

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, WEDNESDAY, NOVEMBER 3, 1999; 5:25 P.M.

(Oath was given by reporter.)

THE WITNESS: I do.

DET. COX: I'm Detective Cox. Serial No. 21605. And my partner, Detective Hanson.

DET. HANSON: 23915.

DET. COX: Also in the room is, uh, Detective -- uh, Sgt. John Cook.

SGT. COOK: 25353.

DET. COX: And we're interviewing Rafael Perez, with his attorney, Mr. McKesson. Today's date is November 3rd, 1999. And it's approximately 5:25 p.m. And we're at Century, uh -- in an interview room at the, uh, --

THE WITNESS: C.R.D. Uh, Century Regional Detention Facility.

DET. COX: Okay. Century Jail.

**RAFAEL ANTONIO PEREZ,**

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

EXAMINATION BY DET. COX:

Q Uh, we're here to talk to Ray about, uh, a case that you haven't made mention of yet. And we're gonna show you a photograph to see if it jogs your memory.

A Okay.

MR. MCKESSON: Let me -- this is a case you haven't discussed at all yet?

DET. COX: As far as I know, we haven't discussed it.

MR. MCKESSON: Well, let me just say this. And like I say, you know, I don't care what you guys, you know, talk to him about. It's fine with me. But I know when I spoke with District Attorney Rosenthal, it was his understanding that you guys were not going to bring up anything new.

DET. HANSON: This isn't new. This is an old thing. This has -- this isn't -- as far as we knew, the new things were the things he had told people that we needed details on. This is

something that's old and has never been brought up by anyone yet.

MR. MCKESSON: Well, that's what I'm calling new.

DET. HANSON: Okay.

MR. MCKESSON: What -- what Rosenthal explained to me today is, uh -- but like I said, I don't care.

DET. HANSON: Okay.

MR. MCKESSON: But what Rosenthal explained to me today, the only thing you guys would go over is follow-up questions on cases that he's already discussed.

DET. HANSON: No.

MR. MCKESSON: We were not gonna be bringing up any new cases.

DET. HANSON: No, that's -- that's --

MR. MCKESSON: That's what he explained to me.

DET. HANSON: Yeah, 'cause he meant what I just said. It was the new -- the new stuff that he's gone over, but we gotten any -- gone in detail on the new stuff that he -- that he told us about.

MR. MCKESSON: Okay. Let me back up.

DET. HANSON: But that --

MR. MCKESSON: No, I know none of it could be new. Because he's been in jail for the last year and-a-half. But what I'm saying is Rosenthal clearly told me that the only thing that was gonna be done today is follow-up questions. And I -- like I said, I don't care. It doesn't bother me. Because I'm here

anyway. But Rosenthal definitely led me to believe that there were not going to be any new incidents brought up with him at all.

DET. COX: You mean today?

MR. MCKESSON: Yes. That's -- that's exactly what he told me.

DET. COX: Well, I don't know if there was a, uh, miscommunication, because Richard knew that we were gonna come down here and talk. Unless it just slipped his mind. This is not a follow-up question to any other cases that Ray has told us about. It's -- it is a new case as far as, uh, -- as far as -- well, it's new in the sense that -- of what you're talking about, that Ray hasn't told us about it, as far as I know.

MR. MCKESSON: Yeah. And -- and that's exactly what he told me he did not want to discuss. And, like I said, I don't care. Okay. I'm here anyway. I mean --

DET. COX: Okay.

MR. MCKESSON: -- and -- and it doesn't bother me at all. But he told me -- he told me specifically, that it was -- that he did not want discussed anything that Ray hasn't already discussed. He just -- he just expected today to be follow-up questions on cases that he's already discussed.

DET. COX: Well, what do you want to do? Should we --

MR. MCKESSON: Well, I don't care.

DET. COX: Okay.

MR. MCKESSON: I don't care. But I -- I -- I'm just saying

you guys may want to call Rosenthal and tell him what you're doing.

DET. COX: He knows. That's the part I'm --

MR. MCKESSON: But he told me that three times. He told me that twice today.

DET. COX: Because he's known that we've wanted to do this.

DET. HANSON: Yeah, for quite awhile.

DET. COX: For -- and we've missed two times --

DET. HANSON: Prior times.

DET. COX: -- prior times that we were supposed to bring this up. But --

MR. MCKESSON: Like I said, you know, it doesn't bother me. I'm not gonna stop here. I'm just saying you just may want to take two minutes and give Rosenthal a call and tell him what you're going over. If he don't care, I mean, I don't care either.

DET. COX: Okay.

MR. MCKESSON: Uh, I don't think.

THE WITNESS: Do I care? No.

MR. MCKESSON: Fine with me.

DET. COX: Okay. Why don't we -- why don't we just go ahead and go with it?

MR. MCKESSON: Okay.

DET. COX: Is that okay?

MR. MCKESSON: That's fine with me.

DET. COX: I mean, we're -- I'll show you a photograph.

And you may say, who is this person.

THE WITNESS: Okay.

DET. COX: All right.

Q I'm showing, uh, Ray, a photograph of -- let me see it one second, Ray. A photograph of a male Black, with a booking number of 4109787. The photograph is taking -- taken on 9/06 of '94. Do you recognize him?

We'll give you a hint. Newton Division back in August of 1997.

A In a house. Uhm, how do I put it? Sort of like a -- almost like a project-type looking thing where there's like a walkway with a house here, a house there. A house here, a house there.

Q Correct.

A I think I know what this is. I don't know. Well, this is a '94 picture. I don't know if you have a more recent picture.

Q No.

A But he looks familiar.

Q Well, his name is Grace Cox.

A The name won't help me.

Q He's a big guy.

A We didn't arrest him. We took --

Q Okay.

A He was involved in something. And we took some -- he was gonna help us. We took some money and narcotics from him

maybe. And he was gonna help us. And he never showed up, or never came back, or something. I don't --

Q Let me run it by you, uhm, who this person is. He's a pretty good-sized guy. He's probably 6-1, 250, 260. Most of his weight is carried in his chest. He's a big guy. Uh, major narcotics dealer over near 41st and Central. Does that ring a bell?

A Yes, sir.

Q And you were working Narcotics, at the time, FES.

A Working with Officer Durden?

Q Yes.

A Yes.

Q Is -- is anything coming back to you about this guy or is what you've told me thus far is all you can remember?

A Uhm, anything other than what I've told you?

Q It's pretty significant what happened to him on that date. And the date was August 15th, 1997.

A The date's not gonna help me. But --

Q BY DET. HANSON: Do you want us to continue to tell you a little bit?

A I remember -- uh, I know that we took -- we took, I think, money and dope from him. But he was gonna help us out some way. And we were supposed to meet back with him. And what I do remember is something about this, specifically, was that ended up doing a search warrant. And it was right across the way from where he lived. I remember that Newton had us



assist them in a search warrant. And I remember thinking, this place looks familiar. And it was right across the -- the -- the place that we searched, was right across the hallway, or right across the -- the walkway from where this guy was living before.

Q Okay. And who'd you do that search warrant with?

A It was Newton's search warrant. We assisted them. I think there was an old gentleman that might have been arrested. And old --

Q Right.

A -- Black, uh, older guy.

Q Right. His nickname was Maestro. He wasn't even there, at the time.

A He came later.

Q He came later?

A Yeah. I remember that.

Q You talked to him?

A Uh, I don't know what specifically. I might have said some words to him. I might have talked to him, yeah.

Q Okay.

A He was kind of irate when he showed up and we were there.

Q This guy claims -- and this guy, meaning Grace Cox -- that you're looking at, claims he was robbed by both you and Officer Durden --

A No.

Q -- on that date.

MR. MCKESSON: When you say "robbed", Detective, what do you mean?

DET. COX: Robbed. Uh, his property taken from him.

MR. MCKESSON: Like taken at gunpoint, or --

DET. COX: Yes, at gunpoint.

THE WITNESS: No. Uhm, he had promised us that he was gonna roll over on some information.

Q BY DET. COX: How -- do you remember how you got him in the first place? You're in Newton Division now.

A I know. Uhm, somebody led us on to him. I don't remember how.

Q Okay. And we're gonna get to that in a second, also.

A Uhm, --

DET. HANSON: Which one do you want?

DET. COX: Uh, it doesn't matter. I just want to show it so he can get a good look at this thing. Well, let me show you, uh, --

DET. HANSON: Right here. This one's better.

DET. COX: I'm showing you photographs of, uh, -- actually, the location is off 41st, just west of Central. It's on the north side of the street. And it's photographs of an apartment complex.

THE WITNESS: This is the place.

MR. MCKESSON: Can I ask you a question, please? When did you get the allegation?

DET. COX: Meaning Grace Cox?

MR. MCKESSON: Yes.

DET. COX: Grace Cox -- well, it started on that day, on 8/15/97. And it became, uh -- uh, he made allegations again whenever he saw Ray's photograph in the newspaper. And he had made a --

THE WITNESS: On my initial arrest? Or, this -- this outburst?

DET. COX: First he made -- first he tried to regain his property the day that he claims that it was taken from him, on 8/15/97. Uh, there was no response by anyone, uh, at Rampart Station, as far as doing anything about it. And, then, when he saw your picture in the paper.

THE WITNESS: And how did he know we worked Rampart Station?

DET. COX: Well, let me -- let me -- did you -- let me just finish telling you.

THE WITNESS: Oh, I'm sorry. Go ahead.

DET. COX: And then, when he saw his picture in the paper, is when he made another call to the Internal Affairs group.

MR. MCKESSON: He made an Internal Affairs call when?

DET. COX: Uh, September -- or, I'm sorry. Right after, uh, Ray's photograph was in the paper. August of '98.

MR. MCKESSON: August of '98. And he reported it to Internal Affairs?

DET. COX: I'm sorry. Say it again.

MR. MCKESSON: And he reported it to Internal Affairs?

DET. COX: Yes. Yes.

MR. MCKESSON: Okay.

Q BY DET. COX: Obviously, you're having a hard time remembering this?

A No.

Q No, but I meant as far as you said Rampart Station, because you took him to Rampart Station.

A Oh, did we?

Q Yes. We know he was taken to Rampart Station. We have evidence --

DET. HANSON: Not right away, though. He was taken to another station --

DET. COX: First.

DET. HANSON: -- first.

THE WITNESS: Not right away. And took him to another station?

DET. HANSON: Correct.

Q BY DET. COX: Well, let me -- let me run it down to you. Because we're wasting time here. Is that you got information about this person Grace Cox. You went over to the location, 41st and Central, where you contacted a Newton Patrol unit. Two female officers. Do you remember now?

A Yes, I remember that now.

Q Okay. Go ahead and you tell me then.

A They transported him to, uh, Newton Station. We went

to Newton Station to interview him, or talk to him.

Q Okay.

A Uhm, --

Q What kind of car were you driving, at that time?

A Which car?

Q Which -- which are was it? Do you recall? The burgundy one?

A That's right. The burgundy, uh, maybe Chevy.

Q Oldsmobile?

A That's the one.

Q This -- the one my partner is showing you?

A That's the one.

Q It's the burgundy, uh, -- uh, Oldsmobile that we're showing him photographs of, that we had, uh, -- L.A.P.D. no longer owns it. So, --

A That's the car.

Q Okay.

MR. MCKESSON: Do you want the license number on the record?

DET. COX: Can you read the license plate? Can't read it?

DET. HANSON: It's an '89 Olds. We had a picture of the license plate somewhere.

DET. COX: No, there may not be a license plate.

DET. HANSON: There might not be, because it was privately owned. And it's in the window of the car. And I don't have it. And it probably got changed, by it's private owner.

MR. MCKESSON: So, just for the record, you're taking that photograph. There's a photograph that you're taking out of what book?

DET. COX: This the Grace Cox, uh, robbery book.

MR. MCKESSON: And my client has identified a photograph on a document that's laminated, with three photographs of a vehicle. The top photograph showing a passenger door opened. The middle photograph showing the front of the vehicle. And the bottom photograph showing the passenger side of the vehicle. Correct?

DET. COX: That's correct. Okay.

Q Go ahead with --

A We left off where --

Q -- what you recall. You were at Newton Station.

A -- uh, two Newton officers, female officers, detain him. Take him to the station. We speak with him. I remember, uh, we -- after we talked to him. And I don't know what happened between there. We -- we released him at a corner, with the understanding that we were supposed to get back together. He was gonna give us some information.

And his property, I don't think, was given back to him. Uh, he was -- he was gone. And I know we paged him or tried to get a hold of him again, and he never got back with us.

Q Do you remember taking him to Rampart Station?

A I really -- I'm sorry. But I really don't remember that part. So, you can tell me.

Q Six o'clock in the morning, you started your watch, on that day. You started early.

A From when?

Q 6:00 in the morning. It was an early day. It appears to be around 6:00. Of course, you didn't have a log book. But looking at other officers that started work that -- narcotics officers that started work that day.

A Mmnh-mmnh.

Q Then, you end up at Newton Division with Grace Cox at around 8:00, 8:15 or so, in the morning.

A Okay.

Q And you transport him. He's at Newton Station for just a few minutes. You also used a call sign of 8Y244, which is not your unit number. You were using Randy Canister's unit number. It's on the Jail Detention Log also. Plus, it's on the Officer's DFAR, when they contacted -- when you contacted them over the -- some tach frequency or Simplex, however you got a hold of the Newton unit, you also identified yourself as 8Y244.

A And it was me talking?

Q I don't know who was talking. I don't know. Just you --

A I don't remember doing that. But, okay.

Q So, now, this is coming back to you, okay. Did you transport him to Rampart Station, put him in a holding cell, and go to court, where you testified. You get on the stand and testify.

A That same day --

Q The same day.

A -- we detain him. Put him in the tank, and I go to court?

Q Yes.

A I'm sorry.

Q You still don't remember?

A No. I'm sorry.

Q And after you testify in court, you're back --

A Uh, what case did I testify in? Maybe that will help me.

Q I'm trying to remember where I put this stuff. It was a short preliminary hearing on a dope case. Let me look in the other book. Carlos Romero.

MR. MCKESSON: Carlos Romero? The Carlos Romero?

DET. COX: Carlos Antonio Romero. I don't know if that's the same one.

THE WITNESS: No, actually, you said this occurred August 15th?

DET. COX: Yes. Oh, well, actually, it could be, because he was arrested July 31st. If it was the same --

MR. MCKESSON: Is this preliminary hearing?

DET. COX: I'm sorry?

MR. MCKESSON: That's his preliminary hearing?

DET. COX: Sure. Uh, this is Case Number BA154270. Tracy Watson was the D.A.



THE WITNESS: This is the Carlos Romero.

DET. COX: Okay.

THE WITNESS: This is the Carlos Romero.

MR. MCKESSON: That was involved in the underlying case.

THE WITNESS: Okay.

DET. COX: We're not that familiar with Carlos Romero because we came into the unit after Carlos Romero. But we know that there was a Carlos Romero.

Q BY MR. MCKESSON: Is that it?

A Yeah, that's -- that's the one. Yeah.

Q BY DET. COX: Does that ring a bell with you, now that, uh, --

A (No audible response.)

Q It still doesn't?

A There's -- I don't know if you're trying to find a connection between that and --

Q No.

A No. I do not remember. I would remember detaining someone and going to court and then coming back. I -- it's possible that it happened. And I'm sure it happened, if you're saying that it happened.

Q But, uh --

A But I don't remember it.

Q -- because, uh, the reason that we know that it happened -- uh, that this has happened, uh, we had the documentation that he was -- for one, that you called up a

Newton unit.

A I remember that.

Q Secondly, you signed him into the jail on the Newton Jail log. That's -- even though there was no detention line at Rampart, Grace Cox says he was transported over to Rampart where he was put in a holding cell. And we do know that you went to court that day, uh, just by transcript. Because you weren't keeping a log, at that time.

A Okay.

Q We do know that you ran -- uh, actually, your partner ran, uhm, Grace Cox on the computer.

A At Rampart Station?

Q At Rampart Narcotics, at the computer down in the -- in the --

A Trailer.

Q -- trailer. And he ran him approximately ten minutes after you finished your testimony in court. So, it appears that -- and which is consistent with what Grace Cox says. Grace Cox says he puts in that cell for a couple of hours. And he just sat there. He had to go to the bathroom. Some Asian officer came by and -- and, uh, at some point in time, --

(Sneezing heard.)

DET. COX: Bless you.

Q At some point in time, you came and took him to the bathroom. And you wanted to know who the big man was selling dope over there on the street.

A I probably wouldn't have said, "Who's the big man selling dope on the street over there." Because I couldn't really care about who's selling dope on the street.

Q Well, what I meant by that, it's selling -- who's the -- who's the guy that's --

A I would want to know who the suppliers were.

Q Exactly.

A I don't deal with little street, you know, guys.

Q Right.

A So, I probably wanted to know who the supplier was, and wanted him to help me.

Q Exactly.

A That's true. That I remember, something like that.

Q Do you remember interviewing him over there at Rampart Station in the room, only just for a few minutes, because he refused to cooperate, and says he didn't know anything?

A No, we left with the understanding that he was gonna help me.

Q Well, okay. But I mean, prior to that -- before we get to the -- to the part about him leaving. At the time when you talked to him, do you remember interviewing him -- and I believe it's a little room right at the end of the hallway.

A The entrance to the old Detectives?

Q Yes.

A On the right side?

Q Yes.

A I would inter- -- that's where I would normally -- if I was in Rampart -- that's probably where I would interview him. So, that's probably correct. Do I remember? If that's what you're asking me, I really don't. I'm sorry. I don't remember him -- me interviewing him at -- I remember mostly talking to him in the car. In -- in the, uh, --

Q That's also correct.

A In the car, you know, on the way back, parking, talking to him. And I kept telling him, "Don't screw me over. 'Cause I will find you." You know, that type of thing. I wanted him to help me, uh, you know, get bigger dope dealers. Uh, but, interviewing him in a particular room --

Q It was a short interview. It was very short. 'Cause he says he didn't know anything. And he was giving anything. He knew he was on parole, because you're partner said something to him about being on parole.

A Was he saying that I interviewed him?

Q Both of you took him into the room.

DET. HANSON: Very briefly. Durden showed him his rap sheet. Uh, saying, "Hey, you're on parole. You need to help us." There wasn't much response. Then, you came in and you moved him. You had a brief little conversation. Then, you left. And then, you came back. And then, -- and then, uh, were gonna transport him somewhere, take him back to where he was going.

Uhm, real quick, a guy like this, would you take him in the trailer and set him on the bench, and maybe even unhandcuff and give him a phone call -- a guy like this? Would that be something you would do?

A Unhandcuff him and give him a phone call?

Q Sure. So, he could page the dope dealer.

DET. COX: So, he could --

DET. HANSON: To call you back.

THE WITNESS: Oh, sure. Uh, it depends on whether he wanted to cooperate. Obviously, I mean, oh, yeah. We've got -- we have an outside line in the trailer that we always use to -- if somebody wants to help us out, uh, and at least get some, uh, dope talk, and says, I can get you this guy. But it can't be today, 'cause he can't deliver it today, 'cause I just bought from him yesterday, but I want to hear the dope talk, then, we'll do that.

Or if he just wanted to order the dope. Uh, we'll use that outside line. What we'll do is we'll page someone to that line. And they'll call us back. Or we'll call directly to whoever, you know, we need to call. Yeah, that's very common.

Q BY DET. COX: Okay. Do you remember picking him up that morning?

A Picking who up?

Q Trying to stop him in that morning and having him picked him up.

A I remember, uhm, -- was -- was he standing in the corner, uh, talking to another male, uh, maybe by the liquor store, or some store?

Q Yes.

A Yeah, I remember that.

Q Okay. I want you to just think of that for a minute. Do you remember where you were sitting at parked in your car when you saw that?

MR. MCKESSON: Let me say that, for the record, uh, my client is testifying from memory. He's not been shown any documents other than photographs that other Detectives have shown him, thus far.

DET. COX: Just to make it clear, there are no documents.

MR. MCKESSON: I'm -- I'm just saying.

DET. COX: Yeah. No, that's fine. I understand.

DET. HANSON: We'd give him documents if we had them.

MR. MCKESSON: Oh, I'm not trying to saying that you're keeping him from. I'm just want to make it clear that he's testifying from memory.

DET. COX: Okay.

THE WITNESS: We were parked -- we had to be parked somewhere off maybe a half block away, looking at him.

Q BY DET. COX: Now, you're saying half -- do you independently recall that, though?

A I remember me, through my eyes -- I don't know exactly where I was parked or positioned, or whether I was driving up

and down, up and down. I remember him standing there. He's a big guy. And I still don't know, uh, gave us this information, or how we got him.

Q We'll get to that.

A But, we knew it was him. You know, this is the dealer. And, he's a big guy. And him talking to like some, you know, drinkers, and people in front of the liquor store. But, you could tell he was the big guy. Because everybody kept talking to him.

Uh, and we had a Newton unit pull up and take him down. But I don't know -- there's something missing. 'Cause I just don't remember how we knew exactly that's him. And take him down. I remember requesting Newton units. I remember some Newton female officers. I remember him being transported to Newton Station. I remember going to Newton Station and talking to him.

I'm a little foggy about taking him to Rampart Station and going to court. I really don't remember that.

Q Okay. Taking him in, though, do you remember calling, uh, Newton on the radio and saying, "Hey, can you -- probably described him. I'm guessing. Uh, that there's this guy that you want picked up.

A I wouldn't have done it. Whoever my partner was, would have done it.

Q He would have done it?

A It would have been my partner. I -- I was always --

most of the time, I was driving.

Q Okay.

A I was always the driver officer.

Q But if you were in the car, what I'm saying is that you remember this guy doing a hand-to-hand sell?

MR. MCKESSON: You mean observing it?

DET. COX: Observing it, yes.

Q BY MR. MCKESSON: Do you recall that, Ray?

Q BY DET. COX: Independently recall it?

MR. MCKESSON: What you're asking does he independently recall that? Or does he recall writing -- fabricating -- writing it down?

Q BY DET. COX: You're right. There's no written down. This is all strictly recall.

MR. MCKESSON: How do you arrest somebody without preparing an arrest report?

DET. COX: He didn't -- he wasn't arrested.

MR. MCKESSON: He was detained?

DET. COX: Detained.

THE WITNESS: I'm having a --

DET. COX: Okay. All right. That's fine. That's fine. Now, --

THE WITNESS: I know that we saw him. And we definitely wanted him stopped and, uh, detained. If you told me a little bit more, maybe something will click.

DET. COX: We're gonna go on as we go, uh, -- and, actually,



we're going through this a lot quicker than what I thought we would. Uhm, 'cause you're not remembering it. I'm telling you the story.

Uhm, after you had him at Rampart Station, just for coming back from court, interviewing him for just a few minutes, do you remember putting him back in the car? And I know that you had conversations with him in the car, because he says that also. Do you remember driving him from Rampart Station back to Newton?

A Yes.

Q But do you remember driving him around different area, having him point things out to you, or trying to get him to point things out?

A Yes.

Q Which one? Did you -- did he point things out to you? Or did he refuse to cooperate? And -- and I'll tell you, Ray, he tells us. And I'll be straight with you. Okay. This guy seems -- he seems pretty honest. He wasn't out to -- he wasn't out to jam you specifically. He just -- he told a lot of people about what happened that day.

A Mmnh-mmnh. Okay.

Q Including he has a privately-retained attorney, who is an ex-L.A.P.D. officer from fifteen, twenty -- fifteen years ago. My partner and I interviewed him, talked to his mother.

MR. MCKESSON: Who is the lawyer?

DET. COX: Tom White.

MR. MCKESSON: I don't know him.

DET. COX: Tom -- T.J. White.

Q His mother, very straight woman, his girlfriend, his commonlaw, his parole officer -- he tells them all. And all the stories are pretty consistent. And they all -- we interviewed them all separately. And they're pretty consistent with what he says about the kind of property that was taken from him. And I don't know where -- I've gotten off on what I wanted to ask you. But, uh --

A You -- you started to ask me --

Q If I -- I think when you're taking him back and you're driving him, is he -- are you talking him around places pointing out places, saying, "Does this guy sell dope here? Do they sell dope here?" And was he being uncooperative with you?

A No, he wanted to show us some of the places where -- who deals to him, and where they live. I couldn't tell you where exactly where they were now. It's not a place I'm real familiar with.

But I remember him taking us -- okay, you have the people who live there. He lives with this female. And they deal to me. You know, things like that. Uh, but it couldn't be -- it couldn't be done today. Because everybody saw him get taken into custody. If something happened today, they're gonna know. That type of thing. But I remember him, uh, with us, driving around, and him showing us several locations.

I do remember something like that.

Q Okay. Do you remember him being in the front seat? The back seat? Him in the back seat and you driving? Durden in the back seat? Durden driving?

A No. He was -- he was in the back seat. And I think we were both in the front seat.

Q Do you remember if he was behind you, or behind Durden, if you were the driver?

A He -- he would be behind Durden. What I recall, he was behind Durden.

Q Do you remember what he was wearing that day?

A No.

Q Okay. Do you remember where you dropped him off?

A Do I remember him -- dropping him off? Where the street was? Across the street or wherever? I couldn't tell you. But I remember we -- in fact, the last thing he said to me was -- or he said to Durden, was, "Well, I need some of that money back." Something like that. And Durden, uh, took some of it -- Durden had all his property, uh, during this whole time. Uh, Durden reached into his, uh, pocket or something, and gave him some -- uh, some money.

And, you know, told him, "All right. Here. This will get you through until we meet again."

Q Okay. Let me back up. Tell me about the property being taken. At which point?

A Well, all his property was already taken off of him, I believe, uh, it was in a bag when we got to Newton.

Q Okay. And I can't say whether that's true or false.

A It was in a bag.

Q Because the officers don't remember taking any property from him, other than just completing an F.I. and giving it to you.

A Yeah.

Q They said they didn't remove any property from him.

A From what I remember --

Q Okay.

A And this is just what I remember, his property was, uh, taped to a tank. Uhm --

Q Okay.

A -- these were female officers. So, they might have gotten a male officer to take the property off of him. But from what -- from what I can recall, the slight that I can recall, when we went to go -- when we went to go talk to him - - to go meet with him at Newton Station, there was a property bag taped to a -- a -- a holding tank. A interview room type holding tank.

Q Do you recall that?

A I vaguely remember something like that. But at the finale of all this, uh, Durden had all of his property on him.

Q Do you remember what kind of property Durden had?

A U.S. currency. And probably jewelry that the guy was wearing. Things like that.

Q Do you remember specifically?

A What type of jewelry?

Q Or --

A Or type of money?

Q Are we talking a ring? Watch? Bracelet? Necklace?

Which ones?

A Probably all of the above. Uh, probably the watch that he was wearing.

Q Do you remember what kind of watch?

A The ring. No. I couldn't tell you if it was a Timex or a Rolex. I couldn't tell you.

Q Do you remember him having a watch?

A I remember, uh, -- I remember necklaces. And I remember a ring. The watch, I really -- and like I said, at no time was I possessing any of these, or any of the property. I really --

Q Okay.

A I remember the money. And, in fact, I remember him asking if I could get my money back. And Durden's like, "No." You know, but he goes, but I need to get, you know, some money to get by. You know, this and that. And some kind of hustle the guy was throwing out there. And Durden gave him some more money -- or gave him some money.

Q And how much money was taken from him? And how much money was given back to him? And I'll tell you, your story is pretty consistent with his story.

A Mmh?

Q There's a lot of consistency with your story and what he's told us.

A You know, like I said, Durden had -- had the currency. But if I -- if you had to ask me, uh, -- I mean, if I had to say --

Q Well, let me ask you this, Ray. Are we talking \$20? Or are we talking \$2000?

A No, it wasn't nowhere near 2000. And it wasn't nowhere near \$200.

Q Okay.

A I think it was somewhere probably four or five hundred dollars. Something like that.

Q Okay. How much money do you remember Durden giving him back?

A I think Durden might have given him maybe a hundred bucks back, or something like that.

Q Ray, when you guys -- this is consistent with what he tells us. Fairly consistent. The amounts are off a little bit. But pretty close.

A Mmh-mmnh.

Q Uhm, whenever you -- you and Nino did something like this, and you drop him off. You drive away. I mean, you guys had to talk about it.

A We dropped who off?

Q When you dropped Grace Cox off.

A Mmh-mmnh.

Q You let him go out of the car. You guys drive away. You had to talk about it.

A Talk about?

Q About the fact that what just happened. Hey, I just kept his money. I just kept his watch. I just kept his bracelet. I mean, that's -- you got to. You have to.

A Well, what was there to talk about? I mean --

Q Well, the fact that --

MR. MCKESSON: Let me just say this. One of the things that -- and you haven't been here for all the interviews -- one of the things that Officer Perez has maintained constantly throughout this, when they would do something, it was understood that you don't talk about it.

DET. COX: I -- I -- no, I understand that.

THE WITNESS: Let me -- you're asking me something that occurred in August of 1997.

DET. COX: Yes.

THE WITNESS: Uh, you got to remember, we were already doing this.

DET. COX: Right.

THE WITNESS: This wasn't the first time we did this.

DET. COX: I understand.

THE WITNESS: This wasn't a "wow" we got four grand, or we got, uh, -- this is a couple of hundred dollars. This was a -- in fact, this is a --

Q BY DET. COX: Common occurrence what you guys were

doing?

A The fact that this was a Newton thing, it stands out. Because we were in Newton Division. Yeah, that stands out a little bit. Uh, the fact, that I actually believe that this guy was gonna back with us, I also believed that. But, he, obviously, he never did.

Uhm, so this was nothing. It was really nothing whatever. What are me and Durden going to talk about? We got away with \$400. That's nothing big. I mean, I know it's -- in the big scheme of things, yeah, it's something big. You know, it's important for the investigation.

Q When you're talking a million --

A Talking to you, this is big.

Q Yeah.

A For me and Durden, this was nothing.

Q Just chump change?

A Yes. This was -- you're talking about \$400.

Q Well, it's actually a little bit more than that.

A Okay.

Q That's what you're saying.

A I'm guesstimating how much currency it is. I'll put it to you this way. When we did one like this before, we got \$15,000.

Q Uh-huh.

A That I would remember specifically. I remember where we counted that money. I remember how long it took us to count



that money. But this incident, I remember it. I remember everything about it. I remember the guy asking for Durden, "Hey, I need some money, you know, to get by. I need that money." I remember.

Q And Durden gave him some money back?

A And Durden gave him the money. He gave him some money. I remember Durden had all his property. In fact, I don't even know what happened to that property. That's how uneventful it was.

Q That's --

A I mean, I can tell you, usually, what we did was split the money. I never wanted any jewelry. I don't wear jewelry. I -- I never have. So, I can't tell you what happened to the jewelry. I'm sure -- I don't know what Durden did with it. Uh, the money, if I had to take a guess, I'm sure he gave me whatever half he felt, you know, what was half. And he gave it to me, eventually.

I don't remember either. I -- I -- it was just that uneventful. It wasn't something -- the only thing that really sparked an interest in me in that, in this, uh, incident, was that we did a search warrant sometime after that, right in the same complex where the guy lived.

Q Hand me, uh --

A And, uh, in fact, when we were going in, I'm thinking we're going to the guy's house. You know, we're going -- it's probably this guy's house. But then, they started describing

an older gentleman, and this and that. So, -- but I was thinking, we're going to that guy who we had stopped at one time, a while ago.

Q Okay. I'm going to show you another -- this is a set of Polaroid photographs. There's six photographs on here. Uhm, just take a look and see if that rings a bell with you at all. It's in Newton Division. It's near 29th and Central. Maybe 29th between Central and Griffin.

A The streets -- uh, the name of the street and all that, none of that helps me.

Q How about the location about where you dropped off Mr. Cox?

A Okay. I was gonna say before you told me.

Q Oh, sorry.

A Is this where we dropped him off? This looks like where we might have dropped him off.

Q Okay.

A That's what I was gonna say.

Q That's why we have the photographs, because that's what Mr. Cox says.

A Yeah, this looks like where we dropped him off.

Q Tell me how you dropped him off. How -- how did that occur?

A We pulled over. Uh, discussed that we were gonna meet again. And we're gonna talk again. Uh, --

Q Did you give him a phone number?

A I think we did.

Q Who?

A I think I might have. I probably gave him my 1-800 number. I -- I had a voice mail, 1-800-971-7- something. I can't remember it right now. But I had a 1-800 number, uh, that was a voice mail number as well, as voice mail.

Q Did Durden have one also? Looking at Durden's record, it appears that he had an 800 number.

A An 800 number?

Q Is it possible?

A I worked with Durden all this time and I never actually remember paging Durden. We -- it was work. And after work, (Sound effect heard.) that was it.

Uhm, but it's possible that he had one, too.

Q Tell me how you -- how you did that when you dropped him off there? Did you see the security guard there?

A I didn't see anybody, no.

Q No?

A No.

Q Okay. Uhm, when you stopped the car, did you stop it in the street? On the sidewalk? In the driveway? There was a parking lot there on the north side of the street, across from that building.

DET. HANSON: Up on the sidewalk against the --

THE WITNESS: Uh, I think we parked along the street, along the sidewalk.

Q BY DET. COX: Okay. He's behind Durden. Did you get out of the car, do you recall?

A I never -- nope.

Q You didn't? You remember it?

A I'm sorry?

Q Do you remember that you did not get out, specifically? I want you to be specifically --

A I remember -- yeah, I remember I did not get out of the car.

Q Okay.

A I remember, uhm, he was on Durden's side. Durden was talking to him. Durden was doing all the talking on this. 'Cause most of the time, I'm doing all the talking, because they're Spanish-speakers. But I remember Durden was doing a lot of the talking. It might have been, because like you said, I might have been to court. So, Durden was already committed -- establishing a rapport with him or something. I don't know. But I remember asking Durden for -- you know, some of the money. And Durden reached into his pocket and gave him some money. Uh, maybe eighty, a hundred dollars. Something like that.

And the guy walked off from here. I don't think we dropped him off at any car or anything. I think he just walked off from here.

Q You don't remember Durden pulling his gun out and pointing it at him and saying, "You're a pretty big guy. I may have to pop you if you try something?"

A If that happened, believe me, I would tell you. I have nothing to hide or anything.

Q Oh, I understand. But --

A That never happened.

Q Does that ring a bell with you?

A No.

Q Because two years ago. I mean, this happened --

A Believe me, that would stand out. That never happened.

Q That never happened?

A Never. Not at least while I was present. If he put a gun on him, and told him, "You're a pretty big guy. I may have to pop you" yeah, I never heard that said. And I've never heard Durden say that. I never heard Durden say that to this guy.

Q Okay. Let's say that --

A Never.

Q Let's say that wasn't said. Would Durden take out his gun and point it at him? Mr. Cox claims that he was in the back seat of the car. And he still had his property on him. But he claims that, at that point, when he's sitting in the back seat of the car, behind Durden, that Durden gets out of the car, and pushes the seat forward. And has his gun pointed at him. And then, tells him, uh, what I just told you. And then, proceeds to remove --

A This is inside the car?

Q Inside the car. Remove his watch, remove his bracelet, remove his wallet with his money, and then, tells -- then, gives him back some of the money and says, "This is --

A So, he did ask him for some money?

Q Yeah. And I didn't get that far yet. "This is to keep the spot rolling."

A That's what Durden said?

Q Yes.

A "This is to keep the spot rolling?"

Q And then, he --

A I've never heard that. But --

Q -- gave him some money back.

A Meaning to keep the spot rolling, --

Q The dope place going.

A With eighty or a hundred bucks. I mean -- I never heard that. Uh, my recollection is that Durden already had the property. Now, did Durden take the property? I remember when Durden gave him the money, or when I saw Durden talking to him and giving him some money, it appeared that Durden already had it in his custody. That's what I remember.

Now, did Durden take it off while -- you know, while they're sitting in the car and I'm about to come in -- ready to take off? I don't know. I know when that guy asked him -- asked, uh, Durden, uh, that he wanted some money -- he needed some of the money, I remember Durden already had that money in his possession.

In other words, he wasn't taking it out and go, okay, I'll let you keep that amount. When -- Durden had to reach in to his pocket and give the money back, or give him the money. So, I don't know what Mr. Cox is saying that -- that we were driving or we were stopped, or we stopped here that Durden pulled out a gun and tried to take all his money. The guy's handcuffed. Why would he even do it? Nah. I don't understand what his --

Q Well, he, eventually, has to take the handcuffs off.

A Right. But --

Q It's an intimidation -- it's an intimidation factor is all it is. I mean, it's --

A Okay. I never saw that.

Q Okay. You remember saying to him, "If you cooperate with us, we'll cooperate with you?"

A Me saying that?

Q Yes. Meaning you'll get your stuff back when you give us -- when you give us some information, whatever it may be?

A That's very possible, yes.

Q So, it's possibly something that you may have said?

A Yes.

Q Okay. Let me back up just a minute. When you -- when you took Mr. Cox from Rampart and drove him back into the Newton area, you drive back by the location where you got him from near the search warrant that you did like two weeks later.

A Okay.

Q And there was an old man standing there in the alley.  
And you asked about some keys.

A Keys, meaning house keys? Or --

Q Yeah. Keys. Probably house keys.

A During the search warrant?

Q No. No, this is prior to the search warrant. But it's right near where you had detained Mr. Cox earlier that morning. And after you took him to Ram- -- took him to Newton and then to Rampart and then, took him from Rampart and was bringing him back to Newton Division. Prior to dropping him off, at some point in time, prior to dropping him off, taking him back, uh, to the rear alley near 41st and Central. Looking for a set of keys and asking the old man there in the alley about some keys that Mr. Cox had dropped. Trying to get into his place where he lived. You'd asked him where he lived.

A You don't have a photo of this gentleman that I supposedly talked to?

Q He's dead.

A He's dead?

Q Yeah.

MR. MCKESSON: Black? White? Asian?

DET. COX: He's a Black man.

MR. MCKESSON: How old?

DET. COX: Older. I don't know. I guess in the sixties.

THE WITNESS: Some of it sounds familiar. I remember us,



uh, cruising by. In fact, he -- he was -- you know, that sparks a memory. We were cruising by, like I said, he was showing us some spots. I remember cruising by his place again. Uhm, but he was showing us some people that were dealing. But there was also something else. We never went into his house.

DET. COX: Right.

THE WITNESS: And, I'm assuming that that's probably why we didn't go to his house. He didn't have the house keys, or something like that.

So, it's possible. And, like I said, if you had showed me a photo of me, maybe I would, yeah, talking to that guy.

Q BY DET. COX: Ray, when you -- when you were doing that, wanting to get into his house, were you looking -- were you looking --

A We never went to his house.

Q I know. But, I mean, to -- to get into his house. Were you looking to make an arrest on -- on Mr. Cox? Or just to take his narcotics?

A No, I thought that he probably had a lot more narcotics in his -- his house.

Q That you wanted for yourself?

A No. We probably would have arrested him.

Q You would have arrested him? And if he had a lot, maybe take some for yourself?

A It just depends. It was probably all rocked up. I

would never take rock. Never.

Q Okay.

DET. HANSON: I turned it over so we can see it.

Q BY DET. COX: I'm going to show you another photograph, as soon as my partner finds it here. Uhm, did you know any females over there at 41st, right near where you got Mr. Cox?

A Did I know -- personally know any females?

Q Yeah. Maybe? Maybe not?

A If you showed me a photo, maybe a I would know. But

--

Q Okay.

A -- I don't think so. You want these photos back?

Q Yes. We have a lot of information. That's why it's taking us a while to --

A I don't have a deadline. I have nowhere to go.

Q The top one.

A The top one? Tony.

Q Showing you a photograph, uh, Driver's License A7900959.

A Uhm, looking at this -- this is -- looks like it would be a copy of a couple of pages on my Field Officers Notebook.

Q That's correct.

A Uh, both of these things probably have some significance. Including a case that I put to the side regarding Zero and the stereo that was taken, that, uh, Officer Durden

gave to his, uh, -- his girlfriend. This is -- this is all that information.

SGT. COOK: Okay. We need to talk about that.

THE WITNESS: I forgot about that. Uh, when I saw that, though, I just wanted to bring that to your attention.

Q BY DET. COX: Uhm, top one. Uh, Tony -- this photograph.

A Tony? I've never met this person in my life.

Q Why would you have her name, uh, in your notebook?

A It's probably, uh, information that he gave me, or somebody gave me this information.

Q That would be to his -- or probably be to his house, his girlfriend, who he's sleeping with that day.

A Yeah. We called her.

Q Right.

A She was working somewhere. We wanted to verify something. Oh, we wanted to get keys from her to get inside his house. He told us where she works or something. She was at work. We called her from, uh -- I'm assuming, the station somewhere. This is -- some of it's starting to come back to me. But, yeah, he gave us this information.

Q Okay. We're back on tape.

A I -- I don't think I ever met her. But I think I talked to her on the phone.

Q She claims she had an 800 number that belonged to a police officer.

A 971? Did it start with 971?

Q She doesn't know. She knows it started it with an 800.

A I know I talked to her on the phone or something. And she had mentioned something like, yeah, he lived with me, but he doesn't live with me. My boyfriend -- something. It was a story. You know, another story about him. I can't remember what it was. But I remember calling his girlfriend or somebody. I remember calling something. But, I -- I don't remember ever meeting her. I remember talking to somebody. If you can help me with it a little bit more, maybe I'll remember better.

Q Well, I mean, that's -- at this point, she picks your photograph out of a line-up, out of a 6-pack.

A She said I met her?

Q Well --

DET. HANSON: Possibly.

Q BY DET. COX: She's not the easiest person to interview. It appears she's got a lot to hide, at least the way she was talking to us. But when shown a 6-pack photograph with -- of you, she immediately went to your picture, you know, instead of just --

MR. MCKESSON: When?

DET. COX: When did we do this?

MR. MCKESSON: Yeah, when did she identify his picture?

DET. COX: Well, I don't have the exact date. But it was

--

DET. HANSON: During the interview with her.

DET. COX: About a year ago. Approximately a year ago.

MR. MCKESSON: Because my son Madison can identify him, he's been on t.v. so much.

DET. COX: We understand he's been on t.v.

THE WITNESS: I don't know. You, obviously, know I have nothing more to hide. I'm letting as much as I can out. I don't think I have ever met her. Talking like this, I start - - I start remembering now him telling me some information, that she had keys to the house. He didn't have his. She might have had copies to the keys. She couldn't leave work, something. I had a conversation with her on the phone. But I've never met her.

Q BY DET. COX: You've never had a relationship with her?

A A relationship? No, that's definitely not true.

Q A sexual relationship, or romantic?

A Never. Can I see that picture again?

Q Or a dating relationship? Or just one time?

DET. HANSON: She's -- she's a looker. She talks a lot. Blinks her eyes a lot. You'd definitely remember her.

THE WITNESS: Did she say we had -- it was like a current thing?

DET. HANSON: No, we did say she said --

DET. COX: No, I'm not saying that.

Q BY DET. HANSON: We're asking you.

A I never seen this woman in my life. I really, you know.

Q BY DET. COX: Okay. She was Grace Cox' girlfriend, at the time, the day that you detained him. You had her phone number in your book. She identified your photograph. And like I say, she didn't go right to it and say, "This is Officer Perez." She didn't do that. She went to your photograph -- and she went right to it. And, unusual, I've shown hundreds of these. And she goes and lifts up the edges to look underneath.

I don't know why. And then, on tape, she's trying to then say I didn't know him. I was trying to divert your -- uh, our attention away from your -- from a friend of hers photograph who was in the line-up. It didn't make any sense. But she went right to your photograph.

A Okay. Uh, are you guys able to tell me how I obtained information on Mr. Cox?

Q We're going to get to that.

A Okay. 'Cause I'm thinking maybe whoever gave me the information gave me Tony's name, or, you know, she -- he lives with this girl that I know named Tony and this is their address and their phone number. That's what I'm thinking that may have happened. If you can tell me a little bit more about where I got the information from, because I really don't remember right now, maybe it will spark something.

MR. MCKESSON: Did Tony say they were romantically involved

together?

DET. COX: No, no. We're not saying that. We're not saying -- Tony wasn't really up front with us. So, we can't -- we don't know how honest she was with us about a lot of things. MR. MCKESSON: Do you know if Tony was working, at the time?

DET. COX: She probably was. She -- she's a working person. The day that we stopped, she had a pretty good job.

THE WITNESS: Did Tony say I had a conversation with her over the phone?

DET. COX: Tony wouldn't cop out to the fact that -- of that fact that, yeah, she met this police officer -- these two police officers. One on that 800 hundred number. And Grace Cox had told her, that day, that you guys had detained him. He came home and told her.

MR. MCKESSON: Detained him? Detained him?

DET. COX: Grace, not her.

THE WITNESS: Detained him.

DET. COX: On that same day that you did the -- he -- he came home and told her.

Q BY DET. HANSON: Real quick on the -- he had mentioned that Durden -- we were told that Cox had the property on him already. He still had the property. And --

A Mmnh-mmnh.

Q -- Durden didn't have the property yet.

A Okay.

Q BY DET. COX: Would it be surprising to you that Durden would pull this gun out and intimidate this fairly large gentleman, so he doesn't have any problems taking his property? Or is that something --

A I'm assuming he took his property.

MR. MCKESSON: Did you finish your question? Had you --

DET. HANSON: Yes.

THE WITNESS: I'm assuming that if he took his property off of him, he ain't going to take his property off after he handcuffs him. I'm assuming he would take his property off while he's handcuffed.

DET. HANSON: That's correct. But would he --

THE WITNESS: Why would he have to pull a gun out to intimidate him if he's -- the guy's handcuffed? He ain't gonna do nothing. He's sitting in the car. And I'm not saying that I remember him taking the property off while he was sitting in the car, because for some reason -- and the only possible thing that I can think of was that Durden might have put his property back in his pocket, and while we were driving back down to where we were going, he might have taken his property back off. But I don't even remember that. I remember the guy saying, "Can I get some of my money back? 'Cause I need my money."

Q BY DET. COX: And that's correct.

A And Durden -- and Durden gave him some money back. I don't remember if Durden had to take his jewelry off. In fact, a watch you can't even take off while you have handcuffs on. I



mean, I guess you could if it was just a straight one and it would come right up.

But I'm thinking it probably was already off of him. I don't think the property was taken off of him. It would be difficult, because Durden's in the front seat. I mean, he'd have to lean all the way across to the back seat, to start taking jewelry, bracelets, and rings off, at that point.

I mean, if we have him at the station, and the property's on him, why not just take it off nice and conveniently there at the station?

Q Well, the reason why is because your story doesn't quite go with what Mr. Cox is saying.

A Okay.

Q His story is a little bit different of the fact he wasn't cooperative with you.

A Okay.

Q And that you drove him around places. You fronted him in front of all these people and made it very dangerous for him. And that's what he's saying.

A Okay.

Q And the fact is that, uh, he didn't give you any information. And at the end, this was your way of saying we're going to take your stuff. When you decide you're going to talk to us, we'll give you your stuff back. Here's my phone number. Call me. That's why it's easy then, at that point, Durden gets

out of the car. He doesn't do it while he's in the car. He gets out of the car, pushes the seat forward and then, leans back and he makes Mr. Cox lean each way so he can remove stuff from each side.

A If we are fronting Mr. Cox off, taking him by his residence or by wherever he says, uh, letting people see us with him or whatever, number one, we're obviously not going to get anywhere, uh, as far as any further investigation, because he ain't gonna want to help. And he's already hot with the neighborhood and then, you know, here we are some narcotics officers driving around the neighborhood.

Number two, if we were just ripping him off of his stuff, why would we give him a hundred dollars back? What's the point? You keep 400 or you keep \$500. I -- believe me -- and I'm sure that he told you whatever and he may sound believable. Whatever story he gave you, that's fine. I'm telling you what actually happened.

Mr. Cox was supposed to get back with us. Mr. Cox was supposed to provide us a narcotics dealer -- a middle -- a mid-level narcotics dealer. Mr. Cox was promised his property back, once, you know, he helped us out. Mr. Cox was supposed to get back with us. Mr. Cox never did. Mr. Cox showed us around the neighborhood to a couple of spots that we might be able to hit later. I couldn't tell you what the addresses are now. But I remember him showing us a porch where one lady sells dope. But Mr. Cox never got back with us.

Did Mr. Cox say that I gave him my pager number, my 1-800 number?

Q Yes.

A On my 1-800 number. I'm a police officer. It says this is Ray Perez.

Q Not you.

DET. HANSON: Not you.

THE WITNESS: Oh, Durden's? Okay. Like I said, Durden was mostly doing the talking on this one because this was an English-speaker. But most narcotics dealers -- I mean, that's another issue.

If we were straight ripping him off, pointing guns and intimidating him, we wouldn't give him our pager number. We definitely wouldn't want him to contact us or, you know, what I'm saying? Uh, and my pager -- I don't know if I gave him mine or not.

But, I -- I leave my whole full name on there, you know. Uhm, believe me when I tell you, this was supposed to -- we were gonna get back together. "You're gonna help us out, right?" "Yes." "All right. We're giving you a break. Let's go."

Q BY DET. HANSON: If he would have had a watch that was distinct from others, would you remember that? Specifically, if I was to tell you a brand of a watch, would it --

Q BY DET. COX: Assist you?

A I doubt it. I don't remember. I don't remember a watch, to be honest. I remember he had some jewelry on. But I don't -- a watch? I mean, a particular watch? I mean, whether it was gold or silver, I couldn't tell you. I mean, maybe if it was a Rolex, I'd go, yeah, I remember he had a Rolex. But I can't -- I don't remember that.

MR. MCKESSON: Do you have a photo of the watch?

DET. COX: No. Well, it's a Movada watch. A black-faced watch.

THE WITNESS: And I know Movadas. Kind of like, you know, the stainless steel ones that are the Museum collection.

DET. COX: Yeah, I think those are black.

THE WITNESS: I bought my wife one.

Q BY DET. COX: Okay. You know what we're talking about?

A Mmnh-mmnh. The Museum, the one with the silver, uh -- two silver, uh, -- mmnh-mmnh. I would remember that. Uhm, yeah, I think I would remember that -- a Movada watch. Those are nice watches.

Q I'm going to show you another photograph. [ \*\*\*\*\*  
\*\*\*\*\* CI # 27 information redacted \*\*\*\*\*  
\*\*\*\*\* ].

A [ \*\* CI #27 info redacted \*\* ].

Q Yeah, this is '98.

A [ \*\* CI #27 info redacted \*\* ] --

Q The other -- that's just when [CI #27]'s --

A Okay. I see.

Q -- [ \*\* CI #27 info redacted \*\* ]. No connection as far as the dates.

A Oh, okay. Again, I don't know who this is.

Q [ \*\* CI #27 information redacted \*\* ].

A Give me a --

Q [ \*\* CI #27 information redacted \*\* ].

A Okay. This is one of Durden's capers. Right?

Q You were there.

A I was there on a subsequent, uh -- [ \*\*\* CI #27 info redacted \*\*\* ]?

Q Yep.

A Uhm --

Q [ \*\* CI #27 info redacted \*\* ]?

A Right. [ \*\*\*\*\* CI #27 info redacted \*\*\*\*\* ]?

Q [ \*\* CI #27 info redacted \*\* ].

A Did, uh -- did we get a big chunk of rock from [CI#27]?

Q No. Well --

A We did. Uh, if this is the same [CI#27]. This is -

- Q [CI#27] wasn't arrested.

A I know. This was a Durden caper. The reason I say it's a Durden caper, Durden has met [CI#27] on a -- I was on a day off or something. Durden had gotten some information [\*\*CI#27 info redacted \*\*] from somebody -- while I was off.

When I got back, -- uhm, and this was sometime around

August. You said that caper there happened August 15th?

Q Yes.

A See, I left on vacation probably the next day.

Q What next day? August 16th?

A August 16th.

Q That's a possibility.

A I was gone for like three weeks.

Q That's a possibility. So, this is occurring before August 16th?

A Right.

Q You went up to [CI#27]'s apartment, you and Durden.

A Mmh-mmh.

Q And door-knocked it.

A We got a big rock.

Q And [CI#27] wouldn't let you in. Durden went around to the kitchen window -- to a window. [CI#27] finally opens the door. And you had the gun at [CI#27] pointed at chest-level. [ \*\*\*\*\* CI #27 information redacted \*\*\*\*\* ]. And you just had [CI#27] proned-out and handcuffed [CI#27]. Because you had information that was a narcotics location.

A Okay.

Q Ringing a bell?

A If this is -- I don't -- I have a problem remembering [CI#27]'s face. But if it's the [CI#27] that I remember, this was, like I said, this was Durden's information. I remember -

- did [CI#27] have -- did [ \*\*\*\*\* CI #27 info redacted  
\*\*\*\*\* ]?

Q Didn't ask [CI#27]. I don't remember.

A We recovered a big chunk of rock from [CI#27]. And [CI#27] decided [CI#27]'s going to help us out.

Q Do you remember taking any money from [CI#27]'s location?

A Uhn-uhn. No. I don't remember taking anything from [CI#27]. In fact, the place was rundown. A nothing place. You know, there was nothing. I mean, I thought [CI#27] was more the type that buys a \$25 chunk and tries to get 50 for it, you know, selling it chip by chip by chip. There was nothing to [CI#27]. I mean, there was no -- I really don't remember any like money that was recovered. Anything -- nothing like that. I know we recovered some rock from [CI#27]. It was one big chunk of rock. That, for some reason, I remember.

Q How many contacts did you have with [CI#27]? You personally. Was it more than one?

A I think it was twice.

Q Okay. One time --

A Once when we first got the rock. And once when Durden wanted to go back and talk to [CI#27].

Q Did you ever take food stamps from anyone?

A No.

Q Maybe out of spite, not that you would use them, but just to take them?

A Nope.

Q Take money from --

A [CI#27] said I took food stamps from [CI#27]?

Q And money.

A Me?

Q Yes. You. Put it in your uniform pocket.

A We working uniform on this?

Q I'm sorry. In your shirt pocket. Not your uniform.

In your shirt pocket.

A Okay.

Q BY DET. HANSON: After completely searching [CI#27]'s apartment. And, actually, you found the money and dope that [CI#27] didn't know about. Because --

Q BY DET. COX: Marijuana?

DET. HANSON: Yeah. There was marijuana. We didn't know about the rock. Marijuana and some money in some pants.

THE WITNESS: Let me -- let me think again one more time. And I'm just trying to be as real as I can tell you. I can tell that if we found -- if I found \$30,000 and I took, I would tell you I found \$30,000 and I took it. And the kilos. And I took that, too.

It didn't happen. What we did -- this was not a non-event for me, because it was Durden's caper. And Durden through, you know, an informant want-to-be, they had -- I just went along because, you know, it's a fair caper. Okay. [CI#27] wants to work a deal, or work something. I'll help [CI#27]



out. You know, [ \*\*\* CI #27 info redacted \*\*\* ], I'll do it.

We went to [CI#27]'s house. Uhm, I remember we recovered a good-sized rock. Probably a \$50 rock. You know, the nugget-type. Not those wax, you know. [ \*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\* CI #27 info redacted  
\*\*\*\*\* ] -- they chunk it off.

That's the only thing that I remember recovering from this [CI#27]. If Durden recovered some money or food stamps, while I wasn't looking, or while I'm talking to [CI#27], or while I'm getting an F.I., I don't know.

You know, Durden had his little tendency to do that. He pissed me off on a couple of occasions, because I found out later that he took money. And it pissed me off. 'Cause I just thought it was -- we didn't need to do that.

Why? You know, what is this \$400 gonna help, you know? But, I know he's done it in the past. I -- I know. Because I'd ask them, "How much money you got in the house?" "Oh, about \$2000 over here." And Durden comes back and tells me, "Oh, I found 600 bucks." I know what he did.

But, whatever. Uhm, I don't know how much money [CI#27] told you that [CI#27] had, or food stamps. I don't remember recovering any money from this [CI#27]. None.

Q BY DET. COX: [ \*\*\*\*\* CI #27 info redacted \*\*\*\*\*  
\*\*\*\*\* ]? That's where you got your information from on Grace Cox. From [ \*\* CI #27 info redacted \*\* ].

A Okay.

Q [ \*\*\*\*\* CI #27 info redacted \*\*\*\*\*  
\*\*\*\*\* ] .

A [ \*\* CI #27 info redacted \*\* ]?

Q [ \*\* CI #27 info redacted \*\* ] .

DET. HANSON: The second time.

THE WITNESS: The second time?

DET. COX: The second time. I'm sorry. Yes, the second time.

THE WITNESS: Well, what happened the first time?

DET. HANSON: That's what you just described.

THE WITNESS: Oh, so, [CI#27] didn't give us any information the first time around? [CI#27] had to, because why would we let [CI#27] go?

DET. COX: [CI#27]'s not probably gonna tell us. Maybe 'cause you had nothing to take [CI#27] on, at that point. You said you had the rock. [CI#27] claims that -- [CI#27] claims that there wasn't a rock. Well, [CI#27] didn't say there was a rock. [CI#27] said there was some small amount of dope and some marijuana.

THE WITNESS: There was rock.

Q BY DET. COX: Okay. But you didn't take [CI#27].

A We did not arrest [CI#27]?

Q No. [ \*\*\*\* CI #27 info redacted \*\*\*\*\* ] . A Okay. Let me ask you this, gentlemen, who did [CI#27]

say [CI#27] primarily talked to? Who did [CI#27] deal with? Who did [CI#27] talk to?

Q [CI#27] said it was you.

DET. HANSON: It was you.

DET. COX: You put the gun to [CI#27]'s chest.

THE WITNESS: [CI#27]'s totally confusing as to who me and Durden is. I might have shared ten words with [CI#27]. Durden did all the talking to [CI#27].

Q BY DET. COX: Well, let's get to the second time, then. Do you remember the second stop when [ \*\* CI #27 info redacted \*\* ].

A Mmnh-mmnh.

Q And [\*\*\*\*\* CI #27 info redacted \*\*\*\*\* ]. And you pulled up on [CI#27].

A Where?

Q I don't know if [CI#27] remembered where it was at. It was in that same area.

DET. HANSON: It was in that same area. [ \*\* CI#27 info ]. THE WITNESS: Okay.

DET. COX: Somewhere in there. And, once again, you pull up and you take [CI#27] into custody and put [CI#27] in the back of the car, like you did Grace Cox. And you drove [CI#27] around some side streets asking [CI#27] for information.

THE WITNESS: Okay.

DET. COX: And that's the day that [CI#27] gives you Grace Cox.

THE WITNESS: Just out of curiosity, [ \*\*\* CI #27 info redacted

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\* \*\*\*\*\* ].

DET. COX: You know, Ray, that's a possibility.

THE WITNESS: Okay.

DET. COX: I don't know if we -- [ \*\* CI #27 information redacted \*\* ].

DET. HANSON: [\*\* CI#27 info redacted \*\*].

DET. COX: Yeah.

DET. HANSON: Uhm, you'd really jammed [CI#27] this time.

THE WITNESS: Okay.

DET. HANSON: So, it was, "Hey, you didn't call us back the first time."

THE WITNESS: "We're gonna take you?"

DET. HANSON: "We're gonna take you this time."

THE WITNESS: "You're going this time."

DET. HANSON: "You're going this time. You better come up with something." And that's when [CI#27] gives you Grace Cox.

THE WITNESS: Okay.

DET. HANSON: And [ \*\*\*\*\* CI #27 info redacted \*\*\*\*\*  
\*\*\*\*\*  
\*\* \*\*\*\*\* ].

THE WITNESS: Okay.

Q BY DET. HANSON: Does that --

A I'm gonna tell you why this isn't -- now, you can talk to me about a case from three years ago. And if it was my

case, I can tell you details. I mean, I -- I specifically remember this was one -- a Durden caper. This is a caper where Durden did most of the talking to [CI#27]. I could care less.

Q We understand.

A I mean, this was, you know, it wasn't -- it was very uneventful for me, because I -- I had very little communication with [CI#27].

And if you're saying [CI#27] mostly talked to me, [CI#27]'s got me confused with Durden. Believe me when I tell you that. [CI#27]'s got --

Q BY DET. COX: Do you remember stopping [ \*\* CI #27 info redacted \*\* ]?

A I vaguely -- I know we had two contacts with [CI#27]. Once when we gave [CI#27] a break. And then, another time when we said, "We're taking you unless you give us something." And [CI#27] gave us something.

But like I said, I've shared maybe ten words with [CI#27]. Durden did all the talking. This was information that Durden got from somebody else, while I was off. And he ended up saying, "Hey, let's go to this place -- [CI#27 info]. I got some information."

As a matter of fact, there's a [ \*\* CI #16 information redacted \*\*\*\*\* ]. Uh, [CI#16] gave Durden that information. Because I remember Durden telling me. In fact, I remember Durden picking -- we picked [CI#16] up, at one point or another. And [CI#16] gives

us, uh, information. And Durden talking to [CI#16].

Q Gave what information?

A Probably information to him that led to Cox. But Durden had talked to [CI#16]. And we had talked to [CI#16] again, on a couple of occasions. You know, he must have talked to [CI#16] once. And he told me, "Hey, let's go pick up [CI#16] who, you know, who has got some information." And we ended up picking [CI#16] up, I don't know where. [ \*\* CI #16 information redacted \*\* ].

[ \*\* CI #16 info redacted \*\* ]. I -- I remember [CI#16] vaguely. [ \*\* CI #16 info redacted \*\*\*\*\* ] . Uhm, but I believe that's where the information came from. But, again, that was Durden's connection. Durden had talked to [CI#16], uhm, like I said, gentlemen.

Q Going -- going back to the first time, Ray, you were just saying that you didn't take anything from [CI#27]. But it's possible that maybe Durden did when you didn't see what Durden was doing. And he didn't share it with you at a later time.

A Of course. Any of that is possible. Yeah.

Q Okay. But I'm saying, you're saying you didn't take anything from [CI#27] on that date?

A I did not take anything from this [CI#27] here.

Q And the big rock that you found?

A Uhm, we kept it. I don't know what we did with it. But we kept it.

Q Okay.

SGT. COOK: Let me just ask one question here.

DET. COX: Go ahead. Sure.

Q BY SGT. COOK: When -- going back to Cox -- when Durden had him outside the car, and you were inside the car, and Durden was giving him eighty or a hundred dollars, were you in a position to see it, if Durden would have pointed a gun at his head? I mean, could you have missed it? Could it have been done out of your -- out of your presence?

A It could have been done out of my presence. I mean, if the guy's a big guy, and he's got his back to me, and Durden's in front of him, and he pulls a gun out and said, "Hey, don't make me have to bust a cap on you" or whatever he said, sure, I could have missed it.

Q So, you --

A Like I said, I was sitting in the car the whole time when he was releasing him.

Q Okay. But were you watching him the entire time? Or --

A No, not necessarily.

Q So, it could have happened and you not know about it?

A I just don't know why he would do that. I mean, I just -- I mean, it is possible. Of course, it's possible. I didn't have, uh -- like I said, when Durden's, you know, taking him out of the car, the guy's back was to me. Durden's in front of him talking to him. Any of that is possible. But I didn't

see it.

Q BY DET. COX: What kind of gun was Durden carrying, at the time? Do you remember?

A I think he was carrying the .45, at that point. He didn't have the 92-F. He had a, uh, -- you know, the chrome, uh, .45.

Q Chrome .45?

A Yeah.

Q When you guys carried, uh, your weapons in plain clothes, your stuff was covered?

A Yes.

Q Your gun was covered with your shirt?

A Yes.

Q Okay. Did you ever expose your gun and your badge, at any point in time, during the day?

A What do you mean?

MR. MCKESSON: Out in the streets?

Q BY DET. COX: When you're working.

A Did I ever expose it?

Q Yeah, I mean, like did you ever expose your gun during the day?

MR. MCKESSON: Intentionally?

Q BY DET. COX: Unintentionally or intentionally? Not when you're making a stop. But I'm just saying like if you're -- when you're in the station. In other words, you -- most of the time did you keep your gun covered?



A I usually wore like a denim shirt, or a button-type shirt that opened up. My badge would be to the side. My --

Q Mmh-mmnh.

A -- my gun would be here on one of those outside holsters. So, if my shirt flung open a little bit, yeah, you would see my gun.

Q Okay.

A But, I mean, usually if I was -- if I was gonna step out of the car, I would button it, you know, so that, you know, obviously, you don't see my --

Q You kept it covered?

A Yes.

Q And Durden the same thing?

A Yes.

Q And you'd usually keep this stuff covered, unless you intentionally raise it up to show your badge or whatever?

A Of course.

Q Okay.

Q BY DET. HANSON: Uh, one question. The, uhm -- we've talked about this before. And you've -- but I want to -- supposedly, an F.I. might have been made.

A An F.I. was probably --

Q We've -- we've been told by you several times, though,

--

MR. MCKESSON: When you say "F.I." on which person?

DET. HANSON: On Cox.

Q However, we've been told several times, by you, that F.I.'s were completed, however, they were never turned in.

A Right. That's true.

Q Is that correct?

A Mmnh-mmnh.

Q Do you recall an F.I. being completed or an F.I. being handed to you, at the station regarding --

A I believe the Newton officers had completed an F.I. In fact, that may even be what I remember being stuck to the - - to the door. Uh, taped to the door. Uh, I believe they had started, or at least, had partially completed a Newton, uh, F.I., uh, on the -- Mr. Cox when they detained him. But I'm not a hundred percent sure.

Durden would always, you know -- supposed to, you know, do the log and keep the F.I.'s up. Whether he always turned them in, no, he didn't.

Q So, it's possible that it could have been the F.I., not the property bag?

A Now that I'm thinking about it, yeah.

Q Right.

A That may be what exactly was taped up to the door.

Q Uhm, the Newton officers, uhm, they don't recall taking property off -- off of Cox.

A Okay.

Q Just to let you know.

A Mmnh-mmnh.

Q Uhm, so, if the property would have been taken off, it would be have been prior to you putting him in your car, or at the Rampart Station, which is possible. But I'm just seeing if that maybe rings a bell to you, or anything like that?

A (No audible response.)

Q Okay. It doesn't?

A (No audible response.)

Q Okay.

A Like I said, what I -- what I remember is -- and the one thing that I clearly remember was the guy asking Durden for the money back. So, obviously, at some point, Durden took the property off the guy, 'cause the guy knew to ask Durden for the property back.

Q Sure.

A For the money.

Q He could have done that, though, like we had described, right before he left, instead of having it in the bag.

A That's what I was gonna say. Now, if Durden had taken it, for some reason, and maybe I -- the one thing I could confuse is what was -- like I said that there was a property bag on the door. It may have been the F.I. that was on the door. And maybe I'm getting that a little confused.

But the property, I don't remember Durden taking property off of him while in the car. Now, if the property was taken off -- taken off of him while he was at Rampart, and I

went to go testify on a case, that's possible. Uhm, --

Q BY DET. COX: Is it possible that Durden went with you to court?

A I just don't think we're gonna leave that guy in there all by himself. Uh, especially, that early in the morning. Uh, obviously, this is -- uh, you said this was 6:00 in the morning, or --

Q It was about 8:30 in the morning.

A 8:30 in the morning. I wouldn't --

Q It's consistent, though, with the --

A I wouldn't need Durden to go to court with me on -- on this.

Q But Durden didn't run anything until after you got out of court.

A But even if I got out of court at you said ten minutes after I finished testifying, Durden was still already at the station. Because I still have to return the dope back. I have to -- you know what I mean?

Q Why would Durden run this guy at 8:30 -- between 8:30 and 10:30, when you guys had him?

A What time did we return to the station with him? What if we returned to the station at, uh, eight o'clock, and I zoomed down there, you know, to get the -- testify at 8:30. And then, Durden ran him, you know, ten minutes after that?

Q He didn't. He ran him at 10:35.

A 10:35?

Q Yeah.

A Which is, you said, ten minutes?

Q Ten minutes after you got out of court.

A What I'm saying is, believe me when I tell you, I don't think -- well, I know Durden didn't go -- didn't testify on that case.

Q Right. He didn't testify.

A So, he wouldn't go. All of that is all -- that would have been me testifying. If I got out of court -- the minute they say, "Okay. Your testimony is completed" believe me, it's gonna take more than ten minutes to get back to Rampart Station.

It would take -- believe me, it would take more than ten minutes to get back. And this is just if I don't have to do nothing else. If I have to go walk all the way back to the parking lot to get in the car, then drive all the way to Rampart Station, I would have to --

Q It's just coincidental.

A It's just -- it's just that. Coincidence that he ran him ten minutes after I got done testifying. I don't know what the correlation would be anyway. But, if Durden did not come with me, and then, we rush back ten minutes later, and boom, ran him, and that's the first thing we did. And Durden just happened to be there, uh, just at the station with him. Because we're not gonna leave this guy by himself.

We can't -- I mean, we're not just gonna leave him there by himself.

Q Just to clarify things, Ray, is that Grace says that he sat in that cell for, he said two to three hours.

A Okay.

Q Which is consistent when he's picked up and when he's actually shown being run. And a few minutes later, when Durden shows up at his cell. And it's just -- if Durden's gonna stay with Grace, he would have run him earlier. And Grace says he never saw -- you're the one that took him to the bathroom.

The next time he sees Durden, Durden's standing in front of his cell holding his rap sheet. And that has to be a few minutes after he runs him at 10:35.

So, I mean, you can call it coincidental. It sounds like Durden and you went to court.

A I have no idea why Durden would go to court with me.

Q Well, because maybe both you guys -- 'cause you guys were partners. You go to court --

A No. Emphatically, I can tell you no. You can look at every past case. I usually testify. Especially on -- on a case like that. I did everything. Durden would have no reason to go.

Q What would Durden do, then, between 8:30 and 10:30?

A I have no idea.

Q You're his partner.

A I'm in court.

Q You're in -- I understand. But this has happened other times. Let's just say that -- in other words, when we -

- when you and I talked last time about the O.P. up on, uh, -- on Lake Street, when you guys did your O.P., you said that you can't remember what you did the day before in the O.P. on this Friday. But you said you probably went -- and that you left. 'Cause that's just something that you did sometimes.

A Right.

Q So, I mean, it's -- it's not like you guys were tied to anything.

A Right.

Q You just -- I mean, what would Durden do? Would he -- could he run off and do something?

A Uh, as I say, he could be assisting somebody from FES. Maybe somebody was gonna go do a buy or something. Uh, maybe he went to look at some of the logs from the guys -- the rest of the guys at FES.

Q Okay. I'm not trying to tell you how to do --

A What I'm saying is -- and I have no reason to say that Durden didn't go to court with me. What I'm telling you is, Durden did not go to court with me.

Q Okay.

A There's no reason for him to go. The fact that he ran the guy ten minutes after I got done testifying, is just that, a coincidence. That's an avenue to really dig. Because it -- there's really nothing there.

Q Okay. We're off that question. Did you ever work with Randy Canister?

A Yes, he worked FES with us.

Q Did you work with him in a car, you and Durden and him in a car ever together?

A Yeah, I believe we have. Me and Randy have worked -  
- yeah. Like you mean as partners?

Q Did you work three-deep in a car?

A I believe we would have, yeah. There's got to be a few times we did.

Q Okay. I don't have anything else. Did you want to go into that, uh --

DET. HANSON: I just want to ask real quick.

SGT. COOK: Go ahead.

Q BY DET. HANSON: You mentioned something about a search warrant a couple days -- uh, a couple weeks later.

MR. MCKESSON: Search warrant where?

DET. HANSON: Search warrant in the area of where Grace Cox lived, and possibly a relative of Grace Cox.

THE WITNESS: The fact that he was a relative, I didn't know. But, yeah, we did do a search warrant right across the way from where he lived.

Q BY DET. HANSON: And you assist -- uh, you assisted Newton?

A That's correct.

Q Uh, I can tell you that you went to one location. You and Durden were split up. And you went to one location. And Durden went to another.



A Okay.

Q Does that --

A That sounds -- in other words, we did two, uh, locations simultaneously?

Q Correct.

A Yeah, I think I remember something like that.

Q At some point, in there, I know they have briefing, where you were going, at what point did it dawn on you -- now, Grace Cox is -- the description of the person you're looking for, matches Grace Cox, which would have been told to you in the briefing.

However, his name was different than what you might have known him as. At what point did you realize --

MR. MCKESSON: I'm sorry. I'm not following you.

Q BY DET. HANSON: Okay. During briefing -- he knows what I'm -- before they do a search warrant, they do a briefing. They give a description of the person, the name of the person they're looking for, the addresses that they're going to. And he had mentioned that, at some point, it clicked that we might be looking for the guy that we talked to two weeks ago.

Is that -- you had mentioned something like that? Can you tell me about that?

A It clicked to me when we showed up to the location. When we -- when we go to do the search warrant -- and, you know, 'cause, of course, there's schematics and here's how the, you know, the place looks, and how -- this is how we're gonna enter.

When we start rolling in, and we start going in through that walkway, that's when it hit me. Uh-oh, you know, this -- but, we didn't hit where we believed he lived. We hit across the way.

Q That's correct.

A So, I said, okay, we're not, -- obviously, it's not the same person or something they're talking about. You know, but -- and an older gentleman was arrested. Uh, I don't know his name or anything like that. But an older gentleman was arrested. But, yeah, the -- the minute I clued on to that was when we showed up at the location.

Q Okay. The person they were looking for just was a guy named Tom. And he actually matches Grace Cox. And it really -- it was Grace Cox --

A Okay.

Q -- they were looking for. I didn't know what -- how much you recognized. You just recognized the location?

A The location, yes.

Q Did you ever say anything, such as, after it was over, that maybe -- did you ever say anything to a Newton officer such as, uh, "You know, I think I've been here before?" Would you have -- would you have mentioned that?

A I doubt it. I really doubt it.

Q Because it would kind of --

A Obviously.

Q We were -- we were told that it was mentioned. But

we didn't know who by. And it was more of a, you know, I think we've been here before.

A Believe me, I was about as shocked -- you know, when we were going in there. I know what was done. I know the guy's property was kept.

The last thing I'm gonna say is, "Hey, I've been here. And I'm, you know, I've talked to this guy and I kept his property." Because, basically, that's what I'm doing if I go, "Oh, we've been here."

And then, when we arrest him now, someone's gonna go -- you know, he's gonna tell them, yeah, this guy stopped me before and kept my money. And I just confirmed that by telling everybody, yeah, I've detained him before. I've been here before.

Q It possibly could have happened, though, if he would have been there?

A Sure. But what I'm saying is, the last thing I would have done was say, "Hey, I've been here before." Or, "I've been there. I've stopped him before."

I definitely didn't do that.

Q Okay.

Q BY SGT. COOK: I've got a couple of questions. Your relationship with Durden as partners, is it conceivable that when you were in court, that Cox could have been in that holding cell without you knowing about it?

A Been in a holding cell without me knowing it?

Q At Rampart. Since you're in court, could he have been in that holding cell without you knowing about it?

A Oh, of course, yeah. I mean, -- you mean the holding cell at Rampart Station?

Q Yeah. Yeah.

A Sure.

Q Okay. You --

A But remember, I'm -- I'm gone. Durden could put him anywhere he wants to. I mean, I'm -- I'm failing to see.

Q Okay. Well, what I'm saying is, you wrote all the reports.

A Right.

Q Okay.

A Well, what reports?

Q All the arrest reports regarding you and Durden.

A Oh, okay.

Q All right. As a matter of practice, is it -- I have -- I have background on Durden that perhaps these two detectives don't have the advantage of. And I just want to clarify that for my purposes also.

A Mmh-mmnh.

Q The relationship that you had with Durden, did that require him to follow you every time that you needed to go to court?

A No.

Q Okay. Is Durden the type of partner who felt it was

necessary to accompany you to court?

A No.

Q Did you have a relationship with Durden where you even wanted to be around him?

A Me and Durden were not friends, no.

Q Okay. If Durden had something else to do -- in this case, if Cox says that he was in Rampart -- in a cell at Rampart --

A Right.

Q -- could he have been there without you knowing about it, when you were in court?

A Well, obviously, physically-speaking, sure, you know. I'm in court. Durden, uh, goes and works with -- or he gets somebody else to bring him to Rampart Station -- uh, Rampart Station. But that wouldn't make sense either. Because why would he do that? I don't understand.

Q BY DET. HANSON: How -- how about this? Where is the last time you remember seeing Grace Cox detained at Rampart? Where -- do you remember where Grace Cox would have been detained at Rampart?

A I'm going to tell you exactly what I remember when we had Mr. Grace Cox. I remember him being detained by the Newton officers. We go into Newton Station. The last thing I remember -- I don't remember, obviously, I went to court or something. So, I don't know if Durden hooked up with another officer or what. The last thing I remember we had him in the -- that

maroon car. And we were driving around Newton and dropped him off at the location where you showed me the picture.

I don't remember any part about being at Rampart Station interviewing him, like you said, in a -- in a holding cell.

Q Okay. And you had mentioned to my partner, though, that it's possible that you would have taken him down to that room that's near Nar- -- near Detectives, to do an interview?

A That's -- I think that's -- well, I think that's the only interview room there is. There -- that and --

Q And their holding cells are down the -- down the hallway.

A Right. Those are holding cells. But the only interview room is that room right there.

Q So, you don't recall where he was, then, at Rampart?

A No.

Q Okay.

Q BY SGT. COOK: Regarding the property with [CI#27], okay, could Durden have taken that property without you knowing about it?

A I'll say this one more time. And I'm not trying to be, you know -- I'm just -- with most cases, I was the person interviewing the person. Because most of our cases were Hispanic-speaking -- Spanish-speaking.

In fact, most of our cases was either my informants or my leads. And, you know, so most cases, when we got there,

and we detained whoever was inside, I was talking to them. And Durden would go search. On most of them, I would say 95 percent of them.

Very rarely was Durden the one interviewing or talking to the person, trying to convince them to work with us, uh, things like that. Very rarely. Most of them, Durden would go in and search. And it -- it was my suspicion, for a long time, that, you know, we were, obviously, doing our -- our dirt. You know, we would, you know, keep the money and stuff like that. But it was my suspicion, the whole time, that Durden would come back to me and say, "Yeah, I found a thousand dollars. And let's split it 50/50. Uh, 500 for you and 500 for me." But, in actuality, he probably found \$2000.

But, because I was, -- you know, it was always Spanish-speakers, he'd say, "Hey, go and talk to them and interview them. You know, I'm gonna -- I'm gonna start looking around." And several times, you know, I would ask the person, "How much money do you have here?" You know, or "What do you have here? How many drugs?" Or -- and, you know, it was always -- and I think I mentioned it to you before, how you notice on every report Durden was the one searching the -- the guy's pockets for the money. It -- it was just what he did. He was always the one searching. The first thing he'd do is go out and search.

So, absolutely, is it possible that Durden found something -- some money -- and never told me about it? Of

course.

Q And that's my point. My point being that if you remember a few hundred dollars being taken from Cox, you and - - and the person who did the searching was Durden. If there was more money that was taken, if Cox believed, or -- or states that there was more money taken, you just recall a few hundred dollars?

A I'm guessing. It definitely wasn't in the range of, you know, several thousand dollars. I wouldn't even say it was in the range of a thousand dollars. I'm thinking it was somewhere around the mid-level, you know, 500, uh, dollars. But, you know, 5- -- 4, 5, 600 dollars. Somewhere around there. Uhm, and how do I know that? I remember seeing, you know, some money. I remember Durden having to pull money back out of his pocket to give to this guy.

Uh, and if he gave him a hundred dollars, obviously, he had more than a hundred dollars. Uh, he had to have quite a bit more than that. You know, Durden ain't gonna, you know, pull \$200 from him and give him half of it back. I know Durden. He ain't gonna do that. He gave him a little bit back to -- for whatever reason he wanted it back. And he gave it to him.

Uh, again, your question is, is it possible that Durden searched him and found more money? Of course, it's possible.

Q Okay. Going back to the other case. Going back to [CI#27] about the -- about the significant rocks. And you say



that you don't recall that you -- you say you didn't recall what happened to it.

A Yeah.

Q To that particular rock.

A Right.

Q Okay. Did Durden take the rock and dispose of it?

A I don't know what we did with it. I remember that it was a big nugget rock. [ \*\*\*\*\* CI #27 info redacted \*\*\*\*\*  
\*\*\*\*\*  
\*\*  
\*\*\*\*\*  
\*\* \*\*\*\*\* ].

Uh, but I remember this rock. And I remember that's what we had on [CI#27]. I remember Durden telling [ \*\* CI #27 info redacted \*\*\*\*\*]. And I'm gonna -- but, you know, all the -- the usual stuff. I remember that.

I mean, that I remember clearly. I -- I remember the -- the -- that piece of rock clearly.

Q Because it was significant, would it have been something that you would have chopped up to use?

A No.

Q To use to plant narcotics --

A No.

Q -- on other people?

Q BY MR. MCKESSON: Why not?

A Again, I'm not trying to get, uh -- or sound more

than what it is. But that piece of rock is absolutely nothing. Uhm, you know, we make arrests all the time. Uh, and it was not uncommon to, uh, arrest someone with, uh, four, five ounces of rock, and keeping an ounce of rock to use for whatever purpose, whether it's planting or anything else.

One nugget rock doesn't -- that's -- that's truly nothing. That's something you just throw away. Rock is not -- and -- and I don't know if you're asking me about, you know, selling it or something like that -- rock was never something that I sold, or was involved in selling. It -- it really wasn't.

Q BY DET. HANSON: But it could have been used later possibly?

A Of course, it's possible. I don't know if -- if -- if I'd have of retained it, I would have thrown it away. If Durden retained it, I don't know what he did with it. That's what I'm trying to get at. It was nothing --

Q BY SGT. COOK: It was significant enough for you to remember.

A I remember it because it was nugget. You don't see nugget very often in Rampart.

Q But it's not significant for you to remember what happened to it?

A No. If Durden kept it, I don't know. I don't know what he did with it.

Q BY DET. HANSON: Now, in this case, uhm, -- and you

don't have to answer in long form. We've already gone over this already. But, in this case, it sounds like it's Durden's caper.

A This -- all of this --

Q Okay. So, now, that this is Durden's caper, [ \*\*CI#27 information redacted \*\*\*\*\* ]. The story we have was that Durden was there. However, it was you that did the searching this time. Now, that's what we were told. Uhm, it's Durden's caper. It might make sense, then, that Durden's talking to [CI#27] while you did do the searching. Now, I'm not saying -- it's possible you didn't do the searching and you didn't take anything or see that, and maybe Durden saw it later. But that seems to be -- you're -- you're even saying that there was this pattern that -- that they spoke Spanish and you would talk to them, and Durden was searching.

Now, this is a Durden caper, as you're saying. It's possible that both of you did do the search, however, Durden dealt with [CI#27] while you did the searching. Does that -- could that -- is that possible?

A That's absolutely possible. Sure.

Q Okay.

A But if, uh, -- and I think you're talking about [CI#27]?

Q [CI#27].

A If [CI#27] says that I primarily spoke with [CI#27], [CI#27]'s got me -- believe me when I tell you this. [CI#27]'s

got me confused with Durden.

Q Okay.

A I spoke very few words to [CI#27].

Q If we --

A I remember finding -- I remember finding the rock. I remember Durden talking to [CI#27]. Uh, like I said, it was Durden's caper.

Q Okay.

A One of the few capers that he had. But it was his caper.

Q And, again, -- and [CI#27], uh, specifically thinks or remembers, according to [CI#27]'s story --and I'm just going off of what somebody tells me -- that money was found in a place that [CI#27] didn't even know [CI#27] had money, such as a jacket pocket, or something like that.

Uh, which was significant, less than a thousand, but more than 500. And then, there were food stamps that were also taken. And that's -- that's what was given to us. But you don't recall any of that?

A Gentlemen, if I found \$500, I would tell you I found \$500. There's nothing to, you know, -- I never -- if Durden found \$500 and didn't tell me about it, there's nothing I can say about that.

Q And that is possible?

A That's is absolutely possible.

Q And you believe that he had done that to you several

times before this?

A Yes.

MR. MCKESSON: When did [CI#27] make that report? [CI#27]?

DET. HANSON: [CI#27] made [CI#27]'s report, uhm -- [CI#27]'s report, actually, is not completed yet. It's something that we stopped, uh -- we had stopped.

MR. MCKESSON: When did [CI#27] first complain?

DET. COX: [CI#27] didn't complain. We seeked --

DET. HANSON: We found [CI#27].

DET. COX: -- [CI#27] out trying to make the connection between Grace Cox. And that's when --

THE WITNESS: How did you --

DET. COX: -- we made the connection.

THE WITNESS: If I can ask --

DET. COX: We're detectives.

THE WITNESS: Good enough.

DET. HANSON: It was difficult.

THE WITNESS: Sometimes it's -- I don't know. But, yeah, I would have needed -- you know, obviously, now, I go, "Yeah, this is the connection." If you ask me beforehand, I'd be like, I have no idea how we got in contact with [CI#27].

DET. COX: Are we done here? All right. So, why don't we end the tape. We're gonna end it up here. And, uh, it's straight up seven o'clock, unless anyone has any more questions.

Q BY DET. HANSON: Anything to add that we need to put a tape in that you can --

A (No audible response.)

DET. COX: Okay. It's seven o'clock. We're off, uh --

THE WITNESS: That's the only thing you wanted to talk about today?

DET. HANSON: Yeah, we're not going to talk about the, uh, other stuff. The Ovando --

THE WITNESS: Oh, okay.

(Off the record at 7:00 p.m.)

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