruben Zuno-Arce is there. Espino is there.

23 Caro says at this meeting what happened -- forget
24 my language here -- what happened with that dick of the
25 D.E.A.? Why haven't you got all of the information? Zuno

1 states at this meeting, according to Mr. Godoy, "Fucking
2 gringos, what business do they have in Mexico? This is not
3 their country. We have to pick them up."

4 Another meeting, La Oficina. It's this building
5 here. Now, again, listen closely to what Mr. Lopez and Mr.
6 Godoy tell you, because these two witnesses are telling you
7 the truth. Lopez and Godoy both tell you that they both
8 start out together with Fonseca to go to that house. And
9 then at some point, the cars pull over to the side, and
10 Lopez is ordered by Ramirez-Razo to stay there with other
11 body guards and to wait there. And that's what he does.
12 Lopez was candid, "I never got to where that meeting was."

13 Godoy is told to go with Fonseca, and he
14 accompanies Fonseca to that residence that I just showed
15 you in the photograph. He is privy to conversations.
16 Again, many important people are present, including Zuno,
17 Aldana. Cochiloco is there, it's a nickname for Manuel
18 Salcido.

19 At this meeting, Alvarez del Castillo states
20 angrily, "What's going on? Can't you deal with the
21 gringos?"

22 Caro-Quintero says, "We are already working on it.
23 We shot at a D.E.A. car, and it escaped."

24 Ladies and gentlemen, Agent Knapp's vehicle was
25 shot at. He had to be evacuated. This is what I'm talking

1 about, independent corroboration of what these witnesses
2 tell you when they testify.

3 Aldana also contributed at this meeting. "What
4 about the information? Where is it?"

5 Finally, ladies and gentlemen, there is a fifth
6 meeting. Zuno is present at all five. The top four there
7 was discussion of an agent or the problem with the D.E.A.
8 At this meeting, Lopez and Godoy tell you about it, and
9 again, to show their veracity and their truthfulness to
10 you, they both tell you what happened.

11 They go in there. A lot of heavy hitters again
12 arrive. Corrupt officials. Narcotics traffickers. Ruben
13 Zuno-Arce is there again, and then Mr. Lopez told you
14 everyone left the living room, and they went into Fonseca's
15 bedroom. And they closed the door. So they don't know
16 what was discussed there.

17 But my point to you with this meeting was another
18 meeting of association putting Mr. Zuno-Arce with the
19 traffickers and corrupt officials on the heels of four
20 previous meetings where there was this discussion to do
21 something about this troublesome D.E.A. agent.

22 Ladies and gentlemen, I'm drawing to a close here,
23 and I thank you for your patience.

24 Rene Lopez, when he took the stand and testified
25 about what happened on February 7th, it was, I submit to

1 you, perhaps some of the most dramatic testimony that you
2 will ever hear. This is what he told you.

3 February 7th, we start out at one of Fonseca's
4 houses. Fonseca says let's go, we are going on an errand.
5 They get into the cars. They take off. Lopez does not
6 know where they are going. Now, by this point -- Mr. Godoy
7 is not present. Remember he testified he had his back
8 problem or kidney problem, so he was out of the picture for
9 that particular meeting.

10 They go to 881 Lope de Vega. Lopez had never been
11 there in his entire life. He had never even heard of it.
12 They go into the house. They come in through the back.
13 When they arrive, already present in the patio area, and I
14 ask you to look to your left, there's a diagram of 881 Lope
15 de Vega. The drug dealers, many already present and
16 they're congregating in the patio.

17 Then this happens. Lopez tell you that a man, 30
18 years of age, blonde hair, speaks Spanish -- spoke Spanish
19 with a Mexican accent arrived. And the scuttlebutt,
20 according to Lopez, was that this man was associated with
21 the Consulate. This man arrives and he says to, among
22 others, Ramirez-Razo, "The information I previously gave
23 you is correct."

24 Ramirez-Razo tells Fonseca. Fonseca ponders it
25 and then gives the order. "Compadre, go ahead with the

1 operation."

2 Three men then start picking the men that are
3 going to go to the U.S. Consulate, Javier Barba, Samuel
4 Ramirez-Razo, Avelardo Fernandez, also known by the
5 nickname of El Pinkinero, the engineer. These three men
6 select the other men that will be going with them. Four
7 vehicles are taken. A Marquis, an Atlantic VW, a carry-all
8 van, and a Ford sedan.

9 Lopez -- pardon me -- all these cars leave
10 together from 881 Lope de Vega. Lopez is driving the Ford
11 sedan. At some point, a distance away from the Consulate,
12 the Ford sedan is left there. Lopez gets out that vehicle
13 and joins the Atlantic VW. And in that Atlantic VW now are
14 Rene Lopez, Torres Lepe, a Consulate employee who is
15 driving, and Ramirez-Razo.

16 They go to the United States Consulate. They park
17 near the intersection of Progreso and Libertad. The other
18 vehicles are also parked around there. The Consulate
19 employee says, "I think he is going to come out on
20 Libertad." They wait.

21 Ramirez-Razo tells Lopez, "Stand outside the
22 vehicle." Lopez does that. Some of the U.S. Consulate --
23 pardon me -- the Consulate employee says, "That's the one."
24 Ramirez-Razo out of the vehicle, tells Lopez, "Come with
25 me."

1 They walk toward the agent, who by this time is
2 crossing the street of Libertad. They meet Kiki Camarena
3 when he's crossing the street. Ramirez-Razo flashes his
4 credentials and tells him in Spanish, "The Comandante wants
5 to see you." Kiki tries to speak, and is immediately told
6 to be quiet, because by that time Ramirez-Razo is also
7 flashing his hand-held firearm.

8 He and Lopez take Kiki Camarena to the Atlantic
9 VW. He is sandwiched between the two men in the backseat.
10 In the front passenger seat is Torres Lepe, the driver is
11 the Consulate employee. They high tail it out of there.
12 They go back to 881 Lope de Vega. On the way, Ramirez-Razo
13 on the radio announces that they have him.

14 They arrive at 881 Lope de Vega. Everyone gets
15 out of the Atlantic VW, except Ramirez-Razo and Camarena.
16 Camarena eyes are blindfolded with bandages. Ramirez-Razo
17 takes him out of the vehicle. He walks him over to the
18 patio. He takes him to Rafael Caro-Quintero. He says
19 brazenly, "You said it couldn't be done. You didn't have
20 confidence in us."

21 Caro puts his arm around the blindfolded Camarena,
22 and says, "I told you, you son-of-a-bitch, that you would
23 fall into my hands."

24 Caro gets Camarena, and he takes him -- if I can
25 point with this device -- there (indicating) the guest

1 room. Lope de Vega, Mr. Lopez told you he was at that
2 house. That's where Caro-Quintero took Kiki Camarena.

3 Let me digress for a second. Remember I'm telling
4 you corroboration of these witnesses, two points. One, an
5 Atlantic VW was used to pick up Kiki Camarena. You heard
6 the testimony of the F.B.I. agent, Mr. Malone. Remember
7 they got out to Lope de Vega, and they processed
8 everything, including vehicles for evidence, including an
9 Atlantic VW. And in that car they found some forcibly
10 removed hairs of Kiki Camarena.

11 Malone told you another thing. They also examined
12 the guest house. You remember how they did it? They
13 divided it into four quadrants, and then they used a
14 special vacuum to pick up hairs and fibers. In the guest
15 house, where Lopez told you they put Kiki Camarena, they
16 found forcibly removed hairs of Kiki.

17 Corroboration. That's the name of the game here,
18 ladies and gentlemen.

19 Here's what happens next. Caro takes Kiki
20 Camarena into that guest room, and he leaves him with three
21 men who have a unique role. As you know now, three men,
22 Gueron -- these are nicknames -- Gueron, El Urco, El
23 Fantasma, also known as Batman.

24 Camarena is still blindfolded. Gueron makes him
25 kneel in front of him. Gueron starts asking him questions,

1 "Who are you? What is the D.E.A.? How many agents are
2 here? Where is your office?" Camarena begins to answer.
3 Clearly Gueron is dissatisfied, because at one point he
4 gives a kick to Kiki Camarena in the chest and he is
5 knocked over. Urco has to come to help him back up.

6 At one point Camarena implores Gueron, "Let me see
7 Caro. We can reach an understanding. I'm worth more alive
8 than dead." It falls on deaf ears.

9 Further abuse of the agent. At one point Gueron
10 gives the order, Urco goes to the bathroom and comes back
11 with a curtain cord and Kiki Camarena hands are bound
12 behind his back. Gueron lights up a cigarette. Camarena
13 asks if he can have a drag. Gueron replies back, "Where do
14 you want it, you son-of-a-bitch?" He has his shirt peeled
15 off, and he proceeds to burn the agent on the chest.

16 Rene Lopez told you his function, his role, in the
17 Cartel, he was a bodyguard for Fonseca. There were
18 different roles and different responsibilities. Those
19 three men that I have described, it was obvious what their
20 roles where. Rene Lopez didn't like what he was seeing.
21 He complained. He says you are not letting this guy
22 answer. Gueron snaps back at him, "What business is this
23 of yours? Get out of here." He kicks him out of the guest
24 house.

25 Rene Lopez goes and reports to Ernesto Piliado,

1 "What's going on in there?" Piliado goes and tells
2 Fonseca. Fonseca is not happy. Fonseca says, "Go get him.
3 We're taking him."

4 Gueron and Ramirez-Razo go into the guest house.
5 According to Lopez, they're there a few minutes, and they
6 come out. Gueron won't give him up. And furthermore, the
7 torture is getting worse now. According to Mr. Lopez, now
8 they're doing what's called "a wata wican," which is
9 mineral water. Mineral water is being forced up the
10 nostrils of a bound and blindfolded Kiki Camarena.

11 Fonseca is unhappy. He gives the order, "Let's
12 take this guy." Rafael Caro-Quintero shows up. He says,
13 "What's going on?"

14 Fonseca says, "We're taking him."

15 Caro says, "No, no. Let's talk about it." Caro
16 and Fonseca go to the residence, and they are at the
17 entrance and they are talking. And they are having a very
18 strong animated conversation, according to Rene Lopez. He
19 didn't know what was going to happen.

20 It's at this point that two things occur. One,
21 one of Caro's men by the name of La Changa shows up, and
22 asks Ramirez-Razo the following question. "Ruben Zuno-Arce
23 wants to know if you're going to kill him. If so, he wants
24 to interrogate him."

25 Ramirez-Razo says, "I don't know. Ask Caro."

1 And the second thing happens according to Rene
2 Lopez. Other men of Caro now arrive at 881 Lope de Vega,
3 and they have with them the pilot of Camarena. He is
4 taken, same location, right there, the guest room, along
5 with Camarena. Mr. Rene Lopez told you candidly he could
6 hear the man moaning as if he was being beaten in there.

7 Fonseca, in a fit of anger, leaves 881 Lope de
8 Vega, February 7th, at approximately 5:00 o'clock in the
9 afternoon. He takes his guards with him. They go to one
10 of Fonseca's houses, and around 7:00 or 7:30 they go back
11 to 881 Lope de Vega. And Mr. Lopez told you what happened
12 there.

13 There were a series of meetings -- strike that --
14 there was one meeting in the living room or the study, and
15 Mr. Lopez was in and out of that room. He was in and out
16 of that room because he had received instructions from
17 Ramirez-Razo. There are a lot of heavy hitters in that
18 room. They drank. They smoke. They need ice. They need
19 clean ashtrays. Lopez is sent in there to replace
20 ashtrays, the dirty ones with clean ones, and to take in
21 ice as well.

22 He goes in and out of there three separate
23 occasions. He is on the patio. He walks in on them a few
24 times in the living room, and he heard three different
25 people say the following statements to you. And by the

1 way, present in that room, among others, are Zuno,
2 Gardoqui, Bartlett, Aldana, Ibarra, Pavon, the three
3 district attorneys, many drug dealers.

4 Lopez says that Zuno said the following in that
5 room. By the way, he also said this Dr. Machain was there.
6 And in speaking of corroboration, you've heard testimony
7 that found at the house, were six to eight plastic bags,
8 dry cleaner bags, with Machain's prints on those bags.
9 This corroborates Lopez when he tells you the people that
10 are at these meetings.

11 Anyway, Lopez says that Zuno says the following:
12 "The way that I told you that D.E.A. was going to get rid
13 of traffickers in Jalisco, I wanted you to hear it from the
14 agent."

15 On the second visit by Lopez in there with the
16 ashtrays, Gardoqui says the following: "I want the bodies
17 properly buried. Do the job right. Hide them well so they
18 can't be found."

19 The third time in the living room, Bartlett is
20 telling Caro-Quintero, "Just the same way this problem is
21 resolved, we'll resolve the other," and Caro-Quintero says,
22 "Don't worry, we need you up there. Just tell us what you
23 need." This is the evening of February 7th, at about one
24 o'clock in the morning. Fonseca and his guards depart from
25 881 Lope de Vega to go to one of Fonseca's houses, and

1 there Fonseca rests until the following occurs.

2 8:00, 8:30 in the morning, February 8th, the phone
3 rings, and it rings, and it rings again. No one is picking
4 it up. Rene Lopez, whose curiosity gets the better of him,
5 picks it up, at the right moment when Fonseca is picking it
6 up as well. And he hears Caro telling Fonseca on the
7 phone, "What had to happen has happened. You'd better get
8 back here."

9 Fonseca storms out of his bedroom, and he's
10 furious. He says, "Let's go." They go to 881 Lope de Vega
11 once again. Fonseca goes into Lope de Vega, into the
12 interior of the house. Lopez just stays outside with the
13 other guards on the patio. And that's when he hears this
14 statement. One of Caro's men, Fantasma, says the
15 following: "They've gone too far. This son-of-a-bitch La
16 Changa went too far, and stuck a bar in Camarena's head."

17 Now, you have independent evidence already from
18 Mr. Jerry Spencer that the death blow to Kiki Camarena was
19 that -- something being driven into Kiki's head and then
20 withdrawn.

21 Again, my point to you, ladies and gentlemen, is
22 independent corroboration of what is going on here.

23 After all this is said and done, ladies and
24 gentlemen, we have what is referred to as -- the government
25 respectfully calls the cover. You had testimony from Mr.

1 Godoy that at one point he is at La Bonita with Fonseca.
2 This is after the abduction. The prosecutors are there,
3 state, three D.A.'s. One of them, Levi, says the
4 following, "Dump the bodies outside of Jalisco so the
5 problem will be in another state and Guadalajara will be
6 clean of any problems."

7 Ladies and gentlemen, this is exactly what
8 happened, and you know this because of this ridiculous
9 letter that Pavon-Reyes shows to Agent Kuykendall in late
10 February. Remember, Kuykendall told you one day Pavon
11 comes up to me and he has this letter. And Pavon shows me
12 the letter, and the letter basically says the following, if
13 you can believe this, "Camarena was kidnapped by mistake.
14 The traffickers hired the Bravo family to kidnap someone
15 named Gyuen (phonetic), but they made a mistake and
16 actually picked up Camarena, and now Camarena is at the
17 Bravo Ranch in the State of Michoacan."

18 Well, you know what is going on. The corrupt
19 officials at that point are trying to direct the
20 investigation in other directions, in another state. Just
21 like Godoy told you, to get the problem the hell out
22 Jalisco; and then to continue with this charade, as Agent
23 Victor Wallace told you.

24 Encouraged by the M.F.J.P. agents, they actually
25 went out to the Bravo Ranch and dug all day, remember,

1 looking for the body of Camarena, and they found nothing.
2 And then Victor Wallace goes back to Guadalajara, and lo
3 and behold, learns the next day that the bodies had been
4 found just a mere 1,500 yards from that ranch.

5 Ladies and gentlemen, you put all this together.
6 It is a cover up of immense magnitude, and again, serves to
7 corroborate Mr. Jorge Godoy.

8 After that, as Mr. Lopez and Mr. Godoy told you,
9 Fonseca was on the lam. Remember Fonseca had 15, 20-some
10 odd homes in the area of Guadalajara. He was hiding, going
11 from one place to another, but ultimately they caught up
12 with him, because in February of 1985, Fonseca and his
13 troops, his guards, were arrested in Puerto Vallarta.
14 Remember that? And Mr. Godoy told you, "We were all
15 arrested, but Lopez escaped." And then Lopez came up here
16 and testified to the exact same thing. He hid and was able
17 to get out of there and he was not caught.

18 Lope de Vega, who owns that house? You've heard
19 testimony that in 1986 Mr. Zuno met with Agent Kuykendall
20 at some Denny's or something, some restaurant in San
21 Antonio, and Zuno explained the title to this house. He
22 basically told Mr. Kuykendall he got the house when he was
23 married. He built the house there. He sold it pursuant to
24 a gentleman's agreement, followed up by cash payment, and
25 he -- in January of '85, he received two checks totaling 70

1 million pesos.

2 Well, ladies and gentlemen, I submit to you that
3 there's something fishy about this transaction, because it
4 is beyond the realm of coincidence that Kiki Camarena,
5 after all those meetings that I have discussed with you, in
6 which Zuno-Arce is present, that the house chosen to take
7 and torture a D.E.A. Federal agent is a residence that had
8 been on paper, at least, owned by Mr. Zuno-Arce up to
9 January of 1985.

10 Now, you will have back in the jury room with you,
11 and I ask you to look at them, the transcripts of the
12 interrogation of Kiki Camarena. There's two tapes, coded
13 as two and four. You will have the English transcripts.
14 Just to remind you when you see an "I" that means
15 interrogator, when you see a "C" that means Camarena. And
16 you've heard the stipulation agreed to by both sides here
17 that the main interrogators on those tapes are Caro and
18 Espino.

19 Now, ladies and gentlemen, again corroboration of
20 the government witnesses. They place both of these people
21 at the preabduction meetings, and lo and behold, they are
22 some of the interrogators.

23 Keep one more thing in mind when you review these
24 transcripts, though. When you look at them closely, you
25 can discern that they start and end midstream. It's not a

1 tape that begins from the very beginning of the
2 interrogation and goes all the way to the end. They're
3 turned on and off, and that's important. I want you to be
4 aware of that fact when you review those transcripts.

5 And what these torture tapes prove, ladies and
6 gentlemen, is we have to -- one of our elements of this
7 offense is to show that the Agent Camarena was tortured and
8 kidnapped and interrogated, and that's what those
9 transcripts show. Because when you read them, you'll see
10 the questions that are asked. The questions about what
11 informants are there, who are the agents, what are the
12 addresses. All of this serves to corroborate other
13 evidence that you've heard.

14 Now, I'm not going to belabor the tremendous
15 forensic evidence you've heard already from Mr. Mike
16 Malone, other than to tell you two things. Mr. Malone
17 concluded that Kiki Camarena was kept in that guest house,
18 as I've showed you already, and it makes sense. Remember
19 what Malone told you, when they first got to the house they
20 wanted to approach this logically, and they asked
21 themselves: Where would I put an agent, if I was trying to
22 interrogate someone? They walked around the house, and the
23 first place that they picked was the guest house. It's a
24 misnomer, when you think about it now, in light of what
25 happened.

1 It's thick walls. One entrance only. A steel
2 door. You can muffle noise. It's perfect. And that's
3 where Agent Camarena was kept, and you know that from the
4 forensic evidence, because you find, according to Mr.
5 Malone, Kiki Camarena's forcibly removed hair, not only in
6 that guest house, but Bedroom Number 4 and the Atlantic VW.
7 And Lopez told you the VW was used -- an Atlantic was used
8 to abduct Kiki Camarena.

9 Ladies and gentlemen, I'm about to conclude right
10 now. Let me just say this about the various defense
11 witnesses called by Mr. Zuno in his case. One person, Mr.
12 Art Rodriguez, a former private investigator, he says he
13 met with Zuno in 1986, and I think the purpose of him was
14 to establish that Zuno was not a target back then, because
15 Mr. Rodriguez told you, "I was on the case for three
16 months. I searched houses, and I looked at Kiki Camarena's
17 D.E.A. files, and at no time is there any reference to Mr.
18 Zuno. And when we searched the houses there was no
19 photographs or documents regarding Zuno."

20 And, ladies and gentlemen, my response to that is:
21 Big deal, because when asked on cross-examination the
22 following questions, "Well, did you look at all of Kiki's
23 files?"

24 "No."

25 "Did you search all of the documents and all the

1 houses when you went out with the M.F.J.P.?"

2 "No."

3 So, ladies and gentlemen, that takes care of that
4 witness right there.

5 Mrs. Zuno testified -- and let me just say this --
6 she wanted -- she testified Mr. Zuno is a legitimate
7 businessman and a man of modest means, and in February of
8 1985 there was the centennial for the town of Mascota. And
9 according to Mrs. Zuno, her husband was there every day,
10 raising and lowering a flag.

11 I would submit to you, ladies and gentlemen, that
12 this is a clearly biased witness. She admitted on the
13 stand that she loves her husband, and that she wants to
14 help him.

15 Finally Vicki Canalez, who used to be a
16 receptionist and an assistant accountant for Mr. Zuno, she
17 also says he is a businessman, and she never saw him with
18 Caro or Fonseca. Well, ladies and gentlemen, my first
19 point to you is: Zuno is not going to have an assistant
20 accountant be kept abreast of any illegal activities he's
21 involved in.

22 And secondly, the main activities we care about in
23 this case is what happened in Guadalajara. She was not
24 with Zuno when he was in Guadalajara.

25 And finally, you've heard the testimony of Mr.

1 Zuno, briefly, that again he was in Mascota in February and
2 every month, so I guess that's his alibi. He could not
3 have been in Guadalajara at the time of Kiki's abduction.

4 But I submit to you, ladies and gentlemen, that
5 all of his denials are self-serving. What else is this man
6 going to take the stand and tell you about any purported
7 involvement in this case?

8 Ladies and gentlemen, I'm concluding right now.
9 Let me just say the following to you. Mr. Ruben Zuno-Arce
10 is charged with essentially four crimes, conspiracy to
11 commit violent crimes in aid of racketeering, a substantive
12 offense of violent crimes in aid of racketeering. He's
13 charged with conspiracy to kidnap a Federal agent, and he's
14 charged with kidnapping a Federal agent.

15 I respectfully submit to you that when you put the
16 evidence together, that you will be able to find that this
17 man is guilty of the charges alleged in this indictment. I
18 submit to you that the evidence allows you necessarily to
19 reach that conclusion.

20 Now, the American system is set up in such a
21 fashion so that the burden of proof at all times is on the
22 United States Government, and that's the way it should be,
23 because that's what makes this country what it is. It is
24 our responsibility, and our burden, and we hope to meet
25 that to your satisfaction.

1 But because we have that burden, we also have
2 the right, and that is to address you or speak to you last.
3 So when Mr. Medvene finishes with his comments, I will have
4 an opportunity to come back and just briefly share any last
5 thoughts that we may have with you about this case.

6 The bottom line is, we submit to you, that the
7 evidence in this case establishes the guilt of Ruben
8 Zuno-Arce beyond a reasonable doubt for the four offenses
9 named in the indictment.

10 And I thank you very much for your attention.

11 THE COURT: Ladies and gentlemen, we are going to
12 take our morning recess at this time. The intention of the
13 Court is to complete all the argument before we adjourn for
14 our noon recess. So we will reconvene in about 15 minutes,
15 and hear from Mr. Medvene.

16 THE CLERK: Please rise.

17 (Recess taken.)

18 THE COURT: You may proceed with your argument for
19 Mr. Zuno.

20 MR. MEDVENE: Thank you very much, Your Honor.

21 If the Court please, the prosecution side, Mr.
22 Zuno.

23 I thought last night about our conversation that
24 we were going to have today, and it seemed to me that what
25 jumped out at me is that the contradictions and

1 implausibilities of the testimony of the prosecution's two
2 witnesses -- make no mistake about it, two witnesses,
3 that's what this case is about, Godoy and
4 Lopez-Romero -- is so overwhelming, so dramatic, when we
5 think about it and go through the testimony, that it will
6 not be necessary to talk to you about what kind of people
7 these are. It will not be necessary to talk to you about
8 the fact that these people kidnapped, tortured, murdered,
9 bribed for money. It will not be necessary to talk to you
10 about the atrocities they committed for \$300 a year. It
11 won't be necessary to talk to you about if they lied for
12 money, if they bribed for money, if they killed for money,
13 would they come in here and lie and get a deal for money?
14 It's not necessary to talk to you about those things.

15 Because we submit to you, when you put the
16 evidence together, the prosecution has not carried their
17 burden by civil standards, let alone the heavy burden of
18 proof beyond a reasonable doubt.

19 I suggest to you in listening to the prosecutor
20 today for an hour and a half, he spent less than five
21 minutes on the guts of this case. And you people weren't
22 born yesterday, and you can figure out why that is. He
23 wants to get as far away as he can from the two witnesses
24 he has.

25 Now, somebody's trying to fool you by talking

1 about Caro-Quintero, and his pearl gun, and the bullets,
2 and "load the chamber," and you can hear the click. I
3 mean, what's that about? This isn't drama. This isn't
4 some western. Is somebody trying to fool you here?

5 What this case is about, what we go up or down on,
6 is Jorge Godoy and Lopez-Romero. They're the two people
7 that after seven years come forward and claim for the first
8 time that Mr. Zuno attended and participated in some
9 meetings. Nothing to do with Caro-Quintero's gun. An hour
10 and a half, he spent four minutes, five minutes on the
11 meetings, rushing right through them. That's what it's
12 about. If those meetings didn't happen as this man says
13 they happened, there is no case. And we suggest to you,
14 they did not happen as this man says they did.

15 Now, we'll go right to the meetings, because I'll
16 suggest we don't have to go further, because the bottom
17 line of this, and what we are going to ask you is: If you
18 had a life or death decision to make, believe me, that's
19 the decision you're going to make, for some member of your
20 family, and it was up or down on whether you believed Godoy
21 and Romero, for your child, for your wife, or your
22 sweetheart, for your loved one --

23 MR. MEDRANO: I would object to this, Your Honor.
24 It's improper argument.

25 THE COURT: Well, it is argument. It is not

1 evidence nor is it the law, but counsel is permitted some
2 latitude.

3 MR. MEDVENE: If you where to go up or down in a
4 decision for a family member on the word of Godoy and
5 Romero, would you believe them, because that's what this is
6 about?

7 Now, I want to go right to the meetings, and I
8 want to talk about various things, but the first thing I'd
9 like to talk about are the meetings and why they are
10 improbable, is the heart of the meetings, the very heart,
11 the context of the meetings. It's tough when this stuff is
12 coming in fast, but think what the meetings where about.
13 You got four meetings. The guts of the meetings was the
14 first meeting Aldana says he's attempted to bribe the
15 D.E.A. agent, and the D.E.A. agent refused. And Zuno
16 allegedly says kill him. And Bartlett says we need a rapid
17 solution. That's what the prosecutor just told you.

18 A couple of things about that before we get to the
19 second meeting. The key thing about it, the reason we
20 don't have to go further, if you think about it logically
21 is, Aldana says he's attempted to bribe the agent, and it
22 was unsuccessful. What does that mean? That means he
23 knows who the agent is. If he tried to bribe the agent, he
24 knows who the agent is, because he says the agent refused.

25 Now, if he tried to bribe the agent and the agent

1 refused, he can see it's tough to lie. You can memorize 30
2 names and read them off to you while you're changing
3 ashtrays. You can get that rattled off and it's
4 impressive. But you tell a long enough story, it's going
5 to be found out. We're going to tell you a bunch of ways,
6 before we talk what kind of despicable human beings these
7 two people are.

8 "I tried to bribe the agent and it was
9 unsuccessful."

10 Let's go to the second meeting. Caro asked
11 Castillo -- let's go by the prosecutor's version of this --
12 Caro wants to know where the information is. Castillo is
13 working on it. Zuno allegedly says, "You know, they're
14 getting it." What information? They already have the
15 information, according to this witness, of who the agent
16 is. Caro asked Castillo allegedly, according to this man,
17 if he had the information on the agent. Castillo says, "We
18 first have to identify him." Caro says, "We have to
19 identify him so we can pick him up."

20 Now is there any way -- let's listen to the
21 prosecutor, because their burden is heavy, very heavy.
22 Let's listen for him -- I'm not talking to you about the
23 pearl gun and the revolver -- telling you about if they
24 attempted to bribe the agent at the first meeting, and he
25 refused, how come Caro's saying at the second meeting,

1 "Where is the information?" And Castillo saying, "You have
2 to identify him." And Caro says, "We have to know who he
3 is before he's going to be picked up." Let see if he
4 explains that to you.

5 Does that make any sense, that there could -- the
6 man made up the meetings. One of them didn't talk about
7 them for eight months until after the D.E.A. was talking to
8 him. Eight months. Another man, 30 to 45 days, and we'll
9 talk about that.

10 So the second meeting, after knowing who the agent
11 is, allegedly, on this guy's story, in the first meeting,
12 they're saying who is he.

13 Let's go to the third meeting. The third meeting,
14 remember we got this from Officer Leyva, the witness Godoy
15 says everybody agreed. It was agreed by all that the agent
16 should be identified and located as soon as possible.
17 Well, what do you mean "identify and locate as soon
18 possible"? You already know who he was. Mr. Aldana
19 already knew who he was. He said he tried to bribe him.
20 So how could the general topic of the meeting be he should
21 be identified and located? That did not happen.

22 Listen for the prosecutor's explanation of how
23 they know who he is at the first meeting, and at the third
24 meeting everybody's agreed we have to identify him.

25 And go to the fourth meeting. Caro's working on

1 who the agent is, and Fonseca says, "We haven't located the
2 right person yet." Two points off of that. Two important
3 points. One, the same point, but what's that about? If
4 you know who the agent is, how come Fonseca is saying "we
5 haven't found him yet," and Caro's working on who the agent
6 is. The first point.

7 Okay. The second point. Second point. Up here
8 he has Caro asking Castillo, the governor, to find out who
9 the agent is. That's his job, the governor's, I guess, in
10 the second meeting and the third meeting.

11 In the fourth meeting he forgets his story, and
12 now we have Caro, and not the governor, working on who the
13 agent is.

14 Now, it just doesn't make any sense. The heart --
15 the heart of the whole story, ladies and gentlemen, is that
16 they had these meetings. You know, why did they have them?
17 You know, what was said? What was said? They say what was
18 discussed was, you know, all of these meetings about
19 getting the D.E.A. agent. But the heart of the story,
20 stricken away everything, everything you got is, you know,
21 is it credible? Can you believe it?

22 And here Aldana says he knows him, he tried to
23 bribe him, and at all these other meetings they're saying
24 "let's find out who he is," and then they're changing who's
25 to find out. What's the explanation? Does that make any

1 sense of any kind?

2 Also, putting that to the side for a minute, even
3 if you take them at what he said, he has Aldana all of a
4 sudden changing ashtrays. You know, he's over here, Zuno
5 says kill him, he remembers that seven years later. If
6 they know who he is and they attempted to bribe him, you
7 know, I mean, we're dealing with the worse. I mean, what
8 are you dealing with here?

9 I mean, we're dealing with witnesses who tell you
10 that some poor couple comes to the house, and they torture
11 them and kill them. The Latter-Day Saints comes to the
12 house, they torture and kill him. Boom. What are we
13 dealing with?

14 How come the agent is still alive if they know who
15 he is and they attempted to bribe him, and Zuno allegedly
16 says kill him? When? In September, October, November?
17 And he's still alive, they don't get it done until
18 February. Is that the way these kind of people act, or do
19 they act spontaneously?

20 But the basic point, the first point, no logic to
21 it. And you know something else, why they kind of dance,
22 and they were stuck with their reports. They had a dance
23 because through Jaime Kuykendall, their first witness, the
24 head of the Guadalajara office, if you remember way back,
25 the first witness of the case, he talked about Zacatecas.

1 And you remember he talked about a meeting pre-Zacatecas
2 with Ibarra, where he was there and Enrique Camarena was
3 there.

4 And do you remember he told you that they were
5 going to be talking about Zacatecas -- they talked about
6 Zacatecas and talked about raiding Zacatecas. And Enrique
7 Camarena was there, so Ibarra, who theoretically is one of
8 these politicians who's involved in all of these meetings,
9 where they're talking about who's the agent causing us all
10 the problems, Ibarra knows it back in May of '84.

11 Remember back. It's hard. But if you put it all
12 together, Ibarra knows it back in '84.

13 Think to yourselves about: Did Kuykendall have
14 Ibarra at a meeting where they went, him and Enrique
15 Camarena, and told him about the Zacatecas raid? The same
16 raid the prosecutor argues is one of the raids that caused
17 the bad people to kidnap Camarena. Well, Ibarra knew it
18 back then.

19 And remember the next witness, Guadalupe Gamez,
20 the one that infiltrated the Zacatecas operation. Remember
21 the man that put Camarena in a undercover capacity, and was
22 working with Chavez.

23 Now, what happens with Gamez, right-hand man of
24 Quintero? Gamez is arrested. Arrested and flown on the
25 same plane with Enrique Camarena, and Camarena's no longer

1 undercover, and he knows -- and Caro, he knows Enrique
2 Camarena is a D.E.A. agent. And then he goes to Zacatecas,
3 Chavez does, the Quintero foreman, and again he sees and
4 there's no obstructions, and we get it from Kuykendall,
5 that he clearly knew Camarena was the one allegedly causing
6 the Cartel all of this problem.

7 So who's kidding who? They knew it was Enrique
8 Camarena. They being Quintero through Chavez. They being
9 Ibarra because he was there at the meeting. And you
10 remember Kuykendall says Aldana -- remember he went up in a
11 helicopter with him at Zacatecas. Aldana was there and
12 Aldana also saw Camarena, and he saw him as a D.E.A. agent.
13 So they knew from May, Enrique Camarena was the man.

14 But putting all that aside, you see the
15 implausibility here of the core, of the guts, of their
16 claim that there's a meeting. They know who he is, and
17 then they don't know who he is. That's the case really. I
18 mean, that's really the case. I mean, are you going to
19 bet -- are you going to bet your life on these people
20 without going further on that kind of story? Hopefully it
21 doesn't work that way here.

22 Now, what else do we have? First thing, the first
23 time these people come forward is seven years later.
24 Nothing to indicate they told anybody in Mexico or anybody
25 in the United States one word about this alleged atrocity,

1 one word about the allegation Mr. Zuno is involved. For
2 seven years, seven years, no notes. Not one word, despite
3 the fact they knew of rewards -- remember the \$50,000
4 reward and other rewards constantly out there.

5 But for seven years, not one word. In a vacuum,
6 does that make sense to you? That somebody with this kind
7 of information would not come out with it.

8 Now more than that, more than that, more than the
9 seven years, two other really significant things happen.
10 On two separate occasions during the -- during the period
11 things occur that go right at the heart of their story.
12 One, Godoy on cross-examination, you know when he didn't
13 have in his mind the 30 people at the meeting, you remember
14 he admitted that he injured his back and he wasn't working
15 with Fonseca in November and December of '84, and January
16 of '85. Clear. Clean. No question. Tough to be a liar
17 and carry it through. When were the alleged meetings?

18 On the stand he tried to move them up. On cross
19 we moved them back to when he told the D.E.A. Basically,
20 one late October or November, the others November-December.

21 In other words, Godoy admits, if you think about
22 it, and you think about, he was not working for Fonseca and
23 he wasn't at these alleged meetings. That's enough to go
24 home. That's enough to send the man home.

25 Godoy says he was away in November and December

1 and didn't work for Fonseca. And then the meetings are in
2 November and December. These three meetings that he
3 remembers changing light bulbs or ashtrays, and the other
4 guy looking in through a window.

5 Come on. You've got to have some system here.
6 Everyone feels good. Somebody's killed. But they can tell
7 you from today to tomorrow how brutal it is. Gosh, darn
8 it, they have to have proof. That's what it ought to be
9 about here. If all of us are going to be safe, that's what
10 it ought to be about.

11 Now, he's not working for him when these things
12 happen. Let them talk to you about November and December.
13 Did he say he was away? Did he say he wasn't working for
14 Fonseca then? Out. He's gone.

15 What is the next thing? He gives a Mexican
16 confession, confession in Mexico. In that confession he
17 doesn't make any claim that he has any knowledge of
18 kidnapping meetings, and certainly does not say Ruben Zuno
19 is anyway involved. An interesting thing, he tries to duck
20 out and say he's tortured.

21 Well, let's use our common sense here on a couple
22 of things. First, let's see what the facts are and then
23 let's talk about it. He gave a confession in Mexico, one.
24 Clean. He doesn't mention any knowledge of kidnapping
25 meetings. Clean. No reference of any kind to Mr. Zuno

1 being involved in anything having to do with kidnapping.
2 That's clean. He tries to get out by saying, "I was
3 tortured and recanted."

4 Okay. Let's talk about that. If you were
5 tortured, wouldn't you give up, you know, other than if you
6 were really mentally tough -- I think about this sometimes.
7 You know, what would you do? What could they get? What
8 couldn't they get? I don't know, you know, I just don't
9 know how tough you are. But I think about that some times.
10 But wouldn't you naturally give up what you could give up?
11 He's protecting Ruben Zuno? If you are tortured, you're
12 going to give them everybody, or certainly scum like these
13 guys are. These guys that would kill people. I mean, are
14 they protecting anybody? You are kidding me. So that
15 doesn't help his story about getting out of it.

16 And then the other interesting thing. We ask him,
17 "Wasn't Mr. Ventura there?" And Mr. Ventura you also heard
18 about from the prosecutor. I guess everybody, and I guess
19 there's nobody in Mexico any good, according to the
20 prosecutor, at least, back then. It's tough to believe
21 that we are so perfect up here and they are all so bad down
22 there. Maybe a lot were bad.

23 But Mr. Ventura was a shining light, the one they
24 wanted to get into the investigation. And lo and behold,
25 Mr. Ventura was involved when the man gave his statement,

1 and/or when the man recanted his statement. We got an
2 honest cop. If you have something to say about your
3 knowledge of kidnapping meetings, tell Mr. Ventura. Tell
4 somebody. No question Mr. Ventura's straight. That's
5 their case. Mr. Ventura's straight. Well, why not tell
6 him? If you are going to recant, you recant.

7 So we have two instances. One, Godoy is not
8 there. Two, he gave a previous statement to the
9 authorities in which he says implicitly, if not explicitly,
10 that Mr. Zuno is not involved in any way. That he knows
11 nothing about it. And that makes sense because he wasn't
12 with Fonseca then. It makes sense, it ties into the
13 injury. It corroborates the injury. Do we have to go
14 further than that? It's not our burden. It's not Mr.
15 Zuno's burden. It doesn't work that way in this country.

16 We'll go further then. You are not to speculate
17 on it, but you know in May of 1990, there was a trial.
18 These people from the dates you've heard about were not
19 there. Where were they? They knew about it. Where were
20 they? Why didn't they come forward, and get their reward,
21 and immunity, and safe passage in the United States, and
22 ability to say home, and get your 3,000 a month, like one
23 of them did, and not go out to work? Not a bad deal. Not
24 a bad deal.

25 Because they didn't have any information, or else

1 why wouldn't they have come up in May of '90? See if the
2 prosecutor tells us that. Why didn't they come up in May
3 of 1990? They were afraid in '92, but they weren't afraid
4 in '90, and why were they not afraid in '90 and they were
5 afraid in '92? If Mr. Fonseca was going to do something
6 scary, was he only going to do it between '90 and '92?
7 That's baloney. If they had information, they would have
8 come up here. Why didn't they?

9 And think about whether there's any evidence of
10 any kind that was presented about kidnapping meetings that
11 Mr. Zuno allegedly attended from anybody the government
12 must have presented in May of '90. And if there is not,
13 and I tell you there is not, because the only two witnesses
14 are Godoy and Lopez-Romero, and we know Godoy surfaces in
15 August of '91, and Romero in or about January, February,
16 March of '92. If there is not, you might think about,
17 "What the heck is going on here?" Where is what you had in
18 '90? You mean something was put up before somebody in '90
19 and it's not here now? You mean, you mean, that wasn't
20 credible? You tell me that wasn't credible, but believe
21 these two guys that would kill for money?

22 Key thing. Common sense. Common sense. The
23 meetings with the D.E.A., after they finally came up, let's
24 put aside everything else, just common sense. When they
25 met with the D.E.A., what did they do, what did they say,

1 when did they give information? If you look at this, and
2 look at the length of time that he took to give the
3 information, it will be established, because what it will
4 demonstrate to you is that even though these people met
5 with the D.E.A. and were asked to tell everything they
6 knew, they did not disclose this information, and they
7 didn't disclose it because they didn't have it. They
8 created it later.

9 Now, you've heard Agent Barrellez. He's a good,
10 tough agent. You can make that assumption. You heard from
11 the witness Barrellez, I believe, how he questioned Dr.
12 Machain. You know, what did you know about this? What do
13 you know about the kidnapping? I mean, he's not dancing
14 off there in the bushes somewhere. He's going right at
15 that. What did you know about the kidnapping?

16 Mr. Godoy's first statement to the D.E.A., and
17 it's clean. You remember he danced. He didn't remember
18 where it was, when it was. We finally got it, it was
19 awkward until we got it, until we got the testimony, but we
20 got it from Agent Levya. Boom. Boom. Boom. When the
21 meetings where.

22 August 30 of '91, the first meeting. The first
23 time he comes forward. He does a D.E.A. report. He tells
24 us that the D.E.A. report is something, it's official.
25 It's not verbatim, but you put together the guts of it.

1 You put together what's relevant. You put together what's
2 meaningful, because you want to use it in the course of
3 your investigation. It makes sense like any of you work
4 anywhere, or you write notes to yourself. You don't put
5 every word, but you put what's significant to you, so you
6 can remember. That's what he said.

7 Zuno's name is not in the report anywhere. Now,
8 is that significant? Now, he gets back on redirect and
9 says, well, yeah, the name was mentioned. You telling me
10 you got a man under indictment, man under indictment, and a
11 witness, a perspective witness says he knows the person,
12 and that's not significant? Well, what is significant?

13 In the case about Ruben Zuno, if they have any
14 evidence -- you didn't hear any evidence they had; right?
15 You didn't hear anything they had; right? Nothing.
16 Nothing. Nothing. Nothing. Until they're talking to this
17 guy, no witness was here that said he was in a conspiracy
18 meeting. Nobody. This guy comes in in August of '91.
19 What do you know about the kidnapping? You tell me he
20 mentions Zuno's name and the guy doesn't put it in the
21 report? Come on.

22 Now, more than that, he admits that there is no
23 reference to Mr. Zuno, according to Godoy, being involved
24 in any kidnapping meetings when he sees him on September
25 3rd. Now, is that logical? If you have information he's

1 involved in kidnapping meetings, wouldn't you say it? If
2 you don't say it at the first meeting, wouldn't you say it
3 at the second meeting? This is after he started getting
4 paid. He doesn't say it. I'm not making it up.

5 I mean, Officer Leyva said there is nothing in the
6 D.E.A. report about the Las Americas, the Ernesto Fonseca
7 meeting, the 114 Tonalá meeting, the Oficina meeting, any
8 of those meetings where the kidnapping was allegedly
9 discussed, and this man told you about them. Does that
10 make sense to you?

11 He meets October 22nd. Again, no reference to Mr.
12 Zuno being at any of those meetings. No reference to Mr.
13 Zuno being involved in the kidnapping. He needs more
14 money. He meets again on April 4th. No reference to Mr.
15 Zuno being in on any kidnapping meetings. April 6th, no
16 reference to Zuno in any kidnapping meetings. Come on. I
17 mean, it doesn't work that way. I mean, he's going to
18 mention it, isn't he? Is it logical to think you're going
19 to hold him back?

20 He's making it up. You see, it all goes back to
21 that it's made up. It's made up about the identification.
22 They knew who he was. They didn't know who he was. They
23 knew the first time. They didn't know the next time.
24 Castillo's supposed to get the information. No, Quintero's
25 supposed to get the information.

1 In a similar fashion with Lopez-Romero, and we'll
2 show you how close these two people are together, what they
3 did, who they worked for, et cetera. He says on the
4 witness stand, it's unclear, but he makes reference to
5 coming up here in January to the United States, maybe
6 seeing the D.E.A. He makes reference to coming up here in
7 February and maybe seeing the D.E.A. And we know there's a
8 D.E.A. Six report on March 5th. You know what the
9 questions are going to be. "What do you know? What do you
10 know about the kidnapping? Do you know anything about Mr.
11 Zuno?"

12 There is no reference of any kind to Mr. Zuno in
13 the report. His name is not there. Mr. Leyva told us
14 that. Does that make sense? If he had information about
15 Mr. Zuno, would he have given it on March the 5th?

16 Now, the prosecutor may say, well, short meeting.
17 Well, how about the next occasion? Because he talks to
18 them March 5th and April 9th. They brought this man up
19 here. They're paying him money. He's living in this
20 country. This is a man that's involved in killing people.
21 Murders, not that it should matter, but murders.

22 Did they talk to him between March 5th and April
23 9th? Would you think they would? I would think they
24 would. What we do know is, there is nothing in any report
25 to indicate that he said, during that whole month, that Mr.

1 Zuno was involved in any kidnapping meetings. That's 30
2 days. Now, does that make any sense to you?

3 You don't know if the man is here from January or
4 February, he said forward. You know they interview him on
5 the 5th, per Mr. Levya. We know they interview him in
6 March, that's a month later. Does it make any sense at
7 all, at all, that he wouldn't talk to them during that
8 30-some day period? If he had any information about Mr.
9 Zuno being in kidnapping meetings, he'd tell them he was in
10 the kidnapping meetings. I mean, wouldn't it be logical?
11 Well, he didn't do it. He didn't tell them anything during
12 this month period.

13 April 9th, another meeting. More money. Again,
14 they meet with him. Again, he does not say, nothing in the
15 report to indicate he says Mr. Zuno was involved in any
16 kidnapping meetings. April 14th, again, he does not say
17 Mr. Zuno is involved in any kidnapping meetings.

18 Common sense, you know, you're home, you're --
19 figure it in an analogous situation. I mean, isn't it
20 logical? So he doesn't during this 35, 40-day period,
21 whatever, January, February.

22 We know that curiously, within a week of each
23 other, within a week of each other then suddenly pulled him
24 in, to tell that Mr. Zuno, or made the claim that Mr. Zuno
25 is involved in the kidnapping meetings. Godoy hasn't done

1 it from August through April. Seven, eight months, and all
2 of a sudden, in the April 7th week, he, for the first time,
3 claims he's in the kidnapping meetings. And Romero about
4 40 days later, or maybe it's 90 days later, starts talking
5 to them in January, first talks about Mr. Zuno being at the
6 kidnapping meetings. And it's interesting that neither
7 even mentions Mr. Zuno till at or about the time -- doing
8 anything, I mean this marijuana business -- till after each
9 gets immunity. Remember, it took one two months to get
10 immunity and one, one month to get immunity. And then the
11 first mention of Mr. Zuno and some marijuana after they got
12 immunity and more money.

13 But still in Godoy's case, six, seven more months
14 before he mentions kidnapping meetings. And a considerable
15 period of time in Lopez-Romero's case. Now does that bring
16 with the way things usually are?

17 Oficina. Oficina's powerful, I think. More
18 important is what you think. The witness yesterday, the
19 lawyer, credible. No questions on cross-examination.
20 Testified that where government claims Oficina is and the
21 meeting occurred, is not called Oficina, and belongs to his
22 friend, who doesn't know Javier Barba-Hernandez.

23 Godoy and Lopez, one claims Fonseca owned it, the
24 other claims Javier Barba owned it, and this meeting was
25 there. And there is undisputed testimony that the place is

1 not called Oficina, and where these witnesses identify
2 somebody else owns the property.

3 Now, if that wasn't so, the government with all
4 its resources, could have at a minimum questioned that
5 witness, and at a maximum brought up other testimony. But
6 that knocks off the Oficina meeting. I mean, that man was
7 credible. They didn't ask a question of him. So one of
8 the meetings they claim happened at that particular
9 location, we now know that location was owned by somebody
10 other than they said, who didn't even know Javier
11 Barba-Hernandez.

12 It's tough, they say, you know, a meeting happened
13 in Bogota or something. Go prove it. But there it is.
14 Prominent politicians publicly at a meeting with the
15 traffickers. It's just a number of kind of bullets, you
16 know, I mean, the main thing was the first couple things.
17 But just think about this now, on a common sense basis.
18 Who does he have go to the Las Americas Hotel, somewhere in
19 the area of whatever hotel he said? It wasn't a Hilton.
20 It was near another hotel with an American name, but it was
21 downtown Guadalajara. Who does he have going there with
22 drug traffickers, with valet parking, with a lobby?

23 He has the governor. So in '85 we have Governor
24 Deukmejian going to Las Americas to meet these traffickers.
25 The Secretary Governor Nationale, we don't have the exact

1 thing in our country, but the testimony is that's the
2 second in command in Mexico. All of Mexico, second in
3 command. So we've got Vice-President Bush. So we got
4 Deukmejian and Vice-President Bush going to meet
5 Caro-Quintero, okay. It makes sense. And Ernesto Fonseca
6 and all of those other hoodlums. You got the director of
7 the M.F.J.P.

8 Well, the testimony is it's like our F.B.I. in
9 '85, William Webster. We got the Minister of Defense,
10 Gardoqui, and that's like our Secretary of Defense Caspar
11 Weinberger. So we got Casper Weinberger, Governor
12 Deukmejian, Vice-President Bush, and William Webster
13 showing up -- showing up downtown at the Bona Venture,
14 saying, "Did Caro get here yet? Hey, Gallardo, good to see
15 you again. Good to see you."

16 I mean, you know, you know we all didn't fall off
17 a turnup truck. I mean, is that going to happen? They not
18 only do it once, but Vice-President Bush says to
19 Deukmejian, "Let's do it two or three more times in case
20 somebody didn't see us the first time." And the
21 Vice-President says, "Well, what will we talk about?" And
22 they said, "Well, the same thing we talked about before,
23 who the agent is."

24 And Governor Deukmejian says, "I know who the
25 agent is. Remember, I tried to bribe him." They say, "No,

1 no, no. We are going to talk about who he is. We're going
2 to talk about who he is."

3 So the Governor and the Vice-President, and Casper
4 Weinberger have all these meetings in which they say, "Who
5 is the agent? Where is the agent? Who is he?" It doesn't
6 seem too likely that they had these three or four meetings,
7 boom, boom, boom, to discuss what, who was the agent.

8 Remember, we had Harrison tell us that body guards
9 and stuff didn't overhear conversations. They were shoed
10 away. Remember that testimony. He was at a lot of drug
11 trafficker meetings. By the way, he never saw Zuno. And
12 people weren't in there, according to him, changing
13 ashtrays and stuff, listening to the conversations. That
14 didn't happen.

15 The meticulous memory of details. You see it
16 wasn't so meticulous. What was meticulous was the first
17 paragraph, who the people were that were there, you know,
18 the vice-president, the governor, and all that. But not
19 much past that.

20 And remember how meticulous he was when he asked
21 how much money he'd been paid last year, or a couple years
22 ago, or three years ago, or four years ago. And he didn't
23 remember what he made in '86 or '87 or '88. He couldn't
24 approximate it. And then he came with a wild guess. Well,
25 is that the kind of thing that you're are going to

1 remember? Is that the kind of thing you going to remember?

2 You remember he's asked about Fonseca, did he
3 know -- this is Lopez-Romero, did he know he was a drug
4 dealer. And on one page he gave us three separate answers.
5 The relevance of this is only: Can you believe him?

6 "Now, when you went to work for him he was a drug
7 dealer; isn't that correct?"

8 "Yes."

9 "You knew he was a drug dealer when you went to
10 work for him?"

11 "Oh, I didn't find it out right away. He was
12 introduced to me as some kind of comandante of the federal
13 police."

14 "Well, didn't you know at the time you went to
15 work for him, Fonseca was a big drug dealer?"

16 "No."

17 That's on one page under oath.

18 They asked him if he's an enforcer? "Oh, no, no,
19 no. I'm a messenger." Messenger. Messenger for Fonseca.
20 Just to run errands.

21 "Were you an enforcer?"

22 "No, just to run errands."

23 "Well, didn't you have a gun?"

24 "Yeah, I had a gun."

25 "And didn't you go with him as a bodyguard; isn't

1 that how you made your living?"

2 "Yes."

3 Worse was the kidnapping. Worse was the
4 kidnapping. "We never kidnapped anybody. Fonseca had his
5 special people do that."

6 "But didn't you know that you were going to kidnap
7 Enrique Camarena?"

8 "Not until the moment we grabbed Enrique Camarena
9 by the arm, that I realized it."

10 This is somebody we're giving a pass. This is
11 somebody we're giving immunity to. This is somebody who's
12 going to work and live here. And get paid \$3,000 a month.

13 "Not until the moment we grabbed Camarena by the
14 arm did I realize I was going to kidnap him." He somehow
15 went over there in the car, got out of the car. Somehow
16 walked over to Camarena, not knowing what he was going to
17 do, put his arm on him, and then figured out he was going
18 to kidnap him. Now, he's talking to you here under oath.

19 Later on he says, "Fonseca's people usually did
20 the kidnapping, yet other people -- but I was ordered to
21 kidnap Camarena." The point of the story is: Under oath
22 to you, did not tell the truth until pushed. We asked him
23 about bribery. He said what kind of bribery? What do you
24 mean by bribery? And finally he told us, yes, he was
25 involved in bribery.

1 You know, are these the kind of people that you
2 can rely on? They just don't hear drug traffickers
3 plotting a kidnapping four months before, which is
4 something we've touched on before. You know, if they are
5 going to do the kidnapping, wouldn't they do it? Would
6 they wait for hours?

7 And we know the Jehovah Witnesses and -- what I
8 remember to be the Mexican couple that came to the door,
9 and they just tortured and killed them. I would think
10 that -- we were not expecting some impeccable person to
11 take the stand. But what we're saying is, whoever takes
12 the stand, with what we've gone through already, without
13 any prior background of badness, you cannot rely on that in
14 your most important decisions? Let's talk about them.

15 On a massive scale, these people have been
16 involved in the worse atrocities: Drug trafficking,
17 bribery, torture, kidnapping, obstruction of justice. They
18 have demonstrated to you they have no conscience, they have
19 no ethics, they have no morality, they have no sense of
20 right or wrong. Can we say that all of a sudden here
21 they're going to tell the truth, when they're being paid
22 what they're being paid, and given what they're being
23 given?

24 And after they have told you untruths already here
25 that we've gone through, these are people -- it's hard

1 because I could not realize it. You're in the setting of
2 the courtroom. You think back. I mean, the torture and
3 killing is such that -- somebody puts on a shirt and a tie,
4 and they're sitting up there. You know, it's tough to get
5 a feel. But think of the mentality, because mentality is
6 important. Would these people lie for money?

7 You have somebody up there that says this poor
8 couple from Mexico was at the door. They're being
9 tortured, and what's in this fellow's mind is, "Why don't
10 we just kill them, not torture them. Killing will be
11 easier." I mean, it doesn't even cross his mind that
12 another alternative might be to let them go. That is a
13 viable alternative, to let them go. I mean, that's who
14 we're listening to.

15 And that's why the government spent three or four
16 or five minute on the meetings. That's why they spent a
17 lot of time on the pearl revolver, Zacatecas, and stuff
18 that we are to talk about. This is no mention of Zuno in
19 Zacatecas and Chihuahua, Bufalo, or any of that. But
20 that's why all of that time.

21 We did a little chart here just to give you a feel
22 for these people. I don't think you even have to get this
23 far. If they were perfect, the story doesn't make any
24 sense.

25 Well, we got Lopez-Romero participating in the

1 kidnapping and murder of four Jehovah Witnesses. Remember
2 we have a couple of ladies, two or four. Remember he told
3 us how they had to undress, how they were put in a room,
4 how they were tortured, how they were put by a grave, and
5 all killed. That's what they're bringing us. That's why
6 they spend three or four minute on the case. Imagine the
7 enormity of that. And then they're paying him to stay here
8 and get work permits and work here. What is going on in
9 our country?

10 It's a terrible thing to happen to Enrique
11 Camarena, but we can't go too far here. We can't lose
12 sight. They're present during the torture and the murder
13 of the couple, accepted a bribe. I mean, a bribe's pretty
14 bad. I mean, bribes mean you're violating your public
15 duty. It means like you're lying.

16 When you're up there testifying, means like you're
17 lying. Here is somebody accepting a bribe, obstruction of
18 justice. Remember, he didn't remember what it was and then
19 we told him. It was a shooting and he did whatever he did,
20 and participated in the kidnapping of Enrique Camarena.
21 Here's a man, can you believe it, who actually participated
22 in the kidnapping, and here he is going to be able to work
23 here, live here, making up this story?

24 We know we're paying him this \$3,000 a month in
25 residency and security and INS work permit, immunity and

1 relocation and paying him money tax free.

2 How about Jorge Godoy? Remember he's sick for
3 the three months when the meetings take place. But then,
4 true to form, he goes off with his good pal, Ernesto
5 Fonseca to Puerto Vallarta, and he is with him when he gets
6 arrested. Possession of illegal firearms, and so forth,
7 and robbery, and fled Guadalajara, and we're doing similar
8 things for him, and work permits, and so forth. That's
9 another witness. That's the two witnesses.

10 They can put on 50 witnesses, but that's the two
11 witnesses this case is about. Because I tell you every
12 D.E.A. agent that took that stand, and F.B.I. agent that
13 took that stand, not one of them, not one of them said they
14 had any evidence that Ruben Zuno-Arce was involved.

15 The F.B.I. forensic's evidence, the analyzation of
16 the interrogation tapes, the fibers, the cloth, all of
17 those agents that went on. All of the fine D.E.A. agents
18 that went on, and did the surveillances, and the checking,
19 and the review of the notebooks, all of them, not one of
20 them had one word to say that Mr. Zuno was involved in any
21 way in the kidnapping. Or for that matter, involved in any
22 way with drugs of any kind.

23 You remember Jaime Kuykendall furnished no
24 information Mr. Zuno was involved in drugs or Art
25 Rodriguez. Well, we'll talk drugs later.

1 Look at the similarities of the witnesses. This
2 is one voice. This is one voice. This is one package
3 you're being presented. One package. Without
4 verification. Without verification of Mr. Zuno. If those
5 hoodlums kidnapped him, and was at the house, he throws in
6 a name of somebody at the house, but there's no
7 verification Mr. Zuno was at the house. None. None of any
8 kind.

9 In fact, there's negative verification. You know
10 why? Because remember the prosecutor told you, "If you're
11 going to kill him, I want to question him." Well, they did
12 kill him, unfortunately; and there is an interrogation tape
13 for this purpose, fortunately, and Ruben Zuno's name is not
14 on that interrogation tape. There's no identification of
15 Ruben Zuno speaking on that interrogation tape. None.
16 None.

17 They put their F.B.I. experts on. None. If he
18 were there: No. There's no hair sample. They got them of
19 others. No fingerprints. No anything.

20 Let's talk about the witnesses speaking with one
21 voice. Both from the judicial police, homicide. One left,
22 one was dismissed. They were either both dismissed, or one
23 left, one was dismissed. They're friends. They're both
24 bodyguards. One escapes to Puerto Vallarta, the other is
25 arrested in Puerto Vallarta, so they both go with Mr.

1 Fonseca. Neither with this information shows up at the
2 1990 trial.

3 We don't know, but there's no evidence they
4 weren't recruited by the same person. No evidence they
5 weren't recruited and sent up here by the same person.
6 Neither mention Zuno for quite a period of time as being
7 involved in the kidnapping in any way. Both only reference
8 him, not about the kidnapping, but reference him after they
9 get immunity, and neither references him for a considerable
10 period of time, before even 90 days for one. Because I
11 don't know if he came here January or February. And the
12 other eight months. Neither reference him for that amount
13 of time, and both curiously reference him within a few days
14 of each other. That's a lot of coincidences.

15 Now, what's the motive? What would be Mr. Zuno's
16 motive? You remember Godoy and Lopez weren't quite sure
17 where to put him. When they did, this dance of about 30
18 people coming in. They put on the politicians, not drug
19 traffickers. The government's not sure if they want them
20 to be a politician or drug traffickers. But let's look at
21 both. How weak, how weak is the politician theory? You
22 remember what they told you? I mean, this about, about as
23 weak as you can get.

24 When they opened they say former government
25 official, brother-in-law of Echeverria. Well, my gosh, Mr.

1 Echeverria, I think the evidence is, was a president from
2 about '75, '76, ten years before the incident. Mr. Zuno's
3 job is not a supo job, as we talked about, ended about ten
4 years before. No evidence any involvement in politics.
5 How far did they stretch when they asked Mr. Zuno if his
6 father in 1923 was the governor of Jalisco? I mean, what
7 is the inference that is supposed to be drawn from that?
8 The man who founded the university there, the man that gave
9 him the Lope de Vega land. What inference is to be drawn
10 from that?

11 No indication he was in any way inaccurate when he
12 testified about who he knew and who he didn't know. He
13 said he did not know Gardoqui. He said he did not know
14 Diaz. He knew Espino. On occasion Castillo. Didn't
15 really know Aldana. Saw or spoke to a couple of times
16 Guerrero. No contradictions.

17 Why couldn't they show that he knew these people
18 more than that, or he been with them, or he was good
19 friends with them, or he knew something about them?
20 Precious little of any real involvement in politics of any
21 kind. And what's his motivation? I mean, he doesn't pay
22 money, he doesn't get money. I mean, what is he doing? I
23 mean, what's the political connection.

24 And if the government's position is to be
25 believed, they sure didn't leave Mr. Zuno out of even a

1 conasupo job for some ten years. They've got all these
2 other folks in their pocket. I don't know who they had in
3 their pocket and who they didn't. But it sure wouldn't be
4 Mr. Zuno. No involvement of any kind. Talking about his
5 father in 1923. Aren't we better than that here?

6 Then they say: Well, maybe he's a drug dealer.
7 Maybe that's his motivation. And the way they handled that
8 is cute. They say lots of drug dealings: Padrino,
9 Zacatecas, Chihuahua, Anaheim. Millions and millions and
10 million of dollars. And, by the way, Mr. Zuno's in that
11 Cartel.

12 So let's analyze what they've given you. Oh, or
13 by the way, Retamoza is working for Felix Gallardo. Oh,
14 and do you remember Felix Gallardo was at that meeting, so
15 Mr. Zuno's somehow involved. Of course, by omission, was
16 he involved in the meeting, and can you believe those two
17 people.

18 The only evidence, hope it's not an overstatement,
19 if it is, your memory, as His Honor's told you, are the
20 best, but you strip it all down, you strip all these
21 millions of dollars down, down, down, to the core, the only
22 marijuana stuff they put on, and the case is not about
23 marijuana, it's not a marijuana deal, he's not involved in
24 marijuana, but that's not what the case is about, the case
25 is about: Was he involved in planning the kidnapping?

1 But all they've come up with, and all of this week
2 on all of this drug evidence, and all of this money, what
3 was the purpose of that? Was the purpose of that to fool
4 you? Was the purpose to kid you today when they're talking
5 about all that? We'll talk about that in a minute.

6 Everything we have is a hand drawn map, and
7 Mascota and a white Ford pickup. So we got an allegation
8 by Godoy and an allegation by Lopez-Romero that on two
9 isolated occasions Mr. Zuno was somehow involved in some
10 marijuana transactions, period. That's all we have. I'm
11 going to tell you in a minute what we have against that.
12 But that's all we have. Please compartmentalize what we
13 have. Don't be overwhelmed by the enormity, and don't let
14 anybody fool you about how terrible the offense, which it
15 was. That's not the issue.

16 We know, on the hand drawn map, we're talking
17 about the Mascota trip, and the man's saying he can make it
18 in a period of time. That Bill Canallas, the former F.B.I.
19 agent, in effect, tells you he can't make it, and Mrs. Zuno
20 tells you he can't make it, and Mr. Zuno tells you he can't
21 make it. These are torturous slow roads. He just could do
22 it. He just couldn't. He just couldn't do it.

23 No evidence of a white Ford pickup or any sense to
24 that. Two points on it. One, it doesn't matter for
25 purposes of this case. Two, there's no showing he was

1 involved with any person there; but there's overwhelming
2 evidence from the government's own witnesses that he wasn't
3 involved in drug dealing. And I can't say too many times
4 that's not what the case is about. But he's not involved
5 in drug dealings, and there's certainly no evidence he's
6 involved in any way in the Cartel's drug dealing.

7 And again, let's look at what the evidence is.
8 Who said what. Lawrence Harrison, their witness, testified
9 about monitoring the radio systems for Quintero and Fonseca
10 24 hours a day. He never heard Zuno's voice mentioned. He
11 never heard Zuno. He never heard his name mentioned. He
12 never heard his voice. Based on his personal knowledge,
13 Zuno was not in the Cartel.

14 He's overhearing thousands of conversations and
15 seeing lots of meetings. You remember he got quite a bit
16 of money. This is quite a bit of money. He got \$170,000
17 in money, and, you know, this business about the going over
18 to the house or hearing Quintero, you remember he started
19 moving from that, heard something in the vicinity, going to
20 the gate, and Sergio Virgin, the testimony was read in,
21 said that just wasn't true. He was there. Harrison was
22 never there and Quintero was never there.

23 And the dancing horse thing, kind of fanciful.
24 Didn't talk to him. Didn't see him. Just happened for a
25 second and Fonseca -- and Fonseca, he had the wrong house.

1 But putting that to the side, he certainly, you know, his
2 testimony really doesn't mean anything, but he's sure not
3 going to be helping Mr. Zuno.

4 And he was forced to admit in the thousands and
5 thousands of conversations that he overheard between
6 traffickers and police and whoever, Zuno's name never
7 mentioned, voice, not in the Cartel.

8 Frank Retamoza, in the innermost part of the
9 Cartel, and he was at Operation Padrino, remember that,
10 that was the cocaine operation. Mr. Zuno, no involvement
11 of any kind, any kind, any nature, and no claim by any
12 witness that he was. He never saw all these meetings of
13 these bad people and delivered money. He never saw Mr.
14 Zuno at the meetings. He never delivered money to Zuno.
15 No testimony about that. Never delivered drugs to Zuno.
16 No knowledge of any kind Zuno's involved in the Cartel. I
17 mean, here's a man with the innermost part of the Cartel.
18 We got Harrison right in the Cartel, out of Fonseca's
19 house. We've got Retamoza right there in -- right there as
20 close as you can get to Felix-Gallardo.

21 Now, wouldn't you think if Mr. Zuno was in any way
22 involved, anyway involved, that's pretty powerful stuff.

23 Jaime Kuykendall, I mean a class act. He ran the
24 Guadalajara office of the D.E.A. Intensely interested in
25 Enrique Camarena. Informants, interrogated people,

1 reviewed information, led the investigation. No evidence
2 of any kind any marijuana ever found or drugs of any kind
3 on Mr. Zuno. No evidence. And remember, Mr. Kuykendall
4 also says, based on his knowledge, and he stayed interested
5 in the case, no evidence of any kind about really what the
6 case is about, that Mr. Zuno was involved in the
7 kidnapping. No evidence of any kind.

8 Michael Acuna, searched residences. Horacio
9 Ayala, participated in the investigation and searched drug
10 traffickers' residences. Joe Gonzalez, searched multiple
11 residences. Tomy Gonzalez, Tomy Gomez, surveilled drug
12 trafficker locations in Las Americas, La Langosta. All of
13 these men are fine D.E.A. agents. They surveilled, they
14 looked, they weren't passing, they were in there raiding
15 houses. They were in Felix Gallardo's house. They found
16 phone books. They found diaries. They found this. They
17 found that. You can bet if there was any reference to
18 Ruben Zuno on one piece of paper they found at any of these
19 surprise raids at any of these houses, you would have seen
20 it.

21 There's no evidence of any kind that any of these
22 bad people had any arrangements, knowledge,
23 acquaintanceship with Mr. Zuno. Nothing in Felix
24 Gallardo's papers, records, or any of these other people's
25 papers or records.

1 Eugene Hostelle testified of the Verdugo
2 operation. The prosecutor mentioned that. The one in
3 Arizona, and then nothing about Mr. Zuno of any kind. Now
4 that's what we know about the drugs. So we know innermost
5 people, he's not involved in drugs. Innermost people in
6 the Cartel. They put them off. They got the resources.

7 Unlike the other people you've heard testimony
8 about, he didn't have bodyguards, Mr. Zuno. He didn't have
9 a chauffeur. He didn't have luxury homes. He didn't have
10 the security gate. He didn't have cellular phones. He
11 didn't have luxury cars. I mean, different than all of
12 these other people.

13 Remember even the Lope de Vega house they sold in
14 December, you could just walk up to the front door. It was
15 just a little four-foot gate, you remember, just open it.
16 No big gate or anything like that.

17 That's just a summary. There's no motive. He's
18 not a politician, he's not a Cartel leader, he's not a
19 Cartel member.

20 We also have Vicki Canalez and Mrs. Zuno and so
21 forth, attesting to the same thing. He didn't have to take
22 the stand. He took the stand. They could ask him anything
23 they want. Anything they wanted. Did you hear one
24 question about the guts of this case, about kidnapping
25 meetings? Weren't you there? Weren't you there? When

1 were you last in the Las Americas Hotel? Were you ever in
2 the Las Americas Hotel? You sure you don't know General
3 Gardoqui? Here's a picture. You don't know Caro-Quintero?
4 Don't you know this one? When did you last speak to this
5 one? When did you last speak to that one? Not one
6 question, because they know it's so. They know -- they
7 know Godoy and Lopez-Romero -- well, that's what they were
8 given. That's what they were given. No bad motives. They
9 worked with what they are given. They worked with what
10 they were given. And maybe, maybe in the passion of this
11 case, you don't check as hard as you usually check. Maybe
12 you don't verify as much as you usually verify.

13 Understand, we are all human beings. All of you
14 are human beings.

15 Now, in addition to not being a Cartel member, and
16 the overwhelming evidence, the retaliatory acts that are
17 discussed in reference. I mean, no indication. They
18 mentioned the surveillance of Gallardo, and some cars going
19 up to him, and saying get away, and the threats to Agent
20 Kuykendall, and the photographs that were taken, and Mr.
21 Zuno, no involvement in any of that, in any way at all. In
22 any way at all.

23 Why are we here? If you had -- we don't have to
24 prove that here.

25 They mentioned Dr. Machain, the prosecutor did,

1 today. You've heard he was kidnapped. Did you hear one
2 witness, even on the stand, that said he gave anybody an
3 injection? I mean, that's really why we are here. I mean,
4 we've gone too far in this investigation. We've offered
5 too much. We are here because in Mr. Zuno's case, two
6 people where offered enough and were smart enough to figure
7 out what they needed to do to stay here, and they made the
8 claim that they made. The claim wasn't verified. There's
9 no independent evidence.

10 Maybe Mr. Zuno would give up some politicians who
11 did live at Lope de Vega. I mean, the Lope de Vega story
12 is very simple, virtually uncontradicted. He got the land
13 in 1970. He built the house. Sold it to a person he never
14 knew before, Jesus Sanchez-Barba. There's no evidence he
15 ever knew him before, and there's no contradiction of that.
16 Sold it for 70 million pesos. Never in the house again
17 after December 23rd. Removed the furniture he removed.
18 Turned the keys over January 11th to Jesus Sanchez-Barba,
19 who he never knew before. How ever Quintero got there, he
20 got there.

21 But, you know, one thing for sure, if it were your
22 house, and you were a leader, you were a leader of this
23 plan, and you're sure not going to have this thing happen
24 in your house. I would think that would be the farthest
25 place that anybody would want to kidnap in their house.

1 So he sells it. You've heard that there is a deed
2 that went in that shows the purchase price as different
3 than 70 million pesos, because under the directive of the
4 governor, it was up to the buyer to put what he wanted,
5 assessed value, whatever, like we have here, for tax
6 purposes. And because of the divorce or whatever, the
7 formal registration occurred later.

8 But there's no contradiction that the sale was for
9 70 million pesos. They could have brought up testimony to
10 show it wasn't for 70 million pesos. They could have
11 brought up these witnesses, if there were any questions
12 that that wasn't the sale price, and any question when Mr.
13 Zuno left the house and was never back there again.

14 You know, what may well have happened here is the
15 situation where you got a Jorge Godoy -- and, you know,
16 I'll be done soon, you've been patient with me -- you got a
17 Jorge Godoy who you remember they have spoken to all of
18 these times, and he never made any mentioned of Mr. Zuno.
19 Tell us all you know. Tell us all you know. Tell us all
20 you know. Never says Mr. Zuno's involved in any kidnapping
21 meetings.

22 THE COURT: Counsel, this is getting repetitious,
23 now.

24 MR. MEDVENE: Right, sir.

25 THE COURT: You made these points.

1 MR. MEDVENE: Okay, sir.

2 And in the conversation, he finally mentions after
3 all of these of the meetings Mr. Zuno. Does it make sense,
4 ladies and gentlemen, does it make sense, that without any
5 evidence from the Cartel leaders, from the people in the
6 Cartel that Mr. Zuno has any involvement? No testimony,
7 expect what surfaces, so long after, under the curious
8 circumstances. No forensic evidence of any kind, the
9 openness of Mr. Zuno in coming to the United States, in
10 coming for an interview with Mr. Kuykendall, and answering
11 questions, whatever, that there would be any involvement?

12 We submit to you, ladies and gentlemen, that there
13 is not. I would say -- I would say this in closing: In
14 our system, Mr. Zuno is entitled, as you know, to a
15 presumption of innocence. They have to prove beyond a
16 reasonable doubt his guilt.

17 We say to you, by any standard, they have not. We
18 say to you, if what we're about as a country is integrity
19 and fairness and honesty, not only to our own, but the
20 people from other countries, other human beings, that we
21 must send out a message in this case, because you see, the
22 prosecution, the government always wins. We're all the
23 government. The government always wins when justice is
24 done. Always wins.

25 And we say, please, send out a message here

1 that there is no evidence presented that we can reasonably
2 rely on. You have not proven beyond a reasonable doubt,
3 you have not proven at all, Ruben Zuno was involved in the
4 kidnapping of Enrique Camarena.

5 I ask you, ladies and gentlemen, please to return
6 a verdict of not guilty and send this man home to his
7 family.

8 Thank you very much.

9 THE COURT: Now, ladies and gentlemen, counsel for
10 the government has an opportunity for a --

11 MR. MEDRANO: Your Honor --

12 THE COURT: -- a response. Yes?

13 MR. MEDRANO: I'm embarrassed to say this, but I
14 need to go to the bathroom.

15 THE COURT: Well, don't be embarrassed. We all
16 have to occasionally.

17 (Laughter.)

18 MR. MEDRANO: Could we have at least five minutes?

19 THE COURT: Let's take a five minute break.

20 MR. MEDRANO: Thank you, Your Honor.

21 THE COURT: And then the argument will be finished
22 shortly.

23 Five minutes.

24 THE CLERK: Please rise.

25 (Recess taken.)

1 THE COURT: The government's counsel will have an
2 opportunity now to respond to the defendant's argument.

3 MR. MEDRANO: Ladies and gentlemen, I will be very
4 brief with my comments. I know we are all tired.

5 Mr. Medvene indicated that in my opening remarks,
6 I might have spent only five minutes with you on the key
7 meetings. Well, what still holds true is you've heard
8 three days of testimony from Lopez and from Godoy. I
9 didn't think it was necessary to go through all that again.

10 In addition, Mr. Medvene focuses on the statement
11 that was elicited from Mr. Godoy pursuant to torture. You
12 heard Mr. Godoy tell you how he was taken to this office
13 and he was tortured, beaten, he was blindfolded, and made
14 to sign a document that to this day he has never seen. But
15 he said he did sign it.

16 All I ask you to do, and write this exhibit down,
17 177, this is a photograph of Jorge Godoy after that
18 interrogation, and look at it, and you can see the tape
19 marks from being blindfolded. You can see his condition.
20 It is unequivocal that he was tortured. So anything he
21 might have said was elicited through those means, and you
22 can just disregard it.

23 And frankly, he also was very honest with you when
24 he testified. He said, "Yes, sir, you're correct, Mr.
25 Medvene, I did not. There was no reference to Zuno or

1 other drug traffickers or politicians." And he was very
2 honest with you. He said, "For me to give names would be
3 for me to sign my death warrant." So that's what happened.

4 But, frankly, you can toss that confession aside,
5 because he never even got to review it. It was just put in
6 front of him and he was blindfolded and he signed it.

7 Mr. Medvene also comments on -- I guess this is a
8 suggestion to you that the facts of this case are so
9 incredible that they don't warrant belief, and I guess
10 examples were: It would be like having the president and
11 director of the FBI, be like having the Vice-President
12 Quayle involved in these meetings.

13 Well, ladies and gentlemen, this is the way it was
14 in 1983, '85, and '85 in the City of Guadalajara, in the
15 State of Jalisco. Now, the -- we are not alleging that
16 this is the situation now. We can only point you to the
17 facts in those three pertinent years. And when you put
18 this case together, and the tremendous evidence that you've
19 heard, it only points and militates in favor of believing
20 these witnesses.

21 Why wouldn't heavy hitters like that be present,
22 especially when you've heard the types of operations that
23 were set up here?

24 Picture this in your mind, if you can. Take I-10
25 east and you can take I-15 north to go to Las Vegas. I

1 think that's the freeway. And try to envision in your
2 mind, because this is what we are talking about -- if Mr.
3 Medvene wants to transplant these facts to the United
4 States, let's play this picture out.

5 Driving up I-15 and there you will find hundreds
6 of hectares of cultivated marijuana, a veritable oasis in
7 the middle of nowhere, where electric lines are brought in,
8 and water wells are dug and diesel engines, and
9 military-style barracks. Something like that could not
10 exist without the involvement and cooperation of some
11 corrupt officials.

12 Analogously, that was the situation in the State
13 of Chihuahua, and similarly, that's why you would have
14 these high powered politicians involved. And the money is
15 not chicken feed. Five billion dollars lost in Bufalo and
16 Chihuahua. That's a lot of money. Enough money that would
17 warrant the attention and involvement of corrupt high
18 ranking officials.

19 And by the way, our own federal agents described
20 to you their contacts with some of these high ranking
21 officials. You've heard of the contacts with Ibarra who
22 tried to forestall the investigation of the disappearance
23 of Camarena. The appointment of a premiere comandante,
24 Pavon-Reyes, who is as crooked as they come, and this is
25 the man appointed to head up this investigation. There is

1 countless example after example, so don't be misled by that
2 kind of argument.

3 This is the way it was then, and that's all we're
4 saying, and it makes perfect sense in light of the dollars
5 that were involved. Certainly the dollar amounts were
6 significant enough that compelled the traffickers to
7 retaliate against a Federal D.E.A. agent.

8 Also, Mr. Medvene keeps indicating to you that --
9 he keeps using the plural that both of these witnesses did
10 this, and both of these witnesses did that. Well, let's
11 set the record straight.

12 Of course, it's your memory that controls here, as
13 Judge Rafeedie has indicated. But I submit to you that the
14 testimony indicates that Godoy never participated in the
15 interrogation of anyone. He was just a bodyguard. That's
16 what he told you.

17 And Mr. Lopez-Romero, he was honest with you.
18 That couple was brought to the house, and when he got there
19 the couple was there, someone else was interrogating them,
20 he observed that, and he tried to intervene. And he's also
21 honest with you when he told you about his role in the
22 involvement in the kidnapping of Agent Camarena.

23 Now, there have been concern by Mr. Medvene about
24 these "great deals," that have been arranged for these two
25 witnesses, and others, but mainly Mr. Godoy and Mr.

1 Lopez-Romero. Well, let's break down these phenomenal
2 deals that these individuals have received.

3 First of all, it entails relocation from your
4 mother country to a place where they do not speak the
5 language. Second of all, it involves uplifting their
6 entire family and being brought over here.

7 Third of all, it involves essentially living in
8 fear for the rest of their lives. All of these witnesses
9 told you that. They fear for their lives. That's why they
10 are here. They're not going to come up here and testify
11 and go back to that country. They'd be dead people.
12 That's what they told you on the stand.

13 In terms of giving up -- well, in terms of perhaps
14 getting this tremendous windfall of \$3,000 a month, ladies
15 and gentlemen, both the Mr. Harrison and Mr. Romero told
16 you that when they made the conscious decision to come up
17 here to be interviewed, they were making -- Harrison was
18 making three to four thousand dollars a month, and Lopez
19 was making close to \$2,000 a month.

20 So if there is a tremendous windfall there, I
21 would like to see where it is. This is money that's used
22 just for living expenses.

23 Do you expect these people to come up here,
24 testify, and then live on the street? That's not the way
25 this is going to work, ladies and gentlemen. Of course,

1 they're going to be provided a basic living expense, and
2 both these witnesses have told you, and they were honest
3 with you, because Mr. Medvene was very strenuous in his
4 cross-examination of these witnesses, that when they got
5 here, a couple of things. They didn't know what was going
6 to happen to them. They didn't know whether or not they
7 were going to be arrested. Both Godoy and Lopez-Romero did
8 not receive immunity until one or two months after they
9 were already here and spilling their guts.

10 So it's a slight misleading argument by opposing
11 counsel, and I just ask you to go back to your memory and
12 your recollection of the testimony in this case.

13 Now, ladies and gentlemen, let me tackle head on
14 an issue that may or may not be of concern to you. That's
15 perhaps the notion that the United States Government has
16 put on the stand for you witnesses that are not animals.
17 You know, there's an old cliché, and essentially it states
18 that, "For a plot hatched in hell, you don't have angels
19 for witnesses." And truer words were never spoken than for
20 the Camarena investigation.

21 What does opposing counsel expect? What kind of
22 witness does he expect to come in here, an alter boy, a
23 priest, someone with a spotless record? Well, frankly,
24 ladies and gentlemen, the Guadalajara Cartel, run by Caro,
25 Fonseca, Zuno and others were not maintained on the payroll

1 of those kinds of individuals. They would search out and
2 obtain corrupt law enforcement officials, and Godoy and
3 Lopez were honest you. "Yes, we've taken bribes. We work
4 for Fonseca, even though we were drawing a paycheck from
5 the State Judicial Police."

6 The bottom line is, you are not going to have
7 witnesses for this case of a pristine, clean background,
8 because that's not real life. You only have witnesses who
9 were present; and if those witness are present, you're
10 going to have some of the attributes that people like Mr.
11 Lopez and Mr. Godoy have.

12 And finally, let me just remind you, one of the
13 witnesses called by the Defense was a Mr. Art Rodriguez.
14 You remember him, he met with Ruben Zuno, and I think in
15 1986 in San Antonio. And on cross-examination we asked
16 him, because he used to be a D.E.A. agent. He knew Kiki
17 Camarena. They used to work closely. Art Rodriguez for
18 about three months or so helped out on the Camarena
19 investigation. And I believe it was Mr. Carlton that asked
20 him on cross, "Now, Mr. Rodriguez, isn't it true that for
21 narcotics investigations, you can't do that without
22 informants?" And he said, "Yes."

23 That's the situation here, ladies and gentlemen.
24 You can't have a case like this without witnesses like
25 that. Mr. Medvene also indicates that, well, perhaps

1 the -- all, if not a few of these witnesses called by the
2 government are lying to you, because, according to Mr.
3 Medvene, appear to be contradictions or inconsistencies
4 between what the witness said on the stand and on the
5 reports.

6 Once and for all, let's clear up the record, and
7 once again, it's your recollection that controls here.
8 Agent Sal Leyva took the stand. He told you a few things.
9 The reports are merely summaries. They are not verbatim
10 transcripts. He also told you that when I interviewed
11 someone, I tended to address the specific report to a
12 specific subject. So that's why if there was a report for
13 the Las Americas meeting, of course, Mr. Medvene pointed
14 out in his examination there's not going to be a reference
15 to other meetings in that particular report.

16 In addition, Mr. Leyva told you that from the get
17 go, when Lopez and Godoy arrived in the United States, they
18 started saying what they knew, and they referenced Mr. Zuno
19 from day one. It was Agent Levya who made the decision
20 when to draft the reports. The witnesses had no control
21 over that, and you remember they told you they have never
22 reviewed any reports. They have never told the agents what
23 to put in those reports. They just answered the questions
24 that were asked of them.

25 Mr. Medvene also touches on the fact that it is of

1 great concern to him why some of these witnesses did not
2 come here until seven years or so after the fact. Well,
3 again, let's recall the testimony. Mr. Lopez told you
4 that -- and Mr. Godoy as well -- we lived in Mexico. We
5 laid low. We had miscellaneous jobs. We were afraid. So
6 if you're afraid, what motive do you have to come up?

7 And in addition, it wasn't until the date of, I
8 believe, '91 and '92, that it was the D.E.A. that reached
9 out to them, okay. And once that contact was made, these
10 two witnesses made the conscious decision to come up here
11 and testify in this particular case.

12 I submit to you that Rene Lopez perhaps stated it
13 most eloquently, and I wrote this down verbatim as best I
14 could when he said it. He said he was not familiar with
15 the United States system. And he thought it was the same
16 as in Mexico. He said imagine his surprise when he found
17 out that if you're here and you tell the truth, the
18 government acts pursuant to law.

19 Now compare the two systems. That's what his
20 understanding is of the system here. Before he came up
21 here, he comes from a situation where people are
22 interrogated and tortured, essentially no due process. So
23 that's why these people did not come up here sooner than
24 one would wish.

25 Ladies and gentlemen, I submit to you that there

1 is perhaps one strong final argument as to why you can find
2 for yourselves that these witnesses, particularly Godoy and
3 Lopez, and others, frankly, other civilian witnesses, are
4 telling you the truth. Ladies and gentlemen, if these
5 witnesses were here to lie because they were on the gravy
6 train, as Mr. Medvene would suggest to you, they could have
7 done a hell of a lot better job than they did. But they
8 didn't. They told you what they saw, heard, and lived
9 through, and that's why I asked you, when I stood up here
10 at the beginning, to put these pieces of the puzzle
11 together, and you can see how Godoy and Lopez dovetailed.

12 A good example are a couple of the meetings, for
13 example. Lopez telling you, well the Oficina meeting. We
14 go and I'm set up as a guard. In a way, I never got to the
15 house. Now, if Mr. Lopez is lying, as Mr. Medvene
16 suggests, why does he say, "I went to the house with Godoy,
17 and I was in that living room, and I heard Zuno say X, Y,
18 and Z." These people don't say that.

19 And another example, Lawrence Harrison, he was
20 very specific in his testimony. A couple of times he said
21 to Mr. Medvene on cross, "I don't want to lie to you. I
22 just want to try to remember as best I can." And Harrison
23 was honest. He doesn't -- Harrison did not place Zuno at
24 any big preabduction meetings, because he would be lying.
25 Harrison didn't see that, but that doesn't mean it doesn't

1 happen, didn't happen.

2 But the point is, if these witnesses who are
3 hell-bent to concoct a story, as Mr. Medvene suggests, they
4 could have done a much better job about doing it. On the
5 contrary, they gave you specific facts, bits of the pieces
6 of the puzzle, and then you're allowed now to put them
7 together.

8 Mr. Medvene has suggested that Ruben Zuno-Arce is
9 not this high-fluting politician, he's not a marijuana
10 trafficker, and as evidenced by the photographs, I guess
11 including that one over there with the flagpole, and
12 carpentry shops in disrepair and warehouses in disrepair,
13 that he's a man of modest means.

14 Well, this is the same man of modest means who
15 admitted, incredibly enough, incredibly enough on cross,
16 that he does know Ibarra, Aldana, Alvarez del Castillo.
17 Mr. Godoy and Mr. Lopez put Mr. Zuno with these same people
18 at the preabduction meetings.

19 And another thing, Mr. Zuno wants you to believe
20 through his testimony that he's a man of modest means, and
21 I guess a good example, are the failed enterprises or
22 businesses of which you saw the photographs. Well, I
23 submit to you the following: If you believe all of that,
24 then Mr. Zuno is just a bad businessman. And if you accept
25 that argument, then where does he make his money?

1 I submit to you that he makes his money, as you
2 heard through the testimony of the witnesses in this case,
3 through the growing and selling of marijuana as part of the
4 Guadalajara Narcotics Cartel.

5 Now there's been some indication to you, again by
6 Mr. Medvene, that Zuno sold that property, Lope de Vega, on
7 December 23. He was out because he moved his furniture and
8 that was the last day that he was at that property. I ask
9 you and, look at this, please write it down, Exhibit 183,
10 it's a deed that is in evidence, and see how it contradicts
11 the testimony of Mr. Zuno.

12 First, Mr. Zuno indicates to you that he paid 70
13 million pesos for the property. Look at the deed, Exhibit
14 183, it says payment of 4.9 -- pardon me -- 4.5 million
15 pesos.

16 The second thing, as I have already told you, he
17 wants you to believe that after December 23 he had nothing
18 to do with that property. Then why, as Mr. Carlton brought
19 out on his cross-examination of Mr. Zuno, does that deed
20 say that as of June 3, '85 -- this is months after Camarena
21 has been tortured at that residence -- why as of June 3,
22 '85, he still trying to register the property in his own
23 name as an individual to sell it? He wants you to believe
24 that the deal was done, completed by January of '85. But
25 these records, the deed, Exhibit ,183 completely

1 contradicts that.

2 Ladies and gentlemen, the point of all this is
3 that the transaction for the sale of Lope de Vega has a
4 funny odor. Something's not right here. Mr. Medvene
5 related to Lope de Vega, says, "Well, it makes no sense
6 that if Zuno was involved that he would allow these
7 traffickers to take this agent, this abducted agent, to his
8 residence at 881 Lope de Vega."

9 I submit to you it makes perfect sense for the
10 following reasons: What did Lopez-Romero tell you when he
11 said he and Fonseca went to the house? Fonseca said,
12 "Let's go. We're going on an errand." He and all these
13 guards exit. They had no idea where they were going. And
14 when they get to the 881 Lope de Vega, I asked Mr.
15 Lopez-Romero, "Had you ever been to that house before," and
16 he said, "I've never heard of it. I've never been there
17 before."

18 Think about it. What better place to take an
19 agent than a house that hopefully no one knows about yet.
20 Mr. Zuno and the other Cartel members were cognizant of the
21 fact that the D.E.A. was doing surveillance. You know
22 that. Remember Felix-Gallardo and how he hassled the
23 agents at the airport, and when they tracked him down to
24 his condo. Well, they know they're being watched. The
25 Cartel does not know which houses have been identified yet

1 by the D.E.A., so what better place to take him to, then a
2 house that really no one knows about yet. And that house,
3 I submit to you, was 881 Lope de Vega.

4 Now, Mr. Medvene has also referenced, I believe,
5 Mr. Zuno's voluntary meeting with Kuykendall and with Art
6 Rodriguez, and cooperating, and both those men. The
7 agents, concluded that Zuno was not a target at that time.
8 Those agents are telling you the truth. But again, the big
9 picture tells you best. Both agents, after '85, were not
10 full time on the Camarena investigation. So they're out of
11 the picture. So how would they know what information was
12 developed after that day? That's a red herring, ladies and
13 gentlemen. Don't be distracted by that.

14 In addition, I have a question for you. Ponder
15 with regard to that San Antonio meeting between Mr. Zuno
16 and Agent Kuykendall. At that time you recall Kuykendall
17 telling you that Zuno agreed to provide some information to
18 Agent Kuykendall, and ultimately -- I don't have an exhibit
19 number in front of me -- it turned out to be a list of
20 California narcotic traffickers. That's what Agent
21 Kuykendall told you. I have a question. What is a man who
22 is supposed to be uninvolved, clean, and not a
23 trafficker -- because that's what Mr. Zuno asserts for
24 you -- how in the world does he even have that kind of
25 information? And why is he passing it on to the D.E.A.?

1 Again, something smells funny here, ladies and
2 gentlemen. And what smells funny, I submit to you, is that
3 Zuno is, in fact, a member of this Cartel.

4 I would also ask you to discard another red
5 herring proffered to you by Mr. Medvene, and that is: Zuno
6 was not involved in 881 Lope de Vega, and as a result,
7 Lopez is lying, because there's no hair of Zuno, no prints,
8 and no voice of Zuno on the interrogation tapes.

9 Ladies and gentlemen, don't fall for that. First
10 of all, and this is the testimony of Agent Michael Malone
11 of the F.B.I. You heard the kind of obstruction received
12 by the F.B.I. when they were trying to process that
13 location for evidence. It's a miracle, frankly, that they
14 got anything.

15 Remember when the M.F.J.P. went bonkers when the
16 F.B.I. agent found near the tennis court in a grill a bent
17 up license plate, and all hell broke loose. The M.F.J.P.
18 even starting calling his comandante, and the F.B.I. was
19 kicked off the property.

20 Remember the instance another agent told you when
21 he was feeling the bottom of a pool, a dirty, murky pool,
22 with a long stick or something, and he felt something in
23 there, and he thought it might have evidentiary value, but
24 then it got late. He comes back the next day and the pool
25 has been emptied and it's completely cleaned. And when the

1 agent asks to examine the items that were taken out from
2 the bottom, he's shown some branches. And the agent says,
3 "Uh-uh, this doesn't fly. What I felt at the bottom of the
4 pool with that stick is something heavy, something more
5 significant."

6 The point of all this, ladies and gentlemen, is
7 that if the F.B.I., if the United States Government was
8 able to obtain any forensic evidence at all, certainly
9 without the assistance of the Mexican Government at that
10 timeframe, and it's a miracle there's any of that forensic
11 evidence at all.

12 And besides, Agent Malone told you that as to
13 hair, you don't always leave hair at a particular location.
14 If you come and go quickly, that doesn't mean you leave
15 hair there. So a person could be at a location and not
16 leave hair.

17 As to the fingerprints, remember Agent Carl
18 Collins of the F.B.I., I asked him about that specifically,
19 if there's any factors that would determine whether or not
20 you do or not do leave fingerprints. He told you two
21 things. One, physiological conditions of your own body
22 sometimes determines whether or not you leave a
23 fingerprint. You remember he said something along the
24 lines that if your hands are moist, the print may not be --
25 the latent print you leave may not be read. And he also

1 said the surfaces you touch, some surfaces are more
2 conducive to leaving a fingerprint.

3 So the fact that we have not found fingerprints
4 there, doesn't show anything, because for the reasons that
5 I have just described for you.

6 And finally, the fact that there's no voice of
7 this -- of Mr. Zuno on the tape is another red herring, as
8 I pointed out to you in my opening statement. Examine the
9 transcripts carefully, and you see they start and begin
10 midstream. That suggests to you that these are not all
11 inclusive, that these are not all the tapes. And as a
12 result, if there's only a few voices on there, that does
13 not disprove that Zuno was present at that house, as
14 Mr. Lopez has told you.

15 Another red herring, Mr. Medvene suggests that if
16 you listen closely to what the witnesses told you on the
17 stand, the statements in and of themselves, I guess, are
18 contradictory, and it falls like a house of cards. And one
19 suggestion he gave was there was an early meeting -- and I
20 forget which one it was, maybe Las Americas -- where I
21 think it's Godoy saying -- is quoting Aldana. He says,
22 well -- who says that we tried to bribe the agent, and he
23 would take the money, suggesting that at that point the
24 Cartel knew who the agent was; and as a result, subsequent
25 conversations you hear at those later meetings when they

1 are trying to find out who the agent is, that doesn't make
2 sense, and it all falls apart.

3 Ladies and gentlemen, don't accept that for a
4 second. Let me tell you why. Keep in mind that admittedly
5 this is an organization. It is a Cartel. But it is not
6 the smoothest running machine, okay. It's not a Fortune
7 500 company. And as evidence, because many times when they
8 had their meetings, they were drinking and they were
9 smoking base, okay.

10 Second of all, the losses -- when I went through
11 my chart about the seizures suffered by the Cartel -- the
12 losses were not just Zacatecas, and that's what Mr. Medvene
13 is referring to: Yes, Camarena, his cover was blown since
14 May of '84 because Manuel Chavez saw him on that aircraft.
15 Ladies and gentlemen, the Cartel might have known who was
16 responsible for Zacatecas, but they sure as hell had no
17 idea who was responsible for, among other things, the
18 Padrino seizure. You remember the two in Arizona, and one
19 in California with the cash.

20 Bufalo, Chihuahua, the Cartel did not know who was
21 responsible for that, and you know, as well as I, that that
22 loss, the \$5 billion loss in Chihuahua, easily surpassed
23 the loss in Zacatecas.

24 My point to you is this: These people are
25 meeting, okay. It's a loose formation. They get together.

1 People are coming and going. They're trying to figure out
2 who's responsible, and that statement by Aldana does not
3 contradict in any way the testimony of the witnesses in
4 this case.

5 There has been a suggestion that the United States
6 has perhaps bought witnesses, or by advertising for
7 rewards, that that's how these witnesses are here; and it's
8 just a money machine of the Federal government, that's
9 telling these people to come up here. Keep in mind that
10 witnesses told you they hadn't even heard of there was a
11 reward down in Mexico, so that, obviously, was not their
12 motivation for coming up.

13 And they also told you, ladies and gentlemen
14 that --

15 MR. MEDVENE: Excuse me, that misstates the
16 evidence, Your Honor. The witnesses said they were.

17 THE COURT: The jury heard the evidence. They
18 will decide the facts of this case. I'm not going to
19 attempt to resolve any disputes about that. That is why
20 you must rely on your own recollection.

21 MR. MEDRANO: Finally, ladies and gentlemen, if
22 that rationale was true, that it was a reward carry stick
23 that was motivating these people, then there would be
24 droves of witnesses up here to testify to that, and that's
25 not the case. These people are here. Yes, they have some

1 self-motivation, and no one disputes that.

2 But the bottom line is they came up here, had no
3 immunity when they arrived. They didn't know if they would
4 be arrested or not. They had no idea they were going to
5 get money or a relocation, so they came up blindly. And it
6 was only after they got here and after they started telling
7 the agents what they knew, that they were given those
8 items.

9 Let me conclude with this: Mr. Medvene has
10 suggested to you that this prosecution by relying on
11 witnesses of this nature that perhaps the United States
12 government has gone too far. He references also the
13 kidnapping of Dr. Humberto Alvarez-Machain.

14 Well, ladies and gentlemen, the crime that
15 occurred was a heinous, despicable crime that occurred on
16 foreign soil. It occurred to a law enforcement colleague,
17 a man deprived now of his family, his family deprived of
18 him. And this investigation is only here because of a lot
19 of work, a lot of dedication of many people.

20 Well, one thing that has always motivated this
21 team, this machine, of trying to find those responsible for
22 the brutal kidnapping, torture and murder of Agent
23 Camarena, was the notion, and is the notion, that it's only
24 the truth that we want. And if it's not the truth, then
25 get the hell out of here.

1 MR. MEDVENE: Objection, Your Honor. That
2 personal, "We want and the truth." We all want the truth,
3 Your Honor.

4 THE COURT: Well --

5 MR. MEDRANO: You know, this is true because when
6 the witnesses took the stand, particularly Godoy and Lopez,
7 which is -- who have taken most of the attacks from
8 opposing counsel in his closing, is they tell you honestly.
9 They were told by the agents, Hector Berrellez, Sal Leyva,
10 and others, we just want you to tell the truth. And that's
11 all that anyone cares about in this case.

12 I submit to you that the truth in this case
13 dictates the following: That Agent Camarena was a
14 dedicated agent, serving his country abroad. That he was
15 doing a phenomenal job, a job that resulted, along with the
16 assistance of other D.E.A. agents, in tremendous losses by
17 this Cartel. This Cartel did not take this lying down.
18 They met and tried to figure out a course of action. Ruben
19 Zuno-Arce was part and parcel of that conspiracy to take
20 action. And the result, unfortunately, was the kidnapping
21 and murder of Camarena.

22 I would respectfully submit to you that the
23 Government has met its burden of proof, and that you can
24 find Defendant Ruben Zuno guilty of each of these charges
25 that are alleged in the indictment.

1 And we thank you for your attention.

2 THE COURT: Ladies and gentlemen of the jury, I'm
3 going to take a recess at this time so that you can get
4 some lunch. We will reconvene at 2:30, and at that time, I
5 will instruct you on the law that applies to this case.

6 Now, you're getting very close to the time when
7 you will be permitted to discuss this case with each other
8 in the jury room. But you may not yet do so. You may not
9 talk about the case with each other, or with anyone else,
10 and nor should you permit anyone to approach you or discuss
11 this case with you in anyway. Simply put a stop to
12 anything of that kind.

13 And it is more important then ever that you
14 observe the Court's admonition that you not expose yourself
15 to any publicity about this case. Do not read anything.
16 Do not watch anything. Do not listen to anything. And
17 make a conscious effort to avoid that. That's extremely
18 important. You'll be called upon to decide this case based
19 on what you have heard in the courtroom. And that's all.
20 And what you have seen in the courtroom.

21 So please keep that in mind, and I will see you
22 back here at 1:30.

23 THE CLERK: Please rise.

24 (Luncheon recess taken.)

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I, MARY TUCKER, CSR, do hereby certify that
the foregoing transcript is true and correct.

Mary Tucker

6-17-93

MARY TUCKER, CSR

DATE