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STATEMENT OF

RAFAEL ANTONIO PEREZ,

TAKEN AT GENE AUTRY MUSEUM, LOS ANGELES, CALIFORNIA.

In Re: People vs. Rafael A. Perez,
Case No. BA109900

APPEARANCES BY

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REPORTED BY:

Sara A. Mahan
Stenographic Reporter
Los Angeles County District Attorney's Office
C.S.R. No. 10647

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LOS ANGELES, CALIFORNIA, THURSDAY, JUNE 29, 2000; 10:43 A.M.

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MR. ROSENTHAL: All right. We're on the record. It's June 29th, 2000. It's 10:43 in the morning. These are the continuing interviews of Rafael Perez.

Mr. Perez, if you'll please raise your right hand.

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Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

MR. ROSENTHAL: All right. And as always, you'll remain under oath throughout the rest of the day, throughout the rest of the questions.

THE WITNESS: I understand.

MR. ROSENTHAL: Okay. Go ahead.

RAFAEL ANTONIO PEREZ,

duly sworn and called as a witness, testified as follows:

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EXAMINATION BY DET. MOULTON:

Q Okay. This is a tape-recorded interview of Investigation No. BA160487. Today's date is June 29th, 2000. And the time is 1044 hours. Location of the interview is confidential. Present to be interviewed is Rafael Perez.

He is represented by his attorney Kevin McKesson. This interview is being recorded on Tape No. 231320, and is being conducted by myself, Detective II Barbara Moulton, Serial No. 255 --

MR. ROSENTHAL: Just so, you know, with respect to the court reporter, you need to make sure you speak carefully and not too quickly. And also, you need to make sure that you

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allow Mr. Perez to finish his answer before you ask the following question, because we can't have both people speaking over each other.

DET. MOULTON: Right. And I apologize. I usually do my lead-ins quick. I'm sorry. I forgot you were typing that.

MR. ROSENTHAL: Go ahead.

Q BY DET. MOULTON: Also present is Police Officer II Flor, F-l-o-r, Rodriguez with a Z. Serial No. 31599. And also present in the room is Deputy District Attorney Richard Rosenthal and Court Reporter Sara Mahan.

Okay. Mr. Perez, I provided you with a copy of an

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arrest report for December 5th, 1997, Veronica Chavez. And also her mother, Julia Chavez. And that arrest occurred at 1133 South Burlington Avenue. Do you recall that?

A Yes, ma'am.

Q Okay. This was -- arrest was based upon some information that you retrieved in a search warrant. And I'd like to do this interview chronologically. So, I'd like to start with the information you got from the search warrant. And that is behind here and -- as in the back end of your copy of your report.

A All right.

MR. MCKESSON: Can I ask a question?

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DET. MOULTON: Yes, sir.

MR. MCKESSON: Has he talked about this case before?

MR. ROSENTHAL: Yes.

THE WITNESS: Are there transcripts?

MR. ROSENTHAL: No. This is the one where we talked the last time, is that right?

DET. MOULTON: No, I never talked to him about this before. I think you talked to him and I didn't have --

MR. ROSENTHAL: I'm sorry. Yes, this is Veronica Chavez, correct?

DET. MOULTON: Right.

MR. ROSENTHAL: Right. And we discussed that on

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Wednesday, May 10th. It was a short interview. It was only four pages in the transcript. I don't think that I've got -- or actually I may have a copy of the transcript here. Let's just go off the record for a moment.

(Off the record at 10:46 a.m.)

(Back on the record at 10:51 a.m.)

MR. ROSENTHAL: Okay. We're back on the record. It is now 10:51. For the record, we do not have a copy of the transcript with us, which is in Volume 25, Pages 3245 through 3249.

However, off the record, I did read to Mr. Perez a summary of his statement that he gave on May 10th of 2000 that

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is contained in the District Attorney's file, particularly in the return answer to the petition for Writ of Habeas Corpus and the 4th paragraph of the Declaration of Natasha Cooper.

And with that, that should be sufficient to refresh Mr. Perez' knowledge of his prior testimony with respect to this particular arrest. So, go ahead.

Q BY DET. MOULTON: Mr. Perez, as I stated, I want to start chronologically and go with the search warrant. And if you could look at your copy of the report that I've provided you, in the back of that arrest report, it talks about your affidavit --

A Yes, ma'am.

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Q -- for the search warrant.

A Yes, ma'am.

Q I believe on the bottom of yours, it will say 2M on the page that I'm gonna refer to.

A Okay.

Q It starts in there. And about the line 3 down --

A Yes, ma'am.

Q -- it states, "During the week ending September 28th, 1997, your affiant received information from an untested informant, hereafter designated as Informant No. 1." And we don't want to reveal the identity of the informant. But I asked you before, off tape, if you knew who that informant

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was. And do you recall who that informant was?

A [*****

***** CI #40 information redacted *****

*****].

Q Okay. Is that somebody that police officers would call and refer to as a street informant?

A Yes, ma'am.

Q This person did not have an informant file?

A That's correct.

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Q To the best of your knowledge, [CI#40] did not have an informant file?

A [CI#40] definitely did not have an informant file.

Q Okay. All right. I just want to verify that you met with this person, an untested informant, and [CI#40] told you that [CI#40] had purchased -- or [CI#40] had purchased rock cocaine from a person named Duster who is referred to as Suspect 1 in the search warrant; and Duster's mother, known as Suspect 2, on approximately ten occasions.

A That's correct.

Q You recall that information?

A Yeah. And I believe they said that -- they called

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his mother "mama" or something like that.

Q Mama?

A Street name is Mama. That's what they -- everybody in the neighborhood called her.

Q Do you recall if [CI#40] just referred to him straight as Duster or --

A Duster.

Q -- as Lil Duster?

A No, I think there's a Lil Duster. That's his little brother. But this was Big Duster. In fact, he had come out -- he just got out of prison or something. But this was the older Duster.

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Q So, [CI#40] did verify it was the older Duster?

A Yes.

Q Okay. And then, on Line 12, it states that during the week ending December 5th, 1997, your affiant enlisted the aid of a confidential reliable informant, hereafter known as Informant No. 2, to verify information received through Informant No. 1. That person is on the record with the department as an informant, correct?

A That person is a -- a paid informant for LAPD. And [CI #41/Informant No. 2] is on file, yes.

Q Okay. So, we won't refer to that informant by name, just as Informant No. 2. And you can verify that that

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informant provided you information on approximately thirty occasions that have been reliable and accurate?

A That's correct.

Q Okay. And you stated that sometime during the week that ended December 5th, that you gave -- or your affiant drove Informant No. 2 to the area of 11th Place and Burlington. I'm down on Line 18 and 19. It says your affiant gave Informant No. 2 \$50 in U.S. currency and directed Informant No. 2 -- I'm sorry. \$50 in U.S. currency and directed Informant No. 2 to go to 1133 South Burlington Avenue.

And I provided you a copy of the diagram here of the

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location. And is that pretty much how you remember that area?

It's not to scale.

A It's -- this is the driveway off of Burlington. There's a little parking lot area here. I believe this is the -- and I'm referring to the diagram. In the center of the diagram there's a 113. I take it that that's the residence.

Q Yes, sir.

A The indication of doors, the one on the left-hand side, I would take that's the rear door.

Q Yes.

A And the indication of the door on the front, that would be the front door. This is somewhat what I remember of

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the location, yes.

Q Okay. Do you remember the -- the controlled buy that was done with Informant 2?

A Absolutely.

Q Which door did [CI #41/Informant No. 2] go to, sir?

A The rear door, would be the upper left-hand side of 113, the door indicated.

Q Okay. And that's the door facing the rear parking lot of the location?

A Yes, ma'am.

Q Which would, basically, be on the south end.

A The south side of the building.

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Q The south side of the building.

A Southwest side of the building.

Q Yes.

A Okay. And that informant made a controlled buy with
Duster?

A Yes, ma'am.

Q And Duster -- do you know what Duster's true name
was?

A I did at the time. I couldn't tell you now.

Q If I were to tell you that it was Edgar Chavez,
would that sound familiar?

A That sounds familiar.

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Q Okay. And [CI#41/Informant No.2] made the controlled buy and you observed the whole buy?

A Yes, ma'am. We parked ourselves in the parking lot just south of the door, just southeast of the door in the parking lot area with a clear view of the rear door.

Q Okay. And you're pointing close to the driveway that leads in past 1139 South Burlington?

A Right. Just west of that. Just southwest of that in the parking lot area.

Q Okay. And did your informant ever go inside the residence and leave your sight?

A No, ma'am.

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Q No?

A [CI#41/Informant No.2] stayed at the rear door.
Duster came out and left and came back to [CI#41/Informant 2].

Q Came back to [CI#41/Informant No.2]? Did you
observe an exchange of narcotics?

A That's correct, ma'am. And exchange of money.

Q Did you ever see Mama come to the door or anything?

A No, ma'am.

Q The only person you saw was Duster. Did you ever
see Veronica Chavez?

A At that point?

Q Yes.

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A No, ma'am.

Q No? Okay. And, so, after the buy was made your informant, No. 2, returned to you?

A Yes, ma'am.

Q And provided you with the narcotics that [CI#41/Informant No.2] had bought?

A [CI#41/Informant 2] gave me a big bindle of -- which [CI#41] said was what [CI#41] purchased for \$50 from Duster.

Q Okay.

A And which is what I observed.

Q Okay. So, that buy was true and accurate?

A Absolutely.

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Q And actually had occurred?

A Yes.

Q Okay. Now, I want to go to the arrest date, which was December 5th, 1997. And you state, under "Observations" that at approximately 0600 hours, you requested the assistance of other officers, including Detective III Lusby, L-u-s-b-y; Detective II McGee, M-c-G-e-e; Detective II Graff, G-r-a-f-f; and Officer Canister; and Officer New, N-e-w.

And you said at approximately 0700 all of you responded to 1133 South Burlington Avenue in order to serve the warrant. And upon arrival, it says you knocked on the door and advised the occupants of 1133 South Burlington that

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you had a search warrant. Sir, which door did you knock on?

A The front door, ma'am.

Q The front door? Okay. And you said, after waiting several seconds, you pushed the door and noticed that it was open. Now, was it a regular front door, or was there one of those security gates in front of it? Or --

A I believe there was both. But the doors were open. We didn't have to knock them down.

Q Okay. Were they unlocked? Or were they opened? Like cracked open? Or just unlocked?

A I think the front one was closed. But the next one was open. You know, it had to be pushed open.

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Q Okay. And it said, you made entry. And Officer Durden, that would be Nino Durden, and you, observed two females in the bathroom with the door open. And that's a pretty small location. It's a pretty small home?

A Yes, ma'am.

Q 1133. Could you describe it briefly, to the best of your recollection, how many bedrooms it had?

A I want to say -- I want to say it had no more than two bedrooms. I remember the bathroom being towards the south side of the building. In fact, close to this door.

Q Close to the parking lot door?

A Right. The parking lot door towards the southwest

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part of the apartment. And I believe that's where the bathroom is.

Q Okay.

A You know, there's a small kitchen. It's a small apartment. Nothing big.

Q Very small.

A Nothing really stands out. Yeah, it doesn't stand out. Nothing stands out. I remember where the bathroom was, because that's where we found them. But, other than that, nothing really stands out.

Q That's sufficient. Thank you. When you walked in the front door, from where you were out in the front door, did

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you really have to search to find the bathroom? Or could you see the bathroom door from the living room?

A No, we could see it.

Q You could see it?

A Yes.

Q And the door opening. What did you observe?

A When we got to the bathroom?

Q Yes.

A We saw the mother and the daughter both. They were bent over in the toilet area and the bathtub area. And they're right next to each other. There was a -- I believe it was a white bucket. There was water on the floor. Their

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hands were wet. And it appeared they were still putting something inside the bathtub area of the bathroom.

Q Okay. And you state that here on the arrest report that you noticed Defendant 2, who would be Veronica Chavez, the daughter, over the bathtub with the water running. And that you observed Defendant 1, which would be Julia Chavez, standing over the bathroom sink with the water also running. You ordered them out of the bathroom. You said their hands were wet. You looked inside the bathtub and recovered an off-white rock, resembling rock cocaine.

A That's correct.

Q Just one rock?

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A Just one.

Q Okay. Did you make a determination as to what as to what happened, at that time, in the bathroom?

A It was my opinion, and based on what my observations were, that they just flushed what they had, except that one little rock that happened not to flush all the way down. But the bucket was used. It was wet. It was used for power flushing. What is it, you know, you throw the dope in there and you pour the water in and it forces the narcotics through the drain and out of the -- you know, the little U-shaped drain, so the dope is gone.

Q Okay. All right. It says you spoke with Defendant

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2, Veronica Chavez. Did you speak to her in English or Spanish, do you recall?

A Both.

Q Both?

A I'm a fluent Spanish-speaker. I'm a paid LAPD Spanish-speaker. But on and off I spoke -- spoke in both languages.

Q And how about her mother, Julia Chavez?

A I primarily spoke with her in Spanish.

Q Okay. It says you read Veronica her admonition of rights and she waived them. And it says that you advised her that you were a narcotics officer and received information

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that narcotics were being sold from her apartment.

And that you recovered rock cocaine from inside the bathtub. And she had told you, "I'm sorry, but it's not me that sells it. My mother and brother do. We saw you guys coming. And me and my mom flushed it down the sink and bathtub."

A That's correct.

Q Is that true and accurate?

A That's true. In fact, she even showed me where the -- where the narcotics was. And I believe it like at the kitchen cabinet area. And she even explained to me how it was that, as we were making our way into the building, or into the

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apartment area, they saw us. They were already awake. And they saw us. They saw all the uniformed officers walking around the side of the building.

Q Mmnh.

A That's when they went to the narcotics and started flushing it. They knew we were coming. By the time we got to the front door, they already knew we were coming.

Q Where did your officers line up for the entry team?
Could you show me?

A We came in --

Q You can use either the diagram or the photographs.

A We came in through the driveway area.

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Q All of you?

A Yes.

Q Okay.

A We were all stacked up. We came in through here. And we were gonna come in here and stack up on both sides of the door and come in through here. What happened was, when we came in through here, they were standing somewhere in the kitchen area, somewhere in here, and she said that she saw us as we came around this way.

Q Mmnh.

A She saw us. So, -- and we thought that this was the best way to go in, at that time of morning. Coming in through

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this way would just make too much noise. We didn't want the other people seeing us. Too much that could happen. We thought this would be the best way. But she still managed -- they managed to see us.

Q Okay. Actually a pretty good location for dealing narcotics.

A Yeah.

Q And, then, you asked her how much narcotics were flushed down the sink and tub. And she said, "Everything that was inside the kitchen cabinet and by the money."

You asked her who else lived at the apartment. And she told you just me, my mom, and my little brother, who's 14

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years old. Are you familiar with her little brother?

A I believe I arrested him sometime before that for hand-to-hand. He -- he sold to me while I was working undercover.

Q And do you remember his name?

A No, I didn't tie the two in until afterwards. I didn't realize that that was the same guy that had sold to me some months before.

Q Would the name Catarino Chavez --

A Won't help.

Q That's all right. Prior to serving the search warrant, you were aware that -- that she had a little brother

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named Little Duster that lived there?

A Well, I had received that information, yes.

Q Okay. And you received that from -- from Informant
1 and 2? Or --

A 1.

Q From 1?

A Yes.

Q Okay. Here's a question, you searched the kitchen
cabinets and recovered a large amount of U.S. currency. And
that's in this second paragraph on Page 3 of your arrest
report. And it says there was a total of \$4592 recovered.
And both defendants advised you that the money recovered was

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from Defendant 2's Social Security check.

And they were arrested. And you arrested both the mother and the daughter.

A That's correct.

Q Okay.

A Based on their -- their admission to me.

Q Is there anything in this arrest report that was false?

A Nothing. This was -- we had three supervisors there. There was nothing to this. I mean, this was pretty much routine. And there was nothing -- there was nothing wrong with this arrest at all. It was well-supervised. We

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had supervisors there. There was nothing that was done, as far as planting or fabricating the report, nothing.

Q Okay. You have a copy of Veronica Chavez's statement in the back of your -- way in the back. Is it that one? Or this one? I'm sorry. It's this one.

She makes a couple of allegations.

A This is her --

Q That's her statement that she gave to me.

A I'm not sure if I'm allowed to read this.

Q I asked -- Richard, I had asked before if he could see a copy of Veronica's statement. And I was told it was all right. Is it all right?

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MR. ROSENTHAL: No. No. We, normally, do not show any -

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DET. MOULTON: You don't do that?

MR. ROSENTHAL: We do not show copies of other witnesses' statements to Mr. Perez. No.

DET. MOULTON: Okay.

MR. ROSENTHAL: It's -- that has been something -- that has been something that we have just not done during the entire pendency of these proceedings.

THE WITNESS: And I --

DET. MOULTON: Okay.

THE WITNESS: -- for the record, I never looked. I

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haven't read it or haven't looked at it or anything.

DET. MOULTON: Yeah. Okay.

THE WITNESS: She started to tell about it. And I said,
"I don't think I'm allowed to read it."

MR. ROSENTHAL: Yeah, if you want, you can always -- you
can certainly ask questions based upon statements --

DET. MOULTON: Okay.

MR. ROSENTHAL: -- that she has made. But I -- we don't
-- we've never felt it would be appropriate for him to review,
actually, the statements --

DET. MOULTON: Okay.

MR. ROSENTHAL: -- of the witnesses.

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DET. MOULTON: All right.

Q When you questioned Veronica Chavez, at her residence, where did you do it at? What part of the residence? Do you remember taking her?

A I really --

Q Do you remember taking her in and out of the bathroom and talking to her?

A The bathroom?

Q Yes.

A I mean, that was something I would do if I have someone and I don't want the other person to hear. But I had both of them. It was just her and her mother. I don't think

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I would have done it. I mean, I -- I asked both people the same thing. You know, I was inquiring about the brother and where he was.

Q That would be the Big Duster, Edgar Chavez?

A Big Duster, right. Do I remember taking her in and out of the bathroom? Not really.

Q Could it have happened and you just don't recall?

A Certainly. It's possible, yes.

Q Okay. Who recovered the money?

A I -- one of the searching officers. I know it says, "Officers recovered it." And I didn't put a name. I know I didn't recover it. I never counted the money. I never -- I

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was the investigating officer. You know, the officer writing the search warrant. So, my -- my responsibility was to start questioning the females, trying to get information. I didn't have to do any of the searching.

That was done by all the other officers there. They found the narcotics, where the -- the money in the cabinets where the prior narcotics was. So, that was the one -- the narcotics that they had flushed. So, in fact, I don't think I -- I ever counted the money or even handled the money.

Q Do you know if Nino Durden handled the money?

A I don't know.

Q Okay.

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A I do not know.

Q How did -- how did you come up the amount that was taken? Do you know who counted the money? Or --

A It would have been -- immediately, it would have been one of the supervisors. Any search warrant like this, if there's a large amount of money seen somewhere, they'll take photographs of it, right there where it's at. And the search -- and the supervisor will take the money out. And he'll count it as soon as he can.

But he'll take custody of it right away.

Q Okay. Do you know if photographs were taken of this money?

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A Usually there is. Do I have a specific recollection? No. But, usually, before we start searching, photographs are taken of the whole location, if narcotics are seen in plain view or money in plain view, they'll take photographs of that as well.

Q Would those be in a arrest package?

A Yes, ma'am.

Q They wouldn't be booked on the property report?

A No, they'll be in the package. Sometimes we'll just throw the roll of film in the package and forget to develop them. But usually the roll or the film, or the pictures themselves, will be in the package.

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Q Okay. And do you have personal firsthand knowledge that it was \$4592?

A I have no idea how much money. Whatever I was told, or however the quantity was, that's what I wrote in the report. Q Okay.

A So, like I said, I never counted it. I never even handled it, so.

Q So, it's possible that some -- somebody on the search team could have if there was more money?

A Well, you know, when you say is it possible, anything's possible.

Q Anything's possible.

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A Did it happen? I don't know. Is it possible? Yes.
I don't know.

Q Okay.

A Yeah, it's possible.

Q The money, you stated it was recovered from the
kitchen cabinets?

A Yes.

Q Okay. Is it possible that it was recovered from a
shoe box underneath the bed in the bedroom?

A Mmnh, I don't think so. I mean, I don't remember
that. I remember her telling us where the money was. I mean,
there may have been other monies that might have come from

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other little places. But there was a large sum of money in the kitchen cabinet area where the narcotics that she admitted to us that she went and got and threw away, she -- we asked her, "Tell us where you went and got the dope from." And she did that.

And there was money there. I -- I continued to question her. And that money was being recovered. So, there may have been more money, maybe found somewhere else, under a shoe box or in a shoe box under a bed. That's possible. I don't know that for a fact. It's possible. But there was a large sum of money in the kitchen cabinet area.

Q It says, "Officers searched the kitchen cabinets and

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recovered a large amount of U.S. currency." Then, it says,
"Additional money was recovered from the bedroom."

A Okay.

Q Okay. So, then, it says, "Total, \$4592."

A Okay.

Q Okay.

A And, again, I didn't recover it myself. So, I
didn't -- you know, I couldn't tell you.

Q And you have no recollection of who recovered it?

A No.

Q Did you ever see the money in the cabinet?

A In the cabinet? Yes.

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Q You saw the money in the cabinet?

A Yes.

Q How was it packaged?

A It was loose. It was just sitting in -- on the cabinet itself. On the -- just laying on the cabinet itself.

Q The shelves?

A Yeah. It wasn't like in a shoe box or a -- a bag or anything. It was just sitting loose. From what I remember, it was just a bunch of money. Like they would sell a rock and stick the money and throw it on the shelf itself.

Q Okay.

A That type of thing.

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Q Was the shelf, was it just like money there and to where it was like it was just a housing for narcotics and money? Or was there like, to your recollection, was there like dishes other things that people might keep in a kitchen shelf?

A It doesn't stand out. I mean --

Q Okay.

A -- all I remember seeing it was a large sum of money. And, you know, when she told us that this is where she got the narcotics from.

Q Okay.

A In fact --

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Q Do you recall the denominations? I mean, --

A I'm sure it would have been small bills. You know, ones, fives, tens, and twenties. Maybe some fifties.

Q People usually remember if there's a bunch of hundreds in there, you know what I mean?

A Right. Right. I don't remember that.

Q It doesn't stick out?

A I remember it was just a bunch of loose bills, you know. But I wanted to say was I think she even showed us the container that she had, you know, discarded the narcotics. I don't know if we booked it or not. I don't --

Q It shows a --

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A -- know.

Q -- rock cocaine. It shows U.S. currency being booked. A Yeah. I guess we -- she showed us some type of container which she had taken the narcotics from -- out of and -- and discarded it.

Q Okay.

A But, I guess, we didn't book those.

Q Okay. When you, initially, made entry, and Julia -- the mother -- and Veronica -- the daughter -- were in the bathroom, what was Julia's demeanor? Did she appear to be ill, to you?

A Not at all.

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Q Was she -- did she have any signs about her that she had been vomiting, like any stains or anything on her shirt?

A No, ma'am.

Q Any smell on her breath like she had been vomiting?

A No, ma'am. And, at no time, was that even relayed to us that her -- her mother was sick or -- or anything like that. Her face was not wet. Her hands were wet. But there was, at no point, any indication that anybody was sick, or that the mother was sick or throwing up, or anything like that. No.

Q Did she ever tell you she was sick, at any time during the service of this warrant?

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A At no time, no.

Q Okay. Who booked the women?

A There would have been some of the officers that were assisting us. And I was the investigating officer, so, I would have sat down and started writing the report. Some of the other officers that -- that were there with us, maybe Canister, New, or Durden, they probably went and -- and booked the bodies.

Q Probably booked the bodies?

A Yeah. Because I would have stayed back to write the reports.

Q To your recollection, did Mama -- Julia Chavez --

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ever request medical attention?

A Not to my recollection.

Q To your recollection, did she ever tell you that she was under a doctor's care for stomach ailments?

A Not to my recollection.

Q Okay. Did she complain of any pain while you were in the residence?

A No, ma'am.

Q Now, did you transport -- excuse me. Did you transport them back to Rampart Detectives or Rampart Station, after the warrant?

A We would have went back to the -- the FES trailer.

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Q Okay.

A It's in Rampart. But it's a trailer apart from Rampart.

Q And were you with them at Rampart Station?

A Up until the point they would have left to go get booked, I would have been in the office, yes.

Q And at Rampart Station did Julia ever make mention of her illness, or that she was ill?

A At no time did she mention any illness to me.

Q How about Veronica? At any time, whether at the residence on Burlington, or at the jail, did she ever say, "Hey, my mom is sick. She needs help?"

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A No, ma'am.

Q Okay. And, to your recollection, did you ever see anything in the bathroom, like a towel or something that would indicate that Julia, or somebody, had been throwing up?

A No, ma'am.

Q Okay. Your experience as a police officer, when you're booking somebody at the booking cell, and somebody says they're sick, would a jailer book them without seeking medical treatment?

A No, ma'am. They would definitely have to have a MT

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Q Okay.

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A -- in order to get an okay for booking.

Q All right. So, when you walked into serve that search warrant, Julia Chavez was not throwing up?

Q BY MR. MCKESSON: Can we stop for a second? I mean, when you said that, that's your opinion? It should have been your opinion.

A She's asking me from my training as a police officer, what would have been done.

Q Could you read that section back? The question regarding his experience, his training, and experience as a police officer.

(Reporter read back last question and answer.)

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Q BY MR. MCKESSON: Well, are you saying, in your opinion, that's what's supposed to be done? But you can't verify if that was always in every single case?

A No, she's asking me what a jailer would do. You know, and as my -- my experience as a police officer, the jailer would not book somebody if they complained.

Q The jailer is not supposed to book somebody if they were complaining. But you don't know what was done in this case. All I'm saying is that --

A And I -- I understand what you're saying. Again, I'm not saying a jailer will absolutely, definitely, a hundred percent of the time. You're asking me in my -- in my

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experience as a police officer.

Q In your opinion, what is the jailer supposed to do;
is that correct?

A Not my opinion what a jailer is supposed to do. My
opinion as to what normally happens.

DET. MOULTON: Correct.

THE WITNESS: Right.

MR. MCKESSON: Okay. All right. I'm happy.

THE WITNESS: Okay.

DET. MOULTON: Correct.

THE WITNESS: What would normally happen is, yes, the
jailer would not book that person unless they've got an MT.

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Q BY DET. MOULTON: And had Julia Chavez complained about a stomach ailment, would you ensure that the transporting officers would have sought medical treatment for her, prior to booking?

A Absolutely.

Q And would that be noted on the face-sheet of her arrest report?

A Definitely under Section -- well, as far as MT.

Q Yes.

A In the upper left -- I think it's in the middle.

Q You only have Veronica's face-sheet there. But I have Julia's here somewhere. And she didn't -- she didn't

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complain of ailments? And she did not receive medical treatment, according to the arrest report?

A Yes, that's correct.

Q Okay. Aside from these two informants that you spoke to about Duster and Mama dealing narcotics at 1133 South Burlington, had you heard about that location?

A I -- prior to buying narcotics from this younger brother -- and, at no time did I have that connection that there was a younger Duster and older Duster. Prior to that, I -- I had spoken with a senior lead officer. And I want to say it's Senior Lead Arcos. But it was one of the senior leads who had told me that he was having a problem with narcotics

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sales in that area. You know, and as buy officers, could we go down there and try to make some buys and get some of these people off the street. That's why I was there the first time around, when I purchased narcotics from Little Duster.

But I had never made a connection that there was, you know, that they were brothers, or that they even lived in the same location.

Q Okay.

A But I had heard about the location through Little Duster originally.

Q Okay. When you recovered the money, -- well, when the money was recovered from the residence, do you recall ever

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seeing a ledger? You know, like a bank book, or a pass book?

A No, ma'am.

Q Did anybody make mention of that to you?

A No. Something like that would have even been booked or made -- made note of, or something. But I never saw one.

Q When you left the residence after serving the search warrant, -- of course, you don't recall being present when they took the money from the bedroom?

A That's correct.

Q But when you left the residence, do you recall who took the money? Or do you recall seeing all the money gathered up and taken out?

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A Yes.

Q Do you remember who gathered it up, or who took it out?

A Detective Lusby.

Q Detective Lusby?

A Yes.

Q Do you recall Detective Lusby showing the money to Veronica and Julia, and saying, "Here's your money. We're taking it?"

A (No audible response.)

Q I believe we have a receipt for property taken. It shows Julia -- Julia Chavez' name and you being the signature

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of the officer issuing for the U.S. currency. Do you remember that? That's Page 5 of 5 on the arrest report.

A I see the receipt. It wasn't filled out by me. My name is put on there because I'm the investigating officer.

Q Okay.

A But, to get back to your original question, do I remember Lusby showing the money to --

Q You know, we do a money count.

A Right.

Q You know, how officers do a money count. Do you recall being present for a money count?

A At the location?

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Q Yes.

A Well, what Lusby would usually do is he wouldn't count it right there. He would just collect it all and then take it to the station. And then count it. And then, maybe tell the person, whoever the defendant is, how much money was there.

And then, the property receipt is done after -- at the station, by whoever else is there to do a receipt. And, you know, it's filled out.

Q Okay.

A So, I don't have a specific recollection of Lusby saying, oh, you have this amount of money. I don't have that

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recollection.

Q Okay. That's -- that's what I'm getting at. And you don't have a recollection of you personally serving this 1010 to Julia Chavez?

A No. This 1010 is -- I'm not sure who it's filled -- it might be filled out by Durden. I'm not sure, though. But it wasn't filled out by me.

Q Okay. Did Veronica or Julia, at any time, at the residence or at Rampart Station, make mention to you, "Hey, this only says \$4500. And we had 72, or we had \$6800. So, where's the rest of our money?"

A At no time during the investigation do I remember

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any dispute over money or quantity of money.

Q Okay. And being the investigating officer on this case, if there was a dispute, do you feel that would have been brought to your attention?

A Definitely. And we had supervisors on the scene. So, it would be handled right then and there. You know, like I said, on these type of things -- search warrants -- the supervisors are there, you know, to control the search warrant and to recover the money right away. He does the counting, he controls the money right away.

So, you know, if there was a -- there really is no chance to sit there and try and take any money, you know. But

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there was no dispute that I -- that I was aware of.

Q Okay.

A And, yes, I would have been advised of it.

Q Okay. And you have no recollection of interviewing Veronica Chavez in the bedroom of the residence? Talking to her and telling her --

A I remember speaking with her. Was it in the bedroom? That doesn't stand out. It could have been the living room, the bedroom. I really don't recall. I remember asking her about her brother.

In fact, I even remember asking her, you know, have your brother come in. You know, we need to talk to him. Tell

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him to come home. I even told her, you know, tell him anything. Tell him, you know, that your mom doesn't feel well, or something. Just have her -- have him come in. And, you know, you need to talk to him. And then, I'll handle it from there.

'Cause I knew I already had him on the dead buy from the informant.

So, I mean, I just needed him to come in so we could detain him. So -- but, as far as being in the bedroom, I just don't remember.

Q Okay. Did you ever make a statement to another officer at the Burlington residence, during the service of

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this search warrant, "Let's just put two rocks on both of them, so we can take them in and they can do some time?"

A No, ma'am. Never did I ever say that.

Q And, in fact, you only recovered one rock; correct?

A That's correct.

Q Did you ever ask Veronica Chavez if she was selling narcotics?

A It's possible that I may have asked her that.

Q It's possible?

A Yes.

Q But, as you stated, you -- you did try to do a rouse situation and having the brother -- the older brother, Duster,

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come back to the -- the location?

A Absolutely.

Q Had you personally been to that residence prior to the service of the search warrant, other than viewing the controlled buy several days before?

A No, ma'am.

Q Okay. And you -- you stated that you -- you felt that you had arrested the younger brother, Little Duster?

A I believe that I had purchased narcotics from him sometime between June and December of 1997, right in the area of 11th and Burlington. He was one of my hand-to-hands. He walked over to my car and sold me narcotics.

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Q Okay. After this arrest, and the charges were dropped on the mother, Julia, but they were -- the charges remained on the daughter, Veronica, did you ever go back to the location, or in the neighborhood on 11th Street and Burlington?

A In the neighborhood? I'm sure I was in the neighborhood.

Q Okay.

A Did I go back to that location? I don't know. I doubt it.

Q Do you have a recollection of seeing Julia Chavez in the street?

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A I saw her in court a couple of times.

Q In court?

A Yes, ma'am.

Q For this case?

A Yes, ma'am.

Q Okay. Did you ever -- did you ever go to the area of 11th and Burlington and harass and Julia Chavez -- or Julia Chavez -- on the street about her being a bad woman, or being involved in narcotics?

A No, ma'am.

Q To the best of your recollection, did any officer, at the search warrant scene, ever harass Julia Chavez about

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being

-- about being an illegal immigrant, to the fact that we should deport you?

A I don't remember hearing that. I just don't remember any of that.

Q Was there anybody else present that showed up that's not listed on this arrest report? You know how some officers might drive by and say, "Hey, what's going on? We see all the black-and-whites," and then, leave the location?

To your recollection, anybody, aside from Lusby, McGee, Graff, Canister, New?

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A You know, we -- we may have actually --

Q And Durden?

A For some reason, I want to say that we took a black-and-white with us. Or we might have taken like a -- like a senior lead officer, or something like that. Which one, I couldn't tell you. It may be in one of the logs or something for that day -- the day of the search warrant. But off the top of my head, I couldn't tell you.

Q Okay. Do you have a recollection of possibly somebody outside of the officers listed in this arrest report, being inside the residence?

A No. And the -- if there were some senior leads,

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they would have been just like controlling, you know, control the outer scene, or something like that, for anybody coming in, or something. But --

Q Did --

A -- we would have handled the inside. They would have stood by the front door, or something like that.

Q I just want to look through quickly. Julia Chavez, the mother, we've already established that, from your recollection, she was not sick. She did not complain of being sick. Was she crying? Was she very distraught from this arrest?

A Not to my recollection. They were both pretty calm.

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Q They were both pretty calm. Did either one of them behave hysterical? Screaming? Crying? Wailing?

A No. In fact, I remember -- for some reason, I want to say that the daughter was telling me that she was taking classes somewhere. They were pretty relaxed. I was trying to establish a rapport with her. You know, nobody was hysterical. Nobody was crying or -- or acting crazy or irate. No.

Q Okay. And in front of you there is a xerox copy of an L.A. Times article. Do you recognize the two women in the picture, Veronica and Julia Chavez?

A Yes, ma'am.

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Q And those are the women that you arrested on the date of the search warrant?

A Yes, ma'am.

Q Okay. The little brother, Little Duster, he was not home at the time of the search warrant?

A That's correct.

Q Okay. And for your intel, you thought that -- that Edgar Chavez, the Big Duster, had lived there, at the time? Or did you feel that he was just visiting his mother and selling dope out of there?

A The only information that we had was that he was dealing narcotics out of the house. So, my impression is that

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he lives there. I think we learned later that he deals there until 2:00 or 3:00 in the morning, and then leaves. And he lives somewhere else, with some girlfriend or something.

But he's there most of the day in that neighborhood.

But that's where he deals out of -- that house. That's his mother's house.

Q Okay.

A I think I talked to his, -- I think he was on parole or something. And I talked to his parole agent.

Q Okay. Once the warrant was served -- strike that. When you conducted that warrant, were the team members -- did everybody already have an assigned job?

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A Absolutely.

Q Searching. So, being the affiant in the search warrant, being the investigating officer, you kind of oversaw everything? You did not collect the evidence? You did not actually go take a room and search it yourself?

A Before deploying on the location, what I do is I -- I draw up a game plan on a couple of pieces of paper. I assign assignments to everyone, so they know exactly what they're job, you know, is.

And, then, that's carried out exactly the way it's written up. There's no deviation. Everybody, once we're there, as far as which rooms someone is gonna search, I assign

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that once I'm there.

You know, you take that bedroom, that bathroom. You take that bedroom. You take that living room. But, everything else, who's gonna be the point, who's gonna be the cover, who's gonna be the team leader, all that is done beforehand. Who's gonna work the ram -- who's gonna knock the door down. All that is beforehand.

Q Okay. So, you, physically, did not go in and search a room?

A No. I -- most of my time, I spent interviewing the two females.

Q Do you remember what Officer Durden did? Was he --

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was he in charge of searching a room?

A He was one of the searching officers, yes.

Q Okay. And you don't have a recollection of him recovering any money?

A Well, I don't know whether he recovered some money in the living room or not. But, like I said, --

Q Okay.

A -- I don't remember who recovered that money from the bed -- uh, bedroom area. I'm sorry, in the box. So, I couldn't tell you.

Q Okay. Flor? Do you have any questions on the notes you've taken?

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Q BY OFCR. RODRIGUEZ: Basically, I just wanted to go back on -- basically, I wanted to ask about when you saw her in the bathroom -- Julia --

A Mmnh-mmnh.

Q -- she already said that she -- well, what was her expression, at all? She had no tears or anything? Did she look just --

A They were nervous. Nervous and relieved at the same -- you know, they -- they thought they had gotten -- you know, got rid of all the narcotics. And, you know, we're clean now.

But they were nervous, you can tell. They were a little bit out of breath. They probably just ran from the kitchen area

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to the bathroom area. But --

Q Mmnh-mmnh.

A -- other than that, they were -- after, you know, they were taken into custody, they were pretty calm.

Q So, at no time, did she look sick, at all? Or -- or anything like that?

A No, ma'am.

Q And did she give any comments? Julia, as far as Julia, as soon as you walked in there and talked to her?

A The mother?

Q Uh-huh.

A She didn't say anything.

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Q No? And you don't remember if you pulled them out of the bathroom, or --

A They were taken.

Q You did?

A Yeah, we took them out of the bathroom, yes.

Q Okay. And you spoke to both of them in the same place? Or you don't remember?

A At some point, I'm sure that I -- I talked to them both at the same place. And, then, at some point, I might have talked to the daughter, who's the person I talked to primarily, --

Q Mmnh-mmnh.

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A -- by herself. But where was I standing or where did we go -- did we go to the kitchen or the bathroom? I don't really remember. But I know I was trying to tell her to call her brother to come to the house.

Q Okay.

A So that I can talk to him.

Q Okay. That's -- no other questions.

Q BY DET. MOULTON: The money that was taken out of the cabinet, you worked narcotics, was it procedure to -- to dust the money for narcotics, or test it for narcotics, since you only got -- got the one rock? I didn't work narcotics. So, I don't know.

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Q Let me -- let me -- depending on the circumstances, it would be okay to have the dog come in and sniff it out and see if it makes a hit on the money, as far as narcotics go. Is it required? No. But that's just an investigative tool that we use.

MR. MCKESSON: Off the record.

(Off the record at 11:35 a.m.)

(Back on the record at 11:36 a.m.)

Q BY DET. MOULTON: Okay. We're back on tape. It's 1136 hours. Just wrapping this up. So, no testing was done on the money, to your knowledge?

A That's correct.

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Q Do you recall that you had knowledge, at the time of the search warrant, that Duster was on parole?

A Yes, I did.

Q Okay. Do you recall telling Veronica Chavez that?

A It's possible. I don't necessarily remember it. But it's possible I told her that, yes.

Q Okay. Just about -- anything that I haven't touched on that you feel may help me with this? Anything about that arrest that stuck out in your mind?

A Absolutely nothing. This was a nothing arrest. I mean, it was, you know, as far as things that stand out, not really. Other than flushing the narcotics, no, nothing really

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stands out for me.

Q Okay. And I have to ask you this. Was that rock found in the bathtub?

A Yes, ma'am.

Q Okay. That rock was not planted by yourself or, to your knowledge, anybody else on your team?

A That rock was not planted by anyone. I was the closest to the bathtub. I was the first one into the bathroom with several other officers following behind me.

I recovered that rock while they were all standing there. And I showed it to them. In fact, I handed it to someone off. I handed it off to someone else to put in a

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baggie or something.

But that narcotics was definitely not planted. It was in the bathtub. They admitted that they flushed the narcotics. They just didn't get all of it. They left a rock behind, or somehow one rock didn't go down the drain.

Q Okay. All right.

Q BY OFCR. RODRIQUEZ: The senior lead officer you got the information from, do you remember, you said Arcos? Was that Bob Arcos? Bobby Arcos?

A Yeah, I want to say it's Bobby Arcos. But I can't - I'm not a hundred percent positive. You know, it would be better to check the records, you know, to be sure. Because I

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mean, I've gotten a lot of information from Bobby all over the neighborhood.

Q BY DET. MOULTON: Did Veronica and/or her mother admit to you that the money in the cabinet was from narcotics sales, to your recollection?

A No, they did not.

Q Okay. To your recollection, was that question asked?

A I think they were asked about the money, at some point. And they made -- they made some comment about it's money that they've been saving up. Her mother's money or something.

Q The last page of the arrest report, did

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you say that somebody -- she said it was from her Social Security check. The two defendants advised the money recovered was from Defendant 2's Social Security check. They never admitted that some of the money was from narcotics?

A No.

Q So, they had -- they admitted to you that they had narcotics in the house?

(Detective's tape was turned to Side B.)

Q BY OFCR. RODRIGUEZ: Okay. We've turned to Side B. And let me ask that question. They admitted to you that they were selling narcotics in the house. And they admitted to you that they had flushed the narcotics, not only down the toilet,

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but also down the bathtub drain?

A Right.

Q Is that a yes?

A Yes, that's correct.

Q And -- and yet, they told you that all the money in the cabinet was from Mama's Social Security checks?

A And if I remember correctly, there was a big laugh from several people, including some of the supervisors.

Q Okay.

A 'Cause she's -- they admitted pretty much everything else. But, all of a sudden, this money, oh, no. But the money's fine. No, you know, that's our money. You know,

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that's -- that's money that we've been saving up. And, you know, nobody believed it.

Q Did you ever question the neighbors about narcotics, the sales going in and out of that building, prior to this arrest warrant?

A Personally, I didn't, no.

Q Okay. Did other members of your team, to your recollection, ever mention to you, "Yeah, we've heard about this location. And we've heard it's hot." Or --

A Again, the senior lead officer had given me some information that this was a -- I mean, I knew it was a problem area. Because I know the area. But, as far as specifics, the

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senior lead had told me that that was a problem area, that the community had complained. In fact, the community wanted to get them evicted because there was such a problem in that house. They had been dealing narcotics forever out of there.

So, I had some intel on it, as far as the problem that they were having in that area with that apartment.

Q Okay. That's all I have. I've gone over the questions that I have. My primary concern was the identification of the informant and also about your observations of Julia Chavez in regards to whether she was ill or not. So, she showed no signs of being ill or injured? And

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appeared to be, aside from a little nervous when you first made entry into the residence, she seemed to be of average health or normal health?

A Yes.

Q Okay. That's all I have.

Q BY OFCR. RODRIGUEZ: She never asked for water or anything like that? No?

A No.

DET. MOULTON: Okay. That's all I have. We can go off the tape. And it's 1142 hours. Thank you.

(Off the record at 11:42 a.m.)

(Back on the record at 11:57 a.m.)

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MR. ROSENTHAL: Okay. We're back on the record. It's 11:57. Mr. Perez, you're still under oath. The next case that is going to be discussed involves the arrest of Carlos Romero and Leonardo Espinoza.

Let me just find the arrest report here. Espinoza is spelled, E-s-p-i-n-o-z-a. This is D.R. No. 95-02-39806. D.A. Case No. is BA122808, as it relates to Mr. Romero. Mr. Espinoza was a D.A. reject. Go ahead.

Q BY SGT. BURNS: This is a tape-recorded interview of Internal Affairs Investigation 99-4640. Today's date is June 29th, 2000. The time is 1156 hours. And we're at a confidential location. And present to be interviewed is Mr.

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Rafael Perez.

Representing Mr. Perez today is his attorney Mr. Winston Kevin McKesson. The interview is being conducted by myself, Sgt. II, Diane Burns from Internal Affairs Group, Serial No. 25028, and Sgt. I, Debbie Orpin, also from Internal Affairs. Serial 27432.

And the interview is being recorded on Tape No. 234481, Side A.

MR. ROSENTHAL: And before you start, let me just go on the record and indicate that I've been informed that no target officers have been compelled with respect to this case. Is that correct?

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SGT. BURNS: That is correct, no officers have been interviewed.

MR. ROSENTHAL: Okay. Thank you. Go ahead.

SGT. BURNS: Okay.

Q Ray, prior to the interview beginning, I provided you with four photographs of the location. And also the arrest report for 10/26/95, as well as your -- a summary of your previous testimony, or actually, it was the transcription of your previous testimony regarding this case.

And when I provided this to you, did you have adequate time to review them?

A I have reviewed the report, as well as the

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transcripts and the photos.

Q All right. And did those refresh your recollection of the incident?

A Yes, ma'am.

Q All right. On 10/26/95, your partner on the arrest report is indicated as Collard. But in the narrative of the arrest report, Fong is made reference to as well. Were the three of you riding three-deep?

A Yes, ma'am.

Q And why did that -- why did the three of you end up riding together that day?

A What usually happens is if someone's partner is not

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there that day, you just jump in with whoever you want to for that night. And, I believe, my partner was not working that day and I jumped in with Collard and Fong. They were permanent partners.

Q Okay. I also noticed, on the daily line-up, that, I believe, Sam Martin was your regular partner in '95.

A I believe so.

Q And he did work that day.

A He did?

Q He did. Now, what I can't tell is whether or not, you know, he had an adjusted schedule or something to that effect. Might that have been why you weren't partnered with

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him?

A Sometimes what happens is, if you have court all morning or something --

Q Uh-huh.

A -- they'll just, like you said, adjust your schedule and just make you end of watch at two o'clock. And make that your work day. It'll show you working, but it's, basically, an adjusted watch.

Q All right.

A As far as your start of watch.

Q Okay. So, other than that, no particular reason for jumping in with Collard and Fong?

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A No.

Q Okay. Had you ridden with those two gentlemen before?

A If I did, I -- it doesn't stand out. I might have once or twice, but it doesn't really stand out.

Q All right.

A I think that's probably the only arrest that we made.

Q Okay. Now, the location of this arrest 6th and Westlake. How did you three end up being in that vicinity about that time on the 26th of November?

A We were just driving around. I know on the report

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it says we were doing an O.P. or something, that never occurred. We just happened to drive up to the location.

Q Okay.

A We just happened to be there.

Q All right. And then, when -- which officer was driving, do you remember?

A Fong was driving, I believe.

Q And where were you positioned in the car?

A I was in the back seat.

Q And Collard was the passenger?

A Yes, ma'am.

Q Okay. When you drove up to the area of 608 South

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Westlake, what did you observe?

A There was several just regular people, civilian -- what I call -- we call civilian. But there was a couple of gang members there. And this was Collard's and Fong's people.

That's who they dealt with. This is there gang. So, they wanted to talk to them. They wanted to stop them.

So, that's what we did. We got out. And we detained the two gang members and started talking to them and looking around.

Q Okay. Now, obviously, in the photographs I've shown you, there's no catering truck in any of them. However, your -- the narrative in your arrest indicates that there was a

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catering truck there.

And do you remember where it was positioned?

A It was positioned on the east side of the street.
Do you want me to draw it? Is that what you want?

Q If you can find one of the photographs that will
give you a little more latitude. Let's see, I think if we
look through -- not this one -- but -- yeah, maybe that was
the best one.

A Well, referring --

Q I think -- excuse me, I think maybe this is probably
the best one for doing the catering truck, if you remember
where it was positioned.

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A Oh, I know where it was positioned. Which one do you want me to use?

Q Whichever one you feel the most comfortable. And if you'd like, we can use a different color.

MR. ROSENTHAL: All right. Just for the record, there are four photographs that have been labeled A through D.

SGT. BURNS: That is correct.

Q BY MR. ROSENTHAL: And, Mr. Perez, which one are you going to use?

A I'm gonna use Photo C-2. There's a 2 circled.

Q All right.

A So, using Photo C, I'm gonna draw what looks like a

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-- or what would be a catering truck. And it's facing northbound on the east side of the street.

Q BY SGT. BURNS: All right.

A So, -- and using this reference, there's like three archways on the lower -- or the center portion of the stairwell or what would be the stairwell. There's three, I don't know what you'd call that -- mural. Archway murals or something. The truck that -- the tail end of the truck --

Q Mmnh-mmnh.

A -- would have been about centered on the center one.

Q All right.

A So, coming down from that mural thing --

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Q Why don't you use one of these? I think it stands out a little better.

MR. ROSENTHAL: You're going to use a red felt-tip pen. Also, these are 8x10 color photographs. It looks like they're laser --

MR. MCKESSON: Color copies.

SGT. BURNS: They're laser photos.

MR. ROSENTHAL: -- or laser copies of color photographs of the location taken from street level. So, go ahead.

THE WITNESS: Again, about mid-way through the second archway or whatever you want to call it, I'm gonna draw what -
- what, in my mind would be a -- I'll put a C.T. for catering

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truck. It's not to scale. It's not -- it's just there. But it would be parallel to about the center archway.

Q BY SGT. BURNS: All right. Now, when -- your arrest report indicated when you were in the vehicle that you -- the three of you were traveling southbound on Westlake towards the suspects.

A That's correct.

Q Now, was that a true statement?

A Yes.

Q It was a true statement?

A Yes.

Q At no time, prior to stopping there, were you all

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parked in any type of O.P. at all?

A No.

Q All right.

A We just happened to be driving by. In fact, from where the catering truck was, we didn't see the gang members. They were standing somewhere around where the last meter is before you go into the stair -- uh, these little stairs.

Q All right.

A We were about -- about to here when we saw them.

Q Uh-huh.

A And we stopped real quick and jumped out. And we went back to them.

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Q Okay.

A So, we were -- we were almost past them. In other words, you know, past the catering truck, you know, to where the point we finally saw them.

Q Okay. Now, how many are we referring to? One or two or three, or -- how many gang members?

A I think there were two or three of them.

Q All right. And then --

A But there was also some civilian, just people, not gang members.

Q Okay. And then, when you stopped, what did you guys do? Do you remember each one of you, what -- what you did?

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A We got out. I know the gang members who were grabbed and pulled to the side, they were put up against the wall. They were searched. And they were being talked to.

Q Okay. Now, the arrest report indicates that, I believe, it was that Collard searched the suspects. You wandered off and found the narcotics. And I don't know what Fong was doing. Can you recall his role in any of this?

A He would have been with the -- some of the gang members, searching them and talking to them.

Q Okay. Now, by gang members, do we mean Espinoza and Romero?

A Yes.

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Q All right. When you drove up, were either of those gentlemen eating anything?

A I think somebody was eating something.

Q Do you remember -- if I showed you pictures of the suspects would that help you to remember what -- who was eating?

A Maybe. I want to say somebody was eating like tacos or something. It had like aluminum foil with a taco or something. Which one had it? I -- I know somebody was eating something. I don't know if I would be able to tell you which one.

Q Okay.

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A It might help. But I -- it may help.

Q I'll show you two pictures. One of each. And maybe it'll help you recall. The first picture I'm showing you is Carlos Romero.

MR. ROSENTHAL: And if you could just read the booking number on that photo.

THE WITNESS: The Booking No. is 4595977.

Q BY SGT. BURNS: Okay. And this second photograph is of Leonardo Espinoza. And that Booking No. is 4595992.

Q BY MR. ROSENTHAL: All right. Let's -- Mr. Perez, if you could just read that full booking number again to make sure we got it.

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A 4595992. The question again, which one was holding the -- the --

Q BY SGT. BURNS: The food, if you remember?

A One of these guys. I just don't remember which one.

Q Okay. That's --

A But one of them was holding some -- like had a -- you know, how they do like little aluminum foil and the tacos, or something?

Q Right.

A And we made him put it on the ground, or something.

Q All right. So, he was eating. And the other guy, Romero -- either Romero or Espinoza, do you remember what that

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person was doing when you stopped him?

A Just standing there.

Q Just standing there. Was he standing next to Espinoza?

A Not like right next to him. But in close proximity.

Q All right.

A They weren't, you know, shoulder-to-shoulder or anything.

Q Were they talking at all, do you remember?

A No.

Q No? Now, you said, possibly, there was a third individual?

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A I believe there was somebody else that was detained but was kicked loose.

Q Do you remember why you kicked the other individual loose?

A No, I think our determinations -- what are -- we determined what was gonna happen was that these two were gonna go. This is our story. And everybody else was gonna be kicked loose.

Q All right. Now, obviously, they were arrested on a narcotics for sales charge. What -- what criteria did you use to arrest them on that? I mean, what made you determine they -- they were selling narcotics?

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A I didn't know these people, at the time. I mean, I know them now, because I've had three or four years in C.R.A.S.H. But, at the time, I only had two years. But these guys were well-known in that area. I guess Collard and Fong knew them very well.

Q All right.

A And this area is known for dealing. In fact, hanging out by catering trucks and dealing is very common. The fact that we found narcotics and these two guys were hanging out. For our purpose, at that point, we figured they're dirty. It ain't the -- the dope doesn't belong to the catering guy. It belongs to one of these gang members. And

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that's just how we wrote it.

Q Okay. Now, I think, according to the arrest report, you recovered the narcotics, if I'm correct.

A I believe it might say that. I quickly recovered that white bindle. I'm sorry. Regarding southbound towards - - I observed Defendant No. 1 produce a white paper bindle and quickly place it to the rear tire of the catering truck. That's incorrect.

Q That is incorrect?

A Absolutely.

Q And what's incorrect about that?

A That I watched him place that white bindle at the

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rear tire of the catering truck.

Q And you did not see him do that?

A We just found it. Or I found it there.

Q All right. And using one of the colored pens on any one of these four photographs, if you can find the most representative of the area, at the time you were searching, I guess, where did you find the narcotics? Would you just mark it?

A It was on the rear tire.

Q Oh, it was on the rear tire?

A Right. It was on the rear tire of the -- the back of the car. We just don't know who put it there.

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Q BY MR. ROSENTHAL: So, this is actually -- this is actually the kind of case where, if in fact, they did do it, they may have had no idea, reading the report, that you didn't see what you said you say?

A What we do is, we write it pretty much what we, basically, was probably happening. You know, they had it there. Somebody pulls up and they want to buy. And they grab however many they need and sell it. Then, come back, put the bundle back. You know, 'cause it's common.

SGT. BURNS: Uh-huh.

THE WITNESS: You know, we watch these guys do it all the time. On this particular occasion, we just happened to be

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driving down the street. And they just happened to be there. And we happened to find the narcotics. So, as far as we're concerned, that was close enough.

Q BY SGT. BURNS: Okay. Was there any conversation between you and Collard, and you and Collard and Fong? Or you and Fong regarding attaching the found narcotics to these suspects and creating an arrest?

A Well, we talked about it right there at the scene. We talked about who's gonna go and how we were gonna write it.

In fact, one of the things that I remember Collard saying was, "Well, you're the dope guy. You know, you came from Narcotics. You write this one." That type of thing.

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And it was like, you know, the first arrest report that I had written, you know, working, you know, C.R.A.S.H., working with these guys. So, -- so, I knew it was gonna on me to write this report, you know. So, you know, whatever they were telling me, or, you know, whatever we talked about how we were gonna write, that's exactly how we're gonna write it. You know, we did this O.P. or wherever we were at. But we were doing some O.P., and we watched them do some deals, whatever. None of that occurred. But that's how we wrote it. Or that's how I wrote it.

Q Okay. Now, it's really important, at least for my particular case, to determine what conversation you had with

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Fong first, in regards to fabricating the scenario for the sake of this arrest report.

A Oh, I never had a conversation with Fong just by himself. It was the three of us.

Q All right.

A And the conversation initially was, who's gonna go, and how we -- how it was -- how it was gonna -- how it was gonna happen. They -- and, again, I didn't know these guys. You know, I know them now.

Q Uh-huh.

A But, at that point, I didn't know how -- you know, how notorious they was in the gang. These guys are high-

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profile gang members.

Q Okay.

A So, they -- Collard, specifically, wanted these two guys to go. And he wanted us to tie both of them in for sales. And, again, our conversation was, "It's theirs. You know, we know it's theirs."

Q Mmnh-mmnh.

A So, it was -- you know, he told me which one he wanted, specifically, to be the -- you know, the guy that was dealing and what guy that we saw dealing and who put the narcotics down. All of that, basically, from Collard, just because he knew, specifically, which one he definitely wanted

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to go.

Q All right.

A And, so, I just, you know, whatever was being said, I had absolutely no problem. I was gonna write it just that way.

Q Okay. Now, when Collard was speaking with you, was Fong nearby?

A Yes.

Q Did Fong, at any time, object to Collard's recommendation as to how this should be written?

A No, ma'am.

Q He did not?

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Q BY MR. ROSENTHAL: Was Fong in a position to hear the entire conversation?

A Absolutely.

Q And he was participating in it, maybe not speaking, but, obviously involved?

A Yes. He was definitely involved. And he made some comments. But, Collard was doing most of the speaking, or the talking, as far as how it's gonna go. But Fong was definitely in a position to know that we are -- some aspects of this report, we are going to fabricate. The O.P., the -- how we saw him drop the narcotics, or put it in the -- the narcotics in the tire and all that. Fong would have definitely known

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that we fabricated all of that.

Q BY SGT. BURNS: All right. When you found the dope, did you say anything to the effect, "Bingo, I found it?"

A As a matter of fact, I -- I said something. I don't want to say "Bingo" because now you said it. But I -- I said something like, "Ah-uh, you know." Something like that.

Q Okay. If I told you that the heavysset arrestee, for the sake of this discussion turning out to be -- I think I took the pictures back. Is Espinoza -- he's also older than Romero is. Espinoza's not a gang member. Did -- did Collard or Fong say anything definitively as to what his moniker might have been, or anything noteworthy about that gentleman that

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you can recall?

A No, other than I know Collard -- you know, this was Collard's gang. And he -- this is who he wanted to go, you know.

Q Okay.

A Like I said, I had been in C.R.A.S.H. about a month and-a-half, so --

Q Okay.

A -- I had little experience in this little area here.

Q All right. And what gang were the two of those men tasked with monitoring?

A I think this is the 18th Street Gang. See, and I

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worked the north end gangs. I worked Temple Street La Mirada.
So, I'd very rarely make it down to like this 18th Street
area.

Q Okay. Ray, when this was going on, were there any
other civilians out there, saying eating from the truck, or
hanging out on the steps?

A I think there was several people out there.

Q Okay. Any recollection as to male, female numbers?

A To be very honest with you, -- to be very honest, I
remember that there was probably five or six people out there.
There was quite a few people out there.

Q Uh-huh.

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A I remember some males. I don't remember any females. I'm not gonna say that there wasn't any females. But I mostly remember males.

Q Okay. And do you know what happened to those people when they left?

A A lot of them were standing right by the -- you know, where you buy your stuff for the -- the catering truck, the food. A lot of them were standing right there. They were buying stuff. There were civilians. So, you know, some of them stayed there as we were doing our investigation. Some of them walked away.

I wasn't really paying attention to them.

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Q All right. Now, regarding the suspects themselves, you acknowledged that you found the narcotics. Do you know who searched these gentlemen?

A Searched the people that were arrested at the scene?

Q Yes. Yes.

A I want to say that it was myself and Collard that initially were patting people down. But, at some point, Fong was talking to them as well. So, I don't know if he searched them again or not. But I know Fong -- at least Collard and I did search them.

Q Okay. Was any force used against either of the men? And I don't mean, for example, choking out or a twist-lock.

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But I mean, pushing them up against the wall forcefully, or any kind of say, rough handling of them.

A They were grabbed firmly. You know, yanked away from the catering truck area, away from them. I don't think nobody was beaten down or anything. But they -- they were grabbed firmly.

Q Okay. When the two men were stopped, did either of them say anything to you or the other two, that you might have heard the other two officers indicating that they were being falsely accused of something?

A I don't remember hearing that.

Q Did either of them tell you they were just standing

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there eating, or ordering food?

A If they said it, it wouldn't stand out to me. I probably wasn't caring to listen to what they were saying.

Q Okay. Now, one of the men, I believe, it was Espinoza, had money in his pocket. Did you recover any money out of his pocket?

A It's possible. I can tell you I definitely -- like if you're gonna ask me did I take any money, I definitely wasn't taking any money from anybody at that time.

Q Okay.

A I had, like I said, a month and-a-half in C.R.A.S.H. Up until this point, I had never taken a dime from anybody.

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So, definitely, I don't know if I recovered it not -- it's possible.

Q Uh-huh.

A But I definitely didn't steal any money from anybody.

Q Okay.

A Definitely not.

Q Now, you said you only had a month and-a-half in C.R.A.S.H., but, yet, you guys were -- appeared to be comfortable somewhat fabricating an arrest report.

A I think that's -- I think I was -- I think that's why I wrote this report.

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Q Uh-huh.

A Even though it was their gang, I think, -- I've talked in the past about sort of acclimation periods and people putting you in position. I mean, this -- this would have been a nothing report for Collard to write. It would have been -- he would have handwritten it, no problem. And I just typed it out.

Q Uh-huh.

A So, you know, it was sort of my chance to see how you're gonna write it. And, you know, see if you're gonna go along with the program. And I did. You know, I had no problem with it. You know, and that's how -- I think that's

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why I was asked to write it. And, you know, other than the fact that also, that I had worked Narcotics in the past, so I had some Narcotics expertise.

Q Uh-huh.

A Both of them had Narcotics expertise, too. But I asked to write it. And I -- I definitely didn't say no. I said, "Sure. No problem. I'll write it."

Q Did either one of those officers, or both of them, look at the report after it was written?

A I don't have an independent recollection. I can tell you what, you know, the practice is in C.R.A.S.H.

Q Okay.

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A You know, you read each others reports. Especially, if you're fabricating something. You want to make sure that you're on the same page or on the same level. You know, you know exactly what the person wrote in case an interview comes up or something, you want to make sure that what you wrote your partner reads and, you know, and concurs with it.

Q Okay. Now, in this case, you said that Collard was -- specifically, wanted those two arrested and there was some discussion between you and he about you being the dope cop, you -- you write the narrative. Any -- any time, during any of that, did Fong ever say, "No, that's wrong. Let's just forget it. Walk away."

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A No.

Q No objections at all?

A Fong was with the program.

Q He was?

A He definitely was with the program.

Q And he was keenly, or acutely aware that you were going to fabricate this scenario?

A Absolutely. I mean, from the start of the report, I mean, he talks about us doing an O.P. We weren't doing an O.P. It says that I saw the guy drop -- you know, if I see somebody dropping a bindle, I'll say, "Hey, that guy just dropped a bindle."

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Q Mmnh-mmnh.

A We didn't find the narcotics until after we started searching, you know.

MR. ROSENTHAL: Make sure everyone takes a breath between question and answer.

Q BY SGT. BURNS: All right. Ray, do you know if Collard or Fong, or both, took any of Espinoza's money?

A I don't believe they did. I don't believe they were in that practice of doing that. Or at least what -- I didn't see that. I didn't see them doing anything like that.

Q Okay. Did Espinoza tell you or the others, and you possibly overhear, where the money in his pocket came from?

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A Again, he might have said that, but I wasn't really concerned with him.

Q All right.

A It doesn't stand out.

Q If I told you that he possibly received it from his employer for a construction job, does that ring a bell?

A Not with hundreds of arrests, it doesn't stand out.

Q Okay. The decision to fabricate the arrest report, was there anyone of the three of you who initi- -- who came up with the idea, initially to do that?

A I think it was a group effort. But if you had to ask me who was the most adamant, you know, who was like

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initially

-- who was, "Okay, these two guys are going", it was Collard.
Collard knew these guys, I guess. He wanted them to go.

Q Mmnh-mmnh.

A They were going. We just went along, you know, with
that's how we're gonna do it.

Q All right. Now, you said that Collard and Fong were
-- generally, were regular partners?

A I believe they were partners, yes.

Q Let's see, now. And did you type the arrest report?

A Yes, ma'am.

Q All right. On the first page of the arrest report,

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there is Sgt. Navarro's signature. Is that actually his signature?

A You know, I'm not real familiar with Sgt. Navarro's signature. I think it is. It's not mine. And the part about Perez and Collard, I think that was written by Collard, on the -- you know, the officers.

Q Mmnh-mmnh.

A But that, I think it's his signature. I'm just not a hundred percent sure.

Q Okay. Once you completed the report, do you know if either Collard or Fong read it?

A Again, I do not have an independent recollection. I

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can tell you that once we complete the reports, I -- what would normally happen is, as a practice in C.R.A.S.H., you let your partner read and review your reports. I mean, I can look at the face-sheet and tell that Collard wrote all this information, as far as 18th Street, the guy's moniker. And that's -- and as far as the officer name.

So, if we've had -- if we had the face-sheets already, we -- I pretty much have written the report. So, he would have this.

Q BY MR. ROSENTHAL: Now, on this document, there is only one face-sheet. And that's the one for Carlos Romero; correct?

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A On this document one. On the one I have. On the actual arrest there would be two.

SGT. BURNS: I have -- I have Espinoza's face-sheet as well. I don't know that it will add much more to this.

Q BY MR. ROSENTHAL: And there's no indication of a gang moniker on this one, is there?

A On this one, there is no indication of gang moniker. However, the D.R. Number and the name, again, -- the officers names, was not written by me. It would be written by Collard. But, yeah, you're right. There's no top, no gang information.

Q BY SGT. BURNS: Okay. Thank you. When you

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fabricated the "Observation" portion of the arrest report, did it concern you at all that either Collard or Fong would report you to a supervisor?

A Not at all.

Q Not at all? And who were your supervisors at the time?

A I believe it was Sgt. Roller and Sgt. Navarro.

Q Why didn't it concern you that they would report it?

A This is Rampart C.R.A.S.H. Before you even -- you know, I'm thinking. I, basically, had an understanding of the type of organization, as far as Rampart C.R.A.S.H. that I had gotten into.

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So, once I got there, I started really seeing what I've gotten myself into. And it wasn't something where, you know, oh, we're gonna try and test you, see if you're -- your credibility is good. You know, we're gonna try and make you do something that's illegal. And if you do it, then, we'll report it to the supervisor. That's not what was going on.

Rampart C.R.A.S.H. was more, you know, putting people in jail every day. You know, it was putting cases on people, planting evidence, that type of thing. So, as far as you're asking me if I was worried about them reporting me, by no stretch of the imagination. Fong was a young officer. In fact, me and Fong had about the same time there.

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Q Mmnh-mmnh.

A Collard was the experienced one. He had been there several years. So, basically, we were getting our, you know, -- he's, basically, letting us know how things worked, how things, you know -- and in each arrest, and each day you work, you learned a little something from each -- each person. You know, some good and some bad.

Q Mmnh-mmnh.

A Some people they want to impress people more than others. Some people don't feel like they need to do anything. You know, some people feel like they need to do a lot.

Q Mmnh-mmnh.

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A So, from each person in the unit, whether it's a party you're breaking up, or whether you're just happening to be working with them that day, you learned a little something.

And you start to learn how this whole organization worked, as far as -- and when I say "organization" I mean Rampart C.R.A.S.H. It's not about worrying about supervisors finding out that you fabricated a report.

Q You made a comment that Collard had been in the group for some time. Based on whatever information you -- strike that. I don't know how you can -- if you can answer this or not. But, because he's been in there for some time, because

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you had worked with him at least this one time, did you have any reason to believe that this was an abnormal type of arrest when you fabricated the report? Or did this appear more commonplace?

A This was -- in my opinion, this was -- this was a common thing. Like I said, this -- you were every day, even though it was a month, two months, if you're every day, you go to the mug parties, you go to the benches, you go to the Shortstop together, you hear all the war stories, you know, and so, you know, and you see -- you see all the arrests coming in. You hear the people talking about it, you know, what happened, or the guns that are being brought in, the

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people that are going for dope. And you hear all the things that are going on around you.

And then, you become privy to these -- these conversations in the C.R.A.S.H. office or out in the scene. So, I knew what I was in. You know, I could see the things that were going on around me.

Q Did Collard have a particular reputation in the unit?

MR. MCKESSON: At that time, that he was aware of?

SGT. BURNS: Yes. Thank you.

THE WITNESS: Collard was crazy.

Q BY SGT. BURNS: And define -- and what does that

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mean to you?

A He was out there. He was pretty wild in every which way. I don't know if you knew Collard, then, you know what I'm talking about. But he just does crazy wild things.

Q So, can you give me any examples?

A I don't know why this one just entered my mind, but let's say, we had a mug party. Let's say we did have a mug party and Collard felt the need to pull his pants down, show everybody that he shaved his butt and was doing some butt-talking with his butt cheeks. I don't know why that entered my mind. I don't know why, Collard is just out. Collard's pretty wild. You know, he used to like act like he's talking

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with his butt. You know, right in front of everybody. He didn't care who was there. He would say anything in front of anybody. He didn't care.

Well, he probably cared. But he was -- he was pretty out there. He was wild.

Q Mmnh-mmnh.

A I don't know how better to describe him. He was just wild.

Q Okay. He wasn't in uniform then, when --

A No. We weren't in uniform. Only partially.

Q Only partially in uniform. Okay. How about Fong? What kind of reputation did he have?

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A Fong was mild-mannered, but firm. For his stature and his size, he was, you know -- I think he was a little weight-lifter. He was strong. You know, and, again, he was a short guy.

Q Uh-huh.

A An Asian guy. But when it came out to being out in the field and, you know, that it was time to perform your duty, or if somebody needed to be thumped on, or if somebody needed to be, you know, needed to occur to somebody, he was -- he was okay with it.

Q Okay. But beyond his physical capabilities and his command presence, in terms of ethics and -- how was he?

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A He wouldn't have a problem of fabricating a report or placing evidence on somebody, planting evidence. Everything that I've talked about, falsifying reports, perjuring yourself, going to court and perjuring yourself, he wouldn't have a problem with it. His demeanor, or --

Q BY MR. MCKESSON: He would or would not have?

A He would not have a problem doing that. His demeanor, though, if you looked at him, he's a real kind of quiet and laid-back kind of guy.

Q BY SGT. BURNS: Now, Ray, you made quite a broad statement about what he'd buy into.

A Fong?

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Q Yes. What are you basing that on?

A Simply the things that I've seen while working there. Q Can you --

A Based on, you know, you can just look at this arrest. You know, him and Collard worked together for a while. I mean, here you see the things they -- the people they bring in. And the parties they would break up. And the people going to jail. You know, I couldn't tell you exactly this D.R. number at this location. But I worked with Collard for some time -- or with Fong for some time in C.R.A.S.H.

You know, and I -- I know, you know, that the case is that they brought in, I may not necessarily see them or saw

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them recovering that gun, and I know for a fact that, you know, that person didn't have it. But I know the report went that way.

So, I can't say that I know that they planted that gun. But I know what happened. I know that we broke up that party or we went to that location and it's impossible for him to have seen that guy drop that gun.

Q Uh-huh.

A But that's the way the report is gonna read.

Q Okay.

A So --

Q Did you actually have an opportunity to read any of

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his reports after they were written to know certain -- with all certainty that he had fabricated?

A No, I went through a lot of reports. And I'm not sure if I pulled any of them, 'cause when I went through the reports, I wanted to, basically, talk about things that I had direct knowledge. So, there was a lot of reports, you know, with Collard or Fong's name on it. But, I -- you know, I may have my opinion on it. I know what happened. But because I don't have direct knowledge, I'm not gonna pull it to the side and talk about it.

But, you know, I do have some time in the unit, you know, working with Fong at the unit. So, I saw the things

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that were coming in. And I know the arrests that were being made. Q Mmnh-mmnh.

A And so, I can say with absolute certainty that Fong wouldn't have a problem planting evidence and perjuring himself.

Q While you were there and Fong was there, did you ever hear any of the other officers saying that he wasn't buying into the program or that he, you know, was too straight for them to work with? Anything to that effect?

A No, ma'am.

Q And how long were the two of you in the unit, at the same time, if you remember?

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A I want to say about six, nine months, something like that.

Q So, less than a year?

A I think so.

Q And, after the '95 incident that we've speaking about, did you ever have another occasion to work with Fong?

A Not work with him, no.

Q Okay. Just around him?

A Yes.

Q How about when this case went to court? Now, as Mr. Rosenthal spoke to you about at the beginning of this interview that Espinoza was never filed, but Romero was. Do

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you remember if any one of you testified in that case?

A I couldn't tell if I testified or not.

Q Okay.

MR. MCKESSON: When you say "testimony" you mean either preliminary hearing or at trial?

SGT. BURNS: Yes. Thank you.

Q Do you know -- maybe I'll -- strike that. Let's see. Were there any conversations between you, Fong, you and Collard, or you and Collard and Fong regarding testifying in trial, should this case be filed, about the lying?

A I don't remember it.

Q Okay.

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A I mean, I'm not saying it didn't happen. But I just, as far as court, I don't remember. I've been to so many courts, I just don't remember this particular one, as far as what happened in court.

Q Okay. Ray, when you said that you joined C.R.A.S.H., and after a month or so you knew what you had gotten into, could you be a little more specific about that?

A When you join -- when you get accepted to C.R.A.S.H., you know, you'll have these little meetings. Some of -- most of the time it's with supervisors. Other times it's at the Shortstop, at the benches with a beer in your hand. And you talk about, -- well, it usually starts off with

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some history. The things that people have done. And, then, it goes into, you know, why we're there. You know, who we are. Who this C.R.A.S.H. is and the history that it has.

And, then, you know, you're being told that, you know, you were selected. We voted you in. You know, you were chosen to, you know, work here. And, you know, if you feel, early on, that you have a problem with this unit and the way things are happening in this unit, we're not gonna have a grudge if you just up and leave. That's okay. It's okay. I mean, not everybody is cut out. I mean, you may have the physical attributes and everything else, but morally, you may just feel that this is just a little too much for you.

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For those who stay, there's a clear understanding that you'll be put in a lot of different positions. And if you're not a solid person, you're not a person that can be trusted, we don't want you in those positions. We don't want you to be at that shooting, when it's time to lie about what happened or at that arrest with a gun, you know, if you are not willing to testify to what we saw, or what we say we're gonna see, we really don't want you here.

I mean, and these things take place with time, you know. The first week there, there's a big celebration for you being there. You know, and the next week, okay, we're all going, payday Wednesday we're going to the Shortstop and then

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to the benches.

And every time you're there, everybody wants to talk. You know, all the older guys want to talk and, you know, let you know, hey, before you, you know, Jack Core was here. This was an incredible unit. And these people were here. And these guys, Martinez' and all these Lujans -- these were great guys. We put fricking people in jail. You know, we've done this and we did that. And, you know, that ass-hole did this, he'll go for that. You know, you hear all the, you know, hyping up and all the stories.

Q Mmnh-mmnh.

A So, you have an understanding, real quick, as to

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what you're in.

Q Okay. And that's what you meant by that?

A Yes, ma'am.

Q Okay. And we're almost ready to wrap this up. But would you just do me a favor. I know I asked you to mark where the catering truck was, and you've done that 3-C.

A Or C-2.

Q C-2. I'm sorry. Would you also mark where Espinoza and Romero were standing?

A You want me to do it?

Q Yes, if you can. Or even on another photograph if it's easier for you.

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A Why don't I do it on the same one?

Q That would be fine.

A I'm gonna put "R" for Romero and a "E" for Espinoza.

Q Right.

A I'm gonna put it in the area that I believe that they were in. I believe they were -- yeah, I'm gonna put an "R" about here. And a "E" about here. And I'm circling each one.

Q Okay.

A They were on the sidewalk just south of -- just south of the catering truck. Just southeast of the catering truck.

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Q All right. And then, the gentleman that was eating, was he any closer to the catering truck, if you think about it? Was he --

A I couldn't tell you. We gathered them up. And somebody was holding some food. And it was thrown to the ground and they were being searched.

Q All right.

MR. ROSENTHAL: All right, just for the record, it looks like I actually, at the beginning, misstated the --

MR. MCKESSON: Do you want him to sign that?

MR. ROSENTHAL: Yeah, let's have him sign his name and date it. Today's date is 6/29/00. And let me point out, I

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initially said that these photographs were marked A, B, C, D. It's actually not quite correct. The one Mr. Perez has written on was labeled C-2. And the other three are labeled B-2, B-3, and D-2.

SGT. BURNS: Thank you very much. I think Sgt. Orpin has a couple of questions she wants to ask you.

Q BY SGT. ORPIN: Just a couple. Ray, you said that Fong was driving that day when you made the stop in front of the catering truck. Actually, as you passed it. Who made the decision to make that stop?

A I think we all did. You know, we were in the mode that we're looking for gang members. That's the kind of mode

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we were in. And, as we were driving, we kind of looked, as we were going past the catering truck, we looked over and it was like the car stopped, urgh, you know, and we saw the gang members. And we were all getting out of the car right away.

We knew, you know, we were gonna up --

Q Just based -- I'm sorry. And that was just based on a visual that saw, identify there was a gang member?

A Yeah.

Q When you exited your vehicle, did any of the three of you have your guns drawn?

A I don't think so. I know I didn't.

Q BY MR. ROSENTHAL: You did or you did not?

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A I know I didn't.

Q BY SGT. ORPIN: You did not.

A No.

Q And you're not sure about Fong or Collard?

A Right.

Q All right. You also told Sgt. Burns that both suspects were grabbed firmly.

A For some reason, I was thinking C.R.A.S.H. Sgt. Byrnes.

Q Earlier, you told Sgt. Burns that they were grabbed firmly. They weren't really forced. Who grabbed them firmly?

A I think we all did. I know Collard, the person that

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Collard grabbed, he grabbed him firmly. And I think the person that I pulled, that I was pulling to the side, I also grabbed firmly.

Q Okay.

A I don't have a specific recollection of Fong really grabbing somebody real firm. But I know that, at least, me and Collard grabbed at least two people firmly.

Q Who asked you to write the report?

A Collard.

Q And he said it's because you're a dope guy?

A I think that was one of the reasons. I've already indicated, you know, what I thought some of their other

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reasons were.

Q Right.

A But his -- his thing to me was, "Well, you're a dope cop. You're gonna write this one."

Q All right. You talked about when you get accepted into the C.R.A.S.H. unit, you kind of -- you have to prove yourself. You have to have proved yourself to get in there, and somebody kind of sponsored you to say that you're gonna get in; is that correct?

A That's correct.

Q And, then, once you're in there, you have to, for a certain amount of months, you're the boot in the unit.

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A Absolutely.

Q You were assigned to Sam Martin when you first went to the unit?

A Yes.

Q All right. You made the statement that up until that time you had not taken money or done those types of things because it's very early in your C.R.A.S.H. career.

A Taking money --

Q We were talking about the money that came out of the pocket.

A Oh, okay.

Q And he, specifically, stated that he didn't take any

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money.

MR. MCKESSON: I'm just concerned when you say those type of things, what type of things are you talking about?

SGT. ORPIN: I would be referring to illegal activities, if you're taking somebody's money.

MR. MCKESSON: See, because -- because it may be also talking about fabricating probable cause.

SGT. ORPIN: Okay. Then, let me split it up.

Q Up until that time, you said you had not taken any money?

A That's correct.

Q Correct? Prior to that time, had you fabricated

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reports?

A I'm not sure. I, at least, definitely saw it happening. I couldn't tell you which one was my very first -- or, you know what I mean, the very first arrest that I wrote.

But I know this happened in October. And I got there in August. September, October. So, two months.

I couldn't tell you if this was one of my first reports. But it was early on. I couldn't tell you if it was, you know, a couple of weeks before that, that I wrote another one, or something. But --

Q Can you answer, did you ever fabricate reports prior to going to Rampart C.R.A.S.H.?

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A No. Not that I -- I may have, you know, -- you know how you say you write -- you wrote somebody's license plate for this reason. You really, you don't even need to do that.

Sometimes you do things like that. But, definitely not like, you know, just completely fabricating a report. The things that were going on in C.R.A.S.H., definitely not.

Q You discussed what type of person Collard was. Do you think he was a type of person who trusted other people?

A Not a whole lot of people, no.

Q Okay. Did you find it unusual then, so early into your C.R.A.S.H. career, his very first day working with you as a third man on the car, that he would trust you to fabricate

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this, or go along with this, you know, whatever story you came up with? Did that seem unusual?

A No. Let's see. Collard could know -- let's say, a Joe Blow from Rampart C.R.A.S.H. for three years.

Q Mmnh-mmnh.

A And Collard's working C.R.A.S.H. And this Joe Blow is working Rampart Patrol, three years they've known each other. And I've been in the unit for a month.

(Detective's tape was turned over.)

SGT. BURNS: We're back on tape after turning the tape over.

THE WITNESS: I'm gonna trust, or -- unless that person

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that was, you know, that Collard knew for three years was somebody that had worked C.R.A.S.H. or something, I'm gonna trust that that person that's been in the C.R.A.S.H. unit for a month and I'm gonna use that person in my reports that I've only worked with for a month before I use that person that's on Patrol that worked for three years.

You've got to understand. It's like I've told you.

You know, and I don't like to use the same words, but this is like a little family. And you're part of this family now. You can either handle it or you can't. You know, but you're indicating to us that you can handle it, then, you can handle it.

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If you can't, leave. That's the bottom line. I'm gonna put you in a position where you're gonna have to compromise yourself. Okay. So, when I put you in that position, don't start telling me, "Oh, wait a minute. Wait a minute." Because you were told early on, you know what I mean?

SGT. ORPIN: Mmnh-mmnh.

THE WITNESS: So, the fact that I had been there for two months, and Collard comes to me, no, it's not unusual. Not at all. In fact, my thought is he was testing me. Absolutely. He wanted to make sure that, you know, I would actually take it to the box. You know, me and Fong were both young. And,

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you know, his thing is, "You write it."

And, like I said, Collard could have written this report in a page and-a-half easily, no problem at all. He's a good report-writer. He wanted me to write it for a reason.

And I wasn't even the primary car. I mean, the primary person in this car. I was just the third man in the back seat. This isn't even my gang. But he wanted me to write it. Had he had already tested Fong, at some point while they were working together? I don't know.

Was this his chance to see how I would handle things, how I would write it? And was I willing to write it a certain way? I think that's what was going on. I think he

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wanted to test me. So, no, it's not unusual that he trusted me after two months.

Q When you said that you guys were recruited into the group, who recruited you in?

A I was sponsored by Mack -- by Sam Martin, through David Mack.

Q Okay. And how -- how did that happen?

A I was working with David Mack. And he --

MR. MCKESSON: You know, he's been through this before in other transcripts. But you can ask him.

SGT. BURNS: I've never read anything about it.

MR. ROSENTHAL: All right. Let me -- let me just first

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say one thing on the record. One, I've actually --

(Off the record to change paper.)

(Back on the record.)

MR. ROSENTHAL: Okay. Let me just say, what I want to put on the record is I actually just compared this report with the other reports that Perez has previously pulled and discussed what he wrote. And this, actually, does appear to be the earliest report authored by Perez where he's acknowledged that there was any misconduct or it was a false report. I can't find any other D.R. number that is earlier than this one.

Q BY SGT. BURNS: All right. Thank you for that.

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Ray, just prior to changing the tape and the paper on the court reporter's machine, I asked you who sponsored you in. And you indicated it was Sammy Martin through David Mack or vice versa. And just in Readers' Digest form, could you just, enlighten me as to how that occurred?

A I was working with David Mack in West Bureau Narcotics. He knew Sammy Martin. He introduced me to Sammy Martin. He told Sammy Martin that I was gonna go to Rampart. He told Sammy Martin that I had some interest in working Gangs. I became friends with Sammy Martin. And Sammy Martin sponsored me.

Q Okay. And how about Nelson Fong? Do you know who

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sponsored him in?

A He want to say he was voted in. Several people knew him. He was working the Division already. And several people knew of him. See, I was kind of rather new to the division. So, not too many people knew me.

Q Mmnh-mmnh.

A I had come from Narcotics. Who exactly and how they voted, I don't know. Because they voted -- I wasn't there when they voted him in.

Q Okay. Now, just for my own information, did you work Patrol at Rampart before you joined C.R.A.S.H.?

A Yes, ma'am.

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Q Okay. Now, Fong, based on your knowledge of the gang -- I mean -- the gangs? Excuse me. The unit, would they have voted Fong in if they didn't believe he would buy into the program?

A Well, you never vote somebody in hoping that they don't conform. But I'm sure their -- their thought was that he's a solid type of guy, has the willingness to work this type of unit. I'm sure that's what their thinking was.

Q Okay. And after you and Fong joined the unit, did you and he, -- well, maybe three. You know how women are. After you and Fong joined the unit, did the two of you ever have any conversations by yourselves, indicating or discussing

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what was occurring in C.R.A.S.H. and how you felt about it?

A No, ma'am.

Q Nothing at all?

A No.

Q And, then, lastly, when Collard said to you, "You're the dope guy, you write the report" is there a possibility he could have meant if you want them arrested so badly, and you think they were dealing, you -- you write it? Do you know the way I'm trying to say it?

A No. Right. No. Because the decision to who was gonna write the report was after the discussion as to how everything was gonna go. And then, in other words, we

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discussed, "Okay, this guy is gonna go. And this guy is gonna go. We were driving. He drops a bindle." And, then, at the very end, he's like, "Well, you know what? You're the dope guy. I want you to write it." That type of thing.

MR. MCKESSON: I think she was trying -- the Sergeant was trying to question whether you were the one who was insisting that he goes. Is that the question?

SGT. BURNS: Yes, I liked his answer as well. But --

THE WITNESS: Right. Well, I know what you're saying.

SGT. BURNS: -- that is correct.

THE WITNESS: But I'm just -- no.

SGT. BURNS: Okay.

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THE WITNESS: And it's no because of this, what I'm just
-- what I just said.

SGT. BURNS: Okay. And that will do it for me. Debbie?

SGT. ORPIN: No.

SGT. BURNS: Mr. Rosenthal?

MR. ROSENTHAL: No. It's 12:53. We're off the record.

SGT. BURNS: All right. Thank you very much.

MR. ROSENTHAL: And we're gonna take a break for lunch.

(Off the record at 12:53 p.m.)

(Back on the record at 1:38 p.m.)

MR. ROSENTHAL: All right. It's 1:38 p.m. We're back on
the record. It is June 29th, 2000. Mr. Perez, you're still

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under oath. And the next case involves a complaint by a Walfrido LaMotte. W-a-l-f-r-i-d-o. This does not involve a case involving a D.R. number or a case number. Go ahead.

So, there's no filing. No arrest, no filing.

DET. CAZARES: This is a tape-recorded interview for Investigation Complaint Form No. 00-1810. Today is June 29th, 2000. And the time is 1339 hours. The location of the interview is confidential. Present to be interviewed is Rafael Perez, former LAPD officer.

The interview is being recorded on Tape No. 232185, Side A. The interview is being conducted by Detective II, Diane Cazares, Serial No. 25267, and Sgt. I, Debbie Orpin,

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Serial No. 27432. Both assigned to Internal Affairs Group. And, also present is Perez' attorney, Mr. Winston Kevin McKesson and District Attorney Richard Rosenthal. And as the court reporter, is Sara Mahan.

Q Ray, with regards to this complaint of 00-1810, at the time I was conducting a separate investigation involving Witness Walfrido LaMotte. Do you recall Walfrido LaMotte?

A Yes.

Q Walfrido LaMotte indicated that on three separate incidents he was detained by you. And during those three incidents, he indicated to me that, at the time, he had narcotics on him. And during the detainment by you, on those

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three separate occasions, he indicated that you had seen his narcotics.

MR. ROSENTHAL: But not made an arrest?

DET. CAZARES: There was no arrest made.

THE WITNESS: Walfrido LaMotte, if I had ever found him with narcotics, believe me, he was going. He was going. He was my Temple Streeters. He, definitely, would have went. The only possible even close to a scenario like that, might have been he had like a little tiny little bit of weed or something, or a joint. And I had no problem discarding that or throwing it out. But if you're talking about rock cocaine, or powder cocaine, or anything heavy, believe me, he

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would have went to jail. But, like I said, maybe -- and I definitely don't remember this. But it's possible, at one point, I might have stopped him and he had a little bit of marijuana or something.

Q BY DET. CAZARES: Less than an ounce?

A Well, depending on how much -- less than an ounce? Are you talking about a joint? Or are you talking about, you know, 24 grams? 22 grams? If you're talking -- I mean --

Q Well, less than ounce is a -- considered a misdemeanor.

A Well, I know. And that's what I'm saying. A gram -
- an ounce is 26 grams. But I'm saying, how much less? A

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joint? Like three grams? Or are you talking about 22 grams?

I don't

-- first of all, I don't remember it. I don't remember discarding any narcotics that he had.

I'm not saying it didn't happen. 'Cause it's possible.

Q But if it did, it could have been a small amount of marijuana?

A Yeah.

Q Or maybe a joint --

A Yeah, that's possible.

Q -- containing marijuana?

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A Yes.

Q Okay. And when you say "discarded" how would you discard it?

A Dump it. Or just dump it right in front of them. Or throw it in the trash. Or throw it in the gutter. You know, I've done it many different ways. I've done that before, by the way.

Q Okay.

A You know, with other people. So, it's not unusual. But I don't remember, specifically, discarding narcotics from him.

Q And you indicated if it had been other than

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marijuana, such as cocaine, or something --

A Powder cocaine or rock cocaine or heroin. Anything
--

Q Powder cocaine.

A -- strong.

Q Stronger than marijuana, or such as a -- what we
would consider a felony, what would you do with that?

A I would have booked him. I would have definitely --

Q You would have -- when you say "booked him" do you
mean arrest him?

A Yes.

Q And what would you have done with the narcotics?

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A Booked it.

Q So, that the three incidents, let me go by the first incident. The first incident Walfrido LaMotte indicates that he was stopped by you and possibly with a female officer of having blonde hair. And he described her to be in the age of 24 or 25.

A Raquel Duarte, maybe.

Q I don't know.

A She had her hair painted blonde, sort of. She was light-skinned. She was about 24 or 25, at the time. So, it had to be Raquel Duarte. That's the only other -- that's the only possible female officer that I can remember.

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Q And he says, at that time, he had about an ounce of marijuana.

A I would remember that. I -- you know, he's -- he's an active gang member. I mean, I would have gladly arrested him for the drugs. But an ounce is a lot. I mean, it's a good little amount. It's not a joint. So, I mean, I -- I don't remember that.

Q Okay. Let me go on to the second incident. The second incident would be where he indicated that he had several cigarettes containing cocaine and marijuana.

A Definitely not. You're talking about Coco Puffs.

Q Is that what they're called out in the -- is that

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the street vernacular?

A Yes, ma'am. Coco Puffs. I -- I would have booked him faster than I don't know what. I would have booked him.

Q And, then, the last incident, LaMotte is not sure, but you could have been with Officer Hewitt. And, at that time, you may have stopped LaMotte and his companion who were at the Queen of Angels Hospital, which is now a church, and took several rocks of cocaine from him and a case of beer.

A Absolutely not.

Q So, these three incidents that we just discussed, did not occur?

A No, not to my recollection.

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Q Debbie, any questions?

SGT. ORPIN: No.

DET. CAZARES: Mr. Rosenthal?

MR. ROSENTHAL: No.

DET. CAZARES: This concludes this interview. It is now
1345.

(Off the record at 1:45 p.m.)

(Back on the record at 1:46 p.m.)

MR. ROSENTHAL: All right. It's 1:46. We're back on the
record relating to an Internal Affairs Complaint made by
Ademir Hernandez. First name A-d-e-m-i-r. There is no D.R.
number or case number associated -- or District Attorney case

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number associated with this complaint. Go ahead.

DET. CAZARES: This is a tape-recorded interview for Investigation Complaint Form No. 00-1811. Today is June 29th, 2000. And the time is 1347. The location of the interview is confidential.

Present to be interviewed is Rafael Perez, former LAPD officer. The interview is being recorded on Tape No. 234490, Side A. The interview is being conducted by Detective II, Diane Cazares. Serial No. 25267; and Sgt. I, Debbie Orpin, Serial No. 27432. Both assigned to Internal Affairs Group.

Present also is Perez' attorney Winston Kevin

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McKesson and Deputy District Attorney Richard Rosenthal, and Court Reporter Sara Mahan.

Q Prior to the start of this interview, Ray, I indicated if you knew Ademir Hernandez. And he uses the name -- aka name of Ernesto Diaz. Do you know Ernesto Diaz?

A Yes, ma'am.

Q Also which has a moniker of Bullet or Dash.

A Yes, ma'am.

Q In interviewing Hernandez on this particular complaint, he indicated that back in 1996, at Coronado Terrace and Park View, there was a gathering, and Rampart C.R.A.S.H. had raided the location.

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And, in doing so, --

A What year? I'm sorry?

Q In 1996.

A '96?

Q Yes. And, in doing so, he ran and he was apprehended by some officers. And, during the apprehension, one of the officers kicked him in the back and he fell down a flight of stairs. And when he landed on the sidewalk, the same officer had kicked him.

And he indicated that you were present at the scene.
Do you remember this incident?

A So, it wasn't me that did it?

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Q No, it was -- he did not allege that it was you. Basically, he just indicated that you were present.

A I have no independent recollection of that. I mean, I can't say whether it did happen or it didn't. I don't remember it. I mean, I've been to that location many times breaking up many different parties. But I don't remember him being kicked down some stairs, or nothing. I just don't remember that.

Q And, during the time with Rampart C.R.A.S.H., was that, basically, your area?

A Yeah, the entire time.

Q This concludes the investigation. It is now 1350.

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(Off the record at 1:50 p.m.)

(Back on the record at 1:55 p.m.)

MR. ROSENTHAL: Okay. All right. We're back on the record. It's 1:55. This interview is going to relate to a multi-three arrest. Jose LaRosa, L-a-R-o-s-a; William Hernandez, and Angel Martinez.

This is D.R. No. 95-02-33823. I have been unable to locate any records of a District Attorney filing on these cases. And based upon the charges, it appears that if there were any charges filed, it would have been by the City Attorney's office for misdemeanor carrying a concealed weapon.

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So, we have an unknown City Attorney no. that might be out there. Go ahead.

DET. CAZARES: This is a tape-recorded interview for Investigation Complaint Form No. 00-1054. Today is June 29th, 2000. And the time is 1400 hours. The location of the interview is confidential.

Present to be interviewed is former LAPD officer Rafael Perez. The interview is being recorded on Tape No. 234611, Side A. The interview is being conducted by Detective II, Diane Cazares, Serial No. 25267; and Sgt. I, Debbie Orpin, Serial No. 27432. Both assigned to Internal Affairs Group.

I will be discussing Case D.R. No. 95-02-33823.

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Also present is Perez' attorney, Mr. Winston Kevin McKesson. Also Deputy District Attorney Richard Rosenthal and Court Reporter Sara Mahan.

Q Ray, prior to the commencement of this interview, you had an opportunity to review the report. And I've also given you a xerox copy of the DFAR for that particular night, which occurred -- which is of September 1st, 1995.

Did you have an opportunity to review both documents?

A I have.

Q And, for the record, I'm gonna show you a booking photograph, No. 5120835 of Angel Martinez, also known as Danny

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Zavala. Do you recognize him?

A Yes.

Q And, for the record, I'm also showing you a booking photo of 5675639 of William Hernandez. Do you know this individual?

A Yes.

Q BY MR. ROSENTHAL: Excuse me. Let me just ask. Danny Zavala? Is that the same Danny Zavala you've got on the officer-involved shooting incident with?

A Yes.

Q Yes?

A Yes, it is.

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Q BY DET. CAZARES: I'm not familiar with that case.

MR. ROSENTHAL: Let me just, for the record, that would relate to D.R. No. 97-02-10642. D.A. Case No. -- it's a Juvenile number, FJ08807. In that case, Mr. Zavala admitted possession of a gun, but did not point it at officers. This was an officer-involved shooting involving Rafael Perez and Humberto Tovar. And it's been previously discussed.

Go ahead.

Q BY DET. CAZARES: And booking photo of 5297685 of Jose LaRosa. Do you recognize this individual?

A Yes.

Q Were those the same three individuals that are

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indicated in the arrest report that we have just reviewed?

A Yes, ma'am.

Q Prior to me asking you questions, can you tell me what happened that night, what you recall?

A Myself and Officer Martin, go and set up the observation -- I want to say that we received a call or something, that there was a party going on, or a gathering. And we set up on the location and was conducting a O.P.

We were on a sort of -- it's kind of strange. But it's an upper-level parking on top of the buildings themselves. So, you go through the rear of the location, on the east side of the street. You're on the upper-level

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parking structure.

Q For the record, I'm gonna show you a aerial photo of Park View and Coronado Terrace. And can you refer to which building you're talking about?

A No, 'cause you cut it out. It's right over here somewhere. I think it -- you know, it might be this one right here. If you see --

MR. ROSENTHAL: Have you marked the photo in any way that Mr. Perez is looking at right now?

DET. CAZARES: No. But, if you want, we can go ahead and mark it.

THE WITNESS: You have those marked. Do you want me to

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use those?

Q BY DET. CAZARES: Okay. Let's use the smaller aerial photos, which are 6x4. Showing you No. 5.

A Again, we have -- do you have anything that goes a little bit further that way? A little further north?

Q BY MR. ROSENTHAL: And you're indicating that the building appears to be off the photo towards the right of the photo?

A Right.

Q Okay.

Q BY DET. CAZARES: Okay. Giving you a photograph marked 1-A, does that help you?

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A See this? I want to point something out. You see this little alley here?

Q Mmnh-mmnh.

A You see where that alley starts on Picture No. 1.

Q Okay. That's just east of Coronado Terrace that you're pointing to.

A Right. There's an alley there that comes out. And it ends right about -- right about here.

Q Okay.

A Off the picture. And there's a way that you walk right up the alley and there's -- I believe, it might be this building. See, those are like parking levels, above parking

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levels.

MR. ROSENTHAL: All right.

THE WITNESS: And you can see.

MR. ROSENTHAL: All right. Let's start -- first of all, this is Photograph 1-A. And you're indicating a building that's on the right.

THE WITNESS: East side of the street.

MR. ROSENTHAL: There is a -- an alleyway which appears to abut against the freeway, which is cutting across --

THE WITNESS: Right.

MR. ROSENTHAL: -- towards the top portion.

Q BY DET. CAZARES: How about -- how about photograph

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marked No. 1?

A Yeah, this is better. Yeah. And this is -- now, I'm referring to Photo No. 1. This is -- now, you can clearly see the alley here.

Q BY MR. ROSENTHAL: And why don't you describe where it is on the photograph?

A Looking at Photo No. 1, -- now, I need the other photo, because I need to see the front of the building. But this is the alley that we took. We parked in this alley here and walked it in.

Q But describe where that alley is in the photograph.

A This alley is just one street, or it's actually an

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alley east of Coronado Terrace.

Q BY DET. CAZARES: Coronado Terrace.

A I don't know if there's a name for it or not. Is there a name? I think it's just an alley; isn't it?

Q I think it's an alley.

A Right. So, the alley just east of Coronado Terrace, just north of Temple, or -- of Temple.

Q That's Park View.

A Park View and then Temple this way.

Q Okay.

A But, I think, if I remember correctly, where this -- where this alley ends, right here, as you walk down there's a

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little driveway right there. And all this was parking structure on the lower -- lower level here of this building. It's -- you know, people park their cars right in there. And you can stand there and look right in front of -- you know, everybody's right there in front of you.

Q BY MR. ROSENTHAL: All right. The building that you're referring to, can you describe it in some manner so that, in the record, if somebody looks at this photo, they can tell which building you're talking about? Can you count the number of buildings down from the top?

A I'm gonna count buildings from the south going north on the east side of the street.

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Q BY DET. CAZARES: Ray, if it's easier, you can circle it. Go ahead and circle it.

SGT. ORPIN: Yeah, with the black ink pen. This way it'll make an indication on the picture.

THE WITNESS: With this?

SGT. ORPIN: Yeah.

THE WITNESS: Okay. I'm gonna count the buildings. I think it's one, two, three -- I think it's four. It's the fourth building. It's the -- like a four-level structure. I'm gonna circle it on Picture No. 1. And I'm gonna circle the entire building.

And I'm gonna put a little "C" in a box as to where

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we parked our car.

Q BY SGT. ORPIN: "C" will be for car?

A Mmnh-mmnh. Yes. I'll put a little "C". And, then, I'll put a -- I'll put a little box. That's where we'd have parked our car. We would have walked it into that building. And we would have been observing them -- I can't see the address there. But it was one of these buildings right in front here. They're up front.

Q BY DET. CAZARES: And you're pointing to the 400 block of Coronado Terrace. And which is close to 419 Coronado Terrace.

A Okay. I don't know the exact numbers. But it

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sounds about right.

Q Okay.

A Oh, I'm sorry. What more do you want me to do? I mean, that's the building. Like I said, when you -- off of the alley, when you walk -- let's say you're driving right down the alley. And the building's to your right. You park your car. You walk a little bit further down the alley. You turn to the building and you look at it. There's like a stairway that goes all the way down. And it leads into the apartments.

But, on that upper level, there's like a little driveway that you park -- you can park your car right on

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there. So, that the drive- -- the parking is actually above
the -- the apartments, if you can follow me.

You don't follow me?

SGT. ORPIN: I don't.

DET. CAZARES: I do.

THE WITNESS: You see what I'm saying? There's some
stairs that go down. And then, you go into your apartments.
But if you stay on the upper level, from the alley -- 'cause
it's kind of elevated -- you take that -- there's a little --
like a little down-slope. And then, there's parking above the
apartments. So, that's the best I can describe it, unless you
have, you know, a picture a little bit closer.

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But that's where we walked in. And that's where we did our O.P. from.

Q BY DET. CAZARES: Okay. And from that position, did you have a clear view of the -- of that general area of 419 Coronado Terrace?

A It was right across from us. It was right across the street.

Q Did you enhance your vision with --

A Yes, I did.

Q -- binoculars?

A Yes, we did. I think -- I'm not sure whose binoculars they were.

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Q All right. And your partner that evening was Officer Martin?

A Sammy Martin, yes.

Q Okay. I need my pen back. And, then, what happened next?

A We were, you know, observing them. We made our observations. I know, for some reason, we hadn't -- we went straight there. We just started doing our O.P. We hadn't like met up with C.R.A.S.H. units or anything. So, they didn't even know that we were doing an O.P.

So, I know we had to gather people over the radio, trying to get them. And I think we even had Patrol guys,

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'cause I think, reading this, Officer Graham responded. And he didn't work C.R.A.S.H. He was working Patrol. And this other officer, Ala -- Alaniz was also working Patrol. And that was his partner.

So, I know it wasn't like a -- a planned O.P., or a planned party that, you know, we were gonna break up. It was one of those just impromptu things.

So, after making our observations, I know we requested additional units. During the trying to deploy them, several people had ran. Several people were detained in the back of the buildings. Several people were detained on top of buildings. I mean, people ran in kind of every different

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direction. I can't tell you exactly where everybody ran.

But I know people ran in different directions.

Q Okay. Go ahead.

A I believe, according to the report, two people were detained by Graham and Ala- -- Alaniz in the rear of the building. And another person, Suspect No. 1, was detained.

Q BY MR. ROSENTHAL: Did you say Al- -- it's Alamiz.

DET. CAZARES: Alamise.

MR. ROSENTHAL: Ala- -- A-l-a-m-i-z.

SGT. ORPIN: m-i-z.

DET. CAZARES: A-l-a-n-i-z, Alaniz.

MR. ROSENTHAL: Okay.

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THE WITNESS: And Defendant No. 1, was detained.

Q BY DET. CAZARES: But, for the record, who is Defendant No. 1?

A LaRosa, Jose. Woody. I'm trying to find who is it that detained him. Well, on the report, I don't think it says who detained him. But he was detained by somebody. And I'm assuming he was probably detained with several other people in the area. In the --

Q And we're speaking of --

A I'm talking about LaRosa.

Q LaRosa.

A Let me -- let me see if there's -- if it further

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says. Jeff Graham detained No. 2 and No. 3. Okay. It says Officer Liddy detained -- it doesn't say where. But it says Liddy detained No. 1, LaRosa.

After everybody was detained, we came off the O.P. We came down. We recovered -- we recovered a gun in front of the location. I know Graham had another person that he had detained. And, then, in the report, it says that he advised me of where Suspect No. 3 had dropped a stainless steel semi-auto handgun.

And that I, then, recovered that gun. That's incorrect.

Q What is correct?

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A Graham had already recovered it. There was -- the guy that ran, -- you know, everything was correct. The only part was that Graham had already had it recovered. And, he, then, handed it to me.

Q As he handed you the gun, did he tell you where he recovered it from?

A Yes, he had the guy detained, as far as -- he had the guy detained and he told me who it was that had it.

Q And what did he tell you?

A That Defendant No. -- or I don't know if I used his name. Defendant No. -- or Martinez had dropped a gun as he was running towards him. And he ordered him to drop the gun.

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And the guy ditched him.

But that part, as far as me recovering it, is incorrect. Where did I leave off? What else did you want me to do?

Q Okay. Just, this is your arrest. So, what else happened? You're at the point where you recovered the guns, everyone's apprehended.

A We recovered --

Q What happened next?

A We recovered -- we recovered the guns. We recover the gun that Graham has. Everybody's detained. I -- for some reason, you know, I want to say there was somebody on some

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roofs or something. There was other officers there. Some people were detained on the roof. They were not booked.

But there was some people on the roof or something. They were brought down. You know, a bunch of F.I.'s probably. I mean, I can't remember everything that happened.

But we took the three people that were in custody -- we took them in custody. Went to the station.

I think several units might have assisted us in booking things. I wrote the report. I mean, but nothing really stands out. I don't know if you're looking for something specific. But nothing really stands out.

Q Okay. Let me go ahead and address these questions

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that after you gave me your narrative recollection as to what happened. You indicated that you may have gotten a radio call. And, then, you stated this was a impromptu thing of doing your observation of that location of Coronado Terrace.

In reading the report, you indicated that you received a radio call.

A Mmnh-mmnh.

Q Did you, in fact, receive a radio call?

A We definitely wouldn't have made that up. You know what I mean? That's not -- I mean, there must have been a radio call. I don't know if you looked it up or not. But I know something drew our attention to that location.

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Was it a radio call? I don't know. It may have been. Probably was.

Q Well, could it have been also what drew your attention to this location was the fact that there was numerous gang members at that location?

A I mean, that could have been. I mean, if that's what it was, that's what we would have written. I mean, not necessarily written down, but I don't know why we would deviate it from that.

Q But you don't recall if you actually received a radio call?

A Most times, if we do receive a radio call, I'll put

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the radio call number, the incident number. And I don't -- I didn't do that here. So, --

Q Did you --

A -- I really don't know. I know something drew our attention there.

Q Do you recall going Code 5 at that location before receiving the radio call?

A My partner might have done it. Did I show myself Code 5? I don't know. We may have. I mean, we were doing a Code 5 there.

Q Okay. You indicated that Graham and Alaniz were at the rear of the building. What building are you indicating?

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And, for the purpose of the record, I'm gonna go ahead and mark up Aerial Photograph 8x10 marked A.

A I am not a hundred percent sure. But if you had to picture like from the alley looking that way, I would be more certain. But, I believe, it was somewhere like either here or one of the --

Q Okay. But, for the record, Perez has his first indicated of the location is 423 Coronado Terrace.

A Again, if you -- if you had a picture of the alley itself, how it looks, my memory would be a little bit better.

'Cause I can't really see it from here. But, it was like in the area of either here or up in here. Like before you get to

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the alley, there was a little courtyard.

I want to say it's this one right up in here. I do remember there was like a drop down from where they were in custody. There's like a drop down into the alley.

Q Showing you Photograph 4x6 marked D. This is the south side of the building of 419 Coronado Terrace. And the back here is 423 Coronado Terrace.

A Right here?

Q And, back over here, would be an alley, which is known Snake Pit Alley. Right here. Right where you're pointing.

A That's the Snake Pit. Do you have any photos that

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show this area back here. That's the area I want to look at.

Let me see that picture. That No. 6.

Q That would be just south of 423 Coronado Terrace. And, for the record, he's viewing Photograph No. 6. This is a better picture. Showing you Photograph No. 8, with -- in conjunction with Photograph No. D. And this is a walkway here. And if you come out, you're right here.

A Okay. I think that's -- that might be it. I think this area right here. Is there like a little drop down into the alley?

Q Yes.

A Yeah, I think -- I think it's right around there

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where they had him in custody.

Q And here is another photograph marked No. 1, showing the -- looking into the northbound of Snake Pit Alley from Park View. And showing the rear of 423 Coronado Terrace. And this is the -- from this point here is the actual drop down.

A Right. I think that's the area. I mean, it wasn't already out in the alley. It was in that area up in there. Up in here.

Q And that's where Graham and Alaniz were deployed at?

A Well, no. That's where they took the two defendants into custody. I mean, I'm sure they deployed. They came probably northbound in the alley, parked, and got out.

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Q Well, which two defendants are you referring to?

A Hernandez and Martinez, I believe. Yes, he took
Suspect No. 2 and No. 3 into custody.

Q And that was Graham and Alaniz?

A Yes, ma'am.

Q You don't have to say that. And by the time you and
Officer Martin came down from your O.P. everyone was
apprehended at that time?

A Except some people that were like on the roof or
something, or -- I don't know what happened. But somebody was
up on the roof, or the roof of one of the buildings. And they
were brought down. But, pretty much, everybody had been

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deployed and just about everybody was in custody.

Q So, basically, this O.P. and this incident where other officers assisted you, you and Officer Martin were in charge of this incident, of this arrest?

A That's correct. And, by the way, I had about 25 days in C.R.A.S.H.

Q Twenty-five days in C.R.A.S.H.?

A Yes. That was like my first month.

Q So, at the time when the officers began to close in on this gathering, you were still at the O.P.?

A Yes.

Q Do you know of what officers assisted you, at this

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incident?

A All I can -- I mean, the people that I do remember is, obviously, Officer Graham. I don't remember who Officer Alaniz is. But Alaniz. But I remember Jeff Graham being there. What other C.R.A.S.H. guys, I don't even remember. This was -- this was a while ago.

Q And, just for the record, I know you indicated that you can't remember. So, therefore, you couldn't tell me where the officers were deployed?

A Well, I know some of them were deployed off the alley. Some came north from the Park View, the street that --

Q That would be south.

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A Correct. From the south. And what street is that?
That's Park View, right?

Q Yes.

A Some were, you know, deployed. And some came in
from the south, you know, from Park View coming up Coronado.
But, you know, how exactly? I wasn't there. So, I didn't
deploy with them. But I know they -- they responded from that
direction.

Q Was Sgt. Roller present?

A I don't remember him. I'm not gonna say he wasn't
there. But I just don't remember him.

Q And how was it that Graham and Alaniz responded to

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your incident?

A That's what I was saying. I don't think this was like a thing that we already had planned out that, you know, with the units, "Hey, we're gonna go do an O.P. You guys stand by. And as soon as we see something, we're gonna call you in."

Because, normally, we wouldn't have Patrol guys, you know, respond. But, I think we were short-handed. And I think they responded with the C.R.A.S.H. units.

Q In viewing the DFAR, and looking at the other additional Rampart C.R.A.S.H. units, were any of these officers present at your location?

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MR. ROSENTHAL: And you're showing him the Daily Field Activity Report for the date of the arrest?

DET. CAZARES: Yes, September 1st, 1995.

THE WITNESS: I remember Barr. 'Cause Barr was getting into an argument with somebody. And Liddy was there.

Q BY DET. CAZARES: Is Barr a female?

A I'm sorry, yes. Barr is a female. I don't remember her first name. But she's a female officer.

Q Was she the only female officer?

A Yes, ma'am.

Q At -- for Rampart C.R.A.S.H. on that night?

A Yes.

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Q BY MR. ROSENTHAL: That would be Stephanie Barr?

A I believe it is, yes. Officer Perez and Martin were there. You know, most of these guys could have been there. I just don't remember them. Nothing really stands out, you know. I want to say that Martinez and Hewitt were there. But I just don't remember them.

Q BY DET. CAZARES: But you do remember Barr because she was having an argument?

A She was arguing with one of the defendants or something. Or yelling at them, or doing something. I don't know what was going on. But she was having some type of argument with one of the guys.

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Q Do you know, where was she deployed at, at the location?

A I have no idea.

Q Do you know if Collard or Fong responded?

A Again, unless I have it in my report, I just do not remember. You know, I don't remember them being there. I mean, they could have been there. But the five years elapsing, you know, --

Q Was there an air unit at the scene?

A We definitely would have requested one. And did they show up as soon we deployed? I don't know. But I know we definitely would have requested them.

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Q You indicated that some of the gang members had ran up to a roof?

A I believe so, yes.

Q Do you remember which roof of the building?

A I know they were on one of the roofs. And people were yelling and saying there's people on the roof. And they were being brought down. But I don't remember which building it was. I was out in front.

Q Do you know if any of the gang members were apprehended on the roof?

A Any of the gang members?

Q Yes.

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A Yeah, there were gang members up there.

Q But if they were apprehended on the roof?

A There were some people apprehended on the roof, yes.
Which ones you mean?

Q No. That was a question if you knew.

A I know some people were detained. And they said that they were up on the roof. And they were detained up there and brought down. Which ones or how many, I couldn't tell you.

Q Do you know which officers ran to the roof?

A For some reason, I want to say that Barr was arguing with somebody that she brought down. Or she was talking to

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somebody that might have brought down. But that's a vague memory. I mean, --

Q And how do you know that some of the officers -- I mean, some of the gang members had -- had been apprehended on the roof? How do you know this?

A I was told.

Q You were told?

A Yes.

Q By whom?

A I couldn't even tell you. I know that they had apprehended some people up on the roof. And they brought them down. I couldn't even tell you which stairs they used to

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bring them back down or how they brought them down. But I know I was told that there was some people on the roof of the building, so.

Q As -- as you're descending from your O.P., and coming closer to where the individuals were apprehended, did you hear anyone shouting from the roof?

A Not that I can remember right now. Again, I can't say it didn't happen. But that's just not something that would, you know, kind of stand out in my mind. It just doesn't.

Q Okay. With regards to the address of 419 Coronado Terrace, what were you actually able to view at from your

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position of your observation point?

A What were we able to see?

Q Or observation post.

A What were we able to view?

Q Yes.

A From our point, we could be -- if you're looking at Picture No. 5, all the way in the middle right, you got to remember, sort of like that opening is also in the front.

So, in that front -- in the front, in that upper level, there's an opening just like that. So, out of that -- that opening, I can see all of this. I can pretty much see, depending on how far out I stick my head, I can see all of

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this. I mean, all of this.

Q Okay. So, you're -- you're in- -- you're pointing that you can see the front of the buildings on the 400 side, the outside number?

A On the west side, right.

Q Coronado Terrace?

A Yeah, I can pretty much see, you know -- you know, at least, you know, a six-building stretch. I can see it clearly. Q Were you able to see between the buildings?

A On a couple of them. Well, actually, really on one I could see between the buildings. Let me see which one. I don't know the address. But I probably was able to see real

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well -- I'm sorry. I was probably able to see real well between these two buildings here.

Q Okay. And that's the walkway of 419. That would be the south walkway of 419 Coronado Terrace.

A That would be 419?

Q Yes.

A Okay.

Q On Page 3 of your report, you indicated that Suspect LaRosa had walked to the location of 423 Coronado Terrace. Is that correct?

A Page 3?

Q Yes.

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A I'm sorry. I can't find 423. This is Page 3.

Q I don't think you mentioned the address. You just referred to the building.

A Oh.

Q But, that would have been 423 Coronado Terrace. You indicated that there was a planter. Towards the bottom of the page.

A Let me find this. Okay. You're right. There's no address. But there is mention of a planter in front of the location. We were able to I.D. Suspect No. 1 as a Temple Street gang member. Yes, I've seen that.

Q Okay. And looking at Photograph No. D, and pointing

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to you the far end of the -- the building of -- which would be the west side of the entire apartment complex. That would be 423. So, from your O.P. you're able to see all the way through the alley?

A Yes. If that's the alley that's right -- that's this alley, right?

Q That's a walkway. This is the alley.

A Oh, okay. No, I'm talking about this walkway -- from -- from our O.P. we could probably see the alley. But I mean, you're asking me if we could see these walkways here?

Q Yes.

A This one. I probably couldn't see this one. I

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probably couldn't see that one. I could probably see this one all the way to the rear of the back.

Q And this is what Photo D depicts.

A Okay.

Q So, you were able to see through?

A Yeah. That alley is right there. Just go directly upward. And right -- you're looking right down at it. Right across the street. That's where we were at.

Q And you saw LaRosa place a gun or pick up a gun from the planter area?

A Yes, that's right.

Q Those were your two observations?

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A Yes.

Q Do you know if LaRosa also ran to the roof?

A I don't know why because it's not very clear in my mind, but I want to -- Stephanie Barr and Liddy were partners.

I want to say that I know Liddy told me that he -- I want to say that Liddy and Barr detained them. And I want to say that Barr was up on the roof.

So, my only conclusion would be that they detained them up on the roof. But I can't say that for certain that, yeah, he was definitely detained on the roof.

Q Was Office Hewitt also on top of the roof?

A It's possible. I just don't remember. I mean,

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where -- where everybody went, I couldn't tell you. You know, eventually, everybody was out front and moving people around.

But where they all ran to, and during the time that I was coming back down, I couldn't tell you where everybody ran.

Q Did any of the gang members, that were on top of the roof, did anything happen to them while they were on the roof?

A I don't know. Like somebody get beat on or something? Or --

Q Yes.

A I don't remember anybody looking beat up or claiming they got beat up. I just don't remember that. Again, I'm not saying it didn't happen. Because I was not in a position to

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see if somebody got beat up on the roof. But I don't remember anybody complaining about it.

Q Were all the handguns recovered from the planter?

A No. Graham gave me one in the back while he was detaining -- what's his name? Suspect No. -- I think Martinez. He had him in the back and he stayed there. And when I went back there, he handed me the gun that he had recovered. That he told me he recovered when Martinez dropped it to the ground.

Q And when you say Martinez in the back, what are you referring to?

A The rear of -- back up in -- where I showed you

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before. I forgot where the picture is. Remember I was --
remember I was telling you back in here somewhere?

Q Referring to Photo No. 8, which would be the rear
walkway or the soft walkway of 423 Coronado Terrace, which
leads into the alley known as Snake Pit Alley.

And you said one handgun belonged to -- to LaRosa.
And another handgun belonged to Martinez. Who did the other
handgun belong to?

A One belonged to La Rosa. One belonged to -- the one
that was recovered from Hernandez, was recovered up front.

Q Out front where?

A In front of the location. You asked me -- in the

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front of the location. Let me see that pen again. You have a front picture. There you go.

Q Referring to Photograph No. A, which is the front side of 419 Coronado Terrace.

A No, I don't think these gates or these wrought iron fences were there back then.

Q At that time?

A No, I don't think they were there. Those are new. But --

Q And just keep in mind, for the record, these photographs were taken in the year 2000.

A Yeah. That gun was recovered, I want to say that

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gun was recovered in the -- in the front area right up in here. God, I don't remember that big old tree there either. I'm talking about this tree here.

In fact, I'm about 95 percent certain that that wasn't there. This big old tree here.

Q Okay. And that's in front of 419 Coronado Terrace?

A Is the south side 419?

Q No, the -- north of that would be 419.

A That's 419? No, I'm talking about the one -- this one here. This big old tree here. I just don't remember that being there.

Q Okay.

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A It might have been small or something.

Q Which is somewhat in the middle of the walkway?

A Right.

Q Okay.

A And, then, the other gun was recovered, like I said, in the rear of the location, up in here by Jeff Graham and then given to me.

Q Okay. What gang members ran to the alley? And that would be the alley of -- Snake Pit Alley.

A There was a bunch of them. And I don't -- I couldn't tell you which ones ran which way. I mean, all I know is that eventually they were all brought up front, all

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lined up. It would be impossible for me to tell you which --
you know, which ones ran where.

Q In reading the property report, which handgun
belonged to William Hernandez?

A Which one belonged to William Hernandez? Item No.
2, the wood grip. I was saying wood grip. I'm trying to
figure out what item number it is. And that would Item No. 2.
The item that belonged to Little Boxer, or Suspect No. 2
William Hernandez, would be Item No. 2 on the property report.

Q Okay. In the property report, in Item No. 2, does
it say anywhere in the property report that handgun, or Item

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No. 2, was recovered from William Hernandez?

A No.

Q Does it say anywhere in the property report as to those guns indicated in the property report as to who they belonged to or from where they were recovered from?

A No.

Q And can you explain to me why?

A I don't know. I didn't do the property report.

Q Okay.

A Sometimes people put it on their narrative. And sometimes they don't.

Q Let me ask you this. When you were an officer, and

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when you writing property reports, would you have indicated the location where an item was recovered from? And if it was recovered from someone, would you have indicated the person's name?

A Not necessarily.

Q Why not?

A I would just let the report indicate that.

Q So, but, if -- let me ask you this. Is it indicated in the report as to which handgun?

A That's what I'm looking at. It is my assumption that Defendant No. 1, that's gun number one. Defendant No. 2, Suspect -- Item No. 2's gun. And Defendant 3 is the third

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gun.

Q Okay. In the arrest report, does it describe any of the handguns in detail? And who had those specific handguns?

A On Page No. 4, it says that Officer Graham yelled out to him, Suspect No. 3, to drop a stainless steel, semi-auto handgun to the ground. Officer Graham detained suspect.

Q How many stainless steel handguns were recovered that night on your arrest?

A There's one revolver. And there's two stainless steel 25's and one revolver.

Q Okay. So, how do you know which one it is?

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A By the property report, you can't tell. And by the report, --

Q Let me ask you this. If someone else were to read the report, does it -- does your report fail to state which handgun was recovered from whom and what type of handgun was recovered from whom?

A That is right.

Q And when I say by whom, I'm talking the three defendants. Any of the three defendants.

A That is definitely true. What you should have is, for example, a revolver -- well, let's say, for example, Suspect No. 1 walked up to the location and began showing

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several other gang members -- began showing several other gang members a blue steel revolver. In parentheses you should write (Item No. 1).

If you're asking me did we fail to put that in this report, yes.

Q And why is that that you failed?

A I failed. I don't know.

Q Plain forgot?

A Plain forgot. I have no idea. I mean, that's -- that's no reason why. I don't know.

Q That's a fair statement. That's a fair statement. You forgot.

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A Yeah, I don't know I didn't put it on there. But -- and it's not on the property report either. So, I -- I'm surprised anything got filed on this.

Q Was there any female gang members present?

A I want to say yes. Well, wait a minute.

Q You want to say yes? Or is something holding you back from saying yes?

A I'm trying to picture it. I want to picture it. I want to say, yes. But there was nothing -- nothing worse than trying to picture something that happened five years ago. I'm trying to draw pictures.

Q I know it's difficult. Five years is difficult.

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A If there was females there, there might have been one or two. 'Cause I just -- you know, I've broken up so many parties there, too. You got to remember that that was like a, you know, a routine, an every other weekend thing, breaking up parties and people running.

But, for some reason, I want to say that there might have been one or two females there. But I'm not a hundred percent certain.

Q So, there's -- there's a possibility that they were there. But you don't remember?

A That's correct.

Q Okay. By the time that you got to the location,

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from your observation post, what gang members were in the custody of the officers, that you recall?

A The only ones that I saw that were not detained yet, were the people that -- people -- or officers that ran up to the roof. So, obviously, they were not in custody yet. But, eventually, you know, as far as down in front of the scene or in the alley, or in the walkway, everybody was in custody by the time we got there.

Q By the time you left the scene, and everyone -- all the gang members were rounded up, who were the gang members that were detained, or apprehended, that you recall? Do you remember any of the gang members?

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A I mean, --

Q BY SGT. ORPIN: Do you remember how many?

A There was probably ten to -- no, there was probably fifteen people. About fifteen of them.

Q Taken to the station?

A I want to say about ten were taken to the station. What we do is, if we don't have some of them I.D'd, if like we don't know some of them, we'll take those to the station. Those that we already know, we won't bother. We'll just kick them loose from there.

So, I want to say about ten were taken to the station. Q Okay. At the time when William Hernandez was

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taken to the station, how was his demeanor?

A William Hernandez?

Q It's the big photo there.

A You know, the only thing I know about him is wanted to turn informant.

Q He wanted to become an informant?

A Yeah, and they found out and they kicked him out of the gang. I think, from what I learned later, he went and joined another gang. But he was -- after he was arrested, he came back and talked to us. He wanted to give us information on a murder or something. He wanted to give us information.

Q Okay. I'm sorry. We're now back on Side B of Tape

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No. 234611. And the time is 1445. I'm sorry. You wanted to -- you were speaking of William Hernandez who wanted to become an informant?

A Right. Well, basically, he -- he wanted to work this case off. And I remember -- I remember him showing up to the station. And I remember us talking to him. I remember letting, I believe, Homicide or somebody interview him. But, then, he disappeared.

Q Okay. And when you say he wanted to work his case off, are you referring to this arrest?

A This arrest, yes. But, other than -- you know, as far as demeanor, everybody was having a good old time. They

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were all drunk and having a party. Nobody was complaining about anything.

Q Did William Hernandez, while at the station, did he repeatedly ask to go and use the restroom?

A I don't remember that.

Q Did you ever take a -- while at the station, did you take William Hernandez out to the parking lot, the second level, of Rampart Station?

A And do what?

Q May have used some physical force.

A I would have done it right there in the C.R.A.S.H. office. We have our own office right there. You know, I

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don't need to -- why do I need to take him in the back in the
-- in the upper parking lot? I mean, that's ridiculous.

Q And I don't know. That's why I'm asking you.

A No. No, what I'm saying is, no. All these people
-- are all these people reading --

Q BY SGT. ORPIN: Did you use force on him in the --
did you use force on him?

A I'm sorry?

Q Did you use force on him in the C.R.A.S.H. office?

A I don't remember using any force on him for any
particular reason. I mean, they were all pretty mellow. I
wanted to ask a question.

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MR. MCKESSON: What's the question?

THE WITNESS: Are all these people being represented by Yagman or something? It sounds like it. It sounds like a Yagman caper. But anyway, I'm sorry. Go ahead.

Q BY DET. CAZARES: Okay. Of the three defendants, which one did you see with the handgun?

A I saw two of them with handguns.

Q And that is?

A LaRosa and Hernandez.

Q And the hand- --

A These two here.

Q And the handgun for Angel Martinez, aka Danny

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Zavala, was given to you by Officer Graham?

A Right. At the -- right at the scene. Right where they detained him. Right there, they were still waiting there. And he handed me the gun.

Q Okay.

MR. MCKESSON: Excuse me. The only thing I want to ask, do you know how much longer are you going to be? The reason why, --

DET. CAZARES: About another hour.

MR. MCKESSON: Are you serious?

THE WITNESS: Another hour?

DET. CAZARES: I'm serious.

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MR. MCKESSON: Because he said that he has 45 minutes. And I know he's coming back. And I have to leave here at 4:15. If you're gonna be another hour, --

DET. CAZARES: Okay. Let me finish with the -- let me pause.

MR. ROSENTHAL: We'll go off the record for a moment.

(Off the record at 2:48 p.m.)

(Back on the record at 2:49 p.m.)

MR. ROSENTHAL: Okay. We're back on the record. Mr. Perez, you're still under oath.

Q BY DET. CAZARES: Okay. At any time, did you or Officer Martin lay the handguns on the table at Rampart

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Station and told each of the defendants, "Okay, this gun belongs to you. That gun belongs to you." That -- did that ever occur?

A No.

Q BY MR. MCKESSON: Would you do that?

A For what? No. That's -- see, people seem to think that when you plant a gun on somebody, you have to tell them, "By the way, I'm planting a gun on you." That's not the way it works.

DET. CAZARES: Okay.

MR. MCKESSON: The only reason why I asked you do you do that, 'cause I think it may be helpful to elaborate on that,

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because you haven't been here during the course of these things. That's one of the things he's commented on, on the way, typically, evidence is planted. They don't actually put it on the person's possession. They just write it up. And, so, I just asked him to do that for your clarification.

DET. CAZARES: Okay. That's fine.

Q At any time, did William Hernandez attempt to make a complaint against you or any other officer, while at the station?

MR. MCKESSON: That he's aware of?

Q BY DET. CAZARES: That you're aware of? And that maybe you may have coerced him not to do so by giving him

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food?

A Not that I'm aware of.

Q Okay. And you may have already answered this question in so many ways. But is it true -- is there any truth that the defendants that were arrested, in this case, the three defendants, did not actually have the guns on them, at the time they were apprehended?

A None of them had them on them. They all discarded the weapons and were taken into custody. And the guns were recovered.

Q And, by your observations, and other officers observations, those handguns were recovered?

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A Right. Exactly.

Q And do you know who filled out the property report?

A I believe it's Martin's handwriting.

Q And --

A Yeah, I want to say it's Officer Martin's handwriting.

Q Okay. And did Sgt. Roller sign the arrest report?

A You know, I think that's my handwriting.

Q Okay. And if it would be your handwriting, why would it be there?

A He probably just told me to go ahead and sign the report.

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Q And when you say he probably told you, are you speaking of Sgt. Roller?

A Right.

Q And that was a common thing at Rampart C.R.A.S.H. to sign the supervisors' names?

A Yes, ma'am.

Q Debbie?

Q BY SGT. ORPIN: I just want to clarify something from the beginning. You said that you may have gotten a radio call. You just weren't sure. But the report -- actually, the report says that you did.

A Yeah. Like I said, whether it -- I thought it was

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like some type of radio call or something alerted us that something was going on there.

Q Okay.

A Had it been just us seeing some gang members, that's what we would have wrote. We saw a gathering. But, for some reason I want to say there was a call.

Q Okay. Did you have a hybrid vehicle? Or did you have a MDT-equipped vehicle?

A No, it -- we would have gotten the call over the air. We didn't have MDT. We had a plain vehicle.

Q All right. Now, that was kind of what I was leading to. Typically, and especially in busy periods, and this time

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period in Rampart was a very busy time, they would have broadcast, normally, non-coded calls. Did you have something specially lined-up with Communications to guarantee that they would broadcast?

Typically, in '95, '96, '97, that was a busy time in Rampart. And if he was not equipped with an MDT, the RTO's would not broadcast non-coded calls.

My question was, did they have some arrangement with Communications where they would have calls that were non-coded broadcasts to them?

A Yes. Me -- our supervisor would always let the RTO know to broadcast any gang calls on any area of Rampart, for

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us to buy. The one thing that they wanted us to do was buy any gang calls, let us handle it, don't let Patrol handle it.

So, periodically, she would broadcast a couple of them at a time. Like three or four of them. We would have a non-coded call holding at this location, at that location. And the officer just buys the call.

Q All right. Officer Graham --

Q BY MR. MCKESSON: Let me just say something. Sometimes police jargon is used. And there's several words in this case. Do you want to define what "buy" means?

A Take the call. Yeah.

SGT. ORPIN: Say they will handle.

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THE WITNESS: They'll handle the call.

SGT. ORPIN: They take responsibility for handling the call.

MR. ROSENTHAL: That -- that's pretty clear. What's -- when you said RTO, what's that?

SGT. ORPIN: Radio Transmission Operator. It's the person who -- it's the radio communications operator.

THE WITNESS: They're no longer than. They're PSR's. Police Service Representatives.

SGT. ORPIN: Well, what they do, they're on the radio and they broadcast calls.

MR. ROSENTHAL: All right. And then, the MDT is the

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computer.

SGT. ORPIN: Mobile Digit Terminal, which is our computer inside the cars.

Q Officer Graham, on this particular date was working Patrol.

A I believe so.

Q Is that because he had not come to C.R.A.S.H., or he had already been in C.R.A.S.H. and left?

A I think he had been to C.R.A.S.H. prior to that. I don't know when he left. But when I got there, he wasn't in C.R.A.S.H. So, he left sometime before that. And, then, later on, maybe a year or two later, he came back to

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C.R.A.S.H. But, at this point, I didn't even know Jeff Graham. I mean, I just met him. This is probably my first contact with Jeff Graham. I didn't know him.

Q Did he have a close working relationship with the officers who were in the C.R.A.S.H. units, though?

A Yeah, they knew him.

Q They did know him?

A Yes, they -- they, obviously, knew him. They knew him. That's probably why they let him respond with the rest of the guys. But, like I said, I didn't know Jeff Graham, at that time.

Q Is it possible that he would have informed you about

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the radio call?

A No.

Q I mean, did that ever happen, people outside of C.R.A.S.H., being on the air via Simplex, and tell you they were holding something that was gang-related?

A Absolutely.

Q That's all I have.

MR. MCKESSON: Before you go, Sergeant, could I ask you a question, please?

MR. ROSENTHAL: On the record?

MR. MCKESSON: Yes. What was the -- I'm assuming this was -- was there writ filed on this? I'm just curious how

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this came to your attention?

MR. ROSENTHAL: No, this is a citizen complaint to Internal Affairs.

MR. MCKESSON: Do you know when the citizen complaint occurred?

DET. CAZARES: This probably happened, I think, in April.

MR. MCKESSON: Of 2000?

DET. CAZARES: Yes.

MR. MCKESSON: Okay.

THE WITNESS: And these are all -- she's asking me are all these Temple Streeters gang members.

MR. MCKESSON: Oh, I see. Thank you very much.

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DET. CAZARES: Any additional?

MR. ROSENTHAL: No.

DET. CAZARES: This concludes this interview. It is now
1500.

MR. ROSENTHAL: We're off the record.

(Off the record at 2:56 p.m.)

(Back on the record at 3:15 p.m.)

MR. ROSENTHAL: All right. We're back on the record.
It's 3:15. The next case that will be discussed is one that
has been discussed on prior occasions. It involves a multi-
four arrest. Miguel Yanez, Y-a-n-e-z; Israel Cid, C-i-d;
Jeffrey Tse, T-s-e; and Armando Sanchez.

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The D.R. No. is 97-02-00529. And it involves four separate cases. Mr. Yanez is BA144748. Mr. Cid is a probation violation with respect to BA100701. Mr. Tse is City Attorney Case No. 7CR04901. And Mr. Sanchez is Juvenile Case No. FJ16241.

Go ahead.

SGT. PEREZ: Okay. This is a tape-recorded interview for Internal Affairs Investigation 00-0478. Today's date is June 29th, 2000. And the time is 1515 hours. Location of the interview will be confidential.

Present to be interviewed is former Los Angeles police officer, Rafael Perez. Also present as his attorney is

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Winston McKesson. Also present, representing the District Attorney's Office is Deputy District Attorney Richard Rosenthal. And the stenographer is Sara Mahan.

Also present is Sgt. Debra Orpin, Serial No. 27432 of Internal Affairs Group. Conducting the interview will be Sgt. Michael Perez, Serial No. 21965; and Detective Diane Cazares, Serial No. 25267.

This interview is being recorded on Tape No. 234454, Side A.

MR. ROSENTHAL: And, Mr. Perez, you're still under oath.

THE WITNESS: Yes.

Q BY SGT. PEREZ: Okay. Ray, we were talking about an

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incident that occurred back in January of 1997. And we've gone through bits and pieces of it. We are now talking about a location on Benton Way, 805 Benton Way is the address.

And we already spoke about the arrival -- how you arrived at the location. And my next question, before we ended the last interview, was explain how each one of the suspects, who were -- who was taken into custody, there on Benton Way, how each one was taken into custody.

You indicated to me that you could not recall just names, if I could show you photos. So, I have brought the photos of each individual. And, first of all, we'll talk about Israel Cid. And I'm gonna show you a booking number --

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Photo

-- booking photo with Booking No. of 5111224. If you could take a look at this gentleman and tell me how he was taken into custody that day.

A I'm sorry. Okay. Defendant No. 1 is Yanez from the first location. But I'm getting -- right. I'm getting a little confused here. 'Cause I'm thinking the first guy was not -- you know, but it's because Yanez was the first guy from the last.

Q Right.

A Okay.

Q Exactly.

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A Okay. That was the very first guy that we came in contact with in the front of the porch area. And he was taken into custody by us. He was out in the front porch area.

Q He was in the front porch area then?

A Yes.

Q Okay. Who took him into custody?

A Myself and -- myself and whoever else was there. Some other officers that were with me, uh, took him into custody. My partners, and there were several other officers there, we took him into custody right away.

Q Okay. Do you recall who your partner was?

A I believe Lucy Diaz was my partner. But there was

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several other officers there as well.

Q Do you remember who they were?

A I remember some. I remember Montoya. I remember Rios. Richardson.

Q Montoya? Who was the second one?

A Rios.

Q Rios.

A Rios and I want to say O'Grady was there. Maybe if I had a line-up I could remember some other names. But there were several more officers there.

Q That was on the initial --

A If I had a DFAR maybe I'd remember some of the other

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names.

Q Now, where exactly was he standing? Did you see him at the doorway? Or how close to the door was he standing?

A I don't know if you showed me pictures of the residence, but from what I remember it's a real small porch area. He was standing right by the door. To the left of the door right in the porch area of the place.

Q Okay. The second photo I'm gonna show you bearing the booking number of 511207. And this is Jeffrey Tse. If you could take a look at that photo and tell me how he was taken into custody and by whom?

A I believe he came out of the house. Who handcuffed

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him or who -- we asked him to come out of the house. But I don't know who handcuffed him.

Q How long were you there before he came out of the house?

A If I remember correctly, we thought that there was a couple other suspects inside. And we were asking them to come out. I think a few minutes had elapsed -- five or ten minutes before the first guy came out.

And, then, we got another guy out from inside the location. Before that, a lady came out. An Asian-looking woman. She told us there was nobody else inside. But there was.

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Q Before, you had told me that you didn't see anybody run into the location, though.

A Right.

Q Is that correct?

A Right.

Q What made you believe there was other people in there?

A Well, we had just -- we had just driven by the location a few minutes earlier. And we knew that there was three people out front that either lived there or hang out right there. So, when we came back, we suspected there was -- there should be three males there.

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So, we figured, you know, that if they're not out front, they've got to be inside.

Q And after you talked to the Asian lady, you ordered people out of the house?

A Yes.

Q And --

A She said that -- I think, originally, she said that her son or something like that, was inside. Just one person. But there ended up being two people inside.

Q Do you recall who her son was?

A I don't know which one is her son. Well, I mean, I may have known, at that time. But I don't -- I couldn't tell

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you right now which one was her son.

Q And do you recall who actually placed him under arrest?

A I do not.

Q I'm gonna show you another photo bearing Booking No. 511283. And this is Armando Sanchez. After reviewing that photo, can you tell me how he was taken into custody and by whom?

A He was -- he was another one that was taken out of the house. He was the last one that was taken out of the house, I believe.

Q How many were taken out of the house?

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A Two.

Q So, Mr. Tse and Mr. Sanchez were taken from the -- they actually came out voluntarily?

A Well, yeah, we asked them to come out, and they came out.

Q And do you recall who took him into custody, Mr. Sanchez?

A I do not.

Q I'm gonna show you one more photo bearing the booking number of 5111238. And this is -- well, disregard that. This is Yanez. And he was taken into custody at a different location. So, we won't -- we won't go into him.

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Ray, I'm gonna play you a recording from transmissions taken that day. And tell me -- and then, we'll talk about it afterwards.

(Radio transmission was played.)

Q BY SGT. PEREZ: Do you want to play that one more time?

A Could you play that again?

(Radio transmission was played.)

THE WITNESS: 23?

(Radio transmission was played.)

THE WITNESS: That's Montoya.

Q BY SGT. PEREZ: Okay. You recognize the voice --

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A Mmnh-mmnh.

Q -- as Montoya?

A Yes.

Q Did you hear what he said to the other unit?

A He had a -- I think he said a follow-up warrant.

Q Yes. Is there --

A There wasn't a warrant, no.

Q Is there any reason why he would say that, that you can remember?

A I think he just said warrant. He knew we were doing a follow-up to the location. I think he -- I think the warrant part he just threw in.

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MR. ROSENTHAL: And, for the record, and I think it's actually practical to do this, is if you could play it again.

And let's state for the record what the tape says, so we've got a little transcript of the tape. In fact, I'll -- if you like, I'll -- Mr. Perez, why don't you --

THE WITNESS: You want me to -- you want me to relay what it means?

MR. ROSENTHAL: You relay what it means. Yes. Or what -- what's said on the tape.

(Radio transmission was played.)

THE WITNESS: C.R.A.S.H. 23 is a unit designation. They're trying to raise 21 because they're raising them.

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MR. ROSENTHAL: Actually, just say what it says.

THE WITNESS: Okay.

MR. ROSENTHAL: So, just repeat what's on the tape, so, we've got it a, basically, verbatim transcript of the tape.

THE WITNESS: Okay.

(Radio transmission was played.)

THE WITNESS: 2 C.R.A.S.H. 23 to C.R.A.S.H. 21. Go ahead.

(Radio transmission was played.)

THE WITNESS: We're gonna be delayed. We're gonna do a warrant follow-up with C.R.A.S.H. 17. And they're gonna be en route after that. And they're gonna have a 15-minute delay.

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(Radio transmission was played.)

THE WITNESS: But they'll be responding.

(Radio transmission was played.)

THE WITNESS: Roger. No problem. We'll be there --
we'll be there when you get there.

(Radio transmission was played.)

THE WITNESS: Okay. Roger.

Q BY SGT. PEREZ: Okay. You mentioned that you had
gone back to the station and you had diagramed the location.
Did you ever mention, to any officers, when you diagraming
that, that this was a warrant service?

A No. I think -- I think he just misspoke. There was

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no warrant. We didn't -- I mean, if this was a warrant, there'd be a full-blown get-together. We'd know about it ahead of time. And we'd wear our -- certain gear. You know, this -- I think he just misspoke as far as saying a warrant. Because there was definitely never a warrant.

Q I want to play one more tape here for you. Let's see if I can --

(Radio transmission was played.)

THE WITNESS: 2 C.R.A.S.H. 17. Can I have an additional C.R.A.S.H. unit at Temple and Benton Way.

Give it to me in two parts. I just need two parts.

(Radio transmission was played.)

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THE WITNESS: 2 C.R.A.S.H. 17. Can I have an additional C.R.A.S.H. unit Kent and Benton Way, Code 2, please?

Q BY SGT. PEREZ: Do you recognize that voice?

A It's me.

Q Why did you request an additional unit Code 2?

A Well, it depends on what time that was. That may have been when we were gonna first hit Kent and -- you know, if you listen to the tape, it'll -- it'll tell you in the background what time it is.

Q Yeah, well, I have it down here. It was actually five minutes after Montoya had told the other unit that they were gonna assist you with a warrant.

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A Five minutes?

Q Five minutes. Okay. My question here to you is this, if you didn't see anybody run into the house, why would you request an additional unit, Code 2?

A I don't even know why -- I'm not sure, necessarily, -- we definitely -- I wouldn't have -- even if I saw somebody running, we don't -- we don't broadcast. You know, we have everybody that we need there. I mean, if somebody runs, two guys go after him. But I'm not sure that that was to deploy on anything.

I'm not -- especially with Montoya fifteen minutes earlier saying that they're gonna meet and then we're gonna do

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it. That might have been for something else. Maybe to help me scout it or go look at it or something.

I'm not certain. You see what I'm saying?

Q Okay. Yeah. I see what you're saying.

A I don't think that we were hitting the place yet, at that point. I'm requesting a unit, but I don't think we've hit the place yet.

Q Okay. And --

A Was there anything more after that?

Q Yeah, I'll play it.

A Because it may help.

Q I'll play it over.

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(Radio transmission was played.)

Q Do you want to repeat that, too?

MR. ROSENTHAL: The -- the tape was just played. And it's just a repeat of what Officer Perez had said. All right.

(Radio transmission was played.)

THE WITNESS: So, that's still the unit that was responding from earlier.

Q BY SGT. PEREZ: Okay. Do you recognize who that would be? 2 C.R.A.S.H. 23?

A Could you rewind it one more time and let me just hear him talking?

(Radio transmission was played.)

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Q BY MR. ROSENTHAL: It's 2 C.R.A.S.H. 23. Did he say anything after that?

A He's gonna be there -- 2 C.R.A.S.H. 23.

(Radio transmission was played.)

THE WITNESS: At Kent and Benton Way.

(Radio transmission was played.)

THE WITNESS: You're saying that that's five minutes? Wait a minute. Now, the -- the tape you played before, --

SGT. PEREZ: Right.

THE WITNESS: -- what time was that?

SGT. PEREZ: That's at 1923 .

THE WITNESS: Hold it. That's at --

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(Off the record to change tape at 3:30 p.m.)

(Back on the record at 3:31 p.m.)

MR. ROSENTHAL: We're back on tape.

SGT. PEREZ: And the time is 1531 hours.

Q Now, when you say Kent and Benton Way, is Kent and Benton Way close to 805 Benton Way?

A It backs into it. This is --

Q Just for the record, Perez is drawing a map depicting Coronado, Benton Way, and Kent.

A On the initial arrest, Kent -- see, I set up right here. This is my -- where I'm supposedly watching these guys here.

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Q Right.

A Or I'm looking for them. I request additional units. And I tell them there's gonna be other units -- or other suspects standing here.

Q Okay. When you put you were here, why don't you put a "P" there for Perez?

A "P" for Perez

Q Okay.

A This is --

Q Yanez.

A This is Yanez' vehicle.

Q "Y".

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A A "Y" for Yanez. And this is the other gang members. Q Okay.

A I'll put a "G" for gang members. What I did was I had them meet me. I told them that we had gangsters here. That when we approached, they're gonna hit these people. And I'm gonna hit Yanez as soon as I see him right here. And I took him into custody. And all the other --

Q When you say "as soon as you see him" --

A I was waiting for him to come out. I was waiting to see him Mr. Yanez. I knew who I was looking for. You know, I was looking for a particular person who I knew, supposedly, had a particular weapon in that -- in the location.

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And when I saw him, I said, "Okay, we're gonna hit it." And we did that. And most of the guys went to where the bigger group was. I went to where Mr. Yanez was, which was -- he was standing next to like a -- I want to say like a gold or brown Thunderbird parked right -- right next to a window right here.

Now, the Benton Way location, it's right here. Right behind me.

Q And put a "T" for -- that's Tse.

A I put a "T".

Q That's his residence there at 805?

A Yeah. It was right behind -- it was right behind

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us. And, at the time, we didn't know what was going, you know
-- I was not -- I was --

Q So, what you're thinking is this was the
transmissions for the first location?

A I believe so, yeah.

Q Did you --

A 'Cause when we -- sorry. When we hit the location,
we don't need to broadcast. We don't need to say, "Hey"
'cause we got all these units there. We don't -- none of that
is done over the air. We -- we communicate together.

Q Okay. Well, I've got another problem then. Because
four minutes after that transmission, we got a transmission

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here of running a '83 Buick, which is registered to 805 --

A 805?

Q -- Benton. And I'll let you listen to that.

A Yeah.

Q Let me -- and that's at 1932.

A Who is 23? Is that O'Grady?

Q I believe 23 was Patel and, uh --

A Patel.

Q -- and Moore, maybe.

A Now, if you remember -- if you look in the transcripts, I said that a unit showed up late.

Q The second location.

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A That could be, yeah. I mean, that could be that I requested an additional unit for transportation or whatever.

(Radio transmission was played.)

THE WITNESS: Yeah. But you see, you know, -- well, okay. I'm trying to think.

(Radio transmission played.)

THE WITNESS: That Lucy running it? That's probably when we're looking at the car. DMV Auto Status on -- rewind.

(Radio transmission played.)

THE WITNESS: 3-R-B-R-9-7-0. What probably is happening there, this is when we're looking -- scouting the location. There was a car parked right in the driveway there. And, as

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we're driving by, that's when we probably see the license plate and I tell her to run the plate.

We, definitely -- when we approach and we hit the place, we're not broadcasting. We're not running plates. I mean, all that is done. I think we do that beforehand. As far as the license plate, this is -- we're probably getting ready to hit the location is what we're doing. But we drove by, because Lucy -- Lucy Diaz wouldn't have broadcast. When we hit the location, Lucy Diaz is not doing anything. If anybody's gonna run anything, that would be. She's not --

Q BY SGT. PEREZ: But what location are you getting ready to hit? The first one or the second one?

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A No, the second one. The second one. You see what I'm saying?

Q So --

A After we did the first location, we did the Yanez --
(Sergeant's tape was changed to Side B.)

SGT. PEREZ: Okay. We're back on tape. And this is gonna be Side B. And the time is 1539 hours.

THE WITNESS: After we hit the first location on Kent, we take Yanez back to the station. He starts telling us about guns that he has stolen -- or sold to some guys. And we, then, take him and he shows us where the location is.

So, we start trying to make a diagram. What we do

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is make diagrams. You know, we let everybody know what it's going to look like. There was a vehicle in the driveway. I believe we ran that plate before we hit the location. We ran that plate before we hit the location.

Q BY SGT. PEREZ: But, you see, that still doesn't make sense, because four minutes prior to that you're requesting a unit Code 2.

A Right. I'm requesting probably several units. There's -- there's several units responding.

Q So, what you're trying to say is, that request Code 2 was at the first location?

A No, no, no, no.

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Q Okay.

A I've already been to the first location.

Q Okay.

A I needed more units. So, while I'm scouting the place, while I'm taking Yanez to show me -- show me where this apartment -- or building is, or whatever -- the house, we drive by. I request an additional unit, 'cause I know we're gonna do a -- you know, we're gonna hit the warrant service or whatever he's gonna call it. We're gonna hit a house.

We drive to look at it. And, as we're driving by, I guar- -- I'm almost real sure about this, that when we're driving by, I'm telling Lucy, "Get the plate." And she runs

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the plate.

Q Because, then, didn't you respond back to the station after that? Because you had said you diagramed it after you drove by the location.

A Yeah. I did diagram. But I'm not sure if I diagramed at the station. It could have been right at the -- right at the, you know, -- the Rampart Station exit.

In other words, not necessarily be in the chalkboard in the roll call room. It could be -- you're talking about less than a half a mile from the station, this place.

Q Yeah, but, what I'm saying, though, is if -- why would you request a unit Code 2 there and then go to another

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location without -- what's a unit gonna do if you're not there? You see what I'm getting at?

A Yeah. I don't know. But it, definitely, wasn't --

Q Because if you're -- if you're -- if you've got Yanez with you, which you said --

A Right.

Q -- is possible, and then, you're telling Lucy to run that plate, naturally, you're gonna go back to the station, dump off Yanez, right?

A Yes. Definitely.

Q Okay. So, then, -- and, then, at 1933 -- a minute after Lucy runs the plate, 23 arrives at the location.

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A Yeah.

Q All right. Well, let me just go on. Let me go.
And we can --

A Yeah.

Q -- you could think about it as we go on. Let me hit
some more questions here. Did you ever tell anyone, officers,
anyone that you had a warrant for the location on Benton Way?

A No. I didn't have no warrant. I --

Q Okay. When you arrived on Benton Way, did you
observe anyone armed with any weapons at all?

A No.

Q You never saw any guns on anyone?

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A No.

Q And you never observed any individuals run into the house, is that correct, on Benton Way?

A Not to my recollection. I remember there was somebody in the front -- front porch. But I didn't see anybody running in. I know that's the story we made later. You know, we said that we saw somebody run in with a gun. And when we run in, the gun's sitting on the floor nice and perfect for us.

Q But you don't recall seeing anybody run in?

A No, I didn't see anybody run in, no. And I was the first unit in.

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Q And you were the one that requested a back-up, or an additional unit Code 2. So, -- but we still haven't determined where exactly that was.

A Yeah. And I'm not sure what -- because you got to remember, we already have like ten officers there. I don't know why we asked for another unit. Except maybe for transportation or something like that.

I mean, that's possible. It could be for some type of transportation purposes. And everything's already been done.

Q Do you have a Page 107 there?

A In the transcripts?

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Q Yeah, the transcripts. Page 107.

A Yes.

Q If you look on Line 17, you stated that "The only person who came out of the residence was a female Asian."

A That's correct.

Q And is that true?

A Yes.

Q Did anyone else come out of that residence?

A Yeah, eventually.

Q Eventually?

A Right. And, actually, the last person was still there when we went in. Because the lady, the Asian woman,

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told us there was only one person inside. And, like I said earlier, and when we started getting on the P.A. and asking people to come out, one guy came out. But, then, there was still one guy left inside.

Q Okay. You told me both of them came out. So, one of them actually stayed in?

A Right.

Q Okay. Which one stayed in?

A This guy, you know --

Q Right.

A -- was there. We got him out right away.

Q And this guy is Cid.

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A He was right there in the front door. That was --

Q And this guy is Cid. So, that is the person that was taken into custody first?

A Right. That's the first guy that was taken into custody. This guy comes out. And this guy is found -- or we get him out later.

Q Okay. This guy -- when you say "this guy," who are we talking about?

A 207, T-s-e.

Q Right.

A Right. And, then, Sanchez is the guy we get out later, a little bit later after we go in.

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Q So, Sanchez is actually taken into custody inside the house?

A Yes. But brought out. We went in to do a search. And we got him out.

Q Do you remember where he was found?

A I want -- for some reason, I want to say the bedroom. But I'm not positive. There's a bedroom. As you walk in, -- as you walk in to -- immediately to your left, there's a bedroom there. And I want to say that he was in that bedroom. But I'm not -- I'm not positive.

Q Were you part of that search team?

A Yes.

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Q You're positive?

A We all were. We all went in. Yeah. Well, not all of us. There was about five or six of us that went in on the search. And we had a few people outside with the female, and the other body.

Q Who went in the location with you to do the search?

A I want to say it was me, Montoya, Rios, Richardson. I want to say O'Grady. And there might have been one or two other officers. And I can't remember who they were. I want to say that Patel or somebody like that showed up later. But I still don't -- Patel, for some reason, just -- I keep thinking of him. But if he did show up, it was later.

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Q You also mentioned that you had gotten consent to search the second house, the house on Benton Way, 805 Benton Way.

A From the Asian woman that we pulled out, yes.

Q Who actually requested the Consent to Search?

A Actually, I think a supervisor did. I want to say -
- I want to say Guer- -- was Guerrero there? Or -- for some reason I want to say that I remember Sgt. Guerrero and Lucy Diaz talking to her. And that she gave us a Consent to Search.

But, again, I'm not positive on that.

Q You didn't talk to her, though?

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A At some point, I talked to her. You know, on and off. But, as far as the Consent, I think it came from the sergeant. I think the sergeant was talking to her and getting a Consent.

Q Do you know if the Asian female spoke English?

A I'm assuming she did. I mean, they talked to her. But I'm not positive.

Q You said you spoke to her also.

A Well, I spoke to her. I didn't speak to her in any type of Asian language. So, I mean, --

Q And you recall her speaking English?

A Yes.

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Q Do you remember seeing the Asian female sign a Consent form?

A I remember her being talked to about the Consent, and her giving it. And we -- as soon as she was saying, "Yeah," we started stacking up and getting ready to do the search. But Lucy, and I believe, Sgt. Guerrero was handling that.

So, I don't remember really seeing her sign the Consent.

Q Do you recall if there were any officers, at the scene, who spoke Chinese or any other dialect similar to that?

A The only officer that might speak some Chinese type

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language is Officer Ng, N-g.

Q Okay.

A And I don't remember him speaking it, though. So --

Q Was he present that day at the location?

A I just do not remember. I want to say that it was Patel. It may even be Ng that showed up late.

Q But you're not sure?

A I'm not sure.

Q And was there an Asian officer on the Kent location?

A You know, I know -- I think -- I believe Richardson was there. And I believe Ng might be his partner. But I'm not certain. So, I can't say his name. You know what I mean?

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If I'm not certain, I'm not gonna say his name.

But I believe that Ng was Richardson's partner. But I'm not certain. And I think Richardson was there for the first search. But I'm just not sure if his partner was with him. You know, I just don't remember his face. You know what I mean?

Q All right.

A I just can't remember his face.

Q Did the female Asian ever ask you if you had a search warrant?

A Ask me?

Q Yes.

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A I don't remember that.

Q Did you or any officer, at the scene, ever threaten the Asian in order to obtain Consent?

A No, sir.

Q But you said before that the Asian female was spoken to away from you at time also, right?

A Yes. Primarily, Lucy Diaz was watching her or talking to her, as well as Sgt. Guerrero.

Q Did you or any officer tell the Asian female that you would obtain a search warrant if she didn't give you Consent?

A You know, all these things that you're saying, as

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far as obtaining, I'm not gonna say they didn't happen. 'Cause all of that is possible. I just don't remember doing it. You know, so, I can't say yah or nay.

Q You mentioned Richardson, Montoya, Rios. Do you know where they were when the officers were talking to the female Asian trying to get Consent to Search?

A We were all there by the cars before we got the Consent to Search. So, you know, we were in front of the location, sitting there by the vehicles. In fact, I think most of us were just a little bit south of the residence. South of the location. That's where I remember mostly everybody meeting at.

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Q So, when you went in to do the search, that's when you found Mr. Sanchez in the location?

A Yes. He was the very last one we found.

Q Did you find Mr. Sanchez prior to obtaining Consent to Search?

A No. After.

Q Is it possible that officers entered the location prior to obtaining that Consent to Search?

A You know, I don't know. You know, it's possible, again. But I just don't remember it that way. I mean, I don't -- you know.

Q Okay.

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A That doesn't stand out.

Q But you -- you seem to think that you were with the initial team that entered the house?

A I was.

Q No question about that?

A Yeah.

Q When you went in and you found Mr. Sanchez, did you escort Mr. Sanchez out?

A No. I don't know who escorted him out. But I stayed in the location. So, whoever the very last man is, it's called a trailer, he's in charge of taking that person and handcuffing him and getting him into custody and getting

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him out of the building. And we continue to do our search in the -- in the residence, looking for any other suspects inside.

Q How many trailers did you have? What position were you?

A One or -- I would have been the team leader. I would have been, you know -- I would have been the one saying, "Okay. You're the point. You're the cover. You're the cover -- or the cover man. You're the trailer." You know, that type of thing. I'm the team leader. I'd be the one saying, "Okay. Everybody, let's go." And we'd all go in.

I wouldn't -- I definitely wouldn't have been the

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one to say, "Okay. You're in custody. Come on. We're leaving the building." And the rest of the people, stay inside. Definitely not.

Q Did you, at any time, walk out of the house, during the search, talk to someone outside, while the search continued inside?

A Oh, probably, yes. Are you talking about after everybody was in custody?

Q After -- yeah, after Mr. Sanchez --

A Oh, yeah.

Q -- was in custody. Would that have been prior to recovering the weapons?

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A Probably, yes.

Q In the arrest report, you wrote, "We conducted a search of 805 Benton Way with assistance of Officers Montoya, Rios, and O'Grady. Officer Rios recovered a blue steel semi-auto handgun on the floor of the first bedroom.

Officer Rios recovered that handgun and noticed it to be fully loaded with additional rounds in the magazine." Was the recovery of that gun true, the way it was written there in the arrest report?

A No. There was no gun on no floor, however that was described. The guns were found -- you know how you take a waterbed and you take the waterbed out but put a mattress?

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And underneath the waterbed, there's like a plywood or something. That's what it reminded me of.

That was lifted up. And the boards were lifted up. And the guns were sitting right there. And in the bedroom, though. But not like the way it described it, the gun just laying on the floor in plain view in the bedroom. It definitely wasn't like that.

Q Were you present when whoever recovered those weapons actually found them?

A I was looking -- they were behind me. I'm looking at a dresser or something over here. And somebody mentioned, "Oh, we got something." Or something like that. Something to

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that effect. And it was the weapons.

Q Did Montoya, Rios, or O'Grady tell you to write that in the arrest report, that two sentences that I just previously read to you?

A I'm sorry? What were the two sentences?

Q The sentences that I read to you is, "Officer Rios recovered a blue steel semi-auto handgun on the floor of the first bedroom. Officer Rios recovered that handgun and noticed it to be fully loaded with additional rounds in the magazine." A Did the officers ask me to write that?

Q Right.

A Not in that -- what we did was we discussed how --

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who's gonna take credit for what. I mean, how the report was written was totally my doing. But, as far as who's gonna take credit for what during this -- this search or this break-up of this little -- the group, was discussed at the location there after the guns were recovered.

Q So, Rios, in essence, told you that he would take responsibility for recovering that weapon. But you chose to write it however way you chose to?

A Right. As far as that he saw it on the floor in plain view, all of that, yeah, that's my doing.

Q In the arrest report, you also wrote, "Officer Rios and Montoya both inspected the weapon and advised you that the

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weapon appeared to be the same handgun they observed Sanchez holding as he ran inside the location." Was any of that true?

A That's not true. We did discuss it, though. That's what we discussed what we -- we're gonna write -- or I was gonna write the report and we were discussing it at the location that they saw the gun. And it appeared to be the same gun that he was holding, the guy that they saw, supposedly, running inside. That was the gun that he was holding.

Q BY DET. CAZARES: Just for clarification purposes, so Sanchez was never holding a gun, from your observations?

A This guy here?

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Q Yes.

A I never saw him holding it. I was the first vehicle in. I mean, I would have saw it, too. He definitely wasn't holding a gun when I saw him, or after, you know, took him into custody, I never saw him holding a gun. And I didn't see the first guy holding a gun.

Q When you say "the first guy" you're referring to?

A Cid. The very first guy that we took into custody, besides Yanez.

Q So, those two individuals were not holding guns?

A No. I think I described him pulling a gun out of his waistband and throwing it.

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Q That never happened?

A No.

Q BY SGT. PEREZ: So, did Montoya tell you that -- to write that sentence in the arrest report?

A He didn't in those exact words say, you know, write this. You know, we discussed it. And he goes, "Okay. We'll just say that that was the gun that we saw this guy carrying. So, we'll take credit for this guy." That's how the conversation, basically, went.

Q That's what Montoya said?

A Right.

Q How about Rios? Was he part of the conversation?

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A He was there, yes.

Q How long did you and the other officers search the residence before you actually found the handguns?

A We were probably there -- I want to say we were there twenty-five minutes, thirty minutes before we found the guns.

Q And you mentioned that, during the search, you might have gone outside and the officers continue searching. Do you recall who you spoke to when you were outside?

A I think I went and talked to a supervisor trying to explain to him what was going on. I might have even went out and spoken to the -- the mother once. Or -- I don't know her name. But the lady that was taken out of the apartment, I

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think I spoke to her once. What exactly I talked to her about, I don't recall.

Q That was -- that was the female Asian?

A Yes.

Q Going to Page 108 on the transcripts there, Line 14, you stated that all the handguns were recovered under a mattress in one of the bedrooms.

A That's correct.

Q How do you know that?

A I was there. That's when I was telling you that -- you asked me was I there. I told you I was away from them, facing away from them. And I was searching a dresser area.

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And that's when somebody said that they recovered the guns under the plywood under the mattress thing.

Q Do you recall who recovered them?

A That question was asked of me before. And I wanted to say that it was Patel, the Asian-looking officer. But, at the same time, I wasn't certain. It might have been Officer Ng. But I'm not certain about him either.

For some reason, I want to say it was not -- it wasn't me. But I'm just not certain. I --

Q Okay. If you're not certain --

A I want to say it was somebody's partner. Obviously, it's somebody's partner. I think it was either Richardson's

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or Montoya's partner. One of those two. It wasn't Richardson, it wasn't Montoya. It was one of their partners that -- that found it.

Q Okay. Now, when you went outside and they continued the search inside the residence -- you said you might have gone outside to talk to someone -- did you ever go outside and talk to Jeffrey Tse, this gentleman here that I'm showing you the photo of?

A Yeah, I talked to him several times.

Q While they were doing the search?

A Right. I -- I went -- I think I talked to him and I said, "You know, we know there's guns here, bro. I don't want

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to tear the place apart. Just tell me where the guns are."
You know, uhm -- you know, that type of thing.

And I think the first time around, he denied. And, then, eventually, he -- after I think we found them, he started admitting, you know, the truth, and told us about it and everything.

But I talked to him several times, I mean.

Q While you were talking to him, during one of your conversations, did you ever hear any officer say, "We found something inside the location?"

A While I'm talking to him outside?

Q Yes.

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A No, because when I got told that they had found something, I was right there. I was in the room itself.

Q Are you sure that all the handguns were recovered under the same mattress and not at different locations?

A To the best of my recollection, they were all recovered by the -- under the bed in that one bedroom.

Q Okay. We're gonna go off tape. The time is 1601 hours.

(Off the record at 4:01 p.m. to change paper.)

(Back on the record at 4:02 p.m.)

SGT. PEREZ: Okay. We're back on tape. The time is 1602 hours.

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Q Do you remember how many guns there were recovered?
If you'd like, you could refresh your memory with the arrest
report there.

A I believe there was three. But I'll look at the
report. The property report is what you're trying to say?

Q Yeah.

A Well, I don't have the property report.

Q You don't have the property report?

A I don't have the property report. I'm sorry.

Q Okay.

A Oh, I'm sorry. Here it is.

Q Oh, you do? Okay.

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A There was three handguns recovered.

Q Do you remember, specifically, where the .9 millimeter was recovered?

A I believe they were all recovered in the bedroom.

Q Okay. Is there a possibility that two were recovered in one location, and, then, the third somewhere else?

A It's a poss- -- I mean, it's possible. You know, my memory was that, you know, I know we recovered some guns under that mattress, the plywood that goes for a waterbed. I know that several guns were recovered -- or recovered under there.

So --

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Q Did you take them outside?

A At some point, yes.

Q Were you the -- the one that actually took custody
of the weapons --

A Yep.

Q -- and took them outside?

A Yes, sir.

Q Did the search continue?

A Yes, sir.

Q Do you remember how many guns you took outside?

A Not specifically. In fact, I want to say that I
came outside and I put some guns in the trunk of my vehicle.

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But I don't know how many I had.

Q You mentioned that Cid and Tse admitted ownership of two of the guns recovered. Where did this admission take place? Is this at the scene? At the station?

A This is still at the scene.

Q At the scene?

A Yes.

Q Do you recall if there was anyone else present when Cid made that statement, or Tse?

A There may have been, but I don't remember who it was.

Q While at the station now, do you recall any of the

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suspects requesting to use the bathroom?

A I don't know. I mean, it's possible.

Q Okay. And, again, at the station, did you, at any time, take one of the suspects to the restroom, and while inside the restroom kick or strike one of the suspects? And this -- and the suspect that we're talking about is Cid.

A Me personally?

Q Yes. You.

A No.

Q Do you have any knowledge of any other officer doing this?

A I do not.

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Q Is that something you probably would recall today?

A I would definitely recall if I thumped somebody. Because I'm more of a -- I would smooth talk you to jail instead of beating. I mean, he's in custody. I got the gun. What do I got to beat him for?

Q What if another officer had done that in your presence, is that something you would recall today?

A I probably would remember it. 'Cause I -- I'd be worried that he's gonna make a beef on my investigation. And, you know, but I would remember that. But, as far as, what was the purpose in beating him after we already got the gun in custody and he's in custody? What's the point?

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Q Do you recall any officer telling one of the suspects, in particular Sanchez, "You fucked up. You were in the wrong place at the wrong time. And I have to make my rank."

A Make my rank? That's fabricated. That's not true.

Q What's that?

A Well, I don't remember hearing that. I never said that. We don't call, you know, promotions "rank" in the police department.

Q So, if someone said that in your presence, you'd probably recall that today?

A Yeah, I would remember that.

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Q Where did you write the arrest report at?

A In front of a computer. Which computer?

Q Were you at Rampart Detectives?

A I don't remember. I'm trying to sit here and remember. But, you know, we used both offices. You know, we'd go back and forth. We'd use the one in the station and the one in Detectives.

Q Who wrote the property report?

A That handwriting looks real familiar. I want to say it's Patel's maybe, or -- that handwriting looks familiar. I just can't remember whose it is. It's not Lucy Diaz.

Q And you don't -- and you don't, independently,

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recollect who wrote it?

A No. You know, once everybody's in custody, I just sit and do the report. Everybody else books -- books the body, and books the property. I don't even see it again. I just write my report.

Q That doesn't look like Lucy's writing?

A No, sir. That's not Lucy's writing. I think it's Patel's handwriting.

Q Do you remember Lucy Diaz reading your report after you finished writing it?

A No, sir.

Q BY MR. ROSENTHAL: Is this one of those cases,

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though, where you would discuss it with your partner?

A Oh, I mean, we -- the very first arrest, the very first person, the whole thing was completely fabricated. I mean, it was -- the whole thing -- the whole thing was fabricated. So, I mean, we talked about that and how it was gonna be written. So, she knew that that part was gonna be fabricated. She knew. I mean, obviously, she knew certain other little things that went on.

Q She knew about the first location. But did she know about the second location?

A To be very honest, I think she was lost enough not to know. In other words, she just didn't know what was going

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on. She ended up having to stay outside with the other female. I don't think she knew where we recovered the guns from. But, as far as that part, the second part, I think she was not in the know, per se, and wouldn't know what happened.

You know, she was just like, whatever. I'm just in here with the defendant and the other female. So, I don't think she probably knew about what went on, on the second one.

Q Do you know a gang member from Temple Street with the moniker of Boo-boo?

A Boo-boo? Do you have a picture of him?

Q No, I don't.

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A I think I do. But I don't want to -- I believe I do. I know a Boo-boo, I believe.

Q Was he an associate of Yanez? And Yanez is this gentleman here bearing the booking number of 5111238.

A I mean, they're in the same gang. So, I mean, do they hang out? I don't know. But they, I mean, I'm pretty sure they would know each other, if Boo-boo is a Temple Street gang member and he's a Temple Street gang member.

Q Do you remember seeing Boo-boo that same day, or evening?

A When he was taken into custody?

Q Yes.

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A There was like several other gang members at the location. And he was taken into custody. They were a little bit further south. They were a little bit further east of -- from where he was taken into custody from.

Q Was Boo-boo ever detained by you that day?

A Not necessarily by me, but by other C.R.A.S.H. officers. But I was there. Because, see, I went straight to him. I went straight to Yanez and detained Yanez. Several other units detained the other -- they arrested a group. I eventually walked over to the other group. See, and all they're gonna remember is Perez, 'cause they know me.

So, you know, Perez detained them. Or that might be

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their thinking.

Q Did you transport Boo-boo to the station? Or did any other officers transport Boo-boo to the station when you transported Yanez?

A I don't recall. I don't remember that.

Q Okay.

Q BY DET. CAZARES: Was there ever a request for a Chinese-speaker to come to your location, the second location on Benton Way?

A Whose -- can you tell me who C.R.A.S.H. 23 was? Or the unit that I requested? 'Cause I'm thinking that's why we requested another unit Code 2.

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16

SGT. PEREZ: 23 is Moore and Patel.

THE WITNESS: Moore and Patel? I don't know if it was a request for them or not. Do you know -- can you tell me if Ng was at the location? N-g?

DET. CAZARES: Personally, I don't know.

SGT. PEREZ: I don't think so.

THE WITNESS: I think he would have been our only Asian-speaker, unless we got one from Patrol or something.

Q BY MR. MCKESSON: Asian?

A What do you want me to say? Chinese?

Q Yeah.

A She wasn't Chinese. I think she was like Filipino

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or something, right? Like Tagalog or something. Some other -

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DET. CAZARES: Tagalog.

THE WITNESS: Tagalog? Yeah.

Q BY DET. CAZARES: Do you know if Jeffrey Tse spoke to his mother in a Chinese dialogue -- dialect?

A While we were there?

Q Yes.

A That's possible.

Q You indicated the officers that assisted you in the search was Montoya, Rios, Richardson, O'Grady. Was Diaz also part of the search?

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A No, ma'am.

Q You indicated that all the handguns were recovered underneath the bedding of a waterbed.

A There's no waterbed in it, though.

Q But it would be -- it would be the bedding underneath of the waterbed -- where a waterbed would be?

MR. MCKESSON: Like a foundation? Yeah.

DET. CAZARES: Yes.

THE WITNESS: Right. Yes.

Q BY DET. CAZARES: This bedroom, was this bedroom locked?

A With a lock on the outside? Or just the door?

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Q The door or a lock.

A You know, when you say that, all of a sudden, you know, I want to say that's possible. But I don't have a clear memory. For some reason, I want to say that we had to force the door and we had to get a door opened or something.

Q Was there forced entry to get into the bedroom?

A The bedroom? It's possible.

Q BY SGT. PEREZ: Let me show you --

A I think it's very possible.

Q -- Photo No. 10, Letter B. There's a door as soon as you come into the left there. And there appears to be a lock on the outside of that door.

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A That's possible.

Q Do you recall that, that day?

A I -- when she said something about a lock or door
being locked, something hit me that --

Q BY MR. MCKESSON: She being Officer --

DET. CAZARES: Detective.

THE WITNESS: Cazares.

MR. MCKESSON: Detective. I'm sorry.

THE WITNESS: Detective. That I think we might have had
to make our way into that door. But, yeah, I'm not positive.
I can't, you know -- I can't say for certain, you know.

Q BY DET. CAZARES: Did you ever establish as to whose

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bedroom that belonged to?

A I believe it was --

Q The occupants of the household?

A Well, I believe --

Q I mean, within the occupants of the residence?

MR. MCKESSON: Detective, do you have just a few questions?

DET. CAZARES: What are you telling me?

MR. MCKESSON: That you need to cut it short.

DET. CAZARES: I just -- I have a few more questions.

THE WITNESS: I believe that the apartment, or the bedroom belonged to Mr. Tse, T-s-e. Now, did he share it with

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some of these guys? Or were they buddies of his that slept there? I don't know. I know that, I believe, he lived there. And that was his bedroom.

Q BY DET. CAZARES: Okay. So, you believe that it belonged to Jeffrey Tse? That was his apartment -- I mean, bedroom?

A It's his mother's apart- -- right. I believe that was his bedroom.

Q Okay. You indicated when you took Yanez to the station. And, then, when he told you about the handguns and the location of maybe to the individuals he sold the guns to, you indicated that you -- Yanez showed you the location,

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correct?

A Yes, ma'am.

Q At that time, did Yanez remain with you or any other officers, while you conducted your search on Benton Way?

A No, he was back at the station.

Q He was transported back to the station?

A Yes.

Q By whom?

A By me.

Q Okay. And you indicated that Cid and Tse admitted to you that those handguns belonged to them while at the scene?

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14
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16

A Yes.

Q Is that a true statement?

A Yes.

Q And when you were searching in the bedroom, all of the officers that you mentioned -- Rios, Montoya, Richardson -- they were also in the bedroom with you?

A Yes. And I want to say that when somebody made some noise about recovering the guns, that I don't know why, but I want to say that O'Grady walked in and like, "Oh, let me see them. Let me see them." That type of thing.

So, O'Grady might have not been there. But he walked in when he heard somebody recovered the guns.

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13
14
15
16

Q And of those officers that I mentioned, you cannot recall who was the officer that actually located the handguns?

A I cannot. Because they were behind me. And they were behind me, as I said. And it was sort of like, "Oh, here they are." You know, so, I'm not even sure which one really recovered it. But one of them recovered it.

Q And just one more question. Did you find any information indicating that that bedroom belonged to Jeffrey Tse? Mail? Or did he actually tell you, "Yes, this is my bedroom?"

A I think, based on some of the things he said, we knew that was his bedroom.

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16

Q But you never confirmed it?

A Like did I look for something with his name in it or something?

Q Yes.

A No, ma'am.

MR. ROSENTHAL: Okay.

SGT. PEREZ: All right. That's gonna conclude the interview. The time is 1615 hours.

MR. ROSENTHAL: All right. And we're done for the day and off the record.

(Off the record at 4:15 p.m.)

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1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

OFFICER INDEX**June 29, 2000**

Officer Alaniz

3831, 3835-3838

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

Officer Bobby Arcos	3774
Officer Stephanie Barr	3839, 3841, 3844
Sgt. Paul Byrnes	3809
Officer Canister	3744, 3758, 3767
Officer John Collard	3778-3780, 3784, 3786, 3788-3792, 3795-3804, 3808-3809, 3811-3813, 3815, 3840
Officer Lucy Diaz	3862, 3873, 3879-3881, 3892, 3895
Officer Raquel Duarte	3819-3820
Officer Nino Durden	3745, 3753, 3758, 3764, 3767, 3770
Officer Nelson Fong	3778-3780, 3784, 3786, 3788-3792, 3795-3799, 3801-3804, 3808-3809, 3812-3815, 3840

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

Det. Graff	3744, 3767
Officer Jeffrey Graham	3831-3833, 3835-3838, 3845, 3847-3849, 3853, 3857-3859
Sgt. Alfonso Guerrero	3879-3881
Officer Brian Hewitt	3820, 3839, 3845
Officer Brian Liddy	3832, 3839, 3844
Officer Daniel Lujan	3806
Det. George Lusby	3744, 3763, 3767
Officer David Mack	3813-3814
Officer Samuel Martin	3779, 3810, 3813-3814, 3825, 3830, 3837, 3839, 3854, 3856
Officer Lawrence Martinez	3806, 3839

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

Det. William McGee

3744, 3767

Officer Michael Montoya

3862, 3866, 3868-3869,
3879, 3881, 3883-3886,

3888, 3895, 3898

Officer Kevin Moore

3872, 3895

Sgt. David Navarro

3797-3798

Officer Melissa New

3744, 3758, 3767

Officer Howard Ng

3880, 3887, 3895

Officer Thomas O'Grady

3862, 3872, 3879,
3883-3884, 3895, 3898

Officer Kulin Patel

3872, 3879-3880, 3887,

3892, 3895

Officer Mark Richardson

3862, 3879-3881, 3888,
3895, 3898

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

Officer Mario Rios

3862, 3879, 3881,
3883-3886, 3895, 3898

Sgt. Douglas Roller

3798, 3838, 3856

Officer Humberto Tovar

3824