

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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HONORABLE EDWARD RAFEEDIE, JUDGE PRESIDING

- - -

UNITED STATES OF AMERICA, )  
 )  
 ) PLAINTIFF, )  
 )  
 ) VS. ) NO. CR 87-422(E)-ER  
 )  
 ) RUBEN ZUNO-ARCE, ET AL., )  
 )  
 ) DEFENDANTS. )

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

LOS ANGELES, CALIFORNIA

MONDAY, DECEMBER 18, 1989

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APPEARANCES:

FOR PLAINTIFF:

ROBERT L. BROSIO  
UNITED STATES ATTORNEY  
MANUEL A. MEDRANO  
ASSISTANT UNITED STATES ATTORNEY  
JOHN L. CARLTON  
ASSISTANT UNITED STATES ATTORNEY  
ADAM B. SCHIFF  
ASSISTANT UNITED STATES ATTORNEY  
1400 UNITED STATES COURTHOUSE  
312 NORTH SPRING STREET  
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FOR DEFENDANT ZUNO-ARCE:

MITCHELL, SILBERBERG & KNUPP  
BY: EDWARD M. MEDVENE, ESQ.  
JAMES E. BLANCARTE, ESQ.  
RON DI NICOLA, ESQ.  
11377 WEST OLYMPIC BOULEVARD  
LOS ANGELES, CALIFORNIA 90064-1683

FOR DEFENDANT BERNABE-RAMIREZ:

MICHAEL MAZA

FOR DEFENDANT VASQUEZ-VELASCO:

GREGORY NICOLAYSEN, ESQ.

SPANISH INTERPRETER:

ELISA POTTER

I N D E X

PROCEEDINGS

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MONDAY, DECEMBER 18, 1989

DEFENDANT ZUNO-ARCE'S MOTION FOR BAIL PENDING TRIAL 2

THE COURT'S RULING 25

LOS ANGELES, CALIFORNIA, MONDAY, DECEMBER 18, 1989, 3:30 P.M.

1 THE CLERK: ITEM NO. 11, CRIMINAL 87-422, UNITED  
2 STATES OF AMERICA VERSUS RUBEN ZUNO-ARCE, JUAN JOSE  
3 BERNABE-RAMIREZ, AND JAVIER VASQUEZ-VELASCO.

4 COUNSEL, PLEASE STATE YOUR NAMES FOR THE RECORD.

5 MR. CARLTON: GOOD AFTERNOON, YOUR HONOR. JOHN  
6 CARLTON AND MANUEL MEDRANO ON BEHALF OF THE UNITED STATES.

7 MR. MAZA: MIKE MAZA ON BEHALF OF BERNABE-  
8 RAMIREZ, WHO IS PRESENT IN CUSTODY.

9 MR. MEDVENE: GOOD AFTERNOON, YOUR HONOR.  
10 EDWARD MEDVENE ALONG WITH MESSRS. BLANCARTE AND <sup>DI</sup> NICOLA FOR  
11 MR. ZUNO-ARCE, WHO IS PRESENT IN CUSTODY.

12 MR. NICOLAYSEN: GOOD AFTERNOON, YOUR HONOR.  
13 GREGORY NICOLAYSEN BY APPOINTMENT FOR DEFENDANT JAVIER  
14 VASQUEZ-VELASCO, WHO IS PRESENT IN COURT WITH THE  
15 ASSISTANCE OF AN INTERPRETER.

16 (ARRAIGNMENT OF BERNABE-RAMIREZ AND  
17 VASQUEZ-VELASCO ON THE FIFTH SUPERSEDING  
18 INDICTMENT REPORTED, BUT NOT TRANSCRIBED  
19 HEREIN.)

20 THE COURT: ALL RIGHT. WE WILL NOW TAKE UP THE  
21 MATTER OF UNITED STATES VERSUS ZUNO-ARCE. IT IS THE  
22 DEFENDANT ZUNO-ARCE'S MOTION FOR BAIL PENDING TRIAL, WHICH  
23 WAS MADE ORALLY HERE LAST WEEK AND WHICH HAS NOW BEEN  
24 FORMALIZED IN THE FORM OF A MOTION.

25 THE COURT HAS RECEIVED AND READ AND CONSIDERED

1 THE MOTION FILED BY THE DEFENDANT FOR BAIL PENDING TRIAL  
2 AND THE OPPOSITION FILED BY THE GOVERNMENT, INCLUDING  
3 UNDER SEAL -- DECLARATIONS FILED UNDER SEAL IN SUPPORT OF  
4 THE OPPOSITION TO BAIL BY THE GOVERNMENT, AND THE PRETRIAL  
5 SERVICES REPORT WHICH HAS BEEN FILED AND WHICH HAS  
6 RECOMMENDED THAT THE DEFENDANT BE DETAINED WITHOUT BAIL,  
7 WHICH IS ALSO THE GOVERNMENT'S POSITION.

8 NOW, COUNSEL, THE FACTS HAVE NOT CHANGED A GREAT  
9 DEAL SINCE WE WERE LAST HERE CONCERNING BAIL FOR THIS  
10 DEFENDANT AS A MATERIAL WITNESS. AT THAT TIME YOU WILL  
11 RECALL I DENIED THE DEFENDANT BAIL AS A MATERIAL WITNESS,  
12 CONSIDERING HIM THEN TO BE A FLIGHT RISK.

13 THE CIRCUMSTANCES THAT HAVE OCCURRED SINCE THAT  
14 TIME, THE CHANGES THAT HAVE OCCURRED, ARE THAT THE  
15 DEFENDANT IS NOW SUBJECT TO THIS NEW INDICTMENT IN WHICH  
16 HE IS CHARGED WITH THE MURDER AS WELL AS THE KIDNAPPING OF  
17 SPECIAL AGENT ENRIQUE CAMARENA IN GUADALAJARA, MEXICO, AND  
18 WITH OTHER OFFENSES, SEVERAL OF WHICH CARRY LIFE  
19 SENTENCES.

20 SO YOUR PROBLEM IS THIS: AT THE TIME THAT THIS  
21 MATTER WAS LAST BEFORE THE COURT WHEN THE DEFENDANT WAS  
22 UNCHARGED WITH ANY CRIME, THE COURT BASICALLY, ON THE SAME  
23 EVIDENCE, DETERMINED THAT HE WAS A FLIGHT RISK, AND NOT  
24 SUITABLE FOR BAIL PENDING THE CONCLUSION OF THE MATERIAL  
25 WITNESS SITUATION.

1 WE NOW HAVE THE DEFENDANT BACK IN CUSTODY  
2 CHARGED NOT ONLY WITH THE CRIME AGAINST AGENT CAMARENA,  
3 BUT ALSO THE CRIME OF PERJURY BEFORE THE GRAND JURY, WHICH  
4 IS SET NOW.

5 DO YOU WANT TO EXPLAIN TO THE COURT WHY THE  
6 COURT SHOULD SET BAIL AT THIS TIME WHEN IT DECLINED TO DO  
7 SO UNDER MUCH MORE FAVORABLE CIRCUMSTANCES BEFORE?

8 MR. MEDVENE: YES, YOUR HONOR. I APPRECIATE THE  
9 OPPORTUNITY, SIR. WE SAY INITIALLY THAT PRETRIAL SERVICES  
10 OFFICER PAREDES -- AND WE MAKE AN OFFER OF PROOF AT THIS  
11 TIME -- IS AN 18-YEAR VETERAN, AS I UNDERSTAND IT, OF THE  
12 FEDERAL GOVERNMENT AND PRETRIAL SERVICES DEPARTMENT.  
13 CONTRARY TO THE STATEMENT BY HIS HONOR, ACTUALLY AS I  
14 UNDERSTAND IT -- AND I MAKE THIS OFFER OF PROOF -- THAT IF  
15 HE WERE CALLED TO TESTIFY, HE WOULD TESTIFY THAT HE IS THE  
16 PRETRIAL SERVICES OFFICER MOST FAMILIAR WITH THIS MATTER.

17 THE COURT: IS HE PRESENT?

18 MR. MEDVENE: YES, HE IS PRESENT, SIR. HE WILL  
19 TESTIFY THAT HE IS THE PRETRIAL SERVICES OFFICER MOST  
20 FAMILIAR WITH THIS MATTER, THAT HE WAS ASSIGNED TO  
21 INVESTIGATE THIS MATTER FOR PURPOSES OF MAKING THE  
22 RECOMMENDATION TO YOUR HONOR, THAT AFTER HIS CONFERENCES  
23 WITH THE GOVERNMENT AND REVIEWING THE MATERIAL THEY  
24 SUBMITTED AND REVIEWING WHAT THE DEFENSE COUNSEL HAD  
25 SUBMITTED, THAT HE FOUND THAT ZUNO-ARCE WAS NOT A DANGER

1 TO THE COMMUNITY, CONFIRMING WHAT PREVIOUS PRETRIAL  
2 SERVICES OFFICER HOWARD FOUND, THAT HE WAS NOT A DANGER TO  
3 THE COMMUNITY; AND FURTHER OFFICER PAREDES FOUND THAT HE  
4 WAS NOT A FLIGHT RISK UNDER THE CIRCUMSTANCES.

5 AS I UNDERSTAND WHAT HE WOULD TESTIFY UNDER  
6 OATH -- AND I CONTINUE THE OFFER OF PROOF -- IT IS THAT IF  
7 HE WERE CALLED TO TESTIFY, HE WOULD SAY THAT WHAT THE  
8 REPORT MEANS, AND AS HE WAS PERMITTED TO WRITE IT, WHAT IT  
9 MEANT WAS THAT HE ACTUALLY RECOMMENDED BOND, THE SAME BOND  
10 THAT JUDGE TAKASUGI AND THE NINTH CIRCUIT HAD ORDERED,  
11 UNLESS THE GOVERNMENT HAD SOMETHING THAT PRETRIAL SERVICES  
12 HAD NOT SEEN OR THEY HAD NOT SHOWN HIM AS OF THIS MOMENT.  
13 THAT IS MY UNDERSTANDING AND THAT IS OUR OFFER OF PROOF OF  
14 WHAT HE WOULD TESTIFY TO.

15 THE COURT: YOU ARE SPEAKING NOW OF WHOM?

16 MR. MEDVENE: I AM SORRY?

17 THE COURT: WHO ARE YOU SPEAKING OF?

18 MR. MEDVENE: I AM SPEAKING OF --

19 THE COURT: THE PRETRIAL SERVICES OFFICER?

20 MR. MEDVENE: IT IS OFFICER RON PAREDES,  
21 P-A-R-E-D-E-S. HE IS IN THE COURTROOM.

22 THE COURT: IS HE PRESENT HERE?

23 MR. MEDVENE: YES, SIR. I MAKE AN OFFER OF  
24 PROOF THAT THAT IS WHAT HE WOULD TESTIFY --

25 THE COURT: JUST A MOMENT.

1                   WOULD YOU STATE YOUR NAME, PLEASE.

2                   MR. PAREDES:   RON PAREDES.

3                   THE COURT:   COME FORWARD AND STATE YOUR NAME FOR  
4 THE RECORD.

5                   MR. PAREDES:   MY NAME IS RON PAREDES WITH  
6 PRETRIAL SERVICES.

7                   THE COURT:   DID YOU HEAR THIS OFFER OF PROOF  
8 MADE BY COUNSEL PURPORTING TO CHARACTERIZE WHAT YOUR  
9 TESTIMONY WOULD BE IF YOU WERE CALLED AS A WITNESS IN THIS  
10 CASE?

11                  MR. PAREDES:   YES.   IN THE REPORT DATED TODAY I  
12 INDICATED --

13                  THE COURT:   JUST A MOMENT.   DO YOU AGREE THAT  
14 COUNSEL CORRECTLY CHARACTERIZED WHAT YOUR TESTIMONY WOULD  
15 BE?

16                  MR. PAREDES:   YES, YOUR HONOR.

17                  THE COURT:   ALL RIGHT.   NOW, WHAT WAS IT YOU  
18 WERE GOING TO SAY?

19                  MR. PAREDES:   I WAS GOING TO INDICATE THAT BASED  
20 ON THE INFORMATION AVAILABLE TO ME AT THE TIME OF THIS  
21 REPORT, I WOULD MAKE A RECOMMENDATION FOR BAIL, GIVEN THE  
22 INFORMATION I HAVE AT THIS TIME.

23                  THE COURT:   YOU HAVE NOT SEEN THE SEALED  
24 DOCUMENTS THAT HAVE BEEN SUBMITTED TO THE COURT?

25                  MR. PAREDES:   NO, YOUR HONOR.



1 THE COURT: SUBMITTED BY THE GOVERNMENT?

2 MR. PAREDES: NO, YOUR HONOR.

3 THE COURT: AND WHAT IS THE BAIL THAT YOU WOULD  
4 RECOMMEND?

5 MR. PAREDES: THE BAIL THAT WAS RECOMMENDED ON  
6 THIS REPORT --

7 THE COURT: AS I UNDERSTAND IT, YOU ARE  
8 RECOMMENDING THE SAME BAIL WHICH WAS PREVIOUSLY POSTED ON  
9 THE PERJURY CASE WOULD SERVE AS BAIL IN THIS CASE ALSO?

10 MR. PAREDES: YES, YOUR HONOR.

11 THE COURT: SO THAT THE DEFENDANT WOULD BE  
12 ORDERED RELEASED WITHOUT FURTHER BAIL, WITHOUT ADDITIONAL  
13 BAIL?

14 MR. PAREDES: THAT IS CORRECT, YOUR HONOR.

15 THE COURT: BUT YOU DID MARK DETENTION HERE AS  
16 ONE OF THE RECOMMENDATIONS.

17 MR. PAREDES: THAT IS CORRECT, YOUR HONOR.

18 THE COURT: WHAT DID YOU MEAN BY THAT?

19 MR. PAREDES: BY THAT I MEANT IF THERE WAS ANY  
20 OTHER INFORMATION PROVIDED BY THE GOVERNMENT THAT WE HAVE  
21 NOT SEEN OR ARE UNAWARE OF, WE WOULD GO ALONG WITH THE  
22 DETENTION.

23 THE COURT: ALL RIGHT. YOU MAY BE SEATED THERE.

24 MR. MEDVENE: IF THE COURT PLEASE, IN ADDITION  
25 THEN TO THE CHANGE IN CIRCUMSTANCE, IN A DIRECT ANSWER TO

1 YOUR HONOR'S QUESTION OF WHAT HAS CHANGED, WE HAVE THE  
2 PRETRIAL SERVICES DEPARTMENT NOW RECOMMENDING THE NINTH  
3 CIRCUIT ORDER BEING ADEQUATE.

4 NOW, WHAT OTHER CHANGED CIRCUMSTANCES DO WE HAVE  
5 OTHER THAN THE PRETRIAL SERVICES DEPARTMENT SAYING THAT HE  
6 SHOULD BE RELEASED? THE OTHER CHANGES WE HAVE ARE THAT  
7 JUDGE TAKASUGI ORDERED MR. ZUNO-ARCE BACK TWICE. THE  
8 RECORD IS THAT COUNSEL FOR ZUNO-ARCE, BEFORE EACH OF THE  
9 TWO OCCASIONS, TOLD HIM THAT THE GOVERNMENT HAD  
10 REPRESENTED THAT THEY MAY WELL INDICT HIM FOR THE CHARGES  
11 THEY HAVE HERE INDICTED HIM FOR.

12 AND I MIGHT ALSO SAY, YOUR HONOR, AS OUR  
13 SUBMITTAL INDICATED, THE NINTH CIRCUIT AS WELL AS JUDGE  
14 TAKASUGI HAD BEFORE THEM THE SUBSTANCE OF THESE CHARGES.  
15 THAT IS SET FORTH IN OUR MOVING PAPERS, AND I AM SURE THAT  
16 YOUR HONOR HAS READ THEM. RECORDED THE PARTICULAR  
17 LANGUAGE OF JUDGE TAKASUGI'S ORDER WHERE HE SAID THAT:

18 "ONE MUST LOOK IN DETERMINING BAIL AT THE  
19 SUBJECT MATTER, THAT IS, THE GOVERNMENT'S  
20 ALLEGATIONS OF NARCOTIC INVOLVEMENT AND  
21 INVOLVEMENT AND KNOWLEDGE OF THE CAMARENA MURDER  
22 AS THESE THINGS WOULD BEAR ON FLIGHT RISK."

23 THE NINTH CIRCUIT HAS ALREADY HAD THIS IN FRONT  
24 OF THEM.

25 AT ANY RATE, DESPITE THOSE ALLEGATIONS BEING

1 MADE AT THAT EARLY DATE, DESPITE COUNSEL'S ADVISING ZUNO-  
2 ARCE BEFORE HE APPEARED IN THIS COUNTRY ON BOTH OCCASIONS  
3 THAT HE MIGHT WELL BE INDICTED, AND THE GOVERNMENT HAS SO  
4 REPRESENTED, FOR INVOLVEMENT IN THE CAMARENA TORTURE AND  
5 MURDER, HE APPEARED THE FIRST TIME AND HE APPEARED THE  
6 SECOND TIME.

7 AND I MIGHT SAY, YOUR HONOR, AND I THINK IT IS  
8 IN THE PAPERS, THE ONLY REASON THE GOVERNMENT KNEW WHERE  
9 TO PICK HIM UP WAS THAT DEFENSE COUNSEL AT MR. ZUNO-  
10 ARCE'S REQUEST AND WITH HIS PERMISSION GAVE THE GOVERNMENT  
11 THE DAY HE WAS COMING IN AND THE FLIGHT NUMBER HE WAS  
12 COMING IN ON.

13 NOW, YOUR HONOR MENTIONED THE LAST TIME, WELL,  
14 COUNSEL, ISN'T THERE A DIFFERENCE BETWEEN -- I KNOW YOU  
15 MAYBE IMPLICITLY SAID YEAH, THE NINTH CIRCUIT WHEN THEY  
16 RULED, THERE WAS A 15-YEAR MAXIMUM. YOU DIDN'T USE THAT  
17 LANGUAGE, BUT THE PERJURY INDICTMENT IN FRONT OF YOU,  
18 ISN'T IT DIFFERENT NOW THAT THERE IS A POSSIBILITY OF  
19 LIFE? AND WE WOULD SAY TO YOUR HONOR THAT FOR THIS  
20 PURPOSE WITH THIS RECORD THERE IS NO DIFFERENCE.

21 THE MAN IS 59 GOING ON 60. HE IS VIRTUALLY A  
22 60-YEAR-OLD MAN. A 15-YEAR SENTENCE, AS YOUR HONOR WOULD  
23 KNOW, AT THAT AGE IN LIFE FOR THE DEFENDANT IS BASICALLY  
24 EQUIVALENT TO A LIFE SENTENCE. IT IS EQUIVALENT THAT HE  
25 IS NEVER GOING TO GET OUT WHEN HE RETURNED ON THE PERJURY

1 CASE. HIS YOUNGSTERS ARE 3 AND 7. HE WOULDN'T SEE THEM  
2 THROUGH THEIR MAJORITY. HE HAS A WIFE IN HER THIRTIES.  
3 HE WOULDN'T SEE HER.

4 I MEAN, NOBODY COULD REASONABLY SAY THAT  
5 SOMEBODY WHO IS 60 THAT IS GOING TO BE IN JAIL UNTIL MAYBE  
6 THEY ARE 75, WITH THIS HIGH-PROFILE CASE, IS GOING TO MAKE  
7 A JUDGMENT THAT I WILL COME BACK BECAUSE I MAY ONLY BE IN  
8 JAIL UNTIL I AM 70, BUT I WOULD NOT COME BACK IF I MIGHT  
9 BE IN JAIL UNTIL I AM 75, IF I AM STILL ALIVE.

10 SO THERE IS NO DIFFERENCE IN THAT FACT BECAUSE  
11 OF THE MAN'S AGE. IF HE WERE 19 OR 20, IT MIGHT BE  
12 DIFFERENT.

13 AS WE MENTIONED TO YOUR HONOR, WE HAVE FULFILLED  
14 ALL OF THE CONDITIONS. AND WHAT WE DO HAVE? WE HAVE BEEN  
15 FOUR MONTHS INTO THIS THING AND THE FIRST ALLEGATION WE  
16 HAD THAT THE GOVERNMENT IS PREPARED TO PROVE ANYTHING.  
17 AND WE WILL GET TO OUR REQUEST IN A MOMENT WHEN WE SEE THE  
18 IN-CAMERA MATERIAL. BUT THE FIRST ALLEGATION WE HAD, YOUR  
19 HONOR, AND, REMEMBER, THEY SHOWED IN-CAMERA MATERIAL AT  
20 THE TIME OF THE MATERIAL WITNESS HEARING, ALL DURING THE  
21 TIME AND BEFORE YOU RULED.

22 I WOULD SAY TO YOU THAT JUDGE TAKASUGI WAS SHOWN  
23 IN-CAMERA MATERIAL WHEN THE BOND HEARING WAS PENDING. I  
24 WOULD SAY TO YOU THAT THE GOVERNMENT PRESENTED IN-CAMERA  
25 MATERIAL TO THE NINTH CIRCUIT ON THE VERY BOND HEARING,

1 AND I ASSUME IT IS THE SAME MATERIAL THEY ARE NOW  
2 PRESENTING TO YOU. I WASN'T PRIVY TO IT, BUT THEY HAD  
3 MATERIAL BEFORE THE NINTH CIRCUIT WHEN THEY RULED THAT THE  
4 BOND WAS ADEQUATE FOR THIS MAN.

5 NOW, IN TERMS OF WHAT THEY PRESENTED THAT WE  
6 KNOW ABOUT, IN THE INDICTMENT THERE IS ONE PARAGRAPH, AND  
7 THAT PARAGRAPH IS THAT IN OR ABOUT THE FIRST WEEK OF  
8 FEBRUARY -- AND THIS IS AFTER FOUR MONTHS, YOUR HONOR --  
9 IN OR ABOUT THE FIRST WEEK OF FEBRUARY ZUNO-ARCE WITH  
10 QUINTERO AND FONSECA, WHO HE HAS SAID HE DOES NOT KNOW,  
11 AND JAVIER BARBA-HERNANDEZ, WHO HE DOES NOT KNOW, THAT  
12 THEY MET AND PLANNED, NOT A MURDER, BUT PLANNED THE  
13 KIDNAPPING AND INTERROGATION.

14 NOW, WE MUST LOOK AT THAT AND LOOK AT THE  
15 BACKGROUND AT WHAT THEY START GIVING YOU BEFORE AND WHAT  
16 THEY HAVE COME UP WITH. TAKEN AT ITS BEST, YOU HAVE A  
17 MEETING WHERE -- WHO IS GOING TO TESTIFY TO THAT MEETING?  
18 IT APPEARS FROM THE FACE OF THE INDICTMENT THAT THOSE WERE  
19 THE PEOPLE AT THAT MEETING. I DON'T KNOW IF THEY CLAIM IF  
20 ANYBODY ELSE WAS THERE. IF THAT IS ALL THAT WAS THERE --  
21 WE HAVE READ IN THE PAPER THAT QUINTERO HAS MAYBE A 70-  
22 YEAR SENTENCE IN MEXICO AND FONSECA 60 OR 70 YEARS WHEN  
23 YOU PUT TOGETHER THE 40 YEARS AND THE OTHER SENTENCE THEY  
24 HAD.

25 WE UNDERSTAND, AND IT HAS NOT BEEN CHALLENGED,

1 THAT JAVIER BARBA-HERNANDEZ IS DEAD.

2 NOW, AT THIS LATE DATE ARE THEY GOING TO COME UP  
3 WITH A CONVERSATION OF A DEAD MAN OR SOME INFORMANT THAT  
4 THEY HAVE JUST COME UP WITH WHO HAS SAID ON SOME  
5 CONSPIRACY THEORY THAT SOME DECLARATION WAS MADE AND TRY  
6 TO GET IT IN?

7 LET'S GO BACK. WE HAVE GOT 4,000 PAGES OF  
8 GOVERNMENT TRANSCRIPT FRIDAY NIGHT ABOUT 6:00 O'CLOCK. WE  
9 HAVE VIRTUALLY BEEN THROUGH THE WHOLE THING. ZUNO-ARCE'S  
10 NAME IS NOT MENTIONED DIRECTLY, AND NOBODY SAYS A WORD  
11 ABOUT HIM. YOUR HONOR SAT AT THAT TRIAL AND KNOWS IF IT  
12 WAS MENTIONED AT THAT TRIAL. IT DOES NOT APPEAR TO BE  
13 MENTIONED IN THE 4,000 PAGES, OR WHATEVER, THAT WE LOOKED  
14 AT.

15 WE WERE GIVEN THIS MORNING TWO BOXES OF AUDIO  
16 TAPES AND VIDEO TAPES, AND IT IS MY UNDERSTANDING, AND I  
17 WILL REPRESENT TO YOUR HONOR, THAT TO THE BEST OF MY  
18 KNOWLEDGE NEITHER ZUNO-ARCE'S VOICE, HIS PRESENCE, OR ANY  
19 MENTION OF HIS NAME IS ON THOSE TWO BOXES OF MATERIALS.

20 IN ADDITION, WE HAVE LOOKED AT THREE TAPES OF  
21 THE CAMARENA INTERROGATION IN WHICH THERE WERE MANY  
22 QUESTIONS ABOUT THE HOUSE IN WHICH THE TERRIBLE ACT  
23 OCCURRED, QUESTIONS ABOUT PEOPLE THAT CAMARENA KNEW AND  
24 WHAT HE KNEW ABOUT THEM. THERE WAS ROUGHLY -- I DON'T  
25 WANT TO BE HELD TO THIS -- 100 NAMES MENTIONED IN THAT

1 TAPE, AND NOT ONCE ZUNO-ARCE'S NAME.

2 WE UNDERSTAND THAT IN MEXICO THERE WERE MANY  
3 DEFENDANTS ARRESTED AND MANY INTERROGATED, IN THE AREA OF  
4 20 ARRESTED AND INTERROGATED, AS WE UNDERSTAND IT, WITH  
5 DEA PRESENT; AND SOME TURNING ON OTHERS, AND THAT IS HOW  
6 YOU GOT THE 23. OUR UNDERSTANDING IS THAT NEVER IN THAT  
7 INTERROGATION WAS THERE EVER THE MENTION OF ZUNO-ARCE'S  
8 NAME AS BEING INVOLVED IN ANY WAY.

9 NOW, WHEN THE MAN WAS PICKED UP ON THE MATERIAL  
10 WITNESS WARRANT, I WOULD SUGGEST THAT IF THEY HAD THIS  
11 INFORMATION, THEY WOULD HAVE CHARGED HIM WITH KIDNAPPING  
12 AND MURDER ON AUGUST 7TH OR 8TH WHEN THEY PICKED HIM UP.  
13 THEY HAD HIM IN HERE ON A MATERIAL WITNESS WARRANT, AND I  
14 WOULD SUGGEST THAT IF THEY HAD THIS INFORMATION, THEY  
15 WOULD HAVE TOLD HIM AND THEY WOULD HAVE INDICTED HIM THEN.  
16 HE WAS IN JAIL TWO MONTHS BEFORE WE COULD GET HIM OUT.

17 WHEN WE GOT HIM OUT IN FRONT OF JUDGE TAKASUGI,  
18 WE ARGUED BOND, AND AFTER WE GOT BOND -- IT TOOK A WHILE  
19 TO GET THE BOND UP -- I SUGGEST THAT IF THEY HAD THIS  
20 EVIDENCE, THEY WOULD HAVE INDICTED HIM FOR KIDNAPPING AND  
21 MURDER, AND NOT JUST PERJURY.

22 HE WAS HERE OCTOBER 30TH ON A PRETRIAL HEARING.  
23 I WOULD SUGGEST IF THEY HAD THIS INFORMATION, THEY WOULD  
24 HAVE COME UP WITH IT THEN.

25 NOW, JUDGE, I THINK YOU HAVE GOT TO THINK ABOUT

1 WHAT THIS IS ABOUT. WE CAN'T SAY CAMARENA -- AND I AM  
2 SORRY ABOUT THAT -- WE CAN'T HAVE SIX PAGES OF THE  
3 BRUTALITY TO CAMARENA AND THINK THAT THAT AUTOMATICALLY  
4 MEANS THAT THIS MAN, WHOSE NAME HAS NOT BEEN MENTIONED  
5 FROM 1985 TO BASICALLY NOW, CAN HAVE ANYTHING TO DO WITH  
6 IT.

7 THEY SAY AN INFORMANT. IS THAT A DIFFERENT  
8 INFORMANT THEY HAD FOR THE TRIAL IN FRONT OF JUDGE RYMER?  
9 IS IT A DIFFERENT INFORMANT THAN AT THE TRIAL THAT WAS IN  
10 FRONT OF YOU? WAS THE NAME MENTIONED IN ANY OF THOSE? IF  
11 NOT, DOES IT MAKE YOU THINK IS IT A DIFFERENT INFORMANT?  
12 WHEN DID THEY GET THAT INFORMANT? IS THAT AN INFORMANT  
13 THAT THEY DIDN'T GET UNTIL AFTER OCTOBER 30TH?

14 IT IS NOT FAIR, YOUR HONOR. THE MAN HAS CERTAIN  
15 RIGHTS, AND YOUR HONOR KNOWS THAT BASICALLY THE LAW IS  
16 THAT A PERSON ARRESTED FOR A NON-CAPITAL OFFENSE SHOULD BE  
17 ADMITTED TO BAIL. THAT DOUBTS REGARDING THE PROPRIETY OF  
18 RELEASE SHOULD BE RESOLVED IN HIS FAVOR AND THAT THERE  
19 SHOULD BE A RELEASE WHEN CONDITIONS REASONABLY ASSURE HIS  
20 PRESENCE.

21 WE SAY NOT ONLY WHAT WE SAID, YOUR HONOR, WHICH  
22 THE NINTH CIRCUIT HAD IN FRONT OF THEM, BUT THE OTHER  
23 INDICIA THAT YOU HAVE THAT WE THINK ARE CRITICAL ARE THAT  
24 THIS IS NO DIFFERENT THAN WHAT WE ARGUED BEFORE. WE HAD  
25 THE TESTIMONY IN TERMS OF HIM HAVING NO INVOLVEMENT, OF



1       DEA AGENT KUYKENDALL, WHO IS THE HEAD OF THE OFFICE, AND  
2       HE QUESTIONED THIS MAN AND CERTAINLY THEY DIDN'T HAVE THIS  
3       EVIDENCE BACK THEN, OR THEY WOULD HAVE ARRESTED HIM.

4               WE HAVE FORMER DEA AGENT RODRIGUEZ WHO, WHILE HE  
5       INVESTIGATED THE MURDER IN 1985, REPRESENTS THAT HE SPOKE  
6       TO KUYKENDALL AS LATE AS 1987, AND HE WAS CLEAN.

7               WE HAVE THE GURULE TESTIMONY WHEN HE TESTIFIED  
8       IN FRONT OF THE GRAND JURY ABOUT KNOWING CAMARENA AND  
9       QUINTERO. HE WAS TRUTHFUL. HOW COULD HE BE TRUTHFUL AND  
10      STILL BE IN A MEETING WITH THEM?

11              AND ALL OF A SUDDEN, ALL OF THESE MONTHS, ALL OF  
12      THESE YEARS AFTER '85, CONVENIENTLY RIGHT NOW BECAUSE HE  
13      IS OUT ON BOND SOME INFORMANT FOR THE FIRST TIME  
14      APPARENTLY SAYS WHAT HE SAYS. WE THINK IT IS PRETTY THIN.  
15      WE THINK IT IS PRETTY THIN. WHETHER IT IS THIN OR NOT, WE  
16      DON'T HAVE TO PROVE INNOCENCE OR GUILT, AS YOUR HONOR WELL  
17      KNOWS.

18              WE ARE SAYING WITH THE THINNESS AS WE UNDERSTAND  
19      IT, PLUS THE MAN'S TRACK RECORD OF COMING BACK FOR  
20      KUYKENDALL, COMING BACK TWICE FOR JUDGE TAKASUGI, KNOWING  
21      EACH TIME THAT THIS MIGHT HAPPEN, KNOWING IN EFFECT IT IS  
22      A DEATH SENTENCE FOR HIM IF HE GETS INDICTED FOR PERJURY,  
23      AND HE KNOWS JUDGE TAKASUGI WOULD THROW HIM IN JAIL IF HE  
24      LOST THE PERJURY BECAUSE HE MADE HIM COME BACK FOR  
25      DISCOVERY HEARINGS. HE DIDN'T SAY JUST COME BACK FOR

1 TRIAL, COME BACK FOR DISCOVERY HEARINGS. SHOW YOUR GOOD  
2 FAITH, AND HE SHOWED IT.

3 WE SAY, YOUR HONOR, THAT THE MAN SHOULD BE  
4 ADMITTED TO THE BOND THAT THE NINTH CIRCUIT SET; THAT  
5 THERE ARE NO FACTS THAT ARE ANY DIFFERENT OTHER THAN  
6 PRETRIAL SERVICES NOW THAT THIS MAN HAS THE GUTS TO COME  
7 FORWARD AND SAY, "THAT IS WHAT I THINK." AND I THINK THE  
8 SYSTEM HAS TO HAVE THE GUTS TO LET HIM GO AND GIVE HIM A  
9 CHANCE. HE IS --

10 THE COURT: WELL, WHAT ARE YOU SUGGESTING TO THE  
11 COURT HERE?

12 MR. MEDVENE: I AM SUGGESTING TO THE COURT THAT  
13 THE BOND THAT THE NINTH CIRCUIT SET BE CONSIDERED ADEQUATE  
14 AND THAT THE MAN BE RELEASED FORTHWITH BECAUSE HE HAS  
15 SHOWN THE SYSTEM HE IS TRUSTWORTHY.

16 THE COURT: ALL RIGHT. DO YOU WISH TO RESPOND?

17 MR. CARLTON: BRIEFLY, YOUR HONOR.

18 MR. MEDVENE: AND MIGHT I ALSO ASK IF I MIGHT  
19 REVIEW, WHILE THE GOVERNMENT IS RESPONDING, THE IN-CAMERA  
20 MATERIAL. YOU CAN IMAGINE HOW HARD IT IS BECAUSE I  
21 DON'T -- THEY HAVE BEEN GIVING IN-CAMERA MATERIAL STRAIGHT  
22 THROUGH, AND I DON'T KNOW WHAT IT IS.

23 THE COURT: I DENY THAT, AND I WILL TELL YOU IN  
24 GENERAL TERMS WHAT THE INFORMATION IS.

25 MR. MEDVENE: YES, SIR.

1 THE COURT: THE INFORMATION IS BASICALLY THAT  
2 YOUR CLIENT HAS BEEN A MAJOR DRUG TRAFFICKER FOR 20 YEARS  
3 BOTH IN MEXICO AND THE UNITED STATES AND ON AN  
4 INTERNATIONAL LEVEL.

5 MR. MEDVENE: YES, YOUR HONOR.

6 THE COURT: THERE IS A WITNESS WHO HAS TOLD THE  
7 AUTHORITIES THAT THIS DEFENDANT ORDERED THE EXECUTION OF  
8 TWO PEOPLE AT ONE TIME DURING THE COURSE OF THESE EVENTS.

9 THERE IS INFORMATION THAT LINKS HIM TO THE  
10 PLANNING OF THE MURDER -- THE KIDNAPPING AND INTERROGATION  
11 OF ENRIQUE CAMARENA, AND IT IS GENERALLY IN THAT SENSE.

12 MR. MEDVENE: I UNDERSTAND, SIR. AND YOU HAVE  
13 BEEN PATIENT. GIVE ME 30 MORE SECONDS, SIR. MAY I HAVE  
14 30 SECONDS?

15 THE COURT: ALL RIGHT.

16 MR. MEDVENE: THEY HAVE SAID THAT, JUDGE --  
17 HONEST TO GOSH, THEY HAVE SAID IT SINCE AUGUST 9TH. THERE  
18 HAS NOT BEEN -- THERE IS NOT A MISBEAT. WE HAVE BEEN  
19 BEFORE THE NINTH CIRCUIT, YOUR HONOR --

20 THE COURT: LOOK. WHAT THE NINTH CIRCUIT DOES  
21 HAS NOTHING TO DO WITH WHAT I DO, AND NEITHER DOES WHAT  
22 JUDGE TAKASUGI DOES.

23 MR. MEDVENE: YES, SIR. I WASN'T ARGUING --

24 THE COURT: THAT HAS NOTHING TO DO WITH WHAT I  
25 DO.

1 MR. MEDVENE: I WASN'T ARGUING THE OTHER JUDGE.  
2 I WAS JUST ARGUING THE NINTH CIRCUIT FOR WHATEVER HELP IT  
3 IS.

4 THE COURT: ALL RIGHT.

5 MR. MEDVENE: THANK YOU.

6 THE COURT: COUNSEL, DO YOU WISH TO BE HEARD?

7 MR. CARLTON: JUST VERY BRIEFLY, YOUR HONOR,  
8 YES. YOUR HONOR, I'D LIKE TO POINT OUT THAT THE PROBATION  
9 OFFICER'S RECOMMENDATION WAS CONDITIONED ON THE ABSENCE OF  
10 INFORMATION BEING AVAILABLE TO THE COURT WHICH WAS NOT  
11 AVAILABLE TO THE PROBATION DEPARTMENT. I MERELY POINT OUT  
12 THAT THE IN-CAMERA FILINGS THAT YOU DO HAVE WAS NOT  
13 AVAILABLE TO THE PROBATION OFFICER, OFFICER PAREDES; AND,  
14 AS HE TESTIFIED HERE A FEW MINUTES AGO, GIVEN THAT  
15 ADDITIONAL INFORMATION HE WOULD RECOMMEND DETENTION. AND  
16 I SUBMIT THAT THAT IS AN ENTIRELY APPROPRIATE  
17 RECOMMENDATION.

18 I WOULD LIKE TO CLARIFY A FEW STATEMENTS THAT  
19 MR. MEDVENE MADE ABOUT THE EVIDENCE THAT WAS AVAILABLE TO  
20 JUDGE TAKASUGI AND IN THE RECORD BEFORE THE NINTH CIRCUIT  
21 CONCERNING THE GRANT OF BAIL THAT WAS MADE PREVIOUSLY.  
22 THERE WAS NO EVIDENCE PRESENTED TO JUDGE TAKASUGI THAT IS  
23 CONTAINED IN THAT IN-CAMERA FILING OR ANYWHERE ELSE.

24 AS WE REPRESENTED IN THE MOTION, I HAVE SPOKEN  
25 WITH MR. SCHIFF, WHO IS THE AUSA HANDLING THE CASE IN

1 JUDGE TAKASUGI'S COURT. I HAVE SPOKEN WITH MR. MEDRANO,  
2 THE AUSA WHO HAS BEEN HANDLING THIS CASE AND WAS HANDLING  
3 THAT MATTER. BECAUSE OF THE SHORT NOTICE THAT WAS GIVEN  
4 IN THAT CASE CONCERNING THE MOTION FOR BAIL REVIEW BY  
5 MR. MEDVENE, THERE WAS NO EVIDENCE PRESENTED TO JUDGE  
6 TAKASUGI. ALL OF THE INFORMATION THAT YOU HAVE IN THE IN-  
7 CAMERA FILING WAS ABSENT FROM THE RECORD BEFORE THAT JUDGE  
8 AND BEFORE THE NINTH CIRCUIT.

9 ALL THAT HAS CHANGED, YOUR HONOR -- AND I  
10 SUGGEST THAT UNDER THESE CIRCUMSTANCES YOU CAN'T REALLY  
11 LOOK AT THE RECOMMENDATION OF THE PROBATION OFFICE AS  
12 BEING A CHANGED CIRCUMSTANCE. ALL THAT HAS CHANGED FROM  
13 THE BEGINNING UNTIL NOW, ASIDE FROM THE ADDITIONAL  
14 INFORMATION THAT YOU HAVE IN THE IN-CAMERA FILING, IS THAT  
15 THE DEFENDANT HAS MADE TWO APPEARANCES IN THE PERJURY CASE  
16 UNDER THE ORDERS OF JUDGE TAKASUGI. I SUBMIT THAT THE  
17 CIRCUMSTANCES OF THOSE APPEARANCES DON'T MANDATE THAT THE  
18 DEFENDANT BE AWARDED BOND AT THIS TIME.

19 THE CASE IS SIGNIFICANTLY DIFFERENT, THE PERJURY  
20 CASE. MR. MEDVENE KEEPS INSISTING THAT THE DEFENDANT IS  
21 LOOKING AT 15 YEARS. REALISTICALLY IT WOULD BE A FIVE-  
22 YEAR SENTENCE. ALSO THE DEFENDANT WAS COMING BACK INTO  
23 THIS COUNTRY, NOT TO ATTEND A TRIAL OR NOT FOR SOME  
24 DISPOSITION ON THE MERITS OF THE PERJURY CHARGE. HE WAS  
25 COMING FOR NON-DISPOSITIVE PROCEDURES.

1           NOW, YES, THERE WAS A POSSIBILITY WHEN HE CAME  
2 BACK THAT HE WOULD BE INDICTED, AS HE HAS BEEN INDICTED IN  
3 THIS CASE, BUT I SUGGEST THAT IT IS THE FACT OF THE  
4 POSSIBILITY THAT IS ABSOLUTELY A CRITICAL DISTINCTION  
5 BETWEEN THEN AND NOW BECAUSE NOW THE INDICTMENT IS A  
6 CERTAINTY. HE KNOWS IF HE IS TO LEAVE ON BOND AT THIS  
7 TIME THAT CONVICTION ON ANY ONE COUNT IN THIS CASE COULD  
8 LEAD TO A SENTENCE OF LIFE IN PRISON. THAT IS A  
9 SIGNIFICANT DIFFERENCE BETWEEN NOW AND THE TIMES WHEN HE  
10 RETURNED ON THE PERJURY COUNTS.

11           YOUR HONOR, MR. MEDVENE HAS MADE REFERENCE TO  
12 THE DECLARATION OF SPECIAL AGENT RODRIGUEZ, AND --

13           THE COURT: WELL, HE MENTIONED THAT THIS IS A  
14 RECENTLY PRODUCED INFORMANT, THAT THIS INFORMANT IS  
15 DESCRIBED AS ONE OF LONGSTANDING. WHY IS IT THAT THIS  
16 INFORMATION JUST SURFACES AT THIS TIME, AND NOT BEFORE?

17           MR. CARLTON: YOUR HONOR, WHICH INFORMANT IS ONE  
18 OF LONGSTANDING?

19           THE COURT: THE ONE THAT IS PROVIDING THE  
20 INFORMATION ON WHICH THIS INDICTMENT IS BASED.

21           MR. CARLTON: YOUR HONOR, THE IN-CAMERA FILING  
22 REFERS TO A NUMBER OF INFORMANTS. NOT ALL OF THOSE  
23 INFORMANTS HAVE BEEN OF LONGSTANDING, AND I HESITATE TO  
24 GET INTO TOO GREAT A DETAIL ABOUT WHAT IS CONTAINED IN THE  
25 IN-CAMERA FILING, BUT I CAN REPRESENT TO THE COURT THAT

1 MR. ZUNO-ARCE WAS INDICTED BY A GRAND JURY WHEN THE  
2 EVIDENCE TO SUPPORT PROBABLE CAUSE TO BELIEVE THAT HE  
3 COMMITTED THE OFFENSE BECAME AVAILABLE. IT IS NOT  
4 SOMETHING THAT THE GOVERNMENT HAS BEEN SITTING ON.

5 BEYOND THAT, I DON'T THINK I CAN GO INTO GREATER  
6 DETAIL ABOUT IT.

7 THE COURT: THIS IS EVIDENCE THAT WAS JUST  
8 DISCOVERED THEN AT OR ABOUT THE TIME IT WAS PRESENTED TO  
9 THE GRAND JURY?

10 MR. CARLTON: THAT'S CORRECT, YOUR HONOR.

11 THE COURT: ALL RIGHT.

12 IS THERE ANYTHING FURTHER?

13 MR. CARLTON: YOUR HONOR, YOU HAVE AN IN-CAMERA  
14 FILING. I BELIEVE THAT THE WEIGHT OF THE EVIDENCE  
15 REVEALED IN THAT IS COMPELLING. I BELIEVE THAT THE NATURE  
16 OF THE CRIMES WITH WHICH MR. ZUNO-ARCE IS CHARGED IN THIS  
17 CASE ARE LIKEWISE COMPELLING IN THE SENSE THAT DETENTION  
18 IS REQUIRED. HE IS NOT BEING CHARGED WITH BEING A SOLDIER  
19 OR A MULE OR A LOW-LEVEL PARTICIPANT IN THIS CONSPIRACY.  
20 HE IS CHARGED AT VIRTUALLY THE SAME LEVEL THAT RAFAEL  
21 CARO-QUINTERO AND ERNESTO FONSECA-CARILLO HAVE BEEN  
22 CHARGED, AND THEY HAVE EACH BEEN CONVICTED IN MEXICO, AS  
23 YOUR HONOR IS AWARE, AND GIVEN SIGNIFICANT TERMS FOR THOSE  
24 CONVICTIONS.

25 AND I BELIEVE, YOUR HONOR, THAT GIVEN THE

1 GRAVITY OF THE CHARGE AND THE WEIGHT OF THE EVIDENCE AND  
2 THE DANGER OF FLIGHT RISK THAT THE DEFENDANT SHOULD  
3 CONTINUE TO BE DETAINED.

4 MR. SCHIFF: YOUR HONOR, I AM SORRY. IF I COULD  
5 JUST INTERRUPT. I AM ADAM SCHIFF ON BEHALF OF THE  
6 GOVERNMENT. I AM REPRESENTING THE GOVERNMENT IN THE  
7 PERJURY CASE, AND I JUST WANTED TO CLARIFY A COUPLE OF  
8 REMARKS THAT JOHN CARLTON MADE ABOUT SUBMISSIONS IN THE  
9 PERJURY CASE. MR. CARLTON'S REMARKS ARE ACCURATE, BUT I  
10 WANTED TO FLESH IT OUT JUST A BIT FOR THE COURT.

11 AT THE TIME OF THE BAIL HEARING, THE BAIL  
12 HEARING WAS ON VERY SHORT NOTICE, AND THE GOVERNMENT DID  
13 NOT HAVE AN OPPORTUNITY TO FILE ANY EVIDENCE CONCERNING  
14 THE PERJURY CHARGE OR ANYTHING ELSE. AT THE TIME JUDGE  
15 TAKASUGI GRANTED BAIL, HE HAD NO EVIDENCE CONCERNING  
16 EITHER THE PERJURY OR ANY OTHER CHARGES.

17 IN FACT, ONE OF THE ARGUMENTS THAT COUNSEL  
18 RELIED ON WAS THE WEIGHT OF THE EVIDENCE. THE GOVERNMENT  
19 NOT ONLY HAD NO TIME, BUT ALSO FOR THE REASON OF THE  
20 SECURITY OF THE CI TO NOT PUT FORTH ANY EVIDENCE  
21 CONCERNING THE PERJURY CHARGE.

22 WITH RESPECT TO WHAT THE NINTH CIRCUIT HAD, THE  
23 NINTH CIRCUIT HAD IN-CAMERA SUBMISSIONS CONCERNING  
24 NARCOTICS TRAFFICKING. IT HAD NO EVIDENCE CONCERNING THE  
25 DEFENDANT'S INVOLVEMENT IN THE MURDER.



1           SO COUNSEL'S REPRESENTATION THAT THE COURT, THE  
2 DISTRICT COURT AND THE COURT OF APPEALS, HAD THE SAME  
3 INFORMATION BEFORE THE COURT IS SIMPLY NOT ACCURATE.

4           THE COURT: ALL RIGHT.

5           WHY IS IT THAT YOU MADE THAT REPRESENTATION TO  
6 THE COURT, MR. MEDVENE?

7           MR. MEDVENE: I REPRESENTED TO THE COURT -- AND  
8 I WOULD LIKE TO SEE WHAT THEY HAVE SUBMITTED. I HAVE  
9 REPRESENTED TO THE COURT THAT THE GOVERNMENT AT THE BAIL  
10 HEARING HAD AN IN-CAMERA SUBMISSION TO THE NINTH CIRCUIT  
11 BECAUSE WE RECEIVED A DOCUMENT SAYING THERE WAS AN IN-  
12 CAMERA SUBMISSION TO THE NINTH CIRCUIT. I REPRESENTED  
13 THERE WERE IN-CAMERA SUBMISSIONS TO JUDGE TAKASUGI.

14          THE COURT: NO. YOU REPRESENTED THAT THOSE  
15 COURTS HAD BEFORE THEM EVERYTHING THAT I HAVE BEFORE ME.

16          MR. MEDVENE: I SAID THAT I WOULD ASSUME THAT  
17 THEY HAD IT BEFORE THEM BECAUSE, AS JUDGE TAKASUGI SAID,  
18 THE GOVERNMENT HAD MADE REPRESENTATIONS TO HIM OF  
19 CAMARENA'S -- OF RUBEN ZUNO-ARCE'S INVOLVEMENT IN NOT ONLY  
20 NARCOTICS, BUT IN THE CAMARENA MURDER AND TORTURE.

21          NOW, THE GOVERNMENT REPRESENTED THAT TO JUDGE  
22 TAKASUGI. THEY MADE AN IN-CAMERA SUBMISSION TO THE NINTH  
23 CIRCUIT. I WOULD ASSUME THAT THAT IS WHAT THAT DEALT  
24 WITH. I DON'T KNOW WHAT THE NINTH CIRCUIT HAD, BUT IF  
25 THEY REPRESENTED IT TO JUDGE TAKASUGI, I ASSUME THEY

1 REPRESENTED IT TO THE NINTH CIRCUIT.

2 I WOULD ALSO SAY, YOUR HONOR, THAT THE  
3 GOVERNMENT SAYS -- AND IT STRAINS BELIEF -- THAT THIS MAN  
4 IS NOW AT THE SAME LEVEL AS QUINTERO AND FONSECA. WHY IT  
5 STRAINS BELIEF IS, CAN YOU IMAGINE A SCENARIO WHERE THERE  
6 IS AN INVESTIGATION AS EXTENSIVE AS THIS IS FROM '85;  
7 THERE HAS ALREADY BEEN A TRIAL BEFORE YOUR HONOR; THERE  
8 ARE 4,000 PAGES OF TRANSCRIPT; THERE ARE 20-SOME PEOPLE IN  
9 JAIL IN MEXICO; LOTS OF INTERROGATIONS THERE, AND ZUNO-  
10 ARCE'S NAME DOESN'T APPEAR. NOW, HOW COULD THAT BE?

11 AND IN ANSWER TO YOUR HONOR'S QUESTION, IS THIS  
12 IS A RECENT INFORMANT OR A NEW INFORMANT, I DID NOT HEAR A  
13 CLEAR ANSWER. IF IT IS AN OLD INFORMANT, WHEN DID HE COME  
14 UP WITH THIS TESTIMONY AND WHY DIDN'T HE COME UP WITH IT  
15 BEFORE TEN DAYS AGO, AND DOES THAT CAST SOME SUSPICION --  
16 DESPITE THE TERRIBLE THINGS HE SAYS -- DOES IT CAST SOME  
17 SUSPICION?

18 IF IT IS A NEW INFORMANT, IS THERE ANY  
19 EXPLANATION HOW COME HE IS JUST SURFACING NOW, AND AS VAST  
20 AS THIS INVESTIGATION HAS BEEN, WHY NOT BEFORE?

21 AND I MIGHT SAY ONE OTHER THING. THE GOVERNMENT  
22 QUOTES IN A CAUSATIVE NATURE THE MEXICAN GOVERNMENT AND  
23 QUINTERO AND FONSECA AND THE FACT THAT THEY ARE  
24 SUBSTANTIALLY IN JAIL IN MEXICO. WELL, YOU HAVE TO TAKE  
25 IT BOTH WAYS. THE ATTORNEY GENERAL OF MEXICO, WHO, I TAKE

1 IT, PUT THOSE PEOPLE IN JAIL AND OTHERS, HAS SAID, AND WE  
2 HAVE IT BEFORE YOUR HONOR, THAT THE MEXICAN GOVERNMENT HAS  
3 ABSOLUTELY NO EVIDENCE AGAINST ZUNO-ARCE.

4 NOW, THEY CAN'T PICK AND CHOOSE. THEY CAN'T  
5 PICK THAT THEY PUT THEM IN JAIL, AND THEY ALSO SAID THEY  
6 HAVE NO EVIDENCE OF ANY KIND AGAINST ZUNO-ARCE.

7 NOW, IN TERMS OF ANY QUICKNESS OF ANY HEARING,  
8 WE BRIEFED THIS, YOUR HONOR, AND I WON'T BELABOR IT.

9 THE COURT: I THINK THAT IS ENOUGH ARGUMENT.

10 MR. MEDVENE: BUT I HAVEN'T RESPONDED TO  
11 EVERYTHING THE GOVERNMENT SAID.

12 THE COURT: WELL, I THINK YOU HAVE, AND I HAVE  
13 READ YOUR MOTION, WHICH HAS RESPONDED AND ANTICIPATED  
14 EVERYTHING THAT HAS BEEN SAID.

15 MR. MEDVENE: WELL, YOUR HONOR --

16 THE COURT: AND YOU HAVE SAID IT BEFORE TO ME,  
17 AND YOU TEND TO REPEAT SOME THINGS THAT YOU SAY. I HAVE  
18 GOT OTHER MATTERS HERE TO TAKE OF. SO I AM GOING TO RULE  
19 ON THIS.

20 MR. MEDVENE: I WOULD ASK AGAIN, YOUR HONOR, MAY  
21 WE SEE --

22 THE COURT: THE ANSWER IS NO.

23 MR. MEDVENE: YES, SIR.

24 THE COURT: ALL RIGHT. A DEFENDANT MUST BE  
25 RELEASED ON BAIL SUBJECT TO REASONABLE CONDITIONS. UNLESS

1 THE GOVERNMENT DEMONSTRATES UNDER THIS STATUTE THAT THE  
2 DEFENDANT IS A FLIGHT RISK OR A DANGER TO THE COMMUNITY  
3 AND NO CONDITION OR COMBINATION OF CONDITIONS WILL ENSURE  
4 THE DEFENDANT'S PRESENCE AT TRIAL OR THE SAFETY OF THE  
5 COMMUNITY, THE GOVERNMENT HAS THE BURDEN OF PROVING THE  
6 RISK OF FLIGHT BY A PREPONDERANCE OF THE EVIDENCE, AND  
7 DANGER TO THE COMMUNITY MUST BE SHOWN BY CLEAR AND  
8 CONVINCING EVIDENCE.

9 NOW, IN MY VIEW -- AND MY CONCERN IS THIS:  
10 BASICALLY ON THE SAME FACTS AND SAME EVIDENCE, WHEN THIS  
11 MAN WAS JUST A MATERIAL WITNESS, I HELD HIM WITHOUT BAIL  
12 HERE AS A MATERIAL WITNESS BECAUSE I CONSIDERED HIM TO BE  
13 A FLIGHT RISK. AT THAT TIME I HAD IN MIND THE FACT THAT  
14 HE WAS A MEXICAN NATIONAL. HE WAS A PERSON WITH NUMEROUS  
15 POLITICAL CONNECTIONS AND INFLUENCE IN MEXICO. HE WAS  
16 REPUTED TO BE A MAN OF GREAT WEALTH. HE IS A LICENSED  
17 PILOT AND APPARENTLY HAS FLOWN HIS AIRPLANE OVER AND  
18 ACROSS THE BORDER TIME AND AGAIN, AND HE HAS VERY FEW  
19 CONTACTS WITH THIS AREA OF THE TYPE THAT YOU GENERALLY  
20 LOOK FOR THAT WOULD ENSURE THE PRESENCE OF A DEFENDANT  
21 WHEN REQUIRED TO BE IN COURT.

22 ALL OF HIS SIGNIFICANT TIES ARE BASICALLY IN  
23 MEXICO. HIS BUSINESSES ARE THERE. HIS HOLDINGS ARE  
24 THERE. HIS FAMILY IS THERE. HIS CHILDREN ARE THERE. ALL  
25 OF HIS ACTIVITIES ARE BASED IN MEXICO.

1 HE HAS NOW BEEN CHARGED WITH THESE MULTIPLE  
2 FELONY CHARGES THAT HAVE BEEN FILED IN THIS FIFTH  
3 SUPERSEDING INDICTMENT. NOW, THERE IS EVIDENCE PRESENTED  
4 TO THE COURT. HOW GOOD IT IS -- WE CANNOT DECIDE THE  
5 MERITS OF THIS AT THIS TIME. SUFFICE IT TO SAY THAT  
6 EVIDENCE HAS BEEN PRESENTED TO THE GRAND JURY, AND TO  
7 SATISFY THEM OF THE NUMBER OF THINGS THAT ARE ALLEGED, AT  
8 LEAST THERE IS CAUSE TO BELIEVE THAT THE DEFENDANT IS  
9 GUILTY OF THE OFFENSES WITH WHICH HE HAS BEEN CHARGED IN  
10 THE INDICTMENT.

11 THIS COURT HAS SEEN AND HEARD DURING THE TRIAL  
12 OF THE CAMARENA CASE THE GREAT DIFFICULTY OF OBTAINING  
13 INDICTED DEFENDANTS FROM MEXICO. MEXICO HAS NOT HONORED  
14 THE EXTRADITION TREATY THAT IT HAS, AND IN THIS INDICTMENT  
15 WE HAVE, I THINK, NOW 13 INDICTED DEFENDANTS, A NUMBER OF  
16 WHOM ARE IN MEXICAN CUSTODY WHO HAVE NEVER BEEN RELEASED  
17 OR EXTRADITED TO THIS COUNTRY BY MEXICO TO FACE THOSE  
18 CHARGES.

19 THE CONCERN OF THE COURT IS THAT THIS DEFENDANT,  
20 GIVEN HIS WEALTH AND HIS INFLUENCE AND HIS POLITICAL  
21 CONTACTS IN MEXICO, WOULD, IF HE CHOSE NOT TO RETURN,  
22 PRESENT AN INSOLUBLE PROBLEM. THE GOVERNMENT, IN MY VIEW,  
23 COULD NEVER GET HIM BACK HERE. THAT IS WHAT MY CONCERN  
24 IS.

25 IT IS TRUE THAT HE HAS MADE TWO APPEARANCES

1 BEFORE JUDGE TAKASUGI IN CONNECTION WITH NON-DISPOSITIVE  
2 MATTERS. I COMMENTED ON THAT AT THE LAST HEARING. I  
3 DIDN'T VIEW THAT AS BEING PARTICULARLY SIGNIFICANT BECAUSE  
4 THEY WERE THE TYPE OF APPEARANCES WITH WHICH THE DEFENDANT  
5 COULD EARN SUBSTANTIAL CREDIBILITY WITHOUT TAKING ANY  
6 RISK. HE WAS NOT APPEARING FOR A SENTENCING. HE WAS NOT  
7 APPEARING FOR TRIAL. HE WAS SIMPLY APPEARING ON  
8 PRELIMINARY MOTIONS AND KNEW WITH CERTAINTY THAT HE WOULD  
9 BE FREE TO LEAVE WHEN THE MOTIONS HAD BEEN HEARD. SO I  
10 DON'T CONSIDER THAT AS VERY SIGNIFICANT.

11 THE EVIDENCE THAT HAS BEEN SUBMITTED TO THE  
12 COURT IN CAMERA, AND YOU MAY FIND FAULT WITH IT, AND IT  
13 MAY PROVE ULTIMATELY TO BE OF LESS VALUE THAN THE  
14 GOVERNMENT THINKS IT IS, NEVERTHELESS, IT IS EVIDENCE THAT  
15 IS BEFORE ME TO CONSIDER IN CONNECTION WITH THIS BAIL  
16 MOTION. IT IS EVIDENCE, IF TRUE, THAT WOULD JUSTIFY  
17 HOLDING THIS DEFENDANT WITHOUT BAIL.

18 IT IS MY VIEW THAT BALANCING THE EVIDENCE WHICH  
19 HAS BEEN PRESENTED BY THE GOVERNMENT AGAINST THAT WHICH  
20 HAS BEEN PRESENTED BY THE DEFENDANT AND ON HIS BEHALF, AND  
21 WEIGHING THOSE TWO IN THE BALANCE AND HAVING IN MIND THE  
22 COMMENTS THAT I HAVE JUST MADE, IT IS THE COURT'S VIEW  
23 THAT THE GOVERNMENT HAS SHOWN BY A PREPONDERANCE OF THE  
24 EVIDENCE THAT THIS DEFENDANT POSES A FLIGHT RISK. INDEED,  
25 IF THE EVIDENCE THAT WAS PRESENTED IN CAMERA IS BELIEVED

1 OR IS TRUE, THAT IS SIGNIFICANT EVIDENCE AS WELL THAT THE  
2 DEFENDANT COULD BE A RISK TO THE SAFETY OF THE COMMUNITY.

3 BUT IN MY VIEW, THE BASIC REASON FOR DENYING  
4 BAIL AT THIS TIME IS THAT I BELIEVE THIS DEFENDANT IS A  
5 SUBSTANTIAL FLIGHT RISK FOR THE REASONS THAT I HAVE  
6 MENTIONED, AND THAT IS THE ORDER OF THE COURT, AN ORDER  
7 FOR DETENTION.

8 MR. MEDVENE: IF THE COURT PLEASE, WOULD YOU  
9 CONSIDER THE REQUEST DIFFERENTLY IF THE REQUEST WERE TO  
10 RELEASE THE DEFENDANT TO THIS AREA, TO LOS ANGELES AND TO  
11 A PARTICULAR HOUSEHOLD IN LOS ANGELES? HE COULD STAY  
12 THERE. ON BALANCE, WOULD YOUR HONOR CONSIDER THAT? IT  
13 SEEMS THAT THE SUBSTANCE OF YOUR HONOR'S REMARKS ARE THAT  
14 HE MAY NOT COME BACK FROM MEXICO, AND IF ONE BALANCES --  
15 WE HAVEN'T HAD A TRIAL, AND SINCE THE EVIDENCE IS AT LEAST  
16 SOMEWHAT SUSPECT IN TERMS OF TIMING AND LATENESS, WOULD  
17 YOUR HONOR CONSIDER A BALANCE TO KEEP HIM LOCALIZED TO LOS  
18 ANGELES, AND NOT INCARCERATED AS HE IS NOW?

19 THE COURT: THE ANSWER IS NO. THE BEST THING I  
20 CAN DO FOR THIS GENTLEMAN IS TO PROVIDE HIM WITH A SPEEDY  
21 TRIAL SO THAT THESE CHARGES CAN BE SWIFTLY LITIGATED AND  
22 DETERMINED.

23 MR. MEDVENE: MAY I ASK ONE FURTHER COURTESY?  
24 YOUR HONOR, SINCE YOU RELY ON EVIDENCE THAT WE HAVEN'T  
25 SEEN, WOULD YOU AT LEAST CONSIDER, BECAUSE WE DON'T KNOW

1 IF IT IS DIRECT OR CIRCUMSTANTIAL, WOULD YOU AT LEAST  
2 CONSIDER, IF IT HAD TO BE, AN IN-CAMERA HEARING WITH THE  
3 REPORTER SO THAT SOMEBODY HAS TO SAY WHAT THEY CLAIM THEY  
4 SAW OR DID, AND YOU CAN AT LEAST DETERMINE, EVEN IF WE ARE  
5 NOT THERE, IF IT IS ADMISSIBLE EVIDENCE.

6 I MUST SAY, YOUR HONOR, IN THE PERJURY CASE,  
7 WHEN WE TALKED DISCOVERY -- AND I ASSUME IT MIGHT BE THE  
8 SAME EVIDENCE, ALTHOUGH I DO NOT KNOW -- THE GOVERNMENT  
9 SAID THEY DON'T WANT TO PRODUCE ANYTHING UNTIL THEY  
10 RELOCATE THEIR WITNESSES. JUDGE TAKASUGI SAID, "WHEN WILL  
11 THEY BE RELOCATED?" THE GOVERNMENT SAID, "EITHER  
12 NOVEMBER 7TH OR 8TH."

13 NOW, IF IT IS THE SAME WITNESS AND THE WITNESS  
14 IS RELOCATED, THERE SHOULD BE NO CONCERN ABOUT AT LEAST  
15 GIVING US AN OPPORTUNITY TO SEE THE MATERIAL.

16 BUT IF YOUR HONOR DOESN'T WANT TO DO THAT -- IT  
17 IS PRETTY TOUGH JUST TO STAY IN JAIL REALLY IF YOU ARE  
18 INNOCENT AND YOU OUGHTN'T TO BE THERE. COULD YOUR HONOR,  
19 AT LEAST IN CAMERA, IF YOU DON'T WANT US TO BE THERE, MAKE  
20 THEM TELL YOU PRIVATELY UNDER OATH WITH A WITNESS, "I SAW  
21 HIM DO THIS. I DID THIS, OR I DID THAT."

22 I MEAN, HE IS STILL INNOCENT UNTIL PROVEN  
23 GUILTY, YOUR HONOR, AND TO SAY THAT YOU WILL GIVE HIM AN  
24 EARLY TRIAL, YOU KNOW, WE ARE MONTHS AWAY. IT WILL GET  
25 CONTINUED WITH OTHER DEFENDANTS, AND THERE ARE GOING TO BE



1 MOTIONS. AT LEAST WOULD YOU HEAR IT IN CAMERA. LET'S  
2 JUST SEE IF THEY HAVE GOT A WITNESS, AND PUT HIM ON THE  
3 SCENE AND WHAT HE IS GOING TO SAY. WE COULD JUST GIVE HIM  
4 TWO QUESTIONS. "WHY DIDN'T YOU TELL US BEFORE, FELLOW?"  
5 AND "WHAT PROMISES HAVE BEEN MADE TO YOU?" THAT IS ONLY  
6 TWO QUESTIONS, AND JUST ON BALANCE, JUDGE, WHAT WOULD BE  
7 THE HARM OF DOING IT?

8 THE COURT: WHAT ABOUT THAT, COUNSEL? WHY  
9 SHOULDN'T THE COURT HEAR THESE WITNESSES? AFTER ALL, YOU  
10 ARE PRESENTING THEM SECONDHAND TO THE COURT THROUGH THE  
11 TESTIMONY OF AGENTS.

12 MR. CARLTON: WELL, YOUR HONOR, I BELIEVE THAT  
13 THE INFORMATION THAT IS CONTAINED IN THE IN-CAMERA FILING  
14 RESPONDS TO VIRTUALLY ALL OF THE CONCERNS THAT MR. MEDVENE  
15 HAS, OTHER THAN YOUR ACTUALLY SEEING THESE INDIVIDUALS IN  
16 PERSON AND --

17 THE COURT: AND HAVING THEM TESTIFY.

18 MR. CARLTON: PARDON ME, YOUR HONOR?

19 THE COURT: HAVING THEM MAKE THE STATEMENTS.

20 MR. CARLTON: WELL, YOUR HONOR, THE GOVERNMENT  
21 WOULD SUBMIT THAT THE INFORMATION THAT HAS BEEN PROVIDED  
22 TO YOU THROUGH THE MECHANISM THAT IT HAS IS ACCURATE.

23 MAY I HAVE JUST ONE MOMENT, PLEASE?

24 (DISCUSSION OFF THE RECORD.)

25 THE COURT: WHAT YOU ARE ASKING FOR IS THAT YOU

1 ARE TRYING TO HAVE ME DETERMINE THE VALIDITY OF THESE  
2 ALLEGATIONS, WHICH IS THE LEAST IMPORTANT FACTOR IN  
3 DETERMINING BAIL RELEASE AS TO WHETHER OR NOT THERE IS ANY  
4 MERIT TO THE CHARGES AGAINST THE DEFENDANT.

5 MR. MEDVENE: BUT YOU DON'T HAVE -- YOU KNOW,  
6 JUDGE, IN ALL FAIRNESS, WE BEAT THEM EVERYWHERE. THE ONLY  
7 THING THEY BEAT US ON IS WHAT THEY CLAIM THEY GAVE YOU. I  
8 MEAN, THEY DON'T BEAT US ANYWHERE ELSE. PRETRIAL SERVICES  
9 SAYS HE IS NOT A DANGER. HE IS NOT A FLIGHT RISK. I  
10 MEAN, THEY DON'T BEAT US ANYWHERE ELSE. THEY BEAT US WITH  
11 WHAT THEY GAVE YOU AND WE CAN'T SEE. ALL WE ARE SAYING IS  
12 THAT AT LEAST YOU COULD QUESTION TO MAKE SURE IT IS HEAD  
13 TO HEAD.

14 THE COURT: IS THERE ANY REASON YOU CAN'T  
15 PRODUCE THESE WITNESSES?

16 MR. CARLTON: MR. MEDRANO WILL RESPOND, YOUR  
17 HONOR.

18 MR. MEDRANO: YOUR HONOR, VERY BRIEFLY. THE  
19 COURT MAY RECALL THAT MR. GREG NICOLAYSEN, COUNSEL FOR  
20 JAVIER VASQUEZ, FILED A SIMILAR MOTION FOR BRINGING FORTH  
21 CONFIDENTIAL INFORMANTS. WE OBJECTED TO THAT STRENUOUSLY,  
22 YOUR HONOR, BECAUSE OF THE SAFETY CONCERNS IN LIGHT OF  
23 THREATS TO THOSE WITNESSES.

24 I SAY THAT PRELIMINARILY, YOUR HONOR, FOR THE  
25 FOLLOWING REASON: THAT CONCERN OF POSSIBLE THREATS TO

1 WITNESSES IS EVEN MORE PARAMOUNT, MORE SIGNIFICANT, WHEN  
2 YOU ARE DEALING WITH A PERSON OF MR. ZUNO-ARCE'S CALIBER.  
3 HE IS NOT A SOLDIER, ET CETERA, BUT HE IS SOMEONE WHO IS  
4 ON AN EQUAL PLANE WITH CARO-QUINTERO AND FONSECA-CARILLO.

5 IN ADDITION, YOUR HONOR, I THINK WE SHARE THE  
6 COURT'S CONCERN THAT TO ENGAGE IN THIS TYPE OF ENDEAVOR  
7 BASICALLY TRANSLATES INTO A MINI-HEARING.

8 THE COURT: WHY SHOULD THE COURT ACCEPT THESE  
9 AFFIDAVITS THAT YOU HAVE FILED?

10 MR. MEDRANO: FOR A COUPLE OF REASONS, YOUR  
11 HONOR. LET ME STATE THAT WE ARE PERMITTED BY NINTH  
12 CIRCUIT LAW TO PROCEED IN THAT FASHION IF YOU EVEN WANT TO  
13 CONSIDER THE IN-CAMERA FILINGS.

14 THE COURT: BUT THE NINTH CIRCUIT LAW PERMITS  
15 THE EXAMINATION OF THESE WITNESSES BY THE COURT IN CAMERA.

16 MR. MEDRANO: THAT IS TRUE, YOUR HONOR. IN  
17 ADDITION, THE COURT, HOWEVER, IN YOUR RULING RIGHT NOW  
18 TOUCHED ON A PANOPLY OF ISSUES OR REASONS AS TO WHY  
19 DETENTION WAS APPROPRIATE. NOT ONLY WHAT YOU REVIEWED IN  
20 CAMERA, BUT EVERYTHING ELSE WHICH, I SUBMIT, IS EVEN MORE  
21 SIGNIFICANT, AMONG THEM THE FACT THAT MR. ZUNO-ARCE IS AN  
22 ALIEN AND NOT A RESIDENT OF THIS AREA.

23 SO IT IS ONLY ONE OF SEVERAL FACTORS, YOUR  
24 HONOR. I MAY BE MISTAKEN, AND OBVIOUSLY THE COURT KNOWS  
25 BETTER, BUT I DON'T THINK THAT YOUR RULING OF DETENTION

1           TURNS ENTIRELY OR ONLY BECAUSE OF AN IN-CAMERA PLEADING  
2           THAT THE COURT REVIEWED.

3                   AND, FINALLY, AS TO THE REASON -- AND PERHAPS  
4           THIS IS THE MOST SIGNIFICANT REASON WHY THERE IS A  
5           DIFFICULTY IN THIS IN TRYING TO SEE HOW I CAN COME CLOSE  
6           TO THIS WITHOUT SAYING TOO MUCH ON THE RECORD IN LIGHT OF  
7           SAFETY CONCERNS. A GOOD PORTION OF OUR GOVERNMENT  
8           WITNESSES, YOUR HONOR, ARE EITHER IN THE PROCESS OF BEING  
9           RELOCATED OR HAVE BEEN RELOCATED, AND THIS RELOCATION,  
10          YOUR HONOR, IS A DIFFICULT AND TIME-CONSUMING PROCESS.  
11          OUR FEAR AND CONCERN IS THE TYPE OF TIMETABLE THAT MIGHT  
12          BE ENTERTAINED HERE FOR THIS KIND OF IN-CAMERA REVIEW  
13          WOULD MAKE THAT KIND OF PRESENTATION OF WITNESSES WHO HAVE  
14          TO BE RELOCATED --

15                   THE COURT: ALL RIGHT.

16                   MR. MEDRANO: -- VERY DIFFICULT.

17                   THE COURT: I WANT YOU TO SHOW CAUSE IN WRITING  
18          IN FIVE DAYS BY FILING A SEALED DOCUMENT SHOWING CAUSE WHY  
19          THESE WITNESSES COULD NOT BE PRODUCED FOR AN IN-CAMERA  
20          HEARING WITH THE COURT IN RELATION TO THE STATEMENTS THAT  
21          THEY ARE ALLEGED TO HAVE MADE.

22                   AFTER I RECEIVE THAT, I WILL DETERMINE WHETHER  
23          OR NOT TO ORDER THEIR APPEARANCE, AND IF I DO, I MAY  
24          REOPEN THIS MATTER.

25                   MR. MEDRANO: VERY WELL, YOUR HONOR.

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THE COURT: BUT IN THE MEANTIME, THE DEFENDANT  
IS ORDERED DETAINED.

(PROCEEDINGS CONCLUDED.)

- - -

I HEREBY CERTIFY THAT THE FOREGOING IS A CORRECT  
TRANSCRIPT OF THE PROCEEDINGS HAD ON THE RECORD  
IN THE ABOVE-ENTITLED MATTER.

Velma B. Thomas

12/21/89

OFFICIAL REPORTER

DATE