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COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

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In the matter of:

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Case No. BA109900

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PEOPLE vs. RAFAEL ANTONIO PEREZ

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VOLUME 22

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CONFIDENTIAL

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TRANSCRIPTION OF INTERVIEW OF

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RAPHAEL ANTONIO PEREZ

16

16

Los Angeles, California

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Wednesday, April 12, 2000

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Transcribed by:

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Lynden J. Glover,

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CSR No. 5510

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24 Job No.:

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COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

In the matter of:)
) Case No. BA109900
PEOPLE vs. RAFAEL ANTONIO PEREZ) VOLUME 22
)
_____)

TRANSCRIPT OF INTERVIEW OF RAFAEL ANTONIO
PEREZ, taken on behalf of the Los Angeles Police
Department, at the Internal Affairs South Section,
Los Angeles, California, commencing at 10:15 a.m.,
on Wednesday, April 12, 2000, reported by LYNDEN J.
GLOVER, CSR No. 5510, a Certified Shorthand
Reporter for the State of California.

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01 APPEARANCES:

01

02 RICHARD ROSENTHAL

02 Deputy District Attorney

03 Los Angeles County District Attorney's Office

03 Special Investigations Division

04 210 West Temple Street

04 18th Floor

05 Los Angeles, California 90012

05

06 LAURA LAESECKE

06 Deputy District Attorney

07 210 West Temple Street

07 Los Angeles, California 90012

08

08 WINSTON KEVIN MC KESSON

09 Attorney at Law

09 315 South Beverly Drive

10 Suite 305

10 Beverly Hills, California, 90212-4309

11

11 SERGEANT MARK THOMPSON

12 Los Angeles Police Department

12 Robbery-Homicide Division Task Force

13

13 DETECTIVE FRANK TRUJILLO

14 Los Angeles Police Department

14 Robbery-Homicide Division

15

15 DETECTIVE ANDREW KLEINICK

16 Los Angeles Police Department

16 Robbery-Homicide Division

17

17 DETECTIVE BRIAN TYNDALL

18 Los Angeles Police Department

18 Robbery-Homicide Division

19

19 DETECTIVE CHRISTOPHER BARLING

20 Los Angeles Police Department

20 Robbery-Homicide Division Task Force

21

21 DETECTIVE JOHN SKAGGS

22 Los Angeles Police Department

22 Robbery-Homicide Division Task Force

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01 APPEARANCES:

01

02 SERGEANT WES BUHRMESTER

02 Los Angeles Police Department

03 Internal Affairs Group

03

04 SERGEANT RAY YZGUERRA

04 Los Angeles Police Department

05 Internal Affairs Group

05

06 DETECTIVE BARRY KIRSCHENMANN

06 Los Angeles Police Department

07 Internal Affairs Group

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EXAMINATION BY:

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Mr. Rosenthal

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Sergeant Thompson

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Detective Tyndall

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Detective Trujillo

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Detective Kleinick

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Detective Barling

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Detective Skaggs

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09

Ms. Laesecke

2901

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Sergeant Yzguerra

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Detective Kirschenmann

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Mr. Rosenthal

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Detective Trujillo

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Detective Kleinick

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Detective Barling

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Detective Skaggs

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23	Sergeant Yzguerra	2946
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01 Los Angeles, California, Wednesday, April 12, 2000

02 10:15 a.m.

03

04

05 MR. ROSENTHAL: All right. We'll go on the
06 record. Today's date is April 12th, year 2000. These
07 are the continuing interviews of Rafael Perez. It is
08 10:15 in the morning.

09 And, Mr. Perez, if you will please raise your
10 right hand.

11

12 RAFAEL PEREZ,
13 produced as a witness, having been first duly sworn, was
14 examined and testified as follows:

15

16 EXAMINATION

17 BY MR. ROSENTHAL:

18 Q All right. Thank you. Mr. Perez, we're
19 going to start with, first of all, the case involving
20 Gabriel Aguire, A-g-u-i-r-e.

21 We've previously discussed this case in that
22 you informed us that there was a beating of Mr. Aguire
23 when he was arrested on an arrest warrant. We've

24 already covered that issue.

25 The issue we have now is the underlying crime

2774

01 for which the arrest warrant had been issued. And this
02 was an assault by Mr. Aguire on a civilian.

03 We've had an inquiry from Mr. Aguire's
04 attorney because Mr. Aguire is currently being
05 prosecuted in case number BA165974 relating to the
06 assault by Mr. Aguire on the alleged victim.

07 The question that I've got at this point is I
08 need to know if you have any knowledge about the
09 original incident which resulted in the arrest warrant
10 being issued for Mr. Aguire.

11 A I do not.

12 Q Okay. Were you involved in any way in the
13 taking of the report from Mr. Aguire or did you have any
14 knowledge of any misconduct by any officers who did, in
15 fact, take the report from Mr. Aguire?

16 A I do not.

17 Q Now, the initial police reports in the
18 incident were written by an Officer L. Jackson, number
19 33474, and S. Meaghers, spelled M-e-a-g-h-e-r-s, number
20 25570. I believe they would've been Rampart patrol.

21 Do you know either of those officers?

22 A No, sir.

23 Q There was also -- the arrest report was
24 authored by Ethan Cohan, C-o-h-a-n, number 30614. He
25 was the author of the arrest report.

2775

01 Did you ever speak with Officer Cohan about
02 the incident involving Gabriel Aguire beating the
03 civilian victim that you're aware of?

04 A Of Aguire beating the civilian victim?

05 Q Right.

06 A No.

07 Q Do you know any reason why the arrest report
08 prepared by Officer Cohan might contain any false
09 information relating to the beating -- the alleged
10 beating committed by Gabriel Aguire?

11 A I can only speak of based on things that were
12 occurring in Rampart CRASH. I can tell you that Cohan
13 would have a knack with speaking with victims during
14 follow-up reports to elevate a crime, whether it's a
15 theft and bring it up to a robbery or a battery
16 elevating it up to an assault, a felony assault, based
17 on their statements.

18 So he would quite often rewrite PIR's or do
19 follow-up to PIR's and do arrest reports and reinterview
20 the victims. And he would sort of coach them to get a
21 little further information from them to elevate a
22 misdemeanor up to a felony. It was real common with him
23 to do that.

24 Q And you don't have any particular specific
25 information that he did it in this case, however?

2776

01 A No, sir.

02 Q Finally, there was an Eduardo Hernandez, first
03 name spelled E-d-u-a-r-d-o, who recently settled a
04 lawsuit against LAPD. And apparently he claimed that
05 Gabriel Aguire was targeted by Rampart CRASH after
06 Aguire agreed to be a witness in Mr. Hernandez's
07 citizen's complaint.

08 Do you know anything about that? Are you
09 aware of Mr. Aguire being targeted by Rampart CRASH as a
10 result of Mr. Aguire being a witness in the citizen
11 complaint?

12 A No.

13 Q All right. Thank you. That will conclude the
14 questions with respect to this case.

15 The next case that I've got is one that
16 relates to a letter from the alternate public defender,
17 a letter from the public defender which has previously
18 been marked as Exhibit 21-G.

19 This relates to Defendant Martha Fuentes,
20 F-u-e-n-t-e-s. And there are two particular arrests
21 that this relates to, two particular case numbers.

22 Now, prior to beginning the interview, I
23 showed you the arrest reports. And let me, first of
24 all, start with the one that relates to case number --
25 which one is first in order?

2777

01 A This one is first and this is second.

02 Q All right. We'll go with the first one in
03 order which relates to case number BA158021. And this
04 is D.R. number 97-0234636.

05 Now, according to the alternate public
06 defender, in your report you stated that you conducted a
07 consensual encounter with the defendant on the case near
08 Third and Normandie, that the defendant consented to be
09 searched, that drugs were found in her purse, and that
10 she confessed to the possession of the drugs on the
11 street.

12 It's the position of the defense that, in
13 fact, the defendant was stopped on the street without
14 cause, that she was confronted with ownership of a
15 wallet containing drugs that was found nearby, and that
16 she was taken to her apartment which the officer
17 searched without cause and without consent.

18 As to these allegations by the alternate
19 public defender, are these allegations true?

20 A No.

21 Q [***** CI # 38 Information Redacted *****
22 *****
23 *****
24 *****]

25 A [*** CI #38 ***]

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01 Q [***** CI #2 Information Redacted *****

02

03 *****]

04 A [***** CI #2 Information Redacted *****]

05 Q Is there anything in the report that is
06 inaccurate?

07 A Well, there were some things that were omitted

08 from the report. On the report I don't believe it
09 mentions that we took her back to her residence. Back
10 at her residence we went upstairs, searched for any
11 additional narcotics, found none. Some -- some money
12 was recovered. It was left there.

13 We went back down -- it wasn't left there
14 intentionally; we just forgot it. We went back
15 downstairs because we had to take her child, have him
16 taken somewhere because she was going to be arrested.

17 We remembered that the money was left
18 upstairs. Durden then went back upstairs while I waited
19 downstairs with her and the child, and he recovered the
20 money.

21 When he came back down, as we were about to
22 leave, a male Hispanic she indicated to us that it was a
23 friend of hers would be able to take her child to one of
24 her cousins that lived on Leeward Street off of
25 Vermont.

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01 Durden reached into his pocket, gave the man
02 \$20, told him to take a taxi and to take the child to
03 some family member of hers on Leeward Street.

04 Other than that, on this particular arrest,

05 there was no other fabrication that I can see. Now,
06 there was a previous contact before this one, the month
07 before.

08 Q Okay.

09 A That there is obviously no documentation
10 because there was no arrest. Do you want me to get into
11 that?

12 Q Sure. Let me ask you first --

13 MR. MC KESSON: Before we get into this, do you
14 mind marking this letter you received on Aguire and
15 attaching it as an exhibit?

16 MR. ROSENTHAL: I'm not going to mark it because
17 this is a letter from Mr. Paz, Aguire's attorney. I did
18 not ask the questions specifically as he requested me to
19 conduct them. I'm not going to conduct a deposition for
20 him. I simply needed to determine if there is any Brady
21 information we needed. So I think the record will speak
22 for itself as to questions I asked and the answers that
23 I received.

24 MR. MC KESSON: Okay. Let me just put part of it
25 on the record.

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01 MR. ROSENTHAL: All right.

02 MR. MC KESSON: The initial question Mr. Rosenthal
03 asked of Mr. Perez related to a letter that he received
04 from the law offices of R. Samuel Paz, P-a-z. And the
05 letter reads, "People versus Gabriel Aguire." And it
06 gives a case number. I'm going to read at least the
07 first paragraph.

08 "On behalf of our client, Mr. Gabriel Aguire,
09 this is to request the following questions be asked
10 of Mr. Perez. And in this pending case the court
11 has granted discovery of Brady material. And I
12 believe the statements of Mr. Perez published in
13 the 'Daily News' on February 16th, the year 2000
14 indicate that Mr. Perez has information which draws
15 into question the truthfulness of the arrest report
16 upon which the prosecution of Mr. Gary is based."

17 Did you get that? Thank you very much.

18 BY MR. ROSENTHAL:

19 Q All right. Now, we're getting back to
20 Miss Fuentes. Before you go into your prior involvement
21 with her, the search of her apartment which is you
22 stated not on the arrest report, was that search with
23 consent or was that simply you went in and you did it?

24 A We just went in.

25 Q Okay. Without a search warrant and without

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01 consent?

02 A That's correct.

03 Q But no evidence relating to the case
04 prosecution was found at the location?

05 A That's correct.

06 Q Okay. Now, the prior incident, tell us about
07 that.

08 A This arrest here occurred October 15th of '97,
09 probably around sometime September, early September of
10 '97.

11 [***** CI #2 Information Redacted *****
12 *****
13 *****
14 *****
15 *****]

16 I went -- my partner and I, Officer Durden,
17 responded to the location, made our way inside the
18 building to the apartment. We heard some noises inside,
19 so we knew there was somebody inside.

20 We knocked -- no, I'm sorry. We had knocked
21 on the door. No one answered. We waited a few minutes
22 and just waited outside the door. We heard the phone

23 ring and then a hang-up.

24 And then apparently, as we were sitting there
25 waiting, she started to leave out of her apartment. As

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01 she started to leave, we were right there. We stopped
02 her and walked her back inside of the apartment.

03 While inside the apartment, we recovered
04 probably I'd say about four ounces of rocked up --
05 already rocked up rock cocaine and probably maybe a
06 little bit over \$3,000 in a box, a shoe box.

07 We spoke with -- at the time we knew her as
08 Carla. That's the name she was -- that she was using,
09 but she's also using this name, Martha Fuentes, that we
10 would give her a chance if she gave us her supplier.

11 She said that she would give us the supplier
12 except that she had just ordered that -- or the day
13 before. That's why she still had like four ounces of
14 rocked up rock. And that if she ordered it now, it
15 would look suspicious.

16 We told her, okay, fine, you know, that we
17 were going to wait a few days. A few days came and
18 went, and she decided to just avoid us. She stayed in
19 the apartment, from what I understand, but she would not

20 take my call. If I came by, there was no answer at the
21 door.

22 [***** CI #2 Information Redacted *****
23 *****
24 *****
25 *****]

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01 *****]

02 Q Is this one of the ones where you and Durden
03 were to split the money?

04 A Yes, sir.

05 Q And what about the narcotics, what would you
06 have done with that?

07 A I don't know what exactly happened to the
08 narcotics. I don't know if eventually we just dumped it
09 or -- I'm not sure.

10 Q You just don't remember?

11 A Right. I'm not exactly sure what we did with
12 the narcotics. I know the money was split.

13 Q When you approached her or saw her on
14 October 15th of '97, according to the summary in the
15 D.A.'s file, it says you went to Third and Normandy to a
16 female selling cocaine in the area.

17 [***** CI #2 Information Redacted *****]
18 *****]

19 A [**CI #2**]

20 Q And then you saw her again and that's when you
21 approached her?

22 A On all the contacts that I had with her after
23 the initial one -- because I had actually stopped her
24 and brought her into the station on a couple of
25 occasions.

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01 [***** CI #2 Information Redacted *****]
02 *****]
03 *****]
04 *****]
05 *****]
06 *****]

07 And, again, I had probably three contacts, you
08 know, trying to get her out there in the street, telling
09 her, "Listen, we had a deal. You said you were going to
10 talk to me. You were going to roll over this person."
11 "I will. I will. I just can't do it today."

12 And then she avoided me a few weeks. Finally
13 on this occasion on October 15th I just said, "That's

14 it. You're going.

15 Q All right. The next case that's involved is
16 an arrest which, first of all, relates to case number
17 BA162311. And the D.R. number on that case is
18 98-0205110, date of arrest 11/3 of '98?

19 A 1/13 of '98.

20 Q Oh, I'm sorry. Thank you. January 13th of
21 1998.

22 MR. MC KESSON: Richard, we don't have the
23 transcript? You haven't talked about this case before?

24 MR. ROSENTHAL: No, this case we have checked the
25 transcripts. There is no reference to Martha Fuentes in

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01 the transcripts anytime before this.

02 My assumption is that we may have discussed
03 the case without naming the name. It may be in there
04 somewhere, but we simply can't find it right now. So
05 we're just going to have to go at it as new.

06 BY MR. ROSENTHAL:

07 Q In this case -- this case is also referred to
08 in the letter marked as 21-G from the public defender.
09 And the letter claims that in this case the officers,
10 including Officer Perez and Cannister,

11 C-a-n-n-i-s-t-e-r, claim cocaine was found in a
12 residence where the defendant was located. "Perez
13 claims to have Mirandized the defendant and the
14 defendant confessed." This would be Martha Fuentes.

15 The position of the defense is that the drugs
16 did not belong to the defendant, she was not Mirandized,
17 and she did not confess, but, rather, you in essence
18 claim that she had confessed because she had resisted
19 pressure from you in naming drug dealers.

20 Now, I understand that fits in part with what
21 you said that you were, in fact, pressuring her to name
22 her suppliers.

23 A Uh-huh, yes.

24 Q With respect to this arrest, are you aware of
25 anything that was wrong with the arrest or any

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01 inaccuracies in the report?

02 A The only inaccurate part of this report is the
03 fact that I Mirandized her. The statements are true,
04 but I didn't get them under Miranda. I was just talking
05 to her based on my six or seven contacts with her.

06 I was just communicating with her, and she was
07 talking to me. I never read her the things -- I think

08 it's FP form 1503. I never read her that statement.

09 Q When you took the statement from her, was she
10 in custody?

11 A Yes.

12 Q So a reasonable person in her position
13 would've known she was not free to go at that time?

14 A That's correct.

15 Q And so under departmental procedure and legal
16 procedure, you would've been required to Mirandize her
17 in order to take an admissible statement?

18 A That's correct.

19 Q That's the only problem with this case that
20 you're aware of?

21 A Yes.

22 Q All right. Narcotics was not planted?

23 A No.

24 Q There was no money or money stolen?

25 A No, sir. [** CI #2 Information Redacted ****

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01 ***** CI #2 Information Redacted *****

02 *****

03 *****

04 *****

05 *****]

06 MR. ROSENTHAL: All right. Thank you. That
07 concludes the questioning on these cases. And now what
08 I can do is turn it over to our detectives from R.H.D.

09 One of the points I want to make is because we
10 do have a new court reporter, one, obviously we want to
11 speak slowly and carefully and don't speak over each
12 other but, more importantly, if there's any name where
13 there's any question as to what the spelling is, please
14 spell out the first and last name for the record so that
15 we don't have to try to clean up the record afterwards,
16 so it will be much easier to do so.

17 SERGEANT THOMPSON: Would you like to have Ray
18 review the previous transcripts that are in his previous
19 record before we go back on the record?

20 MR. ROSENTHAL: Sure. What we'll do now is it is
21 now 10:31 and we'll go off the record for a moment.

22 (Recess)

23 MR. ROSENTHAL: All right. Back on the record.
24 It's 10:52.

25 There's just one thing I do want to put on the

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01 record with respect to a case that we discussed last

02 week. This was D.R. number 97-0708243. That's relating
03 to two defendants, Pena and Ferrera, F-e-r-r-e-r-a.

04 On the record we stated that Mr. Perez had not
05 previously reviewed that report. In fact, we have
06 relooked at the list of reports that was reviewed and
07 that one did -- was actually previously reviewed by you,
08 not pulled out for misconduct, but it appears that your
09 memory was refreshed once you read the APD letter.

10 THE WITNESS: Okay.

11 MR. ROSENTHAL: So I just want that on the record.

12 All right. Thank you. Go ahead.

13 SERGEANT THOMPSON: Okay. This is a tape-recorded
14 interview. The C.F. number is 000066. Today's date is
15 April the 12th, the year 2000. The time is
16 approximately 1055 hours. The location of this
17 interview is Internal Affairs South Section.

18 We're interviewing Rafael Perez this morning
19 and recording on tape number 230581, side A. The
20 interview is being conducted by Sergeant Mark Thompson,
21 23251, and Detective Frank Trujillo, 30975. We're both
22 from the Robbery-Homicide Division Task Force.

23 Also present is Ray Perez's private attorney,
24 Mr. Winston Mc Kesson, and Deputy D.A. Richard
25 Rosenthal. The court reporter, Lynden Glover, is also

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01 here and recording these proceedings.

02 Also present in the room as observers are
03 Detective III Brian Tyndall, 16742, Detective Kleinick,
04 25231, and Sergeant I Wes Buhrmester, 25214. We're all
05 assigned to the task force.

06 MR. ROSENTHAL: Let me -- just for the record, you
07 are working this as an administrative case or as
08 criminal case?

09 SERGEANT THOMPSON: Administrative.

10 MR. ROSENTHAL: All right. And this relates to
11 Roberto Andrade?

12 SERGEANT THOMPSON: Right. We're going to discuss
13 during this interview the arrest of Roberto Andrade and
14 Olga Rodriguez. That is D.R. number 97-1117118. And we
15 had previously discussed this raid on October the 11th,
16 1999.

17 MR. ROSENTHAL: Let me just point out Andrade is
18 spelled A-n-d-r-a-d-e. And this also relates to
19 district attorney case number BA151745.

20

21 EXAMINATION

22 BY SERGEANT THOMPSON:

23 Q Okay. Prior to going on tape there, Ray, did
24 you get a chance to review the arrest report for both
25 Andrade and Rodriguez?

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01 A I have reviewed the arrest report as well as
02 the transcripts.

03 Q The transcripts you previously read; is that
04 correct?

05 A Yes, sir.

06 Q Could you tell us who wrote the arrest report?

07 A I wrote this report.

08 Q Okay. And it indicates down there that
09 Detective Mc Gee was the supervisor approving, correct?

10 A Yes, sir.

11 Q If you can tell us, is that in fact Detective
12 Mc Gee's signature or is that a signature that was
13 placed on there for him?

14 A That was Detective Mc Gee's signature.

15 Q Okay. Referring to the source of activity in
16 this arrest report, it indicates that the initial
17 information came from a confidential informant, okay?

18 A Yes, sir.

19 Q Okay. If you recall, did you document this

20 informant with the department as a department-approved
21 informant?

22 A No, sir.

23 Q Okay. And why didn't you do that?

24 A It was just our practice not to. I was -- we
25 were aware that we should do a one-time use package for

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01 a person who may be pending a case but we just -- quite
02 often just didn't do them.

03 Q When you say you were aware of that, where did
04 you become aware of that? Who told you that procedure?

05 A Well, I had worked narcotics before and, I
06 mean, I've done one or two on past occasions where we
07 just couldn't -- couldn't get around it. So I have done
08 a couple of one- -- one-time use packages on
09 informants. But more times than not, we would not do
10 them.

11 Q Okay. And was that with the knowledge of your
12 immediate supervisor in the unit, Mc Gee and/or Lusby?

13 A Yes, sir.

14 MR. MC KESSON: When you say with the knowledge,
15 you mean the knowledge that was the general practice or
16 the knowledge in each particular case?

17 BY SERGEANT THOMPSON:

18 Q Well, probably both, actually. Was it with
19 their knowledge that, in general, that did not happen?

20 MR. MC KESSON: Why don't you answer one at a time
21 so it's clear.

22 THE WITNESS: Yes to both. I mean they were aware
23 that we were using these informants and not documenting
24 them, and they were aware that we knew not to do that as
25 well.

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01 MR. MC KESSON: Wait. I'm not clear what your
02 response was. You kind of trailed off.

03 THE WITNESS: Yes to both, both things.

04 MR. MC KESSON: So in each individual case they
05 knew it, also?

06 THE WITNESS: Well, not -- they knew that we were
07 using informants and not documenting them. I mean that
08 was real obvious. I mean it was just our practice we
09 weren't doing it. They were aware that we knew we were
10 supposed to do them but we just didn't.

11 MR. MC KESSON: But unless I'm just missing
12 something, I thought the question also was on each
13 individual case they would know you would use the

14 person. Was that the question?

15 BY SERGEANT THOMPSON:

16 Q Let me rephrase the question. On this
17 particular arrest involving this particular informant.

18 A Yes.

19 Q Okay? You indicated this person was not
20 documented as a one-time use informant, correct?

21 That's correct.

22 Q Okay. Did Mc Gee have knowledge this person
23 was not documented as a one-time use informant?

24 A Yes, he did.

25 Q Do you recall who this informant was?

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01 A That gave us the information to lead to the
02 arrest of Mr. Andrade?

03 Q Right.

04 A Miss Olga Rodriguez.

05 Q Okay. [***** CI # 28 Information Redacted ***
06 *****
07 *****
08 *****
09 *****]

10 A [*** CI # 28 Information Redacted *****]

11 Q [***** CI # 28 Information Redacted *****
12 *****
13 *****]
14 A [**** CI # 28 Information Redacted *****]
15 Q [***** CI # 28 Information Redacted *****
16 *****
17 *****]
18 A [***** CI # 28 Information Redacted *****
19 *****
20 *****
21 *****
22 *****
23 *****
24 *****
25 *****]

2794

01 Q [***** CI # 28 Information Redacted *****
02 *****
03 *****]
04 A [***** CI # 28 Information Redacted *****]
05 Q [***** CI # 28 Information Redacted *****]
06 A [***** CI # 28 Information Redacted *****]
07 Q [***** CI # 28 Information Redacted *****]

08 [***** CI # 28 Information Redacted *****]

09 A [***** CI # 28 Information Redacted *****]

10 [*****]

11 [*****]

12 [*****]

13 [*****]

14 [*****]

15 [*****]

16 [*****]

17 Q [***** CI # 28 Information Redacted *****]

18 [*****]

19 [*****]

20 [*****]

21 A [***** CI # 28 Information Redacted *****]

22 Q Okay. Now, after receiving that information,
23 if I'm reading the arrest report correctly and I think
24 the previous interview you say basically everything in
25 the arrest report was correct?

2795

01 A Uh-huh, yes.

02 Q After you received that information, then you
03 went and contacted Miss Rodriguez, correct?

04 A Yes.

05 Q Okay. Do you recall specifically who you were
06 with when you did that or who -- whatever officers were
07 at that location where you contacted her initially?

08 A I think it was Officer Gizzi and Officer
09 Sutherland, myself, and Durden. I know Sutherland was
10 the one that searched her.

11 Q Okay. And when you arrived at this location
12 and contacted Rodriguez, were you with Durden or were
13 you with another officer?

14 A I was with Durden.

15 Q Do you ever recall maybe switching partners
16 and maybe Sutherland jumping in with you or vice versa,
17 you jumped in with Sutherland so that you switched
18 partners? On this particular arrest.

19 A When we took down Olga?

20 Q Yes.

21 A Not when we took down Olga. I don't
22 believe -- I don't believe that we switched at that
23 point. I know when -- when Olga was coming to deliver
24 the narcotics, I'm pretty sure it was myself and Durden,
25 Gizzi, and Sutherland, we all detained her.

2796

01 You know, she was coming down the hill and we

02 stopped her right there, and Sutherland searched her and
03 found the narcotics. I believe Mc Gee and Lusby showed
04 up as well. But I don't think we had switched up at
05 that point.

06 Q Okay. So you believe Mc Gee and Lusby also
07 were at her detention?

08 A Yes, sir.

09 Q Now, it says in the arrest report that
10 Rodriguez gave you permission to search, correct?

11 A Yes.

12 Q Was that in fact factual?

13 A Yes. I think I made her aware that she was on
14 parole. Was she on parole or something like that or
15 probation? And, you know, I discussed it with her and I
16 asked her if she knew the terms and conditions of her
17 parole.

18 Because what happened was initially she
19 started lying about who she was, her name, her status as
20 far as being on parole.

21 And then I said, "Listen, aren't you -- aren't
22 you in fact this person and aren't you in fact on
23 parole?" And then she started admitting to those
24 issues. And she did give me permission to search her.

25 Q After Rodriguez was arrested, according to the

2797

01 arrest report, narcotics was found, correct?

02 A Yes, sir.

03 Q She was transported to Rampart Station?

04 A Yes, sir.

05 Q Do you recall any type of conversation that
06 you had with her during that time period during the
07 transportation?

08 A Off the top of my head, not really.

09 Q Did you ever promise her that in exchange for
10 information regarding her supplier rock cocaine
11 specifically, 17 rocks of cocaine?

12 A Give her 17 rocks?

13 Q Right, in exchange for information.

14 A So I wouldn't -- I'm not going to arrest her
15 then and let her go and give her 17 rocks?

16 Q Right. Basically make a deal with her.

17 A That is not uncommon to, you know, say, "hey,
18 I'll give you this or give you that." But on this
19 occasion I just don't remember that. I knew she was
20 going to jail. I mean -- not that would preclude me or
21 keeping me from making a promise, but I just don't
22 remember it.

23 Q Okay.

24 A Especially saying, you know, "I'm going to
25 give you 17 rocks." I just don't --

2798

01 Q So that's something you don't recall?

02 A No.

03 Q But it's something that was common? Had it
04 happened before in the past?

05 A Sure. I mean if I stop somebody and they have
06 rock cocaine and they're going to give me informants, I
07 can forget what they had on them and tell them to get
08 out of here and then go -- you know, go verify first, go
09 do whatever I have to do and then let them go, yes.

10 Q All right. Now, where did you -- where did
11 you transport her to? Do you recall where specifically
12 that was?

13 A It would've been to FES, the trailer.

14 Q And do you recall who might have been there,
15 officers, meaning officers?

16 A Everybody that was working that day. I mean I
17 can't tell you if -- I remember the supervisors being
18 there. I remember Gizzi. I remember Sutherland,
19 myself, Durden. I think Cannister was there. I can't

20 tell you who else. I mean --

21 Q While you were at the FES trailer, did you
22 again try to -- did you ever attempt to get information
23 regarding her supplier, promise her something for
24 information regarding her supplier, if you recall?

25 A I know I definitely, you know, got the

2799

01 information out of her as far as who the supplier was,
02 where she's getting it from, who is she working for.

03 What did I promise her? It would be -- it's
04 quite feasible that I may have promised her everything
05 under the sun. I just don't remember it.

06 I mean I'm not saying that it didn't happen,
07 but it's possible that I might have promised to let her
08 go or let her keep her narcotics or everything, you
09 know. But on this occasion I knew I was going to arrest
10 her whether I promised her anything or not.

11 Q Did she eventually give you some information
12 regarding her supplier?

13 A Yes, sir.

14 Q What was that information, if you recall?

15 A This person named Roberto, where he lived,
16 what -- that he was supplying her with narcotics. She

17 was delivering it for him.

18 I think she might have said that he was her
19 boyfriend or something like that. She -- I think
20 initially she couldn't give us the address, but we took
21 her by there and she showed us the location and which
22 apartment it was.

23 Q Okay. Attached to this arrest report, there's
24 a consent to search form.

25 A Yes, sir.

2800

01 Q Okay. Do you recall how this was obtained
02 from Olga Rodriguez?

03 A This was obtained by myself.

04 Q Okay. Was it voluntary on her part?

05 A Yes, sir.

06 Q Did she know what she was signing?

07 A It's in Spanish, and I'm pretty sure she knew
08 what she was signing.

09 Q Okay.

10 A I think -- it's a two-sided document. One is
11 English, one is in Spanish. I gave her the Spanish
12 side.

13 Q Do you recall explaining to her what this form

14 was and what transpired by her signing this form?

15 A Yes. We had told her -- she was giving up the
16 supplier, who was her boyfriend, who lived in this
17 apartment and she stayed with him or whatever.

18 We told her that we wanted to get a consent
19 from her so that, when we went in there, we can go in
20 there and find the stuff right away.

21 So this was filled out and done prior to --
22 this was probably done at the station, at the FES
23 trailer, before we even went out to the location after
24 obtaining the address.

25 Q How was it that you established --

2801

01 A Let me clear that up.

02 Q Okay.

03 A Because what we did was we took her to the
04 location. She showed us the -- it's an apartment that
05 sort of -- surface street, but you have to go down some
06 streets and it's right in front of you. We drove her by
07 that and she showed us which apartment it was. And we
08 went back to meet up and game plan.

09 Q And was that when -- after you drove her by
10 the location that she signed this form?

11 A Yes, sir.

12 Q Okay. Were you able to establish with her
13 that she, in fact, resided at this location, 1921 Vista
14 Del Mar or --

15 A I think we just took her word for it. We
16 didn't try to verify it. We didn't try to --

17 Q Did you actually know if she had, I guess for
18 lack of a better word, the authority or the means to
19 give you permission to search that residence?

20 A It was good enough for us that she told us
21 that, you know, she stayed there. For our purposes,
22 that was good enough for us.

23 Q Now, there was a follow-up done at this
24 location, 1921 Vista Del Mar, correct?

25 A Yes, sir.

2802

01 Q Okay. Do you recall who assisted you with
02 this follow up?

03 A I'm pretty sure everybody in the unit was
04 there. We needed everyone to do this. Everybody's name
05 right off the top of my head, I can look in the report
06 but I know everyone that was working that day would've
07 had to be there. There was no, "Well, I'm going to go

08 do something else." Everyone would be included.

09 Q And do you recall who specifically actually
10 went inside the location? Let me ask another question
11 before you answer that one.

12 Did you bring Rodriguez into the location when
13 you did your follow-up?

14 A No, sir. She stayed in the vehicle.

15 Q Okay. Who was with Rodriguez?

16 A I believe it's one of the -- I want to say it
17 was Officer New, but I'm not a hundred percent sure.
18 But an officer did stay with her.

19 Q And in your report there you indicated in
20 regards to the follow-up that -- it's on the second
21 page, I believe. About the third paragraph down. You
22 indicated, according to the arrest report, that Mc Gee,
23 Gizzi, G-i-z-z-i, Coronado, Cannister, Covington, and
24 Sutherland were at this location.

25 Do you see that?

2803

01 A Yes, sir.

02 Q Okay. Sitting here today, do you recall those
03 officers being there?

04 A Mc Gee, Gizzi, Coronado, Cannister, Covington,

05 Sutherland, yes, sir.

06 Q Can you tell us or can you tell me what
07 Mc Gee's role -- what did he do at the location when you
08 got there?

09 A He was the supervising detective. He
10 basically -- when we got there, I know we were having a
11 problem with a dog inside.

12 Q Uh-huh.

13 A And we were trying to coordinate how we were
14 going to restrain this dog. Once the dog was
15 restrained, he pretty much gave the assignments as to
16 who was searching which room. And he was just acting as
17 a supervisor.

18 Q Okay. Do you recall what Gizzi's job was
19 there?

20 A Gizzi I believe was the point man. He
21 deployed the shotgun and he was one of the first to do
22 entry into the location.

23 Q Okay. And what did Coronado do at the
24 location?

25 A Coronado was a -- one of the covering

2804

01 officers. He was also going inside the location in the

02 search and doing some of the searching.

03 Q And what about Cannister, what did he do?

04 A Same thing.

05 Q And Covington?

06 A Same thing.

07 Q And, lastly, how about Officer Sutherland?

08 A It may have been Officer Sutherland who stayed
09 with the female out in the vehicle. I wasn't sure
10 whether it was New or Sutherland, but it may have been
11 Sutherland that stayed with the female.

12 Q So basically the whole unit was involved in
13 this follow-up?

14 A Yes, sir.

15 Q Was there a tactical plan in place where --

16 A Yes, sir.

17 Q And who was the person that came up with this
18 plan?

19 A I was.

20 Q Okay. And do you recall how it was that
21 yourself and the other officers were dressed? The
22 tactical plan, would you have dressed in a particular
23 way or --

24 A You know, we've done so many searches I just
25 don't -- you know, we would wear -- we had these black

2805

01 fatigues, but they were black, and we'd have the helmets
02 with the goggles and all of that. But I'm not sure if
03 we wore them on this occasion or not.

04 At the minimum we would've put on vests and
05 raid jackets, you know, saying "LAPD" and things like
06 that. But often what we would do was wear those black
07 metal zone fatigues. But I'm not sure what we wore.

08 Q Tell me how it was that you actually gained
09 entry into the residence here.

10 A Can I review the report again?

11 Q Uh-huh.

12 A Thank you. Okay. On the report it says that
13 I was met by a male Hispanic at the front door and that
14 I asked him if he was Roberto. And he said -- I asked
15 him if there was a Roberto here and he said, "Yeah." I
16 then stated that he walked me over to the rear bedroom.

17 That's not actually how it occurred. A male
18 met me at the front door and we took him down, and then
19 we went to the rest of the house looking for anybody
20 that was there.

21 We basically did it as though it was a
22 search warrant after he opened the door, without a

23 search warrant, and I never asked him was there a
24 Roberto here. I never asked him that question. He
25 never led me to another person.

2806

01 Q When you say you took him down, I think I have
02 an idea of what you're talking about, but explain that
03 to me.

04 A He was -- he was ordered down to the ground,
05 facedown on the ground, while we continued to do our
06 search inside.

07 Q Okay. Did you ever identify this person?

08 A Did I ever identify him?

09 Q The person that you're talking about now.

10 A He was detained. I don't think he was
11 arrested. Although, I'm not sure if he was arrested or
12 not. I believe there was like three or four males
13 inside but only one was arrested.

14 Q Okay. Did you identify -- fill out F.I. cards
15 or in any way document these particular three or four
16 males that were inside?

17 A I believe F.I.'s were done. I just don't know
18 what occurred to them or what happened with them.

19 Q Okay. Did you ever -- when you initially

20 contacted this person, did you tell him the reason why
21 you were there, what was occurring?

22 A Once he opened the door we were in.

23 Q Where was Mc Gee at at this time?

24 A We were all stacked up. He was the team
25 leader.

2807

01 Q What happened after -- then you went inside
02 the residence?

03 A We went inside the residence, we detained
04 several other males, and then we encountered a -- I
05 think he was a black Labrador or something, a black dog,
06 barking a lot and wanted to -- he was looking like he
07 wanted to come after us.

08 So we were having a problem -- sort of a
09 standoff problem trying to keep this dog away, and
10 eventually he was restrained and tied up.

11 Q And where was it that you encountered
12 Mr. Andrade, Roberto Andrade, who was the person that
13 was eventually arrested here. Where was he?

14 A He was in one of the middle bedrooms. I think
15 if you have a schematic --

16 Q Let me show you a diagram here. If you can

17 just indicate where it was that you contacted
18 Mr. Andrade for me.

19 A I believe -- this is the front entry door,
20 living room. I believe it was somewhere back in here.
21 I'll have to say I guess the back bedroom.

22 Q Why don't you just put an "X" there where you
23 believe it was that you encountered him.

24 A Put an "X" right here.

25 MR. ROSENTHAL: Want to describe for the record

2808

01 what it is that he just marked and specifically where
02 the "X" is?

03 MR. MC KESSON: Talking to Perez?

04 MR. ROSENTHAL: Either one.

05 THE WITNESS: I've placed an "X" on a diagram that
06 would indicate that it's a bedroom furthest to the
07 left, 8 1/2-by-11 sheet of paper, and it depicts
08 basically what the apartment looked like at 1921 North
09 Vista Del Mar, apartment number 101, and it's pretty
10 accurate.

11 MR. ROSENTHAL: Thank you.

12 BY SERGEANT THOMPSON:

13 Q And when you contacted Mr. Andrade, Roberto

14 Andrade, what was he doing at that particular time?

15 A I believe he was seated on his bed, sitting on
16 the bed.

17 Q And can you describe for me the manner in
18 which he was detained?

19 A I'm not sure. He was probably just taken
20 down. He was ordered down. I believe Gizzi was in
21 front of me, probably had a shotgun. We ordered him to
22 the ground. I think the dog was right there barking.

23 Q Okay. Now, the people that were detained, the
24 three or four male Hispanics that were detained, what
25 happened with them? Did they remain inside or were they

2809

01 taken outside?

02 A When I returned back to the living room, the
03 three -- there were several other males that were seated
04 already on the couch in the living room.

05 Q Do you recall, other than the three males,
06 were there any females at this location?

07 A I believe there was.

08 Q Okay. Do you recall who that person was? Was
09 she identified?

10 A I'm sure she was F.I.'d. Her name or who she

11 is now I couldn't tell you.

12 Q Okay. Do you recall how Mr. Andrade was
13 dressed when he was detained?

14 A Nothing stands out.

15 Q Okay. Now, in the arrest report it indicates
16 that there was a search that was conducted.

17 A Yes, sir.

18 Q And that Officer Coronado was the person that
19 was given -- actually given the permission to conduct
20 the search. Do you see that? I don't have my copy with
21 me.

22 MR. ROSENTHAL: This is why you have to tell me so
23 I can bring the D.A. file so you don't have to borrow a
24 copy.

25 BY SERGEANT THOMPSON:

2810

01 Q I think it's on the second page, oh, a little
02 bit more than halfway down. It says, "Officer Coronado
03 in my presence told Roberto that we were conducting a
04 narcotics investigation and wondered if he mind if we
05 searched location. Roberto stated in Spanish, 'No, go
06 ahead.'"

07 Do you see where I'm referring to?

08 A Yes, sir.

09 Q Okay. Was that actually what occurred?

10 A No, sir.

11 Q Tell us actually what happened there.

12 A Once everybody was detained, they were brought
13 to the living room. I remember we had that issue with
14 the dog. The dog was eventually -- he was lured into
15 the bathroom and locked in the bathroom.

16 And then Mc Gee just assigned us, you know,
17 assignments, you know, "You guys go ahead and search
18 that bedroom," or, "You're already in it. You guys
19 search that bathroom. You guys search this other
20 bedroom," and we just went from there.

21 Q Okay. So Mc Gee assigned different officers
22 to conduct the search?

23 A Yes, sir.

24 Q Okay. Do you recall specifically what
25 officers were conducting the search?

2811

01 A I'm pretty positive that Coronado searched. I
02 know Gizzi searched. I know Mc Gee himself searched. I
03 know I searched and Durden searched. That's -- as far
04 as people that were searching, that's who I remember

05 that was searching.

06 Q Okay. And where was the narcotics located?

07 A I believe narcotics was recovered in this
08 bedroom here. I recovered --

09 MR. MC KESSON: When you say "this bedroom here,"
10 you're pointing to -- for the record?

11 THE WITNESS: To the schematic again that was
12 provided, the bedroom that I had marked with an "X," the
13 furthest bedroom to the left.

14 I remember finding a bag that contained a
15 large amount of money as well as four or five baggies or
16 several baggies of rock cocaine. That was found in this
17 bedroom in here, okay? Again, the schematic, returning
18 to the schematic.

19 MR. MC KESSON: Okay. And when you say "the
20 furthest bedroom to the left," you're referring on the
21 schematic?

22 THE WITNESS: On the schematic as I'm facing it,
23 yes.

24 MR. ROSENTHAL: Let me ask this: I know
25 Mr. Andrade sent a letter from prison relating to this

2812

01 case. Do you have a copy of that letter?

02 SERGEANT THOMPSON: Yes.

03 BY SERGEANT THOMPSON:

04 Q You said it was located -- did you ever
05 establish whose bedroom that actually was?

06 A I believe we did. I believe it belonged to
07 Mr. Andrade.

08 Q Okay. And where specifically in the bedroom
09 was the narcotics located?

10 A There was a -- a small like a night stand type
11 little dresser. And if I remember correctly, I think it
12 was in the bottom -- there's maybe two drawers on it. I
13 believe it was in the bottom drawer that I found the
14 paper bag.

15 There was also some additional narcotics I
16 think recovered on the top of a dresser, regular
17 dresser. I believe that was recovered by Mc Gee or
18 somebody else.

19 Q Was that in the same bedroom?

20 A Yes, sir.

21 Q Now, who had knowledge, meaning the officers,
22 what officers had knowledge that some narcotics was
23 actually -- was found?

24 A Well, eventually all of them.

25 Q Okay.

2813

01 A Do you mean --

02 Q Right. Where it was found, you know
03 specifically who was there, when it was found.

04 MR. MC KESSON: Are you trying to see which
05 officers observed the narcotics first being located?

06 SERGEANT THOMPSON: Correct.

07 THE WITNESS: Well, initially none of them. I
08 recovered it, I started to open it, and I noticed all
09 the money inside and I wrapped it back up. I waited
10 till I believe Mc Gee was walking in and out from each
11 room while me and Durden were searching that room.

12 Because there was -- like I said, there was a
13 large amount of money inside as well as narcotics. At
14 first I didn't know there was narcotics in it. I
15 thought it was just money. So I looked inside and I saw
16 the narcotics. I took the money out and then I showed
17 them, "Oh, I found some narcotics."

18 BY MR. THOMPSON:

19 Q Okay. You took the narcotics out?

20 A I took the money out.

21 Q I'm sorry. The money.

22 A Right.

23 Q Where did you put it?

24 A I put it on my body somewhere. I'm not sure
25 exactly where I placed it, but I know it was on my body

2814

01 somewhere.

02 Q Do you know how much money that was?

03 MR. MC KESSON: You mean at that particular time?

04 SERGEANT THOMPSON: The money that he put in his
05 pocket.

06 MR. MC KESSON: No, do you mean at that particular
07 time?

08 SERGEANT THOMPSON: Right.

09 THE WITNESS: Did I know how much money it was?

10 No.

11 BY SERGEANT THOMPSON:

12 Q Did you eventually find out how much money
13 that was? Did you count it?

14 A Eventually, yeah. Exactly how much it was, I
15 don't remember. I'm pretty sure it was over a thousand
16 dollars. But just exactly how much, I don't remember.

17 Q What eventually happened to that money?

18 A That money was split up between me and Durden.

19 Q Okay. Do you recall when that took place?

20 A That took place later that evening after
21 everything was done.

22 Q And how was it divided?

23 A In half.

24 Q Did you ever -- while you were doing the
25 search, did you find money in an envelope, approximately

2815

01 \$900?

02 A In an envelope?

03 Q In an envelope.

04 MR. MC KESSON: Do you mean in addition to the
05 money he just talked about or could that money have been
06 in an envelope? I don't understand your question.

07 BY SERGEANT THOMPSON:

08 Q Do you recall besides the money that you found
09 in the bag, okay, did you ever recover money or find
10 money that was in an envelope?

11 A Well, I'm not sure exactly how much total
12 money was booked into this case. I know a lot of money
13 was being found. I remember seeing a picture. Whether
14 any of that money came from an envelope, I'm not sure.

15 Do I specifically remember recovering money
16 from an envelope? Not really, but it's possible.

17 Like I said, there was a large amount of money
18 that was booked in because some of it was found by other
19 officers, Mc Gee and other officers. So I don't know if
20 they found it in an envelope or not.

21 Q Did you or Durden ever find any jewelry,
22 recover any jewelry, specifically three rings and a gold
23 necklace?

24 A I did not recover or I don't remember seeing
25 even Durden recover any jewelry. Again, that doesn't

2816

01 mean it didn't happen. I just didn't see it.

02 Q Now, in the arrest report it indicates that
03 Officer Coronado advised Mr. Andrade of his Miranda
04 rights. And you'll find that on the second page down at
05 the bottom. I think it's --

06 A And he waived his rights in front of us.

07 SERGEANT THOMPSON: Do you need him to reread that?

08 THE WITNESS: I was sort of reading it out loud. I
09 shouldn't have done that. But I was reading in the
10 report that Roberto was given his admonition rights per
11 LAPD form 1503, and he waived his rights in front of
12 several officers including Officer Coronado and I.

13 BY SERGEANT THOMPSON:

14 Q Is that a factual statement? Did that occur?

15 A Yes, sir.

16 Q Okay. Who, if you recall, were the other
17 officers that were present when that occurred?

18 A This was done in the living room, and I
19 believe Gizzi and Mc Gee were there. I don't know if
20 they understood it, but I'm pretty sure they were
21 there. It was done in Spanish. I don't know if I said
22 that.

23 Q Okay. This statement that's attributed to
24 Roberto Andrade in the arrest report --

25 MR. MC KESSON: Want to read the statement?

2817

01 BY SERGEANT THOMPSON:

02 Q Yeah. The statement is, "Don't arrest anyone
03 else. All the drugs you found belong to me. They don't
04 have anything to do with it."

05 Is that a factual statement?

06 A Yes, sir.

07 MR. ROSENTHAL: If I may, there's a letter from
08 Mr. Andrade dated December 13th of 1999. And apparently
09 Mr. Andrade has insisted on his innocence all the way
10 from the time he was arrested.

11 And he states that at the time he was
12 questioned, he said, "I told the police," quote, "I have
13 no idea what you have there," end quote. "And they told
14 me, 'You're under arrest.' I never made any statements
15 to them besides, 'I don't know what you have there.'"

16 Moreover or -- he says, "Whatever they wrote
17 in the police reports they fabricated because I never
18 made any statements to them and always maintained
19 throughout the proceedings." He says he was not
20 Mirandized.

21 So that's not true?

22 THE WITNESS: That's incorrect, both those
23 statements, the fact that he was not Mirandized and the
24 fact that he says, "I don't know what you have there."

25 In fact, he was insistent that no one else be

2818

01 arrested in the -- in the house because everything
02 belonged to him and it was only him that was involved in
03 the narcotics deal.

04 BY SERGEANT THOMPSON:

05 Q There was also some marijuana recovered from
06 the house; is that correct? There's a photograph there
07 in front of you.

08 A I think it was actually recovered out in the
09 patio outside the house.

10 Q Okay.

11 A A patio attached to the house but outside the
12 house.

13 Q Okay.

14 A We only recovered it as we were leaving. We
15 saw it there.

16 Q And in reference to the marijuana, there's a
17 statement in the arrest report attributed to Mr. Andrade
18 after the marijuana is discovered. And according to the
19 arrest report he stated in Spanish, "I smoke it
20 sometimes."

21 Is that a factual statement?

22 A Yes, sir. That is also true. Working with,
23 you know, these people that I was working with here, I
24 would really try to keep from fabricating certain things
25 in a report based on who I was working with.

2819

01 So some of the statements that were made,
02 especially when Coronado is reading him his
03 statements -- or his rights and he's making statements,
04 I would try and stick with what was actually said by

05 these defendants. If I was working with other people, I
06 would try and stick with it as much as I could.

07 Q I want to back up just a little bit, Ray. At
08 some point during Mr. Andrade's detention, do you recall
09 going into the bathroom with him, taking him into the
10 bathroom and questioning him?

11 A I think I did.

12 Q Okay.

13 A That's true.

14 Q Do you recall was there another officer
15 present at that time in the bathroom?

16 A I think -- I believe that Officer Coronado was
17 with me.

18 Q Officer Coronado?

19 A Yes, sir. When I took Mr. Andrade to the
20 bathroom to speak with him, yes. We initially started
21 speaking with him in the living room and then we decided
22 to get him away from the other people.

23 Q Do you recall when that conversation took
24 place in relationship to the search? Was it before or
25 was it after?

2820

01 A It was after the search.

02 Q After the search?

03 A Yes, sir.

04 Q And what was the topic of your discussion with
05 Mr. Andrade?

06 A I think -- and I keep saying "I think," but I
07 think we were trying to establish what was going on
08 there. And I'm pretty positive that I was trying to see
09 if he would work with me, if he was willing to give me
10 any of his suppliers, things like that.

11 Q At any time did you grab Mr. Andrade by the
12 throat and push his head into the wall?

13 A Absolutely not.

14 Q Did you ever make a statement to Mr. Andrade,
15 "I deal with sons of bitches like you every day"?

16 A No.

17 Q You said you believed that Officer Coronado
18 was in the bathroom at this particular time?

19 A Yes, sir.

20 Q Do you recall if the bathroom door was open or
21 closed?

22 A I don't recall.

23 Q Okay. Do you recall if Officer Coronado was
24 participating in this discussion with Mr. Andrade in any
25 way?

2821

01 A Off and on, yes.

02 Q Okay. Now, after Mr. Andrade was arrested,
03 what happened after that? Where did you go?

04 A I believe we went back to FES.

05 Q And that's where Mr. Andrade was taken to?

06 A Yes.

07 Q Okay. Do you recall -- or asking Mr. Andrade
08 to sign any type of forms like a consent to search form?

09 MR. MC KESSON: Can I see the letter one more time?

10 SERGEANT THOMPSON: Sure.

11 THE WITNESS: I don't remember asking. Again, not
12 that it didn't occur, but I just -- I don't remember
13 it.

14 BY SERGEANT THOMPSON:

15 Q Okay. Did you make the statement to
16 Mr. Andrade at the trailer, the FES trailer, "I'm going
17 to make sure you do a lot of time in jail"?

18 A No. I mean this was, as far as I was
19 concerned, a pretty uneventful case. I mean it was
20 just -- I mean it wasn't like someone that I was after.
21 I had just learned of him that day. I mean it wasn't
22 someone that I had been trying to get for a while or

23 something like that.

24 Q Now, you said you completed the arrest
25 report. Do you recall --

2822

01 A Yes, sir.

02 Q -- if Mc Gee reviewed this arrest report at
03 the time he signed it?

04 A He was one of those that absolutely would read
05 the reports, yes.

06 Q Okay.

07 A Before he signs it, he'd want to read it.

08 Q Specifically on this arrest report, do you
09 recall him reading it, reviewing it?

10 A Do I specifically remember looking at him,
11 looking at him reading the report? No, not really.

12 Q Was there anyone else -- any of the other
13 officers that were present at Mr. Andrade's arrest that
14 reviewed the arrest report after it was completed?

15 A I mean I know what standard practice is. I
16 know my -- I would definitely have my partner -- before
17 I gave it to Mc Gee, I would have my partner read it,
18 see if I made any mistakes, omitted anything or
19 something that was important.

20 Q Partner in this case being Durden?

21 A Yes, sir.

22 Q Okay.

23 A But do I have an independent recollection of
24 watching them -- any of them reading it? No, not
25 really.

2823

01 Q So if Mc Gee, who approved the report, read
02 this report as you believe was his practice, he would --
03 is it your opinion that he would know that some of these
04 things that were written in the report as you indicated
05 today are, in fact, not factual?

06 A Well, like which parts?

07 Q Well, talking about there was -- it was
08 described in the arrest report how basically it sounds
09 like it was a consensual -- you were given permission to
10 enter the residence when, in fact, today you told us
11 that that's not how it happened. It sounded more like a
12 dynamic tactical entry.

13 A Yes, sir.

14 Q Is that correct?

15 A He would be aware of that, yes.

16 Q Okay. And I think that's probably the main

17 thing that -- you know, that's different today, what
18 you're telling us today, as opposed how you wrote the
19 report, you know, on the 6th of -- or June 10th, 1997.

20 A Right. That -- that, he would definitely have
21 knowledge of, yes.

22 I thought you were talking about money taken
23 and stuff like that. No, he definitely would not be
24 aware of any of that. But as far as the entry. Yes, as
25 far as confidential informant not using a package, yeah,

2824

01 obviously, he was aware of that.

02 Q Okay. And, lastly, do you recall testifying
03 in court regarding Mr. Andrade's arrest?

04 A I sure don't.

05 Q Okay.

06 A No. Did I -- was it a prelim or trial?

07 Q It was a trial.

08 A I mean I remember the case. I just -- what I
09 testified in court would've been what I testified to --
10 or what I had written in the report, so --

11 Q Okay.

12 A -- it would've been a fabrication.

13 Q And do you know if Durden testified in court?

14 A I don't remember.

15 Q Do you know if any other officer testified in
16 court?

17 MR. MC KESSON: When you say "testified in court,"
18 you mean prelim or trial?

19 SERGEANT THOMPSON: Either/or.

20 THE WITNESS: I don't remember.

21 SERGEANT THOMPSON: Okay. Mr. Mc Kesson, anything
22 you'd like to clarify before we conclude?

23 MR. MC KESSON: No.

24 SERGEANT THOMPSON: Okay. We'll go ahead and
25 conclude. It's approximately 1140 hours.

2825

01 MR. ROSENTHAL: We'll go off the record.

02 (Recess)

03 MR. ROSENTHAL: All right. It's 11:54. We're back
04 on the record.

05 Mr. Perez, you're still under oath as you will
06 be for the rest of the day.

07 THE WITNESS: Yes, sir.

08 MR. ROSENTHAL: Thank you. Go ahead.

09 SERGEANT THOMPSON: Okay. This is a tape-recorded
10 interview of -- the C.F. number is pending at this

11 time. The date is April the 12th, 2000. The time is
12 approximately 1155 hours. The location of this
13 interview is Internal Affairs Group South Section.

14 We're interviewing Rafael Perez today on tape
15 number 230582, side A. The interview is being conducted
16 by Sergeant Mark Thompson, 23251, and Detective Frank
17 Trujillo, 30975. We're both from Robbery-Homicide
18 Division Task Force.

19 Also present during the interview is Ray
20 Perez's attorney, Winston Kevin Mc Kesson, Deputy D.A.
21 Richard Rosenthal, and Court Reporter Lynden Glover.

22 Also in the room is our Detective III Brian
23 Tyndall, 16742, Detective Andy Kleinick, 25231, and
24 Sergeant Wes Buhrmester, 25214.

25 BY SERGEANT THOMPSON:

2826

01 Q Ray, prior to going on tape, did you have an
02 opportunity to review the arrest report regarding Emilio
03 Gutierrez that's D.R. number 97-0222407 and the case
04 number BA152229?

05 A I have reviewed the arrest report as well as
06 the transcripts from my earlier interview, as well as my
07 prepared summary of the statement.

08 Q Okay. Just a couple questions regarding this
09 arrest. And I'm not going to go into your last
10 interview, just some clarification questions here.

11 A Yes, sir.

12 Q When you and Officer Durden arrived at
13 Mr. Gutierrez's residence, you indicated that you
14 knocked on the door and that the person later identified
15 as Maldonado opened the door, closed it, and eventually
16 let you in or came back to the door and opened the
17 door.

18 When you entered the residence there, was that
19 with permission given by either Mr. Gutierrez or
20 Miss Maldonado?

21 A No, sir.

22 Q Okay. And when you entered you indicated
23 before that both Mr. Gutierrez and Maldonado were
24 detained, correct?

25 A Yes, sir.

2827

01 Q Okay. Were they handcuffed at the time that
02 they were detained?

03 A Yes, sir.

04 Q It was also indicated that a search was

05 conducted at the residence.

06 A Yes, sir.

07 Q And that a consent to search form was filled
08 out by both Gutierrez and Maldonado. Is that correct?

09 A I believe there was, but that was done after
10 the search.

11 Q Okay. That was my question.

12 A That was part of the, "We'll let your wife go
13 as long as you take the blame. Give us a consent to
14 search. We won't arrest her. We'll just arrest you,
15 and just sign this consent to search."

16 Q Okay. But that was after the search was
17 conducted?

18 A That's correct.

19 Q Okay. Did either Maldonado or Gutierrez give
20 you or Durden permission to search their residence?

21 A No.

22 Q Did they ever protest to you, ask you why you
23 were searching or anything like that?

24 A Mr. Gutierrez got a little bit irate while he
25 was sitting -- after we had detained him and sat him

2828

01 down on the couch in the living room, he became irate as

02 to why we were there, why we were searching.

03 Q Okay. You indicated in the arrest report that
04 \$1,301 were booked as evidence.

05 A If that's what's on the report, yes.

06 Q Okay. You also indicated that
07 approximately -- in your statement, your previous
08 statement, that approximately \$1,000 was also recovered
09 and not booked as evidence.

10 A That's correct.

11 Q Do you recall specifically where the \$1,000
12 that was not booked as evidence was recovered from?

13 A Durden found most of the money. And where
14 exactly it came from, I don't know. I'm assuming it was
15 together with the rest of the money. Just that portion
16 of the money was booked, the \$1,300, and approximately a
17 thousand was not.

18 Q Okay. So all together, we add those two
19 amounts together, approximately \$2,300 was recovered
20 from the residence?

21 A Yes, sir.

22 Q \$1,301 was actually booked as --

23 A Evidence.

24 Q -- evidence?

25 A Yes, sir.

2829

01 Q How did you derive at that particular amount
02 of money to book as evidence? It seems like sort of an
03 odd amount to --

04 A I know that basically we would always try and
05 book a little bit over a thousand dollars because that
06 was the criteria for asset forfeiture to place a hold on
07 it, a 11470 hold. So we would always try and go over a
08 thousand dollars.

09 How did we come up with \$1,300? Durden made
10 that decision, and he put aside how much was going to be
11 booked and how much was not going to be booked.

12 Q Okay. In the arrest report, it's actually
13 page nine of nine, there is a receipt for property taken
14 into custody?

15 A Yes, sir.

16 Q Form 1010.

17 A Yes, sir.

18 Q Okay. Which indicates that you gave
19 Mr. Gutierrez a receipt for miscellaneous bills totaling
20 \$1,301.

21 A Yes, sir.

22 Q Do you recall if Mr. Gutierrez actually looked

23 at this particular receipt?

24 A I don't think so. I know it shows down here
25 him signing it. But what often happens is we'll have

2830

01 several things for him to sign and we'll just have him
02 sign it. He's not sure what he's signing.

03 I don't know if -- to be honest, I don't know
04 if he actually saw this or not. But I know what we used
05 to do or what we would do.

06 And that's, you know, maybe give him, oh, kind
07 of like medical screening forms, several forms that he
08 needed to sign, have him sign it and say, "Okay. Sign
09 here, sign here, and sign here," which he really didn't
10 know what he was signing. He was just signing his name
11 away.

12 Q And the money that -- \$1,000, approximate
13 \$1,000 that was not booked, what happened to that money?

14 A It was split between me and Durden.

15 Q And do you recall when and where that might
16 have taken place at?

17 A I really don't remember. I would have to
18 assume it was at the end of the day. That's when things
19 like that -- when we did things like that. But I don't

20 really recall it, you know, at what time of the day that
21 that occurred.

22 Q Okay. There's also in the arrest reports two
23 statements that are attributed to both Maldonado and
24 Mr. Gutierrez. I believe one is page five of nine, that
25 would be Mr. Gutierrez, the other is -- I'm sorry.

2831

01 That's not to search. Six of nine.

02 A Yes, sir.

03 Q And then seven of nine.

04 A Yes, sir.

05 Q And what appears there is there is a statement
06 written in Spanish with an English translation on the
07 bottom.

08 A The bottom?

09 Q Well, at least on six of nine.

10 A Okay. Yes, sir.

11 Q Okay? And then the same thing -- well,
12 actually the next one is seven of nine. It's a Spanish
13 statement.

14 A Yes, sir.

15 Q When specifically were those statements made
16 or written?

17 A These were done at -- at -- well, hers, if I
18 remember correctly, we did not transport her to the
19 station. So hers -- and I don't have a real clear
20 memory on it. Hers I believe would've been done right
21 there at her residence.

22 Q Okay. So if you didn't transport her to the
23 station, where -- what happened to her?

24 A She was staying at the residence.

25 Q Okay. So she stayed there?

2832

01 A You're asking me where did she write the
02 statement, right?

03 Q Right.

04 A Okay. It would've been at her residence.

05 Q So she stayed at the residence?

06 A Right.

07 Q How about Mr. Gutierrez?

08 A Mr. Gutierrez would've probably been done at
09 the station. And these continuation sheets, those
10 would've been at the station.

11 Q Now, these statements, are they something that
12 both Maldonado and Gutierrez made up themselves or was
13 it --

14 A No, I basically told them what to write.

15 Again, it was for the written consent to search.

16 All of it basically ties in I wasn't going to
17 book her. I knew that he was mainly the narcotics
18 dealer, but I wanted their cooperation. So basically I
19 basically told them what to write. I told them that I
20 wouldn't arrest her as long as they signed a consent to
21 search and made some statements.

22 Q Okay.

23 MR. ROSENTHAL: I just want to point out for the
24 record that in this case, when it was first brought to
25 our attention, the defendant was a fugitive. He had not

2833

01 yet been convicted of the charges and the case was
02 subsequently dismissed. So there's no outstanding
03 convictions that we need to be concerned with.

04 SERGEANT THOMPSON: Mr. Mc Kesson, anything you'd
05 like to clarify?

06 MR. MC KESSON: No, sir.

07 BY SERGEANT THOMPSON:

08 Q Ray, anything you'd like to clarify?

09 A No, sir.

10 SERGEANT THOMPSON: We can go ahead and conclude.

11 It's 1205 hours.

12 Okay. We'll go ahead and conclude 1205.

13 MR. ROSENTHAL: Go off the record.

14 (Discussion off the record)

15 MR. ROSENTHAL: Okay. We're back on the record.

16 Mr. Perez, you're still under oath.

17 Detective Tyndall, go ahead.

18

19 EXAMINATION

20 BY DETECTIVE TYNDALL:

21 Q Ray, last week, I believe it was April 5th,
22 you mentioned very briefly an incident that occurred I
23 believe in January of '97.

24 A '98.

25 Q '98?

2834

01 A Yes, sir.

02 Q And you couldn't identify that person. You
03 asked to review some records that you had on some
04 monikers on Temple Street and some I. cards.

05 I have brought two documents today. I've
06 marked them with my name, Tyndall 2 and Tyndall 1. If
07 you'd -- you've had a few minutes to review these.

08 Do those assist you in any way in identifying
09 this person?

10 A After reviewing the moniker list with the
11 names of the gang members, I've concluded that
12 Mr. Guevara, G-u-e-v-a-r-a, first name Carlos, with a
13 DOB of 10/18/73 and the moniker of Harpo, is the person
14 who I was talking about on that -- on that day last
15 week.

16 Q Would you mind just initialing? Thanks.

17 MR. ROSENTHAL: Is this -- if I recall, this is the
18 one where you simply went in, took the guy from his
19 home, and turned him over to INS?

20 THE WITNESS: Yes, sir.

21 DETECTIVE TYNDALL: And I believe he's still in
22 custody, according to Ray.

23 THE WITNESS: He received, I believe, five years.

24 MR. ROSENTHAL: Oh, for the unlawful entry?

25 THE WITNESS: Yes, sir.

2835

01 DETECTIVE TYNDALL: All right.

02 THE WITNESS: Also, looking at some of the copies
03 of some of the I. cards, I'm looking at one that was
04 filled out and completed by an Officer Contreras on

05 July 14th, 1988, with a picture of a Mr. Guevara,
06 Carlos. And it appears -- although it is a 12-year-old
07 picture, it appears that it is him.

08 BY DETECTIVE TYNDALL:

09 Q And that's marked document Tyndall 1?

10 A Yes, sir.

11 MR. ROSENTHAL: What was that date of birth again?

12 THE WITNESS: His DOB is 10/18/73.

13 DETECTIVE TYNDALL: Okay. Thank you very much.

14 MR. ROSENTHAL: We'll go off the record.

15 (Discussion off the record)

16 MR. ROSENTHAL: Okay. We'll go back on the
17 record. It is 12:11 in the afternoon.

18

19 FURTHER EXAMINATION

20 BY MR. ROSENTHAL:

21 Q Mr. Perez, I just was talking to Detective
22 Tyndall. And I found out that there was some discussion
23 about this incident off the record the last time we met,
24 and I'd like to put this on the record.

25 With respect to Mr. Guevara, why don't you

2836

01 tell us what the incident involved.

02 A We're on the record?

03 I explained that it was sometime in early
04 January, I believe, mid to early January. I was working
05 with an Officer Wang. He was my partner at the time.

06 And it was a rainy night. I remember it was
07 kind of late. And the INS guys were at the -- at the
08 station. And one of them came to me and said, you know,
09 "You guys got anything going on? I know it's raining,
10 but get us a body or something," something to that
11 effect.

12 I then went over to my I. cards pretty much
13 similar to the ones that I'm looking at now and did a
14 couple of checking to see if we had any -- any of the
15 gang members that I know of that are re-illegal entry
16 into this country. And I came across his card, ran him,
17 and it showed he had entered into the country, you know,
18 illegally.

19 I knew where he was living at. I had seen him
20 a couple of times that week. So that night my partner
21 and I went to the location, knocked on the door, and the
22 girlfriend of Mr. Guevara opened the door.

23 I told her that we needed to speak to
24 Mr. Guevara. She said -- she told me that he was
25 sleeping. I told her, "Well, we need to talk to him. A

2837

01 detective at the station wanted to talk to him."

02 She woke him up. I went to the bedroom with
03 her. And he said, "Why -- why do you need to take me to
04 the station? Why can't we just talk right here?"

05 And I told him, "Well, no. The detectives
06 want to talk to you, so we got to take you to the
07 station." And he was kind of upset about it, but we
08 still handcuffed him and brought him to the station.

09 At the station I handed him over to INS. And
10 I didn't hear much about it until a couple of weeks
11 later where one of the INS guys said -- he basically
12 told me what was going to be on the affidavit, is what
13 he called it.

14 And he told me that -- a couple -- a few
15 weeks, maybe even months, a few months after that he had
16 told me that he had -- he took five years or something
17 like that.

18 Q What was to be put in the affidavit?

19 A That we saw him out in the street while we
20 were out in the street, INS happened to drive by, see
21 us, they identified him as someone that they knew or
22 something like that and that they took over, we didn't

23 hand him over to them, they just -- after we were done
24 with him, they took over.

25 Q Do you know who these INS agents were?

2838

01 A I know them by face. I couldn't tell you
02 their names right now.

03 Q Can you give a general description?

04 A One is a male white. He works that task
05 force, that ATF/INS Task Force that works with Rampart
06 CRASH. I think last name is Jones, but I'm not a
07 hundred percent sure. White, mustache, 180, 6"1", 6"2",
08 heavy build.

09 Q And the second one?

10 A And the second one is a male Hispanic, just
11 your average, you know, Hispanic, you know, black hair.
12 I couldn't put anything distinctive on him. But, him, I
13 don't know his name at all.

14 Q You would recognize him if you saw him or if
15 there was a photo lineup showed to you?

16 A Right, I could probably do that.

17 Q Okay. As far as the entry into the residence,
18 did you get consent from the female to enter or did you
19 basically just say, "We need to talk to him," and go on

20 in?

21 A There was other people in the residence and
22 they got very, very irate, especially I think the sister
23 of the girlfriend.

24 But we were already there and I was going to
25 take him, you know. So even though they were protesting

2839

01 against it and all that, protesting us coming in, I told
02 them I needed to talk to him, I absolutely had to talk
03 to him.

04 Q And how did you know he was an illegal?

05 A I had ran his information.

06 Q So it was -- that information was -- had
07 already been placed in his F.I. card -- or his
08 I. card?

09 A I know what I would do is periodically, at
10 least once a month, I would go through every I. card,
11 run them, and I would put like a date somewhere on
12 there, either on the back or on the front, to see if
13 they had any warrants or if they were illegal
14 deportations.

15 I don't know if this particular one I had to
16 rerun it or I had to run it prior and noticed that he

17 was an illegal entry.

18 But I'm sure that I verified that he was an
19 illegal -- illegally reentered, undocumented alien, and
20 so I knew that he was going. I went straight there with
21 that intent to pick him up and bring him back.

22 MR. ROSENTHAL: Okay. Great. Anything further,
23 Detective Tyndall?

24 DETECTIVE TYNDALL: No.

25 MR. ROSENTHAL: All right. Off the record.

2840

01 (Discussion off the record)

02 MR. ROSENTHAL: Okay. We're on the record. It's
03 12:35.

04 Mr. Perez, you're still under oath.

05 THE WITNESS: Yes, sir.

06 MR. ROSENTHAL: Go ahead.

07 DETECTIVE TRUJILLO: Okay. Today's date is
08 April 12th of 2000, at 1236 hours. We are at the
09 Internal Affairs South Section office for a
10 tape-recorded interview with Rafael Perez.

11 This interview is on tape number 228537. This
12 interview is for administrative investigation only for
13 the Robbery-Homicide Division Task Force.

14 Conducting the interview will be myself,
15 Detective I Frank Trujillo, 30975, and my partner, Andy
16 Kleinick, serial number 25231.

17 Also present in the room are Rafael Perez's
18 attorney, Winston Kevin Mc Kesson, Court Reporter
19 Lynden J. Glover, and D.A. Richard Rosenthal. Also
20 present are Sergeant I Wes Buhrmester, 251 -- correction
21 25214, Sergeant II Mark Thompson, 23251.

22 This interview is regarding multi -- two
23 arrests regarding Fausto Encarnacion and Gene Serano.
24 The D.R. number is 97-0218961, case number of BA150628.
25

2841

01 EXAMINATION

02 BY DETECTIVE TRUJILLO:

03 Q Ray, I gave you a chance to look over the
04 transcripts of a previous interview that -- where you
05 mentioned this report, it was on September 17th of '99,
06 with a couple of detectives from the task force.

07 And you had a chance to review the
08 transcripts, correct?

09 A I've reviewed the transcripts and I've also
10 reviewed the actual arrest report dated May 16, 1997.

11 Q May 16, '97. Do you recall the incident
12 pretty well?

13 A Yes, I do.

14 Q Okay. Let me ask you this: As far as the
15 arrest went, did you actually have a C.I. give you
16 information, an informant give you information on this
17 as is in the report or did you already have information
18 that Encarnacion or Serano were dealing narcotics?

19 A No. All the information that I got regarding
20 Mr. Encarnacion, Fausto, came from the C.I., a Mr. --
21 the person I had just arrested prior to him.

22 Q Okay. So you did get information from --
23 okay. What I'm referring to, though, is under "The
24 Source of Activity," there was a person that you had
25 called Gene on a pay phone. And supposedly you had --

2842

01 it was a female Hispanic living in the area of Silver
02 Lake and Bellevue.

03 If you want to take a second to look under the
04 second paragraph, "The Source of Activity."

05 A That information is correct. The female that
06 lived at Silver Lake and Bellevue was the person who
07 actually got us in contact with Mr. Serano.

08 Q Okay.

09 A Mr. Serano got us in contact with
10 Mr. Encarnacion.

11 Q Okay. Was that female Hispanic a packaged up
12 C.I. or was --

13 A No, sir.

14 Q A citizen informant kind of thing?

15 A She was just a citizen.

16 Q Citizen. Did it actually occur where she made
17 a phone call to Gene like that on a pay phone, he comes
18 out? That actually occurred?

19 A Yes, sir.

20 Q Okay. Do you remember if Gene Serano was on
21 probation at the time of this incident?

22 A I believe he was.

23 Q Do you recall offhand if he told you he was or
24 if you ran his status on either -- over the air or on an
25 MDT?

2843

01 A I believe we obtained that information. How
02 exactly, I don't remember. But I'm pretty sure that I
03 was positive that he was on some type of formal
04 probation or parole, and we had that documentation with

05 us.

06 Q Okay. The arrest report states there was some
07 marijuana in his waistband as well as a .380 handgun in
08 his car.

09 Do you recall if that's actually what happened
10 in this arrest report or was there ever a follow-up to
11 Gene's house, Serano's house, at 3436 Madera Avenue,
12 number 3?

13 And Madera -- and let me refresh your memory.
14 Madera is up by -- north of the 5 between -- between
15 Fletcher and Glendale Avenue up in Silver Lake.

16 Does that ring a bell?

17 A It does. If I can just have a minute.

18 Q Take your time.

19 A I believe that the part about the three
20 additional baggies of marijuana is correct. I think
21 that the gun did come from somewhere else. And it may
22 have come from the apartment from I believe -- if I'm
23 thinking correctly, that it was in a dresser or
24 something like that.

25 Q Okay. So what you're saying is maybe

2844

01 Mr. Serano had marijuana on his person when he was

02 arrested but then had additional marijuana at his
03 Madera address?

04 A No.

05 Q Oh, just --

06 A In his vehicle. What occurred was, you know,
07 he was coming down to deliver some marijuana to the
08 female.

09 Q Right.

10 A That was the whole game plan.

11 Q He was responding to the page.

12 A He was responding to the page. When he
13 arrived we took him down.

14 Q Right.

15 A We found the marijuana, the one that he had
16 that he was about to deliver and additional marijuana,
17 but the .380 I believe was found at a follow-up
18 location.

19 Q Okay. Was that follow-up location -- do you
20 recall it being Madera or his house?

21 A His house. I couldn't tell you what the name
22 of the streets were.

23 Q Right. Right. I pretty much established that
24 was his house at the time.

25 A Okay.

2845

01 Q Okay. Do you recall if there was anybody
02 there when you got there?

03 A I don't remember anybody.

04 Q Do you remember if there was a couple, a man
05 and a woman, at the apartment on Madera? Because as I
06 understand correctly, you might have used -- because you
07 didn't go with him, did you? Or did you go with Serano
08 to this house?

09 A I don't -- I think we actually found his
10 address somewhere. He wasn't giving us his address, and
11 I think we went on our own without him knowing we were
12 going to his address.

13 Q Okay. So that probably -- presumably that
14 would've been with Serano at the Rampart Station or
15 Rampart Detectives, right?

16 A Yes, sir.

17 Q Okay. Do you recall if you recovered any
18 money from that location at all?

19 A Again, I personally don't remember recovering
20 any money. That doesn't mean that Durden had not
21 recovered any, but I don't remember recovering any.

22 Q The .380 handgun that was recovered and put in

23 the report, do you remember if that came from the
24 vehicle or from the house?

25 A That came from the house.

2846

01 Q That came from the house. So as far as you
02 recall, only -- okay.

03 A Can you give me a second?

04 Q Uh-huh.

05 A That came from the house. And there was
06 somebody else at the house. His door had a lock on it.
07 And they told us that that is his room, and we went in
08 and searched his room.

09 I'm starting to -- it's starting to come back
10 to me. Yeah, there was another couple at the apartment.
11 They said that he just rents this room right here.

12 And if I remember correctly, there was a lock
13 on it. And we undid the lock, you know, the latches, we
14 took it out, and we went in. He had a little room,
15 furnished -- you know, a little bed and a couple other
16 things.

17 Q Okay. And this follow-up was after you found
18 out he was on probation?

19 A Right.

20 Q Now that you've kind of remembered a little
21 more, do you recall any cash being in that room besides
22 the gun or additional marijuana for that reason?

23 A See, it's quite possible that there was some
24 additional marijuana at the apartment, but we probably
25 would've just put it with the rest of it as recovered.

2847

01 So it's really hard for me to remember whether
02 we found at least one or two other baggies and just
03 said, oh, just put it all together in one place.
04 Because I think -- did we leave the follow-up location
05 completely out of the report?

06 Q Yes.

07 A What I probably did was I just added it to the
08 original location of the vehicle as far as recovering
09 the evidence so I didn't have to mention the follow-up.

10 Q Right. That's what it looks like. Okay.
11 During this time then, you think that Serano was back at
12 Rampart Detectives while you were out there?

13 A Yes, sir.

14 Q Was it just you and Nino that went out by
15 yourselves?

16 A Yes, sir.

17 Q When you took down Gene Serano, did you have a
18 game plan, you know, with other CRASH officers, you
19 know, "this is who we're looking for, he's coming now,"
20 that kind of thing? It was just yourself and --

21 A This was -- I forgot where exactly I got the
22 information as far as the female.

23 Q Right.

24 A But we went to her house. We told her, "Look,
25 we know that you're up in here using and all this other

2848

01 stuff. Give us your supplier." She was scared and
02 decided, "Okay. I'll call him out." And that's how
03 that occurred.

04 But it wasn't one of those things where it was
05 a big task force, you know, let's get everybody
06 involved. We just said, "Let's try it. Let's see what
07 happens," you know. And, sure enough, she called and
08 the guy showed up.

09 Q Okay. Do you recall if that location was
10 okay, the one on the location of the report where you
11 took him down, Occidental and Bellevue?

12 A South of Bellevue on Occidental?

13 Q Right.

14 A Yes, right in the little driveway alley thing
15 there.

16 Q So as far as you can remember, no other CRASH
17 units were assisting you with that, right?

18 A No, sir.

19 Q Then after you came back after the follow-up,
20 you came back to Rampart and you talked to Gene Serano
21 regarding his supplier. Is that how it worked?

22 A Yes, sir.

23 Q And Gene voluntarily gave you this information
24 about Fausto Encarnacion or did you already have that
25 information prior, that clue?

2849

01 Did you ever have a clue prior to talking to
02 Serano?

03 A I had no idea about that location until Gene
04 told me about it.

05 Q Okay. Did you take him with you to do that
06 follow-up?

07 A Yes, sir.

08 Q Okay. But you used the -- because you
09 mentioned before in the previous transcript you used the
10 CRASH van?

11 A Yeah. I used a gray CRASH van that we used to
12 have, tinted windows, yes.

13 Q And Serano was, I presume, in the back
14 handcuffed or --

15 A Yes, sir.

16 Q Okay. When you -- now, did you use any more
17 units for that, to go out there?

18 A Yeah, I know -- I know that I got a couple of
19 units with me, and I don't know if I wrote them in the
20 report or not.

21 Q You wrote down that Rios was with you and --

22 A Buchanan?

23 Q You know what, I don't think Buchanan -- do
24 you recall Buchanan being there?

25 A I remember his face. He was -- he would be

2850

01 one of the persons that I would use a lot. Things that
02 I would do I would use him a lot.

03 Q Okay. If I showed you a lineup for that day,
04 would it refresh your memory?

05 A It may.

06 Q Do you recall if Sergeant Guerrero was there,
07 your supervisor?

08 A I don't think so.

09 Q If you want to take a second to review that,
10 because the reason I ask is I don't see Buchanan on the
11 lineup.

12 A I don't remember Sergeant Guerrero being
13 there. I know we didn't have a supervisor there.

14 Q Okay.

15 A Rios is partnered up with Eng but I don't --
16 you know, not that he wasn't there, but I don't remember
17 Eng's face, you know.

18 Q Do you remember Rios there?

19 A I remember Rios. For some reason, I want to
20 say I remember Tovar. But I don't remember Cardenas.
21 And Cardenas was partnered up with him that day.

22 Q Right. And this was -- now, to clarify, this
23 was in a follow-up to Encarnacion's house at 3235
24 Arvia Street --

25 A Right.

2851

01 Q -- in Northeast Division.

02 A I know myself and Durden and Mr. -- or Gene
03 were in the van. And I know I had at least two other
04 units with me.

05 Q Right.

06 A But looking at the lineup, the people that I
07 remember is Tovar and Rios. I'm not sure if their
08 partners were there also or not, but I just don't
09 remember their face.

10 Q Do you recall if Officer Stepp was there or
11 Veloz?

12 A It's possible. I mean those are officers that
13 I would've used for this. But I just can't remember --
14 you know, again, the search there was very uneventful.
15 You know, we went there. We had them detain the guy up
16 front. We went upstairs, checked, got what we needed,
17 and left with him. That was about it. I mean it wasn't
18 like a tactical -- a big tactical plan or anything like
19 that.

20 Q Were there other people at Encarnacion's
21 house?

22 A Yes.

23 Q Do you remember how many?

24 A I believe at least three that I can remember.
25 I think his wife was there and there was a couple of

2852

01 children there, or older children, but there were a

02 couple of children there.

03 Q Do you know if they were ever documented or
04 anything like that, maybe F.I.'d, something like that?

05 A I was the one -- me and Durden were the ones
06 upstairs searching. So I don't know if F.I.'s were done
07 while I was upstairs and turned in by someone else. I
08 don't remember turning any in.

09 Q Let me back up a second. Do you recall if you
10 ever got consent to go in from Encarnacion, into his
11 house? Because you mentioned he was detained out front,
12 right?

13 A Right. What happened was when we got there,
14 there was a -- that was our ploy how we were going to
15 get to him.

16 There was a dog outside in front of his yard,
17 fenced in, but in front of his yard barking. And we
18 showed up in uniform saying that a call came in that
19 there was a barking dog and we needed to talk to him.
20 So he said, "Go ahead and talk to him."

21 Q So it was like a ruse?

22 A Right. So I asked him to put the dog away
23 and, you know, we needed to talk to him without the dog
24 there. He was a little upset about it, but he went and
25 put the dog away. At that time I asked him to step

2853

01 outside to the sidewalk. And when he stepped out, I
02 took him into custody.

03 Q Okay.

04 A And you're asking me did I get a consent to
05 search from him?

06 Q Was there either a written consent anywhere --
07 I know it's not in the report, but maybe you had him
08 sign it and you forgot to put it in -- or was there
09 actual verbal consent to enter?

10 A I know on -- on this particular one I started
11 talking more to the wife. They were upset but the
12 wife -- something about the wife that she seemed --

13 Q What did she look like? Do you remember? Was
14 she heavysset, skinny, tall?

15 A Average, average build, light skin, maybe
16 30 years -- 32 years old. But she sort of started
17 talking the law to me. She was a little bit upset and
18 started quoting law, what you can and can't do.

19 But something about her turned reasonable, and
20 I started talking to her and explained to her that,
21 look, we've got -- we got conversation, you know,
22 he's -- you know, he's dealing narcotics and, you know,

23 you don't want to get your kids involved, you know, that
24 type of thing.

25 Q Right.

2854

01 A And I think eventually, you know, they might
02 have said, "Go ahead and look, but there's nothing --"
03 you know, they said, "Go ahead and look."

04 Q Okay. So as far as you recall, there was some
05 sort of verbal consent to enter, either by the wife or
06 by Encarnacion?

07 A Yes, sir.

08 Q Do you recall more or less what was recovered
09 in there as far as you recovered marijuana, correct?

10 A There was two of those -- you know, those
11 plastic Tupperware things but large ones. One was
12 completely full and then one was like halfway full. So
13 there was a good amount of marijuana.

14 Q Was there cash recovered?

15 A Yes.

16 Q Earlier you mentioned in the prior interview
17 in September you thought that 300 was booked and that
18 maybe you and Durden took about 1,800?

19 A Yes.

20 Q But on the report it says -- if you look in
21 the back, it says that you booked 18 -- or, correction,
22 1989, 1,989.

23 A Okay.

24 Q With a --

25 A I don't know where the 300 came from.

2855

01 Q With a 1010.

02 A Okay.

03 Q So does that -- could it have been reversed
04 and that amount of 300 -- do you remember you and Nino
05 Durden taking any cash in this incident?

06 A No, we took -- there was a lot more than 300.
07 I think -- I think it was close to 1,500 that we -- that
08 we ended up keeping.

09 He ended up calling the station wanting to
10 talk to somebody about it but ended up getting Durden on
11 the phone. Durden gave me the call and I ended up
12 having this conversation with him, "Well, you know what?
13 It doesn't matter. It's all being seized. You ain't
14 getting it back anyway."

15 And he was upset. He goes, "Wait a minute.
16 You know that I had a lot more money than that. You

17 guys came up big. You know that, right?"

18 And, you know, he just started -- that's why
19 when we ended up going to court and he was out of
20 custody, I had the D.A. offer him a great deal but make
21 sure that he pled guilty, not nolo contendere, but to a
22 factual basis.

23 Q To a factual basis?

24 A Plead guilty to a factual basis. That way he
25 didn't come back and make allegations and stuff like

2856

01 that.

02 Q Okay. Do you know if this was a case in which
03 Mr. -- correction -- yeah, Gene Serano. It looks
04 like it was booked to Gene Serano there, but the
05 signature, I believe, was from Encarnacion. Is that
06 correct?

07 A That's Durden's signature. This is the
08 officer issuing it. That's just -- probably booked
09 through Gene Serano because he was the first person
10 arrested.

11 Q He was the first person arrested?

12 A Right. But the property was recovered at
13 Arvia, Mr. Fausto's residence.

14 Q I guess what I'm asking is do you know if
15 Encarnacion was ever aware that you were booking --
16 prior -- during his arrest, if he was aware of you
17 booking 1989 at the time he was going through the
18 booking process and all that?

19 A Absolutely not.

20 Q Okay. Did you have somebody else book these
21 two gentlemen, Encarnacion and Serano, or do you recall
22 if you and Nino did the whole -- the whole thing?

23 A I would've stayed at the station and did the
24 reports. By the way, this Sergeant Guerrero's signature
25 on the front.

2857

01 Q Yes.

02 A That's not his signature. That's Nino
03 Durden's signature.

04 Q That's Nino Durden's signature?

05 A Yeah. Because I had a couple units with me to
06 assist in this arrest, I probably would've had them go
07 real quick and just put the bodies for me while I went
08 back to the station and did the reports.

09 Q Okay. So as far as you remember, there was
10 about \$1,500 taken and that was -- would that have been

11 in combination of money taken from Serano and from -- or
12 could it possibly be a combination of money taken from
13 Serano and Encarnacion?

14 A You know, it's possible -- I just don't
15 remember. Unless Durden just recovered some money that
16 I didn't know and we just put it together. But I know I
17 recovered most of the money that came from the Arvia
18 address. I had it with me.

19 When we got back to the station, we went to
20 the room that used to be the -- used to be the CRASH
21 office a long time ago, right outside the roll call
22 room.

23 Q Right.

24 A A little, small room. I think they turned it
25 into the 1.81 room. And I don't know what it is now,

2858

01 but we went in there and that's where we split it up.
02 But I know it was about \$1,500.

03 Q I'm sorry. Go ahead.

04 A I don't know if he had like \$500 or something
05 that he might have gotten from somewhere else, but I
06 remember it was about \$1,500 that we split.

07 Q And that would've been immediately after the

08 arrest was completed?

09 A No, sir, it was later that evening after we
10 were done.

11 Q After you were done?

12 A Yes, sir.

13 Q As far as the gun that was recovered from
14 Arvia Street, it was a .44 Magnum revolver?

15 A Right. Yes, sir.

16 Q Was that accurate --

17 A Yes.

18 Q Was there a gun in there?

19 A Yes, sir.

20 Q It says here that you advised Encarnacion of
21 his Miranda rights. Do you recall that at all where he
22 waived his rights?

23 A Specifically -- I'm not saying I didn't do it,
24 but specifically I don't remember doing it.

25

2859

01 EXAMINATION

02 BY DETECTIVE KLEINICK:

03 Q Ray, when you -- going back to Serano, when he
04 was responding to the callout for the marijuana, did you

05 have any other units there to assist you in taking him
06 down and taking him into custody?

07 A You know, I'm going to review the report one
08 more time.

09 Q Okay.

10 A But I just -- I just don't remember. I
11 remember the guy drove up right into the driveway. We
12 walked up and took him right into the car. And I don't
13 remember if another unit was responding or not, but --
14 no.

15 Q You don't recall?

16 A No. I know in the report it says that we
17 called a unit, but I think -- I think we were having a
18 problem with transporting his car from there to the
19 station.

20 I know on the report we said, you know, we got
21 another unit to help us with this whole thing, but I
22 think we just did it on our unit. A unit may have
23 showed up to help us transport the car. But, I mean, as
24 far as what occurred there at that scene, those two
25 officers had really nothing to do about it.

2860

01

02

FURTHER EXAMINATION

03 BY DETECTIVE TRUJILLO:

04 Q So another unit may have responded just to
05 drive the car over to Rampart?

06 A Right.

07 Q Instead of towing or leaving it there?

08 A Right.

09 Q Let me ask you this: As far as things you did
10 in the CRASH unit with other officers, did other
11 officers sometimes log in Code 6 locations that maybe
12 they just -- just to pad the log or to fill it up, maybe
13 they'd say, "Hey, Nino or Ray, where were you guys? Let
14 me borrow that incident and put it on my log"?

15 Did that ever happen where maybe other
16 officers might have listed this incident in their log?

17 MR. MC KESSON: Detective, just one second. About
18 30 minutes, 40 minutes ago we said 20 minutes, and the
19 food is getting cold.

20 DETECTIVE TRUJILLO: We're going to be done in two
21 minutes.

22 MR. MC KESSON: Because I know the other gentleman
23 hasn't asked questions yet.

24 THE WITNESS: It happens often. A lot of times
25 you'd just get somebody else's log and use some of their

2861

01 incidents, you know, showing yourself Code 6 even though
02 you weren't. But, yeah, it does occur, yes.

03 BY MR. TRUJILLO:

04 Q And final question. You said Sergeant
05 Guerrero's signature on the face sheet of the arrest
06 report was put there by Nino?

07 A Yes, sir.

08 Q Do you know if Sergeant Guerrero was aware of
09 this report and then he would just say, "Put my name on
10 there," or was he just not even told about it?

11 Was he aware of the arrest at all?

12 A He would've been aware. I don't know if
13 Durden got permission from him or not to sign his name.

14

15 FURTHER EXAMINATION

16 BY DETECTIVE KLEINICK:

17 Q The last quick question. Serano, when you
18 took Serano out of the car, do you at all remember how
19 much you took, you said you got it out of his waistband,
20 how much you took off of him? You don't remember?

21 A No.

22 Q And you don't recall whether there was

23 additional marijuana found at his residence and you
24 would've lumped that together had there been?

25 A Right. If we had found any, I would've just

2862

01 put it in the car, too, to leave that location out.

02 DETECTIVE TRUJILLO: Okay, Ray. Thank you very
03 much for the interview.

04 Any questions from anybody?

05 Okay. It's now five after 1:00. Thank you.

06 MR. ROSENTHAL: And we're off the record.

07 (Lunch recess)

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2863

01 Los Angeles, California, Wednesday, April 12, 2000

02 (Afternoon session)

03

04

05 MR. ROSENTHAL: Okay. We're back on the record.

06 It's 2:25 p.m.

07 Mr. Perez, you're still under oath. Go ahead.

08 DETECTIVE BARLING: Detective Barling working RHD

09 Task Force, serial number 25264. I'm here with my

10 partner, Detective Skaggs.

11 DETECTIVE SKAGGS: John Skaggs here, serial number

12 25252.

13 DETECTIVE BARLING: And present is D.A. Richard

14 Rosenthal and D.A. Laura Laesecke. And are you a

15 detective or a sergeant?

16 SERGEANT BUHRMESTER: Sergeant I.

17 DETECTIVE BARLING: Sergeant I Wes Buhrmester,
18 25214. And we're here interviewing Ray Perez. Present
19 with him is Attorney Kevin Mc Kesson.

20

21 EXAMINATION

22 BY DETECTIVE BARLING:

23 Q Mr. Perez, we're just here to ask you about a
24 case that you flagged back on October 15th of '99, Allen
25 Lobos case which is a gun arrest by -- arresting

2864

01 officers per the report are Officers Liddy and Harper.
02 And I believe on October 15th you flagged this case and
03 spoke briefly to Sergeant Cook and Thompson.

04 You've been able to -- I played about 15 to 18
05 minutes of a Communication tape. You have a photograph
06 of the parking lot location. You had the arrest report
07 and your DFAR for that date, some of your prior
08 transcripts regarding information you gave.

09 There is also a diagram here right by my
10 partner and a daily worksheet roster of the officers and
11 what units they were working in CRASH.

12 What do you remember about this incident?

13 A From start to finish?

14 DETECTIVE SKAGGS: Yeah.

15 THE WITNESS: All right.

16 DETECTIVE SKAGGS: There's a bunch of holes in your
17 previous statements that they didn't cover. If you
18 don't mind, just start from the beginning.

19 THE WITNESS: I don't know if I'm going to cover
20 them unless you specifically --

21 BY DETECTIVE BARLING:

22 Q Right.

23 A Because I'm not sure --

24 Q As best you remember.

25 A Right. I remember arriving at the location.

2865

01 And I'm going to refer a lot to this diagram. It's not
02 marked or anything, but it's a picture depicting the
03 location and it's -- there's some writing on it that I
04 wrote previously.

05 Q And for the record, it's an 11-by-17 aerial
06 photograph. I believe it's number 8 in the lower
07 right-hand corner, there's a 08 there of a parking lot
08 at 443 South Hartford Avenue. And we are on audiotape
09 228536, the "A" side.

10 A The first thing I'll say is that on this

11 diagram I -- for some reason, I remember there being
12 some type of canopy or some type of structure here where
13 there is none now. It looks like something was
14 demolished there or removed. There's a -- large
15 shrubbery and trees now.

16 But as I'm looking at the picture, in the
17 center -- center left of the picture, there is a parking
18 lot. And there is a line and then sort of like a bullet
19 coming out of it with a "D" encircled.

20 When I arrived at the location, there was a
21 large group of males. They were coming from a D.J.
22 booth.

23 Again, it's kind of hard to refer -- in the
24 parking lot, lower left-hand side of the parking lot
25 where I put a -- I believe it's a "B" and I circled it

2866

01 for -- these -- these people, the "D" for defendants
02 that were detained, they were being taken out of here
03 and lined up right along this area here.

04 And I know I keep saying "here" and "there,"
05 but it's kind of difficult.

06 When I arrived and these people were being
07 detained, I was basically just watching them being

08 detained.

09 After being there a few minutes, an officer
10 came -- it wasn't a CRASH officer, it was a patrol
11 officer -- came over to me and said -- he sort of just
12 fingered me over, waved me over to him and directed me
13 to a tire on a vehicle. And he said that, "You got a
14 piece or a handgun on top of the tire."

15 I went over, recovered the gun. I know I
16 tried to render it safe, remove the clip and take the
17 round out of the chamber.

18 After I did that, I remember I took it over to
19 Officer Liddy and told him, "Hey, you know, we've got a
20 gun." And he goes, "Oh," you know, like he was
21 surprised. And he said, "Well, we'll see who -- you
22 know, who we're going to take on this, who's going to
23 catch this one."

24 I handed him the gun. I went back to where I
25 was. I don't remember specifically talking to any of

2867

01 the defendants that were lined up, in other words, doing
02 F.I.'s or stuff like that. I think I sat back and
03 watched what was going on.

04 Other than that, I mean unless there's some

05 specific question, I mean that's basically the gist of
06 it.

07

08 EXAMINATION

09 BY DETECTIVE SKAGGS:

10 Q Okay. When you heard the M.S. for additional
11 units, do you know where you were?

12 Looking at your log before you responded --
13 before you responded to that call, does that help you
14 with where you might have been?

15 A No, because I know on the log it may say that
16 I was interviewing a wit or transporting a wit or
17 something like that but, I mean, we do -- I do these
18 logs the next day.

19 Q Sure.

20 A So it's not -- I mean I basically just
21 rounded -- you know, let's say I might have gotten done
22 interviewing a wit or transporting a wit at 2230. But,
23 you know, in my log I may put 2245 because that's the
24 next thing I did, so I just tied in together.

25 You know, I don't put a break in between

2868

01 because we don't like to show any available time. We

02 just show ourselves busy at all times. So it's kind of
03 difficult to say that yeah, this helps me remember where
04 I was.

05 Q When you guys got to the location, were you on
06 Hartford or did you come up on Witmer? Do you remember
07 where you guys parked?

08 DETECTIVE BARLING: And before answering, looking
09 at the photograph, as you're looking clearly at your
10 right -- or your left, the top would be north. This
11 side would be north. The top would be east. The bottom
12 would be west. This would be south.

13 This street over here is Hartford Avenue. The
14 street that you can't see which would be closer to you
15 would be Witmer.

16 THE WITNESS: I believe I came up on Hartford, sir.

17 BY DETECTIVE SKAGGS:

18 Q Do you remember which direction?

19 A I believe -- I don't -- I mean I --
20 specifically? Not really. I remember pulling into
21 the -- I remember there being some type of driveway or
22 something that we pulled in and then we walked out on
23 foot. But, you know, whether we came from the north or
24 the south, I really don't remember.

25 Q Okay. Do you remember who was there when you

2869

01 arrived?

02 A As far as --

03 Q Officers?

04 A The entire parking lot?

05 Q Yeah.

06 A There were --

07 Q What I mean was did you get there -- were you
08 the first car to the backup? Were you the last car?

09 A There were several officers already there. I
10 know there was definitely -- I saw Liddy and his partner
11 way over here off to where the D.J. booth was where they
12 were pulling people out and lining them up.

13 So I could see that from over here. I could
14 see them being lined up. So there was definitely
15 officers already there.

16 There were some officers up front -- you know,
17 where I walked in off of the sidewalk, there were some
18 officers there. But I think they just got there right
19 before me. I mean if they got there, they might have
20 gotten there, you know, 45 seconds before me or
21 something like that.

22 Q Were the police cars inside the parking lot or

23 did everybody park outside?

24 A I want to say that I remember the cars being
25 outside the parking lot.

2870

01 Q Okay. And when you arrived you remember that
02 some of the police officers were already inside the lot
03 dealing with the suspects?

04 A The officers that I remember were also
05 responding and they were in this area here where I was.
06 Did eventually some of them walk over? Yeah. But when
07 I got there, they were still on this side of the parking
08 lot.

09 Q What were they doing?

10 A They were doing the same thing I was doing. I
11 was approaching this direction.

12 Q I mean -- what I mean is had our officers
13 already entered the parking lot and started taking
14 control of suspects when you rolled up?

15 A Yes.

16 Q So why were the other officers holding back?
17 Do you --

18 A I don't know. I don't know if they thought
19 maybe someone was going to flee or -- because I think we

20 were just trying to contain the area.

21 The last question, please?

22 Q Any idea why those officers were hanging back,
23 you know, at the entrance to the parking lot?

24 A And I'm not saying they stayed there the whole
25 time. What I'm saying when I arrived, you're asking me

2871

01 where did I see them at. They were still on this side
02 of the parking lot.

03 And, again, I think the objective was to sort
04 of cordon off -- you know, sort of create a small
05 perimeter in case anybody was trying to run in that
06 direction, we had that closed off.

07 Q Do you know if the detainees -- how many
08 people do you think were being detained?

09 A There were several. I mean, like I said, they
10 were lined up here. As they were coming out of the D.J.
11 area where the music was, the speakers, they were lined
12 up. You know, how many? You know, I'd be guessing.
13 But I'd say, you know, it was -- I'm guessing. But I
14 would say probably 15, 20 people at least.

15 Q Right. Do you know had they been searched
16 yet?

17 A I don't think so.

18 Q Was there still a tactical situation? Did
19 officers have some guns drawn?

20 A Yeah. I don't think they had been searched
21 yet.

22 Q Do you remember any officers with guns
23 drawn?

24 A It doesn't stand out. I know that the
25 situation wasn't Code 4 yet. I think we were still --

2872

01 we had sufficient units there, you know, to control the
02 situation, but I don't think people had been searched
03 yet.

04 Because I remember while I was still standing
05 here, I could see people being searched, you know,
06 through the interview process, the F.I. process. But I
07 don't think -- I mean we were still -- people were still
08 being pulled out, so I know they hadn't been searched
09 yet. I know it wasn't Code 4 yet.

10 Q Do you know if the helicopter was there yet
11 when you arrived?

12 A I think eventually a helicopter showed up, but
13 I think we showed up before the helicopter. I don't

14 remember the helicopter. I mean, you know --

15 THE REPORTER: I'm sorry. Could you slow down just
16 a little bit, please?

17 THE WITNESS: Yes. I'm sorry.

18 I think I would've remembered the helicopter,
19 you know, the spot light and all that before I -- you
20 know, as I'm arriving I would've seen that. And I
21 didn't see that. I think the helicopter did show up
22 eventually, but it was much later -- or not much later
23 but some minutes later.

24 BY DETECTIVE SKAGGS:

25 Q Okay. What's the next thing that happened?

2873

01 A From which point?

02 Q You're in a lot. Some of the people have not
03 been -- the 15 people have not been searched yet.

04 A Right.

05 Q You kind of hold back and then you proceed
06 west over to the group.

07 A I'm proceeding over west. I'm -- I'm going to
08 say -- I'm going to put a little "X," if I can.

09 Q Okay.

10 DETECTIVE BARLING: Let me give you a red pen.

11 DETECTIVE SKAGGS: Well, it'll keep it separate
12 from what he did last time. He can keep it in black.

13 THE WITNESS: I'm going to put just a little "X"
14 from what I remember. I'm standing right about there.
15 I'm looking at defendants being filed out or being lined
16 up. And I'm just sitting there watching it because I'm
17 thinking that I'm going to go ahead after they're all
18 pulled out, I'll start on this end and start searching
19 people.

20 As I'm standing here, I have an officer -- a
21 patrol officer. It wasn't a CRASH officer. He kind of
22 fingers me over, tells me to come here. And he walks
23 over to a car and he goes, "You got an item. You got a
24 gun here." And I go, "Oh, really?" I go and recover
25 it.

2874

01 MR. MC KESSON: Let me just -- when you give long
02 narratives, it's more difficult for her to follow.

03 BY DETECTIVE SKAGGS:

04 Q Let me slow you down, too. How long do you
05 think you were there by the time you rolled up, got out
06 of your car, until some officer fingered you over to
07 "look, there's a gun"?

08 A Like I said, they were still filing out. So
09 you're talking about maybe a couple of minutes. Like I
10 said, there were still people being lined up here where
11 this "D" is.

12 Q Right.

13 A There were people lined up.

14 Q Right.

15 A So I had just -- you know, I walked out of my
16 car, I stand here. A couple minutes later the officer
17 calls me over.

18 Q Do you remember if the bodies had been
19 searched, the detained people had been searched by that
20 time or is it in progress?

21 A At the time that I find the gun?

22 Q Yeah. At the time that the officer
23 notified -- you know, flags you over, were the people
24 searched yet?

25 A I don't think so.

2875

01 Q Okay.

02 A I think -- in fact, I think people were still
03 being lined up.

04 Q Do you think anybody else heard the officer

05 tell you, hey, here's a gun or an item?

06 A I know that when he called me over, I walked
07 over and he showed me -- you know, it was just me and
08 him standing there. I don't know if anybody could
09 overhear it.

10 I think someone might have saw me when I
11 recovered the gun. Several people might have saw me
12 recovering the gun. But as far as the officer telling
13 me, "There's a gun," I don't know.

14 Q Okay. And then so you recover the gun?

15 A Right. I recovered the gun. Like I said, I
16 render it safe. I eventually walk over, over in the
17 area of where the "A" is, and I find myself with Officer
18 Liddy. And I tell him, you know, "We got a gun. I
19 recovered a gun," and I hand it to him.

20 Liddy has this sort of way of, "Oh." And he
21 said something to that effect and then he goes, "Oh,
22 we'll have to see who goes for this," that type of tone.

23 Q Did you tell him that you found it under a car
24 or on a tire?

25 A Yes.

2876

01 Q And he said -- he still said, "We'll see who

02 goes for it"?

03 A Right.

04 Q Okay.

05 A After I handed him the gun, I went back to
06 where I was over here originally and I stayed there for
07 a little bit longer until everything was handled.

08 Q Okay. Do you remember seeing the people
09 searched? I know it's just a standard gang call, but do
10 you remember seeing anybody being searched?

11 A I remember that I walked over, and there were
12 some speakers and some beer knocked over and some things
13 like that.

14 I remember that, yeah, that there were some
15 people that had been searched. I don't know if all of
16 them were searched. I know I remember seeing a couple
17 of people getting searched.

18 I know that I walked from where the "X"
19 indicates, I eventually walked over to this area where
20 the D.J. was and looking at all his whole setup.

21 And I remember him -- asking him, you know,
22 was he hired to this party. And he said yeah, and he
23 said he just went to put his equipment back in his car
24 and stuff like that. I remember that.

25 Specifically, do I remember everybody getting

2877

01 searched? No. I think I remember seeing a couple
02 people getting patted down, but I don't remember
03 everybody getting searched.

04 Q Was anybody proned out during the incident
05 that you remember, anybody laying facedown?

06 A I don't remember seeing anybody laying
07 facedown.

08 Q Anybody on their knees?

09 A Someone being on their knees is possible. I
10 want to say when these people here were initially
11 detained by the D.J. booth, they were probably on their
12 knees -- or from what I remember, they were on their
13 knees and they were being escorted -- or told one by one
14 to stand up and walk over on this side.

15 Q Okay.

16 A Lined up. I think when they lined up here,
17 they were standing. But I think when they were over in
18 this area by the D.J. area, they were initially
19 originally on their knees.

20 Q Let me ask you this: Did it appear when you
21 arrived there that any officers had already seen a gun
22 in the group? I mean was it that type of a tactical

23 operation?

24 A That someone had seen a gun?

25 Q From your experience rolling to gang calls

2878

01 where someone knows there's a gun in the group --

02 A Uh-huh.

03 Q -- at any time when you arrived there, was
04 there any indication that someone in that group had been
05 seen with a gun?

06 A No. We would've definitely communicated
07 that. We used certain terms in CRASH to let, you know,
08 the other CRASH officers know that, you know, we
09 definitely seen a gun.

10 For example, if we -- if someone saw a rifle
11 or something like that they'd say, "We have a confirmed
12 long item," "long item" meaning a gun, or a short item.

13 We try to say that so that the rest of the
14 guys, patrol officers or other supervisors, won't know
15 what we're talking about.

16 But we used those kind of terms so that us
17 CRASH officers responding, we know what we're talking
18 about, that we have items, confirmed items, you know, at
19 the location. And at no time while we were responding

20 to this was there any communication of any items being
21 seen.

22 MR. MC KESSON: That you recall?

23 THE WITNESS: None that I can recall.

24 BY DETECTIVE SKAGGS:

25 Q Okay. So you notified Liddy that you found a

2879

01 gun. What happens after that?

02 A After the statements that he made?

03 Q Yeah.

04 A I went back eventually back here to where the
05 "X" is marked and watched these guys get lined up. Like
06 I said, at some point I go back to the D.J. area.

07 For some reason I want to say that the D.J. is
08 sort of like a Hispanic-Filipino looking type of guy, a
09 young guy, had a couple of speakers and a couple crates
10 of records. And he was concerned with wanting to get
11 his equipment out of there and leaving.

12 I know eventually defendants were transported
13 back to the station and we left the location.

14 Q From the time you arrived there till the time
15 you left, any idea how much time you were in that
16 parking lot?

17 A I'd be totally guessing. I mean I would be
18 guessing. I don't know exactly how long.

19 Q Do you know how many people were transported
20 back to the station?

21 A Total amount of people? No, sir.

22 Q Most of them, all of them?

23 A Quite a few.

24 DETECTIVE BARLING: Okay. What have you got,
25 Chris?

2880

01

02 FURTHER EXAMINATION

03 BY DETECTIVE BARLING:

04 Q How many times, counting this time, before
05 this time, and after this time, do you think you
06 responded to this location with 415 groups, whether it
07 be a group of gang bangers or a 415 party, or was this
08 the only time you think you had ever gone to that
09 location when you worked Rampart for a 415 gang party?

10 A I've been -- subsequent to this I had been
11 there on several occasions. Before this, this was
12 probably --

13 Q This occurred in April of '96, so --

14 A Right. I may have been there a few times. I
15 mean since then, you know, '97, '98, obviously I've been
16 there a lot more. But up until that point, I had only
17 been in Rampart for about a year, so I had probably been
18 there a few times.

19 Q So you've been there probably more than 10
20 times?

21 A Yes.

22 Q In the course of your career?

23 A Yes.

24 Q For those type of group parties?

25 A This was a common area for a party, yes.

2881

01 Q So -- I'll go to the next one.

02 At what point do you think, if you could
03 recall, that the airship got there? Was it at the
04 point -- you said it didn't get there initially.

05 Was the airship there before you recovered the
06 gun, after you recovered the gun, if you could recall?

07 A If I had to say, from my recollection, it is
08 my opinion that the air unit would've gotten there after
09 I had recovered the gun.

10 Q Okay.

11 A There were still no lights that I can remember
12 or any helicopter overhead.

13 Q Do you remember if the helicopter lit up where
14 you were at, lit up other areas, if the helicopter was
15 there and never lit you up and maybe used the flare
16 system or something else?

17 Do you recall the helicopter at all and what
18 it did when it responded there?

19 A At some point I remember the helicopter being
20 there.

21 Q Okay.

22 A Did he flare the area, I don't know. Did he
23 have light when he eventually showed up? Yeah, he had
24 his lights on, his spot light but he -- in my opinion,
25 he definitely arrived after I had recovered the gun.

2882

01 Q Okay. When you first got there and you're
02 getting out of your car --

03 A Uh-huh.

04 Q -- from that point until you left there, did
05 you see anybody in this group run?

06 A No. When -- when I arrived, like I said,
07 people were already detained. There was nobody

08 running. Or, at least, none that I saw. Nobody
09 running.

10 Q Okay. And you've looked at this arrest report
11 before?

12 A Yes.

13 Q If you look at it again, there is a --
14 probably about -- if you number this second page so I
15 can refer it to you.

16 This part here. I think it's about the third
17 paragraph or second paragraph down under "Observations"
18 where it says, "The officers observed someone run by a
19 car, stay down between the car. The airship came over,
20 lit them up, and the suspect stood up, "I don't got a
21 gun. Don't shoot me."

22 Do you ever recall that happening when you
23 were at that scene?

24 A That never occurred. Not in my presence,
25 anyway. Never occurred.

2883

01 Q Okay. At the point -- I'm going to skip to
02 the next line of questioning so that's -- when you said
03 that -- you earlier said people were by this booth,
04 maybe down on their knees, and then ordered to this line

05 area standing up, do you recall were they standing up
06 with their arms up in the air, with their arms behind
07 their back, if they were just standing there, or were
08 they in some other position?

09 A I want to say that I remember them with their
10 hands on their heads, but I'm having a real tough time
11 remembering that.

12 Q Okay. When you told -- at the point you said
13 an officer flagged you over, you recovered a weapon, you
14 brought it to Officer Liddy, and Liddy made a statement
15 to the effect that, "Okay. Somebody's got to go for
16 this," or something to that effect, was anyone else
17 there or do you think anyone else was present that heard
18 Liddy make that statement when you handed the gun?

19 A It's my -- I believe that Harper may have
20 heard it. When I walked over I believe there was
21 somebody walking behind me. And I think it was Sergeant
22 Ortiz and maybe Officer Richardson, but I'm not a
23 hundred percent sure.

24 Again, you know, I'm walking towards him.
25 And what I do remember is that Liddy quickly turning to

2884

01 Sergeant Ortiz and started talking to him. But was

02 Sergeant Ortiz in a position to hear it? I don't know.

03 But I think at least Harper heard it -- heard him.

04 Q If you were coming to a 415 -- if Officer
05 Liddy and Harper were at a 415 gang crew and you were
06 responding to that group --

07 A Yes, sir.

08 Q -- and you immediately got out of the car and
09 Officer Liddy and Harper had just saw someone, like they
10 said in that report, get between a car and place a gun
11 there, what would they normally do to alert you or would
12 they alert you of their observations and how would they
13 do that?

14 MR. MC KESSON: Can you ask more clearly the
15 question?

16 BY DETECTIVE BARLING:

17 Q Yeah. I probably talk just as fast as you do
18 so you have to excuse me.

19 A Most definitely I would've been advised.
20 Definitely my gun would've been drawn. Officer Liddy,
21 and his partner and everybody else's gun would've been
22 drawn. Absolutely would've been notified of where this
23 person -- would've advised where this person was or was
24 running to or what direction.

25 Something would've been communicated at least

2885

01 either over the radio or if we were in close proximity,
02 he would've told me, "Hey, you got one running that
03 direction or between the cars."

04 Some kind of communication would've been had.
05 Again, the officers would've had their guns drawn.
06 Something.

07 Q If they saw someone drop a gun by a car and
08 you're there and their guns are drawn, what are they or
09 how are they going to deal with that suspect?

10 What would be the next thing they would do
11 normally?

12 A We absolutely have to handle that situation
13 first. We're either going to prone him out, we're going
14 to order him out.

15 We're going to -- first of all, we're going to
16 probably take some kind of cover. We're going to order
17 him out from out of the car and then immediately search
18 the area for the weapon. That would've been the
19 minimum.

20 Q And if that was happening along in conjunction
21 with this other group of people at the D.J. booth,
22 that's how you would handle that situation normally?

23 A Yes.

24 Q That were the tactics that Rampart CRASH and
25 that you and the others were trained with?

2886

01 A Yes.

02 Q Okay. So if you saw someone with a gun, you
03 would control or isolate that suspect, prone him out,
04 and control the rest of the groups.

05 And that would've been communicated to you
06 verbally, also by actions that you would observe, the
07 officers drawing their gun.

08 Would you use any other kind of hand actions
09 or did you have any other things to notify a partner or
10 a fellow CRASH officer if you observed someone just drop
11 a gun or Liddy observed someone just drop a gun?

12 A That's -- I mean not just what we have
13 communicated verbally, but if need be, we would've --
14 most likely, we would've communicated that over the
15 radio so that everyone at the scene knows we have a
16 suspect running through the parking lot with a gun.

17 I mean that's not even a question. We
18 definitely would've communicated that.

19 MR. MC KESSON: So you're saying officer safety?

20 THE WITNESS: Yes. And, secondly -- that's what I
21 was going to get to -- for officer safety, I mean that
22 would've been -- I mean that is the immediate threat. A
23 known suspect with a gun, that is the immediate threat.
24 We have to handle that one first.

25 You know, besides breaking up the party, we

2887

01 have to handle the threat with -- a man with a gun in
02 front of us or running right next to us or whatever it
03 is. So that would've been clearly communicated with
04 everyone there, that man with a gun running.

05 BY DETECTIVE BARLING:

06 Q Okay. In your opinion, based on your
07 knowledge, was Officer Liddy tactically sound? Was he
08 good with tactics?

09 MR. MC KESSON: Are you talking about in general?

10 DETECTIVE BARLING: In general and specifically
11 with this type of situation we're talking about, a man
12 armed with a gun where they observed someone run and
13 drop a gun.

14 MR. MC KESSON: Detective, the only problem I have
15 with that question is -- I can see the first question,
16 what is his opinion of Officer Liddy.

17 DETECTIVE BARLING: All that opinionwise.

18 MR. MC KESSON: But the second question, I mean it
19 seems like it's kind of unfair. It seems like his
20 responses indicated that the report may not be true in
21 that regard. And so it's difficult.

22 Like do you want him to assume, if the report
23 was true, was that technically correct or -- I'm lost.

24 BY DETECTIVE BARLING:

25 Q Disregarding the report altogether, if you

2888

01 were to respond, in your opinion -- and this is all his
02 opinion.

03 MR. MC KESSON: No, no. I understand it's opinion.

04 BY DETECTIVE BARLING:

05 Q I'll break it down one at a time. And in your
06 opinion, Officer Liddy's tactics, disregarding this
07 incident, if you respond to something Officer Liddy did
08 tactically with a man who was armed with a gun, in your
09 opinion, did he have sound tactical judgment in those
10 type of situations?

11 A I think with Officer Liddy and his background
12 and the training that we've had, that it's really
13 obvious that Officer Liddy is a very tactical officer.

14 He was made one of the leaders of CRASH unit because of
15 that reason, because of his tactics and knowledge.

16 So if your question to me again is Liddy well
17 aware of what tactics are and does he employ good
18 tactics, my answer is yes.

19 Q And those are from observations you've
20 observed Officer Liddy in the past?

21 A On many occasions that we've had situations
22 where there's guns involved and robberies with guns,
23 absolutely. Yes.

24 Q Now the same question with Officer Harper.

25 A They're partners. They've been working

2889

01 together for some time, both in patrol and in CRASH.
02 And, again, they both go through the same training that
03 we -- we went -- at least monthly we'd have training.

04 And, I mean, as far as armed suspects, we take
05 that as one of the biggest threats. That's obviously --
06 you know, you've got a life-threatening situation.

07 Officer Harper is also an officer who is
08 definitely -- has been trained and is very familiar with
09 tactics and armed suspects.

10 Q With those answers in mind, if Liddy or Harper

11 observed a man with a gun and then in turn the airship
12 arrived, what, if anything, by your training and
13 experiences with both of them would they have done with
14 an airship, if you understand what I'm --

15 MR. MC KESSON: Do you understand the question?

16 THE WITNESS: You're asking me what would
17 he have relayed or communicated with the air unit --

18 BY DETECTIVE BARLING:

19 Q Yes.

20 A -- about -- well, I think the first thing he
21 would've -- he may have put out an assistance call, he
22 may have not.

23 But at minimum he would've said, "2 CRASH 22,
24 we've got a 415 man with a gun running westbound through
25 the parking lot. He's wearing this or he's wearing

2890

01 that. Advise officers that are running towards the air
02 location. You've got officers standing out there.
03 Advise them that you got a suspect running towards
04 them," something to that nature.

05 "Air unit, can you see the defendant? He's
06 running northbound or westbound to the north side of the
07 parking lot," something to that effect.

08 Q Clearly, in your mind, they would've
09 communicated via the radio to the airship what they
10 observed?

11 A Absolutely. Absolutely.

12

13 FURTHER EXAMINATION

14 BY DETECTIVE SKAGGS:

15 Q Perez, did you hear any music playing from
16 this D.J. at any time? Was there any music coming from
17 that D.J. in the parking lot?

18 MR. MC KESSON: That you recall.

19 THE WITNESS: By the time I got there?

20 BY DETECTIVE SKAGGS:

21 Q Yeah.

22 A I don't remember hearing -- I don't remember
23 hearing the music. I don't remember hearing any. I
24 mean it doesn't stand out. I'm not saying that there
25 wasn't, but I'm just saying at this point I don't

2891

01 remember hearing the music.

02 Q But do you remember it being a fully set up
03 D.J. system, all the speakers?

04 A Yeah. Yes.

05 Q Okay. And then I don't know if you gave it in
06 prior statements, but the officer who directed you to
07 the gun?

08 A Yes, sir.

09 Q What did he look like?

10 A Male Hispanic, light skin, black hair. How
11 else can I describe him? He was in uniform, he was a
12 patrol officer, and I believe his name is Officer Mejia.

13 Q How do you know that? I mean did Internal
14 Affairs show you photos or how --

15 A I was shown, I believe, several photos of
16 several people in a prior interview. And I remember
17 seeing his picture, and I remember him being the one
18 that directed me to the gun.

19

20 FURTHER EXAMINATION

21 BY DETECTIVE BARLING:

22 Q In any of these numerous interviews, have you
23 per chance maybe overheard his name being the officer?
24 If you can recall.

25 MR. ROSENTHAL: I think he just answered. He just

2892

01 answered the question.

02 THE WITNESS: I mean I had a clear recollection
03 that a patrol officer had directed me to the gun. And I
04 had a picture, you know, of what he looked like. I just
05 didn't know -- I didn't really know him by name very
06 well.

07 But I believe I had said if I saw his picture,
08 I might be able to, you know, say, yeah, that's him or
09 not him. And I was shown several pictures. And I
10 remember seeing his picture. In my mind, it refreshed
11 my memory that that was the officer that directed me to
12 the gun.

13

14 FURTHER EXAMINATION

15 BY DETECTIVE SKAGGS:

16 Q I had one other question. How many officers
17 at the scene -- do you have any idea who knew that the
18 gun was found in a car and not on a body?

19 A I think Officer Richardson would've known. I
20 believe Officer Mejia would've known. I would've known.
21 Officer Tovar would've known. Sergeant Ortiz would've
22 known. Officer Harper would've known. Officer Liddy
23 would've known.

24 There was one, two, maybe three additional
25 officers that were standing in the area of the vehicle,

2893

01 to the right of the vehicle and to the rear, that were
02 standing there when I walked out from -- from coming
03 from in front of the vehicle, from recovering the gun, I
04 turned in that direction facing towards Hartford to make
05 the gun safe, to remove the clip and get the -- the
06 round out of the magazine.

07 So they all saw me coming out of between the
08 cars, coming from the tire of the vehicle, with the
09 weapon that I had just recovered. I don't know who they
10 are, their names or anything, but they would've been in
11 position to see me recovering the gun.

12

13 FURTHER EXAMINATION

14 BY DETECTIVE BARLING:

15 Q Other than the officers you just mentioned, do
16 you recall any other officers being at that scene?

17 MR. MC KESSON: Other CRASH officers or any
18 officers, period?

19 BY DETECTIVE BARLING:

20 Q Any other officers, period, whether they be
21 CRASH or patrol or --

22 A Like I said, I know there was at least three

23 other patrol officers there. I don't know their names.

24 Q That's fine. If you don't recall, you don't
25 recall. Do you recall ever Officer Martinez or Officer

2894

01 Mc Neil being at the parking lot?

02 A You know what, I really don't remember seeing
03 their face. I don't remember -- it doesn't stand out.
04 I don't remember seeing their face.

05 Q Do you recall any of the detainees in your --
06 as we sit here today, do you recall any of the
07 detainees, who they were?

08 A No, sir.

09 Q Okay.

10

11 FURTHER EXAMINATION

12 BY DETECTIVE SKAGGS:

13 Q Do you remember Sergeant Dickerson at the
14 scene, Ron Dickerson? Do you know who that is?

15 A Yes, sir. And I just don't -- I'm not saying
16 he wasn't there, but I just can't see his face. For
17 some reason, it just doesn't stand out. I mean he may
18 have been there, but I just don't remember seeing him.

19 Q Let me ask you if -- say you guys did a --

20 someone in the unit did a dirty caper like this.

21 A Yes, sir.

22 Q Did you guys try to keep it a secret from
23 Sergeant Richardson? Did the unit -- Dickerson, did the
24 unit try to keep it from him?

25 Could you have done an arrest and him never

2895

01 found out that a body was arrested?

02 MR. MC KESSON: Those are two different questions.

03 Seemed like one question you tried to ask him is

04 Dickerson familiar with certain shenanigans.

05 BY DETECTIVE SKAGGS:

06 Q Right. Would you keep a dirty situation a
07 secret from Dickerson?

08 A Sergeant Dickerson was certainly no Sergeant
09 Ortiz. With him, we would try and give him our version
10 with a smile.

11 Whereas, with Sergeant Ortiz, we'd tell him
12 exactly what happened and what we were doing. Would he
13 have known that something occurred, we found a gun but
14 didn't know somebody was arrested? Absolutely not.

15 I mean he reads the sergeants' logs. He does
16 some of the sergeants' logs. He reads -- we make a copy

17 of every arrest report and put them in their boxes, the
18 supervisors' boxes. So he would've known that we made
19 an arrest.

20 Would he have known necessarily that this gun
21 was planted on somebody? Probably -- I don't know, you
22 know. In some situations he might have known some
23 things. But in others, you know, if we could've at all
24 avoided not telling him, we would've not told him.

25 MR. MC KESSON: You're talking about if you

2896

01 could've avoided telling him, you wouldn't have told
02 him?

03 THE WITNESS: If I could've avoided telling him, I
04 would've avoided it, right.

05

06 FURTHER EXAMINATION

07 BY DETECTIVE BARLING:

08 Q If it was a shenanigan case, you would not
09 tell Sergeant Dickerson, "We just pulled a shenanigan."
10 You would tell him a cleaned-up version?

11 A Right. Yes.

12 Q And if he were to know something was amiss,
13 you're assuming he would know by reading sergeant logs

14 the next day or the arrest report and, if he was at the
15 scene, realizing what he saw and went in the arrest
16 report or -- is different.

17 A I think before it would've gotten to him
18 reading arrest reports or sergeants' logs, I'm sure
19 Sergeant Ortiz would've talked to him.

20 Q So either he had to read logs to know there
21 was a shenanigan or Sergeant Ortiz or some other officer
22 would've had to tell him?

23 A Yes, sir.

24

25 FURTHER EXAMINATION

2897

01 BY DETECTIVE SKAGGS:

02 Q Did he have any respect in your unit?

03 A Sergeant Dickerson?

04 Q Yeah. Did the guys like him?

05 A Yes, sir.

06 Q They didn't avoid him or turn their backs on
07 him or anything?

08 A Sergeant Dickerson was very good
09 administrativewise. Sergeant Dickerson was I believe
10 the captain's adjutant.

11 So for us, as far as things out in the field,
12 we would definitely turn to Sergeant Ortiz. He was a
13 good -- well, at the time, in our eyes, he was a good
14 field supervisor to, you know, cover things up and
15 things like that. He knew how to handle things out in
16 the field.

17 Sergeant Dickerson was good administratively.
18 If a complaint came down, he knew how to handle it. He
19 knows where all the hoops were that -- those types of
20 sergeants that would take care of those kind of things
21 for us.

22 But -- I'm sorry. But, yes. The question
23 was, was he respected? Yes, he was respected in the
24 unit and liked, yes.

25 Q The report that was prepared, do you know how

2898

01 many people -- well, did you guys -- the report that was
02 prepared, do you know who viewed it after -- after it
03 was signed and approved and processed?

04 A I would have no direct knowledge as to who
05 actually read the report, no, sir.

06 Q Do you remember if you guys ever debriefed
07 this incident the next day or at any time after?

08 A I believe it was briefed, yes, sir, at roll
09 call the next following working day, yes.

10 Q You remember that?

11 A I remember us discussing it, certain aspects
12 of the whole situation, something didn't go right
13 tactically.

14 When we'd discuss it at roll call, we actually
15 discussed it, as far as the arrest went, how it was
16 written. But then we discussed it tactical situation,
17 the fact that we had -- we just had too many patrol guys
18 there or, you know, what -- "Have these patrol officers
19 act as an outer perimeter, and you guys work the inner
20 perimeter. Don't let them inside the inner --" things
21 like that is what we would've discussed as far as
22 tactical situations.

23 "We should've maybe covered -- had someone in
24 the building covering the upper -- you know, been up in
25 the roof looking down, at least. We should have at

2899

01 least had that prior to moving in," things like that.

02 But I do remember us discussing it, something
03 not being right about it. And I'm not talking the
04 arrest not being right; something tactically not being

05 right.

06 Q Do you remember anything ever being discussed
07 of they saw someone with a gun?

08 A No.

09 Q Bad tactics as to they saw a suspect with a
10 gun and that being a problem in the debriefing?

11 A No, sir.

12 Q Okay.

13 A That wasn't what was discussed. It was more
14 of, I think, personnel and where they were positioned.

15 MR. MC KESSON: That you recall?

16 THE WITNESS: That's my memory, yes.

17

18 FURTHER EXAMINATION

19 BY DETECTIVE BARLING:

20 Q So you don't recall discussing the body of the
21 arrest report. You just recall tactics dealing with the
22 other officers involving with CRASH officers?

23 A No. We did discuss the arrest. But, like I
24 said, what was discussed about the arrest was exactly
25 how it was written which, obviously, we knew that it

2900

01 wasn't the way it was written.

2901

01 Q Just a few questions. When they were
02 discussed at roll call, for example, is it the author of
03 the report? In other words, would Liddy be the one who
04 does the recapping? Would it be Harper? Would it be
05 one of you guys out at the scene?

06 How does the recapping go at the roll call?

07 A It would be the officers who made the actually
08 arrest, Liddy and Harper in this case. They would
09 discuss, you know, what was written on the report.
10 Basically, they would tell us what occurred as they
11 wrote it on the report.

12 Q Okay. Do you specifically recall the roll
13 call after this incident?

14 A I recall it because we had discussed some
15 tactics about the party itself. Not the actual arrest,
16 but the tactics, some of the things and personnel that
17 were at the scene.

18 Q And was it Liddy who was at least discussing
19 the arrest report? Do you recall?

20 A When we discussed tactics, we all discussed
21 the tactics, but the officer that made the arrest
22 discussed the arrest. That's it.

23 Q Okay. So Liddy and Harper were present at
24 that roll call and they were discussing the arrest
25 report?

2902

01 A Yes.

02 Q Okay. Going back to the scene, when you
03 arrived, you placed a small "X" for where you were
04 initially standing, I think?

05 A Yes, ma'am.

06 Q How many other officers -- even if you don't
07 know them by name, but how many officers were inside the
08 parking lot area at that point?

09 MR. MC KESSON: Have you been interviewed on this
10 issue before?

11 THE WITNESS: I'm sure I have. I wasn't certain
12 then, and I'm not certain now. But if I had to take a
13 guess, I would say that there was at least --

14 MR. MC KESSON: Let the record reflect he's pausing
15 for a moment.

16 THE WITNESS: I was just trying to picture it in my
17 mind how many officers were on the right-hand side of
18 the parking lot and how many officers I saw on the
19 left-hand side of the parking lot. And you're talking

20 about when I initially arrived?

21 BY MS. LAESECKE:

22 Q Correct. Let me make sure that you understand
23 my question. You had said that when you arrived there
24 were some officers who were still -- I'll clarify my
25 question just to make clear that you understand the

2903

01 question that I'm asking.

02 When you first arrived, I believe your
03 testimony was that there were other officers who maybe
04 had just arrived I think you had said maybe 45
05 seconds -- and I realize that's a guess. I'm not
06 holding you to that -- just prior to you. And it sounds
07 like to me that you were kind of all converging in the
08 parking lot.

09 Is that true?

10 A Yes, ma'am.

11 Q As you're converging into this parking lot,
12 are there other officers besides Liddy and Harper, even
13 if you don't know who they are, who were already inside
14 the parking lot?

15 A Yes.

16 Q Do you know just -- just generally how many?

17 A From my recollection and the one person that
18 definitely stands out was Liddy out at the far end of
19 the parking lot. I'm all the way on this side. He's on
20 this side of the parking -- as I'm looking at the
21 picture, the lower left-hand --

22 Q The west part?

23 DETECTIVE BARLING: For the record, he indicated he
24 was on the east end of the parking lot and Liddy was on
25 the west end of the parking lot.

2904

01 THE WITNESS: And along with Liddy, I remember
02 seeing at least three other officers on that side of the
03 parking lot. As I'm coming in on this side of the
04 parking lot, there's at least -- me and my partner and
05 at least three or four patrol guys that are already
06 there on this side of the parking lot, on the east side.

07 BY MS. LAESECKE:

08 Q So with you? In other words, coming in maybe
09 simultaneously right behind, maybe right in front of
10 you, but generally coming in as a group?

11 A Yes, ma'am.

12 Q And then my question sort of goes to does
13 the -- the patrol officers, whoever they might be, Mejia

14 or anybody else, are they fanning out across the parking
15 lot? Are they looking --

16 The area that you marked on that picture also
17 could be on the north side of the lot. And my question
18 is are they fanning out all over the lot? Are they just
19 focusing on the north side of the lot? Can you tell?

20 A I know when I walked into the lot and where I
21 eventually ended up where the "X" is, when I walked past
22 them there was at least three officers on the northern
23 part of the parking lot. I don't remember them fanning
24 out.

25 Now, once I went past them and I stood about

2905

01 where this "X" is now, if they fanned out, I don't --
02 you know, I really don't remember.

03 I know when I eventually went back to the
04 vehicle and recovered the gun, I remember seeing about
05 three officers still -- uniform officers in this little
06 area right here on the east side of the parking lot,
07 northeast part of the parking lot.

08 Q So were you visually seeing the patrol
09 officers as they were searching as you're standing at
10 that "X"?

11 A No, no, no. You lost me there because I
12 haven't said that -- do you want to come over here and
13 look at this?

14 Q I'm pretty familiar with the picture, so --

15 A When I approached the parking lot and I ended
16 up where this "X" is, as I passed the sidewalk here,
17 there was about three or four patrol officers right
18 about here.

19 Q Okay. And then you don't know where they went
20 from there?

21 A Once I went past them and ended up here where
22 this "X" is, I don't know exactly where they -- if they
23 might have flared out or not. I know that once I went
24 back to the vehicle and recovered the gun and walked out
25 and stood about here to render the weapon safe --

2906

01 Q You're talking about the east side of the lot
02 close to the entrance?

03 A Yes, ma'am. There was still about three or
04 four officers right about here. So I don't know if
05 additional officers arrived and they were in this south
06 side or not, so --

07 Q How did the patrol officer Mejia, as you now

08 know his name to be, how did he get your attention? Did
09 he call out your name? Was he standing behind you? Did
10 he walk in front of you?

11 A I'm standing about where the "X" is and he
12 gets my attention, "Hey, you know --"

13 (Discussion off the record)

14 DETECTIVE BARLING: We're back on tape -- B side of
15 228536. It's 1510 hours.

16 THE WITNESS: As I was saying, from where I was
17 standing here, I heard Mejia say, "Hey." And he -- I
18 looked in his direction, and he kind of waved me over
19 with his finger to where he was at, which would've been
20 closer to the vehicle.

21 As I walked over to him, he said, "Hey, you
22 know you've got a gun over here." And he's pointing to
23 the tire. And I walked over and I noticed the weapon,
24 and I went in and recovered it.

25 BY MS. LAESECKE:

2907

01 Q Okay. When you go and get it, do you say
02 anything, "Short item"? Do you go on the radio and say,
03 "Short item"?

04 Do you make any indication to any other

05 officer who may or may not have been in that parking lot
06 area or the perimeter or what have you to indicate that
07 you found a weapon?

08 A No, ma'am. I recovered the weapon. I walked
09 over to the northeast part of the parking lot, rendered
10 it safe, and then I began walking over to where Liddy
11 was in the east side of the parking -- west side of the
12 parking lot. I'm sorry.

13 Okay. I'm sorry. I just want to just clarify
14 something.

15 Q Certainly.

16 A That one of the reasons -- I mean when this
17 call came out and the backup was requested, it was a
18 CRASH unit requesting the additional units. In Rampart
19 and in Rampart CRASH, you know that that means he wants
20 CRASH officers. He requested three additional CRASH
21 units, not patrol units.

22 When patrol units show up, they generally know
23 to sort of like just hang back, let the CRASH units
24 handle it.

25 And they also know that if they see something

2908

01 or there's something that -- a weapon or some type of

02 evidence, they'd rather let a CRASH officer recover it
03 because it just -- it sort of fits with the continuity
04 of the investigation.

05 MR. MC KESSON: So is that your understanding why
06 Mejia would've brought it to your attention instead of
07 retrieving the gun himself?

08 THE WITNESS: Which is why Officer Mejia would've
09 directed me to recover it instead of him touching it,
10 yes.

11 BY MS. LAESECKE:

12 Q And I do understand that. And my question
13 becomes you had said, for tactical reasons, that it
14 makes sense to let the other officers at the scene know
15 when a gun has been recovered?

16 Did I understand you correctly?

17 A No, ma'am. What we were talking about was
18 when we make -- for tactical reasons, advise everybody
19 else that there's a suspect --

20 THE REPORTER: I'm sorry. I need you to slow down.

21 MR. MC KESSON: Do you think we should take a
22 10-minute break? Because I know you've been going for
23 quite a while.

24 (Discussion off the record)

25 THE WITNESS: What we were talking about was when

2909

01 we have suspects running through a parking lot or
02 something like that, we would definitely advise via
03 communication, via the radio, via hand signals, some way
04 that we -- you know, because it's a dangerous situation,
05 that we have a suspect running through the parking lot
06 with a gun.

07 I wasn't talking about, you know, I see a car
08 oh, there's a gun inside that car or there's a gun under
09 that tire. I don't need to broadcast it to the world at
10 that point. Absolutely not. It's different levels of
11 emergency circumstances.

12 BY MS. LAESECKE:

13 Q Okay. Did you ever see any of the officers
14 who responded to the scene, even if you don't know who
15 they were, go to the Witmer side of that area?

16 The parking lot, as I understand it, spans
17 both from Hartford. And there's a fence. And there's a
18 slope. And there's another parking lot. And there's an
19 entrance on Witmer, or an exit, entrance and exit.

20 Did you ever see any of the patrol officers go
21 over to the Witmer side of the parking lot down the
22 slope?

23 A No, ma'am.

24 Q Did you ever see any gang members run down the
25 slope, one or more of them, towards the Witmer side of

2910

01 the parking lot?

02 A I did not.

03 Q How close was Harper to Liddy when you gave
04 Liddy the gun?

05 A He was standing -- Liddy was facing -- where
06 this "A" is, Liddy was facing -- that's north, right?
07 Liddy would've been facing in a northerly direction.
08 And Harper would've been just in front of him, maybe
09 two, three feet in front of him when I handed him the
10 gun.

11 Q Did you ever see Harper look in the direction
12 of you yourself on handing the gun to Liddy?

13 A Yeah, he saw me handing him the gun,
14 definitely.

15

16 FURTHER EXAMINATION

17 BY DETECTIVE BARLING:

18 Q What about Sergeant Ortiz, where was he in
19 relationship to that?

20 A Again, when I recovered the gun, I saw
21 Sergeant Ortiz near me. But I'm walking over to Liddy
22 and I -- I'm pretty positive that I was -- it was him
23 walking behind me. But as I'm handing Liddy the gun, he
24 would've been behind me, so I can't see what he sees.

25 But I'm assuming that he saw it because, as

2911

01 soon as I handed him the gun, Liddy turns over and
02 starts talking to Ortiz. And I'm talking about a matter
03 of, you know, a small circle.

04 Q So is it fair to say that you don't know
05 exactly where Sergeant Ortiz is but after -- immediately
06 after you hand the gun to Liddy, he turns and talks to
07 Sergeant Ortiz?

08 A Yes, sir.

09 Q Okay. When you pull up, do you know if Liddy
10 pulled his car up or was O.P.'ing this parking lot? Do
11 you know where he was?

12 A No, sir. When I arrived he was already in the
13 parking lot.

14 Q Okay. On the communication tape we heard
15 earlier, you heard a help activation, "we're over"
16 activation, some 15, 16 minutes plus after the initial

17 request for additional CRASH units.

18 Do you remember, in relationship to that help
19 call or that help activation, had you already recovered
20 the gun or not?

21 A I don't even remember a help activation. I'm
22 sure it occurred, obviously, but I probably wasn't even
23 aware of it. I don't remember.

24 Q Okay. And then after these people were
25 detained and you said a portion of them, whatever

2912

01 portion it be, were taken back to Third and Union
02 station --

03 A Yes, sir.

04 Q -- do you remember being at Third and Union
05 station with those bodies there?

06 A I remember that I went to Third and Union,
07 yes.

08 Q Okay. And when those bodies were at the
09 station, did you have any dealings with these detainees
10 or do you recall that?

11 A I'm sure -- because what we do is we sit them
12 all on the benches that are there. And I'm sure at some
13 point I either obtained information to run some bodies

14 or things like. But do I remember the specific
15 conversations or who I talked to specifically? No, sir.

16 Q Would you ever -- not "would you," but would
17 anyone within that CRASH unit take all these bodies and
18 put them in a room as opposed to the bench?

19 A Put all of them in a -- in one room?

20 Q In an interview room or parts in one interview
21 room and parts in another interview --

22 A Sure.

23 Q -- as opposed to a long bench?

24 A Well, yeah. I mean depending on the number of
25 suspects, you put as many as you can on a bench, some in

2913

01 this interview room, the one that's -- when you first
02 walk in and the one around the corner. Yeah, that's
03 common.

04 Q Do you have any independent recollection of
05 any interaction with these detainees at the station?

06 A Myself?

07 Q Right.

08 A I know I talked to them. I just couldn't tell
09 you who I talked to or what I talked about.

10 Q Do you remember any of the other officers,

11 CRASH officers, detective, any officer having any -- any
12 interaction with the detainees at Third and Union
13 station?

14 A You know, in my mind, picturing it, I
15 absolutely see some officers talking to defendants.
16 Again, I don't know what's being asked or, you know, if
17 they were just obtaining information for an F.I. card.

18 But, yeah, I mean I could see Liddy, I could
19 see Harper, I could see several officers talking to
20 several people. I mean we were trying to get things --
21 you know, information. But what the conversations were,
22 I couldn't tell you.

23 Q If you had these -- let's say hypothetically
24 10 bodies came to Rampart station, Third and Union.

25 A Yes, sir.

2914

01 Q Clearly by the arrest report, you know
02 somebody was going to jail for a gun because Liddy
03 picked one of the 10.

04 How would it be determined, what would be the
05 M.O. or what would be -- how would you -- how would
06 Liddy decide which one of these 10 to pick to go for the
07 gun, if you know?

08 MR. MC KESSON: And the question was -- okay.

09 THE WITNESS: Generally, we don't like booking
10 misdemeanors. Generally, we'd find out what their rap
11 sheets were.

12 And, generally, most times we'd find -- we'd
13 take the guy who had a felony conviction and was either
14 on felony probation or on parole or had some type of
15 felony conviction so we could make it -- the charge
16 ex-con with a gun. I believe it's 120 -- or 12101(a),
17 ex-con with a gun, if I remember correctly. It's been
18 awhile. But we definitely would go with a felony and
19 whoever had the -- you know, the felony to support it.

20 BY DETECTIVE BARLING:

21 Q In this case you don't specifically remember
22 how they choosed Mr. Lopez?

23 A That was totally up to Liddy, whoever he
24 wanted to take.

25 Q What would happen with these other -- if there

2915

01 was -- hypothetically 10 bodies were taken to Rampart
02 station and one's going for this gun, what would happen
03 with the nine other bodies?

04 A They would just get kicked loose.

05 Q Okay. Kicked loose after --

06 A After being spoken or talked to or
07 interviewed, after Liddy figures out who he's going to
08 end up taking, and everybody else would get released
09 right there.

10 Q Would you release -- would you release the
11 group as to nine? Would you release them one by one?

12 A We'd probably release a couple at a time or,
13 you know, maybe one or two at a time, you know, with a
14 few minutes in between.

15 Q As a CRASH unit, and, now, in this case you
16 had Lobos going to jail, if there were -- if Lobos was
17 going to jail, would Harper and Liddy be the ones to
18 take him down to the glass house or Jail Division to
19 book him?

20 A Not necessarily.

21 Q Okay. And let's say, hypothetically, there
22 was another unit that had an arrest or two arrests and
23 they were still processing their bodies at Third and
24 Union. Would they take them or would anybody from the
25 unit maybe transport them down to the glass house?

2916

01 A It just depends on what we worked out. If

02 Liddy was going to be writing the report, I might say,
03 "Hey, you want me to process your body?" "Yeah. Sure."
04 I'd tell Sergeant Ortiz, "I'm going to process
05 his body. I'll be at the glass house," and I'd just
06 take the body.

07 Q So as the CRASH unit, if you had some bodies
08 or you did an investigation and you brought them all
09 down to the station, everybody kind of assists everybody
10 else as far as the administrative paperwork, booking a
11 body, running a body on a computer, maybe transporting a
12 body for medical treatment, or transporting a body down
13 to Jail Division. You all kind of assisted each other?

14 A Just about every time, almost every time.

15 DETECTIVE BARLING: That's all I have. Do you have
16 anything that you want to add?

17 Anything that you want to add, Ray?

18 THE WITNESS: No, sir.

19 DETECTIVE BARLING: Okay. That concludes this
20 interview at 1520 hours. Thank you.

21 MR. ROSENTHAL: We're off the record.

22 (Recess)

23 MR. ROSENTHAL: All right. We're back on the
24 record. It's 3:57 in the afternoon.

25

2917

01 FURTHER EXAMINATION

02 BY MR. ROSENTHAL:

03 Q Mr. Perez, you're still under oath.

04 Mr. Perez, very briefly, with respect to the
05 detention of Mr. Carlos Guevara, with respect to taking
06 him into custody for the INS, you had mentioned that
07 Officer Wang was your partner.

08 A I believe it was Officer Wang.

09 Q Would Officer Wang have known the purpose of
10 entering Mr. Guevara's residence or what was going on?
11 Basically the question is what would Officer Wang have
12 known on that occasion?

13 A That it was a slow night and INS wanted some
14 bodies. And we said, "All right. We'll go find one for
15 you." And we went digging, you know, to see who we had
16 that we knew that was in the neighborhood that we can go
17 pick up. And that's what we came up with. And, yeah,
18 he definitely knew what we were doing.

19 Q All right. You would've advised him of this
20 before you went?

21 A Yes, sir.

22 MR. ROSENTHAL: All right. That's it for that. Go

23 ahead with the next case.

24 SERGEANT YZGUERRA: Are we ready?

25 THE WITNESS: Is there any transcripts that you

2918

01 wanted me to read or anything?

02 SERGEANT YZGUERRA: That's at the back, if you look
03 all the way to the back after the arrest report.

04 THE WITNESS: Oh, I'm sorry.

05 MR. ROSENTHAL: Do you need time to review the
06 transcripts? All right. Let's go off the record for a
07 moment.

08 (Recess)

09 MR. ROSENTHAL: We're on the record. It's 4:02.
10 Mr. Perez, you're still under oath.

11 THE WITNESS: Yes, sir.

12 MR. ROSENTHAL: And ready to proceed.

13 SERGEANT YZGUERRA: This is the tape-recorded
14 interview for investigation number 994635. The D.R.
15 number in this case is 96-1122181. The court case
16 number is BA135887.

17 Today is April the 12th, the year 2000. The
18 time is four o'clock in the afternoon. The location of
19 the interview is South Section Internal Affairs,

20 441 West Exposition Boulevard in Los Angeles 90007.

21 Present to be interviewed is Rafael Perez.

22 The interview is being recorded on tape number 223380,

23 side A, being conducted by Sergeant Ray Yzguerra, serial

24 number 21400. My partner is Detective II Barry

25 Kirschenmann, serial number 23496.

2919

01 Also present is Sergeant Wes Buhrmester,

02 serial number 25214. The stenographer is Lynden

03 Glover. The deputy district attorney is Richard

04 Rosenthal. And the attorney for Rafael Perez is Winston

05 Mc Kesson.

06

07 EXAMINATION

08 BY SERGEANT YZGUERRA:

09 Q The arrest report that I have in front of me

10 is dated 7/30/96. Perez, did you make an arrest on that

11 particular day?

12 A Yes, I did.

13 Q Did you arrest Edward Villanueva?

14 A Yes, I did.

15 Q Can you explain the incident to me?

16 A [**** CI # 6 Information Redacted ****]

17 [*****]
18 [*****]
19 [*****]
20 [*****]
21 [*****]
22 [*****]
23 [*****]
24 [*****]
25 [*****]

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01 [***** CI # 6 Information Reacted *****]
02 [*****]
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17 [*****]
18 Q [**** CI # 6 Information Redacted *****]
19 [*****]
20 [*****]
21 A [**** CI # 6 Information Redacted *****]
22 Q [**** CI # 6 Information Redacted *****]
23 [*****]
24 A [**** CI # 6 Information Redacted *****]
25 Q [**** CI # 6 Information Redacted *****]

2921

01 [***** CI # 6 Information Redacted *****]
02 A [**** CI # 6 Information Redacted *****]
03 Q [**** CI # 6 Information Redacted *****]
04 A [**** CI # 6 Information Redacted *****]
05 [*****]
06 Q [**** CI # 6 Information Redacted *****]
07 [*****]
08 A [**** CI # 6 Information Redacted *****]
09 Q [**** CI # 6 Information Redacted *****]
10 A [**** CI # 6 Information Redacted *****]

11 [*****]
12 [*****]
13 [*****]
14 [*****]
15 Q [**** CI # 6 Information Redacted *****]
16 A [**** CI # 6 Information Redacted *****]
17 Q [**** CI # 6 Information Redacted *****]
18 [*****]
19 A [**** CI # 6 Information Redacted *****]
20 [*****]
21 [*****]
22 [*****]
23 [*****]
24 Q Okay. My question -- the Los Angeles Police
25 Department has a manual on informants and dealing with

2922

01 informants as far as section 544 and section 733.10.
02 Take a look at it and tell me if you followed the
03 policies and procedures regarding informants.
04 A As far as the procedure on how to go about
05 checking the undesirable informant file, checking for
06 warrants, getting a couple of signature cards, his
07 photo, his rap sheet, his wants and warrant checks, all

08 those procedures were followed, including getting his
09 photo.

10 The only thing that was not followed up on was
11 actually obtaining an informant number as well as
12 continuously keeping the file updated on him.

13 Q [**** CI # 6 Information Redacted ****]

14 [*****]

15 [*****]

16 [*****]

17 A [**** CI # 6 Information Redacted ****]

18 [*****]

19 [*****]

20 [*****]

21 [*****]

22 [*****]

23 Q [**** CI # 6 Information Redacted ****]

24 A [**** CI # 6 Information Redacted ****]

25 Q [**** CI # 6 Information Redacted ****]

2923

01 [*****]

02 A [**** CI # 6 Information Redacted ****]

03 [*****]

04 [*****]

05 [*****]

06 Q On that particular date you were working with
07 Officer Duarte.

08 A Right.

09 Q July the 30th, 1996. Do you want to take a
10 look at the lineup?

11 A It does indicate that I was working with
12 Officer Duarte. [*** CI # 6 Information Redacted ***]

13 [*****]

14 [*****]

15 [*****]

16 Q Who was going to be involved in the gun
17 transaction?

18 A It was supposed to be an older gentleman
19 that -- it was supposed to be the uncle of
20 Mr. Villanueva, an older gentleman that lived at the
21 house that was holding the guns for Mr. Villanueva.

22 Q If I would provide a name for you, would that
23 help you?

24 A If you provided a photo, it may help me. A
25 name, maybe it would help me.

2924

01 Q Pete Yague?

02 A Is he a male older Filipino?

03 Q Yes.

04 A That Yague name sounds familiar, but I can't
05 be positive unless I saw a photo.

06 Q I'm going to show you two mug photos of one
07 individual already identified [**** CI # 6 ****]
08 [*****]
09 [*****]
10 [*****]

11 A I do not recognize the male in the upper
12 portion of the --

13 Q The driver's license photo?

14 A Right.

15 Q Okay.

16 A I don't recognize him.

17 Q What about the photo on the left-hand side?

18 A That is Mr. Villanueva.

19 Q [**** CI # 6 Information Redacted ****]

20 A [**** CI # 6 Information Redacted ****]

21 Q [**** CI # 6 Information Redacted ****]

22 [*****]

23 [*****]

24 A [**** CI # 6 Information Redacted ****]

25 [*****]

2925

01 [*****]
02 [*****]
03 [*****]
04 [*****]
05 [***** CI # 6 Information Redacted *****]
06 [*****]
07 Q [**** CI # 6 Information Redacted *****]
08 [*****]
09 A [**** CI # 6 Information Redacted *****]
10 Q [**** CI # 6 Information Redacted *****]
11 A [**** CI # 6 Information Redacted *****]
12 [*****]
13 Q [**** CI # 6 Information Redacted *****]
14 A [**** CI # 6 Information Redacted *****]
15 Q [**** CI # 6 Information Redacted *****]
16 A [**** CI # 6 Information Redacted *****]
17 [*****]
18 [*****]
19 [*****]
20 Q [**** CI # 6 Information Redacted *****]
21 [*****]
22 [*****]

23 A [**** CI # 6 Information Redacted ****]

24 [*****]

25 [*****]

2926

01 [***** CI # 6 Information Redacted ****]

02 [*****]

03 Q [***** CI # 6 Information Redacted ****]

04 A [***** CI # 6 Information Redacted ****]

05 Q Where did you hold the briefing for the CRASH

06 officers? Was it at Third and Union or at Rampart

07 station?

08 A Third and Union.

09 Q Do you know approximately the time period you

10 had -- if you looked at your log, would that help you?

11 A Yeah, it may. On the log, from 1430 to 1530,

12 it says that we received intell and obtained information

13 from a CRI on a possible 12021(a) suspect, a suspect

14 with a gun.

15 At 1530 it shows us going Code Alpha, meaning

16 meeting up at Rampart Detectives at Third and Union. So

17 if I went by the log, it would have to be around 1530 or

18 3:30 in the afternoon that we met.

19 Q Perez, did you devise a tactical plan --

20 A Yes, sir.

21 Q -- for the CRASH unit?

22 A Yes, sir.

23 Q What did you tell the CRASH officers?

24 A I gave a briefing on all the suspects that
25 were going to be involved. [***** CI # 6 *****]

2927

01 [***** CI # 6 Information Redacted *****]

02 [*****]

03 [*****]

04 I had obtained photos of everyone involved. I
05 devised a plan on who was going to be the follow-up
06 vehicle, who was going to follow.

07 I was able to obtain a special O.P.'s
08 helicopter to do the following for us through Josh
09 Adler. He was going to coordinate that while we were
10 sitting there having the meeting. And they just so
11 happened to have a little bit of time available and they
12 were -- they obliged us.

13 Basically, I just ran down who was going to be
14 the takedown vehicle, who was going to be the approach
15 officer, things like that, the tactical aspect of the
16 operation.

17 Q Did you assign people to Third and Vermont or
18 in that area and then in another location at 4521
19 College View in Northeast Division?

20 A Not the College View address. The College
21 View address we didn't know until I believe we got
22 there.

23 Q Okay.

24 A The Vermont address, that's where the hotel
25 is. Yes, we were set up there. I believe I had Josh

2928

01 Adler -- I had several people. I had some people at the
02 Coronado and Temple location because they [** CI # 6 **]
03 [***** CI # 6 Information Redacted *****]

04 It was supposed to leave, and we were
05 supposed -- they were supposed to follow that vehicle.
06 Once the vehicle got to the Vermont address to pick up
07 Mr. Villanueva, I was there and I observed the vehicle
08 picking up Mr. Villanueva [** CI # 6 Info Redacted **]

09 Then when they took off, they kind of
10 piggybacked through the city again, through side
11 streets. And what we had to do was back off and let the
12 special O.P.'s helicopter broadcast which way they were
13 traveling. And we would just, behind them, broadcast

14 what the name of the streets were.

15 The helicopter would just say, "He's now
16 turning left," you know, "He's just gone two blocks and
17 now he's turning right."

18 He had a little problem as far as the streets,
19 so he was just broadcasting which way he was turning.
20 And we would, as we were following, indicate what
21 streets they were.

22 Q Do you know the name of the hotel?

23 A I know it's on the south side of the street.

24 Q If I show you a photograph, would that help
25 you?

2929

01 A Yes, sir.

02 Q Okay. Here you go.

03 A That's it. The Econo Lodge right there on
04 Third Street, Third and Vermont.

05 Q Could you read the address for me, please?

06 A It's 3400 West Third Street.

07 Q Thank you. Do you know what officers were at
08 Third and Vermont?

09 A Well, in actuality I know I was set up there.
10 I was waiting for -- and we were all in radio

11 communication.

12 I was set up to receive him to pick him up
13 when he got to the hotel, but I was not the only one
14 there. Because you got to remember people followed him
15 from Temple and Coronado. So there were several other
16 officers, too, roving in plain cars in that area, as
17 well.

18 Q If you look at your arrest report on the face
19 sheet here, the first witness, was he the driver,
20 Sebastian?

21 A Yes, sir, that is the driver of the vehicle.

22 Q And the vehicle involved was a 1988 gray
23 Plymouth Horizon four-door?

24 A Yes, sir. And Sebastian is spelled
25 S-e-b-a-s-t-i-a-n.

2930

01 Q After you followed the suspects, did you
02 finally follow them to Northeast Division?

03 A Yes, sir.

04 Q And the address was 4521 College View?

05 A Yes, sir.

06 Q During this time was the air unit providing
07 you with the information?

08 A Continuously, yes, sir. Once -- once we got
09 there, we could no longer keep an O.P. on it -- or keep
10 the vehicle under observation. Once they made that
11 left-hand turn into the driveway, we had to back off and
12 let the -- we just solely relied on the air unit.

13 Q Once you arrived at College View, did you set
14 up an O.P. there?

15 A We laid back. We were back probably about a
16 block and a half, two blocks.

17 Q Okay. I brought some photographs for you
18 today. The white bed indicates the house, 4521
19 College View.

20 A Yes, sir.

21 Q How far back were you?

22 A Let me find a further out photo. Looking at
23 photo number 9, looking at it, directly center is the
24 van in front of the property and the driveway which was
25 the arrest -- the location where the person ended up

2931

01 driving to get the weapons.

02 We -- most of us were set up -- probably would
03 be a half block and then a whole 'nother block just at
04 the south of it.

05 Q I have a map here. Maybe the map will help
06 you out. Here's College View right here where the
07 yellow marker is.

08 A Yes, sir.

09 Q Here's Langdale and here's Avenue 45.

10 A Okay. And College View goes this way? That's
11 College View right there, right?

12 Q This is College View right here.

13 A Okay. And what would this -- what would this
14 street be here that turned there? Would that be right
15 here? That would be that dead end here?

16 Q Right.

17 A That's where I think -- from what I remember,
18 where I was positioned was somewhere like about here.

19 Q What is that street?

20 A That's still College View. It just turns
21 off. It continues on to College View.

22 Q So it's a bend in the road --

23 A Yes, sir.

24 Q -- is that correct?

25 A Want me to put a mark there? I'm going to put

2932

01 a little "X" and then circle it as to where I would've

02 been parked laid off waiting for the guy to pull out.

03 Q From your observation post, could you actually
04 see the house?

05 A I couldn't see anything. I couldn't tell you
06 what color the house was. All we knew is the air unit
07 said, "He's driven up into a driveway and is getting out
08 of the car."

09 Q Did you see vehicles or pedestrians
10 approaching the house?

11 A We totally stayed back.

12 Q So all the information that you received you
13 got from the air unit; is that correct?

14 A Yes, sir.

15 Q Were you in a black and white police vehicle?

16 A No, sir. I was in a -- I believe I was in a
17 gray van.

18 Q I have a photograph of a van. I can't tell
19 the color. Is this the van?

20 A Yes, sir. That's the -- our CRASH van, the
21 van we used for CRASH.

22 Q This is a better photograph. It has a license
23 plate on it. Can you read it?

24 A The license plate are 3 Sam Young John 517.

25 Q Perez, is that the van?

2933

01 A It appears to be the van.

02 Q Were you in plainclothes?

03 A I believe I had switched up to plainclothes,
04 yes, sir.

05 Q When you were at -- inside the van when you
06 were in the van, was someone with you?

07 A Yes, sir.

08 Q Who was that?

09 A There was somebody with me, and I just cannot
10 remember right now who it was. But there was someone
11 definitely with me and, you know, we were communicating.
12 We were talking the whole time. I just can't remember
13 who it was right now.

14 Q You were assigned to work with Duarte.

15 A Yes, sir.

16 Q Was it Duarte?

17 A I don't believe it was Duarte. It was a male
18 in the car with me.

19 Q Was he an officer or a detective?

20 A I want to say he was one of the officers that
21 worked -- or a detective that worked -- CRASH detective.

22 Q Do you know this officer?

23 A Yes, sir.

24 Q We'll get back to it. Maybe you'll remember.

25 This was your operation?

2934

01 A Yes, sir.

02 Q Did you contact the watch commander in
03 Northeast Division that you were running an operation
04 there?

05 A I believe I had Duarte call. That was -- I
06 believe I assigned that to her.

07 Q Talking about the College View location, what
08 kind of information was the air unit providing you at
09 4521 College View?

10 A The air unit advised me that the male
11 passenger that was picked up at the Econo Lodge Hotel
12 had exited the vehicle, had opened up the trunk of the
13 vehicle, and had walked into the garage area of the
14 house.

15 A few minutes -- or a few minutes later he
16 indicated that the male had exited the garage holding
17 some type of cardboard box which appeared to be holding
18 some type of long item in it. He had it sort of bent,
19 holding the item, and brought it into the garage.

20 He later indicated that the male then returned
21 back into the garage and came out with some type of
22 cloth. It appeared that the cloth was holding something
23 inside. And he also put that in the trunk. It was our
24 suspicion that these were the items that were being
25 placed into the trunk.

2935

01 And then the air unit advised us that the male
02 Hispanic was having a conversation with another male at
03 the location.

04 Q I'm going to show you a mug photo. Was this
05 the individual -- I'm going to read the booking number
06 again. 4917148. Was this the individual that put the
07 items in the trunk?

08 A According to the air unit, yes.

09 Q According to the air unit?

10 A Yes, sir.

11 Q Is that from physical description?

12 A Yes, sir.

13 Q Looking at the arrest report, can you give me
14 the physical description of this individual?

15 A He is described as a male other, brown, brown,
16 5'8", 265, and age of 39 at the time.

17 Q The vehicle that was parked in the driveway at
18 4521 College View, it finally left the location; is that
19 correct?

20 A Yes, sir.

21 Q And that air unit provided that information to
22 you?

23 A Yes, sir.

24 Q Do you remember approximately what time it
25 left?

2936

01 A Probably no more than 15 -- 10, 15 minutes
02 after it arrived.

03 Q If you look at the arrest report, the time of
04 arrest, would that -- would that help you?

05 A Help me with what?

06 Q As far as the time that they had left the
07 location and the time that you made the traffic stop.

08 A No, it won't help me. It can give me some
09 boundaries, but it won't help me.

10 Q Okay.

11 A I don't know if I wrote on here the time that
12 the operation began, so it's kind of hard to gauge it.
13 On the arrest report it says time of arrest is 2030,

14 which means 8:30. But I know we began the -- our
15 meeting at 3:30.

16 Looking at the DFAR, they show at 1630, an
17 hour after we began the roll call, we began our
18 surveillance. And then at 1930 it shows Vendome and the
19 2 Freeway, the arrest of the suspect.

20 So I can gauge it but I couldn't tell you --
21 it won't tell me exactly how many minutes they were at
22 the location.

23 Q Was it dark already?

24 A Yes, sir.

25 Q When the car left -- when the car left the

2937

01 address at 4521 College View, what happened next?

02 A The air unit advised me that the vehicle was
03 leaving. I advised the units that were in charge of
04 taking the vehicle down to allow the vehicle to get away
05 from the area a little bit, at least down to the 2
06 Freeway before they take it down, so that there was
07 no --

08 Because we had some information that possibly
09 a murder suspect was also staying at this house. So we
10 didn't want the stop to occur close to the residence in

08 weapons. We did find, I believe, some additional ammo
09 at the residence. I believe that was recovered and
10 booked. And that was about it.

11 I think he claimed that he doesn't know what
12 his nephew was doing in the garage, he just comes and
13 goes.

14 Q Here's a consent to search form with D.R.
15 number 961122181. Would you please look at it?

16 A Yes, sir.

17 Q Which officers received consent?

18 A Officer Adler and Officer Richardson. Their
19 names were placed on the consent to search form.

20 Q Where was the actual consent given? Was it
21 given at 4521 College View or at another location?

22 A At 4521 College View.

23 Q Were you present?

24 A Yes, sir.

25 Q Do you know what officers assisted in the

2939

01 search of the residence?

02 A I know -- I know Officer Adler was there,
03 Officer Richardson was there, I was there. I believe
04 Terry Wessel was there. There were several other

05 officers there. I just -- I can't think of all those
06 that were there at this time.

07 Q Did you tell the owner there was a chance he
08 could be deported?

09 A I don't think so.

10 Q Did you hear any other officer state -- make a
11 statement like that?

12 A I don't remember hearing that.

13 Q Was Sergeant Ortiz at scene at 4521 College
14 View?

15 A I believe so, yes.

16 Q What was the condition of the house prior to
17 the search?

18 A The garage area was a -- it appeared to be
19 sort of like a Sanford and Son junkyard-type, just sort
20 of like a rat pack. Everything you can possibly save he
21 was saving. It was just a -- it was a big mess in
22 there.

23 The interior of the house was, you know,
24 average. It wasn't well kept, but it wasn't too, too
25 bad. The front of the house had some old vehicles

2940

01 parked out there. There was several things out in front

02 of the yard, but -- that's the best way that I can
03 describe it.

04 Q When the officers started their search inside
05 the house, after they finished their search, what did
06 the house look like?

07 A It was still in the same general condition.
08 The house was not ransacked, you know, turned
09 upside-down and left a mess for him, no. That
10 definitely did not happen.

11 Q Okay. Was anything damaged?

12 MR. MC KESSON: That you're aware of.

13 THE WITNESS: Not that I'm aware of.

14 BY SERGEANT YZGUERRA:

15 Q What about a two-drawer file cabinet?

16 A I have no knowledge about that.

17 Q Was a lock broken?

18 A A lock on a two-drawer file cabinet?

19 MR. ROSENTHAL: You're asking during the course of
20 the search?

21 SERGEANT YZGUERRA: Yes.

22 THE WITNESS: Okay. Something like that does ring
23 a bell. Was it a lock that the lock wasn't broken but
24 the latch to the actual lock?

25 BY SERGEANT YZGUERRA:

2941

01 Q Yes.

02 A I do remember something like that. He
03 indicated something like, "Well, I don't know the
04 combination," or something like that.

05 And myself, Josh Adler, and maybe Richardson
06 or -- a few of us started working on it and eventually
07 broke the actual latch that holds the lock.

08 And, in fact, after we were done searching it,
09 we closed it back up and just put the lock back on it
10 and tried to fix the latch that held the lock on there.
11 I do remember that now.

12 Q Did he give you permission to go into
13 that?

14 A I think what he said was he didn't know the
15 combination or he didn't have a key or something.

16 Q Was that an implied consent? Did you
17 interpret it that way?

18 A Well, no, that's not a consent. We just did
19 our own thing, you know. We wanted to see what was in
20 there, and we were going to -- you know, we wanted to,
21 you know, see what was in there.

22 Q Did he complain about it?

23 A I think we did it without his -- outside of
24 his presence. I think he might have seen it later, but
25 while we did it we made sure he was somewhere else.

2942

01 Q Do you know who transported Villanueva to
02 Rampart Station or to Detective Bureau?

03 A I was at the residence and so I don't know who
04 transported him.

05 Q Who testified in court on this matter?

06 A I believe I might have testified once, and
07 then there may have been a disposition on the case. But
08 I think I at least testified once on this case, maybe
09 some type of hearing or something.

10

11 FURTHER EXAMINATION

12 BY MR. ROSENTHAL:

13 Q There was a preliminary hearing on August
14 13th, 1996, with Rafael Perez as the witness. And there
15 appears to be -- there was a Motion to Suppress on
16 November 1st of 1996. We don't have a transcript, but
17 there appears to be a note from a D.A. that you may have
18 testified at that.

19 Does that sound familiar?

20 A Yeah, it's possible. A 1538.5 motion?

21 Q Yeah. In superior court?

22 A Yeah, I may have testified to that, also. But
23 it didn't go to trial? Did he take a plea agreement?

24 Q Correct.

25 A Yeah.

2943

01 Q If I may there's, some notes in the file that
02 I would like to ask some questions about. I noticed in
03 the file it indicates on August 12th, 1996, which
04 appears to be about 12 days after the arrest of the
05 defendant, there's a note in the file from the D.A. that
06 says, "Officer Perez contacted me today. He says
07 defendant bailed out and has put out a hit on the
08 witness driver of the car."

09 Does that sound familiar?

10 A Yes, sir.

11 Q Is that true as far as you know?

12 A That is actually true. Mr. Sebastian packed
13 that -- or I think two or three nights after that, in
14 the middle of the night packed all his stuff and moved
15 to -- I mean he left to [****] or something. I mean he
16 got out of the area. It was confirmed that

17 Mr. Villanueva had ordered him to be hit on sight.

18 Q There is actually a note in the file dated
19 October 23rd of '96, which says that you told the D.A.
20 that Sebastian was in [*****].

21 A Okay.

22 Q And he fled after -- he fled [*****]
23 after threats against his life. Does that sound
24 accurate?

25 A Yes, sir.

2944

01 Q Also, it says Perez was very cooperative and
02 very on top of the case.

03 A All of them.

04 Q I'm just looking at the notes of the Motion to
05 Suppress. And it does indicate that there was a defense
06 witness, Rafael Munoz, AKA Clever. And it says that the
07 defendant -- that Munoz admitted that the defendant he
08 remembers of Temple Street Gang.

09 He said Sebastian was the driver of the
10 vehicle and Sebastian put a cardboard box three feet
11 long, one half inches wide, into the trunk.

12 Munoz apparently testified that he didn't know
13 what was in the box. He testified that the defendant

14 never put anything in the trunk.

15 So, in essence, he's testifying that the
16 gun -- that the guns apparently -- and this is just from
17 some brief notes. We don't have the transcript yet.
18 But it appears to say that Sebastian was the one who put
19 the gun -- cardboard box into the trunk and that's what
20 contained the guns.

21 A [**** CI # 6 Information Redacted ****]
22 [*****]
23 [*****]
24 [*****]
25 [*****]

2945

01 [***** CI # 6 Information Redacted ****]
02 [*****]
03 [*****]
04 [*****]
05 [*****]
06 [*****]
07 [*****]
08 [*****]
09 [*****]
10 [*****]

11 [*****]

12 [*****]

13 [*****]

14 Q [**** CI # 6 Information Redacted ****]

15 [*****]

16 A [**** CI # 6 Information Redacted ****]

17 Q [**** CI # 6 Information Redacted ****]

18 [*****]

19 A [**** CI # 6 Information Redacted ****]

20 MR. ROSENTHAL: All right.

21

22 FURTHER EXAMINATION

23 BY SERGEANT YZGUERRA:

24 Q After the arrest you completed an arrest

25 report; is that correct?

2946

01 A Yes, sir.

02 Q Did you discuss this particular arrest with
03 any officer or detective?

04 A I spoke with Detective Wessel about it. He
05 was involved in the surveillance with me, and we needed
06 to discuss the manner in which we were going to write
07 the report in order to get a filing.

08 Because I had actually not observed anything.
09 The air unit has. And we did not want to get into a
10 thing where we were writing some air unit's name and
11 number and what they might have saw or thought they
12 might have seen.

13 So the way he said in order for me to get a
14 filing, this is the way it should be written. And we
15 went through it as far as my observations, sending up an
16 O.P., watching everything go down, and just writing it
17 that way.

18 Q In the arrest report you went into great
19 detail. Did he tell you to write it that way?

20 A Well, he didn't tell me the detail. We
21 already knew what the details were as far as what the
22 air unit told us, that the defendant got out, went in
23 and grabbed the cardboard. All that we knew, but it
24 just wasn't my observations.

25 All we did was relay or transfer the

2947

01 observations of the air unit to me and placed me having
02 an observation point, watching all of this go down, when
03 in actuality I didn't. But, you know, it was basically
04 just make those observations that were relayed mine.

05 Q Detective Wessel you mentioned. Did you
06 talk to any other detective or officer regarding the
07 arrest?

08 A I might have talked to Sergeant Ortiz as far
09 as how I'm going to write it after I spoke to Detective
10 Wessel.

11 Q What did you tell Sergeant Ortiz?

12 A How I was going to write it.

13 Q What you told Detective Wessel?

14 A Pretty much, yes, sir.

15 Q Did anybody else have knowledge of the arrest
16 as far as your observations and the air unit's
17 observations?

18 A Everyone that was involved. Everyone could
19 hear. We had switched to a frequency -- everyone that
20 was involved in this investigation switched to a
21 frequency and they could hear everything that the air
22 unit was being said -- or the air unit was saying, and I
23 would relay it.

24 But they knew -- they heard everything that
25 the air unit was saying. "Okay. We have the male

2948

01 coming out of the vehicle. All right. He's going into

02 the garage." Everything that he was saying, everyone
03 that was involved could hear it. So they knew that the
04 observations came from the air unit.

05 Q Let me clarify one issue. The air unit is
06 giving you information; is that correct?

07 A Yes, sir.

08 Q And you're on a tack frequency?

09 A Yes, sir.

10 Q Were the other units on a different tack
11 frequency?

12 A Same frequency.

13 Q The same tack frequency?

14 A We were all working on one frequency.

15 Q So everything the air unit is broadcasting as
16 far as information, everybody could hear?

17 A Exactly.

18 Q Other than Sergeant Ortiz and Detective
19 Wessel, who read the arrest report?

20 A I mean I know what -- what my normal practice
21 is, but did I actually see the person read it? No, I
22 couldn't tell you who read the report.

23 Q Okay. On this particular day, your partner
24 was Officer Duarte.

25 A Yes.

2949

01 Q Did she read the arrest report?

02 A Again, I didn't see her read it. But I know
03 anytime I write a report and I have a partner I make
04 sure that my partner reads it, you know, so that we're
05 on the same page. Everything I write I need for her to
06 verify and agree with before I turn it in.

07 Q I was going to come back to this question.
08 You were in an O.P. at 4521 College View. Can you
09 remember the officer that was -- was in the O.P. with
10 you?

11 A You know what? As I was talking I wanted to
12 say that it was Terry Wessel, but I just can't
13 remember. It was one of the detectives at CRASH
14 Detectives. It may have been Steve Sena, it might have
15 been Terry Wessel. I just can't remember which one it
16 was.

17 I want to say -- it was either -- I'm sorry.
18 It was either Steve Sena or Terry Wessel. It was one of
19 those two. I just can't remember which one.

20 In fact, while we were sitting there on
21 College View, we were sitting there and we see a red
22 Mustang speeding through. He crashes into a parked

23 car. He keeps going, and we make some kind of
24 notification, "Hey, we're sitting here on O.P. and
25 there's just been like a hit-and-run-type thing."

2950

01 It turns out a Northeast unit picks him up,
02 and the vehicle was stolen and the guy was just joy
03 riding and was driving around crazy. But I remember we
04 were sitting there going, "Look at this."

05 And I'm pretty sure -- in fact, I think it was
06 Steve Sena that was with me. I'm not a hundred percent
07 sure, but I think it was Steve Sena.

08 MR. MC KESSON: How do you spell the last
09 name?

10 THE WITNESS: S-e-n-a.

11 BY SERGEANT YZGUERRA:

12 Q Show you a copy of the face sheet of the
13 arrest report.

14 A Yes, sir.

15 Q On who supervised the approving, is that
16 Sergeant Ortiz's printing or handwriting?

17 A That is his signature, yes.

18 SERGEANT YZGUERRA: Barry, do you have some
19 questions?

20 DETECTIVE KIRSCHENMANN: Yes.

21

22 EXAMINATION

23 BY DETECTIVE KIRSCHENMANN:

24 Q [**** CI # 6 Information Redacted ****]

25 [*****]

2951

01 [***** CI # 6 Information Redacted ****]

02 [*****]

03 A [**** CI # 6 Information Redacted ****]

04 Q [**** CI # 6 Information Redacted ****]

05 [*****]

06 A [**** CI # 6 Information Redacted ****]

07 [*****]

08 [*****]

09 [*****]

10 [*****]

11 [*****]

12 Q [**** CI # 6 Information Redacted ****]

13 [*****]

14 A [**** CI # 6 Information Redacted ****]

15 [*****]

16 Q [**** CI # 6 Information Redacted ****]

17 A [**** CI # 6 Information Redacted ****]

18 [*****]

19 [*****]

20 [*****]

21 Q Did you ever get involved in any type of money

22 transfer that would take place, the money for the guns?

23 A Did I get involved?

24 Q Yeah.

25 A No.

2952

01 Q [**** CI # 6 Information Redacted ****]

02 [*****]

03 A [**** CI # 6 Information Redacted ****]

04 [*****]

05 [*****]

06 [*****]

07 [*****]

08 [*****]

09 [*****]

10 [*****]

11 [*****]

12 [*****]

13 [*****]

14 [*****]
15 [*****]
16 [*****]
17 [*****]
18 [*****]
19 [*****]
20 [*****]
21 [*****]
22 Q [**** CI # 6 Information Redacted *****]
23 [*****]
24 A [**** CI # 6 Information Redacted *****]
25 [*****]

2953

01 [***** CI # 6 Information Redacted *****]
02 [*****]
03 [*****]
04 Q Jumping ahead again a little bit, when the air
05 unit was overhead at College View, do you remember what
06 time of day it was? Was it light or dark out?
07 A It was dark out.
08 Q Do you know how the air unit was making these
09 observations if it was dark?
10 A The air unit was a -- it was in high orbit.

11 It was a special O.P.'s helicopter. You couldn't even
12 see it. But I guess they use those high-intensity
13 telescopes or binoculars. I don't know what it is that
14 they use, but they can see everything pretty clearly.

15 Q They weren't using any lights of any fashion?

16 A No. No, sir.

17 Q Again going back to the search of the house
18 where you talked about you and Adler and possibly others
19 forcing open this filing cabinet?

20 A Yes.

21 Q Were you using a tool of some sort?

22 A I think we found some -- maybe a pair of
23 pliers or something. And you know how you just sort of
24 stick it in there and then start twisting it to try and
25 break the latch itself? That's what we did.

2954

01 Q And you're certain that Adler was involved
02 with it?

03 A The three of us. We kept trying for quite
04 some time until eventually it broke off.

05 SERGEANT YZGUERRA: It's on side B now.

06 BY DETECTIVE KIRSCHENMANN:

07 Q Going now up to the completion of the report,

08 if you can look at your DFAR. And it's right in front
09 of you. There is a line on here. I think it's line H.
10 And "Disposition" has got a notation about "R.P. end of
11 watch." And then while it continues, I think --

12 SERGEANT YZGUERRA: Stops there.

13 BY DETECTIVE KIRSCHENMANN:

14 Q Well, it shows your partner's end of watch at
15 2230 and yours at 0230. Do you recall your partner
16 going home hours before you?

17 A Yeah. This was -- one of the problems with
18 Nicole Duarte was she said I worked her too, you know,
19 we put in too many hours.

20 And that's one of the reasons we -- this is
21 one of the methods that we were using to get her out of
22 the unit. So she was always complaining, "Oh, I got to
23 go home." So quite often I would tell her, "Go ahead
24 and get out of here, and I'll finish everything else up
25 here."

2955

01 Q When she left whatever the time was, 2230, had
02 you finished the arrest report by then?

03 A 2230?

04 Q And you left I think it was at 230?

05 A I'm not -- I'd be at least -- I'd be pretty
06 close -- well, the arrest was at 2030, eight o'clock?
07 And this was --

08 Q Arrest time is 2030 and booking time 2150 --
09 is it 2151?

10 A 2151? So that means the body was booked and I
11 was probably, if not finished, pretty involved with, you
12 know, the report, pretty involved in the report itself.

13 Q So is it possible that she left prior to
14 reports being completed?

15 A It's possible. Yes.

16 Q And wouldn't have had the chance to review the
17 reports?

18 A That's correct.

19 Q Did you trust Duarte enough for her to be part
20 of your discussions with Wessel and Ortiz about the way
21 that the report would be written which is actually
22 inaccurate to what actually occurred?

23 A I would only -- only trust her in the sense
24 that I would let her hear it and see what her reaction
25 would be.

2956

01 She was what I would call in an acclamation

02 period. You let her hear it and you see what her
03 response is. If it's not the right response, then you
04 sort of, "Why don't you go over there," that type of
05 thing, you know.

06 But did I trust her in the things we did in
07 CRASH? No, I didn't trust her.

08 Q Do you recall if she -- in this case she
09 actually did know about the falsified events that were
10 going to be written in the arrest report?

11 A Well, she -- she definitely knew that an air
12 unit was used. She knew that I was not in a position to
13 see the things that occurred.

14 Did she read the report again? I can only say
15 I don't know. I know I would usually have my partners
16 read the report. But did she read this one? I don't
17 know.

18 Q And are you certain that she was present when
19 you spoke to Wessel about it concerning changing the
20 observations?

21 A This conversation took place at Rampart
22 Detectives as soon as we got the bodies and headed back
23 to the -- to Detectives. It took place at Detectives.

24 Did she hear it? I don't know. I mean she
25 might have been in a position to hear it. Was she

2957

01 listening? I don't know.

02 Q When -- you identified Ortiz's signature on
03 the arrest report?

04 A Yes, sir.

05 Q Is he a supervisor who would read the arrest
06 report?

07 A He'd be one of them. Terry Wessel reads all
08 of the CRASH reports, all of them.

09 Q Do you recall if Wessel read the report that
10 night?

11 A Again, you know, I know that he reads all of
12 them. I know that for a fact. Did he read it? I
13 didn't watch him read it, so I can't tell you if he did
14 or didn't.

15 Q When you say -- when you say that he reads all
16 the reports, is that after your reports are turned in?

17 A Yes, sir.

18 Q Do you recall on this night if Ortiz actually
19 read the arrest report?

20 A Again, no, I do not know. I mean --

21 Q But he normally would?

22 A Yes, sir.

23 Q When you spoke to Ortiz, I believe you said
24 that he was at scene on College View?

25 A Yes, sir.

2958

01 Q So he was aware that the observations were
02 coming from the air unit?

03 A Absolutely.

04 Q When he read the arrest report or when you --
05 did he question you about how the observations were now
06 yours and not the air unit's?

07 A No, sir.

08

09 FURTHER EXAMINATION

10 BY SERGEANT YZGUERRA:

11 Q Officer Perez, did you complete this probable
12 cause determination?

13 A Yes, sir.

14 SERGEANT YZGUERRA: Okay. Do you have any
15 questions?

16 MR. ROSENTHAL: No.

17 SERGEANT YZGUERRA: Anything? Okay. This
18 concludes the interview. The time is 1655.

19 DETECTIVE KIRSCHENMANN: Okay. We're off the

20 record and that will do it for the day.

21 (Interview concluded at 4:55 p.m.)

22

23

24

25