

STATEMENT OF

**RAFAEL ANTONIO PEREZ,**

TAKEN AT THE METRO TRANSPORTATION AUTHORITY (MTA) BUILDING, LOS ANGELES, CALIFORNIA.

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

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sam/99-033

LOS ANGELES, CALIFORNIA, MONDAY, OCTOBER 11, 1999: 11:05 A.M.

SGT. COOK: Okay. Today's date is October 11, 1999. The time now is uh, 1005 hours.

MR. ROSENTHAL: 11:05.

SGT. COOK: Excuse me. 1105 hours. This is Tape No. 219455, Side A.

MR. ROSENTHAL: And, uh, Mr. Perez, as we'll go on with all the questions that go on today, you're still under oath.

THE WITNESS: Yes, sir.

Q BY DET. NALYWAIKO: Okay, Ray. Uh, I guess for this tape, we need to, uh, say who's present here. I'm Stan Nalywaiko, Detective. Uh, sitting next to me is Sgt. John Cook. Of course, Deputy D.A. Richard Rosenthal. Also present in the room is Brian Tyndall; uh, McKesson, counsel for Ray Perez, who is also present.

Uh, before we get into any additional interview, Ray, what I -- I kind of want to summarize a little bit, that up 'til today's date, uh, we've reviewed many cases. And out of the many cases that we have reviewed, you've identified approximately -- we have maybe sixteen F.E.S. cases that you wanted to discuss further with us.

And I think all of those cases, except for maybe one, involved you and Officer Durden as the arresting officers. Up to this date, we haven't gone into any, uh, summary or great detail with those cases involved. But we will at a further date.

Uhm, as far as C.R.A.S.H. incidents, you've reviewed the C.R.A.S.H. book. You initially picked -- picked out approximately nine cases that you had a fairly clear recollection of events that occurred. And since that time, we have reviewed seven cases. And out of the seven cases, you gave us somewhat of a summary of the incidents and officers or any misconduct or criminal activity that may have occurred.

And, also, that you have reviewed approximately one hundred and eighty, uh, separate cases that we have presented

to you, that you have identified. And some of those we haven't talked about. I think we have maybe twelve more that you have identified that we need to talk about.

My question is on any of those cases, up to this point, uh, there have been L.A.P.D. officers that have been implicated in either misconduct or some criminal activity. Have there been any other agencies in any of the incidents that you've, uh, looked at, or any other incidents that we'll be talking about in the future, where any other agencies are involved, other than L.A.P.D.?

MR. MCKESSON: When you say "other agencies" involved, you mean other agencies involved, or other agencies were -- one or more of their officers were involved in misconduct?

DET. NALYWAIKO: I mean where more than one or other officers were involved in misconduct, from other agencies.

THE WITNESS: That I can think of, I -- I can't think of any other agency involved in any misconduct that -- that I can remember.

Q BY DET. NALYWAIKO: Okay. Specifically, I know that we have various task forces that, uh, have worked with L.A.P.D. in the past. Uh, A.T.F. has worked with L.A.P.D. in the past. I know they have been in the Rampart area. And also the Drug Enforcement Administration -- D.E.A. -- has worked with L.A.P.D. in the past. I don't know if you're aware or if you've been involved with any of those, uh, agents from those agencies.

A Yes, I have.

Q You have?

A Uhm, when you mentioned that, the only thing that I can think of, as far as A.T.F., uh, and A.T.F. would work with the, uh, Immigration Services. Uh, they would work together. They would come in and drive -- uh, ride around several nights of the week in the Rampart area. Uhm, the only thing that I can think of that they might have done wrong, that I was present, or had knowledge is -- knowledge of, was that, uhm, as far as procedure would go, on how to, uh, deport somebody.

Uhm, I mean, obviously, they were supposed to just consensually meet these people. And, you know, find later that they had, uh, criminal records, and that they were gang members, and they were deported in the past. A.T.F. would just find these people and deport them.

Or the way they were doing it in C.R.A.S.H. was, there were certain nights we just go out strictly looking for people who've been deported in the past. Uh, know that they have records, call A.T.F. to our location, and they'd take over the investigation and just deport these guys.

And, from what I understand, that's not how procedure was supposed to go. It was supposed to be that A.T.F. just happened, or, uh, Immigration would just happen to come across these people out in the field. And -- and, uh, run them and find, you know, that they had been deported in the past.

Other than that, I can't think of anything that -- that they've done, uh, criminally.

Q But what you're describing to me involved Immigration?

A Immigration would work with A.T. -- uh, A.T.F. They would all ride around in the same cars -- plain cars together, all the time.

Q Okay. Did you deal with anybody specifically in A.T.F.?

A Yeah, but I couldn't even tell you their names right now. Uhm, there were several of them there. I mean, I know them by face. Right now, I couldn't tell you their names to save my life. But, yeah, I -- I know who they are. I know their faces.

Q In any of the incidents that we've talked, uh, about, up to this point, or any of the packages that you have reviewed, was, uh, Immigration, A.T.F., or D.E.A. involved in any of those, uh, -- uh, arrests or incidents?

A Uhm, I'm not sure about your question. Are you asking me have I ever been involved with them where we deported someone in -- inappropriately, how we did it? Or -- or any other criminal cases?

Q I'm -- I'm talking about any of the criminal cases that you've --

A No, they've never been involved in --

Q -- pulled out.

A I'm sorry. I'm sorry. No. No, they've -- they've never been involved in any criminal, uh, activities.

Q Okay. I don't have any further questions in regards to this matter, at this time. And, uh, the time now is, uh, 11:08. That concludes this tape.

SGT. COOK: We're going to stay on this tape.

Q Okay. Uh, Ray, you have a package, uh, in front of you. You wanted to talk to us about this?

MR. ROSENTHAL: Why don't we -- before we show him the package --

SGT. COOK: Do you need the D.R. number?

MR. ROSENTHAL: Yeah. Let me just say the, uh, name, uh, of the arrestee appears to be Daniel Delcastillo. D-e-l- --

SGT. COOK: Why don't we, uh, why don't we start another tape.

MR. ROSENTHAL: Oh, all right.

SGT. COOK: That concludes the interview. The time is, uh, 11:10 hours.

(Off the record at 11:10 a.m.)

(Back on the record at 11:12 a.m.)

SGT. COOK: Okay. Today's date is October 11th, 1999. The time now is, uh, 11:12 hours. This is Tape No. 219456, Side A.

MR. ROSENTHAL: Okay. Uh, chosen to give to, uh, Mr. Perez to review is a packet including the arrest report of Daniel Delcastillo. D-e-l-c-a-s-t-i-l-l-o. Uh, D.R. Number is 97-02-33258. And we have a booking number of 5405036. And I'm gonna give the packet to Mr. Perez right now.

Do we know when this was identified by Mr. Perez, for, uh, discussion?

SGT. COOK: It was as a result of his review of the packets on Wednesday and -- and Friday of last week. The specific dates are, uh, October --

MR. ROSENTHAL: October 6th and October 8th?

SGT. COOK: October 6 and 8.

MR. ROSENTHAL: Okay. Go ahead.

THE WITNESS: Is there a question?

Q BY DET. NALYWAIKO: Ray, could we -- we're gonna -- we're gonna hold this package here. You've looked at the photo.

A Okay. You want to hold the package?

Q No. You can hold that report.

A Okay.

Q We just want to be able to follow along with you here.

A Okay.

Q BY SGT. COOK: Who are the officers, Ray?

A The officers involved in this case?

Q Yeah.

A Uhm, according to this report, initially, the -- the initial officers are Officer Messina, and Officer Liddy. Uh, later, uh, in this investigation they were, uh, -- they were joined by several other officers, including Buchanon, Officer Lujan, Officer Durden, Officer Harper, Officer Wilbur. And I believe that's about it.

Q BY MR. ROSENTHAL: Okay. Why don't you tell us why



you've pulled -- why did you identify this report?

A Uhm, I remember, uh, this case clearly, uhm, because I remember talking to Officer, uh, Lujan and Officer Durden, uh, -- uh, about this case. I remember, for some reason, I might have -- I was off this date. I wasn't at the scene. I was -- I might have been just taking a day off or something.

And they were laughing and -- and talking to me about it how they had -- they were doing a building search, uh, from a -- a guy who had ran from Officer Liddy.

And while they were doing this building search, they had located the suspect. And he was, uh, hidden in a closet up -- you know, how there are shelves on a closet? Well, he was sitting up like this in the upper portion shelf area of the closet.

And they were describing to me how they were searching and looking around. And they looked in the closet and saw him. And they sort of tapped each other. And they said -- and they backed up.

And they -- they backed away from there to figure out what are they gonna do to get him out. So, uh, Officer Durden was telling me how they went and got a bean bag shotgun. Uh, and they decided that they were just gonna, you know, start shooting at him up while he was up there, with a bean bag.

Uh, so, Officer Durden was telling me how they -- they went up and I believe Officer Lujan was, uh, carrying the shotgun. They went in there and they pointed the shotgun right

up at him. And they shot him right in the face with the -- with the bean bag -- with the shotgun -- with the shotgun that carries the bean bag round.

Uhm, and then he told me how they, uhm, -- they just -- the guy, when he was hit, didn't come down. So, they just kept shooting at him. Boom. They just kept shooting at him with this -- you know, the bean bag, uh, rounds, while he was in there.

Uh, and I remember one specific thing that -- that, uh, -- that, uh, Durden had told me was that when they went to go see him at the hospital, or something, the guy said, "Why didn't you guys just tell me to come down or something, man? Why you have to shoot me in the face?"

And I remember Durden telling me that specifically that the guy told him that. He said, "Why did you have to shoot me in the face?" And I remember Durden also was carrying around some pictures of this guy, uh, his face, uh, you know, and his -- his lip was being held up. Uh, he was carrying some of these pictures and they were laughing about it, how they had shot this guy in the face with a -- with a bean bag, and things like that.

I was not there. So, I really -- when -- when, uh, we were just, uh, in the meeting, uh, a couple we- -- or, uh, last week, I believe, uh, that just entered my mind. And I said that I would like to read a report to refresh my memory.

Uh, the only, uh, recollection that I had about it,

was what Durden and Lujan were saying about it, how they had found the guy and they just backed up. Went and got the shotgun, and decided to just shoot him.

Q Is there anything in the report that talks about use of a bean bag shotgun?

A I believe, if you can give me a second just to -- can I just para- -- or, uh, read a -- a couple of lines of the report?

Q Sure.

A It says, "The suspect was ordered out of the closet. His response was 'Fuck you' or 'Fuck, no'. An arrest team consisting of Rampart C.R.A.S.H. Officers Lujan, Buchanon, Durden, and myself -- which is Officer Liddy -- was then deployed. Officer Lujan was armed with a less lethal bean bag gun at a distance of approximately 28-30 feet.

Officer Buchanon was deployed with a taser and O.C. spray. Officer Durden was the designated cover officer. Officer Messina and Wilbur was -- were standing by in the hallway as a takedown swarm team.

I order the suspect to exit the closet with his hands up. The suspect refused. The suspect attempted to climb back up to the top of the closet. I directed Officer Lujan all clear and to deploy the bean bag.

Officer Lujan fired one round at the suspect solar plexus abdomen area, striking him with no effect. The suspect turned his back toward us. And -- and began moving in an out

-- moving in and out of the doorway. Suspect was bleeding heavily from his head and face. The suspect refused to comply with verbal commands and was keeping his hands in front of him.

Based on the suspect's actions, I directed the arrest team to hold their position. And Officer Lujan to deploy the bean bag as needed on the suspect. Officer Lujan fired five additional bean bag rounds at the suspect striking the suspect twice in the leg and knocking him to the floor.

The suspect yelled, 'I give up'."

Q Okay.

Q BY MR. MCKESSON: Can I ask a question? Do they ask -- do they state in there how he got the facial injuries?

A I believe earlier in the report they describe that, uh, he climbed the fence and fell off the fence face first.

Q BY MR. ROSENTHAL: And the way that you know that this report is false is based upon statements made to you by Officer Durden?

A Durden. I believe Durden. Lujan was there. Maybe a couple others. But I remember, specifically, that Durden and Lujan talked to me about it.

Q BY DET. NALYWAIKO: Was this incident ever discussed by any other officers?

A Uhm, I mean, on the day that I'm thinking about it, it was right there at Detectives. They were talking about it freely, like it was no big deal. I mean, we were -- they were all describing to me how everything happened. How it went down

and they were laughing. And -- and they just went "Boom" shot him right in the face. You know, the whole thing. I mean, they weren't talking about it like this was an O.I.S., uh, really keep it quiet. They were talking about it like -- like it was no big deal, you know.

So, I mean, like I said, they were discussing it freely.

Q BY SGT. COOK: Did they tell you how many times he was shot in the face?

A They didn't, uh -- he knows that the very first round, he told -- uh, Officer Durden told me that the very first round, the guy was on top of the -- on top of the, uh, -- the closet shelf area. And that the very first round that he was fired at, was right to his face.

On the report it said that he was down in the closet and shot in the solar plexus with a bean bag, which is not consistent with what Officer Durden was telling me and Officer Lujan was telling me that he was up there and, uh, you know, they saw him when he first went in the closet. And they backed up, got the bean bag, and then they just shot at him.

Q Did Durden tell you, or explain why they had to shoot him as many times as they did?

A It was just a -- what it seemed like to me, when they were describing it, they were just having their way with the guy. They were just having fun.

Q BY MR. ROSENTHAL: Just looking at the report, it

shows that he was arrested for the charge of 245(c), A.D.W. on a Police Officer.

A In the report, early in the report, it describes that as he went over a fence, somehow he picked up a piece of wood and -- and tried to swing it at -- at Officer Liddy.

Q And do you have any reason to believe that was false?

A I have no knowledge. I was not there.

Q Okay.

Q BY SGT. COOK: Okay. Uh, just one additional question. This statement was made to you by Lujan and -- and Durden the next day?

A The next day that I came to work. Uhm, I don't know if that happened like on a Saturday and I came back to work on a Monday, or -- but it was the next day, you know, they were talking about the incident and describing it to me, and how -- what happened, and how they went in the building and found the guy, backed up.

Q During roll call or prior to roll call?

A We were at Detectives. So, I don't know if it was - it had to be after roll call, because we were already at Detectives. Because I remember this -- this conversation took place at Detectives.

Q Okay. That closes this interview. The time now is 1121 hours.

Okay. Today's date is, uh, October 11th, 1999. The time now is 1122 hours. We're on Tape No. 21947, Side A.

Q BY MR. ROSENTHAL: Okay. All right. Uh, we've got another report here where the detectives indicate that you identified this as a case that needed to be discussed. This relates to -- it looks like we actually have two names here. Jesus Avalos and a Ramon Avalos. Same D.R. number, different booking numbers. Do we know what the --

A They were -- they're two brothers.

Q Oh. All right. All right.

A The D.R. number --

Q So, we've got -- first of all, we've got Ramon Avalos. D.R. Number is 98-02-05317. And we have Jesus Avalos, same D.R. number. Uh, booking number for Ramon is 5517577. Booking number for Jesus is 5517579. We have an arrest date of 11/05/98. And Ramon, we've got a birth date of 9/05/65. And Jesus, we have a birth date of 6/21/63.

Uh, for Ramon we have an arrest for Possession for Sale, 11351.5, report by Liddy and Peteque.

A Peteque.

Q Peteque. P-e-t-e-q-u-e. Uh, Liddy is Serial No. 27315. Peteque is Serial No. 31373.

All right. Why don't you take a look at, uh, the arrest report. And there's a booking photo also. And, then, let us know why you chose this file for review.

A Okay. Uhm, on this report, I remember this incident because, originally, this was, uh, information that I had received, not Officer Liddy. I had received this information.

Uhm, but something happened. Maybe the day before, or something, I had worked late, or something.

And so, my boss said, "Why don't you let Liddy handle it, so you can go home? You know, and let them handle it." Or something like that. There was a reason why we let Liddy and his partner handling it -- handle it.

At any rate, Page 3 of the report, it talks about, on the second line, that I, Officer Perez -- uhm -- uh -- and I believe Officer Liddy had testified to this. I remember going to court on this -- that, uh, I had read him their Admonition of Rights, per L.A.P.D. Form 1503."

I'm sorry. L.A.P.D. Form 1503. Uh, and that both Suspect No. 1 and No. 2 understood that -- uh, those rights and they waived them.

And it also says, that Suspect No. 1 admitted to possession of the cocaine and cash. Uh, that's also incorrect.

Q So, you're saying you did not read either of the defendants their rights?

A No. We talked to them on the porch, uh, myself and Officer Liddy. Uh, we talked to them at the same time, as a matter of fact. Uhm, what was -- what was agreed on this was, uh, I was gonna leave. And Officer Liddy was gonna write the report later.

We were end of watch. And he goes, "I'll just put you down for something. And you read it tomorrow." That type of thing. So, he just wrote that I read them both their



Admonition of Rights. And then, he also wrote that I, uh, -- that, uh, -- that the suspect admitted to me -- or what did he write?

He wrote that "the suspect admitted to owning the gun and also that Suspect No. 1 admitted to possession of the cocaine and the cash."

But they never admitted that to me.

Q BY SGT. COOK: And was the reason because you're a Spanish-speaker and they were Spanish-speaking?

A Right.

Q And that's the reason Liddy put it on the report?

A Right. That's why when -- when -- when I was talking to them, I was there. Because I was just trying to translate. We were -- we were telling them, hey, look, man, we know you guys are, you know, dealing drugs. Tell us where they're at. You know, that type of thing.

We were not reading them their Admonition of Rights. Uhm, I think later, uh, some stuff did come out about a gun that Suspect No. 2 knew about the gun. And he had given it to, uh, his nephew in the house. And we did recover the gun from the nephew. That's correct.

Uhm, but this in-between stuff here, in the first paragraph of Page No. 3, that's -- he just wrote that after I was already gone. And he told me, whatever, you know. I'll write it and you just read it tomorrow, or the next day. And, uh, see what I wrote.

Q Now, you say you gave testimony in court?

A I believe I -- I remember going to court on this. And I remember -- the reason I remember is because I remember him being out of custody. So, he probably bailed-out or something like that. But I remember going to court, as well as Officer Liddy going to court.

Q And Liddy testified?

A I believe so. Uh, 'cause it was his case. And I believe I -- I was just needed, uh, to add something to the -- to the case itself.

Uh, the evidence that was -- that -- that was recovered was not planted. The -- the narcotics came from inside the house. And the gun also came from inside the house.

Q BY ROSENTHAL: So, as far as you know, the only false part of this report is the fact that you read the defendants their rights and took cop-outs from them?

A Correct.

Q Okay.

SGT. COOK: Okay. That discontinues this interview. The time is 1129 hours.

Okay. Today's date is October 11th, 1999. The time now is 1130 hours. We're on Tape No. 219458, Side A.

Q BY MR. ROSENTHAL: Okay. We're, uh, -- we have in our possession a another report that was identified.

(Tape was changed to Side B.)

Q BY MR. ROSENTHAL: We have another, uh, file in our

possession that includes reports relating to Walter Rivas, R-i-v-a-s, and Carlos Guevara, G-u-e-v-a-r-a. D.R. number is 98-02-12526. Uh, Carlos Guevara's date of birth is 9/16/78. Booking number 5592901. Walter Rivas' birth -- date of birth is 1/01/73. Booking number 5592903.

Uh, both arrested for 11351.5 Possession of Rock Cocaine for Sales. Report is by Officer Buchanon, 32055; and Ruggiero, R-u-g-g-i-e-r-o. Serial No. 27814.

Okay. I'm going to, uh, give you the packet which includes the arrest report and booking photos, and ask you why you chose this file to discuss.

A Okay.

Q BY SGT. COOK: Go ahead.

A Uhm, the reason I pulled this report out was because, uhm, upon reading the source of activity, it reminded me of a conversation that took place at Rampart Detectives. I remember Officer Buchanon receiving a phone call from a D.A. who needed another officer, uh, to testify on this case.

And Officer Buchanon, apparently, had told her that Officer Graham could testify, uh, regarding, uh, some of the narcotics that was recovered, and things like that. Uh, and I remember Officer Graham having a -- a lengthy discussion, more like an argument with him and his partner about not wanting to testify on it, uh, because, uh, Graham was upset about how things happened in that case.

And Officer Graham, as I said before, is one of those

guys who knew about things that were going on, but didn't participate in any of those things. So, when he was, apparently, added to this report, and asked to testify, he was very upset about it. Uh, and they had a -- like I said, a lengthy argument about it. Buchanon had already told the D.A. that Graham would come down and testify.

And I remember Graham saying, "You know, you guys do all your -- you know, your shady stuff. I'm not with that. You know, you guys handle it. I'm not going down there to testify on this."

And he was very upset about it -- about asking him to go testify on a case that was, obviously, uh, not a good case.

Q BY MR. ROSENTHAL: And were you present when this argument took place between Graham and Buchanon?

A Yes, I was there.

Q Do you remember anything else about what the actual problem with the case was?

A Uhm, from the tone that, uh, Officer Graham was having, was that the case was -- you know, it was a -- you know, you guys planted dope on this guy, and then you want me to testify? I'm not gonna, you know, be doing that kind of thing. 'Cause he just -- he didn't want to do that. Graham is not the type. And like I said before, he knows about things that are going on. But he never participated. He does his own thing. You know, he makes his own arrests. He's not with that.

So, he was real angry at Buchanon for asking him to

testify about, you know, seeing narcotics being recovered when -- when he didn't. You know, he hadn't seen it. You know, and, uh, he was upset. And, you know, he had said some things like, you know, you guys, you know, -- you know, you guys put your dope on people. Well, don't -- don't add me onto these. I already told you guys, don't add me onto these type of reports.

Q BY SGT. COOK: You specifically recall Graham telling Buchanon, "You guys put your dope on people."

A Mmnh-mmnh.

Q "You guys planted dope. Don't ask me to testify."

A Yeah.

Q You specifically recall those words?

A Yes.

Q Or to that effect?

A Yes. Because I -- I remember -- you know, when Graham talks, people listen. He's a big guy. And, you know, you -- he's a squared-away guy. I mean, he's a good guy. Uh, and, uh, and we were sitting all there at Detectives in our C.R.A.S.H. office, and Ruggiero was asking him, you know, hey, the D.A. needs you to testify about, uh, you know, this dope being recovered, and this and that.

And he went off. He was upset.

Q BY MR. ROSENTHAL: Now, you just said Ruggiero.

A I'm sorry. Buchanon.

Q BY SGT. COOK: Now, was Graham specifically reporting -- uh, referring to this particular case that you have before

you?

A Yeah. Uhm, Officer Graham, uh, -- I remember this because of the time frame. This -- uh, the middle of '98. I remember, uh, Graham doesn't work too often with Ruggiero and Buchanon. And I remember this -- vaguely remember this, because it wasn't too long ago from the time I had gotten arrested. And I -- 'cause, at the time, I was working with Graham. Graham was my partner during that time when this occurred. This conversation that took place, Graham was my partner.

And I remember somewhat the case, 'cause, uh, I remember Buchanon, you know, discussing somewhat -- that's what reminded me of it. 'Cause Buchanon was talking about how the case happened. And that's what, when I read this report, and I saw it, although I wasn't there, but the conversation that took place reminded me of this, you know, so.

MR. ROSENTHAL: Okay.

Q BY DET. NALYWAIKO: I've got one question --

A Mmnh-mmnh.

Q -- Ray. Who else was present, besides yourself, uh, Buchanon, Ruggiero, and Graham that may have been aware of this conversation?

A There were some other people there. But --

Q Do you know if they were C.R.A.S.H. officers?

A Yeah, they were C.R.A.S.H. officers. I think this conversation took place right after roll call. Uh, and so we were -- you know, we were still there, uh, 'cause we were having

roll calls at C.R.A.S.H. Detectives, at this point.

And what the D.A.'s would do with us, they would call us right at the C.R.A.S.H. office. And they'd talk to the officers right there about what they needed. We're going to trial on this. Or we're -- whatever. And we need some other officer to testify. And, uh, I know there were more officers there. But, I -- I couldn't tell you exactly which ones.

Q Do you know if Officer Graham ever testified?

A I don't. I don't know if he eventually did go to court or didn't go to court. I don't remember.

Q Okay.

SGT. COOK: Okay. That concludes this interview. The time now is 1137 hours.

Okay. Today is October 11th, 1999. The time now is 1138 hours. And we're on Tape No. 219459, Side A.

Q BY MR. ROSENTHAL: Okay. This is, uh, relating to arrest reports of Juan Villeda, V-i-l-l-e-d-a; and Everaldo, E-v-e-r-a-l-d-o, Monteroso, M-o-n-t-e-r-o-s-o. The D.R. number is 98-11-17442. Uh, Juan Villeda's birth date is 10/06/70. October 6th, 1970. Uh, Monteroso's date of birth is February 3rd, 1963. Both were arrested for 11379.6, uh, Health and Safety Code, Manufacture of Cocaine.

And the arrest report is by Officer S. Gomez, 30885. The second officer is C. Messina, 30407. And showing you the arrest reports and photographs, why don't you tell us what it is about this file, uhm, that resulted in you identifying it

for further discussion?

A Okay. Uhm, the reason I remember this report is because I was at the scene with the officers. Uhm, myself, uh, my partner Officer Arujo; our supervisor, Sgt. Torsney. Uh, we responded with Officer Messina and Officer Gomez to this location for a possible narcotics house. They were cooking narcotics.

Uh, the only thing that struck me, uh, in this report was I remember Sgt. Torsney, uh, making, uh, specific comments about the case. Uhm, when we got there, we really didn't have much P.C. to get in. We had no P.C. other than what somebody had told us.

Uhm, and when we got there, -- uh, first of all, the part about that I knocked on the door, and said that, uhm, -- uh, I'm the police. Obviously, that's not true. Or it is not true. Uhm, and there's a couple lines here that describe that Officer, uh, -- Officer Gomez had stepped on some -- a -- a, uh, metal window louver that were leaning against the wall. That was, uh, Sgt. Torsney's idea to say that you stepped on there, looked in, and happened to see the narcotics, in order to give us probable cause to get inside and -- and say that we saw what we saw, before we went in.

Uhm, -- uh, because we were sitting there in the -- in the living room thinking, well, how are we gonna say that -- you know, how did we get in here? And, finally, Sgt. Torsney he leaned out -- he was looking out the window, and he saw the,



uh -- something, uh, leaning there. He said, "Why don't you just say that you stepped up to the louver, and you stepped up to that thing that was leaning up against the building, and looked in. And you saw all the narcotics in plain view."

So, that was the only thing that -- that struck me when I was read this report, uhm, that was, uhm, false. All the narcotics that was recovered was there. Uhm, other than the probable cause as to how we got in, uh, and who's idea it was to establish the probable cause, it was Sgt. Torsney. I mean, that's how he, uh, -- he wanted us -- or wanted Messina and Gomez to write it.

Q BY SGT. COOK: So, in effect, you're saying the probable cause was fabricated?

A Yes.

Q And you had no reason to go inside the residence?

A No reason. I mean, I did not knock on the door, say, "This is the police. Hey, let me in." That wasn't true. Uhm, -- uh, all -- all the P.C. that -- that was written down on here was actually just fabricated after the fact to justify getting in, uh -- into the place.

Q And Sgt. Torsney was the one that orchestrated or engineered --

A Right.

Q -- this fabrication of P.C.?

A Right. Because we were sitting there talking about it. And we're trying to figure out, well, how are we gonna --

you know, what kind of P.C. are we gonna use? And the one that -- that Messina and Gomez were talking about using, "Well, we'll just say that somebody gave us the information." And Torsney was like, "That's never gonna fly. You ain't gonna get a filing."

And then, Sgt. Torsney came up with the idea, "Well, why don't you say you stepped up to here because you thought you saw somebody run out, or run up to the window, and then run back in. And when you looked in, you saw narcotics on the table. And that's how it'll fly."

Q Okay. If you can be brief, how did you get in?

A We did something. We -- what did we do? I think eventually somebody just came to the door. And we just pushed our way in. Uh, but we -- we didn't knock and say, "Hey, this is the police." I think we just knocked, somebody came to the door, and we pushed our way in. And once we were in, you know, we saw all the narcotics. And then, we started to, okay, how are we gonna establish P.C. to get in here? That type of thing.

Q Okay. Stan?

DET. NALYWAIKO: (No audible response.)

SGT. COOK: Okay. That concludes our interview. The time now is 1144 hours.

Today's date is October 11th, 1999. The time now is 1145 hours. We are now on Tape No. 219460, Side A.

Q BY MR. ROSENTHAL: Okay. The next file that we have to review is a multi-defendant file. It involves Defendant 1

being Jaime Solis. Uh, first name J-a-i-m-e. Last name S-o-l-i-s. The D.R. -- the D.R. number, I guess, is 95-02-28723. The date of arrest is 7/16/95. And the report is by Hewitt and Town, T-o-w-n.

And why don't you take a look at, uh, this file and let us know why you picked it out as one that needs to be discussed?

MR. MCKESSON: There is no second copy of the report?

MR. ROSENTHAL: I don't see one.

THE WITNESS: Okay. This is the report that someone had brought to my attention that was a case that occurred before I got to Rampart C.R.A.S.H. And I believe it was a party or something that was going on in a subterranean, uh, parking structure.

Uhm, and the only knowledge that I had about this was on a couple of occasions, I remember Officer Valdez, uh, Officer Graham -- uh, I believe it was Officer Graham, was there. Uh, all the -- everybody that was in the C.R.A.S.H. unit. This was a while back. I remember them talking about this case. Uhm, and I remember them talking about how they went to go break up this -- uh, this party. And I believe Sgt. Byrnes was the supervisor.

It doesn't say on the report. But I believe it was Sgt. Byrnes that was -- Sgt. Byrnes and Sgt. Hoopes were the supervisors. And I remember them talking about it that they had lined up all these people up against the wall. And they

just started just beating on them. Just beating on them. And then, they had talked about how they had recovered a bunch of guns and, you know, everybody went for something.

And what I specifically remember about the case was how they had talked about how they separated everybody, put them up against the wall. And then, they just began to whale on them. And they were just using batons, using everything just to beat on these guys.

Uhm, and -- and I remember one of the times, again, that we were up at the benches, up at the Academy, and, of course, you know, some of the guys were talking about their -- you know, their experiences and what went on, and giving their little war stories.

And I remember this one coming up. Uh, that's the only way I have any knowledge of this particular case. 'Cause I wasn't there. Uhm, but I remember them talking about how they just lined up everybody, and just started to beat everybody down. Uh, and that everybody had went for something. You know, guns and everything.

Q BY MR. ROSENTHAL: How do you know it was this case?

A Uhm, the proximity. 'Cause it was right before I had, uh, went to C.R.A.S.H. It was -- in fact, uh, I remember -- I remember when I got to C.R.A.S.H., I think it was, uh, Officer Lopez, I remember. I think he was also there. I remember him talking about it. Uh, but it was right before I had gone to -- it was a month before I had gone to C.R.A.S.H.,

and they had -- they were still like talking about, 'cause it was a -- for them, it was a big, you know, hurrah, uh, that they actually got these guys in a subterranean garage and just beat on them. And, you know, everybody got a gun put on them. And --

Q What was the date of arrest?

A July 16th, of 1995.

Q And you joined C.R.A.S.H. in September of '95?

A August 5th. August 3rd. About two weeks after this -- after this incident.

Q BY SGT. COOK: So, when you first heard of this incident, was it -- did you hear about it when you got to C.R.A.S.H.?

A (No audible response.)

Q Okay.

A When I got to C.R.A.S.H.

Q And were you in C.R.A.S.H. for a few days? A few weeks?

A Uh, I was -- I had been in C.R.A.S.H. for probably a few days. And, uh, I remember people -- I even remember, uh -- I think it was Officer Valdez talking to somebody about it in the unit. And they were discussing it. Valdez had already -- he was leaving the unit. Uh, he left the unit. But he had come back to discuss something about the case, about going to court. And I remember them talking about it. But I also remember them talking about it up at the benches, uh, on

another occasion.

Q Okay. So, the first time you heard Valdez talk about it, was that in the first few days?

A Yes.

Q And that was at -- at C.R.A.S.H. Detectives, or roll call, or --

A I think it was at Rampart station.

Q It was at Rampart station?

A Yes.

Q And, uh, were there other people around you?

A Yeah, there were -- there were other people there, yes.

Q Do you recall?

A Not really. I really couldn't tell you which particular officers. For some reason, I remember Officer Lopez -- uh, Anthony Lopez. I remember seeing him. Uh, I remember seeing his face. I remember Valdez. Uh, I remember Martin being there. Uh, I -- I just remember them. I'm trying to remember what was said exactly. But it was due to the fact that -- this one thing I particularly remember. That they had lined everybody up against the wall. Facing the wall. And then, they just commenced to beating them. And that I remember how -- in fact, uh, the supervisor had told them, you know, everybody have your banana knocks with you -- your batons.

And they just -- they just beat these guys down. And I do remember that particular part.

Q With batons?

A Right.

Q And anything else?

A I remember that they had told -- they were told to have their batons with them. And that their -- they were gonna beat these guys down.

Q And the supervisors, as you recall, were Hoopes?

A Uh, Sgt. Byrnes and Sgt. Hoopes.

Q Okay. Now, the second time that this came to your attention, you were at the benches?

A At the benches. It was one of our mug parties.

Q And how long after the first time? Was it within the first couple days of getting to C.R.A.S.H.?

A I couldn't tell you exactly how long. But it probably was just a couple of months, 'cause I was still, you know, new. I was just hearing and picking up things. So, you're talking about maybe a couple of weeks. Because I was working with Officer, uh, Martin, at the time.

And I only worked with him maybe four or five months. So, it -- that was -- it was probably maybe a couple of weeks after I had gotten to the unit.

Q So, you heard it twice within the two-week period?

A Right.

Q Okay. Stan?

Q BY DET. NALYWAIKO: Earlier you mentioned, uh, Officer Graham. Is that only because his name appears in the

report? Or is that from, uh, --

A I didn't see his name on the report actually. Is it in here?

Q I don't know. I don't have a copy. But you mentioned his name earlier.

A For some reason I remember his name. He was probably at the mug party. Uh, that's where I see -- what happens is all the ex-C.R.A.S.H. guys -- if you were in C.R.A.S.H. and there's a mug party, it's customary. There's a lot of different customs in C.R.A.S.H.

Uh, you will show up at the mug party. I mean, you will show up and pay homage to a person that was there for a while and that's leaving. 'Cause we have like a plaque party. You know, you give them a plaque and a mug. You know, engraved mug.

And then, you sit there and tell, you know, stories. You know, I remember when I first got to the unit, and we did this, and we did that. And that was bitchin, you know. And I knew that I was where I wanted to be. You know, that type of thing. So, everybody tells stories.

Q So, where does Graham come into this?

A I think it was at the -- 'cause what I'm trying to do is I'm trying to picture the faces of the people that were there. And I know there were a lot of people, including Richardson. I mean, all the -- all the guys. But I'm trying to pick out people that I can remember seeing their faces, you



know, there, during this thing.

I remember Valdez, specifically, because he was -- he was the one really talking about it the most. Uh, and I really don't know him very well. But I know his name is Valdez. Uhm, and I remember Martin was there. I remember, uh -- I'm pretty sure I remember seeing Grahams -- Graham being there, uh, Hewitt being there.

Uh, there's several faces that I remember that just stand out.

Q BY SGT. COOK: So, you -- you, specifically, recall Valdez at the mug party, talking about this?

A I -- I remember him talking about it on both occasions.

Q Both occasions?

A Right. I remember him coming to the station to talk to someone, uh, something about the case, about this particular case. Then, I remember them, again, talking about it at the mug party, how they just beat these guy down, and how they -- they actually -- he actually got into specifics about how they had lined these guys up facing the wall. And then, that's when they began to beat on them.

Q About the guns, any mention about how the guns were --

A I remember them saying how everybody went. Or that everybody was going for something, you know. So, I'm -- I'm assuming, 'cause they had talked about -- and I didn't see.

Were there some kind of like automatic weapons in this? Or I can look at the -- I remember them saying something about some type of weapon that was not normal, or wasn't, uhm, your typical weapon. And if I can look in here, maybe it'll refresh my memory.

Let's see here. Maybe that's what it was the -- the Tech .9. The machine gun. But --

Q BY MR. ROSENTHAL: That would unusual.

A Yeah, it's a -- uh, everybody knows what a Tech .9 is? Yeah. I know something stood out. Uh, would I say that they said that they planted these guns? No. I think the guns were there. They just found them all scattered all over the place. You know, as the police got -- uh, the police moved in, everybody scattered something.

But, then, you know, everybody that had -- was at the party, -- or not everybody that was at the party -- but the guns that they recovered at the party, were going to be attributed to somebody. So, everybody was gonna go for a gun. Or at least the guns that they found.

Q Did anyone, specifically, tell you that the P.C., or the report itself, is fabricated?

A The P.C.? No.

Q Okay.

A All I remember is that they said that they were gonna -- they were breaking up a party.

Q Okay. All right. That concludes this interview.

The time now is 1156 hours.

Today's date is October 11th, 1999. The time now is 1157 hours. We're on Tape No. 219461, Side A.

Q BY MR. ROSENTHAL: Okay. Uh, the next file we have involves a three-person arrest. Raul Betancourt. I'm sorry. Actually, Defendant No. 1 is Obaldo Gutierrez. G-u-t-i-e-r-r-e-z. Defendant No. 2, Mauricio Guevara. G-u-e-v-a-r-a. And Defendant No. 3, Raul Betancourt. B-e-t-a-n-c-o-u-r-t.

Date of arrest is 8/18/96. And this is a report by Rafael Perez, uh, with Officer Durden. Why don't you take a look at -- and this actually involves the same Ovaldo Gutierrez that you, uhm, had the trial on that D.A. Michael Kraut dismissed.

A Yes, sir.

Q But this is a different --

A Yes, it is.

Q -- case. Okay. Why don't you take a look at it and let us know what -- why you chose this file?

A Okay. This case I remember, specifically, because I was there. My partner was Officer Durden. Uhm, I wrote the report. And if we turn to the second defendant, -- I'm sorry. The third defendant, Mauricio Guevara. I believe in the report it describes Defendant No. 2, Guevara, -- uh, Guevara, Mauricio, uh, dropping a canister from his right hand to the ground as he was running eastbound from the houses.

Uhm, and then, it further goes on to say that my

partner recovered that canister and noticed it to contain several off-white rocks resembling rock cocaine. Uh, that -- that was fabricated. That narcotics was planted on him.

Q Who planted the narcotics on him?

A Uh, Officer Durden. I believe, in the report, it will say later that -- it says that -- actually, it doesn't say. What happened in this incident, all the suspects got away. They ran. They got away. We stayed back. We parked. We acted like we were just gonna leave.

And, you know, we figured, eventually, they would come out. But when they come out, uh, my partner -- we -- we -- we found all the suspects. Uh, but my partner, for some reason, wanted to book, uh, this guy Dopey. Guevara, Mauricio. So, he, uh, planted narcotics on him.

Q Okay. And this is Mauricio Guevara?

A Yes, sir.

Q BY SGT. COOK: Ray, do you know where the, uh, narcotics was obtained?

A Uh, Durden just had it on him. I believe it was in a container. Let me see the property report. From what I remember, it was in a container. Uh, Durden just had some on him. Well, there's no property report on this copy. But I don't know what it was packaged in, but it -- it was probably in a little container. Uh, there's no property report on this. But, uhm, I'm pretty sure. I'm positive. I know that my partner had it, obviously, uh, 'cause he put it on him.

And he wanted to take him, for some reason. So, we took him.

Q Stan?

Q BY DET. NALYWAIKO: Do you remember anything, uh, regarding a vehicle, in regards to that arrest?

A Sure. That's how it all started. I sort of just jumped right into what was wrong with the case. Uh, do you want me to go over that? Or --

Q Just give a brief summary of what actually happened down there.

A Uh, the part about, uhm, that I was driving southbound on Waterloo from Marathon, that's incorrect. I was actually parked. And I was waiting for these guys to come out.

What happened was, I had received some information from my informant that these three guys were parked over at the church, and that they had a gun on them. So, what I was doing was I was sitting back, parked, waiting for them to come out and start following them, request a back-up. That type of thing.

But, what happened was, they bailed on us. Uh, so that part is true, as far as them bailing out and everything.

Q Who was the, uh, informant on this?

A [ \*\*\*\*\* CI #6 information redacted \*\*\*\*\*  
\*\*\*\*\* ].

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

A [CI#6]'s the same informant that I had talked about

who -- want me to go ahead and get into this? [CI#6]'s the same informant that got into the shooting -- the weapon, where the shooting -- the weapon came from.

Q BY MR. ROSENTHAL: Right. This is the one who gave the weapon for -- that was planted on Ovando?

A Ovando, right. [CI#6]'s the same informant, the same [ CI#6 info redacted ].

Q BY DET. NALYWAIKO: Okay. Go ahead.

A [ \*\*\*\* CI #6 information redacted \*\*\*\*\* ].

Q BY MR. ROSENTHAL: Let me just ask this. There are two other arrestees, uh, Obaldo Gutierrez. Any problem with that arrest?

A No. I think Betancourt just went for a warrant. And Obaldo, we never found a gun, so, I -- I think we just did him for, uh, for maybe some kind of brandishing. But I -- I think it was rejected. It wasn't even filed. But we never found the gun. I mean, we saw it when he ran off. They got away. What happened, I don't think we described it on the report -- when they bailed out, they all went over the fence and they got away. What we did was sit back and pretend like we left. Oh, well.

And then, when they came back, we detained them. That's what happened with that. But, uhm, no. One went for a warrant, and the other one went for brandishing. But that was all we could do.

Q All right. Okay.

SGT. COOK: Okay. That concludes the interview. The time

is now 1204 hours.

MR. ROSENTHAL: Off the record at 12:04 p.m.

(Off the record at 12:04 p.m.)

(Back on the record at 12:18 p.m.)

MR. ROSENTHAL: Okay. It's, uh, 12:18.

SGT. COOK: Okay. Today is October 11th, 1999. The time now is 12:18. We're on Tape No. 219462, Side A.

Q BY MR. ROSENTHAL: Okay. We, uh, now have an arrest report relating to Gustavo Estrada. D.R. number is 98-07-20790. There is actually a filed case on this, Case No. BA169686. This is another, uh, case that you pulled. It's an arrest report by Huerra. H-u-e-r-r-a. Serial No. 30949. Second officer is Buchanon, No. 32055.

Date of arrest was June 9th, 1998 for, uh, 12031. That's a -- that's a gun allegation. A gang member with a gun allegation.

Why don't you take a look at that report and let us know why you pulled it?

A The first officer's name is Guerra. Is that what you said? Guerra?

Q I thought it was Huerra. Or is Guerra?

A Guerra. G-u-e-r-r-a.

Q Okay.

A 30949. This is a booking number. It's his serial number. Uhm, the only reason I pulled this report, uhm, is because I remember the booking photo of this guy looks very

familiar. He appears to be a defendant that -- while I was working with Officer Buchanan in the past, had, uh -- Officer Buchanan had stopped this, uh, person and was talking to him. And was trying to use him as an informant.

Just a neighborhood informant. And I remember Officer Buchanan talked to him telling him that, uhm, you know, give me some information. The information you gave me last time was bogus. There was nothing there. Things of that nature.

Uh, and I know Officer Buchanan wanted him to, uhm, -- uh, to give him this information. And he threatened to that if he didn't give him information that he was gonna book him. Uhm, the reason I need some more -- some more, uh, information on this, as far as maybe, uh, DFAR's, Daily Field, uh, Activity Reports, uhm, would be because it would help to know that if I had worked with Officer Buchanan a few days prior to this date, or a few days after this date, it would remind me that, yeah, this is the same guy that I had seen.

Uhm, and the reason that I bring this up, is because, uh, this person that I'm looking at this photo, uh, was booked by Officer Buchanan for a gun. And it just appears to be the same guy that I had seen him talking to him about threatening him to book him, uh, if he didn't give up some information.

And, so, when I see this photo, and I see where he has been stopped -- 8th and Normandie -- that's the same place we had stopped him before. And, so, it -- it kind of struck a,



you know, a little memory in the back of my head.

Q What would be the implication there?

A The implication would be that the gun was planted on him for his refusal to, uh, turn over information.

Q Okay. Stan?

Q BY DET. NALYWAIKO: But, you, at this time, you don't have any clear, uh, knowledge or recollection that a gun was, specifically, planted on that arrestee?

A That's correct. Uh, even if it -- if the gun was planted, I was not there. The only thing that I can mention would be that I remember talking to this guy while I was working with Officer Buchanan on an incident, and him telling him, "Give me information. If you don't give me information, I'm gonna book you." Which was something that was pretty standard in the C.R.A.S.H. unit. You know, a lot of the guys, uh, -- a lot of the informants that are used are informants that are being pressured into doing it by means of, uh, threats of being booked.

Q You're, basically, basing it on the threat that you knew about before the arrest?

A Right.

SGT. COOK: Okay. That concludes the interview. The time now is 1223 hours.

(Off the record at 12:23 p.m.)

(Back on the record at 12:24 p.m.)

SGT. COOK: Today's date is October 11th, 1999. The time

now is 1224 hours. We are now on Tape No. 219463, Side A.

Q BY MR. ROSENTHAL: Okay. The next file that, uh, was identified by Officer Perez for discussion is Gabriel Delgado. D-e-l-g-a-d-o. D.R. number is 98-02-08571. This is a -- this was a juvenile. Uh, we've got, uh, Juvenile Case No. FJ17702.

This appears to be an arrest for a Juvenile with a Gun. It occurred on February 14th of '98. The arresting officers are Cohan, who's the writer of the report, and Brehm, uh, who is the partner officer.

Why don't you take a look at this file and tell us why this was pulled for discussion?

A I think, uhm, this was another report where I just had some memory of what I believed might have happened. Uhm, the one that we went over on Friday, I believe. Uhm, on this report, I believe, several -- yeah, this is one of the ones that I just wanted to review a little bit more.

Uhm, there's nothing that I can say with definite anything in this one.

Q Okay.

A There really isn't. I -- I remember I -- I remember reviewing it that day. But without definitive -- I -- I can't really say anything about it. Not after I keep reading it some more.

SGT. COOK: That concludes this interview. The time is 1229 hours.

Today's date is October 11th, 1999. The time now is

1230 hours. We're on Tape No. 219487, Side A.

Q BY MR. ROSENTHAL: Okay. The, uh, next arrest report that was pulled out, deals with Juan Gutierrez. G-u-t-i-e-r-r-e-z. And, actually, there's, uh, also George Alfaro is another, uh, arrestee. Let's look and see if that's the same D.R. number. Yes. D.R. number is 98-02-00816. Juan Gutierrez is a juvenile. Uh, we have a -- the case, which is FJ16676.

George Alfaro, uh, we've got a D.A. Case No. BA159394. And then, there's also a Danny Tapia with a date of birth of April 7th, 1983. Let me see if -- all right. We do not seem to have a, uh, case file with respect to him.

This is an arrest by Officers Brehm and Cohan. Date of arrest 5/18/98. With respect to Juan Gutierrez, it appears to be a violation of a court order, which would be the 18th Street injunction.

With respect to George Alfaro, it appears to be a, uh, probation violation. And we have Danny Tapia, juvenile for possession of cocaine for sale.

If you'll bear with me for one moment. Okay. Let me show you these two folders, which include the arrest reports relating to these three individuals.

A All right.

Q And why did you pull, uh, these reports?

A I do not have the, uh, the other juvenile's photo, right? Okay. That's fine.

Q BY DET. NALYWAIKO: I don't know. Look on the --

look through a couple of those pages, just to make sure, Ray.

A Oh, there he is. Yeah. Okay. All right. Uhm, on this, uh, case here, I responded to the location. I'm not sure if the report --

Q BY SGT. COOK: Which case are you talking about?

A This case -- uh, the, uh, multi-three case with, uh, two subjects.

Q Okay.

A The, uh, Alfaro, George. The one I was just handed. Uhm, I'm gonna thumb through the report real quick to see if I'm even mentioned in the report at all. I don't believe I am.

At any rate, to give you a quick scenario of what happened on this case here, uh, --

Q BY DET. NALYWAIKO: Ray, hold on one -- just one second.

A Oops.

Q Are those -- are those folders that you have there -- is that all one case that we're talking about there?

MR. ROSENTHAL: You know, actually, I think it might be wrong. The same -- they have the same D.R. number. But I'm looking at my records, and I'm seeing different D.R. numbers.

THE WITNESS: These are all the same -- same case. The D.R. number --

Q BY SGT. COOK: The two -- the two packages?

A They're the same D.R. number.

Q BY MR. ROSENTHAL: What's the D.R. number again?

A Uhm, 98-02-00816. 00816. They're the same. What it is, is they took the one subject and put him aside. And they put the other two on one package. But they are the same case.

Uhm, I responded to the location. And I'll -- and I'll say this. One of the ways that officers in Rampart C.R.A.S.H. will get someone to cop-out to narcotics, or a way of doing it is, saying that, okay, I found this narcotics. Which three of you are going to take credit for it? Somebody. You know, somebody speak up. Who will -- who's gonna take it?

That way, it's almost like they're telling each other, you take this case, man. You know, you -- you -- you do this, you know. And that's a way of doing it. Well, at any rate, this is exactly what happened in this case. Uhm --

Q BY SGT. COOK: Ray, just for clarification, why would someone take credit for cocaine?

A For example, I'll -- I'll tell you why, how that's done. For example, in this case, at 1826 West 11th Street, a female gangster -- a female gangster lives there. Her husband is Eme member. He's in prison. She's a third-striker. Uhm, the apartment that some of these gangsters came out of, was her apartment.

What happened was, Officer Bu- -- uh, Cohan had the -- the three gangsters sitting out front. Uh, had her standing out there. And we were out there talking to them. And he told her, "Well, you're gonna have to convince one of them to cop-out to some dope."

He had told her that one of them is going to cop-out to some dope, because he found the dope, supposedly, in her house. And since she's a third-striker, if she -- if he booked her, she's going away for life.

So, she got very upset at the three little gangsters that were standing there. And said, "You know, this is bullshit. You know my old man will kill you guys no matter what. If you cause me to get a case on you -- uh, behind you guys, uh, you know, or try to run from the police." Well, in actuality, there was really never any dope that -- that was recovered inside. This is dope that they had. But what they do, is when gangsters run, they say, "Okay. Well, we found dope. Which one of you guys are gonna take credit for it?" And that's how you get, you know, them to start arguing about who's gonna take the case.

And this is exactly what happened in this case. He told her, "Well, you know what, if your homeboys here aren't gonna cop-out to it, I'm just gonna have to book you."

So, she got upset. Now, it was a female Hispanic. I don't know exactly, uh, her -- I don't know her name or anything. But I know she lived at that location. Uhm, she started yelling at them saying, "Well, one of you young homeboys are gonna have to take -- you know, take this dope."

And, finally, the young -- the youngest one, uh, Little Gangster, said, "All right. All right. I'll -- I'll take credit for it." He was gonna be for it, you know. And,

so, uh, Cohan actually had him say it. Say it out loud. Say that the dope is yours. "Yeah, all right. The dope is mine." When, in actuality, it's not.

But because he's afraid of this female, afraid of her husband, afraid what the other guys are gonna say, and, you know, 'cause if she gets arrested and goes away for life, and he let it happen as a young homeboy, instead of taking credit for it, then, he's in big trouble.

Q All right. You were there?

A I was there through that whole thing. So, the dope --in this case, the other two were -- were arrested for just a violation of the injunction. Uh --

Q BY MR. ROSENTHAL: So, which one was the one who was told to take the dope?

A Little -- uh, Little Gangster. Uh, I think his name is, uhm, Tapia. Danny Tapia. Booking No. 5659842.

Q BY SGT. COOK: Where did Cohan get the dope from?

A I don't know. That's something that -- that they had. It didn't come from me. That I know.

Q Did they actually recover dope some place?

A I don't think so. No. What he told her was that he had recovered dope inside her house. And so that one of the homeboys that ran inside her house, when they pulled up, must have dropped his dope inside the house. Or -- and -- and if that wasn't the scenario, she was gonna have to go to jail for the dope being inside her house.

This dope did not belong to Mr. Tapia. Or the youngster, uh, Tapia. It was -- he actually just had to say, "All right. Fine. I'll take the, you know -- I'll take the hit."

Q BY MR. ROSENTHAL: And the other two were legitimate probation violations?

A Uhm --

Q As far as you know?

A They were at the house. You know, I don't know if that's a violation for being at the house. I mean, I don't know what time -- I guess it was after curfew time. But, yeah, I mean, I guess, it's legitimate. They were in the injunction, and they're hanging out in the injunction area where they're not supposed to. And they're hanging out with each other, which I think is another violation of the injunction.

Q Okay.

A So, that was legitimate. But, uh, the narcotics was definitely not legitimate. That was just -- he was, uh, forced to take a -- uh, credit for, you know, some narcotics that he didn't have.

Q You know, there's a -- with respect to Alfaro -- let me. Here we go.

A You know, and if I remember correctly, one of those guys -- and I forgot which one -- was beat down in the back. He was beaten up, uh, -- not bad. But mostly to the body, uh, in the back. I think he ran towards the back of the building.



Q Do you know which -- which one that would be?

A Can I look at the photos again?

Q Sure.

A I remember when -- when I got there, they were just finishing him up, so.

Q BY SGT. COOK: Who were they?

A Uh, it was Brehm and one of the other officers. Maybe Guerra. Uh, yeah, uh, Lassak -- was it Lassak there? One of those. It wasn't Cohan. It was, uh, Brehm and another officer who caught him in the back, so.

MR. ROSENTHAL: Here you go.

THE WITNESS: Let me see here. Is there another photo? Is there another package?

MR. ROSENTHAL: Oh, yes.

THE WITNESS: Yeah, I believe it was Lassak and Brehm that were actually beating him up in the back. And I believe, if my mind serves me correctly, it was Mr. Alfaro, uh, George Alfaro who was getting, uh -- getting beat down.

Q BY MR. ROSENTHAL: Okay. So, Alfaro -- oh, Alfaro, uh, got beaten?

A Yes.

Q And I -- actually, I missed -- I missed this. Uh, how do you know Alfaro got beaten?

A I had just arrived when they were finishing him up. When they were finishing beating him.

Q And what did you see?

A There -- there is, if I remember correctly, some like wooden stairs in the back of the -- this, uh, location. And, if I remember correctly, there were just sort of -- at that point, the -- the -- the beating pretty much had taken -- uh, finishing up. They were bringing him down some stairs. And you could tell they were sort of like manhandling him. And just, you know, like pulling him down and doing some things to him.

Not, I mean, a straight out beating. You could tell he had already been beaten. But they were just finishing him up when I got there. Uhm --

Q And -- and they is who?

A Uh, I believe it was Lassak and, uhm, Brehm. They were the ones that were actually bringing him down. There's like some wood stairs back there that they probably lead up to a second floor or something.

Q BY SGT. COOK: So, you didn't actually see blows, but you saw injuries that led you to believe that he was beaten?

A Correct.

Q And this is when the officers were bringing him down this flight of stairs?

A Right. They were bringing him back out front.

MR. ROSENTHAL: Okay.

SGT. COOK: Stan?

MR. NALYWAIKO: No.

SGT. COOK: Okay. That concludes this interview. The

time now is 11- -- excuse me, 1241 hours.

MR. ROSENTHAL: What we'll do then, is we're gonna break for lunch now. It's 1240. And then, when we come back, we're going to go over some of the other files that have been pulled. I think most of them relate to, uh, your time at F.E.S.

THE WITNESS: Okay.

MR. ROSENTHAL: All right. Thank you. Off the record.

(Off the record at 12:41 p.m.)

(Back on the record at 1:42 p.m.)

SGT. COOK: Okay. Today is October 11th, 1999. The time now is 1342 hours. We are on Tape No. 219488, Side A.

Q BY DET. NALYWAIKO: Ray, we've got -- we have here approximately sixteen cases that you identified from, uh, F.E.S. when you worked Rampart Field Enforcement Section, Narcotics Division. And what we've done is we've separated the cases. Uh, I've got several reports here that we're gonna present to you to have you look it over and tell us why you picked these out to talk about. And the ones that I'm gonna be showing you, uh, on this tape, are ones that you and, uh, Nino Durden were the arresting officers.

A Okay.

MR. ROSENTHAL: And I'll remind you that you're still under oath.

THE WITNESS: Yes, sir.

Q BY DET. NALYWAIKO: Okay. The first one I'm gonna show you is a Maria Alvarado. And D.R. is 97-02-28148. And

this arrest was made by you and Durden on 8/12 of '97. I'm handing you the package. And it has a photograph of the arrestee. If you'll take a look at that and tell us why you picked out this particular arrest to talk about.

A Okay. The reason I pulled this report was because - the actual arrest is correct. There was nothing planted on her. Uhm, what did happen, and what I'm gonna have a problem with is telling you the exact location. We found another address for her. Somewhere -- I can't remember exactly the location.

Anyway, we found some paper work or something that had that address. We went there. And her apartment was on the second floor. It was like one of those three-level houses. And, you know, you take a door that leads up to the second floor. There's a second floor.

But, anyway, it was locked. We had no keys. Myself and Officer Durden went to the location. We -- we found it. But we couldn't get in. Uh, Durden took a -- you know, how you take those gates that slide and close the driveway. They're like on wheels. And they slide. Well, he took it off the hinges, and sit -- slid it up. That led up to the front window of those house. And he climbed up and got into the apartment.

When we got into the apartment, uh, we were looking for additional narcotics. And we found, inside of like a vase, uh, about two ounces of powder cocaine. Uhm, I'm having a real problem whether we recovered any money. If we did, it was very

little.

But, anyway, we never booked that evidence. Uhm, because really, you know, in the manner in which we got in to the place, uh, the fact that we couldn't really put -- uh, put the drugs on her, Durden just had hung on to that narcotics. And I don't even know what happened to it. But he just hung on to it.

Q Was she aware that you had gone to her apartment?

A No.

Q She had not given you permission to go to her apartment?

A Uhn-uhn. That's correct.

Q BY MR. ROSENTHAL: All right. Let me make sure I understand this. According to the report, or it was the summary of the report in the D.A. file. And it's File No. BA154817.

It says, "Perez and Durden go to taco stand at above location to investigate information from citizen regarding woman selling cocaine. They find a defendant who matches the description. She consents to search her apron where the narcotics are found."

And so, what you're saying is, were narcotics actually found in her apron?

A Yes, sir.

Q Going into her residence, was this before or after her initial arrest?

A After her arrest.

Q Was she still in custody in the car when you went there? Or did you -- or you booked her and --

A She was, uh, I believe, still detained at the station. And we just decided to do a follow-up on our own, uh, to her house.

Q And that's where you find narcotics that you keep?

A Uh, yes. Two ounces, I believe it was.

Q Do you keep them, or does Durden?

A Durden kept them.

Q Was this at a time when you guys were dealing cocaine?

A No. No narcotics was dealt up to this point at all. Uh, we just kept it because we weren't gonna be able to put it on her anyway. So, he just hung on to it.

Q Okay. And so, this would have been narcotics that could be used later to plant on someone else?

A Certainly.

Q BY DET. NALYWAIKO: Ray, was anybody else aware that you had gone on this follow-up investigation?

A No officers. There was a gentleman. He looked like a gang member, actually. He looked like an old-time gang member who saw us trying to get in. And, "Hey, who are you guys?" And we told him, "Hey, uh, we're, uh -- we know her. And we're -- we're trying to, uh, get her -- uh, get into her apartment." 'Cause he had come to the back of the house. So -- and I think he might have lived -- he might have -- I think he might have lived downstairs. But he did come in. It was a male Hispanic.

He -- he came and asked us what we were doing. And we just told him, "Oh, you know, we're trying to get into the apartment, you know. She -- she knows us."

And, uh, that -- that was the only person that talked to us about that.

Q Do you remember the address you went to, or the location?

A No. Not really. But, you know, I have seen this lady many times again after we arrested her down in the same area. She always walks around with an apron. Uh, she's always dealing. She -- she always hangs out in that same area.

Q Around 7th and Alvarado?

A Always. She's always down there. You can always find her, uh, down there. She'll always be wearing like spandex, you know, fuchsia-colored spandex clothing, and stuff like that, with an apron on.

Q Okay.

A 'Cause what she does is, she'll pretend that she's selling, uh, you know, those sliced mangoes, and sliced fruit. And what she's really doing is selling, uh, cocaine.

Q Okay. I'll take that package. Another package that I'm going to show is one that involves a multi-two arrest. Olga Rodriguez and Roberto -- looks like, uh, Andrade.

MR. ROSENTHAL: It's A-n-d-r-a-d-e.

Q BY NALYWAIKO: And the D.R. on that is 97-11-17118. And that arrest occurred on 6/10 of '97, by you and, uh, Nino

Durden.

A Do we have the male's photo? I'm sorry.

Q I think the only photos we have are those in that package that we were able to obtain.

MR. ROSENTHAL: I'll check in the D.A. file. There may be a photo of the, uh -- the male in here.

Q BY DET. NALYWAIKO: Ray, here's some additional photos that were, uh, in the package. One of the photographs, depicts -- it's a Polaroid. And it depicts some marijuana -- marijuana plant. And the other photograph depicts some narcotics. It looks like it's laid out on a table.

A Mmnh-mmnh.

MR. MCKESSON: And -- and cash.

DET. NALYWAIKO: And cash.

MR. ROSENTHAL: And there are no photos in the D.A. file. No photos of the defendant at least.

Q BY DET. NALYWAIKO: Do you recall anything about that particular case?

A Yeah. Oh, I remember this. I -- what I was confused about first, was her. She was just the person who rolled over. Uh, I -- I realized there was another person, uh, arrested. Uhm, the only thing that happened in this was that, uh, cash was taken. That was the only thing. And there was no, uh, planting of evidence or anything like that on this person or anything.

Q Is the arrest report accurate?



A Pretty much. That's about right. Everything is right except when we got inside, uh, Officer Durden and myself, and we were searching. And, uhm, money was recovered -- let me see. There was, uh, -- there was one particular place that the money came from. We found some money in -- in -- there was money in several places. We had found a certain large sum in one place. And, uh, I know it was Durden or myself, we kept it. Uh, we didn't book it or we didn't, uh -- we, uh, -- I believe it was McGee that was there. We didn't let him see it. And we just kept it.

Q BY SGT. COOK: Who did the searching?

A We all did. Everybody took a different room. Uh --

Q Who found the cash?

A I think Durden found some and I found some. Uh, but like I said, we found some in different places. And like when we found like a big stack of ones and fives and tens, we said, "Okay. That's fine." But, when we found a stack of twenties and fifties and hundreds, you know, we said, "Okay. We'll just -- we'll tell him this is what's here."

You know, a good example, me and Durden were searching the one bedroom, where we're -- we'd probably find, you know, where the money and drugs would be, you know, located. Now, I know where it was. It was in a bag. There was a brown paper bag that had the -- that had cocaine in it. Inside that paper bag was a bunch of twenties and fifties. They were the larger denominations of money.

That bag, I -- right away, I, uh -- I, uh, -- I hid that money. Or I -- I kept it.

Q BY DET. NALYWAIKO: Where did you hide the money when you found it?

A I -- I just kept it on my -- I -- I don't know where I put it. I know I kept it on my personal, uh, -- my personal self. I took the money out, put it in my pocket. And then, later, I showed the -- some of guys in Detective, that, oh, I found this cocaine. But inside that little brown paper bag was a bunch of money.

And me and Durden split it up later.

Q BY MR. ROSENTHAL: How much money was it, in total, if you remember?

A It was probably over a thousand dollars. Probably like 12-14 hundred dollars. Something like that. How much -- I'm gonna look into the report and see how much actual money was booked in. Okay, \$1800 was, uh, booked in. So, that means we probably, you know -- there was probably well over a thousand dollars that we didn't book.

Q BY SGT. COOK: You estimate 12-14 hundred?

A Somewhere around there.

Q Let me just backtrack real quick. When, uh, the cocaine was found at -- at, uh, Maria Alvarado's residence, who found the cocaine?

A Durden found it. It was inside -- uh, the last case we were talking about?

Q Yeah. Uh-huh.

A Durden found it. It was in a -- I want to say like a lamp/vase type thing. And it was -- you take the top off, and it was inside there.

Q BY DET. NALYWAIKO: Uh, since we're talking about the Maria Alvarado case, who was the C.I. on the Maria Alvarado case?

A Uh, it was a patrol officer. There -- there was no C.I. Some patrol officer had received some information that there was a female wearing an apron and selling cocaine. They came into our office and said, "Hey, you know, can you guys help us out? Uh, this person, or that person, uh, gave us some, uh, information."

I know on the report it says a C.I. gave me some information. That's what we always write in F.E.S.

Q So, that's --

A It could be an officer that gave us the information. We always put a C.I. Always. It -- like I said, uh, -- in fact, McGee was the one that told me to handle it. Uh, McGee and, uh, -- and, uh, Lus- -- uh, Lusby were the ones to tell me, "Hey, uh, Perez, this guy's got some information. You know, if you want to, you know, handle it, we'll go out there and do it if you want to go do it."

So, what we did was the officers gave us the information. We went out and snooped-it. Or we went out and looked at it to see if she was actually out there. And she



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

In fact, we used [CI #28] on a couple of things -- several things.

Q [ \*\* CI #28 information redacted ]?

A [ \*\*\*\*\*  
\*\*\*\*\* CI #28 information redacted \*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\* ].

Q Okay. Any other questions?

MR. ROSENTHAL: No.

Q BY DET. NALYWAIKO: Okay. I'm going to show you another case. This involves Miguel Ciru, C-i-r-u. Uh, arrest date was 9/26/97. The D.R. number is 97-02-32644. And, uh, you and Nino Durden were the arresting officers.

MR. ROSENTHAL: There is a D.A. Case No. BA157138.

THE WITNESS: Okay. A couple of things occurred in this -- this, uh -- this arrest that occurred at 925 South Alvarado. This information came from, uh, [ \*CI #2 redacted \*]. Uhm, this person was supplying the entire Alvarado area, uh, park, uh, with cocaine.

He -- he -- uh, this is a righteous arrest, as far as him and the cocaine. It's the truth. Uhm, however, when we did a follow-up to his house, we recovered some cash. And that

was kept by Durden and myself.

Also, and I remember him -- what he tell me what he did it. There was, when we arrested or when we detained him, when he was going into the apartment, he was carrying a -- a box. A new box, uh, with a -- what do they call the -- you know, the small, uh, stereo systems? The one with everything.

Q BY DET. NALYWAIKO: Like a boom-box?

A Component set? A component set. Not a boom-box, the kind you just carry. But it's the kind that has two speakers. But -- and it has like a -- the whole C.D. player, cassette deck --

Q Mmnh-mmnh.

A -- everything all in one -- one row. Durden wanted that box. What happened was, after we arrested him and took him back to the station, he came back, uh, got that box. And what he told me he did with it, was he gave it to his girlfriend, at the time, uh, a Jeanine, as a -- uh, as a present.

Jeanine is a, uh -- uh, was his girlfriend. I think her last name is Jackson. She's a 911 operator. She's a dispatcher downtown. But from -- from what I remember him telling me, was that he gave it to -- to her as a birthday present or something.

Also, we found some cash.

Q BY SGT. COOK: How much did you take?

A The exact amount, I don't remember. I know we found it in a -- it was in a book. Uh, there was a bunch of hundred

dollar bills stacked neatly inside of a book. And -- and, uh, we found that right as we're about to leave. But how much exactly it was, I don't know. Around eight or nine hundred dollars.

Q Eight, nine hundred dollars?

A I'm sorry?

Q Like eight or -- it was like all hundred dollar bills. And they were stacked neatly inside of a book, uh, and -- and that, uh, -- that stereo component set.

Q BY MR. ROSENTHAL: The stereo, was that stolen after the defendant was arrested?

A After, uh, Durden and I -- Durden really wanted that component set. So, he goes, "No, we're going back." So, we went back. I waited in the hallway. He went inside, got it, drug (sic) it out, and brought it down. Put it in the -- in the, uh, plain car. And brought it back. And put it in the back of his truck.

Q BY DET. NALYWAIKO: Do you remember what this component system looked like? Uh, the color or the brand name?

A It was still in the box. It was still brand new. Uh, it was, uh, -- it was the box that he was carrying in the apartment when we detained him.

Uhm, what brand name it was, I really don't. It was a brand name, though. Maybe like Sony or Panasonic. It was a brand name. But it was still in the box, so I couldn't tell you exactly what it looked like.

I think her last name is Jackson. So, she may still even have it.

Q Do you know if she's still a 911 operator for the city?

A Yeah, I believe she is.

Q Who was aware that this information on the Ciru arrest was received from [ \* CI #2 \* ], besides you and Durden?

A I think just -- just, uh, me and Durden. It was -- it was a simple one. It was -- [CI#2] had just told us that there's this guy that, uhm, -- what was his moniker? [CI#2] knew him by a moniker, you know, by a nickname, and how he dressed. And [CI#2] told us, "He's always down there. He deals. He is the main dealer. Everybody comes to him."

Uh, so, I know we had snooped it out. And we followed him. We saw him. And we followed him home one day. We figured what he would do is come up to Alvarado, walk all the way home, keep supplying back and forth this way. Because he was walking.

So, we figured that's what he was doing.

Q I see that this report is signed by McGee.

A Mmnh-mmnh.

Q Was McGee aware of who the C.I. was on this case?

A McGee signed it, but, uh, actually Durden signed it for McGee. But did he know? I'm not sure. I'm not sure. I know a lot of times they would ask us, you know, what -- what do you got? How'd you get it? You know. And I don't know if



I actually told him. You know, I -- I know I must have. Because, uh, I had, uh, intell on it. So, I must have told him. I wouldn't lie to him, in other words, as to where I got it from.

If it came from [ \*\* CI #2 \*\* ], I would tell him, do you remember [CI#2] that gave me the other information, [CI#2] also gave me this one. I mean, there -- there was no need for me to lie, at that point, as to where it came from.

But let me look at the report and see what I wrote here.

Q While you're looking at that, Ray, did you ever record any of the information from any of the C.I.'s, any place? In your Field Officers notebooks? Or on an F.I.? Or some place where you kept it in case somebody wanted to know, uh, if -- if you used a C.I., if you ever went into an in camera hearing, or court, somebody would want to know who the C.I. was, how you would refresh your memory?

A The only notes I kept was, uh, like a little -- uh, a little notebook as to, you know, how the clue was. You know, what information I was given. I would write all that down. But if I had something -- if you're asking me if I had something formal, uh, with formal notes, no. I just had my own notes that were given to me.

Let's say if [CI#2] called me -- [ CI #2 redacted ] called me and said, "Hey, look. I'm -- today I'm gonna give you this guy. There's a guy that always hangs out at the fruit,

uh, -- it's a fruit -- it's called a fruit -- or the juice bar on Alvarado and Wilshire. Right by the, uh, restaurant there. He's always there. He always has this sport shirt on."

I would just write that information down. Uh, his description, what he looked like or whatever. And, uh, then, go down there and try and find him. You know, and I -- I would locate him. Okay. We'd back off. You know, watch him walk home. That way we could figure out where he lives. You know, things like that.

But if you're asking me -- I know you're probably asking me if I had a package on these people. No, I never had a package.

Q The notebook that you would write these -- the information down, did you actually put, "Received information from [CI#2]" or would you just write down the information that you received?

A Just the information that I received.

Q And this was not in the Field Officers notebook, but in a small notebook? Like a spiral notebook, possibly?

A Just a -- exactly. It was one of those that come over the top. Not -- not this type of notebook. But over the top notebook. I don't know what it's called.

Q Do you know where that notebook is now?

A You know, I think I left it in Narcotics when I left. Because I had a left a lot of stuff in that -- the drawer that I was using -- the desk. A lot of the clues that I had written

down, all that stuff I left it right in there. I don't know if it's still there now. But I had -- I had left most of that stuff there.

Q Okay. Anything else?

MR. ROSENTHAL: No.

Q BY DET. NALYWAIKO: Okay. The next package I'm going to show you is also a multi-two arrest. Involves two arrestees, Fernando Concepcion, C-o-n-c-e-p-c-i-o-n; and a female with the first name of Gamma, G-a-m-m-a. And it looks like a middle name or the last name is Mercado, M-e-r-c-a-d-o.

And the D.R. number is 97-07-34341. And the arrest took place 9/16 of '97. And you and, uh, Perez -- I mean, you and Durden were the arresting officers. And it appears that, uh, Durden's name is on the top line. This may be a report that, uh, Durden actually completed.

A Okay. I'm sorry. Uhm, I have reviewed the report on Concepcion, Fernando case; and Mercado, Gamma case. And the only -- I think the only thing that I needed to talk about, on this case was, uh, just the Admonition of the Rights and the comments that they made. Uh, those were not given.

Q BY MR. ROSENTHAL: I'm sorry? Say that again.

A Those were not given, the Admonition of Rights.

Q Okay.

A That was the only thing that I needed to comment on this case. There was narcotics -- no narcotics was planted. Probable cause that Durden writes about, as far as seeing, uh,

some pipes, uh, on the floor, prior to going in, that's -- that was incorrect. That -- that was just stuff that he threw in for probable cause. Uh, 'cause we, basically, just walked right in on the apartment.

DET. NALYWAIKO: Okay.

Q BY SGT. COOK: So, the, uh -- the probable cause is fabricated?

A Well, yeah, as far as -- as far as the part about the glass pipes, uhm, that we observed in -- in the living room, or whatever. We couldn't -- we -- we walked right in. There was no time to observe anything. We observed that after the fact --after we were already in.

As well as, the, uhm, -- I think it talked about, uhm, that we can see a container containing 31 plastic baggies. We didn't find 'til after we had already started searching and looking around. It wasn't in obvious, or, uh -- or in clear view, or just open view.

Q BY MR. ROSENTHAL: So, the problem with this report is, basically, no Miranda was given. But they did state the statements that are indicated in the report?

A No.

Q Oh.

A The statements in the -- that's the part I was talking about. The part that I give them Miranda rights and the statements that were made, those are incorrect.

Q Okay. So, not only was no Miranda given, but there

was no cop-out as indicated in the report?

A That's correct. And -- and, again, just to be clear, the items that he described that we saw in plain view, that's --we didn't find those things, or see things, 'til after the fact.

Q What about this idea of verbal consent to search?

A We had already begun searching before we even asked. Or there -- there was no asking. We went straight in.

Q BY DET. NALYWAIKO: Was anything -- was anything -- I'm sorry, Ray. Was anything taken from this location?

A No. There was only very little money inside the location. Maybe a hundred and something dollars. Uh, no -- no money was taken, and no drugs were planted, no drugs were taken.

The injury that he sustained on his forehead, that is actual injuries that he caused himself while handcuffed, he was trying to run out of the apartment. He stepped onto the sofa. And as he was gonna jump over the sofa, he slipped and fell face first. And, so, those are actual injuries caused by himself trying to get away.

Q MR. ROSENTHAL: Where in the report indicates the statement?

A I believe in Page 3 of the report, it says, "Officer approached." Let me see here. Uh, okay. Yeah, the second paragraph of Page 3, it says, "Officer Perez advised, uh, them of their Miranda rights. And that Defendant No. 2 advised that, uh, -- that Apartment No. 6 was her residence. And she said

that the narcotics recovered belonged to her boyfriend, and that she was aware -- she was unaware if he sells it."

Q All right. These -- yeah, these don't appear to be complete cop-outs. I mean, she --

A Right.

Q -- denies any knowledge. And then, he says he purchased the narcotics for his -- for his own personal use.

A Right.

Q Why, if you're gonna make it up, are you gonna make it up this way?

A It's just something Durden wrote. I don't know. You know what I mean? I just read it afterwards, and, you know, agree with it or whatever. But, they were both -- in fact, the reason he sustained the injuries, they were very irate. In fact, we had to call supervisors out there. I mean, they were -- they were, uh, Filipinos, I believe. And they were yelling and screaming. And everything you could imagine.

I mean, there were several other people in the apartment. And they were very irate. Uhm, the narcotics was theirs. They're obvious users, 'cause there was pipes all over the place, butane torches. They used. Uh, but, that's a fact that she, uh, -- I mean, she didn't -- I don't -- I never read her this Miranda rights from L.A.P.D. Form 1503. I don't -- number one, I don't carry one. And number two, I don't know it by heart, you know, all -- all of it. And I just never did it. I know I never did it.

So, if he writes that I did it, I know I didn't. And, uhm, --

Q BY DET. NALYWAIKO: Who was the supervisor?

A I remember the whole time her saying she had known nothing -- she didn't know anything about it at all. I do remember that. So, partially, I guess, some of that statement is partially true. But the fact that she said that she knew it belonged to her boyfriend, or something. I don't know.

Q Who was the supervisor that responded to the scene?

A All of them. Both of them. Uh, McGee and, uh, Lusby responded.

Q And reading the report, I see that o- -- you received the information from Officer Hewitt. And Officer Hewitt received information from a C.I. Do you know who that C.I. is?

A No, sir.

Q Who else had knowledge that the information was false in this report? Is there anybody else at the scene besides you and Durden, on the initial arrest?

A No, sir. Just me and Durden.

Q Anybody else have knowledge that any of the information was false?

A I don't believe so.

Q Okay. Anybody else have anything?

MR. ROSENTHAL: No.

SGT. COOK: No.

Q BY DET. NALYWAIKO: Okay. The next arrest is a multi-

three arrest. And this took place on September 3rd, 1997. Involves Jesus Flores, a Julio Ramirez, and Oscar Flores.

And the D.R. on that is 97-07-32803. And, uh, that was you, Ray and Officer Durden on that arrest.

A Okay. I've reviewed the report for the multi-three, uh, arrest. Uhm, firstly, the information that we received here was received by Officer Coronado by his informant. Uh, I believe you guys have [ \*\*\* CI #1 info redacted \*\*\* ].

MR. ROSENTHAL: Did you want to do this one on another tape?

Q BY DET. NALYWAIKO: Let me -- let me ask you this, Ray. Is there anything in this report that involves any misconduct on the part of Officer Coronado?

A Yes.

Q There is? Okay. We're not gonna review this report, at this time. But we'll review it a little bit later on. We've got a couple other reports set aside. We'll come back.

MR. MCKESSON: Uh, Detective Nalywaiko, you gonna -- are you gonna review that today?

DET. NALYWAIKO: Yes.

Q Okay. The next one that I'm showing you, Ray, is a multi-two arrest. The arrest date was November 2nd, 1997. It involved a Miguel Flores and a Marlene Padilla. D.R. number is 97-02-36937.

And it indicates that you and Nino Durden were the arresting officers.



A Okay. Yeah, this -- everything in this report is true and accurate, except, uh, some evidence that was not recovered. Or at least not recovered in the property report. Uhm, this information was received, actually, by Officer Durden, an informant [

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\*\*\*\*\* CI #26 description redacted \*\*\*\*\*

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

[ \*\*\*\*\* CI #26 description redacted \*\*\*\*\*  
\*\*\*\*\* ]. Anyway, [CI#26] had told us about these people that were dealing narcotics in that area.

Anyway, uh, when we did the follow-up to their house, over on, uh, Commonwealth -- 125 North Commonwealth -- some money was recovered. Uh, money was recovered there that was not booked. The total of \$1281, uh, show booked in the property report. But there was other money that was not booked.

Q BY SGT. COOK: Approximately how much?

A I really don't remember exactly how much money it was.  
Q Approximately?

A I can't even begin -- I know there was money. But I couldn't even tell you right now. That one doesn't stand out in my mind. It probably wasn't a very large amount. 'Cause it doesn't stand out that much. But how much, I couldn't tell you.  
Q BY MR. ROSENTHAL: Everything else about the

report is accurate?

A Yes, sir. There was no evidence planting or anything

like that. Everything that -- everything else is exactly right.

Q BY DET. NALYWAIKO: And who knowledge of that incident besides you and Nino Durden?

A No one else.

Q Okay. The next one that I'm going to show you involves an arrest date of 6/17/97. The arrestee is Emilio Gutierrez. D.R. No. 97-02-22407. And when you and Nino Durden -- okay.

(Off the record to change tape to Side B.)

(Back on the record.)

THE WITNESS: Okay. I've reviewed the -- the report. And I remember this case. Everything in the report is, basically, correct, up until the part about reading their Admonition of Rights. They were not read their Admonition of Rights. Where it talks about where I recovered in Page of the report, the second paragraph, where it discusses where we recovered the narcotics inside of a bedroom dresser drawer, that is incorrect.

Where it talks about how we knocked at the location, and both he and her, uh, came to the door, and opened the door, and said, "Sure, officers, come on in." That is incorrect.

What actually happened was, I knocked -- we knocked on the door -- myself and Officer Durden. And she came to the door. And, uh, we asked -- we identified ourselves as police officers. She ran back inside. Uh, she came to the window, ran back inside.

You could tell she was talking to someone. She was

yelling out to someone in the back room. Uhm, at that point, we began banging on the door and telling him, "Open the door now. We're gonna kick it in." Uh, after a couple of minutes, she eventually opened the door.

We go inside. Uh, he is also in the back bedroom. Or is he in the back bedroom. We detained both of them and set them on the -- set them, uh, on the couch. I began talking to them.

Uh, Officer Durden comes back and tells me, "Guess what? They threw it out the window. There was a cardboard box from their top window all the way on the floor with a bunch of rocks spread all over the place." And that's actually where the narcotics was recovered. While we were still trying to get into the apartment, what he did was, he went to the back window of the bedroom, opened the window, and threw all the narcotics out the window.

And that's where it was actually recovered from. Uhm, also, -- also, uhm, -- uhm, there was some, uh, money that was recovered, uh, that was not, uh, booked. I believe we booked probably over a thousand dollars.

Yeah, we booked \$1301. There was probably, uhm, well over a thousand that we didn't book.

Q BY MR. ROSENTHAL: Now, when you say, uhm, that they were not advised of their Rights, does that also mean that any of the statements made were also made up? Or were they simply statements that were taken outside of Miranda?

A I think they were just statements taken out of Miranda. The -- the part about, uhm, -- the part about that his wife was not involved, I think I simply put that there because I didn't want to book her, because she had a child, and did not book her. I just -- I threw that line in there. He was willing to take full responsibility, so, I said, "Fine."

Q BY DET. NALYWAIKO: Ray, who were the, uh, C.I.'s on this case? It says they were two, uh, Rampart citizens.

A [ \*\*\*\*\*  
\*\*\*\*\* CI #10 information redacted \*\*\*\*\*  
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\*\*\* \*\*\*\*\* ]. And that's where the information came from.

Q Okay. Was anybody else at the arrest location besides you and, uh, Nino Durden?

A No, sir.

Q Okay.

SGT. COOK: Okay. We're continuing this interview with, uh, Rafael Perez. We're on Side 2 of 219488.

Q BY DET. NALYWAIKO: I see the report was signed by Detective III, George Lusby. Was, uh, he aware of any of the things that you've told us here today, or --

A Any of the money being taken? No. He was not aware of anything that -- that occurred there, no.

Q Okay. Anybody else have anything? Richard?

MR. ROSENTHAL: No.

Q BY MR. NALYWAIKO: Ray, do you have anything else?

A No, sir. Well -- no. That's it. We had to write-out a statement. And, uh, that was just to cover our butts as far as how much money was in there, and where the -- that the

drugs were not near the baby.

That -- we sort of just reasoned that, look, you write this statement out, we're not gonna take the baby from you, and we won't book you. That's what that was for.

Q Okay. A case that I'm going to show you now was another multi-two arrest. The arrest date was August 13th of 1997. The two arrestees were Joseph Jones and Manuel Perez. And the report number is 97-02-28235.

Take a look at that and see if it refreshes your memory why you wanted to talk to us about that. It also lists, uh, Durden on the top line as appearing to be the officer who wrote the report. And then your name is listed right below his name.

A Okay. Uh, I've reviewed the report on the Joseph Jones arrest. Uh, everything appears to be accurate, except the part about the actual transaction. The guy, after calling us over, began looking at us. And became very hinked and didn't want to give us any narcotics. We just took him down.

On the report, uh, Officer Durden says that "the guy had his palm up and handed him, uh, this rock cocaine."

He actually didn't hand him the -- the rock cocaine. But, I mean, we felt that, you know -- and he was about to do it. What happened was, he got hinked. For some reason, at the last minute, he -- he -- he, uh, -- he got hinked. The narcotics that was recovered was actually narcotics that belonged to him and the other guy that was there.

So, none of the evidence was planted. But the transaction that Durden -- Durden, uh, writes about never took place.

Q BY SGT. COOK: You didn't see one suspect Manuel Perez transfer the dope to the other suspect?

A No. We just figured that's where it came from.

Q Okay.

Q BY DET. NALYWAIKO: I see that, uh, this report is not signed by a supervisor. That box is blank.

A Why? Uh, I don't know. We might have made copies. I really don't know why there are some of them are signed or not signed. We might have made copies before, uhm, -- before the supervisor signed it, or something. Or -- I really don't know why it wasn't.

Q Does any -- did anybody else have any knowledge --

A No.

Q -- about what had occurred -- actually occurred at the location?

A No, sir.

Q Okay. The package that I'm showing yo now is a multi-two arrest. The arrest date is August the 4th, 1997. The arrestees are Margo Lopez and Luis Flores. The D.R. number is 97-02-27293. And you and Nino Durden were the arresting officers.

MR. ROSENTHAL: The name of the defendants again? I'm sorry?

DET. NALYWAIKO: Margo Lopez and Luis Flores.

MR. ROSENTHAL: Got it.

THE WITNESS: All right. I have read the report regarding the Margo Lopez/Luis Flores, uh, case. And I believe Margo Lopez is the mother of Luis Flores. This is the location that was right next to that loca- -- the last file that I talked about.

Q Mmnh-mmnh.

A The one where the narcotics was thrown out the window.

Q Yes.

A Remember I said there was a house all the way in the back? This is that house.

Q Okay.

A [ \*\*\*\*\* CI #10 information redacted \*\*\*\*\*  
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At any rate, uhm, in this report, everything is, basically, correct, except our P.C. The fact that -- or the fact that we weren't -- that we observed, uhm, approximately four male Blacks and two, uh, male Hispanics walk up to the door, and hold short conversations, and conduct what we -- appeared to be narcotics, that was all narcotics investigation -- uh, purchases -- that was all fabricated.

Uhm, the narcotics that was recovered at the house, was actually in the house. We did recover it from the house. The only thing that was a little bit different was we recovered



a gun, and I believe the gun was under the bed. But Durden decided to put it in the male -- uh, I didn't get that far down.

But, uhm, I believe he said that he had put the -- the gun in the male's, uh, pants' pocket. The pants that was sitting by the shower that he had just taken off to get in the shower, uh, it was -- the gun was actually under the mattress, I believe, if I remember correctly. It was a small caliber gun. But Durden decided that he's just gonna put it, uh, his pants' pocket. I believe this guy was a gang member, too. I think that's why he did that.

I'm not sure if it's on here or not. But, yeah, he's a Crazy Rider, uh, gang member.

Q BY DET. NALYWAIKO: Ray, this report indicates that it was not only you and Durden working, but Officer Sutherland was with you.

A Yes, sir.

Q Is Officer Sutherland aware --

A No, sir.

Q -- of any of these things that we just talked about --the false P.C., the -- where the gun was actually recovered from?

A Now, the false P.C. that -- if she read this report, she would know that that's inaccurate. Uh, as far as the gun -- where the gun was recovered and where it was placed, I don't think she knew about that. But the false P.C. she -- you know, if she read this report, at some point, she probably knew that

that was -- that was a lie.

Q Do you know if she read the report?

A I don't know whether she read it or not. She probably didn't. We probably took -- she was all -- she was real -- how would I describe her? Uh, she's the type that, you know, she was always not feeling too well. She ended being pregnant a couple of days later. That's probably why she wasn't feeling well.

So, we would always just say, "You know what? Just go home early. We'll finish everything up." So, I mean, I doubt she even read this report. She probably had no want to want to read it.

Q BY MR. ROSENTHAL: Let me ask you this. Uh, according to the report, it says that you asked, uh, the defendant Lopez for consent to search. Did that happen?

A I know she -- she, obviously, signed the Consent to Search. She did sign one. Uh, what happens a lot of times is we'll go in, we'll search, and we'll find. And once we find it, we know we have it. And so, you know, we'll convince them to just go ahead and sign this, you know, Consent to Search. And they'll sign it after the fact.

After the evidence has already been recovered, weapons been recovered, or narcotics been recovered, we'll get them to sign the consent. You know, 'cause, uh, we tell them, you know, the judge would appreciate it if you're more cooperative. You know, if you are not cooperative, the judge

is gonna go harder on you. You know that's what we tell some people. So, that's probably what happened. I'm -- I'm pretty sure we walked right in.

I'm pretty sure we walked right in. And I remember -- as a matter of fact, does it say where the narcotics was recovered? Because I remember -- I remember this, specifically, that we had a hard time finding the narcotics. We could not find any narcotics. And, finally, she said, "All right. All right." You know, it -- it was in a hamper in the middle of all the clothing. So, I don't know if that's what I put as to where we recovered it. But that's where actually it was.

Q BY DET. NALYWAIKO: I've got a quick question. In going -- we've talked about a lot of cases, and going to a lot of narcotics locations. I'm just curious why you guys never called for another unit, or went with other units, if you know you're going to a known narcotics location. Just for safety reasons. I don't want to dwell on it. But I'm just --

A If we felt that there was only two people inside, let's say, it -- we had experiences before, where we go, "Okay. Now, can we get one more unit down here." And Detective McGee would show up. And he'd show up with his Astro with the -- the cord from the mike hanging halfway down his leg. His typical, you know, shirt untucked. I mean, he looked like a cop.

So, if we had him respond to let's say an apartment building, we're gonna go in and do -- door-knock an apartment, everybody would make him out. Everybody would know he's a cop.

You know, so, I remember that was one of the reasons.

But some of the other reasons were we just wanted to, you know, handle this investigation on our own. But a lot of it was, you know, we had Dean Gizzi. We had, uh, -- uh, McGee. We had -- I mean, there was a lot of White guys that couldn't fit in.

No matter where you sent them to try and, you know, hey, we're gonna go in this building and we're gonna do this door-knock. The minute that, you know, we start walking towards the building, everybody knows that you're a cop.

I mean, if you walked in the neighborhood right now, they know you're a cop. I walked in there, they could care less. You know, and so, that was one of the reasons. But I think the primary reason was we just wanted to handle the investigation on our own.

Q Okay. Let's move on then. This other case also involves a multi-two arrest. The arrest date is October the 8th, 1997. And the arrestees are Gricelda Orellana, O-r-e-l-l-a-n-a, and Juan Rojo, R-o-j-o.

And the D.R. number is 97-02-33942. There you go, Ray.

MR. ROSENTHAL: There is a, uh, prior arrest with, uh, Orellana and Rojo. Do you want to hit that one first?

DET. NALYWAIKO: I think we're going to wait on that one, Richard. Because it involves, uh, Perez and another officer, on that arrest.

MR. ROSENTHAL: All right. Okay. This is the, uh -- I'm sorry, 33942, D.R. number?

SGT. COOK: Yeah.

DET. NALYWAIKO: Yes.

MR. ROSENTHAL: We're looking at now. All right. That relates to Case No. BA157674.

THE WITNESS: Okay. On this, I think there was only a couple of reasons why I wanted to talk about this. Firstly, uh, I guess you guys already know that this was a switch. Right?

DET. NALYWAIKO: Right.

THE WITNESS: Okay. The other thing -- the only other thing that was on this particular case was, I believe, Durden described sort of like a consensual contact with the driver of the vehicle.

Uh, let me find it here. If I remember correctly, when Officer Durden testified in this case, he testified that he sort of had a consensual contact with the driver of the vehicle. He just asked him, "Hey, can you -- we need to talk to you. Can you step out here?" The guy was taken out of his car at gunpoint by all the officers that were there. I mean, it was -- it was not the way he testified in court that, uh, he asked him nicely, "Hey, can you come over here? We need to talk to you." The guy was taken out at gunpoint. Everything else in the report -- the narcotics that was recovered, was actually her -- her narcotics. This information

came from, uh, again,

[ \*\*\*\*\* CI #2 information redacted  
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Q BY DET. NALYWAIKO: So, basically, [ \*\*\*\*\*

\*\*\*\*\* CI #2 redacted \*\*\*\*\* ]. [ \*\*\*\*\*  
\*\* CI #36 information redacted \*\* ] information that led to  
this arrest?

A Right.

Q BY MR. ROSENTHAL: Now, both of these defendants,  
according to the report, you saw both defendants drive up. Did  
they drive up in the same car?

A Yes.

Q And then, they were both taken out at gunpoint?

A [

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\*\*\*\*\* CI #36 information redacted \*\*\*\*\*  
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\*\* \*\*\*\*\* ]. And my partner and some other officers, uh,  
get the driver out of the car. They block the car in and get  
them out at gunpoint.

And I believe when -- when they testified in court,  
they testified that it was a consensual, oh, can you step out  
of the car? We need to talk to you type of thing.

Q Actually, according to the prelim transcript, it  
shows that both you and Durden testified. Do you remember  
testifying that it was consensual?

A I believe I testified. But I -- I believe that Durden  
was the one -- was gonna be the one testifying as to the male's  
role in this narcotics, uh, thing. And I remember the D.A.  
making -- that was a big issue. I remember. It stands out in

my mind. That's why I'm talking about it. Uhm, as far as how was he taken out of the car? Was it a consensual take him out we need to talk to you? Or was it, you know, hey, you're being detained, that type of thing?

Q BY DET. NALYWAIKO: Who else was aware of the, uh, testimony given by Officer Durden?

A The D.A. handling the case. The -- whoever was in the courtroom. It should be in the transcripts. Uhm, who? Are you asking me who knew that he was lying about his testimony? Uh,

--

MR. MCKESSON: That means yes, right?

DET. NALYWAIKO: Yes. That means yes. I'm sorry. I was nodding my head up and down.

THE WITNESS: Uhm, well, the problem with that is I don't know if any of the officers went to court, too, and heard him testify. Because then I can't say that they saw him testify to that. You understand what I'm saying?

Q BY DET. NALYWAIKO: Yeah, but, I'm referring to maybe was there anybody else back at the officer or wherever.

A Well, the people that -- the other people that we described in the report that assisted us in this arrest, uh, I believe they are --

Q Detective Lusby?

A -- Detective Lusby.

Q Officer Canister, Officer New. Page, uh, two of five



down at the bottom in Observations. "We requested additional assistance of Officer New, Canister, and Lusby."

A Okay. Yes. Yes, all of those were there. Uhm, I believe McGee was also there. At any rate, they all blocked the car in. And -- and took her -- uh, took him into custody, as well as Durden.

Q Okay. John, anything else?

SGT. COOK: No.

Q BY MR. ROSENTHAL: I'm sorry. Just, uh, -- I'm sorry. One more time. Who were the officers who were present who would have witnessed?

A Officer New.

MR. MCKESSON: When you say "witnessed" witnessed taking him out of the car?

Q BY MR. ROSENTHAL: Witnessed taking him out of the car.

A Officer New, Detective Lusby, Officer Canister. There was somebody else there. I'm -- I'm almost pretty sure that Detective McGee was there. But it doesn't say that on the report. But for some reason, I -- I -- in fact, I'm almost -- I'm very certain that Detective McGee was there.

Uh, 'cause what we did was we had, uh, one -- the -- the vehicles that were roving, we had them block the -- the car. And I believe Detective Gizzi was there. They blocked the front car, the -- the station wagon. And then, uh, Durden and some -- several other officers got -- got him out of the

car at gunpoint.

Q Okay.

Q BY DET. NALYWAIKO: Okay. Moving on. I have another multi-two arrest. The arrest date is July 31st, 1997. The arrestees are Will Rodriguez and a Carlos Romero. And the report number is 97-02-36894. Correction, 26894.

MR. ROSENTHAL: And this, uh, the case number is BA154270. And, uh, Mr. Perez did testify extensively about this arrest of Carlos Romero on July 31st, of 1997.

Q BY SGT. COOK: Is this Veronica Quesada's brother?

A Mmnh-mmnh.

Q BY MR. ROSENTHAL: Yeah. So, we're -- we're already aware that this case involves the arrest of Veronica Quesada's brother, uh, Carlos Romero.

A Okay. I'll start by saying that, firstly, this was the first time I had ever met, uh, Carlos Romero. And the only way I met him was through Will Rodriguez. 'Cause that's his cousin. And his cousin ratted out his -- his cousin. Or ratted him out.

Uhm, I'll start by -- let's -- I'll start with Mr. Rodriguez, which is where we, uh -- this whole thing started. Uhm, the probable cause that's written on the report about four male Hispanics walking in-and-out of Apartment No. 1, that's fabricated.

MR. MCKESSON: Do you have a question, Detective?

DET. NALYWAIKO: No, not at this time.

THE WITNESS: If I could -- the fact that I wrote that we read him his Admonition of Rights, and he, uh, acknowledged them by saying, "Yeah," that is fabricated.

The fact that he directed us to where the narcotics was in the bathroom inside of a can, that is incorrect. We found that narcotics on our own.

MR. MCKESSON: Do you have a question, Detective Cook?

Q BY SGT. COOK: Yeah. What about the Consent to Enter the Location. Fabricated?

A Fabricated. At Mr. Will Rodriguez' house, Officer Durden recovered what would be a holder for something. I don't know if it's a camera holder, or -- it's a little small container. Inside that container was several, uh, necklaces -- gold necklaces. Uhm, several different pieces of jewelry. Uh, Officer Durden kept that and brought it to the office. And I don't know what ever happened with that.

I don't know if he just kept it, or -- or what he did with it.

Q BY DET. NALYWAIKO: I just wanted to note that it doesn't appear that any of that jewelry was booked.

A I'm almost a hundred percent positive that none of that jewelry was booked. I know -- I know that jewelry wasn't booked.

Q BY MR. ROSENTHAL: So, the jewelry was stolen?

A Yes. I just don't know where exactly -- what happened to it, or what he did with it. You know what I mean? I just

don't know where it went or -- or anything like that.

Q BY SGT. COOK: Durden took the jewelry, and you didn't?

A No. Right. It was, uh, if I remember correctly, it was a couple of just like gold chains, and maybe -- maybe some -- a couple of rings or something. But, I mean, I really don't remember everything that was in there. It was -- it was inside of a container or like a -- I can't even describe it.

I want to say maybe like a flashlight holder, or a camera -- a little small little thin camera holder. Like the kind with the velcro, you flap the top and it's closed. That's all I can describe it as.

Mr. -- Mr. Carlos Romero was said to have had a total of \$1075 in his property, and in his residence. He probably had, uh, closer to about \$2500. Uh, there was a thousand seventy-five bucks. A lot of that -- let me see. Oh, he just put that on as bills. A lot of those were one dollar bills. A lot of them. Uh, 'cause I remember -- I -- I remember that it was a lot of one dollar bills. That a lot of the -- the higher denomination dollars, uh, was kept. Uh, Durden had removed a lot of money from his pocket. And also, there was money in a drawer.

When we opened the drawer -- it was a thin drawer. The money was stacked all the way to the back in that drawer. And when I say \$2500, I'm being conservative. It's probably more than that. It was probably more.

Q So, you estimate you took 1500? You and Durden?

A At least. Uh, that's minimum. I -- I think it's more than that, you know.

Q BY DET. NALYWAIKO: Would you and Durden typically split the money in half?

A Yes.

Q He keeps half and you keep half?

A Yes, sir. Uhm, there was also another aspect to this case. Uhm, on the report, I believe it says, --

Q BY MR. MCKESSON: Can you read what page?

A Page 3 of the arrest report. In Page 3 of the arrest report, it says that "Once at the location, we were met by Defendant No. 2. There was an additional three people at the location." Carlos Romero was not at the location when we got there. The three people that were there was his mother, Veronica Quesada, and her younger younger brother. Uh, he was maybe, I don't know, 13 or 14 years old.

When we got to the location, we already knew who the narcotics, uh, -- who was dealing the narcotics, as far as the rock cocaine. Or who we were told was dealing the rock cocaine by Will Rodriguez. Which was the brother. That's who he told us was actually dealing.

When we got there, he wasn't there. Of course, we described that he was there. What we did was, when we got there, we started speaking to the mother, Veronica Quesada, and the younger brother. And we told them, "If you don't cooperate

with us, and don't tell us where the narcotics is, everyone is gonna go to jail."

Uhm, but we were already aware that this person, uh, Carlos Romero, was driving a gray car. And that, you know, we knew what apartment he lived in. So, while we were there, and we were talking to them, finally, Veronica Quesada says, "Well, the stuff that belongs to my brother is up there."

And there was, in the dining room area, there was like one of those potted plant holders that they're up against the wall that you would put maybe a potted plant on. Well, on there, is one of those -- remember those margarine containers, uh, butter containers?

Q Yeah.

A Well, inside there, there was the rock cocaine. Her -- her mother's crying. She's crying. And, at this point, I'm thinking, you know, they're not narcotics dealers. But what we did was, we decided to sit there and wait a little while. And we were looking out the balcony.

And when we -- uh, Durden was out there looking. He says, "Hey, a gray car just pulled up." And so, I had Veronica Quesada look out. I said, "Who do you see? Is that him?" And she was, you know, admitted that it was him.

Initially, she had told me that that was her boyfriend. So, I'm thinking it was her boyfriend. But it was actually her brother. When he -- when he comes in, Durden detains him downstairs getting ready to get on the elevator to

come up.

In his possession -- what -- what happened was, he had just went out to deliver some narcotics. So, he had a lot of money in his pocket. So, Durden had told me that he -- Durden had showed me the wad of money that he had recovered from his pocket. Plus, we had found all that money in one of the drawers.

Q BY MR. ROSENTHAL: Okay. Let me make sure I got this right. When you say the probable cause was fabricated, there was no consent, that relates to Defendant Rodriguez, the initial --

A Right.

Q -- initial one? Uh, jewelry was stolen from Defendant Rodriguez?

A Yes, sir.

Q Then, with respect to Defendant Romero, cash was stolen from him?

A Yes.

Q And then, the report, as it related to Defendant Romero, was false?

A Yes.

Q It contained false information?

A Right. It describes him being at the location when we got there. And he was not there. Uhm, while we are there, I remember you guys recovered a piece of paper that said, "R. Perez." My -- my 1-800 number.

DET. NALYWAIKO: Mmnh-mmnh.

THE WITNESS: I gave him that piece of paper that day. And because, initially, Veronica Quesada said, "Hey, \*\*\*\*\* CI information redacted \*\*\*\*\*." But her mother was like, no, shut up. Her mother was more like, you know, we're not saying anything.

You can arrest him if you want to. We're not saying anything. I left my number anyway, just in case Quesada later on wanted to help me. That's where that number came from. That's -- I just wanted to add that.

Q BY MR. ROSENTHAL: Did you get Consent to Search Romero's apartment?

A We never even asked for it. We just -- we went straight in.

QQ Okay.

A Yeah, uhm, I would probably say at minimum, at least \$2500 were there. And we booked it a little over a thousand.

Q And that's with respect to Romero, or Rodriguez?

A Romero.

Q So, you stole a thousand -- 1500?

A Yes, sir.

Q BY SGT. COOK: And you saw this jewelry that was taken from Rodriguez?

A Mmnh-mmnh. I saw it, because it was in a container. And when he brought it -- when we got back to the office, he had it in our drawer, where our desk is. It was sitting in our



drawer there. In fact, it was there for -- for a day or two. And -- but, it was all the way in the back. And then, I don't remember what happened to it after that.

Q Again, you said it was rings?

A I remember there was necklaces. I remember there was -- might have a couple of rings. I never even took it all out to see what it was. I'm not into -- I -- I'm really not into jewelry. I don't wear jewelry, other than a wedding ring. Necklaces, I don't wear of that. So, it really didn't impress -- I mean, it -- to me, it was nothing. I -- I didn't care about it.

Q Were these gold necklaces?

A Right. Gold necklaces.

Q Are you saying two? Three?

A I remember there was -- I remember seeing, at least, two. And some rings. And that's really all I remember.

Q Some rings? Two rings? Three rings?

A I don't remember how many rings there were total.

Q Okay.

Q BY DET. NALYWAIKO: Anything else about this particular arrest, Ray?

A Uhm, no, other than this was the actual first time I had ever met those people.

Q Okay. The next case is also a multi-two arrest. The arrest date is November 26th, 1997. It involves an arrestee by the first name of Vladimir, V-a-l -- excuse me. V-l-a-d-i-m-

i-r. Rubio is the last name. And a Lillian Torres. And the report number is 97-02-38707. Here you go, Ray.

A Okay. I think there was only one issue on this report that I wanted to mention. And that was the fact that it was a narcotics switch.

MR. ROSENTHAL: Oh.

THE WITNESS: Do we know that -- did you guys know that this was a narcotics switch?

Q BY DET. NALYWAIKO: I think this is the one that you told us about. Is this the West L.A.?

A No, sir. This was a one that, uh, he delivered to over at, uhm, -- on Leeward. He delivered the narcotics on Leeward. He bailed out. And in fact -- in fact, this information -- I'll start from the beginning. [ \*\*\*\*\*

\*\*\*\*\*  
\*\* \*\*\*\*\* CI #2 information redacted  
\*\*\*\*\*  
\*\*\*\*\*  
\*\* \*\*\*\*\* ].

[ \*\*\*\*\* CI #2 info redacted \*\*\*\*\*  
\*\*\*\*\* ]. All that is correct. All the narcotics recovered, all of that is right on. Uh, but there was -- this was a switch as well.

Q BY MR. ROSENTHAL: Okay. This is not the one -- and I don't think I found the file yet -- where you said you were asked about, uh, returning money to the wife --

A No.

Q -- of the defendant. So, this is not it?

A This is -- no. No.

Q All right.

A [ \*\*\*\*\*  
\*\*\*\*\* CI #2 information redacted \*\*\*\*\*  
\*\*\*\*\*  
\* \*\*\*\*\*

]. Q [ \*\* CI #2 info redacted \*\* ]?

A [ \*\* CI #2 info redacted \*\* ].

Q Okay. Detective Nalywaiko, has this one been identified as a, uh, switch?

DET. NALYWAIKO: Uh, this one has not been identified as a switch.

MR. ROSENTHAL: Okay. Not previously. Okay.

Q How much narcotics was involved?

A I believe it was a quarter. Uh, I'll look here. Yeah, it was a quarter. Quarter pound.

Q BY DET. NALYWAIKO: Let me see if I understand you right about the C.I. [ \*\*\*\*\*  
\*\*\*\*\* CI #2 information redacted \*\*\*\*\*  
\*\*\*\*\* ]?

A Yes, sir.

Q Okay.

A [ \*\*\*\*\*  
\*\*\*\*\* CI #2 information redacted \*\*\*\*\*

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

Q Is everything else in the report accurate?

A Yes, sir.

Q Everything is correct, other than the fact that this was a switch?

A That's correct.

Q Was anything taken in this arrest?

A No, sir.

Q Any questions?

SGT. COOK: No.

Q BY DET. NALYWAIKO: This next case is also a multi-two arrest. The arrest date is June the 12th, 1997. And it involves two arrestees. The first one is Maria Virula, V-i-r-u-l-a. And Samuel Malesco, M-a-l-e-s-c-o. The D.R. number is 97-02-21945. There you go, Ray.

A Okay. I have reviewed the report regarding the Maria Virula case. And I remember this case because some of the -- some of the things in the report are inaccurate. Uh, the initial arrest of the first defendant, Maria Virula, is correct.

But the second one, Samuel Malesco, he had already made it back to his house. And what he did was, the narcotics that -- that was recovered were inside little cut-out portions of the -- you know, the toilet tissue rolls, the actual cardboard that's inside the toilet roll, with tape around them. And it says like a 200, a 300, or a 400. That's how many rocks are inside. How much money-wise, uh, it's worth.

Well, what he did was he had already taken it out of his apartment and threw it -- or took it to the back yard inside of a, uh, dumpster. One of those big steel, uh, -- uh, maybe 6 feet by 4 feet dumpsters -- trash dumpsters -- and thrown it in there.

So, once we had taken the female -- or -- and we did a follow-up to his house, uh, -- uh, he was confident that he had no more drugs there. But after talking to him for several more minutes, he finally admitted to us where the -- where it was. And myself and Coronado walked to the back dumpster and we -- and we found the -- the narcotics.

Q BY SGT. COOK: Uh, this is another Coronado one?

A Yeah, Coronado was there.

Q Coronado involving misconduct on his part?

A Well, yeah. Well, I guess in a sense, yeah. Uh, where we talked about where we recovered the narcotics, that's not where we recovered it. It was actually recovered outside the house in a dumpster in the back.

Q And my next question is, was he aware of the, uh -- did he read the report? Was he aware that the report doesn't reflect that?

A He would have definitely been aware of it because we put him on the report as recovering the narcotics, meaning that we want you to testify to this.

Q BY MR. ROSENTHAL: Who wrote this report?

A I wrote the report. No, Durden -- Durden wrote the

report?

Q BY DET. NALYWAIKO: Well, his name is on, uh, the top line as the writer, where the writer's name would normally appear.

A Officer Durden wrote the report. I'll be darn.

Q BY MR. ROSENTHAL: So, whose -- is it -- the two officers names on the front of the report are Durden and yourself.

A Right. But on the report -- he was working with us that day. On the initial -- on the front of the report it says, "My partner, Officer Perez, Officer Coronado, and myself, Officer Durden." So, the three of us were working together on this day.

Q Now, why -- I don't understand. How is it that based upon looking at this report, you can conclude that Coronado knew that the information in the report was false? Or that a false report was actually prepared?

A Well, firstly, me and him went to the back of the dumpster and recovered the narcotics.

Q Okay.

A And, secondly, any time you put another officer's name in here, as to witnessing something, or recovering something, you're gonna let them know about it. And you're gonna, at least, let them read the report.

Q Okay.

A Because, you know, you don't want subpoenas to show

up and then the officer's like, what are you talking about?

So, --

Q BY SGT. COOK: Ray -- oh, I'm sorry. But as the recovering officer, you say he would have testified on this?

A Right. I don't know if he actually testified. I don't -- I think this case might have pled out or something. I think these people just took a deal, uh, if I remember correctly.

So, I don't think it actually went to trial. But, uhm, -- but, I'm certain that he -- he'd have definitely let -- uh, Durden, would have let him read this report. Especially, if he put his name on it and serial number and has him recovering the narcotics. He's gonna know about it.

Also, uh, there was money taken from this. Uh -- uh, Coronado did not know about any money being taken. I believe the money was recovered by Durden or myself. And then, later split up. How money exactly?

Q Approximately?

A I really don't remember.

Q BY DET. NALYWAIKO: Why don't we take a short break?

MR. ROSENTHAL: All right. It's 3:15. We're off the record.

(Off the record at 3:15 p.m.)

(Back on the record at 3:41 p.m.)

SGT. COOK: Okay. Continuing this, uh, interview with Rafael Perez. The time -- the date is October 11th, 1999. The

time now is, uh, 1541 hours. We're on Tape No. 219489, Side A.

Okay. Stan?

Q BY DET. NALYWAIKO: Yeah, we're still talking about, uh, Virula and Melasco. So far, from this, what I've gained from what you've been telling us, is that the report was inaccurate. Uh, the things written regarding Virula are correct. Uh, the things written about Samuel Melasco were not correct in regards to this report, and that the evidence was recovered other than -- some place other than stated in the report that it was recovered by a trash bin. Is that --

A It was recovered at a trash bin.

Q At a trash bin.

A A steel trash bin in the rear of the location.

Q Okay. And also, that there was money taken, uh, from the location by you and Durden?

A Yes, sir.

Q And, uh, do you know how much money was taken?

A I really don't. Exactly how much, I -- I --

Q BY MR. MCKESSON: You don't recall?

A I don't recall how much.

Q BY DET. NALYWAIKO: Do you have anything else you wanted to add about this report?

A No.

Q Okay. Okay. Richard, you have a report you wanted to discuss?

Q BY MR. ROSENTHAL: Okay. This is the report of Manuel



Najera, N-a-j-e-r-a with a D.R. number of 97-08-16966. A case number of BA153854. And I'm going to give a copy of the arrest report from the D.A. file to Mr. Perez to review.

Actually, you've had a chance to review it already just a few minutes ago; correct?

A Yeah.

Q Okay.

A Okay. I've had a chance already to review the report regarding the Manuel Najera case. Just a couple of things I needed to catch up on on this case. Uhm, firstly, uh, you guys are aware that this was a switch? Uhm --

Q BY DET. NALYWAIKO: This is the one from West L.A.?

A Exactly.

Q Yes.

A You are -- you are aware it was switch?

Q After you told us.

A Oh. Okay.

Q And we may already -- already be aware because we reviewed well over a thousand D.R. numbers. And we may be aware that it was a switch. But not -- not provable.

A And this is, I believe, five ounces that was ordered up. Uhm, five ounces were recovered from inside the stereo -- where a pull-out stereo would be. It was inside there. As far as the arrest and recovery of the narcotics, from this defendant, everything is correct. Everything happened as -- as it was described on the report.

Q BY MR. ROSENTHAL: Is this the one where you were asked at prelim about returning money?

A Yes, sir.

Q So, it's also a money-theft in this one?

A Right. Uh, well what had occurred was -- and it doesn't state it anywhere on the report -- after we arrested him, we had, uh, found some receipts in his wallet. They had -- uh, this address down at, uh, 4319 West 140- -- 141st Street. I believe that's in the City of Hawthorne.

It says L.A., but I believe it's the City of Hawthorne. We went down there and we met with the female who was Mr. Najera's wife. I don't recall her name. She was a Hispanic female. Uh, maybe 5-2, 140 pounds. Uhm, she was a Spanish-speaker. So, I spoke with her.

We had Officer Durden and Officer Covington with us. Officer Covington and Officer Durden began searching the location, while I spoke with the female. In fact, I never searched the -- the place at all.

I had asked the woman if there was any additional narcotics, or any money in the location. She said that there was no narcotics, however, she had some money in the bedroom area, uh, which was rent money. I told Durden that that money, uh, was in there and that it was rent money, and not to touch it.

Once we were done there, we left. I got back to the office. I left my number, uh, and my voice mail number with

the lady, in case she had any questions later. Uhm, after we get back to the office, a few minutes later, she calls me and says, "I thought you weren't gonna touch that money. I told you it was my rent money."

So, I confronted Durden about it. And, at first, he was kind of like, "What? What? What? What?" And I said, dude, that's -- and I was trying to explain to him that that's sloppy. You can't do things like that. I mean, that -- these were the type of things that he would do that would upset me, that, you know, was not necessary. I mean, why are you gonna take her \$600 rent money?

And, so, we were upset. And he goes, "You know, screw that." You know, and he just kind of laughed it off. And what I did was, I called her back and I told her, "I will go down there myself and I will give you that money back."

So, what I did was, I went and got \$600 from my -- whatever money, from wherever, and I took it down there. And I met her at her driveway. She came out when I got there. This is during the day, during work hours. I went down there myself. Gave her the money. She talked to me a little while. She was pleasant. And, uh, then, I left.

When we got to court, uh, this issue came up, uh, that, "Well, isn't it true that you took some money and then came back and returned it?" Or something like that. And, of course, I denied it. I said, no, or whatever. No, that's not true. But that's what actually had occurred.

Q BY DET. NALYWAIKO: That money was taken from which location?

A The 141st Street location. 4319 West 141st Street. Uh, Apartment -- it's B or D. And, uh, I believe, that's in the City of, uh, Hawthorne. Everything else in this report is accurate.

Q Yeah, I just wanted to mention one thing, since we talked about a switch here. During the switches, did you ever order up narcotics to go to another division, other than Rampart?

A Never.

Q Okay.

A No.

Q BY SGT. COOK: Richard?

Q BY MR. ROSENTHAL: And all of the switches were between December of 1997 and March of '98?

A I believe -- I believe those are the dates, yes, sir.

Q Okay.

SGT. COOK: Okay. That concludes the interview. The time now is 1550 hours. Thank you.

Today's date is October 11th, 1999. The time now is 1551 hours. We're on Tape No. 219490, Side A. Person being interviewed is Rafael Perez.

Q BY DET. NALYWAIKO: Ray, the, uh, purpose of our interviewing, at this time, is regarding, uh, a couple of incidents. Actually, there are three separate incidents here

where, uh, Coronado was, uh, either involved in an arrest or your partner.

The report that you're looking at now is one that we had previously discussed where you had mentioned Coronado's name. And we want to go into a little bit more detail now. And that case involves Maria Virula and Samuel Melasco. And you've reviewed this report. But I wanted you to go into a little bit more detail about, uh, Officer Coronado's involvement in this particular arrest.

A Officer Coronado's involvement -- his only involvement, in this case, is on our, uh, follow-up to the location of 239 North Kenmore, Apartment No. 3. Kenmore. K-e-n-m-o-r-e. Apartment No. 3.

Uh, once we got there, the narcotics was already taken out of the apartment. And after talking to the people, for a while, they finally 'fessed, or they -- the male 'fessed up to where the narcotics was. And it was in a dumpster, uh, in the back of the, uh, -- the apartment building itself.

Uh, myself and Officer Coronado recovered that -- that narcotics. Uh, on the report it says that Officer Coronado recovered five cardboard containers, uh, from the left top drawer, uh, inside the residence. And that's inaccurate.

The narcotics that was recovered, however, did belong to them. And they did admit -- they told us where it was. It was not any -- anything that was planted or anything like that.

And -- I'm sorry.

Q Did Officer Coronado read this report?

A Officer Durden wrote the report, so, I'm assuming that -- and I'm almost 99 percent sure that if Officer Coronado's name is mentioned in here, especially recovering some narcotics or some evidence, he definitely will read this report. Uh, so I'm almost 99 percent sure that he had him read this report.

We always discuss, any time that you're gonna put some -- any time you're gonna put somebody down as recovering something, you always talk to that officer just to make sure.

Q But you don't have any specific recollection if he read it?

A No, sir.

Q That in your normal operating procedure, if an officer's mentioned, you believe that he would read the report, for the accuracy?

A Yes, sir.

Q In here, the, uh, terminology, I guess referring it to those "tubes" of narcotics being recovered; is that --

A It's the toilet, uh, tissue tubes?

Q Yes. Have you ever heard that terminology used before?

A Which terminology are you -- terminology exactly are you talking about?

Q Uh, tubes or where the dope was placed in those tubes. You ever hear it referred to as tubes?

A No. Uh, I think you had asked me this before.

Q Yeah.

A About that term. I've never -- I've never heard that tube terminology in my life. Never.

Q Did you ever use that terminology before?

A No.

Q Anybody else that you worked with?

A Not that I know of. Not tubes. I've never -- I've never -- and I don't know if it was referred to in here as tubes. But, uhm, "cardboard tubes with tape on both ends", okay, yeah, it is referred to as tubes.

Q Mmnh-mmnh.

A But that's simply for lack of a better term. Uh, --

Q Anybody else have anything else?

MR. ROSENTHAL: No.

SGT. COOK: No.

Q BY DET. NALYWAIKO: The next case I'd like to show you is a multi-two arrest. The arrest date was September 4th, 1997. It involved, uh, Gricelda Orellana and Juan Rojo. And we had spoken previously about another case that was in October. But this is a different arrest.

Take a look at that.

MR. ROSENTHAL: Let me make sure I've got this right. The D.R. number on this one is 97-07-32931?

DET. NALYWAIKO: That's correct.

MR. ROSENTHAL: Okay. Uh, case number is BA156027. Okay.

THE WITNESS: Okay. I've reviewed this report. This was an arrest where Officer Coronado and myself were working. This information actually came from somebody Officer Coronado knew. It was just incidental that my informant also had this information.

So, this actual arrest came, uh, from an informant that Officer Coronado had.

Q BY DET. NALYWAIKO: After reviewing the report, is it an accurate -- is it accurate?

A It is accurate. Uhm, there are some things that have been, uh, omitted. Obviously, there was some money recovered that was never booked in this one, uh, by myself and Officer Durden.

Q Is Officer Coronado aware of that?

A No. That money was recovered during a search. And it was just never booked. And he was never made aware of it.

Q How much money?

A Exactly how much, I don't recall. It wasn't very much if I remember correctly. I'd say -- I'll be guessing. If I said it, I'll be guessing.

Q Well, I don't want you to guess.

A I don't remember how much money it was. Everything else in this report is accurate, even the statements.

Q BY SGT. COOK: Any misconduct involving any officers other than taking the money?

A Uhm, something. Yeah, the probable cause is a lie.



We, uhm, -- this person -- I remember where this came from now.

[

\*\*\*\*\*  
\*\*\*\*\* CI #12 information redacted \*\*\*\*\*  
\*\*\*\*\*  
\*\* \*\*\*\*\* ].

[ \*\*\*\*\* CI #12 info redacted \*\*\*\*\*  
\*\*\*\*\*  
\* \*\*\*\*\* ].

Q Is that, uh, --

A [ \*\* CI #12 info redacted \*\* ].

Q Is that in --

Q BY MR. ROSENTHAL: [ \*\* CI #12 info redacted \*\* ]?

A [ \*\* CI #12 info redacted \*\* ].

DET. NALYWAIKO: [ \* CI #12 info redacted \* ].

THE WITNESS: [ \*\*\*\*\* CI #12 information redacted \*\*\*\*\*  
\*\*\*\*\*  
\*\* \*\*\*\*\* CI #12 information redacted  
\*\*\*\*\* ].

On this report, it says that we arrived at the location. And this is, uh, Officer, uhm, -- excuse me. It says, "My partner, Officer Perez, and I." Okay. Officer Coronado wrote this report.

He writes on here that, "We arrived at the location and we were met by Defendant No. 1. And that he informed her that we were police officers conducting a narcotics

investigation."

What we actually told her was that her brother had been involved in a traffic accident. And that he was hurt pretty bad. And that's when she ran out and came out. And, you know, wanted to know more. And what happened? And this and that. And that's how we made our way in.

So, everything that he wrote here about how we got in and that we were conducting a narcotics investigation, we're police officers, let us in, we need to talk to you -- all that was a lie.

We told her that -- that, uh, her brother -- this [ \*\*\*\*\* CI #12 information redacted \*\*\*\*\* ], was in a big traffic accident, and that we were tow truck drivers. And that he was in a big accident and he told us to come down here and -- and talk to her.

And, so, she came out, finally, and wanted to know, "Where was the accident? You know, how is he?" And all this other stuff.

Q BY SGT. COOK: So, consent was not voluntary?

A No.

Q And when she signed the Consent to Search form?

A That was well after the fact. And it was just our way. You know, we convinced her to sign it as her way of cooperating with us.

As a matter of fact, Rojo, when we arrived at the location, was pulling away. He was driving off in a Honda, uh,

-- I don't know if it's in this report. But he was in a Honda Accord, or something like that. When he saw us going to the door, he stopped, parked, and went walked over and wanted to know what was going on. That's why he was arrested.

Q The statement made by Rojo in Spanish, is that accurate?

A About the supplier?

Q Yeah.

A Yeah, that was true.

Q Did Rojo give you permission to search his vehicle?

A I don't remember that.

Q It says right here, "Defendant 2 searched. Asked Defendant 2 if we could search his residence and vehicle for narcotics."

A I never asked him. It says I asked?

Q No, uh, Coronado.

A Coronado asked? I don't --

Q Yeah.

A Somebody -- somebody went directly after the car. They didn't -- they didn't ask. I mean, that -- that was -- you know, that was a given. I mean, when we saw him walk back and come to the apartment, you know, he was just detained. And somebody went out and searched the car.

Q Okay.

Q BY DET. NALYWAIKO: Okay. Ray, the next case I'm going to show you is a multi-three. I think you reviewed this

case earlier. And the, uh, primary arrestee on here is Jesus Flores. The date was September 3rd, 1997. D.R. number or report number is 97-07-32803. And this involved yourself, Durden, and Officer Coronado.

A Okay. I'll start that this -- this information came from, again, [ \*\*\*\*\* CI #1 information redacted \*\*\*\*\* ]]. The only reason I wrote this report was because Officer Coronado was going to a Detective seminar. So, he asked me to, uh, write this report.

In the report, it talks about how we arrived at the location. We knocked on the door to Apartment 307. And a few seconds later, someone, uh, stated, "Who is it? What do you want?"

And then, it states that "Officer Coronado stated, 'I need a 50 of rock.' And, at that time, a male Hispanic, Defendant No. 1 Flores, uh, opened the door. And he was holding a brown paper bindle." And that it further states that "when we observed, uh, Defendant No. 1 open the bindle, and noticed it contained several small off-white objects. We I.D.'d ourselves as police officers, at which time, the Defendant No. 1, Flores, dropped the bindle to the hallway floor and ran back inside."

Officer Coronado -- it further states that "Officer Coronado recovered that bindle. Secured it and then ran over to the fire escape, uh, where the kitchen window was. And he advised us that he could see, uh, Defendant No. 1 attempting to

discard some narcotics in the kitchen sink."

All of that is fabricated. All of it. What happened was, we were at the location, and we knocked. We could hear voices. But no one -- no one, uh, came to the door. Uh, let me step back a little bit. Before we knocked on the door, Officer Coronado did go to the fire escape. And he tried looking through the window. There was a mattress propped up against the -- the window. So, you can't see in there.

Q BY MR. ROSENTHAL: Is the one where you guys stole the cocaine?

A Yes.

Q The pound?

A Uh-huh.

MR. MCKESSON: And the jewelry.

THE WITNESS: No. No, no, no. That's something different.

MR. MCKESSON: Okay.

THE WITNESS: Yes. This is where we stole the pound of cocaine.

Q BY MR. ROSENTHAL: And were, uh, Cor- -- we've discussed this before?

A I think we discussed it briefly. And then, we said we'll discuss it more.

Q We needed to find the case.

A Right.

Q Or identify the case. Okay.

A But this -- there was a pound of cocaine stolen from

this person here. Uhm, Officer Coronado did go to the balcony. But he said he couldn't see nothing inside because there's a mattress propped up against the window. So, what he said was, "How about we do this? How about we say he tried to sell to us. When the guy came to the door and he showed us the dope, we identified ourselves as police officers, and that he dropped the bindle and ran back inside. And this is why we had to kick the door in."

Q BY SGT. COOK: And this came from Coronado?

A This came directly from Coronado.

Q Okay.

A So, of course, you know, we said, "Okay." You know, looks like you're, you know, you're with that. So, we got -- we definitely don't got a problem with it. So, we went with it. We, uh, kicked the door down. And when we kicked the door down, uh, some of the things that are described in the report, such as someone being at the toilet, dropping a big cookie of rock cocaine, inside the toilet, that is accurate. All the narcotics that is described on this report, is also accurate.

However, there was a white small -- smaller than that white paper bag there that says, "Banana Republic" on it. Uh, in fact, it was maybe I'd say 12 inches by 8 inches with -- with handles on it.

Q BY MR. ROSENTHAL: For the record, the Banana Republic bag is a typical department store shopping bag with handles. Okay?

A Uhm, as you go inside the apartment, and if you turned right from the apartment, there was a dresser -- a bureau dresser there. The very bottom drawer, we pulled it open. That bag was in there. Opened -- uh, opened the bag, and there was about approximately a pound of, uh, powder cocaine in there.

Now, all the other narcotics that was recovered, uh, -- uh, inside the location, no, that's not correct either. We also kept approximately, I would say probably eight ounces worth of rock cocaine. Do -- uhm, this is also the -- the same narcotics where myself and Officer Durden first made our first, uh, -- uh, sales.

Q Right.

A This is the first time we sold. Okay. And -- and it was that narcotics that we kept that we sold -- the rock cocaine that we kept about eight ounces, and the powder cocaine.

Q BY SGT. COOK: So, you sold all of it?

A Not all of it. We sold -- well, eventually, all of it was sold. But, uh, I think the very -- gosh, it may have even been the same day. Either -- I know it was either the same day or the next day, we had sold to one of his suppliers. Somebody paged him. We called the number back. And I was talking in Spanish, acting like I knew. "Hey, what's going on? Yeah, what do you need?" You know.

"Well, I need a quarter. Where you at?" You know, da, da, da. I said, "Well, Jesus is busy. He -- I'm -- I'm handling his stuff. What do you need?" You know. Well, I

need -- and, that's how that transaction actually occurred.

Q BY DET. NALYWAIKO: So, is this where the taxi -- you meet up with the taxi cab?

A Right at, I would say, either one or two streets west of Benton Way on 3rd Street. Uhm, right there in that corner there's a little grassy area. Right there.

Q The guy with the long ponytail?

A Right.

Q Passenger? Is he the one that was buying? Or is he the taxi cab --

A No. He's the -- he's the -- the buyer.

Q Okay.

A And then, there was another male Hispanic, the driver of the actual cab.

MR. ROSENTHAL: Well, we've -- we've actually gone over this extensively in one of the prior interviews.

THE WITNESS: Okay.

Q BY DET. NALYWAIKO: Tell me about Coronado. What I'm hearing you tell me is that Coronado fabricated probable cause in this arrest report.

A Yeah. It was his idea. Uhm, 'cause, to be very honest, me and Durden didn't trust him. It was his clue. We were just following with him. You know, whatever he wanted to do. And he just went -- and in our minds -- in our -- in our minds, and what -- what I felt was he just was trying to, you know, fit in and, you know, come on, we're gonna get these guys.



We know they're dealing. I -- my snitch told me that they're definitely dealing.

So, uh, he goes, "Why don't we just do this? Well, just say that he tried to sell to us, you know." I mean, because if the guy came to, uh -- came to us and was about to hand us some narcotics, why would, right in the middle of it, we say, "Hey, we're police officers?" You know. We'd just let him hand it to us. And then, just take him down.

Q Was he aware that you took the narcotics -- the amount of narcotics that was found at the location?

A No, sir.

Q When you took the narcotics, you found it and you took it, where did you put the narcotics that he wasn't -- didn't -- wasn't aware?

A I was carrying all the narcotics. And, uh, I had it in a -- a large, uhm -- those grocery store, uh, plastic bags with the two handles.

Q Mmnh-mmnh.

A I put all the narc- -- all the evidence that I was gonna take in there. And I carried it. When we got back to the station, while we had -- were laying everything out, Durden had pulled out about eight ounces -- between six and eight ounces of -- of rock that he was gonna keep. And then, he put it inside that white bag. And that's when, I think, we first started using a green, uh, Igloo --

Q Cooler?

A One of those Igloo coolers. And, uh, he placed it in there and hid it in the, uh, officer's, uh, cot room.

Q Okay. Did Coronado look at the dope? When you were at the location and you recovered the narcotics, did Officer Coronado look in the bag and see how much you had in there?

A No. Uh, when -- there was a lot of dope. A lot. I mean, there was a lot of dope everywhere. Uhm, and we booked a lot of dope. Uh, it was just -- it was -- it was enough dope to where you would be -- if you missed six ounces of rock cocaine, or eight ounces, you weren't gonna notice it.

So, that's what occurred with that. But he -- he was not aware that we kept any narcotics or anything like that.

Q Did Officer Coronado read this report?

A Yes, I'm sure he did.

Q You said, at one point, he had to leave and wanted you to write it.

A Right. He had to go to a -- he was going to these Detective seminars. This was his -- his -- his -- his caper. But he had to go to this seminar, if I remember correctly. So, I wrote it. Uh, but I'm pretty -- I'm almost -- I'm pretty confident that he -- he read this report.

Q BY SGT. COOK: Did this -- did they plead out on this one? Or did it go to trial?

A I don't know what happened on this one. I -- he was out of custody. Well, no. Uh, I really don't remember. I remember going to court, maybe for the prelim. But I don't

remember what happened after that. Do you have the file?

MR. ROSENTHAL: The -- yes.

(Off the record to change paper.)

(Back on the record.)

MR. ROSENTHAL: What was the question?

THE WITNESS: His question was, uh, did -- did I know -- did I testify in the case, and what happened with the case.

SGT. COOK: Yeah.

THE WITNESS: Something like that.

MR. ROSENTHAL: The -- the case, uh, did go to preliminary hearing.

Q BY SGT. COOK: My question would be, did Coronado testify? Do you know?

A Probably not at the preliminary hearing because I -- if they wanted his testimony, I'd have Prop 115'd it. Uh, but I don't know if it went to trial or not.

MR. ROSENTHAL: Actually, at preliminary hearing Nino Durden was the only witness.

THE WITNESS: Oh, was he?

MR. ROSENTHAL: And it did not go to trial. It was a guilty plea by both defendants.

THE WITNESS: Okay.

Q BY DET. NALYWAIKO: Anybody have anything else they'd like to ask about this particular case, at this time?

MR. ROSENTHAL: No.

SGT. COOK: No.

Q BY DET. NALYWAIKO: Okay. The next case --

SGT. COOK: Is this, uh, another officer?

DET. NALYWAIKO: No, this is, uh, a Coronado and Perez arrest. The arrest date is July 11th, 1997. The arrestee is Ceasar Delamora. And the report number is 97-13-20939.

THE WITNESS: What was your question?

Q BY DET. NALYWAIKO: Uh, we had briefly talked about this in an earlier, uh, interview. We kind of scratched the surface on it. But it involved a vacuum cleaner. There was some money recovered from the residence and booked. There was about approximately \$12,000. And, uh, I wondered if you had anything else to add about this particular arrest or incident?

A There's only one thing that stands out about this arrest -- this incident. Uhm, when the vacuum cleaner was recovered, it was Officer Covington that actually initially found the vacuum cleaner. And he unzipped it and started opening it. And when he unzipped it, we, uh -- we noticed all the money. And right away, we said, "Oh, we got a bunch of money back here." And quickly, Detective Lusby came back and had us quickly just put it in a -- a shoe box type thing.

Uh, all the money was placed in there. And he quickly, uhm, took the money and said he's gonna start heading back now, because he wanted to start counting it. 'Cause it was a lot of money.

Q BY MR. ROSENTHAL: This is the one that you referred to us to before? You've mentioned that you suspected Lusby

might have taken some money. But you didn't -- couldn't prove it?

A Yes, sir.

Q Okay.

A Uhm, when we got back to the station from East 22nd Street, where this incident occurred, 1507 East 22nd Street, uhm, the money had already been counted. And, obviously, they came up with a sum of 12,000 and some change.

The defendant, while at, -- uh, \$12,350 -- the defendant, while at Detectives, at the benches there, uhm -- uh, was told how much the money came up to, by someone. I believe it was Coronado or someone. And he started saying, "No, there was more than \$12,000." Uhm, and they talked to him for a while. And they talked to him. And, I believe, that's why these -- they made him write out these statements about the money, how \$2000 were mine and the rest belonged to someone else.

These statements were written out probably to cover that allegation if it ever came back up. Uhm, 'cause what he had said was he had more like -- I think he had said 16, or -- or \$17,000 in there. And Coronado talked to him and said, "Listen. We're gonna work with you. You're gonna give us some information. Don't make a bigger deal out of certain things. You know what I mean?"

And I'm -- I'm almost positive this is why they had him write out this little statement about 2000 was mine and the

rest of the money belonged to somebody else. And that person was gonna come pick it up.

But, uhm, I remember the guy complaining about it. I remember the supervisors being there. And it was sort of just swept under the rug. Okay. Let's forget about that.

Q Did you take any money on this one?

A No. No, I didn't take any money.

Q Are you sure?

A Yeah.

Q Because we -- I think, if I recall, we had an allegation of about \$4000 taken. And on the exact same day, there's a deposit of \$4000 into your bank account.

A On this?

Q Right.

A No. I did not take no \$4000. I mean, I would tell you.

Q Right.

A No. I did not take \$4000 from that. I didn't take any money from this. None.

MR. ROSENTHAL: Detective Nalywaiko, am I right on that, uh --

DET. NALYWAIKO: Yes, you're absolutely right.

THE WITNESS: If -- if there was \$4000 that I withdrawn or deposited into my account, that's just coincidental. I promise you. I would -- I mean, obviously, I have no reason to lie. I would tell you if I, you know, took \$4000 and -- and kept it.

No, that did not occur. It definitely did not occur.

Q BY MR. ROSENTHAL: So, -- so, the theft that you're saying, if any theft occurred, it would be have been by Lusby, in this case?

A Yes. He took the money right as it was coming out of the vacuum cleaner, into a shoe box. He took it and left right there, uh, right then and there, before we even finished the search warrant. Because he said he wanted to get on to counting it, because it was a lot of money. So, he wanted to count it.

Q BY DET. NALYWAIKO: Who was left at the location to supervisor the search?

A McGee and, I believe -- I can't remember the other supervisor's name. Uhm, the -- the heavysset guy, I believe.

I -- I believe McGee was there. But by the time we got back to, uh -- what I do remember is by the time we got back to the Detectives, or back to the trailer, the money had already -- it was already counted. He already knew how much was there total. So, he, obviously, left a little bit before us. Enough time to count \$12,000-something.

Q Was somebody back at the officer with Lusby?

A No. The office -- the -- the -- he was the only one that was there when we got there.

Q Did anybody leave with Lusby to go back to the office?

A I don't think so. Because when we got back, he was the only one there. So, I -- I don't think anybody came back with him. But I'm not a hundred percent sure.

Q All right.

Q BY SGT. COOK: It was at Lusby's direction that the money was put in the shoe box?

A Yeah. I think he just said -- uh, I think -- I don't know whose idea it was. I know that, uh, that's what they found to put the money in to transport it. That's what was found.

Q You mentioned there was a supervisor present when the suspect complained about, uh, having 16, 17,000. Which supervisor was that?

A Both of them.

Q McGee?

A McGee and Lusby were there. Uhm, we were -- I was there. Uhm, and, uh, Coronado was there, 'cause Coronado was the one doing most of the talking to him. And I remember he was talking to him about it, you know, at length. In fact, he was sitting on the bench with him, talking to him. And I'm almost a hundred percent sure this is why they had him write out this little statement here.

Q Now, since this conversation was in Spanish, and, uh, Lusby and McGee didn't understand it.

A No, Coronado relayed to him what -- what he was saying. I mean, -- I mean, put it this way. When -- when I was in there, I'm doing whatever -- helping them book whatever -- whatever I was doing. Coronado's sitting there talking to him. Uhm, when he starts relaying about, hey, you know, this guy's saying that there was actually, uh, 16, or \$17,000 there,



instead of 12,000, you know, right away, uhm, I think Lusby said, "Oh, you tell him that bullshit. You know, we took the money straight from there. Came straight here with it."

You know, uhm, and I remember Coronado, again, was talking to him, "Listen, you know, you said you were gonna cooperate with us." 'Cause I think this guy was gonna roll over some information, uh, for some leniency.

And, he said, "Listen, don't make things more complicated." Things like that. He was talking to him and was trying to tell him that, you know, don't even bother with that.

Q In answer to my question, was this, uh, Coronado talking? Or was he talking for Lusby and McGee, saying don't make problems for yourself?

A Well, I think part of it was coming directly from Lusby, telling him, hey, you know, that's bullshit. And I'm saying that, 'cause that's the way he talks. You know, "That's bullshit." That, you know, nobody take nothing from him. And -- and then, some of the other things just came from Coronado, as far as -- because Coronado knew that this -- he had already been talking to this guy about this guy helping him on other cases.

So, Coronado had already established a rapport with him. "Listen, you know, you said you were gonna work with us. Let's not make this more complicated." And things like that. That came from Coronado.

Q Okay.

(Off the record to change tape.)

(Back on the record.)

Q BY DET. NALYWAIKO: Do you recall anything regarding this Delamora incident that involved money being found in a book or a bible at the residence?

A A book or a bible? An allegation that was made, or --

Q Yeah, that there was some money found that -- that was in a book or a bible. And that that money belonged to Delamora's mother. And that she was also at the station. And that that money was given back to her. Does any of that --

A You know what? That does sound a little familiar. But I wasn't, you know what, it didn't concern me. I -- I wasn't paying very much attention to it. But it does sound somewhat familiar. But I don't remember what happened with it and how much money she was talking about, or -- but that does sound familiar.

But I think -- was that handled right at the scene?

Q Yes.

A Yeah.

Q I think that was handled back at the office, or back at the station.

A Oh, back. I really don't remember then.

Q Do you remember if anybody else went back out to the location or back out to the scene once everybody conducted the search, went to the office with the, uh, arrestees -- did

anybody else go back out to the location or the residence, to your recollection?

A Not that I know of. No.

Q Okay.

MR. ROSENTHAL: Okay.

DET. NALYWAIKO: I don't have anything else on that one.

MR. ROSENTHAL: The last one.

DET. NALYWAIKO: The last.

SGT. COOK: Is that it for this tape?

DET. NALYWAIKO: Yes.

SGT. COOK: That concludes the interview. The time now is 1626 hours.

MR. MCKESSON: Excuse me, Stan. What time was that arrest? The last one.

DET. NALYWAIKO: What time was it?

MR. MCKESSON: Uh-huh.

DET. NALYWAIKO: That arrest was at, uh, 0900 hours, in the morning, on the 11th.

SGT. COOK: This is October 11th, 1999. The time now is 1627 hours. We're on Tape No. 219491, Side A. And this is the interview of Rafael Perez.

Q BY DET. NALYWAIKO: Ray, I'm gonna show you a package here. This involved an arrest made on September 29th, 1997 of an individual by the name of Charles Harris. The report number is 97-12-27596. Uh, the arrest was made by you and your partner, Canister. Canister's name appears on the top line of

the arrest report, where the author's name of the arrest report normally appears.

Q BY MR. ROSENTHAL: You identified this as being a, uh, report that we needed to discuss. So, why don't you take a look at it and tell us what it is that you wanted to discuss about it?

A Actually, I think what we needed to talk about was the -- the case that actually happened before this one, that led to this arrest. Remember we had talked about a small amount of narcotics that was recovered from someone, and they -- and he did book it. But he didn't book it to anybody. Do you remember? Remember there was a -- the arrest -- or --

Q BY DET. NALYWAIKO: I have a vague recollection of you mentioning something.

A Remember we had said that the reason -- the way we got this information was we had arrested -- or we had detained another guy -- me and Canister. We had found some narcotics on him. But we didn't want to arrest him.

Q Yes.

A Do you remember that?

Q Yes, I remember.

A That's why I wanted to talk about this. Do you want to go ahead and get into that?

Q Is there anything about this report --

A Let me look.

Q Take a look at it.

A Oh, okay. In the very last part of this report, uhm,  
--

Q BY SGT. COOK: Is that report accurate?

A Yeah. There's just one thing. Uhm, and now I remember 'cause the very last line of the report. We -- we made a -- we did a follow-up to the residence, uhm, 324 West 88th Street. And we recovered -- there was a safe there. And it says 12,400 and something dollars were recovered. I recovered, or I kept, I think it was either 4 or \$500 that I found there, and did not book it.

Q Was that from the safe?

A I think so.

Q BY MR. ROSENTHAL: Would Canister have known that you did that?

A No. Nope. Are there any other guns recovered from this? Oh, that's the other thing I remember. We -- from the house, we had recovered three or four guns. But what happened was, Canister -- this guy was gonna help us. He was gonna help us, uh, roll over on some guy. So, what we promised him was that we won't book his guns.

As a matter of fact, on the report, it says \$12,000 was recovered. It was actually more like \$18,000. But our boss agreed to give his wife back like \$6000, uh, 'cause he was gonna help us, you know, uh, -- he was gonna help with some other people that -- that, you know, -- that his suppliers and stuff and stuff like that.

So, initially, there was -- I don't know if it says it in the report -- but there was more like \$18,000. We released some of the money back to his wife. Uh, and then, uh, we took the guns with us. And we kept the guns in our office, probably for two or three weeks. And then, finally, we just decided, oh, just give her back the guns.

And we just gave her all the guns back. And --

Q Who authorized that?

A Uh, Detective Lusby was keeping the guns in his safe in the office.

Q Were the guns stolen, or were they just --

A I don't remember if they were stolen or not. They were, you know, small handguns -- .25's, .22's, maybe a .9 millimeter. But there was about three or four of them.

Q And Lusby authorized this giving -- to give her back the \$6000?

A The 6000 -- uh, I believe it was approximately \$6000. Yeah, it was about \$6000. And also, eventually, after about three weeks, we, uh, -- uh, -- uh, gave the guns back to, uh, the wife.

Q BY DET. NALYWAIKO: So, you only ended up booking one gun, initially, and putting the other ones in the safe, and keeping them there, and then, giving them back at a later date?

A Right.

Q At the time the money was seized out of the safe, was that -- it was more than \$12,000? It was probably more like

around 18.

A About 18. Yes, sir.

Q And, at that particular day, was that when the money was given -- the 6000 was given back? On that -- that same day?

A Yes, sir.

Q Was that money co-mingled? Or was it separate? Or just taken --

A It was all in the big safe. It was not a big safe. It's a small safe. But it was all together. It was more of a -- well, since, you know, he's being very cooperative, and very helpful, you know, we'll give you this back. And, then, you know, we'll see what -- what happens from there.

Q BY SGT. COOK: Canister wrote the report?

A Yes, sir.

Q Consent to Search, was that accurate?

A Consent to Search where? At the vehicle or the house?

Q Uh, we're talking about the, uh, vehicle search.

A I don't -- actually, I don't remember a Consent to Search. I know that when he got out of the car, we knew that was him. Uh, and we detained him. Uhm, and we were at that car forever looking through that car to find the narcotics. But we knew there had to be narcotics there.

So, finally, we called a, uh, narcotics K-9 to come look at it, you know, sniff it out. And he started scratching at the seat. So, what it was is you have to turn the car on,

push a button, and the equalizer that's under the -- under the seat -- it looks like an equalizer. Like a stereo equalizer. It slides out. And then, there was a bunch of rock and a gun there.

But, if you just look at it, it just looks like a regular equalizer, uh, strapped down to the, uh, floorboard of the vehicle.

Q Was the Miranda valid? Miranda warning?

A I didn't -- did it say I -- I think I read that I read him his warn- -- uh, Miranda rights.

Q Yeah.

A I didn't read him his Miranda rights.

Q You didn't?

A I don't remember reading him his Miranda rights.

Q Okay. So, the statement that, uh -- that he's attributed to saying, uh, "It's under -- under the seat in the box. And I have a gun and some rock."

A No, we -- we found that -- I mean, we, finally, just -- when the dog started sniffing, we knew it was in there. We were just trying to figure out how do you get it open.

Q So, Canister wrote the report and fabricated that?

A Whatever he wrote, you know, he wrote. I didn't -- I didn't -- I didn't write anything there. Uhm --

Q Well, it says that you gave him his rights. And you got a statement from him. Did you read him his rights? And did you get a statement from him?



A I definitely didn't read him his rights. And the statements that are attributed to me is that -- that I said, "Where's the dope at?" And he said, "You guys are gonna find it anyway. It's under the seat in the box. I have a gun and some rock." I don't remember him saying that.

Q BY MR. ROSENTHAL: Does that mean he could have said it and you don't remember? Or he didn't say it?

A Well, this is saying that these statements were made to me.

Q Right.

A So, I don't -- he's actually saying that it was said to me. I don't remember him saying that to me. So, unless he has another story that he also said it to him, and I -- I wasn't there, then, that's possible.

But the way this reads, it's saying that he said it to me. And I don't remember him saying that to me.

Q Okay.

A I remember being there for a lot of hours trying to figure out where it was.

Q BY SGT. COOK: Well, then, I'm going to ask you a more specific question. You say you don't remember him saying it to you. Did he or did he not say that to you?

A I don't remember him saying that to me. The fact, uhm, -- uh, he said that you guys are gonna find it anyway, it's under the seat in the box, no, he never said that to me.

Q Okay. So, now, it's he did not say it to you?

A I don't remember him saying that to me. I really don't.

Q And I'm just gonna latch on to what Rich told you. Could he have said it to you?

A No. That's what -- the one thing I am certain --

Q Okay.

A -- is he did not say it to me.

Q Okay.

A The question was could he have said it? Uh, if he -- 'cause the reason I'm saying this, he didn't say it me, was because he's saying that these statements were said to me.

Q Yes.

A Specifically to me. Now, if Canister says, well, later on, he told me the same thing, then, that's something different. I can't say that he definitely didn't say it. Because he might have said it to Canister away from me and I wasn't there to listen to it.

Q This guy was an English-speaker?

A Yes.

Q Okay.

A But, these, uh, statements that he's attributing to me right now, uh, in this report, uh, after I read him his Miranda rights, that wasn't said to me.

Q And you didn't read him his Miranda rights?

A No. So, you know.

Q Okay.

MR. ROSENTHAL: Okay.

Q BY DET. NALYWAIKO: I have a question. Initially, when you looked the report over, you said that the report was accurate. And then, we went into the 324 West 8th Street, where the money was recovered in the safe, and then, we started talking about you kept 4 to \$500. Then, we went to the fact that there was additional guns recovered there. And the fact that money was given back.

How many guns were kept in the safe at the office?

A Three or four guns.

Q Okay. I guess my point is, initially, you say the report is accurate. But now that we get this far down, we find a lot of --

A Well, no, the report is accurate. There's just some things omitted. But the things that are so -- uh, that have been written, are pretty much accurate. What is -- what he omitted to write on here was that when we did a follow-up to the location, three or four additional guns were recovered and transported back to the station, or to the trailer.

What he omitted to put on here was that we kept those -- those guns in the safe. Uh, and Detective Lusby, uh -- 'cause he's the only person that can go in the safe, uh, okayed to -- to, you know, for that to happen.

Q You're saying the report is -- you're saying the report is accurate? Let me just go over this again. In the report it says you gave -- you asked for Consent to Search the

vehicle and his person. Did you?

A No.

Q Okay. Then, that's not accurate.

A Okay.

Q You, uh, admonished him of his Miranda rights. That's not accurate?

A (No audible response.)

Q You're shaking your head.

A That -- that is -- that is not accurate.

Q Okay. And you obtained a statement from him. Is that accurate?

A That's -- that's inaccurate.

Q Okay. So, the report is not accurate then?

A Okay.

Q Okay.

A It's not accurate then. What I was trying to say was, most of it is accurate when we were getting into the guns and stuff like that. Uh, I thought that's what he was talking about. Those things were left out, yeah. And it just doesn't say anything about it in here. But, yeah, obviously, I -- I have said that the admonition -- I never gave him the admonition. So, yeah, that is inaccurate.

Q BY DET. NALYWAIKO: Did you ever talk to Officer Canister about the report? I'm assuming that you read the report after it was written.

A Mmnh-mmnh.

Q Did you ever talk to him about the fact that, hey, I did not admonish the guy, I did not obtain that statement from that individual? Do you recall?

A I don't think so. I think I read it and that was fine with me. And that was about it.

Q Okay.

SGT. COOK: Richard?

MR. ROSENTHAL: That's it.

SGT. COOK: Okay. Thank you. That concludes the interview. The time now is 1640 hours.

Q BY MR. ROSENTHAL: Actually, there was one thing you had notes on. Did we cover that?

A Did you say you were going to look into it, or -- this was the Pico thing, the -- the beating I was telling you about. Q Why don't we just put this on the record. And then, whatever follow-up we have to do, we'll do. During the course of the interview, you wrote down some notes. And we asked you to hold off.

A Are we gonna go on the record?

Q We're on the record.

DET. NALYWAIKO: We're gonna put it -- if we do, we put it on another tape.

SGT. COOK: Okay. The time now is 1641 hours. We are on Tape No. 219455, Side A. Today's date is October 10th -- excuse me. October 11th, 1999. Speaking to Rafael Perez.

Q BY MR. ROSENTHAL: Okay. Uh, during the course of

the interview, you wrote down some notes. And we suggested that you wait until the end of the interview to tell us, uh, this information. So, why don't you tell us that now?

A Uhm, the information that I had was that sometime during, I believe it was 1997, Officer Hewitt was, uh, somewhere in the area of Pico in an alley. I'm -- I'm not exactly sure where. But it was Pico, uh, somewhere in an alley there, uh, investigating some type of crime.

He got into an altercation with someone where he ended up beating this person down pretty bad. And what he did was he put out a fake broadcast, uh, from the alley, uh, saying that the defendant had jumped out of his car and was now running through the alley. And that was his way of justifying the injuries that the guy sustained.

Uhm, and I remember that because when the broadcast came out, we heard it. And, uh, right away, we knew something else is up. You know, he ain't gonna jump out of Hewitt's car. And we knew something else was up. I saw him later that night. And he was laughing about it. Or I was laughing about it with him, uh, about what had happened. And --

Q And he told you what really happened?

A Yes.

Q Any idea when this was?

A He was working patrol, I remember that. Uhm, --

Q You were in C.R.A.S.H. at the time?

A You know, yeah, I was in C.R.A.S.H. Uhm, but, now

the more that I think about it, I believe that it occurred in '98, because, obviously, the last six months of '97, I was working --

DET. NALYWAIKO: F.E.S.

THE WITNESS: -- F.E.S. And I don't think it was that far back where it was early '97. So, this maybe an arrest in early '98, uh, that he made. Uh, there -- there may or may not be a Use of Force Report on this. But, I know it was -- it was broadcasted over the air, the actual foot pursuit.

Uhm, from what I remember correctly, it was sort of like just south of Pico, in an alley, or something like that.

MR. ROSENTHAL: Okay. So, we'll try to see if we can find a Use of Force Report relating to something that sounds similar, and then get back to it.

Q BY DET. NALYWAIKO: You say you thought maybe Pico and Union? Or is that --

A Pico and something like maybe Union or Alvarado. Somewhere down there, though. Something -- something off -- off of, uh, Pico. Uh, for some reason, uh, Pico stands out. And then, the alley stands out. Pico and an alley.

Q Okay.

Q BY MR. ROSENTHAL: Would he have had a partner, at the time?

A Yes.

Q And you don't recall who that would be?

A I don't remember who his partner was.

Q And he would have been working Rampart Patrol?

A Rampart Patrol.

Q Okay.

A And this was at the p.m. watch hour. It was dark out. It was nighttime. So, I don't know if that helps.

Q Okay.

SGT. COOK: Okay. That concludes the interview. The time now is, uh, 1644 hours.

MR. ROSENTHAL: All right. We're off the record.

(Off the record at 4:44 p.m.)

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