

1 STATEMENT OF

2 **RAFAEL ANTONIO PEREZ,**

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

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

7 APPEARANCES BY:

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11 Special Investigations Division  
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REPORTED BY:

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

1                   LOS ANGELES, CALIFORNIA, WEDNESDAY, SEPTEMBER 22, 1999; 1540  
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15                   MR. ROSENTHAL: All right. It's, uh, 3:40 p.m. This is  
16 a continuation of the interview of Rafael Perez. And we're  
17 here on this date Wednesday, September 22nd, 1999.

18                   Uh, conducting this interview is, uh, Detective Stan  
19 Nalywaiko, and Sgt. John Cook. And I'm Richard Rosenthal. And,  
20 uh, Kevin McKesson is present, as well as Rafael Perez.

21                   And Mr. Perez, you are still under oath. Uhm, if I  
22 can -- well, are we going to be doing any --

23                   MR. MCKESSON: And also present is Mark Thompson.

24                   MR. ROSENTHAL: Also present is Sgt. -- Detective or  
25 Sergeant?

26                   SGT. THOMPSON: Sergeant.

27                   MR. ROSENTHAL: Sgt. Mark Thompson. Also -- all from the  
28

1 Robbery-Homicide Task Force.

2 RAFAEL ANTONIO PEREZ,

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

4 EXAMINATION BY MR. ROSENTHAL:

5 Q Uhm, if I can just start this off, by going over  
6 quickly what just, uhm, -- just did. And, actually, if you  
7 could open up again. We've -- we've place in front of Officer  
8 -- or, uh, Mr. Perez, uh, the Rampart C.R.A.S.H. Arrest book.

9 Uh, on the front it says "December '92." And, uh, we  
10 asked you to take a look at this book. In particular, we were  
11 looking for a case that you referred to in the -- the second  
12 interview, last week, where it involved Officer Cohan and a  
13 .45, and a third-striker gang member that you said was a plant  
14 of a gun -- uhm, of a Colt .45.

15 And we asked you to take a look through the book.  
16 And you actually did identify a -- an entry in this book; is  
17 that right?

18 A Yes, sir.

19 Q Okay. Do you still have that in front of you now?

20 A Yes, sir.

21 Q All right. Why don't you, just starting from the  
22 left of D.R. number and booking number, tell us information?

23 A I believe -- I believe the D.R. No. is 970217621 or  
24 627. The booking number is 5229629. The date of arrest is May  
25 3rd, 1997. The name of the arrestee is -- last name, Espinola.  
26 First name Octavio. Uh, he was booked, uh, for Ex-Con with a  
27 Gun, 12021 P.C. He was arrested in the area of 3rd and Lucas  
28 by Officer Cohan and Brehm. The -- the person that was arrested

1 is an 18th Street gang member by the moniker of Tabo. Uh, and,  
2 uh, -- and the weapon recovered is a .45 caliber, uh, blue steel  
3 Colt .45.

4 Q All right. Now, we have, uhm, -- we should have the  
5 arrest report of this in the D.A. file on this case, surely.  
6 But, without looking at the file or the arrest report, what is  
7 it that you remember about this? Why is it that this entry  
8 you're able to identify as one involving a planted gun?

9 A If it's -- if it's the same one, and if I remember  
10 it's the same one, I believe that these -- this person was  
11 stopped in a vehicle, uh, somewhere around 3rd and Lucas.

12 Uh, the reason it stands in my mind, 'cause I remember  
13 Cohan telling me, or -- he actually showed me a .45 that he  
14 had, uh, maybe, uh, a week before. And that -- I remember when  
15 he brought it the -- the body that day, uh, he says, "Yeah, I  
16 got with him a .45." And as he's talking in general, you know,  
17 and I'm looking at him like, yeah, sure. You know. Just the  
18 usual, typical thing that we do.

19 You know, it was like, okay, yeah, he's going for a  
20 .45. And I knew exactly it was the same gun that he had showed,  
21 uh, like a week prior.

22 Q Okay. So, he showed you the gun that he supposedly  
23 took the arrestee?

24 A Prior to the, uh -- like the week prior. And also I  
25 saw it that day when he was booking the -- the body.

26 Q Okay.

27 A And this is at 3rd and, uh -- uh, Union. At Rampart  
28 Detectives.

1 Q Okay. Now, how can you be sure that it was the same  
2 gun?

3 A Well, it looked like the same gun. It was a .45.  
4 Uh, and just by general, you know, our, uh -- how would I say?  
5 Just the way we talk. You can tell that it's like he's -- you  
6 know, when we talk sometimes we just say, "Yeah, he's going."  
7 Meaning he's catching a case today. Uh, and it was that gun.  
8 I mean -- you know, I mean I just know that it was that gun.

9 Q So, it was a tone of voice?

10 A Yeah, it -- our -- our usual tone of voice when  
11 someone's catching a case.

12 Q And why don't you tell us, what does "catching a case"  
13 mean?

14 A Meaning he either did something, or Officer Cohan  
15 just wanted him off the streets. Uh, maybe he just thought  
16 that this guy is a -- a big-time player in this gang, 18th  
17 Street. He's probably -- if I remember correctly, this guy's  
18 probably been around for a while. Uh, probably a parolee or  
19 something like that. Probably a third-striker. And I think  
20 Cohan, uh, just wanted him off the streets.

21 Q Okay. All right. You -- when you said "catching"  
22 you said "catching a case"?

23 A Right.

24 Q Uhm --

25 A Meaning, uh, something's going to be planted, or  
26 something -- he's gonna be arrested illegally. Uh, an illegal  
27 arrest is gonna take place.

28 Q And, basically, we don't care what he's doing, we're

gonna take him into custody?

1 A Right.

2 Q Okay. Uh, there was a second one that you also  
3 identified in the -- in the book. Uhm, you gave us a date. It  
4 was October 25th, of '96 arrest date.

5 A October 25th?

6 Q Of '96.

7 A '96.

8 Q Why don't you go to that page?

9 A Yes, sir.

10 Q Okay. Why don't you give us the information on that  
11 entry?

12 A Uh, there is no D.R. number or booking number on the  
13 actual book itself. But the arrest was on October 25th, 1996.  
14 The arrestee's name is Hernandez. First name Miguel. He was  
15 also arrested for Ex-Con with a Gun, 12021(a) P.C. He was  
16 arrested at 3rd and Alvarado by Officer Durden and Perez. He's  
17 an 18th Street gang member by the name of Chino. He was arrested  
18 with a 92F Berretta .9 millimeter.

19 Uhm, --

20 Q And what do you remember about this? This one -- why  
21 is -- why did this entry, uh, get your attention, first of all?

22 A The gun. The 92F Berretta. I remember that we had  
23 ran it. I remember where we recovered it from, first of all.  
24 I remember when we ran the gun, it came back stolen. Uh, and  
25 it came back to an L.A.P.D., uh, sergeant that worked, uh,  
26 Internal Affairs. Yeah, I believe she works Internal Affairs.

27 'Cause I remember, uh, afterwards when this guy was  
28

1 arrested, I called her. Uh, you know, they gave me her home  
2 number. And I called her at home. And she explained to me the  
3 circumstances. That, uh, someone had broken into her house.  
4 She heard the noise, came downstairs, uhm, the person who was  
5 inside, uh, ran off. Her gun was missing.

6 Q Okay. Now, uhm, we don't -- obviously, we don't --  
7 we're going to need to find the D.R. number and such. Any idea  
8 why there would be no D.R. number and booking number in this  
9 book?

10 A Uhm, Officer Durden made the entry. He just didn't  
11 write the booking number and D.R. number. I don't know why.  
12 But that's Durden's handwriting.

13 Q And this was a plant of a gun?

14 A Yes, sir.

15 Q And where did you get the gun from?

16 A From another arrestee. A narcotics arrestee. Uhm,  
17 I believe, uh, -- uh, a short time before that -- before the  
18 October 25th arrest.

19 Q And who was it who found -- actually received the  
20 gun, or obtained the gun, initially? Was it you or Officer  
21 Durden?

22 A I believe, uh -- no, I believe I recovered the gun  
23 when the -- when the person was taken out of the car -- and  
24 what we usually do is search the back seat of the car. The gun  
25 was found there.

26 Q And this --

27 A I found it.

28 Q This was a narcotics' suspect, right?



1           A     This was a nar- -- uh, a narcotics' suspect that I  
believe [ \*\* CI #32 description redacted \*\* ].

2           Q     All right. Now, it's a special -- there's a special  
3 allegation for somebody engaged in narcotics trade who is also  
4 armed. Why wouldn't you have just put the gun on the guy who  
5 had the gun?

6           A     I think -- well, I know why. First of all, when the  
7 arrest was made, obviously, the narcotics was recovered.

8           Q     Mmnh-mmnh.

9           A     The officers that patted him down, uhm, felt he was  
10 secure enough to go ahead and just place him in the car. We  
11 got him in custody, and let's move forward. When we get to  
12 Detectives, get him out of the car, and take him in, and I just  
13 -- for some reason -- decide to go look, uh, in the back seat.  
14 It's kind of embarrassing to tell the officers -- but we did  
15 tell them -- but it's kind of embarrassing to bring it up in  
16 the unit that, hey, listen, the person was searched, a gun was  
17 left on him in the back seat of our car.

18                   Uh, you know, so I just think that we just decided  
19 that we're not gonna put the gun on him -- on -- on this person.  
20 We'll just leave it at that.

21           Q     Now, what -- and you're the one would have recovered  
22 it from the back seat of the car?

23           A     Yes, sir.

24           Q     Uhm, at this point, you don't know who it was  
25 recovered from?

26           A     Yes, I do. It was recovered from the person who we  
27 made the -- the arrest from.

28

1 Q I mean, any name or identifying information?

2 A No. I -- I think I do. But I'm gonna have to see a  
3 photo or something. I'm -- or some report. Uh, I -- I think  
4 it was just a short time prior to this arrest. October 25th -  
5 - maybe a week or two prior. Uh, but that's something I guess  
6 we're gonna have to look into. Uh, some of these packages,  
7 we're gonna need.

8 Q So, initially, just taking a look at the -- this recap  
9 book, you cannot -- you can't identify that person, at this  
10 point?

11 A No. There's -- there's a couple of people here that  
12 it could be. But we need to, uhm, -- I'm gonna need to see  
13 some photos, or the packages, or something.

14 Q And who would have kept the gun? You or Officer  
15 Durden?

16 A I believe Office Durden kept that gun.

17 Q Why?

18 A Uhm, I'm really trying to think. He always kept the  
19 guns. Uh, I -- I don't know where he always kept them. But  
20 I'm pretty sure he kept that gun, too.

21 Q Uh, now, I'm not familiar with a -- it's a 9F?

22 A 92F.

23 Q All right.

24 A It's the same type of weapon a police officer carries.  
25 SGT. COOK: Same as this.

26 Q BY MR. ROSENTHAL: It's a pretty big weapon.

27 A Yes.

28 Q Okay. Uhm, why did you put it on Miguel Hernandez?

1 Do you recall?

2 A If I remember correctly, Mr. Hernandez had just  
3 paroled out of jail. I -- I think. And I'm trying to remember  
4 why. But we had saw him earlier that day. And he was in a  
5 gang area, around the -- uh, 3rd and Alvarado, 6th and Alvarado,  
6 6th and, uh, Westlake area. And we told him, "Get out of here  
7 before you catch a case. You're on parole. Get out of here."

8 He said, "All right. Yeah, all right. I'm gone."  
9 We went -- it was, uh, end of watch. We were done. We had to  
10 take our car from Rampart station -- we were doing something -  
11 - and something said that we needed to take the car from Rampart  
12 station back to Rampart Detectives.

13 On our way from Rampart station to Rampart  
14 Detectives, there he is again. And Durden and I both said, you  
15 know, "You know, he goes." And that's how that happened.

16 Q Okay. And the gun, the 92F, would have been carried  
17 where? I mean, you, obviously, would have to have it in your  
18 car.

19 A Yeah, somewhere in the car. Where exactly, I don't  
20 remember. And it had to be, obviously, somewhere in the trunk.

21 Q But do you recall whether either -- or do you recall  
22 whether this case ever went to prelim or trial?

23 A I -- I really don't. I don't remember.

24 Q All right. Uhm, now, this was October 25th, of '96;  
25 right?

26 A October 25th of '96.

27 Q Okay. When did you join C.R.A.S.H.?

28 A I believe like August of '95.

1 Q All right. So, you were well in the loop, so to speak

2 --

3 A Oh, yes.

4 Q -- by this time. Okay. Uh, what we'll do is we will  
5 try and pull those files and the, uh, arrest reports. Do you  
6 guys have any questions on these?

7 Q BY SGT. COOK: I had a couple of questions, Ray. Uhm,  
8 seeing that guy out on the street again, after you told him,  
9 "Get out of here" now he has to go, who searched him?

10 A Durden.

11 Q Durden did?

12 A Yeah, I was driving. We pulled over right next to  
13 him. And Durden jumped out. And patted him down real quick.  
14 And we had made the determination that he goes before we even  
15 got out of the car.

16 When we saw him, we said, "No way", you know. And I  
17 believe Durden said something like, you know, "He's gone. He's  
18 going." And I pulled up right by him. And the guy automatically  
19 just started to assume the position. Like, oh, man, you know.

20 Q Mmnh-mmnh.

21 A And Durden patted him down real quick, handcuffed  
22 him, put him in the car.

23 Q Okay. The gun itself, when it was recovered in the  
24 back seat, was that your car or somebody else that was  
25 transporting?

26 A That's what I was thinking about. Because I think,  
27 on the drug case that this was involved in, we were assisting  
28 somebody else. But I'm almost -- I'm thinking that he was in

1 the Taurus. Somebody patted him down. Somebody searched him.

2 In other words, the case went like this. [ \*\*\*\*\*  
3 \*\*\*\*\* CI #32 description redacted \*\* ]. And it's starting to  
4 come a little bit clearer. [ \*\*\*\* CI #32 description redacted  
5 \*\*\* ].

6 The guy shows up in the front of the building. Two  
7 other officers take him down, [ \*\*\*\* CI #32 description redacted  
8 \*\*\*\* ]. They take him down, uh, and do a pat-down search of  
9 him. And he has the cocaine right in his, uh, jacket pocket,  
10 I believe it was.

11 Uh, I think it was rock cocaine. So, he's going for  
12 the rock cocaine. They do the -- the -- the continuing of the  
13 search. I believe, uh, Durden, at that point, goes and gets  
14 the car, brings it over, or something. He's placed into our  
15 Taurus. We then drive the Taurus to Detectives. We get him  
16 out of the car. And I searched the back seat. And there's the  
17 gun.

18 Q Are these C.R.A.S.H. officers?

19 A C.R.A.S.H. officers.

20 Q Who were the officers?

21 A I really need to see that report to really remind me  
22 who it was that -- that -- that searched. But I -- I -- I want  
23 to say that Stepp and Buchanon were involved, and -- and a  
24 couple of the other guys. The usual guys.

25 Q What was the reaction from the officers when you said,  
26 "Hey, we found the gun?"

27 A They didn't believe us at first. But we told them,  
28 "Listen, you fucked up." Sorry. "You -- you screwed up." You

1 know, and at first, like, "No way, man. No. A Berretta? No  
2 way. A Berretta?" You know.

3 But, I mean, they said, "All right, man. Our bag,  
4 you know." But, I mean, that -- that was not a good situation  
5 where you got a suspect in the back seat with a Berretta, uh,  
6 up in his butt.

7 Q And who said, hey, we're -- we're not gonna book it,  
8 or --

9 A Uhm, I don't know if that was just a joint effort. I  
10 mean, that was just a -- a concensus we just said, you know.

11 Q Nevertheless, the officers were aware of it, but the  
12 gun wasn't booked?

13 A Right.

14 Q Okay.

15 A Yeah.

16 Q I had a question about the .45.

17 A Okay.

18 Q Uh, the description of the .45. Was it chrome-plated?  
19 Uh, --

20 A I think it was blue steel.

21 Q Blue --

22 A Uh, one of those -- you know, the old-fashioned?

23 Q Yeah.

24 A The government-type, uh, Colt .45's?

25 Q Mmnh-mmnh.

26 A The blue steel ones. One of those.

27 Q That would have had wood grips on it? Black grips?  
28 Anything particular about that .45?

1 A Nothing stands out in my mind right now. No.

2 Q But to you it appeared to be the same one that you  
3 had seen about a week prior?

4 A Right. I knew it was. Because that day when, uh,  
5 when they brought the body in, they -- we do -- we always bring  
6 the body in, hook them to the bench. And then, throw the weapon  
7 on the -- on the desk. You know, that's -- that's gonna be  
8 booked. And -- and the reports gonna be done.

9 And I remember seeing it. And I remember looking at  
10 him, like, (Sound effect heard.) come on. Because he -- you  
11 know, he's telling the story to somebody else. Uh, saying that,  
12 uh, yeah, they saw this car. And the guy was -- reached  
13 underneath. Uh, and so, he saw that -- a furtive movement.  
14 So, they stopped the car. You know, uh, got him out of the  
15 car. Found the gun in there. I remember --

16 Q Was there -- was there any other discussion about  
17 that, at any other time, up at the benches, at the Short Stop,  
18 anywhere else where that was mentioned, or mentioned by any  
19 other officers?

20 A Uh, about that case?

21 Q About that case. About that .45 being planted on  
22 that guy.

23 A I mean, to be very honest with you, that -- that was  
24 business as usual. That wasn't something that was spectacular,  
25 or anything like that. But there's nothing big about it. It's  
26 just routine. I'm trying to be honest.

27 Q Okay.

28 Q BY MR. ROSENTHAL: Okay. Well, we'll follow-up more

on this when we get the files with the arrest reports.

1 SGT. COOK: Okay.

2 Q BY DET. THOMPSON: Okay. Uh, Ray, we're going to  
3 going to, uh, -- you mentioned the last time you were  
4 interviewed, on Friday, that if you had a roster of names --

5 A Mmnh-mmnh.

6 Q I've, uh, -- over -- you -- you started in Rampart  
7 C.R.A.S.H. in August of '95. And I have well over -- over 80  
8 names of people -- of officers and supervisors who have gone  
9 through that unit.

10 A Okay.

11 Q And you talked about being in the loop. And we're  
12 going to go over that. Because we want to set some kind of  
13 parameters, at least with Rampart C.R.A.S.H., as to who we're  
14 talking about. And you said being in the loop was -- you  
15 describe it, as officers willing to perjure themselves?

16 A Mmnh-mmnh.

17 Q But you also said officers who are also willing to  
18 plant narcotics, plant guns, uh, fabricate probable cause.

19 A Yes.

20 Q So, as we go down the list, tell us if they were in  
21 the loop and what it -- what is was that they did.

22 A Okay.

23 Q Okay?

24 A What type of activity they were engaged in?

25 Q Yeah.

26 A Okay.

27 Q Let's start off with Sgt. Douglas Roller, do you know  
28



1 him? R-o-l-l-e-r. Do you know him?

2 A Sgt. Roller. I put Sgt. Roller in the same --

3 Q Well, to begin with, was he in the loop?

4 A Uhm, Sgt. Roller knew things were going on. Don't  
5 tell me about it. I don't want -- just bring me the booking  
6 slip. But he doesn't want to know about it. So, would we trust  
7 him with telling him this was a bad arrest, but we're booking  
8 him because we thumped him? No. Did he know things were going  
9 on? Yes.

10 Uh, but he just, you know -- just bring me the arrest.  
11 I don't want to hear the story. That type of thing. But if  
12 you're going to ask me if he was in the loop, no. I would say  
13 no.

14 Q All right. But he knew about it?

15 aA Yeah, he knew that things were going on.

16 Q He knew about the misconduct that was going on?

17 A Yes.

18 Q Did he know about specific incidents?

19 A I can't say what he knew, you know, specific or not.  
20 I mean, I can only assume that he has to. I mean, certain --  
21 several ones were just so obvious. I mean, he has to know.  
22 But I'm not going to, you know, go ask him, hey, do you know  
23 what -- you know, that this is going on.

24 Q We're going to right down the list.

25 A Okay.

26 Q Sgt. Paul Byrnes. Was he in the loop?

27 A Sgt. Paul Byrnes was definitely in the loop.

28 Q Okay. And everything?

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A Everything.

Q Okay. Uhm, Officer Mark Richardson. Was he in the loop?

A Very much in the loop, yes.

Q And what aspect? Everything?

A Everything.

Q Everything?

A Everything.

Q Sgt. Eric Reade. Excuse me. Officer Eric Reade?

A Reade, I believe, was a probationer. And he was one of those guys, just like Rios, that was in the unit. You can do certain things in front of him, but we protected him as much as we can. Keep him out of reports. Uh, just protect him, only because he was a probationer.

But he definitely wanted to be in the loop. Uh, but we just wouldn't do it, because we just know he's so young. You know, he's a probationer. I mean, his job's on the line for any little thing. So, he can't really be trusted that much.

But things did go on in front of him, I'm sure. I'm positive that things went in front of -- or would happen in front of him. He would see it, but, you know, didn't have to write anything, didn't have to testify to too much.

Q So, he had knowledge of misconduct?

A Yeah. Yeah, he knew things were going on.

Q And -- and when you said before that the way to get into the C.R.A.S.H. unit, you were voted-in or you had to be sponsored, what about the probation officers, did you dictate -- did your unit dictate which probation officers came in?

1 A Yes. We always try to find who was the -- the most  
2 solid probationer out there who looked like, you know, they  
3 squared-away, number one, appearance-wise; squared-away in the  
4 fact that, you know, we can talk to their P3's and say, yeah,  
5 he's -- he's pretty good. You know, he's -- you know, he's got  
6 good tactics and then he's trainable. Uhm --

7 Q But what about the factor of being in the loop?

8 A You're not coming into the unit already in the loop.  
9 Once you get in the unit you will find yourself gradually  
10 getting into the loop.

11 Q Okay.

12 A But you're not just gonna come off patrol and say,  
13 okay, you're in the loop, come on in. Uh, especially a  
14 probationer.

15 Q Okay. Uh, Officer Daniel Lujan?

16 A Definitely in the loop.

17 Q Okay. Uhm, everything?

18 A Everything. Yes.

19 Q Officer Torres?

20 A Yes, in the loop. Everything.

21 Q Okay.

22 Q BY MR. ROSENTHAL: Do we have a first name for that?

23 Q BY SGT. COOK: Yeah, what's his first name?

24 A Danny.

25 Q Danny.

26 A I think actually, I believe it's Daniel.

27 Q Daniel. Uhm, Officer John Collard, C-o-l-l-a-r-d?

28 A In the loop.

1 Q Everything?

2 A Yes.

3 Q Officer Anthony Lopez?

4 A Yes, in the loop.

5 Q Everything?

6 A Yes.

7 Q Now, I want you to differentiate if -- if he's not  
8 involved in everything.

9 A Well, right. I was getting ready to say, uh, Tony  
10 Lopez, uh, was up there as far as like, uh, he would -- he, uh  
11 -- he -- he like to beat -- beat guys a lot, for some reason.  
12 And he's -- he's a big guy. But he beat a lot of guys.

13 Uhm, would he plant evidence? Yes. Uhm, --

14 Q We're going to get back into that in more detail.  
15 But right now, I just want to set parameters.

16 A Okay.

17 Q But you feel that he --

18 A He was in the loop, yes.

19 Q Everything? Uhm, Sammy Martin? Was he in the loop?

20 A He's in the loop.

21 Q Everything?

22 A Well, now, here's the problem with Sammy Martin. I  
23 worked with him for five months in C.R.A.S.H. I never really  
24 saw Sammy Martin do anything illegal. But Sammy Martin was a  
25 -- or he knows that things were going on well before I even got  
26 there. I mean, he brought me into the unit.

27 And I'm sure that he was aware that things were going  
28 on. But I never saw him involved in anything illegal.

1 Q Okay. So, he had knowledge?

2 A I'm assuming he had knowledge of things that were  
3 going on before, because if I'm finding out about it --

4 Q Okay.

5 A -- I'm sure he has to know something.

6 Q Officer Hewitt?

7 A Definitely in the loop.

8 Q Is that Brian?

9 A Yes, sir.

10 Q Okay. And --

11 Q BY MR. ROSENTHAL: And he was also the one who was  
12 involved in the beatings, right?

13 A Yes. Mmnh-mmnh.

14 Q BY SGT. COOK: Officer Stephanie Barr?

15 A Stephanie Barr is also -- she was a P3 in the unit.  
16 She wanted to be in the loop. No one trusted her. No, she's  
17 not in the loop.

18 Q Okay. Did she have knowledge of misconduct?

19 A (No audible response.)

20 Q You said one of the criteria was to get dirt on  
21 someone, --

22 A Mmnh-mmnh.

23 Q -- or to turn your head away if you saw dirt?

24 A She, uh -- I'm sure she seen some things and turned  
25 her head away. That's exactly what she would do, uh, if she  
26 saw something. She would just turn her head and pretend she  
27 didn't see it. But if -- if you ask me was she in the loop  
28 where you can tell her here's what we're gonna do, ahead of

time --

1 Q You didn't want her in the loop?

2 A -- she would -- no.

3 Q You didn't want her in the loop?

4 A Nobody did. But she tried to fit in. She wanted to  
5 fit in. But no one would trust her.

6 Q Officer Nelson Fong?

7 A Nelson Fong is another one who know -- knew that  
8 things were going on. Uhm, I've never seen him do anything in  
9 particular. But I'm -- I'm sure that he was aware that things  
10 were going on.

11 Q Officer --

12 A I categorized him just like Sammy Martin. Good  
13 officer, uh, never seen him do anything, uh, illegal. Uh, but  
14 I'm assuming that he had to know something was going on --  
15 things were going on. You know what I mean?

16 Q Yeah. Officer Brian Liddy?

17 A Liddy also knew that things were going on. And Liddy  
18 also, I categorize him as a very good officer. A lot of good,  
19 uh, -- uh, obs arrests. "Obs" meaning observations arrests.

20 Uhm --

21 Q Did you ever see him plant dope -- plant narcotics?  
22 I mean, plant guns, uh, fabricate P.C., uh, perjure himself?

23 A Uh, the most I've seen him do was fabricate some P.C.  
24 -- uh, fabricate P.C. But, could he be trusted? He could be  
25 trusted that if we told him the worst of the worst, he's gonna  
26 go, "Okay. I'm gonna go along with the story." Uh, but he,  
27 himself, wouldn't, uh, really be involved in doing things.  
28

1 Q Okay. Officer Thomas O'Grady?

2 A Thomas O'Grady. Uh, no one trusted him. He wasn't  
3 in the loop.

4 Q No?

5 A No.

6 Q BY MR. ROSENTHAL: This is interesting because he's  
7 one of the ones whose dope you switched.

8 A Yeah.

9 Q That was --

10 A No, it wasn't his dope. It was Ruiz. He just  
11 happened to be involved in the arrest --

12 Q Ruiz. Oh, you didn't --

13 A -- or something.

14 Q Didn't he do it under his name?

15 MR. MCKESSON: No, it was Ruiz' name.

16 THE WITNESS: No, I think it was.

17 MR. MCKESSON: It was Ruiz' name. Because it was Ruiz'  
18 serial number.

19 THE WITNESS: No, no, no. Maybe it was O'Grady's serial  
20 number. Was it?

21 Q DET. THOMPSON: It was, yes.

22 A Because I had asked you guys that. And you guys told  
23 me there was a guy named Ruiz.

24 MR. ROSENTHAL: Wait, wait, wait, wait. One at a time.

25 THE WITNESS: I'm sorry.

26 Q BY MR. MCKESSON: It was Ruiz' serial number?

27 A Yeah, I think it was.

28 Q It was Ruiz' serial number?

1 Q BY DET. THOMPSON: I think it was -- O'Grady was  
involved in the arrest.

2 A Right.

3 MR. MCKESSON: O'Grady was involved in the arrest.

4 MR. ROSENTHAL: Oh, okay.

5 MR. MCKESSON: It was Ruiz' serial number.

6 MR. ROSENTHAL: That's right.

7 MR. MCKESSON: He was the last one to check it out.

8 THE WITNESS: I think you guys had talked to him and he -  
9 - he said that I had asked him about the arrest or something?

10 Q BY MR. ROSENTHAL: Right.

11 A That's what that was.

12 Q Okay. That's right. It was his arrest. So, was  
13 that a coincidence that it was his dope that you switched?

14 A Yeah. I think probably -- let's see where I got that.  
15 I -- I probably got it from the recap book and his serial --  
16 uh, name was on the recap book itself.

17 Q Mmnh-mmnh.

18 A Which is probably why I used that officer's name.  
19 Whoever the officer had made -- who was involved in the arrest,  
20 I probably just used that serial number.

21 Q Okay.

22 Q BY SGT. COOK: Before we go on, why did you not trust,  
23 or anyone trust O'Grady? He wouldn't go along with misconduct?

24 A Right. Uh, he -- he had shown on several occasions  
25 that I'm not one to be trusted.

26 Q So, he was doing the right thing?

27 A Yeah, he was doing the right thing. And he just --  
28



1 he showed his -- his way about, you know, don't trust me. And,  
2 you know, I'm not -- you know, don't trust me.

3 Q Okay. The next one will be Officer Lawrence Martinez.

4 A Oh, yeah. Definitely in the loop. In the loop.

5 Q Everything?

6 A Yes.

7 Q Officer Hopson?

8 A I didn't work with him.

9 Q What is his first name, or her first name?

10 A Hopson?

11 Q Yeah.

12 A I never worked with him. I don't know who that is.

13 Q Sgt. Navarro?

14 A Uh, Sgt. Navarro is, uhm, -- he's a sergeant, so he's  
15 not out there making arrests. But he's well aware of things  
16 that were going on. And he was involved in his own little --  
17 little thing. We -- we had a problem with him from the get-  
18 go. He was doing things with young ladies that we didn't like.

19 Q Okay. But was he in the loop, such as, uh, Sgt.  
20 Byrnes?

21 A Yes.

22 Q He was in the loop?

23 A He would -- he would definitely, uh, know things were  
24 going on. And if he had to, as a supervisor, show up and fix  
25 something, he would fix it.

26 Q He was a fix-it sergeant?

27 A Right.

28 Q BY MR. ROSENTHAL: Was, uhm, Sgt. Navarro -- is that

Sgt. David Navarro?

1 A Yeah, I believe it's Dave Navarro.

2 Q Yeah. Okay. He was -- he was terminated for -- do  
3 you know?

4 A I think he was arrested for, uh, touching on women or  
5 something, or --

6 Q Okay.

7 A I don't remember the true or exact form of the arrest,  
8 or something -- but something about him searching a woman or  
9 something.

10 Q BY SGT. COOK: Okay. Uh, Officer Stacy Spell?

11 A Spell, I believe, was, uh, Barr's, uh, probationer.  
12 He was also a probation officer. Another one of those  
13 probationers that were pretty solid. 'Cause probationers we  
14 got to pick. And he, uh, probably wasn't doing something  
15 himself. But I'm sure he knew things were going on, you know.  
16 But we were trying to keep him out of it, as much as we can.

17 Q So, Stacy Spell, she wasn't in the loop?

18 A It is a he.

19 Q It's a he?

20 A Right.

21 Q He wasn't in the loop?

22 A I would say no.

23 Q Okay. Officer Paul Harper?

24 A Paul Harper, he's a good guy. But he just got caught  
25 up the longer he stayed. And just started doing little things  
26 to, uh, you know, from time to time.

27 Q So, he eventually got into the loop?

28

1 A Yeah.

2 Q And are we talking about something -- everything, or  
3 just --

4 A I think mostly, uh, maybe planting some evidence from  
5 time to time and fabricating probable cause, and things like  
6 that.

7 Q Okay. Officer Steven Kehoe?

8 Q BY MR. ROSENTHAL: Uh, do you know how to spell that?

9 SGT. COOK: K-e-h-o-e.

10 THE WITNESS: Not in the loop.

11 Q BY SGT COOK: No?

12 A Probationer, no.

13 Q Probationer. Nothing?

14 A No.

15 Q Officer Walter McMahan? Or McMahan?

16 A Probationer. Not in the loop.

17 Q Probationer. No.

18 MR. ROSENTHAL: And why don't you spell that last name?

19 SGT. COOK: The last, uh, M-c-M-a-h-o-n.

20 Q BY MR. ROSENTHAL: And you said that was a  
21 probationer?

22 A Yeah, probationer, yes.

23 Q BY SGT. COOK: And the reason why -- you know, if you  
24 have information on probationers, because once they leave the  
25 unit and go elsewhere, we'd like to know about it. Okay?

26 A McMahan was a -- see, again, I'm sure he saw certain  
27 things happening. But, like I said, we would protect them. If  
28 -- if I showed up -- if something happened at a scene, and it's

1 one officer and McMahon, and we show up, okay, get McMahon out  
2 of there. I was with you. And this is what we did. See what  
3 I'm saying?

4 We try to protect the probationers as much as we can,  
5 because we didn't want them -- want them having to be  
6 interviewed by Internal Affairs, or whoever else.

7 Q Okay. So, they may or may not have seen misconduct?

8 A Right. McMahon I know have seen things, but he never  
9 did anything himself.

10 Q Okay. Well, we're gonna deal with that in -- at a  
11 later time, about what you actually saw or have direct knowledge  
12 about McMahon knowing.

13 A Okay.

14 Q At a later time we'll deal with that. Uhm, Sgt.  
15 Edward Ortiz?

16 A Yes, he's in the loop.

17 Q Officer Kevin Moore?

18 A Moore? No.

19 Q And for what reason?

20 A Uh, he couldn't be trusted. He wasn't like, uhm --

21 Q He did what he had to do?

22 A I -- I always suspected he did his own little things  
23 with his own gang. But it's something he kept to himself and  
24 just did it on his own. I can't say that, yeah, I've seen him  
25 do anything.

26 Q Well --

27 A But, uh, I feel like he's done his little thing.

28 Q -- if the criteria is planting evidence, or

fabricating P.C., did he do that?

1           A     I'm sure he's fabricated P.C.     I'm sure he's  
2     fabricated P.C.     Uhm, he's made some arrests where, you know,  
3     we -- where, you know, the guy comes in the station, we look at  
4     each other like, right, that's how it happened.     You know what  
5     I mean?     You know, and they give you that smirk like.     But I  
6     can't say that he planted anything on anybody because I don't  
7     -- I've never seen it.     I never ever really worked with him.

8           Q     So, you're not sure?

9           A     I -- I think he's aware of things happening, but --

10          Q     Officer Humberto Tovar?

11          A     Tovar is one of those guys where he knows things are  
12     going on.     Uhm, will go along with whatever story is said.     Uh,  
13     but he would get upset, from time to time, maybe beat on a  
14     suspect.     But as far as planting and things like that, he just  
15     -- he was one of those guys, he was a follower.     He just goes  
16     along with whatever program, whatever you tell him.

17          Q     But he had knowledge of the loop?

18          A     Yes.

19          Q     And so that made him part of the loop?

20          A     Yes.

21          Q     Sgt. Ron Dickerson?

22          A     You got a photo of him?

23          Q     Yes, I do.     If I could describe him.     He's kind of a  
24     heavyset fellow.

25          A     Oh, I do remember him, now.     Uh, Dickerson, uh --

26          Q     Yeah.

27          A     -- round face?  
28

1 Q That's right.

2 A Good sergeant. You know what? Let me see the photo.  
3 I'm getting him confused with Pat, the other sergeant now. What  
4 is the other guy with the round face? Pat, uh, --

5 Q Yeah, it's 25704.

6 A When I -- when I left C.R.A.S.H. -- when I got  
7 arrested, who was that other sergeant that was there? Pat --  
8 who was working with the sergeant that was there?

9 Q Well, I could tell you.

10 A Who is the very last sergeants -- the two sergeants  
11 that were there?

12 Q I don't know.

13 A Byrnes. Uh, Barons. Pat Barons. He was one of our  
14 last C.R.A.S.H. sergeants. I'm getting him confused with  
15 Dickerson. I'd like to see the photo. I'll know him.

16 Q Why don't we come back to it, because he's going to  
17 look for the photo? Okay.

18 We're going to skip on to Officer Scott McNeil.

19 A Another probationer would go along with whatever, you  
20 know, the program was. Uh, but wouldn't initiate anything  
21 himself.

22 Q He had knowledge of it?

23 A Yeah, he had knowledge.

24 Q Officer Jose Mireles? M-i-r-e-l-e-s.

25 A He only worked the unit, I think, a week or two. He  
26 got something -- uh, he had one of those laser surgeries in his  
27 eye, and it went bad. And he had to be taken out of the unit.  
28 So, I never -- I have no dealings with him. I don't know

anything about him.

1 Q So, put "no" for him?

2 A Yes, put, "no."

3 Q All right. This is Sgt. Dickerson. (Picture was  
4 shown.)

5 A Oh, okay.

6 Q Do you know him?

7 A Yes.

8 MR. ROSENTHAL: They're showing a photograph of an officer  
9 with Serial No. 25704.

10 SGT. COOK: Yeah.

11 THE WITNESS: Give me a minute. There was an arrest.

12 MR. MCKESSON: Excuse me. We should probably take a couple  
13 minutes for the reporter. She seems like she really needs a  
14 break.

15 DET. THOMPSON: Let's stop for a minute.

16 THE WITNESS: Before we get off the record, I want to say  
17 something about him that just popped in my mind, regarding the  
18 investigation. And this is why it reminded me. So, don't let  
19 me forget that I wanted to mention an arrest about this guy.

20 Q BY SGT. COOK: About Ron Dickerson?

21 A Yes.

22 Q Okay.

23 A Uh, I'm gonna have to look it up.

24 MR. ROSENTHAL: We'll do that when we get back on the  
25 record. It's 4:15.

26 (Off the record at 4:15 p.m.)

27 (Back on the record at 4:30 p.m.)

28

1 MR. ROSENTHAL: Let's go back on the record, then. Okay.  
2 We're back on the record. It's 4:30. Officer Perez, you're  
3 still under oath.

4 Q BY SGT. COOK: Okay. Ray, you are looking at the  
5 photo of Ron Dickerson. Sgt. Ron Dickerson.

6 A Yes.

7 Q And why does Ron Dickerson, uh, come to your  
8 attention?

9 A Uhm, you -- you had asked me the question, was he in  
10 the loop? And, uhm, I -- I've never seen, uh, him, you know,  
11 do anything specifically. Uhm, but something jumped out at me,  
12 because I remember, uh, there was a personnel complaint filed  
13 against me by a La Mirada gang. Uh, and I remember the incident.

14 Uh, I remember we had brought some gang members in to  
15 cite them. Uh, some seat belt tickets, running them for F.I.'s  
16 and warrants, and then kick them loose. And I believe one of  
17 the gang members, uh, that we had kicked loose, came back to  
18 the front desk and said, "I want to make a complaint."

19 And I just so happened to be walking by the, uhm, --  
20 the front desk. And I see him. So, I go back out to the front  
21 desk, hook him up, and take him back to our office.

22 And I asked him, "What is your problem?" Or whatever,  
23 whatever. And he was like, "Well, I want to make a complaint."  
24 Uh, for whatever reason. I really don't remember what the  
25 reason was. I remember later it was said that I took one and  
26 pushed him up against a -- a rod iron fence, which, I could  
27 tell you -- if I did, I'd tell you I did it. I don't remember  
28 pushing. In fact, I never -- I wasn't even the officer that



1 searched him. I'm assuming that he assumes I must have been  
2 the one that grabbed him and searched him. But it wasn't.

3 But, when we brought him to the station, uhm, we had talked  
4 to Dickerson. And Dickerson said, "Oh, all right. I'll talk  
5 to him." And Dickerson had told him, "Listen, either, you know,  
6 go with the program, or you're probably gonna get booked for  
7 some dope."

8 And I think -- I think, at that point, the complaint  
9 went away. But then, he came later and filed another complaint.  
10 And I think he even made a complaint about Dickerson saying  
11 something like that. Something to that, uh, effect.

12 Q So, in this instance, misconduct was brought to his  
13 attention and he didn't take action?

14 A Right. He, uh, he kind of made the guy, hey, you're  
15 gonna forget about this or you're gonna -- you know, this  
16 complaint's gonna go away; right? Either that or you go to  
17 jail. That type of thing.

18 Q And it did go away?

19 A Right. But the guy came back later and -- with  
20 somebody else. Or he maybe called it in to I.A. or I don't  
21 know where. But the complaint was made later.

22 Q Okay.

23 Q BY DET. THOMPSON: We're not gonna go into any more  
24 detail right now.

25 A Okay.

26 Q But at a future time we will go into more detail about  
27 that.

28 A Okay.

1 Q BY SGT. COOK: Okay. Going down the list. Officer  
2 Omar Veloz, V-e-l-o-z.

3 A In the loop.

4 Q In the loop?

5 A Yes, sir.

6 Q And --

7 A Everything.

8 Q Everything. Uh, Officer Arnufo Valdez?

9 A Valdez? Oh, uhm, I had a little contact with him.  
10 He was in the unit for a short while. I think he went to O.C.B.  
11 C.R.A.S.H. O.C.B. or one of those units. He went to another  
12 C.R.A.S.H. unit somewhere else.

13 Q You don't know if he was in the loop?

14 A I have no contact. I -- I really don't anything --  
15 know anything about him.

16 Q Officer Edward Brehm?

17 A In the loop.

18 Q B-r-e-h-m.

19 A Brehm, you're talking about, right?

20 Q Brehm. Brehm.

21 A Cohan's partner?

22 Q Well, Edward Brehm. They call him Bart.

23 A Yeah. Then, that's Brehm.

24 Q Bart Brehm.

25 A Uhm, uh, yeah. He's in the loop. Everything.

26 Q Everything. Officer Gil Cardinez?

27 A Uhm, yeah, he --

28 Q Do you know who I'm talking about?

1 A Yeah, the guy that had, uh, a marital problem or  
2 something?

3 Q Big fellow.

4 A Yeah. Uhm, one of those that you can do anything in  
5 front of him and it'll be fine. But he really doesn't initiate  
6 his own stuff.

7 Q So, he would have knowledge of misconduct?

8 A Right.

9 Q Officer Duarte?

10 Q BY MR. ROSENTHAL: Rachel?

11 A Raquel.

12 Q Raquel.

13 A Uhm, had a little bit of knowledge of things that  
14 were going on. Uhm, we believed that she didn't -- she would  
15 go with the program, but we never really trusted her. She only  
16 lasted in the unit maybe a month.

17 Q BY SGT. COOK: Officer Mike Buchanon?

18 A In the loop.

19 Q What aspect? Everything?

20 A Everything.

21 Q Officer Michael Montoya?

22 A In the loop.

23 Q Everything?

24 A Yes.

25 Q Officer Kulin Patel?

26 A Uh, in the loop. Just everything.

27 Q Okay.

28 A Pretty much everything, yeah.

1 Q Officer Doyle Stepp?

2 A In the loop. Everything.

3 Q Officer Timothy -- and I'll spell it. Kalkus.

4 K-a-l-k-u-s.

5 A Can I see his -- well --

6 Q Yeah. We'll --

7 A His photo. I -- uh, he's a probationer, isn't he?

8 Q His serial number is, uh, 31425. We'll come back to  
9 it. We'll come back to it.

10 Officer Ethan Cohan?

11 A In the loop. Everything.

12 Q Officer Reade? Excuse me. Art -- Art Rico?

13 A Yeah, he -- he would do anything and everything. But  
14 we just didn't trust him, because he was a little bit stupid.  
15 We didn't trust him to --

16 Q Okay. He was in the loop, but you didn't trust him?

17 A No, 'cause he was -- he was too careless.

18 Q Officer Mario Rios?

19 A Again, you can do anything in front of him. He'll go  
20 with the program. Didn't initiate a lot of his own things. Or  
21 didn't really initiate anything himself. He was a probationer.

22 Q So he had knowledge of the loop?

23 A Yes.

24 Q BY MR. ROSENTHAL: Who is that officer?

25 SGT. COOK: Mario Rios.

26 Q Officer John Peters?

27 A Sgt. Peters?

28 Q Yes. Excuse me, Sgt. John Peters.

1           A     He -- I characterize him again like, uh, Dickerson.  
2 Or Sgt. Peters, uh, knew something was going on. Just -- in  
3 fact, he -- he had told somebody one time that, you know, the  
4 stuff you guys -- you guys could be going to jail for some of  
5 the stuff you guys do.

6           He had made a comment like and people didn't like  
7 that comment too well. He goes, "I just -- uh, I choose to  
8 turn my face, or turn, you know, turn away from it. But, uh,  
9 don't think I don't know what you guys are doing." He had said  
10 that once.

11           Q     And he actually told you that?

12           A     Yeah.

13           Q     "I choose to turn my face?"

14           A     Yeah. He -- well, what he said was, uh, don't think  
15 I'm -- I'm -- I'm dumb. I know what you guys are doing -- you  
16 know, what you guys do. That type of comment.

17           Q     Let me ask you specifically, did you ever see him go  
18 to an O.I.S. or -- or to a crime scene and to create a story?

19           A     No.

20           Q     As I say, other -- other supervisors have done?

21           A     Because if we would show up, we would have the story.  
22 With him, we have the story already as prepared as possible.  
23 We really didn't trust him. He was there. And we felt like  
24 he, obviously, knew some things were going on. Uh, you know,  
25 because every once in a while, he -- he was those type of --  
26 the type of supervisor that would see a defendant sitting on  
27 the bench and wanted to go and talk to him.

28                    "You know, so, what's going on with you? Are you

okay? Officers treat you okay?"

1                   And the defendant may tell him whatever, and he would  
2 just keep it to himself. But later on, you know, -- you know,  
3 he would mention, you know, make little hints towards it.

4                   Q     Okay. We're gonna come back and revisit Sgt. Peters  
5 and some future time.

6                   A     Okay.

7                   Q     What we're gonna do is ask you for more specific  
8 information.

9                   A     Okay.

10                  Q     Okay. Uhm, we were going to go back to Timothy  
11 Kalkus. You remember him as being a probationer? K-a-u- --  
12 excuse me. K-a-l-k-u-s. And you've got a photo of him in front  
13 of you?

14                  A     Yes.

15                  Q     Serial Number is, uh, 31425?

16                  A     Yes, sir.

17                  Q     Was he in the loop?

18                  A     He was just like most probationers. Uhm, --

19                  Q     A probationer.

20                  A     -- uh, probably saw some things going on, but was  
21 protected and kept away from it. Uh, if I had -- uh, if you  
22 had asked me if he was in the loop, I'd say no.

23                  Q     Officer Lucy Diaz?

24                  A     Not in the loop. Just -- I mean, she's -- by -- by  
25 accident, she might have seen a few things and just didn't say  
26 anything about it. But she's not in the loop.

27                  Q     Okay. And, so far, there's only three names where  
28

1 you just said not in the loop. And that's been Diaz, that's  
2 been Mireles, and that's been, uh, --

3 DET. THOMPSON: O'Grady.

4 Q BY SGT. COOK: -- O'Grady.

5 A Mmnh-mmnh.

6 Q Is that about it, so far?

7 A Tell me any other names. I -- I mean, I can't just  
8 take it off the top of the head.

9 Q Hopson.

10 DET. THOMPSON: No, he didn't know Hopson. You asked him.

11 THE WITNESS: I never worked with him. I -- uh, he was in  
12 the unit before I got there.

13 Q BY SGT. COOK: Sgt. Alfonso Guerrero?

14 A Uh, you're talking about, uh --

15 Q Do you need a photograph?

16 A Yeah, that's, uh -- I thought it was Eddie. No, his  
17 name's not Eddie.

18 Q Alfonso Guerrero.

19 A Okay. Didn't -- but, didn't they call him Ritchie  
20 Guerrero?

21 Q Ritchie. Ritchie Guerrero.

22 A Is that the same Ritchie Guerrero?

23 Q Well, I don't know.

24 A I didn't know him by Alfonso, though.

25 Q Serial Number 20550.

26 A We knew him by Ritchie. We knew him by Ritchie  
27 Guerrero. So, I'm not sure if it's the same guy.

28 Q We're gonna go on down the list. And we'll come back

to it.

Howard Ng?

A Ng, uh, yes, he was in the loop. Uh, his -- his thing was he would, uh, plant evidence from time to time.

Q Plant evidence? Okay. Uhm, Officer Ruben Palomares?

A Uh, definitely, uh, he's -- he's in the loop. Uh, any -- anything.

Q Okay. Officer Mark Wilbur?

A Wilbur?

Q Do you need a photograph?

A Yeah. I -- I think he's the chunky guy that used to work with, uhm, --

Q That would be 30646. And we'll come back to him.

Officer Brent Woodard. That's W-o-o-d-a-r-d.

A I have no idea who that is. Uh, if I could see a photo of him.

Q Okay.

A Yeah, that's Ritchie Guerrero. I don't know -- I didn't know him by Al, or whatever other name he used.

Q Okay. Do you know this supervisor?

A Yes.

Q And was he in the loop?

A He's another one of those, he's -- uh, he will fix -  
- he will fix things.

Q This is --

A He's a fixer.

Q This is Ritchie Guerrero?

A Sgt. Ritchie Guerrero. Yeah.



MR. ROSENTHAL: Serial Number on the photo is 20550.

1 THE WITNESS: Did I ever, uhm, see him, uh, plant any  
2 evidence or anything like that? No. Uh, he's a sergeant. He  
3 wouldn't have to. I mean, he's not making arrests. But, uhm  
4 -- Q BY SGT. COOK: He would make complaints go away? What  
5 do you mean by "fixing it"?

6 A Yeah. Uh, these guys are experienced guys. Metro  
7 guys, been around for a while. Uh, worked the 181 units. They  
8 know -- one of the reasons they come into a C.R.A.S.H. unit is  
9 because they're experienced unit -- uh, they're experienced  
10 sergeants, most of the time.

11 And, you know, I -- I put him right up there with,  
12 uhm, Sgt. Chacon, Sgt., uh, Ortiz. They're -- they're -- you  
13 know, they've been to Metro. They've done things. They know  
14 how to articulate things. They know how to fix things, so when  
15 a young officer comes up to them and says, "I thumped this guy.  
16 I don't know." They know how to fix it.

17 Q Okay. So, he --

18 A If a complaint comes --

19 Q -- would be involved in creating the story as would  
20 Sgt. Edward Ortiz?

21 A Right.

22 Q Create the story to -- to cover all the bases?

23 A Uh, Edward Ortiz -- or Eddie Ortiz -- a lot more than  
24 him. Because, uh, I had problems with him. In fact, when I  
25 went to Narcotics, that's why I went to Narcotics. We weren't  
26 getting along. He wanted to change some things in C.R.A.S.H.  
27 Uh, well, you know, between him and Chacon, I -- I -- you know,  
28

1 I just didn't get along with him.

2 (Brief break to change paper and tape.)

3 SGT. COOK: Okay. We're back on tape. We're on Side B.  
4 And, uh, I have Tape No. 2153332.

5 MR. ROSENTHAL: It's 4:43.

6 Q BY SGT. COOK: Uhm, you know, we're gonna revisit at  
7 a future time, 'cause we don't have the time right now. Alfonso  
8 Guerrero. Again, we're gonna want to talk about specific  
9 incidents that you're aware of. Okay. When you call the  
10 supervisor "fix it" we want to talk about specific incidents.  
11 Okay?

12 A Mark Wilbur? Serial Number 30606 -- 646. I'm gonna  
13 show you a photograph. Do you recognize him?

14 A Uhm, maybe -- maybe fabricate some, uh, P.C. Maybe,  
15 uh, -- uhm, --

16 Q You say maybe?

17 A Well, here's the --

18 Q Was he in the loop?

19 A You can say anything in front of him and it -- it'll  
20 be okay. Did he go in and -- and seek and do, uh, his own  
21 things? Not really. Uhm, -- uh, would he find a gun over here  
22 and the suspect's over here and say, "You know that's your gun"  
23 and say, "Okay. You had the gun." Yes, he would do that.

24 Q Okay. Officer Brent Woodard. And I'm going to show  
25 you a photograph. His serial number is, uhm, 32509.

26 A I've never even seen him.

27 Q You don't know him?

28 A No.

1 Q Okay. Officer Magdalena Gomez.

2 A You got a photo?

3 Q That would be Serial number 27297.

4 A Is that a -- a male? Magdalena?

5 Q Magdalena.

6 DET. PAILET: He's a male.

7 SGT. COOK: Okay. We'll come back to him. Officer Norma  
8 Peteque.

9 MR. ROSENTHAL: Could you spell that?

10 SGT. COOK: P-e-t-e-q-u-e.

11 THE WITNESS: Not in the loop.

12 Q BY SGT. COOK: No? And why would you say no?

13 A She's definitely not in the loop. Can't be trusted.  
14 Can't do anything in front of her.

15 Q Is that because she won't tolerate misconduct?

16 A Because she's just -- yeah, she was a female in the  
17 unit who had absolutely no motivation, zero observation skills.

18 Q Okay.

19 A Uh, just, you know.

20 Q She didn't fit your profile of a C.R.A.S.H. --  
21 C.R.A.S.H. officer?

22 A She didn't fit the profile of, you know, of a  
23 C.R.A.S.H. officer.

24 Q Sgt. Robert Chacon?

25 A Sgt. Chacon. Uh, if you ask me if he was in the loop,  
26 I would say no.

27 Q Pardon me?

28 A If you -- if you would ask me if Sgt. Chacon was in

the loop, I would probably say no.

1 Q No?

2 A Uhm, --

3 Q So, you couldn't go to like Chacon to create a story  
4 for an incident?

5 A I'll put it this way, this sergeant, one time, had a  
6 roll call, uh, -- uh, a roll call meaning -- and he said  
7 something about some of you are gonna go to jail. He said that  
8 to us one time. I mean, he mentioned for several reasons,  
9 including using steroids. And he started giving a speech how  
10 he's worked Internal Affairs. He knows how things go. Uh,  
11 and, some of you guys are gonna go to jail one day.

12 And, after that roll call meeting, I mean, I blew up.  
13 A lot of people blew up. And we really had it out with him.  
14 And, I mean, --

15 Q He wasn't in the loop?

16 A -- he left the unit. Yeah, he -- he was not in -- in  
17 any loop with us.

18 Q Okay. We're going to go back to, uh, Officer  
19 Magdalena Gomez. Here's his photograph.

20 A Oh, okay. Yeah. Uh, not in the loop as far as I  
21 know. I only worked, uh, with him for a short time.

22 Q Okay. Officer -- excuse me, Sgt. Joseph Sanchez.

23 A Can I see his photo? Sanchez?

24 Q Uhm, that would be 25339. We're gonna come back to  
25 him.

26 Officer Dave Vinton?

27 MR. ROSENTHAL: Could you spell that?

28

1 SGT. COOK: V-i-n-t-o-n.

2 THE WITNESS: He's in the loop.

3 Q BY SGT. COOK: He's in the loop?

4 A Uh, planting evidence.

5 Q Why would you say that? Planting evidence?

6 A Yes.

7 Q Planting evidence. In particular, uh, what type of  
8 evidence?

9 A He was working the Diamond Street gang, if I remember  
10 correctly. In -- in fact, Vinton, I think, was working with  
11 Rico, if I remember correctly. And, uh, you know, from time to  
12 time, they'd, you know, come by the office. And when I say,  
13 you know, planting evidence, because a lot of times they'd come  
14 by the office and say, "Has anybody got anything?" They got a  
15 couple of bodies. They got to go.

16 Q Okay.

17 A That type of thing.

18 Q So, what is he asking for? Anybody got --

19 A Narcotics.

20 Q Narcotics?

21 A Yeah.

22 Q Okay. Uhm, Officer Andrew Lassak. And that's L-a-  
23 s-s-a-k.

24 A I'm going to have to see that photo.

25 Q Okay. We'll come back to him. Serial number is  
26 30835.

27 Officer Shawn Gomez?

28 A Isn't that Gomez you just showed me just there?

1 Q Well, this is Shawn Gomez.

2 A Is that another Gomez?

3 Q Yeah.

4 A I'm gonna need to see his photo.

5 Q That number is 30885. The serial number.

6 Sgt. Joseph Sanchez?

7 A Oh, uh, --

8 MR. ROSENTHAL: Is that the right number, John?

9 SGT. COOK: Yeah.

10 MR. ROSENTHAL: That's 25339?

11 SGT. COOK: Yeah.

12 THE WITNESS: He's not in the loop.

13 Q BY SGT. COOK: Not -- he's not in the loop?

14 A No.

15 Q Okay. Officer Michael Wang? W-a-n-g.

16 A He only worked Rampart C.R.A.S.H., I believe, one  
17 month. I think I trained him. Maybe two months. Maybe -- I  
18 think one month. He -- he's not involved in anything.

19 Q Okay. Officer David Shearman? S-h-e-a-r-m-a-n.

20 A Shearman, uh, we didn't get along. A lot of people  
21 didn't get along with him. He did his own thing. So, we really  
22 didn't know what he's involved in. He wasn't in our loop.

23 Q Okay. Officer Juan Guerra? G-u-e-r-r-a.

24 A I'm gonna have to see the, uh --

25 Q Photograph would be --

26 A -- the photo.

27 Q -- 30949. We're gonna go back to, uhm, Shawn Gomez.  
28 That's, uh, Serial number 30885.

1 A Oh, okay. Yeah, I just --

2 MR. ROSENTHAL: And you've just been provided with a  
3 photograph.

4 THE WITNESS: Mmnh-mmnh.

5 Q BY SGT. COOK: Do you know Shawn?

6 A Yeah, young officer.

7 Q Is he in the loop?

8 A Uhm, yes.

9 Q And why would you say that?

10 A Uhm, fabricate, uhm, P.C. Uhm, planting evidence.  
11 Uh, things like that.

12 Q Okay. And we're going to go back to Officer Andrew  
13 Lassak. And that's Serial number 30835. And you're being  
14 provided a photograph.

15 A Uhm, yeah, I remember him. Uh, again, I -- I put him  
16 right in the same category as Shawn Gomez, will fabricate, uh,  
17 P.C., fabricate some evidence -- you know, plant some evidence.

18 Q BY MR. ROSENTHAL: Is that yes in the loop?

19 A Yes. Yes.

20 Q BY SGT. COOK: And guns or narcotics?

21 A Fabric- -- yeah, guns. I mean, pretty much  
22 everything. If -- if the -- whatever situation presented  
23 itself, he definitely would be in the loop.

24 Q Okay. Officer Roger Ruggiero. That's R-u-g-g-i-e-  
25 r-o.

26 A In the loop. Anything.

27 Q Officer Camerino Messina.

28 A I need to see the photo.

1 Q M-e-s-s-i-n-a.

2 MR. ROSENTHAL: How do you spell the first name also?

3 Q BY SGT. COOK: Uhm, C-a-m-e-r-i-n-o. Camerino.  
4 Pardon me?

5 A I said I need to see the photo.

6 Q Sure. That would be Serial number 30907. We're gonna  
7 come back to that one.

8 Officer Lauren Rauch. R-a-u-c-h.

9 A Rauch was a P3 -- on the P3's in the unit. Uh,  
10 initially, you know, we were told be wary of him. The  
11 supervisor said, "Let's see." But he was the kind of guy that  
12 you can do whatever in front of, and he'll go with the program.  
13 But didn't initiate his own stuff.

14 Q And, so he had knowledge of being in the loop?

15 A Yes. But we really had him doing a lot of the  
16 administrative stuff. Because we really didn't trust him.

17 Q Officer Todd Turner?

18 A Uh, --

19 Q Need a photograph?

20 A No, I -- I think he's a short, uh, kid.

21 Q That number would be, uh, 31534.

22 A If -- if you had asked me if Turner was in the loop,  
23 I would say no.

24 Q Okay. You know --

25 A But was he aware of some things were going on? I'm  
26 sure he was. I'm sure he did.

27 Q Okay. So, he may have had knowledge --

28 A Yes.



1 Q -- of misconduct?

2 A But not in the loop. Not with us.

3 Q But no loop. Officer Brian Koren, K-o-r-e-n.

4 A That's the guy with a bunch of tattoos, I think.

5 Q I don't know. Do you want a photograph?

6 A Uh, yeah, I'd like to see the photograph. I want to  
7 make sure.

8 Q That would be 27055. Now, I'm going to give you, uh,  
9 Camerino Messina. And that's Serial number 30907. Do you know  
10 him?

11 A Yeah. In the loop. But did very little. I mean,  
12 he's aware of a lot of things going on.

13 Q He had knowledge?

14 A Right. He had knowledge. Uh, if -- if the situation  
15 presented itself and he needed to, he'll -- he'll fabricate  
16 evidence and -- and plant evidence.

17 Q BY MR. ROSENTHAL: So, you would say that in the loop?

18 A Yes.

19 Q And that's Camerino Messina?

20 A Yes.

21 Q BY SGT. COOK: Okay. Brian Koren. Did you want his  
22 --

23 A I wanted his photo. Right. I wanted his photograph.

24 Q That would 27055.

25 DET. PAILET: I think I just gave it to you. It's there.  
26 It's right there in front of you. There you go.

27 Q BY SGT. COOK: You have a photograph of 27055.

28 A Yeah. Uhm, he came in towards the tail end of when

1 I was -- uh, you know, when I was in C.R.A.S.H. Uhm, wanted to  
2 be in the loop. Some officers trusted him. He was aware of  
3 some things going on. But as far as I was concerned, he wasn't  
4 in my loop. Because I hadn't worked with him that much. And  
5 I didn't trust him because, basically, I didn't know him.

6 But other officers were, you know -- were talking to  
7 him and using him for some things. So, I'm assuming he was in  
8 the loop with them.

9 Q He had knowledge of a loop?

10 A Yes.

11 Q Uh, Officer Craig Herredia?

12 A Not in the loop.

13 MR. ROSENTHAL: Why don't you spell that for the court  
14 reporter?

15 SGT. COOK: Uh, H-e-r-r-e-d-i-a.

16 THE WITNESS: Not in the loop, but was aware that there  
17 was a loop around.

18 Q BY SGT. COOK: Okay. He had knowledge?

19 A Not in the loop, but he had some knowledge of things  
20 going on.

21 Q Knowledge. You didn't trust him?

22 A Uh, I wouldn't. I wouldn't trust him straight out,  
23 no.

24 Q Okay. Officer Dustin Sclater. And I'm gonna spell  
25 that. S-c-l-a-t-e-r.

26 A Not in the loop.

27 Q And for what reason?

28 A Just not in the loop. He was a young officer. He

1 was there a short time. I believe he came back later. But I  
2 believe he was there, went somewhere else, and then came back.

3 Q Okay. Is it also because -- and I don't know -- these  
4 officers just wouldn't tolerate misconduct, or not in the loop?

5 A It's just until they showed you something, you're not  
6 gonna trust them. Until you can do something in front of them,  
7 --

8 Q Okay.

9 A -- and know that he's okay with it, and -- and would  
10 do it himself, you're not gonna trust him.

11 Q Okay. Officer Jeffrey Graham?

12 A Jeff Graham is -- Jeff Graham is aware that there's  
13 a loop. Uh, he's been in C.R.A.S.H. for a long time. He's  
14 another one of those Sammy Martin's. Uhm, they were -- they  
15 were in the unit at the same time. Uhm, I'm sure -- and I'm  
16 assuming, but I'm sure that they had to know that there -- there  
17 was things going on. But they never did anything. Jeff Graham  
18 -- I've never seen Jeff Graham do anything wrong.

19 Q Okay. Officer Frank Arujo?

20 A Frank Arujo was there to try and impress somebody.  
21 Paul Byrnes sponsored him in. 'Cause we all said no. Then,  
22 Paul asked me, "Ray, I know him from some other division. He's  
23 a solid guy. Could you work with him?" And I -- I said, "All  
24 right."

25 Q Did he have knowledge?

26 A He had knowledge of things going on. But I didn't  
27 trust him. So, we did very little. You know, I -- I didn't  
28 trust him.

1 Q You feel he had knowledge?

2 A Yes.

3 Q BY MR. ROSENTHAL: This is Arujo?

4 SGT. COOK: R- -- A-r-u-j-o. Frank Arujo.

5 Q Steven Cornell? Officer Steven Cornell?

6 A I'm gonna have to see the photo.

7 Q That would be 30504. Let's go on to the next one.  
8 Sgt. Timothy Torsney. Do you know Lt. Torsney?

9 A I'll need to see the photo. Torsney?

10 Q That would be, uh, 25383. And here is Serial number  
11 30504. Photograph of Steven Cornell. Do you know him? Do you  
12 recognize him?

13 A Not -- yeah. Not in the loop.

14 Q No? Okay.

15 A Uhm, was he aware? I'm sure he was. Uh, he just  
16 wasn't trusted. So, he wasn't in the loop.

17 Q You know, we're gonna have to -- we're gonna have to  
18 come back and ask you for specific information about what you  
19 -- A Yeah.

20 Q -- something that you knew that each guy -- that they  
21 demonstrated they're in the loop.

22 A No, he was not in the loop.

23 Q Okay. He demonstrated knowledge --

24 A What I said was he -- right.

25 Q -- of misconduct?

26 A Okay.

27 Q Okay. Sgt. Timothy Torsney? And his serial number  
28 is 25383. And you're looking at that photograph.

1 MR. ROSENTHAL: Why don't you spell the last name?

2 SGT. COOK: Tornsney is T-o-r-s-n-e-y.

3 THE WITNESS: Sgt. Torsney, uhm, -- uh, was he in the loop?  
4 No. Uh, was he, uh, -- was he -- would he try and help you,  
5 uh, in a situation? Yes. In fact, he was the one that told me  
6 that you guys were, uh, asking for my logs for handwriting  
7 exemplars. That R.H.D. was asking for logs. In fact, he told  
8 me right before I got arrested. He said something about, they  
9 called down here wanting to know about you being on vacation.  
10 Uh, so, be careful. If you go on vacation, be careful what  
11 you're doing.

12 Q BY SGT. COOK: Okay, Ray. But he wasn't in the loop  
13 as far as all the criteria that you've established -- planting  
14 evidence, creating a story?

15 A Again, he's one of those sergeants where you tell him  
16 the story and he'll look at you like this and go, "All right."  
17 And signed the booking sheet. But we wouldn't go up to him and  
18 tell him the truth, where, you know, hey, this guy got thumped.  
19 So, he's going for 11350. We'd just tell him what the story  
20 is. Uh, you know, and he has no problem signing the booking,  
21 uh -- booking sheet.

22 He was, uhm, -- if you ask me if he was the loop, no,  
23 he wasn't in the loop. Uhm, but --

24 Q You're -- you're not certain?

25 A Did he know what -- things were going on? If you're  
26 in a C.R.A.S.H. unit, and you're a supervisor in a C.R.A.S.H.  
27 unit, you have to know things are going on. I mean, it was --

28 Q Okay. We're gonna talk about that in more detail at

a later time.

1                   Officer Brian Miyakawa?

2           A       Miyakawa?

3           Q       Yeah.  M-i-y-a-k-a-w-a.

4           A       Miyakawa was in the loop.  However, he's been around  
5 a long time.  So, when he came back to C.R.A.S.H. this time  
6 around, I mean, he knows everything that goes on.  But, really,  
7 he didn't have to prove himself to anybody.  He's been around  
8 a long time.  He was well-known.  Uh, and so he -- have I ever  
9 done -- uh, seen him do anything illegal?  No.

10                   Does he know things were going on?  Yes.

11           Q       He has knowledge.  Officer Michael Barker?

12           A       Barker.

13           Q       Do you need to see -- you need his photograph?  30693.  
14 And I'm providing you a photograph of 30693.

15           A       Is he in the loop?  No.  Another guy that we also, uh  
16 -- we -- we made him do administrative stuff to try and keep  
17 him out of the loop.  He was a P3 in the unit.

18           Q       You didn't trust him?

19           A       Uhm, but, basically, he was kind of -- sort of forced  
20 on us by somebody.  I forgot who.  But, uh, we -- we kept things  
21 from him.

22           Q       You did not trust him?

23           A       No, we didn't trust him.

24           Q       And, uh, Officer Michael Chavez.

25           A       Need to see a photo.

26           Q       Okay.  That would be 30544.  And we'll come back to  
27 that.  Now, -- oh, here we are.  And I'm providing you a photo  
28

of Serial number 30544.

1           A     Okay.

2           Q     Yes.

3           A     I'm going to have to get off the subject for a second  
4 here. Remember the complaint I told you about, uh, the -- the  
5 guy who got a cut in his nose or something? It was bleeding.  
6 And we made up a story that we chased him. And went around --  
7 like I said, uh, one of the officers were beating on him --

8           Q     Yeah.

9           A     -- with a flashlight.

10          Q     BY DET. THOMPSON: They had -- in other words, they  
11 had pushed him -- the guy was pushed and he had went through  
12 the wall? That --

13          A     Right. That -- that part I did. That was at the  
14 very end. That was -- but before that.

15          Q     Not that I know of.

16          A     I'm getting two people confused now. I'm getting  
17 this guy confused with Veloz. Uh, is there anyway you guys can  
18 pull a report and find out which of the officers --

19          Q     I think we -- we may have the report you're talking  
20 about. Because I have some photographs of the injury that you  
21 talked about.

22          A     Right. I -- I need to find out which officer was  
23 there.

24          Q     Okay.

25          A     Him or --

26          Q     I'll put a question mark right here.

27          A     'Cause it was either him or Veloz. And I'm not  
28

getting confused.

1 Q Okay.

2 A Him and Veloz. This is, again, who, uh, -- what's  
3 his name again?

4 Q Chavez.

5 SGT. COOK: Chavez.

6 THE WITNESS: Chavez. I'm getting Chavez and Veloz  
7 confused.

8 Q BY SGT. COOK: Apart from that, any other knowledge  
9 of him?

10 A Oh, yeah, he knows. He's in the loop.

11 Q Oh, he's in the loop?

12 A Yeah. He's in the loop.

13 Q Oh, okay.

14 A Uh, it's just -- it hit me just now that I'm getting  
15 two people -- I might be getting two people confused. And I  
16 don't want to do that.

17 Q Okay. Uh, knowledge or everything?

18 A Knowledge. He'll -- he'll do whatever.

19 Q Everything?

20 A I'm sorry?

21 Q Plant evidence?

22 A Yes. Yes.

23 Q P.C.?

24 A Yes.

25 Q Now, all the officers I gave you went through --  
26 officers and supervisors -- went through the unit between  
27 August, when you went in and, uh, when you came out.

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A Right.

Q Prior to you going in, before August of '95, I'm going to give you some more names here.

A Mmnh-mmnh.

Q Okay.

A Now, this would be based on history and -- and --

Q Well, this will be based on about a year.

A No, what I'm saying is, you're gonna ask me about officers that were in the unit before I was there?

Q Well, I'm gonna ask you if you have specific information about them being in the loop.

A Right.

MR. MCKESSON: Excuse me, uh, detective, when you say "specific information" --

SGT. COOK: Well, I'm gonna ask you if you --

MR. MCKESSON: -- you mean personal knowledge?

SGT. COOK: I'm gonna ask -- well, it's my understanding that if there's been knowledge, when you said they're in the loop. And then, at a later time, we're gonna specifically go into detail about them. We're just trying to set the parameters right now.

MR. MCKESSON: No, I understand. 'Cause I didn't understand why you were differentiating these from the guys --

SGT. COOK: Because he wasn't in the C.R.A.S.H. unit. He started the C.R.A.S.H. unit in August. The names that I'm gonna give him were officers and supervisors that were in the C.R.A.S.H. unit prior to him going in August.

MR. MCKESSON: And left?

1 SGT. COOK: And, uh -- and left.

2 MR. ROSENTHAL: Left C.R.A.S.H. before Perez got there.

3 SGT. COOK: And we're talking about within a year before.

4 MR. MCKESSON: No.

5 SGT. COOK: But you were still at Rampart.

6 MR. ROSENTHAL: Let's stop. Stop.

7 MR. MCKESSON: So, it would appear that all those officers  
8 you're asking about, he wouldn't have firsthand knowledge. You  
9 just -- you're asking whether he heard the reputation?

10 SGT. COOK: Well --

11 MR. MCKESSON: I'm just trying to get -- get an  
12 understanding. 'Cause -- 'cause you separated those officers.

13 MR. ROSENTHAL: No. Wait. Wait. I'm confused.

14 Q BY SGT. COOK: Okay. The officers that I have -- I  
15 have given him -- the list of names --

16 A So far.

17 Q -- these were officers that went through the unit  
18 when you were assigned to the unit?

19 A That's correct.

20 Q Okay. You were in Rampart in '94. You went to  
21 Rampart in '94?

22 A Yes, sir.

23 Q Okay. You didn't go to --

24 A '94, I believe.

25 Q -- to the C.R.A.S.H. unit until August '95.

26 A Now, I'm -- now, I'm not sure whether I went in '94  
27 or '95 to Rampart.

28 Q Okay. Well, I can tell you. Well, if I have it.

1 Q BY DET. THOMPSON: Had you been working Rampart, Ray,  
before you went into the Rampart --

2 A Rampart Patrol.

3 Q -- C.R.A.S.H. unit?

4 A Yes, I had been working Rampart. Now, if you're gonna  
5 ask me, uhm, on certain names of the people that were in the  
6 Rampart C.R.A.S.H. unit before I was there, some of the officers  
7 who probably are in Metro now, some of the officers that have  
8 come to our roll call, or our, uh, mug parties, or mug, uh --  
9 meet up at the Academy and have a -- a get-together, a lot of  
10 them.

11 Have I heard things that they've done and -- and --  
12 and scuttlebutt that they've been involved in, and how they did  
13 things way back then? I can tell you -- I can tell you on some  
14 of them. I can't tell you on all of them. I can just tell you  
15 what I've heard.

16 And I can -- and if you can ask -- uh, if you ask me,  
17 or give me a certain name, I can tell you whether they were  
18 definitely loop. I wasn't involved with them, back then, but  
19 I know, based on stories, whether they were in the loop or not.

20 Q BY SGT. COOK: Okay. Well, why don't we just go over  
21 that then?

22 A Okay.

23 Q All right.

24 A That's fine.

25 Q Let's start with Sgt. George Hoopes.

26 A In the loop.

27 Q He was in the loop?  
28

1 A Yes.

2 Q Now, this -- is this on personal knowledge?

3 MR. MCKESSON: I'm unclear. I mean, I don't want to be  
4 saying that, --

5 SGT. COOK: Sure.

6 MR. MCKESSON: -- but how can he have personal knowledge  
7 if he wasn't at C.R.A.S.H. at the same time?

8 Q BY SGT. COOK: Well, why don't you explain to us then?

9 A I have worked -- I have worked with Sgt. Hoopes, uh,  
10 in other aspects. Uhm, he comes to the -- all our mug parties.  
11 Uh, the plaque that you probably saw in my house, with the --  
12 you know what that plaque is even about? That -- that  
13 C.R.A.S.H. plaque with -- that has the two, uh, red, uh, -- two  
14 red hearts. With a red heart and two bullets in it. And the  
15 gun.

16 Q BY DET. THOMPSON: Eight. Aces and eights?

17 A Yeah, aces and eights. Do you guys know what that  
18 is?

19 Q What is that for?

20 Q BY MR. ROSENTHAL: Tell us.

21 A Sgt. Hoopes gave me that plaque for the Ovando  
22 shooting. That's what that is. We give plaques out when you  
23 get involved in shootings. Uh, if -- if the guy dies, the --  
24 the -- the card is, uh, black number two. If he stays alive,  
25 it's a red number two.

26 I didn't know if you guys knew that or not.

27 Q Is it more prestigious to get one that is black than  
28 red?

1 A Uhm, I'm assuming so. I mean, uh, yeah. I mean, you  
2 know, the black one signifies that a guy died. Uhm, the red  
3 one means that he -- it was a hit, uh, but not fatal.

4 Uh, Sgt. Hoops is probably aware of everything that  
5 goes on in C.R.A.S.H. Because any supervisor that comes to  
6 C.R.A.S.H. always talks to Sgt. Hoopes. I mean, he is -- he  
7 knows everything that was going on in C.R.A.S.H.

8 I mean, 'cause he's been there.

9 Q BY SGT. COOK: Is he on the same -- I'm sorry.

10 A I'm sorry?

11 Q Is he on the same plane as perhaps Sgt. Ed Ortiz?

12 A And Sgt. Byrnes. Yes. They're -- they're all right  
13 there.

14 Q As Sgt. Ortiz?

15 A They're all -- the -- when I was there, they were the  
16 heart of, uh, Rampart C.R.A.S.H.

17 Q And, again, at a later time, we'll go into more  
18 detail. Now, we're gonna drop to Officer Marco Rivas.

19 A From what I understand, and I hear -- this is a tall  
20 guy, right? Went up to motors? He was in the loop. But I  
21 don't know what he was involved in. So, I -- I really can't  
22 give you a definitive answer, uh, with him.

23 Q Okay. Uhm, Officer James Thornton?

24 A I can't comment on him.

25 Q Okay. Officer Raul Vincent?

26 A Can't comment on him.

27 Q Okay.

28 A Can I see some of these photos on these people?

1 Q Sure. You want to see Thornton?

2 A Thornton and Vincent.

3 Q Okay. That's, uh, Serial number 26610, and Serial  
4 number 27173.

5 Q BY MR. ROSENTHAL: Does the court reporter need any  
6 spellings of last names?

7 Q BY SGT. COOK: Okay. 26610. That would be officer  
8 James Thornton. You have -- you have a photograph.

9 A Yeah. Uh, yeah, I've seen him. I know who he is.

10 Q Okay. You have no information?

11 A I can't say that -- that -- I can't say that.

12 Q And Photograph 27173, Officer Raul Vincent.

13 A I can't say anything about him.

14 Q Okay. Officer Daniel Sanchez?

15 A I know who he is. Uh, went to Metro. Again, I can't  
16 -- I can't comment.

17 Q Sure. Officer Robert Valdez?

18 A Uhm, I've heard some -- I've heard some things on  
19 him. If you ask me is he in the loop, I would say yes. But I  
20 can't put my finger on -- on exactly why. But, was he in the  
21 loop? Yeah.

22 Q Officer Ivan Ramos?

23 A Ramos was another one who I've heard -- I've heard  
24 things. Uh, in fact, I think one time we did a -- we helped,  
25 uh, secure a location, 'cause they were gonna do a walk-through  
26 for a shooting that they had been involved in -- him and a  
27 couple of other officers.

28 And I remember some of the jokes that were being said

1 as to how the actual shooting went down. As compared to how  
2 they were, uh, doing this walk-through for some attorney or  
3 something, for some civil rights violation lawsuit or  
4 something. I think it was right in -- I want to say on Hoover  
5 and 12th area somewhere around there.

6 Uh, we were securing, you know, closing off the street  
7 while they were simulating how the shooting actually occurred.

8 Q He was saying the shooting differed other than what  
9 was reported?

10 A Collard was the other officer, I guess, was involved  
11 in that shooting. Collard and Ramos. And I remember them  
12 joking as to -- about how the guy -- I guess this was a big  
13 foot pursuit. The guy ran from one place all the way to the  
14 middle of the street. They shot at him. I believe they finally  
15 hit him. And things had to be fixed afterwards. Something  
16 like that.

17 And what it got -- uh, I had -- I wasn't there when  
18 the shooting occurred, whenever it occurred. I was there when  
19 they did the walk-through. Uh, I don't know. I may have been  
20 a year or two years later. Uh, 'cause I think this was for a  
21 lawsuit and they needed to go through certain things.

22 So, we were there helping them block off the streets.  
23 And I remember some of the talk going on.

24 Q Okay. Well, we'll revisit it. Officer Jonath- --  
25 Jonathan Tippet? T-i-p-p-e-t.

26 A Again, I've heard many stories, you know. Definitely  
27 in the loop. Uhm, can I pinpoint certain things? Not really.  
28 But he definitely knows -- he's definitely in that group.

1 Q Officer Edgar Villalta. That's V-i-l-l-a-l-t-a. Do  
2 you know him?

3 A Yeah. Uh, from what I understand, very good officer.  
4 I can't comment on him.

5 Q Okay. Officer John Bertino?

6 A Bertino is definitely --

7 MR. ROSENTHAL: Why don't you spell that?

8 SGT. COOK: B-e-r-t-i-n-o.

9 THE WITNESS: From what I understand, and things I hear,  
10 and like I say, you know, a lot of these ex-C.R.A.S.H. guys  
11 used to come and, uh, help us with some of our training days  
12 and stuff like that. And he still works Rampart, uh, so you  
13 talk to him from time to time.

14 He definitely knows about the loop. Would you ask me  
15 if he was definitely involved in the loop, at one point, when  
16 he was there? Yes, he was in the loop. Uh, I can't pinpoint  
17 any certain thing, though.

18 Q Officer Melissa Towne?

19 A Uhm, see, I worked with Melissa when she first got to  
20 Rampart. Uh, right when she got off probation. Uh, and I know  
21 she'd been involved in certain things. Uh, cover-ups. Uhm,  
22 simply because, uh, supervisors told us about what they did on  
23 certain things.

24 So, if you ask me if I know certain little specific  
25 things about her, yes. She would be in the loop. Not trusted.  
26 But forced in certain situations to be in the loop to cover her  
27 own butt. So, she sort of got in the loop.

28 Q Okay. Officer Dennis O'Sullivan?



1 A O'Sullivan, uh, is in the loop. Uhm, he's still at  
2 Rampart. Uh, -- uh, I think he was the senior lead. Uh, he,  
3 uh, -- he has no problem putting a case on somebody.

4 Q Okay. So, putting cases on people?

5 A Yeah. Dope, narcotics, guns.

6 Q You're talking about everything, or just --

7 A Yes. Yes. Yeah, he is definitely in the loop.

8 Q Officer Patrick -- excuse me, Sgt. Patrick Smith.  
9 This was the sergeant you were talking about?

10 A Patrick Smith?

11 Q You said Patrick.

12 A No, I -- I was talking about Pat, uh, Barrons.

13 Q Okay.

14 A But I need to see a photo of Sgt. Smith.

15 Q Sgt. Patrick Smith, uh, 27956. Uhm, Sgt. Mark  
16 William?

17 A I need to see a photo.

18 Q Okay. Uh, unfortunately, we don't have one. Okay.  
19 Now, let's talk about -- and I just got a couple of names here  
20 -- the six months that you were with the Field Enforcement Team.

21 A Mmnh-mmnh.

22 Q Okay. Officer Melissa New? Was she in the loop?

23 A These people that worked F.E.S. have nothing to do  
24 with Rampart C.R.A.S.H.

25 Q Okay.

26 A I can't put them in any category as far as the loop  
27 goes. Uh, you know, if you ask me was there anything illegal  
28 done in front of them, and they saw it, and were in a position

1 to see it, and didn't do anything about it, I can maybe answer  
2 that. Were they in the loop with Rampart C.R.A.S.H.?  
3 Absolutely not. They -- they have no reason to be. They --  
4 they wouldn't get near it. They're -- they're not involved in  
5 it.

6 Q Okay. Then I think that we will approach these names  
7 on a case-by-case basis. You're -- you're saying that they  
8 weren't in the loop because they weren't part of C.R.A.S.H.?

9 A Right. You can't be, uh, from some other place, and  
10 be in the loop at the Rampart C.R.A.S.H. 'cause we're not gonna  
11 let you know anything. It's not gonna happen.

12 Q Here's a photograph of -- of Sgt. Patrick Smith. Uh,  
13 you're looking at 27956.

14 A I can't comment on him.

15 Q Okay. I think that takes care of all the names that  
16 we have to go into.

17 Q BY DET. THOMPSON: Do you want to go into, uh, F.E.S.  
18 at all? Names, or --

19 A Are you gonna go into some of the names?

20 Q BY SGT. COOK: Well, he's saying that he can talk  
21 about individual acts of misconduct.

22 A No, I said, you can ask me the particular officer was  
23 involved in any type of misconduct. And I can --

24 Q Okay.

25 A -- tell you, yah, or nay. But as far as them being  
26 in the Rampart C.R.A.S.H. loop, all of them are going to be a  
27 no, unless they worked Rampart C.R.A.S.H.

28 Q All right. Let's talk about -- okay.

1 Q BY DET. THOMPSON: I just had one question. For, uh,  
2 Rampart F.E.S., was there a loop that existed there? I'm not  
3 talking in conjunction with Rampart -- with Rampart C.R.A.S.H.  
4 but in F.E.S. unit itself, was there a loop there? When you  
5 were working there, was a loop -- another loop created? Was  
6 there a group of people that were trusted, just like in -- in  
7 C.R.A.S.H. or would trust each other?

8 A Not really. I mean, me and Durden, you know, uh, we  
9 did our own thing. So, -- but this was a loop that came from  
10 somewhere else. It wasn't an F.E.S. loop. Uhm, so, I can't  
11 say there was a loop in F.E.S., no.

12 Q We're talking about planting dope, planting guns.

13 A Mmnh-mmnh.

14 Q Uhm, at F.E.S. We're talking about, uh, fabricating  
15 probable cause. We're talking about putting a case on people.

16 A I understand.

17 Q Okay. So, that would be the criteria?

18 A Right.

19 Q Uhm, Melissa New?

20 A Uhm, Melissa New was involved in a couple of things  
21 with us, uh, as far as falsifying information. And, uh, she  
22 was involved in that, uh, -- that crime report that was written  
23 regarding home invasion robbery, where Officer Durden and I  
24 went there. And, uhm, some jewelry was taken off of females.  
25 She actually helped -- she took the jewelry off of the females.

26 Uhm, other than that, uhm, Melissa New is, you know,  
27 a pretty straight arrow. She wanted to go to C.R.A.S.H. but I  
28 would tell her, okay. I'll look into it. I'll look into it.

But I really didn't want her going to C.R.A.S.H.

1 Q Officer Stephanie Sutherland? Do you know her?

2 A Sutherland is definitely not in no -- any loop.  
3 Nothing.

4 Q Nothing. Officer Larry Covington?

5 A Nothing that I know of.

6 Q Officer Coronado?

7 A Officer Coronado was involved in some things with us  
8 as far as falsifying, uh, information on a report, and  
9 falsifying P.C. Uhm, -- uh, articulating a crime that occurred  
10 that actually didn't occur. Uh, meaning a sales that occurred,  
11 and it actually didn't occur. But, other than that, he was not  
12 involved in any other loop.

13 Q Officer Garcia?

14 Q BY MR. ROSENTHAL: And, excuse me. Do you have a  
15 first name?

16 A Coronado, his first name?

17 Q BY SGT. COOK: Armando?

18 A Armando, I believe. Yes.

19 Q Armando Coronado. And, uh, Officer Garcia, his first  
20 name?

21 A I think it was Sonny. Sonny Garcia?

22 Q Mmnh-mmnh. Sonny Garcia.

23 A Uhm, Sonny -- Sonny Garcia was one of those officers  
24 who, uh -- a young officer. And wants to fit in. Uh, you know,  
25 wants to, you know, hang out, you know. He worked, I believe,  
26 Rampart for a little while. Uh, was he in any loop? No. Will  
27 he falsify information on something that occurred? Yes.  
28

1 Q Officer Canister. His first name?

2 A I think it's Randy. Randy Canister.

3 DET. THOMPSON: Randy Canister.

4 THE WITNESS: Not involved in any -- by the numbers. He's  
5 by the numbers.

6 Q BY SGT. COOK: Gizzi. First name?

7 A Dean Gizzi.

8 Q That's G-i-z-z-i.

9 A Would Dean Gizzi falsify information, cover-up  
10 information? Yes. Was he involved in any loop? No. Uhm,  
11 that's about all I could say on that.

12 Q Okay. Again, we're going into more detail about that  
13 at a later time. Officer Graff? What's the first name? G-r-  
14 a-f-f.

15 A Can I see a photo? Graff? Oh, uh, he was a -- a  
16 supervisor who came in later.

17 Q Okay.

18 DET. THOMPSON: A D2.

19 THE WITNESS: Uh, he's not in any loop.

20 Q BY SGT. COOK: Okay. Uh, Supervisor McGee. First  
21 name?

22 DET. THOMPSON: Bill.

23 Q BY SGT. COOK: Bill McGee.

24 A Uhm, none of the supervisors were involved in any  
25 loop. But did they know we were doing our own thing? Yeah,  
26 they knew we were doing our own thing. Did they know exactly  
27 what we were doing? Uh, I think -- I don't think so.

28 Uhm, did they know the fact that we were using, uh,

1 an informant over and over and over again, who wasn't signed-  
2 up? Yes. Uh, did they falsify like log books? Yeah. Yeah,  
3 I mean, they would check it maybe once a month, or once every  
4 two months. And then, initial it for the whole month.

5 Q BY DET. THOMPSON: What do you mean?

6 A They always do that.

7 Q I'm sorry? Uh, is that what you're saying?

8 A In other words, a log book is supposed to be checked  
9 on a daily basis. And the supervisor is supposed to initial it  
10 at the bottom of the page. And, I mean, I'm looking at that as  
11 an official log. It's a log. It's a log book. Uh, and when  
12 you initial it on a daily basis, that's supposed to mean that  
13 you initialed it for that day. You looked at his activity and  
14 initialed it that day.

15 Uh, I -- I believe -- I think it was, uh, Officer  
16 Nalywaiko -- Detective Nalywaiko that asked me -- would ask me  
17 if the logs were checked every day or something like that.

18 Q BY DET. THOMPSON: Yeah, I had asked you that before.

19 A Right. Uhm, no. They're not being checked every  
20 day. They check maybe once a month, maybe.

21 MR. ROSENTHAL: Well, let's stop for a second. What we  
22 should do -- let's -- let's draw this to a close.

23 SGT. COOK: I just have one more name.

24 MR. ROSENTHAL: Okay. Great.

25 SGT. COOK: Just one last name.

26 MR. ROSENTHAL: Just try and talk slowly.

27 Q BY SGT. COOK: Officer, uh -- excuse me, Lusby. L-  
28 u-s-b-y.

1 MR. ROSENTHAL: Okay. George Lusby.

2 THE WITNESS: George Lusby. Is George Lusby involved in  
3 some circle? I don't think so. Uhm, if you ask me was George  
4 Lusby involved in something maybe a long time ago, uh, I have  
5 to say -- I would think so. Do I have any proof of it? Do I  
6 have any specific information? No. Uhm --

7 Q BY SGT. COOK: Let's talk about when you were at  
8 F.E.S. for those six months.

9 MR. MCKESSON: Let me just say this. Are you aware he  
10 described one incident involved George Lusby?

11 Q BY MR. ROSENTHAL: I was about to bring that up. Is  
12 that the -- is that what you were talking about, the one  
13 incident with the money?

14 A Right. I mean, I -- I can talk. I mean, I was -- I  
15 have some information that, you know -- or little stories he  
16 would tell us about certain amount of money he would see and --  
17 --or like he -- I mean, he spends a lot of money. I mean, his  
18 wife calls him one day -- and he's divorced -- and says, "I  
19 need a new car." And he comes and tells us the next day, "Yeah,  
20 I went and bought her a new van -- you know, a new mini-van."  
21 Or something. I mean, just -- he said, "I bought it cash."

22 And then, the next day, he's telling us about a story  
23 when he was working in Simi Valley -- the big money take-down,  
24 the big dope deal or dope seizure up in Simi Valley.

25 Q Yeah.

26 A He says he was there, you know, uhm, bringing stuff  
27 in. And he remembers he had a, uh -- uh, one of those Army,  
28 uh, sea -- sea bags -- we call them sea bags -- full of money.

1 He says he had put it in his trunk, was gonna, you know,  
2 transport it somewhere, and, uh, end of watch he realized he  
3 hadn't taken it out of his trunk, or something like that.

4 And he goes, man, it was so easy to just -- you know,  
5 he -- he'd always tell us stories like this. Uhm, but he said  
6 -- you know, obviously, he said, yeah, you know, he turned it  
7 in. And it was over a million dollars in there -- in a sack.

8 But he always had these little stories about how --  
9 like another one I can think of right now is, some dope dealer  
10 that they did a search warrant on. And there was like -- if I  
11 remember, he said there was like over a hundred thousand dollars  
12 just stacked up neatly on the table.

13 And the dope dealer told him, "Just take it. And I  
14 can just walk out of here." And he was telling -- you know,  
15 telling us how, you know, it was tempting and everything. But  
16 he just didn't do it, you know. But just the way he talks  
17 gives you that -- that thing.

18 And then, when that incident occurred with Detective  
19 Lusby with the cash out of the vacuum cleaner, it -- it -- it  
20 started my wheels turning more about him.

21 Uhm, do I -- have I seen anything specific? No. Is  
22 he involved in maybe, you know, logs not being kept up? Yeah.  
23 Was he aware that I was using [ \*\*\* CI #2 \*\*\* ], uhm, on more  
24 than one occasion that wasn't, uh, signed-up? Yes.

25 Q BY DET. THOMPSON: Would that be [ CI #2 ]?

26 A [CI #2], yes. Uh, [ \*\* CI #2 \*\* ]. He was aware  
27 that I was using -- that I was using [CI#2]. He has met [CI#2]  
28 on -- on several occasions.



1 Q BY MR. ROSENTHAL: [ \*\*\*\* CI #2 description redacted  
2 \*\*\*\* ].

3 A No, I don't believe so. Uh, and like I said, there  
4 was that one [ \*\*\*\*\* CI #2 description redacted \*\*\*\*\*  
5 \*\*\*\*\*  
6 \*\*  
7 \*\*\*\*\*  
8 \*\*  
9 \*\*\*\*\*  
10 \*\*  
11 \*\*\*\*\* ].

12 [  
13 \*\*\*\*\*  
14 \*\*\*\*\*  
15 \*\*\*  
16 \*\*\*\*\*  
17 \*\*\*  
18 \*\*\*\*\* ].

19 Q As -- as long as we're in that area, let me just clear  
20 up one issue. [ \*\*\*\*\* CI #2 description redacted \*\*\*\*\*  
21 \*\*\*\*\* ]?

22 A I would have to look at the dates as to, uh, the last  
23 few cases [CI#2] gave me.

24 Q Let me -- in fact, actually, one of them that I'm  
25 just going to ask you about, if you remember, you were  
26 testifying about a case involving, uhm, cocaine being cooked in  
27 an oven.

28 A Right.

1 Q Remember going in, and -- and Lusby was there.  
2 A Mmnh-mmnh.  
3 Q Kind of the whole crew.  
4 A Yeah, the whole crew.  
5 Q Okay. And that was --  
6 A It was like a multi-four arrest maybe.  
7 Q Right.  
8 A Yes.  
9 Q And that case came from [CI #2]?  
10 A Yes, it did.  
11 Q Okay. Now, that case occurred, I believe it was in  
12 November. It was in November.  
13 A I was -- [ \*\* CI #2 description redacted \*\* ].  
14 Q Okay.  
15 A Yeah.  
16 Q November -- November 25th of 1997.  
17 A Yeah, [ \*\* CI #2 description redacted \*\* ].  
18 Q Okay.  
19 A And like I said, uh --  
20 Q So, I mean -- so, you lied at trial about that?  
21 A Yes.  
22 Q At trial, you specifically said, "[ \*\*\*\*\* CI #2  
23 description redacted \*\*\*\*\* ]." I'm sorry.  
24 A No.  
25 Q "[ \*\* CI #2 description redacted \*\*] --  
26 A Right.  
27 Q -- [ \*\* CI #2 description redacted \*\* ]."  
28 A Right. And I wasn't certain on the dates. Uhm, but

1 I know -- uh, I think [CI#2] stopped giving me information --  
2 uh, early December [CI#2] stopped giving me information. I  
3 don't think there was too many more arrests that [CI#2] gave me  
4 after late November or early December. That was probably one  
5 of the last ones.

6 Q Okay. Why did you lie about that?

7 A I don't know. To be quite honest, I really wasn't  
8 aware -- I wasn't sure anyway. But I just said no because it  
9 sounds like the best answer, at that point.

10 Q Okay.

11 A Uhm, I was gong to say something else about that.  
12 Uh, Detective Lusby and McGee, uh, I don't know if you remember  
13 in the trial -- remember I was telling you to bring that case  
14 up? I don't remember if you remember. Right in the middle of  
15 trial, it was like ask them about this case, 'cause they were  
16 saying they didn't know [CI #2]. And that case clearly,  
17 Detective Lusby knew who [CI#2] was, because he had asked me  
18 again, "Why doesn't [CI#2] want to get signed-up?"

19 And you had asked him, "Showing -- you know, directing  
20 your attention to this photo." And he looked right at and say,  
21 "No, I've never seen [CI#2]." You know, but, yeah, he's seen  
22 [CI#2] several times. And that's one case that he knew it came  
23 from [CI#2] because he had told me how much he would pay [CI#2]  
24 if [CI#2] was signed-up.

25 Q Okay. That was -- let me just, for the record, that  
26 case involved, uhm, looks like it was, uh, Jose Gebrara Aminta.  
27 Jose Gebrara -- G-e-b-r-a-r-a -- Aminta Merida. A-m-i-n-t-a.  
28 Merida, M-e-r-i-d-a.

1 All right. It's 5:31. We're back on the record.  
2 The third arrestee for the November 25th, 1997 arrest was Carla  
3 Ramirez, R-a-m-i-r-e-z.

4 SGT. COOK: Okay.

5 Q BY MR. ROSENTHAL: Okay. D.R. number 97-06-01147.  
6 Okay?

7 A Do you have a question pending?

8 Q No. Uh, where do we want to go now?

9 SGT. COOK: Okay. I'm done with, uh, going over the  
10 roster. Stan, you want to take over?

11 Q BY DET. NALYWAIKO: Ray, what we've got are some  
12 packages regarding arrests that you and Nino Durden made. I'm  
13 going to show you these packages. We've got quite a few of  
14 them here. What I'd like you to do is look at them and see if  
15 you recognize the name on the package. Look at the photograph,  
16 if there is a photograph attached. If you remember something  
17 specific that there was something illegal that happened there,  
18 any planting of dope or taking of money, put that off to one  
19 side.

20 If you look at a package and you don't readily  
21 recognize that, put it off to another side, uh, because we don't  
22 have the time allotted to us right now, and we've got quite a  
23 few packages to review everything.

24 A Can I suggest something?

25 Q Sure.

26 A I think it would be, uh, more time-consuming to do it  
27 this way. Why don't we go over any specific questions you might  
28 have, while we're on the record. And, if you want, after we're

1 done and the attorneys have to leave, I can -- without answering  
2 any other questions, I can look through the packages on my --  
3 you know, for a little bit longer, if you want. And I could  
4 put some to the side that I know something happened. And the  
5 ones nothing happened, I can put to the side. And, then, at  
6 another time, we can get into them. I don't know if that's  
7 better.

8 MR. ROSENTHAL: That might actually be a good  
9 idea. That way what he could do is without having to have the  
10 court reporter here and the tapes on, we can have him do it  
11 separately. And then, he can talk about each one when we go  
12 back on the record. Would that be all right?

13 DET. NALYWAIKO: Yeah. But my only concern is that I know  
14 1800 Transportation will be here for you.

15 MR. ROSENTHAL: Oh, okay. Well, then, I would --

16 THE WITNESS: I was just thinking that if you wanted me  
17 to.

18 MR. ROSENTHAL: Well, why don't we go off the record.

19 (Off the record at 5:33 p.m.)

20 (Back on the record at 5:40 p.m.)

21 MR. ROSENTHAL: All right. We're back on the tapes. It  
22 is, uh, 5:40. We're continuing the interview.

23 Q BY DET. NALYWAIKO: Ray, I have, uh, some arrest  
24 reports that I'm going to be showing you here. Some of them  
25 were involved in what we're terming "switch" cases, as far as  
26 court proceedings.

27 But these were arrests that, uh, either you and  
28 another officer were involved in, or you and Durden were  
involved in. I'm going to hand you these reports and have you

1 look them over. There's photographs that are attached with the  
2 reports, or on the copies of the report. And, uh, -- and see  
3 if you have any specific recollection about the arrest.

4 The first one I'm giving you is Gricelda Orellana and  
5 Juan Rojo. Orellanan, O-r-e-l-l-a-n-a.

6 MR. ROSENTHAL: Spell the first name, too.

7 DET. NALYWAIKO: And, uh, the first name is Gricelda, G-  
8 r-i-c-e-l-d-a. And Juan Rojo, R-o-j-o. This arrest was made  
9 on 9/04 of '97.

10 A What would you like to know about this case?

11 Q If anything occurred on that date? And there may  
12 also be another one -- uh, arrest in there. Check that package.  
13 Uh, because those people were arrested twice by you.

14 A The first time, uh, we arrested these people was with  
15 Officer Coronado and myself. Uh, nothing occurred, uh, with  
16 that, other than, later, I believe. Were there -- were there,  
17 uh, switches done on both of these?

18 Q Yes.

19 A I think so, yeah. But these were righteous arrests.  
20 These people -- uhm, this Orellana one was also, I believe, was  
21 given to me by, uh, [ CI #2 ]. In fact, remember I had talked  
22 about, uh, Carla? Remember I was trying to find it in the  
23 thing, in the Narcotics book?

24 Q Yes.

25 A That Carla person, I was trying to find. Carla was  
26 supposed to try and turn over this person. Uh, I -- I later  
27 found that out that this was Carla's supplier. And she never  
28 did. But we had already arrested her once, me and Coronado. I

1 wasn't thinking who she was. I arrested her later at another  
2 time again with her boyfriend Rojo.

3 Q Did anything -- anything occur on the second arrest?

4 A Illegally, as far as, uh, --

5 Q Either time that they were arrested?

6 A Other than the dope switches? Let me -- let me look  
7 for a second here.

8 Q BY MR. ROSENTHAL: While you're looking, there is one  
9 question I think everybody has, which is what did you switch  
10 the dope with?

11 A Flour. Flour that I would purchase either at 3rd and  
12 Vermont or 3rd and La Brea. It was always, uh, flour.

13 Q And did you weigh it beforehand?

14 A On most of them I did. On a couple it was either  
15 impatient or something. And it wasn't -- you know, there wasn't  
16 enough to -- it was a small -- one of those small little, uh,  
17 -- uh, scales. And it was just too much to try and fit it all  
18 -- you know, balance it on the -- on the scale itself. So, I  
19 just sort of just guesstimated.

20 Q How did -- how would you get the dope to switch? How  
21 would you put the D.R. number?

22 A It was just narcotics that I knew it was going to  
23 weight exactly a certain amount. Like a lot -- a lot of these  
24 cases, the dope that was ordered up was always a quarter, or  
25 two quarters, or a half.

26 You know, so I knew that the narcotics that was going  
27 to be checked out, was going to be exactly a quarter. So, I  
28 knew that if I got eight quarters from different places, I can

1 get a pound or -- or a key, or whatever it came up to.

2 Uh, so -- and it was dope that I was either familiar  
3 with or had some involvement with. And I knew that it was going  
4 to be righteous dope. It wasn't something that somebody booked  
5 and it was kind of bunk -- or not bunk, you know what I mean?

6 Q Mmnh-mmnh.

7 A Most of the time, I -- I -- I was trying to, you know,  
8 make sure it was righteous dope.

9 Q How did you come up with this idea?

10 A Uh, to doing the switches?

11 Q Yeah.

12 A You know, I -- I can't really an- -- uh, I know that  
13 when I told myself that, I said there's no way they would ever  
14 find out. I mean, if you really think about it, who -- unless  
15 on that March 2nd one, uh, if I would have done the switch  
16 there, who would have ever known?

17 Q Why did you take, let's say the pound?

18 A The pound?

19 Q Yeah, the pound from the -- let me see, the James Van  
20 Demmons dope.

21 A Right.

22 Q Now, part of that you had done all these switches?

23 A Right.

24 Q Which, frankly, was a -- I don't necessarily want to  
25 say brilliant, but was a excellent idea, if you're going to do  
26 something like that. Why didn't you return the James Van  
27 Demmons narcotics?

28 A When was that switch done? That switch was done



sometime in February?

1 Q Right. February 5th.

2 A February 5th. Something happened. I had the package  
3 and I had it for quite some time. I hadn't done the switch  
4 yet. And I had it sitting somewhere. And I can't remember  
5 exactly where I had it. Something occurred where it might have  
6 been the robbery thing. Or maybe not.

7 In other words, something happened in the unit or --  
8 or where I was working, where some heat was coming down. And  
9 I had the package. And I said, I got to get rid of this. I  
10 didn't have like time to go put it back in the locker or  
11 something.

12 And if I remember correctly, I burned the package,  
13 because I was worried. You know, I was, obviously, worried.  
14 And I can't remember if it was because the robbery detectives  
15 had gotten a hold of that report, or something happened. There  
16 was something that scared me. And I said, I've got to hurry up  
17 and get rid of this. That's the only reason that that one  
18 wasn't actually done in a switch and returned.

19 'Cause I -- I remember burning the package itself. I  
20 burned it.

21 Q And then the three kilos, why didn't you switch that?

22 A That was absolute an impulsive thing that took, like  
23 I said, a matter of a couple days that I wasn't even thinking  
24 about that I didn't need the money. It was just something that  
25 like, wow, I can do this.

26 Uh, and when I decided to do it, I thought about just  
27 getting it out. I didn't think about returning it. That --  
28

1 see, I'll figure that out later. But once I had gotten it out,  
2 my goal was to get rid of it as soon as I can. And I didn't  
3 even think about, you know, trying to repackage three big kilos,  
4 again.

5 And I just wanted to get rid of the box. And I threw  
6 the box in the gutter. Uhm, I had thrown the -- the -- the box  
7 in one of the gutters in Rampart Division as I was driving. I  
8 -- I -- I crushed it up and threw it in one of those street  
9 gutters. That's what I did with the box.

10 Q Were you aware that, uh, if an item was not returned,  
11 that --

12 A A tracer was going to be created?

13 Q Let me finish the question. The question is, were  
14 you aware of that?

15 A Mmnh-mmnh. And that's -- that's --

16 Q Is that yes?

17 A Yes. And I was expecting that, you know, that. After  
18 I did it, and I threw the box away, of course, I'm telling  
19 myself, "Jesus, of course, heats gonna come down."

20 First of all, the name Perez was used. Obviously,  
21 they're gonna look up every Perez in the division. How many  
22 can there be? Maybe 25, 30. I don't know.

23 So, my name's gonna be thrown in the mix. And,  
24 obviously, my thinking was, why couldn't I just have packaged  
25 three kilos and put it? But it was such an impulsive thing.  
26 It was a conversation -- a conversation that we were having.  
27 And [CI#2]'s telling me about [ \*\* CI #2 description redacted  
28 \*\* ].

1 And I'm thinking to myself, it's a little bit larger  
2 scale. But it's the same theory. You know, I can do it. But  
3 my biggest problem was I just needed to get it out. That was  
4 the big problem.

5 And, then, I never even thought about how I'm going  
6 to check it back in. And I was worried about checking it back  
7 in. You know, I didn't know if there was a different procedure  
8 to checking in, uh, high quantity narcotics. The whole thing  
9 just -- I said, ah, I'm just gonna destroy the box. I destroyed  
10 the box the same day -- in the gutter the same day.

11 Q Okay. Now, you told us before how you and Durden  
12 stole a pound of cocaine, or seized a pound.

13 A Mmnh-mmnh.

14 Q Then sold it to that guy's own supplier --

15 A Yeah.

16 Q -- or own, not supplier, uhm --

17 A Customer.

18 Q -- customer. Thank you. Uhm, now, there's a period  
19 of time between then and the first theft?

20 A Mmnh-mmnh.

21 Q And from what I can tell, the first theft would have  
22 been a dope switch?

23 A Yes.

24 Q And you said that that happened sometime in December  
25 of '97?

26 A Have we looked into that one that I had mentioned  
27 about whose wife called-in about the rent money? And remember  
28 the one we had talked about because Durden took the money and

1 I told him not to take the money. And then, later on, I went  
2 down there and, uh, gave her the money back, out of my own  
3 money? Uh, that was a switch. And I'm not sure if you guys  
4 ever caught that one.

5 DET. NALYWAIKO: We may have that one here.

6 THE WITNESS: Oh, really?

7 Q BY DET. NALYWAIKO: Yeah. Uh, --

8 A That was probably --

9 Q Is that the one you were talking about that was in  
10 West L.A.?

11 A Yes, sir. Westwood.

12 Q I think we have it identified.

13 A Okay.

14 Q We'll verify it with you, though.

15 Q BY MR. ROSENTHAL: Well, let's -- whatever date it  
16 was, we'll -- we'll get to that later. But what was it -- first  
17 of all, all of the dope switches, all of that dope went through  
18 [ \*\* CI #2 description redacted \*\* ]?

19 A All that dope went to one person, [ \*\*\*\* ]? Q  
20 Okay. And what was it that made you realize that you could  
21 -- that you had somebody to sell it to?

22 A Well, like I said, [CI #2] had told me [ \*\* CI #2  
23 description redacted \*\* ] predicament.

24 Q Oh, that's right.

25 A Uh, that [CI#2] didn't want to keep using [CI#2  
26 description], use as suppliers. Because they weren't treating  
27 [CI#2] right, as far as how much [CI#2]'s paying. [CI#2] was  
28 telling me how [ \*\*\*\* ] was only making a minimal profit on

1 what [ \*\*\*\* ] was selling and stuff like this.

2 And -- and, again, -- I'll tell you this again. And  
3 I know you guys probably don't believe it or whatever, but  
4 myself and [CI #2] even had several arguments, because I had  
5 talked to [CI#2] and I said, "You better not be involved in any  
6 of this shit." And that's how we -- you know, we'd talk.

7 And [CI#2] always assured me that [CI#2] was not  
8 involved in any. That [CI #2 description redacted], but [CI#2]  
9 was not involved in any of it. And we even had arguments. I  
10 don't know if you guys -- if [CI#2] ever really talked to you  
11 guys or not. But [CI#2] always assured me that [CI#2] was not  
12 involved in any narcotics sales.

13 But [CI#2] told me this story about [ \*\*\*\* description  
14 redacted]. And that's where it all started. And I started --  
15 you know what, and I told [CI#2] the story about a friend who  
16 I knew, who I had arrested, who would do anything I had told  
17 him, because he owed me a lot of favors. And if he had -- that  
18 he had, uh, ample narcotics, he can supply [CI#2] with whatever.

19 And I think there was maybe just a total of three --  
20 three total actual narcotics deals. And when I say "deals", I  
21 mean dropped off by [CI#2]'s car, [CI#2] comes and picks it up,  
22 takes it to [ \*\* CI #2 description redacted \*\*].

23 Q So, you would combine some of the quarters that you  
24 stole -- four quarters then you combined them all into one deal?

25 A Yes, sir.

26 Q Uhm, combined four quarters and then doing one deal.

27 A Right. There was a total of -- a total of three deals  
28

done. And all in the same manner.

1 Q Okay.

2 A Same way. It was with [ CI #2 description redacted  
3 ].

4 Q All right. Uh, Det. Nalywaiko, I'm sorry. We  
5 digressed.

6 DET. NALYWAIKO: That's all right.

7 MR. ROSENTHAL: But let's get back to what you were trying  
8 to get out.

9 THE WITNESS: From what I recall --

10 Q BY MR. ROSENTHAL: Now, we're -- I'm sorry. We have  
11 a question from over here. Where would you store the cocaine  
12 once you took it?

13 Q BY DET. THOMPSON: The switch, where would you put  
14 the dope?

15 A Uhm, a lot of the times, I kept it in that -- that  
16 like green cooler that I talked about. Uhm --

17 Q Is that the one with Durden's name on it?

18 A Yes, sir. Yeah. Uhm, I never wanted to take it home.  
19 I remember that. There might have been once or twice when it  
20 was in my truck, because I picked it up. It was in my truck -  
21 - personal truck. And I did the switches right in my truck.  
22 And it might have stayed overnight in my truck.

23 But I -- I really tried not to have it in my truck.  
24 Uhm, but most of the time, if -- if it was gonna be stored for  
25 any length of time, it was in that cooler in the, uh, officers',  
26 uh, cot room. That's most of the time that's where it was.

27 Q Let me -- I'm sorry. As long as we're at it. When  
28

1 you were arrested, and actually when you were initially  
2 suspended, the first question you had is, "Is this about the  
3 bank robbery?"

4 A Mmnh-mmnh.

5 Q Why was that the first question? Here you had been  
6 stealing and dealing large amounts of narcotics. Why did you  
7 think it was about the bank robbery? And were you trying to -  
8 -

9 A Because that's all anybody ever talked about.

10 Q Okay. Go ahead.

11 A Because that's what everybody was assuming. See, uh,  
12 all the surveillances that you guys were doing, and all the  
13 calling to the captain and saying I want to talk to the  
14 lieutenant and telling him, you know, we need this and Perez is  
15 into this -- all of that gets to Sgt. Hoopes. All of that gets  
16 to Sgt. Byrnes. All of that gets down to Rampart C.R.A.S.H.

17 Uh, I don't know if this is true or not, at some  
18 point, was that guy following me? Were you guys working with  
19 the FBI and they followed me? I don't know.

20 DET. NALYWAIKO: Not me.

21 THE WITNESS: At any rate, at roll calls, we would bring  
22 it up. Okay, it is guaranteed Officer Perez is being followed.  
23 Everybody be careful. Whatever you're doing out there, be  
24 careful. You know, we're being followed.

25 At first, it was the C.R.A.S.H. unit is being  
26 followed. And then, uh, I think it was Miyakawa that brought  
27 it to our attention at roll call one day, no, they're  
28 absolutely, positively looking at Perez.

1 Uh, other things. You know, when you guys requested  
2 the logs. Uh, you know, like my C.R.A.S.H. logs to do the  
3 handwriting exemplars. All of that, I -- I knew. Uhm, because  
4 it -- it came up, you know. My supervisors were telling me.

5 Uhm, so, what was the original question?

6 Q As to why you thought it was, uh, the robbery that  
7 you were being suspended for, as opposed to the dope?

8 A Oh, yeah. I'm sorry. Yeah. Because also a lot of  
9 the guys in the unit always thought that, you know, this little  
10 heat that was coming down was about the bank robbery. David  
11 Mack was my friend. And me and Sammy were good friends with  
12 David Mack. You know, so they were all assuming. You know,  
13 they would go, "Ray, are you involved in that?" You know. And  
14 I was saying, "Man, I'm not involved in no bank robbery."

15 But when any heat was coming down, they automatically  
16 assumed it was the bank robbery. So, that's what I said, it's  
17 because -- even when my sergeant, uh, brought me upstairs when  
18 I first got arrested, he told me, "Okay, it's going down now."  
19 That's what he told me. When I was on my way upstairs, Sgt.,  
20 uh, -- my last sergeant -- I can't remember his name now. One  
21 of the pictures you showed me.

22 Q BY SGT. COOK: Barron?

23 A No.

24 Q Torsney?

25 Q BY DET. PAILET: Chacon? Torsney?

26 A Torsney.

27 Q BY SGT. COOK: Torsney?

28 A He -- and he was -- he -- uh, no, it's -- yeah, it



1 was Sgt. Torsney who had made me aware that there's some people  
2 here to see you. It doesn't look good. And I had just come  
3 back from Taco Bell or something. I left my food downstairs.  
4 He escorted me upstairs. And I was taken down to the Captain's  
5 office.

6 Why did that -- those words come out of my mouth, "Is  
7 this about the bank robbery?" I was just going along with what  
8 everybody else was thinking anyway.

9 MR. ROSENTHAL: I'm sorry, Stan.

10 Q BY DET. NALYWAIKO: All right. I wanted to ask you  
11 about [\*\* CI #2 description redacted \*\* ]?

12 A Once.

13 Q [ \*\* CI #2 description redacted \*\*]?

14 A [ \*\* CI #2 description redacted \*\*].

15 Q Okay. Regarding Gricelda Orellana and Juan Rojo,  
16 nothing ever happened on those arrests? Who was your C.I. on  
17 those arrests? Who -- how did you obtain the information?

18 A The first one, uh, with myself and Officer Coronado,  
19 that I believe -- let me see. I want to make sure. I believe,  
20 that -- that was his clue. Let me take a look here. I don't  
21 -- yeah.

22 Yeah. The first one was Coronado's, uh -- uh, clue.  
23 The second one, the clue came from [ \*\*\*\*\*

24 \*\*\*\*\*

25 \*

26 \*\*\*\*\* CI #33 description redacted \*\*\*\*\*

27 \*\*\*\*\*

28 \*

\*\*\*\*\*

\*

\*\*\*\*\* ] --

Q Mmnh-mmnh.

A -- is the one who gave us the information. What happened was [ CI #2 ] had given me information about [ \*\*\*\*\*

\*\*\*\*\*

\*

\*\*\*\*\* CI #33 description redacted \*\*\*\*\*

\*\*\*\*\*

\*

\*\*\*\*\*

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

It just so happens, that it was coincidence that this person was the same person that we had arrested, you know, a couple of months, uh, -- a month prior. Exactly a month prior.

Uh, you know, and when we saw her, we were like, "That's that same female that we had arrested." She had bailed out -- both her and her boyfriend had bailed out. And it just happened to be a coincidence.

Q Was Gricelda Orellana related to Melba Orellana, or do you know? Where the alleged --

A Which one is Melba Orellana?

Q Home invasion. Home invasion robbery.

A Are they the same last names?

Q Yes.

A I'm not aware -- I'm not aware that they were related.

I know that [

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1 \*\*\*\*\* CI #2 description redacted  
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7 \*\*\*  
8 \*\*\*\*\* ].

9 [  
10 \*\*\*\*\*  
11 \*\*\*\*\* ].

12 Q Okay. I'm going to show you another arrest where you  
13 and, uh, Durden were involved. And this arrest was Antonio, A-  
14 n-t-o-n-i-o, Orellana, O-r-e-l-l-a-n-a. It occurred on, uh,  
15 9/04 of '97.

16 Q BY MR. ROSENTHAL: Is this a confirmed dope switch?

17 A This is a dope switch.

18 DET. NALYWAIKO: Yes, it is.

19 Q BY MR. ROSENTHAL: Oh, it is. Let me ask. Is this  
20 the one the narcotics was destroyed?

21 DET. NALYWAIKO: No, I don't believe so. I have to look  
22 at the report. But, --

23 MR. ROSENTHAL: All right.

24 Q BY DET. NALYWAIKO: As you're looking through there,  
25 Ray --

26 A Mmnh-mmnh.

27 Q -- uhm, I'm wondering who the informant was on that  
28 particular case. And, if you know if that Orellana was related

to any of the other Orellanas'.

1 A This is Orellana is related to that Orellana -- other  
2 female Orellana.

3 Q Gricela Orellana?

4 A I believe they're brother and sister.

5 Q Okay.

6 A Who gave me this? Now, do we have that -- remember  
7 that folder you had with all the arrests on it from F.E.S.?

8 Q Yes.

9 A If I could look at what the arrest was prior to this  
10 one, it could probably jar my memory. I -- I can't, off the  
11 top of my head, I don't remember who gave me this. It had to  
12 be someone involved in this little, uh --

13 Q Was it [ CI #2 ]?

14 A See, [  
15 \*\*\*\*\*  
16 \*\*\*\*\* CI #2 description redacted \*\*\*\*\*  
17 \*\*\*\*\* ]. And I can't remember  
18 who it was. [ \*\*\*\*\* CI description redacted  
19 \*\*\*\*\* ].

20 Q Right.

21 A But I can't, off the top of my head, remember who it  
22 was. But, I believe, this person is related to that other lady.  
23 I believe it's her brother.

24 Q Okay. Another question regarding, uh, informants.  
25 Did you have any documented informants?

26 A Documented?

27 Q By documented, I mean completed a package?  
28

1 A I did a package for one-time use on a couple of guys.  
2 Uh, as far as narcotics goes, I didn't do any other packages  
3 on, uh, completely signed-up informants, no. Other than like  
4 one-time use.

5 Q Did anybody ever question you? Any supervisors ever  
6 question you regarding informants, where the information came  
7 from, how you got that information?

8 A Other than, okay, you got information? Okay, where  
9 are we going to go do it? No. Nothing as far as, uh, are we  
10 paying this guy? Are we signing him up? Uh, is he C.R.I., or  
11 is he just a C.I.? No.

12 Q Did other officers have informants that worked the  
13 unit?

14 A Sure.

15 Q Documented informants?

16 A Mmnh-mmnh. I'm sure, uh, Canister's got a couple.  
17 Uh, Armando Coronado's got a couple. Uh, Gizzi had a couple.  
18 Uhm, --

19 Q Why didn't you document some of the informants?

20 A To be quite honest, I don't know. I was just using  
21 them. And it was convenient. I didn't have to do a package.  
22 I just used them. And I don't know if the detectives just  
23 looked at it, as well, you know, they're on loan here. So,  
24 they don't have to do packages. Or, you know what I mean? I  
25 know about packages, of course. But no one ever asked me to do  
26 a package on anybody. So, I never did it.

27 Q Did you pay any of the informants?

28 A I don't think so. That I can think of, I don't think

1 I ever had that type of informant. It was always someone trying  
2 to work a case off, or, you know, someone who I was, you know,  
3 squeezing for info, who I knew was selling or who was on  
4 probation. They knew they were dirty, and they just wanted to  
5 give me information to get out of trouble.

6 Q Okay. On Antonio Orellana, was there, uh, anything  
7 illegal that happened? Did you take any narcotics? Or did you  
8 take any money?

9 A Yes.

10 Q You did on that one?

11 A Uhm, I took narcotics.

12 Q How much?

13 A Uhm --

14 Q At the time of the arrest?

15 A At the time of the arrest, he showed up with 262 --  
16 okay. Uh, it says, "There was plastic bag with two plastic  
17 bindles containing off-white powder resembling powder cocaine."

18 There was -- and those two quarters would be, uh, a  
19 half. There wasn't a half. It was -- let me think. I'm trying  
20 to -- I don't want to confuse it with another one.

21 Q Okay. Are you unsure, at this time?

22 A Yeah, I'm not positive.

23 Q Okay.

24 A I know this was a dope -- I switched this dope.

25 Q I know you switched it.

26 A Oh, okay.

27 Q But I'm talking at the time of the arrest is what I  
28 was concerned with.

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A Uhm --

Q And if it's not clear in your mind right now, we can get back to it. 'Cause I know it's, uh, six o'clock.

A Yeah, I'm not positive, as far as -- I know I switched the dope. I want to say he had more dope than that, but I'm not positive.

Q Okay.

A I'll think about it, though. I'll --

MR. ROSENTHAL: Okay. It's, uhm, five after 6:00. We're going to conclude the interview and go off the record.

(Off the record at 6:05 p.m.)

-oo0oo-

September 22, 1999, Transcript B

	<b>NAME</b>	<b>PAGES</b>
1		
2		
3	Officer Frank Arujo	464-465
4	Officer Michael Barker	467
5	Officer Stephanie Barr	434, 439
6	Sgt. Pat Barrons	442-443, 478, 501
7	Officer John Bertino	477
8	Officer Edward Brehm	417, 447
9	Officer Mike Buchanan	426, 448
10	Sgt. Paul Byrnes 499	430, 438, 464, 104,
11	Officer Randy Canister	481, 505
12	Officer Gil Cardinez	447
13	Sgt. Robert Chacon	454, 456-457, 501
14	Officer Michael Chavez	467, 469
15	Officer Ethan Cohan	416-420, 447, 449
16	Officer John Collard	432, 476
17	Officer Steven Cornell	465
18	Officer Armando Coronado	481, 491, 502, 505
19	Officer Larry Covington	481
20	Officer Lucy Diaz	451
21	Sgt. Ron Dickerson	442-446, 449
22	Officer Raquel Duarte	448
23	Officer Nino Durden	420-421, 423-426, 480,
24		598
25	Officer Nelson Fong	435
26	Officer Sonny Garcia	481
27	Officer Dean Gizzi	482, 505
28	Officer Magdalena Gomez	455-457



1	Officer Shawn Gomez	458-460
2	Officer Jeffrey Graham	464
3	Officer Graff	482
4	Officer Juan Guerra	459
5	Sgt. Alfonso Guerrero	452-453, 455
6	Officer Paul Harper	439
7	Officer Craig Herredia	463
8	Officer Brian Hewitt	434, 501
9	Sgt George Hoopes	472-474
10	Officer Hopson	438, 452
11	Officer Timothy Kalkus	448-449, 451
12	Officer Steven Kehoe	440
13	Officer Brian Koren	461-463
14	Officer Andrew Lassak	458, 460
15	Officer Brian Liddy	435
16	Officer Anthony Lopez	432
17	Officer Daniel Lujan	432
18	Office George Lusby	483-484, 486, 488
19	Officer David Mack	500
20	Officer Samuel Martin	433, 435, 464, 500
21	Officer Lawrence Martinez	437
22	Officer William McGee	482, 486, 488
23	Officer Walter McMahan	440-441
24	Officer Scott McNeil	443
25	Officer Camerino Messina	460-462
26	Officer Jose Mireles	443, 451
27	Officer Brian Miyakawa	466-467
28	Officer Michael Montoya	448

	Officer Kevin Moore	441
1	Sgt. David Navarro	438
2	Officer Melissa New	478-480
3	Officer Howard Ng	452
4	Officer Thomas O'Grady	435-437, 451-452
5	Sgt. Edwardo Ortiz	441, 454, 474
6	Officer Dennis O'Sullivan	477
7	Officer Ruben Palomares	453
8	Officer Kulin Patel	448
9	Officer Norma Peteque	456
10	Sgt. John Peters	449-451
11	Officer Ivan Ramos	475-476
12	Officer Lauren Rauch	461
13	Officer Eric Reade	431
14	Officer Mark Richardson	430
15	Officer Art Rico	449
16	Officer Mario Rios	431, 449
17	Officer Marco Rivas	474
18	Sgt. Douglas Roller	429-430
19	Officer Roger Ruggiero	460
20	Officer Ruiz	436-437
21	Officer Daniel Sanchez	475
22	Sgt. Joseph Sanchez	457, 459
23	Officer Dustin Sclater	463
24	Officer David Shearman	459
25	Sgt. Patrick Smith	478-479
26	Officer Stacy Spell	439
27	Officer Doyle Stepp	426, 448
28	Officer Stephanie Sutherland	480

1	Officer James Thornton	474-475
2	Officer Jonathan Tippet	476
3	Officer Daniel Torres	432
4	Sgt. Timothy Torsney - (Lt.)	420-421, 501
5	Officer Humberto Tovar	417
6	Officer Melissa Towne (Zack)	477
7	Officer Todd Turner	461
8	Officer Arnufu Valdez	447
9	Officer Robert Valdez	475
10	Officer Omar Veloz	446, 468-469
11	Officer Edgar Villalta	476
12	Officer Raul Vincent	474-475
13	Officer Dave Vinton	457-458
14	Officer Michael Wang	459
15	Officer Mark Wilbur	453-455
16	Sgt. Mark William	478
17	Officer Brent Woodard	453, 455
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		