

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF TEXAS

3 LAREDO DIVISION

4 UNITED STATES OF AMERICA,) CRIMINAL NO. 5:08-244-S3

5 Vs.) January 18, 2012

6 ARMANDO GARCIA, A.K.A."CACHETES")

7 TN:GERARDO CASTILLO-CHAVEZ,)

8 Defendant.)

9
10 TRANSCRIPT OF JURY TRIAL DAY 2
11 BEFORE THE HONORABLE MICAELA ALVAREZ
12 DISTRICT COURT JUDGE, and a jury

13 APPEARANCES:

14 For the Government: JOSE ANGEL MORENO, AUSA
15 JIM HEPBURN, AUSA
16 Office of US Attorney
17 P.O. Box 1179
18 1100 Matamoros
19 Laredo, Texas 78042

20 For the Defendant: ROBERTO BALLI, ESQ.
21 P O Box 1058
22 Laredo, TX 78042-1058

23 OSCAR A VELA , JR., ESQ.
24 5517 McPherson Rd., Ste. 14
25 Laredo, TX 78041

26 Court Reporter: LETICIA O. RANGEL, CSR
27 ORNELAS REPORTING SVCS.,
28 P.O Box 270115
29 Austin, Texas 78727

30 Produced by mechanical stenography; computer-aided
31 Transcription

ORNELAS REPORTING SERVICES
P.O. BOX 270115
AUSTIN, TEXAS 78727-9997

I-N-D-E-X

GOVERNMENT WITNESSES:

	DIR	CX	REDX	RE-CX	FUR-DIR	FUR-CX
MARIO J ALVARADO	57	105	110			
CARLOS CANALES	115	121				
WENCESLAO TOVAR	121	182	205	209		
EDWARD FLORES	211	220				
RAIMUNDO R GARCIA	225	231				
DAVID M CEREZO	232	263				

E-X-H-I-B-I-T-S

PAGE

GX-1, 9, 10, 11	70
GX-13	91
GX-12	92
GX- 2, 3, 4	99
GX- 5, 6, 7 ,8	102
GX-14, 15, 16	119
GX-17, 18, 19	131
GX-20	147
GX-22,23,27	150
GX-21	153
GX-29	155
GX-28	156
GX-25	157
GX-30,31	163

ORNELAS REPORTING SERVICES
P.O. BOX 270115
AUSTIN, TEXAS 78727-9997

E-X-H-I-B-I-T-S

PAGE

DX-1	200
GX-33	214
GX-32	215
34, 35, 36	218
GX-37	219
GX-38, 39	228
GX-40	229
GX-44	235
GX-54	237
GX-52, 53	238
GX-41	239
GX-42	241
GX-43	241
GX-50, 51, 55	243
GX-56	256
GX-47, 48, 49	261

P-R-O-C-E-E-D-I-N-G-S

THE CSO: All rise.

THE COURT: You can stay seated. You
can stay seated.

THE CSO: All rise.

THE COURT: No. You can stay seated.
Thank you. Apparently, juror number one indicated that
he is having some issues at home. So I'm just going to
talk to him. I'm not letting anybody go. But just talk
to him.

MR. MORENO: I'm not letting anybody go?

THE COURT: I'm not letting anybody go,
I said. But he's telling me he's having some issues.
So bring me Juror Number One in.

(Juror Number One enters the courtroom.)

THE JUROR: Good morning.

(At sidebar.)

THE COURT: Good morning. I understand
that you brought to -- on the attention. Is there some
problems?

THE JUROR: My spouse, my spouse -- no
she's very frightful, I'm sorry. My wife is very --
and it's just. She's like I'm gonna go over there. I
mean she is very determined. She just doesn't want me
to be here.

1 THE COURT: Well, she can certainly come
2 and talk to me. And I'll talk to her. But I cannot
3 let you go. You have been properly selected. We
4 cannot let any jurors go right now because sometimes
5 something will happen like if somebody should have an
6 accident or get sick or something like that. We verify
7 all of that. But sometimes somebody can't -- just it's
8 physically impossible for them to be here, and we have
9 to have our jury otherwise we cannot go forward with
10 the case. I can assure you that we kept all sorts of
11 security measures in place.

12 THE JUROR: That's not my concern,
13 ma'am.

14 THE COURT: I understand. Anything
15 comes up, we're happy to address it. But you just tell
16 her that you let me know her concerns, and that I said
17 that I would be happy to address them with her even if
18 she wants to come, and she is welcome to come sit and
19 watch the trial if she wants to. I mean, she can't
20 interact with you. She won't be able to talk to you
21 about it. But if she would feel better if she is able
22 to see that you are okay.

23 THE JUROR: Well, that's not necessary.
24 But thanks for clearing that up.

25 THE COURT: Okay. No, I understand.

1 I'm sure. And I understand it.

2 THE JUROR: It's not like if I spoke to
3 her about it.

4 THE COURT: Right. I understand it. I
5 don't take it lightly. Obviously, you know, you can't
6 be telling her anything about the trial or anything
7 like that. But as far as the security concerns, assure
8 her that we are aware of that, and we are doing
9 everything we need to do to make sure that there isn't
10 any tension. And we have had a lot of proceedings with
11 this trial, and we have never had an issue with
12 anybody.

13 THE JUROR: Uh-huh.

14 THE COURT: Okay. So everything should
15 be okay. But I cannot let you go. Okay?

16 THE JUROR: Okay, Judge.

17 THE COURT: All right.

18 THE JUROR: All right.

19 THE COURT: Thank you very much. All
20 right.

21 (End of sidebar.)

22 THE COURT: Are the other two in?

23 THE CSO: One of them is on their way.

24 THE COURT: Well, I'll sit and wait for
25 them.

1 MR. MORENO: While we're waiting -- yes,
2 I do have one issue. We have a witness who refuses --
3 he's been served. And we are going to need a warrant
4 for him.

5 THE COURT: Get me -- I'll sign it right
6 now. Get your staff to get something. Is that witness
7 for this morning or?

8 MR. MORENO: He should be for tomorrow.

9 THE COURT: For tomorrow?

10 MR. MORENO: But he basically told us
11 he's not coming. He doesn't care if he gets arrested.
12 He's not going to come.

13 THE COURT: No problem. I can have him
14 picked up.

15 MR. VELA: Your Honor, I'm not sure if
16 Mr. Moreno if he's going to be calling Wenceslao Tovar
17 today.

18 MR. MORENO: Yes.

19 MR. VELA: But we have -- all we have --
20 all I have is a copy of a video that's in Spanish. I
21 don't have a transcript.

22 THE COURT: I think this is what we
23 discussed.

24 MR. MORENO: No. This is -- we're
25 talking about the one that came from Mexico. The one I

1 got from the police department, I haven't gotten a
2 transcript for it. But I get it from the police
3 department. That's all I got. The other thing that I
4 got for it is just this rap sheet.

5 MR. VELA: Well I have a video, Your
6 Honor. But it's in Spanish. SO how are we going to
7 cross examine him on statements through his--.

8 MR. MORENO: He's actual testifying in
9 Spanish, so he'll need an interpreter for everything
10 anyways.

11 THE COURT: All right. If there's no
12 transcript, there's no transcript. I mean if you want
13 to have it transcribed, and we kind of talked about --
14 well, we did talk about this a little bit. Are they
15 ready?

16 CASE MANAGER: No, Judge. I was going
17 to test this since you said that he was going to come
18 in today, and he's in a wheelchair. I am going to make
19 sure it's going to work.

20 THE COURT: Okay. As soon as the jury
21 is ready, we are starting okay. I'm not -- I'm going
22 to stop whatever issue we are discussing cause I've
23 been sitting there and all of this could have been
24 brought to my attention before. Okay. So as soon as
25 the jury is ready, we're starting.

1 But all I can say is if there is no transcript,
2 there is no transcript. For cross-examination purposes, if
3 he has made a statement in Spanish, you go through the
4 procedure proper. If it's an attempt to impeach him or if
5 it's an attempt to admit the statement itself, we'll deal
6 with it as it develops.

7 THE CSO: Please rise for the jury.

8 (The jury enters the courtroom.)

9 THE COURT: Thank you. You may be
10 seated, except the jury will remain standing so that
11 they may be sworn in. Each of you will raise your
12 right hand, and then state, I do, after the oath is
13 stated.

14 (The jury is sworn in.)

15 JURY PANEL: I do.

16 THE COURT: Thank you. Now you may be
17 seated. Let me call the case Officially. This is the
18 United States of America versus Gerardo Castillo, case
19 number 08244s3. Are the parties ready to proceed?

20 MR. MORENO: Jose Angel Moreno for the
21 Government. The Government's is ready, Your Honor.

22 THE COURT: Thank you.

23 MR. VELA: Oscar Vela on behalf of
24 Gerardo Castillo and Roberto Balli. The defense is
25 ready.

1 THE COURT: Thank you. good morning,
2 again ladies and gentlemen. Let me begin by --
3 actually no. And I am sorry to start out with this,
4 but I'm going to remind you that I know that yesterday
5 -- that it is very important that each one of you be
6 here on time. We've delayed starting the trial because
7 a certain number of jurors were late. So I urge you to
8 please keep in mind, we cannot start without you.
9 Everybody is present and ready to proceed. But if we
10 are missing even one juror, we have to wait until that
11 one juror is present. So please keep that in mind for
12 tomorrow morning. As we begin this morning, there are
13 certain instructions that I need to give you. Some of
14 these will be reminders of what we covered yesterday.
15 Some of this had been knew. Some of it is simply some
16 of these will be a new -- some of it is simply
17 informing you of how the case proceeds. I Remind you
18 that this a criminal case brought by the United States
19 of America against Gerardo Castillo. He is charged by
20 indictment and was referenced yesterday. I'll present
21 it to you in a few moments. The indictment itself sets
22 out the charges against the defendant, but the
23 indictment is not evidence in the case. It may only be
24 considered to determine what the charges are and then
25 in connection with what IT is that the government has

1 to prove. But it is not evidence in the case. Also
2 because of the length of this trial, I am permitting
3 you to take notes. I need to cover certain things with
4 you regarding those notes. First of all, the notes are
5 for your convenience so that you can remember what it
6 is that you wrote at the time that you wrote it down.
7 The notes do not become evidence in the case. The
8 notes cannot be used to prove that someone said or did
9 not say something. They are reminders to you of what
10 you wrote at the time. All though you may share the
11 notes with each other when you do deliberate, the notes
12 should never take precedence over the memory of any one
13 juror over the recollection of any one as to what a
14 witness may have said. So they are for your
15 convenience. But they should not play a greater part
16 in the trial than just the convenience that having
17 written down whatever notes you made at the time, and
18 you are permitted to take notes throughout the trial at
19 any point in time that you want to take notes.
20 However, and I will touch on this a little bit more
21 later. Sometimes we are having a conference up here.
22 We have a sound barrier. it is because it is something
23 that cannot be presented to you. Sometimes it may be
24 presented but not when we are up here. If you happen
25 to overhear anything that is being presented up here,

1 you should not take notes as to that and should not
2 consider that whatsoever.

3 So let me touch on as I've indicated the government
4 has charged the defendant with certain charges here. The
5 government begins its case by presenting the government's
6 opening statement. The opening statement of the government
7 is a presentation of what the government believes the facts
8 in the case may be. Once they are presented by the witnesses
9 or by other type of documentary evidence. The statements of
10 the government or for that matter the statement of the
11 defense when it is opening statement is not evidence in the
12 case. So all though regardless of whether you are listening
13 to the government or the defense, if you listen to anything
14 that sounds very convincing, it does not the matter because
15 it is only the evidence in the case that you are entitled to
16 consider when making your determinations as to what happened
17 or did not happen in the case, not the opening statements of
18 either side. It is presented to you so that you may get some
19 idea of how it is that the trial will progress, and it helps
20 you as you listen to the evidence to have some understanding
21 of what you may expect.

22 After the government presents its opening
23 statement, then the defense may present their opening
24 statement. Again, because the defendant has no burden of
25 proof, the defendant is not required to present an opening

1 statement but generally will do so, but they may also reserve
2 there opening statement until they present their case in
3 chief. We then begin with the actual evidence. Whether it
4 is by witnesses being presented here or by documents being
5 introduced, again the government gets to go first. The
6 defense may cross examine the witnesses when they are
7 presented. They may raise issues that relate to the evidence
8 that is being presented when the government is presenting the
9 government's case in chief. After the government presents
10 all of their evidence as to their case in chief, the defense
11 may present whatever evidence they would like to present.
12 Again, they have no obligation to do so. On occasion, we
13 will have some rebuttal evidence from the government that is
14 to rebut something that has been put forth by the defense in
15 their case in chief. Thereafter, you receive the court's
16 instructions. You hear the closing arguments of the
17 attorneys, and then you are sent to the jury room to conduct
18 your deliberations. That gives you an idea of how the case
19 progresses. During the time that the case is being presented
20 to you, the attorneys may sometimes raise objections to
21 either a question that has been asked, an answer that has
22 been given, or some other evidence that is being presented
23 for admission during the trial. If an attorney raises an
24 objection, it is for the court to rule on that objection. If
25 I admit it into evidence, you may consider it for all

1 purposes unless I give you a limiting instruction. If I do
2 not admit it into evidence, then you should not speculate
3 about what a witness might have said if able to answer the
4 question. You should not speculate about what may have been
5 in a document if I do not permit it to be presented into
6 evidence. And if it is an answer that has been given, often
7 I will tell you to disregard it altogether. You may only
8 consider the evidence that has been legally admitted. So
9 when I exclude something, please disregard that altogether.
10 Also occasionally I may ask questions during the trial. If I
11 do so, it is because I have some legal issue that I am
12 considering. You should not try to base your determination
13 about whether that witness is being truthful on what you
14 think I may think. Because again we have very distinct roles
15 here. You are the fact finders. I am the judge of the law,
16 and it is important that we keep that distinction.

17 Let me move then to the indictment in the case. As
18 Mr. Moreno referenced yesterday, it is a lengthy indictment.
19 Numerous -- 40 some defendants or maybe I have it backwards.
20 40 some counts, 40 some defendants or the other way around.
21 But in any event, I am only touching the charges that pertain
22 to this defendant, and those are the only charges that you
23 will be concerned with, and except as are you otherwise
24 instructed that is the only individual that you are concerned
25 with. I am going to read part of the indictment. I've asked

1 Mr. Hepburn to assist the court in presenting part of that
2 indictment, so let me begin with the indictment itself. The
3 indictment begins as follows:

4 The grand jury charges that at various times
5 relevant to the indictment, the Gulf Cartel, also known as La
6 Compania, is a drug trafficking and money laundering
7 organization which imports and distributes marijuana and
8 cocaine from Mexico into the United States. The Zetas are
9 the enforcement arm of the Gulf Cartel. And its members
10 engage in kidnapping, torture, and murder, as well as drug
11 trafficking and money laundering to further the goals of the
12 organization.

13 Miguel Angel Trevino Morales, also known AS -- and
14 here it is, the number 40. Also known as mike also known
15 Cuarenta is a leader and organizer within the Gulf Cartel and
16 its enforcement arm the Zetas. Omar Trevino Morales also
17 known and, again, here is the number 42 or Cuarenta Dos.
18 Ivan Caballero Velasquez Also known as Taliban also known as
19 Cincuenta. Raymundo Reyes also known as Commandante Mundo
20 are supervisors of sales within the Gulf Cartel and the
21 Zetas. The Gulf Cartel has been in conflict and competition
22 with the Sinaloa cartel also known as Los Chapos for control
23 of the United States Mexico border in and around Laredo,
24 Texas also known as the Nuevo Laredo Plaza. The manner and
25 means in which this was accomplished is that it was part of

1 the conspiracy that the defendants and other members of the
2 Gulf Cartel and the Zetas would Import cocaine and marijuana
3 into the United States from Mexico. It was further part of
4 the conspiracy that the defendants and other members of the
5 Gulf Cartel and the Zetas would travel in interstate and
6 foreign commerce to affect the goals of the organization. It
7 was further part of the conspiracy that the defendants and
8 other members of the Gulf Cartel and the Zetas would secure
9 houses and apartments in Laredo, Texas to safeguard its
10 controlled substances. It was further part of the conspiracy
11 that the defendants and other members of the Gulf Cartel and
12 the Zetas would secure firearms to safeguard it's control
13 substances and its members.

14 It was further part of the conspiracy that the
15 defendants and other members of the Gulf Cartel and Zetas
16 would transport firearms in interstate and foreign commerce
17 to affect the goals of the organization. It was further part
18 of conspiracy that the defendants and other members of the
19 Gulf Cartel and the Zetas would recruit and hire sicarios,
20 assassins, To protect its territory and controlled substances
21 from rival drug trafficking organizations. It was further
22 part of the conspiracy that the defendants and other members
23 of the Gulf Cartel and the Zetas would obtain transportation
24 for its sicarios. It was further part of the conspiracy that
25 the defendants and other members of the drug cartel and the

1 Zetas would rent houses and apartments to house its sicarios.
2 It was further part of the conspiracy that the defendants and
3 other members of drug cartel and the Zetas would utilize the
4 sicarios TO kidnap, torture, and murder rivals and opponent
5 of the organization. It was further part of the conspiracy
6 that the defendants and other members of the Gulf Cartel and
7 the Zetas would pay sicarios on a weekly basis with money,
8 controlled substances, and other items of monetary value to
9 kidnap, torture, and murder rivals and opponents of the
10 organization. It was further part of the conspiracy that the
11 defendants and other members of the Gulf Cartel and the Zetas
12 would pay sicarios a bonus of money, controlled substances,
13 and other items of monetary value after each kidnapping,
14 torture, and murder of rivals and opponents of the
15 organization.

16 Count One of the indictment and what we refer to as
17 the drug conspiracy charge is as follows: Beginning on or
18 about August 20, 2001, and continuing to at least on or about
19 April the 29, 2008, in the southern district of Texas and
20 elsewhere within the jurisdiction of the court, defendants --
21 and here there is a listing of the other defendants including
22 Gerardo Castillo Chavez also known as Armando Garcia also
23 known as Cachetes did knowingly and intentionally conspire
24 and agree together and with each other and with other persons
25 known an unknown to the grand jury to possess with intent to

1 distribute a controlled substance. This offense involved a
2 quantity of 5 kilograms or more of a mixture or substance
3 containing a detectable amount of cocaine, a Schedule Two
4 controlled substance. And/or a quantity of one-thousand
5 kilograms or more of a mixture or substance containing a
6 detectable amount of marijuana, a schedule one controlled
7 substance. Now here, ladies and gentlemen, there are
8 numerous overt acts. We've touched on this a little bit
9 during voir dire. This is where Mr. Hepburn is going to
10 assist the court. He is going to read to you the overt acts.
11 Mr. Hepburn.

12 MR. HEPBURN: Thank you, Your Honor.
13 Good morning, ladies and gentlemen. Overt acts. In
14 furtherance of the conspiracy and to affect and
15 accomplish the objects thereof one or more of the
16 defendants and conspirators both indicted an unindicted
17 committed among others things the following overt acts
18 in the southern district of the Texas and elsewhere.

19 ONE: beginning at least in 2001, Miguel Angel
20 Trevino Morales AKA Forty AKA Mike AKA Cuarenta, Omar Trevino
21 Morales AKA 42, and Ivan Caballero Velasquez.

22 THE COURT: Mr. Hepburn, for the
23 translators sake, you need to slow down a little bit.

24 MR. MORENO: I'm sorry. Yes. And Ivan
25 Caballero Velasquez AKA Taliban AKA Fifty, and others

1 known and unknown to the grand jury imported marijuana
2 and cocaine from Nuevo Laredo, Tamaulipas Mexico into
3 Laredo, Texas. Two: Beginning at least in 2001,
4 coconspirator obtained houses in Nuevo Laredo,
5 Tamaulipas Mexico and Laredo, Texas to repackage
6 marijuana and cocaine. Three: Beginning at least in
7 2001, coconspirators transported hundreds of loads of
8 marijuana and cocaine from Laredo, Texas to Dallas,
9 Texas utilizing automobiles and trucks. Four:
10 Beginning at least in 2001 coconspirators transported
11 drug proceeds generated by the sale of marijuana and
12 cocaine from Dallas, Texas to Nuevo Laredo, Tamaulipas
13 Mexico. Five: Beginning at least in 2003,
14 coconspirators obtained, purchased, and transported
15 firearms from Dallas, Texas to Nuevo Laredo, Tamaulipas
16 Mexico. Six: On or about February 2005 in Dallas,
17 Texas, coconspirators obtained and possessed
18 approximately 18 firearms destined for Ivan Velasquez
19 Caballero AKA Taliban, AKA Fifty. Seven: on or about
20 June 6, 2005, Gabriel Cardona Ramirez AKA Pelon AKA
21 Gabby traveled from Laredo, Texas to Nuevo Laredo,
22 Tamaulipas Mexico to meet Miguel Angel Trevino Morales
23 AKA Forty AKA Mike AKA Cuarenta. Eight: On or about
24 June 6, 2005, Miguel Angel Trevino Morales AKA 40 AKA
25 Mike AKA Cuarenta introduced Gabriel Cardona Ramirez

1 AKA Pelon AKA Gabby to Eric Ivan Martinez AKA 47.
2 Nine: on or about JUNE 6, 2005, Miguel Angel Trevino
3 Morales AKA Forty AKA Mike AKA Cuarenta recruited
4 Gabriel Cardona Ramirez AKA Pelon AKA Gabby to kidnap
5 and/or kill Bruno Alberto Juarez Orozco. Ten: On or
6 about June 8, 2005, Gabriel Cardona Ramirez AKA Pelon
7 AKA Gabby, Wenceslao Tovar Junior AKA Wency, Eric Ivan
8 Martinez AKA Forty-seven, Richard Guerrero, and first
9 name unknown last name unknown also known as the Marine
10 met and formulated a plan to kidnap Bruno Alberto
11 Juarez Orozco. Eleven: On or about June 8, 2005,
12 Wenceslao Tovar junior AKA Wency shot and killed Bruno
13 Alberto Juarez Orozco. Twelve: on or about
14 August 2005, Omar Trevino Morales AKA 42, Ivan
15 Caballero Velasquez AKA Taliban AKA 50, and other
16 coconspirators known an unknown to the grand jury
17 imported from Mexico into Laredo, Texas and repackaged
18 approximately 307 pounds of marijuana and approximately
19 eight pounds of cocaine.

20 Thirteen: On or about November of 2005, a
21 coconspirator rented apartment number four at 307 Iturbide
22 Laredo, Texas for use as a safe house by the sicarios.
23 Fourteen: on or about November of 2005, a coconspirator
24 rented apartment number eight at 1700 Jefferson Laredo, Texas
25 for the use of -- as a safe house by the sicarios. Fifteen:

1 On or about November the 24th 2005, Gabriel Cardona Ramirez
2 AKA Pelon AKA Gabby, Juan Adolfo Ramirez AKA Cordless AKA
3 Karate, Raul Jasso Junior AKA Richard, and others known and
4 unknown to the grand jury gathered at the safe house located
5 at apartment number 4, 307 Iturbide Laredo, Texas. Sixteen:
6 On or about November 24, 2005 Gabriel Cardona Ramirez AKA
7 Pelon AKA Gabby, Juan Adolfo Ramos AKA Cordless AKA Karate,
8 Raul Jasso Jr. AKA Richard, and others known and unknown to
9 the grand jury possessed a Ruger 9-MM caliber pistol and a
10 Luger 9-MM TEK pistol at the safe house located apartment
11 number 4, 307 Iturbide Laredo, Texas. Seventeen: On or
12 about November the 24th 2005, Aurora Del Bosque helped Raul
13 Jasso Jr. AKA Richard escape from police custody near the
14 safe house located apartment number 4, 307 Iturbide Laredo,
15 Texas. Eighteen: On or about December of 2005, a
16 coconspirator rented a house located at 1602 Hibiscus street
17 Laredo, Texas for use as a safe house by the sicarios.
18 Nineteen: On or about December of 2005, Lucio Velez Quintero
19 AKA El Viejon provided a coconspirator with \$8,800 dollars to
20 purchase two vehicles for use by the sicarios. Twenty: On
21 or about December 6, 2005, a coconspirator purchased a 1997
22 Ford Expedition at Laredo Motors Incorporated. Twenty-one:
23 on or about DECEMBER 6, 2005, a coconspirator purchased a
24 1998 Ford Expedition at Laredo Motors incorporated.
25 Twenty-two: On or about December 8, 2005, Jesus Gonzalez III

1 AKA Jesse AKA Jess-Mac transported Gabriel Cardona Ramirez
2 AKA Pelon AKA Gabby, and another coconspirator known as
3 juvenile number one to the Torta-Mex restaurant located 2020
4 Corpus Christi Laredo, Texas in a Ford Excursion.

5 Twenty-three: On or about December 8, 2005, Jesus Gonzalez
6 III AKA Jesse AKA Jess-Mac, Gabriel Cardona Ramirez AKA Pelon
7 AKA Gabby and another coconspirator juvenile number one
8 conducted surveillance at the Torta-Mex Restaurant located
9 2020 Corpus Christi Laredo, Texas in a Ford excursion.

10 Twenty-four: On or about December 8, 2005, a coconspirator
11 known as juvenile number one shot and killed Moises Garcia at
12 the park lot of the for that next rest and you want located
13 at 2020 Corpus Christi Laredo, Texas. Twenty-five: On or

14 about December 8, 2005, a coconspirator known as juvenile
15 number one shot and killed Moises Garcia at the parking lot
16 of the Torta-Mex restaurant located at 2020 Corpus Christi
17 Laredo, Texas. Twenty-five: on or about December 8 2005, a
18 coconspirator known as juvenile number one shot and wounded
19 Diane Lira at the parking lot of the Torta-Mex restaurant

20 located 2020 Corpus Christi Laredo, Texas. Twenty-six: on or
21 about January 8, 2006, Jesus GONZALEZ III AKA Jesse AKA
22 Jess-Mac, Gabriel Cardona Ramirez AKA Pelon AKA Gabby, and
23 another coconspirator known as juvenile number one obtained a
24 Nissan Sentra to commit the murder of Michael David Lopez.

25 Twenty-seven: On or about January 8, 2006, Jesus Gonzalez

1 III AKA Jesse AKA Jess-Mac, Gabriel Cardona Ramirez AKA Pelon
2 AKA Gabby and another coconspirator juvenile number one took
3 the Nissan Sentra to the safe house located at 1602 Hibiscus
4 Street in Laredo, Texas. Twenty-eight: On or about January
5 8, 2006, Jesus Gonzalez III also known as Jesse also known as
6 Jess-Mac, Gabriel Cardona Ramirez also known as Pelon also
7 known as Gabby, and coconspirator juvenile number one
8 obtained a 40-caliber pistol and a 9-MM caliber pistol to
9 commit the murder of Michael David Lopez.

10 Twenty-nine: On or about January 8, 2006, Jesus
11 Gonzalez III also known as Jesse also known as JESS-MAC,
12 Gabriel Cardona Ramirez also known as Pelon also known as
13 Gabby, and another coconspirator known as juvenile number one
14 shot and killed Noe Flores during an attempt to murder
15 Michael David Lopez. Thirty: On January 19, 2006, Lucio
16 Velez Quintero also known as El Viejon and others known and
17 unknown to the grand jury gathered at the safe house located
18 at apartment number 4, 307 Iturbide Laredo, Texas.

19 Thirty-one: On or about January 22, 2006, Gustavo Favian
20 Chapa drove the 1998 Ford Expedition from Mexico into the
21 United States. Thirty-two: on or about January 25, 2006,
22 Ernesto Carreon Vasquez also known as Nune arranged for
23 importation of approximately one-thousand pounds of marijuana
24 by the river near Pico Road. Thirty-three: on or about
25 January 26, 2006, Ernesto Alejandro Estrada also known as

1 Pepe coordinated the importation of marijuana with first name
2 unknown last name unknown also known as Flama and Arturo
3 Palencia. Thirty-four: On or about January 26, 2006 Ernesto
4 Carreon Vasquez also known as Nune, Ernesto Alejandro Estrada
5 also known as Pepe, first name unknown last name unknown also
6 known as Flama, Arturo Palencia, Juan Antonio Carreon Vasquez
7 also known as El Camaron, and others known and unknown to the
8 grand jury imported approximately 130 kilograms of marijuana.
9 Thirty-five: On or about January 26, 2006, Juan Antonio
10 Carreon Vasquez also known as El Camaron fired at border
11 patrol agents from the riverbanks in Mexico. Thirty-six: on
12 or about February 5, 2006, Gabriel Cardona Ramirez also known
13 as Pelon also known as Gabby attempted to reenter the United
14 States using a false name. Thirty-seven: on or about
15 February 6, 2006, Gabriel Ortiz and Paula Paola Paredes
16 possessed approximately ten kilograms of cocaine at 3006 Pine
17 street Laredo, Texas. Thirty-eight: On or about February 6,
18 2006, Gabriel Ortiz and Paula Paola Paredes possessed MAC-90,
19 7.62 by 39-millimeter assault rifle at 3006 Pine street
20 Laredo, Texas. Thirty-nine: On or about February 8, 2006,
21 Rene Garcia also known as Rana And Andres Alfredo Hernandez
22 traveled to Rio Bravo Tamaulipas Mexico to meet with Miguel
23 Angel Trevino Morales also known as 40 also known as Mike
24 also known as Cuarenta. Forty: On or about February 8,
25 2006, Miguel Angel Trevino Morales also known as 40 also

1 known as mike also known Cuarenta gave Rene Garcia also known
2 as Rana and Andres Alfredo Fernandez \$5,000 for Jaime Miguel
3 Diaz De Leon also known as Michael. Forty-one: on other
4 about February 8, 2006, Miguel Angel Trevino Morales also
5 known as 40 also known as mike also known Cuarenta gave Rene
6 Garcia also known as Rana and Andres Alfredo Hernandez a list
7 of targets, Chapos, for Jaime Miguel Diaz De Leon also known
8 as Michael. Forty-two: On or about February 18, 2006,
9 Eduardo Carreon Ibarra also known as Negro and what's known
10 as juvenile number two crossed into the United States.
11 Forty-three: on or about February 18, 2006, Andres Alfredo
12 Hernandez housed Eduardo Carreon Ibarra also known as Negro
13 and juvenile number two.

14 Forty-four: on or about February 18, 2006, Raymundo
15 Reyes AKA Commandante Mundo called from Nuevo Laredo,
16 Tamaulipas Mexico to coordinate lodging for Eduardo Carreon
17 Ibarra also known as Negro and juvenile number two.

18 Forty-five: On or about February 18, 2006, Rene Garcia also
19 known as Rana rented a room from the -- at the El Cortez
20 motel in Laredo, Texas for Eduardo Carreon Ibarra also known
21 as Negro and juvenile number two. Forty-six: on or about
22 February 18, 2006, Jaime Miguel Diaz De Leon also known as
23 Michael provided four firearms to Eduardo Carreon Ibarra also
24 known as Negro and juvenile number two at El Cortez motel in
25 Laredo, Texas.

Forty-seven: On or about February 18, 2006, Jaime Miguel Diaz De Leon AKA mike also known as Michael provided an automobile to Eduardo Carreon Ibarra also known as NEGRO and juvenile number two at El Cortez motel in Laredo, Texas.

Forty-eight: On or about March 17, 2006, Raymundo Reyes also known as Commandante Mundo provided \$5500 dollars for the rental of a house to be used by a group of sicarios.

Forty-nine: On or about March 18, 2006, a group of sicarios shot and wounded Gerardo Ramos. Fifty: on or about March 29,

2006, Ernesto Alejandro Estrada also known as Pepe traveled

TO Laredo, Texas to meet a money courier. Fifty-one: On or

about March 30, 2006, Jesus Gonzalez III also known as Jesse

also known as Jess-Mac, Gabriel Cardona Ramirez also known as

Pelon also known as Gabby, and Raul Jasso Jr. also known as

Richard kidnapped Jorge Alfonso Aviles also known as Pancho

and Inez Villarreal. Fifty-one: on or about March 30, 2006,

Jesus Gonzalez III also known as Jesse also known as

Jess-Mac, Gabriel Cardona Ramirez also known as Pelon also

known as GABBY, and Raul Jasso Jr. also known as Richard

killed Jorge Alfonso Aviles also known as Pancho and Inez

Villarreal.

Fifty-two: On or about March 31, 2006, a group of sicarios shot and wounded Julio Cesar Resendez. Fifty-three:

On or about March 31, 2006, Jose Martinez also known as Pepe

dropped a cellular telephone during the shooting of Julio

1 Cesar Resendez. Fifty-four: On or about April 2, 2006,
2 Gabriel Cardona Ramirez also known as Pelon also known as
3 Gabby, Juan Jose Arriaga Ovalle also known as Pantera, Jose
4 Martinez also known as Pepe, Raul Jasso Junior also known as
5 Richard, and Juan Adolfo Ramos also known as Cordless also
6 known as Karate conducted surveillance to locate Jesus Maria
7 Resendez AKA Chuy. Fifty-five: on or about April 2, 2006,
8 Gabriel Cardona Ramirez also known as Pelon also known as
9 Gabby, Juan Jose Arriaga Ovalle also known as Pantera, Jose
10 Martinez also known as Pepe, Raul Jasso Jr. also known as
11 Richard, and Juan Adolfo Ramos also known as Cordless also
12 known as Karate shot and killed Jesus Maria Resendez also
13 known as Chuy and Mariano Resendez. Fifty-six: on or about
14 April 8, 2006, Raymundo Reyes also known as Commandante Mundo
15 arranged for first name unknown last name unknown also known
16 as Chino to provide two semiautomatic pistols. Fifty-seven:
17 On April 8, 2006, Gabriel Cardona Ramirez also known as Pelon
18 also known as Gabby, Raul Jasso Jr. also known as Richard,
19 juvenile number three, and Juan Adolfo Ramos also known as
20 Cordless also known as Karate conducted surveillance at
21 Cosmos night club to find and kill Marco Antonio Flores AKA
22 Mackie. Fifty-eight: on or about April 8, 2006, Gabriel
23 Cardona Ramirez also known as Pelon also known as Gabby, Raul
24 Jasso Jr. also known as Richard, juvenile number three, and
25 Juan Adolfo Ramos also known as Cordless also known as Karate

1 conducted surveillance at Taco Palenque restaurant to find
2 and kill Michael David Lopez. Fifty-nine: on or about April
3 8, 2006, Gabriel Cardona Ramos also known as Pelon also known
4 as GABBY and Miguel Angel Trevino Morales also known as 40
5 also known as mike also known Cuarenta -- he called Miguel
6 Angel Trevino Morales in Mexico to report on the attempts to
7 kill Michael David Lopez and Marco Antonio Flores also known
8 as Mackie. Sixty: On or about April 8, 2006, Gabriel
9 Cardona Ramirez also known as Pelon also known as Gabby
10 traveled to Nuevo Laredo, Tamaulipas Mexico. Sixty-one on or
11 about April 9, 2006, Gabriel Cardona Ramirez also known as
12 Pelon also known as Gabby traveled to Nuevo Laredo,
13 Tamaulipas Mexico -- Traveled from Nuevo LAREDO, Tamaulipas
14 Mexico to Laredo, Texas.

15 Sixty-two: on or about April 10, 2006, Gabriel
16 Cardona Ramirez also known as Pelon also known as Gabby,
17 Gustavo Favian Chapa, and Roberto Camacho sent approximately
18 10-ounces of cocaine to Dallas, Texas. Sixty-three: on or
19 about April 11, 2006, Gabriel Cardona Ramirez also known as
20 Pelon also known as Gabby, Raul Jasso Junior also known as
21 Richard, juvenile number three, Roberto Camacho, and Juan
22 Adolfo Ramos also known as Cordless also known as Karate met
23 at a safehouse located 9006 Orange Blossom Loop Laredo, Texas
24 to prepare for the murder of first name unknown last name
25 unknown AKA Checo. Sixty-four: On August 12, 2007, Raul

1 Castillo and other coconspirators known and unknown to the
2 grand jury attempted to ship approximately 166 kilograms of
3 cocaine to Dallas, Texas. Sixty-five: On August 14, 2007,
4 Raul Castillo and other coconspirators known and unknown to
5 the grand jury attempted to ship approximately 88 kilograms
6 of cocaine to Dallas, Texas. Sixty-six: On February 8,
7 2008, Raul Castillo Jorge Rodriguez and other coconspirators
8 known and unknown to the grand jury attempted to transport
9 approximately \$870,535 dollars from Dallas, Texas to Nuevo
10 Laredo, Tamaulipas Mexico. All these are in violation of
11 Title 21 United States Code section 846, 841(a)(1) and 841
12 B(1)(a).

13 THE COURT: Thank you, Mr. HEPBURN. You
14 see, ladies and gentlemen, why I tasked somebody else
15 with reading those overt accidents. Let me touch
16 before I move to the other parts of the indictment
17 then. Let me touch on what it is that the government
18 has to prove in connection with the conspiracy charge:
19 In order for a jury to find a defendant guilty as to a
20 drug conspiracy charge the Government has to prove
21 first that two or more persons directly or indirectly
22 reached an agreement to possess with intent to
23 distribute a controlled substance. Second, that the
24 defendant knew of the unlawful purpose of the
25 agreement. Third, that the defendant joined in the

1 agreement willfully that is with the intent to further
2 its unlawful purpose. And fourth they have to prove
3 the quantity of the controlled substance as stated in
4 the indictment. At the conclusion of all the evidence
5 when I give you my instructions, I will give you very
6 specific instructions that touch on this, so do not
7 feel that you have to memorize them right now. I give
8 them to you orally, and then I also give you a written
9 copy, but I touch on them right now so that you will
10 understand as the evidence is coming what the
11 government has to prove. Note, however, that despite
12 the very lengthy recitation of the overt acts, there is
13 no requirement in the law that the government prove any
14 particular overt act or that the government prove that
15 this defendant committed any one of those overt acts
16 that is stated in the indictment, the elements of what
17 I have just stated to you as it pertains to the drug
18 conspiracy charge. Now the remaining counts in the
19 indictment I will cover them. They're not quite as
20 lengthy.

21 Count 28: which is the one that Mr. Moreno referred
22 to yesterday as the ITAR. That is I-T-A-R count is always
23 follows: That on or about March 18, 2006, in the Southern
24 District of Texas and elsewhere within the jurisdiction of
25 this court, the defendants Miguel Angel -- excuse me --

1 Miguel Trevino Morales, Jose Martinez, Gerardo Castillo, and
2 other coconspirators known an unknown to the grand jury
3 aiding and abetting each other did travel in foreign commerce
4 that is to and from the United States and to and from Mexico
5 and used a facility and interstate and foreign commerce that
6 is a cellular telephone with the intent to commit a crime of
7 violence to further unlawful activity that is a business
8 enterprise involving controlled substances in violation of
9 Title 21, United States Code sections 841(a)(1), 846. And
10 thereafter intentionally and knowingly attempted to commit
11 and committed a crime of violence to further such unlawful
12 activity. In violation of title 18, United States Code
13 sections 1952(a)(2)(b), and 2. count 29: The use of a
14 firearm is as follows: That on or about March 18, 2006, in
15 the Southern District of Texas and within the jurisdiction of
16 the court, defendants Miguel Trevino Morales, Jose Martinez,
17 Gerardo Castillo Chavez, and other coconspirators known and
18 unknown to the grand jury aiding and abetting each other did
19 knowingly an intentionally possess and discharge a firearm
20 that is a 9-mm caliber pistol the model and type unknown to
21 the grand jury in furtherance of a crime of violence which
22 may be prosecuted in a court of the United States that is
23 interstate travel and aid of racketeering as charged in count
24 28 of the indictment and a drug trafficking crime, which may
25 be prosecuted in a court of the United States that is

1 conspiracy to possess with intent to distribute a controlled
2 substance. As charged in Count One of the indictment. In
3 violation of title 18, United States Code, sections
4 924(c)(1)(a)(3), 924(c)(1)(c)(1), And 2.

5 Now there are two other charges that are similar,
6 so I'll cover those as well, and then I'll touch on the
7 elements. Count 33: Charges that on or about March 31,
8 2006, in the Southern District of Texas and elsewhere within
9 the jurisdiction of this court, defendants Miguel Trevino
10 Morales, Jose Martinez, Gerardo Castillo, and other
11 coconspirators known and unknown to the grand jury aiding and
12 abetting each other did travel in foreign commerce that is to
13 and from the United States and to and from Mexico and use a
14 facility in interstate and foreign commerce that is a
15 cellular telephone with the intent to commit a crime of
16 violence to further an unlawful activity that is a business
17 enterprise involving controlled substances in violation of
18 Title 21, United States Code sections 841(a)(1) and 846, and
19 thereafter intentionally and knowingly attempted to commit a
20 crime of violence to further such unlawful activity in
21 violation of title 18, United States Code sections
22 1952(a)(2)(b) and 2.

23 Count 34: charges that on or about March 31, 2006,
24 in the Southern District of Texas and within the jurisdiction
25 of the court, defendants Miguel Trevino Morales, Jose

1 Martinez, Gerardo Castillo Chavez, and other coconspirators
2 known and unknown to the grand jury aiding and abetting each
3 other did knowingly and intentionally possess and discharge
4 at least one firearm that is a 7.62 by 39-mm caliber
5 semi-automatic rifle, the model and type unknown to the grand
6 jury, a 40-caliber pistol the model and type unknown to the
7 grand jury, a 40-caliber pistol the model and type unknown to
8 the grand jury, and a 9-mm caliber pistol, the model and type
9 unknown to the grand jury in furtherance of a crime of
10 violence, which may be prosecuted in a court of the United
11 States that is interstate travel in aid of racketeering as
12 charged in count thirty-three of the indictment and a drug
13 trafficking crime, which may be prosecuted in a court of the
14 United States. It is conspiracy to possess with intent to
15 distribute a controlled substance as charged in Count One of
16 the indictment. In violation of title 18, United States Code
17 sections 924(c)(1)(A)(3), 924 (C)(1)(C)(1), and 2.

18 Those are the charges, ladies and gentlemen. let me
19 just touch then on the required elements to as they pertain
20 to these other four charges. As to count 28 and 29 when we
21 have referred to as the ITAR charges, the government must
22 prove the follow before a defendant may be found guilty.
23 That the defendant traveled or crossed in order to travel in
24 foreign commerce and/or used or caused to be used a facility
25 in foreign commerce including a telephone. That the

1 defendant did so with the intent to commit a crime of
2 violence to further any unlawful activity. And third that
3 thereafter the defendant did commit or attempt to commit a
4 crime of violence to further any unlawful activity. Those
5 are the elements as they pertain to count 28 and 33.

6 As to the possession charges, the firearms
7 possession charges: What the government must prove before
8 any defendant may be found guilty is that the defendant
9 committed the crime alleged in the particular counts of the
10 indictment. They refer to that as either count one or count
11 28 OR count 23, and that the defendant knowingly possessed a
12 firearm in furtherance of the defendant's alleged commission
13 of the crimes charged in those particular counts. I give you
14 those instructions now as i said, ladies and gentlemen, to
15 assist you as you listen to the evidence that is being
16 presented, But the actual instructions will be presented to
17 you when all the evidence has been presented before you hear
18 the closing arguments of counsel. And those are the ones
19 that you will be bound by. At this point, let me just very
20 briefly remind you that you are limited to the evidence that
21 is presented here in the courtroom. You may not give or
22 receive any information. And that's an instruction that I
23 will repeat throughout this trial, especially when you are
24 going off to lunch or at the end of the day, so I will not
25 emphasize it too much right now, but it is a reminder that

1 you bound by that instruction. With those instructions,
2 ladies and gentlemen, then let me just summarize very quickly
3 three very important points here that you did hear yesterday.
4 These are principles in the law that apply throughout this
5 trial: The first IS that the defendant is presumed innocent
6 throughout trial. The second IS that the burden of proof is
7 on the government and that is on the government again
8 throughout the trial, and the third IS that the government
9 must prove the defendant guilty beyond a reasonable doubt.
10 Now finally with those instructions, I will turn the case
11 over to Mr. Moreno for his opening statement. Mr. Moreno,
12 you may proceed.

13 MR. MORENO: Thank you, Your Honor.

14 THE COURT: Let me in this respect. I'm
15 going to interrupt myself for just a moment. In this
16 respect, as to opening statement I'm going to ask that
17 you listen to it because as I told you earlier this is
18 not evidence yet, so in this part I'm going to ask that
19 you not take notes. You listen to what is being
20 presented, and then once we begin with the evidence,
21 you are free to take notes.

22 MR. MORENO: Thank you. may it please
23 the court. defense counsel. Ladies and gentlemen of
24 the jury, good morning.

25 JURY PANEL: Good morning.

1 MR. MORENO: I realize that that's a
2 whole lot of information to try to take on and try to
3 retain. And I am about to give you A lot more, and
4 hopefully try explain this list of 66 overt acts that
5 the court read to you and that Mr. Hepburn read to you
6 and how they fit in into our case and what you can
7 expect to see during the course of the trial. As we
8 spoke yesterday, when you were being selected to be
9 jurors in this case, we talked about a conspiracy and
10 what that involved. And the things that were done in
11 furtherance of the conspiracy. In this case, we expect
12 that you will hear testimony from EYE witnesses to the
13 crime from victims of the crime and from some of the
14 defendants who committed the crimes, as well as police
15 officers and other people who were present and
16 investigated the cases. It will not necessarily be
17 easy to listen to. There will be things that will be
18 hard to listen to because of the descriptions that you
19 will hear. It will not be quick. Some of the
20 photographs will be hard to look at.

21 But they are all events that we allege are part of
22 the conspiracy and things that you must consider in making
23 your decision as to whether or not the defendant is guilty of
24 the counts that are alleged in the indictment. So to give
25 you a picture, sometimes we say it's easier to look at

1 something and see it instead of listen to it to try to
2 explain how this works, and the presentation is for you up on
3 the screen there, and then you have monitors in front of you
4 that actually have a better picture of it. But let me try to
5 follow that, and I will explain to you how the counts fit
6 into the overall conspiracy and where the overt acts that you
7 just listened to fit within the conspiracy.

8 Let me remind mind you first of all of a couple of
9 things that the court just said and that you heard during the
10 reading of the indictment and the reading of the overt acts.
11 If you notice almost every allegation starts with phrases
12 like on or about. Or beginning at least on this date or
13 ending at continuing at least to this date. And the reason
14 for that is that the government is not required to prove an
15 exact date. Sometimes we don't know. And so the allegations
16 are that on or about a certain date something happened. Or
17 beginning at least on this date and continuing at least to
18 another day. Something happened. Okay. Its not a
19 requirement to prove an exact date on those things. You'll
20 also -- you also heard a list of 66 overt acts, and as the
21 court mentioned to you, in a drug conspiracy all though
22 there's a lot of things that are alleged that happened as
23 part of the conspiracy, there's no requirement that the
24 government prove any one of those overt accidents.

25 If we prove none of them at all, you can still have

1 a conspiracy because they're not required. As the court
2 mentioned, the only elements to the crime are that at least
3 two people got together and reached an agreement to do
4 something illegal, in this case, drug trafficking. That the
5 defendant was aware of that objective. And that he
6 voluntarily joined that objective. And the last one is that
7 we prove to you that the conspiracy involved altogether not
8 any one single incident. That altogether there was at least
9 five or more kilograms of cocaine or at least 1,000 or more
10 kilograms of marijuana.

11 We've also talked yesterday and again the court
12 reminded you about the burden of proof and that the
13 government has the burden of proving to you beyond a
14 reasonable doubt that the defendant is guilty for purposes of
15 what you will do with the rest of the trial what does that
16 mean. The burden of proof applies to the elements of the
17 offense, so, for example, in a drug conspiracy those four
18 elements. We have to prove to you beyond a reasonable doubt
19 those four things. That two people reached an agreement,
20 that the defendant knew what the agreement was, that he
21 voluntarily joined the agreement, and the amount of the
22 drugs. The burden of proof does not apply to every other
23 fact that your probably going to hear. They're there to
24 support the charges. they're there to explain to you what the
25 charges are. But it's not required that we prove that there

1 was a truck. That it was a Chevy or a Ford. or that is was
2 green or blue. Okay. Those are not elements of the offense.
3 the burden of proof goes to the elements of the offense.

4 Now as I mentioned, we have first of all a drug
5 conspiracy. Just depicted here by the square. One BIG
6 overreaching drug conspiracy. And as alleged in the
7 indictment, the conspiracy was a conspiracy by at least these
8 34 defendants and others that we don't know about whose job
9 whose objective was to transport drugs into the United States
10 and distribute them in the United States, and in furtherance
11 of that conspiracy, they did a lot of things that were
12 mentioned in the overt acts. You're going to hear different
13 types of events, so we have tried to separate those four.
14 You're going to hear, of course, about drug trafficking
15 itself, were there drugs in the organization? And you heard
16 about certain dates and certain times, but these are three of
17 the events that you will hear during the course of the
18 testimony I expect.

19 Something that happens at a house ON Topaz Trail
20 involving the seizure of some cocaine and some marijuana from
21 a fellow named Alvarado and three of his associates. You're
22 going to hear about a crossing of marijuana at the river at
23 the end of Pico Road. And you're going to hear about the
24 seizure of cocaine and marijuana at a house on Pine street.
25 There will be other reference to drugs, particularly cocaine

1 throughout the testimony. But these will be the primary ones
2 that you will hear testimony from witnesses about. You're
3 going to hear that as part of this conspiracy, it's alleged
4 that part what have they were doing was keeping controlled of
5 this Plaza in Nuevo Laredo and Laredo, Texas. In order to
6 keep control, part of that was to hire those sicarios or
7 assassins to get rid of the competition, people who owed them
8 money, people who had crossed them. And so you're going to
9 hear testimony about five murders or five homicides that
10 involved six -- seven people who were killed.

11 The first one will be the one that you heard about
12 Bruno Juarez that was killed. The second one will be Moises
13 Garcia. The third one will be Noe Flores. the fourth will be
14 Mr. Aviles and Mr. Villarreal who were kidnapped and killed.
15 And the last two will be Jesus and Mariano Resendez. You're
16 also going to hear that as well as killing those seven
17 people, there were a number of attempts to kill other people,
18 as depicted here by those group squares. There was an
19 attempt on a fella named Jason Fraga and the teenager that
20 was with him at his house I'm sorry. There was an attempt at
21 Wal*Mart for a fellow by the name of Ivan Santos was the
22 intended victim along with his girl friend. You'll hear
23 about an incident that happened at the El Cortez motel where
24 two sicarios came over and were preparing to go out and kill
25 someone that was never identified. They were simply waiting

1 for someone to notify him that he was present at a club, and
2 they were going to go in and shoot up the club trying to kill
3 this one person. And then you're going to hear about the
4 attempt on Gerardo Ramos and the attempt on Julio Resendez.
5 Both one a brother and the other a nephew of a person named
6 Jesus Maria Resendez also known as Chuy Resendez. And you're
7 going to hear his name a lot during the testimony.

8 You are going to hear I expect testimony from
9 people that Chuy Resendez was one of the people that they
10 really, really wanted to find and kill. And all throughout
11 this period you are going to hear that he is one of the lists
12 of targets that they are looking for. That two attempts were
13 made against him where his nephew Gerardo Ramos was shot and
14 another a couple of days after -- a couple of weeks after
15 where his brother Julio Cesar was shot. And then as I
16 mentioned Jesus or Chuy Resendez was killed A couple of days
17 later in that last square that you have got there. and then
18 you're going to hear about the money laundering part an the
19 money that comes from the drug trafficking, and you will hear
20 primarily about two events. One is the first blue square at
21 the top right corner that says traffic and funds, and that's
22 what you heard mentioned in the overt acts. And that's when
23 someone sent over \$5,500 dollars for them to get a house here
24 in Laredo, Texas so they could house the group of sicarios.
25 So they could hide there and operate from there. And the

1 last one is the last blue square on the bottom right. That's
2 the \$870,545 dollars that were seized by one of the
3 defendants who was driving it down from Laredo bringing it to
4 Laredo so that ultimately it could be transported to Nuevo
5 Laredo to the members of the organization.

6 Last your going to hear a number of events that tie
7 in to the conspiracy. That first top orange square you see
8 on the top, it says Iturbide apartments. you're going to hear
9 a lot of references about that apartment and how it was used
10 by a number of these defendants to hide, to operate from, to
11 keep their weapons and things of that nature, and where
12 several of the individuals were at least at one time arrested
13 or detained at that location.

14 You're going to hear on the bottom side of your
15 screen there a person who they knew only as Chino who
16 provided two firearms for the group of sicarios to use
17 towards the end of the events before their arrest. Chino
18 provided two firearms, two pistols that were to be used at
19 that point. You'll hear about the safe house that was
20 located on Orange Blossom Loop. You're going to hear I
21 expect from the testimony that after those \$5,500 dollars
22 were sent over to rent the house, luckily the money was given
23 to an informant that came in to work for the Drug Enforcement
24 Administration. You're going to hear testimony that the Drug
25 Enforcement Administration actually rented the house for them

1 and was able to install microphones and video camera in the
2 house so that we could observe the defendants and find out
3 who the group of sicarios that was going come over and
4 utilize that location and then surveil them to prevent any
5 other attempts, and that's why I said all those people after
6 were not killed and they were simply attempts.

7 AND you're going to hear about a wire, an
8 interception of telephone calls that took place. You're
9 going to hear about the interception of the telephone calls
10 of the telephone of the informant whose voluntary. And then
11 you're going to hear about the interceptions like I said at
12 the house and the telephone that belonged to Gabriel Cardona
13 also known as Pelon also known as Gabby. And through them,
14 you're going to hear some of the telephone calls and some of
15 the videos from the house where they talk to each other, and
16 you will hear them talk about the people they killed. You'll
17 hear them talk about the people who they want to kill. The
18 further targets that they're looking for. you'll hear them
19 looking for those people at Cosmos. Mr. Mackie Flores and
20 Mr. Michael Lopez who they're looking for at Taco Palenque
21 trying to find them only based on the a description of a
22 vehicle and locate them so they can be killed.

23 And last at the very far bottom right you have an
24 orange square that just says Houston. And that relates to
25 the arrest of the defendant in this case, Gerardo Castillo

1 Chavez, who was eventually tracked down in Houston and is
2 actually still as alleged in the indictment participating in
3 this drug conspiracy, and in fact, was arrested at a house
4 that was operating as a stash house where they were utilizing
5 to move narcotics within that area. These are the events
6 that the court read to you where it involves the -- I'm
7 sorry.

8 Let me go back here for a second. Excuse me. What
9 you'll hear is that beginning sometime in 2001 at least
10 beginning on that date, a drug conspiracy was already going
11 on. And you will hear testimony from witnesses that as far
12 back in 2001, they were already transporting narcotics there.
13 And then you will start with the first event described in
14 that orange block there in august of 2005 when we pick up
15 this particular group that's alleged in the indictment.
16 You're going to hear in those two bottom left-hand squares
17 Gerardo Ramos and Julio Cesar Resendez, those are the ones
18 where you'll hear the involvement of the defendant in this
19 case. That's where the ITAR charge and the 924 see firearms
20 charge are included. They will be counts 28 and 29 with
21 regard to Gerardo Ramos and counts 33 and 34 for Julio Cesar
22 Resendez.

23 And as I mentioned you will hear about the arrest
24 of the defendant up in Houston on that far right orange
25 square. One of the things you'll also hear I except is some

1 recordings that were taken of the defendant after he was
2 arrested and housed at the jail here in Laredo, Texas, and he
3 made calls to both his family to a mother-in-law, I believe
4 and to a girl friend where he talks about his situation and
5 the people he's working with and what he's been involved
6 with, which will be very telling listening to his own words
7 about his involvement in these situations. You're also
8 lastly going to hear testimony from a couple of the
9 co-defendants who will explain to you that at least between
10 the period of November and December of 2005 and would include
11 the period between the murder of Bruno Juarez the first red
12 square almost to the murder of Noe Flores which happened on
13 January or early in January of 2006. That during that period
14 one of these defendants will tell you that he was already
15 working and knew that the defendant was part of the group and
16 associated with them during that period. You'll hear from a
17 second defendant who will tell you that between the period of
18 April and may of 2006, which will cover pretty much the
19 period between the murder of Jesus and Mariano Resendez the
20 last red square almost until the money was seized, the
21 \$870,000 dollars.

22 He will tell you that he worked with him, and in
23 fact, they went out and performed as they called them
24 acciones, or actions. And actually went to a bar in
25 Monterrey, Mexico and shot up and grenaded a particular bar

1 together, he and the defendant along with other people. And
2 lastly you'll hear from the defendant's own participation
3 during his arrest in February 2009 when he finally got
4 arrested that he was still himself involved in delivering or
5 operating in part of the drug conspiracy and operating a
6 stash house or a place to house those drugs up in Houston,
7 Texas. You're going hear from quite a number of witnesses.
8 As you remember yesterday there was a list of almost 80
9 people who were listed at potential witnesses. They will not
10 all testify, but there will be enough witnesses where several
11 people will testify as to each one of these events. It will
12 be your job to try to keep track of all of those. To figure
13 out which event did they go to, and at the end, we will have
14 an opportunity to sum this all up for you and explain to you
15 who testified for what and what it means and what you can
16 infer for from that evidence and what evidence has been
17 brought to you whether it's direct testimony, a form of
18 testimony, whether it be an eye-witness, a victim, or one of
19 the defendants who actually did the acts or the corroborating
20 evidence, the circumstantial evidence involving facts that
21 were brought to bear in order to corroborate what those
22 people say.

23 And at the conclusion of all this evidence, we will
24 ask you to render a verdict of guilty against the defendant
25 for the conspiracy, the drug conspiracy, the two ITAR

1 charges, counts 28 and 33, for the travel in interstate
2 commerce to commit a crime of violence or in furtherance of
3 to or attempt to commit a crime of violence, and for the
4 firearms charges, count 29 and 34, which will be the use by
5 any of those people involved in that particular transaction
6 of at least one fire arm in furtherance of either the drug
7 conspiracy or to commit that violent crime. Thank you.

8 THE COURT: Thank you, Mr. Moreno
9 Mr. Balli. Mr. Vela.

10 MR. BALLI: Yes, Your Honor.

11 Ladies and gentlemen of the jury, thank you very
12 much for being the jurors that were who wanted to stay here
13 and who wanted to participate in this trial. On behalf of
14 Mr. Vela and Mr. Castillo, we're very happy because we waited
15 along time to get our day in court. Because we want the
16 government to prove it. We want them to prove what they just
17 said. Now for us, this case began in February of 2009. In
18 February of 2009, DEA agents went to Houston looking for a
19 person that -- by the name of Armando Garcia. There was an
20 indictment out of Laredo in this case 2008 for Armando
21 Garcia. And they were looking for Armando Garcia in Houston.
22 They had some sort of an undercover operation going on in
23 Houston looking for Armando Garcia. And they had information
24 that at any moment Armando Garcia would be arriving in a
25 white automobile. They said five minutes from now Armando

1 Garcia will arrive in a white automobile. Five minutes later
2 Gerardo Castillo and his brother and two other people in
3 Houston show up to a parking lot of a restaurant, and they're
4 in a green vehicle. Mr. Gerardo Castillo and his brother and
5 some other people in a green vehicle. Not Armando Garcia in
6 a white vehicle. He shows up. And he's arrested by the DEA
7 agents. The DEA agents are trying to establish who Armando
8 Garcia is, and they decide that Gerardo Castillo is Armando
9 Garcia. And they arrest him. Now these four people Gerardo,
10 his brother Casimiro, and the others they had some cocaine on
11 them. No the large amounts of cocaine, the kilos that
12 they're alleging in this indictment or the kilos that you're
13 going to hear witnesses who come before this court were
14 involved in, but grams of cocaine. They are arrested. The
15 other four individuals or the other three individuals that
16 Gerardo was with are not in this indictment are not
17 considered to be Zetas. Not considered to be part of this
18 conspiracy. But Gerardo is arrested, and he is charged with
19 state charges of possession of cocaine. He pleads guilty in
20 Houston and after that case is finished he is brought to
21 Laredo to face the charges in this indictment.

22 Now why are we here? Well, this why we're here:
23 In 2005 and in 2006, here in Laredo we've all heard of
24 spillover, spillover violence, and we haven't seen much of
25 that recently, but in 2005 and 2006 in Laredo, there was a

1 lot of spillover violence in Laredo. There was a record
2 number of murders in that year. And there were some that
3 were particularly shocking. They were Mexican-style murders.
4 You're going to hear about those in this particular case.
5 There were several murders. One of them out on the Mines
6 Road committed by one of their witnesses. Mr. Wenceslao
7 Tovar. Another one at the Torta-Mex. And there will be
8 another one, a double murder, that they will talk about out
9 on Zapata Highway of Jesus and Mariano Resendez. And that is
10 the case that kind of is what brings us here. And the reason
11 that we're here is that one of the individuals that was
12 involved in that, his name is Raul Jasso. And Raul Jasso
13 will be in court. And Raul Jasso was arrested on this
14 murder. It happened on April 2, 2006. He was arrested on
15 April 11, 2006. Now Raul Jasso was very close friends to a
16 guy named Gabriel Cardona. And the DEA had helped Gabriel
17 Cardona rent a house. They supplied -- they had an informant
18 who was working with them and they helped rent a house on
19 Orange Blossom, and they got Gabriel Cardona a house, and
20 they were recording what Gabriel Cardona was talking about,
21 and -- while he was in that house. And THIS IS also in April
22 of 2006, right around the time of these murders.

23 And through these recordings, they find out that
24 Gabriel Cardona and Raul Jasso are involved in this double
25 murder out on Zapata Highway of Jesus and Mariano Resendez.

1 So they pick these guys up. They pick up Raul Jasso who will
2 be a witness in this case. And Raul Jasso admits that he is
3 involved in the murder. He also admits that Gabriel Cardona
4 is involved in the murder. He also admits that a guy named
5 Pepe is involved in the murder. Pepe is Jose Martinez. He
6 also says that a gentlemen by the name of Pantera is involved
7 in the murder. But he doesn't ever mention Gerardo Castillo.
8 He doesn't ever mention Armando Garcia. And he doesn't ever
9 mention Cachetes when he is interviewed by the police. But
10 he -- we're expecting that he's going to come in here to
11 court and now say that my client was there.

12 Now who is Raul Jasso? Raul Jasso has been
13 involved -- he was involved in a murder that they talked
14 about in Nuevo Laredo where in fact he pled guilty to
15 kidnapping somebody in Nuevo Laredo. A young boy or young
16 man. And to cutting him up open with a piece of glass and
17 offering his blood for sacrifice. That's who Raul Jasso is.
18 Raul Jasso was involved in that double homicide on Zapata
19 Highway where a 15 year old boy was killed. Raul Jasso was
20 involved in a couple of other homicides, and that is who is
21 accusing us in this case. Now Raul Jasso has made deals, big
22 deals. Okay. First of all for that double homicide out on
23 the Zapata Highway, he made a deal with the state. They said
24 if you start talking an giving us information and helping us,
25 we'll give you a plea of 12 years. Twelve years for two

1 murders. Now with a confession from him, he had already
2 confessed. And they were going to give him only 12 years.
3 Now the 12 years were even better. The deal was even better
4 than that because he had just plead guilty in federal court
5 in San Antonio to, and he was going to get -- he was
6 sentenced to 11 and a half years. And as part of the
7 agreement, any time that he did in the state would run
8 together with the time in the federal. That was the
9 agreement that he reached. Or at least that's what he
10 believed that he was getting. And so he was going to do 11
11 years in federal, and now he was going to have his 12 years
12 run together with them. And they showed him one photograph,
13 and they put this one photograph in front of him right after
14 he pled guilty in San Antonio, and they told him that they
15 showed him a picture, and they're trying to say that he at
16 that time identified my client. After he had made this deal.
17 Now Raul Jasso, Raul Jasso that's not the only deal he has
18 made. He made more deals. He had informal agreement that
19 his wife who is also involved in that double homicide who is
20 also involved in some other homicides, his wife would not be
21 charged in the state. He had informal agreement. And she
22 was never charged. He also, Raul Jasso, came into -- what he
23 didn't know when he was making this deal with the state was
24 that they were going to bring him in on federal charges. He
25 didn't know that. And so he thought that with the 12 years

1 he was getting away with everything with 12 years he was
2 going to be able to come out. Come back to his family and be
3 able to move back into this community. Well it didn't turn
4 out that way. The way that it turned out was that a few
5 months later he found out that there was a federal indictment
6 for him. He was charged with things like racketeering and
7 some of the other charges that you heard about here in the
8 Count One, the drug conspiracy. He was charged with a total
9 of 12 counts here on this particular case. He was charged in
10 12 counts. Now of those 12 counts he made an agreement that
11 he would pled to one of them. Not the counts involving the
12 Resendez murders, which he had already agreed that he had
13 committed. But another count involving the young man whose
14 blood he offered for sacrifice. Now he made an agreement
15 that he would plead only to that one count and that 11 counts
16 some of those counts involving life sentences, life
17 sentences -- potentials for life sentences would be dropped.
18 And that in exchange -- as long as he complied with his
19 agreement with the government that they would drop 11 counts
20 and that he would only face one count. Now as part of that
21 one count if he agreed to offer the government substantial
22 assistance if he offered -- if he could give them substantial
23 assistance in different ways including testifying in court
24 today before you, or this week in this trial, that the
25 government could make if they thought that his assistance was

1 substantial, and only the government and only them could make
2 a motion to the judge so that the judge could consider
3 reducing his sentence. Now does he know what that sentence
4 is going to be? No. He doesn't know what that sentence is
5 going to be. But he knows that if he doesn't make the deal
6 he has a potential of getting a life sentence, and if he
7 makes the deal he has a better chance of not having a life
8 sentence. Having something else.

9 Now what are the actual charges here, and this is
10 very important because we want as jurors being a juror is a
11 very difficult task. And it is a difficult task sometimes
12 because you're going to have a lot of law put in front of you
13 that you haven't seen before. And it's new to you. One of
14 the things that you're going to have that's going to be very
15 helpful is at the end of case the judge is going to give you
16 a set of instructions. And those instructions are going to
17 tell you what it is that my client Gerardo Castillo is
18 charged with. What is he charged with? He's charged with a
19 conspiracy to possess more than 5 kilograms of cocaine. And
20 we're going to ask you during this case to look at the
21 evidence. To listen to the witnesses. Because the witnesses
22 will be coming here, and they will be talking about a lot of
23 cocaine. You'll hear testimony about a lot of cocaine. But
24 you're also going to hear testimony from those same witnesses
25 that they don't know Gerardo Castillo. That Gerardo Castillo

1 didn't have anything to do with the cocaine that they were
2 involved in. You will hear that. So we want you to keep
3 your eye on what the charges and what the evidence is.
4 Another thing that he's going to be charged with is
5 racketeering. There's going to be a charge that he either
6 used a phone or traveled to and from Mexico to be involved in
7 a shooting of a person by the name of Gerardo Ramos. You're
8 going to hear from the witnesses that were there when Gerardo
9 Ramos was shot. And they're going to tell you they didn't
10 see Gerardo Castillo there. They're also going to have a gun
11 charge related to that. To that same thing to the shooting
12 of Gerardo Ramos. You're going to hear from the witnesses
13 that were there, and they're going to tell you that they
14 didn't see Gerardo Castillo there. There's also going to be
15 testimony or there's also charges related to racketeering and
16 gun charges related to the shooting of Julio Cesar Resendez.
17 And he is the brother of one of the Resendezes that was shot
18 out on Zapata Highway.

19 And Julio Cesar Resendez in that particular
20 shooting, he was shot in the leg -- you are going to hear
21 from the witnesses that were there when Julio Cesar Resendez
22 was shot, and they're going to tell you that they didn't see
23 Gerardo Castillo there. And you're going to hear from
24 witnesses during this case, you're going to hear from witness
25 after witnesses after witness about things in this

1 conspiracy. You're going to hear about guns that were
2 purchased as part of this conspiracy. You're going to hear
3 about houses that were rented as part of this conspiracy.
4 You're going to hear about drugs that were part of this
5 conspiracy. You're going to hear about cars that were
6 purchased as part of this conspiracy to cover it up, and
7 witness after witness is going to tell you that Gerardo
8 Castillo didn't help them buy any cars. Didn't plan with
9 them to buy any cars. Gerardo Castillo didn't plan with them
10 or help them rent any houses. The DEA helped them rent
11 houses. You're going hear evidence that Gerardo Castillo
12 didn't buy or sell any guns to anybody. And then you're
13 going to hear also that this conspiracy started in 2001 when
14 Gerardo Castillo was playing soccer in middle school. Ladies
15 and gentlemen, your job is difficult. But we want you to
16 look at the indictment and look at the evidence that is
17 presented in this case and listen to all of the witnesses
18 that are presented in this case because we are confident that
19 after you hear everything, after you hear what this
20 indictment is about, you hear what we're being charged with,
21 that the government cannot prove it. And that's all we want.
22 That's why we're here. We came here because we want them to
23 prove it, and at the end of this case, they will not prove
24 their case. Thank you.

25 THE COURT: Thank you, Mr. Balli. Okay,

1 ladies and gentlemen, before we begin with the actual
2 evidence, we'll go ahead and take a short morning
3 recess. We will take about a ten to fifteen minute
4 recess. It's for your convenience. If you need a
5 little bit more time than that, the court will give you
6 a little bit more time, but I would like to get moving
7 forward, so we will take a recess right now, and I will
8 remind you that you may not discuss the case
9 whatsoever. Thank you. You may step out.

10 (The jury leaves the courtroom.)

11 THE COURT: Is there anything from
12 counsel? Thank you. You may be seated. Mr. Moreno,
13 if you will sign. Mr. Moreno. I need you to sign
14 that. And, mr. Moreno, as I'm saying this a subpoena
15 was issued and served on him personally.

16 MR. MORENO: Yes, Your Honor. It's in
17 the clerks -- oh, I'm sorry. In the ECF. It's
18 actually on there twice. He wouldn't accept it, and
19 they went back, and they served him.

20 THE COURT: Okay.

21 MR. MORENO: I'm told that they finished
22 the transcript. I haven't seen it. But for
23 Mr. Wenceslao Tovar.

24 (Short break.)

25 THE CSO: All rise.

1 THE COURT: Thank you. You may be
2 seated. We are back on the record in case number
3 08-0244-S3. And we do have the witness on the stand.
4 Please, at this time, please stand up and raise your
5 right hand to be sworn.

6 (Witness sworn.)

7 THE WITNESS: Yes, ma'am. I do.

8 THE COURT: Thank you. You may be
9 seated.

10 MR. MORENO: Just for the record. We
11 call Mario Jesus Alvarado.

12 THE COURT: Thank you.

13 MARIO JESUS ALVARADO, GOVERNMENT WITNESS, SWORN

14 DIRECT EXAMINATION

15 BY MR. MORENO:

16 Q Good morning. Would you tell us your full name,
17 please?

18 A Mario Jesus Alvarado.

19 Q Mr. Alvarado, where are you from?

20 A Dallas, Texas.

21 Q And what first brought you to Laredo, Texas?

22 A Originally, hunting.

23 Q Okay. how did it come about that you came hunting
24 down in Laredo, Texas?

25 A Just word of mouth knowing that the deer are

1 bigger down here in South Texas. Mexico. The deer
2 hunting season lasts a little longer here in Texas. So
3 I go do a lot of hunting in Mexico.

4 Q And approximately when was it that you first came
5 down to Laredo, Texas?

6 A 2000.

7 Q Okay. Do you remember more or less when in 2000?

8 A I want to say around November 2000.

9 Q So during the deer season I guess in November?

10 A Yes, sir.

11 Q All right. And where was it that you originally
12 went hunting?

13 A I went to the ranch in Nuevo Laredo. I believe it
14 was the San Benito ranch.

15 Q How did you organize that? What kind of
16 preparations did make you to come down in this trip in
17 Nuevo Laredo?

18 A I went through a guide. You get your license
19 there and permission to cross the gun across, and I met
20 a guide.

21 Q I'm sorry. Guy or guide?

22 A Guide. A deer hunting guide.

23 Q Who was it that you met?

24 A I called him Guero Trevino.

25 Q Do you remember what his name was?

1 A Adolfo. Adolfo Trevino.

2 Q Okay. And where did Mr. Adolfo Trevino or Guero,
3 where did he take you?

4 A He took me to that ranch.

5 Q Okay. Did you have any luck at that ranch?

6 A No, sir.

7 Q So what did you-all do next?

8 A After that he said there was another ranch that
9 had a lot of quality bucks, deer, so he said I we pay
10 \$500 dollars for a seven day hunt. So I went to that
11 ranch to go hunting.

12 Q While you were at that second ranch, did you meet
13 anybody?

14 A Yes, sir.

15 Q Who did you meet?

16 A I hunted with his two brothers.

17 Q Whose brothers?

18 A Adolfo's brothers, Miguel Trevino and Omar
19 Trevino.

20 Q Okay. Was this the first time that you met Miguel
21 Trevino and Omar Trevino?

22 A Yes, sir.

23 Q Okay. At the time, did you know who they were?

24 A No, sir.

25 Q Okay. When you met him, did you meet him only by

1 that name, Miguel and Omar Trevino?

2 A At that time, yes, sir.

3 Q Okay. And you said you hunted with them on that
4 occasion?

5 A Yeah, for a week.

6 Q Okay. Did you socialize with them while you were
7 there at the time?

8 A We went to town much went to town, went eating.
9 Went to go out to eat and stuff like that.

10 Q Okay. Did you notice anything about them or
11 people around them when you first met them?

12 A At the time, I wasn't real familiar with how
13 things are over there as far as carrying weapons and
14 what such, so I remember I believe Miguel was carrying
15 like a handgun, and we got pulled over by the cops, and
16 they really didn't mess with us too much. They let us
17 go. He had talked to them, and they let us go. Just
18 stuff like that.

19 Q Okay. Can I ask you to pull the mike down just a
20 little bit because I'm having just a little trouble
21 hearing you. Okay. And so when you were running
22 around town he actually was carrying a firearm with
23 him?

24 A Yes, sir.

25 Q This hunting trip that you mentioned, it was just

1 for a week that's when you saw them?

2 A Yes, sir.

3 Q After the hunting trip, did you ever come back
4 down to Laredo or Nuevo Laredo?

5 A Yeah, I kept on coming down and hunting every
6 year.

7 Q Okay. At the time when you first came down to
8 Laredo in 2000, what were you doing in Dallas?

9 A In Dallas I was selling, selling and buying and
10 purchasing drugs and selling drugs around the Dallas
11 area.

12 Q What kind of drugs did you buy and sell in Dallas?

13 A Cocaine and marijuana.

14 Q At that time, who was your supplier? Where did
15 you get your drugs?

16 A Just local people around there.

17 Q In Dallas?

18 A In Dallas. Yes, sir.

19 Q When you first came down to Laredo, did you come
20 just for the hunting or was it your intent to find a
21 supplier?

22 A At first it was just hunt.

23 Q But that changed eventually?

24 A Yes, sir.

25 Q When was that?

1 A In '01.

2 Q The following year?

3 A Yes, sir.

4 Q What happened in 2001?

5 A I would go to the club there in Nuevo Laredo and
6 get introduced to different people, and I ended up
7 meeting two guys. They were I guess related to
8 somebody there in Nuevo Laredo. That was big there in
9 Nuevo Laredo.

10 Q Who did you meet?

11 A I met Roli. I know him as Roli, and I met another
12 guy I know him as Cachetes.

13 Q Okay. Roli, do you know what his name was or what
14 his last name was?

15 A No, sir.

16 Q And you met a person named Cachetes? When you
17 mentioned Cachetes, do you see the individual sitting
18 at the back there with the gray shirt?

19 A Yes, sir.

20 Q Is that the individual that you are talking about?

21 A No, sir.

22 Q A different Cachetes?

23 A Yes, sir.

24 Q What happened when you met Roli and Cachetes?

25 A We would just party with them every now you and

1 then when I would go out.

2 Q Do you remember which clubs you went to?

3 A We would go to 57, Senor Frogs. Just different
4 clubs around there.

5 Q And through your acquaintance with Roli and that
6 Cachetes Who did you come into contact with?

7 A I ended up meeting Roli's older brother. Ivan.
8 Ivan, and I know him as Taliban.

9 Q You said it's Roli's older brother?

10 A Yes, sir.

11 Q So that would be Ivan or that you know as Taliban?

12 A Yes, sir?

13 Q Do you know what his last name is?

14 A No, sir.

15 Q And how was the that you met Ivan or Taliban?

16 A I told them that I wanted to do a little work down
17 there in Nuevo Laredo. Get a better price and you know
18 try to get started. So they said they would set up a
19 meeting where I could meet him.

20 Q Okay. And who was going to set up the meeting for
21 you?

22 A Cachetes originally. He was the one that was
23 going to set it all up for me.

24 Q And did that meeting in fact take place?

25 A YEAH, it took place eventually. I went to Dallas,

1 and then I came back to meet him.

2 Q Do remember more or less in the year it was that
3 you originally first met Ivan or Taliban?

4 A It's got to be around December. December around
5 there.

6 Q OF 2001?

7 A Yeah, 2001. Yes, sir.

8 Q Okay. Where did you meet or how did the meeting
9 get orchestrated?

10 A I get with Cachetes when I got to the other side,
11 and me and him went, and we went in an F-150, I
12 believe. We went to the zona. We sat there for a
13 little bit. He contacted who I thought was Taliban
14 that he was contacting, and then we were supposed to
15 meet them behind -- there is a bull arena right there
16 by the zona. We were supposed to meet them back there
17 in the back.

18 Q Did you go to that bull arena?

19 A Yes, sir.

20 Q Did you meet Taliban at that time?

21 A No, I didn't. I met somebody else. They call him
22 Danny boy. It's Taliban's small brother.

23 Q So a second brother for Taliban?

24 A Yes, sir.

25 Q Danny boy. Is that what you said?

1 A Danny boy. that's what I know him as.

2 Q What happened when you met Danny boy? Did you
3 talk to him about work?

4 A Yeah, we pulled up, and there was quite a few
5 vehicles there, and I finally got to talk to him about
6 I wanted to work. I wanted to buy some cocaine and do
7 my thing. Transport it up to the Dallas.

8 Q When you say there was a lot of guys. There was a
9 lot of cars. What are you talking about?

10 A Yeah, when we drove in there was two cars on each
11 side of the road. And they sort of stopped us to see
12 who we were, what we were doing, and Cachetes talked to
13 him, and we went through them and proceeded to go talk
14 to Danny boy.

15 Q Okay. Can you describe the individuals?

16 A Nah. They were just wearing--.

17 Q Two guys standing there?

18 A With fatigues. Army suits. Guns.

19 Q Okay. And so then you went in and spoke to Danny
20 boy?

21 A Yes, sir.

22 Q And did you come to an arrangement with Danny boy?

23 A We did, but he said it's better for me to talk to
24 Ivan, so when Ivan got back in town, he will contact
25 me, and go talk to Ivan.

1 Q Okay. And so in fact did they ever call you back
2 to tell you that Ivan or Taliban was back in town?

3 A Cachetes actually contacted me a couple of weeks
4 later and told me that Ivan had come back in town if I
5 wanted to come down and meet him. And I came down.

6 Q So you had gone back to Dallas and then came back
7 to Nuevo Laredo?

8 A Yes, sir.

9 Q What happened when you finally came back to meet
10 Taliban?

11 A I was with Cachetes again. We went to go meet him
12 and behind secundaria cinco. It's like a school there
13 in Nuevo Laredo.

14 Q Okay. And who was there when you got to the
15 school?

16 A When we get to the school there was about three
17 vehicles. Three trucks and guys with guns and fatigues
18 standing around. And Cachetes went to the truck and
19 talked to Ivan, Taliban. And then told me to, you
20 know, come to the front. And they pat searched me
21 before I got into the vehicle, and then I got into the
22 passenger side seat. Cachetes got in the back.

23 Q Did you have a discussion with Taliban about the
24 business that you wanted to get into?

25 A Yes, I told him that I wanted to buy to start off

1 five keys of cocaine. 5 kilos of cocaine.

2 Q Approximately how much were those five kilos --
3 how much was the cocaine going to cost you here in
4 Nuevo Laredo?

5 A The price he gave me was \$11,500 dollars.

6 Q Okay. How much would you be able to sell that
7 kilo for in Dallas?

8 A I would sell it for \$15,500, \$16,000.

9 Q Okay. And so you said you wanted to buy 5 kilos?

10 A Yes, sir.

11 Q And so what kind of a deal did you strike with
12 Taliban?

13 A Well to build like confidence with him and trust,
14 I had \$57,500 on me. Or not on me at the time, but I
15 had it in my possession where I could get to it. And I
16 told him that I would give him that, and he can give me
17 the 5 kilos whenever he got some time. So I gave him
18 the money, and then eventually he gave the kilos that
19 night to Cachetes and Cachetes brought them to me.

20 Q Where were the 5 kilos of cocaine delivered to
21 you?

22 A I had rented a house on Paseo Colon, and Cachetes
23 met me over there.

24 Q What was the purpose of renting a house there in
25 paseo colon?

1 A Well it was a purpose to transport the drugs from
2 the house across the border into Dallas.

3 Q How would that work?

4 A The house was a two bedroom house. The back
5 room -- well overtime, I learned how to work things a
6 little better. With the back room, I keep it like a
7 clean. A dirty room.

8 Q What do you mean by a dirty room?

9 A A dirty room is I put the drugs in there first. I
10 go into the back room and wrap the drugs up first.
11 Food save them. Clean them with Windex.

12 Q Food saver?

13 A Food saver, yes, sir.

14 Q What do you mean by that?

15 A It's a machine that you -- it takes the air out of
16 the bag and seals them.

17 Q A food saver machine?

18 A Yes, sir.

19 Q Okay. What would you do then?

20 A I put them in a trash bag and set them in the hall
21 way. And I will take all my clothes off that I had in
22 that room. Leave them in that room because its dirty.
23 I would take a shower, change clothes, and move all the
24 drugs to a clean room where I would do the final
25 prepping.

1 Q How would you do the final prepping?

2 A The same thing. Clean them with Windex. Food
3 save them.

4 Q Again?

5 A Food save them again. Wrap them again. And black
6 electrical tape around them.

7 Q Now did you do this all by yourself or was
8 somebody helping you there in the house in Paseo colon?

9 A I got a helper. I got a helper. My helper was
10 Wayo. He was helping me on the other side.

11 Q Who was Wayo?

12 A Eduardo Granger.

13 Q Somebody that you knew before this?

14 A Yeah, I met him sort of at the ranch, hunting and
15 stuff.

16 Q Okay. Now let back up here for a second. let me
17 show you a couple of photographs.

18 MR. MORENO: May I approach, Your Honor?

19 THE COURT: You may.

20 BY MR. MORENO:

21 Q I'm showing you what I have marked as Government's
22 Exhibit Number one. Government's Exhibit Number nine,
23 ten, and number 11. Do you recognize these?

24 A Number one is me.

25 Q Okay. And number nine?

1 A Number nine is Miguel Trevino.

2 Q And number ten?

3 A Omar Trevino.

4 Q And number 11?

5 A That's Taliban.

6 Q Okay. And this is number 11, Taliban, that is the
7 person you have been talking about who you first came
8 up to buy the cocaine?

9 A Yes, sir.

10 MR. MORENO: Your Honor, we offer
11 government exhibits one, nine, ten, and 11.

12 THE COURT: Any objections?

13 MR. BALLI: No objection, Your Honor.

14 THE COURT: They are admitted.

15 (Government Exhibits 1, 9, 10, and 11 admitted.)

16 BY MR. MORENO:

17 Q All right. And again just purposes of the jury
18 here, we're look at Exhibit Number One. Is this you?

19 A Yes, sir.

20 Q Okay. And then this is Government's Exhibit
21 Number nine. And you said that's who?

22 A Miguel Trevino.

23 Q Okay. Government's Exhibit Number ten. This is
24 who?

25 A Omar Trevino.

1 Q And then Government's Exhibit Number 11?

2 A Taliban.

3 Q Okay. So this last one Taliban that's who you
4 have gotten the 5 kilos of cocaine that you took to the
5 house on Paseo colon?

6 A Yes, sir.

7 Q And once you got them all packaged up, how would
8 you transport them across the border?

9 A I would transport them in a different vehicles. I
10 started with a small truck, a ford ranger. It was like
11 a '92 ford ranger something like that.

12 Q Okay. And how would you conceal them?

13 A I would take the truck apart and a find spot where
14 I thought you know I could put fit something in there
15 to where if you knocked on it or it would be hard for a
16 dog to hit, you no smell it.

17 Q Okay. And then who would transport the drugs
18 across the borders?

19 A I would get different chauffeurs. People I would
20 meet through time and get them to transport the drugs
21 to Dallas for me.

22 Q Okay. And so you would wait for the drugs in
23 Dallas, or did you have any part in transporting it to
24 Dallas?

25 A No, sir. I would package the drugs, get a

1 chauffeur for the vehicle. They would drive it across,
2 and I would walk across and make sure everything went
3 good. And make sure it made it through the checkpoint,
4 and then I would drive to Dallas and take it out
5 myself.

6 Q Okay. Let's talk about again the first 5 kilos
7 that you are talking about. So you bought the 5 kilos.
8 Did it make it to Dallas?

9 A Yes, sir.

10 Q Did you sell the 5 kilos?

11 A Yes, sir.

12 Q After you sold the 5 kilos, what did do you with
13 the money?

14 A I used a little bit for things like I had to pay.
15 Rent. Supplies. Vehicle insurance. Whatever. If
16 would get another vehicle. And I would save some money
17 too to buy some more.

18 Q Okay. Now you mentioned you gave him how much
19 money to Taliban when you got the 5 kilos?

20 A It was \$57,500 dollars.

21 Q Did that cover the cost of the 5 kilos?

22 A Oh, yes, sir.

23 Q And so was that the only time you came to Taliban
24 to get cocaine?

25 A No. We worked at least once every two weeks at

1 first for a while, and then we started working once
2 every week whenever thing started moving better, and I
3 was able to move more drugs to Dallas.

4 Q Okay. Did you basically follow the same procedure
5 every time you came down?

6 A Yeah, basically. Just called and meet him, and I
7 got to where I meet him personally and give him the
8 money, and he gave me the drugs. And I would go wrap
9 them and get them ready and send them across.

10 Q When you -- after this first shipment of 5 kilos,
11 was it always 5 kilos at a time?

12 A No, we went from five to ten and through time i
13 got to where I was moving 35 -- 30, 35.

14 Q Kilos at a time?

15 A Yeah, at a time.

16 Q And you said once a week?

17 A Yeah, there towards the end I was going once a
18 week.

19 Q Okay. And so for approximately how long months or
20 years did do you this with Taliban?

21 A I started working for him in '01, and we probably
22 worked until late '02, '03 almost.

23 Q Okay. So almost two years?

24 A Yes, sir.

25 Q Okay. In that time, do you have an estimation

1 about how much cocaine you took from him that you took
2 to Dallas?

3 A I just know I made more or less at least a good 40
4 trips of different loads. Different loads of whatever
5 I could get at the time.

6 Q So 40 trips could have been 15, 20, or 30,
7 35 kilos of cocaine?

8 A Yes, sir.

9 Q Now did you always have the money to pay for all
10 the cocaine that you were getting?

11 A Most of the time, I would. I would have the
12 money, but at times he would just -- I'd buy 20, and he
13 would want to give me 20.

14 Q And when you say give, you mean he gave you 20
15 kilos of cocaine?

16 A No, he would tell me to take them and sell them
17 and pay him later whenever I got the money.

18 Q Approximately how many times in those 40 or so
19 loads do you think he fronted you some cocaine?

20 A We probably did it at least a good 20 times.

21 Q So would you sell that together with the rest of
22 your cocaine?

23 A Yes, sir.

24 Q Okay. And then how would you get him the money
25 back?

1 A I would package the money. I would food save it.
2 I'd count it. I'd food save it. And wrapped it up as
3 if I was going across the border whatever. That way
4 the dogs wouldn't hit on it or whatever because you got
5 your drug paraphernalia on it from people touching it
6 and handling it and stuff like that. And I would put
7 it in the vehicle and send it back down.

8 Q Now did you personally bring the money down, or
9 did you send people with the money down?

10 A I would send somebody with it. I would pay
11 somebody to bring it down here.

12 Q And then -- so somebody else would deliver it to
13 Taliban?

14 A I would sent it -- at first, I would send it to
15 the house.

16 Q Where?

17 A I would get it to Nuevo Laredo and either I or
18 Wayo would pick it up and take it to house, and then I
19 would personally give it to him at first.

20 Q This almost two years that you worked with
21 Taliban, did you only pay him with cash for cocaine?

22 A No, there towards -- about a year I started -- he
23 started asking for weapons if I could get any kind of
24 weapons of any kind. I just started looking around and
25 finally i got to where I could accumulate weapons off

1 the streets wherever I could get them started swapping
2 with him. You know, I would get an AR-15 or something
3 for \$1,000 and sell it to him for \$2,000 or \$1,500.

4 Just things like that. Depends on what weapon it was.

5 Q Okay. What type of weapons did you get for him?

6 A From hand guns, 9 millimeters, 45s to assault
7 rifles, 223 AR-15s, AK-47s, 308s, MP-5s, just whatever
8 I could grab. If it was a good weapon, I'll get it.

9 Q How did you get those back to Taliban?

10 A I would break them down and package them and put
11 them in a vehicle and get them down there.

12 Q Okay. Now while you were work with Taliban for
13 this two year period, did you ever have occasion to
14 either go hunting or meet up again with Miguel Trevino
15 or Omar Trevino?

16 A I want to say in late '02 I was going -- I was at
17 the club, me and Roli and Cachetes, I was at the club.
18 We jumped in my truck to -- I was in an excursion. We
19 jumped in it to go to another club. I had Cachetes in
20 the front seat and Roli in the back, and I was driving,
21 and we were going down Guerrero, and I got blocked in
22 by different vehicles.

23 Q Okay. What kind of vehicles?

24 A SUVs mostly. All SUVs.

25 Q What happened when you got blocked in?

1 A Several guys jumped out and, you know, looked like
2 a swat team all black. And they had masks on. They
3 told me to get out the truck with Cachetes?

4 Q With weapons?

5 A Yes, sir. Weapons. Everybody had a rifle or
6 AR-15 or something. Cachetes and Roli sort of jumped
7 out first because they knew who they were. So they
8 talked to them. And then they told me to get out, so I
9 got out. And I seen two guys walking towards me
10 wearing normal clothes, and it was Omar an Miguel. And
11 they recognized me. They were just asking me where I
12 had been. What am i doing in this nice truck and you
13 know just getting acquainted again, I guess you could
14 say.

15 Q Did they know that you were work withing Taliban
16 at the time?

17 A I don't think they -- I don't know -- I'm sure
18 they knew about it. But I don't think they knew I was
19 doing as much. They might of just thought I was doing
20 something small.

21 Q Did anything result from this encounter there on
22 Guerrero Street in 2002?

23 A We switch numbers, and I continued to work with
24 Taliban for a little bit. And he left out of town
25 once, and I went down to you know.

1 Q Who is he?

2 A Taliban.

3 Q Taliban left Nuevo Laredo?

4 A Yes, sir. He left Nuevo Laredo, and I went to go
5 meet one of his I guess his right hand man, max.

6 Q Do you remember Max's name?

7 A No, sir.

8 Q Last name anything?

9 A No, sir. I just knew him as Max.

10 Q Okay.

11 A I told him I needed to pick something up. So he
12 said we were going to drive somewhere else and go get
13 him.

14 Q So where did you go?

15 A Leaving Nuevo Laredo going towards Puente
16 Columbia -- the Columbia bridge there's--.

17 Q And, I'm sorry. This will be on the Mexican side
18 or the American side?

19 A Yeah, Nuevo Laredo side. Mexico side. there was a
20 road that led off to I guess off the side of the
21 highway there. There's a dead end road. We drove down
22 it, and Max got off and it happened to be Miguel, and
23 there were several other guys out there.

24 Q Okay. So what happened? Did you meet up Miguel
25 at that point?

1 A Yes, sir. He saw that it was me picking up the
2 drugs, and he just asked me what I was, you know, how
3 much was I moving, and how was I -- how was everything
4 operating and that if I need anything, you know, give
5 him a call. So we just touched bases there, and I got
6 the drugs and i left with max.

7 Q Do you remember more or less how much drugs you
8 picked up on that occasion?

9 A I think it was 20, 20 kilos.

10 Q So after you exchanged numbers, did you in fact
11 ever call him back about getting cocaine from him?

12 A Yeah, we started doing business towards '03. Me
13 and Miguel started doing some business.

14 Q How did business with Miguel work as opposed to
15 business with Taliban?

16 A Miguel just kept me working more. He would -- I
17 would buy more drugs -- I would be able to get my hands
18 on more drugs with him cause he just throw them to me,
19 you know. Whatever I needed to work with he would let
20 me grab it.

21 Q When you say more, what quantities are we talking
22 about when we are talking about Miguel?

23 A From 30 to 50 kilos I'll be able to grab at a
24 time.

25 Q Okay. And how often would that happen?

1 A At least once a week.

2 Q So in one week you're coming down to pick up 20,
3 30 from Taliban and you're picking up 40 or 50 from
4 Trevino?

5 A Taliban sort of -- me and him sort of split ways a
6 little bit, and I started working more with Miguel.

7 Q Do you have any idea how many loads or trips of
8 cocaine you did with Miguel Trevino?

9 A At least 30 or 40 trips.

10 Q Also?

11 A Yes, sir.

12 Q But this would have been larger amounts?

13 A Yes, sir.

14 Q Were you always taking the cocaine just to Dallas?

15 A I would take the majority of it to Dallas, and
16 every now and then I'll shoot some to New York. I
17 would take some up there.

18 Q Okay. Now we've talked about cocaine. Did you
19 ever move or buy marijuana from either one them?

20 A Taliban. He sent some marijuana to Dallas once.
21 And wanted me to go pick it up. I didn't really mess
22 with it, but to do him a favor I went to go get it, and
23 I met the trailer -- the guy driving the truck. I met
24 him, and we went from one gas station to another trying
25 to find a spot to take it out. Finally, I had to climb

1 in there and pull the marijuana to the back of trailer,
2 and we got it out. I took it to the -- the closest
3 place was my mom's house. Actually, I took it right
4 there in the garage. And I put it in there.

5 Q Do you remember approximately how much marijuana
6 it was?

7 A The first time it was 500 pounds.

8 Q Okay. You say the first time. How many times did
9 you do that?

10 A I did it a couple -- just twice, I think. I
11 believe it was like twice. And the second time it was
12 like 700 pounds.

13 Q What happened to that marijuana?

14 A The marijuana ended up staying there.

15 Q At your mother's house?

16 A At my mother's -- in the garage. She didn't know
17 anything about it. I put it there. They were supposed
18 to come pick it up that weekend. I went hunting, and
19 they never came to pick it up. My cousin was staying
20 in the garage. It was an apartment garage, and he
21 jumped probation, and the sheriff's department went
22 over there looking for him, and they found the
23 marijuana. So they ended up locking up my mom and my
24 sister for the 1200 pounds of marijuana.

25 Q So all five or 700 pounds were there? All 1,200

1 pounds were there?

2 A Yes, sir.

3 Q What happened when you lost the 1,200 pounds of
4 marijuana?

5 A Well I ended up having to pay it myself. He
6 wanted me to pay it, you know, the price that it is in
7 Dallas.

8 Q To Miguel Trevino?

9 A No, that was to Taliban.

10 Q To Taliban?

11 A Yes, sir.

12 Q Okay. And so were those the only two times that
13 you worked marijuana with Taliban?

14 A Yes, sir.

15 Q Did you ever do marijuana with Trevino, Miguel
16 Trevino?

17 A No, sir.

18 Q You mentioned that sometimes you would shoot some
19 cocaine to New York. How often did do you that?

20 A I did it at least four or five times until it got
21 caught one time going to New York.

22 Q Why would you send cocaine to New York?

23 A The price there is more expensive. You can sell
24 it there for a lot more than what you can in Dallas.

25 Q So up in Dallas you were selling it for \$15,500 or

1 \$16,000? How much would it sell for in New York back
2 then?

3 A From \$22,000 to \$24,000.

4 Q Okay. and you said you were sending it up there
5 until one time it got caught on the way up there?

6 A Yes, sir. I sent 15 kilos of cocaine up there,
7 and it got caught on the way.

8 Q What happened after it got caught?

9 A That there I ended up paying out of my pocket too
10 because it was some of Miguel's cocaine that he had
11 sent to me up there in Dallas.

12 Q Okay. Now with this marijuana that they would --
13 oh, I'm sorry. Cocaine that they would front you, and
14 these loads that you lost, how were you able to keep
15 your, i guess, accounts straight in terms what you have
16 owed them?

17 A Well, actually, I sort of fell in the hole about
18 half a million dollars, about \$500,000 dollars in '04.
19 And I was trying to dig my way out of it cause I had
20 lost so much.

21 Q Okay. And how did you go about trying to settle
22 your account?

23 A Well just collect what I could and hustling up
24 what I could to pay Miguel off to get him straightened
25 out.

1 Q Was this all cash that you tried to come back and
2 pay?

3 A Cash and a vehicle. I gave him a Hummer and H-2
4 Hummer and jewelry. Whatever he would want to knock
5 the tab down.

6 Q And you said your tab was at almost half a million
7 dollars?

8 A Yes, sir.

9 Q Were you able to pay it all off?

10 A I came down to pay a payment in December of '04.
11 And I had \$150,000 dollars on me. I was going to give
12 to Miguel.

13 Q Okay. Where did you go meet Miguel to give him
14 \$150,000?

15 A I met him at -- we actually -- he invited me to go
16 hunting at a ranch. So I came down, and I met him. I
17 brought the money, and he picked me up there right
18 there crossing the border.

19 Q Okay. and did you go to this ranch?

20 A Yes, sir.

21 Q Is that where you paid him the \$150,000 thousand
22 dollars?

23 A Yeah, I gave him the money, and he gave it to
24 somebody else, and then we went to the ranch.

25 Q Okay. What happened after that?

1 A After that, we came back from the ranch, and it
2 started getting late, and I was thinking I'm fixing to
3 go back to the other side this side to the United
4 States, and he just kept on putting it off driving
5 around, and he really didn't tell me, you know, stay
6 here, so I wasn't thinking nothing of it. Finally, we
7 went to one of his houses, and i ended up staying there
8 with him that night. And then in the morning I walked
9 outside, and I got on the phone talking to go my girl
10 at the time, and I was like, oh, shit, you know. he
11 didn't tell me I was going to have to stay, but he
12 didn't let me leave last night. So I just left. I
13 went to the other side. And--.

14 Q How did you go? How did you get back to this
15 side?

16 A I walked to Guerrero, and I got my right-hand man
17 to pick me up and drive me to the border. And I walked
18 across.

19 Q Okay. What happened after you left and came to
20 this side?

21 A After I left I came to this side, they called me
22 later on that night, and I was still in Laredo. They
23 called me later on that night and said why don't you
24 come back over and bring the truck. You know, what I
25 mean. Bring the Hummer across, and I said all right.

1 He was acting like nothing.

2 Q When you say they called me, who called?

3 A Miguel called me.

4 Q So you brought the Hummer back to Nuevo Laredo?

5 A Yes, sir.

6 Q And what happened? You said he was acting like
7 nothing?

8 A Yeah, I went to go meet him, and I ended up
9 meeting Omar Trevino. Omar told me to get off the
10 truck, and one of his whoever was with him at the time
11 I don't recall who it was but jumped in the truck, and
12 then Omar said you got to come with us. Miguel is mad.
13 They ended up taking me from there. Put me in the
14 backseat in between two other guys and handcuffed me
15 and took me to the secundaria cinco. and we went over
16 there and met Miguel.

17 Q What happened when you met Miguel?

18 A He really didn't talk to me. He was like mad, and
19 I guess because I left. He never really told me
20 verbally that I was going to have to stay there. So I
21 remember him just telling Omar make sure he stays
22 handcuffed. Don't let him leave. He is going to stay
23 here until he pays what he owes. And I had gave him
24 \$150,000 a couple of days before. But I guess he was
25 thinking, he wanted everything that I owed him. And I

1 was trying to work my way out the hole.

2 Q Did have you the rest of the money?

3 A Not at the time. I had it scattered around. I
4 was just trying to gather it up.

5 Q SO what happened after they wouldn't let you go?

6 A I ended up staying in Nuevo Laredo the whole month
7 of December of '04. I stayed there with him and his
8 group. Him, Omar, and the rest of the group that he
9 had around him the whole month.

10 Q And where would you stay, or what did do you that
11 whole month?

12 A I would stay with -- I was actually stayed in the
13 truck with them all day long, eat with them, stay with
14 them. At times, I would be handcuffed. At times, I
15 wouldn't. And stay in hotels where he could park the
16 truck in there. You can hide the truck and just
17 different safe houses. House that they had.

18 Q Okay. Did you understand or were you told that
19 you could not leave?

20 A Yeah, I understood then. Once I started seeing
21 myself getting handcuffed, and I was like, man. I
22 started realizing, you know, and it -- everything
23 wasn't look too good.

24 Q Okay. So how was it that you were supposed to get
25 more money or settle your account if they were keeping

1 you?

2 A Well, that's where I was having trouble. I was
3 having to get somebody to run around and collect what
4 they can in Dallas, and then Omar at the time, he would
5 he knew I was able to transport a lot of drugs and sell
6 drugs, so he was like, you know, you can make some
7 extra money. I'll give you some cocaine. You send it
8 up there and sell it. And you know just pay me here.
9 That way you can pay Miguel back. So he would throw me
10 5 kilos. Ten here and there, and I would transport
11 them to Dallas.

12 Q So even though you owed?

13 A Yeah.

14 Q Thee or four hundred thousand dollars to Miguel,
15 Omar was giving you small amounts of cocaine.

16 A Yeah, because Omar was playing it like he was
17 selling somewhere else. But he was giving it to me.
18 And i was getting my right-hand man to package it and
19 send it to Dallas.

20 Q Okay. And were you able to i guess raise some
21 funds that way?

22 A Yes, sir. I did.

23 Q Were you able to pay the entire half a million
24 that you owed?

25 A I paid all the way up to about \$60,000. I ended

1 up owing about \$60,000.

2 Q You had \$60,000 that you still owed?

3 A Yes, sir.

4 Q Okay. And then what happened then?

5 A I stayed all the month of December went Christmas
6 with them at a ranch, and his whole group was there and
7 their families, and I was there. After that, I guess
8 it was Miguel's group time to leave Nuevo Laredo and
9 another group was going to come in, so we went out to
10 eat. I want to say it was late December 27. Somewhere
11 around there. And we went out to eat, and another
12 commandante came in, and they met.

13 Q Do remember who that was?

14 A Commandante Matteo.

15 Q Okay.

16 A So we met, and they met. And then Miguel said,
17 you know, I'm going to let everybody leave Franco, or I
18 guess leave free for a couple of days or whatever. And
19 I am going to let Mario go ahead and go back to the
20 other side. So that's when they let me go.

21 Q Okay. Now you mentioned groups several times.

22 His group. Another group.

23 A Yes, sir.

24 Q How did that work with groups?

25 A From what I have seen there's always a commandante

1 in charge there in Nuevo Laredo. There is one
2 commandante that's going to be there, and he's going to
3 have another commandante with him. Each commandante is
4 going to have about four vehicles. They just
5 communicate. One will be on the other side. The other
6 will be on that side. And they just drive around and
7 just do different things.

8 Q Okay. so if Miguel had a group would that make him
9 a commandante?

10 A Yeah, he would be a commandante, and Omar had his
11 group. And they would communicate with each other
12 through radio, and meet up at times all the vehicles
13 all the people meet up.

14 Q Did you ever meet any of the other or remember any
15 of the other people who were part of Miguel's group?

16 A Miguel's group -- I remember Chalelo. Chalelo, he
17 was there at times.

18 Q And who was he or what did he do?

19 A He was -- I want to say he was like a sicario. He
20 was just like an enforcer. He was always around. okay.

21 MR. MORENO: If I may approach, Your
22 Honor?

23 THE COURT: You may.

24 BY MR. MORENO:

25 Q I'm showing you what I have marked as Government's

1 Exhibit Number 13. Do you recognize that?

2 A Yes, sir. That's Chalelo.

3 MR. MORENO: We offer Government Exhibit
4 Number 13.

5 MR. BALLI: No objection, Your Honor.

6 THE COURT: It's admitted.

7 (Government Exhibit Number 13 admitted.)

8 BY MR. MORENO:

9 Q And for the benefit of the jury, this is who
10 you're referring to, the person you know as Chalelo?

11 C-H-E-L-E-L-O?

12 A Yes, sir.

13 Q Anybody else that you remember from that group or
14 that you associated with while you were there?

15 A I always run into I want to say Mundo, Commandante
16 Mundo. He was -- we would run into him occasionally.

17 They would stop and talk. We would go out to eat. And
18 sit down and eat. I just remember him on occasion

19 bringing like boxes of fatigues, different army
20 fatigues. Boots. And hats.

21 Q Military uniforms?

22 A Military issued stuff, yeah, and give that to
23 Miguel. And Miguel separated it amongst the group.

24 MR. MORENO: May I approach, Your Honor?

1 THE COURT: You may.

2 BY MR. MORENO:

3 Q I'm showing you what I have marked as Government's
4 Exhibit number 12. Do you recognize that?

5 A Yeah, that's Mundo.

6 MR. MORENO: We offer Government Exhibit
7 Number 12, Your Honor.

8 MR. BALLI: No objection.

9 THE COURT: It's admitted.

10 (Government Exhibit Number 12 admitted.)

11 BY MR. MORENO:

12 Q For the benefit of the jury, this is the
13 individual that you know as Commandante Mundo?

14 A Yes, sir.

15 Q Now do you know Chalelo's actual name or
16 Commandante Mundo's actual name?

17 A No, sir.

18 Q You only knew them by their nickname?

19 A Yes, sir.

20 Q Was that common that you only knew people by there
21 nickname?

22 A Yeah, it's very common.

23 Q So Roli and Danny boy all those people you never
24 knew their actual names?

25 A No, Miguel and a lot of them would go by number.

1 They would have certain numbers, and I would either
2 call them by number or call them by Miguel.

3 Q Okay. Let me go back to something here for a
4 second. You mentioned that while you were being held
5 in December and you were trying to pay off your debt
6 that Omar started giving you smaller amounts. Do you
7 remember approximately how many loads of cocaine that
8 you got from Omar during that month to settle your
9 debt?

10 A It was from five to ten loads. Small loads. Five
11 to 10 kilos a piece.

12 Q Okay. In the time that you were dealing either
13 with Miguel Trevino or with Omar Trevino. Was your
14 transactions was them also only cash or did you also
15 supply guns to them?

16 A No, Miguel started finding out that I was able to
17 get my hands on a lot of guns, and he started asking
18 for certain things.

19 Q What kind of things?

20 A Just 308s and MP-5s and 18k, it's a brand.
21 Heckler and Koch. Something like that. Certain brand
22 guns that he wanted.

23 Q And were you able to supply him with those?

24 A Yes, sir.

25 Q Now you continued dealing with them after they

1 released you in December?

2 A I continued dealing with Omar. And me and Miguel
3 sort of cut ties, and I didn't mess with Taliban no
4 more. Omar was just -- he would supply me some cocaine
5 on the other side since I wouldn't go over there no
6 more.

7 Q You didn't cross to Nuevo Laredo any more?

8 A No, sir. I wouldn't go over there no more. I
9 would get Wayo to get it across the river, and then I
10 would get somebody to go pick it up for me.

11 Q Okay. So from that time on, you stayed on this
12 side of the border?

13 A Yes, sir.

14 Q You mentioned that when you were working there you
15 had a house in Nuevo Laredo -- Paseo Colon.

16 A Yes, sir.

17 Q Did you ever get a house in Laredo?

18 A Yeah, I ended up getting a house on Topaz trail
19 here in Laredo, and that would be like a house where I
20 would bring the drugs, and then I would package them
21 their myself and send them to Dallas.

22 Q Did you operate that house like you did the other
23 with a dirty room and a clean room like you mentioned
24 to us?

25 A Yeah, the same way. I kept everything pretty much

1 cleaned up.

2 Q How long did you operate the house on Topaz Trail?

3 A From '04 to '05 when I got caught.

4 Q When did you get caught?

5 A I got caught August of '05 of 2005.

6 Q And you have been in custody since August of '05
7 when you got caught?

8 A Yes, sir.

9 Q Now in between the time that you started with
10 Taliban I guess then Miguel and then Omar to the time
11 that you got caught in August of 2005, did you get
12 arrested for anything else in between?

13 A After I left in December from being down in Mexico
14 with Miguel now, I went back to Dallas, and around
15 February, I went to go collect some money that somebody
16 had owed me for along time.

17 Q This will be February of 2005?

18 A Yes. Yeah.

19 Q Okay.

20 A February of 2005.

21 Q Who did you go find that owed you money?

22 A It was somebody that owed me some money there in
23 Dallas, and I went and ended up picking him up,
24 kidnapping him, and taking a way what I could to get my
25 money out of him.

1 Q What was the money for?

2 A Drugs that they had owed me in the past.

3 Q Okay. Was this also money that you owed to
4 somebody else?

5 A Yes, the money I owed down there is what they owed
6 me.

7 Q Okay. You said you picked them, and kidnapped
8 them. Where did you take them?

9 A I took them to a house there in Dallas.

10 Q You took *them*? Was it more than one?

11 A Yes, sir, it was two people.

12 Q And where did you take them?

13 A I took them to a house in Dallas and put them in a
14 garage. I had them there. I took away vehicles or
15 whatever I could from them, and at night, one of them
16 ended up getting away, and then he let the other one
17 go, and so they both got away, and they ended up
18 calling the Dallas police department, and the swat team
19 came over there and raided us there at the house.

20 Q Did you get arrested then?

21 A Yes, sir.

22 Q What was at that house when you got arrested?

23 A They found \$10,000. Some marijuana like 50 pounds
24 of marijuana. And they found like 16 guns and military
25 fatigue suits and night vision goggles. Stuff like

1 that.

2 Q Who were those for? The night vision goggles, the
3 military uniforms. How many firearms?

4 A Sixteen.

5 Q Who were those for?

6 A Those were for Miguel. I was going to send them
7 down to him to straighten out the rest of the money
8 that I owed him and try to do some transactions.

9 Q All of it, the guns, the goggles, the uniforms--

10 A Yes, sir.

11 Q --all of them were for Miguel?

12 A Yes, sir.

13 Q After you got arrested then in February what
14 happened after that?

15 A I got arrested in February, and I got out, and I
16 continued to work down here in Laredo on this side.
17 And then I got caught on here in Laredo transporting
18 some drugs to Dallas.

19 Q Okay. And in August of 2005, when you got
20 arrested, who arrested you?

21 A The SWAT team, Dallas Police department.

22 Q Here in Laredo.

23 A Oh, here in Laredo?

24 Q In Topaz Trail that you described.

25 A The sheriff department came on the Crime Stoppers

1 call.

2 Q And what, if anything, did they find when you got
3 arrested?

4 A They found -- I had a truck packaged with a TV in
5 the back of it, a sofa couch, and I had some marijuana
6 there at the house I was going to send to Dallas. And
7 I had 3 kilos that I was going to send up there too
8 that stayed behind, so I was going to package them in
9 that and send them in the back of truck to Dallas.

10 Q Okay. Was this just you by yourself or were there
11 other people there?

12 A I got caught with three other people.

13 Q Do you remember what the truck looked like?

14 A It was Dodge, Dodge like -- it was like a 2000 red
15 Dodge truck ram.

16 Q And what color was it?

17 A Red.

18 Q Red.

19 MR. MORENO: May I approach, Your Honor?

20 THE COURT: You may.

21 BY MR. MORENO:

22 Q Let me show you what I have marked as Government's
23 Exhibit Number two, three, four -- do you recognize
24 these?

25 A Yes, sir.

1 Q Okay. And how do you recognize them?

2 A That's the red Dodge, the TV, and the couch.

3 Q Okay. And the same depicted on Government
4 Exhibits three and four?

5 A Exhibit three has the couch with the bundles
6 placed in the bottom of it. The bundles of marijuana.

7 Q And exhibit four?

8 A Is the back of the TV. Has marijuana in it, and
9 the bottom are the kilos.

10 Q Of?

11 A Cocaine.

12 MR. MORENO: We move to admit
13 Government's Exhibits two, three, and four, Your Honor?

14 THE COURT: Any objections?

15 MR. BALLI: No objection, Your Honor.

16 THE COURT: They're admitted.

17 (Government Exhibits 2, 3, and 4 admitted.)

18 BY MR. MORENO:

19 Q For purpose of the jury here, we have got
20 government exhibit number two, and this is the truck
21 that you were referring to?

22 A Yes, sir.

23 Q And when we are talking about TV, we're talking
24 about it was one of those taller projection TVs?

25 A Yes, like -- I don't know how big it is, but it's

1 a big TV -- thick. You take the back of it off.

2 Q And then this object here that I'm pointing to,
3 that would be the sofa?

4 A Yes, sir.

5 Q Okay. I don't know if you can see this on this
6 screen. But can you tell us what Government's Exhibit
7 Number three is?

8 A That's the back of the sofa, the bottom half of
9 the sofa.

10 Q Can you actually see the bundles in your screen?

11 A A little bit. Yeah, here.

12 Q If you'll touch that screen, I think it will --
13 and circle those.

14 A Yeah. I see one there.

15 Q And so those are bundles of marijuana, you said?

16 A Yes, sir.

17 Q And you said approximately how much marijuana was
18 in there?

19 A It was 300 pounds, I believe. Somewhere around
20 there.

21 Q Altogether or just in the sofa?

22 A No, altogether.

23 Q And then on Government's Exhibit Number four?

24 A It's the TV, and these are bundles of marijuana.
25 And then at the bottom, I got 3 kilos right there.

1 Q And the 3 kilos on the bottom, the smaller ones,
2 those are cocaine?

3 A Yes, sir.

4 Q So you mentioned you were arrested in August of
5 2005, you have been in custody since then?

6 A Yes, sir.

7 Q Are you still in custody?

8 A Yes, sir.

9 Q Now what happened as a result of the arrest up in
10 Dallas?

11 A I ended up getting five years state time ran
12 concurrent with my federal sentence.

13 Q And that was five years for one indictment or two?

14 A No, five years for each indictment.

15 Q For the two individuals?

16 A The two individuals.

17 Q Okay. And then in your federal case here, you
18 were actually charged for that particular shipment of
19 cocaine and marijuana?

20 A Yes, sir.

21 Q Okay. Along with the -- with the drugs, was there
22 anything else that was found at the house?

23 A They found four firearms. I believe a 9mm assault
24 rifle, a 50-caliber Desert Eagle handgun. 45 Ruger
25 handgun and a military style shot gun.

1 Q Okay. Who are those for or what were they doing
2 at the house?

3 A I just kept them there to protect the house, you
4 know. The 50-caliber I was going to sell it on the
5 other side to I believe Omar, and the other three guns
6 were there to take care of the house.

7 MR. MORENO: Can I approach, Your Honor?

8 THE COURT: You may.

9 BY MR. MORENO:

10 Q Let me show you what has been marked as
11 Government's Exhibit Number five, six, seven, and
12 eight. Can you tell us what's on exhibit number five?

13 A It's a 9-millimeter assault rifle.

14 Q Government's Exhibit Number six?

15 A It's a 50-caliber desert eagle.

16 Q Number seven?

17 A It's a 45 Ruger.

18 Q And number eight?

19 A A shotgun.

20 MR. MORENO: Your Honor, we offer
21 Government Exhibits five, six, seven, and eight.

22 MR. BALLI: Without objection, Your
23 Honor.

24 THE COURT: They're admitted.

25 (Government Exhibits 5-8 admitted.)

1 BY MR. MORENO:

2 Q All right. and for purposes of the jury here.
3 Government's Exhibit Number eight you said this is a
4 military type?

5 A Yes, it's a military style shot gun.

6 Q Okay. Do you remember what gauge it is?

7 A Twelve gauge.

8 Q Government's Exhibit Number Seven?

9 A It's a 45 Ruger handgun.

10 Q And that's a semi-automatic pistol?

11 A Yes, sir.

12 Q Government's Exhibit Number six?

13 A It's a 50-caliber Desert Eagle handgun
14 semi-automatic pistol.

15 Q That's about as big a caliber pistol as they make?

16 A That's the biggest caliber they make.

17 Q And Government's Exhibit Number five?

18 A That's a 9-millimeter assault rifle.

19 Q Now you were charged here in federal court for
20 both the cocaine and marijuana and for those firearms;
21 is that correct?

22 A Yes, sir.

23 Q And you pled guilty in that case?

24 A Yes, sir.

25 Q Do you remember what sentence you received as a

1 result of that for the drugs and the guns?

2 A Ninety-six months. That's eight years.

3 Q Do you remember what were they some for the drugs
4 and some for the guns or both?

5 A I think it was 60 months for the drugs -- I mean
6 for the guns, and 36 months for the drugs.

7 Q Okay. And that's the sentence that you are
8 purging now?

9 A Yes, sir.

10 Q Now as a result of your arrest, you started
11 talking with the federal agents and with me with
12 regards to your association with Miguel Trevino, Omar
13 Trevino, and Taliban?

14 A Yes, sir.

15 Q And this eight year sentence was that a result of
16 your cooperation with the government?

17 A Yes, sir.

18 Q Originally, You were facing more than that?

19 A Yes, sir.

20 Q Do you remember how much you were facing?

21 A I believe it was 15 years.

22 Q Did you get like a seven year reduction?

23 A Yes, sir.

24 MR. MORENO: If could have just one
25 moment, Your Honor.

1 I'll pass the witness.

2 THE COURT: Very well. Mr. Balli, your
3 witness.

4 CROSS EXAMINATION

5 BY MR. BALLI:

6 Q Sir, you knew a person in Nuevo Laredo by the name
7 of Cachetes?

8 A Yes, sir.

9 Q Correct? This is Gerardo Castillo.

10 A Yes, sir.

11 Q He's not Cachetes, is he?

12 A No, sir.

13 Q Now Gerardo Castillo didn't hunt with you in Nuevo
14 Laredo, did he?

15 A No, sir.

16 Q And Gerardo Castillo didn't help you get any
17 houses?

18 A No, sir.

19 Q Like that house on Paseo colon in Nuevo Laredo, he
20 didn't help you rent that?

21 A No, sir.

22 Q You didn't rent it from him?

23 A No, sir.

24 Q And these cars that you needed to -- you needed
25 cars to transport drugs from Nuevo Laredo to Dallas?

1 A Yes, sir.

2 Q And from Dallas to New York?

3 A Yes, sir.

4 Q And Gerardo Castillo didn't help you get those
5 cars?

6 A No, sir.

7 Q You didn't buy any cars from him?

8 A No, sir.

9 Q And you were bringing as an extra money making
10 thing, you were buying guns and reselling them to
11 Miguel Trevino and people in Nuevo Laredo, correct?

12 A Yes, sir.

13 Q And Gerardo Castillo didn't buy any guns from you
14 or sell any guns to you?

15 A No, sir.

16 Q And he wasn't involved in that in any way, was he?

17 A No, sir.

18 Q And Gerardo Castillo didn't help you package drugs
19 in Nuevo Laredo?

20 A No, sir.

21 Q Didn't help you transport drugs from Nuevo Laredo
22 to Laredo, Texas?

23 A No, sir.

24 Q Didn't help you transport drugs from Laredo, Texas
25 across the border patrol checkpoint?

1 A No, sir.

2 Q And to Dallas?

3 A No, sir.

4 Q Now you know Ivan Trevino; correct?

5 A Yes, sir.

6 Q You know Taliban?

7 A Yes, sir.

8 Q Omar Trevino?

9 A Yes, sir.

10 Q And Miguel Trevino?

11 A Yes, sir.

12 Q And you said you knew a guy named Roli from a
13 night club?

14 A Uh-hum.

15 Q And Cachetes from a night club?

16 A Uh-hum.

17 Q And so these are people that you worked with in
18 Nuevo Laredo?

19 A Yes, sir.

20 Q Were there probably some more -- some other people
21 as well?

22 A Yes, sir.

23 Q And you worked with people in Dallas; correct?

24 A Yes, sir.

25 Q Now a little while ago you testified that you're

1 looking at 15 years?

2 A Yes, sir.

3 Q But the truth of the matter is that the maximum
4 sentence for those offenses that you were facing was
5 much more than that; correct?

6 A Yes, sir.

7 Q They had maximum life sentences; correct?

8 A Yes, sir.

9 MR. MORENO: I'm sorry. I think that's
10 actually a misstatement given the amounts. I think he
11 was facing a five to 40, and at the time, it was just
12 the five years.

13 THE COURT: Five year maximum. That's
14 correct, excuse me.

15 BY MR. BALLI:

16 Q On the drug charge, you were facing maximum 40
17 years, right?

18 A Yeah, I guess.

19 Q And you also were not as part of your agreement
20 with the government, you were not to be charged with
21 the conspiracy in this case; correct?

22 A Yes, sir.

23 Q Only for the offenses that you had pled to;
24 correct?

25 A Yes, sir.

1 Q And that gave you a sentence of eight years?

2 A Yes, sir.

3 Q Secured?

4 A Uh-hum.

5 Q Now all the money that you made, you made a lot of
6 money, didn't you?

7 A Yes, I did.

8 Q As a matter of fact, you testified that when Omar
9 gave you five to ten kilos, you considered those small
10 loads; correct?

11 A Yes.

12 Q And so you were moving some pretty impressive
13 loads; correct?

14 A Yes, sir.

15 Q Because ten kilos, the value of that at the time
16 was almost \$120,000 in Nuevo Laredo?

17 A Uh-hum.

18 Q And way up in Dallas is worth 160, maybe \$170,000;
19 correct?

20 A Yes, sir.

21 Q And that's without even packaging -- repackaging
22 it; correct? Just selling kilos?

23 A Yeah, just kilos.

24 Q Now all that money that you made, you gave all
25 that money away in the end because you're now in

1 custody; correct?

2 A Yes, sir. You're right.

3 Q And you wish that if you could have that all that
4 money right now and that could buy your freedom, you
5 would do that, wouldn't you?

6 A I prefer my freedom, yeah.

7 Q And that's why you made that agreement with the
8 government; correct? Because you want to be out
9 sooner?

10 A Yes, sir.

11 Q And so your freedom is more important than that
12 money; correct?

13 A Yeah, for sure.

14 MR. BALLI: I'll pass the witness.

15 THE COURT: Anything else, Mr. Moreno?

16 MR. MORENO: Just a couple of questions.

17 RE-DIRECT EXAMINATION

18 BY MR. MORENO:

19 Q When you say that this is not Cachetes, this is
20 not the Cachetes that you know?

21 A No, sir.

22 Q You don't know whether they also know him as
23 Cachetes?

24 A No, sir. I don't--.

25 Q But these groups that you mentioned, Miguel's

1 group, Omar's group, Taliban's group, who do they all
2 work for?

3 A They're part of Zetas, and it was the Gulf Cartel
4 and the Zetas at the time.

5 Q Okay. One last question: Or one last issue. When
6 he mentioned that you were secure in your eight year
7 sentence?

8 A Yes, sir.

9 Q Where do you go back to after you testify today?

10 A I go back to prison.

11 Q Okay. And do you feel secure going back to prison
12 after you testified here in open court?

13 MR. BALLI: Your Honor, I'm going to
14 object and ask to approach the bench.

15 THE COURT: Your objection is what?

16 MR. BALLI: Your Honor, I would like to
17 approach?

18 THE COURT: Oh, approach the bench. I'm
19 sorry.

20 (At sidebar.)

21 MR. BALLI: Your Honor, that's a very
22 improper question. That is designed to inflame the
23 jury that he's in danger because he asked him if he was
24 secure in going back the prison. And I think it
25 makes -- it's a -- that question suggests to the jury

1 that my client might do something to him. And I think
2 that it's just a very improper question. It's
3 irrelevant. It's irrelevant as well. But it's highly
4 prejudicial. I'm moving for a mistrial at this time.

5 THE COURT: Okay.

6 MR. MORENO: He asked him whether or not
7 he had a secure sentence and talked to him about the
8 benefits of making a deal with the government. And the
9 jurors need to know the risks he takes in making that
10 deal with the government. I'm not implying that his
11 client is doing anything. He is at risk with every
12 other prisoner who he encounters. And that's something
13 that the jury should be able to consider in weighing
14 and assessing his testimony and his credibility.

15 MR. BALLI: Your Honor--.

16 THE COURT: I have heard the objection.
17 The objection is overruled. There was nothing in the
18 question that implied that this defendant was, had, or
19 would have taken action, but certainly as part of the
20 jury's consideration of this defendant, they are
21 entitled to consider it. Not just a risk, but the risk
22 as well so the objection is overruled. The motion for
23 mistrial is denied.

24 MR. BALLI: Your Honor, I would just
25 like to add -- well, but this affects my client's right

1 to a fair and impartial jury under the United States
2 constitution because this jury will be inflamed by the
3 response to this question. And so I reurge my motion
4 for a mistrial on those grounds.

5 THE COURT: It is denied.

6 (End of sidebar.)

7 BY MR. MORENO:

8 Q Well so let me repeat my question. Do you feel
9 secure going back to prison now that you have testified
10 here in open court?

11 A Yeah, I believe I'll be all right.

12 Q Okay. And when you say that you believe you'll be
13 all right, why do you only believe?

14 A Well it's because I sort of seen it on the news
15 yesterday. So i am hoping you know my name don't get
16 out there that much, and people don't pick up on me
17 here testifying against him, Mr. Castillo.

18 Q And why is that? Why are you hoping that people
19 don't find out?

20 MR. BALLI: Your Honor, I'm going to
21 object to these series of questions. he has already
22 asked the question, and it's irrelevant.

23 THE COURT: Okay. And we're getting far
24 removed from the original question, Mr. Moreno.

25 MR. MORENO: I asked him why he feels --

1 what his reason is for not wanting people to find out.

2 THE COURT: I'll overrule the objection
3 for now, but let's try to keep it close to the original
4 question.

5 BY MR. MORENO:

6 Q Why don't you want people to find out?

7 A I just don't want somebody to know him, where i am
8 at, and up there the way it is, if They find out that
9 you testified against somebody, they'll tend to jump on
10 you, jump you. They call it run you up top. They will
11 jump you and beat you up and send you to the hole.

12 MR. MORENO: That's all I have.

13 THE COURT: Anything further, Mr. Balli?

14 MR. BALLI: No, Your Honor.

15 THE COURT: All right. Thank you very
16 much. Thank you. You may step down.

17 THE WITNESS: Thank you, Your Honor.

18 THE COURT: The next witness, please.

19 MR. MORENO: Carlos Canales.

20 THE COURT: Carlos Canales, please.

21 (The witness enters the courtroom.)

22 THE COURT: Mr. Canales, please come
23 forward. Up here to the witness stand. And before you
24 are seated, please raise your right hand to be sworn
25 in.

1 (Witness sworn.)

2 THE WITNESS: Yes, I do.

3 THE COURT: Thank you. You may be
4 seated.

5 THE WITNESS: Thank you.

6 THE COURT: You may proceed.

7 CARLOS CANALES, GOVERNMENT WITNESS, SWORN

8 DIRECT EXAMINATION

9 BY MR. MORENO:

10 Q Would you please tell us your full name?

11 A Yes, my name is Carlos Canales.

12 Q Mr. Canales, where do you work?

13 A Right now, I work at Laser forwarding as vice
14 president for business development.

15 Q Okay. Back in June 8th of 2005, where did you
16 work at?

17 A At Bolanos and Company as a sales manager.

18 Q Okay. Where is Bolanos and Company located?
19 Where was it located back in June of 2005?

20 A At Killam Industrial Boulevard. Right at the
21 corner with JFK if I remember well.

22 Q Okay. And on June 8th of 2005, did you have
23 occasion to witness an event there in front of your
24 business?

25 A That's correct.

1 Q What was it that happened or that you saw?

2 A There was a shooting, and a guy that was shot up
3 and was killed.

4 Q Can you describe for us what were you doing at the
5 time that the shooting happened?

6 A Yes, I was going out for lunch at 2:00 o'clock,
7 and right in front of us there was a couple of guys on
8 the car, a couple of coworkers. And one of them just
9 told me, hey, there's some shooting. There's something
10 going on, and then we just immediately kneeled down
11 below the dashboard on the steering wheel. I was
12 driving car. We were still parked facing east if I
13 remember well. I heard some noise. It was kind of a
14 BB gun shot. Something like that. When the noise went
15 down, I just looked up on the front windshield, and I
16 saw just a couple of guys perhaps four or five guys
17 just going on top of street cars, three vehicles
18 driving away from the scene.

19 Q Okay. Let me back up for a second.

20 A Yes, sir.

21 Q You said you were facing east. On what street are
22 we talking about?

23 A Facing east. Again that street is JFK or JDK --
24 something like that. Right in the corner with Killam
25 Industrial Boulevard.

1 Q From where you were in your car, how far away were
2 you where this was happening?

3 A About 50 to 70 yards at the most.

4 Q Okay. And you said you saw three cars?

5 A That's right. Three vehicles.

6 Q Can you describe the three vehicles?

7 A Yes, it was a midsize car. I don't recall the
8 brand. It was either gray or light blue. Another one
9 was a red pickup, four door ram. Back then, it was an
10 new model. And then also a red Volkswagen Jetta, also
11 a four door.

12 Q Okay. And then you said you saw several people.
13 What do you remember, how can you describe the people
14 that you saw?

15 A I would say--.

16 Q First of all, how many people do you remember?

17 A I didn't count them. But it was in between four
18 to six people. Young guys. Early twenties. And I
19 recall one of them was carrying a weapon. Perhaps a
20 rifle or a machine gun or something like that. And
21 that was what I saw.

22 Q Okay. And the victim -- where was the victim?

23 A About 4 yards in between the car where I was
24 parked and the street where the cars were just brought
25 in through.

1 Q Do you remember if he had a vehicle, one of those
2 that you described?

3 A No. He was not in those vehicles.

4 Q Okay. So after you see the -- you said you heard
5 the BB gun shootings, and you looked, and then and you
6 saw them get in the cars. When you said you saw them
7 get in the cars, who got in the cars?

8 A The guys who apparently shot that guy, and then of
9 course the victim was lying down on the grass.

10 Q Okay. What did you do next?

11 A I just stepped out of the car. I saw the guy. He
12 was still alive. Facing upwards. facing into the sky.
13 I called 911 and described the scene, the vehicles,
14 what happened, what I saw. Then I guess it took about
15 five minutes. Nobody was there. No police or an
16 ambulance. I called them again. and I then described
17 that the guy was still breathing. And they were asking
18 me some questions. After about seven minutes, the
19 police vehicle gets there and the ambulance.

20 Q What happened to the victim?

21 A I guess, he passed away. When the paramedics got
22 there, he was already dead.

23 Q So while you were waiting, he expired?

24 A Yes. I was just looking at him.

25 MR. MORENO: May I approach the witness,

1 Your Honor?

2 THE COURT: You may.

3 BY MR. MORENO:

4 Q Let me show you what I have marked as Government's
5 Exhibit Number 14, number 15, and Government's Exhibit
6 Number 16. Do you recognize these?

7 A Yes. Number 14 is the victim, and I can recognize
8 him because I remember he was wearing a handcuff on one
9 of his hands.

10 Q Okay.

11 A And then the two vehicles. It seems like they
12 are -- the two of them, the Jetta and the truck. Also
13 the doors is not hard -- the ones I saw looked like
14 this. They looked very similar.

15 MR. MORENO: Your Honor, we offer
16 Government's Exhibit Number 14, 15, and 16.

17 THE COURT: Any objections?

18 MR. BALLI: No objections.

19 THE COURT: They're admitted.

20 (Government Exhibits 14, 15, and 16 admitted.)

21 BY MR. MORENO:

22 Q All right. Let me show you at first Government
23 Exhibit Number 15. And can you tell us what that is?

24 A That is the red car, the Volkswagen Jetta.

25 Q Okay. And then Government Exhibit number 16?

1 A That's a Dodge, a four door pick up truck similar
2 to the one I saw.

3 Q And here we have Government Exhibit Number 14.

4 A He is the victim.

5 Q All right. And you said you recognized him
6 because you remember he had a handcuff. Do you see
7 that in the photograph?

8 A Yes, on his right hand. On top of head.

9 Q If you'll touch that screen that's in front of
10 you. It's actually a touchscreen, and you can circle
11 it.

12 A (Witness complied.)

13 Q So he's still wearing a handcuff on his hand?

14 A That's correct.

15 Q Now when the police arrived, what did you do then?

16 A I just stayed at that scene, and then they asked
17 me to go ahead and go to the station and to go ahead
18 and declare what I just saw.

19 Q Okay. And did you actually provide them a
20 statement at the time?

21 A Yes. Uh-hum.

22 Q Was this a written statement?

23 A Yes.

24 Q Okay. You described the noises like sounding like
25 BB gun. It didn't sound like a gun fire?

1 A That's correct. I didn't heard any -- I didn't
2 hear anything for at least 35 years, and I can
3 recognize a gun shot. And either because of the
4 adrenaline or something, but I didn't hear any strong
5 gunshots or machine gunshots going on.

6 Q Okay.

7 MR. MORENO: I'll pass the witness, Your
8 Honor.

9 THE COURT: Mr. Balli.

10 CROSS EXAMINATION

11 BY MR. BALLI:

12 Q On that day, you didn't see Mr. Gerardo Castillo
13 there, did you?

14 A No, sir.

15 MR. BALLI: Pass the witness.

16 THE COURT: Nothing further, Mr. Moreno?

17 MR. MORENO: Nothing further, Your
18 Honor.

19 THE COURT: All right. Thank you. you
20 may step down. Thank you very much. The next witness,
21 please.

22 MR. MORENO: The next is Wenceslao
23 Tovar, Your Honor. He will be a while. If you want to
24 start with him, or if you want to--.

25 THE COURT: I would like to go ahead and

1 start with him.

2 MR. MORENO: Wenceslao Tovar.

3 THE COURT: Mr. Tovar is in a wheel
4 chair, ladies and gentlemen. So it is taking just a
5 little bit longer to assist him up here.

6 (The witness enters the courtroom.)

7 THE COURT: Come on forward, Mr. Tovar.
8 Around here, please. Mr. Tovar, please raise your
9 right hand to be sworn in.

10 (Witness sworn.)

11 THE WITNESS: Yes, ma'am.

12 THE COURT: Thank you. You may proceed,
13 Mr. Moreno.

14 MR. MORENO: Thank you, Your Honor.

15 WENCESLAO TOVAR, GOVERNMENT WITNESS, SWORN

16 DIRECT EXAMINATION

17 BY MR. MORENO:

18 Q Would you please tell us your full name?

19 A Wenceslao Tovar junior.

20 Q How old are you, Mr. Tovar?

21 A Twenty-six, sir.

22 Q Mr. Tovar, you understand English; correct?

23 A Yes.

24 Q Would you prefer to answer in Spanish?

25 A In Spanish.

1 Q Mr. Tovar, you are presently in custody with the
2 federal government; is that correct?

3 A Yes.

4 Q And you are one of the main defendants in this
5 indictment?

6 A Yes, sir.

7 Q And you are one of the people who is charged in
8 the indictment with being part of this drug conspiracy;
9 is that correct?

10 A Yes, sir.

11 Q Now, how was it that you came to be involved with
12 this particular group?

13 A Well I came to become involved with this crime --
14 with this organization crossing drugs.

15 Q Okay. And when you say this organization, who are
16 you referring to?

17 A To the Zetas.

18 Q Okay. And when you say you got involved with them
19 crossing drugs, how did you start crossing drugs?

20 A I started out crossing drugs from Nuevo Laredo
21 into Laredo, Texas.

22 Q Okay. And how was it that you became a member of
23 the group, or how did you get into the group?

24 A I entered the group through a friend.

25 Q Who was your friend?

1 A The only thing I know is that his name is Kike.

2 Q And how did Kike get you into the group?

3 A Because he's got a brother who is one of the Zetas
4 in Nuevo Laredo.

5 Q Do you know his name?

6 A I don't know what his name is -- well I know what
7 his name is but not his last name. His name is Freddy.
8 And they call him in code, Zero.

9 Q And so Kike introduced you to Zero?

10 A He introduced me to Zero to cross drugs over.

11 Q Okay. And how did that work? What was agreement
12 you reached with zero?

13 A Well I used to cross drugs over from Nuevo Laredo
14 into Laredo, Texas. And he would pay me here in
15 Laredo, Texas. That's how I started.

16 Q Okay. Now did Kike also work for Zero?

17 A Yes.

18 Q Okay. And Kike and Zero, who do they work for?

19 A They used to work for 02.

20 Q And who is 02?

21 A Zero Two is Mario Flores Soto of the Zetas.

22 Q Okay. All right. You said you started crossing
23 drugs. What kind of drugs did you cross into Laredo?

24 A Marijuana.

25 Q Okay. Approximately how many times did you cross

1 marijuana into Laredo?

2 MR. VELA: Your honor, I have an
3 objection. My objection is that the question is vague.
4 There has been no timeframe established here. If we
5 could get a timeframe.

6 THE COURT: We need a timeframe. The
7 objection is sustained.

8 BY MR. MORENO:

9 Q When did you start crossing marijuana into Laredo?

10 A It was like in may of -- like between April and
11 may of 2005.

12 Q Okay. And I think I asked you, how many times did
13 you cross marijuana into Laredo?

14 A Somewhere around four times, sir.

15 Q What kind of drugs?

16 A Marijuana.

17 Q How much marijuana?

18 A From 30 kilos to 50 kilos each time.

19 Q Okay. Where would you pick up the marijuana?

20 A I would pick it up going across the bridge on the
21 Mexican side, and I would deliver it going across the
22 bridge on the American side.

23 Q Okay. Let me rephrase it because I don't think we
24 got the translation right. Where in Nuevo Laredo would
25 you pick it up? Where would you meet someone to pick

1 it up?

2 A Right there going across the bridge, they would
3 give me the car.

4 Q When you say going across the bridge, do you mean
5 right on the bridge or right where you start the
6 crossing for the bridge?

7 A The Mexican side.

8 Q Okay. And then you would deliver it where?

9 A I would leave it parked there, there at the
10 parking lot at the River Drive mall. I would leave it
11 there.

12 Q River Drive mall?

13 A River Drive, yeah.

14 Q Now when you were doing this in April or may of
15 2005, were you doing this by yourself?

16 A Yes, I would do that.

17 Q You said you did this like four times. What
18 happened after you transported the drugs in April or
19 may?

20 A Afterwards, they told me that since I was already
21 part of the organization that I was going to be
22 introduced to Cero Dos.

23 Q Okay. And did you in fact meet Cero Dos?

24 A I did meet him.

25 Q Where and how did you meet him?

1 A I was taken to Nuevo Laredo to meet Cero Dos. I
2 met him at the in Fonavit Subdivision there in Nuevo
3 Laredo, Tamaulipas.

4 Q Who took you to Nuevo Laredo?

5 A Zero took me.

6 Q Okay. What happened when you met Cero Dos?

7 A Well I saw when he arrived with the whole caravan.

8 Q What do you mean by a caravan?

9 A A caravan like a convoy.

10 Q Which was made up of what?

11 A It consisted of -- there were about ten trucks
12 that were giving him security.

13 Q Okay. Who is in the ten trucks?

14 A There were armed people.

15 Q Okay. So what happened when this caravan arrived?

16 A Well they showed up. They did they patted us
17 down.

18 Q And then?

19 A And then after that, they told us I'm here to
20 introduce to you Cero Dos. And then after that, I was
21 introduced to him.

22 MR. VELA: I'm going to object, Your
23 Honor, as to hearsay.

24 THE COURT: Response.

25 MR. MORENO: He hasn't made any

1 statement yet, Your Honor. It's just that he was
2 introduced.

3 THE COURT: Well what he was about to
4 respond so either we just leave that and move on to
5 your next question. Okay. All right.

6 MR. MORENO: Okay.

7 BY MR. MORENO:

8 Q So after you met him, were you asked to do
9 anything?

10 MR. VELA: I'm going to object, Your
11 Honor, as to hearsay.

12 THE WITNESS: Yes, I was told to begin
13 to kill people.

14 MR. MORENO: I'm sorry. That would be
15 coconspirator statements, Your Honor. For--.

16 THE COURT: The objection is overruled.
17 It's admitted.

18 BY MR. MORENO:

19 Q Okay. What were you asked to do?

20 A That he needed for someone -- for me and for other
21 people to kill people here in Laredo, Texas.

22 Q Okay. And what would you get for doing that?

23 A We were going to get paid \$10,000 for every person
24 that we killed.

25 Q Okay. And was that the only amount of payment

1 that you would get. \$10,000 for people that you
2 killed?

3 A \$10,000 and they also had they could give me
4 cocaine or marijuana.

5 Q Is that how people were paid in the organization?

6 A Yes, sir.

7 Q Is that the only kind of payments that you
8 received from the organization?

9 A I'm sorry.

10 Q Is that the come kind of payment that you received
11 from the organization?

12 A Yes, money and drugs.

13 Q I guess my question is: If you didn't kill
14 someone, you didn't get any money?

15 A No, I mean we would get paid. Since I was
16 bringing drugs across, they would pay me \$500 per week.

17 Q Okay. So you were already on a salary I guess of
18 \$500 a week?

19 A Yes, sir.

20 Q And then on top of that, if you killed someone for
21 them, they would pay you \$10,000?

22 A Yes.

23 Q Okay. Now you said they would pay us? Who is us?

24 A Out of the people I know, it was paying me and
25 Gabriel Cardona and Richard Guerrero.

1 Q Okay. And when you say they would pay us, who
2 would pay you for that?

3 A The Zetas.

4 Q Was there anybody in particular?

5 A Cero Dos.

6 Q Okay. Does Cero Dos -- does he work for somebody?
7 Does he have a boss?

8 A Yes.

9 Q Who did he work for?

10 A For 40.

11 MR. MORENO: May I approach, Your Honor?

12 THE COURT: You may.

13 BY MR. MORENO:

14 Q Let me show you what I have marked as Government's
15 Exhibit Number 17, 18, and 19. Do you recognize these?

16 A Yes.

17 Q Okay. Can you tell us who Government Exhibit 17
18 is?

19 A That's Gabriel Cardona.

20 Q Do you know him by any other names?

21 A Gabby or Pelon.

22 Q And Government Exhibit 18?

23 A That's me, sir.

24 Q Did you have a nickname?

25 A They called me Wency.

1 Q And Government Exhibit Number 19?

2 A I do know him.

3 Q Who is that?

4 A Richard Guerrero.

5 Q Okay. Did he have any nicknames?

6 A Well, we just called him Richard.

7 Q Okay. When did you meet Gabriel Cardona and
8 Richard Guerrero?

9 A When did I meet them? I've known them since
10 childhood.

11 MR. MORENO: Okay. Your Honor, we offer
12 Government Exhibit 17, 18, and 19.

13 MR. VELA: No objection, Your Honor.

14 THE COURT: They're admitted.

15 (Government Exhibits 17-19 admitted.)

16 BY MR. MORENO:

17 Q For the purpose so the jury can see them here,
18 please tell us again who is on exhibit number 17?

19 A Gabriel Cardona.

20 Q And you said you also knew him as Pelon or Gabby?

21 A Pelon or Gabriel, Gabby.

22 Q And then this would be you on Government's Exhibit
23 Number 18?

24 A Yes, sir, that's me.

25 Q I'm sorry. How old were you back in 2005,

1 when you were talking about?

2 A I was about 20 years old, sir.

3 Q Okay. And then Government's Exhibit Number 19?

4 A Richard Guerrero. I know him by Richard.

5 Q How old was he about that time?

6 A Seems to me he was about 17, sir, or 18.

7 Q By the way you mentioned Cuarenta earlier?

8 A Yes, sir.

9 Q Who is Cuarenta?

10 A Cuarenta is Miguel Trevino Morales.

11 Q Let me show you a photograph that was introduced
12 earlier. It was government's Exhibit Number Nine. Do
13 you recognize this photo?

14 A Yes.

15 Q Who is that?

16 A That's Miguel Trevino Morales.

17 Q That's the person that you are referring to?

18 A Yes.

19 Q So you and Cardona and Guerrero were offered
20 \$10,000 to kill people on this side of the border?

21 A Yes, sir.

22 Q Okay. And did you in fact, the three of you start
23 doing that?

24 A Yes.

25 Q Okay. When did you start, or how did you start?

1 A We started since June of 2005.

2 Q Okay.

3 A When Cero Dos put us in charge of killing a
4 person, they would call El Pompoño.

5 Q Did you know who that was?

6 A I didn't know. I just -- I mean I was told to
7 follow a person, and that person was Angel Flores Soto.

8 Q Okay. Let me go back. Where were you when you
9 were asked to kill this person, El Pompoño?

10 A I was in Nuevo Laredo, Tamaulipas in the in
11 Fonavit Subdivision.

12 Q Okay. Who was present?

13 A Cero Dos was there and his escort.

14 Q Okay. And anybody else?

15 THE INTERPRETER: Corrections.

16 THE WITNESS: Cero Dos was there and his
17 body guard. No, no, no, at that time it was just them
18 there when they put me in charge of the El Pompoño
19 thing.

20 BY MR. MORENO:

21 Q So the two of them and just you?

22 A All of them -- there was Richard Guerrero I mean
23 Gabriel Cardona with me. Me. Cero Dos and his body
24 guard.

25 Q And by escorta you mean a group or a person?

1 A A group.

2 Q Okay. So a group of body guards? A group of body
3 guards?

4 A Yes.

5 Q So Cardona, you, Cero Dos, and his group of body
6 guards?

7 A Yes, sir.

8 Q And so he told you he wanted you to kill this
9 person, El Pompoño?

10 A Yes, sir.

11 Q And how were you supposed to recognize or know who
12 this El Pompoño was?

13 A Cero Dos told us to follow his nephew Angel Flores
14 Soto. That he was would give us the location of El
15 Pompoño's house.

16 Q And did do you that?

17 A Yes.

18 Q Okay. And where did you follow Angel Flores Soto
19 to?

20 A We followed him as far as the subdivision Los
21 Presidentes from here.

22 Q We're talk about Los Presidentes down in South
23 Laredo?

24 A Yeah.

25 Q Okay. Do you remember what you were driving?

1 A Gabriel Cardona was driving.

2 Q And you were with Gabriel Cardona?

3 A Yes.

4 Q And what were you driving when you followed Angel
5 Flores Soto?

6 A We were driving a white Corsica.

7 Q Okay. And what was Angel Flores Soto?

8 A It was a PT cruiser. Blue.

9 Q So it was just the three of you?

10 A Yes.

11 Q Okay. And so did Angel Flores Soto take you to
12 the house?

13 A Yes, he took us to the house, and he told us
14 that's the house there.

15 Q Okay. What happened after that?

16 A After that, we saw the house, and we said me and
17 Gabriel Cardona we said to each other that by tomorrow
18 we would have the job done.

19 Q And what was the job?

20 A To kill Pompoño.

21 Q Okay. And so what happened the next day?

22 A The next day, we got up around 12 noon, and we got
23 two cars, a purple car of the Toyota brand. We parked
24 it a block away from Pompoño's house. And we went to
25 Pompoño's house in the white Corsica. I was the one

1 driving.

2 Q Let me stop you there. When you say you bought
3 the cars -- you bought the cars day?

4 A That, yes.

5 Q And why did you buy that car that day?

6 A We bought that car so that Gabriel Cardona would
7 do the Pompoño thing. He would do it. He would kill
8 the man. And we would leave in the purple car.

9 Q So you were going to switch cars?

10 A Yes.

11 Q Okay. And what were you going to use to kill El
12 Pompoño?

13 A What type of weapon? It was a 9-millimeter with a
14 silencer.

15 Q Okay. Where did you get the gun with the
16 SILENCER?

17 A That one, Zero Two gave to us the day we saw him
18 in Nuevo Laredo, Tamaulipas.

19 Q Okay. So when he hired you for the job, that's
20 when he gave you the gun?

21 A Yes.

22 Q Okay. And who brought that gun to the Laredo
23 side?

24 A Gabriel Cardona brought it across the bridge on
25 the side of the car where the battery is.

1 Q Okay. So you parked the, purple car? Is that
2 what you said?

3 A Yes, we parked it a block away.

4 Q Okay. And then you were in the Corsica?

5 A Yes.

6 Q Okay. And so where did you go?

7 A We got out to the Corsica. Gabriel Cardona got
8 out with the weapon. He knocked. And I waited outside
9 in the car. He knocked on the door, and he shot the
10 person that came out.

11 Q Okay. What happened when he shot the person that
12 came out?

13 A Well, he killed him. And we left, and we changed
14 cars, and we left to go to Mexico.

15 Q So after you did the shooting, you ran back to
16 Mexico?

17 A Yes.

18 Q Okay. And where did you go in Mexico?

19 A We went to see Cero Dos one more time.

20 Q Where?

21 A At the same in Fonavit subdivision.

22 Q And when we say to Mexico, we're talking about
23 Nuevo Laredo?

24 A About Nuevo Laredo.

25 Q And why did you go see Cero Dos again in Nuevo

1 Laredo?

2 A Because he said for us after we did the job to see
3 him.

4 Q Okay. And did you in fact see him?

5 A Yes.

6 Q And did you the two of you report what you did?

7 A Yes, we reported what we did to him.

8 Q Okay. What happened then?

9 A Afterwards, he told us that he was going to
10 introduce us to HIS compadre.

11 Q And who was his compadre?

12 A Cuarenta. Miguel Trevino.

13 Q Okay. And so did that happen that day?

14 A That same day.

15 Q Okay. How and where did that happen?

16 A In Nuevo Laredo, Tamaulipas.

17 Q Okay. And how did you go about meeting Cuarenta
18 or Miguel Trevino?

19 A We were taken -- we were taken to a like a farm or
20 a ranch or something like that, yeah.

21 Q Who was there at that ranch?

22 A At the ranch, Cuarenta was there and his escort.

23 Q By the way, did you get your \$10,000?

24 A Yes, they were given to Gabriel, and Gabriel gave
25 me \$5,000.

1 Q Did you get anything other than the money?

2 A They gave us each 100 pounds of marijuana.

3 Q Anything else?

4 A And we were given 1 ounce of cocaine.

5 Q So then you go to this ranch to go meet Cuarenta?

6 A Yes, sir.

7 Q And what happens there?

8 A Well, when we got there, I saw Cuarenta there.

9 And he was executing three people. He was cutting
10 their head off. And that's when I met Cuarenta. And
11 that's when we met him.

12 Q Okay. And what happened after he finished
13 executing the three people?

14 A He told us that if we thought that we were real
15 bad asses.

16 Q And you said?

17 A Well I kept my mouth shut, and Gabriel said he
18 did.

19 Q By the way, the people he was executing, who were
20 they?

21 A They were, they were opponens of his.

22 Q And by opponents or contrarios, what do you mean?

23 A Well I had knowledge that they were Barbie's
24 soldiers.

25 Q Okay. So what happens after you meet him there?

1 A After that, he told us, what's up? I want you-all
2 to do a trip.

3 Q What did he mean by a trip or a job?

4 A A job was to murder again.

5 Q Okay. And who did he want you to murder?

6 A He wanted to see if we would murder Bruno Alberto
7 Juarez Orozco.

8 Q Did you know who that was?

9 A No.

10 Q Okay. And who was Bruno Juarez Orozco?

11 A I had knowledge that he was a city policeman of
12 Nuevo Laredo.

13 Q Okay. And why did Cuarenta or Miguel Trevino want
14 him killed?

15 A Because he wanted to have him killed because he
16 HAD -- he was one of the Zetas, and he had betrayed --
17 he had gone over to the Chapos cartel.

18 Q Okay. And who are the Chapos?

19 A Well Los Chapos, Joaquin Chapos Guzman guys.

20 Q Also known as the Sinaloa cartel?

21 A The Sinaloa cartel.

22 Q So he wanted Bruno Orozco because he had gone to
23 go work for the other side?

24 A Yes.

25 Q Any other reason?

1 A Also because he had one of their frequency radios,
2 and he would tell them things through the radio.

3 Q What kind of things would he tell them on the
4 radio?

5 A I don't know if I could say that here, sir.

6 Q Okay.

7 MR. VELA: I'm going to object. If
8 there's going to be a question In regards to what this
9 person said, it would be hearsay, and I would object to
10 that. If it's going to be elicited.

11 THE COURT: It may depend on what it is.
12 If it is not being offered for the truth of the matter
13 asserted. But I think, Mr. Moreno was moving on to.

14 MR. MORENO: Yes.

15 BY MR. MORENO:

16 Q Would he taunt them on the radio?

17 A Yes.

18 MR. VELA: I'm going to object, Your
19 Honor, as this witness hasn't testified that he has
20 personal knowledge of these conversations.

21 THE COURT: That objection is sustained.

22 BY MR. MORENO:

23 Q How do you know that he would taunt them on the
24 radio?

25 A Because Cuarenta told me that.

1 Q When he is trying to hire you TO kill?

2 A I mean before and when he was hiring Gabriel and
3 me and afterwards.

4 Q Okay. What else if anything did you know about
5 Bruno Juarez Orozco?

6 A Well nothing else. What I knew was that he was a
7 city cop, and he would kill people. He, he would --
8 what do you call it? He would get hired by the Chapos
9 to kill Falcons in Nuevo Laredo.

10 Q And what are halcones?

11 A Falcons, halcones, are the ones that go after the
12 next ones after soldiers that follow the soldiers --
13 correction. In order to give the location of where the
14 soldiers are.

15 Q So halcones are looks out?

16 A Lookouts.

17 Q Okay.

18 THE COURT: Mr. Moreno, if you getting
19 ready to move into the next stage.

20 MR. MORENO: Yes.

21 THE COURT: We'll go ahead and break for
22 lunch right now. Ladies and gentlemen, we will recess
23 for lunch. You have now begun to hear some of the
24 evidence in the case. It is very important now that
25 you strictly follow the court's instructions not to

1 give or receive any information whatsoever. Not to
2 post any information on any social media. Not to
3 expose yourself to any information as well. So of
4 course when you leave the courthouse, I ask you -- you
5 are assisted and escorted out, and that the same thing
6 be done when you come in. I am going to ask that you
7 return and be ready to proceed at 1:30. I urge you
8 please to keep track of time, so that we can begin
9 promptly at 1:30. With those instructions, you may
10 step out for lunch.

11 THE CSO: Please rise for the jury.

12 (The jury steps out of the courtroom.)

13 THE COURT: Your notebooks will remain
14 in the jury room. Please, do not take them with you.
15 Thank you. You may be seated. Is there anything from
16 counsel at this time?

17 MR. MORENO: No, Your Honor. Just to
18 have the warrant signed.

19 THE COURT: The order has gone out, and
20 it should be being processed as we speak.

21 MR. BALLI: What time are we to be back?

22 THE COURT: We begin at 1:30.

23 MR. BALLI: 1:30. okay. Thank you.

24 THE COURT: Thank you.

25 THE CSO: All rise.

1 (Lunch.)

2 THE CSO: All rise.

3 THE COURT: You can be seated. And,
4 Mr. Moreno, the other should be taken care of.

5 THE CSO: Please rise for the jury.

6 (The jury enters the courtroom.)

7 THE COURT: You may be seated. I'm
8 sorry. We are missing Number nine. I told them to
9 have you ready as soon as he got here to walk in. So
10 we to remain quietly.

11 THE CSO: Bring him out.

12 THE COURT: Yes. We are back on the
13 record in Case Number 08-CR-244-S3, The United States
14 of America versus Gerardo Castillo. Are we ready to
15 proceed?

16 MR. MORENO: Yes, Your Honor.

17 MR. BALLI: Yes, Your Honor.

18 THE COURT: Thank you. Thank you then.
19 You may proceed, Mr. Moreno.

20 MR. MORENO: Thank you, Your Honor.

21 (Wenceslao Tovar retakes the stand.)

22 BY MR. MORENO:

23 Q Mr. Tovar, I think we were talking about the
24 reasons for why they wanted Bruno Juarez Orozco, and
25 you mentioned to us that because he had gone and worked

1 for the Chapos and because he was killing some of the
2 halcones, and that because he used to taunt them,
3 right?

4 A Yes.

5 Q Okay. By the way, did you know any of the
6 halcones that he killed?

7 A One of them was my cousin.

8 Q Okay. And were those all the reasons or were
9 there any other reasons why they wanted Mr. Juarez
10 Orozco?

11 A On my part, that was my motive, and as far as the
12 Zetas go, it was because he had betrayed them, and he
13 had started to work with a person called Chuy Resendez.

14 Q Do you know who Chuy Resendez was?

15 A I didn't meet him, but by photo, yes.

16 Q So after you get this job, who was going to carry
17 this murder out?

18 A Of murdering?

19 Q Yes.

20 A It was me.

21 Q And was the plan from the beginning to kill him?

22 A The plan was to kidnap him to take him to
23 Cuarenta.

24 Q Okay. And who was going to be involved in it?

25 A It was me, Gabriel Cardona, Richard Guerrero, Eric

1 Martinez, and the Marine. I just know him as the
2 Marine.

3 Q Okay. And who was Eric Martinez?

4 A I didn't know him. I met him one time when we got
5 together at Jett Bowl.

6 Q Okay. How did you get together with him before
7 this?

8 A Two days before I murdered Bruno Orozco, we got
9 together at the Jett Bowl, and I met him there.

10 Q Okay. And who arranged the meeting at the Jett
11 Bowl? Who arranged the meeting?

12 A Made the arrangement for what?

13 Q Who decided to meet at the Jett Bowl?

14 A Cardona and Eric.

15 Q Okay.

16 MR. MORENO: If I may approach, Your
17 Honor.

18 THE COURT: Yes, you may.

19 BY MR. MORENO:

20 Q I'm showing you what's marked as Government's
21 Exhibit Number 20. Do you recognize that?

22 A Yes.

23 Q Okay. And who is depicted on Government Exhibit
24 20?

25 A Yes.

1 Q Who is -- whose pictured on Government Exhibit 20?

2 A Eric Martinez.

3 Q And this is the person that you're talk about?

4 A Yes.

5 Q Okay. Did he have nickname?

6 A Cuarenta-siete.

7 THE INTERPRETER: Forty-seven.

8 Q Okay. I'm sorry. We offer Government's Exhibit
9 Number 20?

10 MR. VELA: No objection, Your Honor.

11 THE COURT: It's admitted.

12 (Government Exhibit 20 admitted.)

13 BY MR. MORENO:

14 Q And for purposes of the jury, this is the person
15 that you're referring to as Eric Martinez also known as
16 47?

17 A Yes.

18 Q And what do you know or what do you remember about
19 the Marine?

20 A I just remember that he tried to dress up like a
21 cop in order to kidnap Bruno Orozco.

22 Q Okay. So tell the ladies and gentlemen of the
23 jury what the plan was to kidnap him. How was that
24 going to work?

25 A The plan consisted of having the Marine go in a

1 Jetta car with police car lights. He was going to stop
2 him, and he was going to arrest him, so that he could
3 take him to the Zetas. That was plan.

4 Q Okay. And how was he going to -- how was he
5 dressed when you say to look like a policeman?

6 A The way that you are dressed, sir.

7 Q In a suit?

8 A Yes, with I don't know what you call the thing for
9 the gun over here.

10 Q Are you talking about a holster?

11 A Like a holster.

12 Q Does he have a badge?

13 A Yes.

14 Q You mentioned a--?

15 A No, that I don't remember. I don't remember about
16 the badge.

17 Q Okay. Let me show you what was earlier introduced
18 as Government Exhibit 15. Do you recognize that?

19 A Yes, that's the car that he had.

20 Q Okay. Whose car was that?

21 A That one was bought by Gabriel's Cardona.

22 Q Okay. And you said he was dressed like a cop, and
23 he was going to arrest him, and then what was supposed
24 to happen?

25 A We were going to take him to Cuarenta, to Miguel

1 Trevino.

2 Q Okay. And that was the agreement at the Jett
3 Bowl?

4 A Yes.

5 Q Okay. What happened after the meeting at the Jett
6 Bowl two days before? What happened after?

7 A After that meeting, they turned the weapons over
8 to us.

9 Q Okay. So first of all who gave you the guns?

10 A They gave them to us through the river over here
11 at the Zapata Highway where the Whataburger is at.
12 They gave us the weapons through the river.

13 Q Okay. And when you say through the river,
14 somebody crossed them across the river to give them to
15 you?

16 A Yes, sir.

17 Q Okay. And did you know who they were?

18 A No.

19 Q Okay. And when you say they gave them to us, who
20 is us? Who went to go pick up the guns?

21 A To Gabriel Cardona -- Gabriel Cardona and to me.

22 Q Okay. Which weapons did you get?

23 A He gave us an AR-15 with a muffler and a 357
24 magnum.

25 Q Okay. And by muffler are we talking about like a

1 silencer?

2 A Yes.

3 MR. MORENO: If I may approach, Your
4 Honor?

5 THE COURT: You may.

6 Q Let me show you what we have marked as Government
7 Exhibit Number 22, Number 23, and Number 27. Do you
8 recognize these?

9 A Yes.

10 Q Okay. What's on Government Exhibit Number 22?

11 A That's the R-15 with the muffler.

12 Q Okay. And Government Exhibit Number 23?

13 A That's the muffler.

14 Q And Government Exhibit Number 27?

15 A That's the 357.

16 Q Okay.

17 MR. MORENO: We offer Government Exhibit
18 22, 23, and 27.

19 MR. VELA: No objection, Your Honor.

20 THE COURT: They're admitted.

21 (Government Exhibits 22, 23, and 27 admitted.)

22 BY MR. MORENO:

23 Q All right. For the jury here again, this is
24 Government's Exhibit Number 22. This is what?

25 A That's an R-15 with the silencer that Cuarenta

1 gave us.

2 Q Do you know what caliber that is?

3 A 223.

4 Q And Government's Exhibit Number 23?

5 A That was the silencer that Cuarenta gave to us, so
6 we could use with the R-15.

7 Q Okay. What does that do to the gun?

8 A It makes it so that you can't hear the sound very
9 loudly.

10 Q What does it sound like when you fire a rifle like
11 that with a silencer?

12 A You just hear just like air, just like air, sir.

13 Q Okay. And Government's Exhibit Number 27?

14 A That's a 357 magnum.

15 Q Okay. So you and Cardona go over to the river to
16 pick up the weapons, and where do you go from there?

17 A From there, we went to the Hacienda Hotel.

18 Q By the way, you mentioned that you went over to
19 pick up the weapons. Do you remember what car you went
20 into when you went to the river to pick up the weapons?

21 A It was in the Jetta.

22 Q The one that you described earlier?

23 A Yeah.

24 Q Okay. How do you know that Cardona bought that
25 car?

1 A Because Cuarenta, the day -- on the day that we
2 were introduced to him, he gave us \$10,000 for the
3 expenses.

4 Q And what did you do with the \$10,000?

5 A He bought two cars.

6 Q Okay.

7 A An Oldsmobile Alero and the Jetta.

8 Q Okay. Do you remember where you went to go buy
9 it?

10 A No, sir, I don't remember because Gabriel Cardona
11 bought them.

12 Q Okay.

13 MR. MORENO: Let me show you -- may I
14 approach, Your Honor.

15 THE COURT: You may.

16 BY MR. MORENO:

17 Q Let me show you what's marked as Government
18 Exhibit Number 21. Do you recognize that?

19 A Yes.

20 Q And what is Exhibit 21?

21 A It's a gold colored Oldsmobile Alero.

22 Q Is that the vehicle that your making reference to.

23 A Yes.

24 MR. MORENO: We offer Government's
25 Exhibit Number 21.

1 MR. VELA: No objection, Your Honor.

2 THE COURT: It's admitted.

3 (Government Exhibit Number 21 admitted.)

4 BY MR. MORENO:

5 Q So for the jury, this is the car that you and
6 Cardona used to go pick up the guns?

7 A Yes -- no, no, it was in the Jetta, sir.

8 Q I'm sorry. In the Jetta. This is the second car
9 that you bought?

10 A Yeah.

11 Q All right. So you said you went over to stay at
12 the Hacienda Hotel?

13 A Yes, sir.

14 Q And why were you at the Hacienda Hotel?

15 A Because that's where we were all staying. I'm
16 telling you -- referring to all of us as being Gabriel,
17 Richard, and I.

18 Q Okay.

19 MR. MORENO: May I approach, Your Honor?

20 THE COURT: You may.

21 BY MR. MORENO:

22 Q I'm showing you Government Exhibit Number 29. Do
23 you recognize Government Exhibit 29?

24 A Yes, that's my ID.

25 Q And Government's Exhibit Number 29 is also a

1 receipt?

2 A Yes, for the receipt from where I rented the
3 hotel.

4 Q Okay.

5 MR. MORENO: And we offer Government's
6 Exhibit Number 29.

7 MR. VELA: No objections, Your Honor.

8 THE COURT: It's admitted.

9 (Government Exhibit Number 29 admitted.)

10 Q I'm going to ask you to look at this first top
11 part here. Can you tell from the exhibit there what
12 date that this receipt is for when you stayed at the
13 hotel?

14 A It seems June 7 of 2005.

15 Q Okay. So if I read this correctly, you arrived on
16 June 6th and departed on June 7th?

17 A Yes.

18 Q And then on this side, you left your
19 identification when you rented the room?

20 A Yes, sir.

21 Q All right. So after you pick up the guns and you
22 go back to the hotel, what happens next?

23 A After that, I decided to take the weapons to my
24 house because me and my friends were smoking marijuana,
25 and I was afraid that we would get caught with the

1 weapons there at the hotel.

2 Q Okay. And where in your house did you go hide
3 those?

4 A I hid them where the filter for the central air
5 is.

6 Q Okay. And how long did they stay hidden at your
7 mother's house?

8 A One night.

9 Q And so you picked them up the next day?

10 A Yes.

11 Q So what happened on I guess it would be June the
12 8th?

13 A June 8th, we got up when we were told that the day
14 at the hotel had run out. And Cuarenta called us, and
15 he told us that they had Bruno located already. For us
16 to go to Mines Road. And then I went to get weapons.
17 There was no one at my house. And we went, and I gave
18 to -- we got, and I went in the Alero with Mr. Cardona
19 and Richard Guerrero. We left. And we gave the Jetta
20 to the Marine with the lights.

21 Q What happened to Eric Martinez?

22 A Eric Martinez was riding in the Dodge Ram, but he
23 was already on Mines Road.

24 Q Okay. I'm gonna show you what we introduced
25 earlier as Government's Exhibit Number 16. Do you

1 recognize that?

2 A Yes, that's the truck that he was riding in.

3 Q Now you mentioned that the Marine was in the
4 Jetta, and you said he had like police lights?

5 A Yes.

6 MR. MORENO: May I approach, Your Honor?

7 THE COURT: You may.

8 BY MR. MORENO:

9 Q I'm showing you what has been marked as
10 Government's Exhibit Number 28. Do you recognize that?

11 A Yes.

12 Q What's Government's Exhibit Number 28?

13 A That's what I call the codes.

14 Q What are they for? What do they do?

15 A Those are to stop. Those are like visors to stop.
16 Those are like what the police use.

17 Q It's a visor light when you pull somebody over.

18 A Yeah.

19 MR. MORENO: We offer Government's
20 Exhibit Number 28?

21 MR. VELA: No objections, Your Honor.

22 THE COURT: It's admitted.

23 (Government Exhibit Number 28 admitted.)

24 BY MR. MORENO:

25 Q And so that's what the Volkswagen Jetta had

1 mounted on it?

2 A Yes, sir.

3 Q Do you know -- where did you get the lights or who
4 bought the lights?

5 A I forgot to mention, but Cuarenta gave those to us
6 along with the weapons.

7 Q Now you mention that Cuarenta called you, and
8 you-all called each other. How did you-all
9 communicate?

10 A Through Nextel.

11 Q On the telephone?

12 A Yes.

13 MR. MORENO: May I approach, Your Honor?

14 THE COURT: You may.

15 BY MR. MORENO:

16 Q I'm showing you what is marked as Government's
17 Exhibit Number 25. Do you recognize that?

18 A Yes, that's radio that Gabriel had on him.

19 MR. MORENO: We offer Government's
20 Exhibit Number 25.

21 MR. VELA: No objections, Your Honor.

22 THE COURT: It's admitted.

23 (Government Exhibit Number 25 admitted.)

24 BY MR. MORENO:

25 Q All right. So we're talking about these type of

1 Nextel radios with a radio feature?

2 A Yes.

3 Q All right. So you, Cardona, and Guerrero are in
4 the Alero. The Marine is in the red Jetta, and you
5 said that Eric Martinez was already at Mines Road in
6 the Dodge Ram pick up truck?

7 A Yes.

8 Q What happens next?

9 A After that, we get notified Bruno is on his way
10 out. He's got a white Altima at this warehouse.

11 Q Okay. And what do you do in response to that?

12 A After that, they told the Marine to stop him and
13 arrest him.

14 Q Okay. And so did the Marine in fact do that?

15 A The Marine stopped him. He stopped behind him.
16 The Altima stopped. And then the Jetta got in front.
17 He was behind, and he got in front of him.

18 Q Okay. What happened after that?

19 A And I -- and we stopped right after that in the
20 Alero.

21 Q Right by it?

22 A And then the Marine gets out, and he tells Bruno
23 to get out. Bruno gets out of the car. And then he
24 starts to shout they're not police. The Marine was
25 able to put a handcuff on him. And that Bruno guy I

1 saw that he was like fighting with him. And Cardona
2 was helping the Marine to try to put the other handcuff
3 on him.

4 Q So what did do you?

5 A Afterwards, when they told me shoot at him, shoot
6 at him. I got out, and unfortunately, I shot him.

7 Q With the AR-15?

8 A Yes.

9 Q Do you know how many times you fired?

10 A I don't know, but it was more than five.

11 Q Okay. What did you do after you fired?

12 A I went back to the Alero. I followed Eric in the
13 Dodge Ram. And I -- every one, every one disbursed.
14 They left.

15 Q Okay. Let me start with the Volkswagen Jetta. Do
16 you know who left in the Volkswagen Jetta?

17 A Cardona, Richard, and seems like the Marine left.

18 Q Okay. And then you left in Alero by yourself?

19 A Yes.

20 Q Okay. And who left in the Dodge truck?

21 A Eric.

22 Q You said you followed him. Where did you follow
23 him to?

24 A I followed him to an empty lot.

25 Q And what did you do there?

1 A I left the car there, and I went over to a
2 warehouse.

3 Q And in fact is that where the car is photographed
4 that I showed you a minute ago in that empty lot here?

5 A Yes, sir, there. That's the way I left it.

6 Q Okay. And what did Eric do?

7 A Like he didn't -- I just saw that he left running
8 off.

9 Q Did he leave his truck there also?

10 A Yes.

11 Q In fact, that's the truck over here in the back?

12 A Yes, that's the one.

13 Q Okay. You said you went to a warehouse. What did
14 you do at the warehouse?

15 A I asked for a one of those what do you call those
16 things -- to ask for work. I went as if I was asking
17 for work. Application for work.

18 Q Okay. And why did you do that?

19 A To kill time because I called Robert Camacho to
20 come get me.

21 Q Okay. And who is Robert Camacho?

22 A Robert Camacho is a friend of mine that I had met
23 about a year before that happened.

24 Q Okay. And so you called him to do what?

25 A For him to come pick me up because we had done a

1 job.

2 Q Okay. And did he in fact pick you up?

3 A Yes.

4 Q Where did he pick you up?

5 A At I don't remember what the streets were, but he
6 picked me up at a grocery.

7 Q Okay. And where did he take you?

8 A He took me over to Nuevo Laredo.

9 Q Do you remember what he was driving?

10 A I don't remember what brand of car it was, but it
11 was a green one.

12 Q Okay. And where in Nuevo Laredo did he take you?

13 A He took me first -- he took me to Gabriel
14 Cardona's brother's house in Nuevo Laredo.

15 Q Okay. Do you know Gabriel Cardona's brother's
16 name?

17 A Luis Cardona. They call him Mope.

18 Q And what happened when you arrived at Mope's
19 house?

20 A Nothing. Well I told him that we had worked
21 already. That I didn't know where his brother was.

22 Q Was anybody else at the house there besides Mope?

23 A There was Raul Jasso, also know as Richard. And
24 Becky was there, Mope's wife.

25 Q Okay. How did you know Becky, Mope's wife?

1 A I knew her because I had already been going around
2 with Luis Cardona for a while.

3 Q Did you know her family?

4 A Yes.

5 Q Do you remember -- do you know her brothers?

6 A Cardona and--.

7 Q No, Becky's brothers. Becky's family. Do you
8 know Becky's family?

9 A Yes, I do know them.

10 Q Who were her brothers?

11 A It was Nune. I know him as Nune, and the other
12 one El Camaron.

13 MR. MORENO: May I approach, Your Honor.

14 THE COURT: You may.

15 BY MR. MORENO:

16 Q I'm showing you what I have marked here as
17 Government Exhibit 30 and Government Exhibit 31. Do
18 you recognize this?

19 A Yes, that's Nune and that's Camaron.

20 Q This one you're talking about 30 is Nune? Exhibit
21 30?

22 A Yes, this one is Nune.

23 Q And 31 is Camaron?

24 A Yes.

25 Q Do you know what their actual names are?

1 A No. I just know that their last name is Carreon.

2 MR. MORENO: We offer Government Exhibit
3 30 and 31.

4 MR. VELA: No objections.

5 THE COURT: They're admitted.

6 (Government Exhibit 30 and 31 admitted.)

7 BY MR. MORENO:

8 Q So Government Exhibit 30 is Nune Carreon?

9 A Yes.

10 Q And Government's Exhibit 31 is El Camaron Carreon?

11 A Yes. Yes, sir.

12 Q All right. So you said he took you first to
13 Mopes's house, Camacho. And then did he take you some
14 place else after that?

15 A Afterward, he took me -- I called Cuarenta that I
16 had already done the job. He told me to go see him at
17 the gas station of Ruiz Cortines.

18 Q And did you do that?

19 A Yes, sir.

20 Q What happened when you got there?

21 A Afterwards, upon arrival, he and his escort
22 arrived.

23 Q What happened after Cuarenta and the escort
24 arrived?

25 A After that, he told me to get in his truck.

1 Q And what happened next?

2 A And then I explained to him how everything
3 happened, that I had already killed Bruno.

4 Q Okay. Did you get paid for that job?

5 A Yes.

6 Q How much did you get paid?

7 A They gave me \$10,000, sir.

8 Q Who gave you \$10,000?

9 A Cuarenta gave them.

10 Q That day?

11 A That day.

12 Q Okay. Did you get anything besides the \$10,000?

13 A They gave me an avalanche as a gift.

14 Q Your talking about the truck?

15 A Yes.

16 Q Okay. So what happened after he paid you, and he
17 gave you the car?

18 A He told me to take vacation time. To go to a
19 hotel.

20 Q What happened to the Marine, Cardona and Guerrero,
21 did you see them?

22 A Oh, well, I told Cuarenta that Cardona and Richard
23 had gotten caught. He said not to worry about it. He
24 would get them out.

25 Q And so in fact did you go to a hotel?

1 A Yes.

2 Q Where did you go?

3 A To El Camino Real.

4 Q How long did you stay there?

5 A For about a week, sir.

6 Q What happened after the week?

7 A After that, I changed hotels to the one that is
8 called Tres Caminos, sir.

9 Q Why did you change hotels?

10 A Well because I was just panicked I changed over.

11 Q And how long did you stay Tres Caminos?

12 A I stayed there for about, for about a week, but I
13 had to leave because they came and shot me up.

14 Q When you say they came and shot me up, who is
15 they?

16 A Los Chapos guys. The ones from the Sinaloa
17 cartel.

18 Q How did that happen?

19 A Well, I was inside. I was there was with five
20 friends. Suddenly, I heard that they were throwing --
21 they threw grenades at us, and that we started to get
22 shot at.

23 Q Did you get shot or hurt?

24 A Fortunately, no one ended up injured.

25 Q Okay. So where did you go after that?

1 A After that, we got in the car that I had there,
2 and we went to Victoria subdivision to talk to
3 Cuarenta.

4 Q Okay. And what happened after you talked to
5 Commandante Cuarenta?

6 A Well, we told him that we had gotten shot at, and
7 he told us to go to Tampico, me and Diez y Seis, a
8 friend of mine.

9 Q That would be 16, the number?

10 A Yes.

11 THE INTERPRETER: The witness speaks,
12 yes.

13 BY MR. MORENO:

14 Q And so who or what was in Tampico?

15 A I get to Tampico, and Cuarenta Dos took us in.

16 Q Who is Cuarenta Dos?

17 A Omar Trevino Morales alias Cuarenta Dos. The guy
18 we had spoke to.

19 Q Showing you what we introduced earlier as
20 Government's Exhibit Number 10. Is that the person you
21 are referring to?

22 A Yes.

23 Q Okay. And so what happened when you got to
24 Tampico?

25 A Well, he took us in, and he told us that we would

1 be there with him in the time it took Cuarenta to get
2 to Tampico.

3 Q What does it mean that you're going to be with
4 him?

5 A Well to be his security. He gave us a weapon and
6 to be his security.

7 Q Okay. So you became part of the escort I guess
8 for 42?

9 A Yes, sir.

10 Q Did Commandante Cuarenta did he eventually arrive?

11 A Cuarenta arrived somewhere around three days after
12 when I had arrived.

13 Q What happened then?

14 A Well after that, he invited us out to the beach,
15 and he told me that Gabriel and Ricardo had gotten out
16 already and Richard.

17 Q Okay. And what did you do after that?

18 A Afterwards, he told us that he would take to us a
19 training or like a boot camp or something like that.

20 Q He was going to take who? You and who else?

21 A To me and Diez y Seis -- 16.

22 Q Okay. More or less when is this?

23 A That was like around from between June and July.

24 Q We're still talking 2005?

25 A 2005.

1 Q Where was this boot camp?

2 A It was in Ciudad Victoria. In a sierra in Ciudad
3 Victoria. A mountain range in Ciudad Victoria.

4 Q Do you remember how long did this training last?

5 A About a month and a half, sir.

6 Q Okay. Do you remember how many people were there
7 training?

8 A In the training in Ciudad Victoria because I want
9 to two. The first one I went to was 100 people.

10 Q Did you know any of those hundred people in the
11 first training?

12 A I didn't know them. I met them there.

13 Q Who was in the training with you? Who did you
14 meet?

15 A Cincuenta was there.

16 Q Who is Cincuenta?

17 A Ivan Caballero Velasquez.

18 Q Do they call him anything else besides Cincuenta?

19 A Taliban.

20 Q Anybody else?

21 A There was Cuarenta Dos there.

22 Q It was Omar that you mentioned earlier?

23 A Yes.

24 Q Who else?

25 A And there were, the rest of the guys were all Zeta

1 guys. It's just I don't remember what their names
2 were, sir.

3 Q What happens at this boot camp? What do you do?

4 A Well we would get trained in how to use weapons.

5 Q What did that involve?

6 A They would also show us how to strip weapons down.
7 How to put weapons back together.

8 Q What else?

9 A They would also tell us how to -- how to enter a
10 house in order to bust it down.

11 Q Okay. And by "reventarlo," bust it, what do you
12 mean?

13 A To go in through all the doors.

14 Q Okay. What other kind of things did you learn at
15 the training?

16 A I also saw in the training they used to show the
17 new recruits how the kill.

18 Q How do they teach the new recruits how to kill?

19 A Well they give them a machete or if not they give
20 them a sledge hammer. And they would tell them to kill
21 the people that they had tied up there.

22 Q Who did they consider a new recruit?

23 A To the ones that were starting in that hadn't
24 killed yet.

25 Q Why did they do that?

1 A So that -- Cuarenta used to say so that they would
2 lose their fear.

3 Q Were their people who couldn't do it?

4 A Yes.

5 Q What would happen to them?

6 A They opted for sending them out as halcones.

7 THE INTERPRETER: Falcons.

8 Q Hawks. The lookouts?

9 A Yeah.

10 Q And every new recruit had to do it?

11 A Yes.

12 Q Were you considered a new recruit?

13 A No, because I unfortunately killed Bruno.

14 Q So you said this was after like a month and a
15 half. So you were in July of '05. What did you do
16 after you finished your training?

17 A They recruited up about forty people.

18 Q From the camp or other people that came someplace
19 else?

20 A Out from the ones there at the camp.

21 Q And what did they do with those forty people?

22 A They became apart of Cuarenta's escorts.

23 Q Did that include you, or you were not part of
24 that?

25 A Yes, I was chosen.

1 Q So you became part of his security detail?

2 A Yes.

3 Q Okay. And what do you do as part of a security
4 detail?

5 A To give security for him, to have nothing happen
6 to him, and well if there's a shoot out to respond.

7 Q How long did you do that?

8 A I was since I left there in July until about
9 November, I was with him doing that there. They took
10 us to Nuevo Laredo.

11 Q So you came back to Nuevo Laredo?

12 A We returned to Nuevo Laredo.

13 Q And you came back as part of the security for
14 Cuarenta when you came back the Nuevo Laredo?

15 A Yes.

16 Q Okay. And what happened while you were in Nuevo
17 Laredo with Cuarenta?

18 A Well we were just kidnapping people, running
19 around kidnapping opponents and busting houses.

20 Q Every day?

21 A Every day Cuarenta would kidnap about 15, between
22 ten an 15 people a day.

23 Q And do what with them?

24 A In order to kill them.

25 Q Who would kill them?

1 A Cuarenta.

2 Q He personally would kill them all?

3 A Personally.

4 Q How long did he do that?

5 A Well starting out in the latter part of July until
6 the beginning of November is when I was aware.

7 Q So for almost four months he would kidnap ten, 15
8 people a day and kill them?

9 A Yes.

10 Q And what did you-all do as a security?

11 A We would just give him security to have nothing
12 happen to him, and if soldiers showed up to respond
13 back.

14 Q What happens in November? You said you were there
15 till November. What happens then?

16 A After that, I got sent to another training in
17 November, the middle of November.

18 Q Where was this one?

19 A It was in San Fernando, Tamaulipas.

20 Q And was this different than the first training?

21 A No, it was the same thing.

22 Q Okay. What's the facility like? I mean is there
23 like a building? Is it a ranch? What are you looking
24 at?

25 A It was a ranch, and the place we were sleeping in

1 was a building in a farm style like a barn.

2 Q Okay. How many people in this training?

3 A There were about 300.

4 Q Okay. Anybody you met at this training?

5 A Well, I met a lot of people, sir.

6 Q Okay. Who do you remember?

7 A Well the ones I remember like that you know of are
8 again Cincuenta.

9 Q Okay. Who else?

10 A Cuarenta Dos.

11 Q So they went the back to the training also?

12 A They went to the training again.

13 Q Okay. Who else?

14 A And to the gentlemen that's over there. I saw him
15 there.

16 Q Who are you referring to?

17 A The one that's over there in the black shirt.

18 Q Why do you remember him from 300 people?

19 A Because he was staying about six spaces away from
20 where I was staying.

21 Q What do you mean by spaces, six spaces?

22 A Like bunks.

23 Q So he was like six beds away from you?

24 A Yes.

25 Q What else do you remember about him?

1 A He was wearing gloves because it was cold.

2 Q Why was that distinctive?

3 A Because we were -- those of us that were showing
4 up none of us had gloves.

5 Q He was the only one that had gloves?

6 A As far as I remember, yes.

7 Q Do you remember anything else about him?

8 A Well just that he was very talkative.

9 Q But what do you mean by talking and talking?

10 A Well like giving orders.

11 Q Was he in charge of something or?

12 A No, I think he had already been there for a while.
13 I don't know.

14 Q And so what kind of things would he say? What
15 kind of orders would he give?

16 A Like pick that up. Like that.

17 Q Now was he part of your group there at the camp?

18 A He as far as I remember was part of the group of
19 Commandante Cien of the commandante from Piedras
20 Negras.

21 Q And what did you say they called him?

22 A The commandante? Lucky.

23 Q Lucky. So the defendant here, he was part of that
24 group with Commandante Lucky?

25 A Yes.

1 Q And how long were you at this camp?

2 A The latter part of November up until about
3 December 20.

4 Q Okay. And then what happened after the training
5 ended?

6 A Afterwards, we go to a party -- to a posada.

7 Q I'm sorry. At this camp, did the new recruits --
8 did they have to practice killing people too?

9 MR. VELA: I'm going to object as to
10 leading, Your Honor.

11 THE COURT: The objection is overruled.

12 THE WITNESS: Yes.

13 BY MR. MORENO:

14 Q You said he had already been there for while. Was
15 he a new recruit? Or was he not a new recruit?

16 A It's just that there was a mixture there of
17 everything.

18 Q But as far as you remember, was the defendant a
19 new recruit or not a new recruit?

20 A No.

21 Q No, you don't remember or he was not a new
22 recruit?

23 A I don't remember.

24 Q So then you said you went to a posada?

25 A Yes, we went to a posada where they started to

1 give away cars, watches, and money.

2 Q Who is giving away these things?

3 A Tormenta and Cuarenta were the ones that were
4 giving away stuff.

5 Q Who is Tormenta?

6 A Tormenta is Osiel Cardenas's brother. Tony
7 Tormenta.

8 Q Okay. And who, who would they give these cars or
9 money or things to?

10 A They would make a raffle, and they would pull
11 names out. And whose ever name came out, they would
12 give them a truck. They would give them money. They
13 would give them watches.

14 Q What happened after the posada?

15 A After the posada, they took us back to -- they
16 held a meeting. Cartorce was there. Cuarenta.

17 Q I'm sorry. Who is Cartorce?

18 A Heriberto Las Cano Las Cano.

19 Q And who is he?

20 A He's the leader from the Zetas.

21 Q And you said Cuarenta and who else?

22 A Cuarenta, Cuarenta Dos, Cincuenta, Cero Dos.
23 Mamito.

24 Q Who is Mamito?

25 A Mamito they caught him already, but he was the

1 third in line in the Zetas.

2 Q Okay. Anybody else?

3 A There was Commandante Lucky. And those guys were
4 there, and Cartorce was there in order to tell them
5 that they were going to open up new positions.

6 Q Okay. And by plazas, what do you mean?

7 A New plaza what I call plaza is a city.

8 Q So they were going to go -- the Zetas were going
9 to go to new cities?

10 A Yes.

11 Q Okay. That was the purpose of the meeting?

12 A That was the purpose of the meeting.

13 Q Okay. So what happened after the meeting?

14 A Well, after the meeting, I get sent to Michoacan
15 with Cuatro Dos.

16 Q Okay. How long did you stay there?

17 A From January until April when I had the accident.

18 Q This is January to April of 2006?

19 A Yeah.

20 Q Okay. And you mentioned until you had the
21 accident. How did you get into an accident?

22 A I was in Nuevo Laredo in April of 2006, they gave
23 me vacation time because of the la coneja thing.

24 Q You says vacations. The whole time that you're
25 with them are you getting paid?

1 A Yes.

2 Q How much are you getting paid to be part of the
3 security detail?

4 A They would give you \$500 dollars a week.

5 Q Okay.

6 A Plus, they would give you of 100 kilos of
7 marijuana.

8 Q That you would sell?

9 A Yes.

10 Q All right. So you're on vacation for Easter?

11 A In Easter I was drunk, and I went to drop somebody
12 off in Nuevo Laredo, and on the way back on Miguel
13 Aleman, I had a rollover.

14 Q What happened at the rollover?

15 A They notified Cuarenta. Well I passed out, but I
16 was told that Cuarenta was notified, and he close by,
17 and he picked me up.

18 Q Where did they take you?

19 A They took me to a hospital in Miguel Aleman. But
20 after that, I wasn't able to get operated there, and he
21 took me to Reynosa.

22 Q Okay. Did you get treated in Reynosa?

23 A Yes, I was operated on.

24 Q How long did you stay in Reynosa?

25 A I stayed at the hospital in Reynosa I stayed for

1 two weeks. After that, they sent me to a house, and I
2 stayed until February of 2007.

3 Q You said you had surgery. What were your
4 injuries?

5 A From my spinal cord.

6 Q You broke your spinal cord?

7 A Yeah.

8 Q Okay. Are you paralyzed?

9 A Yes, sir.

10 Q From where to where?

11 A From my waist down?

12 Q Okay. So you were there till February of '07.
13 What happened in February of '07?

14 A Afterwards, I left to go to Cuba.

15 Q How did you go to Cuba?

16 A Well I got a false passport and a false ID. And I
17 went to Cuba to get operated on.

18 Q Anybody go with you?

19 A My father.

20 Q Who paid for all of this?

21 THE INTERPRETER: Excuse me. The
22 interpreter couldn't hear.

23 BY MR. MORENO:

24 Q Who paid for all of this?

25 A Los Zetas.

1 Q How long did you stay in Cuba?

2 A Six months.

3 Q And then what happened?

4 A After that, I returned to Mexico.

5 Q Where did you go?

6 A I went to go to Rio Bravo, Tamaulipas.

7 Q How long did you stay there?

8 A I stayed for about a month. I saw Cuarenta there.

9 He gave me some money, and he told me to go to Nuevo

10 Laredo. He told me things had calmed down.

11 Q So did you come back to Nuevo Laredo?

12 A Yes, sir.

13 Q Okay. Did they keep paying you even though you
14 were paralyzed and weren't working with them any more?

15 A They continued to pay me until Los Zetas became
16 separated from the Gulf Cartel.

17 Q Okay. Do you remember more or less when that was?

18 A No, I don't remember. It seems to me it was
19 December of last year.

20 Q 2011?

21 A 2010.

22 Q Okay. And so what happened after December of
23 2010?

24 A Well, I just stayed there at my house. I spent
25 every day there after that, sir.

1 Q You were finally arrested this summer or last
2 summer; is that correct?

3 A In July, sir, the 21st.

4 Q And you have been in custody since July?

5 A Yes.

6 Q And about two weeks ago or so, you entered a plea
7 of guilty to one of the charges in the indictment?

8 A Yes.

9 Q Okay. And you entered a plea of guilty to a
10 firearms charge involving the killing of Bruno Juarez?

11 A Yes, sir.

12 Q Do you know what your sentence range is?

13 A I do know.

14 Q What is it?

15 A From 30 to life.

16 Q You have not been sentenced yet?

17 A No, sir.

18 Q Okay. The entire time that you were working as a
19 security as the escorta, why did you leave?

20 A First off, they were looking for me from where I
21 come from.

22 Q Where is that?

23 A Here from Laredo, Texas.

24 Q Why were they looking for you in Laredo, Texas?

25 A Well because of the murder of Bruno Orozco, and I

1 also wouldn't -- I wouldn't leave because they were
2 going to kill my family.

3 Q Okay. Is that what would happen to people if they
4 left the organization?

5 A Yes, they will kill his entire family and him too.

6 Q Well, what happens to people that do what you do,
7 what you are doing now, cooperating or testifying?

8 A Well, they can kill my family.

9 Q So why did you decide to cooperate and testify?

10 A Oh, well because I think it's the right thing for
11 the -- I think it's the right thing for my country. I
12 think it's the right thing.

13 Q What do you expect to get out of it?

14 A Well to see if I can get a second chance.

15 Q What do you mean by a second chance?

16 A Well a second chance to get out again.

17 Q In other words, you're hoping you're not going to
18 get a life sentence?

19 A Yes.

20 MR. MORENO: I'll pass the witness.

21 THE COURT: Thank you. Mr. Vela.

22 CROSS EXAMINATION

23 BY MR. VELA:

24 Q Mr. Tovar, you pled guilty on January the 6th in
25 this courtroom to the murder of Bruno Juarez; is that

1 correct?

2 A Yes, sir.

3 Q And as the prosecutor just told you, you're facing
4 a life -- a sentence of 30 years at the minimum up to
5 life; correct?

6 A Yes.

7 Q And you know that?

8 A Yes.

9 Q And you're hoping that your cooperation with the
10 government is going to get you a recommendation by the
11 government to get you something even less than 30
12 years; is that correct?

13 A Yes.

14 Q Okay. And the reason you want that is because
15 being in a wheel chair and being in jail isn't easy?

16 A No, no it's not easy.

17 Q In fact, you're very vulnerable at this time,
18 aren't you?

19 A What does vulnerable mean?

20 Q Well, you can't walk, so you can't really defend
21 yourself. Isn't that true?

22 A Yes.

23 Q So you are willing to do whatever it takes to get
24 yourself a lower or the lowest possible sentence; isn't
25 that true?

1 A Yes.

2 Q Okay. And in fact as part of your plea agreement,
3 you were charged not only in one count, but you were
4 charged in four separate counts; isn't that true?

5 A Yes.

6 Q You were charged with a conspiracy to distribute a
7 controlled substance. Do you remember that?

8 A Yes.

9 Q You were charged with the kidnapping or attempted
10 kidnapping of Bruno Juarez?

11 A Yes.

12 Q You were also charged with a use of a firearm in
13 pursuant to a crime of violence; correct?

14 A Yes.

15 Q And in return for your plea and your cooperation,
16 the government is -- has given a recommendation that
17 they will dismiss three out of the four counts; isn't
18 that true?

19 A Yes.

20 Q And are you aware that some of your counts
21 required consecutive sentences? Do you know what that
22 means?

23 A No.

24 Q I want to go back and talk to you about, now you
25 told the ladies and gentlemen of the jury that you

1 wanted a second opportunity for life. I'm showing
2 what's been marked as Government's Exhibit Number 14.
3 Back in January 8, 2005, you weren't thinking about
4 giving yourself a second opportunity when you murdered
5 Bruno Juarez; isn't that true?

6 A I didn't hear you. Could you repeat.

7 Q Back in June 8, 2005, the day that you murdered
8 Bruno Juarez, you weren't thinking about getting second
9 opportunities, right?

10 A I was real young. Besides that, if I didn't do
11 it, they were going to kill me. Do you understand?

12 Q Well, isn't it true that you volunteered to murder
13 Mr. Juarez because he had taken out one of your
14 relatives; isn't that what you told Officer Garcia and
15 Carlos Adan of the Laredo Police Department?

16 A Yes.

17 Q So on the one hand you're telling this jury that
18 you voluntarily agreed to murder Mr. Juarez, but on the
19 other hand, you had to do it because somebody was going
20 to kill you?

21 A Well, so you can understand me, it was both
22 things.

23 Q Well, nobody asked you to get involved with the
24 Zetas, did they?

25 A No.

1 Q And you voluntarily agreed to join the Zetas?

2 A I volunteered in moving drugs.

3 Q Well let me ask you this: You said that you
4 started participating in moving drugs in April of 2005
5 in the middle of April; isn't that true?

6 A Yes.

7 Q And a mere one month and a half later, you had
8 already participated in two murders; isn't that true?

9 A Yes.

10 Q So how does somebody like you, a young 20-year-old
11 person at that time, go from moving drugs to killing
12 people? How does that happen?

13 A How does something like that happen? Well, just
14 by threatening me. Threatening me. You know, they say
15 you know what, you've already gotten money. You
16 already know us. You have to do it.

17 Q Isn't it true that you told Cuarenta when you met
18 with him to discuss the murder of Bruno Juarez, isn't
19 it true that you told him that if this was a way for
20 him to find Bruno because you wanted him as well as
21 Cuarenta wanted him. Isn't that what you told him?

22 A Yes.

23 Q And so he wasn't threatening you. You wanted to
24 go kill him because he had hurt your family. Isn't
25 that true? Isn't that what you did?

1 A I didn't want to kill him. I wanted him as -- I
2 was angry.

3 Q And so you were angry at him, but you're the one
4 that ended up pulling the trigger multiple times,
5 right?

6 A I had to shoot him because Gabriel Cardona had
7 killed the first one, and so it was he and I. And it
8 just turns out that it was my turn to kill the second
9 victim. To kill the second victim.

10 Q And that's it. It was your turn?

11 A Yes, sir. But just imagine they're telling you
12 they are going to cut your head off.

13 Q So the way it happens was Cuarenta tells you I'm
14 going to chop your head off, and then you tell them but
15 go ahead and find them for me because he killed my
16 cousin, so I can kill him; is that how the conversation
17 took place?

18 A How's that?

19 Q You told Cuarenta -- Cuarenta tells you you better
20 kill Bruno Juarez because I'm going to chop your head
21 off, but you turn around and tell Cuarenta you know
22 what I want to kill him anyway because he killed one of
23 my cousins?

24 A I just mentioned to him that someone had killed my
25 cousin, and he told me that Bruno was the one that was

1 going around killing hawks.

2 Q Let me ask you this: After the murder of Bruno
3 Juarez, June 8th of 2005, you fled to Mexico; isn't
4 that true?

5 A Yes.

6 Q And you stayed in Mexico all the way until
7 July 22nd of this past year 2011, right?

8 A Yes.

9 Q And you told the ladies and gentlemen of the jury
10 that you continued to participate with the Zetas in
11 Nuevo Laredo; is that correct?

12 A Yes.

13 Q So how many people have you killed?

14 A Only one.

15 Q Just one?

16 A Just one.

17 Q And you have participated in the murder, the other
18 murder the first murder you testified with who was it
19 that you participated with?

20 A I participated, but I didn't kill him.

21 Q And who did you participate with?

22 A With Gabriel Cardona.

23 Q Okay. And what about all these people that
24 Cuarenta was sequestering. Were you with him when he
25 sequestered these people?

1 A Yes, I was his security.

2 Q Did you help him sequester people? Yes?

3 A Yes.

4 Q Okay. So you helped him sequester what was it you
5 said 15, ten to 15 people per week for four months,
6 right?

7 A Yes.

8 Q And each one of those persons got killed?

9 A Cuarenta would kill them.

10 Q And so you don't think you're responsible for
11 those murders?

12 A No.

13 Q Okay. And you actually told the government that
14 you had participated in all these murders, didn't you?

15 A I'm sorry.

16 Q You told the government that you had participated
17 in these murders?

18 A Yes.

19 Q Okay. And yet they were still willing to come to
20 an agreement with you; isn't that true?

21 A Yes.

22 Q And what you face is 30 to life with a possible
23 recommendation for something less if the government
24 decides that you helped them; correct?

25 A I'm aware that the only one who can help me or

1 that can lower my sentence is the judge. It's just a
2 recommendation from the government. That's all that I
3 know. And I am just -- I'm cooperating because I know
4 that I did wrong, and I'm cooperating because that's
5 everything that I know.

6 Q How many times have you met with Mr. Moreno to
7 discuss your testimony?

8 A Like one time.

9 Q One time that's it?

10 A Yeah.

11 Q Didn't Mr. Moreno show you any photographs?

12 MR. MORENO: Two, Your Honor, just to
13 get it correct.

14 THE COURT: The witness needs to be the
15 one to answer, Mr. Moreno.

16 BY MR. VELA:

17 Q How many times did you meet with Mr. Moreno to
18 discuss your testimony?

19 A About what we talked about what we were going to
20 testify here?

21 Q Any time.

22 A One time.

23 Q And you have only met with him once?

24 A Yeah.

25 Q Okay. And where was that?

1 A Well it was here. I don't know whereabout, but it
2 was in one of these. And I told him I told him about
3 what I did.

4 Q Did Mr. Moreno tell you -- did he offer you
5 immunity against what you told him in return for your
6 testimony?

7 A I don't know what immunity means.

8 Q Did he tell you either in verbal or in writing
9 that you would not be prosecuted for anything that you
10 told him as long as you cooperated in this trial?

11 A No, I didn't understand -- what did you say, sir?
12 It's just that I hear you first and then her.

13 Q Did the government offer you immunity for your
14 testimony, which means that they agreed not to
15 prosecute you for anything you said in return for your
16 testimony here today?

17 A Yes.

18 Q What did they tell you specifically?

19 A Well only that they would just recommend for me.

20 Q And what were they going to recommend for you?

21 A That I could just get a little bit -- that they
22 were going to see if they could recommend to the judge
23 that she lower my sentence.

24 Q Did they give you a specific timeframe?

25 A No.

1 Q They didn't tell you ten years, we're going to
2 recommend 15 years?

3 A No.

4 Q Did you ask for a specific timeframe?

5 A No.

6 Q Never?

7 A Never.

8 Q You also met with Laredo Police Department
9 officers Roberto Garcia, right?

10 A I don't know what his name is, but I did get
11 together with one, sir.

12 Q How about Carlos Adan? Do you remember him?

13 A Carlos who?

14 Q Adan.

15 A I don't know him, sir.

16 Q You met with two police officers.

17 A The day I got arrested, there were two there, but
18 I don't remember what their names were.

19 Q And you gave a statement; isn't that true?

20 A Yes.

21 Q And in that statement, you asked the officers what
22 are my charges. You asked them that, right?

23 A Yes.

24 Q And you asked them how much time am I going to
25 get?

1 A Yes.

2 Q And you wanted them to help you by talking to the
3 DA's office or the government to get you a lower
4 sentence; isn't that true?

5 A Yes.

6 Q And they told you well it depends on what you tell
7 us, and we'll see if we can help you, right?

8 A Yes.

9 Q Now after you were paralyzed, which you said
10 happened in what month, February of 2007?

11 A April 2006.

12 Q In April of 2006, you even though you were
13 paralyzed, you kept participating with the Zetas,
14 right?

15 A No. Once I was paralyzed not any more. Then I
16 stayed at home.

17 Q And so from 2007 on you really had no involvement
18 with the Zetas?

19 A No.

20 Q But you continued to get paid?

21 A Yes.

22 Q Did you continue to talk Cuarenta?

23 A No.

24 Q Did you continue to have any involvement with any
25 of the Zetas after 2007 besides getting paid?

1 A No.

2 Q Okay. When you did your interview with the Laredo
3 Police Department, which was in January 22, 2011, you
4 identified a lot of people; correct?

5 A Yes.

6 Q And, as a matter of fact, they asked you who is in
7 charge right now in Nuevo Laredo, and you gave them a
8 name. What name did you give them?

9 A I said that it was Pompin.

10 Q So how do you know who is in charge of the Zetas
11 if you're no longer involved with them?

12 A Everyone knows it.

13 Q Even though you have not been involved with them
14 since 2007, you know who is in charge of the Zetas
15 right now?

16 A It's known. Everything is talked about, sir,
17 there in Nuevo Laredo. Everyone knows.

18 Q Well let's go through a list of the people that
19 you identified. You identified Cuarenta; correct?

20 A Yes.

21 Q And what's his name?

22 A Miguel Trevino Morales.

23 Q You identified Cuarenta Dos, and what's his name?

24 A Omar Trevino Morales.

25 Q You identified a gentleman by the name of Pompin.

1 A Yes.

2 Q What's his name?

3 A I don't know what his name is.

4 Q You identified accountants, right?

5 A Yes.

6 Q And what are the names of the accountants?

7 A Accountants, sir, no. Not accountants, sir. I
8 don't know accountants.

9 Q Who is la ardilla?

10 MR. VELA: The squirrel, I think.

11 THE COURT: Ardilla.

12 THE WITNESS: La Ardilla was a sicario
13 who they killed him already, but, no, he wasn't an
14 accountant.

15 BY MR. VELA:

16 Q But you identified him too, right?

17 A Yes.

18 Q You also identified Commandante Catorce?

19 A Yes.

20 Q Who is that?

21 A Heriberto Lazcano.

22 Q You identified somebody by the name of Pirata.

23 A No, Al Pirata, no.

24 Q Do you know a Pirata?

25 A No, I don't even know who he is.

1 Q What about a guy named Puerto?

2 A Not him either.

3 Q Did you identify somebody by the name of Zombie?

4 A Yes.

5 Q Okay. And who is Zombie?

6 A Well he's gotten killed already, but I don't know
7 what his name is.

8 Q You identified a gentlemen by the name Tiofo?

9 A Tiofo?

10 Q Yes.

11 A No.

12 Q Did you identify somebody by the name of Catan?

13 A Catan either.

14 Q Did you identify somebody by the name of El
15 Viejon?

16 A El Viejon, yes.

17 Q Who is El Viejon?

18 A El Viejon, his name was Lucio Quintero. But he's
19 gotten killed now.

20 Q They also asked you about a gentleman by the name
21 of Chelelo. You identified him?

22 A Yes.

23 Q Who is he?

24 A I don't know what his name is. It seems to me his
25 name is Eleazar, but I don't know what his name is.

1 Q You identified somebody by the name of Tatan?

2 A No.

3 Q PB?

4 A P-B?

5 Q P-B.

6 A Yeah.

7 Q Who is that?

8 A He is also a sicario. He's an escort.

9 Q What was the last time you talked to PB?

10 A Oh, it's been along time now, sir.

11 Q You identified somebody by the name of Snoopy?

12 A Yes.

13 Q And you also told the officers that you used to
14 smoke a lot of marijuana; isn't that true?

15 A Yes.

16 Q Do you still smoke marijuana?

17 A No.

18 Q When was the last time you used marijuana?

19 A July 20th of 2011.

20 Q How do you remember July 20th as the last time
21 that you used marijuana?

22 A Because I was arrested on the 21st.

23 Q And let's go back to what you testified earlier.

24 You identified my client. You said you went to a camp
25 with him?

1 A Yes.

2 Q What's his name?

3 A I just know they called him Cachetes. No one
4 knows everyone's name. Everyone uses nicknames. No
5 one knows their names.

6 Q You've told the ladies and gentlemen of the jury a
7 bunch of names.

8 A Yes, but of people I mean that are in the higher
9 ranks, so you'll understand me.

10 Q Well you are member of the Zetas; correct?

11 A I was.

12 Q And everybody knows you as Wenceslao Tovar Junior?

13 A Right.

14 Q Cardona was a member of the Zetas, and everybody
15 knows him as Cardona, right? His real name?

16 A Yes.

17 Q Rosalio Reta was also a member, and they know him
18 as Rosalio Reta; correct?

19 A Yes.

20 Q And so you're telling me that you stayed with this
21 gentlemen for a month and a half six bunks away, and
22 you never asked him for his name?

23 A No, I never asked him.

24 Q And even though he was very talkative as you say,
25 you also never asked him for his name?

1 A No, I would just get together with the guys from
2 Laredo. They were from -- they were their own little
3 group, and we were our own little group, but we were
4 altogether.

5 Q And isn't it true that the -- Detective Carlos
6 Adan showed you a photograph of Mr. Castillo, and you
7 couldn't recognize the photograph?

8 A I didn't have my glasses, sir.

9 Q It was a pretty big photograph, do you remember
10 it?

11 A I can't see, sir. I'm real blind. I don't know
12 if you can remember that I used to be asking for
13 glasses because I couldn't see.

14 MR. VELA: May I approach, Your Honor?

15 THE COURT: You may.

16 BY MR. VELA:

17 Q Let me show you what has been marked as
18 Defendant's Exhibit Number 1 and Number 2. Do you
19 recognize these photographs?

20 A This one, yes. Not this one.

21 Q Is this the photograph that Investigator Carlos
22 Adan showed you during your interview?

23 A Yes. Well, that one I think so because it was
24 larger.

25 Q And you couldn't identify this photograph during

1 your interview?

2 A I did. I'm going to tell you the truth. I did
3 know him, but I didn't want to do him bad, so you can
4 understand me.

5 Q So you decided to rat out everybody else except
6 Gerardo Castillo who you met for a couple of days; is
7 that your testimony?

8 A Yes. And the truth is that he was there with me,
9 sir, that is the truth.

10 MR. VELA: Your Honor, I would like to
11 offer Defendant's Exhibit Number 1.

12 THE COURT: Any objection?

13 MR. MORENO: No objection.

14 THE COURT: Defense Exhibit Number 1 is
15 admitted.

16 (Defendant's Exhibit Number 1 is admitted.)

17 BY MR. VELA:

18 Q This is the photograph that they showed you?

19 THE COURT: You might flip it so that it
20 is facing my direction.

21 MR. VELA: Sorry.

22 BY MR. VELA:

23 Q This is the photograph that they showed you during
24 your interrogation at the police department on
25 January -- July 22nd, and when they asked you who this

1 person was you said, who is that? *Quien es ese vato?*

2 Who is that guy? Is that what you said?

3 A I don't remember. But the truth is I didn't want

4 to tag the ones that I didn't -- what do you call it?

5 The ones that, the ones that in reality no -- it's just

6 that in the training I saw him there. I saw him there.

7 It's just that I never spoke with him. I never talked

8 to him. I never spoke with him. I never said

9 anything. I just saw him.

10 Q So if I show you a clip from your interrogation,

11 would that refresh your memory?

12 A Yes.

13 MR. VELA: Your Honor, I would like

14 permission to play--.

15 THE COURT: Let me have you at the bench

16 first.

17 (At sidebar.)

18 THE COURT: What is it that you think

19 you need to refresh his memory on? He hasn't really

20 said the he doesn't recall anything in specific to what

21 you asked.

22 MR. VELA: Actually, he's saying that --

23 I want to show the clip of when they showed him the

24 photograph.

25 THE COURT: Uh-hum.

1 MR. VELA: They showed him one
2 photograph, and they asked him, do you know this guy?
3 And he says, *Quien es ese vato?*

4 THE COURT: But he hasn't denied that.

5 MR. VELA: And I want to show that to
6 the jury, so they can see--.

7 THE COURT: Well, he hasn't denied --
8 as far as his statement, he hasn't denied making that
9 statement. He's explaining why he made that statement,
10 and that's all you're entitled to do.

11 MR. VELA: Well, I think that under Rule
12 613, I'm allowed to introduce the extrinsic evidence to
13 show the reality of what he's testifying to right now.

14 THE COURT: You may not. You have asked
15 him about the statement. He said he agrees that that's
16 the statement he made. He's explaining why he made
17 that statement. And that's all you're entitled to do.

18 MR. VELA: Okay.

19 (End of sidebar.)

20 THE COURT: Mr. Vela, do you think you
21 have a lot more or are you close to finishing up?

22 MR. VELA: I'm close to finishing, Your
23 Honor.

24 THE COURT: Okay. We will hopefully
25 finish just -- if you need more time, it is not a

1 problem. But it might be a good time for our break if
2 you still have a long ways to go. But if you're close
3 to finishing, we will go for it.

4 MR. VELA: Well, if we can take a break,
5 that's fine.

6 THE COURT: Okay. We'll go ahead and
7 take a break, ladies and gentlemen. We'll take our
8 afternoon break. Again, it is about ten to 15 minute
9 break for your convenience, and as soon as you're ready
10 to start, we will proceed. Please remember not to
11 discuss the case. You may step out.

12 THE CSO: Please rise for the jury.

13 (The jury leaves the courtroom.)

14 THE COURT: Mr. Tovar, if you need to
15 step down, we can assist you in stepping as well. If
16 you're okay right there. We'll take a short recess.

17 THE CSO: All rise.

18 (Short break.)

19 THE CSO: All rise.

20 THE COURT: Thank you. You may be
21 seated. We are back on the record. Mr. Vela, you may
22 continue.

23 BY MR. VELA:

24 Q Mr. Tovar, during your interrogation with the
25 Laredo Police Department, Detective Robert Garcia asked

1 you if you were familiar with the murder of Jesus Chuy
2 Resendez; correct?

3 A Yes.

4 Q And when he asked you if you knew who was
5 involved, you gave him some names, right?

6 A Yes.

7 Q And you told him that it was El Zombie, El Catan,
8 El PB; isn't that true?

9 A Yes, they had told me that -- Catan, PB, and
10 Zombie. I don't know if that's who they thought that
11 was--.

12 MR. MORENO: I'm sorry. It's Tatan not
13 Catan. Two different people.

14 BY MR. VELA:

15 Q And those are the only three people you mentioned,
16 right?

17 A Yes.

18 MR. VELA: No further questions, Your
19 Honor.

20 THE COURT: All right. Mr. Moreno,
21 anything further.

22 MR. MORENO: Yes, I just have a couple
23 of questions.

RE-DIRECT EXAMINATION

BY MR. MORENO:

Q Just to clarify. You're talking about Tatan not
Catan like the fish, right?

A It's Tatan with double t.

Q Do you know what Tatan's name is?

A No.

Q I just want to clarify a couple of things. You
mentioned earlier in a question that you talked to me
one time to go over your testimony; correct?

A Yes.

Q Okay. But before we went over your testimony, do
you remember we met one time before that when you first
told us that you wanted to cooperate and told us about
the first murder that you mentioned?

A Yes.

Q So we met two times. One to discuss your
testimony, and one when we first met, and you told us
that you wanted to cooperate?

A Yes.

Q Okay. Now, in fact, we had the police department
with us at the first meeting, right?

A In October 15, right?

Q More or less.

A Yeah.

1 Q Okay. Now when you told us about the murder of --
2 what was the name of the first person you and Cardona
3 killed?

4 A Pompoño.

5 Q Pompoño, sorry. When you told us about the murder
6 of Pompoño, the police didn't know it was you and
7 Cardona? That's how they found out it was you?

8 A No, they didn't know. Yes.

9 Q When you were first arrested back in July of 2011
10 last year, they first took you to the police department
11 because you have state charges over there, right?

12 A Yes.

13 Q And then you came here to federal court because of
14 these federal charges?

15 A Yes.

16 Q Okay. And in the videotape where you gave your
17 confession to the police department, you were talking
18 to them about your state charges?

19 A Yes.

20 Q Okay. And do you remember what the charges were
21 that you're facing in state court?

22 A Yes.

23 Q What are they?

24 A Murder and kidnapping.

25 Q And you are also facing engaging in organized

1 activity, I think?

2 A Yes.

3 Q Okay. And you talked to them about getting help
4 from the District Attorney's office, not the United
5 States Attorney's office?

6 A Yes.

7 Q Okay. In your plea agreement, do you remember you
8 signed a plea agreement when you pled guilty a couple
9 of weeks ago?

10 A Yes, sir.

11 Q Okay. In your plea agreement, there's no mention
12 about you getting immunity?

13 A Yes.

14 Q Okay. And I want to make sure you understood
15 immunity what he was asking about it. Immunity means
16 you do not get prosecuted?

17 A Yes.

18 Q Okay. So did I or anybody in the federal
19 government promise you that you would not get
20 prosecuted?

21 A How is that, sir? I didn't understand you.

22 Q Okay. Let me ask you this way: You pled guilty
23 to a charge here in federal court under the indictment,
24 right?

25 A Yes, I pled guilty.

1 Q So you did get prosecuted?

2 A Yes.

3 Q In other words, we didn't say we're going to get
4 rid of your charges and you were going to go free?

5 A Yes.

6 Q Immunity means you don't get prosecuted. No
7 charges. Did anybody promise you that you wouldn't get
8 any charges?

9 A No.

10 Q Okay. In fact, do you still have pending charges
11 in state?

12 A Yes.

13 Q Nobody told you that they were going to drop those
14 charges, right?

15 A No.

16 Q Okay. When you got done with this, do you still
17 have to go over there for the murder, kidnapping, and
18 engaging?

19 A Yes.

20 Q Okay. And in fact, the police when they talked to
21 you in October told you you might get charged again for
22 the murder that you told them about?

23 A Yes.

24 Q Okay. When you were talking to the police
25 officers about whether or not you knew the defendant in

1 this case Cachetes, you said a little while ago "no le
2 quize hechar muleta." You didn't want to blame him for
3 anything; is that correct?

4 A Yes.

5 Q Did you ever work with him?

6 A Never.

7 Q Did you ever go out and deal any drugs with him?

8 A No.

9 Q The only thing you know is that he was a member of
10 the organization?

11 A Yes, that's what I do know.

12 Q Does anybody besides members go to the training
13 camps?

14 A No.

15 Q Okay. So even though you personally never worked
16 with him, you know he was a member Gulf Cartel and the
17 Zetas?

18 A Yes.

19 MR. MORENO: That's all I have.

20 THE COURT: Anything further, Mr. Vela?

21 RE-CROSS EXAMINATION

22 BY MR. VELA:

23 Q The first murder, what was name of the person that
24 you assisted with the murder?

25 A The one that I helped out?

1 Q Yes.

2 A I helped Gabriel Cardona.

3 Q What was the name of the person that Gabriel
4 Cardona killed?

5 A Pompoño. I don't know what his name was.

6 Q And you assisted him with that?

7 A Yes.

8 Q And that particular murder is not part of the
9 indictment that the government returned against you;
10 isn't that true? It's not part of the charges that you
11 pled guilty to?

12 A No.

13 Q And as far as you know, you have not been charged
14 with that murder by the federal government?

15 A No.

16 MR. VELA: No further questions, Your
17 Honor.

18 MR. MORENO: Just to clarify to the
19 court, murder is a state charge.

20 THE COURT: Okay. Nothing further,
21 Mr. Moreno?

22 MR. MORENO: No, Your Honor.

23 THE COURT: All right. Thank you very
24 much then. You may step down. The next witness will
25 be?

1 MR. MORENO: Detective Edward Flores.

2 THE COURT: Detective Flores, please.

3 (The witness enters the courtroom.)

4 THE COURT: Please raise your right hand
5 to be sworn in.

6 (Witness sworn.)

7 THE WITNESS: I do.

8 THE COURT: Thank you. You may be
9 seated. Okay. Let's proceed.

10 EDWARD FLORES, GOVERNMENT WITNESS, SWORN

11 DIRECT EXAMINATION

12 BY MR. MORENO:

13 Q Would you please tell us your full name, please?

14 A Edward Flores.

15 Q And, Mr. Flores, where are you employed?

16 A Laredo Police Department.

17 Q And how long have you been with the Laredo Police
18 Department?

19 A Fifteen years.

20 Q And in what capacity have you been employed with
21 the police department?

22 A Patrol officer for four years, three years with
23 the Juvenile Enforcement team, seven years with the
24 Robbery Homicide Division, and now back again with the
25 Juvenile Enforcement Team.

1 Q And back in November of 2005, what duties were you
2 employed?

3 A I was a homicide investigator.

4 Q Okay. And specifically on November 24, 2005, I
5 believe it was Thanksgiving, were you working on that
6 day?

7 A Yes, sir.

8 Q Did you have occasion to respond to a shooting
9 call?

10 A Yes, I did, sir.

11 Q Do you remember where that was?

12 A 1700 Pace and Santa Cleotilde Avenue.

13 Q And whose house was that?

14 A Jason Fraga.

15 Q And what was the call for? What did you respond
16 to?

17 A Reported shooting with two injured victims.

18 Q Who were the injured victims?

19 A It was Jason Fraga and Faustino Rodriguez.

20 Q Do you remember more or less how old Mr. Fraga was
21 at the time?

22 A At the time, he was 24.

23 Q And Mr. Rodriguez?

24 A Thirteen.

25 Q Okay. And what did you see when you arrived?

1 A When I arrived on scene, the victims had already
2 been transported to the hospital. There was a Jeep
3 Cherokee parked along the roadway on Santa Cleotilde.
4 There was a white Grand Marquis parked in front of the
5 residence on Pace. And there was casings on the floor.

6 Q Okay. Do you remember approximately how many
7 casings?

8 A Approximately ten or more.

9 Q Do remember what kind of casings or type of
10 casings?

11 A There was two kinds. There was a 30-Super and
12 9-MM.

13 Q Okay. Let me show you what I have marked as
14 Government Exhibit 33. Tell me if you recognize that?

15 A Yes, sir.

16 Q How do recognize it?

17 A This is the residence of Jason Fraga. This is the
18 Grand Marquis parked in front of the residence. And
19 right here to the left on the corner by the sofa is the
20 Jeep Cherokee.

21 Q And is that the scene as you remember it back on
22 November 24, 2005?

23 A Yes.

24 Q Does it fairly and accurately depict that scene?

25 A Yes, it does.

1 MR. MORENO: Your Honor, we offer
2 Government's Exhibit Number 33.

3 MR. BALLI: No objection.

4 THE COURT: It's admitted.

5 (Government Exhibit Number 33 admitted.)

6 BY MR. MORENO:

7 Q All right. So you don't have the screen now.

8 THE COURT: You'll have to--.

9 MR. MORENO: You can see that, right?

10 All right.

11 BY MR. MORENO:

12 Q There's a bunch of numbered little cones there,
13 what are those?

14 A Those are the markings for the casings that were
15 found at the location.

16 Q I can't tell, but I guess the biggest number there
17 is 14?

18 A Fourteen, yes, sir.

19 Q That would be the number of the casings?

20 A Yes, sir.

21 Q And when you arrived, what did you do?

22 A I supervised the processing of the crime scene and
23 tried to locate witnesses to the event.

24 Q Okay. And after that?

25 A While we were there, during the initial broadcast,

1 there was a lookout given on white Crown Victoria with
2 Mexican license plates. Officer Vaquera found the
3 vehicle by Ugarte and Santa Isabel.

4 Q How far away is that?

5 A That's about 3 or 4 blocks away.

6 Q Okay. Let me show you what I've marked a
7 Government's Exhibit Number 32. Do recognize that?

8 A Yes, sir.

9 Q Is that the Grand Marquis that your describe?

10 A Yes, sir.

11 Q I'm sorry. Crown Victoria?

12 A It's a Crown Victoria.

13 Q Okay. And does this fairly and accurately depict
14 the Crown Victoria as you saw it back on November 24,
15 2005?

16 A Yes, it does.

17 MR. MORENO: We offer Government's
18 Exhibit Number 32.

19 MR. BALLI: No objection, Your Honor.

20 THE COURT: It's admitted.

21 (Government's Exhibit Number 32 admitted.)

22 BY MR. MORENO:

23 Q And that is in fact a Ford Crown Victoria?

24 A Yes, sir.

25 Q You said it had Mexican plates?

1 A Yes, sir.

2 Q What's the tape around it for?

3 A That's to preserve the vehicle not to be tampered
4 with until it's processed.

5 Q And by processed, what do you refer to?

6 A Properly photographing it. Documenting evidence
7 that may be on or inside of it.

8 Q Okay. As far as you recall, was there any
9 evidence recovered or found in the car?

10 A No, sir. But it was processed for latent prints
11 on the outside.

12 Q Okay. Were any latent prints recovered?

13 A Yes, ten latent print cards were recovered.

14 Q Was anybody identified through those fingerprints?

15 A Yes, sir. Juan Gabriel Cardona.

16 Q Okay. Now you mentioned that the victims had
17 already been transported to the hospital?

18 A Yes, sir.

19 Q Did you ever have a chance to either go see them
20 or talk to them?

21 A Investigator Michael Wu attempted to make contact
22 with him at the hospital, but they were being treated
23 for their injuries.

24 Q Did you go over to the hospital to go see them?

25 A No, sir.

1 Q Were you ever able to talk to them after the
2 shooting?

3 A I made several attempts afterwards to try to make
4 contact with them. Mr. Fraga refused to cooperate in
5 the investigation. And Mr. Rodriguez's family refused
6 to allow him to cooperate in the investigation.

7 Q Okay. As part of the investigation were
8 photographs taken of their injuries?

9 A Yes.

10 Q Did you ever see those?

11 A Yes, sir.

12 Q Are you familiar with those?

13 A Yes, sir.

14 Q Let me show you what I have marked as Government
15 Exhibits 34, 35, and 36.

16 A Yes, sir.

17 Q Okay. Do recognize those?

18 A Yes, sir.

19 Q And do they fairly and accurately depict what's
20 shown in those photographs?

21 A Yes, sir.

22 MR. MORENO: We'd offer Government
23 Exhibits Number 34, 35, and 36.

24 MR. BALLI: No objection.

25 THE COURT: They're admitted.

(Government Exhibits 34, 35, and 36 admitted.)

BY MR. MORENO:

Q Okay. Can you tell us who is depicted
Government's Exhibit Number 34?

A That's the injury sustained by Jason Fraga.

Q And I guess that's his name tattooed across his
belly?

A Yes, sir.

Q Okay. And then we have an injury to the hand
here. Who's hand is that?

A That's Mr. Faustino Rodriguez's.

Q The 13 year old?

A Thirteen years old.

Q And the photograph of two bullet holes to the legs
of who?

A That's also Faustino Rodriguez's.

Q The 13 years old?

A Yes, sir.

Q Okay. You said that you recovered fingerprints
that belonged to Gabriel Cardona. Was he the only
suspect that was developed in that case?

A No.

Q Anybody else that was?

A Pablo Perez Gonzalez.

Q Okay. Let me show you what I have marked as a

1 photograph of Number 37. Do you recognize that
2 exhibit?

3 A Yes, sir.

4 Q And who is depicted in Government's Exhibit Number
5 37?

6 A This is the driver's license photo of Pablo Perez
7 Gonzalez.

8 MR. MORENO: Your Honor, we offer
9 Government's Exhibit Number 37?

10 MR. BALLI: No objection.

11 THE COURT: It is admitted.

12 (Government Exhibit Number 37 admitted.)

13 BY MR. MORENO:

14 Q This is a second suspect in the case?

15 A A potential suspect, yes, sir.

16 Q Anybody else who was identified as suspect in that
17 particular shooting?

18 A No, sir.

19 Q Okay. Was Mr. Pablo Perez arrested or detained at
20 that time?

21 A No, sir. Again lack of cooperation from the
22 victims.

23 Q How about Mr. Cardona?

24 A No, sir.

25 Q Not at that time?

1 A Not at that time.

2 Q Okay. Because the victims refused to cooperate,
3 what happened to the case?

4 A They shut down. It was closed.

5 Q It was not prosecuted?

6 A Not prosecuted.

7 Q And this would have been filed where?

8 A In records.

9 Q No, I mean where would you have filed the charges
10 for that case?

11 A Oh, the District Attorney's office.

12 Q In state court?

13 A State court, yes, sir.

14 Q But none were filed because of the victims?

15 A Yes, sir.

16 MR. MORENO: Pass the witness, Your
17 Honor.

18 THE COURT: Mr. Balli.

19 CROSS EXAMINATION

20 BY MR. BALLI:

21 Q As far as -- I'm sorry. It feels unusual to be so
22 close. We have had you as a witness before in many
23 cases. Mr. Flores or Officer Flores, as far as this
24 investigation, at the beginning, even though -- at the
25 beginning, you didn't have much cooperation from Jason

1 Fraga?

2 A Correct.

3 Q And you did not have much cooperation from the
4 other young man's family either, did you?

5 A Correct.

6 Q From the very beginning?

7 A Correct.

8 Q And even though you didn't have cooperation from
9 the beginning, you thought that it was the case was
10 important enough to make sure that you did your
11 investigation?

12 A Correct, sir.

13 Q And that you did your investigation properly;
14 correct?

15 A Correct.

16 Q And that is one of the reasons that in this case
17 you decided to -- that that Crown Victoria it matched
18 the description that you had?

19 A Correct.

20 Q And that you didn't know if it was the vehicle
21 involved, but because of the proximity to the shooting
22 and because of the Mexican plates, you had that
23 suspicion?

24 A Correct.

25 Q And you wanted to follow through on that part of

1 the investigation; correct?

2 A Yes, sir.

3 Q And you had that vehicle -- because you didn't
4 recover any people inside that vehicle, you wanted that
5 vehicle tested for prints; correct?

6 A Correct.

7 Q And you were able to get prints from there;
8 correct?

9 A Correct.

10 Q And at the Laredo Police Department you-all have
11 an ID section; correct?

12 A Correct.

13 Q And in Laredo Police Department's ID section, they
14 do several things; correct?

15 A Yes, sir.

16 Q One of the things that they do is they identify
17 individuals through photographs, or they help put
18 together photographic lineups?

19 A Yes, sir.

20 Q When you ask for that?

21 A Yes, sir.

22 Q Another thing that they do is that they collect
23 evidence?

24 A They process it.

25 Q They process evidence. And they help with these

1 situations when you have fingerprints?

2 A Yes, sir.

3 Q They help in matching those prints?

4 A Yes, sir.

5 Q And in also in when you need -- when you have a
6 fingerprint, or you think you may have a fingerprint,
7 you could also as another resource in some cases send
8 those off to another crime lab; correct?

9 A No, sir.

10 Q Are you familiar that there have been cases, not
11 this case, but some cases where prints are sent off to
12 like the FBI crime lab?

13 A That may be the case. I don't have experience
14 working in that area, sir.

15 Q But in this particular case, using the Laredo
16 Police Department's ID section, you were able to
17 recover fingerprints; correct?

18 A Yes, sir.

19 Q And you were able to recover a fingerprint from
20 Gabriel Cardona; correct?

21 A Yes, sir.

22 Q And because of that, he was a suspect in your
23 case; correct?

24 A Yes, sir.

25 Q But eventually because of lack of cooperation, the

1 case kind of ended there; correct?

2 A Correct.

3 Q And you would agree with me that there were no
4 prints recovered from that vehicle that Crown Victoria
5 belonging to go Gerardo Castillo?

6 A Correct.

7 Q And for that particular case, you had two
8 suspects; correct?

9 A Yes, sir.

10 Q And one of them was Gabriel Cardona?

11 A Correct.

12 Q And the other one was Pablo Perez Gonzalez?

13 A Correct.

14 Q And those were your only two suspects?

15 A With the cooperation or the information at the end
16 of the time, yes, sir. Those were the only two
17 identified.

18 Q And those were your only two suspects?

19 A Yes, sir.

20 MR. BALLI: I'll pass the witness.

21 MR. MORENO: Nothing further.

22 THE COURT: Very well then. Thank you.

23 You may step down. The next witness, please.

24 MR. MORENO: Officer Raimundo Garcia.

25 THE COURT: Officer Garcia, please.

1 (The witness enters the courtroom.)

2 THE COURT: Officer Garcia, please come
3 forward. We are having some technical difficulties
4 with our lift because we used it, so we are sitting you
5 on this side. Please raise your right hand to be sworn
6 in.

7 (Witness sworn.)

8 THE WITNESS: Yes.

9 THE COURT: Thank you. You may be
10 seated. You may proceed, Mr. Moreno.

11 MR. MORENO: Thank you, Your Honor.

12 RAIMUNDO RENE GARCIA, GOVERNMENT WITNESS, SWORN

13 DIRECT EXAMINATION

14 BY MR. MORENO:

15 Q Would you please tell us your full name.

16 A Raimundo Rene Garcia.

17 Q Can I ask you to scoot up a little bit, so you can
18 reach that microphone there.

19 A Raimundo Rene Garcia.

20 Q Okay. And you have a different spelling. So
21 would you spell your first name for the court reporter.

22 A It's R-A-I-M-U-N-D-O.

23 Q Where do you work, Mr. Garcia?

24 A I work with the Laredo Police Department.

25 Q How long have you been with the Laredo Police

1 Department?

2 A Approximately eight years.

3 Q Okay. And in what capacity are you employed at
4 the police department?

5 A Patrol officer.

6 Q Have you been in patrol the entire eight years?

7 A Yes.

8 Q And were you so employed back on November 25th of
9 2005?

10 A Yes.

11 Q Okay. Did you have occasion to respond to a call
12 at some apartments located at 307 Iturbide?

13 A Yes.

14 Q What was the call that you responded do?

15 A We were actually waived down by a female. She
16 said that a vehicle had just collided into her.
17 Committed a hit and run. And she led us to those
18 apartments because she had followed the vehicle.

19 Q Okay. And once you arrived at the apartments,
20 what did you do?

21 A We knocked at the doors where she told us that the
22 people went into, and I made contact with the Gabriel
23 Cardona and one other male subject. I believe his last
24 name was Ramos.

25 Q Okay.

1 A I don't know his first name.

2 Q Do you remember the apartment number?

3 A The apartment number, no. But I do remember that
4 the apartment was towards the back.

5 Q Okay. And when you said we went and knocked on
6 the door, who was with you?

7 A It was my partner at the time Pedro Martinez,
8 Officer Pedro Martinez.

9 Q Just the two of you officers?

10 A At the time, yes.

11 Q Okay. And so what happened when you came into
12 contact with Cardona and Ramos?

13 A We -- well Cardona had told us straight out that
14 he might have a warrant for murder. So he was
15 detained, and the other subject was detained also.

16 Q Why was Ramos detained?

17 A I believe he had also a warrant for murder.

18 Q All right. Let me show you what I have marked as
19 Government Exhibits Number 38 and 39. Tell me if you
20 recognize those?

21 A Yes.

22 Q How do recognize those? You recognize them as
23 what?

24 A As the apartments.

25 Q Those are the apartments that you're talking about

1 on Iturbide Street?

2 A Yes.

3 Q And I don't think you can see the number of the
4 apartment there?

5 A No.

6 Q All right. And these are the apartments where you
7 found Cardona and Ramos?

8 A Yes. This should be the front.

9 Q On Government Exhibit Number 38?

10 A Yes.

11 Q And then 39 is what?

12 A The back.

13 Q The rear?

14 A The rear.

15 Q Of the apartment?

16 A Yes.

17 MR. MORENO: I offer Government Exhibit
18 Number 38 and Government Exhibit Number 39.

19 THE COURT: Any objection?

20 MR. BALLI: No objection.

21 THE COURT: They're admitted.

22 (Government Exhibit Number 38 and 39 admitted.)

23 BY MR. MORENO:

24 Q All right so. And you mentioned that -- so at
25 those apartments, you said you ran into Gabriel

1 Cardona?

2 A Yes.

3 Q Let me show you what was introduced earlier as
4 Government Exhibit Number 17. Do you recognize that
5 person?

6 A Yes, Gabriel Cardona.

7 Q That's the person that you took into custody there
8 at the apartments.

9 A Yes.

10 Q Okay. Let me show you what I have marked as
11 Government's Exhibit Number 40. Do you recognize that?

12 A Yes.

13 Q And who is depicted in Government Exhibit Number
14 40?

15 A Ramos. I don't know his first name.

16 Q But that's the individual that you also detained
17 at the apartment complex?

18 A Yes.

19 MR. MORENO: Government Exhibit Number
20 40 we would offer it.

21 MR. BALLI: No objection.

22 THE COURT: It's admitted.

23 (Government Exhibit Number 40 admitted.)

24 BY MR. MORENO:

25 Q So this is Ramos that you also took into custody

1 together with Cardona?

2 A Yes.

3 Q Okay. When you took them into custody, what did
4 you do with them?

5 A He was put into a patrol car.

6 Q Okay. What about Cardona?

7 A Cardona also.

8 Q Was there anybody else in the apartment that
9 you-all took into custody?

10 A Not that I remember.

11 Q Okay. So the entire time at the apartment did any
12 other officers come to assist?

13 A I believe Investigator Richard Ramirez.

14 Q Okay.

15 A Showed up and some other investigators. I don't
16 recall.

17 Q Okay. What happened after you took them into
18 custody?

19 A I went back in to search.

20 Q Do you know if the apartment was secured or
21 searched after while you were there?

22 A Not to my knowledge.

23 MR. MORENO: Pass the witness.

24 THE COURT: Mr. Balli.

CROSS EXAMINATION

BY MR. BALLI:

Q As part of your work on this particular hit and run, you knocked on that apartment; correct?

A Yes.

Q And Gabriel Cardona was there?

A Yes.

Q And an individual by the name of Ramos was there?

A Yes.

Q And at that apartment, you didn't see Gerardo Castillo Chavez, did you?

A No, sir.

Q And you didn't have any indication that he was ever at that apartment?

A No.

MR. VELA: I'll pass the witness.

THE COURT: Thank you. Nothing further, Mr. Moreno?

MR. MORENO: Nothing further.

THE COURT: All right. Thank you. you may step down. The next witness, please.

MR. MORENO: We call David Cerezo -- David Martinez Cerezo.

THE COURT: Mr. Martinez, please. Mr. Martinez, please come forward. Right here in this

1 chair because we're having some problems over here. In
2 English or Spanish?

3 THE WITNESS: Spanish.

4 THE COURT: Please raise your right hand
5 to be sworn in.

6 (Witness sworn.)

7 THE WITNESS: Yes.

8 THE COURT: Thank you. You may be
9 seated. You may proceed, Mr. Moreno. The interpreter
10 may if you want to set your notebook down maybe right
11 behind this. I don't know where you will be best--.

12 THE INTERPRETER: I think I'll be okay,
13 Your Honor.

14 THE COURT: Okay. All right.

15 DAVID MARTINEZ CEREZO, GOVERNMENT WITNESS, SWORN

16 DIRECT EXAMINATION

17 BY MR. MORENO:

18 Q Would you tell us your full name, please.

19 A David Martinez Cerezo.

20 Q Mr. Cerezo, how old are you?

21 A Thirty-one years old.

22 Q And where are you living right now?

23 THE INTERPRETER: Excuse me. I couldn't
24 hear.

1 BY MR. MORENO:

2 Q Where are you living right now?

3 A My family is here in Laredo.

4 Q Yeah, but where are you?

5 A Locked up. I'm in prison.

6 Q And where are you in prison?

7 A Mississippi.

8 Q Okay. Why are you in prison, Mr. Martinez Cerezo?

9 A Weapons possession.

10 Q Okay. How long ago did you get convicted and sent
11 to prison?

12 A Approximately six years and some months.

13 Q Okay. Are you familiar with a group called the
14 Gulf Cartel or the Zetas?

15 A Previously in my case, yes.

16 THE COURT: Let me ask -- just a second.
17 Ask him to -- pull the mike a little forward if it can
18 be pulled forward. Or have him get closer to the mike.

19 BY MR. MORENO:

20 Q How are you acquainted with the Gulf Cartel and
21 the Zetas?

22 A Previously in my youth, I had a friend who
23 introduced me to several people -- who introduced me to
24 some people.

25 Q When was that? Approximately what year?

1 A Approximately October of 2005.

2 Q Okay. Who was your friend?

3 A Quiroga Apolinar.

4 Q Quiroga Apolinar?

5 A Yes.

6 Q Was he known by a particular name?

7 A No.

8 Q No nickname?

9 A No.

10 Q Okay. And who did he introduce you to?

11 A To Pablo.

12 Q Okay. And who is Pablo?

13 A Perez.

14 Q Who is Pablo Perez?

15 A The one who you could say hires me for other
16 people.

17 Q Okay. And Pablo hired you on behalf of who? Who
18 were really working for?

19 A For Lucio Velez, El Viejon.

20 Q Okay. And who was Lucio Velez also known as El
21 Viejon?

22 A The one who used to bring money who was in charge
23 of weapons possessions in Nuevo Laredo, Texas --
24 Mexico.

25 Q And what did he hire you to do?

1 A To rent houses and purchase cars.

2 Q Okay. And why were you selected to rent houses
3 and buy cars?

4 A Because I was using my Mexican license to buy them
5 as exported.

6 Q Okay. Let me show you what I have marked as
7 Government's Exhibit Number 44. Tell me if you
8 recognize the person in this picture?

9 A Yes.

10 Q Who is depicted in Exhibit 44?

11 A El Viejon.

12 Q Okay.

13 MR. MORENO: We offer Government's
14 Exhibit Number 44?

15 MR. BALLI: No objections, Your Honor.

16 THE COURT: It's admitted.

17 (Government's Exhibit Number 44 admitted.)

18 BY MR. MORENO:

19 Q What did you say his last name was, Quiroga?

20 A Velez Quintero.

21 Q Velez Quintero. But they knew him as El Viejon?

22 A Yes.

23 Q You said he brought the money. What did he bring
24 money for?

25 A At the beginning, I would just receive it to buy

1 houses, purchase meals, or foods. And to buy houses --
2 cars.

3 Q And for doing that for buying cars and houses, did
4 you get paid?

5 A Yes.

6 Q How and how much would you get paid?

7 A Per week we used to get somewhere around \$500
8 dollars for basic personal stuff.

9 Q Okay. And who is we?

10 A Pablo and I.

11 Q Okay. And did you in fact rent or buy some houses
12 and cars for them?

13 A Yes.

14 Q Okay. Tell me the name or the location of one
15 house or place that you bought or rented?

16 A A house in Hillside.

17 Q Okay. Do you remember the street on Hillside?

18 A No.

19 Q Do you remember the house?

20 A Yes.

21 Q If I showed you a picture -- I'm sorry. If I show
22 you a picture, would you recognize it?

23 A Yes.

24 Q Let me show you what I have marked as Government
25 Exhibit 54. Do you recognize Government's Exhibit

1 Number 54?

2 A Yes.

3 Q Okay. Is that the house that your referring to in
4 Hillside?

5 A Yes.

6 MR. MORENO: Your Honor, we offer
7 Government's Exhibit Number 54.

8 MR. BALLI: No objections, Your Honor.

9 THE COURT: It's admitted.

10 (Government Exhibit Number 54 admitted.)

11 BY MR. MORENO:

12 Q Was that the only place that you got?

13 A No.

14 Q What else?

15 A I rented some apartments on Iturbide and
16 Jefferson.

17 Q Okay. Let me show you what was earlier introduced
18 as Government Exhibit Number 38. Do you recognize
19 that?

20 A Yes.

21 Q Okay. Which apartments are those?

22 A On Iturbide Avenue.

23 Q And then you said another one is on Jefferson?

24 A Yes.

25 Q Let me show you what I have marked as Government

1 Exhibit 52 and 53. Do you recognize those?

2 A Yes.

3 Q Are those the apartments on Jefferson?

4 A Yes.

5 MR. MORENO: I offer Government Exhibits
6 52 and 53?

7 MR. BALLI: No objections, Your Honor.

8 THE COURT: They're admitted.

9 (Governments Exhibits 52 and 53 admitted.)

10 BY MR. MORENO:

11 Q Okay. So on Government Exhibit 52 here that's the
12 River Drive Apartments on Jefferson?

13 A Yes.

14 Q And then 53 would be a parking lot in front of the
15 apartments?

16 A Yes.

17 Q Were there any other houses or apartments that you
18 rented?

19 A No.

20 Q Okay. Why did you rent or buy those houses? Let
21 me do it this way: The apartments in -- let's start
22 with Iturbide -- which ones did you get first:

23 Iturbide, Jefferson, or the Hillside house?

24 A Jefferson.

25 Q Okay. And who lived at the Jefferson apartments?

1 A El Viejon and Pablo and I.

2 Q How many apartments? One or several apartments?

3 A At that time, just on Jefferson.

4 Q Listen to what I'm saying, one apartment at
5 Jefferson or several apartments at Jefferson?

6 A Only one.

7 Q Okay. So you, Pablo, and El Viejon lived at
8 Jefferson. Okay. Who lived at the apartments on
9 Iturbide?

10 A Jesus Gonzalez, Jesse, and Cardona.

11 Q Okay. Let me show you what I have marked as
12 Government's Exhibit Number 41. Do you recognize that?

13 A Yes.

14 Q Who is in Government Exhibit 41?

15 A Jesus Gonzalez.

16 Q Is that the person that you're referring to?

17 A Yes.

18 MR. MORENO: We offer Government Exhibit
19 41.

20 MR. BALLI: No objections, Your Honor.

21 THE COURT: It's admitted.

22 (Government Exhibit Number 41 admitted.)

23 BY MR. MORENO:

24 Q All right. So Cardona and Jesse; is that
25 correct?

1 A Yes.

2 Q Let me show you what was introduced earlier as
3 Government Exhibit Number 17. Do you recognize that
4 person?

5 A Yes.

6 Q And who is that?

7 A Cardona.

8 Q So the two of them lived at the Iturbide
9 Apartments?

10 A Yes.

11 Q What were the two apartments used for?

12 A They were used as safe houses.

13 Q And what about that house on Hillside. Who lived
14 there?

15 A When it was rented, El Viejon, his gunman, and
16 Reta moved in.

17 Q Okay. Let me show you what I have marked as
18 Government's Exhibit Number 42. Do you recognize that?

19 A Yes.

20 Q Who is in Government Exhibit 42?

21 A Reta.

22 MR. MORENO: We offer Government Exhibit
23 42.

24 MR. BALLI: No objections, Your Honor.

25 THE COURT: It's admitted.

(Government Exhibit Number 42 admitted.)

BY MR. MORENO:

Q So that's a picture of Reta?

A Yes.

Q Do you know if they call him by any other name?

A Mark.

Q Let me show you what we marked as Government Exhibit Number 43. Do you recognize that one?

A Yes.

Q Who is in Government Exhibit 43?

A Me.

Q Okay.

MR. MORENO: We offer Government Exhibit Number 43.

MR. VELA: No objections, Your Honor.

THE COURT: It's admitted.

(Government Exhibit number 43 admitted.)

BY MR. MORENO:

Q Now you mentioned you bought or rented houses and apartments and you said cars. Did you buy any cars for them?

A Yes.

Q Okay. What cars did you buy?

A Two Expeditions and a couple of 2000 model year Malibu.

1 Q Do you remember the model or years for the
2 Expeditions?

3 A No, around '98 or 2000.

4 Q Do you know what color they were?

5 A White.

6 Q Do you remember where you bought them?

7 A If I'm not mistaken -- no, not exactly. No. I
8 only remember that it's on the avenue where the Super S
9 is.

10 Q You don't remember the name of the place, or you
11 don't remember the name of the street?

12 A By Clark Avenue.

13 Q But you don't remember the name of the lot?

14 A No.

15 Q And so you bought two Expeditions, sir?

16 A Yes.

17 Q At the same lot?

18 A Yes.

19 Q Did you put them in your name?

20 A Yes.

21 Q Let me show you what I have marked as Government
22 Exhibit 50, 51, and 55. Do you recognize those?

23 A Yes.

24 Q Fifty-one?

25 A Yes.

1 Q And 55?

2 A Yes.

3 Q Okay. Are those the two Expeditions that you're
4 talking about?

5 A Yes.

6 Q Okay. And 51 is what?

7 A The paper plates in my name.

8 Q In fact, they have your name on them?

9 A Yes.

10 MR. MORENO: We offer Government Exhibit
11 51, 50, and 55.

12 MR. VELA: No objections, Your Honor.

13 THE COURT: They're admitted.

14 (Government Exhibit 50, 51, and 55 admitted.)

15 BY MR. MORENO:

16 Q Okay. So the one with the license plate here is
17 described as a '97 Expedition?

18 A Yes.

19 Q And this is your name here David Martinez?

20 A Yes.

21 Q What were the two vehicles bought for?

22 A One of them was used -- was purchased to -- you
23 could say to follow other people.

24 Q Okay. To follow who?

25 A Possible victims.

1 Q Okay. And the other one?

2 A El Viejon kept that one.

3 Q Okay. And do you know if either one of those was
4 actually used to follow someone?

5 A I just know that one was used. I wouldn't know
6 with certainty which of the two.

7 Q Do you remember what it was used for?

8 A The last that I saw was when they dealt someone's
9 death to him in that truck.

10 Q Do you know who the person was that was killed?

11 A Moises Garcia.

12 Q Okay. Let me take you back to November of 2005.
13 Were you already working with the group then?

14 A Yes.

15 Q Okay. And do you know where you were in
16 Thanksgiving that year?

17 A Yes.

18 Q Okay. Did anything happen at the Iturbide
19 Apartments on that day?

20 A Yes.

21 Q Okay. What happened?

22 A We received a phone call.

23 Q Who is we?

24 A Jesse, Pablo, and I.

25 Q Who called you?

1 A A person who was there with other persons at the
2 Iturbide Apartment.

3 Q What was his name, or how did you know him?

4 A I just know they used to call him El Loco.

5 Q And why did he call the three of you?

6 A Because it seems that there had been some problem
7 and the police arrived at the apartment.

8 Q Okay. And as a result of that call, what did do
9 you.

10 A I was located in Roma, Texas.

11 Q Okay. And so what did you do after you got the
12 call?

13 A The next day, somewhere around noon we returned to
14 the house.

15 Q Which house?

16 A Iturbide.

17 Q To those apartments?

18 A Yes.

19 Q Why did you go to the house on Iturbide.

20 A I went to take the clothes out of there and some
21 weapons that were hidden.

22 Q Okay. Where were the weapons hidden?

23 A In the ceiling in the apartment in the air
24 conditioning duct.

25 Q Okay. Who sent to you go pick up the clothes and

1 the weapons?

2 A El Viejon.

3 Q How many weapons did you take from the apartment?

4 A Around two.

5 Q Do you remember what kind or model they were?

6 A A Ruger 9-millimeter. And if I'm not mistaken it
7 was a 9-millimeter Super.

8 Q Okay. What did you do with the two guns?

9 A I gave them over to El Viejon.

10 Q Okay. You mentioned that on that day or the day
11 that you had been in Rio Bravo; is that correct?

12 A Roma, Texas.

13 Q Roma, Texas. Where were you the day before that?

14 A We had been -- I had gone to pick up Jesus and
15 Cardona.

16 Q Okay. What were Jesus and Cardona doing?

17 A They had shot at someone.

18 Q Do you know where?

19 A The street, no. I just know that it was Jason
20 Fraga.

21 Q Okay. And where did you go pick them up?

22 A At the location at Philadelphia Street.

23 Q Okay. How is it that you ended up picking the two
24 of them up?

25 A Because they left behind an abandoned car.

1 Q Do you remember the car that they left behind?

2 A Yes.

3 Q What kind of car was it?

4 A A white Crown Victoria.

5 Q Do you remember what kind of plates it had?

6 A Border.

7 Q Mexican border plates?

8 A Yes.

9 Q Okay. And after you picked them up, where did you
10 take them?

11 A To the H-E-B of the tents.

12 Q Okay. The one that's right off the freeway?

13 A Yes.

14 Q Okay. And what happened when you got to the
15 H-E-B?

16 A They changed cars. I gave them to El Viejon.

17 Q You dropped Jesse Gonzalez and Gabriel Cardona
18 with El Viejon?

19 A Yes.

20 Q Okay. Do you know what happened to the weapons
21 they used to shoot at Jason Fraga?

22 A They stayed in some house.

23 Q Do you know whose house?

24 A I just know that they call him Karate. I don't
25 remember his name right now.

1 Q Do you know what he looks like?

2 A Yes.

3 Q Let me show you what was introduced earlier as
4 Government's Exhibit Number 40. Do you recognize that
5 person?

6 A Yes.

7 Q Who is that?

8 A Karate.

9 Q How did he end up keeping the guns?

10 A It seems that he was -- he's an acquaintance of
11 Jesse.

12 Q Okay. Now you mentioned that you went the day
13 after they got in trouble with the police to pick up
14 the two guns and the clothes at the Iturbide
15 Apartments?

16 A Yes.

17 Q Okay. What did you do with the two guns that you
18 picked up from the apartment?

19 A I gave them over to El Viejon.

20 Q And do you know if those guns were ever used for
21 anything?

22 A It seems that one of them was used in the attempt
23 on Jason Fraga's life.

24 Q Okay. And the other one?

25 A No, only an attempted homicide in Burlington.

1 Q Okay. You mentioned earlier that the one of the
2 Expeditions was used to kill someone named Moises
3 Garcia?

4 A Yes.

5 Q Okay. And were you involved in the murder of
6 Moises Garcia?

7 A No.

8 Q Do you know who was involved in the murder of
9 Moises Garcia?

10 A Only Reta, Jesus Gonzalez, and Cardona.

11 Q Okay. When the murder took place, were you aware
12 that it was happening?

13 A No.

14 Q Okay. How do you know that they were the ones
15 that committed the murder?

16 A First of all, they called me to pick them up.

17 Q Okay. Who called you to pick them up?

18 A El Viejon.

19 Q And where were you at the time?

20 A I was eating at the Popeye's.

21 Q Which Popeye's?

22 A On San Dario Avenue.

23 Q It's the one chose to Martin High school?

24 A Yes.

25 Q Okay. Who was with you if anybody?

1 A Pablo.

2 Q Okay. And where were you and Pablo supposed to
3 pick up Reta and Jesse and Cardona?

4 A At the H-E-B on Guadalupe.

5 Q And why did you have to go pick them up?

6 A Because El Viejon called us.

7 Q But what happened to the Expedition?

8 A Supposedly, I know that they left it there.

9 Q Okay. And so did you and Pablo go to the H-E-B?

10 A Yes.

11 Q And did you find Reta, Jesse, and Cardona?

12 A No.

13 Q Okay. So where did you go then? What happened?

14 A We were called, and told to go to the Hillside
15 house.

16 Q Who called you?

17 A El Viejon.

18 Q And did you and Pablo go to the house on Hillside?

19 A Yes.

20 Q Okay. And what happened when you arrived at the
21 house on Hillside?

22 A Everyone was already there.

23 Q Who is everyone?

24 A Jesus Gonzalez, Cardona, Reta, El Viejon, and his
25 gunmen.

1 Q Anybody else?

2 A No.

3 Q And what happened once you got there?

4 A They began to comment on what had happened.

5 Q Who is they?

6 A El Viejon and Reta.

7 Q Okay. And let's start with Reta. What did Reta
8 tell you?

9 A No, he was excited about how he had started
10 putting in work.

11 Q And by work, what do you mean?

12 A That he had just gotten through killing Moises.

13 Q Okay. And what did El Viejon tell you?

14 A Nothing. They were just waiting for news, and
15 they congratulated him.

16 Q They were waiting for the news of what?

17 A The 5:00 o'clock news report.

18 Q Oh, you're talking about the news to see if he had
19 gotten killed?

20 A Yes.

21 Q Okay. And did you see the news?

22 A Yes.

23 Q Okay. So what happened after you-all met at the
24 house there in Hillside?

25 A Reta, Cardona, and Jesus left to go to Nuevo

1 Laredo.

2 Q Do you know why they want to Nuevo Laredo?

3 A Not with certainty.

4 Q More or less do you remember what time when it was
5 that the murder of Moises Garcia happened?

6 A No, around noon it seems to me, but I'm not sure.

7 Q The date?

8 A No, I don't remember whether that was on a day
9 that was the eighth or the ninth.

10 Q The eighth or ninth of what?

11 A December.

12 Q What year?

13 A 20005.

14 Q Okay. Now you mentioned that they left the
15 Expedition at the H-E-B. Do you know what happened to
16 the Expedition?

17 A I just know someone else picked it up.

18 Q Do you know who?

19 A No.

20 Q Okay. How do you know someone picked it up?

21 A That was what was commented.

22 Q By who?

23 A At the house on Hillside.

24 Q Okay. What happened to Karate that day?

25 A I just remember that I went to pick him up at the

1 San Augustine Plaza.

2 Q Where was he coming from?

3 A From Nuevo Laredo, Mexico.

4 Q And why had he gone to Nuevo Laredo?

5 A If I'm not mistaken, he had gone to drop off the
6 weapons.

7 Q Which weapons?

8 A The ones that had gotten used with Moises.

9 Q Okay. Now, after this incident on December 8th or
10 9th of 2005, what was the next activity that you did --
11 what did you do after that with the organization that
12 December?

13 A That was when I committed the attempt.

14 Q Okay. And by attempt you mean an attempt at
15 murder?

16 A Yeah. Yes.

17 Q Where did that take place?

18 A At Wal*Mart on Loop 20.

19 Q In relation to Moises Garcia's murder, was that
20 before or after that?

21 A It was before.

22 Q Okay. And how did that happen the attempt at
23 Wal*Mart?

24 A El Viejon called us.

25 Q El Viejon called you and who else?

1 A Pablo.

2 Q And told you to do what?

3 A For us to follow a red colored Hummer that was on
4 Grahams.

5 Q Who was supposed to be in the Hummer?

6 A I don't know. I just know the nickname.

7 Q And what was the nickname?

8 A El Molacho.

9 Q And did you go find the red Hummer at Grahams.

10 A Yes.

11 Q And what happened when you arrived at Graham's?

12 A It wasn't there any more, and we got a call again
13 to have us follow it as far as the Wal*Mart on Loop 20.

14 Q And did you go to the Wal*Mart on Loop 20?

15 A Yes.

16 Q What happened when you and Pablo arrived at the
17 Wal*Mart on Loop 20?

18 A We get out, and we followed the person until they
19 got into their vehicle, and we shot at them.

20 Q Okay. Let me back up. You said you got down.

21 You got down from what?

22 A Out of the vehicle that we were riding in.

23 Q Okay. Who was in the vehicle?

24 A Pablo and I.

25 Q And what was the vehicle?

1 A A '97 white suburban.

2 Q Was there anybody else at the Wal*Mart besides you
3 and Pablo?

4 A El Viejon and his gunman and Reta.

5 Q Okay. What were they in?

6 A In an Astro Van.

7 Q Okay. Anybody else?

8 A No.

9 Q Okay. So you said you and Pablo got down, and you
10 down and you went where?

11 A We entered the store, and we exited. And Pablo
12 received the phone call saying that the person behind
13 us was the person that we had been looking for.

14 Q Why did you go into the store?

15 A Because El Viejon -- he had called Pablo to have
16 us go in and look for him.

17 Q Did you or Pablo know what he looked like?

18 A No.

19 Q So how were you going to find him?

20 A El Viejon was in contact with Pablo.

21 Q Okay. How were you all communicating?

22 A With a Boost radio.

23 Q So you could hear him aloud?

24 A No, not with certainty because it was on private.

25 Q So you said you go out through the door, and then

1 the person behind you was the person you were looking
2 for?

3 A Yes.

4 Q Okay. So what happens immediately then?

5 A We allowed him to continue up to his vehicle, and
6 we followed him. When he got into the vehicle, we shot
7 at him.

8 Q Both of you, you and Pablo or just you?

9 A Pablo and I.

10 Q Okay. And this person El Molacho was he by
11 himself?

12 A No.

13 Q Who was he with?

14 A With a girl.

15 Q Okay. Let me show you what I have marked as
16 Government's Exhibit 56. Do you recognize that?

17 A Yes.

18 Q Okay. And what's Government's Exhibit Number 56?

19 A The Hummer that we shot at.

20 Q Okay.

21 MR. MORENO: We offer Government's
22 Exhibit Number 56.

23 MR. VELA: No objections, Your Honor.

24 THE COURT: It's admitted.

25 (Government Exhibit 56 admitted.)

1 BY MR. MORENO:

2 Q How many times did you and Pablo fire at that
3 Hummer?

4 A Around 17 times.

5 Q Okay. Do you know if you hit either El Molacho or
6 the girl that was with him?

7 A No.

8 Q Okay. What happened after you fired at the
9 Hummer?

10 A We got into the suburban, and we left.

11 Q Okay. And where did you go?

12 A To a street on avenue -- around Arkansas Avenue.

13 Q What was on Arkansas?

14 A We left the suburban there and Jesse and Cardona
15 picked us up.

16 Q What did you and Pablo do with the guns?

17 A We left them in the suburban.

18 Q And where did they take you and Pablo?

19 A To the house on Hillside.

20 Q What happened when you got to the house on
21 Hillside?

22 A Nothing. Just El Viejon was already waiting for
23 us.

24 Q Okay. And then what happened?

25 A What had happened was commented on, and we were

1 reprimanded.

2 Q Okay. Why were you scolded?

3 A Because what they were asking for was not
4 accomplished.

5 Q So what happened after that?

6 A We or at least I left.

7 Q Where did you go?

8 A I left to go with my family.

9 Q Which was where?

10 A In Roma, Texas.

11 Q Okay. And how long did you stay there?

12 A For around one week, and I returned to Nuevo
13 Laredo.

14 Q Okay. And then how long did you stay in Nuevo
15 Laredo?

16 A Till somewhere around the 12th day of January.

17 Q Okay. What happened on the 12th of January?

18 A I was arrested.

19 Q How were you arrested in January?

20 A At the location of the community college in Laredo
21 with illegals.

22 Q You were bringing illegals, transporting illegals,
23 you were an illegal?

24 A I was coming from Nuevo Laredo with two people.

25 Q So you had crossed illegally?

1 A Yes.

2 Q Okay. And when you talk about the community
3 college, you're talking about the community college on
4 Zapata Highway or the one here on Washington Street?

5 A No, on Zapata.

6 Q Okay. Who arrested you?

7 A Immigration.

8 Q Okay. And where did they take you?

9 A To the offices on Shiloh.

10 Q Okay. You mentioned that when you rented the
11 house on Hillside that you had -- that El Viejon had
12 moved over to that house from one of the apartments;
13 correct?

14 A Yes.

15 Q Why did you rent the house on Hillside?

16 A Because El Viejon wanted a little bit more
17 privacy, and he separated -- he formed the groups.

18 Q Okay. Who were the groups? Let me ask you this.
19 How many groups were there?

20 A Three.

21 Q Okay. Give me one group. Who is in group one?

22 A El Viejon and his gunman.

23 Q Just the two of them?

24 A And one more person who was El Loco.

25 Q Who is in group two?

1 A Jesus Cardona and Reta.

2 Q Jesse Cardona and Reta?

3 A Yes.

4 Q And then who is in group three?

5 A Pablo and I.

6 Q Just the two of you?

7 A Another person who I don't -- I just know the
8 nickname.

9 Q And what was the nickname?

10 A Grenas.

11 Q Okay. What was the house on Hillside used for?

12 A Normally only for El Viejon's usage.

13 Q And why did they pick that particular
14 neighborhood?

15 A Because we were you could say almost right in
16 front of another person that El Viejon was looking for.

17 Q And when you say looking for, what do you mean by
18 looking for?

19 A It was his next victim.

20 Q And who was that person?

21 A Jesus Resendez.

22 Q Was he also known as Chuy Resendez?

23 A Yes.

24 Q Okay. And why did they want Chuy Resendez?

25 A I don't know. I only know that they wanted to

1 kill him.

2 Q Okay. Let me show you what I have marked as
3 Government's Exhibit Number 47, 48, and 49. Tell me if
4 you recognize these?

5 A Yes.

6 Q What is Government's exhibit 47?

7 A Me.

8 Q What do you mean it's you?

9 A I did that money order.

10 Q Okay. And Government Exhibit 48?

11 A Another money order.

12 Q Okay. And Government Exhibit 49?

13 A It's a payment confirmation.

14 Q For the money owed?

15 A Yes.

16 MR. MORENO: We offer Government Exhibit
17 47, 48, and 49.

18 MR. VELA: No objections.

19 THE COURT: They're admitted.

20 (Government Exhibits 47-49 are admitted.)

21 BY MR. MORENO:

22 Q And you would use these Western Union money orders
23 to send money to whom?

24 A To my ex-wife.

25 Q Okay. This is money from what you were getting

1 paid on a weekly basis that you mentioned before?

2 A Yes.

3 Q Let's go back to the apartment on Iturbide where
4 you said you went to go pick up two guns?

5 A Yes.

6 Q Were there ever any other guns that were left
7 there besides the ones that you picked up?

8 A Yes.

9 Q Do remember any of guns that were left there at
10 that place?

11 A An AK-47.

12 Q Any other kind of weapon?

13 A No.

14 Q Okay. And you said you only picked up the guns
15 and the clothes, right?

16 A Yes.

17 Q Okay. Now after you were arrested by immigration,
18 that's when federal charges were filed against you?

19 A Yes.

20 Q And eventually you pled guilty for the -- for a
21 firearms charge involving the shooting at Wal*Mart; is
22 that correct?

23 A Yes.

24 Q And what sentence did you receive?

25 A 186 months.

1 Q And that was in an indictment different than this
2 one, right?

3 A Yes.

4 Q And can you tell the ladies and gentlemen of the
5 jury why you have agreed to testify in this case?

6 A First of all, because I did it voluntarily. I'm
7 already down here. They brought me down from the
8 federal.

9 Q What do you mean by I'm already here in the
10 federal?

11 A That nobody asked for my opinion about coming
12 here. Right now, I think that if we committed mistakes
13 that we have to try to not resolve what happened in the
14 past, but try to be able to do the right thing.

15 Q Now you pled guilty in your case?

16 A Yes.

17 Q And you have been in custody since when?

18 A January 17th of 2006.

19 MR. MORENO: I'll pass the witness, Your
20 Honor.

21 THE COURT: Mr. Vela.

22 CROSS EXAMINATION

23 BY MR. VELA:

24 Q Mr. Martinez, good afternoon, sir.

25 A Good afternoon.

1 Q You told the ladies and gentlemen of the jury that
2 you started working for the El Viejon in October of
3 2005? Correct?

4 A Yes.

5 Q And El Viejon has a name, right?

6 A Yes.

7 Q And you know his true name?

8 A Yes.

9 Q And what is his true name?

10 A Lucio Velez Quintero.

11 Q And how do you know his true name?

12 A Because I spent those three months along with him.

13 Q And because you lived with him for those three
14 months, he told you his true name?

15 A No.

16 Q No. So how did you find out his true name?

17 A Because he had visas with different names.

18 Q You also mentioned a friend of yours that lived
19 with you. His name was Juan?

20 A Yes.

21 Q Okay. And what was his full name?

22 A Juan Apolinar Quiroga.

23 Q And you also knew a person by the name of David?
24 Did you mention a David?

25 A No. That's if I'm not mistaken myself.

1 Q What about Jesus Gonzalez?

2 A I do know him.

3 Q And you know him as Jesus Gonzalez, right?

4 A Yes.

5 Q And what about Cardona? Do you know his name as
6 Gabriel Cardona?

7 A Yes.

8 Q And you also mentioned Jesus Gonzalez?

9 A Yes.

10 Q You mentioned Rosalio Reta, right?

11 A Yes.

12 Q And they called him Bart?

13 A Yes.

14 Q And how did you get to know their names?

15 A Because Cardona, Jesus, and Pablo used to go to
16 the same school. And I used to play football at the
17 same school.

18 Q Was that Martin High school?

19 A Yes.

20 Q Okay. Now, you testified that you began in
21 October of 2005 by renting houses. Was that you're
22 only role?

23 A Yes.

24 Q And you also agreed to buy cars?

25 A Yes.

1 Q But then a month later you began to hunt people
2 down, right?

3 A Yes.

4 Q And specifically you and these other individuals
5 that were in your apartments had a list of people that
6 you were looking for; correct?

7 A Yes.

8 Q And why is it, sir, that you went from renting
9 apartments to hunting down people?

10 A Because I was already involved with these people.

11 Q And how much did you get paid to hunt these people
12 down?

13 A We would get \$500 dollars to cover our personal
14 expenses.

15 Q And you personally were driving back in the
16 Thanksgiving of 2005. You were driving a 2000
17 Intrepid; is that correct?

18 A Yes.

19 Q And who were you looking for when you were driving
20 that Intrepid?

21 A It was coincidence that we found Jason Fraga.

22 Q And where did you locate him?

23 A At the Super S on Guadalupe.

24 Q And when you found him, you called somebody,
25 didn't you?

1 A Yes.

2 Q Who did you call?

3 A Jesus Gonzalez and Cardona.

4 Q And what did you tell them?

5 A That we had found Jason Fraga.

6 Q Did you subsequently meet up with Jesus Gonzalez
7 and Cardona to?

8 A No, not until I picked them up.

9 Q So even though you did not shoot Jason Fraga, you
10 picked up the people who did?

11 A Yes.

12 Q And you told them where he was?

13 A Yes.

14 Q Now who was the person that you went to shoot at
15 when you were at the Wal*Mart?

16 A El Molacho.

17 Q And that's somebody else?

18 A Yes.

19 Q But that attempt was not successful?

20 A No.

21 Q Okay. And when you pled guilty to the charge that
22 you told the jury that your serving 168 months, you
23 only pled guilty to using a firearm in furtherance of a
24 crime of violence for El Molacho, right?

25 A Yes.

1 Q And you have not been charged and you have not
2 pled guilty to your participation in locating and
3 assisting the people who shot at Jason Fraga?

4 A No.

5 Q And are you -- after your sentence is completed,
6 are you going to be deported?

7 A Yes.

8 Q Have you asked the government to help you avoid
9 deportation?

10 A The previous occasion I accepted it because it's
11 the way I mentioned.

12 Q But my question was did you ask the government to
13 help you avoid being deported when you're done with
14 your sentence?

15 A Okay. You didn't let me finish with all do
16 respect. That was what I mentioned to the person who
17 returned me from the BOP. Because its like I mentioned
18 right now, I didn't ask to be here. Now with me being
19 here, that for me is a big problem.

20 Q Have you talked to the prosecutor in this case
21 about getting a reduction in your sentence?

22 A We spoke in an interview.

23 Q And did he tell you that if you cooperated with
24 the Government, he could make a recommendation for your
25 sentence to be reduced?

1 A It was just a comment. He never told me anything
2 concretely.

3 Q So you never signed an agreement with the federal
4 government to come here to testify?

5 A So far, no.

6 Q Okay. Now Gerardo Castillo sitting in this table
7 here never lived with you in any of the apartments that
8 you rented for the Zeta Organization and El Viejon,
9 right?

10 A No.

11 Q He never helped you purchase any cars? That you
12 testified to today?

13 A No.

14 Q He never helped you transport any guns or purchase
15 any guns?

16 A No.

17 Q And he did not help you with your activities and
18 Jason Fraga or the other gentlemen at Wal*Mart either,
19 right?

20 A No.

21 Q In fact, you don't know him?

22 A No.

23 Q Okay.

24 MR. VELA: No further questions.

25 THE COURT: Mr. Moreno, anything?

1 MR. MORENO: Nothing further, Your
2 Honor.

3 THE COURT: All right. Thank you very
4 much. Then you may step down. You may step back.

5 Ladies and gentlemen, we are going to recess for
6 the day. We will begin tomorrow morning. I'm going to ask
7 that you be here at 8:15 tomorrow morning. I remind you
8 please that we cannot start if one of you is not present. If
9 you have -- if you have problems in the morning regarding
10 timing, then give yourself extra time to make sure that you
11 are here in time. I remind you that parking can be
12 difficult. Give yourself sufficient time to get your parking
13 spot and to get here in time, but it is very important that
14 each one of you be present ready to proceed by 8:15.

15 Because if you are not, then we cannot begin. We
16 are all here ready to go forward, but we need to have each
17 one of you here ready to go forward.

18 I also remind you not to give or discuss any
19 information whatsoever. I do know that there's media
20 coverage. Please do not read the newspaper. Do not listen
21 to the news. If your TV is on in your home and you can't
22 turn it off because another family member then excuse
23 yourself from the room while the news is on. You cannot give
24 or receive any information whatsoever. With those
25 instructions, I will release you to be here ready to proceed

1 by 8:15 tomorrow morning. Thank you very much. You may step
2 out. I do need to address Juror Number Nine and Juror Number
3 Seven. So I'll ask that you step out, and then I'll keep
4 Nine here, and then I'll have Seven back there and brought
5 back in.

6 THE CSO: All rise for the jury.

7 (The jury leaves the courtroom.)

8 THE COURT: Just hold for me a second,
9 please. I am concerned -- let me have you right here
10 in front of me, please.

11 (At sidebar.)

12 THE COURT: I am concerned because you
13 were late this morning and late coming back from lunch.
14 And I don't know if you are having some problems,
15 transportation or--. Then what is the problem?

16 THE JUROR: I'm just late.

17 THE COURT: Well, you can't be late.
18 Okay. You just cannot be late. Okay. I try to be
19 very considerate of all my jurors, okay. But you
20 cannot be late if, you know -- you were late this
21 morning. But at noon -- you cannot be late. If that
22 means, that you need to bring your lunch or just eat at
23 one of the places here -- you are welcome to bring your
24 lunch and eat back here. There are a few places that
25 are very close here. But you just cannot be late.

1 Okay.

2 THE JUROR: That happened--.

3 THE COURT: Well, I know but it happened
4 not just in the morning but at noon as well. Okay. So
5 I don't know what it is what -- okay. I'm going to
6 tell you again. I try to be very considerate of all
7 the jurors because I know it's an imposition on you and
8 your life, okay. But I do have the ability to sanction
9 jurors. I do have the ability to hold you here. I
10 don't want to keep you here from going out to lunch.
11 But if it's a problem, then I may have to not let you
12 go out at lunch time. Just have your lunch brought to
13 you here or whatever. But we just need to have you
14 here on time. Okay.

15 THE JUROR: Okay.

16 THE COURT: Okay. All right. Thank you
17 very much.

18 (End of sidebar.)

19 THE COURT: And then -- Angie, if they
20 could bring in Juror Number Seven, please. And we are
21 still in session. I have not finished here. So people
22 need to keep that in mind.

23 As to Juror Number Seven, apparently Juror Number
24 Seven indicated that he or she, I'm not sure if Juror Number
25 Seven has recognized the name Camacho from Mr. Tovar's

1 testimony.

2 MR. MORENO: Roberto Camacho.

3 THE COURT: Who is Camacho?

4 MR. MORENO: It's one of the defendants.

5 THE COURT: Okay. All right.

6 (At sidebar.)

7 THE COURT: I think you indicated that
8 you recognized the name Roberto Camacho. How do you
9 know that individual?

10 THE JUROR: He is the daughter of my
11 niece -- he was going out with her for a while. But I
12 don't know if it's the same person or not. He's in
13 jail right now.

14 THE COURT: So you said that he's the
15 dad of your niece or he was going out with your niece?

16 THE JUROR: Going out with my niece.

17 THE COURT: He went out with your niece?

18 THE JUROR: Yeah, he has a little baby
19 girl.

20 THE COURT: So he's the father of your
21 niece's daughter -- I guess you would call her your
22 niece as well.

23 THE JUROR: Yes.

24 THE COURT: So like a great niece.

25 THE JUROR: Yes.

1 THE COURT: So he's the father. Do you
2 have any contact with him, any involvement with him?

3 THE JUROR: No.

4 THE COURT: What is your relationship
5 like with your niece, and your great niece?

6 THE JUROR: Well, we never -- like they
7 go to my house like not that often.

8 THE COURT: This isn't like she's a
9 second daughter to you or anything like that.

10 THE JUROR: No, no, no, no.

11 THE COURT: Have you had any
12 communications with her about the father of the child
13 or anything like that?

14 THE JUROR: No, because she is already
15 with somebody else. This happened a long time ago.

16 THE COURT: How old is the daughter that
17 they have together?

18 THE JUROR: She is going on four years
19 old.

20 THE COURT: She is going on four years
21 old.

22 THE JUROR: Uh-hum.

23 THE COURT: Is there anything about the
24 fact that you know him through your niece -- do you
25 know him through your niece or just know who he is?

1 THE JUROR: Well, I know who he is
2 because of her a long time ago. She left -- well, they
3 put him in jail while she was pregnant.

4 THE COURT: Okay. And is that something
5 that would in any way cause you to be biased or
6 prejudiced in any way, shape, or form?

7 THE JUROR: No.

8 THE COURT: All right. Before I let you
9 go home, go ahead step back outside for me for just a
10 moment, and let me make sure that there's no issue
11 here, and then I'll let you go.

12 THE JUROR: All right.

13 (End of sidebar.)

14 THE COURT: All right. Okay. Translate
15 it. What juror number seven has indicated is Roberto
16 Camacho was involved at least I guess four years ago
17 with her niece, and had fathered through her niece
18 fathered a child. He apparently was arrested and has
19 been in custody I guess ever since then. The niece was
20 pregnant at the time. She says she does not have a
21 particularly close relationship with the niece other
22 than they get together at family events, but she has no
23 contact whatsoever with Roberto Camacho now and did not
24 even back then did not have any close relationship to
25 him. And does not believe that this would cause her to

1 be in any way biased or prejudiced in the case. Is
2 there anything from either counsel?

3 MR. MORENO: I'm assuming she knows it's
4 exactly the same person just from his name.

5 THE COURT: Yes. Yes, she does know
6 from the name, and the fact that he's in custody right
7 now.

8 MR. MORENO: Okay. I mean as long as
9 she says it doesn't affect her, and she can put it
10 aside. He is going to get mentioned quite a bit, and
11 his photograph is going to be admitted.

12 THE COURT: Well, the one thing we
13 didn't ever do is go through and read all the named
14 defendants.

15 MR. MORENO: I'm thinking about that
16 now.

17 THE COURT: Yeah, I know. You think
18 about these things after the fact of course.

19 MR. BALLI: Your Honor, at this time, we
20 move to strike her not a strike, but we would ask that
21 the court remove her from remove her from service as a
22 juror. I think there's a potential there that this
23 could have a very negative effect on Gerardo Castillo.
24 It affects his right to have a fair and impartial jury.
25 I know that when she was answering questions. I assumed

1 she just didn't recognize the name, and now suddenly
2 she has.

3 THE COURT: I don't think we ever put
4 the name out. So it was not any deception on her part.
5 We never put the--.

6 MR. MORENO: We didn't go through the
7 list of defendants.

8 MR. BALLI: Of the defendants. That's
9 correct.

10 THE COURT: And he is not listed as a
11 witness. He is not listed as witness; correct?

12 MR. MORENO: No. I don't believe he is.

13 THE COURT: We never read all the list
14 of the defendants.

15 MR. MORENO: He's just one of the
16 defendants in the case. He is involved in the two
17 Resendez murder acts. He's one of the lookouts, and
18 then he's at the house when they get arrested. And
19 when they were there. So his name comes up. He's also
20 the guy that Tovar just mentioned he calls and picks
21 him up.

22 THE COURT: That's how she recognized
23 the name right now.

24 MR. BALLI: Your Honor, and also because
25 of the allegations, the focus of the majority of the

1 allegations in this case are related to the shooting of
2 Chuy Resendez. Because of what Mr. Moreno just
3 mentioned about Mr. Camacho being involved in that. I
4 think that it's too close. It's too risky. There's
5 too great a possibility that this would have a negative
6 effect on her as a juror that she would be thinking
7 about her niece and about her niece being left behind
8 by this man who probably I assume the family doesn't
9 like him and didn't approve of her being with. And I
10 think that that's the way it is in most families. And
11 I think it's just too risky, and it affects my client's
12 right to a fair and impartial jury.

13 THE COURT: I don't think that being
14 left behind will probably bother her. She will
15 probably be glad that he has left her behind. She did
16 also indicate that the niece is now with somebody else.
17 But I am concerned where he is connected to the
18 Resendez murders that are to some degree the focus of
19 this trial as it pertains to this defendant. All
20 though her response was that it would not affect her,
21 that evidence has not yet developed. And once that
22 develops, it may change her thoughts. So the court is
23 going to grant the defendant's request to strike her
24 and release her as a juror.

25 MR. MORENO: I was going to say wait

1 till that happens.

2 THE COURT: Well why take a chance from
3 now till then.

4 MR. MORENO: I say only because her
5 responses all indicate that she will be fine.

6 THE COURT: Her responses I think from a
7 strictly a legal viewpoint her responses don't
8 necessitate her being stricken. From a practical
9 standpoint, it may become a true problem down the road,
10 and I would rather avoid that problem before it becomes
11 a problem, so.

12 MR. MORENO: Would you just switch her
13 with an alternate or you are just going to let her go
14 completely.

15 THE COURT: She will be switched with an
16 alternate. The alternates replace the jurors in the
17 same order.

18 MR. MORENO: We're not going to let her
19 go?

20 THE COURT: Excuse me.

21 MR. MORENO: She's not going to be let
22 go? She'll still be here or the court is going to let
23 her go.

24 THE COURT: No, I think I need to let
25 her go. I don't want there to be any -- I gave them

1 all sorts of instructions, but it's just not a chance
2 I'm willing to take. So I'm going to let her go, so we
3 will have an alternate replace her.

4 So our -- the number 13 will become number seven
5 because I think they replace them in the spot where they're
6 at. I think. It doesn't matter for right now, but that's
7 what happens. So let me bring her back in.

8 (The juror enters the courtroom.)

9 THE COURT: No, I'll just go ahead and
10 advise you right there. I don't think that there's
11 anything improper at this point and time, and I don't
12 think that your answers at issue either. But the
13 evidence that may come in later on makes more
14 references to Mr. Camacho, and he is one of the of the
15 defendants that was named in this indictment. We never
16 went through and covered the name of all the
17 defendants, but he was one of defendants named in this
18 indictment. And we expect that there will be a lot of
19 other evidence that pertains him. So to avoid any
20 problems, I'm going to release you. I thank you very
21 much for your service. And, again, not because we
22 think that you have done anything improper whatsoever
23 if we had covered this, likely you wouldn't have ever
24 made it into the panel. But that was our error for not
25 covering the name of the defendant.

1 THE JUROR: That's because I never heard
2 his name.

3 THE COURT: Right. No, that was our
4 mistake for not covering the names of all the
5 defendants. So I am going to release you. Thank you
6 very much for your service. You are released. You do
7 not have to be here tomorrow morning. Thank you very
8 much.

9 THE JUROR: Thank you.

10 THE COURT: Okay. Is there anything
11 from counsel at this time then?

12 MR. MORENO: No, Your Honor.

13 MR. BALLI: No, Your Honor.

14 THE COURT: All right. My intention is
15 to start by 8:30, but I'm making them be here at 8:15
16 just to make sure that they get here because inevitably
17 one of them will be a little bit late. But if they are
18 all here ready to proceed at 8:15, then we will be too.
19 But just -- I don't want you being late, but just to
20 kind of give you a little bit of leeway. Okay. So if
21 there's nothing else then, you may be excused.

22 MR. MORENO: Thank you, Your Honor.

23 (Recess to 1/19/2012 at 8:30 a.m.)
24
25

CERTIFICATE

I, Leticia O. Rangel, Certified Shorthand Reporter,
certify that the foregoing is a correct transcript from the
record of the proceedings in the above-entitled matter.

WITNESS MY HAND, this 23rd day of January, 2013.

/S/Leticia Rangel
LETICIA O. RANGEL
CSR: 4767

ORNELAS REPORTING SERVICES
P.O. BOX 270115
AUSTIN, TEXAS 78727-9997