

STATEMENT OF

RAFAEL ANTONIO PEREZ,

TAKEN AT THE MTA BUILDING, ONE GATEWAY PLAZA, LOS ANGELES,
CALIFORNIA 90012.

IN RE: CASE NO. BA109900
People vs. Rafael Antonio Perez

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C.S.R. No. 10647

00-007

LOS ANGELES, CALIFORNIA, THURSDAY, JANUARY 27, 2000, 12:41 P.M.

MR. ROSENTHAL: We're on the record. It's 12:41 on January 27th, 2000. These are the continuing interviews of Rafael Perez.

Uh, Mr. Perez, uh, please raise your right hand.

THE WITNESS: (Witness complied.)

MR. ROSENTHAL: "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. Thank you. Now, that you've been placed under oath, uh, Detective Castillo is going to finish with the, uh, question that he started yesterday.

THE WITNESS: Yes, sir.

Q BY DET. CASTILLO: Uh, Rafael, thank you. Uh, present is, uh, Rafael Perez. Uh, my name -- the time is, uh, 12:42. It's 1/27. I'm investigating a criminal matter of, uh, D.R. Number 97-07-134 with a defendant name Antonio Lizama, L-i-z-a-m-a-.

I am not recording this tape. Uh, it's -- this case is between me and another partner. Rafael, I would like for you to look at this booking photo and the arrest report.

[***** ***** CI # 24 Information Redacted *****]

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MR. ROSENTHAL: Actually, on this -- I'm sorry, uh, Detective. If I can just make a point. Uh, this case, uh, D.R. Number 97-07-13409 --

DET. CASTILLO: Yes, sir.

MR. ROSENTHAL: -- relates to D.A. Case No. BA147783.
Sorry. Go ahead.

DET. CASTILLO: Thank you.

Q And, Rafael, you were interviewed on November 17th, 1999 at, uh, 1612 hours at -- right here at Gateway Plaza by Sergeants Cook and Sergeant -- and, uh, Detective Nalywaiko from the Robbery/Homicide Task Force. And you made the statement, after looking at this, that you believed that this was the very first case where you and Durden took money from an arrestee.

Uh, you explained that the arrest of Lizama was legitimate. Uh, you took him to Rampart Station to the C.R.A.S.H. office. And while you were counting the money, uh, Durden re- -- stated, "We're not gonna book all this money, are we?" "Perez recalled that Durden was very nonchalant. You guessed that Durden stole as much as about a thousand dollars. And Durden gave you four to five hundred dollars as your share." You're not certain about the money you stole.

[***** CI # 24 Information Redacted *****]

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] [*****] Antonio Lizama, if you could just go to your "Source of Activity", do you remember how this

arrest came about? I hope. Take a time out.

A This came from -- uh, is he a taxi driver?

Q Well, I don't -- I don't know. I showed this picture to, uh, one of our informants. And [**] says, "No, that's not a taxi driver." But [**] didn't know him. [**] just didn't - [**] had no clue. [***** CI # 5 Information Redacted *****]

[*****]
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[*****]
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A If I could have, uh --

Q Sure.

A -- a couple seconds.

Q Absolutely. Absolutely.

MR. ROSENTHAL: The spelling of the last name is L-i-z-a-m-a.

MR. MCKESSON: Take your time reading it.

THE WITNESS: [***** CI Information Redacted ****]
[*****]
[*****]
[*****]
[*****]
[*****]

DET. CASTILLO: Mmnh-mmnh.

THE WITNESS: [***** CI Information Redacted ****]

[*****]

DET. CASTILLO: [***** CI Information Redacted ****]

[*****]

THE WITNESS: [***** Info Redacted ****]

DET. CASTILLO: Yeah.

THE WITNESS: [***** CI # 5 Information Redacted ****]

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[*****]

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Q BY DET. CASTILLO: [***** CI # 24 Info Redacted ***]

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[*****]

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A [***** CI # 24 Information Redacted ****]

[*****]

Q [***** CI # 24 Information Redacted ****]

A Yes.

Q [***** CI # 24 Information Redacted ****]

A [***** CI # 24 Information Redacted ****]

[*****]

Q I sure do.

A Can I look at that real quick? Or -- or you don't have it here?

Q Can we take a time out? I mean, I --

MR. ROSENTHAL: Sure.

DET. CASTILLO: -- I have it upstairs, if you want to do it that way.

MR. ROSENTHAL: Do you want to try and call somebody to bring it down, or would they not know where it is?

DET. CASTILLO: Well, it's in my -- it's in my --

MR. ROSENTHAL: Do you want to take a break? I can do these other two cases.

DET. CASTILLO: Yeah, absolutely. Sure. I can go grab it. I know where it's at.

MR. ROSENTHAL: We'll take a break from Detective Castillo's interview. And we'll start with a new case.

Q This relates to the case of People vs. Angel Cruz. Case No. BA170697. Uh, the D.A.'s Office has received a memo dated January 13th of 2000, uh, from the Public Defender's Officer relating to this case. This, apparently, is an, uh, -- what we call CAPOS case. That's C-A-P-O-S, for Crimes Against Peace Officer Section of the D.A.'s Office.

It involves a officer-involved shooting by officers Mireles, M-i-r-e-l-e-s, Fong and Silva. Uh, according to the allegation made by this public defender, he says that, uh, Officer Perez and Durden assisted in a cover-up of the OIS when they reported that they allegedly arrived at the scene within fifteen minutes and transported one of the alleged suspects, Jorge Alvarez -- also known as Juan Cruz or Dracula.

Uh, it's their contention that this was part of a

conspiracy to fabricate and falsify police reports by including false statements from Suspect Alvarez implicating his client Angel Cruz.

Uhm, along with that submission, we have not received the District Attorney file from CAPOS yet. But, included a report, apparently, prepared by Officer Durden, an interview report, as well as a copy of the daily field activities report, uh, for Durden and Perez for that day, and some F.I. -- F.I. cards, which, uh, relate to the interviewee.

So, I'm gonna show you the interview report, DFAR, and field interview cards, ask you to take a look at them. And first, let us know if there's any truth to, uh, the defense attorney's contention that the report relating to the interview of Mr. Alvarez was false.

A I've reviewed the, uh -- the statement form, as well as the, uh, log and F.I. cards. Uhm, this -- this particular case, as I know it, uh, as little involvement as I have in it, but, as far as I know of this, there was nothing, uh, done wrong. There was no cover-up. There was no, uh, planting of any weapons. Uh, we were there early on in this, uh, shooting when it occurred. We were right around the corner.

Uhm, the only thing I would make a comment about would be this, uh, statement form that was filled out by, uh, -- by Officer Durden. And I hadn't seen it prior to this date. Uhm, I remember this incident because the lieutenant at, uh, Rampart Detectives was very upset that Officer Durden had talked to

this guy. He would rather their -- the detectives were to talk to him instead of, you know, a C.R.A.S.H. guy, or whatever.

I think, uhm, Durden was asked to write a statement because he had talked to him. Uhm, when Durden began talking to him, it states on this -- on this statement form that he read him his Miranda rights.

Q BY MR. MCKESSON: You're referring to the third paragraph?

A The third -- I'm sorry. The fourth paragraph in the, uh, sheet that's entitled "Continuation Sheet", but it says, "Statement", uh, written out.

Uh, Durden did not, uh, -- we transported this person. And while in the car, Durden began asking him questions. He did not read him his Miranda rights.

Q BY MR. ROSENTHAL: Okay.

A I hadn't read this particular statement before. I think once he was at Detectives, when they found out that he had talked to him, he made some comments about what he might have said. They told him, "Now, you're gonna have to write a statement out of what he told you and this and that."

Q All right.

A But before talking to him -- and it says here that he was read his Miranda rights.

Q That's -- but, that's not correct?

A Durden didn't read him his Miranda rights. Uh, and some of the statements that are being made here, unless they

were made to Durden, at a later time, when I wasn't present, I don't remember some of these statements that this specific, uh, person made.

Q Okay. Do you remember, uh, at least in the car, uh, some statements were made?

A Yes.

Q Do you recall which statements those were?

A It was more -- it was more of a, you know, a conversation about, you know, what's wrong with your -- what happened was, this particular person that we transported is one of the males that was sitting in the back seat of the car. The other two males in the front seat of the car, were the ones that were actually engaged. And I believe, one was killed.

Actually, I believe both, eventually, died. I'm not a hundred percent sure. I know at least one was killed.

Uhm, the guy in the back seat was not hurt. Uh, we transported him. And there was some comments about as to what happened. Uh, the guy had said that they were M.F.'ing each other. The -- the one vehicle and police vehicle were -- it's not a police vehicle. It's actually a Vice vehicle. These officers were working undercover and they were in plain clothes.

There was some M.F.'ing between each other -- the two vehicles. And some shooting, uh, occurred. And the guy just ducked down in the back seat. He was having no part of it.

But, I can see that there was some other things added to this statement that I don't remember, or never remembered

him saying.

Q What types of things?

A Again, in the fourth paragraph, it talks about "I was in the back seat of the car when I heard somebody say 'fuck you'. Then, the guy in the front seat -- not the one driving, but the other one -- referring to the right front passenger -- picked up a gun and pulled the top part of it back." Meaning sliding, uh, the slide of the weapon back.

Q Right.

A In other words, chambering a round. I don't remember him ever saying that. Uhm, I know that it was talked about, while we were at the scene, that that was what had occurred. Uh, some of the Vice guys were saying that this is what the guy did.

But this is not what the -- the guy actually told us. Uhm, -- uh, and then, it says that, uh, then, he, uh -- then, he placed his, uh, right hand in front of his -- in front of -- in front of himself, as if he were holding a handgun, and motioned his left hand as if he was chambering a round into a semi-automatic pistol. "I heard the gun go 'click-click'. And then, I just heard shots. And I was scared and I just got on the floor."

And that's -- uh, the statement ends there. But, uh, the part about the defendant that we transported, the part about him taking a gun, pulling it out, sliding -- causing the slide to go back and chambering a round, I never heard him say that.

Q Do you remember any statements being made by this witness, any substantial statements, or material statements, that are not included in the report?

A He said some things that I just -- I think what -- from what the witness was saying, it was -- there was like an argument -- argument going on back and forth between the two vehicles. There was a -- like a -- a -- a -- a pissing contest between the two cars. And he sort of elaborated on that. And I can't say exactly what he would have said, or what he -- what he said.

But there was a pissing contest between the two cars.

Q During the conversation, did, uh, the witness, Jorge Alvarez, actually identify Angel Cruz, as a shooter, or as being involved in the incident?

A I don't remember hearing him say that.

Q Okay. So, you don't remember --

A I'm not saying that it's not possible, uh, at a later time, or -- I just, while I was present, while he was being talked to, he didn't say that.

Q Let me see the report for just a moment. Now, the -- Mr. Cruz' name is not mentioned in the report, specifically. Uh, but he does indicate that the right front passenger picked up a gun and then, uh, made the chambering or, in essence, chambered a round. He heard "click-click". And then, he heard shots.

And you've already said that you do not recall him

talking about seeing this person chambering a round. Do you recall him saying anything about the right front passenger, and what the right front passenger did?

A He did talk -- give me a second here. This is really, uh, -- I'm having a hard time remembering everything that was said. He did make some comments about a gun. Was this vehicle, uh, like a taxi cab or something?

Q Unfortunately, we do not have the D.A. file yet.

A Certain things are just jumping in my head. For some reason, I remember something like that the guy had a gun, but he's a -- he's a cab driver, or -- or the gun was under the seat, or something like that.

But, I'm -- I can't even be a hundred percent sure of that. I mean, this whole incident -- I mean, it wasn't like my incident. So, it's kind of foggy to me. So, it's really difficult for me to remember all the little things.

But, uh, I -- I know that the comments about the guy sliding his, uh, weapon back, or his -- or chambering a round, or something like that, that was actually something that was talked between officers while we were there, you know, so.

Q There is a, uh, copy of a field interview card, uh, with the name of Jorge Alvarez, who is the witness. Did you, or did Durden prepare that?

A Uh, this is by, uh, Officer Durden.

Q Okay. And I know that's fairly consistent with the interview report.

A Yes.

Q So, I won't have you review that, at this time. Does anyone have any other questions, at this point?

DET. THOMPSON: Just one.

Q Who was the lieutenant that was upset about this, do you recall?

A Uhm, I'm sorry. I said "lieutenant" didn't I? The D-3 in charge of Homicide. Uhm, they call him by a nickname all the time. So, I can't remember his last name. Uh, the guy with the glasses. The head of, uh, Homicide. The D-3 that's in charge of Homicide.

Q I'm not familiar with that person.

A Everybody knows him.

Q BY MR. ROSENTHAL: That would be the D-3 in charge of Rampart Homicide --

A Right.

Q -- on the date of the occurrence, which would have been October 31st, 1996.

A The guy that's always on television. The D-3 from Homicide -- Rampart.

DET. THOMPSON: I have no clue.

Q BY MR. MCKESSON: What's his nickname?

Q BY DET. THOMPSON: The nickname I was gonna say.

MR. ROSENTHAL: Well, it's something we can identify later.

THE WITNESS: It's Lt. Hill is the lieutenant. And then, -- you'll identify it. Just find out who the lieutenant -- or

the D-3 is.

MR. ROSENTHAL: Okay. All right. Uh, I have one more. Do you want to me to do this?

DET. CASTILLO: Go ahead. Finish it up.

MR. ROSENTHAL: Okay. As long as I'm, uh, handling these, uh, we have one more. This relates, uh, to a complaint. First, there is a complaint from an attorney, uh, who indicated that a defendant by the name of Danny Gutierrez complained that you coerced various witness into implicating Danny Gutierrez on charges of robbery/murder by threatening the witnesses with their own drug charges if they did not cooperate.

Uh, this is a three-defendant case. Danny Gutierrez, Rafael Gonzales, and Fabian Larrea, L-a-r-r-e-a. Case number is BA126474. I do not have a D.R. number in our computer, at this point. And we have been unable to locate the file. I'm sorry. We actually do have a -- we have a D.R. number, because the reports were pulled by Detective Nalywaiko by request. Uh, D.R. Number is 96-02-04785. And there is a second D.R. number also, 96-02-04734.

This was a homicide. Uh, Defendant Gutierrez was convicted and sentenced to life without parole on February 19th, of '98.

And Defendant Rafael Gonzalez was convicted and sentenced to a life term on November 15th, 1996. I believe there may have been two trials on this. Uh, we also have a claim from Rafael Gonzales, uh, the second defendant, who

received a life term.

This is a letter addressed to, uh, Judge Larry Fiddler, dated January 9th, 2000. And he says that he believes that Officer Perez partook -- and I'm reading directly from the letter -- "Partook in the grooming of a prosecution witness who gave perjured testimony at the preliminary hearing."

MR. MCKESSON: Who says this?

MR. ROSENTHAL: I'm sorry?

MR. MCKESSON: The judge says this?

MR. ROSENTHAL: No, no. This is Rafael Gonzales, the defendant, writes this to Judge Fiddler.

MR. MCKESSON: Okay.

Q BY MR. ROSENTHAL: He says, "I believe that Rafael Perez partook in the grooming of a prosecution witness, who gave perjured testimony at the preliminary hearing. Before mentioned false testimony placed me at the scene of the crime." And he says, "Subsequently, under advisement -- all right.

Uh, so those are the allegations made by both defendants. In essence, they're both alleging that you, in some way, uh, either groomed the prosecution witness to give perjured testimony, or, uh, coerced witnesses to testify by threatening them with drug charges if they did not cooperate.

And we've reviewed the reports. And the only place in the, uh, homicide reports where it indicates that there is any involvement by you, was on Page, uh, 5 of 14 of D.R. number 96-02-04734.

It does indicate that you and Officer Martin had spoken to members of La Mirada Gang, uh, who advised you that they were in the area of the murder and that a member of the El Sereno Gang, known as Rascal, had done the murder, and that they had seen Rascal and two other male Hispanics run by them on the night of the murder and say they just stabbed somebody.

And then, on Page 6, it indicates that, uh, Officer Martin had identified a man from the videotape, who was a witness, and was then interviewed. And then, finally, it indicates that on September 17th, -- I'm sorry -- on January 17th, 1996, you and Officer Martin were driving in the area of Lockwood Avenue and Willowbrook Avenue when you observed five male Hispanics that you guys recognized three of them as possibly those would have been seen in the security video. And they were detained and transported to Rampart Detectives.

And that it is it, at least in this report, indicating your involvement.

A That's correct.

Q Now, with -- with all that in mind, uh, if you could tell us, first, was your involvement, uh, any more than what was indicated in this report?

A No.

Q As to the defendants, uh, charges that you threatened witnesses with their own drug charges if they didn't cooperate, or pressure, somehow, and force witnesses into lying, is any of that true?

A Completely false. And I'm not even sure -- I think I only -- I'm sorry. I think I only knew maybe one of the witnesses. And that's one of the witnesses that the detectives had told us to go out and find. Because he -- he -- you could see him -- you can see him on the video camera. So, we're trying to find that guy. And we, eventually, located him and brought him to the detectives to interview. I never interviewed any witnesses. I never -- I really didn't even know the specifics of the case as to how everything happened. All I knew was that murder occurred and, you know, these people were there. And that's about it. So, -- but, that we threatened someone, uh, with -- with drug cases and all that, that's completely a fabrication.

Q Uh, the report indicates that the witness that you located, uh, or identified, -- at least Officer Martin identified him -- as Hector Cardenas. Uhm, would -- is that the witness you're talking about?

A I think so.

Q And you had located and transported?

A Yes, sir.

Q All right. He was not interviewed --

A Not by me.

Q -- by you?

A Not by me, right.

Q Or Officer Martin in your presence?

A No, sir. He was brought to, uh, to Detectives and -

- and they interviewed him.

Q Do you have any reason to believe that there is anything in this case that was fabricated or false, or any misconduct by any of the officers?

A No, sir.

Q Any questions? All right. That'll conclude, uh, the interview relating to this case. And, now, we'll go back to Detective Castillo.

DET. CASTILLO: And I am going to tape this thing. Uhm, it is, uh, the 27th of January. It is 1310 hours. We are talking to, uh, Rafael Perez. Uh, he's represented by Mr. Winston McKesson. Uh, Mr. Rosenthal, Sgt. Thompson, myself, and Sara Mahan are here.

Uh, we talked a little bit about Antonio case -- uh, Lizama. [***** CI # 24 Info Redacted *****]

[*****] And I'm doing that now, uh,

Rafael. Q Does that help you with the Antonio Lizama case? Could [CI24] have possibly been your, uh, source of information?

[***** CI # 24 Information Redacted *****]

[*****]

*] A [***** CI # 24 Information Redacted *****]

Q Right.

A [***** CI # 24 Information Redacted *****]

Q That's right. Here --

A [***** CI # 24 Information Redacted *****]

Q Let me show you --

A [***** CI # 24 Information Redacted *****]

Q [***** CI # 24 Information Redacted *****]

[*****
*]

A Okay.

Q [***** CI # 24 Information Redacted *****]

A [***** CI # 24 Information Redacted *****]

Q Okay.

A [***** CI # 24 Information Redacted *****]

[*****
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Q Right.

A [***** CI # 24 Information Redacted *****]

Q [***** CI # 24 Information Redacted *****]

A [***** CI # 24 Information Redacted *****]

Q Right.

A [***** CI # 24 Information Redacted *****]

Q Right.

A [***** CI # 24 Information Redacted *****]

[*****
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Q That's who you think gave it?

A [***** CI # 24 Information Redacted *****]

Q Okay.

A [***** CI # 24 Information Redacted *****]

Q Right.

A [***** CI # 24 Information Redacted *****]

Q Right.

A [***** CI # 24 Information Redacted *****]

[*****
*]

Q Okay.

A [***** CI # 24 Information Redacted *****]

Q To the best of your knowledge, then, that was your source of information on the Antonio case?

A I believe so.

Q Okay. Then, let's go to the arrest report, please.

A Of the Lizama case?

Q Of the Lizama case.

A You want this one back?

Q Yeah, let me have these back.

MR. ROSENTHAL: [***** CI # 24 Information Redacted *****]

[*****
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DET. CASTILLO: [* CI # 24 Information Redacted *]

MR. ROSENTHAL: Oh, we did. Okay, I'm sorry. I missed that.

DET. CASTILLO: That's fine. Back to the Antonio case.

Q Then, on your "Source of Activity" that states on 3/20/97, at approximately at 2200 hours, my partner and I spoke

with a confidential informant who gave us the following information. The C.I. advises that he had bought rock from a guy named Antonio. The C.I. advises that he pages his supplier at 828-6472 and leaves a call-back number.

Was [*CI#24*] your source as being the C.R.I.? If you -- if you can remember.

A Referring to that arrest report, I believe so.

Q [***** CI Information Redacted *****]

A Not a C.R.I., but a C.I.

Q A C.I. Was he?

A Yes.

Q Did -- how did he come to be a C.I. with -- with that?

A [*** CI # 24 **]

Q [*** CI # 24 **]

A [***** CI # 24 Information Redacted *****]

[*****]

Q Right.

A [***** CI # 24 Information Redacted *****]

Q Right.

A -- information.

Q Right.

A Is that --

Q Well, that's what I'm asking you.

A Yes, that's how it --

Q [***** CI # 24 Information Redacted *****]

A [***** CI # 24 Information Redacted *****]

Q [***** CI # 24 Information Redacted *****]

A Yes, sir.

Q Okay. And that's how that came about?

A Yes, sir.

Q Is there -- going down your arrest report, from your source of activity, that that infor- -- did that information, in fact, occur as you're reading it?

A Yes, it did.

Q Uh, on ob- -- on the section of "Observations" of the arrest report, did you, in fact, listen to a conversation who the defendant identified himself as Antonio?

A Yes, sir.

Q And the C.I. told the defendant that he needed \$400 worth of rock?

A I told him how much to order.

Q Right.

A I -- I -- what I usually do, is I ask him, "How much do you normally order?"

Q Mmnh-mmnh.

A I don't want to go above that.

Q Okay.

A 'Cause the other person starts getting suspicious. So, if he ordered four or five hundred dollars, two or three days before, I'll tell him, "Go ahead and order about the same, or maybe a little bit less so the guy isn't suspicious."

Q Okay.

A I usually tell them how much to order.

Q Have you been able to read through that arrest report?

A Do you want me to?

Q Please.

A We took him with us.

Q I'm sorry?

A I'm just reading. And I'm talking out loud.

Okay.

Q Okay. Uh, when you say "we took him with us" what does that mean?

A It says here that, uh, -- at about the second paragraph under "Observations" that we requested Richardson and Ng -- these are two other C.R.A.S.H. officers -- to meet us at 2nd and Serrano.

Q Okay.

A 'Cause we had ordered up some narcotics.

Q Okay.

A And somebody was gonna deliver it. Uh, a male in a maroon vehicle. [***** CI # 24 Information Redacted ****]

[*****
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Q [***** CI # 24 Information Redacted
*****]

A [***** CI # 24 Information Redacted
*****]

[*****

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Q Okay.

A And that's exactly what we did.

Q [** CI # 24 Info Redacted ****] So, you recovered, uh, two plastic bags of, uh, rock cocaine?

A I did not. Uh, the -- the officers that were assisting us, uh, Richardson and Ng, recovered that narcotics.

Q Okay. I'm sorry. And then, the -- Officer Richardson recovered those baggies. And he gave them to, uh, Officer Durden?

A Yes, sir.

Q And then, the defendant was transported to Rampart Station where he was advised that he was under arrest for 11352?

A Yes, sir.

Q And did you notice if the defendant was wearing a pager and you placed a page at 828-6472 with a call-back number of 55555?

A Yes, sir.

Q And what happened next?

A At that point, his pager went off a few seconds later, which confirms to me this is the same person we had paged earlier in the day to set up the, uh, -- the deal.

Q While at Rampart Station, and during the pre-booking search, \$295 were recovered from the defendant's front pants - front pants pocket?

A Yes, sir.

Q Is that correct?

A Actually, I'm not sure if it's correct or not. Uhm

--

Q What might be wrong with it?

A The amounts. Uhm, there was -- there was money -- I mean, the amounts say 295. And this says another \$768. \$768 total. I couldn't tell you if there was 150 and 900, or -- or how the balance, as far as where it was recovered. That's just what was, uh, put down. And these are just the numbers that we came up with after we figured out how much was gonna be booked.

Q Okay.

A You follow what I'm saying?

Q Yes.

A In other words, it says 295. But it may have been 595.

Q Okay.

A I couldn't tell you exactly how much was there, because I would have to now add what was taken from the money and add it to the amounts.

Q So, on your statement back in November 17th, to Detectives, uh, Cook and, uh, Nalywaiko, you possibly took the thousand dollars from this person?

A Possibly.

MR. MCKESSON: Can you show me this report?

DET. CASTILLO: Sure.

THE WITNESS: Uh, yes, it indicates that approximately a thousand dollars. And, again, I wasn't sure exactly the dollar amount. But, somewhere around there, I believe was the amount.

DET. CASTILLO: Okay. Uh, that's all my questions. Uh,
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Q BY MR. ROSENTHAL: Wasn't this the case, if I remember, that you said this was the very first time that you and Durden stole money from a dope dealer?

A Yes, sir.

DET. CASTILLO: That concludes my interview with the, uh, Antonio Lizama case. And it is now 1:20. And I'll stop here.

MR. ROSENTHAL: Let's go off the record.

(Off the record at 1:20 p.m.)

(Back on the record at 1:30 p.m.)

DET. CASTILLO: Uh, we are back on tape. And this is a criminal investigation with a reference number of 97-02-00625. It is the 27th of January, 2000. The time is 1:30 in the afternoon. We're at One Gateway Plaza. We're talking to Rafael Perez. My name is Detective Jesse Castillo. My partner is Mark Thompson. And we are on Tape 222092, Side A, at counter 3- -- 233. Uh, also present is Mr. Winston McKesson; uh, District Attorney Richard Rosenthal; and Sara Mahan, the court reporter.

Q We started this interview, uh, yesterday, uh, Rafael. And I showed you those two booking numbers. And I -- those two booking photos. And I'm more concerned on, uhm, the first one

with Alonzo Omar on a statement that -- that's been read. And you've gone over the arrest report with me before. And you gave me a series of events.

Uh, I want to refer to that arrest report. Rafael, do you remember where this arrest actually occurred? In the arrest report, it says 6th and Rampart and the Big 6 Market.

My information is that it was at 3rd and Alvarado. And I just want to clear up that discrepancy.

MR. MCKESSON: Where do you see "Big 6 Market" on there?

DET. CASTILLO: I'm sorry, go to the narrative.

MR. MCKESSON: Oh, there it is. Okay. I see it.

THE WITNESS: 6th and Rampart.

DET. CASTILLO: 6th and -- Big -- it's on the northeast corner, 'cause I went and looked at it. It's a big -- it's like a strip mall.

THE WITNESS: Northeast corner.

DET. CASTILLO: Looking at Mr. Alonzo, do you remember where you arrested him? I'm sorry?

MR. MCKESSON: It's like a small supermarket?

DET. CASTILLO: Uh-huh. Yes.

MR. MCKESSON: Or a large mom and pop type?

THE WITNESS: It's a medium-sized supermarket.

DET. CASTILLO: Yeah.

THE WITNESS: A Hispanic supermarket. I have no idea why I would change it from 3rd and Alvarado to 6th and Rampart.

Q BY DET. CASTILLO: There's no reason for you to?

A It doesn't matter if I arrested him at 3rd and Alvarado, 6th and Rampart, McArthur Park -- it doesn't matter.

Q In fact, let me throw this at you. [*****]
[***** CI # 5 Information Redacted *****]
[*****] Does that make sense to you?

A [***** CI # 5 Information Redacted *****]

Q [***** CI # 5 Information Redacted *****]
[*****]
]
[*****]
]

A Oh, yes. Yes. Yes, I do remember something like this. But that's not where we detained him.

Q Okay. How do you best remember this? And take your time. You want to go on a break?

A I think as -- I'm starting to remember why we might have changed the location.

Q Okay. Please.

A [***** CI # 5 Information Redacted *****]
[*****]

Q My tape has broken down. I'm sorry. Go ahead.

A [***** CI # 5 Information Redacted *****]
[*****]
[*****]

Q Okay.

A I think where we stopped him is what I decided to say

that we made our observations, or everything occurred, because
[**** CI # 5 Information Redacted
*****]

brought back some memory. It refreshed my memory as to some
things, that the Big 6 is where we detained him.

Q Okay.

A [***** CI # 5 Information Redacted
*****]
[*****
**]

Q So, you actually did detain him there at 6th and
Alvarado?

A Yes.

Q Okay.

A Yes, I believe so.

MR. MCKESSON: Is that Alvarado? Or is that Rampart?

DET. CASTILLO: I mean, 6th and --

THE WITNESS: Rampart.

DET. CASTILLO: -- 6th and Rampart. I'm very -- I'm sorry.

THE WITNESS: Then, it says that the vehicle was traveling,
now, at this point northbound on, uh, Rampart, uh, from 6th.

Q BY DET. CASTILLO: Okay. Did he have narcotics on
him, at that time?

A I mean, the report says he did. I'm trying to
remember if he actually -- I think, on the report, it says it
was on his lap?

Q Mmnh-mmnh. Yes.

A I don't think it was on his lap.

Q Where do you think it was?

A If I remember correctly, is it -- this is one of the guys that kept it in a magnetic key holder under the -- under the dash.

Q Okay. Under the dash?

A Under the dash. I think -- this is Durden's report.

Q Yeah.

A I've just noticed this.

Q Okay.

A Because some of the things he's writing, it's not the way I write reports.

Q Okay.

A As I'm reading it, I'm having a little difficulty.

Q Okay.

A Uhm, Durden -- this was Durden's idea. Durden recovered the narcotics. But the part about putting it on his lap, that's Durden's idea, uhm, to make it look like he was definitely in possession of it -- uh, of the narcotics.

Uhm, the part about, uhm, the -- the Waterloo address --

Q Yeah.

A -- that did occur.

Q Okay. But, to the best of your knowledge, the narcotics -- the rock cocaine -- was in a magnetic holder inside

the vehicle?

A Under the steering column, under the dash.

Q Inside the vehicle under the dash. Okay. Did --

A But --

Q Go ahead.

A I'm sorry. Go ahead.

Q [***** CI # 5 Information Redacted *****]

[*****
]

[*****
*]

A Sure.

Q Do you remember that?

A [***** CI # 5 Information Redacted *****]

[*****
*]

Q Okay. So, --

A [***** CI # 5 Information Redacted *****]

[*****
*]

[*****
*]

[*****
*]

[*****
*]

Q What if I -- if I throw out that it's possible --
[***** CI # 5 Information Redacted *****]
[***** CI # 5 Information Redacted *****]
[*****]
*]

A [***** CI # 5 Information Redacted *****]
[*****]
*]

Q Okay.

A [***** CI # 5 Information Redacted *****]

Q Sure.

A [***** CI # 5 Information Redacted *****]
[*****]
*]

Q Was, uh, Alonzo's cab taken to the rear of Rampart Station? If you can remember.

A I'm sure it was.

Q Why?

A That would be our -- our practice. We would take it to the station and search it there.

Q To search it better?

A Yes, sir.

Q Okay. Then, does he -- is Alonzo given a piece of paper and just told to sign it? And because he's afraid, he signs it?

MR. MCKESSON: Excuse me, Detective Castillo, can I take

a two-minute break?

DET. CASTILLO: Sure. Go off the tape? Sure.

(Off the record at 1:33 p.m.)

(Back on the record at 1:40 p.m.)

DET. CASTILLO: And it is 1:40. We're back on the record. We're continuing, uh, with this interview. My tape recorder has broken down.

Q Rafael, I left off at the point where Alonzo's taken to Rampart Station and he's told to sign a paper. How did that come about?

A Was -- a piece of paper? Was it a Consent to Search or something?

Q Consent to Search paper, yes. Did you explain it to him? Or did he just sign it? Or, uh, what happened?

A Yeah, I would have to look at the document to remember whether it was written -- I mean, it's right there in that.

Q What do you think?

A Is this the location where there is another woman -- in fact, there's two women present when we show up?

Q Right.

A In fact, we took a gun out of there and didn't book it.

QQ Okay.

A If I remember correctly. This is a -- I think I had talked about it a little bit briefly --

Q Right.

A -- that we took -- we went to this follow-up. And there's women there. Uh, one that we recognized, and another woman.

Q Okay.

A And when we're searching, there's a gun or something. A small little --

Q Handgun?

A -- handgun, an automatic weapon. A little .22 or .32 or something that we did not book. Durden -- Durden hung on -- hung on to that gun.

Q Okay. Uh, that's just it. Let's -- let's --

A I'm sorry. Can I ask you a question?

Q Sure.

A 'Cause I -- I don't know if I answered it. What exactly did I tell him -- to sign this? I don't know. I don't know if he -- he's an English reader and he could just read it and give the consent to search, or did I just tell him to sign it and that's it. I really don't remember.

Q Okay. So, you don't remember.

A Sorry.

Q Okay. At the residence, on Waterloo, 1328 Waterloo --

A Yes.

Q -- you and your partner arrive there. Were there other people in the residence, at that Waterloo address?

A Yes.

Q Okay. How many people? If you can remember.

A Two -- two or three, I think.

Q Two or three people?

A Yes, sir.

Q How about children?

A I think there was children there.

Q How many?

A I really don't, uhm -- yeah, it wasn't something that sort of --

Q Yeah.

A -- I really -- it doesn't stand out in my mind, 'cause it's not something of really importance to me.

Q Okay.

A But I do believe I remember seeing children, for some reason. But I don't know how many.

Q You searched the residence?

A Thoroughly.

QQ Okay. What did you find?

A We find a -- we find Mr. Estrada showing up to the location. Which is their -- their main -- Mr. Estrada.

Q Mr. Estrada. But let's -- yeah, let's go back.

A Evidence, you mean?

Q You said that there was a small handgun?

A No, I'm sorry. There was -- when I was talking a small handgun, --

Q Mmnh-mmnh.

A -- I talk about this, uh, Irolo, uh, -- Irolo address.

Q So, did you find money at -- at this first residence? At this very first residence? What is found there? If you can remember.

A Uhm, the report indicates that we found somewhere close to \$1300. But, you want to know how much money was found at the Waterloo address?

Q Yeah. And my second follow-up question is, did you take any money from that Waterloo address? Or did you book it all?

A I'm pretty sure that we --

(Off the record to change tape.)

(Back on the record.)

DET. CASTILLO: Okay. We're continuing.

Q You're pretty sure that what?

A I'm pretty sure money was taken from this location. Uh, the question would be how much? You've got to remember, there's money being found here and there and in different places. A lot of it, you know, Durden's recovering it. And he just tells me how much he's recovered. Or will tell me later how much is recovered. So, I really -- 'cause I'm the Spanish-speaker.

Q Sure.

A I'm always doing the talking. I'm always doing the interviewing, or whatever, of the defendants that we have there while Durden's doing the searching.

Q So, if any additional money -- allegedly, if any money was stolen, you wouldn't have -- by Durden -- you wouldn't have known it? Or you -- you don't remember anything?

A What I can tell you is, money was definitely taken. How much total, that's what I can't answer. Uhm, --

Q Could --

A -- because Durden, at times, would find money, tell me that he recovered a thousand dollars, when he really recovered \$1500. And just he didn't tell me about it.

Q So, that could cover any alleged -- any allegations of theft on the part of -- of this family?

MR. MCKESSON: I'm sorry. I didn't hear the question. Could you read the question -- question back, please, Sara?

(Reporter read back the last question and answer.)

MR. MCKESSON: I really don't understand your question.

DET. CASTILLO: They're saying that more money was taken. I'm sorry. The family is saying that more money was taken.

MR. MCKESSON: More money was than what?

DET. CASTILLO: Than what was reported on the, uh, -- arrest -- on the, uh, property report. So, that's what I'm trying to clean up.

MR. MCKESSON: I think that's what he testified to.

THE WITNESS: That would be consistent.

DET. CASTILLO: Okay. That's fine. That's what I'm trying to cover.

Q And then, uh, Mr. Estrada, this second person, shows

up. And what happens next?

A See, we are already aware that he is actually the main dope dealer.

Q Sure.

A Because we've received information he drives a Mustang.

Q Okay.

A He pulls up to the location, walks right in, and, uhm -- and we detain him.

Q Okay. Was he with another person?

A If he was, that person doesn't stand out in my mind. Because --

Q How about a female named Connie?

A Connie? Do you have a picture of that male?

Q No.

A A Connie does not stand out. Uh, a female with -- I remember him showing up. And I know we planted narcotics on him. Uh, or we said that, you know, he had dropped a, uh, magnetic, uh, thing when we walked in and -- and we recovered a gun and all that. And we just fabricated all that.

But I just don't remember a female with him.

Q Were there officers there with you, at that time?

A At the Waterloo address?

Q Address, the first -- we're still at Waterloo.

A Yes.

Q Who were they?

A Uh, that would have been, uhm, Stepp and his partner.
Uh, Veloz.

Q Veloz?

A Yes.

Q Okay. And if those two officers are there, has Mr.
Estrada arrived, at this time?

A Were the two officers present when Mr. Estrada showed
up? Yes.

Q Sure. Okay.

A Yes.

Q And what happens next?

A When Mr. Estrada shows up, --

Q Uh-huh.

A -- he's detained.

Q He's detained. Does he have any narcotics on him?

A No.

Q Does he have any guns on him?

A No.

Q How does that come about?

A There is a gun recovered. The gun that was put on
him -- I think, on the report, we said that he was carrying a
gun in his waistband or something.

Q Right. Yeah.

A There was a gun recovered. And the gun that was said
to be recovered from Mr. Estrada --

Q Okay.

A -- was not planted, or as far as a gun that we produced. It was a gun that was recovered and we just said he had it on him.

Q Okay.

A Uhm, --

Q Do you know where this gun was actually recovered from?

A I believe it came from the vehicle.

Q Okay.

A Uhm, --

Q Who recovered it? Which officer recovered it? If you know.

A That's what -- uh, I'm trying to think. And --

Q Okay.

A I really can't remember who recovered the gun.

Q Okay.

A I know he drove -- he drove a Mustang into a driveway. Sort of like in the rear of the house. And I know, at some point, I went and looked at the car.

Q Mmnh-mmnh.

A Uhm, but I don't think -- I -- I don't think I was the one that recovered the gun.

Q Where did the narcotics come from then?

A Now, the narcotics, I believe we recovered -- uh, it was, again, in a -- uh, give me a second to think here.

Again, I cannot remember exactly where the narcotics

came from. I can tell you that we placed the narcotics in a key holder because that was the M.O. that narcotics was always in the key holder.

The fact that we wrote that when he showed up to the location and saw us, he dropped a magnetic key holder containing narcotics, was completely, uh, fabricated.

Q Okay.

MR. MCKESSON: Detective, can I see a copy of the summary of his statement? Do you have one?

DET. CASTILLO: A summary of his statement? No, I don't have it with me. I don't -- this was the -- this was information from the other family. And, so, I was just trying to cover it.

MR. MCKESSON: Okay.

Q BY DET. CASTILLO: Uh, when the lady was taken to Rampart Station, did anybody push her?

A Push her?

Q Yeah, push her or tell her she's not walking fast enough? That type of thing.

A Not in my presence.

Q Miss Santiago. Miss Santiago, the -- the lady that was actually at the Waterloo address?

A Not in my presence and not that I recall.

Q Okay. And, at the Irolo address, when you arrest Mr. Estrada, what happens there?

A We respond to that location. And from what I remember, there is one female there that we had made contact

with before.

Q Mmnh-mmnh.

A We knew her from somewhere. I don't remember exactly where -- and another female. A female adult.

Q Okay.

A It's a small apartment on Irolo.

Q Okay.

A It had a dining room table in it.

Q Okay.

A And I remember we searched. Because I think that's where he lives.

Q That's correct.

A I don't know why we have a residence address of 17th Street. But, I believe, we found some paperwork that indicated that he lived on Irolo.

Q And you're pointing to the booking photo of, uh, Estrada.

A Right.

Q And, then, there's a booking arrest report that has a 17th Street address. But we must have found some type of paperwork that the Irolo address, and we responded there. While we were there, I know, we recovered a small handgun.

Q Okay.

A We did not book that handgun.

Q Okay. And, again, on the money issue, do you know how much exactly was recovered and how much was booked? Was

there a discrepancy there?

A There was definitely a discrepancy as far as how much recovered and how much booked. The amount I can't -- I can't be for certain.

Q Okay. Those are all my questions.

DET. THOMPSON: I need to clarify one thing, Ray.

Q You talked about the cab being taken to Rampart Station?

A The original cab for Mr. Alonzo, right?

Q I think what you said was that was the practice that you had. But, specifically, on this occurrence, did that occur? I don't think you were clear on that?

A Yes, it did occur. I'm sorry.

Q Okay. And in regards to, uh, Stepp and Veloz, you said they were present at the Waterloo address?

A Yes, sir.

Q Did they have knowledge about this gun issue with --

A Both of the -- I'm sorry. Both the gun and the narcotics being planted on him. Yes, they were aware of it.

Q Okay. How did they have knowledge of that? Was it discussed? Or was it something that they read the report later?

A They actually greeted Mr. Estrada at the door. They were the ones that actually greeted him in. They were the ones that patted him down. We knew that he had nothing on him. Anything that we talked about afterwards was -- they were well -- they were well aware those things were planted.

Q And that was through discussion that you had with them?

A Discussions. Yes, what we did was, we discussed it. Because they're at the scene with us. And so, whatever I'm gonna write down, I'm gonna talk to them about it and let them know that this is what we're putting down.

Q You specifically remember discussing that with them?

A Yeah.

Q Stepp and Veloz?

A Yes.

Q Okay. Do you know if they wrote -- if they read the arrest report after it was completed?

A I do not know that.

Q Okay. And that discussion, did that take place out in the field at this location?

A At the scene, yes.

Q All right.

A At the, uh, Waterloo scene.

Q Okay.

A Yes.

Q Okay.

DET. CASTILLO: Sir, that's all my questions. Thank you very much.

MR. ROSENTHAL: Off the record.

(Off the record at 1:53 p.m.)

(Back on the record at 2:10 p.m.)

SGT. STRENK: This is a tape-recorded re-interview for Personnel Complaint 99-4646. Today is January 27th, 2000. And the time is 1410 hours. Location is the MTA Building, One Gateway Plaza. And present is Ray Perez. Interview is being recorded on Tape No. 223335, Side A. It is being conducted by Sgt. Greg Strenk, serial number 24702; and Detective Mike Burditt, 24454, Internal Affairs Group.

Also present Deputy District Attorney Richard Rosenthal; Mr. Winston McKesson, who is Ray Perez' attorney; and Stenographer Sara Mahan.

We're here in continuation of the interview as it relates to a case, D.R. Number 98-11-17442. Defendants by the name of Villeda and Monterosa -- Monteroso.

MR. MCKESSON: Detective, can I just ask a question. I'm assuming you when said personnel complaint that -- that this is an administrative matter?

SGT. STRENK: Yes.

MR. MCKESSON: Does that also mean that this complaint arose within the department? Or this was a complaint filing by a citizen?

SGT. STRENK: This was a complaint generated by Mr. Perez.

MR. ROSENTHAL: Okay. This -- this is a case where, uh, Mr. Perez indicated that there were problems with the arrest and detention of the defendants. Actually, uh, my notes said he indicated there was no probable cause to enter the location. A false report by Gomez and Torsney, who made up the probable

cause.

The cases were rejected by the District Attorney's Office because it was determined there was no probable cause to detain. So, there were no filings against either of these defendants. And before you answer any questions, Mr. Perez, let me remind you you're under oath.

THE WITNESS: Yes, sir.

Q BY SGT. STRENK: And we originally talked about this on the 13th of January; is that correct?

A Yes, sir.

Q And I've shown you, prior to going on tape, a copy of the original transcript that you, uh -- or that was conducted on your briefing of this matter, and some photographs that you looked at the last time we met. And have they helped you refresh your memory in regards to this matter?

A Yes.

Q To continue, we left on when we were talking about, uh, the relationships with some of the officers involved. Did you ever hear of an informal meeting, uh, that took part in Rampart C.R.A.S.H., uh, as it related to you coming back to the unit, where Gomez, uh, voiced a concern of you coming back to the unit -- he didn't want you back in the unit?

A No.

Q Can you describe your relationship with Gomez?

A We very -- we worked very little together. I mean, he worked the south end. I worked the north end.

Q So, just a working relationship as being both members of C.R.A.S.H.?

A Yes. Uhm, I wanted to say that, did he arrive there while I was -- did he arrive to the C.R.A.S.H. unit while I was FES?

Q Yes.

A So, I probably didn't know anything about him when I got back from FES. I mean, I --

Q So, no personal relationship?

A Uh, not even a working one, then, at that point. Because I think he got to the FES unit, while I was -- I mean, he got to the C.R.A.S.H. unit while I was in FES. So, I -- I didn't know anything about him.

Q Same answer as it relates to Mesina. Uh, did you ever hear that he voiced a concern of not wanting you back into the unit?

A No, actually, quite the opposite.

Q What did you hear?

A When I had it out with Sgt. Chacon, he was one of the guys that were saying, yeah, I'll -- I'll tell them that I want them to send me back to patrol. And things like that, as well. But this wasn't as I was coming out of FES and back to C.R.A.S.H. This was already -- I was already there a few months. This discussion that I had with Sgt. Chacon was probably, uh, sometime in March. Early in March.

The only person that I had heard that some officers

came to me that they had a problem with me coming back, -- and especially because the supervisors that were working there, which was Sanchez and Chacon -- and I did not want to work for them -- was Liddy. Uh, from what I understood from other officers that had talked to me, that Liddy, uh, didn't want any of the old guys that used to be there to come back. He wants all new regime, or whatever.

But -- and he was real influential with the two supervisors that were there, at the time -- which were supervisors that we didn't trust and didn't like.

Q And you had said last time, before we stopped, that you believed Liddy had an issue with you and that Liddy was not very well liked by guys in the unit?

A Right.

Q Let's talk about this specific incident again. Uh, you had said that you had forced entry into the apartment. Can you describe, again, how that occurred?

A I believe we knocked on the door and the person started to open it. And then, we just barged our way in -- the rest of the way in. I think, on the report, it might have said (Knocking sounds heard.) "It's the police. Open the door." Or, uh, "Let us in." Or -- or whatever. But it didn't happen that way.

Q You had said, in our last interview, some -- you had some issues and opinions on Mesina and Gomez, and -- and if they, in fact, had looked in -- stood on the window louver metal

bar type of device and looked in, that you would have chewed their asses out because it wasn't tactically sound to do so.

A Right.

Q Can you describe them, and give me an opinion of them and their tactics? Each one individually. Gomez, can you describe Gomez? Was he tactically sound, normally?

A I think Gomez was probably more tactically sound than Mesina. Gomez was a -- what I would call a very good officer. I mean, he was tactically sound. They were both tactically sound. Uh, --

Q Okay.

A -- you know, they've attended many of our -- they've attended all the ones that I was there -- while I was there. Uh, you know, we have some officers that may have problems. I never remember them having any tactical problems.

Q If you were at the rear of a location, and a suspect attempted to push through a window screen and flee out a window, noticed you and went back inside, what kind of action would you have taken?

A I'd probably let the -- the units in the front know that someone's trying to come out the -- the back.

Q And you had said, on our prior interview, uh, that they didn't broadcast any of this information?

A I think I found out about it later after we already -- I believe the person that was trying to get to the window, merely got to the window, pushed out and saw them, and just

came right back. And we were already inside. So, they did -- they were mentioning it. We were already inside.

In other words, it wasn't -- it wasn't one of those things that we're trying to knock, and all of a sudden, somebody's jumping out the back window and they're letting us know before we got inside.

Q The first time you became aware of that was inside when everyone was in custody?

A Right.

Q Could either Gomez or Mesina have broadcast that on the radio and you didn't hear it?

A Yes, that's possible.

Q Let me ask you this. Let's go with that scenario. Gomez and Mesina are in the back. They see somebody try to come through, uhm, the window. And they see them go back in. You had said prior that there was maybe five to ten seconds from the time you knocked on the door, to someone opening the door, uh, when entry was made.

A Right.

Q Does it -- and when you said you -- when you went in, you saw somebody by the kitchen sink. And --

A No, actually, I -- eventually, I saw someone standing by the kitchen sink. The first person I saw was someone standing by the toilet. Uh, if I remember correctly, if you go straight ahead and a little bit to the right, there was a bathroom or something there. And there was someone standing by

the -- the bathroom there.

But for me to see the kitchen sink, I would have to have been all the way into the apartment, made a left turn and another left to see the person at the kitchen sink.

So, it's impossible for me to see the person at the kitchen sink from the front door is what I'm trying to say.

Q Correct.

A Okay.

Q Does it make sense to you that if one of these suspects in the residence looks out a window and see the police outside, they start to destroy evidence in the sink. And you said earlier, in our prior interview, that it was your opinion that the narcotics in the sink -- in the sink -- that they were trying to flush the narcotics down the sink?

A Sure.

Q Does it make sense, when they know the police are at the back, that one of them would respond to the front door -- a knock on the front door? And I'm asking you to speculate.

A Right. Because I would have to speculate. And I would have to speculate as to when did they find out. Did they hear the knock, somebody come and open it? And somebody look out the back, at the same time and see the cops and go, oh, shit, and start running towards the kitchen? I don't know. I don't know what was happening inside, you know, simultaneously, when I'm knocking and somebody's coming to the front door, and somebody might look out the back window.

You know, you got to remember these are dope dealers who are using an apartment as a dope house. So, they're always worried. They're always, you know, leery of, you know, who's knocking at their door.

So, if someone is responding to the front door, the other guy could be looking out the back window to see if he sees anything. You know, somebody trying to rob them or for whatever reason.

Q Would it be fair to say that you don't know for a fact whether Gomez and Mesina did or did not stand on those louvers to look inside there?

A I know for a fact that they did not stand on those louvers, because those louvers had to be placed there to say that that's how it occurred. So, unless they placed the louvers there, stood up, looked in, and then, got back down, put the louvers back where they were -- and I doubt that that happened -- uh, you know.

Q Why do you say that the louvers would have had to have been placed there?

A Because I remember them talking about having to move the louvers to place them up against -- uh, close to the window. If you -- uh, if you were to ask anyone in Rampart C.R.A.S.H., did you ever go to a dope house and there's a back window, would you place something up against the window, climb in -- climb up, and stick your head out the window? Would you do that? Most of them -- well, I think all of them -- would tell you,

"No."

Q Do you remember --

A What happens if, when you poke your head in there, or poke your head up to the dope dealer's house and he's fearing that somebody else is trying to rob him, and, all of a sudden, he's got a gun to your face? It wouldn't be tactically sound.

Q Do you recall who had said that they had to move those louvers in place to stand on them?

A It was a -- a combination of conversation between the two officers and the sergeant.

Q And do you recall where that conversation took place?

A In the living room by the -- by this table here. They were standing -- if you see this window here, that's the window that, supposedly, somebody was trying to --

Q BY DET. BURDITT: I'm sorry. Just for clarification, you're indicating the upper left picture of the photocopy?

A Picture No. --

Q Or of the pictures?

A Picture No. 3.

Q Thank you.

A And, as you can see, you would probably have to climb on the table to the window to climb out that window. I mean, it ain't -- if you can see what I'm talking about.

SGT. STRENK: Yes.

THE WITNESS: Now, I believe that's the window there that we're saying that, uhm, the officers looked into.

Q BY SGT. STRENK: Okay. And the Photograph No. 1 on that picture, or on that xerox copy --

A Yes, sir.

Q -- and correct me if I'm wrong. Is it your testimony -- and in that picture it shows that the louvers are directly below a window where the window screen is pushed out?

A That's correct.

Q Is it your testimony that the officers moved those louvers to that position to take that picture?

A Yes.

Q Let me show you a photograph --

A And if -- and I if I may ask, did you look at those louvers?

QQ Mmnh-mmnh.

A And you look at them closely, how exactly would that officer climb on top of those louvers?

Q Well, for the record, --

A It would be very difficult for --

Q For the record, I'm going to show you some photographs. Uhm, in a minute to -- to respond to that.

A Okay.

Q The specific conversation that you -- can you read back the last question and answer in regards to I asked him whether it's his testimony whether the louvers were moved there.

A You want you know where the conversation took place between the three officers?

(Reporter read back the record.)

SGT. STRENK: Thank you.

Q And it's your testimony that the officers moved those louvers into that position so they could say they stood on them?

A Yes.

Q And what do you base that statement or opinion on?

A The conversation that was being had right -- standing by this table here in Picture No. 3.

Q I'm gonna show you two photographs that are marked No. 5 and 6. They're Polaroid photographs that are in a plastic sleeve. Those photographs were taken by my partner as we conducted an investigation into this matter.

And if you'll look at Photograph No. 6, you see louvers down the window, or down the wall -- and 5 as well -- one, two, three different sets of louver windows -- below windows. Is that correct?

A You're saying that that's a louver right there, that little thing?

Q Below that is the louver.

A That right there?

Q And this white thing is louvers as well.

A And they're just resting up against the building?

Q Yes, they are.

A Okay. I think it's these same type of louvers.

Q Correct.

A Yes.

Q I show those to you because, as I said, those photographs were taken, uh, pursuant to this investigation. And they show the louvers that are depicted in Photograph No. 1 of the xerox copy that were attached to the arrest report, as well --

MR. MCKESSON: Wait a minute. First of all, I don't know if you can say those are the same louvers that are right here a few years later.

SGT. STRENK: Okay. They show louvers below the window in question to Apartment No. 105, as they were attached in the photograph, or uh, to the arrest report that were taken -- that picture was taken the day of the arrest, in June of 1998.

These pictures taken recently, approximately two months ago, have louvers that are below the same Apartment No. 5 -- 105.

THE WITNESS: This is 105?

SGT. STRENK: I would have to look.

THE WITNESS: I think 105 is the one towards the --

SGT. STRENK: Yes.

THE WITNESS: -- the end, isn't it?

Q BY SGT. STRENK: If you look in Picture No. 6, you have an exhaust vent. And you have in Picture No. 1, you have that same exhaust vent.

A There's the exhaust vent right there.

Q Correct. Okay.

MR. MCKESSON: Two exhaust vents.

THE WITNESS: Right.

Q BY SGT. STRENK: My point is all the windows that go down this row have louvers below them --

A Mmnh-mmnh.

Q -- that are consistent with -- with louvers that are depicted in Photograph No. 1 that was taken the day of the arrest.

A It's not consistent.

Q Okay. Well, that's your opinion is that it's not consistent?

A The reason that I say it's not consistent, if you look here, you see one louver -- one here, and one further down, and one further down.

Q Okay. These are stacked two-fold, now behind each other.

A Now, do you notice how these louvers are?

Q Yes.

A They're -- they're -- in other words, uh, a louver would have to have been picked up and placed there.

Q These louvers --

A Mmnh-mmnh.

Q -- are back-to-back. There are two louvers here.

A Okay. But these -- I'm not saying back-to-back. These are on top of each other.

Q These are --

A That's why I say it's not consistent. You see how

the -- in other words, if, let's say this is the louver that goes to this window, and this is the apartment, another louver would have had to have been picked up and placed on top of it to make it appear like there's something that you can climb on top of. 'Cause if you look at this louver by itself, do you think a human being can climb this?

Q I know for a fact a human being can climb it, --

A You can?

Q -- 'cause I stood on it.

A Okay. Well, it just doesn't look like it to me on this photo. This is not consistent with this.

Q Okay. But it's your testimony that you overheard conversation --

A To that.

Q -- that they had to move the louvers -- or they said, say you moved the louvers over, so you could stand on them to -- to view into the apartment?

A Yes.

Q And it's your testimony, even though you didn't look outside this window, --

A I looked out the window.

Q -- as your testimony -- you did?

A I was in the -- I was in this residence the whole time.

Q Okay. And, I believe, --

MR. ROSENTHAL: You guys have got to make sure you don't

talk over each other.

Q BY SGT. STRENK: I believe you had stated earlier, in our prior interview, that you did not look out that window to see where they stood.

A Exactly. That's true.

Q So, other than the photograph that was depicted -- uh, No. 1, attached to the arrest report, that's the only thing that you're going on that depicts louvers or metal bars or whatever we're gonna call these items below the window?

A Yes, sir.

Q BY DET. BURDITT: Was it standard for the C.R.A.S.H. units to carry Polaroids?

A Yes.

Q Did most of the units have Polaroids?

A We had the -- I forgot what foundation that is. The -- they were donated to us by some type of organization that supports LAPD. So, everybody -- every unit has their own Polaroid camera.

Q Did you have one when you worked C.R.A.S.H.?

A Mmnh-mmnh. Yes.

Q BY SGT. STRENK: Now, the conversation that occurred by the kitchen table, that we have talked about on our prior interview, and we've alluded to today, you had said, on our prior interview, that you were overhearing a conversation and that you weren't an active participant in the conversation. Did you hear the total extent of that conversation? Did you

hear everything that was being said?

A Probably not.

Q The conversation that you heard, or parts of the conversation that you heard, could it have been that Torsney was having the officers describe to them -- to him -- what they say, what they did, as it related to these louvers there?

A No.

Q And why do you say "no" so strongly?

A Because we were talking about narcotics expertise and how to get a case filed. And Torsney was trying to explain to them that -- that the case, as the way we had it, the case stood, there was not gonna be a filing. We had to have a little bit more exigent circumstances, such as if he -- uh, Officer Mesina or Officer Gomez -- stood on something and looked into the window and say, "Hey, we saw -- we see narcotics. And they're trying to discard it."

You -- you have to -- and just, if I may, why would -- uh, I'm not gonna get into that. Because that's your investigation.

Q No -- no, ask.

A That's not mine.

Q Ask the question.

A If Mesina and Gomez climb up here and they look inside, and they say they see narcotics, and they're cooking it up, uhm, at that point, we'll just kick the door down. We don't even have to knock. Because we see the narcotics, or they see

the narcotics.

Number two, if they were there, and the person saw them, sure they're gonna start destroying evidence. Uhm, they're certainly not gonna come to the door. Or, at least, I don't think so.

Uhm, and, number three, had they went to his window, looked in, and saw them destroying evidence, or, you know, I think that would have told us something. I think they would have said, "Hey, they're destroying dope. Uh, kick the door down, whatever you have to do." And I would have gladly kicked the door down.

I mean, uh, I'd always take an opportunity to kick a door down --

Q Understood.

A -- for the fun of it. We would have -- I mean, I've worked Narcotics long enough to -- sure, we'll kick this door down. No problem. You see them destroying evidence? They're destroying narcotics? Boom. Let's get it.

Q Let me -- let me ask about those three questions. Those are three questions that I have.

A Okay.

Q And we'll have to wait. Commercial break. Just like in the old, uh, movies, huh?

Let me go back on right away. We're back on tape. This is Side B of Tape No. 223335. Continuation with the interview of Ray Perez. It's 1430.

Q Your three questions are very valid questions.

A Mmnh-mmnh.

Q Uhm, I had asked you, on our prior interview, if you remembered talking to an apartment manager. And you said you didn't recall.

And I --

A Correct. That I personally didn't talk to the apartment manager. I don't know if Mesina and Gomez might have talked to him prior -- prior to us getting there. Or, I don't know.

Q And I had asked you that if an apartment manager said that he had contact with the police, uh, you said it could have happened. And you had no doubt to doubt the apartment manager if he said it occurred.

A That's right.

Q I have an apartment manager who was at the scene who says he was contacted by the police, by a Puerto Rican police officer, and a male Hispanic police officer. He's talked to by the officers who explain why they're there, and ask for a key.

The apartment manager says, "I don't want to get involved. I'm not gonna give you the key." As he's standing in the hallway, talking to these officers, one of the officers explains to him -- the apartment manager -- I need a key because we just found out they're destroying evidence.

The apartment manager says, "No." Apartment manager stands in the hallway as officers kick-in the door to gain

entry. Apartment manager is concerned that he has a broken door. Takes photographs of the door, contacts the apartment owner, who then, has somebody come out and fix the door to the apartment.

The apartment manager was the manager for this location for the last seven years. This is the only time the police have gone to his apartment where such an incident occurred.

A Mmnh-mmnh.

Q That's why it's so vivid in his memory. You had said earlier that this wasn't your case. So, you don't recall exactly what occurred, 'cause it wasn't your case.

A Right.

Q Could it have occurred -- and the apartment manager further says that, "Then, officers stood at the door, knocked on the door, and yelled in Spanish, 'Police. Open the door,' before the door was kicked in."

Do you have any response to that?

A If -- if you can back up a little bit. He said that we went up to this, uh, apartment, and said, hey, they're destroying evidence. Can it get the key?

Q He says that he's approached in the doorway.

A Of his apartment?

Q No, the hallway of this apartment.

A Okay.

Q Where a Puerto Rican officer and a male Hispanic

officer --

A I'm a little confused. I'm just supposed to know that he's the manager?

Q He identifies himself as the manager, in this conversation. The conversation takes place, he's identified as the apartment manager.

A Okay.

Q He says he's talked to in Spanish. You said that yourself, Arujo, and Torsney were the officers at the front. You said that Arujo doesn't speak, and that you speak fluently.

A That's correct.

Q So, out of the people that he's talking about, a male Hispanic, and a male Puerto Rican officer, there's somebody speaking Spanish --

A That would have been me.

Q -- is it fair that that would be you?

A Absolutely.

Q He says that this conversation takes place, that he's asked for a key because they want to approach this door. And he doesn't want to get involved. That you explain to him that you're gonna be making a forced entry. You knock on the door, and in Spanish say, "Police. Open the door." And then, the door is kicked open.

Do you have any explanation to why this apartment manager would relay those series of facts?

A I don't think I would be having a conversation right

in the middle of the operation. In other words, if you're telling me that -- if I would have received the information that they're destroying evidence, and this is right in the middle of our operation, --

Q No, you -- you, originally, contact him.

A Okay. Before we go to the apartment?

Q And you say, "We're the police. We want to get into Apartment No. 105. Do you have a key?"

And he says he doesn't want to get involved.

A Okay.

Q Radio broadcast goes on. Uh, he doesn't hear the radio broadcast, all right, but he says that you, then, tell him, "Hey, they're in there destroying evidence. I need a key." And the door is --

A So, I went -- I went back to the hallway where he was?

Q He's approximately ten feet from the door.

A No. I don't remember any of that.

Q Okay. Can you explain why the door to Apartment 105 has -- or had damage to the door frame that was consistent with kicking the door in?

A No.

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

A That we kicked the door down and -- I think if I see a manager and I tell him, "Listen, either give me the key or

I'm gonna kick it down" he would usually give me the key.

But, listen, uh, you know, I don't know. Uhm, if there was damage to the door, I couldn't tell you whether it was old damage, uh, or it was --

MR. MCKESSON: Do you have photographs to show, Sergeant?

SGT. STRENK: I don't have the specific one. But I've got photographs of the apartment that were taken the day after, by the apartment manager.

Q Uh, but my question is, the apartment's -- the apartment manager's statement, to Internal Affairs investigators, addresses those two questions that you brought up.

A Mmnh-mmnh.

Q And the apartment manager's version, as it led up to getting into the door --

A Mmnh-mmnh.

Q -- or into the apartment is consistent with the other officers' statements to Internal Affairs investigators, to the point of entry being made into the apartment, as it relates to the hallway and contact with the apartment manager.

A Okay. I just don't think I'd be the officer that -- I don't know if, eventually, I had a conversation with the manager. This isn't my case. It is not my responsibility. Mesina and Gomez both are Spanish-speakers.

Q I understand that. But they went to the rear of the location.

A No, but they would talk to the manager before they even get to the rear of the location.

Q I understand that. But my question as well is, if it was their case -- and the facts are, they went to the rear. That's an undisputed fact.

A Absolutely.

Q Uhm, --

A They wouldn't just show up to the building and go to the straight to the rear, and go, "Perez, handle everything else for us."

Q I -- I understand. But the point I'm making is, I have an apartment manager who says the door was forced. And here's somebody identifying themselves as police before entry is made. And it's a discrepancy between your statement and that statement. Is that correct that there's a discrepancy there?

A If there's an obvious discrepancy, there's an obvious discrepancy. I mean, it's not -- I can only remember what I remember. You know, I can't add anything less or add anything more, you know.

MR. MCKESSON: Detective, do you have any copies of the photographs to show the door was kicked in?

SGT. STRENK: The only one that I have is a poor photograph. And it shows of an old door. But, for the record, and in all these cases, especially, admin cases, are gonna come down to a one-on-one without supporting evidence by independent

parties. And my question is, I've got an independent person who says there's a different series of events leading up to entry into this apartment than what Ray is saying.

And I'm --

THE WITNESS: If he was trying to --

SGT. STRENK: I'm asking Ray if he can explain that difference of opinion.

MR. MCKESSON: Let -- let me ask you. How can you show by this to show the door was kicked in?

SGT. STRENK: I have also records I'm not gonna show you, because I don't have to, --

MR. MCKESSON: No, I understand.

SGT. STRENK: -- that -- that -- this one is a poor -- is a poor photograph.

MR. MCKESSON: Okay.

SGT. STRENK: And I -- I questioned why he didn't photograph the door being broken, well, better. And he -- he couldn't explain that --

MR. MCKESSON: Okay.

SGT. STRENK: -- to me. But, the point is, this apartment manager, he has nothing to gain by -- by any statement whatsoever.

MR. MCKESSON: Well, that's debatable, 'cause I don't know who the apartment manager is. But let me ask you this. Uhm, do you have a record to show the door was repaired about that time?

SGT. STRENK: Yes.

MR. MCKESSON: Okay. How was the door repaired?

SGT. STRENK: The door jam was repaired.

MR. MCKESSON: Okay.

SGT. STRENK: You know, consis- -- consistent with a door frame being kicked in. The damage to a door frame where a door would be kicked in.

MR. MCKESSON: And how much, and who made for the repairs?

SGT. STRENK: The owner of the apartment building.

MR. MCKESSON: Did he make a claim to the city?

SGT. STRENK: I don't know if he made -- made a claim or not.

MR. MCKESSON: Because wouldn't -- wouldn't an owner of a building normally make a claim to the city if the city damaged his property?

SGT. STRENK: Well, he has a right to.

DET. BURDITT: If they knew they could.

SGT. STRENK: Yeah, he has a right to, if he knew he could.

DET. BURDITT: Or if they wanted to bother.

MR. MCKESSON: But this building is -- is how large? How many units?

SGT. STRENK: I don't know. Probably fifty units, maybe.

MR. MCKESSON: Wouldn't -- wouldn't it stand to reason, if somebody owns a 50-unit building is fairly sophisticated enough to know that if his property was damaged by a city employee, he can make a claim with the city and have the city repair it?

SGT. STRENK: That calls for speculation. I don't know what the owners knowledge is on -- on city policy, you know, on damaging his door.

THE WITNESS: Did -- what was the purpose of taking that photo? Did he say?

SGT. STRENK: He had taken these photographs to depict the way the apartment was after the defendants were removed from the apartment.

THE WITNESS: Wouldn't he -- wouldn't he want to take a photo of the door jam itself, or something up close of that damage?

SGT. STRENK: I agree.

THE WITNESS: Why -- why did he say he didn't?

SGT. STRENK: Unfortunately, he didn't.

THE WITNESS: I don't want to get into this.

MR. MCKESSON: But -- but, I -- this is really bothering me. Wouldn't he -- if he's taking a -- going to the problem of taking a photograph, he's taking it for a reason. He's taking it for a reason, 'cause he wants to preserve a claim against the city.

SGT. STRENK: Part of the reason he took the photographs was because he was told that the individuals that were being arrested would not be coming back. And, so, he took the photographs, basically, to take pictures of the apartment the way it was left when these people were removed.

THE WITNESS: When he -- when the officers left with the

defendants, was the door locked behind the officers and no one allowed, you know, the -- the keys to the apartment taken?

Q BY SGT. STRENK: Let me ask you this. And it will kind of answer your question. Do you recall Torsney walking an apartment manager through the apartment to show him the apartment once everyone's in custody and everything's kind of calmed down in the apartment?

A While the suspects are still there?

Q Mmnh-mmnh.

A Actually, I don't remember it either way. But, I mean, it's possible that it could have happened. I mean, I don't doubt it. I don't doubt it. I just don't remember it. I mean, I may have been outside. I -- I don't know. But I'm not saying it didn't happen.

Q BY DET. BURDITT: Does Sar- -- does Sgt. Torsney speak Spanish?

A No.

Q Any?

A Not that I know of.

Q Did you ever hear him speak Spanish?

A I've never heard him speak Spanish. My -- and I don't know if that's what you were gonna tell me, but my question was, the manager, uh, indicated that he wouldn't give us a key or didn't have a key or whatever. Did, when we leave the apartment, did we lock the apartment and he needed to get a way in?

SGT. STRENK: When the officers left the apartment, the manager was left inside the apartment.

THE WITNESS: We left the manager inside the apartment?

SGT. STRENK: This is after he was walked through the apartment and shown what occurred, and shown the damage to the door.

THE WITNESS: I would -- like I say, this is not my case. It doesn't really stand out. I have no major interest in this case, as far as anything. I mean, there's a whole lot of other things going on.

I, myself, in my cases, would never leave the apartment manager in someone else's apartment. I would lock the door. And they want to get in later, they can get in. I'm not gonna leave them with the defendants material, or, uh, possessions -- the t.v. or whatever -- inside there and just let the manager, go ahead, do whatever you want with this apartment. I would never do that.

Q BY SGT. STRENK: Okay. Let's say you kicked the door such that the door cannot be closed and secured?

A Then, you know, that's something different.

Q What are you gonna do then?

A I -- I don't know. But I'm just saying, I would not just say, hey, apartment manager, you can stay in here all you want. Whatever, don't worry their stuff. I mean, what if they bail out that same night? And then, they come back and all their possessions are gone. And the manager says, I threw it

all out. I sold it all last night, 'cause the police officers told us that, you know, you weren't coming back.

It wasn't my case, again, like I said. So, I -- I was there supporting, helping them out. So, it, you know, it doesn't stand out in my mind.

Q But it's your testimony that you know for a fact that the door was kicked open?

A That's my memory of it.

MR. MCKESSON: Who did they say kicked the door in?

SGT. STRENK: Not Ray.

THE WITNESS: If it wasn't me -- well, never mind. Obviously, you don't want to answer.

SGT. STRENK: Okay.

THE WITNESS: Was it Sgt. Torsney? I doubt it.

MR. MCKESSON: Did the apartment manager have cards from the officers?

SGT. STRENK: No. He says one was given to him. But -- if I recall correctly. But --

MR. MCKESSON: He lost it?

SGT. STRENK: That was over two years ago. Yeah.

Q And the conversation inside the apartment, where Torsney was telling them how to write the report to make sure they had a filing, do you recall if the suspects were still in the apartment, at that point in time?

A Yes.

Q So, that conversation is going on in earshot of the

suspects?

A Pretty close to them.

Q Is that sound judgement, or sound tactics to say how we're gonna write a report and how we're gonna fabricate this report in front of two defendants?

A I think the problem was that the defendants didn't speak a lick of English. I think they could have told them stand upside down and pee, and they would have went, "Huh?"

Q I'd go "Huh" if you asked me to do that, too, so.

A I meant in Spanish.

Q Understood. I'm goofing around.

Q BY DET. BURDITT: Ray, do you -- do you know why this case was not filed by the District Attorney? Do you have knowledge as to why it was not?

MR. MCKESSON: What do you mean by knowledge?

Q BY SGT. STRENK: Independent knowledge? Yes, independent knowledge that he knows.

Q BY DET. BURDITT: That it was not filed. That it was a D.A. reject?

A I had no idea what even happened to the case. Like I said, this was not my case. I -- I had no idea what happened to it.

Q BY SGT. STRENK: And you had said that -- I believe you had said that -- or let's -- I want to ask you if these guys were in "the loop" or not. Torsney?

A No. Uh, I'm sorry?

Q Torsney? No, correct?

A Torsney, well, he had some -- uh, a little bit of knowledge as to what was going on. He didn't like it. And he just let us know that, you know -- I wouldn't consider him in the loop, no.

Q Okay. How about Mesina?

A Yes.

Q Okay. And Gomez?

A Yes.

Q And do you know at what -- at this point in time, how long Torsney was a supervisor assigned to C.R.A.S.H.?

A No. What was the date on this?

Q It's June, May. Record indicates Torsney got to the unit May '98.

A Yeah. I was -- I was gonna say middle of May, April. But you said early May?

Q Correct. So, a couple months.

A Yeah, he had been there not too long. And Torsney is not the type of supervisor where we would go and, uhm, tell him the actual things that we did, such as fabricate evidence or, you know, plant evidence, or fabricate P.C. He's not the type of supervisor we would go to him and do that.

Q Why not? He's doing it on this instance?

A Maybe -- I don't know if you read all of this, or -- if I've -- I've talked about Torsney several times. Torsney is not that type of a supervisor. We -- he is not the type of

supervisor we go up to and say, "Hey, Sarg, you know, we had to thump this guy. We're gonna book 11350."

He is definitely not -- he is definitely not that type of a supervisor. Sgt. Torsney, on this incident, wanted to convey his narcotics experience and how you get cases filed. Because if it was written up the way, uh, Mesina and Gomez were gonna tell them that they were gonna write it up, it was gonna be a non-filing.

Why did he do it? I can't -- you have to ask Sgt. Torsney. Uhm, am I saying that Sgt. Torsney is another Sgt. Ortiz? Or, no. Hardly. Not even close. Uh --

Q Well, that's my -- that's my question. You know Torsney's gonna -- not gonna say, "Oh, yeah, I told them to fabricate evidence. And I told them, yeah, this whole story." And he's gonna say, "Ask -- ask Ray why he's saying this."

A I have nothing against Sgt. Torsney. I -- I -- I've said it time and time again. He is not a bad guy. Uh, he, uh -- he was aware of some things going on. He was uncomfortable with them. Especially, with the other supervisors, when Paul Byrnes was there. He knew things were going on. And he -- he would rather, okay, you handle that with Paul Byrnes then. You guys handle it your way. I handle my thing. And we knew that. And I say that -- I've said it from the get-go.

If I wanted to say that Sgt. Torsney was in the loop, I'd have said he's in the loop. I'm not saying that. I -- I would never say that. Uh, and like I said, you can find the

best of officers, the most squared-away officers and the most, uh, morally, uh, conscience officers. But, every once in a while you kind of have to fabricate little things to make certain arrests.

And I don't care how many years you got on the job, and how you try to think it doesn't happen, sometimes officers have to say, well, yeah, he didn't signal when he did this. Or he didn't do this to get that.

And we know they're guilty. We just need to change the story a little bit to, you know, get a filing. And that happens, whether -- I don't know if you have been privy to seeing that happen. But, believe me, it happens to the best of officers. There's a big difference between that and what was going on in Rampart C.R.A.S.H.

Sgt. Torsney was not involved in what was going on in Rampart C.R.A.S.H. Sgt. Torsney from, you know, -- from what I saw of this incident, was just trying to help the officers out in how to properly write a good narcotics arrest, and how to have probable cause to do certain things.

Q Was Torsney trying to fit in with the unit?

A He never tried it the rest of the way through. I mean, he did some things, uh, to make himself look -- he did some things to make himself look, uhm, as though he was trying to help me out. Uh, I don't know if you were here for some of the other interviews. But he's told me other things that were going on.

Q Yeah, I've got the other case.

A Oh, okay.

Q Yeah.

A You know, uh, was he trying to impress us? I don't think so. Because he could have done a lot more to impress us other than what he's done. I think he just did, as a supervisor in a tight unit, a Rampart C.R.A.S.H. unit, he did a little bit. But he thought, okay, I can get away with this. I don't have any problem doing this for him. But that was about it.

He isn't going -- I would never trust Sgt. Torsney, like I said before, to tell him that I planted -- I had to plant dope on this guy, 'cause he had to go. I would never tell him that.

He's not that type of supervisor. Paul Byrnes, uh, Hoopes, uh, Ortiz, I had no problem telling them that.

Q While this conversation went on, by the table, did any of the officers -- obviously, you didn't. But did any of the officers have a problem with what Torsney was saying they should write?

A No. They were just being receptive. Whatever way that he thought it would be a good way to get a filing, they were listening to him. And I truly believe that the officers wouldn't have told -- wouldn't have told Torsney, hey, we're gonna say this to get a filing. They wouldn't trust him like that.

Q But he was the one who generated the conversation?

A Exactly.

Q Mr. McKesson, do you have anything further? Uhm, I have nothing further in regards to this. I know you're reading the arrest report, so.

MR. MCKESSON: Just a second.

SGT. STRENK: Sure.

MR. MCKESSON: Can I talk to the District Attorney for a second?

SGT. STRENK: Excuse me?

MR. MCKESSON: I just want to talk to him for one second.

SGT. STRENK: Sure.

MR. ROSENTHAL: We'll go off the record for a minute.

(Off the record at 2:52 p.m.)

(Back on the record at 3:00 p.m.)

SGT. STRENK: We're back on tape. It's, uh, 1500 hours.

MR. MCKESSON: I'm a little bit troubled by, uh, this report. It appears that the detective was examining my client -- was examining my client and presumed that there was some fabrication going on with this. Well, at least indicating that his story could not be corroborated by an independent witness.

Uhm, I don't know the name of the independent witness. But it strikes me as curious that the apartment owner of a 50-unit apartment building, who has his door kicked in by the city, would not make a claim to the city to repair -- repair his door.

I'm, also, concerned about a photograph that does not appear to show the door being damaged. And why would the

photograph be taken, uh, if it's not gonna show the damage that was done. To me, that doesn't follow.

Thirdly, I'm, also, troubled by the fact that the police report, which I have been denied a copy of, doesn't, in any way, state that the door was kicked in. Uh, I find it very curious that an apartment manager is gonna remember the specifics about this incident seven years hence. And, also, -

SGT. STRENK: Well, it's not seven years hence. It's two years.

MR. MCKESSON: Two years hence. Also, on the t.v. I've watched, there's been a lot of support, uh, there's been a lot of -- of -- of show of supports for the Rampart officers, uh, who are being charged or accused or wrongdoings in this case. And I've seen them on t.v. protesting. Uh, basically, showing a sign a support for the officers.

And it -- I just find it very curious, that all of a sudden, this -- this manager remembers this. But the only physical evidence he has to support this is an apparent bill to repair a door jam that was, again, never presented to the city. And there's no reference in the police report, anywhere, that the door was kicked in, nor are there any photographs that show the door was kicked in, or nothing on the police report to show that there was any damage to the structure in question.

MR. ROSENTHAL: Okay.

THE WITNESS: And, for the record, as practice at Rampart

C.R.A.S.H., if we kick a door in, we're gonna clearly indicate that on the report that we had -- we had to forcibly force the door open, kick the door in, or whatever.

We are not just gonna say, "We entered the location." We are definitely gonna write that we had to kick the door in. There's no way we're just gonna write, uh, "Made entry."

MR. MCKESSON: And I'm just gonna say, for the record, I asked for a copy of the report. I look at the copy of the report. I didn't see any place in the report where it said the door was forced open. Or nowhere in the report where they talk about any property damage to the door, in this case.

MR. ROSENTHAL: And let's go off the record for a moment.

(Off the record at 3:04 p.m.)

(Back on the record at 3:06 p.m.)

SGT. STRENK: We're back on tape. It's 1506 hours.

MR. ROSENTHAL: Okay. Let me just ask some questions, since I missed parts of this.

First of all, there was a picture taken of the door?

SGT. STRENK: Yes.

MR. ROSENTHAL: When was this picture taken?

SGT. STRENK: The picture was taken the day after the incident.

MR. ROSENTHAL: Okay. And does it show a broken door or no?

SGT. STRENK: The issue that Mr. McKesson has is that there is not. And it's a concern of mine, as well, a photograph

directly depicting, uh, the front door that was damaged. It's a far away view that you really don't get a good view of the damage to a door -- a door frame.

MR. ROSENTHAL: So, you can't -- basically, from this photo, you just can't tell whether it was kicked-in or not?

SGT. STRENK: Correct. And the issue, as it related to the kicking of the door, was brought up by me because all the officers at the scene, other than Ray, say the door was kicked. And I have an independent witness who confirms that the door was kicked. He stood there while the door was kicked.

Now, if it's -- Mr. McKesson wants to debate the validity of that person, uhm --

MR. ROSENTHAL: Well we're not gonna do that today.

SGT. STRENK: -- it's the Board -- it's the Department's -- it's my job to investigate the matter, to try to find the truth that occurred. It's the Department's job, down the line, the command staff, be it that they may, to determine validity and credibility to the witnesses that provide statements in this matter. And they will give the appropriate weight to those people as they see fit.

MR. ROSENTHAL: You know what? This isn't really the time or place for us to be arguing. We're really here just trying to get the statement of Perez, or his recollection.

SGT. STRENK: That is true. But it's also my job to pose to him information that I have that contradicts his, to see if that helps him refresh his memory, or if he can come up with an

explanation why certain people say one thing occurred one way.

MR. ROSENTHAL: Right.

THE WITNESS: And -- and in -- and in the middle of all that, what purpose would I serve to say that we didn't kick the door in? If we kicked the door in, we kicked the door in. I -- I could care less. Or, let me -- let me finish.

I have no reason to say we did kick the door in or didn't kick the door in. If -- either way, it doesn't help or hinder, or anything. I'm telling you what I remember.

Number two, if someone's gonna take photos of a door, to say that there's damage, wouldn't you take specific pictures of the door to show the damage? I mean, I would think that's what you would do.

Uh, and number three, uh, like I said earlier, I would not leave an apartment manager in someone else's apartment. Whether the door is jammed, or the door jam is broken, I would still close the door and lock it. And if he wants to go in after I'm done, he can go in. But not while I'm there. When I'm leaving the apartment, he stayed out.

Q BY MR. ROSENTHAL: What do you do if the door has been kicked-in and it cannot be secured now, as a result of being damaged? What would you do?

A We would -- I'd try to make some effort to secure the location somehow. I -- and number -- my fourth issue would be, if we kick a door down, that's one of those, you have write it. You kick a door down, you will write in your report, that you

kicked the door down. That's one of those things that is sort of like use of force. It was a use of force. Not you just do use of force and don't write it, and admit to it later.

If there's a use of force, you write a use of force. If there's a board -- a door kicked down, you write the door kicked down.

Q And --

A So, I -- I just want to make -- make clear that if I say the door was not kicked down, and I say that the door was kicked in, what -- what -- what does that -- how does that help me or hinder me?

SGT. STRENK: Well, what I'm trying to do is clarify this specific incident. Because you have referred to the fact that this was not your case.

THE WITNESS: Right.

SGT. STRENK: There are certain parts of it that you don't remember.

THE WITNESS: That's correct.

SGT. STRENK: And you said you do not doubt that if we made contact with the apartment manager, I have no reason to doubt that. It doesn't stick out in my mind. I'm trying to clarify, through your memory, if we're talking about the same case, or whether we're talking about another case, or whether your memory, because of all the cases that you've looked at, and over the numerous arrests that you've made, is convoluted or diluted, as it relates to this case.

MR. MCKESSON: Detective, seriously, I'm not accusing you.
And I --

SGT. STRENK: No, I understand.

MR. MCKESSON: And I'm not telling you that -- do you mind
if I see the report, again?

SGT. STRENK: Sure.

MR. MCKESSON: And I'm not accusing you of anything,
Detective.

SGT. STRENK: I -- I don't think you're accusing me of
anything.

MR. ROSENTHAL: While Mr. McKesson looks at the report,
let me just ask.

Q Uh, Mr. Perez, do you -- were you one of the ones
that made entry?

A Yes, sir.

Q So, obviously, if the door was kicked-in, either you
would have kicked it in, or you would have been right next to
the person who did?

A That's correct.

Q Okay.

A Although, from what the detective said, it wasn't me
that went in, or something.

MR. MCKESSON: No, he said you didn't kick it.

THE WITNESS: Oh, I wasn't the one that kicked the door?

SGT. STRENK: I have officers who admit to kicking the
door in.

THE WITNESS: Other officers?

SGT. STRENK: Mmnh-mmnh. That -- Arujo says he kicked the door in. Torsney he says he told Arujo to kick the door in.

MR. ROSENTHAL: Do we know whether -- I assume -- or do we know whether there was a claim to the city?

SGT. STRENK: No, I do not.

MR. ROSENTHAL: Does the manager indicate whether or not he -- a bill was submitted for damages?

SGT. STRENK: No, he does not.

THE WITNESS: If I, uh --

MR. ROSENTHAL: Well, I'll -- I'll say --

MR. MCKESSON: One second.

MR. ROSENTHAL: Let me, at least, say this. Having read the report myself, as a prosecutor reading it, uh, I would not be able to tell whether or not the door was kicked in. And frankly, when I read it, what immediately struck me, was where it said, "Made entry." I would have assumed, under normal circumstances, that the door was kicked-in.

MR. MCKESSON: I'll tell you another problem I have with this.

THE WITNESS: From made entry?

MR. ROSENTHAL: Just under the circumstances. Because you've got people who are destroying evidence. And you see them destroying it. It doesn't seem to me that you're gonna be doing knock and notice, at that point. You're just going in to stop the destruction of evidence.

MR. MCKESSON: Detective, am I not trying to do your job. And I'm not trying to be critical. But another problem I have is this. Is that I'm looking at this report, I see no mention of this manager's name.

I mean, to me, it just seems unreasonable that a manager would have been there, they would have asked the manager for a key, the manager would have watched them -- would have known about this destroying of drugs, they would kick the door in, and the manager's name is not listed -- mentioned anywhere in the report.

Q BY DET. BURDITT: Ray, what -- is it common?

A Well, I've been trying to say -- I've been trying to say what's common here. And no one's listening. So, what -- what is common to me, I don't think -- it's, obviously, irrelevant -- or is relevant.

Q In response to what Mr. McKesson said, is it common --

A If -- when you say --

Q -- in a narcotics arrest, such as this, that if there were peripheral parties involved, that were not arrestees, and were not percipient witnesses, they would not be included in the report?

A Let me tell you what is common. If we're about to kick a door in, I certainly wouldn't have the manager five feet, uh, to my side here while I kick the door in. What if an officer-involved shooting occurs? You don't want this civilian

person right next to you while we kick this door in.

I definitely wouldn't. I would tell the manager, "Sir, go back into your apartment. We're gonna do this." Or whatever we're gonna do. Whether we're gonna knock, kick the door in, or whatever, I certainly don't want the manager right next to me. What if somebody comes out and we have to do something? Believe me, I've worked Rampart C.R.A.S.H. for a long time. I would not have the manager standing right next to me while we kick this door in. That's -- that's standard.

Would we have necessarily put him on the report? We may put him as a "W" as a witness on the front of the report, just to, you know, confirm that we were there and he was the manager, and we -- maybe. I personally don't do it. Other officers do it. I don't do it.

MR. MCKESSON: But the -- what I was gonna --

SGT. STRENK: Okay. Let me -- can I -- can I --

MR. MCKESSON: I'm sorry.

SGT. STRENK: -- touch on an issue?

MR. MCKESSON: Sorry about that. Go on.

Q BY SGT. STRENK: If the apartment manager were to tell me, in this interview, that the officer told him that he didn't want him to get hurt, and told him to exit the building, would that would be consistent with the statement you just made?

A That sounds like something that --

Q And, if the apartment manager told me that he was told that, do you have any reason to doubt that that did or did

not occur?

A I don't have reason to doubt anything this man --

Q Okay.

A -- is saying. I don't know what his recollection is. His recollection, apparently, is a lot better than mine. I don't know. Or, at least, that's what -- what you're trying to tell me. And, you know, I could only give you my recollection. That's the best I got to --

Q That's all I can do. That's all I can ask of you.

A Okay.

Q BY MR. ROSENTHAL: And your recollection is that you did not kick-in the door?

A And -- and I -- I assure you, and we've -- I've kicked a few doors in. I've -- uh, you know, I've been involved in kicking a few doors. If you kick a door in, you're gonna write that in your report. Not that you've made entry. You're gonna write, "We kicked the door in."

Q BY SGT. STRENK: Or the -- the minimum you would do is make sure the supervisor was aware of it, so he could document it?

A Absolutely.

MR. ROSENTHAL: We have got to have each person -- after one person stops speaking, take a breath before you start again.

(Off the record to change paper.)

(Back on the record.)

SGT. STRENK: We're back on tape. It's 1516 hours.

THE WITNESS: Oh, one of the things I wanted to say was, you know, and you made the comment to it, was that, yeah, a supervisor would, at least, be made aware that a door was kicked-in. But I think, definitely, on the report, because that's part of the -- I mean, that's important to the case if you kicked the door down. I think that's important to put it in the case. That's an important, uh, -- uh, an important act that occurred. And you want to write it on the report.

MR. MCKESSON: I just have one -- one comment in response to the detective. Even if a witness' name is not listed, it would appear to me, based upon -- and I'm getting sergeant's statement -- from the sergeant's statements, that the manager would have given, this manager would have been essential --

SGT. STRENK: Well, not essential.

MR. MCKESSON: Very important to establishing probable cause. I would think that if the manager's important to establish the probable cause, in an arrest report his name is more likely to be in, as opposed to just being a casual clerk.

To any witness who hears things and hears this, I would assume, especially, a favorable witness like this person appears to be, two years later, I would expect to see his -- his name written in the police report.

MR. ROSENTHAL: Well, unless the officers entered without probable cause. You failed to indicate that.

MR. MCKESSON: And may I ask what his version -- his -- the manager's version seems to support them having extra

circumstances.

THE WITNESS: It -- may I ask, 'cause from what I believe you told me earlier, was that the manager was five feet away, ten feet away, he was right next to us when we went in. And, now, you're saying that the manager said that he was told to leave and get out of the building? So, which one was it?

SGT. STRENK: Well, you have indicated that you believe that this was the last apartment in the hallway. Or one of the last ones in the hallway.

THE WITNESS: Okay. But I don't think -- so, what you're saying is he might have went to the back of the -- of the apartment?

SGT. STRENK: Correct. He was told to go.

THE WITNESS: Where the officers were?

SGT. STRENK: To --

THE WITNESS: 'Cause that's where the officers would be. I don't think I'd want to tell him to go back there where the officers are.

SGT. STRENK: That's fine.

THE WITNESS: I'm -- I'm just trying to get a little clarification. Because it was originally was he was five or ten feet from us when this occurred. And then, now, he's out of the building. I'm just not sure.

SGT. STRENK: Okay.

THE WITNESS: Not that I'm the investigator here. I'm just wondering.

SGT. STRENK: Anything else you wanted to --

MR. ROSENTHAL: No, no.

SGT. STRENK: -- mention. Mike? Anything?

DET. BURDITT: No.

Q BY SGT. STRENK: Ray, anything else about this incident, uh, that we've been talking about that you feel we didn't cover sufficiently, or anything else you'd like to add regarding this incident?

A I think we've covered it.

MR. MCKESSON: I'm fine.

SGT. STRENK: I've got nothing further on this. We're gonna go off tape. It's, uh, 1520 hours.

MR. ROSENTHAL: And we're gonna go off the record.

(Off the record at 3:20 p.m.)

(Back on the record at 3:40 p.m.)

SGT. JUSTICE: This is a tape-recorded interview of Internal Affairs Investigation No. 99-4622. Today's date is January the 27th, 2000. The time is 1540 hours. Location of this interview is the MTA Building.

Present to be interviewed is former police officer Rafael Perez. Uhm, present as his attorney is Winston McKesson. Uh, the interview is being conducted by Sgt. Lance Smith, serial number 24371, and by Sgt. Joel Justice, serial number 24871.

Representing the, uh, District Attorney's Office is Attorney Richard Rosenthal. Present as the stenographer is Sara Mahan. Uhm, present as an observer is Detective II Mike

Burditt, 24454.

And the interview is being recorded on Tape No. 223513, Side A.

MR. ROSENTHAL: And, Mr. Perez, you're still under oath.

THE WITNESS: Yes, sir.

Q BY SGT. SMITH: Okay. Uh, what do you prefer? Perez? Rafael? What -- what do you prefer?

A Anything you want to call me, sir, is fine.

Q Okay. Perez, uh, I'll direct your attention, first, back to October the 15th at 1302 when you were first interviewed regarding a case. Where did it go? Oh, he has it.

An incident that occurred at 455 South Hartford, in which an Alan Lobos, uh, was arrested. I'll just let you review that to refresh your memory before we go into some questioning.

MR. ROSENTHAL: Let me mention, uh, the D.R. number, if I'm correct, should be 96-02-16586.

MR. MCKESSON: That's right.

SGT. SMITH: Yes, that's correct.

MR. ROSENTHAL: And that refers to D.A. Case Number BA131378.

THE WITNESS: On this summary of my -- on this summary of, uh, Rafael Perez -- me, interview, there's some -- there's a mistake at the very end. It says that the officer gave the handgun to Perez and Perez gave the handgun to Liddy. The officer never gave me the gun. The officer directed to me -- directed me to where the gun was on the tire and I recovered it

from the tire. And then, I gave it to Liddy.

SGT. SMITH: Okay. Well, let's cover that then.

THE WITNESS: I just want to make sure it's clear.

Q BY SGT. SMITH: Well, first of all, let me show you, uh, two photographs. One photograph of the location. Is that familiar?

A Yes.

Q With the exception that that photograph was taken in the daytime, and you were there at night.

A Yes.

Q Had you been there on any other occasion?

A I passed through there, yes.

Q So, you're pretty familiar with the area?

A Yes, sir. I think it comes sort of like an L-shape.

Q Right.

A Yes, sir.

Q Are you familiar with the back area of this location where there is a slope?

A Uh, vaguely.

Q Vaguely?

A Vaguely.

Q Do you have any knowledge with regard to gang members often running down that slope --

A I think we were --

Q -- when you guys drive up at the location?

A I believe, on that night, we were checking that back

slope that night.

Q Okay. Your log, uh, dated, uh, 4/26 reflects that you were there. For the record, what time does it show you arriving?

A At 2325. Uh, in other words, 11:25 p.m.

Q And who were you working with?

A Uh, I'm working with Officer Tovar.

Q Tovar? Were you the driver or the passenger?

A Actually, according to this log, I was the passenger.

Q Passenger? Is that log -- is -- uh, based on the way logs were generally kept, and the driver officer, and the passenger officer, uh, you, as your log indicate, would be operating -- who would be the operator of the vehicle?

A Based on the fact that I did the log, I would -- it would indicate that I was the passenger officer.

Q That you were the passenger?

A Yes, sir.

Q Okay. Now, when you drove up to this scene --

A My partner?

Q -- uh, initially. When your partner initially drove up to the scene, was it daylight, or was it dusk, or was it dawn?

A It would have had to be -- I mean, based on the time that this occurred, it would have had to have been at night. But, do I actually have an independent recollection? I do remember that it was nighttime.

QQ Okay.

A Uh, do I remember what the weather conditions were or -- not really.

Q Okay.

A Other than I know it was nighttime.

Q All right. Do you recall what your first observations were when you drove up -- when your partner drove up and you exited the vehicle?

A I actually remember that towards the end of the parking lot, and on the right, there was like a deejay back there. Uh, and they had a -- the majority of the group of males that they had detained was towards the back of the parking lot and to the right. We were also concerned about some people running, uh, behind them, down the slope.

Uhm, and I remember that there was a large group being detained, towards the deejay area.

Q So, when you arrive, there were officers who are already present?

A Well, we're all arriving at the same time.

Q But you say that some people were being detained?

A Officers responded from different locations. Some responded from the front. Some responded from the rear. We were -- I was one of the ones that responded from -- uh, I think it's Hartford, uh, entrance.

Q Mmnh-mmnh.

A Uh, I believe it would be the Hartford entrance into

the parking lot.

Q Okay. So, you're arriving there simultaneously, then?

A Some officers are arriving, you know, to be technically correct, some officers are, obviously, arriving a little bit before others. And I believe some officers might have arrived a few seconds before me. But, pretty much at the same time.

Q Okay. Do you recall specifically who was there?

A Not really.

Q If I read off a few names? Uh, Liddy and Harper?

A Definitely there.

Q Sgt. Ortiz?

A There.

Q Sgt. Dickerson?

A I don't remember him.

Q Officer McMahon? How do you pronounce his name? Uh,
M-a-c --

A McMahon?

Q McMahon. Is that McMahon?

A What's the serial number? It doesn't say.

MR. ROSENTHAL: Can you spell that?

THE WITNESS: 'Cause there's several -- there's several McMahons. Well, there was a couple of McMahons at Rampart. And I don't want to say yes to one that was actually the other.

MR. ROSENTHAL: Could you spell that for the reporter?

SGT. SMITH: Yeah. Hold on a second. Let me get that for you here. The log -- let me see the log here. M-c-M-a-h-o-n. Serial number 32137.

Q You said you didn't recall if he was there?

A Not independently, no.

Q Okay. What about Officer Valdez?

A I don't remember him independently.

Q Officer Richardson?

A I want to say that I remember him because he made a comment about the gun.

Q Do you recall what that comment may have been?

A Something about the nomenclature of the gun. The gun was a, uh -- was it a .45 or something like that?

I remember him making a comment to the type of gun, whether it was a good gun or a bad gun. Uh, he's sort of like a gun aficionado, I'd say. And he made some type of comment. I believe this was the incident where he made some type of comment, uh, about the gun. It's a caliber .45 -- it's a .45 caliber. It's a .45.

Q Right.

A And, again, I can't be a hundred percent positive. But, for some reason, I remember Richardson making some kind of comment about the gun. That's all I can say.

Q Okay. What about Lujan?

A I just don't remember his face there. And when I say that I don't remember him there, that doesn't mean that they

weren't there.

Q They weren't there.

A I just -- I don't have a real clear independent recollection of them being there.

Q Okay. Our records indicate they were there. Perhaps you just don't recall.

A Okay.

Q What about, uh, Mejia?

A There were, uh, patrol guys now?

Q These were your patrol guys.

A Right. Uhm, for some reason, I want to say that I remember that -- this is a young His- -- well, not young. But a Hispanic young-looking guy?

Q Yes.

A Uhm, kind of a quiet-type. I do remember him.

Q And Sambrano?

A Sambrano's a bigger, uh, -- you wouldn't happen to be showing me photos; would you?

Q No. Go ahead.

A Oh. Okay. If you showed me photos, I'd be able to say definitely yes or no. But, I think I, uhm, -- if it's the same person I'm thinking, I believe, yes, that person was there.

Q Okay. I just want to show you a photograph of Mejia. Does that look like Mejia?

A Yes, sir.

Q Okay. Now, according to some of the witnesses, as

you've stated, there was a party going on at this location.

A Yes.

Q As you exited your vehicle, and you walked up onto the parking lot, did you see anybody run?

A No, I saw people moving around, shuffling around, but I didn't see anybody running.

Q Was the air unit up overhead?

A Yes, sir, I believe so.

Q Did, uh, anyone stoop behind a vehicle, while you were there?

A We certainly would have proned him out, or tried to prone him out to get him out there. Proning him out. But, no, I don't remember seeing anybody stooping behind a vehicle.

Q Did you hear anyone or see anyone raise their hands above their head and say, "I ain't got nothing?"

A I don't remember that.

Q "I don't have a gun?"

A I don't remember hearing that.

Q So, while these guys are being detained, are you involved in the search of these gang members, at all?

A I'm actually standing back sort of being like the cover officer. People are sort of being moved around. You know, the deejay's having to turn off his music. Uh, people are being walked-in. There's sort of like a -- where the deejay was, there's sort of like a little flat area that people were up in there like dancing or whatever.

Q Right.

A They were being moved out into the parking lot. And I'm sort of just standing there as the cover officer, as these people are being kind of lined-up and pulled out of there.

Q Now, what -- oh, I'm sorry.

A And that's -- a little bit after that, while these people are being detained and people were starting to talk to people, that's when one of the patrol officers come to me and said, "Hey." And he points out that there's a gun under a -- uh, on the tire.

Q Okay. Were there any females at this party?

MR. MCKESSON: Female participants at the party?

Q BY SGT. SMITH: Female participants or female gang members?

A There were females there.

Q Were any of --

A Were they gang members? I don't remember.

Q You don't remember?

A I don't remember.

Q Were any of them detained?

A Everybody was detained there.

Q Were any of them --

A You mean, detained and transported to the station?

Q No. I'm sorry. Were any of -- were any of the females, uh, placed in a search position, a prone position to be searched?

A I believe so.

Q Okay. Were there any female officers at this location?

A I don't recall.

Q Okay.

A Off the top of my head, I don't remember seeing one, or I don't -- I can't really, you know, unless I had something to refresh my memory -- a log or something like that. Off the top of my head, I don't remember a female officer.

Q Now, as everybody is being detained, being searched, and writing and F.I.'s, I guess, -- are they taking F.I.'s on the individuals --

A Yes, sir.

Q -- that are out there, and they're conversing with them?

A Yes, sir.

Q Did you recall any of the gang members? Do you recall, uh, who they were by name?

A I may have known them or seen them, then, or -- but several years later, I couldn't tell you who it was.

Q Donna Siano Diaz, who is referred to as Joker. Does that name ring a bell?

A I'm sorry, sir.

Q It does not?

A Names really are not gonna help me.

Q No? Okay.

MR. MCKESSON: One second. Just as I've gone through this, it maybe easier, or maybe more thorough if you go to the name and then the moniker, because we have found out --

SGT. SMITH: Okay.

MR. MCKESSON: -- before several gang members may have the same moniker. So, maybe, if you ask him the name, does he know that person, then, he might know them by the moniker.

Q BY SGT. SMITH: Okay. Hiliberto Pabone. Duke or Conejo.

A The moniker sounds sort of familiar.

Q Okay.

A Uhm, but just the names are helping me --

Q Okay.

A -- I mean.

Q Let me run through right quick, just for the record. Juan Lopez, who is referred to as Termite.

A No, sir.

Q Antonio Camacho, who is referred to as Pelon.

MR. ROSENTHAL: How do you spell that? Pelon.

SGT. SMITH: P-e-l-o-n.

THE WITNESS: No, sir.

Q BY SGT. SMITH: Mervin Sanchez, who is referred to as Ghost?

A What, uh -- if I can ask, what gang is this again?

Q 18th Street.

A 18th Street Gang. Of course, if you had the photos,

you probably would have shown them to me already.

Q Right.

A You don't have photos of any of these people?

Q I don't.

A Okay. I'm sorry.

Q It probably would help. I'm sure it would.

A Yeah. The names are just -- are not helping me at all. I'm sorry.

Q Okay. No problem. All right. We'll move on. Now, at some point, an officer directs your attention to a handgun.

A Yes, sir.

MR. MCKESSON: To a what?

Q BY SGT. SMITH: To a handgun.

A Yes, sir.

Q Right?

A Yes, sir.

Q Would that officer have been Mejia?

A I think there's a reason why -- why he stands out a little bit. And I think that reason may be because he was the one that, uh, directed me. But I can't be a hundred percent sure.

But, for some reason, as soon as you said Mejia, I remembered -- and I've never even had a conversation with that -- that officer. I know he's working Rampart for some time. But me and him have never ever even had a con- -- conversation.

Q Right.

A Uhm, but, for some reason, he stands out as being there. And I'm thinking it's because he's the one that directed me to the gun. But I'm not a hundred percent sure.

Q So, you did not see him pick the gun up?

A No.

Q Uh, and you're certain that he did not pick it up?

A My recollection is that the patrol officer, uh, who as -- as all these people are being lined-up, he is sort of browsing around, looking around. And this is after several minutes of being there and, you know, F.I.'s are being done. He calls me over and says -- he directs me to where the gun is. I recover it. Uh, and, uh, eventually, I give it to Liddy.

Q Where is this?

A At the scene.

Q No, where the gun is recovered?

A It's on a vehicle. Uh, the -- the -- if you look at a vehicle, in this manner, it would be the -- the tire over here. Let's say this is the front of the vehicle, and this is the back of the vehicle. Here's the rear tire. Here's the right front tire. The left front tire. It was under this tire here.

The vehicle is facing this way on this side. Uh, do you follow me at all?

Q Wait. Let's start -- let's draw a diagram of the, uh, parking lot, as opposed to utilizing the picture, which really doesn't depict the entire parking structure area.

A And this will not, obviously, be to scale.

Q Right. Just go ahead and draw the diagram.

A Here's an apartment building.

Q Right.

A This is the parking lot. I'm putting a "P.L." here.
From what I remember, the deejay is some -- somewhere back here.

Q Okay. Point out the street. Where is the street at
in your diagram?

A Oh, actually, I -- I believe this is --

Q Is that Hartford? It's Hartford?

A This is Hartford here.

Q Okay. That's Hartford. Right.

A Uhm, and this is the sort of like the entrance to the
parking lot.

Q Right.

A Up to this open area here. There is a vehicle there.

QQ Okay.

A And, to be quite honest, I don't know whether it's
head-in or backed-in. But it's this tire here where I put an
"x" and a circle indicating the tire that I recovered that gun
from.

Q Is there another building adjacent to that vehicle?
Would that be on the east side?

A There is something here. You're -- you're talking
about on this side of the building, right?

Q Right.

A Or on this side of the parking lot.

Q Right. There are two buildings there.

A There's something here. I can't remember exactly how it's positioned. But there is something here. Uh, I mean, -

Q There's another photograph from the front.

A Okay. Uh, you know, to be very honest, uh, my recollection, I don't remember what's there.

Q Okay.

A To be honest.

Q That's fine.

A Unless you showed me a photograph, I could tell you -- well, --

Q That's fine.

A But, my recollection, I don't remember what's here.

Q Okay.

A I do know that, as I went into the parking lot --

Q Mmnh-mmnh.

A -- there's a vehicle right here on the right side of the parking lot.

Q Okay.

A And under -- on top of the -- on the top of the tire, it would be resting right on top. That's where I recovered the gun from.

Q On top of the tire?

A Yes, sir.

Q Now, according to the arrest report, the vehicle was

a 2-door -- an '81 Honda Civic, blue 2-door. Is that your recollection?

A To be honest, I don't remember what type of vehicle it was. I only know that I recovered it from the vehicle.

Q And, I would assume, that you don't -- you neither -- neither do you recall the license plate of that vehicle?

A I definitely don't remember the license plate.

Q Okay. Now, the officer directed you -- being Mejia -- to the gun?

MR. MCKESSON: Well, he said he assumes it as Mejia.

Q BY SGT. SMITH: You assumed it was Mejia?

A What I said was there's a reason -- for some reason, Mejia really stands out. And the reason, I believe, Mejia stands out is 'cause I believe he was the officer that directed me to that gun. I'm not a hundred percent sure of that. Q

Well, that's -- that's fine. I know that one occasion -- I'm sorry. I know that on once occasion, Mejia directed someone to a gun that he observed in this parking lot.

A There's only one gun recovered, I believe.

Q Right. I'm saying on the -- on this one occasion, when he was there, --

A Okay.

Q -- you know.

A I cannot --

MR. MCKESSON: I'm not trying to argue what you're saying.

SGT. SMITH: Oh, I know. Oh, no. What he remembers.

MR. MCKESSON: I don't think he said Mejia was definitely the one that gave him the gun.

SGT. SMITH: Okay. He just --

MR. MCKESSON: He may have been the one.

SGT. SMITH: Right.

MR. MCKESSON: And your information may be, I'm just trying to clarify what he said.

SGT. SMITH: Okay.

THE WITNESS: Yeah, and even though you're telling me that Mejia said, yeah, he's -- he directed somebody to a gun, I can't say, "Yeah, it was Mejia." Because --

SGT. SMITH: Okay.

THE WITNESS: -- I can only go by what my memory is.

Q BY SGT. SMITH: But you do recall Mejia being out there?

A Yes.

Q All right.

A Yes.

Q Now, Mejia draws your attention by stating what?

A He, actually, kind of fingers me over and, then, leads me to the tire and shows me what's there.

MR. MCKESSON: If we're assuming it was Mejia.

SGT. SMITH: If we're assuming that it's Mejia. And we will assume that it's Mejia for questioning purposes.

THE WITNESS: Yes, sir.

Q BY SGT. SMITH: When I use his name, he brought your

attention, and directed you over with his finger?

A Well, he directed me over to -- to him -- to him with his finger. And then, led me to a gun that was sitting on a tire. And he just wanted make me aware that, hey, the gun -- there's a gun sitting right there. Just to let you know.

Q Did he say anything prior to you reaching into it?

A Very few words. Something like, you know, you may want to check that out. Something like that.

Q Was anyone else in position to hear him tell you that?

A I don't think so. 'Cause like I said, I was standing looking at all these people lined-up. And as I'm looking around, he catches my attention and he tells me to come over. And he points out that, you know, there's a gun sitting there.

Q When you walk over to the vehicle, you observe the gun?

A Yes. Well, I look -- I look -- I kind of stoop down a little bit. And I could see the gun sitting on top of the tire.

Q On top of the tire?

A Yes, sir.

Q And what do you do, at that point?

A I recover the gun.

Q You recover -- what -- what do you do with it physically?

A I think I cleared it. Actually, I'm gonna be very honest, I'm assuming that I cleared it. The first thing I would

do with a gun is absolutely make it safe. Do I remember making it safe? Not really. But if I'm gonna pick up a gun, the first thing I would do is make it safe.

Q Okay. Did you pick it up?

A Yes.

Q And did you show it to anyone?

A Eventually, to Liddy. I gave it to Liddy and let him know that we -- you know, a gun was recovered and where it was recovered from.

Q Prior to showing it to Liddy, uh, did you pick it up and show it to other officers who were in the area detaining the other gang members?

A There was other officers that saw me -- probably saw me with the gun. Again, I'm not looking at the officers looking at me. I know when I recovered the gun, I'm assuming that officers -- some of the officers are standing there watching me and they see me with a weapon.

Q Okay. Don't -- don't assume --

A Okay.

Q -- uhm, that they saw you.

A That's what I'm saying --

Q This is very -- this is a very important aspect of this actual case. Uhm, were you in position for them to see you? And did you make eye contact with either of them?

A There was, uh, some officers that were in position -- in a position to definitely see me recovering the gun and,

uh, handling the gun. Do I remember making eye contact, uh, today? No, I don't remember, uh, making contact. Not to say that it didn't happen. It's just that, at this point, in my -- in time, I don't remember whether I made contact -- eye contact with anyone.

Q Now, do you recall who those officers were?

A I'm sorry, sir.

MR. MCKESSON: You mean, the officers who were in position to have seen?

Q BY SGT. SMITH: Who were -- who would have seen you recover or pick this gun up off this wheel well.

A You know -- and I'm gonna be honest. There is a particular name that, uh, -- and I'm not even gonna go there. Uh, I don't --

MR. MCKESSON: Could we go on a break?

SGT. SMITH: We're gonna pause for a moment. We'll go off tape.

(Off the record at 4:10 p.m.)

(Back on the record at 4:10 p.m.)

SGT. SMITH: We're back on tape. Okay.

Q Just to clear that up, you said -- you said something keeps coming through your head. But it was all speculation, right?

A Yeah, I can't be certain. So, I'm not gonna speculate.

Q Okay. Now, what do you do with the handgun?

A From the time I recover it?

Q Right.

A And, like I said earlier, I'm assuming, uh, because this is a standard practice, and this is what I would normally do, I would, uh, render the weapon safe. In other words, unload it, uh, if there's a round in the chamber, take the round out of the chamber and make it safe.

Q Okay. Then, what -- what did you do next?

A Uhm, I know, at some point, I gave it to Liddy. Uhm, in between the time I had it and gave it to Liddy, I'm not exactly sure how much time elapsed.

Q Where were you when you gave the handgun to Liddy?

A Somewhere in the parking lot. Where exactly, I don't remember.

Q Who was standing around? Do you remember who was standing around when you gave the handgun to Liddy?

A I don't think I was paying attention as to who was around.

Q Okay. Did you -- were there people around?

A I believe there were people around. I'm -- in fact, I'm positive there was people around. Who they were is the problem that I have.

Q You don't know who they were?

A No, sir.

Q What did Liddy do with the handgun?

A After I gave him the handgun, I don't recall exactly

what he did with it.

Q What transpires after you give Liddy the handgun?

A There is -- some conversation takes place. And from what I remember, it was sort of the topic of conversation was -- and I believe he was talking to Harper -- again, I'm not gonna speculate. I remember -- see, I remember sort of bits and pieces of things. And it's hard for me to say. I remember this little bit. And then, there's a gap. And a little bit.

Q Okay.

A It was sort of -- the tone was sort of who's going. Who's gonna go for this gun. Or who might have had this gun, that type of conversation.

But I can't remember if they were saying, uh, this gun is gonna go on Mr. Johnson or Mr. Lopez. I -- because these gangsters -- to me, it wasn't my gang. So, it didn't matter who went, to me. I mean, if it was my gang, I would know who I wanted to put it on. That was their call, their determination. It really -- it didn't matter to me either way.

Q Okay. First, let me ask you this. What did Liddy say to you when you gave him the handgun?

A He says something like, "Oh, shit." Like, "We got one." You know, that type of thing. Uhm, and that -- that was the initial, uh -- the initial, uh, statement that he made. Uh, but, later, there was some other things that were being said as I was standing there. And he was talking to Harper. And from what I remember, it was something about like who was

gonna go for it. That type of thing.

But I don't remember what they -- the names that were being thrown out. Or I don't recall any of that.

Q Now, who would have -- would made that statement?

A That's Liddy talking to Harper.

Q Who's gonna go for it?

A Who's going for it.

Q Who's going for what?

A In other words, who's going for the gun?

Q Is that what you took that to mean?

A Yes.

Q And why -- why is that?

A That's the jargon that we would use in C.R.A.S.H. In other words, we recover some evidence, we don't know who -- who discarded it. We're gonna figure out who's gonna go for it. That type of thing.

Q So, when a statement such as that was made, after recovery of evidence, which was not recovered off of someone's person, they often state, "Who's going for it," they are referring to?

A And you're saying it, "Who's going for it?" And I'm saying, "Who is gonna go for it?"

Q Who's gonna for it?

A Right. And I think it's just a punctuation somewhere in there.

Q Well, when he said that, what did you say?

A He was talking to Harper.

Q He was talking to Harper?

A It wasn't my call. I didn't know -- I've seen some of the gangsters that were there, but the way it works in C.R.A.S.H., there is certain people -- you have to make -- you have to make a determination who you are going to take.

And it's usually up to the officer who is in charge of that gang as to who he's gonna take. 'Cause, for some reason or another, they know who they want to take. And like if they're

-- if it happens to be a Temple Street Gang, and there's a big party, and somebody recovers a gun, they come to me, "Hey, I recovered this gun." I'll probably talk to my partner. You know, who -- who are we gonna take? That type of conversation.

So, it was up to them. It wasn't my call to say, take this guy or take that guy. It wasn't my call. It was theirs.

Q Had you been on other -- and, obviously, I'm sure some of these are covered in other cases, but, had you been on other, uh, on other incidents where evidence was recovered and Liddy and Harper were present where they made those same statements after recovering evidence?

A There's been other cases where it wasn't exactly as this scenario. But it was cases where evidence was recovered. Uh, one that I'm thinking, just off the top of my head, was a shotgun that we knew was under a couch, before we even got to

the location, because an informant [** CI # 6 Info Redacted **]
[*****]
*]

And when Liddy -- we had Liddy cover the rear. Of course, he makes the statement that he sees this gang member place this shotgun under the couch. But that was, obviously, not true. We knew the gun was there. And the gang member was inside.

In fact, he was in the attic hiding. So, it's kind of difficult to say that this gangster placed that gun in there. But, uhm, the terminology, I don't know if you're looking for that exact same terminology. But, uh, we've had those discussions as to Liddy, who is it that you want to -- to go. Or Perez, who did you want to go, you know. I'll -- I'll give the observation as far as I saw this, supposedly, person putting the gun under this mattress, or under the couch. Just tell me who -- who do you want -- who do you want to go for it.

Q So, this was a common practice?

A Very much so, yes.

Q Now, did you take note of anyone else who may have been standing around when Liddy made this statement to Harper?

A I don't know. No, that's -- I know there was other people standing around. But, for some reason, I remember Liddy and Harper.

Q Did, uh, you take note of -- were there any gang members standing or kneeling around?

A Not listening to this conversation, no.

Q Not listening to this conversation?

A No.

Q Did Liddy walk up to you? Or did you walk over to Liddy when you exchanged the handgun?

A I walked over to Liddy.

Q And he was not standing in the presence of the gang members, at this point?

A No.

Q And nor was Harper?

A No.

Q Mejia, did you take note of where Mejia --

A Uh, to be quite honest --

Q -- had gone?

A -- I don't know if he was behind me or where exactly he was, at that point. I don't know.

Q When you had these convers- -- when -- when the C.R.A.S.H. officers often made the statement, "Who's going to go for it," would they make these -- have this conversation in the company of patrol officers? Or was this isolated only to officers who were assigned to C.R.A.S.H.?

A It wouldn't even be that way. It would actually be -- this conversation would take place as to officers involved in these particular situations. If there's no need to involve the entire C.R.A.S.H. unit, uh over one little gun, that was recovered, and how it's recovered, and who's gonna go for it.

We may -- you may say it in jest. But you don't go, "Oh, Perez recovered this gun. And he gave it to me. And we're gonna plant on this guy." That's not the way it works.

And I don't want to say it's on a need to know basis. But it's sort of like why go telling everybody in the world, when it's not that important, you know. Uh, Durden, or let's say Tovar, who is my partner, sees me recovering a gun. He sees me giving it to Liddy. We didn't see anybody put it there. But somebody's going to jail for it. We know what happened. We -- we know. I mean, it's just common practice. We've done it this -- it's been done so many times that we just know.

Uhm, but, no, we wouldn't talk -- on something like this, we wouldn't talk in front of the, uh, patrol officer. Uh, at least, not unless the patrol officer is, you know, eavesdropping, or trying to listen in.

Q Right.

A We wouldn't, uh, willingly, uh, have these conversations in front of patrol officers.

Q Where was Tovar when you recovered the gun?

A To be honest, I don't remember. I know he's there. I just don't remember exactly where he was.

Q After Liddy and Harper have this conversation, what's the next chain of events that take place?

A I know, for some reason, we were talking to the deejay. I think Liddy was trying to get the deejay to say something, like, you know, did you see anybody else, you know,

with guns, or anybody else doing anything. And the deejay was like, "No, man. I just came here to play music. And, you know, I'll tear up my equipment and leave, you know, if that's what you want me to do."

Uh, I remember that happening. I remember we kicked over some things, you know, beers, and we just knocking things over. Nothing that stands out. Nothing particular that, you know, an incident that stood out.

Q Now, at some point, people are taken to jail, and officers are leaving. Is the party shut down, or is the party allowed to go on?

A No. No. From -- from what I remember, the deejay started tearing down his things, or --

Q Okay.

A -- or, you know, break it down. Now, did people eventually come back and stay, or -- I don't know. I know when we were there, he was told to start tearing his stuff down.

Q At some point, did you leave?

A Yes.

Q And were you the first to leave?

A I don't think I was the first to leave. I would assume that, you know, some of the patrol officers left first. Uh, I mean, it's kind of hard for me to say I was the first one, or the second one, or the third one, 'cause I'm not -- I wasn't really paying attention as to at what point people left. I know I would have been there a lot longer than the patrol

officers.

Q Right.

A I would have been there, at least, for the duration until the rest of the -- all the C.R.A.S.H. units would have left at the same time, on something like this. 'Cause this was a pretty big party.

Q Did you see anyone being placed in a police vehicle? Any gang members?

A I don't recall.

Q Did you place anyone in your vehicle?

A You know, I just don't recall that. I'm sorry. I just don't remember.

Q Did Liddy -- you see Liddy put anyone in his police vehicle?

A Again, I just don't recall.

Q Did you see -- Liddy and Harper were together? You don't recall?

A I -- I know somebody was taken to jail. Because I remember it had to be -- it was one of those things -- was this charge a ex-con with a gun or something like that? It wasn't just like a misdemeanor, a gun possession. I know the first male going was gonna be a felon.

Q Mmnh-mmnh.

A If you notice in Rampart -- Rampart C.R.A.S.H., there are very few misdemeanor arrests. If you're going for a gun, it's gonna be a felon. And from what I remember, this person

was going to be a felon that was going.

Q Okay. But you don't -- you don't recall seeing anyone being placed in a vehicle?

A I don't remember who transported who. I don't remember that.

Q Do you recall a female being placed inside of a vehicle?

A I don't.

Q Okay. When you, uh, re-entered your vehicle, where did you and your partner go?

A I truly don't recall.

Q Did you go back to the station?

A I don't recall. And I don't mean to keep saying, "I don't recall. I don't recall." Those are just things that I just -- it's impossible for me to remember, unless you had something to tell me that might refresh my recollection.

Q I am. I'm about to right now.

A Okay.

Q 'Cause I want to find out if you -- what you remember on your own first.

A Did I return to the station? You know, this is several years ago. This is very difficult for me to try to remember that.

Q Let me see if I can help you here. According to several of the gang members who were present, Alan Lobos being the individual who was arrested; Mervin Sanchez being a gang

member who was out at the location; and Denacio Diaz, who was also out at the location, they were transported to Rampart Station.

And while at Rampart Station, -- or Detectives that is. They were at Detectives, right, uh, they were placed on a bench. Alan Lobos recalls being walked out to a parking lot area at the station. Did you walk anyone out to a parking lot area while after leaving the scene of this incident on Hartford, while at the station?

A Do you have Mr. Lobo's photograph?

Q The only photograph that I have of Lobos -- that's a very good question.

A I'm accustomed to these interviews.

Q You're right. We should have had all those photos. That's a very good point.

A It's -- the names really are very difficult to try and associate faces. It's easier to associate pictures.

Q Did you -- do you recall walking anyone out to the station?

MR. MCKESSON: Out to the parking lot, you mean?

Q BY SGT. SMITH: Yeah, out in the parking lot while at Rampart Detectives?

A The problem that I have is that we do that so often.

Q Oh, was that a common occurrence?

A Sure. And if you bring them to the station, you identify them, and you run them, and you do new I-cards on them,

and you would walk them out to the parking lot, and kick them loose. But if -- maybe if I had a photo, I could say, "Oh, yeah, I remember talking to that guy. I remember."

It's just a little -- it's a little bit difficult just going by a name.

Q That's a pretty bad picture of him up there in Photograph Slot No. 1, the dark -- the dark-looking Hispanic brother. Very dark-looking Hispanic brother. Can you see through the madness there and identify him?

MR. MCKESSON: It's right there. Plain as day.

(Laughing heard.)

A This one's a little bit better.

Q You know, when I come back, I will have those photographs.

A I'm sorry. Yes, it's very difficult to see that picture. But --

Q Okay. But do you recall doing that, while at the -- while at the station?

A Did -- does he attribute any comments to me?

Q No.

A Anything specific?

Q No, he does not attribute any comments to you. It's just that what -- what -- what is -- has taken place -- and I don't want -- uh, if you remember it, let me know that. And if you don't, then you don't. But there were all taken to the station. And two of them were walked outside in the back, one

at a time, and asked "Who's gun is it?" "Who does the gun belong to?"

Two of them are walked back in, at different times, and, eventually, placed back into a holding cell, or holding tank -- or in a room where they all stayed for several hours before being released.

As they -- after they were released, one by one, one individual remained behind. And that was Alan Lobos, who was booked for the handgun.

A I still don't remember.

Q In other words, do you have any knowledge, or any information, about this arrest, outside of what took place out in the parking lot?

A The only knowledge that I have was that an ex-con was gonna go for the gun. And that determination was gonna be made by Liddy and Harper. And that's the only -- other than what happened in the parking lot, that's the only other knowledge that I have, that I can remember.

Q So, your involvement stops after you leave? Your -- your recollection is that your involvement in this entire incident ceases once you leave the location?

A No, sir.

Q It doesn't?

A No, sir. What I'm saying is my recollection. Uh, I'm not saying -- I'm not saying that it --

MR. MCKESSON: Answer his question.

THE WITNESS: Oh, I'm sorry. Did you say my recollection stops?

SGT. SMITH: Right.

THE WITNESS: Okay. I thought you said your involvement stops.

Q BY SGT. SMITH: Your only recollection --

A My -- yeah, my recollection, yes, it -- it gets more faded with -- as time went on. After the parking lot incident, --

Q Right.

A -- and the gun being recovered, further, you know, going to the station, and all that, yes, my recollection begins to fade a little bit more.

Q Okay.

A And I don't want to just assume or make a statement that I'm not a hundred percent sure on. So, yes, you're -- you're absolutely right with the comment that my recollection, uh, stops as time goes on.

Q Did you have opportunity to review the report that Liddy prepared relative to this arrest?

A At any time?

Q After the incident in the parking lot?

MR. MCKESSON: On the day of the incident?

SGT. SMITH: Right.

MR. MCKESSON: Or close thereafter?

Q BY SGT. SMITH: Or shortly thereafter, any time prior

to having been presented with this report by members of the department during this investigation, had you viewed this report?

A I don't believe so.

Q No?

A No, sir.

Q You don't recall looking at the report prior to going to end of watch on the 26th?

A I know Liddy talked to me about my involvement in it, recovering the gun, uh, that he directed me to it, I think. Or that he saw us -- I remember he was telling me what the story was gonna be. I just don't remember reading the story, or reading the -- the report.

Q Okay.

A I don't think I would have hung out until he finished the report.

Q No?

A You know, it was --

Q It was no big deal, in other words?

A This was no big deal. Well, I mean, I know it's a big deal now.

Q Right.

A To me, at the time, it wasn't no big deal. I mean, I may have assisted him going -- uh, go book the body for him, or book some evidence, if he wants me to. But, if it wasn't my case and my report that I needed to write, I'm not gonna sit

around there and wait for him to write the report to sit there and read it, you know.

That's not to say that the next following day, I didn't read the report. He might have -- he may have had a copy for the sergeant. I just -- I don't remember whether I read it or not.

Q Do you recall reading the report?

A (No audible response.)

Q You don't recall reading the report?

A I don't recall reading it.

Q Now, I know you've been subpoenaed to court and probably gone to court and testified hundreds of times. Do you ever recall being subpoenaed on this case?

A For some reason, I want to say that I remember being talked to about this case, as though it's going to court or something like that. But I don't remember if I actually had to testify or not.

So, I'm assuming that yes, I might have been subpoenaed. But I'm not a hundred percent sure whether I had to go in to testify.

SGT. SMITH: Go ahead and follow that up.

Q BY SGT. JUSTICE: Do you know if Ortiz heard the conversation between Liddy, Harper, and yourself, as to who was gonna go for it?

A I do not know. I can't be positive that he heard it.

Q But you do recall him being at the scene?

A Yes, sir.

Q Do you know if he knew that you recovered the gun?

A Uh, yes.

Q He did know that?

A Yes.

Q How do you know he knew that?

A He was at the scene. Uhm, when I came over with the gun, he was there.

Q So, you remember seeing him looking at you when you recovered it?

A Yes.

Q When you gave the gun to Liddy, was that in view of the gang members? Or was it out of their view?

A Well, actually, technically, they should -- well, they had their backs to me. However, it doesn't prevent them from looking over their shoulder and just looking back at me. But, where they -- where they were lined-up, they actually had their backs to me.

Q So, it's possible they saw. But their backs were to you?

A Yes.

Q Uhm, do you know if the patrol officers saw who put the gun there?

A They -- well, I was ahead of them. I mean, I would have seen it before they would have. In other words, I'm -- I'm leading the search. Let's say I'm going in. And there's

other officers, you know, patrol officers, coming in. But I would have seen it.

In other words, they would have been behind me. They would have to see over my shoulder. And if I didn't see it, it was impossible they could have seen it.

Q So, you don't think it was possible?

A I don't think it was possible.

Q I think you already said this. But I'm gonna ask you again, just to make sure. Did you see who put the gun there?

A I did not. I mean, I didn't even know there was a gun there. I mean, if we'd have thought someone went in there with a gun, and placed the gun there, we'd have taken different measures. We would have been a little bit more tactically, uh, you know, -- tactically proning somebody out, or something like that. And you got to remember, this gun was recovered several minutes after we were there. And we're already lining people up. And it was --

SGT. SMITH: We're gonna pause here for one moment while we, uh, switch sides on the tape.

We're back on tape. Tape No. 223513, Side B, with Officer Perez.

THE WITNESS: I think I was saying that we found, or the gun was brought to my attention several minutes after we were already there. People are being lined-up. You know, things are already going on. And, at that point, somebody brings it to my attention that there's a gun there.

Had we known that there was a gun there from the get-go, we would have went straight to the gun and straight to the person who, uh, we thought put the gun, or saw them put the gun there.

Q Okay. Now, were they put on their knees in the parking lot? Or were they proned-out?

A No, I think -- actually, I don't even remember them on their knees.

Q They were standing?

A They were standing.

Q With their hands behind their head?

A I believe so. I don't remember it whether it was behind their heads, behind their backs. Uh, obviously, we probably, as C.R.A.S.H. unit, do it behind their heads. But I just don't recall that.

Uh, but I do remember -- I don't think it was kneeling. I think they were standing.

Q Okay. How far from where you had the gang members detained was the gun found?

A I would say from the place where I recovered the gun, to where the gang members were, were probably, uh, 70, 80 feet.

Q So, there is no one near the gun?

A No.

Q Why was the gun given to Liddy? Why didn't you just handle the arrest?

A This is Liddy's caper.

Q It's Liddy's caper. Liddy's gang?

A Yes, sir.

Q Did this come out as a radio call, or did you know they were there?

A No, it came out -- I know we were made aware of this. And we were gonna hit it all at one time. And Liddy was handling it. So, I don't know if Liddy got the call and then he brought us in, and said, "Hey, we're gonna hit it. Let's all move in this direction and this -- having this approach."

It may have been a radio call. I just don't remember that part.

Q Okay. Did, uh, Liddy see you recover the gun?

A I don't think so.

Q So, he went on what you told him?

A Yes, sir.

Q That's all I've got. Thanks.

Q BY SGT. SMITH: Okay. Let me go over this right quick just to clarify some quick things. Uhm, the handgun, when you recovered the handgun, it was handed to Liddy; right? And Harper was in his presence?

A Yes, sir.

Q You told my partner that Sgt. Ortiz observed you recover the handgun?

A Yes, sir.

Q Did Sgt. Dickerson?

A For some reason, I don't remember Sgt. Dickerson.

Q Do you recall seeing McMahon or Valdez?

A I don't remember. You know, and that's not to say that they were not there.

Q Okay.

A I just don't remember them.

Q Relative to the recovery of the handgun, what about Richardson's -- and Richardson, did you take note of where he was when you recovered the handgun, or when you handed it to Liddy?

A Not when I handed it to Liddy. I remember him making a comment about the gun itself. But I don't remember if he made it.

Q Okay. I got you.

A Okay.

Q And Brehm?

A Don't remember him.

Q Lujan?

A I don't remember. You know, and, again, that's not to say they weren't there. I just, I don't remember their faces.

Q Veloz?

A I don't remember.

Q Tovar?

A Tovar was there.

Q Did he see you recover the handgun?

A I can't say that.

Q Did he see you give the handgun to Liddy?

A I can't say that either.

Q Was he standing around when Liddy said, "Who's going to go for it?"

A Actually, I think Officer Tovar was in the middle of the people that were being taken out. I think he was in the middle of that. See, I was away from that. I was closer to the entrance of the parking lot watching people being lined-up. I'm watching them get lined-up. And that's when Mejia calls me over. And I didn't tell my partner, "Hey, partner, Mejia's going to tell me something." I just went over to where Mejia was trying to show me.

Q Sambrano? Who was Mejia's partner.

A I -- I think he's a -- maybe a Hispanic -- kind of looks White -- officer. Kind of husky. For some reason, I remember him. But did he see me recovering the gun? I just don't -- I don't remember.

Q Did he see you hand the gun to Liddy?

A I don't know. I mean, I wasn't looking around to see who saw me do that.

Q Was he in position to hear Liddy -- I mean, hear Liddy tell Harper, who's -- ask Harper, "Who's going to go for this?"

A He may have been in a position to see me handing the gun to, uh, Liddy. But I don't think he was in a position to hear the conversation.

Q Now, let me cover the report, actually.

SGT. JUSTICE: Why don't you just show it to him? It might be easier.

SGT. SMITH: Mmnh?

SGT. JUSTICE: Why don't you just show him the report? It might be easier.

SGT. SMITH: Just show him the report? Liddy writes that, "We observed the suspect run westbound in the parking lot holding his right front waistband."

Q First question, do you specifically recall whether or not Liddy was there when you arrived?

A Do I specifically remember him there already in the parking lot?

Q Right.

A No.

Q You don't recall?

A We don't arrive together. I mean, Liddy's on another side. You got to remember, we kind of entered in different directions.

Q Okay.

AA When I entered with my partner, I don't remember seeing Liddy. I know, eventually, he's in the parking lot. Where exactly he came from, I don't remember. Uh, but do I remember him when we approached the parking lot, him being there?

A No.

Q Were you in position to see any officer? When you

exited your vehicle and walked into this parking lot, were you in a position to see any other officer who may have been present?

A I was in the parking lot. I was -- certainly, I would have been. You know, unless he's hiding in the corner of the parking lot, or -- I mean, I definitely would have been in a position to see him if he's in the parking lot itself.

Q The likelihood is that you would have seen him?

A Certainly.

Q Okay. And during the time that you were there, you did not see anyone run in the parking lot holding his right front waistband area?

A I would certainly have pruned him out and did a felony, uh, take-down. Or I certainly would have not, you know, been hanging out just laying around waiting for somebody to come tell me, "Hey, there's a gun over here." Uh --

Q Do you recall anyone wearing a shirt with the Number 13 on it?

A I've seen so many of those, it would be impossible for me to remember it today, whether somebody had a 13. That's -- that's pretty common.

Q Liddy writes, "I illuminated a suspect with my flashlight as he ran." Did you -- when Liddy did arrive, do you recall seeing Liddy with a flashlight directing the light at someone as they ran?

A I do not. That meaning -- like I said, there's --

I'm not the only officer approaching. There's several other officers at the same time. 'Cause if Liddy's illuminating someone with, uh, who has his hand in his front waistband holding a gun -- a gun, and he's walking westbound, which would have been towards us, I think, uh, the scenario would have been a little bit different.

Uh, we're not just gonna watch some guy running towards us --

Q Mmnh-mmnh.

A -- with his hand in his waistband about to go hide a gun between cars. I mean, we would have reacted a little bit differently. We would have pruned him out.

So, are you asking me do I remember any of that, Liddy illuminating someone --

Q Right.

A -- who had a Number 13 --

Q You don't remember seeing that?

A I don't remember seeing that.

Q All right.

A I don't -- I don't remember that. No.

Q Did you observe anybody draw a pistol --

MR. MCKESSON: You guys are talking at the same time.

SGT. SMITH: Okay. I'm sorry.

Q Did you observe anyone draw a pistol and run between cars in the parking lot while you were there?

A I did not.

Q Did you observe anyone crouch down in front of a vehicle near the front left tire, while you were present in that parking lot?

A I did not.

Q And you stated earlier you didn't recall seeing a blue '81 Honda?

MR. MCKESSON: Uh, is that the car where the gun was recovered?

SGT. SMITH: Yes. He stated he didn't recall seeing.

MR. MCKESSON: All right.

SGT. SMITH: Well, go ahead.

MR. MCKESSON: No, he said he didn't recall what type of car it was.

SGT. SMITH: What type of car it was. Okay.

THE WITNESS: That's correct.

Q BY SGT. SMITH: That's what I meant.

A I, obviously, know that there was a car there.

Q That's what I meant to ask.

A What it is, is because of the time elapsed --

Q Right.

A -- it's impossible for me to remember, uh, the type of car.

Q Right. Did you recall an air unit being up overhead?

A I want to say that I do remember a air unit.

Q Okay. Where you walked over and recovered the gun, at any time, while you were in the parking lot, did you see a

suspect over near, in that same area, stand up and say, "Don't shoot. I ain't got no gun."

A No, sir.

Q Okay. Were you directed by Liddy to walk over there to the vehicle where you recovered the handgun?

A No, sir.

Q Was there a round in the chamber? Do you recall that?

A I don't recall, sir.

Q Was the hammer back?

A Actually, that I kind of do recall. That the hammer was back on the weapon?

Q Mmnh-mmnh.

A I think that actually -- that is correct. Uh, for some reason, I, uh, -- whether there was a round in the chamber, I don't recall. The hammer being back, that's real familiar. I -- I think that it was actually true.

Q Okay.

A When I recovered the gun, I think the hammer was back.

Q Now, you've had an opportunity to read this report, correct? I'll let you just read it one more time, just to go over it. Basically, it goes over the questions I just asked.

We're going to pause for a moment.

Okay. You ready?

A Yes, sir.

Q Now, you stated earlier you didn't recall reviewing that report, the night that this incident occurred; correct?

A That's correct.

Q Okay. Had you reviewed that report that night, what would you have done?

MR. MCKESSON: I don't understand the question.

Q BY SGT. SMITH: Had you reviewed -- okay. I'm sorry. First of all, is that an accurate reflection of what, in your opinion, of what occurred there that evening?

A No, this is a complete fabrication.

Q A little louder.

A This is a complete fabrication.

Q Is that, -- in your opinion, had you saw that report, shortly after the incident, would that have surprised you?

A (No audible response.)

Q Or -- no?

A No, sir.

Q Would you have done anything at -- with regard -- or did you view that as misconduct after -- had you -- let me ask the question. Strike that -- all that.

Had you reviewed that report, after it had been written after Liddy -- after Liddy had written it, what would you have personally done?

MR. MCKESSON: Off the record.

(Off the record momentarily.)

SGT. SMITH: Okay. Any more questions?

Q BY SGT. JUSTICE: When you pulled into the parking lot, how long after you were there did you observe Liddy?

A Uh, four to seven minutes. Yeah, about -- between about four to seven minutes.

Q And you pulled in from Hartford into the parking lot?

A Can I see that picture again? 'Cause I'm a little confused as to sometimes, you know, one street is one. And --

Q If I may -

A What street is back here?

Q This is where the hill goes down. I believe this Union back here. That's Hartford right here. And I believe this is Union, where the hill goes down to.

A Is the deejay thing right over here?

Q Yes. According to your diagram.

A Is this where the deejay thing would be?

Q Yes. According to your diagram.

A Yeah, I'd have came in from here. So, this is Hartford, right?

Q Right.

A I would have came in from Hartford.

Q Now, where did Liddy approach from, do you know?

MR. MCKESSON: Can I say something, guys?

SGT. JUSTICE: Sure.

MR. MCKESSON: I don't think this is going to make any sense on the record where you're referring to things on this photograph.

SGT. SMITH: Yeah, you can't -- yeah, you can't. Exactly.

Q BY SGT. JUSTICE: Okay. So, you -- well, we -- we

know the location. If you pull in on Hartford, there's only one way in the parking lot.

A I'm looking at a photograph -- uh, an 8-1/2 x 11. Uh, it depicts a white building, a parking lot, and several vehicles, and a small view of, uh, what would be Hartford. Uh, on the photograph -- it's not numbered. But on the photograph, there's a small street that depicts, uh, somewhat Hartford Street. It would have been the direction which I approached the parking lot.

Q BY MR. MCKESSON: Now, are you assuming that's Hartford Street?

A From what the detective told me that this is Hartford Street. Uh, and if this is actually Hartford Street --

SGT. JUSTICE: That is Hartford.

THE WITNESS: -- that is the direction I approached. When I saw Liddy, the -- if -- again, if you're telling me that this is the area, then it's right back here. I -- when I saw Liddy, he was somewhere up in here.

MR. MCKESSON: When you say "right back here" you're pointing --

Q BY SGT. JUSTICE: Closer to Witmer Street?

A Closer to Witmer Street, yes, sir.

Q Now, uhm, Witmer is actually west, right? We're looking -- our view is we're looking east in this picture. So, you approached going west, correct?

A Are you sure about that?

Q Yes.

A This view from here is --

Q From probably --

A -- east.

Q Somewhere, yes. Where the deejay was. You're looking east right there.

A From -- if I was standing in the parking lot here, and again, I'm referring to the picture with -- a 8-1/2 by 11 picture of the building and a parking lot. And if I'm looking in that direction, that is east?

Q Yes. That's towards Downtown L.A. If the picture went on and on and on, you keep going east towards Downtown L.A.

A Okay.

Q And there's like a tower right there.

A Right.

MR. MCKESSON: But I can't tell whether that's that the building on Pico and Union, thought. I can't tell.

SGT. JUSTICE: Okay.

SGT. SMITH: That white building is the east -- that's the west side of that building.

SGT. JUSTICE: No, that's actually the south side of the building.

SGT. SMITH: This is the south side of the building?

SGT. JUSTICE: Yes. The parking lot is actually south of the building.

THE WITNESS: So, that would be east. So, you would be

right this would be east. And your question is?

Q BY SGT. JUSTICE: You -- you approached coming into the parking lot west, correct?

A That is correct. From Hartford into the parking lot.

Q Okay. Did you drive into the parking lot?

A I think I drove in to about the mouth of the driveway -- uh, the mouth of the driveway.

Q Okay.

A In fact, I know that I drove. Uh, we didn't want any vehicles coming out. So, my vehicle was to block the driveway so no vehicles could come out.

Q So, you were the first -- very first vehicle?

A I was one of the first vehicles, yes.

Q Do you recall where Liddy approached from?

A When I, eventually, saw Liddy, he was somewhere west of where I was. Somewhere closer to where the deejay booth, uh, slope is.

Q Okay. So, did he come in the same mouth you came in?

A I don't think so.

Q He came in from some other direction?

A Yes, sir.

Q Okay. That's all I have. Thank you.

MR. MCKESSON: Burditt. I mean, Officer Burditt.

THE WITNESS: I'm going to initial this diagram.

SGT. JUSTICE: And if you would date it, too.

THE WITNESS: The date being?

SGT. JUSTICE: 27th.

THE WITNESS: 27th of 2000.

Q BY DET. BURDITT: Ray, did -- was it common practice for a Rampart C.R.A.S.H. to ever hold firearms for prints?

A Very rarely. We would usually -- uh, that would not be a -- it would a non-issue for us, because most of the time, we would just place it on someone. We would know -- you know, we saw him drop it. There's no need to take fingerprints.

Q Was that ever an issue that was brought up by supervisors or detectives?

MR. MCKESSON: Was it ever an issue that he was aware of?

Q BY DET. BURDITT: That he's aware of in which Rampart C.R.A.S.H. was requested or instructed to hold guns for prints?

A I know on the stand testifying in several cases, I was asked. Did a supervisor come to me and say we need to start fingerprinting guns? No.

Q BY SGT. SMITH: Do you recall ever having had a conversation about Tovar or any other member of C.R.A.S.H. regarding the recovery of this weapon on Hartford after you left the scene?

A No, sir.

Q No?

A No, sir.

Q Okay. Did you ever have a conversation with Ortiz, the supervisor? Would that include the supervisors as well as

-- Ortiz and Dickerson?

A I think the question was did I have a conversation with anyone about this? Uh, I know, as we speak today, this is a big thing. At the time, it wasn't that big of a thing. I mean, it was just somebody going to jail for a gun. And that was about it. Uhm, there was no need for me to talk to my partner that the guy went to jail for a gun. That I found it. And he's putting it down that he found it or that he saw somebody put it down. It wasn't -- it didn't didn't stand out, or it wasn't that eventful.

Q BY DET. BURDITT: Would -- how many suspects were detained there, approximately?

A Approximately, uh, about seventy.

Q And did some of those suspects know you from prior contacts?

A You know, a lot of the gangsters, you know, they see you. You just don't remember them. They change their hair to look different. I can't say that. I can't say whether they knew me or not.

Q When you --

A I -- I know that I -- I know quite a few of the 18th Streets. But I didn't -- I didn't work that gang. I know them by sight and, you know, and prior contacts.

Q From where the suspects were detained, would any of them have been in a position to see you recover that weapon?

A They could have -- why don't I do this? If I may, if

I show you this photograph again, that depicts the -- this building.

Q BY SGT. SMITH: Why don't you use the diagram that you drew or constructed to depict anything that you want to refer to?

A Again, the lower area that is indicated by "deejay" -- in fact, I'll box it all in -- which is where I remember the deejay placed, uh, -- the deejay set up his equipment. I'm gonna put a bunch of x's by where people -- x's and o's where people were lined-up.

The vehicle is here. When I come in from between the vehicles, if someone's just looking to their right, they can see me coming out of the car holding a gun. I'm not saying that they did or didn't. But I'm saying they sure -- certainly, they were in position to see me walking out from between the vehicle and producing -- or having a gun in my hand.

Q I think you were asked this by Sgt. Justice, the distance you approximated was about eighty feet?

A From here to there?

Q To where the suspects were.

A About seventy or eighty feet, yes, sir.

Q Were their backs to you -- the suspects?

A I think when -- when we were talking about the gun and the backs was when Liddy was over here somewhere, and I'm giving him the gun. Uhm, when they're here, they actually have their profiles and they're actually facing in that direction.

So, they would have their right profiles to me.

Q Was there another vehicle between the Civic and the deejay?

A I believe so. Yes.

Q And it was at night?

A This was at night, yes, sir.

Q BY SGT. SMITH: Draw north/south/east/west relative to what you believe it to be on your diagram.

A Yes, sir. And give me a second.

Q BY DET. BURDITT: Ray, were there a number -- were there numerous vehicles parked there that I'm presuming were the party -- the vehicles belonging to those at the party?

A Yes, sir.

Q Were they lined-up as if in a parking lot?

A Yes, sir. Uh, I believe, -- uh, I'm not a hundred percent sure. I believe that would be north. Uh, Hartford -- you say this is, uh, Witmer over here?

SGT. JUSTICE: Yes.

THE WITNESS: Uh, I drew an "n" with an arrow pointing north, uh, which I would think would indicate which way is north, I believe.

SGT. JUSTICE: Okay.

Q BY SGT. SMITH: Where is the slope in your diagram?

A The slope would have been back here somewhere. Can I show you in the photo?

Q Sure.

A Or do you want me to show you in this --

Q Sure.

A There it is right there. Which street is this here?

Q Which one? Let me see. This is Hartford. That's Hartford out in the front.

A The slope that I remember is over here. The deejay is -- and, again, the deejay is it over here in this area?

Q Mmnh-mmnh.

A And do you guys know what I mean by the deejay area?

Q Certainly.

A What -- what I would call --

Q As you point it out there.

A Right. Behind the deejay there's like a grassy area.

Q Right.

A A slope.

Q Right.

A And then, over here --

Q Somewhere.

A So, it would be over here somewhere.

Q Mmnh-mmnh.

A I don't know if that helps the court reporter. But somewhere back here where I indicated the deejay area would be.

Q On your diagram, on the north side?

A How about I put a "s" for slope and then, I'll circle it.

Q Okay.

A Somewhere back there.

Q That's fine.

Q BY MR. MCKESSON: Ray, is that your best recollection?

A That's my -- my best recollection. And if I was at the scene, maybe it would help a little bit more. Uh, but, for right now, that's my best recollection. The last time I was there was, uh, probably about two years ago. A year and-a-half ago, at least.

Q Okay. Uh, just to wrap this up. I took note that Sgt. Ortiz signed the arrest report.

A May I see that arrest report? Sgt. Ortiz did not sign this report.

Q And you're -- you're covering up the recording.

Now, you said Sgt. Ortiz did not sign the arrest report? Why do you say that?

A Because that's not his signature.

Q Do you know Sgt. Ortiz' signature?

A I've seen it dozens and dozens of times.

Q You were not in the presence of anyone who wrote Sgt. Ortiz' name on the report, though; correct?

A That's correct.

Q And it's your assumption that he did not see it, based on what? Your opinion. I'm sorry.

MR. MCKESSON: You said he didn't see it?

Q BY SGT. SMITH: No, he was not in the presence of anyone who signed that report, right?

A No.

Q BY SGT. JUSTICE: Were you present when that report was signed?

A No, sir.

Q BY SGT. SMITH: Okay. And it is your opinion that that is not his signature --

A Right.

Q -- based on what?

A That is not Sgt. Ortiz' signature based on the fact that, uh, Sgt. Ortiz has signed probably dozens of my reports. And I know what his signature looks like. Uh, and also, just by the mere fact that I can compare that handwriting to Liddy's and Harper's over here. And, as well as, what's on the report -- the handwritten part of the report, like Property Report, and, uh, PCD. And you could tell this is -- it's the actual officer's handwriting and not Sgt. Ortiz'.

Q Do you have knowledge of C.R.A.S.H. officers signing reports for supervisors, or signing a supervisor's name to reports?

A All the time. It's common practice.

Q It would not surprise you then if this, in fact, was not Ortiz' signature?

A No, sir.

Q Okay. Was it common -- in your opinion, was it common also that Sgt. Ortiz -- uh, when Liddy, Harper, or any other C.R.A.S.H. member, would make the statement, "Who's going to go

for it," is that something that Sgt. Ortiz had knowledge of, in your opinion?

A Certainly. Yes.

Q Was he present when that statement was made?

MR. MCKESSON: In this case?

SGT. SMITH: Yes.

THE WITNESS: I want to say that he was right there. But I can't be a hundred percent sure. So, I -- I'm gonna say I just don't quite remember. I remember him being there. Did he hear the statement? I don't know.

SGT. SMITH: Okay.

Q BY SGT. JUSTICE: I have a question for you.

A Yes, sir.

Q This gun comes back registered to a Francisco Morando, who lives over at 4019 Oakwood Avenue, Apartment 8. Does that ring a bell to you? We've had a couple of these guns that came back to him.

A The name sounds familiar. But, uh, the Moranda name, no, I don't -- I don't know what the connection is, or know if there is a connection.

Q Do you know if he's a gun supplier at all?

A I do not.

Q BY SGT. SMITH: Those are all the guns that are registered to him. And some of those guns -- guns have appeared in several of the arrests.

A Uh, I don't know, uh, what type of connection, if Mr.

Morando is supplying gang members with guns, or the guns were recovered and then planted. I could tell you that, in this particular incident, uh, that I know of, the gun wasn't planted. The gun was just recovered and then placed on somebody. But it was not -- in other words, the gun was not produced by us, uh, to -- to plant on someone.

Q Okay.

A Or, at least not to my knowledge.

Q Okay. That's all I have.

Q BY SGT. SMITH: Is there anything that I have not asked you that you think would be helpful in investigating this incident?

A Not that I can think of.

Q Okay.

A You've probably investigated or thought about it, and dealt with it, more than I have. There's nothing that I can think of right now. If I do, I will bring it to your attention.

SGT. SMITH: Okay. We'll conclude this interview at approximately 1655 hours. Thank you.

(Off the record at 4:55 p.m.)

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Sgt. Ron Dickerson	2146, 2178, 2189
Officer Nino Durden 2079, 2090,	2063, 2066-2067, 2071, 2081, 2083, 2086-2087, 2092, 2165
Officer Magdalena Gomez	2100-2101, 2103-2104, 2106, 2113, 2115, 2119, 2126
Officer Paul Harper 2174,	2146, 2162-2168, 2171, 2178-2179, 2194-2195
Sgt. George Hoopes	2129
Officer Brian Liddy 2158- 2178- 2094-	2102, 2143, 2146, 2153, 2168, 2171, 2173-2175, 2182, 2085-2086, 2088, 2095
Officer Daniel Lujan	2147, 2178
Officer Sammy Martin	2074-2076
Officer Walter McMahon	2146-2147, 2178
Officer Mejia (Patrol)	2148, 2152-2153, 2156-2157, 2165, 2179

Officer Camerino Mesina 2115,	2102-2104, 2106, 2113, 2119, 2126
Officer Howard Ng	2081
Sgt. Edwardo Ortiz 2178,	2127, 2129, 2146, 2174, 2189, 2193-2195
Officer Mark Richardson	2081, 2147, 2178
Officer Sambrano (Patrol)	2148, 2179
Sgt. Sanchez	2102
Officer Doyle Stepp	2094, 2098-2099
Sgt. Timothy Torsney 2125-	2100, 2113, 2117, 2123, 2129, 2136
Officer Humberto Tovar	2144, 2165-2166, 2179, 2189
Officer Valdez	2147, 2178
Officer Omar Veloz	2094, 2098-2099, 2178