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RAFAEL ANTONIO PEREZ,

TAKEN AT CITY HALL EAST, LOS ANGELES STREET, LOS ANGELES,
CALIFORNIA.

In Re: People vs. Rafael A. Perez,
Case No. BA109900

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LOS ANGELES, CALIFORNIA, FRIDAY, JUNE 16, 2000; 11:30 A.M.

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MR. ROSENTHAL: All right. We're on the record. Today's date is June 16th, 2000. These are the continuing interviews of Rafael Perez. It is now 11:30 in the morning.

Mr. Perez, if you'll please raise your right hand. "Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

THE WITNESS: I do.

MR. ROSENTHAL: Thank you. And you'll remain under oath as you have been with all the other interviews until the end of the day.

THE WITNESS: Yes, sir.

MR. ROSENTHAL: And we should be going until about five o'clock this evening.

All right. Gentlemen, proceed. Have you identified yourselves to the court reporter?

MR. NEUSTICE: No, not yet.

MR. ROSENTHAL: All right. Why don't you go ahead and do

1 that.

2 MR. NEUSTICE: Okay. I'm Investigator John, J-o-h-n,
3 Neustice. That's N-e-u-s-t-i-c-e. Badge Number 180.

4 MR. DAVIS: Investigator Greg Davis. Badge Number 144.

5 MR. SCHIRN: And I'm Deputy District Attorney Brian
6 Schirn, S-c-h-i-r-n. And I'm just here to observe.

7 MR. ROSENTHAL: Okay. Go ahead.

8 **RAFAEL ANTONIO PEREZ,**

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

10
11 EXAMINATION BY MR. NEUSTICE:

12 Q Mr. Perez --

13 A Yes, sir.

14 Q Or do you want me to call you Ray?

15 A Ray is fine.

16 Q Or Rafael. Ray is fine?

17 A Yes, sir.

18 Q All right. I'm going to ask you this question again
19 about the taxi-cab situation down at Shatto Place.

20 A Yes, sir.

21 Q Okay. There is some -- some additional questions.
22 We're attempting to locate the cab driver. And, so, in
23 reviewing the transcript, I have a couple more questions.

24 A Yes, sir.

25 Q All right. Who was with you that -- that night? And
26 what officer was riding with you?

27 A When I picked up the cab?

28 Q Yes.

1 A Raquel Duarte.

2 Q And you did a pull-over on that traffic stop on that?

3 A Yes, sir.

4 Q What kind of vehicle were you in?

5 A A -- I believe it was a Ford Taurus. A blue Ford
6 Taurus.

7 Q And it had the appropriate lights and whatnot?

8 A It had a drop light. But everything else was plain
9 with the vehicle.

10 Q Okay. So, let's just go ahead. And we're over at
11 the station now. Apparently, this -- this individual, the
12 taxi-cab driver, was cuffed --

13 A Yes, sir.

14 Q -- and taken to the station?

15 A That's correct.

16 Q And where exactly was he?

17 A If you walk into Rampart Station, the upper parking
18 lot area, the back entrance, you make an immediate left, as
19 though you were going into what used to be the old Detectives
20 room.

21 As you walk into the threshold of the door, the very
22 first interview room to your right as you walk in, that's where
23 we put him.

24 Q Okay. No record was made of that?

25 A No, sir.

26 Q Okay. And did anybody make inquiry why you were
27 putting him in there?

28 A No, sir. We placed him in there and quickly returned
back with the taxi-cab to the location.

1 Q And were you pretty confident that once you put him
2 in there, that nobody is gonna come and unlock the door, and
3 no one was gonna come in and ask any questions? There was no
4 sign-in log, nothing like that?

5 A No. We just, you know, it was done quite often. We
6 would have bodies we put them in there and we'd go do a follow-
7 up somewhere. It was a C.R.A.S.H. body. Nobody was gonna mess
8 with him. So, we placed him in there. I remember the latch
9 to the door itself was like a latch that you slide. And it's
10 outside of the door and it slid shut.

11 Q Did you guys run the plate prior to this?

12 A I doubt it. I don't think so. I don't remember
13 doing it, anyway.

14 Q When you went up -- out on a traffic -- did you go
15 out on a traffic call?

16 A No, sir.

17 Q You just pulled him over?

18 A Yes, sir.

19 Q You drove the cab from the location where you pulled
20 him over back to the station?

21 A Yes, sir.

22 Q And then, Officer Duarte and you proceeded in the
23 cab, or did she follow you in another car?

24 A No, in the cab. We both came back to the scene in
25 the car -- in the taxi-cab.

26 Q Okay. Where is the Taurus now?

27 A Back at the station.

28 Q Okay. When -- when the incident -- and when you went
back, did you go to the snoopy-up location? You call it a

snoopy-up location?

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A Yes, sir.

Q Is that an alpha location?

A Yes, sir.

Q Where do you come up with "snoopy-up" location?

A That's one of the terms that's been used in LAPD for a while. Like Camp Snoopy where we did some of the training. Camp Snoopy. Snoopy-up location. That's just a term that we use, at least in C.R.A.S.H. And I've heard it used several other times by other officers. Snoopy-up meaning meet-up location. It's the same thing as a code alpha. Just snoopy-up.

Q And when you returned to the alpha location, or the code alpha -- or the snoopy-up location --

A Yes, sir.

Q -- whatever you guys call it, did you put that in a Daily Field Activity Log? In any log?

A As far as?

Q Well, when you went back. When you went back --

A Oh, I very much doubt it.

Q Okay. Did you guys have to keep a Daily Field Activity Log?

A Sure.

Q And the pull-over, was that logged?

A I doubt it.

Q Was it supposed to be logged?

A It -- well, it was an activity that we did. It was a pull-over. And we're supposed to log it, but I'm sure we didn't.

Q Any particular reason why you didn't?

1 A It wasn't something that we probably wanted recorded,
2 or, you know, that we made a traffic stop on a cab. I mean,
3 it wasn't something that we were trying to keep a record of.
4 You know, we knew what we had done. We definitely didn't want
5 to have that recorded. So, we just, you know, concealed it
6 from the log.

7 Q Okay. And knowing now that that's something you
8 didn't want recorded, was there any point in time where you -
9 - it could have inadvertently recorded in any system at all?
10 Like later on down the road when you put him in the interview
11 room, there was no log-in? When you -- you left the location
12 together

13 --

14 A Mmnh-mmnh.

15 Q -- you and Duarte left the location --

16 A Yes.

17 Q -- you went back to the snoopy-up location. And
18 we're gonna just go by the incident. The incident's already
19 occurred. You're at Shatto Place. Everything has happened.
20 Somebody tells you to move that taxi-cab out of the area.

21 A Mmnh-mmnh.

22 Q Who was that?

23 A Sgt. Ortiz.

24 Q And what did he tell you?

25 A "Get the cab out of there." He told me to do it.
26 And I delegated it to Raquel Duarte. "Get it out of there.
27 Get back the Taurus and put it in it's place."

28 Q And, then, at that point in time, did she do it?

 A I believe so, yes. I mean, eventually, the car was

1 switched. You know, I delegated her to do it. The cars were
2 switched. She took the -- the cab back. And she brought back
3 the Taurus and put it where the cab would have been.

4 Q So, the Taurus is now in the scene? In the crime
5 scene area?

6 A Yes, sir.

7 Q For sure that Taurus was returned to that location?
8 It was the Taurus that was returned?

9 A I believe it was the Taurus, yes.

10 Q Now, there's a transcript that -- you've been asked
11 these questions before. And I believe it was the D.A. Carter
12 that was asking the questions at the time. And there is a --
13 toward the end, one of your answers that you gave in response
14 to the question about where the car -- who -- who moved the
15 taxi, who was told to do it, one of them reads -- and this is
16 your answer.

17 "I think it was a matter of who's going to go. Who's
18 going to go with her, that type of thing, because she had to
19 drive the Taurus and then come back and bring the other vehicle
20 back. So, I think -- I know I talked to her, at least once or
21 twice about it. Because I actually told her to do it. Go do
22 it."

23 A Right.

24 Q Now, that -- that led me to believe that you have the
25 taxi at the scene and you have the Taurus at the scene. Now,
26 for sure, you two rode together?

27 A Oh, yes. That -- a hundred percent. I think when I
28 said -- I think I might have misquoted as far as the vehicle -
- which vehicle we had to bring back. We had to bring back the

Taurus and take the taxi-cab that was there out of there.

1 But, we definitely drove the taxi there. And had to
2 get the taxi out of the scene and bring the Taurus back in.
3 And what I think I was talking about as far as the matter of
4 who's gonna go with her -- and I'm not even sure that somebody
5 went with her or not. But it was a matter of, I got told you
6 need to get that -- you know, Ortiz told me to get the taxi out
7 of there.

8 I told her to do it. And I wasn't sure whether she
9 was gonna go with someone or she went by herself. But I know
10 she -- she was the one that was to do it.

11 Q After the incident was over, and you guys cleared the
12 location, what -- where did you go after that? After everything
13 was taken care of, you guys cleared, you're leaving, did you
14 get in the Taurus? Which -- what vehicle did you go in? Did
15 you leave in? Do you remember?

16 A We were there a long time.

17 Q She was your partner that night, right?

18 A Duarte was my partner, yes, sir.

19 Q Would you have left together?

20 A Not necessarily.

21 Q Okay.

22 A There's witnesses. There's, you know, all kind of
23 pandemonium going around there. People running every which
24 way. Different assignment -- at that point, really you don't
25 have a partner. You have assignments at the scene. And I know
26 I was

27 --

28 MR. MCKESSON: Can I say something here? For the record,

1 you haven't been here for a lot of the these. What we've
2 normally done, unless it's for a few quick questions, we give
3 him the transcripts to review, so his memory is -- his
4 recollection is refreshed.

5 Initially, I thought this was going to be a two-
6 minute interview. It seems like it's going indefinitely. And
7 I don't feel comfortable with all these questions being posed
8 to him without the opportunity to review the transcripts.

9 MR. NEUSTICE: Okay. Let me just finish up. I only have
10 a couple more. So, I'll keep them real general. You okay with
11 that?

12 MR. MCKESSON: I'm getting more uncomfortable with each
13 question.

14 MR. NEUSTICE: Okay. We'll -- we'll cut it real quick.
15 Are you okay?

16 MR. MCKESSON: No. I -- I'm okay with anything. I just
17 want to make sure he gets --

18 MR. ROSENTHAL: Okay. Well, why don't we go ahead and -
19 -

20 MR. MCKESSON: I want to make sure he has an adequate
21 opportunity to, you know, review his prior testimony, because
22 it's getting kind of -- kind of close in there. And I don't
23 want to say nit-picky, but it's getting very close where he's
24 gonna have to -- it may come down to semantics. And he -- it's
25 better if he -- you know, I don't mean -- it doesn't bother me
26 how long it goes today. Or how long -- you know, it may bother
27 Robbery-Homicide guys. But I don't want him to answering things
28 off the top of his head if he's better suited to review the
transcripts and refreshed his recollection on that. Because

1 he has been reviewed on the Shatto Place, I think about four
2 times, including a walk-through.

3 So, he's probably gone through about a hundred and
4 fifty pages.

5 Q BY MR. NEUSTICE: Well, I've got a few questions that
6 are very general and very short. We need a detailed description
7 of the taxi-cab driver.

8 A Detailed? Probably not. I know he was a brown-
9 skinned male Hispanic. I know he was an older gentleman.
10 Probably about 45 or so.

11 Q BY MR. MCKESSON: Older?

12 A Older than me. Not old. But older than me. Real
13 mild-mannered type of guy. He never complained about why he's
14 being stopped or why he's being detained. He just, you know,
15 -- he seemed real mild-mannered. That I remember.

16 Any specific characteristics? I don't remember him
17 having facial hair. I remember him being, you know, like I
18 said, a brown-skinned male Hispanic. Probably Mexican. I know
19 the taxi-cab -- that we specifically picked up this taxi-cab
20 because it had all the tinted windows. And that's one of the
21 things we were looking for -- all tinted windows. It was a
22 yellow cab.

23 Specifically, he had black hair. He had a -- what I
24 would call, you know, a full head of hair. He wasn't balding
25 or anything like that. Probably -- I'd say probably about 5-
26 7, 5-8. Average weight, probably about 150 pounds.

27 Q BY MR. NEUSTICE: Okay.

28 A Specifically, do I remember a tattoo or scar? I
don't.

1 Q Did he have any disability? Did he ever walk in a
certain manner?

2 A I know he was real mild-mannered. Real -- real laid
3 back. Do I remember like a cane or something that he was
4 walking?

5 Q Cane or one leg shorter than the other? Or maybe
6 walked slumped over?

7 A It's possible that he was walking gingerly. And
8 maybe that's why I'm remembering the mild-mannered, real laid
9 back, real quiet. It's possible that, you know, without me
10 knowing it, he might have had one leg longer than the other,
11 and that's why he's walking kind of slowly and quietly.

12 But, I mean, that doesn't jump out at me like
13 something that I remember actually -- that I knew for a fact
14 was the situation.

15 Q If you had to find that taxi-cab driver today, could
16 you do it?

17 A Oh, boy. I don't know. You know, unless, I -- I saw
18 him and, you know, let's say they put four pictures -- or six
19 pictures in front of me. I don't know. I would -- it may jump
20 out at me. I may totally be lost.

21 Q Okay. And what street did you stop on? Can you
22 recall?

23 A It was somewhere around the MacArthur Park area.
24 Alvarado and 6th area. Somewhere around there. Alvarado and
25 Wilshire area. I know it didn't take us long. I know we headed
26 for the snoopy location out towards the station. And we
27 figured, by the time we from here to the station, we'll --
28 we'll find a good cab that, you know, meets the criteria.

1 Because we even talked about it before we left the snoopy-up
2 that we wanted it all tinted windows.

3 And right as we're heading that way, there's the
4 taxi-cab perfect for the -- for the thing we were gonna do.

5 Q And the cab -- the condition of the cab -- what was
6 the condition of the cab, at that time? And I would say -- I'm
7 talking about the mechanical. Mechanically-speaking, do you
8 think that thing would still be on the street today? Is it
9 possible?

10 A This occurred in 1996. Four years ago. There would
11 be worse cars off than that one still running. Bandit cabs.
12 What we call "abandoned cabs". Back then in 1996, it was
13 probably a 1989, maybe '88 vehicle. It may be twelve years
14 old. But it may still be running. If you're asking me --

15 Q So, it --

16 A If you're asking me if it would still be -- be
17 running? Yeah, it's possible. You know, it could still be in
18 the street.

19 Q Do you feel fairly confident it was a Caprice?

20 A Well, I can't say, you know, with absolute certainty.
21 But that's what I remember it looking like. I know it was
22 yellow. I know it didn't have any distinguishing marks. It
23 didn't have no dome on it.

24 I remember it was yellow. It was fairly clean. The
25 tint was that real dark tint. That limo tint which is
26 absolutely dark-tinted.

27 Q All five windows?

28 A All the ones -- yeah, all the two sides on each side
and the back.

1 Q Okay.

2 A Other than that, uh --

3 Q At this point in time, I'm deferring to my partner,
4 Greg Davis.

5 Q BY MR. DAVIS: Just one question. Do you know, in
6 fact, whether or not Duarte went by herself back? You don't
7 know if somebody went with her, or whether or not she went by
8 herself?

9 A I don't know.

10 Q Okay.

11 MR. ROSENTHAL: All right. It's 11:43, and we'll go off
12 the record.

13 (Off the record at 11:43 a.m.)

14 MR. ROSENTHAL: Okay. We're back on the record. It's
15 12:08 p.m. And Detective Barling and Skaggs are going to
16 continue with the interview. And Mr. Perez, you're still under
17 oath.

18 THE WITNESS: Yes, sir.

19 DET. BARLING: I'm Detective Barling, Serial No. 25264,
20 with my partner Detective John Skaggs, Serial No. 25252. We're
21 on audio tape 233713. We're interviewing Rafael Perez with his
22 attorney Kevin McKesson. D.A. Richard Rosenthal is present,
23 and D.A. Brian Schirn.

24 MR. SCHIRN: Brian Schirn. S-c-h-i-r-n.

25 Q BY DET. BARLING: All right. You had talked
26 previously about quote called the loop. What is -- what is the
27 loop?

28 A Well, I'm gonna have to give you the lengthy
explanation.

Q Okay.

1 A As I stated before, and in other interviews, the loop
2 is something that categorizes people on specialized units. And
3 on this occasion Rampart C.R.A.S.H. officers that are in the
4 know, that are in the business of putting cases on people.
5 Things like that.

6 You don't -- there's times that you may be in a
7 different loop. But you don't come into the unit being in the
8 loop. You may be known out in the street as someone who is
9 solid. Who -- and when I say "solid", again, that's one of
10 those terms that we use. They are people that are in the loop.
11 Meaning someone who is willing to plant cases, fabricate --
12 that would fabricate probable cause. But you don't come into
13 the unit already being in the loop. When you come to Rampart
14 C.R.A.S.H. you get voted on.

15 And, you know, if you're known in the division and
16 people know you and you've made friends with a lot of these
17 guys, they'll vote you in. If you don't -- or if you're not
18 known by some of these guys, but somebody in particular wants
19 you in the unit, they're gonna sponsor you in. Meaning that
20 they're willing to stake their job in Rampart C.R.A.S.H. to say
21 that I am a worthy person to come to this unit.

22 I'm someone who is willing to, you know, do a good
23 job in this unit and to become -- you know, get into this loop.
24 And if you get sponsored-in, you're going to have to work with
25 the person that you sponsored-in.

26 The whole loop process really starts sort of like an
27 acclimation period, especially if you get sponsored-in.
28 Because a lot of other guys don't know you. So, when you get

1 there, it's going to be a lot of feeling you out. You know,
2 whether it's destroying some evidence; initially, see how you
3 react to it. Whether it's thumping on somebody and seeing how
4 you react to it; to, you know, until your very first where, you
5 know, they just put a gun on somebody.

6 And, you know, they're going to see how you feel
7 about it. And that's the whole acclimation period. Eventually,
8 that's gonna lead to where you write the report, they want you
9 go to court and testify to it. And all of it is just getting
10 you in that loop, knowing that you're gonna be involved in what
11 was being -- happening in this unit and that you can be trusted.

12 Because once you have, you know, basically, dirt on
13 each other, you're part of this bond. You're not going to turn
14 around and rat each other out and you're not gonna say anything
15 bad about this person. You're gonna protect and defend at any
16 cost. It's the term we use called "taking it to the box". And
17 we mean, literally, whether it's taking it to the box in a jury
18 trial and in court, or taking it to the box in a Board of Rights
19 Hearing.

20 We use that term frequently in C.R.A.S.H. That means
21 that you are willing to go to court, perjure yourself. So,
22 whatever you have to do to protect that brother officer, that
23 fellow -- that officer that's being accused of something.

24 You know, even if it means you are looking at jail
25 time or they're talking about firing you, they're talking about
26 arresting you, you will still take it to the box. And still
27 say, "No, I never saw him do anything wrong. I don't know what
28 you're talking about. This is all wrong. This didn't happen."

The term that I used "brother officer", this is one

1 of the big things in Rampart C.R.A.S.H. is that we're family.
2 You know, you hear early on in your career that LAPD is a
3 family. It's a big extended family. We're all a big family.
4 You're family. You're our family. We're all a family. Well,
5 once you get, you know, you have this big old capsule, LAPD,
6 and the family.

7 Once you get into these little specialized units,
8 these are smaller little capsules within the capsule -- within
9 the bubble. And, you know, because your life depends on each
10 other every day, you know, you're out there back-dooring
11 parties, going into these buildings and chasing people, you're
12 life depends on each other. And that bond becomes closer.
13 Now, you really become a family.

14 And that's what we call each other. You know, we're
15 a family here. There's nothing -- there's nothing that I can
16 tell you about your performance or anything about you that you
17 should be so thin-skinned that's it's gonna hurt your feelings
18 and you're gonna turn around and bad-mouth. I should be able,
19 in front of all us, 'cause we're a family, I should be able to
20 say you, "You screwed up on that search. You didn't cover that
21 door the way you were supposed to. You fucked it up. Don't
22 do it again. You know, think. You got to be thinking." You
23 should be able to go, you know, "You're right. I screwed that
24 up."

25 That's how close, you know, this close-knit family
26 of Rampart C.R.A.S.H. officers works. There was nothing that
27 we hid from each other. You should be able to talk about
28 everything.

 But, getting back to this loop thing, I mean, yes,

1 it's a process. Once you are a, you know, one of those officers
2 who is looked at as being solid, who is in the loop, you are
3 one of those officers that are out there on a daily basis
4 fighting this -- what I would categorize as a war. You know,
5 we're out there fighting daily battles.

6 And our -- our mentality was, "Well, these guys don't
7 play by the rules, we don't have to play by the rules. They're
8 out here committing murders, and then, they go out and
9 intimidate witnesses, so the witnesses don't show up to court.
10 So, they're getting away with murder every day."

11 People are getting kicked out. So, it's okay. You
12 know, we had our little mottos. You know, "We intimidate those
13 who intimidate others." And several other mottos. And it was
14 a war and just constant little battles that we were gonna win.
15 We try to target a lot of the high profile, or what I would
16 categorize as active gang members. Guys that are out there who
17 we felt that had prior arrests or they were real busy, real
18 active in the neighborhood.

19 And our mission was to put as many of them away as
20 we can. Get them off the street. You know, we were this family
21 who we were told that, "You guys are responsible for the gang
22 activity in this division." We have these pep talks with
23 captains and lieutenants. And they come in and tell us how,
24 you know, crime is up with gangs and, you know, things --
25 something needs to be done about it.

26 And, you know, this was -- you know, the captain's
27 coming to us. And, then, the sergeant's coming to us and
28 saying, you know, we have to go out there and we will bring in
people every day. You know, we keep a recap book of everything

1 we do. That's how we rewarded. That's how we're patted on the
2 back. It was just a matter of who's gonna bring the first gun
3 in and who's gonna bring the first body in.

4 Every day it was about bringing somebody in. If he
5 was a active gang member and he was out there, he was gonna go.
6 It was just a matter of time. It may not be today. I'll get
7 this one today. But I'll get you tomorrow. I know you're out
8 there dealing and you're out there swallowing rocks when I show
9 up. You know, and you could swallow them. That's okay.
10 Swallow them. You know, one of our mottos was, "Ain't no dope
11 like cop dope." You know, it's okay. Swallow those rocks. I
12 got plenty to put on you. Don't you worry about nothing.

13 You know, that was the mentality. We were gonna take
14 these guys, no matter what. We were gonna win this battle and
15 we're gonna win the war. And it was -- you know, well, I was
16 there for several years. That's how it was. You know, it was
17 a constant battle. Little battles here and there that we were
18 fighting. And we were gonna win it.

19 I think the whole thing was that it was, you know,
20 mentally for us, it was us against them. You know, we were a
21 group that -- well, what we were told was we were specially
22 selected, chosen to work this specialized unit for reasons.

23 And those reasons are because we are willing and able
24 to do certain things that don't happen in patrol. It doesn't
25 occur that way there. This happens here. This is a C.R.A.S.H.
26 thing. And this is why anything that happens here, we don't
27 talk about it with anybody. This is our thing. You discredit
28 it or you dishonor this unit, it's sort of like that military
thing. It's, you know, you dishonor this unit and you're out

of here.

1 You know, we don't want you here. There's no
2 discussion. There's no, -- you know, we hear about you bad-
3 mouthing this unit, and you're gone. But it was run in a --
4 not just because there were so many military guys in it, but I
5 think that was just the way the whole mentality was a quasi-
6 military thing. You got to remember just about everybody that
7 was in the unit was, you know, in the Marines or Army, or they
8 were in the military.

9 So, we had that discipline. We already had the
10 discipline, 'cause we had it before we came in, before we came
11 into the police department. And, so, that discipline was an
12 attractive trait for any -- you know, for the specialized guys
13 that were gonna work in C.R.A.S.H. units.

14 So, you know, having those type of traits, you know,
15 you're disciplined, you know about the unity. You know about
16 the unit. You know about the esprit de corps, the discipline
17 that takes to run a real tight ship, a tight unit. Most of us
18 had it. We already had it. And it just got stronger because,
19 you know, we had, a power that you can't even -- I can't even
20 put into words. We had -- we had some incredible powers.

21 I mean, we were able to, you know, be issued a badge,
22 issued a gun, issued a police car, and told to go out there.
23 And you don't have to answer radio calls. You're a specialized
24 unit. You work gangs. Just go out there and do what you want
25 to do. Bring them in. That's it. And if you think about it,
26 that is incredible power.

27 And to be able to handle something like this and do
28 things like this, it takes a little bit more than your average

1 guy, 'cause there's a lot involved. There's the constant
2 pressure of something going on. There's a constant pressure
3 of getting caught. You know, it was constant pressure.

4 We're thinking the F.B.I. is following us, you know.
5 Everyday we're having meetings in roll call, "Hey, uh, somebody
6 saw a van with a little red light and they think it's a camera.
7 So, now, we're suspicious of that intersection." You know, we
8 were -- we're constantly -- uhm, I wouldn't say paranoid. But
9 we're in a constant state of keeping aware that something --
10 somebody's out there trying to get us.

11 But we're fighting this war. And they might not
12 necessarily like the way we're fighting this war. So, you
13 know, all these things. There's so many things that involve
14 this loop that makes you -- or gets you into this loop. You
15 know, that makes you a tight unit because you feel -- you feel
16 like you're -- that this is your unit, this is your little
17 circle.

18 And you're doing something -- in my eyes, you know,
19 I can -- I can only speak for myself. And I'm sure that's how
20 a lot of the other guys felt. I felt that I was doing the
21 right thing.

22 Not once when I planted a case on someone did I feel
23 I was doing -- I was committing a crime or I did something bad.
24 Not once did I feel that way. I felt good. I felt that, you
25 know, I'm taking this guy off the street.

26 And, you know, he may be pissed off, because, you
27 know, he's going to jail today. But how many hundreds of other
28 crimes did he commit that he got away with? How many people
 has he killed? And you're going to jail for 5 years today.

1 And you should have went away for 25 for that last murder you
2 did.

3 So, I never, not once did I feel -- and I'm trying
4 to be honest here. Not once did I feel bad that I was putting
5 this guy in jail.

6 I mean, later on, you know, after I was arrested,
7 some things came into perspective. There were certain things
8 that I wanted to get done. But, at the time, when I'm there -
9 - and I'm talking about what I felt while I was there. Not
10 once did I feel, you know, oh, gosh, you know, he didn't do
11 nothing and I arrested him.

12 That wasn't the mentality of any of us. The mentality
13 was, you know, we got one. You know, we got this one. We
14 broke up the party. There's five guns all stacked up in the
15 corner over there. We're gonna pick out the five that we want
16 that we think, you know, are the hardcore guys that are active,
17 that are out there. You know, we're gonna -- you know, you,
18 you, and you. All you guys are going for guns. That's just
19 the way it was.

20 And, you know, all these activities, all these
21 different things, going up to the benches and having the little
22 steak-out, steak fries, because we got a, you know, a big 'ole
23 arrest, you know, we broke up the party and arrested a bunch
24 of people, all of that is part of the whole loop thing, you
25 know, getting closer. Every day working together,
26 communicating what we did, getting closer.

27 It's just -- it's the loop. And it's supposed -- and
28 this loop is supposed to be something that it's not penetrable.
You know, in other words, somebody from the outside can't just

1 come in and find out what's going on. There was always this
2 thing in Rampart Patrol, they always -- even when I was on
3 patrol and worked Rampart, there was always this thing where -
4 - about Rampart Patrol and C.R.A.S.H. How Patrol just felt
5 left out of what C.R.A.S.H. was doing.

6 They would never -- C.R.A.S.H. would never
7 communicate with them what they were doing. If there was a
8 search of C.R.A.S.H. one or two or by themselves, they don't
9 need patrol guys. Even if they were shorthanded, no, you guys
10 stay over there. We're gonna do it by ourselves.

11 And it was always that, you know, why are they so
12 special? You know, what are they different for? You know,
13 what's the purpose?

14 And, you know, and even in patrol, when I was there,
15 yeah, I felt the same way. You know, why are they, you know,
16 so separated from us? We're all police officers. Until you
17 get there, you know, you start seeing why.

18 You know, all the things you do you want to
19 corroborate it together. You want to be able to talk about it.
20 You want to formulate a plan. You want to have a plan. You
21 start thinking together. You do searches. You know what you're
22 thinking. You train together. All of this.

23 All of this stuff that I'm talking about, this is
24 just making that loop stronger. It's making that family thing
25 stronger. Again, the mentality -- the mentality wasn't that
26 we were committing crimes. That was -- the mentality was we
27 were doing a good thing. And we saw the figures. And, you
28 know, we'd have lieutenants and captains come down to our roll
call and says, "My goodness. Here it is 1996 and murders are

1 down. You know, we have got 120 less murders this year than
2 we did last year."

3 And to us, you could not tell us that it was just,
4 you know, crime is down all over. To us, that was a direct
5 result of what we did. And, you know, it was our feeling, you
6 know, because you can talk to a gang member, stop him in the
7 street, and ask him, hey, what do you think about Rampart
8 C.R.A.S.H.? Don't fuck with Rampart C.R.A.S.H. I mean, you're
9 not gonna win. You know, you're better off to go hang out in
10 Hollywood. So, damn.

11 Damn if you're gonna come to our neighborhood and
12 hang out and think that you're not gonna get into some trouble,
13 you know, in 1996 -- '95, '96, '97, you were -- you know, you
14 were fair game. You come to your division, you're gonna get
15 it.

16 And you're gonna catch a case. And a lot of them
17 knew it. They still risked, you know, coming to the
18 neighborhood, hanging out here and doing this. Trying to, you
19 know, sneak in and do this and do that. If we caught you,
20 you're in trouble. You're in trouble. Especially if you're
21 high profile, all tatted up, had priors, were on probation or
22 parole, you're going to catch a case.

23 But all of that -- I keep coming back to this. All
24 of that is part of the loop. It's not like you just come to
25 C.R.A.S.H. and okay you're in the loop. It's sort of like I
26 said, an acclimation time. It's a forming period. And it gets
27 stronger and stronger with time that goes by.

28 You know, I've taken complaints for people. You
know, one officer hits the guy with the flashlight and I'm

standing behind the guy. And the officer kind of steps back.

1 And the

2 -- and, you know, the victim turns around and looks around and
3 sees me. I got the complaint. I didn't care. Go ahead and,
4 you know, complain. I'm not gonna say, "No, no, no. Wait. It
5 was him that hit him. It wasn't me."

6 I'm not gonna to do that. I'm just gonna go, "Well,
7 whatever, you know, complain." I said I didn't do it, he says
8 that he did. And it's just not resolved. We knew that's how
9 it was gonna go. It was gonna be not resolved. And, you know,
10 we knew that we were always gonna be protected.

11 We were always gonna know what was coming down, as
12 far as complaints, because, you know, we had this loop. And
13 then, people that were formerly in the loop that -- that were
14 working other places, that were in the know, would let us know.

15 You know, hey, this is coming down. You guys get
16 your story together. You know, all of that was part of that
17 loop, or those people that were in the loop that -- that made
18 that loop a little bit stronger. 'Cause we -- you know, we
19 were strong already. But we had people that it's -- well, we
20 used to say in strategic places.

21 You know, we had groups working for the captain. You
22 know, we had Byrnes working over here. You know, we -- we had
23 people who would come back to us and tell us, "Hey, this is
24 coming down."

25 You know, Ortiz working the 181 unit. You know, the
26 complaint unit. We had, you know, -- it was always, you know,
27 we were -- we felt protected. We knew that we can do what we
28 want. And even if a complaint comes down, at the most it's

1 gonna be, uh, not resolved. You know, they couldn't figure out
2 what happened.

3 So, I mean, you guys may have specific questions
4 about the loop. But I'm just trying to give you a general of
5 how this loop starts and how you get into this loop, how it
6 becomes stronger and stronger with time.

7 Q Okay. More specifically, this term "the loop", where
8 does that come from? Is that -- when you describe, is that
9 your word for this?

10 A No.

11 Q Was this a word that came upon you from someone else
12 previously that got you into this loop?

13 A That's just a phrase that's used within Rampart
14 C.R.A.S.H. Where it started I don't know.

15 Q Okay.

16 A But it's just a term that's used as far as being in
17 the loop.

18 Q Now, some of the characteristics you described in the
19 loop, you described -- which would be considered, I would call
20 them positive characteristics -- discipline, tightness with
21 other people, willing to consider other people a family. Can
22 someone have all those characteristics and not be part of the
23 loop?

24 A Yes, absolutely.

25 Q Some of the characteristics you described, like I
26 said, are positive characteristics?

27 A Yes.

28 Q So, if you had those characteristics, or another
unit, hypothetically, let's call it Unit B. It's tight, close,

1 dressed sharp, family-oriented, considered themselves all a
2 family, backed each other up, was willing to do all that, does
3 that mean they'd have to have this -- well, you also talked
4 about some criminal allegations of planting evidence and
5 putting people in jail just because, you know, -- just because
6 you know they're a gang member, or they deserve to go to jail,
7 can you have those characteristics and still function and not
8 be part of this criminal loop?

9 A You know, it's just how -- how you use your traits.
10 All the things that you talked about, it's sort of like a
11 nuclear scientist. And he's doing it for whatever reasons he
12 may have. And, then, say he takes -- they take his chemistry
13 and all of his information, and they turn it into nuclear
14 weapons and nuclear war, and nuclear -- you know, he may have
15 not intended it to go that way, but that's the way it went.

16 Same thing with here. You can have, you know,
17 discipline, a family-oriented unit, the closeness, and that's
18 great. And I'm sure a lot of people have those traits. But
19 do you take it and use it in a different way, whereas this is
20 the family, these officers that you are working with, and you
21 have this mission.

22 And the mission may be an illegal mission, a criminal
23 mission. And are you willing to go and commit those criminal
24 crimes even though, in your mind, they're not criminal? It's
25 just a mission. And you're willing to use it in those -- in
26 that way.

27 Q Well, it's like that term "solid", solid for you was
28 solid for somebody who was in the loop, for willing to put dope
on someone, or put a case on someone. Where someone else,

1 solid may mean he's a good guy. He's straight and up front.

2 But those characteristics that you described, they're
3 argumentatively maybe good characteristics for you and the
4 people in Rampart. What you're saying, that helped fester you
5 to stay close and continue the criminal part of the loop?

6 A Yeah.

7 Q Of putting the cases on each other, willing to go to
8 the box, the term that you used meaning you're going to go
9 testify on behalf, or stick to the report that you wrote.

10 So, those characteristics that could be arguably, one
11 way or another, helped kept you in the loop in -- in your
12 perception, and probably some of the other officers in that
13 loop?

14 A Right. One of the things that we -- we would have
15 these round table meetings, as far as voting on people that
16 were gonna come into the unit. And one of the questions were
17 always, you know, go out and talk to people they worked with.
18 And, then, we'd come back and find out, you know, well, is he
19 solid? That's one of the questions that was always asked.

20 Is he a solid guy? And, again, it wasn't in that
21 he's squared-away, he's a good guy. Is he solid? Does he seem
22 solid? Does he seem like somebody who's gonna be solid?
23 Someone who's willing to take it to the box. Someone who will
24 perjure themselves if they have to. Someone who would be
25 willing to put a case. That's the solid we were talking about.

26 So, yes, there is two differences. And, yes, when I
27 use it I'm talking about the other side -- the criminal side.

28 Q Okay. And you were in this loop, correct?

A Absolutely, yes.

1 Q Was Liddy in this loop? Officer Liddy?
2 A Yes.
3 Q Was Officer Harper in this loop?
4 A Yes.
5 Q Was Sgt. Ortiz in this loop?
6 A Yes, definitely.
7 Q Okay. Could someone be in the loop who did everything
8 right by the book, so to speak? And I mean, by the book, follow
9 the department manual and arrest people with probable cause?
10 MR. MCKESSON: You mean arrest exclusively?
11 Q BY DET. BARLING: With probable cause, you know,
12 follow the letter of the law, can someone like that be in your
13 loop?
14 A I don't think so. I think you can be in the loop,
15 be in the unit, but, at some point, you've compromised a lot
16 of things. You've compromised the department manual. You may
17 not necessarily be out there putting cases on people, that may
18 not be your thing. But you're aware of what's going on. You
19 see it every -- you know, you see it around you. You just see
20 -- you know, you see it around you. So, you know what's going
21 on.
22 There were -- there was a couple of people like that,
23 that were there, that were definitely in the loop. They were
24 solid guys that were, you know, good guys in the unit. But
25 they just didn't go with that, you know, wanting to put cases.
26 For them, it was just easier to go and find someone
27 dirty and do it, you know, the best way they knew how, or the
28 way they wanted to do it, which was, you know, get the legal
arrest. But impossible to be in the loop and not, at some

1 point, compromise most of your morals, most of the department
2 manual, because you've seen a lot of this stuff going on around
3 you.

4 Q So, somebody could be in the loop if they're
5 compromising their principles. They know, for example, that
6 you -- and we'll just use you -- 'cause you were in the loop,
7 that you'd put a case on someone. And someone else who goes
8 by the book, he may be aware -- he's aware that you put a case,
9 and he just doesn't say anything.

10 A Right.

11 Q And that, to you, is a person in the loop?

12 A Absolutely.

13 Q They're not doing anything criminally, so to speak.
14 And they're not actually doing the criminal act. But they're
15 being -- but they're part of the loop because they're not
16 reporting the criminal act?

17 MR. MCKESSON: Well, I don't think he said that. I don't
18 think he said --

19 DET. BARLING: And there's -- okay.

20 MR. MCKESSON: -- that that puts you in the loop. I think
21 what he's saying is that people who may not be putting cases
22 could be in the loop. But I don't think he's saying just
23 because you witness something and don't say anything, that
24 necessarily puts you in the loop.

25 DET. BARLING: No, but I'm using that -- that example
26 added on to what he was saying about that person. Because what
27 -- and correct me if I'm wrong -- someone could follow the
28 letter of the law, make all appropriate arrests, not put a case
or plant evidence or bring evidence, but you would still

1 consider them in the loop, if on multiple occasions they're
2 aware of either department misconduct or criminal misconduct,
3 and it tends to

4 -- they intend to not report it, because they're gonna back
5 their brother officer who is in the loop?

6 MR. MCKESSON: I don't think he said that.

7 DET. BARLING: Okay.

8 MR. MCKESSON: 'Cause I think what you're -- and I don't
9 think it's -- I think it's more than semantics. I think what
10 you're saying is we'll consider that person part of the loop.
11 And I think what he's saying is it takes more. I think he --
12 I think what he's saying is they have officers who are in the
13 loop --

14 DET. BARLING: Okay. What -- then, my question is --

15 MR. MCKESSON: -- who are outside the loop who are -- I
16 think what he's -- what he's testified before, they have
17 officers who are outside the loop who also fit the
18 characterization you just gave. That doesn't necessarily put
19 you inside the loop, just because you do that.

20 I think he's saying it's more to get you in the loop.

21 Q BY DET. BARLING: Then, my question is what more does
22 it take from there to get the guy in the loop?

23 A What Kevin was saying earlier was absolutely correct.
24 Just because you're, you know, solid and do everything through
25 departmental procedure, and you follow everything to the
26 letter, just because of that doesn't necessarily get you into
27 the loop. And I have to use an officer's name. I

28 don't know if that's okay or not. But I'm gonna use Jeff
Graham. Jeff Graham was what we would characterize as a solid

1 guy. He didn't put cases on people. But he was -- I mean, you
2 know, I'm very certain that he knew everything that's going
3 around. I'm sure no one would hide anything from him. You
4 know, he knew about people catching cases. He knew what was
5 going on.

6 But he just felt -- and him and Sammy Martin were
7 real close. They just -- and I think they had worked together
8 before. They just weren't in the putting cases, you know.
9 They were okay with it. And they probably laugh about it. But
10 they just did their own thing.

11 You know, Jeff Graham, you know, and Sammy Martin,
12 they had the same gang. They worked the La Mirada gangs. Sammy
13 Martin grew up up there. I mean, he knows everybody up there.
14 So, it was easy for him to, you know, pick up informants and
15 just make real good arrests off the information.

16 Whereas, I go to 18th Street neighborhood, I didn't
17 -- I wasn't raised there. I don't know nobody. You know, it
18 was difficult to, you know, just go in there and, you know,
19 just start establishing a rapport with people. You go in there
20 and you bogart. You start taking people left and right. You
21 start threatening people with cases, and then, you know, maybe
22 they'll give you information, and maybe they won't.

23 But Jeff Graham was a guy that didn't see the need
24 to have to put cases on people. He just did it his way, the
25 right way. And he was still in the loop.

26 Not just because he was by the book. But because not
27 only did he know what was going on -- and he knew very well
28 what was going on -- he didn't verbally or in any other way
disagree with it or try to talk us out of it. He was a natural

1 leader. So, he was in the loop because of just -- not
2 just because of these reasons, but other reasons. You know,
3 he was just a good guy. Very intelligent. Knew a lot about
4 police work. And he wanted to be C.R.A.S.H. He was a
5 C.R.A.S.H. guy. He was the type of guy who would get a
6 C.R.A.S.H. tattoo, and did get a C.R.A.S.H. tattoo.

7 He was a really good guy to have around. A lot of
8 good, you know, good experience, good knowledge. But just
9 wasn't into the thing about putting cases. And there was just
10 a couple of those while I was in C.R.A.S.H., that I knew, like
11 that.

12 Q So, what I'm trying to understand is, because you
13 said that Graham would go by the book. And I take it that
14 means that he would follow the letter of the law and not plant
15 cases.

16 A Mmnh-mmnh.

17 Q But what kind of got in the loop, not only being a
18 good guy and being a buddy, and doing those other things, what
19 got him in the loops, per se, is he's aware of misconduct and
20 doesn't report it and would back the officer. And what else
21 would take him over the top?

22 MR. MCKESSON: Can we go off the record for a second?

23 DET. BARLING: Sure.

24 (Off the record at 12:35 p.m.)

25 (Back on the record at 12:36 p.m.)

26 DET. BARLING: We're back on the record. It's 12:36.

27 THE WITNESS: I don't think I answered your very last
28 question.

Q BY DET. BARLING: And let me rephrase it, so I get

1 to where -- where I'm trying to get. There are certain traits
2 that you talk about that good people could have and people in
3 the loop could have. Just because somebody's aware of this
4 misconduct doesn't make them in the loop. But you have to, at
5 least, have that to be part of the loop.

6 You have to have the qualities of either planting a
7 case on someone, falsifying -- planting cases from the gamut.
8 From falsifying a report, to putting things on it, or you have
9 to have knowledge that someone's doing it. You have to, at
10 least, have those two criteria to be in the loop. It doesn't
11 mean you do it, but you, at least, have to have those criteria.
12 And there may be some people who under- -- have knowledge of
13 it, but still aren't in the loop; is that a fair statement?

14 A Absolutely. You know, to have a functioning working
15 car, you can build the car. You can make the frame. But if
16 it doesn't have an engine, it's ain't gonna go anywhere. Q

17 Right. 'Cause there's some -- there's some of those fringe
18 people that are aware of the misconduct, that are in the loop,
19 because they have all these traits, all this trust type, etc,
20 etc. -- family.

21 And then, there's other people who may be aware of
22 the conduct, but they don't have those traits. So, you -- so,
23 they're not part of the loop.

24 A Exactly.

25 Q Okay.

26 A You can be deficient in one side or deficient on the
27 other side.

28 Q Okay.

A And it may or may not get you into this loop, yes.

1 Q What was Sgt. Ortiz' function in this loop? Did he
2 have a function in this loop? What did he do, as a sergeant,
3 that might be different than the guys who are actually doing,
4 or more than what the actual guys were doing, that were in this
5 loop?

6 A Ortiz was the heart. And we were the arteries. Ortiz
7 was the heart of the operation. And he made it clear, early
8 on. You know, one of the first speeches he gave to us when we
9 came to the unit, and I remember that he -- he had like
10 something wrong with his finger. And it was always kind of
11 bent. And he'd always raise his hand. He's a -- you know, he
12 was in the Marine Corps. And we thought that maybe he -- he
13 misspoke. But he -- he'd go -- you know, he'd give the speech.
14 And he goes, "Am I right? Or am I right?"

15 Instead of saying, "Am I right or am I wrong" it was
16 always, "Am I right or am I right?" And, you know, he'd give
17 stern speeches. You know, that we're gonna run a real tight
18 ship. And, you know, we're gonna have a lot of fun. And we're
19 gonna get a lot of accolades and we're gonna get awards and
20 accommodations. And we're gonna have a lot of fun doing it.

21 You know, we're gonna -- we're gonna play hard, -- I
22 mean, we're gonna work hard, but we're gonna play hard. And,
23 you know, this unit is gonna be known throughout the city.
24 Everybody is gonna know about Rampart C.R.A.S.H.

25 He -- like I said, he was the heart. And we were the
26 arteries of this heart. He was the one who would pat us on the
27 back. He was the one who would encourage us. He was the one
28 that would sort of antagonize us a little bit. "Well, hey,
wait a minute. We only got two arrests last night. What's

1 going on with everybody else? You guys getting tired, or what?
2 What's up? You know, you guys are losing the war. What's
3 going on?" He was the one that would just, you know,
4 let us know that anything that comes up we're gonna be covered.
5 We're gonna be okay. He was -- and I hate to use this word,
6 because it was in the paper, I think, somewhere. He was like
7 the quarterback. And the rest of us were the team. And we did
8 the play-by-play, or the play that we were gonna be run today.
9 And we'd go and do it.

10 So, I don't know how better to describe him, or I
11 don't know if you have any other questions. But he was -- he
12 was the -- he was Rampart C.R.A.S.H.

13 Q Well, specifically, if -- how -- if you were to, for
14 example, write a report, and give a report to Sgt. Ortiz, what
15 would be the protocol? Would he read it? How would that work?

16 How would -- if you gave him a report, how would he
17 -- how would his role of being in the loop and you brought a
18 report, or you came or have an arrest or something, what was
19 his function or his role, in this loop process, other than what
20 you just described?

21 A If it was something -- let's say it was something
22 major. Let's say somebody got thumped. Or I keep using these
23 terms. Let's say somebody got beat, or something in a foot
24 pursuit. He would -- he would be at the scene.

25 He would show up at the scene. And you don't lie to
26 -- you don't lie to these guys. You don't lie to Paul Byrnes.
27 You don't lie to Sgt. Ortiz. You don't lie to those kind of
28 guys, 'cause you're insulting them.

But let's say you just had to beat somebody because

1 you thought they might have had something, you explain to him
2 what actually happened. Two -- two -- there's two stories told
3 at the scene, what actually happened -- and then, he's gonna
4 tell you, "How you gonna write it?" And then, you explain to
5 him how you're gonna write it. So, you go through the whole
6 thing. Well, here's how I was thinking about writing it.
7 There's times that he'll tell you, well, no, put this. He may
8 give you some clue.

9 And Ortiz was very, very articulate. I think he even
10 might have went to college. He was really good at -- not just
11 as a field officer, but as an administrator. A very intelligent
12 man.

13 He always, you know, a lot of times he would have to
14 -- especially, for the younger officers, he'd have suggestions.
15 He'd even have suggestions for me at times. He was always into
16 -- he always wanted to know everything that was going on. He
17 wanted to know. Because all it took was one time for a report
18 to go through that was not the way it was told to him, and,
19 now, here comes a beef. And here comes these questions that
20 he couldn't answer. And he would not tolerate that.

21 He will be in the know about everything that's going
22 on in this unit. This is his unit. And, you know, he's running
23 this unit. And -- and, so, everything that occurred, you know,
24 it was very much spelled out, you know, how it actually happened
25 and how it's gonna be written.

26 Q And when you say that, on how it's gonna happen and
27 actually written, and in describing what you said about Ortiz,
28 what's the difference? If you can, explain the difference
between him being a sergeant, a senior officer, helping younger

1 officers articulating something that they may not have
2 understand or what they may not have saw.

3 For example, I don't know, there is a common thing
4 in police work would be a senior officer is with a pro- -- with
5 a probationer. And the senior officer actually observes
6 somebody drop a weapon. The probationer, because he's only
7 been out a week or two, has not been trained to see those
8 observations. That senior officer or sergeant helps that
9 probationer begin to articulate things that they saw because
10 they don't have the life experience.

11 Explain the difference between Sgt. Ortiz, if there
12 is, of him just helping you as a sergeant to articulate things
13 because he had more experience, or is there more to that?

14 A And it was just that. It was more of, not necessarily
15 training. It was more articulation. For example, let me see
16 here. I'm chasing -- I'm writing a report that I'm chasing a
17 defendant down an alleyway. The defendant turns to the right
18 and started running in a easterly direction. I catch up to
19 him, push him, and he falls to the ground. I handcuff him.
20 And we bring him back to the station.

21 And that's exactly how -- or let's say I write it
22 like that in the report. That's how I write it in the report,
23 I'm sorry. But what actually happened was, you know, get him,
24 throw him on the ground, I thump him. You know, I had to beat
25 him up for whatever reason.

26 On the report, I wrote that I pushed him, he landed
27 on the ground. As he was turning to his right, that means he
28 would fall on his left side of his body.

However, he has a major contusion on the right side

1 of his face. Or he's got a major abrasion on the right side.
2 He would find those things. He would see those. All the little
3 things that we're not looking for, he would see them.

4 Not only because he would have time to sit there and
5 really articulate the report, and -- and see it in his head,
6 but because he had the experience. And it wasn't necessarily
7 training. Some of it was training, too. But when it came down
8 to the reports, it was more about articulation and how you have
9 to write these things. It was all about how you write the
10 report. It was all about how, -- you know, do you want a
11 filing? Or are you just writing a chicken-shit report that
12 ain't gonna even get filed?

13 It was always about writing a good report that covers
14 your ass and you're gonna get a filing.

15 Q So, he would articulate, he would help you in not
16 normal articulating to help you get to where you may not be
17 able to get in training, he would articulate it if you had
18 beaten a suspect, for whatever reason, he would help you
19 articulate how to write it another way to where it didn't seem
20 like you beat up the suspect, and cover up for whatever injuries
21 the suspect had, to coincide with the proper report?

22 A That's correct.

23 Q And I think you said earlier -- correct me if I'm
24 wrong -- you would give Sgt. Ortiz maybe at -- at a certain
25 level, two -- two versions? The actual beating version, and
26 maybe your version of articulating it to clean it up. And
27 then, he may help more in articulating to clean it up. Is that
28 a fair statement?

A He's gonna get the -- what actually occurred out in

1 the scene. And, then, he's gonna get the fabricated report
2 that I'm gonna write. And, after -- you know, and even at the
3 scene, he may suggest, well, say this or say that. That will
4 cover, you know, this problem.

5 And, then, when you write the report, and he reads
6 it, he may say change that or change this.

7 And that was done quite often. He was -- I hate
8 using certain words. But he would choreograph a lot of the
9 stuff that was going on in the reports. Especially, like I
10 said, a lot of young officers who didn't have the experience
11 writing certain reports, he, you know, -- my reports he would
12 look at. But he knew, I could write a report. Younger
13 officers, he would really scrutinize their reports a lot more
14 to try and cover them.

15 And he always said that. You know, we -- we'd have
16 roll call -- roll calls and -- and we'd talk about, you know,
17 how important the reports are. Because it ain't just, you
18 know, the sergeant reading the report. This report may go all
19 the way up to, who knows where. The Supreme Court. All kinds
20 of people are gonna read this report. And they're gonna be
21 scrutinized every which way.

22 Q And would Ortiz back you if that report was
23 questioned? If the veracity or the truthfulness of a fabricated
24 report that you would write, if somebody were to question it
25 later down the line, whether it be departmentally or outside,
26 would he back you and the officers that that's a true report?

27 A Absolutely.

28 Q Okay.

A If that was -- you know, one of the responsibilities

1 as a supervisor, that was it. That he's gonna back you and
2 he's got your back.

3 Q And if an officer in the loop wrote a fabricated
4 report, would other officers in the loop do the same thing?

5 A That's what this whole loop thing is about.

6 Q And would Sgt. Ortiz, in these reports in -- in the
7 Rampart C.R.A.S.H., specifically, if he didn't sign the report,
8 how did it get signed?

9 A Well, at times, we would just either get a hold of
10 him via the radio, via the telephone, explain to him what he
11 had, what was going on. We may have talked to him out at the
12 scene. And he'd give us the okay to book. And, you know, you
13 can't fill out the booking recommendation or the face sheet
14 until you print them out. But he knew all about the case
15 already because he was either at the scene or you talked to him
16 already about it.

17 And a lot of times, we'd get the bodies, you know,
18 we'd write the reports at the station. But we still had to
19 take it to the Jail Division. And while we're at Jail Division,
20 we have to book evidence. So, we would sign the name for him,
21 so we can make copies of the face-sheet to attach to the
22 evidence that we're booking.

23 But, you know, he always knew. I mean, he always
24 knew about every arrest that we had. He had to do a sergeant's
25 log every day. You know, he would have to do a sergeant's log.
26 And, you know, he had to know about each arrest, who was
27 arrested, what the quantity was, because all of this stuff goes
28 into a sergeant's lot. So, Sgt. Ortiz was very much, you know,
running the unit. He had the unit running real smoothly. And

he was very much in charge.

1 Q Okay. Did he read the reports himself, though?

2 A Oh, yeah. You have to read the reports, because in
3 the sergeant's log -- well, I mean, first of all, on his desk
4 there's a little box -- an in-box. It was all current arrests,
5 you know, things for that day.

6 And, at the end of the day, he'd take them all and
7 go through them. But, before then, you discussed what happened.
8 And all of the stuff has already been discussed. But when he
9 goes to sit down and turns the computer on to do his sergeant's
10 log, he takes each report and goes through them, you know, at
11 10:20 -- 10:20 p.m. Perez, Durden, observed a male in the alley.
12 Foot pursuit ensued. Recovered a -- recovered one Beretta.
13 Uh, arrested one for, you know, whatever the charge was.

14 So, he'd go through every report, so he could do his
15 sergeant's log. So, he read, you know, all the reports.

16 Q And, in the hypothetical we talked earlier about,
17 Sgt. Ortiz, about beating somebody up, we used that kind of as
18 a hypothetical or an example that he would back you on, would
19 it be the same with the narcotic plant or gun plant or a
20 fabricated report like that, the same things would happen?

21 A Yeah. A lot of times it was attitude checks. It
22 was, you know, this guy's going. He's real active in the
23 neighborhood. He's going.

24 Q Right. But, I mean, as far as Sgt. Ortiz, would he
25 know that you, -- for example, if you found dope in a bush, and
26 didn't see the guy put dope in the bush, and you found a gun
27 in the bush, but you didn't see the guy put the gun in the
28 bush, and you never saw it, would you tell him that you didn't

1 see it, and the way you're gonna write it, and would he be
2 aware of that also?

3 A I would have to say that on some occasions, I may not
4 have, necessarily, brought it to his attention that this was
5 in the bush, or -- or that -- but he, you know, -- when I talked
6 to him, if you're getting the true story, if I'm telling you
7 the true story, I'm gonna to tell you how it actually occurred.

8 If I'm telling you what actually occurred, you know,
9 we're up here doing a O.P. And the guy is standing here, and
10 we found a gun, he's gonna know about that. Because if it --
11 if he actually had it on him, I'm gonna tell him, "Look, he had
12 it on him. You know, I -- I was getting close to shooting this
13 guy."

14 I mean, he's gonna know that. If it wasn't on him,
15 he's gonna know, because, you know -- you know, the gun was
16 over here.

17 But we know it's his. You know, and that's fine.
18 All that's perfectly fine. We know how they're, you know,
19 they're doing this. They're getting the transients to hold the
20 guns for them. And, you know, we catch a transient with a gun,
21 we know it actually really belongs to this gang member, because
22 our informants have told us, you know, they're getting -- the
23 gang members are getting the transients to hold the guns for
24 them.

25 Because the cops are coming in and swooping up on
26 people. And that, you know -- so, that's what they're doing.
27 So, to us, it's just another part of the game. They're playing
28 unfair, and we'll equal it out.

Q And, likewise, if they were five gang bangers

1 standing there, like you said earlier, and one has to go because
2 there's a gun over here in the bush, someone has to go, and the
3 officer makes a decision who to pick --

4 A You're gonna pick --

5 Q -- would the sergeant be aware of that also?

6 A Absolutely.

7 Q Sgt. Ortiz?

8 A Sure.

9 Q BY DET. SKAGGS: Did Sgt. Ortiz ever participate in
10 picking somebody, like who was the baddest guy?

11 A He was -- it was -- I'm not going to say never. But
12 it was always up to whoever was in charge of that gang, 'cause
13 they knew the gang members before. They would select who they
14 wanted. Just like I say.

15 Q BY DET. BARLING: So, if Officer A is in charge of
16 18th Street, he decides who goes to jail?

17 A He's gonna figure out -- he's gonna, you know, either
18 figure out who's on probation, on parole, who's the most active.
19 He's gonna figure out which one he wants to go to jail. He's
20 gonna figure that out. That's his responsibility.

21 Someone's gonna go. It's just a matter of who he
22 wants to go. The same thing with like parties. Let's say
23 there's twenty officers there, but it's primarily a Diamond
24 Street party. We're gonna get the guys that are in charge of
25 Diamond Street. "Hey, listen, this is primarily Diamond Street
26 here. Which ones do you want to go? We've got three guns over
27 here. Two guns over there. There's five guns total. You
28 know, you tell me which five you want to go. And we'll all
have a story for each one."

1 Q Did he ever suggest to you, or at a roll call, or
anyone --

2 MR. MCKESSON: He being Ortiz?

3 Q BY DET. BARLING: He being Ortiz. Had you ever heard
4 him suggest that he had a problem with a certain gang banger
5 because of attitude or that they were the baddest, or the head
6 of Temple Street or whatever gang? And did he ever suggest,
7 you know what, if we stop these -- we stop that turkey today,
8 he needs to go to jail?

9 A There was one thing that -- when you -- as soon as
10 you said that, that came into my mind. Sgt. Ortiz -- Sgt.
11 Ortiz had us do a top five -- top five gangsters, active
12 gangsters in your gang, and write a little story, a little
13 history about the gang and a little history about each gang
14 member and their involvement. What kind of crimes they're
15 involved in.

16 And one of the things -- you know, everybody had to
17 do that for their own gang. And one of the things that was
18 discussed in roll call was there's no reason why these guys who
19 are the most active in this gang should be out in the street.

20 You know, our goal should be to -- if we have the
21 O.P., if we have to sit under their porch every day, you know,
22 these guys should be getting out of the street. There's no way
23 these guys should be -- are the top five in the gang and they're
24 still walking around and hanging out in the neighborhood.

25 So, to us, we knew that, you know, we had to do
26 anything we had to get these, you know, most active guys off
27 the street. That was part of the whole -- whole process. You
28 know, go out there and catch -- you know, get them, bring them

in.

1 Q So, Sgt. Ortiz, who would normally -- if it was a
2 normal unit, would say, "Look, you got your top five Temple
3 Streeters. A, B, C, D, E, F here -- or six. You got you're
4 top five guys there. And they need to go to jail, because
5 they're the -- they're the top guys. And we need to control
6 this problem", which is probably an innocent thing to say.

7 What made it to the loop then, is you knew Sgt. Ortiz
8 was in the loop, so, therefore, it means whatever means
9 necessary, quoting a different term. But they had to go to
10 jail. And you had a plan or do whatever they had to go. That's
11 how you guys took that?

12 A By any means necessary. There is no reason why these
13 guys shouldn't be in jail. You know, we know they're out there.
14 They're, obviously, active. They're, obviously, dirty. Get
15 them in here. What is the hold up? You know, why aren't we
16 putting these people in jail?

17 Q BY MR. SCHIRN: Can I say a couple of questions real
18 quick? Just so things are clear that I think are kind of vague.
19 This is Brian Schirn, for the record, asking a couple of
20 questions. When we talked about the loop, I want to ask a
21 couple of specific questions about Liddy, and, then, Harper.

22 Liddy was someone who was willing to write a false
23 arrest report, is that correct?

24 A Liddy? I never personally --

25 MR. MCKESSON: Answer the question yes or no.

26 THE WITNESS: Well, it's not that simple. It's not just
27 yes or no. I mean, I don't know if that's what you want, a yes
28 or no answer. But --

1 Q BY MR. SCHIRN: I would like that if you could answer
that way.

2 A Yes or no?

3 Q Yeah.

4 A Was Liddy someone that would fabricate a report?

5 Q Yes.

6 A Yes.

7 Q And is Harper someone who would fabricate a report?

8 A Yes.

9 Q And is Liddy someone who would go to the box and
10 testify falsely?

11 A Yes.

12 Q And is Harper someone that would go to the box and
13 testify falsely?

14 A Yes.

15 Q Now, you talked about Sgt. Ortiz. I'm going to ask
16 you about two specific questions. Did you personally ever tell
17 Sgt. Ortiz, you know, "This is what really happened, but this
18 is what I'm going to write?" Did that happen personally?

19 A Many times.

20 Q Many times. All right.

21 Q BY MR. MCKESSON: What you're saying, you're using
22 in essence?

23 A Yeah, in essence.

24 Q BY MR. SCHIRN: And did you witness other people tell
25 Sgt. Ortiz, in your presence, "This is what happened, I beat
26 some guy, but this is how I'm going to write it?"

27 A This occurred, you know, --

28 Q I want to know what you witnessed personally.

1 A Right. And that's what I'm going to do -- say. Each
2 time, if it was -- if it wasn't just a narcotics arrest, and,
3 you know, you just grabbed somebody off the corner and brought
4 them into the station, if it was something that was a scene,
5 or, you know, you went Code 6 or something, Ortiz was gonna
6 show up. 'Cause he's one of those guys that he didn't stay in
7 the office. He was out in the field. There is something we
8 called other interviews. We would huddle up.

9 DET. BARLING: It's 12:35. My tape ended and I flipped
10 it over. And, Mr. Perez, was in the middle of answering the
11 D.A.'s question. And we're back on the record.

12 Q BY MR. SCHIRN: I'll just repeat the question since
13 we changed sides on the tape. Did you witness other officers
14 tell Sgt. Ortiz -- not yourself, other officers tell Ortiz
15 -- look, this is what happened. I beat so and so. But I'm
16 gonna write it like this?

17 A Yes, sir.

18 Q And you witnessed it on several occasions?

19 A Many occasions, yes.

20 A And was this several different officers?

21 A Yes, sir.

22 Q And did you witness Sgt. Ortiz affirmatively help
23 those officers write a different report after hearing what the
24 truth was?

25 A Yes, sir.

26 Q Okay. I have no other questions. Thank you.

27 Q BY DET. SKAGGS: Just a couple of questions. If you
28 sponsored someone to come into Rampart C.R.A.S.H. did you
expect him to eventually get into the loop?

1 A We hoped. Not necessarily, you know. If I sponsored
2 you, I fully believed that you were gonna be, you know,
3 acclimated and would get into the loop.

4 Q Okay.

5 A It didn't always happen that way. But, yeah.

6 Q And, then, while Ortiz was there, who had the final
7 say so on who came into the C.R.A.S.H. unit?

8 A Sgt. Ortiz had final say so on everything.

9 Q BY DET. BARLING: The captain of the division didn't
10 have a final -- if Sgt. Ortiz wanted Officer A, didn't he have
11 to go through the captain to approve Officer A?

12 A No, whatever -- we had incredible amount of support
13 from lieutenants and captains. If Sgt. Ortiz said it, or Sgt.
14 Byrnes said it, or Sgt. Hoopes said it, it was gonna happen.

15 Q Well, your perception is while you worked in the
16 unit, if those sergeants said this guy's coming in, they came
17 in?

18 A That's right. But that the final approval always
19 goes to the captain.

20 MR. SCHIRN: For the record, Mr. Perez was nodding his
21 head to the negative during both of those questions. To the
22 last two questions, during the entire questions, he was nodding
23 his head no, side-to-side when asked --

24 DET. BARLING: If a captain would approve --

25 MR. SCHIRN: -- if the captain's approval was necessary
26 to bring a officer into the unit. You were nodding your head.

27 THE WITNESS: Right. Like I said, I was not -- I'm sure
28 that the final approval always goes to the captain. But, as
far as the loop, people, you know, we're talking about the

1 loop, Sgt. Ortiz had the final say so in that loop as to what
2 happened, who came and who went.

3 Q BY DET. BARLING: Okay. Now, I'm going to go to a
4 different line of questioning. Have you ever been -- real
5 quick and we'll take a break for that. And it should be five
6 questions, about.

7 Have you been convicted of felonies?

8 A Yes. About eight felonies.

9 Q Okay. And you have a leniency agreement in this
10 matter to reduce the sentence?

11 A I have a limited use immunity, yes.

12 Q And part of that is to reduce a possible ten years
13 to a five-year sentence?

14 A Actually, I believe --

15 Q Just in general?

16 A I believe I was -- my exposure was about twelve years.
17 That was the maximum that I could receive. I signed a plea
18 agreement to receive five years.

19 Q Okay.

20 MR. ROSENTHAL: Just -- actually, I think this is
21 important. The prosecution's position, in court, on the
22 record, was that it was a twelve-year exposure. The judge's
23 position, for the record, in court, was that he had a ten-year
24 exposure.

25 MR. MCKESSON: That's the defense's position also.

26 Q BY DET. BARLING: And part of the agreement is
27 required to tell the truth or the agreement is off, correct?

28 A Absolutely, yes, sir.

DET. BARLING: Is part of that he was required to tell the

truth or the agreement was off?

1 MR. MCKESSON: Well, --

2 MR. ROSENTHAL: Well, wait. I made a mistake when I
3 interrupted. This has to be from Perez' point of view.

4 DET. BARLING: Right.

5 MR. ROSENTHAL: So, in fact, let me take a step back.

6 Q Mr. Perez, was it your understanding that the
7 prosecution's position was that it was a ten-year mandatory,
8 or a ten-year maximum sentence, and the court's position was
9 that it was a -- let me say that again.

10 Your understanding is that the prosecution's position
11 was that you were exposed to a twelve-year maximum sentence,
12 and the court's position was that you were actually exposed to
13 a ten-year maximum sentence?

14 A As indicated by Judge Perry, and I remember hearing
15 him say that, I do remember that.

16 Q And you heard that at the time of your guilty plea?

17 A Yes, sir.

18 Q Now, I'm sorry. So, okay. The next question.

19 MR. MCKESSON: Could we go off the record for a second?

20 DET. BARLING: Sure. Let's go off the record now.

21 (Off the record at 1:00 p.m.)

22 (Back on the record at 1:04 p.m.)

23 MR. ROSENTHAL: We're back on the record. It's 1:04.

24 Q BY DET. BARLING: 1:04. You received a leniency
25 agreement, at one point. After you'd been sentenced, it --
26 your sentencing can't be changed, not unless you perjure
27 yourself; is that your understanding? Or --

28 A You want me to explain the terms?

1 Q Okay. Why don't you explain it to me?

2 A The terms and conditions of my, what's called limited
3 use immunity agreement is that I am to talk about all and any
4 administrative and criminal activities that I am aware of, or
5 was involved in. I received a five-year sentence for my
6 agreement or my immunity, instead of the -- what the defense -
7 - or prosecution thought was twelve years. And the judge
8 believed it was ten years. And we believe it was ten years'
9 maximum.

10 The way the immunity was set up is that I'm to receive
11 this five years. Now, I am to talk about all and any
12 misconduct, criminal misconduct and administrative misconduct.

13 If it was learned that, while I was making all of
14 these statements and bringing all of these cases forward, it
15 was learned that I falsified the information or I lied about
16 the information, or I was not truthful about the information,
17 it is my understanding that I could have been charged, or I can
18 be charged with perjury for every time that I lied about a
19 particular case.

20 And those charges can be upheld, as far as being
21 consecutive, not concurrent. So, it's like approximately six
22 months for each time I lied.

23 Q I think that's clear.

24 A Do you need anything more than that?

25 Q I just think that's clear to me. And part of it is,
26 you also have immunity. You had immunity for everything, except
27 acts involving great bodily harm or injury? Or how does that
28 work in the scheme of things?

A The way the immunity was designed was that it

1 absolutely -- it helps me if I'm absolutely honest and I talk
2 about everything that I know. And it hurts me if I sit up here
3 and I lie. The agreement covered me for everything except, I
4 believe, murder.

5 Q Okay.

6 A The way it was designed, it was that if I talked
7 truthfully, it wasn't a design where the more you talk the less
8 time you get -- you get taken off. It was whatever I talk
9 about, I had to talk about it truthfully. I'm not supposed to
10 -- I'm not to make up stories or make up cases that occurred
11 when it actually didn't.

12 Q Okay. And, now, away from that to two other areas.
13 You've admitted that you've lied under oath on prior occasions,
14 prior to this; right?

15 A Yes, sir.

16 Q Okay. And you also admit you falsely arrested
17 certain individuals, also prior to your arrest?

18 A Yes, sir.

19 Q And I think that concludes this. And it's about --

20 Q BY DET. SKAGGS: I just want to throw in one question,
21 because we'll probably get asked. Have you reported to Internal
22 Affairs or the Robbery-Homicide Task Force anything that's
23 false?

24 A No, sir.

25 Q BY DET. BARLING: I think that ends the tape. It's
26 about ten after 3:00.

27 (Off the record at 1:10 p.m.)

28 (Back on the record at 1:58 p.m.)

MR. ROSENTHAL: We're back on the record. It's 1:58. Go

1 ahead. And, Mr. Perez, you're still under oath.

2 THE WITNESS: Yes, sir.

3 DET. BARLING: It's 1:58. We're on Tape No. 233714. I'm
4 Detective Barling, 25264, with my partner, Detective John
5 Skaggs, 25252.

6 And we're here with D.A. Richard Rosenthal, Rafael
7 Perez, and his attorney Kevin McKesson.

8 I'm going to show you a photograph that I'm going to
9 mark with my name, Barling; my serial number 25264; today's
10 date 6/16/00. And I'm going to put 1400 hours for two o'clock.

11 Q Do you recognize that woman?

12 A Yes.

13 Q Okay. And -- and let's just -- we're going to go off
14 the record for a second.

15 Q BY DET. BARLING: We're back on tape. Do you
16 recognize that photo?

17 A Yes.

18 Q Okay.

19 A I don't recognize the photo. I recognize the person
20 in the photo, yes.

21 Q You recognize the person in the photo?

22 A Yes.

23 Q When did you first meet that person, if you recall?

24 A It was the night of a murder that occurred at a
25 McDonalds on Temple and Alvarado. The exact date I couldn't
26 tell you. But that's where I met her.

27 Q If I said around February of 1996, does that sound
28 about right?

A Yes, sir.

1 Q Okay. And what was your relationship with her beyond
her being a witness?

2 A We had a sexual -- what I would call a sexual
3 relationship, at one point.

4 Q Okay. And at what time did that begin, in
5 relationship to this first meeting at McDonalds?

6 A It -- the date that it occurred? It only occurred
7 once. We slept -- I believe we slept together once. The date
8 that it occurred, I couldn't tell you. She was at a hotel.
9 But I couldn't tell you the date.

10 Q How did that relationship facilitate beyond her --
11 she was a witness. Obviously, you came in contact with her.
12 When did you come in contact with her again and begin to
13 formulate this personal relationship, as opposed to a
14 professional one?

15 A I'd say later on in the investigation, she began
16 flirting with me a little bit. She knows I was Puerto Rican.
17 She told me she was half Puerto Rican, or something like that.

18 And it was a lot of -- you know, she would flirt a
19 lot with me. And there was nothing that ever occurred, until
20 on one occasion when we took her -- or she was at a hotel or
21 something. And she was going to stay there for a few days or
22 something. And she had my pager number. She called me and
23 asked me to come by. And I did.

24 Q Okay. And was that at a point after she had been
25 relocated because of intimidation against her?

26 A Yes, sir.

27 Q Okay. Do you recall what hotel that was?

28 A I believe it's the -- I think it's the Holiday Inn.

1 I think the city is Burbank off the 101 freeway. Maybe off of
2 Olive or something like that.

3 Q Okay.

4 A I think it's a Holiday Inn.

5 Q And how long did your personal relationship maintain
6 with her? How long did you become -- stay personal? I mean,
7 you clearly said it was a one-time encounter sexually. But how
8 long did, you know, that dating relationship occur?

9 A It never did.

10 Q It never did?

11 A Never. We never went anywhere in public. Never went
12 to a movie. Never went to a -- we never went anywhere together.
13 This was just a -- one of those things. She was flirting a lot
14 and I just went along with it on this particular day.

15 Q And, you know -- but you're asking me how long did
16 it last? It started and it ended right there.

17 Q Okay.

18 A We never --

19 Q Okay. So, it was a one-time encounter?

20 A Well, I mean --

21 Q As far as the sexual relationship?

22 A Yes.

23 Q BY MR. ROSENTHAL: Let me, if I may, just because I
24 want to make sure I understand this. Did you first meet her
25 after she was identified as a witness in this homicide?

26 A She was at the scene of a homicide. And when we
27 responded, she was there. She was a witness. We transported
28 her. She identified some people that were at the scene. She
identified the shooters.

And, you know, she -- that's how I met her, yeah.

1 Q BY DET. BARLING: On that day, do you remember who
2 your partner was?

3 A I want to say Sammy Martin.

4 Q In '96?

5 A I believe it was.

6 Q If this occurred in February 1996, were you and
7 Detective Martin partners then?

8 A I want to say that it was Sammy Martin. But I'm not
9 a hundred percent sure. I believe it was Sammy Martin and I
10 that responded to the McDonalds. It was a Temple Street murder.
11 They had killed a -- a Diamond Street gang member who was a
12 soldier.

13 Q And we're -- yeah, we're aware of that. And we don't
14 have to discuss the details of the incident, I don't think.

15 A I believe Sammy Martin.

16 Q We don't need to discuss the incident itself as
17 opposed to your dealings with her at the incident.

18 A I believe it was -- I believe it was Sammy Martin
19 that was with me.

20 MR. ROSENTHAL: I do want to discuss with the detectives
21 real briefly, off the record, the security concerns.

22 (Off the record at 2:04 p.m.)

23 (Back on the record at 2:05 p.m.)

24 MR. ROSENTHAL: Okay. We're back on the record. It's
25 2:05. Let me just point out that the homicide that we're
26 referring to relates to Defendant Anthony Adams, Case Number
27 BA151844, D.R. Number is 96-02-07976.

28 Q And I do want to ask just, Mr. Perez, if you could

1 let us know from the time you met this witness if you could
2 explain your relationship, up to the point in which you had the
3 sexual relationship with her?

4 A Like I said, I met her at the McDonalds sometime
5 around February of '96. She was a witness to a crime. She was
6 transported by me, and I believe it was Sammy Martin who was
7 my partner, to Rampart Detectives as a witness. I was going
8 to be involved in the investigation of the crime because I was
9 the Temple Street expert.

10 So, I was going to be working this gang, or this
11 particular homicide.

12 Q BY DET. BARLING: What do you mean working? Excuse
13 me. Were you working or assisting the homicide detectives
14 because of your Temple Street --

15 A Right, assisting the homicide detectives, as far as
16 the identification of certain suspects. She helped identify
17 several suspects. And that's how I met her. I talked to her
18 a few times. I think the detectives might have needed her to
19 be picked up to go to court a couple of times. Things like
20 that. I assisted with that.

21 It wasn't until that she was threatened or something
22 in some other city outside L.A. that the detectives decided
23 that they wanted to move her. And they contacted me and were
24 wondering if I would be nice enough to pick her up and take her
25 to this hotel and they could put her up. I did that.

26 Q Is that the same hotel where this affair took place?

27 A I believe it's the Holiday Inn, yes, in Burbank.
28 Now, that -- when she's being moved, that's several months
later.

1 Q Was that at a point that preliminary hearing had been
2 completed? Or was it a point at the trial time? Or do you
3 recall?

4 A I think that the trial was coming up. I think she
5 had already testified or something.

6 Q Okay.

7 A That's why they wanted to intimidate her or
8 something. And I'm not a hundred percent sure why they came
9 to intimidate her, or at what point. But I know it was long
10 after she had been the witness and made her statements and all
11 that.

12 Q Right. You know why they intimidated her?

13 A Because she was a witness to the --

14 Q Right. I mean you know that.

15 A Yeah.

16 Q You just don't -- all right. You said why, but I
17 don't think you meant that.

18 MR. ROSENTHAL: Now, remember, we have to let each person
19 finishing answering a question or ask a question before you
20 talk over.

21 Q BY DET. BARLING: When you responded to the scene,
22 did you respond in uniform or --

23 A Yeah, I was in uniform.

24 Q Okay. And you said Officer Martin responded with
25 you. If this occurred in February of '96, was Officer Martin
26 still working uniform C.R.A.S.H. in February of '96?

27 A I'm not a hundred percent positive.

28 Q Okay. If I were to tell you -- I'm trying to refresh
your recollection is what I'm trying to do here. When you

first came into C.R.A.S.H. was when? Was it 1994?

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A '95.

Q '95?

A '95.

Q And, at that point, you were Sammy's partner in C.R.A.S.H.?

A Yes, mmnh-mmnh.

Q Okay. And Sammy stayed how much longer?

A 'Til about January, February of '96.

Q And, then, who became your next partner after Officer Martin?

A I believe it was Tovar.

Q Okay. So, at the scene, your recollection is Martin because you think you're still partners with Martin. But it's also kind of maybe the time frame that Tovar might have been your partner? So, it would have been one of the two of them?

A Yeah, if he wasn't the one -- hold on a second. Let me think here. Yeah. I mean, I can't -- I can't be a hundred percent positive. But I thought it was Martin.

Q Okay. Who knew about that relationship with her, or the sexual affair other than yourself? Any other officers know about that, or detectives?

A I think Benjamin. And what's the other detective involved in the case -- the homicide case? Benjamin's partner. I think that she was -- she might have -- before it even occurred, I think she would -- she would say little comments about, "Yeah, this witness is all in love with you, Perez." And things like that. She would make comments like that.

And, I think, later on, she suspected that something

might have happened.

1 Q But they didn't --

2 A No, I never told -- I never told nobody. No.

3 Q Did anyone know about that? And I mean you're saying
4 suspected of what you think they -- by their comments maybe,
5 you -- who knew?

6 A I'm not sure.

7 Q What I'm asking you is -- if I had an affair my
8 partner, he may know.

9 A I -- I am -- I'm not a hundred percent certain. But,
10 I believe -- I believe I might have -- Sammy Martin might have
11 known. And I'm not too sure that I told anybody else. Because
12 truly -- let me see. I just don't remember telling anybody
13 else.

14 Q You didn't first meet her with Officer Martin at the
15 Pan American Club near Rampart Station prior to this homicide?

16 Q BY DET. SKAGGS: About a year prior?

17 Q BY DET. BARLING: Maybe a year prior? Six months
18 prior?

19 A That's possible. Wait a minute. What were the
20 circumstances in the meeting at the --

21 Q At the Pan American Club?

22 A Oh, I know what you're talking about. You're talking
23 about when we did a big raid in there. Well, she told me that
24 I had met her. I -- I don't remember seeing her then. But she
25 -- I remember her telling me that she had saw me before raiding
26 the club. I'm actually starting to think about another club
27 now. But you're talking about the club right there on Temple
28 Street?

1 Q Mmnh-mmnh. Right down from the station.

2 A Right. I remember after I had met her, she said that

3 she remembers us one time raiding the Pan America Club. And

4 we brought everybody outside. But I never met her. I mean,

5 in other words, I never talked to her directly or knew who she

6 was. Q So, you didn't start a relationship shortly

7 after meeting her at the Pan American Club?

8 A Absolutely not.

9 Q That's not when your relationship began?

10 A I don't remember -- I don't even remember meeting her

11 then.

12 Q You never took her out to dinner, to the movies?

13 A No.

14 Q You never took her out to the C.R.A.S.H. pad? That's

15 the C.R.A.S.H. pad that officers would sometimes sleep at,

16 close to Rampart Station on Marathon? You know what apartment

17 I'm referring to?

18 A Yeah, I know the apartment you're talking about. Did

19 I ever take her there? I don't -- I don't believe so. I don't

20 remember taking her there.

21 Q She never like cooked maybe a luncheon or Puerto

22 Rican luncheon or some Caribbean food there --

23 A Absolutely not.

24 Q -- with other officers after a softball game or

25 wrestling or a weight-lifting competition?

26 MR. MCKESSON: He didn't say you were there.

27 THE WITNESS: You're saying that was I there and I

28 witnessed this?

Q BY DET. BARLING: I'm saying she's there with you -

1 A Right.

2 Q -- at that location, and you took her there.

3 A Cooking after a softball game? Absolutely not.

4 Q Okay.

5 A I definitely don't remember that.

6 Q Oh, okay. So, you never took her to the Marathon

7 apartment that Officer Contreras -- is it Contreras?

8 DET. SKAGGS: Covarrubias.

9 THE WITNESS: Covarrubias.

10 Q BY DET. BARLING: Covarrubias rented?

11 A I certainly don't remember taking her there.

12 Q Do you ever remember having sex with her there at

13 that apartment?

14 A I remember having sex with her at the hotel -- at a

15 hotel in Burbank. I just do not remember having sex with her

16 at the -- there was definitely an apartment. There's a

17 C.R.A.S.H. pad. I don't remember having sex with her there,

18 though.

19 Q Okay. Do you ever remember her taking -- taking her

20 in your Explorer truck, I believe it is, type --

21 A Expedition?

22 Q Expedition?

23 DET. SKAGGS: They didn't have an Expedition in '96.

24 Q BY DET. BARLING: Yeah, I think it's an Explorer.

25 Some type of truck that you owned. I can't recall exactly what

26 it is.

27 DET. SKAGGS: Either a Blazer or an Explorer.

28 THE WITNESS: An Explorer? Yeah, an Explorer. I didn't

1 have an Explorer.

2 MR. ROSENTHAL: Let me interrupt. One at a time.

3 Q BY DET. BARLING: Do you ever remember taking her in
4 your Explorer to your residence out in the area of Diamond Bar
5 or Chino?

6 A Taking her?

7 Q Taking her.

8 A Absolutely not.

9 Q Okay.

10 A To where I really lived?

11 Q Correct. And having her wait outside in the -- in
12 that car when you went to go --

13 DET. SKAGGS: Get something.

14 Q BY DET. BARLING: -- do an errand and then come back.

15 A Absolutely not.

16 Q Okay. Do you ever remember taking her in a black BMW
17 to the Quatelinda Club located on Hollywood Boulevard in
18 Hollywood just outside of Rampart Division?

19 A A black BMW? I -- at that time, I had a white BMW.
20 But I don't even know I told her about it. But I didn't have
21 a -- I don't know anybody who had a black BMW.

22 Q A black BMW that maybe you borrowed from Officer
23 Martin?

24 A Martin doesn't have a BMW.

25 Q Okay. Do you ever remember taking her or --

26 MR. MCKESSON: Could I ask a question, now? Because you
27 said it would be plain to me why -- why it was relative.

28 DET. BARLING: Let's go off the record for a second.

(Off the record at 2:20 p.m.)

(Back on the record at 2:22 p.m.)

1 MR. ROSENTHAL: All right. We're back on the record.
2 It's 2:22. Let me just point out, for the record, that the -
3 - the reporter's tape apparently ended before we realized it.
4 So, there is a portion of the interview that will be transcribed
5 that is not on her tape. However, it is on LAPD Tape No.
6 233714.

7 Okay. Go ahead.

8 DET. BARLING: Okay.

9 Q And I think -- uh, going back maybe a step. In your
10 relationship with her, had you ever taken her to the Marathon
11 apartment?

12 A And, again, I just don't remember taking her to the
13 Marathon apartment. It exists. She's talked about. She,
14 obviously, knew about it. I just don't remember her -- uh, me
15 taking her there. I just don't.

16 Q And do you recall taking her there with Officer
17 Martin to the Marathon apartment? Do you recall having sex
18 with her at the Marathon apartment?

19 A I really don't remember having sex at the Marathon
20 apartment with her. I just don't.

21 Q Do you recall smoking a marijuana cigarette prior to
22 having sex with her at the Marathon apartment?

23 A Absolutely not.

24 Q Okay. Do you recall --

25 DET. SKAGGS: Uh, on the night of a party, evidently,
26 there was a celebration at the Marathon apartment in response
27 to some kind of a sporting event that Rampart C.R.A.S.H. or
28 Rampart Division participated in. I don't know if that might

1 help your memory at all. Something happened. Possibly a
2 weight-lifting contest. Some athletic event. And, uh, there
3 was a celebration afterwards with food and drink at the
4 apartment.

5 Q BY DET. BARLING: Or maybe Rampart beat the Sheriffs
6 in a weight-lifting contest or had something to do with maybe
7 a weight-lifting contest.

8 A And we had a party at the -- I remember of one party
9 that we had. But it was like a bachelor party. It wasn't a -
10 - and she wasn't there. I think it was before her. I mean,
11 before her -- me meeting her. I do not remember. I mean,
12 maybe she -- is she maybe getting it confused with the benches,
13 at one point, or something? Maybe I took her to the benches
14 once. It -- it might have been a, -- you know, a barbecue or
15 something there. I don't remember having a party at the
16 apartment.

17 Q When would you think you took her to the benches?

18 A I don't even know. I'm just saying that it's possible
19 that maybe I might have taken her, at one point, I picked her
20 up or something, or -- I don't even know. But I just, you know
21 --

22 Q BY DET. SKAGGS: Was there -- did you guys ever have
23 more than one pad there at the Marathon apartments? Was there
24 ever two apartments rented at one time?

25 A No, just the one. I don't know the apartment number.
26 But it faces the back alley or something.

27 Q BY DET. BARLING: Do you remember what floor it was
28 on?

A Maybe the second or third floor. It wasn't that high

up.

1 Q Okay. In that apartment -- adjacent to that
2 apartment there's like a field or a library with park?

3 A There's a park across the street in front of the
4 building.

5 Q Right.

6 A Yeah.

7 Q Okay. Do you remember ever having like a softball
8 game there with the La Mirada Locos, or some ex-gang members,
9 like Martin putting together a softball game of officers versus
10 neighborhood kids type thing?

11 A I'm really lost here.

12 Q Do you know what I'm saying? Like sometimes we have
13 that --

14 A A softball game.

15 Q You know, with the -- against the community, the
16 local station has like a softball type -- you don't remember
17 anything like that?

18 A I --

19 Q Okay.

20 A -- you know, I just don't remember. Especially, what
21 -- I took her or brought her there with us or something? I
22 definitely don't remember that.

23 Q Do you recall anything -- do you recall discussing
24 your relationship with her with Officer Martin, and maybe
25 Officer Martin referring to her as Little Girl, calling her a
26 little girl?

27 A I mean, again, not that it may have not happened, it
28 just wouldn't stand out in my mind that he called her Little

1 Girl.

2 Q You don't remember Officer Martin walking in on the
3 two of you while you guys were just performed, or were about
4 to be in the act of sex at the apartment?

5 A I -- I just don't recall.

6 Q Do you remember having a discussion with her about
7 her being pregnant by you?

8 A I do remember a conversation about her being
9 pregnant, yes.

10 Q And when do you think that conversation occurred?

11 A Probably three -- two to three to four months later
12 after.

13 Q Okay. Do you recall any of that conversation?

14 A It was a telephonic conversation.

15 Q Okay. She called you up? You called her up? How
16 did that happen?

17 A No, she called. She might have paged me and I called
18 her back.

19 Q Okay.

20 A And I think she might have said something about being
21 pregnant or something like that.

22 Q Okay. And what would be your response to that then,
23 if you recall?

24 A I knew she had been lying.

25 Q Okay. Why do you say she would be lying?

26 A I don't know if I told her that, but I knew she was
27 -- I had a vasectomy three or four years before that. It was
28 impossible for her to get pregnant.

Q Would you have told her that, that --

1 A I don't know deep the conversation -- I don't
2 remember how deep the conversation got. I don't know if she
3 was telling me, "I'm pregnant," and then -- I remember it came
4 up. I remember she said something about being pregnant. But
5 I don't know how it got resolved or what she did, because it
6 was like I wasn't seeing her any more.

7 She just happened to page me out of the blue. I
8 called her back and she goes -- I think she might have said
9 that I think I'm pregnant or something like that.

10 Q You don't recall telling her that you'd been clipped?

11 A It's possible that maybe I told her that. And it's
12 probably true. I don't remember telling her. But I was clipped
13 -- or clipped for a lack of a word. I was -- I had a vasectomy.

14 Q And when did that happen, if you recall?

15 A Early in 1995.

16 Q Okay. Do you recall that that -- that conversation,
17 obviously occurred after her being a witness in a homicide. Do
18 you recall, prior to that, at a period of time between the stop
19 at the Pan American Club where you guys raided and maybe checked
20 I.D.'s or whatever, do you recall between that period and the
21 homicide getting her pregnant and having to take her to get an
22 abortion?

23 A Absolutely not. I never, even at the Pan America, I
24 never really met her. I think she saw me. But I had no
25 recollection of seeing her there, no recollection of talking
26 to her there. And before the homicide, I never saw her again,
27 or never saw, or remember seeing her at all, ever before that.
28 Never.

 Q Do you recall ever taking her to any of these clubs

1 -- the Guatelinda Club, Club Baja, --

2 A Bahia.

3 Q Bahia. B-a-h-i-a. A- -- B-a-h-i-a. Or Luminaries?
4 Do you recall taking her to any of those clubs?

5 A I believe those are all like Rampart clubs.

6 Q With the exception of Luminaries?

7 A That I walked in to a club with her to one of these
8 in Rampart, I really doubt it. I don't remember any of that.
9 I certainly -- I am not gonna walk into Rampart where probably
10 half the gang members, or who knows who else, may be there.

11 Especially the Pan America, that's a Temple Street
12 hang out. I just -- I'm positive that I -- I never took her
13 to no club.

14 Q And I didn't say the Pan America. I said the
15 Guatelinda.

16 A Or the Guatelinda. Aren't those all --

17 Q The Guatelinda is in -- is, I think, in Hollywood.
18 Just on Hollywood Boulevard, just outside of Rampart. Club
19 Bahia is on Sunset down from the Shortstop. Luminaries is in
20 --

21 A East L.A.

22 Q -- East L.A.

23 A No. Never.

24 Q Okay. Do you recall ever doing a money drop or a
25 narcotics exchange in her presence, at any of these locations?

26 A No. And I see where this is all going. You guys are
27 going to have to investigate a little bit more. I think she's
28 really feeding you guys a bunch of junk. I would never, in her
presence, or anything else, am I gonna commit any kind of crime,

1 other than maybe a moral crime, as far as having a sexual
2 relationship with her.

3 But, number one, I'm not gonna be going to any club
4 with her. I don't remember even ever taking her to a movie,
5 let alone to go to a club and be seeing in public with her.
6 I've never any money drop or any narcotics anything with a
7 woman who was an informant for the -- for the police. I -- I
8 don't know what to say. But, you know, she might have fed you
9 guys a bunch of stuff. But it's not correct.

10 Q Do you recall on maybe your first date taking her out
11 to dinner at the Red Lion Hotel and then to the movies in
12 Glendale?

13 A I don't remember taking her to no movie. I don't
14 remember a Red Lion.

15 Q Do you recall, at any time, any bandit-type taxi-cab
16 pulling up to the apartment on Marathon and you making a
17 narcotics exchange at the apartment building?

18 A No.

19 Q Okay. Did you ever -- did you and Sammy Martin ever
20 snort cocaine in her presence, at the apartment building?

21 A Absolutely not.

22 Q Did you ever take her to a salsa dance at the
23 Coliseum?

24 A No, sir.

25 Q Okay.

26 Q BY DET. SKAGGS: Do you know anybody that works at
27 the Quatelinda?

28 A The Quatelinda? This is the one on --

Q On Hollywood.

1 A Which street though?

2 Q It's maybe a quarter mile west of where Hollywood and
3 Sunset intersect. The south side of the street. It's got a
4 large parking lot. It's got an upstairs and a downstairs dance
5 floor.

6 DET. BARLING: Two separate clubs. Quatelinda and another
7 name on the one on the bottom. And a two-story apartment
8 building catty-corner.

9 THE WITNESS: When you go in there, is there a parking lot
10 up front, and, then, you go in, and there's like a building?

11 DET. BARLING: Yes.

12 THE WITNESS: I've been there. I went there with Sammy
13 Martin once. We walked into the -- into the club itself.

14 Q BY DET. SKAGGS: On duty or off duty?

15 A On duty.

16 Q Did you make contact with anybody in there?

17 A I remember there was a Hispanic-looking type of a guy
18 in the deejay -- there's like a glass -- an enclosed glass
19 area. The deejay. I remember we walked up in there and talked
20 to him. Who I made contact with, I really don't remember. I
21 know we were there to see somebody, or we knew somebody, or
22 something like that.

23 It might have been like we were patrolling and
24 somebody says, "Oh, yeah, we're going to there tonight." And
25 we might have went by there to see if the girls were there or
26 not. But I don't remember who it was that we talked to or even
27 made contact to.

28 Q You don't know the owner or any of the employees
there?

1 A Personally?
2 Q Yes.
3 A No.
4 Q Okay.
5 Q BY DET. BARLING: Did you ever -- did David Mack ever
6 go to that club too, at one time, with your or Martin?
7 A No, never.
8 MR. MCKESSON: Excuse me. Can you give me the date of the
9 murder, again?
10 DET. BARLING: February of '96. We may have the exact
11 date somewhere.
12 MR. MCKESSON: That's -- can you give me the date of the
13 statement that she gave you? Just the date.
14 DET. BARLING: I don't have it in front of me. But I can
15 get that for you.
16 MR. MCKESSON: Do you have -- do you know what year?
17 DET. BARLING: This year, 2000.
18 MR. MCKESSON: 2000?
19 DET. BARLING: Yeah.
20 Q BY DET. SKAGGS: Did you ever take her, the witness,
21 in your cruiser and just go on patrol for a period of time?
22 A You know, it seemed like I picked her up several
23 times for the detectives. For some reason they wanted me to
24 re-interview her, or take her to court. It was always me who
25 had to go pick her up. I want to say that, at one point, we
26 took her out for her to show us some location or something.
27 She wanted to show us some places that she thought
28 she might have saw a defendant or one of the suspects. It's
kind of vague in my mind when it occurred or where we even

1 went. But if you're asking me did I just put her in the car
2 and drive around, I don't remember that.

3 Q Do you -- without giving exact locations, after this
4 homicide, you moved -- you facilitated a move, and moved her?

5 A The detectives did. They just told me where to take
6 her.

7 Q But you took her somewhere? You physically took her?
8 They told you where?

9 A Yes.

10 Q Was that -- do you want to take a quick break?

11 (Off the record at 2:36 p.m. to change paper.)

12 (Back on the record at 2:38 p.m.)

13 MR. ROSENTHAL: It's 2:38. We're back on the record. Go
14 ahead.

15 Q BY DET. BARLING: Do you -- do you recall, when you
16 transported her, do you remember who went with you to physically
17 move her when you took her? What officer?

18 Or was it different officers? Did you do it more
19 than once?

20 A Well, I picked her up several times, and --

21 Q Not picking her up, but putting her -- not picking
22 her up.

23 A It was just once that we picked her up and took her
24 to the hotel.

25 Q Okay.

26 A I believe that was just once.

27 Q Do you ever recall, initially, after the crime
28 occurred, taking her to a residence somewhere in South L.A. and
putting her there, or maybe a time from transporting her to and

1 from court taking her to safe house her in maybe a house, or a
2 friend's house or friend's house in South Los Angeles?

3 A It's possible that after court we might have
4 transported her to some house in South L.A. But I'm not exactly
5 sure where it was.

6 Q Do you recall ever transporting her out of Los
7 Angeles to another city and taking her to a house or apartment?

8 MR. MCKESSON: When you say "city" what do you mean?

9 Q BY DET. BARLING: I mean out of L.A. South Gate,
10 Huntington Park? That's what I'm talking about. Downey?
11 Nearby cities.

12 A When she got threatened, it was outside the city. It
13 was some city.

14 Q But it was outside of the city?

15 A Outside of the city.

16 Q Did you actually --

17 A I'm not even sure if I went -- if I was the one that
18 went and picked her up from there. I'm not sure if I picked
19 her up from there. I know she had to be picked up and brought
20 to the station and a report had to be taken. And that's
21 Benjamin and the other detective made arrangements for her to
22 be at a home or something.

23 Q Okay.

24 A But, as far as me picking her up from court, and
25 taking her to -- like I said, she had been to court several
26 times.

27 Q Mmnh-mmnh.

28 A Probably because there we so many times, it was
refiled or whatever. But I know that she needed to be picked

1 up. We'd pick her up and drop her back off. Where was it her
2 apartment was, at the time? I thought it was somewhere in
3 South L.A. I think it was maybe a house of a friend or a cousin
4 or hers stayed or something. That's where we dropped her off
5 at.

6 Q Do you recall, at the time of the murder prior to,
7 back when you might have first met her, at the Pan America
8 Club, that you don't recall, but you remember her mentioning
9 that to you -- her possibly mentioning it to you -- do you
10 recall where she lived at that time? And do you recall ever
11 responding to that house or apartment, which would have been
12 within the Rampart area?

13 A She lived, I think, on [*redacted*] or something like
14 that. I know we picked her up a couple of times like away from
15 her house. She didn't want to be picked up at the house. I
16 think we would like maybe meet at the corner, pick her up, and
17 bring her to the station. But I think it was on the [*****]
18 [***** information redacted *****], or
19 something like that.

20 Q Do you know who she resided with, at that time?

21 A No clue.

22 Q Okay.

23 A Oh, wait a minute. Did she have a brother or
24 something like that? The only way I would know, is if she
25 told me. And I believe -- I thought she said something about
26 having a brother.

27 Q And -- and she was clearly a witness to a gang that
28 you were assigned to. [***** Information Redacted *****]
[** redacted **]. You don't recall ever having contact with

her prior to this homicide?

1 A I've never seen her. Well, other than the time she
2 says she saw me at one of the bars raiding it, I had never seen
3 her before.

4 Q Okay.

5 Q BY DET. SKAGGS: Did you ever ask her to exchange a
6 brown paper bag or anything?

7 A Never. I have no idea what that's all about.

8 Q BY DET. BARLING: In any of these times that you
9 moved her and took her to court, could Officer Tovar have been
10 with you?

11 A It's possible. He was probably my partner around
12 that time. Yeah, it's possible.

13 Q Do you -- do you recall where Officer Tovar's father
14 works at?

15 A Officer Tovar's father?

16 Q Right.

17 A I have no idea who Officer Tovar's father is at all.

18 Q Okay. Do you recall maybe going up to the Academy
19 picnic benches and meeting a classmate of yours, or I believe
20 a classmate of yours that was also in the Marines that you
21 might have referred to that you were in the Corps. with, who
22 maybe might been in the Corps. at different platoons at
23 different times, but maybe he's a classmate, a male White
24 officer, and introducing her to him?

25 A There is a male White at Rampart Division that he was
26 my classmate in the Police Academy and was in the Marine Corps.
27 We weren't in the Marine Corps. together. Do you want his
28 name?

1 Q Mmnh-mmnh.

2 A It's Morrison. Joe Morrison. Do I remember
3 introducing her to Joe Morrison? I don't remember that.

4 Q Okay.

5 A But that was true that, you know, who he is, as far
6 as Marines, my classmate, that's true.

7 Q Is there anyone else that you would refer to as like
8 maybe your buddy from the Army or buddy from the Marines, or
9 from the Corps.?

10 A Joe's the only one that just happened to be in the
11 Marine Corps. and we both happened to come in at the same time.

12 Q Did you ever exchange 4x4 zip-lock baggies with a
13 male in a black vehicle with her out in front of the Guatelinda
14 Club?

15 A No.

16 Q I can't think of anything else to beat it to death.
17 All right. I'm -- we're done. It's about 2:45. And we'll go
18 off tape.

19 MR. ROSENTHAL: We're off the record while we bring in the
20 Internal Affairs investigators.

21 DET. BARLING: One more curiosity -- can you guys --

22 MR. ROSENTHAL: We just were off the record for just a
23 moment. Back on the record.

24 Q BY DET. BARLING: Have you seen the infamous picture
25 of you, Sammy, and David wearing the suits? You know what
26 picture I'm referring to? It's been in the paper.

27 A In Las Vegas?

28 Q Yeah.

A Yes, sir.

1 Q Where did you get those suits? Did you come with the
suits? Did you buy suits there?

2 A We brought the suits there.

3 Q So, there were -- you brought the suits with you?

4 A My suit I bought. And it may look like an expensive
5 whatever suit. I bought it downtown like 5th and Hill, 6th and
6 Hill. One of those, you know, tailors. They do everything.
7 Throw in the tie and shirt with it for, you know, 2- -- 215
8 bucks. That's where I got mine. I didn't know about that suit
9 that David had until he came out of his room that day and he
10 was wearing it. And we were a little bit shocked with all the
11 red, and the red hat and all that.

12 But, my suit, they made -- people talk about, oh, an
13 Armani suit or whatever. I think it's probably still at home.
14 It's like a no-frills, no-brand suit.

15 Q So, you know where you got your suit. You're not
16 sure where David got his?

17 A I have no idea.

18 Q What about Sammy? Did you ever see Sammy in that one
19 before?

20 A Was he wearing black?

21 Q I think so.

22 MR. ROSENTHAL: You guys have to stop talking on top of
23 each other. One at time, please.

24 THE WITNESS: I -- I think that was just one of his normal
25 typical suits he wore to court or whatever. I don't know what
26 the thing is with the suits, but --

27 DET. BARLING: Okay.

28 THE WITNESS: I don't know where he got it from, though.

1 DET. BARLING: Okay. Thank you. We're done.

2 (Off the record at 2:45 p.m.)

3 (Back on the record at 2:48 p.m.)

4 MR. ROSENTHAL: All right. It's 2:48. We're back on the
5 record. Mr. Perez, during the course of the questioning, I
6 think it was mentioned that there was a Writ of Habeas Corpus
7 that had been filed, actually last November, I believe, by
8 Anthony Adams.

9 And there were allegations of witness tampering that
10 you had, in fact, influenced testimony of this witness against
11 defendants. And after we went off the record, you said that
12 there was something you wanted to make comment about that
13 allegation. So, why don't you go ahead?

14 THE WITNESS: Well, I just wanted to make it perfectly
15 clear the allegation is that the witness was intimidated or,
16 one way or another, to maybe testify or -- or identify someone
17 or some people as to their involvement.

18 And I want to make it clear, for the record, that at
19 no time on the date that the homicide occurred or any other
20 interviews with the witness, was she asked or coerced or
21 intimidated, in any way, by me or anybody that I know, to
22 identify someone or to pick out someone that was involved, in
23 any way.

24 And, at no time was she intimidated. The
25 relationship that occurred, occurred long after I.D.'s were
26 made and statements were made to Homicide detectives, and so
27 on.

28 So, no time was she intimidated, in any way, as far
as police officers, or as far as myself goes, to make any

statement that was not her own true statement.

1 Q BY DET. BARLING: And, in fact, you never showed her
2 six-packs of who were involved in this, the detectives did?

3 A The detectives showed her six-packs. I -- I did show
4 her a I-card -- uh, I-cards, which is just a plain one card.

5 Q And she never -- and she never made an I.D. from
6 that?

7 A Well, I think she had -- she was -- when -- when she
8 was going through the I-cards, the detectives showed up. And
9 they said, "Fine, let her show the card -- I-cards." Pulled
10 the ones that she wants to talk about to the side. And, then,
11 they went and interviewed her.

12 And she -- she mentioned everyone's involvement to
13 them. Not to me. She talked to the detective and told him,
14 this guy did this, and this guy did that, uh, as far as
15 everything that went down.

16 Q And you were present for when the detectives
17 interviewed regarding those cases?

18 A No, sir.

19 Q The detectives handled it?

20 A That's right. Yes, sir.

21 Q BY MR. ROSENTHAL: And, so, with respect to the
22 Anthony Adams' murder case, or the prosecution of the
23 McDonalds' murder, the only misconduct that you were aware of,
24 that occurred with respect to that case, was simply your
25 establishing a sexual relationship with this witness on one
26 occasion?

27 A Yes, sir.

28 Q All right. Okay. That should do it. It's 2:50 and

we're back off the record.

1 (Off the record at 2:50 p.m.)

2 (Back on the record at 3:13 p.m.)

3 MR. ROSENTHAL: All right. We're on the record. It's
4 3:13. We're back on the record. Mr. Perez, you're still under
5 oath. Before we begin the questioning on this case, this
6 relates to the arrest of Julio Hernandez and Walfrido LaMotte.
7 There is no filing, or there is no record on Mr. LaMotte. But
8 on Mr. Hernandez we have D.A. Case No. Juvenile Case PJ21266.
9 D.R. No. 9602-26976.

10 Before the questioning begins, I want to put, on the
11 record, that this case involves Officer Patel. Officer Patel
12 was, in fact, compelled by the interviewing officer on March
13 28th of 2000.

14 I have reviewed the questions that are going to be
15 asked of Mr. Perez. And from the review of these questions,
16 it appears that these questions are clearly not based upon the
17 compelled testimony of Officer Patel, but rather come from
18 independent sources, and as such it should be fine for those
19 questions to be asked.

20 Why don't you go ahead, Sgt. -- I'm sorry, Detective.

21 DET. CAZARES: This is a tape-recorded investigation
22 Complaint Form No. 000572. Today is June 16th, 2000. And the
23 time is 3:14 hours. The location of the interview is
24 confidential. Present to be interviewed is former police
25 officer Rafael Perez. The interview is being recorded on Tape
26 No. 234411, Side A.

27 The interview is being conducted by Detective II,
28 Diane Cazares, Serial 25267; and Detective II, Mike Burditt,

24454; both assigned to Internal Affairs Group.

1 Also present is Mr. Perez' attorney, Mr. Kevin
2 McKesson, and Deputy District Attorney Richard Rosenthal. And
3 as an observer is Sgt. II Mike Perez, Serial No. 21965, also
4 assigned to Internal Affairs. And the last present is
5 Stenographer Miss Sara Mahan.

6 Q Mr. Perez? Or Rafael? Or Ray?

7 A Ray is fine.

8 Q Great.

9 MR. MCKESSON: Call him Rafael.

10 THE WITNESS: No, don't call me Rafael.

11 Q BY DET. CAZARES: Ray, you had an opportunity to
12 review the arrest 96-02-026976, and also the transcripts of
13 November the 5th. Did you have an opportunity to review those
14 two photos?

15 A Yes, I have.

16 Q Okay. Do you recognize Defendant Julio Hernandez by
17 his booking photo attached to the face-sheet of the arrest
18 report?

19 A Yes, I do.

20 Q Okay. Showing you a photograph of that specific
21 D.R., or rather booking, I'm now showing you a booking
22 photograph 4983035 of Walfrido LaMotte.

23 A Yes, I recognize the photo. And I recognize that
24 it's Walfrido LaMotte.

25 Q Okay. I'm now showing you two Polaroid photos of 110
26 South Dillon Street. Do you recognize the residence?

27 A Yes. Yes, I do. It's the white house.

28 Q Yes.

1 A Yes.

2 Q Okay. And, for the record, I'm also showing you a
3 DMV photograph of Raquel LaMotte. Do you recognize this
4 individual?

5 A That appears to be the mother of Wilfredo LaMotte.

6 Q BY MR. ROSENTHAL: Why don't you read off the DMV
7 license number, for the record?

8 A The driver's license number is C3524431, with the
9 name of Raquel LaMotte.

10 Q BY DET. CAZARES: With regards to the first question,
11 did you personally see Officer Patel read this arrest report?

12 A Can I see the arrest report again? I'm sorry.

13 Q I'm going to need that first face-sheet of the arrest
14 report.

15 A Do I have an independent recollection of him actually
16 reading the report? No, I do not.

17 Q Okay. So, you don't remember actually seeing him
18 reading the arrest report?

19 A Not independently. Not -- no.

20 Q Okay.

21 A I mean, if you -- the question is direct. And I'm
22 going to direct it directly. I won't go any further than what
23 your question is asking.

24 Q When you spoke to the mother of Wilfredo, Raquel
25 LaMotte, did you talk to her in Spanish?

26 A I remember talking to her. And I remember, most of
27 the time, I was talking in English. And, then, a large portion
28 of the time, her daughter was like translating or wanting to
be -- interceder. She wanted to be the one who was talked to.

1 So, I don't see a photo of his sister there. But
2 there was another female, a sister, who I primarily talked to.

3 Q Did you talk to the sister in Spanish or English?

4 A In English.

5 Q Did you explain the Consent form to the mother, the
6 Consent to Search form?

7 A I believe I did. The daughter -- I want to say that
8 she started reciting some law to me, or maybe she was a law
9 student or a law clerk, or something.

10 A Anyway, I knew that while I was at the apartment I
11 had to go real by the book, as far as the Consent. And I know
12 that, in fact, I even had the daughter not just the mother, but
13 the daughter, sign the Consent, even though it was the -- her
14 apartment. I had her sign as a witness.

15 A So, I'm pretty sure I described it pretty clearly.
16 I made sure she read it, filled it out, and signed it
17 completely.

18 Q So, you believe that the daughter understood the
19 explanation of the Consent to Search form?

20 A Absolutely. And it was obtained prior to doing any
21 search. Everything was explained to them, what happened to
22 their son, he had been arrested, some observations that were
23 made, everything was explained to them real legitimately, as
24 far as that one, yes.

25 Q Prior to the daughter's arrival to the residence, did
26 you tell the mother that by signing the Consent form you had
27 indicated to her that you were going to release her son Wilfredo
28 LaMotte?

 A I don't believe I said that.

1 Q Did you ever tell the mother, Raquel LaMotte, that
2 now that you had recovered the firearm that you had now believed
3 Wilfredo LaMotte was telling the truth?

4 A Telling the truth?

5 Q Just that phrase, "Telling the truth?"

6 A I'm not going to say it didn't happen. I'm a little
7 confused as to what context I said that, or might have said
8 that, because it's possible that I might have went down there
9 and said, "Listen, I already talked to him. He told me he has
10 a gun in there." That type of thing.

11 That's probably what she's talking about that I said
12 something to that effect. But I can't just say, "Yeah, I said
13 he's telling the truth" because I'm not sure what context she
14 is talking about.

15 Q I understand.

16 A So, it's possible that I might have said that, yes.

17 Q Okay. Referring to this photograph of Julio
18 Hernandez, Booking Photo No. -- you have to show it to me.
19 4919542. If you look closely, just by where this indentation
20 of the staple there, there appears to be a red spot at the very
21 top of the bridge of his nose.

22 A Yes.

23 Q Do you know how he got that?

24 A I don't. I mean, it might have been while taking him
25 into custody. It might have been there before we took him into
26 custody. I don't think that was an issue, as far as claiming
27 that scrape. I don't know how it occurred.

28 Like I say, it might have occurred while he was being
taken into custody. There was a lot of units there while he

1 was taken into custody. It wasn't like he was thumped on or
2 anything like that.

3 Q Do you recall that the -- do you know that the
4 officers were following the proper procedures in arresting this
5 individual?

6 A At the time he was taken into custody?

7 Q Yes.

8 A I believe so. There was a lot of patrol units
9 following the stolen vehicle. And there was not only just
10 C.R.A.S.H. units, but patrol units.

11 And, in fact, he was proned-out right in front of the
12 liquor store, some type of small convenience store, on Sunset
13 and Silver Lake area. He was proned-out right -- so, you walk.
14 It wasn't like a chase or anything like that, he was thumped
15 on, unnecessarily. He was just taken into custody.

16 Q Did you notice if his nose was bleeding profusely?

17 A I don't remember that.

18 Q Okay. And just for the record, this is the last
19 question, or is it? Did you want to add additional?

20 DET. BURDITT: No.

21 DET. CAZARES: This is the last question.

22 Q What is your proficiency in Spanish?

23 A I'm a fluent Spanish -- I'm a paid Spanish speaker
24 for the department. Spanish is my primary language.

25 Q Reading? Writing?

26 A Yes.

27 MR. ROSENTHAL: Let me just ask.

28 Q In answer to the first question which discussed
whether you saw Patel read the arrest report, your answer was

you don't remember it in this particular case --

1 A Independent recollection of him actually reading the
2 report.

3 Q Right. Now, in the past, during the course of these
4 interviews, as a matter of practice, you would have your partner
5 officers review a report that you had prepared. Do you have
6 any reason to believe that that did not happen in this
7 particular case?

8 A No, I do not. And, specifically, on something like
9 this where we completely fabricated the story, as to where we
10 saw them, where we initially saw them, me and Kulin Patel
11 discussed it in-depth as to how we're going to write it, how
12 it's going to be written, the fabrications that were going to
13 added.

14 Also, looking at the report, on some of the face-
15 sheets that there's Kulin's handwriting all over the face-sheet
16 of the report. That would tell me this was late in the day
17 when we get the face-sheets. We're already at Jail Division
18 getting booking numbers. Or, actually, the face-sheet have to
19 be done to take them to Eastlake. A complete report has to be
20 taken for the bodies with the juveniles.

21 This report would have had to have been done to have
22 the face-sheets. And, like I said, the handwriting on the
23 face-sheet of the report are Kulin's handwriting. So, he had
24 this report in his hands, at some point.

25 And it is our practice to have -- we have each other
26 read our reports, not only for mistakes, but that we're on the
27 same page in case somebody comes to interview us tomorrow, or
28 the next day, week, for some reason, would read our reports.

That is our practice.

1 DET. CAZARES: I have a question as to what you just
2 indicated.

3 MR. MCKESSON: You already had your one question. You
4 told me just one question.

5 Q BY DET. CAZARES: I know, but he -- with regards to
6 Page 2 and 3 of the arrest report, who is the author of those
7 two pages?

8 A I am the author of this -- the two pages.

9 Q Okay. Any questions?

10 DET. BURDITT: No.

11 DET. CAZARES: Okay.

12 MR. ROSENTHAL: All right. We'll go off the record for a
13 moment while we get ready for the next subject.

14 DET. CAZARES: This concludes the interview. The time is
15 3:30.

16 (Off the record at 3:30 p.m.)

17 (Back on the record at 3:34 p.m.)

18 MR. ROSENTHAL: All right. We're back on the record.
19 It's 3:34. This question is going to relate to the arrest of
20 Rene Vriones, V-r-i-o-n-e-s. D.A. Case No. BA133329. D.R. No.
21 96-02-21209. I have been informed that Internal Affairs
22 investigators have compelled certain officers relating to this
23 arrest.

24 However, Detective Burditt, who is going to be
25 conducting this, did not participate in the compelled
26 interviews and has no knowledge of what the context of the
27 compelled interviews were, and has not discussed the contents
28 of the compelled testimony nor have any made any specific

1 questions as to the questions that should be asked; is that
2 correct?

3 DET. BURDITT: Correct. This is a tape-recorded interview
4 of an Internal Affairs Investigation CF No. 99-46-4639. Today
5 is June 16th of the year 2000. It is 1535 hours. Location of
6 this interview is confidential. Present to be interviewed is
7 former police officer Rafael Perez.

8 Present are his attorney Winston McKesson, the Deputy
9 District Attorney Richard Rosenthal. And we've got a court
10 stenographer, Sara Mahan. Conducted by Detective Burditt,
11 Serial No. 24454. I'm assigned to Internal Affairs. And by
12 Sergeant II, Mike Perez, Serial No. 21965 of Internal Affairs.

13 The interview is being recorded on Tape No. 234449,
14 Side A.

15 Q Ray, before we went on tape, I presented you with
16 some photographs of the corner of 8th and Westlake, the arrest
17 report in connection with this arrest, booking photo of Mr.
18 Vriones, a DFAR for yourself and your partner that evening,
19 which was Officer Duarte, and your prior transcript dated
20 November 5, of 1999. Did you have a chance to review those?

21 A I have reviewed all those documents.

22 Q And I'm going to ask you some specific questions
23 regarding this arrest on June 7, of 1996. You arrested Rene
24 Vriones for possession of rock cocaine. What were the
25 circumstances of that? How did you -- how did you come in
26 contact with this individual?

27 A On this particular date, I was the driver officer, I
28 believe of the -- of my police vehicle. Raquel Duarte, I
believe, was her last name. I think it's different now. She

1 was my partner. We were patrolling the area of 8th and Westlake
2 when we observed a male Hispanic identified as Mr. Vriones,
3 standing on the northwest corner. We approached him, got out,
4 and he looked suspicious.

5 You know, when he saw us, he became real nervous. I
6 got out of the car, started walking towards him.

7 Q Can I stop you momentarily and ask you, do you recall
8 what type of vehicle that you and your partner were driving
9 that evening?

10 A It was a -- are there transcripts on this, Officer?

11 Q Yes.

12 A I don't specifically like have an independent
13 recollection of which vehicle. I believe it was the blue
14 Taurus. And I'm almost certain it was the blue Taurus that we
15 were driving that day.

16 Q Okay. From these photos that I presented to you of
17 the corner of 8th and Westlake, do you recall the exact location
18 where Mr. Vriones was arrested?

19 A Yes, sir.

20 Q Could you indicate for that -- for me, please?

21 A I don't know how to refer to this. But it's a plastic
22 document protector with three photos. And I'm gonna to use the
23 top photo as a reference. If you look at the northwest corner,
24 there is a light pole there with a Westlake street sign on it.
25 If you were to just be on the other side of that pole, that's
26 where he was standing. That's where I grabbed him by the neck
27 in the choke-hold and went down to the ground with him, trying
28 to get him to spit out the rocks.

Q Okay. Prior to -- we'll back up a little bit.

1 A Okay.

2 Q During the detention, and did you speak with Mr.

3 Vriones?

4 A At what point?

5 Q Prior to -- prior to taking him into custody?

6 A During the time I was trying to take him into custody,

7 I was telling him to spit out the rocks. If he spit out the

8 rocks, I'd give him a break, things like that. "Don't piss me

9 off. Just get rid of them. Spit it out." He didn't do it.

10 And, then, eventually, I said, "Fine. Okay. No

11 problem. Go ahead and eat them."

12 Q Did you speak to him in English or Spanish?

13 A In Spanish.

14 Q Did Mr. Vriones have trouble speaking with you?

15 A When I had him in my grasp?

16 Q When you first spoke with him? When you first

17 approached him?

18 A He didn't speak at all.

19 Q Didn't speak?

20 A Right.

21 Q Did you -- at what point did you -- well, let me back

22 up. Did you see the rock cocaine in his mouth?

23 A It appeared he was shoveling something in his mouth.

24 And, you know, that was the common thing for a dealer to keep

25 rocks in their mouths. He was shoveling something in his mouth.

26 And in my mind, it was rock cocaine.

27 Q Did you actually see it?

28 A I don't remember seeing the rocks themselves, no.

Q Did you observe it? Did you ask him to spit the rock

cocaine out?

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A Yes.

Q And did he comply?

A No.

Q Did you grab Vriones?

A I grabbed him in a chokehold, yes.

Q What amount of force did you use?

A I was applying a choke-hold technique. I didn't -- we went down to the ground together.

Q During that time, did Vriones have trouble breathing?

A He wasn't receiving a whole lot of air. I was choking him out. So, yeah, he was having some problems breathing.

Q And the two of you went to the ground, is that correct?

A Yes, sir.

Q So, how did you take him to the ground?

A As I grabbed him, to put my arm around his neck to try to choke him, he goes down to his knee. I go down to my knee. He goes forward, lands face down on the ground. And I'm on top of him. And I'm still trying to choke him out, telling him to spit out the rocks.

Q When you were on top of him, was he on his stomach or back?

A On his stomach. I'm sorry, his back is to me. And his stomach is closest to the ground. And that's when he hit the ground -- his front face, his frontal profile.

Q What was Duarte doing when you had choked-out Vriones and you went to the ground with him?

A She was sitting there watching me.

1 Q Did she say or do anything, at that point?
2 A No.
3 Q Did Vriones swallow the cocaine?
4 A Yes.
5 Q Do you know how many rocks of cocaine he swallowed
6 or what you believed to be rocks of cocaine?
7 A I believe it was numerous. I couldn't tell you how
8 many.
9 Q Do you recall saying to him, "Listen. Spit it out.
10 I'll give you a break. If you don't spit it out, you're going
11 to jail?"
12 A Yes.
13 Q Do you recall after you took him into custody if he
14 had any visible injury on his neck?
15 A I don't remember looking for injuries.
16 Q Do you recall if either yourself or Vriones sustained
17 any damage to your clothing? Either to your clothing or to his
18 clothing?
19 A I don't remember looking. Or, you know, it doesn't
20 stand out whether there was damage to our clothing or not.
21 Q Do you think that is something you might remember if
22 there was?
23 A Not necessarily.
24 Q Did you advise a supervisor that you were involved
25 in a use of force?
26 A No.
27 Q Did you complete a Use of Force report?
28 A No.
Q And did you tell Duarte you were going to arrest

Vriones for possession of cocaine?

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A Yes.

Q And do you recall what Duarte's response was to that?

A She said something like, "How are we going to book him? There is no dope." Something to that effect.

Q Where did that conversation occur?

A Right there at the scene after he was handcuffed and placed in the car.

Q And do you recall telling your partner, Duarte, we'll handle it. Don't worry about it?

A I said something to that effect, you know, "That's all right. We got it. We'll handle it." Something to that effect. And in my mind, as soon as she said, my -- my bell went "Ding." You know, uh-oh.

You know, she wasn't someone who was to be trusted yet. She had just gotten to the unit. So, I was going to feel her out once we got to the station to see how her response would be to all this.

If she came across real bad, I would have said something like, "I'm just joking. We're going to kick him loose." She was pretty much okay with it, so, I went along with it, too.

Q Did anything significant happen from that point until the point you were back at the station? Anything you can think of?

A Anything significant?

Q Any other conversation with Vriones or with your partner?

A Can we pause momentarily?

1 Q It's 1543 hours.

2 (Off the record at 3:43 p.m.)

3 (Back on the record at 3:46 p.m.)

4 MR. ROSENTHAL: We'll go back on the record. It's 3:46.
5 Just for the record, the reporter's tape recorder appears to
6 have malfunctioned in part, so -- but we do still have the tape
7 that's in possession of the Internal Affairs investigators,
8 which is Tape No. 234449.

9 And, obviously, the portion that was not on tape
10 should continue to be transcribed by the reporter. So, we'll
11 continue. Go ahead.

12 Q BY DET. BURDITT: At Rampart Station following the
13 arrest, did you discuss the circumstances of the arrest with
14 Duarte, including how this arrest report would be written?

15 A Time out. I think we're having a problem with the
16 tape.

17 MR. ROSENTHAL: We're having a problem. The tape recorder
18 is just not working.

19 DET. BURDITT: We're gonna pause again at 1546 hours.

20 MR. ROSENTHAL: All right. We're going to try again with
21 the tape. It appears to be working now that we've turned the
22 voice activation feature off. Why don't you go ahead?

23 Q BY DET. BURDITT: Okay. We're back on tape. It's
24 1546 hours. At Rampart Station following the arrest, did you
25 discuss the circumstances of the arrest with Duarte, including
26 how the arrest report would be written?

27 A Yes. Yes, I did.

28 Q Could you tell me, do you specifically remember what
you talked to her about relative to how the arrest report would

be written?

1 A I, basically, told her how the arrest report was
2 gonna go. Like I -- remember when I said earlier that I wanted
3 to feel her out? I wanted to see how her, you know, how her
4 reception level would be, as far as bringing a case on this
5 person.

6 And she was not as far off as I thought she was gonna
7 be. She was okay with whatever I told her and how it was gonna
8 be written. She was okay with it. So, that's how it was
9 written. She knew how it was gonna be written. Do I have an
10 independent recollection of her reading the report? I do not.

11 Again, my standard practice was definitely --
12 especially in a case like this, Raquel Duarte, a new officer
13 in C.R.A.S.H., my practice would have been for her to review
14 the report, okay the report, you know, understand the report,
15 and for us to be on the same page.

16 And -- and, in fact, the -- the face-sheet of the
17 arrest reports are filled out in her handwriting.

18 Q And as the property report is in her handwriting,
19 which is actually a combined arrest and property -- that's on
20 the face-sheet of the arrest report?

21 A That's correct. The combined evidence report --

22 Q Correct.

23 A -- on the face-sheet, she booked the evidence. She
24 -- she was well aware of what was happening on this particular
25 case.

26 Q Where did you obtain the rock cocaine that you
27 planted on Vriones?

28 A I don't remember specifically where I had it. But I

1 know it was in my possession somewhere, either in my bag or in
2 my locker. I don't know where specifically I recovered it
3 from, but I -- I generally had rock cocaine in my possession
4 at all -- basically, at all times, I had some narcotics with
5 me.

6 Q In this case, did you, subsequently, give that
7 cocaine to Duarte for booking?

8 A Yes, I gave her I think -- I think it was about ten
9 rocks that we booked as though it came from him that he spit
10 out. And that was booked by her.

11 Q Okay. Why did you give the -- why did you give the
12 cocaine to Duarte instead of booking it yourself?

13 A Well, I had her -- you know, she had to have some
14 responsibility and some -- you know, something to do. I was
15 gonna write the report, and I wanted her to book the evidence.

16 And, you know, again, this was all part of whether,
17 you know, like I said, had she said to me, "Wait a minute.
18 Wait a minute. We didn't recover no rocks out there," I would
19 have said, "You're right. I just wanted to check you," and
20 would have went the opposite direction.

21 I would have let everyone know, you know, wait a
22 minute, you can't trust her. You know, we got to get rid of
23 her real quick.

24 But, as far as I was concerned, the questions that I
25 was asking, she was answering correctly. She was, basically,
26 going along with the -- the whole thing. So, I felt confident
27 to go ahead and do this. I felt that, you know, she was going
28 along with it okay.

Q Do you recall if you told your partner where the

cocaine came from?

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A Telling her?

Q Yes. I know you've already stated you don't recall where that cocaine specifically came from.

A The only possible logical or any possible answer I might have given her where it might have come from, I might have said, "Oh, I got some of my own stash." Or, "I have my own." But I definitely didn't tell her specifically. Well, I don't have no specific recollection of telling her specifically where it came from, because, on this date, four years later, I don't recall where I got it from. But I don't know what happened on that date, that I got involved in, in any sense.

Q Do you recall who booked Vriones?

A Who did the dabising?

Q Booking him into the jail at the cage? The actual booking process on the paper work?

A I'm sure it was both of us. This was nothing special. It was a one-person arrest. It wasn't a complicated thing. I'm sure we just transported him to the glass house and booked him.

Q Do you recall if Vriones complained to you or the jailer, or any supervisor relative to booking him without evidence?

A I don't remember him saying that. And if he had said it, it wouldn't have drawn any attention to me. I mean, all he would have been stating is a fact that I already knew, so I mean, as far as him telling it to me, I wouldn't have thought about it. Maybe if he had have told the supervisor at the

jail, but I don't remember him doing that.

1 So, I don't have no recollection of that.

2 Q Okay. Do you know -- do you have knowledge as to
3 what the LAPD Department policy is in regarding choking a
4 suspect in order to obtain evidence from their mouth?

5 A Well, I know that a use of force -- well, first of
6 all, choke-holds are not an approved method of extracting
7 narcotics from somebody's mouth. That is a -- that's
8 categorized as, I guess, in the lethal area, as far as uses of
9 force.

10 I know that if you do apply a chokehold on a suspect,
11 I know for a fact that a use of force has to be completed by a
12 supervisor. He has to be brought out by the scene and a use
13 of force investigation has to occur.

14 Other than that, I don't know what else you're
15 looking for, as far as use of force.

16 Q Well, let me ask you another question. Do you know
17 what the Department-authorized methods are for attempting to
18 have a defendant spit -- spit cocaine out of his mouth, or
19 narcotics from his mouth?

20 A Maybe I don't. But I believe that if you asked him
21 to spit it, and they don't spit it, they swallow, you take
22 them to the 13th floor and have some coke pumped into their
23 stomach and have the narcotics pumped out.

24 Q Okay. In this case, was there medical treatment
25 provided to Vriones?

26 A No, sir.

27 Q Do you recall if Vriones -- it's your believe that,
28 in this case, Vriones swallowed cocaine; correct?

1 A Yes, sir.

2 Q Do you recall if Vriones displayed any symptoms of
3 being under the influence of narcotics that he swallowed?

4 A I know that I thought about that. And, you know,
5 looking at his mouth, it looks, you know, a little bit
6 excessively dry. It was one of those symptom things.

7 But I knew we wanted to get rid of him pretty quick.
8 I know it was one of those things where, you know, let's hurry
9 up and get him out of here. That type of thing.

10 But I don't remember seeing any symptoms that he was
11 showing, at that point. I know we got rid of him pretty quick,
12 for that reason.

13 Q Did you or Duarte obtain booking approval, if you
14 recall?

15 A I don't. I would suspect that Raquel Duarte would
16 have obtained it. But I don't have an independent recollection
17 of that. And I don't see a booking recommendation inside this
18 report that you've handed me.

19 Q Okay. Did Duarte, at any time, attempt to prevent
20 you from booking this individual for possession of cocaine?

21 A No, sir.

22 Q I believe the report was -- who does it show on the
23 report as --

24 A Sgt. Ortiz.

25 Q -- the supervisor?

26 A Sgt. Ortiz.

27 Q Do you -- right. Do you recall what you told to Sgt.
28 Ortiz concerning this arrest?

A I think this was probably a get him over the air,

1 hey, we've got a guy for dope. Okay to book? "Yeah, okay
2 book." There was nothing -- nothing special about the arrest.

3 So, there was no need to come, inspect, and go over
4 the whole scene, and how we're going to talk about it. This
5 is a quick dope arrest. I got a guy that I'm booking for a
6 couple of rocks. "Okay. No problem." And I signed his name
7 for him.

8 Q Okay. That was my next question is that it's your
9 handwriting?

10 A Yes, sir. It's my handwriting of Sgt. Ortiz'
11 signature.

12 Q Do you have an independent recollection if Duarte
13 read the arrest report?

14 A Independent recollection, no.

15 Q Okay. Is it correct that the combined evidence
16 section of the arrest report is not your handwriting?

17 A That's correct. That's Raquel Duarte's handwriting.

18 Q And you recognize her handwriting?

19 A Yes, sir.

20 Q Is there a PCD attached to a probable cause
21 declaration?

22 A You've just given me three pages of the arrest
23 report. Everything else is missing.

24 Q Can I pause for just one second, please? Off the
25 record at 1555 hours.

26 (Off the record at 3:55 p.m.)

27 (Back on the record at 3:55 p.m.)

28 MR. ROSENTHAL: All right. We're back on the record.

Q BY DET. BURDITT: It's 1555 hours. This is a copy

of the PCD, Ray. Whose handwriting is that?

1 A This is one side of the PCD. And the --

2 Q That's all I have is the one side.

3 A And the PCD is filled out in my partner Raquel
4 Duarte's handwriting. Everything is filled out in her
5 handwriting, except the arrest file number, the D.R. number,
6 which is filled out in my handwriting. Everything else, the
7 signature, the employee number, everything is filled out in her
8 handwriting.

9 Q Okay. I'm going to present you with a copy of a
10 field interview card that's dated June 7, 1996. And it's for
11 Rene Vriones. Do you recognize that handwriting?

12 A I do.

13 Q And whose handwriting is that?

14 A This F.I. card is filled out in Raquel Duarte's
15 handwriting. The front of it's filled out in her handwriting.
16 The back of it is filled out in her handwriting.

17 Q Okay. The next question I have is did -- do you know
18 if Sgt. Ortiz read this arrest report?

19 A I have no independent recollection of him reading the
20 report.

21 Q Did you tell Ortiz that you fabricated the report?

22 A I don't believe I told him that on this case.

23 Q Is this something you would have told him?

24 A Not necessarily. This was like a -- this is almost
25 like a nothing arrest. I mean, it probably took a whole hour
26 and-a-half to write the report and do everything.

27 So, it was nothing really to -- to go over. And it
28 was just quick. You know, and he -- he may have assumed

1 whatever he wanted to assume, but it was like, "Hey, I got a
2 body for dope. And I'm gonna book him downtown." "Yeah, okay.
3 No problem. Sign my name."

4 And that was just what happened.

5 Q Did you testify at a preliminary hearing on this
6 case?

7 A I don't know. I don't recall.

8 Q Okay. Do you know what the final disposition of the
9 case was?

10 A I do not.

11 Q Okay. That's all the questions I have.

12 MR. ROSENTHAL: Okay. That's it for this case. It's four
13 o'clock. And we're off the record.

14 (Off the record at 4:00 p.m.)

15 (Back on the record at 4:20 p.m.)

16 MR. ROSENTHAL: All right. We're back on the record.
17 It's 4:20. This interview will be relating to a multi-four
18 arrest. Miguel Yanez, Y-a-n-e-z; Israel Cid, C-i-d; Jeffrey
19 Tse, T-s-e; and Armando Sanchez. D.R. Number is 97-02-00529.

20 There were actually four separate case filings. And
21 Mr. Yanez is Case No. BA144748. Mr. Cid, it was probation
22 violation only, as to Case No. BA100701. Mr. Tse is a City
23 Attorney filing. Case No. 7CR04901. And Mr. Sanchez was a
24 juvenile, Case No. FJ16241.

25 I have been advised that there have been compelled
26 statements taken from officers by Internal Affairs
27 investigators with respect to this case.

28 However, the questioning officer is Sgt. Perez, no
relation, who has not been exposed to any of those compelled

1 statements and has, in fact, is based -- is basing his
2 questioning upon the reading of the prior Perez' transcripts
3 and not based upon any information obtained or questioning
4 requested by the officers exposed to the compelled statements.
5 Is that right, Sgt. Perez?

6 SGT. PEREZ: Yes, that's correct.

7 MR. ROSENTHAL: Okay. Go ahead.

8 Q BY SGT. PEREZ: Okay. This is gonna be a tape-
9 recorded interview of Internal Affairs Investigation in
10 Complaint Form No. 00-0478. Today's date is June 16, 2000.
11 And the time would be 1621 hours.

12 Location of the interview will be confidential.
13 Present to be interviewed will be Rafael Perez. Also present
14 is his attorney Winston McKesson. And representing the
15 District Attorney's Office will be Deputy District Attorney
16 Richard Rosenthal.

17 Conducting the interview will be Sgt. Michael Perez,
18 Serial No. 21965 and Sgt. II Diane Burns, Serial No. 25028.

19 Also present as observers will be Sgt. I Debra Orpin,
20 Serial No. 27432 and Det. II Michael Burditt, Serial No. 24454.
21 Also present as the stenographer will be Sara Mahan.

22 Okay, Ray, you had an opportunity to review the
23 transcripts from your previous interview with Robbery/Homicide,
24 and the arrest report. And took a look at some photos. Is
25 that correct?

26 A That's correct.

27 Q Okay. I'm going to ask you a couple of questions -
28 - just one question on the first location here. And the
location that we're talking about is gonna be the location that

1 belongs to Mr. Yanez. And you indicated prior that you had
2 conducted a search of Mr. Yanez' residence. Can you tell me
3 what officers were involved in that search?

4 A There was just two officers, myself and Officer
5 Richardson searched the initial location, the Kent address.

6 Q Okay. No one else entered that house?

7 A No, sir.

8 Q Okay. We'll go on to the next location. Now, you
9 indicated on Page 105 of the transcripts there with
10 Robbery/Homicide Lines 10-15, that you took Yanez by the
11 location and he showed you the house of the person he had just
12 purchased the gun from. What car did you transport Yanez in?

13 MR. ROSENTHAL: I'm sorry. Before you answer that, let's
14 just get the volume number. This is an old pagination, so,
15 therefore, the date of the interview -- do you know the date
16 of the interview Mr. Perez is looking at right now?

17 SGT. PEREZ: On that transcript, no, I don't. I think you
18 indicated that you had it on your files.

19 MR. ROSENTHAL: Give me a moment here so we can identify
20 it for the record.

21 SGT. PEREZ: We're going to have to go off the tape now.
22 The time is 16- --

23 MR. ROSENTHAL: We've got it.

24 SGT. PEREZ: Oh, okay.

25 MR. ROSENTHAL: This relates to -- or the interview
26 transcript that Mr. Perez has been handed is from Volume 6.
27 It's currently number Pages 609-631. And the interview -- I'm
28 sorry. It's Volume 4. And the interview was conducted on
Friday, October 1st, of 1999.

Go ahead. I'm sorry.

1 THE WITNESS: I think that's yours.

2 MR. ROSENTHAL: Oh.

3 Q BY SGT. PEREZ: Okay. The question, again, was, do
4 you recall what car you transported Yanez in?

5 A I do not. I know it would have been a plain vehicle.
6 But I don't have a specific recollection as to which vehicle I
7 used.

8 Q Was anyone else with you when you transported Yanez
9 to Benton Way?

10 A My partner would have there.

11 Q And your partner was?

12 A Lucy Diaz.

13 Q Did you have anyone follow you in another police
14 vehicle?

15 A No, sir.

16 Q Referring to Page 105, Line 12, --

17 A Yes, sir.

18 Q -- you stated there was two to three males standing
19 in front of the house.

20 A Yes, sir.

21 Q Can you recall who they were? If they were the three
22 individuals that you later arrested?

23 A Not for -- with a great deal of certainty. It
24 appeared to be the same type of -- you know, the three males
25 that we had saw earlier. But I can't say, you know, absolutely
26 those were the same three that we saw earlier.

27 Q On Page 105, again, Line 13-15, you stated when you
28 drove by the location on Benton Way, Yanez told you, "Those are

1 the guys." Did he, actually, ever point out the actual person
2 that he sold the gun to?

3 A No, he just referred to the -- the group itself and
4 said, "Yeah, those are the guys."

5 Q Also, on the same line, you stated Yanez told you he
6 sold the gun for a couple, or like 25 bucks. Do you recall how
7 much he told you he sold that gun for?

8 A That's exactly what he -- he sold it for. He sold
9 it for a couple of bucks. Probably like \$25. He said something
10 to that effect.

11 Q When you interviewed Yanez, did you record any of his
12 statements?

13 A No, sir.

14 Q Did you normally record statements of people that
15 give you information?

16 A No, sir.

17 Q Why -- why was Yanez willing to give you this
18 information? Did you make any promises or threats to him?

19 A I probably made him a promise or something like that.
20 I probably told him that I'd kick him loose or that I wouldn't
21 arrest -- I wouldn't have arrested him, or something to that
22 effect.

23 I don't know exactly what I promised him. But he was
24 cooperative. And I'm sure I was promising him something. I
25 don't think he was just gonna cooperative just for -- for the
26 heck of it. I just don't remember what it was that I promised
27 him.

28 Q If you would normally promise someone to cut him
loose, would you follow through with that promise?

1 A About ten percent of the time.

2 Q You also mentioned that after going to the Benton Way
3 address you returned Yanez to the station. And you met up with
4 some other officers. Do you recall who was present there? Can
5 you tell me if that was Rampart Detectives or the main station?

6 A That's two questions. And I got both of them. And
7 I'm trying to think. But your first question was who was there?
8 Who did I meet with -- all the officers?

9 I know Officer Richardson was there. I know Officer
10 Buchanan was there. I know Officer Diaz was there. Officer
11 Montoya was there. Officer Rios was there. I want to say that
12 a sergeant, -- at this point, those are the ones that I
13 definitely remember being there, at the time.

14 Q Okay.

15 A And the other question was?

16 Q Where was that meet at? The Rampart Detectives or
17 the main station?

18 A No, that was at the main station, at Rampart station
19 itself.

20 Q Oh, okay.

21 A Yeah, I -- I think, for some reason, it was real
22 close. And we wanted to do this real quick. So, we -- we
23 stopped at the regular station, at not at Detectives.

24 Q Did you actually stand up yourself and give a
25 briefing to what was going to take place?

26 A Yes, sir. Basically, I just -- I described how we
27 were gonna approach and how we're gonna go in tandem -- how
28 we're going to -- how we're going to approach, what we were
looking for, you know, three males, and that sort of thing,

yes.

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Q Did Officer Diaz have any input in that briefing?

A I think little to none. I don't think so.

Q And, now, this is my next question, and you were hitting on it briefly. Was there a supervisor present during that briefing?

A You know, I'm not certain whether he was at the briefing. I know, eventually, he was at the scene.

Q And who was that?

A Sgt. Guerrero. I'm just not certain whether he was at the actual scene when we were discussing, you know, how we're gonna hit the location.

Q Normally, when you hit a location that would involve numerous C.R.A.S.H. units in a tactical situation, was it customary for you to notify a supervisor?

A Yes, sir.

Q And you mentioned that you did a little diagram on the chalkboard?

A I didn't mention that. But go ahead.

Q Okay. On Page 105, I'm sorry, Line 19.

A Page 105, Line 19. Okay.

Q You mentioned that you did a little diagram on the chalkboard. Do you remember where the chalkboard was located?

A Where was it located?

Q In the station.

A I think it was in the roll call room.

Q In the roll call room?

A Right.

Q Did you draw the diagram?

1 A Yes. And it was, you know, a quick thing. Not a to-
scale type thing, yes.

2 Q Okay. On Line 20, the same page, 105, you mentioned
3 who's gonna approach from which direction. Do you remember in
4 which direction you approached?

5 A I approached from the south going northbound.

6 Q And did you have any units coming southbound?

7 A Yes, there was one unit coming south. I believe
8 there was one unit coming south. And actually the rest of us
9 were coming from the south going north.

10 Q Who was coming southbound?

11 A If I gave you an answer right now, I'm gonna be
12 guessing. So, I don't know if I should guess. I have an idea
13 who it was, but I'm not certain, so I don't want to guess.

14 Q Okay. Did you have anyone watching the rear of the
15 location?

16 A No, sir. No.

17 Q When you approached the location, did you actually
18 drive all the way up to the residence, or did you park a few
19 houses away?

20 A Pulled up right in front. We wanted to get there as
21 quickly as possible. I'm gonna try and refer to a picture. Do
22 you want me to refer to a picture --

23 Q Sure. Go ahead.

24 A -- where I pulled up my vehicle?

25 Q Sure. Yeah.

26 A You just want me to refer to them by number?

27 Q Yeah.

28 A And then, --

1 Q If there's a number, yeah. And, then --

2 A Okay. Using the document protector that's marked No.
3 8, looking at Photo D, the lower right-hand corner photo, I
4 would have stopped my vehicle about parallel, just south of the
5 actual driveway. This being the driveway. I would have stopped
6 my vehicle right about here.

7 Okay. Now, referring to Picture No. A, upper left-hand
8 photo, the driveway is depicted on the left-hand side of the
9 photo. I would have pulled my vehicle -- and I was the lead
10 vehicle -- I would have pulled in right about here.

11 Q And how about --

12 Q BY MR. MCKESSON: Here being?

13 A Right -- the left-hand side -- the south side of the
14 driveway.

15 Q BY SGT. PEREZ: And in depict- -- on the Photo A,
16 you're talking on the very far left-hand side of that photo;
17 is that correct?

18 A Yes, sir.

19 Q Okay. Were there any other units? You mentioned
20 there was one unit approached southbound?

21 A Yes.

22 Q Did you arrive simultaneously?

23 A Yes.

24 Q And where was his or her vehicle parked when he or
25 she arrived?

26 A They parked in the street area. Again, referring to
27 Photo Number 8, Photo No. A, they would have been parked on the
28 street area right about here, almost directly in front of the
house right here.

1 Q Okay. And when you're saying "here" --
2 A Right in the center.
3 Q You're indicating in the center of that photo there?
4 A Yes, sir.
5 Q And that's Photo A?
6 A 8, Photo No. A.
7 Q Okay. Did you have a clear unobstructed view of the
8 front porch and door of that house?
9 A When I started walking or running in, yes. When I
10 first showed up, or, you know, depending on what angle I was
11 standing at, I didn't have a clear view. Not until I get into
12 the driveway do I have a clear view.
13 Q Okay. So, my question is, how about when you were
14 inside your vehicle?
15 A No, sir.
16 Q When you approached the location, you had stated that
17 Israel Cid, on an earlier interview, that Israel Cid was the
18 only one standing out in front of the location; is that correct?
19 A That's correct. By the way, do we have photos of
20 these guys at all?
21 Q You know, I might have them in here. But, if we need
22 to get to them, we -- we will.
23 A Okay.
24 Q What did you observe him doing when you -- when you
25 first observed him -- let me rephrase it. When you first
26 observed him, were you in your car or out on foot?
27 A I was out on foot.
28 Q And where was he?
A In the porch area of the -- let me refer to the

1 picture again. He was, again, using Photo No. 8, or Photo No.
2 C, lower left-hand photo, he was standing somewhere in the
3 little -- I'll have to call it the little porch area, or the
4 little landing area to his front door.

5 Q Okay. On Page 106, Line 17-22, you stated that --

6 A Line what?

7 Q Lines 17-22. You stated that Officer Richardson and
8 his partner followed the suspect in the rear of the location
9 and ordered Defendant No. 3, which would be Tse, I believe
10 that's pronounced, or spelled, T-s-e, to stop. Officer
11 Richardson advised you that Defendant 3, Tse, reached the rear
12 yard fence, reached into his waistband and dropped a blue steel
13 semi-auto handgun to the ground.

14 And that what was on your arrest report, is that
15 correct?

16 A Yes, sir.

17 Q And is any of that actually true?

18 A No.

19 Q None of it?

20 A No, sir.

21 Q Did Richardson ever tell you to write any of that on
22 the arrest report you completed?

23 A This is what we came up with after the guns were
24 taken into custody inside the house. And we had the females.
25 We decided how we're gonna write it. And we all we're taking
26 credit for -- we were deciding which ones -- who were gonna
27 take credit for. Who's gonna take credit for which gun.

28 And that's the time we came up with that Richardson
was gonna supposedly chase the guy to the rear, and he drops

1 the gun, and we take him into custody.

2 So, it was a cumulative effort as far as to taking
3 credit for each gun, we decided that as far as at the location,
4 while we were in the apartment, after the guns were taken into
5 custody.

6 Q And did Richardson have input into that decision?

7 A Yes.

8 Q How about his partner, Buchanon, did he have input
9 into that decision of what was going to be in the report?

10 A We were all sitting there talking. And, you know,
11 he received the information in an affirmative manner, like, you
12 know, agreeing, okay, fine, you know, that that was gonna be
13 the story.

14 He didn't necessarily say, hey, we'll just say we
15 recovered that gun and we arrested this guy. It was more like,
16 you know, we were all discussing it. And he just happened to
17 be there and, you know, was okay with it and agreeing with it.

18 Q Who else was present?

19 A Montoya was present. Rios was present. I want to
20 say that O'Grady was present, and there was another officer
21 that was present. But I can't think of -- you know, I think
22 in the last interview, I think I said it was Patel, but I just
23 want to be certain.

24 I want to say it was Patel. But I'm just not -- not
25 certain. I was present. Lucy Diaz was not present. She was
26 outside. I think we had a female in custody, or -- or the
27 mother or somebody was in custody, and was outside. And Lucy
28 Diaz was sitting with her, or standing with her.

Q Okay. Also on Page 106, Lines 23-28, you stated that

1 Richardson advised me that he ordered Tse to place his hands
2 on the ground and was taken into custody. Officer Buchanon,
3 which was Richardson's partner, recovered the gun and noticed
4 it to be fully loaded one -- and one round in it, with
5 additional rounds in the magazine.

6 On the next line, you stated that this was not true.
7 Is any of that true?

8 A Not -- no, sir.

9 Q Is the part that Richardson told you to write that
10 in the report true?

11 A Yes, that part is true. Richardson, for whatever
12 reason, took -- he wanted to have credit for that particular
13 guy and that particular arrest. And that's the way it was
14 discussed and it was told to me. That's the way I was gonna
15 write it. And that's the way, as far as the report was gonna
16 appear, that's exactly how it was gonna appear.

17 Q And, this, again, took place in the house --

18 A In the house.

19 Q -- with the same people that were involved?

20 A Exactly.

21 Q Did you ever actually tell Richardson you were gonna
22 write those things, those statements in the arrest report?

23 A I don't think I -- I used those exact words, "That's
24 exactly what I'm gonna write in the report." I think that's
25 what our agreement was. You know, once we came up with the
26 story, that's how it was gonna be written on the arrest report.

27 We had that understanding. We're not discussing it
28 to discuss it. We're discussing it and coming up with a plan,
so, that when I go to write the report, that's exactly how it's

1 gonna be written. Whatever we discuss now, and however we --
2 whatever plan or whatever story we come up with now, that's how
3 it's gonna be written on this report. And that's what these
4 guys are gonna be booked for.

5 Q Okay. In the arrest report, you wrote that Officer
6 Montoya stated that he observed Subject No. 1, Sanchez, run
7 inside the location holding a blue steel semi-auto handgun in
8 his right hand. Did Montoya tell you to write that?

9 A That was, again, basically, a cumulative effort.
10 That was the very last -- the very last person that we discussed
11 as to how we're gonna tie him in.

12 And, again, that was also a cumulative effort as to
13 how he was gonna be tied-in. And it was -- the whole thing
14 was, basically, well, yeah, okay, you guys saw him running in,
15 you saw him holding a gun? Yeah. Yeah, we saw him holding a
16 gun. And, then, the gun that we recovered inside is
17 the same gun that he had. Once the gun was recovered, he was
18 taken into custody.

19 So, it was, basically, a cumulative effort as far as
20 the story goes. And it was agreed, you know, we were all --
21 we all agreed upon the story was gonna be.

22 Q Is it possible that Sanchez was outside location upon
23 your arrival, and you just didn't see him?

24 A Oh, yeah, it's possible that he was on the front
25 porch and did go in. Certainly. But, the part about, you
26 know, seeing the gun and all that, that's all fabricated.

27 Q And how do you know that?

28 A I was the lead car. I was the first one, you know,
right up front. I was the first one into the driveway. I mean

--

1 Q How about the car that approached in the other
2 direction?

3 A You won't be able to see inside there. You won't be
4 able to see into the front yard or anything until you get into
5 the driveway area. Well, let me -- let me find a picture here.
6 Well, look at -- have you noticed this picture here?

7 Q What picture are we referring to? Is that --

8 A Picture No. 8. Photo No. A. When you park on the
9 street here, there's a set of bushes out front.

10 Q It's a large hedge then about how tall?

11 A The hedge? I don't know. They appear to be about,
12 I don't know, three and-a-half feet, four feet high. And if
13 you park on the street, you're not gonna be able to see very
14 well into the front porch area.

15 You're definitely not gonna see at nighttime someone
16 holding a gun or removing a gun out of their waistband,
17 especially, since if you look, -- I'm gonna refer to Photo No.
18 9, Photo No. D -- if you look into the driveway area, the house
19 sits lower than the street level.

20 In other words, you have to go down into it. So,
21 it's hard to see. You know, you're going to see above their -
22 - you can barely see them, in other words.

23 Q Okay. Explain to me how each suspect was taken into
24 custody. First of all, let's talk about Israel Cid.

25 A Israel Cid is the -- the one that I say drops the
26 gun?

27 Q The one that was outside the location --

28 A Outside.

1 Q -- upon your arrival. You said that's the only one
that you actually saw.

2 A He -- he gets taken in custody inside.

3 Q He gets taken into custody inside?

4 A Right.

5 Q Okay.

6 A Along with, I think it's Sanchez or -- I don't know
7 all their names as to who each one is. But --

8 Q Okay.

9 A -- there was -- I know one was taken into custody
10 outside. And two were taken into custody inside.

11 Q One was taken into custody outside?

12 A Yes, sir.

13 Q Okay.

14 A And, I believe --

15 (Off the record to change tape at 4:45.)

16 (Back on the record at 4:45.)

17 MR. ROSENTHAL: All right. Well, it is 4:45. So, I think
18 what we'll have to do is just continue with this line of
19 questioning in the next interview. So, unless there is
20 something you want to do, something real short to just get to
21 a good ending point.

22 SGT. PEREZ: No, I think -- like I said, I have three page
23 -- three full pages of questions still.

24 DET. BURDITT: Are we definitely set?

25 SGT. PEREZ: We're probably talking -- we're talking maybe
26 about a half an hour.

27 MR. ROSENTHAL: Okay. And Mr. McKesson has requested that
28 we conclude at this time. So, all right. It's 4:45. This

would conclude today's interview. We're off the record.

(Off the record at 4:45 p.m.)

(Back on the record at 4:47 p.m.)

MR. ROSENTHAL: It's 4:47. I just want to go back on the record for one quick issue.

Q Mr. Perez, do you recall, while you were a police officer, did you ever testify to any civil depositions?

A City civil depositions?

Q Yes. Or where there was a lawsuit filed and you were called as a witness?

A Yes, sir.

Q Okay. Do you recall on about how many occasions? Were they numerous or just a few?

A I had a few.

Q A few, just a real estimate of the number.

A Oh, well, maybe three or four that I can remember.

Q Okay. Do you, at this time, remember what cases they involved?

A I remember one was a drunk driver that me and Tovar made an arrest on. I really can't remember. I mean, it was - - gosh, I don't remember.

Q All right.

A I'd be guessing. I'd really have to dig deep in my brain.

Q Okay. Thank you. It's 4:48. We're off the record.

(Off the record at 4:48 p.m.)

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OFFICER INDEX

June 16, 2000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Officer Mike Buchanon	3723, 3730-3731
Sgt. Paul Byrnes	3638, 3649, 3662
Officer Covarrubias	3676
Officer Lucy Diaz	3722-3724, 3730
Officer Raquel Duarte	3616-3626, 3704-3717
Officer Nino Durden	3655
Officer Jeff Graham	3644-3646
Sgt. Alfonso Guerrero	3724
Officer Paul Harper	3641, 3659-3660
Sgt. George Hoopes	3662
Officer Brian Liddy	3641, 3659-3660
Officer David Mack	3686, 3692-3693
Officer Samuel Martin	3644-3645, 3670-3674, 3678-3681, 3685-3686, 3692-3693
Officer Michael Montoya	3724, 3730-3732
Officer Joe Morrison	3690-3691
Officer Thomas O'Grady	3730
Sgt. Edwardo Ortiz	3620-3621, 3638, 3641, 3647-3663, 3716-3718
Officer Kulin Patel	3696-3698, 3702, 3730
Officer Mark Richardson	3720 3723, 3729-3731
Officer Mario Rios	3724, 3730
Officer Humberto Tovar	3673, 3691, 3735