

STATEMENT OF

RAFAEL ANTONIO PEREZ,

TAKEN AT THE CENTURY DETENTION CENTER, 11701 ALAMEDA STREET,
LYNWOOD, CALIFORNIA.

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

APPEARANCES BY:

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REPORTED BY:

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C.S.R. No. 10647

99-036

LYNWOOD, CALIFORNIA, TUESDAY, NOVEMBER 23, 1999; 5:21 P.M.

SGT. COOK: Okay. Today's date is November 23rd, 1999. The time now is 1721 hours. We're on Tape No. 221479, Side A. I'm Sgt. John Cook, 25353. My partner is Sgt. Mark Thompson, 23251. We're going to interview Rafael Perez. He's represented by his attorney Kevin McKesson. And we have a court reporter present, Sara Mahan.

Q BY SGT. THOMPSON: Can we -- just one second. Sara, do you want to swear him in.

(Oath was given by reporter.)

THE WITNESS: I do.

RAFAEL ANTONIO PEREZ,

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

EXAMINATION BY SGT. COOK:

Q Ray, you gave us some information about an incident that occurred at 11th Place and Burlington Avenue.

A Yes, sir.

Q Do you want to discuss that?

A Sure. I believe the incident you're talking about is regarding Officer Lujan and Sgt. Ortiz. An incident that occurred while we were in Rampart C.R.A.S.H. I remember responding to a request for an additional C.R.A.S.H. unit. I believe it's on 11th Place between Westlake and Burlington. Officer Lujan requested.

While there, Officer Lujan had relayed to me that they had thumped a guy and -- because the guy was running from them. They had thumped him and something happened to his leg or something. They kind of injured it pretty badly or something like that. And he wasn't sure what we were going to do with the body.

Eventually, Sgt. Ortiz -- I don't know if he was requested or he just showed up on his own -- but he showed up. We were standing in a little small group. I know, in the group,

it was myself, Lujan, Sgt. Ortiz. And there was a couple other officers. They just don't stand out. I'm assuming it would be my partner and/or Officer Lujan's partner. But I just can't remember who it was.

But I remember Sgt. Ortiz asking him, okay, you know, what happened? And Lujan was, basically, explaining that the guy got thumped. Sgt. Ortiz was asking what do you got on him? Nothing. And Sgt. Ortiz, basically, requested -- or, basically told him, go ahead and book him 11350. Book him for some dope. And asked if anybody had anything. And Lujan said he -- he had it covered, that he -- he had some.

But the decision to book him for narcotics was Sgt. Ortiz' idea. I guess he wanted to be able to justify the injuries or something that the guy had suffered -- his injury -- they wanted to it with the arrest.

Q Lujan said he had some?

A Yes.

Q And what did you end up planting on him?

A I did not end up planting anything.

Q Okay.

A I was just there. Uh, I'm assuming that Lujan had some drugs. I don't know what he booked him for. But I'm assuming that it would be rock cocaine. But that's assuming.

Q You didn't physically see him?

A No. Once everything was done, I went on about my day.

Q Was there a Use of Force report taken, or do you

know?

A I don't know. Unless they just covered the injuries by saying that he ran and he suffered all his injuries from the, you know, fall and maybe hopping the fence or something, uh, maybe they didn't do one.

But from while we were there, from what I saw of the guy, there should have been a Use of Force report. But I don't know if one was done or not.

Q Okay. Approximately when did this happen? A year?

A Sometime in 1996.

Q 1996. Can you narrow it down to a month? Or perhaps beginning, mid, late?

A I would say -- I would say sometime -- sometime in early 1996.

Q Can you describe the suspect for -- did you see the suspect?

A Male Hispanic. Probably 18 years old. Shaved head. I know the main injury to him was his leg. There was something majorly wrong with his leg. It was something -- I don't know what happened, but it was something bad with his leg. He could barely walk.

If I remember correctly, something -- he was trying to get away, but they got him. And the way they took him off the fence, or off the wall, and threw him, he had landed on his leg or knee and busted up his leg pretty bad, or something like that.

And, of course, he was thumped on after that. But I think the leg was the most serious injury. Or it appeared to be the most serious injury.

Q Okay. Mark?

Q BY SGT. THOMPSON: Uhm, you talked about this leg, Ray. You say he was thumped on. I know what it means, but maybe you could tell us what you're talking about, what it means to you?

MR. MCKESSON: I don't think he said the leg was thumped on.

SGT. THOMPSON: Well, he said hurt "leg". And then, he also, used the words, he was thumped on.

MR. MCKESSON: Yeah. Okay.

Q BY SGT. THOMPSON: Explain for us what "thumped on" means to you, and in this incident?

A I'm sorry. And I'll stop using these acronyms -- or words that we use as police officers. I'll be a little more clear. Uhm, he was -- he was beaten up a little bit by the officers. The guy ran. He was beat up a little bit. He was chased down, beat up a little bit.

And, apparently during this chase and this beat-down, he suffered an injury to his leg, as well as some other obvious injuries that he had. I mean, he looked like he was in some type of -- you know, some pain. He looked like he had been roughed up pretty bad.

Q Was that something you observed, or was it something

that relayed to you by Lujan or somebody else?

A Well, the fact that he was in pain and all that, I observed, because I responded to the scene. But the actual physical chase and the beating, I did not observe, other than what Lujan told me.

Q And besides this leg you said was injured, that you could see would -- that was injured, were there any other visible injuries that you could see the suspect had?

A I don't -- I don't remember seeing any like, you know, bruised eye. You know, how someone just looks like they've been -- they went through something. You know, their -- their clothes are all raggedied-up. You know, they're -- they're kind of dusty and just looked like they have been, you know, through a little struggle. That's what he appeared to look like to me. The only obvious thing that I could see was that his leg was -- he was limping on his leg like he had a major problem with his leg.

Q Did you tell us -- or did you know what gang this guy was -- the suspect -- was affiliated with?

A I believe it's called, uhm, Street Criminals.

Q Street Criminals?

A Yes, sir.

Q Okay. And I think you originally said that you responded to an additional unit request. Was that over the Rampart frequency, or was that over the frequency that C.R.A.S.H. utilized for their own?

A It was probably one of our -- what we normally do is we don't broadcast a request for an additional C.R.A.S.H. unit over the air. What we'll do is have the unit, uh, switch -- have a C.R.A.S.H. unit switch to 181. Or to -- you know, we'll call it in on our tach blue or something like that. We know what tach it is.

And he goes, hey, can you guys step down here and we'll switch to wherever you got.

Q Do you recall that happened on this particular incident, or --

A I don't, I'm sorry. No.

Q And when you made the statement "There should have been a Use of Force report", are you referring to what you saw as far as the injuries and what you were told about what occurred?

A Yes, sir.

Q Okay.

Q BY SGT. COOK: I don't have anything. If we can come up with an arrest, we'll certainly go into a little more detail. This is all that you have on that incident right now?

A Yes, sir.

Q Okay. That concludes the interview. The time is now 1729 hours.

(Off the record 5:29 p.m.)

(Back on the record at 5:30 p.m.)

SGT. COOK: Today is November 23rd, 1999. The time now is

1730 hours. We're on Tape No. 221480, Side A. I'm Sgt. John Cook, 25353. My partner is Sgt. Mark Thompson, 23251. We have Rafael Perez and his attorney Kevin McKesson. And Sara Mahan is the court reporter.

Q We're going to talk about the William Penn Hotel. An incident that involved -- well, the address is 2208 West 8th Street. Can you give us some information on that?

A What specifically?

Q Well, this is the information that you gave us. You're saying that Hewitt and Martinez worked together and tires were slashed.

A Oh, okay. There's been several --

Q Yeah.

A -- other incidents. I didn't know what one you wanted to go with. Okay.

Q Okay. Tell us about that incident.

A I think the incident's been documented pretty well. There was a complaint done on this. What occurred was there was a couple of C.R.A.S.H. officers in their Taurus that responded to 2208 8th Street at William Penn Motel. While there inside the hotel, one of their tires were slashed.

Q And the officers were?

A The officers, I believe are Hewitt and Martinez.

Q Okay.

A Now, what I'm -- what I'm stating is I wasn't present. So, this is just from what the guys were talking about.

Q No direct knowledge?

A No, other than what they said. And something that actually occurred out in the field, as far as witnesses that were witnesses to this investigation that were -- people were -- we were, basically, looking for them to get them deported, so, they wouldn't be around to testify or be interviewed.

Q Now, before you go on, you say this is something that you heard. Who did you hear it from?

A Uhm, directly, I heard it from -- I heard it from both of them at one point or another -- Hewitt and Martinez. We had discussed it in roll call, because it was a major complaint. So, we needed to talk about it as a unit.

Q The next day?

A The next -- whenever the next -- when it first arose, the next available day we talked about it.

Q Okay.

A It was -- from what occurred, from what I've gathered and what I gathered from the officers telling me, was that once their tires were slashed, they went back and they got their car fixed. They responded back to the location, found a gang member, they took him, uh, stripped him of his clothes -- stripped him naked -- took him to a rival gang neighborhood, and they left him there in a rival gang neighborhood.

Q What -- this gang member, what gang was he from?

A From Crazy Riders. Crazy Riders.

Q Okay. And what rival gang territory was that?

A That he was dropped off at?

Q Mmnh-mmnh.

A I'm not sure. I know I'll -- well, I'm not sure what the intention was, which particular gang neighborhood they dropped him off at. I want to say I believe it was 18th Street. But I'm not -- I'm not sure if that's what the intention was.

Q Do you know the moniker, the name of this Crazy Rider?

A No.

Q Can you describe him?

A No.

Q Oh, 'cause you weren't there?

A That's correct.

Q Other than the -- or the personal complaint, at the time, any other documentation of this?

A Other than?

Q Was there an arrest or --

A No, sir. I don't believe -- I don't believe there was.

Q Do you know if the officers made a --

A Actually, I believe, unless I'm getting the incident confused, maybe there was somebody arrested for making a -- I'm -- I'm not a hundred percent sure, but, you know, unless I'm mixing it up with another misdemeanor. For a misdemeanor vandalism on a police officer. But I'm not sure. I'm not a hundred percent sure. Like I say, I wasn't involved in the arrest or anything like that.

But that sounds vaguely familiar. It sounds sort of like something that might have happened.

Q You think perhaps misdemeanor vandalism?

A Yes.

Q But you're not sure?

A Right. I know sometime after that, we were working -- just working C.R.A.S.H., and several units gathered up because they had located a couple of the witnesses that were involved in this. One was a very young juvenile. Real young-looking guy. And I know they were discussing how to get him deported. They had detained him and they were trying to figure out how to -- how to deport him. They were going to get a hold of some of the ATF and INS guys that worked with us to get him deported.

Q Who identified the witnesses?

A The initial person who detained the guys was Stephanie Barr and her partner. And then, the rest of us, obviously, responded down there.

Q Stephanie Barr?

A Mmnh-mmnh.

Q And do you know who her partner is?

A Right. That was -- was I believe a young probationer. I can't even remember his name.

Q They stopped these three witnesses?

A They stopped a couple of people. I know for sure one was a real young guy. I think he was -- I think two of the

three they had stopped, or two of the couple people they had stopped, were witnesses to this complaint. And she had called some of us over because she knew that, you know, we needed to get these guys deported or get them out of here somehow.

After I responded and several of the other officers responded, I left. So, I really don't know what they did with him.

Q Maybe I'm not following this. The tires were slashed, the officers -- the officers strip the guy, they take him. And then, Stephanie Barr, that same night --

A No, no. I'm sorry. This is after the complaint is made.

Q After the complaint is made?

A Right. That's why I said some time after this, that's when this occurred. This is after the complaint had been brought to everybody's attention and the investigation had been lodged and everything else.

Q So, witnesses were discovered in the complaint, or came forth in the complaint?

A Right.

Q And so, Stephanie Barr and her partner went out looking for these witnesses?

A Well, actually, we were all looking for them. But Stephanie Barr found them that particular day. And we ended up responding there.

Q So, let me understand this. Why did you go out

looking for the witnesses? You're talking about a few days later? Or a day later you have this discussion?

A I don't think it was a day later. This was well into the investigation. This is after the investigation has started, after, you know, Internal Affairs is involved. I don't know how many days exactly, it was later. But it was well after the investigation had started.

Q Okay. Let me backtrack a little bit. After the incident, you said the next day or the next working day, or the next time the issue came up --

A Mmh-mmnh.

Q -- you discussed it during roll call. Do you remember roll call the following day of the incident -- so, that everybody was on board?

A Right.

Q Do you know the supervisor that was presiding over this? Does that stand out in your memory?

A No.

Q Okay. Do you know the officers that were present in this interview?

A Everyone that was working.

Q Everybody?

A Well, let me back up a little bit, too, 'cause some thing -- I leave it out and don't mention. We have our roll call. Our roll calls we have supervisors. And we discuss pretty much everything. We -- we debrief everything. Every

arrest, everything we do, we debrief it the next day.

And then, there're some issues that we talk as a unit. We let the supervisors leave and we discuss things. And that happened as well. I mean, sometimes they're just, okay, Sarg, we're just going to have a group meeting after you leave.

So, that's what a lot of times what happens. We'll discuss, hey, this went down. This went down. You know, this -- there's some rumor that Internal Affairs may be getting this. Or there's a rumor that a complaint's coming down and somebody called, you know, that type of thing.

Q Okay. So, as a result of this discussion, to get everybody understanding what you had, a decision was made to go and locate the witnesses?

A Yes.

Q Because it came to your attention that there was witnesses involved?

A Yes.

Q And you're saying that the entire C.R.A.S.H. unit was out looking for these witnesses?

A Ones that were willing to, anyway. I mean, I'm not gonna say everybody. 'Cause I don't if O'Grady and -- I guess, Barr went looking for them. You know, they could probably care less. I don't know. I know people that were in the C.R.A.S.H. unit and, you know, knew how to try and handle some of these things, you know, if -- if they found them, you know, hey, detain them and give us a call. And we'll figure out what to

do later.

Q You mentioned the name O'Grady. Do you recall him being in this discussion?

A No, not necessarily. I'm just using him as an example.

Q An example?

A Yes, I'm using him as an example.

Q Okay. So, the unit and those members who were going to do it, and decided to go out and look went for the witnesses. Stephanie Barr and her partner, find the witnesses.

A Yes.

Q And they contact Martinez and Hewitt?

A Yes.

Q And when they contact Martinez and Hewitt, what happens?

A Well, once they get there, they're -- they're handling it. So, I -- I pretty much take off. From what I -- from what the discussion was, it was trying to -- how do we get them deported. But I mean, I really don't know what happened after that.

Q So, how is it that you know Stephanie Barr came across these witnesses? Someone told you?

A No, I was present.

Q You were there?

A Yeah. No, I responded to when she showed herself a Code 6. I'm assuming -- because I don't know how I would know.

Because she wouldn't come on the air and say, "I have these witnesses."

I'm assuming she switched to a tach and talked to some of the guys and said, "Hey, I have, uh, those people they were looking for, or whatever." I responded there, as well as other units responding, you know. Everybody's talking about it. Yeah, these are a couple of witnesses.

When the other officers that are heavily involved in this get there, they discuss what they're going to do. They're trying to get these guys deported. At that point, I'm pretty much finished. And I take off.

Q Okay. When you responded to Barr's location, did you -- do you remember Hewitt and Martinez being there?

A Yes, I remember -- I remember several units showed up. I can't remember.

Q But you do remember Hewitt and Martinez being there?

A Yes. Stephanie Barr, I think her partner was Stacey Spell, a light-skinned Black guy.

Q Okay.

A I believe my partner. But I'm not sure.

Q Okay. And, as a result of that, you just took off. Any talk about what happened to these witnesses?

A You know, like I said, the last thing I remember was talking about deporting them. Whether they did or didn't, I don't know. I mean, it wasn't something that -- you know, I wasn't even -- I wasn't even involved in. So, it really wasn't

that important to me.

You know, I mean, I would help them find them if these guys needed to be found. But once they were found, I -- it was pretty much out of my hands. I had very little to do with it.

Q Okay. Okay. Mark?

Q BY SGT. THOMPSON: This debriefing that took place a day or so after the incident, do you recall if Roller was there? Or if a supervisor was there? Is that what you said?

MR. MCKESSON: I'm sorry. Who?

SGT. THOMPSON: Roller.

THE WITNESS: I don't -- when we discussed it, I don't remember him being there.

Q Okay. Do you recall if anybody walked out of the room? You know, you have your C.R.A.S.H. unit there. Whether any officers got up and left and were not present during the debriefing?

A I don't remember that either.

Q Okay. So, as far as you know, every C.R.A.S.H. officer that was present that day was part of this debriefing?

A Right.

Q And what exactly -- what was discussed? Or in the debriefing what was --

A The skeleton of the -- just the bare minimum as to what happened. I think the reason it came up was because there was gonna be -- any time there was a major 181 going on in the unit, everybody needed to know, so, that in case interviews

came down, or any Internal Affairs showed up at the station and wanted to talk to people, reps needed to be called, everybody was on board. Everybody was on the same page.

You know what I mean? This never happened. No, we never went there. Whatever the situation needed to be, you know, addressed, that's what we did. So, from what I remember, and this is where -- because, like I say, I wasn't at the scene, so, I don't -- this is what I received from the debriefing, what I explained as far as what happened, that's what was talked about.

There was also some talk about the witnesses -- who some of the witnesses were. And, again, the witnesses that were talked about, were talked about by name. But some of these gangsters, I didn't know.

In other words, I was working the north-end gang. So, some of these guys that they were mentioning by moniker and all this, I really didn't know.

Q So, if I understand, at this briefing, was it already knowledge that there was going to be a 181 behind this?

A Yes.

Q Where did that information come from?

A Somebody from up above, you know, just gave us the heads up.

Q Okay. So, the purpose of the meeting was to get everybody's story together if they were contacted by an investigator from Internal Affairs?

A Yes.

Q Okay. And these witnesses, how was it known that there was potential witnesses to this?

A It just came down. I mean, it's -- I really don't know. You know, how the information was gathered, I don't know. How the information was spread out, I do know. I mean, I know where it came from. But where it came from before that, I don't.

Q So, if an officer was approached -- hypothetically, if an officer was approached by an I.A. investigator or any investigator, looking into this 181 or 128, and they told the investigator, "I wasn't there" or "I don't have any knowledge of it" based on what you told us about this debriefing, that would be a false statement; correct?

A Yes.

Q Okay.

A Let me say this. Sgt. Hoopes was very good at deflecting 181's. That was his main purpose, you know, after he left Rampart C.R.A.S.H. His -- I mean, his primary -- one of his primary jobs was to deflect any 181's that were coming down to our unit. I mean, he -- he would handle a lot of it on his own before it got any further.

Q BY SGT. COOK: Was Sgt. -- I'm sorry, Mark.

SGT. THOMPSON: Go ahead.

Q BY SGT. COOK: Was Sgt. Hoopes working -- where was Sgt. Hoopes working when this occurred?

A I believe he was working -- he wasn't working C.R.A.S.H. I believe he was working something in the offices, you know, not an adjutant, but, you know, I don't know what the title was. But I think he was just working -- you know, working next to -- you know, the -- you know how the Lieutenant's Office is there? They have like a couple of sergeants working in front of the Lieutenant's Office. I don't even know what their titles were. But that's what he did.

Q Okay.

A It wasn't adjutant. But maybe an aide to the Lieutenant. I don't know.

Q BY SGT. THOMPSON: In regards to this -- these witnesses that were located by Barr, at whatever point in time, whoever showed up to that scene, and you said yourself was there, and some other unknown officers would have knowledge of what that was all about?

A Oh, definitely, yes.

Q Okay. And that would include your partner?

A Yes.

Q And your partner was who, do you recall?

A I don't.

Q I think you were teamed up with Martin, at that time?

A Martin? Okay.

Q So, he would have knowledge of that?

A Yes.

Q Okay. And there's a list of officers that were

interviewed regarding this complaint. And I don't expect you to know them. But I can tell you who they were. Stephanie Barr. So, if she said she had no knowledge of this incident, that would be false and misleading?

A Yeah.

Q Nelson Fong?

A Yeah, he knew --

Q Okay.

A -- what was going on.

Q Hewitt, obviously.

A Oh, he definitely knew.

Q Brian Liddy?

A Yeah, he knew.

Q Uhm, Anthony Lopez?

A Yes.

Q Daniel Lujan?

A Oh, yeah, he knew.

Q Samuel Martin?

A Yes. Now, he knew exactly how I knew. You know, not being at the scene, but, you know, but we had talked about it, yes.

Q 'Cause he was at the debriefing?

A Yes.

Q So, that's what I'm saying.

A Yes.

Q He was on board with it?

A Yes.

Q If we're to take what you say is -- is to be true?

A Yes.

Q Okay. And if he told an investigator later on, "I don't know nothing about this" then, he was lying?

A Yes.

Q Okay. Lawrence Martinez? He was there, obviously?

A Yes.

Q I'm just going down the line. The order don't really mean anything, but Eric Reade?

A Reade was working with Richardson?

Q I believe so.

A Yeah, he would know.

Q And the next thing is Richardson?

A Oh, he would know.

Q How about Roller? We discussed Roller. You're not sure about Roller?

A Did Roller know about -- I don't know if he knew.

Q BY SGT. COOK: He wasn't at the debriefing?

A No, I think, -- you know, again, but these are just my assumptions on that. You know, when I say I think so, you know --

Q BY SGT. THOMPSON: 'Cause it's possible?

A -- some -- some sergeants were good sergeants. But they, you know, they -- you know, even the best of sergeants, the more squared-away sergeants will, you know, try to help

you. So, it's bottom line, they will try to help you.

I mean, I'm not trying to implicate anybody else in anything. But, you know, sometimes, you know, Sgt. Roller, to me, was a very good guy. A very good guy. But if you're asking me do I think he knew something went on and, you know, they were trying to, you know, -- yeah, I think he knew. But am I certain? No. No.

Q But you're certain about the other officers because they were present at this debriefing?

A Right. Right.

Q And the last name I have here is Stacey Spell.

A Was Spell with Barr?

Q That I don't know. I'm just going off this list.

A For some reason, I remember him being with Barr when they first stopped the witnesses. So, I'm -- if that wasn't her partner, he was with somebody else. So, there might have been already another unit there as well. But I think, yes, he knew. Q Okay. That's all I have.

Q BY SGT. COOK: Other than stripping the gang member of his clothes, was there any talk of any -- talk of him being beaten?

A Yeah, there was some -- I'm trying to get this incident just right. For some reason, I want to say there was -- for some reason, I want to say there was two people involved initially. But I don't -- I really don't know. The one thing that stands out is a guy who got picked up, got stripped down,

and was taken out of the area and dropped off somewhere else. That's what I remember.

Whether he got beat or something, vaguely sounds familiar. But I -- I don't remember.

Q BY SGT. THOMPSON: Let me ask you one more question, Ray. Did you ever hear talk amongst the officers about later on the night that this occurred, that the gang member was brought to the station by a supervisor and they -- the supervisor was doing his preliminary investigation?

A And they found a pair of pants or something -- something like that?

Q But there was a comment, or somebody saw the gang member. And there was a statement to him regarding, you know, about making a complaint, what happens to people that make complaints against Rampart C.R.A.S.H. Did any of that ever come to your attention?

A Not that I remember. What I do remember, as you were talking, was that, somehow, somebody went back to the scene and found some clothing or something like that. So, they might have found a pair of pants or something. I don't know why that jumped out on me. But I do remember some talk of that.

I don't know if it was the officers went back or the investigators went back. But somebody found a pair of pants or something like that. Some clothing that belonged to the gang member.

Q Okay. But you don't know who that was?

A No, sir.

Q Okay.

SGT. COOK: Okay. That concludes the interview. The time now is 1753 hours.

(Off the record at 5:53 p.m.)

(Back on the record at 6:13 p.m.)

SGT. COOK: Okay. Today's date is November 23rd, 1999. The time now is 1813 hours. We're on Tape No. 221486. And I'm Sgt. John Cook, 25353. My partner is Sgt. Mark Thompson, 23251. We're interviewing Rafael Perez being represented by his attorney Kevin McKesson. And our court reporter is Sara Mahan.

Q Ray, you've had a chance to review some information regarding three incidents. The first incident involved Officer Hewitt and his unknown partner who had detained a Joker and Jose Morales Perez, who is -- has a birth date of -- well, right now, he's 22 years old. An 18th Street Gang member.

Uh, this detention occurred at 3rd Street and Kenmore Avenue. And Officer Hewitt arrested Joker for a handgun. Officer Hewitt struck Jose Perez numerous times with a closed fist for no apparent reason. And, afterwards, wrote him a traffic citation for blocking the sidewalk.

A I have no --

Q Do you have any knowledge of that?

A I have no personal knowledge or any other knowledge for that matter to that fact.

Q Okay. Do you know who this Joker is? Do you know

the --

A I believe I know who he is, only as a matter of reference. I mean, I believe he's the person who was killed at the Shatto shooting.

Q Okay. The Shatto shooting?

A Yes.

Q Okay. But apart from that, you don't have any independent knowledge of that?

A No, sir.

Q No one talked to you about it?

A Not that I can recall.

Q Okay. The second incident, Officer Hewitt and his partner -- unknown officer -- detained Eddie Martinez, aka: Little Stranger, and Jose -- Jose Perez on Berendo Street.

Do you recall -- Martinez had pieces of rock cocaine in his mouth. Perez was placed in the vehicle -- in the police vehicle. Martinez remained outside with Hewitt and the other unknown officer. Perez looks outside the car and he observed the officers striking Martinez with their hands.

Afterwards, Martinez was released after being struck. Hewitt returned to the rear seat of the police vehicle and pulled Perez' T-shirt above his head. Officer Hewitt stated, "I'm going to rape you. I'm going to rape you."

Hewitt's partner drove off in the police vehicle. And Officer Hewitt grabbed Perez and began to strike him with his fist. After driving around for a short period of

time, the officers drove Perez back to Berendo Street and released him.

Do you have any knowledge of that incident?

A No, sir.

Q Do you have any -- did you hear any information about that incident?

A Not to my knowledge.

Q Okay.

Q BY MR. MCKESSON: Not to your recollection?

A Not to my recollection.

Q BY SGT. COOK: Third incident. Officer Hewitt and his unknown partner discovered Jose Perez inside an apartment at 250 South Kenmore Avenue. Perez was hanging out with a female gang member who lived at that apartment. Her name was possibly Player. And the apartment was on the third floor at the rear of the complex.

Perez was sleeping. And he awoke -- he was awakened by a noise that came from outside. Officer Hewitt knocked on the door and came inside the apartment.

Hewitt confronted Perez about narcotics or weapons. Hewitt became enraged when Perez didn't have any information. He took Perez' hands. Hewitt took Perez' hands to the flame -- this open flame on a stove burner and requested information about contraband. And Perez didn't have any information. Hewitt placed a frying pan on the lit flame and he had the pan and placed it next to Perez' face, and asked for contraband.

Again, Perez denied any knowledge.

Do you recognize that incident?

A I do not.

Q Did you hear anyone talk about that?

A I did not.

Q Okay. Those are the three incidents that we wanted to bring to your attention. You don't recall hearing anything about that?

A I don't recall, no.

Q All right. That concludes the interview. The time now is 1819 hours.

(Off the record at 6:19 p.m.)

(Back on the record at 6:20 p.m.)

SGT. COOK: Okay. The time now is 1820 hours. We're back on Tape. There is one incident regarding Jose Perez that we want to talk about. This occurred at 250 South Kenmore Avenue. Officer Rico and his unknown partner forced their way into the apartment.

Officer Rico and his partner began hitting Perez and another gang member -- 18th Street Gang member by the name of Manioc. Well, it's spelled M-a-n-i-o-c.

After a period of time, the officers left without making any arrest.

Q Do you recognize that incident?

A I do not. I have no recollection of that.

Q There appears to be another incident here. Perez had

spoken to an 18th Street Gang member by the name of Travieso. Travieso told Perez about the time Loony -- whose first name is Guillermo -- and Downer, another gang member, and himself -- Travieso -- were all beaten up, for no apparent reason, by unknown Rampart officers.

Looney was beaten so bad that he began to have some seizures from the beating. The officers stopped the beating and then fled without calling for any medical assistance. Travieso went to Rampart area station and made a complaint about the incident.

Later, some additional Rampart area officers found out about the complaint and located him and gave him another beating. During this beating, the officer told him, "That's what you get for making a complaint against Rampart."

Do you recognize that?

A I don't recall that.

Q Do you recognize these names of 18th Street Gang members?

A Their names sound familiar. Their monikers, they sound familiar. But I don't recall this incident.

Q Okay. And you don't recall having any information about -- hearing about this incident?

A I don't recall. No, I don't.

Q Okay. Mark?

Did you read this last incident here about Speedy?

A I read everything. But what exactly was it?

Q About Speedy being shot by officers and -- and Speedy showed his scar located on the right upper back?

A Yes, I read that.

Q Okay. Do you have any knowledge of that?

A No, sir.

Q Do you know who Manny was? Officer Hewitt shot and killed Manny.

A Manny, I believe is Joker. Is Manny the one that was killed at Shatto shooting?

Q Okay. Manny and Joker are the same?

A I -- I believe. I'm not a hundred percent sure. I believe that the guy that was killed at the Shatto shooting, I believe his moniker was Joker. I'm not a hundred percent sure. But I think they also called him Manny. I've heard of him referred to as Manny as well.

Q That concludes the interview. The time now is 1824 hours.

(Off the record at 6:24 p.m.)

(Back on the record at 6:31 p.m.)

SGT. COOK: Okay. This is November 23rd, 1999. The time now is 1831 hours. We're on Tape No. 221487, Side A. I'm Sgt. John Cook, 25353. My partner is Mark Thompson, 23251. We're talking to Rafael Perez who is being represented by his attorney Kevin McKesson. The court reporter is Sara Mahan.

Q Ray, initially, we brought to your attention a Henderson. And we showed you his photograph. And you indicated

that -- Dennis Henderson -- you indicated that he looked familiar to you. But, at that time, you couldn't remember in what connection.

A That's correct.

Q And, now, you had an opportunity to read a log?

A Yes, sir.

Q And, after reviewing the log, you have a better recollection of who this Dennis Henderson is?

A Yes.

Q Okay. Can you explain that to us?

A Mr. Henderson, I initially met through an Officer Archuleta. Officer Archuleta, apparently, had some dealings with him. Officer Archuleta, apparently, felt that he was dealing narcotics out of his house.

And on a couple of occasions, we did some follow-ups with Archuleta to Mr. Henderson's house. And I believe we detained him a couple of times. He was not arrested by me.

Q Now, there's an allegation here or claim.

SGT. THOMPSON: Can we go off the record just one second?

SGT. COOK: Okay. The time now is 1833 hours.

(Off the record at 6:33 p.m.)

(Back on the record at 6:39 p.m.)

SGT. COOK: Okay. We're back on tape. The time now is 1839 hours.

Q You were talking about Henderson?

A Yes, sir. Uhm, as I said, I had gotten in contact,

or had made some contact with Mr. Henderson on a couple of occasions through Senior Lead Officer Archuleta, who, apparently, had a lead on him that he was selling narcotics.

I remember going to his house on a couple of occasions searching his house. I remember he had stated that he was gonna make a complaint. He said he was gonna call some news-people, some newscaster. And he said he was gonna do a bunch of stuff. I heard about it afterwards. But I don't know whatever came from it.

I remember on one occasion, we were parked in the rear of his building. And he showed up in an old-fashioned convertible car. And we detained him, then, as well. But I don't remember ever me, personally, arresting him or charging him with anything.

Q Do you recall that you and other officers, on December 12th, 1997, and again on December -- correction.

A Did you say December 12th, 1997?

Q December 12th, 1997.

A Okay.

Q And, again, on January 13th, 1998. Do you recall kidnapping Henderson?

A No, sir.

Q And why? Do you have any --

A First of all, I think -- I'm not a hundred percent sure. But I think on December 12th, 1997, I think I might have been off on a short vacation. A Christmas vacation. But,

uh, apart from that, I know that I never kidnapped anybody.

Q Okay. Do you recall any officers taking Henderson into custody? Or do you have any knowledge of such?

A Mr. Henderson had -- before Officer Archuleta had introduced me to Mr. Henderson, by way of going to his house and doing a door-knock and detaining him, Officer Archuleta had already had dealings with Mr. Henderson. So, what he did prior to that, I have no knowledge of.

Q Okay. Okay. That concludes this interview.

A Can you -- like I said earlier, I'm a little confused as to kidnapping or maybe transported to the station to be run for warrants, or something like that.

Q No, it was a kidnapping.

A This is a kidnapping for what purpose?

MR. MCKESSON: What do you mean by a kidnapping? I'm not clear. The reason why I'm saying that because Officer Perez has given testimony regarding to let's say Rojas. Arresting Rojas for no reason.

SGT. COOK: No, we're talking about Henderson.

MR. MCKESSON: No, no, no. What I'm saying he's testified he's never kidnapped anybody. Now, as to -- kidnapping to me is a vague term in this context because he has testified they went to Rojas' house, took him, planted dope, and took him to the station.

SGT. COOK: Okay. Well, I'm talking specifically the allegation made by Henderson.

MR. MCKESSON: I hear what you're saying. But what he said before is I've never kidnapped anybody. So, I'm saying kidnapped is a vague term, to me, to my way of thinking. It seems to me that somebody could argue in the Rojas case, if you hadn't done anything and you're taken to jail against your will, then, somebody may call that kidnapping. You see what I'm saying?

Q BY SGT. COOK: All right. In the case of Mr. Henderson, do you recall taking him to jail against his will or in his words, "kidnapping him" on December 12th, 1997?

A I do not.

Q Or January 13th, 1998?

A I do not.

MR. MCKESSON: The only thing I want to make clear, John is he stated he never kidnapped anybody. That's what I want to make clear that kidnapping somebody like Rojas can argue, if you came in and planted drugs and I wasn't doing anything and you took me, to jail, that's kidnapping. You're taking me against my will.

Q BY SGT. COOK: The scenario that was, uh, put forth by your attorney, does that scenario apply to these particular days with Mr. Henderson?

A I don't think so.

Q Okay. That concludes the interview. The time is 1843 hours.

(Off the record at 6:43 p.m.)

(Back on the record at 6:52 p.m.)

SGT. COOK: Okay. Today's date is November 23rd, 1999. The time now is 1852 hours. We're on Tape No. 221488, Side A. I'm Sgt. John Cook, 25353. My partner is Sgt. Mark Thompson, 23251. We're speaking to Rafael Perez. He's represented by his attorney Kevin McKesson. We have Court Reporter Sara Mahan present.

Q BY SGT. THOMPSON: Okay, Ray, the case we want to talk about is Lara, which is one that you previously pulled and talked about. And my understanding it was an arrest by you and Durden.

A Yes, sir.

Q Do you recall that?

A Yes, sir.

Q Okay. My understanding is that the arrest took place at 8th and Alvarado.

A It was on 8th just west of Alvarado in the alley there.

Q So, I don't have to -- well, --

A We were traveling westbound on 8th Street from Alvarado. We see a male Hispanic, kind of a round-faced guy. I'm not going to say he was husky, but he had a round face. Light-skinned. He ran across the street from the south going north, across the street jaywalking and into an alley.

I pulled my car into the alley behind him. And when he sees us, you know, we're getting out of the car, he stops.

You know, we walk over to him, detain him.

While we're interviewing him, he's sort of being real nonchalant, kind of talking about how proud he was that he had committed an assault against a police officer and got off with a misdemeanor. Some real light time, or something like that.

At that point, there was a decision made that he was gonna go for a gun. And he was arrested for a gun.

Q And that decision was between you and Durden?

A Yes, sir.

Q Okay. And that's what he went to jail for, correct?

A Yes, sir.

Q Okay. Had you had any prior contact with this person?

A Never.

Q BY MR. MCKESSON: To your knowledge?

A That I can recall, no, not to my knowledge.

Q BY SGT. THOMPSON: Do you recall what type of gun it was that he went for, or ultimately he --

A One -- one that we had in our possession. I don't recall. I don't recall exactly what type of weapon it was.

Q Is it possible that it was a .25 blue steel?

A That's possible, yes.

Q Does that sound --

A We had a lot of small -- you know, small automatic weapons. Not automatic weapons, but automatics. I rarely remember seeing -- you know, having the like revolvers. It was

always little small, you know, .25, .32, .38's -- not .38's, but .32's, .22's, .25's. It was always some small automatics.

Q Okay. Now, for this particular arrest, with Mr. Lara, you don't have a specific memory of it being a .25?

A If I had a police report in front of me, I would be able to refresh my memory. So, I'm not gonna take a wild guess. But it's possible that, yes, it could have been.

Q And do you recall where that particular gun originated from? Where it -- where you got it at, or where Durden got it at?

A No. Where we specifically got it from, no. You know, there was -- there were times that we had four or five, six guns. You know, that Durden had in his possession. Where they all came from, I don't remember. A lot of times, it was just picked up in a gang sweep. Or some gangsters ran, they all got away, and there's a couple of guns sitting there. We just held onto them.

Q You talked about, in the past, a person named [*****
***** CI #6 info redacted *****]?

A [** CI#6 info redacted **].

Q [***** CI #6 info redacted *****]?

A Yes, sir.

Q Okay. Did this gun come from [CI#6]?

A This particular gun?

Q Yes.

A I don't think so.

Q Okay.

Q BY SGT. THOMPSON: Does the name Barbara Lewis have any significance to you?

A Barbara Lewis?

Q Lewis. Female Black, from my understanding.

A No.

MR. MCKESSON: Do you have a picture of her?

SGT. THOMPSON: No, I don't. I just have a name. This was relayed to me.

Q BY MR. MCKESSON: So, you don't recall?

A Right. At this point, I don't have a recollection of that name.

Q BY SGT. THOMPSON: Do you know if she was, at one point, the registered owner of that -- uh, of this gun that was ultimately attributed to Mr. Lara?

A There's two things that need to -- that would help me. Obviously, a report would help me. If we -- I don't know who the registered owner was. At this time, I don't recall. But was he arrested for an obliterated serial number?

Q I believe so.

A Then, we probably obliterated that serial number for a couple -- for either one of two reasons. Either we obliterated it because there was a registered person to it, or we obliterated it because we wanted to make it a felony, and arrest the person for a felony. But I don't know which one it was.

Q On this particular case?

A The name that you're saying, it doesn't refresh my memory.

Q Okay. Do you know, for this particular arrest, when that serial number was removed? Whether it was before the arrest or after the arrest?

A I think it was done at the time of the arrest. I think, from what I can recall, we talked about how the -- we -- this guy we wanted to arrest him for a felony. And we had to do something to make it into a felony, because his conviction -- his prior conviction was a misdemeanor.

So, the serial number had to be obliterated off the weapon. And I think Durden did it that day, the day of the arrest.

Q So, before the arrest or after the arrest?

A Well, obviously, after the arrest. And then, we detained him.

Q Well, you just said the day of the arrest. So, --

A I'm sorry.

MR. MCKESSON: I think he said during the arrest.

Q BY SGT. THOMPSON: Okay. Well, then, --

A When he was detained and transported to the station, then, it was done at the station.

Q Okay. So, after he was -- he was transported to the station, the gun and the serial number was taken off?

A Yes, sir.

Q Okay. Do you recall if this gun was run through the system?

A It's possible. Like I said, sometimes we would run them for several reasons. Like if it came back stolen, we definitely wanted to leave the serial number on there, because a stolen gun is a felony. But do I have a specific recollection of us running that gun? No.

Q Okay. So, it's possible that it -- is it possible that that gun was run by Durden that particular night?

A That same particular night?

Q Yeah.

A The day of the arrest?

Q Right.

A It's possible. It could be that when we got to the station, we decided to run it. And it might have come back, let's say, with a registered owner. And if it had a registered owner, we didn't want it. We didn't want to book somebody with, you know -- you know, some gun that could be traced back to somebody. So, he may have just decided I'm going to take the serial number off. And let's book him for a felony.

Q Was it a practice for either you or Durden if you have a gun, you obtain a gun from however way you obtain it, a gang sweep or whatever, would the gun be run shortly after you obtained the gun? Or would you wait and have it, and now the decision is made to plant it on somebody, and then, run the gun?

A Most times it was like that. Because if you recovered a gun, and we don't have a body, why do we need to even run the gun? We would just put it in his backpack and it would sit there. And let's say we came across an incident or we have somebody and want to book him, we may decided, well, you know, we're gonna book him for a gun.

We may run the serial number. If it came back with something, you know, let's not book him for it, you know. Let's obliterate the serial number. Or if it's a stolen gun, then great. We'll book him having a stolen gun. But if it came back to somebody, we would definitely not want to book him under that serial number. So, we would just obliterate the serial number. So, yes, to answer your question, most times -- I'm not gonna say every time -- but most times. Most of the times we would just wait until an incident arose to really run it. Unless for some reason, for whatever reason, you know, Durden or I decided, I'm gonna run a gun today. I just want to see about this gun, who it belonged to or where it came from, or something like that. But most times we would until the situation presented itself.

Q Okay.

A A lot of times, too, if the guy had a felony conviction already, we didn't care whether the gun, you know, came back with no hits or no information. We just book him on a gun. It's still a felony -- Ex-con with a gun. But if the guy, like on this incident was a -- just a misdemeanor

conviction, we need, you know, to do something to make it a felony.

Q It's my understanding the arrest report indicates that Lara was arrested at -- is it 2200 hours? Do you have independent recollection when he was arrested?

A No, sir, other than what the police report would say. I know he was probably in custody for a little while before we decided, okay, now we're going to dabis him and book him. It was a while before.

Q 'Cause I think the dabising was maybe an hour later after that time.

A I think we had talked to him for a while. I think we had listened to his story about, you know, some assault he did on a police officer and got off. And we were listening to him. And then, we started asking him some information. And then, towards the end of our interview, we decided, you know what, he goes. And we decided to book him.

Q So, the dabis took place after a period of time after you interviewed him, talked to him, and all of that?

A Yes, sir.

Q Okay. Okay. I just about covered everything here. You got anything, John, you want to ask? I think that's all I have regarding that.

SGT. COOK: Okay. That concludes the interview. The time is 1903 hours.

(Off the record at 7:03 p.m.)

(Back on the record at 7:11 p.m.)

SGT. COOK: Okay. We're back on tape. Time now is 1911 hours.

Q BY SGT. THOMPSON: Ray, do you recall where it was that you and Durden transported Lara after he was arrested?

A I believe it was Rampart Detectives.

Q Okay. Is it possible that you initially went to Rampart Station over on Temple Street?

A What year, again, did this happen?

Q February 2nd, '97.

MR. MCKESSON: His question was, is it possible?

THE WITNESS: I don't recall. It's possible. But I just -- 'cause this is right around the time we decided to go over to Detectives in 19-- no, I'm sorry. This is '97. February of '98 is when we moved to Rampart Detectives. I'm not sure where we transported him to. I can't be sure.

Q So, you don't know if it was Rampart Station or Rampart Detectives?

A That's correct. Back in February of 1997, we were definitely using Rampart Station. That's where our C.R.A.S.H. office was. For some reason, I was thinking this was February of '98, and that would be --

Q Maybe clarify something for us. C.R.A.S.H., in February of '97, was at Rampart Station?

A Yes, sir.

Q Did Detectives -- were Detectives over at 3rd and

Union, at that time?

A Yes.

Q So, they had Detectives over at 3rd and Union. C.R.A.S.H. was housed at Rampart Station on Temple?

A Yes.

Q And, at that time, would you normally bring your arrestees back to the C.R.A.S.H. office? Or would you go over to Detectives?

A It would depend on what we were doing. If we were looking for certain I-cards and certain stuff, we would go to Rampart Detectives, 'cause that's where we kept all the I-cards and stuff like that. If we just wanted to take them to our office, to interview them, or discuss some things with them, we just went to Rampart Station.

Q Okay. And where would you normally do a dabis?

A We could do it at both places. Either Rampart Station -- if you're asking me where we would normally do it, it would depend on the time frame. At one point, we were always doing it at Rampart Station. But when we finally moved over to Rampart Detectives, that's where we would, uh, -- they have dabis -- dabis downstairs. And it would print-up upstairs.

Q You're talking about Detectives?

A Yes, sir.

Q Okay. Were there some arrestees that you might have taken to the Rampart C.R.A.S.H. office over on Temple Street,

and then, for whatever reason, have to transport them from Rampart Station to 3rd and Union over at Rampart Detectives? Did that occur on occasion?

A There may have been. If he tells us he's somebody and we think he's on the up-and-up, we'll take him to Rampart Station. Now, we run him, and we come up with nothing. You know, his information isn't coming up. You know, the moniker he's given us is not coming up on the fast system, you know, the gang-tracking system, there's nothing there.

So, we feel like he may be lying to us, let's take him over to Detectives see if we got any I-cards on him. Some other name or something. Plus the gang -- all the gang books are there, too.

Let's see he's from Easy Riders. We can go to the station or to Rampart Detectives and go through the Easy Riders and start finding his face in the book. And we may do it that way. But that was, you know, very few occasions that that happened. I mean, for me.

Q Okay. Do you have any recollection of that occurring on this particular case?

A I don't have -- I don't have any recollection of it.

Q Okay. And getting back to Durden and these serial numbers, if he had a gun that he found and kept in his possession, would he ever, you know, write a serial number down, maybe in his field officer's notebook, or somewhere, you know, to keep for, you know, for future reference? Or --

A Well, remember, when he's going to run that serial number for something like that, he doesn't bring the gun in and, you know, hold the gun up, you know, while he's running it.

He'd probably go out to the car and write the serial number down. And then, come back and run it on the computer from wherever he wrote it down. I'm not saying he wrote it into the field officer's notebook. But it's possible, yes.

Q Okay. Okay.

SGT. COOK: Okay. That concludes the interview. The time now is 1917 hours.

(Off the record at 7:17 p.m.)

(Back on the record at 7:33 p.m.)

SGT. COOK: Okay. Today's date is November 23rd, 1999. The time now is 1933 hours. We're on Tape No. 221489, Side A. I'm Sgt. John Cook, 25353. My partner is Sgt. Mark Thompson, 23251. We're talking to Rafael Perez who is being represented by his attorney Kevin McKesson. And present is Court Reporter Sara Mahan.

Q Now, Ray, you wanted to talk about D.R. No. 97-02 -- no, correction. What is the D.R. number that you have?

A 97-02-32501.

Q And the date of arrest?

A Date of arrest is September 24th, 1997.

Q And this involves the arrest of Diaz, the two Diaz sisters?

A Diaz. And also a William Zepeda.

Q Okay. Now, we have previously gone over this, uh -- this arrest. But you wanted to clarify some issues?

A Yeah. There were some things that I remember that I'm not sure they were covered or not.

Q Okay. Go right ahead.

A Uhm, somewhere on Page 3 of this arrest report, it talks about, in the upper portion of this report, on Page 3, "I, Perez, looked in the vehicle under the driver's seat and recovered a chrome .380 semi-auto fully-loaded, uh, handgun." And defendant said -- stated he purchased it from a friend. That vehicle was not or that weapon was not in his vehicle.

That statement and that weapon that we said was in the vehicle, actually came from his house, inside of a dresser. We just put it in his vehicle.

Q What was the significance of putting it in his vehicle, as opposed to finding it in his house?

A I don't know. We just decided to put it in his car.

Q BY MR. MCKESSON: Is he a felon? Is he a felon?

A He was a felon, because he was going for narcotics. It was a felony.

Q Was he a felon before?

A I don't know. I don't remember. I don't remember. Also --

Q BY SGT. COOK: Before you go on, where was it recovered in the house?

A In a dresser inside of one of the bedrooms.

Q Oh, okay.

A Also, it talks about how -- it talks about how we went there and knocked on Apartment 301, knocked on the door, at which time, a female Defendant No. 3, answered the door. That is incorrect. We actually had the manager of the building come in and open the door for us.

Q So, when you write the report, that you knocked on the door and the occupant opened the door, were you seeking consent?

A Well, we did knock on the door, but we felt she wouldn't open the door. So, we asked the manager to open it, so, we could get in right away.

Q But in the report, you were seeking consent?

A Right. I stated that, you know, I had knocked on the door and I asked her -- Defendant No. 1 and 2 lived there. And she said, "Yeah. That's my cousin or -- and my sister." We wrote that. But that's -- that's fabricated. Also --

Q Before you go on, explain how you got the information. Who did you get the information from?

A This information came from [*** CI #2 ***]. You know, [** CI#2 **] also has, now that you asked that, [CI#2] has knowledge that a large sum of money was taken from the residence.

After -- after these people are arrested, Gabriella Diaz was released. She was a -- she -- we booked her as adult.

Apparently, she was a juvenile. But she was released as a juvenile [***** CI #2 info redacted *****].

Apparently, they had -- these people -- or, at least, Gabriella Diaz [***** CI #2 info redacted *****
*****]. But they don't know what was done with it, or something like that.

In other words, [***** CI #2 info redacted *****

*****].

But [CI#2] had knowledge [***** CI #2 info redacted *****]. So, [CI#2] would have some type of knowledge about that money. That's about it.

Q Well, --

A I just wanted to make sure. I don't know if we talked about that one before or not. I don't remember.

Q And, you know, independently, I don't need it. So, now, that we're on the investigation or the arrest report, just to clarify it, did you -- did you get consent to search the residence?

A No.

Q You just went in after the manager?

A Yes.

Q Okay. And you were just operating on a tip from an informant --

A Yes.

Q -- that there was narcotics there?

A Yes. We -- we were aware that these people were selling narcotics. We had already a good source -- the source that gave us the information [**** CI #2 info redacted ****
*****].

Q And did you, when you recovered the money, were there narcotics included with the money?

A Was there -- there was narcotics at the house, yes.

Q Okay. Did you book all of the narcotics?

A Yes.

Q So, you just took money?

A Yes.

Q And was the money taken from various places or from one place?

A It was mostly in one place.

Q And where was that?

A Under the sink in a big -- or not a big, but, you know, the grocery store-type bags. They're the plastic ones that you get from the grocery store. Uhm, there was a couple of them like lining each other -- one inside the other. And just a lot of currency in there just thrown every which way. It was even like counted-out or stacked neatly. It was just all stuffed in there.

Q So, you described these plastic grocery bags?

A Yes. What we did -- I know we wanted to pretend, or

we wanted to not alert the three defendants that we had in custody, sitting on the couch, that we had found the money.

So, what we did was, we took a pillowcase from their residence and we stuffed all of that money, or that whole big bag into a pillowcase. I, then, went downstairs while they were still in the living room. I took the -- the --

Q BY MR. MCKESSON: Pillowcase?

A -- the pillowcase and put it in our trunk and came back up. And we did it real quietly, so, they didn't know that we had left -- or that I had left. So, when -- when I got back, I, then, approached the three people there. And we said, okay, you're being arrested for this. And we walked out with whatever we had -- whatever narcotics and whatever evidence we had with us.

And that was it. So, they never really saw us carrying all of the money out of the residence.

Q Who found the money?

A Durden found it.

Q So, you have three in-custodies, and one person searching. Did you have any assistance?

A Assistance searching?

Q No, assistance as far as detaining the three --

A No.

Q -- the three arrestees?

A No.

Q So, you stood by the arrestees while Durden found the

money?

A Well, actually, we had them sitting on a couch. And Durden was searching it. And when he found it, he called me over. And I could see them. Like here's the couch. I could see them. And here's a wall. They were right there. And he showed me what he had found.

Q Okay. You've already made it clear in other investigations that you don't normally just go and -- strike that.

In this case, did you physically put the gun in the car, or you just wrote it down that way, or articulated it that way?

A We wrote it that way. We had the gun in our possession.

Q Okay. When you transported the arrestees to the station, what did you do with the money when you got to the station?

A We left it in our trunk.

Q At what point in time did you dispose of the money?

A Dispose of it? We didn't.

Q BY MR. MCKESSON: Divided it?

Q BY SGT. COOK: Okay.

A We -- after the arrest was done, after everything was done, after we went end of watch, we came back to the Rampart C.R.A.S.H. office. We laid out all the money. And we counted it out. Took us a little bit to count all the money out.

Q You remove it from your trunk?

A Brought it on into the station.

Q You went into the office and you spread the money.

You took the money, and you counted it all out?

A We laid it out and counted it, yes.

Q And there was \$15,000?

A Yes, sir. A little over 15,000.

Q Of which you booked \$1007?

A Something like that, yes.

Q And you and Durden kept the rest?

A Yes.

Q Which you divided equally?

A Yes.

Q So, you have 7500 -- no, excuse me. You had 7,000
and he had 7,000?

A Yes.

Q Okay. Did you find any other guns?

A No.

Q BY SGT. THOMPSON: Obviously, Durden had knowledge
the money was removed; correct?

A Yes.

Q Was that discussed prior to it being removed from the
house, or did you remove it and tell him later that you had
taken the money?

A No, what we discussed was we decided that let's take
the money out of here without them knowing that we took the

money out of there.

Q Okay.

A So, he went and found a pillowcase. He put the money in the pillowcase. And he opened the door quietly, and I ran downstairs and put the money in the trunk.

Q That's what I was getting at. Whether or not he had knowledge of all that happening --

A Of course.

Q -- as opposed to back at the station you showing him, hey, here's all the money. Let's --

A Oh, no. We were well aware of what we were doing. That was our plan, to get it to the trunk, so, that when we're trans- -- both, you know, bringing these bodies back downstairs, they don't see us carrying any large sums of money or anything like that.

Q Okay.

Q BY SGT. COOK: [***** CI #2 info redacted *****], was there any other complaint by any of the other arrestees?

A Official complaints, you mean, made? I don't think so.

Q Okay. Did --

A You know, for some reason, I want to say -- but I'm not a hundred percent sure, that I was asked sometime during court or something, how much money was recovered. But I'm not

a hundred percent sure. But I want to say that when I was asked that question, you know, the light went on, because I know what actually happened to the money and how much money there was.

But, for some reason, I want to say that I remember somebody asking me about how much money was recovered on this arrest.

Q Do you recall who that somebody was?

A No. I'm assuming it was the public defender. But I don't -- I don't remember.

Q During your testimony, you're saying?

A Yes, sir.

Q BY SGT. THOMPSON: Let me ask you one more question, Ray. You said you counted the money up at Rampart C.R.A.S.H.

A C.R.A.S.H. downstairs.

Q The old C.R.A.S.H. or the new C.R.A.S.H.?

A The old C.R.A.S.H., the -- at the, uh, Rampart Station, uh, downstairs by the roll call room.

Q Right. Was there anyone else present? Other C.R.A.S.H. officers present, at that time --

A No, sir.

Q -- that saw this large quantity of money?

A No, sir. Detective, let me make something clear. I keep calling it the Rampart C.R.A.S.H. office. It was the old Rampart C.R.A.S.H. office. At that time, it was no longer being used by Rampart C.R.A.S.H. It was just an office with a couple of desks. But we still had a key to it. But it wasn't being

used. We still had the C.R.A.S.H. office down at --

Q BY MR. MCKESSON: Detectives?

A We already had the C.R.A.S.H. Detectives. And then, we had the one upstairs. But that little room downstairs, we still had a key to it. And it wasn't being used.

Q BY SGT. COOK: It was abandoned?

A Right.

Q The abandoned office at Rampart Station on Temple Street?

A Exactly, yeah.

Q Okay. Having reviewed the arrest report, and having made a clarification, are you confident that we've gone over the case sufficiently?

A I think so. As far as for this interview, the second one, I'm sure we covered everything.

Q Okay. That concludes the interview. The time now is 1947 hours.

(Off the record at 7:47 p.m.)

(Back on the record at 7:51 p.m.)

SGT. COOK: Okay. Today's date is November 23rd, 1999. The time now is 1951 hours. We're on Tape No. 221490, Side A. I'm Sgt. John Cook, 25353. My partner is Sgt. Mark Thompson, 23251.

We're talking to Rafael Perez here being represented by his attorney Kevin McKesson. And present is the Court Reporter Sara Mahan.

We're going to talk about D.R. No. 97-02-30230. Date of arrest is September 2nd, 1997. The arrestee is Juan Suarez, spelled S-u-a-r-e-z.

Q You set aside this case, Ray. Do you want to talk about it?

A Yes.

Q The reason I asked for this report to be pulled to the side is because, after reviewing the FES recap book, this incident kind of jumped out at me. The second page of this arrest report talks about a O.P. -- an observation point that myself and my partner, Officer Durden, was conducting at 11th and Lake. That's false.

What actually happened was my partner and I, Officer Durden and I, were patrolling the area, working FES. We were driving around seeing if we saw any narcotics dealers or dealing out in the street.

Officer Durden saw Mr. Suarez hanging out, walking. He was walking southbound on Lake from 11th. He saw him and we detained him real quick. Officer Durden relayed to me that a couple of days prior he was out there trying to make a purchase and the guy had gotten away.

Or, you know, the guy was going to deal to him. But he took off running, because he saw Durden. Because he -- the location this is taking place -- these deals or these narcotics transactions were taking place is right on 11th. Just east of Lake. It's the southeast corner.

If you know the location, it's rod iron fences and then, it's a steel gate. And what they do is they sell right through the rod iron fence.

So, when you try to run in there to go after them, they just run into the building and the door slams behind them. And you can't get in.

At any rate, Officer Durden had relayed to me something about this guy tried to sell to Durden. He recognized Durden. He ran off. Durden went after him and couldn't catch him. And he disappeared.

So, on this particular occasion, Durden said, "Let's take him." And we went. You know, just booking him for whatever narcotics we got on him. And booked him as though he -- I think we just booked him Possession of Rock Cocaine for Sale.

But what actually happened was he was -- Durden had identified him as a guy that ran from him, uh, a little bit before that -- a few days before that.

Q So, he had narcotics on him, on this case?

A No. We planted the narcotics.

Q Okay. You planted the narcotics?

A Yes.

Q Okay. And what was that? Rock cocaine?

A Rock cocaine.

Q Any other officers involved?

A No, sir.

Q Okay.

Q BY SGT. THOMPSON: Did you have to go to court on that, Ray, to testify? Either you or Durden?

A I really don't remember going to court. I don't know if my partner went. But I don't remember going.

Q Any idea what the outcome/disposition of the case was?

A No, sir.

Q Okay.

SGT. COOK: Okay. That concludes the interview. The time is 1955 hours.

(Off the record at 7:55 p.m.)

(Back on the record at 8:01 p.m.)

Q BY SGT. COOK: Okay. It's November 23rd, 1999. The time now is 2001 hours. We are on Tape No. 222851, Side A. I'm Sgt. John Cook, 25353. My partner is Sgt. Mark Thompson, 23251. We're talking to Rafael Perez. He's being represented by his attorney Kevin McKesson. And we have Court Reporter Sara Mahan present.

We're going to talk about D.R. No. 97-02-24601. This was an arrest that took place on July 9th, 1997. The arrestee was Laura Villatora, V-i-l-l-a-t-o-r-a.

A Uhm, I asked for this report to be pulled to the side for two reasons. First, I wanted to read it. I wanted to see how it was written -- if it was written accurately. Uhm, I'll go over what I think is written inaccurately, as far as what

occurred here.

Q Who wrote the report?

A Officer Coronado wrote the report. I was his partner. He and myself were the only ones at the scene. The information was obtained or that's on the source of activity is correct. We were aware that a Laura Villatora was in possession of a felony warrant.

Under "Observations" it talks about how we responded to the location. We knocked at the rear of the door and defendant came to the door. And it states that Coronado said I asked her if her name was Laura Villatora with her DOB. And -- and she stated, "Yes." That's inaccurate.

What actually happened was -- and I'll jump a little bit ahead. On the next paragraph, it says that eventually a wit, Laura Reyes, -- that's actually Villatora's daughter, uh, came in. She came to the rear -- to the rear door. Her and Officer Coronado got into a struggle.

Officer Coronado had to take her by the hair and throw her to the ground and subdue her, because she got very upset. She said that she didn't know who we were. She didn't know that we were police officers. But, anyways, they got into a big struggle, uh, as we were trying to make our way in through the door back door trying to, basically, force our way in, basically, him and her, basically, got into a big struggle.

And I remember him grabbing -- I remember him grabbing her by the hair and throwing her on the floor, trying to explain

to her that we were police officers or whatever else.

At that point, if you look under -- again, under "Observations", the second page of the arrest report, about two-thirds of the way down. It talks about how the defendant stated that "The narcotics is right here. You're going to take me anyway." "The defendant then, walked over to the balcony area and pointed to the balcony. Perez recovered a plastic bag which contained 23 clear plastic bags of marijuana."

That's also inaccurate. Actually, I didn't recover it. Actually, Coronado recovered it. What actually happened was we knew that there were narcotics there. But when we were having the struggle with the daughter, we knew the mother was doing something.

And we also knew that some of the narcotics was destroyed because there was some marijuana floating on the top of the toilet. So, we knew they either got rid of some -- but there was still more, as far -- the information was she was dealing pretty heavy into marijuana.

We're looking through the apartment looking, looking, looking. Coronado looked out the balcony, because the window was open to the balcony and he sees the narcotics. He walks out onto the balcony and recovers like a black plastic like grocery bag. But it was black. And the narcotics was in there.

On this report, it says that she said, "Oh, you're gonna arrest me anyway. I'll show you where it's at. Uh, it's right over here." And she points to the balcony. That's --

that's not true.

[

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*****
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**          *****          CI      #21      info      redacted
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** ***** ].
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[

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*****
*****
**          *****          CI      #21      info      redacted
*****
*****
** ***** ].
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Q You fabricated P.C. to get in the house?

A Yes, sir.

Q Okay. And the information came from an informant?

A Well, yes, uhm, about the --

Q About her having marijuana?

A Yes.

Q Was that your informant, or Coronado's?

A Coronado's.

Q Do you know who the informant was?

A No, sir.

Q Was there anyone else involved in the arrest besides

you and Coronado?

A No, sir. I'm sorry. That's not accurate. After their arrest, [

***** CI #21 info redacted

*****].

Uhm, [** CI #21 info redacted], some other FES guys detained that guy. And we recovered the narcotics.

Q Was there any misconduct concerning that second arrest?

A No, sir.

Q Do you recall who the second arrestee was?

A It was a male. If I look at the FES recap book, I can tell you the exact name. Because it would be right under this name.

Q It would be right underneath this name?

A Yeah, arrested the same day.

Q But --

A There was no misconduct.

Q No misconduct involving that arrest?

A That's correct.

Q The Use of Force, was it reported?

A No, sir.

Q It was not reported?

A No, sir.

Q And you observed the Use of Force?

A Yes.

Q Did Laura Villatora -- does she observe the Use of Force, or was she in the house?

A She was running around in the house getting rid of, you know, -- obviously, throwing the weed out of the front balcony. And probably flushing some as well.

Q Mark?

Q BY SGT. THOMPSON: You said Coronado wrote this report?

A I believe he did, yes.

Q Do you know why he had you recovering the narcotics --

A I don't know.

Q -- as opposed to him?

A I don't know. Because he surprised me when he walked out there and came back with it. Oh, there it is. I don't know why he put me. I don't know. He just did.

Q Ray, what was the date of that arrest?

A The date of arrest is July 9th, 1997.

Q BY SGT. COOK: Was it that -- was it that you testified in court? Did you testify in court?

A I don't remember testifying. I don't recall if I did

or didn't.

Q BY SGT. THOMPSON: The name under the entry for Laura Villatora is Porifirio Acosta.

A What was recovered under his name? If you look all the way across, "Items Recovered" there is about five pounds of marijuana -- seven pounds?

Q It says 2471.9 gross grams of marijuana.

A Look on the next one down under his name.

Q Yeah, that's what I'm looking at.

A May I see that, please? No, under -- under his name is 2471. 200-something.

Q I think I said it differently -- whatever.

A I'm sorry. Okay. That's correct. And 2,471 grams. It's about five to six grams of marijuana. That would be him. The location for his arrest is the same as her arrest. [*****
***** CI #21 info redacted *****]. We detain him there and arrest him.

Q BY SGT. COOK: And that was Porifirio?

A Yes. P-o-r-i-f-i-r-i-o. First name Acosta. His booking number is 5307350. Now, also, we did his report under a separate D.R. number. His D.R. number is 97-02-24602.

Q Okay. Is there anything else you want to add to this?

A No, sir.

Q Okay. That concludes the interview. The time now is 2011 hours.

(Off the record at 8:11 p.m.)

(Back on the record at 8:21 p.m.)

SGT. COOK: Okay. Today's date is November 23rd, 1999. The time now is 2021 hours. We're on Tape No. 222852, Side A. I'm Sgt. John Cook, 25353. My partner is Mark Thompson -- Sgt. Mark Thompson, 23251. We're talking to Rafael Perez. He's being represented by his attorney Kevin McKesson. Present is Court Reporter Sara Mahan.

Q This informant -- the informant that was involved with Coronado, do you know the name of that informant?

A I believe [* CI #1 info redacted *].

Q Okay. [* CI #1 info redacted *]?

A [***** CI #1 info redacted *****]'s an informant that is actually signed up. [CI#1] does have a package. [CI#1]'s a paid informant.

Q Okay. An informant gave information that on July 22nd, 1997, at an address at 4979-1/2 Huntington Drive, that there were two kilograms of cocaine located at that house. And subsequently, there was an arrest of Ramiro Ochoa.

A That's correct.

Q You're familiar with that?

A Yes, we did a search warrant.

Q Okay. The informant stated that -- that [CI#1] was paid \$2000 for that information.

A I -- yeah, right around 2,000.

Q Was there any misconduct involved in that particular arrest?

A None.

Q No misconduct?

A None.

Q However, the informant said there was two kilograms of cocaine located in the house when Ramiro Ochoa was arrested. But there was only one kilogram booked.

A The only kilo that they found was one brick kilo on the defendant. As we were rushing in, he stuffed it in the toilet. It wasn't gonna go anywhere. It was a big kilo. But there was only one. It was taped up with gray -- gray duct tape. And it was in the toilet.

And that's the only kilo we found. The only other narcotics we found was a little -- a couple of small bindles of powder that were in hidden in a small hidden compartment of the, uh, dresser.

Other than that, to my knowledge, there were no other narcotics recovered.

Q Okay. And the informant on that -- that was, uh, [** CI #1 **]?

A Yes, sir.

Q Okay. Now, on July 28th, 1997, there was a Consent Search at 736 East Jefferson Avenue in L.A. The informant was given \$200 for the information that marijuana and various firearms were at that location. Do you recall that?

A Vaguely.

Q Okay. The marijuana was in the sum of 1,075 grams.

A Okay. I somewhat remember this.

Q According to the informant, [***** CI #1 info redacted *****] an unknown officer took close to 40 grams of cocaine.

A That someone took 40 grams of cocaine? It wasn't me. So, I'm not aware of any other officer that might have taken it. But I didn't take the 40 grams of cocaine.

Q The informant stated that Officer Coronado said Officer Perez entered the location on his own and began searching the residence. Did that happen?

A That I just went to the location by myself and searched it?

Q Well, you were with Coronado.

A And I just went in by myself and searched?

Q That did not happen?

A No.

Q So, as far as you recall, there was no misconduct on that particular -- as far as you can recall, there was no misconduct in that particular incident?

A None that I can recall.

Q All right. Apparently, we discussed this before. This involved Nino Durden and Coronado working together on October 3rd, 1997.

A Yes, sir.

Q 678 East 48th Place, Unit D. And just briefly, 600 to \$800 was taken. And that was the complaint.

A Yes, sir.

Q All right. And we discussed this before?

A I'm pretty sure we've discussed it.

Q Okay. The next incident is on November 14th, 1997.

A Consent to Search was conducted at 628 East 22nd Street in L.A. Fourteen bags of cocaine, weighing 8.1 grams were booked as evidence. And the property report was completed by Officer Rafael Perez. Do you recall that?

A Yes, sir.

Q There was no arrest made?

A No, sir.

Q Okay. The informant spoke with a friend who stated that prior to the search he had brought a kilo of cocaine to the residence and broken down a kilo to 11-ounce quantities. The informant's friend stated that the officer searched the residence and took two to three ounces of cocaine. Did that happen?

A No.

Q Okay.

A We did search the residence. But the only narcotics that we found was the one that was booked. There were no other narcotics other than that which was booked and recovered.

Q The informant advised that [CI#1] watched Officer Rafael Perez and another male officer enter the location after telling Officer Perez about the kilogram of cocaine. That happened?

A Of course, we were there.

Q Okay. But there was no misconduct involving that?

A None.

Q Sometime in 1997, the informant determined that at this location -- 2221 West 15th Street in Los Angeles, the informant claimed [CI#1] saw Officer Coronado engage in a hand-to-hand exchange where Coronado gave a plastic bag to Campy, a known cocaine dealer.

A I have no independent knowledge of that.

Q Do you know any cocaine dealer by the name of Campy?

A Not by name.

Q Okay. Lastly, the informant stated that [CI#1] was transferred to a police substation [****]. And the informant placed a call to [CI#1 info redacted]. Do you recall that?

A Yes, I do.

Q And did -- was this informant [CI #1]?

A Yes.

Q Okay. You were trying to get the informant to make a deal of a kilogram -- of a kilo?

A Well, actually, what we were doing was trying to get the informant to get us involved in someone who is dealing. Our intention was to -- for [CI#1] to get us into a conversation or get us in contact with someone who is dealing in the kilos, so, that we could follow [CI#1] to the house. And if he's dealing in kilos, he's, obviously, got narcotics at his house.

But I know that [CI#1] was flim-flamming us. You

know, [CI#1] tried to call this one guy, but the guy wasn't there. Or [CI#1] said the guy wasn't interested. [CI#1] just kept flim-flamming us. When we got finished with that, we went and dropped [CI#1] back off. And we really after that rarely -- even if [CI#1] called, we rarely dealt with [CI#1].

[CI#1] was just more of a flim-flam type [*****]. [CI#1] wasn't very reliable to me. [CI#1] wasn't reliable.

Q So, you were not successful?

A No.

Q This may have occurred in 1997? Is that your recollection?

A Yes, it would have occurred in '97.

Q Who was your partner?

A Durden.

Q And he was present?

A Yes.

Q Okay. Mark?

Okay. That concludes this interview. The time now is 2030 hours.

(Off the record at 8:30 p.m.)

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