

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:

Richard Rosenthal
Deputy District Attorney
Los Angeles County District Attorney's Office
Special Investigations Division
210 West Temple, 17 Floor
Los Angeles, California 90012

Emmanuel Hernandez
Lieutenant
Los Angeles Police Department
Robbery-Homicide Division Task Force
1 Gateway Plaza
Los Angeles, California 90012

Mark Thompson
Detective Sergeant
Los Angeles Police Department
Robbery-Homicide Division Task Force
1 Gateway Plaza
Los Angeles, California 90012

Jeff Paillet
Detective Sergeant
Los Angeles Police Department
Robbery-Homicide Division Task Force
1 Gateway Plaza
Los Angeles, California 90012

Steve Watson
Detective
Los Angeles Police Department
Robbery-Homicide Division Task Force
1 Gateway Plaza
Los Angeles, California 90012

Brian Tyndall

Detective
Los Angeles Police Department
Robbery-Homicide Division Task Force
1 Gateway Plaza
Los Angeles, California 90012

Winston Kevin McKesson
Attorney at Law
315 S. Beverly Drive
Suite 305
Beverly Hills, California 90212-4309

REPORTED BY:

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

99-039

LYNWOOD, CALIFORNIA, MONDAY, DECEMBER 20, 1999; 4:45 P.M.

MR. THOMPSON: Okay. This is a tape-recorded interview. We're on Tape No. 222856. We're at CRDF. And we're interviewing, uh, Rafael Perez today.

Present during the interview is myself, Sgt. Mark Thompson, 23251; Detective II, Steve Watson, 22531; Sgt. Jeff

Paillet, 23307. We're all assigned to the Robbery/Homicide Task Force.

Present also is District Attorney Richard Rosenthal. And Mr. Winston McKesson, uh, Rafael Perez' attorney. And also, uh, present is Court Reporter Sara Mahan.

MR. ROSENTHAL: All right. And today's date is December 20th, 1999. It's 4:45 in the evening. These are the continuing interviews of Rafael Perez.

Uh, Mr. Perez, if you'll raise your hand.

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

THE WITNESS: I do.

RAFAEL ANTONIO PEREZ,

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

EXAMINATION BY MR. ROSENTHAL:

Q All right. What we'll start with is a case that we, uh, have reviewed previously. It involves the arrest of Manuel Chavez and a Sergio Salcedo. The D.R. number is 96-02-20953.

Uh, we'd talked about this before. And you had told us that, in this case, which involved two, uh, gang members on a bicycle, that only one of them actually had the gun. And that, uh, the observations were, uh, falsely changed in order to make it appear that they both had possession of the gun, so you could get a filing on both of them. Correct?

A Yes, sir.

Q Now, we've had a chance to interview Sergio Salcedo and Manuel Chavez. And, according to both of those, uh, defendants, they admit to possession of the gun. Chavez admits that he had the gun. And Salcedo says Chavez had the gun.

But, when I reviewed the transcript of our last interview, you had said that it was actually Salcedo who had the gun. Uh, looking at the report, can you help us out in this, at all?

A Uh, looking through the report, my statement still holds true. Do we have any pictures on these two gentlemen?

Q I don't think we have the arrest packets with us, unfortunately.

A Unless, the only possible thing I can think of is they were similar-looking and it just didn't, -- you know, I was writing the report, and, so, it didn't really matter to me. I'm just gonna put down whoever. You know, whoever's name I got or whoever's F.I. I got first.

But, by the way the report was written, I still stand that it was Salcedo who had it.

Q Okay.

A And I'm not looking at any photos. So, I really don't remember their faces, independently.

Q And what makes you think it was Salcedo instead of Chavez?

A Simply by what I wrote on the report.

Q Uh, is that -- which one was No. 1?

A Salcedo.

Q And, so, in your memory, Defendant -- Subject No. 1 would have been the one who actually had the gun. And Subject No. 2 you wanted to add on the information?

A Right. That's why we added on all those other extra observations to tie him as well.

Q Okay. All right. Let me get the report back from you. Thank you.

Now, last Friday, the 17th of December, --

MR. THOMPSON: Richard, can I interject?

MR. ROSENTHAL: Sure.

MR. THOMPSON: Can we go to another tape, as per our --

MR. ROSENTHAL: Absolutely.

MR. THOMPSON: We'll conclude at, uh, 1550 hours. Which one do you want to do?

MR. ROSENTHAL: Uh, let's start -- we'll go in chronological order. So, I think Rene Soto is the first one.

MR. THOMPSON: Okay.

THE WITNESS: Am I going to see a report on that?

MR. ROSENTHAL: Yeah, you'll get that one from the detective.

As an introduction, -- are you ready for your tape?

MR. THOMPSON: Okay. We're on Tape No. 222857. Today's date is December 20th, 1999. Time is approximately 1650 hours. We're interviewing Rafael Perez at CRDF. I'm Sgt. Mark Thompson, Serial No. 23251.

Also present is Detective II, Steve Watson, 23531; and Sgt. Jeff Paillet, 23307. Also present during this interview is Deputy District Attorney Richard Rosenthal and Attorney Winston McKesson, who is Rafael Perez' private attorney. And also present is Court Reporter Sara Mahan.

Q BY MR. ROSENTHAL: All right. Uh, Mr. Perez, back on December 17th, last Friday, you've had an opportunity to review, I believe, almost a hundred, uh, other arrest reports out of Rampart C.R.A.S.H. that you have not reviewed before.

And you selected three cases that we needed to discuss. Uh, we'll start with the first one, which is D.R. No. 96-02-26512. Uh, defendant is Rene Soto. And arrestee is Rene Soto and Robert Betancourt. B-e-t-a-n-c-o-u-r-t.

Uh, this appears that it was a misdemeanor, uh, arrest. So, there is no D.A. file, although, there might be a City Attorney file.

Do we have the arrest packet on this case handy?

MR. THOMPSON: Uh, there was no arrest packet. It's just a -- it's a misdemeanor. We normally wouldn't have one.

MR. ROSENTHAL: All right.

MR. THOMPSON: So, all we have is a copy of the arrest report.

MR. ROSENTHAL: All right. Thank you.

Q Why did you pull this report?

A The reason I asked for this report to be pulled to the side, is because after reading it, I noticed that the

observations are -- uh, on this case was all fabricated. the entire observations is fabricated.

Uh, it reads on the report that we're conducting an O.P. Uh, that we see the two defendants. We see them painting, uh, some, uh, graffiti in front of the location. Then, we see them painting graffiti in the rear of the location. I don't know how -- I mean, if you read this, you can tell that it's impossible for us to observe everything they're doing in front and in back of the location.

But, at any rate, the entire, uh, report is fabricated. What happened was we located these guys, detained them, uh, I think it was a radio call that came out.

Uh, we saw that they had, uh, this fresh graffiti all over the place. Uh, I think we had found a can of spray paint. And we just decided that they must have done it. Uh, and we decided to book them. I think Liddy wanted to book them. That was his gang.

Q And this is a report by Liddy?

A Yes.

Q What gang were they with?

A I think they were Aztlan.

Q How do you spell that?

A It's, uh, A-z-t-l-a-n.

Q Okay. And that's actually in the upper right-hand corner of the report, on the face sheet?

A Yes, it is. The right-hand.

Q Okay. Uh, anybody have any other questions on this?

MR. THOMPSON: Yeah, I do.

Q Uhm, Ray, whose decision was it to write the report the way it was written?

A Liddy. He wrote the report. It was his gang.

Q Okay. Was there a discussion between yourself and Officer Buchanan regarding how this was going to be written, or was it written?

A Liddy wrote it. This was a misdemeanor. For some reason, he just wanted to book them, because they were very -- very inactive in that sense. We knew this is one of their more, uh, active players -- uh, Rene Soto. I think they call him Ghost. Ghost.

And, uh -- and the other is, uh, Betancourt, I think they call him Mugsy or Bugsy, or something like that. But he just wanted to book them. So, it was whatever he wrote. That was fine.

Q Did he explain to you why he wanted to book them?

A They were one of the more active ones. Well, Ghost was one of the more active ones.

Q So, these particular suspects were active in this gang?

A Yeah.

Q And that's the reason why he wanted to book them?

A Yes.

Q Okay.

Q BY MR. ROSENTHAL: You were riding -- I'm sorry. You were riding three in a car on this one?

A Yes, sir.

Q BY MR. THOMPSON: So, if I understand you correctly, you responded to a radio call?

A Yes.

Q You get there. Suspects are detained.

A Yes.

Q And you didn't actually see them --

A No. What we did was --

Q -- spray painting?

A -- we took them back to their neighborhood. The area they were supposed to be at originally, and we see all the graffiti.

Q So, how far away were they from the -- the neighborhood where they --

A About a block.

Q So, were they any place close to where there might have been fresh graffiti or something like that?

A No. The graffiti that we saw was right where they hang out. Right -- right there by, uh, -- it's like a car wash.

Q Was there any other physical evidenced linked to these suspects that tied them into this radio call or anything else?

A I think one of them did have a -- uh, paint on his fingers.

Q Do you recall which one that was?

A No. It may be in the report. No, I don't see it. But for some reason, I remember. I think one of them may have had spray paint on his hands.

Q Okay. Is there anyone else aware of this fabricated report besides yourself, Liddy and Buchanon?

A Not to my knowledge.

Q I notice that Sgt. Ortiz' name is down there as a supervising -- supervisor approving.

A Yes.

Q Did you advise -- or was Sgt. Ortiz advised, at any time, that this, in fact, uh, did not occur as it was written in the police report?

A No.

Q And I think I noticed in this report someplace where five Polaroid -- if you look on the last -- uh, Page 3 of 3.

A Okay.

Q Uh, down towards the bottom. And it indicates five Polaroid photos were taken of property that was defaced.

A Yes.

Q Do you know what happened to those particular, uh, -
- were they booked as evidence?

A No, they were not.

Q Do you know what became of those, uh, Polaroids?

A I do not.

Q BY MR. ROSENTHAL: Okay. There was, in fact, a radio

call "Vandalism suspects now there" that you responded to. That's indicated on Page 2 of 3 under "Source of Activity."

A Okay. Yes.

Q And that's -- so, that's why you went to the location?

A Yes.

MR. THOMPSON: Anybody else?

MR. PAILET: Yeah.

Q Uh, did you interview any witnesses or any P.R.'s on that radio call?

A I did not.

Q Okay. To your knowledge, did Buchanon or -- or, uh, Liddy interview anybody?

A I don't recall them interviewing anybody.

Q Okay. Did any, uh -- anybody interview the suspects that were detained, and did they make any statements either acknowledging or denying?

A If they did, it would have been by Liddy. I didn't interview anybody.

Q Okay. And do you know if Liddy did? Or --

A I don't recall.

Q You don't recall?

Q BY MR. ROSENTHAL: If he did, he probably would have put it in the report, though; right?

A Yes.

Q BY MR. PAILET: You weren't present during any interviews of either suspect, then; is that correct?

A I was not.

MR. ROSENTHAL: Okay.

MR. THOMPSON: We'll go ahead and conclude. It's approximately 1700 hours.

Next one is --

MR. ROSENTHAL: The next one will be Octavio Davalos. D-a-v-a-l-o-s. Octavio is O-c-t-a-v-i-o.

MR. THOMPSON: Okay. Okay. This is a tape-recorded interview, Tape No. 222858, Side A. We're interviewing Rafael Perez. We're at CRDF. Uhm, time is approximately 1700 hours on the 20th of December.

I'm Sgt. Mark Thompson, Serial No. 23251. Also present is Detective Steve Watson, 22531; Sgt. Jeff Paillet, 23307. Also present is Deputy District Attorney Richard Rosenthal and Rafael Perez' private attorney, Winston McKesson. And Court Reporter Sara Mahan is also present; along with Detective III, Brian Tyndall.

MR. TYNDALL: 16742.

MR. THOMPSON: And Lt. II, Emmanuel Hernandez.

MR. HERNANDEZ: 21034.

(Telephone ringing in background.)

MR. THOMPSON: And we're gonna speak about, uh, Report No. 97-02-00604.

MR. ROSENTHAL: This relates to District Attorney Case filing BA147668. Let's go off the record for just a moment.

(Off the record until phone stops ringing.)

Q BY MR. ROSENTHAL: Okay. Uhm, Mr. Perez, this is, again, a case that you, uh, reviewed on December 17th, and indicated that we needed to discuss.

Why don't you tell us, uh, what -- what it is that we need to discuss about this case?

A The reason I asked to discuss about this case is, uh, none of the evidence was planted. However, in the beginning of Page No. 2, under "Observations" it talks about a female giving us information regarding narcotics activity at this location.

Actually, that came from [**** CI #6 info ****]. It talks about, in the second paragraph, that my partner and I began an observation at the location. That is also wrong.

We never began observations. Basically, we -- all -- all this talk about that we saw a male walking up and all that, that's fabricated. Uh, basically, what we did was meet up with Richardson and Ng and respond to the location. And then, just detained them.

Everything else that was fabricated was just our probable cause to go there and, you know, detain them. But none of it was true.

Q Okay. So, the defendant was, in fact, in possession of the narcotics that was booked to him?

A Yes.

Q And you approach him because your informant, [CI#6] told you that this guy was dealing narcotics?

A Yes.

Q Any more questions?

Q BY MR. THOMPSON: Uhm, Richardson and Ng, you met up with them when you got there, or prior to going there?

A Before going there.

Q Before going there?

A Yeah.

Q Okay. And was there a discussion as to -- with Richardson and Ng, as to what -- what you were gonna do?

A We told them there was a garage we wanted to hit, and where it was.

Q Okay.

A And we went through the -- or we went through the front and we went through the back, and deployed on it. That was it.

Q Were they present when the narcotics was recovered, do you recall?

A They were there. I don't remember if they were looking at my partner or whatever when he recovered it. But they were there, yes.

Q Did either Officer Richardson or Ng, uhm, review this report after it was completed?

A I doubt it.

Q You say you "doubt it" do you recall specifically if they did or not?

A No.

Q Did they have knowledge --

Q BY MR. ROSENTHAL: You don't recall? Or you -- the answer "no" was a little, uh, vague.

A No, I don't know. I don't know if they read it at some point.

Q BY MR. THOMPSON: Okay. If you know, did they have knowledge that this report was fabricated as when it came to what you just described, the probable cause, and those -- those things?

A I never told them, uh, "By the way, uh, we really didn't make these observations. We're just writing it that way." No, I never told them that.

Q So, you don't think they have knowledge that this was a fabricated report?

A Unless someone else told them. I didn't tell them.

Q Okay. Why would you write it this way, as opposed to just -- I think where I've read reports where you stated you received information from a C.I., or whatever, why fabricate it in this particular report?

A Just to get into the garage. Just to be able to, you know, go in there. What it was is, [*****
**** CI #6 info redacted *****], because this person, I arrested his son for murder.

So, [*****

** ***** CI #6 info redacted *****

*****].

So, all -- it was enough for me to -- for the informant to tell me, "By the way, those guys are dealing in that garage." So, the observations, that was just our probable cause to just go in there, instead of just knocking, "Hey, can we come in," we went right in.

That was our -- our probable cause. That's why it was written that way.

Q BY MR. ROSENTHAL: Was the narcotics actually found where it's indicated in the report?

A Yes. Wherever it says in the report, that's where it was recovered.

Q BY MR. PAILET: Who was the person you arrested for murder?

A Uhm, a gentleman by the name of Octavio -- I'm sorry, Davalos. His first name is -- do you -- if you had the C.R.A.S.H. recap thing, I'd be able to find it.

Q The C.R.A.S.H. Recap book?

A He was one of those ones that was involved in the murder at the McDonalds. Some of you were aware about that murder.

Q BY MR. THOMPSON: The one on, uh, Alvarado and Beverly?

A Right. As a matter of fact, his son is the one that I called down to San Diego --

MR. PAILET: Alvarado and Temple.

THE WITNESS: -- and said I was a schoolteacher and wanted him back.

Q BY MR. ROSENTHAL: Yes, that's, uhm, -- was Anthony Adams; isn't it?

A Isn't Anthony Adams the one that was in New Mexico and I called the County Jail down there.

Q Okay.

A But he was also involved in the same murder, though.

Q Right.

A They're all --

Q So, it's one of the four co-defendants -- that Anthony Adams?

A Yes.

Q And that's, uh, -- for the record, it's Case No. BA151844.

MR. THOMPSON: I've got a question for you, Ray.

Q Did you ever go to court regarding this particular arrest?

A I think I did.

Q And when -- and did you testify?

A I don't remember. I don't know if it was like a -- took a deal or -- I, specifically, remember -- I remember like a subpoena or something and going to court, 'cause I remember I arrested his -- his son. That type of correlation there. But I don't remember if I testified or not.

MR. ROSENTHAL: Actually, according to the, uh,

transcript, this was a plea at the time of preliminary hearing.

THE WITNESS: Okay.

MR. ROSENTHAL: So, there was no preliminary hearing.

MR. THOMPSON: And just a real quick question.

Q Was Durden -- did he review this report upon it's completion and aware of it's contents?

A Yes.

MR. THOMPSON: Anybody else?

(No audible response.)

MR. THOMPSON: Okay. We'll go ahead and conclude. It's, uh, 1705 hours.

MR. ROSENTHAL: Okay. The next and last one will be Julian Hernandez.

MR. THOMPSON: Okay. We're back on tape. The time is approximately 1706 hours. Today's date is December 20th, 1999. We're going to talk about Case No. 97-02-38480.

Present during the interview is -- I'm Sgt. Mark Thompson, 23251; Detective II, Steve Watson, 22531; Sgt. Jeff Paillet, 23307; Detective III, Brian Tyndall, 16742; and Lt. II Emmanuel Hernandez, 21034.

Also present today is District Attorney Richard Rosenthal; uh, Attorney Winston McKesson; and Court Reporter Sara Mahan.

Uhm, Ray, on the other day, you pulled this report as one that you'd like to discuss. Can you just go ahead and tell us, uh, what it is about this report that, uh, --

MR. ROSENTHAL: Let me just indicate that this relates to District Attorney filing BA160279. And you already read out the D.R. number.

MR. THOMPSON: Yes.

MR. ROSENTHAL: All right.

THE WITNESS: The only thing I wanted to discuss on this report was there was no narcotics planted. But, I think under Page 2, under "Observations" -- there under "Observations" it talks about me asking the defendant if we can look into his apartment. All of that was fabricated.

We knew -- there was an informant [**** CI #23 info redacted *], who is the one that gave us the information. We knew where he lived.

Uh, when we detained him, we went straight to his key, and went straight to his apartment, and just went straight in. So, anything that talks about -- about us asking him, Do you live here? Do you -- is there an apartment? Can we go look in? And he gave consent, all of that. All of that is fabricated.

Q BY MR. ROSENTHAL: So, basically, you just -- you entered without probable cause?

A Yes, sir.

Q All right. Was, in fact, all of the -- after that relating to the consent, you indicate eleven balloons of heroin on the kitchen counter in plain view. Is that correct?

A That's correct, yes.

Q So, everything after the discussion of consent to search, is all of that accurate?

A Yes, sir.

Q There appears to be \$240 seized. Was any money stolen as a result of this one?

A No, sir.

Q BY MR. THOMPSON: So, the information about the C.I. is correct?

A The C.I.? Uhm --

Q Up in that "Source of Activity"?

A Yes.

Q Who was the C.I. on this one?

A The C.I. was an informant that was being used by, uh, Canister and some of the other FES guys that had been there already when I got there. In other words, when I got there, they already had been using this, uh, C.I.

Q And was it a documented C.I.?

A I think [CI#23] was.

Q In this particular arrest, uhm, who wrote the report here?

A Looks like I did.

Q Was -- did Officer Canister -- did he review this report after it was completed?

A Uh, I'm not sure if he did or didn't. Uh, I usually give my reports to my partners to review.

Q Notwithstanding that, do you know if Officer Canister

was aware that the -- portions of this report were fabricated?
Was it ever discussed?

A If he would have read this report, he would have known that it was fabricated. He was with me when we detained him. He was with me when we [***** CI #23 info redacted *****] and went straight to his apartment.

Q You just don't recall if he ever read this -- read the report?

A Yes, sir.

Q That's your normal practice to have your partner review it?

A Absolutely.

Q BY MR. PAILET: Was this individual a Spanish-speaker?

A Yes.

Q Does Canister speak Spanish?

A Very little.

Q BY MR. THOMPSON: Taking into account that this was Canister's C.I., or somebody that he had worked with previously, did that have any significance as to him reading the report or not? Do you know he -- I'm just wondering why you wrote the report as opposed to him if this was his C.I., somebody that he had used before.

A I have no idea.

Q BY MR. ROSENTHAL: Do you remember testifying at the preliminary hearing?

A What I do remember about this case is the C.I. calling back saying that we missed the dope. [CI #23 info redacted]. And we told [CI#23] we only found -- because [CI#23] was looking to get paid or something -- and we said, "We only found eleven balloons of heroin." [CI#23] said, "You guys missed it. They're inside the -- inside the chairs, inside the cushions."

I remember [CI#23] calling and telling us that. For some reason, I don't remember going to court. I don't. I don't know if it says that I did.

Q No. Actually, at the preliminary hearing -- there was a preliminary hearing on the December 31st, 1997. And it indicates Canister was the witness.

Q BY MR. PAILET: Do you recall the confidential informant's name?

A No. [***** CI #23 info redacted *****
*****] .

Q Do you know, in the report, uh, you have documented that you advised him of his Constitutional Rights, which he waived. Did that happen?

A No, sir.

Q Okay. Did he ever make the statement, uh, when you're asking him, uh, -- asking him where the narcotics is in the apartment, and he states, "Just what's on the kitchen counter." Did he actually say that?

A That's true. He had it -- it was sitting on a plate on the kitchen counter.

Q So, he actually acknowledged? Did he acknowledge that was his?

A Yes.

Q Okay. He did? Okay.

MR. ROSENTHAL: Okay. Any further questions?

Q BY MR. TYNDALL: Ray, was he -- was he -- did you ask, uh, this man if you could go inside, at all?

A No. That's -- when he saw us, he started to walk back into the driveway. And we knew where he lived. And we could tell he was like involved in some type of narcotics activity. We detained him.

In fact, I think he had the keys like hooked to his belt or something. And we just kept walking him towards the back. And we're taking the keys out. And we went straight to his apartment. We knew where we were going. We were going straight to his apartment. I didn't ask -- I might asked, "Do you live here?" And he was like, you know, maybe hesitant. But we knew.

I mean, we were going to his apartment, you know, either way. He didn't give us permission. He didn't even -- he didn't even tell us. I guess he figured, they, obviously, know I live here. Or they, obviously, know. Because we went straight to his apartment. We walked him up and just went right into the apartment.

Q Okay. Was there anybody else inside?

A No, sir.

Q Okay. That's all.

MR. ROSENTHAL: Okay. That's it.

MR. THOMPSON: Okay. We'll go ahead and conclude. It's approximately 1715 hours.

MR. ROSENTHAL: We're off the record.

(Off the record at 5:15 p.m.)

(Back on the record at 5:20 p.m.)

MR. ROSENTHAL: Can we get started?

MR. PAILET: This is going to be a tape-recorded interview of RHD Task Force Investigation, uh, C.F. No. 99-2949. Today's date is December 20th, 1999. The time is 1720 hours. Location of this interview is, uh, Lynwood Central Regional Detention Facility.

Present to be interviewed is Rafael Perez. Uh, present representing, uh, Rafael Perez is his attorney Winston McKesson. The interview is being recorded on Tape No. 221472, Side A.

Uh, present during the interview is Sgt. Jeff Paillet, Serial 23307; uh, Sgt. Mark Thompson, Serial No. 23251; Detective II, uh, Steve Watson, Serial No. 22531.

Uh, also present is, uh, Detective III, Brian Tyndall, Serial No. 16742. Lieutenant II, Emmanuel Hernandez, Serial No. 21024. Uh, Los Angeles County District Attorney -- Deputy District Attorney Richard Rosenthal.

MR. ROSENTHAL: I just got promoted.

MR. PAILET: You just got promoted. (Chuckle heard.) And,

uh, Certified Court Stenographer Sara Mahan.

Q Okay. Mr. Perez, I'm going to -- uhm, it's a personnel complaint. And what I want to ask -- ask you a couple of questions. I'm going to show you a picture of female Sadia Garcia. And ask you, uh, do you know this female?

A Yes.

Q Okay. And how -- how do you know her?

A I was involved in a relationship with her.

Q And when you say "a relationship" was that, uh, at one point, a sexual relationship?

A Yes.

Q How did you, uh -- how did you meet her?

A A Officer Espinoza was on the phone one day downstairs at Rampart Station. And he was talking to someone. And I said, "Who are you talking to?" And he said, I think, -- he said, "Oh, you know what? This girl -- this girl is Puerto Rican, or something like that. And you're Puerto Rican. Talk to her for a second."

And that's how I met her.

Q Is she Puerto Rican?

A Yes.

Q Okay. So, this is -- you talked to her on the telephone then?

A That's how I met her, yes.

Q Initially?

A Yes.

Q Okay. Uh, did Espinoza say how he met her?

A He may have. I don't remember, though.

Q And how did he indicate -- who did he -- what was the name he introduced her to you as?

A I think it's Sadia.

Q Okay. So, he introduced you by her actual name?

A Yes.

Q Okay. When -- now, you -- so, you first, uh -- your actual conversation with her was on the telephone?

A Correct. Yes, sir.

Q When did you first actually meet her in person?

A She worked at the Pep Boys on Washington and Hoover. And on one of the days that she got off work and was walking on her way home, I drove by there and met her.

QQ Okay. Were you by yourself? Or were you with somebody?

A I was on-duty with a partner.

Q Do you know who that partner was?

A Officer Arujo.

Q I'm sorry? Who was the officer?

A Arujo.

Q Arujo. Do you know his first name?

A Frank, I believe.

Q Okay. Okay, and from there, did you, uh, -- how did the relationship progress from there?

A Uhm, --

Q And did she know you were coming that day, when you went to, uh, Pep Boys?

A Yes.

Q So, that was pre-arranged that you would -- you would to meet her when she gets off work?

A It wasn't like pre-arranged. I think it was like, "What time do you get off work?" She goes, at this hour. And I usually walk home.

And I said, "Well, maybe I'll -- I'll drive by there and see you as you're walking home", or something like that. It wasn't like a -- you know, I think the -- I pulled to the side of the street and she came out. Do you want me to answer the question, how did it progress from there?

Q Yeah, go ahead.

A Uhm, I think, eventually, we went out or something. I -- I'm sure I asked her out after work or something. I told her, "After work, hey, maybe I'll pick you up and we'll go somewhere." I don't know where. Maybe a movie or I don't know where we went.

But, eventually, I think we went out just continued to go out.

Q Did you, uh, ever meet her at the Short Stop?

A I think I took her to the Short Stop once. I think I took her to the Short Stop once. And she showed up the Short Stop once.

Q And she showed up at the Short Stop?

A (No audible response.)

Q Were you there when -- when she showed up, was she already there? Or were you there and she walked in?

A I was there and she showed up.

Q Okay. Do you know who she showed up with?

A No.

Q Was it another female?

A I don't remember.

Q Okay. Was Espinoza ever at the Short Stop when, uh, Sadia was at the Short Stop?

A Yes, that's when I took her to the Short Stop.

Q That's when you took her to the Short Stop?

A Yes.

Q Okay. Did Sadia -- or did you ever have any conversations with Espinoza and Sadia together?

A Yes, at the Short Stop.

Q At the Short Stop?

A Yes.

Q Okay. And did Espinoza, at that time, acknowledge, yeah, this is Sadia, and acknowledging this is the girl I had you talk to on the telephone?

A Not in those exact words. Uhm, but it was communicated that, yeah, you know, "So, you are going out with her?" You know, that type of thing, you know. But the way you said it, it's not exactly how he said it.

Q Okay. Go -- go ahead and tell me, so, I -- so, I

know.

A I'm trying to remember how exactly it was said. It was one of those, "Hey, Sadia, yeah, you know." And, you know, he's trying to make me look better saying, like, you know, -- you know, good guy, or something like that. Or it was known that this was Sadia. Sadia, and I'm Ray and Espinoza. I mean, it was -- it was known.

Q Okay. Did, uh, -- at that time, were you dating Sadia? Or did Espinoza know you were dating Sadia?

A I think we had just started going out. Or just started seeing each other.

Q Did Espinoza not know that you were seeing each other?

A He knew that I had, uhm, seen her a couple of times.

Q And how did he know that?

A I told him.

Q And when did you tell him that?

A I told him sometime at the station.

Q Now, how did you tell him you were going -- well, when you say, uh, "I told him," did you say, "Yeah, I have taken Sadia out on a date." Or --

A Yeah, I told him that I had, uh, met her and that, uh, we had gone out.

Q And when you say "gone out" did you elaborate further? Or did you just leave it with, "I had gone out?" In other words, did you elaborate and say, we've gone out to dinner, or we went out dancing, we went out to a movie? Or --

A No, I think I just told him that we went out. I think I just told him we went out.

Q Did he make any comment, or, uh, any response to your statement, "We've gone out?"

A He made a bunch of little, you know, laughing-type statements. Nothing -- nothing that stands out. He was -- he was mostly, you know, laughing, like, "Oh, I knew you were gonna go out with her." You know, that type of thing. And, uh --

Q So, he was just like making laughing statements acknowledging that you're going out with her?

A Yes.

Q Okay. Now, you've taken her to the Short Stop on -- or one time you actually took her to the Short Stop. Another time you met her, when -- uh, at the Short Stop; correct?

A Yes, sir.

Q And Espinoza was present at least for one of those occasions; right? That was, I think, the one you were telling me where you took her there?

A Yes, sir.

Q Okay. Was he present for the other time when, uh, she was there and you met; if you remember?

A No, sir, he was not.

Q Okay. He was not there?

A No.

Q Uhm, at the time you took her there, uh, and he was there, and you were exchanging pleasantries or greetings;

correct?

A Yes.

Q Okay. Uhm, during that time, if you recall, did you have any over displays of affection with Sadia? In other words, were you either holding her hand, did you kiss her? Uh, you know, holding her around the waist? Anything that would indicate that you guys were romantically involved?

A A couple of times, uh, he and her were dancing. And I think on one occasion, I remember they started kind of a slow song. And then, she walked over to me and put her arms around me. And she pulled me like she wants to dance with me, or something like that.

That's -- no, we were holding hands as well. Uhm, I think that was about it as far as shows of affection.

Q Okay. So, you don't recall ever kissing her in his presence?

A I was trying really hard not to kiss her in the Short Stop. In fact, the only reason I took her to the Short Stop is because there was like a little party for the unit that Espinoza was in. Everybody in his unit was there. And that's the only reason I took her, because she wanted to congratulate them. It was something that they did and they were being congratulated for it. They were having a little party.

So, I -- I agreed to take her by it. But I don't remember if I kissed her while we were there.

Q So, she was, uh -- was she -- was she also -- would

you consider her a friend of Espinoza's? Or Espinoza and her were friends?

A They were friends, yes.

Q They were friends? And what do you base that on?

A They knew each other. He introduced me to her over on the phone. And they had talked. I mean, -- I mean, from what she had told me, they had talked many times.

Q And what -- what exactly did she tell you? Did she tell you how -- how they met, if you recall?

A She may have. But I don't remember.

Q Let me just give you a scenario how she says she met him. And in doing that, if that jars your memory, and if not, that's fine, too. Uh, she states that she met Espinoza through a mutual friend, uh, a Graciela Lopez. Or known as Gracie.

A The name sounds familiar. I think I met her.

Q Let me go ahead and show you a picture of her. And you can tell me whether this is, uh, -- this is a picture of Gracie. Or she commonly goes by Gracie. Is -- is that -- does she look familiar to you?

A Yeah, that looks like a female friend of hers that she introduced me to.

Q Okay. Was that at the Short Stop?

A It may have been, yes.

Q Okay. Now, she says that, uh, she met Espinoza -- apparently, Espinoza met Gracie in court one day. Uh, Espinoza was taking -- he made arrangements to take Gracie out and take

her to the Short Stop. And on that date, they picked up Sadia and also took Sadia to the Short Stop.

And if that sounds familiar or not.

A I don't remember that.

Q Okay. Not particularly?

A No.

Q Okay. Uhm, how long did you go out with Sadia?

A I really couldn't tell you the dates. I couldn't even tell you when exactly I met her. It was probably a couple months, a few months.

Q A couple months?

A Yes.

Q How many -- approximately how many dates do you estimate you went out with her?

A Twenty, twenty-five times.

Q Twenty to twenty-five times?

A That I actually saw her?

Q Right.

A Twenty, twenty-five times.

Q Okay. How would you categorize your relationship with her? Was it kind of serious? Or how would you --

A Not even close.

Q Not even close? Okay. Just someone passing time with, basically?

A After work.

Q Just someone to meet up with? Casually meeting up?

A Exactly.

Q Okay. And, but -- but it would be romantic in nature?

A Sexual in nature.

Q Sexual in nature. Okay. Besides Espinoza, and -- and again, Espinoza was aware that you were dating her? Or you -- you told him, "Hey, I'm going out with her?"

A Yes.

Q Other than that one occasion you recall specifically telling him at the station, and him responding, "Yeah, I knew you guys would go out" or -- do you recall ever mentioning it, or telling him again that you'd been going out?

A I talked to him several times. I mean, I would see him at the station all the time.

Q Okay.

A And he would always ask me about her.

Q Okay. So, he would, on several occasions, bring up Sadia?

A Yes.

Q And ask how you guys were working out?

A Yes. I remember one time him telling me, "You know, you dog. You dog. You know, she really likes you. And you don't -- you don't even like her." Or something like that. But, I mean, I would talk to him, you know, whenever I saw him. You know, but, once I met her, though, she was usually the topic of conversation.

Q Okay.

A Or his topic of conversation.

Q Do you know if he ever tried to go out with her, or ask her out? Did she ever disclose that to you?

A I remember -- I'm not sure if it was him that told me or her that told me that he may have tried, or said something, or made some type of innuendo in wanting to go out with her. But she told him, "No" or something like that. "No way. You're -- you're a good pal to hang out with, but I'm not going out with you." Or something like that. I don't know if he told me that or she told me that.

Q Okay. If he had been interviewed by investigators from this task force, and he'd been asked regarding knowledge of any relationships that he was going out -- that you were going out with any females, -- you had been going -- and he said he had no knowledge; would that have been a lie?

A Right. Yes.

Q Okay. And based on?

A He was well aware that I was having a relationship with Sadia. We had hung out together. We went to the Short Stop together. We had many, many discussions about her. He was well aware that I was seeing her.

Q About how many times, uh -- how many discussions -- how many times did you have discussions with Espinoza regarding your relationship with Sadia?

A At least a dozen conversations with him.

Q Okay. Do you recall at -- either after you were

relieved from duty, uh, and when, obviously, it was in the newspapers regarding the search warrant on your house, did Sadia ever try to get a hold of you? Do you recall getting a hold of Sadia?

A I know I talked to her once. I think she had been paging me or something.

Q Right. She had been paging you.

A She had been paging me. I think she had been paging me or somehow tried to get a hold of me. Maybe the -- I don't know if I still had my cell phone or not. But she was trying to get a hold of me. I think she was maybe probably paging me. And I called her once. And I said, "Listen, uh, I can't explain it to you, you know." Uh, I think I even told her, "If anybody talks to you, we're just friends."

She goes, uh, "Well, what's going on? Tell me. You know, what is it?" "I can't talk to you about it, you know. But, uh, if anybody talks to you, we're just friends" or something like that. Uh, I -- I don't remember exactly what it was. But that -- I talked to her once from the time that search warrant was --

Q Between the search warrant and the time you were arrested?

A Yeah.

Q Did she ever make any statement that she was gonna talk to Espinoza regarding that -- regarding this, or -- or you told her, hey, just -- just talk to Espinoza?

A I think she had said something about Espinoza, yes.

Q Okay. Did Espinoza, during that time, ever contact you and -- and ask you, hey, uh, you know, Sadia's calling me. What should I tell her? Or --

A No.

Q Did Espinoza -- and, obviously, Espinoza was aware that you were married; correct?

A Yes.

Q Okay. Did you ever disclose to Sadia that you were married?

A No.

Q Okay. Did Espinoza ever tell you, hey, uh, Sadia's asking me, uh, -- you know, she's asking me questions about you, whether you're married, whether you're -- in other words, is this something you guys ever sat down to iron out, that, uh, you know, kind of a cover story so not to reveal that you were truly married?

A I think that went without saying. But I think there was one conversation where I think I had decided, you know what, uh, I just didn't want to see her anymore. I just -- I didn't call her for like two to three weeks, or something like that. I just didn't. Uh, she was -- I just didn't want to see her any more.

And she gets sort of real upset about it. She was down and talking to Espinoza about it. And I think she had asked Espinoza that I think he's married. I think he's married.

And Espinoza told her no, and things like that.

Q Okay. You know, is it possible you met -- you first met, uh, Sadia at the Short Stop Bar?

A No, sir.

Q Okay. So, the first time you met her was on her way back home walking home from, uh, -- from Pep Boys?

A While on duty, uh, yes. With Officer Arujo.

Q With Officer Arujo?

A Yes.

Q Uhm, and the first time you talked to her was when -- from a telephone. And that was Espinoza talking to her on the phone. And his conversation, "Hey, you're Puerto Rican. She's Puerto Rican. Let me put you two on the phone."

A Yes.

Q Okay. Other than, uh, Officer Espinoza, what other officers would have known that you were dating Sadia Garcia? Did Officer Arujo know you were dating Sadia Garcia?

A Yes.

Q Okay. Arujo did? What other officers would have known?

A A bunch of C.R.A.S.H. officers. Uh, when I took her to the Short Stop that one time there were several C.R.A.S.H. officers there. And it would be difficult for me to start telling you. I know there was a bunch of C.R.A.S.H. officers there.

And, also, the other time when I had met her, or saw

her at the Short Stop, there was all of the C.R.A.S.H. were there. And I know --

Q And there might be a difference between "seeing you with her" and actually knowing that you're going out with her. So, were these people -- they might have seen you with her, but they might say -- they might not know, okay, this is a one time shot. This is someone new that Ray's with? Or did they actually know? Is this someone you talked about, yeah, I'm dating this girl, you would have conversations with people?

A Well, she definitely wasn't someone I would talk about, you know.

Q You would not talk about her?

A Uhm, if I was at the Short Stop and someone saw me with her, on those occasions, you would say, I'm with her.

Q And that would be based on your -- you were holding hands and you were dancing her, or --

A She's up on me or something like that.

Q Okay.

A I'll say this. When -- when I was at the Short Stop, I'd always try to kind of lay back because the PSR is different.

Q Downplay the relationship?

A Right. And she might have been more touchy feeling with me than me with her.

Q Okay. But Espinoza, uh -- okay, but the indications that Espinoza would have known you were dating her is A, you told him you were dating her.

A Mmnh-mmnh.

Q B, did Sadia ever say that she was dating you, in your presence, to him? In other words, Sadia having a conversation with Espinoza where she's saying, "Oh, yeah, me and Ray are going out" and you're standing right there hearing it?

A That I can't say for sure --

Q Okay.

A -- whether she, you know, in front of me, while he's on the phone, "I'm dating Ray" and I heard that. I mean --

Q Okay.

A -- it was just well-known.

Q But you told him?

A Yeah. We -- we talked about it. I mean, he knew when I tried to stop seeing her, she called him to tell him, "Why? Why did he stop calling me? Why, you know, what's going on here?"

Q Basically, you're basing that he knows because you've told him, his statements to you, such as, "Hey, she really likes you. You're dogging her," etcetera, uhm, are all indications that he knew you were going -- you two were going out?

A Yes.

Q And he knew her as -- as Sadia?

A Yes.

Q And, so, if asked, "Hey, does Ray know Sadia?" If he had been asked by any investigator, he, obviously, should have

known who Sadia was?

A Yes.

Q Okay. Did he ever give you her -- her telephone number. In other words, the first time when he introduced you and he said, here, this girl is -- did you ask for her phone number, or did he say, "Here, Ray. Here's her phone number?"

A No, I don't remember.

Q Okay.

A I don't remember if after I got off the phone with her, she told him to give me her phone number, or -- I don't think she gave it to me directly. I think it may have come through him. But I really don't remember. I'm not a hundred percent sure.

Q Okay. I don't have anything further. Can you think of anything more?

MR. THOMPSON: No.

MR. PAILET: Okay.

Q Uh, Ray, is there anything else that you could think of? And what I'm looking for is, basically, his knowledge that you were involved in a relationship with this young lady, and, uh, in a nutshell, he failed to disclose it to, uh, prior investigators.

A Officer Espinoza knew that I was dating Sadia.

Q Okay.

Q BY MR. THOMPSON: One last question.

A Yes.

Q When was this relationship? When did it occur?

A You know what? I really -- I want to say sometime around March, April, sometime around there.

Q And do we have a year for that?

A I'm sorry. Of '98.

Q BY MR. PAILET: March, April of '98?

A (No audible response.)

Q BY MR. THOMPSON: And the duration of it?

A Maybe a few months. Maybe three months. Actually, a little bit longer. I mean, right up 'til the time that of the search warrant. But I -- very rarely would I see her. I would -- I would tell her, you know, -- I was more like trying to break it off with her.

And she was, you know, she got to like really like me. And I was just trying to break it off slowly with her. And I would see her once in a blue moon.

Q BY MR. PAILET: Now, Ray, you took her to the Holiday Inn, I believe, two separate times in Burbank?

A Yes.

Q Did you ever tell Espinoza, "Yeah, I took her to the Holiday Inn" that you recall?

A No.

Q Okay. Other than Sadia are there any other, uh, young ladies that you were dating that Espinoza was aware of that you were dating?

A Uhm, one time, uhm, there was something going on at

the Police Academy. I don't know what. Some kind of get-together for some reason. And everybody was there, all the C.R.A.S.H. guys. Uhm, just Espinoza, myself. And I met a young lady there while we were there. And I was very drunk. I can actually say that I was actually very drunk. And, uhm, someone told me, "Hey, that girl keeps looking at you." I think it was Espinoza, or one of the guys.

And I ended up, uh, that night just, uh, being with her for a little while. But I don't even know her name.

Q Oh, you don't know her name?

A The female?

Q Was it just a one-time -- one-time thing? So, really you weren't dating her. You're just -- someone you were with for a one-night stand, basically; is that correct?

A Yes, sir.

Q Okay. Let me -- let me give you a couple of names. And let me ask you, uh, do you know a Tanya?

A (No audible response.)

Q Were you ever dating a Tanya?

A Unless you have a picture, I mean, it's gonna be very difficult.

Q Okay. How about Claudia?

A Claudia?

Q Yes.

A The name sounds familiar.

Q Sonia?

A That name sounds familiar.

Q Lisa?

A Geez. You know, it's very difficult for me without a picture. All these names are gonna sound familiar.

Q Right. Okay.

A You're talking about my entire life, or just with Espinoza?

Q No, just that Espinoza is aware of?

A Oh, no. I'm sorry.

Q So, just --

A I thought you meant anybody I ever dated.

Q No, no. No strictly, uh, a young lady that you would be going out with that Espinoza is also aware that you're dating her.

A Those are the two -- the two girls that you mentioned.

Q Okay. Sadia and this lady that you don't know her name?

A That's correct.

Q You really don't know her name. But you really didn't date this young lady -- the other lady. It was strictly just a one-night stand?

A Yes, sir.

Q So, really the only person that Espinoza would clearly have been aware that you were dating was Sadia?

A Yes.

Q Okay. All right. If there are not further questions,

we'll go ahead and conclude the interview. Time is gonna be,
uh, 1745 hours.

(Off the record at 5:45 p.m.)

-oo0oo-

VOLUME 13 - OFFICER INDEX
December 20, 1999 Transcript

NAME	PAGE (S)
Officer Frank Arujo	1731, 1742
Officer Mike Buchanon	1714, 1716-1717
Officer Canister	1725-1726
Officer Nino Durden	1723
Officer Espinoza	1730, 1733-1748
Officer Brian Liddy	1713-1714, 1716-1717
Officer Howard Ng	1719-1720
Sgt. Edwardo Ortiz	1716

