

STATEMENT OF

RAFAEL ANTONIO PEREZ,

TAKEN AT THE MTA BUILDING, ONE GATEWAY PLAZA, LOS ANGELES,
CALIFORNIA 90012.

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

APPEARANCES BY:

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

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

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

Lt. Hernandez
Los Angeles Police Department
Robbery-Homicide Task Force
1 Gateway Plaza
Los Angeles, California 90012

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

Tom Wich

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

G. Grant
Detective II
Los Angeles Police Department
Robbery-Homicide Division
Robbery Special Section
150 North Los Angeles Street
Los Angeles, California 90012

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

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

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

REPORTED BY:

Sara A. Mahan

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

00-004

LOS ANGELES, CALIFORNIA, WEDNESDAY, JANUARY 26, 2000, 10:26

A.M.

MR. ROSENTHAL: We're on the record. It's January 26th,

the year 2000. It's 10:26 in the morning. Present are Rafael Perez; his attorney, Kevin McKesson; Detectives Hohan, Tyndall, and Sgt. Segura; and myself, Richard Rosenthal, Deputy District Attorney.

Before we begin, Mr. Perez, there was a statement you wanted to give?

THE WITNESS: Well, more of a comment, or --

MR. ROSENTHAL: All right.

THE WITNESS: -- whatever you want to call it. I don't know what to call it. September of last year, you know, I came forward with some information regarding LAPD and what's being called a corruption scandal, or whatever it's being called.

And I came forward for a lot of different reasons. And I'm not getting into that. At any rate, I came forward. And I've tried to be as cooperative as I possibly can. I've talked about everything I can. Some things I can't remember. Uh, some things I do remember very clearly.

And -- and I've tried to be as cooperative as I possibly can, knowing full well that I'm going to be taking polygraphs. And I thought -- I actually -- I honestly believed that the polygraphs were gonna be -- each -- every case I gave, I was gonna be asked questions about each and every one.

I didn't know how the polygraphs were gonna be conducted. I actually thought each case I was gonna be

questions about. I thought the polygraphs were gonna take a month. When I heard it was gonna be a couple of days, a couple of questions, I don't know.

But, in other words, when I gave all my statements, I knew exactly, you know, what I was saying. I remember what I was saying. If I don't remember -- if I didn't remember, I wouldn't say it. I don't say it. I'm just -- I'm not gonna say it. I -- knowing full well that I was gonna take polygraphs. And I took polygraphs. And when I finished my polygraphs, I was very confident. I felt very comfortable. I felt that the polygrapher did a good job. I really did.

Uh, I felt that I did well. Uh, I mean, as matter of fact, like I told my attorney, I actually was gonna come running to you guys as soon as the results were in and say, "Listen, I'd like to just hold my daughter for five minutes, if I can. I mean, we've gone through the polygraphs."

That's how confident I am. That's how -- that's what I was doing sitting in my bed in my cell thinking about. When I -- when the results came back, I can tell you that I've lost an incredible amount of faith. Because I know what's inside of me. You -- none of you guys know. None of you guys. Even Kevin doesn't know what's going on inside of me.

I know what I did. I know what I've done. And all of you guys can look at me like a monster, or the worst person

in the world. And I deserve that. But all of that I did myself. That polygraph, I didn't do. That was not my mistake. That wasn't something that I did wrong. Because I took that polygraph and answered every question truthfully. And I know I didn't lie on a single question.

And then, to get a result from a -- 'cause my attorney went out and -- went and asked people that he knew, who is the best polygrapher in the West Coast, the best. I -- uh, it doesn't matter who he was. We wanted the best. We're not looking for some cheap polygrapher over here around the corner who will do it out of the back of his truck, or something like that. The best polygrapher. And for him to confirm that that polygraph -- and, I think everybody knows what the results of the polygraph were. And -- and what the conclusion was from the -- from this ex- -- from this expert.

I think everybody knows.

MR. ROSENTHAL: Mr. Gelb.

THE WITNESS: Yes.

MR. ROSENTHAL: Mr. Gelb. Uh, Dr. Gelb. G-e-l-b.

THE WITNESS: After receiving that -- that -- those results, uhm, Number one, when -- when my attorney told, you know, me, it didn't surprise me. I mean, I don't know if you expected me to go, see -- see what I mean? See what I mean? Because I knew -- uh, I knew that there was something wrong.

When -- when you were telling me that you failed, I told you, I'm not the only one taking this polygraph. There's other people taking this polygraph. And there's something really wrong here.

And I'm not saying -- Mr. Ortiz did not treat me wrong. He was very polite and all that. But there's something wrong with -- with his technique or how he's giving an exam. And -- and that's my point to you. He did something wrong, not me. Not -- you can blame me for everything else -- all the things that have happened in C.R.A.S.H., a lot of the things, uh, the crimes I've committed. Those are my fault.

And I'm paying every day. I pay every day. And I -- I'm completely -- I'm completely fine with paying with what -- what I've done. I have no problem with that. But that is not my fault.

Those polygraphs are not my fault. I took those polygraphs. And I know I did well. And my -- one of our requests and -- and we've had maybe two or three requests. And none of them really, you know, have come through. But, one of my requests was to push up the -- push up the -- the sentencing. Not because -- and, uh -- and it seems to me that you guys think that the minute I'm sentenced I'm not gonna cooperate, or I'm gonna hold back.

Listen, if you guys sentence me a month from now, if

I didn't want to cooperate, if I wanted to do something sly or something stupid, I would do it then. I have no reason to be cooperative today and not tomorrow, or not next week, or not a month from now.

It's now what I'm doing. The reason we wanted this -- this polygraph -- or this sentencing moved up is for me. Why for me? Because a lot of you guys -- none of you guys know what's going on with me. None of you guys know that I have a bleeding ulcer. None of you guys know that I've had an ulcer for a -- uh, for a whole year. I've been -- I look at my stool every day because I want to see how bad it is. Now, I don't get pills. I don't go to a doctor. Because I can't. Because they'll want to move me here, go there, go to this hospital, you know. I can't. I can't do that.

You know, when my attorney first found out about it, October of last year when he first found out. Because I -- I had to tell him about it. October of -- not last year, the year before that. October of '98. You know, my wife -- everybody wanted me to go do something. I can't. I have to just try and monitor, try and do the best I can by looking at my stools and seeing all those dark patches of blood in there.

Uh, I have to deal with that.

MR. ROSENTHAL: Remember, October of '98 was before the theft of the cocaine.

THE WITNESS: No. I was arrested in August of '98.

MR. ROSENTHAL: Oh, I'm sorry. October of '98. All right.

THE WITNESS: Right.

There's just -- when I took those polygraphs, I was confident. I -- I knew I didn't lie about anything. You know, in my mind, sometimes I think, did I forget something? Did I forget something? They did not show me a report. Things that I can't remember. Sure, I think about that. So, that makes -- it might worry me a little bit. But what I've talked about, I haven't lied about any of it.

So, getting back to these polygraphs, and getting back to the sentencing, I -- I don't know what the theory is, or what the concept is behind the D.A.'s Office saying, well, we're gonna wait, uh, 'til next month, or the following month, or -- or we're gonna need more time after that. Because, you know, I've -- I've given everything.

I've given it all. I've -- I've laid my -- my entire life. I've -- I've been able -- I've been fortunate enough to lay it all out. Not too many people get a chance to lay out all their laundry. And I've laid it all out. All of it. Even to this day, I'm sure, you guys still think that I'm involved in something else, or with Mack -- the bank robbery. I can't do anything about that. I can't beg you guys to believe me, or not believe me. I can only tell you what I know. And what

I've told you, that's it. There's nothing more.

Unless there's some kind of report that I just can't remember, I've given it all. So, I sit in my room all day, you know, worried about urine -- blood coming out of my urine, blood being in my feces. And -- and that's me. Because I can't tell nobody about this. I don't talk to anybody about this. Not my wife. I mean, you know, it had to come out eventually a while back, because it became an issue.

But, I don't -- I don't talk about this every day. What I go through inside, I'm dying from the inside out. I mean, my insides -- it's like a constant knot in your stomach. And it doesn't come out.

When these polygraphs came -- were done -- you don't know how a weight of the shoulders were off my -- uh, it was just almost like, whoo. Because I really thought, okay, maybe they'll start believing me now. But, to have those results come in and say that I failed every part of the polygraph, you put a bigger burden on me than when the whole thing started.

Because, now, you guys are looking at me like I'm a liar. Like, you know, uh, I'm just making this big whole story up. And I'm just rolling with the punches. And this is just great. You know, and I -- I can do this. And I'm just a magician. I can do all this. I -- I can't.

And I can't -- it ain't -- and look, think about what

I've given up in my life. I'm not talking about, oh, -- you know, sometimes I think that you guys think that the 14 or 15 pizzas that I've had here, uh, is some kind of great benefit. I would trade those 14 or 15 pizzas, or whatever, to have five minutes with my daughter here right now. I would concede, listen, don't ever bring me no food here no more.

Bring me a sandwich from County jail. Let me eat it. But give me five minutes to hug my daughter. And I'll concede that. I'll give you that. Don't give me no food. I can care less. I'm -- I mean, truly. But, I mean, it's -- it's so hard to explain what I'm trying to -- what I'm really trying to say, because I'm not an articulate man. I'm not an educated man. I'm a military guy and then, in the police department.

So, I'm not as eloquent as most people. But I can only tell you that my faith in what I really believed was a faith to what you guys were, you know, telling me and -- and how things were gonna be handled, I -- I've lost a great deal of it right here. Because this is not -- this is not just some -- some mistake. This is not some just, oh, uhm, -- there's something really big here. I mean, this is bad. Because you guys, I truly believe, have lost some faith in me when this -- when this thing came up. Or when his -- Mr. Ortiz' results came up.

And, you know, it -- it took a lot out of me. I mean,

I -- I've just lost so much. I'm not -- I don't even feel like I'm the same person. I don't even call my wife like I used to. Because I can't get into it any more. It's difficult.

You offered me five years for all this. The judge offered me seven years. That's only year extra in my sentence. I could have been at CMC, maximum prison, other officers -- corrections officers -- that's usual. That's where they would send me.

St. Louis Obispo. They have flowers around the jail, for God's sakes. Flowers around the jail. People talk about it. People that have been there that are with me, "Best jail in the state." That's only one extra year.

The past six months -- the past five months, since I've started this, has seemed longer than the previous year. And even though I was going through getting -- add charge, and more -- these past six months, you guys don't seem to understand what's going on.

And I try not to dwell on it. I try not to tell you what's going on. It's been hell for me. You know, you got deputies that feel, whatever, Perez is ratting on this. I -- and I get it from everybody. And I'm not -- I can't complain against these deputies. They have -- they -- they take care of me. They house me. What am I gonna do? You know, why is it that I didn't get out 'til a half hour after everybody else,

'cause they had to check on something?

And, all the time. You know, everybody gets popped out, "You got 45 minutes to take a shower and make your phone calls." For the 15 -- for the first half hour, "Perez, something's wrong with your door. It doesn't work right." And I know what the deputies are doing. They're just fucking with me. That's exactly what they're doing.

So, 15 minutes left, "Oh, it's working now." And they pop me out. Or -- or, "Perez, you know, uh, lock him down, until we figure out whether you can come out with everybody else." When they know I can come out with everybody else. I do it all the time.

But if they feel on this particular day they don't want it, because something came out in the newspaper, and they're out there reading it, and looking at me like I'm a nut, or a crazy, or a snitch, or whatever, I get the brunt of it. I -- I get it.

I want you to know that your offer that -- the five years that you offered me, was not why I -- I came forward. Because, you know, uh, that wasn't something fantastic. This wasn't -- I mean, I know in the big scheme of things, before I had talked to you guys, it seemed, well, this seems fair. Or, I mean, it seems, you know, whatever. And -- I mean, all I can tell you is the past five months, since this all jumped out,

things have been much harder on me.

Uh, you know, I -- I know that, you know, I've had a few meals here and there. But, it -- things have been much harder. You know, visits have been much worse. I get a visit, a sergeant stands me like this for 20 minutes.

And, as soon as that 20 minutes stop, they get me out. Before everybody gets 20, 30 minutes, 45 minutes, because, you know, they -- they put you in, and get you out whenever they're ready. You know, whenever they have -- I -- my visits have been cut in half. That's how it is with me. I can't go nowhere. I -- I've asked two weeks ago, listen, I -- my bones are killing me. I'm aching. I sleep on a steel slate with a one-inch little mat that's -- that's so old and so flat, there's no cushion to it.

I need to go out to the rec yard, at least, you know, you could give me a half hour, you know, when everybody else is locked down, or something. They don't even give me that. Oh, well, we're calling LAPD. There's a security issue. And I don't know if they called you or not.

But I can't even go -- I can't even go to the rec yard and run around in a little small circle for ten, fifteen minutes. I have to stay enclosed at all times. So, I don't know what exactly you guys perceive or think or think is going on with me that wherever I'm housed that, you know, it's some

luxury place. I'm in a maximum security facility. That's where I'm at. K1 Program does not mean leisurely, uh, a great place to be. It means maximum security.

I am housed with 288's upstairs. The Crips on one side. And two -- and -- and K1's. That means we are maximum security. We don't get out. We get out three hours a day. That's it, if I'm lucky, if there's not a facility lock-down. If there's not a fight in Crip module when we all get locked-down, maybe we'll get three hours a day.

And for me, it's worst. For me, I don't get the luxuries that everybody gets. I've got it worst. So, I want you to know that the last six months, to me, has felt longer than the year. 'Cause I've gotten, the least amount -- less visits, less time-out. I mean, to me, everything is -- I'm scrutinized for everything. I can't -- I can't do anything without being under a microscope.

I'm -- I'm truly, truly, truly upset. When I talked to my attorney last night, and they -- he told me that the D.A.'s Office was gonna waive the sentencing for the next month or until whenever. Uh, maybe next month. Uh, I don't know. Maybe you guys haven't had enough time to investigate and you'll need more time. Uh, because I don't believe, for one second, that it's because you guys haven't gotten an expert.

Because we knew about this a month ago. A month ago,

we were able to go and seek out the best possible, uh, -- uh, polygrapher in the West Coast. My attorney, on a weekend, gave him the reports. He went through them all day. He went through everything, every piece of material, and had a report for him, typed-up, ready to go in a few days later.

So, I don't believe, for a second, that the D.A.'s Office, or whoever is handling that, has had -- has not had a chance, up until this point, to get an expert. I feel in my bones, in my heart, that you guys have probably gone through several experts. And you've probably gotten the same results that that person has given. And that you guys are just out there looking for different opinions. I don't know.

I don't know. I don't believe that you guys haven't gotten an expert yet. That I don't believe. I don't know whether you guys have gone out and found another expert, and didn't like his results and wanted to find somebody else. I don't know. I know that it doesn't take that long. Because this guy, from what -- from reading his material, and his, uh, resume, he's an expert. There's no doubt about that.

And he was able to do it. I know there's other experts out there that are able to look at it and come up with the same conclusion. So, I'm -- I'm really, really upset with -- with how this thing is going, how this is dragging along.

Because I'll tell you, I'm going -- I'm not just

cooperative until we get finished with the interviews. You got to remember, I'm -- I have to be cooperative for a long time coming. If -- if a case is filed and you need me to testify, I'm gonna be there. I'm not gonna be there going, well, uh, I really don't remember now. That's not what I'm doing.

I'm committed to this to the very end. My sentence, you know, the five years, seems like five years. My sentence is for life. I can't be around L.A. I've -- I've got to constantly look over my shoulder for the rest of my life.

This isn't, you know, -- I could have taken seven years, and just gone with my life, forgotten about everything, did my, you know -- instead of a year and-a-half left that I had, two and-a-half years, and moved on with my life.

I've got a whole different scenario now. My whole life is different. My family's life is different. It's not the same. And -- and for this to be happening to me right now, I mean, I can't even begin to speak about it. I mean, I -- I said to myself, -- and I've -- I've lost a lot of faith. I mean, and to you guys, I don't know where your -- your mental thinking or what your strategy is.

'Cause I'm sure there's a strategy. I'm sure there is. But this ain't right. This ain't right. It's hard for me to sit here and -- and look at transcripts and try and concentrate on what's going on in this interview and really dig

into my mind when I'm worried about this. This is what I'm worried about. This isn't fair.

I -- I wasn't fair on a lot of these cases. I -- I did a lot of wrong. And I was not fair. But this is not my fault. This is not my doing. It -- it is not. I promise you, I don't know --

MR. ROSENTHAL: Well, right now, you're -- you're holding the polygraph results from Ortiz? That's what you're referring to when you say "this is not fair"?

THE WITNESS: Yes.

MR. ROSENTHAL: All right.

THE WITNESS: This is not my fault. It truly isn't. And, like I said, I don't know what you guys' technique is, or your -- your scenario, or your -- what you guys are trying to do, or what you're gonna do, or how you're trying to handle it. And maybe I'm just totally off. Maybe I'm -- maybe I'm way off. Maybe there's a whole 'nother picture here that I just don't see, or I'm not privy to, or -- or whatever.

But, this is killing me. This is killing me. For me to sit down and look at -- at -- at transcripts and try and remember things and try and -- and focus on things. I'm focusing on this. This is what I'm focused on. Because this is what -- my whole life was riding on this.

Just imagine your whole livelihood, your life is

riding on this. And you're so confident you go into a meeting with a smile on my -- I went to this meeting with a smile on my face knowing -- I know that the result -- I know what they are.

And to get laid -- uh, for someone to lay a bomb on me like this, just imagine what that would do to somebody. Imagine what that would do to someone who has already had an ulcer for a year. What would that do to that person?

How would that work on that person? What kind of -- truly, uh, this -- somebody in here that has lost some faith in me, or feel that, well, maybe he is deceitful. You know, this polygraph, uh, no matter what this doctor says, you know, and two did it. And I look at this -- truly I look at this as a working relationship.

I -- I don't look at it as, you know, uh, friends or -- or, you know, you guys can be polite to me. And I'm trying to -- uh, I'm as polite as I possibly can be. But, I look at this as a working relationship. I truly do.

Uh, I've committed myself to giving you everything, to be truthful with everything. And I've tried to do that. But this I don't -- I don't believe was my fault. And I -- I truly feel that I'm suffering another consequence, for this year, that something I didn't do.

MR. ROSENTHAL: All right. Let's go off the record.

(Off the record at 10:41 a.m.)

(Back on the record at 11:54 a.m.)

MR. ROSENTHAL: All right. It's January 26th, at, uh, twelve o'clock noon. Uh, these are the continuing interviews of Rafael Perez.

Uh, present are, uh, Detective Tom Wich and --

DET. FERGUSON: Patty Ferguson.

MR. ROSENTHAL: -- Patty Ferguson. And, also present is Kevin McKesson, attorney for Rafael Perez; myself, Richard Rosenthal; and Detective Mike Hohan.

Uh, first, before we begin, uh, Mr. Perez, if you'll raise your right hand. "Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

THE WITNESS: I do.

MR. ROSENTHAL: All right. Thank you. And whichever detective wishes to proceed.

DET. FERGUSON: Yes, I will. And hopefully, we'll warm up real soon.

DET. WICH: Just a few questions on some cases.

DET. FERGUSON: We're just gonna try to, uh, tie up a few lose ends.

RAFAEL ANTONIO PEREZ,

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

EXAMINATION BY DET. FERGUSON:

Q The first question -- uhm, the first incident that we want to talk about, has to do with an arrest that, uhm, took place July the 28th of 1996. This, uhm -- the D.R. Number is 96-02-26829.

MR. ROSENTHAL: And what is the name of the arrestee?

DET. FERGUSON: Zambrano Oliver, uh, Corrales, et al. Evashko.

MR. ROSENTHAL: Right. This is --

DET. WICH: Evashko. Uh, to interrupt you, the, uh, -- the air conditioning men are here, and they have to come in.

DET. FERGUSON: Oh, so, uhm --

MR. MCKESSON: We have to stop it.

MR. ROSENTHAL: Let's go off the record for a moment.

(Off the record at 12:00 p.m.)

(Back on the record at 12:10 p.m.)

MR. ROSENTHAL: Okay. It is 12:10 in the afternoon. We're back on the record after having the air conditioning fixed in the room. Just for the record, let me point out that Rafael Zambrano and Ivan Oliver were charged with case numbers BA135752. And Zambrano was charged also in BA138148, uh, with looks like a gun charge for Zambrano, and a receiving stolen property for Oliver. And Corrales and Evashko were charged in City Attorney cases 6CR19984 and 6CR00364. Okay.

Q BY DET. FERGUSON: Ray, do you recall this incident that -- that we're referring to? This was a, uh, flier party that occurred on, uh, July the 28th of 1996 at 309 North Boylston, B-o-y-l-s-t-o-n.

A Yes, I do.

Q What I want to ask you has to do with once -- prior to getting to this location, did you know that there was a party -- a flier party that was being held at that location?

A Absolutely.

Q Who told you that?

A I believe Hewitt and his partner were handling -- what happens is, if, depending on where the party is -- like if it's thrown by Diamond Street, Diamond Street gets along with Playboys. If they're in charge of Diamond Street, they'll handle that party.

We'll get access to like a flier.

MR. ROSENTHAL: Right.

THE WITNESS: For instance, --

DET. FERGUSON: Correct.

THE WITNESS: There will be a --

DET. FERGUSON: And there's a couple of fliers that you're looking at right now.

THE WITNESS: Right. Uhm, in these fliers you'll have like pager numbers. There won't be like direct numbers. You'll

have to page somebody. That person will tell you that evening where the party is. They won't tell you ahead of time. 'Cause they don't want police interrupting or whatever.

So, it's like a little coded thing. You have to call them, saying, "Yeah, I'm from Diamond Street. And I want to go to the party. Where exactly is gonna be?" "Call back at 6:00 p.m. the night before, and we'll let you know." That type of thing.

So, that the officer that's in charge of that gang, will usually handle all the intell, as far as gathering it, where it's gonna be, obtaining the fliers, things like that.

Q BY DET. FERGUSON: Once you all get to the location, if I'm not mistaken, in reading the transcript of what you talked about, and in talking about this incident before, you say that most of you approached from the rear. Some of the C.R.A.S.H. officers, I guess, went through either empty lots or other people's back yards and approached the rear of the -- of the residence.

A That's correct.

Q Once you get there and secure the location, uhm, there is -- there is mention of lining up the -- the suspects, or the party-goers.

A Right.

Q Do you recall how that lining up was done?

A Who did it? Or how --

Q Where -- where -- where in the -- in the house?

A Not in the house. Outside the house.

Q Outside the house?

A Yes.

Q Where outside the house?

A If -- if I was looking at the rear of the house, it would be to the left of the house. If I was in front of the house, it would be to the right of the house.

Q And would you consider like the back yard an empty lot?

A It's like a lot, yeah.

Q Is it part of the house, the lot?

A I think it looked like there was something there, you know, just tore down or whatever. But it's a lot now. Or from what I remember, at the time, it was a lot. I don't know what's there now.

Q BY DET. WICH: Like a vacant lot then?

A Like a vacant lot. A grassy, -- uh, well, some grass growing. Some dirt patches. You know, but, it would be -- if, like I said, if you're coming from the front of the house, it's on the right-hand side of the house. I believe that would be, uh, just east of the house. Just east of it.

Q BY DET. FERGUSON: Okay. Do you recall if, when you

were -- when you were placing all of the party-goers, were they standing up? Were they kneeling down? Were they sitting down?

A They were all kneeling.

Q All kneeling?

A All of them.

Q Did they -- were they put in lines and rows?

A Exactly. I believe they was three, maybe even four rows of about maybe thirty people. So, it was, you know, long rows of everybody kneeling, you know. And there was like maybe three of four ranks.

Q Did they -- how did you divide the people up?

A I didn't do all the dividing. You know, you got to remember Hewitt was handling it.

Q Correct.

A And then --

Q But what I'm -- what I'm -- what I'm saying -- I'm sorry.

A Oh, I'm sorry.

Q I'm sorry. Uhm, and when I say "you", I'm not asking, uh -- it's more of a general "you". Uh, maybe not you specifically.

A The -- the officer that was in charge of the particular gangs -- uh, let's say Hewitt's handling Diamond Street and, uh, Stepp or Patel, or somebody is handling, uh,

Playboys. And because they're partying together, those officers will start separating people. Even though they get along, they want to know who they have there. And they want to make sure they have everybody identified, I-cards, that type of thing.

But they set up where they wanted everybody. We were just there, you know -- there. But they set up, you know, everything else.

Q The lines, would they have been divided up into gangs? If you belong to a specific gang, you --

A I think they --

Q -- would be on one line?

A I think that's how they did it. I think you were separated. You know, all the Diamond player -- all the Diamond Streeters on this line. And all the Playboys on this line. I believe that's how they did it. I'm not a hundred percent sure about that. But I believe that's how it was done.

I remember them separating people. So, I believe they probably separated them by ranks.

Q Do you recall people being asked, "Hey, what gang do you belong to?"

A Yes.

Q And then, "Oh, I'm a Playboy, or Diamond." And then, they would put you in a specific row.

A Yes.

Q Do you recall who was doing that asking?

A There was several officers.

Q But not one person in particular?

A No, there was not just one person. I know several people were -- I can't remember who it was. But they were like, "Well, I don't have him. I don't have -- you know, they were like commenting -- I don't have an I-card on him." Or, "What gang is he from? Did you just get out prison?" You know, that type of thing.

They were identifying people. And, so, whoever was in charge of that particular gang, that -- they were doing the dividing. 'Cause, you know, if you don't work that gang, you really don't know who they have identified and who they don't.

Q Do you recall, uh, one of the arrestees being asked what gang he belonged to, and instead of responding, he actually threw a gang sign with his hand, with his fingers?

A No, I don't remember that.

Q Okay. Do you recall, uh --

A And I'm not saying that didn't happen. I'm sorry. I wanted to say, I don't remember. I wasn't -- maybe I wasn't -
-

Q No. Correct.

A -- in a position to see it, so.

Q Correct. Correct. Do you recall, uhm, Hewitt searching, I would imagine, the back part of the house and finding a handgun and stating, "Bingo"?

A Bingo doesn't stand out to me. I'm sorry.

Q Okay. Did you know -- personally have any knowledge of the four guys that were arrested? Had you ever seen them before? Any -- any idea that --

A It wasn't my gang. I didn't know any of them. I mean, it was one of those things where they knew who they wanted. You know, they knew who they were gonna take based on after looking around. And I didn't know any of them.

Q And, did you --

MR. MCKESSON: To the best of your recollection and to your knowledge.

THE WITNESS: Right.

Q BY DET. FERGUSON: And do you recall seeing, uhm, once people are being released and now we're taking the four part -- the four players that were gonna be arrested, do you recall seeing anybody place four handguns on a hood of any vehicle?

A Yes.

Q What do you recall about that incident?

A In front of the house, uh -- actually, I believe it was -- I think it was on the Taurus. The blue Taurus that I

used to use. I think Hewitt had the car, at the time. Uh, for some reason, I remember the -- the guns being placed on the -- it wasn't -- well, for some reason I remember it actually on the trunk of the car. In the back of the car. I remember the car being parked in front of the house. And I don't know if somebody else drove it, or he came back around and drove the car around to the front. But I remember guns just -- it was laying there. I do remember that.

Q Would they have been inside the trunk, or on top of the trunk?

A On top.

Q On top of the trunk?

A Yeah.

Q Okay.

Q BY DET. WICH: Do you recall if Hewitt had a moustache back then?

A You know, he shaves it on and off, on and off. He's always got -- he usually has a real big bushy one.

Q Right.

A And then, he shaves it off. So --

Q Okay.

A -- did he have one on that day? I -- I don't recall. To my recollection, I don't remember.

Q Okay.

Q BY DET. FERGUSON: So, the shaving of the moustache was kind of a -- a -- he'd have it on for a couple of months and then get bored of it and shave it off. And then, --

A On and off, on -- I mean, just depended on what he felt. Sometimes he would just come clean-shaven. And all of a sudden -- it took him maybe about a week to have a full-grown moustache. He -- he'd go like back and forth.

Q Uh-huh.

A He'd shave it, grow it back, shave it.

Q I don't think I have any other questions.

DET. WICH: Done on that.

DET. FERGUSON: I don't know if anybody -- could we move on?

DET. WICH: No.

DET. FERGUSON: Okay. The second -- oh, let me get that arrest report back. Thank you very much.

Q BY DET. WICH: Oh, one other question on that one. I'm sorry. Uhm, I believe you said in there that you saw somebody put a gun down by a camper shell in the back yard.

A Mmnh-mmnh.

Q Is that guy --

A Yes.

Q Yes. Was that one of the guys that was arrested? If you remember.

A I don't think so.

Q You don't think so?

A We saw -- what happened was, when we were approaching, we were in the rear. The officers that approached through the front hit the place before us.

Q Right.

A Because we want to see who's doing what from the rear. And we saw the guy placing the -- the gun in the camper there. But I don't think that's the guy that went for that particular gun.

Q Could it have been?

A I mean, we were all there watching the person that did it. From what I remember, uh, I mean, it's possible. I'm not saying it's not possible. Maybe he took his jacket off. But I remember it being not the same person. I mean, you know, I didn't question it. Obviously, I didn't go, "Hey, that ain't the guy that, uh, we saw place the gun back there." I mean, it could have been. I don't know.

Q Okay.

A But --

Q BY DET. FERGUSON: Now, uh, I want to shift gears a little bit. And let's go back to Shatto Place. The shooting at Shatto Place that, uh, took place, uh, July the 20th, 1996. The, uh, --

MR. MCKESSON: Do you have Ray's -- uh, summaries of the reports, or from his statements to look at?

DET. WICH: On Shatto Place?

MR. MCKESSON: Yeah.

DET. FERGUSON: Uh, no, I don't.

DET. WICH: We're not gonna go real -- basically, it's one question. Basically, just one or two questions.

DET. FERGUSON: There's just two -- there is two questions.

Q The -- the first one I want to ask you is do you recall hearing on the radio anybody, uh, telling the patrol officers that were, uh, either at 7th and Wilshire to hold up the Fire Department?

A I thought I talked about this already.

DET. WICH: I don't recall.

THE WITNESS: Did I -- did we talk about what the Fire Department -- what happened when the Fire Department got there and all the --

Q BY DET. WICH: Well, when they got there, yes. But we're just specifically -- do you recall them being held-up at 7th and Shatto, or Wilshire and Shatto?

A I know I didn't personally hold them up.

Q Right.

A But, from what I understood that they were being held-up. Or, like I said during this little meeting and stuff.

Q Right.

A What you do is you throw interference. You -- you -

-

Q Exactly.

A -- throw an officer up front. And I -- I think I've said this before. I thought it was McNeil. But I could be wrong about that.

Q Okay.

A But I thought it was McNeil. And what happens is it doesn't matter that the Fire Department was called and everything. They don't come in.

Q Right.

A They don't come in. You hold them up. You tell them to wait off. Uh, don't even approach the location until you're ready to, you know, wave them in or call them in, while, you know, meetings and whatever --

Q Sure.

A -- is taking place inside is taking place.

Q Did you see them, at any time, being held-up at Wilshire or 7th? You were inside --

A I'm inside the building.

Q Okay.

Q BY DET. FERGUSON: Do you remember hearing on the radio, uh, the location is not secure, hold up the Fire

Department, hold up, or any of that type of a broadcast?

A What you have to remember is we know, as a unit, what interference means. And that's automatic. We know. What I do remember is someone being told, "Take the front of the building and throw and interference. You know, that's your job."

Q Okay.

A And, so, we know, automatically, that means nobody. Not the Fire Department, not anybody, is allowed to come in.

Q BY DET. WICH: Would you, at any time, then, use a patrol officer to -- or relay information to a patrol officer and ask him, "Hey, tell the ambulance to stand-by down the street"?

A Sure, we can do that.

Q That would happen? Okay.

A Sure. I mean, as long as -- I mean, you got to use your resources.

Q Sure.

A I mean, if you have one C.R.A.S.H. officer up front to make sure nobody comes in the building, and you have patrol units showing up, and you tell them, "Hey, listen. I want you to take that corner. And you take that corner. Nobody comes in here until I tell you it's okay."

Q Okay.

Q BY MR. ROSENTHAL: And when you "Fire Department"

that includes the rescue ambulance or paramedics?

A Yes. Nobody comes in. I mean, that -- and remember that, uh, -- that thing I had, uh, -- I was telling you about? I don't know if you guys found it. I don't know if you guys even went back to look for it. Uh, the Standard Operational Procedure, uh, --

Q BY DET. HOHAN: Your protocol?

A Yeah, C.R.A.S.H. Protocol. All of that's in there. I mean --

Q BY DET. WICH: You told me -- I'm sorry. All that's in that -- you said that might be in your war bag, or your, uh, equipment bag?

A Well, --

Q If you remember.

A -- I -- I thought it was probably in my war bag, you know, that was on top of my locker. And I don't know where that is now. Or it was in a old posse box. I probably threw it -- you know, what a posse box is?

Q Right.

A The -- the report, uh, thing. It was probably in there. And it's about eight or ten pages thick.

Q Okay.

A And it has everything. The things that we do in C.R.A.S.H., how -- how we handle it, you know.

Q Okay.

A And -- and that, the diversion thing, we -- we know.

Q And I will look for that.

A So, -- yeah.

Q BY LT. HERNANDEZ: But, Ray, do you remember, specifically, -- at Shatto Place, do you remember somebody telling Officer McNeil or Officer-somebody, "You're in charge today of running interference here?"

A I do remember someone being told to run the interference up front. In my mind, I believe it was McNeil.

Q Mmnh-mmnh.

A I'm not a hundred percent sure it was McNeil. I do remember, you know, "You're the interference. Go up front and you hold the interference." I do remember that.

Q Mmnh-mmnh.

A My -- my problem is remembering exactly who -- who was being -- who got told that.

Q Mmnh-mmnh.

A In my mind, I believe it was McNeil. But I'm not a hundred percent sure that it was McNeil.

Q And you're not just generalizing? And this -- what you're telling us now is that you remember at Shatto -- you're not sure who it was said it or who they were told, but you remember, about the time of the huddle, somebody saying, "Okay.

You go out front and you run interference?"

A Yes.

Q Okay.

A That I've always remembered. It was Mc- -- I'm gonna -- I'll say I'm about 95 percent sure that it was McNeil that was told to run interference. But I can't say a hundred percent positive. But I'm about 95 percent sure that it was McNeil to go out front and hold the interference. And, like I said, he knows what interference is.

Q BY DET. WICH: Now, when you say McNeil, go out front, does that mean McNeil was inside the building? Or what did --

A Yes.

Q Do you remember where this -- would that be on the second floor? Or would that be in the lobby area?

A That would have been in the lobby area.

Q In the lobby area?

A Yes.

Q Okay.

Q BY DET. FERGUSON: Do you know who was the one that told McNeil to -- to do the interference?

A That was Ortiz.

Q Sgt. Ortiz?

A Yes.

Q Now, the next question that has to do with Shatto Place, --

MR. MCKESSON: You told me one question.

DET. WICH: Two. I said one. She said two.

DET. FERGUSON: He lied.

MR. MCKESSON: We're on 15.

DET. FERGUSON: Question 322 on Shatto -- uh, has to do with the shooting that took place on the -- we'll say on the third floor.

Q Uh, when, uh, Saldana was shot in the ten ring, he goes down. If I'm not mistaken, you stated that you were halfway down the hallway behind Patel. By the time you get up to Patel, you're telling him to decock, holster his weapon.

A Mmnh-mmnh.

Q And there's a male Hispanic down.

A Yes, ma'am.

Q You mentioned Stepp coming down by the stairs.

A And Hewitt.

Q And Hewitt. In relationship to Hewitt, who was the first one to come down the stairs?

A Stepp.

Q How close behind is Hewitt?

A A matter of feet. I mean, they're coming down together. They're -- they're --

MR. MCKESSON: I'm sorry. This is -- this is the kind of thing I wanted him to read. This is taking it step-by-step into this. And --

MR. ROSENTHAL: Well, let's find out what the question is.

MR. MCKESSON: We've had a few.

MR. ROSENTHAL: I'm sorry?

MR. MCKESSON: We've had a few, you know. It seems like -- the problem I'm having is, you know, he's gone through this scenario at least four to five times.

DET. WICH: Right.

MR. MCKESSON: Uh, I think in all fairness to him, he should review something. I mean, I don't have -- and I'm not trying to be obstructive. I'm really not. I think it only fair to him, if you're gonna go over it in-depth like that, I think it's fair that he reviews like his statements, because this -- this is getting -- one of the times that he's done a walk-through.

DET. FERGUSON: Sure.

MR. MCKESSON: He's done --

DET. WICH: I think if you hear the next question, that -- that will probably put an end to it.

MR. MCKESSON: Okay.

MR. ROSENTHAL: Let's hear the key question. And then, we'll figure it out.

THE WITNESS: What was -- what was the last question? Did I finish it?

DET. FERGUSON: Yes, you did.

DET. WICH: Yes.

THE WITNESS: Okay.

DET. FERGUSON: Because you said the two of them came down together.

THE WITNESS: Oh, that's right. Yeah. That's right. Because, if you remember, I had said I was wondering where they kept the other prisoner. Because --

DET. WICH: Right.

THE WITNESS: -- we knew that there was a guy in custody. And I'm thinking, where is he?

DET. WICH: Right.

THE WITNESS: You know, I figured that they handcuffed him to a -- to the railing or -- or, uh, to the fire escape or something. 'Cause I'm thinking, who's detaining him?

DET. WICH: Mmnh-mmnh.

THE WITNESS: So, I -- and I still didn't know. And to this day, I don't know what they did. I know, eventually, they brought him back down.

DET. WICH: Right.

THE WITNESS: But, remember, they went back up, eventually, during the whole thing. And then, they came back down. Back

go ahead to your next question.

Q BY DET. FERGUSON: All of a sudden, you hear, I think it's Stepp, to say, "Oh, shit," when they realized that Saldana is down and was shot?

A Yeah. Stepp. When Stepp comes --

MR. ROSENTHAL: That's what she said.

THE WITNESS: You just said Patel.

DET. WICH: No, she said Stepp.

MR. MCKESSON: She said Stepp. She said Stepp.

THE WITNESS: You said Stepp? I'm sorry.

DET. FERGUSON: I'm going, oh, I thought I was losing my mind.

THE WITNESS: I thought you said Patel. I'm sorry.

DET. FERGUSON: That's okay.

THE WITNESS: Go ahead.

Q BY DET. FERGUSON: "Oh, shit. Oh, shit."

A "Kulin got him." Mmnh-mmnh.

Q They go -- they both go running back upstairs?

A Exactly.

Q BY DET. WICH: Stepp and Hewitt?

A Stepp and Hewitt run back upstairs. Yes.

Q BY DET. FERGUSON: And a little while later, --

A Seconds later.

Q -- they both come back down the stairs?

A Yes. Again, Stepp is in front. Correct.

Q How close is Hewitt to Stepp when he comes down the stairs?

A Right behind him. Right behind him. I mean, uh, if you had to -- if I had to put it in measurements, quantify it, I'd have to say two, three feet behind him.

Q When Stepp places the gun on the -- on the step -- uh, --

A I understand.

Q Hewitt -- where is Hewitt?

A Hewitt is now passing him up on the landing as Stepp is bending down placing the gun on the first, uh -- first step landing.

DET. WICH: That was it.

DET. FERGUSON: Any other questions on Shatto?

LT. HERNANDEZ: No.

DET. FERGUSON: May I put Shatto to bed?

DET. WICH: Thank you.

Q BY DET. FERGUSON: The third incident, which is the New Year's Eve shooting, in which three individuals were arrested -- Delgado, Delgado, Roman.

A The son and father?

DET. WICH: Uh, D.A.'s number -- or we have a case number here of BA125747.

DET. FERGUSON: Unfortunately, I do not have a transcript of what you talked about in this incident. The only thing that we have was a -- a synopsis, uh, of what you recall occurred that -- uh, that night.

Q And my question is, do you recall this incident, Ray?

MR. ROSENTHAL: First -- first of all, I'm sorry, the name of the arrestees again?

DET. WICH: We have to go back to the report. We have Sebastian Delgado, D-e-l-g-a-d-o. Then, we have a Dimitrio Delgado. And a Vincent Roman, R-o-m-a-n.

MR. ROSENTHAL: This relates to D.A. Case Number BA125747. This is the New Year's Eve shooting.

THE WITNESS: Mmnh-mmnh.

DET. WICH: Correct.

MR. MCKESSON: Could you give him the report?

DET. WICH: Yes.

MR. MCKESSON: Can you get that? Okay.

MR. ROSENTHAL: I'm sorry. We'll take a lunch break once these detectives are done.

DET. WICH: We're gonna let him review the paraphrase of his statement.

THE WITNESS: If I could have about thirty seconds.

DET. FERGUSON: Absolutely.

DET. WICH: Yeah. I just wanted the tape to know what we

were doing.

(Witness reviewing statement.)

MR. MCKESSON: Sara, just for the record, uh, Rafael Perez has just finished reviewing a summary. It's entitled "Summary of Rafael Perez' interview on 10/15/99." It appears to be 60 percent of the page. And I'm handing it back to the detective.

DET. FERGUSON: Thanks.

Q Do you recall this incident?

A Yes.

Q There were shots fired.

A Many.

Q Do you recall hearing those shots being fired prior to arriving?

A Yes.

Q The relationship to the shots -- the -- the shooting, how soon after did you arrive?

A Jesus, a matter of minutes.

Q BY DET. WICH: Now, going back to that. When we say, "shots fired" there was -- we know people were shooting guns off. This was a New Year's Eve Gun Suppression Detail. Do you respond to the shots being fired by -- we'll call them party-goers? Or do you respond to the location because there's an officer-involved shooting taking place? And, if so, was there a radio call that got you to go to that location?

A We knew that -- I mean, we had been hearing pops, you know. But, we knew when the -- when he heard that burst of gunfire, shotgun, and .9 millimeter -- I mean, many, many shots -- we knew something went down. And --

Q When --

A -- I mean in a matter of seconds you could hear the C.R.A.S.H. 20, C.R.A.S.H. 30, C.R.A.S.H. 40. And that's our - - our signal to let all the C.R.A.S.H. units know there's an officer -- OIS. Get here now.

Q Right. When you say "we" who were you working with?

A I believe I was working with, uh, Martin.

Q Martin?

A Uh, Sammy Martin, yes.

Q Sammy Martin? Just you two in a car? Or was it a three-man car that night?

A Just me and him were working. Uh, I'm sorry. Me and him are working as partners. We were supposed to be in little teams with several other units. But, we were kind of spread out. We're supposed to be like following each other. And we thought, oh, come on. We're not gonna be following three -- you know, three cars following each other. So, we kind of like just spread out a little bit. Just stayed in a general area.

What they did -- and, in fact, they got in a little trouble afterwards. Uh, I'm talking about these officers that

were involved in the OIS. They went off and left the whole unit by themselves. I mean, they went and did their own thing. And they got chewed-out by everybody later.

And Richardson tried to take the heat for it and everything else. But we knew they were going -- they were going out to go do something. We knew that they had left the -- the rest of us and went out to do their own thing.

But, when we heard the shots being fired, me and Martin knew, uh-oh, somebody's in something. 'Cause there was, you know, -- we knew something was going down. And then, we heard the C.R.A.S.H. 30, 40. And we were -- swooo. I mean, we were -- I think we were, uh, less than a mile from where the shooting occurred, uh, at the time of the shooting.

So, we got there, you know, -- it's still difficult for me to put a time in it, 'cause it may have been two minutes, two and-a-half minutes. I'm not sure. We were there pretty quickly.

Q DET. FERGUSON: In your -- in that summary statement that -- that you read, you stated that when you arrived that somebody asked you to pick up some casings?

A Lujan.

Q Lujan asked you to pick up some casings?

A Yes.

Q Did you actually pick up those casings?

A I started picking up casings. And then, I threw them back down.

Q Why -- why did you stop picking them up?

A Why did I stop? I think it was Richardson or -- or Collard, walked up by the stairs and they saw blood. And they said, "Somebody's hit." And so, I threw them back down. And we devised a plan to go up there and see who's up there.

Q Okay.

Q BY DET. WICH: Prior to -- when you arrived to the scene, you see Lujan then. Is that who the first officer is that you talked to?

A I see them all.

Q You see them all.

A But Lujan's the first one that talks to me.

Q And Lujan says, -- uh, before picking up, does he say anything, what just happened?

A Yeah, there are certain things said. Uh, you're talking about regarding the casings itself? It was just --

Q Well, regarding this case. You pull up. There's Lujan. What do you recall him telling you?

A Well, I mean, everybody told me a little bit different thing. I mean, Lujan might have told me the shells. Collard was telling me about the -- you know, how much rounds he fired.

Q Okay.

A 'Cause there was casings everywhere. And as I'm picking up the shotgun casings, I thought there was a reason for the shotgun casings. I thought they wanted to say that they didn't use any shotgun. Because I seen casing after casing, uh, as far as, uh, .9 millimeter casings. There was casings everywhere. And Collard's like, "Man, I just -- I had to reload." That's how many rounds he fired. I remember that. I remember Lujan telling me, "Pick up the shotgun shells."

In fact, he's still holding the shotgun. He's telling me to pick up the shotgun shells. Uhm, --

Q That may have answered my -- I was gonna ask you what shells were you --

A I was picking up shotgun shell casings only. I thought there was a reason. I thought that they didn't want, uh -- they didn't want to say that they used a shotgun, for whatever reason. I don't know. But I was picking up the shotgun shells. And I know I threw them back as best I could.

Q Did he say why --

DET. FERGUSON: Just open it.

DET. WICH: Okay. We're back on.

Q Uhm, he just told you to pick them up. And you were picking up shotgun shells. Did you ask him why?

A No, I just started picking them up. And then, when I think it was Collard or Richardson, one of them walked back

and said, "There's blood on the stairs." I started throwing them. I tried to put them back like where I thought they -- I had picked them up from. And then, we decided to go up the stairs and go in.

Q Who, besides officers, were there? Were there a lot of civilians running around? Was there a party going on at this place?

A I believe there was some civilians. I don't know if they were behind me. Or -- I remember seeing some civilians. But, you know, they were moving around. And I can't tell you exactly where they're -- what -- you know, what structure they're coming from -- what building, or if there's a party. I know I remember seeing civilians. Uhm, but, I mean, we still did -- I mean, we -- I don't know what they were thinking.

I know that afterwards, even when we were talking about it, and, you know, they were like, "These guys were shooting it up in the air." And they -- they sort of like snuck up on them. And they started firing. (Sounds effects heard.)

I mean, these people, I guess, were up on their landing. You know, their -- there's like stairs that come up --

Q Right.

A -- right into their door. And they were just sitting up there shooting up in the air. And they just opened up on

them.

Q Did anybody, besides police officers, see you picking up these shell casings?

A I don't know.

Q If you know.

A I don't know if somebody saw me or not.

Q BY DET. FERGUSON: You decided, you ended up now entering this location. The shooting is -- is -- is done. There's a blood of -- uh, a trail of blood going up the stairs. Uhm, is this something that you commonly would do? This is a -- you know if there's men with, -- uh, armed suspects, or armed -- people with guns upstairs, uh, normally you would request for back-up -- SWAT, you know, uh --

A Yeah. No, I mean, we knew what actually happened, as compared to what is gonna be told to the OIS team later. I mean, what we're -- what's gonna be told to the OIS team is that these guys were shooting at the police. And, you know, so-and-so. And that's why the officers shot.

We knew that they were just people -- old guys -- shooting up in the air. And then, they ran back inside frightened 'cause they got shot at. Uh, so, we knew there's just a couple of people up there who shot, wondering, oh, shoot, we screwed up and got shot.

So, we went right up. Normally, if this would have

been an actual someone shooting at the police, no way would we have entered an apartment where several people supposedly were shooting at the police, are we gonna go in there and enter.

Q That wouldn't be a Rampart C.R.A.S.H. thing to do that you guys would take care of your own business, instead of calling for -- like, for an example would be SWAT, or --

A Right. No. No. We just -- if -- if those were actual people that were shooting at officers with machine guns or automatic weapons, and -- and they actually shot at officers. These are one of those occasions where, yeah, I think we'd call SWAT.

Q Okay.

A This is -- this isn't, you know, uh, a guy that ran from us and just ran into an apartment and, you know, we're gonna go after him, and that situation. But, something like this, no. This is -- in our minds, we knew what actually happened.

Q Right.

A So, it -- we were -- we were afforded the luxury of knowing what actually happened. And, so, we can just go in.

Q BY DET. FERGUSON: Do you remember who set up the tactical plan of entering that location?

A Richardson.

Q Richardson did?

A Yes.

Q Do you remember who was supposed to go where -- how that tactical plan went down?

A I remember -- I remember when I went in. I remember when I went in, there was smeared blood on like a linoleum floor. And when I -- when I went in, I was, uh, taking the wall on the left side. I remember there was a guy laying on the floor. For some reason, I remember blue jeans. And I remember blood. Uh, and he was laying on the floor. Uh, and I didn't -- somebody had already stopped with him. I kept going. And I was going -- I was taking the wall. I was riding the wall.

Uh, where everybody else were, what part of the house, I really don't remember. I know what I did. I know, when I went in, I immediately saw the blood on the linoleum. And a little bit further ahead, I saw a guy bleeding, laying on the floor. Uh, an older guy.

And then, I just kept going until, you know, we had everybody situated and in custody.

Q Right.

A But what everybody else was doing, you know, what -- which way they went, I don't really remember.

Q BY DET. WICH: Was there a supervisor there?

A I believe so.

Q Do you know which one it was?

A My goodness. I want to say that it was Sgt. Perez. But I'm not a hundred percent positive. For some reason, I remember his face.

Q Is he a C.R.A.S.H. sergeant?

A No, he was the -- see, we weren't working C.R.A.S.H. on this particular day. We were working a gun detail.

Q Right.

A And we were separated into squads. And each squad had a supervisor. And I believe our supervisor was Sgt. Perez.

Q BY DET. HOHAN: That's Sgt. Armando Perez?

A Yes. Give me ten seconds to think about it here. Whoever the supervisor was, I'm not a hundred percent. I think it's Armando Perez. But, whoever, it was, we already had a plan when -- when he got there, we had a plan that we were going in. It wasn't one of things like, you know, like when Ortiz would show up and go, "Okay. Here's what we're gonna do." DET. WICH: Right.

THE WITNESS: It wasn't like that.

Q BY DET. WICH: He wasn't part of that at all?

A No. No, we already had a plan we were going in. And the supervisor might have gotten there eventually. And I'm not even sure he got there before we went in. I'm thinking that the supervisor was eventually there. And I think it was Armando

Perez. But, our plan to go in and do everything we were supposed to -- you know, we were doing, --

Q Right.

A -- was already laid out before the supervisor got there.

Q BY DET. FERGUSON: Would he have known what actually happened?

A Oh, no. Uh, Armando Perez?

Q Correct.

A No. Probably not. I don't think so.

Q BY DET. WICH: Uhm, besides you picking up the shotgun shell casings, were any other officers, that you saw, picking up other casings?

A No.

Q No?

A See, the -- the picking up the shotgun casings was like the first thing that I heard. And I thought there was a reason. And you don't start going, but why? You know, it's like, pick up the shotgun casings. I start picking up shotgun casings. And I see officers going over by the stairs. And I'm starting to pick them up. They come back, "We've got blood up there. Somebody's hit." We can't just pick up casings and go.

So, they all went back to the ground.

Q Did the other C.R.A.S.H. officers see you doing this,

that were there?

A I'm assuming so, yes.

Q Besides Lujan. Was Lujan -- did he help you pick them up?

A No, I was picking them up. Lujan was standing there with the shotgun. And he's telling me to little different things. And, like I said, there was some officers that went by the stairs, uh, to -- towards the building. There's like an opening. I don't know if you've been to the location. There's like a driveway or something. And then, up on the right-hand side, that's where the -- the landing is.

Q Okay.

A And some officers went up there. And then, they came right back and, "We've got blood." And it was like, okay, put the casings back. I put the casings back. And we decided we're gonna go up.

Q When you guys went in there and recovered the guns, did you guys book all the guns you recovered?

A Uhm, I don't know. I don't know if somebody else recovered guns that I didn't see. I remember there were several guns. But I'm assuming those got booked. I -- I wasn't in charge of booking the guns, I don't think. I didn't -- I didn't retain or keep any guns, if that's --

Q Okay.

A You know, if that's -- if that helps you.

Q Did you hear of anything afterwards at one of your bench parties that some guns were kept from there?

A I didn't hear anything like that.

Q Okay.

Q BY DET. FERGUSON: I think -- I think we're done on -- oh, Lujan tripping. Is that where he trips?

Q BY DET. WICH: Uhm, did you know actually, uh, --

A I'm sorry?

Q Did you hear anything about Lujan falling down as he approached the location, and that's why they engaged these guys into a gun battle? Or was that the ruse, or the story, that they were gonna tell the shooting team?

A I don't remember hearing -- I remember -- if you see the place where they fired from, you will notice they had absolutely no cover.

Q Okay.

A you see the place where they fired from, you will notice they had absolutely no cover.

Q Okay.

A And you got to understand, they were watching these guys doing it back and forth. These guys were going in and out shooting. And this is what I'm -- I was told.

So, they went up there. You know, they were sort of

timing it. When these guys finally came out again, they were all, you know, up this way firing, they went out -- and no cover -- out in the open, and they started firing. Uh, I didn't hear anything about Lujan falling or -- and rounds going off.

I remember that, you know, -- I mean, you could see where each officer was standing and where they fired from.

Q Right.

A 'Cause you can see where the casings are falling, and the shotgun casings. I mean, they didn't sit behind a car to get cover. They didn't -- they went straight out to the open and just started firing.

Q Okay.

DET. FERGUSON: All right.

DET. WICH: Next.

DET. FERGUSON: We're done with, uh, the, uh, fourth incident. Uhm, this is a -- a -- a gun planting incident involving a defendant by the name of Zetino. Uh, it occurred at, uh, 1144 North Westmoreland on April the 2nd of 1996.

MR. ROSENTHAL: What's the name of the, uh, arrestee?

DET. FERGUSON: Zetino.

THE WITNESS: Do you have a police report on that?

MR. ROSENTHAL: Nestor Zetino?

DET. FERGUSON: Yes, Nestor.

MR. ROSENTHAL: Oh, okay. And Zetino was with Candelaro.

It was a two-defendant arrest. D.R. number is 96-11-11992. Do you have a copy of the report?

THE WITNESS: I don't have a copy of the report.

MR. ROSENTHAL: Two defendants. 12025, so possession of weapon. Uh, this was a Perez/Tovar arrest.

THE WITNESS: This is a gun we actually find in a, uhm -- in a vent. Uhm, we actually had knowledge prior to even going there that the gun was there. [** CI # 8 Info Redacted **]

MR. ROSENTHAL: That's the one. Yes.

THE WITNESS: [**** CI # 8 Information Redacted ****]
[*****]
actually told me that, uhm, this gangster that lives there was keeping a gun there. [**** CI # 8 Information Redacted ***]
[***** CI # 8 Information Redacted *****]

I think I had, uh, Hewitt and Martinez and some other officers, uh, snoopy-up with me. That's the one we broke the door down. And then, explained it later that the gangsters themselves broke it down. And I think in the story we say that they're out front and they -- one guy passes the gun to the other guy. All of that was fabricated. Yes, I remember story.

Go ahead.

Q BY DET. FERGUSON: My -- the only question we had in regards to that one is actually where was that gun recovered?

A It was in a vent. Uhm, I don't know if you've been

to the location.

Q Yes, I have.

A When you go up the stairs, --

Q Mmnh-mmnh.

A -- if you turn left, and then a quick left to the bedroom, all the way at the end.

Q Yes.

A Right before you went to that bedroom, if you look up, there's a little vent cover up there. There's a little -- there's a little thing for, you know, like a vent.

Q Yes.

A You know, the heater comes up.

Q Yes.

A If you move that, it was right in there.

Q So, the vent that you're talking about is not actually the vent that's in the bedroom that the kids were in?

A No. It --

Q BY DET. WICH: It's in the hallway.

A Right. It's in the hallway in the vent thing right by the door. Or close to the door. It's a small hallway. Yeah. But, anyway, it was recovered in -- in that vent.

Q BY DET. FERGUSON: Do you --

A In fact, we knew that it was in the vent. I mean, we -- you know, the -- like I say, it's a gangster that we had

stopped before who told us.

Q Right. When you -- uh, did you see them actually recover that gun?

A Yes.

Q Where were you when the gun was recovered?

A Let me clarify that. When the gun -- I know that these guys are gonna go in and get the gun, because we already talked about it. When they're saying, "Okay, yeah, it's here," I turn around and they're bringing the gun down.

So, I can't say, actually, that as they're opening the vent -- I know they're opening the vent. 'Cause I'm -- you know, I'm looking back and forth, back and forth. And I got the -- the gangster and some of the other guys. When they bring the gun down, I eventually see the gun. And I think it was a little small Beretta, was it? A little maybe .32 or .22, uh, --

DET. WICH: I think so.

THE WITNESS: A little dark -- a little small one. I remember seeing it, I mean, like it was right now. Do I remember -- actually, I remember, at some point, them getting the -- the screws out for the vent. Uhm, but, I diverted attention. I was watching it for a little while. Then, I'm over here doing something else. I'm looking around for other things, too, -- other weapons that may be around, and -- but, -- so, it's kind

of hard to say yes or no that I watched them exactly bring the gun out of the vent.

Q Do you know who actually took the gun out of the vent?

A It was like they were all there. They were all doing it together.

Q When you talk about "they" --

A But, who --

Q -- do you know who "they" are?

A Yeah, uh, Hewitt, Martinez, and Tovar. But, who -- uh, I think it was actually -- I think it was actually Tovar that actually brought the gun out and handed it to Hewitt, or somebody -- or Martinez.

Uh, give -- give me a couple of seconds to --

Q Sure.

A -- think about this. I -- want me to continue?

Q BY DET. WICH: Go ahead.

A I believe, from what I'm trying to remember -- and this is difficult. So, I -- and I don't have a very clear recollection of this. I believe Tovar was sitting up on something. He's the one actually getting it out of the vent. And as he's getting it out of the vent, he handed it to -- to Hewitt. However, Martinez is standing right next to him. And I believe Hewitt gets the gun. And I, eventually, get the gun as well.

That's how I actually remember it happening. I'm not a hundred percent sure on that.

DET. FERGUSON: All right. That's -- that's it for the Westmoreland one. One quick question.

Q You know a lady by the name of Lisa Fox?

A Mmnh-mmnh.

Q BY DET. WICH: District Attorney?

A Yes.

Q BY DET. FERGUSON: District Attorney Lisa Fox. Do you know what her relationship was with Ethan Cohan?

A They had a real strong working relationship, uh, because they were working the injunction, uh, together, as well as Nicole Rishan (phonetic).

Q Mmnh-mmnh.

A Uhm, if you have a specific question as to what their relationship was, maybe I can --

Q BY DET. WICH: Was it a dating relationship? Or was it just a professional relationship?

A No, I think it was just a professional relationship. I mean, that's just my opinion. That's --

Q That's all we wanted. Just what you saw.

A -- that's what I know. I have no -- no personal insight as to anything like that.

Q Correct.

Q BY DET. FERGUSON: I want to talk about one more incident. And it has to do with the, uhm, -- and this is the -- there is no police report. Uhm, the William Penn incident in which, uh, Hewitt had his, uh, tires of his police car slashed.

A Yes.

Q Uhm, sometime later, a group of you meet up at the Oasis Motel.

A I wasn't there.

Q You were not there at the Oasis Motel?

A I only heard about it later when the beef came in.

Q Were you ever present during any meeting in which they talked about, uhm, attempting to have people deported that had filed, uh, a personnel complaint against the officers?

A Yes.

Q When -- the first time that you ever heard any mention about, uh, deport -- getting people deported, when did that occur? Do you remember?

A The first specific, uh, real scenario that I remember that let's get these guys deported was when, I believe it was Stephanie Barr and her partner Spell had stopped one or two of the witnesses. And they had called us over. And they were like, "These are a couple of the witnesses for that beef." And, you know, "We got to get these guys deported."

And the way we used to do it was we had INS that worked -- INS and ATF would work with us like a couple days a week. And anybody we wanted deported, we just called them up and they'd come handle it. And they guys would disappear. They'd get deported.

Uhm, but, on this particular occasion, when several units showed up, 'cause, I mean, this was like a big beef in the unit. It didn't involve me, so, I really didn't have a whole lot of, you know, invested in it. So, I let them handle it.

Uh, other units showed up. And we left shortly after more people started showing up. Were they deported or were they -- from what I understand, they were. I mean, I'm -- from what understand, that they disappeared. Uh, most of the witnesses on the thing disappeared or were deported and sent away somewhere.

Q Was there more than one mention of having these witnesses deported?

A On one occasion we were talking about in roll call, uh, as far as the -- the complaint -- the actual complaint. They had talked about, uh, who the witnesses -- the possible witnesses were and what needed to happen. You know, that they needed to get rid of these people -- get them sent away.

Q BY DET. WICH: Who is they? Who's the -- what

officers are talking about this?

A Uhm, besides the obvious officers, I mean, I'm trying -- you want me to remember who else was there? Or, I mean, besides Hewitt and Martinez and -- and the supervisor, and we all talked. I mean, they were all talking about it. What we did was we run down what exactly happened. Or what exactly was alleged that happened.

Uh, there was some joking around about it. Uh, and I remember Martinez talking about it that these guys were, uh, illegals anyway. Uh, you know, -- you know, let's deport them. Something like that, you know. Hewitt talked about it. The sergeant talked about it.

Q Which sergeant are we talking about?

Q BY DET. HOHAN: Which sergeant?

A I believe that was, uhm, Sgt. Ortiz. Uhm, I'm trying to remember who else was there. There was another -- there was another sergeant there, too. For some reason, I remember another supervisor there, too. And I can't remember who it was. I want to say Sgt. Roller. But I'm not -- I'm not a hundred percent sure. Doug Roller.

MR. ROSENTHAL: To refresh my recollection, uhm, the personnel complaint was against Hewitt and another officer -- or other officers for --

DET. FERGUSON: There were quite a few officers named in

that personnel complaint.

MR. ROSENTHAL: For retaliating for Hewitt having had his tires slashed?

DET. FERGUSON: Correct.

MR. ROSENTHAL: And what was the allegation that the officers did?

DET. FERGUSON: Uh, abuse of authority; uh, --

DET. HOHAN: This is the one where they dumped the guy out of the wheelchair.

DET. FERGUSON: One of -- one of the witnesses was in a wheelchair?

DET. WICH: Correct.

DET. FERGUSON: Do you have those I-cards?

MR. ROSENTHAL: My question is what --

THE WITNESS: One was dropped off in a gang -- in another gang neighborhood stripped naked. Dropped of in a gang -- rival gang neighborhood.

Q BY DET. WICH: Do you know -- do you know who these guys were -- the gang members, if I showed you pictures of them? Would you know if these were the guys that --

A The victims or the witnesses?

Q We're talking about witnesses, I believe.

Q BY DET. FERGUSON: I think we were -- I think we're looking at the victims.

A The victims? For some reason, I, specifically, remember a short little young guy as being one of the witnesses. Uh, one of the ones that Stephie Barr had stopped. The other guys, no, I don't know hardly anything about.

Q The ones that you think were -- uh, the focus of -- of the deportation is to get rid of the witnesses and not the actual complainants?

A Right. It was witnesses in the case.

Q Not the three individuals that had filed the personnel complaint against --

A No.

Q -- the, uh --

A I think they had their own way of handling that part. I -- I don't know how they were gonna do it. But they were -- there -- our concern -- or their concern was the witnesses on the -- the case. The -- for some reason it's a young guy, short, bald, dark-skin. Like a brown Hispanic, uh, guy was one of the witnesses. And they knew that this is one that -- you know, definitely one of the witnesses that we got to get rid of. I don't know if he had talked to I.A. and told them everything he saw or what.

But that guy, I particularly remember. The victims and all the other people, I really don't.

Q Okay. So, you were present and you had knowledge of

one of the people that they wanted to have deported? That witness that you just described with the bald head?

A There was actually two of them stopped. Or two people stopped together. I'm not sure if the other guy was the witness. I know the one, the short guy, as talking, I knew he was definitely one of the witnesses. I don't know if the other person was a witness as well. I know at least one of them was.

Q BY LT. HERNANDEZ: The, uh -- Ray, the roll call session when they're -- you said Martinez starts joking about it. Is this just a joking session that they're doing? Or are they seriously trying to do something to get rid of witnesses?

A No, we -- we were talking seriously, but, you know, as you're describing the scenario and what happened, you know, this guy, and I think a pair of pants are found, or something. Like I say, I'm -- I wasn't involved in this case at all. So, all the information I was getting was as they were talking to me or things they were telling me.

As they were talking about the case and the things that we need to do, they would joke about what happened to this particular person, or what might have happened, and where he was dropped off and things like that.

Q So, they were joking and laughing, but they were actually talking about developing some type of plan to really get -- uh, I mean, get rid of the witnesses?

A Yes. Yes.

Q BY DET. FERGUSON: And you do not have any firsthand knowledge of what that -- those plans were to get rid of any of these witnesses?

A No, ma'am. Other than deportation -- deportation of some witnesses, I don't have any other knowledge.

Q On such a date I called INS agent so-and-so, and I witnessed such-and-such deported?

A No, ma'am.

Q Very general, uh, information, but nothing specific?

A That's correct.

Q BY DET. WICH: That's it on that.

Q BY DET. FERGUSON: And the last thing is -- has only to do with Hewitt's reputation. And you've talked -- and the last time we met you did -- you mentioned about his reputation. He's got, uh, -- more or less what is the basis of your opinion as to what his reputation is?

A I'll give you a little story. A long time ago, probably 1996, we were in the C.R.A.S.H. office upstairs in Rampart Station. The C.R.A.S.H. office that was upstairs.

Q BY DET. HOHAN: This is the station at --

A Rampart Station, right.

Q At Temple and --

A Yeah. Right.

Q -- Benton Way.

A Our office used to be upstairs. It's a little -- small little room.

Q BY DET. WICH: It's the patrol station that we're talking about?

A Yes. When you walk into the little office, there's a table here, a table here. Sergeant's -- two desks for the sergeants, and two tables. The tables come out pretty far out. There's only a small place to walk in the middle. Officer Hewitt, uh, -- they detained a bunch of 18th Streeters, a bunch of gangsters. They were just bringing a bunch of them in to do I-cards. And I remember sitting right here. Uh, right outside the office, there's a bench where you detain people. You know, where you sit them down and chain them to the bench.

I remember sitting there and getting an F.I. from a guy and looking right into the room and Officer Hewitt choking a guy with his hands, making him talk. Choking him -- just choking him. And the guy look like he's about to pass out. Just with one hand, he's just choking this guy. The guy's standing on that side of the table.

Let's say this is the table. Just like this. Let's say he's standing where you are. And this guy is handcuffed behind his back. I saw Officer Hewitt hit this guy so hard in the neck that the guy flipped backwards onto the floor. And

this is where the C.R.A.S.H. door opened while this gangster's sitting on the bench. And I'm sitting there getting F.I.'s from them. I've seen Hewitt beat up more -- I've seen Hewitt beat up more people by himself than I've seen probably the entire department put together.

Hewitt is -- there's people that they get off on turning witnesses or turning people into informants, or, you know, uhm, I can get this guy to roll over. I can get this guy to do this. Hewitt has a thing for beating up people. That's just his thing.

He would rather beat you up. Let's say he catches you dirty, he would rather beat you up -- beat you to a pulp and then, say, "Okay. We're even now, right? You know, you didn't go to jail. I beat you up. I let you go. And we're even," than to just, "Okay. I got you dirty. Let's go. You're going to jail." He'd much rather give you a break and beat you to a pulp than to -- to arrest you. It's just his thrill. It's what he gets off on.

I mean, I don't know how else to put it to you as far as -- when all this first started, I had said how I fear certain officers. And Hewitt is one of them. Hewitt is, uh, very, very, very dangerous. I mean, he is -- you know, if -- if I would have to categorize him as a -- let's say he's a criminal. You know, you have those criminals who see an old lady and they

take her -- their -- their, uh, purse and start running. And just -- you know, they got their purse.

He's the kind that would knock her over, make her fall and break her hip, then take her purse and go. That's the type -- that's where I put Hewitt as far as his mentality and his actions that -- as a police officer the things that he did.

Q Was this fear felt throughout your unit? I mean, this guy is, obviously, doing stuff like this in front of other officers. Why wasn't it like, hey, knock it off today. This is not right. This is --

A He was too well-liked. Hoopes -- between Hoopes, Paul Byrnes, uh, all the other supervisors, they just loved him.

Q Well, --

A Besides, all these guys were -- they were being prepped for C.R.A.S.H. That's the only thing that mattered. They put in a lot of work in C.R.A.S.H., so they got to go to Metro. I'm sorry. I said C.R.A.S.H. I meant Metro.

These guys were being prepped to go to Metro. And, you know, they've worked C.R.A.S.H. for so long, and they've done so much, and they've seen so much. We've got to get these guys to Metro. These are squared-away guys. You know, that's what everybody works for, to get to Metro.

Q But what I'm trying to ask here, --

A The guys -- I mean, you're asking me did the guys worry about it? No. I mean, he was -- you got to remember, when I got there, Hewitt is C.R.A.S.H. That's -- he represented C.R.A.S.H. You know, what he did is what you were supposed to look at and go, "Okay. This is how we get information out of people. You know, this how you do it. You just beat them 'til they cop." That's just the way he did it.

I mean, some people do it differently. You know, and -- it's just what he did. Did I fear him? I mean, did I think, oh, God, I can't -- uh, it was C.R.A.S.H. I mean, uh, I didn't worry about that. That was his thing. If that's what he wants to do, that was his thing. I didn't worry about it. Or, I mean, I knew he was potentially dangerous. I always figured that one day he'd choke somebody out to a point where they'd die or something. And then, there's gonna be a lot of trouble, you know.

Q Did he do this stuff in front of Sgt. Ortiz? Or was this just done in front of the -- the working C.R.A.S.H. officers, not -- the patrol type officers? Not the supervisors?

A Right. I mean, if he did it in front of Ortiz, it was something that, you know, we were all there and it just needed to be done. But, mostly, his thing was handcuffing the guy and then just antagonizing him and just beating him to a pulp. That's what he did.

I mean, and a lot of the guys that he would beat, he would, eventually, let them go, you know. Even if he got them, like I said earlier, if he got them dirty, he would, eventually -- he'd beat them to a point where, "I'm gonna let you go. And, we're cool, right?" I mean, you can go into any 18th Street neighborhood that he worked, and just arbitrarily get a gangster that's been there for a while, that would know Hewitt, and say, "How would you characterize Hewitt?" And they will tell you he's brutal.

Q That's -- sorry.

Q BY DET. HOHAN: One more question, Ray. And that is, it is one thing to be brutal, but what you're -- you're indicating here is this is a guy who is more sadistic than brutal. He liked to handcuff guys and then kick the crap out of them.

A Mmnh-mmnh.

Q I mean, there's a big difference between going to it with a guy on the street because the bad guy wants to go to it with you, and -- but what you're describing here is something, to me, that's more sadistic. He -- he handcuffs them. He antagonizes them. And then, he beats them. Is -- am I characterizing that right?

A That's absolutely right. And I didn't put a title on it like you're doing now. But let's say we went into a building

and a couple guys ran. Hewitt would catch them, handcuff them, and then, begin to beat them. That's just the way he was.

I mean, I've seen him beat a lot of people. You know, we -- you know, we always break up parties. We -- you know, in three years in C.R.A.S.H., you got to remember we've done so much. I mean, you've seen so much, you've worked with each other so much, you know, every time there's a -- anything, there's a group of people there. Let's go break it up. And we're there. And I've seen him do a lot of -- a lot, I mean.

DET. FERGUSON: Well, I think now that your pizza's very cold --

THE WITNESS: Yeah. I -- I need to use the bathroom.

DET. FERGUSON: Absolutely. Uhm, I think we're done. Go ahead and break and then, uh, continue with whatever needs to be done.

MR. ROSENTHAL: All right. It's 1:06. We're off the record.

(Off the record at 1:06 p.m.)

(Back on the record at 2:30 p.m.)

MR. ROSENTHAL: All right. It's, uh, 2:03 p.m. We're back on the record. And I'll remind you, Mr. Perez, you're still under oath.

THE WITNESS: Yes.

Q BY DET. HOHAN: Okay. Ray, uh, earlier this morning,

off the record, we discussed a little bit about your memories as to what happened, uh -- your memory of events, uh, subsequent to the incident that caused Officer Hewitt and Officer Cohan to be removed from the police department and Boards of Rights. Could you go into what you know about that?

A Uhm, Hewitt and Cohan had a little adversary-type relationship. Hewitt was the original person in charge of 18th Street. When Cohan came into the unit, he took over. So, they were always competing. And one of the standing -- standing orders in C.R.A.S.H. was, if you had an informant, no one else goes and bothers him. Or, you know, leave him alone, 'cause he -- I -- he's working for me. And just leave it at that.

Hewitt looked at it differently. Hewitt looked at it as though, I worked that gang first. I can talk to anybody. So, him and Cohan were always sort of bumping heads a lot because of that issue. I remember this particular issue because Hewitt -- or, I'm sorry, Cohan would always come to me a lot about what Hewitt just, uh, you know, talked to him, you know, the meeting that they just had about, you know, uh, getting this informant to not say anything, to not cooperate with I.A.

Hewitt had talked to me about how Hoopes -- uh, Sgt. Hoopes, uhm, Hewitt and, uh, somebody else had talked to him and said, "Listen. You need to tell this informant that he needs to disappear or just not cooperate." I mean, the whole

thing. And they wanted -- they wanted Cohan to be the one to tell his informant this.

Q Okay. So, if I get what you just said straight, Sgt. Hoopes, Hewitt, and one other person talked to Ethan Cohan. And they wanted Cohan to make Jimenez go away or not be a complainant anymore? And this is in regard to the beating of Jimenez when he was a handcuffed prisoner at Rampart Station?

A Right.

Q Okay.

A Right. Uhm, now, in the interim, and during all this time, at one point, Officer Hewitt, while I'm at Rampart Station -- the Temple and Benton Way there -- had talked to me. He told me he obtained a phone number and address to the -- uh, to the informant. And he wanted me to put a call in, or a visit to this informant. He had given me the address and the phone number. And I never did anything with it. I never called him. Never threatened him. Never -- never did anything with it.

I left it alone. But Cohan came to me several times saying, "Look. Man, I don't even want to talk to him anymore." In fact, he was telling me how he was trying to avoid Hewitt because he was constantly badgering him about talking to the witness -- uh, the informant -- about not talking or telling I.A. that he doesn't remember anything else, and things like that.

On one occasion, Hewitt told -- Cohan told me that when he met up with the informant, he had him strip-searched. He strip-searched him, 'cause he was afraid that this guy's maybe wearing a wire or something. And he didn't want to get caught up in all this, you know, talking to the witness about -- about this particular case.

On a couple of occasions, I was working with Cohan. And Cohan would always carry his cell phone with him. And he would call this informant a lot. I mean, he would call the informant several times a day -- uh, during the evening. Like he would call him and talk to him about all kinds of things. I mean, he -- he would tell me that he talked to him while he was off-duty. He just -- he had a real relationship with this informant -- this particular informant. He would talk to him a lot.

Uhm, but, I think, eventually, he -- he was falling to the pressure of talking to this informant not to say anything. I think towards the end, he was sort of compliant with what Hewitt wanted him to do.

Q Okay. When you were working with Cohan, and he made these calls on his cellular phone, to the informant, and we'll say Mr. Jimenez, because that's who it was. Did you hear him try to dissuade him from cooperating with I.A. or anybody else on the department?

A Not in direct terms, no.

Q Okay. In general terms?

A Not while he -- Cohan is talking to him on the phone. I know that he was starting to comply just based on things that Cohan told me himself. But not direct conversation from Cohan to Jimenez on his cell phone, no.

Q BY MR. ROSENTHAL: The calls that you heard Cohan make to Jimenez, would this have been before or after Hewitt hit Jimenez?

A Oh, after.

Q Definitely after?

A Oh, I've -- I've know him to talk to him before and after. You go to remember, this is one of his -- that's -- that's his -- that was Cohan's best informant. And just to back up a little bit. Another problem Hewitt and Cohan had was Hewitt had forced -- pretty similar to the same scenario. Had beat up and forced another informant of Cohan's to talk and give him a gun.

And, so, Cohan and Hewitt had it out. They had a, you know, a falling out, or whatever you want to call it. And, you know -- and it was -- they -- he thought -- Cohan thought they had an understanding now. Don't mess with my informants, I don't mess with yours.

And, apparently, according to Hewitt, he's doing

whatever he wants. He's the original 18th Street guy. So --

Q BY DET. HOHAN: Do you know the name of the other informant that Hewitt beat up and got the gun off of?

A I don't. I don't know the name. I know it was a big stink in the unit. We had a big talk about it about using other people's informants. I mean, it was a big -- it was not something that sort of like nobody knew about it. A lot of people knew about it, 'cause it was a big stink within the unit. Uh, you know, don't pressure other people's informants to give you things. Because that's who this person is using. If you're taking the informant from him, now this guy is not loyal to just one person. He's going to have to be loyal to everybody. Everybody's going to be using him.

So, it was well-known. And it was pretty much the same scenario. He beat the guy up. The guy, eventually, gave him some information. But Cohan was pretty upset about it.

Q Do you know when the -- about when the pressuring event took place where Sgt. Hoopes, Hewitt, and whoever the third person was, talked to Cohan? How soon after the beating did that take place?

A It was -- it wasn't too far -- if I had to put a time into it, I would say it was probably -- probably a couple months after he had found -- or after the incident. Because, I mean, we all knew about it. And we all got debriefed about

how Internal Affairs came up and cut pieces of rug out of the carpet. Uh, taking a pencil and finger-printing a pencil. We heard about all this stuff that had happened in the interview room that this actually occurred.

So, we knew from there forward, I mean, we knew that something was up, you know. Uh, but, I think the pressure didn't come on until a little later. Obviously, until after the guy was already interviewed and other things had happened.

Q Did Cohan tell you what they said to him?

A They wanted him to, uhm, -- basically, they wanted him not to cooperate, not to talk to Internal Affairs, to tell him he just made it up because he was upset.

And was there another guy involved? Another inmate involved? Another person that was detained with him that was involved that was saying that, "Yeah, man, don't -- report this. Don't just leave this like this. You know, they kicked your butt, man. You know, say something about it."

I'm not sure exactly how it all went down, you know. But I know there was another guy, too, involved. They just wanted them to, you know, leave this alone, just say that you were upset at the police and you made up this story.

Q Okay. You said that after some of these phone conversations, while Cohan was working with you, he told you that the informant was complying with his request not to

cooperate. Do you remember exactly what he told you, or how he told you, or what he requested?

A I remember him telling me that he ain't doing nothing else, that he had already talked to him. But that's it. And if the guy decides to talk, he's gonna talk. If he doesn't talk, then fine. The way it is now, he ain't going to say nothing. But he -- he was telling me. This what He- -- uh, Cohan is telling me that he ain't doing nothing else, you know. Uh, you know, this is, uh, Hewitt's fault in the first place. He doesn't know why he has to get into it. But he ain't doing nothing. He's already talked to him. And that's it. He ain't doing nothing else for him.

And he did relay to me that he was a little bit scared of Hewitt, though. Uh, Cohan told me that.

Q Okay.

A Because he feels that, you know, Hewitt -- Hewitt was, you know, real shady. You know, he's capable of doing anything. And he didn't want to get caught up in something, you know, in the interim of everything else.

Q When Hewitt came to you and asked you to take care of the informant, and he gave you the informant's telephone number and his address, what did you take -- what -- what did you understand that to be? What were you supposed to do?

A To intimidate him, uh, you know, threaten him with a

case or -- or something like that, and to not to cooperate with Internal Affairs. He -- he wanted me to get -- get with the program is what he was saying.

Q Okay. Did you -- did he give you that address and the phone number written down on a piece of paper?

A Written, in fact, in pencil.

Q Okay. What did you do with that?

A I kept it. And I'm almost positive it was in my locker. I don't know what happened to it. But my locker at the station. Because I had it actually in my police officer's field officer's notebook for a long time. And, I remember, at one point, taking it out and just putting it in my locker. I don't know where exactly where in my locker. But I put it in my locker. And I don't know what I did after that. I don't know what I did with it after that.

Q Okay.

Q BY DET. WICH: Did Sgt. Hoopes ever approach you on this matter?

A Well, I'll tell you, I remember a statement that was made to me. But I'm not a hundred percent sure it was regarding this thing or this incident. It was Sgt. Hoopes telling me, "What's up with your guy? He's not, uh, cooperating?" But I don't remember if it was regarding this incident or something else.

So, I can't say a hundred percent sure. It was one of those things where like Lujan and -- and Co- -- uh, Lujan and, uh, Hewitt had probably told Sgt. Ortiz, "Man, this guy doesn't want to cooperate. And if Cohan doesn't want to cooperate or whoever doesn't want to cooperate." And Hoopes came to me and say, "What's up with your guys, man? They're not with the program? Or what's going on?" That type of thing. But it was a quick comment. And I'm like, you know -- but I'm not a hundred percent sure, like I'm saying, if it was regarding this incident or something else.

Q And did Cohan tell you what Hoopes told him personally? Or did -- was it just that Hoopes and Hewitt and this other guy approached me and this is what they told me?

A Exactly. That they -- what they wanted him to do.

Q It was all three guys that approached Cohan?

A Right. They had talked to him. Not only did they -- that just reminded me of something else. Not only did he have a conversation with the three of them, they called him at home while he was off-duty. Now, this just hit me. They had him meet at the benches with Hoopes, with another supervisor, and the officers involved. I think it was Lujan, uh, Hewitt. They had him -- and I don't know if you guys interviewed Cohan or not -- they had him, uh, during the day before we got to work, meet them at the benches to talk about this incident.

They wanted to debrief it or discuss it.

That -- that just hit me, because Cohan had told me about it.

Q Now, is this within a week of it? Or was this like, again, after two months after it occurred?

A This is after, I guess, everything's in --

Q After all the interviews?

A -- all the heavy stuff. This is during all the heavy stuff. Once, you know, this, hey, he's, obviously, already talked to him. Tell him disappear, and don't talk to him. He made up the story, whatever.

Q Okay.

A Uh, but, it just hit me. I just remember that they also had him meet up at the benches. And that's when he was telling me he was afraid of Hewitt, uh, doing something to him.

Q BY LT. HERNANDEZ: Also, Ray, you think there were two different meetings or two different times they met with him?

A Yes. Yes, the -- I think the first one was when they called him to the benches. That was the first one he had. And then, he was getting pressured later again from Hewitt and Sgt. Hoopes. Sgt. Hoopes and Hewitt were real -- real tight. They were, I mean, tight.

Q Did Cohan tell him where he met with them the other

time?

A I think it was at -- that was at the station. I think he just met -- or talked to them at -- at the Rampart Station. But the other meeting they had was up at the benches at the Academy.

Q Did Cohan ever tell you if he witnessed the, uh, beating?

A Uh, no, he never did. But I remember the conversation that leads me to believe that he was not present. Something about how he found out how, uh, Cohan found out afterwards somebody called him and said, hey, your informant this and that. That type of thing.

And I don't remember exactly what the conversation was, but the conversation that he was telling me about leads me to believe that he only knew about the beating after the beating occurred. He, obviously, knew about the beating occurring, but not while it was actually happening.

Q You never heard anything about Cohan possibly walking in on them as Hewitt's beating him?

A From what I remember, the conversation that I heard, was that the beating had already occurred. And they called Hewitt -- or they called Cohan in to discuss things with him.

Q Okay.

Q BY DET. HOHAN: Is there anything else you can think

of?

A Regarding this?

Q This incident. Did anybody else in C.R.A.S.H. bring up the subject of the beating and what was going on?

A Oh, I mean, everybody knew about it. I mean, this is -- for us at C.R.A.S.H. that was a big beef. I mean, this was a big thing. You know, I.A. coming in.

Q It was a matter of common talk among all the people?

A Oh, yeah. We knew that SID had come down. And things were -- things were -- in fact, we knew that they were thinking about filing on -- on -- a lot of stuff was coming down to Hoopes and to Hewitt. I mean, all this information comes down maybe to the lieutenant or acting watch commander. But it goes to Hoopes, eventually. And it, eventually, is gonna come to us.

Q BY DET. WICH: When you said they told Cohan about this, about the beating, do you know who "they" is? Or --

A Who met with him you're talking about?

Q Well, you said, they informed him that the beating occurred?

A Oh, I think it was Hewitt and Lujan that had called. From what I remember Cohan telling me, was that his informant got beat. Hewitt and Lujan called him to talk to him about it. I think it was the same day. But I don't think, from what --

from the way he said the conversation, it wasn't like he was there present watching his informant getting beat up. Because I think they would have sat there and argued about, hey, you - - you're not gonna pressure my -- my informant right in front of me to give you information.

Q When you say "they called", does that mean they called him on the phone, or did they --

A They got a hold of him.

Q They got a hold of him?

A They got a hold of him.

Q He was working that night?

A I believe so.

Q And they got him into the station after the fact?

A Yes.

Q Do you know what happened after the fact, after he was beat? Did Cohan say what he did with his informant?

A I know the other guy was pressuring the other guy to do something about it. But I don't -- I don't know the details.

Q Pressuring? Did they --

A Something about going to -- going to a hospital and getting taken care of. And the other guy pushing the issue. We're going to the hospital. The other -- the other guy that was detained --

Q Right.

A -- uh, pressing the issue about, no, you're gonna go to the hospital, man. We -- we ain't gonna let them do this to us. That type of thing.

Q Did Cohan tell you -- and they being Hewitt -- did they tell him how this informant was hurt? Did they admit to Cohan that they beat this guy?

A Again, this is what Cohan's telling me.

Q I understand. What he's telling you.

A It was pretty obvious that, yeah, that Hewitt, uh, thumped this guy pretty bad. But, again --

Q So, --

A -- this is what Hewitt -- or Cohan's telling me that he got from Hewitt.

Q And just to summarize it, Cohan -- what he's telling you is that he gets notified by Hewitt?

(Off the record to change paper.)

(Back on the record.)

DET. HOHAN: It's 1420. And we're back on the record.

Q BY DET. WICH: We were just talking about how Cohan learned about this. Did Lujan ever tell Cohan about this, also; do you know?

A Again, only from what I've got from Cohan -- or from -- uh, Cohan.

Q Correct.

A Lujan was really not even involved in this.

Q Okay.

A From what I understand, it was all Hewitt's doing. Hewitt's the one that beat this guy. Hewitt did pretty much everything. Lujan just happened to be working with him. One of those things. But this is, again, coming from Cohan telling me. Q And, then, again, we're getting into, basically, this thing was that Hewitt gets a hold of Cohan. "We've got your informant. I just thumped him. Do something about it?"

A Yes.

Q And that's when Cohan finds out about it. He does whatever he does.

A Yes.

Q And, as far as you know, Lujan doesn't know anything about it?

A As far as he -- which part does Lujan not know?

Q BY DET. HOHAN: He doesn't participate in the beating?

A From what I understand, Hewitt was not -- uh, Lujan was not involved in the beating at all.

Q Okay. But he does participate in the cover-up?

A Yes.

Q BY DET. WICH: Yeah. How -- how does the unit participate in the cover-up?

A Well, you got to remember, Hewitt, Lujan, and Sgt.

Hoopes, -- is something wrong with that tape? It's clicking. I don't know if it's maybe not in right, or -- it's going click, click. And it wasn't doing that before. I don't know if it's okay.

DET. FERGUSON: I do hear a click.

DET. WICH: It's working.

DET. FERGUSON: Okay. It's just a -- not to worry when it blows up.

THE WITNESS: Uhm, these officers -- Lujan, uh, Hewitt, uh, Sgt. Hoopes and I think it was Richardson, or some -- a couple other officers, asked Cohan, hey, you're gonna meet with us. Because before they met, -- and like I said, this adversary thing was going on. They all met. They're all trying to convince Cohan, you need to talk to your informant. And that is what he needs to say.

So, as far as I'm concerned, of course, he knows about the beating. And, of course, he's helping them trying to cover it up.

Q BY DET. WICH: When this meeting takes place, again, this is after the interviews of the officers, or is this before the 128 comes down?

A The first meeting, the first conversation?

Q Where they met to talk to him to talk him out of -- or get his -- get his cooperation?

A That's early on. That's early in the -- when they first talk to him is the same day. And I think maybe the next day or following day, that's when they meet up at the Acad- -- or -- at the Academy.

Q Okay.

A Now, they have had another meeting where it's one of those things where Sgt. Hoopes is telling him, "You know, are you gonna with the program? Is your guy gonna go with the program?" That type of thing.

Q Okay.

A But those -- the meetings I'm talking about now, the Academy, and them calling him, that was early on in the investigation.

Q Okay. Because I -- I wrote this down as Hoopes, Hewitt, and another supervisor -- some other guys. Cohan meet them up at the Academy, at the benches prior to going to work.

A Right.

Q That would be the next day after?

A Yes.

Q Okay. So, they were trying to get him on board what to do?

A Right.

Q Okay. Then there was another meeting later at the station. And then, even after the interviews were done, there

was another meeting.

A Yes.

Q Which would be a couple months later.

A Yes.

Q Again, trying to have him -- have the informant change the story.

Q BY DET. HOHAN: So, basically --

A Yes.

Q -- Cohan wanted to do the right thing and come forward and tell the department that he had seen this misconduct?

A I'm not saying that either.

Q Okay.

A Cohan just didn't want to be involved. Cohan was already upset at Hewitt for doing the same thing that he did a few months earlier -- beating up one of his informants and getting the informant to give him information.

Uhm, Cohan just wanted to say, "Hey, whatever the informant does is -- it's on him. You know, that's not my fault that Hewitt's doing these stupid things." But, he was getting pressured. You know, and everybody -- you know, all the senior guys in the unit, and sergeants are pressuring him, "Hey, get your informant on board."

And when -- when Hewitt came to me saying, "Look. Cohan ain't cooperating, man. You know, maybe you can talk to

his informant for me. You know, get him on board. You know, get him to change. You know." I just said, "You know, let me see what I can do."

I took the address and phone number. But I never did anything. I never even called him. 'Cause Cohan is telling me that, "Look, man, they're trying to -- they're trying to bully me. They're pressuring me. They want me to do this and do that. And I don't know what I'm getting into."

But I'm not saying that Hewitt -- or Cohan is like the innocent. I want to come forward to the department and tell them happened. No, I'm not saying that either. I doubt that he would have done -- he would have done that.

Q Okay. So, basically, what you're saying is Cohan just didn't want anything to happen. He just wanted to be one step back from the whole thing and see no evil, hear no evil, type of deal?

A Yes, sir.

Q BY DET. WICH: And Hewitt, on his own, made his own bed.

A Exactly.

Q Okay. I think I'm done. That's it for us.

DET. FERGUSON: That's it. It's 2:25 in the afternoon.

DET. HOHAN: Correct.

DET. WICH: And we're going to end our portion of the tape.

Thank you.

(Off the record to switch questioners.)

(Back on the record.)

DET. GRANT: Today's date is 1/26/00. The time now is 2:45 p.m. And we're located at the MTA Building, No. 1 Gateway Plaza. I'm here with Rafael Perez, who is represented by Counsel Kevin McKesson, and Deputy D.A. Rosenthal as well as Lt. Emmanuel Hernandez. What is your serial number?

LT. HERNANDEZ: 21024.

DET. GRANT: And, as I told you earlier, I'm Detective Greg Grant. My serial number is 22444. I will be recording this interview, in addition to the stenographer here, on Tape Number 223078, Side A.

And, yes --

MR. ROSENTHAL: Oh, you're still under oath.

THE WITNESS: Yes.

Q BY DET. GRANT: Okay. Now, as I spoke to you earlier, in -- in preparation, I gave you a copy of the report.

A I have that.

Q And, uh, the report is dated November 22nd. And we'll just go down the line -- 1996. And it involves the arrest of an Ubaldo Mio Gutierrez.

It has a D.R. Number of 96-02-39382.

MR. ROSENTHAL: And this relates to D.A. Case Number

BA141910.

Q BY DET. GRANT: Okay. I understand you provided some information regarding this particular incident. Mr. Ubaldo was arrested for 11351.5 H&S, Possession of Narcotics, primarily cocaine -- rock cocaine. Can you tell me some background about this particular case?

A Mr. Ubaldo Gutierrez is a member of the Temple Street Gang. I was in charge of handling and keeping, uh, intelligence on the Temple Street Gang, since I got to Rampart C.R.A.S.H., uh, November of -- I'm sorry, August of '95.

I had received some information from one of my informants [***** CI # 6 Description Redacted *****]
[*****]

Q What was that informant's name?

A His name was [* CI#6 *]. Actually, his full name is [* CI#6 *].

Q Okay.

A [***** CI # 6 Description Redacted *****] relayed some information to me regarding a plot that was being, uh, planned, uh, to take me out.

Q Okay. Now, before you go on, can you tell me when that was? What year, or month? If you know the quarter, etcetera.

A It was probably sometime in the middle -- the middle

of '96. April, May, June, sometime around there of '96. Robbery/Homicide Division was handling it -- Det. Luper was handling all the interviews, uh, with [* CI # 6 *] on that -- uh, that was so -- this was actually -- I've written out statements. Uh, [* CI #6 *] was interviewed. Uh, -- uh, [CI6] was tape-recorded, videotaped, uh, on all his statements.

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

Q Uh, I'm aware of --

A Okay.

Q -- of that policy.

A Uhm, so I had received this information, uh, that there was a plot. And the leader of the plot was Ubaldo Gutierrez as to how to take me out, you know.

Q Now -- now, before you go on, now, we'll go down, and I will give you an opportunity to continue with that particular issue. But I -- I want to address these matters specifically. And then, we can go on with your background on that.

Uh, and in reference to the arrest report, you see it reflects a -- the arrest location as being 414 Coronado Terrace.

A Yes, sir.

Q Uh, is that accurate?

A Actually, it's in the alley rear.

Q In the alley rear?

A Yes. I think in the report it says that --

Q BY MR. ROSENTHAL: Can you spell that?

DET. GRANT: The alley rear.

MR. ROSENTHAL: The alley. Oh.

THE WITNESS: The alley rear. I'm sorry.

Q BY DET. GRANT: So, would -- would it be correct to say the 400 block of, uh, Coronado Terrace. And this alley, can you tell me, was it a north/south alley, east/west?

A Yeah, it's a north/south alley. And it's commonly known as the "Snake Pit." It's a north/south alley, uh, just, uh, -- just east of Coronado.

Q Okay. Uh, also, the arrest report indicates that Officer Richardson, serial number 26995, was your partner on 11/22/96. And that's under the same D.R. number that you have. Was that accurate also?

A Yes and no. Uh, Officer Richardson originally, that day, was not my partner. However, we were at Rampart Detectives and my partner, uh, was involved in some administrative stuff that needed to be done. His partner -- Officer Richardson's partner was involved in some administrative stuff that -- that needed to be done.

Q But, I'll skip ahead to, uh, the form here. And I think I gave you an opportunity to review this. And I will, again, if you like. And this is the daily -- the daily work sheet dated Friday 11/22.

(Sneezing heard.)

DET. GRANT: Now, usually, they're in threes.

Okay. Friday, 11/22/96. Uh, the daily work sheet for 'Mid p.m. watch. It shows, uh, Capt. Saletos and Capt. Moranz. And it's a -- the unit is identified as being the C.R.A.S.H. Unit.

If you look at this log with me, -- and I gave you an opportunity to review it -- I see here, under "C.R.A.S.H. 17" it looks like Perez is originally written there.

A Yes, sir.

Q That's your serial number 26905. And, at some point, this was crossed-out. And I see the name Tovar, uh, replaced it.

A Yes, sir.

Q Below your name is Durden, number 31106. And I'm aware that we have more than one Durden on this job. Is this Nino Durden that was -- is he him?

A That's Nino Durden, yes.

Q Okay. And beneath it, it looks -- it would appear just reading the log that the three of you were working one car.

A Yes, sir.

Q Is that correct?

A Yes, sir.

Q Okay. Now, did something happen during the course of this evening to change this event? And what was the -- what was the accurate line-up? Who was your partner when you responded to that call?

A The way -- the way the log looks without the scratches, or without the replace -- if you left -- if you left it the way it originally was, that's how the original line-up was. But, as I was stating, we were at Rampart Detectives handling some administrative things. And Richardson's partner was engaged in it. And so was my partner.

So, what we did was, Richardson's partner was now teamed up with my partner. And I went with Richardson. There was a radio call that came out of a 415 group in my gang area. So, I wanted to go handle it. So, me and Richardson left together.

Q Yeah.

A And, because there was an arrest, we decided we'll just be partners today and handle this arrest.

Q Now, just for the record, who was Richardson's partner that evening?

A I believe it was Buchanon.

Q So --

A I believe it was Buchanon.

Q So, when I -- when I look at this log, and it shows

three people on here, you were added to their car? This --

A Right.

Q This is not your original assignment?

A No, sir. I'm usually C.R.A.S.H. 17.

Q Okay.

A What happened was Richardson was assigned with Buchanan. And you see Buchanan's name is scratched out and my name is placed there. That means Buchanan was taken off of that car. I was placed into it. And Buchanan went down to 2-C.R.A.S.H. 17 and worked with the other two officers.

Q Tovar, Durden, and then, Buchanan.

A Yes, sir.

Q Okay. Thank you for clearing that up.

Q BY LT. HERNANDEZ: Is that what he things or what he knows?

A That's what I know. I'm sorry.

Q BY DET. GRANT: Now, I see that Sgt. Ortiz was the -- the supervisor this evening; is that correct?

A Yes, sir.

Q Who informed, uh, Ortiz -- Sgt. Ortiz of the line-up -- that there was a change in the line-up?

A I don't know. That I don't know.

Q You don't know?

A No, sir.

Q Do you know who physically crossed these names out and replaced the names?

A I do not. I do not know.

Q Okay.

Q BY MR. ROSENTHAL: So, you don't recognize the handwriting?

A No.

MR. MCKESSON: You mean, the scribbles.

THE WITNESS: I don't recognize the handwriting, the scribble, or the names -- the name changes. I don't know who wrote that. It ap- -- it appears to look like Sgt. Ortiz'. But I can't be positive. So, I can't say.

Q BY MR. ROSENTHAL: I'm sorry. Do you know who usually prepares the daily work sheet?

A Uh, Sgt. Ortiz.

Q And it says here "Training Sgt. Ortiz."

Q BY DET. GRANT: Does that mean that he was -- he was in fact present? You see under the -- the -- the heading of "Training" Sgt. Ortiz, Veloz, and Patel.

A Yes.

Q Does that mean that they were present or were they somewhere else that day?

A That usually means, uh, they're having a -- a training day. Or -- or he's involved in some type of training. But,

it's common that he may go to training, maybe be there four hours, and still come to roll call. So, I can't be sure if he showed up this day or not.

Q So, you don't recall if he was actually there?

A No, I cannot.

Q What about Sgt. Peters? I see his name on this here. Was he working that night?

A Uh, yes, if it shows he's working, yes.

Q Was he -- do you, specifically, recall seeing him?

A For this, uh, -- on this incident, on this particular day, I don't.

Q Okay. In that same report that we spoke of earlier, the one you have in front of you there, the arrest report indicates, uh, that you observed five to six males. And I see -- I'm looking at your name. You were the author of this report?

A Yes, sir.

Q Okay. That you originally observed five to six males and then, I'm quoting "known to be active Temple Street Gang members." And what I wanted to know is the number five to six accurate? Did you actually see five or six male Hispanics?

A That is accurate, yes.

Q Do you -- do you know the names of those five people who were there? We know that you were, obviously, uh, -- Ubaldo

was there. Obviously, you arrested him. Do you recall the names of those individuals?

A It's not on the log, is it? We detained about four or five. I know a couple who ran. I knew one of them was -- goes by the name of Scorpion. And I remember him running. And he got away.

Q Okay.

A Uh, there's a few that ran and got away. But we did detain about three or four of them.

Q Do you know if you recorded that somewhere on the F.I. or anything?

A That's why I wanted to know if maybe in the log, uh, Richardson might have put, uh, names or anything. And by this, it doesn't show any names. It would be in the upper right-hand corner. Uh, I'm pretty sure we did do F.I.'s. I don't know if they were turned in. But I'm pretty sure we did do F.I.'s.

Q Now, this -- uh, I don't know how good of a artist you are. I would hope that you're -- you're pretty quick and that we can get through this without overly delaying, you know, this interview. But I wondered, would you be willing to sketch a quick diagram of the alley, so we -- I can kind of put it in perspective?

MR. MCKESSON: I prefer him not to do that, without him being present. But, I mean, I don't mind him describing things.

But I have a problem with him drawing things under penalty of perjury that he hasn't seen for --

DET. GRANT: A number of years.

MR. MCKESSON: Yeah.

DET. GRANT: Okay.

MR. ROSENTHAL: Three years. Actually, more than three years.

Q BY DET. GRANT: Can you tell me how many units responded to this location? Do you recall how many units actually responded?

A Myself and Richardson responded. And, eventually, after we had the people detained, another unit responded. But it was one of those, "We go it handled." And they left right away.

Q So, no one else, uh, to your knowledge, went Code 6, got out of the car, approached the suspects, and assisted you with F.I.'s, etcetera?

A There was one other unit. But like I said, they were only there for a few minutes. Uh, they weren't there a long period of time. And who the unit was, it beats me. I know when -- when -- when we responded to the location, it was just me and Richardson. You know, we were expecting not to find anybody in the alley. We figured they'd be gone by then.

When we pulled up in the alley, they were still there.

You know, some of them ran. Some of them stayed. Uh, once we got them in custody, and we showed ourselves Code 6 here at the fight, uh, another unit, uh, showed up behind us. But I can't remember who it was.

Q Were they in a black-and-white, or unmarked --

A I'm sorry. It's a C.R.A.S.H. unit.

Q Oh, so, it's a -- so, someone who was assigned with you this evening, did go Code 6? So, someone from your unit?

A Not -- no, I'm not saying that he went Code 6.

Q Or that they appeared.

A They showed up.

Q They did respond to the call?

MR. ROSENTHAL: You guys have to make sure you don't talk over each other. You know, we've got a court reporter.

Q BY DET. GRANT: Do you recall what the weather conditions were on 11/22/96?

A I remember it being a mild day. Uh, it was evening-time. Uh, I don't remember any adverse weather. I don't remember it being rainy. There was nothing unusual that stands out about the day. It wasn't unusually cold, or it wasn't, uh, unusually hot. Uh, there's really nothing that stands out about the day, so.

Q Okay. And what about the lighting conditions?

A Uh, you get some ambient light in from inside the

buildings themselves. The buildings are right -- you know, they abut against the alley. Uh, I think there may be one or two artificial lighting light posts back there. Where they're positioned exactly, I don't remember.

But there's -- and, also, you know, we even had our high beams. But there's a fair amount of lighting. Not very -- not very good lighting. But there's some lighting, especially, if you're driving in. And your high beams, too. Any time we go up in the alley, we put our high beams on so you can see all the way down.

So, if you're asking how the lighting was for this arrest, on this particular day, we had our high beams on, we had some artificial lighting from inside the building. Other than that, I really don't recall.

Q Now, forgive me, because I -- I have not been there in a while. If I have, I don't recall it right now. But does that alley proceed the entire distance block? Can you go from one end of the alley to another street? Or does it dead-end? Is it a dead-end alley? Or can you go completely through street-to-street?

A Uh, no, it dead-ends up into the freeway. Uhm, if you -- if you take it, it dead-ends. You can't any further. The freeway's there.

Q Yeah. Let's go off tape. The time is 2:59.

DET. GRANT: Okay. We're back on tape. The time now is 3:15. I'm sorry, 3:07. Okay.

Q Now, we left off -- could we have the --

MR. ROSENTHAL: Do we need to go back a little bit. Were you able to get -- was the reporter able to get the last question?

(Reporter read back last portion.)

Q BY DET. GRANT: Okay. Why don't we just cover that once more? And I was discussing with you the alley where, uh, the suspects were originally standing. And I think you said it was a east-to-west alley?

A North/south.

Q North-to-south alley. And I asked you whether or not you can drive from street-to-street?

A No, you cannot. If you go north -- what it is, is one alley that leads to another alley. If you take the alley off of Coronado and take the alley that's east and west, you will hit what's called the Snake Pit, which is another alley. It turns into a north/south alley. And, uh, if you take that alley north, you'll run into the freeway. And it just ends there.

It dead-ends in the alley at the freeway.

Q So, you have to either back-out, or turn around and come through?

A Yes, sir.

Q Okay. And, just out of curiosity, what about the people who live there? Are there houses that abut this alley?

A The rear of the houses.

Q So, you can -- some people may be able to go in their driveways or do they have access to the rear yards from there?

A Yes, sir.

Q Okay. Now, at some point, during the time you've been interviewed, for these cases, and in this case in particular, you informed the investigators that Ubaldo Gutierrez did not drop the cocaine. And more specifically, the evidence that's listed on this report. That he didn't, in fact, do that.

A That's correct.

Q What -- what happened -- what is -- what actually happened?

A What actually happened was, as we drove, uh, northbound in the alley, I could see a couple of shadows, swhoo, taking off. I could see that they were running. Uh, some of the males stay there. One of the males that stay there, uh, is Ubaldo Gutierrez. And as we are pulling right up in front of him, he walks from the left side of the alley -- which would be the west side of the alley -- he sort of just walks slowly to the east side of the alley. You know, and we're talking about

ten feet across. He just walks casually.

And, uh, we get out of the car. I detain him. We tell him, "Get up against the wall." Detain the other guys. I, immediately, tell my partner -- I tell Richardson, "He's going. He's going." I -- I let him know who this guy is. He's one of those -- he's one of the ones that, uh, was, uh, threatening me, or plot -- plotting to kill me. And, so, Richardson understood, okay, he's going. And, uh, I had handcuffed him. And the whole time he was asking, "What am I going for? What's -- what's going on?" And we never told him until after he was booked.

Q Okay. And that's -- and that's an important part about -- and I will address with Richardson and his complicity in this more directly. So, we can just say, obviously, this report is incorrect, and your subsequent court testimony is also incorrect, or untrue? It's not true?

A It was perjured, yes.

Q Perjured. And I'm going to ask you this, although I think you've answered it. Why did you plant the narcotics on -- specifically, on Ubaldo Gutierrez?

A Uhm, there's actually several reasons. The main reason was because, again, he was one of the gang members that was involved in several meetings. And, uhm, those topics -- these meetings were about killing me and how they were going to

do it.

In fact, they even went a little bit further as to purchasing several, uh, weapons to carry out this threat. Also, I had known quite a bit about Ubaldo Gutierrez. He's one of the leaders of this particular gang. Uh, he's bragged about, uh, many shootings that he's done. Uh, I've gotten some intelligence that he's one of the ones that killed a person who he thought was a gang member at, uh -- on Virg- -- uh, I'm sorry. On Vermont and Lockwood up in the La Mirada neighborhood. Uh, and one of the gang members in that gang had told me how they had went up to La Mirada neighborhood one day and they thought they saw a person who they thought was La Mirada, and they asked him who he was with. And he said, "Nobody." And Ubaldo just up and shot him.

And, so, I had gotten a lot of information about him, that's he was very active. He was one of the ones that was very active and did shootings. And he was getting away with every-
-- everything. And everybody would protect him. No one would want to testify against him. Uh, and that was -- that also contributed to why he was going this particular, uh, day.

Q And I'm gonna go over that with you again. Because I think that's important. That's an important point as to how you got that information and, you know, the circumstances behind

it. Uhm, and that's the next question. Where did you get that information that he -- that Ubaldo Gutierrez wanted to kill you?

A Again, this information came from [* CI #6 *]. Uhm, [CI6] had relayed it to me. [** CI # 6 Information Redacted *]

[***** CI # 6 Information Redacted *****]

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] In fact, we knew where the weapons were, however, RHD

didn't want us to go out there and get them. They wanted to just, you know, continue with this investigation, let's see how far they go with it, uh, because we felt we had a pretty good, uh, insight as to what was going on, based on our informant.

Uh, so, I -- I was privy to a lot of information that

[***** CI # 6 Information Redacted *****]

[*****]

[*****]

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[*****]

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Q Okay. And, so, we can say that was your motive, in part, for planting the narcotics on him?

A That was part of the reason, as well as I knew he had been very, very active, and had very little arrests. In fact, he had barely been touched.

Q And did you have any knowledge prior to that incident that he was involved -- actually involved in narcotics sales? Did you ever get that information on him?

A Ubaldo Gutierrez was not involved in any narcotics sales. In fact, Temple Street Gang is not involved in, uh, the narcotics sales.

Q Did you -- did you ever make any attempt to recruit Ubaldo Gutierrez as an informant?

A Never. He's, uh -- I wouldn't even try with him. He's, uh, -- he's not one of those. He's hard. Although, his record may not show it, and he tries to hide it with his father, and he tries to look like a good -- if you were to -- let's say you were to get [**** CI # 6 Information Redacted *****]

[***** CI # 6 Information Redacted *****]

[*****

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[*****

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Q Did you ever try to recruit, uh, Gutierrez to deal cocaine for you?

A No.

Q At the time that you arrested him, had these thefts already taken place? Had you made any thefts at, uh --

A No.

Q But I mean, this is 11/22, this arrest here that was with --

A 1996?

Q Yeah.

A The thefts didn't occur 'til '98.

Q Yeah. But I mean, --

A The first one.

Q -- that we don't know of, anything other than what you --

A Uh, you guys know everything that has been done. And there was no thefts, uh, nothing, at this point. There -- there was no narcotics dealing. There was nothing involved with any narcotics, other than people getting arrested for narcotics.

There was no narcotics thefts, no -- no, uh, stealing of narcotics. No, nothing like that.

Q Okay. Now, whose idea was it to plant the evidence on Ubaldo Gutierrez?

A It was mine.

Q Your idea. And, in -- in this being your idea, was Officer Richardson aware that you wanted to do that? That you had planned, uh, to, uh, plant narcotics on him?

A Yes.

Q Okay. When did he be- -- first become aware that you wanted to do that?

A The minute we saw him.

Q And what -- how -- how was this communicated to him?

A I told him, "He's -- he's going. I'm gonna take him for dope." Uh, and I told him that he was the -- one of the ones that was plotting -- plotting, uh, this assassination attempt against me or whatever.

Q And I guess what I'm asking, did -- did Richardson know that you had the dope on you? Did he know you had the dope that you were gonna use to plant on Ubaldo?

A Uh, he knew I got it out of my -- he knew I produced it. Uh, he knew I had to go get it. In other words, uh, he knew I had it somewhere and I had to go get it.

Q Okay. Let me ask you this. Now, you had to go get

it. Did you have to go get it before you responded to this call? Or you had to go get it somewhere out of your car, or out of your bag? What do you mean?

A Let me -- let me clarify this. When we responded to this call, we had no idea who was gonna be there.

Q Right.

A If anybody. When we responded there, we see Ubaldo Gutierrez.

Q Supposedly, now, to your knowledge, does Richardson also know him by sight? Does -- did Richardson know Ubaldo Gutierrez by sight?

A He knows him -- uh, Richardson knows Ubaldo Gutierrez, sure.

Q By sight? I mean, when he saw him, he knew, also, that was Ubaldo?

A He knows as Speed. Everybody knows Speed.

Q Okay. And did he also know the history of the threats that were lodged against you?

A He knows the history, yes.

Q Okay.

A Uhm, we had did the -- this big board, uh, with everybody's photo that was involved in this, uh, -- this plotting.

In other words, our supervisor -- my supervisor

wanted me to put everybody's photo that was involved in this threat thing, uh, and do like a little presentation in roll call, as far as everybody that was involved. Uhm, that was a two-part question. And I forgot the second part of your question.

Q Uh, and I'm sorry, Ray. 'Cause I -- when you speak to me, sometimes you give me something that I want to know. And I don't want to lose the thought.

A Right.

Q Now, in reference -- in reference to the -- the photographs and the identification of the people involved in this threat, when did this meeting take place, if you can recall? And what supervisor was there present when you made your presentation?

A Sgt. Ortiz. This is after the meetings with -- I'm sorry, not Sgt. Ortiz. At the time that I did the presentation, it was actually -- I believe it was Sgt. Peters that was there. Sgt. Ortiz was there and Sgt. Peters was there. But I believe, for some reason, I remember Sgt. Peters being there when I did the presentation. They wanted a picture -- a -- it was like a board with everybody that was involved [*****] They wanted, you know, the -- the pictures, so that C.R.A.S.H. units had them identified and they knew about this.

To answer your previous question, how did Richardson

know, or how did he know that I had to go get it? When we detained him, when we pulled up, we knew who this guy was. Did Richardson know, right away, that this is one of the guys that was involved in the plotting to kill me? I don't know. I made him aware of it. He seems like he knew.

Right after that, I had hooked him up. I -- I handcuffed, uh, Ubaldo Gutierrez. And I had a conversation with Richardson.

Q Okay. What did you say to him?

A That "This guy's gonna go." That I'm gonna, uh -- he's gonna go for some dope. Uh, in fact, he had said, uh, "Did you got some stuff?" Some- -- something to that effect. I said, "Yeah, I have it." But it was at the station. It wasn't like -- even if I was gonna take him for dope, I don't go and get dope and then put it on floor and pretend I'm picking it up next to him. That's not what we do.

We just put him in the car. And no one knows what we're doing. They're just thinking I'm gonna just take him for whatever, interview him, or whatever. The narcotics that was put on him was, uh, located by me after we took him to the station. And I recovered -- you know, I had gotten -- I went and got that dope, or that narcotics. And, in the report, of course, it says that he dropped it. But he never dropped any narcotics.

We knew that. I mean, we both knew that. Richardson knew very well that I was gonna plant narcotics on this guy.

Q Okay. Now, -- and I appreciate that. But just -- just to clarify the -- the process, the way that it happened. So, at the scene, you -- your reference to the narcotics was made directly to Richardson? You said, "He's going for narcotics?"

A Right.

Q And, at the scene, there were no narcotics?

A There was no -- in the report, it says that we could see him dropping a bindle to the ground. Uh, a white tissue. And that, uh, we recovered it. And there's ten off-white rocks. There was no narcotics at the scene.

Q Okay.

A That narcotics, I went and got after we were already at the station. And I -- you know, he knew I had to go get it from somewhere. Uh, he knew that I wanted to arrest this guy, 'cause this guy was involved in trying to kill me.

Q Okay.

A So, that was very clear. There was no question about that.

Q Okay. I want to make -- I know it's clear it your mind. But I want to know how Richardson -- because that's something that really needs to be articulate. How did

Richardson know that this is gonna happen? So, when you made it back to the station, where did you physically go to get this dope?

A That I don't remember exactly where I went and got it from. I probably had it in one of the war bags in one of the locker rooms. Uh, but I don't remember exactly where I went and got it from. I -- I don't. I know that I had to go and get it. Q And did Richardson accompany you?

A No.

Q Now, when you retrieved the dope, did you go and show Richardson and say, uh, look, this is what he's going for?

A I think Richardson -- I gave it to Richardson, because I think he booked it for me. Uhm, if I could look in this report -- maybe there's a property report, or --

Q No. There was only item, and you booked it on the face sheet.

A Okay. So, then, there's no like photocopy of the front of the -- the property, uh -- evidence envelope?

Q No, not that I'm aware of. Nothing here, uh --

A I'm not a hundred percent sure. But I believe Richardson might have filled out the property envelope.

Q Uh, I'm showing you. See the booking receipt here? Uh, and I know you're not a handwriting expert. But you participated in the completion of this report. It seems it has

the, uh, evidence to be booked narco. And it has three -- looks like 3.72 gross grams. Is that your writing? Or is that Richardson's writing?

A That's my handwriting. The rest of it is, uh, -- the upper portion, all of that is Richardson's handwriting.

Q Okay.

A And that's Sgt. Peters', uh, handwriting. The negative results, that's my handwriting.

Q Okay. So, but, at some point, Richardson saw the narcotics?

A Yes.

Q Examined it. And he knows that it wasn't at the location. Did you -- did you or Richardson search Ubaldo at the scene? Who actually physically searched him?

A I believe I searched him.

Q Okay. Was Richardson present when you searched him?

A Yes.

Q Okay. And, in terms of Peters, I see he signed the booking, uh, approval. Was he aware that this was a narco plant?

A No.

Q Okay. So, he thought it was a legitimate arrest?

A Yes, sir.

Q Okay.

A Let me -- let me clarify a little something. Because I know I keep saying that I said, "This guy's going for something." In C.R.A.S.H. we use certain terminology. Uhm, you come up to a scene and, you, obviously, get -- you both get out of the car. And you see nothing. But there's a certain -- a certain person that you want to go to jail. You communicate it with the least amount of words used. And one of the terms that we use is "This guy's going." And then, we figure out what he's going for. But, uh, when we use those terms, we know that this guy's going. It doesn't matter that he has nothing on him. It's meaning that we're gonna put a case on him.

Q One way or another.

A Right. And the term --

Q And the strategy -- go ahead. You finish.

A And then, the term that we use is, "This guy's going." And then, you know, "Yeah, no problem." You know, the -- the other officer, uh, you know, associates it. You know, he knows what you're telling him.

And, so, we're not out there like looking for narcotics on the floor. Or we're -- we know that this guy is going. It doesn't matter. He's going.

Q So, this -- the strategy of the booking -- the strategy of the evidence, the partner officer will know that you're gonna work it out. Whoever made that statement will

work it out?

A Exactly.

Q Okay. So, uh, and I know, I understand that the -- the code word and the language, etcetera. But did you ever speak in any uncertain terms? I mean, in layman's terms say, hey, you know, I got the dope. This is it. He's gonna go. We're gonna -- this is what we're gonna book him for. Or let me just finish with the second part. Or, was it such a standard practice, like you had mentioned earlier, that Richardson knew?

A I remember Richardson -- one of Richardson's comments was like, "Yeah, this guy's a fucking asshole. Yeah, let's take him." That was one his statements to me. Did I tell Richardson, "Richardson, this guy has no narcotics, but I'm gonna put rock cocaine on him and say that we booked him?" We don't use those kind of language in C.R.A.S.H. Probably no one uses that kind of language. When -- when -- like I said earlier, you know, we use words. And we know what they mean.

When I say, "This guy's going" Richardson knows what -- what's up. And, you know, it's like, what -- what are you gonna do him for? He knows what I'm talking about. And I tell him, "I'm gonna do him for sales on rock. You know, I got some at the station." Or whatever I -- he knows what I'm talking about.

Q Okay.

Q BY LT. HERNANDEZ: You told him it was at the station?

MR. MCKESSON: The narcotics?

LT. HERNANDEZ: Yeah.

THE WITNESS: Yes. I didn't have him -- well, what happened was, when we left the station, I left in Richardson's vehicle. So, that's probably one of the reasons that the gangsters didn't know I was coming. They know my vehicle very well. I went with Richardson's vehicle. That's probably why they waited. So, I didn't have my war bag, or the things that I carried with me. So, the narcotics that I had was probably -- and I'm not a hundred percent sure. But it was probably in my car -- in the back of my car that was at Detectives.

That's why I had to get back to the station to get it. So, I didn't have to -- you know, it's -- if I hadn't had any narcotics there, it would have come from Richardson himself. But I had some narcotics at the station in the back of my car. That's why I had told him I had to go back to the station to get it.

Q BY DET. GRANT: So, I'm gonna ask you this. And, obviously, it's a question that you've answered. But I just want you to -- to hear this anyway. So, Gutierrez did not drop the cocaine. And we know he didn't. And Richardson testified in court that he observed the defendant "drop a white bindle, a paper bindle, from his right hand," then, Richardson would be

guilty of perjury; right?

A Ubaldo Gutierrez is guilty of a lot of things. And he is not a good person out in the street. I -- I assure you that he's hurt a lot of people, and he will hurt more people. Ubaldo Gutierrez did not have rock cocaine on this particular day. In fact, I've never known Ubaldo Gutierrez to deal in any type of narcotics.

Uh, if Richardson did testify in court and say that he observed Mr. Ubaldo Gutierrez drop a bindle containing rock cocaine, it would be, uh, perjury. So, uh, it would be a complete fallacy. And he -- we made up that story.

Q Okay.

A He read the report. He knew what we wrote. You know, he was aware of what was going on. He knew that we were planting narcotics on Ubaldo Gutierrez.

Q Now, I want to ask you, do you recall where you got that cocaine? Not, uh -- let me clarify it for you. Not where you got it that night. But where did you ever recover it? Where did you get it?

A You come across so much narcotics. I know we talk about planting narcotics. But we give so many people so many breaks. You know, you may catch somebody, you know, just a -- let's say an illegal on the street. You find ten rocks in his pocket. And I'm like -- I tell them, "You know, if I see you

here again, I'm gonna book you. Now, get out of here." That's how you end up with so much different little packages of narcotics. We don't always book everybody just 'cause they have a rock. We don't -- I mean, very rarely, especially in Rampart. Especially -- especially in Rampart. We -- we just didn't book, you know, uh, a person 'cause they had a few rocks. So, it would be impossible for me to remember where exactly I got some rocks from.

Q Now, and I asked you about Peters, 'cause his name appears on these documents and arrest report. But is there anyone else, besides you and Richardson, and, of course, us here in this room, who are aware of the circumstances surrounding the November 26th, 1996 arrest of Ubaldo Gutierrez?

A Yes.

Q Who is that?

A Uh, my partner definitely knew. He was real pleased that we were able to find him and then arrest him.

Q BY MR. ROSENTHAL: Partner, meaning Durden?

A Nino Durden. I'm sorry. Yes.

Q BY DET. GRANT: And when did he find out about it?

A That same day. A few minutes after we had detained him, he -- he was aware that, uh, I was gonna put some -- some dope on him.

Q And I assume that Nino was at the station when you

brought Ubaldo in?

A Rampart Detectives on Union.

Q Now, if we can go back to the original, uh, site, when you approached, how many remain at the location? Meaning, when you exited your car, and you got out, how many people were physically there, didn't run, didn't take off?

A About four.

Q Okay. Now, of the four, one of which was Ubaldo, there were three other persons there. One guy Scorpion you named. Is that correct?

A (No audible response.)

Q And on the two other people, do you --

A Yes.

Q -- know their names?

A I can't remember who it was. It was people known to me. Uh, but I couldn't even tell you who it was right now. And -- and I know we did F.I.'s on them. Because I remember Richardson doing F.I.'s. 'Cause I was mostly talking to Ubaldo. Richardson was getting the F.I.'s. Did he turn those F.I.'s in? I don't know. I don't -- I just don't know. A good way to check, too, I'm sorry, is to see if our I-cards -- we might have updated I-cards that day. The back of the I-cards, we'll put the date -- November 22nd -- and say we detained them in the alley, Q&R, or warrant check, or something like that.

So, that would be a good way to check.

Q Okay. Now, can I ask you, also, who did -- well, generally, partners have a certain roles. I'm the searcher, and you guard. Who -- what was your role that evening when you stopped.

A You got to remember, too, that Richardson wasn't normally my partner. But this was -- this was my gang area. So, I was in charge. Uh, when I detained -- when I detained Ubaldo Gutierrez, I started talking to him. Richardson, right away, started talking to the other three and was getting information and filling out -- and Richardson is definitely really good about filling out F.I.'s. He'd always do those. You know, he had no problem, you know, actually doing them and turning them in. Uh, but did he? I don't know.

Q Were they searched? Were these individuals searched?

A Oh, uh, absolutely.

Q Who did the searching?

A I think Richardson did. In fact, I'm sure I did, too. But once I took Ubaldo away from the group to go put him in the back of my car, I stayed with Ubaldo, uh, a little bit longer, 'cause I was talking to him.

He wanted to know what -- what is he being -- uh, why is he being placed in the car, where is he going, why is he being arrested, and that type of thing.

Q Did -- did you ever inform him, uh, at the scene?

A No.

Q When did you inform him of his charges?

A I think when he was receiving his pink copy.

Q Okay.

MR. ROSENTHAL: Let me just point out. The spelling of Ubaldo, U-b-a-l-d-o.

Q BY LT. HERNANDEZ: Okay. When you told, uh, Richardson, that, uh, the narcotics was at the station, what did he say to you?

A Okay. During -- when I said that, that was during the same time that he was like, "Yeah, this guy's a fucking asshole. Let's just get him out of here."

Q So, his response was that?

A Yes.

Q Okay.

A Yes.

Q And regarding, uh, Richardson's testimony in court about this matter, what, uh -- what, if anything, did you guys discuss about what to testify about?

MR. ROSENTHAL: All right. It's 3:30. We're gonna take a five-minute break.

DET. GRANT: Okay. We're going off tape, uh, 3:30.

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

(Back on the record at 3:37 p.m.)

DET. GRANT: Okay. We're back on tape. The time now is 3:37.

LT. HERNANDEZ: Okay. We left off at, uh, talking about the issue regarding the testimony given by you and Richardson in court regarding Ubaldo Gutierrez' case.

Q Did you and Richardson ever talk about -- about what testimony you were going to provide in court?

A Yes.

Q Okay. Can you tell me when and where and what you said?

A When we found out that we were subpoenaed and met with, uh -- or we were gonna meet with, uh, D.A. Kraut. We had, uh, -- I think, I actually pulled a copy of the report. Uh, we knew it was -- we knew what the case was. But I wanted to have, you know, time and dates, that type of thing, uh, locked down. So, we discussed the whole case, that we both observed the same thing, which hand, that type of thing.

We -- we, basically, have a little scenario. You know, okay. Here's what happened. With his right hand, he dropped this bindle. I picked it up. And we hadn't detained him yet. We looked in. Rocks. Then, we detain him. That -- we -- we just want to have everything covered, so that when we talk to the D.A., our stories would be exactly the same.

So, we discussed it before we met with, uh, D.A. Kraut.

Q And, at that time, did you guys say, look -- did you mention that what you were gonna tell Kraut, and eventually, testify to, was a lie?

A We never said -- you know, you got to remember, again, --

Q I understand. But --

A -- we never said, "Okay, this is a lie and this is what we're gonna tell him." We just, basically, get our stories together. And that's it.

Q Okay.

A We -- it's understood between both of us. We knew that this was a fabrication. Because we were both there when this occurred. And we know -- we know that I put the narcotics on him. We just wanted to have our stories straight.

Q And when you got together, you said, "This is how we'll testify in court?"

A Yes.

Q And what did Richardson say?

A Yeah, he was all -- I mean, we both met. And we went and met the D.A. together. We -- we hung out together during the whole trial. I mean, we were there together.

Q Okay. And after you testified, did you talk to

Richardson as to what you told them, or what you testified to?

A Uhm, I don't think so. I think it was pretty straightforward.

Q And after Richardson testified, did he come back and tell you what he testified to?

A I don't think so. Nothing specific. Nothing that stands out in my mind.

DET. GRANT: Okay. Back on tape. Side B. 3:14 p.m.

Q BY LT. HERNANDEZ: Okay. At the scene of the arrest that night, do you remember you or Richardson searching the ground with the flashlight looking for something?

A I think we probably both did, yes.

Q Okay. And did you find anything else?

A Nothing.

Q The additional unit that responded, uh, could it have been an O.C.B. C.R.A.S.H. unit? Let me back up. Do they have like a 24-C.R.A.S.H. something?

A Yes. Sometimes they'll work our division, or our -- yeah, our division.

Q Okay.

A Do they drive plain cars? It's -- it's possible, 'cause I remember a plain car. I don't remember the officers. Or I don't remember -- I don't remember who it was that was there. But I know -- I know the vehicle that pulled up wasn't

a -- you know, like a black-and-white with the lights and all that. It wasn't one of those type of cars.

Q Okay. The next thing, did you have a one of your war bags? Did you have more than war bag?

A I have a war bag. And then, I have a small bag. You know those little ones you just carry? Sort of like a -- like a pistol bag.

Q Yeah, like a --

A The little ones with the -- yeah, and it has a little, you know, those little velcro pouches on the side.

Q Yes. I have one.

A Okay. Well, that. What I do is, I have my war bag in the car. But when I'm done at the end of the night, I just take my little bag, and take that with me. Uh, it has like extra ammo, uh, whatever little things I need, in there I carry that. So, I call it my war bags, but it's really one war bag with a smaller bag inside of it.

Q And before going on tape, uh, I don't think we touched on this, and if we did, just let me know. You said you had , uh, your first meeting with Kraut. You guys got off to a bad start.

A Well, the three of us did. Myself, Richardson, and -- and Kraut.

Q And how did that happen?

A Kraut is very -- and I can't say this, that he would be this way with you guys, 'cause your attorneys and lieutenants and -- and all that. But, with officers, he's very condescending. He's very, uh, "I'm in charge. You work for me. And you're gonna do what I tell you and how I tell you to do it."

Uhm, and we told him, you know, that -- I think, actually, Richardson said the words, you know, that he was coming off real shitty towards us. You know, he told him that, you know, straight out. And, uh, you know, and he didn't like it. And, you know, -- I mean, he was, basically, telling us, go do this, go do that. And, you, Perez, you shave. And you make sure you wear a suit and this.

And I'm working undercover, at the time. And I told him, "No, I'm not shaving. You know, that's the bottom line. I'm not shaving. You know, I'm -- I'll go -- I'm gonna help you out any way you want me to. I'll go with you to the scene. We'll take photos. Whatever you want. But, you know, you -- you're coming off awfully abrasive, you know, for someone who is asking the help of the officers for this case. You know, sure I'll help you. But, my goodness, I mean, I've helped many D.A.'s, and you're the -- you're the worst."

I mean, he was just completely -- I mean, very abrasive. I mean, he was just -- and -- and then, I heard a

lot more stuff afterwards from different D.A.'s and different people who knew him. And all this. He went to Harvard and actually only took a simple course at Harvard. And a bunch of stuff I heard. And he's not very well liked up at the D.A.'s office. But I'm not gonna get into all that.

But I -- later I found out that he's just -- that's just the way he is. And, you know, so, me and him never had a -- a working relationship, or a -- a friendly relationship, or -- or anything like that.

In fact, it -- it was abrasive the entire way through.

Q Okay. Let me go back to this, uh, approach on the alley. You were going northbound on the alley?

A Yes, sir.

Q And you see Ubaldo walking from one part of the alley to the other?

A From the left side to the right side. From the west to the east.

Q Okay. So, his right-hand side would have been towards you?

A Yes, sir.

Q And is that why you said you saw him drop with his right hand?

A Right. What I try to do is make it look as believable or as realistic as to what actually happened, without,

obviously, him not dropping narcotics. But, if he was walking in that direction, that's exactly what I would write. And, so, I would say, yeah, I saw him drop it with his right hand.

Q Okay.

DET. GRANT: I have no further questions for you.

Q Do you have anything you would like to ask me?

A No, sir.

Q Okay. And with that, uh, we'll end this interview. The time is now 1547 hours.

(Off the record at 3:47 p.m.)

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

MR. ROSENTHAL: All right. It's 3:48. Uh, it's still January 26th. And, uh, Mr. Perez, you're still under oath.

THE WITNESS: Yes, sir.

MR. ROSENTHAL: I have a couple of questions first on the Juan Suares case. S-u-a-r-e-s. Case number is BA155749.

Q Uh, when we were reviewing this case, and interviewing the defendant, one of the things that, uh, struck as a little unusual was the defendant said that, uh, at the time he was arrested, he had -- he said that he had about \$15 on him. He says -- he swore -- he remembers having \$15 when he entered the liquor store and purchased a pack of cigarettes and, uh, Corona beer. Uh, he doesn't remember the amount of change he was given.

So, obviously, he had less than \$15 he's saying at the time of this arrest. In the, uh, arrest report, which is, uh, -- it's a Perez/Durden arrest -- you did the report. And it indicates U.S. currency of \$69.

A Okay.

Q The question being, did you guys ever put money on anybody?

A Impossible. No way.

Q I think there was maybe one or two others where the defendants, uh, said that they had less money on them than was, apparently, booked.

A I know of no occasion where I actually put money. And I know darn well Durden ain't gonna put no money on somebody.

Q Right.

A He would definitely take the money. But he isn't gonna add money to them, you know. No.

Q Okay.

A I've never -- I've never seen that happen.

Q All right. And, obviously, the reason would be to make it appear that they're a drug dealer and received the money as, uh, part of the drug sales.

A That's just one criteria. And we -- you know, if it's not there, it's not there. I mean, as long as he has

narcotics, as far as we're concerned, he's a drug dealer.

Q Okay.

A And, so, we wouldn't add money to it.

Q Okay. Uh, next case is Juan Torrecillias. And this case, this defendant, we actually discussed previously, Case Number BA148066. It was a gun charge, by, uhm, Brehm and Cohan. And this is the one with the Cadillac, uh, and the planting of the .45.

This is the planting of the .45 you thought, in this case, that Brehm and Cohan had planted a .45 on Torrecillias.

A Yes, sir.

Q Now, Torrecillias, actually, has another case, uh, which was an 11350. Uh, BA143145. And this was a -- an arrest by Durden and Brehm. And I just want you to take a look at the arrest report. I think this is one that you have already reviewed and did not pull out. But, uh, just take a look at it and see if it strikes anything in your memory as to whether or not this is a good case, or you know anything about it. But, apparently, you were not involved in the arrest. A

(Witness reading report.)

Q Let's go off the record.

(Off the record at 3:53 p.m.)

(Back on the record at 3:53 p.m.)

MR. ROSENTHAL: It's 3:53. We're back on the record.

Q Have you had an opportunity to look at the report?

A I have, sir.

Q Okay. Anything familiar about it at all?

A Nothing.

Q Okay.

A Uh, you know, the M.O. is pretty distinct, you know, uh, see somebody crossing the street. The vehicle has to stop in order to avoid, uh, any type of collision. A person looks in the their direction and throws a bindle. That's -- that's a cookie cutter story that we use in C.R.A.S.H. all the time. But, I wasn't present, uh, when this arrest was made. I have no knowledge of it.

Q So, when you say it's a "cookie-cutter" type of story, that's the type of story you would make up in order to, uh, place narcotics on somebody?

A Absolutely.

Q When you say whether or not, uh, just because a report contains that kind of information, is it possible, in fact, I mean, that type of story would come from legitimate -- did some of the ones that, uh, involve that kind of story, would in fact be legitimate?

I know this is part -- somewhat speculative. But --

A Yeah. I'm not saying it can't happen. I'm just telling you that as an 18-year old gang member, you're an

experienced gang member. 18 is an experienced gang member. That's pretty longevity for -- for a gang member.

Q And Juan Torrecillias was 18 at the time of this arrest.

A A gang member doesn't look at a police officer, sees him, and goes, "Oh, my goodness. Here comes the cops." And throws the bindle down. They just don't that. That's -- I mean, they'll turn their backs, they'll throw it in their mouths, they'll do -- they'll eat the rocks. They'll do whatever. But they're not just gonna watch the cops coming towards them and drop the bindle and stand there and wait for the officers to come. You know, come and arrest me. You know, it just doesn't happen.

Q So, basically --

A I'm not saying it could never happen. I'm just saying that -- that that's -- those are stories that we write when we just want somebody to go to jail.

Q All right. So, based upon your experience in Rampart C.R.A.S.H., uh, if you had to give a hypothetical, uh, guess as to whether this was a good arrest or a bad one, your opinion would be that this would be a bad arrest?

A Yes, sir.

Q All right. Uh, the next case is Arthur Rudovsky, R-u-d-o-v-s-k-y. Case Number is BA162633. This is a case where,

uh, you and Officer Wang were on patrol and arrested the defendant for 11350.

A Is this heroin?

Q Let me take a look.

MR. MCKESSON: We haven't talked about this case before?

MR. ROSENTHAL: No, we have not talked about this case before.

MR. MCKESSON: How did you find out about this case, Richard?

MR. ROSENTHAL: Uh, I was just gonna get that. Let me first give Mr. Perez the report. And then, we'll, uh, -- we'll go over why this case was referred to us.

THE WITNESS: Grant, that goes with him. I'm sorry. I forgot to give him the report back. So, he needs it.

MR. ROSENTHAL: This was heroin.

THE WITNESS: I think I remember this case. Was this on Alvarado -- the 400 block, north?

MR. ROSENTHAL: Yes. Yes.

THE WITNESS: Okay.

Q BY MR. ROSENTHAL: This appears to be a report that you prepared. And I'm gonna hand you a copy of the report in just a minute. Here we go. Occurred on January -- or January 20th, 1998.

And there's a copy of the report there.

A (Witness reading report.)

Q Now, this case has come to our attention because the defendant has filed a writ of Habeas Corpus, uh, with the court. And, uh, basically, we have to determine how to respond, uh, to the writ. So, the defendant is -- by filing the writ, is, obviously, saying that it was a bad case.

MR. MCKESSON: And he filed the writ because he got a letter.

MR. ROSENTHAL: Who knows. It could be based upon the fact he got a letter saying Perez had been charged and convicted, or it could be just that he reads, uh, the newspaper or watches television.

MR. MCKESSON: He's still in custody?

THE WITNESS: He was a parolee at the time.

MR. ROSENTHAL: Probably on parole. It's hard to tell. Either he's still in custody. But this looks like probably on parole. He has quite an extensive record, though.

Q Uh, you say you remember this case?

A Mmnh-mmnh.

Q Was it a good arrest?

A Uh, yes. There was nothing -- there was nothing wrong with this, uh, -- this arrest. Everything that's described in the arrest, the U-turn -- I believe I described a U-turn -- uh, in fact, I would only -- I had to work with Wang maybe -- maybe

seven days, up to this point. Uh, I wouldn't try anything with him. I mean, I wouldn't try and put a case on somebody with Wang, a person I had worked for five days, you know, five working days.

Uh, this was just a -- the guy was pretty dumb. He didn't see us. We made a U-turn. This is the same location -- or the same location, uh, of another -- the same location as one of the other cases that we talked about last week, uh, at 450 North Alvarado, where we walked in, or ran in, and took the place down.

Anyway, this is a real heavy narcotics area. And the guy just didn't see us. When he -- when he finally saw us, it was too late. He already had taken the dope out of his pocket and laid it down.

Q Now, explain to me why -- how this case is different than the Torrecillias case, in that, you know, it's a drop case. What, uh, -- this -- or actually, let me take a step back.

In this case, he did drop the cocaine?

A Heroin.

Q Or, I'm sorry, the heroin.

A I think he was high, too. I personally believe he -- he had just bought some from the house.

Q Oh, okay.

A He was sitting there talking to a vehicle. I don't

know if I put that in the report. He's sitting there talking to someone in a vehicle. By the time he sees us, we're right up on him and it was just too late.

Q Oh, and so, he would have been holding the cocaine, because he's walking --

MR. MCKESSON: Heroin.

MR. ROSENTHAL: Heroin. I'm sorry. I'm just so used to these being cocaine cases.

Q Uh, he would have, uh, been holding the heroin because he had just purchased it?

A Yes.

Q All right.

A He, most likely, purchased it from inside the house. Came out of the house. Was talking to someone in the car, or by a car. He was looking inside of the vehicle, and he just didn't see us. And we walked right up on him. And before he knew it, you know, he was trying to get it out of his pocket and throw it down.

Q Were you in Rampart C.R.A.S.H. at this time?

A Rampart C.R.A.S.H.

Q Okay. And, uh, Wang is he new to Rampart C.R.A.S.H.?

A He was brand new. This was his first week.

Q Now, I don't have my list as to, uh, the officers who you said were in the loop, the officers who knew -- were not in

the loop, but knew what, uh, what was going on. Where did Wang fall into this?

A Wang was a -- a new guy. He was -- Wang was in the unit a total of six weeks. He couldn't be in the loop. I mean, he was -- he wasn't there long enough. He -- he was there a month and left. Uhm --

Q And why did he leave?

A He got a job -- administrative job in the building. He had applied. Before he came to C.R.A.S.H., he had applied for some administrative job doing bond measures or something for the police department in another building. And he ended up getting the job.

Q Okay. Just read in the record the D.R. number.

DET. THOMPSON: Uh, D.R. Number is 98-02-05867.

Q BY MR. ROSENTHAL: Did you ever plant heroin on anybody?

A Heroin? Heroin is very -- very -- not very common in Rampart. Uhm, up in the northeast area, uh, Echo Park, heroin users, that -- that particular house is known for heroin. But Rampart, per se, is not -- very rarely do you come across heroin. I mean, if we got somebody for heroin, it's a heroin case. They're just possessing heroin. We don't -- number one, it emits an odor. Uh, a vinegary odor. So, you don't want to keep it in your bag. You don't want to keep it. You know,

it's like PCP. You don't want to keep that stuff around.

Q All right.

A It's not something you want to keep in your bag or anywhere else. You know, rocks -- it just -- it could sit there forever and you don't even smell it, you know.

Q Okay. Any questions? All right. Okay. Thank you. That's Rudovsky.

MR. MCKESSON: Do you have more, Richard? You got one more?

MR. ROSENTHAL: Actually, I have two more. Uhm, these cases are of a different variety, though. So, I think what we're gonna do is wait until tomorrow to cover these two. So, this way, I'll give the other officers, uh, a little bit of time to, uh, -- to ask some more questions.

Uh, we'll go off the record for a moment.

MR. MCKESSON: Okay.

(Off the record.)

(Back on the record at 4:20 p.m.)

DET. CASTILLO: Okay. We are on Tape No. 1, for the -- Side A. And we're just starting this tape. My name is Detective Jesse Castillo. And I am interviewing Rafael Perez. And today's date is the 26th of January of the year 2000. The time is 1620 hours, 4:20 in the afternoon. We're at 1 -- One Gateway Plaza. Rafael Perez has Mr. Winston McKesson as his attorney.

Uh, Court Reporter Sara Mahan, and my partner Frank Trujillo -- Frank, I'm sorry, you serial number, please?

DET. TRUJILLO: 30975.

DET. CASTILLO: He's here just observing. Uh, Rafael, this thing is -- is in two parts. [***** CI # 5 Info Redacted ****]

[*****]
]Uh, I'm having trouble with the brick of methamphetamine that was recovered, at some point, in Huntington Park, south, those three apartment buildings in El Sereno. Uh, and I just need a little bit more information. If you can remember fine. If not, we'll just go on to the -- to the second matter.

But I'm having problems corroborating that.

Q Uh, what part of the -- how did you get over to El Sereno on -- on that clue? How -- how did it come to be?

A We had somebody in custody. We found some paperwork that led us to that address. And we did a follow-up to that address. I know we recovered the brick of meth, a round ball of the cut, --

Q Uh-huh.

A -- and a, uh, Ruger Mini .14. We recovered all of that from that house.

Q Do you remember your source of information? No? You're shaking your head no. Okay.

A No, because I've really tried to think about this.

Q Sure.

A Uhm, and I'm tried. And I -- I know it was a male Hispanic. I know when we got to the location there was a female Hispanic and a small child that was there. I couldn't tell you their names.

Q Did you arrest them?

A Who? The female?

Q The female? The male Hispanic? Or --

A No. No.

Q Did you take them to the station?

A Yeah. We had him detained. She was there. And we advised her that we had her husband -- I think, it was, you know, her husband. Her common-law, uh, detained. And we were checking there for any additional narcotics.

Q Okay.

A And we -- we recovered that brick of, uh, meth, the cut, and the Ruger Mini .14.

Q Did you run the suspects? Or did you run him?

A I'm assuming somebody ran him. I'm not sure if I did it personally. But, we had him detained. So, I'm assuming somebody, uh, ran him.

Q You or your partner Durden?

A Yeah. Unless, you know, there may be somebody already

on the computer and, hey, run this guy for me real quick. That type of thing.

Q What were you working? Were you working, uh, plain clothes? Were you working C.R.A.S.H.? Were you working, uh, Narcotics FES?

A We were working C.R.A.S.H.

Q You were working C.R.A.S.H.?

A Yes, 'cause I was in uniform.

Q You were in uniform. Do you remember the shop number that you were with? The car? At least, I can get a ballpark figure.

A (No audible response.)

Q Were you in a van? Were you in the blue Taurus? A black-and-white?

A I just don't remember.

Q How about -- how about --

A How we got there, I don't remember. What vehicle we used, I just don't --

Q How -- you said that there was another police unit there with you?

A Yes. Another unit went with us.

Q Can you remember who?

A See, this thing was so uneventful, other than recovering what we had, and having that for so long, uh, -- and

you know who else was aware of that -- that brick -- is Officer Buchanan.

Q How did -- how did that come about?

A Because, uh, Durden had to move it at one -- at one point. And Buchanan was with him. And he had told him about it. In fact, Buchanan saw it. I know he saw it. Uh, Durden had it in his truck.

Q Uh-huh.

A He wanted to put it somewhere else.

Q Right.

A Find somewhere else. And Buchanan was with him. And he told me that they had moved it.

Q So, did Durden hold on to the brick -- the meth brick at first?

A Exactly.

Q And then, I remember he complained that it was stinking up his car or something. And then, you held on to the brick.

A Exactly.

Q Back to the Mini .14. Did you run the Mini .14, or did you Durden the Mini .14?

A I ran the Mini .14, and it came back stolen.

Q Came back stolen. So, you ran it?

A I'm 90 percent sure that I ran it. And I -- oh, I -

- I'm a hundred percent sure that I ran it and it came back stolen. Uhm, I just wasn't sure that like somebody wasn't logged in and I just on their log-on, I mean.

Q Yeah.

A But I'm almost sure that I ran it myself.

Q You are? Okay.

A Yeah.

Q So, it would have you.

A So, if you run -- I've only come across one Ruger Mini .14. And that was that one.

Q It might have been --

A And it came back stolen. It came back -- it was definitely, you know, the information on was, you know, stolen, uh, all -- all the information. It was a stolen Ruger.

A lot of times you get like no information. This one was stolen.

Q Okay. That's -- that's all I can think of. Frank, can you think of anything? It's -- we're having a lot of problems pinning down. And I'll tell the details later. But, uh, you don't remember the other unit at all?

A No.

Q Were they Hollenbeck units? Were they C.R.A.S.H. units?

A No, no. It would have been one of the C.R.A.S.H.

units.

Q It would have been one of the C.R.A.S.H. units?

A Definitely one of our C.R.A.S.H. units. It's just who it was, --

Q How about a time period?

A This would have been sometime about -- I would say April, May of '97. Sometime around there. I remember when we started working FES, that's when we had met [CI#5]. And we had showed [CI#5] -- in fact, we gave [CI#5] a piece of it.

Q Right.

A And told [CI#5] to test it. And [**] was at a hotel. [***** CI # 5 Information Redacted *****] goes, "Well, yeah, give me some and I'll -- I'll -- I'll cook it up and see what it comes up, you know."

Q Sure.

A And [CI#5] goes, "That ain't - in fact, while CI5 was in the car, [CI#5] set there and tasted it.

Q Mmnh-mmnh.

A And [CI5] got the chills. [CI5] was like, "I don't think this is cocaine."

Q Yeah, [CI#5] -- [CI#5] lit up?

A Yeah. And [CI#5] goes, "Whoosh, that's something. I don't know what it is. But that's something." And [CI#5] took some to [CI5 room. And [CI5] told us [CI5] tried to - cooking

it up and everything. And [CI5] goes, "That ain't cocaine."

Q Okay. So, April or May of '97?

A Sometime around there.

Q So, there was another unit? Okay. And Officer Buchanan -- Officer Buchanan was with Durden?

A Right.

Q And it was moved --

A Yes.

Q -- from Durden's. Do you know the -- the specific information about that?

A No. Durden had told me that, uh, him and Buchanan had moved that stuff. Shortly thereafter, he gave it to me.

Q Okay. Okay, I'll keep working on that. Uh, the second part of this is still on the [CI5] case. And there were two people at the Lafayette Hotel on Beverly Boulevard. And I'm wondering are those the two people at the Lafayette Hotel on that incident, April 2nd, 1997?

A It looks like them.

Q It looks like them?

A Does he have a fake eye?

Q I think he's got a crossed eye or something, yes.

A I need to know a little bit more --

Q Okay.

A -- on him. That looks like the female.

Q That looks like the female.

A That looks a little bit like the male, but the male that I remember, he had a real screwed-up eye. I think it was -- I think it was even glass.

Q Okay.

A A glass eye.

Q I'll check on that for you. Uh, according to [CI#5], [CI#5] provided information at the Lafayette Hotel. And, uh, the guy was named George. And he had a girlfriend.

A Mmnh-mmnh.

Q And you couldn't remember the sequence of events, but, uh, you mentioned that you detained the man and about \$3000 were recovered from the apartment.

A Eventually.

Q Okay. Can you tell me a little bit more into detail how that came about?

A How we came in custody of the money?

Q Yes.

A We detained him and took him to the station. Uh, --

Q Okay. Let -- let me back this up. Uh, how well do you remember this event?

A Clearly.

Q Pretty clearly. Uh, did [*CI#5*] give you the clue?

A Yes.

Q [***** CI # 5 Information Redacted *****]
[*****]
*]

A [***** CI # 5 Information Redacted *****]
[*****]
*]

Q [***** CI # 5 Information Redacted *****]

A [***** CI # 5 Information Redacted *****]
[*****]
*]

Q [***** CI # 5 Information Redacted *****]

A [***** CI # 5 Information Redacted *****]
[*****]
*]

Q You and Durden detained her.

A We went back upstairs. Her boyfriend is sitting on the toilet. Uh, he's taking a dump or something.

Q Let -- let me, uh -- let me back up a little bit further. On the detention, do you -- do you remember the -- do you remember how -- how the female -- and we'll call her Cynthia -- how she was detained?

A She was detained in the hallway.

Q The hallway. Durden.

A Durden detained her.

Q Okay. Did anybody point guns at her?

A I don't remember anybody pointing a gun at her.

Q [***** CI # 5 Information Redacted *****]

A [***** CI # 5 Information Redacted *****]

[*****
]

Q Okay.

A And there was one other person that was just happening to be coming down the stairs at the time.

Q Were there other officers there?

A I don't think so.

Q If I tell you that they -- if I checked the -- the --
- the daily field activities report, the DFAR, --

A Mmh-mmnh.

Q -- and I show Officer Rico and an Officer Patel there,
does that refresh your memory?

A If they would have shown up, they would have shown up
for transportation.

Q For transportation only?

A Right.

Q Was there --

A I don't think they would have been there -- while the
operation was going on, I don't think they were there.

Q You don't think so?

A I don't think so.

Q To the best of your memory?

A To the best of my recollection.

Q Sure. And -- and I'll go with that.

A Yes, sir.

Q Uh, okay, then, --

A We definitely -- we definitely wouldn't have had Rico and -- and Patel there during the operation. You got to remember, they're working uniform.

Q Sure.

A We can't have uniformed officers in the hallway or -- or around there, you know, when this goes down.

Q Mmnh-mmnh.

A Uh, 'cause I was trying to -- I had information that the manager was involved in all this.

Q Mmnh-mmnh.

A She was buzzing people up. I think it was like an Indian lady.

Q Yeah.

A She was buzzing people up to let them go upstairs and buy dope. And she knew that they were going up. And I -- I talked to her for a long while after we made the -- the detention that, you know, she's involved in this. And I know that she is. And then, if she continues in this activity, she could be

arrested, too.

Q Okay.

A And she was very upset. And her husband was off working somewhere.

Q Okay. Was -- did you search her room, that first lobby, the --

A When you first walk in straight ahead?

Q Yeah.

A Did I search it?

Q Yeah. Or just look around?

A I think I might have went in and just looked around.

Q Looked around.

A And I'm like -- I didn't specifically start going through drawers or anything like that.

Q No, no. Okay.

A But, yes.

Q So, what happens next as -- as best you remember?

A We go back upstairs. We start looking for narcotics. We don't find any narcotics. When we go in, when we -- we, uh, -- we did something. We -- we had to trick her into getting the door open. Because she, at first, didn't want to tell us exactly which apartment it was, or --

Q Okay.

A -- or which -- we knew -- we had her downstairs. And

we knew it was upstairs. We just didn't know which apartment exactly, 'cause they never let any of the buyers go up to the apartment.

Q Right.

A She would always come down and meet them at the first landing. So, when we got up there, we were trying to figure out which apartment is it. You know, and she, uh --

Q How did you do that?

A We told her, "Take us to the apartment. And -- and when you knock, tell them it's you, so he can let you back in. And don't tell them we're out here." Or something like that.

Q Yeah.

A Uhm, when she did that, uhm, I remember -- for some reason, I remember the guy being on the toilet. I don't know if he -- like he opened the door and ran back and sat back on the toilet, or what.

Q Okay.

A But he was sitting in the toilet when we finally got in.

Q Did anybody kick the door in?

A I didn't kick no doors in.

Q Okay.

A I don't remember kicking any doors in.

Q Okay.

A That's why we had her -- uh, had her knock and -- and pretend that -- that she was a -- you know, that it was her. You know, to get the guy to open the door.

Q Okay. And then, uh, he has to go back to the toilet, or some darn thing?

A Yeah. Uh, for some reason, I remember him -- and -- but he wasn't like in the toilet like flushing dope.

Q Yeah.

A He was in the toilet actually using it.

Q Using the bathroom.

A That's what I remember.

Q Uh, you've got Cynthia -- the lady there.

A Yeah.

Q What are -- what is happening to her? Is she handcuffed? Is she detained?

A Yes.

Q Is -- who handcuffed her?

A Durden.

Q Okay. Uh, what happens to her? Is she put any place?

A She's brought with us into the apartment.

Q Into the apartment?

A Yes, sir.

Q Okay. And so, is there any money taken from her, at this point?

A Only the money that was used to buy the narcotics.

[***** CI # 5 Information Redacted *****]

[*****]

Q Okay.

A As soon as she made this sale, --

Q Okay.

A -- we detained her right away.

Q Okay.

A [***** CI # 5 Information Redacted *****]

[***** **]

Q [***** CI # 5 Information Redacted *****]

A [***** CI # 5 Information Redacted *****]

Q [***** CI # 5 Information Redacted *****]

A Durden -- Durden stopped her. Durden, uh, made that detention.

Q Okay. And has anybody thrown the female around and hit her up against the wall?

A No.

Q Okay. The doors opened, the guy's going back into

the bathroom, uh, he uses the toilet, or is using the toilet.
Uh, what happens next?

A Uhm, we detain him. Uhm, we start looking in the apartment. Actually, we took him out of the apartment and we sat him by some stairs.

Q Okay.

A Uh, right outside the -- right outside the apartment.
Right outside --

Q So, you're -- you're outside in the apartment.

A Right outside the apartment is some stairs right there.

Q Okay.

A And we sit him --

Q That's right. Exactly. You're right.

A We sit him right there. We have her out there. We're looking. Uh, I think Durden's actually inside looking, uhm, -- uh, for any additional narcotics, any money. And we don't find anything.

Q Okay. Have you asked permission to search the place?
You or Durden?

A I think we asked, uh -- to be honest, I think we did.

Q Yeah?

A I think we did. And we were asking about additional narcotics. We know you're dealing. You know, that type of

thing. And, "No, no, no. I don't have nothing else. I don't have nothing."

Q Who says that?

A The -- both of them.

Q Both of them?

A The -- the guy and the girl.

Q Okay.

A Uhm, eventually, we -- we end up in a "we don't find anything" type situation. And we transport them to the police station.

Q I'm gonna stop you right there. Have you found any smoking pipe?

A I -- if I did, it probably wouldn't even stand out. I don't remember.

Q Okay. Do you remember her -- Cynthia -- being kicked by anyone?

A I never saw her getting kicked.

Q Could she -- did she complain about being kicked?

A Never.

Q Could have Durden kicked her without you knowing it?

A Well, all of that's possible. But I just -- I don't see the reason why. I mean, they were pretty cooperative. You know what I mean? We had no reason to -- to start kicking people just for no reason.

Q Did anyone take her by the stairwell and say -- what the hell is it? Uh, "You better -- do you want to fall down these stairs, bitch? You better roll over on him." Do you remember that?

A No, I don't remember that at all.

Q All right. I have to ask it. Okay. Uh, you come out of the room next. You still alone. Have you gone Code 6? Have you -- why would Patel and, uh, Rico show up Code 6 there?

A I think we asked for them.

Q You asked for them?

A Mmnh-mmnh.

Q Okay. You're still upstairs. You haven't found -- how -- how long have you been in there, in the apartment?

A We probably have been there thirty minutes.

Q Okay. So, what happens next?

A Uhm, they're --

Q You haven't found anything?

A We haven't found anything. We transport them to the station. Or they're transported to the station. We start talking to them -- to them about, you know, rolling over. You know, we know you're -- you guys are dealing. Uhm, we've made some, you know, dead buys into your apartment, many times. You just don't know about it. You know, we're telling the whole -

-

Q Yeah.

A -- the whole spiel. Finally, they decide, okay, okay. We're gonna help you. Uh, they say that they can order up some narcotics. So, I tell them -- we ask them, so, if you order narcotics, how are you gonna pay for it? And they said, "Well, we got some -- uh, some money back at our apartment."

Q Who tells you that?

A Uh, he does.

Q He does? George?

A Right. And he says it's in the -- it's in the dresser in -- in the apartment. We put him in the tank. Me and Durden go back to the apartment. We go to the apartment and look for the money. And we don't find any money.

Q In the dresser?

A In the dresser.

Q He tells you in the dresser?

A He says in the dresser.

Q Who's got the -- who's got the keys to the apartment?

A Uh, either me or my partner. I don't remember who.

Q So, you go back?

A We go back to the apartment.

Q The two of you guys?

A Yeah. And we find nothing. We -- we take all the drawers out.

Q Does anybody see you go into the apartment?

A I don't know.

Q The manager?

A I think the manager.

Q The manager was watching you?

A Yeah. I think the manager. She had to. Because she has to buzz us in or whatever.

Q Okay.

A And, uh, Indian lady; right?

Q Yeah.

A Black hair.

Q Yeah. Right. Real nice.

A Yeah. Anyway, we go back. Uh, we talk to him again. We say, "We can't find no money there. What are you talking about?" He goes, "Yeah, yeah. You know, I'd have to take you. I'd have to show you where it's at."

Uhm, --

Q Okay. Go back. Have you run their records? I'm sure you have.

A At -- at that point, I'm sure they were ran and everything.

Q Have you threatened them with a record or putting a case on them?

A I think I had told them that we already had cases on

them. That -- what I had told them was that we had been buying out of their apartment. And, you know, and we -- we got them made. You know, they're -- they're a done deal. You know, we got cases on you already. I don't think I said -- you know, I didn't show them like dope and say I'm gonna put this dope on you if you don't tell me whatever.

Q Okay. Okay.

A It wasn't nothing like that.

Q But it was just like -- just an interview technique to just say, hey, we already have done cases on you. You're going to jail.

A Exactly.

Q Give it up. Okay. All right. That -- that makes sense. All right. Uhm, you come back from the apartment. You check -- he told you it was the dresser. Nothing happens. You can't find anything. You come back. How long were you there?

A When we went back the second time? We were probably there fifteen minutes.

Q Okay.

A Can't find anything.

Q Okay. Go back.

A Go back to the station.

Q What happens next?

A Uhm, we tell him, "Well, we can't find any money

there. What are you talking about? You know, you're lying to us." Or whatever. He goes, "No, no. I'd have to show you. And, you know, all we'd have to do is, you know, call the guy. He would deliver it." And this and that.

So, when we get -- we then, take them and take them back to the apartment.

Q Okay. All four?

A We go back to the apartment and he goes to show me where the money is. It's behind like a heater -- old-fashioned heater-type thing. And he reaches under there. And I tell him, "Hold it. Hold it." You know, and I went in there and dug it out.

Q Okay. How much money? How was the money?

A It was in a big wad.

Q A big wad?

A Yeah.

Q Was it wrapped in any special way?

A I don't remember whether it was in a special way or not. I remember it was a big wad, though.

Q Okay. This is Apartment 415, 'cause we couldn't get in there. Here's the stee -- stairway, and the, uh -- and the entrance. And I'm gonna put a little arrow this way. Uh, as you walk in there's a little closet. And there's a -- there's a little tub. Do you remember where you recovered the money?

Here's -- and here's you're walking in.

A And that's the bathroom right here?

Q Yes, sir.

A As you walk in, --

Q Yeah.

A -- there's a faucet.

Q Okay. What do you remember about the room? And just mark it as -- as you like. And I know that's a crummy drawing. But I'm sorry.

Q BY MR. MCKESSON: Ray, can you tell from the drawing?

A It's difficult. I remember the bathroom being right here --

DET. CASTILLO: Right.

THE WITNESS: -- close to the door.

DET. CASTILLO: Okay.

THE WITNESS: You walk in.

Q BY DET. CASTILLO: Do you remember a bed?

A Right. That's what I'm trying to picture. A bed, a -- a dresser somewhere. There's a dresser. And close to the dresser --

Q Take your time.

A Bathroom, closet. And, oh boy. What I can tell you is that from what I -- from what I remember, the heat -- uh, the heater is like somewhere around here close to a corner,

close to the -- like a corner. You know, a two-side corner.

Q Please, just write "heater".

A Okay.

MR. MCKESSON: As you recall.

DET. CASTILLO: As -- as you recall, right.

THE WITNESS: Do you want me to write "as I recall"?

DET. CASTILLO: "As I recall."

Q And where's the money?

A The money is -- do you want me to write that down, too? Or --

Q Uh, yeah. Just write it down. And just date and sign that for me.

A (Witness complied.) The money is actually behind the heater stuffed up -- halfway up. And when -- when I went to have him show me, he reached up and he started to reach it. And I told him to stop. Pulled him back. And I reached in and there was -- the big wad came falling down as soon as I grabbed it.

Q Okay. Uh, let me do it then. I will do -- I will mark it, uh, 1/26/00. It is 1645 hours.

A I'm sorry about that. I didn't do it.

Q That's okay. That's all right. And I'll hold on to that. Okay.

Uh, what happens next?

A We start talking about, you know, them having to -- to do -- you know, do a call-out, have this narcotics. And they start flim-flamming how the guy is not gonna show up today because maybe the area is too hot. Or the guy's not gonna show up because she -- they showed us where he always meets them, right in front of the building, a little bit further down.

Q Mmnh-mmnh.

A Close to a -- uh, some kind of store there on the left side.

Q That's right.

A There's a -- I don't know what kind of store it is.

Q It's a little strip mall.

A Yeah, on the left side there going down. Uh --

Q Okay.

A -- anyway, he always meets them right there. And he parks right there and comes up. But, you know -- you know, we tried to make some calls and pages. And they say, "It's not gonna happen today." So, we said, "Okay. We'll come back tomorrow and we'll try it. You know, and, you know, if you guys help us out, we're gonna help you out."

Q Okay.

A We take the money with us. Then, he says something about, "Well, leave me some type of -- you know, leave me a little bit of money, or something." And I think we did leave

him some money. Some eating -- they needed money to eat or something like that.

Q Okay.

A So, we left them a little money. Uh, we came back the next day, shwoo, they were gone.

Q They were gone?

A Long gone.

Q Did -- let's back up to the next day. Did you call over there that morning, or that afternoon?

A The apartment?

Q Yeah.

A I think I did. I -- I -- I called the manager, I think.

Q Okay.

A And she said, "Oh, they left."

Q They left.

A And we still showed up. We went over there. And they were gone.

Q This is very important. Was anything else taken?

A From their apartment?

Q Yeah.

A Not to my knowledge. Nothing else.

Q How about a pager? Do you remember?

A It's possible. I don't remember. Wait a minute.

Q Or a cell phone?

A No. I definitely don't remember a cell phone.

Q How about household appliance, like t.v.'s and stuff like that?

A Oh, definitely not. Not unless Durden went there after watch, or after I was gone or -- but I don't remember any of that.

Q Okay.

A No.

Q Okay. You didn't --

A [***** CI # 5 Information Redacted *****]

[*****
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[*****
*]

[*****
*]

[*****
*]

Q But a household appliance like, uh, t.v.'s and all this other stuff --

A No.

Q -- was not being pulled?

A No.

Q That's not --

A Absolutely not.

Q Absolutely not?

A Not.

Q You or Durden wouldn't.

A And I never answered your question as to how much money it was.

Q Yeah.

A From what I remember, it was approximately -- and I think I told you this the first time around -- I thought it was somewhere around \$3000.

Q Okay. And then, what happened to that money?

A It was divided.

Q When did you divide that?

A Uhm, probably the following day. Uh, the -- the day after we knew that they took off.

Q Okay. Did you ever see them again?

A I never saw them again.

Q So, no way, in heck there's all of a sudden a -- how about a cell phone? That was -- the pager or nothing? None of that stuff? Just the money?

A Money.

Q To the best of your knowledge a --

A I don't remember, at any time, while at that location,

seeing a cell phone, or -- in fact, I don't even remember seeing a t.v. for that matter. But, you know, it's possible there was one there. I just didn't pay attention. But I don't remember a t.v. or a cell phone. Uh, the pager is possible. Sometimes if narcotics dealers have a pager -- uh, a pager, we'll hold on to it so that, you know -- you know, just to -- you know, any numbers comes through, you know, of other dealers, or -- or suppliers. Then, we'll break the numbers down.

Q Absolutely.

A But I don't even remember that. It's possible a pager. Possible. Household appliances? Definitely not.

Q You didn't take anything? You don't know anything about Durden taking anything?

A None.

Q It's possible some other person could have taken this?

A That's -- all of that's possible.

Q Sure. That's right. But, uh, you -- you have no knowledge of that?

A No, sir.

Q Okay. Thank you. Sir, that concludes my interview of, uh -- of this portion. I wanted to talk about another case, but I'm gonna go on another case. And this ends this interview. It is, uh, 1648.

Okay. We are tape. The tape is working. Uh, today is the 26th of January of the year 2000. It's 1655 hours. We're at One Gateway Plaza. We're talking to, uh, Rafael Perez. My name is Detective Jesse Castillo, 20674. My partner is Frank Trujillo, serial number 30975. We're on Tape 222092, Side A, of counter, uh, 200.

And, Rafael, uh, again, we interviewed you previously on this. So, you've talked to members of the task force. And I think this is one of the -- one of the arrests that you pulled to the side.

You got an arrest, uh, report, uh, 97-02-00625 and where two brothers were -- were, uh, arrested. I've also got their booking photos attached to the arrest report. Uh, Rafael, I just need to go over some things that, uh, -- to clarify that -- uhm, I've had an interview with one of the brothers. Uh, and I've got to go over some things he brought up.

Uhm, the first thing I wanted to ask you, Rafael, uh, in the arrest report, that was another, uh, arrest made by our informant there, uh, - by the name of - by the name of [CI # 5]

A Yes.

Q Okay. And on the arrest report there, uh, it says that they worked with the American Cab Company, that phone number listed -- that phone number in front of you?

A Yes, sir.

Q Is that pretty much correct?

Uh, at this time, we're going to close this down.

This terminates the interview.

(Off the record at 5:00 p.m.)

-oo0oo-

VOLUME 15 - OFFICER INDEX

January 26, 2000 Transcript

NAME	PAGE (S)
Officer Stephanie Barr	1965, 1968
Officer Edward Brehm	2028
Officer Mike Buchanon	1996-1997, 2038, 2041
Sgt. Paul Byrnes	1972
Officer Ethan Cohan	1964, 1975-1991, 2028
Officer John Collard	1951-1952
Officer Nino Durden 2028, 2048,	1995, 1997, 2018, 2027- 2037-2038, 2041, 2043, 2051, 2057-2059
Officer Brian Hewitt 1944, 1974,	1930, 1932, 1935-1936, 1945-1946, 1960, 1973- 1976-1977, 1980-1991
Sgt. George Hoopes 1985,	1972, 1976, 1979, 1982- 1988-1989,
Officer Daniel Lujan	1951-1952, 1958-1959, 1982- 1983, 1985, 1987-1988
Officer David Mack	1919
Officer Sammy Martin	1949-1950
Officer Lawrence Martinez	1960, 1963, 1966, 1969
Officer Scott McNeil	1942-1943
Sgt. Edwardo Ortiz 1982,	1943, 1956, 1966, 1973, 1997-1998, 2010

Officer Kulin Patel 2043-	1933, 1943, 1946, 1998, 2044, 2050
Sgt. Armando Perez	1956-1957
Sgt. John Peters	1998, 2010, 2013-2014, 2018
Officer Mark Richardson 1994- 2005,	1950-1952, 1955, 1988, 1997, 2000-2001, 2004- 2008-2009, 2011-2025
Officer Art Rico	2043-2044, 2050
Sgt. Douglas Roller	1966-1967
Officer Stacy Spell	1965
Officer Doyle Stepp	1933, 1944, 1946-1947
Officer Humberto Tovar	1960, 1963, 1995, 1997
Officer Omar Veloz	1998
Officer Michael Wang	2030, 2032, 2034